

ROLE OF THE MILITARY IN CIVIL PROTECTION OPERATIONS AND DOCTRINE

Col. (ret.) prof. Ion DRAGOMAN^{*}, Ph.D.

"Carol I" National Defence University

Capt. Vasile DOBRESCU^{}, Ph.D. Candidate**

ISU „Codrii Vlășiei”, Ilfov

The scientific research role of the military in doctrine and civil protection operations is based on the dedicated literature, expressed on the idea of changing function of the armed forces in today's democratic society, founded on the prohibition of war as an instrument of national policy of states, which caused deep changes to the whole national and international security system.

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The scientific research role of the military in doctrine and civil protection operations is based on the dedicated literature, expressed on the idea of changing function of the armed forces in today's democratic society, founded on the prohibition of war as an instrument of national policy of states, which caused deep changes to the whole national and international security system¹. Indeed, these profound changes of government at all levels of organized human communities have "reinvented" the role of the military instrument in shaping the current security environment, which has become more versatile and polyvalent in acquiring an interdisciplinary and less aggressive character², even more protective for the civilian population. One must admit, however, that the specific nature of military intervention based on instruments of armed violence, will never entirely have a humanitarian character, despite the existence of "humanitarian military operations" and

* e-mail: iondragoman@yahoo.com

** e-mail: dobrescu_laur@yahoo.com

¹ Claudiu Niculae, *Schimbarrea organizației militare*, Tritonic Publishing House, Bucharest 2004, p. 153. Vezi and M. Zulean, *Militarul și societatea*, Military Publishing House, Bucharest, 2008, p. 188.

² T. Frunzeti, *Soluționarea crizelor internaționale*, European Institute, Iași, 2006, p. 11.

production goals and objectives of military actions arising from individual and collective responsibility of states to protect people and humanity. So the forecast of the future war, and the role of armed forces in years to come could point out the increasingly focus on more measures to support "humanitarian peace"³, so that operation plans will lead to minimized losses (but not only of their own but of the opponents too), even more compelling detail counting on defense and maintaining life at both national and international level. The soldier will likely increase his mission to protect, care and help, and thus bringing an effective contribution to maintaining harmony among all nations, according to the humanitarian spirit of the age⁴.

All these focus the attention on "civil protection operations", understood as a kind of social activity aimed at performing a wide range of humanitarian tasks intended to protect the civilian population against the dangers of hostilities or catastrophes and help it to overcome its immediate effects, providing survival conditions. At the first look, it would seem that the state of research in this area is sufficiently developed and would not be anything new to say if one considered the multitude of studies, articles, papers, theses and monographs developed only in the recent years⁵.

The motivation for choosing a theme study also remains imperative if it is considered the magnitude of changes occurred with a unprecedented speed in the history of geopolitical security environment in which, based on new challenges, risks, threats and vulnerabilities, new mechanisms and functional institutional crisis management and conflict are sketched, some resulting from experimentation with strategic doctrines designed procedures but still validated operational practices.

In this case, we can mention the military intervention for humanitarian aid that has developed over the past two decades, to finally result in the concept of "responsibility to protect" as the climax of the civil protection operations. This innovative theoretical justification for military humanitarian intervention, when serious violations of human rights occur, as the essence of "responsibility to protect"⁶ has the result of both national and international

³ *Securitatea umană*, CA Publishing, Cluj-Napoca, 2010, p. 72.

⁴ G. Daniken, *The guardian soldier: on the nature an the use of future armed forces*, United Nations, New York and Geneve 1995, pp. 91-106; M. Mureșan, G. Văduva, *Războiul viitorului, viitorul războiului*, "Carol I" National Defense University Publishing House, Bucharest 2004, pp. 83, 337.

⁵ D. Florea, *Managementul sistemelor de protecție civilă pentru prevenirea și înlăturarea efectelor dezastrelor în timp de pace, criză și război*, 2002; S. Geanta, *Protecția civilă, ca dimensiune a securității și apărării naționale, componentă operațională în cadrul apărării armate a țării*, 2003; F. Surdu, *Dimensiunea ecologică a acțiunilor militare*, 2004, V. Nemeș, *Protecția civilă în sistemul securității naționale, prezent și viitor*, 2006.

⁶ P. Robinson, *Dicționar de securitate națională*, CA Publishing, Cluj Napoca, 2010, p. 183.

protection of defense of the supreme values of mankind, held more often in the last decade of the 20th century after the end of the Cold War and of ample debate concerning the relationship between security and humanitarianism in ensuring the effectiveness of actions to promote human rights and fundamental freedoms. Thus, unilateral and multilateral practice of the countries has shown the operations conducted in the states such as the former Yugoslavia, Somalia, Rwanda, Haiti, Albania and the first Gulf War that the rule is the nonintervention and the intervention of humanity is the exception, which must be authorized by the UN Security Council (that holds the monopoly over the use of force in international relations) in order to be legitimate. If until the NATO's operation in Kosovo in 1999, it had been considered that there was only a moral obligation, both in terms of humanitarian assistance, reception and support for victims as UN humanitarian disaster⁷ by adopting the concept of the "responsibility to protect", from 2005 it led to obvious intervention actions in Libya and in 2011 even the idea of the legitimate international response to human rights is subject to the five requirements, namely if the security threat to humans is large enough to justify that the main purpose of the task force is the threat. The force is going to be used as a last resort, and proportionate to the threat at its minimal and finally, that the intervention will have a reasonable chance of success⁸.

From another point of view, that of the relationship between humanitarianism and security, the decision to militarily intervene in the internal affairs of another state in order to protect civilians, has unpredictable consequences and this decision resulted in a real dilemma. For example, without humanitarianism it could reach to a "fiercely" security and without security we end up with humanitarian "harassment"; debates held on this subject have shown that the common element of both is survival, which is the foundation of security (collective and individual) and human rights and humanitarian law. The breach of individual rights in peacetime or during the war is not only contrary to international law but also to security itself, generating a spiral of violence in time and space, with no prospect of relaxation, even across generations. Therefore, on the legal aspect, is difficult to find a balance between security political goals and the human rights ones, as the operational aspect is just the difficulty to preserve a humanitarian protection without a consistent and effective military presence⁹. This humanitarian – security dilemma has generated controversial points of view on the military network appreciation in civil protection operations as the

⁷ I. Dragoman, C. Militaru, *7 studii de drept internațional umanitar*, Lumina Lex Publishing House, Bucharest, 2003, p. 174; F. Olteanu, *Intervențiile umanitare*, Ploiești, 2010, p. 32.

⁸ UN Security Council Rezolution no. 1973 (2011), în Mon. Of. no. 484/2011.

⁹ S. Tsang, *Serviciile de informații și drepturile omului în era terorismului global*, Univers Enciclopedic Publishing House, Bucharest, 2008, p. 158.

humanitarian missions differ from traditional combat missions because of the need to cooperate with the local population¹⁰. Reality has shown that the claim of not involving the military forces in humanitarian operations, conceived by certain humanitarian organizations, will not stand in the way of the operational needs from the humanitarian assistance in the theater operations, therefore an imposed military involvement in civil protection by the civic was issued¹¹.

Given these considerations on the complexity and fluidity of the security environment of recent years, a fundamental hypothesis of the research will be to analyze the proximity between military and humanitarian functions of civil protection operations, especially in the context of blending with the threats caused by war and those caused by natural disasters, as demonstrated by national and supranational defense strategies of human security. The study will also need to make the connection between the protection of the human beings, the protection of their property and the environment too, based on the conditioning of sustainable development of human society and the human relations with the natural environment. Not least in importance, the need of functional and institutional specialization, in civil protection, will be further examined to demonstrate the effectiveness thru civil – military cooperation and national – international. The complexity, the importance, the necessity and the timeliness of scientific approach of the military role in protecting the civilians of all types of threats, has been highlighted by the dedicated literature¹² that makes the distinction not only between the civil protection agencies in time of peace to those in time of armed conflicts but also between the civil protection services with only civil powers to the military formations (or militarized) with passive defense duties. Making this distinction is sometimes difficult, especially in the context of armed conflict, when civilian organizations might find themselves in the position to extinguish fires inside the military objectives (not to expand in areas inhabited by population), to evacuate wounded soldiers (in the absence of military medical services on-site) or in cooperation with military subunits with civil protection tasks, where they must know precisely the rules relating to the committing of harmful acts to the enemy¹³, especially if the latter is present in the area and could decide to terminate the protection enjoyed by staff and assets of civil protection bodies. All these factors require careful systematization of the subject, which will successively investigate the doctrinal issues, operational and legal aspects of civil protection, switching to

¹⁰ C. Moscoş, *Armata mai mult decât o ocupație?*, Ziua Publishing House, Bucharest, 2005, p. 82.

¹¹ C. Maier, *Cooperarea internațională în măsurile de răspun la crizele internaționale*, scientific research paper, "Carol I" National Defence University, 2011, p. 53.

¹² C. Zamfir articles in *Bulletin of "Carol I" National Defence University* no. 1/2007.

¹³ Defined by art. 65 from Additional Protocole in 1977 at Geneva Conventions, in *Dreptul Internațional Umanitar, instrument juridic internațional*, RAMO, Bucharest, 2003, p. 383

a presentation of the emergence in development of humanitarian civil protection interventions to finally arrive at conclusive elements of the humanitarian, military, civilian and population protection operational characteristics. Thus, in the first area of research of the three mentioned above, the attention will focus on conceptual delimitation of "civil protection operations" that have evolved from limited actions of "passive defense" against air attacks from interwar period¹⁴, to the current interwar polyvalent measures of „ civil security " based on prevention, intervention and restoration of social normality in any emergency situation facing the community¹⁵, demonstrating unification of the traditional civil defense in time of war with modern action of emergency management for all kinds of dangers to social existence in time of peace; arguments supporting this new unifying vision of civil protection operations of our time results from the legal definition of "civil protection" as accomplishing all of humanitarian tasks intended to protect the civilian population against the dangers hostilities or disasters and help it to overcome its immediate effects, providing necessary conditions of survival¹⁶. One would however agree that comparing to the wartime, there still remain certain features of civil protection in peacetime, in the sense that, civil emergencies, that "the civil major force" may involve the intervention of the armed forces. These are exceptional events with non-military character, within the life, health, material and cultural values and are important when the normal environment and social – economic activity is threatened¹⁶.

The radiography of doctrinal, operational and legal civil protection aspects will be achieved by presenting four distinct areas: the origins and evolution of doctrine and operations of civil protection, civil protection internationalization and the its effects on military participation in humanitarian operations, civil protection in international humanitarian law (IHL), current national and international strategies to protect the civilian population. Regarding the evolution and safety of doctrine and civil protection operations, it is easy to see that, despite the existence of concrete actions to defend the population from the effects of war and disasters since ancient times, they have not had the same size, congruency and management to consider them true "operations". The dedicated literature reveals, for example, that in Romania, protecting the civilians is a state interest and the authorities become increasingly concerned only starting from the second half of the 19th century¹⁷. In 1929, after the development of aircraft and aerial

¹⁴ C. Zamfir, *Securitatea Civilă și globalizarea*, Bucharest, 2009, p. 333.

¹⁵ Defined by art. 61 din Additional Protocole I, 1977.

¹⁶ I. Dragoman, *Drepturile Omului în forțele armate, buna guvernare*, C.H. Beck Publishing House, Bucharest, 2006, p. 218.

¹⁷ C. Oprea, *Tradiții românești în apărarea împotriva incendiilor și protecția civililor*, in *Retrăiri istorice*, Anca Publishing House, 2009, vol II, p. 379.

bombardments in World War One, Romania organized its first passive defense structure against the new military strategy¹⁸. Therefore no legal conventions of war, nor the national military law, the strategic or the tactical doctrines¹⁹, contained substantial or effective references in civilian protection, wars and natural disasters that are the phenomena to which there are few opportunities for defense. Only in the 1949, after the disasters caused by strategic bombing on the World War II, in which millions died, at the Geneva Convention on the Protection of Civilian Persons in Time of War, a provision (Art. 63) was introduced, referring to the occupied territories, which requires to facilitate the existence and operation of “special bodies with non-military character“ with the aim of ensuring the living conditions of the civilian population by maintaining the essential public tasks by distributing aid and rescuing people. Since then, the progress of civil protection always remained in focus of the national and international public authorities, continuously developing both on the management and organization guidelines, with preventive action and efficacy. It is worth to point out that as in the case of the International Committee of the Red Cross²⁰, the Civil Protection emerged from the need to alleviate the sufferings caused by war, but later evolved into more comprehensive missions, containing humanitarian assistance for the effects of natural disasters and human activity accidents. In fact, in such moments, when the human resistance is tested against adversities of fate, the ICRC and civil protection agencies often act together in some operations where can be partners, also as elements of the armed forces.

In terms of the internationalization of civil protection, by expanding beyond the borders the effects of hostilities and disasters, the survival of the civilian population could not be ensured only by local and national measures, taken in the area of events. It is required that all the international cooperation and actions ensure all human, material and financial resources to communities hit by disasters. For these reasons, the International Organization of Civil Protection (ICPO) was born on the 1st of March, 1972 (since celebrated as International Day of Civil Protection), based on a constitution adopted by Member States in 1966 in Monaco and entered into force at the first general meeting of 1972. It is considered that the origin of ICPO lies in the Geneva Association Places, created in 1931 in Paris to support the creation of neutral zones and open cities witch in 1958 granted access to quality Member States.

¹⁸ C. Opreșă, *Apărarea pasivă în România*, în *Retrăiri istorice*, Karta Graphic Publishing House, 2011, vol IV, p. 156.

¹⁹ N. Dașcovici, *Războiul, neutralitatea și mijloacele de constrângere între state*, Bucharest, 1934, p. 152.

²⁰ *Crize-Roge Internaționale Course*, Geneve, 1971.

Nowadays, the organization has assumed the responsibility to promote the protection and safety of persons, goods and environment in case of disasters of all kinds: natural and manmade ones, and also to reunite national organizations summoned to perform this task²¹. For Romania, ICPO boosted bilateral agreements of civil protection, such as the agreements with Moldova (Sun of no. 196/1995), Hungary (Mon. of. No 44/2001 and 25/2005), Turkey (Mon. of. no. 151/2009) and France (Mon. of. no. 152/2009). At the same time, the increased globalization and the supranational integration imposed the creation of civil specialized protection bodies at regional and multilateral level, such as those in South-Eastern Europe, NATO and the EU as well as training of multinational military forces for humanitarian aid in situations of calamity, for example the Multinational Engineering Battalion Tisza (Mon. of. nr.815/2002). One must agree with the dedicated literature²² that expresses the belief that the benefits of internationalization civil protection operations will result in further improvement of international cooperation in this vital area of human existence.

All scientific research on civil protection operations emphasizes the connection between them and the IUD, in its customary forms (e.g. occupying power must take all measures to restore and ensure public life, specified by Article 43 of the Regulation of 1907 regarding the laws and customs of land war) and those conventional (duty to respect and protect civil protection bodies identified as such under Article 12 of Protocol I of 1977). It is irrefutable, that beyond the customary and conventional provisions of legal instruments, the doctrine of IUD²³ has always been concerned with outlining the tasks of civil protection and operational planning and organization in this field as well as specialized staff training. Therefore, IUD has its special role into the status of members of the armed forces and military units affected to civil protection agencies in accordance with Article 67 of Protocol I of 1977.

Finally, the actual national and international civil protection strategies refer to a wide range of political – administrative documents to improve the organization and the conduct of civil protection operations of any kind, as those adopted nationally and internationally. In the latter, we can include: the program of activities during 1997-1998 (RRDU nr.14/1996 ICPO);

²¹ RRDU no. 29-30/1999, RRDU no. 25/1999.

²² C. Zamfir, op. cit., pp. 352, 353 and C. Opreșă, *Rolul NATO în asistența dezastrelor, în politici și strategii în gestionarea conflictualității*, 2008, Bucharest, vol. IV, p. 153.

²³ I. Cloșca and I. Suceavă (1992 și 2000), I. Dragoman (1999, 2003, 2005 și 2010), S. Scăunaș (2001), I.M. Anghel and V.I. Anghel (2003), N. Purdr (2004), V. Bădescu (2007), I. Pîlșoiu (2007), D. Codiță și G. Ungureanu (2008), D. Ungureanu (2011), N. Lupulescu (2009), E. Popescu (2011); *Comentaire des Protocoles additionnels du 8 juin 1977*, CICR, Martinus Nijhoff Publishers, Geneve, 1986.

International Strategy for Disaster Reduction adopted at the UN, Romania's strategy for flood risk management (Mon. of. nr.720 / 2006); Strategy for emergency communication (Mon. of. no. 566/2008) and others , developed by national strategies, regional and global internal and external security strategies. These organizational and planning documents ensure that the humanitarian involvement in disasters, continuously improves the civil protection operations hoping to save human lives against any risks, threats and vulnerabilities. Their scientific research will be able to bring more knowledge and effectiveness in key areas of civil security defense and adverse consequences of disasters and accidents.

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