



# *AD SECURITATEM*

**THE BEST ESSAYS BY COURSE PARTICIPANTS AT THE  
BAL TIC DEFENCE COLLEGE ACADEMIC YEAR 2020/2021**



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## FOREWORD

Welcome to *Ad Securitatem*, the publication of a selection of best papers from Baltic Defence College's academic year 2020-2021.<sup>1</sup>

This academic year was unlike any other we have experienced, with ongoing COVID-19 restrictions limiting face-to-face interactions, classroom activities as well as how we interacted among ourselves, as colleagues, course-mates, supervisors and supervisees.

The extraordinary times were also reflected on the papers written throughout the year. For the JCGSC, the most popular theme was the role of military in crisis management, either in light of the pandemic, climate change or humanitarian crisis. In their papers, participants of our courses show that the military is still rapid in its responses to new challenges and willingness to adapt to the situational realities, and predict what might be ahead. This year we have selected seven papers from JCGSC and two each from HCSC and CSELC to represent the year.

The collection is opened by MAJ Daniele Demaestri's paper 'Should Democratic States Intervene Militarily to Promote Democracy Abroad' (Supervisor Mr Olavi Jänes). It offers a new take on the 1990s debate on the legalities of intervention, the goals of intervention and the limits of interventions. MAJ Demaestri captures both aspects of collective memory as well as institutional history in context of mission success. In this, his work is innovative and intriguing. When is democratic transition more likely? What are the preconditions of its success? These questions are discussed in depth and offer the reader a good overview of the complexities of an intervention at the same time encouraging the debate on core values of the UN and its possible reform.

Second paper is 'Reasons for Failure of the Operation Krasnaya Gorka. A Case Study' by MAJ Riho Juurik (Supervised by Mr. Art Johanson). It is an excellent example of how a historical operation can be evaluated against modern framework criteria and the resulting mental exercise used to create new understanding of current guiding NATO principles of joint and multinational operations. The operation is especially relevant for

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<sup>1</sup> One of the course papers was submitted to Journal on Baltic Security and accepted by the editorial board. The paper will be available in forthcoming JoBS Volume 7 Issue 1 and will not appear in *Ad Securitatem*

the Joint level, as it is an exceptional case of cooperation between Estonian Armed Forces, the North-Western Army and the British navy. In addition to the operational aspects, MAJ Juurik has opened up the discussion of the moral aspects of fighting on Russian territory during this event. This interesting and valuable read tries to bridge the gap in English-language writings on operations undertaken during the Baltic's struggle for independence and introduces the reader to a lesser known undertaking of the Estonian Army.

MAJ Tomas Lukaševičius' paper titled 'Transforming Lithuanian Special Operations Forces for the Future Operating Environment: A Proposal' (supervisor LTC Michael Dvorak) is good example how a research project in BALTDEFCOL can also be very practical and policy oriented. He opens up with evolving security challenges, their coverage in policy, moving on to the ability of Lithuanian SOF to adapt to these challenges and the requirements they prescribe. The author has seamlessly integrated the limitations of Lithuanian SOF within the analysis, but the reader is always aware of the broader context. Though this paper prescribes policy directions, it provides excellent background for future debate across stakeholders on the future of Lithuanian SOF particularly and SOF's role in the armed forces structure more generally.

MAJ Mindaugas Rekašius paper 'What should defence strategies of small states look like' (supervisor Dr Lukáš Dyčka) also provides proposals for the development of Lithuanian defence system. He provides an innovative take on the issue, suggesting more attention should be given to the potential irregular warfare and thus strengthening of the total defence system. The work also includes a chapter on technological innovation and its implications for the defence systems of small states, also suggesting more focus should be given to the irregular warfare to deal with the complexities of modern, saturated by technology, battlefield.

MAJ Elmārs Popakuls' paper is titled 'What is the Role of Old Weapons Systems in Modern Militaries?' (Supervisor Dr Lukáš Dyčka). MAJ Popakuls' paper takes a particular interest in small state economies, stretching the defence budgets and finally aims to answer 'how old the equipment must be to be considered too old to be left in the armament of Latvian military'. This topic is especially timely in light of the pressure COVID-19 crisis has put on defence budgets around the globe.

Maj. Ryan Newnan takes on a different complex topic – that of migration and its implications for countries' security with the paper entitled 'Is immigration a threat to the National Security of the United States?' (supervisor COL (ret.) Dr. Clirim Toci ). The paper provides a sober analysis of the often highly emotional topic and convey that, contrary to the popular perceptions, the immigration can have a beneficial effect both on countries' economy and on its security.

MAJ Katrin Tõugjas paper concludes the selection of JCGSC papers. The paper, entitled 'The Role of the European Union and Russia in Transnistria with Moldova's Pursuit for Territorial Integrity at Stake' (supervisor Dr. Viljar Veebel) discusses the frozen conflict in the region and the interplay of the international actors (Russia and the EU) in this region. The conclusions of the paper have a potential to inform not only on this particular situation, but to the wider area of post-Soviet zone, where the artificially sustained territorial disputes impede the affected countries from pursuing their foreign policy ambitions.

For Higher Command Studies Course topics surrounding 'hybrid' and 'cyber' themes were the most popular. However, the topic that LTC Florian Balthasar wrote to become one of the best papers of the course was titled 'Could Targeted Killings be Justified under International Law' (supervisor Mr. Olavi Jänes) and dealt with human rights, humanitarian law and use of force in international law. He uses the case of 2011 Operation Neptune Spear that resulted in killing and extracting Usama bin Laden as the basis for his analysis. This deeply researched paper provides a good overview of the legal issues surrounding targeted killings and potential legal justifications for such actions.

LTC Janno Märk's paper (supervisor CAPT (ret) Bill Combes) focuses on another topical issue – the emerging and disruptive technologies in the competition between NATO countries and China. The paper looks at the technology trends and discusses in depth the potential for their development in two adversaries over the next two decades. The paper also provides elaborate recommendations for the alliance on how it may keep its competitive edge over China in this period and beyond.

The CSELC Papers for their course in 2020 are different in essence. The research paper is the background information for a 'one-pager' brief document and a classroom



presentation. As the course itself is quite short, the time to work with the papers is limited. However, both CSM Inge Andersen and CSM Daniel Legrand (with supervisors Dr. Christopher Murray and Dr. Asta Maskaliūnaitė) have been able to look into one geographic area – Arctic, and discuss in depth two different aspects of security challenges in the region. CSM Andersen is focusing more on climate change and its implications on region's policy, specifically when it comes to Stavanger. CSM Legrand, on the other hand, took a deep dive into China's growing ambitions in the Arctic with a very good understanding of background, stakeholders and 'new threats'.

We hope this collection can provide hours of discovery, exploration and mental stimulation. We especially hope it reaches our current, past and future course participants and these pages will serve as inspiration for your own work and writing in the never-ending drive towards knowledge.

Dr, Asta Maskaliūnaitė

**BEST ESSAYS OF THE JOINT COMMAND AND GENERAL STAFF  
COURSE**



# **MAJ DANIELE DEMAESTRI. Should Democratic States Intervene Militarily to Promote Democracy Abroad?**

## **Introduction**

United Nations (UN) Charter Article 2 (4) provides that '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' (UN, 2020). Since its creation in 1945, the UN has held democracy as a core value (UN, 2020) and has been managing and regulating, among other things, the use of force worldwide to maintain peace and stability. Its Charter sets out international rules that guide all of its 193 Members, supporting democracy by promoting human rights, development, peace and security.

Considering that democracy is a UN core value, its meaning has to be clearly defined. There are currently a multitude of definitions of democracy and one of the most authoritative sources defines it as 'the belief in freedom and equality between people, or a system of government based on this belief, in which power is either held by elected representatives or directly by the people themselves' (Cambridge Dictionary, 2020). Since the 18th century, democracy has always been at the centre of debates and is considered a fundamental requirement to guarantee peace worldwide.

In his essay titled 'Perpetual Peace: A Philosophical Essay', Immanuel Kant, the founder of the democratic peace theory, stated that in a republican constitution '[...] the consent of the subjects is required to determine whether there shall be war or not [...], they should weigh the matter well, before undertaking such a bad business' (Kant, et al, 1795). Moreover, he believed that in order to promote perpetual peace, countries should be firstly democratic; so, the promotion of democracy, aided by economic interdependency and the development of intergovernmental organisations, will move the world towards a completely peaceful environment (Marzorati, 2018. p. 3).

All of Kant's principles have been merged with liberalism, a political doctrine that is based on cooperation among democratic countries, free economic markets and international organisations (Cox, et al., 2013). Thus, this liberal democratic concept,

rooted in the conviction that the whole world will live in a state of eternal peace only if all countries are democratic, has been driving United States (US) foreign policy and its process of promoting democracy all around the world, from the White House administrations of Woodrow Wilson to the present day.

Promotion of democracy is at times challenging and contested. A question emerges: should the democratic aspirations of people under oppressive regimes be supported by democratic nations, and if necessary, by the use of force? Would intervention with the use of force be considered in support of the principle of self-determination or as an interference in the internal affairs of another state?

If we take a look at the past or we try to find compelling cases of democracy promoted by force, we will discover that there is no one single case for which we can state that promotion of democracy by force was successful. Indeed, even if there are cases of nations that have become democratic after the invasion from a foreign country, as seen in 1982 with the British invasion of the Falklands, or like Turkey's invasion of Cyprus in 1974, nevertheless the intervention was focused on removing a regime and not imposing democracy (Beetham, 2009, p. 449). Conversely, we can find dozens of cases which demonstrate the failure of the use of force in promoting democracy, with the invasion of Iraq in 2003 as a recent example.

*This paper seeks to demonstrate that, even if the use of force for promoting democracy often fails, in critical situations where human rights violations are taking place and suffering and loss of life are high, it could be the only course of action available in an effort to restore peace and stability, key to the successful establishment of democracy.*

To clarify this thought, the paper analyses two historical events (case studies) through three main sections. The first one will investigate the Iraq war of 2003 and the effect that the use of force to promote democracy had on the entire country, catapulting it into a sustained period of turmoil. The second section will analyse the case of Syria, underlining the negative impact of a non-intervention policy by the international community under the UN Charter, leading to an even worse situation in the entire area. Hence, in its conclusion, the essay will put forth some considerations regarding the two case studies demonstrating that, as contradictory as it may seem, to use force to

restore peace and stability and promote democracy could at times be a feasible solution.

### **Iraq: The Foreign Imposed Regime Change**

‘The fall of one regime does not bring in a utopia. Rather, it opens the way for hard work and long efforts to build more just social, economic, and political relationships and the eradication of other forms of injustices and oppression.’ (Sharp, 1993).

In 2001, the US Administration went from a liberal internationalist strategy promoted by Bill Clinton, based on the idea that it was possible to promote democracy through the expansion of trade and free markets instead of the use of military capabilities (Cox, et al., 2013), to George W. Bush. The 9/11 terrorist attack proved to be a turning point in US foreign policy. Indeed, Bush decided to adopt a foreign policy based on military power, starting the so-called “war on terror” to defeat one of the most dangerous terrorist groups in the world, Al-Qaeda. Thus, in October 2001, the US and other NATO countries invaded Afghanistan to annihilate all terroristic cells and consequently eradicate one of the most significant threats. During the military campaign in Afghanistan, in 2003, intelligence sources stated that Iraq was stockpiling Weapons of Mass Destruction (WMD) (Prados, 2008), leading the US to evaluate the use of force.

According to the UN Charter, Article 2 (4), the threat of and use of force is not allowed, except:

- under the authorisation of the United Nations Security Council (UNSC), which has the responsibility to maintain or restore peace and security worldwide, in accordance with Chapter VII of the UN Charter (UN, 2020);
- for individual and collective self-defence if one of the members of the United Nations is under an armed attack (Art. 51 of the UN Charter) (UN, 2020). However, not only is it argued that customary international law also accepts anticipatory self-defence - which allows countries to respond to an imminent threat - but there are also different interpretations of imminent threat. Nevertheless, there is a general agreement that it involves a visible mobilisation of military forces (Thompson, 2008, p. 168).

Without the approval of the UNSC, the US, considering Iraq an imminent threat not only due to the inaccurate information provided by the CIA (Zaborowski, 2008, p. 47) about the WMD that the country allegedly possessed but also because of the

conviction that Saddam Hussein's regime supported terrorism (Thompson, 2008, p. 168), took action along with the UK by invading Iraq and toppling Saddam Hussein's regime in less than one month.

Moreover, the US did not limit its military intervention to the removal of the regime, but following the liberal principles based on the concept that democratic countries are reluctant to engage in armed conflicts, initiated the Foreign Imposed Regime Change (FIRC) in an attempt to democratise Iraq, with the hope that success in that country would serve as a compelling example for other countries in the Middle East to follow suit and embark in a process of democratisation as well (Latif, et al., 2011, p. 25). However, it should be noted that the concept of FIRC is not limited to overthrowing the old regime. Indeed, according to Enterline and Greig, it embraces 'more than merely encouraging or facilitating leadership change but necessitates restructuring entirely the domestic political system of the target state.' (Walker, 2010, p. 77).

Samuel P. Huntington, an influential American political scientist, stated that the democratisation process should involve 3 phases: the elimination of the dictatorial regime, the establishment of a democratic regime, its consolidation and long-term sustainability (Stradiotto, 2004, p. 4). Taking into account these principles, the US removed the authoritarian regime when it invaded Iraq and more specifically, toppled its dictator. The Coalition Provisional Authority (CPA), represented by Paul Bremer, removed the main political party represented by the Ba'ath - dominated by Sunni - and all of the top political figures (Zaborowski, 2008, p. 49). Moreover, the CPA also established a provisional government, the Iraqi Governing Council that together with the CPA would have had to lay down the foundation for a democratic regime, starting with the development of constituencies (Diamond, 2004).

However, the complete eviction of the entire Ba'ath party - based on the idea that it was too perilous due to its connection to the old regime -, created a vacuum that was impossible to fill. Indeed, the Ba'ath party had been in charge for decades, and its sudden removal resulted in the loss of the country's historical memory. Besides, the CPA chose a small Iraqi group with inadequate experience to rebuild the state (Dodge, 2007).

When democracy has to be promoted, the intervener has to consider domestic or internal factors such as the degree of affluence, the population's homogeneity and the previous democratic experience of the target state. All these factors have to be evaluated to guarantee the correct establishment of democracy, ensuring its long-term stability as well (Downes, et al., 2013). During the process of democratisation of Iraq, the US did not take into account either the total absence of Iraq's democratic experience or the heterogeneity of the population.

Besides, the US did not consider that during the promotion of democracy, not only must the internal factors be evaluated, but the external ones as well, mainly represented by the foreign intervener who has the primary role of overthrowing the authoritarian regime, establishing a temporary government, promoting free elections (Stradiotto, 2004) and guaranteeing a safe and secure environment that allows the correct development of the democratic process to take place. The demobilisation of the Iraqi Army, together with the insufficiency of troops to maintain a stable situation, failed to lay down a solid foundation upon which the US could accomplish one of the key factors for establishing democracy: the creation of a safe and secure environment (Dodge, 2007). In spite of these deficiencies, however, the first democratic election took place in 2005.

All of the aspects described above demonstrate that the US intervention in Iraq to promote democracy set off a chain of unpredictable events which propelled Iraq into a dire situation. Though motivated by a desire to overthrow the old regime in order to restore peace and stability through a democratic government, US actions unexpectedly triggered a civil and sectarian war in 2006 which led to, among other things, a tremendous loss of lives (Zaborowski, 2008). After more than 15 years since the beginning of the war, Freedom House - one of the most respected organisations that publishes research on relevant arguments concerning democracy and all of its facets - lists Iraq as not free (Freedom House, 2020). Moreover, the graphic below, as published in the Global Report 2017, illustrates Iraq's state of affairs in 2016 (Marshall, et al., 2017).

	Fragility Index	Effectiveness Score	Legitimacy Score	Security Effectiveness	Security Legitimacy	Armed Conflict Indicator	Political Effectiveness	Political Legitimacy	Regime Type	Economic Effectiveness	Economic Legitimacy	Net Oil Production or Consumption	Social Effectiveness	Social Legitimacy	Regional Effects
Dem. Rep. of Congo	24	13	11	■	■	War	■	■	dem	■	■		■	■	Afr
Central African Rep.	23	12	11	■	■	War	■	■	DEM	■	■		■	■	Afr
South Sudan	22	12	10	■	■	War	■	■	SF	■	■	na	■	■	Afr
Sudan (North)	22	11	11	■	■	War	■	■	aut	■	■		■	■	Mus
Afghanistan	21	11	10	■	■	War	■	■	aut	■	■	+	■	■	Mus
Burundi	21	12	9	■	■	War	■	■	aut	■	■		■	■	Afr
Yemen	21	10	11	■	■	War	■	■	SF	■	■	+	■	■	Mus
Somalia	20	10	10	■	■	War	■	■	dem	■	■		■	■	Mus
Chad	19	10	9	■	■	*	■	■	aut	■	■	3	■	■	Mus
Ethiopia	19	9	10	■	■	War	■	■	aut	■	■		■	■	Afr
Myanmar	19	9	10	■	■	War	■	■	DEM	■	■		■	■	
Guinea	18	10	8	■	■	*	■	■	dem	■	■		■	■	Mus
Iraq	18	8	10	■	■	War	■	■	DEM	■	■	36	■	■	Mus
Niger	18	10	8	■	■	*	■	■	dem	■	■		■	■	Mus
Nigeria	18	9	9	■	■	War	■	■	DEM	■	■	3	■	■	Afr
Angola	17	8	9	■	■	*	■	■	aut	■	■	24	■	■	Afr
Côte d'Ivoire	17	9	8	■	■	*	■	■	dem	■	■		■	■	Mus
Guinea-Bissau	17	10	7	■	■	*	■	■	DEM	■	■		■	■	Afr
Zimbabwe	17	9	8	■	■		■	■	dem	■	■		■	■	Afr
Burkina Faso	16	9	7	■	■		■	■	DEM	■	■		■	■	Afr
Cameroon	16	8	8	■	■	War	■	■	aut	■	■		■	■	Afr
Mali	16	8	8	■	■	War	■	■	dem	■	■		■	■	Mus
Mauritania	16	8	8	■	■		■	■	aut	■	■		■	■	Mus
Pakistan	16	8	8	■	■	War	■	■	DEM	■	■		■	■	Mus

Figure 1. Table 2 extract: State Fragility Index and Matrix 2016.

Source: (Marshall, et al., 2017)

According to the model, even if the regime type is classified as democratic, the country's situation remains critical on issues pertaining to security, politics, economics and social issues. In addition, as of 2007, the US intervention in Iraq has caused more than 4 million refugees and more than 9 million by 2020 (Vine, et al., 2020, p. 14).

In light of the price that Iraq has paid because of the US FIRC and the continued hardship experienced by its people as a consequence of its failure, the question begs to be asked: is the use of force the most appropriate method for promoting democracy if the end result leaves a war-weary population without the means to support itself? Could other solutions have been adopted instead of resorting to the use of force?



To begin with, diplomacy should have been the first course of action evaluated. Prior to the decision to invade Iraq, the US should have given the UN inspectors more time to carry out their investigation and receive an official confirmation of the presence of WMD. Had the US allowed more time for investigation, a war could have possibly been avoided, but the development of democracy in Iraq as well. A second alternative could have been to establish a deadline for the disarmament and impose economic sanctions (International Crisis Group, 2003), as happened during the Gulf War (von Sponeck, 2005, p. 4902).

The use of force in Iraq was not only condemned by the international community (UN, 2003), but also held little to no legitimacy in the eyes of the Iraqi people whose perception of the US as a liberator in the initial phase of the intervention transformed itself into that of invader for almost the entire duration of the campaign (Shehata, 2005, p. 72). Even if the US intervention had had a legal ground, a military intervention under the UN umbrella would have demonstrated a shared responsibility and an agreement between the members of the international community, therefore eliminating the negative perception of a single nation acting unilaterally. However, it is also questionable whether the results would have been any different, considering that in 2003, the UN Headquarters in Baghdad, emblematic of the international community, was blown up (Reisman, 2004, p. 522).

The case of Iraq is a significant example of the violation of the UN Charter. Democratic countries should abstain from using FIRC and the use of force to promote democracy not only because the process of democratisation is complex, difficult and violates the internal affairs of a State, but also because it often fails, risking the total destabilisation of a country. Different alternatives should be evaluated, and the supremacy of the UN Charter should be internationally recognised. However, when we take a look at Syria, the first question that comes to the mind is: Why did the international community refrain from intervening? Would the use of force have avoided the catastrophic consequences experienced by Syria, its population and many other countries as a result?

## **Syria: The Responsibility to Protect**

'[...] The impulse to use the means at our disposal to liberate people from a government that poses no imminent or prospective threat to us, but is so despotic, violent, and vicious that those suffering under it cannot shake it off, is also noble. [...]' (Reisman, 2004, p. 516).

Where the Iraq example demonstrates the ongoing failure of using force to restore peace and stability and promote democracy, the Syrian war highlights the equally disastrous consequences of the absence of an international intervention to stop what has deteriorated into one of the biggest humanitarian crises the world has seen in the last century (Ferris, et al., 2016, p. 1).

Before proceeding to the analysis of Syrian crisis, it must be noted that Syria's problems had begun decades before the outbreak of the civil war. New monopolies were being created due to neoliberal policies and increased privatisation which benefitted family members and associates of al-Assad and his regime, to the detriment of small and medium-sized businesses. The gap between rich and poor increased dramatically despite the continued growth of the GDP from 2000 to 2010 which favoured the wealthiest 20 percent of the population, leaving more than half of Syrians living either below or slightly above the poverty line (Daher, 2018). Added to this critical state of affairs, Syria was in the midst of what the UN called a humanitarian crisis, experiencing the worst drought in more than four decades from 2006 to 2010. As a consequence, the food security of 1.3 million people was in jeopardy, seriously impacting health and nutrition (FAO, 2009).

Bearing in mind the dire economic situation outlined above, peaceful demonstrations started in Damascus in 2010, evolving from demands for reforms to the more drastic end of Assad's regime. The regime's response to these peaceful protests was to 'shoot-to-kill' (Harris, 2018), together with mass detainment, horrific mistreatment and the violation of human rights (Harris, 2018). The Human Rights Council has signed various resolutions since the beginning of the crisis which have condemned the al-Assad government's attacks against the population and have confirmed the violation of human rights (Muditha, 2016).

The international community, namely the UK, the US, France and Germany began to raise concerns about the Syrian situation, drafting a UNSC resolution which was consequently vetoed by Russia and China who believed that the conflict was an internal affair (Muditha, 2016, p. 218). Indeed, according to Article 2 (7) of the UN Charter, 'Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction [...]' (UN, 2020).

However, Syria's humanitarian crisis, the use of chemical weapons and commission of crimes against humanity by the al-Assad regime, could have allowed the UNSC to intervene under UN Charter Chapter VII. Moreover, the intervention could have been supported by the soft-law doctrine of Responsibility to Protect (R2P), a political concept that is focused on halting atrocities and other serious forms of violence. The R2P was drafted out of necessity due to the international community's inability to forestall the atrocities carried out in the Balkans and Rwanda during the 1990s. As a result, the International Commission on Intervention and State Sovereignty stated in its report in 2001 that the State is responsible first and foremost for the protection of its citizens, but that the international community at large holds a minimal responsibility which could propel it to act when the state fails to fulfil the R2P or is responsible for crimes against its own people (UN, 2020).

In October 2011, another attempt to draft a resolution to the UNSC which proposed an embargo and economic sanctions was also vetoed by Russia and China. In particular, Russia refused to condemn the Syrian regime, also underlining the fact that a regime change was not desired by most Syrians, while China stressed the importance of upholding Syria's sovereignty (Muditha, 2016, p. 221). Even if the UNSC failed to find an agreement, an economic intervention to force al-Assad's hand and stem the violence had been attempted the same year. The European Union (EU), along with the US and the Arab League, imposed sanctions on Syria, damaging the country's two most important industries, namely oil and tourism. This caused a contraction of Syria's economy and consequently worsened the conditions of the average Syrian while once again benefitting the upper classes (Karim, 2017, p. 110). The results clearly demonstrated that economic sanctions not only had done more damage than good, but also that they were ineffective in stopping the al-Assad regime from committing crimes against humanity.

Diplomatic means had also been used to restore order in Syria. The Arab League engaged Syria in diplomatic talks that seemed to be effective at the beginning but failed to resolve the crisis. In March 2012, a six-point peace proposal drafted by the Joint Special Envoy of the UN and the Arab League, Kofi Annan (UN, 2012), received the full support of the UNSC (Hudson, 2012), yet it too failed to end the violence. Indeed, al-Assad did not act in good faith, and the UN Supervision Mission in Syria accused pro-Assad forces of massacring more than 100 civilians in the village of Houlah. In light of Russia's unwillingness to apportion blame to the Syrian government, the UNSC could not reach an agreement on a military response. This effectively made the Syrian government believe that it could act indiscriminately without the fear of reprisal (Gowan, 2013).

Because of this persistent impossibility to reach a unanimous agreement, the al-Assad regime continued to perpetrate every sort of crime against its civilians. It was only after the regime first made use of its chemical arsenal in 2013 killing more than 1000 people that the UNSC was finally able to pass Resolution 2118 unanimously (Muditha, 2016, p. 234). The resolution, however, didn't allow countries to use force in Syria, but only stated that Syria had until mid-2014 to destroy its chemical weapons arsenal, a process to be overseen by UN-sponsored inspectors (UNSC, 2013). Moreover, the resolution did not contain any reference to the use of force. Thus, the al-Assad regime was not deterred from continuing in carrying out extreme acts of violence against its people.

Facing the failure of the UNSC, the UK tried to find a solution to justify the use of force in 2014, arguing that the humanitarian intervention doctrine did not take into consideration any sort of authorisation by the UNSC when a country acts unilaterally for humanitarian reasons, affirming that the unilateral use of force was legal (Muditha, 2016, p. 239). However, the UK's effort to justify a possible use of force in Syria was insufficient. Indeed, the international law, based on the UN Charter, allows the use of force only for individual or collective self-defence, or by UNSC resolution. So, humanitarian intervention with the use of force, without UNSC authorisation has no legal basis. But what about the US? How was it able to conduct airstrikes in Syria? How could the Russian presence in Syria be explained?

To understand the presence of the US and Russia in Syria, it must be noted that Article 2 (4) of the UN Charter does not prohibit outside military intervention in the event of a local government urgently requiring support to restore order within the country. Even if intervention by invitation is not part of the UN Charter and it is more of a customary international law, the fact that there is the consent from the host state does not trigger the concepts of aggression and violation of state sovereignty, thus giving it a necessary legality, as emphasised by the International Court of Justice in the Nicaragua case (Visser, 2020). So, in the case of the US, the airstrike campaign in Syria to prevent the use of chemical weapons would be difficult to support under international law, and the R2P could serve here only as a moral justification, not a legal one.

Conversely, in the case of Russia, in 2015 the al-Assad regime, finding itself in a precarious position with the loss of significant terrain to the rebels and ISIS, made use of the doctrine of intervention by invitation by formally requesting support from Russia in stopping the rebel faction and restoring order. However, despite the lawfulness of the request, different agencies reported civilian casualties during the Russian airstrikes, which was a violation of international humanitarian law (Mercier, 2016), with particular reference to the principle of humanity and proportionality.

The UNSC's continued inability to agree upon a collective response to address the Syrian crisis not only showed the lack of effectiveness of the UNSC but also had disastrous consequences for the entire country. Since 2011, most of the main cities such as Aleppo, Damascus and Homs have been destroyed from an economic point of view, with its urban infrastructure such as schools, hospitals and streets reduced to rubble. Moreover, the lack of investments from foreign countries, the loss of jobs (between 2010 and 2015, 2.9 million Syrians were unemployed and 6.1 million were inactive) together with the decrease in the price of oil (-93%) and the sanctions imposed by the US and EU, led the GDP to contract by 63%, completely decimating Syria's economy (The World Bank, 2017).

The Syrian crisis also saw different external actors and organisations intercede in the conflict, transforming it from a civil war to a proxy one, defined as 'the logical replacement for states seeking to further their own strategic goals yet at the same time avoid engaging in direct, costly and bloody warfare' (Mumford, 2013, p. 40).

Indeed, since 2012, the al-Assad regime has received support from Iran, Iraq's Shia parties, Lebanese Hezbollah (Harris, 2018), Jordan, Egypt, Russia and China, while the opposition has been supported by the US, UK, France, Saudi Arabia, Qatar, Israel and Turkey (Al Jazeera, 2016). For instance, Iran and Lebanese Hezbollah sent fighters in order to increase the National Defence Force, together with an important flow of money from Iran in order to sustain the regime (Harris, 2018, p. 35).

The opposition also received assistance in the form of weapons and other military equipment bought by Saudi Arabia from Croatia and sent over by way of Jordan and Turkey with the endorsement of the West. All of these actors had an influence on the Syrian conflict, exacerbating and prolonging the crisis even if most of the states involved in major hostilities avoided a direct confrontation (Harris, 2018). Furthermore, not only did the civil conflict evolve into a highly complex war involving state and non-state actors, but it also assumed a sectarian facet, aggravated by the presence of different terroristic organisations such as al-Qaeda, ISIS and al-Nusra (Ferris, et al., 2016).

The International Religious Freedom Report on Syria for 2019, released by the US Department of State, highlighted the ongoing sectarian violence perpetrated by every actor involved, from government to rebels. Moreover, the UN Independent International Commission of Inquiry in Syria reported that different terrorist organisations were responsible for outrageous crimes, causing the demise of thousands of civilians (International Religious Freedom Report, 2019).

The UNSC's inability to act collectively, the incompetence of the government to manage the situation and the absence of security which allowed different terrorist organisations to fill the vacuum and expand their influence within the country, generated an apocalyptic scenario in which the population was forced to flee the country or be displaced. The Syrian civil war which started in 2011 with pro-democratic protests and mutated into a full-fledged war, resulted in more than 500.000 casualties by 2020. Moreover, out of a population of about 22 million, approximately '6.2 million Syrians are internally displaced, and 5.6 million are refugees' (USIP, 2020), fleeing to neighbouring countries such as Lebanon, Turkey, Jordan, Iraq, Egypt and North Africa, with close to 800.000 seeking asylum in Europe (The World Bank, 2017). This mass

displacement has not only created security issues for host countries but has also strained their economic and social fabrics.

The Syrian crisis has highlighted the incapability of the UNSC to find a common response against a humanitarian crisis and the violation of human rights. The continuous vetoes of Russia and China have repeatedly impeded any sort of action, from embargoes to economic sanctions. Even when diplomatic attempts failed, the international community was unable to reach a consensus, leaving the al-Assad regime to continue to perpetrate crimes against humanity. Considering the price that Syrians have been paying until now for their desire for democratic reforms, it is most likely that use of force under UN auspices could have prevented not only the development of a proxy war on Syrian soil and the intensification of sectarianism by the expansion of terroristic organisations, but also it could have supported Syrians' wish for democracy. In a situation in which the government is the primary enforcer of the violation of human rights against its own people and all diplomatic attempts have failed, could the use of force to re-establish peace and security and promote democracy be the only option available?

## **Conclusion**

The cases of the US invasion of Iraq in 2003 and the Syrian crisis - which began in 2011 and continues to this day - demonstrate to which extent the concept of use of force is complex, tempered by numerous limitations and a lack of clarity with respect to the international law which conditions its use. While the use of force to promote democracy is clearly illegal and against the UN Charter, in the case of Syria, however, the UNSC could have used it to put an end to the persistent violation of human rights that the al-Assad regime was committing against its people.

On the one hand, believing in the existence of WMD, the US illegally invaded Iraq using the justification of an imminent threat to act without any official UN resolution. It toppled Saddam Hussein's regime and started the process of democratisation without taking into account not only the principles stated by Huntington regarding the process of democratisation, but also overlooking the complexity of transforming a country without any democratic experience into a democratic one. Moreover, during the process, it underestimated the importance of maintaining an adequate number of troops to ensure

peace and security within the country, one of the key factors that allows democracy to flourish.

Internal factors also contributed to the failure of promoting democracy by FIRC. Indeed, the heterogeneity of the Iraqi people and the economic instability did not favour the successful implementation of democracy. Even though the attempt to create the necessary democratic structures had been made and the first democratic election was held in 2005, Freedom House World Country still classifies Iraq as not free today.

On the other hand, the Syrian crisis started with peaceful demonstrations against its autocratic regime to initially obtain reforms and subsequently institute democracy. The repression and violence inflicted by the regime on its people, together with the use of chemical weapons, were insufficient grounds for the UNSC to agree on an acceptable course of action. Where no other alternative other than the use of force had been evaluated for Iraq, diplomatic attempts and economic means were used to peacefully resolve the conflict in Syria but to no avail due to Russia and China's vetoes. Their continued reluctance to pass a resolution to stop the violence and crimes against humanity gave rise to serious doubts by the international community as to the efficacy of the UNSC and its role in upholding peace and security, closely intertwined with one of the UN's core values, namely democracy.

A use of force sanctioned by the UNSC could have significantly reduced not only the high number of casualties and the mass number of internally displaced Syrians and refugees who have impacted neighbouring countries and Europe, but also could have prevented the al-Assad regime from using chemical weapons. Moreover, the deployment of an international military force under a UN resolution could have contained not only the flow of fighters from different countries like Iran and Iraq but could have also avoided the expansion of different terroristic organisations in the area, such as ISIS and al-Nusra.

Adhering to the letter of international law, countries are not allowed to intervene militarily to promote democracy. Moreover, history illustrates that the probability of failure in promoting democracy by FIRC is high and can trigger significant problems with long term consequences, creating enduring instability. However, when there is a violation of human rights and all avenues available such as economic sanctions,



embargoes and diplomacy have been explored and failed, the international community, with the approval of the UNSC, has a moral responsibility to promptly intervene in order to re-establish peace and security, key factors for the eventual and successful promotion of democracy. And if the UNSC does not authorise the use of force, as happened in Syria, should individual states follow the UK proposal to intervene unilaterally for humanitarian purposes?

This topic raises important questions concerning the correct course of action. On one hand, the UN has the honourable role of maintaining peace and security worldwide, as well as regulating the use of force. The legal ground upon which it stands in order to carry out this role is the UN Charter and the UNSC resolutions as there are no other lawful alternatives to justify an armed intervention, independently of its scope. This approach guarantees an international order, avoiding nations from freely intervening in the affairs of other countries. On the other hand, in light of the constant tug-of-war between the US, Russia and China, the UNSC seems to “fail” in its duty, making countries feel the need to find other alternatives as happened with the UK in 2014.

Even if the international stage has to be regulated by international rules, Syria’s crisis has given rise to concerns regarding the efficiency of the UNSC which proved itself unable to take any action in the face of a humanitarian crisis, the violation of human rights and the use of illegal means of warfare. To conclude, the question that must be answered is whether a country, bound by the limits of the UN Charter, is prepared to act on strictly legal grounds or risk the wrath of the international community for acting on moral ones.

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# **MAJ RIHO JUURIK. Reasons for Failure of the Operation Krasnaya Gorka. A Case Study.**

## **Introduction**

The First World War had ended, and due to the security policy situation, the Estonian people saw an opportunity for independence. After the creation of the Peoples Force and general mobilization, the initial major retreat battles were replaced by counterattacks, and by the end of the summer of 1919, the Red Army was pushed out from Estonian territory in cooperation with the British Navy and Russian whites. Fearing that the Russian whites would turn their weapons towards Estonia after the occupation of Petrograd, it was decided in the autumn of 1919 to conduct an operation to occupy the Krasnaya Gorka fortress. It became the so-called Inger operation. Despite the British Navy's support and the repeated attempts of Russian whites to occupy Petrograd, the Estonians failed to occupy Krasnaya Gorka.

The purpose of this paper is to examine the failure of the Krasnaya Gorka occupation operation through NATO's principles of joint and multinational operations. The support of the British Navy and the Northwestern Army's involvement makes this operation both joint and multinational, which justifies using these principles for analysis. In addition, as Operation Krasnaya Gorka took place simultaneously with the Russian whites' offensive operation towards Petrograd, the present paper deals with them mostly accordingly, i.e. strongly interlinked. It is essential to understand that although they were different armies, they were operating in the same area of operations and the same direction, be it Krasnaya Gorka Fortress or Petrograd, and against a common enemy. This paper does not observe or analyze the tactical course of the battles, which will be discussed for the sake of clarity in some aspects of the analysis.

Due to the research's limited volume, the author has chosen three out of the twelve principles for analysis. The implementation of the principles, their priority, and emphasis on one or the other depends on the operation's characteristics and situation. Consequently, the principles discussed in this work have been selected based on their applicability in Krasnaya Gorka's operation analysis and, according to the author,



played an essential role in the failure of the operation. The principles chosen were: unity of effort, definition of objectives and, maintenance of morale.

This study consists of three parts. The first gives an overview of the strategic situation and the main events. The first chapter is divided into four subchapters to describe the road to war, provide an overview of the operation's objectives, its parties and give a brief overview of the operation's course. The second part of the research analyzes planning, preparation and execution through the chosen NATO's principles of joint and multinational operations. The third chapter is concluding.

## **1. Strategic background**

### **1.1 The Estonian War of Independence**

World War I was over and the Alliance considered it necessary to establish so-called Intermarium (Grzechnik, 2014). It was supposed to be a buffer zone, keeping Germany and Russia from rivalling and competing. After the German resistance was broken on the Western Front and a truce was established on 11<sup>th</sup> November 1918, Estonia remained in a situation where Soviet Russia was ready to march in again (Vöting, 1936 p. 16). The German occupation ceased with it and they retreated to their old borders in Germany (Agar, 1963 p. 101). Soviet Russia considered the immediate attack to be the best because the Germans had forcibly demobilized the Estonian national army and deprived them of armaments and equipment. The creation of a new defence force took time, as it was necessary to deal with ensuring internal security and taking over government power from the Germans at the same time. (Vöting, 1936 p. 16) Soviet Russia wanted to conquer the Baltics before they could organize. They intended to occupy the port cities before the Allies could intervene and, at the same time, reconnect with Germany to inspire and carry out a world revolution (Maide, 1933 pp. 127-128). Thus, the creation of this buffer zone seemed to be a quick and acceptable solution for the Allies. This would prevent the spread of Russia's revolutionary dogmas to the west and would hinder Germany's expansion to the east. However, only one of the four buffer zone countries was independent – Poland. The others lacked any constitutional experience (Agar, 1963 pp. 98-99). The described post-World War I security policy situation and Estonians' will for self-determination and independence had created the conditions for the Estonian War of Independence.

Estonia needed time. Such was also the immediate action plan of the Estonian military command, which first provided for the prevention of the advance of Soviet Russian forces, winning time in retreating without defeating oneself while simultaneously organizing and mobilizing the Defense Forces, finding opportunities to obtain weapons, equipment, ammunition and possibly auxiliary troops. Then defeat the enemy from Estonian territory with a counterattack. (Maide, 1933 p. 139) Estonia did not have the armed forces, which were just beginning to be created. As a result, the first Red Army attack on Narva was received by German troops in the formation stage with the support of Estonian units. There were no weapons, equipment or considerable amount of soldiers. In the first battles, individual units of the Defense League and units of the Defense Forces were involved, which had many schoolchildren. (Maide, 1933 p. 130) The formation of the Russian White Card, or Northwestern Army, began before the end of World War I, on October 10, 1918. From the beginning, the task was to conquer Petrograd, overthrow Soviet power, and establish a new regime. Northwestern Army was initially supported by the Germans and later by the Antante. As the Northwestern Army was formed with the Germans' help and support, its employees were also in favour of a German-friendly policy, which was also to be the political direction of the new era. As an intermediate remark, it should be mentioned at that, since its inception, it has been hampered by both internal policy-making and internal command through intrigue between leaders. Although the Northwestern armies were created to promote pro-German politics, but after the Germans' defeat in World War I, they could no longer be expected to support them and leaders of the northern corps changed direction. (Maide, 1933 p. 146) Furthermore, in 1919 as they tried to rebuild a bourgeois Russia, draw the Antante's attention, especially England, and thus gain their support. Therefore, as Estonia also relied on the same sources of support, the latter was forced to maintain good relations with the Northwestern Army because of the common enemy. (Saidlo, 1937 p. 365) The Russian white army played a vital role for Estonia and its War of Independence, contributing with its army to the retreat battles as well as to the expulsion of the Red Army from Estonian territory. By the autumn of 1919, the Red Army was pushed out of Estonian territory. The Northwestern Army continued to fight in Petrograd, and as a result, the Estonian Peoples Force's battles were not over. Operation Krasnaya Gorka began (see Figure 1).

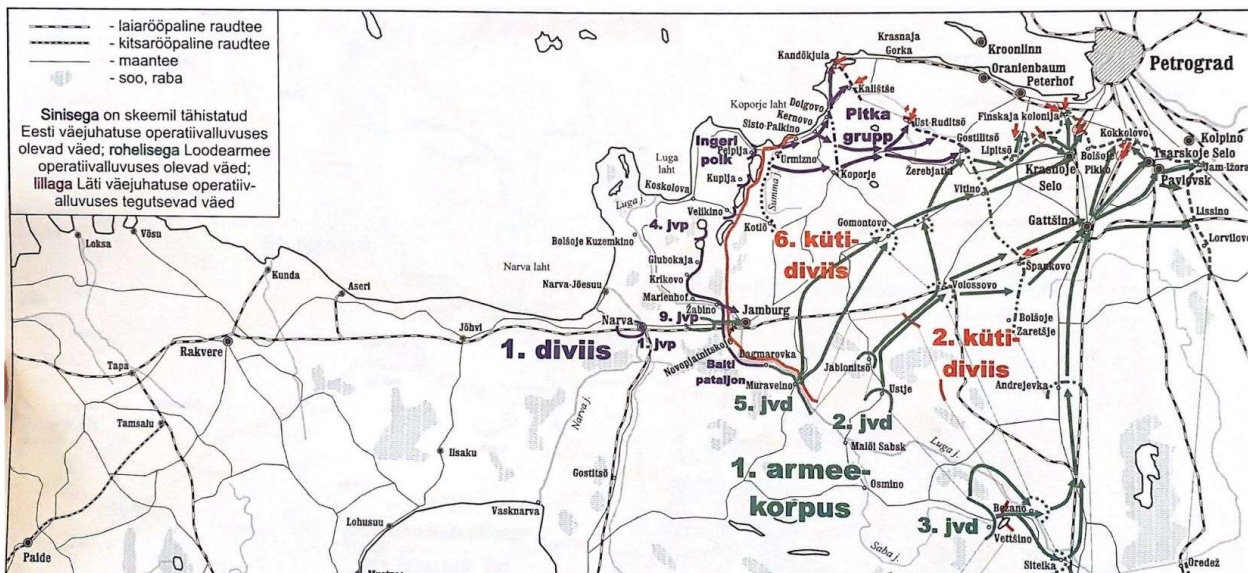


Figure 1. The location of the armies in the autumn 1919<sup>2</sup>. (Traksmaa, 1997 p. 254)

## 1.2 Objectives of the Operation Krasnaya Gorka

Although Operation Krasnaya Gorka was an operation of the Estonian Armed Forces, it was deeply related to the Northwestern army's operation to seize Petrograd. Consequently, it is vital to have an overview of the parties to the operation and their objectives separately.

*Estonian objectives.* According to General Laidoner, Operation Krasnaya Gorka probably had two objectives: assisting the Northwestern army in the north wing and liquidating the Baltic fleet. (Rosenthal, 2008 p. 379) At the same time, Maide points out that the third goal is to give the Ingrians cultural autonomy (Maide, 1933 pp. 410-411). Thereby, the Krasnaya Gorka Fortress must be seized if the Northwestern Army should take Petrograd (Võting, 1936 pp. 366-367) (Traksmaa, 1997 p. 312). Understanding of these two axes, Petrograd and Krasnaya Gorka, will become an essential point of analysis at the later stage of this research paper. It is important to remember the fact and the idea that Estonia's hidden agenda was to conquer Krasnaya Gorka to annihilate the Kronstadt fleet because there were still fear that the Russian Baltic fleet will sail to Tallinn and turn it into a Russian provincial city when the Northwestern army should manage to seize Petrograd (Soots, 1925 p. 33).

<sup>2</sup> The map also shows the Estonian and Northwestern Armies' operational directions in the direction of Krasnaya Gorka Fortress and Petrograd, respectively. Forces under Estonian operational command marked in blue; Troops under the Northwestern Army's operational command, marked in green.

*Northwestern army's objectives.* Conquering Petrograd had been an attractive goal for the Northwestern Army since its inception. On a 31<sup>st</sup> August 1919 Soviet Russian Foreign Commissariat made a proposal to Estonia to start peace negotiations (Maide, 1933 p. 403) which forced the Northwestern Army to act and launch an offensive as soon as possible. In addition, there were several other political reasons for rushing the attack. For example, the capture of Estonia by the Soviet Russia had become more hostile, and Great Britain was suspending its intervention policy in northern Russia (Oll, 2018 pp. 296-298).

*Allies objectives.* The main concern of the Allies was the create conditions to avoid further conflicts between Russia and Germany. Consequently, the British Baltic Fleet promised to support the Northwestern Army operation in Petrograd. (Saidlo, 1937 p. 365) The aim was to help Russian whites to power, which is why Estonia also avoided presenting its plan to occupy Krasnaya Gorka and destroy the Russian Baltic Fleet to the British. There were fears of losing Allied support (Pitka, 1921 p. 186).

### **1.3 Operation Krasnaya Gorka Concept of Operation**

The plan was to land behind the enemy in Koporje Bay and conquer Krasnaya Gorka Fortress. The latter's cannons would have bombed Kronstadt, the base for the Russian Baltic Fleet, while the Cowan and Pitka fleets, led by minesweepers, would have had to invade Kronstadt and destroy or conquer the ships there.<sup>3</sup> (Pitka, 1921 pp. 178-179) So it all depended on the surprise and the speed (Soots, 1925 p. 33). It should be noted that this was by no means an original plan, as such a proposal was first made in April. At the same time, the Allies (United Kingdom) did not want the destruction of the Baltic fleet, but its fall into the hands of the Russian whites. (Rosenthal, 2008 p. 377) Vice Admiral Pitka, approved by the Commander-in-Chief of the Estonian Forces and appointed Commander-in-Chief of the operation, also announced the plan to Admiral Cowan, commanding officer of the British Baltic Fleet, who promised to support the operation (Pitka, 1921 p. 178).

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<sup>3</sup> Attempts to occupy the Krasnaya Gorka fortress have been made in the past. The fortress's earlier occupation can be considered one of the reasons for the outrage of Vice-Admiral Pitka because the Northwestern Army disarmed the Inger battalions at Pitka's disposal when Krasnaya Gorka was in their hands. (Pitka, 1921 p. 178)

Estonian troops had to support the Northwestern Army from both wings: Lake Lubani in the south, the Velikaja River in the north and Jamburg, the Gatchina Railway (a.a.) and the Gulf of Finland. The success of Russia's white forces in southern Russia, on the one hand, and the start of Estonian-Soviet Russia peace talks, on the other, forced the Northwestern Army leadership to hurry (Saidlo, 1937 p. 365).

Operation Krasnaya Gorka was planned to begin after the Northwest Army offensive began. It was hoped that the Russian Reds would regroup their forces against them and weaken the coast forces. (Pitka, 1921 p. 179) Also, there was no certainty that the white attack would take place at all (Rosenthal, 2008 p. 379).

The attack on the Northwest Army, which began several weeks later than planned, soon stalled and they were already forced to retreat. This eliminated the possibility of landing on the enemy's rear. (Pitka, 1921 pp. 180-181) During the joint multinational operation, Estonian troops reached the vicinity of Krasnaya Gorka and the Northwestern Army under Petrograd. The latter was able to break through the Red Army's defence and thus penetrate deep into the opponent's rear. The initial success of the Estonian People's Force did not end with the capture of the fortress because, before that, the attack of the Northwestern Army turned into an escape (Pajur, et al., 2005).

There was a lack of situational awareness about the locations and condition of each other's forces. As it turned out, several days before fleeing from the vicinity of Petrograd, the Northwestern Army Command had given false information in situation reports. (Pitka, 1921 pp. 188-189) This ended with a situation where at one point, the south wing of the Estonian forces that had to cover the north wing of the Northwest Army was left empty because the Northwestern Army began a chaotic retreat. To avoid the risk of seizures, the Estonian People's Force started retreating battles. (Grosschmidt, 1995 p. 158) The operation to seize Krasnaya Gorka Fortress and destroy the Russian Baltic Fleet could be considered a failure. Although several sources indicated that the fortress had to be seized only if the Northwestern Army conquered Petrograd, it can be concluded from the activities of the Estonian People's Force's repeated attempts to occupy Krasnaya Gorka that the fortress was expected to be seized without conditions (Rosenthal, 2006 pp. 410-411).

## 2. Analysis/Reasons for loss

*“To know the principles, if one did not know how to apply them, would lead to nothing” (Foch, 1920 p. 9)*

The framework used in this work to analyze the operation and identify possible causes of failure is NATO's joint-level principles of allied operations. Based on NATO's Allied Joint Doctrine for the Conduct of Operations, these principles allow for a common and coherent approach to multi-faceted and constantly evolving challenges, and their understanding has proven successful in the field of unified arms and international armed conflicts (NATO, 2019).

Today's principles date back relatively unchanged from 1921, when they were written based on previous armed conflicts. The operation to occupy Krasnaya Gorka Fortress also took place within the same time frame. (Van Avery, 2007) Principles are precepts, simple and clear instructions. Although these have evolved through successful examples of various armed conflicts, impulsively following them does not guarantee success or shape the path to a set end state. However, they can be used as command and control factors during the planning and execution of military activities. (Principles and Their Significance in Military Art, 2017 p. 282) The principles overlap and are mutually supportive and therefore form an integrated whole. However, they need to be treated dynamically, and their priority given to each other should be decided on a case-by-case basis (NATO, 2019).

Hence, following three NATO principles of joint and multinational operations will be utilized to analyze the planning and execution of operation Krasnaya Gorka as the most pertinent appliance/instrument.

### 2.1 Definition of Objectives.

From NATO's perspective, clear, concise and commonly understood objectives for operations provide a purpose for military action and a common basis and direction for synchronized and harmonized action at all levels. Four criteria that are describing the objective is used as aspects of the "define the objectives" analysis (NATO, 2019).

*'An objective establishes a single desired result or goal'* (NATO, 2019). Although the end state of the operation was the destruction of the Russian Baltic fleet, few knew it. Apart from the Commander-in-Chief of the Estonian Forces and his closest assistants, Admiral Pitka and Admiral Cowan knew this. (Maide, 1933 pp. 410-411) Based on the source materials' information, it can be concluded that the rest of the personnel were aware of the Northwestern Army's support in occupying Petrograd on its northern wing. However, according to some sources, the Krasnaya Gorka fortress's seizure had to be conducted if the Northwestern Army succeeds in its attack (Vöting, 1936 p. 367). This is contradictory because the Northwestern Army's support was taken into account Estonia's hidden agenda, i.e. to destroy the Russian Baltic fleet with Krasnaya Gorka cannons. The same can be deduced from Admiral Pitka's memoirs, where he describes the proposal made to the Commander-in-Chief of the Estonian Forces (Pitka, 1921 pp. 178-179). It can be concluded from the above that since the real purpose of the operation was hidden, contradictory information spread during the war. It also caused morale problems on the front, which are analyzed below. While NATO's criterion of defining objectives is that there must be one clearly defined objective, this was not the case for the operation, and the formulation of several goals affected negatively achieving unity of effort.

*'An objective should link directly to higher level objectives or to the end state'* (NATO, 2019). The levels of objectives set out in Figure 2 (below) were used to analyze this point.

At the strategic level, the national security objective was probably to preserve the state's independence, and the national military objective was to protect the territorial integrity of the state. These are interconnected and easy to understand. At the operational level, on the other hand, it was not possible to link the levels by concealing the actual objective, which prevented a common understanding. While the broadly stated aim was to support the Northwestern Army, the Krasnaya Gorka fortress's occupation as an operational goal did not create any connection with it. If combatant commanders' missions had been formulated and communicated as "Destruction of the Russian Baltic Fleet to prevent its later use against Estonia", the fighting units would have had a much clearer understanding and motivation to fight outside the territory of the Republic. This means that one level higher goal was the cover, and two levels higher goal was completed (Maide, 1933 pp. 403-404). It is also important to point out

that multi-level common understanding together with well-defined objective and the end state is an integral part of implementing the mission command and enhancing the unity of effort (Headquarters, Department of the Army, 2019). According to the author of this work, this criterion was not met in terms of implementing the operation.

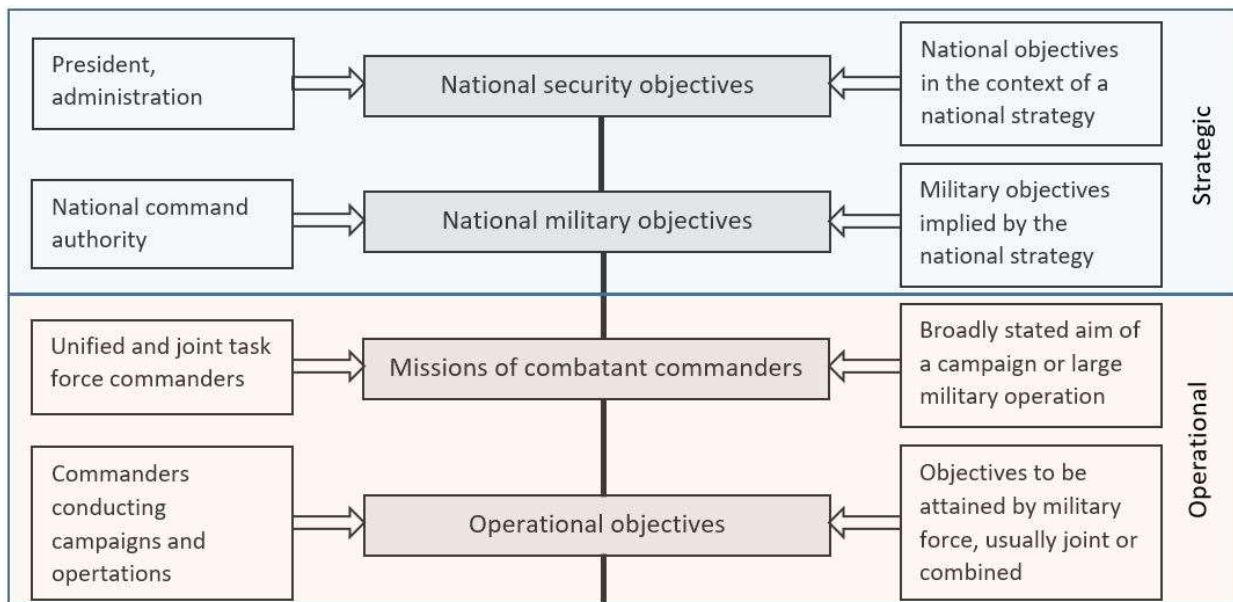


Figure 2. Levels of objectives. Author's modification. (Pirnie, et al., 1996)

'An objective is precise and unambiguous' (NATO, 2019). At the same time, the precise wording of the objective is a prerequisite for its unambiguity. At the management level of Operation Krasnaya Gorka, the rationale for this operation could be clearly understood, but through the C2 hierarchy, not communicating the real purpose of this operation made it incomprehensible. The three different identified objectives for continuing the operation on Russian territory and one hidden end-state reflect the systematic confusion and incoordination of this operation. Arguably, the mission command could have been executed if the forces participating in the operation had a clearly defined end state and the operation's objective. The intent of the commander was required. Introductory to the next criterion, the question arises whether the application of a clear and unambiguous goal and thus the mission command leadership principles could have led to a solution where Estonian troops could have destroyed the Russian Baltic fleet without capturing Krasnaya Gorka or commanders could have found a way to conquest the fort?

'An objective does not suggest ways or means and is not written as a task' (NATO, 2019 pp. 1-10). It can be argued that the conquest of Krasnaya Gorka, the target of the operation, is already the way or means needed to reach the end state. There are



examples of successful raids against the Russian Baltic fleet in Kronstadt, so there is reason to believe that the Krasnaya Gorka fortress's cannons may not have been the only method to achieve the primary goal.

In summary, it can be assumed that the communication of a clearly defined, single and unambiguous goal through all levels of warfare would have ensured the preconditions of unity of effort in the forces participating in the operation. The risk taken for the protection of critical information (OPSEC) in this operation did not pay off, and the ambiguity of the objectives was probably one of the main reasons for the operation's failure. However, despite the shortcomings, the concealment of the real end state and the dubious wording of the operation's objective were not the only reasons, but still a critical aspect, for the operation's failure.

## **2.2 Unity of Effort.**

Unity of effort, according to NATO's "Allied Joint Doctrine for the Conduct of Operations", is achieved when all means are directed towards a common goal (NATO, 2019).

Despite the fact that the Red Army was a common enemy, it is doubtful whether the attacking parties in the operation framework have used all their means to achieve a common goal. As analyzed in the previous chapter, the "definition of objectives" is vital for a joint effort. Thus, from the unity of effort perspective, the shortcomings identified in setting the objective most probably affected the harmonization of the Northwestern Army's activities, Estonian forces and the English fleet, more precisely, its absence.

Based on the NATO AJP-3, it is considered necessary to *organize a C2 between the forces and have a clear goal and/or the end state* to achieve a unity of effort. The same document explains that this can be achieved through *goodwill, joint planning, clear and agreed on responsibilities, an understanding of others capabilities and limitations, and recognition of each other's autonomy*. (NATO, 2019 p. 29) The latter played one of the most important role throughout the operation. This is also illustrated by what General Laidoner said in an interview in 1919 when he considered the non-recognition of the Estonian independence by the Northwestern Army to be the main obstacle to cooperation/support the Russian whites (Laidoner, 1919).

The co-operation of the Northwestern Army with Estonia was only essential for preserving their existence. Both Saidlo and Maide explain that the Northwestern Army's policy was not benevolent towards Estonia and describe it as reactionary and even hostile. (Maide, 1933 pp. 403-404) (Saidlo, 1937 p. 366) For example, a few months before the planned operation, the government of Northwestern Russia was formed at the British's initiative. Even though they acknowledged Estonia's independence, according to the Northwestern Army Leadership's opinion, both the formed government and its decisions were redundant, which is why these were not taken into account. (Maide, 1933 p. 402) General Laidoner reasoned that, as a result, it was not in Estonia's interest to assist the Northwestern Army (Rosenthal, 2008 p. 376).

According to the author of this paper, without recognizing each other's autonomy, cooperation is possible only in limited conditions. Often this means that the parties have their interests in the game and inevitably a hidden agenda. Consequently, there was no necessary mutual recognition in the context of the War of Independence, in particular, Operation Krasnaya Gorka. So it can be concluded that without recognizing Estonia's independence or treating the newly created Estonian state as an inevitable depravity (Saidlo, 1937 p. 366), it is not possible to establish friendly, supportive or cooperative relations or goodwill.

There were shortcomings in almost all the characters needed to achieve unity of effort. For example, joint planning: it is known that General Yudenitch presented his plan for the Petrograd attack to both Estonia and the English navy and also demanded support from both of them for its implementation. Simultaneously, no aspect of joint planning has been identified or described in the source material. However, it can be concluded that this was lacking both during the planning phase and the operation(s). For instance, Rosenthal further describes constant criticisms of the exchange of information and that this could have been improved by the presence of liaison officers at both commands. (Rosenthal, 2008 p. 392) Also, it must be acknowledged that in the absence of an exchange of information, it is difficult to have situational awareness and knowledge of the other party's capabilities and limitations. This is also illustrated by the fact that, even after the end of the operation, it turned out that the Northwestern Army intentionally made false reports about its situation, which posed a significant threat to

the other commanders. In addition, there were situations where occupy/control certain terrain was expected by one another. Due to the lack of joint planning, there were no corresponding control measures.

It can be concluded that the division of responsibilities was either not done or was done incompletely from either side and consequently, there could be no coherence and harmonization between the commanders. In summary, the lack of unity of effort played an important role in the Krasnaya Gorka fortification operation's failure.

### **2.3 Maintenance of morale.**

According to NATO doctrine,

*'Commanders should give their command an identity, promote self-esteem, inspire it with a sense of common purpose and unity of effort, and give it achievable aims. High morale depends on good leadership, which instills courage, energy, determination, respect and unity amongst those under command'* (NATO, 2019).

Morale is one of the vital elements of ensuring combat readiness. The existence of a common goal has a positive effect on the soldier's morale and the unit (Managing Morale on the Battlefield: A Psychological Perspective, 2015), while its absence has the opposite effect. Subsection 2.1. clarified that there were problems in setting a common goal in the context of Operation Krasnaya Gorka. The lack of relevant information led to a lot of rumours and assumptions. Thus, actions on the other side of the borders were often called a betrayal tactic. (Grosschmidt, 1995 p. 134). Although the operation aimed not to support the Russian whites' goals, the spread of false information harmed morale and, therefore, on the combat readiness of the units.

As the Russian Reds had been expelled into Estonian territory, it was incomprehensible for the personnel to continue the offensive activities. It was probably because the operation's real purpose was known only to a limited number of persons. For example, the relocation of the 4th regiment faced a delay when one of the battalions refused to continue the route. According to the regiment members, it was not considered a defence of the homeland any more, and they refused to support Northwestern Army's operation. Northwestern Army betrayed them in the spring battles and disarmed the Inger Battalion when they were in control of Krasnaya Gorka

Fortress. Admiral Pitka was on the spot explaining the real purpose of the operation. It was explained only to the officers who passed it on as necessary but as little as possible (Pitka, 1921 p. 186). We can conclude that the operation's purpose plays a vital role in the soldier's and the unit's morale.

The hostile attitude and policy of the Northwestern Army's leadership had a strong but negative effect on the morale of the Estonian forces (Maide, 1933 pp. 403-404). In addition, the entire Estonia knew that General Yudenitch considered Estonia "the basis for building Great-Russia" (Grosschmidt, 1995 p. 134). Given the interdependence of Estonian forces and Northwestern Army operations, cohesion at all levels is vital to the operation's success. According to Wout and Dyk, cohesion is the most influential factor in morality (Managing Morale on the Battlefield: A Psychological Perspective, 2015 p. 132). The consideration of the Commander-in-Chief of the Estonian Forces not to send troops to Petrograd was mostly moral. There was a lack of cooperation, trust and cohesion with the Northwestern Army. As a result, support for the Northwestern Army was limited to the extent necessary to maintain Allied confidence (Laidoner, 1919) (Rosenthal, 2008 p. 401).

The power of morality is imperceptible. Krasnaya Gorka's operation is an excellent example of how morality affects the course of an operation. Estonia, which had defeated the enemy forces from its territory at that time, gained strength, but unjustified action on the other side of the state border is not morally maintainable. According to the author, morality, with its factors described above, significantly affected the operation (s) and their failure and can be considered as the main reason for a failure of operation Krasnaya Gorka.

## **Summary**

At the end of the First World War, the Antante considered it necessary to create a buffer zone between rival Germany and Russia. However, the Estonians, together with the other Baltic states' peoples, saw an opportunity for self-determination in the international security policy situation and began to fight for their independence. After the initial retreat battles to create the Peoples Force, defeat the enemy on Estonian territory by the end of the summer of 1919.

Concerned about a secure future, the Estonian Armed Forces Command considered it necessary to undertake another operation - to seize Krasnaya Gorka Fortress. Using their cannons, it was hoped to achieve the operation's actual end state - destroy the Russian Baltic fleet in Kronstadt. They were confident that if Petrograd fell into Russian Whites' hands, the fleet would attack Tallinn. The operation's real purpose was concealed for several reasons, and the attack took place as support of the Northwestern Army during the Petrograd attack. Operation Krasnaya Gorka failed.

Although there were many reasons for failure, lack of morality can be considered one of the main reasons. It is difficult for a soldier fighting on a foreign surface to understand its connection with his homeland's defence. In Operation Krasnaya Gorka, this was almost impossible, as the operation's real purpose had to be hidden to ensure the security of the operation (OPSEC). Rumours of support for the Northwestern Army's attack on Petrograd also had a devastating effect on morale, both because of their treacherous actions in previous battles and their negative attitude towards Estonia. Besides, the Northwestern Army's leadership did not agree to recognize Estonia's independence, which was vital for young people in terms of their self-determination.

While the objective was apparent only to a few, it was impossible to achieve cohesion through different levels of command and to apply mission command principles. Lack of coordination and joint planning, problematic or unorganized C2, in one of several other aspects, highlights the lack of a concerted effort in Operation Krasnaya Gorka.

The operation to seize Krasnaya Gorka Fortress took place more than 100 years ago, and there is still much to learn from it. Since this work analyzed the operation briefly through the three principles of Joint and Multinational operations, operation, and principles have yet to be learned and applied in the contemporary context.

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# **MAJ TOMAS LUKAŠEVIČIUS. Transforming Lithuanian Special Operations Forces for the Future Operating Environment: A Proposal.**

## **Introduction**

*'What are the operations we need to select, train, organise and equip the force to conduct that are truly 'Special' and also relevant to the challenges facing our nation in this evolving strategic environment?' (Jones, 2020)*

The dilemma posed by Robert Jones drives many researchers to focus on analysis of special operation forces' (SOF) future missions and possible roles. However, the majority of these studies focus on large Western countries and tend to be US and UK-centric. Few studies propose tangible ideas appropriate for small states and their SOF communities. The motivation for this research was to determine Lithuanian Special Operations Forces' (LITH SOF) evolution for the future operating environment (FOE). This study's main goal is to explore mission and capability requirements LITH SOF should meet over the next 15 years if they are to effectively cope with challenges of the FOE, and also be ready to defend our nation. The research will provide leaders within LITH SOF and Lithuanian Armed Forces with recommendations to consider for force development. Additionally, the research serves as food for thought for the officers and non-commissioned officers (NCO) solving long-term defence capability planning dilemmas within a small state, while also coping with the uncertainty of the future challenges, capacities and capability development.

The study argues that modest transformation addressing three main capabilities: 1) cyber-enabled SOF, 2) integration of emerging technologies, and 3) sustainment of diversity of talents will ensure LITH SOF remains a relevant force in the FOE.

By applying a lens of realism, the research focuses on a modest LITH SOF transformation. This paper concentrates on analysing LITH SOF organisation, training, and personnel. Materiel, leadership, facilities, and interoperability development will likely affect the acquisition, promotion paths, and construction projects requiring



significant investment and transformational processes. Therefore, these categories are set aside for further research.

To bring structure, the study is divided into three parts: background, analysis and recommendations, and conclusions. The first chapter delivers background information identifying the current operational environment's characteristics, assessing existing LITH SOF organisation, and describing future operating environment threats and trends. The second chapter elaborates on LITH SOF's future capabilities requirements, and recommended solutions. Finally, the conclusion summarises the research paper.

## **1. Background**

The following chapter delivers background information and defines the challenge facing LITH SOF. The first part of the chapter identifies threats to Lithuanian national security. Second, it explores LITH SOF, existing structure and assigned tasks. Third, the chapter elaborates on possible trends affecting FOE. Lastly, the chapter conclusion delivers the key findings and suggests the framework to define future LITH SOF mission requirements and capabilities.

### **1.1 Threats to Lithuanian National Security**

The Lithuanian National Threat Assessment (NTA) 2020 identifies Russia, and terrorism as the main threats to Lithuanian national security (2020).

To begin, Russia uses hybrid tools such as the threat of conventional military intervention, subversion, disinformation to affect its neighbours in its near-abroad (Clark, 2020). Strategic military exercises, and the modernisation of Russia's conventional military and naval forces in its Western Military District and Kaliningrad remain the main power projection threats aimed towards the Baltic region (NTA, 2020). For example, the number of Russian Navy vessels deployed in the Baltic Sea carrying 'Kalibr' cruise missiles and capable of striking out to 2000 kilometres has increased by four ships from 2016 to 2019 and another six ordered in 2020 for future delivery (The Moscow Times, 2020). Also, Russia utilises covert action as its overarching hybrid warfare component. Russian speaking minorities in Lithuania remains the target of Russian recruiting and covert action. For example, the intelligence report pointed out

that Russia's Federal Security Service spreads historical narratives favourable to Russia by engaging the Russian-speaking diaspora, utilising non-governmental organisations, and promoting the Russian language and culture throughout various cultural events (NTA, 2020). Cyber threats have become an emerging concern for Lithuanian national security. As a civilian society in Lithuania becomes increasingly reliant on the internet and web-based computer technologies, Russia's intelligence agencies are using cyber warfare tactics to collect intelligence and disrupt critical Lithuanian governmental infrastructure and private sector information systems. Although Russia's information operations are not a new phenomenon, new information technologies multiply the opportunities for information manipulation through cyber capabilities (NTA, 2020).

In addition to Russia's threats aimed towards Lithuanian national security, we must not forget the threat of terrorism. Although intelligence reports identify a low level of terrorism in Lithuania, external factors related to the intentions of terrorist organisations and their supporters bring additional considerations. Lithuania has been a contributor to allied counter-terrorism initiatives, a fact that may serve as justification for violent extremist groups to carry out terrorist attacks against Lithuanian citizens in Lithuania or abroad. The Global Terrorism Index 2020 report emphasises the shifting landscape of terrorism threats in Western countries from Islamic State in the Levant (ISIL) related attacks towards increasing far-right domestic terrorism activities. In 2010 there was only one recorded far-right terrorist attack in the country. This had increased to 49 in 2019 (The Institute for Economics & Peace, 2020 p. 5). While a low probability, terrorism remains a threat to our nation, we witness changing ideologies of terrorist groups posing an international threat. LITH SOF will need to maintain and improve its counter-terrorism capabilities nationally and abroad.

The above describes the main threats posed by Russia and terrorist groups. Specifically, we identified that the current operational environment might be characterised as a series of counter-intelligence, cyber, disinformation, terrorism and conventional military challenges. In the next section, we will examine LITH SOF as a part of the Lithuanian joint force and contributing to the national security effort.

## 1.2 LITH SOF Capabilities, and Assigned Tasks

Through its short history, since 1995, LITH SOF has demonstrated the understanding, ability to adapt, and willingness to modernise its force structure to counter evolving threats (Gurevičius, 2015). Currently, Lithuanian Special Operations Forces consist of four functionally distinct units (see figure 1). Special Mission Unit (YPT) conducts counter-terrorism, hostage release operations, close protection, and special operations across the maritime, air and land domains. *Combat Divers Service* (KNT) conducts maritime and underwater special operations, boat infiltration and exfiltration, and support to hostage release operations. *Vytautas the Great Jaeger Battalion* (VDJB) conducts special reconnaissance, raids, ambushes and indirect fire support of other Lithuanian SOF units. *Combat Support and Training Centre* (MKPC) became the latest established unit in the LITH SOF structure. The MKPC conducts selection, training courses, lessons learned analysis, develops innovative technologies, and provides combat support to other units (MOD of Lithuania, 2020).

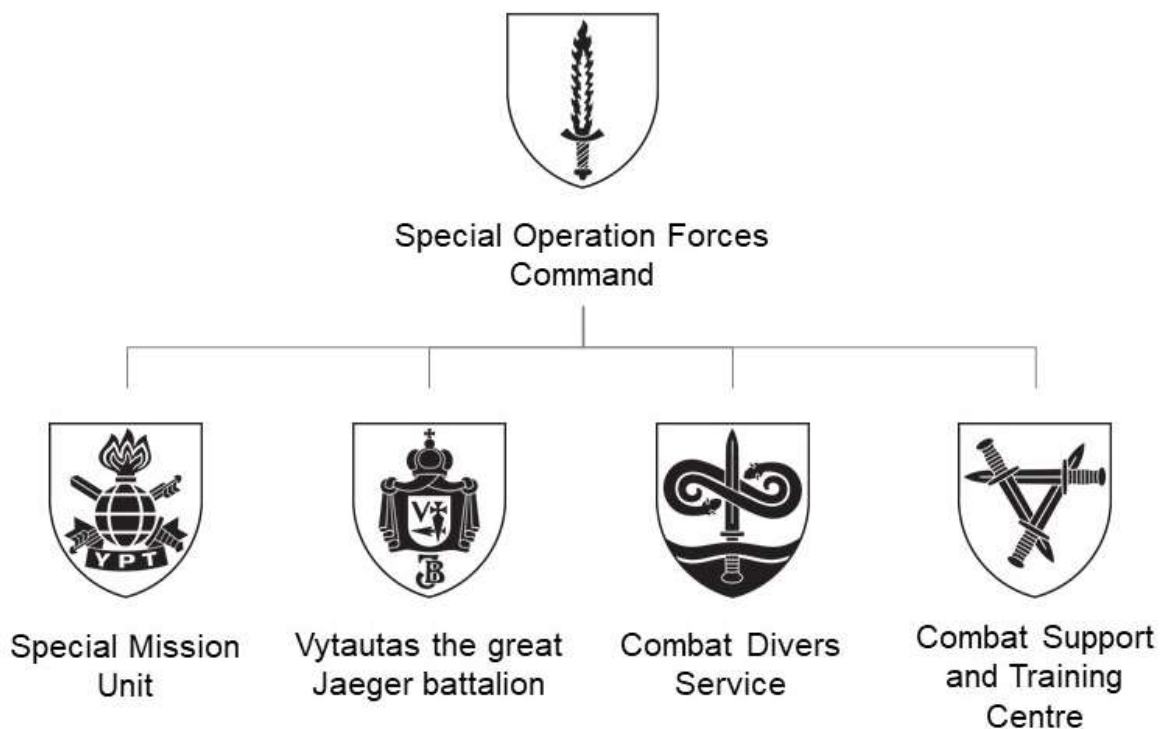


Figure 1. LITH SOF structure. Source: (MOD of Lithuania, 2020)

LITH SOF train to operate in all political, military, economic and informational dimensions. Currently, LITH SOF must be skilled at accomplishing three primary NATO SOF doctrinal tasks: military assistance (MA), direct actions (DA), and special reconnaissance (SR) (AJP-3, 2019 p. 19). LITH SOF can be utilised in the territory of

Lithuania in case of terrorist attacks when law enforcement agencies do not have the necessary capabilities. Cooperation occurs with other LITH armed forces components, non-governmental institutions, municipalities, NATO allies and partners (MOD of Lithuania, 2020).

Although current LITH SOF MA, SR, and DA functions might remain important, future political and military leaders may choose to change those primary functions and thus require new capabilities and approaches. The next section deals with the main characteristics of the FOE: main actors, technologies, urbanisation, and estimates possible impacts on LITH SOF.

### **1.3 Assessing Future Operating Environment**

**Actors.** NATO is likely to remain the core organisation of European security in the future. However, it is important to understand that the US, one of the greatest contributors to the Alliance with 70% of combined monetary and physical contributions, may change its priorities for European security due to geopolitical realities (Future security challenges in BST, 2016). As a result, other NATO members will have to increase their financial commitments and military contributions to the Alliance (NATO 2030: United for a New Era, 2020 p. 26). The US will continue to encourage European members of NATO to take more responsibility for collective security. Future geopolitical trends in terms of changing national member countries' priorities may raise more and more questions about the credibility of NATO's Article 5 (Future security challenges in BST, 2016 p. 11-12). This scenario could require more investment and contributing troops from Lithuania for the collective defence of Europe. LITH SOF are highly respected in NATO and could well become one of tools the government of Lithuania contributes to NATO, to deal with conflicts in Europe and beyond.

Russia's continuous threat towards the Baltic region will remain the primary factor affecting Lithuania's FOE. From the long-term perspective, 'Russia may continue to have a global impact through its trans-regional conduct, bolstered by its sheer size and military power' (FOE 2035, 2015 p. 2). It is expected that Russia will keep its current authoritarian and ambiguous approach to statecraft with a primary goal to restore regional influence over the Baltic States. In the international political arena, 'Russia will further seek to persuade NATO decision-makers and societies that additional security

measures in the Baltic region are increasing tensions' (NTA, 2020). NATO Article 5 response measures will remain a key factor limiting Russia's ability to intervene by military means. However, it is not unlikely that Russia will attempt to exercise foreign influence over the Baltic States through other means (Future security challenges in BST, 2016). Lithuanian Armed Forces must include SOF readiness as part of overall defence readiness to cope with hybrid warfare and conventional threats.

**Technological trends.** Technological development will become more rapid, accessible, and require greater state actors' adoption capabilities to dominate the FOE. 'Global connectivity and open markets will facilitate greater access to research, equipment, concepts, and technologies. Along with decreasing production costs, these factors will enable technologies to proliferate...' (FOE 2035, 2015 p. 15). Technological adoption capability will become a crucial factor to succeed in the FOE. 'Militaries will be challenged to envision strategic possibilities and must be willing to commit to technology adoption despite potential disruptions to their existing force structure, personnel roles and status, military culture or identity, and bureaucratic norms' (AFC Pamphlet 525-2). To be more specific on future technological fields relevant to the military force, 'Robotics, artificial intelligence (AI), and autonomous systems will likely benefit the most from innovations followed closely by biotechnology, information technology, and quantum technology' (Delcour, et al., 2020). For example, in the next 15 years, due to advances in robotics, nanotech and bio designs, we might witness stealthy robotic multi-systems effectively operating below detection capabilities.

**Urbanisation.** Increasing urbanisation, especially in Europe, creates a parallel requirement for future military forces capable of operating in complex urban systems. The global urbanisation tendency is likely to rise from the current 4,5 billion to nearly 6,5 billion of the world population by 2035, and reaching 70% of all global population by 2050 (United Nations, 2019 p. 5). The future urban landscape will become more complex, connected and socially diverse. In technologically advanced countries, megacities will become more connected and technologically advanced. Science fiction will become a reality as future technologies affect interactions between infrastructure and people through decentralised AI, leading-edge computing, and autonomous systems merging with continuously advancing telecommunications (Delcour, et al., 2020 p. 13). In poorly governed countries, the growing speed and scale of urbanisation might cause shifting actors and allegiances and thus social, political, and resource-

driven violence. For example, inadequate governance in poor areas, unable to keep up with the pace of change, could allow the spread of violent organised crime and non-state adversaries among societies facing a lack of adequate housing, infrastructure, food, water or transportation (FOE 2035, 2015 pp. 2-3). Although the context of disparate urban terrain is not a new operating environment for LITH SOF, the characteristics of future urban landscapes call on leaders and planners to think through options for transformation that provide reliable and high-quality access to information, transportation, and communications in future urban environments.

To conclude, Russia's threat to Lithuania has persisted over time and will remain along with non-state actors and terrorists. The threats of 2035 will not use the same ways and means as threats of the past. Threats will become more complex and amplified by the technological environment; and will be dominant through a combination of hybrid war, conventional war and terrorism. LITH SOF, as part of the Lithuanian joint force, will need to address national security challenges and contribute to international security initiatives. However, the fact that threats dictate different types of conflicts does not mean that LITH SOF must address all future security gaps. LITH SOF's future strategy must prioritise missions and required capabilities. The next chapter delivers core requirements and capabilities to serve as a conceptual basis for future LITH SOF development.

## **2. Analysis and Recommendations**

The background chapter identified several themes that shape LITH SOF future requirements. These requirements are closely interconnected and support each other:

- 1) A force capable of countering complex hybrid and conventional threats characterised by new technologies, cyber, information and counter-intelligence parameters to protect Lithuanian sovereignty.
- 2) Modernised precision intelligence, surveillance, and reconnaissance (ISR) and strike capabilities (hostage rescue and recovery (HRR) and counter-terrorism (CT)) operations domestically and abroad against technologically enhanced enemy forces to protect national strategic interests.
- 3) Competent, rapidly deployable force package on a limited scale to support future NATO, EU and bi-lateral security efforts.

To address future requirements, LITH SOF will have to address the following capabilities: 1) cyber-enabled SOF, 2) integration of emerging technologies, and 3) sustainment of diversity of talents. The following section explores opportunities, shortfalls, and recommendations of each required capability set.

## **2.1 Cyber-enabled LITH SOF Capability to Support Future Requirements**

The urgency to develop cyber-enabled LITH SOF capability is now. As discussed in the background chapter, there is evidence confirming Russia's cyber threats in Lithuania. Estimates suggest the threats are increasing. The current LITH SOF mission set does not include cyber as an operational domain, nor does Lithuanian military doctrine project cyber development within the LITH SOF. Ignoring the cyber dimension will likely lead to failure to develop relevant capabilities within LITH SOF. The Resistance Operating Concept highlights that detecting and defending against cyber-attacks is a consideration for protecting national sovereignty, which builds resiliency, protects vulnerabilities and maintains existing military force (Fiala, 2020). Consequently, the nation will likely suffer a reduced ability to employ LITH SOF within increasingly cyber-influenced environments.

Advances in the cyber domain suggest opportunities to exploit more sophisticated forms of special operations. Dominance in digital networks could provide better access to information and situational awareness on future battlefields. Duggan suggests that exploitation of crowdsourcing and social networking analysis techniques is the ability to locate and identify high-value targets by deconstructing an adversary's digital social networks. Also, these techniques can help degrade adversaries' information operations by taking down or blocking unfriendly websites and media platforms (2015). Moreover, offensive cyber operations could degrade adversaries' C2 structures to facilitate insertion of SOF elements (Gladding, et al., 2015 p. 56). This ability could help digitally shape terrain for special operations prior to physically deploying troops into hostile environment and thus lower the risk to special operators. Conceptually, cyber capabilities aligned with traditional SOF tasks can multiply effects achieving strategic objectives.

Exploiting emerging opportunities for cyber-enabled LITH SOF provides Lithuania with a broader set of national defence options, contributes to a whole-of-government

approach, and broadens precision strike capabilities and CT operations. However, being a small state, LITH SOF cannot become overly dependent on cyber capabilities, which might become threatened by adversary technical capabilities. The drawback of cyber-enabled operations is the ability of the actor to be tracked and discovered, principally if in occupied territory (Fiala, 2020). Cyber activities, then, should only be engaged in by organisations with expertise and advanced training. Consequently, future LITH SOF concepts must develop cyber capabilities appropriate for SOF and not infringe on the National Cyber Security Centre's (NCSC) responsibilities and authorities.

The design of future cyber-enabled LITH SOF requires an organisation to fulfil several criteria. Cyber-enabled LITH SOF must be able to accomplish all three FOE requirements: counter complex hybrid threats, conduct modernised ISR and precision strike, and deploy highly capable SOF force packages. This capability will require LITH SOF to master both cyber and physical domains to effectively meet national requirements. SOF cyber experts must be able to support the kinetic and non-kinetic activities of LITH SOF. Cyber capability within LITH SOF must have the flexibility to incorporate new skills to reflect future development changes while collaborating and cooperating with partners capable of assisting and advising on cyber capability development. Implementation of these requirements requires innovative recruitment and training systems to acquire needed talents.

The need to develop cyber-enabled LITH SOF to meet future, relatively unknown, but very much impending threats leads to a couple of following recommendations.

Creating and designing cyber-enabled SOF will require doctrinal adjustments. First, Lithuanian law on cyber security will need to be adjusted to identify LITH SOF among the organisations allowed to conduct cyber operations. Second, cyber capabilities development must become part of LITH SOCOM's overall capabilities planning process. Therefore, it is recommended to include a SOF cyber force into Lithuania's long-term defence capabilities development plan. LITH SOCOM's role will be to advocate for budget growths to establish cyber organisations and meet rising cyber capability requirements. Structurally, LITH SOCOM and the NCSC might create decentralised cyber cells within each of the LITH SOTGs. Alternatively, LITH SOCOM and NCSC might choose to create one centralised, SOF-dedicated cyber unit within



the LITH SOF combat support and training centre. A centralised SOF cyber unit will be positioned well to evaluate, recommend, and create future capabilities and units appropriate to address SOF-unique cyber threats to LITH sovereignty.

Building relationships with other organisations will help LITH SOCOM achieve its full potential. Existing Lithuanian NCSC competencies could be a good starting point for partnership and capability development for future SOF cyber capabilities and training. In addition, external partners such as the NATO Cyber Centre and USCYBERCOM have the potential to contribute invaluable experience in the cyber domain.

A clear understanding of the LITH SOF organisation's cyber capabilities would eliminate possible cultural frictions when cyber specialists join the LITH SOF community. Moreover, LITH SOF will be required to cultivate cyber knowledge among non-cyber special operations personnel.

'In the not too distant future, every SOF practitioner will be required to understand the basics of cyberspace, computers, and coding; not because they're expected to be programmers, but because they'll need those skills to conduct special operations in an era vastly more interconnected than now' (Duggan, 2016).

One option might be to introduce a cyber-education course to the current selection, and additional training programs for current LITH SOF. For example, a cyber-course for SOF, conducted regularly, could include cyber defence tools, cyber-attack threats and techniques, and become part of qualification requirements for all ranks within the organisation. Cyber capabilities will be easier to promote within LITH SOF if the common understanding of the capability-value exists.

## **2.2 Integration of Emerging Technologies**

LITH SOF must be resourced, trained, and organised to exploit emerging technologies if they are to counter future threats. Robotic and autonomous systems (RAS) with AI are the most relevant capabilities to adopt for the FOE. Therefore, the following section suggests a couple of potential techniques to employ RAS in LITH SOF operations. In addition, the section provides recommendations for LITH SOF organisation to develop technological adoption capabilities.

Developing RAS capabilities suggests certain opportunities to support LITH SOF conducting SR and DA operations. RAS with improved electronics, batteries, and small motors, equipped with advanced sensors will make it feasible to fashion and employ micro unmanned systems for surveillance, data collection (signals, images, communications, etc.), and reconnaissance (Kamienski, 2017). Unmanned systems (UXS) can conduct reconnaissance missions in denied and degraded visual environments, often going where human operators would face significant risk. UXS, sensors and effects are less restricted by legacy line of sight capabilities and deliver better situational awareness through multi-sensor cueing (Rossiter, 2020 pp. 691-697). Faster intelligence gathering for decision-making, offering better and quicker situational awareness, gives commanders more time to react. The technique of multiple UXS in an area of operation will expand and enhance ISR collection capabilities.

Looking to the future, RAS enabled by AI can be exploited with a higher level of flexibility in a complex battlefield environment (Rossiter, 2020 pp. 697-698). For example, UXS employed in SR operations can work autonomously and adapt to complex operational environments when faced with unforeseen exposures to adversary jamming systems and detection or neutralisation capabilities. Also, AI-enabled RAS could work to avoid centralised control systems. (Delcour, et al., 2020) Small and stealthy robotic systems designed from non-detectable nanotech materials will minimise the possibility of detection and enable near-stealthy SR operations. More effective SR, delivering comprehensive threat and terrain analysis, will enhance LITH SOF precision strike capabilities. Higher levels of autonomy will permit RAS to perform higher-risk missions for longer durations, expand the operational depth and standoff distance, and allow special operators to focus on those missions that humans do best (Robotic and Autonomous Systems Strategy, 2017).

Even when DA operations require human special operators, RAS can enhance combat support (Torossian, et al., 2020 pp. 9-10). For example, RAS equipped with sensors and munitions can minimise special operators' risk during hostage rescue operations. RAS can be sent in advance of the mission to autonomously survey, secure a landing site, escort dismounted SOF teams during infiltration and exfiltration, or conduct cordon security of the objective area. Such a tactical scheme would minimise the physical workload of SOF personnel conducting direct support operations for SOF

teams. 'Unmanned systems can go where humans cannot and do dull, dirty and dangerous tasks' (Robotic and Autonomous Systems Strategy, 2017). RAS equipped with electronic warfare capabilities can disable terrorist groups' or adversaries' command and control nodes by disrupting the electricity supply, destroying energy sources, denying GPS signals, confusing search and tracking systems, and consequently shutting down communications, transportation and logistics. To summarise, the implementation of RAS in SR, and DA operations can extend standoff distance, increase force protection, deliver faster effects, and reduce special operators' physical workload.

Lithuanian military doctrine points to emerging technologies – drones, robotics, smart weapon systems – as a significant factor influencing future warfare, and highlights the importance of adopting modern technologies for Lithuanian military forces (2016). The dilemma, however, is how LITH SOF policy will align the successful adoption of emerging technologies considering the financial constraints of a small nation-state.

The need to introduce emerging technologies into LITH SOF to remain relevant in the FOE suggests a couple of recommendations to increase technological adaptation. Specific tasks might include:

- Focus future technological development policy on affordable RAS and facilitating unconventional LITH SOF capabilities in cooperation with industry and research partners.
- Reach back to existing technological competencies within the Lithuanian and foreign academic environment, local industry, and allied SOF partners.
- Reconsider bureaucratic obstacles to fast and flexible procurement procedures needed to meet the requirements of evolving technological advancement.
- Maintain an innovation cell capability at LITH SOF combat support and training centre, with the requirement to grow in scale and skills, to account for increasing technological opportunities.
- Recalibrate the recruiting system to attract technologically competent personnel and increase existing innovations capability with maximum diversity.

Finally, considering the scale of emerging technologies in the future, LITH SOF might specifically serve as a catalyst for RAS innovation across the Lithuanian Armed Forces. 'Using special operations forces as the laboratory could leverage the military

community most comfortable with the rapidity, cognitive flexibility, and risk tolerance necessary for prototyping' (Blanken, et al., 2020).

## **2.3 Diversity of Talents**

Differences within the SOF community are the key to mission success while bringing unique, diverse specialities together for a common goal. As previously discussed, the FOE requires diverse expertise in cyber and emerging technologies to conduct future LITH SOF missions. This section will consider the advantages of gender and cultural diversity. The study identifies potential gaps in LITH SOF recruitment messaging, suggests opportunities diverse talents can contribute to the organisation and the mission, and elaborates on the required criteria and recommendations to design diversity into the future force structure.

LITH SOF is organised, trained, and equipped primarily for current MA, SR, and DA tasks, and recruiting, training, equipping, and employment processes focus on the physically and psychologically demanding skills required to succeed in these current missions. There is no question that the physical attributes of special operators will be a priority for most DA and CT type operations (Simons, 2019). The current LITH SOF recruiting narrative, delivered on the LITH MOD web page, military magazines, and social networks (e.g., Facebook and Instagram), sends a clear message to prospective candidates on the need for outstanding physical and psychological readiness, and respect for those values expressed through Lithuania's earlier Freedom Fights (1944-1953) against Soviet occupation. The LITH SOF selection system has never limited applications in terms of gender or cultural competencies. However, LITH SOF neither specifies the desired talents nor markets career possibilities that would contribute to the current organisation or future mission tasks. To continue with the same recruitment narrative, LITH SOF risk becoming too homogenous and overly focused on kinetic operations that may be less important in the FOE.

Future applicants for LITH SOF might be dissuaded by the stereotype and perception that the organisation values a hyper-masculine culture based upon physically demanding and kinetic special operations. Failing to promote a broader requirement for non-kinetic competencies naturally discourages women and highly qualified technologically and cyber competent talents from wanting to serve in the LITH SOF

community. The lack of diversity in gender, cross-cultural and technical skills currently has minimal impact on LITH SOF's contributions to national security. Within the context of the FOE, though, it is easy to envision how a homogenous hyper-masculine culture could become a significant disadvantage to LITH SOF's future value.

Recruiting a diversity of talents will increase the number of candidates able to help LITH SOF address FOE requirements, as well as ensure implementation of national and international requirements. An intentional focus on diversity can accelerate innovation, improve decision-making (Alexander, et al., 2019), enhance SR capabilities (Sunde, et al., 2018), and strengthen cultural awareness (Howard, 2011). For example, the research aimed to analyse the performance of diverse teams identifies that mixed gender teams make better decisions than all-male teams up to 73 percent of the time. The number increases to 87 percent if there is gender, age, and cultural diversity (Larson, 2017). Although the research is based upon the business environment, it should be explored for LITH SOF's applicability.

Also, gender diverse SR teams have proven they provide a different operational perspective and increase SR capacity. During MA tasks, other nations' female special operators have shown they contribute to better cultural awareness and psychological access while attracting less attention. For example, women have better access to information when serving in countries segregated by religious or cultural norms. In many cases, women not fitting the stereotype of special operator are not perceived as suspicious during SR tasks and, therefore, more able to interact in a human domain with targets or sources (Sunde, et al., 2018). Having special operators better able to blend into urban and rural environments might enhance LITH SOF SR capabilities and complement precision strike operations. Moreover, vetted, selected and trained special operators of different cultural backgrounds and linguistic talents could better equip LITH SOF with the necessary skills and knowledge to operate within different regions, countries, or domestic diaspora contingents. Cultural and foreign language knowledge is particularly important for SOF personnel to understand the cultural beliefs, behaviour and needs of both allied partners and adversaries (Howard, 2011 pp. 1-6). Most likely, LITH SOF's future capability and mission requirements within given deployment time constraints and mission cycles, will face limits to heavily invest in developing the regional expertise among special operators. The complexity of the FOE suggests a requirement to hastily pick up and deploy SOF operators with specific cultural

competencies to a particular region (Turnley, 2011). Therefore, it is vital to recruit, select, and train talents with different cultural and linguistic backgrounds to cover immediate needs on different geographical assignments. These competencies will help to succeed in future cross-cultural engagements, interactions, and build stronger cultural awareness within LITH SOF.

The design of LITH SOF teams that are intentionally diverse will require the organisation to consider several recommendations: changes to recruiting and marketing, revised selection and screening criteria, different training requirements, and leveraging diverse talents.

First, LITH SOF must adapt its recruiting message to reach the diverse population in Lithuania while emphasising the value of female operators, culturally diverse, technological and cyber-competent personnel to an organisation transforming to address future threats to Lithuanian sovereignty. For this reason, LITH SOF must use effective approach pathways, such as social media, popular culture, and the academic environment to engage the talent pool that the future organisation will need to remain relevant. Unique experts, genders, and cultural talents must see opportunity in the LITH SOF branding campaign and the value they will bring to the organisation. For example, cyber specialists must see the opportunity to become cyber-enabled special operators, technological experts or members within the 'smart innovation laboratory'. In addition, recruitment narratives must acknowledge existing diversity within the LITH SOF community. Messaging on social media and other advertising means must be expanded to deliver success stories of the unique talents critically contributing to LITH SOF. To make the branding campaign more effective in targeting unique talents, it is recommended to clearly define who can apply as combat operators, enablers, and support personnel. Each category might be accompanied by initial physical, mental, educational, moral requirements, and initial career possibilities. Those applicants who want to contribute to LITH SOF with specific talents but are not interested in more physically demanding forms of combat operations will understand their opportunities to join and contribute to the LITH SOF enterprise. This approach would eliminate barriers for future diverse talents and contribute to personnel retention.

Lastly, LITH SOCOM will need to reconsider selection standards. There is a high risk that many candidates will not pass physical requirements broadly applied in the NATO

SOF community (Sunde, et al., 2018). The point is not to lower the selection bar, but rather to ensure the physical requirements accurately reflect the physical, cognitive, psychological, and emotional demands of future special operations.

## **Conclusion**

This study is an effort to define the capabilities required to enable LITH SOF to counter future threats that will likely pose a danger to Lithuanian national interests. To meet and overtake rapidly the evolving security challenges pointed out by the national security agencies, LITH SOF must consider transformational options. The current focus on traditional, predominantly direct action, special operations will be neither sustainable nor strategically effective in the FOE. We must recognise the limitations of existing LITH SOF capabilities and adjust to acquire new capabilities against future threats.

The reality is that LITH SOF, limited by a small state's financial and resource constraints, have proven their ability to build capacity, gain combat experience, and earn a reputation for excellence within the international SOF community. LITH SOF's proven track record of adaptation and innovation promises a sustainable transformation to address potential future threats.

In the next 15 years, likely geopolitical changes will require active participation in NATO and EU security initiatives to counter future threats. Both Russian and terrorist groups' capabilities will be amplified by technological proliferation that will threaten Lithuanian sovereignty in hybrid and asymmetric ways. The operational environment will change, becoming increasingly urban, with demographic changes that will impact military recruiting and the personnel skills necessary for future success. Thus, LITH SOCOM will have to consider the future mission requirements mapped in the study.

The research argues that developing three capabilities to address future requirements will keep LITH SOF relevant in the FOE. First, the research has shown the value of developing an organic and appropriate cyber capability within LITH SOF. Second, integrating emerging technologies, primarily AI-enabled RAS, will help keep LITH SOF a dominating force going forward. LITH SOF's ability to experiment with and master emerging technologies offers the Lithuanian Armed Forces an innovations laboratory

able to contribute to broader national security interests. Third, the inclusion and sustainment of talent and gender diversity will accelerate innovation, improve decision-making, and enhance cultural awareness. By not embracing the diversity of talent and gender, LITH SOF risks remaining an organisation with a narrow, homogenous, and hyper-masculine culture, with questionable relevance among Lithuania's increasingly urban and diverse population. With the deliberate focus and development of these three capabilities, LITH SOF will be better prepared to defend the nation in the future. All in all, the research confirms that modest transformation will keep LITH SOF relevant in a future complex operational environment and capable of effectively addressing future national security challenges. The trends and dynamics of the FOE call for action now.



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## **MAJ RYAN NEWNAN. Is Immigration a Threat to the National Security of the United States?**

‘On this National Day of Remembrance, we pause to honour the memory of every American life so egregiously taken from us by criminal illegal aliens.’  
President Donald J. Trump (Trump, 2020)

### **Introduction**

Immigration and crime are two terms that have been synonymous with each other for decades, recently having become more polarised during the last four years of the Trump administration. Charges of violent, illegal immigrants flooding to and across the United States and Mexico borders were central to the 2016 United States presidential debates. The slogan ‘Build the Wall’ became the battle cry of republicans, while the desire for open borders was that of democrats. At the centre of the debate, millions of immigrants, many of whom already reside within the United States' borders.

Immigration has been central to the construction of the United States since its founding. Moreover, since its founding, the United States has publicly and politically debated the effects of immigration. While immigration over 243 years ago contributed to the country's beginning, most of the current population are no longer considered immigrants but native-born citizens. A native-born citizen is an individual born in the country in which they reside. Immigrants are those individuals that flee their native country and enter a new one. Immigrants to the United States account for approximately ten per cent of the entire population. There are over 33 million legal immigrants and over 12 million undocumented immigrants estimated to be living within the United States' borders (Budiman, 2020).

Built on the backs of immigrants, the United States promised a better life for people worldwide. Immigrants have and continue to contribute positively and negatively to all aspects of society, the economy, and politics. If they are not a direct contributor, their families almost certainly are. From a positive perspective, immigrants contribute to the growth of the nation. They work in almost every industry and have developed cutting

edge technology that helps distinguish the United States as a global power. Immigrants run for political office, with many securing seats in the highest levels of government. Legal immigrants pay taxes, stimulating the economy, and increasing the quality of life for all citizens.

However, bad actors have successfully infiltrated the United States utilising immigration, both legal and illegal, and caused undue harm to the country. Immigrants have negatively contributed to society, from the increase in crime rates in certain areas to the reliance on welfare programs and the perceived theft of jobs. Even more polarising is that immigrants have conducted some of the most notable attacks in modern history on United States soil. When instances of violence involving an immigrant occur, it is often polarised by political figures and the media, creating a narrative that immigration equals a national security threat. Since negative aspects of a situation dominate the news cycle, acts of violence carried out by an immigrant, whether the individual is legal or illegal, often sway the public's opinion and perception of the security threat posed by immigrants.

This paper will focus on immigration following the events of 11 September 2001, emphasising whether there are national security threats posed by immigration. The research seeks to determine the answer to the following question: With one in ten individuals residing in the United States originating from outside of the country, do immigrants, specifically undocumented immigrants, pose a national security threat, or are they considered a valued resource, contributing to the growth and overall stability of the nation?

### **Immigration: Definition, Historical Context, and American Policies through 11 September 2001**

National security and immigration are two widely used terms in politics. Both have a broad range of definitions and are often used to fit a specific narrative. These terms must be understood in the context of this paper to identify the link they share. The term national security does not have a universal, precise, or clear definition. Some definitions describe national security globally, such as the protection of a nation's sovereignty. In contrast, other definitions narrow it down to the protection of the citizens within the nation. For this paper's context, national security is defined as protecting the

nation and its people from attack and other external threats. An attack does not have to occur in the form of large-scale terrorist activity but can come from small acts of violence and crime, as well as threats to both society and the economy.

As with national security, immigration has become an overly politicised and often polarised word. To understand immigration, the term must be further broken down into two parts: legal and illegal. Legal immigrants are foreign-born individuals legally admitted into the United States utilising the proper laws and policies currently in place (Washington State DSHS, 2020). Illegal immigrants, referred to as undocumented immigrants within this paper, are foreign-born individuals who entered the United States without a valid visa or invalidated their immigration documentation while in the United States. Although initially legal, an immigrant's status can change for various reasons, such as if their visa expires. This was the case for two of the 11 September 2001 hijackers, which was a crucial issue in the revision of national security measures following the attack (National Commission on Terrorist Attacks, 2004).

Each administration since 11 September 2001, has viewed immigration differently, and their policies reflected such. Historically, individuals on the left or democratic side of politics view immigration as an essential role for the United States, politically, socially, and economically. The term 'open-borders' is often associated with the left and is meant to signify the desire to allow anyone looking for a better life to find it in the United States. Those on the right or republican side of politics view immigration as more of a threat to the United States, politically, socially, and economically. The term 'closed-borders' is often associated with the right.

In the Trump administration, immigration was often linked to being a national security threat, and the term immigration was widely used in connection with illegal immigration. The Trump administration's policies on immigration looked to put the interests of Americans first. During his first year in office, President Trump moved to restrict legal and illegal immigration into the United States by reducing visa-lotteries, removing chain-migration, and strengthening borders. Furthermore, he looked to put restrictions on legal immigrants entering the United States to ensure they would be contributing members of society. Conversely, President Joe Biden ran on an opposite platform, pledging to open borders and increase immigration into the United States within his first term in office.

Over two centuries, policies and procedures have been continually developed and refined, ultimately forming the United States' immigration policies. Following the nation's founding and up through the Civil War, the United States had relatively open borders with free and open immigration practices. In 1865, following the American Civil War, states began enacting immigration laws. As a result of conflicting and contrasting laws between states, the United States Supreme Court ruled in 1875 that immigration laws were a federal responsibility (U.S.C.I.S., 2020). As a result of the harmful economic impacts immigration was causing, Congress passed the first federal immigration laws in the 1880s. These laws aimed to exclude immigrants coming to the United States from certain countries, specifically China, levying a "head tax" on all immigrants entering the United States, and barring the entry of individuals that would not contribute to society (U.S.C.I.S., 2020). With these new laws came the need for enforcement. Thus, the immigration act of 1891 created the Office of the Superintendent of Immigration.

Between 1900 and 1920, over 14.5 million immigrants migrated from Europe to the United States. Concerns over the mass amounts of immigrants flooding into the United States contributed to the Immigration Act of 1917. This act put further requirements on immigrants, such as reading and writing in their native language and strict medical examinations. Following WWI, another mass migration into the United States occurred, triggering Congress to pass the Immigration Acts of 1921 and 1924, putting a quota on how many immigrants could arrive from each nation per year. Illegal border crossings became a direct result of the restriction of immigrant visas.

Consequently, the border patrol was founded in 1924 to crack down on these illegal crossings and increase deportation procedures. New acts, such as the Displaced Persons Act of 1948; the Refugee Relief Act of 1953; the Hungarian Refugee Act of 1956; the Refugee-Escapee Act of 1957; and the Cuban Adjustment Program of the 1960s, were implemented following WWII and entering the Cold War. These acts allowed individuals fleeing war-torn or communists nations to apply for citizenship when they usually would not have been allowed to under current laws (U.S.C.I.S., 2020).



The first laws aimed at national security interests began in the mid-1950s when there was a notable rise in undocumented immigrants from Mexico and communist nations. These undocumented immigrants were believed to be engaging in organised crime in major cities within the United States. As illegal immigration became a national security issue, laws continued to change, including the Immigration Reform and Control Act (IRCA) passage of 1986. IRCA was created out of concern that the dramatic increase in immigration in the 1970s was causing an adverse labour market and social effects. The act was designed to protect legal citizens' job opportunities, specifically for low-income workers, while targeting employers who knowingly hired undocumented workers. Additionally, IRCA allowed for the legalisation of 2.7 million undocumented immigrants, attributed to reducing the national crime rate by 4.5% (Baker, 2015).

Before 11 September 2001, most immigration procedures focused on control and enforcement of legal immigration. In the aftermath of the 11 September attacks, immigration laws focused on protecting the nation from additional terrorist attacks by increasing border security and removing undocumented criminal immigrants (U.S.C.I.S., 2020). Congress passed the Homeland Security Act of 2002, which disbanded the Immigration and Naturalization Service (INS) and created the Department of Homeland Security (DHS). DHS is comprised of three entities: Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and United States Citizenship and Immigration Services (USCIS). The DHS is the third-largest cabinet department, employing over 240,000 individuals in the United States government, and charged with protecting the national security of the United States.

## **Border Security**

Border security is a critical issue in the debate over the national security threat posed by immigration into the United States. Border security is often associated with physical land borders, such as that of the United States, Mexico, and Canada. As a result, border security is often linked to the notion of a border wall between Mexico and the United States. However, immigration into the United States occurs in all states and territories. There are over 7,458 miles of land borders with neighbouring countries and 17,883 miles of water borders. Also, there are 19,636 airports in the United States with 5,080 public use and 503 commercial use airports, each of which can act as terminals for the entry of individuals into the United States (Bureau of Transportation Statistics,

2020). For this reason, avenues of immigration must include land, air, and sea to fully understand border security and its effects on national security.

The agencies tasked with border security vet, on average, approximately 1 million people that enter the United States daily: 700,000 through land borders and 350,000 through air terminals (Pope, 2020). This enormous undertaking requires a significant number of workers and technology to manage. In the most recent data released for FY2019, CBP encountered 1,148,024 individuals attempting to enter the country illegally through the 300 ports of entry they patrol (U.S. Customs and Border Protection, 2020). That number is a 188% increase from just two years prior and only accounts for locations actively patrolled by CBP. Given the tens of thousands of miles of borders and thousands of potential entry points, the assumption can be made that a significant number of individuals can cross the borders without encountering law enforcement. Statistically, individuals within this group will perpetrate some form of violence if they enter the United States successfully. How significant that statistic compared to the threat from native-born citizens is a constant point of contention and will be reviewed later in this paper.

Perceptions, fear, and statistics drive political decisions centred on enforcement procedures, budgets, and border development. In just the last five years, the border security and immigration enforcement discretionary funding rose by 41% from \$20.1 billion in 2017 to a projected \$28.4 billion for the fiscal year 2021 (The White House, 2020). This dramatic increase provides evidence that there is a perception of a national security threat tied to immigration. This perception is fueled by negative media coverage of large immigrant caravans, violent clashes with border patrol agents, and political agendas, specifically of the controlling party. The current increased budget is derived from within the Trump administration's plan to crack down on immigration, both legal and illegal, protect American's interests, and the desire to build a border wall on the southern border of the United States.

## **Sanctuary Cities**

Sanctuary cities are essential to the immigration discussion since they allow for safe refuge for undocumented immigrants looking to remain in the United States. To evade deportation after illegally entering the United States, many undocumented immigrants

travel to sanctuary cities where they are protected from prosecution for being in the country illegally. While not afforded federal protections, many municipalities that consider themselves sanctuary locations do not allow for the enforcement of federal immigration laws. This generates the question: are sanctuary cities a risk to national security or a societal and economic investment?

Sanctuary cities have been around in the United States for over fifty years. In most of these cities, local and state government employees are barred from assisting federal immigration agencies and are instructed not to detain or prosecute individuals just for being in the United States illegally. Additionally, local law enforcement is barred from complying with federal detainer requests from federal immigration authorities. These requests ask for an undocumented immigrant arrested for a local law enforcement infraction to be detained for an additional period until federal authorities can take them into custody for federal law violations. In addition to a haven to reside in, many cities offer free services to undocumented immigrants, which officials believe will stimulate the local economies.

Following the contentious 2016 Presidential elections, the United States saw an increase in sanctuary policies go into effect across the country. These policies do not just affect cities as the name implies, but local jurisdictions such as towns, cities, counties, and entire states. As of July 2017, the Center for Immigration Studies estimated that over 300 jurisdictions within the United States had adopted sanctuary policies. Of the 300 jurisdictions, 11 states, 141 counties, and 38 major cities have implemented sanctuary policies (Vaughan, et al., 2020). The legal basis for sanctuary city policies continues to be called into question as they gain popularity, most recently argued in front of the United States Supreme Court in June 2020 by the Trump administration (Savage, 2020).

Sanctuary city supporters argue that by protecting undocumented immigrants, the nation is increasing its security posture. This is done by empowering undocumented immigrants to report crimes, work less desirable yet necessary jobs, and return money into the local economy. When an undocumented immigrant can report a crime-free of fear their immigration status will be questioned, the result will be more criminal leads, culminating in more arrests and convictions of criminals; thus, removing those that pose a threat to the community. Supporters further argue that if undocumented

immigrants work without fear of deportation, they will work the less desirable jobs, need less public assistance, and stimulate the economy as a productive and contributing member of society.

Opponents of sanctuary cities are concerned these policies will increase the undocumented immigrant population, burdening cities and increasing crime rates. As the undocumented immigrant population increases, so does the demand for essential services in communities, such as schools and social and medical services. These services are primarily paid for by legal tax-paying citizens, and many services do not have the infrastructure in place to support additional demands. Job-theft is another issue that is exacerbated by the protections afforded to undocumented immigrants within sanctuary cities. Following the economic downturn in 2008, the United States Commission on Civil Rights reported, 'Illegal immigration to the United States in recent decades has tended to depress both wages and employment rates for low-skilled American citizens, a disproportionate number of whom are black men' (Reynolds, 2008). While the data did not study sanctuary city policies, it can be inferred that added protections would increase undocumented immigrant employment rates, resulting in fewer opportunities for legal citizens. Opponents also argue that allowing undocumented immigrants to share in all aspects of society undermines the legal immigrant residents, many of whom spent years going through the legalisation process.

Sanctuary officials justify their policies through reviews and studies on undocumented immigrants' effects on society and the economy. The Center on Budget and Policies Priorities released a study showing undocumented immigrants stimulate state and local economies by paying over \$12 billion annually into state and local taxes, creating an incentive for states to turn to sanctuary policies for fiscal purposes (Williams, et al., 2019). A review of the Federal Bureau of Investigations (FBI) statistics of sanctuary cities by the University of California at Riverside and Highline College identified no statistical change in the crime rates before and after a city became a sanctuary for immigrants (Lee, 2017). Sanctuary officials use this data as proof citizens living within their jurisdiction are not only safer but more economically secure, by allowing undocumented immigrants to contribute to their society.

Opponents argue that the crime rate statistics do not represent the whole picture. They claim by ignoring detainer requests and releasing criminal undocumented immigrants, city and law enforcement officials are allowing known criminals to re-offend and potentially harm legal citizens. An Immigration and Customs Enforcement (ICE) report shows that over eight months in 2014, eighty-one hundred undocumented immigrants, of which sixty-two per cent had prior criminal arrests, were released without honouring an ICE detainer request. Of those arrested, twenty-seven per cent were subsequently arrested in the two years following their release (Lee, 2017). This study shows that the threat of recidivism is high in illegal immigrants, and officials further increase the security threat when they knowingly allow these individuals to re-enter society illegally. Ultimately, it is difficult to fully comprehend the scope of the issue when at the basis of the argument is the requirement to collect information on individuals that are in the country without the presumed knowledge of the government.

### **Crime Rates, Security Threats and Statistics**

With an understanding of definitions, historical context, policies, border security and sanctuary cities, the question returns to are immigrants a national security threat? The answer is not straightforward since most legal systems do not differentiate between an individual's legal status. The United States uses three primary crime data sources, the Uniform Crime Reports, the National Crime Victimization Survey, and the National Incident-Based Reporting System, none of which record an individual's immigration status (Light, et al., 2020). Also, most states with sanctuary policies do not report immigration status on their criminal data sent to the Bureau of Justice Statistics (Eagly, 2017). The lack of quantifiable data requires studies to look at sample populations where data can be collected and used to represent the entire United States.

A significant issue in determining the crime rates caused by undocumented immigration is the problematic nature in determining how many undocumented immigrants are present in the United States. To navigate this issue, researchers at the Pew Research Center and the Marshall Project estimated the increase or decrease of undocumented immigrants in major metropolitan areas over several years using results from the American Community Survey. Using these estimates, they compared the undocumented immigrant population against the FBI's crime rate statistics. The research institutes compared the undocumented population each year to the rise and

fall of crime in that area. They identified no correlation between a rise of undocumented immigrants in a city to increased violent crime (Flagg, 2019). As seen in figure 1 and 2, the study showed national violent crime rates remained relatively flat while there was a decrease in property crimes. If this study's results are accurate, it shows no immediate increased threat relative to an individual's legal status.

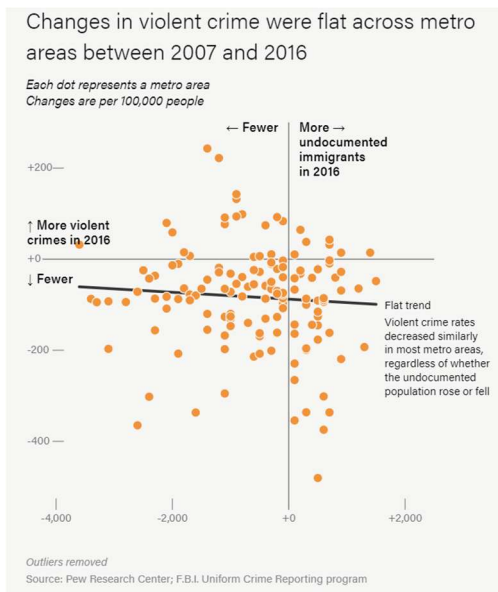


Figure 1: Violent crime rate between 2007-2016  
Source: (Flagg, 2019)

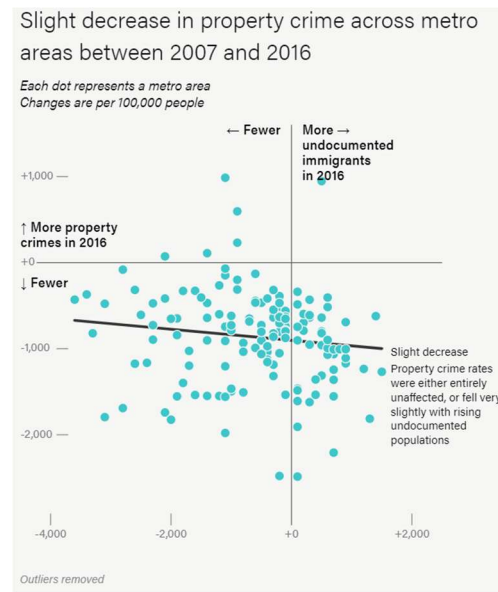


Figure 2: Property crime rate between 2007-2016  
Source: (Flagg, 2019)

While the Pew Research Center and Marshall Project relied on population estimates, Researchers from the University of Wisconsin looked to use more quantifiable data. To find quantifiable data, researchers needed to identify a state that records a detained individual's legal status while also representing the national undocumented immigrant population. Using information from the 2014–2018 American Community Survey and the 2008 Survey of Income and Program Participation, a study conducted by Migration Policy Institute estimated that over 1.7 million undocumented immigrants reside in Texas (Migration Policy Institute, 2018). Texas was identified as an excellent location to conduct the study since it represents approximately 10% of the overall national population, 15% of all legal immigrants residing in the United States, and by the Migration Policy Institute's estimate, 15% of the undocumented immigrant population. To conduct the study, researchers from the University of Wisconsin reviewed all Texas arrest records from 2012-2018. According to the study, 'US-born citizens are over 2 times more likely to be arrested for violent crimes, 2.5 times more likely to be arrested for drug crimes, and over 4 times more likely to be arrested for property crimes than

an undocumented immigrant' (Light, et al., 2020). This was the first study released showing measurable data that conclusively identified no correlation between immigrants and increased crime rates within Texas. Figure 3 shows a comparison between Texas's total crime rate committed by United States citizens, legal immigrants, and undocumented immigrants, while figure 4 shows the comparison for violent crimes.

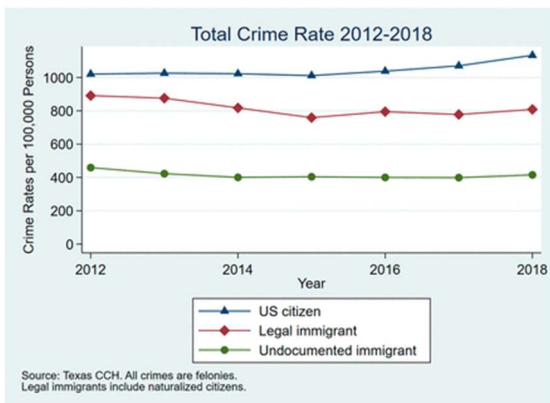


Figure 3: Texas Total Crime Rate 2012-2018  
Source: (Light, et al., 2020)

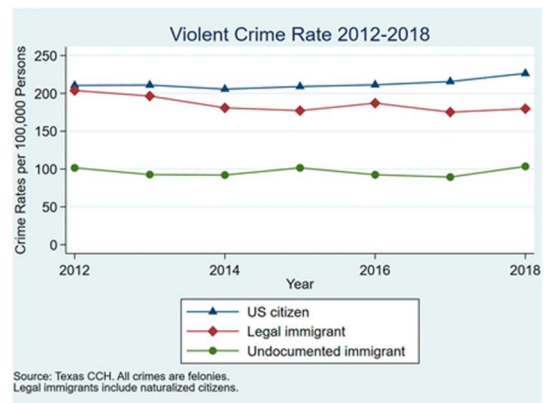


Figure 4: Texas Violent Crime Rate 2012-2018  
Source: (Light, et al., 2020)

While not wholly representative of the nation, the study provides peer-reviewed, measurable data that offers an insight into the correlation between crime rates and immigration status, using a sample size relative to the population and immigrant density within the United States.

When reviewing crime rate statistics, there are potential factors attributed to undocumented immigrants' low crime rates. One factor to consider is that most undocumented immigrants come to the United States looking for work and a better life and would not commit crimes that could jeopardise their ability to remain undetected. A counter-argument to that factor is undocumented immigrants may target other undocumented immigrants, knowing they will not call the authorities and alert them to the fact they are in the country illegally. If a crime goes unreported, it will not appear in the statistics. When conducting reviews of arrest records, as previously mentioned, failure to report an individual's immigration status will also mislead statistics. Additionally, local jurisdictions may charge an individual with a federal immigration charge instead of a local criminal charge, which would negate the original reason for their arrest. Even with these factors present, most published studies have shown that

higher incarceration and arrest rates, per capita, favour native-born citizens over foreign-born legal or undocumented immigrants.

Although numerous studies and reviews show undocumented immigrants do not pose a more significant security threat than legal or native-born citizens, crime associated with undocumented immigrants is often more polarising because they are illegally in the country. By illegally entering the country, they have already committed a crime, albeit a non-violent crime. Politicians and media figures focus on an individual's legal status when pushing narratives of violent undocumented immigrants within the United States. In the case of a violent crime that captures media attention, the focus is often the notion that had authorities stopped the individual from entering the country, the violent act would not have occurred.

The 2015 murder of Kate Steinle is an example of how polarising a crime by an undocumented immigrant can be. José Inez García Zárate, an undocumented immigrant, who had seven non-violent felony convictions and five deportations, was released by San Francisco Police without notifying the Department of Homeland Security as requested to do (Lee, 2017). Following his release, he was accused of discharging a stolen firearm, striking Steinle with the ricochet and killing her. This incident captured the national attention due to García Zárate undocumented status, multiple convictions, and protection by sanctuary policies. The same applies to the political and media attention surrounding two of the 11 September 2001 hijackers who overstayed their visas and should have been removed from the country immediately. It is often more comfortable and more politically savvy to focus on the individual and their immigration status than the policy or procedural errors that allowed an incident to occur.

As with increased crime rates, terrorism within the United States is frequently associated with foreign-nationals and immigrants. These individuals often get lumped together, even though foreign nationals may have a non-immigrant visa. Such is the case with the most prolific attack on the United States in modern history, carried out by 19 foreign nationals on student and tourist visas. All 19 were granted non-immigrant visas, with no reported intention of remaining in the United States; however, two overstayed their visas, becoming undocumented immigrants. Even with a legal non-immigrant visa, there were 569,604 visa overstays in the United States in 2018 and



can be ascribed as illegal immigration (McAleenan, 2018). Due to the significant media attention attacks carried out by immigrants and foreign nationals garner, immigrants often receive an unmerited, negative connection to national security.

History indicates that American citizens are more likely to be harmed by a native-born citizen in a terrorist attack than a legal immigrant, undocumented immigrant or foreign national. Studies conducted on terrorist events from 1975-2017 revealed 192 foreign-born individuals planned, attempted, or conducted terrorist attacks on United States soil, responsible for 3,037 deaths (Nowrasteh, 2019). When 11 September 2001, is removed, there were a total of 58 deaths caused by 173 foreign-born terrorists. During this same 43-year period, there were approx. 1.1 billion visas issued, with only 192 of those visa holders committing an act of terrorism. Conversely, over the same period, 413 Americans died in terrorist attacks planned, attempted, or carried out by 788 native-born terrorists (Nowrasteh, 2019). Over four decades, a review of terrorist activity indicates the threat is more likely to come from a native-born citizen and shows a disproportionate amount of attention focused on a few events that significantly distort perception and statistics.

## **Conclusion**

Over recent decades the United States has seen a substantial increase in immigrants entering the country, both through legal and illegal means. This paper set out to determine if immigrants were a threat to national security or contributing members of society. The research outlined within this paper does not directly correlate the increase in immigration into the country and the increase in any form of threat to the nation's national security. Conversely, it shows that immigrants reduce crime, stimulate the economy, and contribute to society.

Perceptions are often worse than reality. Following any significant attack, such as 11 September 2001, it is easy to generate negative perceptions based on the individual(s) or group(s) that carried out the attack. This connection between groups and security threats was witnessed during the summer of 2020 when protests erupted across the United States. Groups such as Antifa, and Black Lives Matter became political and media talking points. Due to acts of violence by select individuals from each organisation, perceptions were generated regarding the security threat these groups

posed. The same theory holds for immigrants since it is an already polarised topic, and any negative attention generated becomes a focal issue. However, excluding the events of 11 September 2001, immigrants have posed very little terrorist threat to the nation, and crime rates are lower per capita among immigrants, both legal and illegal.

Border security will remain key to the protection of the United States. At these borders, officials can thoroughly vet an individual or stop someone from attempting to enter the United States unlawfully. With such a massive amount of border and ports of entry, this is a virtually impossible feat that will only get more difficult as fiscal constraints affect budgets. With states and local jurisdictions continuing to implement sanctuary policies, the debate will continue about whether immigration into these areas poses a national security risk. While this paper primarily focused on criminal activity, there is evidence that immigrants stimulate the economy and contribute to society. Those favouring sanctuary cities believe every individual contributes to society and the local economy, while opponents view them as a burden on the system. Sanctuary cities remain at the forefront of the immigration debate, and only time will tell if this massive social experiment produces positive results.

Studies on immigration have been ongoing for decades. However, researchers still struggle to understand the scope of illegal immigration and its effects on national security, society, and the economy. It has not proven easy to conduct studies that can withstand peer review on immigration due to complex factors such as how many undocumented immigrants reside in the United States or within a local municipality. Additionally, studies with no definitive way to measure specific variables allow researchers to skew the results to their favour, often used to advance political agendas or media narratives.

Studies referenced in this paper were peer-reviewed, and the data sets can be replicated. These studies show that immigrants appear to increase the nation's security through contributions to both society and the economy, contrary to the political and media narrative. The findings within this research indicate it is worth reviewing current policies to understand whether they are helping or hurting national security. The initial data indicates that immigrant-friendly immigration laws may actually increase national security and further stimulate the economy. With the new Biden presidential administration, the United States will likely return to more

immigrant-friendly policies. This approach will allow researchers to compare the past four years of anti-immigration policies against the upcoming four years of pro-immigration policies. Comparing such drastically different applications of immigration policies will generate a more thorough understanding of the correlation between national security and immigration. It will ultimately assist in shaping future immigration policies and laws.

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# **MAJ ELMĀRS POPAKULS. What is the Role of Old Weapons Systems in Modern Militaries?**

## **Introduction**

What is the role of old weapons systems in modern militaries? The author of this paper chose to investigate this particular subject due to the fact that smaller nations that do not have overly sophisticated economics - all the three Baltic states included- that cannot allocate substantial resources to expedite the development of their militaries to any significant extent to keep up with the development of potential adversaries modernization tempo, tend to utilize seemingly outdated equipment that they have acquired through either different aid programs or for a longer time ago. The author of this paper is also curious and interested in developing an in-depth understanding of how and if this seemingly outdated equipment can be utilized in light of the modern conflicts and against the materiel currently being used by the potential adversaries.

As hinted before and dictated by the logic, the usage of outdated material and equipment thus exposing your soldiers and national security in general to unnecessary risks, is not something what any country is doing by choice. The author argues that there is hardly a country that deliberately opts for outdated defence systems. It is rather clear that it is mostly due to economic constraints and Global processes, such as economic crises or the most current Global Covid-19 health crisis that hampers countries to develop their militaries.

By researching this topic, the author of this paper has come to the conclusion that the use of old equipment can be effective in modern warfare, depends heavily on the sophistication of the potential adversary and the nature of the conflict itself. To support this research, Russia annexation against Ukraine, and the conflict between US and Iran were analysed in terms of what equipment and weapons systems were used. (Command, Naval History and Heritage, 2020) The author chose to research these particular conflicts due to the fact that in these conflicts a variety of weapon systems, and the probable adversary could use a similar tactics, similar armament and related procedures were and are being utilized, meaning that this research might aid with sensing how efficient the performance of the materiel of Latvian Armed Forces and

three Baltic states (3B) in general, could be if put against materiel that is being utilized in conflicts hinted before. In this, considered that the main threat to Latvia's and Baltic Sea Region security in general is from Russian aggression and reemerging revisionist ambitions, therefor the potential efficiency of the heavily outdated Latvian and 3B materiel will be measured against the equipment of Russian origin.

Building on the lessons learned from the world wide experience and applying them to the threats to security situation of Latvia and keeping the NATO protective umbrella in mind, it is very likely, that in case of an armed conflict, the adversary is likely to revert to hybrid actions to keep the conflict below the article V threshold and to influence the Allied perception of the severity of the conflict. During such hybrid activities it is very unlikely that the adversary will be using the newest available equipment. That is meaning, that against this particular threat the usage of older materiel can prove to be effective. Therefore, this paper will argue that certain categories of obsolete weapon systems are still effective against potential adversary with modern military warfare equipment and technologies, using them in appropriate operational environment. If found to be true, this statement can turn to be of significance for smaller countries such as Latvia and for its National Armed Forces.

The expected outcome of this research paper is the production of a list of conclusions and associated recommendations as well as potentially finding answer on an obvious question this research might provoke, namely how old the equipment must be to be considered to be too old, to be left in the armament of Latvian military.

The paper consists of an introduction, three chapters, recommendations, and conclusions. In the introduction, the author provides justification for writing this paper and choosing this particular subject and research methods as well as outlines the bases for choosing one research background over others. In the first chapter, the author is explaining what is being understood by obsolete materiel by providing several definitions as well as providing several examples for when the equipment or materiel in general can be rendered obsolete. In the second chapter, the author discusses the appliance of historical examples and lessons learned in terms of usage of outdated equipment in modern warfare. In the third chapter, the author summarizes findings form of a survey of acknowledged Subject Matter Experts (SME) from the Latvian



Armed forces on whether obsolete weapons can still be used in light of the most likely threat and crisis development scenario.

### **Defining Obsolete Weaponry**

To be able to answer the question if obsolete weapons can be used in modern warfare to any meaningful extent, it is absolutely necessary to understand what is being understood by a term “obsolete weapon”. The term “Obsolete” in accordance with the Oxford Dictionary means that something is “*is no longer used because something new has been invented*”, another explanation of the term says ‘*no longer used or needed, usually because something newer and better has replaced it*’. Regardless of the chosen explanation option, it is clear that the term ‘Obsolete’ means that something no longer meets the requirements and needs to be replaced by something new, which fulfils the specific requirements. When reflecting about weapon systems or military materiel in general, author’s opinion is that there are multiple ways in which a weapon can become obsolete therefor some of these types has been identified and compiled in the continuation of this chapter below.

A weapon can become technologically obsolete which means that the weapon is no longer desired due to availability of a more advanced and a generally better option. Generally, weapon systems, especially defensive weapon systems, are normally being introduced into the military due to the fact that the potential enemy is using a particular offensive weapon system, to counter this threat. Therefore, if the enemy for some reason would stop using the weapon system which caused own forces to introduce a countering system, it would mean that the own weapon system would become technologically obsolete even if there would be no direct substitute or improvement of the technology simply because the particular threats no longer exist.

Dr. Lukáš Dyčka within his presentation describe W.S Lind in his book “Generations of Warfare” and Toefflers in his book “Waves of Modern warfare” and speaks about differing warfare eras subsequently describing weapon systems from previous warfare eras as Paradigmatically obsolete weapons. (Dyčka, 2020) They connected this type of obsolescence also with shifting cultural and society structure meaning that the societies thinking and perception on what is acceptable and what is not also has an impact on the weapon life cycle. An example to illustrate this type of obsolescence

could be taken from WWII when one fighting party had already used tanks (Germans Army) while the other party attacked these tanks with cavalry (Polish Army). Only after decades, after the war, it was proved that this was a fake myth made by German propaganda, but in our minds it remained as an event of the past military action by brave and selfless soldiers, but due to the shift in warfighting generation and the change in mind-set on how to wage war, it is rather clear that the brave men on the horse backs charging the tanks stood no chance (Gramer, 2017).

A particularly interesting type of obsolescence in authors opinion is the Economical obsolescence. In this case the weapon system in question might be perfectly up to date, fulfil its roles and tasks fine, be relevant to the current warfighting era and still be announced obsolete do to the running costs the weapon system is associated with. (Galbraith, 2020) A good example to illustrate this type is found within the Navy history when the coal driven ships were replaced with oil driven ships. The coal driven ships were equally fast, but due to the fact that ships needed to have extremely large holding bays to accommodate the enormous amounts of coal made it necessary to build large and heavy sips, requiring usage of extreme amounts of metal, the large ships required larger crews, the large holding bays left little place for weapons which caused the ships to be built even bigger to accommodate for adequate amount of weaponry etc. all of which resulted in extremely high running costs for materials of a substantial navy. The interesting and maybe even paradoxical part with this type of obsolescence is that the weapon system in question that is to be considered obsolete might be technologically far more advanced than the one that is to replace it. This paradox could be well illustrated with an example from the Navy when looking at the aircraft carriers. It is a widely known fact and perception that the nuclear powered carriers are the pinnacle of the navy assets since they are technologically superior. But in fact the usage of nuclear powered ships is put to question as more nations are electing for building ships with conventional propulsion, like United Kingdom did whit the recent built of its carrier HMS "Queen Elizabeth" knowing full well that the usage of oil driven propulsion is a technological step backwards (HMS Queen Elizabeth: All You Need To Know About The Aircraft Carrier, 2021).

Very often weapon systems or military assets in general are being designed for a specific purpose to support a specific warfighting concept or doctrinal understanding of warfighting. When the doctrine or the whole concept of warfighting changes, those

purpose-built systems might lose their relevance and become conceptually obsolete. An example for this type of obsolescence can be seen with US air force when during the Cold War the US was investing heavily in development of high altitude, high speed spy planes (SR-71 Blackbird) with the purpose to spy on Soviet Union. As the Soviet Union developed better Anti-Air systems, capable of reaching the altitudes these planes were flying at and with the simultaneous development of orbital satellites and observation stations/modules, the whole concept of information gathering changed, making the SR-71 Blackbird obsolete regardless the fact that it is to this day one of the technologically most advanced planes in the world.

Often the weapon systems may require only minor updates to make it relevant and usable for the current warfare. An example to this could be found with US M1 Abrams or the German Leopard II tanks when the original tank has been updated multiple times to keep up with the development of the anti-tank systems and increase their survivability. Unfortunately, however, not always the updates or even repairs are longer possible as the spare parts could not be available. An example to illustrate this could be seen with Latvian UK built scouting vehicle CVRT and its main gun. Since the vehicles were built in 1970s, the production of the spare parts and even the ammunition for the main gun has been discontinued resulting in necessity to change the whole weapon. This type of obsolescence is known as Technical obsolescence (Dyčka, 2020).

The final type of obsolescence to be covered in the context of this paper is the Physical obsolescence. This type obsolescence means that the equipment has become unusable due to physical damage caused by rust, rot, material fatigue or other damage which no longer is possible to repair. When this type of obsolescence occurs, the materiel has reached the end of its life cycle and must be taken out from the inventory and disposed of. If the military is holding on to a weapon systems or any military materiel that has reached the end of its lifetime, it will bring associated costs that normally cannot be justifiable as the holding the unusable equipment takes away valuable recourses from any possible modernization and replacement of the materiel. An example to visualize this type of obsolescence could be drawn from Air force when looking at the air ship fuselage. The air ship frame has a predefined lifecycle after which the airframe must be taken out from the inventory even if it looks perfectly fine because the stresses the airframes are being exposed to, fatigues it and with time is

being weakened. This cannot be repaired, the only thing that could be done is to cannibalise the airframe in question and dispose of the rest.

In conclusion of this chapter, the Author of this paper is confident to express an opinion that there are many more types of obsolescence and these types can combine in multiple combinations making it difficult to decisively identify what type of obsolescence could be applied to the particular case. Author also concludes that the warfighting is not an exception to the human nature in its adaptability and the changing environment. Meaning, that with the changes around us, whether geo-political, economic or technological the war fighters must remain vigilant and look for indications that makes their warfighting tools relevant to keep their war-winning abilities realistic.

### **Analysis of Conflicts and Relevance to Latvian Armed Forces**

In support of this research and answering the question whether obsolete weapons can be used in modern warfare and what is the role of such materiel in the light of modern warfare, the author of this paper will relate this paper and the subsequent research to Latvian Armed Forces to extent possible which will also add additional value and applicability to the paper. Therefor author will make a research in form of a survey of acknowledged Subject Matter Experts (SME) from Latvian Armed forces from different fields in order to identify the weapons and systems that are outdated or has a potential to become obsolete and try to gain the SME opinions on whether these weapons can still be used in light of the most likely threat and crises development scenario. Author will make several assumptions in identifying the potential adversaries and types of threats. In this, an analysis of relevant military conflicts will be made to identify the adversaries strategic approach and tactical solutions as well as utilization of weapons in different stages or phases of the conflicts.

It is a widely agreed fact that currently and in a foreseeable future the only military threat and cause for security concern in the Baltic Sea Region is and will remain Russia (Otskivi, 2016). Therefor to sense the potential crises development scenario in case of a potential aggression, author is taking a closer look on the conflict in Ukraine where Russia has occupied Crimea peninsula and continues to arm and finance warfighting in other parts of Ukraine. The Crimea occupation began in an asymmetric manner utilizing hybrid activities. Russia employed and infiltrated Special Forces soldiers

without insignia or affiliation signs to capture and secure critical infrastructure and neutralize legal authorities. This caused chaos and uncertainty on what is happening and what are the necessary actions to be taken as this type of warfare was unexpected (Bebler, 2015). Nobody knew for sure who the soldiers were and what are their mission which in parallel with the turbulences in the political system of Ukraine of the time and lack of Situational Awareness resulted in a complete impotence of the authorities to counter the attack. In the meantime, Russia denied its involvement in the attack claiming that it is own Ukrainian population that is making a stand and choosing their future affiliation. The weapons used during the initial phases of the Ukraine conflict was infantry weapons, in the form of small arms, such as AK automatic rifles and general purpose machine guns (Bender, 2014). To relate these tactics to the Baltic Sea region and to Latvia in particular, it is very unlikely that Russia will elect for a conventional attack to any of the Baltic States as this would immediately trigger the NATO article V as the conditions for this would be met. The most likely course of development of the possible Russian attack most probably will mirror the Ukrainian case with infiltration of special forces. Special forces will probably be armed with infantry light weaponry with the mission to destabilize the legal authorities, undermine the Latvian government and pave for unlawful change of power whilst keeping the activities below the perceived NATO article V threshold (Radin, 2017).

### **Analysis of the Research Data**

To support the authors effort to identify the weapon systems of Latvian Armed forces that might potentially be outdated and to facilitate the analysis on potential future corrective actions, author conducted a survey where recognized Subject Matter Experts (SME) of various fields of expertise were asked to provide their opinions on the usefulness of the weapon systems in question. As criteria is taken conceptually and technologically obsolete weapon systems within Latvian Armed Forces. The SME pool was mainly compiled from current and former Brigade and Battalion level commanders as well from high-ranked officers with extensive national and international experience. All the involved SMEs have extensive service experience and relevant training and education, which should provide a pool of reliable data.

Understanding that the most likely threat evolving scenario would largely resemble that of what Ukrainian Armed forces faced in the initial phase of the Ukrainian crisis of 2014,

the weapon systems of Latvian Armed forces that are analysed within this paper are analysed against weapon systems of similar sophistication to those of Russian backed separatists in Ukrainian Donbas region (Masuhr, 2019).

Furthermore, to ensure that all aspects, in terms of functionality of weapon systems, are covered, the listed weapons systems are evaluated against the Combat Functions of the Land Component, therefore, to add an analytical perspective to the answers, the respondents (the SMEs) will be asked to elaborate in which warfighting scenario these systems, in accordance with their understanding, could be useful.

It must be realized that not all weapon systems can be relevant to all Combat functions which is confirmed by the former Commander of the Latvian Army Land Force Brigade COL Dzintars Roga's as he pointed out that not all of the listed weapon systems can fully be analysed against the Land Component Combat Functions. COL Roga provided an example to explain the point that only the Combat Vehicle Reconnaissance - Tracked (CVRT) platforms, which are used by the Latvian Army Mechanize Brigade, give the unit commander a possibility to conduct an effective manoeuvre-change the positions and be present on forward lines of own mechanized and motorized troops during operation. That means, that conceptually obsolete CVRT's can still be very effective, when units use them in sandy, overgrown or muddy environment (see Annex 1) as well as to some extent enables Command Control (C2) combat function. All other SMEs were of similar opinion.

Table 1

**Obsolete weapon systems effectiveness against differing threats.**

**Criteria: Conceptually and technologically obsolete weapons.**

	Maneuver	Protection	Intelligence	Fires	Sustainment	Command C3	Information	Reserve	NG
CVRT's							NIL		NIL
SCIMITAR 30 mm							NIL		NIL
CG 84 mm							NIL		
12,7 mm							NIL		
AK-4							NIL		
KSP 58							NIL		
RPG-7							NIL		
HG F-1							NIL		
M 14							NIL		
MG-3							NIL		
AT mines M-5 and D-52	NIL						NIL		
120 mm mortars							NIL		

USEFUL	PARTLY useful	Only for TRAINING PORPUSE	NOT useful
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SME`s were in agreement that the use of a technologically obsolete CG 84 mm support weapon is still very effective. The weapon with its inherently excellent armour-piercing ability (armour penetration till 400 mm) can be used against a lightly armoured adversary as well as serve as the tactical reserve for the military units. (Szirota, et al., 2020)

When looking at the data on the most common infantry machine gun in the Latvian Armed Forces the KSP- 58, the data shows that SME consider the weapon useful for training purposes. Author however is at an opinion that these weapons soon will need replacement, and this opinion is supported by the comments of the commander of NG 1. RBde LTC A.Krjukovs (LVA ARMY), who said:

‘If you look at machine guns - I personally like more MG3 vs KSP-58. If we look at their efficiency, but currently within NG we only have KSP-58, whose life cycle is close to exhaustion’. (see Annex 6)

Interestingly, when analysing the Russian made Rocket Propelled Projectile launcher RPG-7, despite the fact that the weapon is a heritage of Russian occupation, most of the SME agreed that the weapon system can still be utilized to provide fires as well for training purposes. This is in line with author own opinion about the weapon that it is widely used all around the world and can be seen almost in any conflict, which makes it necessary for the own solders to familiarize with the system. SMEs also pointed out that the system is not sustainable as any further procurements of the system or its components would support the potential adversary’s military production.

When analysing the 12.7mm machine gun, not surprisingly all SMEs agreed that the weapon is still effective and must be kept in the inventory and used both for the training as well as for the combat missions. In authors opinion this is due to the fact that these Machine guns are amongst the most popular weapons of the NATO troops, meaning that own troops must be familiar with these weapons as well as own weapon systems and munitions must be interchangeable with other NATO nations to the extent possible.

As for the 120 mm mortar system, the SMEs agreed that or though being very old, the system is still capable to provide adequate protection to the troops by indirect fire. Understanding that the mortar systems are traditionally light and portable, the SME also agreed that the regardless the age, the system is supporting the troops mobility and Manoeuvre in general. However, the age of the system inherently means that more and more nations will be going away from the system which in turn will affect the sustainability of the system as it is easy to predict that the spare parts as well as the munition itself will become more scarce.

Almost all of the interviewed SMEs had an opinion that any weapon has its role, purpose and environment in which it can be used effectively and provide effects. Meaning that against an equally or lesser equipped force the weapons of Latvian Army are well suited. However, all SMEs also acknowledged that in the case of the most dangerous Enemy course of action, namely a direct conventional attack, the opportunities for Latvian Army alone to fight and stop the Russian conventional military incursion is very limited, meaning that the operational environment purely dictates the weapons to be used and deemed proper.

In conclusion of this chapter, author of this paper is confident that the dilemma what to do with obsolete weapon systems and how to make use of aging materiel in general is not only a challenge of Land Component. The author is confident that the same thinking and logic could be applied for any domain, for instance the Navy. As in the case with the land component, the outdated maritime assets can be used if the operational environment allows for it. But the difference is that unlike the land component, where the outdated materiel could be used only against a less sophisticated adversary or against asymmetric and hybrid threats, the outdated navy assets can be used to pose a significant threat against technologically far superior adversaries. A confirmation for



this can be found when analysing US and Iran skirmishes. It is a commonly known fact that the US has the most powerful Navy in the world, and yet US is reluctant to operate in Persian Gulf and Oman Bay because of the extensive fast boat fleet that Iran has. (Arasli, 2007) The boats are nothing more but a hull with an engine and a General Purpose machine gun mounted on it. This at the first glance does not pose any threat to US fleet or to any Navy ship, but when these primitive boats are employed in swarm tactics, the threat becomes obvious and even the strongest and well equipped Navies realize that the ammunition bay is only that big and you can take only that much ammunition with you, meaning that even the most sophisticated ships equipped with latest sensors will run out of ammunition to fight off the swarm (Arasli, 2007).

## **Recommendations**

1. It is recommended for the smaller countries such as the Baltic States and Latvia in particular, to take the economic situation of the country into the consideration to determine amount of investment into the Defence Department. As shown by this research it is not always necessary to invest the attest technology as it is possible to use the seemingly outdated and obsolete weapons successfully, provided that the operational environment is permissive. It is also recommended for the stakeholders of the defence environment to remain realistic and invest in the military according to the national defence concepts and in line with the NATO's collective defence requirements.
2. The applicability of any obsolete weapon can be effective when applied in the right area and at the right time. Therefor it is recommended to build upon the knowledge that the Latvian terrain allows the Army and National Guard to fight effectively against the motorized and mechanized units of a potential adversary within forests, swamps and urban areas, and develop the defence concepts accordingly.
3. The leadership of the National Armed Forces should have a very good understanding of what possible weapon platforms and systems the enemy could use to invade and fight in the territory of Latvia, including the hybrid war scenario. This will allow the National Armed Forces to develop their tactics accordingly in order to deter and effectively combat the invader.
4. It is recommended that the Army continue the upgrade projects for CVRT platforms, which will allow these mechanized battle platforms to fight more

effectively against enemy Armoured Personnel Vehicles and light Infantry units. According to the author, the emphasis should be on improving the fire power and night vision systems.

5. It is recommended that the Army and the National Guard stand ready for unconventional or hybrid war scenarios initiated by the adversary. Small arms tactics with obsolete weapons can be utilized effectively to fights against adversary's special forces or smaller units therefor it is also recommended to educate the solders that it is not necessary to have the most modern equipment to be able to resist and delay the enemy.
6. Since the author during the research concluded, that obsolete weaponry is not only the problem of the Land Component, it is recommended for other force components to conduct an inventory of their respective weapon systems on the subject of identifying the potential obsolete systems and define what type of obsolescence is applicable in each individual case in order to best conclude how to proceed to mitigate the situation.
7. Keeping in mind the Iran and US conflict and the fact that Iran is able to deter US Navy from freely operate within Oman Bay by utilizing asymmetric and unconventional methods by deploying an extensive fast boat fleet, it is recommended for the leadership on all levels of the military structure of Latvia to promote innovation in order to encourage subordinates to produce innovative and unconventional tactics which may prove to be usable in a fight against a much larger adversary.

## **Conclusions**

The usage of outdated materiel and equipment which exposes the soldiers and national security in general to unnecessary risks, is not something what any country is doing by choice. It is mostly due to economic constraints and Global processes, such as economic crises or the most current Global Covid-19 health crisis that humpers countries to develop their militaries.

The usage of older equipment can be productive in modern warfare. The usage of any weapon systems depends heavily on the sophistication of the potential adversary and the nature of the conflict and the operational environment.

Lessons learned from the conflicts in Ukraine and applying them to the threats to security situation of Latvia and keeping the NATO protective umbrella in mind, it is very likely, that in case of an armed conflict, the adversary is likely to revert to hybrid actions to keep the conflict below the article V threshold and to influence the Allied perception of the severity of the conflict. During such hybrid activities it is very unlikely that the adversary will be using the newest available equipment, meaning, that against this particular threat the usage of older materiel can be effective.

To answer the question if a particular obsolete weapon system is useful in modern warfare, it is necessary to identify type of obsolescence is applicable to the particular case as there are many types and combinations of obsolescence. Some types of obsolescence can be mitigated with updating the equipment in question, making it suitable again, while some types of obsolescence such as physical obsolescence cannot be used without threat to the operator.

Currently and in a foreseeable future the only military threat and cause for security concern in the Baltic Sea Region is and will remain Russia. Therefore, the conflict in Ukraine where Russia has occupied Crimea peninsula and continues to arm and finance warfighting in other parts of Ukraine must be investigated to learn the adversaries' tactics and weapon systems in order to enable decision making based on real world evidence whether the weapon systems of Latvian Armed Forces are adequate for the current threat situation.

The most likely course of development of the possible Russian attack most probably will mirror the Ukrainian case with infiltration of special forces who conduct activities in Baltic states with the goal to destabilize the situation in the region.

The SMEs opinion is that a large portion of the weaponry of Latvian Armed Forces, which largely is perceived as outdated and obsolete in many ways, can still be used to counter the Hybrid threats such as those in the initial phases of the Ukrainian conflict while acknowledging that in the case of the most dangerous adversary course of action, namely a direct conventional attack, the opportunities for Latvian Army withstand Russian conventional military incursion is very limited acknowledging an additional time that the weapons to be used and deemed proper for the task is purely dictated by the operational environment.

Usage of outdated materiel sometimes can provide utilization of unconventional tactics as in Iran case when Iran is able to deter to a certain extent the US Navy to operate in Oman Bay by utilizing swarm attack tactics with their extensive fast boat fleet, which can oversaturate the much more sophisticated and powerful adversary.

The dilemma how to best utilize obsolete weapon systems and how to make use of aging materiel is not only a challenge of Land Component. The same thinking and logic could be applied for any domain such as Navy and Air force.

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## ANNEX PREFIX

[Editors note] All the following annexes use the colour-based assessment system/key below. It has been removed from the Annexes due to typesetting issues. The scale and colour used should be self-explanatory.

<b>USEFUL</b>	<b>PARTLY useful</b>	<b>Only for TRAINING PURPOSE</b>	<b>NOT useful</b>
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## ANNEX 1: SME ASSESSMENT ON MANEUVER, COMMAND (C3), RESERVE

Against Conventional warfare threats

Criteria: Conceptually and technologically obsolete weapons

**COL Dzintars Roga** (LVA ARMY), Former MECH Bde CO, BDCOL Department director of DMS:

The criteria the listed weapons systems will be evaluated against are the Combat Functions of the Land Component. Also, to add to the answers an analytical perspective, the respondents (recognized SME) will be asked to elaborate in which warfighting scenario these systems IAW their understanding could be useful. This will provide me with initial data to be able to sense what direction the paper must be broth as well as confirm or deny the initial thesis that some outdated weapon systems can still be used in respective operational environment.

	Maneuver	Protection	Intelligence	Fires	Sustainment	Command C3	Information	Reserve	NG
CVRT's	Green					Green		Green	
SCIMITAR	Green					Green		Green	
30 mm	Green					Red		Green	
CG 84 mm	Green					Red		Green	
12,7 mm	Green					Red		Green	
AK-4	Green					Red		Green	
KSP 58	Green					Red		Green	
RPG-7	Red					Red		Blue	
HG F-1	Green					Red		Green	
M 14	Green					Red		Green	
MG-3	Green					Red		Green	
AT mines M-5 and D-52	Red					Red		Green	
120 mm mortars	Green					Red		Green	

COL Dz. Roga explained:

Related to the **C3 (Mission Command)** combat function CVRT and SCIMITAR are only platforms, which directly could support such function on the battlefield by enabling commander and staff with an opportunity for maneuver (move) during an operation and rapid change of locations. Other assets do not have any roles (functions) to support this function.

## ANNEX 2: SME ASSESMENT ON PROTECTION

Against Conventional warfare threats

Criteria: Conceptually and technologically obsolete weapons

**MAJ Kaspars Lagzdīņš** (LVA ARMY), Joint HQ J3/5/7:

The criteria the listed weapons systems will be evaluated against are the Combat Functions of the Land Component. Also, to add to the answers an analytical perspective, the respondents (recognized SME) will be asked to elaborate in which warfighting scenario these systems IAW their understanding could be useful. This will provide me with initial data to be able to sense what direction the paper must be broth as well as confirm or deny the initial thesis that some outdated weapon systems can still be used in respective operational environment.

	Protection
CVRT`s	To imitate enemy movement
SCIMITAR 30 mm	To imitate enemy movement
CG 84 mm	to provide smoke screen, during breaching operations
12,7 mm	for destruction of AT mines from distance, ensuring mobility support
AK-4	for covering explosive and non-explosive obstacles
KSP 58	for covering engineer units during their operations
RPG-7	cannot rely on its effectiveness
HG F-1	<b>useful only when engineers acting as infantry in defensive positions, taking into consideration that it has only one safety precaution, not recommended.</b>
M 14	in FIBUA and ambushes
MG-3	for covering engineer units during their operations
AT mines M-5 and D-52	for establishment of A minefields and as well for the ambushes
120 mm mortars	to cover explosive and non-explosive obstacles, as well to provide smoke screen



### ANNEX 3: SME ASSESMENT ON INTELLIGENCE

Against Conventional warfare threats

Criteria: Conceptually and technologically obsolete weapons

**MAJ Agris Robežnieks** (LVA ARMY), MECH Bde CS BN XO:

The criteria the listed weapons systems will be evaluated against are the Combat Functions of the Land Component. Also, to add to the answers an analytical perspective, the respondents (recognized SME) will be asked to elaborate in which warfighting scenario these systems IAW their understanding could be useful. This will provide me with initial data to be able to sense what direction the paper must be broth as well as confirm or deny the initial thesis that some outdated weapon systems can still be used in respective operational environment.

	Maneuver	Protection	Intelligence	Fires	Sustainment	Command C3	Information	Reserve	NG
CVRT's									
SCIMITAR 30 mm									
CG 84 mm									
12,7 mm									
AK-4									
KSP 58									
RPG-7									
HG F-1									
M 14									
MG-3									
AT mines M-5 and D-52									
120 mm mortars									

MAJ A. Robežnieks explained:

Intelligence is a system which consist recce or collection troops and S-2 or analytical part. CVRT is originally designed as recce platform for cavalry units – Mech BN and Mech BDE armored recce. In our defense it is not obsolete but in current use (not for original purpose, obviously). CG 84 mm is best possible option for Recce self- defense against armored ADV (from experience). All Soviet time weaponry (RPG-7, F-1) is used to prepare for deployments to train Afghanis or Iraqis soldiers and can be used as Last resort of recce's self-defense if isolated or surrounded in hostile area. (Wildly used in LV Mech BDE ISTAR coy). 120 mm are not obsolete – Mech BDE INF Battalions are armed with this weapon. It is primary support weapon for Recce units in BN level.

## ANNEX 4: SME ASSESMENT ON FIRES

Against Conventional warfare threats

Criteria: Conceptually and technologically obsolete weapons

**MAJ Juris Buks** (LVA ARMY), Joint HQ J 3/5/7:

The criteria the listed weapons systems will be evaluated against are the Combat Functions of the Land Component. Also, to add to the answers an analytical perspective, the respondents (recognized SME) will be asked to elaborate in which warfighting scenario these systems IAW their understanding could be useful. This will provide me with initial data to be able to sense what direction the paper must be broth as well as confirm or deny the initial thesis that some outdated weapon systems can still be used in respective operational environment.

	Fires
CVRT's	CVRT Platform not related to the fires WFF. Could be used as Forward observed platform. Platform not related to the Fires function. Obsolete platform with old barrel. Short range and small rate of fire.
SCIMITAR 30 mm	
CG 84 mm	
12,7 mm	
AK-4	
KSP 58	
RPG-7	Could be used for Self defense
HG F-1	
M 14	
MG-3	
AT mines M-5 and D-52	
120 mm mortars	Mortar still is and in close future will be Main IDF weapon system to support maneuver. Together with modern navigation an positioning systems, ballistic computers, fires C2 system and modern ammunition definitely will be very effective against soft and semi hard targets.

## ANNEX 5: SME ASSESMENT ON FIRES

Against Conventional warfare threats

Criteria: Conceptually and technologically obsolete weapons

**LTC Jevgēnijs Kazenko** (LVA ARMY, Joint HQ J-4), BDCOL SGO :

The criteria the listed weapons systems will be evaluated against are the Combat Functions of the Land Component. Also, to add to the answers an analytical perspective, the respondents (recognized SME) will be asked to elaborate in which warfighting scenario these systems IAW their understanding could be useful. This will provide me with initial data to be able to sense what direction the paper must be broth as well as confirm or deny the initial thesis that some outdated weapon systems can still be used in respective operational environment.

	Sustainment
CVRT's	Old equipment is hard to maintain. But gives proper understanding of sustainment procedures
SCIMIT AR 30 mm	Old equipment is hard to maintain. But gives proper understanding of sustainment procedures
CG 84 mm	For activities in city/easy to teach how to use in case of total defense
12,7 mm	For activities in city/easy to teach how to use in case of total defense
AK-4	For protection of key infrastructure/easy to teach how to use in case of total defense
KSP 58	For activities in city/easy to teach how to use in case of total defense
RPG-7	Not many countries can supply ammo
HG F-1	For protection of key infrastructure/easy to teach how to use in case of total defense
M 14	For protection of key infrastructure/easy to teach how to use in case of total defense
MG-3	Not many countries can supply ammo/hard to control expenditure rate
AT mines M-5 and D-52	For protection of key infrastructure/easy to teach how to use in case of total defense

120 mm mortars	For protection of key infrastructure/easy to teach how to use in case of total defense
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## ANNEX 6: SME ASSESMENT ON NATIONAL GUARD

Against Conventional warfare threats

Criteria: Conceptually and technologically obsolete weapons

**LTC Aivars Krjukovs** (LVA ARMY), NG 1. RBde CO:

The criteria the listed weapons systems will be evaluated against are the Combat Functions of the Land Component. Also, to add to the answers an analytical perspective, the respondents (recognized SME) will be asked to elaborate in which warfighting scenario these systems IAW their understanding could be useful. This will provide me with initial data to be able to sense what direction the paper must be broth as well as confirm or deny the initial thesis that some outdated weapon systems can still be used in respective operational environment.

	Maneuver	Protection	Intelligence	Fires	Sustainment	Command C3	Information	Reserve	NG
CVRT's									NIL
SCIMITAR 30 mm									NIL
CG 84 mm									
12,7 mm									
AK-4									
KSP 58									
RPG-7									
HG F-1									
M 14									
MG-3									
AT mines M-5 and D- 52									
120 mm mortars									

LTC A. Krjukovs explained:

First of all, I compiled the table based on what was requested, I expressed my opinion in colors. It should be noted that the existing weapons systems are difficult to mark in combat functions except M&M, Protection, other functions are not really directly supported.

Secondly, about the weapons themselves and their use. All the weapons I have mentioned are still revisable and usable, because in the absence of other systems, existing systems must be used as effectively as possible.

The current weapon systems, as well as the use of weapon systems for a tactical task in the future, in principles change very little, if were viewed through the types of

operations (defense, offence, COIN). What can be improved is the current weapon - optics, weight and ability to move it.

If I compare a couple of weapon systems - G36 / AK4 - one is lighter with better optics / aim-point capabilities vs the other has better penetrating capabilities and we have a lot more of it.

If you look at machine guns - I personally like more MG-3 vs KSP58. If we look at their efficiency, but currently within NG we only have KSP-58, whose life cycle is close to exhaustion.

For CG 84 mm - effective, albeit at very close distances, until SPIKE is not available in units, CG is the basic weapon for destroying / delaying enemy equipment.

I don't think I'll comment on the rest, except you have to be familiar adversary weapon systems, in case to know how to use them if they are captured in the combat or confiscated.

In general, at present, regardless of the weapon system, all weapons can be used to their full potential, especially in an urban environment, if you look through the prism of State Defense plans.

## **MAJ MINDAUGAS REKAŠIUS. What Should the Defence Strategies of the smaller States Look Like?**

### **Introduction**

Small states face an intrinsic dilemma in the international system from the power politics perspective: what military strategy a state should apply when its armed forces potentially face a superior enemy whose capabilities a small state can never match. Weak states vis-à-vis superior enemies are in a position when 'the asymmetry is so great that the attacker does not have the slightest doubt that he will succeed on the battlefield' (Mearsheimer, 1983, p.59). This unenviable situation was underlined by professor Martin van Creveld (2020) in the Annual Baltic Military History Conference 2020 that the Baltic states will never match Russian capabilities even if the Baltics mobilize every man and spend most of their GDPs for defence.

However, military history provides examples where the weak fought the strong and deny him victory in defiance to this 'iron rule of power'. Irregular (or unconventional) types of warfare have been the weapon of the underdogs to fight the strong throughout history. And successes of underdogs seem to deny the basic paradigm of realists about wars since Thucydides that power is the basic determinant of who wins and who loses. Notwithstanding those examples, the Baltic states prioritize the conventional approach to warfighting (Flanagan et al., 2019, p.2, p.8). R. Egnel (as cited in ONeil, 2019) summarises that 'contemporary thinking is oriented more towards combat operations and less towards the uncomfortable thought of preparing for a resistance on occupied territory'.

With Russia demonstrating revisionist aspirations since the Russo-Georgian war in 2008, the question of how many and what type of forces to develop to defend and deter possible enemies is of practical importance for the Baltic states, not only a theoretical one. In other words, what military strategy, or ends, ways and means, a country should envisage when it faces an enemy with capacities that the weak will never be able to match to any comparable degree? From the realist point of view, if we reject increasing its power as an unrealistic one, then alliancing and great power patronage is the only remaining options for national security strategy. Even in that case, the question about

the type and number of forces required remains valid. Firstly, Article 3 of The North Atlantic Treaty specifies the requirement for a member state to develop and maintain individual capabilities to defend itself. Secondly, the general recognition of strategists is that Russia enjoys the local advantage in the Baltic Sea region (Boston et al., 2018, p.1; Wither, 2020, p.62). In general, the Baltic states' defensibility vis-à-vis Russia was in the discourse since the beginning of the accession process to NATO (Wallin et al., 2001, p.94). Lastly, there is a not promising *fait accompli* scenario on the tables of strategists, with Moscow rapidly occupying a Baltic state and threatening NATO in turn with unacceptable cost by anti-access / area denial (Bankauskaite et al., 2020, p.3).

The research paper aims to discuss how small states should approach their military strategies and identify ways and means to be the most effective in defence and deterrence vis-à-vis superior antagonists. The paper argues that a relatively weak state vis-à-vis great power can make the asymmetry in military power less relevant and increase the chance of success by applying a defensive strategy based on the combination of irregular warfare (IW) and total defence rather than concentrating on fighting an adversary in a conventional way.

The method used in the research paper is inductive reasoning. The paper discusses observations and analogies from historical examples where the weak fought or prepared to fight against the strong using IW methods and uses insights from theoretical writings about the dynamics in so-called small wars. To make it more practical, research analyses and puts observations and insights in the light of the Baltic states' security situation and major trends in contemporary warfare. It allows us to draw generalizations and define a pattern that can be applied in the construction of small countries' defence strategies.

The first chapter defines conventional and IW and overviews academic writings about IW to define how the weak can succeed in a war against the strong. The second chapter discusses total defence, focusing on the military element in general and conscription, reserves, and mobilization in particular. The third chapter discusses the increasing tempo of technological innovations and considers the rationale of combining IW and total defence as core elements of small states' defensive strategies in light of the contemporary development of warfare.



In sum, the research paper's overarching purpose is to challenge the traditional mindset of military thought that focuses on conventional warfare and considers resistance and IW only as the last resort if everything else fails or as supplementary, supporting function of conventional warfighting. In contrast, by exploring IW as the primary element of defensive strategies, we broaden the academic discourse and suggest some alternative methods for strategists and defence planners that can be implemented in small states' contemporary and future military strategy. In the end, the two most important questions for defence planners are how many and what type of forces does a state need.

### **Irregular Warfare**

In military writings, the classic understanding of warfare is by dividing it into conventional and irregular. Although the term conventional may be time- and context-dependent, dominant definitions usually agree upon that the focus is on state's armed forces fighting to defeat and destroy other state's uniformed troops, military hardware and defence industry, to capture or retain territory, and to change political leadership in the end. In other words, the centre of gravity is armed forces fighting other armed forces in usually high-intensity and firepower-heavy battles (Matissek, 2017; Payne, 2012; DOD, 2007, p.7). On the contrary, IW commonly involves significant asymmetry in military power, state armed forces fighting ununiformed para-militaries or irregular soldiers who intentionally avoid decisive battles, blend with population, and use indirect fighting methods like subversion, sabotage, hit-and-run tactics. The overall aim of IW is not to defeat the adversary's armed forces but to protract a struggle, degrade the adversary's will to fight and deny him his political objectives. Capture and control of terrain is not a centre of gravity for para-militaries. However, when the movement gets stronger, it may exercise control over particular population centres and launch larger-scale offensive attacks. Warfare moves towards the conventional approach; therefore, conventional and irregular should not be considered a strict dichotomy but rather a continuum.

The Russo-Finnish Winter War of 1939-40 exemplifies that we have to consider conventional and irregular instead as a spectrum. On the one hand, irregularity in its purest form is lacking since Finns fought by regular forces acting in small units. On the other hand, Finnish troops operated in deep, far away from support lines. They also

used captured anti-tank weapons, which they badly lack from the beginning of the war, to hit Russian troops (Trotter, 2000, p.37). Most importantly, the warfighting method was to harass adversaries and avoid larger-scale engagements rather than destroy them in decisive battles, which places it somewhere in the middle of the continuum, slightly closer to unconventional. The main inference for the small states from the Winter War is that IW is not only related to non-state actors, para-military groups acting underground and blending with civilians but can also be employed by regular armies. Likewise, IW played a core role in Afghanistan and Vietnam wars, allowing the underdogs to protract the conflict, make asymmetry in military power irrelevant, and deny their political objectives. Intriguingly, several studies argue that weak belligerents tend to win asymmetric conflicts increasingly in the last century (Arreguín-Toft, 2001, p.99; Merom, 2003, p.4). Considering the overwhelming disparity in military power between Russia and the Baltic states, those observations suggest that strategists shall look for determinants, which cause success and might be applied by small countries in their military strategies.

One of the explanations of this paradoxical phenomenon is the efficiency of IW. In military terms, relatively small and light troops can tie up more numerous and better-equipped adversary's forces for a significant time by avoiding decisive engagements (Laqueur, 1998, p.275). For example, during the Winter War, sniper fire stopped the entire column (Trotter, 2000, p.37). Besides, conventional armies act in bulkier formations and depend more on logistic support, lines of supplies, fixed installations that make them an easier target. On the contrary, irregular units operate in a decentralized way, act in small teams, and are less dependent on supply lines (Merom, 2003, p.34). Finally, irregulars choose the time and place when to attack. By acting in small units, they cannot be defeated in one or several encounters. They can blend with civilians, making themselves even more challenging targets. And they have modest goals in military terms, i.e., they do not require to defeat adversary on the battlefield, but only by not losing to protract the conflict and wear down the will.

The asymmetry of will and interests can also be an influencing factor. A. Mack (1983) suggest that asymmetry in interests is one of determinant because the weak often wage war for survival, while the great powers only have peripheral objectives. I. Arreguín-Toft (2009) adds nationalism to the equation as a multiplier. In his words, "this combination of nationalism and indirect strategy made it possible for weak actors to

defeat their materially stronger adversaries" (p.204). Arguably, a foreign occupier will strengthen national cohesion during the majority of cases.

Arreguín-Toft's (2001) research on the determinants in asymmetric conflicts underlines the importance of the interaction between adversaries' strategies, which he categorizes as direct (or conventional) and indirect (or irregular). The author finds out that the same approach favours the strong actor (direct vs direct). And applying different approach strategies (indirect vs direct) favours the weak. In other words, when the strong attacks conventionally, and the weak defends the same way, the weak should lose. When the weak defends indirectly and the strong attacks conventionally, the strong should lose (p.121). In general, the findings reinforce Mao's propositions that IW is rather necessary for a weak actor than one of the choices. To avoid defeat, the weak must not wage war on superior adversary's conditions (Mack, 1983, p.176).

Notwithstanding those findings of IW efficiency, countries have rarely prioritized it vis-à-vis conventional warfare in their military strategies and implemented extensive preparations in advance. The two most known examples are Switzerland during the Cold War (Fiala, 2019, p.171-175) and the UK before World War 2 (Warwicker, 2008). Both countries established covert organizations and stay-behind forces, developed defensive plans including secret communications, fighting positions, prepared demolitions chambers in infrastructure, safe houses and bunkers. But even then, IW was in support of the conventional approach.

Despite this lack of practical applications, it is interesting to note that many recent reports related to the Baltics' defensive models suggest looking for alternative approaches. For example, R. Hooker (2020) advises considering 'innovative, low-cost approaches to defense' (p.16). Other report claims that the Baltics 'should look beyond force-on-force conventional combat to devise more creative and cost-effective approaches to enemy attrition', named as 'the strategy of the hedgehog' (Klein et al., 2019, p.7). Besides, J. Osburg (2016) discusses the applicability of 'unconventional options, such as those that were part of the Swiss national defence strategy during the Cold War' (p.2). RAND's research concludes that unconventional warfare can significantly support the Baltics' deterrence and defence efforts (Flanagan et al., 2019). The need for an alternative approach is briefly summarised by M. van Creveld (2020) who recommends 'do not invest in conventional warfare'.

To underline the importance of IW in defensive strategies, Swedish Defence University and Special Operations Command Europe published Resistance Operating Concept (ROC) in 2019, which discusses the application of resistance in the country's national defence. ROC describes resistance as 'a nation's organized, whole-of-society effort, encompassing the full range of activities from nonviolent to violent, led by a legally established government (potentially exiled/displaced or shadow) to re-establish independence and autonomy within its sovereign territory that has been wholly or partially occupied by a foreign power' (Fiala, 2019, p.21). Overall, ROC's core principles are the same as in IW; however, ROC explicitly includes the legitimacy aspect of a sovereign nation fighting occupier's force by using non-conventional methods. In other words, the authors intent to diminish the negative connotation associated with IW and other similar terms like guerrilla warfare, shadowy warfare, etc., which were usually related to non-state actors or insurgents fighting a state. Additional innovative aspects underlined in ROC is that resistance has to be nationally organized before the invasion, and 'as a form of warfare, can be conceived of as part of a layered national defence in-depth' (Fiala, 2019, p.17). And it also includes the total defence concept explicitly to maximize the population's involvement in the country's defence.

Summing up, historical examples and academic research suggest that weak actors should not wage a war that plays to superior adversary's strengths. Small states should prioritize IW in their defence models against conventional warfare. In general, the development of armed forces should include three essential components – first, regular army, able to operate in small units, and highly decentralized manner; second, para-militaries, or stay-behind military forces, capable of conducting offensive activities behind enemy lines; and third, underground, trained to act covertly and conduct sabotage and subversion in urban centres. Most importantly, it should be planned and prepared in advance and not considered a last resort option, a spontaneous activity if everything else fails. Overall, 'the irregular scenario is positive as it is a deterrent for even the strongest players' (Egnell, 2021).

## **Total Defence**

The potential threat from Russia revived in the Baltic and Nordic region the total defence concept that is also known in contemporary discussions as comprehensive

defence, or 'a whole-of-society approach to national security involving the coordinated action of a state's military, civilian branches of government, private sector, and the general population' (Bankauskaite et al., 2020, p.1). Notwithstanding this broader approach to total defence, one of the essential pillars remains the military dimension, with compulsory military service being a general attribute (Wither, 2020, p.63; Berzina, 2018, p.72-73). In the traditional understanding, total defence is seen as a way for small countries to counterbalance the asymmetry in military power. Conscription is an instrument that enables training of a large part of the population, keeping extensive reserves, and maximizing its potential manpower during a conflict. It is also generally agreed that it is relatively cheaper to maintain than large standing professional armed forces (Cohen, 1995, p.79; Wither, 2020, p.69). In the purest form, total defence is associated with a militia system, with Israel and Switzerland being the most notorious examples, where the majority of citizens are also soldiers at the same time.

Finland, arguably the best contemporary example of total defence, trains each year about 20,000 conscripts, keeps 280,000 reservists, and overall with all back-ups, can generate about one million manpower with only being a population of 5,2 million (Schultz, 2017). In other words, every household has at least one soldier. In opposite, the Baltic states keep a relatively ambiguous position about compulsory military service, notwithstanding the declared orientation towards total defence. Lithuania reintroduced mandatory service in 2015. However, discussions concerning universal conscription are forestalled by needed investments in infrastructure, and territorial defence requires the broader engagement of society (Janeliunas, 2018, p.193). Latvia has not reintroduced conscription with the defence and political elites against mandatory service (Vanaga, 2018, p.172). Out of three Baltic countries, only Estonia places the greatest value on reserves and conscription, which has never been abandoned. Estonia trains annually about 4000 conscripts; the bulk of fighting forces are reservists, and mobilization procedures and readiness testing are among the major priorities for Estonian defence planning (Praks, 2018, p.154).

Nevertheless, several reports infer that overall numbers of military personnel in the Baltics are insufficient vis-à-vis the threat of Russian invasion. Authors argue that in comparison with Israeli and Finnish examples, Baltic states should significantly increase manpower, and the total defence and universal conscription are the most apparent tools (Klein et al., 2019, p.7; Bankauskaite et al., 2020, p.15; Hooker, 2019,

p.14). Martin van Creveld (2020) also gives the Baltic states a straightforward suggestion to train as many as possible during peacetime.

To increase societies' involvement in homelands' defence, the Baltics highlight the importance of voluntary forms or militarized organizations. Interestingly, Latvia invests in defence education, presenting this initiative as an alternative to compulsory service (Atmante, 2020, p.12). Although acknowledging the importance of such initiatives for comprehensive defence, this paper leaves the question outside the scope, whether voluntary forms can be an effective substitution for a conscript-based military system and be labelled total defence.

One of the critical challenges for conscript- and reserve-based defence models is maintaining armed forces' readiness to respond quickly to emerging threats. It is more challenging than with a professional cadre. Moreover, most professionals have to be oriented towards training new conscripts and running reservists' refreshment activities. To mitigate this situation, a country first has to devise a solid plan to integrate conscripts into high readiness units instead of relying only on professional personnel. For this reason, R. Hooker (2019) suggests increasing the period of conscription. If a conscript finishes his service in two or three months after he completes training (which usually takes ~6 months), the active unit can't maintain cohesiveness (p.14). Secondly, a fast and effective mobilization process is required to augment high readiness units in hours and days. G. Cesnakas (2019) underlines that the increase of speed in contemporary warfare amplifies the vulnerabilities of small states, whose centres of gravity can be affected relatively quick by opponent due to the smallness (p.281). Therefore, rapid mobilization is a prerequisite due to small size and lack of depth.

The mobilization process is also closely related to territorial defence principles that are usually encompassed by the total defence concept. The capacity to fight in the whole territory can accelerate the overall mobilization process and reaction times if military bases' locations, recruitment of conscripts, and mobilization of reservists are spread out, decentralized, and synchronized. For instance, almost all of Sweden's counties had a military base until 1990 (Wither, 2020, p.66). And Finland commonly assigns conscripts and reservists to units in their geographical area (Wither, 2020, p.66). R. Klein et al. (2019) argue that the militaries of the Baltics have to reorient and handle reserve forces in a decentralized way, where reservists, when activated, avoid large

assembly areas, report to small local units, and fight near living areas (p.8). In other words, organization of defensive plans under territorial defence principles can also accelerate mobilization.

Another benefit traditionally associated with militia type defence forces is cohesiveness and a strong link between society and the military (Cohen, 1995, p.79). In Finland, for instance, this bond has weakened since 1990 due to decreased compulsory service and professionalization of defence forces (Raitasalo, 2020). However, society's attitude to compulsory military service arguably may be a challenge for countries trying to increase the number of conscripts considerably. Support to conscription in the countries mentioned above may be determined by political culture; therefore, it might not necessarily fit all small states (Berzina, 2018, p.74). Of particular interest is how societies' development, especially younger generations, might influence approaches to the military draft. However, C. Salenius-Pasernak (2018) concludes that there is little evidence to argue that support might radically decrease in the long term in Finland. However, if it happens, it will have a severe impact (p.123). For a country considering reinstating or expanding conscription, it is worth thinking about designing a defence system to perform some social functions.

Moreover, universal conscription can also be a platform to enhance the whole-of-society approach to the state's defence by increasing general understanding and awareness he or she individually or collectively can contribute to the defence. In other words, it may assist building up societal resilience, or "will and ability to withstand external pressure and influence" that is looked by as a prerequisite for successful resistance (Fiala, 2019, p.23). A director of a human resource department, ex-conscript, would understand the importance of organizing factory workers to block main roads for armed columns of an adversary by the unarmed civilian population. Road construction engineer would know the rationale to make chambers in bridges for fast demolitions. Marketing specialist would organize their counterparts to run information campaigns against the occupier. The list is never-ending. An ultimate end of the whole-of-society approach is that each citizen resists occupier in every civil domain without centralized coordination and directions from governmental institutions. Due to the duration and scope, conscription is the perfect platform to educate citizens about total defence, resistance, and the whole-of-society approach to homeland defence.

Summing up, conscription and reserve-based forces are cost-efficient and enables small countries to mobilize more enormous manpower than keeping only professional armies. However, maintaining unit readiness to react to threats is more challenging comparing with professional armies. Therefore, an effective and decentralized mobilization system is an essential element that enables the gathering of reservists in hours and days. Another vital factor is the full integration of conscripts into high-readiness units. To achieve cohesiveness, it may be required to prolong the conscription. Likewise, organizing military service and defensive plans following territorial defence principles may assist in attaining quick mobilization.

### **Trends in Contemporary Warfare and Technological Innovations**

Innovations in technology have always influenced strategies and tactics of warfighting of both small countries and great powers. However, the current pace of technological advancements increases disproportions in capabilities between small nations and great powers even more (Cesnakas, 2019, p.284). As technologies become more sophisticated and increasingly expensive, it is more challenging for small states to upgrade capabilities and keep up with technological development speed constantly. 'High tech weapons [...] carry a significant price' (Cohen, 1995, p.90) and need extensive logistics system that is very expensive to maintain (Wallin et al., 1995, p.96). In general, small states' acquisition of major equipment usually takes longer because the project cost is distributed into several years, and also equipment is expected to serve longer. Thus by the fast pace of technological advancements, small states arguably are more affected. G. Cesnakas (2019) suggests that small countries will have to redefine and adapt the defensive strategies responding to technological innovations and focus on 'areas which decrease technological advantage and increase uncertainty' (p.273).

Likewise, the price of keeping up modernization of armed forces is also a significant factor because, for a small country, it can become too expensive to have both professional armed forces with sophisticated high-end equipment and large reserve- and conscript-based based manpower. J. Wither (2020) finds that the critical issue for Finland is to maintain combat readiness of large reserves and modernize equipment for high-end warfare at once (p.75). Seemingly, increasing tempo of technological



advances will reinforce the dichotomy of professional force and conscript-based force, forcing states to choose either the one or another approach.

Besides, armed forces based on conscription and reserves must not be oriented on sophisticated high-tech equipment (Wallin et al. I, 2001, p.96). An average conscript should not be expected to have the right education level to operate and maintain very sophisticated machines. There is also a time factor required to become proficient. Afterwards, it is practically difficult for a reservist to hold qualification after conscription ends due to refreshment training frequency and duration. For example, adopting high-tech weaponry has affected the Israelis' militia type forces to transition towards a smaller but more professional one. 'Few three-year conscripts can attain the standards of proficiency now required of the troops; still less can reservists be expected to maintain them' (Cohen, 1995, p.90). In general, the total defence concept is more compatible with less sophisticated equipment. At the least, any modern equipment procurement must be evaluated through the lenses of mandatory criteria if the conscript and future reservist can operate and conduct basic maintenance.

The challenge of training a conscript up to a required level of qualification and maintaining this qualification when a soldier is in reserve is also related to collective training requirements. Focus on IW may give an advantage because operating in small units is *per se* less challenging to train, the same as with less sophisticated equipment. L. Wallin et al. (2001) find that focusing on small combat units 'provides economies in that it does not require as much training as conventional concepts based on fighting in large units' (p.105).

Going small is also suggested by the development of a potential opponent's capabilities. The Russian military has always prioritized overwhelming indirect firepower. Contrary to Western doctrine, where artillery supports manoeuvres, Russian troops seemingly use manoeuvre units to support massive indirect fire strikes. The report related to defence models suggested already in 2001 that the Baltics should prioritize 'small combat units that rely on concealment and high mobility instead of on conventional large manoeuvre units' because the potential advisory 'can deliver vast amounts of firepower [...] on targets only minutes after their detection' (L. Wallin et al., 2001, p.97). This observation has become even more relevant in the light of contemporary trend and the integration of drones for target acquisition. The Russian

military exercise KAVKAZ-2020 demonstrated the mass use of drones' swarms to support artillery and rocket munitions' strikes against enemy units (Varner, 2020).

Likewise, the recent war in Nagorno-Karabakh also exemplified the vulnerability of ground units to contemporary drone warfare concepts. By several news reports, the Azerbaijani troops destroyed 175 tanks and other armour in several weeks. C. Kasapagolu (2020) finds that the main lesson learned is that traditional units are in trouble without adequate electronic warfare and counter capabilities. J. Watling (2020) suggest that the main inference is far more reaching than the vulnerability of amour to drones – the contemporary battlefield is 'naked', id est., saturated by layers of various sensors, making military vehicles highly visible. This conclusion, at least, should raise concerns for all Baltic countries' defence planners who prioritize their land troops' mechanization.

On the contrary, the US marines had started getting rid of tanks earlier than planned and looks to equipping units with man-portable drones with loitering munitions. The aim is to enable troops to operate in small groups, more autonomously, less dependent on the logistic burden, and be 'as effective as possible with as small a signature as possible' (Wood, as cited in Larter, 2020). Marines' example suggests that recent technological innovations require ground forces to act in smaller groups with lesser signature to decrease vulnerability, but at the same time enables small units to be more lethal against an adversary. D. Berger summarises that 'the Marine Corps must get smaller to get better' (as cited in Harkins, 2020).

Also, Russia's advanced electronic warfare (EW) capabilities indicate for small countries the development of forces able to operate without extensive and sophisticated command and control (C2) systems, in a decentralized manner, less relying on communications and information systems (CIS). To be effective on rapidly changing conventional battlefield, synchronization of all warfighting functions is required, which is enabled by exchanging a large amount of information promptly. However, to exercise such a level of control in the contemporary battlefield can be near to impossible for a small country because of high CIS vulnerability to EW and the cost of possible technical countermeasures at the same level. CIS can be jammed, and radio transmitters' locations pinpointed. Therefore, troops have to learn to operate in communications-degraded conditions, communicate less and decrease electronic

signature to improve survivability (Elwell, 2019, p.41). Officers and soldiers have to be educated and trained 'to act under extremely chaotic situations and with disrupted C2' (Cesnakas, 2019, p.282). And an overall change of mission command concept may be required with less detailed mission planning, subordinate units operating within the intent, and commanders comfortable 'not hearing from a subordinate element for days or weeks' (Elwell, 2019, p.42). To counter the technological developments in EW, the weak gains by decentralizing C2, limiting the scope of communications, and preparing to act in disrupted C2 conditions. And that is more in line with unconventional warfare methods than conventional battlefields.

On the other hand, small countries can exploit technological advantages if they implemented in a carefully weighted way. New pieces of equipment have to be easily manageable by conscripts, do not require specific sustainment and be not expensive in maintenance. They have to be relatively cheap to replace when they become technologically outdated and adaptive to the force without profound organizational changes. A contemporary example can be a tactical man-portable unmanned aerial systems (UAS) with loitering munitions or a miniature aerial missile system. T.X. Hammes (2019) makes an argument that some technological development may be used by the Baltics, suggesting a combination of inexpensive new technologies (for example, drones) and older technologies (for instance, improvised explosive devises), 'all controlled primarily by reserve forces that live where they will fight' (p.12). Cyberwarfare may also be a potential area to invest in for small countries.

In summary, a small state has three options in the fast-changing technological environment. Firstly, to compensate for quality with quantity, which can be done by expanding mandatory military service. Secondly, to decrease an adversary's technological advantage by focusing on light infantry that can operate in mobile and small units, with low signature and limited communications. Thirdly, to introduce in a targeted and fast manner only those technological advantages that are easy to operate, affordable, and does not require expensive maintenance.

## **Conclusions**

A small country that faces a potential adversary with overwhelming military power should prioritize an irregular approach to warfighting in their military strategies. IW

makes overwhelming military imbalance less relevant and increases the chances of survival and success. In military terms, IW is a practical approach because it enables the smaller force to tie down larger forces. By avoiding decisive battles, the weak may prolong an armed conflict and deny the stronger opponent's political aims. In contrast, conventional warfare plays to the strengths of a superior adversary.

For the Baltics, the priority should be light infantry troops that can operate in urban and rural areas, behind enemy lines, in small and highly mobile units, and decentralized manner, equipped with anti-tank and anti-aircraft weaponry. Being small with minimum signature on the ground but at the same time increasing lethal firepower is the desired combination. Because the disparity with a potential adversary is too great, the Baltics should not focus on conventional warfare. However, IW and resistance also requires planning and preparations in advance and should not be expected to arise spontaneously.

Another apparent tool for a small country vis-à-vis great power is to increase its manpower through conscription and reserves, with the total defence concepts of Finland, Israel, and Switzerland being the best examples. The critical factor for success is establishing an effective mobilization system that enables reservists to gather in hours to complement high-readiness units. Quick mobilization can be encouraged by the decentralized approach. Besides, integration of conscripts into high-readiness units and achieving cohesiveness is a vital element, too. It may be required, however, to extend conscription service time.

It is important to note that conscription and reserves, the most crucial attribute of total defence, may be more compatible with IW than the conventional approach. IW commonly focuses more on small units and is less dependent on sophisticated high-level equipment. Therefore, for ordinary conscripts and reservists, the standards required to meet are less demanding than in the collective training requirements of large conventional units like brigade and above.

The recent trends in technological advancements also implicate the advantage of going small. The modern battlefield is visible, saturated with many layers of various sensors, making heavy pieces of equipment and large units' movement more exposed. The introduction of various drones for target acquisition and mounted loitering

munitions has made military vehicles vulnerable. And the extensive electronic warfare capacity developed by potential adversary implies the need to prepare to act with disrupted or no C2. Therefore, the application of troops' dispersion, limited communications, low signature, and decentralized C2 can improve survivability.

The increasing tempo of technological development arguably will make it more difficult for small countries to keep up with innovations due to limited resources. The long duration of large-scale modernization projects, like the ongoing mechanization efforts of ground troops in the Baltics, can be at risk that by the time they are completed, the equipment could become outdated or vulnerable to new weaponry, like armed UAS. A small state can deliberately choose to proceed with less sophisticated equipment that saves resources. In general, IW is more associated with applying fewer high-tech equipment and focus on low technologies. However, some technological innovations can be exploited and introduced if they are affordable, easy to maintain and operate, and can increase small units' kinetic power.

Summing up, trying to defeat the enemy in a series of decisive battles is more subject to 'the iron rule of power' and misbalance in military capabilities. The focus on conventional warfare plays to the strength of superior belligerent. All things being equal, the weak can increase its chances of success or protract the war by adopting into its defensive models the IW methods, supplemented by extensive conscription.

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# MAJ KATRIN TÕUGJAS. The Role of the European Union and Russia in Transnistria with Moldova's Pursuit for Territorial Integrity at Stake

## Introduction

'My head is in Russia, but my legs are walking to Europe' (De Waal, 2018, p. 35)

Transnistria - the land beyond the river Dniester- is nestled between Moldova-proper and Ukraine. Transnistria has been described '[...] a 'diplomatically isolated heaven for transnational criminals and possibly terrorists,' a 'black hole' making 'weapons, ranging from cheap submachine guns to high-tech missile parts. Moreover, to arms production and smuggling, many experts add human trafficking and drug smuggling' (Isachenko, 2010).

After the collapse of the Soviet Union, Transnistria has existed for nearly three decades without finding the solution with her mother country, and there is still a deadlock - conflicting sides have no credible plan. Under the keen eye of the towering Lenin sculpture, time seems to have stopped in the early 1990s in the phantom country of Transnistria. This breakaway province, formerly under Moldova's authority, announced independence in 1990. After a bloody civil war in 1992, Transnistria attained *de facto* autonomy (De Liedekerke, 2015), Moldovan and the Russian president signed the cease-fire (O'Loughlin, et al., 1998). Russian troops remained in Transnistria as part of a trilateral peacekeeping operation. From that moment, Transnistria, looking for international recognition, exists as *de facto* state in the context of international relations.

International relations today are much more complex mechanisms than the relations between the nation-states in previous times. Sovereignty is no longer the sole and indisputable principle on which world politics is based on. According to Daria Isachenko, sovereignty is seen as a fundamental element of modern policy. In the countries' context, it is no longer critical not only for adequate internal controls but also for the non-recognition. *De facto* countries that have not achieved recognition from

other countries are examples that stand behind sovereignty borders. Still, nevertheless, their existence cannot be ignored (Isachenko, 2012). According to Nina Caspersen, one of the main reasons is that when applying for recognition, *de facto* states often skim over the fact that they are dependent on a lesser or greater degree of external support, which is typically provided by the patrons (another state) (Caspersen, 2009, p. 48).

While the EU is advocating for a zone of stability and security on its southern and eastern flanks, Russia is countering that some of these zones should be tied more strongly with Russia. Today Transnistria remains a debated piece of land that formally belongs to Moldova but has created its statehood features and instruments and finds itself in between the interests of the European Union (EU) and Russia. Almost every EU document is related to Moldova's territorial integrity, points out the concern about Transnistria, mainly because such an entity represents a source of instability for the entire Union. In Moscow's eyes, Russia's current ambition is to become an equal player of the 21<sup>st</sup> century (Gurganus, et al., 2019). For Russia, Transnistria is a valuable entity to maintain its influence over the region by supporting political-military, economic, and social domains.

Research paper answers questions – are the undertaken EU projects and initiatives efficient enough to influence the Transnistrian course to European “drive”? What could be the next steps in different domains to untangle the conflict? Is the sphere of influence of Russia inevitable?

The research paper is divided into three chapters. A short overview of the Moldovan-Transnistrian conflict is presented and analyzed in the first chapter, including the importance of Transnistria to Russia. The second chapter examines the instruments and stimulus that both the EU and Russia utilize in their force projections towards Transnistria through political-military, economic, and social aspects. The third and last chapter focuses on the main challenges related to Transnistria's and Moldova's reintegration. Also, an expert interview was conducted with the former Ambassador of Moldavia in February 2021 in Tallinn. The author provides conclusions and recommendations for future solutions at the end of the paper.

## **Interests of Involved Parties in the Transnistrian Dispute: Russia and the EU**

Since 1997, the Organization for Security and Co-operation in Europe (OSCE) has tried to resolve the conflict between seven parties: Moldova and Transnistria; Ukraine, Russia; OSCE as intermediaries; the US and the EU as observers. It is known as the "5+2" format. The first proposal for the agreement came in 2003, but it was declined at the last moment by Moldova's government (Rojansky, 2011). 'Moldova, seeking the fastest possible withdrawal of Russian military forces from its territory, foresaw this agreement as an attempt for its indirect occupation' (Kirvelyte, 2010, p. 175). 'Russia's proposal for settlement was meant not only to provide Transnistria with a veto right but also to legalize the deployment of Russian troops on the territory of a newly federalized state for at least [three] decades of the transition period. For the Russians, such federation would guarantee that Moldova remains a neutral state and probably never integrates the European structures because of this [Transnistrian anchor]' (Całus, 2014). Transnistria is considered a critical vulnerability in Moldova state-building; it has been a 'zone of special strategic interest for Russia' – declared the Russian Federation's Duma already in Resolution no. 1334 IGD 17 November 1995 (The European Court of Human Rights, 2010).

After the 'freezing' of the Transnistrian conflict, Moldova became a state with two governments, two flags, and two armies. The paradise of smuggling, economic fraud, and money laundry was created with the absence of an actual border between two territories with different customs and tax regimes. This, of course, constitutes corruption within the state apparatus. Moldovan state cannot provide the legal protection of its citizens' living in Transnistria (International Expert Group, 2011). So, Russia's official standpoint is that the only possible way to protect the rights of the individuals of Transnistria is through the formation of a federation uniting mainland Moldova and the left bank of the Dniester river. In one interview, minister Sergey Lavrov declared: 'Russia is officially in favour of a settlement which would respect territorial integrity and sovereignty of Moldova' (Całus, 2014). The reason for the creation of a federation is simple - the deeply pro-Russian Transnistria would have a remarkable influence on the government in Chisinau (Całus, 2014).

Moreover, Russia's strategic interests are implemented by getting a 'foothold' in Transnistria. It is achieved by creating influence mechanisms over the elites to control

Transnistria's foreign and domestic policy options. It is proved by the presence of Russian troops in Transnistria together with the munitions dump in Kolbasna (Necsutu, 2020). Russian peacekeeping forces' presence contradicts the principle that no foreign military forces can be placed on a sovereign state's territory without the consent of that country. Furthermore, Moldova is a neutral country, so Russia is violating Moldova's neutrality. Russia maintains a permanent fear inside Moldova with Russian financial support to Transnistria and Transnistrian huge gas debt to Russia, as well as recruitment of local Transnistrians with Russian Federation citizenship. Severe security and financial confinement give the patron state possibilities to direct its decision-making process.

It seems that there is no apparent need for the EU to step into this frozen dispute because there are no losses of life, direct fighting, or any terrorist group training in this separatist region. However, Transnistria is essential for the EU. The conflict creates remarkable (soft) security issues for the EU (Popescu, 2005). After the Ukraine crisis in 2014, Moldova started to gain more support from the EU, so did Transnistria. The EU has established different means to favour the region's reintegration into Moldova appropriately. For example, the EU is actively involved in the conflict by contributing and financing the Confidence Building Measures (CBM) projects through social and humanitarian projects, community and civil society capacity development, and business expansion (Belitser, 2015). To further grow the influence, CBMs have been accomplished in collaboration with the United Nations Development Programme (UNDP). Between 2015 and 2021, the EU will provide 17.9 million dollars for the program (UNDP Moldova, 2020). Also, when Transnistria entered the EU's Deep and Comprehensive Free Trade Area (DCFTA), the EU took several engagement grips to resolve the conflict between Transnistria and Moldova. A various of these attempts have improved a kind of economic integration, however, at the political level, the progress has been marginal (Belitser, 2015). Opposite to Russia, the EU does not want Transnistria to have any real influence on Moldovan politics. The most preferred course of action for the EU would be a situation where conflict parties are reintegrated into the autonomous region with a broad economic and cultural independence, but definitely without any potential voice (Calus, 2014).

## **The Conflict is Embedded in Contemporary Politics, Economics, and the Social Environment, Influenced by Russia's and EU's Levers.**

The EU is concerned about economic and political stability in the region and is therefore eager to invest in reform-induced conflict management, which could bring Transnistria closer to Moldova and the West. Russia exerts its influence on the conflict in different domains. One domain is the direct Russian political influence and military presence that forces the Transnistrian region to play multiple roles in the area. Russia also plays an enormous role in the secessionist entity's economic sustainability and social interference that divides the population.

### *Political-military domain*

Democracy makes state functioning transparent and gives equal voice to all the people to participate in state affairs. Freedom House's survey concluded that Transnistria is a non-democratic country, which residents are not allowed to take part in Moldovan elections, and they cannot vote for their elite democratically, either (Freedom House, 2020).

A considerable part of the political elite of Transnistria has come from Russia and has no linkages to Transnistria or Moldova. With the constitution, the Transnistrian president received the authority to appoint ministers without the Transnistrian Supreme Council's coordination. The decisions are made and controlled solely by the president and his trustees. It shows the intense concentration of power hierarchy of the Transnistrian political system. Assurance of military security is another crucial objective for sovereign states because it ensures the country's sustainability. If the state fails to ensure its military security independently, it becomes dependent on others. Russia's military presence with 1500 troops makes the *de facto* country Transnistria more dependent on it and keeps the decision-makers within a close range to Russia. The region also includes 20 000 tonnes of munitions and military equipment, waiting for Russia's removal (Necsutu, 2020). Officially, Russia is occupying the land against political will and violating international norms and principles (Carney, 2020).

Democracy and the rule of law cannot function properly without solid security guarantees. Currently, the EU invests, but not enough, into helping *de facto* countries

with security-related issues, such as non-conventional security threats. The EU efficiently bypasses the construction of security fundamental pillars, handling more with the framework rather than the content. *De facto* states are not as well protected as they should be against security threats and Russian influence.

From 2009, the Eastern Partnership (EaP) allows the EU to adjust reforms, reveal evasive local leaders and guarantee the rule of law in *de facto* states. EU practice is also to implement chapters of the EU legislation. The result is that today the EU is unable to ensure the rebuilding of the rule of law. One of the reasons is the favoured leaders influenced by the Russia's strong financial and political backup. Also, the EU tried to avoid directly challenge Moscow, and it resulted in facade reforms that only simulate the process. The message of Victor Guzun, former ambassador of Moldova to Estonia, is clear: 'I see many imitations, a lot of nice beautiful documents, a lot of nice reform packages and a minimal number of them with real impact and with real implementation phase' (Guzun, 2021). Most of the *de facto* countries lack the organizational framework that would permit them to execute the ingredients of the legislation because the EU attempts to construct a system on an unbalanced ground. All things considered, the Transnistrian political-military system creates favourable conditions for controlling the *de facto* state by Russia and indicates how Russia is influencing the legislation and decisions. The fact that the *de facto* state makes decisions, keeping Russia constantly in mind and satisfying it, indicates that Transnistria is subject to Russia's control. Although there are different EU initiatives to implement the rule of law and legislation in Transnistria, the political and military system's core is left unchanged without influencing necessary elements to carry out a genuine democratic transformation and support security-related subjects. The EU would have already implemented and executed effective reforms in *de facto* states if there was a real political interest (Minzarari, et al., 2020).

### *Economic domain*

When Transnistria broke away from Moldova, it was economically much stronger than the rest of Moldova. 30% of the industry was concentrated in Transnistria (Center for Strategic Studies and Reforms, 2005). For Moldova, the Transnistrian wealth was like Riviera. Over the years, however, the situation changed, and the current economic



situation in Transnistria is archaic, cannot be described in positive terms, and needs reforms (De Waal, 2018, p. 44).

The Transnistrian official economy depends mainly on trading and direct- and indirect Russian aid. Trading is one example of how the *de facto* states are involved in transnational interaction. Published in November last year, the State Customs Committee of the Transnistrian statistics shows clearly that in 2019 and 2020, the most significant proportion of share trade was with Russia and the EU. The biggest part of the Transnistrian export is oriented to Moldova. In the case of imports, Russia is still the leader. In the year 2020, the import from Russia constituted 370,049,785 dollars. Total trade volume was 1,513,641,198 dollars in the year 2020, of which 28.57% originated from Russia. Given proportion indicates that Russia is a major import trade partner of Transnistria. Although, Transnistria is also capable of establishing trade relations with a wide range of countries (State Customs Committee, 2020).

Direct aid from Russia can be divided into two sources. First of all, Transnistria receives direct cash grants and loans from Russia. 14% of the remittances came from the EU and 65% from Russia (De Waal, et al., 2020). Direct subsidies from Russia are primarily targeted at higher pensions. Also, in 2018, Russia invested 70 million dollars into Transnistrian medical clinics, schools, and kindergardens (De Waal, et al., 2020). The previous President of Russia, Mr. Yeltsin, expressed a seemingly timeless thought: 'Russia has lent, is lending and will continue to lend its economic support to the Transnistrian region' (O'Reilly, et al., 2008).

In addition, besides direct financial support from Russia, there are other types of contributions. One of the tools to gain influence on Transnistria is gas. Russia sells gas into the region three times cheaper than into Moldova, but Transnistria does not manage to pay. Transnistria has formally indicated no gas debt; the gas supply contract is officially signed between the Russian Gazprom and Moldovagaz. However, the estimated obligation to the Moldovagaz is between 6 billion and 7.5 billion dollars (De Waal, et al., 2020). It creates artificial competitiveness for Transnistrian manufacturers because they have the opportunity to produce and sell goods more cheaply. It is one reason why local Russian businessmen invest in Transnistria, and by doing that, they strengthen the support for the patron. Also, most of the companies are privatized by Russian enterprises. For example, weapons production is a strategy: 'The arms

industry is one of the pillars of the Transnistrian economy, which is supported by Russian firms involved in arms manufacture in Transnistria' (McClellan, 2019, p.180). Even when Transnistria is part of the DCFTA now, as mentioned before, the instruments of supervising and facilitating improvements are very constrained. First of all, the DCFTA does not regulate trade with third countries and therefore cannot sanction Transnistria to give up customs tariffs on Moldovan imports. Furthermore, while it was the EU that pushed through an agreement with Transnistria, Moldova is now considered responsible for the actual implementation process. Although Moldova is one party of the contract, authorities of a breakaway region often do not allow Moldovan officials to observe whether EU standards for goods are really applied. Thus, new tensions are rising, and arguments can certainly be made that the DCFTA is actually helping to bolster *de facto* state agency. One business leader said: 'I wouldn't call it economic integration of two banks, I would call it a parallel integration with EU' (De Waal, 2018, p. 46).

All things considered, although, since 2015, Russia has decreased direct monetary aid to Transnistria and it is more connected with the EU than it is with Russia consider export data, but an import from Russia and gas supplies are the areas where the strong dependence of Transnistria on the patron is clearly visible. The *de facto* state's external debt indicators point clearly to Russia's dependence: so comprehensive financial relation creates opportunities to influence and guide decisions in Transnistria. In countries where state power and business are intimately related, it is not difficult to direct different processes. Concerning the EU, people are still mistrustful about its initiatives and projects, and there is not enough western attendance on the site in Transnistria. Elite can say 'that economic relations with EU are important but cautious about saying where the economic partnership with the EU might lead' (De Waal, 2018, p. 44). Clingendael Institute report states: 'It is only because of Russian aid that living standards have not completely plummeted' (Montesano, et al., 2016).

### *Social domain*

The civil community in the breakaway region developed peculiarly. Non-governmental organizations are hugely politicized as well as firmly monitored by the Transnistrian elites. Reaching international financing and getting capital from outside of Transnistria is problematic. 'Very, very limited initiatives come from the Transnistrian part. The real

interest in money application is almost zero', said the former ambassador of Moldova to Estonia in the interview (Guzun, 2021). Therefore, assistance for Transnistrian civil society requires particular priorities and funding approaches.

Education is one of the aspects that can impact the creation of human identity. Transnistrian schoolchildren and students learn by the Russian educational standards: they have Russian academic programs and textbooks. Students acquire homeland history as Russian history (Osipov, et al., 2017). The diplomas issued by the national universities are equivalent to Russian higher education diplomas by the Russian Ministry of Education. It promotes the population to migrate to Russia and contains the risk of a brain drain. However, the Transnistrian universities' diplomas are accepted throughout Moldovan employers; still, bachelor's exams and an additional year are mandatory for accreditation of bachelor's degree (Centre for European Policy Studies, 2018).

The main tools for the EU in contributing civil-society system are the CBMs, which promote cooperation between non-governmental organizations, business communities, the media, and other civil society organizations on both sides of the Dniester River (Montesano, et al., 2016). Although the CBM supports the renovation of various schools and other infrastructure in the Transnistrian region, the EU is not visible. In March 2018, ten students of politics at Transnistrian State University made this quite obvious - none of the ten had been in EU countries, they had not experienced any influence of the EU (De Waal, 2018, p. 46).

Speaking about the loyalty of the *de facto* country's population towards Russia, there are three main nationalities in Transnistria: Moldovans, Russians, and Ukrainians. Respectively, they consist of 33.2%, 33.8%, and 26.7% of the population. 65% of them are convinced that dissolution from the Soviet Union was wrong, and 70% of them would trust the Russian leadership under Vladimir Putin over Yevgeny Shevchuk in Moldova (Toal, et al., 2014). Identification with Russia and the nationality of the population may lead to large-scale emigration. Besides, the population in the Transnistrian region is decreasing. The last Soviet census indicates that the population of Transnistria was 679,000 in 1989. It declined to 469,000 persons by 2017, and by now, it is probably even lower. 159,000 people of the population are ethnic Russians (De Waal, et al., 2020). The negative demographic trend in the population of

Transnistria is already visible. If it continues to persist, it is certainly not in the authorities' interests, as the *de facto* state's future existence would be called into question.

Considering the factor of Russian citizenship, it is allowed to have more than one nationality in Transnistria. It gives the local people the opportunity to go beyond the *de facto* borders of Transnistria (Osipov, et al., 2017). The international community does not recognize Transnistrian citizenship. In 2020, Russia approved new modifications to the Law on Citizenship to ensure the 'defending Russian citizen's interests' policy. The law now lifts restrictions on double citizenship, and the EU has been slightly late in its response to the passportization in the region.

As an outcome, via the different social tools, Russia retains its influence, and it is allowed to extend its influence more obtrusively (Iovu, 2020). It may be asked: is the Transnistrian social system raising loyal citizens of Transnistria or loyal citizens of Russia? Not less important, the people of Transnistria are in Russia's interest because it provides an opportunity to explain why it needs to protect the people in the separated region. In the EU's scope, it has deployed several instruments on the ground, but the EU has not initiated any steps to update its position in a different process, now being only an 'observer' (Belitser, 2015).

### **Main Challenges for the Future of the Unresolved Conflict**

Considering the different aspects mentioned above, it is possible to make some assumptions about how Transnistria's dependence on Russia blocks Moldova's and EU efforts of reintegration. Transnistria is determined to have its *de facto* independence officially recognized by Moldova. The Transnistrian elite, in particular, has shown only little interest in returning to Moldova proper. Moldova's fragile statehood and weak economy make a return under its wings unattractive to the Transnistrian population. 'It is stagnating almost in every sector of life' (Guzun, 2021). This is one of the main results of Russian interference with Transnistria, making reintegration with Moldova an even more significant challenge. In view of Moldova and the EU, there are various obstacles caused by Russia for reunification with Transnistria.

It is widely accepted that the degree of democratization of a country is directly related to its civil society. The lack of democracy creates favourable opportunities for Russia to influence Transnistria: Russia can bypass fair elections by instilling its representatives into the state structure or influencing them by undue means. The *de facto* elite in Transnistria is keen - on holding power. A reintegration agreement with Moldova might preserve some influence there, but they would not have ultimate authority as they have now. Democracy means freedom of choice, but Russia's interest is to avoid it: otherwise, there is a possibility that the population of Transnistria, gaining the right to vote, decline the Russian defence and support and calls on the EU integration.

Expelling the Russian troops from Transnistria is one of the challenges for Moldova. Local authorities are supporting the presence of foreign troops on Transnistrian territory very strongly. Not for the reason that Transnistria would need military protection, but foreign troops' presence has a deep political meaning. Without these troops, the *status quo* of the region would be questioned.

The Soviet-style government system enables the Transnistrian authorities to uphold economic consistency and living standards in Transnistria. It has a significant psychological impact on the population. In particular, Russia's supportive attitude and direct payments aimed at social spheres generate gratitude among the population. It may develop into a loyal stance, one of the main obstacles to Transnistria and Moldova's reintegration.

As a primary energy provider, Russia's main economic interest is to secure unhampered transit for its gas across Moldova. It is believed that the representative of the Russian Federation of Gazprom deliberately made the debt of Transnistria grow to use this debt later to blackmail Moldova. Russia's extensive financial support sets the *de facto* state under the potent question of existential sustainability.

Two important facts have to be considered: Transnistria is ethnically varied, with a mix of Moldovans, Russians, and Ukrainians with the Russian language used in daily life. These factors affect the formation of regional identity and the population's loyalty-related to Russia's activities. Today, up to a third of the adult population works abroad, and those benefits of Russian citizenship would likely disappear for Transnistrian

residents if they re-join Moldova. What about the applications of Transnistria's independence if the majority of the population already has acquired Russian citizenship? Those developments may lead to the point where Transnistria loses its nation and one argument to justify their independence claims. Naturally, the self-identification and desire to merge indicators are closely related. On the one hand, the local-growth of nationalism and loyalty to the regime in Transnistria can become psychological barriers that prevent the region's reintegration with Moldova. The foreign minister of Transnistria's message is clear: 'We do not put on balance our choice of Russia, we do not trade with our choice. Our people are not attracted to Moldova or Romania' (Berg, et al., 2020). Research paper demonstrates that joining with Russia is supported by most of the population who identify themselves with Russia. Moreover, on the other hand - 'If to make a list of top priorities with Moldovan people and introduce the settlement of the Transnistrian conflict in the priority list, I am not sure, if this issue comes into the top of five or even ten. Time is working against Moldova, *status quo* is established', stated Victor Guzun in a meeting (Guzun, 2021).

It is worth mentioning that the EU measures do not change Transnistria's willingness and position to join the patron state: the most recent request to join with Russia was filed by the Transnistrian parliament after Russia's annexation of Crimea in March 2014 (Rogstad, 2016).

Thirty years after declaring independence, Transnistria is nowhere nearer to reintegration with Moldova. Transnistria remains geographically separate from its patron state but strategically important enough to keep Russia deeply involved in attempts to curtail the EU's growing influence in Moldova and Transnistria.

The change of the conflict's settlement over Transnistria could follow any time soon, after Moldovan presidential elections; the pro-EU Maia Sandu won against pro-Kremlin Igor Dodon (Malyarenko, et al., 2020). As said by Mr. Guzun: 'We don't know what happens tomorrow' (Guzun, 2021).

## **Conclusions**

The Moldovan-Transnistrian conflict has existed for three decades, and Transnistria is still a *de facto* state without international recognition. Despite the maintained cease-

fire and international society's efforts and main actors, this conflict has no solution. So far, Russia seems to have complete control of the situation and seems to hold most trumps.

Thus far, the EU mainly uses numerous programs, strategies, and monetary initiatives to lock Transnistria into domestic reforms that would lead to the adoption of Western-style democracy and stability in the area. In parallel, Russia has tried to reassert its influence in the ordinary neighbourhood through a range of interventionist and engagement strategies by providing military, economic, and social backing for *the de facto* state. The Transnistrian region is hampering Moldova's territorial integrity and slows down its integration with the EU. Not less important, Russia has acted there as the *de facto* warrantor of Transnistria's autonomy through social domain support, economic commitment, and Russian troops' presence to guarantee their own interests. The strong dependence from Russia has been a challenge for the *de facto* country Transnistria, as well as to mainland Moldova.

Latter dynamics from the political scene give some hope that it could be possible to resolve Transnistria's status. In the sphere of Moldova's reintegration and decrease of Russian influence, it is significant to consider different suggestions from the EU side. It is essential to improve the general situation: create a structured and continuous strategy for the integration of Moldova and Transnistria; establish transparent policies, rules, and legislation; identify the concerns about security issue; keep negotiating about the Transnistrian conflict; ensure the protection of human rights; peacekeeping operation should be continued under OSCE mandate. Secondly, there is a need to establish the ground for democracy - develop transparency of regulations and laws in Transnistria; share of authority in a hierarchy system, take part in elections and generate parliament seats for the Transnistrian inhabitants; remove Russian troops, military equipment, and munition from the Transnistrian region. From economic aspects, it is essential to improve the establishment of an international resource center – a neutral organization for inspecting and monitoring determined trade regulations, control funding and observe executions of agreements; monitor the merchandise and monetary flows; also, reduce the benefits (cheaper producing and selling opportunities) of Transnistrian companies and authorities. Furthermore, last but not least, to improve social requirements: develop a motivational package of potential benefits for Transnistrian population - healthcare service delivery, change of educational

standards, the appeal of Moldovan citizenship, and replacement of language regulations.

Despite the indicators which show Transnistria's strong ties with Russia and hinder Moldova's territorial integrity, the political will and actions are the critical question right now to unlock Moldovan-Transnistrian 'frozen' conflict. The recommendations above aim to create a situation where Moldova could become a "magnet" to Transnistria, more attractive than Russia today, and provide more opportunities to the population. Transnistria should see that Moldova has broad prospects, which can also be enjoyed by Transnistria if reintegrated. At the same time, Russia can offer no more than the *status quo*, which gives no satisfaction.



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**BEST ESSAY OF THE HIGHER COMMAND STUDIES COURSE  
(HCSC)**



# **LTC FLORIAN BALTHASAR. Could Targeted Killings be Justified under International Law?**

## **Introduction**

Targeted Killings are not a new phenomenon but have become more prominent due to the headlines produced, especially by the USA (United States of America) drone strikes. Naturally, there has been a complex discussion about Targeted Killings, and it has been claimed that current International Law is not suitable to cope with the implications (Melzer, 2008 p. ix).

This paper will analyse the justifiability of Targeted Killings under the three applicable legal frameworks: The Law of Interstate Force, International Humanitarian Law (IHL) and International Human Rights Law (IHRL). It will follow Melzer's classification, with the Law of Interstate Force usually being attributed to self-defence cases, IHRL to the paradigm of law enforcement and IHL during hostilities (Melzer, 2008 p. 44). For this analysis, Operation Neptune Spear, in which USA Special Forces shot and killed Usama bin Laden, the man responsible for the 11th September 2001 attacks, will serve as a case study. Although this was not the first attack that targeted a particular individual, it certainly received the most attention at that time. While the international reactions immediately after President Obama's address to the nation were almost unanimously positive (Jose, 2017 pp. 52-53), the follow-on examinations of the case show a far more ambiguous situation (Ambos, et al., 2012). They often challenge the interpretation of USA officials (Koh, 2011) concerning the applicable International Law, especially the incursion on Pakistani sovereign territory and the legality of targeting Usama bin Laden (Schaller, 2015 p. 200).

Therefore, this paper will take a closer look at the Law of Interstate Force (*jus ad bellum*). As the operation took place in another sovereign state, it has to be determined whether the Islamic Republic of Pakistan agreed upon foreign military forces operating on their territory or if any other argument can be identified to justify the raid with the focus on the self-defence argument. It will then look at the operation and determine whether it can be considered a Targeted Killing in the meaning of an '[...] intentional, premediated and deliberate use of lethal force, by States or their agents acting under

colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator' (Melzer, 2008 p. 4).

Furthermore, it has to be established whether a Non-International Armed Conflict (NIAC) took place between the USA and Al-Qaeda. This will set the precondition for further analysis according to the applicability of either IHL or IHRL as the corresponding *jus in bello* (Melzer, 2008 p. 75). Assuming that the USA and Al-Qaeda indeed were involved in such a conflict, it will be necessary to examine the applicability of the paradigm of hostilities (Melzer, 2008 p. 394). Having answered this question, the restraints put on Targeted Killings under IHL and the possible overlap with IHRL will be discussed. Finally, it will be concluded whether the operation was justifiable under International Law.

For analysing the events during Operation Neptune Spear, so-called first-hand accounts of journalists and actual operators on the ground will be used. Therefore, some degree of assumptions will be necessary, as those accounts cannot be verified due to the original video and audio sources' classification.

### **Summary of Operation Neptune Spear**

On the night of 2nd May 2011, four USA Army helicopters entered Pakistani airspace coming out of Afghanistan. Two of those aircraft, with 24 Special Forces operators on board, continued to a fortified compound just south of the city of Abbottabad, approximately 200km from the Afghan border and started a pre-planned and well-rehearsed assault. In addition to those forces, several Central Intelligence Agency (CIA) elements and Pakistani military contractors were stationed in the vicinity of the target (Panzeri, 2014). However, the Pakistani government apparently was unaware of the operation (Ministry of Foreign Affairs - Government of Pakistan, 2011). During the insertion, one helicopter had to conduct an emergency landing, and the operators of that helicopter had to deviate from the actual plan. After breaching the doors that led inside the main building mechanically and with explosives, the Special Forces received small arms fire. During the following engagement, several civilians in the compound were engaged and killed, including Usama bin Laden, the target of the operation (Panzeri, 2014). A thorough search was conducted after securing the civilians and administering first aid to those wounded in the engagement. During that search,

extensive intelligence material was recovered (Lahoud, et al., 2012 p. Foreword). During the exfiltration, the crashed helicopter was destroyed by operators on the ground to prevent classified material from being recovered by Pakistani forces. No Pakistani forces were engaged in any way during the operation, though the Pakistani Air Force scrambled the Quick Reaction Force (QRF) fighters to intercept the then unidentified aircraft (Panzeri, 2014).

### **Justifiability under the Law of Interstate Force**

Operation Neptune Spear took place in the Islamic Republic of Pakistan (PAK). As a sovereign country, even if it maintains close ties to the USA, to use force on its territory without consent, exculpatory circumstances must be met (Melzer, 2008 p. 73) or otherwise Article 2(4) of the United Nations (UN) Charter would be violated. In a press release on 3rd May 2011, the Pakistani government declared that it had no knowledge of the USA operation (Ministry of Foreign Affairs - Government of Pakistan, 2011). Such a statement could have been part of internal Pakistani politics to provide deniability to the public while simultaneously allowing the USA to target Al-Qaeda terrorists (Walsh, 2011). The reaction of the Pakistani president (Zardari, 2011) after the operation can indeed be interpreted in such a way. In this case, the necessary exculpatory circumstances would have been met due to the agreement between the two respective nations. However, verification of any such an agreement is currently not possible.

Therefore it will be assumed that in order to maintain operational security, the operation took place without the Pakistani government knowing or approving the operation (Ambos, et al., 2012 p. 362). This is further enhanced by former CIA chief Leon Panetta's statement to the TIME Magazine, who said, that '[...] it was decided that any effort to work with the Pakistanis could jeopardize the mission. They might alert the targets' (Calabresi, 2011). Some sources even claim that Pakistani security elements were directly involved (Schaller, 2015 p. 221). Should any of this has been the case, it can be argued that Pakistan was either unable or unwilling to detain Usama bin Laden. The USA would have therefore been in their right to act in self-defence (Solis, 2010 pp. 162-163) against the terrorist group in question as the impotence or unwillingness of states must not lead to the immunity of terrorist organisations operating in such states (Müllerson, 2002 pp. 121-122).



There has been some opposition to the self-defence argument insofar that an armed attack has to be imminent. If the threat does not require a speedy response or the UN Security Council has already taken necessary actions, it does not fulfil Article 51 UN Charter (Ambos, et al., 2012 p. 364). On the other hand, the term “anticipatory self-defence” is emerging as a widely accepted concept. It seems impractical or even unacceptable to expect a state to wait for an attack to happen instead of preventing it (Wilmshurst, 2005 pp. 4-5). The expression of "imminent" or "immediacy" should not only be seen as a time-based factor but also as a '[...] circumstance of irreversible emergency' (Wilmshurst, 2005 p. 8). It thereby considers the nature of the threat and the window of opportunity of the acting state to address it before the chance to act has passed (Wilmshurst, 2005 pp. 8-9). In the case of Usama bin Laden, the USA has been trying to locate him for nearly ten years (Calabresi, 2011) and were of the impression he acted in an operational leadership capacity and still posed a threat to the USA (Koh, 2011). His activities can therefore be perceived as an ongoing threat as '[...] chain of events indicates a strong likelihood of future attacks and gives rise to a potentially indefinite, but certainly protracted, right to engage in defensive action, even when no particular attack is in progress that would, on its own, support a right to respond' (Van Schaack, 2012 p. 269).

The letters retrieved during Operation Neptune Spear and analysed by the Centre of Counter-Terrorism (CTC) question Usama bin Laden's actual operational command over Al-Qaeda (Lahoud, et al., 2012 p. 13). Consequently, the justification for self-defence seems to lack the required "immediacy" (Ambos, et al., 2012 p. 358). This argument can be considered hindsight though and not applicable to the decision to commence the operation as they were analysed only well *after* the operation. Additionally, while the documents analysed by the CTC did mention Usama bin Laden's limited control, they also showed evidence of his still relevant role as a strategic leader (Lahoud, et al., 2012 pp. 20-21).

In conclusion, Operation Neptune Spear can be seen as legal concerning the violation of Pakistani sovereignty (Schaller, 2015 pp. 221-222). Assuming PAK was either unable or unwilling in the sense that possible collaborators in their security agencies would have alerted Usama bin Laden, the USA were in their right to exercise self-

defence on foreign soil (Müllerson, 2002 p. 122) against a continuing threat posed by Al-Qaeda in general and Usama bin Laden in particular (Van Schaack, 2012 p. 277).

### **Was Operation Neptune Spear a kill or capture mission?**

After having considered the justifiability of the operation under the Law of Interstate Force, it has now to be determined if the killing of Usama bin Laden was a Targeted Killing under the given definition.

Concerning the aim of Operation Neptune Spear, Nicholas Schmidle claims, citing an unnamed special operations officer in his 2011 article in *The New Yorker*, that 'There was never any question of detaining or capturing him [...]. No one wanted detainees [...]' (Schmidle, 2011). After the article has been released, there have been some arguments concerning the credibility of Schmidle as he apparently did not interview any first-hand sources. He claimed later that his very accurate and detailed information about the raid came from reliable second-hand sources and the initial statements remained unchallenged (Farhi, 2011).

On the other hand, the official USA government position remains that it was a "kill or capture" mission, and Usama bin Laden's death resulted from the tactical situation in the compound (Van Schaack, 2012 p. 302). This claim can be challenged because, during the initial planning of Operation Neptune Spear, two other options were discussed. A high altitude bombing or a precision strike by cruise missiles. Those strikes apparently were not ruled out because they did not present an option to capture Usama bin Laden, but because they were assessed to inflict too much collateral damage outside the compound and limit the ability to identify any bodies or evidence left behind to prove Usama bin Laden's death (Panzeri, 2014 p. 531). This leads to the assumption that capturing the target never was the primary objective, and it became so only because the other two options were ruled out. Consequently, it became a kill or capture mission not by design but by convenience and therefore fulfilled the criteria of deliberately using lethal force (Melzer, 2008 p. 4).

## International Humanitarian Law or International Human Rights Law?

As established in the previous chapter, the USA did not violate Article 2(4) of the UN Charter, but instead, Article 51 UN Charter was applicable. However, this is not sufficient to determine the justifiability of Targeted Killings as the Law of Interstate Force regulates only the legality to conduct military operations in another state and not the targeting of individuals. Therefore the laws that protect against indiscriminate killings in- or outside armed conflicts, IHRL and IHL, have to be regarded as well (Melzer, 2008 p. 51).

Therefore it has to be established if an armed conflict took place between the USA and Al-Qaeda and whether the mentioned legal frameworks rule themselves out or complement each other.

Without an existing armed conflict and therefore entirely outside the scope of IHL and a state's jurisdiction, Targeted Killings would be hard to justify (Schaller, 2015 p. 222). This is because every person is protected against violence of any sort under IHRL, with the exceptions of executions following the death penalty after being tried by an official court with due process or in case of defending oneself or others against harm (Ambos, et al., 2012 p. 359). In other words, there has to be an applicable legal basis in these instances, which regulates the use of lethal force. Additionally, there must be no other feasible option other than lethal force to achieve the objective under the law enforcement paradigm. Should the development of the situation allow for lesser means other than killing the target, those means must be employed (Melzer, 2008 pp. 227-228). This means that the level of force used has to be proportional to uninvolved personnel and the target itself (Schaller, 2015 p. 210). In IHRL, there is a distinct difference in the use of force that could *possibly* kill the target and the use of force with the *purpose* to do just that (Melzer, 2008 p. 232).

Only in cases in which the immediate action of an attacker endangers the lives of others or to stop a major crime with a similar outcome as well as to arrest an individual who intends to do such harm and preventing said person to escape, the use of possible lethal is permissible. Lethal force with intending to kill can only be applied when there are no other means to protect human life (Melzer, 2008 p. 234). Finally, the state actor must take reasonable, precautionary actions to ensure that all previously stated

necessities have been fulfilled. This includes, amongst other things, a positive target identification without reasonable doubt (Melzer, 2008 p. 235).

When considering this requirement, it comes to mind that none of the sources examined nor the White House (White House, 2011) claimed to be sure whether it actually *was* Usama bin Laden in that compound. The CIA could only estimate with a reasonably high degree of possibility that Usama bin Laden was indeed in the compound due to his correspondence and use of a courier (Calabresi, 2011; Owen, 2012 p. 163; Panzeri, 2014; Schmidle, 2011). However, the mission planning allowed for a positive target identification during the operation and it could have been aborted at any time. Additionally, Operation Neptune Spear can be considered meeting the requirement of necessity under the law enforcement paradigm. The use of force was unavoidable due to the hostility, the location of the target, and the concerns of possible Pakistani collaboration (Calabresi, 2011). Furthermore, the deployed Special Forces, with their training and tactics (Owen, 2012), minimized the use of force employed to a level that can be considered absolutely necessary in this case.

On the other hand, considering the already made conclusion that Operation Neptune Spear was designed as the Targeted Killing of Usama bin Laden (Panzeri, 2014 p. 539), with the use of lethal force intending to kill a target with no imminent threat towards human life, the proportionality requirement was not met (Melzer, 2008 p. 232 & 236). Especially given the fact that the SEALs were not fired upon by Usama bin Laden himself (Owen, 2012 p. 232) and the lack of safeguarding innocent bystanders (Schaller, 2015 p. 222). Consequently, it must be concluded that the Targeted Killing of Usama bin Laden was not justifiable under IHRL.

Taking upon the already made conclusion that the Law of Interstate Force alone is not sufficient to determine the justifiability of a Targeted Killing, and having concluded that it was not legal to target Usama bin Laden under IHRL, it has now to be examined whether the paradigm of hostilities and with it IHL, was applicable at the time of the decision (Melzer, 2008 p. 243). Therefore, it is necessary to point out the two most noticeable differences between the mentioned concepts and the associated underlying legal frameworks, at least concerning this paper. Firstly the distinction between Targeted Killings being a last resort under the law enforcement paradigm (Melzer, 2008 p. 58) versus a first resort under the paradigm of hostilities (Ambos, et al., 2012

pp. 356 - footnote 116) and secondly, the circumstances in which they are applicable. While the IHRL as a *lex generalis* has a universal character regardless of circumstance, IHL as a *lex specialis* is applied during hostilities '[...] to limit the effects of armed conflict' (ICRC, 2017). It is essential to point out that the mere existence of hostilities and the use of IHL/LOAC does not rule out IHRL but acts as an interpretation guideline (Melzer, 2008 pp. 79-80).

To examine the applicability of the paradigm of hostilities and the IHL, it has to be established whether an International Armed Conflict (IAC) or a NIAC existed at the time of Operation Neptune Spear (Solis, 2010 p. 149).

With the beginning of Operation Enduring Freedom in October 2001, the USA started combat operations against the Taliban, which were *de facto* ruling Afghanistan and therefore were engaged in an IAC. After the overthrow of the Taliban and the appointment of an internationally recognized Afghan government, the IAC between Afghanistan and the USA ended. In the following years, until President Obama's declaration in 2014 that Operation Enduring Freedom is finally over, the coalition troops in Afghanistan trained and fought with soldiers from the Afghan National Army against the Taliban and affiliated organisations, such as Al-Qaeda. This conflict is most commonly not viewed as an international armed one because in that case, two states have to '[...] resort to armed forces [...]' and that Al-Qaeda does not count as a state actor (Ambos, et al., 2012 p. 346). The fighting soon reached a level that can be seen as a multinational NIAC, and there is mostly agreement on that position (Schaller, 2015 p. 215). However, the government of the USA regarded the situation in that area and at that time as neither an IAC nor a NIAC for two reasons. Firstly, Al-Qaeda, according to their viewpoint, did not constitute a so-called High Contracting Party, and therefore Common Article 2 Geneva Convention (GC) did not apply. Secondly, the "war on terror" was of international character, and consequently, Common Article 3 GC, which only applies to conflicts, *not* of international character, could not be applied. Therefore, neither IHRL nor IHL would be applicable (Melzer, 2008 pp. 262-263). This rather narrow interpretation was deemed incorrect by the USA's Supreme Court on 29<sup>th</sup> June 2006. Like the common viewpoint, it referred to the conflict between the USA and Al-Qaeda as a NIAC (Melzer, 2008 p. 266) between a state actor, the USA, and a non-governmental force with '[...] a *minimum of organisation*' during a conflict which 'must [have reached] a *minimum level of intensity*' (ICRC, 2008).

There is little doubt about the level of hostilities, even among those critical to the Targeted Killing of Usama bin Laden, as well as the existence of a conflict at least in Afghanistan at that time (Ambos et al., 2012 p. 350 & Schaller, 2015 p. 215).

Even with the applicability of IHL, the justifiability of the presumed Targeted Killing of Usama bin Laden depends, at least in this case, on his status as a member of the before mentioned non-governmental force with the minimum level of required organisation. This level is primarily defined as having a centralized command structure with a chain of command to implement courses of action as decided by the respective leaders and some territorial control and logistical infrastructure (Schaller, 2015 p. 213). While some authors represent the opinion that Al-Qaeda as an organisation represented those common elements during the planning and execution of the 9/11 attacks, they judge them as incapable of orchestrated and coordinated operations when Operation Neptune Spear was launched. However, they do not present convincing arguments for their assessment (Ambos, et al., 2012 pp. 349-350). On the other hand, such organisations' necessity to decentralise to persist against a technologically superior enemy has been considered. It could even be possible that such armed groups intentionally avoid organizing in such a manner to prevent being targetable under IHL (Van Schaack, 2012 p. 299).

Further on, several other sources describe the strategic goals and employed means (Jessee, 2006 p. 369 (Figure 1)) and actual organisational charts. They conclude that even after several actions aiming to decapitate its senior leadership, Al-Qaeda preserved its infrastructure. (Gunaratna, et al., 2010 p. 1055 & 1065). Accepting some uncertainty in this matter, it still seems viable to say that Al-Qaeda constituted an organisation with a command and control structure and, even though decentralized for security reasons, an established chain of command as well as some territorial control in Afghanistan (Presse- und Informationszentrum der Bundesregierung, 2011 p. 18). Therefore it has to be considered a party in a NIAC which is one of the prerequisites, amongst others, for a state actor to use lethal force against them legally (Solis, 2010 p. 542 & Melzer, 2008 p. 394).

To examine the further applicability of the paradigm of hostilities, it has now to be established that the attack was militarily necessary, that Usama bin Laden's

membership in Al-Qaeda accounted to the participation in hostilities that the attack was proportionate and executed with such care as to minimize collateral damage. Additionally, it has to be examined whether Usama bin Laden had the chance to surrender, if quarter could have been given and if the USA forces resorted to perfidy or used prohibited weapons (Melzer, 2008 p. 419).

One of the more controversial aspects of Operation Neptune Spear, besides the issues already addressed, concerns the status of Usama bin Laden as a legitimate target in a NIAC. In such a conflict, lethal force can only be used against civilians if they conduct direct hostile actions or for as long as they are members of an organized armed group (Melzer, 2008 p. 399). This is in distinction to so-called regular forces, meaning governmental armed forces, which can be targeted at any given time (Henckaerts, et al., 2009 pp. 12-13). One of the difficulties in determining the legality of targeting civilians lies in the definition of direct participation. While for example, firing a weapon at an enemy can clearly be defined as likely causing a high enough level of harm in a very straightforward manner (Schmitt, 2010 p. 713 ff.), other less direct combat functions, especially if they are not continuous, are not as obvious nor settled upon in customary IHL (Henckaerts, et al., 2009 pp. 21-22). As for this case, Usama bin Laden's membership in Al-Qaeda has been thoroughly established and stands without a doubt as there are no indications that he disengaged himself from the organisation in any way and at any time (Schaller, 2015 p. 224). His role as an operational or strategic commander, on the other hand, has been argued over on several occasions (Ambos, et al., 2012 p. 350). While he did not participate in direct hostilities *per se*, his strategic and operational guidance can be counted as preparatory measures to prepare further hostile actions against the USA and their allies. Therefore he represented a legitimate target under IHL (Melzer, 2008 pp. 399-401).

Nevertheless, even if the IHL allows a state actor to take lethal action against an enemy, any unnecessary such action, even against an individual which is not otherwise protected, would still be illegal if the relevant action does not amount to a military advantage of some sort (Melzer, 2008 p. 395). Neutralizing opposing forces' command and control capabilities is very likely to weaken the enemy in such a way that his ability to conduct further operations is significantly reduced, at least for a certain amount of time. Suppose this can only be achieved by killing the target, and no other means are realistically feasible. In that case, the requirement of necessity is fulfilled (Gaggioli

Gasteyger, et al., 2007 p. 130), especially when considering that a commando raid amounts to a low-level option comparing it to the previously mentioned ones. As for the killing of Usama bin Laden any other means were either not suitable or would have run the risk of his escape due to the possible involvement of Pakistan's security agencies (Calabresi, 2011 & Schaller, 2015 p. 221).

In summary, the operation aimed at the leadership of an opposing non-state armed actor responsible for several terrorist attacks, including those on 11<sup>th</sup> September 2001. Eliminating the enemy leadership, as long as the individual in question constitutes a legitimate target, according to IHL, can be seen as militarily necessary and proportional insofar it achieves a significant military benefit and employs the least excessive of all available options (Melzer, 2008 p. 397).

During Operation Neptune Spear, several other civilians were killed or wounded by American forces. Ibrahim Saeed Ahmed was killed by return fire after he opened fire with his assault rifle during the breaching of the main compound. Abrar al-Kuwaiti and his wife Bushra were shot while the SEALs moved through the first floor (Owen, 2012 p. 226), and finally, one of Usama bin Laden's wives was shot in the leg while presumably trying to protect her husband (Owen, 2012 p. 240). In the first case, the soldiers reacted to enemy fire and used lethal but proportionate force against a civilian conducting hostilities. The second case is less clear and could be analyzed further as possible individual misconduct of the soldiers involved. One has to consider though, that at that time, all USA forces on the ground were aware that they already had been fired upon as the shots fired from the first victim, unlike the SEALs' weapons, were not suppressed and therefore clearly identifiable as enemy fire (Panzeri, 2014 p. 845).

In the case of the paradigm of hostilities, the collateral damage to be expected during an operation aimed at killing a targeted individual must not be significantly greater than the anticipated military advantage gained from the Targeted Killing. With the situation in mind and taking into account the intelligence at hand, that the inhabitants were very likely to be armed and could be wearing suicide vests (Owen, 2012 p. 232) and the high-value target, it seems that no excessive force was used. The soldiers in question mainly reacted to the threats and therefore complied according to the requirement of proportionality (Melzer, 2008 p. 402). The same can be established concerning the requirement of precaution. Favouring a ground assault instead of large quantities of



high explosive ordnance severely limited the possibility of innocent civilian casualties. Even though Usama bin Laden was only identified after he was shot (Owen, 2012 p. 245), the whole operation allowed for the minimum use of force and could have been aborted at any time.

Again, with the situation on the ground, it could not have been expected of the USA forces to expose themselves to enemy action more than absolutely necessary (Melzer, 2008 p. 406). During the press conference at the US White House after the operation, it was mentioned that Usama bin Laden was resisting and killed during the firefight with the American operatives (White House, 2011). This was opposed by several first-hand accounts, where similar to Abrar al-Kuwaiti and his wife, he was shot while '[...] peeking out of the door on the right side of the hallway about ten feet in front of him [the operative on point]' (Owen, 2012 p. 232). A similar picture is presented by Panzeri's and Schmidle's descriptions with only minor differences. All of them have in common that Usama bin Laden, although having a weapon at the ready in his room, was actually unarmed (Panzeri, 2014 p. 901 & Schmidle, 2011). This raises the question of whether Usama bin Laden tried to surrender, which would have made him *hors de combat*. Therefore, killing him would have violated the prohibition of denial of quarter.

However, no accounts describe any inhabitants' attempts to surrender, nor were the SEALs under the obligation to risk their safety to determine the probability of such an intent (Melzer, 2008 p. 412). Especially not given the combat situation, the need for split-second decisions and the already mentioned high possibility of resistance and employment of suicide vests threatening the Special Forces soldiers. Therefore it can be presumed that no quarter was asked and consequently could not have been denied in this case. Still, while the operation was monitored and video and audio data recordings were made, all those data is still classified. It is only possible to assume that the given interpretation of events is correct (Schaller, 2015 pp. 225-226). As for the prohibition of perfidy or the use of prohibited weapons, no claims have been made that either of those requirements has been violated. As far as known, all the operatives were uniformed and used standard-issue weapons and munitions during Operation Neptune Spear (Owen, 2012 p. 200).

After establishing that the USA and Al-Qaeda were involved in a NIAC and with it the applicability of IHL, the remaining requirements of the paradigm of hostilities had to be

examined. Operation Neptune Spear, which was designed to kill Usama bin Laden posed a military advantage. It was directed against a target that was not protected against lethal force under IHL or IHRL, and the collateral damage was proportionate considering the military gain. It accounted for errors in target identification, and it did not violate any of the following prohibitions: prohibitions of denial of quarter, prohibition of perfidy or prohibition of employing otherwise banned weaponry (Melzer, 2008 p. 468) and can therefore be deemed justifiable under International Law.

## **Conclusion**

Using Operation Neptune Spear as a case study made it possible to address most of the key issues of Targeted Killings and show that they can be lawful if certain circumstances are met. Simultaneously, the difference of opinion about the topic could be confirmed (Melzer, 2008 p. XI). It became apparent that the currently existing legal frameworks of Interstate Law, IHL and IHRL provide sufficient and satisfactory guidelines for state actors to target specific individuals by lethal means (Melzer, 2008 pp. 430-431). This became especially clear after examining the controversial topics concerning the target's location, the nature of the conflict, and whether Usama bin Laden's membership in Al-Qaeda constituted direct participation in hostilities. All three issues could be solved in a satisfactory manner by applying well-founded interpretations of International Law.

As for the incursion into Pakistan, the assumed lack of due diligence (Müllerson, 2002 p. 122) in combination with a contextual understanding of immediacy (Wilmshurst, 2005 p. 8) led to the conclusion that the USA did not violate Article 2(4) UN Charter but acted under Article 51 UN Charter instead.

Considering the applicability of IHL and IHRL, it had to be determined whether Al-Qaeda had the minimum requirements to count as a non-governmental force in a conflict with at least a minimal level of intensity. Deducing that Al-Qaeda, especially but not only, in lack of contrary evidence, in fact did constitute as such a force, it was concluded that the operation was conducted during a NIAC between the USA and Al-Qaeda. Therefore IHL could be established as the relevant legal framework for further examination.

Following this, it could be determined that targeting Usama bin Laden was legal under IHL because of his undoubted membership as a strategic leader in an organized armed group. Additionally, in examining the requirement of military necessity, the overlap of IHL and IHRL became apparent. Even though lethal force in an IAC or NIAC is permissible, the tactical or strategic decisions have to be balanced against humanitarian principles not only concerning civilians but combatants as well (Schmitt, 2010 p. 802).

Therefore it can be concluded that Targeted Killings can indeed be justified under International Law and that the existing legal frameworks are capable of dealing with complex situations such as Operation Neptune Spear. It still seems necessary to point out the need for transparency and reliability in cases of Targeted Killings. For example: Why did the USA initially argue a third kind of conflict (Melzer, 2008 p. 267)? As International Law seems to be sufficient to deal with Targeted Killings, any deviation from its common interpretation is counterproductive (Melzer, 2008 p. 267). It might even lead back to the '[...] uncomfortable neighbourhood of the infamous Prussian doctrine of *Kriegsraison* [...]' (Melzer, 2008 p. 264) and bears the danger of other states following this example.

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# LTC JANNO MÄRK. NATO vs China: a Race for the Supremacy of Emerging and Disruptive technologies

‘A military revolution occurs when the application of new technologies into a significant number of military systems combines with innovative operational concepts and organisational adaptation in a way that fundamentally alters the character and conduct of conflict’.

Andrew F. Krepinewich (1994)

## Introduction

Change is never easy. Nevertheless, as the operational environment changes, it requires adaptation and change from the NATO alliance. Winning future wars will be dependent on adaptive organisations and leaders empowered by human-machine collaboration. NATO’s peer competitor China has heavily invested in emerging and disruptive technologies (EDT), seeking to become the world’s leading innovation hub. Furthermore, the PRC (People’s Republic of China) aims to be a self-sufficient science and technology superpower by 2049 (Wu, 2020 p. 105). These ambitions are supported by the second-largest economy in the world. Chinese aspirations and advancements affect NATO, and the Alliance must change not to lose its technology edge.

China’s approach to EDT development in a systematic and focused way combined with deliberate ideology could possibly see a decline in NATO’s current technological advantage. In some of these areas, China has already moved towards parity. As technology plays an increasingly important role in great power competition, China challenges NATO with its EDT advancements and associated military applications. The Alliance can no longer assume technological superiority in operational domains; all will be contested.

Hence, this study argues that NATO needs to enhance its EDT development approach and innovation ecosystem in order to maintain military supremacy over China. The study aims to investigate NATO’s and Chinese approaches to EDT development and the Alliance’s prospects for maintaining a technology edge. Furthermore, the research

paper seeks to make some recommendations for the Alliance on the way forward in developing EDT technologies.

The study is divided into five sections. The first section describes identified NATO technology trends for 2020-2040 and how they potentially affect the Alliance's operations and capabilities. The next section of the paper explains what is NATO's current mid-term approach in developing EDT technologies and how the most prominent member state, the United States (US), and European countries relate to this. The third section provides an overview of China's objectives and approach in developing EDT technologies, before a discussion on how Chinese EDT developments affect NATO. The fifth and final section makes some recommendations for the Alliance for maintaining a technology edge over China.

### **NATO Technology Trends 2020-2040**

The evolution of operational art has always been shaped by technology and its revolutionary developments. Antoine Bousquet has claimed that over the course of the last centuries, the scientific way of warfare can be divided into four distinct regimes: Mechanistic, Thermodynamic, Cybernetic, and Chaoplexic. He has also identified associated exemplary technologies, respectively the clock, the engine, the computer and the network (Bousquet, 2009 p. 4). Mechanistic Warfare dominated in the 17<sup>th</sup> and 18<sup>th</sup> centuries. Thermodynamic Warfare prevailed from the French Revolution to the Second World War. Cybernetic Warfare dominated operational thought throughout the Cold War, and Chaoplexic Warfare has driven American thought since the 1970's (Bousquet, 2009 p. 5). Revolutionary technological developments like thermodynamic engine, mechanisation, aircraft, nuclear armament, computer, and robotic and autonomous systems can also be explained through the Kuhnian view of 'paradigm shift'. According to Kuhn, science would not evolve linearly but periodically experiences 'revolutions, in which the nature of scientific inquiry within a particular field is abruptly transformed' (Kuhn, 1996 p. 62).

As Chaoplexic warfare and networks have prevailed since the 1970's, the current pace of civilian sector digital innovation has far outstripped the military developments. The major impact of digital transformation is that commercial markets dictate developments in the defence domain, which NATO has accepted and mentioned in its strategic



documents (ACT, 2015 p. 6). This poses the Alliance a crucial task to cooperate with the commercial sector and academia to identify, further develop and integrate the best applicable technologies.

The pace of civilian sector developments also puts NATO under strong pressure to maintain a technology edge, which is being determined by the speed of implementing new technologies and the adoption of respective doctrines. It can be observed through John Boyd's OODA (observe, orient, decide, act) loop model. According to the concept, the ability to out-pace and out-think the adversary gives a position of advantage and determines battlefield success. In this case, developing and deploying new technologies quicker than the competitor determines success.

The NATO Science & Technology Organization (STO) has done extensive analyses on maintaining a technological edge and has delivered a report 'Science & Technology Trends 2020-2040' in March 2020. In this report, STO assesses that four predominant characteristics (Figure 1) are expected to define and drive key military technologies over the next 20 years (NATO STO, 2020 p. vi):

- **Intelligent:** Exploitation of integrated and integral artificial intelligence (AI), knowledge-focused analytic and decision capabilities throughout the spectrum of technology;
- **Interconnected:** Utilisation of the networks of physical and virtual domains, which are overlapped and connected by encrypted means;
- **Distributed:** Employment of ubiquitous and decentralised computation, storage, large-scale sensing, research and development (R&D), and decision making;
- **Digital:** Exploitation of digitally blended information, physical and human domains.

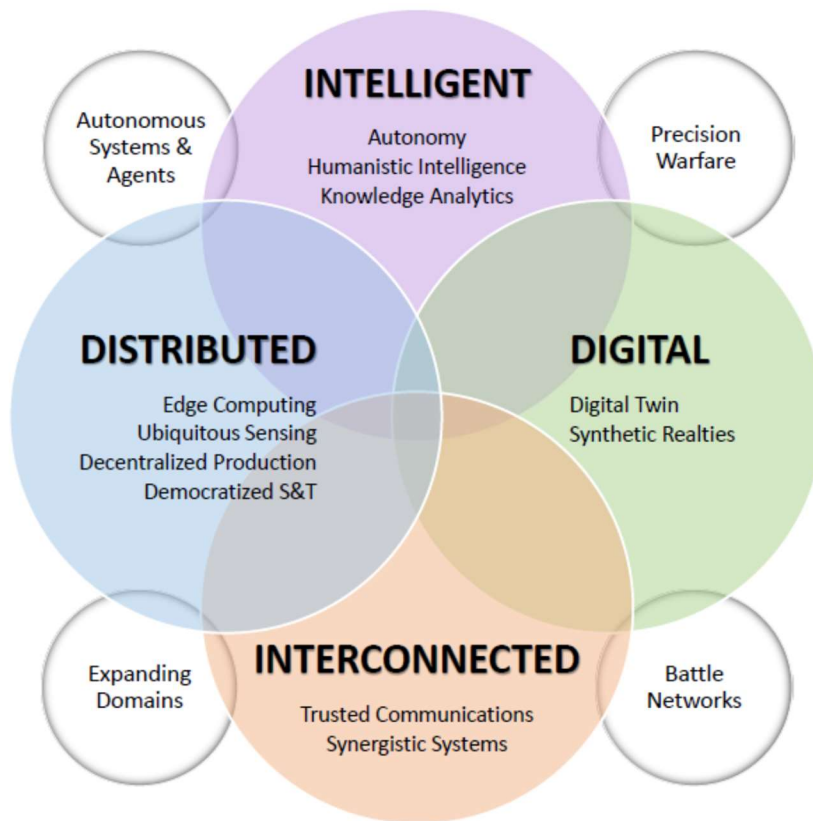


Figure 1. Intelligent-Interconnected-Distributed-Digital (I2D2) with associated military trends.

Source: (NATO STO, 2020 p. 8).

The identified characteristics combine to drive the following specific military technology trends (Figure 1): Intelligent + Distributed characteristics would contribute to autonomous systems and agents; Interconnected + Digital to battle networks; Interconnected + Distributed to expanding domains; and Intelligent + Digital to precision warfare (NATO STO, 2020 p. 9). Nevertheless, in addition to the determined characteristics, NATO also needs an in-house capacity to evaluate challenges posed by quickly evolving technologies (Speranza, et al., 2020). For instance, cyber security and resilience of data acquisition, management, and storage are of paramount importance across all operational domains (NIAG, 2018 pp. 1-2).

According to the STO, emerging would be those technologies anticipated to reach maturity in the next 20 years, requiring considerable time before achieving disruptive natures in military capabilities. Disruptive technologies would be those estimated to significantly impact the military sphere in the next 5-10 years (NATO STO, 2020 p. 6). In the report, STO also identifies eight interconnected EDT's, which are considered to have significant strategic disruptive effects over the period of the next 20-years: Data;

AI; Autonomy; Space; Hypersonics; Quantum; Biotechnology; and Materials (NATO STO, 2020 p. 2).

The determination of technology trends demonstrates that NATO takes the challenge seriously and has a long-term view on preserving its military supremacy. Identifying trends also lays a foundation to define an efficient way forward in developing the new EDT technologies and their military applications. As the Alliance is seeking to enhance network-centric cross-domain warfare, the EDT technologies would increase NATO's capability to operate in fastly developing and contested operational domains, such as air, land, sea, cyber-space, space and the electromagnetic spectrum. EDT development is both an opportunity and a threat to NATO. To maximize the former and minimize the latter, NATO needs to maintain technological superiority over its closest EDT competitor, China. Additionally, the Alliance should look at how the EDT technologies would support decision-making, defence planning and exercises, and address unconventional threats.

### **NATO's Approach to Developing EDT Technologies**

The NATO Advisory Group on EDT Technologies, established in July 2020, has proposed the pathways for NATO to quickly adapt and adopt emerging technologies in a fast-developing EDT landscape. The Advisory Group suggests establishing a NATO innovation ecosystem, which would align better government, industry and academia activities, and leverage the brightest minds in a triple-helix approach (NATO EDT Advisory Group, 2020 p. 20). The triple-helix process refers to the systematic collaboration between government/military, academia and industry. Former US national security advisor H. R. McMaster also emphasises the need for such an approach. He even admits that in the US, the private sector executives and national security representatives are starting to recognise that lack of collaboration has assisted shift authority and orientation from liberal democracies and free-market economic models to authoritarian and closed models (McMaster, 2020 p. 412).

As part of the ecosystem, the Advisory Group advocates the establishment of an ambitious EDT agency, a NATO Advanced Technology Project Agency (NATPA), comparable to the US DARPA (Defense Advanced Research Projects Agency) program (NATO EDT Advisory Group, 2020 p. 20). NATPA would be established as a

public executive R&D institution, managing NATO's strategic EDT innovation process. The Agency would work in close cooperation with external stakeholders from academia and industry, promoting triple-helix consortia activities. To materialise that, NATO must establish early and frequent contact with the commercial sector, including non-traditional, plainly communicating its requirements and priorities while providing accessible openings for the industry to sell into the Alliance (Speranza, et al., 2020).

Other elements of an ecosystem that the Alliance should pursue to establish and promote are triple-helix centres and cells among the Member States. These centres are expected to network for creating an inclusive and comprehensive external EDT system. Within this structure, centres should be able to incubate start-up companies and novel high-tech projects (NATO EDT Advisory Group, 2020 p. 20).

The last component of an ecosystem that the Advisory Group suggests is establishing a NATO Investment Bank to fund and support comprehensive and large-scale EDT investments. The Bank would finance NAPTA strategic EDT development and innovation projects with financial instruments such as seed capital, subsidies, prizes or grants and its own value-based risk capital fund. The fund would invest in promising technology companies, solutions and start-ups across the Member States. Eventually, the fund will be able to build an ownership portfolio that includes solutions, products, intellectual property (IP) and equity (NATO EDT Advisory Group, 2020 p. 20). Allied countries would make initial monetary contributions to the Bank in the expectation that it would be sustained over time by investment returns. The North Atlantic Council would oversee the Bank's governance (NATO EDT Advisory Group, 2020 p. 20).

The most prominent Member State, the US, has also assessed that EDT technologies like AI, machine learning, hypersonics, robotics and nanotechnology will be driving a crucial change in great power competition as well as in military affairs. As these emerging technologies mature, they potentially have a revolutionary impact on warfare (US Army TRADOC, 2018 p. 3). Global competitors China and Russia are investing heavily in EDT technologies, including precision-guided systems. They are employing new disruptive capabilities and weapon systems against the US in all operational domains to build multiple layers of stand-off, which constitutes the military problem (US Army TRADOC, 2019 p. 4).

Addressing the problem, former Secretary of Defense Mark Esper stated in January 2020 that there is a necessity to develop a new Joint Warfighting Concept in order to win on any high-tech battlefield (Secretary of Defense, 2020 p. 1). The new fighting concept's central idea is that the US Joint Force should attain deterrence by denial by deploying new operational networks that are more capable than opposing battlefield systems. These capabilities and networks would be optimised for human-machine collaboration that leverages AI-enabled autonomy to wage systems warfare and algorithmic operations (Work, 2020).

To maintain its superiority and support the new operational concepts, as early as 2014, the US Department of Defence (DoD) proclaimed a Third Offset Strategy (3OS), which seeks to develop and field new EDT technologies. The 3OS should be viewed as a set of concepts aimed at leveraging innovation to counter increasing technological parity with Washington's peer competitors (Fiott, 2016 p. 26). Robert O. Work, the former Deputy Secretary of Defence, has claimed that the 3OS aims to build human-machine collaborative combat networks where AI helps humans make decisions (Freedberg, 2016). The DoD has also emphasised that 3OS would be driven by the private sector, which increasingly innovates and advances new technologies (Work, 2015). Since 2014, the term 3OS has evolved into other concepts while the underlying strategy essentially remains the same. For instance, the National Security Commission on Artificial Intelligence (NSCAI) released a report in March 2021, which should also be taken as part of a national technology strategy (NSCAI, 2021).

Nevertheless, if these US policies are about creating a technology gap with rivals, this might also build more significant capability gaps inside the NATO alliance (Fiott, 2017 p. 418). More than fifteen years ago, it had already been observed that there are substantial disparities in the defence R&D spendings within the Member States, which have created a broadening technology gap 'that threatens to become a divergence' (Daniel, 2004 p. 1). Efforts to close such a capability gap in the Alliance presume much higher European States' defence expenditures comparable to the US. Nonetheless, such a presumption is not supported by Europe's current political and social landscape (Coonen, 2006 p. 67). Another solution often proposed and discussed is an increase in transfer of advanced American technologies to Europe. Nevertheless, it's evident that European members would not increase defence R&D spendings significantly, and

substantial barriers to transfer EDT technologies across the Atlantic remain in place (Hensel, 2015 p. 133).

Therefore, it should be asked what the US expectations are concerning the European allies' role in the 3OS and evolved strategies. Even if Europeans would endorse these policies fully, the question of whether they can participate with their technologies or if Washington will aim to promote larger technology transfers must be considered (Fiott, 2016 p. 29). Work has emphasised that allied participation would be essential in wargames, doctrinal innovation and demonstrations (Work, 2015). His remarks seem to limit Europe's involvement with operational and doctrinal fields by not mentioning potential industrial cooperation. The 2015 US National Military Strategy takes a similar stance emphasising NATO's vital role in demonstrations and exercises (US Joint Chiefs of Staff, 2015 p. 9). Thus, European commercial sector's industrial role in these policies is not assured. However, it should be the Alliance's best common interest to come to an agreement on achieving a reasonable and fair balance in transferring the new EDT technologies across the organisation. Such a policy should seek to increase mutual technology transfers and improve access to the Member States' defence markets. That approach would also allow the European commercial sector to attain better access to the American market.

In order to improve NATO innovation ecosystem and avoid duplication and capability gaps in developing EDT technologies, stronger collaboration among the Member States should be pursued. The solutions and policies discussed above should be more coherent within the Alliance to be effective at maintaining technological and military supremacy. The need for a triple-helix approach is also growing because the commercial sector increasingly drives emerging technology innovation. Partnership with the European Union and other international organisations should similarly be explored and exploited where relevant and feasible. The recommended NATO way forward offers also an opportunity for the Baltic states' governments, academia and industry to contribute to NATO's larger EDT development effort.

### **China as a Rising Power Developing EDT Technologies**

China is an emerging power with the second-largest economy in the world and a rapidly increasing defence budget. The Chinese Communist Party (CCP) aspires to change

global geopolitical orientation and economic leadership towards the PRC and away from the US. McMaster argues that China is a threat to western liberal democracies since it practises and promotes an authoritarian and closed system as a substitute to the rules-based world trying to further its interests at other nations' cost (McMaster, 2020 p. 90).

Furthermore, China's ambition is to drive the future's key technologies and their military applications, assuming the global leader role. The PRC government has set a demanding timeline in developing EDT technologies to achieve parity with Western countries and eventually surpass them (Sutter, 2020 p. 1). China seeks to become the world's leading innovation hub by 2030 and the most prominent self-sufficient science and technology superpower by 2049, a year that also signifies the centennial anniversary of the PRC's founding (Wu, 2020 p. 105).

Amongst few publicly accessible CCP's official sources clarifying technology development objectives are two documents: the 2019 whitepaper '*China's National Defense in the New Era*' and industrial masterplan '*Made in China 2025*'. Assertions harden the whitepaper's tone and rhetoric that great power competition is rising and the US is undermining global strategic stability. The paper also sets a goal to reform the PLA (People's Liberation Army). It promotes innovation in defence, urging the development of disruptive and emerging technologies such as cloud computing, big data, quantum information, AI and the internet of things (The State Council of the PRC, 2019 pp. 3, 6). '*Made in China 2025*' provides a three-stage roadmap and vision through to 2049 for the industry to achieve world supremacy and become a technology-intensive powerhouse while accommodating the PLA needs (Ma, et al., 2018 p. 3).

An integral part of the strategies mentioned above is a well-rehearsed concept of military-civil fusion (MCF). It is a comprehensive approach that brings the commercial sector into the service of defence to achieve synergy in EDT development. China has studied the US defence innovation ecosystem closely and is in some areas trying to replicate it with a state-driven top-down strategy (Kania, 2019). However, the CCP appears to misapprehend the fact that the US key strengths are liberal freedoms, open and free society, and the openness of the political economy, which all foster creativity and innovation. At the same time, McMaster claims that the US and other NATO members are already at a disadvantage because of a failure to understand the Chinese

ambitions and the CCP's state-controlled military-civil fusion strategy holistically (McMaster, 2020 p. 412).

Discussing China's approach in developing and acquiring the EDT technologies, four distinct methods can be identified (NIAG, 2021 pp. D-3):

- Original development inside China;
- Acquiring IP from other countries;
- Investment into NATO technology companies and universities by CCP-related and funded entities;
- Defence cooperation with Russia.

The reliable sources on original Chinese development and defence industry are rather scarce; nevertheless, the process, efficiency and advancements run by the CCP should not be undervalued. Because of a lack of information and transparency, the Stockholm International Peace Research Institute (SIPRI) Arms Industry Database presently includes data only for four Chinese companies (SIPRI, 2020). However, a SIPRI study claims that using a new quantitative methodology, it can be estimated that the PRC has the second-biggest defence industry globally after the US, and all four Chinese companies in the SIPRI database would rank among the top twenty in the world (Nan, et al., 2020 p. 1).

It is assessed that original Chinese development takes place mainly in military institutes and universities in close cooperation with civilian companies (military-civil fusion), after which it is deployed by the PLA. Just one example here is the company Yunzhou Tech, which has developed and tested the autonomous maritime capabilities for the PLA (Yunzhou-Tech, 2021).

One of the issues to consider on original development is western capital accelerating the Chinese companies', most of which are state-controlled, effort to surpass the NATO countries in EDT technologies. More than seven hundred Chinese tech companies are listed in the US stock exchange, which means western funding supports the development of the next generation of the PLA's hi-tech assets. For instance, in 2018, the US risk capital investments in Chinese AI commercial firms topped investments in American companies (McMaster, 2020 p. 410).



There are several methods of how CCP is acquiring IP from other countries. In its recent study, the Australian Strategic Policy Institute (ASPI) investigated the increasing PLA's cooperation with foreign universities, which the Chinese military describes as a concept of 'picking flowers in foreign lands to make honey in China' (Joske, 2018 p. 3). The PLA has been covertly exploiting Western universities for specific know-how acquisition. According to the report, the PLA has, since 2007, funded more than two thousand military engineers' and scientists' studies abroad and has advanced academic relations and exchange worldwide (Joske, 2018 p. 3). The main targets have been the Five Eyes countries and Germany (Figure 2), and often this exchange has been unintentionally financed by those countries' taxpayers money.

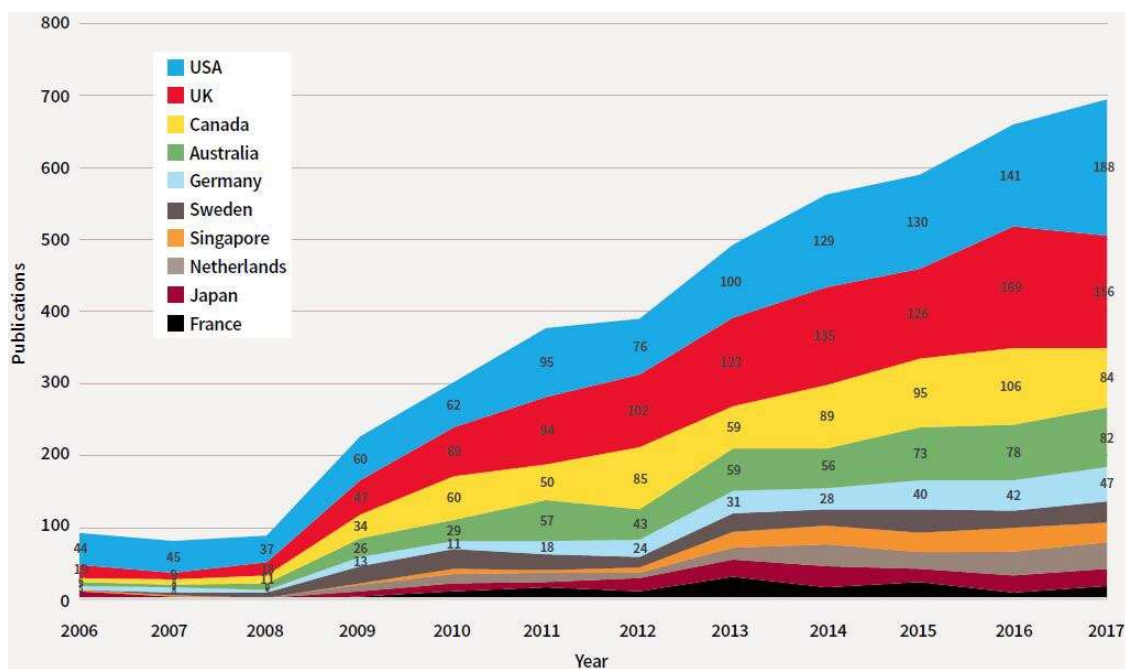


Figure 2. The top 10 countries for PLA collaboration, as measured by peer-reviewed literature co-authored by PLA scientists, 2006 to 2017.

Source: (Joske, 2018 p. 8).

Almost all PLA military scientists sent to study abroad have been members of the CCP, returning to the PRC in a disciplined way and contributing to the PLA's research and development activities. Areas of interest have been navigation technology and hypersonic missiles, but not limited to those (Joske, 2018 p. 3). Until recently, many Western governments and universities have not been fully aware of such a PLA approach, and the problem of know-how and technology transfer through academic collaboration has been largely unaddressed. Nonetheless, the ASPI report, among others, has raised the awareness of the issue and has helped governments to

formulate counter policies and measures to the PLA's fraudulent practices. Also, the cases of misused taxpayer money have started being revealed (NIAG, 2021 pp. D-5).

The CCP and PLA similarly exploit Western social platforms to gather know-how by approaching potential employees and experts. Chinese agents contact thousands of foreign citizens using LinkedIn as a prime hunting ground (Wong, 2019). For example, in December 2017, Germany claimed that there had been more than ten thousand attempts at creating a contact via LinkedIn using fake accounts run by the PRC's intelligence services (Spiegel, 2017). In 2018, French officials stated that over four thousand persons from French government agencies and businesses were targeted via LinkedIn. Some of the targets shared classified information and IP (Cornevin, et al., 2018).

Another Chinese initiative deserving attention is the Thousand Talents Program (TTP), which was founded in 2008. The program proclaimed in 2017 to have successfully created 73 companies in the PRC and attracted about eleven thousand foreign high-profile talents to the country (NIAG, 2021 pp. D-6). The PRC is also enticing engineers with know-how from Taiwan (Yang, 2020) and South Korea (Herh, 2020). There are even allegations that engineers are being flown in by chartered planes (Yun-gu, et al., 2020).

In recent years, Chinese investments in Western technology companies have increased dramatically. CCP-related entities unilaterally exploit open Western policies and laws on investment and acquire firms legally, including IP and know-how. The CCP has also promised to open up its economy, but it constitutes another method of delay in practice (Martin, 2018). The targeted Western companies and takeovers are mostly in line with the industrial masterplan 'Made in China 2025' (Jungbluth, 2018 p. 5). For instance, such a clear focus is evident in Europe and Germany in particular, where Chinese investments are used with precision (Deutsche Welle, 2018). One of the well-known cases has been a leading German industrial robot maker KUKA, which was bought by Chinese capital in 2016. The German government had no tools to restrict the hostile takeover leading to a dangerous technology transfer (Martin, 2018). The new owner also sought to relocate more investments in the PRC, especially in R&D (Hua, et al., 2018). Nevertheless, these targeted acquisitions have led to Western countermeasures, while some takeovers have been barred at an early stage (Deutsche

Welle, 2016). Also, since 2019 the EU has established legal measures to screen foreign direct investments (FDI) (NIAG, 2021 pp. D-7).

Another example is the 2018 Draft Intelligent and Connected Vehicle Strategy by the Chinese Ministry of Industry and Information Technology, which promotes mergers and acquisitions to gain foreign technologies (Kennedy, 2020 p. 36). The CCP has also approved a group of companies to be listed at the Shanghai Stock Exchange Science and Technology Innovation Board (STAR). The further aim is to attract western investments and overtake the US Nasdaq 100 technology index (Harper, 2020).

In defence cooperation with Russia, China has bought several high-tech weapons systems such as helicopters, Su-35 fighters and S-400 mobile surface-to-air missile (SAM) systems in recent years. Estimates for 2016 suggest the value of realised military-technical collaboration between the two countries was about three billion dollars (Aliyev, 2020). In October 2019, President Putin emphasised that Moscow and Beijing will continue defence cooperation and even explore outer space together (Aliyev, 2020). Russia would also help the PRC in creating a missile attack warning system (NIAG, 2021 pp. D-9). Cooperation with Russia also includes active participation in joint military exercises.

As discussed above, China clearly recognises the importance of EDT development in great power competition and future military supremacy. The PRC works in a systematic way to achieve technological superiority over the West. The described Chinese aggressive behaviour and methods also influence and challenge NATO in its technology development.

### **How China is Affecting NATO's EDT Development**

During the last decades, China has actively gathered control over the primary resources needed to enable high-tech systems development. The PRC has increased the effort and investments to mine rare earths (e.g. cerium, neodymium) in Africa. These metals are needed to produce magnets, rechargeable batteries, solar panels, LCD/LED screens, and military systems (NIAG, 2021 pp. D-11). In 2018, China offered a 60 billion dollars investments in the China-Africa summit to gain control over the African resources (Balzli, 2018). As of 2019, China's share in global production was

more than 80% (Vekasi, 2019). Such a market dominance places the CCP in a strong bargaining position with the NATO countries. In the integrated world economy, this dynamic raises difficult concerns regarding supply chain stability (Vekasi, 2019). The CCP has even warned that PRC's EDT development effort should not be hindered by the high-tech merchandise, which uses Chinese rare earths (Domm, 2019).

Additionally, China is making a strong effort to set global standards for emerging technologies as the CCP aims soon to release the ambitious blueprint 'China Standards 2035' (Pop, et al., 2021). If China gains control over those standards, it will be in a position to dominate the West in EDT development and deployment. Chinese growing global technological impact also raises concerns regarding data localisation and privacy. Nathan Picarsic from Horizon Advisory has claimed that the more Beijing defines EDT technical standards, 'the more associated data will become subject to the Chinese government's various data localisation and access policies' (Kharpal, 2020). Thus, the NATO Alliance's data localisation and privacy and cloud sourcing can be imperilled if Chinese technical standards gain widespread adoption.

Regarding the EDT development's legal, ethical and moral considerations, China, as an autocratic regime, doesn't bind and constrain itself to the same extent as western liberal democracies. Respective Chinese standards differ from the West, resulting in less responsibility for how emerging technologies and their military applications are developed and deployed. For instance, the Chinese industry can use practices not accepted in NATO to advance AI-enabled autonomous lethal military systems and remove the human from the decision loop to gain a competitive advantage. Beijing also does not have to waste time and effort publicly discussing the legal norms and ethics.

## **Recommendations to NATO**

NATO's strengths are its diversity, open economies, free societies and novel education systems, which foster creativity and innovation. While China builds its success on the autocratic, top-down regime and controlled industrial solutions and efficiency, NATO leverages multiple approaches and independent developers. The Alliance has an excellent opportunity to maintain its technology and innovation edge. However, some preconditions are needed for this end: a more efficient collaborative innovation

ecosystem in a triple-helix approach, increased EDT interoperability, doctrinal innovation, and common EDT policies.

The advancement of the Alliance's own original and autonomous R&D and doctrinal innovation remains the most important factor in continuous EDT supremacy. NATO should encourage, within the Alliance, more efficient government, academia and industry collaboration on the interoperability of EDT technologies by employing modularity, open architectures and standardisation. Hence, all NATO States can plug in their modules, whether autonomy, C2ISR (command and control, intelligence, surveillance, reconnaissance), robotic or other elements, into a NATO standardised system (NIAG, 2021 pp. D-22). McMaster also notes an increasing data governance rift between autocratic and free systems, and thus the Alliance members should have common standards for managing, storing, sharing, and protecting data (McMaster, 2020 p. 412). Cyber security and resilience are of paramount importance across all domains as NATO is pursuing a network-centric and multi-domain operational concept with sensor to shooter webs.

To better coordinate and manage the abovementioned approach and strategic technology programs, the NATO EDT Advisory group's suggestions for establishing a NATO triple-helix innovation ecosystem and a NATO Advanced Technology Project Agency (NATPA) should be considered and implemented. The European Space Agency (ESA) can be taken and studied as an example of how to create a collaborative environment across different nations and stakeholders. Joint studies of the EDT requirements by the NATPA would congruently be advisable for successful programs, which satisfy the end-user needs. An essential component of the triple-helix ecosystem is academia, including Member States' education systems, as NATO relies on its citizens. Therefore, it is continuously important to enhance and promote mathematics, physics, science, technology and engineering studies at high schools and universities across the Alliance.

The NATPA and NATO triple-helix innovation ecosystem should also address the potential technology gap between the US and European allies as Washington is pursuing the 3OS and evolved strategies. A stronger collaboration should lead to fewer barriers to transfer technology across the Atlantic and fewer disparities in the defence R&D spendings within NATO members. Consequently, advanced US technologies

would be more transferred to Europe, and the European commercial sector would attain better access to the American defence market.

The new EDT technologies should correspondingly enable doctrinally novel approaches for network-centric and algorithmic warfare. Doctrinal development by the Allied Command Transformation (ACT) should include operational testing in order to find the best ways of integrating new technologies into armed forces' tactics, techniques and procedures. Doctrinal development also lays the foundation for new training requirements. Furthermore, NATO joint doctrine would increase allied forces interoperability and capability to conduct multi-domain operations. All of which would contribute to maintaining military supremacy over China.

The Chinese rare earth metals market and supply chain dominance requires a NATO common response. As China's share in global production is more than 80%, the Alliance needs to reduce reliance on Beijing. A number of steps should be considered: extend rare earth extraction and production outside of China; revive extraction and production of these metals in NATO countries where available; investigate and look for possibilities to recycle rare earths from consumer merchandises; and finally, support effort to develop and use substitutes (Ratner, et al., 2020 p. 23).

Prevention of Chinese technological espionage needs NATO strategic level attention. While continuous technology development is the best remedy, know-how and IP leakages harm NATO's position of advantage. Even though the free and open academic exchange has been valued in the West, further countermeasures should be implemented. It is suggested that the Alliance member states review the recruitment policies of institutions and commercial companies; check cooperation links with academia and industry partners; and screen the use of social media platforms for recruitment purposes (NIAG, 2021 pp. D-19). Research institutions should also be supported by law enforcement to conduct risk assessments, bolster cybersecurity and strengthen visa vetting to avoid problematic academic collaboration.

Regarding Chinese foreign direct investments (FDI) in Western technology companies, NATO needs to establish a framework for a common FDI screening process and standard IP and technology transfer rules. The Member States should set up information sharing and cooperation mechanisms between private companies and

national security authorities to prevent hostile Chinese takeovers leading to a dangerous technology transfer.

Finally, NATO needs common policies and legal frameworks on the development and deployment of EDT technologies. Legal normative effort ensures that the lethal EDT systems, if developed, would comply with the Law of Armed Conflict and Western ethical and moral values. Similar commitments should be sought from China by establishing venues for joint discussions and developing international EDT standards. Clear policies and strategies also contribute to attracting the wider commercial sector's interest and investments.

## **Conclusion**

This study has concerned itself with NATO's and the Chinese race for the supremacy of emerging and disruptive technologies. As the new EDT technologies are playing an increasingly important role in great power competition, China has invested heavily in their development, seeking to become the most innovative technology superpower by 2049. Chinese advancements contest NATO, and the Alliance must adjust to avoid the loss of its technology edge. NATO needs to improve its innovation ecosystem and approach regarding the development of EDT to maintain military supremacy over China.

NATO's strengths are its diversity and free societies enhancing creativity and innovation while the CCP's autocratic, top-down regime relies on controlled and constrained industrial solutions. The analyses drew the main conclusion that despite the tough competition, the Alliance has a superb opportunity to preserve its technology edge if it is able to fulfil some preconditions. To achieve this end, NATO should adopt common EDT policies and a robust legal framework, build a more efficient collaborative triple-helix innovation ecosystem, and increase EDT technology interoperability, modularity, open architectures, standardisation and doctrinal innovation.

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**BEST ESSAY OF THE COMMAND SENIOR ENLISTED LEADER'S  
COURSE (CSELIC)**



## **CSM INGE ANDERSEN. What are the Security Policy Implications for Climate Change in the Arctic?**

### **Introduction**

The climate changes in the Arctic are challenging the security policy for the Arctic countries, as sea ice melts and opens vast areas of water with all economic possibilities that follow for those who can and will exploit them. In this paper, I will argue that climate changes in the Arctic have implications on Norwegian security policy because of the melting sea ice in the vicinity of Svalbard, and the Arctic as a whole. Being a small country, Norway's limited armed forces will not be able to control the open water created by the retreating sea ice around Svalbard and in the Arctic. The result of this is a power vacuum in a geostrategic area, ready to be exploited by competing powers for different purposes.

In this paper, I will only argue how climate changes geographical located to the Arctic affects Norwegian security policy. I will not discuss climate changes in other parts of the world that implicates Norwegian security policy, even though it could affect Svalbard.

### **Security Policy Implications Regarding Svalbard**

The number one factor of climate changes that affect Svalbard is global heating. The rising temperature in the Arctic creates a spiral of negative development. The more of the sea ice that is melting, the less energy from the sun is reflected, and instead, the energy is being absorbed by the sea. The result is increased climate changes with an accelerating speed, and the sea ice that surrounds Svalbard is retreating faster than any other place in the Arctic (Norwegian Ministry of Justice and Public Security, 2016). The retreating sea ice makes it easy to access areas of the Svalbard islands, which have been unavailable from the sea, by vessels.

While the sea ice has been a barrier for anyone with intentions to enter the islands from the sea, it has been a relatively simple task to observe traffic to and from this area by land. Norwegian authorities have been able to control and possibly sanction against

activity that violates the Svalbard treaty or Norwegian law. The geopolitical location makes it attractive for foreign powers to exploit the new access for a variety of purposes. It is not unthinkable that this access can be used to secretly deploy personnel and equipment both for commercial and military use, or military equipment camouflaged as commercial equipment to Svalbard.

Even though Norway has one of the world's most extended coastlines, Norway has limited military resources to enforce Norwegian sovereignty at Svalbard. In addition to that, the distance from Norwegian mainland challenges our ability to launch a military respond quickly if a situation occurs, maintain deployed forces over time, and sustain Norwegian sovereignty elsewhere at the same time. This creates a power vacuum in the Arctic, and somebody can exploit this vacuum. Both our allies and others might find it necessary to fill the power vacuum to secure their interests. This scenario has over time been of great concern for the Norwegian Chief of Defence (Bruun-Hanssen, 2019).

To minimize the power vacuum, establishing a forward naval base on Svalbard can be a solution, even though this would have been a violation of the Svalbard Treaty's article 9 (Norwegian Government, 1920). A forward naval base would have shortened the distance from home base to the area of operations, making the Norwegian navy able to be more present and visible in the area. Even though it would be desirable to increase the on-station time by reducing the ferry time to and from the area of operations, I don't see it as a realistic option. First and for most because of lack of political will to fund the investment in infrastructure and buy more vessels and staff them. Secondly, because violating the Svalbard Treaty is not a desirable signal to send while we at the same time expect others to respect it. The challenges with funding new vessels can be bypassed by withdrawing vessels from other areas, and operate them in the Arctic instead. The disadvantage of this is that it would leave another area of interest uncontrolled.

A scenario where a foreign power deploys equipment that challenges the Norwegian interpretation of the Svalbard treaty or Norwegian law puts Norwegian authorities into a dilemma with several dimensions. First of all, who the foreign power is will most likely dictate the Norwegian response to the activity. Undoubtedly, diplomatic means will be the first response. Still, even diplomatic reaction will have its differences whether it is



the USA, Russia, China or another country that violates the Svalbard treaty. As our most important ally, the presence of US forces on Svalbard would, of course, be preferred instead of the other two nations mentioned. But even though it would be strengthening the protection of Norwegian territory and interests, there has to be a formal protest from the Norwegian authorities to give a signal to the rest of the world. With the current leadership of the USA, a formal complaint would have to be followed up by diplomacy to ensure a mutual understanding of the necessity of the protest, regarding the rest of the world.

On the other hand, if Norwegian authorities choose to not protest against US Forces whom fills the power vacuum on Svalbard, it will be a change in Norwegian security policy and a massive provocation to Russia. Such a provocation would force Russia to react against Norway, most likely via diplomacy, but can also include military means. Even though it seems unlikely that a situation like this would escalate into a full confrontation between Russia and Norway, it would undoubtedly harm the mutual clarified relationship between Norway and Russia.

Being a small nation with powerful friends and an ambitious neighbour, Norway's security policy needs to be well balanced to retain the more or less stable and peaceful situation in the Arctic. This, I think, is an exercise in political and diplomatic skills, especially regarding the Arctic with its attractiveness for economic and geostrategic advantages as sea ice is melting. On one side, Norwegian authorities cannot accept any foreign country, allied or not, violate the Svalbard treaty or violate Norwegian territory. No matter how significant or insignificant the violation is, a reaction is required to show the world that Norway is a sovereign country, and will, if necessary, defend its territory. All violations must be addressed to the proper government or agency. On the other side, our dependence on a good relation to our allies forces us to react differently to the same situation, depending on who the violator is.

An example of this can be that if the USA exploits the now ice free ocean around Svalbard by installing military surveillance equipment on former unavailable ground. This would be a violation on the Svalbard treaty, but the Norwegian reaction would be milder than a response towards Russia doing the same in a similar situation. This is probably both expectable and understandable by all countries. Still, any Norwegian reaction towards Russia will be used by Russian politicians as an example of how they

are treated differently than other countries, in this case related to interpretation of the Svalbard Treaty and international law in the Arctic, to spread uncertainty and challenge Norwegian authorities and spread uncertainty about the legality of the Norwegian reactions.

Even a mild reaction against an allied who violates the Svalbard Treaty or Norwegian law must be followed by a demand to remove any military installation from Norwegian territory. An acceptance of such installation will be a violation of both the Svalbard Treaty's article 9 and the self-imposed Norwegian base policy. Such a noticeable change in the Norwegian security policy would not go unnoticed by the Russian Government, who quickly could claim that Norway is doing this as a calculated provocation against Russia if they find it beneficial to them. This is not an unusual reaction from Russia, and from time to time, great exercises are launched as a follow up to their rhetoric.

Such show of force in the northern areas challenges the Norwegian Armed Forces ability to be present and keep control of what is going on. The size of the Russian fleet, its endurance and the way it operates, stretches the far undersized Norwegian fleet, both the Navy and the Coastguard, to its limits. Even when supported with maritime patrol aircraft from the Air Force, it is without a doubt that to operate and retain control of what is going on in our area of interest 24/7 over time, requires a maximum effort of the small Norwegian forces available. This was experienced late summer 2019 when Russia launched Exercise Ocean Shield, a naval exercise that lasted nearly two weeks (Yevmenow, 2019). During the exercise, allied forces contributed to the task of retaining control over Russian activity, which can be explained as a success from a Norwegian point of view. The ability to both be reinforced by allied vessels and aircraft, and then fulfil joint- and combined operations, is vital to ensure both Norway, Russia, and the rest of the world that we can count on our allies, and do not stand alone.

Even though Russia is one of the signature states of the Svalbard treaty, there are good reasons for keeping an eye on Russian activity in the Arctic. As an Arctic coastal state, Russia has stated that they have strategic ambitions to “...*widening the use of the instruments of state-private partnership to perform strategic tasks in the development of the economy, the completion of the formation of the basic transportation, energy, information, and military infrastructures, particularly in the*

*Arctic,.....*". (Putin, 2015). This statement contributes to shaping Norwegian security policy regarding the Arctic, even though we do not consider Russia a direct military threat to Norway (Skogen, 2018).

The Russian strategic ambitions in the Arctic does not mention the use of military forces to achieve their goals, but it would be somewhat naive to believe that they neither can or will use in a given situation. Despite this, I think that the Norwegian government interpret the situation correct because even an ambitious Russia does not want to face potential consequences of military intervention on Svalbard.

### **Security Policy Implications Regarding the Rest of the Arctic**

The possibilities to enter Svalbard from previously inaccessible areas is probably not what will affect Norwegian security policy the most in the Arctic. The melting sea ice is not restricted to the vicinity of Svalbard alone, but all over the Arctic, and will open vast areas of the Arctic and the Barents Sea, making it available for exploration and exploitation by different actors.

An ice-free Arctic has enormous economic potential, especially within areas like tourism, transportation, and last but not least, oil and gas industry. I do not consider tourism to affect Norwegian security politics notably, but both transportation and the oil and gas industry has the potential to do so.

The ice-free Arctic makes it possible to find new and faster routes for transportation both between the continents, but also for distribution of oil and gas from the area. Due to this, those who control the coastlines adjacent to the Arctic also possess the power in the area. To secure their interests, countries without borders to the Arctic Ocean that claim their rights to exploit resources in what they understand as international waters, can use different means to do that. Diplomacy will, of course, always be used, but I believe that diplomacy in such issues needs to be enforced with the presence of military capacities. This again can be the start for a new "cold war", but this time in the Arctic. Even though Chinas strategy for the Arctic as outlined in their white paper are amongst others, founded on respecting international laws and treaties, cooperation, and bilateral and multilateral mechanisms (The State Council Information Office of the People's Republic of China, 2018), we need to take into consideration that China is

aspiring to be a superpower. China's interests and ambitions in the Arctic demands an increasing Chinese activity. Even though China so far has had little military presence in the Arctic, it would be naive not to expect it in the future. This again imposes an increased presence of other countries to balance the power projection and secure its interests. For Norway, which have no ambitions ever to become a superpower, monitoring Chinese presence in the Arctic is as normal as monitoring other countries activities in the Arctic. For the USA, Chinese presence, in addition to their ambitions to be a superpower, having full control of what they are doing is of utmost importance. Being a superpower having another near-peer in their so to say backyard, has challenged their security strategy, and forced them to give China special attention in their updated Arctic strategy (USA Department of Defence, 2019).

In addition to China's expected increasing presence and interest in the Arctic, Russia has over the last few years invested a vast amount of money in the area, building an infrastructure capable of coping with the expected increased traffic in the area (Bruøygaard, 2019). With its ambitions as earlier described and the Northern fleet with an increased presence in the Arctic, Russia is indeed a Polar superpower already.

Even though Russia and Norway formally have no unsettled business in the Arctic today, Russia has over the last few years shown us that it is getting more and more self-assertive in their neighbourhood. Knowing that open water in the Arctic Ocean gives a potential enemy the possibility to hamper Russian operations, even from harbours on their mainland, it is not unlikely to think that Russia in the future can annex land or areas in the Arctic to secure their northern flanks. In my opinion, Svalbard's geostrategic location is an obvious choice for a threaten Russia who needs to protect the Northern Fleet's space for manoeuvre. This challenges the Norwegian politician's perception of the situation and their ability to take necessary precautionary measures. Looking at Norway's investment in military technology over the last ten years, one can get the impression that Norway equalizes the power ratio with technology. However, the technology itself can be increasing an already tense situation in the Arctic. New supreme technology and capacity replacing old, can be perceived as rearmament or a direct threat towards Russia.

Another issue that needs to be addressed is the danger of relying too much on technology. Even the top-notch military technology is vulnerable to attacks from an

enemy using old technology. This is another dilemma for the decision-makers and is an excellent example of how peripheral climate changes implicates on Norwegian security policy. On one side, new military technology is needed to deter aggression, but simultaneously it can increase an already tense situation. On the other side, military technology is extremely expensive, which means that different, much-needed capacities or capabilities have to be downgraded. In a potential future dispute regarding Svalbard, I think Norway's crave for modern military technology on the expense of mixed capacities and capabilities will be to our disadvantage. Investing in the P-8 maritime patrol aircraft will provide us with the current sea situation, and the F-35 will fight the enemy. But without capable vessels in a joint operation, it will be challenging, if not impossible, to be continuously present in the area of operations. Limited funding and lack of will to keep Norway with an armed force that can both deter, fight back if needed, and hold territory or parts of the ocean, politicians have not yet perceived the realities that follow the climate changes in the Arctic.

That said, Norway depends on NATO, which is fundamental for our security policy, and why we can allow ourselves to keep us with an under dimensioned armed force. And suppose NATO is unable to respond to a crisis involving Svalbard. In that case, we are counting on that the USA cannot accept a Russian occupation of the geostrategic located islands of Svalbard. To me, the second worst-case scenario seems to be if NATO and the USA are involved in a conflict somewhere else, and Russia decides to take advantage of the situation and annexe Svalbard to protect its interests in the Arctic or the Northern Fleets freedom of movement. The worst-case scenario is the same, but where Russia and China cooperate. Without allied support in such a situation, Norway is up against its worst crises since April 1940.

However, I think it is more likely that Norway can be left alone as a result of disputes related to requirements and interpretation of international law in the Arctic. As mentioned above, there are no disputes regarding Norway's sovereignty over Svalbard, when it comes to what Norway consider to be our exclusive economic zone around Svalbard (Bruøygaard, 2019). Russia is, of course, one of the countries that dispute our requirements, but what is more disturbing is that they are supported by other signature countries that also are our allies: Iceland, Denmark, Spain and the UK. The rights to exploit the resources in the economic zone is the big issue, which Norway refuses to discuss since we consider it legally ours just like the exclusive economic

zone connected to the Norwegian mainland. The diplomacy handles the dispute, and I assess that even though it has the potential to develop into a diplomatic crisis, I can't imagine that it will end up in a confrontation.

Due to the climate changes that implicates on the Norwegian security policy regarding Svalbard, Norway needs to find suitable solutions to the different challenges that come with it. To support the diplomacy and security policy, we need to fly our aircraft and sail our vessels more and be visible for everybody that might have any thoughts of challenging Norwegian sovereignty over Svalbard and the exclusive economic zone connected to it.

## **Conclusion**

Because of the climate changes, sea ice in the Arctic is melting at an ever-increasing rate. As a result of this, ever-larger sea areas are opening up around Svalbard and the rest of the Arctic, making previously closed areas accessible and exploitable for both civil and military activity. This implicates on Norwegian security policy by the need for increased military presence and control. Violations to the Svalbard treaty or Norwegian territorial integrity will be addressed to the proper government, supported with Norwegian military vessels in the area. As more and more of the sea ice melts, the growing open water challenges Norway's ability to be present and retain control primarily due to an under dimensioned navy and the distance between home base and the area of operations. This results in a power vacuum in the Arctic, tempting foreign powers with ambitions and will to exploit it.

Another result of the melting sea ice is the vast areas of open water with tremendous economic potential, resulting in increased traffic and activity in the area. New and faster transport routes between the continents, and enormous areas to manoeuvre a fleet, will implicate in Arctic countries and non-Arctic countries security policy as well. The USA, with its near-peer China in their backyard, and an assertive Russia as an Arctic superpower with outspoken ambitions, makes the situation in the Arctic tense. In case of a conflict in the area, Svalbard stands out as a geostrategic lighthouse, especially for Russia, seeking for a way to protect its flanks and northern part. Even though Norway has invested in high-end military technology in the last ten years, it is still a small country with limited military capacity and capability compared to the other

countries in the area. Even though there are some disputes regarding interpretation of the Svalbard Treaty between Norway and some of its allies, Norway's security policy is based on, and dependent on its allies if the situation calls for it.

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## **CSM. DANIEL LEGRAND. The Arctic: Should China's growing ambitions be considered a security concern?**

### **Introduction**

In the Great North, ironically enough, the world's gas and oil consumption are mainly responsible for ice thawing. This very ecological catastrophe will likely ease the exploitation and transport of more gas and oil across Arctic waters.

Such a revolution in future global maritime transit will excite appetites all over the globe. Even if, due to geography, one could dismiss China as a primary actor, this global power in the making will doubtlessly be a player of this significant shift. Consequently, that leads us to wonder if China's position as a rising power and ever-growing need for resources can be a source of unrest or future security concern in the Arctic.

It is then interesting to see the reasons for China's interest and how it has been translated into a national political narrative. These internal motives lead to an array of actions designed to gain a legitimate position in the area. These actions range from framing an international legal environment to 360-degree investments to create an image of an economically viable and trustworthy partner. But, such a powerful drive in such a short time raises issues and questions from local and global powers. Is China as transparent as it presents itself, or does it have a hidden agenda?

After reviewing the main aspects of this topic, this paper will argue that China is projecting an image of a reliable economic partner, respectful of the Arctic community members' rights. As China is building its capacities to justify and defend its self-claimed rights and interests, it should not hide China's two goals: access Arctic resources and be granted free use of the Northern Sea Route. Having made its way into Arctic international forums during the current capacity-building phase could, in the mid or long-term, lead China to think that it has become legitimate and robust enough not to respect the Arctic Council or United Nations Convention on the Law of the Sea (UNCLOS) anymore to secure use of maritime routes and access to resources located into littoral countries' Exclusive Economic Zones (EEZ). This could lead to unilateral

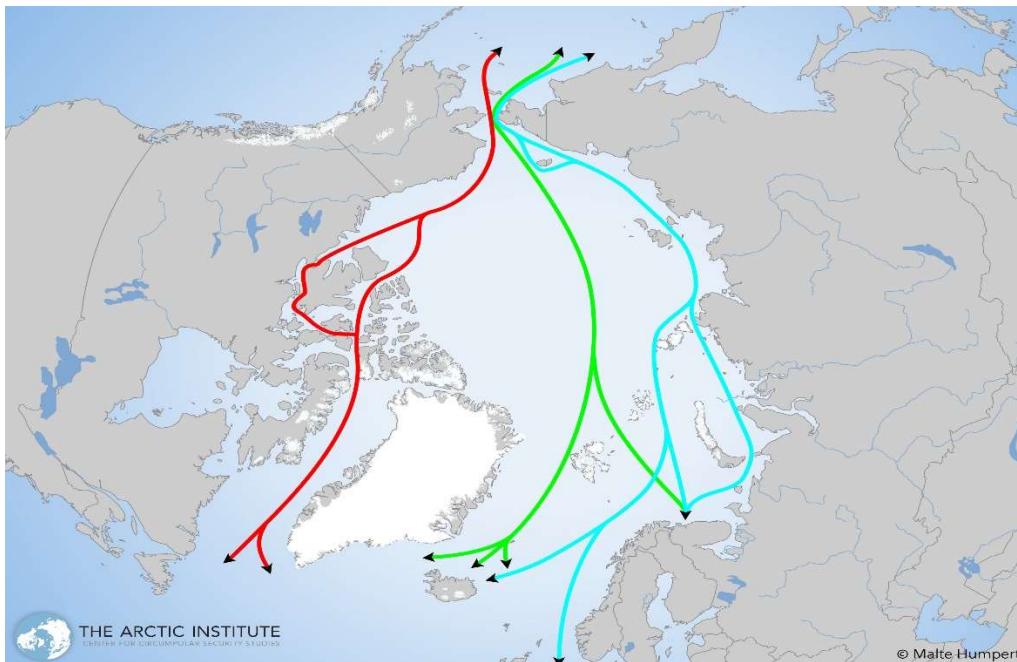
actions, military or not, that would be a security concern, not only for Arctic countries, but that would eventually affect the World stage.

## **Part I – Why China has a Rising Interest in the Arctic**

During the last decades, as China's development started to thrive, it became of the utmost importance for China to extend its reach for secured and diversified raw material or fuel routes. As the polar ice cap started to melt, several international scientific surveys began to show that the Arctic would more rapidly than expected become an open zone. This interest had to be presented to the Chinese population and inserted into national documents.

Not only the ice is melting twice as fast than the rest of the world (UN Intergovernmental Panel on Climate Change, 2014) and reaching an all-time low (Dagorn, 2020), but 30% of the untapped gas and 13% of untapped oil are located in this area (Moore, 2019). Even if we are now facing a 4-month window of traffic potential in some part of the Arctic, the situation is evolving so fast that interested parties (or aspiring ones) are on the starting line.

Hence, China started to develop an interest in scientific research on the Arctic Area. At first, the main focus was to research climate change and its repercussion in China and South East Asia and the oceanic environment. Then, it appeared that there was also an interest in potential future maritime navigation and possible exploitation plans. The ice melting could allow ships to find an alternate route to the Malacca strait, known as a black spot on the path to Africa and Europe, for being a dangerous area plagued with heavy pirate activities. From this point, three potential passages could be considered to be opened in the Arctic: The Northern Sea Route (NSR), the Northwest passage (NW), and the Transpolar Sea route (see Figure 1).



**Figure 1:** Arctic shipping routes opening up due to the reduction of Arctic Ocean ice coverage.

**Red:** Northwest Passage; **Turquoise:** Northern Sea Route; **Green:** Transpolar Sea Route

Source: (Humpert, 2011)

From all these alternatives to the Suez or Panama canals routes, some are still difficult to contemplate for the near future. Due to Canadian claims upon internal waters for the NW passage and the still ice packed Trans-Polar Sea route, only the NSR could be identified as usable. Using the NSR would reduce transit time from Rotterdam to Dalian by 13 days.

For China, this rising interest in this geographic zone needed to be part of a formalized internal doctrine to possess a strong background on the international scene.

Starting in 2013, China designed a worldwide economic program to connect Asia to Europe and Africa under the “Belt and Road Initiative” (BRI) label. In this program, the “Belt” is composed of land road and rail transportation, whereas the “Road” refers to the sea route. To integrate the Arctic area into the program, an extension known as the maritime “Polar Silk Road” was created afterward.

In 2017, a new policy document referred to the creation of “Blue Economic Corridors” (People's Republic of China, State Council Information Office, 2017). One was named the “Arctic Blue Economic Corridor” (ABEC) (see figure 2).

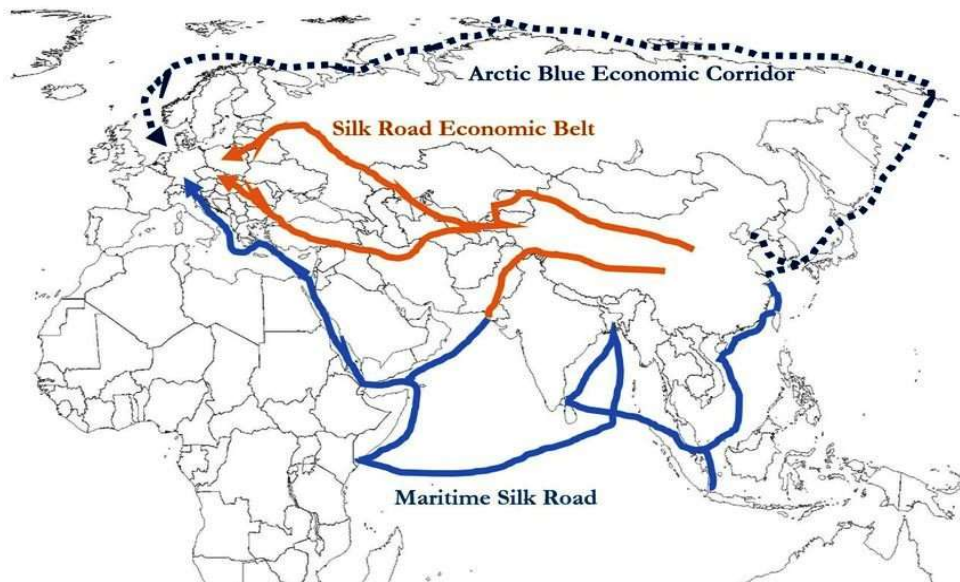


Figure 2: Arctic Blue Economic Corridor in the BRI network of corridors. Source: (Erokhin, 2018)

This program relies on three pillars: respect for the Arctic countries' sovereignty, cooperation with these countries, and search for win-win collaborations.

Finally, in 2018, the first White Paper dedicated to an area outside of China's territory was published, 'China's Arctic Policy' (People's Republic of China, State Council Information Office, 2018). This document self-claimed that China was a “near-Arctic state” creating this surprising label for a country whose northernmost border is located 1500 km south of the Arctic circle.

To support this policy, China also integrated into its 2016 five-year plan, the design and construction of ships able to operate in polar waters (People's republic of China, 2016). This missing capacity is allowing them to show their flag and offer development partnerships to other countries.

On another note, referring to the United Nations Convention on the Law of the Sea (UNCLOS), this document also stated that the Arctic Ocean must be considered “a common heritage for all mankind” (Qian, 2010). This reference is doubtful as UNCLOS refers to the high seas beyond the Exclusives Economical Zones (EEZ). As nearly 90% of the untapped resources are lying within EEZ limits, China is trying to advertise that all Arctic Ocean belongs to everyone.

## Part II - How is China Gaining the Status of Stakeholder in the Arctic?

Having identified its needs and put an international policy together, China nevertheless faced international scrutiny and risked being considered a potentially illegitimate actor. On the legal side, China needed to be accepted as a rightful member of international forums or governing bodies to ensure a say in managing access or exploiting the local resources. On the economic and communication side, China started a series of actions to reach Arctic countries and gain a deeper diplomatic footprint.

To achieve the goal of being accepted as a legitimate stakeholder, China has applied a policy using three patterns (Kania, 2016) referred to as the “Three Warfares”:

- Legal: slowly invest into international forums to elevate the debate from a local to a global stage and achieve the evolution of international rules toward China's interests,
  - Public opinion: invest in economic, scientific and ecological friendly projects,
  - Psychology: to appear as an inevitable partner and have enough economical leverage to weight on smaller partners.

When it comes to legal matters, China realized that it had to shift slowly from a “rule-follower” to a “rule-maker” to achieve its objective.

First, China managed to be awarded the status of observer to the Arctic Council in 2013 (Milne, 2013). Composed of 8 countries, this constitutes the main forum of exchange on Arctic matters (military security issues being explicitly excluded from its mandate). As the observer status is a temporary one that is renewed every five years, there is no need to underline how China's good behaviour will be scrutinized to get this status renewed.

The next achievement was negotiating and signing the 2017 International Maritime Organization (IMO) Polar Code, referring to ships operating in polar waters. In this forum, where China sits as a full member and not an observer, this agreement allowed China to raise the topic of maritime freedom of navigation along the NSR from the Arctic Council member's concern to a global stage. Interestingly enough, this topic of freedom of navigation may be the only where China and USA seem to see their

interests align. Both are interested in seeing the trade routes considered private by Russia or Canada opened to any fleet.

Eventually, another success in monitoring local fish resources' exploitation was reached when China participated in the draft and promotion of the 16-year long agreement upon unregulated fishing in the Central Arctic Ocean signed in 2018 (Liu, 2018).

Besides, as a full member, not an observer, China is part of Iceland's Arctic Circle in 2008. Such a status led China to host a well-publicized Conference in Shanghai in May 2019 (Uarctic, 2019). Furthermore, China participates in all existing talks and conferences about Arctic Area as Arctic Frontiers in Tromso (Norway). To project an image of a scientific contributor enabling dialogue between scholars, China has created several think tanks (Uarctic, 2013) and (Uarctic, 2018)).

Looking at the two other “warfare's” sides, public opinion, and psychology, this legal offensive had to be backed by some partnership offers that would support China's friendly narrative while offering attractive prospects and mutually beneficial deals for all participants. China has understood that participation is the key to have access to Arctic governance. The arctic countries' answer has been diverse, and the success of these attempts has been mixed at best.

Some countries were reluctant from the start to Chinese offers. For example, Canada claims that NW passage is made of internal waters and is extremely unwilling to see this maritime route considered otherwise and used by other countries. Furthermore, the heir's arrest to HUAWEI Empire on 1<sup>st</sup> December 2018 in Vancouver did not ease their relationship with China (Rappeport, 2018).

Another country that did not fell under the charm of China is Sweden. For some years now, Sweden and China have tense relations, especially in the Human Rights field (as the Gui Minhai recent case shows (Kuo, 2020).

Norway also had rough relations with China. After developing a joint Svalbard research facility in 2004, the 2010 Nobel Peace Prize award to Chinese dissident Liu Xiaobo caused a diplomatic freeze that led to the suspension of an already signed free trade

agreement signed in 2008 (Lanteigne, 2016). Recently, these tensions unfroze as a Chinese company built the Hålogaland Bridge, inaugurated in Narvik in December 2018 (Xinhua, 2018).

Iceland has been a target of choice after the 2008 economic crisis. A free-trade agreement was signed in 2013, and the China-Iceland Arctic Science Observatory (CIAO) was opened in Karholl in 2018 (Arcticportal.org, 2018).

Denmark and its autonomous territory of Greenland are where China faced more disillusion. Proposals to buy an ex-US base, contract to refurbish airports, mining projects have been rejected by Danish authorities.

The main partner to this day is Russia. Since Chinese and Russian leaders share an excellent relation, Chinese funds are a much welcome alternative after international sanctions inflicted on Russia after the Ukraine events. The best example being the YAMAL Liquid Natural Gas facility built in Siberia, for which Chinese companies provided up to 60% of capital. However, China is not backing up Russian potential temptation to militarize the NSR littoral.

Not to be underestimated, a lot of projects are still under development. As the Arctic Corridor railway line from Kirkeness (Norway) to Rovaniemi (Finland) (Breum, 2018) that would connect with the creation of the Helsinki/Tallinn tunnel (Virki, 2019) to allow a shipment to disembark in Kirkeness and arrive in Estonia before being transported within Europe. Or Finland, who signed a future shipbuilding agreement in 2017 and is working on the Arctic Connect optical cable project to link China to Finland in 2023 (Jüris, 2020).

### **Part III – Security Concerns that Might Arise in the Arctic Area**

Through the years, from all this economic and political activism, China has mostly managed to avoid strategic mistrust and reassure about its intentions. It has gained the status of a potential partner and a peaceful party. But some nations are not taking this behaviour for granted. It is evident that some dual-use programs and some investment attempts and researches are part of a process to back Chinese actions with a military capability. The majority of the Arctic littoral countries have expressed

concerns about China's policy. It could be assumed that if China's dissatisfaction with its access to the Arctic resources or waterways should lead to unilateral and unfriendly actions. Even if these actions would first affect littoral Arctic countries, they would eventually have global repercussions. The only Arctic country that would be considered a partner is Russia as the mutual economic need will encourage a joint development and not a conflict-driven approach. We should then view the strategical and political issues.

On a strategic level, even if it is regretful, neither NATO nor EU (who declared China nevertheless a Strategic rival in 2019 (EU Council, 2019) has a proper Arctic Policy. Only US Secretary of State, M. Pompeo, raised some serious concerns during an Arctic Council meeting in Helsinki (Segupta, 2019) about China's real plan in the long term, denying China its self-claimed Arctic country status. Some attending countries regretted the aggressive tone of such comments. These reactions, coming back to the Three Warfare's concept, are positive for China as the Chinese appear to be adhering to current Arctic governance, whereas USA sounds aggressive and over-reacting.

For the USA, as China is evolving from land-based regional power to global challenger with deep water maritime reach, the worst-case scenario and game-changer would be that Chinese submarines could access Arctic Area undetected and could threaten US territory from close range. So far, this is complicated to achieve as China would face a lot of challenges amongst which to pass several straits secretly, get complete access maps and bathymetric of the area, get naval and harbour support from Russia. US answer has been evident, not only their President offered to buy Greenland from Denmark in 2019 (Pengelly, 2019), they decided to reactivate the North-Atlantic and Arctic focused 2<sup>nd</sup> Fleet based in Norfolk (Virginia) and sent a plane carrier in the Arctic Ocean in 2018 for the first time since 1991. Nevertheless, China has understood that to defend its self-claimed rights, cooperation could end in conflicts. Thus, the People's Liberation Army Navy (PLAN) is in the process of developing a blue-water navy (Taylor, 2020) able to protect commerce and sea lines of communications (SLOCs). Besides, China has launched a new icebreaker in 2018 (Gady, 2018) and plans to build a nuclear-powered one to compete with the only country with this technology: Russia.

Some regional powers' security services noted that China's scientific research programs could be considered dual-use ones (Reuters, 2019). Cartography or



bathymetry research might as well serve to guide long-range missiles or for submarines underwater navigation... Chinese base in Norway is suspected to be used for satellite tracking or monitoring military aircraft and paving the way for Chinese born BEIDOU GPS (an alternative to the US GPS crucial to Chinese's cyberwarfare capabilities). Recently, upon military intelligence advice, the Swedish Government decided to ban HUAWEI from the 5G local networks (AFP, 2020).

If we consider the political side of things, an instability factor could come from China supporting a position of freedom of movement and access to resources in Arctic's EEZ (fishing and seabed mining) and defend a contradictory one in the South or East China Sea. China behaves as a role-model in the Arctic while it refuses to abide by the IMO decisions regarding its coastal waters. As China claims that the Arctic freedom of navigation is a given, it could try to secure it by force. Out of the Arctic area, these sovereignty contests would have repercussions in Malacca or Hormuz straits, where littoral countries would use China's example to support their territorial claims.

Denmark raised many concerns about China's involvement in Greenland, and most of China's investment attempts have been pushed back. These could have led to Chinese workforce importation and degradation of working regulations, pollution due to the extraction of Rare Earth Elements (a massive risk for wildlife and indigenous populations), hidden mining investments... Furthermore, China's declarations favoring indigenous people's rights that are well received amongst locals and Greenland Prime Minister's trip to Beijing in 2017 have not been received well by the Danish Government. It is anyway astonishing to witness China support such indigenous movements when one sees how China is dealing with its own minorities.

The economy is then a powerful tool to pressure a single-resource-oriented economy as Faroe Islands with blackmail upon fish against HUAWEI 5G networks (Satariano, 2019). During the 2012/2017 period, Chinese investments in Iceland went up to 6% and 12% of Greenland's GDP.

Finally, another critical topic to monitor is the Russian-Chinese Strategic Honeymoon that rose from both presidents' good relationships (Appel, 2019). Nevertheless, even if Russia is craving for China's investments, it is not entirely reassured about China's intent in the long term. Creation of a Chinese ice breaker fleet, modification of IMO

regulations of maritime freedom through EEZ in the NSR... Even if it is likely to bloom into full-scale economic cooperation as the sanctions against Russia continue to reinforce Chinese investments' attractiveness, Russian observers' conservative nature could resist the Chinese charm offensive for a while. Eventually, Russian reluctance to fully accept Chinese commitment will cease, and Russian economic prospects all along the NSR will develop from it.

Of course, the Arctic Council member's behaviour toward Chinese investments will be the key to the area's Chinese footprint. These countries should not overreact to Chinese attempts. Instead, they should try to make the Arctic governance more legally binding to counter potential Chinese claims to shift Arctic's governance from regional to global. They also should integrate Chinese interest into their own political agenda and use Chinese investments as wisely as possible in a beneficial way for them.

## **Conclusion**

After a few years of active involvement, the Chinese Arctic strategy is successful as China is now seen as a serious partner for economic investment and as a legitimately interested party in the region.

This result has been obtained through cooperation on a scientific or research level, a search for a win-win solution with local partners, and apparent adherence to regional governance.

Nevertheless, territorial conquest is no longer needed to gain regional leverage or power, and the Arctic is still unlikely to emerge as a region of conflict. As its two main goals are clear: be granted free use of NSR and access to Arctic resources, China's strategy should be monitored.

This paper shows that despite China is projecting a safe and reassuring image, it has worked its way into the global arena to advertise its interests. China is in a capacity-building phase and will work within the international legal framework's limits as long as it serves its purposes.

As China will try to secure open routes, the question is how China is planning to do so, options ranging from soft-power to hard-core military intervention. These options could emerge as a security concern because these future routes are located in a zone belonging to or attracting interests from powerful countries such as Russia or USA. These global powers are not inclined to leave China's actions unattended.

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