NATO’S EVOLUTION:
FROM CONVENTIONAL TO HYBRID WARFARE

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CHAPTER 1
THE NEED OF A COLLECTIVE SECURITY SYSTEM

1.1. The awakening after World War II 6
1.2. The Truman Doctrine and Marshall Plan 10
1.3. The risk of Soviet expansion 15
1.4. Brussels Treaty 20
1.5. Vandenberg’s Resolution 27
1.6. The North Atlantic Treaty 33
1.7. NATO – From an alliance to an organization 41
1.8. Strategic Defence Concepts’ narrative: Alliance’s troubled partnership. 46

CHAPTER 2
A NEW DIMENSION FOR NATO:
FROM HELSINKI ‘91 - TO WALES SUMMIT 2014

2.1. NATO’s evolution - Strategic Concepts’ enhancements 61
2.2. NATO’s intervention narrative in ex-Yugoslavia:
   Kosovo’s crisis and/or NATO’s rebirth 72
      2.2.1. NATO’s open door policy 84
      2.2.2. Kosovo’s H.I. legitimacy 93
CHAPTER 3
NATO AND UNCONVENTIONAL WAYS OF WARFARE

3.1. Hybrid Warfare challenge in the 21ST Century
   3.1.1. Cyberspace and Cyberwar
   3.1.2. Propaganda and Media- Tools of H.W.
   3.1.3. Economics and Energy Security - “Smart Defence” Tools

CHAPTER 4
THE ALLIANCE - MANAGING HYBRID THREATS

4.1. NATO’s East Flank – Russian Hybrid Warfare
   4.1.1. East-West Relations: What went wrong with Ukraine?
   4.1.2. Crimea’s Crisis
4.2. NATO’s South Flank – Middle East Sectarian Conflicts’ Narrative
   4.2.1. Terrorist Organizations – An International Threat?
   4.2.2. Da’esh (ISIL’s) Hybrid Warfare
4.3. NATO’s Response to Hybrid Threats

Conclusion
Appendix
Bibliography
“Animus in consulendo liber…”
ABSTRACT

The thesis traces the historical, political and economic context that immediately after the post-war period saw the onset of the need of the Atlantic block States to create a system of collective international security to counter the threat coming from, at that time, Soviet Union. It has been examined in depth the historical-political process that led to the signing of the North Atlantic Pact as the constitutive treaty of NATO (North Atlantic Treaty Organization) appraising the exercised influence on relationships with the United Nations’ Member States. There have also been analyzed the following phases as well as the strategic and structural evolution of NATO in relation to the various historical periods, from the Cold War to the present day.

The issues of International Law concerning the intervention of NATO founded on its “casus foederis” and its relation with the UN Security Council have been analyzed, either from the point of view of the positive law or from the political and military comprehension to which both organizations are connected, in the light of the most recent asymmetric threats.

Furthermore, a thorough reflection has been dedicated to NATO’s intervention in former Yugoslavia and in particular to the vexata quaestio of the legitimacy of humanitarian intervention in Kosovo as well as to the profiles of hybrid war emerged in the Russian-Ukrainian juxtaposition followed by Crimea’s annexation from Russia and the issue of Middle Eastern terrorism. There have been examined the principles of international law, with particular attention to humanitarian law, such as the principle of self-defence, non-interference and self-determination, trying to assess the interference with the notion of States’ territorial sovereignty in the light of the criteria of necessity and proportionality.

Given these points, despite the consultation of the main legal sources, further reference has been made to the Strategic Concepts of NATO as well as the Resolutions of the UN Security Council. The study of the sources made it possible to analyze the respective law requirements, on which ground, deliberations are adopted by international politics to manage international crises and conflicts. In addition,
great attention has been paid to the International Law Doctrine, to the opinion of the political diplomacy involved as well as the views of several prestigious think tanks. The research undergoes through the examination of NATO’s intervention fields - conventional and non - in the recent years and the epochal change cyber-war has given rise to, in combination with other elements of the hybrid war, therefore have been analyzed the adopted strategies on which effectiveness will be played the Alliance’s future challenges. “Smart Defence”, “Comprehensive Approach”, “Cyber Defence Policy”, “Strategic Communication” combined with a decisive political will, which only after overcoming the sieve of legitimacy out of the “NATO method”, will thrive on becoming the “raison d’être” of the Atlantic Treaty in the near future and, as it might be foreseeable, will contribute to ensure international order and security.
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I am grateful to NATO’s Multimedia Library for giving me the opportunity to extend my studies allowing me to be able to carry out a period of research at their wonderful and well-stocked library as well as to the staff of the Library, in particular to the head librarian Ms. Isabel Fernandez and Ms. Jeanine Willo, for the immense kindness and availability showed during my stay in Brussels.

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A thankful consideration goes also to the NATO Defense College (Rome)\(^1\) as well as to the Italian Delegation at the NATO Parliamentary Assembly\(^2\) for having given me the opportunity to participate in the respective conferences held to discuss on hybrid threats and asymmetrical terrorist warfare.

Words of appreciation go to Dr. Giacomo Bassi, Mayor of San. Gimignano, in Siena, for having given me the opportunity to visit and take photos of the “Sala di Udienza”- located in the Palazzo del Podestà - where it is found the rostrum on which is inlaid in wood the Latin phrase “Animus in consulendo liber” that since 1959 has become the maxim that expresses NATO’s member states’ spirit of collaboration.

A kind thought goes to my family and to my dear friends for having always been close to me along this study years path.

The last, but not the least gratitude thought goes to my beloved husband who has accompanied and supported me in every single moment of my life. Thank you from the bottom of my heart!

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In December of 1959, when NATO moved into new premises at Porte Dauphine in Paris, the Secretary-General, M. Paul-Henri Spaak, asked the Dean of the Council, the Belgian Ambassador Andre de Staercke, to find a proper maximum to grasp the spirit of the Alliance. The Dean, recalling a visit in his youth to the Tuscan town of San Gimignano to the mediaeval Palazzo del Podestà, suggested the phrase he had read on the seat of the “podestà”⁴. Since then, in the main Council Room of NATO, graces on the wall the Latin phrase “Animus in consulendo liber”.⁵ Therefore, I could not help but go and visit the Palazzo del Podestà at San Gimignano and the famous “Sala delle Udienze”.⁶ There gathered together the priors and “i collegi di credenza”⁷, to deliberate on the proposals put forward by the People's Council. And right there, at the bottom of the hall, were placed the seats alongside with the rostrum, where the members of the magistracy had the right to harangue. Around the stands, inlaid in wood, lies our phrase.

The translation may give rise to different interpretations depending on the meaning we can attribute to the verb “consulere” and the value that the verb assumes when it is conjugated to the gerund. We must maintain a “free spirit in the decision”, and therefore, it is necessary that those whom are called on to take important decisions in the interest of all, do it with a free spirit, unfettered from any interest or prejudice. It seems that the latter translation is fairly closer to the spirit of the Alliance.

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³ Authorized photos taken by the author of this thesis at the museum of San Gimignano, August 2015, Tuscany, Italy.
⁴ The word “podestà” stands for the head of commune in mediaeval period.
⁵ http://www.nato.int/multi/animus.htm
⁶ Audience Hall
⁷ A term used to indicate a kind of “tenet’s council” in mediaeval communes i.e. a college of experts entrusted with the Consuls in order to assist and advise them in the most secret and delicate formalities.
A deliberation, in order to be taken in the most objectively balanced way in the interest of all, must be taken from “free spirits”.

So far, in the main Council Room of NATO, there must stand, as representatives of their home countries, free spirits whom confront one another in the interest of all, for the preservation of peace and international security. I immediately felt the impressiveness of that phrase, an appeal to the equilibrium that must have a good guide, an admonition towards all those who have to make decisions in the interest of all, a call for the freedom of spirit without constraints and impediments. But was exactly this the intent of André de Staercke or was there more?

It is interesting to note where does that phrase come from and the historical context in which it was pronounced. The phrase is quoted by Sallust in “The Conspiracy of Catiline” and was pronounced by Cato in front of Caesar and the Senate against the corruption of morals of the age. Sallust, in his work, narrates the failed attempt, of the senator Catiline to make a coup d’état to establish a dictatorship. For his conspiracy Catiline relied on impoverished nobles, landowners in disgrace, women, slaves and foreign populations, all eager for a subversion of power that could bring them concrete benefits. Cato (and with him Sallust that gives him voice), in his speech to the Senate, aims to expose corruption, the social and moral decay of the Roman ruling class and civil society of the first century BC who led the conspiracy and at the same time appeals to the virtues of the ancestors, of the Roman people, as the only way to restore the old equilibrium and raise the spirits.

“Do not think that our forefathers have given so much glory to the State with the sole use of arms [...]. But there were other qualities our ancestors possessed that made them prodigious and which we do not possess at all: efficiency at home, a just rule abroad, a mind unfettered of prejudice in deliberation” i.e. “Sed alia fuere, quae illos magnos fecere, quae nobis nulla sunt: domi industria, foris tustum imperium, animus in consulendo liber...”.

The Dean drew, without any doubt, by a single phrase an amount of cues and references that could not relinquish. The appeal to the virtues of the ancestors

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8 Gaius Sallustius Crispus (86 - 34 BC) was a Roman historian, politician and author of the monograph “De Catilinae coniuratione” enshrined in the Vatican Apostolic Library. The work is thought to have probably been composed between the years 43 - 40 AC.

9 Quoted in Gaius Sallustius Crispus, “De Catilinae coniuratione”, p. 52.
opposed to the morals’ corruption of the political class and, by extension, of the enemy. The appeal to the impartiality in matters of foreign policy (*Foris iustum imperium*) as well as the necessary equilibrium for those responsible for making important decisions. The appeal to fair policy and diplomacy that can do more than weapons. It was a perfect phrase to be penned on the walls\(^\text{10}\) of the new NATO Headquarters.

The main Council Room at NATO's permanent Headquarters in Brussels

It is necessary an “animus in consulendo liber” for those who have to decide on insidious issues such as international security and ensure solutions in the interest of and on the social, economic and political welfare of their own community, abandoning national interests or feelings. But the game of democracy shows us how it is virtually impossible to act with a mind entirely free from constraints of various kinds. Representatives of NATO member countries are necessarily influenced by the interests of their own country, from the majorities and political minorities to face within governments, by public opinion at home and, in the age of globalization, in the world. It is sufficient then, that “the animus” of those delegated to deliberate, be “liber” in a balanced manner. A balance that is no longer, that of the time of the first century Romans BC, but, it will be proper to a complex reality in which the multiple national interests collide with the need to preserve peace and international security. A heterogeneous reality in which issues of international law and national law must be resolved by taking also account of the thorny issue of human rights protection. We could be satisfied, therefore, of a sufficiently *liber animus*, an *animus* able to

\(^{10}\) Photo extracted from NATO’s Official Website: http://www.nato.int/multi/animus.htm
cope with equilibrium in a complex and multifaceted reality, rich of actors and numerous intervention issues intertwined to each other through complicated mechanisms.

In this thesis I have tried to deal with the subject with an equally liber animus, making use of the benefit of not having to deliberate but only to photograph and analyze a situation in order to reach conclusions. An animus which, I hope, has enabled me to analyze the question in a way that is as free as possible, far from constraints of any kind consistent with the complexity of the herein exposed subject. An *animus* sufficiently liber would meet my wish.
INTRODUCTION

The pivotal challenges NATO has to face in the contemporary world, must be comprehended in all of their complexities, for instance, it is necessary to be familiar with the historical course the organization has followed in every single phase, from the naissance in 1949 to the enduring alliance it has become today.

Since its establishment, immediately after the end of the second world war, when the USA and the European states found themselves in front of the need of a collective security system in order to deal with the threats coming from the expansion of the then-Soviet Union, up to the most recent international political developments, in every age, NATO has had to and has known how to transform itself. It has managed to do so in relation to the circumstances and the origin, more or less declared, of the threats concerning the security of the North Atlantic area and the international arena. The moment the alliance was founded is important in order to have a precise knowledge of the political concerns of the post-war period, of the prevailing powers on the international scene, of the reciprocal mistrust between the European states, emerging more or less tormented by the conflict that brought the continent to its knees, of the fear and most of all of the threats coming from what was once the authoritative Soviet Union.

However, there is more to be aware of. After the disasters of the second world war, it was necessary to re-establish a climate of security, peace and stability in a Europe that, at that moment, would have been vulnerable to attacks from a super power able to take advantage from the events. It was for this reason that, the signing of the agreement was preceded by a long trail of diplomatic consultations. It was absolutely necessary, at that moment, to find an equilibrium between the interests of the single nation states of the new-born organization and the urgent need for protection from the new coming threats.

It was also necessary to find a suitable formula that could justify, in the eyes of public opinion, the progression of a military, economic and political involvement of the United States in the European affairs, even after the end of the war i.e. in peacetime. It was of fundamental importance to define the sphere of action of the new organization. A sphere of action that would have been complementary and supportive to the UN, without causing prejudice to the authority and the credibility of
the UN Security Council, to which it was conferred the primary role as supreme responsible for maintenance of peace and security of the world. The birth of the alliance is therefore, crucial because with the signature of the treaty, distinctive traits of international law were consolidated and, it were somehow delineated, in a more or less defined way, the relations between NATO and the UN with all the deriving effects, growing to be cogent in the course of time. The question regarding the legality of NATO’s intervention, which lays its origin in terms of regulation framework in the United Nations Charter, remains open and subject to interpretation of various nature either from the jurisprudence or from international politics. However, it will be interesting, to try to analyze the questions contemplated under the international law that regulates NATO’s intervention and its rapport with the UN Security Council, both from the lawfulness point of view and the tangible form of political and military issues as well as the contemporary threats that have come forth in the last few years. Following the dissolution of the Soviet Union, NATO must reinvent itself as a first time. It passes, from the functions of prevention and deterrence for the protection of the North Atlantic area from the Russian enemy, to a political dialogue and cooperation activated to try to shorten the differences between the Western block of countries, founded on democratic values, and the new states founded from the dissolution of the Soviet Union. In a pivotal period in which the enemy is weak, NATO becomes a crucial body no longer for collective defence but for collective security. The successive years are rife with events that have forced NATO into a continual transformation. It is only grateful to this capacity of renewal that the organization has been able to keep its decisive role as a warrantor of international security. The intervention of the Organization in the Balkans (1993), under the aegis of the UN, has demonstrated its unquestionable military power and has confirmed NATO as the only militarily support organization which the UN can rely on. The humanitarian intervention in Kosovo (1999), carried out without the authorization of the UN Security Council, places in the foreground the law questions on NATO’s legitimacy of Humanitarian Intervention.
There is no doubt that, the tragic events of September 2001 have set the alliance in front of new collective security challenges deriving from terrorism threats and the mass destruction weapons’ proliferations.

Moreover, the rebirth of Putin's Russia has reshuffled power at an international level and, with Ukraine’s frozen conflict and Crimea’s annexation by Russia, the Alliance’s member states are faced with a threat that has been realized and materialized, slowly and relentlessly, due to the resolute policies undertaken by President Putin as well as the new-found economic well-being based on gas deposits in Russian territory.

However, in the midst of these events, the Alliance has managed to overcome the diverse “insights” of the international reality orientated towards the internal questions of the single states due to the consolidation of the “NATO method”, which through unanimous adoption, reinforces and legitimizes the organization's decisions. In the light of the contemporary challenges, the Alliance has also had to come to grips with the new hybrid wars. Contemporary wars, in step with the time are no longer conventional, or at least not entirely. Hybrid wars are non-conventional and as asymmetrical ones they foresee a series of parallel actions comprised of multidirectional attacks of a diverse nature on behalf of not easily identifiable actors. In hybrid wars technology plays a fundamental role. Cyber war becomes one of the most dangerous threats and forces those who undergo it, or those who are merely threatened by it, to continual development and renewal of their technology for defence purposes.

Once more, NATO, is redesigning its own spheres of political intervention and its own organization to adapt its structure to new scenarios in which the economic factor and the technological one are not less important than the political and military one. Scenarios in continuous evolution with various levels that are intertwined together in a sometimes inextricable way and which force NATO to an incessant transformation that risks becoming ever-lasting.

Henceforth, with this study, in examining hybrid war facets in their entirety, it will be tried to forge the best path that NATO could take or has already taken to respond to the threats of the new millennium. The wars of the future can no longer be fought and won with military strategy alone since they ask for adequate answers to their
complexity. A hybrid conflict can be dealt with only if coupled with the military training, importance will be given to the training of professionals in possession of in-depth knowledge regarding the enemy and the territory in which the conflict is played out.

It is supported in this thesis that, only by putting together military and historical, political and social knowledge can we hypothesize about being able to resolve hybrid conflicts at the core of which can be identity, religious and cultural factors, despite the strategic and economic factors as well as power interests. It will be required the formation of real “scholar warriors” in possession of military expertise and, whom at the same time must be in possess of a deep knowledge with regard to the social, political, economic and religious context of each conflict, case by case, they might be obliged to operate.

Moreover, it is superfluous to underline the vital importance of communication in an increasingly globalized world. It is by means of a communication’ strategy, which addresses the public opinion of the member states - and not only- that it is conveyed the vision of the organization regarding the actions carried out to guarantee the collective security. Despite this, a communicative strategy it is absolutely necessary in order to make the Alliance obtain also a social legitimacy of action. The NATO of the future, besides adding resilience to its tasks, will have to become sleeker in its bureaucracy and forge its own strategies upon these two key elements: education and communication. Only in this way will it be able to respond to future threats in due time, threats that have accelerated wars and dissolved the old military concepts of space and time.

Furthermore, in order to have the most complete picture possible, there have been examined the principles of international law, with particular attention to the humanitarian law, such as the principle of self-defence, non-interference and self-determination, trying to assess the interference with the notion of States’ territorial sovereignty in the light of the criteria of necessity and proportionality.

Given these points, despite the consultation of the main legal sources, further reference has been made to NATO’s constitutive treaty and the Alliance’s Strategic Concepts as well as the Resolutions of the UN Security Council. The study of the sources made it possible to analyze the respective law requirements, on which
ground, deliberations are adopted by international politics to manage international crises and conflicts. In addition, great attention has been paid to the International Law Doctrine, to the opinion of the political diplomacy involved as well as the views of several prestigious think tanks.

The purpose has been to skim and analyze the standard international law regulations by linking them to the particular cases in which they find application, since they are reflected in the deliberations that international politics is called to undertake in times of crisis and conflict management.

This work has been preceded by a period of research carried out at the NATO Multimedia Library within NATO’s Head Quarters in Brussels, which consented the access to a large quantity of highly important non-duplicable documents, only to be consulted on-site, and which the author of the thesis has provided to elaborate and/or translate into English. A further contribution to the questions treated in the writing has been achieved by the participation in different international conferences held from NATO or related bodies with reference to the hereto questions, which have enabled the author to achieve further valuable information on hybrid warfare and its related asymmetrical elements.
CHAPTER 1
THE NEED OF A COLLECTIVE SECURITY SYSTEM

1.1. The awakening from World War II

It is said that “predicting the future is more easy than predicting the past”, therefore it becomes inevitable studying history in order to understand the hesitations, the despair and the circumstances in which Europe formed itself after 1945, coming out from a catastrophic World War II, which left a terrible legacy so far as to be compared to the black death that had hit the world in the 1380s.

The aftermath of World War II saw much of Europe devastated in a way that is now difficult to be imagined, a place where prevailed the sense of hopelessness. “Approximately 36.5 million Europeans had died in the conflict, 19 million of them civilians. Refugee camps and rationing dominated daily life.” In some areas, infant mortality rates were one in four. Millions of orphans wandered the burnt-out shells of former metropolises. In the German city of Hamburg alone, half a million people were homeless.”

In China, more than two million of soldiers were killed in the battlefields and a non-quantifiable number of civilians lost their lives due to hunger or different epidemic illnesses provoked by the war while in Japan, the dead soldiers were estimated more than one million and five hundred thousand without counting the lost lives of millions of civilians (over one hundred thousand died under the effect of Hiroshima and Nagasaki atomic bombs). Needless to say that different cities were totally devastated from several types of conventional bombs.

Seventy years later from the bomb explosion in Hiroshima, journalist Andrew Antony wrote “In numbers of people killed, the second world war is uncontested in its claim to be the most murderous six years in human history. About 60 million perished in a global conflagration of total warfare. But amid this remorseless carnival

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1 NATO - Jamie Shea’s History Class, cit.
2 Ibid.
3 Ibid.
4 A short history of NATO: http://www.nato.int/history/nato-history.html
of death and destruction, two very different events stand out for their grotesque novelty and their coldly efficient slaughter of civilians: the Holocaust, the world’s first industrialized genocide, and Hiroshima, the world’s first atomic bomb attack, which took place on 6 August 1945, 70 years ago…”  

As a real global war, it involved directly or indirectly almost all the people of every continent and every nation in the world. Differently from the First World War which was called also a “war of position”, it evolved in every possible direction and it moved in “the earth, the sea and the sky”, determining a different course of the ways of warfare for the centuries to come. The United States came out of the war, stronger than before and definitively, affirmed themselves, leaving behind the glorious shadow of the British Empire, as the real “superpower” of a new international world order.

The strong economic crisis that caused the years of the Great Depression period before the WW II had left a very high inflation, in Germany, as well as in other nations of Europe and it had been also one of the reasons, which made the most extremist political movements (right and left wing) further grow and spread very quickly. In order to avoid letting devastating economic crisis happen again and aiming to prevent the consequences of a post belly inflation, in 1944, in the city of New Hampshire, was held the conference better known as “Bretton Woods” (giving birth later to IMF and the World Bank), which would have put the fundamental basis of a new economic world order and would have assisted the immediate recovery of not only the nations destroyed from the war, but also to grant funds to the poorest nations in need of development.

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8 The USA aviation was glorified and proud to have discriminated the destruction of military objectives from civilian objectives.
10 Ibid., p. 567.
11 The pecuniary cost of the war it has been estimated in defect superior of one million dollars (based on the purchasing power of time), money used, only for direct military expenses. Scientific based technology which became an extensive aspect since the WWI was proved to be the responsible of many new offensive and defensive special armaments (like radars or flying bombs, reactive airplanes up to the atomic bomb).
In the words\textsuperscript{12} of Lawrence S. Kaplan, an attentive American scholar that has written several books on the historical background that followed the post-war period, “The UN was only a partial step towards breaking with the past. The sacrifices of national sovereignty required by the UN Charter were actually milder than those envisioned in the League of Nations covenant (the fourteenth point in Wilson’s war aims, had been designed to remove the cause of future wars). The United States assumed the burden of creating a collective security organization based on the assumption that the victors of World War II would be harmonious keepers. In describing the emotions that united the United States and consequently pushing them out of the isolationist feelings, made them encompass all the nations on the allied side including soviet communists, definitively, the United States put aside the memory of communist behavior in 1939 and European behavior in general 1919 at the Versailles Treaty. Once again the United States was ready to look to a world that would rid itself of the scourge of war.”\textsuperscript{13}

As far as power relationships were concerned through 1949-1954\textsuperscript{14}, Lord Ismay, the first secretary general of NATO, stated that on the 26th of June 1945, shortly after the collapse of Nazi Germany and a few weeks before the capitulation of Japan, the representatives of fifty nations signed the Charter of the United Nations in San Francisco. This new international organization seemed to be leading to the creation of a system of collective security, which the League of Nations had failed to achieve. What made the United Nations’ attempt likely to succeed was the presence of all the surviving Great Powers among the founder members. The San Francisco’s Charter bred hopes all over the world and it was founded on two principal assumptions. “First, that the five Powers holding permanent seats in the Security Council - China, France, the United Kingdom, the United States and the Soviet Union - would be able to reach lasting agreement on major matters. Secondly, that apart from Russia’s claim on Japan, none of these Powers demanded any territorial expansion. Unfortunately, neither of these assumptions proved correct.

\textsuperscript{12} Kaplan, NATO 1948 (2007) p. 4.
\textsuperscript{13} Ibid., p. 3. cit.
\textsuperscript{14} Lord Ismay, NATO THE FIRST FIVE YEARS (1954) pp. 3-11.
As soon as Hitler’s empire crumbled, the Western countries were, in fact, to face another peril, coming this time from Communist Russia.” The Western Powers, aware of the splendid fighting qualities of the Red Army and the sufferings of the Soviet people at the hands of the Nazi invaders, went to the very limit of conciliation in their efforts to reach an accommodation with the Soviet Government and make the United Nations an effective instrument for the preservation of world peace. They met nothing but obstruction. To ensure this harmony the United States along with Britain France, China and the Soviet Union would have veto power in the Security Council that would insulate them from the judgments of the other 50 members of the original combined Chiefs of staff where not a permanent fixture.

In his book “Diplomacy”, Kissinger highlights the existing diplomatic relationships between the above leaders and their nations sustaining that “In the twentieth century, no country has influenced international relations as decisively and at the same time as ambivalently as the United States. No society has more firmly insisted on the inadmissibility of intervention in the domestic affairs of the other states, or more passionately asserted that its own values were universally applicable. No nation has been more pragmatic in the day-to-day conduct of its diplomacy, or more ideological in the pursuit of its historical moral convictions. No country has been more reluctant to engage itself abroad even while understanding alliances and commitments of unprecedented reach and scope.”

It was because of this tight relationships between old European historical values and the United States universal principles of freedom that was laid the path towards the idea of a collective security entity in order to preserve peace between nations and continents but the purposes of the victorious post-war-allies were simply too divergent. “The collapse of Nazi Germany and the need to fill the resulting power of the vacuum led to the disintegration of the war-time partnership”.

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15 Ibid. cit.
17 Kissinger, Diplomacy (1994).
18 Ibid., p. 17. cit.
19 Ibid., p. 424. cit.
1.2. THE TRUMAN DOCTRINE AND MARSHALL PLAN

The new U.S. President Harry Truman took office on April 12, 1945 and in the first six months of his term, he announced the Germans’ surrender, dropped atomic bombs on Hiroshima and Nagasaki - ending World War II - and signed the charter ratifying the United Nations.  

In the words of Kissinger “he initially tried to continue Roosevelt’s legacy of holding the allies together by promoting the same spirit of values but by the end of his first term, however, every vestiges of the war-time harmony had vanished.”  

As soon as the war ended the Truman administration made it clear that no permanent entanglements had been made among any of the wartime allies. The international situation was going from bad to worse. At Lake Success, the free countries vainly attempted to negotiate a general scheme of disarmament and limitation in the production and use of atomic energy. The lend-lease program put in action by Roosevelt in 1941 as a legal instrument that challenged the United States to become the “arsenal of democracy” was not any more justified, considering the post-war hostile relationship with the Soviet Union and so it was aberrantly terminated by Truman’s administration which seemed to be rudderless in 1945 in 1946 in dealing with Joseph Stalin. Britain was informed that the wartime links would no longer apply, more significantly through the McMahon Act of 1946 the United States emphasized that there would be no sharing of the atom bomb with the former allies.  

Communism had emerged as a challenge to the United States and no agreement could be easily foreseen over a prospective peace treaty with Germany and the governance of a reconstructed Poland. 

In describing the critical opinions that were raised towards the attitude that the United States had held towards the Soviets, Kaplan states “Critics claimed that

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20 Wikipedia Source.
22 Ibid., p. 388.
23 Wikipedia Source.
Atomic Energy Act of 1946 (McMahon Act, P.L. 585)
This act established the Atomic Energy Commission, a civilian-run government agency that was solely responsible for nuclear research and development. It was signed on August 1, 1946 and went into effect on January 1, 1947. It determined how the United States federal government would control and manage the nuclear technology it had jointly developed with its wartime allies, the United Kingdom and Canada. It established the United States Atomic Energy Commission for this purpose.
communism under Soviets auspices had been promoted by US concessions to the former ally and argued that defeating native Germany had only led to the rise of an even greater danger of Soviet communism spreading through a destroyed Europe. The possibility that the United States would go back to the eyes and let to the isolated isolationist attitude the game was invoked winning the war had only produced another great enemy.”

The United States and the Soviet Union, the two giants at the periphery, were now facing of, against one another in the center of Europe and the ideological clash lied not only in very different political systems but also on the principles and values shared by western democracies. In a short time it became obvious that the Soviets would have tried to replace the capitalistic democratic governments of the West and seemed ready to hasten that process by their attempts to intimidate Turkey and by supporting civil war in Greece.

Furthermore, to be considered was the case of France and Germany which had large communist parties and it was the risk that their citizenry gave communist credit for victory over the Nazi. The suspicion that the situation in Europe may have gone out of control to contain the spread of communism was strong.

To give direction action this policy the Truman administration drew on the advice of the Soviet specialist in Moscow George F. Kennan whose seminal long telegram in 1946 circulated throughout the government with its message outlining the treatment of relations with the Soviet Union. It was later encapsulated in his “X” Article summer issue of “Foreign Affairs”. “As a scholarly and perceptive student of Communism, Kennan propounded the thesis that only firm containment and control of the dynamic ideology of the Soviet system. Conventional diplomacy was irrelevant to the relationship between the two nations. So was the UN. Hostility was inherent in the nature of the two societies. The only way to cope with this challenge was by patient containment of Soviet expansionism anticipating the day when its economic failures and its lack of internal cohesion would lead to its demise”.

By March 1947, it had become clear that Greece, without the military and financial aid, which Britain had given but could no longer afford, it would have been dragged

25 Ibid., cit.
26 Ibid., cit. p. 5. cit.
behind the Iron Curtain. Turkey and the Middle East would then have been destined to be the next ones. 

American reaction was prompt and decisive. “It must be the policy of the United States of America”, President Truman told Congress on the 12th March, 1947, “to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressure”. Following that statement, which became known as the “Truman Doctrine”, providing economic and military support to the injured countries of Greece and Turkey, who at that time where combating Soviet pressures on their borders, the Congress of the United States authorized the appropriation of $ 400 million for aid to Greece and Turkey up to June, 1948, and the dispatch to those countries of American civilian and military missions.²⁷

In the immediate after war, the American economy was the only strong “financial credit source” that was able to help economically the demolished societies and institutions of Europe. Despite the emergency aid received by European countries (in particular Greece and Turkey) from the United States, the old-continental economy was to be on the brink of a bankrupt, due to the high expenses of post-war reconstructions. During his speech, President Truman had affirmed the leadership role that the United States was called to play in establishing a new international order. Although, they could not to do otherwise, considering that they have been firmly invited by European context to play this dominant role. It had arrived time for America to play a new important military, political and economic role in Europe and leave behind her isolationist history.

Kissinger, uses relatively distinct words in his book “Diplomacy” in describing Truman as a forceful leader, committed to both the containment of communism and reconstruction of Europe: “Truman came from the Mid-Western roared middle class, although once Dean Acheson was to say of him, affectionately and admiringly that he was a Yale man, in the best sense of the word […] embarked in his own presidency from deep within the shadow of Roosevelt, who had been elevated by his death to near mythic stature […] genuinely admired Roosevelt but in the end, as every new president must, he shaped the office he had inherited from the prospective of his own experiences and values […] Without any real foreign policy experience

and left equipped by Roosevelt, with only the vagueness of year-old maps, Truman inherited the task of winding down the war and building a new international order, even while the design established at Teheran and at Yalta was coming apart [...] He took the United States into its first peace-time military alliance. During his time, there has been signed an unprecedented set of coalitions that were to remain at the core of the foreign American policy for forty years. He sponsored the Marshall plan and the points for program through which America devoted resources and technologies to the recovery and the development of distant societies. Truman did not have a very strong emotional feeling regarding the allied unity but he considered that something of practical preference more than an emotional or moral necessity. He inherited an international environment whose dividing lines were inchoately based on the positions of the armies, advancing from east and west; as it turned out, Truman preceded over the beginning of the Cold War, and the development of the policy of containment that would eventually win it”.

The drifting foreign relations came to an end in 1947 when the president replaced Secretary of State James F. Byrnes with Gen. George C. Marshall and endorsed the concept of containment as a response to Soviet expansionism. On the 5th of June 1947, General Marshall faced this critical situation in his speech at Harvard, laying the basis for the European Recovery Program: “The truth of the matter', he said, 'is that Europe's requirements for the next three or four years of foreign goods and other essential products - principally from America - are so much greater than her ability to pay that she must have substantial additional help, or face economic, social and political deterioration of a very grave character”.

It was broadly recognized that only a rebuilt and reformed Europe would have been so strong enough to resist communist pressure and it was clear to the president that Europe didn’t need only military aid, which was considered to be not sufficient, “Europe needed massive economic aid to encourage its recovery and its ability to resist the lure of communism by reconstructing its own economy and its future.”

In the postwar world that had strained the military and economic resources a Soviet invasion would have been difficult to be handled, consequently, Europeans believed

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that the US power would have been the only the deterrent to the Soviet aggression but this required from America to leave behind her isolationist attitude and give a helping hand to the Old Continent that could consist not only in embracing the *Truman Doctrine* and/or the *Marshall Plan*, but in leaving behind its principle of “non-entanglement” and envisage its policies in embracing economic and/or political action as well as military assurance. That would have signified the US acceptance of responsibility to undertake a world leadership that would have changed forever the nature of their foreign relations with the Old World and that the same time their economic and financial help would have been essential to the economic and political stability process in Europe.

The Marshall Plan was announced in June 1947 and was put into action in the spring of 1948. General Marshall believed that it was logical for the United States to help. He suggested that the program was to be prepared by European governments as “a joint one, agreed by a number, if not all, of the European Nations.” He repeatedly affirmed that American policy was “directed not against any country or doctrine but against hunger, poverty, desperation and chaos”: indeed the Soviet Union itself and the other countries behind the Iron Curtain were to be offered economic assistance as well.

As it can easily be imagined Stalin refused American aid for Russia and forced Czechoslovakia and Poland to do likewise, but as a reaction to it, he created the Cominform: a union of Communist parties from nine continental countries with the aim of fighting the Marshall Plan as “an instrument of American imperialism”. Following the discussions on Marshall Plan the Soviet delegation withdrew from the discussions of the plan charging that it represented a US plot to control the destiny of all Europe. The communist came to realize that in case one of their satellite countries in the communist orbit should have participated in the recovery program proposed by the United States its control over Eastern Europe would have been in jeopardy.  

By late December 1947 Marshall had made it clear to the US public that the “East-West conflict would be fought over the ERP rather than over the doomed peace conference on the future of Germany.”

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31 Ibid., pp. 7-14.
Despite this modest success which was to be considered a signal for the leadership of the British and French foreign ministers, the expectation of the United States was a demonstration of Europe’s progress by reducing trade barriers that had prevailed before World War II and moving towards economic integration of the continent or at least that part of Europe aside Soviet control, in other terms, the objective was European integration, not American integration with Europe and by acting so the United States recognized that their own welfare rested on the revival of Europe to ensure success. As vice president Henry Wallace had claimed “we will help you if you have our kind of government and subordinate your economy to ours”\textsuperscript{32}. In other words the Marshall plan reflected a combination of US idealism and enlightened ambitious self-interest.

Concurrently, to be able to reply as they should to the European invitation, the American society was constantly informed about the new role the U.S. were designed to play, in order to reestablish and strengthen the democratic principles in Europe. It was the result of a long campaign to demonstrate and to convince the American public that it was absolutely necessary to intervene in Europe, in order to make it slowly flourish again and consequently make of it the strong partner, the US needed in the sharing of the common values of the Western democratic civilization.

1.3. THE RISK OF THE SOVIET EXPANSION

With the end of the World War II, the sense of despair had invaded the West and “one of the most urgent tasks awaiting for the European people ... was the restoration of the sense of normality and faith in justice, public order and the public administration”\textsuperscript{33}. The Soviet Union emerged as one of the two superpowers of the postwar period, despite the fact that in 1939 the Soviet Union’s army was ill-equipped for the dimension of the war that was about to take place, it couldn’t be denied that by the end of World War II it counted as a global power. The other superpower, the US, had come out as a winner by the conflict and found

\textsuperscript{32} Ibid., pp. 4-5. cit.

itself in an essential position of economic driving force which was revealed to be essential throughout the Western world.

Gradually, it began to spread, among the countries of the West, the fear that the Soviet Union could not be pleased with the post-war geographical division and could undertake expansionary policies with the aim of extending and consolidating the communist ideology beyond its borders. When the war ended the liberating Soviet army had turned into an army of occupation and was planning to take advantage of the fragmentation of the central Europe and to strengthen their interest in preserving the status quo in Eastern Europe.

Needless to say that, things had changed since the war ended and the power balance had shifted to the United States. Their supremacy dominated after having contributed to help with its resources and its industrial potential the allies in defeating the axis powers and a Soviet Union, badly wounded and in economic difficulty was in no position to challenge US power in Europe.

However, the situation was far more detailed and complex. Kissinger analyzes the problem in his book “Diplomacy”, where he supports the argument that the tensions between the Soviet Union and the United States were not caused by an incident or a misunderstanding, but were actually more generic and related to various political views of those that would come to be the Western and Soviet blocks. Stalin had a very precise idea of Realpolitik, according to which in foreign policy, the victories should receive in return the control of the territory and the moment of the contracting day should result in real benefits. Dealing with Stalin was a complex thing and often came into play a number of all important and often subtle variables: the personality of the actors, the power relations, the arms race, the demographic situation of the suffering people affected by the cruelty of the war and the consequent economic sphere, the different ideologies on the play field and the last but not the least, the consideration, both in terms of strategic and/or simply reputational matters, that each block had towards its adversary.

Despite the concerns about the situation, there were a lot of hesitations from the part of the US to come in Europe’s support leaving behind their isolationist feelings and for this reason they did not react immediately or at least until they felt the real menace of the spread of communism in Europe. Their idea of help, was the wish to
make possible for Europe to reform its economy and its institutions in order to
defend herself from any possible attack they that might have followed from the
Soviet aggressive behavior and not to count entirely on the US military support.
It seemed to be an improbable vision considering that “on the day that Germany
surrendered, the American armed strength in Europe amounted to 3,100,000 men:
within one year it had melted to 391,000. On VE Day the British armed strength in
Europe was 1,321,000: one year later there were only 488,000 left. On VE Day
Canada had 299,000 men in Europe: within a year they had all gone home.”

The time of the breakdown between Moscow and the West, during the years before
the establishment of a North Atlantic Alliance, happened while, as it was continued
to be looked for an economic and political cooperation between the two blocs, the
Soviets began to realize that the US troops would remain in Europe over two years
more than those promised by Roosevelt. Stalin saw this attitude as a moral violation
of the post-war agreement signed by Churchill and Stalin in 1944 in Moscow.
Since 1945, the international situation didn’t seem to be limpid.

The first to realize what was happening was the British Prime Minister Churchill
whom expressed his anxieties in his telegram of 12th May to President Truman:
“I am profoundly concerned about the European situation”, he cabled. “I learn that
half the American Air Force in Europe has already begun to move to the Pacific
theatre. The newspapers are full of the great movements of American armies out of
Europe. Our armies also are, under previous arrangements, likely to undergo a
marked reduction. The Canadian Army will certainly leave. The French are weak...
In a short space of time our armed power on the Continent will have vanished, except
for moderate forces to hold down Germany. Meanwhile what is to happen about
Russia? ... I feel deep anxiety because of their misinterpretation of the Yalta
decisions, their attitude towards Poland, their overwhelming influence in the
Balkans, excepting Greece, the difficulties they make about Vienna, the combination
of Russian power and the territories under their control or occupied, coupled with the
Communist technique in so many other countries, and above all their power to
maintain very large armies in the field. What will be the position in a year or two
when the British and American Armies have melted and the French have not yet

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http://www.nato.int/archives/1st5years/chapters/1.htm
been formed on any major scale... and when Russia may choose to keep 200-300 divisions on active service? An iron curtain is drawn down upon their front. We do not know what is going on behind... A broad band of many hundreds of miles will isolate us from Poland. Meanwhile, the attention of our peoples will be occupied in inflicting severities upon Germany, which is ruined and prostrate, and it would be open to the Russians in a very short time to advance, if they chose, to the waters of the North Sea and the Atlantic...”.

The Peace Conference opened in Paris on the 29th of July 1946 and treaties of peace were signed with Italy, Finland, Bulgaria, Hungary and Romania on the 10th of February 1947, only after securing Russia’s agreement by making concessions about the Far East. In March 1947, the Foreign Ministers met in Moscow to discuss the drafting of peace treaties for Germany and Austria. They didn’t manage to agree on what Germany’s fate should be and irremediably, this led to a fracture between Russia and the Allied Control Council and afterwards to the end of post-war cooperation between the Soviet and the democratic governments. Nothing could change the following Conferences of London (November 1947), Paris (May 1949) and Palais Rose, in Paris again (1951).

The challenge posed by the Soviet expansion, that had already started during the war with the outright annexation of Estonia, Latvia, Lithuania and areas in Finland, Poland, Rumania, North Eastern Germany and Eastern Czechoslovakia - continued inexorably even during the post-war time. Albania, Bulgaria, Rumania, Eastern Germany, Poland, Hungary and Czechoslovakia fell under Soviet domination. These countries, covering approximately 392,439 square miles with a population of about 87 million non-Russian people and national incomes equivalent to about half that of the USSR, were incorporated into the Soviet empire by a process of “conquest without war”. Soon the satellite countries were being firmly bound to Moscow and to

35 Poland had no seat at the conference table of San Francisco because Russia and the Western Powers had been unable to agree on the composition of its provisional Government. At the London Conference of Foreign Ministers in September, Mr. Molotov blocked any Mr. Ernest Bevin’s proposal for an independent enquiry into conditions in Rumania and Bulgaria.

http://www.nato.int/archives/1st5years/chapters/1.htm

37 It lasted 109 days.

38 The communists aided by the Soviet Union were threatening elected governments across Europe. In February 1948, the Communist Party of Czechoslovakia, overthrew the democratically elected government in that country.
each other by a network of political, economic and military agreements: 23 such treaties were signed in Eastern Europe between 1943 and 1949.  

Nevertheless, attempts to forge closer ties with Moscow on the future of Germany where useless considering that the Soviets where worried at the possibility that restructured Germany could only once again threaten the security of the nation and they were to be disappointed even more when they heard of the conference in London on Germany’s fate to which they were not invited. They railed against it as a violation of the Potsdam agreement. The outrageous reaction of the Soviets on the efforts made to introduce the currency reform in the Western zone by making the German mark within the end of the year to serve as the only local currency for West Berlin, made France and Britain and the United States come closer in their vision of Germany but the outcome gave the communists the best opportunity to take advantage of their opposition and permitted them to put into effect the so-called Berlin Blockade in a bid to consolidate their hold on the German capital. All this, resulted in a grave threat to freedom and stability witnessed by the Berlin Airlift heroism, but at the same time added a further dangerous key issue to the many pressure points that were in place as the Brussels pact came into being. These fears were far than trivial when Mr. Paul-Henri Spaak, an ardent advocate of European unity, summed up the story of Soviet expansion in striking language. He told the General Assembly of the United Nations in 1948: “There is but one Great Power that emerged from the war having conquered other territories, and that Power is the USSR.”

It is worth to be mentioned that the Soviet aggressive presence was not limited to Europe, but it was experienced by various parts of the world: Northern Persia; Turkey; Greece. In Asia it consisted in the occupation in 1945 of most of Manchuria and of North Korea. The climax of the civil war in China resulted in an intensification of Communist agitation throughout South-East Asia despite of the

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41 Mr. Spaak was elected President of the 1st meeting of UN Assembly’s in January 1946. He has been Belgium’s Prime Minister and Foreign Minister from 1946 to 1949. He was also one of the creators of the Benelux and had a decisive influence in the Messina Conference in June 1955, which gave birth to the European Common Market and EURATOM, the two organizations then later came to be ratified in the Treaty of Rome on 25 March 1957. His particular way to negotiate became known as the Spaak Method.
French waging important operations against a Communist-led rebellion. Likewise, Communist guerrillas in Malaya tied down British forces. Either Keenan’s warnings or Churchill’s Iron Curtain speech at Fulton in 1946 made it clear that the crucial element that determined the east-west relations in 1947 continued to focus around the German question, it gradually became obvious that rather than the Germans, the Soviet and their ideology were the primary obstacle to a new order, not only in Europe but in the whole world.

In front of the Soviet aggressiveness, several Western European democracies came together to implement various projects for greater military cooperation and collective defence, including the creation of the Western Union in 1948, later to become the Western European Union in 1954.

Finally, the awareness of a truly transatlantic security agreement being needed to deter Soviet aggression while simultaneously preventing the revival of European militarism and laying the groundwork for political integration, led to the Treaty of Brussels. “The cri de coeur of the Brussels Pact powers required a military not just an economic response from the United States in 1948”.

The treaty, considered as a precursor of the North Atlantic Treaty Alliance, was signed on 17 March 1948 by Belgium, the Netherlands, Luxembourg, France, and the United Kingdom, anticipated the creation of the Western European Union’s Defence Organization in September 1948.

1.4. BRUSSELS TREATY

In March 1947, the Foreign Ministers met in Moscow to discuss the drafting of peace treaties for Germany and Austria. Their inability to agree on what Germany’s fate should be irremediably led to a schism between Russia and the Allied Control Council and afterwards to the end of post-war co-operation between the Soviet and

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43 Ibid.
44 George Keenan, Director of the US State Department Policy Planning
45 Messina’s Treaty put the basis of today’s European Union.
the democratic governments. Later on, the failure of the London meeting of the Council of Foreign Ministers where the last attempts to resolve the German question collapsed and the fate of Germany was in doubt between the East and the West. While the east-west relations were getting worse, a fifty-year pact designed to relax psychologically especially the French about the resurgent of a German nationalism was signed between England and France. An anti-German treaty, that of Dunkirk on 4 March 1947 tied closer Anglo-French relationships which by doing so hope to achieve the support and the US engagement against Soviets hostility.

The following events the characterized the years 1947-1948 took place under the guidance of English Foreign Minister Mr. Ernest Bevin and France’s Foreign Minister Mr. Bidault. The Anglo-French collaboration started with a new spirit of relations since the treaty assured the allies that in case of a German attack they would “provide all the military and other support and assistance in its power”. The bilateral cooperation based on the Dunkirk treaty was intensified in the wake of the Soviet refusal claims of the Marshall plan in the summer and reached the peak after the London conference in December in a joint recognition that political unity must accompany economic recovery which in turn requires a US commitment.  

Bidault was in accordance with Bevin about the importance of addressing the need for European unity and the role the United States might play in its achievements but at the same time he would have done everything he could to maintain France’s interests. The transition had not been very easy for France which had to face circumstances of communist agitation at home and the protracted mistrust relationship with the British ally. To make things more complicated, it was the fear of the hostile reactions on the streets and on the government in Paris considering the strong communist influence in the country. The Anglo-French solidarity symbolized the beginning of a new relationship but it still existed a certain kind of rigidity about the alliance that Bidault had been unable to strengthen and as far as the American point of view was concerned on their goal, they thought “they had their own more narrow objectives when they proposed a relationship with the United States that would build their economic revival on a military guarantee of their security”.

47 Ibid., p. 35.  
48 Ibid., p. 19. cit.
On the 22nd of January 1948, Mr. Bevin promoted the creation of some form of union in Western Europe, backed by the Americans and the Dominions” and modeled on the example of the Dunkirk Treaty (4 March 1947): “We shall have to consider the question of associating other historic members of European civilization, including the new Italy, in this great concept... We are thinking of Western Europe as a unit”49. The United States also wanted to consider Italy as a member of the Western Union which would have grown out of the Brussels Treaty. Italy was as much on the minds of the framers of the future Brussels Pact as it was in Washington. Bevin proposed the creation of three systems which the West could be protected; First would be the new Western Union backed by the United States; second an enlargement of the Benelux area to embrace an “Atlantic Security, with which the United States would be even more closely concerned” and under which Norway would be covered; and third, building the Mediterranean security system to provide for Italy50.

The idea of a defensive alliance between like-minded countries had already been promoted by Mr. Churchill in a speech at Fulton (Missouri, March 1946) and then recalled by Mr. Louis S. St. Laurent, the Canadian Secretary of State for External Affairs, during the United Nations General Assembly in September 1947. Mr. St. Laurent acted as spokesman of the peace-loving nations concerns about the inability of the Security Council to guarantee their protection. “If forced”- he said- “these nations may seek greater safety in in association of democratic and peace-loving states willing to accept more specific international obligations in return for a greater measure of national security”51.

The suppression of democracy in Czechoslovakia disturbed particularly the United States because of its history of intimate relations between the two since its founding in World War I. Secretary of State George Marshall stated that Czechoslovakia was under a “reign of terror” that could intimidate other vulnerable nations in Europe.52 Even General Charles De Gaulle53 warned France and Europe that Russia was aimed at world domination. Communist dissidents in every European country were creating

54 Ibid.
crisis and divisions to prepare the way for overthrowing legitimate governments. De Gaulle asked for US military aid to keep Europe free and felt that the present French government was too weak to cope with the situation.

The rising fear of communism was proved to be stronger than ever in Czechoslovakia where the death of Jan Masaryk on 10 March 1940 seemed to be the last straw to make the allies recognize that nothing should have been bothering them more than defending themselves by the Soviets and concluding any kind of military alliance in order to deter Soviet aggression. Masaryk, in his role as a Foreign Minister, had been skillful in dealing with the Soviets, by assuring them that a democratic Czechoslovakia posed no security threat to Russia, consequently, he had expressed his nation’s interest in participating in the Marshall aid program for the recovery of the postwar Europe but this action was revealed to be a fatal mistake (that he may have paid with his life). When he informed the Soviets about his intentions, what followed was an absolute refusal of approval that was quickly followed, in February 1948, by a communist coup in Czechoslovakia.54

Furthermore, it coincided with several operating other events that appear to be a prelude to a communist takeover of Western Europe. The Czech coup alerted the United States and its British ally whom were worried about the potential loss of Italy which had been at the forefront of communism since Gramsci founded the party 1921. After the Italian Communists had failed to overthrow the government of Alcide De Gasperi55, there was fear that they could win power at the polls of the April 1948 elections.56

Considering the consequences for the security in the Mediterranean area, the US government decided to facilitate De Gasperi’s coalition campaign. It was used

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54 After the war, Masaryk returned to Czechoslovakia to serve as foreign minister under President Eduard Benes. President Benes was forced to accept a communist-dominated government.

55 On 13 December 1947, when President Truman announced the troop withdrawal he informed De Gasperi that “if it becomes apparent that the freedom of independence of Italy upon which the peace settlement is based are being threatened directly or indirectly, the United States […] will be obliged to consider what measures would be appropriate for the maintenance of peace and security”. Cit. in Kaplan, NATO 1948 (2007).

56 The elections of 18 April 1948 were among the most felt of the history of the republic that saw the clash between the Christian democrats and the popular front, composed of socialists and communists. De Gasperi was able to drive the dc to a historic success, obtaining 48% of the vote (the highest result ever achieved by any party in Italy) and was appointed chairman of the first council of ministers of the Italian Republic. With such a majority, the DC was able to govern alone, but de Gasperi instead solicited the cooperation of laic liberals, social democrats and republicans.
propaganda and funding in order to cope with extensive Soviets financial support for the people’s block, the National Security Council had recommended covert funding of the anti-Communist coalition by the CIA. The situation became critical and worries deepened when NSC 1/2 was released, that expanded the more cautious recommendation of the first document of the newly created NSC 1/1 by urging the use of all available political economic and even military resources if necessary to ensure the preservation of an independent democratic and anti-Communist nation. The result was the greatest victory that the De Gasperi’s coalition had on 18 April 1948. Bidault was willing to engage Italy in an economic as well as a military level, hoping that a new Franco-Italian solidarity would strengthen the anti-Communist coalition in the forthcoming elections.

Meanwhile, observing the developments in Europe it was ordered a second revised version to the NSC 1/1 since it was considered of high importance by the US government that no economic aid under the ERP would follow governments in Europe that included parties hostile to US interest. As far as the Italian issue was concerned, it remained alive as negotiations moved slowly toward and Atlantic alliance. Secretary Marshall was convinced that after the Czech debacle the US public opinion would have supported stronger measures to strengthen non-Communist elements and he knew that Bevin and Bidault shared his concern for Italy. European security problems were now equal to its economic problems. As a reaction to the Communist coup d’État in Prague (22nd February 1948), three days after the Benelux premiers and foreign ministers met and pressed for a speedy conclusion of the treaty which was followed by another meeting in Brussels on the 4th of March 1948, where representatives of Belgium, France, Luxembourg, the Netherlands, and the UK met in to discuss a treaty of mutual assistance. On that same day, the French Foreign Minister, M. Georges Bidault, expressed in his letter to Marshall: “The moment has come”, he wrote, “to strengthen on the political level and, as soon as possible, on the military level, the collaboration of the old and of the new world, both so closely united in their attachment to the only civilization

58 Ibid., p. 54.
59 Charles de Gaulle warned France and Europe that Russia was aimed at world’s domination
which counts”. Mr. Bidault declared that France, with Great Britain, was determined to do everything in her power to organize the common defence of the democratic countries of Europe. He expressed great gratitude for the economic assistance given by the United States but stressed, as Mr. Bevin had done in previous messages, that the resolve of the European countries to resist aggression could be effective only with American help. He proposed political consultations and the examination of technical problems “concerned with common defence against a peril, which can be immediate”. 61 It resulted necessary for Bidault to make some steps backwards over the Dunkirk model with the condition that the mention of Germany was included in the treaty and the commitment that US troops remained in Germany until the communist threat ended and the progress toward the five powers treaty moved rapidly. It took only ten days after the five power conference met in Brussels on 4 March for a text to become final.

Meanwhile, the differences were being settled for the Brussels signing, the allies were preparing a 16 nations economic conference in Paris that would link the economic recovery of the Western Union to the economic revival of Europe as a whole through the implementation of the Marshall plan. Bevin was anxious to demonstrate that separate negotiations on Germany or a European customs union or the military parked in the Western Union all led to the same goal namely economic revival and common defence of the united Europe. 62

On the 17th March 1948, Belgium, France, Luxembourg, the Netherlands and the United Kingdom signed the Treaty of Brussels with the aim of creating a collective defensive system and reinforcing their economic and cultural ties. The Treaty Organization was to be based on the “Consultative Council” of the five Foreign Ministers and the “Western Defence Committee” of the Defence Ministers. It was put the accent on the mutual assistance based on the provenance of Article 51 of the UN Charter embracing the inherent right of individual and collective self-defence and the Article IV of the Treaty stated that should any of the Parties be the victim of an “armed attack in Europe”, the others would provide it with “all the

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military and other aid and assistance in their power”. The duration of the Treaty was fifty years.  

The signing of the Brussels Pact while not directly linked to the actions in Berlin was accompanied three days later by the an ostentatious abrupt departure of the entire Soviet delegation from the four power council. Being a counterproductive and threatening attitude the allies understood that the knot around Berlin was speedily tightening and for the sake of the reality all western parties were aware of their inability to collaborate collectively as well as individually in order to face the military power of the Soviet Union. There wasn’t any doubt from the Brussels Pact signatories in the belief that if they wanted to keep at bay the spread of the Soviets controlled communism, the United States must have been a partner in the new union that envisaged their ideas and hopes. It was hoped that the complexion of the Brussels Pact would have set the stage for additional US commitments. Marshall’s behavior gave some hope and prompted the Pentagon talks on Atlantic Security that followed the signing of the Brussels Pact. The State Department and the Pentagon didn’t have a consensus about the US rolling Europe’s defence but the concept of the Western Association if not alliance was in the air the since the fall of 1947 although the French were not aware of it. The Pentagon’s conversations of the United States, Britain and Canada immediately after the signing of the Brussels Treaty promised exactly that even though the promise was kept secret in the Western alliance would go under an Atlantic name.

On the day the Treaty was signed, President Truman told the American Congress: “I am sure that the determination of the free countries of Europe to protect themselves will be matched by an equal determination on our part to help them”. The Brussels’s Treaty is considered the precursor of the following American openness, together with the tension and pressure caused by the 323-day Soviet Berlin

63 Its commitment expired on 31 March 2010. 
65 France was left outside from these conversations. 
67 In 1954 after Paris Agreements, West Germany and Italy were invited to join the pact, and accordingly the Brussels Treaty was modified. The Western European Union was established. In 2009, the Treaty of Lisbon took over the WEU's mutual defence clause. After the discussion the ten member states decided to terminate the Treaty of Brussels on 31 March 2010. The activities of WEU were terminated by June 2011.
Blockade of West Berlin, led firstly to the creation of the Western European Union’s Defence Organization in September 1948 and, shortly after, laid the pressure forward negotiations for a North Atlantic Treaty. Everyone who believed in the future of a United Europe was free to see in the Brussels Pact, his or her own vision realized and the Belgian Foreign Minister Spaak, an ardent advocate of the issue stated that “Monroe Doctrine was over”.

1.5. VANDENBERG’S RESOLUTION

Senator Arthur H. Vandenberg of Michigan was a very influential and powerful figure in fostering the European Recovery Program (ERP) at the US Senate. A former isolationist (prior to Pearl Harbor’s attack), was the leader in matters of foreign relations in the 80th Congress and WW II had converted him in a firm believer to the cause of internationalism and to the peacekeeper role of the UN for its implementation. He regarded himself as one of its founding fathers having had to draft Article 51 of the Charter as a member of the US delegation at the San Francisco conference in 1945. He sympathized Europe’s efforts to defend itself and he was willing to give his contribute to help the economic assistance that the United States would offer to the old continent. He didn’t seem to accept and tolerate the ideas and the ways in which the Soviet communism was leading its relationships in paralyzing the Security Council by using the threat of veto. To him this behavior was to be considered a threatening attack to the Western democracy in general.

68 On the 30th of April 1948, the Brussels-treaty powers met in London to examine their military equipment needs; the following meetings, attended also by America and Canada with a “non-member status”, resulted in the creation of the Western Union Defence Organization.
71 “In this political environment the foreign relations committee agreed anonymously on 17 February to one appropriation off $ 5.3 billion for a 12 month. Beginning on 1 April 1948 and using 3 billion from current treasury surplus funds to cover the first year of the ERP the committee had already invested authority for the many administering the program in an independent agency with an agreement edited by Vandenberg making a contingent on the continuing to of cooperation among the countries participating in the program”. cit.
72 It was held in Washington DC from January 3, 1947 to January 3, 1949, during the third and fourth years of Harry S. Truman's presidency.
The Senate was a vital partner in fashioning policy and it was determining in any decision for future entanglement. The republican controlled Congress and if they wanted they had the power to paralyze the administration’s foreign policy and presumably if they had chosen not to behave like that in large mission, was due to the position of the Senator Vandenberg. It has been precisely the Senator in reply of Hoover’s letter, insisting that, the Marshall plan required a four-year commitment to ensure the revival as well as the future unity of your Europe.\(^73\) Being an ongoing process, there were held six secret meeting at the Pentagon from 22\(^{nd}\) of March to 1 April 1948\(^74\). The Pentagon didn’t seem to share the same ideas to the approach of the US involving in and Atlantic alliance in the beginning of talks.\(^75\)

Time and skilled diplomacy would be required to move the Atlantic security pact from the basement of the Pentagon to the light of the senate investigation and the heat of the France resentment and then to the main goal open entangling alliance with Europe.\(^76\) If the result of the talks would have later projected an Atlantic Alliance at that moment of spring 1948 seemed just a distant future arrangement. The Senate, as well as the French, had been left out of the secret membership action and there was uncertainty certain if Senator Vandenberg, the leader of that body was to accept the direction the security talks in the Pentagon had been heading to. Senator Vandenberg\(^77\) was be a powerful figure behind the administration’s European policies and expressed his support in the European unification; it would have been a difficult and hazardous challenge for Theodore Achilles to face the discussion with him regarding a US military organization in treaty relationship with European powers. The Relators had been careful to keep their talks confidential because they were afraid that any public disclosure of the Anglo US Canadian discussions for military alliance could create difficulties to the delicate ongoing negotiations in the Congress over the funding issue for the newly authorized Foreign Assistance Act of 1948 and to complicate things the presidential campaign was on the way and consequently presidential leadership could not be expected.

\(^{73}\) Ibid.
\(^{74}\) Ibid., p. 67.
\(^{75}\) NATO - Jamie Shea’s History Class.
\(^{77}\) Ibid.

Dean Acheson ultimately judged that “without the Vandenberg in the senate from 1943 to 1951 the history of the post-war period might have been very different”.
On the 11th of April 1948, Secretary of State George Marshall and Under-Secretary Robert M. Lovett started exploratory talks with Senators Arthur H. Vandenberg and Tom Connally on the security problems of the North Atlantic area. On the 28th of April, Mr. St. Laurent expressed the idea of a defence system, including and superseding the Brussels Treaty system, in the Canadian House of Commons. A week later it encountered the agreement of Mr. Bevin. While the Brussels pact was being considered, it was made clear by Lovett that the extent of the US involvement depended on what Europeans were willing to do in fulfilling certain conditions to resolve their problems.

In the meantime, from 7 to 10 May 1948, the leadership of the European movement participated in a Congress that was held in Hague to discuss over the need for European powers “to relinquish some of their sovereign rights in aid of economic and political unity of the continent” but despite the valuable efforts they didn’t win to make any important progress. A fruitful engagement of “Movement toward European unity would only develop from NATO which emerged from the Brussels pact and from the organization for European economic cooperation all (OEEC) that emerged from the Marshall Plan. The British were forced to give up temporary the lateral initiatives and started to use the Western Union as an instrument to push the United States along the path of the alliance the consultative Council would have been the Western Union’s response to US pressure for action a Communiqué was given on the occasion in brief the Brussels powers claimed they had shown they were in good faith in getting together to find their own battles.

On Vandenberg’s views the preeminence of the UN was indispensable to keep safe the international order and consequently his priority was to was to make sure that the efforts made on the 80th Congress, in particularly the ERP along with the carefully pondered commitment to the security of western Europe wouldn’t have been put at risk in case of any unilateral declaration or announcement, that President Truman may have been prepared to negotiate in the framework of a military alliance with the

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78 The council of Europe in 1949 was the fruit of these workings.
80 Ibid., cit. pp. 75-100.

"Failure to add a military component to the ERP did not dampen the administration’s interest in helping Europe without making that kind of commitment the Europeans wanted. Two documents emerged from the NSC".
Brussels Pact Powers, therefore, he proposed instead that, the senate had to be involved in the preparation for a new transatlantic relationship.

The possibility for the Senate to make a deliberation, he felt would have avoided endless destabilizing discussions and would have given time to smooth pressures coming on the behalf of the Western Union powers and the administration itself would have had all the time to reach a consensual agreement on “what kind of treaty it wanted”. The only reasonable model would have been a similar formula to the Rio Pact which promised assistance in case of an attack but without the guarantee of a declaration of war. He didn’t agree with the idea of the application of the Rio Treaty Model. In his opinion, it had functioned with the Latin America where there had been a long “history of special associations” but he didn’t find it a suitable solution “to be replicated with Europe.

Despite the long talks started several months before, Keenan was skeptical and considered that no superfluous alliance was necessary and that the unilateral declaration of support for the defence of Europe should have been enough necessary to give Europe the sense of security it demanded! He argued that the Soviet Union could not be in any doubt which would have been the reaction of the United States if it attacked the countries of the Western Union. Needless to remember that, the presence of US troops in the territory between Russia and Western Europe were a given proof that should be an adequate guarantee.

In the same opinion was Bohlen whom was convinced that the matter should be dropped because the Senate would never ratify a military alliance. He recommended instead that they would have to get the Congress to approve a massive military assistance program and let it go with that.

“The Joint Chiefs of Staff agreed with Kennan and Bohlen over the dangers of an alliance. When the JCS realized the implication of the talks, was military aid that was

81 Ibid. vid. cit.

“Kennan never understood why a Military Alliance with the Brussels Pact nations was a priority of the administration. Kennan's recommendation and his “dumbbell concept” ideally would keep the two pillars separate in identity and membership but linked by the acknowledgement on the North American side that military aid and even an unilaterally guarantee of their security would be granted for the sake of the Western Union's members sense of security.”

82 Ibid., p. 92.

83 Ibid.
almost disturbing to them. Military aid sounded like sanction for a ride on their own several EU strained supplies.\(^{84}\)

The Senator was afraid that the approach that Dulles, Hickerson, and Achilles had in mind would lead to a traditional military alliance which meant he feared a return to the balance of power politics of pre-war Europe. Senator’s efforts went in the direction to ensure that the “Republican Party Platform contained a plan encouraging the development of a collective security system under the auspices of the UN. He was predisposed to have the UN serve as a means of taking the sting of the military character of a potential alliance\(^{85}\).

In order to achieve that, a mechanism had to be found to facilitate the linkage between the UN charter and the US Association with the Western Union and according to Kaplan, the Dean Rusk’s office of UN affairs performed this operation. The Senator came along with the idea of using the role of the UN as an instrument to maintain international peace, hence, Article 51\(^{86}\) of the UN Charter, which he was so proud to have contributed to, was his winning card. The Article involved the inherent right of individual and collective self-defence in the event of an armed attack and could be the cornerstone of a new commitment to Western Europe.

The resolution was the result of long time consultations. “The Senator had no problem with military assistance to the western union powers. He also agreed that in the short term, assurances had to be given to Europeans that the united states would come to their aid in the event of attack but it would have to be done in a way that protected other vulnerable nations besides those of the western union.”\(^{87}\)

The documents needed to be examined and commented by Marshall, Keenan, Dulles as advisors to Vandenberg and as well as of course by the Senator himself. They were all aware that the Senate would have never allowed any kind of European conflict situation to automatically commit the nation to war.

\(^{84}\) The JCS were particularly uncomfortable with NSC document 1/7.


\(^{86}\) vid. Appendix 7. Article 51, Charter of the United Nations:

“Nothing in the present charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defence shall be immediately reported to the security council and shall not in any way affect the authority and responsibility of the security council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”

The resolution\textsuperscript{88} stated: “the Senate reaffirm the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest, and that the President be advised of the sense of the Senate that this Government, by constitutional process, should particularly pursue the following objectives within the United Nations Charter” \textsuperscript{89}.

It involved in part “the association of the United States by constitutional process, with such regional \textsuperscript{90} and other collective arrangements as are based on continuous and effective self-help and mutual aid, and as affect its national security”, and “the United States contributing to the maintenance of peace by making clear its determination to exercise the right of individual or collective self-defence under Article 51 of the United Nations Charter”. The Delphic language used by Vandenberg assured the nation that “Association of the United States” would not involve bypassing the congress if war broke out in Europe.\textsuperscript{91}

Finally, on the 11\textsuperscript{th} June, 1948, the Vandenberg Resolution (Resolution 239) was approved by the United States Senate and passed by a vote of 64 to 4. A resolution advising the President to seek US and free world security through support of mutual defence arrangements that operated within the UN Charter but outside the Security Council, where the Soviet veto would thwart collective defence arrangements. Neither the isolationist Senator Taft nor the Europeans Senator Fulbright cast a negative vote they were among the abstainers. Vandenberg had been able to contain critics on both sides in the Foreign Relations Committee and in the Senate.

\textsuperscript{88} Ibid. According to Achilles the senator typed the final draft himself. He wanted the draft resolution that would fit into one page.

\textsuperscript{89} For more info consult Appendix 1. cit.


\textsuperscript{91} As pointed out by Senator Vandenberg during the San Francisco conference, “furthermore, as it was that a community of interests could exist between nations not situated in the same geographic area, and that the charter should sanction the establishment of such communities, which may not be strictly ‘regional arrangements’, as provided under Article 53 of chapter VIII of the charter. The failure to distinguish, between associations of nations linked by a community of interests on the one hand, and the regional associations determined primarily by geographic considerations on the other, has led to misunderstanding in the past, and is still the cause of some confusion. The distinction is that under the charter measures of self-defence, whether individual or collective, do not require the prior authorization of the security council, while, on the other hand, enforcement actions by regional agencies (as contemplated under article 53 of chapter VIII) do require this authorization.”

\textsuperscript{91} Kaplan, \textit{NATO 1948} (2007) pp. 75-100.
The above statement is affirmed also by Ignarsky who writes that “the Vandenberg resolution gave the Senate’s approval to the United States’ association with regional arrangements based on self-help and mutual aid, thus removing constitutional impediments to United States’ participation in a peacetime military alliance with Western Europe.”

The denomination of the resolution itself manifested the personality of Senator Vandenberg, whom conceded too much for the sake of consensus, considering that the Senator was anxious to get the resolution through different hearings before handling it to the Foreign Relations Committee or the Republican National Convention. From the date of his passage, it was given the name of his promoter in the history books and reflected Vandenberg’s priorities i.e. “the United Nations and a collective security resolution”. This marked a striking evolution in American foreign and defence policies in time of peace, and it made it possible for the United States to enter an Atlantic Alliance.

1.6. THE NORTH ATLANTIC TREATY

The North Atlantic Treaty- known also as Washington Treaty - is a short, neat document, drafted in order to maintain international peace and security and to promote stability and well-being in the North Atlantic hemisphere as well as affirm the inherent right of independent countries to individual or collective self-defence.

The Treaty, containing 14 Articles and derived from the Article 51 of the United Nations Charter, was signed on the 4th of April 1949 and laid the basis of the North Atlantic Treaty Organization (NATO). In the light of the Treaty, the member countries are to share risks, responsibilities and benefits in order to provide with a collective and mutual defence; in addition, they are encouraged to form a community of western values of liberty, democracy and human rights protection in order to

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93 Following the course of Vandenberg Resolution’s recommendations the United States were ready to “explore” talks with the European powers on US future engagement with the defence of Europe.
94 vid. NATO’s Official Website
restore and maintain the security of the North Atlantic area whenever it may be needed. Furthermore, the Treaty’s nature is also defined by its consensus decision-making and its flexibility, which allows the members to adapt its principles to a changing security environment and circumstances in relation with the international world order.

The birth of the Treaty is to be contextualized into an environment of East-West tension and hostilities which had re-risen after the Second World War and reached their climax during the Soviet Berlin Blockade and direct threats to some European western countries’ freedom. As the power of the Soviet Union spread, imposing ideology and authority to several Eastern countries, the Western countries realized the urgent need for collective and mutual defensive alliance and moved the first step forward it by initially creating the WUDO. The Soviet danger was not only from the threat of its military power but also the completion of its ideological challenge that struggled and divided western left wing politics.

The French and the British ministers recognized that there had to be a military as well as a political and economic dimension to US support and contribution to European security. Bidault and Bevin and sustained that only US acceptance of the military alliance could create sufficient confidence in Europe to restore the political and economic strength of Western Europe but Marshall was cautious on giving them excessive hopes although it was obvious that no regional defence organization would have ever been complete without the US association.

Between the 6th July and the 9th September, 1948, the State Department and the Ambassadors of Canada and of the Brussels Treaty Powers, carried out the “exploratory” talks which led to the North Atlantic Treaty. It was agreed that any defensive treaty should be based on the United Nations' Charter, and, in particular should aim to promote peace and security, express determination of the Parties to resist aggression, define the area in which it should be operative, be based on

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95 The Western Union Defence Organization was created in 1948.
96 Italy and France had strong communist political movements at the time.
98 “With his cabinet support, on 19 December Bidault instructed general. Pierre Billotte then a member of the French delegation to the UN to begin talks with the United States and Britain on negotiating and military agreements”.
99 Ibid.
100 “While Bevin gave Sir Yvonne Kirkpatrick British High Commissioner in Germany the responsibility for providing a blueprint of the Western European military alliance.”
self-help and mutual aid, promote the stability and well-being of the North Atlantic peoples and provide machinery for implementation.\textsuperscript{99}

It was the second alliance in the history of the United States after the isolation era! The first one, known as the Franco-American Treaty belonged to the 18\textsuperscript{th} century, an “Alliance, that was in effect an insurance policy for France which guaranteed the support of the United States if Britain were to break the current peace they had with the French, either by direct hostilities, or by (hindering) her commerce and navigation”\textsuperscript{100}. When the fighting stopped, there was a peace conference in Paris to rebuild Europe and neither, the 1928 Kellogg–Briand Pact, in which signatory states promised and renounced “the use of war and called for the peaceful settlement of disputes, which may arise among them”\textsuperscript{101}, had achieved in its aim to make America’s foreign policy come closer to Europe. Nevertheless, it became a stepping stone to a more activist American policy and the time in 1948 was mature for America to take its role as an undisputed leader and supporter of the European countries.

However, the creation of a security organization caused some skepticism among the American administration, which feared that this action would be interpreted by the Soviet as a hostile signal. Despite this, the presence of NATO was seen as being to result in weakening the power of the UN’s Security Council, and erode the international order created in 1945 (UN, San Francisco’s Charter).

In order to reach the above intentions the USA adopted the Vandenberg\textsuperscript{102} Resolution that enabled it to constitutionally participate in such a mutual defence alliance during peacetime.\textsuperscript{103} Sen. Vandenberg insistence on placing all actions under the rubric of the UN Charter was the most visible element of the Resolution.

\textsuperscript{100} Wikipedia Source. cit.
\textsuperscript{101} Ibid. cit.
\textsuperscript{103} For more info consult the previous topics.

"Three days after the Vandenberg resolution was passed Keenan emphasized with the concurrence of Marshall ,that political conversation with Europe should be entirely exploratory and directed toward ascertaining the area of agreement among us concerning the requirements of the situation and the probable effects of the various possible courses of action.”
Considering that Article 53 covers the jurisdiction of regional associations, that meant complications for the embryonic status of the incoming Atlantic alliance because it would directly engage the veto power of the Soviet Union, a member of the Security Council to which a regional association would report. But, the Resolution wisely identified only Article 51 which did not require approval from the Security Council.\(^\text{104}\)

Initially, the preliminary talks between the countries, USA and Canada\(^\text{105}\), resulted into the drafting of the Washington Paper (9 September 1948), predecessor of the Treaty. Negotiations continued and later sessions were attended also by Norway, Denmark, Iceland, Portugal and Italy. Those discussions concerned different issues: first of all, the Article 5 - core of the Treaty - affirming the defensive nature of the alliance and underlining how any armed attack against any of the Parties should be considered as against them all; as a consequence each of the members is to assist the attacked one. As Lord Ismay would later state “The former obligation under Article 5 of the treaty is to take action – individually or in concert – but the kind of action is left to the judgment of each member state in relation to the facts of the situation”.\(^\text{106}\)

A diverging point between the European countries and the United States concerned the compulsoriness of the use of armed forces in the response. The two parts eventually found conciliation in the words “as it deems necessary”, allowing each country to respond with measures it considered the most appropriate, without an automatic war declaration.\(^\text{107}\) Those measures are to be supervised by the UN Security Council whose authority in the security maintenance is recognized also in the Article 7 of the Treaty.

Moreover, it had become clear during the summer of 1948 that the original idea of an association between the United States and the Brussels Treaty Powers would be superseded by a larger grouping of countries. On the 13\(^\text{th}\) of October 1948, the Canadian Government expressed their readiness to join such a group. There were also other countries which wished to do so e.g., the Irish Republic and Sweden

\(^{104}\)Ibid.

\(^{105}\) Canada occupied a crucial role of mediation towards the process of the treaty but in the beginning their contribution was more appreciated from Europe than from the United States.


\(^{107}\) The key difference from the Article IV of the Treaty of Brussels is that the members, obliged to attend the assistance duty, still maintain the freedom to choose the way to do so, being the aid not explicitly required to be military.
(neither of which joined), Iceland, Norway, Denmark, Portugal and Italy, urged by France. At the end of October, the Consultative Council of the Brussels Treaty officially announced the “complete agreement on the principle of a defensive pact for the North Atlantic and on the next steps to be taken in this direction”- as a consequence- the representatives of the seven Powers, on the 10th of December 1948, actually started to write down the North Atlantic Treaty.

However, the decision to go beyond and ultimate the signature of the treaty, was delayed because the United States presidential election108 of November 2, 1948 were to be held yet. As soon as the incumbent vice President109 Harry S. Truman, who had succeeded to the presidency after the death of President Franklin D. Roosevelt in 1945, became the 41st American president, there was a breath of relief on the NATO mentioned design followed by a “simultaneous success in the 1948 congressional elections, where the Democrats regained control of both houses of Congress, which they had lost in 1946.”110

Meanwhile, on the 5th February 1949, the Norwegian Foreign Minister, Mr. Harvard Lange, while examining the option of joining the Atlantic Treaty, received a Soviet invitation to sign a non-aggression pact. Norway made her choice and in words of Lord Ismay “showed to be brave”111: declined the Russian offer, on the 3rd March she decided to join the Atlantic Alliance, though forbidding the presence of any armed forces in her territories in peacetime. Portugal also decided to join the other Atlantic Powers, with similar requests.

On the 15th of March 1949, the Brussels Treaty Powers, Canada and the United States formally invited Denmark, Iceland, Italy, Norway and Portugal to take part to the Treaty. On the 18th of March, the text of the Treaty was published. On the other side, Soviet Governments did their best to boycott the Treaty. On the 29th of January 1949, they warned all Europeans that a North Atlantic Alliance was simply an instrument in the imperialist hands of the Anglo-Saxon

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108 Wikipedia Source.

109 Ibid.

Prior to ratification of the twenty-fifth amendment to the United States constitution in 1967, there was no mechanism by which a vacancy in the vice presidency could be filled. Richard Nixon was the first president to fill such a vacancy under the provisions of the twenty-fifth amendment when he appointed Gerald Ford. Ford later became the second president to fill a vice presidential vacancy when he appointed Nelson Rockefeller to succeed him.

110 Ibid. cit.

Powers. On the 31st March, they published a memorandum claiming that the Treaty was contrary to the United Nations Charter and to the decisions of the Council of Foreign Ministers. The twelve countries replied in a simply joint note explaining how the Alliance was only aimed against any armed aggression.

On the 4th of April 1949, the North Atlantic Treaty\textsuperscript{112}, written under the framework of the Article 51 Chapter VII of the United Nations Charter, was signed in Washington by the Foreign Ministers\textsuperscript{113} and it was ratified by the parliaments of the member countries within five months. It included the five Treaty of Brussels states plus the United States, Canada, Portugal, Italy, Norway, Denmark and Iceland. Although, the Treaty’s most important purpose is to provide members with collective defence, the Treaty is not exclusively a military alliance.

Indeed, it is clearly stated in Article 1 that the desire of the members is to live in peace with all governments and that any use of the force not consistent with the Charter is to be avoided. Similarly, Article 2\textsuperscript{114} promotes free institutions and conditions “of stability and well-being”: Peace maintenance, in fact, needs cooperation also in the economic, social and cultural field; those were also essential to create a dynamic counter-attraction to the totalitarian Communism. Article 4,\textsuperscript{115} emboldening the Allies to “consult together” and therefore strengthening the bonds between governments and the sharing of information, reinforces Article 2.\textsuperscript{116}

In the light of this co-operation, the members are expected to maintain and develop their individual and collective capacity to resist armed attacks. As affirmed in Article 5, if an armed attack would occur, in Europe or North America, against any one of the members is to be considered an attack against them all. As a consequence, each of them, exercising the right of individual or collective self-defence, would aid the

\textsuperscript{112} NATO was little more than a political association with no military coordination until the Soviet detonation of the atomic bomb (1949) and the Korean War (1950), showed the urgency of creating a military structure.

\textsuperscript{113} Belgium (M. Paul-Henri Spaak), Canada (Mr. Lester B. Pearson), Denmark (Mr. Gustav Rasmussen), France (M. Robert Schuman), Iceland (Mr. Bjarni Benediktsson), Italy (Count Carlo Sforza), Luxembourg (M. Joseph Bech), The Netherlands (Dr. D. U. Stikker), Norway (Mr. Halvard M. Lange), Portugal (Dr. Jose Caerio Da Matta), The United Kingdom (Mr. Ernest Bevin), The United States (Mr. Dean Acheson) (Greece and Turkey would formally join the Alliance in 1952).

\textsuperscript{114} The article, was strongly supported and inserted by Canadian Statesmen whom had a larger vision on the future of the alliance.

\textsuperscript{115} For more info consult Appendix 2.

The actual framework of NATO’s role in the international arena to deal with crisis’ management is based on Article 4.

\textsuperscript{116} For more info consult Appendix 2.
attacked member with all the indispensable means that every ally may consider “as it deems necessary, including the use of armed force”. As it is stated in Article 3, the military contribution is to be different by different countries, considering the geographic location, resources and economic capabilities. Furthermore, Article 9 assures provisions in order to create mechanism meant to assist the defence NATO aims. It also enables NATO to implement the Treaty by creating subsidiary bodies. The geographical scope of the Alliance was another divergence point during the talks: The USA and the UK viewed NATO as a regional organization, while other countries, thought it was to be a global one. Article 6 was finally drafted allowing the possibility of extending the NATO’s responsibility until the Tropic of Cancer to include any “islands, vessels or aircraft” attacked in that area. After some disagreement about the duration of the Treaty, it was deliberated a 10-year duration before the treaty being able to be reviewed (Article 12) and a 20-year one, after which any Party may quit the Treaty by giving one year's notification of the intention (Article 13).

The membership of the Treaty was one of the most discussed topics of the negotiations: UK wanted to exclude weaker countries, while USA wished to include them in order to avoid them to fall under the Soviet influence; France was concerned about her colonies and all the Parties were undecided whether or not to invite Germany. Article 10 represents a very diplomatic solution, allowing any European country to be invited if all the members agree on its capability to contribute to the North Atlantic security. Some US officials wished to remove the Pentagon's commitments in Europe. London feared the organization's expansion would weaken the alliance, whereas Paris believed it would give NATO too much influence. There was also concern about excluding Russia.

117 The treaty was extended in order to include also the members’ "vessels, forces or aircraft" above the Tropic of Cancer, including some overseas departments of France. Field Marshal Montgomery (UK) was appointed permanent Chairman of the Land, Naval and Air Commanders-in-Committee, with headquarters in Fontainebleau, France.
118 However, in May 2002, the Treaty was re-interpreted in the light of anti-terrorism; today NATO is able to field forces wherever they are needed.
119 No one ever resigned from the treaty with the exception of the withdrawal of French troops from the Integrated Military Command in 1966 but this decision was withdrawn during the French presidency of Nicolas Sarkozy.
120 The so-called NATO’s “open door policy”. For more info consult the following topics.
Popular support for the Treaty was not unanimous, and some Icelanders participated in a pro-neutrality, anti-membership riot in March 1949. The creation of NATO can be seen as the primary institutional consequence of a school of thought called Atlanticism which stressed the importance of trans-Atlantic cooperation.

Despite this, the three main purposes for which the North Atlantic Treaty is considered to have been founded are: limiting Soviet expansionism and consequently the spread of communism in Europe, avoiding the rise of nationalist militarism in Europe thanks to a strong North American presence i.e. promoting Western democratic values, and emboldening European political amalgamation (strengthening hopes for a future European unity) in order to become a means of international diplomatic entity so as to strengthen military collaboration between the allies (country members of the Organization). Furthermore, it also implied a strong psychological impact, since it acted as a bastion against the sense of hopelessness in front of Russian territorial expansion and Marxist-Leninist ideology in the Old continent and beyond (Asia and Africa included).

The increasing responsibilities assigned to NATO by member governments necessitated the centralization and the simplification of the military commands and civilian agencies (which were considered still too complex) for instance, it came also along the need for coordination and the Alliance soon passed through a deep transition and related studies were drawn in order to make possible the development of a strong command structure with military headquarters\(^\text{121}\).

In 1949 after being established the North Atlantic Council compounded by Foreign Ministers, a Defence Committee compounded by Ministers of Defence and a Defence Financial and Economic Committee compounded by Finance Ministers the process of the transition was underway to make the treaty into a strong organization in order to face the challenges the Allies were committed to achieve and later they set down a permanent civilian secretariat in Paris, and named NATO’s first Secretary General, Lord Ismay (UK).\(^\text{122}\) When questioned about the aim of the alliance,

\(^{121}\) For more info, see Appendix 3.

The HQ was based in the Parisian suburb of Rocquencourt near Versailles and it would be known as SHAPE (Supreme Headquarters Allied Powers Europe), and had US General Dwight D. Eisenhower as the first Supreme Allied Commander Europe, or SACEUR. It was transferred on 1966 at Haren in Brussels.

Lord Ismay stated clearly that the organization's goal was “to keep the Russians out, the Americans in, and the Germans down.”

1.7. NATO – FROM AN ALLIANCE TO AN ORGANIZATION

After the Second World War, societies were shattered and Europe was dependent on the United States for its material well-being, domestic cohesion and safety from invasion. Despite the several attempts and diplomatic relations, the hope for a West-Soviet post-war cooperation soon broke down completely. The Soviet rulers rejected an objective cooperation and continued to exercise persistent political, economic and military pressure against the rest of the world.

The Atlantic Alliance was founded amidst these hostile East-West relationships in 1949 in order to insure the security of Europe in a process that led American influential economic and political leadership to substitute British supremacy in international relations. When the alarm threat bells rang the allies began to ask themselves questions about their own security and Europe turned to America but the United States were somehow careful on abandoning the “non-entanglement” principle on which their foreign policy was based from almost 150 years. However, the US made all efforts to promote European recovery in a constructive and far sighted spirit that brought different aid programs to be implemented in Europe due also to the fact that the Old continent was seen as a potential partner eventually sharing with the US the burden of and responsibilities of a world leadership.

No matter the spirit in which NATO was born there was such a long way to pass from a treaty to a well-structured organization and to make NATO in the real terms functioning as one. It was at the same time important to be well envisioned, the role

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123 NATO - Jamie Shea’s History Class.
125 It is worth noting that the communist takeover in Czechoslovakia and the Berlin Blockade had a strong impact and were used to overcome the obstacles for the signature of the Atlantic Treaty.
it would have had in relation with the UN. Initially, NATO’s efforts were devoted primarily to coping with the Soviet empire and communist expansion during the Cold War and involvement was not the focus of NATO’s or the United States attention in those years although the UN was inevitably present at NATO’s creation but when their paths did cross, it was rarely an amicable connection considering that for the most part of the incoming years NATO would have gone its own way. In addition, as Kaplan writes in his book dedicated to this peculiar relationship, the UN repeatedly asserted its intimate authority over an indifferent or often hostile NATO. Yet at critical moments in the Cold War, the UN served as an Arena for NATO partners to work out their differences.

As far as “differences” were concerned the allies, were not comfortable with the idea of being a “buffer area” between America and Soviet Union in the event of an attack and though they had already had previous grants from 1947 to 1949 from the US in order to promote economic cooperation, they still couldn’t afford economically what the European troops needed on the ground to face a possible Soviet aggression and there was the risk to make vain the purpose of what Marshall plan had fostered since 1948. Subsequently, it meant that not only their vulnerable security but also their national economic recovery would have been subject to further suffering conditions in case they would have had to support large defense expenditures for their security. Despite the treaty was ratified by each of the member nations without difficulty from April to July 1949, what really proved to be difficult to be passed in the US, was a massive request that came for a Mutual Defence Assistance Program. The demand came at the same time in which president Truman was trying to cut the budget of US Defence and thus to the eyes of the Congress didn’t seem such a pleasant request, considering the large sum of money to be granted to Europeans for American equipment. The European allies were wisely using what Article 3 of the Atlantic Charter provided them to get and that had been a real scalp of discussion between the

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127 Consider that in 14 articles of the treaty there are at least 9 references that link it as closer as possible with the UN and to please, as refereed in the previous topic, the US Senate.
129 Likewise in the Suez crisis in 1956 and the Congo civil war in the early 60s.
130 The Atlantic treaty was ratified in the US Senate in July 1949 by a vote of 82/13.
131 NATO - Jamie Shea’s History Class
132 “Soviet Nuclear test in 1949 finally convinced the US Congress to pass the Assistance”
133 The request consisted in ½ billion dollars.
contracting parties far before the arriving to the signature of the treaty. So eager were
them for military equipment that Article 3\textsuperscript{133} of the pact seemed to have been almost
as important to them as Article 5 and they didn’t care if their requests would have
been premature but thought only to take advantage of their American benefactor.
Nevertheless, the initial American reaction, after the panic following the Soviet
detonation of an atomic device, the Senate agreed to release founds and military aid
was to be distributed in the Mutual Defense Assistance Act in October 1949 after
placing some conditions (for ex. the alliance’s need to develop a strategic concept of
potential military activity against an adversary\textsuperscript{134}) that beneficiaries would have to
meet before the assistance was granted.
In other words “the treaty had made the allies but the treaty had not made NATO”\textsuperscript{135}
at least, not before 1951. In consideration of the complex situation, only one year
after the treaty’s birth, it was considered imminent and at the same time crucial after
the publication of a classified report from the US National Security Council better
known as NSC 68 issued during April 1950 and drafted by Paul Nitze\textsuperscript{136} which in
simple words urged for a massive defence prevention measures due to a foreseen
aggressive Soviet policy towards the Western Allies and advocated a massive
increase in the nation’s defense budget to cope with an impending Soviet invasion.\textsuperscript{137}
Its assumptions not only encouraged the building of the later hydrogen bomb\textsuperscript{138} and
the rearmament of Germany but delineated the US policy of a western sphere of
influence and came to create a system of alliances.

\textsuperscript{133} Kaplan, NATO and the UN (2010)
This was the article that would offer coaching this minority US military assistance to the alliance
members under the rubric of “mutual” aid.
\textsuperscript{134} Ibid., p. 6.
\textsuperscript{135} NATO - Jamie Shea’s History Class cit.
The several you tube lessons have been necessary to fully understand the world’s geopolitical
framework after the 50-s needed to develop this part of thesis.
\textsuperscript{136} G. Keenan’s successor as Director of Policy Planning US Government.
\textsuperscript{137} Kaplan, NATO Divided, NATO United (2004) p. 10.
\textsuperscript{138} Wikipedia Source.
The “X” Article, formally titled "The Sources of Soviet Conduct", was published in Foreign Affairs in
July 1947. Though signed pseudonymously by "X", it was well known at the time that the true author
was George F. Kennan, the deputy chief of mission of the United States to the USSR from 1944 to
1946, under ambassador W. Averell Harriman. The article was an expansion of a well-circulated State
Department cable called “The Long Telegram” and became famous for setting forth the doctrine of
containment.
Meanwhile thousands of miles away, in 1950 the Korean War\textsuperscript{139} change the cards on the table. The paradox is that with the beginning of the war it came natural the rush of making NATO a well-structured organization and in the words of Dean Acheson “it came Korean war and saved us”\textsuperscript{140} and US skepticisms at that moment were left far behind, whereas NATO had already began to enter in the history as an Atlantic collective defence alliance. The US were convinced that Soviet Union was behind the war and Truman was under tremendous pressure, though Stalin had affirmed in an occasion that “they were not ready for a third world war”\textsuperscript{141}.

Undertaking military actions by the US to protect South Korea, to some extents, it meant that if the Soviets were testing a divided Korea into a kind of western and eastern influence social systems, fighting in Korea it meant symbolically resisting in West Germany. Therefore in 1950, it didn’t wait long the proposal from the US part, which emphasized the need for Germany to be able to defend itself and to have its own army and its own troops. It was more than normal for Americans that East Germany had to be defended from West German troops rather than from American troops.\textsuperscript{142} At the time Rene Pleven, President of the French Council, shortly after the proposal said “let’s have a European Defence Community” (in other words, a European army with the Germans in\textsuperscript{143}). Churchill supported the idea in August 1950 in Hague and came along with the proposal of a European army with Germany being integrated in it and ruled by democratic governance. German Chancellor Konrad Adenauer didn’t lose the occasion to catch the idea and concentrate its efforts on it. Shortly after, the Federal Republic of Germany was also admitted in the European Coal and Steel Community (ECSC). Nevertheless, the climate between US and Allies relationships was critical and French reaction could be easily imagined in the beginning, considering that the French entered into NATO believing in the idea of the double containment ( URSS and Germany) and shortly after they felt again

\textsuperscript{139} It lasted from 25 June 1950 - 27 July 1953.
\textsuperscript{140} NATO - Jamie Shea’s History Class cit.
\textsuperscript{141} Ibid. cit.
\textsuperscript{142} Ibid.
\textsuperscript{143} Konrad Adenauer caught up the occasion and thought that American plans could be the chance for Germany to regain respectability.
\textsuperscript{143} At the time French got arms to defend French Indochina from communist threat of Ho Chi Min but they lost it later in 1954.
threatened from the idea of a German rebirth (and particularly a German Raim). The French understood that US Plans on the future of Germany expressed by Dean Acheson (US Secretary of State) couldn’t be avoided as the European security needed an Integrated Defence Force compounded by all NATO member countries’ armies.

To summarize, after long discussions a solution seemed to be found by the introduction of Pleven Plan\textsuperscript{144} which proposed an European Army under an unique political-military authority and it was signed in Paris on 27 May 1952, giving birth to the European Community of Defence (ECD) and established that Germany could participate in the European Military Contingency, but couldn’t yet have an independent national army. Unfortunately, the times were not mature in 1953 for the idea to be implemented in consideration to a relaxation of tensions after the end of the Korean War and the death of Stalin, so on 30 August 1954 the French National Assembly blew out the European Defence Community Treaty.\textsuperscript{145,146}

It is curious to notice how the need to structure NATO as an organization crystallized the future of Germany although, the impasse was overcome only in 1955 when the events took another course since Anthony Eden\textsuperscript{147} proposed the entrance of Germany to NATO and hence it became the 15\textsuperscript{th} member of the alliance on 6 May 1955 after two other member Greece and Turkey had already joined the alliance in 1952.

In conclusion, it is to be considered how the Korean War transformed the alliance into a genuine military organization considering that after it different structural changes were brought in the alliance.\textsuperscript{148} According to Kaplan what really mattered in the first year of NATO’s history was America’s commitment that was seen as a kind of umbrella to protect psychologically and shelter all its members and only for this reason Europeans permitted the rules of the game posed by US policies and made them accept the difficult terms of that commitment. For Kaplan, NATO’s political and military transition had already started since 1951 which meant that in the process

\textsuperscript{144} It called for a European Defence Community between France, Italy, West Germany, and the Benelux countries.
\textsuperscript{146} NATO - Jamie Shea’s History Class.
\textsuperscript{147} Prime Minister of the United Kingdom from 1955-1957.
\textsuperscript{148} For more info consult Appendix 3.

NATO had a Supreme Allied Command in Europe headed by Gen. Dwight Eisenhower, the Supreme Allied Commander for the Atlantic and the process was underway for the civilian Secretary General to substitute the Foreign and Defence Ministers.
of enabling NATO to meet the Soviet military challenge the United States, it inevitably created new divisions between itself and its allies. These involved for the most part the two major European powers, Britain and France, and to a lesser extent the small the members who felt excluded from the decision-making process. But raising the level of military assistance and increasing defense budgets where minor elements in the changes NATO would undergo ending the trauma so they could cause the allies.\textsuperscript{149}

In this difficult integration process, both sides (US and European allies) seemed to emphasize form over substance and wanted to exert influence on its members and of their foreign policy with the aim to impose leadership in a moment in which collaboration was needed and diplomatic pressure was at critical levels. On one side, the method of integration within the alliance becomes a good in itself; on the other, a posture of autonomy is sought for its own sake. In this setting it is understandable that the insistence on groundless measures may become the result of frustration and resentment that could be reversed and irritate counterparts. In such a framework it comes natural for Kissinger to pose the question in 1965 on why should a country want freedom of action when, by definition, its interests cannot diverge from those of the dominant partner?\textsuperscript{150}

\section*{1.8. STRATEGIC DEFENCE CONCEPTS’ NARRATIVE: ALLIANCE’S TROUBLED PARTNERSHIP}

During the first five years of life the progress of NATO had been considered by Lord Ismay, “slow at first, suddenly feverish, galvanized by the shock of the aggression in Korea, then steady and sustained”\textsuperscript{151} but though much had been reached and peace was preserved, a great deal still remained to be done and it was a difficult task for the organization to carry out a strong structure that would have faced the future challenges imposed by the period of the Cold War.

\textsuperscript{150} Kissinger, \textit{The Troubled Partnership} (1965).  
It wasn’t needed a long time though for members’ discrepancies to come to knots, notwithstanding the special US- European relationship, what displeased all the allies - the larger as well as the smaller - was not only the distribution of forces in the framework of the strategic concept of that period of time in particular, but, they also found difficult to accept the bilateral nature of the grants they had requested as military aid from the United States. American leaders showed to be insensitive to the fragility of the Western Europe’s efforts at economic recovery and furthermore, they had asked for inspection missions (sometimes they revealed such uneasy diplomatic situations to bear on behalf of the European governments) to monitor given military aid and pressed on the allies to make them expand more on their military defenses as well as forwarded requests for ground military bases as exchange. This behavior reflected serious shortcomings and produced tensions between the senior and junior members and required strong willingness to repair the damages it had inflicted in the first year of NATO’s activity, but for the most part, the Europeans had no choice but to comply with the American conception in the alliance’s interest.\footnote{152 Kaplan, NATO 1948 (2007) pp. 6-7.}  

A fundamental step in order to determine the signs and patterns of the forces required for the particular purposes of the organization was to establish a “strategic concept” which would be based on an estimate of the intentions and capabilities of the potential enemy. The first “strategic concept” was approved by the North Atlantic Council in January 1950 and laid down that the primary mission of the military forces of NATO was to “deter aggression”. Initial difficulties were overcome and NATO had reached the main triumph which laid in the political field and it referred to the so called “NATO method”\footnote{153 Lord Ismay, NATO THE FIRST FIVE YEARS (1954) p. 48. cit.} i.e. - the technique, whereby the representatives of all members’ sovereign governments, manage to reach unanimous agreement without formal vote on the crucial tasks the organization was called to enter in action. In addition, it was realized that NATO’s task was not only to maintain the armed strength in being or coming into being, but also steadily to improve its quality considering not only the improvement of existing conventional forces but also the advent of new weapons that might have been built by the advance of science in order to increase the defensive strengths that would determine the future of the Atlantic security. In relation to the security, there is no doubt that the biggest preoccupation
of the western countries in that period was the expansionistic aim of the Soviet government, against which, Kennan, underlining its un-trustable attitude, warned the USA’s political leadership through its famous article ”X”.154

President Truman’s response to Kennan’s analysis was the so-called “theory of containment” based on two fundamental pillars: acting against any Soviet expansion through the establishment of the NATO and the economic aid to the European allied countries. Yet, it was soon clear that this policy was to be extended to others areas than didn’t include exclusively Europe and unexpectedly the triggering event came to be the outbreak of the Korean War, which witnessed the communist North Korea invading the South Korea. The American participation in the war, as explained earlier in this chapter, was mostly due to symbolic reasons in the light of a rising geopolitical competition between the Soviets and the USA. The conflict radicalized even more under the US President Eisenhower’s administration and soon turned in America’s favor as a consequence of the recent American tests (1952) on a new weapon: the hydrogen bomb.155

In November 1952, when President Eisenhower came into power and nominated John Foster Dulles as his Secretary of State, the policy of “Massive Rearming” initiated by Truman in accordance with the publication of NSC 68 was left behind and the “New Look” program was approved by the US. It was the US Secretary Dulles, who introduced the program based in a new strategy for the foreign policy - the so-called “Massive Retaliation”- allowing the United States to respond to any Soviet aggression on the West-block by using the armed force (and eventually the H-bomb) against any freely chosen East target. It was thus manifested how drastically the nuclear technology reversed the hierarchic relationship between the politic and the military strategy and how irrevocably the world was split in two opposing blocks. Eisenhower and Dulles knew that it was a risky idea to reduce the conventional armies but nuclear weapons at the time beside their strategic importance “were also thought to be cheaper”156 and in any case, they believed Russians would have not attempted an attack considering the consequences of a holocaust that would have involved European soil.

154 For more info consult the previous topics.
156 NATO - Jamie Shea’s History Class. cit.
In the course of the discussions between the allies in Lisbon in 1952\textsuperscript{157} the members of the North Atlantic Council reviewed the aims of their association and in that occasion it became apparent how difficult the economic situation of the allies\textsuperscript{158} was to afford other defence expenditures. NATO’s conventional forces were thought to be limited and were considered not to be able to face a Soviet attack and as far as they could do, were to slow down the Soviet aggressive forces and wait for an American air intervention. This consideration promoted the “\textit{Massive Retaliation Policy}” and the need for investment on the enhancement of new technology and nuclear arms in order to deter a possible Soviet invasion of West Europe. The idea was not welcomed and the allies didn’t agree with the American policy which started to make them feel unsecure again and created some disappoint on them for only Great Britain had a nuclear monopoly in Europe, but what about France and the other member states...?\textsuperscript{159}

Furthermore, to intertwine spiritual ties, at Lisbon’s meeting they put the accent on the understanding and sense of fellowship which the members would wish to see developed between their countries. They valued as very important not only the governmental action but also the role of the citizenship in feeling part of an Atlantic community that would increase the benefits of peace freedom and prosperity and would strengthen even more the values shared between the people that lived in the Atlantic area. In other words, citing Kissinger “the need in short was to go from an alliance to a community”. In his book, he asserts that it had been clear since the postwar period that, fundamental changes had been taking place in the relative weights of Europe and the United States in relation with the nature of the alliance and the character of its strategy. It was soon clear that Allied relationships would have had to be adapted to new conditions no matter who governed in Paris,

\textsuperscript{158} Great Britain and France couldn’t manage to afford in their budget the defence expenditures. Moreover, France was engaged in North Africa and Indochina.

It is interesting to note that while east-west relations were trying to come to grips, France managed to get American support for its war in Indochina as long as it claimed to be fighting a war against international communism, but soon, the defeat became a big problem for the Franco-American relations in 1950s. In their eyes Indochina was a NATO problem from the inception of the alliance and though it was considered “out of area”. The climax reached the peak when France accused of betrayal when the United States refused to employee its nuclear weapon to help the beleaguered ally at its moment of crisis. The two allies exchanged increasingly bitter charges and France would neither forget nor forgive the American behavior in 1954.
Washington, Brussels or Moscow despite the structural problems that may encountered.  

As far as the period, commonly referred to as the “Cold War” (though it is to be divided into different periods from 1945–1991), is concerned, it had been characterized by different evolutionary states of the nuclear technology and marginal wars that subsequently determined different American strategic defence and security concept policies and accordingly came to influence NATO’s Strategic Concepts. In spite of this, Henry Spaak kept underlining, in order to ease frictions within the Alliance, that, the responsibility of NATO was to have a common foreign policy for the entire West.

It is to be reminded that economy became a crucial issue for the West since the URSS’ economy grew faster and had already started to help its satellite countries, in other terms as Churchill used to define them “they were the soft underbelly of the western system” but it seemed that being under USA’s protection had made Europe to lose interest on Eastern Europe. When Stalin died in 1953, the threat of the Soviet attack was considered to be low (especially over Finland) but instead of coming to an ease, the East-West relations became much more aggressive and provocative after Geneva’s meeting in 1955. The entrance of Germany in NATO to the Soviets signified a German military rearming and for Khrushchev’s vision, this was a clear anti-Soviet strategy and it was being used as a tool to intimidate the URSS. The birth of the Warsaw Pact in 1955 between the URSS and its satellites was a strong reaction. The situation became much more complicated in the eyes of the West when in 1956 a nationwide revolt against the government of the Hungarian People's Republic and its Soviet-imposed policies took the form of a real revolution, but the Soviet Politburo, after an initial hesitation, changed its mind (a reforming policy by the Soviet on Hungary would have meant a loss of control) and moved to crush the revolution. In addition, far earlier than it was expected, in 1957 the allies witnessed to the Soviet launching their first satellite, Sputnik, a demonstration of

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161 The allies didn’t feel to have a strong authoritative status since all Supreme Military Commanders were appointed by Americans and only civil positions such as the Secretary General belonged to Europeans and moreover the initial fear the Western allies had on a Soviet aggression had almost disappeared when the massive retaliation policy was applied.

their unexpected achievement on the nuclear technology. The incoming years reserved further crisis that wouldn’t have been easily to be foreseen and the spirit of Geneva led the way to an attempted penetration of the Soviet in the Middle East and the crisis over Berlin showed to be one of the several periods of relaxation that ended as soon as an opportunity for expanding communism presented itself. Not to be forgotten was the Suez Crisis that put a further strain on NATO’s members and their relationship with USA.

As far as the last statement is concerned, since 1958 De Gaulle pushed for a new European dimension within NATO and USA’s leadership. It had become intolerable for the French to stand certain attitudes and he thought that time had arrived to share power.\textsuperscript{163} In the opinion of Kissinger, De Gaulle’s policy was more a reflection of his personality and reflected the illusion of the European strength and self-confidence which in reality was so precarious and instable. European political unity was considered by American policymakers as a prerequisite to the formation of an Atlantic community and the veto from the part of France to the entrance of Great Britain in the common market didn’t honor the vision of such sense of European unity. A strong partnership must almost by definition mean a collaboration of equals where partnership presupposed the quality of strength but De Gaulle didn’t think NATO power relationship was such case.\textsuperscript{164} These attitudes of De Gaulle where only indicators to what would have happened in the course of some years within the alliance.

The sixties resulted in a very critical period.\textsuperscript{165} When John F. Kennedy became president he asked the Congress to increase the defense costs after the event of the Berlin Wall. Since 1961 the US President Kennedy’s reaction to the soviet policy was known through a new foreign policy, based on the so called “Flexible Responses” which consisted in better-structured reactions, but it still maintained the

\textsuperscript{163} NATO - Jamie Shea’s History Class.

\textsuperscript{164} America’s provisions of the amended MacMahon Act, which made it possible for the United States to give nuclear assistance to Great Britain in 1954, had never been extended to France.

\textsuperscript{165} Kissinger, \textit{The Troubled Partnership} (1965), cf. p. 11.

To Kissinger’s considerations, the period of an American hegemony came to an end in the late fifties and early sixties under the impact of four events in which the United States policy had played a major role European economic recovery; European integration, decolonization, and the Cuban missile crises and its aftermath.
In 1962\textsuperscript{167}, the installation of the Soviet missiles in Cuba almost drifted the world to a nuclear global war outbreak and in that case Kennedy found himself obliged to agree the withdrawal of Jupiter Missiles from Turkey. No matter the US demonstrated superiority on the direct confrontation with Khrushchev, the anti-American feelings of the allies grew further due to the lack of the consideration dedicated to them from the American Government in the Cuban Crisis management. Not to mention the fact that in 1965 the USA decided to take part into the Vietnam War, fearing a further Soviet expansion in the Indochinese\textsuperscript{168} peninsula\textsuperscript{169} through world’s public contest that kept growing against any war and brought organized peaceful protests all around the world.

At the end of 1965 when Henry Kissinger, published his book on the troubled partnership of the Atlantic Alliance, Europe had become more prosperous than ever and it felt safe from invasion.\textsuperscript{170} Significant steps towards a strong European political union seemed to be underway with the contribution of France and the UK. Obviously “the stronger the economic unit of Europe, the more formidable its bargaining power”.\textsuperscript{171} Nevertheless, Kissinger sustains in his work that as a result of decolonization, the European allies had ceased to think of themselves as world powers. He believes that, they possessed neither the resources nor the domestic framework for distant enterprise. He is of the idea that no European government, with the possible exception of the United Kingdom is likely to be convinced that its security is jeopardized by events in another part of the globe. He expresses his views by showing how much limited was the political vision of Europe, stressing the fact in over a decade they hadn’t been able to agree a common attitude towards the former colonial areas in comparison of that of the United States. Therefore, he adds that the US found little support in Europe for its Asian or Latin American policies and hence their geopolitical vision to a part of the globe which still today is considered

\textsuperscript{166} Andreatta et al., Relazioni Internazionali (2012) pp. 144-147.
\textsuperscript{167} Kissinger, Troubled Partnership, (1965) p. 82.
\textsuperscript{168} In 1962 finally, with the Nassau Agreement, Great Britain and the United States agreed that NATO in addition to having a nuclear “shield” should have a non-nuclear “sword” thus reversing the traditional NATO strategic concept.
\textsuperscript{169} The victorious Viet Minh under Ho Chi Min did not take over all Indochina. Laos and Cambodia became separate independent entities though Vietnam was divided at the 17th parallel.
\textsuperscript{170} The European Economic Community (EEC) was created in 1957.
\textsuperscript{171} Kissinger, Troubled Partnership, (1965) p. 82. cit.
important for the US foreign policy. Ironically, at a certain point he writes “no one would have thought it possible that within several years after its foundation, the Alliance’s pervasive problem would turn out to be the growing strength and self-confidence of Europe. In the face of what was believed to be the imminent threat of Soviet aggression it would have seemed absurd to predict that fissures would open because the fear of Communist invasion had largely vanished. When Europe dreaded the return of America's traditional isolationism, it would have been incredible that someday our Allies would feel so confident of our support that they would consider it safe to disagree with our policies or even to oppose them.”

In spite of this, for Kissinger the transatlantic Alliance’s, although embedded in its original Treaty, has allowed to suit the different requirements of different times but if the Alliance continued to confuse form and substance and energy would increasingly have to be spent in reconciling illusion with reality. Confronted by turmoil and hatred in the former colonial areas, the West desperately searched for means to demonstrate its power but the main challenge within the alliance was the transformation of the national interests and needs to a larger Atlantic community in order to draw from this effort the strength for another period of innovation in order to show its relevance to the rest of the world.

However, it mustn’t have been at the same opinion as Kissinger, General De Gaulle when breached NATO's unity and brought French withdrawal from NATO military integrated command. For France, the Indochina humiliation at the hands of the United States was replicated at Suez Chanel in 1956 and the legacy of resentment carried over into the Gaullist years of the 1960s and beyond. De Gaulle protested against America's strong role in the organization and what he perceived as a special relationship between it and the United Kingdom.

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173 In February 1959, France withdrew its Mediterranean Fleet from NATO command, and later prohibited the stationing of foreign nuclear weapons on French soil. This caused the US to transfer two hundred military aircraft out of France and give back control of the air force bases that had operated in France since 1950 to the French by 1967.
175 US Secretary of State Dean Rusk was later cited as asking de Gaulle whether his order included "the bodies of American soldiers in France's cemeteries?" France remained a member of the alliance, and committed to the defence of Europe from possible Warsaw Pact attack with its own forces stationed in the Federal Republic of Germany throughout the Cold War. A series of secret accords between US and French officials, the Lemnitzer - Ailleret Agreements, detailed how French forces would dovetail back into NATO's command structure should East-West hostilities break out.
When De Gaulle became a leader in Europe he almost “stole” the principal role held in the first decade to the United States and NATO by becoming a mediator between the two superpowers.\textsuperscript{177} When he understood his failure in reorganizing NATO (he didn’t agree with the minor member countries’ attitude which had an important role in vote pondering) he followed his own project and accelerated the development of its own nuclear independence. France was vastly criticized especially from the United States and President Kennedy considered it at the beginning “an unfriendly nuclear power” in more than one occasion. They didn’t consider for France to have a nuclear need considering that NATO was dictated to protect the Western allies. Though France showed solidarity with the rest of NATO during the Cuban Missile Crisis in 1962, de Gaulle continued his pursuit of an independent defense by removing France's Atlantic and Channel fleets from NATO command. In 1966, all French armed forces were removed from NATO's integrated military command, and all non-French NATO troops were asked to leave France. On the occasion Kaplan is of the opinion that all the Allies were released in a certain way when the French obstructionism was not anymore part of NATO.\textsuperscript{178}

As far as this question is concerned, it is interesting to note the decisions\textsuperscript{179} taken at NATO’s meeting of the Defence Planning Committee in its ministerial session held on 9\textsuperscript{th} May 1967 in respect of the military situation and the guidance made by the military authority. The Military Committee\textsuperscript{180} was invited to work on possible revision of the overall strategic concept for NATO (5 years later from the Cuban Crisis on insistence of McNamara). Furthermore, it was advised to keep high the

\textsuperscript{176} In a memorandum sent to President Dwight D. Eisenhower and Prime Minister Harold Macmillan on 17 September 1958, he argued for the creation of a tripartite directorate that would put France on an equal footing with the US and the UK. Considering the response to be unsatisfactory, de Gaulle began constructing an independent defense force for his country.

\textsuperscript{177} He wanted to give France, in the event of an East German incursion into West Germany, the option of coming to a separate peace with the Eastern bloc instead of being drawn into a larger NATO-Warsaw Pact war.

\textsuperscript{178} Kaplan, \textit{NATO 1948} (2007) p. 34.

\textsuperscript{179} It considers as a matter of urgency to continue its studies towards the adoption of 1967-1970 force plan for Greece along with a revised force plan for the same years for Turkey. In the document it is stated at point 3 that “within Europe the Soviet Leaders appear in recent years to have followed a more cautious line” but at the same time it appears evidently that they are worried by the policies that that the Soviet Union is undertaking in those years i.e. wherever and whenever is possible not incur on military risks they exploit every opportunity to build up positions in Africa, Latin America and the Middle East. Moreover, a large sum of money is being spent by the Warsaw Pact countries to improve their military capabilities and the allies are warned in order to take in consideration the concept of a “surprise attack” which is considered to be “a fundamental principle of war” that cannot be discounted.

\textsuperscript{180} \textit{NATO Strategy Documents} (1949-1969)
level of a nuclear deterrence in case of risk of escalation that may be foreseen from marking such indicators as preceding political tensions. Nevertheless, in the document it was recognized that the NATO’s local defensive capabilities were limited\textsuperscript{181} and consequently it was urged a revision of capabilities and mobilization of reserve forces which might have been committed to NATO. It is also interesting to note that in point 24 it was considered also a further risk for the alliance “Account should be taken of the possibility that, neither French\textsuperscript{182} Force nor French’s territory, air space or facilities would be available to NATO in crisis or war.”\textsuperscript{183} That meant that it became evident for NATO to have other territories at its disposal if it wanted to become efficient in case of escalation that would have needed a direct defense. The documents ended with the advice that the overall strategic concept of NATO should have been revised to allow NATO a greater flexibility and an increase of Gross National Product (GNP) resources was needed in order to fulfill, the alliance’s objectives to cover long term studies foreseeable in 1975 in order to promote the development of a sophisticated weapons system that may counteract with the “planned introduction of new weapons and equipment system by the potential enemies”\textsuperscript{184}.

The withdrawal of France from NATO opened the way to Pres. Kennedy to change NATO’s strategic concept into the “Flexible Response” as announced by McNamara on May 1962, nonetheless, it was approved only in 1967 and it was replicated up to the end of the Cold War. Different debates were realized within the allies and focused in the need to realize a centralized military strategy as well as the case of the

\textsuperscript{181} Ibid., pp. 341-342.
\textsuperscript{182} \textit{NATO’s Fifteen Nations} (1979)
Statement of Francois de Rose former Ambassador of France to NATO; The Major Directions of French Policy. vid. cit.
“General de Gaulle considered that NATO would tend to expose member countries conflicts that were not their business and which were outside the area covered by the Washington treaty. France is basically looking for a way to establish Europe as one of the poles of the future through the building of European unity and by cooperating fully with developing countries, particularly in Africa. Rejecting the idea of neutrality, the General assured his allies that France would answer the call should Article 5 of the treaty come into effect. Liaison missions were set up in all operational theatres where, air or sea forces were likely to be involved. This policy can be seen to cover two possibilities: to avoid being involved in a conflict where French interests were not at stake; and at the same time to be able to come in on the side of NATO forces should the need arise. Whereas France has no intention of returning to the integrated NATO system, nor of acting as a sentry to her own eastern frontier, the authorities have stressed the necessity for our forces to be available to defend the continent.”
\textsuperscript{183} \textit{NATO’s Strategy Documents} (1949-1969).
\textsuperscript{184} Ibid., pp. 343-344.
withdrawal of forces “assigned” to NATO for usage of national purposes but in
other words before determining the significance of a re-arrangement of the nuclear
forces within NATO there must have been an agreed strategic doctrine and the
political mechanism for managing crises that at that time was lacking and was also
considered incompatible with the undiluted sovereignty.185 It is useless to mention
that the frequent unilateral changes in United States strategic doctrine had shaken
European confidence more than once and in order to escape this impasse a new
organism was born in 1966 to manage the nuclear arms of the allies: the Nuclear
Planning Group (NPG).186 It is “under the auspices of the NPG that the allies (except
for France) have been able to resolve many of the consultation and decision-making
issues that were so contentious during the 1950s and early 1960s”.187

By the end of the decade, it was definitely evident that both of the opposing Super
Powers were able to pursue the so-called “MAD” (Massive Assured Destruction):
the capability to attack and react through the use of the nuclear puissance they had
achieved. This awareness led the US president Nixon to re-embrace the diplomatic
strategy and –as a consequence- to lay the basis for the so-called “Détente”
(relaxation between USA and URSS), being to characterize the ’70s. The latter,
consisted in an agreement about the limitation of the nuclear weapons and, the
legitimacy of the global division in the two blocks of influence.

It is precious to mention here the great influence that the “Harmel Report”188 had in
1967. It was alleged to the final communiqué of the meeting of the ministerial
sessions of the Atlantic Council of 14 December 1966 and its aim was to delineate
the future tasks of the alliance and was requested on the initiative of the Minister of
the Foreign Affairs of Belgium, Pierre Harmel. The report189 after taking in
consideration the Cuban Crisis in 1962 and the Berlin Crisis in 1964 foretold the
beginning of new normal phase in the east-west relationships that would have made
possible the easing of tensions not only within NATO’s members but would have

188 “Since the early 60s, France has insisted on the distinctness and autonomy of the French approach to
nuclear strategy in relation to the U.S. and NPG concepts. The British have committed their nuclear
forces to NATO planning since 1962, though they have retained national command and control at all
times.”
also made possible the reappraisal of political and economic forms with the Warsaw pact countries. The key statement in the Harmel Report was its pronouncement that “military security and a policy détente are not contradictory but complementary”. In 1967 the voices of the smaller members of the alliance were heard by the United States and the positive response to their demand for consultation made it easier for NATO to approve officially in December 1967 the doctrine of “Flexible Response” though it didn’t fully satisfied the allies and was followed by different discussions that were concerned on the dislocation of the nuclear. American behavior at the end of the 1960s came to be different in shaping its relations with European partners in NATO may be also for the fear that the mastery of intercontinental ballistic missiles would have undermined America’s credibility as the defender of Europe. Consequently, the USA accepted the Brezhnev Doctrine, enabling the URSS to intervene in its half of the world without fearing an American reaction and thus laying the foundations for a pacific co-existence living.

Despite of the Détente, the United States, led by the US State Secretary Kissinger during Nixon’s presidency, tried to include China into the political global balance, wishing to take advantage of the hostility between this one and Russia, following somehow Richelieu’s concept of the “enemy’s enemy i.e. c’est mon ami”. However, this direction was abandoned at the end of the decade as a consequence of the USA fearing the Russian geopolitical reactions aimed to mine the American hegemony in the Middle East. Nixon’s doctrine determined the identification of NATO its priority in the foreign policy of the United States but according to copy and the Europeans didn’t give much credit to Nixon and Kissinger. The reasons laid in the fact that they didn’t agree with the conception of the bilateral relationships they tended to build either with Moscow or with China.

Almost thirty years later from the creation of NATO, in 1979 General Lemnitzer stated on the occasion of the 30th anniversary that “One of the most erroneous and inaccurate criticisms against NATO is that it has remained virtually static […] that is

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190 In 1970 French President Charles De Gaulle died.
193 The Soviet Union used the frictions between Americans and Europeans and learn to use the Regional conflicts outside the area of Atlantic as it tried to do in 1973 during the Arab-Israeli conflict and later in its intervention in Afghanistan.
an aged instrument from the past no longer suited to the needs of today. I profoundly disagree with this charge […] I am familiar with the many changes that have taken place to meet the political, technical, economic and military developments that have taken place.” There have been major revisions within the organization considering the acquisition of new members or the withdrawal of France […] In my opinion in my opinion NATO will continue to be a strong and viable alliance…”

Following the same line the Dutch foreign minister on the same occasion went further and stated “if in the early days of NATO the primary attention was on the military build-up in the narrower sense, today the allies are also laying strong emphasis on carrying on a joint security policy”.

At the beginning of the ’80s, the “psychological interpretation of the Mutual Assured Destruction (MAD)”- in the framework of which - the Powers did not intervene in peripheral wars in order to avoid a nuclear escalation - was substituted by a “logical” interpretation, based on taking advantage of the marginal conflicts. The following period was characterized by a strong dichotomy: on one side, the relaxation left place to the re-strengthening of the ideological contrast and the re-demonization of the enemy; on the other hand the conduct of the negotiations with the new Russian president Gorbachev. With the election of Ronald Reagan as president of the United States in November 1980, whom divided the world in good and evil and was a critic of the doctrine of mutual assured destruction, it was marked the beginning of a new defense strategy in the US foreign policy. Though, negotiations were parallel to the new arming system, the American SDI (Strategic Defence Initiative), based on the launch of anti-missiles spatial shields which aim was the development of similar defensive systems as well as a strategic initiative to neutralize the military component of Soviet nuclear defenses. The Soviet Union denounced the violation of the Anti-Ballistic Missile Treaty (ABM) and criticized its applicability as a system that gave the United States the first fit through a combination of offensive and defensive systems “the shield and the sword”.

195 NATO’s Fifteen Nations (1979) cit.
Statement of L. L. Lemnitzer General US Army SACEUR 1 January ’63 - 1 July ’69.
196 Ibid., p. 83. cit.
Statement of H.E. Mr. W. Scholten, Minister of Defence in Netherlands; The Credibility of NATO is Essential to Peace.
By the end of the 80s, the Soviet government, instead, was losing more and more solidity and in 1988, Gorbachev after putting the basis for the first strategic arms reductions talks (START 1)\(^{197}\) with President Bush, made a unilateral declaration where he expressed the will to withdraw Soviet troops from the countries of the Warsaw Pact; the climax of this decay process was represented by the withdrawal of the Red Army from Kabul in 1989- at that date, it was widely clear as the end of the Cold War was coming close. The final steps towards the end were to be embodied firstly by several Eastern countries opening the frontiers to the free flux of people towards West, and by the collapse of the Berlin Wall (9\(^{th}\) November 1989). The URSS itself was to crumple two years later and to be substituted by the CIS (Community of the Independent States).

To summarize, in the 1950s, the Alliance was a purely defensive structure; In the 1960s, NATO became a political instrument for détente;\(^{198}\) In the 1990s, the Alliance was aiming to stabilize the Eastern Europe and Central Asia by incorporating new Partners and Allies. After the demise of the Soviet Union in 1991, Western leaders intensely debated the future direction of the Alliance. President Bill Clinton's administration suggested expanding NATO towards the east and consolidating democratic gains in the ex-URSS area. It is however to be reminded that since that moment the nuclear deterrence and defense posture of the alliance as well as that of the former Soviet Union’s would undergo through a difficult process of nuclear armament reduction process in the years to come. Nowadays, although remaining a nuclear alliance (as long as nuclear weapons exist),

\(^{197}\) Wikipedia Source.

START (Strategic Arms Reduction Treaty) was a bilateral treaty between the United States of America and the Union of Soviet Socialist Republics (USSR) on the reduction and limitation of strategic offensive arms. The treaty was signed on 31 July 1991 and entered into force on 5 December 1994.

\(^{198}\) NATO’s Fifteen Nations (1979).

The other several statements the 30th anniversary of NATO advised not to lose maritime superiority while Turkey encouraged the usage of Article 2 (linked with economic and defense matters); Netherlands considered as a very important step the prevention of war as a central thinking and the maintenance of a credible deterrence and defence as well as, seeking the east-west Détente because to it “the great value of the reduction of the dependence of nuclear weapons of the Allied defense” meant also spend money in an effective way; Norway hoped in the creation of a credible defense policy and not to become a military vacuum field with tension but it promoted the search of cooperation. It also considered that different interests may lead to conflicting views and attitudes but they are of crucial importance because they focus on the reduction of the armaments and not on an arm race. While in the very important long term planning prepared by Germany, was released the guidance to put together the national forces in concert with NATO’s policies.
NATO’s mission is to extend peace through the strategic projection of security. This last statement may be considered prophetic and at the same time actual in the words of Kissinger whom asserts that “this is not a mission of choice, but of necessity. The Allies neither invented nor desired it. Events themselves have forced this mission upon them. Nation-state failure and violent extremism may well be the defining threats of the first half of the 21st century. Only a vigorously coordinated international response can address them. This is our common challenge. As the foundation stone of transatlantic peace, NATO must be ready to meet it. The West today confronts such a challenge. It has had centuries of great achievements punctuated by catastrophic upheaval. Its propensity for disaster has been high; but heretofore each tragedy was followed by a new burst of creativity, Are the stresses of today a sign of consolidation or the first symptoms of decay? Will they lead to renewal or to disintegration?”

Citing once more Kissinger “history is the tale of civilizations that sought their future in their past”, for instance, it is said that in the life of societies and international systems there comes a time when the question arises whether all the possibilities of innovation inherent in a given structure have been exhausted? NATO is an example that with its determination and vision of the future, although sometime comprehensive and intrusive to outsiders, managed to reinvent and to fit in a new dimension through the prevention of any form of war and the guarantee of its members territorial integrity in the name of dialogue and cooperation between the East and the West side of the Atlantic by using its diversity to aim its unity to strengthen its decision-making process in the name of its motto “animus in consulendo liber”.

Difficult tasks challenge NATO once again in 21st century, although today the organization is an undisputable intergovernmental military alliance based on a system of collective mutual defence compounded by 28 members that have joined it in years to share the principles of the Atlantic community and has lately been well known for its prominent role in the management of the humanitarian crisis under UN auspices.

CHAPTER 2
A NEW DIMENSION FOR NATO:
FROM WASHINGTON SUMMIT 1999 - TO WALES 2014

2.1 NATO’S EVOLUTION - STRATEGIC CONCEPTS’ ENHANCEMENTS

NATO, born in a different historical moment, has to deal with the passing of time and the changing situations: we are no longer in the presence of a stagnant situation in which the West must defend itself from the USSR which is compact and isolated from the rest of world. The contrast that has arisen since the end of World War II with the Cold War between the two international political and economic blocks, the Soviet Union and its Warsaw Pact allies on one hand, and the United States with NATO allies on the other, divided the world from 1945 until the dissolution of the Eastern bloc marked by the fall of the Berlin Wall in 1989 and the dissolution of the USSR in 1991.

With the dissolution of the enemy, NATO, which was born to defend the United States from possible external attacks, has lost its original function becoming an organ of military cooperation between member countries and acting only in case of crisis of international importance and in accordance with the resolutions of the UN Security Council.

Hence, it is interesting to note, in this regard, how the post-Cold War strategic concept approved by member countries in November 1991, has extended the concept of security by beginning to talk about risks rather than threats: “The challenges and risks that NATO has to face in the field of security are of a different nature from those of the past. Therefore, in order to affirm its significance and strengthen its efficiency, NATO has the necessity to learn how to recognize, prevent and deal with the threats of the 21st century and it is aware of the fact that the concept of collective defence has been significantly expanded and now it encloses political, financial and geopolitical implications”\(^\text{201}\).

\(^{201}\) The Alliance’s New Strategic Concept agreed by the heads of state and government participating in the meeting of the North Atlantic Council, Rome (1991). cit.
It is here to be considered that, the threat of a simultaneous full attack on all European fronts of NATO has effectively been eliminated and therefore, has no longer been the heart of the Alliance's strategy.

The menace of a surprise attack has been considerably reduced, especially in central Europe, and consequently the minimum warning time for the Alliance has been increased. The document, made public for the first time, defines the risks as residual but multiple and powerful and coming from many directions. It is obvious that unlike the threat prevalent in the past, the residual risks to Allied security are multiple and multidirectional, which makes them difficult to predict and measure.

“[…] Risks to allied security are less likely to result from calculated aggression against the territory of the allies, but rather from the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and eastern Europe”. In other words, the Alliance’s security interests can be affected by other risks of a vaster and unforeseeable nature.

If stability in Europe is to be maintained and the security of the Alliance’s member countries must be safeguarded, NATO must be able to respond to these risks, risks that can arise in various ways. As Ignarsky states: “While NATO’s policy during the 20 years following the Harmel report of December 14, 1967 had been based on the assumption that issues of political order where insoluble and last had relied nearly exclusively on the robustness of the military security system, the changes in eastern and central Europe of 1989 brought the political dimension of security back on NATO’s agenda.”

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202 Ibid., par. 8.

“In contrast with the predominant threat of the past, the risks to allied security that remain are multi-faceted in nature and multi-directional, which makes them hard to predict and assess. NATO must be capable of responding to such risks if stability in Europe and the security of alliance members are to be preserved. These risks can arise in various ways.”

203 In this topic for “document “ is intended the Alliance’s Strategic Concept

204 Ibid., par. 9. cit.

“The tensions which may result, as long as they remain limited, should not directly threaten the security and territorial integrity of members of the alliance. They could, however, lead to crises inimical to European stability and even to armed conflicts, which could involve outside powers or spill over into NATO countries, having a direct effect on the security of the alliance.”

With the Strategic Concept of 1991, therefore, NATO seems to take more political, or so to speak, diplomatic\textsuperscript{206}, positions, than military ones, without losing sight of the risks of possible outbreaks in central and eastern Europe\textsuperscript{207} and showing, at the same time, the ability to maintain a certain mistrust of the former Soviet Union\textsuperscript{208} (demonstrating, in this case, a certain foresight).

In the 1991’s, document NATO already shows to be aware of the possibility that attacks from a regular army against member countries can be materialized. At the same time, it shows to be conscious of the necessity to take account of modern crisis and of the fact that they are manifested in a new way bringing into play a multitude of historical, political, military, social, cultural and economic factors and a range of legal and illegal actors both identifiable and unidentifiable which are able to make use of conventional and unconventional instruments\textsuperscript{209}.

The 1999 Strategic Concept\textsuperscript{210} reaffirms the inclination of the previous one redefining the objectives of NATO in terms of the following fundamental security

\begin{footnotesize}
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\item \textsuperscript{206} Ibid., par. 25. vid. cit.
\item \textsuperscript{207} Ibid., par. 9. vid. cit.
\item \textsuperscript{208} Ibid., par. 10. vid. cit.
\item \textsuperscript{209} Manciulli, L’evoluzione della NATO (2015).
\item \textsuperscript{210} The Alliance’s New Strategic Concept agreed by the heads of state and government, released after the Summit meeting Washington (Apr., 1999).
\end{itemize}
\end{footnotesize}
tasks: security, consultation, deterrence, defence and preservation of the strategic balance in Europe. In relation to these tasks, on paragraph 10 are stressed two important commitments such as crisis management and partnership. This last statement is reinforced by paragraph 24 where is stated that to achieve the previous purposes NATO must also take account of the global context to ensure its security since it can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organized crime and by the destruction of the flow of vital resources as well as the uncontrolled movement of large numbers of people particularly as a consequence of armed conflicts which can also pose problems for security and stability affecting the Alliance. Article 4 is invoked to be the appropriate one in order to coordinate their efforts including their responses to risks of this kind.

Moreover, the Mediterranean Initiative in the Partnership for Peace was considered an overwhelming success and NATO stressed again the necessity to try closer cooperation with those countries in order to have them to reinforce their modern democratic societies. The aim of NATO didn’t change, but the context in which NATO was called to act had somehow changed, for instance, was also put the accent on the economic prosperity of the members which would have made the alliance stronger. It is to be considered that in 1999, the conflict in the former Yugoslavia had just finished and NATO (as it is later explained in this writing) was dealing with the enormous difficulties concerning the war in Kosovo and all the international law framework concerns deriving from its intervention action.

Therefore, at that historical moment, in the 1999 document more prominence was given to security and stability of the entire Euro-Atlantic area, which could have been guaranteed only by managing crisis arisen from time to time and case by case, rather than, to the maintenance of a strategic balance in Europe. To this purpose it has been given importance to the process of decision-making by giving much more flexibility to the military commands and to the role of the North Atlantic Parliamentary Assembly which contributes to mutual understanding and to the strengthening of parliamentary democracy in sharing leadership.

211 Consult topic 2.2 of the present thesis on NATO’s intervention in Kosovo.
213 Ignarski, Voice: North Atlantic Treaty Organization, Max Planck (EPIL), (2000) p. 650. “The NATO parliamentary assembly has no-law or rule-making role in the organization but serves to promote cooperation and debate in NATO and underpin the idea of the Atlantic community.”
A new dimension involved also a comprehensive approach related to the military and civilian personnel involved in the peacekeeping missions. It is important to recall here, with regards to the latter, that it is since the year 1992, when the UN Secretary-General proposed a “very wide definition of the concept of the “regional arrangement” in the Agenda for Peace”, that NATO was enabled to participate in international peacekeeping missions. As far as these missions are concerned, according to J.W. “the activities (of NATO - eds. note) since 1990 ushered in the blending of functions in terms of chapter VII and VIII of the UN charter. These activities are largely established within the framework of Chapter VIII when it comes to collective preservation of international peace and security.”

From 1999 onward, due to a series of events, NATO has had to intervene necessarily in different fields and contexts. NATO and its members have had to face with each of the individual crisis redefining each of their own interests and objectives. During these years NATO, which comprises a diversity of member countries, whose personal history, objectives and strategic interests have often caused difficulties in establishing a common policy, has had its role and credibility. Its role and its legality of action in terms of humanitarian intervention, in particular concerning the legitimacy of Kosovo’s action (1999), it has been for a long time a debatable question. The key question is “whether NATO’s decision to extend its activities from defense to crisis management (including combat operations i.e. peacekeeping and peace enforcement activities – eds. note) is covered by the Washington treaty? On the basis that the alliance was originally conceived as supplementing the United Nations it can be argued that the Washington treaty permits the enforcement of the UN decisions. Closely interrelated matter is the

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214 Referring in particular to IFOR, SFOR, KFOR.

“In December 1992 the alliance stated its readiness to support peacekeeping operations under the authority of the UN Security Council though assistance to the UN in the implementation of resolutions relating to the former Yugoslavia had already begun in July 1992 when NATO ships where involved in monitoring operations in the ad Adriatic in support of the UN mandate the embargo against the former Yugoslavia.”

“Accordingly not only the previously recognized regional arrangements such as OAS, OAU and the League of Arab states are embraced by this concept. Moreover, the concept was expanded to include the peacekeeping activities of the North Atlantic Treaty Organization and the Western European Union as well as the OSCE, CIS, ECOWAS, insofar as these activities fall within the scope of Chapter VIII of the United Nations Charter.”
possible quantification of NATO as regional arrangement under Chapter VIII of the UN charter. Traditionally it has been argued that NATO has its legal bases in the rules permitting self-defense as expressed in Article 51 of the UN charter. These positions may be reconsidered in the light of recent UN and NATO practice.\textsuperscript{217}

Notwithstanding, it has been widely accepted that collective defense alliances may carry out tasks under the competences of Chapter VIII and NATO has also recognized the primacy of the UN and the Security Council, following the pressure associated to Kosovo’s intervention, but at the limit in which the organization faces perils that fall under the competences of its Article 4 (as far as its actions are in compliance with the rules of international law) whereas for actions which are contemplated under its Article 5 (its \textit{casus foederis}) the reliance on the principle of self-defence prevails in terms of the organization’s legal sphere of action.

Furthermore, “the drafting history of the UN Charter suggests that the term “regional arrangements” or agencies may be interpreted less restrictively than was the case during the Cold War. It is further been argued that even without an authorization by the Security Council NATO may take all the measures which are necessary to guarantee the security of its member states as long as these measures keep within the ambit of the general international law. This means that, as far as the ordinance of NATO determining that the particular civil war threaten the security of its member states NATO may take all necessary measures.”\textsuperscript{218}

Nevertheless, according to Wolf, it remains the fact that “one of the reasons why the important regional organizations have been in political practice increasingly able to evade control by the Security Council is the absence of a clear dividing line between regional autonomy and decentralized peace keeping within the framework of the system of collective security typically concept wears has been a pragmatic mixing golf individual and collective self-defense without collective measures at the regional level which in turn has led to a weakening of the UN system for securing peace.”\textsuperscript{219}

Considering all the events above mentioned, a remarkable enhancement has been

\begin{footnotesize}
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\item \textsuperscript{218} Ibid. cit.
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made with the Strategic Concept of 2010, which affirms not only the value and importance of the Article 5 of the Treaty, but it is more attentive on political issues and the need to focus on the, so to speak, global threats, such as war against terrorism and the advance of the “cyberwar”, which go beyond nations’ boundaries. As far as this two important threats are concerned, in accordance with Lisbon’s Strategic Concept, NATO would enhance the capacity to detect, deter, defend, disrupt and protect against international terrorism, including through enhanced analysis of the threat, more consultations with its partners, and the development of appropriate military capabilities, including to help training local forces to fight terrorism themselves as well as to ensure NATO’s permanent and unfettered access to cyberspace and integrity of its critical systems. Cyber threats are rapidly increasing and evolving in sophistication and in order to reach its goals NATO would take into account the cyber dimension of modern conflicts in NATO’s Doctrine and improve its capabilities to detect, assess, prevent, defend and recover in case of a cyber-attack against systems of critical importance to the Alliance.

Another key issue, according to Yost is that “the 2010 strategic concept featured continuity in several elements of the Alliance’s nuclear deterrence posture and policy but also last of the possibility of change. [...] in the judgment that the circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote” and the only statement about sharing nuclear risks and responsibilities was the commitment of the allies “to ensure the broadest possible participation of allies in collective defense planning nuclear roles, in peacetime basing of nuclear forces, and in command, control and consultations arrangements”.

220 Strategic Concept for the Defence and Security of the members of the North Atlantic Treaty Organization adopted by Heads of State and Government at the NATO Summit in Lisbon 19-20 November (2010).
223 Ibid., par. 40.

“Develop further our ability to prevent, detect, defend against and recover from cyberattacks, including by using the NATO planning process to enhance and coordinate national cyber-defence capabilities, bringing all NATO bodies under centralized cyber protection, and better integrating NATO cyber awareness, warning and response with member nations.”

“The long-standing judgment of many officials and experts in NATO countries remains pertinent: West nuclear weapons based in Europe send a more potent deterrent message about the US commitments then reliance solely on US nuclear weapons deployed at sea or based in North America (therefore – eds. note) the existence of US nuclear weapons in Europe should be continued.”
So far, in spite of the fact that NATO remains a nuclear alliance “with transatlantic risk and responsibility sharing”, the three main strategic objectives of the 2010 are collective defense, crisis management and cooperative security. It can be said that, with Wales Summit held on 2014 - NATO has determined what in the Concept of Lisbon was expressed in a generic way by identifying clearly the crisis scenarios in which it is currently engaged or will be engaged in the coming years. One of the central themes of the Wales Summit was tension between Russia and the West, subsequent to the crisis in Ukraine. NATO's military movements are now geared to predict Putin’s play and to try to address the threats coming from Eastern Europe. In the Summit’s declaration is referred to the prevention of the proliferating weapons of mass destruction, development of missile defence, fight against terrorism, strengthening of energy and cyber security. It is also requested to employ at least 2% of the GDP of each member state in order to defend individual or collective status and strengthen the bonds of partnership. The latter request is indicative of how there are a number of variables to be considered whenever it is examined NATO’s approach to international security issues and the way in which NATO itself decides whether or not to intervene.

The Strategic Concepts trace the guidelines of the Alliance, but NATO is composed of individual nations, each of them pursues interests that are opposed to those of other members of the Alliance. The concepts of threat or public safety are not always perceived in the same way by all members; this originates different missions’ commitments and different economic efforts by member states in relation to the updating of defence plants and transforming military structures, as well as undertaking different ways of adapting civil means to the common security approach, such as proper defence, antiterrorism actions and institution building.

NATO’s Wales Summit Declaration (2014).
For e.g. the approval of a Readiness Action Plan in function of the defence of Ukraine.
It can be read in this sense the Trident Juncture 2015 exercise, the widest military training since the fall of the Berlin’s wall which has involved, among its participants, from the 3rd of October to the 6th of November 2015, close to the new NATO’s Naples’ military base - situated in Lago Patria - more than 36 million unities coming from the allied countries, 200 military planes and 50 warships. The training has the aim of improving and testing NATO’s rapid force reaction increasing it from 13 million soldiers to 40 million.
However, in order to better understand how the Alliance has been able to upgrade its capabilities in order to be better adapted to technological developments and crises that have occurred from time to time on the international scene, it is interesting to make a brief analysis of the nature of operations in which NATO has been involved in the last twenty years. For e.g., during the 1993 intervention in Bosnia, its role was to enforce and maintain peace while in 1999 in Kosovo it was “The State Builder”. In 2001, after the events of September 11, according to Article 5\textsuperscript{230}, NATO was involved in the Active Endeavour Operation (AEO), a naval military operation aimed to prevent terrorist movement and navigation safety, while it was not involved in the US war against the Taliban and al-Qaeda in Afghanistan, and was consulted only after Prague Summit in 2002.\textsuperscript{231} The AEO can be considered a very clear example of how NATO is able to give a credible and multidirectional response to the global fight against terrorism, through initiatives to monitor the Mediterranean, thanks to a series of maneuvers that aim to information control\textsuperscript{232}. While ISAF (International Security Assistance Force) in Afghanistan is important because, besides ensuring security against terrorism and rebuilding political institutions, NATO has invested in capacity building through a mentoring and schooling program intended to train and equip local police forces.\textsuperscript{233} Similar efforts were put in action in the Training Mission-Iraq (NTM-I) where the aim of the mission was the affirmation of the government's sovereignty and the acquisition of necessary skills for improving its effectiveness. NATO has been transformed from a peacekeeper and a peacekeeping force (in Bosnia) into a “state builder” in (Kosovo) and thereafter into the main force for the prevention of international terrorism (AEO in the Mediterranean Sea) and the transmission of capacity for local forces (Afghanistan and Iran).

\textsuperscript{230} Article 5 of the North Atlantic Treaty was invoked for the first time only after the 11th September terrorist attack (2001) and it provides that in case of an attack to a nation that belongs to the coalition - i.e. a member state of the Alliance - it is to be considered as an attack to the coalition itself.

\textsuperscript{231} President Bush’s decision at the time left a lot of quandary between the European allies whom immediately invoked for the first time Art. 5 and show their support to their senior ally i.e. US.

\textsuperscript{232} Manciulli, \textit{L'evoluzione della NATO} (2015).

“Currently, the AEO is a network-based operation, which, thanks to the information sharing through the Mediterranean Dialogue (MD) and Partnership for Peace (PfP), aims to collect and process intelligence information in order to take a picture of the entire maritime traffic in the Mediterranean Sea with a selective focus on specific contacts of interest”.

\textsuperscript{233} In October 2015, considering the risk of spread of terrorism from the Taliban, President Obama declared that the withdrawal of US troops from Afghanistan would be delayed up to 2017.
Despite this, what's really been important is also the fact that more than in one occasion and in different situations, NATO has always tried to meet adequately the needs related to international security. For instance, the capacity to face the crisis by appropriately responding to contingent needs in given situations, despite hindrance of a structural and, consequently, bureaucratic nature, is a recognized ability demonstrated by NATO over the years. The difficulty of maintaining a common political line is, for an organism made up of 28 member states (each with different objectives and strategic interests), the major obstacle when decisions must be made about the involvement of the Alliance or, more simply, the commitment more or less important of the individual member states.

In the recent years, the division within the Alliance about a shared political will and commitment to respond adequately to the threats of the immediate future seems to be deeper. The “lack of conviction and reduced resources of European allies in their contribution in the scenarios closer to Europe [...] have, over time, both fueled the discontent of Obama's administration towards the attitude of the European ally, and as well, a sense of indifference towards the problems of the area”.\(^\text{234}\) To say it in a simpler way: why should the US commit their own resources to NATO for issues that should interest more directly, being geographically closer, the European countries which evidently either invest limited resources or show evidently less conviction to NATO’s activities?

Subsequently, it becomes necessary to strengthen the Alliance in order to make it more credible in its previous role as a deterrent for collective defence and make it become an actual actor in the cooperative security. The strategic question must accompany that of the “action”. In order to properly function, an Alliance must possess the somehow called interior bureaucratic instruments which enable it to act in a secret, rapid and flexible way\(^\text{235}\). If this is true, it absolutely acquires even more value in the current situation in which the Alliance has to face multidirectional attacks by enemies which often are not easily identified or classified, the need to respond quickly to a series of conventional and unconventional actions.

Therefore, “the Prague’s Reform of 2002 was aimed to reduce the strong institutionalization of the organization which makes the decisions less efficient and

\(\text{234} \quad \text{Manciulli, L’evoluzione della NATO (2015). cit.} \)

\(\text{235} \quad \text{At Wales’ Summit NATO it was approved the Readiness Action Plan (RAP)} \)
flexible. NATO now has an only command, The Allied Command Operations, to which is added the Allied Command Transformation.\textsuperscript{236} […] The operating controls have been reduced from five to three and the tactical ones from thirteen to six.”\textsuperscript{237}

At this point, we go back to the question mentioned above of what was set out in the 2014’s Wales’ Summit, regarding the need to employ at least 2% of the GDP of each member state to individual or collective defence and to strengthen the bonds of partnership.\textsuperscript{238} The role and credibility of NATO in the next few years seem to depend right on this theme. European member states must demonstrate their will to adapt their resources in terms of acquisition of research skills and technology in order to bridge the technological gap\textsuperscript{239} that divides them from the United States. To face the threats of the future, each member state needs to have appropriate intelligence means of the same level of United States. For this reason, they must invest a larger share of their budget on resources allocated to the defence\textsuperscript{240} and demonstrate evident willingness to invest in “smart defence.” And why not delineate new guidelines to better adapt NATO’s strategic concept in order to handle the asymmetric ways of warfare that is already facing and/or will be obliged to face in the near future?

\textsuperscript{236} Manciulli, L’evoluzione della NATO (2015).

“The first, located in Mons, Belgium, is the only Allied Command responsible for all the Operations (ACO); the second (ACT), located in Norfolk in the United States, takes care of the transformation process of the military component of the Alliance, in terms of training, testing and long-term planning.”

\textsuperscript{237} Ibid. cit.

\textsuperscript{238} The need to allocate more resources for the defence was already discussed in Lisbon in 2010, but in view of the escalation of the crisis between Russia and NATO for the question of Ukraine, during the Wales’ Summit, the members decided to materialize the economic effort of each Member State.

\textsuperscript{239} After the cyber-attacks, that had taken place in Estonia, the question was examined in-depth during the Summit of Wales, where, NATO decided to establish physical and virtual structures for cyber defence ( e.g. One of the institutions that deals with this issue, is NATO’s Centre for the defence against cyber-attacks, located in a former military complex on the outskirts of Tallinn, Estonia.)

\textsuperscript{240} Manciulli, L’evoluzione della NATO (2015).

“… they must invest in high-tech activities, or rather intelligence, surveillance and reconnaissance (ISR), drones and precision-guided munitions, as well as provide a tactical airlift and invest in the so-called dual use in order to deal with both, military and civilian missions without which, their multi-deployability and the ability to operate hand in hand with the US forces (interoperability), will always be minor.”

71
2.2 NATO’S INTERVENTION NARRATIVE IN EX-YUGOSLAVIA: KOSOVO’S CRISIS AND/OR NATO’S REBIRTH

When the Cold War ended an important difference was established in the relationships between the UN and NATO. A new atmosphere was breathed between the United States and the Soviet Union on the UN Security Council after the dissolution of the “Soviet Empire” in 1991. UN seemed to be incapable of accomplishing its functions in order to resolve problematic situations like those created in the Balkans in 1992 and when UN leaders recognized that military means had to be deployed, they also had to recognize the fact that NATO, as a military power was equipped to do this and for instance was the only organization capable of giving credibility to the UN Security Council resolutions and fill the vacuum gap. When the powers of the UN realized that the wars already initiated in the Balkans needed a political solution as well as a possible military solution, they didn’t yet maybe understand that they were getting into conflicts between nation-states in which civil, ethnic and religious elements were blended together and shortly would be out breaking in horrible conflicts. Referring to this statement, as declared later after the events by the former UN Secretary-General Javier Perez De Cuellar in relation to the Balkan wars, he wouldn’t “have recommended the usage of peacekeeping troops whether UN or UN authorized for enforcement purposes in internal conflicts”\(^{241}\).

However, it was since November 1991 in Rome\(^ {242}\) that it became evident that a new way of thinking was needed for the alliance to survive through the new situations that were created after the dissolution of the Soviet Union. The guideline to ensure members’ security it seemed to be Article 4 and the competences it gave to the alliance’s members based on its consultation framework which would have soon substituted the area of NATO’s activity without formally abandoning the crucial Article 5 of the Washington Treaty. It also became soon apparent, according to Kaplan that “after neglecting the UN during most of the Cold War years the United States through its NATO identity was ready to use the world organization as a vehicle for maintaining global peace” and “the dissolution of Yugoslavia with the


\(^{242}\) For more info consult previous topics.
consequent splitting of its component parts, was inevitably a logical area of NATO concern under the rubric of its new strategic doctrine that centered on a loose construction of Article 4\textsuperscript{243}.

Firstly, the question appeared to be definitely a regional issue (unlike the previous Iraq challenge where the operations in the “Coalition of Willing” consisted of mostly NATO members, it is to be reminded that the operation was never in NATO action) and it is important here to stress that Yugoslavia was neighbor to a number of present and future NATO members, therefore, there was the risk that their internal disorders could be extended all over NATO territories destabilizing all the region. Despite the difficult situation NATO has always been attentive to frame its activities and its intentions in concert with the UN\textsuperscript{244}, the EC\textsuperscript{245} and the CSCE\textsuperscript{246} as well as other international organizations committed in the process of the implementation and monitoring of the countries’ security agreements as well as the negotiating process on Yugoslavia crisis.

Secondly, the United States had made it clear that what was going on in Yugoslavia (Kosovo included) was an European issue to be resolved for it considered the destabilizing events in the Soviet Union and the Persian Gulf in 1991 more urgent challenges to post-Cold War stability, therefore, despite joining the EC in support of the UNSCR Resolution 713\textsuperscript{247} their behavior was confined to soft public statements and low level diplomatic messages. However, when the EC officially recognized the two Republics of Bosnia and Croatia on April 6, 1992 the United States did the same the following day.\textsuperscript{248}

\textsuperscript{243} Ibid. cit.

\textsuperscript{244} For more consult topic 1.5 of this thesis and Appendix 1.


EC changed its name in the European Union in 1993 with the Maastricht Treaty. The latest major amendment to the constitutional basis of the EU, the Treaty of Lisbon, came into force in 2009.

\textsuperscript{246} The Conference on Security and Cooperation in Europe (CSCE) was held in August 1975. The NATO countries agreed to meet and discuss European boundaries in order to settle disputes without having to occur to the threat of use of force. The 35-country summit concluded negotiations with the final act signed at Helsinki in Finland. The end of the Cold War took place at the Paris conference in November 1990 (the first CSCE Summit since Helsinki) where NATO countries signed a nonaggression pact and the CEC treaty on conventional force reductions. In December 1994 Summit members decided to change the organization's name of its more institutional status effective in January 1995. Nowadays it is OSCE.

\textsuperscript{247} Released by UN’s Security Council in September 1991 (it imposed an arms’ embargo on all sections in the Bosnian crisis).

In addition, considering that the repression in Kosovo coincided with the war in other Yugoslav republics, only in 1998 NATO and the UN began to pay serious attention to the ethnic cleansing put on act by the Serbian president Slobodan Milošević. No matter the perceptible initial hesitation of the United States in intervening in Yugoslavia, four years later from Bosnian conflict their role would become determining in the Kosovo crisis by declaring that they had sufficient international legal justification to take military action against Milošević’s continuing violation of human rights in Kosovo. By the time Secretary General of NATO Havier Solana, “authorized its flights over Serbian territory in order to deter Milošević’s from his on-going efforts to expel the Albanian population in Kosovo”249, it had already been made clear by former NATO S.G. Claes that NATO was more than a “subcontractor of the UN” and had moved out of the UN orbit into an independent military confrontation with the Serbs and was adopted to new missions and roles concerning a transatlantic security. According to Kaplan, although in the beginning NATO’s SG was of the opinion that Milošević had to be stopped, they had to remind that he remained crucial to the success of Dayton Agreement which established stability in Bosnia so they had to admit that they could not do more than express solidarity to Kosovo’s people sufferings. Furthermore, Kosovo’s war was a different case because it went outside of the competences of the UN Security Council, where the threat of a Russian veto on the Council joined presumably with China’s, effectively forced the Western allies to undertake a military action ahead without UN cover. In spite of this, in a second moment, Kofi Annan seemed to recognize the reasons for NATO’s actions though he criticized “the United States for attacking Serbia without the blessing of the Security Council but included Russia and China in his criticism for ignoring the ethnic purging that had provoked NATO’s bombing ”250. When the crisis outburst and became relevant for UN’s powers and especially the worldwide public, Kosovo was considered a Serbian province251, located between Albania and Macedonia and inhabited by Albanians, for the 88%, Serbian, for the 7%, and small minorities for the remaining percentage.

249 Ibid. cit.
250 Ibid., p. 169.
251 Kosovo declared independence on 17 February 2008.
The Albanians and the Serbians have always been divided by strong cultural
differences and by their religious belief. These two ethnic groups have always had
nationalistic demands on the region, basing their territorial claims on different
historical reasons.

According to Kaplan, Kosovo was the historic epicenter of Serbian nationalism since
1389, a date never forgotten by the Slavic Serbs, where the ottoman Turks had
defeated the Serbs.252 After the decay of the Ottoman Empire 253 and the Balkan
Wars of World War I, Kosovo became part of the Serbia and the strong Albanian
minority was not awarded the right of an adequate institutional representation,
although they were recognized some basic rights. This element in conjunction with
the difficult economic situation they were constrained to live with resulted in the rise
of an Albanian nationalism claiming for the independence of “Kosova”. The Serbian nationalism, on the other hand, was intentionally created by Serbian
politics to gain public consensus, manipulating the religious and cultural identity as
well as the perception of the real Kosovar situation in order to achieve a total cultural
assimilation.

During Tito’s era, Kosovo had achieved a great cultural autonomy making it closer,
as it may easily be imagined, to Albania than to Serbia but reached their positive
relationship climax in 1974 with Kosovo being declared a Federal Province254.

Tito’s death in 1980 led to the dissolution of Yugoslavia and to the rise to power of
Slobodan Milošević, who’s going to become the new Serbian leader in 1987. Milošević’s aim was to incorporate the ex-Yugoslavian Federative Countries in a
“Great Serbia”; he was emboldened in doing that perhaps by Russia’s willing to
create a big satellite Balkan Country. A fundamental step in the light of this plan was
to cancel Kosovar autonomy and it was no coincidence that in March 1989 the
Kosovo Assembly decreed – without legal majority- the revocation of the autonomy.
The immediate consequence was the outbreak of riots, to which the Serbian
government replied with violence, arrests and tortures as well as discriminatory laws

252 Kaplan, NATO and the UN (2010), The Balkan wars p. 133-156.
253 Ibid.
“Kosovo’s fate was sealed since 1453 with the fall of Constantinople made Kosovo remain part of the
Ottoman Empire until the 20th century. Yugoslavia was created after World War I and Kosovo
remained integral to the Serbs national identity”.
254 The measure of autonomy included also Albanian language schools and intellectual collaboration
with Albania.
against Albanians. In the meantime, the fear was spread between European powers that the unrest would have involved also the Albanians of Macedonia and Albania itself, which was coming out of an anarchic situation that had degenerated in a civil war in 1997; hence the entire region would have been destabilized.

In addition, 1990 the Kosovar government and Assembly were dissolved and all the institutions were monopolized by the Serbians. Yet, the Albanians tried to resist and joined themselves into parallel clandestine institutions (often acting from abroad) and in 1991, declared the Kosovo “Republic”. Belgrade replied once more with aggressive measures that brought to out-breaking of violence, while the Albanians under the guide of the LDK (Democratic League of Kosovo) and its leader Ibrahim Rugova, bravely kept following the non-violence action line.

It was to be expected that persistent Serbian abuses, together with the frustration about the non-intervening Europe and UN, would lead to the rise to power of a new radical wing in Albanian politics: the LPK (Popular Movement of Kosovo) and its military arm, the UÇK (Kosovo’s Liberation Army). They were aiming to create a sort of “Great Kosovo” including all the Albanian minorities present in the ex-Yugoslavia and to achieve that, in February 1998, the UÇK started the guerrilla warfare which went on until 1998. That year resulted in the unblocking moment: at the end of February, in fact, the Serbian police destroyed two villages killing 84 civilians; this act of violence - known as the Drenica massacre- and recognized later as a violation of the Human Rights, moved the European public opinion and forced Europe and the United States to finally intervene.255

The uprising crisis made Britain to initiate a draft Security Council Resolution 1160 imposing an arms embargo against Yugoslavia which gained a unanimous approval of the Council on the 31st of March. The UNSC adopted the Resolution 1160256, decreeing the embargo on weapons to both the UÇK (KLA) - regarded as a terroristic movement - and the Serbian government, and emboldening the resolution of the conflict through diplomacy but it lacked the ability to enforce an embargo. It called upon Yugoslavia to take the necessary steps to achieve a political solution

255 The six-member contact group became involved in Kosovo in March 1998 and the European leaders met between hesitation and decisiveness decided to take sanctions against Serbia while Russia had no interest in the meeting under any circumstance.

through dialogue and at the same time called upon Kosovar Albanians leaders to condemn terrorism and to pursue their goals through peaceful means.\textsuperscript{257}

In September, the UNSC also approved the Resolution 1199\textsuperscript{258}, claiming the ceasefire. Nevertheless, the conflicts continued without a break and caused a strong refugee flux towards the neighbor countries. Arrived at a crucial point, the diplomacy machine started moving its first steps under the action of the American diplomatic Richard Holbrooke (sent by Clinton’s administration) but unfortunately those negotiations were to fail soon.\textsuperscript{259} Milošević was well aware that many of UN’s powers had no wish to embrace Kosovo Albanian’s aspirations for independence considering that many of them (Russia, China, Turkey or even Spain) had all ethnic minorities that could be emboldened by Kosovo’s independence and create them not less problems at home so he went on following this trace and kept adding fuel to his aggressive policies by also taking advantage of the widespread fear that Kosovo could become a hotbed of Islamic fundamentalism governed by criminal gangs as UÇK (KLA) was defined by many of them. Moreover, it is here to be considered that six months later after the approval of resolutions, Kofi Annan reported to the Security Council that neither resolution was observed by the Serbian authorities and all that he could hope for was a resumption of negotiations between the parties in Serbia and Kosovo to find a comprehensive political solution.\textsuperscript{260}

As far as the Resolution 1160 and 1199 were concerned, they disclosed that there was no immediate prospect of compulsion following Slobodan’s failure to respect the Security Council’s resolutions. This may explain why both resolutions won Russian approval but on the other hand, NATO couldn’t stay in stand-by and watch how its credibility was being undermined, so on October 10\textsuperscript{th} 1998, Solana claimed that there was sufficient legal basis to intervene in Kosovo though without defining its terms. Apparently, he was endorsing the understanding that UN Resolutions particularly

\textsuperscript{257} Kaplan, NATO and the UN (2010) pp. 133-156.
\textsuperscript{259} Holbrook considered Milošević ambiguous and he didn’t trust the duplicity he had in his attitudes but he was of the opinion that after Dayton he would have come again to terms with the allies but only if they showed him that the will to enforce was real and concrete. As the facts showed later, he was wrong. Kosovo had different importance to Serbian people and to Milošević’s plans and in any case conscious that Kosovo liberation Army would have asked the independence. Milošević send low-level representatives and unlike his mission to Dayton where he had been a central figure.
\textsuperscript{260} Kaplan, NATO and the UN (2010) p. 133-156.
Security Council Resolution 1199 adopted in September 1998 gave NATO the authority to employ force if necessary. Despite the S.C. Resolution 1199 failed to contain Milošević, Solana's use of the resolution marked a turning point in NATO’s members’ attitudes.261

Furthermore in October, during a meeting between the foreign ministers of the European Countries, USA and Russia concerning the UN intervention in Kosovo, Russia warned to use her veto in case of the Security Council embracing the issue but at the same time it seemed it wanted a definitive solution for Kosovo.262 Russia was also aware of the fact that her international position on the moment didn’t allow her to make more than rumors on any kind of decision it would have been taken, perhaps even it, was tired of Milošević’s behavior in disregarding all kinds of limits.

The UN immobility, that in the beginning had given the opportunity to Milošević to increase his aggressive attitudes towards Kosovo people, laid the basis for the intervention of NATO, pressed by the member governments and public opinion claiming for a humanitarian emergency.

The images of the Drenica Massacre had, in fact, been shared all over the world and had produced horror and disdain. Europe, which had always made the impossible to present itself as the continent with the highest welfare, couldn’t accept any longer such crimes on its territories and Clinton’s administration fully endorsed this belief. Europe’s action instrument could only be NATO, since the Security Council’s action was foreseen to be blocked by the Russian and Chinese veto.

History sometimes shows prophetic if we recall Vandenberg’s and other diplomats’ intentions in 1948-1949 when the North Atlantic Treaty was drafted and then signed. What they intended was avoiding the impasse that could be created in within the UN SC in a similar veto situation, though an humanitarian intervention was not in their concerns at those years, but times change and NATO managed to adapt itself to the new situations that requested its will and attention.

Definitively, NATO - even without the Security Council’s authorization- embraced, under the name of the humanitarian rights, the necessity of intervention to contrast the ethnic cleansing against the Albanians. As a consequence, NATO’s intervention,
if formally clashed against the International Law, would be definitely justified by the ethical aspect of a “just war”.

In October 1998, NATO’s Secretary Solana warned Milošević about NATO’s resoluteness\textsuperscript{263} in using the armed force if he kept ignoring the Security Council Resolutions. Initially, the impasse seemed to be overcome by Milošević’s acceptance of the disarmed “Kosovo Verification Mission” \textsuperscript{264}(KVM\textsuperscript{265}), led by the American William Walker; Notwithstanding, the Serbian police carried on the violence and slaughtered forty civilians in January 1999. The Western world and the International Court of Justice (ICJ) demanded explanations and Serbia found itself at a critical position.

On the 16\textsuperscript{th} of February, Rambouillet became the venue for the final negotiations with the UÇK, which kept demanding the autonomy, and Serbia, both once again refused\textsuperscript{266} the international intervention. Milošević sent low-level representatives because he was aware of the Kosovo’s ambitions on independence and he would have never agreed on them. Being the situation at a critical stage, American Secretary Albright’s ultimatum pushed the UÇK (KLA) to sign the agreement but did not manage to obtain a positive response from Serbia. At that point, the NATO intervention seemed to be the only possible solution to untie the Kosovar knot.

In view of the war, Milošević sent 40,000 soldiers to Kosovo as well as paramilitary units meant to terrify the Albanians with violence. On the 23\textsuperscript{rd} of March the KVM, which was sent to verify compliance with the resolution, retired and the next day, at 19.45, Solana gave directions to SACEUR General W. Clark to initiate military action and NATO started a 78-days bombing campaign known as the “Allied Force”\textsuperscript{267}. The allies once again, differently from what Milošević had been expected while putting in action all his aggressive strategies, were all united and had managed to overcome once again over their national interests although having clear in mind

\textsuperscript{263} On September 24\textsuperscript{th} NAC had released an activation warning for limited air strikes (ACTWARN)

\textsuperscript{264} The SC endorsed the agreements between Holbrooke and Milošević. The KVM was under OSCE auspices.

\textsuperscript{265} Resolution 1203 followed highlighting the protection of the KVM observers considering the previous tactics of Gen. Mladic’s attitude to seize UN observers was still a live memory from the Bosnian conflict.

\textsuperscript{266} Henry Kissinger criticized the proposed peace agreement of Rambouillet by stating that no Serb would have ever accepted that document.

\textsuperscript{267} Wikipedia Source, Entry on NATO - Kosovo Intervention: https://en.wikipedia.org/wiki/kosovo_war
that the senior ally, namely US, was contrary on the idea of sending ground troops in the area, so the campaign would be based only on air assault. The so-called soft underbelly of the coercion measures – sanctions - didn’t manage to function with Milošević and make him renounce from his plans.

The air war represented the first extended use of military force by NATO and was the longest US combat operation to have taken place since the war in Vietnam (which ended in 1975) and it has been an unprecedented exercise on the discriminate use of force in a large-scale. The aerial raids consisted of three stages. The first one targeted military strategic objectives such as bridges, airports, military transports and equipment in order to force Milošević to finally sign the negotiations; however the Serbian President took advantage from the lack of armed forces on the ground in order to conduct the ethnic cleansing through a massive deportation towards Albania and Macedonia- the most significant one after the Second World War.

On the 26th the Russian Federation, India and Belarus emboldened the Security Council to condemn the use of force against Serbia without the Council’s authorization and denounced NATO’s military action as a violation of international law that subverted the UN’s Charter but they didn’t manage to achieve nothing but rumors because the majority of members rejected the proposal. In relation to the latter, according to Henkin the NATO action in Kosovo had the support of the Security Council since “twelve (out of the 15) members of the Council voted to reject the Russian resolution of March 26, thereby agreeing the fact that the NATO intervention had been called for and should continue.” He follows stating that the Security Council when “approving Resolution 1244 for the Kosovo settlement, effectively ratified the NATO action and gave it the Council’s support.”

It is to be stressed that in this phase, NATO also experienced some internal obstacles due to single countries dealing with their public opinion by vetoing certain targets.

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Arguments about the strategy to be adopted destabilized the action line as well: the United Kingdom was suggesting a direct intervention through ground forces, whilst Italy proposed a total commercial ban on Serbia. The solution was represented by the second stage of the aerial raid based on targeting Serbian ground forces, however, this strategy was to cause several civilian deaths due to errors and raised up criticism on the errors made. The political decision to conduct the bombing campaign from an altitude of 15,000 feet (approximately 5,000 meters) made targeting an extremely difficult task. The third phase consisted of destroying the physical communicating positions of Milošević’s power in Belgrade: on the 22nd of April NATO bombed Milošević’s building; on the next day, the National Television building (though a publicly pre-announced decision). The last attacks caused few civilian casualties and this had a very strong symbolic impact for NATO wanted to deliver the message that the war was not against the Serbian people but against their leader Milošević. On the 3rd of May the Slobodan’s Powerhouse was destroyed, four days later the Chinese Embassy was bombed as well and the UN declared that it would overtake investigations to fully understand the circumstances and determine what went wrong but in the meantime accepted NATO’s excuses.

By the end of May, Milošević’s power system had been irrevocably weakened; Milošević’s position had also been worsened by his condemn for war crimes by Hague’s International Court of Justice. Arrived at a focal point, Serbian public opinion had started to abandon him because of the difficulties caused by damages to public infrastructures; furthermore some rumors about an eventual NATO ground attack had started circulating, mining Milošević’s consensus even more. In addition, Russia was not willing to support any longer his failing strategy so started emboldening a final resolution. The Finnish ex-President Martti Ahtisaari embodied the new key of the diplomatic negotiations that were to lead to Milošević accepting the definitive agreement in order to end the conflict and embody the road map for a political situation for Kosovo. The latter- known as the Kumanovo Document- was signed on the 9th of June 1999 and implied the Serbian army withdrawal from Kosovo and their immediate substitution with the NATO forces. The agreement also decreed Kosovo’s autonomy in the form of an independent

271 Ibid.
region of Yugoslavia being led by an international administration under the UN’s supervision and protectorate.

On the 9th of June, NATO stopped the bombing campaign and, on the 10th, the war definitely ended and the Security Council adopted the Resolution 1244 which was strongly supported on the humanitarian grounds from the Organization of the Islamic Conference Contact Group; Russia was on board and the objectives of the war ratified under UN auspices enabled NATO to create a peacekeeping military force (KFOR), whose main mission was to protect the humanitarian missions addressed to the refugees (nearly one million refugees had fled from Kosovo) and to deter violence. The SC accepted the NATO position that justified its actions for instance, the humanitarian factor in the world proved to be an important bridge between the two organizations and NATO gained UN’s blessing ex-post since their ties became closely connected to the peace process.

In spite of this, citing Kaplan “No direct mention of NATO can be found in resolution 1244 the UN left no question about the chain of command which began and ended with the UN according to the resolution it was the Security Council that decides on the deployment in Kosovo under United Nations auspices of international civil and security presences.” However, as far as the military intervention is concerned, Kofi Annan himself never hid his impossibility of action by giving in this way the imprimatur to NATO’s military intervention and this attitude was strongly supported by the United States and the European Union.

Dissentions on the military action in Kosovo would be later raised on the call of “humanitarian intervention”, in a conflict area that Serbs considered an “internal conflict”, which denounced that it would undermine the notion of the national state sovereignty and was not in compliance with the UN charter. Despite all the criticism

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272 Resolution 1244 was adopted by the Security Council at its 4011th meeting, June 10 (1999).
273 According to Kaplan, NATO did its best to minimize damage and not to undermine the authority and UN’s credibility as peacekeepers and stated that its action did not seem to signify any disregard for the UN affirming that NATO allies would seek passage of the UN Security Council resolution encompassing both the political and military solution also in the deployment of an international military force KFOR to protect the return of refugees.
275 Ibid. cit.
by several state and not state actors, Kofi Annan applauded NATO as “an active partner in creating a new architecture of preventive active policies for peace” and went on stating that “it was critically important for us (the UN) to draw on each other’s strength in pursuit of peace and security” and suggested that “the success of the NATO-led mission operations under United Nations mandate is surely the model for future endeavors.”\(^{276}\) Annan went on declaring that the conflict had also left the world community with no illusions about the need to use force when all other means have failed.\(^{277}\)

NATO’s achievements with the airpower alone were applauded by Wall Street Journal and the New York Times. President Clinton himself declared that the outcome had been an overwhelming success and sustained that the air campaign under the right conditions could stop an army on the ground. In spite of the criticism that NATO’s strategy would ever succeed without an accompanying ground invasion, what airpower accomplished in the operation would have been inconceivable some decades ago. However the airstrike couldn’t go for long because there was the risk to make doubtful the popular support on the other side of the Atlantic in more unintended civilian casualties would have incurred. Airpower operations not only plainly demonstrated its coercive potential but resulted in a successful application of mixed experience for the United States and NATO.\(^{278}\)

Not far than 10 years later from the beginning of the conflict, the refusal of Serbia to recognize the previous agreements which brought to the conclusion of the conflict in 1999, led Kosovo’s Parliament to make a unilateral declaration on 17 February 2008 and declare independence.\(^{279}\) However, Serbia doesn’t want to recognize Kosovo as an independent state although the signature of the Brussels Agreement of 2013 where it has accepted the legitimacy of Kosovo institutions and its special status within Serbia.\(^{280}\)
2.3. NATO’S OPEN DOOR POLICY

Kosovo crisis was still in act when on 24th and 25th of April 1999, NATO had held in Washington its 16th Summit, aimed to express the “determination to put an end to the repressive actions” by Serbian President Milošević against the local ethnic population in Kosovo but on the other hand the Summit also approved the Alliance’s new Strategic Concept in considering the profound political and security developments since the end of the Cold War.

Before the Summit was to take place, during his visit in 1998 in the US, in a joint press statement with Secretary Albright, Solana stated that the Summit would have been an occasion not only to celebrate the past but “[…] it should be a look forward to the future. To maintain this organization has been splendid, to guarantee stability and security on our continent and our operations, and to do it for the next century. NATO will be open to new members, a NATO that has a new relationship with Russia, very positive, a NATO that has specific relations with Ukraine. So this is the type of thing that we are looking forward to have resolved in Washington, at the occasion of the summit. But I would like also to emphasize what the Secretary just has said, as far as Kosovo is concerned. We are going to continue monitoring the situation in Kosovo and, as you know very well, NATO has still the ACTORD in place. And if the decisions are not taken, and if the compliance is not done by President Milosevic, he knows that NATO will not back off. The ACTORD is there, and he has to comply.”

In addition, in relation to the summit’s meeting which was held only for months later the above statement, it is important to stress that in paragraph 3 of the press release delivered after the meeting it was stated that in the last ten years before the summit, NATO had seen the appearance of complex new risks to Euro-Atlantic peace and stability, including oppression, ethnic conflict, economic distress, the collapse of political order, and the proliferation of weapons of mass destruction.

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Kosovo are exclusively operated by Kosovo's elected government, and not Serbia's. Wikipedia Source


282 The State Department web site below is a permanent electronic archive of information released online from (Jan.1,1997) to (Jan.20, 2001), cit.
Therefore, as declared at paragraph 4 “it becomes indispensable the role to play in consolidating and preserving the positive changes of the recent past, and in meeting current and future security challenges” by putting in action “a demanding agenda that must safeguard common security interests [...] maintain collective defence and reinforce the transatlantic link [...] assume greater responsibility [...] deepen its relations with its partners and prepare for the accession of new members. It must, above all, maintain the political and the military means the required by the entire range of its missions” and in order to achieve the delineated objectives the “Membership Action Plan”.\(^{283}\) (MAP) as a part of NATO’s Open Door Policy has also established standards to be fulfilled from the countries that would want to join NATO in the following years.

The policy consisted into the Alliance’s openness in front of new members, which were to be assisted in the joining process by the MAP.\(^ {284}\) The Policy also resulted in NATO enlargement towards East as part of the new Post-Cold-War order of the Alliance. This was translated in an open invitation to some Eastern countries to join the Alliance and in the creation of the Partnership for Peace (PFP), regarding peacekeeping activities and involving also ex-Warsaw Pact countries. NATO’s “open door policy” is based on Article 10 of its founding treaty and any decision to invite a country to join the Alliance is taken by the North Atlantic Council on the basis of consensus among all Allies i.e. NATO Method.

In the new international framework, it was requested by alliance’s members a strong Atlantic organization able to handle conflict prevention and crisis management as well as a further engagement in preserving European security and defence identity in the approach of the 21\(^{\text{st}}\) century through partnership, cooperation and dialogue, hence the enlargement was only a consequence of the pre-established objectives.

The declaration besides affirming at paragraph 36 the need to keep “strong, stable and enduring the partnership with Russia as essential to achieve lasting stability in the Euro Atlantic area” is concluded by stating that “In an uncertain world the need for effective defence remains, but in reaffirming this commitment the alliance will


\(^{284}\) Ibid.
continue making full use of every opportunity to help build an undivided continent by promoting and fostering the vision of a Europe whole and free”.  

The Open door Policy was the consequence of the great ability of NATO to adapt to the new political international order raised after the end of the Cold War. NATO was, in fact, born as a defensive organization meant to militarily maintain the European security mostly against the Soviet threat. After the URSS dissolution, NATO started an evolutionary process that slowly changed and widened its application field. In some way, NATO started going positively beyond the Article 5, mirroring the collective will of the members to contrast any threat to the peace and security of the international society mining the interests of one of the members. 

Therefore, after the Washington Summit, NATO’s missions have been focused on crisis management and conflict prevention and they have been extended in order to involve peacekeeping and peace-enforcement scenarios located further and further from Europe and from the traditional intervention area. A new European structure was needed in order to maintain stability and security in the whole continent; the expansion of NATO was not only the “essential consequence” of the fall of the Iron Curtain, but also the key to resolve the different conflicts that were foreseen by the subversion of the order that had contributed to create that balance, therefore, NATO’s enlargement came consequently and through it, changed also its “raison d’être”.

Notwithstanding, while NATO’s military campaign in Kosovo was in action many argued the reasons that brought NATO to be involved in the conflict. Kosovo’s humanitarian intervention was strongly supported by the CNN and in the meanwhile several assumptions’ thesis on the cause that pushed for the intervention were put on the ground. In one hand, the American instinct of intervention was considered as first due to the ethical and fair motifs but on the other hand, many considered that the American policies were influenced by the ethnical lobbies (Albanian, Croatian and Bosnians) whom converged in the interest to strike the Serbs and the last but not the least was the continuation of Washington’s policies in following the Cold War reasoning by using other means.  

As far as the latter is concerned, according to some scholars striking Serbia in the Balkans meant destroying an ex-soviet satellite country that one day following Milošević’s ambitions one day would have become again strong and largely threatening the North Atlantic area. The major scholar of this school of thought was without any doubt Zbigniew Brzezinski.\footnote{Former National Security Advisor during the presidency of Jimmy Carter from 1977 to 1981.}

It is to be noticed nowadays how prophetic was his reasoning on giving importance so much importance to the human rights protection theme in order to undermine the Soviet Union influence on the East Balkans. In the opinion of Brzezinski, Moscow “reveals ambitious geopolitical objectives which are frequently publicly emphasized and declared. Once it would gain power again, it would exercise important influence even towards its Western and Eastern neighbors”\footnote{Limes, Il triangolo dei Balcani- Kosovo (1999) p. 8.} for instance, the American strategic objective consists in impeding the revival a new rival power in Eurasia.\footnote{Limes, Il triangolo dei Balcani- Kosovo (1999) p. 8.}

Therefore it comes naturally, in order to establish a friendly power hierarchy subordinated in an imperial net, helping the construction of satellite states under American influence in Europe to be the fore front in the Eurasian continent for containing Russian expected influence.\footnote{How can we think that he may have not been right in his reflections if we consider the actual situation in terms relationship between US and Russian Federation.}

In relation to Brzezinski’s thought, it becomes here interesting to mention the opinion\footnote{Gervasi, La NATO in Jugoslavia. Perché? (1996).} of Sean Gervasi, which seems to trace the same line with the US ambitions expressed by the ex-American national security adviser but viewed from a different point of view. According to Gervasi, after the end of the Cold war and the decay of URSS, NATO lost its “raison d’être” and a renewal was needed in order to keep the NATO on and as a consequence to maintain the USA’s control in Europe. The most important solution for a renovating process was that NATO was needed in order to resolve security problems out of the traditionall y-NATO- intervention area. The slogan “NATO outside the area or out of service” or “out of area, out of business” was highlighting the need of dislocating the framework of NATO’s action. The first step towards this need was the intervention in Bosnia-Herzegovina in 1992.

Gervasi explains how this force deployment was aimed to weaken Yugoslavia’s
unity in order to later justify an open intervention in Kosovo but his opinion is obviously partial in its grounds. He also adds that this operation was openly part of a new phase of *Real-Politik*, hidden under the mask of the democratization and led by USA and Germany, which were interested in fragmenting Yugoslavia. The final aim, according to him, was to isolate the Balkan territories in small satellite countries in order to better impose the hegemony on the Caspian-Sea and Black-Sea resources and to assure secure transport through politically stable countries. Notwithstanding, Gervasi’s opinion may seem not very objective to this research study for being in its reasoning somehow controversial (since it leaves out the moral, ethical and humanitarian reasons that brought to the need of intervention) if we consider that what was going on in Kosovo could not be tolerated anymore neither by the public opinion (which blamed the European powers for their inaction) nor by the European states. Despite, he is right or wrong in his opinion, his concerns were shared by a certain part of public opinion and by Russia and CSI, which viewed NATO’s Open Door more as an “expansion” than as an “enlargement”, and mostly aimed to “stabilize” firstly the Balkan region and eventually Russia and the CSI. The first step of this path it would have been NATO’s intervention in Bosnia and Kosovo as well as the invitation to Hungary, Poland and Czech Republic to join the Alliance. Therefore, it did not seem a surprise the Russian disagreement with NATO in Kosovo and her intention of vetoing the operation. The above mentioned “stabilization” was to consist of assuring the political stability of the new non-communist governments of the Balkan Countries and of reproducing economic, social and political situations similar to those of the Western Europe. As far as our opinion is concerned in relation to Gervasi’s above statements, there is nothing to blame to the Western democracies in putting their will to share values and prosperity in ex-communist areas since their economic difficulties brought to underdevelopment and frequently imploded in unrests that involved the entire region putting at risk its stability. In Kosovo for example the frustrating regression put in act from the Serbian policy didn’t do other than feeding nationalistic feelings that contributed to the aggravation of the situation.
Moreover, the final aim of this process - sustained Gervasi in his report “NATO in Yugoslavia” of 1996 - was to assure control on the exploit of the resources (mostly gas) of the Caspian Sea region.²⁹² He invited also to consider the psychological aspect connected to NATO’s enlargement. He believes that in the light of the enlargement, the “stabilization” consisted in avoiding the failure of capitalistic systems in the new-born democracies that included also CSI countries as well as Russia, in order to prevent the re-rise of tensions with the ex-Soviet world and to put Europe in an advantaged position in case of an attack from it taking in account that further unrest would look as a reflection of the concerns of the weakened Western countries. His consideration is based on the fact that from the beginning of the 80s, the capitalistic Western world had been experiencing a long period of economic regression, mostly due to the saturation of those markets-buildings, cars, goods-which had dragged the post-war economy²⁹³.

Considering all the above, in our opinion, if it was true that the economic crisis caused also political weakness, the consequential preoccupation of the western governments regarding themselves not strong enough to counterbalance an eventual attack by Russia had no fundaments since Russia found itself in a very difficult economic position. Moreover, if the enlargement would have to be seen as an attempt to both, expand the markets towards East and to maintain the above-mentioned “stability”, it is an established concept in economy that the shifting of capitals of different nature help improving state’s economic burden by better distributing welfare. So far, it would have been a paradox that, through this “open door policy” which was putting the basis of an European Integration, the Western countries were risking to cause the catastrophe they were trying to avoid even though several dangers were, in fact, connected to NATO’s Policy.

Firstly, the fact that new members would be to fall under NATO’s umbrella, hence NATO (and USA in primis) would be supposed to intervene even against attacks located in the peripheral Europe and, in doing so, they would get involved in wars that ran the risk of not being approved by the overall public opinion. Furthermore, the openness to new allies would imply a deployment of nuclear weapons on their territories, increasing the risk of a nuclear war. As far as this latter

²⁹² See the following topics of this thesis.
issue is concerned, Ignarski states that it is “because of the desire of central and eastern European states for closer and more specific ties with NATO in view of the still considerable conventional and nuclear strength of Russia, further step was taken in January 1994 when NATO invited states participating in the North Atlantic cooperation Council and other states members of the conference on Security and cooperation in Europe to join in a program called partnership for peace.”

Secondly, this enlargement towards East could be seen by Russia as an attempt of USA to encircle it and could create tensions resulting in a second Cold War in Europe. It could also result in a failure of the disarmament process - expressed in the Treaties START I and START II – which Europe had been working on during the past 25 years. It was obvious that the more NATO expanded towards the ex-Soviet area, the deeper concerns would have created in the small ex-Soviet Countries seeing no choice but either the re-armament or the joint of NATO itself. The latter was believed only to fasten the expansion process and make Russia feel more and more surrounded but at the same time it did help the small countries that wanted to establish democratic governments to enhance their future western integration and strengthen their democratic government’s process.

However, according to Shea, NATO’s intervention in the Balkans, and particularly in Kosovo not only represented the “loss of virginity” for the organization but the Kosovar war was, in fact the first time for NATO to prove itself into action and to go from “security through prevention to security through action” by guarantying peace and stability in the region. The intervention was thus a fundamental step in order to demonstrate NATO’s credibility; the latter is an essential element for any security organization. Furthermore, the armed intervention was only the last moment of a long and careful diplomatic process which NATO couldn’t avoid to encounter since the Security Council kept being blocked by the Russian veto and the Serbian leader Milošević. Milošević’s refusal to collaborate by underestimating NATO’s will to

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295 To many people there was the fear and the belief that after the enlargement, the future members of the Alliance step by step could result in tensions between each other and could contribute to the rush towards re-armament in the East as well.
296 NATO - Jamie Shea’s History Class.
297 In fact they were exploited by the Serbian politics of the 80s in order to obtain the Serbian Kosovars’ electoral favor and put into effect an ethnic cleansing against the Albanians.
intervene but his hopes clashed against NATO members’ cohesion and coordination. In addition, the reasons of the Kosovo’s war didn’t and couldn’t lie only in the existing ethnical and cultural contrasts between the Serbs and Kosovars but it specifically leant on the way the nationalistic policy manipulation had committed and was going to accomplish horrible massacres based on ethnic cleansing. NATO’s pre-emptive strike after a verification process was nothing than a mean to end up repression and prohibit being put in action other human gross violations. Following this reasoning, it has been the first time a single country faced an International Regional (Military) Organization\textsuperscript{298} which according to Jamie Shea showed a stunning unity and coordination among the members.

Furthermore, NATO’s intervention in Kosovo has been unique from a military point of view due to the fact that for the first time in history were only deployed aerial forces. Despite some military errors (that unfortunately caused also civilian losses) causing slowness in the achievement of the desired result-taking account of the great deployment of forces and the inability to avoid the ethnic cleansing, the intervention, in the overall opinion would be to be regarded a positive one considering the context in which it occurred.

At the Bucharest Summit in April 2008, Allied leaders took a number of steps related to the future enlargement of the Alliance concerning mostly the Balkan countries and despite the political difficulties of today’s situation with Ukraine and the risks coming from its South Flank, NATO affirms that the door remains open to any European country in a position to undertake the commitments and obligations of membership, and contribute to security in the Euro-Atlantic area.

The communiqué of Bucharest’s Summit covers such issues as: an agreement to work on the development of options for comprehensive missile defence architecture, the role of arms control, disarmament and non-proliferation, the importance of the NATO Response Force, the Alliance Ground Surveillance capability, a new policy on cyber defence, principles of the Allied approach to energy security and many others. Furthermore, paragraphs 23, 28 and 29 refer to NATO’s relationship with Ukraine and Russia. More specifically, in par. 23, NATO welcomes Ukraine and Georgia’s Euro Atlantic aspirations for membership in NATO and states that had

\textsuperscript{298} For more info consult the following topic 2.2.2 on Kosovo’s H.I.
been agreed the same day that these countries would become members of NATO. It is applauded the Partnership dialogue with Russia is a strategic element in fostering security in the euro Atlantic area based on core principles-valueless and commitments including democracy civil liberties and political pluralism. It is also appreciated Russia’s readiness to support NATO mission in Afghanistan by facilitating transit through Russian territory while, in par. 32 it is welcomed the Euro Atlantic Partnership Council and the Partnership for Peace Program. Moreover, in paragraph 40 it is stated that the alliance has reduced both conventional forces significantly from Cold War levels and has reduced nuclear weapons assigned to NATO by over 90%. Allies have also reduced their nuclear arsenals even Franz United Kingdom and United States have reduced their nuclear arsenals in comparison of its size at the hate of the Cold War-the US is also decreased the tactical nuclear weapons assigned to NATO by 90%. In the same time they express their concern about the proliferation risks of the EU in nuclear and ballistic missile programs. It is worth mentioning that in paragraph 45, NATO shows its commitment to develop policies and capabilities to deal with emerging challenges and threats, by including the development of a comprehensive policy for preventing the proliferation of WMD and defending against chemical, biological, radiological and nuclear threats. Since 1949, NATO’s membership has increased from 12 to 28 countries, through six rounds of enlargement. Albania and Croatia were invited to join NATO at the Bucharest Summit in April 2008 and formally became members when the accession process was completed on 1 April 2009. Currently there are our partner countries that aspire for NATO membership: Bosnia and Herzegovina, Georgia, the Former Yugoslav Republic of Macedonia and Montenegro.

299 The relationship between NATO and the ex-east bloc countries became again hostile after Russia breached international law when used force in Ukraine in order to annex Crimea in 2014. For more info consult Chapter 4 of this thesis.
300 There are 22 countries joining NATO's Partnership for Peace program, with 15 other countries involved in institutionalized dialogue programs.
301 They call Iran to comply with UNSCRs 1696-1737-1747-1 803. They also invite Korea to fully comply with UNSCR 1718.
302 The enlargement of the Alliance is an on-going and dynamic process. Since the Alliance was created in 1949, its membership has grown from the 12 founding members to today’s 28 members through six rounds of enlargement in 1952, 1955, 1982, 1999, 2004 and 2009.
303 http://www.nato.int/cps/en/natolive/topics_49212.htm
304 The accession of Montenegro to NATO is in the negotiations stage as of 2010. In December 2009, Montenegro was granted a Membership Action Plan, the final step in an application for membership in the organization.
2.4. KOSOVO’S HUMANITARIAN INTERVENTION LEGITIMACY

The forms of Humanitarian Intervention have undergone through a deep changing process since the end of the cold war. Nowadays they have assumed a democratic character i.e. the democratization of the targeted country. In the past this practice was considered as a strictly domestic political process\(^{305}\) (related to the notion of state sovereignty\(^{306}\)) but with the changing nature of conflict areas, external interventions have been undertaken in order to promote democracy that may result in better human rights conditions.\(^{307}\)

Recently, there have been noticed various forms of military intervention in the international practice of the use of force that have occurred in internal armed conflicts or serious disturbances (provided for evidence to be given in case of gross HR violations by governmental authorities or non-state actors against the civilian population) which have created incidents that have increased tensions in international relations between states and international organizations.

Many scholars argue on the legality of H.I. interventions by analyzing this dichotomy translated in an evident contradiction between the supreme values of humanity identified and proclaimed by the Universal Declaration of Human Rights (1948) in the UN Charter and the fundamental principle of state sovereignty - both these elements for decades have been the expression of the idea of peace and had laid the basis for peaceful international relations.\(^{308}\)

The doctrine of humanitarian intervention seems to contrast the rules established in the UN charter since it gives authority to the Security Council to approve the use of force in order to maintain and secure international peace and security (Chapter VII) but it doesn’t provide the same authority in order to protect human rights.\(^{309}\)

Therefore, is it legal if human intervention is engaged without the Security Council’s

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305 Though some H.I. exceptions have existed during the colonial period that up to end 70s.
307 “The traditional idea of State Sovereignty under international law started to be criticized following the grave abuses between 1930 and 1945 that originated human tragedies of an unprecedented scale”.
309 As far as this is concerned the UN assembly as an authoritarian body organ in virtue of its function of deliberating resolutions that are in a certain sense de lege ferenda should take seriously the humanitarian intervention practice.
309 For more info consult Art. 2, Art. 55 and Art. 56 of the UN Charter in the Appendix 7.
authorization considering that the charter prohibits intervention on the basis of Article 2.4 i.e. the intrusion in the domestic domain of a state? Could the above practice of intervention alter the status of international customary law?

The international community has not been able for decade to reach an understanding on a rule based on the consistent practice or *opinio iuris* to reconcile the above mentioned conflicting interests, but according to some scholars, international law cannot only be seen in the perspective of former positive decisions, for instance, they see humanitarian intervention as legal recognizing it as a way of collective self-defence for threatened individuals when large-scale human right violations are put in action.\(^{310}\)

However, different positions are held by many of them, in particular, those belonging to the school of thought of *Realism* (like John J. Mearsheimer) whom criticize the humanitarian intervention based on the states’ policies to conduct interventions sometimes based on personal national interests (it doesn’t make any difference for them in the case when acting like that there is a coalition of states).

Another contrarious voice that has a “realistic” opinion is that of Noam Chomsky (well-known left-centered intellectual) whom, considers humanitarian intervention without the permission of the security Council as not legal and thinks that American policies (i.e. NATO’s) are only a way to spread their “western” hegemony in order to justify themselves in the several previous humanitarian interventions from the ‘50s to ‘70s as well as the later ones, as it happened with Kosovo. He is of the opinion that other peaceful means should be used to protect human rights and aggression is not the right mean since it destroys the basic principle of international law i.e. the prohibition of war.\(^{311}\)

Many other scholars identify in the role of NATO and the Decisions taken in democratic transition processes as fair justified, through an action of assessment of democratic principles in order to protect human rights and promote human rights dignity. Strong supporters of unilateral humanitarian interventions claimed that NATO was an authoritative body which action is based on common values to claim legality of NATO interventions supported by its members as a “*moral need*” in

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consideration also of the fact of the “massacre of the village of Racak” as well as other gross violations on the behalf of Kosovar Albanians.

For many years, different authors have written and debated about NATO’s intervention in Kosovo regards its legitimacy in the light of the International Law where “politicians (in the absence of a catch up rule in the system) have generally tried to justify, if not the duty to intervene, at least the legitimacy of intervention by referring to extra norms and principles for the above “humanitarian mission”.

Kaplan writes that “the legality of NATO intervention was a major subject in October 1999 in the issue of the American Journal of international law. An horrendous situation in Kosovo bordering on genocide, justified NATO action, according to Columbia Law school professor Louis Henkin, since the UN Security Council was not “available” because of the veto.

In his academic article, Henkin supports the thesis that NATO had to act and despite he is of the idea that “unilateral intervention by military force by state or group of states is unlawful unless authorized by the Security Council”, he considers NATO’s intervention to be not unilateral but collective, “pursuant to a decision by a responsible body including three of the five permanent members of the Security Council”, interested in the virtue of the responsibility given by the UN Charter to respond to threats to international peace and security”. In view of this reasoning, the Organization “pursued recognized clearly compelling humanitarian purposes” therefore, “the intervention by NATO in Kosovo was a collective humanitarian intervention in the common interest”.

Whereas, the historian Alan Henrikson tried to resolve the question of legitimacy by envisioning NATO, with its military capabilities as “the enabler of the participation of others including the United Nations Organization. This surely is the basis of the

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312 On January 15th 1999 that made the Head of OSCE’s mission William walker to conclude that innocent people were killed by Serbs and a massacre had happened and needed to be stopped.
313 The most important KLA operations started at the end of 1997 and by 1998 they were removed from the CIA’s list of terrorist organizations but in the meanwhile their activities were intensified.
legitimacy of the action it took in Kosovo. NATO does not legitimize power. But it does give power to legitimacy.”

In addition, in 1999 in the case of Yugoslavia, it has not been so easy for senior partner of NATO’s senior partner (USA) to get approval from the Security Council members as in the early post-Cold War interventions, so the Clinton Administration by passed the SC authorization by applying the criteria of “just war” to justify Kosovo’s humanitarian intervention the fulfillment of requirements such as crime against humanity including genocide and human rights violations in the worst form. In the case of Kosovo a lot of time was considered wasted to wait for consensus and political agreements between NATO and Milosevic had failed to reach a solution.

The requirement of proportionality seemed to justify the use of force in order to achieve a positive humanitarian outcome by applying pre-emptive air assault that would prevent Serbia to commit other gross violations.

According to Catherine Guicherd of the NATO Parliamentary Assembly the solution would be to adjust international law to accommodate a Kosovo operation.

As far as the latter statement is concerned, on one hand, Henkin wrote that in his “view, unilateral intervention, even for what the intervening state deems to be important humanitarian ends, is and should remain unlawful” but on the other hand he agreed with Guicherd’s opinion: “Kosovo demonstrates once again a compelling need to address the deficiencies in the UN charter”. Precisely, he goes on stating that the “NATO action in Kosovo in the proceedings in the Security Council, may reflect the step toward a change in the law, part of the quest for developing “a form of collective intervention” beyond a veto bound Security Council”. He considers this as a desirable and at the same time inevitable change in terms of lessons that might be learned from Kosovo, inviting also to the reflection that the alibi of the targeted state’s “sovereignty” must not be a pretext barrier to intervention, which in the long run may undermine the values of contemporary international society, as well as

318 Ibid.
319 Ibid., pp. 182-183.
320 “Yet she recognized that the emerging consensus over the primacy of human rights had not crystallized yet into an unambiguous rule allowing humanitarian intervention. She judged that NATO was unable to embed the Kosovo campaign into international law. At best, the allies could claim it as an exception.”
asserting that, it should exist the understanding that the frustrating act of veto must not be operative regarding to humanitarian intervention.

Henkin’s views seem to find acceptance even in other academics’ opinion. According to Ortega, “there are two ways of looking at the central concept of legitimacy (of intervention - eds. note). It can either be assessed on the basis of ideals, such as values or ethics or seen as a function of consensus.”321 In its paper he adopts the conceptual approach in which “the concept of international community” is introduced as the basis for legitimacy.322 Taking in consideration also the fact that “collective intervention” by definition does not pursue the national interests of major powers or of those to intervene, being conceived rather as a mechanism to uphold the aims of the international community, and most notably to mentor a or restore international peace and security.”323

In essence, if it is valid the statement that an intervention may be considered legitimate when supported by a large number of democratic states (this was Kosovo’s case), NATO’s action in Kosovo since its “collective intervention” was in compliance with the duty to take actions when gross and/or massive violations are committed and when crime against humanity are proven in the eyes of the public opinion as well as later widely recognized from the international penal courts judging on the case. It is a fact that “NATO didn’t have such an authorization (to intervene from the UN Security Council - eds. note) ab initio but it (certainly - eds. note) had it ex-post.”324

In addition, is to be mentioned that, considering the necessity to reaffirm principles and asses the universal values of human rights, the humanitarian intervention was also developed in the report “responsibility to protect” which was adopted by the International Commission on Intervention and States Sovereignty (ICSS). According to Art.1325 “states have a duty to intervene in order to provide safety to

322 Ibid.
323 Ibid., p. 15. cit.
A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
citizens of other states that abuse their rights and in other words to be “an obligation to protect the rights of the people” and if the state is not able to do that its sovereignty needs to be abolished in order to help the people in danger”, otherwise it would be ironic that in the name of sovereignty we might become witnesses of gross human rights violations! The ICISS also recommends in the Article 3 (letter D) of the same report that when a case like that is identified, the UN Security Council is invited not to use the veto. The report made evident that with the responsibility to protect, states sovereignty became not just a privilege but also a responsibility in order to prevent, react and rebuild.326

According to the Art. 2.4 of the United Nation Charter, in the name of the principle of domestic jurisdiction members must avoid the use of threat and force in their relationships with other Countries (subject only to the right of self-defence as provided art. 51 of the UN Charter). In addition, the Art. 2.7 describes the principle of non-interference, under which none State can interfere in the internal affairs of another government. Those Articles are regole cogenti, hence always valid327.

Nevertheless, the Charter allows an exception, described in Article 51 reciting that the members might use the armed force in case of individual or collective self-defence. Article 53 also specifies that the regional organizations328 might conduct coercive actions, after being authorized by the Security Council. Chapter VII of the Charter explains that the SC is to supervise over the application of the principles and to verify the actual existence of peace threats or peace violations. Any counter-intervention is to be authorized by the Security Council and only by it.329

NATO did not actually receive the formal permission of the SC, since Russia and China had explicitly warned to use their vetoes on the Kosovo intervention; although, it claimed for the need of an action in the name of a humanitarian emergency consisting of peace violation, crimes against humanity and genocide.330 NATO invoked the “humanitarian interfering duty”, which demands the intervention

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326 Ibid.
328 In UN Resolution 1244, NATO along with the EU were recognized as “regional arrangements”.
330 For more info consult also Art. 8.2 of the International Penal Court (IPC).
of a State or a group of States on other’s territories even without the consensus of the territorial government, in order to stop serious human rights violations. This is strictly connected to the “Humanitarian Intervention” which implies the use of armed force in order to protect the citizens of a territorial State from inhuman and humiliating treatments. The “Humanitarian Duty”, though, is to be approved by the Security Council in order to be legitimate according to the International Law. However, NATO’s intervention seemed to be legitimated\textsuperscript{331} \textit{ex post facto} by Resolution 1244\textsuperscript{332}. The resolution accepted the \textit{fait accompli} of the occupation of a Serbian region and decreed the necessity of maintaining the occupation by putting the region under the control of a temporary international administration. The Resolution is, thus, to be regarded as a posterior authorization by the Security Council about NATO’s action in Kosovo. The latter was also justified by both NATO General Secretary and several States traditionally against the Humanitarian interfering duty; if that does not imply the birth of a new common law, it is definitely expression of a new trend of some western countries, above all the United Kingdom, to support the humanitarian interventions.\textsuperscript{333}

However, the Security Council not formally authorizing NATO’s action would be regarded as an illicit under the International Law. Things, although, are made more difficult by the fact that the humanitarian intervention legitimacy was a first in the International Law, since there are not yet common laws regarding this military intervention option. In fact, the Common Law and in particular the objectives criteria- consisting of \textit{usus} or \textit{diurnitas} and regarding a habitual, widely accepted norms- and the subjective ones- known as \textit{opinio juris ac necessitatis} and mirroring the Countries’ opinion according to which the norm corresponds to a right or social, economic, political necessity- have never considered this case. Thus, it shall be

\textsuperscript{331} The UN did not authorize the war, but NATO nevertheless tried at every opportunity to assure the world of its conformity to UN principles and ex-post claimed that the Council resolutions 1199 and 1203 whose mandates Serbia violated justified NATO’s actions.

\textsuperscript{332} Kaplan, \textit{NATO and the UN} (2010).

On 10 June, the UN Security Council adopted resolution 1244 by a vote of 14 to 0 with only one abstention (China’s). Russia was on board and the objectives of the war ratified under UN auspices the Kosovo Liberation Army would also be demilitarized and the autonomy not independence was to be assured while UNMIK was established. No direct mention of NATO can be found in resolution 1244 the UN left no question about the chain of command which began and ended with the UN according to the resolution it was the Security Council that decides on the deployment in Kosovo under United Nations auspices of international civil and security presences.

analyzed whether or not the case of NATO’s intervention in Kosovo is to be included in any known cause of exclusion of the tort or offense, legitimating, under certain circumstances, the use of armed force in the international relationships.\textsuperscript{334}

One of the most common causes of exclusion, recognized by the International Law Commission (ILC)\textsuperscript{335}, is the so-called state of need; it can be invoked in case of real danger for an essential interest of a State and enables the interested Stare to intervene on another Country’s territory. This cause usually applies to dangers connected to natural catastrophes being to mine the security of the neighbor Countries and it does not include the interventions aimed to avoid the violations of norms regarding the use of force. As decreed by the ILC in the Article 25\textsuperscript{336} of the Project on the international responsibility of the States, the state of need cannot be invoked in order to justify the humanitarian intervention, even though the “essential interest” is the one of the international community.

Similarly, the General Assembly for the “New International Humanitarian Order” stated that the humanitarian corridors should be negotiated with the local government. Nevertheless, this kind of armed interventions could not be regarded by

\textsuperscript{336} Ibid. vid. cit.

Article 25

“Necessity may not be invoked by a state as a ground for precluding the wrongfulness of an act not in conformity with an international obligation of that state unless the act: Is the only way for the state to safeguard an essential interest against a grave and imminent peril; and does not seriously impair an essential interest of the state or states towards which the obligation exists, or of the international community as a whole. In any case, necessity may not be invoked by “a state as a ground for precluding wrongfulness if: the international obligation in question excludes the possibility of invoking necessity; or the state has contributed to the situation of necessity.” Commentary [...] Subparagraph (2) (a) concerns cases where the international obligation in question explicitly or implicitly excludes reliance on necessity. Thus certain humanitarian conventions applicable to armed conflict expressly exclude reliance on military necessity. Others while not explicitly excluding necessity are intended to apply in abnormal situations of peril for the responsible state and plainly engage its essential interests. In such a case the non-availability of the plea of necessity emerges clearly from the object and the purpose of the rule. [...] As embodied in Article 25, the plea of necessity is not intended to cover conduct which is in principle regulated by the primary obligations. This has a particular importance in relation to the rules relating to the use of force in international relations and to the question of “military necessity”[.] [...] [a] doctrine [...] Which is, in the first place, the underlying criterion for a series of substantive rules of the law of war and neutrality, as well as being included in terms in a number of treaty provisions in the field of international humanitarian law [...] in both respects, while considerations akin to those underlying article 25 may have a role, they are taken into account in the context of the formulation and interpretation of the primary obligations.”
the territorial State as aggressions and could be approved by the SC through a posterior resolution - as it happened for the Kosovo-case with the Resolution 1244\(^{337}\).

It is also to be considered the *Force majeure* as a traditional cause of exclusion. This implies that the individual or State is aware of the violation, though, an external, unforeseen, irresistible situation of force majeure forces the subject to do so. This is definitely not the case of NATO in Kosovo, however it is strictly connected to a further cause of exclusion - the *distress* or *extreme danger* - which might be interesting to analyze. The latter regards the case of a subject forced to commit an illicit in order to save its or other human lives. It should be considered whether or not the Humanitarian intervention might eventually be included by this case.

More specifically, it should be taken into account the cause of exclusion regarding the “use of armed force in behalf of the international community”. This is widely but not unanimously agreed with, and the ILC has accepted it with some restrictions due to some internal disagreement. Was this principle applied, the State would be enabled to intervene in order to prevent or stop violations of *erga omnes* obligations, like the “no-genocide duty”.

The ILC, however, specifies that the not-directly injured State is enabled to claim for the perpetrator’s responsibilities, although it may only ask for the suspension of the violation and for some compensation addressed to the directly injured subjects. In particular, only the injured State may adopt counteractions against the transgressors, while the international community may intervene by implementing licit measures, which- as provided for by the Article 54\(^{338}\) of the Project – do not imply the use of armed force (e.g. embargos).


Article 54 - Measures taken by states other than an injured state

“This chapter does not prejudice the right of any state, entitled under article 48, paragraph 1, to invoke the responsibility of another state, to take lawful measures against that state to ensure cessation of the breach and reparation in the interest of the injured state or of the beneficiaries of the obligation breached.

Commentary [...] as this review demonstrates, the current state of international law on countermeasures taken in the general or collective interest is uncertain. State practice is sparse and involves a limited number of states. At present there appears to be no clearly recognized entitlement of states referred to in article 48 to take countermeasures in the collective interest. Consequently it is not appropriate to include in the present articles a provision concerning the question whether other states, identified in article 48, are permitted to take countermeasures in order to induce a responsible
Any armed intervention aimed to protect the interests of the international community is to be firstly approved by the Security Council. Those restrictions reflect the lack of full consensus in the Commission about this kind of cause of exclusion.

However, a wider agreement was achieved only in 2005 at the New York Summit with the approval “per consensus” of a Document expressing the duty of each State to protect its citizens from any ethnic cleansing, crimes against humanity and genocide, and the necessity of the members to intervene against the territorial State not fulfilling this obligation. The Document, though, still highlighted the demand of consent by the Security Council. It is clear that the latter can be blocked by one member’s veto and there have been several cases of vetoes even in front of evident violations of the human rights.

As far as the Kosovo case is concerned, most of the NATO members, in particular UK and USA opposed efforts to require UN Security Council’s approval on its strike considering the veto problem; on the other hand, France always supported the idea NATO should not have intervened without the UN consent. The UK and USA state to comply with its obligations. Instead chapter ii includes a saving clause which reserves the position and leaves the resolution of the matter to the further development of international law. [...] 339 For “document” in this topic is meant the United Nations Millennium Summit Outcome (2005) vid. par. 138 &139

Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

138. “Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help states to exercise this responsibility and support the united nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with chapters vi and viii of the charter of the united nations, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the security council, in accordance with the charter, including chapter vii, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the general assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping states build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.” 340 Ibid.


“No direct mention of NATO can be found in resolution 1244 the UN left no question about the chain of command which began and ended with the UN according to the resolution it was the Security
defended their position by highlighting Russian and Chinese will to use vetoes in order to block NATO intervention in Serbia and the eventuality of their vetoes on future situations requiring NATO military action\textsuperscript{342}.

As a matter of fact- they claimed- NATO being blocked by the UN authority would have only weakened the strength of the Alliance and would mine its potency and purpose. Furthermore this wing has demanded legitimacy for NATO’s action in Kosovo basing on the so-called \textit{casus foederis}.\textsuperscript{343} This term literally means “case for the alliance” and describes a situation covered by the terms of an international treaty, which consequently requires action from the parties involved.\textsuperscript{344} The armed intervention of the members of a defensive alliance in case of an attack against one of the parties is an example of \textit{casus foederis}.\textsuperscript{345}

Although, there are two different schools of thought regarding the modalities of the collective self- defensive intervention: one considers the intervention legal only after the member has been concretely attacked on its territory; the other instead admit the legitimacy of a preventive intervention in case of real threats against a member unable to deal with the eventual future attack. The preventive intervention of the members, though, is to be done only after it being explicitly requested by the injured Party.

Furthermore this request is not the only requirement for the armed intervention; the intervening State, in fact, is to verify the existence of situations (evidence that comply with the conditions of a proportional criteria have to be provided) considered by the Treaty and legitimating the action; without this verification the intervening State would commit an illicit under the International Law.

In the NATO Treaty the \textit{casus foederis} in made explicit by the Article 5, decreeing the right of the individual and collective mutual self-defence of the members in case of attack on their territories; this Article is legitimated by Article 51 of the UN Charter. Article 5 adds that the \textit{casus foederis} holds also in the case of attack against

\textsuperscript{342} Ibid.
\textsuperscript{344} Ibid.
a member’s properties such as ships, airplanes, armies, not specifying whether or not those goods need to be military ones.

According to NATO, the case of Kosovo intervention is to be regarded as a *casus foederis*: the Humanitarian emergency is in fact widely considered a real peace-violation for the international community, hence even for NATO members, being all threatened by the eventual spreading of the Kosovar warfare.  

Furthermore, NATO’s position was strengthened, firstly by the following decision of the Prosecutor of the International Criminal Tribunal whom stated that “proceedings will not be brought against NATO for its actions during the air campaign” and secondly by adopting Resolution 1244, the UN not only recognized NATO as a regional organization but it implied retaking control over the conflict (*a fortiori*) and omitted expressing opinions over the legitimacy of the use of force concerning NATO’s military action.

Despite this, now that NATO’s action is a *fait accompli*, many scholars have foreseen that there is a risk concerning the future of similar nature of actions and among all, Henkin, whom states: “For Kosovo, Council ratification after the fact in Resolution 1244 - formal ratification by an affirmative vote of the Council - effectively ratified what earlier might have constituted unilateral action questionable as a matter of law. Unless a decision to authorize intervention in advance can be liberated from the veto, the likely lesson of Kosovo is that states or collectivities, confident that the Security Council will acquiesce in their decision to intervene, will shift the burden of the veto: instead of seeking authorization in advance by resolution subject to veto, states or collectivities will act, and challenge the Council to terminate the action. And a permanent member favoring the intervention could frustrate the adoption of such a resolution”. Overall, “action by NATO could be monitored by the Security Council and (eventually –eds. note) ordered to be terminated” but this didn’t happen, the rest is history.

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346 Ibid.
348 For more info consult also Resolution 1203 (1998), Adopted by the Security Council at its 3937th meeting, on 24 October (1998)
349 For more info consult in previous topics of this thesis Kofi Annan’s position on NATO.
352 Ibid., p. 826. cit.
Finally, if on one way it is strongly supported that “no existing rule accepted by the international community allows individual states, or individual regional organizations to adopt the unilateral measures requiring the use of force in order to put an end to human rights violations, irrespective of their gravity”\textsuperscript{353} on the other way it should remain fundamental to support the idea that the legitimacy of humanitarian intervention cannot be determined or limited by political borders if human beings freedom or their \textit{erga omnes} rights are endangered and therefore not adequately considered by the appropriate competent bodies that would have to protect them.

CHAPTER 3
NATO AND UNCONVENTIONAL WAYS OF WARFARE

3.1. HYBRID WARFARE CHALLENGE IN THE 21ST CENTURY

Today the Soviet Union no longer exists and some countries, which were previously part of it, are free and have become members of NATO, exactly the same NATO whose main reason in order to exist, was defending the West from the USSR. As the most successful collective security arrangement among the states in the 20th century, NATO today faces the challenges of redefining its roles and purposes in the 21st century as well as its commitments and visions of the transatlantic security future.354

The dissolution of the Soviet Union has brought the absence of a direct common military threat and consequently NATO’s member states, since the beginning of the new century entered in another evolution process in order to define their common interests and leave apart their national disparate interests (old and new members included).

The Russian aggressive actions against Ukraine have created a climate of tension that puts a strain on international peace and, as a consequence, have indirectly given back to NATO the previous role for which it was born: the defence of the Western world against the expansionist ambitions of then-USSR (now Russia). It seems then, we can claim that a “new Cold War” has begun, though; the current context does not contain any of the fundamental characteristics of the previous Cold War. Apparently, there is neither an ideological clash355, nor a clash between two global powers, in terms of both economic and military points of view. However, no matter how one wants to label it, the situation remains delicate, complex and has become a challenging future hybrid conflict to be resolved.

With the passing of years, the methods of attack used by a country against another have changed in the same way the historical conditions, which have in fact changed

354 Miklaucic, NATO Countering the Hybrid Threat (2011).

“Unlike the Soviet Union, Putin’s Russia is not the bearer of any universalistic conception of the common good neither of some palingenic vision of the history. To the United States’ democratic messianism, Russia can only oppose the emphasis on what could make it politically, historically and culturally unique.”
NATO’s intervention strategies, have been transformed. The risk feared and defined within the 1991 document of the Strategic Concept\textsuperscript{356}, as well as in Lisbon’s Concept in 2010, of multiple and multidirectional attacks and, therefore, difficult to be predicted, evaluated and countered, seems to be fatally materialized during the Russian intervention in Ukraine. Ukraine’s conflict and Middle East conflicts\textsuperscript{357} have introduced the era of the war of the future, “the hybrid war” or in other simply terms “multiple and multidirectional attacks”, blended with other elements that do not seem to be the same thing or to come from any particular direction.

Furthermore, the concept of war, as we have inherited it from history, is completely passed. Conventional wars used to be a clearly determined event, both in terms of power and alliances deployed, as well as in terms of events limited in space and time, accompanied by solemn declarations of entering the war. Nevertheless, war is still war and it remains a complex phenomenon which essence has not and will not change. Origins of hybrid warfare can be found earlier in the history although some academics would call it by another term, namely “a compound war”. Going through a careful examination of history according to Murray and Mansoor we can state that there “is little new in hybrid war as a concept although history remains a useful means of thinking about war’s past present and future”\textsuperscript{358}.

Despite its notoriety as the latest buzz word in Washington, the historical pedigree of “hybrid warfare” goes back at least as far as the Peloponnesian War in the fifth century BC. tracing the well-known conflict between Athens and Sparta, but we can still find its footprints during the Boer War\textsuperscript{359} as well as the British campaign against Ottoman Turkey in the course of World War I.\textsuperscript{360} However, not far than half century ago, Prime Minister Winston Churchill also recognized the power of using irregular

\textsuperscript{356} For more info consult previous topics of this thesis.
\textsuperscript{357} A particular example is the second Lebanon-Israeli war in 2006.
\textsuperscript{358} Murray Peter R. Mansoor, \textit{Hybrid Warfare: Fighting Complex Opponents from the Ancient World to the Present} (2012) cit.
\textsuperscript{359} More than a century ago in the \textit{Boer War}, the Boer forces used guns and mortars to defeat their well-equipped opponents.
\textsuperscript{360} In this later conflict, Britain benefited from an uprising of Arab tribes guided by Grand Sheriff Hussein bin Ali and helped by the capacities of Captain T. E. Lawrence (“Lawrence of Arabia”) and provided Arab guerrillas intelligence on Ottoman positions in order to disrupt Turkish supply columns.
forces as means to combat the Wehrmacht in conjunction with regular military operations.\footnote{Murray & Mansoor. \textit{Hybrid Warfare: Fighting Complex Opponents from the Ancient World to the Present} (2012).}

Moreover, it is recognized that Hybrid warfare is not just a phenomenon of the Western world, as seen in the Second Sino-Japanese War\footnote{Ibid.} (1937 to 1945). Similar ways of hybrid warfare have been also used in the communist China, where Mao’s concept of “people’s war” involved communist methods like espionage and mobilizing peasant masses at the Huai Hai campaign 1948-1949 in order to isolate and then destroy Chinese Nationalist Forces of Chiang Kai-shek.\footnote{Samarani. \textit{Cina del Novecento} (2008) and \textit{Cina, ventunesimo secolo} (2010).}

Another particular war conflict was revealed in Indochina, where the Viet Minh with their political leader Ho Chi Minh refused French occupation troops by using Viet Minh guerrillas\footnote{Mao was a follower of Sun Tzu legacy and his war doctrine.}. The victory of the Communists in the Chinese Civil War in 1949 dramatically altered the strategic balance.\footnote{Their lack of arms and ammunition limited their efforts but the war went on for several years.} Chinese advisers, weapons, and training transformed the Viet Minh into a hybrid military force.\footnote{For more info consult previous topics.} Other conflicts that deserve to be mentioned here are also the American revolutionary war, to continue with the Northern Ireland or the so much criticized Vietnam War.

Moreover, considering the recent history of the Balkan wars and in particular, the wars fought in Afghanistan and Iraq, it seems that Western militaries have occasionally used hybrid warfare to their advantage in the modern era. Actually, who makes use of hybrid war can be said to use a flexible strategy: it is able to adapt to the situation and to the objectives it aims to achieve in the given situation. Adapting the combination of both, conventional and unconventional strategies in the most appropriate variables is based on the objectives one intends to pursue.\footnote{Murray & Mansoor. \textit{Hybrid Warfare: Fighting Complex Opponents from the Ancient World to the Present} (2012).}

Overall, if today we can state the existence of \textit{hybrid mind-set}, then the second Lebanon war (12 July 2006 - 14 August 2006), according to \textit{think tanks} is the most

\footnote{The MENA region terrorist organizations or liberation armies are an example in the conduct of this warfare.}
recent example of a contemporary conflict that outburst in a full-scale hybrid war. The conflict lasted 34 days and involved in its context multiple internal and external actors which the Hezbollah, in the eternal struggle to annihilate Israeli, put in action a different way of war’s modus operandi by “combining conventional and irregular warfare operations with information-age-guerrillas armed with technologically advanced precision weapons to achieve decisive results”. The military leaders of Hezbollah, without ever keeping out of mind the destruction of Israel and the liberation of Jerusalem based their immediate response on the theme of continued resistance but at the same time they established a capable and credible deterrence that would permanently have discouraged any future Israeli interventions in southern Lebanon and the same time showed their strength to the US in order to discourage them from achieving their goals within the Middle East region.

Hezbollah gave credit to itself by being presented as a political party and at the same time as a nongovernmental faction which put in action social development program. By doing so it managed to make of the organization function as a complex adaptive system which mobilized poor population in the name of the spirit of “resistance” and put in action a theatre of combined operations that shift the conflict in time and space by blending different forms of warfare which made visible IDF’s disadvantage leading them to step backwards.

Having been used at that period of time with low level conflicts in the area considering the presence of the United States in Iraq, Israeli Defence Forces underestimated the potential of an offense from the Hezbollah. This allowed Hezbollah from 2000 to 2006 to use the temporal, physical and cognitive space created by a previous Israeli withdrawal from Southern Lebanon to prepare for their next confrontation. Hezbollah focused their efforts on achieving strategic resilience through a combined defence–offence strategy and at the end they obtained what they had fought for by calling it “a divine victory”\(^\text{368}\). In the case of the conflict an important element was also the gained information intelligence that had been achieved in advance from previous Israeli offense operations in Southern Lebanon.

\(^{368}\) It can be evidenced similarities with communist methods like espionage and mobilized peasant masses. For more reference consult “Mao’s concept of people’s war”. Mao was influenced by the theory of moving the enemy not allowing the enemy to move you, Sun Tzu (Shi) Huai Hai campaign 1948-1949 i.e. isolate Chinese Nationalist Forces of Chang Kai Sheik in order to destroy them.
that permitted them to construct an in-depth defence area of their military commands. In addition, they made use of criminal activities and elements consisting of drug smuggling, money counterfeiting, and theft/fraud to accumulate financial capital to finance their cause. They also made wider use of media and internet propaganda in order to weaken Israelis position in the eyes of the Western world by charging the eternal enemy of hitting and destroying non-military targets (including infrastructures such as hospitals schools and religious cults) which were aimed to punish the civilian population by causing a high number of casualties.

When the war finished with the Israeli withdrawal, the IDF started to study the hybrid approach in order to understand the new ways of war that had been put in action from the Hezbollah, ways that didn’t necessarily include ground forces and, which, were going to be developed in the future war conflicts. The lessons that IDF learned from the conflict made IDF to develop further the concept that “paralyzing your enemy meant combining different defence-offence approaches” that didn’t include only major combat operation and/or the proliferation of advanced military technology or innovation processes but also the possess of a strong psychological power in order to write to understand the adversary’s way of thinking the adversary so as to embrace the complexity of the conflict at the edge of chaos.369

As far as the latter example is concerned, it is showed that one can take advantage of history since it seems that hybrid adversaries have been able to extend wars in time and space to achieve their goals over the long run370, therefore it becomes necessary a deep knowledge of the phenomenon in order to make NATO or other international and/or regional actors to use time and knowledge better than their hybrid opponents. As a matter of fact, perhaps following this experience that established a new evolving modern conflict path, one year after the Lisbon’s strategic concept, in May 2011, NATO’s Allied Command Transformation (ACT) put in act an experiment called “Countering Hybrid Threats”. On the occasion, about 100 military and civilian

“After the terrorist attacks on the World Trade Center in New York and the Pentagon in Washington, DC, on 11 September 2001, U.S. forces attacked the Taliban regime and al Qaeda terrorist bases in Afghanistan by using hybrid means. U.S. Special Forces and Central Intelligence Agency operatives teamed up with indigenous Afghan irregular forces of the Northern Alliance to battle Taliban militia.”
counterparts from all the transatlantic security community area joined together in order to discuss hybrid threats, namely “those threats posed by adversaries, with the ability to simultaneously employ of conventional and nonconventional means adaptively in pursuit of their objective”. The concept that has evolved to counter the multidimensional nature of hybrid threats is the “comprehensive approach” which established that the best way to face these kinds of threats was the coordination of a series of elements that included *diplomatic, military, information* and *economic* (DIEM) resources.

From the comprehensive approach emerged three consistent themes: coherent application of national instruments of power, comprehensive interaction with other actors and comprehensive action in all domains and elements of crisis.

The need to adopt a similar approach was agreed by Allied leaders at the Lisbon’s Summit (2010) and then was reaffirmed at Chicago’s Summit in 2012. In particular, NATO is called to build closer partnerships with actors that have experience and skills in areas such as institution building, development governance, the judiciary and police and these actors include the UN, EU, OSCE, AU, the World Bank and some non-governmental organizations. This approach has been promoted by NATO itself based on the previous experiences of military and civilian sectors collaboration in Kosovo’s conflict or other similar crisis which have resulted positive outcomes for all the actors involved (non-military governmental and intergovernmental agencies, nongovernmental organizations as well as the private sector).

As far as this kind of “Comprehensive Approach” is concerned, the Treaty of Lisbon sets out the principles, even the European Union has adopted its comprehensive approach in setting its common understanding (which seems to be on support and even go beyond concept lines of NATO’s policy) to external conflict and crises and fully committing to its joint application in the EU’s external policy and action. The comprehensiveness refers not only to the joined-up deployment of EU

372 Miklaucic, *NATO Countering the Hybrid Threat* (2011)
instruments and resources (within the framework of CSDP\textsuperscript{375}), but also to the shared responsibility of EU-level actors and member states by putting the accent to intelligence sharing coordination, prevention, development and prosperity as means of foreseeing the global challenges rising in number and increasing in complexity.\textsuperscript{376}

The definition of the term “hybrid war” for most of us is fairly generic since who uses an hybrid strategy is considered to be using a war strategy with both conventional and irregular modality of war, or just a set of strategies with irregular modalities which fit together in a variable manner. We can consider as irregular modality strategies the acts of terrorism, the criminal activities, cyber war, covert actions so that the responsibility of the same can be avoided, the use of media and social networks for propaganda to influence and guide public opinion, the adoption of diplomatic and economic strategies in political relations with the countries involved, space war, actions which affect the energy resources of a particular country or its possibility to have access to them.

However, according to Pawlak, the term “hybrid threat” - “it is considered a metaphor that brings complexities and dilemmas related to a changing global environment to the fore” - which may be different in nature and intentionality, level of intensity and actors involved, for instance, it is possible to distinguish between hybrid threat, hybrid conflict and hybrid war as following:\textsuperscript{377}

“Hybrid threat is a phenomenon resulting from convergence and interconnection of different elements, which together form a more complex and multidimensional threat. Hybrid conflict and hybrid war are two specific categories whereby some hybrid tactics are used by a state to achieve its strategic ends.”\textsuperscript{378}

“Hybrid conflict is a situation in which parties refrain from the overt use of armed forces against each other, relying instead on a combination of military intimidation (falling short of an attack), exploitation of economic and political vulnerabilities, and diplomatic or technological means to pursue their objectives.”\textsuperscript{379}

\textsuperscript{375} The acronym stands for Common Security and Defence Policy (CSDP) missions and operations.
\textsuperscript{376} European Commission, Joint Communication to the European Parliament and the Council, the EU’s Comprehensive Approach to External Conflict and Crises, 11.12.2013, p. 3. (cyber, natural resource, population flows…).
\textsuperscript{377} Pawlak, Understanding Hybrid Threats (2015) vid. cit.
\textsuperscript{378} The actual situation concerning the terrorist group Da’esh in the MENA region would be a current example.
\textsuperscript{379} The actual situation concerning Ukraine would be a current example.
“Hybrid war is a situation in which a country resorts to overt use of armed forces against another country or a non-state actor, in addition to a mix of other means (i.e. economic, political, and diplomatic).”

Having somehow tried to clarify the concepts that the word “hybrid” conveys, there may be two challenges to be faced in relation to the issue: the intentionality and proportionality and international law and global governance.

Firstly, “establishing responsibility and intentionality of actions it is necessary to ensure that the policy response is legitimate and proportionate”. One of the main problems which involve the hybrid war, as we have just mentioned several times above, is the identification by all and in the same way in terms of actors involved, space and time. In front of acts of aggression, murders, focused kidnappings, cyber-attacks or acts of terrorism it is difficult to understand whether you are in the presence of an isolated act or the same act may be part of a more structured design. This not only dilutes the spatial and temporal limits of the concepts of war and peace and compromises their public opinion comprehension but may also limit the proportionality of response policy.

As far as the last statement is concerned, another consequence of the particular dimension of the hybrid war concerns the issue of international defence and security. When a country is attacked with traditional (and/or conventional) forces, it will respond with the same weapons. But what happens when a country is attacked by a series of maneuvers combining conventional and unconventional attacks? How can we protect ourselves from a hybrid war? Returning to the initial problem, how should NATO respond if attacked by hybrid war?

Secondly, in order to give response to this question, as we have already discussed in the previous chapter of this thesis, any use of force in international relations is laid down in humanitarian law and human rights law according to principles that are entailed in the UN Charter. Notwithstanding, different discussions are being held on the legal aspects of hybrid warfare.

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380 The actual situation concerning Syria would be a current example.
381 Pawlak, Understanding Hybrid Threats (2015)
382 For a deeper comprehension, see: Art. 35.3, Art. 55.1, Art. 57 and Art.83.3b of the second Protocol (1977) that has followed the Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949.
When we talk about hybrid warfare we do not discuss the concept, which may further be as old as the “Trojan Horse” historical narrative, but the fact that it involves modern and at the same time important environment factors such as technology is. These elements provide a vital mean to the spring of the hybrid conflict that may be generating a hybrid war. NATO should be resilient in developing an effective response to the threat by clarifying the concept but at the same time it must not forget that the low armed conflict existed before developing of the hybrid concept threat. According to Sari “hybrid warfare does present wider challenges to the law because it does not exist in a legal vacuum but just because a particular activity is new, it does not follow that the existing law is inapplicable […] To remain under the political and military reaction threshold envisaged in Article 5 of the North Atlantic treaty, hybrid warfare must remain under the corresponding legal threshold of armed attack […] consequently hybrid warfare seeks to exploit such legal thresholds fault lines and gaps”. Consequently, it would be necessary the involvement of all actors to undertake adequate policies in order to “prevent, refrain and recover” from possible attacks by culminating legal vacuums especially in the cyberspace legal framework. Once more, it becomes more than natural questioning that, while boundaries of concepts such as sovereignty, legitimacy and legality blur, doesn’t the application of existing international law and the functioning of global governance institutions become increasingly complicated in the continued military, economic and political action complexity of defeating hybrid threats?

According to Hoffman, in the 21st century considering the blurring lines between states of war and peace, it would be compatible with our moral and legal commitments to train hybrid warriors (why not even hybrid scholars) in order to face and defeat hybrid threats.

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384 Ibid., cit.
385 For more info consult topic 2.2.3 in the present thesis concerning the Legitimacy of H.I.
386 Sari, Legal Aspects of Hybrid Warfare (2015)
387 The questions concerns both NATO’s south flank and east flank.
Moreover, a wide range of means must be possessed to combat hybrid opponents from conventional power to counterinsurgency and counterterrorism capabilities, for instance a military force cannot fight one element of the enemy while ignoring the remainder and in this regard, intelligence civil affairs psychological operations and interior agency civilian capabilities are necessary to fight hybrid wars.\(^{389}\)

Overall, considering the multifaceted approach which tends to fall in a broad spectrum of non-kinetic means and methods that have been practiced for centuries in the law of armed conflict, another effective response must therefore be a comprehensive and multi-layered approach, both at the strategic and operational level, but at the same time from the legal point of view, there are to be identified the dividing lines of the legal thresholds in an attempt to reduce legal uncertainty in order to avoid violations of armed conflicts’ law.\(^{390}\)

### 3.1.1. CYBERSPACE AND CYBERWAR

The modern crises are complex and articulate phenomena and they require adequate responses but they haven’t found NATO totally prepared to fight the most innovative way of warfare. It is documented that since unsuspected times (1979), on NATO’s 30\(^{th}\) anniversary (taking in consideration the fact that in the twenty years left behind, the USSR had evolved at the measure of 20% of their defence expenditures in research and development), it was proposed the Long Term Planning Concept which served as a guideline to explain its significance in terms of the types of forthcoming projects. By doing so, it was hoped to be realized successfully the broad aim of providing a concept framework as a basis for early decision making.\(^{391}\)

On the occasion it was stressed the fact that only an urgent *evolutionary approach* could face the future NATO’s challenges and it called for urgent cooperation


\(^{390}\) [http://www.NATO-pa.int/default.asp?SHORTCUT=3778](http://www.NATO-pa.int/default.asp?SHORTCUT=3778)

\(^{391}\) *NATO’s Fifteen Nations* (1979).

Statements of Lothar Domrose Lieutenant General German Army Deputy Chief Of Staff, Plans and Operations Supreme Headquarters Allied Powers Europe.
between nations in different areas for instance, among of them we can notice the impelling issue of the growing sophistication of technology, in other terms it was being witnessed the development of electronic warfare (by the end of 70s digital communication techniques were replacing analogical ones).

However, a lot of water has flowed under the bridge since then and todays NATO needs to enhance its means in order to respond rapidly to the new threats that may present themselves along the eastern and southern flanks. Consequently, starting from the first half of the 90s, NATO has dealt with crises that have not necessarily taken place only in the geographical area defined in the Treaty but, also it has initiated “out of area” operations where the interests of the members turned out to be threatened, evolving in a more ample collective security system.392

The Strategic Concept of 1999 included the commitment of NATO to intervening in crisis management even in situations where it would be important to prevent and stabilize states that are in a post-conflict situation. 393 Furthermore, after the attack of 11 September 2001 in the US, for the first time in history Article 5 was invoked and the following operations certified that the territorial nature of the interventions was no longer a determining factor to the unconventionality and 'trans-nationality' of the threats. “After September 11, NATO was heading towards the extension of the challenges it would face in the future.”394

In the last years, NATO has shown, to be aware of the diversity of threats to the international security and the difficulty of responding appropriately to them. In this context, the front of cyber security has assumed an important role. Cyber Defence issue did first appear on NATO's agenda at the 2002 Prague Summit and was later confirmed as a priority at the Riga Summit of November 2006.395 Notwithstanding, the urgency of need to protect information systems raised with the cyber-attack carried out against Estonia396, in spring 2007. The vital importance of guarantying the inviolability of infrastructure's data security of a State, which had

393 Ibid.
394 Ibid., cit.
395 NATO’s Official Website, Riga Summit Declaration, 29 November (2006).
396 Estonia became a NATO member on 29 March 2004.
already been evidenced at Bucharest’s Summit (2008)\textsuperscript{397}, was further highlighted as an important threat in the Strategic Concept of 2010.

Textually, Lisbon’s concept emphasizes the fact that the abilities to “prevention, detection, enforcement and recovery (of infrastructure and services) from cyber-attacks are being developed even through the planning process to expand and coordinate national cyber defence capabilities, putting NATO bodies under centralized cyber protection, and better integrating the functions of cyber awareness, warning and response with those of NATO member countries”.\textsuperscript{398}

Awareness on the gravity of the cyber threat has gradually increased with the passing of years. As far as the threat of cyber security is concerned, there is to be noticed the difficulty of making possible the attribution of the attack as well as the absence of norms of states’ behavior in cyberspace.\textsuperscript{399} In addition, in the Strategic Concept of 2010 was also introduced the concept of “cooperative security”: the open door policy towards the European democracies that want to become members of the Alliance, emphasizing the role that Art.4 would have in dealing with such future cyber challenges.

According to a group of legal analysts, “activities in cyberspace defy many of the traditional categories and principles that govern armed conflict under the law of war”\textsuperscript{400} Consequently, cyberspace is an important element of hybrid warfare, which according to its narrative, may envision significant shifts in public attitude towards the deployment of military power (perhaps more so in some countries than in others) for instance, it may impact on NATO’s ability to generate deterrence and in turn rendering it much more never vulnerable to hybrid threats.\textsuperscript{401}

In the article, published in the California Law Review, the above mentioned analysts adopt “a narrow definition of cyber-attack, one meant to focus attention on the unique threat posed by cyber-technologies: “A cyber-attack consists of any action taken to undermine the functions of a computer network for a political or national

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\textsuperscript{397} Bucharest’s Summit Declaration (2008) par. 47.  
\textsuperscript{398} For more info consult also previous topics of this thesis.  
\textsuperscript{399} Alliance’s Strategic Concept, Lisbon (2010). cit.  
\textsuperscript{400} Think of the recent well-known operations of state-affiliated hackers from Russia and China and how the use of cyber-weapons is facilitated.  
\textsuperscript{401} Hathaway et al., The Law of Cyber-Attack (2012) cit.  
\textsuperscript{401} Sari, Legal Aspects Of Hybrid Warfare (2015)
\end{flushright}
security purpose."402 Cyber-attacks403, in terms of characteristics, are considered as one of the most sensitive areas for the international security of the future as well as, one of the strategies that can be taken in case of an hybrid attack, since it reaches different sectors and critical infrastructure data404 of a state in an anonymous way. For this reason, in 2009, the United States, established the United States Cyber Command (USCYBERCOM), made of armed forces for defending their own IT systems and attacking those of enemies.

It remains, the fact that, the question of international law is thorny.405 Given that the identification of the perpetrators is very complex, any form of military reaction becomes complicated and the lack of legislation undermines the deterrence of the standard and consequently the respect of the rule. Despite this, in the recent years NATO has already shifted its focus on the security of the Atlantic area and the defence of the United States’ interests; It has already been engaged in humanitarian and democratic406 governance missions by acting in territorially undetermined areas which require not only simple military skills. These new fields of action could more decidedly “lead NATO to confront challenges and dangers wherever they take place, regardless of geographic coordinates and circumscribed horizons”407, but certainly they manifest directly or indirectly the interests of its member states. The issue of cyberspace and the equally complicated question of sources of energy supply help the security concept of a country to extend and become much less territorial. The interests of a nation and, therefore, issues related to its security, may be in a no ones' space (cyberspace) or in geographically remote territories.408

404 The European Commission defines the critical infrastructure as “an element, system or part of a system located in the member states which is essential for maintaining vital functions of the society and the citizens' health, security and welfare and whose disruption or destruction would have a significant impact in any Member State due to their impossibility to maintain these functions” (Art. 2 (a): 2008/114 / EC).
406 “In 1999, for example, the United States developed a plan to feed false target data into the Serbian air defense command network, inhibiting Serbia’s ability to target NATO aircraft. This attack would have exploited the increasing reliance on computer networks that characterizes modern warfare. In the end, NATO forces abandoned the plan due to legal concerns about collateral damage.” cit.
408 Ibid.
After determining the protection of information on the Strategic Concept of 2010 as the main goal, in Wales Summit in 2014, NATO adopted a proper policy for strengthening cyber defence, emphasizing the need to apply international law to cyberspace and implement concrete actions in terms of investment on knowledge, intensification and encouragement of technological progresses in this direction.\(^{409}\) As it can be read in paragraph 13, the above comprehension is endorsed in NATO’s Wales Summit Declaration fully supported by its members states:

“We will ensure that NATO is able to effectively address the specific challenges posed by hybrid warfare threats, where a wide range of overt and covert military, paramilitary, and civilian measures are employed in a highly integrated design. It is essential that the Alliance possesses the necessary tools and procedures required to deter and respond effectively to hybrid warfare threats, and the capabilities to reinforce national forces […]”\(^{410}\)

In the light of this threat, it was welcomed the establishment of two new NATO divisions which task is to focus on cyber-attacks, namely, Cyber Defence Management Authority (CDMA), which aim is to centralize cyber defence across NATO members capabilities and the Cooperative Cyber Defence Centre of Excellence, which aim is to monitor and pinpoint threats as well as share critical cyber intelligence in real time. Considering cyber space of extreme importance NAC retains control of cyber policy and defence.\(^{411}\)

As a matter of fact, a big step forward has been made by NATO compared to what happens in most of the governments in the world which have no legislative

Let’s think for example of “The Polar Rush”, the run to exploit the Arctic resources, increasingly accessible due to the progressive melting of the ice, is destined to become the warmest geopolitical challenge of the planet.

\(^{409}\) It is for example, the research and training center in Tallinn, Estonia, which deals with education in cyber defence, NATO Communications and Information Systems School (NCISS) of Latina, which provides training for the operation and maintenance of some communication and information systems of NATO and for the launching of the NCIRC program (NATO Computer Incident Response Capability) for providing security for fifty sites in twenty-five countries of the alliance.

\(^{410}\) NATO’s \textit{Wales Summit Declaration} (2014) par. 13. cit.

“[…] This will also include enhancing strategic communications, developing exercise scenarios in light of hybrid threats, and strengthening coordination between NATO and other organizations, in line with relevant decisions taken, with a view to improving information sharing, political consultations, and staff-to-staff coordination. We welcome the establishment of the NATO-accredited Strategic Communications Centre of Excellence in Latvia as a meaningful contribution to NATO’s efforts in this area. We have tasked the work on hybrid warfare to be reviewed alongside the implementation of the Readiness Action Plan”.

\(^{411}\) Hathaway et al., \textit{The Law of Cyber-Attack} (2012).
instruments and adequate political response to cyber-attacks, but it still exist a legal framework vacuum which causes not less concern to states’ security policies. As a result of these developments, it can be assumed that recalling Art.5 of NATO’s Charter, which refers in a very territorial way to restoring and maintaining the security of the Northern Atlantic area in the case of armed attack against a member state in Europe or North America, will represent an exceptional event. It will be much more practical and realistic to invoke Article 4 that, more generally, refers to the fact that “the parties will consult each other whenever, in the opinion of any of them, the territorial integrity, political independence or security of one of the parties might be threatened”\footnote{Article 4 of NATO’s Charter; Consult Appendix 2. cit.} by suggesting the possibility of agreements of any nature about the kind of actions to take in case of threat, and particularly, in the event of unconventional or non-territorial attacks.

In the light of these considerations, any kind of attack nourishes the concept that \textit{cyber war} is possible thanks to the sophisticated tools of electronic and information technology that we have at our disposal. With the support of these tools you can launch attacks on the enemy which were once unthinkable. Access to confidential information, makes possible real espionage activities, which, despite the fact that now they are not such a big news in terms of content, in terms of form, they are able to provide faster and much more accurate and inexpensive actions through the use of sophisticated technologies for the collection of sensitive data.

In addition to the, so to speak, espionage field, “cyber war” may also act in the sabotage plan. In both cases, it works in the virtual world of information in public or private computer networks that are now crucial for governments and the world economy. A striking example of cyber sabotage concerns the case of Stuxnet virus in 2009.\footnote{Valeriano et.al. \textit{Cyber War versus Cyber Realities: Cyber Conflict in the International System}, (2015).} At that time, it was assumed that the Iranian government was strengthening the plant for uranium enrichment in Natanz and the fear that this could lead to the preparation of sophisticated nuclear weapons, pushed the Israelis, in cooperation with the US, to develop a specifically designed virus for knocking out the control

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systems of the plant. Another interesting key point of the cyber war is the analogy with other typical methods of hybrid war attack.

On the one hand there is analogy with covert actions, that is, those implemented by mistakenly identified or unidentified troops (the so-called green man i.e. soldiers without national insignia), the same, as you may read in the following chapter of this thesis, sent to Ukraine by Putin at the beginning of the crisis.

A cyber-attack is often the work of authors not easily traceable, as the traces of hackers can be easily deleted or disguised. On the other hand the analogy with terrorist acts seems interesting. In this case, the concept of “cyber war” itself, is disputed: there is a war, at least in conventional terms of the meaning, when there are certain players in the war field. In case of a cyber-attack we are not in the presence of a real war fought by two sides, but of an attack that resembles rather to acts of terrorism and, in fact, reactions to it are very similar to the operations that are conducted against terrorism.

In other words, cyberwar, the covert action and terrorist attacks thus seem to show similarities that make modes of action appropriate to implement strategies for a multidirectional and at least in intention anonymous hybrid attack. Taking in consideration this multifaceted dimension, a group of legal academics tried to summarize the legal framework of cyberspace by giving their definition of “cyber-attack” and the distinctions between “cyber-attack,” “cyber-crime.”

However, as far as the issue of cyberspace regulations in international law is concerned, though no comprehensive international legal framework currently governs all cyber-attacks, “a patchwork of efforts provides some tools the United States and other countries can employ to control this growing threat. Nevertheless, some legal mechanisms have been created by the United Nations, NATO, the

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414 Broad et al., *Israeli test on worm called crucial in Iran nuclear delay* (2011)
415 Within the last few years, the United States TRADOC created the Training Brain Operation Centre (TBOC) with this purpose in mind. TBOC can use the flexible capabilities of technology to create total realities of real world scenarios from current operations in a realistic combat like environments. Recently, in a joint force quarterly magazine Gen. Martin Dempsey introduced concepts on adapting the force to face hybrid warfare in other words “we have to out learn and out in our adversaries”.
416 For more info consult Appendix 5.
418 There has been only limited U.N. action on the issue of cyber-security. The U.N. General Assembly has passed several related resolutions. These resolutions, however, are vague and have not required any specific action by U.N. members. These resolutions have been based on the ongoing agenda item:
Council of Europe, the Organization of American States, and the Shanghai Cooperation Organization to directly regulate cyber-attacks.

According to the Draft Articles on State Responsibility, the customary international law of countermeasures which governs the way states may respond to violations of international law, does not define when a cyber-attack is unlawful but it simply provides that an injured state can respond to the violation with a reciprocal act. Therefore, some cyber-attacks are excluded from the possibility of self-defence since they do not rise yet to the level of “armed attack”, nonetheless they violate the customary international law norms of intervention. On the other hand “these violations may entitle a harmed state to use countermeasures to bring the responsible state into compliance with the law”.

It is not certainly the purpose of this thesis to hollow out a such a cavernous and delicate issue, as well as to reminded that, there are still other regulatory bodies of international law that can be used to address to cyber-attacks in the existing legal regimes which provide a patchwork of laws that are likely to apply to only a small number of harmful cyber-attacks such as: International Telecommunication Law, Law of Space and of the Sea as well as Aviation’s Law.

With this in mind, just think of the hypothesis of a Russian attack against a former Soviet Union country now adhering to NATO. What kind of effects such a situation would trigger? On the basis of Article 5 of the Treaty which obliges member States to assist each other in case of armed attack, NATO would find itself in the position of having to defend the country attacked by a cyber-offender state? What if that state offender is Russia considering the Estonia’s cyber-attack illegal

“Developments in the field of information and telecommunications in the context of international security.”

For more info consult other paragraphs of this topic.

Consult also: Council of Europe Convention on Cybercrime 2001 (“Cybercrime Convention”).

The Shanghai Cooperation Organization also has taken significant preliminary steps toward cooperation in the cyber-security area. In its Yekaterinburg Declaration of June 16 (2009)
At that point, would all NATO member states, including those of the former Soviet area, be really in the condition to act militarily against Russia? Whereas, in the following chapter it has been tried to be given some suggestions related to defence responses if the problem persist, after wards the attack, it is to mention that although the strong pressure put in action from some Eastern European members, and in particular Estonia\textsuperscript{425}, the competencies of the new authority (CMDA), fell exclusively on Article 4 of the North Atlantic Treaty at least up to a “foreseeable future”. In other words, members “consult together” in case of cyber-attacks, but are not be bound to “assist” each other as foreseen in Article 5 of the Treaty.\textsuperscript{426} 

Given these points, a group of legal analysts that have conducted a research to illuminate cyberspace complicacies and its elements in the light of international law competencies, concluded their research stating that “while the law of war provides useful guidelines for addressing some of the most dangerous forms of cyber-attack, the law of war framework ultimately addresses only a small slice of the full range of cyber-attacks. Cyber-warfare is only a part of a much larger problem.”.\textsuperscript{427}

3.1.2. MEDIA AND PROPAGANDA - TOOLS OF HYBRID WARFARE

The print and electronic mass-media have become a forum and battlefield for political, economic, military and social interests. It has always been known that the power of mass-media can shape diverging world views since it influences and reflects on the public opinion. We can find the roots of Media in the Latin language and it actually means “in the middle of”. Over the last twenty years media or

\textsuperscript{424} NATO couldn’t much in this case considering that in 2007 it lacked either a cyber-doctrine or a comprehensive approach.

\textsuperscript{425} EurActiv Website; \textit{EU news and policy debates across languages; NATO agrees common approach to cyber Defence} (2008-2012).

“Following the relocation of a Red Army soldier statue to the Estonian capital Tallinn, a concerted cyber-attack hit key public and private infrastructures such as banks and telecommunication servers. The simultaneous connection of thousands of computers to the same servers caused the crippling of essential services based on the Internet, among which the payment of salaries” Cit.

\textsuperscript{426} Ibid.

\textsuperscript{427} Hathaway et al., \textit{The Law of Cyber-Attack} (2012) cit.
propaganda, especially in non-democratic countries have been used to promote a national sociocultural consensus to make sure the various leaders’ continued domination. In the 21st century with the growing of digital media it becomes harder to exercise full control as it always used to happen with the printed media by central authoritarian governments. Different elite think tanks found their way to express ideas on the cyberspace using such communication channels as social media, blogs or you tube.

In our days, internet through its complex interactive narrative, became a very important communication factor on the Ukraine Crisis (2014) and before that, on the narrative of the second Lebanon war (2006). Usually this instrument has been and will always be used to shape political policies particularly within the authoritarian regimes or during war conflicts. The war of communication\(^\text{428}\) deserves a special mention in the hybrid warfare context. Security organizations, such as NATO is, have understood the importance of web media usage either, how much they could gain from the usage of internet or how better to protects form threats deriving from it.

During World War II, President Eisenhower at a conference of American Publishers said that it is “public opinion that wins the war”.\(^\text{429}\) From this point of view, the importance of communication has played a crucial role since the First World War. Who controls the information apparatus is able to spread well-accepted news, even by resorting to manipulation and dissemination of false news and hiding unwelcome news resorting to censorship and omission. In order to influence public opinion and convince the civil society of the opportunity of the political choices of a government (for example the entry of a Country into a war), the way the news is conveyed becomes essential. Spoken and written word used for propaganda are only “one part of the entire psychological armament necessary for the preparation of irregular warfare […] propaganda for the idea it is tactically often wise to maintain the anonymity of the author, unless his name has already a propagandistic effect”.\(^\text{430}\)

Propaganda can be diffused openly or in the underground and very often springs in public demonstrations which try to frighten, unsettle or threat those against whom the

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\(^{428}\) NATO’S Communication Strategy Policy (STRATCOM).

\(^{429}\) Knightley, Il Dio Della Guerra (1978) p. 343

\(^{430}\) August et. Al., Modern Irregular Warfare in Defense Policy and as a Military Phenomenon (1972) p. 124 cit.
demonstration is directed. What is observed today on NATO’s East and South Flank in terms of propagandistic messages’ power may be the case to think that propaganda shouldn’t be consider anymore as “a relatively weak element of war”. Propaganda, through the use of information in a certain reality, may be constructive as well as subversive (destructive). The use of propaganda through the mass-media may lead to a psychological war, which aim is “to weaken the power of will in the ranks of the enemy in every area and to reduce his intellectual and physical capacities”\textsuperscript{431}. The concept of a psychological war might find its roots since 2,500 years ago with Sun Tzu Chinese legacy and has played a very important role through all the western powers colonial occupation history.\textsuperscript{432}

An example of manipulation of reality and almost total control of the information it has been observed in Italy at the time of Mussolini’s fascism. Fascist propaganda managed to influence and guide public opinion, load the masses, inculcate the exaltation of the national mission, through a series of pounding messages which were not contradicted by anyone. Mussolini made of the only national radio the voice of his totalitarian regime, bought almost all the newspapers on the Italian territory, established the Ministry Of Popular Culture which was tasked to check every publication issued by censuring unwelcome publications, and issue press orders, which were real provisions widespread to periodicals about the title and the content of the Articles. He also founded the LUCE Institute (an acronym for The Union Educational Film Festival which reveals so much about the time); in the absence of television, the most effective way to reach the masses was the cinema. The LUCE Institute, under the direct control of Mussolini, produced newsreels which projected to the movies and documentaries full of news imbued with patriotism and exaltation of the figure of the leader and the ideal fascist. The middle Italian, fascinated and clouded by the novelty and grandeur of cinema, flocked, believed, and obeyed fighting.\textsuperscript{433} If this operation control of the media was, once, easy to be controlled by a steering government, thanks to the small number of available means, with the

\textsuperscript{431} Ibid.
\textsuperscript{432} French Governments have been masters of its usage during the colonial period.
\textsuperscript{433} Believe, obey, and fight (Credere, obbedire, combattere). One of the slogans of fascism that Mussolini used to affix at the fascism’s houses.
passing of time and the multiplication of the means of communication it has become more complex and well-structured.

The multiplication of means of communication was also accompanied by the globalization of the media and the multiple possibilities of access to them just think of satellite broadcasting and internet network. What's more, during the last years, thanks to the network, unofficial information channels, not necessarily regularly recorded newspapers, have appeared: freelance and independent bloggers who can inform about events around them, and social networks which give the opportunity to anyone, even the man in the street, to give news, post photos, express opinions.

The multiplication of news channels, which has caused a more difficult control of the sources, has, therefore, changed the concept of propaganda itself and more exactly, the modality of performing it. To the previous normal operations of spreading welcome information, censoring the unwelcome news, broadcasting false information in order to elicit the reactions of the enemy, a whole series of strategies that make use of the new media and technologies, have been added.

This multiplication of news channels can curiously carry the same analogy we mentioned above with other modalities which actualize the hybrid war. Sometimes the source is well-known, while the informer (not to say the principal) of the source is less certain.

According to Murray and Mansoor, “to a certain extent, all war includes a battle of narratives, namely which side possesses the moral high ground or can convince the people of the justice of its cause. By bringing the population into the conflict, hybrid warfare magnifies the importance of perceptions. Although wartime propaganda is a time-honored tradition as far back as the ancient world, modern communications systems such as the Internet, satellite television, and radio radically amplify the transmission rates of propaganda and public information. Insurgents realize that military actions are but a supplement to the information war, by which they try to sway perceptions of both their own people and the enemy's population”.

What we observe today, particularly in the conflicts of the Middle East, but even in other areas of the so called democratic world, is a broad diffusion of religious propaganda. Going back to history, one example of religious propaganda may be the

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Black Muslim Movement which developed in the 1960s in America and emphasized the creation of a separate black nation in this country and was buttressed ideologically by separatist religious beliefs. The Black Muslim saw prisons as place of new recruits and went on proselytizing behind the walls as well as advancing demands for the right to hold religious meetings in prison, to purchase the Koran and to have Muslim visitors from outside. This propaganda called forth to a stronger administrative response in order to break up the Muslim movement organization by transferring leaders from one present to one another, to place Muslim in isolation, to harass them in other ways in order to disseminate misleading images. Although the Muslim movement in prisons declined in the 1960s, it did leave its footprint on many penitentiaries in the form of amplified inmate awareness of the importance of prisoner organization capable to diffuse radical religious ideology.\textsuperscript{435}

As it is seen in the above case, specific and general deterrence are major goals which punishment is supposed to achieve. Specifically defined -to deter- means “to turn aside, discourage, or prevent from acting (as by fear).”\textsuperscript{436} Therefore, the term deterrence, it may be employed to designate punishment in the form of threats directed at offenders or potential offenders so as to frighten them into law-abiding conduct, thereby providing a chance to achieve a either control over the population or a military victory in hybrid conflict context. As far as deterrence is regarded, in paragraph 13 of Wales’ Summit, NATO accredited the Strategic Communications Centre of Excellence in Latvia as a meaningful contribution to NATO's efforts in this area as well as has tasked the work on hybrid warfare to be reviewed alongside the implementation of the Readiness Action Plan. The declaration goes on stating that “in the world of hybrid war, it is not enough to destroy the enemy's armed forces; to win, the indigenous, home-front, and international audiences must believe that the war is over. In other words, military success must lead to a commensurate political outcome as perceived by the affected populations.”\textsuperscript{437}

One other example, already mentioned in this thesis concerns also Hezbollah's adroit use of information and propaganda at the strategic level during the Lebanon-Israeli

\textsuperscript{436} Ibid., cit.
War. It involved and shocked world’s opinion from the early days of the conflict. After three weeks, Israel, understood to have made “a mistake” in under evaluating the realm of information warfare.

In the light of the cultural shock caused by military strategic communication, NATO started to undertake a different approach that consisted in non-underestimating the use and/or misuse of propaganda and made the element of communication a central thinking and working within the organization. For this reason, taking in consideration the operations that were under way in Afghanistan and Kosovo, in paragraph 10 of the Bucharest Summit declaration, NATO underlined the need for an appropriate, timely, accurate, and responsive communication with local and international audiences in relation to NATO’s policies and engagement in international operation. It is welcomed either the progress made in enhancing NATO’s strategic communication capability or the launching of a new NATO TV channel on the Internet which would include regular news updates and video reports in particular from the various regions. NATO underscored the commitment to support part of their improvement of NATO’s strategic communications in the following summits. Moreover, since communication it is considered as valuable as the military battle itself, NATO has tried not to leave space for distraction\textsuperscript{438} and has taken further important measures, as we have specified in other parts of this thesis, to accomplish a better dominance of information sources and counterpropaganda, as well as, improve its web attitude by using the appropriate communication channels in order to give its own versions of the facts in real time to the targeted audiences.

With this in mind, as has been noted by NATO’s General Miranda, following Russia’s propaganda operations in Ukraine’s conflict, it is to be considered the need of a renewed attention to strategic communications that may outreach the public opinion and help building up the necessary public awareness and resilience in the face of Russian attempts at subversion through propaganda, as well as a communication policy, to strengthen the role of an informed civil society that may help to marginalize ethnic and religious groups that are vulnerable to hybrid tactics of message manipulation.\textsuperscript{439}

\textsuperscript{438} Think of the realities of Estonia’s cyber-attacks, Crimea’s annexation and IS’ religious and terroristic propaganda.

Overall, “as counterinsurgency expert John McCuen points out, the battle over competing narratives plays out among three audiences: the indigenous population, the home front of the great power, and the wider international community.”\textsuperscript{440} If the statement that “great powers risk losing conflicts in which they fail to understand either the human terrain or the “decisive battlegrounds of public opinion at home and abroad”, is true, than it is worth to be reminded the legacy history has left to us, in other words NATO should learn from the past war conflicts\textsuperscript{441} in order to be able to defend the western cultural identity, democratic values and principles as well ensure the collective security of the North Atlantic area.

3.1.3. ECONOMICS AND ENERGY SECURITY - “SMART DEFENCE” TOOLS

The current economic and financial crises seems to be in the deepest decline since the Second World War. NATO member nations are facing considerable debt burdens and this has influenced NATO to re-evaluate its doctrine and future role. As a collective defence alliance, NATO is reliant on member states’ contributions and thus will always be affected by such costs. The economic and financial crisis observed in the last years has had a strong impact on the disproportionate members’ contribution burden share. The financial crisis has also had implications to NATO member states defence budgets, defence industrial policies and their contribution to the organization.

Since defence is unlikely to be immune to public spending cuts, NATO’s crisis response on the projection of power outside the borders of NATO member states may become a very difficult achievement. Crisis management outside of Europe implies the need for heavy investment in strategic air and sea transport project peacekeeping. These would place a heavy burden on the large NATO allies since these nations have made the necessary capital investment in this areas. Considering the importance of NATO’s current and future geostrategic objectives, it

\textsuperscript{440} Murray & Mansoor, Hybrid Warfare: Fighting Complex Opponents From The Ancient World To The Present (2012) p. 22-23
\textsuperscript{441} Think of French Indochina, Alger and Vietnam’s War.
should not be forgotten that the confusing array of features, ranging from transnational terrorism to rogue nations, have a strong impact on the provision of national defence and international security. In 2009, the percentage NATO defence budget represented in media 1% of the NATO defence expenditures that served to support the organization needs to military structure, staff committees and infrastructure. It is not to be forgotten that nations maintain their own policy and discretionary power over military expenditures full and timely founding of the common budget is not certain. As a consequence NATO’s bureaucracy found itself to make difficult choices and find alternative methods of achieving protection or bureaucratic efficiency revising also the organization’s service personnel.\textsuperscript{442}

An efficient example of “smart defence”\textsuperscript{443} that could reduce the impact of a financial crisis and equally guarantee defence training programs, became the 2009\textsuperscript{th} security and defence cooperation of the Nordic Countries. The Nordic area developed an idea of smart defence by thinking of merging various transnational projects in the Nordic region into a new single structure NORDEFCO. The framework of NORDEFCO demonstrated how the five Baltic countries had learned to overcome their traditional differences and were capable of cooperating even in such a sensitive area as national defence is. The key to this successful cooperation was thought to be the use of cultural and geographic proximity, which turned out to be an added value in the defence security, though, the countries’ different point of view in national strategies.

Notwithstanding, there were initial difficulties for the US to see with a positive attitude this project\textsuperscript{444}, while for the ex-Secretary General of NATO Rasmussen, this seemed to correspond quite closely to NATO’s principle of strategic proximity, but on the other hand, it still is source of objections to the idea of allowing non-aligned NATO countries to join a surveillance mission with possible access to NATO’s secrets in spite of the fact the these countries are long time partners and trusted contributors to various NATO operations.\textsuperscript{445}

\textsuperscript{442} Hartley et al., NATO and the Economic and Financial Crisis (2009).
\textsuperscript{443} The European Security and Defence Union (2015) p. 56-57.
\textsuperscript{444} In 2013, the Cross Border Training program was extended to the United States and the United Kingdom in the exercise Arctic Challenge, which granted the Nordic forces an further opportunity of training in reality-based scenarios with different types of aircraft.
\textsuperscript{445} Dahl, NORDEFCO an NATO: “Smart Defence” in the north? (2014).
Another important question strictly connected to NATO’s future tasks that has been widely considered for long only in economic terms, according to Yost, is referred to a possible “disruption of the flow of vital resources” as one of the “risks of a wider nature that could affect the “Alliance security interests.”\textsuperscript{446} In relation to this field it seems that NATO’s potential contributions in energy security remain largely undeveloped since the awareness of the problem aroused only in 2006, during the Riga Summit convention after a Russian-Ukraine dispute that had a greater impact on the normal supply of gas Central and Eastern Europe. This particular situation pushed the organization to think where “NATO may add value” to the compelling issue since other international organizations deal with it their primary object of concern.

It is since the Bucharest’s Summit (2008), par. 48 that there is identified NATO’s role in energy security. NATO’s engagement and approach would be in the following fields: information and intelligence, fusion and sharing, projecting stability, advancing international and regional cooperation, supporting consequence meant management and supporting the protection of critical energy infrastructure.\textsuperscript{447}

Furthermore, in the 2010 Strategic Concept allies expressed an intention to develop the capacity to contribute to energy security and make NATO in the future act as a catalyst in persuading its member countries to take a more strategic look at energy security and to develop a more collective approach.\textsuperscript{448} The idea was to make energy security a regular issue to be discussed within the Alliance since it would reveal to be of crucial importance since it would have the potential to significantly affect NATO’s planning and operations, for instance protecting energy sites’ critical infrastructure would mean invest on the protection of its member states interests. As far as the later issues is concerned, “despite disagreements among the allies, maritime\textsuperscript{449} security stands out as one of the most promising areas for cooperation related to energy security and collective defense among other tasks”\textsuperscript{450}

\textsuperscript{446} Yost, \textit{NATO’s Balancing Act} (2014) p. 50. cit.

\textsuperscript{447} Bucharest’s Summit Declaration (2008) http://www.nato.int/cps/en/natolive/official_texts_8443.htm


\textsuperscript{449} It must be considered that the growing share of energy resources such as oil or natural gas is produced offshore, for instance, it is transported by sea, and therefore it may be vulnerable to a range of well-known risks and threats including terrorist attacks piracy and natural disasters in other words
Another key point was faced at the Chicago Summit\textsuperscript{451}, where Heads of State and Government considered that to reach the goals defined by the Alliance towards 2020 and beyond in order to deliver the capabilities and to maintain a strong defence industry, there was an essential condition to be taken in consideration i.e. the collaboration of NATO, Nations and Industries so as to improve the NATO-Industry\textsuperscript{452} Relationships. In this context NATO has placed this relationship in the initiative of Connected Forces Initiative (CFI) in terms of interoperability and Smart Defence aimed at generating and highlighting opportunities for multinational cooperation, elements which can bring advice and contribution to national solutions and decisions. Industry must be seen as a partner in innovation and strategic thinking i.e. NATO Industry engagement must benefit both the organization and industry of course based on universal (a relationship being under control by nations on a voluntary basis and building a productive relationship on the transparency flow and exchange of information) as well as the specific principles that mean to promote the industrial cooperation across the Alliance. The latest point is very important regarding the role of SMEs which often can be birthplace of innovation and for this reason the efforts must be made to allow them engage in the NATO capability development process. SMEs are considered to be an essential factor for the development of dual use technology.

Moreover, in order to overcome the consequences of a financial crisis in terms of defense expenditures, a solution might be an EU defence policy that includes the development of a genuine single EU and NATO market for defence equipment which would be much more efficient towards an international collaboration and robust security arrangements to better use cuts in defence budgets.\textsuperscript{453}

Given the above facts and in the light of the current situation in Europe, the balance of power between Russia, NATO, the countries of the European Union and those of the former Soviet Union, it has become obvious that a key role is played by the

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\textsuperscript{450} Ibid. cit.

\textsuperscript{451} Chicago Summit Declaration on Defence Capabilities, par. 6.

http://www.nato.int/cps/en/natolive/official_texts_87594.htm?mode=pressrelease

\textsuperscript{452} The term \textit{industry} in the document is used to refer to national industries of Allies either in individual or collective sense, depending on the context.

\textsuperscript{453} Hartley, \textit{NATO and The Economic and Financial Crisis} (2009).
energy policy of Moscow. Putin is perfectly aware of the importance of the energy resources and the proof is the fact that in 1999 he wrote a doctoral dissertation at the Mining Institute in St. Petersburg. In this thesis, Putin states the need, on the part of the Russian government, to enhance production and export of gas in order to be able to reassert Russia as a great power in world politics, thanks to an important economic development. Russia is the world's largest producer of gas and the largest exporter and its gas reserves are found mostly in the region of Siberia. According to Russian sources\textsuperscript{454}, the energy reserves should ensure sufficient resources to meet domestic demand and external requests while maintaining a nearly constant production at least until 2030.\textsuperscript{455}

However, according to other sources\textsuperscript{456}, the production of Russian gas has already reached its peak in the 90s and may have already begun to shrink since 2010\textsuperscript{457} being already experiencing a current deficit situation.\textsuperscript{458} This comes as a result of the strong demand coming from both domestic and foreign area, which continues to grow gradually depleting its resources. No matter which is the most reliable source, it is a proven fact that Gazprom, the largest Russian company in gas production, which is controlled by the Moscow government, is constantly looking for alternative ways to meet the domestic needs and export.\textsuperscript{459} For this reason, the need has arisen to find new oilfields able to sustain the level of production.

Moreover, another important aspect, along with the control of oilfields and production, is constituted from the control of prices and gas pipelines. The price of the internal market is subject to regulation and is too low to allow profits; the profit is obtained from gas exports abroad, in the European market, where higher prices can be applied. Not to mention the fact that gas exports are an essential tool to expand Russian influence to the outside, it results to be equally important the control of the

\textsuperscript{454} The Russian government has drafted the “Russian Energy Strategy”, a document that represents the strategy of the Russian Federation regarding the issue of hydrocarbon resources.
\textsuperscript{455} The document “Russian Energy Strategy”, published in 2003, states that gas production is might increase from a level of 635 to 660 BCM in 2010 to a level of 680 to 730 BCM in 2020. It is expected that the production of Russian gas reaches in 2030, a level of 610 to 630 BCM.
\textsuperscript{457} Stern, The future of Russian gas and Gazprom (2005) pp. 30-33. According to an analysis of the current production of the largest Russian deposits, probably, gas production will reach, in 2010, the peak of 510 BCM, and in the following decade decrease until 329 BCM, in 2020.
\textsuperscript{459} Francese, Le risorse di idrocarburi nella politica estera e interna della Russia (2008.)
pipelines through which it is transported. In addition, the majority of the transit routes of gas pipelines that carry gas from Russia to Europe pass through Ukraine and Belarus. Precisely from Ukraine passes about 85% of the gas directed to Europe.\textsuperscript{460} It is very important to take what stated above into account when analyzed the political motives of the Russia’s hybrid attack to Ukraine.

The Ukraine’s crisis offers some important energy security lessons since it has demonstrated that pipelines still mean economic and political power. The crisis is also a reminder that energy security is an integral part of national security.

If NATO wants to counter hybrid threats it must include energy in the equation. This requires NATO to enhance discussions on the security implications of energy issues and set up political dialogue and strategic releases in line with the emerging environment. For energy is to be considered as an important factor of hybrid warfare since it is commonly in acknowledged that exerts economic pressure.\textsuperscript{461}

Russia’s behavior in Ukraine by overtly and covertly employing military and paramilitary forces supplying parties groups staging cyber-attacks and waging a massive propaganda campaign as well as the struggle over gas prices became a mentor of international concern and it seemed just another chapter in the never-ending story of Russian Ukrainian energy disputes. Seizing energy assets onshore and offshore and ensure stable supply of energy to the region made Russia’s move strongly effective on the gaining control of the territory. The nationalization of offshore gas installations made Russia to significantly extend its geographical dominance in the black sea area of the western coast of Crimea. On the other hand this made Ukraine to have huge loss of opportunities to exploit the black sea and the negative aspect of the future economic prospects in hopes of achieving energy independence. The Donbass region is reaching energy resources and infrastructure and as a result by losing control over the gas reserves situated in this region Kiev became even more dependent on imported energy. Therefore, to control energy infrastructure is a key requirement for Russia to ensure independent energy supply of the region. The control of offshore sites determines the

\textsuperscript{460} Ibid.
\textsuperscript{461} At the same time a better use of the renewable energy, in particular, could make the military troops supplies in harsh environments (e.g. in the desert) lighter and more flexible, as well as, provide vital resources such as water or energy for technical devices of military use.
expansion and dominance of the cost of Crimea. Russia used energy as an important tool to exert pressure after the illegal annexation of Crimea which made Ukraine verse in a very difficult position since the reduction of gas strained the use of electricity resources and made it declare a state of emergency in its electricity market. Since Russia plays an dispensable role as an energy supplier in Europe, it uses propaganda on the Ukraine’s conflict that implies the critical behavior European countries held by helping the conflict rising in Ukraine and act against their own long-term interests. NATO must increase its in-house analysis capacities in recent years and must discuss energy issues enhancing anticipation prevention and resilience as well as opening an energy security to make better understand that the failure of energy infrastructure not only affects the normal functioning of the economy but also a country’s ability to effectively organize its Defence. Therefore energy becomes tempting targeting hybrid warfare in the key is to be provided for comprehensive defence strong willingness and denouncing perpetrators and providing accurate information in close collaboration also with the private sector. The difficulty NATO has is the asymmetry of having and negotiating, position among its member states but also among different institutions. This asymmetry compared to Russia’s vertical power will always work to the initial advantage of the aggressor. As a consequence the West deterred neither from assisting Ukraine nor from imposing sections on Russia, missing so far in putting together the basic elements of “smart power” - in other words blending both hard and soft power - even though is to be admitted that Europe showed its efficiency when provided reverse gas supplies from its member countries to Ukraine to afford the emergence the difficulty. Overall, it is becoming a proven fact that thinking through an energy change path would mean take advantage of the notion of smart energy as a necessary tool in facing effectively security and defense questions in the future.

462 Ruhle et al., Energy as a tool of Hybrid Warfare (2015).
CHAPTER 4
THE ALLIANCE: MANAGING HYBRID THREATS

4.1 EAST FLANK: RUSSIAN HYBRID WARFARE

For several years, writes Thornton, in his article on the changing nature of modern warfare, the irregular warfare phenomenon has been the main focus of major Western militaries and their doctrine centers. The latest approach developed has made the conventional armies of these militaries to become smaller and rely upon advanced technology or the so called smart power, which bring along a better use of information to dealing with the likes of al-Qaeda, Taliban and Da’esh on the digital social platforms.

In contrast to the Western attitude, Russia has recently been thinking very seriously about the conduct of conventional warfare between developed states and has gone through a deep transformation of its modern warfare concept in order to conduct its irregular warfare either from the strategic or the tactical perspectives by putting in the center of these concept the use of information. The major change in Putin’s new thinking may have been motivated since the 2008 war with Georgia, where Russia’s poor performance, was criticized by its chief critic.

In Russia there has always been the enduring belief that the country is a great power and must be treated as such. So far in Russian eyes the Cold War seems to have simply moved on to a new phase that follow particularly the so-called “color revolutions”. Moscow has repeatedly accused the Western governments to have put in place regime changes in traditional Russian influence countries by organizing and financing the above revolutions.

The identified Russian analyses has given dawn to the concept known as “hybrid warfare” or “ambiguous warfare”, which according to the Russians, Western governments have made use to accomplish their interests by using political, economic and military support to selected groups, covert action and information operations in order to damage Russia’s influence in the region.463

It is well known that the idea of competition has always driven Russian mind-set in international politics and relations and the “vertical power” that operates in Russia, has made Putin able to ensure a highly centralized control. Putin’s authoritarian power has been strengthened and surrounded by a “loyal support group” known as the “collective Putin”, which have taken advantage of many financial benefits and have enabled him to put in action his military strategies in order to give again glory to “Mother Russia”.

In addition, the words of the head of the Russian military Gen. Gerasimov the “very rules of law have changed”, seem to confirm the above ideas and consequently the West must take for credit that a new way of warfare, in the later decades, might shift the power balance. However, despite criticizing such Western practices, Russia has been smart in adopting them in its new doctrinal approach and it may seem ironic, is using them against its eternal enemy the West. This was clearly demonstrated by the hybrid operation put in action in order to size Crimea without even firing a shot. In this battlefield of ideas Russia’s vertical power challenges NATO’s round table system by using subversive asymmetric means designed to generate controversies and defeatism.

It has become a well-grounded statement that in the modern information warfare people’s mind become a target and Russia’s propaganda promotes either a positive image of itself or passively persuading populations by incalculating fear. Sometimes, it doesn’t need even too much effort to achieve its goals because the presences of Russian minorities are the first to be receptive and support Russian strategies. Taking advantage of this “soft loyalty”, Russia provides itself with a convenient excuse to interfere in the internal affairs of other states on the name of “human intervention” in order to protect its “compatriots living abroad”. In this war game “manipulation of local politics” and the “leverage of historical memory”, put on the ground by Russia, bring to people’s minds the “Nazi” elements and the sufferance inflicted during WW II, for instance, populations are easily persuaded to tolerate a Russian out-border intervention. So far, there is nothing new in Russian’s strategy since the very essence of its communist past had been founded on these perceptions, nevertheless, a

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464 Ibid.
465 Ibid.
hint about the hybrid war and the possibility that Russia's actions against Ukraine are classifiable within the definition of it is still completely needed.\textsuperscript{466}

The term first appeared to the public during the Israeli-Lebanese war in Lebanon in 2006,\textsuperscript{467} when Barak Obama's “Quadrennial Defence Review Report 2010” labeled as hybrid war the modality Hezbollah militants were using to conduct the conflict against the Israeli army. Hezbollah\textsuperscript{468} led the conflict by using the regular armed forces, so to speak conventional methods, in combination with acts of terrorism and guerrilla warfare (which means unconventional formations and methods) collecting various successes on the game plan against the Israeli military action.\textsuperscript{469} On that occasion we had a conventional war, in some circumstances declared and fought through conventional methods, in others, through unconventional ones.

Therefore, if the paradigm of a definition is to be determined as attribution of meaning at the very moment of its first appearance, then Russia is not fighting any hybrid war because, in this circumstance, there is no conventional war clearly declared. Conversely, if we can draw in other strategies and methods of attack by a country against another within the definition of "hybrid war", then the case of Ukraine is worth being appointed. In other words Moscow’s policy has been focused on blurring the limits and make unclear whether a state of war for exists or not and if it does, who is a combatant and who is not. In addition, battle space becomes a vital element to gain power and influence the aimed target i.e. population. According to some analysts, the concept of hybrid war is used only to label in a new way “forms of interference as old as the nation states... The Russian role in the Ukrainian crisis, including the military one, is much more traditional than the new labels will make you feel.”\textsuperscript{470}

The issue risks becoming merely semantic, so far, beyond the way they are labeled, the actions of Putin to Ukraine remain complex, articulated and multidirectional. The Russian attack was launched on the economic, social, psychological, political, terrorist and informative plan and makes use of a number of actors operating in the

\textsuperscript{466} At the current stage it may be better defined as a “hybrid conflict”.
\textsuperscript{467} The conflict between Israel and Lebanon broke out in 2006 as a result of retaliatory actions of the Israeli army who reacted to the capture of two of its soldiers by Lebanese Hezbollah militants. The argument has been widely treated in Chapter 3.
\textsuperscript{468} Carati, \textit{Falsi miti/2: la guerra ibrida russa} (2014).
\textsuperscript{469} For more info consult Chapter 3.
\textsuperscript{470} Ibid., cit.
field in various ways and with specific tasks within the territory of Ukraine: the hybrid army composed of Russian Cossacks, soldiers of the regular army, the ethnic Russians living in Ukraine, mercenaries and criminals who have become mercenaries in exchange for amnesty, the Russian special forces, agents of security services, deserter Ukrainian soldiers and officers who act as spies, the Russian generals, journalists working for the propaganda, real actors playing a part for being taken by the media. In this new generation war, media and propaganda becomes the most important tool for Russian hybrid warfare. The professional and voluminous output of information is able to create a version of reality that suits political and military purposes at all levels of warfare since it focuses not on the quality but in the quantity of information given, as well as, stresses the important impact, that confusing number of narrative versions, may have on the public. It is exactly the Russian view of modern warfare based on the idea that the main battle space is in the mind and therefore psychological warfare is the most appropriate to reduce the usage of her power to the minimum necessary. Accordingly, a closer look to the conflict reveals the fact that the use of *hybrid war* and/or a *contactless war* put in action by Russian’s President, Vladimir Putin, is therefore a necessity.

In 1975, in fact, the Helsinki Agreement, signed by almost all European countries (including the USSR), the USA and Canada, sanctioned the inviolability of borders and territorial integrity of the signatory States. A Putin's orthodox intervention in Ukraine would clearly violate the Treaty of Helsinki by laying the groundwork for a conflict that could spread very dangerously and quickly. The only solution is trying to avoid the recognition of the direct responsibility in a real attack;

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472 Helsinki Final Act (1975).

III. “Inviolability of frontiers: “the participating states regard as inviolable all one another's frontiers as well as the frontiers of all states in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating state.” cit.
473 Ibid.

IV. “Territorial integrity of states: the participating states will respect the territorial integrity of each of the participating states. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the charter of the United Nations against the territorial integrity, political independence or the unity of any participating state, and in particular from any such action constituting a threat or use of force. The participating states will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal.”
here-hence the recourse of a series of sly, shrouded and creeping maneuvers, so the recourse to hybrid war. As rightly noted from NATO’s SACEUR, General Philip Breedlove “Russia is now waging the most amazing information warfare blitzkrieg we have ever seen in the history of information warfare”.

Therefore, it becomes interesting at this point to note the changes brought by the new Russian military doctrine policy, although it seems to be a revision of Russia’s last doctrine published in February 2010. It largely follows the same basic precepts but it differentiates between dangers (concerns) and threats (possible conflicts). Moscow sees a general reduction of possible large-scale conflict involving Russia but at the same time combined with an increasingly dangerous overall security environment. Russia perceives a series the use of Special Forces and foreign organizations by the complex usage of military force and political, economic, information and other non-military means accomplished in part through the expensive exploitation of the potential of popular protest and special operations forces”. It’s ironic to think that while Western readers might immediately see aspects of these elements to Russia’s so-called hybrid activities in Ukraine, from Moscow’s prospective, these are threats to Russia and in order to counter such approaches it includes a call for dialogue with other states.

In addition, Russia sees 2015 more dangerous than five years ago and discusses in the doctrine, the danger of unnamed actors using information warfare and political subversion as well as force to destabilize and overthrow regimes’. The new doctrine describes war prevention as a cornerstone of military policy and for the first time in explicitly mentions its interest in the Arctic, as well as discusses Russian plans to strengthen global ties (Asia Pacific region). Considering that Kremlin’s nuclear deterrence approach has also not changed, the doctrine is more specific about the Western weapon system that endangers or threatens Russia. Moreover, the 2014 doctrine highlights for the first time, the deterrence capacity of Russia’s conventional weapons (as opposed to only nuclear arsenal), and talks less about proliferation threats then did in the previous versions and emphasize the need for a new non-block security models. The Kremlin wants the world to know that

476 Bender, Russia’s New Military Doctrine Shows Putin’s Geopolitical Ambitions (2015).
Russia is settling in for a long siege preparing to rally its resources and determined not to back down. The challenge lies in understanding Russia signals as well as their repercussions, so far, in a certain way the doctrine may be called a national security strategy document meant not only to describe Russian policy but also to send messages to friends adversary’s and others (perhaps to NATO and the EU).  

In relation to what is stated above, according to Thornton, “contactless war” is crucial for Russia in order to prevent a Western intervention. Countries endangered by the policy of Russian aggressiveness concern the Baltic States in particular Estonia and Latvia, which have larger Russian minorities, and Lithuania, which is situated between Belarus and the rest of Russia. It is here to be reminded that most of the minorities live in a separate reality created by the Russian media and find themselves culturally closer to mother Russia rather than to the state borders where they live.

Furthermore, “contactless war” has more advantages for Putin’s policies since it avoid hard military power and give much more importance to conventional power. The latter would allow Moscow to achieve its goals without any military contact. Playing this game in a context of asymmetric warfare, Russia wants to keep out of game the US military power and /or NATO and turn their strength into a weakness. Since nothing is left to the case, has shifted into this asymmetrical play even in the diplomatic level by gaining the support of BRICS countries. The denial of using irregular unidentified troops in Ukraine (better known as the little green man) has made Russia stronger in supporting her version of events not only in the eyes of the above countries, but also, in the hearts of Russian compatriots living abroad. Leaving the Eastern world, and the public attitude more in general, to believe that Putin is doing the right thing and is only trying to protect Russian minorities in other countries, make people think that “Russian occupation is not something to be feared - indeed it is to be welcomed - or they become convinced that the pulsing such an occupation is detailed and will lead to a unimaginable destruction”.

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477 Oliker, *Russia's new military doctrine same as the old doctrine mostly*, (2015).
478 The acronym stands for Brazil, Russia, India, China and South Africa (BRICS).
4.1.1 EAST - WEST RELATIONS: WHAT WENT WRONG WITH UKRAINE?

After the collapse of the URSS (Union of the Socialist Soviet Republics) both Russian and the Western Countries’ expectations about the counterpart have been disillusioned. Having the ideological contrast of the Cold War ended, Moscow was expecting the Western world to be able to interact with Russia trustfully and with a strategic cooperation spirit; clearly this did not happen. On the other hand, Russia has not moved any step towards the westernization of the social and political life, which has remained bounded to the previous czarist and soviet inheritance. Furthermore, the expansion of the European Union and NATO towards East not only clashed against Russian political will, but also negatively influenced the rise of relationships between these two worlds.

Gorbačev’s aims, regarding a “common European home” and expressed in the last life time of the URSS, resulted unachievable. The Eastern Countries, in fact, once freed from the soviet influence and obtained the full sovereignty, embraced the Westernization. The EU and NATO accepted those orientations by welcoming several ex-Soviet countries among their members (e.g. the Balkan States). Nevertheless, Russia managed to develop some commercial relationships with the Western Countries. In 1993, Russia and EU signed a partnership and cooperation agreement (PCA); the latter- become effective in 1997- formalized a regular political dialogue and promoted the legislative convergence of Russia with the long-term aim of creating a free trade area. In 2002, the EU recognized Russia with the status of “free economy”. Recently, under Putin’s administration, Russia has started playing a more important role in the international system due to a significant economic growth. Russia is currently the third commercial partner of EU, after the United States and China. According to the Russian Federal Statistic Service data of 2013, the commercial relationships with the EU countries are really packed: Russia exports

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481 Wikipedia Source.

A former Soviet statesman, he was the eighth and last leader of the Soviet Union, having served as General Secretary of the Communist Party of the Soviet Union from 1985 until 1991 when the party was dissolved. He served as the country's head of state from 1988 until its dissolution in 1991.
goods to Europe by the 57% and imports from it by the 46,5%. What is unusual about this situation is that the commercial cooperation takes place in a reciprocal suspicion and incomprehension atmosphere.

The main cause of this rising mistrust environment is to be connected to the reorganization of the post-soviet areas, in particular the Eastern Countries and the South Caucus. After the end of the URSS, the European Union, together with USA and NATO, has been pursuing a policy based on the enlargement towards east- this has always been regarded as an unjustified threat by Russia. In 2004, in fact, the EU expansion involved Poland, Hungary, Check Republic, Slovakia, Lithuania, Estonia and Leetonia; those countries were already NATO members. It may be important to highlight that the EU expansion is strictly connected to the one of NATO. After the 2004, the EU has intensified the expansion policy towards East by creating the European Neighborhood Policy (ENP) in order to gather together all the new-neighbor Countries. As the EU itself stated- from a formal point of view “the European neighborhood policy extends all the advantages connect to being part of the EU to the nearby countries; as a consequence it contributes to the stability, security and welfare of the region”. Furthermore, “the ENP offers the partner countries the possibility of joining the EU activities and being involved in a greater political, social, economic, cultural and security cooperation. However, those European plans have never persuaded Russia, since the beginning of ENP corresponded to the so-called “colored revolutions” in Georgia and Ukraine. Russia has always blamed the Western world for those revolutions, regarding the adopted western policy aggressive and not considering the appeal that the Western developing model- more democratic and more politically, economically and socially liberal- had on the ex-soviet countries. Not even the sign of the Oriental Partnership in 2008- established in order to embolden the relationships between the EU, the East, the South Mediterranean and the South Caucus- has improved the situation. Neither had the Kosovo independence, the attempt to involve Georgia and Ukraine into NATO and the acceptance of Poland and Check Republic to house USA anti-missile bases in 2008.

The worse moment of the Russia- West relationships corresponded to the Russia-Georgian was in August 2008; at the end of this conflict, Russia was forced to
recognize the separation of the South Ossetia and Abkhazia, clashing against its own previous policy of political separatism rejection “[…] the largest crisis to date in Russia’s relationship with the West; some have even come to realize that the Georgian war of 2008 may be the most significant challenge to European Security since the Cold War’s end”\(^{482}\). However the Russian intervention in Georgia showed that the former- under the leadership of Putin- wished to maintain the political control policy over the ex-Soviet States; in addition, it demonstrated that Russia is also ready to use the force in order to maintain the control over her influence area. It is clear that what was to happen in Ukraine was the natural consequence.

After the Russia-Georgian conflict, the tensions between Moscow and the West seemed to decrease thank to the new relationship policy of Barack Obama. Furthermore the economic crisis encouraged the EU to strengthen the relationships with such a strategic partner like Russia. Nevertheless, Russia has been developing bilateral relationships with the individual EU States following the so-called “\textit{divide et impera}” policy. The latter is a Latin motto according to which, the most efficient for an authority to control and govern a community is to divide it in order to create internal rivalries and discords. More than once in history, the policy of dividing in order to conquer- consisting of creating riots, disorders, political discords and divisions into the institutions- has been the adopted key for weakening the local institutions and subjugating the countries to a politically and economically stronger Power. Putin’s declarations during the years between the Georgian War and the Ukrainian disorders, about the ideological and value differences between the West and Russia, seem strategic. While highlighting a degeneration of costumes in the Western society, Putin claimed for his people all those Christian and moral values of cultural and religious identity that once had been the foundation of the Western society. “We can see how many of the Euro-Atlantic countries are actually rejecting their roots, including the Christian values that constitute the basis of Western civilization. They are denying moral principles and all traditional identities: national, cultural, religious and even sexual. They are implementing policies that equate large families with same-sex partnerships, belief in God with the belief in Satan”\(^{483}\).

\(^{482}\) Cornell et al. \textit{Russia’s war in Georgia: causes & implications for Georgia and the world} (2008) cit.
\(^{483}\) Vladimir Putin meets with members the Valdai international discussion club. cit. Transcript of the speech in the beginning of the meeting: http://valdaiclub.com/politics/62880.html.
He also added, talking to the federal Assembly of the 12th December 2013: “We know that there are more and more people in the world who support our position on defending traditional values that have made up the spiritual and moral foundation of civilization in every nation for thousands of years: the values of traditional families, real human life, including religious life, not just material existence but also spirituality, the values of humanism and global diversity. Of course, this is a conservative position. But speaking in the words of Nikolai Berdyaev, the point of conservatism is not that it prevents movement forward and upward, but that it prevents movement backward and downward, into chaotic darkness and a return to a primitive state.”

This conservative position— not shared by the majority of the Russian public opinion— has only widened the gap and strengthened the mistrust between Putin’s Russia and the Western world. The Oriental Partnership has developed even more than to the creation of a free trade area through an association agreement. Not surprisingly, Moscow disliked it. In 2010, Putin established the Eurasian Customs Union (EACU), signed by Russia, Byelorussia and Kazakhstan and representing a concrete step towards the re-creation of the post-Soviet space.

According to the observers, this Customs Union aims thus to reinforce the economical bonds between the members in the light of an eventual future political integration. The projects for a Eurasian reconstruction are characterized by a strong bond between economy and politics; in addition, Russia keeps exerting pressure on other Countries of the post-Soviet area in order to include them in the Union. The decisive key for the Eurasian Project success is the Ukraine. The latter is the core of the issue between EU and Russia regarding the respective political/economic projections. In fact, once EU had offered Ukraine the association agreement, Russia started increasing the pressure to include it in the Customs Union. The Ukraine crisis was thus a direct consequence and perhaps a more cautious EU policy could have avoided it. In relation to this issue, it may be interesting to recall Henry Kissinger’s words: “The West must understand that, to Russia, Ukraine can never be just a foreign country. Russian history began in what was called Kievan-Russian religion which spread from there. Ukraine has been part of Russia for centuries, and their

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484 Cited in http://news.kremlin.ru/transcripts/19825
histories were intertwined before then. Some of the most important battles for Russian freedom, starting with the Battle of Poltava in 1709, were fought on Ukrainian soil. The Black Sea Fleet – Russia’s means of projecting power in the Mediterranean – is based by long-term lease in Sevastopol, in Crimea. Even such famed dissidents as Aleksandr Solzhenitsyn and Joseph Brodsky insisted that Ukraine was an integral part of Russian history and, indeed, of Russia.\(^{485}\)

### 4.1.2 CRIMEA’S CRISIS

After the Orange Revolution in December 2004 in Ukraine, the hopes and expectations of the Ukrainians got disillusioned. In 2010, the presidential elections being won by Yanukovich, Ukraine was representing an unstable and corrupted Country with precarious economic conditions. An obscure revision of the Constitution had transformed the presidential political system into a powerful-Parliament system. The reform was decreed through a not clear process, which gave origin to incomprehension about the competence distribution between the President and the Parliament. This uncertainty atmosphere was worsened by the rise of financial groups led by oligarchs creating political parties in order to protect their interests. In addition to that, the lack of economic growth led Yanukovich to adopt some measurement aiming to strengthen the relations with the EU, which were to attract capitals and make the Country more appealing for foreign investors. However, this approach-to-EU policy also resulted in a departure from the Russian influence as well as a weakening of the economic and political bonds with her. A sequence of events, in particular the Gas crisis with Russia, the doubts of Bruxelles regarding the integration of Ukraine in the EU and the public opinion starting to grow felling of euro-skepticism, convinced Yanukovich about the necessity of Russia for the Ukrainian foreign policy. In other words, Yanukovich opted for a foreign policy based on the oscillating balance between the European Union and Russia. He stated himself that “Ukraine is a nation with an European Identity but with historical,

\(^{485}\) Kissinger, *To settle the Ukraine crisis, start at the end*, (2014).
cultural and economic bonds with Russia”. He also added that “Ukraine should exploit her geopolitical position and become a sort of bridge between EU and Russia”. As a consequence, in Yanukovych’s opinion regarding the international security, Ukraine should maintain herself as a European neutral State and join neither the NATO nor the Collective Security Treaty Organization (CSTO)- established by Russia in the post-Soviet area. In view of this policy of balance between the two powers, Ukraine on one hand laid the bases for the future cooperation and partnership projects with Russia; on the 21st of April 2010, Ukraine signed the gas agreement with Russia, thus obtaining a discount on the price of gas in exchange for the extension of the rent contract of the Sebastopol Russian navy base on the Black Sea. On the other hand the EU approaches towards Ukraine started getting more and more hesitant: Bruxelles began to consider the Ukrainian problems, such as the delay in the reforms, the deeply corrupted system and the weak economy, as real obstacles to the integration. Furthermore EU has been always found difficulties in approaching the ex-Soviet Countries and finding the adequate key in order not to disappoint Russia. In November 2013, Yanukovych’s policy seemed to be definitely more oriented towards Moscow: at the oriental partnership meeting in Vilnius he decided not to sign a free trade and political association with the EU and, instead, to reinforce the bonds with Russia. Unfortunately the policy resulted in the outbreak of riots and disorders among that part of population supporting liberal ideas and the integration in the EU. Some of those ended up in the blood and several protesters were killed by officers and snipers. According to both the European mass media and the protesters, the snipers had been armed by the Russian secret services and by Yanukovych’s government. On the 21st of February 2014 Yanukovych and the opposition leaders signed a compromise agreement; the Ukrainian Parliament withdrew the army from Kiev leaving the city under the protesters’ control. On the next day, Yanukovych fled Kiev and some evidence about his government’s corruption started circulating; the Parliament arranged the earlier elections due to Yanukovych’s unconstitutional retirement. The elections took place on the 25th of May and resulted in the opposition’s victory and in Turcynov being nominated Parliament President and Interim President. The Ukrainian revolution led to several consequences regarding the international relationships. Russia did not recognize the new government, blamed
of having risen to power through an armed revolt and unconstitutional methods. On the other hand, the United States and the EU approved the new government of Kiev. Thus, it may be interesting to highlight the strategic and historical importance Crimea and the Sebastopol’s port have for both Russia and the Western world. After World War II, the Crimea used to be part of the Social Soviet Russian Republic. In 1954, under the leadership of Chruščëv, it became part of the Social Soviet Ukrainian Republic, within the URSS: by doing this, Chruščëv willed to celebrate the 300th of the Perejaslav Treaty, having it decreed in 1654 the separation of Ukraine from Poland and the integration with the Russian power. During the URSS collapse, the Crimea was claimed by Russia, yet it remained under the Ukrainian control. Nevertheless, as a consequence of crammed negotiations, the Sebastopol port kept housing the Black Sea Russian fleet. In 1997 a first agreement with Russia was signed and, in 2010, Yanukovych signed a new one in Charkiv; the latter implied the extension until the 2042 of the port infrastructures rent contract, in exchange for discount on the Russian gas price valid for 10 years and an increase on the rent contract price. The Russian interests in Crimea are evident as well as the economic and political importance of the Sebastopol’s port as connecting bridge with the Western Europe and as fundamental Russian junction on the Black Sea and- as a consequence- on the Mediterranean Sea; the port was thus a significant key point for the Russian commerce with Europe and a military strategic outpost against any eventual Western attacks.

During the Kiev’s riot, the percentage of Crimean population, who had previously supported Yanukovych’s government, felt the crisis development as a threat. This discomfort environment was worsened by the following episode: on the 23rd of February 2014- the day of Yanukovych’s escape- during a meeting of the Ukrainian Parliament, Kyrylenko - deputy of the “Ukrainian Union” party - proposed a law which were to formalize the Ukrainian as the only official language. This law proposal provoked disappointment among the Russian-speaking population of Crimea, leading to anti-Ukrainian reactions and riots, which were eventually to cause the Crimean annexation by Russia. In fact, although the new president Turcinov had prevented the approval of the law, the 23rd of February witnessed to the outbreak of

\[486\] Wikipedia Source. Entry on Sebastopol.
disorders involving thousands of protesters and Russian militaries in plainclothes in order to be able to deny the Russian intervention. The protesters slowly started taking control of the Crimea: on the 27th in Simferopol (the capital of the Independent Crimean Republic), armed men occupied the Parliament and the Ministry and substituted the Ukrainian flag with the Russian one. The First Minister nominated by Turcinov was deposed and substituted by Sergey Aksyonov, a phyllo-Russian politician. On the 1st of March Turcinov declared Aksyonov’s nomination as unconstitutional. The latter replied by expressing the will of arranging a referendum about the independence from Kiev. Meantime, on the 28th of February, Yanukovich claimed for Putin’s intervention in order to restore the order destroyed by Kiev protesters. So did Aksyonov, who asked Putin’s assistance to maintain the peace in Crimea. Then, on the 1st of March, the Federal Russian Assembly voted in order to give Putin the right to use the armed force in Crimea. On the 11th of March, Sebastopol’s Council and the Supreme Crimean Council expressed the will of Ukraine to self-determine, through a referendum, as an independent State being eventually to join Russia as a federal subject; the referendum, which took place on the 16th of March, witnessed to the 83% of the population voting and to the 96% of the votes being positive. The particular situation of the Country at the time of the referendum, the celerity of the arrangements for the polling stations and the rumours about the unanimous results led EU and USA to declare the election illegal. So did ONU on the 27th of March. Nevertheless, on the 17th of March, the Crimean Parliament declared the autonomy from Ukraine and asked to join Russia. Putin welcomed Crimea as part of Russia by citing the self-determination principle and admitting at the same time the strategic importance of Crimea for Russia. The claim for the self-determination principle was essential in order to legitimate the Russian intervention in Ukraine. This principle corresponds to an international right, expressed by the United Nations Charter in 1960 as a fundamental one. It ratifies the right of self-determination of the populations, the right to choose their own political institutions, the structures of their development and their international status. The principle was created as a right for “those communities living a colonial dominion situation to determine their own international status in order to obtain

autonomy and either constitute a new State or join an existing one, with which they share the identity. The principle was then extended from the colonial states to all the countries, as a guaranty “for all the populations to freely determine their own political status and to pursue their own economic, social and cultural development”.

The self-determination principle of the populations is a really delicate issue for what concerns the International Law: there is, in fact, a narrow gap between the principle, the territorial integrity of States- regarding the conflict between the territorial government and a minority of the population who wills to become independent- and the non-interfering principle- regarding the eventual intervention of an external government in order to contribute to that minority’s liberation through an economical an military assistance. The non-interfering principle, expressed by Article 2.7 of ONU Charter, recites that “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII”, the latter implies the United Nations intervention against any peace threat, peace violation or attack. In other words, none State (or group of States) is enabled to interfere in the internal affair of another State, unless serious aggression acts against a population or situations being to mine the international peace are going on. To this end, a new common trend is establishing itself; according to it, the international community would get the responsibility of protecting any population which is victim of genocide or other humanitarian right violations; those violation themselves, in fact, constitute a threat for the international peace and security. On the 3rd of December 2004, ONU published a report titled “A safer World: our common responsibility”. The report consists of 101 recommendations about the means through which reinforcing ONU’s role in the promotion of global security. According to this report, the governments cannot invoke the non-interfering principle in order to justify genocides or other

489 Ibid., p. 79. cit.
491 L’ONU per un mondo più sicuro: www.peacelink.it/europace/a/8760.html
crimes against humanity. Thus, in urgent situation States can and must intervene in order to protect the human rights.

Going back to the Ukrainian issue, the Russian interference in both the riot-through the use of armed force-and in the referendum elections-being to lead to the autonomy and annexation of Crimea to Russia-is undeniable; thus it may be interesting to analyze how this interference should be interpreted.

According to Pedrazzi, the Crimean intervention represented “not only a violation of the interdiction concerning the use of armed force in the international relationships, but also an aggression act, if taking account of the definition of aggression expressed in the Resolution 3314 of the United Nations Assembly in 1974 (in particular the territorial occupation and the presence of armed forces on one State’s territory without the consensus of the territorial government)”\textsuperscript{492}. Furthermore, the international community has not recognized the legitimacy of the independence declaration and the consequential annexation of Crimea to Russia; the latter, in fact, has been conducted against both the interdiction of territorial acquisition through the use of armed force and the self-determination principle of populations-the entire Ukrainian population being to be considered as the involved one)\textsuperscript{493}. The paradox seems to be that the Russian intervention would violate the same self-determination principle invoked by Putin in order to justify and legitimate the intervention, if the considered population was the entire Ukrainian one and if the non-interfering principle was taken into account.

In addition, in the analyzed situation, it is to be excluded any hypothesis regarding violations of human rights, which could justify the violation of the non-interfering duty. It thus seems consequential to wonder whether Putin was protecting the Crimean self-determination principle or violating the Ukrainian one. The international community univocally agrees about the second hypothesis; as it was previously recalled, the UN Resolution of the 27\textsuperscript{th} of March 2014 denied the legitimacy of the referendum and of any geopolitical modification of the Crimean region. Although, the Security Council was not enabled to express a stronger position due to the Russian presence within the Council.

\textsuperscript{492} Pedrazzi, \textit{Falsi Miti 3: La liceità delle operazioni russe in Ucraina} (2014). cit.
\textsuperscript{493} Ibid.
It may be thus interesting to analyze more deeply the concept of aggression. As previously stated, in Pedrazzi’s opinion the Crimean revolution is to be regarded as the aggression of one population by another. In Ukraine, though, the Russian aggression looked more concealed due to the intervention of plain-clothed soldiers. The Resolution of 1974 specified that even an indirect one- like the sending of armed groups in another State’s territory-is to be considered as an aggression. However, according to the International Court of justice, it is essential to demonstrate the full control over the armed groups in order to blame one State for the intervention. In both cases, Ukraine would have witnessed to an aggression act. Russia keeps now reinforcing her political, economic and military position with Crimea and Ukraine; similarly did Moscow with Abkhazia and South Ossetia, which claimed the independence from Georgia relying on a Russian support. As a consequence, the Russian influence on these Countries makes fainter and fainter the possibility for them to join EU and NATO.

4.2. NATO’S SOUTH FLANK - MIDDLE EAST CONFLICTS' SECTARIAN NARRATIVE

It is a demonstrated fact that NATO’s eastern and southern flanks are equally at risk as recent aggressive events concerning European countries, and not only, have shown. In this circumstances, the rise of the Da’esh phenomenon calls the Alliance’s attention to a reassessment in view of the expanding ideological terrorist threat that this organization it entails for all the West.

In Eastern Europe's flank, NATO’s “question of concern” consists in complex relationships of power and international law with all the implications brought by the energy and expansionist policy of a well-defined and determined powerful State like Putin's Russia is affirmed. Whereas, in its thorny south flank, NATO’s “question of concern” and of the entire West, in relation to the international security interests a shattered territories such as Middle East and North Africa region, and is even more
intricate and complex since political reasons are mixed with religious and ethnic issues.

The markedly identity-making sectarian conflict in the Middle East, is on the basis of violent conflicts that have had in the past and continue to the present to influence riots, geopolitical alterations, precarious stability and regime changes. Since the attacks of September 2001 onwards, international radical terrorism of religious inspiration matrix is the major actual threat to international security.

al-Qaeda- the core (AQC) - initiates its terrorist actions nearly in the nineties\textsuperscript{494}, but after the Twin Towers’ attacks on 11 September 2001, it becomes to the public opinion’s eyes as the greatest threat to international security, the newborn enemy of the new century, to be fought and defeated in order to preserve peace and security within the Western populations.

The resurgence of terrorist activities come from the MENA region is mainly combined with the term \textit{Jihād}\textsuperscript{495}. The word comes from Arabic language and it means a conflict but nowadays it is better known as a radical crusade in support of a cause that promotes a rigorous literal interpretation of the Islamic sources against all them who are considered infidels either in the Western countries or in the neighbor countries nearby the MENA region.

Western infidels and unbelievers are attacked by radicals whom asserting to interpret the Koran textually become committed to spread their belief and their radical ideas even through the extermination of the enemy. The identification of the West as the enemy can be traced back to the refusal of Western culture, considered too modern and incompatible with the scriptures in which individuals within a certain Islamic Salafi tradition believe in, as well as the ideological fight against everything Western imperialism symbolizes.

The interpretation of Koran has always been an open question. As far as this is concerned, there it is required some general consideration and analyses.

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494 Source: Treccani Encyclopaedia, Entry: jihadismo. “The attacks on World Trade Centre in 1993, the execution of dozens of Western tourists in Luxor in 1997 and the offensives on US’ Embassies in Kenya and Tanzania in 1998 had already highlighted the sensitivity of the objectives ascribable to the West, and the famous fatwa in which Osama bin Laden stated that eliminating the Americans and their allies, was every Muslim's duty, dates back to 1998.”

\end{flushright}
First of all, it must be contextualized the text and the age when it was written in order not to distort the original meaning. If a single sentence is extracted from the context it belongs to, it loses its original meaning and historical reference, therefore, space is left for interpreting it in many different ways (which in terrorist’s case, may be in a dangerous way). The Koran is a text handed down orally firstly to the prophet Muhammad, later to the witnesses and finally to the transcribers. Even the structure of Koran, made of 114 chapters (surah) and 6,236 verses, which follow one another without a subject-matter connection, in other words, makes it even more complex to be interpreted correctly. The language used at that time is an imperfect one: only consonants are written in it, as a result, the reader has to add the vowels in order to recreate the words and what's more, the spelling signs and punctuation are missing. In this way it becomes very hard to understand where one sentence ends and another begins, so far, this increases the possibility of misinterpretation. The Arabic language embraces a myriad of dialects. It is a Semitic and not very simple language, that is to say, only the skeleton of the consonants remains unchanged, while, infixes and vowels can be often exchanged and/or combined to obtain very light nuances of meaning.

Additionally, to the difficulties in interpreting the Koran, there is to be add a certain difficulty in finding a way to produce a correct and unique exegesis as well as identify the individuals authorized to carry out this task and the means used to fulfill it. In this case, it is difficult, because of the fact that in the Muslim religion there is not a unique clergy to clarify unequivocally what is sin and what is not and/or

497 Surah are classified as Meccan or Medinan, depending on whether the verses were revealed before or after the migration of Muhammad to the city of Medina.
498 The total number of verses in the Quran is 6,236 however, the number varies if the bismillahs are counted separately.
499 In the Arab world there are two linguistic registers: the literary language or the standard and dialect. It could be said that the standard is the Arabic language public, official and formal in comparison with the daily, domestic and informal represented by the dialect.
explicate the difference between good and evil by leaving so a margin of interpretation of sacred texts either by imams or individual believers. It is more than probable, that radical terrorist groups promote a strict textual reading of the Koran, enucleating sentences which legitimize their actions grounded on the historical and temporal context they were transcribed. During a recent conference organized by the Muslim World League in Mecca, Imam al-Tayeb\(^500\), referred to the necessity to revise the teaching of Islam in schools and universities, taking on a clear stance against the interpretation of the Koran utilized by radicals and terrorist groups on the behalf of a rigorous literal reading of the holy book of Islam\(^501\).

In the light of what is stated above, it must be remembered, that a distinctive trait of terrorism is the unconventional fight or the asymmetric war by armed groups that represent an invisible and unforeseeable threat for the country object of attack. The most compelling evidence is that sort of terrorist organization such as al-Qaeda is, which “presented itself as a de-territorialized reality, tragically fallen from the sky, concentrated on the internationalist struggle grounded on a well-organized avant-garde and potentially present in every place”\(^502\).

al-Qaeda was born from the idea to conduct a holy war in order to defend the Muslim territories from the Western occupation. Osama bin Laden tried to put together a Sunni Foreign Legion to fight against the US soldiers deployed in the Gulf War (1990), who had intervened in Iraq to drive back Saddam Hussein’s army troops that had invaded Kuwait. In this historical moment al-Qaeda maintains the characteristics of the armed guerrilla to strike the Western enemy in a series of ruthless and effective terrorist attack and it does not transpire any intention to form any semblance of a state yet. The US and Western allies' campaigns against the Taliban regime, which was considered responsible of protecting Osama bin Laden, first in Afghanistan (2001), and after in Iraq (2003), have contributed to feed the perception of the conflict by the public opinion as a war against Muslims. As a consequence, radical insurgents have transformed it into a sort of liberation war which represents a fertile ground for cultivating new jihadist generations.

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\(^{500}\) Imam al-Tayeb is the dean of al-Azhar University situated in Cairo, one of the principal religion teaching centers of Sunni Islam.


It is acknowledged to Abu Musab al-Zarqawi, a Jordanian who was one of the antagonists of Osama bin Laden inside al-Qaeda, the progress that the movement undertakes towards a form of statehood. In 2004, Abu Musab al-Zarqawi after having pledged allegiance to AQC, founded *al-Qaeda in Iraq* (AQI), with the intention to fight against the US occupation in Iraq and the American-backed Shiite government after the fall of Saddam Hussein.

Indeed, there was even more what al-Zarqawi aimed at, since, his following intention was to instigate a widespread civil war in order to establish by all means a Levant’s radical caliphate since he considered the latter much more important than an overall targeted attacks against the West.

In 2006, al-Zarqawi was killed by an American bomb, and he was replaced, first, by Abu Omar al-Baghdadi⁵⁰³ (killed in 2010), and later by Abu Bakr al-Baghdadi.

During the following years, there have been alterations on the characteristics of AQI and in the course of time it has adapted itself to the temporary circumstances as well as to the current historical moments.

Likewise, the movement has begun to advance on the basis of marked strategies designed since the beginning by Osama bin-Laden such as the international fight throughout targeted attacks to the heart of western civilization's symbols and, at the same time, dedicate attention to the geopolitical context, to the penetration and to entrench in-depth of the Middle Eastern Countries.

With the above in mind, fighting both the distant and the nearby enemy, has always been the sphere of action of AQI, extending so far the conflicts enfolding the West either by global terrorism or regional insurgency threat.

The group suffered a weakening due to the counterinsurgency strategy⁵⁰⁴ adopted by US General Petraeus, which called for a sort of all-embracing cooperation with the local population within the region that resented the violence and extremism spread by AQI. Despite this, in 2011, AQI began to strengthen its power once again and in 2012 intervened actively in the civil war in Syria against the Shiite government of Bashar al-Assad. This enabled the group to take advantage of the possibilities for

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⁵⁰³ When Abu Omar al-Baghdadi died, he had already been chosen as the leader of the Islamic State of Iraq (ISI).
⁵⁰⁴ It will be returned later to the strategy counterinsurgency.
maneuver acquired through the intervention in Syria and have the tangible opportunity to conquer areas on the border between Syria and Iraq.

It is exactly in 2013, that “al-Qaeda in Iraq” changed its name becoming the Islamic State of Iraq and Levant (ISIL), proclaiming itself a state and declaring its expansionist ambitions even toward the Levant, in other words, the Eastern Mediterranean's area (Syria, Jordan, Palestine, Lebanon, Israel, Cyprus). Shortly later, after managing to conquer part of the Syrian territory proclaiming Raqqa as the capital of the caliphate and concomitantly changed its own name from Islamic State of Iraq and the Levant (ISIL) into the Islamic State of Iraq and Syria (ISIS). On 29 June 2014, Abu Bakr al-Baghdadi, relying also on the positions acquired by the AQI movement, proclaimed the Islamic State (IS) in the territories of the caliphate under its control between Iraq and Syria.

Given the facts above, it becomes necessary to historically contextualize what has happened in the Middle East in the years immediately preceding the self-proclamation of the Islamic State (IS), we should make a reference to the fact that, during the first decade of 2000, was brought into being a much broader process that showed dissatisfaction and caused a general malaise - more or less widespread amongst the people - blooming to that movement known in the West as the “Arab Springs”.

The term refers to the wave of riots and protests - violent and non-violent - that since 2010 marked the awakening of the Middle Eastern youth into a popular uprising against the old regimes. These movements have always had a revolutionary matrix, which means that they started from the less wealthy strata of the society as well as the common people, to demand rights, freedom, justice, economic and social equity causing upheavals both in the society and the overall structure of the involved States. In particular, the “Arab Springs” have brought along the rise of political Islam which has proven to be a further difficulty in transforming the popular support into real political results. In the majority of the cases, the political movements of religious inspiration (in particular the radical ones) which involved the entire region, have indirectly contributed in some cases by giving impetus to undemocratic expressions.

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505 Known nowadays as simply Islamic State (IS) or with the Arab acronym Da’esh.
Consequently, the jihadist vocation, due to its local roots, has had more facility in intercepting the needs of the popular masses. Throughout this period, al-Qaeda has taken advantage of the weaknesses of the several States - being the latter weary of revolutions, present vacuums in their own political and social structures - to use force and to continue its evolution and adaptation process. The process went beyond Osama bin-Laden's killing in 2001 and the succession of Ayman al-Zawahiri, determining a change of course in relation to the shift of Jihad, from a territorial expression into a wider, broader and multilevel one, becoming “a reality that may be more ideologically driven under the shared insignia of the necessity of jihad, rather than actually controlled and influenced in terms of different contexts in which it operates”\(^{507}\).

In particular, the outcome of the “Arab Spring” in Iraq and Syria have generated very precarious and complex situations in which Abu Bakr al-Baghdadi, as we have had the possibility to verify, succeeded to be introduced and proclaimed the caliphate of the Islamic State (IS), proposing once again the originally idea of a single Muslim world led by a single authoritarian figure that might embrace the consensus of the whole Islamic community.

The civil war in Syria and the delicate internal phase in Iraq have allowed al-Baghdadi, among other things, to propose once more and almost rely on the format of the sectarian strife between Sunnis and Shiites, convincing Sunni jihadists to come together in a common cause against Shiism, being the Shiites minorities in power both in Syria and in Iraq. The division between Shiites and Sunnis dates back to Muhammad's\(^{508}\), death, when the majority of Muslims, the Sunnis, thought that his religious and political heritage were to go to Abu Bakr, father of Muhammad's wife. The Shiite minority believed instead that the successor should be an akin relative of the prophet Ali, such as his cousin and son in-law, hence the name "shi'at'Ali" (faction of 'Ali). Since then, the differences between Sunnis and Shiites on the theological level have increased.

As a matter of fact, both Sunni and Shiites believe that Allah is the only God, Muhammad is the messenger, and they admit the rituals of Islam. The Sunnis base their religion on the practice of the Prophet and his teachings (the


\(^{508}\) The founder of Islam died in 632 BC.
“sunna”), whereas the Shiites give greater importance to the ayatollahs as reflections of God on earth and believe that the twelfth and last imam (hence the Shia Twelver\textsuperscript{509}), a descendant of Mohammed, one day will appear as the Messiah, to fulfill God’s will and bring peace and justice in the world. However, Shiism a minority in the region since only a percentage of between 6 and 11% of Muslims around the world is Shiite. It represents the majority in Iraq, Lebanon, in some areas of the Persian Gulf and it is dominant in Iran\textsuperscript{510}. Furthermore, the theological rift is deepened either from the ethnic and social differences or the eternal power struggle between Saudi Arabia - protector of Sunnis- and Iran - protector of Shiites\textsuperscript{511} - in asserting their dominating role in the region.

4.2.1. RADICAL TERRORIST ORGANIZATIONS - AN INTERNATIONAL THREAT

It is common knowledge that the first thing to do to fight the enemy is identify him and, when possible, learn to know him in order to take the most of advantage of his weaknesses. For this reason, the West needs to have a thorough understanding of the Middle East’s problems, of the history of the jihadist movement and in particular, how it lays its theological and social roots inside the civilian web of populations in which the phenomenon has been developed.

Notwithstanding, the attempt to delve into the history and characteristics of the enemy, in this circumstance, may still be not enough because of all the variables relating to the evolution of situations that have never been clearly defined and/or determined. The transformation of a terrorist group in a real State actor, as it has never happened before, represents a crushing example.

Nevertheless, the response of the West should be appropriate in trying to safeguard international security. The Western strategy to combat the problem of international security threatened by terrorist groups in the Middle East is based on two pillars: the

\textsuperscript{509} The word Twelver stands for Shia Islam or Imamiyyah is the largest branch of Shia Islam.
\textsuperscript{510} Source Wikipedia, Entry on Shiism.
\textsuperscript{511} Guolo, Il conflitto settario in Iraq, Crisi e nuovi equilibri nel Golfo (2012).
fight against Jihadism and the export of democracy. On the path taken by the West in order to pursue a more appropriate modus operandi, it is necessary to highlight the adoption of the “counterinsurgency”, a strategy designed to counter the guerrilla warfare carried out by irregular armed groups.

The counterinsurgency concept was elaborated by the US General David Petraeus. It does not presume a direct attack against the enemy but rather a direct approach to the civilian populations in order to separate them from insurgents and guarantee their security and gain their confidence. The counterinsurgency concept has codified a conduct which the Italian contingent had already adopted in missions in which its military forces were involved. The adoption of counterinsurgency strategy demonstrates how, in order to be more effective, a strategy should not be based only on military action but it should also include preventive actions, that in technical terms, are defined as de-radicalization ones. Therefore, it is necessary to invest in resources in order to prevent radicalization of extremist ideas amidst local populations since the latter is typical of terrorist groups. Hence, to realize this, it is necessary to intervene amidst the civilians and, where possible, engaging civilians. In order to prevent extremism, there is needed not only police forces’ intervention but also the presence of organizations ready to work in the social web, schools, universities, among teachers, within the moderate Muslim organizations and community centers.

Italy can play a very important strategic role in the fight against terrorism threat coming from the Middle East and, consequently, in preserving international security on that flank. In the view of its geographical location as a “close” country, for Italy, this fact entails consequences both in terms of strategic importance for the Western bloc as well as a plausible threat to its national security. It is because of its close geographical position that NATO has established several important operating basis on the Italian territory. It must not be forgotten that, in the eyes of Islamic extremists, Rome is city of the Vatican State, that is to say, the cradle of the Western

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unbelievers. The “conquest of Rome” is, for IS, a recurring objective blatantly stated in media campaigns that have characterized the last years. Moreover, "the conquest" of Rome is in particular a subject matter of discussion in one of Muhammad's prophecies. Even in this case, the problem of interpreting the prophecy reappears. The most likely interpretation is that Muhammad refers to a general cultural, spiritual and ideological supremacy of Islam over Christianity. The literally made interpreting contemplates a real "conquest" in the name of a “holy war” against Rome and Christianity.

Furthermore, the Italian territory is also the first channel to provide refugees an access gate to Europe - either civilians or not - coming from Africa, but also a shelter for those who flee from civil war conflicts resulting from the “Arab Springs” in the recent years. The phenomenon of illegal immigration has for years affected the Italian territory by disembarking of thousands of people in search for better living conditions. In the light of these events, Italy as well as the rest of the UE have been lately threatened by the presence of foreign fighters, whom, after returning in their residence territories, could apply terrorist techniques and knowledge acquired in the Middle East battlefields. The terrorist attacks of the last two years period have demonstrated the perilousness of the phenomenon.

In the light of these considerations, there is an effective possibility that Italy may become target of IS' terrorist attacks. Therefore, the country has to adapt to the concrete situation and be vigilant to maintain security over its territory. Accordingly to this purpose, in the recent years, the alert level has been increased and politicians

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515 “... The audio message posted in July 2014 in which the self-proclaimed caliph of the Islamic State al-Baghdadi invites his followers to fight under his flag, following his precisely advice: “you will conquer Rome and become owners of the world, with the will of Allah”; in the cover of the Islamic State's magazine, Dabiq, in Oct. 2014 compares the photo of the black flag of IS waving on the obelisk situated in St. Peter's Square; in the video posted on the web, in the aftermath of the attack against Charlie Hebdo there is a succession of images from training camps and Rome (St. Peter's Square, the Colosseum, Pantheon) matched with threats uttered in Arabic language; in the message of Jan. 26, 2015, IS spokesman Abu Muhammad al-Adnani, jihadists are encouraged to put in action attacks in Europe and it is fixed “an appointment in Rome”; IS' video posted on Feb. 15, 2015 shows the beheading of 21 hostages and contains threats against Italy”.
516 Ahmad ibn Hanbal (780-855), in his collection of “hadith” i.e. the sayings of Muhammad, reports that the founder of Islam would have predicted that “the city of Heraclius (Constantinople) would fall first, and Rome afterwards.”
517 Among many, just to remember the terrorist attack against the headquarters of the satirical newspaper Charlie Hebdo, in Paris on January 7, 2015. Twelve people were killed during the attack and eleven were injured. The authors of the massacre are Kouachi brothers, Chérif and Saïd Franco-Algerian jihadists, residents in Gennevilliers, France.
have provided severe law proposals’ initiatives for solitary actors, who undertakes terrorist actions on his own personal responsibility, those who leave their country to fight for jihad in war theaters or who supports terrorist fighters by organizing, financing and doing propaganda via cyberspace.

In February 2015, the Italian government approved a Law Decree, which among others actions, provides measures for websites’ monitoring that support terrorism and pursue actions of propaganda as well as disseminate violent material, consenting the possibility of being obscured on the disposal of the judicial authority. The same decree has established a coordination center to investigate on terrorism at the National Anti-Mafia Prosecutor and “strengthens the intelligence, favoring undercover operations and expanding the functional guarantees for the infiltrators”\textsuperscript{517}.

It is interesting to note the role of Italian contingents each time they have been engaged in peace missions in the Middle East. The Italian intervention has always moved in three directions. As first thing to be done, is to have control of the territory from the military point of view, and secondly, attention is paid to dialogue and cooperation with local populations. Thirdly, intelligence operations take action to acquire a whole range of information related to the intervention field. These measures must be combined: it is necessary to control the territory to start a cooperation with the populations but, on the other hand, dialogue with them cannot start without a proper control of the territory. Both activities must be accompanied by a widespread activity of intelligence. Gathering information in the battlefield that can be reliable to the identification of the actors in conflict, their objectives and the context in which they operate is a determining factor for the success of the operations. Neither military operations nor the establishment of confidence relationships with the local population could ever take place without a “comprehensive approach”, that is to say, possess either the adequate information or have a good knowledge of the environment and the interested actors.\textsuperscript{518}


\textsuperscript{518} The intelligence is deployed on two fronts: the first, Human Intelligence, is the local front, which provides for the collection of information among people, the control of possible suspects and the cooperation of the local population whereas the second, Open Source Intelligence, acts mostly on the web’s front where it is possible to retrieve an innumerable amount of information to be filtered by the intelligence in the most appropriate way.
Simultaneously with the comprehensive approach, the Western world continues to develop operational plans of defense against possible hybrid attacks coming from terrorist groups. As far as the latter is concerned, NATO is developing new technologies to protect civilians against unconventional terrorist attacks. The DAT POW is the most evident example.

The DAT POW is a program funded by NATO's member countries and created for developing capabilities and cutting-edge technologies to be used in fighting terrorism. The program was approved at the Istanbul Summit in 2004, and its development was confirmed in the Strategic Concept of 2010. The DAT POW promotes a series of activities that aim at the improvement of adequate tools for improving the security of civilians and protecting strategic points such as ports and airports. For example, to protect activities in ports, there are taking place research studies on technologies which provide sensor networks, electro optical detectors and the development of a magnetic barrier for integrating underwater sonar systems currently used to detect diving threats. Accordingly, to reduce the vulnerability of civilian and military aircrafts, infrared and electronic countermeasures are being developed and experimented. Measures are being studied for detecting chemical, biological, radiological and nuclear weapons in order to provide protection from them as well as to counter improvised explosive devices. Moreover, there have been provided allocations for training personnel capable of removing explosive devices and manage operational phases. Another very important area of development covers the training of specialized personnel in the identification of threats coming from the cyberspace. Sophisticated technologies are being studied to improve capacity on acquiring information from networks, surveillance, reconnaissance which aim having at disposal reliable tools for early warning and identification of terrorists and their activities. The construction of a database with biometric data that allows to identify suspected terrorists and a mobile laboratory for the investigation of accident sites are other activities financed by the DAT POW.

The role played by Italy, in terms of prevention through the development of intelligence within the coalition anti IS has been crucial. Italy has always shared with its allies information obtained by its intelligence's work. In this regard, in 2004, was established the Anti-Terrorism Strategic Analysis Committee (C.A.S.A.) a permanent round table between police and intelligence services. A useful tool in terms of sharing and evaluation of information related to both internal and international terrorist threats.
The complexity of the phenomenon of Jihadism in a theater in which the global, regional and local dimensions are intertwined with religious and sectarian implications as well as the nowadays control of the territory, requires, therefore, a deep knowledge of the “question” by the West. The response cannot come to grips unless “a further intense level of coordination between the political, military and security apparatus and the national police”\textsuperscript{519} is strictly applied. A complex phenomenon must, therefore, be provided with a comprehensive knowledge of itself and a proper response. Accordingly, the response to terrorism which makes use of hybrid methods and multidirectional attacks against the enemy, can only be implemented on three different levels: military, mediation and cooperation as well as intelligence. Henceforth, only interaction and collaboration between these levels would consent the organization of an adequate defense capable of being adapted to the concrete situations in which the West will have to deal with, from time to time, in order to preserve international security. An international security threatened either by Middle Eastern war theaters with all its consequential features such as political, social, economic implications or the rest of the “Western” world's scenarios where may be presented the need to avert and ward off terrorist attacks.

\subsection*{4.2.2. DA’ESH (ISIL’S) HYBRID WARFARE}

The establishment of the Islamic State of Iraq and Levant (ISIL) also known as Da’esh has determined very relevant developments as a consequence of the implications it entails. For the first time in history, a terrorist organization has “established” territorially and proclaimed itself as a State. Da’esh\textsuperscript{520} defines itself a State and not a “group” and has demonstrated its ability in seizing control of a vast

\textsuperscript{520} Da’esh, the Arabic acronym, will be used in this thesis to refer to the armed terrorist group also known as the radicals that have proclaimed the Islamic State of Iraq and Levant (ISIL) also known as ISIS or simply IS. Depending on the way it is pronounced in Arabic language, it may also mean “a person or entity that produces discordances”.

164
territory between Syria and Iraq by using extremely violent methods. It controls and runs it as if it were a State.

Therefore, Da’esh has become somehow different from al-Qaeda: It is a terrorist group with a marked ideological connotation and, at the same time, it is a less abstract entity, appearing more concrete and visible. The dimension in which Da’esh acts is totally new; it is a global dimension which is now acquiring the characteristics of a regional scale, like a real State. With the establishment of the State and the proclamation of the Caliphate, Da’esh asserts its political, social and theological superiority throughout the Islamic world. A new guide for the entire Islamic world within which the fight against the “nearby” enemy, non-Muslim communities as well as the far Western world, is becoming more ferocious and violent. It is a new phase in the history of the jihadist movement, yet to be explored, which is causing new developments in the international power balance relative to the security threat of the Western world.

The self-assertiveness of Da’esh as a State leads to the conduction of wars against one's enemies with different methods and strategies. Da'esh can lead a symmetrical war, like a fully-fledged State, with “a military expansive vision that considers as its first enemy its neighbors, whether they are authoritarian regimes or representatives of the old political elite as well as the Christian minorities...”

Throughout this war the territories of Iraq and Syria have been conquered and Kurdistan's territories are constantly threatened. What is for sure, is the fact that Da’esh has not abandoned methods and timing of asymmetric warfare, typical of terrorist groups. Whereas, it differs from al-Qaeda for its much more dissolute and inhumane methods which provide undefined manifold attacks against Western citizens or against those considered as “infidels”.

In addition, having attained a claimed statehood, has enabled Da’esh to achieve a considerable economic capacity usually attained by terrorist groups only through illegal activities such as weapons, drugs, human trafficking, as well as the procurement of huge incomes deriving from low cost petroleum’ sale. As far as the latter is concerned, having conquered the physical control of part of the above mentioned territory, has allowed Da’esh to take full control over oil resources and

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has given it the opportunity to levy taxes on the population of the new State. A further compelling evidence of profit is also the sale of works belonging to cultural heritage sites grabbed from the terrorists during their “territorial occupation process”. The new economic capacity allows Da’esh to finance the symmetrical war, simply by offering particularly attractive salaries to those young people who will join Da’esh’ army and probably will end up in the arms of radical religious extremism motivated by a situation of economic and social malaise.

The call to emigration (hijra) has certainly some ideological appeal but it has definitely succeeded due to strong economic incentives. The new economic capacity also makes Da’esh able to support the asymmetric war, through financing proper channels of propaganda both in a direct or indirect way. In relation to propaganda it becomes necessary to point out how pivotal has been revealed the role of social media on supporting and diffusing the terrorists mentality.

Concurrently to the call of emigration (hijra) addressed to new militants to move abroad to the new territories of Da’esh in order to fight and contribute to its cause, a phenomenon not to be underrated and, at the same time, a nearly uncontainable weapon used by terrorist groups is the so-called “molecular terrorism”. Either the *home-grown* terrorists or the *foreign fighters* are micro cells that, in the majority of cases, are triggered independently to implement terrorist actions without specific orders from structured entities.

In reality, these are individuals who may have experienced situations of socio-cultural malaise and/or poverty in their countries of residence (home-grown terrorists) and, therefore, have exacerbated their extremist ideas and their hostilities towards the West. If they have fought for the cause of Jihad (foreign fighters) and returned home (returnees), they have entertained their extremist feelings and acquired the necessary knowledge to implement terrorist attacks. The attacks are organized by small radical groups strongly identified by their ideological mindset. The phenomenon is very dangerous for the unpredictability of the attacks and the modalities of their implementation. The single actions of small groups, or even

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522 The *home-grown terrorists* reside in a country who commit terrorist acts against the same country where they actually live.

523 The *foreign fighters* are European citizens or immigrants who reach the theatres of war to join the cause of Jihad. When they come back, the so-called returnees, in their home State may undertake or be part in terrorist actions.
individuals’ ones, elude from any possibility of prevention because they take place outside any typical format concerning an organization’s *modus operandi* or a terrorist attack. The individual or the single cell is activated autonomously after having internalized the principles disclosed on the basis of a widespread and effective propaganda that is grounded in strong ideological, cultural, religious, sectarian bonds.

Given these points, the possibility to act through territorial war, symmetric (conventional) and asymmetric (modern irregular) war as well as molecular terrorism make Da’esh a threat even more dangerous than any may have ever been seen in the recent past. The Da’esh’ global, regional, and local dimension blend with the individualization of the concept of jihad; nowadays the threat is multi-directional and can come from a whole chain of different actors such as an organized State, or both armed groups or properly indoctrinated individuals. It is a threat which encompasses the characteristics of a war that, even in this case, can be defined as hybrid. In this context, psychological warfare and communication strategy play a decisive role and are skillfully promoted by terrorist groups who have demonstrated to be able to make of them very sophisticated weapons, since their usage is a necessary tool to proselytize jihadist ideology in such a crucial and tactical way without having to resort to a tangible coordinated mechanism. The communication strategy is chosen and adopted to convey psychological warfare in the best way possible in order to implement it in the public opinion’s imagination of the Western enemy (and not only).

Terrorists are real experts on conveying communication, not to mention they do not leave anything to mere chance. With this in mind, Da’esh has established a real instrument of official propaganda, the online newspaper Dabiq. The purpose of the delivered messages, photos, videos is to instill insecurity and terror in their enemy’s hearts and minds. The gory beheadings and ruthless executions' videos, shown with pride in order to flaunt contempt and spread fear and embarrassment, are a very powerful propaganda weapon, considered as indispensable in stimulating the youths’ emulation as well as non-foreseeable rising terrorist generations.
The propaganda spread across the network is addressed at radicals living in the West and aims to indoctrinate them, even more, about the need to strike the unbelievers by asserting that such a statement is written on the Koran.\textsuperscript{524}

In view of what is stated above, it is interesting to note that the fundamentalists consider globalization as one of the Western imperialism’s tools that allows a widespread control over Islam. In spite of this, the fundamentalists themselves are the ones who make use of the advantages brought by globalization for their own propaganda campaigns and the enrolment of new recruits.

It is important to realize that only through a farsighted and comprehensive approach in due time, the international security might be assured and peace could be preserved in the near future, albeit is to be kept in mind that, this mainly depends on the West’s political will and competences along with the capability to respond and, at the same time, to contain this combat game made of regular and/or irregular groups and/or individual criminals, whom arise active in real and virtual spaces, breeding hybrid warfare.\textsuperscript{525}

\textsuperscript{524} The sacred text of Islam, the Koran, is the orally revealed message from God to Muhammad and destined to men. Muhammad recited it to various witnesses and compilers (\textit{kuttab}) who transcribed it on various writing mediums typical of the period. After that it was edited on the order of Caliph Utman b. Affan.

\textsuperscript{525} At the moment of this writing is still felt the immense grief that the terrorist Paris attacks have left in the heart Europe. In a very short time France reacted and with her all Europe and all the world. In the aftermath of the events France declared the “state of war”.

French President François Hollande invoked Article 42.7 (Art. 42.7 is a solidarity clause that states that if a member of the European Union is the victim of “armed aggression on its territory” other states have an “obligation of aid and assistance by all the means in their power) of the European Union Treaty and EU bodies answered affirmatively unanimously in favor to the request (invoked for the first time) of the French government to this mutual aid clause, following multiple terrorist attacks on Paris.

Consequently, as of this writing, Article 5 of NATO’s Charter has not been invoked yet in response to the attack claimed to have been directed and organized by the Islamic State of Iraq and the Levant (ISIL known also as Da’esh). At the state of facts no military intervention is provisioned under the competences of Art. 42 (7), therefore perplexities can be raised on the motives, why France did not invoke instead article 5 of the NATO’s treaty. For the sake of the truth it must be said that NATO member states have suffered from domestic terrorism in the course of time but neither of them has fallen under the competences of the collective defense provisions of the Alliance’s constitutive treaty. Moreover, the article states that it doesn’t undermine commitments contemplated under the North Atlantic Treaty Organization (NATO) (it is to be considered that not all EU states are part of NATO). It will be needed some time to understand France’s action.

Did France invoke the EU Treaty’s Article in order to get a prompt economic assistance that would allow it to start the war against ISIL?

Did France invoke the EU Treaty’s Article in order to give a symbolic message to the public opinion of European unity in such a tremendous moment?

Did France invoke the EU Treaty’s Article being aware of the impossibility to reach an immediate collective agreement in order to pursue its objectives against ISIL if it had called Article 5 of the NATO’s Charter?
4.3. NATO’S RESPONSE TO HYBRID THREATS

In response to both conflicts NATO has decided to undertake a very ambitious task: developing a set of tools to deter and defend against adversaries waging hybrid warfare. It has already been made clear in the previous topics of this thesis, that hybrid conflicts involve multifaceted approaches designed to destabilize a functioning state and polarize its society by using as targets, through kinetic operations with subversive efforts, the nation’s population. It is obvious that for NATO in primis this represents an institutional challenge considering that the current NATO deterrence policy for hybrid warfare is based on a rapid military response, which of course cannot be sufficient, and most of important of all, doesn’t provide the basis for the alliance’s member states to prompt collective action as a defence response.\(^526\)

In relation to an adequate defence response, General Miranda on his report\(^527\) indicates the issues to the forefront of national security debates in order to give response to hybrid threats that NATO may encounter in its both flanks. It is well known that law enforcement and intelligence organizations have long recognized the need to collaborate, share and exchange information and have indeed networked in the past to address multiple problems. Therefore, reinforcing links between domestic agencies in order to make possible intelligence sharing depends also from the political will and the political authority in order to make investments that would make possible the following: increase the role of NATO special operations


It is specified that until the document has been approved by the defence and security committee it only represents the views of the general Rapporteur.
headquarters, robust force mobilization, robust cyber defence and show economic solidarity among the members’ states.

Moreover, from a narrow military point of view, it would be far sighted from military leaders to be able to “adjust existing doctrine to take into account the kind of war in which their forces engage, as well as to counter enemy strengths and exploit enemy weaknesses. Senior leaders must create viable operational concepts that link strategy to tactical actions. Leaders at all levels must gather lessons learned from ongoing military operations and alter doctrine, operational concepts, and strategy to meet unexpected challenges and opportunities. In a nutshell, leadership matters.” 528

As far as leadership is concerned, NATO’s summit in Wales recognized the European Union as the only strategic partner of the alliance capable of complementing NATO’s crisis management efforts since it offers a diversity of instruments that can be employed to counter hybrid warfare challenges in order to build prevention and also avoid duplication of defence by achieving more convergence as well as help to secure peace and stability in the air Atlantic area in the near future. 529

The concept of Security Sector Reform (SSR) as embedded in the UNSC Resolution 530 2151 (2014), offers an essential tool to trace the challenges of hybrid warfare. After being unanimously adopted, it underscores the need of strengthening the United Nations’ comprehensive support to Security Sector Reform “reaffirming the importance of such reform in stabilizing countries recovering from conflict and resolving to prioritize reform aspects in both peacekeeping and special political mission mandates.” 531 The European Union has incorporated the SSR in its Common Security and Defence Policy (CSDP) operations since it serves as a rule of law that embraces transparency and accountability as well as a mean to secure peace and

531 Unanimously adopting Resolution 2151 (2014) on its 7161st Meeting, Security Council underscores the need for national ownership of the Security Sector Reform. “By other terms, the Council recognized that security sector reform must be in support of, and informed by, broader national political processes that were inclusive of all segments of society, resolving to link reform to such efforts. Such reform must be better integrated into policing, defence, border management, maritime security and other relevant functions through the development of professional and accountable policing capabilities that strengthened community resilience” cit.
stability in defeating hybrid threats witnessed within and outside the borders of Europe.\textsuperscript{532}

It must be clear though, that without a complete knowledge of the following determining factors “a security environment dominated by hybrid threats might have a long-term impact on the stability of the international order and may eventually have an impact on global power shifts”\textsuperscript{533}, for instance, not giving the right importance to these crucial elements, would mean contributing to spread several \textit{frozen conflicts} all over the world. In that respect, several trends stand out which include\textsuperscript{534}:

\textit{Conceptual and material trends} i.e. Government-led comprehensive approaches must be increasingly complemented and shared with all interested stakeholders (public and private). It is also necessary to strengthen civilian and military capabilities, in order to manage risks and build resilient societies for defeating hybrid threats.

\textit{Legal and institutional trends} i.e. Common legal concepts and frameworks must be established to address hybrid threats adequately in order to prevent states on using different treaties or conventions for justifying their positions (such as law enforcement cooperation and mutual legal assistance), which have to be followed by the enhancement of further new powers to intelligence and strategic communication agencies.

Furthermore, the future military and political doctrines, which put the basis of a comprehensive approach\textsuperscript{535}, must not only face the challenges brought by an ongoing process of technological innovation (in particular cyberspace evolution), but in our opinion becomes also a \textit{condition sine qua non} to shed light on the past historical experience of irregular warfare in order to poses full spectrum capabilities for defeating hybrid threats. Therefore, it is believed that only well-grounded policies, that recognize the importance of a myriad of socio-geopolitical, cultural and religious factors, could illuminate the future of warfare in the twenty-first century.

\textsuperscript{532} For example in the Democratic Republic of Congo and Ukraine
\textsuperscript{533} Cited in Murray & Mansoor, \textit{Hybrid Warfare: Fighting Complex Opponents From The Ancient World To The Present} (2012)
\textsuperscript{534} cf. Pawlak, \textit{Understanding Hybrid Threats} (2015)
\textsuperscript{535} The EU’s Comprehensive Approach was adopted in December 2013.
In conclusion, the moment has come for NATO to give a strong response to the Russian information warfare.\textsuperscript{536} It is difficult to find immediate solutions in a conflict that shifts in space and time and involves a new reality where information superiority is opposed to military power. In relation to this, NATO member countries should give a prompt answer by taking important measures such as further investments in technology and exploitation of resources in an innovative way.

Many Western leaders oppose the idea of using censorship of Russian propaganda method and this can be quietly understood, but at the same time, counter narratives must be delivered to the public in order to give a different version of the facts called in cause. There is no doubt that the media is the fourth power in the Western democracies and for this reason it should be used in a productive manner. If hybrid warfare is using the same tools to weaken your enemy, then the media should be used to recall the historical narrative of the long communist Russian history made not only of the red glorious revolutions but also of violation of human rights. Since Russia considers battle space is in the mind, then NATO member countries and appropriate organisms, should use the investigation strategy, through impartial investigative journalism, in order to make public Russian scandals that may be related to systematic political corruption, as well as, involvement of organized crime in sponsoring international terrorism by tracking their interests and disrupting them by any means possible.\textsuperscript{537}

It is to be applauded the initiative of the European Union in thinking of using the Russian language channels as the best weapon it has to tell the truth, but it must not be forgotten that, the legitimacy of soft and hard power action is given to Western governments from the people of their own country, for instance, it would also be necessary to inform the European population about policies put in action in in the name of transparency. This last factor would make Western governments policies be better understood by their own people and consequently, would increase the support these governments would have in encountering Russian hybrid threats or other asymmetrical threats coming from information warfare.

\textsuperscript{536} For the development of this topic has been mainly consulted Thornton, The Changing Nature of Modern Warfare (2015) p. 40-48.

\textsuperscript{537} Vid. FATF Steps Up The Fight Against Money Laundering And Terrorist Financing, Paris, 16 February (2012).
Information warfare, and in particular Russians asymmetrical media campaign, is designed to cause mistrust and disagreements between NATO member countries since in a collective of states, whether NATO or the European Union, would have difficulties to agree on a unique voice on the nature and content of information campaigns to counter Russia’s information assault. NATO has shown to be an enduring alliance over the past decades and it seems that once more it is called on an international theatre, to transform its weakness in the real strength and assert more than ever the NATO method of decision-making. It is comprehensive that without the political will as well as a strong leadership guidance the above suggestions cannot be put in action.

Many academic or member states are discussing of the possibility to adapt Article 5 of NATO’s treaty in order to face the future challenges by stressing the particular attention to the cyber warfare. In others opinion the treaty is so well-grounded that can legitimate soft and hard power without cutting or changing a comma from it. In this thesis it is supported that there is no need to make changes to the words “armed conflict” of Article 5, indeed it is verified the need to address and fill international law vacuums in terms of national security and cyber warfare.

According to an article published in NATO’s review magazine, hybrid threats exploit the “full-spectrum” of modern warfare; they are not restricted to conventional means”. In other words it is stated that “in practice any threat can be hybrid as long as it is not limited to a single form and dimension of warfare”, for instance, “the rise of cyber warfare has not fundamentally changed the nature of warfare but expanded its use in a new dimension. Therefore, as a result of this consideration, any effective strategy should take this complex environment of hybrid warfare into account and find ways to navigate eat without oversimplifying.\(^{538}\)

In addition, following what has been established in NATO’s Wales Summit, as long as cyber warfare (as an element of hybrid warfare) remains under the corresponding legal threshold of armed attack outlined in Article 5, NATO’s responses must be adapted to a new generation of warfare but without putting in discussion a hard power reaction. In this permanent hybrid war (threats and/or conflicts), Western powers need to start “thinking about security in a much more sophisticated way”

which would intertwine the traditional approach of the past with the innovative and comprehensive approach challenges of the future, but it is not to be forgotten what history has showed, namely, reassurance and deterrence in a state of war (declared or undeclared) are crucial elements in defeating all kinds of threats that the 21st century may still reserve to the North Atlantic area security.

CONCLUSIONS

The *thema* of “dialectics” into the regulations of international law, the principle of non-interference and territorial sovereignty accompanied by the rise of international organizations as actors, has provoked the “emergence” of political concerns that could be directed to a solution only through more definite legislative frames of reference compared to the present parameters of international law.

The international organizations have that power that sovereign states, in a more or less limited manner, decide to devolve or transfer to them according to the function of the pursuance of common interests and objectives. *Stricto iure*, therefore, the limits within which an international organization can act, are established by the states embodying the organization itself.

Humanitarian law, conversely, draws the spheres of military intervention in internal conflicts in a more concrete manner, that in the virtue of the principle of non-interference (as contemplated in Article 2(7) UN Charter), is severely limited in its realization of the *conditio* in which may allow one of the Alliance’s member states to invoke the Article 5 of the NATO’s Treaty and therefore, even if in arbitrated form, “in the shadow” of Article 51 of the United Nations Charter.

So far, firstly, it must be taken into consideration that the UN has always considered NATO to have the status of a “regional arrangement” arisen in virtue of the Article 52 of the Charter of the United Nations - where it is contemplated that the UN doesn’t preclude the existence of these regional arrangements as far as they contribute “to the maintenance of international peace and security consistent with the Purposes and Principles of the UN”.

174
Secondly, it is implicitly claimed that in the consideration of the above, “any enforcement action” undertaken by NATO during existing conflicts, would require the authorization of the UN Security Council as contemplated under Article 53 of Chapter VIII. Consequently, it is intuitive how the institute of the “right of veto” detained by the UN Security Council can be able to deprive the intervention of any supranational characteristic, causing a *vulnus* to its international legitimacy.

On the other hand, the Atlantic Alliance though recognizing its status as a regional organization (in terms of an association of nations primarily linked by a community of interests at first, and only secondly determined by geographic considerations) founds its origins in the Article 51 of the UN Charter (and not in Art. 52) and retains that its legitimacy of intervention could derive from the principle of legitimate self-defence and therefore, not subject to the authorization by the UN Security Council (as contemplated under Art. 53). It is clear that, the latter interpretation would be functional in the “maneuvering” to elude the obstacle of the Security Council and the right of veto exercised in the name of the divergence of the members (in particular Russia and China) in international political matters.

It works in favor of this imposition the precedent of NATO’s humanitarian intervention in Kosovo (1999) which grounded on the principle of legitimate self-defence, justified NATO’s actions under Article 4 of its charter, after involving and consulting the parties together since their political independence or security (or of any of the parties) was considered to be threatened. The humanitarian emergency was identified, in the framework of a process of destabilization of the Balkan area, in the need to lay way to a real operation of ethnic cleansing and to an anomalous flow of political refugees from the Serbian boarders. The action, despite being legitimized ex-post with UN resolution 1244, has constituted a precedent in the violation of the *communis interpretatio* according to which NATO should and could not have intervened in internal matters of a NATO member state, what is more, without the authorization of the UN Security Council. It is perhaps reached a peak where is to consider the action of NATO in Kosovo not only as a “violation” of the rules of international law, as much as a warning light, to the need of a revise of the humanitarian law in order to be able to regulate similar situations in the future.
It functions then as a multiplier of the complexity of the framework above mentioned, the mixed and hybrid nature of the conflicts that have assumed the proper characteristics of the age in which they are originated: complex and of high technological significance.

As we have had the possibility to verify, there exist regulations of reference even for modern “irregular” conflicts, however, in such environs, in the presence of non-classified and non-codified elements as is the case for example of the cyber war, new scenarios are generated and the question that may arise is: Could cyber-attacks be considered attacks on the national security of a state?

The response could be affirmative when thinking about how Russia addressed Estonia, a fact that demonstrated how it is possible to render completely inoffensive a state by attacking the heart of its economy, intelligence as well as governmental structures.

Would it be possible in these cases to classify the de quibus hostile initiatives as a threat to the security understood in its meaning to be no longer territorial but spatial? In case of an affirmative, would it be legitimate to attribute to NATO the power to react in virtue of Article 5 of its Treaty to protect its own member states subject to a cyber-attack as equivalent to an “armed attack”?

The international judicial system is incomplete on this issue and it is doubtful that it can be managed to regulate the question by extensively interpreting the actual legislative framework. However, it is necessary to stress that NATO has acknowledged the question and has adopted its own position in relation to the question during the Summit of Wales where it was not only affirmed that cyber-attacks are officially recognized as military attacks but there have also been launched initiatives aimed at strengthening research in the technological field. Notwithstanding the Wales’ deliberations, NATO is not a rule-making source in international law since it is obvious that is in the competence of the UN General Assembly to officially claim a cyber-attack equivalent to an armed attack.

The shift of the international security defence question to the level of cyberspace, poses also the problem of economic resources necessary for the development of technology. NATO member states have decided in the Summit of Wales to increase the funds destined to defence.
Accordingly, the organization has developed a transparent system to purchase, with joint resources, from the inventors and the producers of technology the instruments necessary to put at member states’ disposition should there be a need. In order to do this, it has streamlined and rendered its own bureaucratic administration more efficient, raising the promptness of the procedures, expressively, showing once again flexibility, it has given proof of being able to transform itself in order to adapt to a global system within which diplomacy, economics, technology as well as energy are pivotal elements upon which to develop efficient and credible projects in international security.

The importance of the question related to the energy security passes through the fight against terrorism and the protection of sensitive sites related to the energy procurement, in particular those situated in remote territories compared to the North Atlantic area - as it may be intuitive- where by all means the commercial interests of the member states converge. Moreover, is not all about commercial interests but it is also important to realize that the sources of energy are indispensable resources to supply and sustain the military resources necessary to deal with wartime needs.

The complexity of the scenarios leads NATO to elaborate multidimensional strategies to respond to the security needs of the member states and maintain peace and international security.

A further reference is to be made regarding the strategic model represented by what is widely known as “smart defence”, as experimented by the nations belonging to NORDEFCO (the Nordic Defence Cooperation is a collaboration among five Nordic countries), which puts together resources and defensive capabilities available for common use by collaborating to achieve the goal of a collective defence to the respective states’ boarders. Likewise, NATO should unite its members’ strength in a more continuous and convinced attitude, developing a spirit of collaboration which should be neither entirely political nor particularly sporadic, overlooking on reciprocal national mistrust. In this direction, progress has been noticed in the intensification of collaborative relations with the EU principally aiming to optimize military resources. In addition, within the very structure of NATO, understood in its function as a bureaucratic organization, is trying to induce each member state to invest more resources in technological research and in particular in “dual use”
technology, which may be also useful for civilian usage.

The conflicts of a hybrid nature which heretofore have been analyzed, cannot be resolved militarily in the conventional way. NATO is perfectly aware of this, therefore, it has, in combination to the instruments of defence, introduced and is developing an approach of a very different nature in collaboration with the military and civilian personnel. In other words this “Comprehensive Approach” must be able to prevent, manage and stabilize and in order to achieve all these it is required an integrated strategy planning between military and civilian experts.

Military and civil actors, such as non-governmental organizations, together can resolve the conflicts, guaranteeing order and developing at the same time, operations of “care” and development that can lead to the opening of democratic pathways and respect for human rights. Greater confidence and safety, in the long run, are translated into an increased freedom of movement as well as stabilization and return to normality.

Despite the future will be based upon these two important pillars: “Smart Defence” and the “Comprehensive Approach”, it still remains open the question of political leadership: only if the latter will show unity, power, flexibility and rapidity of action, would be able to supply NATO with the required instruments to efficiently intervene into conflicts. For this purpose, NATO’s North Atlantic Council (NAC) would fulfill a fundamental role (in which sit all of the members of the Ministry of Defence of the member states) if it would be able to develop an efficient political course of action and strike the right balance on the positions of single governments. The question is likely to remain open for a long time.

For the 28 member states to arrive at a deliberation which is valid and entails effectiveness, they must express itself unanimously and it is evident that a unanimous decision which involves the political interests of 28 different states cannot ever be prompt and rapid in case of emergency involving conflicts.

The most compelling evidence to be observed, is a situation in which, in case of a decision by a “vertical” power, which could be an attack by the regime of a dictator or a terrorist group, it will have to be counter-posed by a “horizontal” power conditioned by the decisions subject to the will of the 28 NATO’s member states. Regardless, the bureaucratic difficulty faced in undertaking prompt decisions, with
the “NATO Method” in mind, the Alliance marks a point of strength under the profile of international legitimacy.

Therefore, once again, the political issue must face the question of lawfulness. If NATO wants its actions to fall under the competences of those statute-barred in Article 4 of the Alliance’s constitutive treaty in the near future, it must provide itself of strong political governance that confers legitimacy to its actions: one such result has been reached, the alliance is already equipped with an efficient command and control (C2) to respond with rapidity and flexibility to the contemporary conflict emergencies.

In a globalized world in which information travels the world in real time, NATO has been obliged to adopt an adequate communicative strategy.

It is not by chance that in August of 2015 in Riga, NATO's new Strategic Communications Centre for Excellence (STRATCOM CoE) was inaugurated. Communication is crucial and at the same time, a main element of hybrid attacks. Propaganda has always been a sophisticated weapon from which it is difficult to be defended from, without the appropriate means. In this sense, the need to control communication instruments becomes of vital importance in order to clarify and give another vision of the facts in opposition to what the propaganda aims to display.

For this reason, in the last few years, NATO has adopted a more detailed communicative strategy being awareness of the importance and the impact that communication means have on society in periods of conflicts and the role of social media in wartimes.

Transparency and, where necessary, integration of the norms of international law, strong leadership, communicative and defensive strategies such as the “Smart Defence” and “Comprehensive Approach” are the challenges upon which NATO must concentrate its future efforts.

NATO is reinventing itself and must continue to do so, it is called to demonstrate capacity to understand the current actuality and the pragmatic flexibility necessary to preserve its functions, its own “raison d'être” and its own credibility on an international level. An adequate flexibility to the current world order and globalization which may consent to the organization, at the same time, to continue in its own work of defence in the interests of its states and of international security.
In the light of what is so far stated, a final reflection is to be made with regards to the contemporary international security “threats”, with reference to NATO’s perception and point of view, such as the ones posed by President Putin’s Russia as well as the radical terrorism of religious inspiration (in particular the danger posed by the sectarian narrative power force of Da'esh) coming from the Middle East and North Africa region (MENA) and not only.

The latter, is an “out of area” conflict, which means, it is not included in the statute-barred territorial area of the North Atlantic Treaty (Art. 6) and is thus also excluded from a legal point of view a NATO military intervention which could have been further justified by its “casus foederis” as provided in Article 5, unless are fulfilled the conditions contemplated under the Art. 4 of its treaty.

Nonetheless, the humanitarian law sets forth exceptions on the use of force from regional arrangements, the last word - viewed from an international regulation framework- still remains to the UN Security Council’s right to deliver any authorization of military interventions in huge dimensions conflicts involving global concerns.

So far, NATO could be limited to containment and surveillance policies with reference to the derived perils considered as threats to the territorial integrity of its Member States and unless the threats do not interfere with the security of its members, support and control operations has been and will be offered to all NATO’s partner states involved in the fight against terrorism.

Another key point to be stressed, is that, it could be more logical that the adoption of the necessary enforcement strategies against radical terrorism were undertaken from the states of the MENA region, such as those belonging to the Arab League for example, instead of waiting from the West to come unconditionally into their aid.

Furthermore, it is somehow perceived a kind of "opacity" with regard to the issue which characterizes the policies of certain Arab States and an approximate positioning is observed - at least a cultural one- on behalf of the latter, with reference to radical positions locally present and/or deeply rooted in their countries.

As far as this last consideration is concerned, these particular scenarios comprise directly or indirectly even Alliance’s member states or crucial partners, for instance, these hybrid conflicts may compel NATO to come to terms with its current structural
and political difficulties.

On the one hand, Putin's Russia has benefited for a long time by the fact that NATO was committed to the defence and control of both flanks, including the containment of perils coming from the current international terrorism, but on the other hand, in view of the recent terrorist actions that have attacked Russia too, the scenario is rapidly changing since NATO’s current main opponent, is facing the same danger itself.

Given the current facts, NATO finds itself in the middle of two conflicts and therefore, cannot totally concentrate all of its forces against one possible attack only or a sole possible enemy. This situation, besides carrying difficulties of logistic order, could undermine its credibility, particularly, in the eventuality that even one member state may need a concrete intervention to defend its boarders or safeguard its security.

In essence, it remains to be defined if NATO has to be “a leader” in its east flank considering the proximity of the Russian-Ukrainian conflict whereas be only “a supporter” in the south flank towards his partnership countries, or, considering the current changing course of events, NATO should make a mental shift and simply be “the leader” with regard to both flanks - no matter the hybrid characteristics of each conflict - since its shared values are equally threatened and its security at risk.

As it has been often noted in the development of this thesis, it is obvious that at the moment of this writing the current circumstances, in relation to the fight against radical terrorism in NATO’s south flank, may be directed towards an intensified process but as it may be imagined the last word in terms of a “use of force” authorization, remains for the United Nations Security Council and at the present time except the unanimously adoption of Resolution 2249 (November 20, 2015), it doesn’t seem to be verified any military action promoted from the UN itself, nor an extensive coalition of states considering the complexity of the hybrid phenomenon as well as the current Russia-NATO very tense relations (unless a possible formal request for help is addressed to UN from the Syrian regime in order to defeat the radical terrorist organizations indicated in the resolution).

In conclusion, trying to catch a glimpse into the future, a very important key point to keep in mind is that, it has been demonstrated that superimposed democracy doesn’t
work and different kind of factors must be considered in managing or resolving hybrid conflicts, but, without missing the importance of the “human factor” as well as resilience and education.

There exist hybrid warfare in which “the pen reveals mightier than the sword”, notwithstanding, as recent history has unfortunately taught us, it may be revealed a mere dream if we lose sight of the pivotal need of conventional support, which, can never be totally abandoned in armed conflicts.
Appendix 1

Vandenberg resolution
U.S. Senate Resolution 239
80th Congress, 2nd Session, 11th June 1948 (The Vandenberg Resolution)

Whereas peace with justice and the defense of human rights and fundamental freedoms require international cooperation through more effective use of the United Nations: Therefore be it Resolved, That the Senate reaffirm the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest, and that the President be advised of the sense of the Senate that this Government, by constitutional process, should particularly pursue the following objectives within the United Nations Charter:

1. Voluntary agreement to remove the veto from all questions involving pacific settlements of international disputes and situations, and from the admission of new members.
2. Progressive development of regional and other collective arrangements for individual and collective self-defense in accordance with the purposes, principles, and provisions of the Charter.
3. Association of the United States, by Constitutional process, with such regional and other collective arrangements as are based on continuous and effective self-help and mutual aid, and as affect its national security.
4. Contributing to the maintenance of peace by making clear its determination to exercise the right of individual or collective self-defense under article 51 should any armed attack occur affecting its national security.
5. Maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by the Charter, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guaranty against violation.
6. If necessary, after adequate effort toward strengthening the United Nations, review of the Charter at an appropriate time by a General Conference called under article 109 or by the General Assembly.

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Appendix 2

The North Atlantic Treaty

Washington D.C. - 4 April 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security. They therefore agree to this North Atlantic Treaty:

Article 1
The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2
The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Article 3
In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4
The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5
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 recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking

http://www.nato.int/cps/en/natolive/official_texts_17120.htm

184
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. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 6

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organized as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

541 The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey signed on 22 October 1951.

542 On January 16, 1963, the North Atlantic Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962.
Article 11
This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications. 543

Article 12
After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13
After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

Article 14
This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.

543 The Treaty came into force on 24 August 1949, after the deposition of the ratifications of all signatory states.
Appendix 3 544

Charters of NATO’s Structure Organization from 1949-1954

544 Lord Ismay, NATO The first five years (1954).
Appendix 5

The Law of Cyber-Attack

Figure 1: Essential Characteristics of Different Cyber-Actions

<table>
<thead>
<tr>
<th>Type of Cyber-Action</th>
<th>Involves only non-state actors</th>
<th>Must be violation of criminal law, committed by means of a computer system</th>
<th>Objective must be to undermine the function of a computer network</th>
<th>Must have a political or national security purpose</th>
<th>Effects must be equivalent to an “armed attack,” or activity must occur in the context of armed conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cyber-Attack</td>
<td></td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyber-Crime</td>
<td></td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyber-Warfare</td>
<td></td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
</tbody>
</table>

Figure 2: Relationship Between Cyber-Actions

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PROTOCOL

on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin. Upon consideration and discussion of the proposals put forward by the participants of the consultations in Minsk on September 1, 2014, the Trilateral Contact Group, consisting of the representatives of Ukraine, the Russian Federation and the Organization for Security and Co-operation in Europe [OSCE], reached an understanding with respect to the need to implement the following steps:

1. Ensure the immediate bilateral cessation of the use of weapons.
2. Ensure monitoring and verification by the OSCE of the regime of non-use of weapons.
3. Implement decentralization of power, including by means of enacting the Law of Ukraine “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status).
4. Ensure permanent monitoring on the Ukrainian-Russian state border and verification by the OSCE, together with the creation of a security area in the border regions of Ukraine and the Russian Federation.
5. Immediately release all hostages and unlawfully detained persons.
6. Enact a law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and the Lugansk regions of Ukraine.
7. Conduct an inclusive national dialogue.
8. Adopt measures aimed at improving the humanitarian situation in Donbass.
9. Ensure the holding of early local elections in accordance with the Law of Ukraine “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status).
10. Remove unlawful military formations, military hardware, as well as militants and mercenaries from the territory of Ukraine.
11. Adopt a program for the economic revival of Donbass and the recovery of economic activity in the region.
12. Provide personal security guarantees for the participants of the consultations.

Participants of the Trilateral Contact Group:
Ambassador Heidi Talyavini (signed)
Second President of Ukraine, L.D. Kuchma (signed)
Ambassador of the Russian Federation in Ukraine, M.Y. Zurabov (signed)
A.V. Zakharchenko (signed)
I.V. Plotnitskiy (signed)

Appendix 7

**CHARTER OF THE UNITED NATIONS**

**PREAMBLE**

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

- to practice tolerance and live together in peace with one another as good neighbours, and
- to unite our strength to maintain international peace and security, and
- to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
- to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known at the United Nations.

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548 The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter. In this Appendix are cited only some main parts of the Charter: The Preamble, Chapter 1, Chapter V (partially), Chapter VII and Chapter VIII.
CHAPTER I
PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER V
THE SECURITY COUNCIL

COMPOSITION

Article 23
1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS and POWERS

Article 24
1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.
Article 25
The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26
In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

**VOTING**

Article 27
1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

[...]
Article 40
In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41
The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42
Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43
1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44
When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.
Article 45
In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46
Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47
1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48
1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49
The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.
Article 50
If preventive or enforcement measures against any state are taken by the Security Council, any other
state, whether a Member of the United Nations or not, which finds itself confronted with special
economic problems arising from the carrying out of those measures shall have the right to consult the
Security Council with regard to a solution of those problems.

Article 51
Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if
an armed attack occurs against a Member of the United Nations, until the Security Council has taken
measures necessary to maintain international peace and security. Measures taken by Members in the
exercise of this right of self-defence shall be immediately reported to the Security Council and shall
not in any way affect the authority and responsibility of the Security Council under the present Charter
to take at any time such action as it deems necessary in order to maintain or restore international peace
and security.

CHAPTER VIII
REGIONAL ARRANGEMENTS

Article 52
1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for
dealing with such matters relating to the maintenance of international peace and security as are
appropriate for regional action provided that such arrangements or agencies and their activities
are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such
agencies shall make every effort to achieve pacific settlement of local disputes through such
regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes
through such regional arrangements or by such regional agencies either on the initiative of the
states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

Article 53
1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for
enforcement action under its authority. But no enforcement action shall be taken under regional
arrangements or by regional agencies without the authorization of the Security Council, with the
exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided
for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive
policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54
The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.
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