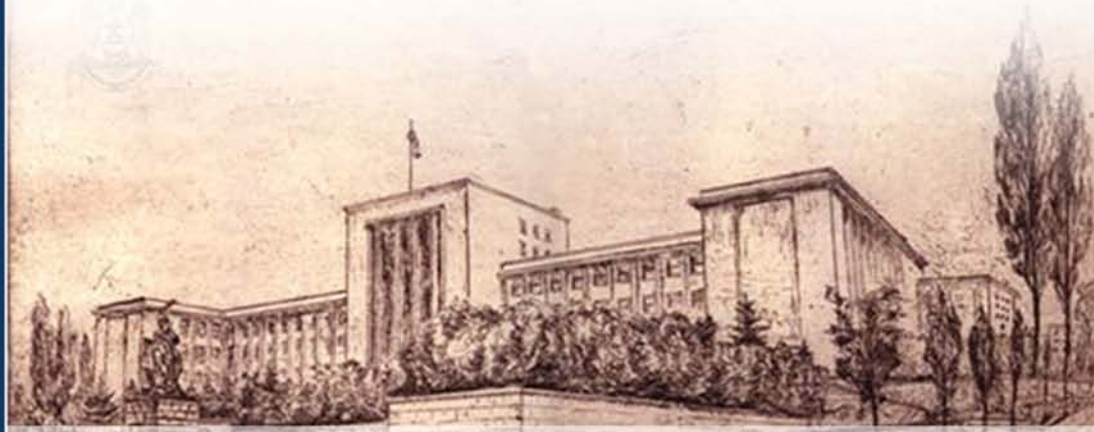
BULLETIN OF "CAROL I" NATIONAL DEFENCE UNIVERSITY

ANNUAL SCIENTIFIC PEER-REVIEWED PUBLICATION
INDEXED IN INTERNATIONAL DATABASE *EBSCO PUBLISHING*



"CAROL I" NATIONAL DEFENCE UNIVERSITY PUBLISHING HOUSE
BUCHAREST - 2014

BULLETIN
OF
"CAROL I" NATIONAL DEFENCE UNIVERSITY

ANNUAL SCIENTIFIC PEER-REVIEWED PUBLICATION
INDEXED IN INTERNATIONAL DATABASE EBSCO PUBLISHING

PUBLICATION FOUNDED IN 1937

"CAROL I" NATIONAL DEFENCE UNIVERSITY PUBLISHING HOUSE
BUCHAREST, 2014

Cover: Elena PLEŞANU

Assistant-Editor: Ana-Maria CHISEGA-NEGRILĂ
Make-up Editor: Liliana ILIE

COPYRIGHT: Reproductions are allowed under the condition of specifying source.
Full responsibility for the articles lies with the authors.

ISSN 2284-9378 (on-line)

CONTENTS

Pages

5 EDITORIAL
Colonel Gheorghe CALOPĂREANU, PhD

7 SMART DEFENCE. THE RECURRENCE OF AN EVOLVING IDEA
Cristina BOGZEANU, PhD

19 NATO'S POLICIES AND STRATEGIES FOR PROTECTING HUMAN RIGHTS
Cosmin IORDACHE
Valentin-Stelian BĂDESCU, PhD

29 THE TRANSATLANTIC LINK DURING THE DECADE PRIOR TO ROMANIA'S ACCESSION IN NATO (1994 – 2004): TEMPORARY DISSENTIONS AND PERMANENT COMMON VALUES & INTERESTS
Colonel Valerică CRUCERU, PhD

37 SERIOUS GAMES – FUTURE OF TRAINING AND EDUCATION WITHIN THE AIR FORCE
Colonel Associate Professor Marius-Victor ROŞCA, PhD
Associate Professor Ana-Maria CHISEGA-NEGRILĂ, PhD

Pages

44 NATO'S CONCERNS FOR COMPLIANCE AND IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS LAW
Valentin-Stelian BĂDESCU
Cosmin IORDACHE, PhD

58 LOGISTICS MANAGEMENT DETERMINATIONS RELATED TO ECONOMIC CONSTRAINTS AND OPERATIONAL REQUIREMENTS
Colonel Professor Gheorghe MINCULETE, PhD
Lecturer Diana ȚUȚUIANU, PhD

69 NATO – GUARANTOR OF REGIONAL AND GLOBAL SECURITY AND STABILITY
Colonel Lecturer Dorin-Marinel EPARU, PhD
Assistant Lecturer Polixenia OLAR, PhD Candidate

80 ROMANIA STRONGLY ANCHORED IN NATO EDUCATIONAL SPACE
Colonel Professor Dănuț TURCU, PhD

95 DEVELOPING THE ADVANCED DISTRIBUTED LEARNING CAPABILITIES IN "CAROL I" NATIONAL DEFENSE UNIVERSITY
Colonel Professor Ion ROCEANU, PhD
Colonel Daniel BELIGAN, PhD Candidate

102 INTERNATIONAL HUMANITARIAN LAW CENTRE – 10 YEARS, CONTRIBUTION TO ROMANIAN MILITARY EDUCATION
Lieutenant-colonel Carmen ROTĂRESCU, PhD Candidate

EDITORIAL

A VIEW ON STANDARDIZATION OF EDUCATION PROGRAMMES CURRICULA

"Carol I" National Defense University is a military institution of higher education accredited in accordance with the Romanian *Law of national education* that is part of the ***Romanian education system***.

In terms of the quality of the educational services provided, the university complies with and applies the national standards in this field, being evaluated periodically by the Romanian Agency for Quality Assurance in Higher Education.

The education system implemented in "Carol I" National Defense University provides, simultaneously, both ***academic education and training***.

At the same time, the ***European Credit Transfer System (ECTS)*** has been introduced in the university.

As an advanced research and education institution, the university organizes bachelor studies (three years/180 ECTS), master studies (1 year/60 ECTS, 1.5 years/90 ECTS, 2 years/120 ECTS), PhD studies (three years), as well as a number of postgraduate courses, in compliance with the national legislation on education and the ***principles of the Bologna process***.

The study programs are organized and function at the request of the main beneficiary, the ***Ministry of National Defense***, according to the training needs of the military personnel and university opportunities.

Enrollment is correlated with the conception of organization and re-organization of the armed forces, the professional evolution of the personnel, the need for command personnel and need to comply with the international commitments assumed by Romania at military level. The general objectives and specific programs of study express the professional skills the graduates must acquire in accordance with the requirements of the positions they will occupy in the structures of the Romanian Armed Forces, and with the ***"model of the graduate"*** developed by the main beneficiary.

Also, the university is engaged in ***academic research***, which is a priority in terms of the need to use the most current and relevant research results in areas of interest, as well as a desire to impose the University as a pole of excellence in national and international research.

At present, higher education in most European countries is organized into three cycles (Bachelor, Master, PhD). The priority in the cycle of university studies is the identification ***"windows of mobility"*** to allow the student exchange programs.

Due to the double nature of education meant for officers in military institutions, that has to include both, academic education and military training, the mobility target under the Bologna process is slightly different for the military education compared to the civilian education, taking into account that the basic education of an officer has well defined national targets and strict programs.

The Bologna Process is not an end in itself but a tool for institutions to achieve the ***mobility of students, cadets and staff***. However, taking into account the fact that the ***Bologna Process is a process of standardization***, a number of differences persist at the core of officers' curriculum.

The military higher education taken undoubtedly proactive measures in terms

of ***integration into the European Higher Education Area*** with its specificity to train officers not only as elite soldiers on the battlefield, but also as elite intellectuals.

By introducing the ECTS, the ***recognition of training courses*** organized outside the national education systems has become possible, although some obstacles are still impeding (a culture of education programs and not on qualifications, proposed objectives, the language in which the study programs are conducted etc.). In this respect, the recognition of studies and qualifications obtained by students in ***international military institutions*** is a challenge for all participating countries.

Even if the educational systems still have some differences, we believe that through the Bologna Process, the necessary conditions were created for carrying out ***joint university*** programs.

To do this, ***standardization of the educational curricula is a prerequisite,*** so that the objectives of the Euro-Atlantic Security and Defense in military education will be more easily achieved.

The ***purpose of military higher education*** is, undoubtedly, to prepare future officers for war. The war must be seen as a "crisis" rather than as action in itself, since nowadays the use of the armed forces is not limited to classic interpretations.

The ***term security***, which also involves the prevention of conflicts, is no longer limited to the meaning of defense, and defense tools are increasingly required to take part in the management of security.

The ***Petersberg tasks***, which still define the use of armed forces in the context of CSDP, illustrate the integration of the concepts of "security" and "defense". Missions, at least in the European context, are defined more by targets than by the concept of "enemy".

The ***Lisbon Treaty***, which introduced such notions as "collective defense" and "individual defense", confirms this direction.

For the standardization of educational curricula to be successful in higher military education in the European Union countries, in support of both NATO and EU operations, the following elements must be taken into account:

- ***A Focus on military training*** remains necessary but not sufficient;
- An education system that ***focuses mainly*** on teaching the human values and behavior, as in classical academies, can attract an audience that may not be suitable for new missions;
- An officer's ***competence profile*** should correspond more to professional skills than to practical knowledge;
- The growing integration within the national higher education system, between civil and military education, is more appropriate for mission flexibility;
- The higher military education must meet academic standards.

Regardless the importance of "academicization", the current trends in higher education for the military should not lose sight of the fact that this ultimate aim is a twofold one: the training of the intellectual elite that manages security issues and the training of future officers for the elite soldiers in their countries.

In fact, military education has a dual nature. This is underlined by the educational curricula of military higher education institutions, and through this, the young European officers' educational path is integrated in their careers.

Colonel Gheorghe CALOPAREANU, PhD
Deputy Commandant "Carol I"
National Defence University

SMART DEFENCE. THE RECURRENCE OF AN EVOLVING IDEA

Cristina BOGZEANU, PhD*

Abstract: *During 2012 NATO Summit, held in Chicago, a new defence planning initiative was launched – smart defence. In fact, this idea seems to mark at a great extent the entire NATO-related debates in the current period of time. Smart defence is often regarded as a saving idea which can guarantee the preservation of NATO ability to fulfill its core missions under the austerity conditions, having at its basis the principle which can be summarized as "more defence for less money".*

The present paper argues that smart defence is not a genuinely new concept, as preoccupations to make defence investment more efficient and equitable are as old as the Alliance. Smart defence is only a new name for an old, but boosted idea brought forth by the current international context.

Keywords*: smart defence; Defence Capabilities Initiative; Prague Capabilities Commitment; world economic and financial crisis; European issues.*

1. Smart defence within the present international context

Ever since the beginning of the world's economic and financial crisis, most of the discussions regarding NATO focused on its relevance in guaranteeing regional security, its role after the withdrawal from Middle East theaters of operations and, especially, on finding innovative solutions to maintain its capacity to accomplish the full range of missions assumed through the Treaty of Washington and Strategic Concept. Actually, this entire rhetoric is about the Alliance's ability to adapt to a changing international security environment, whose dynamic has been much accelerated by the economic and financial crisis, a strategic shock[1] determining recalculations in terms of international policy and national interests.

Nevertheless, NATO's history stands as a proof of its flexibility, of its capacity to continuously adapt to a fluid international security environment, to strategic shocks, of its unalterable capacity to preserve its relevance for the Euro-Atlantic security.

* "Carol I" National Defence University; e-mail: bogzeanu.cristina@unap.ro

In this line of thought, we shall not forget that NATO was formed as a political military alliance, meant to counter Soviet threat during Cold War. The fact that, after almost a quarter of a century since the disappearance of its creation's reason, Euro-Atlantic security still cannot be discussed outwith NATO, is extremely relevant in this respect.

For NATO, world's economic and financial crisis came with a serious financial and economic challenge. This phenomenon impacted on all its Member States, inclusively, on their military budgets. Concomitantly, the economic and financial crisis was not the only source of challenges. Conflicts are still a constant in international system, North Africa and the Middle East have experienced an escalation of internal crises at the end of 2010 and, in Syria, there is still an ongoing civil war. The instability associated to these states' transition to other forms of political organization also equal to an increase of terrorist risk for the Euro-Atlantic region, as well as to a proliferation of weak states, organized crime, to greater flows of migrants and refugees. At the same time, we are still living in a nuclear world and counter-piracy and countering cyber attacks also became important security preoccupations. Besides all these, one shall also take into account the fact that Washington decided to pay more attention to security in Asia-Pacific region.

A fresh approach of Euro-Atlantic security at NATO's level was, therefore, more than necessary. But, this was made in the regular manner, namely, by keeping fundamental ideas while adapting them to the current international context and challenges.

At the 2012 NATO summit, held in Chicago, the smart defence initiative was officially launched, being generally looked upon as an innovative solution to maintaining the Alliance capacities to undertake its core tasks agreed in 2010 Strategic Concept. Smart defence regards the generation of defence capabilities under austerity conditions, being a defence-planning related concept, meant to bring a balance in defence burden sharing.

Generally speaking, smart defence involves the development or procurement of necessary defence capabilities, at the Alliance level, which are too expensive to be procured individually by the Allies. Its implementation implies working together in multinational projects, according to three major principles – prioritization, specialization and cooperation.

However, the idea is not genuinely new as there can be found similarities with previous initiatives. Even NATO's official web page describes smart defence as "a

renewed culture of cooperation that encourages Allies to cooperate in developing, acquiring and maintaining military capabilities"[2].

2. Defence planning initiatives before smart defence

The idea of *burden sharing* is as old as the Alliance itself. Basically, it refers to the share of each Ally to NATO's capacity of undertaking its core missions. Also, one of the main issues related to this concept regards the contribution of US compared to the contribution of European Member States to the total budget of the Alliance. Smart defence is also connected to this issue as it was justified by NATO's Secretary General by the need to revise US contribution to the Alliance budget, given the fact that the American contribution was almost 75% of the total NATO budget[3].

Nevertheless, in our opinion, this is a consequence of NATO's need to readapt to the international context. Not only during the Cold War, but also in its aftermath, NATO was considered a framework for the US to guarantee European states security. Corroborated with Washington's financial resources, this state of facts allowed this lack of balance in Member States' contribution to NATO's budget.

One of the first initiatives in defence planning was launched in 1999, at Washington summit, together with a new strategic concept. *Defence Capabilities Initiative (DCI)*[4] was the result of the lessons learned during NATO's operations in Western Balkans, an adaptation to non-article 5 missions. In fact, it reflects the needs of improvement in the aftermath of the first actions carried together by the Allies on the battle field. DCI objective was to "improve defence capabilities to ensure the effectiveness of future multinational operations across the full spectrum of Alliance missions in the present and foreseeable security environment with a special focus on improving interoperability among Alliance forces, and where applicable also between Alliance and Partner forces"[5].

DCI lays a great emphasis on improving capabilities in *multinational* formations, interoperability in out-of-area operations, deployability and mobility of the forces, on their sustainability and logistics, on improving command, control and information systems, training personnel and standardization. Also, developments in interoperability and critical capabilities were expected to strengthen European pillar in NATO[6]. Coordination and harmonization among the relevant planning disciplines as well as NATO standardization are part of DCI.

However, despite DCI relevance for the international context in which was

launched, it didn't provided the expected results because Member States weren't subjected to the need of a clear commitment in capabilities' improvement, nor did they set a scheduled implementation, milestones or assignments to designated states. As a result DCI is mostly considered an unsuccessful initiative and the reason for which the next defence planning reform at NATO's level also comprised references to this aspect, which contributed to a greater success on this line.

In 2002, at Prague Summit, the Allies launched another initiative meant to improve operational capabilities – *Prague Capabilities Commitment (PCC)* due not only to uneven improvements under DCI, but also to the fact the Alliance had to adapt to another major strategic shock – 9/11 terrorist attacks.

In 2002, at Prague, the Allies also decided to create NATO Response Force (NRF) which was considered to be a "catalyst for focusing and promoting improvements in the Alliance's military capabilities"[7]. Also, PCC implied commitments of Member States to improve their capabilities in eight key areas: a) CBRN defence; b) intelligence, surveillance, and target acquisition; c) air-to-ground surveillance; d) command, control and communications; e) combat effectiveness; f) strategic air and sea lift; g) air-to-air refueling; h) deployable combat support and combat service support units.

Similarly to smart defence, projects under PCC developed on a multinational basis, in close cooperation between the Allies, aimed at acquiring critical capabilities which were difficult or even impossible to be procured on an individual basis. Improving military capabilities through PCC also supposed *multinational efforts*, *role specialization* and *reprioritization* and, sometimes, additional financial resources[8].

Another common issue on defence planning initiatives is represented by the European states' role in this context. Thus, soon after Prague Summit, NATO and EU issued a "NATO-EU declaration on ESDP" (16th December 2002), which reconfirmed EU's access to NATO planning capabilities for military operations led from Brussels. In March 2003, "Berlin Plus arrangements" offered the basis for NATO-EU cooperation in crisis management, allowing EU access to NATO's collective assets and capabilities for EU-led operations. Additionally, it was set a NATO-EU Capability Group, meant to guarantee the coherence of NATO and EU military capabilities development. In Prague was also established a new Command Structure as there were set two strategic commands – an operational and a functional one.

In the same timeline with PCC, EU laid the bases for EU Battle Groups (EU's equivalent of NATO Response Force, but which has never been used) and the European Capability Action Programme. Both of them were meant to complement NATO's initiatives.

3. Smart defence – a renewed model of defence planning

Smart defence is focused on generating the necessary but very expensive military capabilities which cannot be afforded by the Allies on an individual basis, a state which has been amplified in the context of the economic and financial crisis and the subsequent military budgets' reductions.

As mentioned before, smart defence was launched under the circumstances of the economic and financial crisis, having at its basis the need of recalibrating Member States' financial contribution to NATO's budget. Similarly to the previous defence planning initiatives, smart defence also appeared on the background of a strategic shock – the world economic and financial crisis – and its necessity was emphasized by a military operation which revealed shortcomings and gaps in the Allies' capabilities endowment – Operation Unified Protector (Libya). Thus, smart defence is meant to bring a balance between US and European capabilities. Additionally, smart defence initiative has been preceded by an equivalent effort at EU's level (pooling and sharing/ European Defence Agency[9]), and, implicitly, by the stringent need of cooperation and coordination between the two organizations.

The decision to withdraw NATO forces from the Middle East theaters of operations (Iraq and Afghanistan) is also relevant for the significances of smart defence initiative as it means a transition from operational engagement to operational preparedness[10]. Thus, smart defence initiative was launched together with Connected Forces Initiative (CFI), which is a solution to maintain NATO forces at a high level of readiness and preparedness even when they aren't be engaged *de facto* on a theater of operation. CFI is, therefore, focused on "expanded education, training, increased exercises and better use of technology"[11].

Smart defence is only a part of the comprehensive plan established at Chicago in 2012 as it offers the path and the framework for pooling and sharing defence resources, but is accompanied by CFI, providing improved training and exercises and Force 2020 – the long-term plan for the type of NATO forces and of the results they shall produce at the end of this time line[12]. Also, in Chicago, was decided a new Command Structure.

CFI was thought to be aimed at creating an "organic jointness", namely at creating forces capable not only of acting as one, but also of thinking as one[13]. Given these circumstances, both CFI and Smart Defence involve fostering cooperation, integration and balance between the Allies. Smart Defence and CFI can be considered the two sides of the same coin – the financial solution and the actual framework of implementation.

It is also noteworthy another major similitude with PCC – the constituent components. In PCC case, capabilities development implied *multinational efforts*, *role specialization* and *reprioritization.* Smart defence also has three main dimensions – prioritization, specialization and cooperation within multinational projects. The two initiatives are different neither from the perspective of the context in which they appeared, nor in the terminology they use.

4. Comparative study

Defence planning reforms at NATO's level seem to happen in certain similar circumstances and contain a rather constant line (for a bird's eye view, see Table 1). DCI was launched in the context of Western Balkans conflicts, the first occasion for the Allies of acting together in this quality, revealing the need of improving interoperability and standardization. At the same time, it was about out-of area operations, which required a great emphasis on deployability, self-sustainability, information sharing and force protection outside NATO's territory.

As it can be seen in the figure below, there is a clear connection between the strategic contexts in which these initiatives were launched, the existence of a strategic shock having happened at a rather short time before and recent missions revealing shortcomings and gaps necessary to be overcame in order to maintain the Alliance's relevance and capacity of fulfilling its core missions.

Thus, with DCI, NATO adapted to a new strategic environment, to a unipolar one, where the main threats were connected to regional and ethnic conflicts. Its entire *raison d'être* needed to be adapted to this major strategic context change. PCC marked the need for developing the proper capabilities to approach the terrorist threat at the extent gained after 9/11 events and to adapt the Alliance's capacity of engaging in a new type of warfare. Additionally, there can be easily observed that DCI was less structured than the subsequent initiatives. Even more, given the fact that both DCI and PCC are based on the experience from Western Balkans missions and that their strategic context required the adaptation to non-article 5 missions, we

can assume that DCI was a prologue for the much better structured PCC, a source of lessons learned for a better defence planning reform at NATO's level.

Table 1. Comparative study DCI – PCC – Smart Defence. Context and content

	Defence Capabilities Initiative (1999)	**Prague Capabilities Commitment (2002)**	**Smart Defence (2012)**
Strategic context	- Unipolarity - First actions of NATO on theaters of operations - Non-article 5 missions - Regional conflicts	- Unipolarity - NATO Enlargement - Need for out-of area missions	- Emerging multipolarity - Withdrawal from – Middle East - "Arab Spring" - Need for keeping operational preparedness
Strategic shock	USSR implosion	9/11 terrorist attacks which determined the first invocation of article 5	World economic and financial crisis
Recent launch of a new strategic concept	X	-	X
Recent missions	Western Balkans	Western Balkans	Unified Protector Operation (Libya)

Objective of the initiative		Adapting capabilities to a new security environment	Develop new military capabilities for modern warfare in a high threat environment.	Generating modern, expensive defence capabilities in times of austerity, by pooling resources and sharing capabilities.
Force organization correlative		-	NATO Response Force	Connected Force Initiative
Command restructuring		**X**	**X**	**X**
EU's echo		Foreshadow of operations led by Western European Union	EU Battle groups	Pooling and sharing
Capabilities development dimensions	Prioritization	-	**X**	**X**
		-	**X**	**X**
	Cooperation	-	**X**	**X**

Smart defence is the current solution to a changing security environment which determines changes not only to the Allies' strategic priorities and resources of power, but also to NATO's role, organization and functioning. Thus, if PCC force organization correlative was constituted by the creation of NATO Response Force, flexible, mobile, deployable, self-sustainable forces adapted to the evolutions in terms of security risks and threats, smart defence is related to CFI, focused on education, training and exercises, meant to preserve NATO's preparedness and

Allied forces' interoperability even in the absence of an actual NATO-led mission.

At the same time, despite the similarities between PCC and smart defence in terms of their content and context of launching, at their basis lay different impulses. In PCC case, it was about adapting the Alliance to a new typology of warfare, while smart defence is mostly about endowing NATO with the necessary capabilities in a context characterized both by financial austerity and by the preservation of notable security risks and threats, as well as by the need of keeping the forces prepared even if there isn't any operation underway.

Equally relevant is these initiatives' echo at EU's level. In our opinion, this aspect is closely connected with the level reached by the Union in developing its security and defence dimension. Within DCI, the Allies still referred to the EU security and defence as a constituent part of NATO, stressing that "improvements in interoperability and critical capabilities should also strengthen the European pillar in NATO"[14]. Also, it is taken in consideration Allies' ability to undertake Western European Union-led missions.

Latter, in 2002, after the European Security and Defence Policy development had already registered some progresses, the need for inter-organizational cooperation and coordination was clearly expressed – "our efforts to improve capabilities through the PCC and those of the EU to enhance European capabilities through the European Capabilities Action plan should be mutually reinforcing, while respecting the autonomy of both organizations, in a spirit of openness"[15]. In 2012, coordinating NATO and EU defence planning activities becomes an aspect of crucial importance for the success of the initiative – "Working together as Allies also means seeking cooperation with players outside NATO. NATO and the EU are facing a similar challenge, that of reconciling the urgency of savings with a modern defence. NATO and the European Union, in particular the European Defence Agency, are working together to avoid needless duplication with the pooling and sharing initiative"[16].

To all these, the issue of a "responsibility-sharing" between NATO and EU should be also added, as it makes even more important for the EU to develop its necessary military capabilities. As mentioned before, smart defence was launched after Washington decided to concentrate its strategic interests more on Asia-Pacific, meaning that US needed more reliable Europeans partners, able to tackle their own security issues as well as those of their close vicinity. This is another cause of the stringent need for the European to reduce to the capability gap in relation with the US.

Another notable difference between DCI and PCC, on the one hand, and

smart defence, on the other, is represented by the American vision on Europe. Thus, in the aftermath of Cold War end, Europe was seen as a subject of security provision, as "its most important strategic playground"[17], but, under the conditions of the stability gained by this space, of the financial austerity as well as of the emergence of new major players on the international arena (China, for instance) and of new areas with high conflict potential (North Africa), Europe is needed as a reliable, equal partner for the US.

Conclusions

NATO defence planning reforms and efforts to boost military capabilities usually follow a strategic shock, requiring an adaptation of the Alliance. Thus, major changes to NATO's vision on burden sharing and endowment needs and procedures appear as symptoms to significant evolutions in the strategic context. Nonetheless, NATO defence planning is founded ever since its beginning on the principle of defence burden sharing, a principle which generated different forms of capabilities generation initiatives in accordance with the characteristics of the international security environment.

Also, a constant aspect is related to the security guarantees offered by Washington through NATO and to the increasing pressure on the European allies for a more consistent and assumed implication in generating the necessary capabilities and in providing more their security and of their close neighborhood.

In conclusion, smart defence doesn't turn up as a genuinely innovative idea, but as a long term tendency, considerably amplified and stressed by the current strategic context. Also, in our opinion, smart defence has more chances to be a successful idea as the Allies can already benefit from past experiences in this domain, but also due to the financial and strategic conditions which do not leave any other observable alternatives for maintaining NATO's relevance on the international arena and for guaranteeing Euro-Atlantic security and stability.

REFERENCES

[1] For details, see Stan ANTON, *Conceptual Insights of Strategic Shock and Strategic Surprise*, in *Strategic Impact*, No. 1[46]/2013, pp. 58-67.

[2] *Smart Defence*, http://www.nato.int/cps/en/natolive/topics_84268.htm?, accessed at 10th January 2014.

[3] *"Building security in an age of austerity", Keynote speech by NATO Secretary General Anders*

Fogh Rasmussen at the 2011 Munich Security Conference, 4 February 2011, http://nato.int/cps/en/natolive/opinions_70400.htm, accessed at 5 November 2013.

[4] *Defence Capabilities Initiative*, http://www.nato.int/docu/pr/1999/p99s069e.htm, accessed at 14th February 2014.

[5] *Ibidem.*

[6] When Defence Capabilities Initiative was launched European Security and Defence Policy hadn't acquired an official, institutionalized form. Even more, the European defence and security dimension was expected to develop within the Alliance.

[7] *Prague Summit Declaration* Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, http://www.nato.int/docu/pr/2002/p02-127e.htm, accessed at 10 February 2014.

[8] *Ibidem.*

[9] For details, see Cristina BOGZEANU, *NATO-EU Relations from the Perspective of "Smart Defence" and "Pooling and Sharing" Initiatives*, in *Strategic Impact*, no. 3 [44]/2012, pp. 33-40.

[10] *The Connected Forces Initiative*, http://www.nato.int/cps/en/natolive/topics_98527.htm, accessed at 10 February 2014.

[11] *Ibidem.*

[12] United States Senate Committee on Foreign Relations, *NATO: Chicago and Beyond. Prepared Testimony for Ian Brzezinski,* 10 May 2012, p. 7, http://www.atlanticcouncil.org/ images/files/IB_SFRC_NATO_%20Final_120509.pdf, accessed at 9 February 2014.

[13] Julian LINDLEY-FRENCH, *"Organic Jointness?" NATO's Connected Forces Initiative,* in *The New Atlanticist*, 25th July 2012, www.atlantic council.org.

[14] *Defence Capabilities Initiative*, http://www.nato.int/docu/pr/1999/p99s069e.htm, accessed at 14th February 2014.

[15] *Prague Summit Declaration* Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, http://www.nato.int/docu/pr/2002/p02-127e.htm, accessed at 10 February 2014.

[16] *Smart Defence*, http://www.nato.int/cps/en/natolive/topics_84268.htm?, accessed at 10th January 2014.

[17] Michele TESTONI, *NATO's Chicago Summit: how smart is the Alliance?*, 15 May 2012, https://www.aspeninstitute.it/aspenia-online/us-and-us, accessed at 9th February 2014.

BIBLIOGRAPHY

*** *"Building security in an age of austerity", Keynote speech by NATO Secretary General Anders Fogh Rasmussen at the 2011 Munich Security Conference*, 4 February 2011, http://nato.int/cps/en/natolive/opinions_70400.htm, accessed at 5 November 2013.

*** *Defence Capabilities Initiative*, http://www.nato.int/docu/pr/1999/ p99s069e.htm, accessed at 14th February 2014.

*** *Prague Summit Declaration* Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, http://www.nato.int/docu/pr/2002/ p02-127e.htm, accessed at 10 February 2014.

*** *Smart Defence*, http://www.nato.int/cps/en/natolive/topics_84268. htm?, accessed at 10th January 2014.

*** *The Connected Forces Initiative*, http://www.nato.int/cps/en/nato live/ topics_98527.htm, accessed at 10 February 2014.

*** United States Senate Committee on Foreign Relations, *NATO: Chicago and Beyond. Prepared Testimony for Ian Brzezinski,* 10 May 2012, http://www.atlanticcouncil.org/images/files/IB_SFRC_NATO_% 20Final_120509.pdf, accessed at 9 February 2014.

Anton Stan, *Conceptual Insights of Strategic Shock and Strategic Surprise*, in *Strategic Impact*, No. 1[46]/2013, pp. 58-67.

Lindley-French Julian, *"Organic Jointness?" NATO's Connected Forces Initiative,* in *The New Atlanticist*, 25th July 2012, www.atlantic council.org.

Testoni Michele, *NATO's Chicago Summit: how smart is the Alliance?*, 15 May 2012, https://www.aspeninstitute.it/aspenia-online/ us-and-us, accessed at 9th February 2014.

NATO'S POLICIES AND STRATEGIES FOR PROTECTING HUMAN RIGHTS

*Cosmin IORDACHE**
*Valentin-Stelian BĂDESCU, PhD***

Abstract: *International protection of human rights, established from a normative point of view, especially after the Second World War, is marked by a set of characteristics widely accepted in the doctrine. It highlights in equal measure both the universal nature of human rights, as well as the quality of the individual as a subject of international law in this area, and it can be said that the issue of human rights is not an internal issue of a certain state, but it is one of the central problems of the contemporary world. The issue of compliance and enforcement of international human rights law is proof of the power of understanding and cooperation of States and nations, with a view to the adoption of those measures that foster freedom, understanding, democracy, and cooperation between all nations and states.*

Keywords: *international human rights law; humanitarian law; international; international humanitarian law; international organizations; NATO.*

1. NATO and the international human rights law

Set up by the North Atlantic Treaty signed on 4th of April, 1949, in Washington, NATO has established itself in the field of international relations as a political-military organization for peacekeeping and defending the independence of the member States, asserting itself over the decades as a defensive military force, capable of responding promptly to any external forces attacks. If until the collapse of Communist regimes in Central and Eastern Europe, the role and missions of the Alliance remained generally the same, during the decade 1990-2000 NATO entered into a new stage of its evolution in which new challenges posed by globalization and the accelerating phenomenon of conflict escalation resulted in a reconfiguration of the mission and strategy of the "new NATO" on the international arena.

* The author is a lawyer at the Bucharest Bar Association; e-mail: jordache_constantin@yahoo.com
** The author is a lawyer at the Bucharest Bar Association and lecturer Dr. at Lumina of South-East Europe in Bucharest; e-mail: valentinbadescu@yahoo.com

This change in strategy for the Alliance was made possible due to the disappearance of the bipolar system, the transformation of power relations at the global level, the fact that the role of hegemony was taken over by the USA, which remained the only global superpower, but also the most important economic and military contributor in NATO. Since the last decade of the past century, the area of risks and threats specific to the field of security has widened, thus the North Atlantic Alliance was called to find appropriate solutions.

The revolutionary and spectacular transformations in Eastern Europe had put the Alliance "on guard", having in regard a high danger of social turbulence spreading in the regions bordering the Atlantic alliance. In this regard, since the 1990-1991 a plan of a new strategic vision has been brought in debate, a problem in which NATO was called upon as a redoubtable actor of continental security, but also as an organization able to carry out missions on the basis of a mandate from the United Nations. From this point of view, along with other significant issues that have been found on the agenda of the Organization since 1990, the issue of human rights is particularly important to the North Atlantic Alliance, especially due to the mission NATO had began to undertake after the fall of the iron curtain, and the entering into another stage in terms of global security.

The NATO Summit in Lisbon (November 2010) reaffirmed that: "NATO Member States form a community of values which is committed to defend the principles of individual freedom, democracy, human rights and rule of law". Even if apparently certain progress in recent years could be highlighted, the issue of respect for human rights remains one of the particularly sensitive issues of international law. The debate around the concept of humanitarian intervention remains extremely controversial, and the fact that it is analyzed and interpreted by many experts in international law, "packaged" with the concepts of sovereignty and territorial integrity of the State, make this matter remain open to more debate and interpretation.

The efforts to promote human rights are routinely criticized by Governments that have poor scores in compliance and which consider these rules as interference in internal affairs. It is no less true that a number of States have vehemently condemned the policy of military intervention in the territory of a State under the reason of *non-compliance with "human rights"*; a policy promoted by the main actors on the international scene.

The process of accelerated globalization, whose consequences have become

more and more accentuated since the '90s, generates new risks and threats to international security, which have led the North Atlantic Alliance to adapting strategies in accordance with these developments. The global security environment of the last two decades has brought in a series of topical events that the international community did not see in previous periods. It no longer captured the fact that the world was more interconnected and interdependent than ever. The abuses of some Governments towards their citizens can ignite ethnic conflicts, undermine the moral norms of decency and may threaten the peace and stability of the international community. „This state of affairs led to the adoption of the strategy of NATO's transformation since the early years after the end of the cold war, confirming the necessity of renewal of this institution".

NATO looks at human rights from a comprehensive perspective. Thus, the policies and strategies of the North-Atlantic Alliance, developed by the structures of political and military leadership, cover various situations: when humanitarian catastrophe occurs in the surrounding areas of the Alliance space; in the case of conflicts of a religious or ethnic nature; crisis management; in the event of natural disasters etc. Apart from situations of this kind, the NATO has strategic actions in theatres of operations, contributing to the improvement of the living conditions of the civilian population in the conduct of military operations, and thereby the fulfillment of at least minimum standards relating to human rights. This kind of actions pertain to post-conflict operations, known in NATO terminology as "operations other than war" (Operations Other Than War and OOTW).

The Alliance's imperatives regarding human rights can be found as well in the form of mandatory requirements which have to be met by the candidate countries, within the framework of NATO'S enlargement promoted from the last decade of the twentieth century. Such as, the action plan on NATO membership (MAP), launched in April 1999 NATO summit in Washington, was referring to the precise criteria that candidate States to the integration in the Alliance had to meet in the pre-accession period in the political, economic, defense, resource, security-related and legal fields. As regards, human rights MAP obliged the candidate States to "peacefully resolve any ethnic or external conflicts; to demonstrate the commitment to respect the law and human rights ".

Another sub-domain that the Alliance has in mind when addressing the human rights refers to the observance of human rights by State authorities of NATO member states in relation to the citizens of the allied States.

Humanitarian intervention is another "chapter" that NATO has in mind in a situation in which the international community finds serious violations of human rights in a given State, especially when events occur in the vicinity of Allied space. NATO's involvement in military terms, *on the basis of a mandate from the United Nations, in resolving conflicts/humanitarian crisis, outside the area of responsibility of the allies, when the Alliance's security interests are affected*, is an imperative in the new Strategic Concept of NATO.

In this sense, the debates on Kosovo about the legitimacy of humanitarian intervention carried out by NATO in Yugoslavia singled out at least two aspects. Firstly, it was claimed that humanitarian intervention by the Alliance had no legitimate coverage from the point of view of international law, NATO military operations are not covered by article 51 of the UN Charter that grants the right of individual or collective self-defense if an armed attack occurs against a member of the United Nations. Secondly, the fact that Europe, and the world in general, were in a "new era" in which USA, as the main power on a global scale, required other principles relating to the use of force, and introduced a "new world, inclined to eradicate inhumane acts", a world in which it was intended, to put an end to conflicts. Maybe that's why, when considering the case of Kosovo, security studies, from the point of view of the legitimacy of humanitarian intervention, it uses the phrase "illegal, but legitimate".

It is certain, however, that the lessons resulting from subsequent analysis of the situation that generated the intervention in Kosovo, as well as the effects of the intervention had the merit of sketching better humanitarian intervention, as a way of resolving a crisis situation: "practice has proved that the military interventions in humanitarian purpose are dangerous. They can give rise to perverse effects. Therefore, it is necessary to define rigorously what needs to be done, and not launch without a thorough justification in such operations ".

Both in the case of Kosovo, and on other occasions humanitarian interventions that have taken place in recent years, the debates that have been generated around the idea of "the legitimacy of intervention" have put the international community in the face of problems. The problems still have not received convincing answers from the international organizations responsible, primarily from the United Nations. The absence of such replies is due, according to experts in international law, to the practice of "double standards" for similar situations, which led to a drop in confidence in the morality of international organizations, including the UN,

relating to the question of humanitarian intervention. At the same time, there is a clear disagreement between the functions of the national sovereign State and the international community's requirements concerning internal and external "conduct" of states, from the perspective of the need for security at the global level, but also at a regional level. It's from this point of view, Jean-Francois Revel said: "our age has realized that it is impossible to perpetuate the absolutism of the sovereign State, especially from the perspective of protecting human rights and minorities".

The Alliance's post-conflict operations conducted in various theaters of operations are often confronted with specific issues regarding the scope of human rights. Such operations are generally oriented towards peace-building, humanitarian aid and the reconstruction of infrastructure and civil institutions. NATO experts' points out the existence of the five types of operations that are part of post-conflict operations, but from the point of view of human rights, "humanitarian operations" are the relevant issues. According to the Alliance, the strategies are geared towards meeting the three types of missions: assistance in disaster relief, refugee assistance and humanitarian assistance. Thus, through structures/specialized noncombatant units made available by States, the allied forces prepare these units to be deployed to theatres of operations. The Alliance helps the socio-economic development of certain regions/municipalities located near the area of military operations. Specialists in providing "humanitarian assistance", which come from outside the military structures, are of the opinion that military forces participating in these actions supplement the work of traditional humanitarian agencies, but do not replace these agencies which have their own well-defined role. Myriame Bollen, PhD, Professor at the Military Academy of the Netherlands is of the opinion that "the military can create a framework for protection of global stability in which civil populations are protected and that humanitarian activities are carried out". NATO contributes in this kind of action in the implementation of minimum standards relating to the health of civilian populations from certain areas, environmental protection, education, etc., development standards;

NATO's enlargement policy is another important area for the Allied leadership structures, when considering the theme of human rights. NATO's expansion, by receiving new Member States belonging to the European continent, provided the settings for the candidate States to meet minimum standards. Among these conditions, respect for human rights by the States concerned, along with the standards regarding the construction of a democratic society and a functioning market economy, are

some of the key imperatives of collective security organizations for any European State which aims to integrate into the Alliance. Besides, these standards imposed by the NATO candidate States – respect for human rights – along with other imperatives of the Alliance's leadership, were found in the "package" of EU requirements for States that had association agreements with a view to integration into the European Community. The Treaty that created the North Atlantic Alliance foresaw from the beginning that the members of this organization are determined to defend freedom, "shared values and civilization of their people, founded on the principles of democracy, individual liberty and the rule of law".

It is certain, however, that the lessons resulting from subsequent analysis of the situation that generated the intervention in Kosovo, as well as the effects of the intervention, had the merit of sketching better humanitarian intervention, as a way of resolving a crisis situation: "practice has proved that the military intervention in humanitarian purpose are dangerous.

Through its enlargement policy, referring to NATO's standards it has imposed in the field of human rights, it can be said that the Alliance did solve problems in some ethnic communities in the former Communist states-Hungary, Slovakia, Romania, Bulgaria. The NATO Summit in Lisbon disproved some rumors on a possible stagnation in the issue of enlargement and reaffirmed the willingness of the Organization to develop partnerships with States that want to integrate into the Alliance: "NATO reiterates its firm commitment to preserve the Alliance's door is open to all European democracies that meet the standards of accession, because the expansion will contribute to our objective to build freedom and peace in Europe". It is a very clear signal that the enlargement policy, imposing political, economic, social, military standards will contribute in subsequent years to solving important problems concerning human rights in the States that want to join the organization.

The attitude of the North-Atlantic Alliance concerning human rights violations in some Member States, infringements which may degenerate into conflict, is also important for the Alliance in terms of finding solutions for these problems. Referring to the NATO standards concerning integration of new members during the cold war, it is clear that they contained no restrictions regarding the observance of human rights. In those circumstances, an attachment to the values of liberal democracy and adversity toward the Communist system was paramount. But the addition of new States to the North Atlantic Alliance has been subject to the requirement of solving the internal problems with regard to human rights, including minority,

ethnic, linguistic, religious rights; taking into account the two different historical periods in which the North-Atlantic Alliance was built (the cold war and since the end of the East-West confrontation). It is, the opponents of the Alliance say, one of the sensitive points of NATO, the organization being criticized for applying double standards concerning humanitarian interventions, similar situations being analyzed and interpreted in other units of measure, and receiving various solutions to the decision-making structures of the NATO military alliance. It can be said that the interference of NATO in the internal affairs of a certain State (even member-State), does not meet the requirements of the fundamental documents that underlie the establishment and functioning of collective security organizations. This aspect, it is considered together with humanitarian situations in which the Alliance could intervene complement, unfortunately, many problems of morality in the sphere of international relations, fueling numerous debates in political and academic environment, without significant progress.

The mutipolarity of future world will require that the serious problems arising from non-compliance with human rights and humanitarian crises arising in this way be analyzed from a perspective different from that of the sole hegemony. Problem-solving solutions will have to rely more heavily on co-operation among the main actors of the global and regional security, and NATO will have to bear in mind and respect the rules of international humanitarian law (the "King of human rights", which we will describe below).

2. NATO and international humanitarian law

The economy of the Treaty establishing the Alliance does not make explicit reference to international humanitarian law, just the determination to defend their people's freedom, common heritage and civilization based on the principles of democracy, individual freedoms and the rule of law so that international peace and security and justice will not be in danger. Also, none of the documents adopted by the NATO summit in Washington April 24, 1999 refer to international humanitarian law, but they do contain general references to defending humanitarian values and human rights (paragraphs 21 and 23).

Even though at one time they appreciated that after the demise of the Warsaw Pact, which represented the potential opponent, they ought to proceed with the dissolution of NATO, the Alliance has not only developed, but has continued to evolve and also developed a new strategic concept. Along with this, the idea of

security expanded even more. Traditionally, the treaties concerning international security and peacekeeping included provisions limiting the military potential, non-use of weapons of a particular type, limiting recourse to force. The end of the twentieth century brought new elements within the concept of security in the Alliance, namely those of environmental security and observance of norms of international humanitarian law, even if the reference to the latter was not explicit. Also in the sphere of international security, in the last half of the 20th century, it was considered that threats to international security are not generated only by international conflicts, but also by internal conflicts. The Second Additional Protocol to the Geneva Convention of 1949, adopted in 1977, is considering just protection of the victims of internal conflicts, in recognition of the fact that it is the dominant form of warfare in our time.

Referring strictly to the subject of our debate, we can highlight that within NATO there are specific instruments of international humanitarian law, although the organization is not a signatory to the humanitarian conventions and, therefore, has no formal obligations in this regard. As a Security Alliance which prepares and carries out military actions, NATO could not ignore the existence of international humanitarian law. In addition to the obligations NATO's Member States have, the application of international humanitarian law is carried out via the legal advisers which have to comply with and follow procedures of international humanitarian law; investigation and prosecution of serious crimes against humanitarian conventions are the responsibility of the States contributing with troops, but they are reported to the allied commandement. Note that for a legal adviser of NATO, the applicability of international humanitarian law is somewhat complicated by the fact that not all Member States are parties to the same international instruments, and this lack of homogeneity has created major problems in reality, apart from some singular situations such as that during the conflict in the former Yugoslavia (Kosovo). However, it was the reason for which Standardization Agreements (STANAG) have been elaborated for questioning prisoners of war, the procedures for holding prisoners of war, the identification of goods, services, health assessment and exploitation of materials and documents captured by the opponent, the use of air transport by the health service in combat areas.

The experts therefore consider that, through its fundamental doctrine of military planning, NATO should have a military plan of action that takes into account the requirements of humanitarian law, giving up the pretense of having

"*zero casualties of war*" and the overconfidence in the near-exclusive use of air power as a way of fighting a war (a way which inevitably generates multiple losses and collateral civilian damage). Zero casualties of war is a term which does not exist in the Geneva Convention and its Protocols (1949, 1977).

The concept of "zero casualties" (zero death war) appeared in the mass media, but as it is well known, it is performing a type of war, requiring a minimum cost – even NULL – in lives. Finally, triggering such operations raises numerous questions of international humanitarian law norms regarding warfare operations, notably those laid down in Protocol I Additional to the Geneva Conventions, such as the methods and means of combat (article 51), military objectives (article 52), environmental protection (art. 55) precautions in attack (art. 56), the use of certain categories of weapons that are prohibited (art. 35, point 2), the issue of refugees (Protocol II, article 17, 74). We believe that presenting with the force of law arguments to respect and apply international humanitarian law, we can arrive at the next result – no effort is too great when it's about man and about respect for his dignity.

3. Conclusions

In view of the preceding, we appreciate that the international protection of human rights, established from a normative point of view, especially after the Second World War, is marked by a set of characteristics widely accepted in the doctrine. It highlights in equal measure both the universal nature of human rights, as well as the quality of the individual as a subject of international law in this area, and it can be said that the issue of human rights is not an internal issue of a certain state, but it is one of the central problems of the contemporary world. The issue of compliance and enforcement of international human rights law is proof of the power of understanding and cooperation of States and nations, with a view to the adoption of those measures that foster freedom, understanding, democracy, and cooperation between all nations and states.

We cannot forget that "Force without law is blind, and the law without force is empty" (Kant) and that "one cannot speak of a humanization of the rule of law, if there is no respect, in every circumstance and in every place, for the dignity of the person (the pontifical Counsel Filibeck-Bien), whereas "sometimes I go in my mind through the strange idea that humankind's degeneration has to do with the fact that our lives are increasingly prosperous and more comfortable. But a prosperous and comfortable lifestyle is the main objective humanity is struggling to obtain, and it is

one that must be reached, which would inevitably bring forth a deep contradiction that is pushing fear in bones: for humanity removes with its own effort some of its most important qualities" (Mo Yan).

BIBLIOGRAPHY

Titus Corlățean, *Trăsături caracteristice ale protecției internaționale a drepturilor omului*, published in Dreptul nr. 9/2012.

C.L. Popescu, *Protecția internațională a drepturilor omului*, All Beck, Bucharest, 2000.

N.Qdinh, P. Daillier, A. Pellet, *Droit international public,* LGDJ, Paris, 1987.

Eugen Lungu, *Zece ani de turbulențe în securitatea lumii.2001-2011,* Ed. Institutului de Ştiințe Politice şi Relații Internaționale.

Valentin-Stelian Bădescu, *Umanizarea dreptului umanitar,* CHBeck, Bucharest, 2007.

Jan-Francois Revel, *Revirimentul democrației*, Ed. Humanitas, Bucharest, 1995.

Dumitra Popescu, Adrian Năstase, *Dreptul internațional public,* Ed. Şansa, Bucharest, 1997.

R. Miga-Beşteliu, *Protecția internațională a drepturilor omului,* Ed. Universul Juridic, Bucharest, 2010.

J.F. Rennucci, *Droit européen des droits de l'home,* LDGJ Paris, 2001.

Petre Duțu, *Perspective în evoluția armatelor naționale,* Editura Universității Naționale de Apărare, Bucharest.

Noam Chomsky*, State eşuate. Un abuz al puterii şi un atac asupra democrației,* translator Henrieta Anişoara Şerban, Ed. ANTET XX PRESS, 2006).

Eugen Lungu, *Zece ani de turbulențe în securitatea lumii.2001-2011,* Editura Institutului de Ştiințe Politice şi Relații Internaționale, Bucureşti.

Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation (http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf, accessed13.12.2013)

Rapoarte NATO(http://www.nato.int/docu/other/ro/facts/nato-map_rom.htm)

Florin Helman, *Tipologia şi principiile operațiilor postconflict,* Gândirea militară romanescă, nr.3/2010 2007.

NATO. Doctrine for Peace Support Operations, SHAPE B-7010, Belgium.

Mo Yan, *Sorgul roşu,* Editura Humanitas Fiction, Bucharest, 2012.

THE TRANSATLANTIC LINK DURING THE DECADE PRIOR TO ROMANIA'S ACCESSION IN NATO (1994 – 2004): TEMPORARY DISSENTIONS AND PERMANENT COMMON VALUES & INTERESTS

*Colonel Valerică CRUCERU, PhD**

Abstract: *During the decade that preceded Romania's accession in NATO (1994 – 2004), the transatlantic link was challenged by a series of divergences, with the United States' unilateralism being considered the most important element of dissention, over many political and military issues.*

The temporary dissentions did not conduct to separation, both the United States and the European officials expressing their commitment to the strengthening of the transatlantic link, within a strong NATO. The USA Security Strategy, the EU Security Strategy, the final statements of NATO summits, stress the importance of preserving the transatlantic link. All NATO members share the same values and have common economic and security interests.

Keywords: *transatlantic link; dissentions; common values; security interests; NATO.*

Since the creation of NATO in April 1949, the transatlantic link has proved to be the backbone of the Alliance, the core of the stability and security of the Euro-Atlantic area. Immediately after the end of the cold war, Romania expressed its wish to become a member of NATO, and put a lot of efforts in that direction.[1] Our scientific endeavour aims to review the situation in NATO and analyse the level of importance shared by temporary dissentions and common interests in the general equation of the transatlantic link, during a decade marked by Romania's efforts to get the membership.

We start our work by bringing forward the fact that although based on consensus and unity of action, during the *Cold War Era,* some NATO members had different views on issues like: The European Defence Community Project; The Suez Crisis; Charles De Gaulle's ambitions and France's withdrawal from NATO military structures; The Cuban nuclear missile crisis; The Greek protest; The Euro-missiles crisis.

* "Carol I" National Defence University; e-mail: valcruc1@gmail.com

In the aftermath of the Cold War Era, United States and Europe sometimes still visualized the world and understood international politics differently. Here are the main dissentions within the transatlantic relationship, in the post cold war era.

1. Temporary Dissentions among NATO Members

Despite the fact the NATO has been seen as a organization that showed unity, there were situations in which not **burden sharing, burden shifting** was the functioning principle. In the sixty-five years of history, there were many such situations: from Cuban missiles Crisis, to France withdrawal from military integrated structure at the beginnings of the Alliance, to the present Iraq and Afghanistan issues. In this chapter, I will refer to most recent dissentions, that were solved using the common values that all NATO members are sharing.

1.1. The Balkan Conflicts

The transatlantic link was put to a test when the first signs of tensions appeared in the Balkans and NATO intervened belatedly in the conflict. In 1995, reluctant to use NATO in Bosnia, Washington eventually accepted its involvement when the credibility of the Alliance was at stake.

The imbalance of risks and the division of labour – European ground forces ran the greater part of the risks, and US aircrafts operated from a safe height – generated a deep acrimony over how to stop the war in the Balkans. On the other hand, the United States were not pleased with the way the organisation worked; the decision making process was too slow, the member states experiencing many problems in getting a common view over the military issues, like the selection and engagement of the targets.

From the beginning, there were legal and strategic disputes concerning the crisis management process in Bosnia-Herzegovina and Kosovo, and the bitter debate within allies states on "the out of area operations". The disputes shifted in 2002 on Afghanistan issue, due to the marginalisation of NATO by the United States, during a campaign based on a "coalition of willing".

1.2. The Iraqi War

In 2003 came the Iraqi War issue as the last collapse in transatlantic cooperation when the United States proposed a doctrine of "*pre-emptive self-defence*", that would allow a country to use force against another country it suspects may attack it at some stage.

In March 2003, the United States of America was able to rally an international coalition, known as the "Coalition of the Willing" to bring Saddam Hussein down

and remove his regime's weapons of mass destruction. *This coalition was predictably criticised, particularly by the anti-American Left, as coercive, unilateral and unrepresentative. Smaller countries in the coalition were labelled "token" allies, and ulterior motives were ascribed to various coalition governments, despite the respective governments outlining highly plausible reasons for their participation. Britain was characterised as isolated in Europe, despite the fact that most European countries were part of the coalition of the willing*.[2]

European countries like Germany, France, Russia, Greece, Belgium, Belarus did not agree with the Americans and were openly opposed to military action in Iraq in March-April 2003. Norway and Sweden had an unclear stand, speaking in favour of the overthrown of Saddam Hussein by force, but then coming out against the invasion, when an explicit UN mandate did not eventuate. The new Spanish Government of Jose Luis Rodriguez Zapatero elected in March 2004, also placed itself in this camp.[3]

In the opinion of many analysts and scholars, the strong opposition of France and Germany to American actions in Iraq led to an open fracture into the transatlantic relations. In fact, due to the US unilateral approach, "*somewhere between Kabul and Baghdad, the United States and Europe lost each other. It was not only Paris and Berlin that parted ways with Washington; so did Ankara, a long-standing and loyal ally. ...True, thanks to British Prime Minister Tony Blair, a number of old and new allies across Europe did stand by Washington. But many of them did so less because they believed in the administration's approach, than because of their enduring commitment to the alliance. In the court of European intellectual and public opinion, Bush lost his case. The administration's behaviour helped unleash the largest wave of anti-Americanism in decades*."[4]

1.3. United States' Unilateralism

Another source of dissensions came from the reluctance of the United States to agree with and endorse the multilateral cooperation initiatives, on issues affecting the global community. In this respect, European-US relations have also been affected by the disagreements over the International Criminal Court, the Comprehensive Nuclear Test Ban Treaty, the Biological Weapons Convention Verification Protocol, the Anti-Ballistic Missile Treaty, the United Nations agreement on the trade in small arms, the death penalty.[5]

The dissentions over political, legal and military issues were complemented by many others. On both sides of the Atlantic, voices coming from areas such as environment, industry, agriculture and consumers brought other disagreements inside the transatlantic space.

Over two decade ago, most countries started to think about climate change and considered measures to reduce global warming and to cope with whatever temperature increases. An international treaty, "The United Nations Framework Convention on Climate Change", and later on "The Kyoto Protocol" were signed, by many of the Allies. Due to the prevalence of its economic interests, the United States "did not feel the heat" and refused to sign.

Divergences also appeared when it came to genetically modified food (GM). European policy-makers, perceived a lack of scientific certainty in the US approach regarding the potential effects of GM foods. For them, GM food policy was closely tied to political responsibility, and had to deal with broader health, environmental and ethical questions.

It is worth to conclude that in the Post Cold War Era the American unilateralism manifested itself in a very visible way. We agree with the general opinion that at the US political level, the victory in the Cold War created a dangerous perception about an independent role and involvement in the global affairs. According to that, once the Soviet Union as the real strong opponent vanished, the United States could manage to preserve its national interests, acting on its own way and disregarding the opinion of NATO allies, in case a lack of consensus occurred.

2. Permanent Common Values and Interests

Fortunately, the temporary dissentions did not conduct to a transatlantic separation, both the United States and the European officials expressing their commitment to the strengthening of the transatlantic link, within a strong NATO. To support this statement we will bring up a set of official positions of the involved parties, expressed at that time.

The US has always supported the transatlantic commitment. The National Security Strategy of the United States of America, released in September 2002 recognized the need for a sustained cooperation between US and Europe, the latter being viewed as the seat of NATO, "*the fulcrum of transatlantic and inter-European security*" and the EU, "*the partner in opening world trade*". The strategy underlined that in the light of September 11, 2001 attacks "*NATO's core mission - collective defense of the transatlantic alliance of democracies - remains, but NATO must develop new structures and capabilities to carry out that mission, under new circumstances*".[6]

At the same time, *The European Security Strategy* issued in December 2003 had a very positive approach toward the transatlantic link. It is important

to notice that the link was viewed from a broader perspective, as a contributor to the strengthening of the international community: "*Our security and prosperity increasingly depend on an effective multilateral system. ... One of the core elements of the international system is the transatlantic relation. This is not only in our bilateral interest but strengthens the international community as a whole. NATO is an important expression of this relationship*."[7]

The strategy stresses the need for a continuing strategic partnership, motivating that "*The transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can be a formidable force for good of the world. Our aim should be an effective and balanced partnership with the USA.*"[8]

The necessity of preserving the transatlantic link as the Alliance's cornerstone was reaffirmed by the official representatives of NATO member states, on all important occasions:

-"*the Prague Summit Declaration* " issued on 21 November 2002 stated: " '*We, the Heads of State and Government of the member countries of the North Atlantic Alliance...are steadfast in our commitment to the transatlantic link; to NATO's fundamental security tasks including collective defence; to our shared democratic values; and to the United Nations Charter.*"[9]

-"*the Istanbul Summit Communiqué*" issued on 28 June 2004 stipulated: "*We, the Heads of State and Government of the member countries of the North Atlantic Alliance, reaffirmed today the enduring value of the transatlantic link and of NATO as the basis for our collective defence and the essential forum for security consultation between Europe and North America. ...Transatlantic cooperation is essential in defending our values and meeting common threats and challenges, from wherever they may come*".[10]

- the *Statement issued at the Summit meeting of the North Atlantic Council*, in Brussels, on 22 February 2005, almost one year after Romania's accession, underlined: "*We, the 26 Heads of State and Government of the member countries of the North Atlantic Alliance, reaffirm the enduring value of the transatlantic link, renew our commitment to collective defence, and remain united in our commitment to our shared security and common values of democracy, freedom, individual liberty and the rule of law in addressing today's security challenges.*"[11]

Talking about common values, in the Post Cold War Era the world is changing day by day, but not necessary towards a stable general environment, the United Nations experiencing many shortcomings in dealing with such a development. On

the other hand, only the Euro-Atlantic region is one of the few stable and prosperous areas in the world. In a safe environment provided by NATO, the liberal democracy and market capitalism remain the West's dominant and common values, which gave the solidity to Western societies.

The transatlantic allies understood they have also common economic interests and security. For decades, US and Europe have been indispensable economic partners and will remain as such decades to come. They have an important interest in preserving and strengthening constructive economic relations within the transatlantic community. During the decade prior to Romania's accession to NATO, the strong transatlantic economy had been an engine of growth and development for the global economy, a necessary condition for improving global security and stability.

The common security interests got a new approach, due to the new threats like the global terrorism, proliferation and dissemination of weapons of mass destruction, international organized crime. The ignition moment of a united, determined and relentless response was the day of the terrorist attacks on the US, 11 September 2001: "*Indeed, in late 200I, it appeared that sixty years of cooperation between the United States and its European allies, in the Second World War and in the Cold War, had reached its culmination in the new war against Islamic terrorism*."[12]

We conclude by underlining the essential facts. Between 1994 and 2004, the transatlantic link was challenged by a series of divergences, with the United States' unilateralism considered the most important element of dissention, over many political and military issues.

The temporary dissentions did not conduct to separation, both the United States and the European officials expressing their commitment to the strengthening of the transatlantic link, within a strong NATO.

NATO members share the same values and have common economic and security interests. They have to face new threats that no nation could deal with alone.

REFERENCES

[1] Romania was the first country that joined the *Partnership for Peace* program, and actively participated in peacekeeping operations in Bosnia, Albania, Afghanistan and Iraq.
[2] Trevor Stanley, *Coalition of the Willing*, in Perspectives on World History and Current Events, 20 March 2004, at http://www.pwhce.org/willing.html
[3] Trevor Stanley, *op.cit.*

[4] Asmus Ronald D., *Rebuilding the Atlantic Alliance*, Foreign Affairs, Washington D.C., September /October 2003, p. 21.
[5] Gordon Philip H., *NATO After 11 September*, The International Institute for Strategic Studies, Washington D.C., 2002, p. 2.
[6] United States Government, *The National Security Strategy of the United States of America*, September 2002, p. 28.
[7] The European Council, *A Secure Europe in a Better World*, 12 December 2003, p. 9.
[8] The European Council, *op. cit.,* p.13.
[9] "*The Prague Summit Declaration*" , Prague, 21 November 2002.
[10] "*The Istanbul Summit Communique*", Istanbul, 28 June 2004.
[11] "Statement issued by the Heads of State and Government participating in a meeting of the North Atlantic Council in Brussels ", 22 February 2005.
[12] Kurth James, *America and the West*, Foreign Policy Research Institute Newsletter, Volume 5, No. 7, September 2004.

BIBLIOGRAPHY

Asmus, Ronald D., *Rebuilding the Atlantic Alliance*, "Foreign Affairs", Washington D.C., September / October 2003.
Brzezinski, Zbigniev, *United States and Europe: Partners or Victims*, World Affairs Councils of American National Conference, January 30, 2004.
The European Council, *A Secure Europe in a Better World*, European Security Strategy, Brussels, 12 December 2003.
"*The Future of the Transatlantic Security Community*", NATO's Secretary General's Speech at the Economic Faculty Association Rotterdam, (EFR), 17 November 2004.
Gordon, Philip H., *NATO After 11 September*, The International Institute for Strategic Studies, Washington D.C., 2002.
"*The Istanbul Summit Communique*", lstanbul, 28 June 2004.
Kagan, Robert, *Power and Weakness*, "Policy Review", June/July 2002.
Joffe, Josef, *Continental divide*, "The National Interest", Spring 2003.
Kurth, James, *America and the West*, Foreign Policy Research Institute Newsletter, Volume 5, No. 7, September 2004.
"*The National Security Strategy of the United States of America*", Washington D.C., September 2002.
"*The Prague Summit Declaration*" , Prague, 21 November 2002.

Schwenninger, Sherle, *American Grand Strategy after September 11*, World Policy Institute, New York, www.worldpolicy.org/journal/articles.

"*Statement issued by the Heads of State and Government participating in a meeting of the North Atlantic Council in Brussels*", 22 February 2005.

"*Strategic Assessment 1999. Priorities for a Turbulent World*", National Defense University, Institute for National Strategic Studies, US Government Printing Office, Washington D.C., 2000.

Thomas, James P., *The Military Challenges of Transatlantic Coalitions*, Adelphi Paper no. 333, International Institute for Strategic Studies, London, May 2000.

"*Transatlantic Trends 2004. The Transatlantic Relations One Year After lraq*", The German Marshall Fund of the US, www.transatlantictrends.orglapps.

SERIOUS GAMES – FUTURE OF TRAINING AND EDUCATION WITHIN THE AIR FORCE

Colonel Associate Professor Marius-Victor ROŞCA, PhD*
Associate Professor Ana-Maria CHISEGA-NEGRILĂ, PhD**

Abstract: *The future of training and education allows the rise-up of a new concept regarding the possibility to make operational the skills needed for students as staff-officers. The new operational environment, the budgetary constraints, the need of interoperability lead to the use of a new method, serious games, which should become a cornerstone in military education together with the classical methods and synergetic with them. This paper tries to highlight some directions to follow in order to meet educational demands according to the national and Alliance's standards.*

Keywords: *serious games; simulation; Air Force training.*

Introduction

The reality foreseen starting with 2014, when "*NATO is expected to shift its emphasis from operational engagement to operational preparedness*"[1], and *The Connected Forces Initiative* impose us a new way of thinking for maximizing the opportunities of training and education in order to meet the national and Alliance's educational standards. At the same time, we should take into account the most efficient approach so that we will achieve the goal of ensuring effective education and training in order to make different branches think and act as one. Moreover, the education and training system is called to participate in the formation of fellows as military and citizens, with skills in the personal development of knowledge, prepared for operations and, why not, for social activities in the labour market.

Besides, we consider that education and training are key agents for co-operation and interoperability both within NATO and with other agencies involved in the area of military activities. Education deals with the theories, and helps understand concepts, doctrines and fundamentals. The purpose of training is to put into practice and apply knowledge, help assimilate the subject matter completely, and transfer the knowledge into practical skills needed for operations.

* "Carol I" National Defence University; e-mail: mar_vic_ros@yahoo.com
** "Carol I" National Defence University; e-mail: ana_maria_negrila@yahoo.com

The most important and complex phase of training is represented by exercises whose aim is to test the acquired knowledge during live or computer-assisted exercises with a scenario based on different realities. We consider that the exercises represent the most realistic criteria to verify the efficiency and the effectiveness of training in order to fulfil the mission requirements by command and forces structures. Exercises could cover the full spectrum of operations, should provide all levels of intensity, promote interoperability and compensate for the reduced operational experience of command and forces working together.

Serious games for the air force

One of the issues of execution and assessment through live exercises is the realistic environment, which should provide conditions and situation, determining the performers to transfer the knowledge into practical answers and to built-up solution to the various problems. Moreover, due to the budget constraints, the live exercises are more and more difficult to be performed, so it is mandatory to find alternative solutions, among which one of the best known being the *Computer Assisted Exercises*.

What does it means?

A *Computer Assisted Exercise* is a "*synthetic exercise where electronic means are used to simulate scenarios, processes and procedures of all kinds and levels of operations, in complex environments*"[2].

Put differently, a *Computer Assisted Exercise* is a "game" planned and executed for the purpose of training or assessment of the level of preparedness for the specific tasks that are going to be fulfilled by command and forces structures. It is a game, a part of a wide class of games, known as *serious games*.

With the advancement of technology and the wide-spread use of state-of-the-art computers, the way in which education and training are perceived within the Armed Forces has also changed. The emergence of E-learning and the larger use of serious games have marked a progress for military education as well. First used within the financial field as a means of learning and market simulation, serious games soon outpaced other forms of training because of their versatile nature.

Targeting certain fields of activity, serious games were first created to meet the specific needs of a specific category of personnel, being mainly used either for training or assessing; later, with the growing interest of defence, their use was widened to simulating real theatre conditions. The latter led to an increase in how

teachers delivered experiences that otherwise students would not have had access to, and to a progress in how standards were taught by enlarging the rigid and restricted area of the traditional classroom. However, despite their advantages, the use of serious games complicated the problems students had to solve within their training doubled by the fact that the game itself had to be learnt and mastered by both teachers and students thus involving not just time, but also logistics.

Being simulations of real events, serious games focus on a certain audience within the Armed Forces assisting a service and one category of personnel. Even if they are simulations of possible real events meant for training, they still retain the game – like features such as the possibility to win based on sound decision-making and the appearance of a genuine product designed for entertainment.

History of serious games dates back to the 80s when the proliferation of computers made them available to colleges so that they would be used by teachers and students as a drilling method. Being quite simple at the beginning, as time went by, games became increasingly developed with the help of cutting edge science, and at the beginning of the 21st century, games commissioned by the US Army made their way into the training of military personnel and simulation of real-time events in combat situation.

Apparently an oxymoron, the term serious games was defined as "games that do not have entertainment, enjoyment or fun as their primary purpose"[3] or as "any meaningful use of computerized game/game industry resources whose chief mission is not entertainment"[4]. However, serious games are not a recent concept, as in an early definition provided by Clark Abt in the 70's, he stated that "*Games may be played seriously or casually. We are concerned with serious games in the sense that these games have an explicit and carefully thought-out educational purpose and are not intended to be played primarily for amusement. This does not mean that serious games are not, or should not be, entertaining*."[5]

According to Sawyers' Taxonomy[6], serious games are widely-spread nowadays being used by several sectors ranging from education, training and research to government, corporate or defence. This diversity is also mirrored by the array of purposes displayed by serious games as means of education, training, and information:

1. Rehabilitation & Wellness
2. Recruitment & Propaganda
3. Soldier/Support Training

4. School House Education
5. Wargames / planning
6. War planning & weapons research
7. Command & Control

		GENRE						
		Games for health	**Advergames**	**Games for training**	**Games for education**	**Games for science & research**	**Production**	**Games as work**
SECTOR	**Government & NGO**	Public health education & mass casualty response	Political games	Employee training	Inform public	Data collection / planning	Strategic & policy planning	Public diplomacy opinion research
	Defence	Rehab & wellness	Recruitment & propaganda	Soldier support training	School house education	War games & planning	War planning & weapons research	Command & control
	Healthcare	Cybertherapy / exergames	Public health policy & social awareness campaigns	Training games for health professionals	Games for patient	Visualisation / epidemiology	Biotech manufacturing & design	Public health response planning & logistics
	Marketing & Communications	Advertising treatment	Advertising, marketing with games, product placement	Product use	Product information	Opinion research	Machinima	Opinion research
	Education	Inform about disease / risks	Social issue games	Train teachers / train workforce skills	Learning	Corporate science & recruitment	Documentary	Teaching distance learning
	Corporate	Employee health information & wellness	Customer education & awareness'	Employee training	Continuing education & certification	Advertising visualisation	Strategic planning	Command & control
	Industry	Occupational safety	Sales & recruitment	Employee training	Workforce education	Process optimization, simulation	Nano / bio-tech design	Command & control

Figure 1. Serious games taxonomy (Sawyer, B., Smith, P)

"Carol I" National Defence University has recognized the potential of serious games for defence both regarding education and training taking into account users' needs. A step forward was made in 2010 when NDU became involved in

an endeavour meant to create a common framework regarding Serious Games. Its participation in GALA NoE project (Games and Learning Alliance – Network of Excellence) since 2010 has aimed at building a consortium called European Virtual Research Centre which has to deal with the fragmentation in the field by collecting knowledge, integrating, harmonizing, and coordinating research regarding SG (Serious Games) while disseminating the best practices and tools as a benchmark at international level.

From the Air Forces' perspective, a serious game must be supported by some components, of which we mention:

- National and Alliance doctrines;
- Standing operation procedures regarding planning process, decision making process, command and control, and execution of the air operations;
- Knowledge and skills of personnel (based on previous training and education);
- Computer based system which should integrate factual elements of them, together with the same elements regarding the adversary, having the capability to draw different solution in compliance with game theory or to acknowledge the solution given by the gamers.

In a synthetic description, correlated with the Air Forces' command structure, the Air Forces structure, the core function in operation, and the air operations, we think at the hardware and software necessary for:

- Air planning system;
- Combat intelligence system;
- Tactical units command and control system;
- Information processing system;
- Air Forces mission support system;
- Logistics;
- Simulation of adversary and friendly operations (war gaming or constructive in order to asses Air Component Command).

The game based on this system must offer adaptive planning for operations in order to provide combat intelligence, show the status of the tactical combat and support units, and support the air planning process (development and distribution of ACO, ATO, SPINS) for all types of air operations. Also it must simulate, based on a scenario, the adversary's operations and the support for the current operation against the enemy.

The system and the game should work based on models which approximate the real life, built upon case studies. The simulation must describe the behaviour of the systems involved in the game. The interface should be friendly and similar with the one working in air operation centres. The game must ensure the possibility to work based on different hypotheses, and also to test them and reach conclusion regarding the failures of command. These requirements have led us to the conclusion that the variables must change continuously with respect to the time. The modelling paradigm must be based on the system dynamics, game theory etc.

Finally, we would like to emphasize the advantages of using serious games during training of airmen[7]:

- Short preparation time;
- Variable costs according to the appointed budget; once the system is set-up, the costs include only administrative affairs;
- High capability of using evaluation methods;
- High realistic simulation;
- Update and upgrade of the game based on lessons learned after the game.

Conclusion

According to Michael and Chen (2006)[8] the importance of serious games increased on the global market as means of training by simulating real-life situations that otherwise would be too difficult to put into practice for reasons of cost, safely etc. The Air Force should benefit from this technology as it would shorten and improve the period of training resulting in numerous benefits for both institutions and personnel from which we highlight:

- Improving the skills of the personnel in the context of downsizing and restructuring of forces;
- Developing the skills necessary to the personnel in order to rotate in the headquarters;
- Improving the capability of simulation of wide types of operations;
- Counteracting the outcomes of ad-hoc making-up headquarters, staff etc.;
- Ensuring more flexibility and less constraints in execution;
- Reducing the delay in the training for different missions or tasks.

All these arguments support the requirement to ensure the optimal climate for transferring knowledge into skills in a complex environment.

REFERENCES

[1] *http://www.nato.int/cps/en/natolive/topics_98527.htm*, accessed at 27th January 2014.
[2] *http://caxsupport.wordpress.com/computer-assisted-exercises/*, accessed at 2nd February 2014.
[3] Michael, D., Chen, S. (2006) *Serious games: Games that educate, train, and inform*. Boston, MA.: Thomson Course Technology.
[4] Sawyer, B. (2007) *The "Serious Games Landscape*. Presented at the Instructional & Research Technology Symposium for Arts, Humanities, and Social Sciences, Camden, USA."
[5] Abt, C. C. (1970). *Serious Games.* Viking Press.
[6] Sawyer, B., Smith, P. (2008). *Serious games taxonomy*. Paper presented at the Serious Games Summit 2008, San Francisco, SUA.
[7] For example, USAF made approximately 25 percent of training virtually, according with GAO *Report to Congressional Committees* in 2012, U.S. Government Accountability Office,Washington, DC, www.gao.guv, accessed at January 22nd 2014.
[8] Michael, D., Chen, S. (2006) Serious games: Games that educate, train, and inform. Boston, MA.:Thomson Course Technology.

BIBLIOGRAPHY

Abt, C. C. (1970), *Serious Games,* Viking Press.
Michael, D., Chen, S. (2006) *Serious games: Games that educate, train, and inform*. Boston, MA.: Thomson Course Technology.
Sokolowski, John A. PhD, *Modelling and simulation analysis for conflict crisis disorder*, http://pic.liophant.org/free/2013/03/natocax/s1_1-MSforModelingCCD-Sokolowski.pdf
Sawyer, B. (2007) *The "Serious Games Landscape*. Presented at the Instructional & Research Technology Symposium for Arts, Humanities, and Social Sciences, Camden, USA."
Sawyer B., Smith P. (2008). *Serious games taxonomy*. Paper presented at the Serious Games Summit 2008, San Francisco, SUA.
Tsiakalos K., *CAX methodology*, NATO CAX forum 2013.
* * * NATO Education and training directive, October, 2013.
* * * NATO Collective training and exercise directive, October, 2013.
* * * *Air Force training, actions needed to better manage and determine costs of virtual training efforts*, GAO Report to Congressional Committees in 2012, U.S. Government Accountability Office, Washington, DC, www.gao.guv

NATO'S CONCERNS FOR COMPLIANCE AND IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS LAW

*Valentin-Stelian BĂDESCU, PhD**
*Cosmin IORDACHE***

Abstract: *Fundamental rights and freedoms of man is one of the essential pillars of democratic societies. Democracy does not exist unless it practices recognition and observance of human rights. Fundamental rights and freedoms are a common legal heritage of humanity because they refer to universally recognized values in international relations.*

Keywords: *international human rights law; humanitarian law; international; international humanitarian law; international organizations; NATO.*

1. NATO – the main international security structure

The world in which we live in is extremely complex. An unforeseen event can change the regular course of everything. Seemingly, hopeless situations can only be resolved if it is understood that no nation can act alone, and that relations between countries should be based on common interests and views. In order to ensure peace and security, it must be taken into account the political, military roles of international organizations.

In this regard, we will outline through short historical references NATO's role as the main international security structure, and then we will attempt to analyze some of the Alliance's concerns pertaining the compliace and application of the international human rights law.

The North Atlantic Alliance was founded in April 1949, by signing the Treaty of Washington, which issued a joint security system, based on a partnership between 12 independent States in Europe and North America. The initiative of the establishment of an Alliance appeared defensive in the first years after the end of World War II, when the Soviet Union's expansionist attempts had become a real threat to Europe.

* The author is a lawyer at the Bucharest bar and lecturer Dr. at Lumina of South-East Europe in Bucharest; e-mail: valentinbadescu@yahoo.com
** The author is a lawyer at the Bucharest bar; e-mail: jordache_constantin@yahoo.com

A series of spectacular events occurred between the years 1947 and 1949, events which had precipitated things. These include the direct threats against the sovereignty of Norway, Greece, Turkey and other countries in Western Europe, the *coup d'etat* in Czechoslovakia, in June 1948, the illegal blockade of Berlin, begun in April of the same year. The nucleus for the Alliance was created by the Treaty of Brussels, in March 1948, when five Western European countries – Belgium, France, Luxembourg, the Netherlands and the United Kingdom – expressed their wish to establish a common defense system and strengthen relationships, so that they can withstand dangers of ideological, military and political nature. Negotiations with the United States and Canada followed this, with the goal of creating a unique Alliance of the North Atlantic, based on security guarantees and mutual commitments between Europe and North America. Also, Iceland, Italy, Norway and Portugal were invited to participate in this process. Negotiations were completed in April 1949, with the signing in Washington of the North Atlantic Treaty Organization. Greece and Turkey joined NATO in 1952, the Federal Republic of Germany joined NATO in 1955 (when it regained its independence, until then being under the Anglo-American protectorate, and Spain was also a member in 1982.

The fall of the Berlin wall in November 1989, the reunification of Germany in October 1990, the disintegration of the Soviet Union in December 1991, and the spectacular changes in Central and Eastern Europe marked the end of the cold war. The threat from the East had disappeared; accordingly, the security imperatives of all members of the Alliance changed. In 1991, at the Summit in Rome, NATO adopted a new strategic concept, a concept which paid special attention to cooperation with the States of the former Communist space. The Summit in Rome, defined – in addition to the new strategic concept – the guidelines for future missions of NATO in relation with both the institutions working in the field of the future security of Europe, as well as with the development of partners and cooperation from the countries of Central and Eastern Europe. Considerable attention was given to the appeals for the Alliance's readiness to receive new members and strengthen the partnership for peace. The time for enlargement of NATO had already taken place in the summer of 1997 by agreeing the Czech Republic, Poland and Hungary as members with full powers, being thus one more step ahead on the path to achieving the fundamental goal of the Alliance - to enhance security and stability in the Euro-Atlantic area, in the context of a broad European security architecture.

At the next NATO summit, which was held in Prague in November 2002,

the names of the new European countries that would begin talks on a new and substantial enlargement of the Alliance were made known. Romania and Bulgaria were invited along with the Baltic countries, Latvia, Lithuania and Estonia, but also Slovenia and Slovakia. Since its establishment, the North Atlantic Treaty Organization has represented the collective decision-making, through collective effort. Under the umbrella of NATO, member countries have benefited from the peace, stability, freedom, security, democracy and collective defense.

Created in accordance with article 51 of the Charter of the United Nations, which affirms the natural right to individual or collective self-defense, the Alliance is an Association of sovereign States, united in their determination to maintain security through mutual guarantees and stable relations with other countries. The main purpose of NATO is to safeguard the freedom and security of all its members by political and military means. Built on shared values of democracy, respect for human rights and legality, the Alliance has campaigned for the establishment of a fair and supportive order in Europe. NATO was scheduled to meet the following fundamental missions:

- providing an indispensable foundation for establishing the security climate in Europe, based on the development of democratic institutions and the will to resolve their differences peacefully. The Alliance aims to create a climate in which countris will no longer be able to resort to intimidation or retaliation against an European country, nor to impose hegemony by resorting to force;
- establishing of a transatlantic forum for Allied consultations on any issue which can affect the common interests, especially in the case of events that pose a risk to the members' security;
- providing of means of deterrence or defense against all forms of aggression aimed at the territory of a Member State of NATO.

2. Brief considerations on the issue of human rights and fundamental freedoms

Fundamental rights and freedoms of man are one of the essential pillars of democratic societies. Democracy does not exist unless it practices recognition and observance of human rights. Fundamental rights and freedoms are a common legal heritage of humanity because they refer to universally recognized values in international relations.

Currently, following national and international regulatory developments,

as well as practice in the last decades of the States and relevant international organizations, a series of characteristic traits of the international protection of human rights have been detached, more and more widely accepted by the authors of the international doctrine.

2.1. The universality of human rights

The universal nature of human rights is generally accepted today, even though there are still some voices saying otherwise. This follows from the very nature of these rights. Declaration of the rights of man and of the citizen of 1789, which solemnly proclaims the natural, inalienable and sacred human rights, also consecrates their universal character by making the distinction between "man and citizen".

The Universal Declaration of human rights, adopted in 1948 by the General Assembly of the United Nations, reflected the same concern for universality: "considering that recognition of the inherent dignity of all members of the human family and of the equal and inalienable rights is the Foundation of freedom, justice and peace in the world". The proclamation of human rights has more recently resulted from written sources written, i.e. a few hundreds of legal texts adopted at national and international level after the Second World War. The recognition of human rights operates at a global level, the trait that translates into a consensus among the international society. The instruments with universal vocation find their origin in the work of the United Nations and specialized institutions and can have general or specific application.

The Universal Declaration of human rights -a declaration of principles in binding form and, therefore, a political document, but not an international treaty- was intended from the beginning to be supplemented by other texts. In this regard, after a difficult negotiation and drafting procedure, the two International Pacts on Civil and political rights and economic, social and cultural institutions, were adopted by the General Assembly of the United Nations on 16 December 1966. While the Universal

The Universal Declaration of human rights is entirely focused on the individual person. Human rights are primarily individual rights, and the Declaration is addressed to individuals and not States. The pacts provide a phenomenon of collectivization to these rights. They are addressed to States and not individuals, and the social dimension is taken into account. Man can see his rights carried out

only inside a society free of any constraint [external (colonization) or internal (the dictatorship)]. Individual interest thus merges with that of the society in which he lives. Therefore, the two Pacts list in a common article 1 that the right of nations is the prerequisite for the recognition of other human rights and the exercise of individual rights presupposes the exercise of collective rights. Therefore, "the Pacts neglect the fact that the exercise of human rights is possible only in a democratic society and that the emancipation of a nation can lead to the formation of free societies, but terrible for man".

This is why later developments of normative acts (universal, regional or national, as well as those related to the practice of States or courts) have been important to bring the necessary corrections of the universal character of human rights; generally unchallenged on the its own, but formally materialized and changed depending on the political and ideological visions at the beginning of the cold war. In this respect, the question of actual protection and organized defense of human rights was translated into the creation of political or judicial bodies, including the establishment of an International Criminal Court pertaining to the most serious violations of human rights.

For some authors of doctrine or for some States, the universality of human rights is not an accepted feature, and it even constitutes the object of substantive appeals, justified by different cultural models, but most often by highly pragmatic political interests which can hide violations of human rights.

The way of condemning human rights violations by States differs sometimes in surprising manners, according to pragmatic or even cynical economic considerations. The game of power in international relations between Western countries and Russia or China is an eloquent example in this respect. It is certain that both global instruments adopted within the United Nations system and their application in practice, as well as regional systems (European, Interamerican, African) of human rights protection, provide a protection of fundamental rights and freedoms that is difficult to be challenged in a legitimate or credible way.

2.2. The objective character of human rights

Human rights have a general characteristic, and the international protection of human rights recognizes this reality. This means that these rights are attached as essential principles to the quality of human person and are not attributed to individuals through a particular legal status.

The preamble of the Charter of the United Nations, as well as art. 1 of the Universal Declaration of human rights, formally renders this idea. This character of human rights, which is especially true in the case of classical rights described as "fundamental" in the preamble of the United Nations Charter, implies that the human rights of the individual are not, in principle, subject to a States' attitude towards conventional instruments. This character proclaims these rights and drives at the same time "into question the general principle of reciprocity". This principle has been affirmed in European law. The former European Commission of human rights expressly recognized the objective character of the (European) Convention for the protection of human rights and fundamental freedoms (hereinafter referred to as the Convention). In its decision of 11 January 1961, pronounced in case "Austria vs. Italy", we quote the relevant passages of the basic decision:

"Considering that (by the conclusion of the Convention, the Contracting States did not have the intention to grant reciprocal rights, but obligations for pursuing national interests of each, but also to achieve the goals and ideals of the Council of Europe, as they are set out in the Statute and to establish a public policy of free democracies of the European Community) in order to safeguard their common heritage of political traditions, ideals, freedom and the law preemption, "Considering that the obligations to which Contracting States under the Convention subscribe are essentially objective, given that it is aimed at defending the fundamental rights of individuals against abuse by the Contracting States rather than creating subjective and reciprocal rights for those States, Whereas the objective character of the undertakings mentioned also in revealing the mechanism established by the Convention in order to ensure their observance as a Contracting State when the matter the Commission pursuant to article 4. 24 should not be so considered as acting in order to enforce their own rights but rather as bringing a matter to the Commission for the European public order ".

The European Court of human rights (hereinafter the ECHR) reiterated that, against the international treaties, the Convention creates objective obligations that benefit from a "collective guarantee which exceeds the framework of simple reciprocity of the Contracting States. The Convention is more than a simple exchange of commitments between states. It ensures, in the name of common and superior values, the protection of individuals under national authority and creates "objective obligations", which States must observe not as a counterpart to rights undertaken by the States concerned, but as a commitment towards individuals.

The objective character of the Convention, "an instrument of protection for human beings", is the basis of common solidarity, expressed through the establishment of a collective human rightsprotection: "the Convention must be understood according to its specific character, a treaty of collective guarantee of human rights and fundamental freedoms".

Affirming the objective nature of human rights was not circumscribed exclusively to the European framework. The Inter-American Court of human rights, incorporating the European courts ' analysis, expressed a similar position: "in general, the current treaties relating to human rights and the American Convention in particular are not multilateral treaties of the traditional type concluded with an exchange of rights based on reciprocity, on behalf of the Contracting States. By adopting these treaties relating to human rights, the states are subject to a legal order within which they assume, for the common good, various obligations, not with respect to other countries, but to any person under their jurisdiction ".

UN's Human Rights Committee follows the same direction as well. The instruments relating to human rights "do not represent a network of exchanges of obligations between States, they are aimed at the recognition of the rights of individuals. Principle of inter-State reciprocity does not apply ".

2.3. The evolving Nature

International protection of human rights is a legal institution of public international law, in relation to other institutions, as well as humanitarian, consular or diplomatic law. It is true that under national law, protection of human rights has had in some cases a livel of many centuries. Instead, in international relations, legal norms on human rights appeared only in the second half of the 19th century; we can say that after this point, international protection of human rights has experienced a very rapid evolution. Practically, since the period after the Second World War, one can speak of a new institution.

The crimes against humanity perpetrated during the war have prompted States to adopt a common position and to enshrine protection of human rights through collective security through international cooperation instruments. The number of reguated areas, which previously to the war limited was limited to 3 or 4 (international humanitarian law, the prohibition of slavery and trafficking in human beings, the protection of national minorities, the protection of workers' rights), has multiplied, covering the entire social-political, economic and cultural dimension.

The date of birth of the international protection of human rights is considered to be the adoption of the Universal Declaration of human rights on 10 December 1948 (Paris). This political text adopted by the General Assembly of the United Nations was not an international treaty, but has subsequently acquired over time an authority at the international level (a force of "soft law"). It is the first international document of a general nature and universal vocation in the field of human rights.

In terms of geographical size, international protection of human rights has applicability both regional and universal. At the universal level, there were two phases in the evolution of this institution, namely the declaratory stage (starting with the adoption of the Universal Declaration of human rights) and the conventional stage (starting with the adoption of the two International Pacts from 1966).

At regional level, there are three systems of protection of human rights: European, American and African. It is true that in recent years the doctrine mentioned the adoption of a new Convention of human rights and fundamental freedoms in May 1995, the Commonwealth of independent States (CIS) which would suggest the outline of a fourth regional model. Although the aforementioned Convention includes a number of guarantees for civil and political rights, and at the same time creates a framework for a Commission on human rights (art. 34), it has not generated from the date of its entry into force (11 august 1948) a significant casuistry that deserve to be recorded. Therefore, we join the opinion that the CIS reported attempt cannot be considered to be a regional model in the field of international protection of human rights.

On the other hand, the regional systems of protection, *especially the European law of human rights, and the European Convention on human rights*, are distinguished by an impressive evolving capacity. This evolutionary nature allows the emergence of progressive commitments and increasingly more burdensome for States. This was achieved either by way of additional or new protocols of amendment to the Convention – 14 protocols have benn adopted to this day -either through creative and evolutionary interpretation adopted by ECHR judges, depending on historical developments, social-political and economical in European society. Permanent adaptation to new social realities, which are based on considerations that the Convention is a "living instrument" and has found expression in legal logic expressed by the Strasbourg Court in the case of "Aireys vs. Ireland" according to which the Convention must be read in light of the conditions of life of today. In this way, the international protection of human rights in the European system has a

permanent need to adapt to developments in European society, and therefore it has increased effectiveness.

2.4. Establishing and safeguarding international human rights

The essence of the consecration at international level of the protection of human rights is based on the need of acceptance by States of the fact that human rights can no longer be left to the free will of each State. Such cooperation should be the rule in international level in this matter, so that human rights may no longer be the exclusive domain of national competence.

State sovereignty must be the basis for the protection of human rights and not for their violation. Conscious of the need to reduce the risk of serious and systematic violations of human rights at the national level -under the cover of a State's absolute sovereignty- States have agreed to cooperate at international level to ensure the promotion and observance of human rights.

Protection of human rights at the national level represents the basic level. Common minimal standards of international protection means that no State can derogate from it to a lower level of protection. The more the common denominator brings together the will of States with national and constitutional systems, the more the standard increases. Consequently, one can understand why international treaties include a clause that allows the individual to invoke a higher level of protection.

The subsidiarity of human rights guarantees manifests itself through international mechanisms intervention only as a last resort, after prior appeal to national courts and protection mechanisms. The rule of exhaustion of internal appeals before the admission to international courts reveals a mechanism for dealing with breaches of international courts' fundamental rights and freedoms of the individual through national mechanisms and, only as a last resort, should the individual appeal to international institutions. The main purpose of the international protection of human rights is not sanctioning of the guilty, but States respecting human rights, i.e. to restore the rights violated and to offer compensation for damages suffered by the victim.

2.5. The applicability of international human rights standards into national law

Rules of public international law, which traditionally regulate relations between States, are not directly applicable in the domestic legal order. The situation is different in the case of international protection of human rights, ranging from international public policy stakes in this specific area to the interests of States in supporting the efficiency and standards of human rights protection. This is

because the impact of a right recognized in an international treaty is greater and more effective if the international norm is directly applicable in the domestic legal order, which allows the individual to invoke it before the national courts of Justice. According to the doctrine, two cumulative conditions must me met. First, if the international norm presupposes the introduction into the domestic legal order by a specific provision, that rule is applicable. This issue of reception of conventional rule depends on the constitutional regime, which defines the general attitude of the State in relation to international law.

If we refer to the example of the Convention, it is incorporated into the internal legal order of States either directly, through the effect of provisions of the national constitutions, or indirectly after the transposition into the domestic agenda through a special law. Accordingly, the Convention as such in the first hypothesis and its substantial rules in the second, has direct applicability in some states (exception of those Member States of Council of Europe to whom international norms have value only in the legal relations between States, being neither part of the domestic law -as has been the case with Ireland until the Irish European Convention on Human Rights Act 2003). What defines the possibility of direct application of international standard at this point is to sum up the typology of the existing national system in the relationship between domestic law and international law. In other words, one-tier system allows a direct applicability, while the two-tier system opposes this possibility. The second condition concerns the quality of conventional rule which involves a dual requirement.

Firstly, the direct effect of international standard is related to the intention expressed by the signatiry states to create rights for individuals.

Secondly, the international norm must be sufficiently precise, both in terms of subject and shape, to be directly applicable in the internal order without accompanying measures of enforcement. Therefore, it must be "self-executing". This double requirement is usually determined by the competent national jurisdictions by reference whith the constitutional law and existing practice.

2.6. The superiority of international human rights law over domestic norms

More recent developments in international affairs, and at the level of national legal systems have, consecrated the superiority of international norms in the field of human rights over national rules. This statement is fully valid in international

law. In this regard, international jurisdictions consistenly outline the superiority of international norms, especially in the field of human rights, over national rules, on the basis of the principle of *pacta sunt servanda*.

At the level of domestic law, the relationship between the two types of rules is resolved according to national constitutional construction and the method of incorporation into domestic law of international standards. In general, the States which have adopted the one-tier system in constitutional order enshrine the superiority of international standard. According to Ian Brownlie, the one-tier system recognizes the supremacy of international law against those rules, even on questions of legal solutions within the national system, to which is added a vision that acknowledges the individual's ability to be a subject of international law.

From this perspective, international law is widely regarded as the best "moderator of human rights". On the other hand, the dualistic doctrine highlights significant differences between international and domestic law in the light of different competences, covering different matters. International law governs relations between sovereign States; national law applies within one State and regulates relations between citizens and Government or among themselves. In this view, one of the mentioned legal agendas cannot create or modify the other one.

When the national law provides that international law applies in whole or in part in its jurisdiction, this is really an exercise of authority of national law in the form of transformation of rules of international law. In the event of a conflict between the two legal orders, the two-tier system states that the national law will prevail.

Incorporating conventional rules in the internal legal order of States parties, will be subject to the one-tier or two-tier system adopted at the national level either directly through the provision of national constitutions, or indirectly after transposition into the internal order by a specific law. As a result, the Convention's rank and order depends on the state's constitutional solutions: supraconstitutional rank (Netherlands), constitutional rank (Austria, Romania), supralegislative rank (Belgium, Switzerland, Spain, France, Czech Republic) or legislative rank (Greece, Italy, Turkey, Hungary, Finland).

There's an exception, however, in the field of human rights regarding the superiority of international standards over domestic norms. By referencing the superiority of international norms and the principles of subsidiarity in relation to national law, in the event of a conflict between an international norm of human

rights and an internal rule, the more favorable norm shall apply.

2.7. The individual-subject of international law of human rights

In the classical doctrine of public international law, the person or individual are not subject of international law. The developments of the last decades in international affairs have given the individual – in the field of the protection of human rights- a more widely accepted role of subject of international law.

This trait refers to the ability of the individual to be entitled to the rights and obligations of being able to access a number of judicial and non-judicial proceedings pertaining to international law. This has become possible due to the fact that States, at the time of adoption of international norms, agreed to confer on individuals' rights and obligations in the international legal order. This condition was the result of the international norms in the field of human rights. Consequently, the individuals become holders of rights that they can invoke before domestic and international bodies, including the international judicial procedures in ensuring human rights, procedures in which they are at an equal level with the State. The individual's position in the European system of human rights protection and the specific provisions of the Convention are, from this point of view, highly relevant (*see art. 34 of the Convention)*.

2.8. International organizations and the international human rights law

International organizations constitute an important framework of cooperation between States in various fields and are a relatively new phenomenon in the process of developing international relations and international law.

International human rights law, a branch of public international law, has evolved and witnessed a steady development, trying to adapt to international realities and to deal with the numerous threats. Trying to analyze together the international human rights law and international organizations proves to be difficult. The main reason is that, although both are part of public international law, the subjects of their regulation are different. Thus, international human rights law designates fundamental human rights and freedoms.

From another perspective, international organizations are forms of institutionalization of the will of States to cooperate with each other in various aspects of their fundamental interests as an expression of globalization. Apparently, humanitarianism and security represent two indisociabile approaches of the

contemporary world, by sharing the common principle of "survival". While security is based on the use, as a last resort, of armed force, international human rights law constitutes the angular stone of the present system of international security.

If in the beginning of their existence, international organizations did not have specific concerns in the field of international human rights law, explainable by the fact that they are derrivative subjects of international law and they are limited to the competences given by signatory States, currently, more and more organizations, starting with the universal vocation, the UN and continuing with the OSCE and the European Union's manifest their interest and concerns for human rights. In recent decades, the concern of international organizations toward the human rights issue has been due to the lack of uniformity in the application of international law by States; a result of globalization and the adverse consequences of armed conflicts. On the other hand, the relative autonomy of international organizations towards neutral States they have created, has led to increasing interest, particularly in the last couple of years.

The increasing concern of international organizations regarding human rights arises in an entirely legitimate light if we consider the fact that some of them are empowered to decide and use force in peace and security management at global or regional levels; in such situations, a use of armed force without complying with the principles and norms of human rights would be contrary to law.

BIBLIOGRAPHY

Titus Corlățean, *Trăsături caracteristice ale protecției internaționale a drepturilor omului*, published in Dreptul nr. 9/2012.

C.L. Popescu, *Protecția internațională a drepturilor omului,* All Beck, Bucharest, 2000.

N. Qdinh, P. Daillier, A. Pellet, *Droit international public,* LGDJ; Paris, 1987.

Eugen Lungu, *Zece ani de turbulențe în securitatea lumii. 2001-2011,* Ed. Institutului de Ştiințe Politice şi Relații Internaționale.

Valentin-Stelian Bădescu, *Umanizarea dreptului umanitar,* CHBeck, Bucharest, 2007.

Jan-Francois Revel, *Revirimentul democrației,* Ed. Humanitas, Bucharest, 1995.

Dumitra Popescu, Adrian Năstase, *Dreptul internațional public,* Ed. Şansa, Bucharest, 1997.

R. Miga-Beşteliu, *Protecţia internaţională a drepturilor omului,* Ed. Universul Juridic, Bucharest, 2010.
J.F. Rennucci, *Droit européen des droits de l'home,* LDGJ Paris, 2001.
Petre Duţu, *Perspective în evoluţia armatelor naţionale*, Editura Universităţii Naţionale de Apărare, Bucharest.
Noam Chomsky, *State eşuate. Un abuz al puterii şi un atac asupra democraţiei*, translator Henrieta Anişoara Şerban, Ed. ANTET XX PRESS, 2006).
Eugen Lungu, *Zece ani de turbulenţe în securitatea lumii. 2001-2011,* Editura Institutului de Ştiinţe Politice şi Relaţii Internaţionale, Bucharest.
Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation (http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf, accessed 13.12.2013)
Rapoarte NATO (http://www.nato.int/docu/other/ro/facts/nato-map_rom.htm)
NATO. Doctrine for Peace Support Operations, SHAPE B-7010, Belgium.

LOGISTICS MANAGEMENT DETERMINATIONS RELATED TO ECONOMIC CONSTRAINTS AND OPERATIONAL REQUIREMENTS

*Colonel Professor Gheorghe MINCULETE, PhD**
*Lecturer Diana ȚUȚUIANU, PhD***

Abstract: *Within the knowledge based society, the evolution of economic theory and practice in the logistic field, generally speaking, has a significant impact upon the domain of military logistics. The changes mentioned determine multiple and major mutations in military logistics due to its permanent connection to the economic logistic domain. The inter-conditioning of the management processes in the economic domain with those in military logistics generates a modern approach of logistic management, in the context of creating the necessary conditions for accomplishing the objectives of interoperability with western military structures. Given these assumptions, we are going to tackle the essential aspects characterizing logistics and logistic management in the economic and military domains in terms of effectiveness and efficiency.*

Keywords: *economic crisis; economic organizations; logistics; logistics management; military logistics; military logistics management; logistics efficiency.*

1. General Economic Aspects

Despite the still present effects of the recent economic crisis, developed economic organizations pay special attention to the principle of concentrating efforts in the sense of increasing economic efficiency. To this purpose, in order to apply the principle of permanently increasing the efficiency of logistic positions, the management of the respective departments is more often not given to the specialists trained in management and economics[1].

Given these circumstances, logistics and logistic management have been continuously growing and evolving. Ever since it acquired a scientific dimension responsible for the efficient functioning of any social system, logistics has also acquired global dimensions, propagating like a religion, undoubtedly serving political institutions.

* "Carol I" National Defence University; e-mail: minculetegh@yahoo.com
** "Carol I" National Defence University; e-mail: diana.tutuianu@yahoo.com

Raising awareness on the importance of logistics grows progressively with the development of management systems and marketing policies, from the status of activity destined to distribution to the status of system potentially incurring added value and elements of integration of the actors encountered on the route between suppliers and final consumers[2].

Under the circumstances of modern economy, logistic management is the specific process integrating the flux of goods and services in, through, and outside the organization, in order to ensure the necessary supply level at the appropriate time and in the appropriate place.

The logistic management mechanism is set into motion by several internal factors of the economic organization/firm among which we have to mention the following: the level of the tasks received and the possibilities of their technical accomplishment, logistic hardware (supply, transportation, packaging, storing, distribution, IT), logistic software (methods and techniques of planning, organizing, controlling, and evaluating), and also the inter-organization of the logistic process, the team workers' behavior and the level of logistics knowledge[3].

Within the economic practice specific to the knowledge based society, integrating logistics and marketing has a double effect: marketing may ensure in a larger measure the role of integral part of the firm's global strategy and, at the same time, applying marketing concepts referring to the consumer/user's behavior facilitates the accomplishment of logistic strategy objectives.

In order to ensure its effective functioning, from the management perspective, at the level of each organization it is necessary to perform a permanent correlation of objectives, decisions and activities in the domains of logistics and marketing. Due to the input of logistics, marketing is able to offer the utilities of time, place, and ownership requested by customers. On the other hand, the marketing orientation allows logistics to acquire a competitive advantage in satisfying the customers' demands.

The efficiency of logistics is based on a correlation among supply, activities supporting production and physical distribution, the activities undertaken within the enterprise and on the interface with previous and subsequent segments within marketing channels. In order to acquire a competitive upper hand on the market, it is absolutely necessary to ensure the coordination of all three logistic components.

At the same time, efficiency has an unmediated connection to logistic costs which usually fall under three major categories: *transportation and handling*

costs – the most obvious and the best controlled costs for the firm, although their establishment on products and clients is performed starting from criteria devised by the company itself; *stock-related costs* – which are sometimes underestimated but may represent up to 1/3 from the merchandise value; and *costs incurred by the functioning of the logistic system* – those costs generated by predicting demand, planning production, material procurement, and orders processing. Specialists consider that, within production firms, logistic costs may represent 10-30% of the sales' value, which often means double of management estimates[4].

Significant savings with respect to procurement, storage, packing and transportation are determined by the reduction of stocks. In the world there is an important trend, visible especially at the large commercial companies, to reduce stocks while developing databases with real-time information and accelerating transports for the timely satisfaction of beneficiaries' demands.

Large companies prefer to keep a significant part of own inventories in motion, within the supply flows, actually the so called *"inventory in motion"*. In order to manage to deal with these flows in an adequate manner, companies resort to global communication systems that may offer exact and real-time data upon the movement of goods and the deliveries to consumers[5].

2. Specific Approaches

The evolution of economic theory and practice in the logistic field, generally speaking, has a direct impact upon *military logistics* which is characterized as a systematic series of veridical knowledge upon a distinctive sphere of social activities, completely connected to national and global logistics. It studies the laws governing the endowment and procurement process in the military and starting from which scientific predictions regarding preparing and conducting military actions may be created.

In order to accomplish the evermore complex operational objectives, military logistics has to be able to ensure the delivery of any material goods, at any moment and whenever troops need them. To do so, there is a need of fulfilling three major requests: *an integrated logistic system, an efficient management of information and a focus upon the beneficiary's demands.*

Military and economic logistic demands may be regarded as a way of optimizing all available resources, so as they may operate efficiently in an unknown environment and in unpredictable situations. In this respect, logistics may be viewed

as a situational management of a certain event. Time, costs and quality are defining for measuring performances both in the civilian and the military environment.

The modernist tendencies in logistic management, in general, and especially in military logistics, challenge military specialists to identify new ways and manners of understanding and applying the theory of this science to the new demands dictated by the mutations occurring in the architecture of military logistic system, according to the exigencies of efficacy and efficiency imposed on the new national and global missions.

The current global economic and military challenges determine the necessity of transforming the management of military action and, consequently, of logistic management, according to the concept of the Alliance regarding the increase of rapid and adequate reaction capacity, the promotion of effects based operations, the implementation of pre-emptive strategies and highly efficient structures of forces adequate to these.

American military specialists consider that, under the current circumstances of logistic structures transformation, the main functions and demands in the domain of logistic management generally include the following: the management of launching orders, the management of stocks, the management of storage, the management of transportations, the evaluation/diagnosing of equipment, the monitoring of stocks, maintenance and repairs, extending the life duration of products/equipment, technical assistance, increasing the efficiency of functional processes, constituting the structures specialized in contracting goods in the theatre of operations, establishing the optimal IT architecture, accomplishing the integrated logistic support, the management of procurement programs, the digital data processing systems, ensuring and controlling the quality and training of personnel working in support services[6].

The „*Smart Defense*" concept represents a new way of thinking regarding the generation of modern defense capabilities needed by the Alliance for the next decade and further on[7]. In this context, the current transformations in the military domain bring forth in the military new challenges and dilemmas, implying ensuring an optimal balance between the need to have well prepared and modern troops, the significant number of missions and the evermore limited resources. Thus, in the resulting situation, logistic stocks must be decreased, the quantities of materials to be transported must be reduced and the reaction time must also be shortened significantly. Consequently, the transformation of military logistic management is perceived not only as a central point in the future of logistic support, but also as

a lever for the effort of armed forces to ensure the necessary balance between the preparation state and the necessary modernization.

The reaction of logistic decision-making factors has to answer these challenges, which leads to the necessity of examining the way in which the transformation and the military logistic decision may give the most appropriate answer to the current circumstances and demands, dominated by the adaptation of capabilities to the modern sustainability demands.

In a similar manner to the great economic corporations, the army also has to deal with two obviously opposing demands: the need to ensure the optimal logistic support for combat forces at a costs level as low as possible and the need to reduce as much as possible the physical dimensions of logistic structures ensuring this support, given the current tendencies regarding the emergence of mobile and rapidly-deployable armed forces.

The future of logistics in the military field is evolving towards an integrated approach of supply, movement and transportation, maintenance, medical support and so on, which have certain similarities to those in the civilian domain. This will determine an improvement in the capacity of the logistic system to answer efficiently to the new requests, together with the significant reduction of the physical means necessary to forces support.

3. Chronological benchmarks and evolution trends

Operational logistics and its specific management have become more and more complex, together with the increase in the degree of endowment and technical equipping of military operational structures, phenomenon generating a larger and larger consumption of materials. We intend to present below some chronological information related to logistic events, having a strong impact upon the efficient and effective subsequent developments in the field.

It has been estimated that "if during the First World War the materials consumption for a combat soldier per one day was of 17 kilos and in the Second World War it was even bigger than 35-40 kilos, at present, this consumption is estimated to be around 80-100 kilos. In the First Gulf War, an American armored division, made up of approximately 10,000 soldiers, would use up every day 5,000 t of ammunition, that is 500 kilos for each fighter, and for the 350 tanks and 200 vehicles the necessary amount was 14,000 l of fuel..."[8].

Experts have appreciated the mission of American logistic forces to provide

for the forces acting in Operation Iraq II, as *„being complex and difficult and, at the same time, full of challenges"*[9]. Moreover, Lieutenant General Thomas F. Metz, commandant of multinational troops in Iraq for one year, addressing the members of Senate subcommittee of management and training for combat, stated the obvious success of logisticians in supporting a structure of forces of approximately 160,000 infantry soldiers, sailors, pilots and civilians, who have taken part in military actions in a country as large as California. The General also said that the specialists in supplies within Operation Iraq II distributed daily an average of 1.2 million gallons of fuel, 55,000 bottles of bottled water, 13,000 boxes with tinned cooked food, 60 tons of ammunition and 200 pallets with spare parts during the period when he was in command. Although Metz remembered that at the beginning of his activity there, logistic channels did not function very well.

In April 2004, insurgents initiated attacks all over Iraq and attacked American supply centers and the truck convoys[10]. Supply specialists reacted then on the spot and *„passed from a centralized distribution to a des-centralized distribution, focused on regions"*, said Metz. This change increased the volume of supply, but also permitted a greater flexibility, thus helping to better protect civilian convoys going to the battle field, and leading to the avoidance of risk in the regions most prone to attacks. Another lesson learned, according to Metz, was that military logisticians who dealt with the convoys in Iraq had to be trained, trustful, and skilled with weapons in order to ensure the best conditions for accomplishing supply missions[11].

Lieutenant General (ret) William G. „Gus" Pagonis – the one who coordinated the supply process in the Gulf War, in 1991, in an interview regarding Operation *Desert Storm*, emphasized that the largest number of loses suffered by Americans in the first stage of war was not among the infantry troops in the first lines, but rather among those who preceded or succeeded them and who provided combat fighters with food, fuel, water, ammunition. *„Logistics has long stopped being an action behind the front",* said the General who also stated that "*very few people know that at least 50% of the 390 soldiers killed during Operations Desert Shield and Desert Storm, during 1990-1991, were part of the logistics troops and died while dealing with troops supply"*[12]. Most deaths were caused by accidents rather than by bullets. The same dangers caused by the haste to supply for the troops also appeared during the second intervention in Iraq.

In Operation Iraq II, the implementation of air supply in the regions with the highest risks reduced the number of trucks in convoys by a number of 40 and thus

at least 80 soldiers were no longer prone to daily attacks[13].

We must underline the fact that the logistic effort in Operation Iraq II was huge with respect to supplying food, fuel and ammunition. Thus, the 15 fighting brigades that were in Iraq in 2005 were made up of 60,000 soldiers. The rest of American soldiers dealt with *supplies*, intelligence gathering, staff issues, piloting helicopters. Other few thousands of soldiers dealt with training and *supplying for Iraqi troops*, thus taking part in combat, as the conflict was unconventional in nature. Many times ***three or five soldiers were needed in order to support each soldier directly involved in combat*** and some of the support missions of the American army were in other regions of the Persian Gulf[14]. The record level of American troops in Iraq was reached in August 2007, that being of 162,000 militaries[15].

In the operations in Afghanistan, the technology called *„weight-in-motion" (WIM)* was used for hastening the boarding of Apache helicopters in C5 transport airplanes. In the classical system, in order to do so, a soldier had to drive the vehicle on the access ramp and perform manually the whole boarding calculus.

WIM – which is an advanced combination of *sensors, micro technology and artificial intelligence* – performs automatically all these activities. *"You can drive a vehicle, including trailers for boarding at a speed of 5-15 miles per hour without stopping. Instead of taking 30 minutes for each boarding cycle with an error rate of 20%, the use of WIM allows performing the same operation in 30 seconds for each vehicle, with a zero error rate "*[16].

By using WIM means, the technical assets of a maneuver brigade with over 1,100 vehicles may be boarded *in a few hours*, as compared to *a few days,* as it lasted before. To the rapid deployment in the theater of operations, the WIM system is a considerable advantage[17].

According to the estimation of American logistics experts, using spare parts and high technology equipment will considerably reduce the notorious "print" of logistics upon operations and will contribute to decreasing the reaction time. The multipurpose containers, in which two or several products are packed, will reduce the need to use supplementary transportation capabilities.

In the same vein, *The Battlefield Delivery System - BDS*, which uses standard transportation containers, will lead to the emergence of a much more flexible transportation system, the products being delivered directly from the commercial agent to the theatre of operations[18].

At the same time, the *„container plane"* concept will lead to the increasing

flexibility of BDS, thus ensuring the increase of possibilities of reaction of the logistics base, the cockpit of the plane becoming a center of command and control[19].

A new concept, that is, pre-configuration goods containers for boarding, is a more efficient means of ensuring the distribution of materials towards the soldier. *"We can put materials into containers in such a manner so as to facilitate their expedition from strategic bases to the tactical level without necessitating their reconfiguration",* said Dan LABIN, head of the Department of Pacific Northwest National Laboratory Center of Studies, dealing with the project of filling containers with materials[20].

Much more rapid and precise than the current methods, the system of pre-configuration containers is also interactive. A commandant in the theatre of operations may request re-supplying with various materials and may receive them in the exact configuration requested, on a platform which is compatible with the one planned to be used for downloading these materials[21].

According to expert assertions, modern armies are now developing the so-called concept "*anticipatory logistics*" for petrol products, ammunitions and maintenance, which is actually logistics, based on the real consumption needs. This concept uses technologies, information systems and procedures meant to foresee and establish the priorities of the military consumer/user in order to be able to ensure adequate logistic support, function of real consumption. Although at a first sight the concept is somewhat simple, in the future modern technologies are bound to be used on a larger scale as instruments for monitoring the level of materiel stocks, as well as that of the technical state of major equipment[22]. Moreover, there will be a need of using IT systems for assisting decision in order to determine the best solution of using the support means available. This is the way in which logisticians will benefit from the most modern instruments of management of the supply-delivery chain.

Conclusions

Logistic management is a continuous, cyclical process which is performed from the moment when the mission is received to the moment when the decision is made and also, after that, during combat actions until ceasing all activities and even a period after they cease.

The characteristics of conflicts and situations of instability in the future

determine, function of the character of enemy actions, economic development, infrastructure of operation areas (theatres) and so on, the real necessities for accomplishing logistic support for the success of the operation. In this context, it is easy to explain why it is necessary to use specific logistic management for performing the optimal direction of the logistic resources necessary for obtaining the success of military actions.

In conclusion, logistics managers have extremely complex missions in preparing and conducting operations. In order to fulfill operative-tactical aims, they need solid training, competence, responsibility, a lot of initiative and perseverance.

Consequently, the current important mission is decreasing the „volume" of logistics in the economy of military actions and reducing the length of **provision** supply flow in the theatres of operations. This is relatively easy to define but far harder to accomplish. The greatest challenge for the logisticians of the future will be that of ensuring a versatile, interactive logistic system capable of supporting efficiently and effectively military operations.

To put things into perspective, following the reconfiguration of the logistic system through modernizing IT technology specific to networkcentric warfare, logistic management will be further developed due to creating flexible structures with a high reaction capacity, capable of acting in any circumstances, according to the missions received.

REFERENCES

[1] Maurice Merleau-Ponty, *Sens et non-sens*, Paris, Gallimard, 1996, p. 86.
[2] *Ibidem.*
[3] John L. Gattorna (coordonator) şi colectiv, *Managementul logisticii şi distribuţiei*, Editura Teora, Bucureşti, 1999, p. 48.
[4] Carmen BĂLAN, *Logistica, Ediţia a III-a revăzută şi adăugită*, Editura Uranus, Bucureşti, 2006, p. 45.
[5] Roger HOUCK and William Cousins, "*Communications Technologies for the Revolution in Military Logistics*", Army Logistician, January-February 2000, pp. 95-97.
[6] Lieutenant Colonel Aundre F. Piggee, *Transformation – Revolution in Military Logistics*, United States Army, U.S.A.,09 April 2002, p. 130.
[7] NATO - North Atlantic Treaty Organization, *Smart Defence,* http://www.nato.int/cps/en/natolive/78125.htm

[8] Mircea Udrescu, Dumitru Popescu, *Sistematizări despre logistica militară*, Editura M.I., Bucureşti, 1999, p. 33.
[9] George C. Wilson, *The Logistics Behind A War On Iraq,* National Journal, *U.S.,* 2006, p. 163.
[10] *Idem.*
[11] Gerry J. Gilmore, *Logistics in Iraq success, partnership*, American Forces Press Service Washington, 2007, p. 187.
[12] Major Brian, M. McMurry, *Expeditionary Logistics:Dawn of a New Joint Logistics Reality,* U.S., 2004, p. 134.
[13] Gerry J. Gilmore, *Logistics in Iraq success, partnership*, American Forces Press Service Washington, 2007, p. 187.
[14] *Ibidem,* p. 189.
[15] http/www.ziare.com/articole/militari+americani+Irak .
[16] *PNNL Breakthroughs Magazine Fall 2003 Special US Report.htm*.
[17] *Idem.*
[18] LTC Aundre F. Piggee, *USAWC Strategy Research Project, Transformation – Revolution in Military Logistics,* U.S. Army, 09 April 2002, p. 130.
[19] *Idem.*
[20] *PNNL Breakthroughs Magazine Fall 2003 Special US Report.htm*.
[21] *Idem.*
[22] Major Joshua M. Lenzini, Anticipatory Logistics: *The Army's Answer to Supply Chain Management*, USA, 2002.

BIBLIOGRAPHY

Merleau-Ponty Maurice, *Sens et non-sens*, Paris, Gallimard, 1996.
Gattorna John L. (coordonator) şi colectiv, *Managementul logisticii şi distribuţiei*, Editura Teora, Bucureşti, 1999.
Bălan Carmen, *Logistica, Ediţia a III-a revăzută şi adăugită*, Editura Uranus, Bucureşti, 2006.
Houck Roger and Cousins William, "*Communications Technologies for the Revolution in Military Logistics*", Army Logistician, January-February 2000.
Udrescu Mircea, Popescu Dumitru, *Sistematizări despre logistica militară*, Editura M.I., Bucureşti, 1999.
George C. Wilson, *The Logistics Behind A War On Iraq,* National Journal, *U.S.,* 2006.
Gilmore Gerry J., *Logistics in Iraq success, partnership*, American Forces Press Service Washington, 2007.

Brian Major, McMurry M., *Expeditionary Logistics: Dawn of a New Joint Logistics Reality,* U.S., 2004.

Gilmore Gerry J., *Logistics in Iraq success, partnership*, American Forces Press Service Washington, 2007.

Piggee Aundre F., *USAWC Strategy Research Project, Transformation – Revolution in Military Logistics,* U.S. Army, 09 April 2002.

PNNL Breakthroughs Magazine Fall 2003 Special US Report.htm

Major Joshua M. Lenzini, *Anticipatory Logistics*: *The Army's Answer to Supply Chain Management***,** USA, 2002.

NATO - GUARANTOR OF REGIONAL AND GLOBAL SECURITY AND STABILITY

Colonel Lecturer Dorin-Marinel EPARU, PhD*
Assistant Lecturer Polixenia OLAR, PhD Candidate**

Abstract: *The North Atlantic Alliance has developed permanent political and military structures taking into account the profound changes in the security environment, especially after the Cold War. Alliance structures and policy changes reflect the commitment of member countries to maintaining political and military cooperation essential to their security policy. We believe that the essential role of the military component of the Alliance, in addition to guaranteeing the security of the Member States, is to ensure the free expression of their international affairs without any constraint or aggression issues that may arise at a time, and the management under UN mandate of crises and conflicts that do not fall within its area of responsibility.*

Keywords: *NATO; security environment; political-military organization; military dimension.*

During the last two decades, NATO has assumed the role of world leader and has become an important contributor to the general effort to ensure international security. The Alliance proves its desire to act as a positive force at global level and the fact that it has the capacity to manage the security challenges specific to the 21st, fully covering the spectrum of crisis response operations: from combat and stability actions, to surveillance, logistic support, and humanitarian actions.

This treaty lays the foundation of an organization based on security guarantees and mutual commitments, having as common goal the preservation of peace and the defence of freedom through political solidarity and an adequate military system, conceived in order to discourage and, if needed, repulse any form of aggression against its member states.

From its foundation, NATO has established as its fundamental objective the defence of the freedom and security of all its members through political and military means, in accordance with the North-Atlantic Treaty and the United Nations Charter.

* "Carol I" National Defence University; e-mail: doreleparu@gmail.com
** "Carol I" National Defence University; e-mail: lisiolar@yahoo.com

Based on the common values of democracy, human rights and rule of law, the Alliance manifested its interest in obtaining and maintaining peace in the Euro-Atlantic space, simultaneously with the ensurance and support of the economic and social development of the member states.

1. The North Atlantic Alliance in the international security equation

At present, beside the ensurance of the defence and security capacity of its member states, the objectives of NATO have also gained other significances and dimensions, aiming more and more to create and guarantee a regional and global security system. Today, the fundamental security tasks envisage:

- the assurance of a stable Euro-Atlantic security environment, based on democratic institutions;
- the peaceful resolution of disputes;
- the acting as a forum of consultations between allies on any issue which might affect their vital interests;
- the deterrence and defence against any threat of aggression against any NATO member state.

In view of strengthening the security and stability of the Euro-Atlantic space, the Alliance is prepared to contribute to the efficient prevention of conflicts, to actively engage in crisis management, to widely promote partnership, cooperation and dialogue with other countries from the Euro-Atlantic space, in order to increase transparency, mutual trust and the common action capacity with the Alliance.

"*The Alliance is engaged into a wide approach to security, taking into consideration, beside its military dimension, factors of a political, economic, social and environmental nature*"[1]. Together with the other organizations actively involved in the field of security, it contributes to the stability and security of the Euro-Atlantic space by preserving the transatlantic connection, maintaining an effective military capability that is sufficient for deterrence and defence, and to the fulfilment of the entire spectrum of NATO missions by developing the European Security and Defence Initiative (ESDI), a complex capacity for crisis management, by the constant development of partnership relations, cooperation and dialogue with other countries (as a part of the approach of Euro-Atlantic security issues through cooperation).

The threats, risks and challenges that NATO countries are currently confronted with are very different from the ones of the Cold War. NATO no longer perceives a

conventional, large scale military threat to the territory of the Alliance as real.

Instead, the current threats to security include instability, ethnic and religious rivalries, the competition for natural resources, the proliferation of weapons of mass destruction, failed states, mass migration, genocide, organized crime, cyber attacks and terrorism. The major challenge is to manage an ever wider spectrum of requirements and new types of operations. This is one of the reasons for which the allies have undertaken a process of transformation of their military forces: the current and future operations will continue to require more agile and interoperable forces, well trained and led, with modern, deployable and sustainable structures. The North Atlantic Alliance has permanently developed political and military structures while keeping in mind the profound transformations in the security environment, especially after the end of the Cold War.

"Article 5" represents the essence of the collective defence of the Alliance, providing security guarantees to the allies: "*The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area*"[2].

In April 1999 at the Washington summit, the allies approved the new *NATO Strategic Concept*[3] which identifies the goal of the Alliance and its fundamental security tasks, the characteristics of the current security environment. It also states the elements of a wider approach to security by the Alliance, providing the necessary directives for continuing the adaptation of the military forces. The new strategy of the alliance adopted in Washington oriented the future political and military development of NATO. In this respect, a number of organization measures were taken in order to adapt the allied military forces to the new conditions and requirements.

Thus, the North Atlantic Council adopted a new military concept (CJTF - Combined Joint Task Force). This concept is at the basis of the operations carried out by NATO member and partner countries under UNO or OSCE authority. The concept allows the Alliance to respond to the new missions in a flexible manner, also ensuring the necessary framework for the participation and integration of the

military effort of the partner countries in NATO led operations.

The modifications in the structures and policies of the Alliance reflect the commitment of the member countries to maintaining the political-military cooperation essential to their common security. Concurrently, they extended their cooperation towards new partners in Central and Eastern Europe in order to promote security and stability in the whole Europe.

One of the components of these transformations was to intensify the dialogue and to establish links with the states in Central and Eastern Europe, as well as with the states of the former USSR, within the Euro-Atlantic Partnership Council and, later on, within the Partnership for Peace (PfP). Another transformation is the adoption of a new strategic concept which requires the development of coordination and cooperation with other international organizations, such as the UNO, OSCE, EU, as well as the agreement that NATO resources and experience are made available in order to support international stability and support European Union and UN operations. In this regard, the collective defence of its members is fundamental to its credibility and to the security and stability of the Euro-Atlantic space.

Aiming to put into practice its policy to preserve peace, prevent conflicts and strengthen security and stability, NATO wishes to prevent conflicts in cooperation with other organizations in the field of security, and in cases of crises, to be able to intervene in order to manage and resolve them by applying the norms of international law or by carrying out non-article 5 crisis response operations (stability and support operations).

The conclusions resulted from the proceedings of the ensuing summits strengthened the preoccupations of the member states to adapt the Alliance to the newly created political and security context, among which: the decision to operate changes in the NATO defence planning and force generation processes (Istanbul, 2004); the declaration of the NATO Response Force as operational, the continuation of the measures to improve the military capacities and the publication of the "Comprehensive Political Guidance" (Riga, 2006); the re-affirmation of the basic principles and common values, the necessity to continue the transformation and to adopt a new Strategic Concept, the decision taken by France to come back to the Alliance structures (Strasbourg / Kehl, 2009).

The "Comprehensive Political Guidance" (CPG), being a major political document which sets the framework and the priorities for the development of the Alliance capabilities and the directions of defence planning for the following

10-15 years, emphasizes the fact that the Alliance has to be able in the future to carry out two major joint operations (MJO) at the same time, while maintaining the capacity to carry out six small joint operations (SJO). As a logical consequence of this vision, the priorities for the development of the necessary capabilities are defined, beginning with expeditionary forces and their possibility to deploy and sustain themselves in an area of operations. For putting it into practice, a CPG management mechanism was created, which allows member states to establish, through the NATO defence planning process, the level of military ambition regarding their individual and collective participation, and to build their capacities fact which envisages two aspects: the monitoring and evaluation of the achievement of the established capabilities and the improvement of the NATO processes for the identification, development and the putting at disposal of the required capabilities.

At the Lisbon Summit in November 2010, the leaders of the allied states approved the new Strategic Concept for Security and Defence "Active Engagement, Modern Defence"; the decision to develop an anti-missile shield to protect the population and territory of Europe, complementary with the deployment of forces and concomitantly with the invitation addressed to Russia to participate in this project; the adoption of a comprehensive approach to crisis management, including a larger role for NATO with regard to stability, reconstruction, and creation and training of local forces; to maintain in an adequate equilibrium the conventional and nuclear forces; the adoption of the capability package (Lisbon Capabilities Package – LCP) which identifies the critical needs to manage the emerging threats; the agreement to elaborate a cyber defence policy and an action plan for its implementation; the reorganization and improvement of military command structures.

According to the new Strategic Concept, the *essential mission* of NATO remains that to "ensure that the Alliance is un unmatched community of freedom, peace, security and common values"[4], whose fundamental and permanent *goal* "is to protect the freedom and security of all its members through political and military means"[5]. We believe that, by showing flexibility and mobility, the North Atlantic Alliance has adapted to the political changes that occurred in the international environment, asserting itself as the main stability and security factor in the world. Following the intensification of relations with Central and East European states, they began to perceive the Alliance as a genuine source of security, as a credible advocate of democratic values, an essential condition for economic development and social prosperity. In the context of the amplification and development of

international cooperation and collaboration in the field of security, the extension of the Alliance demonstrated that the time of a divided Europe ended, and a new era of globalization, integration and cooperation began.

2. The military dimension of the North Atlantic Alliance

The military dimension of NATO is perhaps the most important attribute of the Alliance, through which the fundamental objective of the Alliance is achieved. We are of the opinion that the essential role of the military component of the Alliance, besides guaranteeing the security of its member states, is to ensure their free expression in international matters, without fear of constraints or aggression that might appear at a certain moment, as well as the management, under UNO mandate, of crises and conflicts outside its area of responsibility.

The NATO Ministerial Directive for 2003[6] states that the North Atlantic Alliance "*needs modern, robust, interoperable, credible forces and capabilities, apt to carry out collective defence operations, to keep away risks that might emerge, to rapidly deploy anywhere and anytime required in order to address the crises that might occur; capable sustain themselves without the support of the host country; to apply decisive force based on efficiency and accuracy against threats, including threats with nuclear, bacteriological and chemical weapons; to operate in the same manner as the forces of the rest of the allies*".

Unfortunately, at present, although peace is obtained and preserved mainly through diplomatic means, through political cooperation and solidarity, using instruments such as high level integration and communication, due to the new risks to global security and the vulnerabilities in the current security architecture, there are moments and situations when, in order to obtain peace and implicitly security, the use of military forces is required, both in order to deter military aggressions (military actions specific to armed combat), and also to manage various crises (military actions in support and stability operations).

Due to the major changes in the current international environment and taking into consideration the tendencies and forces manifesting in the international security environment, the armed forces of the North Atlantic Alliance have gone through a series of important transformations meant to constitute a flexible and operational capacity able to respond when the situation requires it.

These transformations have occurred both at the level of concepts, elaboration of strategies and the staffs of the allied forces, and also at the level of planning,

organization and operation of existing troops. At the same time, a major focus has been placed on cooperation between the armies of the Alliance member states, in order to obtain the interoperability and standardization of the multinational troops within the Alliance.

In order to obtain efficiency in actions and, at the same time, to rapidly respond to the requirements of the new security system, the allied forces must carry out a great amount of common effort based on cooperation and interoperability. We identified the following factors which are at the basis of the achievement of the principle of collective effort:

- collective planning of forces;
- common financing;
- common operational planning;
- multinational structures;
- integrated air defence system;
- equilibrium of roles and responsibilities among allies;
- establishment and deployment of forces outside national territory when it is the case;
- arrangements (including planning) for crisis management and support;
- common standards and procedures for equipment, training and logistics;
- joint multinational doctrines and exercises;
- cooperation with regard to infrastructure, armament systems and logistics.

Based on the elaboration of a new concept with regard to the current role of the Alliance, its military dimension is defined within certain new parameters, the achievement of operational capacities being able to respond to the new requirements being necessary. In NATO's modern vision, these new requirements refer to the capacity to engage effectively, deploy rapidly and provide the necessary mobility, the superiority of forces and infrastructure and support, including logistics and force rotation.

The proceedings of the Conference for Security held in Munich in 2011 concentrated on the theme "Building security in an age of austerity" and emphasized three possible major consequences on European security in the context of defence budget cuts by European NATO member states, as a result of the economic and financial crisis:

- the risk of a divided Europe – only a handful of large European nations would become security providers on the continent, while the rest of the countries would become only beneficiaries, which undermines the principle of collective defence and allied solidarity, which are the basis of the North Atlantic Alliance;
- the risk of a weak Europe – the reduction of the potential to prevent and manage crises, which can affect credibility in upholding the principles and values specific to open societies, such as individual freedom, democracy, free trade and the rule of law;
- the risk to "disconnect" Europe from the USA – if Europe fails to preserve its contribution to global security, the USA may turn toward other reliable partners.

In order to avoid such risks, the opinion of the NATO Secretary General is that the Alliance and Europe implicitly need a "new approach: *Smart Defence* - providing an increased security with less money, but working together with higher flexibility"[7]. At the reunion of the North Atlantic Council in Chicago on 20 May 2012, in order to strengthen the availability of the Alliance to develop the necessary capabilities to carry out its essential missions undertaken through the Strategic Concept, the participating heads of states and governments adopted the Chicago Declaration in the field of defence and the Defence Package, which represent a vision and a pathway toward achieving the objective set by the NATO Forces 2020.

The missions of the armed forces of the Alliance bear the mark of the new characteristics of the security environment, including the involvement of forces in managing various conflicts: conflicts of an ethnical or religious nature which can be both interstate and also intrastate conflicts, as well as special actions to combat terrorism.

The missions carried out in such conflicts are characterized by a larger preponderance of peace operations which require military conflict prevention (CP), peace building (PB), peace making (PM), peace enforcement (PE) actions. These military operations are carried out on the basis of a UNO or OSCE mandate, the armed forces of the Alliance acting with the observance of the general principles established by the international bodies and sanctioned by the norms of international law. These principles make reference to the legitimacy and neutrality of force, its impartiality and objectivity, as well as to its method of action on the basis of a clear and precise mandate.

Another type of operations carried out by the armed forces of the Alliance are those combating terrorism, this phenomenon spreading and becoming the main threat to world's security in the 21st.

After the terrorist attacks of 11 September 2011 on New York and Washington, it became a necessity to find solutions for combating terrorist actions. At the Prague summit on 21 November 2002, referring to the increase of the military effectiveness of NATO, the heads of states and governments of the Alliance decided to strengthen the military capacities necessary to the defence against terrorism, including the optimization of the participation in the common intelligence and crisis response arrangements system.

We can not say about the war against terrorism that it is one of a classical type. It is based on the use of light infantry, helicopters and aviation, as well as of other weapons and special forces engaged in punctual directions and objectives for the annihilation of groups of terrorists, the combat gaining a general aspect of anti-guerrilla warfare, in which military actions are based on[8]:

- precise armament systems;
- light and heavy infantry armament used punctually;
- use of attack helicopters;
- other modern armament systems;
- services of intelligence and protection structures.

Nowadays, the international organizations and their member states are not the only ones involved in the fight against terrorism as then are other states that closely cooperate and collaborate with them, their goal being to annihilate this phenomenon which constitutes one of the greatest threats to the security of states and of the world in general.

In order to have a guarantee of the success of the actions and operations undertaken, both in the armed combat and also in the special stability and support operations, it was necessary to elaborate operational concepts which would answer in an optimum manner to the new requirements and changes that have emerged in the current international environment.

In conclusion, we can certainly state the fact that the military structures of the North Atlantic Alliance constitute one of the instruments which ensures the achievement of the political objectives which aim to obtain security and stability on the globe, their existence under the leadership of the political element and through the eyes of International Law being absolutely necessary..., "*without excluding the*

idea of national defence by means of own forces in exceptional situations, limit situations and only for short periods of time, collective defence is seen as the result of the common inter-allied effort, with the prevention of aggression as its trump card"[9].

Let us imagine where Afghanistan would have been without the support of the North Atlantic Alliance, where the acceptance of a Taliban dictatorial regime would have taken us, with its support and shelter provided to the Al-Qaeda terrorist network... probably to chaos. Where would the world have gone to in the end by tolerating the dictatorial regime in Baghdad, accepting a Saddam Hussein's wish for expansion and conquests? It is certainly better not to find out these answers. These questions certainly reflect the importance of NATO and the similar structures and forces.

REFERENCES

[1] Frunzeti Teodor, *The Future of European Security. Sources of Instability at global and regional level – Implications for Romania,* National Defence University, Centre for Defence and Security Strategic Studies, Publishing House of the National Defence University, Bucharest, 2004.
[2] Article 5 of the Washington Treaty, April 1949.
[3] Alliance's Strategic Concept, Washington Summit Meeting, April 1999.
[4] "Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization" Adopted by the Heads of State and Government at the NATO Summit in Lisbon19–20 November 2010, "Active Engagement, Modern Defence", Preface.
[5] *Ibidem,* art. 1.
[6] Donald R. Copley, *Transformation Planning Guidance*, Washington DC, April, 2003.
[7] Anders Fogh Rasmussen, NATO Secretary General - Opening speech at the Conference for Security held in Munich, 4 February 2011.
[8] Miruna Munteanu, Vladimir Alexe, *Terorismul – istoric, forme, combatere*, Collection of studies, Omega Publishing House, Bucharest, 2001 page 98
[9] Repez Filofteia, *Aspecte politice ale securitatii Romaniei*, Agora Publishing House, 2010, p.173.

BIBLIOGRAPHY

Anders Fogh Rasmussen, Secretar General NATO – *''Building security in an age of austerity*'', Cuvânt de deschidere la Conferința de Securitate de la Munchen, 04 februarie 2011, disponibil la adresa http://www.nato.int/cps/en/natolive/ opinions_70400.htm

Barnett Thomas, P.M. A Future Worth Creating: Defense Transformation in the New Strategic Environment, prezentare în cadrul cursului NSDM, Colegiul Naval de război al SUA, Newport, RI.

Cosma Mircea, *Dimensiunea militară a securității în era globalizării,* Surse de instabilitate la nivel global şi regional - Implicații pentru România, Universitatea Națională de Apărare, Centrul de Studii Strategice de Apărare şi Securitate, Editura Universității Naționale de Apărare, Bucureşti, 2004.

Crăciun Ioan, *Prevenirea conflictelor şi managementul crizelor*, Editura Universității Naționale de Apărare, Bucureşti, 2006.

Frunzeti Teodor, *Viitorul securității europene. Surse de instabilitate la nivel global şi regional – Implicații pentru România,* Universitatea Națională de Apărare, Centrul de Studii Strategice de Apărare şi Securitate, Editura Universității Naționale de Apărare, Bucureşti, 2004.

Kriendler, John, *NATO Crisis Management and Conflict Prevention, în „Conflict Prevention: Is the European Union Ready?"*, George C. Marshall European Center for Security Studies, 2003.

Medar T. Sergiu, *Informațiile militare în contextul de securitate actual,* Editura ETEA, Bucureşti, 2006.

Phillip R. Cuccia, *„Implications of a changing NATO"*, Strategic Studies Institute, U.S. Army War College, mai 2010.

Repez Filofteia, *Aspecte politice ale securității României,* Editura Agora, Călăraşi, 2010.

NATO-Handbook, NATO Ofiice of Information and Press, 1110 Brussels, Belgium.

http// www.nato.int/docu/comm 2004 / o6-instanbul/pres

http://europa.eu.int/comm/development/prevention/definition.htm

ROMANIA STRONGLY ANCHORED IN NATO EDUCATIONAL SPACE

*Colonel Professor Dănuț TURCU, PhD **

Abstract: *This paper wants to highlight how higher military education in Romania, as an active NATO member, is perceived. I will also make reference to the way integration was conducted and achieved in the Balkans, and in the European and Euro-Atlantic space. I have categorized the final conclusions, assumptions and opinions according to university's principle of non-attribution.*

Keywords*: education; military; NATO.*

Introduction

One cannot only notice that ten years have passed very quickly from the accession of our country to the largest global organization of collective defense. These times have been good times from some analytical countdown perspectives, but also intricate times, according to another global statistical reports on the financial and economic crisis[1,2]. Both Romania and NATO have made significant steps to developing the regional and cross-continental stability, but in the same time both have made critically budget cuts, long debated transformations, departmental mergers and so on.

On the other hand, one principle or, let's say, a perspective came into my consideration. During tough times, when the technological and critical infrastructure investments are low, every leader should focus on people and their education and training.

Within NATO, during the past ten years, concepts like *NATO transformation*, the *new strategic concept* or *smart defense*, have been column heads.

The phrase "NATO Transformation" encompasses a broad range of concepts. There is the relatively familiar notion of deeply integrating technology into military doctrine in order to improve the operations theater awareness, to provide for precision strike capabilities and to enhance the survivability and effectiveness of individuals.

* "Carol I" National Defence University; e-mail: turcu.danut@unap.ro

But there are other important dimensions of transformation, such as the less technical aspects of preparing NATO establishments for the diverse, and largely unknown, challenges of the future. Such changes are difficult to implement within a national military establishment. For the Alliance, especially as it moves toward substantial enlargement, transformation presents special challenges[3].

This transformation, nonetheless, is complex because of the lack of common purpose among member nations and deep fractures within NATO. Even so, the continuing values of NATO is unquestionable and I trust that sufficient common interests are found for the members and partners to go forward with the transformation required to reform the Alliance so that it may act in concert against updated risks and dangers. Determining priorities is an important part of the transformation process. It is not possible for the Alliance to defend all of the security interests of all of its members and partners, so priorities need to be established.

Each NATO member and partner may see priorities differently. It is therefore critical to have an ongoing dialogue to develop consensus on threats, priorities and appropriate responses. In turn, this suggests that the transformation process will have an important role in bridging the gap between continuing challenges and collective responses.

NATO's education and training

Although NATO member countries remain responsible for the education and training of their military forces, curricula and courses offered at the national level are complemented at the international level by the work undertaken by a specific number of colleges, schools and centers of excellence established by the North Atlantic Council, the Military Committee and the Allied Command Transformation (ACT).[4] Education and training also play a key role in the context of the Partnership for Peace (PfP) program.

NATO's primary educational services, used to educate leaders and specialists from member and partner countries, are the NATO Defense College in Rome, the NATO School in Oberammergau, the NATO Communications and Information Systems (CIS) School in Latina, and the NATO Maritime Interdiction Operational Training Centre (NMIOTC) in Souda Bay.

NATO also has a number of other educational establishments, namely[5]:

A. Centres of Excellence:

– Command & Control (COE) (C2-COE / NLD);

- Centre for Analysis & Simulation for the Preparation of Air Operations COE (CASPOA / FRA);
- Cooperative Cyber Defence COE (CCD COE / EST);
- Civil Military Cooperation COE (CCOE / NLD);
- Combined Joint Operations from the Sea COE (CJOS COE / USA);
- Confined and Shallow Waters COE (COE CSW / DEU);
- Cold Weather Operations COE (COE-CWO / NOR);
- Counter Improvised Explosive Devices COE (COE C-IED / SPA);
- Defence Against Terrorism COE (COE-DAT / TUR);
- Energy Security COE (ENSEC COE / LTU);
- Explosive Ordinance Disposal COE (EOD COE / SVK);
- Human Intelligence COE (HUMINT COE / ROU);
- Joint Air Power Competence Centre COE (JAPCC / DEU);
- Joint Chemical Biological Radiation & Nuclear Defence COE (JCBRN Defence COE / CZE);
- Military Engineering COE (MILENG COE / DEU);
- Military Medicine COE (MILMED COE / HUN);
- Modelling and Simulation COE (M&S COE / ITA);
- Naval Mine Warfare COE (NMW COE / BEL).

B. Partnership Training and Education Centres (PTECs) and National Training Institutions (NTI), see also figure 1:

- Austrian Armed Forces International Training Centre (AUTINT / AUT);
- Peace Support Operations Training Centre (PSOTC / BIH);
- Bulgarian National Military University/Department of Foreign Languages (BGR);
- Cairo Regional Centre for Training on Conflict Resolution and Peacekeeping in Africa (CCCPA / EGY);
- Finnish Defence Forces International Centre (FINCENT / FIN);
- German Armed Forces United Nations Training Centre (DEU);
- Sachkhere Mountain-Training School (GEO);
- Multinational Peace Support Operations Training Centre (MPSOTC / GRC);
- International Institute of Humanitarian Law (ITA);
- Armed Forces Language Institute Jordan (JOR);
- Peace Operations Training Centre (POTC / JOR);
- The Kazakh Training Centre of the Defence Institute of the Ministry of Defence (KAZCENT / KAZ);
- Regional Department of Defence Resources Management Studies

(DRESMARA / ROU);
- Crisis Management and Multinational Operations Department (CMMOD/ ROU);
- Armed Forces Academy (SVK);
- PfP Language Training Centre (SVN);
- Swedish Armed Forces International Centre (SWEDINT / SWE);
- Geneva Centre for Security Policy (GCSP / CHE);
- Armed Forces International Command Training Centre (SWISSINT / CHE);
- PfP Training Centre Turkey (TUR);
- International Peace and Security Centre (UKR);
- United Kingdom Defence Academy (GBR);
- Naval Postgraduate School (NPS / USA);
- Moldovan Continuous Training Centre (MDA);
- Regional Predeployment Training Centre (GEO);
- Latvian National Defence Academy (LNDA) via Latvian NLR to ACT.

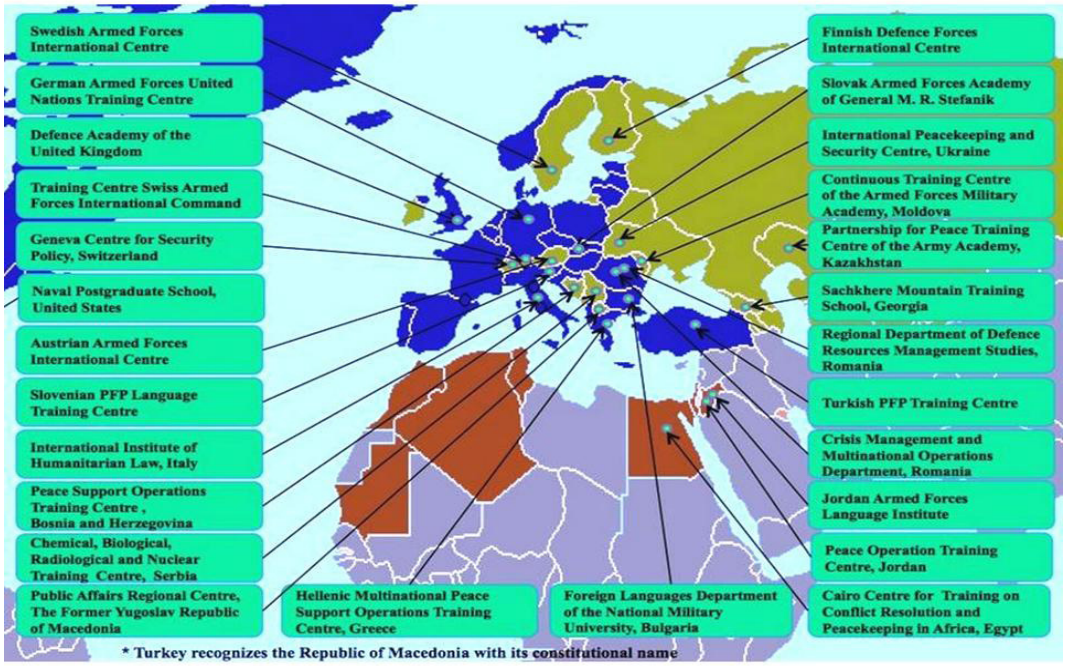


Figure 1. *Partnership Training and Education Centres*[6]

NATO ACT is responsible for the planning and delivery of NATO education and training programs using NATO national facilities. These programs are provided under the e-NATO approach as efficient, effective, affordable, and open. NATO education and training programs are under the direction of the Joint Force Trainer (JFT).

The JFT directs and coordinates education and individual training with ACT and for SACEUR and NATO HQ. The JFT coordinates with SACEUR and nations to provide forces necessary to conduct training, exercises and experiments in support of transformational objectives. The JFT ensures that SACT's transformational outputs, with regard to concept and doctrine development, are integrated into individual education and training as well as collective training events, and, that it coordinates integration of experimentation with into to these specific areas. The JFT acts as principle advisor to SACT on all topics related to NATO, PfP and non-NATO individual training and education, exercises, training needs analyses and, as appropriate, evaluation. This includes acting as conceptual lead regarding these specific areas.

NATO aims at providing nations' and partners' personnel with high quality Education and Training (E&T) opportunities. This is achieved by aligning NATO's E&T with International Educational Standards.

International Educational Standards articulate concrete binding requirements for teaching and learning. They thereby constitute a key mechanism in the effort to secure and enhance the quality of the work done in NATO's, partners' and National E&T Institutions. These standards specify the competencies that E&T Institutions must impart on their students. The students are expected to demonstrate these key competencies upon course completion. The key feature of the standards is operationally articulating the required competencies to allow an assessment of a student's performance. International Educational Standards constitute a three-staged process: Educational Goals lead to derived Educational Standards while the QA process ensures the alignment with these Goals and Standards.

One of the fastest growing areas of NATO's education and training capabilities is the use of technology to deliver or enhance traditional training methods. This *electronic learning* (e-Learning) is an important tool to provide education, training and performance support to personnel from NATO and partner nations in a cost-efficient way. Its capabilities can provide an unlimited number of forces effective, relevant high quality education and training to increase mission readiness.

E-Learning can be applied in a variety of ways and will be integrated into the mainstream of education and training programs. E-Learning technologies encompass Advanced Distributed Learning (ADL), Computer-Based Training (CBT), immersive learning, mobile learning (m-Learning) and transmedia collaborative learning, as seen in the *figure 2*. It should be considered under these circumstances:

- As the sole method of instruction when it can appropriately satisfy education and training requirements;
- When there is a large number of students distributed over geographic locations;
- As a method to augment classroom instruction with an e-Learning component, as an example of a blended learning approach;
- As a method to provide refresher training that will help to maintain student skills.

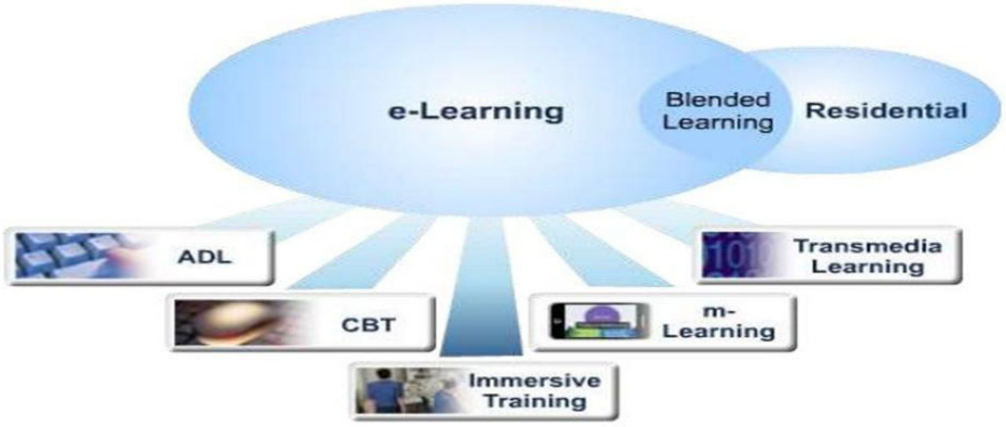
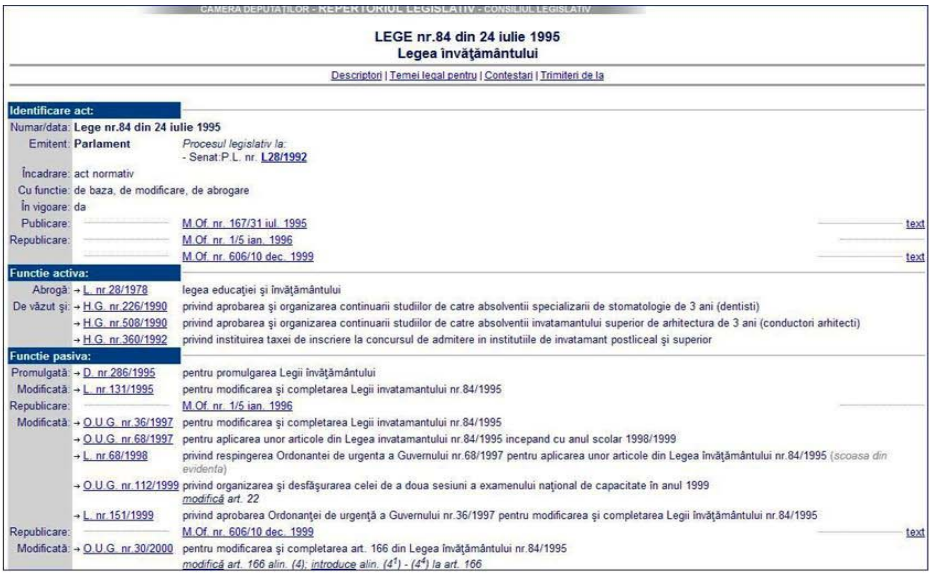


Figure 2. *Types of e-Learning technologies*[7]

Higher military education in Romania and geopolitical context

As the current Minister of National Defense has reiterated in the first Tuesday of February, this year, the fact that the "Carol I" National Defence University (*NDU*) is an elite military institution that should keep up its standards, on the occasion of the ceremony for the taking over of the command of the university. The defence minister reassured the new commandant, brigadier general air force Gabriel-Florin Moisescu, of the defence leadership support of the university activities[8]. Services' The Academies, The Technical Academy and The Medical Institute are acting along with the highest military educational institution in the field of the higher education.

As we know, Romanian education in general and the military education in particular, have gone through many transformations over the past 24 years. It is not unimportant the cause of repeated legislative changes, when it comes to debate the real state of today's higher education. Although, as the organic law, have three acts been used in this period, we highlight the many changes and additions made to one of them (Act no. 84 of 1995). We can see this on the best free legislative database such as the *legal repertoire* of the Chamber of Deputies of Romania[9] (see *figures 3 and 4*). We have noticed the same trend of instability in terms of regulations in the military in general, and particularly in the evolution of military career, closely related to the educational field.



CAMERA DEPUTAȚILOR - REPERTORIUL LEGISLATIV - CONSILIUL LEGISLATIV

LEGE nr.84 din 24 iulie 1995
Legea învăţământului

Descriptori | Temei legal pentru | Contestari | Trimiteri de la

Identificare act:			
Numar/data:	**Lege nr.84 din 24 iulie 1995**		
Emitent:	**Parlament**	*Procesul legislativ la:* - Senat:P.L. nr. L28/1992	
Încadrare:	act normativ		
Cu functie:	de baza, de modificare, de abrogare		
În vigoare:	da		
Publicare:		M.Of. nr. 167/31 iul. 1995	text
Republicare:		M.Of. nr. 1/5 ian. 1996	
		M.Of. nr. 606/10 dec. 1999	text
Functie activa:			
Abrogă:	→ L. nr.28/1978	legea educaţiei şi învăţământului	
De văzut şi:	→ H.G. nr.226/1990	privind aprobarea şi organizarea continuarii studiilor de catre absolventii specializarii de stomatologie de 3 ani (dentisti)	
	→ H.G. nr.508/1990	privind aprobarea şi organizarea continuarii studiilor de catre absolventii invatamantului superior de arhitectura de 3 ani (conductori arhitecti)	
	→ H.G. nr.360/1992	privind instituirea taxei de inscriere la concursul de admitere in institutiile de invatamant postliceal şi superior	
Functie pasiva:			
Promulgată:	→ D. nr.286/1995	pentru promulgarea Legii învăţământului	
Modificată:	→ L. nr.131/1995	pentru modificarea şi completarea Legii invatamantului nr.84/1995	
Republicare:		M.Of. nr. 1/5 ian. 1996	
Modificată:	→ O.U.G. nr.36/1997	pentru modificarea şi completarea Legii invatamantului nr.84/1995	
	→ O.U.G. nr.68/1997	pentru aplicarea unor articole din Legea invatamantului nr.84/1995 incepand cu anul scolar 1998/1999	
	→ L. nr.68/1998	privind respingerea Ordonantei de urgenta a Guvernului nr.68/1997 pentru aplicarea unor articole din Legea învăţământului nr.84/1995 (*scoasa din evidenta*)	
	→ O.U.G. nr.112/1999	privind organizarea şi desfăşurarea celei de a doua sesiuni a examenului naţional de capacitate în anul 1999 *modifică art. 22*	
	→ L. nr.151/1999	privind aprobarea Ordonanţei de urgenţă a Guvernului nr.36/1997 pentru modificarea şi completarea Legii învăţământului nr.84/1995	
Republicare:		M.Of. nr. 606/10 dec. 1999	text
Modificată:	→ O.U.G. nr.30/2000	pentru modificarea şi completarea art. 166 din Legea învăţământului nr.84/1995 *modifică art. 166 alin. (4); introduce alin. (4^1) - (4^4) la art. 166*	

Figure 3. *File of Education Act no. 84 of 1995*

Today, the *Education Act no. 1 of 2011* is in place, which already has an amount of changes and additions[10]. These, in fact, send Romania in an area of *Balkan* integration more than in a *Euro-Atlantic* one. However, Romanian education continues its course in accordance with the Bologna process.

"Carol I" National Defence University has continued the tradition of the "Superior War School", founded in 1889, representing the sixth staff college in Europe[11], in line with those in Berlin, Vienna, Paris, Turin and Brussels. Its task has been the graduate and post-graduate training of commanders, staff officers and experts within the military, civilian and political fields, who are to be appointed in leading and expertise positions in the defense and national security domains, to organize and carry out scientific studies and research, necessary for the concerned structures in those domains, and to facilitate the use of principles and norms of military action and leadership at the joint, operational and strategic levels in the time of peace, crisis and war. The university (NDU) will celebrate 125 years of its existence.

	→ L. nr.143/2008	pentru completarea art. 174 din Legea învăţământului nr. 84/1995 - introduce alin. (2) la art. 174 dispune republicarea
	→ L. nr.144/2008	pentru completarea art. 7 din Legea învăţământului nr. 84/1995 - introduce alin. (11)-(13) la art. 7
	→ O.U.G. nr.156/2008	pentru modificarea şi completarea Legii învăţământului nr. 84/1995 - introduce alin. (4^5) la art. 166, alin. (18^1) la art. 167, o anexă după art. 190
	→ L. nr.296/2008	pentru modificarea şi completarea Legii învăţământului nr. 84/1995 şi completarea Legii nr. 128/1997 privind Statutul personalului didactic - modifică titlul cap. III al titlului IV; introduce art. 145^1 şi 145^2
	→ O.U.G. nr.191/2008	pentru modificarea şi completarea Legii învăţământului nr. 84/1995 - modifică art. 171 alin. (7) lit. a); introduce alin. (6^1) la art. 170, lit. d) la art. 171 alin. (6)
	→ O.U.G. nr.40/2009	pentru modificarea şi completarea Legii învăţământului nr. 84/1995 şi a Legii nr. 128/1997 privind Statutul personalului didactic - modifică art. 151 alin. (2) lit. a) şi b); introduce alin. (5) şi (6) la art. 23
	→ D.C.C. nr.731/2009	referitoare la excepţia de neconstituţionalitate a dispoziţiilor art. 72 alin. (5) din Legea nr. 128/1997 privind Statutul personalului didactic, raportate la art. 116^1 alin. (1) şi art. 116^2 alin. (1) din Legea învăţământului nr. 84/1995 - suspendă, pentru o perioadă de 45 de zile, dispoziţiile art. 116^1 alin. (1) şi art. 116^2 alin. (1) (termenul se împlineşte la data de 26 iul. 2009), după care operează prevederile art. 147 alin. (1) din Constituţie
Vezi si:	→ D.C.C. nr.731/2009	referitoare la excepţia de neconstituţionalitate a dispoziţiilor art. 72 alin. (5) din Legea nr. 128/1997 privind Statutul personalului didactic, raportate la art. 116^1 alin. (1) şi art. 116^2 alin. (1) din Legea învăţământului nr. 84/1995 - art. 116^1 alin. (1) şi art. 116^2 alin. (1)
Modificată:	→ D.C.C. nr.732/2009	referitoare la excepţia de neconstituţionalitate a dispoziţiilor art. 72 alin. (5) din Legea nr. 128/1997 privind Statutul personalului didactic, raportate la art. 116^1 alin. (1) şi art. 116^2 alin. (1) din Legea învăţământului nr. 84/1995 - suspendă, pentru o perioadă de 45 de zile, prevederile art. 116^1 alin. (1) şi art. 116^2 alin. (1) (termenul se împlineşte la data de 26 iul. 2009), după care operează dispoziţiile art. 147 alin. (1) din Constituţie
Vezi si:	→ D.C.C. nr.732/2009	referitoare la excepţia de neconstituţionalitate a dispoziţiilor art. 72 alin. (5) din Legea nr. 128/1997 privind Statutul personalului didactic, raportate la art. 116^1 alin. (1) şi art. 116^2 alin. (1) din Legea învăţământului nr. 84/1995 - art. 116^1 alin. (1) şi art. 116^2 alin. (1)
Modificată:	→ L. nr.250/2009	privind aprobarea Ordonanţei de urgenţă a Guvernului nr. 89/2008 pentru modificarea Legii învăţământului nr. 84/1995 - aprobă cu modificări şi completări O.U.G. nr. 89/2008 şi modifică art. 70 alin. (3); introduce alin. (4)-(6) la art. 70
	→ O.U.G. nr.97/2009	pentru modificarea Legii învăţământului nr. 84/1995 - modifică art. 26 alin. (4), art. 27
	→ O.U.G. nr.73/2010	pentru modificarea Legii învăţământului nr. 84/1995 - modifică art. 26 alin. (4), art. 27
Abrogată:	→ L. nr.1/2011	LEGEA educaţiei naţionale - la data de 9 feb. 2011

Sâmbătă, 08 februarie 2014, 21:16

Figure 4. *File of Educational Act no. 84 of 1995 (continued)*

In terms of training officers who are able to make good decisions at higher levels, NDU provides a complete and complex educational process[12] that is meant to consolidate the scientific instruments and the methodology needed for applying the operational art and military science.

Furthermore, the greatest strength of the military profession is its recognition that there will always be gaps in knowledge; military culture must continue to emphasize the need to make decisions without complete information. This is, in fact, military culture and this should also be the directive idea of military pedagogy. It is a problem that the *Information Age* does not want to concede the reality of the knowledge gaps. With its *"*digital decision-making*"* it believes to reach a total certainty. The search for certainty is based on the expectation that digitization will remove the effect of chaos. Because of the everlasting uncertainty of war, from the beginning of their military education and throughout their careers, officers should study the elements of ethical decision making. The professional and moral duty of military officers is to arm their junior officers and younger soldiers with basic moral principles they can rely on to make the right moral choice in complicated situations. This is the meaning of ethical leadership.

Leadership is usually not an enduring role; and leadership transitions can therefore have a potential destabilizing effect on the organization if overly invested in the cult of an individual. In western societies, leadership transition is often about elections and succession planning. In some cultures, however, leadership transitions often run in families. But in others, legal and social structures may ensure some degree of permanence in leadership decision-making. According to the law, and the internal referendum, in NDU, the elite military institution, leadership transition is definitely completed by elections.

Back in 2003, after taking the control of the NDU, General Mureşan not only addressed the technological and the innovations in training of the future military leaders but also emphasized the role of multinational education and training stating that: "There are specialized functions in multinational headquarters. Some people have been accustomed to. Here, what do we have to do? Each should have all necessary specializations for respective functions. A staff officer should be prepared as joint based by his knowledge. We should invite 40 experts – on intelligence, defense diplomacy, resources on peace time, war, and their restoration. When going to the post, it leans more towards that specialization. Therefore, I argue that education in our country must be prospective. To do things that have not happened,

to find four or five possible resolutions. It might not happen the way we think. But it is better to be prepared. In civilian life it is said, that before crossing the street look if a car comes. We crossed the street without looking to the left were and hit by a car. What did I win?[13] ".

It is recognized that an officer with experience in NATO structures can teach the innovations just one or two hours. Also, there are advocates bringing civil professors that can teach disciplines to the future military leaders. General Mureşan continued: "We want to separate the organization of academic from administrative. It is not compulsory that the military rank be decisive in university. Military rank has to be something more. On the other hand, what if I need to ask a one-star general to teach here, being one who changed the concept of logistics in multinational operations? He will have to hold a course. Why cannot he come one year, included in the university, keeping his general rank rights? He teaches and is remunerated with the money that he had before. When finished, whether he wants to stay or not – he will go back to a brigade or elsewhere. Here we are restricted by law. On the other hand, how long can a battalion commander teach in a theater of operations? Actions that he led are about the same, and at a certain echelon. So he can teach two to four hours. It is worth moving to university? What we pursue to get outside the university must be the leader, the leader, who, excuse the expression, gives "light". Do not be the one who lights. Like those, we can find enough…[14]".

In other words, the military commander (rector) of the NDU said then that military students need to receive knowledge from leaders who recently returned from theater of operations, but to cover most of the classes he would based only on teachers from departments.

Therefore, even if when he arrived at the university he had the impression that education was not placed on the correct and legal bases, eventually he understood that the educational process was done with teachers. He also understood that there was a legal opportunity to invite experts in different fields to supplement students' knowledge with current issues of leadership.

In sum, we have to recognize that it is necessary to reorganize teaching. That should be a priority. Teaching in higher education, despite the appearance, remains very complicated: on one hand, it promotes the idea that the student no longer needs a teacher (due to the progress of modern communication techniques), and on the other hand, it is known that the passing on of knowledge and better skills training is achieved through the direct relationship that can develop between the student and

the teacher. Restructuring the process involves a few basic actions:

- Establish a modular system of university courses packages. This means bringing together temporal and concentration courses with direct links to their well-defined time intervals. Evaluation will be done on the courses packages;
- Build a new center of gravity – the tenured teacher (module). The basic unit in the organization of the teaching process is the chair (department). This, however, is sufficiently heterogeneous and often hangs performance, so it is necessary a translational mode of organization for the tenured teacher or module, which provides greater flow of information and skills to students, and which would better involve in work the assistants and lecturers who would be on its team;
- Ensure the development of "E-Learning" educational policy in communication technology and the modernization of corresponding infrastructure;
- Establish exchange of national experiences (visiting professor) and interuniversity cooperation in education. It was found that teachers invited to lecture in other universities than their own, induced a new atmosphere, stimulating the academic life;
- Improve the organization of competitions for assistant professor and professor;
- Provide clear structure for the educational cycles, with exit gates for the students. Such a structure provides the system output ports for a student who is not able to follow the entire path established by three cycles;
- Increase the importance of transferable credits in academic work.

The leadership of NDU brought the university on the way to ensuring good quality of education and on the way to obtain the *high level of trust* from the highest national level agency belonging to the Ministry of National Education (*2010*). At that time, the university was led by General Teodor Frunzeti and that success was stated in his project when he took the mandate of rector, back in 2008. He considered that not only previous experience of education, which was only part of his work, but also practical experience in command of important structures from brigade up is gave him a vast experience. General Frunzeti said, when interviewed

by a military journalist: "First, we have already started to review curricula for all forms and levels of education provided by National Defence University at both bachelor and master, as well as doctoral level, and all types of courses that we organize, in sense of pragmatic approaches and the approaching of different levels of education that are ongoing in the university, to the requirements established by final beneficiaries – the services and the General Staff. To be more specific, I mean the increasing practical-applicative character of education and focus of all forms of education on the knowledge base and on the skills and abilities they need to have, firstly, commanding officers and the staff officers from battalion level up, because this is the main product that we provide for[15]".

Regarding the problem if the educational programs of NDU respond to the requirement of the correlation between military education and military base reality and the reality of modern battle space, General Frunzeti said: "In any form of education, in any type of education and any university, the graduates, the university final product, are not fully prepared for all possible positions that have to meet later. In any educational institution, a general framework is provided and an algorithm of activities are implemented that the graduate must be able to follow. We have a model of the graduate. This model works only in military institutions. Civil institutions have not such a model and it's good that we have it, and we are reviewing it now along with all our stakeholders. In other words, determine what he should know and what he can do and what our graduate should be like. From the graduate model we get the curricula; from the curricula we get educational programs and the contents of each subject to be taught. It is true that during the studies here – at bachelor education level, whether at the masters of two years or one year level – students are provided with models and they are doing exercises. No one should expect that a university graduate or a service academy graduate knows and is able to do all from the very beginning. Education and training should continue within the echelons and structures where graduates took commanding and staff positions.[16]"

Whole NDU's learning capability recognizes teaching strategies and learning theories appropriate to adult learners and places importance on student-centric learning (*figure 5*).

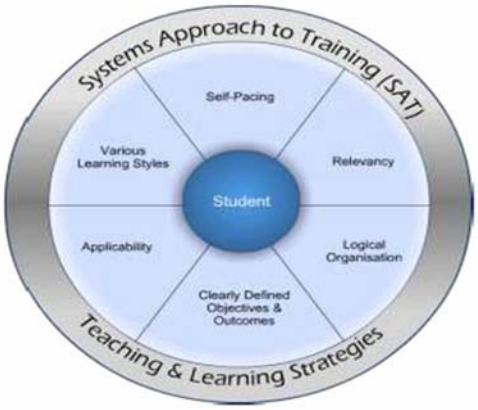


Figure 5. *Student-centric learning*[17]

Student-centric learning also recognizes that students have different learning styles and preferences. For example, some students learn best through visual stimulation, such as images and written information, and others by audio methods, such as listening to lectures. University's programs are designed to accommodate the most common types of learners: audio, visual and kinesthetic learners, to create a rich learning experience for all students. Bearing in mind that learning occurs only when knowledge and/or skills transfer from the professor, whether human or technological medium, to the student, all methods and techniques should be designed to enable students to perform their jobs satisfactorily.

With leaders strategically educated within the context shown in previous pages, and with right political-military leaders at the top of the Ministry of National Defence (*MoND*), Romania will have a strong word to say in the Euro-Atlantic geopolitical space and especially in the Europe's South Eastern part, Balkan area, by installing an efficient protection system against ballistic missiles, to protect European interests and allies.

Conclusion

Obviously, designing Romanian military higher education in a specific time horizon involves some risk, because the forms that it takes, because of existing

distortions and contradictory dynamics of military life and career, in the first place. Also, a low level of available resources can slow the process of structural change, reaching only certain segments of university life. However, there are clear paths: the desire to accelerate the change, the university's lean towards the society and not its total separation, and the capitalization of strengths of a qualitative higher education in tomorrow's society, a university research focused on identified priorities.

With several professional mutations, vital for the desired change, not only the "Carol I" National Defence University will not be the sole beneficiary. Romanian Armed Forces as a whole will receive the annual "fresh blood" officers able to parry future shocks, especially those that are unpredictable. Target of the new way of education will be the implementation of military elite mentality typical of the 21st. The graduate will be the man who will be able to be efficient in the active force, including troops deployed in theaters, which were unimaginable until near recently as action space for Romanian battalions. They will be the same people who will properly manage the future benefits created by the Balkan geostrategic position while member in the Euro-Atlantic area.

Changing attitudes will not be done overnight. But the first effects of the strategic vision of the expected alignment in military higher education we will see – and annotate on – next year.

REFERENCES

[1] *What the World Bank is doing?*, available at: http://www.worldbank.org/financialcrisis/bankinitiatives.htm, accessed on February 7, 2014.
[2] *What lies ahead? defence, budgets and the financial crisis*, in: NATO Review, available at: available at:http://www.nato.int/docu/review/2009/FinancialCrisis/Defence-Budget-Financial-Crisis/EN/index.htm, accessed on February 7, 2014.
[3] Arthur K Cebrowski, Jacques Lanxade, Michel Maisonneuve, Montgomery C Meigs, Andrew J Goodpaster, *NATO Transformation: Problems & Prospects*, Publisher: Atlantic Council, Washington, DC, United States, p. v, available at: http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?ots591=cab359a3-9328-19cc-a1d2-8023e646b22c&lng=en&id=43655, accessed on December 12, 2013.
[4] *NATO Handbook*, NATO Public Diplomacy Division, 1110 Brussels, Belgium, 2006, p.307.
[5] NATO Bi-SC 75-7, *EDUCATION and INDIVIDUAL TRAINING DIRECTIVE* (E&ITD), March 2013, available at: http://www.act.nato.int/images/stories/structure/jft/bi-sc-75-7a.pdf, accessed on January 7, 2014.
[6] *http://www.act.nato.int/e-learning*, accessed on February 6, 2014.

[7] *http://www.act.nato.int/elearning*, accessed on February 7, 2014.
[8] *http://english.mapn.ro/cpresa/4052_Nominations-to-the-Command-of-the-National-Defence-University-and-the-Central-Military-Emergency-Hospital*, accessed on February 4, 2014.
[9] *http://www.cdep.ro/pls/legis/legis_pck.frame*, accessed on February 8, 2014.
[10] *http://www.edu.ro/index.php/met_rep_reg_ins_etc/c967/*, accessed on February 9, 2014.
[11] *http://www.unap.ro/index.php/en/*, accessed on February 8, 2014.
[12] *http://www.unap.ro/index.php/en/*, accessed on February 8, 2014.
[13] General Mircea Mureşan, in: Observatorul militar, no. 47, November 26, 2003.
[14] *Ibidem*.
[15] General Teodor Frunzeti, in: Observatorul militar, no. 18, May 13-19, 2009.
[16] *Ibidem*.
[17] NATO Bi-SC 75-7, *EDUCATION and INDIVIDUAL TRAINING DIRECTIVE* (E&ITD), March 2013, p. J10, available at: http://www.act.nato.int/images/stories/structure/jft/bi-sc-75-7a.pdf, accessed on January 7, 2014.

BIBLIOGRAPHY

*** *NATO Handbook*, NATO Public Diplomacy Division, 1110 Brussels, Belgium, 2006.
*** *NATO Bi-SC 75-7*, *EDUCATION and INDIVIDUAL TRAINING DIRECTIVE* (E&ITD), March 2013.
*** *Carta Universității Naționale de Apărare "Carol I"*, ediție revizuită, 30.09.2013.
Peter Greener, *Decision-making: international perspectives*, Canadian Defence Academy Press, Kingston, Ontario, 2009.
www.presamil.ro; *www.unap.ro*; *www.act.nato.int*

DEVELOPING THE ADVANCED DISTRIBUTED LEARNING CAPABILITIES IN "CAROL I" NATIONAL DEFENSE UNIVERSITY

*Colonel Professor Ion ROCEANU, PhD**
*Colonel Daniel BELIGAN, PhD Candidate***

Abstract: *Education and training aria has been very much transformed due to the large use of the technology. More and more military institutions and universities use different aspects of technology for educational purposes. According with this trend "Carol I" National Defense University started few years ago to improve its capabilities in delivering the education and training services using the power of communication and information system. The aim of this paper is to underline a few capabilities of the integrated Advanced Distributed Learning system developed in our university.*

Keywords: *E-Learning; military training; ADL system*; *online courses.*

Advanced Distributed Learning Department (ADL Ro) was set up on 1st October 2005 as a functional structure of education under the aegis of the "Carol I" National Defense University". The specific features of the department's activity were given by its fundamental goal of generating a student centred educational network. Such aim would be achieved through the development of didactic content and through its spread with the aid of specific instruments, all these being done in the spirit of a modern education based on the usage of information and communication technologies.

Starting practically from scratch, year by year, step by step, learning from others' experience, but also through impressive effort and own research, the department succeeded, in a relatively short period of time, in defining its identity and to stand out at both, national and international levels.

* "Carol I" National Defense University; e-mail: iroceanu@adlunap.ro
** "Carol I" National Defense University; e-mail: daniel.beligan@adlunap.ro

It was not easy, but with a lot of work, involvement, selflessness and team spirit, in time, the results started to come into view.

At present, the department's activity is acknowledged as one of the best, due to its international partnerships with civil and military institutions that have similar concerns, due to its attendances at numerous conferences and of course, because of its outcomes in the e-Learning area as well as in other related domains.

Taking in account that the department was founded one year after Romania's adherence to NATO, its orientation to the alliance's system of education and training came naturally. This represented the reason why, one its courageous objective, proposed and accomplished, was to be integrate in the NATO's ADL system. Therefore, "Introduction to NATO", the first online course in the Romanian army, was released in May 2006, as a result of collaboration with the NATO Defence College from Rome. Up to the present, 1180 students have graduated the course in 21 series having received certificates that are also recognised by the NATO College.

Similarly, other courses were launched as a result of some memoranda with Euro-Atlantic institutions. For example, the "Conflict Management and Negotiation Course" is provided as a result of the cooperation with the Inter American Defence College. Also, "Law of Armed Conflict Course" was launched with the support of International Relation and Security Network and due to the fact that the Department is member of the Partnership for Peace Consortium ADL Working Group.

With regard to international activities, it is important to be mentioned the involvement in the NATO's Working Group designated to deal with individual training and educational development, in which, the first ADL director, professor PhD, Ion ROCEANU held the position of vice president for the ADL subgroup.

In addition, the department's staff took part in other international events related to E-Learning. In all these occasions, the department personnel presented its experience resulted in the online course management, tutoring support, in the creation of standardised digital content and the lessons learnt in area of E-Learning.

The contributions to the flourishing of ADL systems in NATO, determined

the most important institution in the domain of research, development and standardisation in e-Learning from USA, to invite the Romanian team to become their partner and, therefore, to participate actively in achieving the mutual objective of promoting quality as well as collaboration in this area. So, on 30th January 2009, was signed the memorandum between the "Carol I" National Defence University and the ADL Co-Laboratory programme within the framework of the USA Minister of Defence. Through this memorandum, the ADL Department performances in the area of e-Learning were recognised and it was awarded with the position of member in the ADL Excellence Partnership Network. It is important to underline here, that on 2009 there were only 7 members in the partnership outside the USA. From Europe, only Great Britain and Norway succeeded such an acknowledgement, which pictured Romanian's achievement even more significantly.

The experience gained after the ADL system implementation in the "Carol I" National Defence University", made the university's representative be chosen as a member in the mobile NATO team charged with the implementation of the ADL system in other countries such as Poland and Bulgaria. For this reason, today, the Department's logo can be found on the portals of other universities and military institutions for which Romania has offered consultancy.

Establishing a membership with the national and international scientific community represented a priority. In an attempt to reach it, starting with 2004, the international conference: "E-Learning and Software for Education" has been organised. Up to the present, this event has been growing and it very much appreciated. At this scientific event, ideas have been outspoken by the most important personalities in the E-Learning domain coming both from military environments and civil ones. Just as an example, in the 2013 edition, more than 280 participants have taken part representing 25 different countries. The high scientific level of this conference has made possible the articles' indexation in 4 international data bases which offer a remarkable external visibility. In 2014, at the 10th edition of the conference, there have already been received 470 article themes from more than 45 countries.

Going further with the achievements, it is important to emphasise the participation in national and international scientific projects as either coordinator, or partner. One of these projects was "Optimised Educational Process in the Competences of the Knowledge Society Vision" that was set up by the Ministry of Education, Research and Innovation through the Management Unit Externally

Financed Projects in partnership with SIVECO Romania, as well as with the "Carol I" National Defence University. This project won the golden medal in the "Project Excellence in Medium-Sized Projects" category. It was for the first time in the competition history that this award had been given to an educational project. The project goal was to make the learning activity more accessible with the aid of interdisciplinary and trans-disciplinary educational processes orientated towards the development of skills required in the modern society. Moreover, it also followed the modernisation of the educational system through the popularisation of information and communication technologies including the multi-touch ones. The "Carol I" National Defence University was one of the initiators of the project and in quality of partner of Advanced Distributed Learning Initiative, the main role in the project was to ensure compliance with international standards, particularly SCORM 2004 for the digitization of the curricular content and of the didactic materials. The award obtained embodies an important acknowledgement of the techno-scientific level of both The "Carol I" National Defence University and the Ministry of National Defence.

The Department is currently involved in another major project, Games and

Learning Alliance, which aims to create a network of excellence in the area of serious games at European level. We should underline that Romania is the only participant among the other 31 that come from the Eastern Europe.

The department has succeeded in creating an integrated system based on a

portal connected to 3 different educational platforms, each of them having a specific purpose. This has been possible through the development of a Data Centre endowed with the entire necessary infrastructure needed to support such a system as well as an independent INTERNET network.

This integrated system provides for interested persons various educational services. Besides online specialization courses where students are awarded with certificates, there are also online courses with unrestricted access, for which certificates are not given. Moreover, the department provides technical support for master degree and Ph.D. programmes as well as for courses held by other structures of the university. For the training of the military personnel that are about to enrol in various missions, the departments come up with a series of online courses designed to familiarise with the mission characteristics and specificities (ISAF Operation, Atlanta Operation, European Union Military Staff).

On the European Security and Defence College (ESDC) request, ADL Ro provides the support for their system called Internet Distance Learning (IDL). This support involves the implementation of a dedicated educational platform (ILIAS), its personalization, updates, security and in the same time provides the necessary training for the courses administrators and tutors. For European Security and Defence College, ADL Ro ensures the digitisation of the traditional content in a standardised one. It is necessary to mention here the sequencing, an aspect we have not initially used, but one which we have developed as soon as the ESDC has asked for it. The collaboration with ESDC enriches the international image of the "Carol I", National Defence University and gives it the opportunity of using the College's courses. It is rewording to find on their platform phrases such as: "Powered by Romanian ADL Department" or "Copyright ©2014 Advanced Distributed Learning Department. SCORM 2004 Conformed by Romanian ADL Team". The collaboration with this college enhanced the ADL Ro with the most requested and updated course: the European Security and Defence Policy which contains several modules, each of them developed by a European institution or a leading figure in the European political space.

Another department's achievement is the enlargement of the Advanced Distributed Learning system to other educational institutions owed by the Romanian Army. This idea started from the fact that these institutions have requested support to implement their own ADL system in their structure. Actually, there has been implemented the online platform called "Ro Army" where specific

domains are designed to serve military institutions only. For the Human Resources Management Department (DMRU), a special domain has been developed on the same platform been emphasised the need to use electronic resources as well as online communication technologies for projecting and organising a linguistic course in order to make it accessible in a distant learning system. We are talking about a programme conceived with the purpose of exercising the skills acquired during classic lectures. It addresses especially those who have graduated foreign languages courses and want to keep their abilities in good conditions or even perfect them through individual study under the guidance of a teacher. At the moment, the first 4 modules has been designed and started to be used in the framework of Foreign Languages Educational Centres. The 5th module should be finalised by the middle of 2014.

During 2013, another project that uses the "Ro Army" platform has been elaborated by DMRU with the ADL Ro support. This new programme is used as an initial testing for those who are interested in learning English. It is in charge with the distribution of the military stuff in proper courses on the basis of their level of knowledge (familiarising, pre-intermediate, intermediate, advanced, etc.). Therefore, in the period June-July 2013, more than 1100 people were tested online with the aid of "Ro Army" platform at all 4 abilities: reading, listening, writing, and speaking.

Technology is moving fast and in order to keep up with it, it is compulsory that the system should adapt rapidly. The ADL system is not perfect and it does not intend to replace the traditional educational systems, but it brings advantages regarding costs, the opportunity of delivering the content in real time where needed and the possibility of a larger number of students without affecting the current tasks of the provenance structures, ensuring as well the accomplishment of the criteria imposed by the NATO. Because of all these qualities of interoperability, durability, efficiency, of the possibility of saving time and money, it might supply for all the educational modules that nowadays develop in a centralised way.

As a conclusion, it could be said that, with all its gained experience, the "Carol I" National Defence University might be a key element in the development of the modern educational system of the Romanian Army, through the implementation on a viable and functional ADL system.

REFERENCES

[1] Roceanu I., coordinator, *Designing and developing integrated e-learning system for online educational services*, University Publishing House, Bucharest, 2008.
[2] Beligan D., Roceanu, I., Radu, C., *Steps of building an Advanced Distributed Learning system. Case study based on the "Carol I" National Defense University experience*, Elearning and Software for Education Conference, 2010, pp. 99-103.
[3] Beligan, D. et al, *Technology for preliminary language assessment and improvement of language training programs*, Journal of Advanced Distributed Learning Technology, no 3-4/2013, pp. 14-22.

BIBLIOGRAPHY

Beligan, D. et al, *Technology for preliminary language assessment and improvement of language training programs*, Journal of Advanced Distributed Learning Technology, no 3-4/2013.

Beligan D., Roceanu, I., Radu, C., *Steps of building an Advanced Distributed Learning system. Case study based on the "Carol I" National Defense University experience*, Elearning and Software for Education Conference, 2010.

Roceanu I., coordinator, *Designing and developing integrated e-learning system for online educational services*, University Publishing House, Bucharest, 2008.

INTERNATIONAL HUMANITARIAN LAW CENTRE – 10 YEARS' CONTRIBUTION TO ROMANIAN MILITARY EDUCATION

Lieutenant-colonel Carmen ROTĂRESCU, PhD Candidate*

***Abstract**: The overall responsibilities and engagements expressly assumed by the Romanian state by the ratification of a great part of juridical instruments of International Humanitarian Law (treaties, protocols, additional acts, etc.) as well of the instruments issued from its member quality in some global or regional organizations (UN, NATO, OSCE or EU) permanently determine the Ministry of Defence to take measures to disseminate the International Human Law in order to provide its knowledge, respect and application by all the Armed Forces personnel. The International Humanitarian Law Centre, called IHLC, is a microstructure contributing to this initiative by achieving its own goals and entrusted missions.*

***Keywords**: NATO; International Humanitarian Law; Ministry of Defence; engagements.*

2014 is for Romania an year plenty of important meaningful events: 10 years from the adhesion to NATO, 65 years from NATO creation, 25 years from the anticommunist revolution (1989), 60 years from the ratification[1] by the Romania of the 4th International Conventions on the protection of the war victims signed at Geneva on August 12, 1949, 100 years since the start of the World War I (1914) and 75 years since the start of the World War II (1939).

On 29.03.2004, Romania by handing in[2] the ratification instruments officially adhered to NATO, became member of this organization[3]. NATO adhesion was a crucial moment for Romanian, being considered one of the most important foreign affaires actions of Romania after the 1989 revolution.

In order to properly mark the adhesion to NATO, the Romanian authorities decided[4] the NATO day to be celebrated yearly in Romania in the first Sunday of April[5] since 2005.

* "Carol I" National Defence University; e-mail: carmenrotarescu@yahoo.com

As NATO member state, Romania has done important, decisive and steady steps on the way to democratic transformations, strengthening the state of law, guaranteeing and respecting the fundamental human rights and freedoms, harmonizing the national law with the international law and becoming provider of security in the international arena.

Being aware that the NATO membership brings both rights and obligations, Romania actively and dynamically has become involved in achieving the main goal of the organization – the provision of its members' security using political and military means.

Romania fully involved where was requested, contributing to the implementation of Alliance's mandate both at conceptual and operational level, mainly participating in NATO operations.

It is now, a decade since the integration, the occasion to review the actions done by Romania, as NATO member state, in this field.

Analysing the main events celebrated this year, mentioned above, we can see some common elements: conflict, humanitarianism and security. This implicitly leads to the International Humanitarian Law or the Law of Armed Conflict (LOAC), terminology priori used within NATO.

„*Although they are different, humanism and security represent two closed approaches of contemporary world by sharing the common principle of "survival". While security grounds on the use of the armed force as the last action, the International Humanitarian Law is the angler part of the actual system of international security because its disrespect makes impossible the safety of states and international community. Therefore we must hope the lessons from Rwanda, Somalia, Bosnia, Kosovo,* Iraq and Afghanistan *will define military actions equally conform to the UN Charter and the International Humanitarian Law because the humanitarianism cannot be subordinated to security as it is his grounding and the UN Charter cannot prevail the Geneva Conventions*" [6].

International Humanitarian Law (IHL) is an ensemble of norms and customary and conventional principles applicable meant to settle minimum and compulsory behaviour standards of the parties involved, to limit the rights of parties to use means and methods during any armed conflict in order to avoid causing victims and excessive collateral damages, long and short consequences over the surrounding environment.

The consequences and horrors following the two great conflagrations asserted

the international community to adopt, in 1949, the Geneva Conventions together with the three Additional Protocols.

The concept Rules of Engagement (ROE) has been used in the NATO military operations since 1973. These rules were instituted because they were requested by the need to set norms able to foresee the multitude of situations when the lethal force can be used by militaries during peace, crisis and war time. The Romanian Armed Forces has used this concept since the 90's, mainly because of the involvement in operations out of the Romanian territory.

The rules goal is to limit the number of victims and material damages related to the direct military actions and also to avoid compromising the armed forces involved in operations. Thus, the annex to the Operation Plan which lists the ROE contains the IHL norms and principles which should be respected. These rules contribute to reducing the time needed for decision making and to solving controversial or ambiguous situations in order to protect military personnel, acting under military orders, from the responsibility of the effects of their actions.

The overall responsibilities and obligations assumed by the Romania through the ratification of majority of International Humanitarian Law juridical instruments (treaties, conventions, protocols, additional acts, etc.) as well the ones resulted from its quality of member of global or regional organizations (UN, NATO, OSCE or EU) permanently assert to the Ministry of Defense to use means to disseminate International Humanitarian Law and to force all military personnel to respect and apply these rules.

Knowing, respecting and applying the International Humanitarian Law norms and principles and Rules of Engagement represent fundamental obligation of armed forces personnel[7], particularly that personnel conducting, planning and executing operations. The norms of humanitarian law are an important criteria in making decisions regarding the options for courses of action, in order to maintain a balance between the principles of military necessity and those of humanity.

In order to avoid the gaps and provide the respect of juridical instruments of International Humanitarian Law and national law[8] during the execution of missions and operations executed by the armed forces out of Romanian territory, the training of armed forces personnel in IHL and ROE became a priority for the Ministry of Defence.

The International Humanitarian Law is an important part of military training. Because of the implications these specific provisions have in planning military

actions, the training in this field gained priority.

The International Humanitarian Law discipline is an integrant part of military education and training.

It is not enough to know to handle the equipment, it also necessary to know when and how the soldiers have the right to use it. Acts as *submission to reprisals, civilians' mutilation, killing the surrender militaries* and *torturing prisoners* never lead to victories. They rather lead to the disciplinary, civil or even criminal responsibility.

The Romanian military personnel know "violence always breeds violence". Violence normally leads only to the escalation of conflict, not to cease fire or peace. They also know that conducting military action in accordance with the international humanitarian standards is essential to successfully fulfilling the mandate they have from either national or NATO authorities. The disrespect of IHL norms can jeopardize the reputation of the armed forces, regardless of their commanding authority.

This is probably the reason why no Romanian military was accused or blamed for the infringement of IHL norms and principles, Rules of Engagement or committing war crimes, crimes against humanity, genocides or aggression crimes, while participating in operations outside the Romanian territory under UN, OSCE, EU or NATO.

This fact shows that Romanian military personnel know and apply the standards[9], directives, resolutions[10] of NATO and the training on the international law and rules of engagement is guaranteed. They have a level of professionalism which allows them to participate in the planning and execution of military actions in a multinational framework regardless the geographical area, the civilization conditions, applying the norms and principles of International Humanitarian Law and political engagements assumed by Romania as North-Atlantic Alliance member.

To these results strongly contributed the International Humanitarian Law Centre (IHLC), the unique education organization in Ministry of Defence in this field, showing the fact that the Centre permanently achieved to a high degree its goals and assigned missions.

The Centre was established on December 6, 1993. Starting to 01.05.2012, the Centre was subordinated to the "Carol I" National Defense University and redeployed from Ploiesti garrison to Bucharest.

The Centre's goal is to provide Romanian Armed with training on respecting,

applying and promoting International Humanitarian Law and Rules of Engagement concept.

IHLC is running the IHL Trainers Course, a unique course by its curriculum and objectives. IHLC also participates in the production of reference documents needed to implement the humanitarian law in different post-graduate courses, either for leaders, or addressing to the war correspondents/journalists, or to jurists from the defense sector. These courses are considered post-graduate and they provide the possibility to promote the graduates as colonels.

Another important activity of the Centre is the production of the documents needed to accept and implement STANAG 2449 – 2nd edition (March 2013), which establishes the framework for IHL training in to the Ministry of Defense. About this activity, IHLC participated with viable proposals based on its experience in organizing and conducting a high standard training and education on International Humanitarian Law and Rules of Engagement.

The training activities on IHL and ROE undergone by IHLC were highly appreciated by both the participants and the beneficiaries.

In order to provide a common basis of training for all the military, the Centre personnel produced or contributed to the elaboration of different documents, studies, articles, manuals, instructions, legislation, etc. in the field of IHL and ROE. Also, in order to support the military in operations outside the Romanian territory, we periodically produce documents that update the information bulletin "Juridical actualities – military law and International Humanitarian Law".

IHLC was involved in cultural-educative and scientific activities designed for the knowledge and application of international humanitarian standards in the process of education, training and military operations.

Based on Governmental Decision no. 420/2006 regarding the organization of National Commission for International Humanitarian Law (NCIHL) and other programmatic documents, the Centre received the task to perform as the permanent Secretariat of the National Commission for International Humanitarian Law. The contribution to the optimal organization of the work of the Commission, which included the presentation of many viable proposals, the creativity and initiative shown by IHLC personnel as the permanent Secretariat were rewarded by the NCIHL presidents and members with special thanks and appreciations.

Ten years after the Romanian's integration in NATO, but at its 21st anniversary, despite the fact that the available manpower is very limited, International Humanitarian Law Centre proves a highly professional capability to promote humanitarian law in the Romanian Armed Forces.

REFERENCES

[1] Decree no. 183/ since 14.05. 1954, entered into force on 21.05.1954.
[2] To the US Department of State, depository state of the North-Atlantic Treaty Organization.
[3] The ceremony of rising the Romanian flag took place on April 2, 2004, to the NATO Headquarter in Brussels (Belgium).
[4] By Law no. 390 since 28.09. 2004.
[5] In conformity with art.1 line 2 from Law no. 390/2004, this day is "public celebration dedicated to European and Euro-Atlantic democracy and spirit".
[6] Ion Dragoman, Claudia Militaru, Studii de Drept Internațional Umanitar, Editura Lumina Lex, București, 2003, p.31
[7] In art.1 common to the fourth Geneva Convention (1949) and in art.1 from Protocol I Additional to these Conventions is mentioned the fact that the party states oblige "to respect and to do respected" their provisions. Therefore, not only the military personnel but also the civil personnel in the Ministry of Defence and even the entire population of the country must know, respect and apply correspondingly.
[8] Law no. 121 since June 15, 2011 on the participation of the armed forces to the missions and operations outside the Romanian territory:
art. 11 (3) „The armed forces participating into missions and operations outside the Romanian state territory executes orders from the commandant of the force it is subordinated to in conformity with the agreements settled to the effectuation of authority transfer with the respect of the international law and rules of engagement provisions.
art. 12 (1) When a Romanian military receives an order from the hierarchical superior authorities of the mission or operation that counteracts to the international humanitarian law, rules of engagement or habits of war, they refuse this order execution.
(2) When it comes the case provisioned in line (1), the Romanian military informs the Romanian superior hierarchical authorities and follows their instructions".
[9] STANAG 2449- 1st edition /2004 implemented by the Disposition of Chief of Major Staff no. 101/2008 –on the IHL training.
STANAG 2449 – 2nd edition/ March 2013.
[10] Resolution no. 287 adopted by NATO since 15.XI.1999 on the respect and guarantee of International Humanitarian Law.

BIBLIOGRAPHY

Gasser Hans-Peter, *International Humanitarian Law – An introduction*, in HAUG (Hans), Humanity for all, Henry Dunant Institute, 1993.
Dragoman Ion; Militaru, Claudia, *7 studii de drept internațional umanitar,* Editura Lumina Lex, București, 2003.
http: //www.unap.ro.ro/unitati/cdiu/index.html

The publication consists of 108 pages.

"Carol I" National Defence University Typography
Bucharest / Romania, sector 5, 68-72 Panduri Street
e-mail: buletinul@unap.ro
Phone: 319.48.80/0215; 0453

B. 262/2014 C. 223/2014