

12 EXPERIENCES IN THE APPLICATION OF NCRS COMPATIBLE NATIONAL CRISIS RESPONSE MEASURES' SYSTEM IN CONNECTION WITH THE UKRAINIAN CRISIS

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The NATO Crisis Response System (NCRS) entered into force on 31 September 2005 and replaced the long outdated NATO Precautionary System (NPS). In the NCRS Manual, the Alliance made a recommendation toward the member countries and invited the different nations to establish their respective national crisis response systems in harmony with the NCRS or to adjust their existing systems accordingly. According to the recommendation, the Hungarian Government – after years of discussions, disputes, and compromises – established the NCRS Compatible National Crisis Response Measures' System (NCRMS), effective as of 2011.¹

The system was applied under real circumstances 9 years after the establishment of the NCRS for the first time. For that, an event no less than a significant change to the international security situation right next to the border of the Alliance was required. With regard to the events in Ukraine, the Alliance found that the time has come for applying the crisis response system – that had only been tested in exercises – in a real life situation. So far, the following experiences may be concluded in Hungary regarding the application of the system:²

NCRS measures include 5 basic elements: preventive options, crises response measures, alarm states indicating terror threat, counter-surprise, and counter-aggression.³ It is strange

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1 Government Decree No. 278/2011 (XII. 20.) on the purpose, tasks, and procedures of the NCRS compatible National Crisis Response Measures' System and the duties of stakeholders.

2 The name and content of particular crisis response measures may not be covered in this article as they include classified information.

3 The *preventive options* include measures to be applied in the early phase of a crisis that precede the acute phase. They aim to prevent the crisis from occurring or escalating by applying particularly soft measures. By type, these may be diplomatic, economic, military, arms control and public affairs measures. *Crisis response measures* Crisis response measures are protocols developed and consolidated in advance with a view to controlling crises that have already escalated to a somewhat acute phase. *Counter-surprise* means a set of protocols NATO may use if an air attack, a ballistic missile with a traditional or non-traditional warhead, a terror attack, or cyber attack is launched unexpectedly. These protocols focus primarily on the measures to

LÁSZLÓ KESZELY

that, out of these options, preventive options were not applied at all. NATO has sought to prevent further escalation and deterioration in the relations between the NATO and Russia from the very beginning. Consequently, it consistently refrained from implementing actions that might be deemed provocative, for which purpose the use of soft measures offered by the preventive options would have been the ideal means.

However, the Alliance has taken numerous steps in practice, including ones on the field of diplomacy and military diplomacy, such as – among others – increasing the number of exercises at the Eastern borders of NATO. While the substances of the related preventive options were the same or similar to the above measures, their official introduction was ignored. It should also be noted that economic preventive options were not on the Alliances' agenda, despite that means of economic pressure – including the use of economic sanctions and bans – have been applied by NATO member countries both in Europe and overseas in a consistent and powerful manner. In Europe, such measures were mostly applied under the aegis of the European Union, thereby giving a fine example of the 'distribution of activities' between the two international organisations.

From among the means of the NCRS only the crisis response measures have been applied, however, not separately, but periodically in small or even major packages. Recommendations have arrived from NATO bodies as well as individual member countries. It was a typical trend in the responses of the member states that the ones that located at the Eastern border of the Alliance, primarily within the post-Soviet region, and the former states of the Warsaw Pact showed the highest level of activity. The powerful actions taken by Poland were even more prominent than most, giving a fine example of how much the population and administration of the country felt threatened by the events. Nevertheless, NATO – consistently observing its moderate reactions policy noted above – considered the submitted proposals carefully.

These efforts toward acting carefully were clear during the entire decision-making process regarding such proposals. One of the manifestations of this was that a significant proportion of the crisis response measures were 'pre-authorised' measures falling within the competence of SACEUR,⁴ the supreme commander of the Alliance in Europe. SACEUR could have decided on the introduction of such measures on his own as part of his powers and competences. However, he requested the position or approval of the North Atlantic Council through the Military Committee in each case and without exception, meaning

be taken immediately. *Counter-aggression* may be applied if a NATO member country, the allied forces, assets, or infrastructure is under armed attack. In practice, this category includes operations falling within the scope of Art. 5 of the Washington Treaty, where – under Art. 51 of the UN Charter – the Alliance exercises its rights pertaining to collective self-defence. The *terror threat alarm levels* aim to prevent potential terror attacks and, as the case may be, to mitigate the impact of carried-out attacks, and to prevent further attacks.

4 Supreme Allied Commander Europe.

12 *EXPERIENCES IN THE APPLICATION OF NCRS COMPATIBLE NATIONAL CRISIS RESPONSE MEASURES' SYSTEM IN CONNECTION WITH THE UKRAINIAN CRISIS*

that the confirmation of the military and political leadership was sought before each and every decision of SACEUR.

The above factors had an advantageous impact on the decision-support and decision-making processes of the member states because the approval procedure carried out at Alliance-level included numerous rounds and left sufficient time for the member states to make well-grounded decisions. When SACEUR submitted its proposals to the Military Committee and the North Atlantic Council, the member countries also received copies of the proposals on the use of any measure, thereby allowing the nations sufficient time to consider their decision in advance and to prepare for the implementation of such decisions, if necessary.

This was of great significance because, among others, the member states adopted the NATO Crisis Response System at different levels and in various ways. Some countries simply translated the original NATO document and considered the adaptation process completed – some even apply the original English language document without any translation. These countries faced a rather difficult situation because they needed to establish a suitable national decision-making procedure in an ad hoc manner and had to adopt their respective decisions within a matter of days. These tasks posed serious challenges on numerous occasions even to older member countries with a long history and tradition of cooperation in the Alliance, considering that not even such member countries had any experience regarding the ‘real life’ application of the NATO Crisis Response System.

The Military Committee reviewed the submitted proposals carefully and forwarded only a select few to political leadership for approval. The North Atlantic Council shared the view of the Military Committee and accepted the submitted proposals at all times, showing that the opinion of military and political leadership regarding the situation was consistent and harmonious. The North Atlantic Council either approved the measures that fell within its competence or authorized SACEUR to implement the measures falling into his competence. After the North Atlantic Council had made his decision, SACEUR ordered the NATO forces under its command to implement authorized measures without delay and requested the member states to introduce the appropriate national decisions.

The period required by each nation to consider the proposed measures and develop a national position varied. Consequently, the member states adopted their decisions on the introduction of such national level measures at different times. The first – and largest – set of measures was introduced by Romania within 2 days after the initiation was made. Most member states adopted their decisions within a period of one or one and a half weeks, while it took over two weeks for some nations to send their reports to NATO on the introduced measures. Hungarian experts were of the opinion that Hungary should adopt its decision at the same time as most other member states, instead of acting too early or too late. Fortunately, NCRMS – including the Collection of National Measures – was already available at the time, and the experiences regarding the application of national

LÁSZLÓ KESZELY

measures gained in the course of the NATO Crisis Management Exercises (CMX)⁵ and other exercises were also available.

The first set of NATO measures were received by the Ministry of Defence on a Friday and the primary evaluation of the measures was commenced immediately. As the national measures were already elaborated in detail, it did not take more than 10 minutes to identify the national counterpart of each crisis response measures introduced by NATO. It helped to identify the ministry that responsible for the measure, the cooperating entities, the relevant pieces of legislation, and the tasks to be carried out, broken down by the entities responsible for each task. The Defence Administration Inter-ministerial Coordination Working Group (DAICWG)⁶ was convened on the very same day, and the representatives of each ministry were informed about the measures taken by the Alliance and the corresponding national measures. During the weekend, each ministry reviewed the proposed national measures and resumed the meeting of DAICWG on the following Monday with finalized proposals.

The members of DAICWG represented each and every ministry, meaning that the meetings of DAICWG provided a more concise alternative to the otherwise lengthy reconciliation of the Government's proposals by the public administration entities. Against such background, it was fairly easy and smooth to produce a proposal for the Government regarding the national position of Hungary and the introduction of national measures that were deemed justified by the professional bodies. This solution did in fact speed up the normal course of public administration procedures, which is a fundamental requirement in a crisis. Under regular circumstances, the reconciliation and finalization of Government's proposals usually takes a long time – even weeks or months, occasionally. However, the timeframe open for the preparation of decisions might be as short as a few hours in a crisis. DAICWG is capable of operating within such a short timeframe. It can convene and submit its proposal to the Government within hours – a capability that was confirmed in practice during the crisis in Ukraine.

In the course of identifying and evaluating the sets of measures initiated by NATO, it turned out that the introduction of a single measure falls within the competence of the Government, while all other measures may be applied upon the decision of the competent minister. However, Hungary carried out the decision-making process just as carefully as NATO, and together with the only measure in the set that fell within the competence of the Government – the measures falling within the competence of individual ministers – were also submitted to the Government for approval. In agreement with the proposal of

5 Crisis Management Exercise.

6 DAICWG is the decision supporting body of the Government in national defence administration related matters, including the provision of opinions and proposals. It is chaired by the Director-General of the Defence Administration Office of the Ministry of Defence, and consists of the experts of various ministries and major entities involved in national defence affairs.

12 *EXPERIENCES IN THE APPLICATION OF NCRS COMPATIBLE NATIONAL CRISIS RESPONSE MEASURES' SYSTEM IN CONNECTION WITH THE UKRAINIAN CRISIS*

DAICWG, the Government introduced the measure falling within its competence and also authorized the ministers concerned to introduce the measures falling with their respective competences.

Broad inter-ministerial discussions were carried out in each case since DAICWG met even in situations where a ministry could have decided on the application of a measure at its own discretion. This procedure turned out to be rather useful even beyond exercising caution because, in the inter-ministerial working group, each and every sector was provided with general information regarding NATO's position on the current situation, the measures introduced by the Alliance, and the initiatives aimed toward the member countries. Furthermore, representatives of the ministries could inform each other regularly about the crisis response activities carried out on their respective fields, the measures introduced, the completed and pending tasks, and they also could discuss the national position Hungary should take regarding the various crisis response measures initiated by NATO.

With regard to the sectorial and professional fields, the Ministry of Defence was the responsible entity for most of the initiated measures, while the Ministry of Internal Affairs was the responsible entity for the introduction of only one proposed measure. Nevertheless, each and every measure consisted of a mix of military and civilian components, meaning that civil bodies and organisations were involved in the introduction of each measure falling within the competence of the Ministry of Defence. Accordingly, and despite the short time available, discussions needed to be carried out with a relatively high number of entities. In other words, inter-ministerial and interagency cooperation – which is indispensable in modern crisis management –, and joint and coordinated engagement of military and civil capabilities was achieved, that labelled 'Comprehensive Approach' in scientific literature.

Previously, the various ministries expressed concerns during the inter-ministerial discussions regarding the development of NCRMS because, in their view, the Ministry of Defence intended to introduce a 'mandatory regime' by using legislation to make the measures listed in the Collection of National Measures mandatory, and because that regime would be also inconsistent with domestic legislation and the distribution of powers and competences. In order to eliminate such concerns, a compromise was reached, under which the measures listed in the Collection should be regarded as samples and supplementary tools, instead of being mandatory, and they may be amended or replaced by entirely different provisions at any time. However, the ministries did not use this option during the Ukrainian crisis because the availability of adequately prepared measures made the performance of their tasks considerably easier, so they did not need to develop new measures within a matter of hours. Furthermore, those measures had already been discussed with all involved parties, meaning that all potential stakeholders had already agreed to it. It was the primary goal of introducing the NCRS and NCRMS to develop measures that are adequately prepared, discussed, and even exercised by the involved actors in advance,

LÁSZLÓ KESZELY

and which are on hand and can be applied immediately at any time. This possibility is especially useful in crisis situations when events unfold at extreme speed and the time period available for the preparation and making of decisions is radically shortened.