

THE INTERNATIONALIZATION OF CIVIL PROTECTION

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By definition, the meaning of the term “to internationalize” (transitive verb, coming from the French Internationaliser), is to acquire an international character, to make something become international or give something an international character. On February the 28th 1933, the Royal Decree no. 468 approved “The Operating Rules of the Passive Defense against air attacks” with the purpose of limiting the effects of the aerial bombing on the population and land resources in order to ensure “direct protection or to reduce the effectiveness of the attacks”. By its provisions, the active defense differs from passive defense.

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In 1939, the Parliament approved the Law for active and passive air defense, establishing training centers for passive defense ministries of Air and Marine, Public Works and Communications, Education, Health and Welfare, Railways and in each county, city and town. On February the 18th 1943, in accordance with the Instructions no. 440 the Territorial Air Defense Command Defense was organized, establishing the organizational structure and passive defense missions, designed to prepare, guide, control and manage

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all passive defense operations and train staff employment and population based laws, regulations, ministerial decisions, public ordinances and all provisions and orders of passive air defense of the territory. Furthermore, in 1943, the Special Intervention Division was founded, designed to intervene in centers bombed by the enemy, in order to remove unexploded bombs and defuse big fires, limit fire perimeters and remove the rubble, repair buildings damaged by fire and bombing, build hutments and camps for refugees and evacuees.

By the Decree No.24 in January 17th 1952, the Local Anti-aircraft defense was established by adopting the "Local Defense Air Defense Regulation". The Local Defense and Air Defense Command was founded as a part of the Ministry of Administration and Interior, which was organized in local anti-aircraft defense staffs on regions as administrative units in districts and cities. In 1978, the Local Anti-aircraft Defense changed its name into Civil Defense and its functions were diverse. In the next period, the unit was offered a new legal framework and other appropriate organizational structures and missions. Specific mission-driven disaster became obvious and clear, however, only after 1990, they become obvious.

After 1989, Romania ratified the legal frame, by the decree no. 224 of 11th of May 1990 and with the Additional Protocols I and II to the Geneva Conventions of 12 August 1949 concerning the Protection of Victims.

By the no. 45/01.07.1994 act, The National Defense Act was clearly specified and official name became "civil protection". In October 1996, the Civil Protection Law No. 106 was approved, establishing the civil protection structures and their functions. The contents of the Civil Protection Law points out that "the term civil protection" is a component of national defense, includes all measures and activities to ensure protection of population, material assets, cultural values and environmental factors, if war or disaster (Law 106/1996 was repealed and replaced in 2004 by Act no. 481). It is obvious that the civil protection activities, in all their developments, were located under the authority of both the armed forces and the Ministry of Administration and Interior (which is currently adopted after the approval of the Parliament no. 481/2004). By the Ordinance no. 179/26th of October 2000, previous to the law no. 481/2004, due to the unitary action and concerted intervention activities, the military and civil protection changed the jurisdiction, from the Ministry of Defense to the Ministry of Administration and Interior. Analyzing the evolution of civil protection in Romania, it can be certainly said that by now, the activities could be completed only through the participation of all internal forces, no matter the place or subordination which it had in times of crisis, caused by risks that were befallen our country. The authorized staff participation in prevention and rescue actions, clearing and

decommissioning emergency (disaster and theaters of military operations abroad), was known mainly after the Protocols to the Geneva Conventions of 1949 were ratified, and after the ratification in 1989 (May 1990), together with Romania's accession to NATO and EU.

Documents were signed by representatives of our country, under which Romania participated with forces and means of intervention, especially in Europe, are the living proof of the internationalization of Civil Protection, the need raising to a higher level of the structures that are part of the emergency management, with increased skills and responsibilities of the personnel involved in interventions abroad¹. Starting from the premise that civil protection is a component of national security, it is considered that the national security concerns and protection of social security, in many respects but also in cases such as natural disasters (natural disasters) or pollution due to industrial accidents or uncontrolled technical processes and technology. Homeland Security must ensure the most favorable environment for economical development and achieve welfare. The external security is primarily aimed at possible military aggression, border criminality and crisis management with latent territorial proximity, participation in external actions and peacekeeping intervention in vulnerable areas or outbreaks of armed struggle². In these conditions, it is easy to highlight both legislative and legal aspects of the main factual military participation in civil protection activities, known and more developed in the dedicated literature. When the Civil Protection was part of the Ministry of Defense, the activities have been under the command and responsibility of this ministry, so the military was being placed at the forefront of prevention and intervention on the occurrence and development of emergency risks. After switching to the Ministry of Administration and Interior, the armed forces are actively participating in prevention and intervention to support civil protection force. According to GD no. 2288/09.12.2004 (M.Of. No. 9/04.01.2005), there are a total of 12 senior positions including: monitor key risks, search and clearing, provide transport, provide accommodation, public order, logistics, etc.

The existence of these functions support the National Defense Ministry's tasks, which are identical with those of the Ministry of Administration and Interior, make the prevention and intervention activities in emergency situations, and also ease the approach and cooperation in many specific situations of acting management and intervention. These measures help to enable and effectively substitute when the magnitude of events goes

¹ St. Geantă, *Protecția civilă – dimensiune a securității naționale*, Telegrafica Publishing House, Bucharest, 2004.

² V. Nemeș, *Protecția civilă în sistemul securității naționale – prezent și viitor*, Teză de doctorat, Bucharest, 2006.

beyond the reach of disaster management units and authorized intervention is legally to the M.A.I. In this respect, the armed forces (meaning the soldiers) are prepared to meet any requirements in terms of civil protection activities with effective and appropriate means to the affected areas for speedy exit from the crisis caused by events and resume the normal course of life and health, starting the production activities in the shortest time.

For compliance with the requirements of participation in civil protection, there are legal regulations and structural prerequisites that certify the specific training of the armed forces of prevention, intervention and the support functions mentioned earlier. Some examples are illustrative. Civil-military cooperation (CIMIC in short) is a relatively new concept in military area. Although the activity itself is not a new phenomenon, it however has acquired new connotations, especially after 1990. The concept plays an important area of concern to NATO forces, arising from the need to cooperate and assist the central (local) structures and the civilian population in areas of armed conflict or of natural calamities areas or natural disasters. Therefore, as an active component of the military mission, CIMIC activity is designed to facilitate the interaction between commanders in theater operations for military forces and civilian society in general, and particularly for the military mission to be successfully in a highly heterogeneous civilian environment. Thus, the cooperation and the mutual support, existing or been established between the military, the central (local) administration, the international organizations, NGOs and the civil population, final goal is the achievement of all the objectives for the concerned parties.³ It must be mentioned that originally, during the since Second World War the concept of Population Affairs (civil affairs) appeared, when the U.S. troops were present in almost all theaters of operations, being in direct contact with multiple problems, generated by the interferences with local civilian populations and the difference in cultural diversity. Right after the great World War II, the concept was revised and improved, and the first major project 276 civil affairs was the Marshall Plan, whose remarkable results still manifest today.

The CIMIC concept was created during the Cold War and began to take shape only after the falling of the Iron Curtain and the massive involvement of multinational forces in theaters of operations, especially after the Gulf War lessons learned from early '90. With the Cold War and the initiation of new types of military operations, European countries began to develop the CIMIC operational structures. The CIMIC way of understanding the concept by most European countries is in line with NATO CIMIC doctrine⁴.

³ St. Bădescu, *Impactul acțiunilor militare asupra mediului*, Dreptul no. 10 / 2003.

⁴ C. Poenaru, *Dreptul Internațional Umanitar la începutul sec. XXI*, Romanian Humanitarian Law Association, Bucharest, 2003.

At the request of the Euro-Atlantic Coordination of Disaster Response, EADRCC, being member of NATO, Romania has offered its willingness to participate at the establishment of a multinational disaster response unit, with Intervention Detachment named in the inventory of the national body, as well as with experts from other ministries. As part of NATO, the Supreme Civil Emergency Planning Committee (SCEPC) examined the possibility of establishing the Euro-Atlantic capacity of response in case of disasters, for the benefit of countries in the Euro-Atlantic Partnership Council (EAPC), concluding that the Euro-Atlantic Response Coordination disaster (EADRCC) can give an answer to affected countries, upon request or through the UN Office of Coordination of Humanitarian Affairs (UN-OCHA)⁵.

The establishment and operationalization of Euro-Atlantic Disaster Response Unit (EADRU), composed of national elements provided by EAPC, the countries easily design a coherent framework for action in order to remove the consequences of any disaster, in less time, with lesser losses and smaller consumption. EADRU is a stable force, but a voluntary group of national elements for disaster intervention.

In this respect it is to be mentioned the main strands of civil protection in Romania:

- accomplishing the objectives set in an annual national training programs of the Alliance;
- a fully operational engagement within the alliance;
- addressing collective security and civil protection in the new Strategic Concept of NATO civil emergency planning
- progressive participation within structures and joint activities, organized and managed by the Committee of Senior Civil Emergency Planning (SCEPC) of NATO;
- ensure a real capacity of response, for collective civil protection and the implementation of other measures taken by NATO;
- a full standardization and interoperability with similar structures in other NATO countries.

Romania stands for the development of the European Security and Defense Identity (ESDI). By signing the "Memorandum of Understanding between the European Community and Romania" regarding the participation in the mechanism of strengthening the cooperation of specific civil protection assistance interventions, Romania acknowledged the importance of signing the documents of the associated states and joining the mechanism. The coverage of this instrument extends across Europe, the responsiveness and

⁵ N. Steiner, *Planificarea urgențelor civile*, Ufmann Publishing House, Bucharest, 2010.

efficiency is increased by the intakes of the states that signed the memorandum. In addition to receiving benefits and rights, the states will have to contribute as much as the Member States in order to maintain a high level of response in the structure⁶.

Active participant in the Organization for Security and Cooperation in Europe, Romania continues to participate in civil emergency management operations in case of disasters. The involvement in this operation, will demonstrate that Romania is fully committed to building the new architecture of security and collective protection, on regional and European level. Our participation will be based on the national interests of precautionary nature, to prevent and mutually notification of natural and technological disasters that may affect the territory of neighboring countries and provide assistance and humanitarian help in order to remove the effects. In Romania, the commitments will materialize in our participation in structures of civil protection and cooperation initiatives for the establishment of multinational forces, especially for support enforcement and humanitarian assistance missions. The integration into the International Civil Protection Organization (ICPO), led authorities to support the efforts imposed by the "World Plan of Action for the development of civil protection structures" adopted at the 11th World Conference on Civil Protection held in Beijing 26th to 28th of October, 1998.

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⁶ V. Nemeș, *op.cit.*, p. 4.