

ROMANIA  
THE MINISTRY OF NATIONAL DEFENCE

**BULLETIN**  
**OF**  
**„CAROL I” NATIONAL**  
**DEFENCE UNIVERSITY**



**4**

**october**  
**december**

**2012**

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**SCIENTIFIC PUBLICATION**  
**HIGHLY APPRECIATED PUBLISHING HOUSE WITHIN “MILITARY SCIENCE,**  
**INTELLIGENCE AND PUBLIC ORDER” OF TDUCANC**

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**PUBLICATION FOUNDED IN 1937**

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# BULLETIN OF „CAROL I” NATIONAL DEFENCE UNIVERSITY

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## ASPECTS CONCERNING THE INFORMATION SYSTEMS SECURITY

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*Security policy of information systems must take into consideration the following domains: equipment (hardware); software and firmware; procedures; communications, computer networks and physical environment; staff; stray radiation; natural disasters.*

**Keywords:** information systems; security; communications; computer networks; information technology and communications.

The information vulnerabilities are a part of security systems vulnerability, generated by state of affairs, processes or phenomena of internal organization life (military structures), that diminish the reaction capacity to real or potential risks of any kind, including informational or that favor their appearance and development, with consequences concerning fulfilling the established objectives.

Generally, the informational vulnerabilities are even higher as the informational networks and information structure are of a higher complexity and with a higher degree of privacy, being harder to organize, manage and protect. Also, the vulnerabilities increase in direct proportion with the implemented technological level in equipment building and functioning (especially digital) of informational systems.

Management activities of informational system's security must allow:

- minimizing the possibilities of unauthorized entry in the communications system by using some layered protection solutions based on combining of policies, hardware and software solutions, for creating some secure barriers against unauthorized users;
- ensuring calculus equipment's security, of software and supervision system, and also of the relation and/or distribution data base system;
- detection of unauthorized use and determining the original entry point, concerning the fraudulent access.

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The procedures security is a integrated part of the general security program of informational system and must assure a higher level of equipment protection that use software, by continuous survey of exploiting parameters and equipment, by protecting the hardware and software components against destruction or intentionally or unintentionally change, preliminary determination of probable implications that can appear to equipment configuration change, organizing a serious control to the generation, managing and use of passwords and keys concerning the access in different facilities offered by the informational system.

The security management of an informational system has an ensemble of measures destined to ensure the protection under all aspects of *the communication system and its components*, including: system entries, application access, information transfer, management components protection by analyzing and minimizing the risks, implementing the security plan and monitoring the application of used criteria (strategy). Special measures concern: supervision of security indicators, partitioning the information access, administrating passwords, generating notifications and alarm messages to security infringement.

Communications security includes the measures ensemble that assures the stable and uninterrupted networks functionality, own lines and communication means in conditions of executing by the opponent of some intense research actions, of jamming or of neutralization. It has the purpose to ensure preventing of emissions intercept, unauthorized electronic access and information change during transmitting it, assuring the use only by the authorized personnel. Also, it must prevent the unauthorized personnel access to equipment, services, material and documents, by discovering, confirming and counteracting the espionage, sabotage and destroy actions. The adopted security system must ensure a secure information circulation with any category of classification and by any transmission mean.

Networks computer security contains the techniques ensemble that realize the control concerning the fraudulent use and changing in computer or in held information and takes in consideration ensuring authenticity, confidentiality, integrity, availability and nonrepudiation of the processed and memorized information in the computers (servers and work stations). Security domains in information technology concern: computers, data, information, application and networks. For ensuring the security in computer networks it has a special importance also the content hiding of information by using data encryption.



The multilevel<sup>1</sup> hardware and software security concept associates different access control levels, to protect as good as possible a source, no matter its nature, without producing the performance degrading of informational system, taking into consideration: hardware and software resources to protect, access control at each subsystem and system in its ensemble, detecting the unauthorized penetrations (access) and preventing personnel penetration that don't have access right.

*Hardware security* contains:

- Fulfilling necessary controls to prevent the unauthorized access to equipment and connections, facilities, materials and documents;
- Ensuring protection against espionage, sabotage and deterioration of technical means actions;
- Providing distance access to be allowed only based on authorization by legal entities, and the used devices to be secured;
- Forbidding the physical threats against computer networks components, establishing if the firewalls and routers have the security assured;
- Blocking, with specific technical devices, the networks' entries and exits against the unauthorized access, confirming that the computer network is protected by a firewall;
- Keeping the computers and external magnetic supports in an electromagnetic protected environment;
- Having physical or even logical doubling of the files server;
- Using coaxial cables or optical fibers for reducing parasite radiations;
- Using systems of firewall, detection and prevention of intrusions.

*Software security* contains:

- Establishing the requirements concerning the detection and attacks prevention to software security, and also of controlling it;
- Establishing security standards that must be applied and used;
- Determining the software products from computers (source programs, libraries and filled modules) to which must be assured protection against unauthorized access;
- Ensuring unique identification of users access and labeling files with the persons list that have authorized access;
- Ensuring permanent accounting of all the used software products, continuous and round the clock control of software components functioning

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<sup>1</sup> T. Bajenescu, *Telecommunication modern networks management*, Teora Publisher, Bucharest, 1998, pp. 123, 124.

of application and of software products existence to security (antivirus software and firewall software to identifying and blocking the unauthorized access of hackers, eventually and other nontechnical services);

- Ensuring that all the software products are rated and checked by authorized entities from the point of view of security criteria (confidentiality, integrity, availability, authenticity) before giving them to exploitation;

- Ensuring protection against compromising and deteriorating software products of application and informational through evil software (viruses, worms, trojan horses, logical bombs, zombies, vampires), checking and permanent using of antivirus programs, antispams, antispyswares and for protecting against unauthorized access;

- Protecting the programs of automated encryption of information against subtracting and modifying, to keeping the unauthorized persons to know the clear content of memorized data in the calculus systems;

- Ensuring software products to saving some involuntary damaged files or restoring of some previous versions, and also of hiding some files;

- Using the documentation concerning the software design and performances of application and informational only by programmers and authorized operators, each of them having shared access only to programs that officially respond to;

- Keeping the authorized software products versions in 2-3 copies, realized on different magnetic supports, being forbidden to execute unauthorized copies from any source documentation;

- Archiving periodically the information from the data bases (deposits), after a pre-established program;

- Establishing the content and a way to realize the alarm against unauthorized access.

Computer networks security is mostly based on using firewall devices, through which it must confirm that:

- The computer network is protected;

- Translating the network address (Network Address Translation-NAT) and the server's domain name (Domain Name Server-DNS) are being used to hide internal names and addresses towards external users;

- Evil (codes) programs are filtered;

- Devices' work of detection intrusions (IDS) and the ones of preventing intrusions (Intrusion Prevention Systems-IPS) must be coordinated with the firewalls activity.

The computer networks security is vital to forbid the opponent to exploit the vulnerabilities of an information environment against allied forces.

Using information technology and communication has created the possibility of realizing some modern informational systems in which informatics and communications have a decisive role.

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## INTERNATIONAL ENVIRONMENT AND AIR FORCES

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*At the end of the twenty-first century first decade and the beginning of the second one, the contemporary world is still a contradictory place, full of contrasts, unpredictable and in continuous change. After 20 years from the end of the Cold War, we can only discern the changes of the following decades: from irregular warfare to non-state adversaries, from unipolarity to multipolarity. In this context, Air Forces are still a basic force category assuring the combat success. New risks, challenges and threats of the twenty-first century lead to an increasing complexity of Air Forces use, whereas their employment concepts will have to provide the full domination of the strategic air space, world-wide precise force projection at a high intensity, full-integrated and independent actions development.*

**Keywords:** international environment; Air Forces; irregular warfare; air power.

At the end of the 21<sup>st</sup> century first decade and the beginning of the second one, our contemporary world is still a contradictory, full of contrasts, unpredictable and completely changeable place.

This world is far from the predicted ‘eternal peace’ 200-years-old project of the German philosopher Immanuel Kant. Besides, a place populated only by ‘citizens of the world’ will remain a mere desideratum for the moment, of the above mentioned philosopher.

The present moment is only at 20 years distance – a trivial period of time related to the mankind history – from the end of the Cold War. Not accidentally, Alexander Dumas named its novel ‘After 20 Years’, because

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this interval is usually the moment when a first serious and profound retrospection of the contemporary security environment can be made.

In this two decades the world has significantly changed and the changes pace is emerging faster and faster.

The collapse of communism eased the globalization phenomena spreading. Moreover, the new century tends to underline the end of the American influence on the present geopolitical scene and the beginning of a new era when some Asia states are struggling to impose themselves as relevant worldwide geopolitical actors. China continues to strengthen its sphere of influence not only in Central Asia but also in Africa and South America, and the China-America interdependencies provide Beijing a strategic dialogue with Washington. In the same context, outstanding strategic movements have been made in India, Turkey and Iran as well.

In the same time, the Islamic terrorism irrupted with violence, as an opponent against Western approach towards world and life. In an attempt to keep the military confrontation away from own territories, American and European allies are struggling for over eight years to hinder the Taleban insurgents to regain the power, not only in Afghanistan, but also in more and more neighboring Pakistan territories. In this context, a future NATO withdrawal from Central Asia depends on the new American strategy success – troops supplementing and counterinsurgency – therefore the European states will have to fight with the Kabul administration, as well, in order to provide Afghans a functional state.

However, after 20 years from the end of the Cold War, we can only discern the future changes of the following decades: from irregular warfare to non–state opponents, from unipolarity to multipolarity.

Meanwhile, beside the fact that India and China compete for the highest growing rate, in democracy and authoritarianism respectively, it can be find out an attempt to reconcile democracies with authoritarianism. For instance, due to energy reasons, the United States of America strongly concurs with Russian Federation, for the best relationships with Central Asia autocracies, and China and India are doing the same thing related to the Burmese dictatorship. Besides, in states such as Vietnam we are witnessing the fusion between capitalism and socialism, while in Africa countries the development oasis appear mostly due to local market and not international assistance. In this respect, it seems that the entire neo-liberal thinking, foretokening the liberalism final victory, has made a significant step backwards.

On the other hand, during the last decade of the present stage the Western world has managed to identify a new ideological opponent – namely, the Islamic terrorism and the vector that transpose these precepts into practice

– Al Qaeda, as a non-state actor, fighting to establish a global caliphate. Importantly, the Islamic terrorism ideology is shown in the public opinion as opposing the Eastern Europe present regimes as well. In this respect, it should be mentioned that the actual Muslim world rediscovery (not only the radical Islamism, but also the Sharia, for instance) was made by underlining the opposition and competition with Western traditional ideology.

In the contemporary world outline, NATO role has changed significantly sometimes through the emergence of out of area missions and the Alliance's global level partners, such as Japan, Australia, South Korea, China and India. Meanwhile, a significant fact for the world security system evolution is the establishment of two Alliances in Central Asia, with interests opposing NATO and United States, namely: Shanghai Cooperation Organization (in which China and Russian Federation are competing for the leading role, and India and Iran have the observers status) and the Collective Security Treaty Organization (set up from the majority of the former Soviet Union states, with Russia as the undisputed leader).

In addition to these, there are some phenomena of the contemporary world, which at the first glance seem of low importance. Firstly, the beginning of the exploitation of the Central Asia hydrocarbons deposits is of geopolitical importance. Moreover, the China rising as a major geopolitical actor, leads to the draining of the respective deposits to this economic power.

The biggest democracy of the moment, namely India, has been the witness of some outstanding social-political transformations, through discarding the cvasi-socialist system and leaving Moscow, in the favour of economic partnerships with the United States and the like. Also, the India-USA nuclear pact ratification, in which the America's Indian Diaspora played a significant role, comes to legitimate the special relationships between these two states.

Significant moves are taking place everywhere in our contemporary world, taking into account the fact that, in an interconnected world, a phenomenon the evolves in one part of the globe, is resounding in other part of it or even in its entirety. In this respect, we can give Turkey as an example, a Muslim and secular state established by Mustafa Kemal about 100 years ago. Lately, Turkey completed its Western dimension of its foreign and internal policy with a more and more Eastern one, of new-Ottoman origin and directed towards Africa, Middle East, Caucasus and Central Asia as well as enabling a modern Islam leading regime along with an Armed Forces lower political profile.

Another major phenomenon for the recent contemporary evolutions is the deeper economic interdependencies between USA and China, which lead to their strategic level dialogue. These events have had immediate echoes, leading on one hand to strategic resets in Asia and Japan attempting to begin

an own dialogue with China, and on the other to conclude regional anti-China Alliances (including India, as well).

In the same time, it seems that the China's aim to become one of the major earth's superpowers, no matter what time it takes to achieve this, is persistently followed. Thus, the recent China-Taiwan relationships renewing tends to weaken the United States position in this region, in the long run. Meanwhile, China presence is felt even in Africa or Russia's remote areas.

Other contemporary world phenomena, at a first glance without direct connection with global security, are the evolutions related to Earth's climate dramatically changes.

During the last years, due to the diminishing of mankind potable water reserves, the wealthiest states of the Earth have begun to acquire agricultural surfaces, possessing massive water supplies, in poorer states, in order to feed and support their own citizens. The most relevant examples are South Korea and Saudi Arabia which have purchased significant areas in Madagascar and Kazakhstan, respectively.

Besides, all disputes among states are turning pale related to the global dangers, imposed by climate changes, because it seems that everybody agrees with the fact that human activity and gases emission lead to global warming and catastrophic consequences for mankind. Mostly in the developed countries raises the first attempts to limit these disastrous effects, through the establishment of a carbon market and help granted to poor states for less pollution.

## **Security International Environment**

### *Conceptual delimitations*

I have previously mentioned terms and notions such 'international', 'security environment', 'security international environment', 'threats against security' and so on.

For a more objective analysis, an areas delimitation of the above mentioned notions should be made, trying to better approach real world phenomena and processes.

The term 'international' was launched at the end of the 18<sup>th</sup> century by the English philosopher Jeremy Bentham (1748-1832), deriving it from the Latin word *intergentes* (happening between tribes and other types of social-human organization units). Presently this notion comprises the states relationships system, other state and non-state structures, which are subject of the international law.

According to this approach 'international environment' is the closest in meaning with 'international system'. The last of the two terms is the sum of the identities 'political independent (tribes, states, nations, organizations,

alliances' interacting each other and in continuous evolution<sup>1</sup>. The crossing 'from one international system to another is quite difficult to be distinguished, and the clear separation of them should be made chronological'<sup>2</sup>, has only a taxonomy importance. Therefore, 'international environment' is a syntagm with wider significance, representing the frame in which the international actors are performing. The respective actors are: political, economical, military, power relationships which take place among political, economical and military entities. The relationships established among international system entities are based on national interests; therefore some experts say that states have no friends, but interests.

Apart from these notions, 'international environment' consists of 'international actors' as well – international law subjects (with legal personality) which promotes their interests in the international environment through policy and diplomacy. The most important category of the above mentioned subjects is the state; however a bigger and bigger weight goes to international organizations – government (their members are states and state institutions) and non-government (their members are structures which do not represent government, but civil society communities joined by their mutual particular or global interests such as: human rights, animals rights, child rights, pollution removing and environment rescue and so on). A particular category for international actors, with a greater weight lately, tends to become the international corporations – giant-size firms from economical domain which have a lot of branches in other states, apart from the residence state. Besides of these there is a rather big range of organization, which cannot be classified into none of the above mentioned categories, but having a great deal of influence lately. It is about the terrorist networks and those having connections with illegal activities, namely the so-called organized crime networks. These 'actors' activities manage to lure international community attention; therefore, this takes measures to protect itself. For this purpose, many projects have been initiated in order to strengthen the co-operation and collaboration among states and groups of states to prevent and counter-attack the destructive actions of organized crime and terrorists.

#### *The future of the security international environment*

The fourth Report of the Central Intelligence Agency of the United States of America, named '*Global Trends 2025: A Transformed World*'<sup>3</sup>,

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<sup>1</sup> Eugen Străuțiu, *International Relationships Introductory Topics*, „Lucian Blaga” University Publishing House, Sibiu, 2007, p. 7.

<sup>2</sup> *Ibidem*, p. 8.

<sup>3</sup> *Global Trends 2025: A Transformed World*, published at <http://www.mtholyoke.edu/acad/bushj/lite>, consulted on the 11th of January 2011.



allows us to make a projection into the future for the next fourteen years. The basic conclusion of this Report is that the United States will lose their influence not as a consequence of their self-decline but due to the fact that states like India and China will soon assert themselves during the next period.

Practically, the United States will change their superpower status with one of a member of the world leading-states group, with consequences at political, economic and military level.

In the same Report is mentioned: '*The unipolar moment is over*'. The multipolar world will assert itself soon. The Report conclusions talk about Japan caught between China and USA, about Russia which will progress or stagnate, about India which will follow China, as well as about countries such as Turkey, Iran and Indonesia, with a growing role in the near future.

One of the most important assertion of the Report refers to the fact that we can witness the present Alliances system vanishing and the hierarchy that outcome at the end of World War II. The entire international system will be revolutionized. Not only the new players – Brazil, Russia, India and China – will gain a place at the international upper table, but also these will change the power games stakes and rules. The unprecedented wealthy transfer from West to East will go on in the foreseeable future.

The economic growth added to 1.5 billion people Earth population increasing will put pressure on resources – particularly energy, food, water – whenever demand exceeds supply.

The conflict potential will grow, partly due to the political turbulence in Middle East areas. This multipolar system has a greater instability than the bipolar or unipolar systems, therefore it is estimated that new non-state actors will arise, such as: businessmen groups, some tribes and clans, religious organizations and criminal networks, which will perform in a transformed world.

China will be the second world economy in 2025 and the first military power. India will closely follow it, whereas Russia will have an ascendant route if the oil barrel price will continue to be bigger than 50-70 USD. These three countries will follow the 'state capitalism' frame, not the Western liberal one.

The Report underlines the fact that terrorism will not vanish until 2025, however its impact could lessen, if the economic growth will continue, and the unemployment among youth will decrease in Middle East. The youth economic opportunities along with political pluralism will drive away some individuals from terrorist groups, whereas others driven by a variety of factors (the wish to revenge and to become 'martyrs') will continue to use violence to achieve their goals.

In 2025 the terrorist and insurgent groups will probably be a mixture of old groups' descendants – inheriting organization, command and control structures, as well as sophisticated attacks training procedures – and new comers groups composed of future radical violent persons.

The scientific and technical knowledge spread could place some most dangerous capacities of the world in the hands of those terrorist groups which will still be active in 2025. The biotechnology industry globalization spreads the knowledge and capacities in this field, increasing the accessibility towards pathogenic germs, which might be used in terrorist attacks. Radiological and chemical weapons could be used by terrorists or insurgents for mass destruction. Advanced tactical weapons proliferation will increase their potential related to terrorist use. Antitank guided rockets and other portable weapons systems as well as thermobaric explosive devices are other examples of capacities that can be used by terrorist and insurgent groups.

One of the greatest concerns is still the possibility for terrorists and other outlaws groups to gain and use biological germs or, although of low probability, nuclear devices in order to provoke mass crime. A special attention is bestowed to Al-Qaeda, which will have 20 years of existence. Some experts think that this organization will be rather old and ‘will be replaced by similar extremist groups, of Islamic origin’<sup>4</sup>, stating that a terror wave evolves in a 40-years cycle. Al-Qaeda weaknesses owing to the fact that it will not to reach its strategic objectives, along with its inability to attract huge amount of people on its side as well as with its self-destructive actions will cause its disintegration in a more accelerated pace than it has been thought.

On the other hand, history suggests that the global Islamic terrorist movement will live longer than Al-Qaeda and the strategic counter-terrorist efforts will have to focus on the way another successor terrorist group will evolve and the reasons for these matters.

In a multipolar world, the international interest’s fragmentation will diminish some actors influence, like UN, which will very hard manage to act with coherence. New members may be added to the Security Council, but we can infer that it will become less efficient, without having a leader nation to standardize the different points of view. The *global governance* concept will lose its weight because, in a multipolar world, it is quite hard to find acceptable solutions for all relevant actors.

In a multipolar world, religious groups may play an increased role, unlike the secular groups. We can expect that in some states, the religious groups affiliated to some power centres will not perform according to the state standards, but will have autonomy and self-governance claims.

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<sup>4</sup> *Mapping the Global Future – Report of the National Intelligence Council’s 2020 Report*, published at <http://www.foia.cia.gov/2020/2020.pdf>, consulted on the 10<sup>th</sup> of January 2011.

Therefore, it can be expected that the authority of some European states with strong Muslim minorities will be contested.

To sum up, as Europe will approach the year 2025, an increasing number of people will live in enormous urban areas, where the potential of the intolerant religious ethnic conflicts is growing. In this context, some enclaves that resign state's authority will evolve, allowing the spreading of conflicts such as 'Suburbs Riot' of 2008-2009 Paris.

Besides, it is assessed that the Earth population will grow with about 1.2 billion people until 2025, reaching almost 8 billion. This grow will not be homogeneous, so the difference between 'old' (people under 30 are less than 30% of the total population) and 'young countries' (people under 30 are more than 60% of the total population) will increase. Importantly, 'young countries' with a rapid population grow are now grouped in the so-called 'instability arc'<sup>5</sup> (North Africa, Middle East, Caucasus, South Asia, the Balkans, South and Central Asia, South-East Asia areas), which comprises the most vulnerable to conflicts states.

In this perspective, the new economic 'tigers' emergence will evolve where the population will grow up, recording a respective growth of the labour force, namely where the young people will become 'workers'. If such dynamics does not happen (in Africa, Palestinian Territories, Afghanistan or Pakistan), the social climate will suffer from conflicts and violence. On the other hand, in a global interconnected world, every conflict, internal or not, can degenerate and influence the regional and global security climate<sup>6</sup>.

## **Air Force In The Present International Environment**

### *A Brief History Of Air Force Evolution*

According to the armed conflict rules, different types and armed forces categories combat employment doctrines and tactics are directly influenced by available weapons systems and technologies. Air Forces do not divert from this rule, but on the contrary, they are the first to react at the technologies and war evolutions and changes.

Thus, during the First World War the strategic thinking was influenced by its mass feature and in the second big confrontation of the 20<sup>th</sup> century, by the industrial society and the movement feature. Even though the World War II consumed massive aviation resources, forces, means and actions strategies

<sup>5</sup> *Mapping The Global Future –The National Intelligence Council's 2020 Report*, published at <http://www.foia.cia.gov/2020/2020.pdf>, consulted on the 10th of January 2011.

<sup>6</sup> Mihail Orzeată, *Security And Continuous Trasnsformation In The 21st Century*, Military Publishing House, Bucharest, 2004, p. 115.

proved to be vulnerable. However, it should be underlined the massive aviation support and the Air Forces outstanding participation at the first joined operations and at the most relevant air-land and air-maritime-land operations in the history (The Normandie Landings).

Air Forces strategy imposed over few decades, through rapid extension of their technical dimension. Aviation - the new offensive weapon - introduces the third dimension in the strategic war space by the way it used forces and means.

The American Billy Mitchell was an Air Force strategy and use visionary. He saw war future seized by air supremacy. Air operational strategy directly addresses to achieving and maintaining air supremacy. At the end of the previous millennium and the beginning of the present one, the space and informational supremacy principle is enforcing. Nevertheless the close interaction between the three armed forces categories is still valid, which 'favours a strategies merger'<sup>7</sup>, formerly independent.

From the almost dogmatic approach of the air strategic bombing, through target effect, in only a few decades we reach the distance high precision guided weapons, which is similar with passing from quantitative to qualitative war thinking. The operational strategy domain opposes strategic bombing to ground support.

The operational strategies insert parallel war and strategic coercion elements, with vast extension of air missions range. Preemptive action is followed almost immediately by sudden reaction, and the long distance action by war aircraft pre-placement, selective strikes, personal and materials strategic lift.

According to Herve Coutau-Begarie, inside air strategy we will encounter 'a conventional and an alternative strategy, a total war and a limited conflict strategy, a destructive and an interdiction strategy, an offensive and a defensive strategy, a dissuading and an action strategy'<sup>8</sup>.

On the non-contact war strategy coordinates – an effect of the exponential growth of new technologies – air operational strategies addresses a limited precise employment, striking the vulnerable points (without or with minimum collateral damages) and vital centres, in order to get impossible or non-efficient adversary reaction, and from the opposite side, the use of the most various means and actions – terrorism, guerilla, total, civil, informational, psychological media war etc.

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<sup>7</sup> Herve Coutau-Begarie, *Breviaire strategique*, published at [www.stratisc.org/pub/Breviaire-10.htm](http://www.stratisc.org/pub/Breviaire-10.htm), consulted on the 12<sup>th</sup> of January 2011, p. 1.

<sup>8</sup> Herve Coutau-Begarie, *Le phenomene: nouvelle histoire*, cited at <http://www.amazon.com/Herv%C3%A9-Coutau-B%JP3CFK>, consulted on the 12<sup>th</sup> of January 2011.

The last two decades show that Air Forces continuously adapt to warfare strategy evolution. In the '90 USA's forces and means strategies and those belonging to other worldwide relevant powers, we found profound changes, 'joint' concepts emergence, significant increasing of air base and war aircraft number.

At the end of the 20<sup>th</sup> century, the interdependency between strategy and technology generates integrated strategic military action, with American concepts 'Air-land Battle 2000' and 'deep strike' (where Air Forces have a significant role, owing to their high accuracy reconnaissance-striking systems) which enlarge the battlefield at the military actions theatre with an emphasis on Air and Land Forces joint actions.

High precision and altitude strike of the ground indicated objectives (by Special Forces) or through command central network systems ('surgery strikes' theory) is the present air operational strategy feature. Manoeuvre is planned on the basis of colonel John Warden's gravity centres concepts.

The Another remarkable theoretician, American John Boyd, the author of OODA cycle (Observation-Oriented-Decision-Action) proposed a paradigm change for Armed Forces planners, towards operations that will keep enemy in an unbalanced and desinformed state, without being able to coherently use its military power.

2003 Iraq Air Campaign 'Shock and Awe' took into account elements of Boyd's thinking. The campaign strategy wanted to lengthen the Iraqi OODA cycle, through hitting their C4I systems, regime's command points, basic critical infrastructure, thus Saddam regime was not able to sustain coherent military actions and rapidly collapsed. Causing the non-cooperation among Iraqi centres of gravity (performed on Effect Based Operations basis, suggesting the strike of vulnerable connections between these centres), the Americans managed to psychologically paralyze Saddam's regime, just from the war beginning.

From the United States Air Forces perspective, the strategic masking, electronic warfare, communication means and C4ISR systems allow the real time actions command. Air manoeuvre might be circumscribed in a short OODA cycle which can be followed in only a few minutes. The enemy strategic immobilization is based on high precision air-to-ground weapons power increasing, from 8% during 'Desert Storm' to 70% during 'Iraqi Freedom'.

In Europe, the A 400 M aircraft building is a part of the strategy to project the future continental air power and an answer for the strategic military air need. Unfortunately, European states air power is seriously marked by national budget matters. Practically, the power differences, and particularly that of the air power, remain one of the main issues in establishing

the present air strategies. The victory, in a nowadays conflict with the temporal, spatial and technological impact, brings up the problem of forces and means strategic asymmetry, with are quite difficult to size and evaluate.

During the 20<sup>th</sup> century Air Forces have encountered technological developing that have allowed them to increase their possibilities, and therefore the way of use. After initial use in reconnaissance, observation and bombing missions, aviation moved to 'flexible response' and emphasized the strategic air lift, next step was electronic warfare, air refueling, command, control and airborne detection missions, to finally got to cumulated effects strikes, combat search and rescue, humanitarian and population protection missions.

After 9/11 Air Forces were used against terrorists. Together with Special Forces, they contributed to strike enemy's vital and gravity centres, their actions has become global, continuous and dedicated (for missions types – attack, defense, reconnaissance, air surveillance, electronic warfare, transport, command and control, rescue, etc.) There has been used unmanned air vehicle (UAV) for intelligence, electronic warfare actions, surface target illumination/marketing, air defense deceiving and ground attack, without diminishing the Air Forces manned component.

At this moment Air Forces have superior capabilities for intelligence, in order to centralize, analyze and use these. Decision making process shorten has an increased role in developing the combat and support operations rhythm. Long distance force protection imposed Air Forces the imperative to solve the transportation and logistics matters.

Air Forces employment during the last decades conflicts supposed to perform air operations on both inside and outside theatres, the use of strategic air lift capabilities, air refueling, jamming and suppression of air defense means with intelligent ammunition and surveillance and reconnaissance air means.

Beginning with first combat aircraft appearance, Air Forces theorists inferred that the new means employment should be directed both by the general principles of armed warfare and by those specific for air space actions.

In the present international environment of the greatest importance is to distinguished both the elements and features representing the Air Force continuity line and the new ones, specific to actual conditions.

### *Air Forces Continuous Elements*

The continuity for Air Forces is represented by those elements of their actions and of the respective doctrines, that are found in their entire evolution.

Thinkers like Giulio Douhet and Hugh Trenchard stated, from the very beginning, that Air Forces act best in offensive, being a preponderant attack means. The offensive actions priority has a decisive role in air combat,

meaning that they rather act than react, imposing so the operation time, place, aim and rhythm. The initiative must be gained as soon as possible. While defensive may be imposed by the combat situation, success in war is commonly achieved only through offensive action. Even some defence campaign success was rather achieved through selective offensive employments than defence actions. Air Forces are obviously offensive at the tactical level, even though they are employed in defence at operational or strategic level.

Another principle that Air Forces commanders has to follow is the freedom of action. This creates the necessary conditions for the Air Forces actions to be performed according to the issued plans. Air Forces capacity to mass and maneuver forces along with their ability to operate at the tactical, operational or strategic war level or to simultaneously operate at all these levels, provides commanders a valuable resource that allows him to directly and almost immediately gain initiative. Freedom of action is materialized through gaining and maintaining a level of air space control.

Freedom of action was from the very beginning the reason for the first aviation units commanders to request these means to be grouped in entities apart from those of land forces, in order to allow them to act on their own tactics and procedures, with maximum efficiency.

Firstly, the Air power definition and conceptual delimitation was made by Giulio Douhet. Besides, he said that air space must be dominated/controlled, in order to gain victory in war. This was a real leap ahead for Air Forces and an engine for their development. With insignificant differences these concepts, prefigured almost one hundred years ago are still valid until now, representing the central core of every strategy used in wars.

Another not accidental example is the Israel state, which in spite of the fact it is surrounded by hostile states, it has managed to keep its present territory by an efficient use of its own air power, among other means.

Surprise achievement is what Israeli Air Forces managed to perform in the 1967 war against Egypt. At that moment this was to choose, in an unexpected way for the enemy forces, the moment in which the air operation was initiated. Besides, this concept might also include to choose the place, means, methods and procedures for air operations (actions) to be performed, time and weather exploitation, the use of masking procedures, and the deceiving maneuver as well as electronic warfare. Air Forces speed and range allows them to achieve surprise more rapidly than the surface forces. In addition, Air Forces may increase the land forces opportunity to achieve surprise, allowing them to gain initiative and to surpass enemy in combat

disposal accomplishment. That was the case in Arab-Israeli wars, when IAF (Israeli Air Forces) allowed their land forces to take over initiative and defeat the enemy forces.

#### *Novelty Elements For Air Forces*

The conflicts progressing of the last two decades shows that Air Forces continuously adapt, in line with war strategy development. After the end of Cold War, United States Armed Forces, for instance have been consistent downsized. However the number of the American air bases increased with 30% and the combat aircraft number faced a similar evolution.

At the end of the 20<sup>th</sup> century the American concepts 'Air-land battle 2000' and 'deep strike' emerged. Air Forces possess the leading role in planning these types of operations and actions. It is the American strategists merit that managed to fully value those essential Air Forces features responsible for victory settling in favour of own forces.

At the present moment air operational strategy underlines the use of unmanned air vehicles for high altitude precise striking of the ground objectives. These means are also used to search insurgents positions in the Middle East operational theatres.

The 2003 Iraq Air Campaign 'Shock and Awe' had some elements of the classical theory of air power. The campaign strategy aimed to strike the C4I systems, regime's command points, basic critical infrastructure, thus Saddam regime was not able to perform coherent military actions and was defeated.

Causing the non-cooperation among Iraqi centres of gravity (performed on Effect Based Operations basis, suggesting the strike of vulnerable connections between these centres) and suppressing the Iraqi centres of gravity co-operation, Americans managed to psychologically paralyze Saddam's regime just from the beginning of war.

In the future, in war against terrorism, Air Forces will strike 'the vital centres of the networks' (bases, network knots, depots) will perform preemptive air strikes, with specific means, against terrorist groups, during action or action preparation, will accomplish Special Forces elements transportation directly involved in terrorism fighting (air support).

#### **Conclusions**

In the 20<sup>th</sup> century, Air Forces encountered technological developments which allow them to increase their capabilities and thus their ways of employment.

After initial use in reconnaissance, observation and bombing missions, aviation moved to 'flexible response', underlined the air strategic transportation,



then was employed in electronic warfare missions, air refueling, command, control and airborne warning etc., to get to cumulated effect strikes, combat search and rescue mission, population protection.

After the 11<sup>th</sup> of September 2001, Air Forces have been used against terrorists, together with Special Forces, have stricken enemy's vital and gravity centres. In addition, their actions have become global, continuous and dedicated (for missions types – attack, defence, reconnaissance, air surveillance, electronic warfare, transport, command and control, rescue). Unmanned air vehicles have been used to gain information, electronic warfare, ground targets marking, ground based air defence deceiving, without forgetting the air power manned component.

In the present context of the international environment, Air Forces actions inside global war against terrorism have meant performing individual and integrated air operations in exterior and interior theatres.

From de combat aircraft coming out, Air Force evolution has been always carried on between continuity and inovation. The tradition and continuity elements has been given by the necessity to take into account all armed forces rules and regularities, and particularly those specific for air environment combat. On the other hand, the new discoveries and scientific researches have been always firstly implemented in the weapons systems that performed actions in the third dimension, these aspects providing the modernity tinge for Air Forces.

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## **MODERN PARADIGMS OF MANAGEMENT AND THEIR APPLICATION TO GENERAL AND SECURITY MANAGEMENT**

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*Regardless of the origin, organizational theories have made a great contribution to understanding and solving organizational issues. Much of the thesis and conclusions can be found in the contemporary theories of organization. The first theories have given ground for the emergence and development of newer theories. Therefore, we can say that their application in modern practice of general and security management is also different.*

*Based on some characteristics of organizational theories, the conclusion can be made about their application in specific circumstances, namely the division between those which serve us for forming and directing the organization activity and those that can help us in making decisions in specific security situations, where faster decision making processes are needed based on the factors of the environment. It can be argued that all theories are still applicable, but some have greater application in specific situations than others.*

*In modern management science, in addition to the development of the existing theories of management, new concepts and approaches in management are developed as well, some of which become the modern paradigms (Greek paradigm - model, pattern, form). These concepts and approaches include: Management in the New Society, Changes Management, Chaos Theory, Total Quality Management, Business Process Reengineering, Knowledge Management, Learning Organization, Theory of cultural harmony, and others. Specifically, in this paper, the authors show the basics of modern paradigms of management and highlight the need and possibilities of their use in the function of development of existing theories and establishment of new management theories, and their implementation in order to improve practice of general and security management.*

**Keywords:** management; security management; modern paradigms of management.

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In the organization (company), when the owner was no longer able to personally monitor the activities of each worker, he was forced to task the best, outstanding workers to perform management activities, and to give them for that purpose some authorities and analogue power and influence.

At the same time, management becomes the object of study - thoughtful skill, which people learn. There are many theories from that period explaining how managers should do their job. At the end of the 19th century the first business schools were established in the USA, and later in France. It seems that the knowledge from that period is still unavoidable source and necessary for innovation of management, establishment and development of theories and improvement of practice of its new types, including *security management* as well. This, of course, implies the same relation to the later created theories up to modern paradigms of management.

Therefore, presentation of and discussion about these key sources through analysis of the first questions / 1 / Some of the most important theories of organization and management that have laid the foundation of the modern management, follow in the further text. Then, through the analysis of the second question /2 / New concepts and approaches in management and the possibilities of their application in general and security management are presented.

### **Some of the most important theories of organization and management that have laid the foundation of the modern management**

Research of the history of management, the emergence of the first management theory and education of managers suggest that this form of management activity was applied as far back as in ancient civilizations, so the entire practice and theory of management, from that period until today, can be classified in five periods. *The first* period consists of all valuable resources and experiences from the field of management (planning, organizing, leading, control) derived from the ancient civilizations up to 1880. *The second* period is a period between 1880 and 1930 when the role of management becomes very important. Industrial production, of enormous proportions for that time, caused the employment of large numbers of people and creating of organizations that required professional managers to run them. With the advent of the factories, owner was no longer able to personally monitor all aspects of production, that is activities of his employees, so he was forced to delegate these tasks to specially trained people. They were the first professional managers in the industry. In this period of rapid industrial development, with the emergence of large industrial enterprises, classical organizational school - "scientific" management was developed. *The third* period is between 1930 and 1950, and in organizational theory it has been

designated as "school of human relations," neoclassical school, behavioural direction. It is characterized by the fact that a human, individual and group, motivation of workers are approached with greater interest and understanding. *The fourth* period lasted from 1950 until the last decade of the 20th century. During this period, up-to-date theoretical experiences are systematized and generalized. In the theory of organization and management the system approach is introduced, there are also situational and contingency theories emerging, difficulties of managing institutions and organizations of tomorrow are explored, the internationalization of management is indicated, etc. *The fifth* period may be termed "Management in the New Society." It began at the end of the last and beginning of the 21st century. Because, as Peter Drucker said, "there is no doubt that the new society is already growing up, around us," and within it, also the management in that - New Society. The main feature of that emerging society is knowledge, and the basis of development is *knowledge economy* and, consequently, with the management based on knowledge.

*Classic management as a basis of development and establishment of the theory and practice of general and security management*

Classical Management School is divided into two areas, scientific and administrative.

*Scientific Management School.*- In early days, management was considered to be an art, a gift that was given to some but not all people. At the same time, statements that there must be some scientific basis which is applicable to the management emerged as well.

The first major step in defining management as a science has been made by *Frederick Taylor* (1856-1917). Working as an engineer, he studied the organization trying to advance it. He created a whole approach of monitoring management through standardization and job design.

Four *preconditions* for his approach are: /1/ scientific selection of people, /2/ training of personnel on scientific basis, /3/ motivation of personnel, and /4/ integration of a person into his job. He argued and demonstrated that the fulfilment of these preconditions considerably increase productivity, and workers do more than the mere mechanical performance. Their wages will rise simultaneously with the profit.

Taylor has set the following *principles (general principles) of scientific management*: *The first principle* is based on an assessment of daily personnel performance. *The second principle*: "all the intellectual work should be removed from the plant and performed in the planning department ...". *The third principle* is to control the performance and realization of tasks. He developed methodology in detail and established *the process of scientific*

*management* in practice – in the steel works Midvale (USA). The steps of this methodology are: *First*, to select the workers who have the highest level of qualification for the specified task. *Second*, to study thoroughly the basic moves and operations that each worker should perform during the task. *Third*, to study, using a stopwatch, the time needed to perform each move or operation. Based on these findings, the shortest possible time for performing all moves should be determined. *Fourth*, all unnecessary and slow moves should be eliminated. *Fifth*, after the removal of all unnecessary moves, the fastest and most effective series of moves should be determined.

The essence of introduction of the scientific management process in the steel works Midvale (U.S.), was formulated by Taylor as the “honest daily effect”, that is, all the work that an employee performs daily, at the maximum speed, without disturbing his health, that is, without shortening his active life.

Taylor's approach assumes that man is purely an economic unit, so it is necessary to determine the economic interests of working people - money.

*Administrative Management School* - Second classical management school, so called *administrative*, dealt with the role and functions of managers. It was thought to be easy to determine the most effective methods for performance when fully is known the nature of managers' work. *Henry Fayol* (1841-1925), executive director of a coal mine in France, was one of the first representatives of this idea. Based on his experience, Fayol saw management with five *basic functions* that are still used today: /1/ planning, /2/ organizing, /3/ personnel policies, /4/ management and /5/ control. Fayol found six *key entrepreneurial activities* /1/ technical, /2/ commercial, /3/ financial, /4/ security, /5/ accounting and /6/ managerial<sup>1</sup>. Fayol defined fourteen *general management principles*: /1/ *division of work*, that is directing an individual or group to certain specialized activities, /2/ *authority* (power) implies the right of giving orders, and it is inseparable from the responsibility of the one who gives orders, /3/ *Discipline*, which is determined by agreement between employer and employee, /4/ *Unity of commanding* - the system without doubled commanding lines. One order issuing authority - one executor, /5/ *Unity of planning* includes unique plan for groups of activities that have a common goal, /6/ *Subordination of individual interests to the general interest* of a company. This principle Fayol consider the most difficult management area, /7/ *Payment for the work* should be acceptable to workers and a company, /8/ *centralization* of management functions is essential for the efficiency of decision making process, /9/ *pyramid structure* of management: from the top to the base of an organisation, /10/ *System*: the

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<sup>1</sup> *Activities in industrial company* by Fayol: Heinz Weihrich, Xarold Koohtz, Management, Mate d.o.o, Zagreb, 1998, p. 37.

right person at the right position, /11/ *Fairness* implies courteous and fair treatment of managers towards employees, /12/ "running-in" time for employees should be long enough for them to fully understand the work to be performed and to successfully integrate into the organization, /13/ *initiative* of all employees is highly desirable, but in the framework of the discipline and controlled by managers and /14/ *Esprit de corps (corporate spirit)* implies harmony of organization and development and stimulation of teamwork. These principles were adopted in many companies. In recent times (from 60's of the 20th century) they are criticized because they are not subject to changes that are occurring rapidly. This theory can be applied in organizations with highly hierarchical, pyramidal structure of management, and modern organizations are based on more flexible and less centralized models of management structure.

Henry Fayol's understandings are important for improving the organization and functioning of security (primarily corporate) and security management. Particularly important are his findings as follows: *One of the five main functions of a company is a security function, and there is no functioning of an enterprise, neither its security activity, without management, realized on the relevant principles by capable managers.*

The major premise for necessary innovating of corporate security clearly follows from the above stated: not all corporate security tasks can be delegated or ceded for a fee, according to the principle of outsourcing or otherwise, nor all security services conditioned by challenges, risks and threats to corporate security can be bought in market of security industry. Because, these are the basic tasks without which a company- corporation cannot exist. It is inevitable that "with" and/or "in" the top management of corporations there is security management.

In addition to the above mentioned, the fact important for general and security management is that Fayol recognizes, presents the significance and content of all words, that is terms in this syntagm. This concerns general management, but also management of all the major functions of a company, including in the security function. This means that in his paper *Administration industrielle et generale (General and Industrial Management)* are the beginnings of theoretical thinking not only about management but also about other types of management, including security management.

One of the most important representatives from this school is the creator of the theory of bureaucracy, *Max Weber (1864-1920)*<sup>2</sup>. Weber's

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<sup>2</sup> There are other, not less important representatives of the classic school: Gant Frenk and Lilien Gilbert, Harington Emerson and others. For more information: Heinz Weihrich, Harold Koonz, *Management: A Global Perspective*, McGraw-Hill, Inc. 1993.

bureaucratic, rational approach to the organization is not explicitly placed in the classic theory of organization, but Weber is considered its representative, because he was under the influence of the same social circumstances, and, like other followers of this theory, he paid very little attention to person, and far more to the organization. And still today Weber's theory is rooted in the organization and management in public administration. Weber particularly studied the relationship between function and personality, that is position and the holder of the position. He has a strong influence on defining authority in a company. He distinguishes a legitimate, traditional and charismatic authority. Weber's theory is most criticized because it has a motivation-reducing effect on employees. Adherence to the procedures has become an end by itself, one is neglected as a person, while managers have too much power. However, the study of this theory is important from the view of management in a strictly hierarchical structures, and therefore in the public administration bodies (where the army and police organically belong), as bureaucracy is one of the main characteristics of public administration. The elements of Weber's bureaucracy are: /1/ division of work whereby the authority (power) and responsibility are clearly defined and validated for each member of the organization; /2/ positions or functions should be organized hierarchically, /3/ all members of the organization should be selected on the basis of qualifications and education; /4/ managers should be appointed, not elected; /5/ administrative managers should work for set salaries and be a "career" employee; /6/ administrative manager should not be the owner of the organizational units he runs; /7/ manager should do his job according to the clearly defined rules, he should be disciplined and controlled<sup>3</sup>.

From the above mentioned it can be concluded: *First*, the classical school of management overemphasizes the formal organization and rigid hierarchies, resulting in reduction of efficiency in the functioning of the organization. *Second*, its theorists point profit in foreground and as a primary objective, ignoring person as a human being with his needs, expectations and hopes. This technicist approach is caused, among other things, by the professional orientation of most theorists who were mostly engineers. *Third*, the classical school of management has given a set of principles, some of which, such as the existence of objective, the division of work with specialization, coordination, authority and responsibility, have practical value even in today's organizations, including the security institutions.

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<sup>3</sup> Miroslav M, Talijan, Momcilo, Talijan, *General and Security Management*, Higher Internal Affairs School, Banja Luka, 2011, pp. 109-110.

### **Views of neoclassical (behaviourist) school of management and application of motivation theories to humanization of management**

The behaviorist schools were more concerned with the worker than with his work tasks. In the early 20<sup>th</sup> century the behaviorists' interest in increasing productivity was as high as the interest of those who belonged to the classical school. However, the behaviorists thought that the key to productivity was within the worker himself, not in his job or position. Through sociological, psychological and organizational research they sought the way to motivate the worker and thus increase productivity. The behaviorists believed that the man was so called "vital machine" and that the leadership had to take care of each individual worker. If a company spent so much time greasing and maintaining presses, lathes and other inanimate machines, then it would be quite logical to spend at least as much time, energy and attention to the people, those vital machines, in order to prevent them from getting out of order.

*Elton Mayo* (1880 – 1949) was a representative of the *Human Relations Theory*. He insisted on satisfying employees' social need, notably on establishing of good human relationships and on the feeling that all employees were important actors in any organization. The management had to be concerned with employees' personal problems and to work on avoiding conflicts. A number of the *Work Motivation Theories* developed drawing on the classical and neo-classical management theory. They were mainly focused on workers and their individual abilities.

The theories aiming at explication of motivational behavior of the people at work can be divided into two groups: *Content Theories* of work motivation and *Process Theories* or *Expectations Theories*.

The first group of Content Theories starts from the assumption that the basis for motivation is people's needs that are transformed into internal motives producing specific forms of work behavior. These theories seek to provide an answer as to why people behave in a certain way or why they work the way they do. The second group of the Process Theories is concerned, in the first place, with the question: How do the employees choose to behave at work in a certain way and how do they assess whether that behavior is good for them?

*Theory of Hierarchy of Motives and Needs.* - The theory of motives and needs hierarchy, created by Abraham Maslow (1908-1970), a distinguished American psychologist, scholar and the main proponent of humanist psychology, advocates a radically new style of people management which may provide for a positive development of each individual, institution, region and society as a whole. He stresses that human needs make the basis for motivation. According to this theory, the man works in order to meet some of



his needs, in other words, it is a need that motivates him to work. Maslow proposes the following needs structure with the hierarchy of needs based on their importance and the intensity of their appearance in human mind. The *first group* includes *physiological needs* – natural needs (sleep, food, air, water, etc.), which if not met may endanger human biological existence. The *second group* has to do with safety at work, in the family and society. The *third group* includes *social needs*. The man is a social being, and once his biological and safety-related needs are met, he aspires to fulfil the desire to belong to a group, to communicate, socialize and to love and be loved by the family members or someone else. The *fourth group* contains the needs for being esteemed, for status and prestige, that is to say, needs that are expressions of human ego (desire for power, independence, and success). By satisfying these needs, the man gains a feeling of self-confidence, value and power, the feeling that he is needed and useful in this world. The failure in doing so, results in a feeling of inferiority, weakness, hopelessness and being not needed. The *fifth group* has to do with the need for self-actualization. The essence of these needs is the possibility of achieving recognition and realization of individual's qualities and abilities.

Abraham Maslow thought that human potentials were largely underestimated and poorly explained. He believed that all human beings pursue self-realization. However, the so called higher level needs: social belonging, self-estimation and self-actualization – the needs for achieving personal sense, spiritual and psychological growth, according to Maslow, can only be met if the basic needs for survival and safety have been met.

*Two Factor Motivation Theory.*- Two factor motivation theory was established by Frederick Herzberg. The essence of this theory is that all factors of work motivation and job satisfaction can be divided into two groups. The *first group* includes those factors that result in a lack of dissatisfaction and all other factors up to those that create satisfaction. Those are: job, recognition, promotion and development prospects, etc. They are named as motivating factors or work content factors. The *second group* includes a set of factors extending from those that may cause dissatisfaction to those that do not cause dissatisfaction. These factors are: physical conditions of work environment, social conditions of work environment (leadership and management system, human relations, etc.), safety at work, wage scale, business policy, and similar. They are named contextual (factors of work environment).

Only the factors from the first group can have a positive effect on motivation (hence increase in productivity), while regulation of the factors from the second group can eliminate, or at least reduce, dissatisfaction, but fails short of inducing satisfaction. The main objection to this theory has to do

with subjectivity of the results, due to the applied methodology: methodology of critical event. On the positive side, this theory points out the importance of not only clearly psychological factors but also of other factors such as physical and social conditions of work environment. It has stimulated a lot of research making managers across the world use Herzberg's ideas to build their job enrichment schemes that have yielded certain results. These schemes mostly focused on increase of employee responsibilities for planning, performance and control of work; enhancement of employee autonomy and enabling the employee to perform a complete task so that he can experience fulfilment, growth and development through his work.

*Process Theories of Work Motivation* - These theories aim at providing an explanation for psychological mechanisms and processes underlying the initiation of the motivation cycles, or, to put it in simple terms, to explain *how* motivated behaviour is created. The theories are called 'process' theories, 'expectations' theories, or 'instrumental' theories of work motivation. They are also known as VIE theories, which is an acronym made of the first letters of the main concepts: valence, instrumentality and expectations. Those theories are based on the premise that people choose among possible forms of behaviour those forms that are to ensure one or more desired outcomes: prestige, income, new prospects, promotion, etc.

These theories hold that employees would be motivated to improve their work behaviour if they believed that their efforts would bring desired outcomes, which depending on each individual, may differ – from building career to securing a better or more prestigious job, which is, anyway, the focus of managers' expectations and efforts. Dozens of various models of these theories have been defined, but in this paper, considering length constraints, we shall mention only some of the theories and their creators and point to their essence.

*Expectation theory* by Victor Vroom<sup>4</sup> is a leading theory in the group of the Process Motivation Theories. It starts from the assumption that people are motivated in different ways to achieve specific goals, especially, if they believe that their goals are valuable for them, and if they perceive that what they are doing may lead to the attainment of the goals.

Three variables: valence, instrumentality and expectations lie in the heart of Vroom's theory.

The motivating force (M) in Vroom's model of motivation is equal to the sum of products of valences of all outcomes of work behaviour (B) multiplied by the force of expectation that they will result in the consequences that the employee desires (E):

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<sup>4</sup> V. Vroom, *Work and motivation*, New York, John Wiley and sons, 1964.

$$M = \alpha E \times B$$

Although one may criticize this theory for seeing the man as excessively rational being that keeps assessing his behaviour and actions in a rational way, managers can put Vroom's model in practical use if they follow some rules derived from the theory: *Firstly*, clear goals should be set and maintained within the institution, accompanied by a clear relation between efforts and rewards. *Secondly*, undesired outcomes of work behaviour, such as removal from the position, dismissal, penalization, exposure to risks – should be eliminated, or at least reduced as much as possible. *Thirdly*, it should not be forgotten that employees may have very different needs, which if met through their work will lead to positive motivation.

Provided that these strategies are implemented, managers can count on an increase in work motivation of their employees, higher rate of job satisfaction and loyalty of associates, which is what security management, also, aims at.

*X-Theory.*- The tenants of X-theory are basically the same as the tenants of Taylor's theory: the man, by his nature, is indolent, he works not more than he has to, he does not have any ambition and does not like responsibilities. The man is also egocentric and indifferent to the goals of the institution where he works. Therefore, it is the management who is responsible for organization of people and means, their guiding, control and motivating in order to achieve the economic objectives of the organization. Douglas McGregor<sup>5</sup> argues that the principles defined in this way by, as he called it, X theory are wrong (principles of Taylorism) and that this theory take causes for consequences. The described state of people's work motivation does not stem from human nature, but is rather a consequence of the situation where the man happens to be – a weak organization. Leadership and managing are reduced to control, punishment, enforcement, and as such, they have become inadequate and insufficiently stimulating.

*Y Theory.*- According to Y theory, people are motivated, capable of development, able to take responsibility and direct their behaviour towards the goals of the organization. The manager's task is to enable people to realize and develop their positive characteristics. In application of Y theory, as an independent motivation theory, McGregor suggests the following: /1/ decentralization of decision making system; /2/ enrichment and "refining" of routine jobs; /3/ employees' participation in decision making and consultative management. Y Theory has the same goal as X theory: to motivate people to achieve the goals of the organization. The difference is that Y theory seeks to accomplish it in a more humanistic way, respecting the employee as a person and activating his individuality.

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<sup>5</sup> Douglas McGregor, *The Human Side of Enterprise*, New York: McGraw-Hill Book Co, 1960.

However, it may be a bit naïve to believe that all people are capable of behaving in the desired way *in appropriate work conditions* and expect that in such conditions they will always behave in a responsible way. Nevertheless, employees will be more loyal to their organizations and will work more and better if *they are treated well*. Consequently, the starting point in building and managing organizational behaviour is that there are no real reasons why the work environment should not be *pleasant and productive*.

The contemporary ideas about organizational behaviour are based on the assumption that there is not only one, the best approach to motivating people in the most effective way, as there is no leadership style that will ensure the best results, and that it cannot be decided in advance whether major organizational decision should be made by groups or individuals. There are no simple answers when human behaviour in organizations is in question since the processes at work are very complex. Behaviour in work environment is the result of influence of a number of forces, which is in theory denoted as *contingent approach* or orientation.

Contingent approach, or orientation, starts from the understanding that specific behaviour *depends* on the existence of *specific conditions* – hence the name of this approach.

*Other theories of motivation.*- There is a number of various motivation theories. One of the most famous, which was the basis for creation of different variants of motivation theory, is *Festinger's theory of cognitive dissonance*. C. Corman also provides a concept according to which people's behaviour at work depends on the representation they have about themselves and their abilities. If a person has representation of himself as a very productive person, he will try to behave that way in practice. Another factor is also important here: the need to win distinction, achieve success and prove oneself.

*Z theory.*- Z theory was originated in 1980's and its tenants are largely applied in Japanese companies. Quality assurance circles, fault-free production, just in time supply of production lines are some of the elements of the phenomenon known as *the art of Japanese management*. The key factor of motivation is the possibility of creative engagement of all employees through innovation groups (for improvement of work conditions and production).

The following may be concluded regarding the behaviourist management theories: *First*, to a large extent, they contribute to socialization of employees and work process. The neo-classical approach integrated the social system of the organization with technical and work systems. *Second*, those approaches became poles apart in relation to the prevailing scientific approaches to management which focused primarily on production. *Third*, this school of management and its theory of human relations draw on the

body of knowledge of other social sciences, in the first place sociology, psychology, anthropology and other disciplines integrating them into organization and work. More humane relations and better motivation in work process considerably improve work productivity. Because of that, managers have to know how to put into practice the postulates of this school.

*General organizational theory and their contribution to the development of management*

Over the last decades of 20<sup>th</sup> century there were some efforts in the theory of management to constitute a general theory of organization and management that would be universal and acceptable to all systems. Unlike scholars of classical and neo-classical (behaviourist) schools, who favoured mostly qualitative approach, the proponents of general organizational theory argued for a quantitative universal approach to studies of management in all organizational systems.

Creation of general management theory on the basis of the general system theory and cybernetics was accomplished in such a way that organizational models, simplified and less complex than those existing in real organizations in specific fields of human activities, were created and designed and then studied in real organizations and in various fields of human activities. Research into such organizational models revealed the first organizational regularities and general characteristics of management. It was possible to apply those general rules and regularities to different kinds and areas of organized human activities, i.e. in real models of the organization, where specific kinds and approaches in organization and management theory were identified, such as systemic, cybernetic and situational approach.

*Systemic approach.*- Introducing of certain regularities from the general system theory into the organization enabled new results in the area of management and wider knowledge about organization theory to emerge. The systemic approach implies multifaceted observations of organizational systems and their structural elements from within, while taking into consideration the impact of environment on the observed system. The object of study is the structure of the system in an organization, links and relations between the elements within the system, their interrelation and interdependency, and interaction of the system with its environment. This systematic insight into the organization, where the system is not viewed as isolated, but the impact of the environment is taken into consideration instead, has improved management, i.e. considerably enhanced functioning, moving and development of the organization.

The following system properties are especially important for understanding of the systemic approach: /1/ interaction; /2/ entropy; /3/ regulation; /4/ hierarchy; /5/ differentiation; /6/ equivalent; /7/ functioning; /8/ state; /9/ movement and /10/ system behaviour.

*Cybernetic approach.*- The scientific area of cybernetics has considerably contributed to the improvement of management and its optimisation in complex organizational systems, such as security institutions.

Through studying systems and their complexity and constant dynamism, based on the postulates of mathematics and logics, the cybernetic approach has pointed to general regularities in management processes. According to this approach, management should ensure that the established organizational goals may be attained and the stability of the organization secured, and, in the conditions of dynamic changes, prevent its disorganization. In dynamic conditions and continuous changes in the environment, information is critical for management actions both internally and externally; it is crucial for functioning, development, even survival of the organization. Management relies on the information relating to the object of management and the environment, based on which decisions are made and implemented.

By controlling output values, comparing them to the desired value, and intervening on the input values, managing bodies achieve the established or desired goal of the system and maintain its stability, prevent it from breaking apart and secure its functioning.

*Situational approach.*- Situational approach is a relatively new approach in organizational theories. It emerged in the late sixties and beginning of seventies of 20<sup>th</sup> century. This theory includes the phenomena of situation as critical factors for functioning of organizational practice and management in the concrete organization. It clearly posits that there is no ideal organization, and the methods and principles according to which an organization is organized are not universal for all organizations, but are dependent on the situation imposed by concrete conditions.

According to this approach, decentralization is not always necessary better than centralization, explicit goals may not always be good; strict control can be sometimes appropriate; the same organization under different conditions may need different management action; the same goal can be reached in different ways; and organizational changes are viewed in causal relationship according to the principle: if A then X, if B then Y, which implies the existence of variants of the solution that may match each variants of the problem.

Upon summarizing what has been presented concerning the general organizational theories, one may conclude that *systemic approach* can

improve the capabilities of the whole organization in such a way that more complex organizational problems can be solved through modelling, simulation and application of computer technology. Such problems can often be found in a security organization.

The systemic approach enables the management to choose the right course of action to achieve the organizational goals. Problems are solved by means of constructed mathematical models containing all factors of the problem.

With *Cybernetic Approach*, by using computers, changing values of variables and through computer application, the effect of a certain change can be established and the solution to the problem formulated.

*Situational approach* requires management's reactions pertaining to the situation that are always new and different from case to case. Managers are expected to take a flexible approach, and to have active, systematic and prudent attitude in every situation. The main motto of the situational approach is "it all depends". Thus, when this approach is used appropriately, managers should first look into the factors conditioning the situation and then make decision on the course of action. Only responsible and competent management can apply the theory of situational approach since it necessitates assessment of the environmental factors that are not only complex but also dynamic and that can change every day.

*In sum*, we may say that organizational theories, regardless of the period when they were originated, have made a great contribution to understanding and solving organizational problems.

A great part of their tenants and conclusions can be found in the contemporary organizational theories. The first theories provided the basis for emergence and development of new theories. Thus, their application to the contemporary practice of general and security management may be somewhat different.

Based on some characteristics of organizational theories the conclusion about their application to the concrete conditions can be drawn, or more precisely, the division can be established between those used for forming and guiding organizational activities and those that can help us in making decisions in concrete security situations, where decisions based on the prevailing factors in the environment have to be made quickly. All these theories are still applicable, but some of them are applied more than the others in concrete situations.

In this part, we have dealt with some of the most important theories of organization and management that laid foundations for contemporary management. As a matter of course, in addition to these theories there are other theories that draw their knowledge and principles from the presented theories.

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## **THE RESPONSIBILITY OF PROTECTION AS LEGITIMACY OF THE HUMANITARIAN INTERVENTION IN GLOBAL GOVERNMENT**

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*The content of „The Responsibility of Protection” has passed from a right (an humanitarian intervention) to an obligation and this fact was based on the wish of cutting out any tendency for a people to be subject to constant and severe violations of fundamental rights.*

**Keywords:** the responsibility of protection; global governance; human security.

The failure of the attempt to legitimate the NATO action in Yugoslavia in March-June 1999 through the right of military intrusion of a political-military organization having particularly high standards, in terms of human rights, in a given situation in which there is a major risk of producing a humanitarian catastrophe while the state in question refuses to be subject to relevant resolutions of the Security Council<sup>1</sup> – reiterated the debate on the relationship between sovereignty and military humanitarian intervention.

Even when it was considered that between military intervention and the humanitarian action it is just an apparent contradiction<sup>2</sup>, the last decade of the 20<sup>th</sup> century, when there were multiple debates and experiments in the field of law – as a duty of humanitarian intervention, forced the international political and academic community to see UN as a symbol of global governance –the

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<sup>1</sup> I. Dragoman, C. Militaru, *7 studii de drept internațional umanitar*, Lumina Lex Publishing House, Bucharest, 2003, pp. 175-196.

<sup>2</sup> C. Cîrciumaru, *Intervenția militară și acțiunea umanitară – o falsă antiteză*, in *Gândirea Militară Românească*, nr. 3/ 2000, pp. 215-217.

only force having the monopole over using the constraint in the international relationships, which was able to authorize this kind of actions interweaving the military violence and the human rights for the purpose of relieving the next generations of the scourge of war.

Some way, this reiteration of the debate on an essential theme of international politics represented the apogee of the contradiction between neorealist and liberalism trends and the triumph of the idea that the global democratic generation based on the idea that the global institutions should be consolidated since the national and regional authorities can not ensure the solving of the trials having supranational nature.

Under the given terms of which the Charter of the United Nations contains only principle provisions concerning the legitimacy and legality of the humanitarian intervention and the failures were explained just by invoking the public international law – the resumption of the debate should start from the global legal order which, in UN system, excepting the self-defence case, authorizes only the use of force allowed by the Security Council's vote: "Blocking" it and putting it in inability to make decisions, due to the out-of-date organizational and functional system, will often perpetuate and aggravate the violation of human rights, without the punishment of the guilty ones.

The subsequent debates over the humanitarian intervention took place on two segments, the first one, more official – of the proposal for reformulation of the world legal order taking place mostly in the democratic environment of the General Assembly of the United Nations, and the second one, more informal – that of the emphasizing the legitimacy of the necessity of global action in case of humanitarian catastrophes, assumed by the world civilian society, strongly constrained by the Press, by the academic institutions and the public international opinion.

As a matter of fact, the two segments strongly interfered and allowed the participation of all the governmental, national continental, regional and worldwide levels and in this way they gathered the concept called "the responsibility to protect".

The debut of the attempt to rebalance the fundamental principles, non-intervention, use of force and human rights occurred in the context of the United Nations<sup>3</sup>, by means of several statements of the United Nations Secretary-General, made during the 16 months before the 21<sup>st</sup> century, in full crises of Kosovo – from which the future fundamental ideal of the new concept "R2P" will develop. Among these ideas we find out that protecting the people's sovereignty, "The Charter of the United Nations" does not

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<sup>3</sup> Kofi A. Annan, *The question of intervention*, United Nations, New York, 1999, pp. 6, 12, 19-20, 32.

authorize the governments to violate the human rights because the sovereignty does not mean only power, it also means responsibility; when the human dignity is insulted inside the borders of a state, we talk about a threat to peace and international sovereignty, a reason for which the public opinion is pressing the governors to do "something" diplomatically, economically or military to interfere in. For stopping the violence which brings humanitarian catastrophes, it is essential that the United Nations Security Council promptly assume its difficult responsibilities regarding the combat of the threatening to peace and international security. At the beginning of the new millennium, we cannot accept people to be brutalized inside their own borders because an United States Organization which does not react and fight for the human rights, would be inefficient in terms of its own objectives and principles.

The Secretary General, Kofi Annan expressed in his annual rapport in front of the last United Nation General Assembly, on the 20<sup>th</sup> September 1999, his new vision of the human security and intervention in the next century, in the world of the tragic events of the past, which require the continuation of the mission of consolidation the ONU responsibilities in a continuous geopolitical transformation where the state-wide sovereignty radically redefine itself under the action of the international globalization and cooperation force<sup>4</sup>; that is the way in which the state is seen more as a system protecting the people's interests (and not vice versa) and the individual security as summarizing the fundamental human rights and freedoms – proclaimed by the Charter of the United Nations, was reinforced through a new reconnaissance of the everyone's right to have absolute control over his own fate. What is essential in this transition from the collective security to human security and from the collective sovereignty to the individual sovereignty, is that the new United Nations Organization's political philosophy does not contradict the Charter of the United Nations, and we meet difficulties only in applying its principles in a new era, especially regarding four features of the humanitarian military intervention in public common interest, as we see in the preamble of the fundamental law of United Nation. First of all, we need to define intervention in a wide way in order to include all the actions of the human crises management, beginning with the peaceful to the most coercive ones, including the humanitarian assistance and post-conflicting reconstruction because the human dignity is indivisible.

On the other hand, taking into consideration the vision of some states on humanitarian crises, it is absolutely necessary to have an wide accepted definition of "the national interests" in the following century, question which

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<sup>4</sup> Kofi A. Annan, *Two concepts of sovereignty*, Address to the 54<sup>th</sup> session of the United Nations General Assembly, 20 September 1999, New York, p. 37.

would imply, in an global era, a global commitment of the United Nations Organization governing, because, until now, in a large number of challenges that humanitarians should face, the “collective” interest was the “national” interest. Thirdly, when the military intervention becomes necessary, The United Nations Security Council should correspond to its responsibilities, authorizing the use of force in human rights protection. Finally, it is essential that after the ending of the conflict, the commitment for the reconstruction be similar to the one existing during the crises.

Taking into consideration the fact that only the development of these rules of the “civil protection assistance interventions” will ensure the gaining of respect and support of the world’s people, the Millennium Declaration<sup>5</sup>, adopted through the United Nations General Council Resolution on the 8<sup>th</sup> September 2000, meeting the States and Governments Headquarters Council, established the main international cooperation elements at the beginning of the new millennium, being a relevant document only for the reinforcement of the worldwide order and for the clarification of the global responsibilities concerning the civilian protection. The main provisions of the Declaration concerning the above mentioned are the following: reaffirmation of the belief in United Nations Organization and in its Charter, as indispensable fundamentals of a more peaceful and equitable world, admitting that besides their responsibilities towards their own countries, the heads of the states and governments have the collective duty to climb the principles of the human dignity to a worldwide scale, this becoming their obligation in relation to all the people of the world; supporting all the efforts for maintaining the states sovereignty by the principle of respecting the human rights; assuring that that the process of globalization will become a positive force for all the states of the world and that it can truly become universal and balanced only based on the common human values; including through the essential fundamental values for the international relations of the 21<sup>st</sup> century of the freedom, equality, solidarity, tolerance, respect for the nature and the solidarity features, the responsibility for the management of the international peace and security threatening should be unilateral assumed by the states of the world and multilateral approached, the United States Organization should play an primordial part on this field as the most representative international organization; enforcing the humanitarian international law and the human rights law in the member states towards achieving peace, security and disarmament; intensification the efforts for the democracy furtherance and enforcement of the law on which is based the equitable governance; the

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<sup>5</sup> Ion Dragoman, C. Militaru, C. Panduru, *Relații internaționale actuale*, Intergraf Publishing House, Reșița, 2004, pp. 167-175.

reaffirmation of the central position of the United Nations General Assembly as a principal deliberative body- representative for the United Nations Organization; the reformation of the United Nations Security Council and enforcement of the International Court of Law for assuring the justice and law supremacy in international relationships; the periodic examination of the progress obtained by the implementation of the Millennium Declaration provisions through periodic reports of the Secretary General which are going to be considered by the United Nations General Assembly as a base for the future actions; the assertion of the fact that the United Nations Organization is the common and indispensable home of the entire humanity through which they are trying to fulfil our universal aspirations to peace and humanitarian security.

The same way happened even in the case of some new concepts<sup>6</sup>, even the R2P was developed besides the formal frame of the United Nations Organization but involving substantial contribution from the organization. In this way, for a better definition of the nation, in August 2000 a commission of experts being was organized who were animated by non-governmental organizations. The Canadian prime minister took the initiative and organized the International Commission on Intervention and State Sovereignty (CIISS)- as an international, independent agency, authorized to identify a common approach of the two apparently antagonistic concepts, on one hand - the military intervention on the territory of a state, based on humanitarian considerations and on the other hand – its sovereignty. This informal modality of solving a global issue by mean of famous experts starts from the reality that, while the governmental organizations are too involved in politics to succeed in being impartial, and the nongovernmental organizations develop an activity of raising their consciousness of the problem, the groups of famous specialists are closer to the governmental strategies and they are often used for framing the specific politic proposals; as a matter of fact, the development during the 1980 and 1990 of the think tank and commissions on the global issues is another sign of the global civil society development. There are many examples related to this subject, in the last decade of the 20<sup>th</sup> century, International Crises Group and The International Institute for War and Peace Reporting became information and opinions providers, the same as other think-tank for the investigation of the complex issue of common defence or external affairs; the international commissions being similar to those think-tank, working independently, even if they are functioning as mandatory to The United Nations Organization. Specialized literature considers the Brandt, Palme and Brundtland Commissions to have important contribution through

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<sup>6</sup> M. Kaldor, *Securitate umană*, CA Publishing, Cluj Napoca, 2010, p. 49.

their pioneer work, using those groups of specialists to offer suggestions of politics regarding the global important issues; even before the start of the 21<sup>st</sup> century there were developing humanitarian international commissions, Carnegie Endowment organizing two of these groups, one for "the prevention of the mortal conflict" (1997) and other regarding The Balkans (evocative of an antecedent commission from 1913); we also know about the reports of some important commissions under the wing of The United Nations Organization about Rwanda, Srebrenica and The United Nations Peacekeeping Forces<sup>7</sup>.

The experience has shown that this modality of thorough studies regarding the problems the humanity faces represents important instruments for growing public transparency and responsibility, representing the most adequate frame of the civil society in the governments evaluation, and in this frame also we find the CIISS under the command of Gareth Evans and Mohamed Sahnoun, being composed of 10 members from 9 countries, which offered the impulse for the R2P adoption. It was mentioned then, in August 2000, when the commission set up, that the Canadian authorities' intention is to be part in the implementation process of the human security, participating in this way to the international arrangement regarding the circumstances in which the humanitarian intervention is legitimate. After the announcement of setting up the CIISS, made by the Canadian prime minister on the 7<sup>th</sup> of September, 2000 - during the session of the Millennium Summit, the Canadian minister of external affairs specified on the 14<sup>th</sup> of September that he obtained the support of some foundations for achieving the goal of "solving the apparent contradiction between humanitarian intervention and state sovereignty". As a matter of fact, this organization is flowing from the United Nations Secretary General at the General Assembly on the 20<sup>th</sup> of September 1999, according to which "it's essential to come to a consensus of the international community – not only over the principle that systematic and massive violation of the human rights should be stopped, wherever it takes place, but over the ways through which they decide what action it's necessary, where and by who". In this way, R2P does not seem as a subsidiary principle of the human security, non-existing previously in the United Nations Charter, inspired by the painful experience of the United Nations Organization in Rwanda and also in Somalia and Bosnia where the intervention had a kind of preventive impact. It is properly considered that the CIISS members represented on one hand the geographic diversity and on the other hand the law systems and political influences for succeeding where the

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<sup>7</sup> N. Neagu, *Teoria și practica întrebunțării poliției civile în operațiunile de pace ale Națiunilor Unite*, Triumf Publishing House, Brașov, 2003, p. 289.

previous attempts did not managed to gain the unanimous trust, talking here about the mandate offered for obtaining a vast comprehension of the reconciliation problem between the intervention for human protection and sovereignty, in other words, in the attempt of developing a global political agreement over the way we can pass from polemics (and often from blockage) to actions inside the international system, especially through the United Nations Organization. The solving of the goal was provided by the CIISS and by the deployment in various regions of the Globe, of 11 meetings with civil society agents, academic background and governmental agencies, so that, as a result of this transparent process which started from the own specialists contribution but compassed also the vast consultation of many international actors, it was possible the publication of the broad report over R2P in December 2001; this was launched on the purpose of mobilization of a political international support and its assimilation as a primary reference document for the actions of The United Nations Organization.

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## THE IMPACT OF POLITICAL AND HUMANITARIAN INTERVENTIONS' STRATEGIES OVER THE MILITARY DOCTRINES

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*Often, there is stated “the strategy was and is the military coat of politics”<sup>1</sup>. It benefited and still benefits as much possible direct mean of economy’s result by the technology, of culture’s results by the morals, and of finances by the military budget. The national strategies express the need of a certain manner, a certain plan to materialize, often by force, by confrontation, the nation’s interests obviously expressed by nation, law state’s policy.*

**Keywords:** political strategy; military doctrine; risk; violence.

The national and international strategy’s grounds pass, as almost all, by the political space. The nations armed themselves and still arms with weapons, suspect each hover and take all the measures to be able to master a confrontation they don’t wish or admit to be unfavourable to them. In this époque of post-Cold War, the nations are extremely sensitive and disoriented. In Europe wasn’t yet created a strong European army because there exist NATO but an European strategy resulted from a common European policy is wanted. The specialty studies unanimously emphasize the essence of the military phenomenon is the violence; not any type of violence, but the collective violence which represents the awakening and exacerbation of asleep aggressiveness in the unconsciousness of the human being and assigned in masses consciousness<sup>2</sup>. An analysis of politics influence over the strategy would be edifying. The Gulf policy, for example, born the modern strategy, of American roots, of rapid intervention in the last finalized in the 1991 war against Iraq, the area being put under control.

The military strategy as any other strategy involves three compulsory components: a strategy of forces (land strategy, air strategy, navy strategy), a

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<sup>1</sup> M. Neag, *Tehnici de război și strategie*, 1993.

<sup>2</sup> C. Păunescu, *Agresivitatea și conduita umană*, Technical Publishing House, Bucharest, 1994.



strategy of means (of systems of weapons and other means to conduct the war or of other military actions) and an operational strategy, a strategy of actions (preventive actions strategy, classical operations strategy, deterrence strategy, rapid actions strategy, crises management strategy, etc.). Until now, the millenniums of military confrontations didn't change the essence of war and, in our regard, neither in the future will change. The doctrines and concepts, the means of conducting the war and in correspondence with those, the change of forces were always changed – but in the space of confrontation dialectics, not outside it – were. Thus, when we speak about the future of war, we doesn't necessary refer to the presence or absence of this conflagration in the human life society, but to the forces and means which will put into practise the concept of war, to the system of engagement, to the space-time wideness of actions and operations, to their characteristics, and, of course, to its consequences<sup>3</sup>.

The future war seem will exit from the millenary slogans of some confrontations submitted to the theory of strategic games with null sum and will become more and more dependent of special forces, "intelligent" technologies and, generally, by means and procedures regarding the mastering of the gravity centres and vital areas in regard to some adoptive dynamic systems' theory, in conformity to which the result of a confrontation is hardly predictable and controllable. The possibility for the both partners to win or to loose it isn't excluded. Obviously, under such perspective, it increases the role of the grand strategy, of political strategy and becomes undependable the thorough strategic thinking in the military field. This must promptly answer – firstly, as theory, practise and expertise, but also as strategic art – to the political command being unequivocally traced on the coordinates asserted by the grand strategy which increasingly becomes an integral type strategy, in the democratic societies.

Still, since the beginning of the XXI century, we assist to a factor to impulse the changes in the field of political strategies and of military and humanitarian intervention strategies following the existence and evolution of the United Nations Organisation (UN), created as an international political context marked by the end of the World War II. UN by its structures owns the objectives and goals needed to be considered the guardian of international law respect no indifferently the changes of the international political environment<sup>4</sup>. Still, as a cooperation forum, UN stood on the basis of conception over the international order, more precise, the states grounding on their legitimate sovereignty decided to end a historical period of international

<sup>3</sup> M. Mureşan, *Pentru ce fel de război ne pregătim?*, Impact strategic nr. 1/2004.

<sup>4</sup> Gheorghe Văduva, *Strategie militară pentru viitor*, Bucharest, Paideia Publishing House, 2003.

relations characterized by the pre-eminence of force over the law, by the regulations of conflict by war and to start the era of international cooperation, grounded on principles of law and peace.

We also precise UN had a meaningful contribution in the materialization and consolidation in a juridical and unanimously accepted form of the international legal order. In this concern, the UN Charter can be seen as condensed expression of the contemporary international law and UN represents the condensed expression of the state multilateralism based on sovereignty respect. The history of international humanitarian operations starts once with the apparition of International Committee of the Red Cross (ICRC), the oldest and well structured humanitarian organization in the world. Until today, ICRC stood as the most prestigious humanitarian organization; it received three times the Nobel Prize for Peace – in 1917, 1944 and 1963 -, single situation in the prize's history. The humanitarian action became one of the pillars of the new international architecture created to narrow the states sovereignty concept under the circumstances of globalization and decentralization processes advance. The model of humanitarian aid of this beginning of century is based on ethical principles and is closed to the human rights system. It can't rest neutral in front of genocide and it must evaluate the long term impact of each operation in order to stop the granted aid – if it considered this will prolong the crisis or will endanger the respect of human rights. From the international experience of the humanitarian actions undergone in many conflict areas, the humanitarian operations are an important instrument of fight at global level against the genocide, war crimes, ethnical purification or crimes against humanity. By all means, it appears the trend (which we appreciate is a mistake) to acquire the ideals of movement for human rights and to become a mechanism of their implementation<sup>5</sup>. What is today proposed as objective (the promotion of human rights, the cease of armed conflicts and the fulfilment of social justice) conceptually and logistically overlaps them. The contemporary crises are far from having just a humanitarian dimension and the true humanitarian practise, situating at the border and not in the centre of the international order, and don't have the capacity to offer those a comprehensive answer. Under the circumstances of the actual modifications of political and intervention strategies at the global level, they appear as significant influences in the adoption of doctrines by the other states.

By definition, the military doctrine represents the unitary conception adopted by a certain state in the fundamental issues of war, army and

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<sup>5</sup> C. Barbu, *Intervenția umanitară internațională, între obligație morală și proiect tehnologic*, București, 2004.

country's defence, the forms and procedures the respective state it applies in the preparation of armed forces, population and war conducting, related to its needs, conditions, interests and specific<sup>6</sup>. Furthermore, we will present few aspects over the orientation and trends in adopting the contemporary military doctrines. Starting from the fact the doctrinaire principles are found in the content and physiognomy of the war as: the armed forces organization for the fight, the armed forces preparation, their means there are trained in order to lead the armed fight, the endowment with armament and fight technique adequate to the defensive or offensive character of war and, respectively, the military action leading to the strategic, operative and tactical level, we see three orientations and basic trends as: armed forces leading in war< the military actions in the peace support; the provision of some optimal and efficient means to conduct the war in the framework of some political-military alliances or in the framework of a multinational coalition.

By its content, the military doctrine stands on the basis of construction and adoption of the military strategy and, as levels of operation of this term, we distinguish the national military doctrine, the strategic doctrine (proper for the strategic level), the fight doctrine and the national defence (war) doctrine. The factors influencing the foundation and evolution of military doctrines can be internal, external or/and combined factors depending by the mutations from the political power sphere, the system of external relations, the science and techniques evolution, the transformation in the conception of national and global security, the mutations from the sphere of the contemporary military phenomenon, the maintenance of war in the political sphere of each state, the mutations related to the ratio of forces on global plan and, not in the end, the presence of multiple risks and threats.

Under these circumstances, the short and medium term Romanian political-military doctrine starts from the following essential aspects: Romania isn't threatened by a direct armed aggression against its territory; it doesn't consider either state as a possible enemy; the risks will be non-military and unconventional; and, the use of military means represents a last instance political option. Therefore, the essence of Army's transformation taking place in the last time consisted in the transformation from a defence army to a "stability army", emphasizing on the maximization of forces efficiency and on getting the capacities to forecast the evolution of the strategic environment and to find in, in real time, means to adapt to those<sup>7</sup>.

<sup>6</sup> Gh. Deaconu, *Studii de doctrine militare* (sub egida ISOP București), noiembrie, 2010.

<sup>7</sup> *Ibidem*.

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## THE INFLUENCE OF OPERATIONAL ENVIRONMENT ON COMMANDER'S CRITICAL INFORMATION REQUIREMENTS (CCIR)

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*Today's operational environments are complex and require continuous learning and adaptation. The operational environment is different from each campaign or major operation. It is imperative that commanders understand the operational environment prior to taking effective action. The intelligence personnel has the related tasks and systems that facilitate understanding of the enemy, terrain and weather, and civil considerations, which includes areas, structures, capabilities, organizations, people, and events. It is crucial that all commanders and staff sections participate in intelligence planning, from the identification of information requirements through the collection and reporting of information to answering the commander's critical information requirements (CCIRs).*

**Keywords:** intelligence; environment; decision-making; factors; civil considerations.

Transformations that occurred in world economy, information globalization and security issues have brought in a new position of the main actors of contemporary geo-political phenomenon, non-state actors; between the transnational or international organizations which have their own special role.

As regards multiplication actors in the picture of current international relations related with the cold war period, a former director of Central Agency of Intelligence (CIA) of the U.S. said: "Yes, we have killed a huge dragon (allusion to former USSR - author's note) but now we live in a jungle in which swarms in the wrong order a variety of poisonous snakes. In many ways it was much easier to keep the dragon shadow"<sup>1</sup>.

In future conflicts, "the parties" will no longer be classical armies and will be, perhaps, deeper "theologized". Engagement space of current

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<sup>1</sup> Sergiu Tămaș, *Geopolitica: o abordare prospectivă*, Noua Alternativă Publishing House, Bucharest, 1995, p. 248

operational environment will be more urban and will have a level of complexity and brutality without precedent.

The Theater of Operations is no longer limited geographically to the area of combat operation. It includes and adjacent areas, but also areas of interest that may affect nonmilitary operations, such as terrorism, organized crime and other transnational threats. Information about these areas or domains may not be, as a rule, collected and analyzed using the resources of information that are available to the commanders in the theater of operations, but are provided by the strategic level through intelligence services.

### **The influence of Operational Environment on military actions**

Operational environment is that part of the environment into which countries engage their own forces and capabilities and so, the interaction between various actors creates conditions acceptable or unacceptable in relation to final desired condition.

Operational Environment of employment of forces includes space land, air, naval, and cosmic electromagnetic spectrum, as well as a mixture of conditions, factors, and associated systems of the adversary, friendly forces, Allied /partners, and neutral (political, military, economic, social, informational and infrastructure - PMESII) that may influence military actions. Understanding operational environment requires a comprehensive approach<sup>2</sup> to all important systems of stakeholders. Understanding these systems support analysis centers of gravity, courses of action and allow identification of a set of options by which to use efficient available capabilities, to create desired effect and to meet the objectives set<sup>3</sup>. It also includes, facial resemblance land, the state capacity of governing a state, available technologies, resources and culture local population which may affect the conduct of specific operations<sup>4</sup>.

Today's adversaries, including, in this category alike both states, as well as non-state actors, may act in the framework of systems creating

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<sup>2</sup> Dr. Teodor Frunzeti, Revista *Impact Strategic*, nr. 3/2012, "In the specific literature the concept of comprehensive approach does not have a very clear definition and widely accepted by international community. In his most simplistically mean, the comprehensive approach means combining civil and military tools and imposing cooperation between government departments, not only for operations, but also more broadly, to make currently security challenges of XXI<sup>st</sup> century, in particular terrorism, genocide and proliferation of weapons and dangerous materials, p. 7.

<sup>3</sup> SMG 65, *Manualul de planificare al operațiilor*, Bucharest, 2011, p. 181.

<sup>4</sup> United States Joint Forces Command (USJFCOM), JOINT WARFIGHTING CENTER, 116 Lake View Parkway, Suffolk, *Commander's Handbook for an Effects-Based Approach to Joint Operations*, [http://www.au.af.mil/au/awc/awcgate/jfcom/ebo\\_handbook\\_2006.pdf](http://www.au.af.mil/au/awc/awcgate/jfcom/ebo_handbook_2006.pdf), p. I-2., 15 apr. 2011.

federative, interconnected, complex and adaptive, which exceed the limits geographical borders. Therefore, these adversaries may not be analyzed only in terms of military capabilities.

Factors catalysts, which have contributed to the setting of complex operational environment and changing, fundamentally, the way in which the war acts today, are: globalization, informatics revolution, redefining adversaries, climate changes and natural disasters, the proliferation ANM and reducing military forces (facilitated by the adoption of means of fighting based on high technologies). Current terrorist organizations have been found to be extremely creative and adaptable to operational environment and counterterrorist measures adopted by states. The state can counteract actions of these groups through anti and counterterrorist effective measures. Effectiveness of such measures not only gathering of data and information about the activity terrorist organizations, about plans and their intentions, but also a good cooperation between the various institutions with tasks in the field: administration, law enforcement, information services, but also mass-media, through the organization and implementation of activities and educational propaganda.

### *Operational factors*

Analysis of the broad aspects of an operational environment in terms of operational factors (political, military, economic, social, information, infrastructure, physical environment, and time) provides relevant information that senior commanders use to understand, visualize, and describe the operational environment<sup>5</sup>.

If the operational factors are directly relevant to planning a campaign, for planning at tactical level they are less relevant, whereas exceed the area of action of tactical missions. That does not mean that they do not have any value at this level. On the contrary, where the situation requires, it must be treated as such, at all levels. They are fundamental in understanding operational environment and useful for the planning operations on any level, in any situation. When threats are identified on the basis of systems associated of adversaries, friendly forces, Allied /partners, and neutral (political, military, economic, social, information, infrastructure - PMESII), there are three main components of operational environment for which the intelligence branch is responsible: threat, terrain (to include weather) and civil considerations.

The degree to which each operational factor provides useful information depends on the situation and echelon. Once intelligence personnel have completed their overall analysis, they issue in small unit

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<sup>5</sup> FM 2-0, *Intelligence*, USA, mar. 2010, p. 1-1

leaders' intelligence requirements. For example, social and economic factors often receive close analysis as part of enemy and civil considerations at brigade and higher levels. These factors may affect the training and preparation of small units. However, they may not be relevant to a small unit leader's mission analysis.

### *Tactical factors*

Upon receipt of a warning order (WARNO) or a mission, unit's commanders focus directly on six factors which affect their mission. These factors are those aspects of operational environment, which directly affect the mission. They outline the situation as it applies to a specific unit.

The tactical factors are mission, enemy, terrain and weather, troops and support available, time available and civil considerations. These are the categories of relevant information<sup>6</sup> used for mission analysis. Commanders use the tactical factors to synthesize the operational factors and tactical-level information with local knowledge about conditions relevant to their mission. Intelligence personnel are responsible for describing the enemy, terrain and weather, and civil considerations:

*a. Description of enemy.* That includes relevant information such as: characteristics threat and enemy courses of action (COAs).

*b. Terrain and weather.* Terrain and weather are natural conditions that profoundly influence operations. Terrain and weather are neutral. They favor neither side unless one is more familiar with (or better prepared to operate in) the environment of the area of operations.

*c. Civil considerations.* Civil considerations are the influence of manmade infrastructure, civilian institutions, and attitudes and activities of the civilian leaders, populations, and organizations within an area of operations on the conduct of military operations<sup>7</sup>. Understanding operational environment requires knowledge of civil aspects in the area of influence. Civil considerations contain six characteristics, known as ASCOPE<sup>8</sup>:

- *Areas:* *Where* people meet, live, work and spend their time (religious and political borders, social and criminal enclaves, industrial and agricultural regions, commercial routes, government, political and military centers)?

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<sup>6</sup> Relevant information is all information of importance to commanders and staffs in the exercise of command and control. Source: FM 3-0, *Operation*, USA, 2008.

<sup>7</sup> Mission Command: Command and Control of Army Forces, USA, 2003, p. B-9.

<sup>8</sup> "ASCOPE" is a method to know and understand operational environment. This is done by the response to the five questions: who, what, when, where, why, and how about operational environment. ASCOPE helps us to let us take up the problem from the point of view of nature of population and nature of insurgence. Understanding ASCOPE is essential to identify the causes of insurgence.



- Structures: *Why* are constructions in the area important? Bridges, mosque, markets, the houses for tea parties, the hospitals, Internet cafe, objects of art and culture, etc.
- Capabilities: *Who* in the Community can provide the capabilities (those necessary lives, self inhabitants, social support, education etc.) to people?
- Organizations: *What* are populated Groups in the area (tribes, companies, mass media, governmental and non-governmental organizations, the International Red Cross, criminal organizations, etc)?
- Population: *How* people interact (local and tribal leaders, clerics, employees, population of row)?
- Events: *When* it happen special events (elections, national and religious days, obsequies, street parties, etc)?

In other words the operational environment is any, anyone and any events around us.

In conclusion, analysis of tactical factors allows commanders to compile operational intelligence with the local relevant intelligence, for missions and activities in an area of specific operations. The tactical and operational commanders can predict such consequences of their actions and subsequent during their execution.

As a result of the above, the armed forces interact with the population at all operation levels. In general, anyone in operational environment can be described as enemy, adversary, supporter or neutral. In today's connected environment, the four categories are mixed together, being difficult enough to differentiate them. The American army manual of operations, defines these categories as follows:

- An *enemy* is that part identified as hostile, against which it is permitted to use force. Also, an enemy is named combatant and is dealt with in accordance with the laws of war;
- An *adversary* is the part known as potential hostile to Allied Force and against which can be taken into consideration, the use of force. As adversaries are included the members of local population which support (sympathize with) enemy;
- A *supporter* is the part that sympathize with Allied Force and which may or may not, to provide material support or any kind of support;
- A *neutral* party is identified as neither supporter, nor opposing to Allied Force or enemy.

#### *Knowledge of social and cultural factors*

Civil considerations comprise six characteristics expressed in the memory aid ASCOPE. Depending on the echelon conducting operations, these factors may be expressed using the joint systems perspective, the

operational factors, or the tactical factors. The Armed Force uses the ASCOPE characteristics to describe civil considerations as part of the tactical factors during IPB and mission analysis. Relevant information can be drawn from an ongoing analysis of the operational environment using the operational factors (PMESII). Additionally, the human terrain analysis team can provide detailed information and analysis pertaining to the socio-cultural factors involved in the operation<sup>9</sup>.

Culture is a key factor to understand local population. It is part of residents' life and represents the values, traditions, habits and remainders members of a society. Cultural awareness has become an increasingly important competency for intelligence personnel.

Understanding other cultures is applicable to all operations, not only those of stability. For example, a kind of procedures can be used against an enemy who considers that surrender is more dishonored and worse than death, compared with those for which surrender remains a respectable option, and is not morally or legally punished. Commanders at all levels must understand the situation from a cultural point of view, while avoiding their own cultural prejudices.

Knowledge of cultural factor is also crucial to the success of multinational operations. Commanders and their subordinates it takes time to learn customs and traditions, operating procedures and doctrine of multinational partners and the host nation. To operate successfully in a multinational environment, commanders must recognize any cultural differences, as well as the differences of interpretation of orders and instructions. They must learn how and why others think and act as they do.

Therefore, before participation in a multinational operation, of any kind, the forces participating must execute in time, a common preparation with aspects of AO/TO where they are to attend. This preparation is followed by a specialty training, specific of each structures or individual, so that at the end of this period of training each has to understand what has to be done and what should you act (involving knowledge of strategies, techniques and specific procedures) in a multinational operational environment. It also involves knowledge of partners/ Allied action but also of enemy skills.

### **The considerations of environment on commander's critical information requirements at the operational level**

#### *Executive summary*

CCIRs directly support mission command and commander-centric operations. CCIRs are that necessary information of commander, for a correct assessment of operational environment and the taking of the best decisions in critical points. CCIRs as a related derivative of guidance and intent, based on

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<sup>9</sup> *Ibidem* 5.

its experience, the mission to be fulfilled, the data entered by its own staff, the intention of higher commander, the estimates of the intelligence branch on current situation, any changes of the events produced by the effects of the activities of an enemy and requirements cycle decision-making.

We observe that CCIRs at most operational level headquarters are developed to support two major activities:

a. Understanding the increasingly complex environment (e.g., supporting assessments that increase this understanding of the environment, defining and redefining of the problem, and informing planning guidance)

b. Commander decision-making, by linking CCIRs to the execution of branch and sequel plans<sup>10</sup> during line of operation.

This is a necessary and broader view than the more widely recognized role of CCIRs only supporting well-defined decision points<sup>11</sup>. Commanders' direct involvement in guiding CCIR development provides the necessary focus for a broad range of collection, analysis, and information flow management to better support decision-making.

CCIRs at the higher echelons must support understanding of the increasingly complex environment characterized by global interrelationships, massive information flow, nontraditional and less predictable adversaries, humanitarian considerations (e.g., disaster relief), and interdependence with our joint, interagency, and multinational partners. These CCIRs must support decisions on both lethal and nonlethal actions as we operate as part of a unified action and comprehensive, whole of government(s) approach.

The characteristics of CCIRs are the following<sup>12</sup>:

- helps the commander in correct assessment of the battlefield;
- are characteristic only for area of responsibility managed by the commander who ordered;
- refers strictly to a current or future operation;
- depend on the concrete situation, events or activities that may be prefiguring to the form of battle or the procedure adopted in every operation;
- are the information that must be immediately reported to commander, to the staff and to subordinate commanders;
- always will be included in the order of operations (OPORD) or the plan of operations (OPLAN).

<sup>10</sup> *Manualul de planificare a operațiilor*, SMG, Bucharest, 2011, p. 203.

<sup>11</sup> A point defined in space and time, identified during the planning process, in which it is anticipated the need to take a decision by the commander, with respect to a particular course of action. Source: *ibidem* 7

<sup>12</sup> Sorin Topor, Ion Călin, Costinel Nițu și Draga-Nicola Crăciun, *Despre informații și sisteme informaționale militare*, Editura BREN, Bucharest, 2008, p. 229.

### *Today's Operational Environment Impact on CCIRs*

On the occasion of the Summit in Bucharest, in 2008, the head of states and governments have approved a Plan of Action on NATO's involvement in the efforts international community of comprehensive approach in all aspects, military and civil, into the problem of stabilization and reconstruction in theaters of operation. This concept reflects an integrated approach of NATO, for the participation in operations and perform, in general, of its tasks, which imply a relationship with the other partners and international actors, instruments civil - military for crisis-management, support for the stabilization and reconstruction operations (e.g. Afghanistan is relevant in this respect, where NATO's role is no longer strictly military)<sup>13</sup>.

Today's complex operational environment has changed the way we view CCIRs. As noted, operational commanders spend much of their time working to better understand the environment and their progress in accomplishing their mission. It is said that this understanding, deepened by assessment, drives design and planning. We believe that the following factors such as globalization, information revolution, and the lack of predictability of the adversary and the multinational environment have influenced CCIRs and commander's decision-making.

a. *Globalization* directly affects the type and scope of our decisions and also dictates what kind of information is required to make those decisions<sup>14</sup>. Today's more open economic system of interdependent global markets, willingly-accessible communications, and omnipresent media presence has broadened security responsibilities further than an exclusively military concern. The environment is more than a military battlefield. It's a network of interconnected political, military, economic, social, informational, and infrastructure systems that impact on decisions and are impacted by them. In military community hear from the combat commanders about the requirement to maintain a broader perspective of this environment.

b. The *information revolution* has clearly changed the way we operate and make decisions. We and our adversaries have unprecedented ability to transmit and receive data and it is growing exponentially, both in speed and volume. This has affected our information requirements in many ways. The entire volume of information can camouflage the critical information we need. We're still working on our ability to sift through this information and find the relevant pieces that will aid decision-making. At the same time, we're recognizing the need for higher level headquarters to assist in answering subordinates' CCIRs, either directly or through tailored decentralization, federation and common database design of our collection and analysis assets.

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<sup>13</sup> *Manualul de planificare a operațiilor*, Bucharest, 2011, p. 15.

<sup>14</sup> FM 3-0, *Operations*, SUA, 2008, p.1-1

*c.* The *lack of predictability* of our adversaries not only complicates the decision requirements and support information requirements. Our adversaries are more and more non-state entities, networks often diverted, and without any perceptible hierarchical structure. Current adversaries are no longer as predictable, as they were many of our former NATO's conventional adversaries.

Decision support models that may have worked against a predictable, more doctrinally-based adversary may not work as well against these adversaries. As a result, techniques and procedures for decision-making process must be changed to support current requirements. Finally, our adversaries no longer can be defined only in terms of their military capabilities. Also, neither can our CCIRs be simply focused on the military aspects of the mission and environment.

*d.* The *multinational environment*. Many of our decisions and information requirements are connected to our partners. We fight as one interdependent team with our joint, interagency, and multinational partners. We depend on each other to succeed in today's complex security environment. Our decisions and information requirements are interdependent as well.

### **The role of CCIR and broader view of operational environment**

Skill sets and lessons learning of conflicts in which the Alliance was involved, determined that the majority of combat commanders are involved in common action by addressing all governmental and nongovernmental organizations and its extended requirements of the information, in support to the decision requirements of their operational level HQ role, both usual - time sensitive execution requirements as well as - the longer term assessment, situational understanding, and design and planning requirements. This broadening of their CCIRs has provided a deeper focus for the collection and analysis efforts supporting all three events (current operations, future operations, and future plans).

CCIRs, from this point of view, are made up of two components: priority intelligence requirements (PIR), which focus on the adversary and the operational environment and the friendly forces intelligence requirements (FFIR), which are focused on friendly forces and supporting capabilities.

In the Afghanistan operational environment has felt the need for adding new components, the host nation requirements of information (HNIRs<sup>15</sup>), to concentrate better of the information about the influence of host nation population.

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<sup>15</sup> HNIR – *Host Nation Intelligence Requirements* - ISAF Joint Command (IJC) from TO Afghanistan defines HNIR.

HNIR represents commander's requirements of information about host nation institutions or the effective and trusted partner organizations, which shall draw up plans, decide and integrate with civil activities of the host nation.

Depending on the circumstances, information may include the status of provincial, district or local governance, economic development, infrastructure, or security forces.

Operational level commanders focus on attempting to understand the broader environment and on developing and implementing, in conjunction with their partners, the full balance of military and non-military actions to achieve operational and strategic objectives. They recognize that their decisions within this environment are interdependent with the decisions of other parties. These commanders have found it necessary to account for the many potential "lethal" and "nonlethal" activities of all the parties as they pursue mission accomplishment and influence behavior in the operational environment.

The CCIRs associated with this broader comprehensive approach are different than those that support only traditional time sensitive, current operations-focused decisions. Commanders have expanded these types of CCIRs to include information required in assessments that better drive the far reaching planning decisions at the operational level.

Also, the commanders and their staff must taking into consideration the important role of CCIRs in prioritizing resources. This prioritization of both collection and analysis resources improves the quality of understanding and assessments, and ultimately results in the commander gaining better situational understanding, leading to better guidance and intent, and resulting in a greater likelihood of mission success.

Lesson learning showed that the results were not so good when operational level commanders and staff have singularly followed a more traditional "decision point-centric" approach in the use of CCIRs. Their CCIRs are focused on supporting decisions for predictable events or activities, and may often be time-sensitive.

Current operations concentrated in these CCIRs, have as a result, sometimes ambiguous prioritization of the effort for the collection and analysis supporting assessment and planning for future operations and future plans. In such situations, collection and analysis efforts supporting assessment and planning become unprepared and under resourced.

Today, assessment is focus on the understanding of the operational environment. It was concluded that many commanders identify their critical measures of effectiveness as CCIRs to ensure appropriate prioritization of resources. This prioritization of both collection and analysis resources increases the quality of assessments, better situational understanding, and better guidance and intent.

### *CCIRs process*

*During mission analysis:* Commander has an important role in making decisions during planning process, execution and during operation. Once identified a mission and/or task in the plan or in the order of operation of upper echelons, commanders formed their own image on the basis of experience and the analysis and remarks coming from its own staff. At the end of meetings with the group of command consisting of its own staff, clear picture of the end state and steps to be followed in fulfillments of its mission/task/objective must emerge. These steps lay out specific guidance and direction in support of commander's intention and decision-making.

*During planning and analysis CoAs:* the staff analyzes each possible COAs, separately, depending on the commander intentions. During CoAs analysis it is identifies the advantages and disadvantages of each own COA. The result of CoAs selected should be relate a series of factors, including: potential points of decision (PD); missions planning and organization; information to use them for the synchronization matrix or for the other tools of decisions-making; identifying branch<sup>16</sup> and sequel<sup>17</sup>; identifying high-value targets; risk assessment; the advantages and disadvantages CoAs, and CCIRs recommended.

Doctrinal CCIRs process lays out specific responsibilities for development, validation, dissemination, monitoring, reporting, and maintenance intelligence requirements. Planners (operations and intelligence) help develop CCIRs during the planning process across all three events (current operations, future operations, and future plans). Typically, the J2 is responsible for developing proposed PIRs while the J5 and J35 are responsible for developing FFIRs. Both (PIR and FFIR) are submitted to the commander for approval. PIRs and FFIRs after approval by the commander, they become CCIRs. CCIRs list is not closed. The commander can add, delete, modify and update this list at any time during operation, based on required information for decision-making<sup>18</sup>.

These CCIRs support commanders' decisions across all three event (current operations - CUOPS<sup>19</sup>, future operations - FUOPS<sup>20</sup>, and future plans -

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<sup>16</sup> Branches are options built into the base plan.

<sup>17</sup> Sequels are subsequent operations based on the possible outcomes of the current operations – victory, defeat or stalemate.

<sup>18</sup> JP 3-0, *Joint Operation*, USA, sept. 2006.

<sup>19</sup> *CUOPS - Operational focus is on execution of current operations*, "what is". It evaluates task accomplishment. Directs execution of branches and sequels – *Fragmentary Operation Orders* (FRAGORDs).

<sup>20</sup> *FUOPS - Operational focus is on "what if"*. Typically are responsible for branch planning. Validates, refines, and redirects future operations based on operational environment assessment & task execution. Prepares future operations - *Warning Orders* (WARNORDs).

FUPLANS<sup>21</sup>) both time sensitive information requirements supporting anticipated decisions in the current operations, and the broader set of assessment / analyzed information enabling more comprehensive decisions in future operations and future plans.

The majority of operational level commands develop many of their CCIRs during design and the planning process of operation. Some decisions during current operations time may have very specific and time sensitive information requirements, while others are broader, assessment focused, and may be much more subjective. They may also include information requirements on DMEC (Diplomatic, Military, Economic and Civil)<sup>22</sup> partner actions and capabilities and environmental conditions.

In conclusion changes to the current operational environment have influenced policies related to the military intelligence activity. The operational commanders spend much of their time working to better understand the environment and their progress in accomplishing their mission. Operational Environment will become extremely mobile and in continuous change. Joint operations will need to be adjusted to the whole range of players in this environment. Cultural, demographic and physical factors will be more and more present and will interconnect with the war. Also, other factors as well as humanitarian crises, different religions and ethnic groups, and the complexity of urban space can become a major center-of-gravity and a heaven for potential threats. This operational environment will remain interconnected, dynamic and extremely changeable.

CCIRs change as the mission, priorities, and operating environment change. It is important to have a process to periodically review and update CCIRs. Commander's critical information requirements should be extended and adapted to the new current environment so as to support directly the execution of missions and essential current and future operations of the commander.

Broaden CCIRs at the operational level should support traditional, time sensitive execution requirements and longer term assessment, situational understanding, and design and planning requirements. CCIRs change as the mission, priorities, and operating environment change so there should be a process to periodically review and update CCIRs to ensure relevance.

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<sup>21</sup> *FUPLANS* – Operational focus is on "what's next". Typically are responsible for planning the next phase of operations (sequels), assessing campaign/plan progress, validating plan assumptions.

<sup>22</sup> *Tools of the power* that belong to partners or other actors which operate in operational environment and which through hiring their PMESII systems can influence individual or combined these instruments in order to obtain desired outcome. Source: *Manualul de planificare a operatiilor*, Bucharest, 2011, p. 196.



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## **PARTICULARS OF NON CURRENT ASSETS IN ACCOUNTING ORDERED STRUCTURES OF A CREDIT FROM SECONDARY MINISTRY OF DEFENCE (GENERAL STAFF)**

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*Ministry of National Defense has possessions and manages private property from public or private property of the State in its assets, and may manage the lease, to rent or to exploit them, according to their legal system, according to the legislation in force. Ministry of National Defense may also provide, with the approval and under conditions established by the Government, Romanian or foreign legal persons, limited-term assets under its management, in pursuit of projects that are beneficial to the military.*

**Keywords:** possessions of assets; credit; current assets.

Possessions of assets belonging to the Ministry of Defence are given in the use and administration of military units which were in use, and their management and accounting are organized in military units whose commanders have secondary or tertiary status of authorizing officer.

Buildings are in public or private and state administration of military units can be transmitted for use free, limited term, non-governmental organizations recognized by Government decision that the public interest and active defense, the decision Government or order of the minister of national defence.

With the accession of Romania in the military alliance of North Atlantic Treaty Organization (NATO), our country participates in enhancing security and stability in the world to combat terrorism and strengthen cooperation and good neighborly, but also assumed a number of obligations including the technical and troop participation in collective defense operations, peacekeeping or humanitarian assistance. Framing missions in one of the categories above shall be made by the Minister of National Defence at the proposal of the General Staff.

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Currently, under the Supreme Council of National Defense Romania participates with troops, with NATO forces in several theaters of operations for peacekeeping operations as actions in the Balkans for peace support operations such as theaters of operations in Afghanistan or Libya. Romania participates in all these areas with troops and logistics for its disposal, including combat equipment and structure in the Ministry of Defense provided the legislation is the General Staff.

At the start of each mission in an area of operations, military units (type battalion, platoon, etc.) designated by the Ministry to participate in military actions in theaters of operations have been deployed in areas with troops and logistics operations required such as air movement in Iraq, Afghanistan or Lithuania, Libya or water where terrestrial communications routes in the Balkans.

Deployment in areas of logistics operations is composed of all material goods (assets, inventory, materials) necessary to conduct combat actions in good condition by the participating military personnel. This is supplemented as needed with material goods required and ensure the application materials required in the country, with material goods purchased locally in the theater of operations or material assets provided by the Armed Forces of NATO member states participating in operations. It should be noted that the material goods of assets necessary troops in theaters of operations are purchased only from the country, according to established procurement procedures. Commanders of military bases and personnel engaged in material goods for setting up structures that perform these tasks, as officer, are required to organize and lead accounting material goods and financial funds available so that economic movements caused by preparation and execution of missions will be fully reflected in the accounts in accordance with the law.

However, financing foreign missions run by competent structures on the approved budget, materials and capital expenditures approved mission are carried out under the law by organizations qualified procurement. For participation in missions, the most important is that the budget amounts approved by the costs of preparing the mission in the country towards the purchase of military equipment and equipment necessary to carry out operations outside the area, providing operational status of existing equipment and related maintenance function execution climate, soil status and conclusion of insurance contracts of technology and personnel.

If the areas of layout units participating in the coalition receive from other material goods as contingency gratuity or as sponsorships, donations or other sources, they are evaluated and recorded in the accounting unit, according to local regulations. Documentary evidence of financial and

accounting, industry-specific or specialized department, approved in the country by authorizing officers in whose accounting is recorded that the movement of goods and material values and cash accounts are organized and managed according regulations applicable in the country and specific rules approved by the minister of national defense.

Engineering equipment detachment fighting in participating in a foreign mission that are destroyed, are degraded or lost during the conduct of specific missions, deduct from the accounts, based on procedures and country specific legislation on decommissioning of assets or research report on administrative processes as appropriate.

Approval of decommissioning, decommissioning and disposal of material assets used during the foreign missions, is given by the detachment commander / quota / group / cell, etc., with the consent / prior approval of the General Staff and the Directorate General Defence and Intelligence Integrated Defense Planning Directorate, based on the specific documents and forms for scrapping, decommissioning and disposal of material assets.

To avoid some charges, scrapping operation, conducted with the approval of the minutes of a decommissioning or decommissioning, runs the theater or in the arrangement of structures involved in missions, without requiring that the goods in question be transported in the country, and materials resulting from scrapping, which can not be used in the maintenance in operational theaters will be destroyed and will be deducted from accounting-based protocol for disposal.

If, after completing a mission in the country bringing material goods cost more than their price, they can be donated, according to law, state on whose territory. Operations on the donation and deduction from the accounts of the goods are approved by government decision.

Due to activities of the military theaters of operations, force structures typically involved rotating on six months basis; they were brought into the country to restore physical and mental capabilities, but without the material goods that had left, except arms provided, the main reason being very high operating costs for each type battalion military structure to transport when missions start all necessary military equipment (weapons, combat equipment, bedding, cooks auto cranes, trucks, cars, etc.), and after six months at the end of the mission, to return home. The solution adopted in the General Staff was that every rotation of troops complete his term structure to teach the basic structures that take control protocol, all material in the area of operations. This is a temporary solution, which was found for this period in which expenses should be reduced to a minimum, there are no funds for equipment standards for all structures that have been stated as operational and can exist

in any structure that each participant to move with its own technique. However in this case there are more problems for the structure of military assets deployed in theaters of operations materials for conducting training personnel with combat equipment, premature wear due to its heavy use of it but also in terms of recording and accounting financial management of material goods.

To supply goods and services necessary to carry out employment services necessary for the operation, it enables the commander / head detachment participant outreach to conclude certain contracts and make payments in foreign currency, according to the laws of the country and the local usage, these operations are performed only with prior consent of the General Staff and the General Directorate of Defence Intelligence, according to the subordination structures in the theater of operations.

The funds needed to participate in the theaters of operations are ensured by the Defense Ministry budget, the budgets are shared to subordinated categories of forces by the General Staff. Staff costs for personnel staff, the staff of individual missions and forces participating in missions outside the Romanian state, as well as goods and services are provided by individual budgets Categories of forces or commands validated, authorized and paid by the Staff of the Army, the approved budget.

Given the legal provisions under which material goods are managed by administrators or staff units that are in use, I think that material goods are not justified by the nature of fixed assets to be taught based on the protocol, since they must be managed by the military unit that owns them. So the legal solution to this could be the creation of a squadron / battalion military structure type that is equipped with all necessary equipment for participation in specific operations in the areas of operations abroad, for an indefinite period of time and provided with staff from military intelligence units, certified and trained for a fixed period, these structures transporting only personal effects in the theater.

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## ASPECTS REGARDING THE EU SECURITY STRATEGY TO ACHIEVE REGIONAL SECURITY

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*Development of an increasing interest of international actors for the extended Black Sea and beyond was initiated after the events of 2008 in this area. Given the growing ambitions of the EU to strengthen its political role worldwide and its deeper presence in the area, we witness a direct consequence of this orientation. EU not suddenly showed its interest in Eastern neighborhood but has always tried to stabilize the area, to "export" democracy in the region, to impose certain standards to develop programs, etc.. In other words, EU focused on supporting economic development processes and achieving welfare, encouraging the democratic transformation and the implementation of state of law, the institutional development and human rights.*

**Keywords:** strategy; measures; EU; threats; perspectives; regional player; South East Europe.

The regional security<sup>1</sup>, environment requires careful analysis and, most often, a rapid response. At present, it is necessary to focus on managing the new situation, in order to discern its potential consequences in terms of stability and security in a triple border: Romania, NATO and the EU.

Security, no matter the level at which it is analyzed - local, regional and international - represents an area in which there are favorable conditions of life and human activity. Of course, the manner of perceiving and representing the security at local and regional level varies from a human community to another, depending on the level of social and economic development of each of them separately. Meanwhile, security must be seen as a

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<sup>1</sup> Mircea-Dănuț Chiriac, Gh. Deaconu, *Interesele de securitate ale României în zona extinsă a Mării Negre*, „Carol I” National Defence University Publishing House, Bucharest, 2009, p. 122.

volunteer conscious builder, responsible and concerted of the state institutions and its citizens, of the regional and international intergovernmental organizations, and of the civil society organizations with security vocation.

We appreciate that local security, regional and international manifests as a formed system by the components: social, economic, political, military and environmental. In turn, each of these components can be analyzed on the following dimensions: human, material, organizational and normative.

The concerns of Euro-Atlantic security institutions towards the Black Sea open opportunities to strengthen the existing cooperation formats at the level of Alliance. For the partners from this region, NATO and the EU border reverberations can become levers to capitalize the advantages of NATO.

Black Sea a gateway to Caspian resources has further undiscovered valences in a global security perspective. Therefore, this region is considered as a challenge, especially on the size of risks or asymmetric threats, forgetting that the Black Sea was not and is not a space of confrontation, but primarily, a summary space, in which the relationships have a tradition historical and therefore today the riparian - allies, partners, other countries - can expand the cooperation exercise into security, and, for security .

### **European Union - regional security actor**

The Union has built the reputation of an actor capable of a comprehensive approach in terms of crisis management, focusing as on the military side of involvement in various crisis management missions, as well as civilian, especially in the field of law rules<sup>2</sup>.

"EU is facing with major challenges the globalization: management in our advantage, the solving of multiple threats to our security and stability as well as strengthening of existing international order under rule of law and of multilateral institutions. However all call for a powerful EU, able to defend their interests on the world stage also to promote stability, prosperity, democracy and human rights worldwide. We are a trusted partner, the biggest donor and an engine of reform. EU citizens and our international partners hope that the EU to play a greater role on the world stage. We must continue to make our foreign policy more efficient, coherent and visible." (Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy)<sup>3</sup>

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<sup>2</sup> PESC/PESA Foreign Ministry <http://www.mae.ro/index.php?unde=doc&id=4951&idlnk=1&cat=3>

<sup>3</sup> The Office for Official Publications of the European Communities, Luxemburg, 2007 online: <http://bookshop.europa.eu/ro/eforturi-pentru-pace-securitate-i-stabilitate-pbNF7606708/?CatalogCategoryID=ouUKABst3IoAAAEjxJEY4e5L>, accessed at 30.10.2012



The implementation of a security and common defense policy is one of the major aims of EU since the early 1990s. From the WEU to the EU, European security and defense policy has become a political and military crisis management. Crisis of erupted the previous decade before the Union to be equipped with appropriate decision-making structures. September 11, 2001 attacks occurred when the Union was in the process of organizing its operational capabilities. The Gulf second war occurred when the EU was preparing to make the statement regarding its operability of military capabilities.

According to specialists<sup>4</sup>, the necessity to be more active in pursuit of the strategic objectives of the Union is translated by displaying of a persistence in achieving these goals, by knowing all tools of crisis management and conflict prevention by the actions on political, diplomatic, military and civilian , commercial and development plan. The ESS underlines that the active policies must be the behaviors to deal with the dynamism of emerging threats, a dynamism that involves a "strategic culture facilitate its own upstream interventions, fast and, if necessary, robust". It argues, therefore, the need for sufficient support of UN actions in response to threats who upping down on international peace and security, but also to capacity development ending through "to make armies more flexible and mobile forces and (...) to allows them to deal with the emerging threat"<sup>5</sup>.

The EU experience in strengthening its own cohesion in the community fields and also in those related to second and third pillars, but mostly the capacity, expertise and the capability of transformation in the process of expanding the capacity to integrate new members and the transformation of actors neighborhood the attractiveness of European model for neighboring countries, all of these are specific factors of safety and capabilities that only the EU has and which are indispensable for 21<sup>st</sup> century security.

In defining new forms of development and security, it is talking about the capabilities of an actor to attend and to generate policies and to promote interests as components of security capabilities. It is about the trinomial opportunity - present - which is the one internal capability that validates the action. Then obviously is to evaluate the second trinomial, action - effectiveness - efficiency in achieving and promoting their interests. From this point of view the EU is indeed a relevant actor, major and with important capabilities, although he does not rarely felt the absence of any categories of tools that come as a result of holding its own military capabilities, reliable and robust.

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<sup>4</sup> Andre Dumoulin, *La sémantique de la «stratégie» européenne de sécurité*, lignes de forces et lectures idéologiques d'un préconcept, AFRI, vol.VI, 2005, on: [http://www.afri-ct.org/IMG/pdf/afri2005\\_dumoulin.pdf](http://www.afri-ct.org/IMG/pdf/afri2005_dumoulin.pdf), accessed at 25. 09. 2012.

<sup>5</sup> Constantin Moștofleu, Vasile Popa, *Rolul UE în asigurarea securității globale*, „Carol I” National Defence University Publishing House, Bucharest, 2008, p. 19.

Concerning the EU is assesses 4 types of administrative capabilities that are relevant for security as an actor<sup>6</sup>:

- The first type of capability is the one of rights and authority. They arise from the formal rules, they are protected and interpreted by a structure of rules and institutions. The exercise of an authority validated by institutions and political culture is absolutely essential for legitimacy and recognition and the authority executors are thus validated, recognized and established.

- The second type of capability arises from the need of resources. It is about money, property, time, information, facilities, equipment, also they are both individually and institutional capabilities.

- The third type of capability is given by competences and knowledge. The individuals stores competencies through education, expertise and experience. The institutions own knowledge by tradition and rules.

None of the previous capabilities would be relevant unless there were the fourth type of capabilities, the organizational capacity. It is important because it allows effectively the use of rights, authority, resources and skills and the capability also comes from the effectiveness and efficiency of previous capabilities.

Operationally, it may register the European Union steps to counteract the risks and threats to regional and global security also the concrete interventions in crisis management in the Balkans and Caucus as well as in Africa, the Middle East also Asia, expressed by now through launch and deployment of 23 civilian missions and operations, civil-military and military in these geographic perimeters<sup>7</sup>.

Equally, the number of operations carried out by the Union was doubled by a wide variety of geographical areas concerned, practical, the operational commitments European has become a relatively constant presence in theaters located far outside from the European area of responsibility. Obvious the significance is to support, through the operational commitments, the overall EU external vocation, just as it is defined by the European Security Strategy, subject that is presented in next chapter.

The immediate effect of all these aspects that define the operational agenda of the European Union is to increase the CSDP visibility both with other EU policies and in terms of strengthening the European Union profile in the international community. This fact is visible through the increasing recognition of the role of a believable global player and also the increasing

<sup>6</sup> Viorel Cibotaru, *Securitatea regională și procesul de soluționare a conflictelor înghețate*: <http://ipp.md/public/files/Publicatii/2010/Cibotaru.pdf>, accessed at 29/10/2012.

<sup>7</sup> Gabriel Naghi. *Securitatea Europeană : Fundamentări normative și instituționale*, CH Beck Publishing, Bucharest, 2011, pp. 4-5.

requests for EU involvement in the risk management and contemporary security threats.

For the counter of unwanted consequences of security challenges, the European Union acts coherently and concerted both in amplifying the positive effects as well as to reduce and/or to limit the effects generated by this system risks, dangers and threats. In this regard, at the level of Union are adopted the necessary documents to support the work of achieving European security, are established the capable institutions and also are provided material and financial resources intended for successful completion of such a permanent mission<sup>8</sup>.

### **European Security Strategy - Measures to prevent and combat the threats and challenges harming the European Union**

At the beginning of this century and millennium, united Europe intends to continue the process of completing the economic dimension with one of the foreign policy and defense<sup>9</sup>. The period of unprecedented peace and stability that has traveled Europe in late twentieth and early twenty-first century is due to the European Union. It is the one that has generated not only a high level of economic development on the continent, but also a new approach to security based on peaceful settlement of disputes and multilateral international cooperation through shared institutions<sup>10</sup>.

This EU Internal Security Strategy introduces a common approach on the response to the threats and challenges that the EU will face in the security field. The major objectives and necessary measures to: combating criminal and terrorist networks, fighting cyber crime, strengthening border security and crisis management will be presented in the following way:

1. About the dismantle of international criminal networks threatening the the Member States have been proposed the following measures: the seizure and the confiscation of proceeds and assets derived from crime (2011), the use of EU Passenger Name Records (2011), monitoring and providing assistance to Member States as regards the control corruption (2011).

2. For the prevention terrorism and combating radicalization and recruitment of Islamic militants, the following measures were taken: developing a policy for the extraction and analysis of financial messaging data within the EU, Finance Tracking Program Terrorist (TFTP EU) (2011), establishment of a common European networks for raising the public awareness about

<sup>8</sup> Petre Duțu, *Provocări actuale pentru securitatea europeană*, „Carol I” National Defence University Publishing House, Bucharest, 2010, p. 65.

<sup>9</sup> *Ibidem*.

<sup>10</sup> J. Solana, *A secure Europe in a better world*, Thessaloniki European Council, June 20, 2003, <http://www.eu.int./oressdata/EN/reports/76255.pdf>, accessed at 10. 09.2012

radicalization and the measures to combat the violent extremist propaganda (2011) and strengthening the EU transport security (2011).

3. For the increase of security for citizens and businesses in cybernetic space the following actions were suggested: establishment of a center of EU cybercrime (2013), a network of emergency response teams in case of Informatics (2012), establishing a European early warning system and information exchange - EISAS, (2013).

4. On strengthening the border security the following actions were suggested: establishing the European Border Surveillance System - EUROSUR, (2011), identifying "hot spots" at the external borders (2011), preparation of joint reports on human trafficking, clandestine immigration networks and trafficking of illegal goods (2011).

5. Referring to increasing European crisis management and disaster, the following actions were proposed to be applied: submitting a proposal for the implementation of the solidarity clause (2011), submitting a proposal for a European capacity development response emergency (2011), and defining a risk management (2014).

### **Conclusions**

In conclusion, we consider that the European Security Strategy has an essential role in the assertion of the EU in the international arena.

Due to this document, the European Union has identified the main characteristics of the international security environment, and has defined the strategic objectives and ways to implement them, realizing for the first time in its history, its true own strategic paradigm.

We believe that in order to facilitate the regional cooperation and materialization of political and economic offer for the Black Sea states, it is necessary to create an institutional framework which to dispose of the necessary mechanisms for concerted international effort in order to "defuse" the conflicts and give "a fresh democratic start" for this space.

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## **THE PREVENTION AND COMBATING OF TERRORISM ACTS COMMITTED ON BOARD AIRCRAFT**

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*This study analyses some security measures taken by states to prevent and fight aircraft terrorism, with a particular focus on the European Passenger Name Record and the access of armed officers on board aircrafts.*

**Keywords:** terrorism; aircraft; security; prevention; combat.

### **The need for security measures on board aircrafts**

The first worldwide hijacking considered a terrorist act was on 23 July 1968, when three members of the Popular Front for the Liberation of Palestine captured an aircraft of Israeli company El Al, in flight from Roma to Tel Aviv, with the aim of exchanging hostage passengers with Palestinian terrorists held in Israeli prisons.

More recently, on 11 September 2001, local time 8:45 (15:45 – Romanian time), a B-767 American Airlines passenger plane, hijacked by terrorists, hit one of the 110-stories twin towers of World Trade Center (WTC) in New York. At 09:03 (16:03, Romanian time) a second hijacked plane, a United Airlines B-737 hit the other tower. The first tower collapsed at 09:59, and the other at 10:29. Approximately three hours after the attack on the first WTC tower, a United Airlines Boeing crashed in Shanksville, Pennsylvania, after the passengers tried to overpower the terrorists. Another hijacked plane hit the Pentagon building, the headquarters of the Department of Defense, killing 190 people. In total, 3668 people lost their lives on 11 September 2001<sup>1</sup>.

After the nine eleven events, the states tried to find together the most effective methods to prevent and fight terrorism on board aircrafts. To this

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<sup>1</sup> <http://mistereleistoriei.scienceline.ro/>

end, they implemented a series of security measures, such as: complex foreign visitors tracking and identification, body searches executed by security controllers, employing photographic and fingerprinting devices for foreign visitors, employing security officers on board aircrafts, as well as the European Passenger Number Record.

### **The European Passenger Number Record**

One of the prevention instruments applicable in the field of aircraft terrorism is the Passenger Number Record (PNR), which ensures high data protection, to prevent, identify and investigate terrorist attacks and serious related crimes, based on impact analysis. In this respect, we could better comprehend the various types of threat and their likelihood; we could anticipate what could happen, ready to face not only the consequences of a threat becoming reality, but also to initiate prevention and identification mechanisms before the commission of such acts.

On 16 January 2003, the European Community Commission published a communication to the Council and Parliament on data transfer from the PNR, entitled „A global approach to the EU”, focused on determining the elements of a global approach to the EU regarding PNR. The communication was an appeal to instituting a legally safe framework for PNR transfers to the US Department of Security, and adopting internal policies on PNR.

PNR data are unchecked information provided by passengers and compiled by airline companies to enable reservations and bookings. They represent a file of the passengers' travel requests, kept by the reservation and booking systems belonging to airline companies. They contain various types of information, for instance travel data and travel route, information on the ticket, contact information, such as the address and telephone number, the tourism agency, information on the payment, seat number, and luggage information. PNR data are different from the information about passengers (Advance Passenger Information - API)<sup>2</sup>; the latter consist of biographic information taken from the passport optical scan, including a person's name, address, place of birth and nationality.

Internationally, PNRs are increasingly seen as a necessary instrument to fight terrorism and serious crimes. Three parameters led to the onset of this trend. First, terrorism and international crimes are a serious threat to society;

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<sup>2</sup> According to the API Directive, API data are made available to border control authorities only for the flights entering the EU, in order to improve border control and combating illegal migration. Even if the directive allows their use in other law enforcement circumstances, this is considered mostly an exception rather than a rule. API data are kept by the members states for 24 hours.

therefore, measures are necessary to eradicate this problem. Access to and processing PNR data is a necessary measure for law enforcement. Secondly, recent technological advents have made such data access and processing possible, which was inconceivable a few years ago. The latest technological advents are also largely used by criminals to plan, prepare and commit crimes. Finally, the rapid increase in international traffic and the number of passengers employed electronic data processing before the arrival of the passengers, to ease and accelerate border control and security checks, as the risk is assessed prior to arrival. This enables law enforcement officers to focus only on passengers suspected on reasonable grounds to represent a direct threat to security, rather than assess individuals based on instinct, preconceived stereotypes or profiles.

On 11-12 April 2011, the Justice and Internal Affairs Council (JAI) in Luxemburg, examined a European Commission bill on using PNR data for the prevention of terrorism and serious crimes. One of the main aspects discussed debated on the issue of limiting the collection of the so-called PNR data for the flights to and from third countries, and covering the flights within the EU. Most member states were in favor of including at least one option to allow each member state to decide upon collecting such information for some flights within the EU. The aim of the bill is to institute a coherent EU system of flight passengers data, through the implementation of a single EU model for all member states adhering to the new regulations, as well as fostering cooperation among relevant authorities within the EU. As such, all airline transporters operating and identified by the new regulations should send PNR data to law enforcement authorities in the member states. However, these authorities will only be allowed to use the data collected by the airline transporters to prevent, identify and investigate terrorism and serious (cross-border) crimes.

### **The access of security officers onboard aircrafts**

According to ICAO standards in Annex 17 to the Chicago Convention, as well as the EU legislation in the field of civil aviation security, the access of armed officers on board aircrafts is defined as an additional measure of airline security.

The requests made after 11 September 2001 are notable in the area of deploying armed agents onboard aircrafts, departing from the EU. The implementation of such initiative has been long debated internationally, raising serious concerns about the compliance with certain individual rights and liberties.

On 27 May 2005, the Prüm Treaty was signed by Germany, Austria, Belgium, the Netherlands, France, Luxembourg and Spain, on issues regarding fostering cross-border cooperation, especially in the field of



fighting terrorism, cross-border crime and illegal migration. The treaty aims at fostering cooperation between signing countries in their fight against terrorism, cross-border crime and illegal migration, using the data exchange on genetic information (DNA), fingerprints, vehicle registration and other personal information.

A distinct regulatory area within the Treaty is the access of security officers on board aircrafts. According to the Prüm Treaty, armed officers on board aircrafts are specially trained police officers or public authority officers, assigned to maintain security on board aircrafts.

Each Contractual Party to the Treaty decides autonomously according to its own national policy of airline security on the intervention of armed officers on board aircrafts registered by the respective Contractual Party. The intervention of armed officers on board such aircrafts is performed according to the Chicago Convention of 7 December 1944 on International Civilian Aviation and its annexes, especially Annex 17, and other documents regulating its enforcement, also considering the jurisdiction of the aircraft commander, according to the Tokyo Convention, of 14 September 1963 on crimes and offences on board aircrafts, and in line with other relevant International Law regulations, if they are mandatory for the respective Contractual Parties.

The Contractual Parties of the Prüm Treaty also support one another in providing initial and continuous training for armed officers on board aircrafts, in close cooperation in issues related to the equipment of such officers.

Before joining a flight, the national coordination point of the sending Contractual Party of the Prüm Treaty, indicated by article 19, must inform in writing on this intervention. The written memo is sent to the national coordination point of the other Contractual Party at least three days before the respective flight with the destination or in the direction of an airport of another Contractual Party. If imminent danger is suspected, the written memo is sent without delay, basically before landing.

The written memo, confidentially processed by the Contractual Parties covers the data mentioned in Annex 1 of the Treaty. The Contractual Parties may modify Annex 1, in a distinct agreement. The necessary information, according to article 17, line (5), for the written memo is as follows: response times, describing the convened duration of stay; the flight data (including numbers and timetables); the number of the armed officers on board the aircraft, their names with an indication of the name of their task force commander, passport series, type and series of weapons, quantity and type of ammunition, and the equipment brought in to assist officers in the performance of their duty.

The limitations imposed to the armed security officers when on the territory of another Contractual Party are as follows:

- they shall not leave the aircraft, access airports or their security restricted areas, unless escorted by a representative of the respective authorities;
- weapons and ammunition shall be stored for supervised safekeeping in the areas assigned by the national authority of the other Contractual Party.

Romania signed the Prüm Treaty by adopting the Act No. 146/2008. In line with the provisions of article 2, letter C. b) of Act No. 146/2008, the Romanian Intelligence Service was assigned as authority for contact and coordination points for aircraft armed security officers, as defined by article 17 in the Prüm Treaty.

At the same time, the enforcement of the Memorandum of Understanding on the work of security officers on board aircrafts, between the Romanian and American governments, assigned the Romanian Intelligence Service as national authority in aircraft security and the information exchange to support this activity. In turn, the Antiterrorist Brigade of the Romanian Intelligence Service created a special task force, made of highly trained personnel, and specially equipped to perform specific missions.

### **Conclusions**

Recent events, such as the terrorist attempt onboard a plane on Christmas Day 2009 and the Times Square event in New York 2010 show that the terrorist threat still exists.

To conclude, it is essential that a successful enforcement of the new provisions on preventing terrorism onboard aircrafts in Europe should only be obtained when all EU states have taken in these provisions, as cross-border cooperation of the states is of paramount importance in maintaining security onboard aircrafts and preventing terrorism attacks.

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## HUMANITARIAN INTERVENTION AS A TOOL OF PROMOTING OBJECTIVES OF FOREIGN POLITICS AND NATIONAL SECURITY

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*Defense of human values and civil rights were frequently invoked to justify military interventions in crisis situations. But behind the notion of humanitarian intervention there were other political or military interests, the term being applied in a forced interpretation or using double standards for the sides involved. To analyze these situations and possible inconsistencies in the approaches of the international community in general, and the great powers, in particular, we aim to illustrate the double standards used by comparing some actions carried out under the pretext of humanitarian intervention. We will analyze which are or should be the limits of such an intervention, and determine the criteria for such an action. Finally, there is also the issue of who is to decide whether such an intervention is justified or not, and what are the measures necessary in order to match the international juridical regulations for the intervention to be legal and not an act of aggression or an intervention into the affairs of another state.*

**Keywords:** humanitarian intervention; responsibility to protect; NATO; UN.

The international community has failed so far to issue a universally accepted definition of humanitarian intervention, but generally, it is considered to be the use of force by a state or group of states, in order to protect the citizens of another country that are deprived of the internationally recognized rights or who are subject to genocide or crimes against humanity<sup>1</sup>. This is an approximate but fairly comprehensive definition of the concept of "humanitarian intervention", yet it fails to address the details of the problem.

Also, there is no legal framework for the humanitarian intervention. Some technical and doctrinal issues are far from being clarified, such as: if

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<sup>1</sup> Dinah L. Shelton, *Encyclopedia of Genocide and Crimes Against Humanity*, (vol I), Thomson Gale Publishing, 2005, p. 465.

the action must take place without the consent of the country in which the action takes place; if it should limit itself to punitive actions; whether it can take place only in with an explicit agreement from the UN Security Council<sup>2</sup>.

From a theoretical perspective a number of components of the humanitarian intervention enjoy a fairly wide support and acceptance. The most important are: the threat to use force and use it as a central element; an intervention in the internal affairs of a sovereign state by sending troops into its territory, its territorial waters or airspace, while the country attacked has not committed a act of aggression against another state; the intervention is a response to a situation that is not necessarily a threat to the states that intervene, being motivated by means of a humanitarian nature. Humanitarian intervention is and probably will continue to be a thorny issue because it puts into contradiction two fundamental rules of international law: the principle of state sovereignty (a principle of the international system created by the UN) and defense of the international laws related to human rights (another pillar of the UN rules)<sup>3</sup>.

The existence of these two principles has created tensions, controversies and interpretations for all the cases of humanitarian interventions that have occurred over time. Since all humanitarian interventions require UN Security Council approval to be legal, the two principles of international law offer solid arguments both to those who oppose or support an intervention. The ambiguity of the international law is further complicated by the composition of the UN Security Council, which is dominated by states with opposing interests, an issue that will be discussed later.

In 2000, under the auspices of the UN and the initiative of Canada the International Commission on Intervention and States Sovereignty was created, which presented its final report in December 2001<sup>4</sup>. Although the UN has not transposed the report into law, it still represents a valuable element that introduced for the first time the "principle of responsibility to protect", along with a number of criteria to be respected during a humanitarian interventions. The report stipulated that "where a population is seriously suffering because of civil war, insurgency, repression or state failure, and the state in question is unwilling or unable to stop this suffering, the principle of non intervention is to give priority to the Responsibility to Protect"<sup>5</sup>. The main constituent for an intervention is considered to be the existence of a just

<sup>2</sup> Jennifer Welsh, *Humanitarian Intervention and International Relations*, Oxford University Press, New York, 2004, p. 35.

<sup>3</sup> Shashi Tharoon, Sam Daws, *Humanitarian Intervention: Getting Past the Reefs*, in World Policy Journal, 2011.

<sup>4</sup> *Ce este, de fapt, un război just?*, in Foreign Policy România, november-december 2011, p. 14.

<sup>5</sup> International Commission on Intervention and State Sovereignty (2001), *The Responsibility to Protect*, Ottawa: International Development Research Centre, p. 30.

cause that aims at removing the actions that cause an irreparable harm to people in a particular region. Among these are listed the widespread killings (whether or not they have the character of genocide) organized by state actors, or in response to the dissolution of the central authorities<sup>6</sup>. Generous as they are, these principles have many shortcomings, the most important being the high degree of interpretability of the threshold that would justify or not a humanitarian intervention.

Humanitarian intervention should be a means of ending the suffering of civilians. For this reason it should not be used until all other peaceful means of solving the dispute have been exhausted. The extent, duration and intensity of the intervention must be proportionate to the situation on the ground. The humanitarian interventions should be initiated only if it has real chances of success, so that the consequences of action are not worse than those of inaction<sup>7</sup>. The humanitarian intervention should have a clear and unambiguous mandate and the means to achieve its objectives. Also, during their actions, the troops that intervene should not limit themselves to self-defense. If the intervention is performed by a group of states, they must ensure unified command and communication channels. Not least, the intervening forces must be aware that their objective is limited to protect people, not to remove political regimes or completely defeat of the sides.

The recommendations were almost never respected, most interventions resulting in the complete defeat of one party and changes of political regimes. This reality is rooted in the fact that most humanitarian interventions were intended as means by which states have sought to promote their own foreign policy interests and national security. However, one must accept that the interventions in an armed conflict which prevents one of the parties to win a conclusive victory merely perpetuate a state of insecurity and tension, delaying the outcome without offering long-term peace solution<sup>8</sup>.

Since its invention, the humanitarian intervention became a means used in order to achieve foreign policy and security objectives. As an example, all European powers, and especially Russia, have frequently cited the need to protect the Christian population of the Ottoman Empire to justify wars against it. Such a pretext was invoked in order to start de 1877-1878 war, at the end of which Romania achieved independence.

From a legal perspective, the UN Charter, to which all countries of the world have adhered, strictly prohibits any act of war, except in self-defense

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<sup>6</sup> *Ibidem*, p. 32.

<sup>7</sup> *Idem*, pp. 35-37.

<sup>8</sup> Teodor Frunzeti, *Conflictele internaționale și gestionarea crizelor*, C.T.E.A. Publishing, Bucharest, 2006, p. 100.

and those authorized by the UN Security Council when there is "a threat to peace". We believe that these restrictive situations practically make illegal the humanitarian intervention, if we take into consideration that the majority of the crisis situations where such an intervention is taken into consideration do not represent acts of international aggression, and therefore the intervention can not be considered as an act of self-defense than by forced interpretations. In such cases the countries that had an interest in doing so, have tried numerous legal tricks, such as the need to protect their own citizens located in the war zone (e.g. a situation of self-defense) or came up with exaggerated interpretations of the side effects (e.g. refugee flows, and the risk of spreading ethnic or interconfessionare disorders) to request approval of the UN Security Council to intervene.

The structure of the UN Security Council, where the five permanent members have veto power and divergent interests, make difficult and often impossible the issuing of resolutions for humanitarian interventions. This was clear on several occasions, most recently Kosovo (1999), Libya (2011) and Syria, where the divergent interests of the great powers prevent an agreement or solution.

Given the difficulty of the decision-making process at the UN, has created a new trend of opinion which believes that the UN Charter was not intended to protect oppressive regimes, and as a consequence the interventions in such cases should be considered as legitimate, even if technically they are outside the law<sup>9</sup>. In the absence of an approval from the UN Security Council, they consider that green light should be obtained from the UN General Assembly, regional or sub-regional organizations. Even without these approvals it is possible that such a humanitarian intervention is not considered illegal.

There are some disputes weather an intervention in a failed state, where the central authority entered into dissolution, needs to follow the legal steps and respected international law. The argument of those who argue that it is unnecessary assumes that if the state structures disintegrate, the crisis in such a state no longer meets the conditions of a conflict as stipulated in international treaties. Also, the enforcement of public international law and humanitarian law requires civil and military state structures that can respect them. So far this opinion has had limited success, but his appearance highlighted the limits of the current treaties and regulations, which are adapted conventional wars<sup>10</sup>.

<sup>9</sup> Dinah L. Shelta, *op.cit.*, p. 467.

<sup>10</sup> Steial Scăunaș, *Introducere în studiul dreptului internațional umanitar*, Burg Publishing, Sibiu, 2008, p. 75.

An agreement could only be reached in relation to the components of the intervention itself, but not regarding the reasons which can cause such an intervention, which remain subject to a high level of arbitrariness and political negotiations. For this reason we believe that there is no real political will to define and develop a clear legal framework governing humanitarian intervention. The current ambiguous framework offers the possibility to legitimate foreign policy actions that otherwise would have been classified otherwise not be considered interferences in the internal affairs of sovereign states or acts of aggression. Thus the degree of legality or illegality of an intervention is often dictated by the status and force the states that organize or support it and not in accordance to technical and legal aspects.

As a recent example we can mention the NATO intervention in Kosovo (March 23 - June 10, 1999). Although its stated purpose was to end abuses and ethnic cleansing committed against Albanian population by Serb troops, the intervention was marked by numerous abuses and violations of international humanitarian law. The main thing that stands out is the absence of a resolution of the UN Security Council, which could not be adopted because of the opposition from Russia and China. To achieve its objectives the Alliance violated several rules of humanitarian law without having to bear any consequence, those issues being quickly overlooked. This situation was perceived by many as a justice of the victor, which is allowed to decide which facts are to be incriminated and which can interpret laws in accordance to its interests, using double standards. Such accusations appeared after every humanitarian intervention, being more or less justified by developments in the field during and after the conflict. Some of the international humanitarian law violations committed by NATO in Kosovo include: breach of the principle of discrimination by attacking civilians and apparently dual-use objectives<sup>11</sup>; not keeping a balance between civilian and military losses; systematic destruction of water supply facilities and other civilian targets that negatively affected the living conditions of the population; use of weapons such as fragmentation bombs, which cause collateral damage than exceed the military needs and ammunition with depleted uranium, which affects on long-term the civilian population and the environment<sup>12</sup>.

While generous, the idea of responsibility to protect has many ambiguities. The language leaves room for various interpretations of the level

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<sup>11</sup> The excessive use of air power by NATO proved to be not very effective, affecting indiscriminately civilian property and military objectives. Thus, purely civilian targets such as roads, bridges, railways, factories and power plants without military utility, Yugoslav television headquarters and the Ministry of the Interior, or private property of members of the regime in Belgrade were hit.

<sup>12</sup> Deputy V. Kroning report, presented to NATO, cited by Steial Scăunaș, *op. cit.*, pp. 72-73.



of public rights violations that authorize intervention from the international community. Thus, depending on the interest it will be applied restrictively considering that any violation of human rights is not acceptable or may result in a more permissive approach that can result in a nonintervention. The inclusion of all causes that can generate humanitarian crises (civil war, insurgency, and repression or state failure) is welcome because it creates a broad base for intervention to help the civilian population. Yet these situations will offer an opportunity to those that have an interest to justify a military intervention in another state, since it is unlikely that any of the situations listed above do not cause serious humanitarian problems. We must also observe that no limits regulate the amount of force that can be used by a regime in order to defend its-self against internal complainants and maintain order, (e.g. which is the level of the protests beyond which a regime loses its legitimacy). This too leaves room for interpretation. Also, nothing stipulates how much force or what means a government can employ to prevent or fight internal disorders.

The suspicion that the great powers pursue their own interests under the cover of humanitarian intervention was generated by arbitrary interventions, use of ambiguous and unconvincing arguments in order to legitimize them and use of double standards to justify interventions. The military intervention in Kosovo in 1998 resulted in the independence of the province and the emergence of a state created along ethnic lines. The subsequent declarations stating that that particular action could not be invoked as a precedent were unrealistic, being a good example of double standards.

A comparative evaluation of humanitarian interventions conducted so far shows that they occurred only in areas important from a geostrategic point of view or rich in natural resources. Peripheral areas and those that lack resources have never been the object of an intervention, being left to fend for themselves<sup>13</sup>.

China, along with Russia is a country that has consistently opposed any kind of intervention in the internal affairs of other countries, considering that regimes should not be changed in the street, under the pressure of the crowd. Chinese officials have consistently had a negative attitude towards any intervention aimed at supporting the insurgents that challenge the central authority. In 1999, after the NATO intervention in Kosovo, Chinese representatives have warned that international system will suffer if human rights will become more important than sovereignty and humanitarian intervention will become a trend. More recently, after the intervention in Libya (2011), China said that the principle of responsibility to protect should

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<sup>13</sup> George Friedman, *The Next Decade*, Doubleday Publishing, New York, 2011, p. 221.

be used in conjunction with the need to protect with responsibly. China's attitude is motivated by its own internal problems posed by the existence of separatist movements. An identical approach and for partially similar reasons is used by Russia, although in its case, the decision to oppose interventions aims at protecting its own sphere of influence and international prestige

The situation that brought again to the attention of the public opinion and the international community the issue of humanitarian intervention and the responsibility to protect was the 2011 intervention in Libya, against the regime of Muammar Gaddafi, engaged in battle with its internal opponents. Insistent demands and pressures from France, lead on March 17 2011 to the adoption of the 1973 Resolution by the UN Security Council, invoking for the first time the principle of responsibility to protect by imposing a no-fly zone over Libyan territory. The decision was aimed at blocking Libyan forces loyal to Muammar Gaddafi to use their military air superiority against the rebels. On its terms NATO engaged not only Libyan air forces, but also ground facilities, arguing that the aim of the attacks was to protect Allied aircrafts executing missions over Libyan territory. The engagement of ground Libyan forces caused much controversy and accusations that these actions exceeded the UN mandate, being a direct support to opposition forces. This situation forced Gareth Evans, the politician who in 2000 chaired the commission who created the concept of responsibility to protect, to say that military action aimed at removing Gaddafi regime or support the rebels were not allowed neither by the explicit terms of the 1973 Resolution nor by the responsibility to protect<sup>14</sup>.

Beyond the intervention itself and its legal basis, its main challengers claim that in a similar situation, the Syrian crisis, the international community does not intervene. Comparing the existing situations in Syria and the one that existed in Libya at the time of the intervention we conclude that they are similar, in both cases the security forces loyal to the ruling regime being engaged in an attempt to quell armed opposition protests. The situation in Syria is even worse, the fights dragging for a longer period and the number of victims is bigger.

Russia and China, countries with veto power in the UN Security Council, strongly oppose an intervention against the Assad regime, in whatever form, considering that the other countries have abused their goodwill showed in the case of Libya (at that time Russia and China agreed to the creation of a no fly zone over Libya). Russia's fierce opposition is based on a series of geopolitical calculations. Syria is presently in its sphere of influence, the Russian army has a naval base in this country and a possible

<sup>14</sup> *Ce este, de fapt, un război just?*, p. 15.

regime change could make Moscow lose the privileges it currently enjoys. Russia and China's attitude stems in the perception that the revolutions in the Arab world are encouraged by the U.S. and some Western countries, and their aim is to trigger a domino effect that would destabilize Iran or even Russia. In this context, it is considered that Syria is the place to stop them. Lately there are indications that Moscow fears that the domino effect of movements in the Arab world will not stop in Iran, but might spread to Russia. These fears arose after the protests that followed the presidential elections in Russia (spring 2012). Currently Russian power structures and Russian intelligence services (especially the Federal Security Service/FSB) exhibit clumsiness in controlling the Internet in order to block opposition sites and its messages. FSB also face the problem of young people who have not lived under communism and who do not know how the KGB acted, so do not fear it, unlike older people who still have this fear rooted. As an element of irony, young people who have benefited from the regime established after the collapse of the USSR (by raising living standards and freedom of movement) are now the main challengers of the regime.

Unlike Libya, the regime in Damascus still enjoy real support of a large part of the population, so removing it without direct foreign intervention will be difficult. An intervention in this case is complicated by peculiarities in Syria fighting between the government and its opponents, held exclusively in urban areas, so the opposing forces are difficult to distinguish and the risk to harm the civilian population is high. In Libya, most battles were fought in the open, so it was easy to differentiate the parties.

### **Conclusions**

Analyzing the situations exposed above we conclude that humanitarian intervention is a political tool available for major powers to pursue and achieve their own interests. An additional argument is that most interventions carried out under the name of "humanitarian" took place in areas where the intervening powers had strategic interests and in most cases resulted in the overthrow of the regimes in power. Other arguments are based on the principle of analogy and comparison, pointing to the numerous instances of non intervention although such an action could be justified (Syria, Rwanda and Sudan, to end the humanitarian crisis in Darfur region).

This situation is based on a number of political and organizational aspects, as it is easier to intervene against a regime engaged in repressing its internal contestants than a tribal or ethnic conflict. The first case has the advantage that the enemy forces can be clearly identified and engaged, and the result is rather tangible, that is the removal of the regime. In the second case any intervention is hampered by the fact that the party against whom it occurs is more difficult to identify, being mostly composed of militia. Also,

the results and benefits at a political level are not so important. Intervention against political regimes creates the opportunity to replace them with a new one, accepted by the states that have intervened, in order to secure their long-term interests. In the second case, the benefits are usually limited to obtaining a good image, a situation that does not justify the financial and military effort.

It should be noted that interventions that result in the overthrow of regimes are followed by periods of instability and anarchy, all opposition groups fighting to take power. In such situations people have a lot to suffer, lacking central government support.

In addition to the states that organize and run a humanitarian interventions in order to promote the foreign policy interests there is also another group of countries, those who align themselves or support the actions although they do not have direct or immediate interests. Their goal is to gain visibility and the good will of the powers that initiated the action. They also hope to get economic and strategic advantages as a result of the redistribution of the spheres of influence in the economy of the state where the intervention took place and from reconstruction contracts.

To conclude, we can say that humanitarian intervention is a principle of the public international law that is useful in order to protect human rights and prevent humanitarian crises, but often diverted due to the geostrategic interests of the great powers. This is caused by incomplete and perfectible regulations. However, even if the legislation will be improved, we believe that this practice will continue as humanitarian intervention in its purest form is almost nonexistent.

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## **CONSIDERATIONS REGARDING THE MANAGEMENT OF INFORMATION SUPPORT IN CURRENT MILITARY SYSTEMS FOR THE DEVELOPMENT OF STRATEGIC LEVEL DECISION**

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*The intelligence process is a succession of activities, operations, procedures and linked intermediate states, which fulfill the function of producing the necessary information for exercising leadership. The information system's architecture allows the transformation of data and information for use in the management processes (collection, formalization and storage of data, the analysis, interpretation and processing of data for obtaining information, the reception and assimilation of obtained information in parallel processes, the storage and distribution of information).*

*Improving management, in general, especially information management represents the key element in increasing the efficiency of a military structure. Reforms in the information management field imply the development of new technical for processing and storing data, for running information flows, the implementation and interconnection of subsystems or networks, the introduction of new procedures for inserting new information into the system, reducing stagnation time of information on certain levels, training personnel assigned to maneuver information etc.*

**Keywords:** intelligence management; intelligence activity; identifying the intelligence requirements; intelligence evaluation; intelligence collection; intelligence processing; dissemination; intelligence cycle; planning and conducting data and information.

Recent military confrontations have demonstrated the important role that military intelligence plays in winning battles and ultimately the war. The coordinating factor is the extraordinary technological progress in processing and communicating information. Technological change represents only a small part of the whole picture: more important are the behaviour and institutional changes determined by concentrating on key elements for the

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organizational activity. The revolution in military affairs depends much on the increased usefulness of information for enhancing response capability, selecting appropriate targets, forces and striking means for the proposed purpose by enhancing the ability to collect, process and disseminate that information in a short time for operational purposes<sup>1</sup>.

Managing an impressive volume of data and information about the enemy's positions, his offensive or defensive intentions, logistic, communication, command and control, informational and computer systems etc. represents a remarkable effort, which is mostly the responsibility of the „intelligence” field. Yet, military information represents more than a collection of numbers and data, it represents a veritable system, able to plan specific actions, collect, process and disseminate information, capable of influencing the decisions of military leaders. The military information activity, within this system, requires considerable effort since the information must be timely obtained and disseminated in real-time by legal beneficiaries.

It can be said that the military information activity is understood as an assemble of measures and actions conducted for providing data, information and knowledge that offers complete understanding a knowledge of situation factors. It is held in accordance with the need to forecasting, planning, organizing and conducting military actions. Military information activity must pursue the fulfillment of the following requirements:

- Assessing correctly the situation by knowing all the situation factors;
- Assessing in a realistic way the objectives and capabilities;
- Knowing and understanding the opponent's thinking;
- Identifying and clearly defining threats and opportunities;
- Assessing risks (hazards and threats made by action taken);

Overall, the whole effort to provide the decisional process with intelligence subscribes to the authority of the commander / chief, who decides the course of actions and approves the military information activity. In this respect, information activity subscribes to the need for knowledge of the decision factors and is permanently ordered, controlled and corrected by their decisions. In addition, it shall be inserted in the general design and will respond to informational needs, as well as for supporting informational operation structures with which it relates<sup>2</sup> and whom it can provide information regarding<sup>3</sup> information systems and networks, decision making systems and networks, basic information for operational decision making,

<sup>1</sup> Abraham N. Shulsky, Gary J. Schmitt, *Războiul Tăcut – introducecere în universul informațiilor secrete*, Polirom Publishing House, Iași, 2008, p. 32.

<sup>2</sup> *Doctrina operațiilor informaționale*, SMG/C.O.-10.0, Bucharest, 2011, p. 22.

<sup>3</sup> *Ibidem*, p. 38.

decision makers or opinion, political, military, local and target groups leaders, sensors and sensor networks, information protection systems.

On a strategic level, the military information systems represent an integrator element of all strategic interest information, during peacetime, crises and war. Their permanent military information collection, integration, processing activity for external, national and international recipients is called informative activity and represents "the totality of measures taken by the military intelligence services, through processes and means specific to military strategic information, in order to obtain information about the military and international politico-military phenomenon, their evaluation and interpretation, and developing informative products needed to assist military and politico-military state leadership decision regarding national security and promoting external military and politico-military state interests. Moreover, information activity is based on the need for information of national troops deployed in theatres of operations, and of major units of various arms, from operational and strategic echelons, for planning and undergoing its own military actions"<sup>4</sup>.

Information activity takes place under the imperatives of correctly and timely informing decision factors, respecting basic principles of the operative informative activity (ensuring the integrity and confidentiality of information, subdivision of work and the capacity to adapt quickly and with minimum costs to the evolution of the international military and politico-military phenomenon), criteria regarding interoperability and compatibility with military information services of NATO and EU states.

The act of informing decision factors should be conducted with maximum efficiency and considering some requirements<sup>5</sup>, such as:

- *Relevance* – for achieving action conception of decision factors, information must be adapted to strategic operational capacities and must correspond to the need of information necessary for the foundation and taking of decisions, information always being distributed in an exploitable format, which can optimally satisfy the requirements of the beneficiaries;

- *Accuracy* – information must offer the beneficiaries a balanced, truthful and objective image on the described event and the context in which it has occurred or will occur. It is imperative for the information to identify correctly the capabilities, limitations and intentions of the enemy to materialize its threats. In order to minimize misinformation and erroneous

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<sup>4</sup> Gheorghe Savu, Adrean Pârlog, *Producția de intelligence*, MEDRO Polirom Publishing House, Bucharest, 2008, pp. 91-92.

<sup>5</sup> S. Medar and colectiv, *Capabilități ale serviciilor moderne de informații militare*, Tehnic-Editorial Center of Army Publishing House, Bucharest, 2007, pp. 22-23.

interpretation, information must originate from multiple sources and medias, and alternative or contradictory evaluations must be presented anywhere necessary, in order to avoid informative failures;

- *Prediction capability* – information must provide the beneficiary with the current state of the described phenomenon, whilst highlighting the most probable. In addition, information must anticipate the beneficiary's intelligence needs.

In order to develop the military strategic plan according to military strategic conception, besides planning the employment of forces, strategic communication and planning the training of forces and logistic support, an important role is played by the *intelligence strategy*<sup>6</sup>, which help define critical information requirements, preliminary information requirements and other information and documentation requirements. Based on this strategy, defense information management elements, forces, techniques and specific means in the informational process are outlined and applied at a strategic level in order to provide politico-military and military decision factors with intelligence products

The main activities that provide military information to the strategic command during peacetime, crises, and war are the following<sup>7</sup>:

- *Identifying the informative problem* emerged from information soliciting by beneficiaries of the Military Information Service, becoming a task solvable only by making an informational product;

- *Informative assessment*, which involves consulting the databases in order to identify information that may provide necessary information, and eventually, the development of inquiries;

- *The collection of information* needed to solve the information request;

- *The information process* consists in evaluating, interpreting and transforming information sent by collection structures into processed information

- *The development and distribution of informative products to beneficiaries.*

Sequentially browsing activities of the information cycle represents the ideal method of conducting information activity. There is also a sixth activity called *information reassessment*, resulting from not firstly identifying information requests needed to solve inquiries and/or the collection structures did not answer information requests.

Identifying the information problem is one of the most important information activity planning elements conducted at a strategic level, because successfully completing this phase leads to clearly defining informative tasks

<sup>6</sup> *Manualul de planificare a operațiilor*, SMG, 2011, p. 73.

<sup>7</sup> Gheorghe Savu, *Rolul și misiunile serviciului de informații militare – activități necesare executării cercetării strategice*, Gândirea Militară Românească no. 6/2006, p. 16.



to be done, eliminates redundancy from the operative-informative activity and ensures the elaboration of information products in a timely manner and in accordance with the beneficiaries' requests. Not knowing the military and politico-military leadership's strategic options can make the result of intelligence activity be less useful than in other conditions, since it reduces its relevance and opportunity, and can lead to an underestimation of the extent to which others' actions anticipate or are a reaction to their own actions<sup>8</sup>.

*Information assessment* consists of a judgment process, logical and structured, meant to ensure the best resolution to the informative issue by identifying possible outcomes of the event that generated the informative issue, its purpose being double:

- To give a response to the informative issue by taking into account all factors that could influence the outcome of a situation, therefore elaborating *hypothesis* regarding the evolution of the studied event. This constitutes an attempt to solve the informative issue based on SIM's knowledge thesaurus, the response is to be confirmed/refute within the informative process;

- To formulate all *information requests* regarding: essential information elements, additional information elements, information that is absolutely necessary to the confirmation/refute of hypothesis formulated during the information assessment, information requests submitted explicitly by the beneficiary.

Based on the result, the information activity cycle may be resumed; the informative estimation gives the information activity its recurring character and has a significant impact on the efficiency of all SIM activities, especially on information collection.

All the compartments of the military information services contribute to the deployment of the informative activity, based on a judicious perspective planning, materialized in an information activity plan, which represents the main element for planning a military information service activity. This plan ensures the concentration of efforts and resources of military information services for collecting, analyzing, processing, centralizing and systematization of information, as well as informing management or executive structures on matters of interest in decision-making or fulfilling missions. Therefore, information activities are planned based on the needs of military forces categories and military and politico-military state leadership, the information activity's coordination mechanism assuming the task of ensuring the transformation of the beneficiaries' information needs into

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<sup>8</sup> Abraham N. Shulsky, Gary J. Schmitt, *Războiul Tăcut – introducecere în universul informațiilor secrete*, Polirom Publishing House, Iași, 2008, p. 219.

information requests, establishing priorities and allocating information requests to corresponding collection structures in order to ensure timely and complete information of beneficiaries under optimal management of human and material resources available.

While working with all available information, in order to identify relevant information and eliminate those that no longer valid, in order to properly transform data and information into processed information and for disseminating them in a timely manner, respecting a logical succession of systematically structured operations, with a cyclic character, is required and is named *informational cycle*.

The informational cycle can be defined as a process because, generally, it represents a succession of operations that produces a transformation, a development, transforming data and information into processed information, known as *intelligence*.

The informational cycle has four phases: planning and directing, collection data and information, processing data and information and finally disseminating information<sup>9</sup> (compared to NATO doctrine – AJP 2.0, where the informational cycle is composed of six phases: planning and orientation; collecting; processing and exploitation; analysis and production; dissemination and integration; evaluation and feedback). Their cyclical nature results from the requirement that the processed information is updated and reevaluated in order to maintain timeliness and relevance. Although the steps are distinct, during the progress of informational flow, they will overlap and coincide, so that they will concurrently and continuously rather than sequentially.

If the initial necessary of information is not sufficient or new information requests occur, the informational cycle is reactivated according to the informational cycle's algorithm. In this respect, it can be said that the whole activity of an intelligence service is embodied in a multitude of information cycles in various stages of development. Due to the intensity of military actions and the rising need of intelligence, at certain times during armed confrontation, informational cycle stages may overlap in time, so that they take place concurrent and continuous rather than sequential.

The informational cycle<sup>10</sup> represents the logical sequence in which the activity of military intelligence, from planning and directing activities to disseminating decision makers' and other stakeholders' information, in what concerns them. It has a cyclical nature due to the requirement that the information be timely, relevant, reassessed and updated to meet the needs of the commander.

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<sup>9</sup> IPS-3, *Doctrina pentru informații, contrainformații și securitate a Armatei*, Bucharest, 2005, p. 23.

<sup>10</sup> *Ibidem*, p. 23.

It can be estimated that the informational cycle is the gradual collection and transformation process of data and primary information into intelligence products and transmitting them to the decision maker in a format suitable for understanding and early enough for preparation, and decision-making. The effort to produce intelligence is divided into steps, respecting the principle of correlation between collection and processing. According to this, the more effort is involved in collecting information, the less effort is needed in processing it, and vice versa. The distribution of resources within the informational cycle depends on the echelon which provides information, so that on the tactical and operational levels, where the military information is predominantly processed, the optimal repartition for the four phases could be: planning and directing -15%, collecting-40%, 30%, processing and dissemination-15% of total resources, while at the strategic level, dedicated to military, political and economic intelligence, the repartition could be of 10%, 25%, 50% and 15% respectively.

Planning and directing data and information – according to AJP 2.0., routing represents the first step in the informational cycle and consists of determining requirements of processed information, planning information collection, issuing orders and requests to collection agencies and maintaining a continuous verification of the productivity of these agencies.

The CCIRM concept (Collection Co-ordination and Information Request Management) involves directing through the following steps:

a) *Determining information needs* through identifying informative issues – PIR (Priority Information Requirements) from information requirements of beneficiaries – CCIR (Commander's Critical Information Requirements), making an information plan for SIM and its extracts for collecting, analysis, synthesis and dissemination structures;

b) *Collection planning* (corresponding to specific duties of each collection structure): drafting a plan for the collection and allocating the collection structures' tasks; issuing orders and requests to the search-collection elements; constant "productivity" control of search-collection elements;

c) *Planning analysis-synthesis* (corresponding to specific duties of each analysis-synthesis structure) drafting (based on extract from PISIM) of a production plan and the distribution of tasks to analysis-synthesis structures; issuing orders and requests to analysis-synthesis structures; constant "productivity" control of analysis-synthesis structures;

d) *Dissemination planning* (corresponding to the knowledge needs of each beneficiary that requested information, the presentation structure required of each, deadlines).

In essence, the process of planning and leading an information activity represents the identification, establishing priorities and validation of information requests, coordinating the collection, production and dissemination of information, continuously seeking the existence of collected data and how they are used.

Planning and managing the information activity applies to the whole informational cycle, representing a management operation that takes place depending on the continuous evaluation of SIM missions, respectively solving incoming inquiries and, equally important, anticipating them.

Following the evaluation of how collected data respond the information requests and how are they valued, planning and management of intelligence activities creates, whenever necessary, conditions for "shorting" the informational cycle, for directing urgent information requests directly to collection structures, of urgency information directly to their beneficiaries.

In the planning and guidance phase of intelligence activity, information collection is conducted according to the tasks of collecting, collection means at their disposal and collection methods best suited to a particular type of information.

The determination of information needs consists of identifying the information problem for which there is no data, problem registered as a task in the information plan, starting from the beneficiaries' needs for information and those identified by SIM.

Informative problem identifying is one of the most important elements in intelligence activity planning held at a strategic level, because the successful completion of this leads to clearly defining informative tasks to perform, eliminates operative-informative activity redundancy and ensures the development of informational products in a timely manner and in accordance with the beneficiaries' requirements.

Basically, in the process of identifying informative problems, the informational needs or commanders are converted into SIM informative tasks, in a specific language (short, clear, concise, to the point, with deadlines and responsibilities for data collection, analysis, synthesis, dissemination, feedback etc.), at the same time adapted to the need for specificity (small tasks) and the capacities of collection structures (conditioned by time, space, force, means, specialization, etc..) and the analysis-synthesis.

Planning information collection at the SIM level aims to repartition needs for information, centralized at a SIM level in an information plan, on collection structures, corresponding to their specific methods of collection. In addition, the planning structure establishes the priority of collecting information and deadlines until the information must be in SIM possession for each collection structure.

At the collection structure level, coordinating the intelligence collection effort is made by preparing a plan for the collection, regular updating and monitoring its completion.

The collection plan establishes the method for gathering (collecting) information, to respond to the needs of information (IR-Information Requests).

Therein, PIR's from the extract of PSISM are converted into -IR (Information Requirements) and ways/methods for solving them are determined based on resources at their disposal, their specialization accessed sources etc.). Information needs are translated into missions, consisting of specific questions posed addressed to search structure elements, submitted as information tasks. When search structure elements are not available, the Information Requirements are sent by RFI (Requests for Information) to other information structures arranged vertically or horizontally.

Collecting data and information – “the collection represents one of the key steps of the intelligence cycle, where data and information phenomena, evolutions, activities, actions, structures, people, mechanisms etc. are collected from human and technical sources through specific means and transmitted to processing units, to be transformed into intelligence products”<sup>11</sup>, according to the informational needs required by consumers. The collection step of the informational cycle involves four distinct sub-stages, namely: a materialized need for intelligence in an information collection request; defining an information collection strategy; selecting collection sources and the actual collection of data and information of interest.

Usually, in the process of collecting, data is obtained not intelligence, although sometimes, depending on the quality of sources, the collector can obtain data very close to the intelligence standard. However, information will not be labeled as intelligence until it is the subject of analysis, in order to verify it with multiple sources, validating, completing and writing in the most acceptable form.

If identifying and exploiting sources is essential, of an equal importance is the raw processing that is made by the collector. It consists of selecting that data and information with the biggest relevance for the received collection subject, arranging them in a logical and accessible form for the analyst.

Organizing and conducting any information collection process is based on the needs of information defined by the decision-maker. An information service can anticipate, estimate, approximate or guess the knowledge needs of a consumer of information, but you can never truly know the real and complete need for it. Therefore, as the requirement is made more precise and detailed, the resulted information product will be more effective.

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<sup>11</sup> Dan Plăvițu, *Surse și medii de culegere a informațiilor*, GMR no. 6/2006, p. 19.

The information needs of policy makers today is so great that collecting intelligence is done in an overwhelming proportion only on demand, on specific matters.

Gathering data and information in order to update and complete databases, especially on areas and issues of interest, has greatly reduced due to the lack of time and resources, both financial and especially human. This leads to uncertainty of the analyst in validating existent information within the available databases and has the effect of increasing the reaction time of intelligence services if a new knowledge requirement occurs.

Intelligence collection must follow four basic principles: early identification of gathering requirements – to ensure timely fulfillment of missions, prioritizing requirements – to ensure the commitment of collection elements and resources to solve the most critical requirements; multidisciplinary approach – to ensure collection flexibility and avoiding deception.

Verifying information must be made by different categories of sources (HUMINT, IMINT, SIGINT, MASINT and OSINT). Establishing and commissioning tasks for collection structure elements, according to their capacity to collect – to cover the planned collection requirements and information requests from subordinate echelons. Evaluating this stage is done by received reports from collection elements/resources, taking into consideration: the degree in which reports respond to requirements; the usefulness of provided information and the opportunity of supplied information.

The purpose of information collecting and its processing is to provide decision makers the solutions to conduct more effective and efficient policies, and the informational cycle is achieved for a predetermined problem or policy, which is why the information service must be aware of it sufficiently in advance in order to put it into action.

The modern process of collecting information is a wide-spread and elaborate activity, with two components – one electronic and one human, and consists of obtaining more or less secret data, more or less guarded, belonging to someone. To achieve this, it should act: strategically, with means appropriate to the suggested purpose, plan or mission; competitive, which means that opponents or allies act the same, without transparency, in secret<sup>12</sup>.

The process of obtaining information is governed by the following basic principles<sup>13</sup>:

- *Leadership unity* – is the planning and conduct of intelligence activity for defense, regardless of the number and diversity of forces

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<sup>12</sup> *Ibidem*, p.21

<sup>13</sup> IPS-3, *Doctrina pentru informații, contrainformați și securitate a Armatei*, Bucharest, 2005, pp. 21-22.

participating in action, adopted forms and procedures, by order of the commander vested with full authority, directly responsible for the fulfillment of the mission;

- *Opportunity and operability* – involves the defense military intelligence activity to promptly respond to any significant change of circumstances. Data and information must be obtained, processed and disseminated to beneficiaries so that they have sufficient time for optimal decisions;

- *Systematic exploitation* – information sources and agencies must be exploited systematically, methodically and planned, based on permanent and in-depth evaluation and knowledge, their possibilities and limitations;

- *Objectivity* – presenting information the way they are, without subjective interpretation or altered emotional states;

- *Accessibility* – relevant data and information must be available in a clear and concise form;

- *Operational availability* – information officers should be responsive at all times in order to respond to information requirements necessary to support decision making;

- *Protection of sources* – achieved through guarding secrets of intelligence activities, knowing procedures and methods of masking real intentions and goals, knowing action methods and procedures of enemy counter-intelligence services, knowing events and elements specific to the action environment;

- *Continuous update* - information should be checked and compared continuously, taking into account any new information, as well as those already known.

*Data and information processing* in the part of the informational cycle where information, gathered as a response to the commander's directions, were converted into intelligence. Processing involves a series of structured activities, although some have a determined succession, they can be carried out simultaneously. In relation to its components, processing is defined as the production of information through collation, evaluation, analysis, integration and interpretation of information.

Systematic production of information by collecting, evaluation, analysis, integration and interpretation is a combination of transmitting orders/requests for providing and recording information and applying logic and mental process of transforming information into intelligence.

Mental process consists of a broad knowledge of the phenomenon and field of the information subject to analysis and depends on the analyst's experience and his ability to make logical deductions. The analyst's judgment and intuition are vital for the analytical success, representing the processing "engine".

Processing (production) military intelligence includes several steps: collation, evaluation, analysis and integration, interpretation.

Collation of military intelligence and data is defined as “the first step in the processing of the informational cycle, in which the clustering of related information takes place, providing recordings of events and facilitates further processing”.

In practice, collecting covers procedures for receiving, grouping and recording all received information and involves: allocating an identification and registration number to each received piece of information; placing information in the appropriate category or group by marking on a map or sketch; ranking or placing each information in an electronic database or maintaining a system for managing these operation, designed so that any intelligence team member can utilize it quickly and efficiently.

Collating can be influenced by several factors, namely: standardization, visual presentation, urgency of information requests, restriction of the automated system regarding the volume of records, number of staff needed to operate the system, the nature and tempo of operations, the capacity of recording and storage equipment, subsequent search of data and information, available space for collating in the information office or cell, the size and scope of ordered intelligence tasks.

The evaluation of data and information represents verifying (estimating) information regarding the authenticity of its source and credibility of the information. Through evaluation, the information is rated alphanumerically, indicating the degree of confidence<sup>14</sup>.

Providing rating is partially based on a subjective judgment of the evaluator, taking into account more information from the same source, or in the case of sensors, their degree of accuracy.

Analysis and integration represent identifying significant facts for an subsequent interpretation, for instance selecting and combining in a certain format, along with the production of another intelligence product.

During analysis, collated and evaluated information is scanned in order to reveal significant facts. These are then related to other facts that are already known and deductions are made based on comparison. Integration involves combining all deductions and identifying an intelligence model structure. A sequence almost entirely based on thinking, it is decisive in the intelligence cycle.

A significant role in the completion of this stage is the experience and judgment of the analyst, in addition to placing this information in a theoretical

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<sup>14</sup> Mireille Rădoi, *Serviciile de informații și decizia politică*, Tritonic Publishing House, Bucharest, 2003, p. 30.



and historical setting and the connection to information on events whose outcome is imminent.

Methodology of the analysis involves the following required steps: receiving (setting) a theme and understanding its basis, deciding what type of information document is to be elaborated and establishing its structure; consulting the database and selecting information, informative documents, informative materials and all documents that can be used to elaborate the informative document; studying selected documents and establishing the need for additional information and formulating information requests; preparing and writing the informative document (usually includes an introductory, a descriptive part and one with conclusions and suggestions).

Interpreting military data and information is defined as “the final step of the processing phase within the informational activity cycle, where the importance of data and information is assessed based on the current volume of knowledge”. It is the final phase of processing, where collected, evaluated, analyzed and integrated information must be interpreted to complete the process of converting military data and information into intelligence.

The dissemination of military intelligence – is the specialized activity entrusted with providing information to legally empowered beneficiaries/users, with expertise in national security and the permanent relationship between issuer/producer and beneficiary/user. At a strategic level, SIM disseminates military information within the national security system, through the use of networks, means, channels, and communication codes, which define the distribution of intra and inter institutional communication relations, their density and consistency, the types of information conveyed and their effects on the organization and functioning of specialized informative structures.

The means to disseminate intelligence products is closely related to the customer producer relationship. The ability to deliver different types of products to internal or external beneficiaries depends on the available infrastructure and resources (telecommunications lines, transportation, media equipment). From case to case, various policies determine whether the finished product will be delivered directly by the analyst to the beneficiary or through a chain of command. In the military intelligence service, the chain of command is frequently used, which does not involve direct relationship between the analyst and beneficiary.

The number of recipients is determined by the importance of the informative issue included in the product. If the degree of privacy is very high, the product is disseminated only to directly involved beneficiaries. If it is a routine report, it can be distributed to a wide range of beneficiaries.

Considering these aspects, choosing the distribution method is primarily a marketing decision. Successfully transmitting a truly useful finite information product to a particular beneficiary depends on communication and collaboration between all involved parties and the degree of customization of the intelligence product.

Any intelligence product must be distributed to everyone who might benefit from it. A report requested by a certain department must not be necessarily delivered to that particular department but to others to whom it is useful. This requires knowledge of information requests and government departments' attributes, as well as the capacity to understand a report, regardless of who originally requested it.

The form in which the product is disseminated will depend, in each case, on the urgency, size, classification, requests of users whom it is addressed and the number of requested copies. Its form will also be influenced by the use of images of graphic presentation elements. The level of detail will depend on circumstances and user requirements. Time constraints often determine the level of detail. In the case of a certain subject a volume of data so large can exist that the analyst may usually more time to make a detailed analysis (ex. One month), but the urgency of the request can be so large that the analyst may be required to make a valuable intelligence product in just a couple of days. Some subjects require a periodical and systematic distribution of intelligence products. Reports or summaries should be disseminated from time to time to inform decision makers on issues of permanent interest.

Security clearance of each intelligence report should be the lowest possible in accordance with the security rules and regulations and other instructions. The lower the clearance level, the higher the report usage. Excessive clearance of a report complicates its usage and circulation throughout beneficiary structures. Sometimes it is useful to classify parts or paragraphs of a report to facilitate subsequent distribution of extracts within the receiving organization.

To improve the efficiency of intelligence product development, finite information providers need feedback from the end user. Depending on the feedback, the manufacturer may change his methods and techniques for making informative products useful for the beneficiary and eliminate unnecessary ones.

Feedback procedures should include assessments of the factors of accuracy, objectivity, relevance, usefulness, timeliness and the time factor. The repetitive process will generate new requirements in the intelligence cycle. Also, the feedback is available within SIM, between the collection and

analysis-synthesis structures for guiding collection structures and improving methods and procedures for collecting information.

Feedback is not a stage of its own, independent of other phases that constitute the informational cycle, but is appreciated by more and more experts in military intelligence as an important moment in which the information system, military intelligence activity self-regulates and corrects. This ensures consistency between actions and results and supports: evaluation / assessment of intelligence; reorientation and redefining action informational vectors missions and analysis and synthesis activities, resizing information architecture, formulating new queries and new missions, redirect efforts and resources remodeling. Feedback ensures permanent and optimal self regulation for all the military intelligence activity, regardless of the place where it is organized and carried out and the desire to be manifested at all stages of the informational cycle.

In conclusion, military intelligence activity is understood as a set of measures and actions held in order to provide decision makers with data, information and knowledge that can offer a full understanding of all the situation factors. It is conducted in accordance with the needs of forecasting, planning, organizing and conducting military actions.

Providing military intelligence to strategic leadership during peacetime, crisis and war covers a range of activities such as: information problem identifying, information assessment, collecting information, information process, production and distribution of information to beneficiaries.

At a strategic level, information support management includes, under the Doctrine of the Armed Forces: gathering information necessary for a decision, ensuring data protection, adopting a strategy of influence, organizing associated technology networks, providing the necessary elements for anticipation, simulation and perspective, having autonomous communication, cryptology tech, as well as real-time information exploitation.

The effort to provide the decision making process with information is subscribed to the authority of the decision factors and their need for knowledge, so that the permanent effort may recalibrate accordingly.

Important for finished information or intelligence product providers, is the feedback from the end-user in order to generate new requirements in the information planning, collection, processing and dissemination process, thereby ensuring a more efficient information providing management.

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## **SECURITY THEORIES AS DERIVATIVES OF THE POWER CONCEPT**

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*Operational concepts in the international relations theory are historically determined and are continuously modernized at the same time with human society evolution. Under these circumstances, international relations theorists have developed concerns regarding shaping and/or justifying the behavior of governments in the international environment*

**Keywords:** security; international relations; (neo-) realism; the theory of international relations.

The "security" concept is used in a multitude of contexts, determined by the variety of interests that, with or without a justification, are presented as security interests, or linked to the concept. In the field of international relations, the concept "security" is used to define the State of comfort that the government or the population of a State feels regarding the preservation of its fundamental political values, that it upholds on the international arena and which, usually, are not negotiable or debatable. As explained earlier, this kind of political values, such as sovereignty, independence, territorial integrity are encrypted in the fundamental political documents, as the constitution is for the constitutional democracy or in similarly valued regulations in the other situations. Internationally, this kind of values are formally acknowledged through the Charter of the United Nations.

The internal and external ability, of the mentioned constitutional political values to support, related to the international relations system developed by the State, and to the general trend of the international system (mostly conflicting or mostly peaceful) determines, against this background, the State's power of manifestation State or, in other words, the State's power. If the ability to support the sovereignty, independence, or territorial integrity is high (based on a strong military system, strong international relations that

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offer the security of mutual aid in times of crisis, increased social cohesion and on other basic elements that ensure an effective defense against any potential threat), the power of the State, considered externally, is credible and determines respect in relation with other States. Contrarily, the weak support of the fundamental political interests would lead to a poor external perception of the State, and as a result would lead to disbelief regarding the ability of the government to lead the nation to the implementation of the assumed obligations through international agreements, an oscillating behavior adapted more to conjectural Statements and not necessarily entirely to international regulations, because not even the actions of that State can be classified strictly as meeting these regulations that promote specific relations to some advanced democracies with strong governance and therefore credible.

If there are risks and threats on internal level, related to the governance, when the issue of external relations arises, the concept of security is closely related to the concepts of threats, vulnerabilities and risks that are connected to other topics of international law. Analysts and political deciders reason and act nowadays predominantly in a rational, realistic, reactive paradigm. The central goal of every Government is to minimize threats by decreasing the degree of vulnerability that affects significantly the ability (power) of the State to support the fundamental political interests in a competitive and hierarchical international environment, mostly depending on the military power. This support is accomplished by bilateral relationships and adherence to international organizations, in accordance with the rules enforced by the UN Charter.

In this context, theories have been developed by specialists in the field of international relations, a series of visions which have as common basic thread exactly the States' and international organizations' power to manifest externally. These theories are enhanced by theoretical perspectives on interests, the effects and the perception the mutual relations' development, as well as the solutions to counter the threatening tendencies on the States' own security and general international security. Some of these theories, which are considered to be more important in terms of the impact on the current evolution of the international environment, will be detailed below:

### **The Theory of the Threatening Adverse Power**

The advocates of this theory, among which Douhet, Giulio, Vladimir Lenin, Quincy Wright, or Henry Kissinger, assert that all conflicts and crises are initiated by the adverse power, as a result of its expansionist tendencies. The reason that could be underlying may be related to economic, political, ideological and other nature matters. Economic ly, the State that declares

itself threatened usually exhibits economic policies, which decisively contribute to the defensive abilities' undermining. Such policies regard some strategic economic branches. As far as the mining sector is concerned, the energy resources and the strategic raw materials have an extremely important role. Such resources are the renewable energy resources and, especially, in the current context, the non-renewable ones, etc. This aspect is highlighted more and more as these resources are unevenly distributed around the Globe and, most often, they are found outside the developed States, so, from this point of view, there is a major interest of these countries to ensure an adequate rhythm of the economic development of its own society, detrimental to societies that own this kind of resources, which are usually underdeveloped or currently developing countries.

Special attention shall be given to dual-edged technologies - economic and military use, which are usually owned by the developed States. There is, from this point of view, the possibility of intense military threatening of the poor countries by the rich countries. In this context, nuclear technology stands out particularly. In the processing industry field, there are very important the branches of strategic materials processing - coal, steel, lightweight metals, electronics, electrics, spatial, and other ones, whose final products may also have dual use, or whose productive abilities could be easily converted for weapons production. Agricultural resources are also a matter of dispute, because the agricultural production's distribution is also uneven, thus resulting into the uneven level of the technologies, in particular advantageous for the developed States.

Water sources are an important debate topic between countries worldwide. The phenomenon is magnified not only by the uneven distribution of water in the populated areas, but also by the destruction of the traditional natural sources as an effect of the anthropogenic activity, in particular the economic one. The destruction of the environment by mankind appears to be increasingly obvious as the ecologic threatening, particularly in terms of industrial air pollution, soil and water sources, leading to more and more destructive natural disasters.

The social threat was and continues to be nowadays an important element of pressure in relations between the States, in particular by its ethnic, cultural, religious ideological components. All these tensions are particularly determined by the specific values of economic underdeveloped societies, which obviously determine the withholding of their social evolution. There are today, for instance, primitive societies in Africa and on the South American continent, but also in the Asian region and on the smaller islands of the oceans which are, in particular, outside the spheres of interest of the great powers. At the top of the social evolution there are the great capitalist

democracies, which are supporting their current evolution, as I demonstrated, on the basic economic resources coming from poor and socially underdeveloped countries. In contrast, there are the poor States that because of the globalization tendencies that give advantage to the developed countries, become poorer and poorer, in such condition turning into political and military instability sources.

Depending on the possibilities of the States affected by such tensions of becoming conscious about the fault of another State for its internal problems, the transfer of internal tensions in external world is increasingly possible by a more and more skeptical diplomacy to international performers identified as a source of evil, and later, while the reactive military capabilities are evolving the idea of a military threat could be developed. The escalation of the conflict may be both felt and noticed, starting with the "civilian" fields which are far from the military areas, which would produce as a result, social, political and military crisis, which are meant to worry the neighbours of the respective State, which also have a poor political and social stability.

In conclusion claiming that, taking into consideration the perceived threats, these States will tend to develop sufficient defensive skills to react timely and effectively, to counter, in their areas of interest, the policies of competitors. An important aspect in this case is the need to obtain trust capital from the international community, due to the limitation of offensive actions internationally, and the possibility of this community to intervene against a country that is described by UN deciding agencies as being an aggressor State. Such an approach is aimed to create a favorable image in the international community towards their own approach and a more hostile stance towards the competitive actor. During the debates within the framework of international organizations, regional or worldwide, the violation of the international law regulations established by the constitutive documents of the certain organizations will be often brought in the foreground.

### **Conspiracy Theory/Of the Agreements Between the Great Powers**

This theory, supported in 1945 by Karl Popper, had to be developed by small and medium States relating to the mutual agreements between the great powers, often called superpowers, with the aim of dominating the whole world. In this context, some advocates such as Michael Barkun, Todd Sanders, Harry G. West, Daniel Pipes, express the idea of a stiff competition only virtually, the conspiratives great powers' purpose being to divert attention of the international public opinion from their premeditated intention of establishing across some zones of influence on the neighbour territories or across the entire world. The theory was further emphasized in 2000 by David Icke.



The motivations of such an agreement may be diverse, taking action in political, ideological, religious, ethnic, ambiental and other areas, particularly cultural. Consequently, we can conclude that such a theoretical approach may often occur into the development of a certain guideline against the conspirative countries and the achievement of a favorable international opinion to the governmental or non-governmental groups which reveal this "dirty game".

The goals of such theories have increased success chances in the situation in which there is a powerful international actor, which has the ability to manifest discretionary, as a pole of politic and military power through the international agencies.

### **Arming Race Theory. Security Dilemma**

According to the arming race theory, for which I will mention a few followers such as Douhet, Giulio-in the early '20s, Liddell Hart, John Foster Dulles, Glenn Snyder, H. , Deterrence and Defense: Toward a Theory of National Security, Princeton, N. J. : Princeton University Press, 1961 or on Henry Kissinger, during the '50s-'60s, and Raymond Aron, Robert Osgood, or Maxwell Taylor, the development of the arming trend is determined by the necessity of defense of the basic interests of the recognized States or political-military organizations in conditions in which it is necessary to restore the military balance after the opponent's arming action. In this context, what the specialists in the field of international relations call " security dilemma" will become apparent. It presumes that the accumulation of means likely to increase the security of an international actor determines obviously, the reduction of the security of the other international actors that are located in its neighbourhood. International actors ' behavior is dictated, in such conditions, not by the need for security, but by the answer to the perceived danger of insecurity towards State and the political-military organization that enhances their security. This behavior leads to a reduction in the resulting security level of competitors, an effect of the important destructive potential accumulation, in the conditions of increased military costs, often far beyond the real acceptable` limit of the majority States. In such conditions the security systems of the respective geopolitical space may colapse due to the internal social conflicts (for example, the Warsaw Treary Organization, self dissolved in 1990, after the fall of the Communist regimes). If, however, the growth of the military potential takes place in a harmonious conception, in which the politic, economic, military, social development, support each other, lead to an equilibrium, and as a result, to an increase in the security status in the concerned area. We bring as a fact for this situation, as an example NATO, which continued its existence even after the fall of the Communist regimes,

and subsequently expanded until in the year 2009 (when Croatia and Albania joined the political-military organization).

In current conditions, when technologies are also unevenly distributed geographically, the potential military buildup can occur both in terms of quantity, as well as the of quality. Quantitative aspects are decisive for the international actors that are in the situation of parity of the possible military abilities to confront in a potential conflict. They may have as quantitative representation the number of systems, weaponry and technique of the same generation related in gun-versus -gun, the quantity of ammunition held and the materials needed in order to operate these strategical weapons systems. Just before the political-military crisis status occurs, the arming race is followed by the training of the human resource needed for the operation of the existing military arsenal.

Qualitative aspects of the arming race are determined in the relationship between the international actors that are in situation of strategic skills unbalance. The main element that can hold this status is, in this case, maintaining a technological advantage in warfare. This advantage ensures if needed, increased effectiveness of the modern weapons systems, compared to the morally worn out ones. We can study for instance the example of the latest generation weapon systems with increased annihilation possibilities, the morally worn out weapons systems of the enemy, which become this way obsolete (e. g. high precision tapping systems made for anti-aircraft defense, able to launch attacks with intelligent weapons, outside anti-aircraft defense areas). We should also discuss the status of the countries that have nuclear weapons, which become this way subregional or regional powers across the States that do not possess nuclear arsenal, despite the fact that they do not have a last generation classic military potential. This is the situation of India, China, Pakistan and even more recently, North Korea, country that resorts more often to the nuclear argument in order to get concessions from the international community in other fields of interest.

The arming race theory is the generator of the arming spiral, which can gain uncontrolled aspects, as it happened to be the situation in the second half of the 20th century, between the United States and the Soviet Union, when the nuclear arming level of the two superpowers had created a real threat to the existence of mankind itself. The declared goal of the arming race is that of restoring the balance of power or, in the case of high-power destructive weapons, restoring the balance of terror, caused by significant destruction threat towards the threatened actor's population. The threat of military destruction and the demonstrations of force are methods by which the involved countries in which the arming race is minding the possible enemies

on destructive potential, in order to impose, often, giving up the armed commitment in the fundamental interests in front of the possible aggressor.

As a conclusion, under consideration of the previously mentioned arguments, that in the situation of the arming race, governments in the circumstances of the race emphasis must be laid on ensuring a substantial benefit in terms of a possible military mission. When the power of the States allows it, the obtained result is usually that of maintaining a certain international status quo, as effect of the equilibrium established between the defensive and offensive skills of the competing States, in the classical weapons situation, either between the initial force of impact and forecast measures of repression, particularly in the hypothetical situation of nuclear weapons usage. In this direction, there have been developed response or repression doctrines, which were usually made known to potential competitors, in order to discourage the usage of force because of the sanctions threat, which might arise from the other members of the international society, but also from the inner public opinion, when the armed conflict is initiated. This seems to have been the reason for which the great military powers refrained from involvement in a nuclear war for nearly a half of a century, preferring to demonstrate to each other their classic military skills in territories out of their own safety regions on which they mutually agreed, even since the 2<sup>nd</sup> World War.

Analyzing the notable international actors' behaviour on the international arena we can also conclude that this kind of action would have had ensured the great powers, the preservation of regional advantage towards small and medium sized neighbour countries, thus because of the fear, under the decision influence of the concerned hegemonic State. The arming race theory had to be, for the political deciders of the international actors, the main orientation in determining the place and the role that the States had in the post-war world security system, the influence being directly proportional to the military power proven and recognized by the other competitors, in which the balance of offensive-defensive and the defensive-offensive differentiation are part of this positional reasoning, which particularly values the military strength as an element of enforcement ability or of the need for approval of the political decisions externally.

We can conclude, at the same time, supporting the fact that the arming race theory correlates in some situations, with the the conspiracy theory/agreements established between the great powers, particularly regarding the responsibility of States the superpower that polarizes the neighbour countries, while influencing the behaviour of the countries that are under the tutelage of their States, for the purposes of arming policies

adoption. Such a context provides the great powers, as exporters of military equipment and technology, situated mostly in the process of moral exceeding, undeserved benefits, built on the deep feeling of subregional or regional insecurity, depending on their destructive capacity.

Because of this, stopping the arming race and the promotion of disarming had become, in the early '70s, the basic guidelines for a range of small and medium sized States, also threatened by the aggressive tendency of both Soviet and American powers, as well as a spectrum of a nuclear war. These States had to be grouped under the movement for peace, contrary to the general trend of escalation in the arming race. Thus, the concerned countries expressed their feeling of insecurity toward the arming policies support, justified only by the inner reasons detrimental to the international agreements which are, primarily, pacifist. At the same time, this position allowed some States, such as Switzerland, Austria, Norway or Finland, Yugoslavia, to protect themselves against the expansion policies or against the influences shown by the great political and military powers during the Cold War.

### **The Theory States' Polarization around Hegemons**

The supporters of this theory, among them Robert Keohane, Robert Gilpin, Kenneth N. Waltz, or John or George Modelski, Mearsheimer have as a starting point Thucydides's ideas on Peloponesian War and consider that the major conflicts in the world have diverse causes, most often in economic and social contradictions, which subsequently found an ethnic or religious ideological correspondence. These contradictions are determined by the uneven distribution of resources around the Globe, correlated with international inequities in the field of profits distribution. The situation is paradoxal for international actors owning important natural resources, but that are in the position of dominated States because of the economic and military powers, classified into the rich countries category, but that will depend on the resources located in other territories. In the third world the competition for the dominant position is perceived as the source of all conflicts.

To sum up, in this direction, pointing out the similarity with the theory of the agreements established between the great powers, except that the dominant assumptions from which it is developed, are in first instance, the economic ones and then the military ones. In these conditions the results are different, responsible for the anarchical international climate being the world's economic powers, which are not always also military powers due to the limits imposed by the security system set up over half a century before. We reach, in this respect, the discussion of the status of international power, on the basis of new criteria, that are somewhat contradicting with traditional acknowledgement, imposed by political-military agreements set at the end of the second world war.

## Conclusions

All shown facts give us the right to conclude that, although it has been acknowledged relatively recently, the concept of security seems to have been permanently in the attention of every government, within the external relations which it has established. As a result, the concern of the political power to find more and more effective solutions to solve the problems of security, has led to the development of the theory of international relations, geopolitics, diplomacy or military geostrategy. Such theoretical approaches put forward various solutions and are often played live, depending on the political and ideological partisanship, groups of interests and even psychological and cultural peculiarities of the personalities that they have grounded or of those who develop them. In any of them, the concept of power of the State has a key role to play, and this concept is most often identified with the concept of military power, a result of determinant place of the military system within the equations of State's security military and of the international environment.

Governments seem to be concerned, consequently, to adapt their behavior in the relations between them, the aim being to achieve their fundamental political interests, which they will present in front of the the international community as national or even international interests and will use those political, diplomatic, economic, military and other means, that appear to be the most appropriate for the international context and its own possibilities. We must add that, regardless of the government, the decision-making act, intended to lead to a complete settlement of the political-military issue cannot be a perfect one, in the light of the costs - benefits ratio. This aspect is determined by the limited ability of the deciders to analyze all the factors that compete to the evolution of any given situation, but also of the alert pace in which the events succeed each other in the international arena, especially in situations of political crisis with conflict generation potential.

We also consider that the tendencies of explaining the international environmental reality, by politicians and theoreticians of international relations, often by conflicting visions, mostly, are accomplished in a neo-realistic manner. We support our statement by our observation that the theories that apply mainly in the field of international relations would induce the idea that the current international situation has an unclear, complex causal constellation, and that the responsibility for the evolution of the international environment is firstly the responsibility of the States and the security status of States and of the international environment is based on a set of "truths", such as:

1. the competition for power between the international actors is not enough or totally uncontrollable, which determines the status of prevailing insecurity;

2. the security of the States is accomplished individually, as much as possible, due to the lack of local and international institutional regulations, as well as due to the uncertainty of warranties obtaining or firm support from other States. The tendency is determined also by the limited applicability of the very principles of morality, due to the oscillatory behaviour of many States internationally;

3. the increase of the security of a State determines the decrease of other States' security - fact that emphasizes the insecurity of the international system, according to the security dilemma.

We recognize then, in these affirmations, the tendency of international environmental modelling, primarily on the principles and policies of brute force/power-power politics.

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## **MAIN REALIST THEORISTS AND THEIR ROLE BACKGROUND OF SECURITY AND INTERNATIONAL RELATIONS**

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*Realism is considered the main theory able to regenerate the new international relations paradigm. It especially developed in the Anglo-American world and represented the intellectual and academic effort to justify U.S. foreign policy in the new international conditions, marked by the setting of the Cold War. The principal theoreticians of realism are: E.H. Carr, R. Neibuhr, I. Herz, H.I. Morgenthau, G. Schwarzenberger, M. Wight, N. Spykman, G. Kennan, R. Aron, H. Bull, H. Kissinger, R.E. Osgood, R. Rosecrance, K.W. Thompson, K.N. Waltz, John J. Mearsheimer etc.*

**Keywords:** political realism; international relations; actors in international relations; international security; balance of power; diplomacy.

Realism is considered the main theory able to regenerate the new international relations paradigm. Emerging as a reaction to idealism, specific to the inter-war period, it developed after the Second World War and peaked in the early years of the postwar period. It especially developed in the Anglo-American world and represented the intellectual and academic effort to justify U.S. foreign policy in the new international conditions, marked by the setting of the *Cold War*. The entire evolution of political realism can be considered a continuous development around the concepts and assumptions that defined this theory. This evolution could be understood: "*as a repeated and always failing attempt to turn the principles of European diplomatic practice in the nineteenth century into broader laws of an American social science*"<sup>1</sup>. Among the first theoreticians who addressed realism in their writings, one could mention: E.H. Carr, R. Neibuhr, I. Herz, H.I. Morgenthau, G. Schwarzenberger,

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<sup>1</sup> Stefano Guzzini, *Realism and International Relations*, European Institute's Publishing House, Iași, 2000, p. 5.

M. Wight, N. Spykman, G. Kennan, and later R. Aron, H. Bull, H. Kissinger, R.E. Osgood, R. Rosecrance, K.W. Thompson, K.N. Waltz, John J. Mearsheimer etc.

An important feature of political realism is the definition of international politics as a "*struggle for power*". The significance of power both as a means and an end in itself can be: "the ability to influence or change the behavior of others in the desired direction or, conversely, the ability to resist such influences by one's own behavior. In this respect, the state's ability to act and react is a function of the power they possess"<sup>2</sup>. The fact that states do not actually respond to any supreme authority makes each state concerned about its own security, in order to ensure their survival. Therefore, national interest is perceived in terms of power, other factors such as ideological values or moral principles being irrelevant. The international system's anarchic nature requires states to achieve a military power that would be able to reach a credible stage in order to discourage any attempt to attack, which would be achievable through a balance of power, stability and order being the product of the alliances systems' proper functioning. Because realists admit the existence of conflict in international relations, cooperation is possible only if performed in national interest. In the international system, its structure swings between power capabilities and the notion of equality, which is seen in a formal sense, meaning that it involves equality between states.

Criticism of realism, starting even with its emergence, focuses on the lack of a clear research methodology, imprecision in defining key terms, inability to explain certain evolutions in international relations, such as the phenomenon of cooperation and integration of European countries etc. and were supported in the early '60s by the *behavioral* trend, which integrated the results of social psychology and of the investigative techniques using computers. The response to this disapproval, known as *the Great Debate* between supporters of the new approaches, called scientific approaches, and those of the classical approach, called traditional approaches, came from Hedley Bull, who noted in 1966 that "the international life is too complex to fit into some predetermined patterns, and that no matter how sophisticated the investigative techniques would be, they could never replace healthy common sense, based on intuition, careful observation and political experience, as the ultimate tool for deepening knowledge in the international life"<sup>3</sup>.

E.H. Carr was the one who attempted to underlie the realist theory, strongly criticizing idealism in his reference work *The Twenty Years Crisis*,

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<sup>2</sup> Graham Evans, Jeffrey Newnham, *Dictionary of International Relations*, Dolti Universal Publishing House, [f.l.], 2001, pp. 476-477.

<sup>3</sup> Hedley Bull, *The Case for a Classical Approach*, în Keans Knorr and James Rosenau Editors, Princeton University Press, 1969, pp. 26-27.



revealing three major drawbacks: *the motivation is seen as a priority in comparison to interests, ethics in comparison to politics and theory in comparison to practice*<sup>4</sup>. The following are some of the ideas that Carr promoted: politics can not be analyzed on the basis of an earlier program, but only on the basis of its current results, therefore realism is researching consequences and then building the theory's arguments; the interests harmony is nothing but a representation of power configuration that ultimately makes the interests of the dominant group to be extrapolated to the entire community<sup>5</sup>; all laws, principles and ideologies are determined by social conditions, and "all internationalist ideologies are mere rationalizations operated by dominated powers, in order to protect their privileged position"<sup>6</sup>, realism being based on the will to consider man and social relations, especially political relations, as they actually are, and not as they want to become for the sake of an ideal<sup>7</sup>. Thus, Carr's theoretical approach of realism is very brief, its purpose is to achieve a synthesis of idealism and realism, the first being labeled as impractical, because of its prevailing utopian character, and the second, because it lacks perspective, reduces policy to a mechanical adaptation to the international relations needs.

Hans Morgenthau entered the international relations theory through his work *Politics Among Nations*, in a very important moment for the U.S. political evolution<sup>8</sup>. Victorious after the Second World War, the U.S. needed a theoretical justification in its foreign policy, especially since its superpower status brought it a series of global responsibilities. The main message of H. Morgenthau's book is the concept of power politics, which is analyzed starting from the three basic human impulses: *the impulse to live, reproduce and dominate*. Thanks to the latter, mankind has been engaged in a constant struggle for power, and this is the essence of politics and war<sup>9</sup>; in this context, the desire for power being rooted in human nature itself, in the natural instinct to dominate. The concept of power has been undermined by assumptions such as: power is not absolute, it is always in conjunction with other powers; it is not permanent either, because power bases are constantly changing and it is not the result of a single factor, such as military force<sup>10</sup>. In his view, in an

<sup>4</sup> Stefano Guzzini, *op. cit.*, p. 35.

<sup>5</sup> Edward Hellet Carr, *The Twenty Years' Crisis*, Macmillan, London, 1946, pp. 44-46.

<sup>6</sup> Stefano Guzzini, *op. cit.*, p. 57, apud E.H. Carr, *op. cit.*

<sup>7</sup> Ion Deaconescu, *Teoria relațiilor internaționale*, Europe Publishing House, Sitech Publishing House, Craiova, 2005, p. 15.

<sup>8</sup> Hans Morgenthau, *Politics among nations. Power struggle and the struggle for peace*, Polirom Publishing House, Bucharest, 2007, p. 276.

<sup>9</sup> Stefano Guzzini, *op. cit.*, p. 63.

<sup>10</sup> *Ibidem*, p. 68.

anarchic system, the national state manages the struggle for power, but, since it can not be fully eradicated, it is directed outwards: "Unable to fully satisfy the desire for power within national borders, people transfer their unfulfilled aspirations on the international stage"<sup>11</sup>. In addition, any organized international system has to be based on normative mechanisms, three different mechanisms being identified in this respect: *ethics*, *world public opinion* and *international law*. If they fail, national forces will lose their temper and will cause conflicts. States' power aspiration configures the balance of power, and states, as international political actors, will set their interest, which will be defined in terms of power: given the fact that in any individual there is an instinct for power and conquest, so the state tends to develop and show its power at international level, in relation with other nations. In this context, the balance of power is not matter of political choice, but rather something natural, capturing several levels of the balance of power: *buffer states*, *protecting states* and *interest states*, namely those states for which the great powers compete and that they want within their influence area. The balance of power may be maintained in peace, or imbalanced at war, being influenced by politics.

Kissinger's rise in the American politics in the twentieth century, more precisely, in the early '70s, came amid the military engagement in Vietnam; the U.S. declined in credibility and legitimacy, allowing the USSR, which launched an ambitious program of weapons and of expanding its influence in the world, to achieve strategic parity. The main proposed tool for foreign policy was diplomacy<sup>12</sup>, obviously, adapted to the European Concert system, which was specific to the nineteenth century, and there was an interest in relaxation, as a means of creating a legitimate international order. The great powers he had in mind when referring to the new international order were China and the USSR. If, concerning China, he estimated that it was within the classical tradition of the European art of government, the USSR contained many elements of a "ruthless opportunism", which lead to U.S. adopting a policy of containment when necessary and cooperation when possible. Through a detente policy and various concessions, he hoped to generate some changes in the USSR and to prepare the end of Cold War. He also proposed the concept of *connection*, as an expansion dimension, realized also through a containment policy through negotiated connections, i.e. interfering political sequences in order to build an active and successful diplomacy; the essence of the connection policy consisting of two elements: the USSR integration in the European economic structures, and increasing economic benefits in order to determine the USSR to politically cooperate. Therefore, the concert

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<sup>11</sup> Hans Morgenthau, *op. cit.*, p. 74.

<sup>12</sup> Henry Kissinger, *American Foreign Policy*, Norton, New York, 1969, p. 54.

diplomacy could not succeed as long as the USSR was willing to accept certain changes in its foreign policy, but not in the domestic one. Another interesting conclusion concerns the central balance of superpowers, which proved questionable in dominating the international relations, in the same way as allies' dependence of a superpower does not automatically imply the latter's authority. Foreign relations, at their level, could not be addressed without taking into account the domestic policy, even though foreign policy would prefer it the other way round.

Methodological shortcomings of traditional realism have led some scholars to reassess the role of power in achieving cooperation under anarchy. The point at which neorealism differs from realism is the methodology and conception on the self<sup>13</sup>. This theoretical approach was defined *neorealism* or *structural realism*. The most important representatives of this theory believe that all social systems have, among other things, a political subsystem in which the management issue plays a central role, introducing the concept of *great hegemonic power*. This hegemonic state requires order in international relations without conquering, exerting a benign management of the system<sup>14</sup>. K.N. Waltz is considered to be the main representative of this theory, in his *Theory of International Politics* being concerned by power distribution, and defining structure through three main characteristics: a) an international system is hierarchical; b) the international system is anarchic, i.e. each state must take care of its all essential functions, and c) a structure is defined by the distribution of capabilities between its units,<sup>15</sup> and war found its origins *in the human nature* or *in the state's type of regime*, or *the international system* characteristics. K. Waltz also proposed a definition of the international political system centered on state "international structures are defined through fundamental political units of an era, meaning state-cities, empires or nations." Thus, in his opinion, at present there is no other essential international political unity besides the state. Conversely, the structure of the international political system is defined by what states do (this is the reason why war and diplomacy are the international politics' main manifestations)<sup>16</sup>. Waltz believes that states' fundamental goal is not maximizing power, but achieving or maximizing security. However, he states that: "States, or those acting on their behalf, are trying, in more or less appropriate ways, to use the available means in order to achieve the proposed goals. These methods fall

<sup>13</sup> Mihail E Ionescu, *După hegemonie. Patru scene de securitate pentru Europa de Est în anii '90*, Scripta Publishing House, Bucharest, 1993, p. 242.

<sup>14</sup> *Ibidem*, pp. 16-17.

<sup>15</sup> *Ibidem*, p. 241.

<sup>16</sup> *Ibidem*, pp. 261-262.

into two categories: internal efforts (to increase economic capacity and the military force, to develop appropriate strategies) and external efforts (building or expanding their own alliances, or weakening and limiting hostile alliances)"<sup>17</sup>. This means that increasing power is really only a means – an inevitable one – to other ends. His theory on the balance of power is derived from the assumed motivations (security) and actions (improving position in terms of power)<sup>18</sup>. In this regard, states are tempted to balance power, not to augment it, and given the anarchy of the international field, at a certain time, states will react so as to balance the distribution of power, given the constraints they are subject to.

As states' behavior registered surprising changes and fluctuations, as a consequence of their own interests, and of the accumulation of forces that are difficult to handle, states must consider many aspects and rules, as Robert Gilpin, another neorealist representative, warns: "1) An international system is stable (i.e. in a steady state) if no state considers that it is profitable to try changing the system; 2) A state will try to change the international system if it expects the benefits to exceed the costs of such attempts; 3) a state will seek to change the international system through territorial, political or economic expansion, when the marginal costs for that change are equal to/or greater than the marginal benefits; 4) Once the balance of costs and benefits in the pursued change is achieved, the tendency is that these economic costs, needed for the preservation of the status quo, should grow faster than the economic capacity necessary to maintain the status quo; 5) If the imbalance in the international system is not solved, the system will be changed, and a new balance will be established, reflecting the power redistribution"<sup>19</sup>. In addition, he believes that the regulatory element of the world system imbalance is the hegemonic war. This means decides which state will be dominant and lead the system. "Peace arrangements that follow such a hegemonic struggle reorder political, territorial, and other types of system bases. The hegemonic war's role is to correct this imbalance in the system. The end of the hegemonic war is, in fact, the beginning of a new cycle of growth, expansion, and decline for the new hegemonic power(s). The law of uneven development leads to a continuous distribution of power and, consequently, to hegemonic cycles. Along with Gilpin's view, there can be mentioned George Modelski's contribution. The ideas he promotes claim that: the anarchy in the world system of states determines periods of strict hierarchy of actors and

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<sup>17</sup> *Ibidem*, p. 256, apud Kenneth Waltz, *Theory of International Politics*, 1979, p. 118.

<sup>18</sup> *Ibidem*, p. 257.

<sup>19</sup> *Ibidem*, p. 17, apud Robert Gilpin, *War and Change in World Politics*, Cambridge University Press, Cambridge, 1981, pp. 10-11.

"hegemonic leadership", or "world leadership", hegemonic states are recruited from maritime powers, and their competitors are usually terrestrial countries; hegemonic powers impose order in the system, without using conquests. When hegemonic wars – global or world wars – burst, they are designed to provide the system's leadership<sup>20</sup>.

However, an important contribution to neorealism was brought by John J. Mearsheimer, who, in his work *The Tragedy of Great Power Politics* (New York, Norton, 2001), does not stop at system level, but aims to provide a theory of foreign policy. According to him, the international politics structure is the key to understanding facts and presents five hypotheses that characterize the essential features of international politics: a) the international system is anarchic, meaning that there is no governing body above governments to promulgate laws and punish criminals - sovereignty is inherent for states; b) states always have a certain military capability that gives them the means to hurt and destroy each other; c) states can never be sure about the intentions of other states, if others will attack them, or not, by military means; d) surviving is the main goal of all states in the international system, so they try to maintain the territorial integrity and internal autonomy; e) states are rational actors that think strategically concerning their external situation, and choose the strategy that can maximize their initial survival goal<sup>21</sup>. If Waltz's realism is a "defensive" one, meaning that states seek the balance of power in an anarchic environment, Mearsheimer promotes an "offensive" realism, meaning that the great powers seek to maximize their power bringing disadvantages to their rivals, with the goal to obtain hegemony. Thus, a hegemon is seen as a state that is so powerful that it dominates all the other states in the system, and hegemony is seen as the domination of the system, which is usually interpreted as the whole world, and in this sense, war is the main means of gaining power<sup>22</sup>. Power is defined in terms of latent capacity (population, economic strength) and manifests (military power). Only the great powers that have great military capabilities are able to lead wars and to dispute to the role of hegemon<sup>23</sup>.

In comparison to Waltz's states, Mearsheimer's are more open to risk and to taking into account other objectives than security. If, in Waltz's case, powers are oriented to maintaining the status quo, in Mearsheimer's, they are revisionist. Starting from capabilities distribution, Mearsheimer distinguishes

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<sup>20</sup> *Ibidem*, pp. 19-20.

<sup>21</sup> John J. Mearsheimer, *Tragedy of power politics. Offensive Realism and the struggle for power*, Antet Publishing House, Bucharest, 2003, p. 27.

<sup>22</sup> *Ibidem*, p. 20.

<sup>23</sup> *Ibidem*, p. 44.

the following types of international structure: *balanced bipolarism*, *balanced multipolarism*, and *imbalanced multipolarism*, and he notes that, in these structures, multipolar systems are more unstable and more prone to war than bipolar ones because of the fact that the number of significant actors increases war opportunities, asymmetries are more common and the risk of calculation errors concerning relative power, and states' decision to pursue their interests increase<sup>24</sup>. In this context, one may emphasize the fact that both defensive realism theory (Waltz), and offensive realism (Mearsheimer), make important clarifications on the concepts (state, power, hegemony etc.) and ideas supported by the International Relations realist theory. Concluding, there may be said that realism, beyond all limitations and criticisms that it faces, and regardless of the forms it took (defensive, offensive), remains the main International Relations theory that objectively presents states' behavior in the international system.

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<sup>24</sup> Andrei Miroiu, Radu Sebastian Ungureanu (coord), *Manual de relații internaționale*, Polirom Publishing House, Iași, 2006, p. 152.

## THEORETICAL PERSPECTIVES OF DIMENSIONS NON-MILITARY SECURITY

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*The end of the Cold War brought with it a changed perception of human individuals on the types of threats to their security. Thus, issues related to non-military dimensions of security have replaced those of a military nature, but not eliminate them. We can say with certainty that in the beginning of XXI century, dangers and security threats tend to be more diffuse, less predictable and multidimensional. Unlike traditional military threats emanating from a known opponent, they can not be countered either by increasing military spending and troop deployment or closing the borders. For these reasons, the need for increased international cooperation, many of those dangers and threats can not be resolved within the traditional national security.*

**Keywords:** security; social security; human security; non-military; good governance; bad governance.

In the safety analysis, there are two contemporary theories: neo-realism and postmodernism. Neo-realism emphasizes the role of the state as provider of security, while postmodernism emphasizes the interrelationship between non-state actors.

Neo-realism's, represented by Barry Buzan<sup>1</sup> asserts that addressing security only in terms of military size, promoted during the Cold War, has done nothing but harm the development concept. For this reason, its scope was expanded by introducing new dimensions of security analysis - political, economic, social and environmental – noting that the sovereign state remains the main reference object security analysis.

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<sup>1</sup> Barry Buzan, considered to be one of the main representatives of the Copenhagen School, is currently a professor in the Department of International Relations, School of Political and Economic Science, London, and author of some of the basic work safety analysis, and: *People, States and Fear*, 1991, *U.S. powers: world politics in the twenty-first century*, 2004.

Postmodernists (Ken Booth<sup>2</sup>) are also of the view that there is a need for broadening the definition of security, but that the state has the primary role in achieving security state, but non-state actors such as individuals, cultural and ethnic groups, regional economic blocs, multinational corporations, NGOs etc. The concept of security is extended both vertically and horizontally, with the idea that human security center is different and much national security more important than his. Postmodernists and especially Booth, believes that states and governments are the main objects of reference of security because, although it is supposed to be the providers of security for citizens, they become sources of insecurity for people who are responsible.

Both approaches is mainly non-military dimensions of security, and the main difference between them lies in the nature of benchmarks identified in the safety analysis. Neorealist point of view places human security alongside the State as a reference object identical security theory and practice: security analysis is concerned with the "fate" of human, they are made up of citizens of the state so that the state becomes the object reference security. At the same time, postmodernists say that the idea of state security was used by governments to hide reality and hide the real issues of security, which, in fact, were the problems of the regime and its supporters, thus, promoting the concept of security approach human.

At the same framework and approach is part of the UN. In 1993, the United Nations Development Program published its annual report on human development, which introduced the concept of "human security" which, in subsequent years, has become a landmark for a new security model, a new paradigm of security. According to the UN vision, human society quickly falls to a transformation process into two levels, the result of which is on one side of center of gravity transfer from territorial security to the people, on the other hand, the transfer means of achieving security for the purchase of weapons to sustainable human development. Human security requires, in this case, countering a wide range of threats to people categorized as: economic security - ensuring a minimum income of each individual; food security - ensuring physical and economic access to basic food, security in terms health - ensuring minimum protection from diseases and unhealthy lifestyles, environmental safety - protecting people from environmental damage and natural disasters, personal security - protecting people from physical violence, whatever its source, community safety - protecting people loss of traditional

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<sup>2</sup> Ken Booth is Professor in the Department of International Politics at the University of Wales and author of important works in the field of security, such as: *New ideas about Strategy and International Security*, 1991; *Art governance and security*, 1998, *Worlds in Collision: terror and the future of global order*, 2002.



relationships and values, ethnic and sectarian violence, political security - providing a living environment based on respect for human rights in society.

Overall, the UN promote human security as defined by the United Nations Development Programme reports that are implemented in different policy areas, particularly through peacekeeping, humanitarian intervention, support for refugees etc. However, it seems that UN officials have lost sight of in recent years the issue of human security as the concept has not been used even during the Millennium Summit, or the Millennium Declaration. Probably the main reason is the heterogeneity of the concept, and the lack of enthusiasm shown by countries that have promoted human security agenda in the context of overall reforms initiated in the organization.

Analyzing the existing current security studies, with global components can be synthesized following perspectives of security: military perspective, political perspective, an economic perspective, a social, cultural perspective, ecological perspective.

All six perspectives are equally important for achieving security status and, moreover, they inter-relate. Thus, the political perspective concerns the relationship between the state and its citizens and the international relations of the State. Economic outlook envisages economic foundation of military power, but purely economic component of its security at all levels, with emphasis on the individual. This last level is that in which the social perspective of security: national security is extremely important but can not be achieved without the basic security of individuals. Cultural perspective of the delicate issues of ethnicity and religion, the sources of some of the most important conflicts of the past decades. Finally, ecological perspective, newest problem under study include three aspects that can not be ignored: the environmental problems caused by war, natural resources whose possession or control of international disputes can arise and natural disasters.

### **Political perspective**

In the multitude of changes that marked the late twentieth century and early twenty-first century, there is a constant crossing this time: the need for democratization and development not only of the former communist countries, but also other less developed countries around the world. Intensity varied according to the needs of existing paradigms in one time or another in recent history, reaching climax, not with the onset of ethnic conflict in the Balkans, but when the U.S. and NATO have started extensive military operations in the Middle East and East time after September 11, 2001.

All these are benchmarks for the political dimension of security, which can be analyzed on two levels: the internal one, where the concepts of "good

governance" and "bad governance" is central, and external, related to international security and the right internationally.

Security policy perspective is reflected in the security strategies of the '90s. In addition to the fight against terrorism and European and Euro-Atlantic integration, European countries and others have introduced new concepts: "bad governance" as a potential risk, or "good governance" as a goal and the way to achieve security status. Good governance has become an essential condition for development assistance provided by international donor agencies. Also, good governance is one of the main targets of the Millennium Development Goals, UN agenda for reducing poverty and improving living conditions.

*Administration-government. Antithesis of good governance – poor governance*

Government refers, broadly, decision making and the decision whether or not implemented decisions. The concept is used in a variety of ways and areas of social life.

The two lines demarcate the essential theoretical content governance of the practice reflects his character. Along the horizontal line are placed on the government views as a set of rules of public sector management, and the government considers how supervision and control of that sector. Also, the approach is different from that agency specialists in international relations<sup>3</sup>, which relate to governance as a process-centered rules. They believe that, nationally, within the operating model citizens and policymakers and internationally, is a process that involves multiple actors in the international arena, producing new standards and rules for cooperation for the purposes of solving global problems.

The World Bank defines governance by the traditions and institutions by which, in a country is exercised authority in order to achieve the common good<sup>4</sup>. This includes: the process by which they are selected, monitored and replaced those in authority; government's ability to effectively manage resources and implement policies; respect of citizens and the state for the institutions that govern economic and social interactions among them.

European Commission, the EU's main forum for solving problems of this type, consider that governance refers to the ability of states to "serve" the citizens, the rules, processes and behavior by which interests are expressed

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<sup>3</sup> KJ Holsti, *Governance without Government: Polyarchy in the 19th Century*, European International Politics, 1992, March, JG and Olsen, J.P., *Democratic Governance*, 1992. Cited in Hyden, Goran and Julius Court, *Governance and Development*, in "World Governance Discussion Paper 1", United Nations University, 2002.

<sup>4</sup> <http://www.worldbank.org/wbi/governance>.

and managed and is exercised power in society<sup>5</sup>. In spite of its wide and open government is a practical concept, closely related to aspects of the operation of any political or social system.

For the purposes of the UN, the government is that system of values, policies and institutions by which a society manages its economic, political and social<sup>6</sup>. Thus, the society organizes itself to make and implement decisions by mutual agreement and mutual action.

Action development agencies and international organizations is intended to establish a "good governance". It is obvious that the existence of this concept implies not only the existence of "bad governance" and a government assessment methodologies.

In our opinion, the human being is the starting point of this analysis, we believe that human rights offers the best approach. In this respect, it is important not only UN human rights regulations and development, but also psychosocial theories on human needs that must be satisfied to ensure their development.

Unlike the approach needs one focused on rights offers several advantages, from at least three reasons. First, focus their attention on citizens, good governance is considered a public good to which they are entitled. Second, pays particular attention to the rights and property and acknowledges that poverty is not only a consequence of economic deprivation, but rather a breach of human rights. Finally, this approach brings to the fore the importance of rules and regulations by which society is governed and made the process of development.

### *"Units" of government*

Experts in economics, political and social managed to answer relevant to this question. Thus, some of them proposed the following grid analysis of six indicators of good governance: participation - involvement of decision makers; decency - the extent to which the creation and implementation of laws into account human dignity, fairness - the degree to which rules are apply equally to all, regardless of social status, responsibility - extent to which public officials, elected or appointed, shall assume responsibility for their actions and satisfy the requirements of the public, transparency - the degree to which decisions taken by public officials are clear and open voting citizens or their representatives; efficiency - the degree to which rules facilitate rapid and timely decision making.

In some analyzes<sup>7</sup> are used all six indicators, but of a different nature. Note that the first proposal seeks to quantify only the positive aspects of

<sup>5</sup> European Commission, *Communication on Governance and Development*, 2003.

<sup>6</sup> UNDP *Strategy Note on Governance for Human Development*, 2004.

<sup>7</sup> World Bank specialists pay particular attention to the problem of measuring governance. For details: <http://info.worldbank.org/governance>.

government, while the latter introduces the possibility of social problems to be solved by government controlled and making the transition to the concept of "bad governance": Voice and Accountability - measuring political, civil and human, political instability and violence - measures can trigger violent manifestations, including terrorism / changes in governance, government effectiveness - measuring the competence of the bureaucracy and the quality of public services, the quality of the legal process - measuring the incidence of market unfriendly policies, rule of law - measuring the compliance, and can trigger some violent / criminal, Control of Corruption - measuring the exercise of public power for private purposes, including bribery and corruption at high level.

In a survey conducted by the UN on the issue of government between 1996-2000<sup>8</sup>, the countries of the world were divided into three groups: government developed countries, countries with average governance and weak governance countries. For this, the proposed methodology was used even by Goran Hyden and Julius Court, outlined above. Surprisingly, the first group includes countries such as Chile, India, Jordan, Mongolia, Tanzania and Thailand, whose aggregate score of six indicators was above 90 (maximum 150, minimum 30 points). High score is not only surprising, but also the diversity of this group: from one of the poorest African countries (Tanzania) to a newly industrialized Asian country (Thailand), a major world power (India) and an Islamic kingdom (Jordan).

In the second group entered countries with a score between 80 and 60: Indonesia, China, Peru, Argentina and Bulgaria. And here we are dealing with a wide variety: transition countries (Bulgaria, Indonesia, Peru), a country in crisis, the time of the survey (Argentina) and a fast developing country (China).

Finally, countries with low scores (below 60 points) - Togo, Pakistan, Russia, Kyrgyzstan and the Philippines - are objects misrule. Low score indicates low importance of the rules and regulations enacted both for policymakers and for much of the civil society. Abuse of power when first acquired, ignoring in particular the rights of citizens, government score drops dramatically indicators listed received a very low score.

Therefore, and "bad governance" is measurable, but being placed on the opposite side of "good governance". It targets not met since the basic features of governance and, like good governance, defined largely subjective. Existence of political instability, corruption, low levels of living, lack of freedom of action and expression, marginalization of minority groups united under the name of "bad governance" causes outbreaks of violent conflicts, such as those that have troubled the world in recent 10-15 years.

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<sup>8</sup> Julius Court, Goran Hyden, Ken MEAS, *Governance Performance: The Aggregate Picture*, the "World Governance Survey Discussion Paper 3", United Nations University, 2002.

### **Economic outlook**

Economic outlook security issue is a very controversial and politicized. Here's how it relates to the economic outlook of mainstream political and economic security: mercantilists and put neo-mercantilists first state as manager of social and political goals that is generated as a provider of welfare and security necessary for all economic activities; liberals in Instead, make the first economy and argues that it should be the basis of any social construct, and the market should be allowed to operate as freely without government intervention, socialists adopted an intermediate position, arguing that the economy is the social construct, and the state can exist outside of this logic, its task being to "govern" the economy based on social and political goals of justice and equity.

So there are different models both economic and security. Before the end of the Cold War, economic models as a basis for national economies were largely self-sufficient, excluding the possibility of significant external cooperation and promoting the protection offered by the state against foreign competition. This concept led to partial isolation.

The situation is even more dramatic as we see that poverty is concentrated on broad areas: East Asia and South-East and Africa. These are areas in which a vicious circle from which countries will hardly come as infect poverty, environmental degradation and civil wars, which, in turn, increases the extent of poverty. Breaking the vicious cycle is only possible through coordinated international efforts whose purpose is to reduce poverty and strengthen the capacity of poor countries to solve their own problems and to prevent the spread of threats to international security.

### **Social perspective**

Like other perspectives of security, nor social perspective can not speak without reference to the political, economic, cultural, ecological and although not the subject of this study, military.

Social perspective can be analyzed in terms of population and population movement (number, growth, development components of natural increase and immigration external demographics, life expectancy, level of education given the demographic profile of a population), rules and regulations , statuses and roles, interactions between social actors etc.

The main tendency<sup>9</sup> of global critical implications on security at any of its levels. Thus, fertility trends in recent years indicates displacement of the center of gravity of the global population in the developed world to the

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<sup>9</sup> Brian Nichiporuk, *The Security Dynamics of Demographic Factors*, RAND Corporation, 2000.

developing world. In addition to natural population growth, there is increasing number of refugees coming and her developing countries or in the ground for violence. In 1995, their number amounted to over 14.4 million, with growth trend. Also, another major trend of the world today is massive urbanization. Over half the population lives in urban areas, which in some nations are disproportionately high in relation to the country. Forecasts suggest that by 2015, the world will be no more than 20 giant cities (over 10 million).

About five decades ago, demographic forces had the ability to change the balance of power, but now, the conflict may be influenced by refugee flows. In addition, relatively young populations show an increased tendency toward violence. This risk is present in many nations of the Middle East and Africa. Also, different growth rates of neighboring cultural groups or populations may be the outbreak of ethnic conflict, as happened in Bosnia-Herzegovina, where fear that Muslims will increase their control, with the collapse of the Yugoslav state apparatus, have fueled this type of conflict. In this context, it should be noted that the relationship between demographics and conflict does not take place in one respect: indeed manifestation demographic factors is one of the sources of conflict, and conflict itself creates profound demographic consequences (eg, refugees).

Exact knowledge of the state population could be the best assessment of sustainability of economic development and, consequently, the ways of realization of the security. This is because security-economy interaction-demographic factor is present in all stages of individual development. From economic constraints felt by the individual, must be as many strategies and objectives of economic, social and, ultimately, security.

### **Cultural perspective**

Cultural perspective of security has two aspects: on the one hand, the impact of culture on safety, and on the other hand, the existence or absence of a safety culture. This latter aspect is particularly evident in the absence of a culture of security, which may represent a vulnerability that nation, with implications for the entire international community.

Impact of culture on human security can not be studied without reference to cultural identity consistent local value systems that preserve capital and cultural and indigenous knowledge systems. Threats to the cultural dimension of security may arise from development policies which result in the marginalization of indigenous people or homogenization of diverse populations to maintain political stability. Some countries face sub-national ethnic conflicts, groups of various ethnic or religious practices different from those of the majority population, engaging in political debate (for example, in

North India, control of the economy by people from other communities language or ethnicity led to violent confrontations).

Scientific and technical innovations can be both means for achieving increased security status and risk factors, according to human interests and use that follows from this.

Internationally, it is observed that globalization has accentuated the phenomenon of acculturation against which totaled more voices, especially those of nationalist groups. In this context, religion is one of the most important aspects of cultural perspective of security, she holding a key role both in prevention and the challenge of various forms of conflict. Thus, we can say that religion is relevant to all conflicts, includes concepts such as life and death, holy war or just war.

According to a study by the Center for Defense Information<sup>10</sup>, in early 2005 in the five major regions of the world, there were 22 major armed conflicts and 28 "hot spots" that could turn into wars, with the basic causes of ethnic, religious, territorial and / or ideological.

### **Ecological perspective**

In recent years it is increasingly clear that humanity is in a deep ecological crisis. Ecological perspective involves more than the other dimensions of security, a dramatic speech in favor of securing both the governments, especially from civil society, but the results are not always successful, even when measures are very scale. There is heated debate over the type of problems that can be politicized and those requiring immediate action. Obviously, specific disasters such as the Chernobyl nuclear accident and massive flooding, dictates immediate action to prevent their recurrence. In these cases, in general, geographical location and the welfare of the country plays a decisive interest in combating the effects of the disaster. For example, governments of poor countries tend to perceive environmental industrial policies as something that I can not afford.

Environmental degradation has a long and complex series of major disturbances that maintain each other, increasing the chain vulnerabilities. For example, deforestation leading to soil degradation, which adversely affect agricultural production. It affects both exports and household food supply, causing certain diseases, reduced social cohesion and thus social movements. In this context, increased trends such as authoritarianism, violence, political instability, and massive population displacement.

The issue of climate change worries experts because, as I stated above, are created vulnerabilities, risks, dangers and even threats to human security,

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<sup>10</sup> Center for Defense Information, *World at War*, în „The Defense Monitor”, vol. XXXIV, nr. 1/2005.

which can hardly be improved and prevented. Regarding "global warming" is defined as the increase in time, the average temperature of Earth's atmosphere and oceans.

In the last fifty years, there were the following trends<sup>11</sup>: average surface temperature increased by 0.6 ° C, so that, by 2100, increase by 5.8 ° C lower cap of snow and ice, increasing the average level of Sea and ocean temperatures, increasing the amount of rainfall with 0.5-1% at 10 years, especially in the northern hemisphere, increasing by 2-4% frequency heavy rainfall in the northern hemisphere, decrease the frequency of extreme minimum temperatures and increased frequency of occurrence hot extremes, altering the atmosphere because emissions and aerosols from human activity.

The reasons for this are both internal processes of the planet, as well as external, human nature or not. The main cause is considered to be emission of so-called greenhouse gases, especially carbon dioxide, methane and nitrous oxide from fuel combustion, industrial and agricultural activities. Greenhouse gases create the "greenhouse effect", which natural boundaries helps to maintain life on earth (excluding this effect, temperatures should be 30 ° C lower), but in large amounts causes ozone depletion in the atmosphere and promote heat Excessive planet. The international community has taken steps that are intended to be effective, but not all countries agree with them. Thus, the Kyoto Protocol (became active in February 2005), industrialized countries are obliged to reduce its 2008-2012 emissions by 5% below the level recorded in 1990, while developing countries will be funded to develop sustainable energy, industry, producing 'clean' technologies and toxic waste management.

Climate change, especially global warming has already affected most biological and physical systems in many parts of the world: melting glaciers, freezing late and early melting of rivers and lakes, the disappearance of certain species of plants, mammals, birds and reptiles etc. Moreover, human existence itself is threatened by these events, benefiting the occurrence of unforeseen events with negative effects.

For example, increasing the frequency of maximum temperatures can cause: increased incidence of death and cardiovascular disease in elderly human groups, increasing the risk of damage to crops, increased demand for electricity and, consequently, the appearance of an energy crisis, tourism crisis by shifting to other areas etc.

Increased frequency of heavy rainfall causing floods, landslides, increased soil erosion, destruction of flora and fauna in the flooded areas, property damage human health risks and livelihoods in the area etc.

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<sup>11</sup> World Meteorological Organization and UN, *Climate Change 2001: Summary for Policymakers*, A Report of Working Group I of the Intergovernmental Panel on Climate Change, 2001, <http://www.ipcc.ch>.



## Conclusions

Social change driven change security social representation concept acting from several perspectives: military, political, economic, social and environmental.

Security status of individuals is the starting point of any study in this area, regardless of analysis (national, regional, regional or global), as the man at the core of all forms of social organization and the degree of achievement of its security is reflected in the security group to which it belongs.

In the study of security is necessary to take into account the local context, social, cultural and historical benchmark analysis.

Formation of social representation security is dependent both large-scale social processes (interactions between group members and between them and institutions such as the media) and the basic psychological mechanisms (connecting an unfamiliar element in a familiar anchor, and transforming a concept into an image through graphic).

Social representation of security allows individual communication on this topic by providing a code for social exchange to identify and classify various aspects of their world and ambiguous individual and group history. All these elements will be translated into definitions of the concept, both in the common knowledge and of the scientific and policies designed to counter vulnerabilities, risks, dangers and threats to individual, national, regional, regional and global.

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## **WINDFARMS – A CHALLENGE OF AIR SURVEILLANCE SYSTEM IN XXI CENTURY**

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*The extensively utilities of the eolian energy to realize with the great development of the wind farm with great areas. Dispose wind park in the areas of interest for air surveillance systems have an immediately effect on influencing that with immediately consequences about ability to defend of the country.*

*We can identify as a challenge to air surveillance system, in the 21<sup>st</sup> century, its ability to perform the basic air defense of sovereignty of Romania with increased electrical energy needs which are necessary to the economical development of the country.*

**Keywords:** radar systems; wind park; air surveillance system.

In recent years there is a growing interest of public and private sector in generating electricity using wind power. Thus, over 60,000 MW are produced worldwide using the wind energy. These systems are generally composed of plants from 2-3 up to several hundred wind turbines with rotating blades that reach heights of over 160 m. The number, height and rotation of these wind turbines pose technical challenges to the effectiveness of radar systems that must be carefully evaluated on a case by case basis to ensure that they maintain an acceptable level of airspace surveillance capacity.

In 2001, the EU agreed that the share of electricity produced by renewable energy sources in EU consumption should reach 21% in 2010. But according to the current trends, the EU will miss this target by 1-2 percent. In order to meet its long-term objectives on climate change and to reduce its dependence on imported fossil fuels, the EU must reach or exceed these objectives. Renewable energy is already on the third position in the world among the energy sources used to generate electricity and it still has a growth potential, with all benefits for the economy and environment.

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Wind energy will be the key factor to achieving the goal set by the European Union for 2020, namely to consume 20% less energy. The European Wind Energy Association estimates that the wind-generated electricity will represent between 13% and 16% of the total amount of electricity consumed in the European Union by 2020. On average per year, the EU will consume about 100 terawatts per hour, respectively 3.3% of the total energy consumption in Europe. Germany and Spain are the largest providers of wind energy.

The strategic objective for 2010 was that the contribution of the renewable energy sources in EU countries to be 12% of the total consumption of primary resources. The global wind energy capacity will reach over 32.000 MW and the percentage increase is 32% per year. The target of 12% of global demand for electricity produced by wind by 2020 seems to be already reached.

It is believed that the global technical potential of wind energy can provide five times more energy than it is consumed nowadays. This level of exploitation would require 12.7% of the Earth surface (excluding oceans) to be covered by wind turbine parks, assuming a total of 6 large wind turbines per square kilometer. These figures do not take into account the future improvements of the turbine efficiency and technical solutions used.

The interest of the investors in this domain is high. Romania even entered in a *Top 30* of the countries which are attractive to investors in renewable energy. If the law would be favorable, investments in this field may exceed 10 billion euros. A study conducted by the European Wind Energy Association shows that Romania has increased its installed wind energy capacity with 448 MW in 2010, currently reaching 462 MW. According to the estimates, it will be commissioned another 600 MW by the end of 2011.

The energy production based on renewable resources will continue to be promoted, such as electricity consumption made from renewable energy to account for 35% of gross domestic electricity consumption in 2015 and 38% in 2020. In 2010, 11% of gross domestic energy consumption was provided by renewable sources.

The wind energy is extensively used today, and new wind turbines are built around the world, wind energy is the energy source with the fastest growth in recent years. Most turbines produce power over 25% of the time, this percentage increasing in winter, when winds are stronger.

The speed of the wind which makes it an energy resource should be measured at the height of the rotor of the power turbines (50, 70, 80, 90 m above ground). Romania's wind map was developed which includes annual average wind speeds measured at 50 m above the ground.

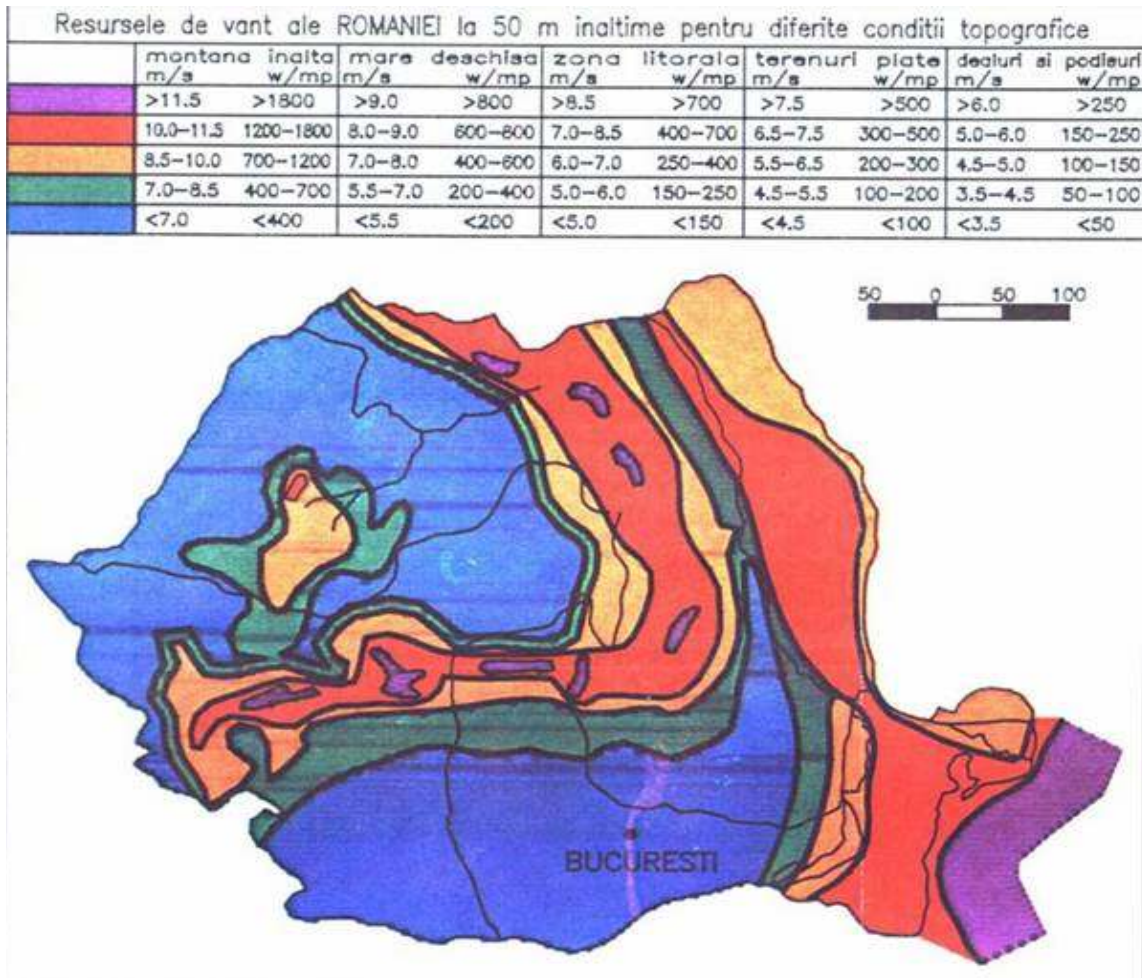


Fig. 1 Romania's wind map

The distribution of the average wind speed in Romania shows that the main area of wind energy potential is represented by the mountain peaks where the wind speed exceeds 8 m/s.

A second area with wind energy potential which can be used in a cost-effective manner is the Black Sea coast, the Danube Delta and the northern part of Dobrogea where annual average wind speed is around 6 m/s. Unlike other areas with wind energy potential, the exploitation in these areas is favored by less turbulent winds.

The third area with considerable potential is the Barlad Hills where the average wind speed is about 4-5 m/s. Favorable wind speeds are reported in other smaller areas in the west, Banat and western slopes of the Western Hills.

In the near future, these areas will become the targets for the investors in renewable energy who plan to build large wind farms having from 2-3 to several hundreds wind turbines spread over a few hectares or several hundreds.

The wind turbines can cause the interference of the signals by reflecting them with the turbine blades so that the nearby receptors receive

both the direct and the reflected signals. The interference occurs because the reflected signal is delayed due to the wavelength corresponding to its own frequency and the Doppler Effect due to turbine blade rotation. The interference is stronger in the case of metallic materials (highly reflective) and weaker for wood or epoxy (absorbent). The modern blades, made of a metallic strength span wearing fiberglass reinforced polyester, are partially transparent to electromagnetic waves.

The communication frequencies are not significantly affected if the transmitter's wavelength is four times bigger than the total height of the turbine. For the usual commercial turbines the limit frequency is 1.5-2 Hz (150-200 m). Theoretically, there is no upper limit.

The types of civil and military communication signals that can be affected by electromagnetic interference include radio and television signals, microwaves, cellular radio communication and various air and sea traffic control systems. The primary and secondary radars are among the control systems of military and civilian air traffic which are influenced by the wind farms.

The radar systems are widely used for many applications, both military and commercial. In its simplest form, the radar is a sensor which uses the electromagnetic radiation with the frequency range from a few MHz to beyond the visible spectrum (laser radar), consisting of a transmitter, an antenna, a receiver and a processor. The most often used signal consists of a train of short pulses generated by the radar transmitter and radiated into space by the antenna. The electromagnetic wave that reaches an object, which is usually called a target, creates oscillations induced in the body of the target which make the target to behave as an electromagnetic energy generator. A small amount of energy is re-radiated in the direction of radar and its antenna creates an echo signal which is the bearer of information about the target. The basic operation of the radar is determined by the content of the information from the echo signal and the way this signal is processed.

The term "electronic jamming" refers to any unwanted reflected signal received by the radar which may interfere in determining the parameters of the target. The objects located on the direction of the propagation of the electromagnetic wave affect its characteristics by blocking the propagation of the wave or by causing interferences in the continuity of the wave due to the diffraction caused by different or multiple objects. The effect caused by them is often called "the shading" of the radar beam.

The presence of a single tall building on the direction of propagation of the electromagnetic wave provides a typical example of blocking the radar beam. Since a high building effectively blocks the propagation of electromagnetic waves, the area behind that building is not visible to the

radar. If the building is close to the radar, there will be areas completely or partially "covered".

In the area where the wave is completely blocked the target detection is impossible. In the partial blockage area the detection is still possible, but with greater difficulty. In this area both the emitted and the reflected signals will be affected. This is a form of the coverage effect.

The second form of disturbance is due to a phenomenon called diffraction. The diffraction effects have been studied by the Danish physicist Christian Huygens and the French physicist Augustin Jean Fresnel. This phenomenon can be illustrated as the propagation of spherical waves from each of the objects. These waves will combine constructively and destructively on the opposite side of the objects. In the area where the waves are disturbed, the reflection signal is significantly different than in areas where they were not disturbed. These differences include variations of the intensity and the phase of the radar's signal related to the frequency of the emission and the distance between objects. These effects will disturb both the wave emitted by the antenna and the wave reflected by the target. Therefore, the ability to detect a target in this area will be altered. This form of coverage is of concern in the case of wind farms because they can create this phenomenon called diffraction.

Air defense radars usually operate in what is called a "primary surveillance" mode (active radar with passive response). When operating in this mode, the radar is referred to as "Primary Surveillance Radar" (PSR). Such radars will emit radio frequency waves concentrated by the antenna to form the directivity characteristic. The form of the directivity characteristic of the radar depends on the type and form of the antenna and its ability to rotate and balance.

The Secondary Surveillance Radar is interactive radar because it requires the cooperation of the target aircraft. The secondary surveillance radar operates by emitting a coded signal (query signal) which is received by a transponder on the aircraft. The transponder decodes the interrogation signal and responds by transmitting a coded signal. This signal contains information identifying the aircraft and other data, such as flight altitude. The query and the response signals' frequencies are different, and both frequencies are different from the primary radar's frequency, so that these signals do not interfere.

The modern wind turbines from the "utility class" consist of three major elements: the tower, the nacelle, and the turbine blades. The electricity generating unit itself is mounted in a cradle on top of a vertical column. Most columns are cylindrical or conical and made of steel. The height of the tower is adapted to the specific conditions of the terrain where the wind turbines are

located. Increased tower height can allow positioning of wind turbine blades in favorable conditions but this increases the construction costs. The wind turbine towers have an average height of approximately 30 to 200 m. From the radar perspective, the tower appears as a stationary reflector without Doppler reflections. The nacelle houses the generator. The last generation turbines have nacelles that can be rotated 360 ° to allow the wind turbine blades to face the wind and provide maximum efficiency. Their rotating speed tends to be relatively low and thus, they will appear on the radar as stationary objects even when they rotate. The turbine blades are large, with an aerodynamic shape, and work the same way as an aircraft wing. The blade angle of the modern turbines is usually controlled by computer to charge a high energy flow in a reduced number of turns. The nacelle rotates so as to position the blades perpendicular to the direction of the wind, thus ensuring a constant air flow. The rotation speeds of the blades falls generally in a range from 10 to 20 revolutions per minute. Higher rotational speeds are generally avoided in order to limit the centripetal forces and to minimize the noise generated by the turbines.

The significant dimensions of the turbine blades create a target with large reflective surface whether being "viewed" from front or side radar. The maximum speed of these turbines is similar to a range of speeds available for aircrafts. Consequently, the turbine blades will appear on the radar's display as a moving target of significant size if they are in the area of radar surveillance.

In recent years, there has been a renewed effort to explore and document the impact that wind turbines have on air defence and radar systems. This was a direct result of the growing number of wind farms already built, the number of proposed wind farm to be built and the number of wind turbines in these parks, and the dramatic increase of their physical dimensions. It should be noted that when the wind turbines are not in the sight of the radar or when they are masked by natural or artificial obstacles, they do not affect the radar.

The specialists are relatively unanimous when they say that in order to make an assessment of the impact of the wind farms on the radars there should be defined at least three areas corresponding to different levels of technical expertise, combined with the influence of the turbines on the radars' capability to fulfill their missions, respectively an area of exclusive protection, an area in which detailed assessment are to be conducted and possibly an area where no more assessments are necessary.

In accordance with the details and studies conducted by the ICAO (International Civil Aviation Organization) and EUROCONTROL, these areas are shown in the tables below:



For the secondary radar, these areas are:

<b>Zone 1 Protection</b>	<b>Zone 2 Detailed Assessment</b>	<b>Zone 3 No Assessment Required</b>
0 - 5 km	5 km - 16 km and within the radio-horizon	Over 16 km and out of the radio-horizon

For the primary radar, these areas are:

<b>Zone 1 Protection</b>	<b>Zone 2 Detailed Assessment</b>	<b>Zone 3 Simple Assessment</b>	<b>Zone 4 No Assessment Required</b>
0 - 5 km	5 - 15 km and within the radio-horizon	Within the limits of the radio-horizon but within 15 km	Out of the radio-horizon

The primary radar protection area, where no turbine should be located, and the other areas were obtained by studying the practices commonly used by several NATO member states, ICAO and ECAC (European Civil Aviation Conference). It can be noted that for the secondary radar there is no simple assessment area. Beyond 16 km away from the site of the radar, the impact of wind turbines on the secondary radar is considered tolerable.

The simple technical evaluation for the primary radar implies the analysis of the following factors: the probability of targets discovery, the occurrence of false targets and the radar's processing capacity.

Due to the different configurations, materials used and the specific conditions of each radar position, it is not possible to accurately determine a minimum distance from which the interaction between the radar and the wind turbines occurs. However, it is possible to determine the minimum distance from which the effects of the wind turbines should not be observable. For this, it has to be checked if the distance between the wind turbines and the radar distance is greater than the radio horizon, in which case the effects of the physical structure of the wind turbine or the Doppler Effect caused by the rotation of the blades should not be observable.

Because of their large reflective surfaces and moving components, the turbines can cause false targets on primary radar. If the highest point of the turbine is within the radio-horizon of the primary radar it is assumed that the turbine will be detected by it. Also, if the number of false targets generated by the reflections from the wind turbines is too high, so it exceeds the processing capacity of the radar, the radar's operational capacity will suffer. Note that in this situation, the affected area does not depend on where the turbines are located but on the internal configuration of the system.

When a wind turbine is located close to radar (less than 15 km for primary radar and less than 16 km for secondary radar) a detailed assessment is necessary. This impact assessment should consider the following aspects: the coverings that may appear, the false targets that are generated, the errors in determining the distance and the azimuth, exceeding the processing capacity and saturation of the receptor for the primary radar, and for the secondary radar, the probability of detection, the false target appearance and the accuracy in determining the coordinates of the targets.

The coverings and the receiver saturation will be approached from the perspective of the discovery probability described above.

A detailed evaluation of the occurrence of false targets should include:

- the calculation of the amount of energy reflected by the wind turbine taking into account the different orientations of the nacelle, the blade positions, the radar frequencies, the environmental conditions and the reflections from the surrounding area;
- the impact of the turbines in terms of fixed targets display taking into account the following: the sensitivity of the receiver, the automatic tuning of the gain in time, the type of the antenna, the Doppler filtering, and the minimum power at the reception.

In addition, another mechanism that can generate false targets is the reception of signals from the real target but reflected by the turbine or wind turbine reflections which then get reflected by the aircraft.

As for the primary radar, the secondary radar is affected by regions which present coverage. If a wind turbine is located close to secondary radar, it can affect the possibility of discovery of an aircraft flying on the same azimuth as the turbine. The impact on the secondary radar should be estimated separately for the interrogation signal and the response signal. In the case of the response signal, determining the aircraft position may not be affected, while the reception of signals in modes A and C can be affected. This assumption was made for a single wind turbine. If there are more wind turbines in the radar antenna's main lobe width, the resulting shading will be higher. However, the distance of 16 km is considered as the boundary between the two SSR (detailed assessment) and the 4 SSR (requiring no assessment). Due to the reflections on the surface of the wind turbine of the query signal, the response signal or both signals, false targets may occur.

Due to the implementation the ISLS (Secondary Lobe Suppression Query), the aircrafts' transponders have a lock period of 35  $\mu$ s from receiving an interrogation signal through the secondary lobes. Thus, any transponder located at a distance less than 5250 m (half the distance corresponding to the 35  $\mu$ s time interval) will not respond to the interrogation signals reflected

because the difference in time between the direct and the reflected signals will always be less than 35  $\mu$ s. Therefore, if the wind turbine is located at a distance of 16 km from the SSR and the distance between the transponder and the wind turbine is less than 5250 m, the transponder will not respond to the query signal reflected by the wind turbine due to the use of ISLS. Also, the transponder will not respond if the distance between the transponder and the wind turbine is greater than 5250 m because the power of the reflected query signal received by the transponder is less than the minimum power at the reception. When the response signal is reflected on the surface of the wind turbine, there will appear errors in determining the coordinates of the SSR.

The ratio between the direct response signal and the reflected response signal can be calculated taking into account the following:

- the attenuation of the propagation of the signal from the secondary radar to the turbine and to the aircraft are similar;
- the attenuation of the propagation of the signal between the transponder and the turbine, and between the transponder and the secondary radar are similar;
- the transponder antenna gain is the same as the direction of the wind turbine and the secondary radar;
- the gain of the secondary radar antenna is the same on the direction of the wind turbine and on the direction of the transponder.

Given the previous reasoning, we can say that when the distance between the SSR and the wind turbine is greater than 16 km, the impact on the radar's accuracy in determining the azimuth is acceptable regardless the time difference between the direct and the reflected signal. It should be noted that in the case of a wind park, all the calculations presented here have to be made for each turbine in part.

### **The Impact of the Wind Farms on Air Surveillance Systems**

From June to December 2010, the Romanian Air Force Headquarters formed a team that analyzed the influence of the wind farms on the performance of the radars of the air surveillance system, using the mathematical calculus and the analysis of the results of the available studies developed by countries like the United Kingdom, the Netherlands and especially the United States, studies that were based on multiple flight tests conducted in areas where wind farms were located.

The results of the above mentioned analysis have shown that the utility class wind turbines can have a significant impact on the operational capabilities of the military radars of the air defence system and the civilian radars used for the air traffic management. The empirical results and the mathematical calculus made by the team that developed the study showed that

the large reflective surface of a wind turbine combined with the Doppler frequency shift produced by the rotating blades can reduce the capacity of the radar to make a distinction between the wind turbine and the aircraft.

Based on the coverage angles, we will determine the hypothetical values of the discovery distances of the different types of radars of the Romanian Air Force in the case when a wind turbine is located within their surveillance area. We will consider a wind turbine with an average height of 150 m (the height of the nacelle and the length of the blade having different locations in several points at various distances from the radar (DRT).

The formula used to determine the discovery distances on the azimuth of the wind turbine is:

$$D_{desc} = K_u \left( -2,47\alpha + \sqrt{(2,47\alpha)^2 + 17H} \right)$$

Where:

- $K_u$  is the coefficient of radio-horizon usage (the ratio between the maximum discovery distance and distance of the radio-horizon),
- $\alpha$  is the coverage angle (measured in minutes),
- $H$  is the height for which the possibilities are calculated.

It can be noticed that the discovery distances decrease from the maximum discovery distance when a wind turbine is located in the surveillance area of the radar. The most dramatic decreases occur at lower altitudes where certain sectors in which the radar cannot detect any aircraft may occur.

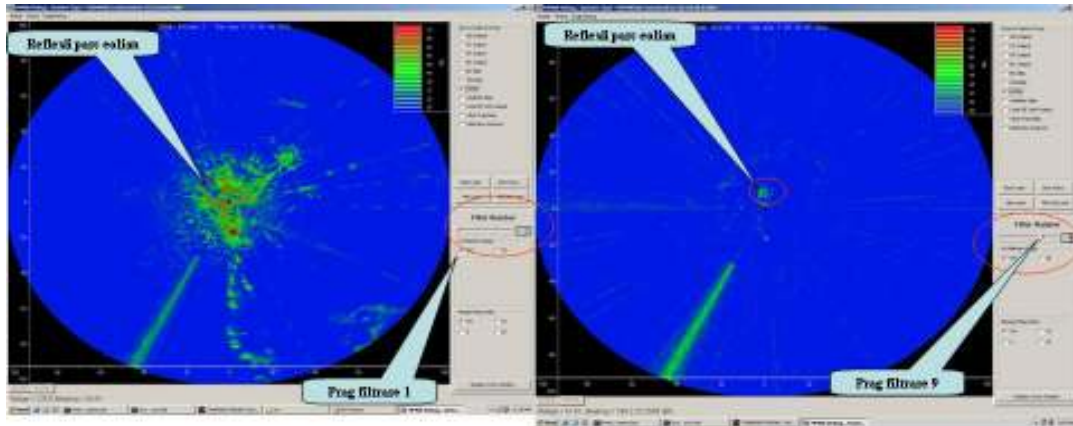
### **The Results of the Flight Tests**

To validate the findings and mathematical calculus above, the Romanian Air Force have planned the GREEN ENERGY exercise between 08 – 08.12.2011. During this exercise, the radar has been deployed near the SĂCELE village in the proximity of the COGEALAC-FÂNTÂNELE wind farm and aircrafts and helicopters have conducted test flights using different flight profiles to determine the influence of the reflections generated by the wind farm on the performance of the radar.

The objectives of this exercise aimed to determine the probability of discovering air targets which fly in the covered area behind the wind farm (and the space above and around the turbines), when the wind turbines are located at a distance between 5 to 15 km from the radar, as well as to asses the impact of the reflective surface of the wind turbines, combined with Doppler frequency shift caused by the rotation of their blades, on the ability of the radar to tell the difference between the reflections from wind turbines and those from an aircraft.

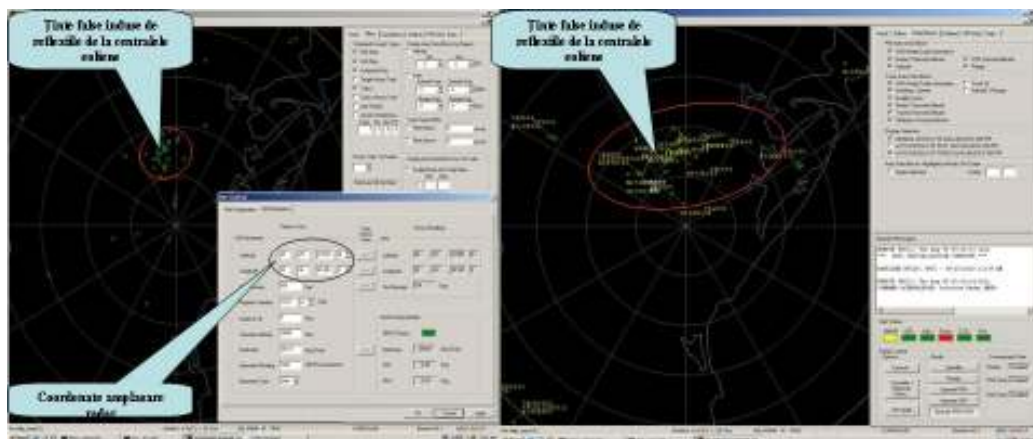
Based on the surveillance of the air space and the tracking of the planned aircrafts and other targets of opportunity, the following conclusions were revealed:

- The radar is strongly influenced by the reflections generated by the reflective surface of the wind turbines, combined with the Doppler frequency shift produced by the rotation of their blades. This influence is shown on the Doppler map provided by the radar where the wind farm appears as a terrain feature which could not be removed by increasing the signal processing threshold;



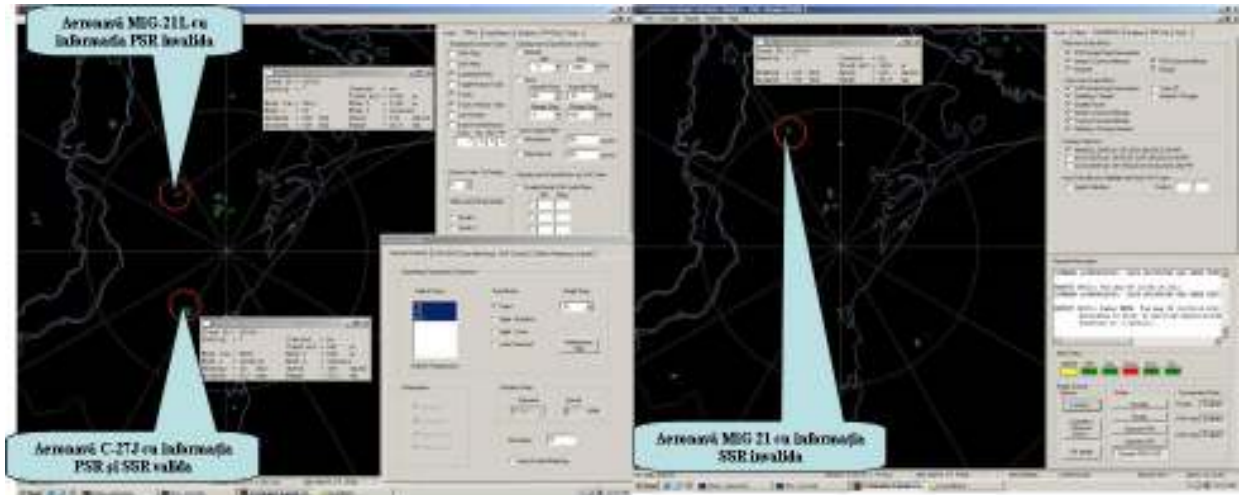
**Fig. 2** The Doppler map made by the radar in the presence of the reflections from Cogealac – Fântânele wind farm

- The intensity of the reflections is influenced by the rotation speed of the wind turbine blades (which is determined by the speed and the power of the wind) and the number of the wind turbines operating at that time;
- On the displays of the radar located near the wind farm, primary plots (PSR) were initialized and maintained during several periods of scanning (antenna rotations); also, there have been initialized even tracks that have had variable speeds (from 150 to 850 km/h) and altitudes ranging from 100 m to 6500 m, the evolution in azimuth, distance, altitude and speed for the same track being totally random. The number of these tracks was influenced by the rotation speed of the blades (wind speed and power) and the number of the wind turbines operating at that time;



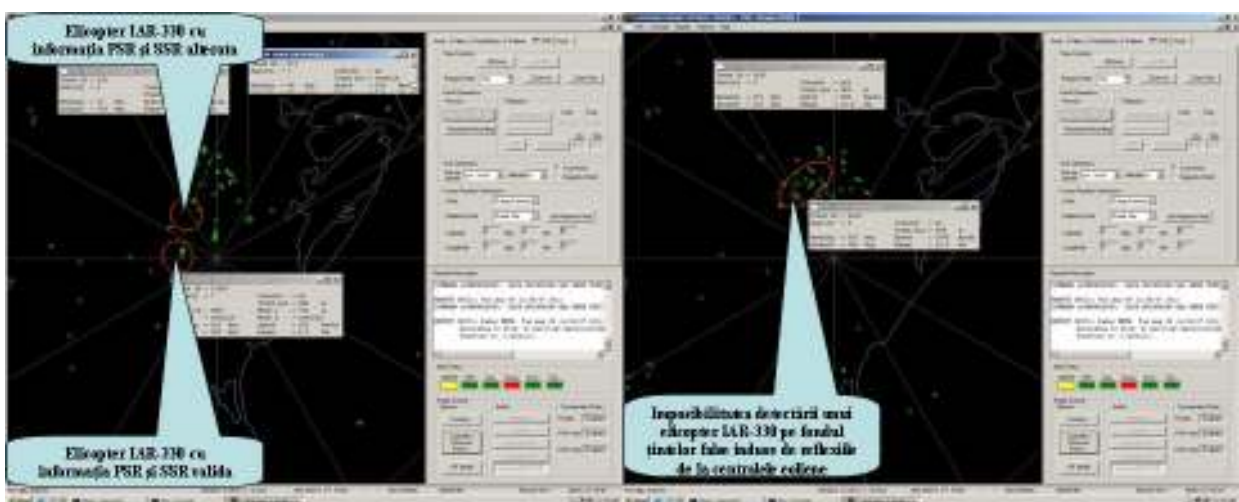
**Fig. 3** “False targets” induced on radar, generated by the reflections from Cogealac– Fântânele wind farm

- When the air targets flew at altitudes higher than 500 m above and behind the wind farm, there were discontinuities in their tracking; the signal was lost during several rotations of the antenna (3 to 10/30 seconds to 100 seconds), mainly on the primary radar;



**Fig. 4** The alteration of the SSR and PSR information on the radar induced by the reflections of the Cogealac – Fântânele windfarm

- The air targets that flew lower than 400 m above and behind the wind farm could not be tracked due to the reflections from wind turbines.



**Fig. 5** An helicopter couldn't be tracked by the radar due to the false targets induced by the reflections caused by the Cogealac – Fântânele windfarm

## Conclusions

Based on the analysis of the influence of the wind farms on the performance of radars, we can unequivocally conclude that they have a negative impact on the radar's ability to fulfill its basic functions when the wind farms are located in the surveillance area of the radar. The extent of this impact will depend on several factors such as: the position of the turbine and its blades from the radar beam, the number of the wind turbines and the distances between them. The wind turbines have a different impact on the primary radar and secondary radar due to the construction particularities of these two types of radars. Thus, in the case of the primary radar (PSR), when the wind turbine is located at a distance less than the radio-horizon, the following effects occur:

1. Decreasing of the likelihood of targets detection due to the following factors:

- The shadows behind the wind turbine, respectively the area which extends to the maximum discovery distance of the radar, because the wind turbine is an obstacle for the propagation of the electromagnetic waves;

- The increasing of the false alarm threshold (CFAR) in the azimuth-distance resolution cell where the turbine is located and in its adjacent cells, and especially in a number of 1 to 16 resolutions cells above the cell in which the wind turbine is located due to the high level of the signal reflected by the wind turbine. The size of this azimuth-distance cell depends on the type of the radar and the algorithm used to process the received signal.

2. The occurrence of false targets on the azimuth of the wind turbine due to the reflection of the radar signal by the physical structure of the wind turbine. These targets can be:

- The fixed targets due to reflections from the tower or nacelle of the wind turbine - they can be removed only by radars fitted with a moving targets selection system (STM or MTI);

- The moving targets due to the reflections from turbine blades, which due to their size at normal working speed, produce reflected signals whose Doppler frequencies correspond to speeds between 100-300 km/h. Because of this, the moving targets cannot be entirely removed by the MTI system of the radar; the mobile false targets which cannot be removed will be displayed and will form random tracks in the area where the wind turbines are located.

3. The occurrence of false moving targets (target picture of a real target) on the azimuth of the wind turbine due to the reflection by the wind turbine of the echo signal of a real target when the real target is near the wind turbine or near the radar.

4. The occurrence of false moving targets on the azimuth of a real target due to reflection by the wind turbine of the query signal of the radar survey when the real target is near the wind turbine or near the radar.

5. The overloading of the radar data processor. This overflow occurs when the total number of plots (including those from the reflections due to the wind turbines) is greater than the processing capacity of the radar data processor, which actually makes the radar data processor to apply specific methods to avoid the overloading. This has a major impact on the operational capability of the radar and does not depend on the location of the wind turbines.

6. The occurrence of errors in determining the distance and the azimuth of the real targets. When there is a small difference between the direct signal and the reflected signal, the received signal will be a combination of these signals which leads to errors in determining the coordinates (azimuth and distance) of the real targets. This effect occurs when the targets are on the same azimuth sector as the wind turbine and at a distance from the radar greater than the distance from the wind turbine to the radar.

7. The saturation of the radar receiver. In some cases, when the wind turbine is located close to the radar location, the amount of energy reflected by the wind turbine is very high, which may lead to the saturation of the radar receiver, which cause major damage to the probability of targets detection.

Conversely, in the case of the secondary radar (SSR), when the wind turbine is located at a distance smaller than the radio-horizon, the following effects can occur:

1. The diminishing of the probability of target detection and the probability of detection of the responses in A and C modes due to the shadow area behind the wind turbine, area which is small when the distance between the SSR and the wind turbine is greater than 16 km, thus affecting only the targets located on the same azimuth with the wind turbine and close to it.

2. The occurrence of false targets due to the reflection on the surface of the wind turbine of the query signal, of the response signal or of the both signals. Although most SSR systems use fixed targets maps (the reflections from the terrain) to suppress the response signals of the target reflected by them, due to the structural features of the wind turbines, this method is not effective because they are not seen as fixed objects by the SSR. This effect is removed by placing the wind turbine at a distance greater than 16 km from the radar location and the implementation of the ISLS mechanism to aircraft transponders.

3. The occurrence of errors in determining the distance and the azimuth of the real targets. When there is a small difference between the direct signal and the reflected signal, the received signal will be a combination of these two signals, leading to errors in determining the



coordinates (azimuth and distance) of the real targets. Due to the construction features of the SSR radar, the impact on the accuracy of determination of the coordinates is considered tolerable if the distance between the radar and the wind turbine is greater than 16 km, regardless of the difference between the direct signal and the reflected signal.

Locating the wind farms near the radars makes it almost impossible to discover air targets flying at lower altitudes, thus affecting the execution of missions by the radar units subordinated to the Romanian Air Force Headquarters.

Beyond the radio horizon there are no restrictions in locating the wind farms because, in this case, they do not affect the operational capability of the radars.

These conclusions took into account only the coverings generated by the wind turbines, but as we have seen throughout the paper, there could be other negative effects arising from their location within the radar surveillance area. These effects should be determined on a case by case basis using both theoretical calculus and practical measurements in the respective areas.

On the other hand, we should consider the wind potential of Romania that will cause major investment of billions of euros in the production and exploitation of electricity from renewable sources. The development trend in the E.U. indicates an adequate use of the areas with renewable energy potential (wind and solar) in order to ensure the implementation of the 1997 Kyoto agreement on reducing greenhouse effect gas emissions.

If we analyze the wind map of Romania, we find that the areas with potential for wind energy generation correspond to the areas of interest for the air surveillance system. According to the above study, the location of the wind farms in these areas will significantly affect the airspace surveillance and air targets tracking capacity of the ground based radars. This will result in diminishing the ability to defend the Romanian airspace against aggressions from the direction of the wind farms. This will not only affect the responsiveness of Romania, but also of NATO, given the fact that the Romania's air surveillance system is the first line of air surveillance of the NATO's Eastern border.

The prohibition of locating wind turbines within a range of 15 km from a radar will result in an area with a surface between 300 and 700 km<sup>2</sup> (calculated with the formula  $S = \pi R^2$ ). According to the above study, the prohibition of locating the wind farms will include areas that would allow the installation of hundreds of wind turbines that could generate thousands of MW. This would affect in a negative way the billions of euros direct investments in the energy sector. Taking into account these issues and Romania's increasing need for more electrical energy, we can say that there is

a contradiction between the main mission of the air surveillance system – preserving the air sovereignty of Romania – and the need for economic development of the country, in accordance with the requirements generated by Romania's status as member of the EU.

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## PREVENTION OF DELINQUENCY IN THE MILITARY ENVIRONMENT

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*Military environment is specific and it refers to rules and a special conduct. Young people hardly adapt to this environment because they are influenced by social factors prior to the military service. These factors are family, school, church and many others, and general crime prevention activity in the armed forces is a specific one.*

**Keywords:** army; delinquency; military environment; family; society; rules; military regulations.

The idea of delinquency prevention belongs to the philosophers of Antiquity. In his dialogue dedicated to Protagoras, Plato states that: “nobody punishes injustice only for the specific reason of wrong-doing, at least when someone does not take revenge like an irrational animal; however, the one who tries to punish with judgment does not punish for the wrongdoing – as the act committed cannot be corrected – but for that person or another not to repeat such wrong in the future, seeing that the former was punished.”<sup>1</sup>

Similarly, in his “Laws”, Plato considers that: “anyone who causes harm to another, by theft or violence, shall pay to that prejudiced person... in any event, a fine which shall always be equal to the prejudice, up to the full indemnity. He shall also pay an additional penalty for such crime, just for his correction.”<sup>2</sup>

Aristotle is the one who concludes on the *dissuasive effect* of the punishment, formulating a real explanatory theory of crime and considering that crime is committed when the offender does not risk any punishment or the punishment is inferior to the advantages brought by the crime.

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<sup>1</sup> Plato, *The Republic*, Book V, Scientific and Enciclopedic Publishing House, Bucharest, 1986, p. 371 et seq.

<sup>2</sup> *Ibidem*.

*Cesare Beccaria*,<sup>3</sup> under Montesquieu's influence, adds the idea of the *certitude of punishment* to the idea of dissuasion, justifying punishment by its retributive, deterrent nature, therefore useful for maintaining the social order.

The author supports the *idea of free will* and considers that a punishment needs to be commensurate with the crime committed, while it should not cause a torture of the offender, but it has to aim at preventing the offender from causing more harm to society and also the "diversion of his fellow countrymen from crime".

Beccaria considers that the savagery of punishments is useless and reckons that it is not the rigor of the torture, but the certitude of punishment which may play a role, anticipating the perspective of some moderate sanctions such as the act of grace or the asylum.

In essence, in his work "On Crimes and Punishments", understanding and deeply analyzing the nature and utility of punishments, Beccaria launches the theory on the importance and necessity of preventing punishments.

The merit of Beccaria in the field of criminology is highlighted by the justification of the importance and necessity of crime prevention.

*Killas*, in the spirit of the classical school of criminology, argues that general prevention is based on two main ideas, namely: there is a directly proportional relationship between the severity of punishment and its preventive function and the certitude of punishment application and its preventive role.

Therefore, the severity of punishment and the certitude of its application are two virtues which, associated with celerity, may have a positive effect on delinquency.

*Positivism*, a concept launched at the end of the 19<sup>th</sup> century, considers that punishment does not have the preventive qualities noted by Killas, being a means of social defense, whose purpose is not to discourage the individual from committing crimes, but rather to "treat" the offender against the influence of criminogenic factors that determine his destiny.

Later on, the criminological theories which succeeded positivism give priority attention to special prevention, a concept that begins to outline a new idea, different from the one of the criminal law, because it is no longer directly related to punishment, but to various resocialization treatments.

The military environment is specific, as it involves a certain rigor, specific rules of conduct regarding subordination, stressful and long-term activities, privations and hardships which other social environments do not know.

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<sup>3</sup> Cesare Beccaria Bonesana. Born on 12 March 1738, died on 28 November 1794, at the age of 56. Known for his work "Crime and Punishment" from 1764, where he condemns torture and death penalty and which represented a cornerstone for the criminal law.

The adaptation and integration of young people into the military environment is specific, because these processes are influenced not only by the social factors previous to the army service, which left their mark on the internalization of norms and values of conduct, but also by the factors found in the military environment itself.

When speaking about the social factors previous to the army service, we refer to: family; school; church etc.

Naturally, in a society there is a sustained activity of general delinquency prevention and it is impossible for such activity not to be perceived within the military body.

General delinquency prevention carried on in society generally has certain specific principles and a certain general strategy which we will not speak of here.

Nevertheless, we must mention that in the military system, as part of the global social system, we also meet, associated to the general strategies of society, a number of strategies specific to the filed subject to our analysis.

These strategies come to complement those general strategies and they correlate and integrate with the general strategies, complementing them.

*Delinquency prevention in the military environment* is one of the core requirements for the functioning of the military body, the achievement of the operating capacity of the military structures in view of accomplishing their tasks and goals.

The military environment can only be subsumed to the social environment and, therefore, we cannot ignore the phenomenon of delinquency in the army, as long as it remains a basic component of the Romanian social life.

In our opinion, the delinquency prevention strategy in the military system should be directed towards the following targets:

1) *The improvement of the legislative framework governing the military activities.* In the armed forces, more than in any other field of social life, the military activity is specific, as it must have strict rules, reflected in regulations, instructions, orders and norms. The new regulatory acts enacted in the military field should normally start from the constitutional provisions and also have in view and adapt to the new structural changes that the military body is undergoing. We do not need many laws in this field, but they must be clear, leave no room for interpretations and take account of the legal, moral and military reasons. At the same time, it should be mentioned that the legal vacuum or the maintenance of some legal acts that are no longer supported by the material reality of the system is nonproductive. In this respect, we believe that a structure needed to be established at central level, which should make an "inventory" of all the lower-ranked regulatory acts (rules, instructions,

orders etc) issued in application of some higher-ranked regulatory acts (laws, decrees, government decisions etc), as we consider that many of these are not entirely consistent with reality. It could be seen more than a few times that the most "disciplined" soldiers comply "strictly" with the military rules, which in certain cases are not consistent with the new highly ranked regulatory acts.

2) *The fundamental change of the military disciplinary system.* Commanders still have the power to punish their subordinates, which they exercise in a subjective manner and under the pressure imposed sometimes by the "higher level of hierarchy" or to "set an example" when the offence has also a certain impact on society. We must not forget that the "army" is, generally speaking, a body that issues and carries on activity guided by "administrative acts". Indeed, the acts of military command are not subject to administrative contentious, and the question arises whether an order or an instruction to apply a disciplinary punishment is an act of military command. In our opinion, it is not. Such orders or provisions may have implications if the soldier who was punished goes to a litigation court to ask for the annulment of said administrative act and, possibly, to claim compensation for material damages and why not, in particular, moral damages. In this respect, the disciplinary system must improve with various modalities, such as: promotion of democratic dialogue within military collectivities before applying punishments; provision of certain means of appeal against punishments applied arbitrarily etc.

3) *Professionalization of the army.* Having regard to the consolidation of military discipline, the army of professionals represents an important strategy for preventing delinquent conduct. The conscripts are subject to a behavioral stress due to the impact of the complex military technique and strict, rigorous rules. These issues are avoided by employing professional soldiers able to cope with the rigors of a modern army, susceptible of becoming dominated only by a technical and administrative rationality. Nowadays, the army has different vocations compared to the period before 1989, such as: peace support and humanitarian missions, in areas of crisis, in conditions of poverty and emergency, under the pressure of mass media presenting images from the theatres of operations and with the need to ensure the safety of families, under the constraints imposed to the troops by the political circumstances from the area of operations, therefore volunteer employees should be intellectually prepared for such actions. The professionalization of the army must be correlated with attractive material and moral advantages, in order to remove the risk of over-representation of disadvantaged environments at the low intellectual level or of antisocial behavior among the soldiers employed on a volunteer basis. In particular,

professionalization involves a rigorous recruitment and selection system, while the staff in charge of this process should have a proper sociological and psychological training. In our opinion, the professional army must include military subunits organized by psychosocial criteria such as: level of education, type of attitude developed in mutual relationships, interests, lifestyle etc. These subunits would lead to the cohesion of the military group, the more effective achievement of the adaptation and integration in the military environment. In this case, subunits have social-emotional functions such as: satisfaction of the safety and comfort needs, increase of responsibility and, particularly, an extended pressure exercised on the individual for the conformance with the rules and norms of the group. We go further and say that this statute of the militaries employed on a contract basis must not differ too much from the regulations of civil servants.

4) *Reconsideration of the educational and cultural act in the army.* The attitude towards discipline is one of the outcomes of education. The educational and cultural act must be rigorously grounded, so that every initiative in the spiritual life should be adequate to the fulfillment of the concrete missions of the military organization. We need a new perspective on education in the army, because the army has an important educational role and has to be in closer compatibility relation with the other education providers in society. Each educational factor achieves the educational process and the finality of its action by own means (school, church, and mass media). In the army, education has special characteristics because it does not target children, but young people whose heterogeneous psychical and cultural ages represent a reality that must be taken into account. An integral part of the educational act in the army is the *religious assistance* which has to restore and revive Christian spirituality, leading to consolidated trust in the eternal values of humanity and, finally, to the development of respect for the legal norms. The *military culture* reflected in conduct should not become a sum of knowledge, but a way of building personality, a source of material action, of conduct adjustment in relation to the demands of life in the army and the requirements for compliance with military discipline rules. Modern military culture requires the achievement of compatibilities between a system based on hierarchy, order, authority, that is the military system, and a system based on negotiations, compromise, pluralism, decentralization, like the social system. The characteristics of modern military profession also involve an *intellectual conscience* of the world from the professional field. In this respect, the civic education and political culture of the military personnel provide the necessary basis for the knowledge of both the internal and international democratic political environment and prepare the future military

professional to understand the limits of politics in general and those of military politics in particular. Civic education ensures understanding and intellectual empathy between the military and civil elites, between military professionalism and the needs of democracy. In the light of the above, we believe that education and culture may become major supporting pillars in delinquency prevention in the army.

5) *Social protection measures to motivate the military personnel.* The decent living standard proclaimed by the revised Romanian Constitution is another desideratum for many categories of population in our country. For the military personnel, the need to live in decent conditions causes tendencies of individualism contrary to the specific nature of the military organization based on community values. What can be done? We estimate that, associated with other strategies mentioned herein, the social protection measures are an important factor of influence in military discipline, to adapt the new professional conduct, which would have as a result the formation of professionals in terms of respect for the military norms and values. The following are prerequisites to disciplinary offences: the shortage of housing; the limited number of accommodation available in military centers; the expenses and stress of those moved to other garrisons; the distance from their families; absence of jobs for their family members; the healthcare that is sometimes improper; the earnings of the military personnel. In order to prevent the occurrence of severe events among military personnel, *social protection* plays a major role. The competent bodies of the military system must consider the following: the process of army resizing should be carried on according to a plan and thoroughly monitored; the promotion and adaptation, in time, of a remuneration and retirement system that should ensure a decent living standard to the military personnel, whether active, retired or in reserve, and to their families, and should also motivate their conduct for the purpose of consolidating military discipline; enlargement and improvement of conditions in the holiday accommodation and treatment facilities of the army, based on the available sources, reciprocal relationship with other armies in this field of recovery.

6) *Implementation of outsourced security guard systems for the military objectives, including by video monitoring.* This would lead to the dismissal of large numbers of military personnel currently used to perform such activities. The replacement of those who have other basic missions by external personnel specialized in security guard of military objectives, while using electronic and optic means of surveillance would lead to a decrease in the number of murders, bodily injury, manslaughter, desertion, unauthorized departure from military units etc.



7) *Increased role of the psychologist in selecting and knowing the military personnel and in advising commanders.* In the new socioeconomic context, the reconsideration of the professional role of labor relationships gains a major role in the military system as well. Thus, the psychologist must have an important role in achieving the psychological assessment as well as in supporting the commander for the distribution of the military personnel by branch and specialization, according to their characteristics and skills and to the standards of the psychological and professional diagrams specific to military branches and specializations. An obvious step forward is the introduction of the psychologist role in the units' organizational charts, but further steps are needed in order to go beyond the stage where the activity of the psychological support officer was limited to keeping the record of the military personnel of an unit, based on the psychological assessment sheet, and issuing psychological evaluations (but not always) to the soldiers appointed for security guard service or proposed for missions abroad. The psychologist must primarily be a university graduate in the specialty (courses organized within the military system are not sufficient) and must become an essential factor in knowing the military personnel and in establishing disciplinary offence prevention measures. Based on specific methods, the psychologist must get information on family relationships, group of friends, school performance, absenteeism from school and from home, attempts of suicide, behavioral models, personal problems etc. These data help the commander to ensure the easy adaptation and integration of the young people in the military life and activity. The psychologist must monitor the conduct of the military personnel and propose intervention methods to commanders, in order to prevent manifestations of deviant behavior (suicide, desertion, insubordination, acts of violence etc.). We think that the psychologist must be a member of the investigation committee that deals with severe events occurred within the military unit, precisely in order to draw scientific conclusions and propose methods to optimize the functioning of the military groups.

Finally, we think that it is necessary to have an improved act of command and a better training of military commanders with personality. The act of command is particularly important because the commander is not a regular leader, he must have special personality features, able to make best decisions and avoid turning them into failure or disasters with negative consequences.

"The difference between a military leader and the other professionals is the degree and sense of responsibility", noted Constantin Rădulescu Motru<sup>4</sup>.

Nowadays, the respect for commanders is no longer based on force, courage or heroism; today there is an increasing demand for *balance, intelligence, rigorous organization of actions and political equidistance.*

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<sup>4</sup> Constantin Rădulescu Motru, *Psihologia poporului român*, 1937.

It is high time for us to train military personnel not necessarily as managers, but as military leaders.

At the same time, it is necessary to prepare some training and development programs for the new, educated military leader, who would attract the adhesion and affinity of subordinates, mainly in military micro groups.

The focus is still put (incorrectly, in our opinion) on the dimension of branch specialist of subunit commanders, although their main activity is that of a trainer because they train, lead and command.

A new conception needs to be drafted on vesting *military women* with more and more various responsibilities including subunit command and leadership, based on performance standards, their motivation and desire to succeed. With women, the command and leadership style is one of communication, oriented towards dialogue, tolerance, but also intransigence. Efficiency and professional involvement are qualities that recommend military women for maintaining a low delinquency climate.

Moreover, it is also necessary to develop a new approach to the selection of the candidates to the military profession. We think that only military incentives are decisive because the motivations of a military professional are his attachment to his own profession and his sense of obligation to use his own skills for the benefit of society.

The arrangements to be made in order to reduce delinquency rates in the professional armed forces should take into consideration the level of training of the young people who opt for the military career.

These are the thoughts of a former comrade. If obsolete, they are so because there are no more bridges left between active staff and those retired and in reserve.

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## INSTRUMENTS OF THE CFSP

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*The implementation of common foreign and security policy is the most effective way for more active, coherent and, not at least, unified European Union on the international stage. Definition of legal instruments of the Union and its political flexibility of institutions provides the means of effectively solving of problems it faces.*

**Keywords:** European Union; Common Foreign and Security Policy; regulations; directive; decision; recommendation; opinion.

Not only the global threats and tensions but also the regional and global interests of the European Union have led the Member States to adopt a common foreign policy in major international issues. Therefore, by signing the Treaty of Maastricht in 1992, the European Union implemented a common foreign and security policy (CFSP), with several objectives, including the promotion and defense of common values, vital interests, independence and integrity of the Union, consolidation of Union security, peace preservation and strengthening international security, promoting international cooperation. The implementation of common foreign and security policy takes the advantage of speaking and acting unitary in a single voice. This policy experienced a continuous development and the changes to Lisbon Treaty in 2009 aimed at strengthening the coherence of EU actions for playing more active role in the world stage. This is reflected especially by adopting joint actions and common positions in the most international issues.

The reform of EU legal instruments and political institutions and the guarantee of the autonomy and flexibility in choosing of necessary action mean to effectively solve the problems it facing<sup>1</sup>.

The European legal instruments refer to the instruments available to the EU institutions to fulfill its mission. These tools are presented in Article

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<sup>1</sup> Olivier de Schutter, Paul Nihoul, Jean-Yves Carlier, *Une Constitution pour l'Europe: Réflexions sur les transformations du droit de l'Union européenne*, Larcier, 2004, p. 64.

288 of the Treaty on the Functioning of the European Union<sup>2</sup> (TFEU): regulation, directive, decision, recommendation and opinion.

Regulation is a legislative act of general application and shall be binding in its entirety and directly applicable in each Member State. Its binding nature applies to the institutions, Member States and individuals whom it is addressed.

The fact that the regulation applies directly to each Member State is not subject to any measures for inclusion in national law. Also confers rights and obligations independent of a national measure implementing. This feature does not prevent Member States to take measures to implement. Moreover, they must do so if necessary to comply with the principle of sincere cooperation defined in Article 4 of the Treaty on European Union (TEU). In the same way, it can be used as a reference for individuals in their dealings with other individuals, Member States or European authorities.

Regulations apply in all the Member States from the day of their entry into force, i.e. 20 days after their publication in the Official Journal. Their legal effects are simultaneously, automatically and uniformly binding in all the national legislations<sup>3</sup>.

For example, protecting the name of certain agricultural products from specific areas<sup>4</sup> is based on Regulations adopted by the Council.

The decision is another legally binding instrument that may have general application or may be made to a precise destination. European institutions take decisions based on the founding treaties. Where appropriate, decisions can be made to one or more recipients and they also can not accurately indicate any recipient.

Once with the entry into force of the Lisbon Treaty, the decision not necessarily indicates a recipient. Decision acquired a broader scope definition and became basic legal instrument in the field of foreign and security policy. Therefore, the EU Council and the European Council can take decisions on strategic interests and objectives of the Union, Union actions at international level, EU positions on international issues, ways of implementing EU actions and positions<sup>5</sup>.

<sup>2</sup> Version consolidée du Traité sur le fonctionnement de l'Union Européenne, Journal officiel de l'Union européenne, C 115/47, 9.5.2008.

<sup>3</sup> *Legal instruments. Regulations*, Retrieved from [http://europa.eu/legislation\\_summaries/institutional\\_affairs/decisionmaking\\_process/114522\\_ro.htm](http://europa.eu/legislation_summaries/institutional_affairs/decisionmaking_process/114522_ro.htm), accessed on 02.10.2012.

<sup>4</sup> *Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs*, Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0510:RO:NOT>, accessed on 02.10.2012.

<sup>5</sup> *Legal instruments. The European decision*, Retrieved from [http://europa.eu/legislation\\_summaries/institutional\\_affairs/decisionmaking\\_process/ai0036\\_ro.htm](http://europa.eu/legislation_summaries/institutional_affairs/decisionmaking_process/ai0036_ro.htm), accessed on 02.10.2012.

Directives are characterized by flexibility in the application process because they require to the Member States necessity for reaching of particular result but giving them the opportunity to choose their own means to achieve this goal.

This is a two-tier legal act which comprises the directive proper, issued by the European institutions; national implementing measures, issued by the Member States. Entry into force does not in principle imply direct effect in national law. In order for this to happen, a second stage is necessary, transposition. Transposition is carried out by the Member States; it means adopting national measures to enable them to achieve the results stipulated by the directive. The national authorities have to notify the Commission of these measures<sup>6</sup>.

In spite of the mentioned tools, recommendation and opinion are not binding. Thus, through recommendation and opinion, institutions make known their opinion and suggest courses of action, without any legal obligation for who address.

Other FSCP legal instruments and that were foreseen in the EU treaties are: the common position, the joint action, the common strategy and the public declaration.

Common Position is a legal act of FSCP provided in Article 15 of TEU.<sup>7</sup> This aims to achieve a more systematic and better coordinated cooperation of Member States. Member States must defend their positions adopted unanimously in Council.

Common positions can affect identity of European policy for several countries and regions of the world, especially in sensitive countries (Burma, Cuba, Zimbabwe, countries where sanctions are implemented), crisis (African Great Lakes, Middle East) or transversal themes (non-proliferation, conflict prevention in Africa, supporting the International Criminal Court, etc.).

Common positions are published in the Official Journal of the European Union and Member States must defend them in international organizations and conferences. They are regularly reviewed and updated. Since the beginning of 2006, the use of common positions, for example, helped in initialization of restrictive measures (to varying degrees) against Belarus, Syria, Lebanon, and extension of which were taken against Burma, Ivory Coast, Serbia and Montenegro, Moldova, Zimbabwe or to end cooperation of the European Union and North Korea in the nuclear field.

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<sup>6</sup> *Legal instruments. The Directive*, Retrieved from [http://europa.eu/legislation\\_summaries/institutional\\_affairs/decisionmaking\\_process/114527\\_ro.htm](http://europa.eu/legislation_summaries/institutional_affairs/decisionmaking_process/114527_ro.htm), accessed on 02.10.2012.

<sup>7</sup> *The Maastricht Treaty. Treaty on European Union, 7 february 1992*, Retrieved from <http://www.eurotreaties.com/maastrichteu.pdf>, accesat la data 18.02.2011.

Another legal instrument under Title V of the European Union Treaty<sup>8</sup>, the joint action (Article 14 TEU) is a coordinated action by Member States in which all resources (human, financial, equipment, and so on) are implemented to achieve the objectives adopted by the Council on the general guidelines of the European Council. As common positions, joint actions, commit the Member States in the positions they assume and the conduct of activities. They allow not only mandate defining and EU Special Representatives financing, but also programs demining, fight against small arms and light weapons spreading and Europe's position promoting on non-proliferation or support for democratization. These are regularly reviewed and extended if necessary.

Since the beginning of 2006, the common actions of the Council allowed the extension of the mandates for Bosnia and Herzegovina, Moldova, the former Yugoslav Republic of Macedonia, the African Great Lakes, Southern Caucasus, the peace process in the Middle East and Central Asia. Joint actions were focused on supporting activities of the International Atomic Energy Agency, the International Convention on Biological Weapons for drafting The Comprehensive Nuclear-Test-Ban Treaty. Joint Action is also legal instrument required for launching ESDP/CSDP operations.

Joint Strategy is a CFSP legal instrument introduced by Treaty of Amsterdam. Article 13 of the European Union Treaty states that European Council must decide on common strategies for implementing by Union in domains where the Member States have important common interests.

Concretely, purpose, duration and means that Union and the Member States will give is stated in common strategy. Normally strategy is established for a period of four years and is implemented by the Council, in particular through actions and common positions.

Three strategies have been already adopted (relating to Russia in June 1999, Ukraine in December 1999 and Mediterranean Sea in June 2000). Presently, there are no other common strategies being developed. Despite the progress made, this instrument has been used very little so far failed to provide the expected results<sup>9</sup>.

Another tool available for EU is the public statement. Like any other international actor, EU uses this tool to express their views in a distinct

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<sup>8</sup> *Ibidem.*

<sup>9</sup> *Les actions, positions et stratégies communes*, Retrieved from [http://www.diplomatie.gouv.fr/fr/europe\\_828/union-europeenne-monde\\_13399/politique-etrangere-securite-commune\\_851/fonctionnement-pesc\\_15060/les-processus-decision-instruments-pesc\\_15063/les-actions-positions-strategies-communes\\_40939.html](http://www.diplomatie.gouv.fr/fr/europe_828/union-europeenne-monde_13399/politique-etrangere-securite-commune_851/fonctionnement-pesc_15060/les-processus-decision-instruments-pesc_15063/les-actions-positions-strategies-communes_40939.html), accessed on 04.04.2010.

situation. Over two hundred statements are annually published in English and French languages both in Brussels and capital of the Member State having presidency. CAG/RELEX and European Council conclusions, as well as statements that can be adopted by it, benefit from this public Union expression. There are two types of statements: the Presidency on behalf of European Union, when adopted by Member States consensus and the Presidency only if they are subject of natural disaster, emergency or exceptional situation. Presidency takes the initiative to have a declaration but then must ensure that expresses an acceptable message for all partners. Actuality, depending on subject, the President could quickly ask for the opinion of some Member States<sup>10</sup> previous declaration.

The Presidency is also responsible for notifying and supporting positions defined by the Council in international organizations and conferences. Thus, in the beginning of UN General Assembly, Foreign Minister of Member State having presidency speaks on behalf of the European Union. Also, based on guidelines and common strategies, Council initiates joint actions, common positions, decisions and statements<sup>11</sup>.

The European Security and Defence Policy (ESDP) was renamed, in December 2009, the Common Security and Defence Policy (CSDP) of the EU. The Treaty of Amsterdam, signed in 1997, established the policy instruments for European security and defense, however, remains a part of the CFSP, which depends<sup>12</sup>.

The European Security and Defence Policy (ESDP) / (CSDP) is an integral part of the CFSP. This gives possibility to EU for using military or civilian resources in international conflict prevention and crisis management. EU is currently carried out on four continents crisis management missions.

Lisbon Treaty considerably innovate the Common Security and Defence Policy, pursuing the objective of strengthening EU security dimension. That's why treaty extends number of EU defense missions. Today they (so-called Petersberg missions) concerning humanitarian and rescue tasks, peacekeeping and crisis management missions. These were defined for

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<sup>10</sup> *Les déclarations publiques de l'Union*, Retrieved from [http://www.diplomatie.gouv.fr/fr/europe\\_828/union-europeenne-monde\\_13399/politique-etrangere-securite-commune\\_851/fonctionnement-pesc\\_15060/les-processus-decision-instruments-pesc\\_15063/les-declarations-publiques-union\\_40938.html](http://www.diplomatie.gouv.fr/fr/europe_828/union-europeenne-monde_13399/politique-etrangere-securite-commune_851/fonctionnement-pesc_15060/les-processus-decision-instruments-pesc_15063/les-declarations-publiques-union_40938.html), accessed on 04.04.2010.

<sup>11</sup> Martin Helmuth Ruelling, Karin Iannou-Naoum-Wokoun, *Die Europäische Union: Geschichte, Institutionen, Recht, Politiken*, BoD – Books on Demand, 2010, p. 274.

<sup>12</sup> *La PESD, une composante de la politique étrangère et de sécurité commune (PESC)*, Retrieved from <http://www.ladocumentationfrancaise.fr/dossiers/europe-defense/politique-europeenne-securite-defense.shtml>, accessed on 14.11.2010.

the first time in the Council of Ministers declaration of Western European Union in Petersberg (Germany) on June 19, 1992.

The Lisbon Treaty added tasks such as joint demilitarization tasks, military advice and assistance tasks, conflict prevention and stabilization operations to the end of conflicts and missions that can contribute for fighting against terrorism, including through the support of Member countries to combat terrorism on its own territory.

The Treaty introduces, for the first time, *a mutual defense clause* that if a Member State is the victim of armed aggression on its territory, the other Member States are obliged to provide aid and assistance by all the means at their disposal.

The Lisbon Treaty also includes *a simplified method* for enhancing cooperation between Member States in this field, namely permanent structured cooperation. Thus, Member States which have important military capabilities can be employed to take part in the most demanding tasks, listed above, in defense domain<sup>13</sup>.

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<sup>13</sup> *The main innovations of the Lisbon Treaty*, Retrieved from [http://www.mae.ro/poze\\_editare/2009.11.21\\_Brosura\\_Tratatul\\_Lisabona.pdf](http://www.mae.ro/poze_editare/2009.11.21_Brosura_Tratatul_Lisabona.pdf), accessed on 16.08.2010.



## PLACE AND ROLE OF ESDP/CSDP

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*The European Security and Defence Policy/The Common Security and Defence Policy are an integral part of the European Security and Defence Policy. For the European Union to properly assume full responsibility for crisis management, the European Council (Nice, December 2000) has decided to establish permanent political and military structures. These structures are: the Political and Security Committee, the Military Committee and the EU Military Staff. Also, there were established agencies with specific scientific tasks.*

**Keywords:** The European Security and Defence Policy; The Common Security and Defence Policy; the Political and Security Committee; the Military Committee and the EU Military Staff.

Having as a starting point the French-British summit from Saint Malo (1998), the development process of security and defense dimension of the EU have evolved constantly, currently being, the most active parts of the European project. Known until 2009 as the European Security and Defence Policy (ESDP), starting with the Lisbon Treaty is changing its name to the Common Security and Defence Policy (CSDP).

CSDP is an integral part of the CFSP. It provides the EU with an operational capacity based on military means by which we can ensure peace, prevent conflicts and strengthen international security, in accordance with the UN Charter. Even the name of the policy – the Common Security and Defence Policy – involves then participation of all Member States shall make civilian and military capabilities available to the EU needed.

Currently, the EU can carry many types of missions: humanitarian and rescue tasks, conflict prevention and peacekeeping, crisis management missions, joint disarmament operations, missions advice and assistance in military matters and stabilization operations after conflict.

In order to enable the European Union to take full responsibility for crisis management, the European Council (Nice, December 2000) has decided

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to establish permanent political and military structures. These structures are: the Political and Security Committee, the Military Committee and the EU Military Staff.

The key role in the institutional structure of ESDP is owned by the Political and Security Committee (PSC). From the political and strategic point of view, CPS manages all aspects of the CFSP/CSDP and it has an important role in the development of the EU's response to crises (TEU Article 25). It is responsible for assessing the security environment, the definition of EU policies and monitoring their implementation, and directing policy development of military capabilities. In case of a crisis, the PSC is the structure of the EU Council examining the viable options for developing the Union's response with respect to the single institutional framework and without prejudice to the decision-making process specific to each pillar<sup>1</sup>.

From the PSC, both political directors and permanent representatives will participate being involved in ESDP tasks<sup>2</sup>.

In case of military response, the PSC exercises political control and strategic direction. Based on the opinions and guidance of EU Military Committee, CPS evaluates the strategic military options, concept and plan of operation, to be presented to the Council. In order to launch an operation, PSC sends the Council, therefore, a recommendation based on the opinion of the Military Committee. The Council then decides on launching the operation in the joint action. This makes the special role of the Secretary General / High Representative in implementing the measures. During operation, the Secretary General / High Representative, who may chair the PSC, report to the Council. In addition, the Secretary General / High Representative, on the work of PSC, directs the activities of the Situation Centre. The latter supports the PSC and provides information on crisis management<sup>3</sup>.

In terms of relating with other institutional actors involved in ESDP, PSC maintains a privileged relationship with the SG / HR for the CFSP, which can preside over meetings of the PSC. The Presidency of the PSC is provided by the state which holds the rotating presidency of the Union. In relation to the Military Committee, PSC develops strategic and political guidelines and receives opinions and recommendations from a military perspective. When necessary, the Chairman of the Military Committee may attend meetings of the PSC. Since January 2005, the European Commission has participated in the PSC meetings on a regular basis.

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<sup>1</sup> Teodor Frunzeti, *Geostrategie*, Technical -Editorial Army Centre Publishing, 2009, p. 342.

<sup>2</sup> Claude Rossons, Valerie Rosoux, Tanguy de Wilde d'Estmael, *La politique étrangère: le modèle classique à l'épreuve*, Peter Lang, 2004, p. 289.

<sup>3</sup> *Comité politique et de sécurité (COPS)*, Retrieved from [http://europa.eu/legislation\\_summaries/foreign\\_and\\_security\\_policy/cfsp\\_and\\_esdp\\_implementation/r00005\\_fr.htm](http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_implementation/r00005_fr.htm), accessed on 30.01.2010.

In the same logic, PSC receives information, opinions and recommendations of The Committee for Civilian Aspects of Crisis Management (CIVCOM), which shall forward policy guidelines. CIVCOM is the civilian equivalent of the Military Committee, with responsibility for providing recommendations on policy issues in non-military crisis management and conflict prevention. CIVCOM meetings are attended by delegates from Member States and countries from the Permanent Representations of the Member States.

Member States are represented in the PSC at ambassadorial level with the principle of „one state-one representative”. At PSC meetings representatives of the Legal Service of the General Secretariat of the Council take part, representatives of the European Commission and representatives of the acceding states with observer status. There were also formalized and Troika-PSC meetings at ambassadorial level with representatives of third countries and PSC-North Atlantic Council meeting (structure similar to NATO). PSC meetings organized two times a week or whenever necessary, are prepared by so-called group Nicolaidis, working group of PSC, and Political Military Group (PMG), composed of political and military experts from the permanent Representations of the Member States to the European Union<sup>4</sup>.

The Political and Security Committee and the General Secretariat are assisted in their work by other structures such as the network of European correspondents (COREU) of the Member States and the Commission, to ensure an exchange of information encrypted telex networks, The RELEX Working Group (External Relations advisors group) and CFSP working groups composed of Member State diplomats and officials RELEX structured on functional and geographical criteria<sup>5</sup>.

The Military Committee (EUMC<sup>6</sup>) is the highest military authority established in the EU Council. The members of the Military Committee are military chiefs of staff from Member States or their representatives in Brussels. The Chairman of the EUMC is a four-star general appointed by the Council on the recommendation of the EU Military Committee meeting consists of Chiefs of Defence, for a three years mandate unless the EU Council decides otherwise. Currently this position is held by Italian General Mosca Moschini<sup>7</sup>.

<sup>4</sup> Teodor Frunzeti, *op. cit.*, p. 343.

<sup>5</sup> *European Security and Defence Policy*, Department for Euro-Atlantic Integration and Defence Policy, Retrieved from [http://www.mapn.ro/diepa/eveniment/20060713/Brosura\\_PESA.pdf](http://www.mapn.ro/diepa/eveniment/20060713/Brosura_PESA.pdf), accessed on 21.03.2010.

<sup>6</sup> *The European Union Military Committee*, Retrieved from <http://www.consilium.europa.eu/showpage.aspx?id=1648&lang=en>, accessed on 14.10.2010.

<sup>7</sup> *European Security and Defence Policy*, Department for Euro-Atlantic Integration and Defence Policy, Retrieved from [http://www.mapn.ro/diepa/eveniment/20060713/Brosura\\_PESA.pdf](http://www.mapn.ro/diepa/eveniment/20060713/Brosura_PESA.pdf), accessed on 21.03.2010.

EUMC gives military advice and makes recommendations to the Political and Security Committee in developing the concept of crisis management in its military aspects, risk assessment of potential crises and the development, evaluation and review of the development of military capabilities. Also provides general guidelines for military EU Military Staff. Relations between the EUMC and NATO relevant structures are defined in the documents of permanent cooperation arrangements between the two organizations. EUMC's works are prepared by a working group (EUMC Working Group), by the EUMS and by other structures with responsibilities in this area. To manage military defense capabilities development issues as Global Objective 2010 (Headline Goal 2010), it was created a special structure coordinated by the EUMC, Working Group on Global Objective (HTF), composed of military experts from the Member States and the EUMS<sup>8</sup>.

European Union Military Committee is the highest military authority of the EU Council for consultation and military cooperation between Member States in the field of conflict prevention and crisis management.

The President in function of the EU Military Committee is the French General Henri Bentégeat. Along his military career, Henri Bentégeat had operational responsibilities in France and overseas. He has also fulfilled functions in international area, in strategic and political-military affairs. During 2002-2006, he was the Chief of Staff of the French Army. On the 6th of November 2006, he was appointed Chairman of the Military Committee of the European Union<sup>9</sup>.

EU Military Staff is part of the EU Council General Secretariat and it is composed of military experts from the Member States. EUMS aims to: early warning, situational assessment and strategic planning for the full range of EU military missions, with or without recourse to NATO assets and capabilities, respectively peacekeeping missions, tasks of combat forces in crisis management (including peace enforcement missions) and missions defined of the European Security Strategy (disarmament operations, support third countries in combating terrorism and security sector reform). EUMS works under the direction of the Military Committee and provides military expertise to EU bodies, in particular the SG/HR for CFSP. At the same time is the critical link between the armed forces of member states and the EU Council<sup>10</sup>.

Lieutenant General David Leakey is General Director of the EU Military Staff. As General Director of the EU Military Staff (EUMS),

<sup>8</sup> Teodor Frunzeti, *op. cit.*, p. 344.

<sup>9</sup> *The visit of EU Military Committee Chairman in Romania*, Retrieved from <http://www.mapn.ro/cpresa/continuarhiva.php?id=12377>, accessed on 25.01.2011.

<sup>10</sup> Teodor Frunzeti, *op. cit.*, p. 344.

Lieutenant General David Leakey from the British Army oversees early warning, situation assessment and strategic planning at EU level. The latter includes planning EU missions in Kosovo and Afghanistan. From December 2004 to December 2005, General Leakey commanded the first EU Force (EUFOR) in Bosnia-Herzegovina, living directly the experience of the practical application of the Berlin Plus arrangements<sup>11</sup>.

British Lieutenant General David Leakey will be replaced as Director General of the EU Military Staff by the Dutch Lieutenant General Ton Van Osch<sup>12</sup>.

The Director General of the EUMS has a three years mandate. In terms of extending EU-led missions, the number of experts EUMS is about 200. In terms of organizational structure, EUMS includes 6 components: Policies and Planning, Information, Operations and Exercises, Logistics and Resources, Communications and Information Systems, Civil-Military Planning Cell.

Civil-Military Planning Cell was established in 2005 following the guidelines of Heads of State and Government adopted at the European Council in December 2003. Responsibilities of the Planning Cell to strengthening the Union's ability to plan a crisis management operation, supporting national HQ designated to manage an autonomous operation, assisting in coordinating civilian operations and generating the capacity to manage autonomous EU operation. By the fulfillment of these responsibilities a permanent team of 30 military and civilian experts is responsible.

Up till now, the Cell Planning contributed to the planning of EU missions in Aceh/Indonesia and Rafah/Gaza. During 2006, the Cell Planning has the final operational capability to generate an Operations Center for planning and carrying out an autonomous EU operation, if necessary response joint civil-military type and cannot be identified any national command available.

Based on the arrangements for consultation, planning and cooperation between the EU and NATO, decided by the EU leaders at the European Council in December 2003, permanent structures were established connecting the EU and NATO SHAPE addition EUMS. EU cell at SHAPE has the role to facilitate the preparation of an EU operation with recourse to NATO resources and capabilities in the Berlin Plus agreements, and support the role of DSACEUR (Deputy Supreme Allied Commander in Europe) in its role as potential operational commander for an EU-led operation. Also NATO's Liaison Team to the EU was established and operates within EUMS.

<sup>11</sup> *Interview with Lieutenant General David Leakey*, Director General of the EU Military Staff, Retrieved from <http://www.nato.int/docu/review/2007/issue2/romanian/interview.html>, accessed on 10.10.2010.

<sup>12</sup> *CEMA-06/05/09: réunion du comité militaire de l'Union européenne*, Retrieved from [http://www.defense.gouv.fr/ema/commandement/le\\_chef\\_d\\_etat\\_major/actualites/06\\_05\\_09\\_cema\\_reunion\\_du\\_comite\\_militaire\\_de\\_l\\_union\\_europeenne](http://www.defense.gouv.fr/ema/commandement/le_chef_d_etat_major/actualites/06_05_09_cema_reunion_du_comite_militaire_de_l_union_europeenne), accessed on 04.09.2010.

Besides the three structures described above, the issue of ESDP is managed by the General Secretariat of the Council by the Directorate-General for External Relations. Therein lies Defence Directorate (DG E VIII, responsible in particular for military crisis management operations) and the Directorate for Civilian Crisis Management (DG E IX).

The Situation Center is the structure directly subordinated to the SG/HR for CFSP, responsible for providing operational information, analysis and early warning based on open source and classified from the Member States and European institutions. Center monitors current developments in international security plan and develop medium-term analysis on topics of interest to the SG/HR and the various structures, and in particular PSC. Also it elaborates analysis to support the preparation, launch and conduct of crisis management operations. The Center has a staff of about 30 experts from the Secretariat, seconded by EU Member States and is chaired by William Shapcott<sup>13</sup>.

ESDP agencies were established to perform very specific technical, scientific and management tasks. These are the European Union Institute for Security Studies, the European Defence Agency and the European Union Satellite Centre.

The European Union Institute for Security Studies (EUISS) was established in 2002 by a joint action of the Council of the 20th of July 2001. Its objective is to help creating a common European security and promoting political debate by providing an optimal venue for European policymakers and independent experts from various quarters. Its activities are focused on the analysis and formulation of recommendations necessary for EU policymaking.

EUISS contributes to the development of the Common Foreign and Security Policy of the European Union (CFSP) by taking more missions: 1. Organization of research and debate on key issues of security and defense which are essential for the European Union; 2. Bringing together academics, officials, experts and policy makers from the Member States, other European countries, the United States and Canada in order to achieve a prospective analysis of the problem of defense for European Council and High Representative for CFSP; 3. Intensifying transatlantic dialogue on all security issues between European countries, the United States and Canada to improve the relationship between these two parts of the world and broaden approach to security issues on both sides; 4. Providing scholarships to expand its network of national relationships and synergies with national think tanks. The scholarship program includes two parts the first addressing youth from universities from all European countries and, and the second, renowned experts<sup>14</sup>.

<sup>13</sup> Teodor Frunzeti, *op. cit.*, p. 345.

<sup>14</sup> *Institut d'études de sécurité de l'Union européenne (ISS)*, Retrieved from [http://europa.eu/agencies/security\\_agencies/iss/index\\_fr.htm](http://europa.eu/agencies/security_agencies/iss/index_fr.htm), accessed on 12.03.2010.

EUISS Board is chaired by Mrs. Catherine Ashton, EU High Representative for Common Foreign and Security. The Institute's publication *Cahiers de Chaillot*, written by experts outside the institute's own research, based on collective work or individual research documentation. They are analyzing all relevant aspects of European security. The Institute also publishes, *Occasional Papers*, books, reports and documents much shorter - *Policy Briefs* and analysis<sup>15</sup>.

EUISS has an autonomous statute and enjoy intellectual independence, which means that there is not defending any particular national interest. Its approach to issues that are normally dealt separately by each Member State and based on a collective European perspective, so that it can provide constructive criticism on current European policy on security and defense policy of the EU (ESDP)<sup>16</sup>.

In order to eliminate the shortcomings identified in the operational security plan of the defense dimension of the EU in July 2004 it was adopted the decision establishing the European Defence Agency.

The European Defence Agency (EDA) was established by the Council Joint Action on the 12th of July 2004, in order to support the 26 participating Member States (the exception being Denmark, uninvolved in the military dimension of ESDP) to develop management of European defense capabilities under the ESDP<sup>17</sup>.

The first head of the Agency was Javier Solana, Secretary General of the Council of the European Union and the Western European Union and High Representative of the Common Foreign and Security Policy. From the 1st of December 2009, Catherine Ashton, as High Representative of the Union for Foreign Affairs and Security Policy, has lead this agency<sup>18</sup>.

Alexander Weis is the Executive Chief of the European Defence Agency (EDA) whose registered office is in Brussels. 26 of the 27 Member States participate in its activities (except Denmark). The Agency operates under the political control of the Council of the European Union<sup>19</sup>.

<sup>15</sup> *Sur l'IES*, Retrieved from <http://www.iss.europa.eu/fr/sur-lies/>, accessed on 12.03.2010.

<sup>16</sup> Institut d'études de sécurité de l'Union européenne (ISS), Retrieved from [http://europa.eu/agencies/security\\_agencies/iss/index\\_fr.htm](http://europa.eu/agencies/security_agencies/iss/index_fr.htm), accessed on 12.02.2010.

<sup>17</sup> Teodor Frunzeti, *Geostrategie*, p. 347.

<sup>18</sup> *European Defence Agency (EDA)*, Retrieved from [http://fr.wikipedia.org/wiki/Agence\\_europ%C3%A9enne\\_de\\_d%C3%A9fense](http://fr.wikipedia.org/wiki/Agence_europ%C3%A9enne_de_d%C3%A9fense), accessed on 22.01.2010.

<sup>19</sup> *L'Agence européenne de défense (AED)*, *Note d'information de l'Assemblée n°15*, Retrieved from [http://www.assembly-weu.org/fr/presse/fiches-information/15F\\_Factsheet\\_AED.pdf?PHPSESSID=f54ae55761199650599853680d8bb2bb](http://www.assembly-weu.org/fr/presse/fiches-information/15F_Factsheet_AED.pdf?PHPSESSID=f54ae55761199650599853680d8bb2bb), accessed on 24.03.2010.

EDA objectives are to develop defense capabilities in crisis management, promoting and enhancing European armaments cooperation, contributing to the development of the European technological and industrial defense, to creating a competitive European defense market for competitive equipment and for development of the European research and technology in European defense<sup>20</sup>.

In terms of concrete activity in 2005, EDA has initiated and developed four major projects, one in each of the structures responsible task. Capabilities Directorate develops the "C3" (Command, control and communications), the Research and Technology Directorate manages the "Unmanned aerial vehicles", the Armaments Directorate developing the project "Armoured fighting vehicles" and the Industry and Market Directorate is implementing the "European Market for Defense Equipment" (EDEM).

In the same time, the priority for the Agency is to develop long-term vision in the field of defense capabilities. Long Term Vision (LTV) defines the course of action depending on the context to support investment decisions on defense perspective. The Agency coordinates three sections of analysis regarding global context studies (in charge of the Institute for Security Studies in Paris), the future military environment for the next 10-20 years (EUMC task), as well as trends in science and technology. The results of this process will help identify future technologies that European defense will promote and orienting priorities in research/technology.

The main tasks of this structure are related to the development and implementation of a comprehensive approach to the process of development of the defense capabilities and support more efficient Member States in terms of supply and demand on Defence Procurement. In this sense, the term EDA provides a coherent European policy in the field of defense capabilities development, research and armaments, convergent approach towards a national policy in the field. However, EDA aims to encourage national and multinational initiatives that meet the needs of ESDP<sup>21</sup>.

The European Union Satellite Centre (EUSC<sup>22</sup>) is an agency of the ESDP/CSDP, created by the Western European Union (WEU) in 1993. The joint action adopted by the EU Council in 2001, was taken over by the

<sup>20</sup> Neculai Oancă, Constantin Băban, Raluca-Cezara Oancă, *Rolul agenției europene de apărare în cadrul politicii europene de securitate și apărare*, Retrieved from <http://www.acttm.ro/doc/revista/1TM20007/FINALE%20%20LIMBA%20ROMANA/CAPITOLUL%20I/Lucrarea%203%20Oanca.pdf>, accessed on 16.03.2010.

<sup>21</sup> *European Security and Defence Policy*, Department for Euro-Atlantic Integration and Defence Policy, Retrieved from [http://www.mapn.ro/diepa/eveniment/20060713/Brosura\\_PESA.pdf](http://www.mapn.ro/diepa/eveniment/20060713/Brosura_PESA.pdf), accessed on 06.02.2010.

<sup>22</sup> *The European Union Satellite Centre (EUSC)*



European Union becoming the European Union Satellite Centre, based in Torrejon de Ardoz, Spain. EUSC functions are designed to cover the needs of the EU and its Member States for images and analysis based on satellite images. EUSC policy guidelines are agreed by the PSC, which carries to the SG/HR for CFSP guidelines on priority activities of the center<sup>23</sup>.

EUSC has its own legal personality necessary to perform its functions. The center is under the political supervision of the Political and Security Council and under the operational command of the Secretary General<sup>24</sup>.

In 2009, the Satellite Centre has provided indispensable support to the EU military operations, especially for EU NAVFOR Atalanta and EUFOR Chad/RCA. EUSC has also played an increasing role in supporting EU civilian missions, in particular the EU Monitoring Mission in Georgia. Involving all NATO members who are not part of EU at the EUSC activities was an important step for the future development of EUSC<sup>25</sup>.

The EU has constantly demonstrated that it can act quickly and effectively on international level wherever necessary: in Georgia, off the coast of Somalia, in Kosovo.

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<sup>23</sup> Teodor Frunzeti, *Geostrategie*, p. 346.

<sup>24</sup> *European Union Satellite Centre (EUSC)*, Retrieved from [http://europa.eu/agencies/security\\_agencies/eusc/index\\_en.htm](http://europa.eu/agencies/security_agencies/eusc/index_en.htm), accessed on 14.04.2010.

<sup>25</sup> *PESC 2009. Raportul anual al Înaltului Reprezentant al Uniunii pentru afaceri externe și politica de securitate către Parlamentul European privind aspectele principale și opțiunile de bază ale PESC*, Retrieved from [http://www.consilium.europa.eu/uedocs/cms\\_data/librairie/PDF/RO\\_PESC%202009\\_web.pdf](http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/RO_PESC%202009_web.pdf), accessed on 12.03.2011.

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/librairie/PDF/RO\\_PESC%202009\\_web.pdf](http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/RO_PESC%202009_web.pdf)

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## **SCIENTIFICAL AND THEORETICAL BACKGROUND OF MISINFORMATION**

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*Analysis shapes, types and degrees, specific information and systems, structures, procedures and information shows the penetration paths to misinformation. From generation to generation, information may provide very different meanings and messages.*

**Keywords:** information; misinformation; informational aggression; manipulation.

The need for information reached now a substantially equal share with the other vital needs, without which the human beings cannot exist. It is manifested both by curiosity for the events that occurred, and especially for those that will occur. Their selection is deliberate. The selected event is presented, interpreted and commented. With these operations, it occurs, inevitably, willingly or not, data leakage or additions which lead to a moving off the reality. Therefore, the usage of modern data acquisition and processing technologies is designed to make the information process more objective.

If we understand that the same information is received, sometimes in different ways, unpredictable even for those who want to misinform, it becomes difficult to explain the adherence, sometimes instantly, without prior analysis, to the subsumed messages of that information.

One explanation could be that the information responds to human curiosity, to the desire for knowledge, to be aware of what is happening in the organization to which the peoples belong and outside it. In general, however, human curiosity is manifested more for „can-can" type of events, than for the ideas embedded in the message disseminated.

Then, bear in mind that the information, once it has been generated by a source, is the subject of multiple interpretations, that most often distort the original message.

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Seen from this perspective, misinformation appears as an inevitable fact. But often there is intent to deceive those who receive the specific information, taking advantage of its imperfections that occurred during the processing.

Multitude of ways and means to disseminate information, events and themes presented in these messages lead to an informational aggression rather than to proper information. The individual wishes to satisfy his state of knowledge, he wants to be in the middle of timeliness and share his opinion on a particular condition or event idea. In doing so, he rather made an intimate connection, which becomes a ritual, with some support, which gradually turns into everyday object of manipulation than with the broadcaster of the messages.

The circulation of the messages is a function of directing nerve to the society in physiological meaning of the term. The comparison suggests the possibility of an existing information disease, similar to sensorial and motor dysfunctions such as paralysis, anesthesia. Misinformation is poison that spreads into our circuits of knowledge. It seeds confusion to make knowledge useless. A single error of judgment can cause unpleasant consequences, but permanent misinformation insidiously weakens the individual's ability to think correctly. Slowly, misinformation makes the world, the reality to become fragmented, confusing, non-malleable. The individual loses his confidence, he used to live in error and abdicate to the disorder of which he fails to overcome; he abandons himself to the irrational and the impulsivity. Finally, invaded by specious and repeated contradictions, even the guy who tries to remain the most careful critic, finds himself unwittingly, deprived of the autonomy of thinking and the freedom of judgment. Misinformation in itself is a real attack on mental integrity of victims. Misinformers' intention is clear, „Why do not substitute yourself to the gods, to madden the one that you want to lose?<sup>1</sup>”.

To be immune to disinformation, to annihilate its persuasive effects, we must look to the facts, to the events, to the situations, no matter how reliable the vectors seems to be, with some caution, making an effort to examine carefully the source of information, its content, the moment or the context in which it was launched and when it is possible, even a confrontation with reality to which it refers.

The analysis of the information path, from the source to the beneficiary, illustrates three important ideas<sup>2</sup>:

a) Information never contains one hundred percent of truth. The errors creep in throughout, even if none of the chain information members, from informant to the informed person, has bad intentions;

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<sup>1</sup> H.P. Cathala, *Age of misinformation*, Antet Publishing House, Bucharest, 2004, p. 33.

<sup>2</sup> V. Volkoff, *A treatise of misinformation*, Bucharest, Antet Publishing House, 2009, p. 15.

b) Whatever we might think, not only that in terms of information there is no objectivity, but any alleged objectivity should be treated with suspicion;

c) It is natural that each witness to have its own impression on event they attended to. If the impressions fit too well with each other, it is something suspect in the middle.

Objectivity cannot exist - even more so – but only in the scientific information, when the same experience performed by several scientists always lead to the same results. The scientists assumptions are objective only if they are confirmed by the facts, and their facts are indisputable, meaning that any observer could substitute to the person who collected the discernible data, which are usually noticeable by the coincidence between a meter and what it measures(assuming a margin of error).

It is noted that the information is itself a distorted commodity. There will never be a lack of temptation to be distorted it any further. Not to mention the vanity or the interests that make us, more or less consciously, to change the truth in thousands of circumstances of our private life. We have to be aware, however, that for everyone who has the opportunity to manipulate public opinion, the slipping, from the truth about to the blatant falsehood, by going over all intermediate stages, is very enticing.

There is a temptation to believe that certain subjects are less exposed to the consequences of misinformation. Nothing else is less true! Even peoples intellectually well trained, who believe that they are save from misinformation, are particularly vulnerable to it, this way becoming an important contingent of deceived, much higher than those who know less and, due to indifference, are not in the middle of the debate of ideas. The wisdom give rises to the doubt, which is usually becoming the rule of good thinking, but also allows the possibility that the partner to be right about it.

Responsible citizens, the holder of the portion of the power conferred by the right to vote, are likely to become a gregarious element obedient to the wishes and the whims of „Big bad wolf”<sup>3</sup>. On long term, misinformation tends to cause the backlash of the society, of this organized system driven by systematic laws fit for differential functions, towards an uncertain state of aggregation, acting only in case of gravity and total depending only on external factors. We do not have to underestimate the great danger which threatens a human society which was prejudiced for a long time by its own functional dynamics. Intention to misinform, when is sustainable and concerns the entire population, is similar to a crime because, apart from the

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<sup>3</sup> H.P. Cathala, *Age of misinformation*, Bucharest, Antet Publishing House, 2004, p. 34.

desire to deceive or manipulate, represents an aggression against a fundamental function of the social system. Information is not simply an action to notify news; it is also, apparently primarily, a process of structuring of human groups.

There is a constant concern for the future. It is manifested, especially by the knowledge of their own destiny as well as by the knowledge of macro-group and group development perspective, to whom individual belongs. In other words, information is needed not only to know, but to succeed in the effort of survival, by eliminating or reducing the action of the factors that might endanger the individual and/or group security. Multiplicity and diversity of the existing sources of information are the assumptions that could provide a good knowledge of the various natural and social phenomena. Paradoxically, the man often remains confused and annoyed by the content and meaning of information provided from different sources, but which refers to the same phenomenon. He has not always patience and/or time to discern and also he is not has sometimes the necessary thoroughness of making value judgments about information signals. Even he watches the evolution of the political, economic, military occurrences, their complexity determine him, in most cases, to limited himself to the simplistic conclusions, to the incidental, peripheral or conjecture images. The following of these conclusions is the formation of misconceptions and unfounded beliefs to the peoples, that will undermine their understanding of future development of phenomena from the environment. Naturally, there are specific manifestations of these attitudes and constraints. Therefore, such information directs and manipulate man to handle actionable solutions that are contrary to the reality. So you might say that this type of manipulation it is made by producing opposite effects of a proper information which are specific to misinformation.

Misinformation is regarded as a kind of message, more or less explicit, a kind of special type of communication between the misinformer and his target. It may takes the form of a declaration, of a significant gesture or of an attitude<sup>4</sup> adopted.

Usually it does not occur to form a necessarily belief, but to prevent an individual or a group to assess fair and free a phenomenon.

From the perspective of misinformation definitions, in the specific literature more often, it appeals to three of them:

1. „Intermittent or continuous action – by using of any means - which is confusing an opponent, or promote the subversion in its ranks in order to weak it<sup>5</sup>”.

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<sup>4</sup> *Ibidem*, 2004, p. 20.

<sup>5</sup> French Academy through Le Figaro from 24.02.1984.

2. „The ensemble of dialectical processes staged intentionally, in order to achieve the perfect handling of individuals, groups or entire societies, for deflecting the political conducts, to dominate their thinking or even enslave them. That involves concealing the real sources and targets, and the intention to harm through a distorted representation or a biased interpretation of the reality. It is a form of aggression that seeks to go unnoticed. It is a part of the subversive psychological actions<sup>6</sup>”.

3. „The disinformation is a manipulation of the public opinion for political purposes using information treated with diverted resources. It involves three elements: a manipulation of public opinion; diverted resources; political aims, internal or external<sup>7</sup>”.

### **The characteristics of the misinformation**

The key feature of the misinformation is the obvious intention of doing harm, which distinguishes it from the simple useful lie or the fable. So, to be called disinformation choice it must exist the deliberate choice, the intention to exercise influence or manipulation. Forged message is nothing but the tool that searches a selected subject in order to make him act in the desired direction. I have to point out that there are some considerable differences between misinform an individual or a small group and misinform nation (or a substantial part thereof). In the first case it is used the psychology of the individual or the subgroup dynamics; in the second case, public opinion or mass psychology it will be used.

Misinformation currently has the following characteristics:

- it uses a methodology based on psycho-sociology findings;
- it uses the mass-media facilities efficiently;
- it is designed and developed by bodies created for this purpose;
- is carried out through actions more and more unknown or impossible to detect;
  - it is designed both, for intellectually well formed people, and for those who know less and so they are outside the issues covered by the actions;
  - it is hides, under a false appearance of objectivity, the willingness of a person to unilaterally make a profit, by forcing an adhesion which is the prelude of the enslavement;
  - it is directed, in particular, to the sphere of decision, which makes that the decision-makers protection, become increasingly difficult to achieve;
  - it tends to become a convenient excuse for the decisions whose consequences lead to failures;

<sup>6</sup> H.P. Cathala, *Age of misinformation*, Antet Publishing House, Bucharest, 2004, p. 24.

<sup>7</sup> V. Volkoff, *A treatise of misinformation*, Antet Publishing House, Bucharest, 2009, p. 25.

- it is adopted, sometimes even by the bodies designed for protection against this type of attack; it has, in some cases, adverse effects, thus misinformers are misinformed, they are the victims of some intellectual comfort, of certain habits of some circles to whom they require the approval of their actions;

- it causes, to those who were not misinformed in a previous situation (being aware of this fact), mistrust and suspicion towards the real information process;

- when it materializes in large operations, they have longer durations and they takes place gradually, focusing on the impact on public opinion;

- when it is held for hijacking public opinion or for acting on a large groups of people, its effects are long-term and serious; there are changes of the mentalities and of the attitudes that are installed progressively and insidious; peoples accept myths; they are questioning their own values;

- it takes place easily in environments where the sources of information are different and in large numbers, but also where there are no principles, norms and rules, for the information work to relate.

No matter what the area where it operates, a conclusion is certain: the misinformation is a psychological acting lever for routing opinions and ideas, moods and human behavior. It is a form that prohibits the right to clear thinking for its subjects.

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## THE MECHANISMS OF FORMATION AND SPREADING OF RUMORS

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*Rumors arise most often due to a vacuum of information, lack of credibility and relevance of the official information. Rumors always accompany periods of political crisis, economic or social tension and tightness in domestic or international life.*

**Keywords:** rumor; communication; dissemination; manipulation.

Rumor can be defined as an information on a product or event about to happen, that suppose to be authentic and also a novelty, but often with an ambiguous and biased, unverified or difficult to verify in a real time features, which is spread in the absence, in the parallel and often in the opposite of informations provided by official means.

From this definition emerges the characteristics of rumor:

- the information character;
- the unofficial character;
- the reference to an important event;
- the novelty;
- the ambiguity;
- the mixture of truth and falsehood, (the first leading to the acceptance and the second, giving credibility to the rumor);
- the contents-linking with hopes, expectations, fears of individuals or communities to whom they are addressed.

As a specific form of communication, especially an interpersonal one, the rumor is based on some mechanisms and general human characteristics: curiosity, desire for people to pass in front of others as well informed by exceeding official information, imagination and anticipation capacity, the human predisposition to amplify the news by personal comments and opinions, the natural reaction to pass forward the information.

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There is a selective sensitivity for the content of rumors in each individual, that depends on the personal attitudes and beliefs and also on own life experience, or in other words, nobody is more „deaf" than the one who does not want to hear.

The labile, anxious persons, which have some inferiority complexes, are considered to be perfect relays for transmitting rumors<sup>1</sup>. There are also some opinions<sup>2</sup> which consider that the women would be more likely to accept the rumors and willingly transmitting them. It starts from the idea that „ the gossip" is more related to the womanish habit. The intellectuals are themselves a special audience for rumors. They know that sometimes the truth is not preferred by officials. But on the other hand, their specialization in some specific field, turns them into a part of the general public in the matter of receiving information from other areas that, for a correct understanding, require an other kind of expertise.

That is why, the status of intellectuals and their circle of relationships are factors that make them, in some cases, suitable persons for accepting the messages behind the rumors.

„There rumors exist not because their sources exist, but because the people spread them<sup>3</sup>". They are perishable and they have value only as long as they are actual. Over time, they lose their significance, therefore they should be transmitted as quickly as possible.

Rumor has a pragmatic purpose. Usually it is related to events and situations that interest some large groups of people or guides the activity of their group members. That's why when we hear some news, even if we are not sure that they are real, our first reaction is to repeat them to those who may be interested. And so, the discussion quickly slips to the consequences, to the implications posed by the situation described and to possible ways to solve the eventual problems. When the danger is imminent, and the decision is absolutely necessary, we cannot waste time checking the information, because the risk is too big. If it proves to be just a false alarm, even better, if it is true, then we have a clear conscience that we have done our job.

Many rumors are spreading rapidly precisely because they are funny and surprising. They are subjects of discussion and ensure the success of propagation. If the message is received from an unreliable source, the confirmation that is coming from other group members give it more credibility. To know whether the information is true or false, we have to appeal to the reference group opinion. When it refers to a worrying fact, the collective assumption of the danger associated with the fact described by, takes us out of isolation and makes us feel better.

<sup>1</sup> S. Chelcea, *A century of psycho-sociology*, I.N.I. Publishing House, Bucharest, 1999, p. 56.

<sup>2</sup> *Ibidem*.

<sup>3</sup> G. Durandin, *L'information, la désinformation et la réalité*, P.U.F., 1993, Paris, p. 17.

Rumor dissemination speed is determined by:

- group structure, the degree of homogeneity and spatial arrangement;
- spatial cohesion and community interests;
- importance of the topic, the correlation between message content and individual and group motivation. The larger is the interest for the subject in the group, the greater are the chances that rumor to be spread faster and on a wider area.

For pervasive rumors, when the action itself is deliberate it is used the field agents who take advantage of the rallies, the demonstrations, the lines at department stores, etc. In this way, the rumors reach a lot of people, many of them transmit to others, this way they turn into the broadcasters - relay transmission.

The dissemination speed is greatly increased when rumors use the media. Radio and television transmission events are now live possible. Also the internet has an important role in spreading rumors. Thus, by these means millions of people can see the same information simultaneously, regardless of national borders or language. But by increasing the public, increase the possibility that what is false, easy to be found, and also the danger that the distortion of the initial message to be bigger.

Not always a rumor is based on fact. Sometimes it is pure imagination, the effect of a creative process. Also, in an ambiguous situation, in the absence of accurate official informations, the members of a interested group are trying to substitute them and so, to discharge themselves of the stress generated by doubts and uncertainty.

In everyday life, the individual is transmitting an information not because he is forced to do it, but because he or the group he belongs to, feels involved in the on-going event. In this case, the individual is interested to be believed by the other people and he is trying to convince him by adding some details he knows, or he has heard them from other sources, and this way the message is reshaped; that leads to an opposite effect to reduction - the process so-called „snowball"- each link adding some new details.

The rumor is attributed to reliable sources (ie the authorities) or it is made as a product to the group consensus. Names or numbers are most frequently modified, either because they are difficult to remember and that is why they cause confusion, or they are not representative (in the moments of high stress, self-critical capacity of individuals is decreasing while the emotional involvement is increasing and so, nothing is too exaggerated to be thought).

Sometimes occurs reversed polarity - especially in the situations when by rumors, are transmitted an information that it is in contradiction with the personal opinions of individuals. It is difficult to believe for example, that a person, despised by members of a group, has committed a positive fact

(a criminal could save human life). Another possibility would be to ignore an information for the reason of not being worthy to be taken into account.

Usually, rumor tends to update everything. An information relating to a past event, is not important any longer. That is why, the rumor must refer to the actual events. And so, a person acts from the past, are now transferred to the present.

There are some cases when the rumor stores carefully the original message without being reshaped during dissemination. In these cases, the messages are short, easy to remember, and respond to peoples expectations, prejudices and attitudes.

In the practice of misinformation, rumor has a special place. The military conflicts of the last decade, have shown the concern of countries to organize and train since peacetime, specialized organs (including political scientist, sociologists, psychologists, linguists) to „build" rumors which offer mystified explanations of some facts, but with a high degree of credibility in order to influence public opinion and enemy forces.

A source made from specialists can cause a real crisis, based on rumors well directed and launched at moments of great impact. „Rumors can create creative predicting events when they are used as instruments of propaganda and misinformation"<sup>4</sup>. The whole operation is based on a well-known proverb, namely that „there is no smoke without fire". The misinformers are interested in spreading a rumor, based on its inner mechanism to respond to the individual desire to disseminate the brand-new, hot, just received information.

By the rumor are spread ideas, reports, statements or assumptions that may be false or containing some elements entirely true but distorted, related to the real situation and to the of interest important groups. In this regard, the forged message is nothing but the mean by which it seeks that target-soldiers to act in the direction desired by the enemy.

It misinforms less to convince, but rather to lead to a goal that is usually hidden. By breaking any moral and ethical rule or principle, the architects of rumors claim that, even only a simple sieving of doubt in the minds of soldiers represents a major success.

The premises of rumor are in the fact that individuals are willing to learn more about a subject, to understand it, but they did not get or have no access to official information.

Misinformation gives rise to the phenomenon so-called „situational fog" by which the people uninformed or poorly informed through official

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<sup>4</sup> R. K. Merton, *Elements de théorie et méthode sociologique*, Paris, H. Mendros, 1965, p. 224.

channels can be manipulated. The first condition for the existence of this phenomenon is the intention of the source to produce changes in the attitude of individuals, in order to achieve a desired behavior related to a specific event. The second condition is to generate a certain ambiguity by disseminating confused information which leads to a misinterpretation of the reality and by consequence, to a false self-projecting to the facts.

Rumor dissemination is the main way used in disinformation, an easy way to act, primarily because the source of the rumor is rarely the subject of a methodical action of search and identification. The misinformers can thus launch false deformed news without the risk of being responsible.

Rumor can be easily disseminated by influential agents or simply by sympathizers. „The rumor did not leave written streaks and disseminated information may go a long way, from one author to another, from one source to another, in order to be attributed to someone<sup>5</sup>”.

The dissemination is dependent of the community circumstance in which they are spread into: the credibility of social institutions, the organization system and the flow of formal information, the quality and reliability of official information, the types of power relationship in the society and the traits of personality of the individuals and their needs. All these features are only some of the factors that have to be taken into account by misinformers in order to set his strategy through rumors.

Perhaps the most important issue of the misinformers is about the power of persuasion, the efficiency of rumor spread, in order to determine the expected behaviors. Gustav Le Bon defined<sup>6</sup> the existence of four main factors which he presented as a kind of „grammar of persuasion”:

1. the prestige source, which suggest and commands respect;
2. the unsupported statement that eliminates discussion and creating the impression of thorough documentation of the person who represents the source of messages;
3. the distribution, which made to be accepted as certain, a statement compatible with the objectives of the source;
4. the mental influence that strengthens the early individual beliefs.

In case of the rumor, its credibility, its power of persuasion is depend on many factors with different weights in rumor efficiency. The researches that have been made on this topic, highlighted a number of factors such as: source credibility, plausibility of the disseminated message, his origin from many different sources seemingly disinterested, the power of repetition of rumor during its increment, becoming stronger and stronger etc.

<sup>5</sup> G. Durandin, *L'information, la désinformation et la réalité*, P.U.F., Paris, 1993, p. 42.

<sup>6</sup> G. Le Bon, *Opinions and beliefs*, Science Publishing House, Bucharest, 1995, pp. 132-133.

Whether or not the rumor has these credibility features, he must not omit an essential condition: the desire to believe from those who receives it. The rumor primarily is defined as a piece of information that we want to believe it. „If the information does not satisfy any desire, does not represent a latent human concerns, does not serves as a valve for any psychological conflict, the rumor will not spread<sup>7</sup>".

Launching rumors is not made randomly, but taking into account the human groups expectations related to the existing problematic situation. Based on these situational data, the misinformer is launching a message related of people expectations, no matter how far from the truth that statement is. Rumor dynamics is independent of his authentication issues. The process is launched only when certain people trust an information and considers it very important to spread it in his entourage.

The media can not only serve as a means of processing and dissemination of rumors circulating at some time, but may even contribute to their success by slipping facts which until that time have gone unnoticed and by providing some assumptions that may catch on. Even the rumor denial can be a way for it to be better distributed: instead to lead to extinction of the rumor, the denial can create a boomerang effect by increasing the dissemination to those who did not know about it. In this sense we can say that denying a false information, means to provide a new and free advertising to it.

Rumors manage to conquer a big space in social area, particularly in crisis situations when the rumors actually amplify it. Rumors always accompany periods of political crisis, economic or social tension and tightness in domestic or international life, when peoples face with situations beyond their power of understanding and the information needed to adjust their behaviors are either insufficient or inadequate. It goes without saying that the rumors are spread, in so-considered favorable environments, by those who want to misinform, and their dissemination is made towards several targets at once, so the appearance of multiple sources of rumors leads to the increase of their credibility.

As a conclusion, the rumor dissemination as the main way to achieve misinformation, also constitutes a specific form of waging an unconventional war. It takes place at the level of the mental processes, disordering them and altering their „product" generating a catastrophic finality on the human way of thinking and behaving. In the conflicts that occur today is increasingly tended to use the disinformation, the propaganda, the disunity, the intoxication, the intimidation or the psychological isolation.

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<sup>7</sup> J.N. Kapferer, *The rumors*, Humanitas Publishing House, Bucharest, 1993, p. 123.

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## THE PARTICULARITIES OF LEGAL WORK RELATIONS REGARDING THE EMPLOYEE-INVENTOR

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*The legal work relationship provides rights and obligations for both the employer and the employee. These general rights and obligations surpass the main sphere when the work performed by the employee has an inventive character. The invention bears the imprint of the employee's personality and thus generates special rights.*

**Keywords:** legal relationship of employment; the employee inventor; rights; obligations; inventive mission; patent.

Ensuring a higher living standards seems to be the main reason behind most of the lucrative activities, whether physical or mental activities. The most advanced countries today are those in which creative activity is valued, encouraged and effectively protected<sup>1</sup>.

Work represents an essential component of human activity, because man is the only creature who can make all possible efforts to obtain benefits<sup>2</sup>. Knowing labor law is necessary not only for those seeking professional training in this field, but also for those who aspire to fully understand the meaning of the legal system.

According to the 1<sup>st</sup> article from the Labor Code, it results that the rules of labor law contain the sum of individual and collective work relations. The subjects of the legal work relations are the employer and the employee.

Given the collision of labor law with copyright law, we will analyze the issue of creations made within work obligations. Among the many criteria that underpin the classification of work forms we can find the purpose of this kind of activity. This issue has no unitary legislation at a global level, thus

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<sup>1</sup> Viorel Roş, Dragoş Bogdan, Octavia Spineanu-Matei, *Copyright Law*, All Beck Publishing House, 2005, p. 7.

<sup>2</sup> Cosmin Cernat, *Labor Law* Juridical Universe Publishing House, Bucharest, 2011.



copyright law collides with labor law. In common language, the word "author" means the creator of a thing or the person responsible for an act.

In law, the word 'author' has at least two meanings. The first is the creator of a literary, artistic or scientific work. The second meaning refers to a person who transfers a right or an obligation.

### **Legal work relations**

Legal work relations are defined as asocial relations regulated by law, which are generated between an individual and, as a rule, a legal entity, due to the provision of a certain work by the individual for the second subject. The latter is obliged to remunerate the individual and create the necessary conditions for the provision of such work.

Individual legal work relations are relations that emerge from the contract between the employee and the employer. According to the law, the employee is subordinated to the employer who exerts its juridical and economic authority over the employee-inventor. It is said that this subordination is controlled by the state authorities which, according the legislation, aim to maintain a balance between the two subjects of work contracts. Law no. 64/1991 regarding patents states in article 1: "the rights over the invention are protected within Romania's territory through the patent granted by the State Office for Inventions and Trademarks, according to the law".

### **The legal regime of inventions made in the execution of inventive missions**

For the inventions created by the employee in the execution of an inventive mission stipulated in the labor contract, the patent belongs to the juridical entity (the employer).

The technical achievements obtained in that respective unit are known as work related inventions, which are individualized through a special legal regime.

The bilateral (sinalagmatic) character plays an important role, taking into account that it is given by reciprocity and conditionality of contractual obligations. In this way, the party who has not fulfilled its obligation cannot and has no other way to compel the other party to carry out correlative obligation<sup>3</sup>.

Within this labor contract, the employee is hired to carry out an inventive mission, in order to solve technical issues.

If the principles of copyright demand that the work has to be performed by his creator, the economic reasons and specific relations between employers and employees impose that the invention should belong to the employer because the invention represents the result of the employee's work

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<sup>3</sup> *Ibidem*, p.25

according to a labor contract. Thus, the question is whether the invention is a simple result of work or a creative contribution.

The inventive mission is explicitly stipulated in the labor contract. The employee should have all the professional skills needed to achieve the inventive mission and must make all the necessary efforts for the purpose for which he was employed. Considering the qualities of the employee, the inventive mission should correspond to his function. In this case, the "intuitu personae" character has its application (strictly personal) in legal work relations; therefore the person who will perform the work is selected for reasons related to his training, his skills and qualities.

Even if a particular employee will be replaced for a certain period of time by another employee, for objective reasons, this replacement will also be based on the personal skills of the second employee. If the second employee does not have the required training and skills or he does not fulfill the legal conditions he could not subrogate to the rights and obligations of the replaced employee.

In case of inventions made in the execution of inventive missions, there is a problem when, during the execution of his mission, the employee stops meeting the conditions of professional skills to achieve inventive missions. Therefore, art.61 - Labor Code- provides reasons for firing the employee for reasons related to the employee. Thus is the case when the employee does not meet the professional requirements for the position he has (but only after a verification of the employee according to procedures established by the applicable collective labor contract or by internal rules).

According to art.37 and art. 38, Labor Law:

- Rights and obligations of the employment relationship between employer and employee are established by law by negotiating the collective agreements and individual employment contracts;
- Employees cannot waive the rights granted to them by law.

According to the labor contract, the inventor is obliged to inform in writing the progress of the invention. Both parties have the obligation to abstain from disclosure of the invention.

After being informed in writing of the invention of writing, the unit is required to file a patent application with the State Office for Inventions and Trademarks.

If in 60 days the unit does not apply for the patent, the right for the patent will belong to the employee<sup>4</sup>.

Under Decree no.321/1956, the artistic work made by the author - under obligations resulted from a labor contract- could be used by the

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<sup>4</sup> Ioan Macovei, *Tratat de drept al proprietății intelectuale*, C.H. Beck Publishing House, Bucharest, 2010.

employing unit, for activity related purposes. Law no.8/1996 uses the term "works created in carrying out the job specified in the employment contract. This legal regime applies only for the authors who are employees under a labor contract, and not for those who are under a common agreement with other parties.

### **The juridical state of inventions realized by the employed inventor**

For the innovations realized by the employee, either in the prosecution of his function, either in the unity domain of activity, through the knowledge or use of the unit's technology or specific tools or of the existing dates in the unity, either with the material help of the unity, in the absence of a contrary contractual clause, the right on license belongs to the employee. The mentioned situations are not being demanded cumulative. The innovation can be realized by the employee in any of the four ipothesis mentioned before.

It is worthy of note the fact that, within the innovations realized by the employee inventor, trough the specifications of a contract clause, the right to license release can be ascribed to the unity.

The contrary clause can be included in the work contract or in other contract, being a consent cession by the employee after the innovation is realized.

The Romanian law does not contain a presumption of cession in the employer benefit. The problem regarding the possibility of the employed author and employer to agree, in the moment of work agreement on an anticipated total cession for the works created within the work contract is well disputed in France.

From the law regulations can be inferred the following rules:

- the moral copyrights always belong to the work's author, physical person;
- on principle, the patrimonial moral rights on works within service belong to the author; exceptionally, where there is such a contractual clause, the patrimonial rights belong to the employer. We believe that the contrary express clause can be inserted in the work contract, being no need of separated cession conventions for each of the works.

- if a contrary clause exists, this one needs to contain the term for which the patrimonial copyrights where transferred. If the parts didn't provide the cession period, the cession will last for three years, starting from the work's handing over.

- when the established period runs out, or, in missing of a duration, when the period of three years runs out, the patrimonial rights are ascribed to the author.

- in all cases, the employed author keeps his exclusive right to use the work as a part of his creation assembly.

The law doesn't contain any limitation regarding the duration for which, in case of works within the service, the patrimonial rights can be transferred. It is although obvious that this period cannot exceed the duration of patrimonial copyrights protection. The cession period runs from the moment when the work is created.

The inventor and the unity have the obligation to inform in written each other regarding the stage of the creation and the realization of the innovation. Furthermore, the inventor and the unity need to hold back from any public disclosure.

According to item (6) of article 5, the unity has a preferential right to contract a cession or license regarding the innovation of his employee. These right needs to be wield in three years from the moment the employee makes the offer. In absence of the parties' agreement regarding the price, this one will be established by the law courts.

### **The juridical state of made on order innovations**

For the innovations which outcome from a research contract, in absence of a contrary clause, the right to license belongs to the unity which ordered the research [art. 5 align.(2)]<sup>5</sup>

The unity which commissioned the research is different from the research unity whose employee is the inventor. In the research contract, there's a possibility to include a clause which stipulates that the right to license release belongs to the unity which ordered the research or to the unity of research or both of them.

The inventor has the right to a supplementary remuneration established through additional documents on the contract. To represent object of a juridical work rapport and to fit in those types of paid rights which are passive to income taxes, it is necessary work is paid. The payments of remunerative activities that are born within this rapport are capital for the work law. The work done as a way of help, or in own interest, or the work that has not a material purpose, even if it exists in every society, doesn't make the object of juridical regulation in work law.<sup>13</sup>

According to art.159 from the labor Code, the remuneration represents the counter-prestation of the work done by the employee on the strength of the individual work contract. For the work done on strength of the individual labor contract, each employee has then right to a remuneration determined in money.

The basic remuneration additions represent the variable part of the remuneration, because they are paid only related to the individual

<sup>5</sup> Ioan Macovei, *Intellectual property law treaty*, C.H. Beck Publishing House, Bucharest 2010, p.77.

performances of any employee (the results obtained in work), for the time during which work is done in certain special conditions (for the compensation, through this way, of the extra effort or high level of risk demanded by work) or if the gained experience in the period of seniority in work is materialized in the economic development of the work done. In the absence of any clarifications, the inventor's supplementary remuneration within the innovations on commission can be postulated in the additional document to the research contract or to the labor contract.

The inventor and the unity have the mutual obligation to abstain from revealing any aspect of the innovation.

If the license demand was not filled at the State Registry for Innovations and Marks in term of 60 days from the date when the unity was informed about the redaction of the innovation's description, the inventor has the right to obtain the license.

### **The employed inventor's juridical state of work in other right systems**

Other law systems, by establishing the employed author's state and the created works state within the fulfillment labor obligations, they adopted more liberal solutions. Therefore, in Belgium, Luxemburg and Italy, the labor works state is submitted to the contract clauses which is closed by the author and the employer, meanwhile countries such as Great Britain and Poland grant in favor of the employer a right regarding the work realized by its employees, but allowing the contracts which conserve for the author the rights regarding the work.

In Germany's law, through 25 July 1957 Law, modified in 1961 and 1967, the labor innovations are delimited from the free innovations. The labor innovations are realized during the labor contract, either as a result of the activity which the employee is forced to accomplish, or as innovations essentially based on the unity's experience and activity. The others innovations are considered liberal.

In UK's law, the employee who accomplishes a useful and licensed innovation within his labor obligations owns it for his employer with the title of a trustee. The employer is the owner of the rights that derive from the labor innovations, the one who establishes the inventor's remuneration.

In the United States of America law, it applies the first and true inventor's rule. The license can be obtained by another person only in base of a cession from the inventor.

At a governmental experts' reunion for the standard disposals elaboration regarding the state of authors employed works, which took place at Geneva, between 27 and 31 January 1986, there were pointed out two possible solutions:

1) to consider the work's author, physical person, as initial titular of copyright; the right of exclusive use being deferred to the unity, in the right measure according to his activity domain, the way parties had in mind, rationally, at the time the work was created;

2) to consider the unity as initial titular of copyright over the work created by the employee, aside from the case when parties decided otherwise

### **Conclusions**

Considering that protecting the law order is the reason of law, all the juridical precepts have a very important function of protecting the legitimate interests. In the analyzed domain, the legal regulation dictates certain rules as regards the post work statute, but it cannot be passed-by the fact that an important role at this level is held by the contrary clauses that can be inserted in the labor contract the employee closes with the employer.

Although the regulations of the work law are being catalogued as having a marked humanist character, putting in the fore-ground the protection of man as new maker and utile-lucrative activities performer, this placement of the labor rapport's subjects is fully justified. The justification comes out of the fact that the employer is the one that invests capital in reaching the proposed economic purpose, through purchasing raw material, work machines, production spaces and employing/paying skilled labor force, and which in respect of the normative frame assigns the subordinate instructions in order to make profit. This way, as for what the employer expects from his employees, we must award the employer a privilege towards his employees, and for this one there's a position of both economic and juridical subordination towards the employer.

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## THEORETICAL ANALYSIS ON THE PATRIMONIAL RIGHTS OF PLASTIC WORKS<sup>1</sup> CREATORS

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*Copyright law gives the holder the legal possibility to use and dispose of his intellectual creation according to his own interests, but within the limits imposed by the law. Following the creation of intellectual works, moral and patrimonial rights are acknowledged to the authors.*

**Keywords:** classical artwork; copyright; moral rights; patrimonial rights; resale right.

### Concept and content of the copyright<sup>2</sup>

The analysis of the economic rights of creators of works of art has as its starting point the clarification of copyright and its content<sup>3</sup>. In the literature<sup>4</sup> there are many definitions of this right<sup>5</sup>. A broad overview, far from complete, is that this right can be seen as all the legal rules governing and protecting social relations<sup>6</sup> arising from the creation and use of works of art, regardless of their nature (literary, artistic, arts etc.) or other works of

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<sup>1</sup>Igor Chiroșca, *The work of plastic art -a source of potential conflict between author and the owner of the material support of the work in Romanian Journal of Intellectual Property*, no. 4/2008.

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<sup>2</sup> Rodica Parvu, *Copyright in Romania during 1996-2006*, in the Romanian Intellectual Property no.2/2006.

<sup>3</sup> Ligia Danila, *Copyright Classification from the perspective of the New Civil Code*, the Romanian Journal of Intellectual Property, no. 4/2011.

<sup>4</sup> Viorel Ros, D. Bogdan, O. Spineanu Matei, *Copyright and Related Rights*, All Beck Publishing House, Bucharest, 2005, p. 33.

<sup>5</sup> Stanciu D. Cărpenaru, *Civil Law. Rights to intellectual creation. Succession*, E.D.P., Bucharest, 1971, p. 7.

<sup>6</sup> Radu Romițan, *Moral rights of the author and their protection by means of criminal law in the Romanian Intellectual Property no.1/2004*.

intellectual creation, and the protection of the authors and their interests<sup>7</sup>. Copyright law gives the holder<sup>8</sup> the legal possibility to use and dispose of his intellectual creation according to his own interests, but within the limits imposed by law<sup>9</sup>. Following the creation of intellectual works, moral and patrimonial rights are acknowledged to the authors<sup>10</sup>.

Therefore the content of the copyrights<sup>11</sup> is a complex<sup>12</sup> one, and refers both to moral rights and economic/patrimonial rights<sup>13</sup>. If in terms of moral rights, their recognition along the time, has been the subject to numerous debates; the patrimonial rights have enjoyed since the beginning, unanimous recognition, the copyright being considered a form of property<sup>14</sup>.

### **Moral rights of the authors<sup>15</sup>**

Article 10 of Law no. 8/1996 on copyright and related rights<sup>16</sup>, acknowledges the following moral rights<sup>17</sup>:

- The right to decide if, how and when the work will be disclosed to the public;
- The right to claim recognition of authorship;
- The right to decide under what name will be brought opera to the public
- The right to the integrity of the work<sup>18</sup>, which gives him the power to oppose any changes, and any interference with the work, if it harms the honor or reputation<sup>19</sup>

<sup>7</sup> John Macovei, *Treaty of intellectual property law*, CH Beck Publishing, Bucharest, 2010, p. 419.

<sup>8</sup> Ligia Danila, *Copyright topics from the perspective of the New Civil Code*, the Romanian Journal of Intellectual Property, no. 1/2012.

<sup>9</sup> Yolanda Eminescu, *Industrial property Treaty*, vol I, new creations, Romanian Academy Publishing House, Bucharest, 1982, p. 15.

<sup>10</sup> Constantin Tufan, *Subject to copyright*, in the Romanian Intellectual Property No. 2/2005.

<sup>11</sup> Ionel Didea, *The Object of intellectual property rights*. Law proposal on the object of intellectual property rights in intellectual property Romanian Journal, no. 1/2005.

<sup>12</sup> PI. Demetrescu, *Copyright*, Scientific Annals of the "Al. I. Cuza" University, new series, Section III, Social Sciences, 1956, p. 379.

<sup>13</sup> Ligia Danila, *Copyright and industrial property rights*, CH Publishing Beck, Bucharest, 2008, p. 5.

<sup>14</sup> Victor Volcinschi, *Defining issues of the copyright*, in the Romanian Journal, no. 2/2007.

<sup>15</sup> Ciprian Romitan, *Moral rights of the author under the rule of law no. 8/1996*, in the Romanian Intellectual Property no.1/2007.

<sup>16</sup> Published in the Official Gazette of Romania, Part I, no. 60 of March 26, 1996, as amended.

<sup>17</sup> Gabriel Olteanu, *Exercise of the moral rights of the author of the heirs*, in Romanian Journal of Intellectual Property, no. 1/2009.



- The right to retract the work of publication, bearing the damages caused by this act of withdrawal

These rights come to show the indissoluble link between the author and his creation, about what your bike is based on the author's intellectual creation. Being vests in the author of these rights are inalienable, imprescriptibly and personal<sup>20</sup>.

### **Patrimonial rights of the author**

#### *The concept and importance of patrimonial rights*

The patrimonial rights of copyright are the rights to use and exploit the work and include also the resale right<sup>21</sup>.

For a better understanding of the rights resulting from the implementation of plastic work, it is required a summary of patrimonial rights, so that to further highlight the uniqueness of resale right, a right specific to the creators of plastic works.

Patrimonial rights are those subjective rights that rise from the author's exercise of the moral right to disclose the work, and their content can be expressed and valued in money<sup>22</sup>.

In the literature it was considered that copyright rights are divided into absolute and relative rights, depending on their degree of enforceability<sup>23</sup>. True nature of these rights comes from the fact that the right holder is recognized all the attributes encountered in the real rights: utendi jus, jus fruendi, jus abutendi and possidendi. So these rights are binding, without fulfilling any format, but by law, to all participants in the legal life (erga omnes).

When these rights of authors of works of plastic arise from unilateral or bilateral legal acts of the third party's wrongful act causing damage, they take the nature of debt instruments.

#### *The characteristics of patrimonial rights in the copyright*

Patrimonial rights have the following legal characteristics:

- they are personal

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<sup>18</sup> Rodica Bucur, *The rights to the integrity of the work*, in the Romanian intellectual property, no. 2/2005.

<sup>19</sup> Gabriel Olteanu, *Moral right to the integrity of the work*, in the Romanian intellectual property, no. 3/2009.

<sup>20</sup> CR Romanita, *Moral rights of the author*, Legal Universe Publishing, Bucharest, 2007, p. 119.

<sup>21</sup> Art. 12 and 21 of *Law no.8/1996 on copyright and related rights*, amended several times.

<sup>22</sup> Ligia Danila, *Copyright and industrial property rights*, CH Publishing Beck, Bucharest, 2008, p. 86.

<sup>23</sup> Ibidem 10.

- they are exclusive
- they are temporary

The personal character of the author's rights is clear from the wording of Article 1 of Law no. 8/1996 which provides that copyright vests in the author. Since the text of the law does not distinguish between the two categories of rights that make up copyright under the "Ubi lex non distinguit, nec nos distinguere debemus" there is no basis leading to the idea that the laws do not consider also the relationship between copyrights and the author.

The personal nature of copyrights is resulting also from other reasons. Given the transmission institution of these rights, and in case of moral rights transfer is possible only by way of exception, the economic/patrimonial rights of copyright can be transferred by virtue of their personal character, both by inter-vivos acts and by acts mortis causa and in some cases *ope legis*.

This character shows once again the link between the author and his work one indestructible, which notes that the legislature can not differentiate between moral attributes and heritage in terms of their protection<sup>24</sup>.

Regarding the exclusive nature of property rights, it has two aspects: on the one hand the author sovereign right to decide if, how and when his work can be exploited, and on the other hand the right to decide whether he will exploit the work himself, or will grant his consent to another person to exploit it. In the latter situation is irrelevant in terms of the author's consent if the work is first published or has other previous publishing. Also, this character does not exclude the author's possibility to decide that his work to be exploited with other persons.

This characteristic reveals that the author has a monopoly in the exploitation of his intellectual creation throughout the legal protection enjoyed by the work and its author. So, only exceptionally, and with the author's agreement the work can be exploited by third parties<sup>25</sup>.

Article 25 of Law no. 8/1996 establishes that the patrimonial rights of the copyright extend along with the life of the author, rights can be transferred after his death by civil law heritage; the protection being different based on the type of the work, the way to make it public, and the way to produce the work.

The text of this law is limiting such rights in time. therefore these rights of the author are temporary<sup>26</sup>.

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<sup>24</sup> See for details John Macovei Treaty of intellectual property law, CHBeck Publishing, Bucharest, 2010, p.453.

<sup>25</sup> See for more details, Viorel Ros, D. Bogdan, O. Spineanu Matthew, Copyright and Related Rights, All Beck Publishing House, Bucharest, 2005, p.260.

<sup>26</sup> See Yolanda Eminescu, Industrial property Treaty, vol I, new creations, Romanian Academy Publishing House, Bucharest, 1982, p.167.

If we consider that the asset side of copyright can be exploited by author personally and by a third party who has granted this right by the author of creation, we recognize that these rights are transferable. These rights may be subject to agreements between living or completed acts upon death<sup>27</sup>. Practice has proved that these rights can be transferred in some cases and by law<sup>28</sup>.

### *Classification and analysis of patrimonial rights*

Regarding the classification of patrimonial copyrights (according to several articles of Law No. 8/1996), authors have the following patrimonial rights:

- the right to use and exploit personally the work;
- the right to consent the use of the work to others
- the right to resale.

The right to use and exploit personally the work is a complex and patrimonial right recognized to its owner, according to which the author can legally use its work according to its needs and expectations and exploit it in order to obtain a material advantage.

This is an exclusive right of the author, who decides whether and how to exploit the work personally or through third parties.

Article 13 of Law no. 8/1996 provides for the use of the work and its exploitations in order to gain material advantages by copyright holder.

The use and exploitation of plastic works in order to gain a material advantage, may be done in different ways: reproduction of the work, work distribution, importation for domestic marketing of children made with the consent of the author, after work, public communication, directly or indirectly work by any means, including through the work to the public, so that it can be accessed at any location at any time individually by the public (exposure within galas, openings, or exhibitions), rental as teaching material for highlighting certain qualities; exhibit in order to highlight the qualities of the author, in order to attract clients, to produce new works, for decoration of public spaces for added value; marking social events, and the development of derivative works etc.<sup>29</sup>. All these forms of usage have as "center" the plastic work itself, and they bring an economic benefit to its author without that work to lose value.

The right to consent the use of the work to others is the way of obtaining economical gain, material benefits from the intellectual creation without any deterioration or obsolescence to the intellectual work, by persons

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<sup>27</sup> See art. Article 39. (1) of Law no. 8/1996.

<sup>28</sup> Ioan Macovei, op.cit., p. 453.

<sup>29</sup> *Article 13 of Law no. 8/1996* also provides two ways to use the work but are not works of art possible. These forms relate to broadcasting and relaying works cable operator which is impossible in the case of works of art.

other than the author or owner of the work. He who uses the work in different ways this time is not the author or owner of the work, but a third party, who, for such use, creates, at his turn, an advantage to the first. Use by third parties is possible under a rental agreement, limited in time, and which creates rights and obligations for both parties. If the author or owner of the work is obliged to provide to third party the work, for a period of time, and to guarantee a peaceful use of the work, the third party is obliged to pay for this, to use it for its intended, not to destroy or to alter its shape / structure without the author's special consent, and to return it to its owner at the date agreed in the contract.

### *Reproduction concept*<sup>30</sup>

Reproduction<sup>31</sup>, according to art. 14 of Law no.8/1996, is the process of making all or part of one or more copies of a work, directly or indirectly, temporarily or permanently, by any means and in any form, including realization of a video and temporary storage of these electronic materials<sup>32</sup>.

If, there are no problems with copying a work for resale and a profit, it could be a problem with the video reproduction means. Here, I believe that these copies can be used, mainly as teaching material, in the learning processes techniques or methods to fine art when the original copy is not available.

Reproduction is considering the material form of the work, and is difficult to accept that a plastic work may be reproduced by means of the video, while the audio ones are really excluded. The most common methods for plastic reproductions are casting, engraving, drawing.

Reproduction, regardless of how it is done, must be based on consent, the consent of the author<sup>33</sup>, as this process is to the author's original work to be reproduced. Reproduction or copying work is always preceded by fixing the original creation by the author on a support (statue, painting, layout, and so on).

Another form recognized by the legislator in the use and exploitation of the work is the distribution.

### *Distribution concept*

Distribution<sup>34</sup> comprises the sale or transfer by any means, whether by onerous title or grace of the original or copies, and offering them to the public, with the consent of the author of a work of art or holder of their

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<sup>30</sup> *Ibidem.*

<sup>31</sup> Rodica Bucur, *Reproduction rights in Romanian Journal of Intellectual Property*, No. 2/2005.

<sup>32</sup> Yolanda Eminescu, *op.cit.*, P 167.

<sup>33</sup> Ioan Macovei, *op.cit.*, p. 454.

<sup>34</sup> *Art 14' alin .1 of Law no.8/1996.*

ownership. Distribution involves first reproduction of the work and then holding control of the commercial exploitation of the work.

Regarding imports, as a way to use the work<sup>35</sup>, is the process of introducing domestic order marketing of the original or legally made copies of a work of art (attached to any kind of support). Import shall be deemed lawful if this operation is accepted by the author<sup>36</sup>.

### *Rental concept*

Renting<sup>37</sup>, as a form of use of the work is seen by the Romanian legislature as legal operation and material for making available for use, for a limited time and for trade and economic advantage, directly or indirectly, of a work<sup>38</sup>.

Borrowing<sup>39</sup> is legal operation of making available for use, for a limited time and without seeking commercial or economic advantages, directly or indirectly, of a work through an institution that allows public access to that purpose<sup>40</sup>.

### *The communication*

Public communication is considered a way to exploit the economic rights of authors of works of art, if the operation is carried out directly or through technical means, in a public place, where the number of people exceeds the normal circle of a family and acquaintances that can be informed about the plastic work its characteristics (qualities).

### *Resale right<sup>41</sup>*

The resale right requires special consideration since it is a right that arises only for authors of plastic works.

Thus, the resale right has its logical reasoning in the need to protect the author's economic interests at the beginning of his creative life, since he does not enjoy fame and public recognition, and his work is not known, most often not assessed and exploited in a way that allows authors to cover their needs<sup>42</sup>. Also regulating the resale right is intended to provide the authors of works the economic benefit brought by the success of their creations.

<sup>35</sup> Ligia Danila, *op.cit.*, P 87.

<sup>36</sup> Yolanda Eminescu, *op.cit.*, P 167.

<sup>37</sup> Viorel Ros, D. Bogdan, O. Spineanu Matthew, *op.cit.*, P 257.

<sup>38</sup> Article 14 paragraph 1 of *Law no.8/1996*.

<sup>39</sup> Ligia Danila, *op.cit.*, P 87.

<sup>40</sup> Ioan Macovei, *op.cit.*, p. 454.

<sup>41</sup> Mirela Romițan, *Resale right*, in *Romanian Journal of Intellectual Property*, no. 3/2005.

<sup>42</sup> Yolanda Eminescu, *op.cit.*, p. 169.

The need for material fairness gave therefore arise to the resale right under which an author of a work is entitled to receive a percentage of the resale price of the work and know the layout place of his work; so we notice the basis of this as is the idea of fairness: the author who gave his work for a low price can take advantage of some of the added value that it subsequently acquires.

In this respect, resale right means, the right plastic author works, graphic, photographic, to receive a share of the sale price obtained for any resale of the work subsequent to the first transfer by the author, and the right to be informed of the location of his work.

It is a relatively new patrimonial right, which was not foreseen in the Decree nr.321/1956 that, as mention before, is meant to reward the authors of works of art, works that grow in value over time.

According to Law no. 8/1996, resale right consists of two elements: a patrimonial right - the right of the author of a work of graphic or plastic art or a photographic work, which was resold after its first transfer by the author, to receive a percentage (maximum 5%), without exceed 12.500 Euros, from the sale price obtained for any resale act, and a personal right consisting of author's right to be informed about the location of his work.

The complex nature<sup>43</sup> of the resale right creates a double obligation to the owner of the work, namely: its duty to allow the author of the work to exercise the copyright without thereby altering the work itself or the interests of its owner or keeper, and the second obligation is the impossibility to destroy the work without previously refunding the author the counter value of the supporting materials on which it is attached and fixed.

Third parties involved in the sale of the work further on, are required to transfer the amounts calculated under the law to the author and inform the author within two months from the date of sale. According to art. 125, para. (3) of Law no. 8/1996, these obligations can be met also by the collective management bodies<sup>44</sup>.

Resale right applies to all acts of resale of an original work of art, graphic or photographic regardless of the quality of the seller, buyer or

<sup>43</sup> T. Bodoaşcă, *Intellectual property law*, CH Beck Publishing, Bucharest, 2006, p. 45.

<sup>44</sup> Amount due poster may not exceed 12,500 euros or the equivalent in lei and a percentage of revenue from resale as follows:

- From 300 - to 3000 Euro-5%;
- From 3000.01 - to 50,000 euros, 4%;
- From 50,000.01 - to 200,000 - Euro-3%;
- From 200. 000.01 - to 350,000 euro -1%;
- From 350,000, 01 - from 500,000 to 0.5%;
- Over 500,000 euros - 0.25%.

broker. Limited numbers of copies made by the author are not considered original works so it recognizes the existence of such a right.

The resale right corresponds to the following reciprocal obligations of the owners or possessors of works<sup>45</sup>

- To allow the author the access to his work in order to exercise the copyrights according to the law
- To provide to the author of the work the cost of material or to permit the author to make a copy before the work is destroyed

From the interpretation of these laws and considering the reason for which the resale right was regulated by the legislature, the following legal characteristics appear to define the resale right:

- *The resale right* is the projected link between the author and his work, the character of the resale right is that the created work bears the mark of its author's personality, way of thinking, emotions, concepts, their occupations that distinguish the people; so that they cannot be found in the same form and structure in another person<sup>46</sup>. These arguments show that the relationship between the author and his work is not only during life but also after his death, fact that must be guaranteed and ensured through recognition of the resale right.

- *Has a patrimonial character* - apparent from the material benefit that the author gets from a work of art when it is resold at a later date, after first transfer by the author<sup>47</sup>.

This character is also based on conduct prescribed for the owner of a work that wants to destroy it, which, as noted above, is required to make available to its author at a cost equivalent the material that makes up the support of the work, and only if the author does not want the work at this price, the owner is free to destroy the work.

The doctrine considers that the obligation of the owner who wants to destroy the work should belong both the author of the work and to the societies of authors, when the author either does not want or cannot afford to purchase the work at cost of the materials, because it is considered that it would maintain the national cultural fund, consisting of works of art, richer, more valuable and harder to damage than before.

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<sup>45</sup> Ioan Macovei, *op.cit.*, p. 454.

<sup>46</sup> Yolanda Eminescu, *op.cit.*, p. 169.

<sup>47</sup> Viorel Roș, D. Bogdan, O. Spineanu Matei, *op.cit.*, p. 483.

• *The resale right is inalienable* - Law. 8/1996 in Article 21, paragraph 7 prohibits the alienation or waiving of this right, regardless of whether it is realized against money or with free title<sup>48</sup>.

The purpose of this prohibition is to protect the author from any speculation and even from himself. Given that this feature is specific only to moral rights, not to the patrimonial ones, inalienability of the resale right is an exception to the rule.

• *The resale right has a fruity character*

The author of a work of art, both while it is in life and after his death, the holders of these rights during a period of time fixed by law, are entitled to reap the fruits (benefits), without to influence or degrade the substance of the work (for example, works of art that are exhibited in various exhibitions sale, where they obtain material benefits from exhibiting the work and from the eventual sale of the work).

• *Also, the resale right and temporary*

Copyright of literary, artistic or scientific work arises from the moment of creation, whatever the mode or form of expression. If the work is created in a time, in part, series, books and any other forms of creative development, the patent will be calculated for each of these components<sup>49</sup>.

The person who, after the termination of copyright, notifies the public, legally, for the first time, a work not published before, receives a protection equivalent to the economic rights of the author. The term of protection of such rights shall be 25 years from the date when it was first brought to public attention, legally.

The duration of economic rights of works made public legally under a pseudonym or without mentioning the author, is 70 years from the date of disclosure to the public. If the author's identity is made public before the expiry of 70 years or pseudonym adopted by the author leaves no doubt about the identity of the author, the provisions of Article 25 of the law, namely the resale right applies and lasts throughout the life of the author.

As a related right in terms of copyright, also the Romanian legislation, namely Article 25 of Law no. 8/1996, as amended by Law no. 285/2004, O.U.G. nr. 123/2005 and Law no. 329/2006 such a right last for the author's lifetime and for a period after the author's death, 70 years for his successors in title. If there are no heirs, the exercise of this right is mandated to the collective administration organization during the life of the author, or without, without a special mandate, to the collective body with the largest number of members.

<sup>48</sup> Ligia Dănilă, *op.cit.*, p. 117.

<sup>49</sup> Violeta Slavu, *Objectives, content and duration of copyright* in the Romanian intellectual property, no. 4/2011.



Time limiting the exercise of this right<sup>50</sup> is justified by ensuring optimal civil circuit to the works of art and the recognition of property rights in all its powers, to those who legally purchase such works of art to a certain period from the first alienation of the work or from the author's death.

For the realization and exercise of this right, the seller is obliged to communicate the author's plastic resale information on the work, the price obtained and the location of the work within two months from the date of sale. Failure to appeal within seller's responsibility for damage caused by crime author and the payment of damages. The seller is obliged to withhold quotas percentage of the sale price or without adding other charges and payment of amounts due by the author.

The persons entitled to resale right may require amounts due from vendors within 3 years from the date of sale. The right to claim payment of money from the seller starts after two months from the sale and expires in 3 years since the birth of this right.

The three year term is part of the general limitation period and is within the rights of proprietor who, due to abstinence in the exercise of this right is deprived of legal and lawful to carry it out anymore.

Author of works of art, based on the resale right, is recognized also other special privileges. Thus, the owner or possessor of the artwork is obliged to allow access to the author of the work and to provide its intellectual creation, whether this is required for the exercise of copyright. But, the author of the work is held to exercise this legal right without prejudice to the legitimate interests of the owner or possessor of his intellectual work. To defend their interests, the possessor or owner may request certain guarantees sufficient for security work, perpetrator, and insurance to equate the market value of the original work.

Another obligation which belongs to the owner of the work is that it does not destroy the work before making an offer to its creator, the cost price of the materials from which this work is done. However, if the return of the work would not be possible due to the nature of the works or other objective factors, the owner is obliged to allow the author to make a copy.

From the analysis of this specific right of works of art, but also from the purpose for which it was governed, one can notice that this right is inalienable, that this right cannot be renounced or alienated. In this sense the author is protected from any form of speculative acts against his work.

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<sup>50</sup> Paul Buta, *Limitations in the exercise of copyright. Conditions involved in intellectual property*, Romanian Journal, no. 2/2007.

The nature of this right allowed the legislature to recognize its holder to exercise the privileges of that right not only throughout his life, but, also to transfer it.

In the final part of my approach I wish to highlight some aspects of international regulation of resale right.

Thus, for the further internationalization process of the Community market for modern and contemporary art, caused by the effects of the new economy and given that few countries outside the European Union recognize the right of resale, the European Parliament and the EU Council point out that it is necessary the harmonization of the laws on the resale right.

The resale right is currently provided for in national legislation of most EU Member States. Such laws, regulations, while providing resale right, shows some differences, particularly in respect of works covered, their beneficiaries, the rate applied, the transactions subject to payment of the resale right.

Whether or not such right has a significant impact on the competitive environment within the internal market, as far as whether or not the payment obligation arising from the resale right is an element which must be taken into account by each person wants to sell a work of art. Therefore, this law is a contributor to distortion of competition.

### **Conclusions**

After analyzing the rights that arise for creators of works of art<sup>51</sup> several conclusions can be drawn.

A first conclusion is that after an author's own intellectual creation acquires a series of specific rights that enshrines the indissoluble connection of personality and work performed.

Legal nature of the rights<sup>52</sup> resulting from creation of works of intellectual property is a specific complex containing interpenetration of the purely personal rights with the financial ones.

These rights can be exploited either directly or through third parties, but the use and exploitation of these rights is the manifestation of the will of the creator of the work.

Another conclusion is that a number of rights, whether personal or patrimonial that they are inalienable and cannot be subject to assignment or waived by the author. This protection finds its purpose in the scope for which

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<sup>51</sup> Igor Chiroasca, *Works of art- movable or immovable assets*, Romanian Journal of Intellectual Property, no. 4/2011.

<sup>52</sup> Gheorghe Gheorghiu, Cosmin Cernat, *Intellectual property law, university course*, Legal Universe Publishing, Bucharest, 2009.

the legislature has regulated the intellectual property, namely: protection of the work, its author and the interests of society.

The link between heritage and moral side of copyright content is another conclusion that emerged from this study. Moral rights cannot be analyzed separately from economic rights and vice versa.

The economic side of the exploitation of the works of art has more features. For starters must be noted that these works cannot be exploited by any means recognized by law and that due to the nature of the work. They cannot be exploited by broadcasting and cable retransmission.

Also these works give rise to a right regulated by the Romanian legislature just for this class of work: the resale right.

This right, which in turn has a complex content, where, both sides: personal and patrimonial are found, is a protectionist right that comes to protect the interests of creators of works and to guard against various speculations until they have acquired notoriety.

In conclusion, we can say that the legislation achieves, by the resale right, the balance between the actual value of the work and the benefit that its author deserves, the resale right therefore appearing as a legal situation of unpredictability.

Undoubtedly, the theoretical analysis of art authors' rights wanted to highlight the specific characteristics of this form of intellectual property, the specific rights of the creators of these works as well as how they can be exercised.

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## **ANALYZING THE CASES OF EXCLUSION FROM REFUGEE PROTECTION**

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*The international protection of the refugees has been and remains a crucial issue of humanity.*

*In this study I intended to look at the cases of refugee exclusion from protection in order to outline an overall image of the current process of international protection of refugees.*

*The problem of the refugees is a current issue because of the increasingly frequent existence of those reasons which lead to the granting of refugee status. Regarding this issue, a number of international regulations were enacted during the international reunions and conferences.*

*Facing the increasing immigrants waves, the Western countries were forced to adopt a new policy on the status of the foreigners, defined by reducing the number of refugee assistance programs, which did not allow a clear distinction between them and the migrants.*

**Keywords:** refugee; protection; exclusion; international regulations.

The establishment of the international refugee protection system is an important step in the development of international law and humanitarian law and therefore should be properly appreciated from the first regulations up to the advanced system based on United Nations Convention in 1951, respectively on additional and complementary regional regulations.

The UN Convention enactment in 1951 concerning the refugees represented a milestone in the process of international refugee protection, marking all the international rules codified in the matter up to that time, as well as their development by drafting new regulations. The status of fundamental international protection rule which is held in high repute by the UN Convention in 1951 could not block the enactment of other additional regulations at regional and national level.

Despite the increasing number of the countries taking part at the UN Convention in 1951, respectively the Protocol of 1967, at the international

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level there still are countries that have not committed to international refugee protection system.

It is also true that some countries host the majority of refugees without being part to international mechanisms concerning the refugees; however this does not guarantee the enforcement of all regulations from which this social group should benefit. In this respect, we can take into consideration the case of India, which although is not part of the United Nations Convention of 1951, vouched through spokesmen that India has always been generous with the refugees.

Article 1 of the Convention provides that the term of refugee applies to any person who "has been considered a refugee under the Arrangements of 12 May 1926 and 30 June of 1930 or under the Conventions of 30 October 1933 and 10 February of 1938, the Protocol of 14 September 1944 or the Constitution of International Refugee Organization", respectively who "as a result of events occurring before 1 January 1951 and owing well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear is unwilling to return to it."

Corroborating international regulatory texts we can say that a refugee is the person who left their country of origin under:

- a. of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and is unable, or owing to such fear, is unwilling to return in his country;
- b. external aggressions, occupations, foreign domination or such events that have vitally disturbed the public order in their country or a particular part of it;
- c. natural disasters (such as earthquakes, natural calamity) which led to undermining of material bases of their existence.

Despite all the efforts made at international, regional, respective national level, the regulation of refugee status still encounters nowadays various deficiencies that bring out poor quality protection granted on long-term and short-term to those banished from the country of origin as a consequence of well-founded fear of persecution.

On the other hand, we can state that through the enactment of the UN Convention in 1951 an international unitary system which would allow equal access to those in need of international protection was not created as desired.

The definition given to the term “refugee”, based on well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is defective afore new flows of refugees.

Therefore, since 1980 refugee manifests have had a new cornerstone, namely civil wars, ethnic conflicts, generalized violence, which led to the inability to give proof of well founded fear, as it is regulated in art. 1 of the Convention in 1951. Furthermore, only those outside the country of origin can benefit the international protection promoted by the UN Convention in 1951, the needs of those displaced internally being ignored, needs which frequently are similar to the refugees.<sup>1</sup>

In interpreting the provisions of the United Nations Convention in 1951 concerning the criteria a person must fulfill in order to be granted a refugee status and thus to benefit from international protection<sup>2</sup> ensues that people willingly leaving the country of origin in consequence of economic conditions, starvation or natural disasters will not be granted with such a status. Thence, while the majority of migrants move in order to improve their livelihood, education or simply to join the family members, the refugees are those who were forced to leave their country of origin for reasons of persecution of which they were subject.

The UN Convention of 1951 encompasses in art. 1 letter F express provisions, known as “exclusion warranties”, which state that certain acts considered serious can lead to the exclusion of those who committed them from acquiring international protection as refugee.

The exclusion warranties are exhaustive, their role being to deprive those who committed a crime against peace, a war crime or a crime against humanity, a serious non-political crime outside the country of refuge, respectively acts contrary to the purposes and principles of United Nations of international protection which might allow them to abuse of the asylum rights so that they will not be held accountable for their own acts.

Given that the United Nations Convention of 1951 does not include provisions defining crimes which are considered to embody the exclusion warranties, to analyze them we shall make use of different international tool which serve as guidance for that purpose.

According to art. 1 letter F(a) shall be excluded from international protection the asylum petitioner who committed a crime against peace, a war crime or a crime against humanity.

The International document which best describes the concept of crime against peace is the Charter of the International Military Tribunal of 1945,

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<sup>1</sup> In this respect, we mention millions of people displaced as a consequence of the civil war in Sudan and in the Democratic Republic of Congo.

<sup>2</sup> See *infra* pp. 25-29.

according to which this concept includes the planning, preparation, initiation or waging a war of aggression or a war contrary to international treaties or taking part to a common or conspiratorial plan in order to accomplish the afore-mentioned<sup>3</sup>. In addition, in order to shape a detailed definition it should be also taken in consideration provisions encompassed in other international documents such as Geneva Convention of 1949, the Convention on Genocide of 1948, the Draft Code of Crimes against the Peace and Security of Mankind, the Statute of International Criminal Court.

Despite the absence at the international level of a generally accepted definition of the concept crime against peace included in article 1 letter F of UN Convention of 1951, given the character of this crime it is considered that it might be committed only by those in the position of great authority within the country or by leaders of insurgents groups<sup>4</sup>.

Regarding the term of war crime, the viewpoints are also divergent when approached at international level, however one can meet common viewpoints.

By interpreting the provisions included in the Geneva Convention of 1949, the provisions describing the acts that might lead to criminal liability, ensues that serious contraventions against the international provisions concerning international or non-international armed conflicts can be framed with the term of war crime included in article 1 letter F of the United Nations Convention of 1951. On these lines, provisions are enacted such as those in the Charter of International Military Tribunal which include an non-exhaustive list of the acts which defy war coutumes: ill-treatment and deportation to forced labor or for any other purpose of civilian population, slaughter or ill-treatment of the war prisoners, plunder of public or private property unnecessarily destruction of cities or villages etc<sup>5</sup>.

The concept of crime against mankind approached at the international level is not defined as precise as in the national criminal regulations. A "component" of crimes against mankind remains the genocide, as it was described in article 2 of the Convention on Genocide of 1948<sup>6</sup>, regardless of the international act which regulates these. Beyond genocide, the opinions regarding the content of crimes against mankind are not equable. Thus, there are documents such as the Statute of International Criminal Tribunal in Former Yugoslavia which decrees in art. 5 that crimes against mankind can, occur only in the course of armed conflicts. On the other hand, there are

<sup>3</sup> Acc. art. 6 letter A of the *Chart of International Military Tribunal*.

<sup>4</sup> Gilbert Geoff, *Current issues in the application of the exclusion clauses*, Geneve, 2001, p. 7

<sup>5</sup> Acc art. 6 letter. B of the *Chart of International Military Tribunal*.

<sup>6</sup> "Act committed with intent to destroy in whole or in part a national, ethnical, racial or religious group".

international documents such as the Statute of International Criminal Court and the Statute of International Criminal Tribunal in Rwanda which both decree in art. 7, respectively art. 3, that crimes against mankind can also occur in times of peace<sup>7</sup>.

Despite these differences, the only modification made by the second point of view materializes by aligning to terrorist crimes the other crimes against mankind: murder, eradication, slavery, deportation, detention, torture, assault, persecutions for reasons of politics, race, inhumanly acts.

Likewise, according to provisions art. 1 letter F(b) will be excluded from international protection the asylum petitioner that has committed a serious non-political crime outside the country of refuge. This exclusion warranty does not regard minor misdemeanor, and in order to establish if a misdemeanor is serious enough will be take into account the following parameters: the character of the deed, the damaged caused, the nature of the punishment. On this line, the crime, the assault, the armed robbery will at all times be framed in this category.

In order to invoke the exclusion warranty by the country when declining the right to asylum, the crime must have been committed outside the borders if not, the refugee being subject of the this process in the country of asylum according to art. 32 of Unite Nations Convention of 1951<sup>8</sup>.

Whilst pt. a and b regard specifically mentioned misdemeanor, pt. c includes on the list of exclusion warranties deed committed by the asylum petitioner which prove to be contrary to the purposes and principles of United Nations. Since a crime against peace, a war crime, a crime against mankind, a serious non-political crime outside the country of refugee can also be considered contrary to purposes and principles of UN, pt. c seeks to include in the exclusion warranties any act which is not covered by the two fore lists<sup>9</sup>.

Since according to art. 1 and art. 2 of the UN Charter, the purposes and principles of this organization apply to countries as member states, for a long time it has been considered that only those who had leading positions at national level could be found guilty for committing the acts included in art. 1 letter F pt. c of the UN Convention of 1951 and, therefore they could be excluded from international protection as refugees. However, in 1998 the Supreme Court of Canada decided "Although it may be difficult for a non-

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<sup>7</sup> Gilbert Geoff, *Current issues in the application of the exclusion clauses*, Geneve, 2001, pp. 7-8.

<sup>8</sup> UNHCR, *Guidelines on International Protection: Application of the Exclusion Clauses*, Geneve, 2003, par. 16.

<sup>9</sup> UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, 2<sup>nd</sup> edition, Geneve, 1992, par. 162.



state actor to commit human rights violations in the form of persecution without the state being involved in these acts, this possibility of not should be excluded a priori”<sup>10</sup>.

Therefore, the state is obliged to protect in accordance with the provisions of UN Convention in 1951, a person who, after a full evaluation of his case, is established that does not deserve international protection, yet it might be required to provide protection under other international mechanisms such as the UN Convention against Torture of 1984.

Thus, despite the cooperation between the international, regional and national regulations in terms of international refugee protection, this issue continues to be a major area of concern for the international community.

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<sup>10</sup> Geoff Gilbert, *Current issues in the application of the exclusion clauses*, Geneve, 2001, p. 23.

## **THE CONSEQUENCES OF GLOBALIZATION ON ECONOMIC AND FINANCIAL DEVELOPMENT ON EU ECONOMY**

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*Globalization may be the last stage of the dynamics of human society. It might take a century, a millennium or endless centuries and millennia. Globalization expresses and materialize in the area of human society, and systems development processes tend toward entropy zero, that is to extinction.*

**Keywords:** globalization; crisis; unique market.

Great speed with which globalization has swept around the world has led some experts to consider that "... live deep transformations that will rearrange the politics and economy of the next century. There will be national economies, when this process is completed. All that will remain in the borders will be people who will compose the nations ..."<sup>1</sup>.

In other words, everything related to economic activity belongs to a global economy, in whose nationality will be very difficult to identify. According to the same scholar, human welfare will depend on the success of large corporations and not the success of every nation. We believe that globalization is not a unique phenomenon of our time, but one with a long history.

Thus, each time has left its mark on what globalization meant. Thus, the International Monetary Fund (IMF) defines globalization as "a process that continued growth of the free flow of ideas, people, goods, services and capital leads to economic and societal integration. Most important factors in accelerating trade liberalization and globalization are information and communication technology development."<sup>2</sup>

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<sup>1</sup> Robert Reich, *The Work of Nations*, în Mark Lewis, Robert Fitzgerald, Charles Harvey „The growth of nations. Culture, competitiveness and the problem of globalization”, Bristol Academic Press, 1996, p. 11.

<sup>2</sup> <http://www.imf.org/external/np/exr/glossary/showTerm.asp#91>: accessed 05/11/2012.

Currently among analysts contemporary international economic life, has outlined a broad convergence of views in assessing that the world has changed profoundly, that is a major political and economic transition and 90s decade was one - in many aspects - quite different from the previous one and very difficult on "administration" multitude of complex issues arising on the stage of international economic relations. The unique market is the most important achievement of the European Union, based on the four fundamental freedoms: free movement of persons, goods, services and capital. The abandonment of the barriers to the four freedoms is a gradual process that continues at present, the European Commission constantly monitoring new regulations, national regulations and practices to ensure that they do not impose new restrictions on these freedoms.

European Union and its unique internal market helped to fostering peace and prosperity in Europe, giving respect and common goals of these states. For the European Union, knowledge, innovation, intellectual property, services and efficient use of resources is now the key to competitiveness. In the new conditions of globalization, trade policy and international competitiveness whole approach needs to be readjusted.

Thus, the EU has a vested interest to support the existence of a strong multilateral trading system as the most effective means of managing international trade benefits all global actors, and now can determine global trade policy because it is still among world trade as shown in all global statistics.

After the signing of the Single European Act (1986) were gradually suppressed for 7 years until 1992, fiscal frontiers, technical and physical barriers to the four freedoms of the European Community. As regards free movement of capital, the Single European Act provided liberalization payment transactions, loans and investments, suppressing it, thus, restrictions on movement of capital (in terms of quantity, the banking and payment instruments). Full liberalization of capital movements was achieved mainly as a result of the Treaty of Maastricht (1992), which provides complete liberalization of capital movements as a precondition for the introduction of the euro in the European Union.

To date control capital movements was an instrument of macroeconomic policy in case of balance of payments imbalances, for most Member States.

EU policy has become increasingly diverse, covering a range of complex issues and a broad set of bilateral relations. Forces that shape trade policies are varied and different patterns emerge for the different problems in different countries and regions trade. Europe and globalization is an important issue especially relevant to us as the recent Lisbon Treaty, already ratified by the Parliament in Bucharest, aims to make Europe into an active factor in this

process. There are still many legitimate concerns that globalization has reduced the power of national governments to establish domestic rules according to needs and preferences.

While competition between countries, conducted in a regulated system may lead to discipline governments, and increased efficiency of public institutions, there is the danger of giving up many of the successes of state called "welfare", so the quality of labor and social standards, environmental protection and consumer protection are endangered.

The concept of global public goods suggests the need for multilateral international cooperation in a globalized economy. An effective insurance of the property requires developing and implementing internationally accepted rules and a consistent and adequate funding. Global income distribution inequalities occur as a result of income inequality between countries and between regions within countries.

This phenomenon can occur due to the fact that the poor get poorer, in absolute terms, while the rich become richer. Globalization can be good in general, but also creates adjustment costs for certain segments of the population, such as, for example, low-skilled workers in industrialized countries. As a result of globalization, countries may be exposed to international economic events and economic shocks.

The most compelling event of this type is the financial crisis. At such times there is a tendency in financial markets, international capital to invest only in quality segments of the economy.

This can make market economies emerging and developing countries have no access to international capital in the short term. Now the reality of the crisis in the U.S. mortgage and energy insecurity perceived by markets illustrates such a context, which, however, did not become dramatically. Lately there have been various proposals on monetary and financial system to adapt to these challenges. These proposals can be grouped into three categories: prevention and crisis management, regional and global cooperation, reform of the institutional framework. There are also concerns about the vulnerability of the international financial system from abuse. A side effect of globalization on financial markets is that the system has become more difficult to protect against abuses such as money laundering and terrorist financing criminal activities, tax evasion, evasion of the rules. In this context of globalization and its threats, European policymakers felt that a unified effort will increase competitiveness and prevent the states to be passed those negative consequences of globalization. "European integration can be seen as an effort by the Western Europeans to control the effects of globalization. Rather than being forced to choose between national policy for developing

policies and relative anarchy of the world, Western Europeans invented a form of regional government to extend and strengthen the state borders between them and the rest of the world. "In relation to European integration, globalization is seen as an external threat which will create an environment that will require a much higher degree of integration. Thus, Europe will seek to achieve a union and "close".

Nation-state needs security offered by membership in the European economic bloc, as small economies can not develop in isolation, in a global market. European integration is a logical response to a world dominated by transnational corporations and global financial flows. Globalization has driven the European Union by encouraging the replacement of an economic space regions and nations with economies of scale independent Europe. Existence of European integration to globalization legitimizes the need for greater competitiveness and global trade patterns may justify the need for regional blocks. Globalization is an objective process that takes place with amazing speed, in nearly all countries of the world. This process was led and facilitated by advances ultrafast technology, especially in the computer. The objective manifestation of this process, any trader can supply those necessary to conduct business from where it is cheaper to produce and sell where they get the biggest income. Analyzed in terms of economic efficiency and resource allocation, globalization appears as a rational phenomenon, designed to provide increasing amounts of goods and services with material, financial and human fewer and cheaper. Globalization is very beneficial and advantageous for countries with high economic competitiveness: advanced technology, workforce performance, higher labor productivity, lower production costs. Under these circumstances it can be said that the main source of competitiveness is the capital. Rapid process of globalization has many advantages and economies that focuses global capital and where their head office transnationals.

Globalization is presented as a challenge and justification, as well as an incentive to deepen integration, competitiveness, trade liberalization. Dynamics of globalization seems to have had another dimension, namely, that of being presented new opportunities for the EU to take a leading role in global governance. A Union with a high degree of economic integration and a commitment to neo-liberal trade policies will benefit from the extension of global markets and global governance institutions dedicated to empowering the defense of neo-liberal principles. There is a causal relationship between globalization, conceived as an economic process, and integration. The EU is a necessary response to the inexorable integration of capital.

The idea for a close union, cohesive, is strengthened. But globalization can be conceived as a series of multidimensional processes that reduce separation from the rest of Europe, widening horizon for European players can access and transform Europe into a global space.

EU acts as an intermediary who negotiates in order to reduce tensions generated by globalization cleavages within or between nation states. It should not be seen merely as an aggregation of national states with an internal motor integration, but as an entity that help to accelerate the institutionalization of international instruments and global governance. The European Union is one of the most important actors in multilateral trade negotiations and is a frequent supporter of the WTO. The European Union is an important actor on the world stage, changing the way of life of Europeans and how the rest of mankind perceives Europe. Since 1998, the EU became the largest global trading bloc, with 21% of global exports of goods.

Analysts consider the effect of globalization, liberalization and exchange in terms of economic growth. But there is a negative effect, ie, increasing economic insecurity and inequality. Some analysts argue for a greater economic liberalization, whereas others want greater government control over the market. According to some authors, the European Union has emerged in response to increased competition in global markets and as a consequence and a cause of changes in the economic role of states. Political and economic influences at multiple levels of the Union broader world order.

Thus, in our opinion, the European Union has responded to the challenges of globalization and promoted, as a result, an increase in the phenomenon. It has become a crucial actor in the world economy. However, it is clearly different from other regionalist projects in the world, meaning that integration was broader, deeper and more institutionalized. Integration in other regions was more pragmatic and flexible. And as a final conclusion we emphasize that while the EU is part of the regionalization of the world economy, is both a specific type of regionalist project.

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## **DEVELOPMENTS AND TRENDS IN ROMANIA'S ECONOMIC ENVIROMENT IN THE CONTEXT OF THE ECONOMIC AND FINANCIAL CRISIS**

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*The economic crisis has only just begun and nobody knows when it will end. History teaches us that any crisis, no matter how hard it may be, comes and goes. After the crisis, the economic life will resume its course. After the crisis will end, history will not be called back without paying a heavy price for it.*

**Keywords:** crisis; Gross Domestic Product; public debt; budget.

"The biggest economic crisis since the Great Depression is not a natural phenomenon but a man-made disaster in which all play a role"

*The Guardian, 29 January 2009*

Even if the financial crisis wave has strongly spread in the Romanian economy and, therefore in the public sector, there is the necessary optimism of the governmental administration in order to avoid massive macroeconomic slippages.

The consistent measures imposed by monetary and fiscal policies, the reform of the public system with implications in improving the performance of budgetary spending, massive investments in infrastructure and, not least, investments in social protection and human development are the tools that can generate the attenuation of the damage caused by the financial crisis.

However, there are many voices who claim that this crisis will be a prolonged one, and their position seem to follow consistently a quite pessimistic scenario for the future of Romanian economic conditions.

Questions that have an uncertain answer, about how long will the crisis last and, especially how quickly can we get out of the crisis, seem to grind Romanian managers' confidence in the sustainable development of the

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Romanian economy. In this context, the present and future represent one of the managers' biggest challenges, being more than necessary to resize, at all levels, the management conception, both in private and public sectors. In the changing economic global architecture, but also national, we believe that a successful management of the economic and financial activity will become a key factor in accomplishing the set objectives and missions assigned to military entities. After a brief introduction concerning the emergence and effects of this phenomenon of global financial crisis, we will move on to the presentation, first at macroeconomic level (GDP, inflation, industry, direct foreign investments, current account deficit, etc), but we will also say a few words about the impact at the microeconomic level, about how the life of each of us will be affected.

One of the basic conditions of strengthening market economy, is a fiscal system and a well-formed budget, in which fiscal and budgetary policies have an important role on the amplification of certain categories of commercial relations, stimulation and facilitation of economic activity, attracting foreign investments, all these being possible by changing tax rates, establishing a tax system appropriate to the requirements.

Our concern for the study of fiscal policy and state budget was due to the importance that a government must provide to these intervention tools. We believe that taxation is one of the most dynamic phenomena on the market economy, by which the public authority establishes not only the coordinates of the settlement, collection and taxes control, but more or less use them as a tool for management.

The development of fiscal policy is a very complex decision act based on efficiency, meaning the need for greater efficiency of it. It must ensure conscripting larger revenue, in the conditions of encouraging economic businesses, while promoting equity in contribution for each income, guaranteeing social protection.

At present, Romania's economy is not stable, taxes serve as a fiscal instrument. As the economy stabilizes, they must depart from this role and to perform the function of stimulation tool for economy, by supporting some of its branches, but not their maintenance.

Following the financial crisis, budget revisions and regulation of certain financial and fiscal measures, have made the budget of the Ministry of Defence to decrease year after year. The Minister board examined the effects of adjustments and, in the conditions of austerity budgets, had disposed rearranging or canceling some activities, to reduce costs and subsume in the adjusted budgets. In the Ministry of National Defence, allocation of financial resources is dependent on achieving the fundamental objective concerning the



continuation of changing process for the military body to obtain a modern force structure, completely professionalized, deployable and sustainable, met with the capability to act in a wide range of missions, both on national territory and outside of it. At the same time, the national defence policy is influenced by the dual quality of Romania's membership of NATO and the European Union, national processes are harmonized with the strategic concepts regulations of the two organizations.

Thus, according to most experts, the international financial crisis, which led to very serious problems some of the strongest financial institutions in the world, was reflected on Romania indirectly by limiting capital flows, reducing investor risk appetite and the macroeconomic and microeconomic indicators to be treated briefly below.

*Current account deficit* (output-input of currency), while declining as a share of GDP (from 14% to 13%) will continue to fall well above the generally accepted 5-6% of GDP. Now, this deficit is financed at a rate of 60-65% of foreign investment plus the 6 -7 billions sent to Romania by Romanians working abroad. Given that approximately 70% of foreign trade is conducted with EU countries, the crisis is expected to lead to slower growth of imports and exports (with a slight advantage for exports to the effect that growth will be higher for exports) but it remains to be seen how foreign investments will grow and how much money will send home those working abroad (mostly workers are in Spain, and this is an EU member country most affected by the crisis). The current account deficit continued to decline in the first six months of 2012, reaching 2.4 billion euros, 29.4% less than the same period of 2011, according to data published by the National Bank of Romania. The main reasons of low income deficit are deficit reduction (difference of 525 million), increased transfer payments surplus (224 million) and the balance of services (218 million). The trade deficit is the one who pulls up the most current account deficit, imports of goods exceeded exports in the first half of 2012 to 3.5 billion euros. On the other hand, current transfers, mainly derived from Romanians working abroad, had a surplus of 1.6 billion euros.

*Foreign direct investment:* once, in 2008, foreign direct investments in Romania amount was 9.49 billion euros, while in 2009 they have reached nearly half, i.e. from 4.89 billion euros, the downward trend continued the first seven months of 2010.

Therefore, according to the National Bank of Romania (BNR) from January to July 2010, the amount of direct foreign investment amounted to 1.90 billion euros, down 35.8% compared to same period in 2009. Non-residents direct investments in Romania have financed at a rate of 50.3%

current account deficit, the first seven months of this year, which amounted to 3.79 billion euros. National Bank has revised downward FDI in 2011 to 100 million euros, 1.8 billion. This is the lowest value since 2002.

External crisis and falling competitiveness of the Romanian economy have decreased interest shown by foreign investors in Romania. Initially, the central bank announced that foreign investment in 2011 were 1.9 billion, but the figure was revised down to 1.8 billion. The first four countries investing most in Romania, by the share of total FDI stock at December 31, 2011, in the Netherlands (21.7%), Austria (17.5%), Germany (11.4%) and France (9.1%), hierarchy unchanged from 2009. The economic sectors, the largest share of FDI in 2011 was recorded in industry (44.4%). Mining and quarrying accounted for 5% of FDI and manufacturing investment attracted 31.5% of foreign direct investment. In addition to industry activities have attracted more foreign direct investment are financial intermediation and insurance (representing 18.2% of total FDI), retail and wholesale (11.4%), construction and real estate (10.7 %) and information technology and communications (5.4%).

*Public debt:* in September 2010, Romania's public debt increased by 3.3% compared to August 2010, reaching 185, 28 billion RON, representing 36.22% of GDP. Therefore, the public debt advanced, in the first nine months with 25.7%, most of it of 93.9% being governmental and only 6.09% belonging to local authorities. At the end of September 2010, the debt in RON represented 44.5% from the total, down 3% compared with December 2009, while the share of loans in euros increased from 41.11% to 43.85%.

Romania had in the first quarter of 2012, the fourth lowest public debt as a percentage of GDP, between Member States of the European Union (EU).

In the first three months of the year, our country's debt rose to 211.32 billion USD, accounting for 36.3% of GDP. Compared to the first quarter of 2011, Romania's public debt was 164.08 billion lei (30.8% of GDP), and in the last quarter of last year to 192.85 billion lei (33.3%).

*Inflation and exchange rates:* although in November 2010 to October 2010, the annual rate of inflation in our country has fallen from 7.9% to 7.7%, Romania recorded for the fourth consecutive month, the highest inflation rate in the European Union (EU), according to Eurostat. On top of the highest rates of annual inflation in the EU, Romania is followed by Estonia (5%) and Greece (4.8%). In contrast there were Ireland (-0.8%), Slovakia (1.0%) and Netherlands (1.4%). In Bulgaria and Hungary, inflation was 4.0% in November 2010. In the EU last month, the annual inflation rate remained stable at 2.3%.

Romania had the second largest annual inflation rate in the EU, being surpassed only by Hungary, says the European Statistics Office data (Eurostat). In October 2012, the annual inflation rate decreased compared

with September 2012, the European Union and the euro area. At EU level, the annual inflation rate registered a slight decline last month, up 2.6% compared to 2.7% in September. A slight decrease was registered for the euro area, where annual inflation rate fell to 2.5% in October from 2.6% in September. Countries with the highest inflation rate was Hungary (6.0%), Romania (5.0%) and Estonia (4.2%). At the opposite end, Greece (0.9%), Sweden (1.2%) and Latvia (1.6%). According to data from the National Statistics Institute (INS), the annual inflation rate rose to 5.33% in September 2012 from 3.88% level recorded in the previous month.

Unemployment fell to 6.9% in the second quarter, from 7.6% in the previous quarter and from 7.2% in the corresponding quarter of the previous year, according to the National Institute of Statistics. In the second quarter of 2012, the employment rate of working age population (15-64 years) was 60%, while the population aged 20-64 years the employment rate was 64.3%, below the target 70% established national context of Europe 2020. The unemployment rate fell to 7% in late August 2012 and the number of unemployed persons was 694,000.

*Unemployment:* according to the Agency for Employment (AMOFM) Bucharest, the capital unemployment rate rose to 3% at the end of September from 2.8%, which was recorded on 31 August 2010. In September 2010 the total number of unemployed enlisted on AMOFM records increased by 586 up to 32,442 of which 16,384 is women.

The total number of unemployed fell in late October compared to September, with 24,794, reaching 645,794, according AMOFM. Thus, in October 2010, registered unemployment rate nationwide was 7.08% with 0.27% less than in September and 0.02% decrease from that recorded in October 2009. The highest levels of unemployment have been achieved in the counties of Vaslui (11.56%), Mehedinti (10.96%) and Teleorman (10.59%). In contrast, the first position is occupied by the city of Bucharest, with an unemployment rate of 2.69%.

### **Real estate and retail sector**

Until 2007 inclusive, Romania that was an El Dorado in terms of housing, and this crisis will bring for the first time in the last 10 years, a relocation of the market. Speculators, who until now have dominated the transactions, will exit the market and leave the place to powerful real estate developers who will accept a lower profit rate (15-20%) in exchange for remaining in the market.

Old apartment prices will fall (on average, the price will not pass 900-1000/m<sup>2</sup> €) the price of new apartments will stagnate or reduce thinly than (we will not see significant price drop considering the increasingly price in

raw material and labor, but manufacturers who will increase the quality while keeping prices unchanged). The reason real estate prices will not drop significantly, is because of the high demand, demand that, although now largely insolvent, will continue to support these high prices. At this point, even taking into account price drop in recent months, the apartments (both new and old) are still extremely expensive and the views that we are dealing with a real estate bubble that will burst next year may have a certain dose of credibility.

In Western Europe and the U.S., there are two basic indicators, on which is valued real estate market: the first is related to the number of average salary that an employee needs to buy a house and the number considered the optimum is between 180 and Wages 220 (15-18 years of work) - in Romania this figure exceeds 400 salaries (i.e. 30-35 years). The second indicator is the ratio of property value and rent that may be charged if the property is leased. In the U.S., the monthly rent is about 1% of the value of real estate, in Romania it does not exceed 0.5% which means that either rents are too low or too high real estate prices.

The real estate market is in deadlock, as a result of differences between the budgets of buyers and prices charged by owners which increases from the beginning of 2012, 10% - 15%. While waiting for customers while significantly cheaper housing, more and more owners are hoping to get money from the sale of immovable property fabulous blocks from the '70s - '80s, which led to a housing price increase on average by about 10% - 15% from the first half of the year, "it said in a statement the company

*The construction sector:* in October 2010 compared with September 2010, construction works volume lowered 0.8%, the decrease was registered in first ten months reaching 15.1% according to the National Statistics Institute (INS). Based on the construction objects, the volume of construction fell to residential and non-residential buildings, 9.4% and 16.9%, but increased by 8.9% for civil engineering. Compared to the same month of 2009, the volume of construction works had a decline of 7.4%.

Romania occupied in July 2010, first place in a top construction downturn in the EU, according to the European statistical office Eurostat. If the U.E. Construction output decreased by 2.5% while the decline in the euro area was 3.1%, our country has registered a 28.3% decrease compared with June 2010, being followed at a great distance, the Spain (-10.3%) and Slovenia (-3.2%). In contrast, the highest increases were registered in Portugal (5.0%), Britain (4.4%) and Slovakia (2%). Compared with same period last year, construction activity fell by 24.9% in our country.

Due to the financial crisis and the construction sector for the period 2011-2012 was affected.

*Car industry:* the crisis hit hard the local auto market. Thus in the first ten months of 2010, new car registrations fell by 26.6% to 70,629 from 96,217, which was recorded in the same period in 2009, according to data published by the Department for Driving Licenses and Registration Certificates Vehicles (DRPCIV). However, in October 2010, the number of new cars entered in circulation increased by 9.4% to 8281 compared to the same month last year. Undisputed leader of the local car market was in the first ten months, Dacia, with 23,292 units sold, down 23.6% from the same period in 2009.

On following places were located Skoda, Volkswagen and Renault who had respectively 6187 (-16.9%), 5962 (-27.3%) and 5899 (-22.5%) of cars. Czech Skoda car manufacturer announced that in September, it sold 75,790 cars, a historical record of its monthly sales. In total, Skoda sold worldwide in the first nine months of this year, nearly 570,000 cars, up 13% from the same period in 2009. The best sales performance since its establishment comes amid strengthening positions in the Asian car market in 2010 constructor Czech managed to sell in China, 134,470 cars. Note that despite the crisis, last year Skoda had also increased sales by 1.4%, thanks to markets in Western Europe and China.

European car sales fell by 8.5% in august 2012, the biggest drop since February. After the financial results of the first half of 2012 will be already showed the worst year in the last 17, Porsche and Daimler confirmed that the German automotive industry has reached crisis, while southern Europe is already severely affected.

*Labor market and wage growth:* according to data released by National Statistics Institute (INS), in August 2010 compared to July 2010, the net average wage fell by 1.2% reaching 1339 lei. The highest salaries were collected by the air transport sector employees, on average lei 3330 and the least have earned those working in hotels, restaurants, meaning 787 lei.

On the other hand, INS statistics show that in August 2010, the most substantial reductions in wages were recorded in the tobacco industry, 7%, the opposite are situated the earnings of those working in publishing activities (9.9 %) and mining industry (+9.5%). In the budgetary sector average net earnings dropped the most in education, 6.2%, while health and social care, it was lower by 0.5%.

No longer do generalized wage increases than perhaps in IT, but more companies will reward the management employees, who say they bring value to the company. In the "star" in terms of wage growth in previous years, such

as banking, wages stagnate, because no banks nine months results were not encouraging. The average net wage in the economy will grow by about 4.2% next year, reaching 1,540 lei (360 euros), according to the autumn forecast, published on the website of the National Prognosis Commission (CNP), the projection of the main macroeconomic indicators for period 2011 to 2015.

From January 1, about 800,000 Romanian receiving minimum wage will receive higher pay £ 30, with the entry into force of government decision regulating the minimum wage increased from 670 to 700 lei. The new regulation puts pressure on the budgets of companies that pay their salaries at this level wage employees, but will increase state budget revenues from social contributions. Number of employees will continue to increase after the first ten months of 2011 over 100,000 employees us have entered the economy, their number reaching over 4.2 million people. Increasing the number of employees will come amid massive hiring plans announced by the company, but rather is a result of tightening fines Labour Inspection data. With the entry into force of the new Labour Code in May last year, the authorities severely sanctioned moonlighting, employers have even imprisonment. However, employment chances this year - and salaries, which start at 600 to 700 euros for the entry-level - will have connoisseurs of language and those who have a recognized certification in IT, they are ideal candidates Competence Call Center companies such as HP, Microsoft and IBM, which will make new employment this year. It provides a massive development outsourcing area, where more than 15,000 employees already working.

Since the economic failures are generating social problems, with serious consequences that can affect the stability of the state, they should be carefully monitored while measures taken must be reflected in a closely interdependency and in complementary relationship. Romania needs a radical economic plan to maintain economic growth of 2009 to an acceptable level and to reduce the economic gap with the countries of the European Union. Political leadership of Romania will have to adopt economic measures correlated with the European Union and IMF recommendations, which could lead to, the decrease of negative repercussions of economic crisis over Romania.

The current situation requires a policy of cautious investment and a greater attention to conservation of human and financial resources. Also, financial institutions must adopt an appropriate financial policy and, last but not least, to limit any expenditure of public money for purposes other than those of the utmost importance. Exiting the vicious circle of - economic crisis – reduction of the economic development - poverty is possible only through the concerted efforts of policy-makers in the legislative, executive and politics whose purpose should be decreasing the level of poverty and strengthen

Romania's capacity to solve their own problems and prevent the spreading of threats to national security. These efforts must include all dimensions of security because the economic problems of security are related to the political, social, cultural or environmental dimension. Thus, Romania needs more than ever, of a political will and a long term vision, to complete a stage that can not be done without national cohesion and pragmatism. Efforts in the areas of foreign policy, economic, financial and national defense should pass along, in harmony with the social dimension in order to provide solidarity and social partnership.

In conclusion, we consider that Romania must strive to overcome the crisis, not because he was attacked by the crisis, but that only took it out of ignorance and incompetence remained unprotected against its destructive effects. It resembles a patient is required to bear the convalescence of a disease that would have been saved if they had followed the warnings about the existence of outbreaks. But being convalescent, he is vulnerable to the most insignificant aggressive factors, so care must be found in all.

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## LEARNING STYLES AND STUDENT TYPOLOGIES – ESSENTIAL ASPECTS IN *ELT*

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*The present paper is related to a constant preoccupation in the domain of teacher training resulting in the English teachers' professional development. Since the duration of intensive language courses has decreased lately, there is a need of maximizing by all means the chances of success of the language learning process. Students tend to become more and more diverse in point of background, education, language exposure and experience, and that is why it has become extremely important to evaluate from the beginning their qualities and possible vulnerabilities. In order to do so, teachers must go back to the "roots" of language acquisition theories. We consider the present paper as means of sensitizing teachers to individual differences in students' approaches to learning English.*

**Keywords:** English language teaching; learning styles; student typologies

Teaching is a challenging job. Teaching adults in a system where many things are at stake, depending on the success of students' fulfilling the course objectives makes the job even more challenging. Moreover, fulfilling objectives when the time allotted to courses has been reduced considerably (from 12 weeks to 8 weeks for intermediate courses and from 19 weeks to 12 weeks for advanced courses, for instance) is maybe the most challenging aspect of all. That is why teachers need to make the most of what they have got in terms of time, resources, and people.

We must emphasize from the beginning the fact that the teacher-student relationship is essential and has direct implications upon the English learning process as a whole. The coordinates and the quality of this relationship depend solely upon the people involved in this equation, the inter-professional relationship they are able to establish, maintain, and consolidate in time.

It is common knowledge that people are extremely different with respect to the following aspects and characteristic features: genetic heritage,

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distinctive personality, place of origin, occupation, family and entourage, age, level of education, specialization and expertise in different domains, perception of and approaches towards peers, things, and the world generally speaking, motivation, mindset, attitudes and opinions, mood, etc. Thus, we may consider that depending on the variables listed above, students could be encompassed in different typologies of interest in *ELT*.

Consequently, as people are a key term in this equation, one crucial aspect for the teacher is identifying learning styles within the language learning process. Felder claims that “when the learning styles of the most students in a class and the teaching style of the professor are seriously mismatched, the students can become uncomfortable, bored and inattentive, get discouraged about the courses, curriculum and themselves.”<sup>1</sup> Thus, identifying the different types of learners can help a teacher formulate a teaching approach that addresses the needs of all students.

Generally speaking, a *learning style* is an individual predisposition to learn something in a particular way<sup>2</sup>. The term describes broad, general characteristics of the ways in which individuals approach learning and it is quite possible that the preferred learning style may be manifest in all aspects of learning, not just in relation to learning foreign languages. More deeply, Felder and Henriques explain the meaning of *learning style* as “the ways in which an individual characteristically acquires, retains and retrieves information”<sup>3</sup>. They define several dimensions of learning style which are thought to be particularly relevant to second language education. In their paper, they show ways in which certain learning styles are favored by the teaching styles of most language teachers, and suggest steps to address the educational needs of all students in foreign language classes. According to Felder and Henriques, students learn in many ways – by *seeing and hearing, reflecting and acting*, and lastly *memorizing and conceptualizing*.

Stewart K. L. and Felicetti, L. A. define learning styles as those “educational conditions under which a student is most likely to learn.”<sup>4</sup> Thus, learning styles are not really concerned with “what” learners learn, but rather “how” they prefer to learn.

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<sup>1</sup> Richard M. Felder, Eunice R. Henriques, *Learning and Teaching Styles in Foreign and Second Language Education*, Foreign Language Annals 28, No1, 1995, www4.ncsu.edu, accessed on November 22<sup>nd</sup>, 2012, pp. 21-31.

<sup>2</sup> Martin Parrot, *Tasks for Language Teachers*, Cambridge, Cambridge University Press, 2005.

<sup>3</sup> Richard M. Felder, Eunice R. Henriques, *Learning and Teaching Styles in Foreign and Second Language Education*, Foreign Language Annals 28, No1, 1995, www4.ncsu.edu, accessed on November 22<sup>nd</sup>, 2012, pp. 21-31.

<sup>4</sup> K. L. Stewart and L. A. Felicetti, *Learning Styles of Marketing Majors*, Educational Research Quarterly, 15(2), 1992, www.nwlink.com. accessed on the November 26<sup>th</sup>, 2012, pp. 15-23.

Learning styles may help us discover the different forms of mental representations; however, they may not necessarily be used as definite characterizations of what people are or are not like. It is true, for instance, that some people are visual learners and others are auditory learners, but people generally speaking are all capable of learning under almost any style, no matter what our preference is.

Beside personal preference, learning styles may also depend on heredity, upbringing, and current environmental demands. Thus, according to Kolb, "learning is the process whereby knowledge is created through the transformation of experience. Knowledge results from the combination of grasping experience and transforming it."<sup>5</sup> Kolb emphasizes the idea that the complex mental process by which perceived information is converted into knowledge can be grouped into two categories: active experimentation and reflective observation. In Kolb's theory there are four distinct learning styles, based on a four-stage learning cycle.

Kolb follows four main type of learning:

- *concrete experience* based on a question "What is it?"
- *reflective observation* with a typical question "What does it mean?"
- *abstract conceptualization* and the typical question "What follows on?"
- *active experimentation* with typical questions "What... if...?", "How does it function?"

According to Kolb an effective learning happens when all four ways of learning are used, although an individual often prefers one of them.

The four types of learners in this classification scheme are:

- Type 1 - concrete, reflective. A characteristic question of this learning type is "Why?" Type 1 learners respond well to explanations of how course material relates to their experience, their interests, and their future careers. To be effective with Type 1 students, the teacher should function as a motivator.

- Type 2 - abstract, reflective. A characteristic question of this learning type is "What?" Type 2 learners respond to information presented in an organized, logical manner and find it very useful to have time for reflection. To be effective, the teacher should function as a manager.

- Type 3 - abstract, active. A characteristic question of this learning type is "How?" Type 3 learners respond to having opportunities to work actively on well-defined tasks and to learn by trial-and-error in an environment that allows them to fail safely. To be effective, the teacher should function as a coach, providing guided practice and feedback.

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<sup>5</sup> D.A. Kolb, *Experiential Learning: experience as a source of learning and development*, Englewood Cliffs, NJ: Prentice Hall, p.41, [www.infed.org](http://www.infed.org), accessed on November 23<sup>rd</sup>, 2012.

•Type 4 - concrete, active. A characteristic question of this learning type is "What if?" Type 4 learners like applying course material and the rules and theories acquired in new situations in order to solve real problems in real life-like circumstances. To be effective, the teacher should stay out of the way, maximizing opportunities for the students to experiment and to discover for themselves how the things they learned function.

Active learners tend to retain and understand information best by doing something active with it – discussing or applying it or explaining it to others. Reflective learners prefer to think about it quietly first. Active learners tend to like pair and group work more than reflective learners, who prefer working alone. Sitting through lectures without getting to do anything physical but take notes is hard for both learning types, but particularly hard for active learners. Teachers should keep these aspects in mind and cater particularly for these types of preferences.

The feedback regarding the efficiency of the English language teaching correlated to distinctive learning styles should not be materialized solely in the feedback forms filled in at the end of the course. It must be regarded as an interactive process whose inputs appear all throughout the course and the teacher must prove tactful and understanding so as to perceive and process correctly the different messages and statements made by students.

Taking into consideration certain possible statements made by learners of English, one can speculate about the personalities of the learners who made these statements.

*a) I want my teacher to correct all my mistakes*

The student who made this comment may be extremely self-conscious or, on the contrary, simply preoccupied with the degree of correctness of his/her speech. It may also show that he/she is afraid of making mistakes and because of this reason he/she may be reluctant to express himself/herself. At the same time, he/she may want any corrections or feedback to come from the teacher rather than from other students.

*b) I want to be in a lower level group so as to be able to understand everything, especially in Listening*

This is also a very self-conscious student who is afraid of making mistakes. Unlike the average students who may aspire to be included in a higher level group so as to be motivated to keep the pace with the other students, this kind of student may find it demotivating not to be able to understand everything. Listening is obviously his/her main problematic area.

*c) I don't want to study grammar in class. I can do it at home*

Here there may be two explanations for the statement. Either the student has a high degree of autonomy and motivation and is able to work

alone when it comes to drilling exercises, once the rule is taught and learned in class. Unfortunately, this is quite rarely the case. Most times, students do not like grammar, especially if they are intermediate or above. They consider their grammar is good enough, and, isn't it so, "I've been abroad and everybody understood me even if I didn't speak correctly". So, the teacher should be careful with respect to such instances.

*d) I appreciate my teacher because she lets me ask questions about things I want to know*

This would be the statement of a student who is quite dependent on his/her teacher for learning. In such cases, or for such students, the strategy to adopt would be to feed them with information, answer any questions they may have, but at the same time encourage them to learn at home too, so as to develop at least in the long run a little independence.

*e) I like working in pairs, especially with a student who is better than me*

This is the kind of student who finds it motivating to work with someone who is superior from the point of view of his/her English level. Thus, he/she may learn not only from the teacher, but also from his/her peers. Cooperative learning is a current trend in ELT and has more than once proven its high efficiency. On the other hand, the statement may hide a sort of idleness and even laziness, as it is quite easy not to assume responsibilities and let somebody else take initiative, provide ideas and means of doing things.

*f) I had a frustrating weekend because I did not manage to do all my homework, I considered it too difficult*

The statement may have been made by somebody who is quite demotivated. Either he/she has been placed in the wrong group, probably a group with a higher language level than his/hers, or the difficulty of the homework is used as a pretext for not doing it. In either case, the student should be stimulated to do what he/she can even if not everything.

*g) I had a real life meeting and I didn't say anything because I was afraid not to make mistakes*

This is a lower level student. He/she may be afraid of speaking as any act of producing English, no matter if orally or in writing, implies a certain degree of independence. Moreover, it implies a certain risk of putting oneself in an embarrassing situation that the respective student is just not willing to take. It may be the same student who made the a) statement.

*h) I know very well the grammar rules, but I tend to forget them when I'm speaking*

How many of us, teachers, have heard this statement? And from how many students? It is quite challenging sometimes to explain students that all it takes is practice. Practice makes perfect, says the English proverb. The

problem is that then you might get an answer such as statement c). On the other hand, doing only or mostly drilling exercises will not have the expected outcome as it is quite unlikely that a student who produced the above mentioned statement may gain enough confidence in his/her abilities so as to speak freely and correctly. The key word is here, as in other cases, balance. In other words, such a situation may be amended if drilling is accompanied by a lot of oral activities, as close to real-life situations as possible.

Statements a), b) and g) might have been made by the same learner, as they all seem to suggest a learner who is quite concerned with accuracy and seems reluctant to challenge himself/herself in communication, both inside and outside the classroom. Statements c) and d) may represent a learner who appears to be willing to take initiatives in learning and assume the task of taking learning outside the classroom. Statement e) might have been made by the same learner if the statement reflects a willingness to be challenged. Yet, as shown before, it might also reflect certain reluctance to assuming responsibilities.

It is likely that teachers will perceive d) as positive and a) and g) as negative approaches to what is going on in the language class. However, the opposite could be argued too depending on the circumstances. Actually, all the others, b), c), e), f), and h) can be perceived as either positive or negative, as it has been shown above. The aim of studying such statements is primarily to encourage teachers to explore ways in which the value of these attitudes and opinions may depend on the characteristics of the learners and the circumstances in which the learning process takes place.

The main goal of studying such statements is that of encouraging students to explore the ways in which the value of these attitudes and opinions may depend on the students' individual characteristics and the circumstances in which *ELT* occurs. Function of these characteristics and circumstances, the teacher may decide upon his/her strategies with respect to teaching techniques, classroom management, use of materials, etc, for example:

- independent work, worksheets, reading, using computers, self writing or solving problems versus pair work or group work, games, role-play, conversations, discussions, debates, simulations;

- quick activities, speaking, games, running dictation, competitions, project work versus slow and calm activities, reading and writing, individual computer work, individual project work, drill, repetition, finding out information from books, doing tests that teach, using dictionaries,

- going from general to the specific, applying generalizations, starting with rules and theories first, explaining first and then practicing versus using audio tape and videos for presenting grammar and vocabulary issues, providing real communicative situations phrases, letting students induce

grammar rules, words or function phrases from real situations, from watching videos, reading magazines etc.

In conclusion, it is absolutely essential for the teacher to interact with the students, to know their preoccupations and possible educational frustrations, to be connected to their needs and expectations and thus to be able to identify their typologies and adapt to them. We may say that the ability and the manner in which these data are processed, combined, and interpreted strongly influence the quality of the educational process. These elements go beyond a teacher's professional area representing a true art and perpetual challenge meant to guarantee the adequate level of interaction in the relationship between teacher and student.

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## TURKEY AT THE BEGINNING OF MILLENNIUM III

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*The end of the Cold War brought modifications over the Turkey's status and regional agenda. Its geographical position, multiple historical connections, strategic power, etc. are some advantages supporting Turkey to become an ascending regional power. The impressive economic growth it has known in the last years is another element helping the development of this country to the status of regional power.*

*Known as a passing gate between Europe and Asia, Turkey rethought its external policy in terms of "zero problems with the neighbours" and "maximum cooperation and regional integration".*

*Grounded on a recent bibliography and information on different accessed internet pages we will try to fulfil a brief overview of Turkey's position at the beginning of the third millennium.*

**Keywords:** security; regional power; neo-Ottomanism; threats; strategy of security.

### **Turkey – ascending regional power**

Situated in South-Eastern of Europe and in South-Western Asia with exits to four seas (the Black Sea, the Marmora Sea, the Aegean Sea and the Mediterranean Sea), Turkey represents an important nodal point from geopolitical perspective owed to its relationships with regions of meaningful strategic value: the Southern Europe, the Central Asia, the Middle East, the Extreme Orient, the Russian Heartland.

Turkey's role as regional power amplified after the end of the Cold War and the dissipation of the former USSR. The withdrawal of soviet power from the former countries of the Soviet Union, geographically laid in the Black Sea basin and in Central Asia was interpreted by Turkey as "an historical occasion to promote its economic, political and ideological interests"<sup>1</sup>. A first step, in this direction, was constituted, in October 1992, by

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<sup>1</sup> Duygu Bazoglu Sezer, *Turkey in the post cold war era: Evolving Domestic and Foreign Policy trends and challenges*, in *The Southeast European year Book 1994-1995*, Hellenic

the closing in among the states speaking Turk language of an agreement in Ankara to form a new Turkic common market with free movement of merchandises and capitals. The euphoria did not last for long time because the Russian Federation immediately launched the "close vicinity" concept by signing the commerce agreement of Community of Independent States (CIS) and the agreement over the constitution of a radio and TV company of CIS member states. To those is also added the warning handed in to Ankara by the declaration of Marshal Şapoşnikov, Chief Comandant of CIS, wherein it showed that Turkey's involvement in Azeri enclave Nahicevan can lead to the burst of the World War III. After the Russian actions was clearly shaped the economic and military dependence of CIS member states from Russia is stronger then the historical or ethnical relations with Turkey.<sup>2</sup>

After 1990, Turkey's economy knew a positive trend becoming an important centre of economic power to the intersection between two continents (Europe and Asia), as follows: 4-5% (2000), 5.9% (2003), 9.9% (2004), 7.6% (2006), 5% (2007), 8.8% (the second trimester of 2011), 11% (the first trimester of 2012, overlapping China)<sup>3</sup>.

The economic boom of Turkey following the 2009 crisis is owed to the measures settled by the Turk government which granted fiscal stimulants to the consumer in order to increase their purchase power and diminished its public debt orienting the economy to the exports market.

In order to become one of the primary ten economies of the world and a political force on external plan, to Turkey, the participants in the debate organized in 2012 by Chatham House, the Londoner centre of research, were recommended a series of actions: a stronger education system; the production of goods with added value; the modification of the fiscal code to obtain consistent revenues and the increase of the intern saving rate in order to diminish the deficit of current account; the settlement of measures on political plan in order to confront the social consequences of riots from the Arabian world and of the financial crisis from the European Union.<sup>4</sup>

The country's economic growth allowed the diversification and multiplication of change and cooperation relations with different states and

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Foundation for European and Foreign Policy, Athens, 1995, p.534, apud. Ştefan Georgescu, Maria Zidaru, *Conflicte interstatale în zona Caucazului*, Geopolitica Magazine no. 40 from 2011, TopForm Publishing House, Bucharest, p. 110.

<sup>2</sup> Ştefan Georgescu, Maria Zidaru, *Conflicte interstatale în zona Caucazului*, Geopolitica Magazine no. 40 from 2011, TopForm Publishing House, Bucharest, p. 111.

<sup>3</sup> Source: <http://www.ziare.com/economie/crestere-economica/miracolul-economic-turcesc-continua-si-in-2012-1142668>, accessed on September 30,2012, 18.30 hour.

<sup>4</sup> Source: <http://www.ziare.com/economie/crestere-economica/turcia-in-top-10-economii-ale-lumii-1190958> accessed on September 30,2012, 18.40 hour.



organizations in the European area (EU, OBSEC), Euro-Asian (Shanghai Cooperation Organization - SCO, D-8 – Bangladesh, Egypt, Indonesia, Iran, Malaysia, Nigeria, Pakistan, and Turkey) or Asiatic (Economic Cooperation Organization – Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, Turkey and Uzbekistan).

Although in the years passed from the Euro Zone creation Turkey had an impressive economic growth, the debts crisis manifesting in EU could have effects over its economic growth. The dependency is concluded by a social politician in Turkey sustaining that: *“What happens in Europe concerns also Turkey. If the European Union has got fever, Turkey is also ill because the both economies are interdependent”*<sup>5</sup>.

From military perspective, Turkey is a significant power in the region. Its military doctrine focuses on the sufficiency of troops, defence by own forces, territorial defence and pre-eminence of defence interests and needs, compared to the other types of interests. Turkey’s military strategy regards the following aspects: the deterrence of potential enemies by own capacities, collective security (in NATO and European Security and Defence Initiatives frameworks), advanced defence, active military participation in dealing and managing the area’s crises. The military budget of Turkey is estimated to be over 12 billions dollars<sup>6</sup>, at the disposal of a numerous army, very well endowed, respected around the country’s population and considered to be one of the best armies being part of the North-Atlantic Alliance (the second military force as size in NATO).

Turkey is a member state of some international and regional organizations, as follows: UN (founding member, 1945), NATO (since 1952), the Organization for Security and Cooperation in Europe (1973), the Islamic Conference Organization (1969) and Council of Europe (founding member, 1949), G-20 (1999), Organization for Black Sea Economic Cooperation (1992). Turkey was the founder of Navy Force to the Black Sea formation (BLACKSEAFOR) as regional group in the security field (2001). From October 2008, Turkey was elected as non-permanent member of United Nations Security Council.

Although it has agreements with EU since 1963, barely on October 3, 2005 were opened the negotiations for EU adhesion after the resolution of two main issues: the signing in of the Protocol extending the Custom Union to the ten new Member States, here being also enclosed Cyprus, and the reform

<sup>5</sup> Source: <http://www.business24.ro/articole/economie+turcia>, accessed on October 10, 2012, 15.10 hour.

<sup>6</sup> Source: <http://www.rumaniamilitary.ro/tag/turcia-mare-putere-militara>, accessed on October 8, 2012, 21.05 hour.

of the Penal Code following the requirement asserted by Brussels by which are requested guarantees over the respect of minorities and human rights.<sup>7</sup>

The Conference with theme *Turkey – key toward the future of Europe*, organized by the European Institute in Romania, in June 2010<sup>8</sup>, concluded by Turkey's accession, „the European Union will make itself a service allowing the diversification of energetic transport routes and the energetic security provision of the continent.

A Turkey member of EU will not endanger the actual status quo and will contribute to the increase of political influence, military power and prosperity of the European project. In exchange, Turkey's rejection by the EU would lead to the abandonment of its occidental aspirations and will reduce the range of Union's manoeuvre in the Muslim space. An EU non-integrated Turkey will have less to win in the actual order of the international system and could become one of the states undermining the actual status quo”.

Turkey, being aware of demographical, economic, cultural and geopolitical advantages, „it does not see as a state to the limit of Europe, tasked to defend the Occident's interests in one of the most troubled regions of the world”, but is considered itself „a central country able to define itself the vision and interests”<sup>9</sup>.

The analysts consider this country would not adhere earlier than 2015, because of its numerous economic and social reforms to be done.<sup>10</sup> The presentation of Turkey position as ascending regional power can not be complete without the circumstantiation of some data about the internal political scene dominated in the last ten years by the Justice Party or AKP, led by Recep Tayyip Erdoğan, who gave a new impulse to the state founded by Atatürk.

The Justice Party succeeded by the settled actions and measures to maintain in front of Turks preferences, particularly because it gave stability to the internal policy, until then fragmented and often marked by military *coups d'état*, and for the impressive economic growth. The Justice Party benefited also by Turkey's geostrategic position which makes it an important nod to diversify the energy sources to Europe. Turkey's position at the intersection

<sup>7</sup> Elena Burcioaga, *Aderarea Turciei sau lungul drum spre Europa*, available on <http://www.sferapoliticii.ro/sfera/120-121-122/art10-burcioaga.html>, accessed on October 6, 2012, 19.30 hours.

<sup>8</sup> Source: <http://civitaspolitics.org/2010/07/02/uniunea-europeana-si-turcia-incotro/>, accessed on September 30, 2012, 18.45 hours.

<sup>9</sup> Ionuț Constantin, *Criza economică și evoluțiile internaționale contemporane. Cine are de câștigat?*, Geopolitica Magazine no. 43 from 2011, TopForm Publishing House, Bucharest, p. 168.

<sup>10</sup> Stan Petrescu, *Călătorii geopolitice. Lumea văzută de la București*, Military Publishing House, 2010, p. 70.

between the Orient provider of energy and the Occident dependent of energy determined the increase of Ankara authorities influence in the late years. For example, Nabucco European gas duct designed to bring gases from the Caucasian zone toward Europe by-passing Russia, will cross over Turkey territory, while the South Stream rival project, following to base on Russian gas, in order to by-pass Ukraine, needs the accord of Ankara authorities to bring the gas duct under the Black Sea, in the territorial waters of Turkey.<sup>11</sup>

We can conclude Turkey's importance by geopolitical and geo-economic regard amplified in the late decades from the following reasons: the conjugation of global energetic crisis with the beginning of the valuation of promising potential of Caspian Sea resources; the Islamic space has appreciatively 3/4 of the world's oil and gases reserves distributed in the Caspian Sea and Middle East regions disputed by USA – China – Russia triad; the Turkish territory can provide the hydro-carbonates transport in security conditions from the exploitation areas (Caspian Basin, Siberia, Gulf) toward the beneficiaries from Europe, Asia, the Far East and USA, by the help of oil tanks by straits, or by network of oil ducts and gas ducts with terminals to the Mediterranean Sea, the Black Sea, in South or South-East.<sup>12</sup>

### **A new dimension of Turkish foreign policy: neo-Ottomanism**

Turkey, by leaning well history's lessons, as is shown in a recent article in Project Syndicate in regard to which the compass of the Turkish government indicates only a single good direction to be taken into account: „zero problems with the neighbours”<sup>13</sup>, proposed itself to become regional leader in South Caucasus and to become one of the great players of the world.

“Zero problems” policy recommended by Ahmet Davutoglu, the Turkish foreign minister, „it is not universally available”.<sup>14</sup> The closeness to Armenia or relations with Israel did not reach the aforementioned paradigm. In 2010, the Security Council of Turkey made a series of modifications in the National Defence Strategy; for example, there were excluded from the groups of states representing a potential danger against Ankara: Iran, Syria, Bulgaria, as well as two former soviet republics (Armenia and Georgia); Russia and

<sup>11</sup> Cristina Dobreanu, *Turcia și noul otomanism*, article available

<http://www.revista22.ro/articol.php?id=11891>, accessed on October 12, 2012, 14.40 hour.

<sup>12</sup> Vasile Nazare, *Turcia și jocurile de putere din bazinul Mării Negre*, articol publicat în *Geopolitica Magazine* no. 25 from 2008, TopForm Publishing House, Bucharest, p. 114.

<sup>13</sup> Source: <http://www.ziare.com/articole/politica+externa+turcia>, accessed on October 6, 2012, 20.15 hours.

<sup>14</sup> Kerem Öktem, *Lumea Turciei*, interview of Octavian Manea, *Foreign Policy Magazine*, march-april 2011, p. 60.

Israel, former strategic and commercial partners, were put on the list with potential enemies of Turkey.

Under the leadership of premier Erdoğan and teacher Ahmet Davutoglu, the architect of the new foreign policy, Turkey looks to prove it has the diplomatic, cultural, economic instruments needed for the peaceful "retaking" of former ottoman provinces. At this concern, it is manifesting a new dimension of Turkey's foreign policy: *neo-Ottomanism*.

The foreign policy of Turkey has as goals regional peace, stability and prosperity and the neo-Ottomanism term describing the new dimension of Turkish foreign policy „is just a consequence of cooperation potential rediscovery among countries sharing a common history and culture”<sup>15</sup>.

The foreign and economic policy of Turkey do not limit to the former ottoman territories, Turkey being very active in the "Arabian Spring", but also in Libya's stabilization. Also, many African states registered a growth of political, economic and educational presence of Turkey; Turkey's embassies opened in all Asia; Turkish Airlines has flights in countries as Cambodia and Vietnam, this being an important indicator of significant economic relations; in the Western Balkans, the number of cultural centres financed by turkey is increasing etc.<sup>16</sup>

Neo-Ottomanism origins in pan-Turkism, by the engagements assumed to the countries wherein there existed an ottoman presence and to the countries of Muslim (Sunni) majority<sup>17</sup>. The pan-Turkism militated for the union of all the Turkish peoples (Turks, Azeri, Kazaks, Turkmen, Uzbeks, Kirghiz, Ugric, Tatars, Gagauz, etc.) in a single state entity– Turkistan, which aimed the region from the Central Asia between Siberia, in North, and Tibet, India, Afghanistan and Iran, in South, laying on about 2,600,000 km<sup>2</sup>, with two divisions: Western Turkistan or Russian Turkistan (corresponding to the present territories of Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan states and the southern parts of Kazakhstan) and Eastern Turkistan or Chinese Turkistan (the present autonomous region Xinjiang).

Pan-Turkism was created by the Turk originated' intellectuals from Russia, the ideologist of this movement being the Turk minister or war Ismail Enver Paşa (1881-1922) and had a peculiar growth in the period of the

<sup>15</sup> *Foreign Policy Magazine*, iulie-august 2011, article Puterea regională, interview of Octavian Manea, p. 49.

<sup>16</sup> Kerem Öktem, researcher to European Studies Centre, St. Antony's College, Oxford University, cited in *Foreign Policy Magazine* march/april 2011, article „Lumea Turciei”, interview of Octavian Manea, p. 61.

<sup>17</sup> Nicolae Țibrigan, *Revirimentul Turciei. Între panturcism și neo-otomanism*, available on-line on <http://www.geopolitics.ro/geopolitica/panisme/3213.html>, accessed on October 6, 2012, 21.05 hours.

Russian Civil War (1918-1922), in the context when Turkey represented the pillar of German geopolitics in the Balkan-Caucasian-Black Sea space. The idea is abandoned following the fail while the war.

Along the presidency of Kemal Atatürk (1923-1938), Turkey renounced to any reference to pan-Turkism and pan-Islamism adopting a neutrality policy. The pan-Turkism reactivation is retaken between 1941-1943 years having as premise the involvement of Turkey in the war against USSR taking part of the old ally. The end of the Cold War and USSR collapse bring a real rebirth of pan-Turkism in Turkey, but also in Azerbaijan and Crimea, rising worry in the Russian Federation because of the demographical dynamics in the regarded regions of Turkic population. By its foreign policy, indifferently the manifestation dimensions, Turkey wants to become a status quo power in the Islamic world; therefore, it will use all the instruments it has to create vector in the third directions: Balkans, Caucasus and Middle East.

Also, Turkey has, in regard to its foreign minister, the capacity to help the European Union to obtain a bigger role on the international scene and in the realization of its internal and external goals. The integration in EU will remain the strategic goal of Turkey.<sup>18</sup>

### Conclusions

The geographical position, neighbored by region engaged in diverse conflicts in Caucasus, Balkans and Middle East, its geographical interests in the Caucasian region, and the close connection with the countries speaking Russian language from the Southern part of the Russian Federation, etc. there are advantages making from turkey a key-country in Europe's security. We can also add Turkey plays important role in any policy to the Black Sea of the United States of America or the North-Atlantic Alliance.

Turkey, „*the hot nut from EU pocket*”<sup>19</sup>, is the eldest official candidate to the European Union. Considered rather an Asian then a European country and, because its predominant religion is Muslim, the great European powers postponed the Turkey's getting near the European Community.

Turkey wants to get a pivotal position in Balkans, and therefore, it aims to extend its political and economic policy in the entire region of the Balkans. By taking, in 2010, the presidency of the Ministerial Committee session of the Council of Europe, Turkey proposed to put all the efforts to retransform the Council of Europe in an international platform and to include, among the priorities, the fight against discrimination, xenophobia and racism.

<sup>18</sup> Foreign Policy Magazine july-august 2011, p. 50.

<sup>19</sup> Stan Petrescu, *op.cit.*, p. 70.

The Ankara authorities considers the political regional are crucial for stability, and therefore Turkey will contribute to the peaceful development of the region is geographically part of. On the agenda of foreign policy of Turkey there are a series of problems: Iraq, Afghanistan, Pakistan, the Iranian nuclear program, the peace process from the Middle East, the Balkans, the Caucasus, the Central Asia, the Eastern Mediterranean, the energetic security, the fight against terrorism or the financial crisis.

A special attention is given to the relation with USA, a relation between a global and a regional power with the capacity to positively contribute in the international affairs. The both states need one each over: Turkey for security guarantees offered by USA; and USA for Turkey's important geostrategic position conferring it openness to the hot areas of the Middle East. The relations between Turkey and USA, defined by President Barack Obama as the „ model partnership”, intend to amplify the efforts to bring stability, peace and prosperity in different areas of the Globe.

Internally, Turkey confronts with certain vulnerabilities as: poverty ratio (inflation rate 12%, minimum unemployment rate 10%) combined with the demographic pressure, the population urbanization and alphabetization; the existence of deep divisions between the republican elites sustained by the army, the Islamite moderates and radicals; the Kurd problem<sup>20</sup>.

By all means, Turkey is preferred for supremacy in the pan-Islamic movement for a series of reasons: moderate radicalism; rejects the fundamentalism and terrorism as mean of battle; represents a counterbalance to the trends of power growth in the region of the Russian Federation and USA; recognized military power; position as energetic corridor; the control and security of hydro-carbonates transport in and for all the directions (the Russian Federation, the Middle East, the Central Asia, the Caspian Sea, the Black Sea, the Mediterranean Sea, Europe); mediator and bumper between the Islamic rim land and Christian heartland, provides the securing of NATO southern flank; frontier with Iran and Syria, etc.

Turkey, being aware by these advantages, punctually aims to accomplish its intended goals. The Turk politic annalist Şktem from Oxford opinions „*in the new world, wherein the Occident looses its positions, Turkey has all is needed to play an significant role: economic and political pragmatism and a decisive sent to change the power relations*”<sup>21</sup>.

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<sup>20</sup> Teodor Frunzeti, Vladimir Zodian, *Lumea 2011. Encicopedie politică și militară, studii strategice și de securitate*, Tehnical Editorial Army Centre Publishing, Bucharest, 2011, p. 267.

<sup>21</sup> *Foreign Policy Magazine* march/april 2011, „Lumea Turciei”, interview of Octavian Manea, p. 60.

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## **THE COMPREHENSIVE DEVELOPMENT AND MANAGEMENT OF CAPABILITIES**

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*The Romanian Armed Forces' reason to be, to defend the independence, sovereignty and territorial integrity of the country when is needed and to promote the national interests, involves the fulfilment of a military capacity able to obey the requirements attached to this role into the framework of a process of generation, instruction, use and regeneration of forces.*

*Until the release of NATO's accession process, the Romanian Armed Forces applied in their strategy to form and manage the capabilities of forces a conception grounded the idea of availability for all forces' action, just from the first days of the conflict, conception with its advantages and also with disadvantages.*

*The actual conception in this field, is radically changed, and does as no matter their position in the system the forces to continuously train, ongoing many cycles of training, and each cycle comprising four compounds of the training: military education, instruction, exercises and training by practice. These cycles ongoing provides, inclusively on peace time, the army's capacity to be immediately ready to pass to accomplishing the missions and also the necessary framework for the structures to get through the whole range of activities needed for a complete and realistic training.*

**Keywords:** capabilities; formation; management; training; generation; structures of forces; assessment.

### **General aspects over the training for developing the capabilities of Romanian Army's structures of forces**

From the capabilities perspective to generate the wanted effects, the operational capacity of Romanian Army structures of forces has three main compounds:

- The conceptual compound, found in the National Security Strategy, the National Defence Strategy and the Military Strategy of Romania;
- The psycho-moral compound found in the personnel's psychological features, its motivational mechanisms, the leadership quality and personnel moral;

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- The physical compound concretized in the structures' organization and their manning, in the endowment with equipments necessary in correspondence to the missions they must fulfil and the forces training.

The military training is the activity undergone in the army to accomplish the personnel/forces' capacity to fulfil the specific missions by using the owned military equipment.

This training process is oriented and regulated in the Romanian Army Training doctrine that contains a unitary system of principles, concepts, general rules and ideas elaborated on the basis of the experience accumulated by the Romanian Army and the other armies of the NATO member states. The system must be applied in the forces training and bases on the doctrines for operations being the fundament and the authorized source for documents and normative acts which regulates the standardization, planning, undergoing and assessment of personnel and forces training.

As fundamental document of training in order to get the capabilities necessary to fulfil the missions, the Training doctrine refers to: the personnel and forces organization on NATO specific principles, conceptions and modern technologies, the implementation in the training field of a modern, unitary, integrated and efficient manner of work, the increase of the interoperability in the forces categories of the army and between those and the military structures of the other NATO member-states.

The training process is seen as a complex, unitary edifice interconnected with the majority of the specific military activities having as basic components as follows: the military education, instruction, exercises, training by practise, each of these components with a well-defined role.

In the *military education*, mainly achieved individual capabilities are needed for the professional formation, specialization and development of Romanian Army personnel from theoretical and, partial, practical-applicative regard on the basis of an integrated, step-by-step curriculum differentiated on education forms and levels. The main objectives of the military education are the knowledge specific for the military field and the development of militaries' creative thinking.

The *training* component involves practical-applicative activities. It has as main objective the formation, development and keeping the individual's and military structures' aptitudes of action in order to fulfil the attributions of function or missions and undergoes at individual and at military structures level.

The third component of training process, *the exercises*, are considered in the NATO member-states armies as a special compound of training because along with the development of operational capacities of military structures, the exercises have as goals also the assessment of operational

capacity level of military structures, their keeping to the projected level as well as the final assessment before forces involvement in the operations theatre. In the exercises' framework the connection is done between the acquired capabilities within the training process and the ones requested to the militaries and structures by the realities from the operations theatres in the missions aimed to be accomplished.

*Training by practise* is the final and the most complex phase of the training cycle wherein along the fulfilment of functional attributions and missions, the personnel and the military structures gain experience.

In the post-modern society full of conflicts, the efficient action presumes the joint use of Romanian Army structures of forces' capabilities but also the ones being part of some groups created in the Alliance or other conjectural coalitions' framework. The interoperability ideal needs the implementation by all the structures of forces of some common military standards. The capabilities formation in order to act in parameters settled by this standards, priori, asks for the training to report to the respective standards and involves the settlement and application of the same content of training, the use of the same technologies, the same types of documents, the same type of development and methods of training for the entire personnel and for all the structures of forces.

At the NATO level, the capabilities development in order to generate optimal effects is done by the execution of training on the basis of common operational standards yet, until now, the training is not standardized, each national army being able to train its forces on the basis of own standards. This situation damages the needed level of interoperability owed to the development, by training, of some aptitudes "*with national specific*"<sup>1</sup>. Therefore, for the training standardization in the NATO framework common policies were elaborated, the participation to common exercises was amplified, the role of NATO schools increased, excellence centres were created, the NATO system for advanced distributed learning, and also the concept "*Mission Essential Task List – METL*" were introduced.

In all the member-states, the training standardization is considered to be a complex and expensive activity which will take a long time; regarding the solutions applied for the other NATO standards, in the Romanian Army came to the solution to adopt and adapt the training standards already used in some of member-states armies as called in the Romanian Army Training Doctrine – "Source Standards".

Until here, our analysis focused on the training problematic to develop the permanent personnel and structures capabilities of the Romanian Army

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<sup>1</sup> *Ibidem*, art. 0136.

but peculiarly important role in achieving the strategic goals resulted from the defence field constitutional provisions and laws they have, especially in situation of state of war and curfew, the reserve forces and, implicitly, the reserve personnel. All the NATO member-states armies give special attention to the capabilities needed in special situations having as solution the calling to arms of reserve personnel, projecting and applying coherent policies and strategies for recruitment, training and use of this resource. Nowadays, the trend is to use voluntary reservists.

The ideal situation is to have the reserve personnel as well-trained as the active personnel, but in reality, this situation is not found in either of the NATO member-states. This category of personnel has to attend in a very short time an intensive and adequate training program structured in three stages for the refreshment of education and acquirement of needed capabilities for the integration and reach of performances required to fulfil the missions in operations with joint and multinational character.

In the first stage of reserve personnel training, the refreshment of knowledge is done by updating the knowledge and aptitudes in the application schools and units of training. The goal of this stage is to familiarize the personnel with the new military equipments, with changes in tactics specific to the arms or specialty field, as well as with novelty elements appeared the last training. The second stage aims to enhance the acting capacity of the reserve personnel in order to fulfil the functions in the crisis or war situation by getting organized in units of some collective training programs, inclusively by participating in exercises with the active personnel.

In our view, as concerns the third stage, the reserve personnel training for operationalizing must be done along with the gradual growth of fight capacity by training in order to fulfil the functions assigned and by participating in the collective training organized in this regard in the respective structure framework.

In order to be effective, reserve personnel training must focus on the attributions of functions the reservists will be assigned to and concordantly to the missions of the units in crisis and war situations. Also, the training must be updated, continuous, have anticipative (prospective) and practical-applicative character, and be intensively undergone; the collateral, insignificant activities, the waist of time and resources must be eliminated, and must be executed, as much as possible, concomitantly with the active personnel's training program by eliminating as much possible the differences between both categories of personnel.

### **Forces' generation for missions**

The participation of Romania with forces in the multinational joint operations begins with solving the problem of generation of forces which is to be deployed in the field of operations, this being a gradual process through which the structures are completed with human and material resources in regard to the provisions of organizing states and are operated until the designed fight capacity.

The force generation and regeneration represents one of main goals of army's administrative structures activity used to provide to the deployable or un-deployable structures the capacity to fight designed by the organizing statuses in order to execute under good conditions any peace, crisis, war or postconflict mission. The system of force generation and regeneration consists in the ensemble of administrative structures and functional relations settled between those aiming the permanent completion of the structures with human and material resources, at least to the minimum proficiency level to fulfil the missions.<sup>2</sup>

The human resources generation to participate in the multinational joint operations consists in the activity undergone by the administrative military structures in order to select, train and enhance the education of personnel needed to complete the generated military structures.

The generation of material resources consists in the activity undergone by the administrative military structures in order to identify the sources, to select, acquire (requisite), and operate techniques, equipments and materials needed to fill in the generated military structures.

The military structures generation is a gradual process by which they are filled in with human and materials resources in regard to the organizing statuses; it constitutes and operates until the designed fight capacity.

The generation of structures' forces participating in multinational joint missions aims to bring their capabilities to the "READY TO MISSION" stage in the settled term in order to start the deployment mission in the operation field. In our regard, this must be seen and understood as the structures from the generation and regeneration forces framework provides, at order, the completion with human and material resources of the structures activated for the mission and the structures' generation (specific structural and action operating) and those affiliated is integrative part of the ordered mission preparation.

In the generation process, the generation and regeneration structures undergo forces' instruction they generate and the structures generating the material resources release the acquisition procedures, the operationalizing of technique, equipments and materials needed to fill in those structures.

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<sup>2</sup> *Concepția de generare și regenerare a Forțelor Terestre*, SMFT, Bucharest, 2005, art.13 (2).

Grounded on the political-military decision over the participation of the Romanian Army forces in the multinational joint operation, a series of activities are developed: forces identification, elaboration of the list with the essential requirements of the mission, analysis of opportunity to participate into mission, discussion and signing in of the agreements over the forces statuses asked for the operation field, initiation of demarches to get the approvals needed of the national authorities, performing the recon in terrain, settlement of forces and means corresponding to the operational requirements and elaboration of organization statute for the mission.

The Mission Essential Task List – METL aims to increase the efficiency of collective instruction. METL main goal is the fulfilment of the operational capacity to accomplish the mission settled by operation order and the need for the whole effort and resources submitted for the mission to be focused for the fulfilment of the respective requirements.

The next stage is to properly generate the forces. This stage involves a series of activities: the completion of structures with personnel, fight technique and materials in conformity with the organization statute, the constitution of the structure participating in the mission, the receiving of the order of activation wherein is ordered the starting of preparation for mission of the structure, the training to develop the designed operational capacity, the settlement and preparation of rapid replacement reserve.<sup>3</sup>

The forces generation for operation is followed by their operationalizing, specific process in the preparation of multinational joint operation consisting in an ensemble of actions and measures by which the forces gradually get through the initial or intermediary status level, phases of essential operational capabilities fulfilment in order to accomplish the requested requirements for each structure to fulfil the missions settled in the operation framework. The goal of forces operationalizing is to develop an interoperable, sustainable and displaceable structure, with high level of manning, endowment and training, able to execute the entire area of mission specific for NATO and the European Union.

The conception elements of operationalizing specific for the operations field are established in conformity with the level of forces' operability at the moment of order receiving and must define the fundamental rules to govern the stage and the activities forces are executing. In this process, we consider the operationalizing initiation must be preceded by a self-assessment of forces' operational capabilities connected to the timely availability, the capability of engagement in battle, command and control, capability of logistical support, capability of surviving and forces protection.

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<sup>3</sup> *Ibidem*, art. 41(3).

The structures generation for the multinational joint operations represents only the first stage of the generation process, as the structural operationalizing process. This stage is followed by an operationalizing process specific to the operation field and appointed mission, wherein the main role is to undergo a specific training process program based on the Mission Essential Task List.

### **Training for forces' operationalizing for action**

As part of the operationalizing process specific for the mission and the operation field, the generated forces' training for the participation in multinational joint operations must obey the following conditions: to be standardized based on a clear conception at all leading and execution echelons levels and concordantly with the real requirements of the operation field; to be flexible to allow the resizing of standard goals or activities in regard to the evolvments from the operation field; to be competently leaded; to have continuity and a progressive character to stimulate the engaging in permanent knowledge of real situation and to give the possibility for the needed corrections to be done.

When entering the operation field, the forces must act immediately; their training must aim also the creation of some reflex mechanisms of thinking and action. This means that within the preparation period, as many of the situations possible to appear along the missions' fulfilment must be identified, and the optimal reaction time needed for each and also the standard procedures of resolution must be determined. These situations' identification must start from the mission's analysis and selection from the "Missions Training Program" of the training requirements specific for that type of mission.

The Mission Essential Task List is settled for each echelon, starting with the highest of them to the company (similar) echelon. The commandant participation in the highest echelon mission analysis under whose command the mission will be fulfilled helps him to understand which is the role and place of the structure he commands in its action framework.<sup>4</sup> The essential requirements selected by the commandant are handed in to the highest echelon for approval, and afterwards these will form the Mission Essential Task List of that structure.

Owed to the fact, usually, the units subordinated to a great unit are not in the same operational stage so there are differences between the capabilities. While one unit can be in the phase of executing the collective training, other can be in "ready for action" ("mission executing") phase, and a third one can be in recovery phase after the mission fulfillment. Thus, the collective

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<sup>4</sup> SMG/IF-7, *Doctrina instruirii Armatei României*, Bucharest, 2007, art. 0527.

training to the great unit level is done in different periods of time corresponding to the principle of forces rotation.

The optimization of operation capabilities development requires that, based on the Mission Essential Task List and the real level of training of the structure, the commandant of the unit settle the training necessary for each essential requirement put on the list and from this analysis he must see "what kind" and "how much" training is still needed in order to fulfil the essential requirements of the mission and get the proper operational capabilities. The conception of training executing must contain the following: information over the performance level needed to be developed by training, appreciation of the actual training level, intermediary (stage) goals and final goal, the mean of instructors and instructing activities preparation, the assessments organization, the mean the resources will be used.

For the instruction intended to form the needed capabilities for the participation in the joint operations to be efficiently executed, the military structures must be completely manned with personnel and endowed with military equipments in regard to the specific norms for introduction in operation and the training conditions must be as much similar with the ones estimated for the area of operations and the probable physiognomy of the actions.

Also, the structures must be submitted to an assessment system through which to be measured the reached performance level in forming the operational capabilities and to be identified the appeared problems.

The assessment system involves internal and external assessments.

The internal assessments are unofficial, are permanently undergone by the persons directly conducting the instruction and by the commandant or the assigned persons; their efficiency is high because they allow the immediate operation of the needed corrections.

The external assessments are official activities executed by the superior echelons usually with maximum two hierarchical steps upper than the assessed echelon; these assessments are settled by instruction plans, they have distributed resources and are, usually, undergone at the end of instruction phase/cycle, one of their goals being the determination of structure's operational capacity.

Regarding the assessments, equally important is to determine the comprehension level of a foreign language, the level of physical and psychical effort capacity of the whole personnel and also the level of sanitary training. It is also important to know the customs, culture and religion of the population from the operation area.

The collected data after the assessment must be analyzed by the commandant and the general staff. The drawn conclusions are presented in

the appreciation of the training activity from which it must be seen if the training goals were reached, how much the structure is ready to fulfil missions, what problems are as regards the training standardization and assessment, what changes in doctrine, procedures, command and force structures and equipments are necessary to enhance the training activity in order to get the required operational capabilities.

### **The comprehensive coordination of capabilities in operations' planning**

Getting some synergic and comprehensive effects in the joint operations requires a modern and efficient model of their planning that regards the simultaneous or connective use of all the capabilities of the joint forces connected with other instruments of power of the Romanian state, of the Alliance or of conjectural coalitions wherein also participates the Romanian Army.

The preparation and execution of some multidimensional and complex operations as regards the requirement of capabilities needs the elaboration and development of some detailed plans. This requirement asks for the process of planning to be a collaborative, efficient one, based on all the planners' mutual understanding of all concrete situations in the crisis area and application of some common procedures for the elaboration and development of operations plans.

The highest level to achieve the comprehensive coordination of the forces structures capabilities of the Romanian Army in the operations planning framework is the strategic level. It is the level wherein the Romanian state or a group of states among them being also Romania settle goals of national, allied or multinational security and, if they have different type of resources, including military, they fulfil those.

At this level, the operations planning process is undergone in many phases and refers the close cooperation between the strategic and operative levels to use the capabilities of forces at disposal. The alignment of the processes from the both levels represents a guarantee that all the assessments at operative level are reflected in the strategic level decisions and all the strategic conditions are settled to acquire the success at operative level.

The comprehensive coordination of capabilities at operative level is fulfilled by: the elaboration and continuous updating of operational environment assessment in the strategic interest area; the contribution to the elaboration of answer options; the settlement of measures at operative level and of essential tasks; the elaboration of operation's model, especially of goals, operations lines and decisive points/conditions at operative level; the preparation of national capacities of defence; the synchronization of joint operations, of the non-military and the organizations efforts from the



engagement space; the provision of expertise at operative level to adapt the operations in regard to the change of strategic and operative conditions; the transition planning; the military operation closing.

The operations' planning phases at operative level basically involves the planning of comprehensive use of capabilities such as: the knowledge of situation; the estimation at operative level of the military-strategic assessment and the assessment of answering military options; the orientation at operative level; the elaboration of operation conception at operative level; the elaboration of operation's plan; the execution, assessment of campaign and the revision of the operation plan; transition.<sup>5</sup>

### **Conclusions**

The forces' training field is essential for the development and management of their capabilities because it provides the evaluation and synergy of all the other dimensions of the capabilities system, the result of the training activity being synthetically expressed in the quality of personnel and military structures. Consequently, its role manifests not only in forces generation but also in the results of the assessments, of viability of operations doctrines and the efficiency of military techniques and equipments, and of structures organization.

The forces generation process is particularly complex and involves, on the one hand, activities in the field of personnel and logistics, and, on the other hand, their harmonization into an integrated and functional system with three components: the generation of human resources, material resources and military structures.

The execution of collective instruction is based on the unit's training plan and is fulfilled by the execution of the standard activities of training and assessment. For each of the standard activities, certain elements are considered: the means of executing the instruction, the subordinated commandants and instructors' responsibilities, the recon and preparation of places (fields) where the instruction is to be executed, the settlement of the necessary documents, the instruction logistics (transport, munitions, materials, etc.), risk management, the execution of verifications and assessments.

Regardless of its type, the assessments are done on the basis of standard-activities of training and assessment by comparing the reached level of training with the performance standards settled in these documents, the assessment of sub-units and units aiming at accomplishing their internal cohesion.

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<sup>5</sup> S.M.G.-65, *Manualul de planificare a operațiilor*, Bucharest, 2011, art. 0401.

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## 22 JUNE 1941 – HISTORICAL ROOTS OF A MEMORABLE EVENT

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*According to the Romanian and universal historiography, the document of 22 June 1941 marked the beginning of the first Romanian-Russian war. The present article aims to emphasize such a conclusion, reviewing all the aggressive, hegemonic or annexational actions of Tsarist Russia and mostly of Soviet Russia (the Soviet Union, as of December 1922) directed against the Romanian historical territories and the Romanian national state. In the light of those mentioned, Romania's joining the war effort of Germany against the USSR, in June 1941, appears not as a historical accident, but as the outcome of prolonged states of suspicions and latent conflict.*

**Keywords:** foreign policy; military relations; alliances; offensive; defensive.

Roughly speaking, we might say that the date 22 June 1941 marked the beginning of the first Romanian-Russian war in history.

In fact, the relations between the two Christian-Orthodox peoples had not always been friendly. If, in the 18<sup>th</sup> century, against a rather post-medieval than pre-modern general background, there had been powerful Russophile boyar parties, in the next century, as the Romanian national and social emancipation movements emerged, the relations with the mighty neighbour from the East can be described as a mixture of hostility and fear<sup>1</sup>.

Meanwhile, the Romanians had had the chance to feel that Russian occupation/domination was the most dangerous of the rules of the neighbouring expansionist empires: Russia had neither the tolerance and indolence of Muslim Turkey, nor the ability to emancipate of Catholic Habsburg Austria. For Moldavian Romanians in Bessarabia, as, previously, for their brothers across the Dniester, religious communion with Russians became

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<sup>1</sup> *Istoria românilor (Tratat academic)*, vol VII, T. 1 and 2, Enciclopedic Publishing House, Bucharest, 2003, passim.

an instrument and a factor of denationalization<sup>2</sup> contributing, paradoxically, not to facilitating friendship but to deepening the gap between the two nations.

Circumstantially, Russia was on the same side of the barricade as the initiators of the ideas of Romanian national unity in 1857, 1877 and 1916. Every time, however, the euphoric phase in the bilateral relations was followed by a bitter disappointment. Dissatisfied with the unifying and modernizing course of events during Al. I. Cuza's reign, Russia encouraged, after the removal of the "Union Prince", the secessionist movements of Iași in April 1866<sup>3</sup>. Following the War of Independence, an exchange of Romanian territories (Southern Bessarabia for Dobrudja) was required, which was rather disadvantageous at the time, as was the attempted military occupation of "Little Romania" then<sup>4</sup>. During World War I, Russia proved a difficult ally; its troops did not act properly in the 1916 campaign<sup>5</sup>, and the next year they fell into revolutionary turmoil.

After the Bolshevik Revolution, new reasons of dispute interfered in the Romanian-Russian/Romanian-Soviet relations as a result of Russia's not acknowledging Bessarabia's Union with the country, seizing the National Bank Treasury and, above all, perhaps, because the government of Kremlin now understood to drape their hegemonic and expansionist tendencies with a rather perverse ideology which, starting from the utopian ideal of absolute equality among people, impugned religion, family, property and eluded the application of civil rights and liberties on a large scale, promoting genocide and terror as governing methods<sup>6</sup>.

The duplicity of the Soviet state manifested in the international political arena as well. On the one hand, Lenin and his followers vehemently supported the principles of self-determination and general disarmament, but, on the other, they encouraged, in secret and discretion or indirectly, the revisionist forces, from Mussolini to Hitler, hoping for the outbreak of a war among the other great European powers, a conflagration which would result in the Soviet state's gaining the maximum of advantages<sup>7</sup>.

<sup>2</sup> Iulian Fruntaru, *O istorie etnopolitică a Basarabiei 1812-2002*, Cartier Publishing House, Chișinău, 2002, pp. 6-197.

<sup>3</sup> Florin Constantiniu, *O istorie sinceră a poporului român*, fourth edition, Enciclopedic Universe Publishing House, Bucharest, 2002, pp. 222-223.

<sup>4</sup> George Ungureanu, *Problema Cadrilaterului în contextul relațiilor româno-bulgare (1919-1940)*, Istros Publishing House, Brăila, 2009, pp. 34-37

<sup>5</sup> Constantin Kirițescu, *Istoria războiului pentru întregirea României*, second edition, in three volumes, School House Publishing, Bucharest, 1922, vol. I-II, passim.

<sup>6</sup> Lucian Boia, *Mitologia științifică a comunismului*, Bucharest, Humanitas Publishing House, 1998, passim.

<sup>7</sup> Florin Constantiniu, *Între Hitler și Stalin. România și pactul Ribbentrop-Molotov*, Danubius Publishing House, Bucharest, 1991, pp. 5-34, Mihai Retegan, *În balanța forțelor. Alianțe militare românești interbelice*, Signs Publishing House, Bucharest, 1997, p. 41, as well as Viktor Suvorov's attempt in four volumes, "Icebreaker".

Millions of Soviet citizens, mostly Ukrainian peasants, were sacrificed on the 'lay' altar of the Red Army, being literally killed by starvation, as the investments were mainly directed towards the army<sup>8</sup> (we should compare this with the current policy of the north-Korean state which, fortunately, lacks the economic and demographic potential of former USSR).

Romania's dissatisfaction with the Munich agreement (29/30 September 1938) was seriously weakened by the fact that the USSR had been excluded from taking the decision, which, essentially, did not violate the ethnical principle upon which "Great Romanian" had been created<sup>9</sup>.

A few months later, though, Hitler's Germany broke the ethnical principle by occupying Bohemia and Moravia, hence the illusion of a consensus among the Great Western Powers vanished. This created a very favourable situation for the Soviet Union that speculated it to the fullest, negotiating with both the Anglo-French bloc and Germany and reaching an agreement with the latter, in August 1939, at the expense of small and medium-sized states spread between the Baltic Sea and the Black Sea, including Romania.

The tragedy of Great Romania, which occurred in the hot summer of 1940, was triggered by the Soviet factor, for not only did the eastern giant hastily and violently occupy a sixth of our national territory<sup>10</sup>, but it also backed the Hungarian and Bulgarian claims to Romania, fostering, at the border imposed, an atmosphere of undeclared war.

"After all, we could have risked a war with our Hungarian and Bulgarian neighbours whom we could have defeated provided we had been left alone by the USSR"<sup>11</sup>, wrote Mihail Manoilescu, minister of foreign affairs in Ion Gigurtu's government, in the summer of 1940. This unique and supreme requirement was far from being met. Molotov's statement of 1 August 1940, according to which: "Moscow wanted the relations with Romania to become normal"<sup>12</sup>, remained mere propaganda. Border incidents provoked by Soviet border guards, that had been ordered by their commanding officers, seemed to be never-ending<sup>13</sup>.

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<sup>8</sup> A terrifying but deeply realistic view of these events in the documentary "The soviet story", made in 2008 and posted on the website of Jurnal TV Moldova.

<sup>9</sup> Rebecca Haynes, *Romanian Policy Towards Germany, 1936-40/Politica României față de Germania (1936-1940)*, translated by Cristina Aboboaiie, Iași, Editura Polirom, 2003, pp. 61-62.

<sup>10</sup> Mircea Mușat, *Drama României Mari (1940)*, Fundația România Mare Publishing House, Bucharest, 1992, pp.81-82.

<sup>11</sup> Mihail Manoilescu, *Urmarea la memoriile mele. Dictatul de la Viena: iulie-august 1940*, edition by Valeriu Dinu, Enciclopedic Publishing House, Bucharest, 1991, p. 62.

<sup>12</sup> "Apud Universul", LVII, 2 august 1940, p. 1.

<sup>13</sup> Volume I of the trilogy of documents *Armata română de la ultimatum la dictat* (coordinators: Florica Dobre, Vasilica Manea, Lenuța Nicolescu), Europa Nova Publishing House, Bucharest, 2000, doc. 108, pp. 267-269.

Bulgaria was promised support to occupy the entire Dobrudja, the two Slavic states intending to make territorial junction with the Danube Delta<sup>14</sup>, and a number of Soviet, Hungarian (Count Csaki's memoirs) and Italian (Ciano's journal) sources complete the information regarding a Soviet-Hungarian agreement with the clear purpose of achieving, in August 1940, the common border on the Eastern Carpathians<sup>15</sup>. In Sofia and, ultimately, in Budapest, the hostility towards our country was undermined by the circumspection and fears of the USSR. Granting territorial benefits to Hungary and Bulgaria at the expense of Romania, in the summer of 1940, and explicit guarantees for the remaining territory to the latter by the Vienna Award (29/30 August 1940), Hitler succeeded in impounding Soviet expansion in south-eastern Europe.

Thus, we do not exaggerate if we say that the threads of the Vienna Dictate lead to Kremlin, which, of course, does not absolve Hitler from the monstrous crimes against peace and humanity.

The act of 30 August 1940, "especially Germany's guarantees granted to Romania" after the submission of northern Transylvania and southern Dobrudja, deeply displeased the Soviet Union.

A conversation between Schullenburg and Molotov is illustrative in this sense, the diplomatic civilities hardly masking the growing disbelief between the two partners. (Molotov: "Why did you guarantee for Romania?! You knew we did not plan to attack this country!" Schullenburg: "That is precisely why we did, because we knew you did not plant to attack Romania, so it shouldn't bother you!")<sup>16</sup>.

The USSR's attitude towards Romania remained, practically, just as hostile, in autumn 1940, when several holms of the Danube Delta were occupied<sup>17</sup>. On the other hand, to Hitlerian offers of cooperation against the British Empire, Molotov did not let himself be inveigled with India, Persia, raising the issue of Finland and the Balkans, including by reaffirming its claims to southern Bukovina, in November 1940<sup>18</sup>.

As the Romanian-German alliance became stronger, the USSR abandoned the offensive attitude in favour of one of expectation and even in favour of diplomatic attempts, later on, in the spring of 1941. The Soviet

<sup>14</sup> G. Ungureanu, *op. cit.*, pp. 359-360, 365.

<sup>15</sup> Apud M. Dogaru, Gh. Zbucea, *O istorie a românilor de pretutindeni*, D.C. Promoțiuni Publishing House, Bucharest, 2004, p. 12.

<sup>16</sup> M. Manoilescu, *op. cit.*, p. 193.

<sup>17</sup> *Armata română...*, vol. cit., doc.121, pp. 300-304.

<sup>18</sup> Barbara Jelavich, *History of the Balkans: 20th Century / Istoria Balcanilor*, vol. II – sec. XX, posted by Ion Ciupercă, translated by Eugen Mihai Avădanei, Iași, European Institute, 2000, pp. 364-365.

Union watched, with satisfaction, the disturbances in Romania known as "the legionary rebellion" and, after Antonescu's victory, the Communist Party tried to assimilate former legionnaires confused by the events<sup>19</sup>, a strategy fully employed after 23 August 1944.

Finally, the spring of 1941 brought along the USSR's diplomatic attempts towards Romania and first of all the discussion between Vyshinsky and Gafencu, of 8 April 1941, during which the Soviet representative made a rather equivocal reference to satisfying several Romanian "territorial claims"<sup>20</sup>. In the light of the general and long-term goals of the USSR in Europe, we consider the assumption according to which Moscow was testing the solidity of the Berlin-Bucharest relation in anticipation of a near conflict as highly probable.

In conclusion, the act of 22 June 1941 was not only Romania's answer to the ultimatums of June 1940 but, even if only symbolically, it represented a response to all Russian invasions which marked Romanian modernity and a refusal to believe in the promises and word of Bolsheviks.

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<sup>19</sup> Florin Müller, *Statul național legionar*, in "Istoria Românilor (Tratat Academic), vol. IX, Enciclopedic Publishing House, Bucharest, 2008, pp. 96-97.

<sup>20</sup> Florin Constantiniu, *1941 – Hitler, Stalin și România*, Enciclopedic Universe Publishing House, Bucharest, 2002, pp. 171-174.

## THE USE OF REVISAL PLATFORM PROGRAM IN THE HUMAN RESOURCES MANAGEMENT ACTIVITY

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*The legislative changes, specific for the personnel sector with significant impact on the national level, have triggered the adoption of a new strategy regarding the system of personnel's inventory. Starting from these considerations, the public institutions and also private institutions using labour force had to adapt to the program of integrated personnel management, generically called Revisal.*

**Keywords:** informatics system; database; human resource; organization; legislative harmonisations.

Literally, *to manage* means, the measure to align some already existent variables of entrance in regard to some criteria specified in the analysis and classification undertaking. This activity is necessary for any time of organization regardless of its organization form because it regards a better structuring of specific activities and also of information.

Practically, to manage signifies to classify but also to set an order. Presently, the techniques of classification are increasingly used for the analysis of the historical data collected in large databases. Each registration in the database is described by a set of predictor attributes and a target attribute (dependent variable). The result of those techniques use consists in obtaining a pattern represented by a set of rules. These rules allow the analysis of data from different perspectives and resume the results as useful information for the decisional process<sup>1, 2</sup>.

The impact of the national legislative-normative framework in regard to the efficient management of personnel determined the adaptation of the

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<sup>1</sup> Elena Şuşnea, *Classification techniques used in Educational System*, In The 4<sup>th</sup> International Conference on Virtual Learning, pp. 376-379, 2009.

<sup>2</sup> Elena Şuşnea, *Using Artificial Neural Networks in e-Learning Systems*, UPB. Sci. Bul., Series C, Vol. 71, Iss. 3, pp. 157-171, 2009.



military institution to the practices used in the human resources activity. Along the modifications and completions brought to the Labour Code in force since 2003<sup>3</sup>, the System of employees' general inventory was implemented, thus, recalling the legislation over the labour card<sup>4</sup> being in force since 1976.

The novelty brought by the implementation of the System of employees' general inventory consisted in the transition from a written inventory of the employees to a centralized system of management (by electronic inventory). For a better functionality and efficient implementation, these two systems functioned in parallel until June 2011.

The implementation of program platform became compulsory for all the juridical persons employers in Romania employing personnel for their ongoing activities, who have the obligation to fill in the General Register of Personnel's Inventory at least until the previous day of employees beginning activity (the data when the individual contract of labour produces effects).

In order to put into practice this initiative, the Ministry of Labour, Family and Social Protection constructed a reliable program for personnel's management, which was distributed by the Territorial Inspectorates of Labour<sup>5</sup>. On this occasion, the national program for employees' inventory, suggestively called Revisal, was created.

The manner of working with this program platform is relatively easy because it can be accessed from the Territorial Inspectorate of Labour of the municipality in whose range the employer undergoes its activity. Until the moment of compulsory completion and transmission to the General Register of Personnel's Inventory, the employers handed in to the Territorial Inspectorates of Labour an inventory of the employees materialized in salaries sheets together with the payment orders attesting the payment of the contribution regarding the completion commission of labour cards. A positive aspect noticed with the entering in force of these human resources' means of management is the fact that no type of employers' contribution for the management activity and taxpayers' reports analysis is settled and paid.

In its evolution, the program had many versions greatly owed to the improvements brought at users' suggestion. The first version of Revisal program became usable starting to 2007 grounding the regulations comprised<sup>6</sup> in the moment's legislation. The legislative framework had a significant role in the enhancement of Revisal program functioning.

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<sup>3</sup> *Legea nr. 40/2011 pentru modificarea și completarea Legii nr. 53/2003 – Codul Muncii.*

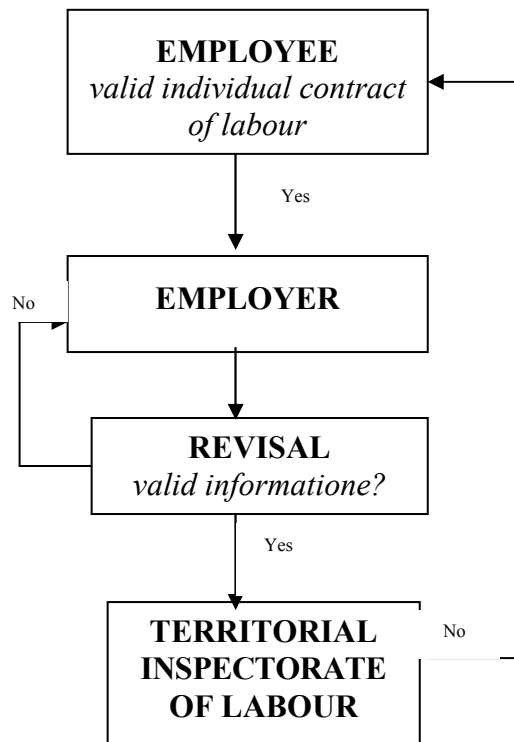
<sup>4</sup> *Decretul nr.92/1976 privind carnetul de muncă.*

<sup>5</sup> [www.itmb.ro](http://www.itmb.ro)

<sup>6</sup> *Hotărârea de Guvern nr. 161 din 3 februarie 2006 privind întocmirea și completarea registrului general de evidență a salariaților.*

For the exemplification, we mention the legislation allowing the approval of the structure over the Classification of professions in Romania in conformity with the International Standard Classification<sup>7</sup> or of activity field as the Classification of activities in the National Economy<sup>8</sup>. The program functioned in its initial version<sup>9</sup> until the moment of the apparition of a new version in 2011<sup>10</sup>. Even if many draft versions existed before, the functionality remained the same, meaning a databases system which offered pertinent and timely information when it is interrogated by a user.

Thus, starting with the compulsoriness to register the individual contract of labour, following the steps of the support program forces us to go through the different modifications appearing as regards to the respective employee professional curricula, all operated in this program.



**Fig. 1:** The phases of registering a valid individual contract of labour

<sup>7</sup> Hotărârea nr. 1352 / 23.12. 2010 privind aprobarea structurii Clasificării ocupațiilor din România - nivel grupă de bază, conform Clasificării internaționale standard a ocupațiilor - ISCO 08.

<sup>8</sup> Ordin nr. 337/2007 - privind actualizarea Clasificării activităților din economia națională – CAEN.

<sup>9</sup> Hotărârea de Guvern nr. 500/2011 privind registrul general de evidență a salariaților.

<sup>10</sup> Hotărârea de Guvern nr. 1.105/2011 prin care sunt modificate prevederile Hotărârii de Guvern nr. 500/2011 privind registrul general de evidență a salariaților.

Among the benefits brought by the Revisal platform program, we list:

- Timely registering of the individual contracts of labour for the new employees;
- Multiple inventory of activities specific for human resources management;
- Activities operating over the contractual terms;
- Correlation with the stipulations provisioned in the Labour Code in regard to the effectuated operations;
- Correspondence with the Classification of Professions in Romania;
- Correspondence with the Classification of Activities in the National Economy;
- Import of data from other databases then those are stocked in files created with other programs of support assistance;
- Export of databases in other formats in order to facilitate the access, modification and deletion of data by using other applications.

We can state that the Revisal program platform was built to answer the requirements of the most exigent inspectors of personnel thus being used particularly by the units registering a big number of personnel and which, confronts with the mobility of a significant labour force.

In the database construction, the totally diverse activity of the personnel compartment, with which the platform program was set to operate, was also regarded. The military organization – the integrated-type organization, well constituted and prepared for actions under extreme risk conditions<sup>11</sup> – is also part of this registry as user.

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<sup>11</sup> Tania Stoean, *Factori cauzali privind configurarea structurilor informale organizaționale*, Bulletin of „Carol I” National Defence University nr.3/2012, pp. 64-68.

## **THE OCCUPATION OF BESSARABIA AND BUKOVINA (27-28 JUNE 1940) IN THE CONTEXT OF THE ROMANIAN-SOVIET RELATIONS**

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*The present paper relies on special works and collections of recently published documents and highlights the importance of the date of 28 June 1940, starting from the entire evolution of the Romanian-Soviet relations, before and after World War II. The underlying idea of the paper is that the occupation of north-eastern Romania, in June 1940, was only a part of a more complex plan of the USSR to gain control over the entire Balkan-Pontic space. As a result of this conduct, Romania's hostility legitimately grew, our country seeking Germany's protection in the face of the Soviet danger.*

**Keywords:** agreement; border; diplomatic relations; interests; aggression.

Throughout the entire interwar period, Romanian-Soviet relations were encumbered with the so-called "Bessarabian issue", that is non-acknowledgment by Soviet Russia (the USSR, as of December 1922) of Bessarabia's union with the Country, of the right to self-determination of the Romanian population from Bessarabia.

In 1920-1921, the Romanian government had the chance to obtain, from the Soviets, the explicit recognition of the border on the Dniester, in exchange for renouncing the Treasury. Considering that the Treasury could no longer be recovered, with few exceptions, rejecting the Soviets' offers in 1920-1921 was a mistake of the Romanian diplomacy<sup>1</sup>, even though, most likely, the Soviets would have broken, at a some point, the signature, as we very well know it happened many times.

After 1922, the USSR refused any categorical official recognition of Bessarabia's joining the Romanian state, offering, at most, intricate formulas

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<sup>1</sup> Octavian Țăcu, *Problema Basarabiei și relațiile sovieto-române în perioada interbelică (1919-1939)*, Chișinău, International Prut Publishing House, 2004, pp. 63-106.

of bracketing the territorial dispute, in exchange for subordinating the Romanian foreign policy. Thus, in 1933-1936 (during the negotiations between Titulescu and Litvinov), the USSR did not explicitly abandon its territorial claims, the province between the Prut and the Dniester being included, in various official Soviet propagandistic materials, within the Soviet borders<sup>2</sup>. The real Soviet plans came into the open in 1937, when the Soviet Union, though allegedly animated by the most peaceful intentions, refused to conclude a non-aggression pact with Romania on the basis of the territorial *status quo*, suggesting, instead, a pact of mutual assistance, modelled on the Soviet-Mongolian one<sup>3</sup>.

The exacerbation of tensions among the Great Western Powers (England, France, Germany, Italy) allowed the USSR to assert themselves as a hegemonic power in the east of the old continent, which was recorded by the additional secret protocol of the Molotov-Ribbentrop Pact, in article 3. A careful reading shows that the demarcation of spheres of influence of Germany and the USSR in south-eastern Europe was quite ambiguous. If, in Poland's case, there was a clear mention of the Narew-Vistula-San line, article 3 of the Secret additional protocol is formulated as follows: "With regard to South-eastern Europe attention is called by the Soviet side to its interest in Bessarabia. The German side declares its *complete political disinterestedness in the areas*."<sup>4</sup>. Therefore, the Germans' disinterest was merely political, Berlin was keeping a leeway in the economic area, while the plural "the areas" opened possibilities for the USSR to claim other south-eastern territories, other than Bessarabia, as well, maybe as far as Constantinople and the Straits.

The seizure of Bessarabia was a very cautiously and thoroughly prepared operation of the Soviets, in the famous Stalinist style, the dictator from Kremlin not being willing to risk anything. So long as the Soviet Union focused its attention on other cardinal and intra-cardinal points, the Soviet diplomats sought to temper the Romanians' fears, to lull the vigilance of Romania decision-makers so that, when considered opportune, our country should be as isolated and unprepared as possible.

On 17 September 1939, under the pretext of defending the life and property of the Polish citizens of Ukrainian and Byelorussian ethnic origins, who were the major population in the east of interwar Poland, the Red Army

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<sup>2</sup> *Istoria României în date*, coordinated by Dinu C. Giurescu, Bucharest, Enciclopedic Publishing House, 2003, p. 686.

<sup>3</sup> Ion M. Oprea, *România și Imperiul Rus (1924-1947)*, Bucharest, Albatros Publishing House, 2003, pp. 140-145.

<sup>4</sup> Florin Constantiniu, *Între Hitler și Stalin. România și Pactul Ribbentrop-Molotov*, Bucharest, Danubius Publishing House, 1991, pp. 65-66.

crossed the Polish-Soviet border established on 18 March 1921 in Riga. On this occasion, the USSR assured Romania of their “neutrality”<sup>5</sup>, which was a strange word considering that the Romanian state was not at war with any other state and the official Soviet communiqué of 18 September contained the periphrasis “the Dniester River, which represents our border with Romania”<sup>6</sup>, after two decades during which the Soviets had used, when referring to the Dniester line, vague phrases such as “demarcation line”, etc. Moreover, in order to temper the Romanians’ apprehensions, the Soviet diplomat Kukolev assured the Romanian Minister of Foreign Affairs, Grigore Gafencu, during their meeting on 8 December 1939, of the Soviet government’s benevolence and understanding<sup>7</sup>. Less than 10 days before, war had started in Finland, which would last longer than Soviets had expected owing to objective natural conditions and the Finnish heroic resistance. However, there was a slip of the Soviets and this materialized into the publication (and later retraction) of an article titled “The Imperialist War and Romania” written by Boris Stefanov. The article published in “Komunisticeski international” (the Comintern’s newspaper) concluded by saying that it was necessary for Romania to sign a treaty of mutual assistance with the great eastern neighbour, on the pattern of the Baltic states which had been constrained by Stalin to such documents, in September-October 1939, as a prelude to the future annexation<sup>8</sup>.

In fact, the Romanians were very well-aware of the Soviet threat and its coming to the fore after the conclusion of the Molotov-Ribbentrop Pact and the outbreak of World War II following the partition of Poland between the two signatories. In theory, there were several possibilities of counterpoising the Soviet claims, but, as long as England, France and Germany were at war with each other, the Romanians’ hopes, though meagre, were put in Italy and the Baltic states, including Bulgaria, which more and more Romanian politicians (N. Iorga, A. Calinescu, Grigore Gafencu, even King Charles II) thought about drawing into the Balkan Entente.

The most important Romanian diplomatic initiative then remained “The Neutrals’ Bloc”, aiming to create an alliance that would regroup no less than seven neuter states, namely the four members of the Balkan Entente, Hungary, Bulgaria and Italy, which had annexed Albania in the autumn of

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<sup>5</sup> *România în jocul Marilor Puteri (1938-1940). Documente (1938-1941)*, Editors: Corneliu Mihail Lungu and Ioana Alexandra Negreanu, with an introduction by Dinu C. Giurescu, Bucharest, Curtea Veche Publishing House, 2000, doc. 19, p. 188.

<sup>6</sup> *Ibidem*.

<sup>7</sup> *Ibidem*, doc.32, pp. 206-209.

<sup>8</sup> Vitalie Văratîc, *Preliminarii la raptul Basarabiei și nordului Bucovinei*, Bucharest, Libra Publishing House, 2000, doc. 30, pp. 142-154.

1939. The project failed, meeting with the hostile attitude of the USSR, while Germany and Italy had moments of sympathy towards this Romanian initiative which they, finally condemned<sup>9</sup>. Actually, the Axis Powers had no desire for a war to break out in the Balkans, for it was here that Germany bought agricultural and oil products and a wide range of raw materials; on the other hand, the two states of the Axis neither wished an improvement of the inter-Balkan relations, namely the conclusion of Romanian-Hungarian or Romanian-Bulgarian agreements. Had the small Balkan states seen eye to eye, then Germany would have had less chances of manoeuvring in future. The Soviet Union, however, did not depend, in any way, on the resources provided by the Balkans and any unpredictable event could mean an occasion to expand its influence beyond the limits that had been rather ambiguously specified in the secret agreements of 23 August 1939. The difference of views and interests between Germany and the USSR became very clear, at least as far as we are concerned, in the spring and summer of 1940.

When the Campaign in Finland was approaching the end, the Soviet Union gradually channelled its attention on Romania. Thus, on 4 March 1940, "Pravda" published an article in which Hungarian and Bulgarian claims to the Romanian territory were considered just, on 20 March 1940, the TASS news agency issued a similar commentary and, on 29 March 1940, Molotov was to speak openly, in front of the Supreme Soviet, about the lack of a Romanian-Soviet non-aggression treaty caused by the Bessarabian issue, the settlement of which was hoped to be a peaceful one<sup>10</sup>. In April and May 1940, the Soviet-Romanian relations worsened, the Soviets massing numerous large units near the border with Romania and accusing the Romanian border guards of "intolerable" incidents, many of them fabricated or skewed in the vehement Soviet protest notes<sup>11</sup>.

Many of the German successes on the Western Front precipitated the USSR's plan to take action as regards Bessarabia, stirring anxiety in Berlin which did not wish the Balkans to become a theatre of war. As a final sign of camouflaging the politico-military preparations to annex Bessarabia, the Soviet government appointed Anatoli I. Lavrentiev as minister plenipotentiary in Bucharest, a position that had remained vacant after Butenko's escape<sup>12</sup> in 1938.

<sup>9</sup> George Ungureanu, *Problema Cadrilaterului în contextul relațiilor româno-bulgare (1939-1940)*. Brăila, Istros Publishing, 2009, pp. 343-348.

<sup>10</sup> I. M. Oprea, *op. cit.*, p. 201.

<sup>11</sup> "Armata română de la ultimatul la dictat. Anul 1940. Documente", coordinated by Florica Dobre, Vasilica Manea, Lenuța Nicolescu, vol I, Bucharest, "General Ștefan Gușă" Foundation Publishing House, 2000, doc. 1-6, pp.1-17.

<sup>12</sup> Cătălin Calafeteanu, *România și -micile puteri- vecine: 1940-1944*, Bucharest, Enciclopedic Publishing House, 2011, p. 15.

Before submitting the well-known ultimatum to Romania, the Soviet Union consulted with Germany and, to a lesser extent, with Italy. Therefore, on 20 June 1940, three days after the war on the Western Front had ended, Molotov was discussing, in cautious terms, with the Italian ambassador Augusto Rosso, the position of the USSR with regard to the issue of Bessarabia and the Soviet giant's fondness of Hungary and Bulgaria. Moreover, with regard to Bulgaria, Molotov underlined the "fine Soviet-Bulgarian neighbour relations" and "Bulgaria's right over Dobruja", without distinguishing between Cadrilater and Old Dobruja, which anticipated a scenario of Soviet-Bulgarian territorial junction carried through at the expense of Romania with the entire occupation of Bessarabia and Dobruja, respectively<sup>13</sup>.

Speculating Yugoslavia's fear of Italy, the USSR signed an economic agreement with this country, on 11 May 1940, which was followed, on 25 June 1940, by the re-establishment of the diplomatic relations between the two states<sup>14</sup>. Thus, Romania remained completely isolated.

Between 23 and 26 August, the Soviet and German governments exchanged telegrams which showed Hitler's dissatisfaction with the Soviets' expanding their claims to Bukovina and Germany's obsessive concern that a war should not start between the USSR and Romania<sup>15</sup>. Several Romanian historians (Gh. Buzatu, Fl. Constantiniu, Neagu Djuvara, etc.) think that accepting the Soviet ultimatum was a mistake and that, by rejecting Molotov's ultimatum, Romania would have had a better destiny at the end of the conflagration, after having gone through the experience of a total German occupation west of the Prut.

In his memoirs, King Charles II mentioned that he personally wanted to resist but the Crown Council opposed. In fact, the sovereign, who had practically assumed the entire power of the state, hid behind a consultative not deliberative body. Moreover, during the first Crown Council held on 27 June, at 12.00, a certain majority (11-10), which was against accepting the Soviet ultimatum, had taken shape but, in the evening, the king called a second Council and only 6 participants pronounced themselves for resistance<sup>16</sup>. If King Charles had truly wanted to oppose the Soviet aggression, he could have done it, relying on the First Crown Council held on 27 June 1940. If the king had wished to defend the frontiers of the country, he would have given a clear answer to the Chief of the General Staff, General Florea Țenescu, at the end

<sup>13</sup> G. Ungureanu, *op. cit.*, pp. 355-356.

<sup>14</sup> C. Calafeteanu, *op. cit.*, pp. 96.

<sup>15</sup> I. M. Oprea, *op. cit.*, p. 212.

<sup>16</sup> Alexandru D. Dușu, Maria Ignat, *Drama României Mari. Rapt și umilință*, Bucharest, Universal Dalsi Publishing House, 2000, pp. 80-84.



of May, when the latter asked for precise instructions in the face of a more and more probable Soviet invasion<sup>17</sup>.

We shall not go into details about the contents and character of the Soviet ultimatums of 26-27 June 1940. We should mention, however, some aspects regarding the USSR's behaviour towards Romania, after the occupation of Bessarabia and northern Bukovina.

1. By the acts of 26-28 June 1940, the USSR committed an aggression against Romania, breaking a number of international agreements they had signed (the Briand-Kellog Pact, the London Conventions for the Definition of Aggression etc.).

2. The Soviet state did not even comply with the terms imposed by force on Romania, occupying the Hertza region, which belonged neither to Bessarabia nor to Bukovina, attacking the Romania troops in retreat and having all sorts of claims during the negotiations conducted at Odessa<sup>18</sup>.

3. The Soviet army continued to display a hostile attitude towards the Romanian one, causing continuous border incidents, preparing new extended attacks against Romania and capturing, in autumn 1940, several holms in the Danube Delta.

4. In July-August 1940, the Soviet Union elaborated and accepted to put into practice scenarios which aimed to dissolve the Romanian state and make the territorial junction with Hungary<sup>19</sup> and Bulgaria<sup>20</sup> that had been promised the entire Transylvania and Dobruja, respectively; the governments of these small states were not blinded by the hostility towards our country, but they played the Soviet card and used it as a blackmailing tool with Hitler who was interested in maintaining stability in south-eastern Europe.

This explains why, on 30 August 1940, Germany and Italy mutilated Romania's borders, giving our country, in return, guarantees against any potential aggressor, which deeply displeased Kremlin, but limited the effects of Soviet aggressions in late 1940.

In conclusion, the act of 28 June 1940 represented the final point of preparations for invasion, of some intentions that had been lurking for more than two decades and, also, the beginning of a work of complete dismemberment of the Romanian national state, which was only partially accomplished, due to the interests of other power centres (Germany and Italy) that *nolens volens* had become the only guarantors of the existence of Romania as a country.

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<sup>17</sup> *Ibidem*, p. 73.

<sup>18</sup> „Armata Română...”, vol. cit., *passim*.

<sup>19</sup> Mircea Dogaru, Gh. Zbucnea, *O istorie a românilor de pretutindeni*, Vol. I, Bucharest, D.C. Promoțiuni Publishing House, 2004, pp. 6-7.

<sup>20</sup> G. Ungureanu, *op. cit.*, pp. 359-362, p. 367.

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**„Carol I” National Defence University  
Publishing House**

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**Assistant-Editor: *Ana-Maria CHISEGA-NEGRILĂ***  
**Make-up Editor: *Gabriela CHIRCORIAN***  
**ISSN (on-line) 2284 – 9378**

**The publication consists of 276 pages.**

„Carol I” National Defence University Typography  
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e-mail: [buletinul@unap.ro](mailto:buletinul@unap.ro)  
Tel./Fax 319.59.69; 319.48.80/0215; 0453

B. 264/2012