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THE ROLE OF STATE INSTITUTIONS IN MANAGING THE SOCIAL CRISIS

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Abstract:

Knowledge is an essential part of an organization (including the military organization) and all of its components should be taken into consideration by managers and leaders. Considering the above mentioned aspects, the Romanian Armed Forces should develop a framework for enhancing the organizational memory, with emphasis on lessons learned and underlying the intangible value of human knowledge.

Key words: defence, control, legislative function, executive function, judicial function.

1. Introduction

In our country, the management of the social crisis that affects national security is achieved by all the legally constituted public authorities, who have responsibilities, mechanisms and tools for the design, planning, organization and control measures concerning public order.

2. State institutions and social crisis

The Parliament is a political and legal institution consisting of one or more bodies, assemblies or chambers, each consisting of a number of members (deputies, senators) which have greater or less influence.

The emergence of Parliament is connected to the requirement to participate in drafting laws and is based on the principle of delegating the exercise of the natural and inalienable right of the people to legislate through its representatives (delegates) so that they can express the legal will of the people.

The legislative function of the state imposed the Parliament's autonomy in the system of state authorities, seeking solutions that it is independent in exercising its powers, also constituting a counterweight to the executive power.

Parliament's powers are specific to the accomplishment at the highest level of the state management (exercise of national sovereignty). Parliament can not issue, control and can not cancel court decisions, as it is it does not fulfill a judicial office.

The Parliaments state activity is structured on the 3 key areas of activity: the legislative function, the executive and judicial functions. But legislating remains the most important empowerment of the parliament. As such, the parliament has the important role of adopting 3 categories of laws: constitutional, organic and ordinary. The parliament also

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has a role in further defining the directions of the main socio-economic, cultural, state and legal activities, in the parliamentary oversight, which in addition to the work on laws, sets directions for economic and social activity, the formation of state bodies; the Parliament also controls the performance of activities in the field of defense and public order in Romania, directly or through specialized committees, for which purpose :

Adopt laws including regulations relating to public order;

Reviews the compliance with the legal provisions on public order and calls for proposals to improve legislation in this area;

Gives a vote of confidence to the Government of Romania;

Controls the competent institutions on the application of legislation on public order.

The President of Romania. Stipulated in the Constitution, Chapter VI-Chief of state institution - is rooted in world history, states constituted as large human communities, grouped in more or less large territories, bounded by borders, included in the political system the institution of the Head of State. According to the Romanian Constitution, the role and attributions of the President are: powers related to legislating, organizing and functioning of public authorities, national defense and public order, foreign policy, and other functions such as grant decorations and honorary titles, etc. providing individual pardon etc. The President issues, in exercising his function, legal acts – decrees that may have normative or individual character.

The Country's Supreme Defense Council, within its constitutional powers, carries out the following activities: oversees the structure of the national system of crisis prevention and management of social crises, analyzes complex crisis, which requires exceptional measures as provided by law, reviews and approves the Action plans prepared for crisis prevention and management that impact upon the national security, adopts decisions on the crisis prevention and management that affects national security, mandatory for the citizens and the institutions whose activity it covers. The Supreme Defense Council is also involved in preventing, and solving crises, for which purpose:

Reviews the implementation of legal provisions relating to public order;

Reviews and approves documents for cooperation between different state institutions for the protection and defense of strategic objectives

Adopts measures issued by the ministries for resolution of crises.

The Romanian Government , according to the Romanian Constitution, consists of the Prime Minister, Ministers and other members as established by law. The Romanian Government is the institution that prepares and submits to the Parliament of Romania the “National Strategy for preventing and managing internal crises” and ensure the national implementation strategy. It organizes and is responsible for the operation of the National Crisis Center. It leads the activity of the central and local authorities to prevent and manage crises and in this sense cooperates with social organizations involved. It is also responsible for legal measures of protection of public order bodies subordinated to it, as follows:

Directs the Ministry of Interior and other state administration bodies with responsibilities in defending public order;

Provides training, conservation and use, according to destination, of the financial resources necessary for organizing specialized bodies;

Reviews and forwards the draft laws on public order;

Provides material reserves needed in crisis situations;

With the approval of the President of Romania establishes measures for the use of military in crisis and restoring public order.

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The Ministry of Interior, is the institution which works to collect information and data on the occurrence and development of crises, examines the factors that generate internal crises, improves the operational capacity of action of the subordinate structures with responsibilities in prevention and intervention in emergency situations, in order to normalize the economic, social, political and military areas. Other functions it covers: achieving specific measures to solve crisis, issuing military orders to establish a state of emergency following the occurrence of crisis situations affecting national security, the implementation of operational plans and cooperation to solve crisis in the area of responsibility, supporting the legal exercise of the powers of state authorities to prevent, control and removal of internal crisis, ensuring the legal transit of people and goods and compliance with state border regime during the crisis, intensifying the prevention and extinguishing of fire in crisis areas. It also leads the work in crisis situations and provides representatives to the National Crisis Center, working with public authorities and local institutions with responsibilities in the field and with similar bodies in other states under international agreements to which Romania is part. It participates, according to the law, in the establishment of international forces for the fulfillment of missions of training, assistance and cooperation in humanitarian law and order and for the managing of external crises. It analyzes information on the possibility of emergence of possible crisis due to economic situation, as well as changes in social relations, cultural and administrative parts of the country. Directs and controls the activity of local authorities and prefects to prevent internal crises and coordinates the management of these situations.

The Ministry of Interior is the specialized body of central public administration which shall, in accordance with the law, exercise the duties incumbent on the observance of public order, defense of rights and freedoms of citizens, of the public and private property.

At county level, the management of actions required to maintain or restore public order is the responsibility of the head of County Police Inspectorate. In case the police, in order to restore the public order, can not cope with the situation and uses large number of personnel (gendarmes), the responsibility for restoring the order passes to the commander of the large gendarmerie unit, who will also subordinate the units overwhelmed by the dynamics of actions in the operational units.

If the violent actions escalate and the main forces of order are about or have been overwhelmed, the responsibility lies with the commander of the Ministry of Defense designated to intervene.

The links between the forces participating in action during the crisis are established through radio and telephone networks, including their interconnection to telephone networks.

Depending on the circumstances, we can organize unique command points, composed of appointed representatives of all categories of the participating forces.

The centralized management will be done by the Ministry of Interior, through the general staff and will consist primarily in ensuring the overall use of the subordinated forces and means, in order to continue the fulfillment of tasks during the crisis, as well as those emerging.

The entire prevention, intervention and rehabilitation activity for the reduction and limitation of disasters is coordinated by a government commission headed by the Prime Minister of Romania, made up of ministers from the relevant structure. The activity is provided by a permanent technical secretariat.

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Subordinated to the Government Commission are nine central committees specialized on types of disasters, organized under the respective ministries, each with the respective Minister as chairman, as follows:

- Central Committee for floods, dangerous phenomena and construction accidents at hydrographic basins, the Ministry of Waters, Forests and Environmental Protection;
- Central Commission for Prevention and Protection against the effects of earthquakes and landslides, the Ministry of Public Works and Planning;
- Central Commission for nuclear accidents and falls of cosmic objects, the Ministry of National Defense;
- Central Commission for large explosions on the surface and underground, chemical accidents and very serious damage to pipelines and city gas, the Ministry of Industries;
- Central Committee for very serious accidents on the ways of communication, the Ministry of Transport;
- Central Commission for emergency medical assistance in disasters and epidemics, the Ministry of Health;
- Central Commission for Animal Health and monitoring radioactive chemical or biological contamination of plant or animal products, the Ministry of Agriculture and Food;
- Central Commission for large fires, the Ministry of Communications.

At the county level are formed committees to defend against disasters, which are led by prefects and heads of civil protection. Their subordinates are the municipal and town committees operating under the municipalities.

The missions assigned to the Ministry of Interior in situations of social crisis are actually an amplification of those performed in normal conditions, some having a higher share (security and defense objectives, intervention to combat manifestations of violence and restoration of rule of law, border security and surveillance, documents control and foreign citizens record, informative-operative activity) and others are performed at the usual parameters.

a) *The Police*

By law, the police is responsible for maintaining the public order. Maintaining public order aims to prevent situations requiring law enforcement actions.

The prevention of public disorder will be done in two ways:

- Social prevention, in the sense of the action of the social factors which contribute to the complexity of the social unrest causes to guide and influence them to normality;
- Prevention of situations by taking measures aimed at reducing opportunities to facilitate acts of disturbing the public order;

During the crisis, police will continue to meet the following specific tasks, conferred by law:

- Increased the informative – operative activity in order to gather information and data on the intentions of individuals prone to committing acts of disturbing the public order;

Centralization of such data and information and communicating them to the operating headquarters established to coordinate intelligence operations;

- Arrest of turbulent persons who managed to penetrate the gendarmerie troops;
- Performance, together with other public order institutions, of common interest activities to resolve situations that may occur in places where events take place;

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- Awareness of the morale of employees in units and companies, of any tense situations between employees and management, their attitude towards the turbulent, claims and possibilities of disorder and bringing them to the attention of the persons dealing with crisis management;
- Intensification of activities related to weapons, explosives and toxic substances for the operational knowledge of people who have illegal weapons, have a violent behavior and intend to use such materials;
- Taking all measures to prevent the stealing of explosives, radioactive materials and toxic substances from the facilities which produce them or use them in production;
- Facilitating the priority movement on certain routes, on orders, of the intervention units
- Prohibiting the access of vehicles and persons in areas where public order was disturbed;
- Providing their security and defense of the main targets and of those of competence, by own means or with other support received;
- Curbing the violent manifestations of large groups of people intending to travel to various locations where public order has been disturbed;
- Warning people not to perform activities that would hamper law enforcement intervention.

After restoring the order, the police have the important task of maintaining the public order, by using all means allocated by law.

b) ***Gendarmerie Troops***

Specific missions involving weapons to which the gendarmerie participates are the following :

- Participation in the announcement and sending to military units of human and material resources;
- Finding out the concrete, real status of the persons not present to the mobilization and recruitment;
- Ensuring the order and traffic fluency on roadways and railways in order to cover the border and executing the force maneuvers for mobilizations;
- Participation, on orders, to the implementation of the provisions of the evacuation plans of the population, businesses and public institutions;
- Increasing of the informative-operative activity for preventing and detecting acts of sabotage, diversion and terrorism at companies, public institutions and land transport;
- Supervision of compliance by the entire population with the measures in the orders of operations referring to public order and national security, and those of participating in the defense, civil protection and for the insurance of the supply of population with the basic necessities;
- Ensure coordination and control of the guard activity of goods and roads, support of units and civil protection formations;
- Supporting the restart of normal activities of the local authorities, after the release of the national territory temporarily occupied.

In its activity, the Ministry of Interior, ensure the enforcement of provisions of the Constitution, laws, decrees, Government decisions, treaties, agreements, conventions and agreements with other countries in specific areas of activity.

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c) Border Guards

In crises, large units and units of border guards will be employed in particular for:

- Increased actions to ensure the guarding and supervision of the Romanian state border, in order to prevent illegal border crossings, smuggling and any violations of legal norms on the border;
- Control of documents at the border crossing, of vehicles and luggage, to prevent the introduction into the country of weapons, ammunition, toxic and radioactive substances and to prevent the exit of people suspected to have used such means during turbulent actions ;
- Ensuring conditions for implementing the provisions of new laws on the legal regime of state, on the closure of crossing points or the entire border;
- Establishing new measures, if the situation requires, for the application of treaties, agreements, conventions and border protocols concluded by Romania with neighboring states;
- Participation in the restoration of the public order in some localities or areas in the border area;

d) Firefighters

Firefighters will continue to exercise duties and specific tasks. They should also be prepared to be employed in other activities such as:

- Controlling the enforcement of the law on preventing and extinguishing fires in areas where events occurred;
- Extinguishing fires caused by criminals, due to explosions or to the enforcement actions;

e) Passports and border police

In cases of serious disturbance of public order, the police and border passports units will focus on the following tasks:

- Maintaining public order in border crossing checkpoints and, if necessary, participate in its restoration when it was disturbed;
- Prohibition of leaving the country for persons or groups of persons known to have caused disturbances or were involved in them and want to leave Romania;
- Finding individuals wanted by Interpol or other foreign citizens intending to enter the country to amplify the effects of crisis or change the form of government in Romania;
- Mastery of the status of foreigners on the Romanian territory, their migration from one area to another in order to participate to turbulent activities ;
- Taking measures to detect those entering the country with weapons, explosives, radioactive, toxic substances or drugs;
- Implementation of the provisions of new laws regarding the legal regime of the state border, including certain restrictions ordered.

f) Intelligence units of the Ministry of Interior

Through the specific means and methods of work, they are involved in performing the following tasks:

- Supporting the command factors in organizing the protection measures for their own objectives and for those in their area of responsibility;
- Intensifying the measures for detection and prevention of economic and financial and banking activities that could result in tense situations and identifying businesses which generate significant revenues through fraudulent means;

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- Identifying the persons reported to initiate or perform acts of violence that endanger public order and those who by threats or blackmail force people to participate in the worsening of the crisis or instigate to civil disobedience;

- Ensuring the measures to protect the Ministry of Interior personnel against the actions of individuals or groups of individuals interested in disrupting the management and functionality of the units.

In cases where the main forces of public order can not master the crisis and are overwhelmed, they can call in units of the Ministry of Defense. They will operate under the Cooperation plans prepared in advance, in relation to the particular town or area where the crisis occurs. According to the stipulations in the Constitution, in relation to the gravity and danger of actions that manifest in the crisis, the state can establish emergency or martial law. Under these conditions, can be established and applied, mainly one or more of the following measures:

- Introduction of the military jurisdiction in that territory;
- Limiting the exercise of the rights of movement, including the removal of suspicious persons, foreigners and those who impede military operations;
- Limit the entry and exit of foreigners to / from the country up to closing borders;
- Takeover by the army of the attributes of the civil authorities;
- Prohibition or limitation of meetings, marches, rallies and strikes; television broadcasts;
- Handing over to the competent authorities of weaponry and ammunition held by citizens;
- Coverage by all media means of the measures established to restore public order and that the Ministry of Interior and Ministry of Defense are mandated to implement them.

Depending on the specific of the situation, but also on the provisions of the cooperation documents, the large units and armed forces units can be employed for:

- Free occupied objectives and towns and restore public order;
- Supporting surrounded forces, breaking the aggressor blockade;
- Land and air blockade of the area and the prohibition of supply of armament and ammunition to the aggressor groups;
- Strong defense of military targets or strategic importance;
- Evacuation and protection of the population which disagrees with the aggression;
- Reconnaissance of areas and arrest of the scattered groups of aggressors;
- Infiltration in the forces that triggered the internal aggression and performance of surprise actions.

To carry out the tasks set, large units and armed forces units can act independently, but in most cases, in cooperation with the Ministry of Administration and Interior.

Common mission for all the components of the public order and defense area:

- Increasing the specific tasks for crisis situations while mobilizing own units and supporting the execution of mobilization of units belonging to other ministries (central public authorities).
- Participating in measures to ensure the realization of mobilization through structures set on the own premises (in the districts of displacement) and those of public order insurance,

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- Participation in the search, discovery, signaling, neutralization, destruction and capture of hostile groups preparing diversion and sabotage actions;
 - Organizing the defense of special importance objectives, participation with the available forces in actions to fight for blocking and destruction of enemy airmobile and paratroops, in assessing the layout of units of the Ministry of Administration and Interior;
 - Protecting the population, of the sick, wounded and prisoners against violence of any kind, of robbery, abuse, muggings and abusive requisitions;
 - Participation in the evacuation of people, directing and guiding refugees convoys and directing the evacuated, as well as guarding material goods;
 - Countering terrorist actions and neutralizing terrorist and extremist groups, hostile elements isolated or in groups, and participation in the destruction of enemy resistance behind troops remaining on the offensive;
 - Reorganization of specific normal activities of the Ministry of Interior;
 - Ensuring and maintaining public order during the return of the evacuated population in the liberated areas and villages of origin;
 - Participation in the collection, transport and delivery of spoils of war;
 - Completing the personnel and material losses according to the legislation and the real possibilities of each area of responsibility;
 - Implementation by the garrison commanders of the provisions of laws, regulations and orders in support of orphans, invalids and war widows.
- f) General Directorate of National Archives and county branches
- Processing, at the request of citizens, of archival documents of special value to the national fund;
 - Ensuring, in cooperation with the gendarmerie troops, of the security of the national fund archives.

Undoubtedly, the crises are manifestations of discontent, of contradictions of any kind of circles or groups willing to take political power or even of diversionary actions performed by another state interested in destabilizing the country.

g) ***Romanian Intelligence Service***, organizes and implements activities to collect, check and use information necessary for the knowledge, prevention and counteraction of any actions which are, by law, threats to the national security of Romania. SRI provides protection of state secrets and prevents leakage of information that by law, can not be disclosed. In applying the law on the protection of state secrets, SRI organizes and executes the transport of official correspondence with such character throughout Romania. SRI also ensures, with priority, information on the possibility of the occurrence of a crisis situation, their evolution and impact of the measures and actions taken by the responsible authorities for managing social crises. It support with information the operations of the law enforcement forces involved in resolving social crisis and executes specific actions of prevention of diversion-terrorist acts and the disruption of such acts on national territory.

j) ***Foreign Romanian Intelligence Service*** is the state institution specialized in foreign intelligence regarding national security and the defense of Romania and its interests. It is part of the national defense system is organized and coordinated by the Supreme Council of National Defense.

In order to carry out its duties and to ensure uniform and consistent policy in the intelligence community working with external information, SIE works closely with ministries, public institutions and other bodies established by CSAT.

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Romanian Foreign Intelligence Service provides information necessary for the Romanian authorities to prevent and counteract external risk factors that can lead to social crisis affecting the national security, and also ensures the IT support of national forces in international crisis management operations in general.

3. Conclusion

I think the efficiency of the main forces would increase significantly when there is an appropriate legal framework that provides the personnel with the guarantee that the intervention to restore order falls wholly within the Romanian laws and international documents, and political forces in power assumes full responsibility.

Given the new conception of the Ministry of Administration and Interior to put exclusively within the jurisdiction of the gendarmerie forces the mission of restoring the law and order, I consider that the reorganization of these forces is a necessity, so as to provide strong mobile units on the geographical areas of the country able to intervene in a short time to resolve the crisis in their early stage, before the escalation of violence to the limit that can not be controlled.

Another conclusion which needs to be taken into consideration is that large units and military units need to orient their training programs to participate, in exceptional circumstances, in solving the crisis situations that may affect national security. It's hard to believe that in the next period, Romania will face an external military aggression by classic means, while an internal aggression aimed at the autonomy of certain of the country's regions, targeting the integrity of the Romanian state, is more likely. As such, the armed forces should not be taken by surprise by such a crisis, which if not dealt with very quickly and internationalized is likely to be settled in foreign chancelleries, against Romania's interests.

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