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EDITORIAL

STRATEGIC IMPACT DEVELOPMENTS IN 2012

In the current edition of the journal, the last in 2012, we propose ourselves an evaluation emphasizing the achievements of the publication in this year that brought for *Strategic Impact* a series of changes concerning editorial aspects, as well as recognition and visibility on national and international level.

Within 2012, the Editorial Board has changed its constituency, gaining a few prestigious members of our university, as well as of other universities in Romania and abroad. There can also be seen changes as far as Scientific Board is concerned – apart from permanent members, the journal benefited by the contribution and expertise of “Carol I” National Defence University professors in specialised fields of Military Sciences. Likewise, the editorial staff has been functioning in a new formula.

The Scientific Council of CDSSS had adopted in 2012 several minute editorial changes, which we are sure that our attentive readers have noticed: renaming the second theme, including in our journal articles dealing with elements and aspects regarding intelligence community, standardisation of authors’ presentations etc. Likewise, the guide for authors was permanently updated in order to comply with the editorial exigencies of international databases.

Regarding the road of the articles submitted for publication, they are first subject to an *antiplagiarism analysis* (for details, see www.strikeplagiarism.com), then being scientifically evaluated according to the principle double blind peer-review in conformity with objective principles. The evaluators’ rigor translating in recommendations brought to the authors contribute to maintaining and raising the quality of published materials.

Regarding national recognition, up to this year, our publication was classified as a B+ magazine by the National University Research Council in Romania. Starting with 2012, *Strategic Impact* presents itself as a *scientific magazine with acknowledged prestige in the field of Military Science, Information and Public Order* according to National Council for Titles, Diplomas and Certificates (CNATDCU).

Referring to international visibility, the publication was accepted this year to be included in two prestigious international databases: EBSCO (USA) and ProQuest database (USA). Concomitantly, the magazine will continue to be indexed in CEEOL (Central and Eastern European Online Library, Germany) and Index Copernicus International (Poland). International appreciation of the magazine’s quality is also confirmed by its indexation, starting with this year, in the list of publications of NATO Multimedia Library.

We have observed that due to inclusion of the journal in the new international databases, the interest to publish in *Strategic Impact* has grown, the publication benefiting, in the analysed period, by the constant contribution of foreign authors from the Slovakia, Poland, Turkey, Hungary, Republic of Moldova, Serbia and Italy. Our regular collaborators are experts and personalities from the scientific research environment and from civilian and military academia, from the Ministry of National Defence, General Staff, categories of forces’ staffs, the Ministry of Administration and Interior, Ministry of Foreign Affairs and other state organizations, NGOs etc.

For more details on the journal and the scientific activities we organise, please visit CDSSS site, http://cssas.unap.ro/index_en.htm.

In the end, I wish to bring warm thanks to all those who contributed in 2012 in *Strategic Impact*’s publication and growth of its prestige.

Senior researcher Petre DUȚU, PhD

Editor in chief and Acting Director of the Centre for Defence and Security Strategic Studies



CONVENTIONAL AND UNCONVENTIONAL IN MILITARY ACTIONS

*Teodor FRUNZETI, PhD**

The end of the Cold War, the accelerated globalization and the rapid development of means of warfare have brought about a new physiognomy of military actions, which in addition to conventional and unconventional warfare, now include military actions other than war. In this context, the present article seeks to answer the question “Is the conventional / unconventional dichotomy real in terms of contemporary military actions or the elements of each dimension overlap successfully in achieving the ultimate goal?”

Key-words: conventional; unconventional; military action; warfare; military operations other than war (peace operations); conventional warfare; unconventional warfare.

1. Preliminary considerations

The Cold War triggered a paradigm shift on the world order, not only in terms of mutation from bipolarity to multipolarity, but also in terms of multiplication and new facets of war. They were and are present on almost all continents, benefiting from factors such as ethnic and religious intolerance, political instability and economic or ideological changes that have been brought in new democracies. Besides the mentioned paradigm shift, the globalization has deepened and its effects have positive and negative connotations: growth and cultural openness of corporations

and destabilizing countries, their vulnerability to international economic developments and alienation of traditional cultures. Arguably, one of the results of globalization was dividing the world into stable and some unstable democratic parties characterized mainly by poverty, unemployment, imbalance of power and extremism. Major threats arose to international security, especially national and international terrorism, unstable states, proliferation of weapons of mass destruction, ethnic tensions, the struggle for resources, drug trafficking and organized crime, etc.

Thus, the moments that marked NATO post-Cold War intervention in the Balkans were the terrorist attacks on the United States on 11 September 2001. While the first triggered the transformation of NATO, the second moment marked a strong change in the perception of security, introducing the first point on the agenda of national and international security problem of transnational terrorism. The events that followed showed that military strategy is also influenced by globalization. The terrorist attacks in the U.S. have shown, on the one hand, that terrorists can develop a comprehensive strategy, exploiting communications technologies, financial networks and the free movement of people, on the other hand, the military campaign in response to the terrorist threat was considered as “the first war of the twenty-first century”, as stated by the former

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U.S. President George W. Bush.¹ So, we can say that globalization has caused significant changes in the production of methods of warfare. Moreover, ever since the first half of the nineteenth century, Carl von Clausewitz stated that every age has its own kind of war, constraints and perceptions and, therefore, for each era a specific theory of war should be developed.² Consequently, the events of each era must be considered in light of its features.

In all these changes, remained as a constant Cicero's famous speech *Pro Milone* (*Milone Annio Pro Tito ad judicata oratio*, 52 BC) "Inter arma enim silent leges" (In times of war, the law falls silent), valid both for conventional and for the unconventional military operations.

2. Some conceptual observations

The analysis of the conventional and unconventional military action requires, first, making several conceptual delimitations, as international literature shows a wide variety of theoretical formulations, especially in regard to new types of conflicts. Thus, we bring into focus the concepts of Romanian and American or Indian literature (India is one of the countries with a tradition of military strategy).

Military action is considered to be any action performed by military means decided by the government and the general conduct of which is ensured by the Chief of General Staff.³ It is a coherent ensemble of activities organized and carried out by the military and/or different military structures in peacetime, crisis and conflict, in order to achieve strategic operational and tactical objectives. A military action is both an armed conflict and operations other than war and can be organized both at strategic level (the level sets similar goals) and at operational and tactical ones (the operational level objectives are, respectively, tactical).⁴

In terms of *conventional, classic war*, definitions are almost identical around the world: type of war where weapons of mass destruction are not used, only classical combat means, the fight is fought only by regular armed forces, differing thus from the wars with irregular armed forces (militias, guerrillas, partisans and so on).⁵ Also, the fight goes between two or more states in open confrontation, each party's forces are clearly defined, and the

overall aim is to weaken or destroy the enemy's military strength and the ability to engage in conventional war. American literature states that, in order to force surrender, either party may resort to specific unconventional warfare tactics.⁶

Unconventional war, also called special war in Romanian military literature is: the shape of waging political struggle with non-political and non-military means, putting into practice in a planned and coordinated way the political economic, psychological, propaganda, military measures against a state to destabilize its political power replacement and bringing it into a state of dependency and subordination.⁷ In American literature, the concept of unconventional warfare (unconventional warfare) includes activities taken to enable a resistance movement or insurgency to coerce, undermine or overthrow a government or occupying power by operations conducted through or with illegal auxiliary or guerrilla power, in a restricted area.⁸ The "Dictionary of military and associated terms" of the U.S. Department of Defense includes the concept of irregular warfare as a violent struggle among state and non-state actors for legitimacy and influence over a relevant population.⁹ The irregular warfare favors indirect and asymmetric approaches in that it can engage the full spectrum of military and other capabilities, in order to erode the power, influence and will of the opponent. For these situations, India introduces the generic term of sub-conventional warfare¹⁰ that includes all armed conflicts which are beyond the peaceful coexistence of states, but in the brink of war, including militancy insurgency, war proximity and terrorism employed as a means for insurrection movements or worn independently.¹¹

This type of unconventional, particularly irregular or asymmetric sub-conventional war differs from the conventional one in that the distinctions between "in front of the front line" and "behind the front line", between strategic and tactical actions and between combatants and noncombatants are ambiguous.

In the American literature, the conventional / unconventional dichotomy starts even from the level of war principles: from the nine principles of conventional war (objective, offensive, mass, maneuver, unity of command, economy of force, security, surprise, simplicity) to twenty political and strategic principles, on the one hand, and operational and tactical, on the other hand, the



POLITICAL-MILITARY TOPICALITY

Levels		Principles of unconventional warfare	
Political and strategic		Legitimacy	Observing the laws, avoiding organized violence; considering the will of the people
		Knowledge	Knowing the nature of the conflict; knowing the enemy and its culture, beliefs and attitudes; knowing the terrain
		Psychology	Using propaganda either to mobilize the enemy and win its support or to discourage it and destroy its will to fight.
		Mobilization	Psychological operations aimed at winning the heart and mind of local population.
		Objective	Focusing each military operation towards a clearly defined, decisive and tangible objective.
		Perseverance	Assessing risks and adopting a realistic attitude towards success; pursuing the goals patiently and diligently; avoiding excessive ambition at the expense of security.
		Unity of effort	Coordinating the civilian and military relations and integrating all the instruments of national power.
		Security and delusion	We must never allow our enemy to gain an unexpected advantage. Determining the enemy to allot its resources against a false units and locations while the real intentions and locations remain secret.
		Economy of forces	Allotting a minimum combat power essential to secondary efforts.
		Initiative	Exploiting the opportunities to gain an advantage.
Operational and tactical		Unpredictability	Avoiding the consistent activities which would allow the enemy to predict future actions.
		Offensive	Profit from, retain and exploit the initiative.
		Flexibility	Refocusing the activities so that to meet the new situations and missions.
		Adaptability	The ability to be effective in any environment and under any circumstances.
		Mobility	Small and lightly equipped units in order to be capable to respond quickly.
		Maneuver	Placing the enemy in a bad position by flexibly applying a maneuver.
		Concentration and dispersion	Concentrating the forces at a certain moment and place against the enemy's critical vulnerability in order to get the decisive results. Placing the forces so that to avoid predictability but keeping the ability to react to the enemy attacks.
		Surprise	Striking the enemy at an unexpected time and place.
		Simplicity	Preparing concise and clear plans and orders.
		Speed	Setting a highly operational tempo which should force the enemy in a proactive way.

Figure no. 1: The 20 principles of unconventional warfare¹³



unconventional war.¹² The 20 proposed new principles overlap the four levels specified in Figure no. 1.

It is noted that these principles derive from those of the guerrilla war and try to capture the complexity of unconventional warfare, which do not have a clear definition that meets military strategy expert consensus, and are not subject to consistent policies and doctrines, except for some cases. The difficulty of formulating both the definition and the necessary policy elements derives from the fact that every conflict has its own unconventional peculiarities that can be identified in cases, actors, environment and purpose, which reduces the usefulness of lessons learned.

In fact, globalization, as a phenomenon outside which no scientific approach can be done, does not simplify the analysis of unconventional dimension of military action, as its impact on military strategy is complex and unpredictable. Currently, military strategy is based on cutting-edge technologies and one of its basic principles is to minimize the number of victims and improve the efficiency of military action. Thus, concepts such as *smart defense*, *comprehensive approach*, *network warfare*, *effects-based approach*, *Fourth and Fifth generation warfare*, *long warfare*, *hybrid warfare*, *war among the population* etc. are brought into question.¹⁴

3. Conventional / unconventional in warfare and military operations other than war

The debate on conventional / unconventional dichotomy in military action must take into account the main categories of such actions: on one hand, the war in its various forms (conventional warfare, nuclear war, guerrilla warfare, civil war, network warfare, terrorist war, war against terrorism, information warfare, hybrid warfare, war among the population and so on), and on the other, military actions other than war (post-conflict military operations, military stabilization operations, peace enforcement, peace keeping and peace support operations, psychological operations, humanitarian operations/actions, etc). Even if the phrase “military actions other than war” is becoming less used in recent years, being replaced by peace operations and other related concepts, we call it into question in order to highlight the aspects of conventional and unconventional military action.

Next, we will focus on these main two categories of military action and attempt to identify the elements of the above-mentioned dichotomy compared to the conventional definition of war and the principles of international humanitarian law.

The international humanitarian law is conventionally divided into three fundamental principles on the means and methods of warfare:

1. The parties in an armed conflict do not have unlimited rights in the choice of means and methods of warfare.

2. In using these tools and methods, there should always be a clear distinction between military objectives, on the one hand, and civilians and civilian objects, on the other hand, so that the attacks are not directed only against the first.

3. To limit as much as possible, the suffering of the combatants and the destructions.¹⁵

Applying these principles requires prohibition means and methods of warfare which: cause superfluous damage (effects unnecessarily aggravating suffering of persons hors de combat such as the wounded, sick, shipwrecked); they have effects that do not distinguish between military objectives, on one hand, and civilian population and civilian objects, on the other hand (blank weapons, chemical, bacteriological and nuclear weapons and thermonuclear), and large effects, serious and sustainable natural environment (bacteriological weapons, chemical weapons, nuclear weapons modification techniques environment).¹⁶

Thus, conventional war should follow these principles and rules, but the reality is more complex, the boundary between conventional and unconventional is very thin.

The physiognomy of military actions is constantly changing due to the coexistence of conventional and the unconventional size correlated with the evolution of humanity in all its aspects. If, until recently (the twentieth century), there have been many debates about conventional and nuclear war, recent decades have brought to the fore many concepts as above.

Nuclear war is considered to be illustrating “classical” unconventional military actions. It involves the use of nuclear weapons as compared to the conventional is destructive both to scale and breadth of destruction. Such a war is considered to have existential risk for civilization, especially large scale is to use nuclear weapons against a country (in addition to military targets are concerned and



the economic and civil). Limited nuclear war is also mentioned, which refers to the use of nuclear weapons scale between two or more belligerents aimed mainly at military targets, as a prelude to an invasion of conventional forces or as a preventive measure against a potential attack.

Guerrilla warfare is a form of irregular warfare that seeks to impose will on the opponent, causing it to drop his plans through wear forces, extremely violent military asymmetric and irregular actions. It involves small groups of combatants, including armed civilians using military tactics such as ambushes, sabotage and raids, and having great mobility to harass a more numerous and less traditional and mobile or strike a vulnerable target, having the ability to withdraw immediately. So, guerrilla warfare and tactics combine conventional weapons with unconventional ones.

Civil war aims to impose the will of a party to another party, in terms of taking control of a country or region, a region's independence, changing government policy and even the conquest of political power using the military force. Civil war is a high intensity conflict because it often involves numerous regular armed forces, organized and supported, the number of victims is higher and resource consumption as well. Regarding the conventional / unconventional dichotomy, the civil war prevails in one way or another depending on the size of waging the fight: conventional front lines when there is a clear and regular army; unconventional when either one party or both have irregular characteristics and the front lines are not clear.

Network warfare (NW), a specific concept of the information age, is rooted in fundamental changes in contemporary Western society, especially in the economic and technological information such as: changes in center-based platform network (core network) type C4, the difference between independent vision (action) and specific complex dynamic system that adapts continuously and, not the least, the increased importance of strategic options for adaptation and survival even in these changing systems.¹⁷ NW is a modern war, it uses C4I2SR systems organized in a core network, a network of sensors and network warfare platforms that use information technology weapons systems performance and outstanding technical capabilities. Much has been written about this type of war, the expectations are that NW changes the character

and nature of war, causing conventional war to become obsolete.¹⁸

The *terrorist war* aims, through extreme and surprising violence, at creating a tense international and regional situation, characterized by terror, fear and confusion.¹⁹ Last years' events showed that the main political goal of such a war is striking the civilized world in order to erode or destroy it in the name of extremist ideals and the military actions cause losses among the civilian population and political, social and cultural institutions. The terrorist war, obviously, does not comply with the rules of international humanitarian law, mainly the strategies, techniques and unconventional means.

The war against terrorism is born out of a desire to eradicate the terrorist phenomenon as a result of terrorist attacks against the U.S. on 11 September 2001 and does not cover terrorist operations and campaigns waged by Russia and India. This war was called World War III, World War IV (assuming the Cold War was the third), long war, global war on terrorism, the war against al-Qaeda etc. The American response to the September 11 attacks was multidimensional and included both the conventional dimension of the war, as well as the unconventional: defense institutions and strategic objectives by military means, destroying networks and database infrastructure of terrorist organizations.

Informational warfare refers to the imposition of political will by creating an impenetrable active, offensive information system, able to ensure an ongoing information dominance²⁰ and involves gathering tactical information, ensuring the validity of the information, use propaganda and disinformation to demoralize or manipulate the enemy and the public undermining the quality of information and preventing the adverse party from collecting this information. It seems that information warfare goes beyond the conventional and unconventional in that the troops, tanks, airplanes, submarines, missiles and other conventional weapons are replaced with binary digital code and go to battlefield digitization. The American literature also speaks of electronic warfare and cyber warfare.

Hybrid warfare is the most striking example for the impossibility of clearly separating the conventional size of the unconventional military action: combining conventional war with irregular and cyber warfare. Moreover, hybrid warfare is a



combination of symmetric and asymmetric war, the forces leading conventional military operations against enemy forces and targets at the same time, trying to gain control of the indigenous population in the conflict zone by securing and stabilizing it (stabilization operations).²¹ Therefore, this type of war makes a connection with the military actions other than war, those peace operations above.

Peace operations or military actions other than war is the crisis response of agencies and nations with limited contingency operations, involving all instruments of national power to reduce conflict missions, appeal for peace and environmental modeling so as to make possible reconciliation and rebuilding and facilitate the transition to a legitimate government.²² It is obvious that the challenges faced by military units in peace operations are different from conventional military operations.

The factors that differentiate conventional war military actions other than war include operational principles, lack of strategic direction, expanding the scope, limited intelligence, cultural and political diversity, multiple actors, media exposure, the lack or limited rule of law, constrictive rules of engagement, possibility of manifestation in austere environments, domination by small independent operations, the need for visible presence, progress in urban areas, the need to integrate psychological operations units and civilian business, the need for extended negotiations.²³ The interventions in recent years have highlighted inefficiencies in certain aspects of these operations resulting from misapplication of operational principles or inadequate understanding of the characteristics of the environments in which past operations were performed and also of the reasons of the success of the innovative tactics used.

The most significant differences between conventional military action and peace operations occur in the principles that govern them. Unlike the first, where the strategic goal is to defeat your opponent and achieve the national and alliance strategic objectives, peace operations aim either to solve the crisis situations without taking to war or to restore peace or impose terms defined by mandate with preservation of impartial operation or support the people in need as a result of wars, conflicts, crises and disasters. Objective, offensive, mass, maneuver, unity of command, economy of force, security, surprise and simplicity principles remain

dominant conventional military actions, but, according to some specialists, as the characteristics of the international security environment has changed, some of these principles became prevalent in new types of military operations other than war: unity of effort, restriction, perseverance and legitimacy.²⁴ The unity of effort refers to the need for coordination at both multinational forces and the cooperation with various governmental structures. The restriction principle is also very important for peace operations because, unlike conventional military actions, whose success is favored by the use of overwhelming force, in this case no restriction regarding the use of force may have adverse effects. Perseverance is a key principle in military actions other than war because of their long-term conduct, some analysts even considering that it takes twenty years to deliver social changes necessary to avoid conflict.²⁵ Finally, legitimacy is understood as a necessary condition for the force presence and operations performed by it to be perceived as legitimate, with the authority to use appropriate means to achieve the goals set by the conventions recognized by the parties.

From the above, we can notice that the dichotomy between conventional and unconventional military actions is forced, at least in absolute theoretical terms, as now these two dimensions are coexisting in the same action, and their combination can ensure success. It is also obvious that when we refer to unconventional military actions, the meaning assigned to them is much broader than simply placing the antithesis of conventional warfare characteristics, the necessary and detailed appeal to the principles of international humanitarian law as a basic framework debate on military action. So, we can say that, except conventional war, none of the types of military action above is only conventional or unconventional exclusively, but all include features of both dimensions.

Conclusions

While many countries have invested heavily in recent years to modernize conventional forces, the possibility of starting a conventional war type conflict decreased significantly. However, these investments are used to support a growing number of large scale military actions predominant unconventional because, as we said earlier, contemporary conflicts can not be assigned



exclusively to one or the other of the dimensions analyzed.

The nature of war has been gradually modified by factors that can be ascribed to globalization and, although the armed struggle remained the main form of practicing organized violence now, at least for national and international coalition forces, are designed to prevent unnecessary victims and destruction. The traditional principles of war have not changed but have acquired new meanings, new additions illustrating the physiognomy and the nature of contemporary conflicts: legitimacy, knowledge, psychology, mobilization, objective, perseverance, unity of effort, security and deception, economy forces, motion, unpredictability, offensive, flexibility, adaptability, mobility, maneuver, concentration and dispersion, surprise, simplicity and speed. In addition to these substantive changes, there were changes especially in the sphere of military technologies, no armed force being allowed to be static in terms of its nature and capabilities. All such modifications and changes are aimed at military actions conducted in a multidimensional fluid battle space, encompassing both conventional and unconventional elements.

NOTES:

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ARTICLE-BY-ARTICLE COMMENTARY OF THE TEXT OF THE AGREEMENT BETWEEN ROMANIA AND THE UNITED STATES OF AMERICA ON THE DEPLOYMENT OF THE UNITED STATES BALLISTIC MISSILE DEFENSE SYSTEM IN ROMANIA PART II: (ARTICLES V-XIV)

*Bogdan AURESCU, PhD**

The article continues the in-depth analysis – article by article – of the text of the Agreement between Romania and the United States of America on the Deployment of the United States Ballistic Missile Defense System in Romania, signed in Washington on the 13th of September 2011, started in the previous issue of this Journal (in which the history and the context of the conclusion of the Agreement, as well as the commentary of the Preamble and articles I-IV were presented). Thus, in this second part of the article the articles V-XIV shall be analyzed and commented.

The paper highlights the added value of the Agreement from the legal point of view and from the perspective of the national security of Romania (in accordance with the Agreement, by the establishment, of the legal basis for the deployment in Romania of a facility of its missile defense system, the U.S. are firmly committed to protect

the territory of Romania against missile defense attacks and related threats), and respectively as far as the relevance for the collective self-defense of NATO, as well as for the development of the NATO missile defense system; after the decision of the Chicago Summit to declare the interim capability of the NATO system, the next step towards the development of the Allied system shall be the site in Deveselu, operational starting with 2015, which shall constitute the initial capability of the Allied system. This strategic contribution shall award Romania a meaningful place in the decision-making process at Allied level in respect of this component of the NATO mix of capabilities.

Key-words: EPAA, collective self-defense, sovereign jurisdiction, interceptors, command and control, liability, claims, implementing arrangements.

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II. Continuation of the Commentary of the text²² of the *Agreement between Romania and the United States of America on the Deployment of the United States Ballistic Missile Defense System in Romania (Articles V-XIV)*

**„Article V
The Facility**

1. The Facility includes components of the United States Ballistic Missile Defense System in Romania such as, but not limited to: a launch system, command and control system, radar system, communication system, utilities infrastructure, security infrastructure, fuel storage and distribution infrastructure, associated mission and mission support equipment and infrastructure.

2. The description of the elements, including the interceptors, of the United States Ballistic Missile Defense System in Romania, and the number of members of the force and the civilian component stationed at the Base, as well as any permanent changes, shall be reported in writing to Romania upon initial deployment and every six months thereafter, and shall be the subject of periodic consultations between the Romanian Commander and the United States Senior Representative. The number of members of the force and the civilian component shall not exceed the number set forth in Article IV paragraph 9 without the express prior written consent of the Romanian Ministry of National Defense.

3. The United States shall provide to Romania data concerning United States forces, United States contractors, United States contractor employees and dependents working or living on the Base. Provisions regarding the type, frequency, and procedures for the provision of such data shall be established in an implementing arrangement to this Agreement.”

Comment (for paras. 1-3): The provisions of these paragraphs proceed from the premise that, as the elements of the missile defense System in the Facility are deployed in a Romanian Base under Romanian command, but belong to the U.S. and shall be operated by the U.S. forces, it is necessary to ensure the degree of control of Romania over these. Thus, para. 1 describes in detail the

components of the missile defense system which shall be deployed in the Base. It is important to note that the radar system deployed at Deveselu is designed to guide interceptors towards the target, the radar system for the identification of hostile ballistic missile being deployed in other States (which is the case of the radar deployed in Turkey in the framework of the first phase of the EPAA which has become operational in December 2011). Also, the American side is compelled by these provisions to report in writing to Romania, upon initial deployment and every six months thereafter, the description of the elements of the System, including the interceptors, as well as any changes thereof. The reporting obligation extends also to the personnel: United States forces, United States contractors, United States contractor employees and dependents working or living on the Base. The provisions of para.2 have to be corroborated with the provisions of the last paragraph of the article, in accordance to which, equally, the United States shall notify in writing, and consult with Romania prior to modifications to the System and to the missile defense components in the Base/Facility.

“4. The United States shall have exclusive use of, and unrestricted access to, the Facility on the Base.

5. The United States shall control access to the Facility on the Base.

6. The Romanian Commander and his or her authorized representatives shall have prompt access to the Facility, consistent with operational, safety, and security requirements.

7. Representatives of competent agencies of Romania, to include but not limited to, Ministry of National Defense personnel, emergency response personnel, and law enforcement personnel shall be granted prompt access to the Facility, when required for official purposes, consistent with operational, safety, and security requirements.”

Comment (for paras. 4-7): These paragraphs regulate the ways to ensure the access to the Facility. The U.S Forces shall control the access, a requirement imposed by the necessity to ensure a proper operation of the System and by the obligation of the United States to allow the prompt



access of the Romanian Commander and his or her authorized representatives, as well as of the competent authorities of Romania, in the cases when this is necessary.

“8. Prior to the United States Ballistic Missile Defense System in Romania becoming fully operational, the United States shall appoint a Senior Representative, who shall be the United States single point of contact regarding day-to-day activities under this Agreement, and who shall have authority over the Facility and United States forces, dependents, United States contractors, United States contractor employees, and other individuals employed by United States forces on the Base.

9. The United States Senior Representative shall have exclusive authority over activities and operations on the Facility.

10. The United States Senior Representative also shall be responsible for matters relating to property, infrastructure, installations, supplies, equipment, and materiel located on the Base, but outside the Facility, that are owned or operated exclusively by the United States.”

Comment (for paras. 8-10): Similarly to the provisions concerning the Romanian Commander, it is stipulated the designation of the U. S. Senior Representative with the role of single point of contact, and his or her duties are described in detail. The difference in terminology for the two representatives (Romanian and American) is justified by the fact that, while the Romanian one is responsible for the entire Base, which is under the sovereign jurisdiction of Romania and remains the property of Romania, in the case of the American Side the Facility has not the status of a Base, the designation of an American “commander” being not justified.

“11. The United States shall be responsible for providing security and protection for the Facility. Applying the Defense Cooperation Agreement, the Supplemental SOFA and their relevant implementing arrangements, the Parties shall exchange information concerning the security and protection of the Facility, and the United States shall coordinate and cooperate with Romania on

the planning for such security and protection, both prior to and after the United States Ballistic Missile Defense System in Romania achieves operational status.”

Comment: It is a provision which is complementary with the one in article IV paras. 20-22: while the Romanian side shall ensure the security of the Base, the protection of the Facility which shall host the System (which belongs to the U.S. and shall be operated by the U.S.) is the responsibility of the U.S. forces; the paragraph establishes the responsibility of the U.S. in this regard, providing the requirement of coordination with the Romanian side.

“12. The United States shall notify in writing, and consult with Romania at least 30 days prior to major modifications to the United States Ballistic Missile Defense System in Romania and to missile defense components on the Base/Facility. The United States shall duly take into consideration and address the potential concerns of Romania.”

Comment: In addition to the obligations in para.2 above, the Agreement imposes for the U.S. side an obligation to notify and consult with Romania in case the American side would intend to modify the System deployed in Romania, ensuring a control of Romania over potential changes of the initial characteristics of the system. It is a supplementary guarantee of the preservation of the strictly defensive nature of the system provided in Preamble and article VI para.2. It is noteworthy that the possibility of changes of the System refers only to other components than the interceptors. This procedure concerns major changes, influencing the operational functions of the System (and not current maintenance activities resulting in nonessential changes). In case Romania objects to a certain modification envisaged by the U.S., the American side must, in accordance with this paragraph, take into account the position of Romania.

“Article VI
Command and Control of the Ballistic
Missile Defense System

1. Romania has sovereign jurisdiction over the Base. The United States shall have exclusive



command and control of the United States Ballistic Missile Defense System in Romania.”

Comment: The text includes a new reference to the fact, essential for the configuration of the Agreement, that Romania holds sovereign jurisdiction over the Base. The provision regarding the exclusive command and control by the U.S., qualified nevertheless by the express affirmation of the sovereign jurisdiction of Romania over the Base, reflects the way the missile defense system operates, which implies an exclusive control. Also, the similar Agreements concluded by the U.S. with Poland (and the Czech Republic) provide, equally, the exclusive command and control of the U.S. over the elements of the missile defense System.

“2. The Parties confirm that the United States Ballistic Missile Defense System in Romania shall be used exclusively for self-defense purposes, in conformity with international law and the principles and norms regulating the inherent right of individual and collective self-defense.”

Comment: It is one of the most important provisions of the text. In addition to the preambulatory provisions, it is thus reconfirmed, in the operative part, that the System shall be used strictly in accordance with international law, only for defensive purposes. The use of the System is thus rigorously circumscribed to the right of self-defense, which is supported by the reference to the principles and norms that regulate the inherent right of individual and collective self-defense.

“3. Consultation, command, and control arrangements for the use of missile defense interceptors deployed in the facility, will be vetted through respective Romanian and United States participation in the NATO North Atlantic Council and relevant NATO committees. This will ensure alignment with the policies established by the principal decision-making structure for NATO territorial missile defense.”

Comment: Given that the U.S. missile defense system, to which Romania participates by the conclusion of this Agreement and by making available the Romanian Base at Deveselu, shall be an integral part of the NATO System, in accordance with the decision of the Lisbon Summit

and as established following the decisions of the Chicago Summit, the consultation, command, and control arrangements for the use of missile defense interceptors deployed in the Facility shall have to be established so as to correspond to the policies decided at NATO level, having to be agreed, checked and, finally, validated in the framework of NATO. The text establishes the cooperation between Romania and the U.S., including in the relevant structures of the Alliance, in this respect.

“4. The United States shall consult with Romania regularly and whenever necessary at the request of either Party concerning the United States ballistic missile defense system and its operation as it relates to the North Atlantic area, as that term is used in the North Atlantic Treaty, including on issues related to the consequences of a missile defense operation launched from the territory of Romania.

5. The United States shall provide to Romania a means to receive current information regarding the United States ballistic missile defense operations related to the North Atlantic area and the status of the Facility. The United States shall promptly inform Romania by providing situational awareness including missiles being tracked by the system, the origin and projected impact of such missiles, and missile defense engagements by the missile defense components deployed on Romanian territory, to ensure the appropriate level of cooperation in case of a missile defense operation. Further details on the topics addressed in this paragraph shall be included in an implementing arrangement.”

Comment (for paras. 4-5): In the framework of Romanian-American cooperation, respectively in the NATO framework, in the field of missile defense, the creation of efficient bilateral mechanisms for prompt consultation and information on all aspects relevant is extremely important. These paragraphs realize an ample regulation of such a mechanism, which covers all the fields of interests for the Romanian side (and for the American one).

Thus, in para. 4 it is established a consultation mechanism, which will take place regularly, but which can be activated whenever necessary, at the request of either of the parties; these consultations have a large coverage, concerning the entire U.S. missile defense System (not only the System in



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Romania) and its operation in the North Atlantic area (the area of interest for the North Atlantic Treaty on NATO of 1949).

Also, the same paragraph establishes, as object of the consultations, the very important issue of the consequences of a missile defense operation launched from the territory of Romania, which is relevant both in respect of the concrete effect from a strictly military point of view, but also of the ones of a political nature or concerning the consequences relevant for legal responsibility (under international law).

The prompt information, in real time, is necessary taking into account the specificity of missile defense which implies operational reactions to take place in short time delays, within minutes. Because of this, the information mechanism regulated by article 5 is, equally, broad and comprehensive: the U.S. shall inform Romania on missile defense operations related to the North Atlantic area and of the status of the Facility (the involvement of the Facility in Romania in such operations), shall provide promptly situational awareness including hostile missiles being tracked by the system, the origin and projected impact of such missiles, and missile defense engagements by the missile defense components deployed on Romanian territory. The technical modality to ensure the Romania's information: the United States commits to provide to Romania a special and securitized means to receive current information concerning the above elements.

“6. The United States shall facilitate the education and instruction of the members of the Romanian Armed Forces in command and control and operations of ballistic missile defense systems, including interceptors, for the purpose of gaining insight into the development of preplanned command and control arrangements for ballistic missile defense operations and the overarching functionalities of ballistic missile defense systems. This will include education and instruction for missile defense operations, such as those that will be developed within NATO and implemented in a NATO context.

7. Romania and the United States shall establish a Romanian liaison officer position within the United States European Command to ensure a continued close strategic partnership in a number

of areas, including ballistic missile defense. Specific details shall be discussed within the Joint Committee and shall be addressed in a separate implementing arrangement.”

Comment (for paras. 6-7): The comprehensive and extended mechanism for consultation and information provided by the Agreement is supplemented by provisions advantageous for Romania concerning the education and instruction of members of the Romanian Armed Forces in command and control and operations of ballistic missile defense systems. This cooperation includes education and instruction for missile defense operations that will be developed within NATO and implemented in a NATO context.

Furthermore, for the implementation of the broader Strategic Partnership, a Romanian liaison officer position shall be established within the United States European Command. All these provisions shall offer an important advantage to the members of the Romanian Armed Forces, which shall acquire, as an effect of the Romanian-American cooperation, a level of expertise relevant for the field of missile defense, which shall be used in the framework of NATO.

“Article VII Classified Information”

All classified information provided or generated pursuant to this Agreement shall be protected in accordance with the Classified Military Information Agreement, except that NATO-classified information shall be handled in accordance with the NATO Security Agreement.”

Comment: The applicability of the Classified Military Information Agreement and of the NATO Security Agreement in respect to the protection of classified information is confirmed (in addition to the provision in the Preamble).

“Article VIII Environment, Health and Safety”

1. In accordance with Article XIV of the Defense Cooperation Agreement and the Environmental Matters Implementing Arrangement thereto, the Parties confirm their agreement to implement this Agreement in a manner consistent with the



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protection of the natural environment and human health.

2. The Parties shall pursue a preventive approach to environmental protection. To this end, all problems that may arise shall be dealt with expeditiously in order to prevent any lasting damage to the environment or endangerment of human health and safety. The United States shall provide Romania information concerning the impact of the electromagnetic spectrum on human safety.

3. Further issues concerning any relevant impact on the environment shall be addressed in the existing implementing arrangement.”

Comment: It's an important text of the Agreement which offers the necessary guarantees that the activity undertaken in the Base does not endanger human health and the environment. (Up to now, in the case of facilities of the same type or similar to the one which shall be deployed at Deveselu, which operate on the territory of the U.S. or on the ships hosting AEGIS BMD, no adverse effects for humans or the environment were registered). The provisions include the clear commitment of the parties to ensure the protection of the natural environment and human health. The text reflects the latest developments in the environmental law – in accordance to the precautionary principle, the parties commit to pursue a preventive approach to environmental protection. The possibility to further develop these provisions, through an implementing arrangement, is stipulated. The provisions represent a progress from the regulation perspective compared to the corresponding article (article XIV) of the Defense Cooperation Agreement.

“Article IX

Coordination with Romanian Local Authorities

The Romanian Commander and United States Senior Representative may consult regarding local matters with the local authorities from the area where the Base is located.”

Comment: It is an important provision of the Agreement which highlights the respect due to the authorities and local community in the

Deveselu Base area, the interests of which must be respected and taken into consideration for the proper functioning of the bilateral cooperation in the missile defense field. The deployment of the System and of the U.S. forces in the Base shall lead to interaction with the local authorities and the population of the area, this provision establishing the principle of consultation with the local authorities in matters related to the start of the operation and the functioning of the System which could impact on the local community

“Article X Claims

1. Claims arising in Romania for damage in the territory of Romania shall be handled in accordance with the Supplemental SOFA and Article VIII of the NATO SOFA.

2. Romania will not take responsibility for any damage, or for any claims related to such damage, caused outside the territory of Romania by elements of the United States Ballistic Missile Defense System in Romania, assuming such damage is not the result of actions or negligence by Romania.

3. In implementing this Article, the Parties shall, at the request of either Party, meet with the aim of reaching a mutually agreeable, fair, and just resolution of claims in a timely manner, given the circumstances and the respective obligations of the Parties.”

Comment: It is an important text of the Agreement which regulates the matter of the legal responsibility and of the claims for damages caused to third parties in accordance with the provisions of the agreements already applicable, with the norms of international law in the field and with the Romanian legislation. Thus, it is provided that the claims arising in Romania for damage in the territory of Romania shall be handled in accordance with the SOFA Agreements, the applicability of which was confirmed by the Preamble.

The text excludes the responsibility of Romania for damages caused outside the territory of Romania by the operation of the System, consequently this responsibility falling with the United States (in cases such damage is not the result of actions or negligence by Romania – an exception which



results from the applicable norms and the general principles of law, as the U.S. cannot be liable for actions or inactions of Romania).

In accordance to this Article, in application of para.1, which refers to the application of SOFA Agreements (namely only for damages in the territory of Romania) the parties agree to meet with the aim of reaching a just resolution of claims. The exclusion, as a principle, of the Romanian responsibility in the text of this Agreement creates a more favorable legal regime than that in the similar agreements concluded by the U.S. with Poland (and the Czech Republic) in 2008.

“Article XI

Financial responsibilities between the Parties

1. The obligations of the Parties under this Agreement shall be subject to the availability of funds appropriated for such purposes. This paragraph is without prejudice to any obligations of the Parties arising pursuant to the NATO SOFA and the Supplemental SOFA.

2. Each Party shall be responsible for the costs of carrying out its obligations under this Agreement:

(a) Except as may be otherwise agreed, the United States shall be responsible for the cost of:

(1) transportation, construction, maintenance, sustainment, and operation of ballistic missile defense interceptors and related facilities on the Facility; and

(2) services requested, received, and rendered, and processing fees in direct connection with such interceptors and facilities, such as utilities and telecommunications lines which it will pay at a rate no less favorable than that granted to Romanian Armed Forces located at the Base, except as may be otherwise agreed.

(b) Except as may be otherwise agreed, Romania shall be responsible for the cost of:

(1) construction, maintenance, sustainment, and operation of facilities under Romanian command, or for the exclusive or primary use by Romanian authorities, at the Base; and

(2) local taxes related to the Base with regard to ownership of land and other immovable property.

(c) If in connection with the construction and operation of the Base, the Parties agree that

it is necessary to construct or modify premises, facilities, roads, utilities, communications, or other infrastructure, related to but located outside the Facility, including outside the Base, for joint use by Romania and the United States, such construction or development, and operations and maintenance costs thereof, shall be shared by the Parties on the basis of proportionate use, consistent with Article II paragraph 5 of the Defense Cooperation Agreement, unless otherwise agreed.

(d) The United States shall reimburse Romania for the agreed costs of agreed upon specified services provided by Romania to assist the United States.”

Comment: In the regulation of the division of the costs the principles which result from the Defense Cooperation Agreement of 2005 were respected.

Thus, all costs related to the deployment, maintenance and operation of the System shall be borne by the U.S. side. The Agreement enumerates in detail such costs: for the transportation, construction, maintenance, sustainment, and operation of the assets of the missile defense System deployed on the territory of Romania, including for services such as utilities and telecommunications. The Romanian side shall cover only costs for facilities exclusively or primarily used for its benefit. Thus, the costs for the interceptors, of the other components and equipments in the Facility or related to the System, including the deployment of the Facility/System are borne exclusively by the American side.

Also, the American side is not subject to taxes with regard to ownership of land and other immovable property – which is natural, as the ownership over the immovable property belongs to the Romanian side.

In respect of the repartition of costs for the construction or improvement of existing premises and infrastructure (in case both Parties agree that it is necessary to construct or modify such structures) a proportional division of the costs was provided, related to the degree of use, a formula which corresponds to the current reimbursement scheme in the Defense Cooperation Agreement of 2005. In accordance with the text, it is equally necessary that both parties agree the execution of the works (Romania shall not cover costs for



goods or services which it does not deem useful and which it has not previously approved).

“Article XII Implementation

1. For the implementation of this Agreement, a Joint Sub-Committee shall be established under the Joint Committee established in accordance with Article XI paragraph 2 of the Defense Cooperation Agreement.

2. The elements concerning establishment, composition and functioning of the Joint Sub-Committee shall be specified in an implementing arrangement.

3. In accordance with Article XI paragraph 1 of the Defense Cooperation Agreement, the Parties or their designees may enter into additional implementing arrangements, or amend applicable implementing arrangements, necessary to carry out the provisions of this Agreement.

4. Consistent with Article I paragraph 2 of this Agreement, the existing arrangements concluded for the implementation of the Defense Cooperation Agreement shall be applied also for the purpose of implementing this Agreement, as established by the Parties, by means of an inventory, to be finalized preferably no later than 90 days from the entry into force of this Agreement. The implementing arrangements that need to be amended shall be modified by the consent of the Parties as soon as possible.”

Comment: This article includes several provisions necessary for the application of the Agreement. Thus, it provides the establishment of a special body (a Joint Subcommittee in the framework of the Joint Committee set up by the Defense Cooperation Agreement of 2005) which shall manage in particular the application of the Agreement. The Amendment to the Implementing Arrangement on the Joint Committee of the 18 of June 20087, necessary for the establishment of the Subcommittee, was signed by the co-chairs of the Joint Committee on the 29th of June 2012.³

Also the conclusion of an inventory of the existing Implementing Arrangements concluded for the

application of the Defense Cooperation Agreement, which shall be applied for the implementation of this Agreement, is provided. The Inventory was deemed to provide for the configuration of the set of technical legal instruments which shall allow for the application of the Agreement, either existing Implementing Arrangements (with the necessary adjustments) or new Implementing Arrangements.

“Article XIII Interpretation and Settlement of Disputes

1. In accordance with Article XV of the Defense Cooperation Agreement, any issue or dispute regarding the interpretation or application of this Agreement, including disputes between the Romanian Commander and the United States Senior Representative concerning the day-to-day operation of the Base, shall be resolved only through bilateral consultations.

2. Such disputes shall be resolved at the lowest competent level by means of consultation between the representatives of the Parties.

3. Any dispute may be submitted for further consideration, and, where possible, resolution, to the Joint Committee established in accordance with Article XI paragraph 2 of the Defense Cooperation Agreement or to consultations between the Parties.”

Comment: It is a standard text in international agreements, which provides the modality to solve possible disputes, by joint consultation, at various levels, including the joint body established by the Defense Cooperation Agreement of 2005.

“Article XIV Entry into Force, Duration, Termination, and Amendment

1. This Agreement is concluded for an indefinite period and shall enter into force in accordance with the internal laws of each Party and upon the date of the receipt of the later of the written notifications whereby the Parties inform each other, through diplomatic channels, that all their internal procedures necessary to bring this Agreement into force have been fulfilled.



2. This Agreement may be amended through written agreement of the Parties. Any such amendment shall enter into force in accordance with the provisions of paragraph 1 of this Article.

3. This Agreement may be terminated at any time by either Party upon a two-year written notice to the other Party.

IN WITNESS THEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at *Washington, D.C.*, this 13th day of September 2011, in duplicate, in the Romanian and English languages, both texts being equally authentic.

FOR ROMANIA: FOR THE UNITED STATES OF AMERICA:

Comment: It is a standard text in international agreements for final clauses. The conclusion for an indeterminate period shall facilitate the long term fulfillment of the purpose of the Agreement – the protection of Romania, of the U.S. and of the other NATO Allies, from an attack with ballistic missiles – and expresses the durability in time of the commitment of the parties. The provisions on modification and denunciation are standard, usually used in Romania’s treaty practice. The texts in the Romanian and English languages of the Agreement have the same status, having equal legal value. As the Agreement is concluded at State level, the signature is provided “for Romania” and respectively “for the United States of America”. The signing took place in Washington, on the 13th of September 2011, by the Romanian minister of foreign affairs and the U.S. State Secretary, during the visit of the Romanian President to the U.S.

III. Conclusions

The negotiation, signing and entry into force of the *Agreement on the Deployment of the United States Ballistic Missile Defense System in Romania* was a complex process, both legally, from the perspective of the applicable international law, and technically-militarily. It was also a significant achievement from the political and the security point of view, which led to the consolidation of the

Strategic Partnership with the U.S. and to the raise of the strategic profile of Romania in the region, in Europe and in NATO.

The national security of Romania shall be strengthened by the participation to this system, towards the year 2015, when the site at Deveselu shall become operational in accordance with the agreed schedule. The Agreement establishes the legal basis for the participation of Romania, through the Deveselu Base, to the American system and to the NATO one. It is important to underline that, under article III of the Agreement, the U.S. is firmly committed, in accordance to the text of the Agreement, to defend the territory of Romania against ballistic missile attacks and against threats posed by the proliferation of such technologies.

The Agreement represents the first document having a legally binding value that enshrines in writing the Strategic Partnership between Romania and the U.S., defined as “broader and deeper”. Also, the Agreement is the first legal instrument fully negotiated and concluded by the U.S. in the framework of the EPAA. The relevance that Romania gains within NATO is given by the fact that, after the decision of the NATO Summit in Chicago which has declared the *interim* capability of the NATO System, the next step shall be represented by the facility at Deveselu, which shall constitute the *initial* capability of the Allied shield.

From the legal point of view, the Agreement represents the most recent comprehensive treaty in the field, regulating in a modern manner efficient solutions linked to the management of the Base, of the Facility, of the command and control system, of communication between the parties and other essential aspects for the optimal operation of the missile defense system. The Agreement of the 13th of September 2011 can be considered a model in the field, which surely shall be followed for the regulation of similar situations. Romanian’s expertise in this field represents an asset that should be properly used.

NOTES:

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1 During 2010-2011, Bogdan AURESCU was the chief negotiator of the Agreement between Romania and the United States of America on the Deployment of the United States Ballistic Missile Defense System in Romania, signed in Washington on the 13th of September 2011, and respectively of the Joint Declaration on Strategic Partnership for the 21st Century between the United States of America and Romania, adopted on the same date.

2 The text of the Agreement, in the Romanian language (scanned after the Romanian original which was initialled on the 6th of June 2011 and signed on the 13th of September 2011) can be consulted on the official site of the Ministry of Foreign Affairs http://www.mae.ro/sites/default/files/file/tratate/2011.09_scut_ro.pdf (accessed June 30, 2012) as well as in the Official Gazette of no. 910 of the 21st of December 2011, Part I, in which Law no. 290/2011 on the ratification of the Agreement is published. For the text in the English language, see US Department of State, *The Agreement between Romania and the United States of America on the Deployment of the United States Ballistic Missile Defense System in Romania*, <http://www.state.gov/t/avc/trty/172915.htm> (accessed June 30, 2012).

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RESOURCES, STRATEGIC SECTORS AND NATIONAL SECURITY¹

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Resources, strategic sectors and national security are in relations of interdependency. Nowadays, the competition for resources, particularly for the natural resources, is increasing on global level because of, on the one hand, the emerging powers and, on the other hand, of the rarity of the exhaustible resources. Therefore, in the next years, there are possible the apparition and manifestation of regional and global tensions and conflicts.

Key-words: resources; strategic sectors; national security; competition; tensions; conflicts; Arctic area.

1. The relation between resources, strategic sectors and national security

The resource, indifferently its reference field, designs a person, a material good, an idea, an instrument, a piece of information or a raw material whose use in an activity leads to the achievement of the settled goals. Usually, we speak about human resources, material resources (natural raw materials, sub-ensembles), natural resources

(hydro carbonates, potable water, and rare metals), financial resources, informational resources. Defining any resource is strongly related to its capacity to make possible the satisfaction of the need of an individual, a group or a society as a whole.

A sector is considered strategic when its activity plays or will play in the future a significant role in the preservation of national interests. For this purpose, the energetic sector, transportation, education, health, agriculture, electronic industry, for example, can represent strategic sectors of a country. Also, there are strategic sectors the ones wherein the manifestation of major malfunctions because of lack of resources damages the public order, the national security or national defence. In addition, strategic sectors are those in which the research activities regard the production or commercialization of weapons, munitions, explosive powders and substances. Consequently, there are considered to be strategic sectors, under the circumstances of the present economic context, the energy, new informatics technologies, biology, unconventional energies and new raw materials.

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Therefore, strategic sectors concern a country's activity fields if they are directly related to national security and defence.

Nowadays, owed to the globalization and regional integration, many of the enterprises from a country or another, by privatization, became component parts of some multinational companies and this can have some unwanted consequences in matters of security and defence for the host-country. As the production's dimensions and structure, enterprises' location can modify in relation to the respective multinational's interests. Consequently, *the privatization process should, mainly, be transparent and the state to maintain a package of actions to all it to satisfy its needs related to the fulfilment of vital national interests.*

The national security is a conscious, voluntary and responsible construct for whose accomplishment are involved institutions of state, private sector, civil society by its organizations with securing vocation, and country's citizens. It represents a main goal for any state because it designs the conditions proper for living and its citizens' activities. "Security is a fundamental right of human being. It represents a status wherein the dangers and conditions able to provoke physical, psychological or material damages are controlled as to allow the defence of individuals and human community's health and wellbeing"².

Usually, national security has the following components: the economic, social, political, military and environmental issues. In its turn, each component can be analyzed on the following dimensions: human, material, organizational and normative. Starting from the components of national security and, respectively, its specific dimensions, it can emphasize the intrinsic connection between one's country's strategic sectors and its security.

Resources stand on the grounds of strategic sectors' well functioning. In their turn, strategic sectors allow the capitalization of the resources put to the disposal under conditions of enhanced efficacy in relation to the national interests' satisfaction.

Also, resources allow the fulfilment of an adequate national security capable to offer to the society in its whole and also to country's citizens the proper psycho-social climate to undergo the life and activity under normality conditions.

Strategic sectors, in their turn, have a strong relation with the national security, offering it the

needed and necessary material means to satisfy its needs of constant and permanent existence and manifestation at the level of exigencies asserted by normative acts defining and regulating it. The existence of national security facilitates the capitalization of resources and strategic sectors of a country by the framework of silence, calm, and absence of fear from imminent and unstoppable security dangers, risks and threats. Practically, national security supposes the population's trust in the state's institutions capacity to protect it from security risks, dangers and threats.

Consequently, we can state there is a direct relation between resources, strategic sectors and national security. As a matter of fact, concretely, they are in a relation of constant, continuous and permanent interdependency. Thus, if there are necessary and sufficient resources, then strategic sectors are functioning in an optimal way and accomplishing goods needed for the national security to be fulfilled and allow the preservation and promotion of national interests.

2. Types of resources of a country

Between the types of resources there is a constant and permanent interdependency. Thus, the presence or absence of human resource in the necessary and sufficient composition directly impacts over the valuation of the other types of available resources.

In order to sustain the intrinsic connection between resources, strategic sectors and national security, we shall focus our analysis on particular resources, as follows: human resource; natural resources, financial resources. A country or another can have the whole range of resources or the widest part of them.

2.1. Human resource

Human gives a plus-value in all he enterprises. Therefore, each organization, enterprise and, wider, a state, forms, develops and values the human resource it disposes of. From this perspective, it can appreciate the human resource constitutes a significant strategic sector. Practically, human is the essential part of any formal and informal organizational structure; it has the physical and psychological capacity, will to project, anticipate, conceive, execute any action and activity useful to himself, to group to which he belongs, organization



in which he activates in and/or society in its whole. In order to be able to achieve the already mentioned issues, human passes through a complex process of education, of variable length, following which presumably he acquires the necessary and sufficient knowledge to interiorize, among others, the social norms, forms skills, abilities and aptitudes allowing him to integrate socially, professionally, culturally in the group – be it a playing, working, neighbouring group and so on.

Also, by the professional education and its perfecting along the active life, any persons represents, basically, a potential resource for any institution, enterprise or organization performing activities recognized socially as useful and benefiting for the person involved, his family and society as a whole. As a matter of fact, in the society there is the constant preoccupation to manage as good as possible the human resource available at the level of enterprise, organization or institution³.

2.2. *Natural resources*

Natural resources are raw materials whose properties are used by humans and other living species in order to satisfy a need⁴. Natural resources can be used in brute form by employing diverse manufacturing procedures which do not alter them (this is the case for vegetables and animals, but also renewable energies obtained from air, water, sun). Also, they can be transformed in order to be exploited – we refer mainly to fossil energies as coal, oil, natural gas and uranium.

Another meaning of natural resources is a mean used to fulfil a task or achieve a product. It should undoubtedly be kept in mind and to take act of the fact any speech involving natural resources appeals to an utilitarian vision of the world: generally, we speak about determining in what rhythm and in conformity to which means or conditions such a resource could be exploited. From this perspective, any speech about natural resources forbidding, for example, their use could be considered contradictory.

Essentially, there are called natural resources diverse mineral or biological resources necessary in the human life as well as in economic or other type activities. These resources can be shared in two distinctive groups⁵:

- *exhaustible resources* constituted by raw materials, minerals and fossil combustible coming from basins formed along the geological history

of the Earth and corresponding to an exhaustible stock;

- *renewable resources*, which mainly, can be exploited without exhaustion, being able to permanently renew. They include water, soil (arable land), as well as the biological resources constituted by the environments exploited by human – forests, pastures, sea fishing, biodiversity (species of vegetables and animals) – and by genetic resources (varieties of cultivated plants and domestic animals breeds). The latter group of resources can not be considered as inexhaustible, to the extent in which the exploitation rate is inferior to the available net productivity, meaning the regeneration rate. This is a *sine qua non* condition for the sustainable use of such resources.

Therefore, the future of next generations greatly depends on the capacity of reasonable use of resources by the present generation, Nowadays, in the whole world there are preoccupations to conserve biodiversity, to protect the natural environment and to find some unconventional sources as, for example, the situation of unconventional energy sources.

2.3. *Financial resources*

Financial resources of an entity are constituted by its own funds (classically formed by capital and reserves) and from the net liabilities (the difference between the sum of its financial debts excepting the financial liquid assets and investments)⁶.

At present, the majority of world's states, but also the non-state actors procure a significant part of financial resources needed for sustainable development, population's education and health, support of national security and defence system by indebting to different banks. More often than not, appeal is made to the International Monetary Fund, the World Bank and different banks of regional development. All these banking institutions settle conditions wherein the loan is done, on what term and at what rate of interest. If a country or a non-state actor accepts the asserted conditions, than the forms are perfected and the solicitor gets the loan.

Financial resources are, somehow and in a certain measure, an essential condition to launch a project in any field of activity. From here derives the importance granted to those resources by any state or actor of the world's scene. Without these resources, it can not be provided the human resources in the wanted form and quality; it can



not be generated activities and products bringing to the state and population added value and, finally, money. So, we can say they serve as essential premise for any human activity organized and undergone for the existence and functioning of country's strategic sectors and for providing the national security.

2.4. Informational resources

Informational resources are that type of resources used by a person, group of people, organization or institution in the framework of its activities of processing information to finalize a task, to take a decision or to solve problems. An informational resource can be a human, material or financial resource directly involved in the management, acquisition, development, maintenance, exploitation, access, use, protection, preservation and destruction of information's elements⁷. Hence, a resource can be a person, a file or an informatics system. In the majority of situations, *the informational resource, resource of information and resource in information* terms are used at plural form. They designate an ensemble of resources considered to be part of informational active of the organization or institution. Given the importance of information in any sector of human activity, their management should be done very attentively. By the management of the informational resource is understood the ensemble of functions related to the settlement of policies and procedures of acquisition, analysis, stocking, keeping, use, assessment, movement of information necessary for the good undergoing and development of an organization or institution on which is grounded the practise of an informatics system of processing these information.

Nowadays, there are appreciations that information is power⁸. The past years' revolution of information lead to the increase of amount of information, the development of means to process those pieces of information and a wide spreading of informatics systems in all sectors of human activity. The new technologies in the information and communications field facilitated everyone's access to information, but also a rapid processing and an efficient use of it. Therefore, it is stated that who owns veridical and real-time information in a field of other of activity, inclusively about the human, material, natural, financial, etc. resources has full control over the respective

sector and guaranteed success. From here derives the competition between diverse state and non-state actors on the global scene in order to have opportunely, operatively and at minimum costs information about new human, natural, financial and technological resources.

3. Competition for natural resources – premises of global instability

The competition for natural resources is tight because the state and non-state actors act to maintain the access in the rich areas in such resources or to get such status. Hence, the possibility for certain tensions or even conflicts to burst among those wanting to maintain their advantages and the ones aspiring to win a significant place in the areas with natural resources. Under this context, we must mention there exists a severe competition both for the known areas (Middle East, Africa, for example), and for new areas as well (for instance, the Arctic area).

At present, the competition for resources is very strong. Resources are an economic and political advantage for the states, and the control of resources is often presented as a necessity to maintain the international stability. In reality, it seems the serious competition for diverse but important natural resources for the optimum functioning of strategic sectors of the state or non-state actors is the main cause of regional and even international tensions and conflicts. In other words, the competition for resources is an essential premise of regional and global instability.

A reason for the amplification of competition for natural resources is the sudden increase of request joining the massive accession of India and China on the consumption market. Moreover, this involvement of India and China provoked an intensification of competition in the field of research and exploitation for new resources, inclusively in the Arctic area, as well as an increase of prices. Thus, the competition for the Arctic area becomes more and more serious daily. In 2008, the European Union took "a first step toward an Arctic European policy" when a document of the European Commission showed Europe's interest as regards the energetic resources in Arctic, new roots of navigation, security and environmental dangers⁹.

With the three Member States – Denmark, Sweden and Finland – situated to the border



of Arctic, EU made it clear it wants to gain an “observer status” in the Arctic Council – an institution composed from states to the Northern littoral – to present its interests towards USA and Canada, Russia, Norway and Island. In the late years, the competition for controlling the North control intensively increased while the polar ice starts to melt and the ice layer in Greenland is getting thicker. The developments in Arctic are regulated by UN resolutions which were ratified by all the arctic countries.

Another reason for the appearance of the regional instability is some states need for potable water. Thus, the Arab states could end up in a future war for water if they do not act immediately to provide their necessary resources¹⁰. In this concern, it seems the success depends on the concerted action of Arab states meant to prevent a conflict in the arid region wherein they lie.

At its turn, Russia warns there is the risk of a war in the Arctic area under the conditions wherein most of the countries try to take the control over the oil and gas reserves in the region¹¹. Thus, in the Russian Federation’s new National Security Strategy until 2020, there are warnings over the intensification and multiplication of attempts to undertake the control over the great reserves of oil and gases around its borders – which represent a potential source of military conflict in the next decade.

In a competition for resources it can not be excluded the possibility to use the military force to solve different problems which would destroy the balance of forces close to Russia and its allies’ borders¹², it is shown in the strategy¹³. USA, Norway, Canada and Denmark claim this areas about which it is believed they might contain billions of tons of oil and gases.

As a matter of fact, in the late years, tensions on the international scene were greatly fuelled by the competition for the natural richness owed to the growth of international request and the lack of those provoked particularly by the climate changes, according to the Stockholm International Peace and Research Institute (SIPRI)¹⁴.

Between the growth of consumption owed to the economic development and the rarefaction of resources, the competition for natural resources will increase. The competition for owning and exploiting the natural resources has always been one of the components of confrontation between

states. The needs for consumption as regards the natural resources of the world are in a continuous growth. If in 1999, the humankind used daily 71 millions barrels of petroleum and in 2006, 85 millions of barrels of petroleum. Thus, in seven years, there was registered a growth of 12%. We speak about a necessary whose growth is imposed first of all by the vertiginous rhythm of development of China and India¹⁵.

In order to satisfy the necessary of natural resources, particularly of oil and natural gases, there are actions performed by the peoples interested, for instance, to valuate the deposits in Azerbaijan. In this regard, until October 1, 2011, the well-known competitors handed-in their offers for the natural gases following to be produced once to the full development of Shah Deniz deposit in Azerbaijan („Shah Deniz II”): Nabucco, TGII (Turkey-Greece-Italia Interconnection) and TAP (Trans-Adriatic Pipeline) consortiums, each staking on the initial quantity of 10 billions cube metres per year for sell starting in 2017¹⁶. Each of the projects intends to transport the Azeri gas toward the European markets. Also, all these are part of the so-called Southern Corridor of Gases conceived by the European Commission (EC) in 2008, in the framework of the Second Strategic Revision. In regard to *Oil & Gas Journal*, „the strategic goal of Southern Corridor is to achieve a route of supply toward EU, of 10-20% from the necessary of EU gases until 2020, the equivalent of about 45-90 billions cube meters of gas per year”¹⁷.

Per ensemble, the competition for natural resources – oil, natural gases, rare metals (particularly necessary in the nuclear armament field) – will be emphasized in the future years owed to the growth of consumption by the entrance on the market of India and China, but also to the rarefaction of resources, many of them being exhaustible. From here comes the possibility of apparition and manifestation of tensions and even conflicts between the state competitors and also between the state and non-state actors.

Conclusions

The resources and strategic sectors of a country are in a strong correlation with its national security. If a state disposes of the necessary and enough resources for the optimum functioning of



the strategic sectors, then its national security is fulfilled to the wanted level. Consequently, the existence of a normal national security allows the optimum functioning of the strategic sectors and the provision of necessary resources.

At present, the competition between different actors of the world scene for natural resources – from hydro carbonates and rare metals to potable water – will amplify. Among the factors of this increase of consumption of natural resources are, on the one hand, the massive entrance in competition of India and China and, on the other hand, the rarefaction of exhaustible resources.

The full satisfaction of the need of resources of the state and non-state actors can lead to the growth of tensions and the apparition of regional and even global conflicts. In this regard, a negative role will, probably, have some state and non-state actors to include in their influence sphere the Arctic area rich in hydro-carbonates.

Romania, on one hand as NATO and EU member and, on the other hand, owed to own necessities of sustainable development, is involved in the world competition for natural resources. In this complex and dynamic international context, Romania has two solutions: to protect its own resources and to involve in European projects keen of its security provision, inclusively of energetic security.

NOTES:

1 Translated from Romanian by Mirela ATANASIU, expert within the Centre for Defence and Security Strategic Studies.

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4 *Les Ressources Naturelles*, <http://www.terre-finance.fr/les-ressources-naturelles.php>, p. 1.

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JAPAN, INDIA AND AUSTRALIA: IS THIS “ANTI-CHINA” ALLIANCE FEASIBLE?

*Claudia ASTARITA, PhD**

In the coming years, Asian balance of power will be significantly tested. China's new attitude in the region has created some tensions among countries fearing that the “peaceful rise” era is over. The United States have clarified their intention of strengthening their position in the region, a move that has pushed other nations, such as Vietnam, Japan, Australia, India, and Russia to become more active not to lose the chance of being involved in the Asian restructuring.

In Asia any adjustment can have political, strategic, and economic consequences. Accordingly, this article analyses how feasible and effective a rapprochement among India, Japan and Australia could be. Aware that these countries cannot disregard the economic and political connections they have with China, following the consequences of the most recent evolutions of U.S. Asian strategy, the article evaluates the reasons why, while keeping on deepening their connections with China, these countries might be interested in strengthening their multilateral relations.

Key-words: Asia; China; United States; Regionalism; Global Financial Crisis; Balance of power; Critical Juncture.

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Introduction

Until a few years ago, just a few people would have doubted that the “Chinese threat” perception in Asia had not been completely overcome. However, the fact that Association of Southeast Asian Nation (ASEAN) was created in the '60s to strengthen a group of countries perceiving themselves as too small to counter China's rise alone, and the fact that this initiative has subsequently become the engine of a new regional integration process including China, never implied that all fears were permanently gone.

This paper argues that both ASEAN+3 (that is ASEAN plus China, Japan and South Korea) and the East Asian Summit (EAS, in which also India, Australia, and New Zealand are included) are two “modern experiments” of China's containment. Asian countries have always thought that including China in an organization where all decisions are taken by *consensus* could guarantee them that only those initiatives (mainly linked to economic integration) considered acceptable for everyone would have been carried on, while also giving them the chance of cooperating to oppose any



aggressive evolution of Beijing's foreign policy.

This trend has been further confirmed by the 2011 inclusion of Russia and the United States in the East Asian Summit. A choice that has inevitably reduced the organization's "Asianness", strengthened its containment potential, and forced Washington not to downscale its intention to "re-engage Asia".

China's new aggressiveness in the region together with the U.S. interest in reinforcing its commitment in an area that has become a key driver of global politics have inevitably changed the approach of other powers in it. Countries like Japan, Australia, and India have always been perceived as the "American allies" in Asia. At the time of ASEAN+3 and EAS creations they have even been labelled the "American Trojan horses" in the region. Despite their "Oriental rebalancing", that is the frank admission that although remaining reliable allies for the U.S., these three countries cannot afford losing the opportunities offered by Asia (and China), but they also believe in the need to maintain a special relationship with Washington. However, this is an approach that needs to be reshaped facing the U.S. return to the region.

Assuming that in Asia any adjustment can have political, strategic, and economic consequences, this article analyses how feasible and effective a rapprochement among India, Japan, and Australia could be. Aware that these countries cannot disregard the economic and political connections with China, following the consequences of the most recent evolutions of U.S. Asian strategy, the article evaluates the reasons why these countries, while keeping on deepening their connections with Beijing, may be interested in strengthening their multilateral relations. However, since it would be impossible to hazard any forecast of Asian restructuring without considering China's contemporary priorities and the hidden meaning of American return to the region, these two points are covered to settle the background needed to highlight the implications of an India, Japan, and Australia rapprochement.

1. US and Asia: a New Challenge for the Region

In November 2011, *Foreign Policy* published an article written by the US Secretary of State Hillary Clinton in which it was clearly stated that

"the Asia-Pacific has become a key driver of global politics. At a time when the region is building a more mature security and economic architecture to promote stability and prosperity, U.S. commitment there is essential. It will help build that architecture and pay dividends for continued American leadership well into this century"¹. An idea stated even more explicitly by President Barack Obama in a November 2011 address to the Australian parliament, stressing that "the United States will play a larger and long-term role in shaping this region [the Asia-Pacific] and its future"². Although these two comments have been frequently labelled as the "proofs" of U.S. intention to re-engage Asia, Washington had already been officially "welcomed" to the region one year earlier, when the East Asian Summit eventually offered its observer countries, Russia and the United States, the opportunity of joining the group.

This EAS enlargement carried three important consequences. First, it made clear that the necessity of counterbalancing China's ambition in the region was perceived as more urgent than "preserving the Asianness" of regional organization. Second, it made even more crucial for the United States to reshape their regional role. Third, this evolution made it compulsory for countries such as India, Japan, and Australia to clarify which nation would have kept their loyalty in a "new region" including both China and the U.S.

While Washington frequently reminds that its increased emphasis on the Asia-Pacific region "is not a challenge to China, though it certainly is China that has driven the rethink", countries such as India, Japan, and Australia, that are grappling with the problem of how to handle a rising China, are more and more sure that only the U.S. has the answer³. China's assertiveness in Asia has persuaded a number of nations that "life under the American security umbrella is preferable to exposure to the changing geopolitical winds blowing in from China"⁴. And judging by the response of most Asia-Pacific states to the U.S. return to Asia, it is clear that they find the American line much more reassuring than China's peaceful rise.

In order to understand whether countries like India, Japan, and Australia are really considering the idea of strengthening their "special relations" within the region, we need to clarify whether such a relation really exists. Except for India, whose relationship with the U.S. has never been as reliable



as the ones maintained by Japan and Australia, it is a matter of fact that during the last few years these three countries deepened their engagement with Asia, grounding it on regional economic and geographic ties⁵; an approach that has created some confusion, as despite the necessity of profiting from the immense economic opportunities Asia's historic economic transformation started offering, all these nations never stopped questioning the trustworthiness of Beijing's peaceful rise.

This article argues that as soon as favorable conditions were identified, these three countries started strengthening their bilateral relations in a way originally perceived as intended at creating alternatives to China. Then their approach changed, because they realized that it would have been impossible to substitute China as an economic partner. However, this observation did not prevent them from keep on reinforcing their new "special relationship" aimed to (at least) reduce their dependence from Beijing.

Despite their huge differences in terms of thought processes, religions, economic development, social organization and material richness, to mention just a few, India and Japan have been able to exploit the complementary nature of their economies. "Delhi imports Japanese products that suffer from lack of internal demand, and serve as an attractive alternative for multinational corporations looking to delocalize"⁶. This trend has recently transformed Japan into India's fourth largest investor. Trade volumes are also growing quite rapidly, especially after Delhi and Tokyo agreed one year ago to sign an economic partnership deal which eliminated many customs duties. Finally, a joint military exercise in the Sea of Japan was organized to prove that this new "special relationship" was not limited to economic issues.

As far as India and Australia are concerned, both countries believe they are consolidating a "real" strategic partnership. However, at the moment, they are just "defining their bilateral strategies". Australia often advertises that the consensus on a "four pillar strategy" has been reached, including "first, an economic relationship built around energy security which will reframe the way India thinks about Australia; second, a political/strategic relationship based on closer defense cooperation, [...]; third, a multilateral strategy focused on the G20 with closer collaboration on trade liberalization and climate change; and finally building the people-to-

people relationship in a way which reinforces their shared interests"⁷. This plan has been welcomed by the Indian government, which stressed more than once that its "current strategic trajectory does not run against core Australian strategic interests"⁸.

As a result of the 2007 *Joint Declaration on Security Cooperation*, Australia and Japan may now be considered close strategic partners – an interaction that many analysts have described as reinforced and amplified by their formal military alliances with the United States⁹. During the last few years, Australia has become a reliable supplier of energy resources (coal and liquid natural gas) and rare earth metals, vital to Japanese manufacturing, and Tokyo's aspiration to permanent membership of the UN Security Council have been supported by Canberra. However, the two countries have not been able to solve the problems that, since 2007, are preventing them from signing a free trade agreement, and both are becoming more and more aware that although their strategic interests are aligned, their economic dependence from China is actually creating many problems when initiatives strengthening their bilateral relations need to be approved.

American return to Asia will surely impact on these bilateral relations. While these three countries will have to define a new "American policy", it is argued that Washington will not hamper their mutual engagement in any way, and this is for two reasons. First, it will never undermine American Asian strategy. Second, Washington is aware that "to tackle global challenge and to maintain world order, America needs to work closely with a host of states and non-state actors as well as allies and non-allies". And India, Japan, and Australia are among them¹⁰.

To assure peace and stability in Asia, these three countries should be brave enough to keep on strengthening their multilateral relations without giving the impression that they are doing it to counter China. In September 2012, for example, Australia announced its commitment to "tightening defence co-operation with Japan as American-led efforts to widen and tighten alliances in the face of a rising China"¹¹. The explicit reference to Beijing inevitably created new controversies in the region and among Canberra, Tokyo, and Washington.

Japan, India, and Australia long-term aim should be the one of convincing Asian countries that it is possible and safe to coexist with China in



the region without passively accept its requests any time it has one. Indeed, as the following sections explain in details, although the U.S. return to Asia might help regional countries to better protect their interests, it is affirmed that until they will decide to defend themselves on their own Asia will never feel safe. To verify how feasible this scenario is, it is compulsory to identify Chinese and American priorities in Asia.

2. China: Contemporary Threats and Challenges for the Region

China is currently living one of the most delicate transitional phases in its recent history, as it needs to face serious political and economic problems. Differently from what happened before, when at any time Beijing had to concentrate on internal priorities foreign issues being to a certain extent temporarily neglected, China cannot do the same now. And its internal challenges are deeply affecting some of its foreign policy choices.

The problems and ambiguities linked to a ruling class, which is not as strong as it used to be, have become clear with the Bo Xilai case¹² – a saga that has been labelled as the worst political scandal in decades, an event that is openly mining the Party's credibility within and outside the country, a problem hitting China at a time in which it had already been proved that the country is not immune to the global downturn linked to the international financial crisis, materialising the nightmares of an economic slowdown which is inevitably nurturing social instability¹³.

Aware that a political crisis followed by economic impasse and raising social instability could significantly impact Beijing's credibility, the government restructured its foreign policy priorities in order to give more emphasis to two areas, East and Southeast Asia, where territorial disputes can be instrumentally used first to convince China that the Party is strong enough to recognize and protect "at any price" the country's interests abroad. Second, to make the most of this new priority, maintain a more assertive behaviour in the region to eventually gain some advantages there.

It would be consistent to affirm that the global financial crisis acted as "critical juncture" in the region. James Mahoney defines critical junctures as choice points "when a particular option is

adopted among two or more alternatives" and is usually employed to identify which conditions bring about institutional changes¹⁴. Indeed, critical junctures refers to events "prior to which a range of possibilities must exist, but after which these possibilities will have mostly vanished;" a "choice point when a particular option is adopted among two or more alternatives," and stressing that, "in many cases, critical junctures are moments of relative structural indeterminism when willful actors shape outcomes in a more voluntaristic fashion than normal circumstances permit"¹⁵.

In China, the global financial crisis can be interpreted as a critical juncture that significantly impacted on Beijing preferences order related to Asian policy issues. It is argued that in the East and Southeast Asian scenario the pre-crisis order was the following: let economic interests prevail (pragmatic approach); bullying countries without threatening military intervention; use force to protect its interests; and accommodating some Asian countries' needs. After the crisis, this order changed. The main priority became the one of bullying countries, this time even threatening military intervention (as China's approach to island sovereignty disputes is proving), followed by the idea of using force to protect its interests; letting economic interests prevail; and, eventually, accommodating some Asian countries' needs.

China's new assertiveness already had a huge impact in the region, where while still enjoying the opportunities coming from Beijing, more and more countries started fearing the implications of this new attitude in a long-term perspective. If the "peaceful rise" has been dismissed, it is perceived as too dangerous for the region to further increase its dependence from China.

This article believes that the global financial crisis acted as critical junctures also regarding U.S. alternatives in Asia. Before China clarified its new aggressive approach, Washington listed its priorities in the region as follows: strengthen bilateral initiatives to boost economic growth and counterbalance China; engage China directly (to better control it); being involved in multilateral initiatives if bilateralism is not an option and openly threaten China (if there are no alternatives). As soon as Beijing changed its preferences order, Washington was forced to do the same, recognizing the involvement in multilateral initiatives as its main priority, followed by the necessity of



strengthening bilateral relations; engaging China directly; and threatening it directly.

If it is true that the most recent evolution in Asia significantly fuelled tensions threatening regional stability, one might wonder why a more assertive China decided to confirm its “interest” in welcoming the United States in the East Asian Summit, endorsing its “de-Asianisation”.

Given Chinese previous hostility to such an enlargement, the U.S. reticence to engage regionally, and Japan’s difficulties in exercising alternative regional leadership, with or without the help of Australia and India, the article considers this development a watershed in Asia-Pacific relations. However, it seems consistent to state that China’s move was not linked to the idea that Beijing is no longer interested at excluding the U.S. from the region, rather on the necessity of reassuring regional partners that China’s new assertiveness has “benign intentions”: if this were not true, Beijing would have continued preventing Washington from joining EAS.

To better clarify the situation, two more details need to be added. From a Chinese perspective, since the Obama Administration intention of re-launching the Trans-Pacific Partnership (TPP) had already emerged, it seemed more reasonable for China to offer U.S. the chance of joining an organization in which Beijing was already a member, rather than let them strengthen another one (that China could not control directly). From an American perspective, EAS membership would have shown that U.S. are now placing regional organizations at the hearth of their new Asia policy, and it would have also offered an alternative to “actively stay” in Asia, even though the Trans-Pacific Partnership revitalization failed.

Until now, the East Asian Summit has shown that not even a group in which China is “technically counterbalanced” by Japan, India, and Australia can successfully limit its aggressiveness in the region. However, this article believes that, with the United States the EAS will not become more effective regarding regional power rebalancing, rather it will be progressively transformed in a group in which compromises and agreement will be even more difficult to be reached than they are today, as it is happening in the ASEAN Regional Forum for similar membership problems.

This article states that if China and the U.S. have changed the preferences order regarding

their regional strategies and if local countries are now fearing the ambiguities of Beijing’s Asian approach, as soon as the main local powers (Japan, India, and Australia) realize that the new EAS will never be powerful enough to contain China’s ambitions, they might also change the preferences’ order of their regional strategies. This time not as a direct consequence of a critical juncture, but adjusting to the changes the latter caused.

Considering Japan, India and Australia as a group rather than three different countries, it is argued that before China and U.S. clarified their new priorities, the priorities of these three countries were ranked as follows: focus on economic issues leaving political and strategic problems unanswered (pragmatic approach); accept China’s requests when “reasonable and without political or strategic implications”; bullying China hoping that its determination in accomplishing its aims will not cause a military escalation; use force to limit China’s assertiveness. After that, this article believes that Japan, India, and Australian priorities were reduced to two: accept China’s requests when “reasonable and without political or strategic implications”, and ask for foreign power support (mainly the U.S.) to be ready to counter China’s aggressiveness – a change that has been nurturing a passive attitude that this article finds useless in terms of regional peace and stability consolidation, indirectly recommending Japan, India, and Australia to modify it as soon as possible. It is too early to understand whether Japanese recent aggressiveness in the East China Sea, linked to the sovereignty claim of Senkaku and Takeshima islands, is a radical change in its regional strategy or not. However, despite the fact that increasing aggressiveness cannot be considered a safe and far-seeing attitude, this transformation needs to be carefully monitored.

3. The Hidden Meaning of American Return to Asia

It is a matter of fact that Obama Administration is determined to intensify the U.S. role in the Asia-Pacific Region, raising “the region’s priority in U.S. military planning, foreign policy and economic policy”¹⁶, and contributing to reshape regional norms and rules, to ensure that “international law and norms be respected, that commerce and freedom of navigation are not impeded, that



emerging powers build trust with their neighbour, and that disagreements are resolved peacefully without treats or coercion”¹⁷.

Mark Manyin identifies three main reasons behind U.S. increased emphasis on the Asia-Pacific region: “The winding down of U.S. military operations in Iraq and Afghanistan; the growing economic importance of the Asia-Pacific region, and particularly China, to the United States’ economic future; and China’s growing military capabilities and its increasing assertiveness of claims to disputed maritime territory, with implication for freedom of navigation and the United States’ ability to project power in the region”¹⁸. While the first point has no direct consequences for Asia, it is argued that the way in which the second and the third ones will be pursued can significantly affect U.S. relations with China, the warmth of its Asian welcoming, and their so called special relationship with Japan, Australia, and India.

Before reviewing U.S. new economic and strategic approaches to the Asia-Pacific, it is important to remind that some scholars argue that American “return” to Asia represents an expansion rather than a transformation of its long-term Asian policy, to be more appropriately described as a change in means than a change in policy goals¹⁹ – an idea that this article does not share completely.

As the following section is going to prove, if Washington re-engagement in the Asia Pacific had been “only” oriented at gaining more benefits from Asian promising economic performances, it would not have been necessary to spend money and energy to re-launch the Trans-Pacific Partnership – a group that, in a short and medium-term perspective, is not going to include the main Asian powers.

Beyond that, this section shows that, from a strategic perspective, the U.S. position is even more ambiguous. Some scholars argue that a failure in giving more emphasis to the Asia-Pacific could “invite other regional powers, particularly China, to shape the region in ways that are not necessarily in U.S. interests”²⁰. Moreover, while, on the one hand, “demonstrating a lasting U.S. commitment to Asia will make bilateral partners and Asian multilateral organizations more willing and able to shape the region’s rules and norms collectively”, on the other hand, the U.S. return to Asia inevitably warns “China away from using heavy-handed tactics against its neighbours” and provides “confidence to other Asia-Pacific

countries that want to resist pressure from Beijing now and in the future”²¹.

It has already been mentioned that, under today’s circumstances, the only areas in which China cannot afford to weaken its presence are East and Southeast Asia. Beijing has adopted there a particularly strong approach not only for the interests at stake, but also to show its people that the government is not as weak as many analysts tend to describe²².

What is important to analyse now is the U.S. reaction to China’s new aggressiveness in East and Southeast Asia – an area where Washington, recognizing that China’s military “is now venturing into the global maritime domain, a sphere long dominated by the U.S. Navy”, cannot accept any restriction to the operations of its Navy and any change that might hinder its ability to protect both American and international shipping²³.

Considering the South China Sea problem, an issue with the potential of sparking off a dangerous escalation in the region, it is natural for Washington to find a way to intervene in the dispute to avoid the worst solution (in terms of U.S. interests), that is Asian countries acquiescence to Beijing’s claims with the following transformation of the entire area into sovereign territory of the People’s Republic of China²⁴. If China will ever be entitled to enforce its sovereignty over the South China Sea, “merchant ships traversing that Sea, no matter their flag, would be subject to China’s law and regulations and any fees, duties or other restrictions China may choose to impose. Additionally, China would have exclusive fishing and mineral rights over a Sea that the other littoral countries depend on for a significant portion of their natural resource income. Lastly, China’s insistence that any warship traversing the South China Sea must first gain permission nullifies the rights of foreign warships to conduct innocent passage. Furthermore, warships that do traverse territorial waters have severe restrictions applied to their operations”²⁵.

Under these circumstances, it is consistent to argue that American interest in maintaining the freedom of navigation (not only) in the South China Sea should be defended with diplomacy backed by military strength. We have to be aware that “any temporary concession to China’s demonstrably unreasonable demands will not earn gratitude, but instead will become a precedent for China’s future demands”²⁶.



As a consequence, since counterbalancing China's growing assertiveness in the region might imply the adoption of an equal aggressive attitude, this article believes that returning to Asia "alone" might prove self-defeating for Washington²⁷. Considering the strong linkages China has been able to consolidate in the region during the last few decades, the political, economic, and strategic spillovers associated to remain its partner rather than its enemy, together with the Asian consolidated belief that the U.S. have been neglecting the region for such a long time, and therefore that their new commitment might not last forever, Washington needs to pay attention to every move it will make in the Asia-Pacific. Where going alone may convey regional partners the feeling that they have to "choose" between two crucial partners, re-engaging in a sort of regional "Cold War" or, even worse, that they have to start fearing a country with the potential of becoming the alternative hegemon to China in the region²⁸.

This article argues that President Obama's "two-pronged approach" to China, aimed at "reaffirming and strengthening cooperative ties while simultaneously establishing a strong and credible American presence across Asia to encourage constructive Chinese behaviour and to provide confidence to regional leaders who wish to resist potential Chinese regional hegemony" can prove successful only if transformed in the first step of a much broader strategy²⁹. In which the second step would be the one of re-approaching U.S. historic allies in the region, that is Japan, India, and Australia, and with their help improve confidence building in it. Showing all nations that, on the one hand, do not want to lose China's economic opportunities, but, on the other hand, are pushing the U.S. to come back to Asia to balance the Chinese encroachment, that it can be possible to support economic growth and development, feel safe and increase stability, all at the same time, and also maintain a strong and stable partnership with both Beijing and Washington. Finally, the third step should be transforming Japan, India, and Australia into a trio responsible for protecting the region, while waiting for the rest of Asia to develop "the political, economic and military resources to challenge China's influence"³⁰. In our opinion, neither new security treaties nor a massive U.S. military presence in the region can effectively protect it if local nations are not willing to defend themselves.

4. Is Regionalism the only Alternative to Instability?

This article argues that the deepening of Asian Regionalism has added a lot of ambiguity to the region.

The first experiments of regional integration were intended to help the region to boost growth, development and economic integration rather than fuel local political tensions (APEC), and consolidating a group of very small countries giving them the feeling to be able, together, to more effectively protect Southeast Asia from China's potential aggressiveness (ASEAN).

It took a few decades for Southeast Asian countries to realize that, even together, they could not aspire to counterbalance China. This is the reason why they started promoting a broader idea of regionalism, hoping that after welcoming China in their regional organization, Beijing would have limited its ambition in the area, and at the same time it would have started contributing to regional growth and stability.

The ASEAN format has been progressively expanded not necessarily to widen the area in which economic advantages could be secured, but rather to welcome countries perceived as powerful enough to counterbalance its new member, China; Japan and South Korea joined in 1997, India, Australia, and New Zealand in 2005. Several scholars believe that the second enlargement had been thought to indirectly re-engage the United States. An interpretation that was confirmed in 2010, when it became clear that Asian countries were not strong enough to effectively counterbalance Beijing, and Washington (together with Moscow, mainly to avoid adding the United States alone) was invited to join the East Asian Summit.

This article states that Asian countries have always maintained an ambiguous position regarding American and Chinese memberships. Despite being reluctant to grant the U.S. too much access for fear of compromising their sovereignties, Asian countries cannot discard their support as they fear China's military power and political intentions, too. At the same time, since it would be unwise to renounce to Chinese investment and trading opportunities in the vast Chinese market, their pro-American inclination cannot become too explicit³¹.



Beijing and Washington know that, and they are adjusting their policies accordingly. China keeps on introducing itself as the only country that, in a long-term perspective, can assure peace and growth in Asia. Further, Beijing has been recently recognized as a hub for multi-country manufacturing³². “Improved and more efficient telecommunications and transportation infrastructures, trade and investment liberalization, and greater competition have significantly shifted the final assembly of many categories of consumer goods to China, with components and parts supplied by several others Asian economies”³³, confirming how useful and wise Beijing’s determination in contributing to the infrastructural and industrial regional upgrades proved to be.

At the same time, Washington knows that China is not only its Asian neighbour, “but also its most important trading partner, investor and an occasional political ally”. Accordingly, it is widely recognized that “asserting a Chinese menace and asking the ASEAN countries to participate in an anti-Chinese coalition is a recipe for political failure. Instead, the United States must articulate a vision for the nations of Asia that contrasts with the re-imposition of ancient Chinese hegemony. That vision should include the traditional Western principles of open commerce, political independence, and territorial sovereignty”³⁴, consequently limiting the risks for U.S. economic interest in China, avoiding to spread the idea that Washington return to Asia is mainly aimed at countering China.

Even though it is possible that at the very beginning the Obama Administration intention of revitalizing the Trans-Pacific Partnership might be connected to the idea of improving the concreteness of this vision, this article argues that the difficulties its expansion is experiencing may be useful in terms of maintaining Asian stability. The TPP currently includes Australia, Brunei, China, Malaysia, New Zealand, Peru, Singapore, the United States and Vietnam. A nine-member group that, according to Washington, “form the basis for a broader agreement that eventually could include all the economies of the Asia-Pacific region, including China”³⁵.

This article believes that, after being officially welcomed to Asia and admitted to the EAS, the U.S., in order to show that are a responsible power, uninterested in altering regional equilibria, it would have been better for them not to re-launch an

organization in which the main Asian powers are not included. On the contrary, Washington should have focused on regional confidence building within the EAS.

The EAS is also the only organization in which India, Japan, and Australia are included. Accordingly, it is the only forum in which these three countries can strengthen their relations with Washington without giving the region the impression that the U.S. return has pushed them to reconsider their regional interests. From the American perspective, interacting with Asian countries in a “safe” background might help Washington to convince them that U.S. is a country they can trust, able to engage China in a regional context and, eventually, also spread the idea that Washington is just “one of them”, not the eternal external partner that will keep on covering the regional security costs at any price. At the same time, exploiting bilateral meeting and their special relationship with India, Japan, and Australia, the U.S. might start working on convincing these and other Asian nations that if they want to feel safe in the region, they need to count mainly on themselves.

Conclusions

The ideal scenario described in the previous section becomes realistic only under certain conditions. First, that China will not become so aggressive in the region to require a military intervention earlier than expected. Second, that the U.S. will use their new EAS membership much more effectively than they are doing now. Third, that Japan, India, and Australia realize that they are bearing the future and the stability of Asia on their shoulder.

It is a matter of fact that China is rising and that the rest of Asia is indirectly wishing for increased United States presence to balance the Chinese encroachment. However, “the harsh reality is that even ironclad security treaties and the presence of American warships are not enough to protect Southeast Asian countries if they are not willing to defend themselves. ASEAN countries must act individually and collectively to create a substantive deterrent to Chinese encroachment”³⁶. Differently from Dillon, this article argues that the dilemma does not affect Southeast Asia only, rather the region as a whole.



It is argued that the U.S. should provide Asia today a “temporary security shield”, while at the same time becoming more and more active as far as confidence building and economic integration promotion are concerned. In this way, Washington will be able to promote its own interests in the region, that is improving stability and boosting multilateral trade, and also prove Asia that its security subsidies are not a bottomless obligation.

If they will convince Asian leaders to focus on improving their legal system and promoting economic growth, increased military strength will follow naturally. The best for the U.S. would be embedding Asian countries in rule-based organizations and then insist that they abide by those rules. However, to succeed, they need to interact with Asian powers from an already existing organization rather than creating a new one. Further, it is argued that they cannot convince all countries altogether, but should rather offer positive and sustainable examples to follow.

This is the reason why this article recommends approaching Japan and Australia first, and then building on their relations with New Delhi to involve India as well. As soon as these three countries will prove the rest of the region that a peaceful coexistence with Beijing and Washington can bring positive feedbacks in terms of both stability and development, and that the U.S. temporary protection is crucial for national empowerment, the other countries in the region might decide to follow their example.

The strengthening of Asia does not necessarily need to have anti-China nuances, and no “anti-China” coalition can effectively promote peace, stability, and growth. On the contrary, it is possible that if Beijing realizes that the country can benefit more from a stronger and richer Asia rather than from the current *status quo*, it might decide to revise its preferences’ order to adjust to it.

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THE CONTEMPORARY POWER RELATIONS IN THE GEOPOLITICAL CONFLICT ZONES. THE CASE OF AFRICA AND MIDDLE EAST

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Initially considered a “lost continent”, Africa gradually turned into a territory with a strategically international importance. Due to rising global energy demands, ongoing terrorism in the Middle East and North Africa, China’s activities in Africa, arms proliferation, environmental degradation, poor governance and human rights abuses, Africa is becoming steadily more important for the strategic interest of United States and to the rest of the world – as a source of energy – Russia, India, European Union, Turkey and Brazil being among the international actors that have started to value the resources of Africa. Moreover, the North of Africa together with the Middle East enjoy high geopolitical importance. Situated at the cross of Europe, Asia, and Africa, this region – ancient cradle for civilizations and birthplace of three monotheistic religions, hub of trade, a major base for vast empires, a ground for the most explosive and lasting conflicts following World War II – has interest not only because of its geographical strategic position, or the population concentration and human vector, but also because of its oil, which is the raw material required for modern technology.

Key-words: Geopolitics; power relations; “The Great Middle East”; conflict zones; Trans-Saharan partnership; Maghreb.

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Introduction

The current international system is characterized by the international reconfiguration of power relations, the emergence of new global powers and the resurgence of others. Together with the globalization phenomenon, seen as a victory over the Cold War through the increasing emergence of new technologies in transport and communication, particularly the Internet, the direct communication and the interaction between societal actors across national borders have reduced the borders’ relevance and facilitated flows of populations, ideas and goods, and gradually led to the drawing of a multipolar world where China, Russia and the European Union try to reach the U.S., marking the end of the “unipolar moment”¹.

Therefore, at global level, we are dealing with a multipolar geopolitical configuration where U.S. are the central power, as well as with powerful entities (China, Russia, India, Japan, Brazil etc.) that tend to balance, in some way, these power relations and EU can successfully become a political reality. At regional level, however, we are dealing with bipolar and multipolar configuration type. If Europe is bipolar, Asia-Pacific is multipolar, meaning that all the powers belonging to this region



- Russia, Japan, China, India, Pakistan, Indonesia
- are zonal power centers².

Thus, the beginning of the 21st century is marked by the competition between international actors, especially reflected in the struggle for energy resources and strategic regions. Given the competition for resources, the African continent, long time forgotten, now tends to be rediscovered by the great powers. Africa is a vast continent with diverse geographic patterns and a relatively limited population. The resource base of Africa is enormous, with powerful rivers, world leading concentrations of strategic minerals and important petroleum and uranium deposits. In 1995 a Pentagon report on *US Security Strategy for Sub-Saharan Africa* stated that “ultimately we see very little traditional strategic interest in Africa”³, however, in 2005, Africa became more interesting and attracted increasing investment not just from Europeans, but also from China, Russia, India, and the U.S. Several reasons exist for this view change on behalf of US and of other powers concerning Africa: first of all being the increasing energy demand that Asia, and especially China and India have.

The increasing demand coming from Asia, coupled with consistently elevated oil prices and especially with fears of the Middle East oil supplies being cut due to the lasting regional conflicts, led the energy consumers to seek alternative suppliers. But despite all these, from a perspective of energy geopolitics, the Middle East contains the biggest oil reserves (about 60% of the world’s crude oil reserves), controls the marine passageway – the most important being the Hormuz Strait – and thus the cheapest oil transport ways, and by controlling these straits it controls the oil flow. Thus, the interest of the great powers in the region is to achieve political power and to dominate the Middle East in order to secure a primacy in the international world.

In this regard, it can be explained the great powers’ behavior, which, under the pretext of some humanitarian or democratic campaigns, try to impose themselves in front of others actors, and in this context, the oil competition, the strategic resources and territories that present important geopolitical advantages become one of the main economical tools used for imposing their influence.

1. Africa – geopolitical characteristics

Africa is the second largest continent on Earth and the most populous after Asia, with an area of 30.244.050 km² including adjacent islands and occupies 20,3% of the land surface of the planet⁴. With over 800 million people in 54 countries, Africa hosts a seventh of the total population of the globe⁵. In the past years, Africa has increasingly caught the attention of the international community. Its many natural resources, the high presence of Islamic terrorist groups and the increasing migration flows towards Europe have actually grown the strategic importance of the continent. On the other hand, the warnings against an impending geopolitical confrontation between China and U.S. in Africa seem exaggerated. Both the African governments and the states that become more numerous on the African continent, can together to transform the increased international presence and to promote economic growth and stability of Africa.

Africa, long time regarded as the forgotten continent usually associated with poverty, conflicts and low strategic importance, certainly became a theater of the Cold War in the 1960s, but its strategic importance was relatively modest compared to other regions of the third World, such as the Persian Gulf. Instead, the struggle for influence between the United States and the Soviet Union and their wars for this have contributed to the economic underdevelopment, political instability and poor governance that have characterized part of Africa, after the withdrawal of European colonial powers⁶. Africa’s marginalization continued in the 1990s. While big powers were mostly withdrawn from the region and development subsidies decreased, Africa knew another increase of armed conflicts, mainly internal. Because of the international community refraining regarding the “humanitarian intervention”, some of these conflicts have, as in Rwanda and Congo, a huge number of casualties. Moreover, Africa was only marginally affected by globalization. Unlike much of Asia, most African countries have attracted only modest foreign direct investment and have remained largely excluded from the global economy. However, in recent years, two developments have contributed to the reduction of Africa’s marginalization. On the one hand, there is a progress on the continent in the political stabilization and economic development. Democracy and legality are growing, even though



the events in Zimbabwe show that this trend does not apply to all states. The African economies also detain the record for five consecutive years with an average increase of 5% or more, because the foreign direct investments have greatly grown⁷. Challenges, such as the shortage of the education system and the HIV/AIDS pandemic, prevent indeed the economy to develop and do not allow a significant reduction of poverty. But many African countries are much more confident in their own development opportunities. The remarkable development of the African Union, which establishes a peace and security architecture and promotes regional economic integration, reflects the efforts of these countries to increase their personal responsibility.

Considering all of the above, there were discussions regarding the repercussions of the strategic importance of the continent in its evolution. The increased demand for natural resources has significantly contributed to strengthening the international presence in Africa. The continent has 10% of global oil reserves and 8% of gas deposits⁸. These figures may seem insignificant compared to other regions such as the Middle East, but many experts suspect that large amounts of undiscovered oil and gas exist in Africa. Today, the continent is already the oil region characterized by the fastest growth in the world. Many African countries are much less affected by oil nationalism than other producing countries and offer attractive contracts to the investors. The African oil is also easily refined. Large quantities of oil from West Africa are found in the sea platforms easily accessible, affordable and relatively safe, which is particularly advantageous. Africa has also other coveted natural resources than its sources of energy: so that the continent has for example, 60% of the deposits of diamonds, 40% of the phosphate deposits and 30% of cobalt⁹. Because the current prices for these commodities are too high, it determined the economic recovery of the continent overcoming the states rich in oil and gas. A decline in commodity prices could adversely affect the economic development of many African countries, but would not stop the international competition for natural resources in Africa¹⁰.

A disadvantage of this continent is the existence of fragile states and terrorism. Although the 1998 bombings against the U.S. embassies in Kenya and Tanzania led to transnational terrorist activities

in Africa and al-Qaeda had a temporary basis in Sudan, in 1990, the continent was the center of the international security policy only since 11 September, 2001. The presence of some Islamist terrorist groups, especially in areas with outbreaks of crisis and fragile states such as the Horn of Africa has substantially increased. Somalia, a country where there are few state structures, near the Arabian Peninsula, is particularly at risk of becoming a bastion of Al-Qaeda and other terrorist groups. But the Islamist terrorists have also activated in North Africa. The movement „Al-Qaeda from the Islamic Maghreb” has recently become famous, claiming a series of terrorist attacks in the region and announcing new attacks against the Western targets. In addition, Africa draws upon her an increasingly attention, as more Africans attempt to illegally migrate in the industrialized countries, especially in Europe. The corresponding migration from Africa increased by a third since 1990 and according to UN records now stands at 400,000 people per year. Except for refugees, few immigrants are welcome to the EU. Due to the geographical proximity of Europe to Africa and its colonial history, there is estimated that eight million illegal African immigrants are living in the EU today. The illegal immigration is increasingly treated as a security issue in Europe. The European countermeasures led to more dangerous migration routes. Many immigrants have died during their journey to Europe. Others fail in North African countries that have become transit countries for migrants from West Africa, Sudan, Horn of Africa and other regions. The growing number of transmigrated¹¹ people in North Africa is not only a humanitarian challenge but also risks to aggravate the socio-economic tensions¹².

2. African states' relations with the major players of the international relations

Regarding Africa's relationship with other major external actors on the international scene, no other external actor has extended a stronger presence in Africa, in recent years, than China. The Sino-African trade grew at an astonishing speed, and in 2011, reached \$166 billion, making China the second largest national trading partner in Africa, behind the United States¹³, while China's direct investments were nearly \$15 billion¹⁴. Oil represents approximately two-thirds of Chinese



imports from Africa - Angola, Congo, Equatorial Guinea and Sudan being the main supplier countries. While China bought about a quarter of its necessary oil from Africa in 2004, this amount has already reached a third in 2008. China provides, in exchange for the raw materials supplies, generous support to African countries, commercial treaties and support for the infrastructure development. Beijing, during the Sino-African Summit in 2006, promised to double the development aid for Africa by 2009 and offer generous loans and export credits. The participation of 43 heads of state and government at this summit shows how African countries are enjoying an increased Chinese presence on the continent.¹⁵ Furthermore, in November 2009, at the fourth Forum of China-Africa cooperation, Wen Jiabao, the Chinese Prime Minister promised Africa the amount of 7,2 billion Euro¹⁶, at the the Fifth Forum on China-Africa Cooperation on July 2012, China promised to Africa \$20 billion in assistance to the continent, double the amount pledged in 2009, an "African Talents Program" to train 30,000 people in various sectors, 18,000 government scholarships and the dispatch of 1,500 Chinese medical personnel to Africa, to build infrastructure partnerships, and finally, security pledges, led by the Initiative on China-Africa Cooperative Partnership for Peace and Security¹⁷. Exim Bank, China Development Bank and China-Africa Development Fund are the main means of the Chinese "help". Exim Bank finances with 214 million the project to expand the port of Nouakchott in Mauritania, the largest Chinese project in the region, while Kenya is also in negotiations to build an oil terminal, and in Mozambique, a Chinese construction company is renovating Maputo airport¹⁸. China's non-interference policy in internal affairs and trade relations with African authoritarian regimes could undermine Western efforts to promote the good governance through the conditionality policy. Although the international pressure might occasionally encourage the Beijing government - as in Darfur - to adapt its policy, the basic problem - the difference between the Chinese policies and Western development - remains unsolved.

The energy greedy Chinese presence in Africa has exacerbated the international competition for raw materials on the continent. Thus, Japan has recently doubled its development assistance to Africa. India has also announced major investment

projects. Securing energy supply and restricting the Chinese influence are factors that have led, in the recent years, to an increased attention on Africa on behalf of the United States. U.S.A's oil imports from Africa increased by two-thirds since 2000 and currently stands at 20%, Nigeria, Angola, Algeria and Gabon being the main suppliers¹⁹. But the terrorism that is spreading in Africa contributed to the U.S.A's decision to consider the continent in terms of personal strategic interests. As part of the Combined Joint Task Force - Horn of Africa (CJTF-HOA), 1800 soldiers of the U.S. troops involved in particular in the fight against terrorism are stationed in Djibouti. The United States are helping, through the *Trans-Sahara Counterterrorism Partnership* (TSCTI), different countries to prevent the establishment of terrorist bases on their territory. Washington has also signed several bilateral military agreements with the African countries and between the intelligence services. For protecting the sea lanes and oil platforms, U.S. have also consolidated their fleet presence in the region.

With the announced creation in February 2007 of a U.S. military command for Africa, U.S. confirm the strategic importance of Africa for their policy. It is true; however, that Washington has so far refused to choose a location for AFRICOM headquarters, since countries as Nigeria, South Africa and Libya have claimed a militarization of the U.S. - Africa relations. It is indeed remarkable that AFRICOM contains, unlike other U.S. commands a large civilian component, indicating a comprehensive approach of the U.S. security in Africa. However, there is so far no evidence which, corroborated to the experts' opinions, could state that the increased U.S. military presence could someday lead to a militarization of the African - Chinese policy and to a Sino-American cold war. Washington is interested, as Peking, in the stability of energy supply and equally, in the cooperation in Africa. China would evenly depend for the foreseeable future on the sea routes protection by the United States of America²⁰.

In addition, the European Union has also expressed its willingness to adopt a strategic approach vis-à-vis Africa. The efforts to create an effective African policy are still contradictory. The EU's African Strategy ratified at the second joint summit in December 2007, led the Euro-African relation to a higher level. But the action



plan with eight thematic partnerships is vague and does not mention a clear priority. This is not surprising as long as the 27 states have tried, with varying interests, to find a common framework for 80 countries and invited their African partners and the public to participate for achieving this plan. EU has undertaken a series of measures to prevent the increased migration flows from Africa. Some of these measures are related to the tightening of immigration laws, better borders controls and North African expansion capabilities to solve the problem of immigrants. Contrariwise, the EU is struggling to define a common foreign energy policy vis-à-vis Africa, from which comes 20% of its oil and 15% of its natural gas²¹. In the fight against terrorism, EU grants subsidies to Morocco and Algeria, which could further be extended to the Sahara region. Moreover, it forces to project stabilization by peace missions in countries like Congo and Chad and by supporting the African Union in operationalizing the African peace and security architecture, especially by the African Standby Force and by the Continental Early Warning System. The EU security-related measures are, however, as a whole, so far modest.

Although EU has more trade relations with Africa than any other continent, the Union could lose its influence in the region in the coming decades. Current trade traits, characterized by customs advantages granted unilaterally by the EU, do not comply with WTO provisions and had to be abolished by 2008. The EU proposals for a bi-regional free trade agreement aroused the irritation of some African countries as well as differences in certain matters of human rights and the persistent insistence on political reforms. The relationships increasingly more intense between Africa and the major emerging players such as China, India and Brazil show a new model of a South-South partnership whose strategic importance is difficult to predict²².

Regarding the growing importance of this continent, the recent developments in North Africa, through the internal crisis generated within Arab states (Tunisia, Egypt, Jordan, Bahrain, Yemen, Morocco, Libya, Algeria, Syria) that intended to remove from power the authoritarian and corrupt political regimes have increasingly attracted the international attention. From a geopolitical perspective, it is considered that these revolutions have served the great powers' interests (particularly

the U.S.) to establish there some desirable regimes that could support them in encircling Iran. If in the 2006 Security Strategy of U.S, Bush made clear that Iran was the main threat to U.S. security and that according to the situation after the Al Qaeda terrorist attacks on September 11, 2001, U.S. is still reserving expressly the right to take preventive military strikes designed to thwart any further attacks on America, in the 2010 Security Strategy of U.S. is reiterated that Iran threatens U.S. policy and it is specified that one of the purposes is to transform the Iranian policy in order to prevent a further nuclear weapons proliferation, to support terrorism and to threaten his neighbors²³. Because the economic sanctions against Iran had no effect, the "green" revolution in the summer of 2009, called "Twitter revolution" failed to control Iran and its oil and gas resources, the military option is therefore the final solution, in other words: war.

The uprisings in the Arab world have started to change the dictatorships that were reluctant to take a more radical position against Iran (and its de facto allies, Russia, China and Syria). Thus, the Anglo-Americans needed new forces in the Middle East in order to pursue their policies to achieve their ultimate goal: to remove the Iranian threat²⁴. The chain reaction of democratization could target Iran after Libya. The Tehran regime is already advised and appears ready enough to neutralize any popular movement by force. Operations in Libya could be, with some nuances, a precedent for intervention in Iran due to its nuclear threat, while the Tehran proves rigid regarding the negotiations over its nuclear programme and active in developing nuclear capabilities. On the other hand, Iran could use the "winds of change" for supporting the extent of the conflict in some Arab countries. Bahrain is a key state between Iran and Saudi Arabia, Tehran being interested in a regime change, as a first step in destabilizing the Saudi regime. A direct intervention of Iran in Bahrain - an idea recently advanced by U.S. Secretary of Defense Robert Gates - is regarded with reluctance by Tehran due to subsequent risks, including to be attacked by U.S.²⁵. So, we can say that by changing regimes in North Africa it is desired to implement some governments compatible with U.S. policies thus to produce a "sanitary cordon" aiming to isolate Iran, as previously the policy of "containment" was promoted to isolate the Soviet Union. On the other hand, this sanitary cordon must be able to provide



a key position in conducting the U.S. troops in the close proximity of Iran and thus to be supported the policies and the strategies for an attack on this country.

3. The geopolitical space of the “Great Middle East”

The term Middle East was imposed a century ago, under the British influence. The Near East includes the countries situated at the borderline of Asia with Europe and Africa, Turkey, Cyprus, Syria, Lebanon, Israel, Saudi Arabia, Yemen, Egypt, Sudan, and the Middle East, Iraq Iran and Afghanistan. Lately, the border between the two notions is disappearing and this area is called the Near East or Middle East, under each of these labels are embedded all the countries mentioned. Summarizing, we can say therefore that the Middle East includes all countries from West Asia and South-West, from Turkey to Iran and from Caucasus to the Arabian Peninsula plus Egypt. This region, with a rich history, shows in the present various national specificities that determine strong geopolitical tensions²⁶.

In geopolitical terms, the Muslim world has a great significance due to its position at the crossroads of three continents, Asian, African and European, even though its territories are mainly in Western Asia, and to its territory size, the countries of this civilization being extended on wide areas and holding strategically key areas. This is partly explained by the diffusion of Christian and Islamic elements in the Middle-Eastern area. Of the nine countries identified as holding a “pivot” position that U.S. must take into account in developing their foreign policy, five belong to the Islamic universe, Egypt, Indonesia, Algeria, Turkey and Pakistan. Other pivotal states are Mexico, Brazil, South Africa and India. A pivotal state is defined by „the ability to influence the regional and international stability.” The pivotal state is so important for the region in which it is located, that his collapse would project chaos far beyond its borders. A pivotal state can be identified by considering its population and the important geographical position, the economic potential and the size of the state, plus its ability to influence the regional and global stability²⁷.

Generally, the Middle East of the year 2012 comprises 21 countries, with a relatively large population and spread over wide areas. The whole

is estimated in 2011, at 336,6 million people²⁸, representing 4,8% of the world population (7 021 836 029)²⁹. According to a World Bank report from 2012, the total area of Middle East amounts in 2010³⁰, to 8 775 420 km², the double of the equivalent to EU-27 countries, with a million less than the U.S. or China, but more than double India³¹.

The Middle East is framed by three countries that have large areas, except Saudi Arabia, and, mainly, by the most important populations, Egypt, Turkey and Iran each having around 70-80 million people in 2012, so about 71% of the Middle East population and 3,5% of the world population³². These demographic variables contribute to determine the geopolitical importance of these countries.

4. The Middle East’s state actors

Egypt, because of its geographical position and proximity to the oil-rich regions, has historically played an important role in developing the area and in stimulating the relations between the great powers (by receiving the highest foreign aid from the U.S., after Israel). Also, Egypt is fundamental for the peace process in the Middle East to support U.S. plans to isolate the fundamentalist states in the area, hostile to the West, so, maintaining a balance between the moderate and radical elements from the Islamic world. In the Middle East conflict, the Egyptian primacy allowed to take particular positions with the Arab League, but also kept a treaty signed with Israel. Moreover, Egypt is the center of the Middle East conflict because its border contiguity with the two countries where are found the strongest tensions in the region: Israel and the Palestinian territories. Despite the fact that it is a basic pillar of the Arab League and has the U.S. support, its influence is however reduced in the Palestinian case. Egypt has been in difficulty after the war in Gaza (the Egyptian attitude was considered ambiguous in the Arab world during the Israeli offensive), but he could count on France's support to get out of this situation by creating the Mediterranean Union, which had not the expected effects and Benyamin Nétanyahou’s coming into power in Israel's in March 2009 has made this situation difficult to resolve. The leadership deficiency in Egypt has created advantages for Turkey, which since 2008



has developed a cooperative relationship with Syria, both political (as intermediary for Israel) and economic (abolition of visas between the two countries)³³. By the nature of things it can be said that the Middle East still forms a multipolar world and by changing the moderate and pro-western orientation, the extremist manifestations in all neighboring countries, from Algeria to Turkey would be encouraged³⁴.

Turkey is the inheritor of the Ottoman Empire's heart, which have long time dominated a large part of the Middle East and has built a nation-state based on the exclusion of other ethnicities, Armenian, Greek and Kurdish and non-Muslim religion, by creating an isolation sense. Turkey pursues the idea of becoming an EU member, and thus she is only partially directed to the Middle East, except Israel, with which has military agreements. Moreover, Turkey has strained relations with its neighboring countries, as long as in the eastern Turkey, the only terrestrial neighbors are the Kurds who inhabit from one side to the other Turkey's borders with Syria, Iraq and Iran, as well as the entire border with Armenia and the Azerbaijani province Nakhitchevan. Or, a strategic part of Turkey, important for its water resources, oil and mining, is actually in the Kurdish side, theater of the internal conflict, which is costly for the Turkish state and it is unfavorable for its international image. However, Turkey has a real power in the region, being a NATO member since 1953, partner of U.S., with technical and training cooperation power similar to the Israel's troops, controlling Tiber and Euphrates's upstream and having economic benefits that can be used against Syria and Iraq³⁵.

Iran is the second largest non-Arab country in the Middle East after Turkey. It has a special position compared with the surrounding Arab world due to ethnic differences (a Persian majority and many minorities living in peripheral regions) and religious, thus can be explained the choice for Shi'ism. This last element is an isolation factor as long as others Shiites in the Middle East constitute minorities, except Iraq, where the Shiite regions are in the geographical extension of Iran and include the holy places Kerbela and Nadjaf. Iran without its enemy Saddam Hussein, hopes to expand its influence in Iraq whose ethnic and linguistic advantages for the Middle East are weak. After the Khomeini revolution, Iran is involved in the

Middle East conflict, supporting demographically, military and even media the Lebanese Hezbollah, created with the Iranian support in 1982³⁶.

Iran is judged differently by the great powers. If during the Shah rule, U.S. had a stabilizing force, now are worried by the nuclear proliferation risk and vis-a-vis the role of Iran in the Middle East conflict. The Iranian nuclear sites, and Iran's refusal to accept a project that aimed to exchange the enriched uranium, developed by the Obama administration, and the action of reaching the 20% enriched uranium production, too, resulted in the warships deployment in Gulf, and in UN action to seek new sanctions against Iran. Having acquired more than 2000 kg of enriched uranium, Iran would be able to achieve one or two nuclear bombs, but it should raise to 90% enriched uranium, which could be possible either clandestinely or by expelling the international inspectors who supervise the Natanz site³⁷. EU seeks, with many difficulties, a "constructive dialogue" that would allow Iran to be a stabilizing factor.

Concerning the demographically medium-sized countries, there are four countries that are each about 20-30 million people (2012)³⁸: Iraq – 31,1 million, Saudi Arabia– 26,5 million, Yemen – 24,7 million and Syria 22,5. But these figures must be cautiously regarded, as long as the officials give uncertain data to maintain superiority in the area. Historically, the Saudi Arabia Kingdom was born on one side of the Arabian Peninsula in 1926, when King Abd el-Aziz was proclaimed king protector of holy places and morally Muslim. This wanted, however, to dominate the Middle-Eastern territories and especially those rich in oil, but the great powers didn't agree with that, preferring a divided peninsula than an unified one. After several confrontations, in 1926 six oil countries from the Middle East (Saudi Arabia, Kuwait, Qatar, Oman, Bahrain and the United Arab Emirates) created the Cooperation Council for the Arab States of the Gulf. It was a regional integration form in order to obtain economic benefits from the oil exploitation and a joint struggle to prevent a territorial expansion of Iran and Iraq³⁹.

About Iraq's influence after the 2003 war it cannot say much, given the U.S. military presence, only that, by this presence is ensured a relative stability and is created a favorable environment for Iran's encirclement. Yemen that appeared in 1990 from the union of North Yemen with the South is



still marked by the internal fighting between the old entities and its primary concern is to protect itself against the Saudi Arabia interference that has often tried to dominate it. Syria has witnessed two political periods: a series of military coups, and then the Baath Party's domination, whose constant aim was "the Great Syria", goal partially realized today and symbolized by placing Lebanon under protectorate⁴⁰. The importance of this country is given by the placement to the center of the regional geostrategic game: the reconciliation with the Saudis, so with the Lebanese too, and then with the Jordanian, the alliance with Turkey (a NATO member), ties' restoration with Iraq, the alliance with Iran, all these are eloquent in this respect.⁴¹

With regard to the Middle East's small countries that together account less than 10 million, there are three categories: those who benefit from the economic rent for oil and who present interest on behalf of the great powers: Azerbaijan, Kuwait, Qatar, Oman, Bahrain, United Arab Emirates; the second category includes countries whose geopolitical reality is inseparable from their diaspora importance and the role they have in the world, is about Armenia and Israel with the Palestinian territories. This last example inflames the Arab world that expressed its solidarity with the Palestinians, the "Palestinian cause" becoming the peak of the social frustrations of the Arab populations, helping to keep the existing powers; the third geopolitical category includes countries (Jordan, Lebanon and possibly Georgia if we consider it middle-eastern) found in disparate geopolitical situations where neither the oil, or the Diaspora role do not marks enough a noticeable specificity.

Conclusions

In conclusion, we can say that the opening of Africa, consequence to a threat of the neocolonial era owed to its increased strategic importance or, conversely, to a slower development due to the increased international presence, will be decided not only by the behavior of external actors but also by the African governments. If the latter use foreign investment and subsidies in order to avoid the Western demands for good governance, the socio-economic progress is likely to be ephemeral. A new resurgence of the political instability would make almost impossible the regional integration

and would increase the risk of further expansion of radicalism and terrorism; therefore it is important for the Western governments to keep their conditionality policy. The proposal, currently discussed, within the French government to relativize this conditionality to defend its interests in Africa in the same way as China does, is going in a wrong direction. The fear of the former French colonial power that 1000000 Chinese are already living in Africa⁴² and the French are only 350000⁴³ is understandable: a policy on energy and economic goals uniquely oriented will not do justice on the long-term interests of the West and also of Africa.

Regarding the Middle East, this region is interesting not only because of the strategic geographical positions, or concentration of population and human vector, but also because the oil existence, which is the raw material for the modern technology. The Middle East is the region with an "excessive concentration" accounting about 60% of the safe existing oil reserves and the oil qualities are evident in this region – it can be found at shallow depths, has low viscosity and is in the proximity of the Persian Gulf⁴⁴.

All these are formidable assets of the countries in the region, giving them not only an economic power by selling oil, but also political influence, with certain strategic dimensions. In any case, the oil is a strategic weapon for the Muslim countries, helping them to play the game on the international stage. Concluding, we can say that in the XXI century, the oil, the Middle East conflict, the tensions between the reformers that are favoring an open interpretation of the Qur'anic texts and Islamic hard cores, where the violence is legitimized by God, the concern to create national sentiments using as arguments the frontiers born after decolonization, the need to establish an unit targeting a common enemy, the maneuver masses representing young generations, the potential of the extremism mobilization against economic and political shortfalls, all these make the Middle East a conflictual region whose particularity is the unstable geographical area status.

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THE EUROPEAN POLITICAL MODEL: INTERGOVERNMENTAL FEDERALISM

*Mihaela BUȘE, PhD**

The European political model generated numerous analyses of the theorists in an attempt to manage its classification in a concrete paradigm. The theories and concepts of the European integration have as a starting point the functionalism, continuing with the neo-functionalism, the inter-governmentalism, the federalism and the multi-level governance. There have been numerous attempts to define the EU as a functional federalism, as an intergovernmental federalism, organization sui generis, etc.. Under the Lisbon Treaty, the latest analyses of the political nature of the European Union identify the intergovernmental federalism as the European political model.

Key-words: European Union; European political model; theories and concepts of European integration; federalism; intergovernmentalism.

Introduction

The political nature of the European Union has been the subject of many theoretical analyses in an attempt to fit into a certain paradigm. Rosamond Benn analyses the four interpretations of the European integration¹ which have been highlighted in the recent decades: the first paradigm presents the EU as an international organization, shared by the followers of the traditional liberalism within the international relations²; the second paradigm

presents the European integration as a form of regionalization in the global economy³, from whose perspective the European Union can be analyzed in comparison with “The North America Free Trade Area, Asia-Pacific Economic Cooperation and the South American Mercosur”⁴; the third paradigm addresses the EU as an complex system of form and making decisions in the various sector policies. These concern the interaction between actors, the institutional development agenda, the elaboration of policy, legislation and their implementation⁵; the fourth paradigm defines the European Union and European integration as a unique phenomenon⁶, view which considers that this process is historically determined and therefore cannot be generalized. In this respect, W. Wallace wrote: “The experience of the advanced integration of the Western Europe does not provide a role model for others. Its historical development was rooted in a system of economical and security framework which both disappeared. The institutional structures developed by the Western European governments in the circumstances of the past, were given the opportunity to respond to the various challenges of economical and industrial transformation of the ’70s and ’80s. Political, economical and security motivations were closely intertwined in the evolution of regional integration in the Western Europe from the ’40s up to the ’90s”⁷.

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1. Theories of the European integration

The theories and concepts of the European integration have as a starting point the functionalism, the neo-functionalism continuing with the intergovernmentalism, the federalism and the multi-level governance. Functionalism is defined as an attempt to reconcile the interests of the states, as a way of addressing peace. David Mitrany is the one who made the most convincing presentation of functionalist principles of the twentieth century.

In the 1950s, the functionalism theory was shared by the leading pan-European statesmen: Jean Monnet, Konrad Adenauer, Alcide de Gasperi, Robert Schuman and Paul-Henri Spaak⁸. The strong influence that Mitrany's functionalism exercised on the founding fathers of Europe⁹ results from the famous speech by Robert Schuman on 9 May 1950: "World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it. The contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations. [...] Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity"¹⁰. If Mitrany formulates fundamental ideas of functionalism, Monnet turns them into concrete proposals¹¹. Thus, the idea of creating community organizations in strategic sectors that would facilitate the transition to a political union was a first step in creating the future European Union.

Following the signing of the Treaties of Rome, functionalism turns into neo-functionalism, starring as the main theorist Ernst Haas. According to E. Haas, modern Europe's economic interests allow a better understanding of European integration.

Neo-functionalism is oriented mainly towards the political aspects and implications of integrating and analyzing European case causes in order to create a large federal state. The federal state is in Ernst Haas's view "a new political community that is required before pre-existing communities"¹².

Neo-functionalism emphasizes the primary role of supranational courts. This trend promoted the idea that by creating a supranational authority to obtain a spill-over effect, the authority would have to extend the power and influence to other

sectors. For example, Ernst Haas examines the European Economic Community (EEC) as a spill-over of the European Coal and Steel Community (ECSC), thus discovering "the expansive logics of the sector integration". Haas believes that trade liberalization in the customs union would lead to a harmonization of macroeconomic policies, which would permanently transform the common policies and lead to the creation of a political community¹³. The central principle of intergovernmentalism is attributing the government of each country the most important role in decision making.

In the same trend, Hoffmann distinguishes between *low politics* and *high politics* to explain why in some areas the integration was possible, while in others, not quite, due to the fact that states have been reluctant to give up certain attributes of national sovereignty by transfer to supranational authority¹⁴. Also, Hoffman said that braking process of European integration in the '60s and '70s, due to the fact that states do not agree to give up some of their national sovereignty. An illustrative example in this regard is the failure of the European Defence Community.

After the signing of the Maastricht Treaty, Andrew Moravcsik, build a new theory, the *liberal intergovernmentalism* based on rational behavior of the state, on national preferences and negotiation between states. Andrew Moravcsik analyzes the process of the European integration, indicating that these elements determined its continuation and development.

Thus, in his opinion, liberal intergovernmentalism, as the central argument of his analysis, shows that "the best way to explain European integration is its presentation as a result of a series of rational decisions taken by national leaders. These decisions respond to constraints and opportunities arising from economic interests, the developed sectors of national societies, the relative power of each state in the international system and the role of international institutions in order to strengthen the credibility of intergovernmental commitments"¹⁵.

A. Moravcsik, in an article of 1991, published in *International Organization*, established genesis of the Single European Act. The author has described an European Community based on the political power resulted from the confrontation of national interests between state actors France, Germany, United Kingdom ... In a context of growing interdependence of the economy and



politics, these states have chosen to pool their national interests to meet safety and welfare of their citizens¹⁶. The integration of security and defense was hampered, lack of progress is evident. If it was difficult to integrate foreign policy because of particular symbolic references to notions of state, sovereignty and national identity, in the case of defense, considered as a vital issue, which constitutes the core of national sovereignty, it was even more than supranational integration¹⁷.

Finally, the intergovernmentalists were, undoubtedly, those who have appreciated theoretically the best link between changes in the international context of the Cold War and the apparent evolution of the interests of certain Member States towards a European political security and Defence Policy (ESDP) viable. Particular attention that it gives to domestic political interests of the Member States to enable them to maintain that there are some states – especially West Germany, Britain and Netherlands – have managed to keep away from defense and security agenda of European integration until the 1990s. Subsequently, successive negotiations between the Member States the most powerful were those that led to the development of ESDP. In 1990, the joint action of France and Germany led the European Council decision to mandate negotiators from Intergovernmental Conference (IGC) to begin negotiations on a political and economic union, with the main aim to strength the cooperation in foreign and defense policy. What resulted at the end of the Maastricht IGC can be regarded as a classic compromise between different national positions¹⁸.

Federalism, as a theory of the regional or global integration, is based on the beneficial effects of federalism as a system of governance of the state. The main laboratory testing the federalism in international relations in the twentieth century was the European region. Federalism, as an ideology, was embraced by politicians and intellectuals, who in 1939 saw it as the ultimate European state system, and in 1945 as an opportunity to replace it. It was necessary, for the future, to implement plans “to go beyond states”. Especially in the establishment of the European Community, federalists were always tempted to insist on a populist and participatory agenda. The establishment of a directly elected parliament and more frequent application of the principle of majority voting in the EC organs were considered very important¹⁹.

“The European integration is a process in which authority and the decision-making influence are shared between different levels of government – subnational, national and supranational”²⁰. The Multi-level governance theory is the main departure point that collective decision making and independence eroded supranational sovereignty of national governments²¹. From this perspective, the EU has developed a political system with closely-connected institutions which operate on multiple levels.

2. The Federalization of Europe

There have been numerous attempts to define the EU: functional federalism, intergovernmental federalism, unidentified political object, organization sui generis, etc.. The legal doctrine of the European Union believes that they are halfway between different types, accepted by the constitutional theory: international organization, confederation and federal state. The Court of Justice also seems to recognize this hybrid and sui generis character of the European Union. The constitutional debate about the future of the EU is driven mainly by the concept of “Federation of nation-states” that the German Foreign Minister Joschka Fischer claimed in his address at the Humboldt University of Berlin²².

The idea of the federalization of Europe was gradually imposed and with difficulty because people who have regained the right to have their own state or who have left a perfect state unity were difficult to convince that the independence, sovereignty and territorial integrity would not be violated or impaired²³. For the first time in history, a major political community builds on the free association of independent states and not by force or conquest. Contrary to the Confederation and the Federation, which, despite the difference in structures and methods, have in common a comprehensive policy approach, the European Communities and the European Union put in place a reverse federalism²⁴.

Europe introduced, throughout its history integration, many federal elements in its structure and functioning, while maintaining the position of the national governments. Given its structure and functioning of the institutions, the European Union is a specific form of federation, a model which ensures originality²⁵. Meanwhile, the



federal process involves a difficult step for the states: to give and to share some of their national sovereignty. This partial waiver of the national sovereignty of states scored one point braking of the European construction.

3. The European intergovernmental formula

Regarding intergovernmentalism, this is what has contributed to the important evolution in the European construction process, from the creation of the European Monetary System to the Schengen agreements. In the same vein, through intergovernmental conferences, the Treaty of Rome has provided the Community with “constituent power”²⁶.

In the article “Brussels between Bern and Berlin: Comparative Federalism meets the European” Union, Tanja Boerzel and Madeleine Hostli address the differences between the European intergovernmental current formula and a possible federalist structure. It looks like that the Union already has significant powers in a broad spread of sectors, starting with the initial tasks of the economy and to the most important recent acquisition, the unique currency; important steps were also made in developing Community powers in areas such as trade, transport, energy, environment and consumer protection. It also notes an increasing task of the Union in areas where the national responsibility of states was until recently an exclusive one: we refer to internal security arrangements like Schengen and Europol and that the citizens of Member States can appeal to in justice against the European nation states.

According to the authors cited, there are two important tasks which the Union lacks in order to consider it a federation: first, states have complete freedom as regards the adoption, revision or termination of treaties related to being part of the Union and, in the second all, from a fiscal standpoint, while raising funds, the EU does not really have its own tax system, income and expenditure²⁷.

4. The joint federal-intergovernmental political model

In his book *The Europe of the future. Treaty of Lisbon*, Luzzáraga Aldecoa Francisco, one of Europe’s most renowned experts in the theory

of the European integration, federalism and Europeanism, addresses the EU policy model as shown in the Treaty of Lisbon. Thus, in the Treaty of Lisbon, the European Union is presented as a single entity, acting in accordance with its own methods: federal for the common policies and confederal or intergovernmental for the common foreign and security policy. Thus, it is reinforced the special character of the European Union, an organization built on a joint federal-intergovernmental political model. In this new type of federalism-intergovernmental, as a result of the disappearance of the European Community, the transition from the temple structure, specific to the EU up to recently, to the tree structure. This new approach involves strengthening the federal composition of the model at the expense of the intergovernmental one²⁸.

Also, Francisco Aldecoa Luzzáraga noted the elimination of the explicit description, the existence, in the Constitution, of the two European methods: the Community or federal method, and respectively, the intergovernmental or confederate one. The lack of this clarification is not a step backwards in terms of European political model, the author says that whether the political nature of the European Union is indicated or not, it retains its capacity of sui generis political system, based on federalism and intergovernmentalism.

Conclusions

Article I-1 of the Treaty of Lisbon points out that the European Union is an original political entity based on a dual legitimacy, federal – the citizens – and at the same time, Intergovernmental – by states²⁹, an idea supported by Francisco Aldecoa Luzzáraga and other experts in international relations.

The Lisbon Treaty defines the objectives and values of the European Union, which is extremely important because, in the author’s opinion, they are an essential part of the Union’s political explicitness. They clearly express by themselves what unites the Europeans in their actions, keep and develop certain values and achieve certain goals. That gives explicit values and improves the visibility of the Union, contributes to the democratization of the European system, strengthens the European identity and talks about the ethics of the Union and of the Member States. The Union’s targets



reveal what the Member States mean by European integration³⁰. Regarding the objectives, the author points out that the peace goal is found for the first time in a document of this type, thereby the existence and importance of European integration being brought to the forefront.

On the other hand, the Lisbon Treaty clarifies the relations between the EU and its Member States, showing them with greater detail and clarity compared with earlier texts. [...] In the same vein, the Lisbon Treaty provides integration reversibility. In this regard, on the one hand, it takes the exit clause of the Constitution, which requires that a State may voluntarily cease to be a member of the European Union. The renegotiation of Lisbon introduced for the first time the possibility that the changes the treaty happen not only with the purpose of extending the European Union, but also with the purpose of reducing them, if necessary³¹. Both the statements of the Lisbon Treaty and of federalism and intergovernmentalism, underlying European construction progress, define the special political nature of this organization.

Thus, the European Union stands out as an original political entity, different from any other structure of its kind, which consolidates its progress on a joint federal-intergovernmental political model.

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“CRITICAL INFRASTRUCTURE” CONCEPT’S EVOLUTION AND PROSPECTS WITHIN THE EURO-ATLANTIC FRAMEWORK

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The present article wishes to discuss the evolution and prospects of the concept of “critical” infrastructure within the Euro – Atlantic current framework. The starting point of our argumentation is the idea that regional security is determined, to a great extent, by the functioning, within optimal parameters, of certain systems of critical infrastructures. The aim of the paper is to understand, through a comparative analysis, of the place and role of critical infrastructure security in the United States of America and in the European Union, the legislative guarantees as well as the implementation solutions envisaged on the two sides of the Atlantic Ocean in order to ensure the protection and functioning of critical infrastructures. Moreover, by debating the conceptual evolution of critical infrastructure, we seek to identify potential prospects of efficient development for critical infrastructure security systems.

Key-words: critical infrastructure; security; Euro-Atlantic framework; legislative guarantees; evolution; prospects; critical infrastructure protection.

Introduction

The recent developments that took place within the international system have generated,

alongside the effects of globalization, the increase in interconnectivity and of interdependencies, a whole new set of threats and vulnerabilities that can directly infringe on the security of critical infrastructures. The contemporary geopolitical context is characterized by unpredictable situations and complex systems and, therefore, cannot accommodate any longer the nationalist, militarized or territorial approach of critical infrastructure protection. A proper understanding of the concept requires, in today’s world, a multidisciplinary framework of interpretation.

Presently, the idea that the prosperity and security of national states are inextricably dependent on vital networks of critical infrastructures is widely accepted. The issue of critical infrastructure protection has, therefore, become a method of system analysis, thus ensuring the proper framework for understanding and interpreting the threats to national security. According to some authors¹, this approach on security is characterized by the following: the concern for critical elements or structures on which contemporary society, the economy and political regimes depend on, the focus on identifying vulnerabilities, risks and threats to critical infrastructure systems and, last but not least, the effort to develop and implement strategies for alleviating structural vulnerabilities.

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From this point of view, the protection of critical infrastructures is part of a new security paradigm, which was shaped as a response to recent changes within the system of international relations. More precisely, a novel approach to security risks was elaborated, in which threats to national security were interpreted through the lenses of system vulnerability analysis. System vulnerabilities were, in their turn, mostly determined by elements of critical infrastructure.

A series of historical events from the early 20th century contributed decisively to shaping this approach. One of them was the development of the doctrine of *strategic bombing*² both in Europe and in the United States of America. *Strategic bombing* meant the destruction of *vital targets* belonging to the industrial complex of an enemy country, the development of mobilization efforts for defense purposes and, last but not least, during the Cold War, it meant *total preparedness*³ and disaster planning for emergency situations as a way of defending the American system of production against a Soviet nuclear attack.

These shifts in understanding defense and security, alongside other economic, technological and legislative changes, have modified existent relations between infrastructures. At the same time, the information technology revolution has generated new dependencies of infrastructure components, thus creating complex systems whose control is, usually, computerized and centralized via a nodal server.

The understanding of the concept of critical infrastructure is, therefore, derivative from a certain manner of defining security in terms of intrinsic system vulnerabilities and has become a dominant feature of national security starting with the second half of the 20th century, due to the multiple changes that occurred within the system of international relations, which determined the development of a new type of strategic thinking that, in its own turn, imposed a series of novel concepts and innovative ideas.

For example, the invention of the notion of *total war* has changed the way in which states related, until the end of the 19th century, to military conflicts and armed combat. This happened because the technological innovations of the 20th century have allowed the development of armaments at a more rapid pace than before. In other words, “the army is industrializing, the industry is militarizing, the

army absorbs the nation, and the nation models itself after the organization of the army.”⁴ From this perspective, one can state that the theory of *total war* has represented, in terms of strategic thinking, the recognition of the idea that a state’s military power depends both on the strength of its economy and on its administrative capacity to mobilize and redirect its vital resources to the fulfillment of strategic purposes or objectives. Nations have, therefore, become aware of the importance of their industrial and economic systems and, at the same time, of their vulnerability to potential attacks. This, in turn, has contributed to the development of the *strategic bombing* theory and of the concept of *vital targets*.

According to Philip S. Meilinger, the first to theorize the notion of *strategic bombing* was Giulio Douhet, an Italian military scholar who considered that when a state’s resources were waged in war, then the said state’s capacity to administer those resources should be annihilated in order to determine the state to admit its defeat. To achieve this goal, Douhet opted for offensive air strikes, aimed at destroying the production and defense capacities of the enemy. Subsequently, Douhet identified five vital sectors to the existence and functioning of the modern state, which he named *key targets* or *vital targets*: the industrial sector, transportation, roads and railway infrastructures, communication networks, government and administration buildings.⁵

As one might easily observe, the five vital sectors dubbed by Douhet roughly correspond to certain physical critical infrastructures, although it is only much later that they will be identified and defined as such.

Historically, one of the first moments in which the vital importance of certain infrastructure components has become obvious was during the Second World War, when the Allies’ false estimation of the role played by certain infrastructures in Germany’s war economy allowed it to continue its warfare production as far as 1944.

Later on, during the Cold War, the ideas that there are certain categories of infrastructures on which national security depended on and that the government’s capacity to ensure their functioning is essential to peace keeping and economic development began to make their way into scholarly debate.



1. Critical infrastructures of the United States of America

Certain developments in American strategic thought that contributed decisively to the present approach of national security should be taken into consideration before discussing the evolution of the concept of critical infrastructures in the United States. For example, even though the notion of *strategic bombing* was initially formulated by an Italian, it was American military experts that substantially contributed to its development by placing the emphasis on the correct identification of *vital targets*, by which they understood key assets of nodal centers in an industrial system or an infrastructure network. These interpretations of military strategy led to the development of the concept of *industrial complexes* or *networks*. It basically stated that modern economic systems were based on complex interdependencies or were made of “interrelated and interdependent structural elements.”⁶

The relationship between various components of a system thus became the major vulnerability of national economies. As a result, a thorough knowledge of an enemy’s vital networks and infrastructure systems became necessary for identifying and exploiting these systemic vulnerabilities. The analysis of these critical infrastructure components was beyond the capabilities of mere soldiers, and required the aid of economists and technical experts. The purpose of such exploits was to evaluate and select “those specific targets whose destruction would paralyze or neutralize the enemy.”⁷

This way of thinking also made it clear to strategic military experts that the American infrastructure systems presented the same kind of vulnerabilities, being equally subjected to the threat of a potential attack, which led to the creation and implementation of defense strategies based on ensuring the protection of those vital parts of the infrastructure. It is worth mentioning at this point that, traditionally, the geographical localization of the United States between two oceans was considered to be one of the main security guarantees of the nation. The naval forces had, therefore, historically assumed the leading role in the nation’s defense strategy. However, with the development of the aviation industry and the perfection of the long range bombers,

this paradigm suffered significant alterations. The need to identify new security guarantees and to ensure the protection of strategic infrastructures by developing new models of infrastructure network to reduce vulnerabilities became evident.

The first attempts to identify the units of U.S. critical infrastructure can be traced back to interwar period, and can be found in the research made by Air Force experts from the Air Corps Training School (ACTS). In 1938, Muir S. Fairchild stated that the key structures of the American economy comprise a number of 11.842 “critical” factories, almost half of which were located on the East Coast of the United States, in New York, Pennsylvania and Massachusetts.⁸ A potential deterioration of these factories or the electric power grid that connected them had the capacity of generating significant pressure on U.S. ability to support a war effort.

The efforts to implement organizational and administrative models to ensure critical infrastructure protection were materialized, however, after the Second World War, when the issue of civil defense of strategic sectors against potential nuclear attacks became a major concern for the administration. It was during this period of time that major efforts were made to identify and classify infrastructure components considered vital to the optimal functioning of the state, “maps” of systemic vulnerabilities were elaborated, theoretical models for measuring the effects of a nuclear attack were developed and emergency response plans for disaster situations were implemented.⁹

In the 1960s and 1970s, these efforts were amplified and became applicable to all administrative levels in the United States, starting from the calamity and disaster evaluation plans developed by city councils, to the energy and transport infrastructures protection strategies of state legislatures and to the federal risk assessment models that evaluated potential damages in case of a nuclear attack. It was during this period of time that system analysis became the predominant method to assess risks and to prepare plans for emergency situations. Quantitative methods were established to measure interdependencies between various structures of the system and theoretical models to identify systemic vulnerabilities were elaborated, such as linear programming, a mathematical method in which the optimal result is obtained from a list of attributes portrayed as linear relations.



By the end of the 1960s, a structure within the *Office of Emergency Preparedness- OED* had been established. The department was entitled the *Systems Evaluation Division - SED*¹⁰, and its main activity consisted of formally analyzing critical infrastructure networks, such as transportation, the national energy sector and communication, whose vulnerabilities could have been exploited by state and non-state actors that did not otherwise have the military strength to directly lead an attack on the United States of America, or that presented the risk to be extensively affected by calamities and natural disasters and could, therefore, disturb the entire system. For example, according to the analysis of American energy experts, the federal electric grids constitute themselves into a “set of relatively compact targets for saboteurs, terrorists, attackers or lightning.”¹¹

As a result of this reality, a national list of facilities that played a key role in the American economy and society had to be elaborated in order to organize and make more the efficient the efforts to protect them. Through such initiatives, in their attempt to define new threats to national security in the framework provided by the Cold War, American government experts were amongst the first to theorize the concept of critical infrastructure. By the end of the 1970s and beginning of the 1980s, the main features of critical infrastructures were settled, and the potential threats that emerged from systemic vulnerabilities were identified. They varied from energy crisis to industrial accidents and terrorist attacks. These new threats were quite different from those possessed by traditional war and even from those of a potential nuclear attack. They could not be anticipated, and their probability of occurrence could not be calculated by classical formulae. This led to the elaboration of new techniques of management and control, aimed at diminishing system vulnerabilities.

By the beginning of the 1990s, the concept of critical infrastructure already constituted a major concern of the Washington administration, and was actively promoted in other federative states such as Canada and Australia. For example, the Canadian definition of critical infrastructure comprises that part of this category are those infrastructure components whose deterioration would have a “serious impact on the health, safety, security and economic welfare of Canadians or on the normal functioning of the government.”¹² Similarly, the

Australian administration regards emergency services as being an essential component of Australia’s critical infrastructure and believed it was necessary to interconnect them into a computerized network for critical infrastructure protection called the *Trusted Information Sharing Network for Critical Infrastructure Protection - TISN*¹³.

It is worth mentioning that, even though the infrastructure components that were considered to be “critical” had been identified and studied since the end of the 1970s, the term of “critical infrastructure” was not used until 1996, when the Clinton Administration issued the *Executive Order for Critical Infrastructure Protection*.

The Executive Order was elaborated so as to implement a set of efficient measures for preventing and countering potential cyber-attacks to critical computer infrastructures of the American nation. It defines critical infrastructures as being a part of the national infrastructure that is vital and whose destruction or incapacity to function properly can seriously diminish the economy or defense of the United States.¹⁴ The Executive Order also states that part of the critical infrastructure sector are telecommunications, the national electric grid, the water supply system, the oil and natural gas sector, the financial and banking system, the emergency services as well as those structures that allow the continuity of governmental functions.

The concept of security of critical infrastructure therefore refers to the protection of those elements that are vital to the economy, the population, the government and, last but not least, to national security. The American perspective of the idea uses the following criteria for identifying critical infrastructure components: the population affected by a disturbance in the network, the impact on the national economy and the costs of rehabilitation, the time needed to restore services, and the impact on the population’s morale.¹⁵ By comparison, the European approach on critical infrastructure uses the following criteria for identifying critical infrastructures: the length and surface of the critical sector, the magnitude and intensity of effects, the probability of being affected by a potential threat and the time frame of effects.¹⁶

By elaborating a legal framework of critical infrastructure protection, the American administration wished to ensure the continuity of services and to remediate in the shortest time possible any



situation that would affect their functioning. In other words, the main objective of the American government was to offer guarantees that any possible malfunction would not be frequent, would not last long and could be solved.¹⁷ To this purpose, the Presidential Commission for Critical Infrastructure Protection submitted, in 1997, a report in which they evaluated the main threats to critical infrastructures in the United States. As a response to the Commission's report, President Clinton issued the *Presidential Decision Directive 63 – PDD 63*¹⁸, aimed at creating national capabilities to administer and protect critical infrastructures. It is also worth mentioning that the Directive included cybernetic and computer systems in the category of national critical infrastructures.

In February 1997 the National Infrastructure Protection Center or NIPC¹⁹ was created. Its main responsibilities were to detect, deter, prevent, evaluate and investigate the illegal use of information technology (IT) methods to threaten critical infrastructure.

The first draft of the National Plan for Critical Infrastructure, which was elaborated during the mandate of president Clinton, defined critical infrastructures as those systems and goods, albeit physical or virtual, whose incapacity to function or destruction would have a major impact on national defense, economic security or on public health and safety.²⁰

After the terrorist attacks of 9/11, the American security paradigm changed significantly and, as a result of this shift, a national strategy for protecting critical infrastructures was elaborated, in order to prevent a similar tragedy to occur again on American national territory. The 13228 Executive Order established the *Office for Homeland Security*²¹, whose responsibilities concerned the protection of the following infrastructure components: the energy sector, telecommunications, the units that produce, use, or store nuclear material, public and private information and intelligence systems, transportation, agriculture, events of national importance, water supply networks and public health systems. One cannot help but remark the inclusion of nuclear facilities, of events of national importance and of agriculture in the category of vital infrastructures, a novel development since, in the previous documents, there was no such reference to the above – mentioned infrastructure components.

Complementary to the provisions of the Executive Order, the Congress ratified the *Patriot Act* and the *Homeland Security Act*, thus completing the legislative framework for ensuring the security of the United States' critical infrastructure. It is worth mentioning that, from the two documents, the *Homeland Security Act* stipulates the creation of the *Department of Homeland Security* and introduces, in addition to the concept of critical infrastructure, the notion of "key assets", understood as those resources controlled by the state or by private operators that are essential for ensuring minimal functions of the economy and of government.²² Although the document does not clearly enumerate the nation's "key assets" and the protective measures for them and critical infrastructures are fairly similar, they are nonetheless perceived as a separate category.

In order to integrate and synthesize the provisions of the above-mentioned Executive Orders, of the *Patriot Act* and of the *Homeland Security Act*, the American Administration issued, in July 2002, the *National Strategy for Homeland Security* or NSHS. The strategy reinforces the definition of critical infrastructures mentioned in the *Patriot Act*, while providing supplementary arguments for the classification of certain sectors in the category of critical infrastructures.

According to the NSHS, the American national critical infrastructure comprises a significant number of sectors, such as agriculture, the food industry, public healthcare and emergency services etc. They all ensure basic services that are absolutely necessary for the survival of the American population. Furthermore, the document argues that government institutions are essential for guarantying freedom and national security, while the defense industry contributes to the growth of the country's capability to prevent external threats. Last but not least, the energy sector, transportation, the financial and banking system and other sectors are important for economic growth and influence the American people's quality of life.²³

Another important aspect for properly understanding the concept of critical infrastructure security lies in promoting public-private partnerships, aimed at ensuring the protection of vital components. As one can easily observe, most of the United States' critical infrastructure sectors are not owned by the state. It therefore becomes necessary that the private operators assume



responsibility for the protection of infrastructure components. The fact that the private sector is taking responsibility for infrastructure protection and thus contributing to national security represent an evolution from the previous security models, in which the state assumed the central role in the field of critical infrastructure protection.

Moreover, it is worth mentioning that the idea of a public-private partnership in the area of vital infrastructure security has encouraging perspectives of development, especially when one takes into consideration that the evermore complex interdependencies established between systemic components make it more and more difficult for a unique, central command station to identify vulnerabilities.

The analysis of new critical infrastructure systems reveals the inefficiency of a traditional security layout, a model that is based on vertical hierarchies. The vertical hierarchies of the traditional framework for understanding critical infrastructure protection was replaced by a horizontal hierarchy, in which the responsibility for the well-functioning of the whole, as well as for ensuring the protective measures of its substructures is dispersed at a local or even at an individual level, without being concentrated or coordinated from a single center.

Not long after this initiative, the Bush Administration emitted, in February 2003, the *National Strategy for the Physical Protection of Critical Infrastructures and Key Assets* or NSPP), which restates the characteristic attributes of critical infrastructures enumerated in the NSHS and defines three new categories of *key assets*.²⁴ According to the NSPP, the United States' *key assets* are: national monuments, symbols and edifices that represent national values and/or traditions, buildings or structures belonging to the economy or to the industrial sector, malls and shopping centers, office buildings and sports stadiums. The document also explicitly nominates nuclear plants and dams as *key assets* of the U.S.

As it was the case with the NSHS, the necessity of elaborating a national strategy for the protection of critical infrastructure had emerged as a result of security challenges determined by the diversity and complexity of all the entities that together comprise the critical infrastructure of the United States of America. The national strategy was designed to facilitate a federal framework of risk assessment.

Before its implementation, the evaluating process of threats was fairly difficult, thus increasing system vulnerabilities. The difficulties mainly resided in the public- private scheme of ownership of U.S. critical infrastructures and in the overlapping authorities and responsibilities of local, state and federal government agencies that dealt with critical infrastructure protection. The National Strategy's main purpose was to create and implement a unitary and comprehensive organizational framework for the protection of critical infrastructures and *key assets*. This framework had to be characterized by clearly stated objectives, a mutual understanding of roles and responsibilities residing in each administrative level involved in the process, and a set of coordinated actions for implementing security measures.²⁵

As it was mentioned earlier, a well-established organizational framework ensures solid foundations for starting off public-private partnerships in the field of critical infrastructure security, without which the existence of efficient protection strategies would be nearly impossible in contemporary society. The National Strategy clarifies the functions of both the public and private sectors in ensuring the security of infrastructure components vital to the development and prosperity of the United States, attributing to each sector a personalized set of responsibilities, according to its management and control capabilities, as well as in compliance to each sector's available resources.

The framework created by the National Strategy was completed by the provisions of the *Homeland Security Presidential Directive 7* or HSPD 7, issued by President George W. Bush on the 17th of December 2003. The HSPD 7 enumerates the executive agencies responsible for identifying, prioritizing and protecting critical infrastructures and defines the roles and functions assumed by each agency within the framework of the U.S. National Strategy for Critical Infrastructure Security.²⁶ Furthermore, the necessity of public-private partnerships for the protection of critical infrastructures is reinforced. Last, but not least, the HSPD-7 mentions the importance of periodically evaluating the "critical" character of infrastructure components, regulating the possibility of including new categories of vital infrastructures and/or *key assets*, in accordance with economic and social developments, as well as with the nation's security needs.



The effort to ensure a comprehensive organizational and legislative framework for ensuring the protection of critical infrastructure has continued relentlessly. As a result, on the 30th of June 2006, the Congress approved the *National Infrastructure Protection Plan* or the *NIPP*, which regulated the procedures for ensuring the security of components and sectors belonging to federal critical infrastructures and redefined the United States' policy in this field.²⁷ The Plan was revised in 2009 and represents an eloquent model of efficient system analysis and risk assessment, reaffirming the importance of critical infrastructure protection in the wider context of national security and the essential part played by public-private partnerships in the process.

According to the *NIPP*'s provisions, the critical infrastructure of the United States has 18 key sectors that can be identified using the criteria of the place and role they play in the mechanisms of American economy, according with the resources involved in their management and the way in which they affect the population. Moreover, the *NIPP* enumerates the institutions that have legal attributions in assuring and enforcing security measures for critical infrastructures, including several Congress commissions, the *Department of Homeland Security*, ministries of identified key sectors (transportation, energy, finance, economy, agriculture, communications, health, education etc.), government agencies, NGOs and private operators. Amongst them, the *Office of Infrastructure Protection* deserves a particular attention. The *Office of Infrastructure Protection* is part of the *National Protection and Programs Directorate* from the *Department of Homeland Security*, an entity that coordinates national programs for the identification, prevention and reduction of risks and vulnerabilities belonging to critical infrastructures. The main responsibilities of the Office are²⁸: identifying and analyzing threats and vulnerabilities, coordinating at both a local and national level of partnerships between private entities and government agencies in the field of critical infrastructure protection, preventing risks and countering effects by ensuring a rapid response mechanism in emergency situations. The Office collaborates with other governmental and non-governmental institutions belonging to the 18 national sectors of critical infrastructure in order to implement federal programs of risk and

threat reduction, ranging from preventing acts of terrorism to alleviating natural disasters, as well as measures for consolidating the state's capacity of rapid response in the event of an attack or in other crisis situations. For each sector there is a so-called *Sector Specific Agency*²⁹ that coordinates the protective measures for the critical infrastructures belonging to that specific sector.

To conclude with, it can easily be observed that the American initiatives in the field of critical infrastructure protection have set new standards, redefining the concept in actual, evaluative and evolving terms. By developing an adequate legislative framework, as well as by transferring a part of the responsibility to coordinated public-private partnership formulae, the United States has ensured the dynamicity of the processes of identifying the components of critical infrastructures, analyzing systemic vulnerabilities, preventing and countering threats.

2. Critical infrastructures in the European Union

The American initiatives were followed by similar actions at a European level, which were determined, to a certain extent, by the terrorist attacks of Madrid (2004) and London (2005). The attacks pointed out, both at the level of individual Member States and at the level of the European Union as a whole, the necessity of configuring a legislative and operational framework for defining, identifying and ensuring the protection of national and European critical infrastructures.

In June 2004, the European Council requested for a comprehensive strategy for the protection of critical infrastructures to be elaborated. As a result of the Council's request, on the 20th of October 2004, a Communication concerning the Protection of Critical Infrastructure in the fight against terrorism was issued. The Council's conclusions concerning the prevention of and the response to a terrorist attack have prefaced the Commission's intention to propose a *European Program for Critical Infrastructure Protection* or *EPCIP*, which was stated in November 2005 in the provisions of the *Green Paper on a European Program for Critical Infrastructure Protection*, *COM (2005) 576 final – 17.11.2005*. The *Green Paper's* main objective was to establish a channel of communication between the governments of



Member States, as well as with public or private operators from various critical infrastructure sectors, in order to revise present opportunities and regulate viable political options for ensuring the security of European critical infrastructures³⁰.

In December 2004, the *Commission of a Critical Infrastructure Warning Information Network* or *CIWIN* was also established. *CIWIN* represented a secured system of information and communication destined to assist EU Member States in the exchange of information concerning the vulnerabilities of critical infrastructures, the measures adopted by each state to reduce them, and the national strategies aimed at diminishing risks implemented³¹. In other words, *CIWIN* was a first concrete step in the process of creating and implementing a European organizational and legislative framework, based on similar principles as its American counterpart, but adapted to the requirements, needs and particularities of the European Union and of individual Member States.

As a part of the *European Program for Critical Infrastructure Protection*, the *CIWIN* initiative approaches the process of exchanging information between EU states in order to assure the functioning and security of those particular infrastructure components that were considered vital to the existence of the European Union³².

To complete these initiatives, in December 2006, the Commission proposed a Directive concerning the identification and classification of European critical infrastructures. The document also stated the need to assess and improve critical infrastructure protective measures, and it led to the implementation of the EPCIP [COM(2006) 786 final] communication, which established the horizontal framework of critical infrastructure protection. Also, the communication proposed a certain structure for *CIWIN* and envisaged a series of steps aimed at facilitating the implementation of the EPCIP in all Member States³³.

In order to reach the objectives of the EPCIP, it was necessary to impose a method of prioritizing essential infrastructures of the European Union, starting from the premise that it would be completely unrealistic for the EU to assume responsibility for protecting all critical infrastructures of its Member States. For this reason, the EPCIP coordinates the protective measures only for those categories of infrastructures that have a transnational character.

The other types of critical infrastructure remain in the responsibility of individual Member States.

The objectives of the EPCIP are: identifying and enumerating, with the help of national governments, all critical infrastructure components located within the national territories of Member States, according to the priorities enforced by the Program; the collaboration between public and private entities within a given sector for the dissemination of information and for reducing the risk of events susceptible of producing major effects on critical infrastructures³⁴; a common, European approach to the security of critical infrastructures.

Other actions taken by the Commission during the same period of time were the creation of a Crisis Management Center that had attributions in preventing terrorists attacks, the implementation of a European rapid response system entitled *ARGUS*, which assured the connection between EU Member States' emergency systems and, last but not least, the allocation of European funds for research and development in the field of security³⁵.

Moreover, due to the existent connections between various sectors of EU critical infrastructure with networks belonging to the near vicinity, the need to cooperate in extended formats when it regarded critical infrastructure protection became evident. Therefore, at the end of 2004 a *Cooperation Agreement in the field of Energy* with Balkan states, Turkey and the Republic of Moldova was signed by the EU. Its purpose was to guarantee a sufficient supply of fuel and energy to all EU Member States. The provisions of the *Agreement* were reinforced by the signing, on the 25th of September 2005 in Athens, of the Treaty that created the *Energetic Community* that comprised Member States as well as non-EU countries such as Albania, Bosnia- Herzegovina, Bulgaria, Croatia, Macedonia, The Republic of Moldova, Serbia-Montenegro, Romania and Turkey.

After a relatively long period of political and scholarly debates, in December 2008, the Council adopted the *114/2008 Directive* concerning the identification and classification of European critical infrastructures, a document that evaluated the necessity of improving critical infrastructure protection. The *Directive* wished to organize, at a communitarian level, the security of EU critical infrastructures. Member States were given the responsibility for this enterprise, and the authority



needed for implementing the necessary security measures was distributed on the basis of the principles of subsidiarity and proportionality³⁶.

Although the intention of the Council was to create a comprehensive document that could eventually lead to a coherent framework applicable to all categories of critical infrastructure, the *Directive* approaches only two fields, namely those of energy and transportation³⁷, defining critical infrastructure as an element, a system or a systemic component, located on the national territory of Member States, that is essential to the maintenance of societal vital functions, of public health, security, social and economic welfare, and whose disturbance or destruction would have a significant impact on the development of a state, due to their incapacity of maintaining certain functions³⁸.

In order to distinguish from national and European critical infrastructures, the *Directive* proposes the following definition of EU critical infrastructures: an infrastructure component situated in a Member State whose disturbance or destruction would have a significant impact on at least two Member States. The importance of the effect or impact produced is evaluated from the perspective of cross-sector criteria resulting from various dependencies of other types of infrastructure.³⁹

Concerning the issue of the security of critical infrastructure, the *Directive* specifically enumerates the following responsibilities of Member States: the nomination of a national contact point whose main task is to coordinate all issues related to the protection of European critical infrastructures; the nomination at the level of individual operators of a “security officer” that is responsible for implementing strategies and measures for the protection of European critical infrastructures; the elaboration, by all operators, of a “Security Plan” that identifies the European critical infrastructure components and presents existent security solutions. These actions taken together comprise a legislative framework for the protection of European critical infrastructures defined, as it was mentioned earlier, as vital infrastructure components whose role and significance is crucial to the functioning of the Community⁴⁰.

As it can easily be observed, the European critical infrastructures consist of a series of interconnected networks, ensembles and systems

whose functioning has cross-border effects on at least two Member States. The interdependency of infrastructures, analyzed at a European level, therefore transcends the principle of territoriality, thus increasing systemic vulnerabilities on account of complex connections established between various systems of national infrastructures, with different degrees of technological development, computerization, and performance. In this context, in the absence of unitary regulations elaborated and implemented at a community level for efficiently protecting the entire EU system of critical infrastructures, the responsibility of Member States in the area of critical infrastructure protection would not be based on realistic assumptions or premises.

According to the European approach, critical infrastructures are comprised of physical and technological installations for information processing, as well as networks, services and other elements whose cease or destruction have the potentiality to produce serious incidents with impact on the health, security and economic welfare of citizens, or on the activities of Member States’ governments⁴¹.

According to the criteria and classifications of the European Commission⁴², the EU critical infrastructures are comprised of: installations and networks for energy production, storage, transport and distribution (gas, oil and electricity); communication and information technology systems (telecommunications, radiobroadcasting, IT programs and systems, including the Internet); the finance and banking systems, capital markets, stock markets and investment funds; the public health system (hospital, blood banks and hematology centers, ambulance and emergency services); the agriculture and food sectors; water supply and distribution networks; transportation networks; facilities for producing, storing, transporting and destroying hazardous material (chemical, biological, radiological and nuclear substances); the public administration sector.

According to some authors, the European approach on the protection of critical infrastructures is primarily based on the analysis of the technological factor⁴³, and the critical level of each comprising part can be determined by a careful analysis of the impact-probability relationship, while, at the same time, taking into account the existent interdependencies between various components of



different critical infrastructure sectors.

The prevalent interdependencies, alongside the extra-territorial characteristic of European critical infrastructures (as opposed to national critical infrastructures), generate a series of specific traits. One of them is that, in a similar fashion to the American model, most European critical infrastructure components are owned by private operators, which implies sharing responsibility between three levels of command and control: the community level, the state or national level, and the individual or private operator level. In order to implement adequate measures of protection it is needed to develop solid public-private partnerships. Another representative trait is that, due to the EU policies for ensuring freedom of movement and for eliminating economic barriers, the interconnection of national infrastructures was accomplished at a high level, which increased interdependencies and, in certain areas, vulnerabilities as well.

The economic and social differences between Member States, the varying degrees in which European regulations are implemented in national legislations, alongside the high cooperation and dependency between Member States can generate additional vulnerabilities of critical infrastructures. For example, when considering the case of a cross-border network, the capacity of rapid response to crisis situations of the network's weakest sector affects the other sectors that are connected to the networks, producing an impact on the entire system. Moreover, the sovereign EU Member States do not have, for the time being, the possibility to ensure the autonomous protection of critical infrastructure, without the regulatory intervention of a super state authority (at the level of the Union of interstate alliances).⁴⁴

According to a *Center for European Policy Studies* (CEPS) report, despite European efforts to define and organize a formal reference framework in the field of security of critical infrastructure, the protective measures adopted by Member States are often fragmentary and uncoordinated, which creates difficulties in the process of implementing a unitary understanding at the level of the European Union of the definition and categories of critical infrastructures.⁴⁵ Moreover, it is fairly probable that, in the event of new expansion waves, within the larger process of European integration, the number of critical infrastructures will increase and, implicitly, through complex connections and

the multiplication of interdependencies, the level of systemic vulnerabilities will amplify.

In a similar fashion to the American approach, the concept of European critical infrastructure is a dynamic one. The European model proposes three criteria for identifying critical infrastructure components, by taking into consideration length or surface, the degree of importance and the effect in time⁴⁶. The first criterion is that the evaluation of the "critical" character of infrastructure components is made on the basis of the geographical area estimated to be affected in the event of the deterioration or destruction of the evaluated structure, as well as the international, national, regional or local dimension of potential damages. The second criterion considers the economic, political, environmental impact or the potential effects on the population, considered in a binary relationship with the interdependency of the component with other infrastructures. The third criterion is represented by the effect in time, which indicates the estimate moment in which the damage or destruction of an infrastructure might have the most serious impact.

As it was mentioned earlier, the identification of critical infrastructures in the EU is the responsibility of individual Member States, whose task is sometimes made difficult by the complex interdependency relations of infrastructure networks, both within the European Union and in the near vicinity, an eloquent example of this phenomenon being that of the gas pipes that connect the EU with the Russian Federation. Because of these realities, the identification, classification, analysis, evaluation and protection of critical infrastructures attempted at a national level cannot be isolated from similar European efforts.

Fragmentary actions in the field of ensuring the security of critical infrastructures, due to a lack of coordination of state initiatives, can have serious consequences in the long run, by encouraging inadequate protective measures, the perpetuation of technological outdated, inefficient or underperforming networks of state infrastructures and, last but not least, the erroneous identification of critical infrastructure components. In other words, if a single state does not fulfill correctly and accordingly its obligations to identify, on its national territory, those specific infrastructure categories that could be classified as belonging to the European critical infrastructure, and does not take the neces-



sary measures to reduce systemic vulnerabilities, to counter threats, to impose security standards and to ensure effective protective measures, the effects of the state's incapacity would become evident, in one way or the other, to all states within the region, the continent, or would be even felt at a global level.⁴⁷

From this point of view, the perspectives of the concept of security of critical infrastructures depend on the availability of Member States to extend their cross-border cooperation in the field of critical infrastructure protection, on the European Union's capacity to accelerate European integration and to soften the differences in economic and social development, as well as on the flexibility, adaptability and response capacity of private operators involved in the management of infrastructure components. A viable and efficient solution to ensure the security of European critical infrastructures is to promote public-private partnerships, by allowing non-state actors that operate in certain vital sectors to assume more responsibility in terms of security, in a similar way to the American model.

Conclusions

On account of the international context created by globalization, connections between various infrastructure sectors have become extremely complex, increasing the interdependency as well as the vulnerability of the system. The major threats to critical infrastructures are both trans-border and asymmetric.

In this context, the states' ability to ensure their protection without an international organizational framework is extremely limited.

At the same time, most of the critical or potentially critical infrastructures no longer fulfill the territoriality condition, in the sense of limitation to a geographical area of one state. As the threats they face, they are cross-border or international. Given this specificity of critical infrastructures, the increase of the vulnerability level of a state "determines one way or another, the increase of the vulnerability of all critical infrastructures in an area or a network".⁴⁸

Similarly, the increase of the vulnerability of an element or a sector from a critical infrastructure system contributes, given the links and the interdependencies existent between its components,

to the enhancement of the vulnerability level of all the system.

In this context, an efficient strategy for the protection of critical infrastructures requires cross-sector communications, a clear vision of the objectives and political involvement not only at state level but also at a regional level. In order to be able to deal with modern challenges, the organizational framework of critical infrastructures' protection requires clarification and strict delimitation of attributions and responsibilities for every administrative level involved in the process. Moreover, this framework must comprise the idea of a public-private partnership that needs to be structured in a way that does not lead to forming "excessively large groups"⁴⁹.

For the identification, analysis, and risk evaluation process to be relevant for all the actors involved in an interdependent critical structures' system, it is necessary to establish and apply a standardization of the criteria used for analysis, *i.e.* to be based on common notions concepts and definitions. By applying these criteria, confusions or erroneous interpretations would be avoided, and the risk of including in the category of critical infrastructure certain components that do not meet necessary characteristics would be diminished, and taking inadequate protection measures would be avoided. At the same time, in order to meet the dynamic, evolutionary and unpredictable characteristics of the concept of critical infrastructure, legislative regulations in this field should have a certain degree of flexibility and adaptation, making it easier to respond to challenges or changes brought by causes from inside or outside the system.

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CONSIDERATIONS ON THE EVALUATION OF MILITARY ACTION IN UNCONVENTIONAL CONFLICTS¹

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Evaluation of military action is a process of interest not only for commanders, but also for politicians and even public opinion. If, in the case of a conventional type of conflict analysis, the problem is relatively simple, in the case of unconventional conflicts, especially stability and reconstruction operations, which are usually long-term operations, the issue of success evaluation becomes particularly complex because of the difficulty of identifying objectives and ways of achieving them, which leads to the determination of weight indicators describing the success of the operation. In this article we analyze the process of evaluation of stability operations, highlighting features of this process.

Key-words: unconventional conflict; military operations; stability operations; evaluating military action; Afghanistan.

Introduction

In any military campaign, commanders, politicians, and the public as well want to know precisely, with different motivations, whether military efforts lead to victory, if policy objectives can be achieved or if taxpayers' money is wasted at the expense of other social sectors. The problem

is relatively simple when analyzing the state of a *conventional type of conflict*, because military theory developed tools to allow achievement of objectives and evaluation of military actions, employing criteria such as area of land conquered or liberated from enemy occupation or the quantity of losses caused to the enemy, both in terms of personnel and armaments and fighting techniques. However, in the case of *unconventional conflicts*, mainly in those where the biggest share is held by stability and reconstruction operations, the problem of evaluating the success becomes particularly complex. The complexity derives from the difficulty in identifying objectives and ways of achieving them, which leads to a thorough process of determination of indicators describing the success. In the case of *stability and support operations*, we can say that it is equally important to define the conditions that can lead to failure or describe this kind of purpose, their physiognomy being always a tricky one, which relies on several induction power tools and effects that are not always easy to see or quantify.

Moreover, unconventional conflicts are, as reality currently shows, of long duration and, therefore, require a firm and constant support from both political tool and the public opinion, whose

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support will always be influenced by progress achieved throughout the course of the military campaign. For example, military operations in Afghanistan have been particularly criticized precisely because the relevant actors involved were unable to demonstrate that the actions carried out in this area of conflict ensure the success of the campaign. At least in the initial phase of the conflict, actions developed to assess the progress of the campaign were virtually ineffective, as shown by a status report done in 2009². As a matter of fact, relevant evaluations could not be done even in the following period, the difficulty consisting precisely in identifying those parameters of status, specific, allowing the construction of a real image on the evolution of the campaign.

Evaluation is at the same time a process, a stage of deployment of military operations and object of study for military theorists. Identifying the best evaluation mechanisms certainly provide materialization of at least two specific principles of armed fight: focusing effort and economy of forces and means.

1. Generalities on evaluation of operations

Evaluation of military action is both a necessary tool to determine at a specific time to which extent were the activities of a military force deployed to perform a task and a self-regulating mechanism of the military operation, by determining the variations of its main parameters, ensuring Planners data and information necessary to adjust lines of operations related to achieving the end state.

Thus, the evaluation process is the core of the activity of a command in the execution stage of the operation, which requires continuous need to find solutions to the problems revealed by the dynamics of operational environment and develop mechanisms for increasing the effectiveness of the military action.

Evaluation of military action is essentially performed by comparing projected operation, materialized in conception and detailed in logical sequences in the operations plan, with the actual situation after the onset of military action, analyzing the different moments that require decision making or harmonization of actions, also determining the effectiveness of employing forces.

Evaluation is a process that develops continuously, being influenced by decisions taken by the

commander in the process of planning, preparation and execution of military action. In this context, the staff works systematically to monitor factors that may influence the results of the operation and to provide timely and relevant data necessary to understand the current situation, thus providing decision support necessary for the commander to formulate practical measures of solving specific problems and design future actions.

Also, by conducting the evaluation, the staff can identify those critical moments in the conduct of operations which have to be systematically monitored and that require decisions, which contributes to achieving the unity of effort and economy of resources. An example of such a situation may be determining when to move from one phase of the campaign to the next, while analyzing how to concentrate the main effort of the action or how to properly adjust the system of relationships between structures participant to the operation.

In an operation, one can identify several aspects that can be quantified, especially those belonging to the material, such as movements of forces and equipment, lubricants or fuel consumption, means of striking effects, but joint evaluation of these actions and effects produced by them remains a difficult task, given the dynamic interactions between own forces, enemies and civilians. On the same pattern signs up as well evaluation of actions aimed at changing the behavior of enemy or civilian population by influencing the human psyche.

2. The evaluation process in stability operations

2.1. Description of evaluation mechanisms

Evaluation takes place at all levels of the full spectrum of operations conflict. As a general rule, the level at which the evaluation is made is identical to the level at which military action is carried out, meaning that this process has relevance to the objectives and the final state at the highest level. In other words, winning battles, clashes at the operational or tactical level, do not always represent a sufficient condition for obtaining victory at the strategic level. Clearly, the evaluation process will be designed so that each structure participant in the operation, regardless the level where it is located, to know exactly what tasks need to be done to

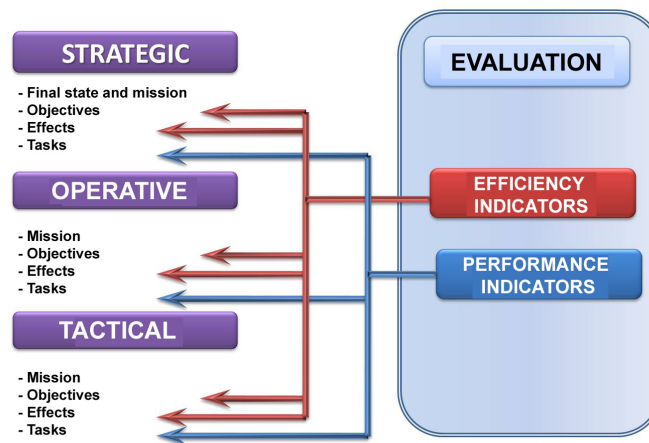


Figure. no. 1 Levels of operations and evaluation process

assess the operation, thus ensuring the consistency and efficiency of the process.

The evaluation process is triggered simultaneously with the analysis phase of the mission and addresses identification of situations, moments of conducting the operation to be analyzed, and how will the evaluation be carried out in order to provide a true picture of the military action progress compared to the effects to be achieved or the objectives of the campaign. For example, during the planning and preparation of the operation, one can assess the ability of military forces to implement an action plan developed strictly on the available resources (without external support) and the assumption of the existence of an operational environment characterized by frequently changing conditions. During the planning process, commanders and staffs must identify relevant actions and measures to assess the operation progress and to include staff estimates and planning guidelines to guide all participants in the action on how they will implement the evaluation.

Also, the staff uses job analyses and considerations on evaluation of the operation in the operational design, which may influence the type and sequence of actions along the lines of operation or lines of effort. During execution, the staff continuously monitors these actions and measures to correct deviations from the course of action designed to allocate, if the situation requires so, additional resources or to delay the pace of action in order to maintain current and future operations in parameters leading to accomplishing the assignment.

Usually, the responsibility for the evaluation process is assigned to operations and planning

structures that are supported by the intelligence structure of the command. The chief of Staff is responsible for ensuring optimal deployment and evaluation process and for obtaining critical information needed by the commander, taking measures to introduce specific activities to the evaluation algorithm in the general functional command system.

Diplomatic, information or economic actions carried by actors in the operational environment, whether they are potential partners, enemies or neutral, can decisively influence actions and the way in which their military objectives are carried out. This imposes the need for a thorough analysis made by commanders and their staffs to determine the impact that the actions of these actors may have on their operations, which adds to the complexity of the evaluation process. At the same time, this requires constant collaboration with all stakeholders, preferably in a common framework previously accepted in order to achieve unified action in the spirit of a comprehensive approach.

The evaluation process includes a series of activities taking place continuously from the start of an operation until its achievement, activities subject to what is intended to be assessed and what is the level of detail of the evaluation. Depending on the situation and echelon that is done, the evaluation may require the preparation of a detailed specific plan and allocating an analysis cell as for stability operations³, or can be run as a mental process to rely solely on the intuition of the commander and staff.

Activities subscribed to the evaluation process are:

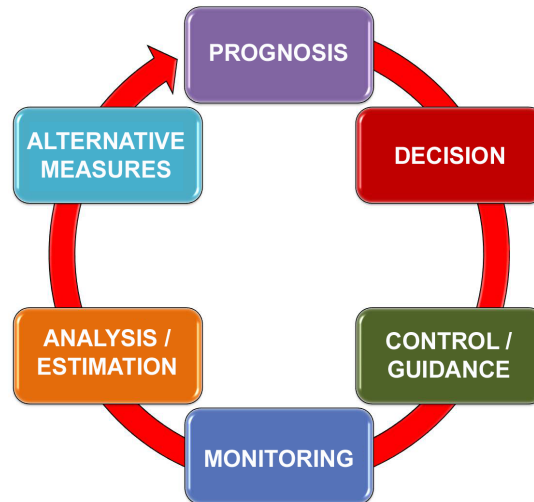


Figure. no. 2 Informational cycle in the estimation process
Source: <http://www.mors.org/>

- a) *monitoring* the current situation to gather relevant information;
- b) *determining the progress of the activities planned (assessing progress)* to achieve specific requirements for the end state or objectives;
- c) *identifying actions* to bring the operation in optimum parameters (*regulation*)⁴.

Monitoring is a continuous process of observation of key moments for the operation and represents the activity that ensures accurate understanding of the situation at some point. If during the process of planning, monitoring of current operations provides the information needed to formulate working hypotheses for future action plans, during the preparation and execution of the operation, the monitoring process provides data on the viability of existing operations plans and highlights potential unforeseen situations that may affect the objectives of military action. Information on the current situation are provided primarily by reports coming from the structures composing the force, to which, depending on the specificity of the task, data are added coming from channels of information from other military forces and local or international civilian agencies in the operational environment.

Evaluation of the progress is based on analysis of information provided by the monitoring process, using specific criteria of analysis of the degree of achievement of the operation (operation progress) under conditions imposed by the need to fulfill the objectives and the conditions that led to this level of progress. Estimation requires identification of those criteria to the actual analysis of the success of the operation for which are defined standards

for measuring the effectiveness and standards of performance measurement.

Thus, *efficiency criterion* is using standards that allow the analysis of the impact of military operations and changes (positive or negative) in the system behavior, in the enemy's ability to execute an operation, or in the operating environment, changes that may affect the objectives or certain effects⁵. At the same time, this criterion provides indicators to estimate if the actions held up to the time of analysis are those required by the real situation. Indicators to quantify the efficiency criterion are more subjective than those of performance criteria and they can be quantitative or qualitative.

Performance criterion is used primarily for monitoring sequences of operations and should provide data illustrating whether the finalized actions were carried out in designed parameters. Measures and actions planned for performance evaluation are integrated in the matrixes of execution of each structure involved in military action to be monitored continuously, being the ones that will confirm or deny execution in proper conditions of a battle task. Usually, it is not a difficult task, because it operates with concrete data, results of completed actions which could be observed directly, at the same time being also closely related to the technical performance of weapons and fight technique and general capabilities of a force structure. Evaluation process and, implicitly, associated quantification criteria and indicators should be relevant, measurable, timely and sustained with resources⁶ in order to reflect properly how an operation is executed.



The relevance of the process is given by the need to identify those indicators of efficiency and performance to enable accurate evaluation of tasks, objectives, effects, decisions of the commander and allowing the objective analysis of factors of operational environment.

Identification before the onset of the military action of indicators and standards for each tactical task and operation phase should allow continuous evaluation during the actions. Indicators can be of qualitative or quantitative nature, but practice showed that the quantity indicators are preferable, because they eliminate substantially any bias during interpretation of data and information.

The appropriateness of the evaluation process should provide the ability to quickly identify changes in the conduct of operations and properly react immediately, through measures and decisions to adjust parameters of the military action.

Providing resources for the evaluation mainly refers to providing resources and personnel for collecting and analyzing information. Specific actions necessary for the collection and analysis of information need to be contained in specific plans and continuously monitored to avoid overlap or duplication with actions of other structures.

2.2. Specific aspects in evaluating stability operations

Evaluation of stability operations is influenced by a wide range of conditions, relevant being the role played by effective cooperation and consultation between the military instrument and civilian actors participating in the operation. Making an algorithm that ensures a common image of how the operation is conducted on the lines of military effort, development and diplomatic will be achieved by consensus of representatives of these areas and may require the establishment of an analysis and evaluation cell to assist relevant civilian agencies.

The biggest challenge in stability operations is the selection of evaluation criteria to allow the rapid evaluations of planned effects to be achieved on long term, which requires the extremely important conditions that assessors' attention to be maintained primarily on campaign objectives and less on activities that support their achievement.

Relevance of evaluation criteria is also a prerequisite for success in the development of the process of evaluation of stability operations. In this context, the relevance is determined by the speed

at which an evaluation criteria and associated indicators can detect the exact modification / change which is intended to be monitored in a given situation.

Planning of data collection for evaluation is carried out jointly by all participants in the operation. Information that is processed by various government agencies, the raw data from international and local organizations, as well as information provided by other sources should be carefully processed in accordance with the evaluation criteria and stored separately to maintain their relevance over time.

Evaluation criteria for stability operations must be based on indicators which should reveal with priority the impact of their activities on the way of life of the population and less on indicators that determine the effectiveness of actions and results obtained immediately.

For example, in order to evaluate the level of security in a particular area of operations to establish the existence of the conditions for launching reconstruction programs, there can be used criteria to describe the following aspects:

- amplitude of conflict – **in which you can use** indicators such as: the existence of unsatisfied wishes for which the parties in conflict will not give up the fight; existence of violent clashes between opponents in the terms of the existence of a ceasefire agreement; existence of factions opposing the peace process; the way in which local authorities are recognized by the population; the level of security of the civilian population, the extent to which human rights are respected; the existence of minorities, potential sources of conflict; level of compliance with law, the existence of criminal or extremist groups, and the connections between them etc.

- economic status – **indicators: existence of** economic problems before the conflict, ongoing operations impact on the economy; the existence of stabilization and reconstruction plans undertaken by the host country or international organization; level of determination of the host country to implement such programs etc.

Conclusions

The effectiveness of the evaluation process is determined by the way in which campaign / operation objectives are set and the success



criteria associated to them. If, at tactical level, objectives and criteria can be established relatively easily, at a strategic level, they require extensive analysis, because of the fact that we have to cover a long horizon of time and they must include all influencing factors specific to conflict.

Physiognomy and current approach of wars adds complexity to the evaluation process. Recent multinational operations revealed the importance and complexity of transition and post-conflict stages for the effective crisis resolution. If the first phases of the conflict belong par excellence to the military instrument, stabilization and reconstruction phases involve a comprehensive approach of all instruments of power. This requires that campaign objectives are formulated and agreed upon by all parties to conflict in order to ensure coherence of campaign and unity of effort among all involved actors and, thus, performance indicators needed to assess the progress of the military operation.

Therefore, the ability of the international community to help maintain a stable security environment depends on its ability to work as a whole, to act appropriately, timely and appropriate, by means to assess the effectiveness of the actions undertaken. The biggest challenge of the moment is given by accurately determining what should be done, and the role of the evaluation process is particularly important at this stage because we have to identify those methods of execution that meet the requirements of all actors that can contribute to solving a conflict.

NOTES:

1 Translated from Romanian by Daniela RĂPAN, expert within Centre for Defence and Security Strategic Studies.

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3 Department of the Army, FM 5-0, C1, The

Operations Process, Washington, DC, 18 March 2011, pp. 6-8.

4 Joint Operation Planning, Joint Publication 5-0, 26 December 2006, p. D-3.

5 *Doctrina planificării operaționale în Armata României*, București, 2008, p. 19.

6 Joint Operation Planning, Joint Publication 5-0, 26 December 2006, p. D-8.

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POLISH SPECIAL OPERATIONS FORCES. HISTORICAL BACKGROUND AND THE LATEST DEVELOPMENTS

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The decision to establish Polish Special Forces Command within Polish Armed Forces was not hasty or dictated by an impulse or a significant event. After taking this step, all political authorities accountable for defining strategy and military authorities responsible for setting directions for Polish Armed Forces development cooperated, as they understood the idea, the role and the tasks of Special Operations Forces within the country's security system.

It is worth underlining that training of the Special Operations Forces Command used the philosophy of gradually achieving the final concept, which is supposed to reorganize the structures and create modular task structures in the prospect of several years or more. It is assumed that completing the plans and tasks to reorganize and modernize Special Operations Forces between 2009 – 2018 will allow increasing the number of Special Operations Forces combat components and significantly improving their combat capabilities and modern battle space effectiveness. The strength of Polish Special Operations Forces will consist of approximately 3% of all military personnel of Polish Armed Forces. Nowadays, the role of politicians is to create the proper environment to accomplish the plans for development, as well as

the constant funding. The funding is much lower compared to the “conventional” Armed Forces, which seem so important in the age of the global, financial austerity.

Key-words: Polish Armed Forces (PAF), Special Operation Forces (SOF), security, capabilities, transformation, doctrine.

Introduction

Special Operations Forces (SOF) are the elite of the modern armed forces in every country. Their legend is based upon exceptional effectiveness, together with the air of mystery and inaccessibility for an ordinary person. The rise of this legend results not only from their perfect technique and equipment, but mostly from the way the Special Operations Forces are deployed in due place and time.

In his book “On war”, Carl von Clausewitz suggests using small troops to seize points decisive for the outcome of the conflict by quick marches and bold assaults¹. Polish military theorist and commander, general Franciszek Skibiński adds: “wage a war so as to incur the smallest loss while inflicting the greatest”².

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1. Polish SOF - from the Second World War to 2005

Polish Special Operations Forces reach back to the times of the Second World War and the glorious traditions of a famous “Cichociemni” formation. It was in Great Britain where the Polish Armed Forces (PAF) had been established. “Cichociemni” were the specially trained soldiers, who conducted special tasks ordered by Staff of the Commander in Chief of the Polish Army and Special Operations Executive (SOE). They were deployed to Poland and other countries occupied by the Nazis, where they had conducted various combat missions. It was Great Britain Prime Minister Winston Churchill who first called this branch – Special Operations Forces. It was also in Great Britain where another unit of this kind was formed – 1st Independent Commando Company. The unit was formed on 20th September, 1942 in the Scottish town of Cupar. The first and only commander was Captain Władysław Smrokowski. Commando Company became a part of 10th International Commando. After training at the British commando centre in Achnacarry, Polish members of Commando took part in operations in Algeria and Italy. They also fought at Monte Cassino.

The special units were deployed on the Eastern Front. In October 1943, Polish Independent Special Battalion was formed. The Polish scouts were tasked to conduct sabotage and reconnaissance (recce) operations behind the enemy lines. The Battalion trained and later deployed 67 sabotage-recce groups. Polish Independent Special Battalion scouts joined Polish People’s Army until battalion’s disbanding. In occupied Poland there were also units such as “Parasol” and “Zośka” Home Army Battalions, which became a part of special operations tradition. Battalion “Parasol” was created in the summer of 1943 under an order of chief of KEDYW (Home Army Diversion Directorate), gen. Emil Fieldorf-Nil. Parasol soldiers became special operations experts. Between 1943 and 1944, they conducted 13 military actions. The best-known PARASOL operations include killing the commander of the prison at Pawiak Franz Bürckel and killing of Franz Kutschera, the Highest SS and Police Commander of the Warsaw District. “Zośka” battalion had its roots in the assault scout groups “Szare Szeregi”. It was formed on 1st September 1943.

After the end of the Second World War, there

were special companies in Polish People’s Army as well as special companies in recce battalions on a division level. Among the most famous units from that time are 56th Special Company, 62nd Special Company and 1st Assault Battalion. It is also worth mentioning that in the mid-1970s, Polish Navy created Divers Research Team, which was restructured into Special Naval Frogmen Groups, better known as Formoza.

The changes taken place in the 1990s in the Polish Armed Forces influenced special operations units, too. After disbanding special companies and assault battalion, in 1993 Land Forces Command formed 1st Special Commando Regiment. Whereas in response to growing threat for the safety of Polish citizens Ministry of Internal Affairs had established Military Unit GROM in 1990.

In conclusion, in 2005 in Poland there were three special units – i.e. Military Unit GROM, 1st Special Commando Regiment, Special Naval Frogmen Groups subordinate to different commands, using different equipment and armament, with various levels of training and readiness for conducting special operations.

2. From 2005 onwards – adjusting to the new security environment

New challenges at the turn of the 21st century, which influenced the shape of the Polish Armed Forces resulted from the political, economic and military transformations in Europe and all over the world. After joining NATO in 1999 and European Union in 2004, Poland changed the way of thinking about national security. These matters were further complicated by global threats connected with tensions and instability caused by international terrorism, weapon of mass destruction proliferation and unpredictable policy of autocratic regimes. Those challenges also resulted from the deep differences in the development and the living standard between rich and poor societies, as well as uncontrolled migrations and ethnic tensions. Another aspect was the influence of negative environmental factors, such as water resources decline, desertification, increasing number of natural disasters and natural resources depletion.

These changes obviously influenced all Polish state institutions dealing with the security, comprising the Polish Armed Forces, Special Operations Forces included. Provisions made



during the NATO summit in Prague in 2002 and NATO Summit in Riga in 2006 could not have been left unanswered. Year 2006 seems to be of special importance, due to issuing of two alliance documents: amended policy of NATO Military Committee on special operations (Military Committee MC-437/1) and publication of so called NATO Special Operations Forces Transformation Initiative (NSTI). Thorough analysis of these documents influenced changes introduced from 2005 to 2007 in the Polish Special Operations Forces, regarding improvements in planning and coordination system and improvement of special units' combat capabilities. As a result of these changes, following Minister of National Defence decision from 10th August 2005, Special Operations Department in the Staff General of Polish Armed Forces was transformed into Special Forces Directorate. Major General Jan Kempara became its first chief. The formation of Special Forces Directorate facilitated to a large extent coordination of training and operational activity of Special Operations Forces units. Immediate superiority of the Chief of Staff General of Polish Armed Forces made the decision process shorter and limited access to restricted information for unauthorized people. The process of operational and specialized training for Special Operations Forces personnel was also initiated, both in the country and abroad. The number of course participants increased and so did the level of operational capabilities of Special Operations Forces officers. Thanks to the suitable structure and properly trained personnel Special Operations Forces Directorate could play a part of "catalyst" and "liaison" among various special units subordinate to different military branches commanders. However, it is fair to admit that Special Forces Directorate was too small (only 20 permanent posts) to perform a "managing" or "commanding" role for the special units. That is why, from the very beginning of its existence, Special Force Directorate attached particular importance to planning and analysis, which would lead to establishing Special Forces Command. Presentation of these efforts became possible while defining main directions for Special Operations Forces development within the framework of defence program for years 2007 – 2012 (Armed Forces planning system worked in six year planning periods then). Regarding the future threats and challenges, the recommendation

for this program was the establishment of Special Operations Forces Command. Planning team recommendations were accepted by Minister of National Defence who, on 25th October 2006, issued a decision on founding Special Operations Forces Command on 1st January 2007. This way, the efforts of many Special Operations Forces soldiers at all levels of command were rewarded.

3. Polish SOF Command - single Service of the Polish Armed Forces

Looking from today's perspective, the formation of Special Operations Forces Command was the beginning of a long and hard way to achieve capabilities to command Special Operations Forces units and conduct special operations. At first, Special Forces Command was deployed to the Bydgoszcz garrison. At that time (January 2007), Special Forces Command had a really diminutive number of posts (about 40 posts). Major General Edward Gruszka (from 2010 Operational Commander of the Polish Armed Forces) was appointed as its first commander.

It is worth mentioning that, although the formation of the new command brought significant changes into the Polish Armed Forces, the most revolutionary change was approving the Command as a new branch of Armed Forces Command on equal terms with Land Forces, Air Force and Navy Commands (as a new single service command). Not less revolutionary provisions concerned the way operational forces being deployed. Only the Special Operations Forces Commander is Force Provider, as well as Force User for conducted operations.

These provisions were also repeated in the National Security Strategy for the Republic of Poland from 24th May 2007 (articles 3 and 13a). Provisions in the act mentioned above concerning Special Operations Forces, were repeated in the National Security Strategy for the Republic of Poland. These provisions confirmed the status of Special Operations Forces within the Polish Armed Forces command system and defined tasks for them. One of the main goals was counteracting asymmetric threats and the necessity to cooperate with other public security institutions. It was also stressed that supporting the development of these forces is crucial in order to employ them in the most effective way³.



The next step was taken in 2009 by releasing sector strategy for National Security Strategy RP (i.e. Republic of Poland Defence Strategy), where the role and position of Special Operations Forces were strongly emphasized. However, one of the most important issues is to determine scope of operations – both in the country and abroad, in times of peace, crisis or war⁴. As far as year 2007 is concerned, it should be stressed that the key objective for the Special Forces Command was taking command over special units. The process was not easy, as it required a number of organizational and administrative changes in previous special units functioning in times of peace and was completed in October 2007, when all special units became subordinate to Special Operations Forces Command. It should be indicated that Polish Special Forces were concurrently involved in conducting special operations in Iraq. From the moment Special Forces Command was founded, it encountered many problems resulting from its weak structure and lack of dedicated command support (including information support) and logistics support elements. These were two main problems identified as future requirements for the operational capabilities for years 2007 – 2012. As a reaction to these problems, a new Special Operations Forces unit was formed on 2nd December 2008 – Special Operations Forces Support Unit. Its main tasks comprise information support, command and communication support, logistic support, armament and equipment purchases. Special Forces Command formation and appointing MG Włodzimierz Potasiński as its commander resulted in establishing widespread international contacts, including those with American Special Operations Command (USSOCOM). It considerably extended the scope of mutual exercises and trainings at the tactical level (Special Operations Forces Units). However, even more important factor, considering education in the field of planning special operations on the modern operations theatre, was training personnel to plan and conduct such operations by Polish Special Operations Forces. The consequence of this cooperation was the Memorandum of Understanding signed in 2009 between Polish Ministry of National Defence and United States Department of Defence concerning establishment of partnership between US SOCOM and Polish Special Operations Forces Command. At the same time, further

Polish Special Operations Forces development had been forged internationally. Poland declared its willingness to join the elite of NATO countries having special operations command capability by forming Special Operations Component Command (SOCC). Initially, the deadline to achieve this capability was set on 2012; later, however, due to numerous operational factors, it had been postponed until 2014. It was entailed with further challenges for the Special Operations Forces, such as transfer from the tactical level (section/groups/teams), i.e. executors to the planning level, i.e. decision makers. It was also meaningful for the development of Special Operations Forces and achieving special air operations capability. Due to the character and small size of Polish Special Operations Forces, a decision was made to place this capability within Polish Air Force as a squadron capable of conducting special air operations by means of both fixed and rotary wing aircraft. The first elements of the Special Operations Squadron (Special Operations Air Task Group – SOATG) are supposed to achieve combat readiness in 2013.

Another challenge, related to attaining allied forces command capability and national level special operations, was the need to provide combat support and force protection. These functions were performed by the Land Forces dedicated subunits, usually airborne or airmobile ones. However, it was necessary to keep the conducted operations secret as well as increase Special Operations Forces combat capabilities thus another combat unit, subordinate to Special Forces Command, had to be formed. Consequently, in June 2011, Military Unit Agat was established. Upon reaching full combat readiness, it will become the substantial reinforcement for the units already in use, taking from their shoulders the burden of tasks connected with combat support, base protection and units' security.

All in all, it is worth noticing that in 2011 Polish Special Operations Forces acquired its final structure, consisting of: three combat components – Military Units GROM, Commando and Formoza and two support components units – combat support Military Unit AGAT and combat service support Military Unit NIL. Special Operations Forces Commander also performs operational command over Special Operation Squadron (SOATG). It must be emphasized that Polish Special Operations Forces development was



defined in details during the process of planning Polish Armed Forces development for 2009 – 2018 (in ten-year planning period, according to the new planning policy as well as allied medium-term planning policy). As a result, “Plan of Special Operations Forces development 2009 – 2018” was prepared. It was accepted by Chief of the General Staff of the Polish Armed Forces and then by the Minister of National Defence.

4. The future of Special Operations Forces

The analysis of trends in Special Operations Forces development in other countries and publication of allied doctrinal documents, especially the latest edition of so called “Capability Codes and Statements” indicates leaving the traditional way of estimating combat capabilities by means of quantity. Nowadays, Special Operations Forces development planners’ attention is drawn to acquiring capabilities, which are necessary to accomplish tasks in a modern, non-linear battle environment and facing asymmetric threats. The same situation applies to Polish Special Operations Forces, which are at the beginning of a long and tedious process of achieving full combat capabilities within the functional areas defined in both allied and national documents. This trend appears to match perfectly one of SOF truths: quality is better than quantity. Especially, if we consider Special Operations Forces ability to maintain the highest level of readiness and to accomplish the highest priority and most difficult tasks, their high mobility and flexibility.

It must be also stressed that “capability” approach will not interfere in any possible way with undertaking tasks defined in “Plan of Special Operations Forces development 2009 – 2018”, but it will allow to maintain the leading role in the field of special operations in the Central and Eastern Europe region. It seems obvious, though, that Special Operations Forces will remain “the Polish specialty” in NATO and the Polish way of development will set trends for other countries building their special operations capabilities. Polish Special Operations Forces can also become a perfect tool in the hands of political and military decision makers to ensure a place by the negotiating table during modern NATO operations. One of the consequences of such an approach might be obtaining NATO SOF Framework Nation status

(NATO SOF FN) and acquiring special operations combat capabilities by assigning Special Operations Component Command (SOCC). This trend resulted in signing in 2009 a strategic cooperation memorandum between Polish Special Operations Forces Command and United States Special Operations Command. In 2011, Polish Special Forces Command signed a memorandum and became strategic partner for Croatian Special Operations Forces in their development, which confirmed the key role of Polish Special Operations Forces.

Conclusions

It is worth remembering that the Polish way of creating Special Operations Forces combat capabilities not only allows for successful conduct of international operations, but also facilitates increasing Special Operations Forces capabilities for carrying out independent special operations. The scope of these operations is: strategic defence operations to maintain territorial integrity and independence, Polish citizens’ evacuation from conflict areas, hostage rescue in Poland and abroad, preventing the proliferation of the weapons of mass destruction and terrorist threat response.

The key to success was not only planning the development, but first of all close and well-timed accomplishment of all connected tasks. At the present stage of Special Operations Forces development, it must be underlined that there are no plans to form new special units. On the other hand, the focal point of changes will move towards obtaining new capabilities in the field of planning and conducting special operations as well as improving combat capabilities of existing units. Probably such trend will be drafted in “Plan of Special Operations Forces development 2013 – 2022”.

NOTES:

1 C. von CLAUSEWITZ, *On War*, Polish Ed., Warszawa 1958, p. 32.

2 F. SKIBIŃSKI, *Rozważania o sztuce wojennej*, Warszawa 1990, p. 24.

3 *National Security Strategy of the Republic of Poland*, Warsaw 2007, p. 25

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OPERATICS IN THE SYSTEM OF DEFENCE SCIENCES (MILITARY SCIENCES)

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If a field of human knowledge and understanding is to be accepted as a science, it is necessary for it to have the following important constituents: authentic object of research, the theory with the coherent scientific facts, method of understanding of own subject and language, i.e. the category device used for communication in the process of learning and representing the research result. These are the necessary constituents of every science. Level of their development defines scientific development of each and every science as well as its place in the system of sciences of certain scientific field.

Operatics is one of fundamental Defence Sciences (Military Sciences) and that is why this paper will deal with its scientific development through its object, theory, method and language in order to determine its position within the Defence (Military) Science System.

Key-words: Operatics; constituents of science (object; theory; method; language).

Introduction

In the last few decades serious discussions have been made concerning the scientific basis of Defence Sciences (Military Sciences).¹ The most fierce polemics arise about whether the Operatics belongs to the Defence Sciences System and whether it has been developed into the defence discipline.

Today there are two different views of defining Operatics. The first view states that Operatics is the discipline of Defence Science and has its place in the whole chain of sub-disciplines: Strategy-Operatics-Tactics. The other view supports the idea that Science of Defence involves two disciplines: Strategy and Tactics. The causes of the different views concerning the role of Operatics should be found in the sphere of general attitude towards military disciplines and their understanding, since even today we cannot find uniform and

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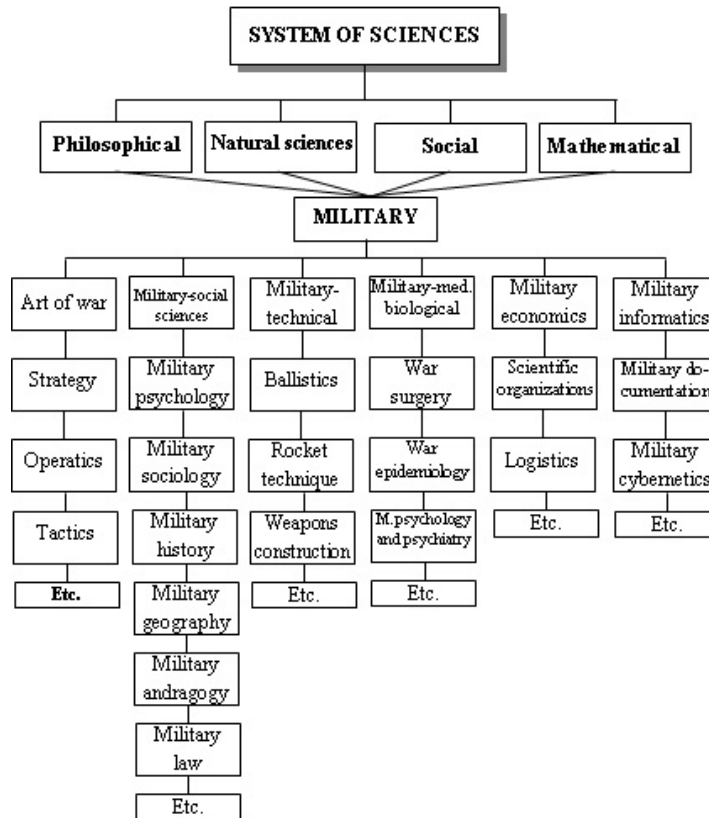


Figure no. 1 – Classification of military sciences³

scientifically verified views relating to the Science of Defence and its contents, topics, its scientific justification, etc.

Human knowledge could be perceived as science only if it contains certain constituents: authentic research topic, theory involving scientific facts that supports it, the cognitive method and the language. These are the necessary constituents we must find in each science. The degree of their development guarantees the degree to which some knowledge is accepted as science and determines its place in the system of sciences falling into certain scientific field.

Operatics is one of the fundamental Sciences of the Defence and this is the reason we are analyzing in this paper its place (status) in the system of these sciences through its subject, theory, method and language.

1. Status (place) of operatics in the defence science system

Research dealing with the status of Operatics as the discipline of Defence Science System, its origin and development, as well as making clear definitions concerning its meaning, create

necessary pre-conditions for defining Operatics as scientific discipline, providing a part of the answer to the basic question raised in this paper.

One of the very important issues emerging in the process of Defence Science development, especially in the process building and shaping its theoretical system, was the issue of scientific bases for Operatics and justifiability of its constituting as a separate discipline, as well as how to insert it onto the System of Military Science (Figure no. 1), i.e. Science of Defence². The discussions about foundation of Operatics as a Defence Science are still going on, which could be witnessed at the scientific conference „The Sciences of Defence - 2011“, held in Belgrade from April 7-8, 2011. The majority of conference participants agreed that the Defence Sciences present scientific system which belongs to interdisciplinary scientific fields and involves the following sciences: Military Strategy, Operatics, Tactics, Logistics in the defence, Military Management and Methodology of Defence Sciences. However, no conclusions were drawn at the conference, which lessened its echo in the direction of further research of the scientific basis and systemic features of Defence Sciences.

Nevertheless, judging by the discussions



from the conference and the existing theory, we can conclude that the differences regarding the definition of the place and status of Operatics in the field of military thought and practice come from different “perception of the Defence Science as science. Without going into a more elaborate discussion of this issue, it is necessary to point out that nowadays there are two different views concerning the issue of Operatics which, with some simplification, are called (1) Russian or Soviet, that ours also belonged, and (2) western or American.

According to the first view, i.e. Russian (which was mostly ours), Operatics (Operational art) is the discipline or part of Defence Science or independent Military Science because it takes its place in the chain of sub-disciplines: Strategy – Operatics (Operational art) – Tactics. Operatics is, hence, defined as scientific discipline (i.e. science) with explicitly defined object (subject) of research, and that is the operation.

According to the second view, so-called American or “Western”, the Science of Defence has its disciplines: Strategy and Tactics. However, many western theorists do not define Defence Science as science at all. Starting from the criterion of task execution they argue that all that is included in the preparation phase is to be dealt by Strategy, while the execution phase is dealt by Tactics. Logistics is also considered the discipline of the Defence Science. It deals with the issues of integral support to units engaged in combat activities and, as such, falls out of logical Strategy-Tactics chain.”⁴ However, it should be stressed here that in the West, too, there is the so-called triple division which is getting more and more popular: Strategy, Operatics and Tactics.⁵ “We can find the confirmation of this in many attitudes in the field of doctrine and recently published papers of military theorists as well as in the field of practice. The ambiguities arise because the term *operation* has been widely used for all types and levels (in the sense of the size and structure of the forces, area, time and objectives) of civilian and military “campaigns”, or it has some other, very particular meaning.”⁶

Immediately after the World War II our country accepted the triple concept of the Defence Science. Operatics is considered the discipline of Defence Science. The acceptance of the triple concept in the theory of Defence Science is the result of

the idea that the constitution of the Operatics into the separate discipline within the Defence Science has found its real source in the practical situations, especially in the fact that the operations have developed not only into the very special, but also into the very complicated category that can hardly be considered as divided between Strategy and Tactics only, i.e. they should be the subject of the separate discipline of the Defence Science. And if some discipline (a certain field of human knowledge) is to be accepted as science, it has to possess the necessary elements, such as subject, theory, method and language. The degree to which they are founded on science defines the place of the Operatics in the Defence Science.

2. Scientific development of the constitutive elements of operatics

The issue of actualization of the Operatics scientific development was a parallel process with the actualization of the Defence Science development. We should bear in mind the fact that the Operatics, as part of the Defence Science, takes over some of its constituents. First of all, they are the language and methods, while other constituents tend to be in compatibility with suitable ones in the field of Defence Science. The scientific development of Operatics can be seen through necessary and sufficient constituents of a science. In this paper we shall deal only with the necessary constituents for the lower degree of science development, and they are: subject, theory, language and method.

2.1. Subject of Operatics

Each science or scientific discipline (Operatics also) is defined by its subject, and consequently can only be constituted after defining its concrete subject. That is why the subject is the most important constituent of science (scientific discipline) about which, or because of which, any concrete science is being developed.

Defining of the subject of Operatics and finding its roots in the science is the starting point in considering its scientific development. On the basis of research carried out so far by the military theorists across the world, we can conclude that the object of Operatics research and Defence Science research, except for some specific cases, has been totally neglected. Some military theorists use the



term *subject* instead of the term *object* (object denoting the contents of the term),⁷ while others think that there is no significant difference between the subject and the object.⁸ As the terms subject and object in Operatics have different meaning and are very important for this paper, there is a need to define their general meaning based on the philosophical and methodological foundations.

There are important differences between the attitudes of the military theorists about the subject (object) of science in general. The differences in understanding of that constituent are related to understanding of the concept of object and its relationship with the science object.

Considering theoretical denominations regarding understanding of the object of science, on the basis of philosophical and methodological postulates, the object of research may be represented is a complex natural, social or psychological phenomenon or process, the existence of which necessarily requires fulfilment of two conditions: (1) the existence of the object in reality independently from the subject's awareness, and (2) the specific relation between the object of reality and the subject. „The practice of human activity is directed towards the object. It assists in its cognition in process of practicing. The object should not be understood as a static entity, but rather as an entity that changes in time and space. The changeability of the object is the consequence of human and environmental impact.”⁹

The degree of object or process objectivity, as object, is caused by its spatial existence, duration, frequency and structure stability. In this sense, a question arises as to how to define the object of operations with the largest possible degree of objectivity.

In order to completely eliminate misconceptions and controversies regarding the object and subject of a science it is necessary to give general definition of the subject on the bases of philosophical – methodological assumptions.

“In every area of human activity, especially in science, one seeks to know the phenomenon where he demonstrates his practical activity. That phenomenon is part of reality that man transforms through practice and understands through his conceptual apparatus. The same phenomenon can be studied from various aspects and in different ways. People usually do not know much about the reality phenomena, but through their activity create

the possibility for learning about them. During practice they encounter certain problems or sets of problems. These problems are within the field of certain object, as part of reality. The object itself determines the nature of the problem. Problems most frequently arise as a result of insufficiently explained experience or, again, experience that contradicts previous experience.”¹⁰

The problem is, “... the question that demands answer, and that answer cannot be seen immediately, it cannot be seen what kind of answer that would be”.¹¹ In certain field man asks a lot of questions. Therefore, problems that the man sets to himself in the process of his practice in a particular field make the essence of the subject knowledge.

“The subject of any science is a complex of new, current, mutually related problems which arise in the process of practical interaction between the man and the objective world. In each individual science the determination of its subject is a function of the practical experience in a certain field of reality, language, methodological and philosophical assumptions, norms for practical activity, and specific ways of data organization.”¹²

The subject of science is in the domain of its object and points to the aspect of approaching the object of the study and the way to solve problems and to find answers to some questions. The subject of cognition is a dynamic category. It changes depending on the solution to the problem. The subject is the result of the practical action of the man. The subject of cognition is a central problem of the certain field. General attitudes about the object and subject offer a strong basis for its concretization in the domain of operations.

A number of military theoreticians often classify the content of the concept “object of Operatics” under the term “subject of Operatics”. Based on the above mentioned attitudes, it is necessary to determine the object and *subject of Operatics* and eliminate the dilemma. The subject of Operatics is defined differently in theoretical works. It can be seen in the following quotations: (1) “Operatics is theory and practice of preparation and execution of operations.”;¹³ (2) “Operatics... deals with studying the preparations and way of conducting operations on land, at sea and in the air ... The subject of its studies are operations of the operational army and territorial defence.”;¹⁴ (3) “Supporting the view in which the subject of Operatics is an operation...”;¹⁵ (4) “Operatics ...



theory and practice of preparing, organizing and conducting of operations.”;¹⁶ (5) “Operational art ... theory and practice of preparation and execution of operations.”;¹⁷ (6) “Polemics on foundation of Operatics as a separate branch (discipline) of art of war have not been completed yet, irrespectively of the fact that operation as its subject and a new form of combat activities...”¹⁸ (7) “Every operation as the subject of Operatics as scientific discipline (it got its name after its subject)...”;¹⁹ (8) “Basic subject of the theory of operational art is conducting an operation in the given historic conditions.”;²⁰ (9) The author of “Istorija ratne veštine” (*History of the art of war*) considers operation to be subject of the operational art.”;²¹ (10) “Soviet General Arušanjin defines operation as subject of the operational art...”²²

Based on the definitions mentioned above, it is clear that there are different understandings of the essence of the concepts referring to *object* and *subject*. The differences in the approaches result from different understanding of the term *armed struggle*, different doctrinaire attitudes of individual countries, different approaches to Operatics and Science of Defence in general.

Accordingly, a question can be posed: what is object and subject of Operatics as scientific discipline of Science of Defence or, perhaps, an independent science. Even in these considerations, various definitions and understandings of operation emerge. They could be, conditionally, classified into two attitudes.

The first attitude was advocated by the dominating group of authors in our profession theory. They claimed that operation is the highest and most complex form of combat activities – armed struggle²³ and as such it is the object (subject) of Operatics, be it a scientific discipline, or a skill (art). It is so-called level-approach to Science of Defence and its subject – conditionally in the sense: Strategy – armed struggle as a whole; Operatics - operations; Tactics – battle and struggle. According to this approach, an operation is the highest level of combat activities representing two combat activities. The operation has two-way meaning, that is, it is conflict between two sides on the highest level. The outcome of the operation is positive for the side in the operation that has partially (or completely) achieved its objectives, and it is negative for the side that has not managed to do that. “Phenomenon (appearance) of operation

can be seen as result of the development of Science of Defence and, especially, technical and technological development which has changed the “image” of war, with an argument that war, as the cruelest social conflict, stopped being reduced to its mere drastic expression – “combat struggle” long time ago, so that it is now waged in all field of human activities where “central combat” as an element for its solving exists no more, and instead of which there is a series of successive operations (battles and struggles, but other means as well) up to final solution.”²⁴

The second attitude, in its essence negates the possibility of identification of an operation in the structure of the phenomenon called armed struggle, and it is actually based on different understanding of combat activities (armed struggle). Namely, this attitude implies that levels of armed struggle (as a two-way conflict) are battle and struggle, while operation is viewed as any kind of engagement of forces at these levels, from preparation to execution. Accordingly, an operation is mounted (planned, prepared and carried out) by the forces irrespectively of their structure or strength. It could be a company or an army – in the sense of the units which is responsible for the process of combat activities. Supporters of this attitude ground their views in Clausewitz’s understanding of art of war, in the works of our (Serbian) military thinkers from the beginning of the 20th century and in their understanding of operation, as well as in contemporary western attitudes towards operation as a “campaign” (engagement) of own forces. In their opinion, a fight is a starting level of armed struggle and it is, in most cases, a phase of the battle understood as conflict between two large opposing belligerent formations with a different level of strength (for example, conflict between a corps and a brigade), who are agent of process and anti-process of combat activities or, in other words, implementers of the objectives (opposing), respective tasks and functions (actions, activities).²⁵

The facts mentioned above clearly show that there is still an open problem, as to whether it is possible, as a precondition for separating and creating new scientific disciplines, to differentiate object (subject) of the Science of Defence – armed struggle by levels (struggle, battle, operation) or in accordance with some other criteria.

Having in mind these differences in conceptual determination of operation, the following can be



emphasized: (1) operation, battle and struggle are forms of combat activities and they have been predominantly dealt with on that ground in the theoretical and doctrinaire literature in our country; (2) a group of contemporary military theoreticians think that struggle and battle are levels of armed struggle. They base their attitude on the precisely defined interpretation of relation between armed struggle and combat activities.²⁶ According to them, armed struggle and combat activities are not synonyms, it is not a relation between general and specific, but it is relation between the whole and its part; they are phrases defining various social processes; combat activities are separate social processes which in themselves represent complex processes of two mutually opposed processes which are in the same time the relations. They are those which create armed struggle, so that is why we can understand armed struggle as relation of relations, that is, an extremely complex phenomenon. Therefore, armed struggle is, generally speaking, theoretical abstraction “constituents” of which are the opposed social processes – combat activities.

Accordingly, if an armed struggle is the totality (whole) of a phenomenon made of two opposed processes of combat activities, struggle and battle (understood as a two-side process) should be understood as two relatively separated items, that is, the levels of armed struggle (not of combat activities). This means that it would be advisable to understand (starting from the criteria of level of forces, space and time of the phenomenon duration) that combat activities are planned, prepared and carried out at tactical, operational and strategic level and that they are executed through combat operations.

The operation understood in this way is the object of Operatics as a science and an art. Within its scope, the subject of Operatics is, on the one hand, a complex of actual and mutually related problems that a man can face in planning, preparation and execution of operations while attempting at understanding the essence of the operation as a concept; on the other hand, it is a complex of linguistic, methodology, historic, theoretical, normative and other problems of current development (the level of its constitution) of Operatics as a science. In this way, the area of the reality to which the expressions of Operatics (Operatics a science) refer and sphere of application of its results have been defined.

2.2. *Theory of Operatics*

Consideration of theory of Operatics is the principal question of scientific foundation of its basic theoretical determinants. Evaluation of its scientific constituency is based on precise philosophical-methodological criteria. In that process, the current condition is considered, as well as possibilities for eventual meeting of certain conditions in the near future. In accordance with the differences in interpretation of the meaning of theory, theory of Operatics can be understood in different ways, which imposes the need for explanation of the term theory and, based on that, starting definition of the term *theory of Operatics*.

The term theory originates from the Greek language meaning “consideration” and “observation”.²⁷ Later, this term has been used in the sense of acquired, recorded and stored human knowledge, regardless of whether it is true. In literature there is no single accepted definition of this term.

Differences in the definitions of the theory are primarily a result of consideration of various concepts. The term theory is used to denote the concept of *general theory*, but also to highlight the concept of *theory in the narrow sense* (the theory of science and scientific theory). The theory generally refers to all the knowledge acquired by contemplative and cognitive activity of people.²⁸ This knowledge about objects and processes are related to nature, human society and the human psyche. General theory includes complete and incomplete, scientific and unscientific, true and false knowledge. It is the result of thinking that characterizes by “... objectivity, meaningfulness, completeness, determinism and logical connection”.²⁹ It does not meet the requirements of science, and, accordingly, is not scientifically based. The general theory is also a contemplative and cognitive activity of many people. It primarily relies on sensory awareness of people (experience), and sometimes loses its logical connection. The theory, in general, is a contemplative and cognitive activity by which people gain knowledge about the world, as well as the knowledge written and otherwise recorded and serve as a support for the promotion of human practice.³⁰

The theory in the narrow sense is based on relatively objective experience and a scientific character. The rational component of human



activities is significantly more frequent than in the general theory. In addition, the theory in the narrow sense is much more systematic and proven so that it allows a deeper action towards the knowledge of reality. It is multiply related to practice. Its contemplative and cognitive activity begins with the detection of a problem in a particular area of reality - in practice. Theory in the narrow sense explains objects and processes, real and imagined, on the bases of previously formulated elements of its structure. It includes knowledge which completely and for a certain historical time and space, objectively reflects part of reality. Thus, its basic quality is dialecticism. This enables the development and adequate monitoring of changes in the related area of reality. Therefore, in the narrow sense, the theory involves contemplative and cognitive activity that people in science to acquire, record and store knowledge about a certain area of reality, and all recorded and preserved scientific knowledge of the relevant part of that reality.

For human society and its practices all true theories regarding the phenomena taking place around man are important. However, it is considered, and in human practice confirmed, that the theory of science and scientific theories are the most important for further development of human practice, just knowing and changing the objective reality and the acquisition of true knowledge of that reality and work processes. Many authors believe that the theory of science and scientific theories are the theory in the narrow sense. These two aspects of the theory is often used interchangeably and are interpreted differently, therefore it is necessary to point out their essence.

Every specific science and scientific discipline has a significant fund of knowledge about its subject, or the part of reality that has been explored, learned and studied within that science. These skills are at different levels of generality. It shows that some sciences are at different stages of scientific development. However, this does not mean that their knowledge is separated. On the contrary, it is within, more or less coherent and comprehensive dependent relationship. This relationship directly affects the whole of science and its theories. For the theory of science, the defining point is the kind of knowledge acquired by contemplative and cognitive activity of people, which is recorded, preserved and continues to be acquired to serve for the satisfaction of certain important human needs. Thus, the

theory of science “includes special contemplative and cognitive activity that acquires, records and preserves scientific knowledge, and all recorded and preserved theoretical scientific knowledge of the subject of science, that is, on the reality of nature, human society and human psyche”.³¹

Similar to science, the theory of science contains a number of theories of specific sciences and their scientific disciplines. Their relation is, most commonly, general – particular - individual. The theory of science, for example, represents – general, the theory of specific science - particular, and the theory of specific scientific disciplines – individual.

Based on these findings, one can easily conclude that the theory of a particular science involves “special contemplative and cognitive activity that acquires, records and preserves scientific knowledge about the subject of this science, or on the part of reality that science explores and acquires”.³² Based on the general definition of theory, it is possible to define the initial definition of the theory of Operatics.

The definition of the Operatics theory is based on general definitions of the theory and qualitative progress of the theory of Operatics through history. The fact that there are different understandings of the theory of Operatics in various countries and there is no universally accepted definition of Operatics has to be taken into consideration.

The theory of Operatics studies operation as a social phenomenon. As it focuses on studying combat actions in operations and operations themselves, it is part of the theory of Science of Defence. To the extent of development of the theory of Defence Science and the theory of Operatics itself, it tends to be a scientific theory. Historical development of Operatics proves it best. There is no doubt that the theory of Operatics has been developed in the professional sense, and that allows the practice of Operatics as a skill. Modern theory of Operatics is the result of scientific and professional approach to solving many problems (such as problems in peace support operations, stability operations, post-conflict reconstructions, and alike). In doing so it appears in the form of recorded, preserved knowledge of the operations in a variety of professional,³³ scientific and military doctrinal documents.³⁴ These skills are the backbone of new knowledge and initiate expansion of issues in this area.



Based on the above, it is possible to derive the initial definition of the theory of Operatics. Thus, the term theory of Operatics comprises all recorded and preserved knowledge of the operation that helps people understand the operation, being a social phenomenon and a part of reality, and direct their practical activity. Broadly, this theory comprises all the knowledge related to other constituent elements of Operatics (theory, method, language, etc.). The above initial definition of the theory of Operatics enables understanding of other related issues. One of the key questions is the one regarding the language of Operatics.

2.3. Language of Operatics

Language is a system of signs as (verbal and written) means of communication and understanding, by which man communicates his thoughts and feelings.³⁵ As a means of communication (mutual understanding), language has a communicative function in the process of acquiring knowledge and presenting the results of research in the certain scientific area and in that sense the degree of its development determines scientific development of some science, such as Operatics.

Language is the basis and the principal means of human communication, and as such must have elements common to all who speak it and communicate in it, the same phonetic, morphological, syntactic and lexical system. The quality of language is reflected in concise and precise utterances, and language variance allows the same content to be conveyed in number of ways in order to avoid unnecessary and unpleasant repetition.

For people to be able to talk and to attend organized talks, especially if they are organized by people with influence in a particular field where special terminology is used, it is necessary to foster appropriate sociolects, or social dialect,³⁶ as the achievement of general literary (standard) language, based on specific characteristics of particular social groups. These classes are formed by education, occupation, gender or life style.³⁷ In this way, a particular language that has features of a functional style is cherished. Some functional styles allow even larger freedom in the vocabulary, giving the meaning to the words that they often do not have, but contribute to some kind of communicating within the limits of such a style. In that respect the language of the armed forces (so called

military language) is known. The manifestation of sociolect brings about a functional differentiation toward “functional styles, which are determined mostly by subject and method of thought, and are of different kinds”:³⁸ (1) conversational language in everyday communication - characterized by the narrow choice of vocabulary (everyday life situations), simplified syntax pronunciation typical of the narrow language environment the speaker belongs to, and which does not have to be confirmed in the standard language; (2) administrative (office) style – using fixed word order, sentences and expressions for that kind of environment; (3) the publicist (journalistic) style – accepted by wider circle of readers (listeners); (4) literary style – for those working in that field of interest (5) scientific (expert) style– in which the sentences are determined by logical thinking, vocabulary of a certain scientific field, and with the vocabulary of particular scientific field. To be able to use scientific language one must be familiar with the standard literary language. For the man to be successful in science, one must know the norms of the standard language. Researchers do not do any research just for themselves but also for those who get to know that part of reality only by means of linguistic evidence about it.

Based on the general considerations about a language, it can be concluded that language is the primary means of human communication. The success of communication lies in respecting of certain linguistic principles, because they provide the linguistic unity of those involved in communication, not everybody can communicate in every field. Given the multitude of different things in human life and activity, different sociolects appear as well as functional styles that reflect the diversity of human interests and the possibility of agreement on them. Styles are usually determined by the subject and method of thought. One of them is a scientific style, in which sentences are subordinate to logical thinking, with the choice of words according to the topic with the terminology of the appropriate scientific field. Within the scientific language system, there are statements that belong to different levels of universality. In this sense, the question is how to determine the level of development of the language of Operatics as a science.

Since knowledge is complete work in which wide public is presented with the results achieved



in an impelling, comprehensive and coherent way, i.e. logical and linguistically correct manner, the language of Operatics in general needs to be addressed. Especially since there are tendencies to neglect language problems in scientific work, or they are considered less important than, for example, the results achieved in a certain field. The fact is that the results in a certain field are the most important, but the way in which they are presented is also important. That is why it is important to discuss the language in Operatics as a science.

Furthermore, it is necessary to be aware of the fact that scientists are educated and have right to their own (scientific) language. It means that the language in a scientific field, in this case in Operatics, cannot be specified, but it can be considered from a viewpoint of clarity and its scientific and linguistic correctness. It should also be considered for the fact that scientific works are written in a language of a relevant scientific discipline, and we have already pointed out that language is the main means of communication, an instrument and object of thought, a meaningful system of signs and expressions in a specific scientific field.

Operatics uses the language of defence. Terminology of Operatics is specific within the language. It consists of categorical and derived terms in the field. Therefore, it is logical that the results obtained in Operatics are expressed – written in a language of defence – the language of Operatics. The basis of the language of defence, within it Operatics (and any science at all), is a standard language. However, the language of defence, i.e. Operatics as a science, has not been developed enough, although it contains a set of specific terms and general linguistic phrases. In addition, Operatics is not a mono-disciplinary science, nor it deals with mono-disciplinary problems either. On the contrary, it incorporates knowledge from many different sciences and scientific disciplines, and the issues of Operatics are mostly interdisciplinary. Hence, the language of Operatics, however authentic it is, is actually interdisciplinary too.

It creates problems as different sciences and scientific disciplines have specific semantics for the same terms. They especially have specific language expressions for thoughts which, when in one science, for example in Operatics, can have different, sometimes opposite meanings. These

problems cannot be overcome by a linguistic doctrine or conventions in Operatics. It is necessary to create the language of Operatics, science of defence, systematically through scientific research as long as this science is finally constituted.

It is logical that a categorial apparatus of Operatics (Science of Defence) should primarily be constituted. Along with the creation of a system of terms, it is necessary, while using already known terminology and constituting new ones taken from the standard language, to create the language of Science of Defence, i.e. the language of Operatics as a science.

In conclusion, language of Operatics is a reflection of thought in the scientific field. It is more of a practical (doctrinarian) language because the meaning of its specific terms is yet to be defined. That is why problems in language of Operatics and Science of Defence often create misunderstandings and differences between authors, in both science and the profession itself. This is why it is necessary to remove epistemological errors and wrong opinions of scientists and give more importance to clarity, precision and comprehensibility of the language of Operatics. Development of the language of Operatics and Science of Defence is closely connected to development of other constituencies (mostly in subject, theory and method of Operatics), and it is often a necessary prerequisite of the development.

2.4. Method of Operatics

Science in its very structure, besides its subject, as an important element, contains a certain method of research, i.e. knowledge of phenomena in a certain field. As a systematic knowledge and research of a certain set of phenomena, every science represents a unity of theory and practice. However, every science represents a unity of theory and method, since scientific theory is a study on a specific type of subjects or their features on the basis of or by means of a certain scientific method. It imposes the need to define it generally on the basis of philosophical-methodical hypotheses.

The word “method” comes from Greek *methodos*, meaning: “way, manner, search... It actually means the way of research, the way of finding truth first of all..., it can be said that method is particular, meaningful, planned process applied in order to reach a goal, in order to complete a task”.³⁹ It is the most general definition of a



method, its rational meaning. We are not interested in this here. A scientific method (development of Operatics as a science) is what matters here, and we are interested to know what the word *method* represents in science.

Different definitions of the scientific method can be found in literature. The differences are not so significant and any of the definitions by famous authors could be accepted.⁴⁰ Still, the most acceptable is the one by B. Šešić, according to which, scientific methods are "... the ways of reaching a scientific knowledge, i.e. manners or ways of theoretical and practical gaining, checking and developing of scientific knowledge".⁴¹

Any thorough analysis of the definition leads to the fact that concept of *scientific method* needs to be regarded in a general and specific sense. In general, the concept *scientific method* is a comprehensive approach to research in a scientific field, as it comprises gaining, checking and developing of scientific knowledge. In a more specific sense, a scientific method is limited to a very specific theoretical or empirical process, e.g. research planning, checking hypotheses, gathering information, data processing, data analysis, etc. In this sense, a method is considerably more limited than a research process. As a rule, a research process comprises more than one method needed to carry out the research.

It is then obvious that the broader sense of the *scientific method* is identified with the comprehensive research process and that it comprises a set of individual methods regarded in its more specific sense. It leads to conceptual confusion (especially in terminology) which methodological theory needs to overcome. The confusion may be overcome by switching the concept (and the term) *method in its broader sense* with the concept (and the term) *research process*. However, it calls for setting up a general approach to research (in our Science of Defence – a dialectical method) at the very start of planning (in "the approach to the problem"), so that it gives direction to the whole research process. In this case, the concept of *scientific method* should be redefined and limited to its so-called more specific meaning.

At the basis of each method, there are rules and norms of truthful thinking (logical part), and in all general and specific scientific, empirical and cybernetic methods, there is a philosophical

(dialectical) part, i.e. vision of the subject of research. Formally, in research project, this can be constituent part of all methods, at the beginning of "manner of research" or at the very beginning of the project – in "the approach to the problem".

Next, every scientific method needs to have the so-called "epistemological", i.e. "scientific-theoretical part" which includes basic scientific-theoretical hypotheses and fundamental knowledge of a certain science, as well as categorical-conceptual-terminological system. In contrast to the previous part, in which the same method does not essentially differ according to the science in which it is used, this part crucially determines which science the method specifically belongs to. Namely, the method needs to adapt to the factual nature of the subject of that science and to its categorical apparatus so as to represent a coherent whole with other constituents (subject, theory, language) of the science. In that way, it becomes a specific method of the science regardless of its multi-scientific application.

Finally, a scientific method includes a technical part. Its purpose is to provide relevant knowledge on specific application of the method (techniques, stages, instruments) in the practice of research. With this part, methods are further specified (adapts them, makes them more precise), depending on conceptual nature of the research subject. It is this part that makes the method especially recognizable (and specific) method of certain scientific discipline or disciplines, and the method of Science of Defence, as well, i.e. Operatics as a science.

Operatics uses the methodology of Science of Defence. The methodology of Science of Defence is characterized by the following: Science of Defence uses methods of research which have mostly been discovered in other scientific fields and it, partly, uses the methods which have been discovered and elaborated by Operatics itself – some of them even crucially (operational research). In Science of Defence, and Operatics as well, research is mostly carried out within a methodologically well-established research process. This can be concluded on the basis of the analyses of most researches projects. However, both the research process and its methods as used in Operatics (Science of Defence) have been developed in other scientific disciplines, considering characteristics and demands of a different subject of research, so they do not completely follow characteristics and



structure of operation as the subject of research in Operatics. That is why, although the research is seemingly methodologically well-established, we can never be sure whether the scientific apparatus give results which could be obtained if everything were based on a conscious insight into the operation as the subject of research in Operatics and on the method which is derived from the subject. We should bear this in mind especially for the fact that method is cognitively the most dynamic constituent of Operatics and the constituent which creative power of research mostly depends on, hence it mostly determines the scientific achievement of the results. Numerous theoretical (logical and epistemological) and practical procedures, techniques and instruments which are used by scientific subjects in scientific research depend on the method.

In its essence, Science of Defence, i.e. Operatics as a science is not a science without a method, but it is still without a specific and authentic method. That is why its scientific status is often being questioned. In Operatics, however, the existence of a completely authentic method is not the main issue. The issue is whether operation can be studied by any methods. The most valuable methods, which possess the highest cognitive power, are most frequently universally applied in various fields of research. The fact is, however, that they adapt to the subject, which partly makes them the methods of science represented in the subject. Thus, all so-called general, specific, and empirical methods can be applied in a research on operation, and it can be said that Science of Defence and Operatics have a method of their own and that they have scientific methods used in research. Scientific methods, within the methodology of Science of Defence, in the context of specific problem solving gain originality through their epistemological part.

Conclusions

Based on the aforementioned, a conclusion can be drawn that Operatics consists of the following constitutive elements: subject, theory, language, and method.

a) The subject of Operatics, on one hand, is a complex of current and interrelated problems that one encounters in preparation and conduct of combat action within an operation as well as

when attempting to comprehend the essentials of an operation as a concept. On the other hand, it is a complex of linguistic, methodological, historical, theoretical, normative and other issues concerning the present-day status of Operatics as a science. This defines the area of reality to which statements in Operatics as a science apply, as well as areas where its results can be applied.

b) In theory of Operatics scientific rules have not been identified and explained so far, but this is not a problem unique to theory of Operatics alone. The situation is similar to situation in other sciences, primarily social ones. For example, both Defence Science theory and Operatics theory are characterised by doctrinal-normative and partitive character regarding different countries and alliances. The partitive character is especially perceived at the lowest level of generalisation - where immediate connection between theory and practice of Operatics is established. This is the greatest deficiency in the scientific constituency of Operatics. However, the broad historical-empirical field provides an opportunity to remove the deficits.

c) Operatics uses the language of Defence Science, but it also has specific expressions and statements related exclusively to its field of reality. There is further specification of the terminology of Operatics, consisting of category-based and derived concepts in its area. There is, therefore, a language of Operatics, that relies on standard language in general and the language of defence science in particular. The language of Operatics, as well as the language of Defence Science, is fraught with numerous problems, but they do not constitute a serious impediment to communication. It provides a certain degree of intelligibility, but needs more exact scientific foundation in the domain of category-based concepts of Operatics.

d) Operatics has its own method, but it has not been theoretically finalised. It uses all scientific methods that are applied in research in general, but they are not sufficiently specified regarding the issues in its scientific field.

The analysis of indispensable constituents of Operatics indicates that it is a scientific discipline still in the process of constituency and developing into an independent defence science, because it already meets the basic criteria for a science at a lower level of constituency. Many of its constituents enable its full recognition in terms of



its status as a science. In most of them, there is significant foundation for elementary constituency of this scientific discipline as a science. Therefore, in perspective, it can be treated as a science having its own place within the System of Defence Sciences.

NOTES:

1 In the last forty years, the syntagma "Defence Science" was more frequently used as the terms Military Science or Military Science System, Art of War, and even (in some military theorists' papers) "Polemistics". After the conference "Defence Sciences - 2011", 7-8 April 2011, Belgrade, which was organized by Human Resources Department, MOD of Republic of Serbia, it was decided that instead of the above mentioned terms, the term "Defence Science" should be used. In accordance, we shall use this term in our paper.

2 Based on the different suggestions given in discussions at the First symposium about military science in 1970 the global structure of the System of Defence Sciences was accepted. This accepted structure of the Military Science System (scheme 1), which is still being used, did not solve any of the serious problems in the field of Military Science (Military Science System). This option, although there have been some positive effects, has shown a number of negative implications (Dmitar ARULA, *Naučna (teorijska) konstituisanost operatike kao discipline ratne veštine (polemistike)*, *Vojna nauka i vojna doktrina - SIMVON-'97*, Institut za vojnostrategijska istraživanja, Beograd, 1998, p. 176; Momčilo SAKAN, *Vojne nauke, Vojna akademija*, Beograd, 2003.).

3 Group of authors, *Metodologija ratne veštine*, CVŠ VJ, Beograd, 1996, p. 24.

4 Dmitar ARULA, *Naučna (teorijska) konstituisanost operatike kao discipline ratne veštine (polemistike)*, *Vojna nauka i vojna doktrina-SIMVON-'97*, Institut za vojnostrategijska istraživanja, Beograd, 1998, p. 188.

5 Operatics is not explicitly specified as discipline of the Defence Science in the western countries although there are some sources stating so called operative engagement of forces. (Lecture of Stuart GRIFFIN PhD (Defence Studies Department King's College London) to fellows of General Staff College at National Defence College of Military Academy, Belgrade, Serbia, 20th February, 2012, topic "*Operatics and operational levels of war*")

6 Dmitar ARULA, *quoted source*, p. 188-189.

7 For more detailed information see: Dušan VIŠNJIĆ, *Pokušaj identifikacije koncepcije ratne veštine i njenih filozofskih postavki, "Savremeni problemi ratne veštine"*, num. 24/1992, Beograd, p. 30.

8 Momčilo SAKAN, *Vojne nauke, Vojna akademija*,

Beograd, 2003, p. 72

9 Stevan LIPTAI, *Teorijska izgradjenost taktike*, CVŠ VJ, Beograd, 1996, p. 112.

10 Attitudes interpretation: Mihailo MARKOVIĆ, *Filozofski osnovi nauke*, SANU, Beograd, 1981, p. 23. (Taken from Stevan LIPTAI, *cited work*, p. 118.)

11 Gligorije ZAJEČARANOVIĆ, *Osnovi metodologije nauke*, Naučna knjiga, Beograd, 1977, p. 169.

12 Mihailo MARKOVIĆ, *cited work*, p. 24.

13 Marin PEKORARI, *Tri grane vojne nauke* (referat), *Vojna nauka*, (zbornik referata), VIZ, Beograd, 1971, p. 363.

14 Stevo ILIĆ, *Podela „ratne veštine“ i sadržaji strategije, operatike i taktike* (referat), *Vojna nauka*, (zbornik referata), VIZ, Beograd, 1971, p. 353.

15 Jovo NINKOVIĆ, *Teorijske osnove operatike*, VIZ, Beograd, 1985, p. 157.

16 *Vojni leksikon*, VIZ, Beograd, 1981, p. 362.

17 *Vojni rečnik*, *Vojnoštamparsko preduzeće*, Beograd, 1967, p. 189.

18 Group of authors, *Teorija ratne veštine* (hrestomatija), CVVŠ OS, Beograd, 1990, p. 150.

19 Slobodan SOFRANIĆ, *Operatika jedinica PVO*, NIU "Vojska", Beograd, 1995, p. 12.

20 Vladimir SEMJONOV, *Razvoj sovjetske operativne*, VIZ, Beograd, 1965, p. 17.

21 Mitar KOVAČ; Božidar FORCA, *Istorija ratne veštine – period 1920-2000*, VIZ, Beograd, 2000, p. 419.

22 *Ibid*, p. 420.

23 «It can be relatively reliably claimed that almost everything our current theory calls "forms of combat activities" can also be called "forms of armed struggle"» (Dušan VIŠNJIĆ, *Pojam oružane borbe*, VINC, Beograd, 1988, p. 107).

24 More details in: Rade SLAVKOVIĆ, *Izgradjenost operatike kao naučne discipline*, (stručni rad), ŠNO Sektor za ŠONID, Beograd, 2001.

25 More details in: Rade SLAVKOVIĆ, *Teorijska izgradjenost operatike* (Ph. D. dissertation), *Vojna akademija*, Beograd, 2006.

26 More details in: Dušan VIŠNJIĆ, *Pojam oružane borbe*, VINC, Beograd, 1988.

27 Radosav ŠULJAGIĆ, *Teorija ratne veštine – naučna izgradjenost teorije jugoslovenske ratne veštine* (Ph. D. dissertation), UVJ, Beograd, 1993, p. 20-21.

28 *Ibid*, p. 20-32.

29 *Ibid*, p. 22.

30 *Ibid*, p. 23.

31 Radosav ŠULJAGIĆ, *Prilog razumevanju ratne veštine*, "Vojno delo", num. 1/1995, Beograd, p. 13.

32 *Ibid*, p. 13-14.

33 For more details about resolving operational problems in contemporary counterterrorist operations see Miroslav TALIJAN, *Bezbednosni menadžment u*



suprotstavljanju i borbi protiv terorizma, VA, Beograd, 2010.

34 For more details see: *The operation process, FM 5-0, US MOD, Department of the Army, Washington DC, 2010.*

35 Ljubomir POPOVIĆ; Živojin STANOJČIĆ, *Gramatika srpskog jezika*, Zavod za udžbenike i nastavna sredstva, Beograd, 1994, p. 5.

36 *Ibid*, p. 21.

37 Ranko BUGARSKI, *Jezik u društvu*, Prosveta, Beograd, 1986, p. 236.

38 Ljubomir POPOVIĆ; Živojin STANOJČIĆ, *cited source*, p. 22.

39 Gligorije ZAJEČARANOVIĆ, *Osnovi metodologije nauka*, Naučna knjiga, Beograd, 1977, p. 17.

40 For more detail, see: Bogdan ŠEŠIĆ, *Osnovi metodologije društvenih nauka*, Naučna knjiga, Beograd, 1978, str. 1; Miroslav PEČUJLIĆ, *Metodologija društvenih nauka*, NU "Službeni list SFRJ", Beograd, 1976, str. 53; Slavomir MILOSAVLJEVIĆ, *Istraživanje političkih pojava*, Institut za političke studije, Beograd, 1980, p. 158.

41 Bogdan ŠEŠIĆ, *Osnovi metodologije društvenih nauka*, Naučna knjiga, Beograd, 1978, p. 1.

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MONEY LAUNDERING, EXPRESSION OF TRANS-BORDER ECONOMIC CRIME WITH IMPACT ON INTERNATIONAL TERRORISM FINANCING

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In the present geopolitical and socioeconomic context, organized crime, money laundering and terrorism have extended their sphere of action at an alarming level, aiming to exploit vulnerabilities of constitutional states and democracy. Most specialists and researchers in the field of criminology believe the source of these actions resides in the perpetuation of political, economic and normative structures that are found lacking, in the support and accentuation of social and economical differences between individuals, groups and communities and in the intensification of social and ethnic tensions and conflicts.

Key-words: money laundering; illegal financial system; tax evasion; organized crime; international terrorism; means used by transnational terrorism to infiltrate the economy.

1. Money laundering, expression of economic and fiscal crime

Organized crime is defined by aggression and violence, an impressive capacity of influence and intervention in order to reach its purposes and protect its interests, flexibility and mobility in regards to control factors, all of which imperils the security of sovereign states and the stability of their institutions, becoming a true braking force for economical, social and political development. The structures of organized crime (sustained by a strong financial force) are very well organized, mobile and strongly anchored in the global underground economy.

Organized crime can infiltrate financial institutions, can obtain control over major

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sectors of the economy through investments, can bribe state officials or even governments etc. The political and economical influence of criminal organizations can weaken the structure of society, collective and eventually the democratic institutions of constitutional states. This criminal influence can undermine the state in countries that are transitioning towards a democratic system.

Economical and fiscal crime includes with pre-eminence actions of fraud at the detriment of companies, state funded, private or mixed capital as well as *corruption*. The social dangers of these infractions should not be underrated, as these infractions are more dangerous than “traditional” crime, having bigger economic and social costs.

At the fundamental level, money laundering is naturally linked to the criminal activity that generated it. Money “laundering” or money “recycling” is a collection of fraudulent economical and fiscal operations, that takes place in multiple stages, having as principal objective the creation of favorable conditions to use and expand profits obtained illegally, as a result of the activity of major terrorist groups or organized crime. The recrudescence of this phenomenon and redirecting the attention towards Eastern Europe have been determined by a series of favorable conditions such as: incomplete fiscal legislation, unadapted for the market economy, at least in the first years after the revolutions; lack of information and means to verify the people who invest capital and the source of the investments; the real need of capital and investors necessary for economical re-launch.

A statement can be made to the fact that countries with developing economies can not afford to be too selective regarding the sources of the capital they draw. However, delaying action against organized crime can be dangerous. The more it is neglected, the more organized crime can become deeper and the social and political costs are serious. The same consequences follow when the financial integrity is affected: there is a direct effect of reduction of foreign investments when the economic and fiscal national sectors are perceived as influenced or controlled by organized crime.

Money laundering, as an expression of trans-border economic crime, is a characteristic of organizations with a high financial and personnel-related capacity, which show ability and professionalism, but also a capacity to permanently adapt to the demands of the “free market”, profiting from the political and

authority crisis of the national institutions, affected by corruption.

There is no generally accepted definition for money laundering. Jurists and organizations involved in its regulation, companies and business people, each state or different group of states based on geographic regions have their own definitions pertaining to their priorities and identified issues. Nevertheless, money laundering has been defined as a process in which funds obtained through or generated by illicit activity are transferred or disguised as to hide the link between the crime and the profits obtained from it. Therefore, the definition of money laundering is more ambiguous than it would be expected. Generally speaking, money laundering can be defined as the process during which cash and other actives obtained from criminal activity is given an apparent legal origin (dissimulation of the illegal nature of the profits).

As part of the illegal actions of crime organizations, *money laundering assures* the appearance of obtaining profits and properties in a lawful way. The practice of hiding the illicit nature of incomes has a long history. 3000 years ago, Chinese merchants used to hide their wealth from the authorities using similar schemes as the ones used presently: converting cash into goods and other property, transferring cash beyond local borders to invest in businesses, selling overpriced goods in order to externalize the funds etc. These actions are in fact *money laundering principles* (hide, move, invest under someone else’s name), as per the current definition of this phenomenon. During present times, these principles have changed. The mechanisms used in money laundering have remained similar.

The phrase “money laundering” has a relatively recent history. The term has been used for the first time with its current sense in the American press in 1973, related to the *Watergate scandal*. The phrase has entered the legal lexicon, again in the USA, in 1982, as part of drug trafficking case. In the ’80s, money laundering was considered an infraction solely in the context of drug trafficking. This acknowledgement is linked to the identification of huge profits generated by drug trafficking, but also to the raised awareness regarding drug abuse. These realities motivated governments to act against drug traffickers by creating specific laws aimed at depriving them of their illegal gains. Government realized that crime organizations, with the help of their huge profits, are capable of



corrupting the structures of the constitutional state at all levels of its hierarchy.

The main point in the process of regularizing of the international juridical status, aimed at preventing, diminishing and fighting money laundering activities is represented by the UN Convention adopted on December 19th 1988 in Vienna. The document defines for the first time the concept “money laundering”, with drug trafficking as the only predicate crime. A year later, in Paris, the representatives of the G7 and the president of the European Commission founded the Financial Action Task Force (FATF), as a multidisciplinary entity formed of law and finance experts, along with civil servants specialized in law implementation. This international body developed and published the “40 Recommendations Against Money Laundering”, setting up the bases of the general framework for prevention and fight against money laundering. FATF defines money laundering as “protecting illicit profits as a way to hide their illegal origin”¹. According to the United Nations Office on Drugs and Crime (UNODC) and the International Monetary Fund (IMF), money laundering can be described as “the process in which an individual hides or dissimulates the identity or illegal origin of income with the intent of presenting it as coming from legal sources”².

Directive 2005/60/EC of the European Parliament and of the Council regarding the prevention of using the financial system for money laundering and financing attempted to harmonize the multiple legal definitions of money laundering originated in different Member States. However, the problem of tax evasion remains untouched. One of the reasons might be the fact the European fiscal system is not unified, functioning on the basis of national sovereignty.

According to the EU accepted definition, fraud is a predicate crime of money laundering, but tax evasion is not. Tax evasion can be a component of the financial and fiscal fraud, which itself is a predicate crime of money laundering in most countries. Based on the legal definition of money laundering and the study of related legislation in different countries, one can ascertain that, in most situations, tax evasion is not included in the definition or the legal framework of money laundering. There is a confusion regarding the terminology that cannot be resolved through the decentralization of decisions regarding the fiscal

system. Tax evasion entails the underestimating of income or overlooking sources of income when declaring them, moment in which money laundering can intervene. One cannot neglect the fact that in numerous countries, tax evasion is the main source of illegal income.

Strictly economically, the definition of money laundering provided by Masciandaro seems to be the most adequate: “money laundering is an illegal and autonomous economic activity, whose essential function is transforming liquidity, the purchasing power of illicit profits, into real purchasing power, used for consumption, saving, investing or reinvesting”³. Meanwhile, money laundering is the process through which the offender tries to hide or dissimulate the illegal origin of profits and/or goods, assuring that he can benefit from the comfort assured by the consumption or investment of these in the legal economy.

Money laundering refers to the results of activities unfolded in the subterranean economy and at the same time is part of “white-collar” crime at an international level, which usually is included in the approach of hidden/underground economy. Based on its definition, the existence of money laundering is conditioned by a collateral crime which generates an increase in illegal profits, which will later be transformed and introduced in the legal economic circuit using the financial system. Offenders have always tried to hide profits obtained through completely illegal activities. The bigger the profits, the harder it is to hide the origins of the fruits of the illegal activity in order to use freely in the legal economy. The unexplained wealth attracts the attention of authorities and even Al Capone was jailed for tax evasion. Ever since, offenders learned that the use of illicit profits could be a weak link and have tried new ways to integrate these profits in the legal financial system.

According to some authors, the approach to organized crime, money laundering and financing of terrorist activities must *include the following common aspects*: using fast monetary transfers or electronic payment services to move illicit funds through multiple jurisdictions; the support of a big variety of criminal activities and offenders (starting from street-level drug traffickers to crime syndicates)⁴.

Money laundering is a process which entails the following *fundamental characteristics*: it usually takes place in three stages (placing, stratifying and integration); it is a process of dissimulation



in which one individual (offender or person who “recycles” the money) tries to hide the illicit origin of their goods; it is a process of conversion or transformation through which the offender can consume, save or invest in the legal economy; it is a process used not only for hiding the illicit origin of goods and property, but also for confer upon them a status of legality; its final purpose is to assure the comfort of the offender (in the view of cited authors).

A money laundering operation must entail three *objectives*: converting profits obtained through illegal activity into a similar form, without any suspicion aimed at their origin; hiding the illicit origin and the ownership status of the assets; creating a legal and plausible explanation pertaining to the origin of the assets. Profits which are not associated with criminal activity can be invested without further precaution, without any worry on the part of the investor or beneficiary regarding any suspicion or possibility of incrimination based on a connection to organized crime.

Money recycling takes place in the following *forms*: recycling funds obtained through illegal commercial activity; pulling out money out of the country as advance payment for future imports, using fake international commerce contracts; transferring funds through the local and international banking system; moving money around through numerous banks in the hopes of hiding their origin; transferring sums as big as hundreds of thousands of dollars by foreign citizens as registered capital for companies founded in Eastern European countries; firms with dubious reliability offering credits of hundreds of thousands of Euros or dollars, with very good conditions, without presenting information on the real source of the money; creating trading companies in the field of gambling etc. Recycling money obtained through organized crime includes the investment of the profits in both illegal and legal activities, which generate new funds that start the money laundering and recycling cycle again.

There is no sole *method of money laundering*. Ways to achieve it include everything from purchasing and selling a luxury item (ex. an automobile or a jewelry) to moving money through a complex international network of legal businesses and “shell” companies (which exist solely as legal persons, without engaging in any actual business).

Money laundering can also be associated

with a significant change in a country’s imports and exports. Offenders often use illicit methods to import luxury goods, which they pay for with either financial resources that have already been “laundered”, either with financial resources that are in the course of being “laundered”. This type of import does not stimulate the national economical activity and does not create jobs. More so, in some case it determines an artificial drop in local prices, diminishing the profit margins of national enterprises.

The way in which money laundering reacts to *fiscal policies* can be easily determined. The tendency of increase in money laundering is manifested along with tax rates reduction and with the reduction or elimination of money laundering regulations⁵. Meanwhile, money laundering can determine an increase in public budget revenue based on the offenders attempt to dispose of “legal” money, which entails the payment of revenue tax (fictitious legal revenue based on businesses like a hotel without tourists, for example), voluntarily declared to fiscal authorities. This way, illegal financial funds become legal by being taxed.

Those implicated in money laundering are on a constant look out for new operational modalities. Because of this, financial centers (growing or developing) which do not employ adequate financial control become vulnerable. The differences between the national money laundering prevention and combat systems are exploited by the offenders, who tend to focus their networks on countries where the fiscal system has not adopted such measures or where the measures are ineffective.

When the funds that resulted in different illegal actions can be sourced to larceny, fraud or embezzlement, a money laundering investigation is often the only way to identify the illegal funds and to return them to the victims. Missing the offender of their ill gained profits is a sore spot because, without a usable profit, the illegal activities cannot continue.

Money laundering enables other illegal activities, is a threat to the functioning of a financial system, but it can also be considered the “Achilles’ heel” of crime. During the investigation of organized crime, the connections based on financial transactions often permit the identification of offenders or of the crime organizations. In order to achieve the effect of money laundering, these

organizations often use a common technique: deposits of “dirty money” (illicit profits) in banks. These deposits often employ hundreds of accounts in banks all over the world, including in off-shore financial centers. Tracing the routing of these funds is very difficult, because obtaining an international search warrant, that enables checking these accounts localized in multiple jurisdictions, can take years. The accidental unmasking of a full circuit is often the result of good luck on the part of the investigators.

In complex associations, with well defined roles and strict responsibilities, the “white-collar” criminals often create diabolical scenarios, which lead to substantial gains, and they have a penchant for the following crimes: fraud and the abuse of trust; abusing their professional privileges; accepting and offering bribery; traffic of influence; falsifying official instruments and their use; forgery in official documents; fraud pertaining to the quality of products by falsifying or substituting them; counterfeiting products; divulging economic secrets; unfair competition; eschewing regulations regarding import-export operations; defalcation; bankruptcy fraud etc.

According to experts, white-collar crime in the field of business often entail falsifying balance sheets in corporation, stock market manipulation, commercial bribery, bribery of public officials, directly or indirectly, fictitious insurance, selling counterfeit goods, fraud and illegal management of funds, tax fraud etc. The complex circulation of money which is more or less “dirty” oftentimes permit the use of such funds by terrorist organizations.

The lack of regulation in the field of money laundering prevention and fighting affects the economy of a country through international commerce and international capital flux. Illicit capital output coming from developing countries is facilitated by local or international financial institutions, offshore financial centers, but also internationally renowned financial institutions (New York, London or Tokyo stock markets). Because illicit capital output misapplies the already dim resources of developing economies, international money laundering contributes to the discouragement of the developing of these economies. Nevertheless, there is few conclusive evidence that demonstrates that asserting policies which prevent and fight money laundering and the financing of terrorism is followed

by an increase in international capital flux in states/ regions where regulations are more less restrictive. Furthermore, we believe that the trust placed on a country’s financial institutions by foreign investors and financial institutions is much more important, because the level of trust influences the decision making process regarding investments and the circulation of capital.

Beyond the protection of financial institutions against the negative effects of money laundering, the adopting of policies with prevent and fight money laundering enforce good practices in the field of finance, extremely important for developing fundamental institutions. Some of the strategic principles of prevention and fighting against money laundering and financing of terrorism (ex. the “know your client” rule or strict internal control) are fundamentals of prudential, control and regulation in the banking system.

In Romania, money laundering is regulated and sanctioned by the *Law no. 656/2002*, for the prevention and combating of money laundering, as well as for the establishment of measures to prevent and combat the financing of terrorist acts, supplemented by *Law no. 230/2005* on the extension of the sphere of persons and institutions that are obliged to report any suspicious transactions to the National Office for Prevention and Combat of Money Laundering. In 2011, taking into account the recommendations included in the Moneyval Report – Council of Europe for the third round detailed assessment of Romania in the field of combating money laundering and financing of terrorism, these laws have been amended and supplemented by *Law no. 23S/2011*, a normative act that brought important additions to the national framework in this area.

2. The impact of money laundering in the financing of international terrorism

Terrorism is an act or a threat of violence against one or more persons which create(s) an atmosphere or fear or terror. Through its spread and danger, terrorism has become the thorniest global problem, at the center of debates withing the international community. Even though the aim of terrorist activity is not financial, terrorist actions are based on illicit funds, obtained through means specific to organized crime: drug trafficking, larceny, theft, bank fraud, online fraud etc.



The actions of trans-national organizations which induce panic and cause material damages to an entire nation are an old and well-known phenomenon. The anarchist movement of the late 19th century are a relevant example. Later, the 1960s and 1970s brought an increase in separatist movements and terrorist groups whose actions have been motivated by ethnic reasons. At the beginning of the 1980s, religious terrorism severely heightened, especially regarding extremist Islamist movements.

The International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations, notes that the prime objective of a terrorist act is to “intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act”⁶. A terrorist act implies the deliberate use of violence against civilian targets with the intention of installing terror in the population, governments or international organizations, such actions usually being associated with a political motivation.

In Romania, Law no. 535/2004 regarding the prevention and fighting of terrorism defines, in its 2nd article, the notion of terrorism as “an ensemble of actions and/or which are considered a public peril, having the following *characteristics*: they are the result of intentional actions of terrorist entities, motivated by extremist beliefs or attitudes, hostile against other entities, against which they act through violent and/or destructive ways; their purpose is the realization of specific objectives, of political natures; they include human and/or material factors regarding public authorities and institutions, the civilian population or any other segment which belongs to these; they produce a powerful psychological impact on the population, meant to draw attention on their purposes.”⁷

According to article 3 of the same legislative act, terrorist acts have a trans-national quality: “they take place on the territory of at least two states; they take place on the territory of one state, but a part of planning, preparation and control takes place on the territory of another state; they take place on the territory of one state, but implicate a terrorist entity that is active on the territory of another state; they take place in one country, but have substantial effects on the territory of another state”⁸.

The actions of terrorist groups are considered crimes and are sanctioned as such if they fulfill at least one of the following conditions: they

have a violent nature, they produce state of fear, panic, uncertainty or terror for the population of governments; they gravely affect the human and material integrity of individuals and society itself; they aim to realize politically based goals, by forcing the public authorities/an international organization to adopt decisions in the favor of the terrorist organization.

Generally, the main objective of terrorism is to intimidate the population/the governments or to coerce a government/international organization to do or abstain from doing certain acts, based on ethnic or religious motivations. Such actions are very rarely motivated by the personal choices of one individual. Therefore, terrorist actions are not motivated by profit, as other organizations implicated in organized crime.

The economic theory which refers to terrorism starts with the premise that terrorists are rational entities. In essence, they are looking for a redistribution of power and financial resources which cannot be attained within the state of law. Terrorism pursues the destabilization of the economy and politics of a country, but also the publicizing of political and religious ideologies. In the long run, terrorists aim to impose their convictions. As long as the marginal profit of terrorist activities exceeds the marginal costs, terrorism will be chosen an instrument to reach particular goals. On one hand, the individual behavior, the group dynamic and the environment of terrorists contribute to the explanation of the phenomenon, because all these factors are irresolubly linked to the proximal costs of terrorism. On the other hand, terrorists and their supporters are influenced by specific national factor, that can encourage or discourage terrorist acts, reflecting the cost-benefit balance of the environment of terrorism. For example, during times of economic recession, the costs of manifesting violence can be reduced, which leads to the a worrisome escalation of aggressive behavior, while during times of economic prosperity the proximal costs of violence rise, making it manifest in a much smaller manner.

Terrorism generates enormous costs. First of all, it generates *direct costs*, objectifying the human victims and material damages. Secondly, there are *indirect costs*, pertaining to the economic and political situation of the moment. These correspond to the immediate goals of terrorism, economical and political destabilization. According to most

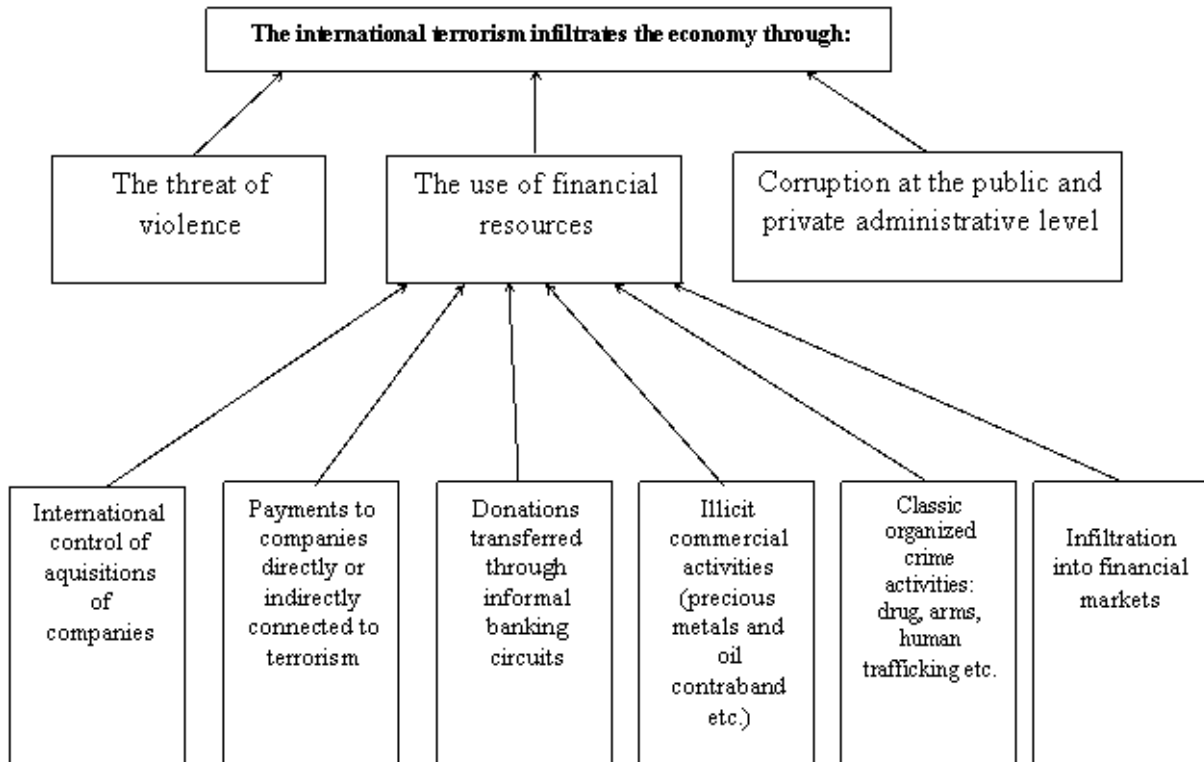


Figure no. 1. Means through which international terrorism infiltrates the economy¹¹

authors, the phenomenon of terrorism influences international commerce, the financial flux, tourism and also the development of certain segments of industry. For example, in Israel, because of constant terrorist threats, financial resources are primarily used in the military industry, to the detriment of the other non-military branches of the national economy. Terrorism also has *political costs*. Terrorist actions amplify the risk of changes in government, can influence the formation of political coalitions and also the electoral behavior of the population (at the very least, of a segment of the population). Furthermore, there is a risk that the governments of states affected or targeted by terrorists will impose certain measures, legislative or of a different nature, that sooner or later will produce human right violations or impair civil liberties.

The financing of terrorism is defined by the World Bank and IMF as “financial support, in any form, of terrorism and of those who encourage it, plan it or are involved in terrorist acts”⁹. According to the FATF, the typology of the money laundering and terrorism financing processes must include the following elements: the predicate offense and other connected crimes; the host country and its status as part of a geographical region; the implicated

financial sector; the degree of development of the financial market; weak points or vulnerabilities of systems designed to prevent prevention, diminish and fight money laundering and terrorism financing. The final purpose of terrorism is not obtaining profits by gathering funds.

Terrorism financing is different that the classic process of money laundering. In the case of money laundering, the revenues of the illicit activities are “cleaned” or disguised through means that are aimed at creating the appearance of legality and the final purpose is usually monetary gains. In the financing of terrorism, the source of the funds is often “legitimate” and the final goal is not necessarily attracting more funds. The main sources of terrorism financing are: the financial support given by states or organizations large enough as to collect and offer funds to the terrorist organization; the so-called sponsor states of terrorism have faced a strong decline in the last few years and, according to experts, have been gradually replaced by different means of support; indirect gains out of activities that generate revenue.

The organisms implicated in the identification and tracking of terrorist funds have released publicly a list of institutional constraints which must



be overcome for the efficiency of the fight against terrorism financing¹⁰. The following are needed: a complete and complex analysis of financial transactions, that obligates the personnel of the implicated institutions to collaborate with accountants, bankers and financial experts; the analysis of reports pertaining to suspect activities and the sharing of relevant information between the Financial Intelligence Units of different countries/regions; the dissemination of information on a local level, because terrorist organizations also partake in actions specific to organized crime; the process of gathering relevant data and information about terrorism financing also entails a level of government cooperation at the institutional level to assure local and international financial integrity. Al-Qaeda is a terrorist network with strong international links that has focused particularly on theaters of operations (in different states) where it had the capacity to easily and rapidly manage the available funds. All the operations of this network have been guided by a particular cause, religion. This terrorist group has also been a source of inspiration for other contemporary terrorist organizations.

As in the case of criminal organizations, the revenues of a terrorist group can be obtained through illegal activities. When analyzed from a purely technical perspective, the methods employed by terrorist groups in order to obtain financial resources differ in some ways than the ones used by organized crime networks groups (Figure no. 1).

Terrorism financing mechanisms have evolved in an explosive manner following 2001, through infiltration in the global, formal and informal financial system, which terrorists can easily manipulate¹². In this context, the actions of financial intelligence agencies, but also those of secret services, when employed in the fight against the financing of terrorism should combine the efforts and expertise of specialists from different fields. The situation requires the detection of specific indicators and trends regarding this phenomenon. Identifying and collating such information is a challenge for international cooperation mechanisms. Only in this way, can a panoramic view be obtained of the puzzle created by the financing of terrorism and circulation of the financial resources of terrorist groups.

Terrorists use multiple types of financial resources, dependent on the motivation of the

actions, the *modus operandi* and the resistance against legal regulations. Other times, legal financial funds become “dirty” through their use in committing crimes connected to the preparation or accomplishment of terrorist attempts or attacks. It has been established that the attacks of 9/11 have been facilitated by the lack of an adequate financial control system, that allowed the terrorist group Al-Qaeda to send and receive funds anonymously and secure the necessary financial means to carry into effect diabolical plans.

The important position of Al-Qaeda in the international business world can be underlined especially through the financial-banking perspective. The Islamic Bank Al Shamal was the “collector” of funds, as the companies owned by Bin Laden used accounts managed exclusively through this bank. Furthermore, the correspondent bank relations of Al Shamal involved exclusively internationally renowned banks (CityBank), which explains the ability of the terrorist network to transfer financial funds rapidly and without any obstacle in any part of the world.

Informal money transfer systems (ex. Hawala) have been another important factor in sustaining Al-Qaeda’s ability to transfer funds, but also to generate them. Hawala (Hundi), which signifies “trust”, is an informal payment system. Its exact origin remains unclear, but it apparently originated as a means to finance commerce (Silk Road) at the beginning of the Middle Ages. Hawala is mentioned in the 8th century in Islamic texts. In the present day, Hawala is utilised mostly by immigrant workers to transfer funds back to their country of origin.

The line that separates the different activities, essentially criminal, is becoming less and less well defined as the terrorists engage in different criminal acts and cooperate with offenders to obtain financial resources, arms and explosives. Similarly, criminal offenders use terrorist techniques and tactics and practice violence, with the stated purpose of obtaining profits. Both types of groups (organized crime and terrorism) use phantom companies and the facilities offered by tax havens.

The effect of terrorist attacks and using new directions of action regarding money laundering leads to the need to change and actualize the regulations and strategies to combat money laundering, corruption and international terrorism financing, at the national, regional and international level, in order to limit the risks posed by all three criminal phenomena. In this context,



terrorism is a grave threat to peace, security and economical development for all the countries in the world, irregardless of each of their roles in the contemporary security environment and terrorist groups are forced to rally around organized crime to ensure their financial and logistical resources, to attack, but also to hide.

In Romania, terrorism is framed in the category of national security threats through Law no. 51/1991 on national security. Subsequently, by Law no. 14/24.02.1992 on the organization and functioning of the Romanian Intelligence Service, preventing and combating terrorism becomes a responsibility of this service. Also, for combating terrorism, Romania has undertaken effective international campaigns against terrorism, including through military participation, which is a major milestone of the Strategy of National Security of Romania. Romania also acted and will act within NATO, the European Union and other international organizations, in the promotion and consolidation of democracy, the support of foreign governments and security and defence institutions in the fight against terrorism, participating in multinational operations, complex assistance in the process of prevention, combat and post-conflict reconstruction.

Conclusions

After a careful analysis of money laundering and the impact it has on the financing of international terrorism, we believe at least the following conclusions can be drawn.

The institutions of the financial systems of developed countries allow for the build-up of capital resources originated from their own economy or funds from foreign countries, resources allocated to investment project, which generate sustainable economic growth, while money laundering block the build-up of these important financial resources (first of all, money laundering erodes the structure of financial institutions a direct link has been often identified between this phenomenon and the fraudulent activity of some employees and secondly, the risk perceived by the investors regarding fraud and institutional corruption is an obstacle in maintaining the relationship of trust between clients and financial institutions).

At the level of the government, in developing countries, entire financial institutions are vulnerable

to acts of corruption initiated by criminal elements which aim to gain a bigger influence on money laundering channels.

The negative effects generated by money laundering on economic growth is difficult to quantify, but it is evident that such actions affect all of the public institutions in the financial sector, because the manifestations of money laundering produce critical effects on economic development, reduce productivity in the real economy, hijack financial resources, encourage corruption and crime.

Money laundering has negative effects on the real economy as well, because the hijacking of financial resources and their orientation towards less productive activities, through the fostering of corruption and organised crime, diminished the rate of economic growth, positioning the affected economic in antithesis with the principles of sustainable economic growth.

The functional connection between terrorism, organised crime and money laundering has gained a new dimension in the last few years, based on the reduction of sponsor state and on the USA's offensive against transnational terrorism, as terrorism has become a global problem and the efforts to stop its financing have outgrown national borders.

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THE ROLE OF THE SECURITY COUNCIL IN THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

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The idea to solve disputes through peaceful means is not new. The actions of the international organizations add to the efforts made by the states that in any dispute between them to be no place for force and power, but only for persuasion and reason. In the center of the preoccupations of the international society, the values of peace and security have a privileged place, both in the sense of their actual materialization, and, especially, in guaranteeing and promoting them.

The rapid evolution of the international society reveals a climate of turbulences, of increase of the risk factors that, by aggregation, may lead to the emergence of disputes.

The paper aims to analyze in an interdisciplinary manner the role that the United Nations Security Council has in maintaining peace and security. For this purpose, a great attention will be given to the study of the functions and procedures made in this sense.

Key-words: International dispute; security; international organization; Security Council; procedure; functions.

Introduction

The principle of the pacific settlement of international disputes and the actual means for solving them are the result of a long historical

evolution of the relations between the states and of the development and improvement of the institutions and norms of international law, representing one of the fundamental principles of international law.

The Security Council had and will have an important role in promoting the peaceful regulation of disputes, to the extent to which the member states, especially the permanent members, have collaborated to allow the Council to act in order to find solutions convenient for the legitimate interests of the states in conflict.

The most important norms that form the content of this principle are the obligation of the states to settle their international disputes only through peaceful means and the free choice of the solving means.

1. Conceptual outlines

The dispute represents a misunderstanding or a disagreement declared between two or more states regarding a right, a claim or an interest or, according to the Permanent International Court of Justice, “a disagreement over a matter of law or of fact, an opposition of judicial thesis or of interests between states”.¹

In another meaning, in the UN Charter and other international documents, together with the no-

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tion of “dispute” also appears the concept of “situation”, the latter with a broader sense: as a state of facts “that could lead to international frictions or could give rise to a dispute” (art. 34).

While the dispute represents a misunderstanding or a disagreement declared between two or more states regarding a right, a claim or an interest, the term situation expresses a state of facts that could give rise to a dispute. In addition, while the object of the dispute is, generally, precise and outlined, the situations imply more complex interests which trigger the concern of a larger number of states.

The distinction between the notions of dispute and situation, which could seem conventional, has importance from the viewpoint of the qualification of the states of law and of fact subjected to the pacific settlement. Or, in this regard, article 1, para. 1 of the Charter clearly shows that among the goals of the United Nations is that to achieve, through pacific means “the adjustment or settlement of international disputes or situations which might lead to a breach of the peace”.²

The peaceful means for settling international disputes are divided into three categories³:

- peaceful means without jurisdictional (diplomatic) character – talks or negotiations, good offices, mediation, investigation and conciliation;
- peaceful means with jurisdictional character – arbitration and mandatory jurisdiction;
- the procedure for settling disputes between states by means of the international bodies and organizations.

The participation of the international organizations to the process of solving international disputes does not substitute for the efforts of the parties in conflict to settle it themselves, resorting to the peaceful settlement method at their disposal.

In stating the principle of the pacific settlement of disputes, the entering into effect of the UN Charter represented, through its nature of international treaty, a crucial moment.

The principle of the pacific settlement of international disputes was restated in a significant number of UN documents, as well as in documents belonging to other international organizations, among which, in order to define the content of this principle, we remember the Declaration regarding the principles of international law with respect to the friendly relations and the cooperation between states, according to the UN Charter (Resolution of the General Assembly no. 2625) and the Declaration

of Manila on the pacific settlement of international disputes, adopted by the UN General Assembly on November 15th, 1982. This principle is preset in some multilateral treaties and in other documents with this character agreed by the states⁴, as well as in bilateral agreements.

2. General considerations regarding the role of the U.N. in the settlement of disputes

The types of disputes that may occur within an international organization, and which are the most numerous, relate to the relations between the organization member states. They emerge when two or more member states are opposed, in relation to the interpretation and application of the organization’s constitutive act or when a member state is in conflict with the respective organization.

In the activity of international organizations there can also occur other types of disputes, out of which we mention:⁵

- a) those that may emerge between the different bodies of an international organization and which usually refer to competence conflicts;
- b) those that may emerge between different international organizations with similar profile, regarding, also the outlining of their competence;
- c) litigations between the organization and individuals, specific to integration organizations;
- d) disputes between the organization and its clerks or agents.

Considering the framework of this paper, we will refer only to the settlement of disputes or situations between states by means of international organizations, respectively within the UN.

The pacific settlement of disputes is registered among the UN goals, which, according to art. 1, para. 1 of the Charter, “to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”. According to the Charter, the UN member states have, therefore, the obligation to settle their disputes only through pacific means, being able to choose the solving manner, but, however, taking into account the fact that the disputes of legal nature are subjected by the parties to the International Court of Justice.⁶

According to the UN Charter, the disputes in whose settlement the UN may intervene can be



regulated in two ways: through peaceful means or through coercion. In general, the UN, by means of the General Assembly, may discuss any problem regarding the preservation of international peace and security⁷, may invite the parties to the dispute, through the Security Council, to settle the dispute peacefully⁸, may investigate, also by means of the Security Council, any dispute or situation that could give rise to a dispute (art. 34) or may recommend to the parties to the dispute the most suitable settlement procedures or methods.

In principle, except for the disputes of a legal nature, subjected to the jurisdiction of the International Court of Justice, the UN does not solve itself, directly, the disputes between the member states. They end at the moment when the parties involved accept the solutions indicated by the organization or otherwise directly agree on their settlement. The final goal of the UN being the preservation of peace, the organization acts proposing measures to favour the regulation of disputes or which to avoid their aggravation.⁹

In what concerns the matter on which is exercised the UN competence, the Charter establishes in several dispositions that its bodies are competent to the adjust or settle not only the international disputes, but also the “situations” which could lead to a breach of peace or could even endanger international peace and security. In other terms, the United Nations is empowered through the Charter to act in order to end the disputes between the member states, but also to end the situations that could give rise to a dispute, in the cases when the prolongation thereof could endanger the preservation of international peace and security.

It is derived from there that, in principle, the UN does not intervene except when a dispute is serious, when it is susceptible of threatening international peace and security. This does not mean that, when notified by the member states, the organization cannot also intervene in settling disputes that appear of lesser importance.

In what concerns the parties to a dispute that can be subject to UN settlement, from the provisions of art. 2 para. 6, corroborated with those of art. 35 para. 2, it is derived that the United Nations can regulate not only the litigations occurred among its members, but also those in which are involved states which are not UN members, on condition that the latter accept, previously, with respect to

the dispute subjected to the UN, the obligations of pacific settlement established in the Charter.

3. The functions of the Security Council regarding dispute settlement

On the grounds of art. 24¹⁰ of the UN Charter, the main responsibility in maintaining international peace and security is due to the Security Council. The awarding of this responsibility is based on the fact that, among all UN bodies, the Security Council is the most efficient because it has a reduced number of members, it is organized to function permanently, and in adopting its decisions it gives greater power to the permanent members of the Council. In fact, in order to preserve the primordially of the Security Council regarding international peace and security, the situations which call for action to be taken, will be deferred by the General Assembly to the Security Council¹¹ and as long as the Security Council exercises with respect to a dispute or a situation the functions granted through the Charter, the General Assembly must not make any recommendation with respect to that dispute or that situation, except for the case when the Security Council would request it.¹²

Conferring to the Security Council the most important mission, related to the very fundamental organization goal, the Charter implicitly invested it with the power to monitor the principle of the pacific settlement of disputes and to sanction, both a priori and a posteriori, the breaches to the principle of not resorting to force.

Therefore, the Council competences aim to prevent the start of conflicts, to intervene, if the case, to end them and, in general, to adjust international crisis. Within this normative framework, the Council exercises, mainly, two groups of tasks:¹³

- attributions in order to peacefully settle international disputes through the means established in Chapter VI of the Charter;

- attributions that impose coercion measures, without the use of armed force or with its use, in the cases when the Council establishes the existence of “*threats against peace*”, “*breaches of peace*” and “*acts of aggression*”.

In the absence of the mentions regarding the procedures or the concrete manner of exercising the attributions, we consider that the competences entrusted to the Security Council are very important. Thus, the only limitations imposed on



the Council are to observe the principle of non-intervention in matters essentially pertaining to the domestic competence of a state and to not breach the rights of the Charter signatories, all according to the goals and principles of the United Nations.

As a general rule, the Council is sovereign in adopting the procedure aspects, the parties having no role in this sense. Thus, it establishes its interior regulation in which are also included the procedure norms.

In relation to the peaceful settlement of disputes, the Council fulfills four main functions:

1. The preventive function

One of the most important functions of the Council is to prevent litigation matters between states. Although it does not establish the ways and modalities through which it is going to exercise this function, the Charter has some provisions regarding the Council procedures, relevant for the role this body has in preventing international disputes.

One of these procedures is represented, according to the provisions of art. 28 para. 2, by the periodic meetings to which each of the Council members can, if it wishes, be represented by a member of its government or any other member especially nominated. Going to meet without a particular notification from a state, it is to be assumed that the role of these meetings is to exchange opinions at a proper political level, to review the international situation and to recommend measures for maintaining and strengthening international peace and security.

In the entire existence of the UN, a single such meeting was held, summoned at the initiative of Finland, on October 21st, 1970, with the participation of 11 foreign affairs ministers present in New York to attend the works of the General Assembly. The meeting did not have the expected result, which does not mean that in the future the holding of such meeting would be worthless.

2. The pace-executing function

Through this function is expressed the Council's activity of actually contributing to the settlement of disputes and of situations susceptible of endangering international peace and security, before they degenerate in open conflicts, as well as to determine the end of hostilities, if they started. In practice, the exercising of this function took

over the largest part of the concrete activity of the Security Council.

The prerogatives that the Charter offers to the Security Council in matters of peaceful settlement are discretionary.

Thus, art. 33-38 of the UN Charter establish the situations and conditions in which the Council may intervene in the settlement of adjustment of a conflict. The Council, when it deems necessary, invites the parties to a dispute to settle it through pacific means.

Also, the Council is entitled to investigate any dispute or any situation that could lead to international frictions. On the basis of the provisions of art. 36, the Council may, in any stage of a dispute whose prolongation would endanger the preservation of international peace and security, to recommend settlement procedures or methods.

The Council may also make recommendations for the peaceful settlement of a dispute if all parties to the respective dispute request this. In practice, there was no dispute subjected to the Council according to this procedure.

The Council can be notified through the petition of the parties involved, by the UN member or non-member states or by the other UN bodies.

As main UN body whose main responsibility is the preservation of international peace and security, the Security Council can be notified ex-officio, whenever it considers itself competent.

In the concrete activity, the majority of disputes were subjected to the Council by the parties or by UN member states. There were only three cases in which the Council was notified by non-member states: in 1946 by Siam in a dispute with Indochina, in 1948 by Maderabad in relation to a dispute with India and in 1961 by Kuwait to analyze the situation that was threatening its independence.

After being notified of the existence of a certain situation, the Council attempts to establish if it truly represents a threat to international peace or if peace risks being threatened by the prolongation of the respective dispute and situation.

3. The pace preservation function

This function had as basis the establishment of the impossibility of the effective functioning of the international security system established by the Charter. This made that the system of peaceful settlement of disputes expands over the acute conflicts, accompanied by armed hostilities,



which, normally, would have fallen under the provisions of Chapter VII of the Charter. In the practical activity, a series of traits were outlined, which define the content and the nature of the UN peace preserving operations, traits established in the resolutions that authorized the performing of the respective operations.

First of all, it is a matter of the fact that the performing of such an operation calls for the consent of the state on whose territory it would be happening.

Secondly, we distinguish the non-coercive nature of the operation, which is not based on the conviction of a state involved, considered aggressor and, therefore, the UN peace preservation forces are not authorized to resort to weapons, to perform military hostilities and, in general, for the fulfillment of their objectives they can use weapons only in cases of self defense.

Thirdly, the UN operations have solely a character of maintaining a certain situation. Thus, their purpose is limited to preventing the restart of fighting against the parties, without having the possibility to change the existing political or legal situation.

Fourthly, it is distinguished the international character of the UN forces, which are made up of military groups of the member states not involved in the conflict.

The selection of the states that will participate in the peace preservation operations is done with the consulting of the recipient state. Throughout the period of performing their activity under the UN auspices, the national military forces cease their subordination relations with the political and military authorities at the national level, the attending soldiers having the statute of international UN staff.

4. The execution function

According to the provisions of art. 94 of the UN Charter, if a party to a case will not execute the obligations due to it on the grounds of a decision of the International Court of Justice, the other party will be able to address the Council, which may, if it considers necessary, make recommendations or decide the measures to be taken for the fulfillment of the decision.

All four functions of the Security Council are achieved in two stages: the debate stage and the stage of adopting decisions and recommendations.

The debating in the Security Council of a dispute or a situation comprises the definition of the parties' position in relation to the principles of the Charter and of international law and, in general, with the interests of preserving international peace and security. Also, the debate targets both the establishment of facts, and the informing of the public opinion with respect to the events.

In what concerns the establishment of the object of the notification and of the facts occurred, the Council needs to find out all information, which can be achieved following the hearing of all factors that would contribute to the clarification of the facts and by means of performing investigations.

From the procedural viewpoint, this stage presents certain particularities determined by the fact that, unlike the General Assembly, the Security Council is an organism with limited competence.

Thus, art. 32 of the UN Charter establishes that any state, even if it is party to a dispute examined by the Council, will be invited to attend the discussions regarding that dispute, without having the right to vote. Also, through the decision made in each separate case, the Council may invite to attend the debates, on the grounds of its temporary Procedure Regulation, any member state notifying the Council according to art. 35. In this situation also, the invited state will not have the right to vote. This is the only hypothesis when the Council must invite the states to attend the debates. For the rest, it only has the ability to invite them.

Actually, any UN member state which is not member of the Security Council may participate, without the right to vote, to the debate of any problem subjected to the Council, whenever it considers that the interests of that member are particularly affected. Any state so invited may present proposals and drafts of resolutions, but they can be subjected to a vote only at the request of the representative of a state member of the Council.

In what concerns the state of adopting decisions and recommendations by the Security Council, the specific element is represented by the possibility to exercise the veto right.

Thus, throughout time, the exercise of the veto right has prevented the Council from adopting decisions according to the aspirations and the legitimate interests of the vast majority of UN member states.

Also, there is a habitual norm according to which the abstention from vote of a permanent

member in adopting a decision in the UN Security Council does not have the character of veto.

Conclusions

It is without doubt that, at present, the states have at their disposal a varied range of peaceful means for settling the international disputes emerging between them.

The disputes between states are inherent to the running of contemporary international relations.

On the grounds of remarkable technical and legal reconversions, we can state that in the realm of scientific research, the involvement of the Security Council in the process of solving international disputes has an institutional character, being recognized specific mechanisms.

NOTES:

1 Adrian NĂSTASE, Bogdan AURESCU, Cristian JURA, *Drept internațional public. Sinteze pentru examen*, Ediția a 4-a, revăzută și adăugită, Ed. C.H. Beck, București, 2006, p. 314.

2 Raluca MIGA-BEȘTELIU, *Drept internațional. Introducere în dreptul internațional public*, Editura All Educational, București, 1997, p. 303.

3 Grigore GEAMĂNU, *Drept internațional public*, Editura Didactică și Pedagogică, București, 1983, p.39.

4 From other documents in this category, we also mention: the Treaty of the North Atlantic (1949); The Final Act of the Conference for Security and Cooperation in Europe (1975); the Paris Charter for a New Europe (1990) etc.

5 Raluca MIGA-BEȘTELIU, *Drept internațional public*, vol. 2, Editura C.H. Beck, București, 2008, p. 18.

6 Art. 36, para. 2 of the ICJ Statute.

7 Art. 11, para. 2 of the UN Charter.

8 Art. 33, para. 2 of the UN Charter.

9 Raluca MIGA-BEȘTELIU, *op. cit.*, 2008, p. 19.

10 “In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf”.

11 Article 11 para. 2 of the UN Charter.

12 Article 12 para. 2 of the UN Charter.

13 Raluca MIGA-BEȘTELIU, *op.cit.*, 2008, p. 142.

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3. GEAMĂNU, Grigore, *Drept internațional public*, Editura Didactică și Pedagogică, București, 1983.

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7. United Nations Charter, 1982.

8. Declaration regarding the principles of international law with respect to the friendly relations and the cooperation between states, according to the UN Charter (Resolution of the General Assembly no. 2625).

9. Declaration of Manilla.



QUALITY, DIVERSITY AND INNOVATION WITHIN MILITARY HIGHER EDUCATION

*Dumitru SESERMAN, PhD**

The challenges launched within the European academic training domain are oriented towards three major concepts: quality, diversity and innovation. The implementation of these might represent the guarantee of the accomplishment of those tasks defined within the framework of the Romanian military academic training transformation.

Key-words: quality; diversity; innovation; higher military education; education' transformation; conception.

1. General considerations

Within the benchmark context of 2020 European Strategy to the academic training has been given the role as the main engine of social and economic development based on knowledge. The economic, social and political context, deeply influenced by the multiple changing and crisis period forces the educational providers to continuously adapt themselves, to increase the level of educational training, to diversify their reactions and to provide the labor market graduates who are able to offer innovative solutions within the whole spectrum of activities.

The academic training has a difficult task being oriented to the need of identifying and developing

the potential of some graduates training them not only for the present but mainly for the future.

We need proactive and performed academic training institutions at international level. "For the future, the academic training must manage the education of the 20 years old generation and also the qualification and training for older generations which are still active on labor market" – the president of European Universities Association (EUA) statement, on January, 2012, at the 2012-2014 Academic training strategic projects event¹.

The challenges launched within the European academic training domain are oriented towards three major concepts: *quality, diversity and innovation*. We agree the idea that the implementation of these can represent the assurance that all the objectives within the academic training framework will be accomplished, also valuable for military academic training: management improvement and providing quality support for the academic training system through the consolidation of strategic capabilities and university autonomy.

2. Military higher education quality – a major desideratum

In the last years, to provide quality for education has represented a main element for

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all preoccupations concerning the academic training. Important steps has been made in order to elaborate and implement a strong institutional and curriculum external evaluation system, performance measuring objective indicators has been established, a quality management culture appeared and also a concrete way to implement it. Even if the external perception over the Romanian academic training is a positive one, in accordance with some researches, the actual preoccupations are much more oriented to „the effective implementation of some university policies and some internal institutional mechanisms”². The Romanian universities academic quality is “mainly focused on inputs (students flux, knowledge processing etc.) and, less than that, on training results and research”³. For the academic training of our country to focus on results still remains a desire, that is why the system keeps the risk for having an inflation of university diplomas without any connection with the labor market requests in terms of professional competency.

The big challenge for a quality education, provided by the National education law – the classification of universities – has been finalized with strong and diverse echoes coming from the side of the evaluated universities, also graded in three main categories: “universities focused on education”, “universities focused on education and scientific research” and “universities focused on advanced research and education”.

The military academic training institutions have been graded as “education and scientific research universities”. Even if the military academic training was not included into the category of “advanced research and education universities”, we must not forget that some other evaluation stages will follow and that the quality of education represents the best way to change the whole category.

To reach and maintain a higher educational quality represents a priority for the military academic training attractiveness.

In this context, we want to notice that “the strategic objective of the military academic transformation is the constant generation of a viable and highly competitive human resource capable to function efficiently in nowadays or future society”⁴.

In order to accomplish this goal, the 2011-2015 Concept of military academic transformation, stipulates a couple of concrete ways, among

them we have to mention the military academic training system reshaping process done mainly through the reduction of the number of institutions and their readjustment, through a process named fusion by absorption, thus, around the National Defense University “Carol I” we have Land Forces Academy “Nicolae Bălcescu” and Air Forces Academy “Henri Coandă”. We consider that this transformation, which for the time being is in a stand-by procedure, constitutes a real basis for increasing the military academic training quality.

Thus, a main role in providing quality is the one offered by the dialogue with the beneficiaries – General Staff, branches of the armed forces, headquarters – in order to determine the training adjustment to the specific military system requirements through the implementation and development of a qualification framework.

Nevertheless, we consider that within the academic training domain a special treatment and adaptation of the “institutional responsibility” concept is necessary.

In our perception, and also in all reports dealing with the actual status of academic training (European, national and military) imagine of the academic training is seen as a quality culture caught in a phase of “formalism and ritualism”. The Quality Barometer published by the Romanian Agency for Academic Training Quality Support in 2010 states the fact that “the actual system of quality support in Romania is centered on accreditation and certifying”⁵, thus, most of the departments dealing with quality support activities are limited to data requested by the accreditation agencies.

The actual university external evaluation methodology, provided by the Government Ordinance no. 1418/2006, is based on the evaluation of universities and curriculum taking into account different criteria, standards and unique indicators. The educational providers must prove that they accomplish a basic level of indicators in order to get accredited or confirmed through a periodical evaluation. All the activities performed by the universities are done in order to accomplish the minimal criteria of the unique set of indicators, situation which leads towards conformism and homogeneity.

Following an analysis of this situation, the Romanian Agency for Academic Training Quality Support considered as being essential to modify

the university external evaluation methodology in a manner which can provide a quality difference pending on each university profile and in a tight connection with the curriculum hierarchy.

The evaluation structure mentioned above has decided to transform itself from a controller and certifier into “*a facilitator of quality by providing specific support to the universities in their own projection of quality support systems*”⁶.

3. Diversity – priority objective of military higher education

Even if important steps within the overall evolution of the academic training has been made, we cannot skip the fact that “the study experiments are alike for the whole Romanian academic training system and all the studies schedules cannot response to the diversity of those who must be trained and to the requirements of the labor market.”⁷

Weighting the effects of the homogeneity of which the academic training system suffers (national, military, and why not, the European one) we consider that the results we are looking for can be found in what is named diversity.

We notice, in an optimistic manner, that at the European level among the major objectives of the academic training educational policies, the institutional diversity is taken into consideration. The fundamental assumption for such a direction is the fact that an educational system which is characterized by diversity is able to form graduates trained for different life situations and jobs, thus, diversity being a sound attribute of the academic training. The diversity is being translated as “institutional structures and systemic arrangements which allows the academic training institutions to develop them into diverse directions, free from those constraints which forced them to follow a standardized pattern in terms of organization”⁸.

Distinguished educational forms, different missions, different training styles, different rules to organize, to function, to budget etc. might generate an increased possibility to choose students and also to use the graduates efficiently for those skills and positions they have been prepared for.

The institutional diversity degree is defined by indicators such as: the size of academic training providers (number of students), specific forms of institutional control (public or private, local, regional or national), the spectrum of domains and

branches of knowledge, offered levels of studies (BA, MA, PhD, post university studies), learning forms (full-time, part-time, short time courses, sandwich type courses, long distance learning, blended learning etc.)⁹.

In the case of the Romanian academic training system if we try to perceive the indicators and try to have a quick analyze of these dimensions, we will realize the fact that very little of these can make a difference between the Romanian universities.

In accordance with the 2009-2011 Quality Barometer, the Romanian academic training system is characterized by a higher level of institutional homogeneity. The Romanian Agency for Academic Training Quality Support pinpoints the fact that this situation has been generated by the periodical accreditation and evaluation standardized practices at national level, and in the case of the state universities, by the budgetary mechanism, basically the one dealing with the main funds.

The homogeneity is revealed through the provided educational practices and services and also by the way to organize, educational branches, state control accreditation criteria etc. The military academic training is characterized by the same attributes specific to homogeneity: similar structured training programs, identical time framework on categories, “traditional learning domains”, less diverse learning forms in terms of organization.

Most of the universities provide undifferentiated services for the local market and are unable to attract students at national level. On the other hand, money for public universities is provided in a centralized manner, by the state budget, based on identical criteria.

Even if for the military domain an approach based on diversity might be considered as boldly, taking into account the values which stand at the bottom of a military profession - tradition, discipline, organization, rigor etc. – we consider, with responsibility, that this might represent one of the keys necessary to excel the present blockages.

Nowadays, the learning ways “with frequency” or “with reduced frequency” are legalized at the national level. The pedagogical theories and echoes coming from the concrete domain show us the existence of a spectrum much more diverse of the different types of learning structure. An applicable example, in our opinion, with good results also



within the military system, is those of *blended learning type program*, which represents “those diverse forms of providing training ensuring a continuity between the traditional courses <face to face> and online”¹⁰.

In our opinion to adjust the ways to organize courses in accordance with the students profile, individual preferences or pedagogical criteria would be able to increase the diversity of services provided, at least in terms of how to organize education.

Not even the military domain can be supported by a universal pattern of education, on the contrary it must encourage the forming of some meta-competencies (train yourself how to learn) and of some generic qualifications which can be adapted in accordance with the context. We consider that an increased institutional autonomy in choosing the most efficient and adequate ways to organize training according to the specific of the students, their individual preferences or pedagogical status might be able to increase the diversity of services provided, at least in terms of how to organize the training ways.

The proper education for a way of life subject to changing in which the individual development, work, and private life are interconnected cannot rely anymore, at least in the same way till now, on fixed formulas with general applicability. The labor market specific to the military system is no exception and cannot be supported any more by a universal educational model, on the other hand encouraging the meta-competency (train how to learn) and generic skills which can be adapted according to the context.

“The renewal” of the academic training is, so to say, not only a desire of “the academic fashion” but a necessity, a source of solutions to ameliorate the university educational quality, in order to adapt the system to the level of societal and individual needs, and, hopefully, a guarantee for the functionality of an actual and future economy based on knowledge and creativity.

Among the main domains established at the European level concerning the cooperation within the education and embodiment for 2012-2014 are “the embodiment, educational efficiency and quality improvement”, but also “the stimulation of creativity and innovation at all levels of education and embodiment”¹¹.

4. Innovation – creative component of education

Innovation basically deals with the implementation of diversity as an attribute of the educational domain, the identification and implementation of new concrete ways to organize training, of some teaching-learning technical means linked to the new trends, elements which once activated can lead to a higher system efficiency and to a specific level of performance for all the actors within the academic training framework.

In the last years, at the European and national level some directions and trends concerning the transformation within the academic training domain have been elaborated. Taking into account the fact that these can generate and maintain our preoccupation within the domain, we want to revise, shortly, in the following rows, couple of recommendations elaborated at the national level in order to diversify the BA programs, recommendations considered by us useful and applicable to the transformation process of the military academic training system¹²:

- identification of new forms to organize, aside the classical organization form based on semi-independent faculties, much better adapted;
- introduction of new combination of major and minor skills which are already recognized informally and have been practiced since the existence of the academic training system;
- creation of some formal and informal framework in order to organize education which allows, for example, the organization of programs not only based on curriculum criteria, but in accordance with complex issues or fundamental basis;
- bringing the professionals and practitioners within the classrooms and laboratories in order to share practical skills and applied knowledge;
- involving communities and providers within the curriculum design;
- international admission for university programs and the encouragement of a both ways teachers and students mobility;
- expanding training methods, especially towards some alternative ones such as: e-learning, blended learning or open courses, short courses based on the acquiring of specific skills etc.;
- exploitation of given options offered by the short term training schedules or by some



other alternative programs, even if the new legal framework provided by the national education law doesn't comprise "short term university/academic training";

- curriculum modularization, the diversification of teaching methods etc.

- validation and recognition of the experience got outside the formal educational context;

- generalization of those means and practices to track the graduates professional path which must show up different aspects concerning the usefulness of those competencies acquired during the training programs.

The European legal framework applied to the national legal frame has been implemented and adapted to the specific of the military academic training, and this harmonization activity continues in order to find out the present requested solutions.

The military academic training institutions are in a continuous transformation stage trying to find out the optimum way to face the challenges which are expressed through increasing multiple social requests, through a professional development of some graduates which must correspond to the needs imposed by the military body environment.

If the general directions referring to the effectiveness of the academic training are caught under the strategies and policies imposed by those documents dealing with the academic training, written down at the European, National and even National Defense Ministry level, their implementation at the level of military educational institutions belong to the last ones.

And because within the European academic framework one of the keys for effectiveness is the university autonomy we underline the fact that the management at the level of the military education institutions has the opportunity to demonstrate its ability to identify the concrete ways to make the education effective within its own institution through the optimum and creative use of human resource, through the economic use of monetary funds in order to avoid useless dissipation of resources and, why not, through the domain improvement, thus, all the results will mirror the requests of our days.

Conclusions

We are all aware of the fact that the success of military academic transformation stands at the

bottom of the Romanian Armed Forces future. That is why the military academic community has to fight in order to accomplish the actual challenges, taking into account the three values of the European academic training, which are also declared as fundamental values for the military academic training too: quality, diversity and innovation.

Quality, diversity and innovation are the goals of education, including the military, which is in an interdependent relationship constant. In practice, one can not omit any of them, nor can one be discouraged by supporting other two. Their action is beneficial for higher education military if it is developed in a concerted, coherent and continuous manner.

Through all our enterprises the main goal is to keep the military academic training as the flag military education and transmit the tradition, experience, institutional body culture and accomplishments to the next generation of teachers and students.

NOTES:

1 Proiectele lansate în ianuarie 2012 se numesc „Performanța în cercetare, performanța în predare. Calitate, diversitate și inovare în universitățile din România” și „Pregătiți pentru a inova, pregătiți pentru a răspunde mai bine nevoilor locale. Calitate și diversitate a universităților din România”

2 L. VLĂSCLEANU; M.-G. HÂNCEAN; B. VOICU, *Distribuții statistice, interpretări și opțiuni privind starea calității în învățământul superior. Barometrul calității - 2009*, Editura QualMedia, 2009, p. 199.

3 Idem, p. 199.

4 *Concepția de transformare a învățământului militar, în perioada 2011-2015*, p. 7.

5 L. VLĂSCLEANU; A. MIROIU; M.PĂUNESCU; M.-G. HÂNCEAN, *Barometrul calității - 2010. Starea calității învățământului superior din România*, Editura Universității Transilvania, Brașov, 2010, p. 28.

6 A.R.A.C.I.S., *Propunere de politici pentru încurajarea diversității instituționale în învățământul superior*, p. 25.

7 Cartea verde. Spre calitate și leadership în învățământul superior din România în 2015, p. 20.

8 Cartea verde. Spre calitate și leadership în învățământul superior din România în 2015, p. 8.

9 *Cei cinci indicatori sunt sugerați de Huisman, Meek și Wood (2007) și preluați de A.R.A.C.I.S. în Propunere de politici pentru încurajarea diversității instituționale în învățământul superior*, p. 6.



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10 A.R.A.C.I.S., *Propunere de politici pentru încurajarea diversității instituționale în învățământul superior*, p. 23.

11 *Jurnalul Oficial al Uniunii Europene C 70, 8.3.2012, IV, Informări provenind de la instituțiile și organismele Uniunii Europene*, pp. 17-18.

12 *Cartea verde. Spre calitate și leadership în învățământul superior din România în 2015*, pp. 20-21.

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superior. Barometrul calității - 2009, Editura QualMedia, 2009.

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5. ***, A.R.A.C.I.S., *Propunere de politici pentru încurajarea diversității instituționale în învățământul superior*.

6. ***, *Cartea verde. Spre calitate și leadership în învățământul superior din România în 2015*.

7. ***, *Concepția de transformare a învățământului militar în perioada 2011-2015*.

8. ***, *Guvernul României, Programul național de reformă 2011-2013*, București, 2011.

9. ***, *Jurnalul Oficial al Uniunii Europene C 70, 8.3.2012, IV, Informări provenind de la instituțiile și organismele Uniunii Europene*.



“SMART DEFENCE AND DEFENCE INVESTMENT” SEMINAR

On Wednesday, October 31, 2012, “Carol I” Central University Library in Bucharest hosted the *Smart Defence and Defence Investment* seminar, organized by “Carol I” National Defence University (NDU), the Romanian Scientists Academy (Military Science Section) and the Centre for Analysis and Security Studies.

The seminar was organised based on the need to create links between the media involved in the implementation of the concept that marks the current stage of Euro-Atlantic security development and defence.

‘Smart Defence’ concept, launched at the NATO Summit in Chicago in May 2012, was adopted in the context of the major imbalance regarding the contribution of NATO members to the budget Alliance of the alliance, imbalance whose importance has increased considerably in the conditions created by the global economic and financial crisis.

In the event participated and delivered speeches, senior officials and personalities from the field of defence and public administration from Romania and abroad: Corneliu Dobrițoiu, Minister of National Defence, Patrick Auroy, NATO Assistant Secretary General for Defence Investment, Titus Corlățean, the minister of foreign affairs, Iulian Chifu, presidential adviser for strategic affairs, security and foreign policy, Harlan K. Ullman, member of the Atlantic Council of the U.S., and representatives of corporations with long tradition

in the defence industry, such as Rheinmetall Air Defence AG, IBM, Finmeccanica, Thales, UTI Romania, Romarm.

In his opening remarks, Lieutenant General PhD. Professor Teodor Frunzeti stated that *the aim of the initiative is to provide a framework favourable for discussions on harmonizing the approaches, not only theoretical, but also to open up prospects for cooperation for the purposes of implementing the policies for the realization of the smart defence concept in Romania ... To implement the concept recently launched, in order for NATO countries to strengthen security by reducing expenditure, dialogue, cooperation and transparency in the relations between allies are not the only necessary steps, but also multi-sector cooperation between the military and defence industry.* Emerged as a solution to maintain NATO’s ability to fulfil its missions according to the Washington Treaty and the Strategic Concept, smart defence is *an opportunity for Romania to join a programme to streamline defence spending specific to NATO countries (...), an opportunity for the Romanian defence industry to work with large corporations, the world market leaders,* added NDU’s commandant and rector.

By focusing on the implications of the Smart Defence concept for Romania, Corneliu Dobrițoiu, **minister of national defence**, pointed out in his speech that *the key phrase of this concept is to spend less and achieve more through*



STRATEGIC EVENT

extensive international multinational cooperation. According to his statements, smart defence does not refer primarily to saving money, but to creating added value by reducing costs and developing capabilities. Thus, together we shall achieve more with fewer resources.

Mr. Patrick Auroy, NATO Assistant Secretary General for Defence Investments, emphasized the essence of the smart defence concept: *intelligent defence is not to spend more but to spend better.* He listed three steps for the implementation of intelligent defence in the allied states: *prioritization, cooperation and specialization. Prioritization is how we all select what to cut and what to keep. Cooperation refers to what we should do together to provide multi-level capabilities that would otherwise be too expensive for many of us, taken separately. Specialization means that the allies must coordinate their plans more closely so that they can focus on what they can do best and what each can contribute effectively to the capabilities needed to achieve NATO's goals.*

In his intervention, Titus Corlățean, minister of foreign affairs, held that *Romania seeks to meet the standards of NATO Member States' armies and to*

support reform with adequate financial resources in accordance with the financial austerity. However, he added that the smart defence initiative is welcome in the current economic and military reality and that in order not to waste resources it is necessary to ensure the convergence of initiatives and processes such as smart defence.

The event brought together three key factors: NATO representatives, who contributed to the creation of smart defence, the Romanian public authorities, whose responsibility is the implementation of this vision and also the business environment, which is undoubtedly part of the solution proposed by smart defence to create the capabilities necessary to a multinational cooperation.

Smart Defence and Defence Investment seminar was one of the most important events organized by "Carol I" National Defence University this year, which succeeded, through the high level of representation, to determine the involvement of the three responsible, informed and coherent environments directly interested in implementing the 'smart defence' concept, thus opening new perspectives of smart defence for Romania.

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ACTIVITIES OF THE CENTRE FOR DEFENCE AND SECURITY STRATEGIC STUDIES

OCTOBER - DECEMBER 2012



Centre for Defence and Security Strategic Studies organized, at “Carol I” National Defence University, on 22nd and 23rd of November, the traditional scientific manifestation which reached its twelfth edition this year. If until now, the activity was *Scientific Communications Session with international participation*, from 2012, the manifestation shall be renamed *International Scientific Conference “Strategies XXI”* with the theme “*The Complex and Dynamic Nature of the Security Environment*”.

At the conference, papers were delivered by representatives of the Ministry of National Defence, “Carol I” National Defence University, Ministry of Education, Research, Youth and Sport, Ministry of Administration and Interior, Romanian Intelligence Service, academic teaching staff and researchers from various military and civilian academic and research institutions from Romania or from abroad, as well as members of non-governmental organizations.

The main aspects approached by the communications were related to the new aspects in the evolution of the international security environment, the balance of power in the light of International Relations’ evolutions, potential risks and threats to the security environment, emerging states’ impact on regional and international centres of power, the role of non-state actors in the evolution of the security environment, these representing the five sections of the conference.

The debates which followed the presentations were vivid and full of suggestions for optimizing the security environment by concerted action of all state and non-state actors in the world.

Due to organizers’ efforts, the conference papers were published, for the first time, both in Romanian and English, in printed format and on CD-ROM, with ISSN



CDSSS' AGENDA

code. Also, the works are available in volume on our site, <http://cssas.unap.ro/en/books.htm> and on the conference portal created this autumn: <http://www.strategii21.ro/index.php/en/conference-proceedings-4>.

The new format of the activity was developed in accordance with the current tendencies of the scientific research environment, so that, starting from this edition of the conference, English works complying with the requests shall be indexed in ProQuest international database (USA), becoming thus more visible in the international scientific environment.

Considering all these, we already invite all those who are interested in disseminating the results of their scientific research, as well as sponsors, to *International Scientific Conference "Strategies XXI"* with the theme "*The Complex and Dynamic Nature of the Security Environment*", which will take place on 21-22 November 2013.

Regarding the most recent studies published by the Centre, we notify *Long and medium term implications of social unrests on national security*, by Cristina Bogzeanu and *The capacity of the EU to manage military and civilian crises. Present state and perspective*, signed by Irina Tătaru.

Daniela RĂPAN*

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GUIDELINES FOR FOREIGN AUTHORS

We welcome those interested in publishing articles in the bilingual scientific magazine *Strategic Impact*, while subjecting their attention towards aspects to consider upon drafting their articles.

ARTICLE STRUCTURE

- Title (centred, capital, bold characters).
- A short presentation of the author, comprising the following elements: given name, last name (the latter shall be written in capital letters, to avoid confusion), main institutional affiliation and position held, military rank, academic title, scientific title (PhD title or PhD candidate – domain and university), city and country of residence, e-mail address.
- A relevant abstract, which is not to exceed 150 words (italic characters).
- 5-8 relevant key-words (italic characters).
- Introduction / preliminary considerations.
- 2 - 4 chapters, subchapters if needed.
- Conclusions.
- Tables / graphics / figures shall be sent in .jpeg / .png. / .tiff. format as well. Below will be mentioned “Table no. 1, title” / “Figure no. 1 title”; (italic characters) the source, if applicable, shall be mentioned in a footnote.

REFERENCES shall be made according to academic regulations, in the form of endnotes. All quoted works shall be mentioned in the references, as seen below. Titles of works shall be written in the language in which they were consulted.

Example of book: Joshua S. GOLDSTEIN; Jon C. PEVEHOUSE, *International Relations*, Longman Publishing House, 2010, pp. 356-382.

Example of article: Teodor FRUNZETI; Marius HANGANU, “New Paradigms of Armed Combat and their Influence on Military Forces’ Training”, in *Strategic Impact*, no. 4/2011, pp. 5-15.

Electronic sources shall be indicated in full, at the same time mentioning what the source represents (in the case of endnotes, the following mention shall be made: accessed on month, day, year).

BIBLIOGRAPHY shall contain all studied works, numbered, in alphabetical order, as seen below. Titles of works shall be written in the language in which they were consulted.

Example of book: GOLDSTEIN, Joshua S.; PEVEHOUSE, Jon C., *International Relations*, Longman Publishing House, 2010.

Example of article: FRUNZETI, Teodor; HANGANU, Marius, “New Paradigms of Armed Combat and their Influence on Military Forces’ Training”, in *Strategic Impact*, no. 4/2011.

Electronic sources shall be indicated in full, at the same time mentioning what the source represents.

ARTICLE LENGTH may vary between 6 -12 pages (including bibliography and notes, tables and figures, if any). Page settings: margins - 2 cm, A 4 paper. The article shall be written in Times New Roman font, size 11, one line spacing. The document shall be saved as Word 2003 (.doc). The name of the document shall contain the author’s name.

SELECTION CRITERIA are the following: the theme of the article must be in line with the subjects dealt by the magazine: up-to-date topics related to political-military aspects, security, defence, geopolitics and geostrategies, international relations, intelligence; the quality of the scientific content; originality of the paper; novelty character – it should not have been priorly published; a relevant bibliography comprising recent and prestigious specialized works; English language has to correspond to academic standards; adequacy to the editorial standards adopted by the magazine. Editors reserve the right to request authors or to make any changes considered necessary.



STRATEGIC IMPACT

SCIENTIFIC EVALUATION PROCESS is developed according to the principle *double blind peer review*, by university teaching staff and scientific researchers with expertise in the field of the article. The author's identity is not known by evaluators and the name of the evaluators is not made known to authors. Authors are informed of the conclusions of the evaluation report, which represent the argument for accepting / rejecting an article. Consequently to the evaluation, there are three possibilities: a) the article is accepted for publication as such or with minor changes; b) the article may be published if the author makes recommended improvements (of content or of linguistic nature); c) the article is rejected. Previous to scientific evaluation, articles are subject to an *antiplagiarism analysis* (for details, see www.strikeplagiarism.com).

DEADLINES: authors will send their articles in English to the editor's e-mail address, cssas@unap.ro, according to the following time schedule: 15 December (no. 1); 15 March (no. 2); 15 June (no. 3) and 15 September (no. 4). If the article is accepted for publication, an integral translation of the article for the Romanian edition of the magazine will be provided by the editor.

Failing to comply with these rules shall trigger article's rejection.

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For more details on our publication, you can access our site, <http://cssas.unap.ro/en/periodicals.htm> or contact the editors.

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