

EMERGENCY MANAGEMENT, CURRENT ISSUES AND PERSPECTIVES ON NATIONAL AND INTERNATIONAL LEVEL

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Abstract:

In the geostrategic context of multiplication and growth of the non-military risks upon the national security, at national level, a modern legal framework in the area of emergency management was established.

Through Government Emergency Ordinance no.21/2004, approved with modifications and completions through Law no.15/2005, National Management System of Emergency Situations was founded, with the purpose of preventing and managing emergency situations, which also ensures the civil protection management - component of the national security system, according to the provisions of Law no.481/2004 regarding the civil protection, republished.

Within this framework, were established: National Committee for Emergency Situations, under the direct management of the minister of internal affairs and coordination of the prime-minister, and the county, respectively the Bucharest Municipality Committees for Emergency Situations, under the coordination of the prefect - the local representative of the Government.

In regards to the international cooperation in the field, with The United Nations Organization, The North Atlantic Treaty Organization, and The European Union, it is to be remarked the fact that the management of the emergency situations is a national competency activity, these having only a supporting role for the member states and a debate forum role, through specialized structures constituted in this sense: United Nations Office for the Coordination of Humanitarian Affairs - the part of the United Nations Secretariat, The Euro-Atlantic Disaster Response Coordination Centre, Monitoring and Information Centre - within the European Commission.

Communication and public information plays a key role in the management of emergency situations.

Keywords: National Management System of Emergency Situations, the prefect, the European Union, the intergovernmental cooperation, good global governance.

1. Preliminaries

In the framework of membership in the North Atlantic Treaty Organization and the European Union, Romania plays an active role in promoting policies and mechanisms for building up new security architecture.

Since the first half of 2004, given the need for further integration into the European and Euro-Atlantic organization in the context of accelerating globalization trends, of radical climate change, of development of scientific experiments with unpredictable effects, of diversification of economic activities with hazardous substances, Romania has established a modern legal framework and improved management mechanisms capable of providing emergency management, consistently and professionally with a view to quickly restore normality.¹

In this respect, the National Management System of Emergency Situations was established on national level providing emergency prevention and management and civil protection management.

National Management System is composed of: emergency committees, the General Inspectorate for Emergency Situations, professional community public services for emergency, emergency operative centres and the master action.

National Committee for Emergency Situations is established within the National System, under the immediate leadership of the minister of internal affairs and coordinated by the prime-minister.

County and Bucharest emergency committees are organized and operating under the prefect of the county, and prefect of Bucharest respectively. The role of the prefect², as local government representative, is significant, being a chairman of the county emergency Committee and head of the civil protection, according to

¹ *Government Emergency Ordinance no. 21/ 2004 on the National Management System of Emergency Situations*, published in the Official Gazette of Romania, Part I, no. 361 of April 26, 2004, approved with amendments and supplements by *Law no. 15 of February 28, 2005*, published in Official Gazette of Romania, Part I, no. 190 of March 7, 2005.

² With reference to the role and duties of the prefect: Antonie Iorgovan, *Administrative Law Treatise*, Vol. All Beck Publishing House, Bucharest, 2005, pp. 538-539; Verginia Vedinas, *Administrative Law*, University Course, 7th Edition, Revised and updated, Universul Juridic Publishing House, Bucharest, 2012, p. 495.

Law nr.340/2004 on prefect and prefect institution,¹ republished, with subsequent amendments and supplements.

Although, within the European Union, security is an area that works on intergovernmental cooperation, which allows the state to maintain high degree of autonomy in decision-making process, in all fields of international relations the Union operates to ensure a high level of cooperation, including in assisting populations, countries and regions confronting natural or man-made disasters and promotion of an international system based on stronger multilateral cooperation and good global governance [Lisbon Treaty, Title V, Chapter 1 - General Provisions on Union's External Action, Article 21, par. (2), g-h), of the Treaty on European Union]².

2. Clarification of terminology

Within the meaning of the *Government Emergency Ordinance no. 21/2004 on the National Management System of Emergency Situations*, *emergency* is an exceptional, non-military event, which by its ampleness and intensity threatens the life and health of the population, the environment, the important material and cultural values; to restore the state of normality urgent measures and actions, additional resources and unified management of forces and means involved are necessary.

Within the meaning of *Law nr. 481/2004 on civil protection*, republished,³ with subsequent amendments and supplements *civil protection situation* is the situation caused by the imminence or occurrence of disaster, military conflicts and / or other unconventional situations which, by the level of severity, endangers or affects the life, environment, property and cultural and heritage values, according to the provisions.

Management of emergency situations consists in all activities developed and procedures used by policy makers, public institutions and services qualified to identify and monitor risk sources, evaluate information and analyze the situation, develop forecasts, establish the alternative action and implementation thereof in

¹ Published in the Official Gazette of Romania, Part I, no. 658 of July 21, 2004, republished in the Official Gazette of Romania no. 225 of March 24, 2008.

² Beatrice Andresan-Grigoriu; Tudorel Stefan, *European Union Treaties*, official version, consolidated as a result of the entry into force of the *Treaty of Lisbon*, Bucharest, Hamangiu Publishing House, 2010, pp.18-19.

³ Published in the Official Gazette of Romania, Part I, no. 1094 of November 24, 2004, republished in the Official Gazette of Romania, Part I, no. 554 of July 22, 2008.

order to restore the normality situation, as provided under Article 2, g), of Government Emergency Ordinance no. 21/2004.

Civil protection, a component of the national security system, is an integrated set of specific activities, organizational, technical, operational, humanitarian and public information tasks and measures, planned, organized and carried out to prevent and reduce the risk of disaster, protect the people, property and the environment against the adverse effects of emergencies, armed conflicts and to efficiently remove consequences thereof and to ensure necessary conditions for survival of people affected, according to Article 1, par. (1), of Law no. 481/2004.

3. Legal and institutional framework on emergency management in Romania

Under the National Management System, the National Committee for Emergency Situations ensures the fulfilment of specific tasks to achieve the objectives of the International Strategy for Disaster Reduction¹ in Romania.

General Inspectorate for Emergency Situations² coordinates at national level the institutions involved in emergency management, in line with internationally established, UN, NATO, EU specific principles, and other bodies to which Romania is a party and ensures the relationships with international bodies and organizations with responsibilities in emergencies, being a National Contact Point, according to the *Government Decision no. 1490/2004 for the approval of the Organization and Functioning Regulations and of the General Inspectorate for Emergency Situations organizational chart*, as amended and supplemented³.

Prefect, as chairman of the county / Bucharest emergency Committee and civil protection chief uses special funds allocated from the state budget and the

¹ *International Strategy for Disaster Reduction*, available on The United Nations Office for Disaster Risk Reduction, website: <http://www.unisdr.org/who-we-are/international-strategy-for-disaster-reduction>, consulted on 29.04.2013.

Fourth session Geneva, Switzerland 19-23 May 2013 Global Platform Highlights - Thursday, May 23, posted: 23/5/2013: Global Platform for Disaster Risk Reduction concludes in Geneva, urging greater role for private sector, communities and children. Available on the website:

<http://www.preventionweb.net/globalplatform/2013/news/view/33342>, consulted on 29.04.2013.

² General Inspectorate for Emergency Situations, available on the website: http://www.igsu.ro/organizare_despre_noi.html, consulted on 29.04.2013.

³ Published in the Official Gazette of Romania, Part I, no. 884 of September 28, 2004.

logistics of intervention in crisis situations in order to smoothly run these activities under Law no.340/2004.

Principles of emergency management are¹: *prediction and prevention*, priority protection and rescue of people's lives, *compliance with the fundamental rights and freedoms*, *accountability* for emergency management of the public administration authorities; *cooperation at national, regional and international level* with similar bodies and organizations; transparency of activities carried out for the emergency management, *continuity and gradualness* of emergency management activities, *efficiency*, *active cooperation and hierarchical subordination* of the components in the National System.

Emergency management, including also civil protection and fire protection, involves public information activities, for which reason during 2008-2010 the *National Strategy for Communication and Public Information for Emergency Situations*² was implemented, coordinated by the National Committee for Emergency Situations. The strategy is part of the package of measures needed to launch a national campaign for public education and information on emergency which was conducted in the "*Project of risk mitigation in case of natural disaster and emergency preparedness*"³, financed by the Loan Agreement between Romania and the International Bank for Reconstruction and Development.

According to *National Public Policy Strategy 2010-2013*⁴, natural or man-made disasters are challenges in the field of public policy, affecting the security of individuals.

It is well known the fact that Romania is in the European high risk area of devastating earthquakes, and this fact should be taken into account by the central and local public authorities, whose priorities should include permanent information of the population to make it develop appropriate behaviour - before, during and after emergencies.

The strategy was approved following confrontation with extreme weather phenomena - water overflows, floods, landslides - which required concerted efforts of the structures in charge for limiting and eliminating the effects they produce.

¹ Art. 3 of the Government Emergency Ordinance no. 21/2004.

² Approved by *Government Decision no. 548/2008*, published in Official Gazette of Romania, Part I, no. 426 of June 6, 2008.

³ The project was financed by the Loan Agreement between Romania and the International Bank for Reconstruction and Development, approved by *Law no. 389/2004*, published in Official Gazette of Romania, Part I, no. 934 of October 13, 2004.

⁴ Approved by *Government Decision no. 1040/2010*, published in Official Gazette of Romania, Part I, no. 721 of October 28, 2010.

For example, in early July 2010 in view of the critical situation caused by floods in Romania, (the Danube reached its highest level in history in Galati, threatening the entire city with its waters, and the Siret and Prut destroyed hundreds of homes, leaving thousands of victims and casualties), the authorities in Romania called Community support, activating the EU Civil Protection Mechanism. A few hours after this call, the first offers of assistance have arrived from neighbouring states (teams of specialists, pumping and water filtration systems and power generators), and Kristalina Georgieva, the European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response visited the flood affected areas, appreciating the European solidarity demonstrated also in the case of floods in Romania.¹

4. Legal and institutional framework in the field, on European Union (EU) level

In the area of humanitarian action, including humanitarian aid and civil protection under the Treaty of Lisbon entered into force on December 1, 2009, the European Union may conduct operations and a European policy to complement the Member States policy, whereby the European Commission ensures that national and European actions are properly coordinated, which means that the Union has *derogatory shared competence* in this matter.²

The European Union has two main instruments to mobilize skills and resources in the field of **civil protection** and **humanitarian assistance** in order to ensure legally based, rapid and effective response, namely the Treaty of Lisbon provisions: Article 196 of the Treaty on the Functioning of European Union (TFEU), Part III - *Union policies and internal actions*, Title XXIII - Civil Protection, which allows the EU to improve European coordination in disaster, and article 122 of the TFEU, Part III, Title VIII - Economic and Monetary Policies, Chapter 1 - Economic Policy, which provides the establishment of solidarity financial assistance.³

¹ *EU Civil Protection Mechanism - European Solidarity in Critical Situations*, European Commission Representation in Romania, 23/09/2010, available on the website: http://ec.europa.eu/romania/news/articole_si_dialoguri/art_iul_mecanismul_ue_de_protectie_civila_ro.htm, consulted on 22.04.2013.

² *General Directorate for Humanitarian Aid and Civil Protection*, available on the website: http://europa.eu/legislation_summaries/humanitarian_aid/r10003_ro.htm, consulted on 27.03.2013.

³ Beatrice Andresan-Grigoriu; Tudorel Stefan, *EU Treaties*, Bucharest, Hamangiu Publishing House, 2010, works cited, pp.133-134 and p. 94.

According to the Treaty of Lisbon, art. 214, par. (1) TFEU, Part V - *Union's External Action*, Title III - Cooperation with third countries and humanitarian aid, Chapter III - Humanitarian aid: EU actions in the field of humanitarian aid are conducted within the principles and objectives of the Union's external action and the actions of the EU and the Member States are complementing and reinforcing each other; according to art. 214, par. (7): the Union ensures that its humanitarian aid operations are coordinated and consistent with those of the international organizations and bodies, in particular those forming part of the United Nations.¹

Fundamental humanitarian principles underlying the actions in the field of the European Union are: *humanity* - assumes that human suffering must be fought wherever it is found, with particular attention to the most vulnerable segments of the population and respecting, protecting the dignity of all victims; *neutrality* - humanitarian aid does not favour any side in a conflict or dispute, *impartiality* - humanitarian aid must be provided solely on the basis of need, without discrimination between or within affected populations, *independence* - autonomy of humanitarian objectives in relation to the political, economic, military or other objectives and must ensure that the only purpose of humanitarian aid remains the relief and prevention of crisis suffering victims.²

According to the EU Commission's Communication of February 23, 2009³ the Union territory is affected by natural or man-made disasters, and the number and incidence is increasing particularly due to climate and urban change, and industrial development. European Commission shows that a European approach should enhance the effectiveness of preventive action and complement of national

¹ Beatrice Andresan-Grigoriu; Tudorel Stefan, *EU Treaties*, Bucharest, Hamangiu Publishing House, 2010, works cited, pp. 141-142.

² *Joint Statement of the Council and the Representatives of the Governments of the Member States convened within the Council, the European Parliament and the European Commission* (2008 / C 25/01), 30.1.2008, Official Journal of the European Union C 25/1, available on the website: <http://eur-lex.europa.eu/LexUriServ/Lex>, consulted on 25.04.2013.

³ *Commission's Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions* of February 23, 2009 entitled "A Community approach on the prevention of natural or man-made disasters", Not published in the Official Journal, available on the website: http://europa.eu/legislation_summaries/environment/civil_protection/pr0005_fr.htm, consulted on 15.04.2013.

actions in certain areas, and citizens need to be better informed about the preventive measures and the existence of the emergency call number 112¹.

Regarding the institutional framework, to strengthen cooperation between Member States in cases of natural, industrial or man-made crisis and emergency, the EU introduced in 2001 the Community Civil Protection Mechanism².

The main role of the mechanism is to facilitate cooperation in civil protection assistance interventions in the event of major emergencies, in accordance with the *principle of subsidiarity*, by offering support upon the request of the affected country. This occurs by pooling the civil protection capabilities of the participating states³, when the affected country is not ready enough to provide an adequate response in terms of available resources.

Civil Protection Community Mechanism has a number of tools to facilitate both adequate preparedness and effective response to disasters in Europe:

*Monitoring and Information Centre (MIC)*⁴ is the operational heart of the Mechanism, working closely with national crisis centres across the 32 countries participating in the Mechanism (EU-27, Croatia, the Former Yugoslav Republic of Macedonia, Iceland, Liechtenstein and Norway). MIC intervention and support teams sent by EU for a disaster area are subject to local laws and remain under the supervision of national authorities of the affected country.

¹ European emergency number 112 was established by Council Decision of 29 July 1991 (91/398/EEC). The single European emergency number 112 was set up so that European citizens in distress situations are able to get through to the emergency services in all Member States, according to the website:

http://ec.europa.eu/echo/policies/disaster_response/112_en.htm, consulted on 29.04.2013.

² *Humanitarian aid and civil protection, The Community mechanism for civil protection* It is a tool that enhances community co-operation in civil protection matters and was established by the Council Decision of 23 October 2001. A Recast of this Council Decision was adopted on 8 November 2007. Available on the website:

http://ec.europa.eu/echo/policies/disaster_response/mechanism_en.htm, consulted on 29.04.2013.

³ 27 EU Member States and Other participating States (Iceland, Liechtenstein, Norway, Croatia, former Yugoslav Republic of Macedonia). Since its creation in 2001, the Mechanism has been activated for over 150 times, for very different types of disasters, according to the website:

http://ec.europa.eu/echo/policies/disaster_response/mechanism_en.htm, consulted on 29.04.2013.

⁴ *Monitoring and Information Centre*, available on the website: http://ec.europa.eu/echo/policies/disaster_response/mic_en.htm, consulted on 28.04.2013.

*The Common Emergency and Information System (CECIS)*¹ is a web alert system created with the intention to facilitate emergency communication between participating states, which provides an integrated platform to send and receive alerts.

A *training programme* ensures compatibility and complementarity between the intervention teams of the participating countries, through training, joint exercises and exchange of experts.

Civil protection modules are made of national resources from one or more Member States on a voluntary basis.

Regarding the challenges related to the implementation of the *European Consensus on Humanitarian Aid* (2007) and *Action Plan* (2008)², in 2010, the European institutions involved have communicated³ that for continuous application the following issues must be taken into account: the lack of a more accurate allocation of tasks, of a better exchange of information and expertise, and of a clearer division of labour, while the EU will quickly deplete the leadership potential and the ability to have a concerted contribution to the overall improvement of humanitarian response.

With reference to the European legislative instruments for disaster risk management, we provide the following examples: *SEA Directive on environmental impact of public and private project*⁴, *Seveso Directive on technological hazard*⁵, and the provisions relating to anti-seismic technical standards of construction and management of floods and oil spills.

In the future, until June 1, 2015, the date on which the new legislation on chemicals classification becomes fully applicable in Europe, Member States have

¹ *The Common Emergency and Information System*, available on the website: http://ec.europa.eu/echo/policies/disaster_response/mechanism_en.htm

² *Commission of The European Communities*, Brussels, 29.5.2008, *Commission Staff Working Paper, European Consensus on Humanitarian Aid – Action Plan*, available on the website: http://ec.europa.eu/echo/files/policies/consensus/working_paper_en.pdf, consulted on 12.04.2013.

³ *Communication from The Commission to The European Parliament and The Council The mid-term review of the European Consensus on Humanitarian Aid Action Plan - implementing effective, principled EU humanitarian action*, European Commission, Brussels, 8.12.2010, available on the website: http://ec.europa.eu/echo/files/policies/consensus/mid-term_review/1_EN_ACT_part1_v21.pdf, consulted on 28.04.2013.

⁴ *Strategic Environmental Assessment – SEA*, available on the website <http://ec.europa.eu/environment/eia/sea-legalcontext.htm>, consulted on 30.04.2013.

⁵ *Chemical Accidents (Seveso III) – Prevention, Preparedness and Response*, <http://ec.europa.eu/environment/seveso/index.htm>, consulted on 30.04.2013.

to transpose and implement the Seveso III to Directive 2012/18/EU, adopted on July 4, 2012 and entered into force on August 13, 2012.¹

Regarding international cooperation, European Commission states the concordance of the *EU Strategy for supporting disaster risk reduction in developing countries*² with the *International Hyogo 2005 - 2015 for Disaster Reduction*³.

5. Legal and institutional framework in the field, of North Atlantic Treaty Organization (NATO)

*The Euro-Atlantic Disaster Response Coordination Centre (EADRCC)*⁴ was designed as a regional coordination mechanism to support and complement the efforts of the UN; it is NATO main mechanism for response to civil emergencies in the Euro-Atlantic area, and involves 28 NATO allies plus 22 partner countries and works to coordinate assistance requests and offers in case of natural and manmade disasters. The EADRCC also serves as a tool for exchange of information on disaster assistance and annually carries out large-scale field exercises (it carried out such exercises in Ukraine, Croatia, Russian Federation, Uzbekistan, Romania, Italy, Finland, Kazakhstan, Armenia, Turkey, and Moldova).

*Civil Emergency Planning Committee (CEPC)*⁵ also supervises EADRCC activities at NATO Headquarters, which acts as a central point for coordinating disaster relief efforts among NATO and partner countries and in countries where NATO is engaged in military operations.

¹ *Chemical Accidents (Seveso I, II and III) - Prevention, Preparedness and Response*, [European Commission](http://ec.europa.eu/environment/seveso/), available on the website: <http://ec.europa.eu/environment/seveso/>, consulted on 30.04.2013.

² *Communication from the Commission to the Council and the European Parliament EU Strategy for supporting disaster risk reduction in developing countries*, Brussels, 23.2.2009 This Communication proposes an EU strategy for supporting DRR in developing countries through both development cooperation and humanitarian aid, to help support the 2005 Hyogo Framework for Action. Available on the website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do> (...), consulted on 30.04.2013

³ *Hyogo Framework for Action (HFA), Building The Resilience Of Nations And Communities To Disasters*. It was endorsed by the UN General Assembly in the [Resolution A/RES/60/195](#) following the 2005 World Disaster Reduction Conference, held in Kobe, Hyogo, Japan, from 18 to 22 January 2005. Available on the website: <http://www.unisdr.org/we/coordinate/hfa>, consulted on 27.04.2013.

⁴ *The Euro-Atlantic Disaster Response Coordination Centre*, available on the website: http://www.nato.int/cps/en/natolive/topics_52057.htm, consulted on 27.04.2013.

⁵ *Civil Emergency Planning Committee*, available on the website: http://www.nato.int/cps/en/natolive/topics_50093.htm, consulted on 27.04.2013.

The subsidiarity principle governs NATO operations in the field; the intervention of the organization is achieved only when the affected state is beyond its capacity, based on the application thereof.¹

EADRCC tasks are performed in close cooperation with the United Nations Office for the Coordination of Humanitarian Affairs, which keeps the leading role in coordinating international disaster relief operations.

6. Legal and institutional framework in the field, of the United Nations (UN)

*United Nations Office for the Coordination of Humanitarian Affairs (OCHA)*² is part of the United Nations Secretariat and has the mission of mobilizing and coordinating humanitarian action in partnership with national and international actors in order to alleviate human suffering in disasters and emergencies, and to promote preparedness and prevention, and to facilitate sustainable solutions.

*International Search and Rescue Advisory Group (INSARAG)*³: Group activities are guided by UN General Assembly Resolution 57/150 of December 16, 2002 on "Strengthening the effectiveness and coordination of urban search and rescue international assistance", and INSARAG Hyogo Declaration adopted at the global meeting in 2010 in Kobe, Japan.

7. Conclusions

National experience in the field has shown that the National Management System of Emergency Situations is, by its components with permanent and temporary activity at central and local level, able to uniformly and professionally ensure emergency prevention and management, and civil protection in a process of continuous adaptation of skills and capabilities needed to provide an adequate response to the new challenges against national security.

¹ Constantin Mostoflei, Grigore Alexandrescu, Cristina Bogzeanu, *Consequences management*, the "Carol I" National Defence University, Centre for Defence and Security Strategic Studies, "Carol I" National Defence University Publishing House, Bucharest, 2009, p 26, available at site:

http://cssas.unap.ro/ro/pdf_studii/managementul_consecintelor.pdf, consulted on 27.04.2013.

² *United Nations Office for the Coordination of Humanitarian Affairs*, available on the website: <http://www.unocha.org/about-us/who-we-are>, consulted on 27.04.2013.

³ *International Search and Rescue Advisory Group*, available on the website: <http://www.unocha.org/what-we-do/coordination-tools/insarag/overview>.

As shown, the prefect has a key role at local level in this area, providing leadership of emergency committees in the county and in Bucharest, as the representative of the Government, in the light of the constitutional provisions¹ according to which the Government oversees public administration.

European Commission stresses in the content of its communications that disaster prevention measures are primarily at national level, as emergency management is a responsibility of Member States.

As new risks and threats against security have a trans-boundary nature, they often have a trans-national impact and may affect the growth and competitiveness of the European Union and free movement of European citizens in Europe, complementary measures are taken for natural or man-made disaster management by facilitating the mobilization of skills and resources in civil protection and humanitarian assistance to enable improved coordination of interventions and use of existing tools.

Thus, the emergency management involves actions undertaken both inside and outside national and European borders.

Regarding the EU and NATO intervention, it is done based on the following principles: *subsidiarity* (they only intervene if their presence is necessary and only if they can bring added value to national action), *solidarity* (making databases which include capabilities of the states able to intervene in such cases where an event exceeds the capacity of a single state), *cooperation* between Member States and *interoperability* developed by conducting training and workouts.

The same principles underpin the cooperation with other international organizations, hence the foundations of cooperation and interoperability at international level are established,² for good global governance.

¹ Art. 102 par. (1) of the *Constitution of Romania*, published in the Official Gazette of Romania, Part I, no. 233 of November 21, 1991, republished in the Official Gazette of Romania, Part I, no. 767 of October 31, 2003.

² To the same effect, Dr. Constantin Mostoflei, Dr. Grigore Alexandrescu, Cristina Bogzeanu, *Management of Consequence*, "Carol I" National Defence University Publishing House, Bucharest, 2009, cited works, pp. 61-62, available on the website: http://cssas.unap.ro/ro/pdf_studii/managementul_consecintelor.pdf.

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