

## **CONCEPTUAL DELIMITATIONS REGARDING THE MULTINATIONAL OPERATIONS. NATO AND EU INVOLVEMENT IN MULTINATIONAL OPERATIONS**

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*The international security environment at the beginning of XXI century is still characterized, by instability and lack of predictability, given that effects of the Cold War still make their presence felt, while in various regions of the world there are new sources of tension which, many of them ending up violent. The only structures able to provide adequate answers in such situations, are international security organizations, such as UN, NATO, EU, or OSCE. By their nature these organizations have the resources needed to respond quickly and effectively to emerging crises. The existing situation in the international security environment requires the existence of strong military capabilities, versatile enough, to cover the full range of military operations, including war and stability and support operations. By virtue of assumed role of UN, the international community can dispose the intervention of forces for elimination of the effects of local conflicts and humanitarian disasters usually, with the mandate of international security organizations like NATO and the EU to act on his behalf. Romania, NATO and EU member country, participated and certainly, will participate in future multinational operations under NATO or coalition forces, at the request of international security organizations or partners.*

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The beginning of a new millennium, the third, and of the XXI<sup>st</sup> century, finds the world in a continuous change, a security environment profoundly altered from what the beginning of the '90s visited on it, a security environment exposed to centrifugal tendencies that are swiftly moving from bipolarism to unpolarism and, of late, to multipolarism. The international security environment is presently defined by important positive tendencies wedded to potential risks and threats.

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The world order of the old, based on bipolarity exists no more, meanwhile important actors in the international arena lead the global security system towards a new architecture, in which the security of each individual reigns supreme in the preoccupations of the international community.

Due to the struggle for access to global resources, to the mechanisms of distribution thereof and to markets, but most importantly due to a violent, multifaceted identity crisis (civic, ethic, religious, cultural, ideological etc.) at this turn of the century and millennium, the world, as we know it, continues to be strongly conflicting. The globalization of the economic crisis which, in the shortest time became a financial one, continues to influence the politics in many a country. From this perspective, the security environment is becoming more fragile by the day, finding itself in an incessant change. While some crises spurned at global, regional or local level might be predictable, being the outcome of strategies and programs applied by state and non-state actors, others are not predictable at all and catch off-guard states and international organizations, be they regional or global.

While during the more predictable crises states and international organizations may put into practice contingencies and allocate resources earmarked in advance to that end, the unforeseen crises, merely by their evolution solicit, often exponentially-growing quantities of resources allocated for longer periods of time and a special attention in the framework of international security. In most of the cases, responding to such a situation is difficult, time-consuming and resources-intensive, while the results do not always match desired end-states.

At the moment, in the global politico-military establishment it is deemed that the probability that a major military conflict appear is not worrying. The data have changed after the fall of the Communism in Central and Southeast Europe, the threats being totally different, especially the use of WMDs (weapons of mass destruction) and other asymmetric means. On the other hand, the entrance in the international arena of states considered emergent, that ask to have a say in the management of the global security, opens up the path to new tensions, being expected, most likely come 2015, that the major actors clash, and the rifts among civilizations and interests become more ominous.

From the standpoint of the aforementioned and based upon the accumulated experience, in the latest conflicts human society seems to develop in a non-linear fashion. Thus, it is becoming clearer that managing local, regional or global crises cannot be done solely by a single state or single international security organization.

With the deepening of the causes that lead to crises, we consider that this type of situation will be mushrooming in the coming period of time.

Thus, internal conflicts, on the one hand, and regional ones on the other hand, will likely become more frequent, their effects being, at best difficult to control. In this vein, an increasing international cooperation in various domains, to include crisis management, becomes a first-degree priority. Human society cannot stand by, idly looking on at the hardships suffered by some of its members, irrespective of crisis type.

In the light of all these, international security organizations have developed levers and mechanisms that are increasingly effective in managing crises. Organizing, planning and successfully conducting multinational operations underscores the need for cooperation and effort coordination at international level. Thus, such international security organizations as the United Nations/UN, the Organization for Security and Cooperation in Europe/OSCE, the North Atlantic Treaty Organization/NATO and the European Union/UE have made important steps in the direction of and contributed tremendous resources to solving ample crises.

In the evolution of the security phenomena, the crisis represents a phase in which dysfunctions are registered, moment in which the system/systems are spun out of control and lose capacity for self-regulation, of helping themselves out abnormality and returning to the initial condition or to a new one, superior to the former<sup>1</sup>.

From the etimologic standpoint, *crisis* comes from ancient Greek (*krisis*) where it meant *judgement* or *decision*. Subsequently, in Latin, the word was used as *crisis* and later on, in French, it became *crise*. A crisis cannot exist but between at least two actors, irrespective of their social status, and when one of them has to make a decision for solving the ensued problematic situation.

NATO doctrine defines crisis as „...a situation, manifest at national or international level, that threats values, interests and chief purposes of the involved parties”<sup>2</sup>, while in the framework of the European Union the concept is used to describe „...such situations when the environment is highly volatile and the political decision-makers are in the situation of responding to the crisis not preventing it”<sup>3</sup>.

In stark contrast to NATO, the EU attempts to further clarify the concept in point in the *EU Crisis Response Capability* report, being aired the opinion that utilizing the term *crisis* is limited to the above-described

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<sup>1</sup> Gh. Văduva, M.Șt. Dinu, *Politico-military crises at the beginning of the millennium*, “Carol I” National Defense University Publishing House, Bucharest, 2005, p. 16.

<sup>2</sup> G.C. Marshall, *Conflict Prevention and Management of Crisis and Conflict*, European Center for Security Studies, <http://www.marshallcenter.org>

<sup>3</sup> I. Crăciun, *Conflict prevention and crisis management, course*, “Carol I” National Defense University Publishing House, Bucharest, 2004, p. 67.

situations. Thus, in making use of this concept, heed must be paid to conflict prevention, in the context of violence development, as well as, subsequently, after escalation and installation of normality, in the post-conflict period.

As we mentioned before, the involvement of the international organizations in preventing and solving crises has more often than not materialized in organizing, planning and conducting multinational military operations. From this point of view, *the multinational operations* represent "...those operations conducted by the military forces of two or more nations, in which are involved elements drawn from at least two services"<sup>4</sup>. In most cases, the multinational operation, by the sheer number of states and forces involved has a joint character. Thus, as per regulations in force in the Romanian Armed Forces, the joint multinational operation represents the military operation in which participate "...two or more states, with military contingents of variable sizes, drawn from different services, placed under political control and unique command and employed for achieving a unique objective"<sup>5</sup>.

The framework which need be created for the conduct of a multinational operation must pay heed to responding to necessities and realities manifest in the diplomatic environment, to constraints and objectives established by the troops-contributing nations. From this standpoint, of late, in the military establishments opinions have been aired that forging military alliances based on existent diplomatic relations is long ago-achieved wisdom. Thus, it is deemed that "...when relations are founded on traditional bonds and these bonds are formalized through political, diplomatic and military treaties, they can lead to alliances"<sup>6</sup>.

In the virtue of the need to underscore two (known) situations in which multinational operations manifest themselves, we would like to mention the objective factors that lead to forging an alliance. Thus, *an alliance* represents "...an understanding based on official accords among two or more states, with medium and long-term political and military objectives, that lead to achieving common purposes and interests, as well as to promoting the national values of the constituent members"<sup>7</sup>.

Based on prolonged relations, affinities, common medium- and long-term objectives and certain understandings, some states may convene upon building alliances. From this standpoint, in an alliance framework

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<sup>4</sup> C.H. Bell III, *The Standard Theater Army. Command & Control Systems of the Future*, Military Review, June 1994.

<sup>5</sup> *The multinational joint operations doctrine*, Bucharest, 2001, p. 12.

<sup>6</sup> M.C. Târâncop, *Multinational operations, general considerations and their strategic character*, AISM Bulletin, issue no. 3/1997, p. 43.

<sup>7</sup> *The multinational joint operations doctrine*, Bucharest, 2001, p. 12.

mechanisms and military systems are established and become manifest in a coherent way based upon a high level of standardization with regard to materiel, equipment and used procedures. At the same time, the reaction of the members of the alliance is based on contingency plans applicable to eventual threats raised in an integrated manner.

With respect to the *coalition*, it represents "...an ad-hoc political and military arrangement among two or more states with a view to conducting common actions"<sup>8</sup>. What differentiates coalitions from alliances, the former appear based on the manifestations of unforeseen crises, which stands out from the standpoint of the process of forces and resources allocation. From the politico-military perspective, the coalition forces represent an engagement among two or more nations made to the end of conducting a common action, engagement that takes place outside established bonds, with the purpose of dealing with unique situations or for a more durable cooperation, in a given domain.

Usually, any coalition is constituted for a short period of time and calls for national command-and-control systems for the coordination of own forces. The decision-making process calls for a common effort from the coalition members and for the creation of a coordination center for the purpose of unity of effort, exchange of information, ensurance of cooperation and solving current staff problems.

The process of organizing and planning a multinational operation consists of certain phases which, depending on the type of military action in sight, can be: "...force generation, phase which consists of building-up a force afresh, preparing in advance a mission or shoring up forces already existent in a theater of operations; in-theater deployment; in-theater concentration; consolidation of logistic support and of the host nation support; deployment to the end of conducting combat operations; operation prosecution; conflict resolution and conduct of post-conflict military activities"<sup>9</sup>.

The participation of the states worldwide in coalitions or alliances, in multinational operations, is based on a series of general principles, among them figuring: consensus of parties with regard to the prosecution of operations, the mandate, composition of the force and the force commander; continuous and sustained support to the multinational operation by the mandated authority – the UN Security Council; the capacity of the involved forces to act in unison and effectively; the Secretary General is to inform the Security Council on the developments of the mission; the right of making decisions rests with this organism; the General Secretariat is to propose and the Security Council to decide upon the financial support to the operation,

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<sup>8</sup> *Ibidem*, p. 13.

<sup>9</sup> Collective, *Staff activity, in NATO armed forces' view*, Military Publishing House, Bucharest, 2001, p. 173.

through voluntary contributions or the organization’s own funds in accord with the provisions of the NATO Charter.

Besides the general principles, the participation of state and non-state actors in multinational operations is governed by a series of operational principles, as the latter are defined in the 1973 Resolution 341 of the UN Security Council. This set of principles incorporates the conditions necessary to be met for the deployment of the multinational forces in a certain zone of the globe. In a larger sense, these principles call for: *mutual respect; impartiality; credibility; caveats on the use of force; transparency; unity of command; civil-military coordination; freedom of movement; flexibility*<sup>10</sup>. The relative application of each principle will vary with the specifics of the operation, mission requirements and the nature of the operation.

In the domain in point it is deemed that the multinational operations represent “...the totality of actions conducted at strategic or operational level by the force drawn from the nations constituting an alliance or coalition, put under unique command and having a unique purpose, which dispatches military forces of variable sizes under unique political control and unique command”<sup>11</sup>. As per common practice in the domain, we are of the opinion that, for the foreseeable future, the participation in multinational operations represents an efficient modality of managing politico-military crises and, at the same time, a form of military activity, a basic function and an important mission for the armed forces of any nation.

From the conceptual point of view, the multinational operations consist of two major types of military actions<sup>12</sup>:

- *war*, which represents an extreme situation for the prosecution of multinational operations by an alliance or coalition in such a situation, the aimed-for purpose being the achievement of established objectives through as swift a victory as possible and with minimal losses in human lives and materiel;
- *MOOTW – Military Operations Other Than War*, which entail a large assortment of actions that aim at achieving various purposes, to include prosecution of national interests and objectives, deterrence and prevention of wars, enforcement and support of peace, tension relief among states and resolution of international crises, as well as support to civilian authorities faced with internal crisis situations. Achieving these objectives by utilizing the military option calls for the use of armed forces backed by adequate logistics for the prosecution of diverse missions short of war.

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<sup>10</sup> D. Manta, *Theory of the multinational operations*, “Carol I” National Defense University Publishing House, Bucharest, 2001, pp. 16-17.

<sup>11</sup> M.C. Târăncop, cited work, p. 43.

<sup>12</sup> *The multinational joint operations doctrine*, Bucharest, 2001, paragraph 4.1.

In the vein of the aforementioned it is deemed that military operations other than war can include combat, as well as non-combat actions. From a different perspective these operations can be conducted in peace time, in crisis situations or at war. Insofar as Romania's situation is concerned, the document that states the military strategy underscores the fact that "...participation in multinational, peace-support operations is one of the chief strategic missions of the armed forces in times of peace"<sup>13</sup>. On the other hand, Romania's security strategy shows that our country "...will participate in multinational operations based on rational political decisions, which follow accords of cooperation with allied nations, partners and friendly countries, as per the requirements of the situation and conforming the provisions of the international law"<sup>14</sup>.

The procedure of Romanian participation with troops in multinational operations begins with an official request by the UN addressed to the Romanian Permanent Mission at this organism. Based on the said request, the Ministry of National Defense and the Ministry of External Affairs draft a memorandum which, having been signed by the prime-minister is submitted to the president. After the consultation of the National Defense Higher Council, the president proposes to the Parliament the participation with troops in the multinational endeavor. Thus, "...in the framework of collective security and as per the obligations assumed by Romania through international treaties, by the president's solicitation, the Parliament approves the participation with troops and materiel to the multinational effort for peace-support or in humanitarian missions"<sup>15</sup>.

The decision of the Romanian Parliament is the legal act that approves the participation with troops and materiel in the multinational operation. Thereafter, the government decides upon the spendings associated with the mission and the technical aspects thereof.

From the legal perspective, the participation in multinational operations is regulated by the provisions of the UN Charter and international treaties applicable in the domain. Also, the purpose of the UN, inserted in the preamble of the Charter, is to shield future generations from the pest of war, by the united force of its members, to the end of obtaining, maintaining and building international peace and security, through the UN's guaranteeing the fact that the armed force will be used but in support of common interests and through the attempt of establishing neighborly and tolerance-based relations.

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<sup>13</sup> *Romania's military strategy*, Military Publishing House, Bucharest, 2001.

<sup>14</sup> *Romania's national security strategy*, Bucharest, 2006.

<sup>15</sup> *Law no. 45/1994*, on national defense of Romania, the Official Monitor no. 172/1994, part I.

Further examining the UN Charter we can state that, from the legal standpoint, the strategy fundamentals of peace-support operations are to be found in chapters VI, VII, VIII. Thus, chapter VI provides for peaceful resolution of disputes (article 33), chapter VII provides for the empowerment of the Security Council to solve, through coercive measures, any aggression or attempt against peace, with the specification that it will be of *provisional character* (article 40), to apply *political and economical pressures* (article 41) and to employ *force, to include armed force* (article 42). Not least important, chapter VIII authorizes regional political organizations (the EU, the OSCE, the Community of Independent States, the Arab League etc.) and NATO to adopt measures to the end of peacefully solving regional disputes, so long as they abide by the fundamental principles laid down by the UN.

In the UN framework organisms exist that, in a functional system, are involved in organizing, planning and conducting multinational operations, as follows: the General Assembly, the Security Council, the UN's Select Committee on multinational operations. As per article 43 of the UN Charter, the UN members are requested to make available to the Security Council the armed forces necessary for maintaining peace and international security. The Council recommends that UN member-states constitute national contingents, operationally available and convey their respective coordinates to the Secretary General. These national contingents are made available only upon request by the Council and based on special accords.

Another legal basis for the participation in this type of operations is provided by article 40 of the UN Charter that states the obligation of the Security Council to appeal to the UN member-states to abide by the provisional measures (i.e. economical embargo) before resorting to coercion. With respect to the legitimacy of a multinational operation, it must be pondered that the constituting troops need be aware of and abide by: the national legislation and international law provisions; the treaties and conventions that engage a national state's legal liability; the understandings and accords signed with the host nation.

In order to detail the activities encompassed by the involvement of an international security organization, be it regional or global, in launching a multinational operation, one must start from the initial element, that is that for each and every such operation three components need be present: the request filed by an international actor (state, NGO etc.); the accord of the UN Security Council which will approve of the request; the assuming of the responsibility for the generation of the multinational force and the submission of the request to another international security organism (NATO or OSCE).

A resolution of the Security Council precedes the launching of a multinational operation, resolution that will clearly state the objectives to be

achieved. In emergency situations, when danger exists that the conflict escalates, the Secretary General will immediately report to the Security Council the results of the negotiations with the parties in the dispute, with the host nation and with other states that may contribute troops.

In any case, the Secretary General's report will address such topics as: proposing a mandate for the force generation; nominating a commander and requesting his appointment by the Security Council; recommending the size of the force; enumerating the states that are prepared to immediately contribute troops and those with which negotiations are underway; proposing strategic deployment arrangements and logistic support arrangements, to include the nomination of the nations that can furnish airlift capabilities and logistic units; proposing the moment to initiate the operation; recommending the way the force should be deployed. With a view to drawing a conclusion upon the way the multinational operation is to be initiated, the parties involved in the conflict will contribute by filing support requests with the Security Council as to the deployment of the multinational force. The final decision for issuing the mandate rests with the Security Council and the General Assembly and the organism expected to translate it into reality is the Secretary General.

Decision-making for involvement of NATO in a multinational operation is somewhat different, being set off after either a nation or the NATO Secretary General have filed a request to that end. Always, the request addressed to the member nations by the Secretary General, for the Alliance's involvement in such an operation, will be based on the solicitation made by the UN or the OSCE, or respectively a partner in the North Atlantic Cooperation Council. After this first phase, the involvement of the Alliance in a multinational operation has to be authorized by the North-Atlantic Council/NAC that will analyze the political objectives through consultations and will render them in the final form, as per NATO doctrine applicable to such operations.

The NATO military authorities will maintain abreast with the liable organizations and together they will coordinate the Alliance's contribution. The said authorities, through the Military Council, will make recommendations to the NAC, so that the political authorities be able to make a sound decision, to approve of or reject the Alliance's participation or, if necessary, to reconsider the operational objectives, in concert with the international organization.

The approval by the NAC of the Alliance's involvement in a multinational operation need include a clear description of the political objectives, restrictions regarding the contributing nations and the actions to be conducted. Following the approval, the Military Committee will submit a recommendation to the NAC as to the force commander, whereas the Allied Operational Command/AOCs is expected to formulate the mission statement.

Upon the receipt of mission, the force commander will draft the initial plan that is to be submitted to the NATO commanders, among them the Military Committee and the NAC, for staffing and approval. Upon approval, the MC and the NAC are expected to authorize the writing of a detailed plan. Having obtained the approval of the NAC, AOC will send a number of messages to the nations that may be involved in the operation, as follows: the activation alert, the force generation, the activation request and the activation order. Once the activation order has been sent out, it can be considered that the decision-making for the involvement of NATO in a multinational operation has ended.

With a view to the NATO's role in crisis management, thus in the participation of the member states in multinational operations, in the latest Allied Strategic Concept adopted in Lisbon, it is underscored that the organization will engage in "...the prevention and management of crises" that risk to degenerate in conflicts and will attempt to "...stabilize post-conflict situations and to help in reconstruction efforts". The Alliance will create, by "...learning from operations, a civilian structure for crisis management, adequate but inexpensive, to the end of better interacting with civilian partners"<sup>16</sup>.

Insofar as the involvement of the EU in a multinational operation is concerned, we would like to underscore the fact that, as per the Lisbon Treaty for the modification of the EU Treaty and the Treaty of the European Community, signed in Lisbon, December, 13<sup>th</sup>, 2007 (come into force with December, 1<sup>st</sup>, 2009), all present treaties are amended without being declared obsolete and in the absence of reform of the entire legal foundation of the EU.

The coming into force of the UE's reform treaty has important effects as to an increased coordination among the main organisms and their respective resources, such as, for example, the confirmation of the ascendant trend of development in the domain of Common European Defense and Security Policy.

The treaty impacts positively on the UE's capacity to manifest itself as a global actor in two salient fields: the harmonization of the institutional framework of the Union, which in turn will lead to more efficient relations among the structures of the Council and Commission in crisis management, and secondly in according a more prominent role to the EU inside the international security system through the improvement of the Common European Defense and Security Policy.

The European Council represents a forum consisting of ministerial-level representative of the member states, being the chief organism in adopting decisions, alongside the European Parliament.

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<sup>16</sup> Gh. Deaconu, F. Repez, *The new NATO strategic concept – an important step towards enforcing global security*, Bulletin of "Carol I" National Defense University, issue no. 1/2011, p. 6.

Regarding the procedure of decision-making at Council-level, these decisions can be adopted with unanimous vote, with simple majority or with qualified majority. As of now, qualified majority represents a fix number of votes allocated to each member-state, based on its weight inside the Union. The Lisbon Treaty modifies the definition of the qualified majority, this being represented by at least 55% of the total number of member-states, representing at least 65% of the total population of the EU. The new formula is to come into force with November, 1<sup>st</sup>, 2014.

From the standpoint of the array of multinational operations that can be pursued by the EU, as per art. 28B of the Lisbon Treaty, new types of such military actions can be found, such as "support to third countries in combating terrorism", or "military counselling, assistance and post-conflict stabilization". Thus continues the adding of new types of multinational missions in which the EU can engage, respectively the enlargement of the Petersberg-type missions.

To sum up with, we are of the opinion that it is necessary to clearly differentiate between, on the one hand, the UN-led multinational operations and, on the other hand, the NATO-led ones. Along this line, one can state that the UN-led multinational operations are unique, due to their characteristics. On the other hand, in NATO-led multinational operations, the seminal element that contributes to group unity is the sentiment of belonging to this organization, the adherence to its core values, the high level of standardization and the working modality of providing in-theater logistic support etc. From the final point mentioned one can easily derive the way this function is approached in the NATO framework, where the direct support furnished by the organization is diminishing while the liability of each and every member-state is on the rise, with regard to the participation in multinational operations.

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