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**LEGAL TOOLS, INSTITUTIONS AND MECHANISMS
INVOLVED IN ACCOMPLISHING NATIONAL AND
INTERNATIONAL SECURITY GOALS**

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Abstract:

The complex issues pertaining to the national and international security cannot be tackled in the absence of an operational intervention on behalf of the international organizations. The latter need legal tools and efficient mechanisms in order to safeguard values such as peace, democracy and human rights, all of which uphold the modern evolution of contemporary society. With a view to this general truth this article focuses on analyzing the most important solutions to current security matters.

Key words: security, mechanisms, legal tools, international organizations, security systems.

An important distinction that needs to be made in order to better understand the ideas discussed in this article is the one between the terms of “legal instruments” and “mechanisms”. Thus, while the former refers to the documents underpinning the establishment of the international and national organizations or supporting the actions undertaken in the field of national and international relations, the latter means state and international establishments enabled to apply state level decisions.

As it becomes obvious from the short introduction above, covering such a wide array of issues is a difficult and challenging task. However, it is my firm belief that they must be approached since they are important landmarks for today’s world. As a result, no matter how many studies will be written on this topic, one can never claim it is enough because the focus of both the mechanisms and the legal tools employed for security purposes is the human being, the greatest of all creations. Therefore, I would like to emphasize that this article is built around the idea that all human endeavors should be directed towards serving humankind on a nondiscriminatory basis.

Collective security systems guarantee peaceful international relations, rule out the possible threats to state security and ensure commonalty of effort at regional and international level. Their underlying principles are participation and formal commitment. Thus, the concept of collective security is built around the agreement among a number of states undertake joint actions against any nation that may illegitimately break peace. As a result, aggressive actions perpetrated by any given state at any time are countered by the joint efforts of the world community.

The goals of the United Nations Charter can be exhaustively and yet concisely summed up as follows: “*(the UN Charter) grants an important role to interstate relations.*”

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As a result, the Charter sets out equality among states, the right of nations to decide their own fate, the respect for international commitments and the obligation to cooperate in order to ensure peace and progress”[1].

Even if at international level “*international peace and security fall into the area of responsibility of the United Nations, an organization of universal standing and mission*”[2], the same organization in its Charter, in Chapter VIII acknowledges the right of regional and state organizations to undertake individual actions in the pursuit of peace and security.

For the security systems to be effective, states must agree to defend the status quo, to fight against its violent break-up, to ensure that effective measures are taken against any state breaking international norms, to defend peace. Moreover, the states that are not directly influenced by the effects of an aggression should also participate in the sanctioning of a rogue state. Theoretically, the collective security system is based on the assumption that no state will ever aim at changing the current order of the world community and, should such a situation occur, then all states will honor their commitment to counter such an attempt. As such, the collective security system is preventive by nature.

From a legal standpoint, the concept of collective security bans employing force unless authorized by the institution in charge of the collective security system. Even though the contemporary international legal system acknowledges the right to self defense, the members of the collective security system plead in favor of joining their efforts to defend themselves against any aggression.

The main UN institutions: the UN General Assembly, the UN Security Council, The Economic and Social Council, the UN Trusteeship Council, The International Court of Justice and the UN Secretariat, as well as some of the subsidiary ones are, according to the UN Charter, responsible for promoting and securing human rights and fundamental freedoms.

Thus, the legal concepts of self defense and collective security do not exclude each other. Self defense is seen as a temporary measure that can only be taken when the collective defense mechanism starts working. Article 51 of the UN Charter allows for individual self defense only until the UN takes the necessary measures to maintain peace and international security.

Some of the institutions used as mechanisms to ensure national and international security are OSCE – an important actor in the international arena that contributes to ensuring regional stability, NATO – an organization with an important role in the Euro Atlantic security efforts, as well as the European Union through its Joint Security and External Policy that has undergone serious changes after the Lisbon Treaty. The conclusion that can be drawn upon a detailed analysis of the EU status and role is that the latter is both consequence of and incentive for globalization. Moreover, it is one of the most important economic and political centers in the world, as well as a pillar of Euro Atlantic security as a result of the multinational military missions to which it fully participated. Last but not least, the EU as a G20 and G8 member. Based on this conclusion we can argue that a cluster of factors related to the necessity to ensure the common European security has led to the Joint Security and External Policy that enables the EU to act an essential role in solving the problems of the contemporary world.

Within this context I believe it is important to underline the role of the European Council in safeguarding human security, as well as its activity in securing peace and security in Europe and in protecting human rights through its own political means. In addition, as a result of the EU armed forces’ participation into collective defense missions,

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the Union has established institutions and mechanisms, or issued laws designed to ensure the accomplishment of national security objectives.

Related to the analysis of the legal instruments and mechanisms, I believe it is important to also refer to the Romanian institutions in charge of defense and security. In this respect, I will only mention some of the most important institutions and structures since their number is quite large. Thus, the Romanian Parliament is in charge of the laws in the field of defense and security, Romania's Supreme Council of National Defense (CSAT) is enabled through the provisions of art. 119 from Romania's Constitution, republished, to organize and coordinate the activities concerning country defense and national security, as well as the participation into peace support missions and the collective defense actions undertaken by Romania as a NATO and EU member, as well as international security support activities. Moreover, the Romanian Government and the central and local authorities play an important role in the accomplishment of the defense and security goals. The aforementioned authorities have clear cut responsibilities established through the Defense Law no. 45/1994. In this respect, mention should be made that this law has not been fully updated despite the great changes that have occurred at national and international level. According to its provisions, Romania's Government must organize the activities and apply the measures concerning the national defense. The responsibility for ensuring a coherent and unified approach to the national defense and security system lies with the Supreme Council of National Defense (CSAT).

Another important role for the national and international security field is played by regional initiatives such as the Mediterranean Dialogue, the Black Sea Forum for Partnership and Dialogue, and the Process of Meetings of South East Defense Ministers, all of which will be overviewed in a future article.

In the end I should reiterate the idea that Romania's participation into multinational missions and regional initiatives grants our country a well defined role within NATO and EU, as well as in other international organizations. In this respect, it is worth reminding that our country's member status is nothing but a sign that Romania is a credible partner able to measure up to its commitment to international security goals.

In this respect, I would like to remind that, as a result of the legal tools already in place in the field of national security, Romania participates in missions led by the UN, NATO and EU, as well as by other important international organizations.

In conclusion, without going into too many details, this article focused on the main legal tools and mechanisms that ensure the accomplishment of national and international security goals. Moreover, I would like to underline that, as a result of the complexity underlying such a topic, a more detailed approach to it will be part of future research endeavors in the field.

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