

## **7. Civil-Military Relations in Romania: Objectives and Priorities**

### **I Introduction**

The end of the Cold War objectively marked the end of an Old World and the beginning of a new one, yet things became somewhat more complicated from a subjective viewpoint. Many of us, on both sides of the Iron Curtain, got used to talking about overcoming the bipolarity of the Cold War. This we must overcome in our minds before we can tackle the new reality in a new way of thinking.

Naturally enough, the aspirations of many a Central and East European nation, suppressed for half a century, focused, from a very early stage, on the European Union and NATO, the Alliance being perceived as a guarantor of freedom, democracy and, ultimately, prosperity.

The beginning of NATO enlargement and the admission of the first three new members, apart from its political and military significance, stands as a concrete proof of the end of the Cold War mentality, but only on the condition that the enlargement process would continue and that the countries wishing to join and able to prove that, by so doing, would strengthen security and stability, have the actual possibility of becoming NATO members.

In the Madrid and the Washington Declaration the West has made a political pledge towards South-East Europe, being aware that, as the developments of recent years have proved, general stability in Europe is closely linked to the stability of this region.

Indissolubly linked to the Western political and economic system, Romania has constantly stated, and proved, before and after Madrid, that she sees no alternative to the integration into the Alliance. This objective, of major interest for her security and development, is confirmed by the public opinion polls, which rank Romania ahead of all the other Central and East European countries.

The Washington Declaration acknowledged the progress made by Romania towards consolidating democracy and the rule of law. This assessment was connected with the necessity to build stability, security and regional co-operation of the Southeast European countries and promote their integration into the Euro-Atlantic community.

Romania is ready to join NATO and, after Washington, has made considerable strides towards democracy, stability and military preparedness according to Alliance standards. The democratic solution of the national minorities' issues and the participation of representatives of the Magyar minority in the government have contributed to consolidating the Romanian-Hungarian partnership and set an example for interethnic relations.

Romania is a true supplier of regional security and stability by virtue of her good neighbour relations based on bilateral treaties and a network of bilateral and trilateral political partnerships in Central and Eastern Europe. We have a genuine potential for confidence building thanks to our active participation in PfP programmes, peacekeeping missions and the essential role she played in the multinational peace force in South-East Europe.

Romania can play a positive role in the political and military developments in the region. The necessity to ensure a safe and economically efficient transport of Caspian oil and gas to Western Europe is another area in which Romania can play a positive role. Together with the members of the Alliance, Romania could make a positive contribution to the Alliance's collective **defence** system and the increase of its capacity to react to the multiple threats originating in the potentially unstable adjoining areas, seeing that, among others, the reform of the **Romanian** military institution was carried out in compliance with NATO standards.

## II Democratic Control over the Armed Forces

Setting up the legislative framework necessary for the smooth functioning of the military institution and strengthening its democratic and civilian control are basic elements of the military reform.

The 1990-1999 period saw the adoption of laws and governmental decisions that regulate the foundation, organisation and functioning of various military bodies, as well as Romania's international military relations and participation in PfP and peacekeeping missions.

According to the Constitution, the armed forces, as part of the executive power, are placed under the direct control of Parliament, the President, the Government, the **Defence** Minister and the Supreme Court of Justice.

The control exerted by these authorities primarily consists of the approval by the Parliament and the Government of the framework documents concerning **defence** activities (the National Security Strategy, the Military Strategy, the programmes of constitution, modernisation and preparation of forces), as well as the **defence** budget as part of the State budget. At the same time, the empowered public authorities watch over the way in which resources allocated to the army are used in compliance with the approved programmes. Apart from these public authorities that represent the classical power structures in the State, the armed forces are also subject to the direct control of the Supreme National **Defence** Council (SEND), the Constitutional Court and the Court of Audit.

Thanks to the transparency of the military activities and the efforts towards reform and Euro-Atlantic integration, the population holds the army in high esteem. Significant steps in the field of democratic and civilian control of the armed forces in the post-Madrid and post-Washington period are as follows:

- Setting up the conceptual and legislative framework for implementing a new **defence** system, similar to that of the NATO member countries;

- Elaboration of Romania's Strategy of National Security White Book of Defence and Military Strategy adopted by SEND and presented by the President.
- Increasing the share of the civilian staff working in the central structures of the Ministry, including leadership positions;
- Creating the civilian position of Secretary General of the Ministry of **Defence**, in charge of co-ordination the relations with the public authorities and non-governmental bodies;
- Increasing the volume of information supplied to Parliament (including documentary visits by MPs and participation in exercises);
- Improving the public relations services;
- Increasing the share of representatives of the political parties, media and civilian dignitaries among the students of the National **Defence College**.

According to the Constitution, **the President** of Romania represents the Romanian State, and is the safe guard of the national independence, unity and territorial integrity of the country. He supervises the proper functioning of the public authorities. Provisions defining the presidential institution are contained in article 80 of the Constitution (1), which indicate that the President of Romania is the Head of State, entrusted with the prerogatives in this political and administrative institution.

The relationship between the President and the Armed Forces are circumscribed to the sphere of Constitution and are divided between the presidential authority and the executive body.

Article 92 of the Constitution defines the President as Commander-in-Chief of the country's Armed Forces. The same provision is in the Article 3 of Law No 39/1990 concerning the presiding role of the President over the Supreme Council of Defence. The constitutional legislation has, however, excluded the possibility for the Head of State to have independent decision in exercising this attribution, making it mandatory that the declaration of the armed mobilisation has to be approved by the Parliament. A further safety measure against such types of decisions lies in the legal stipulation according to which the

declaration of the mobilisation has to be finally debated in the Supreme Council of National Defence. Thus the Prime Minister and other important decision-makers are involved in this type of decision.

Alongside the President, the Government represents the second structure at the national strategic level leadership. According to its constitutional role, the Government is entrusted with two functions: a) it ensures the implementation of the domestic and foreign policy of the country; b) it exercises the general management of public administration.

The Executive is enabled to negotiate international treaties on behalf of Romania and also agreements, conventions and other intergovernmental documents. Such international treaties, negotiated by the Government, are strongly related with the military co-operation between the Ministry of National Defence (MND) and foreign ministries of defence.

Concerning the general management of the Armed Forces the executive implements measures adopted in conformity with the law, for the general organisation and endowment of the armed forces and for the annual contingents of citizens called upon for the military service.

The role of the Supreme Council of National Defence is to organise and co-ordinate in a unitary manner two of the fundamental public services national defence and security.

The Council has a particularly important role in the exercise of control over the Army, deriving from the nature, number and importance of the attributions assigned to it by law, as well as from its composition. As far as the nature, number and importance of attributions is concerned, it has to be noted that all major issues coming within the ambit of national defence are taken up by the Council mandatory and prior to their examination by any other public authorities.

These issues are being debated by leading personalities of the political system, under the chairmanship of the Head of State. Debates are finalised either by the adoption of proposals addressed to Parliament

or to the President and aiming at the approval of solutions agreed upon during the reunions, or by the approval of the Army's proposals.

In accordance with the article 2 of the "Law no.63/2000 for the approval of Government Decision no.52/1998 on defence planning", the Romanian Defence Planning is based on political and strategic decisions and options of the Romanian Parliament, President and Government, as well as other public institutions that assume national security and defence responsibilities.

Romania's security policy is based on the prevention, deterrence and peaceful solving of crises and conflicts that could affect interests and values of the Romanian State.

According to the **Romania's National Security Strategy**, the main national interests are:

- Guaranteeing the fundamental rights, freedom and security of its citizens;
- Consolidation of a democratic political regime, based upon the respect of the Constitution and the supremacy of law;
- Ensuring the existence of Romania as a national, independent, sovereign, unitary and indivisible state;
- Supporting the relationship with the Romanian Diaspora with the view of maintaining their identity;
- Ensuring the status of Romania as a security and stability provider in Europe.

In order to promote and defend its fundamental interests, Romania will act by political, juridical, diplomatic, economic, social, military, public relations and intelligence means, as well as by the co-operation with other states and international organisations. Romania is not considering any state as potential enemy.

The defence policy objectives of Romania are the following:

- Optimisation of the defence capability;
- Integration into the North-Atlantic Alliance military structures;
- Enhancing the contribution to regional stability.

The defence policy directions of action are the following:

- Development of the capabilities of the fighting structures;
- Ensuring the necessary defence resources;
- Development of the human resources, intensifying the training of the military personnel;
- Modernisation of the military education;
- Improvement of the procurement system;
- Restructuring of the defence industry;
- Strengthening the relations with the civil society;
- Keeping tight relations with the armed forces of other states and international organisations.

### **III Romanian Defence Policy And The Planning System**

The overall activity regarding defence planning is developed according to Law no.63/2000 for the approval of the Government Ordinance no 52/1998 regarding Romania's national defence planning. The defence planning is that activity by which the volume, structure and manner of allotting (natural, human, material and financial) resources are established accordingly to the fundamental objectives and interests of Romania's national security and defence. By this system are accomplished:

- The establishment of the public authorities' responsibilities in the security and national defence field;
- The correspondence between the objectives of national security and defence, the policy chosen for their achievement and the resources that can be provided for this purpose;
- The compatibility of the Romanian defence planning system with that of NATO member states.

The main steps of the defence planning process refer to:

- Identification of values and national interests, as well as of the risks and threats against them;
- Defining the objectives of national security, the policy for their achievement and counteracting the identified risks and threats;

- Establishing the responsibilities of the state bodies in the area of national defence and security;
- Settling the force missions, organisation, modernisation and training;
- Determining the required resources and their allocation for force establishment, modernisation and training.

The main documents issued in the framework of national defence planning system are the following:

- **Romania's National Security Strategy** – fundamental document that underlies the defence planning at the national level; it is put to Parliament by the Romanian President, within 3 months since he was mandated; its evaluation scope covers 4 years, with a long-term view. The Strategy establishes the national interests, risks and threats, the defence policy objectives, as well as the ways of acting in order to ensure national security.
- **The White Paper of the Government represents** an elaborated document meant to implement the provisions of the Romanian National Security Strategy. The White Paper establishes the main objectives and tasks of the institutions responsible for ensuring national security and defence, as well as the resources (human, material, financial etc.) that are to be allotted yearly; the White Paper is approved by the Parliament, within 3 months since the vote of confidence was granted and it covers the same validity period as the Romanian National Security Strategy.
- On the basis of the Romania's National Security Strategy and the White Paper, the Ministry of National Defence, as the authority in charge with the military defence of the country, issues the **Romanian Military Strategy**. This document contains the major military policy objectives and options of the Romanian State, for the period of time the Romanian National Security Strategy is valid. The document is to be approved by the Government in less than 45 days since the approval by the Parliament of the White Paper of The Government, and it establishes: forces structure, missions, organisation, procurement, level of training and readiness, logistic support and infrastructure necessary to the military system in order to achieve the national security objectives, as well as the concept of training and engagement in military operations. Also it comprises the



military actions required to fulfil the cooperation, partnership, alliance commitments assumed by Romania at international level.

- Based on the provisions of the Romania's Military Strategy, the Minister of National Defence issues the **Defence Planning Guidance** which is the main document used by MOD bodies, specialised in planning the structure and force capabilities, for: prioritising the allocation of resources, issuing policies and drawing up specific programmes;
- The chiefs of central structures in the Ministry of National Defence issue **Planning Orders** for the chiefs of the subordinated structures. These Planning Orders represent the basis for the subordinated structures in order to issue proposals and drafts of the Strategic and Operational Plans for forces employment;
- Based on **Programs for the Armed Forces Establishment, Modernisation and Training**, the Annual Plan for the Romanian Armed Forces Modernisation and Training is issued, simultaneously with the Defence Budget draft for the next fiscal year.

The Supreme Council of National Defence co-ordinates the unitary application of the measures taken by Government, ministries and other public institutions, responsible for defence, public order and national security.

According to the law on defence planning, a new resource management system (Planning, Programming, Budgeting and Evaluating System–PPBES) is under implementation within the Ministry of National Defence.

PPBES has in view the development of the Romanian Armed Forces establishment, modernisation and training process in an integrated system, based on programmes. These programmes include: the building up, organisation, procurement, training and maintenance of forces designed to ensure national security and defence, according to the missions established by political leaders and to the financial resources.

The human resources management system is integrated into the overall system of military body management. The new “pyramid of the

functional structure” of the personnel is designed and based on new concepts and principles of the military careers.

The process of acquisitions is established as an integrated management in which three systems have the power of decision through their interaction:

- **Requirements Assessment System:** established by the 1001 Directive of the MoD; the responsibility belongs to the General Staff and to the Services Staffs; directed by the Requirements Surveillance Council.
- **Acquisition Management System:** established by the 1002 Directive of the MoD; Overseen by the Department for Military Acquisitions; Directed by the Acquisitions Council.
- **Planning, Programming and Budgeting System:** Subordinated directly to the Defence Minister; Directed by the Strategic Planning Council, which analyses through the Defence Planning Guidance the military objectives and the required resources to achieve these goals.

### **National Plans for 2001-2006**

In order to design a new military capability and an adequate structure, according to the requirements of the National Security Strategy, “The Romanian Armed Forces Restructuring and Modernising Concept” and the “Action Plan for the Concept Implementation beginning with 2000” were issued. In accordance with the Multi-Annual Planning Cycle, the restructuring process will be developed in two stages.

**The first stage (2000-2003)** aims at restructuring and making operational the force structure at minimal required level, imposed by the necessity to ensure a credible defence capability and the interoperability level planned and assumed by Romania within the PfP Planning and Review Process.

**The second stage (2004-2007)** aims at modernising the armed forces procurement, fulfilling the operational capability of the established structures, at the planned level, as well as completing the major procurement programs. Taking into account the defence capability to be

achieved, The Supreme Council of National Defence approved the maximum number of the Armed Forces personnel to 140 000 of whom 112 000 military personnel.

In order to achieve this force structure, the defence budget is expected to be at least 710 millions USD in 2000 and to rise to a minimum of 1,190 millions USD in 2007. Moreover, it is necessary to add to the budget line funds for military courts, health, culture, sport etc. as well as for the payment of already engaged credits for procurement.

At the first stage, the establishment of the new force structure will determine a relevant number of redundant personnel, which will lead to an increase in the amount of expenditures, necessary for a real social protection for this personnel. At this stage, besides restructuring and making operational the armed forces, some of the major procurement programmes will be developed. No other new programmes will be started.

The resizing of the Armed Forces' personnel is solved by promoting the quantitative decrease of forces and equipment, simultaneously with the qualitative compensation of the acquisitions, to allow the application of the personnel training optimisation and the force employment concepts and procedures.

By 2010, 50% of the Armed Forces will be composed by professional personnel. The same structure of services is maintained: the Army, the Air Forces and the Navy, each one with its particular organisation, logistics and missions, but acting in a joint manner under the principles established by the Romanian Military Strategy.

According to the operational criteria, the Armed Forces will be structured as follows:

- Surveillance and Early Warning Forces;
- Crisis Reaction Forces;
  - a). Rapid Area Deployable Forces;
  - b). Rapid Reaction Forces;
- Main Forces;
- Reserve Forces.

At the second stage, the focus will be on the modernisation process and the acquisition of new equipment, as well as achieving the operational capability of force structure, at the planned level.

## **IV ARMED FORCES IN SOCIETY**

### **1. The Legislative Framework**

Newly adopted legislation on national defence contributed to the military system reform and organisation:

- **Law no. 45 / 1994** on Romanian national defence;
- **Law no. 73 / 1995** on national economy and territory preparedness for defence;
- **Law no. 80 / 1995** on military personnel status;
- **Law no. 46 / 1996** on population preparedness for defence;
- **Law no. 106 / 1996** on civil protection;
- **Law no. 132 / 1997** on goods and public services requisitions for public interest;
- **Government Decision no. 618 / 1997** on alternative military service;
- **Government Ordinance no. 7 / 1998** on certain measures for the civil protection of personnel during the MND units restructuring process;
- **Government Resolution no. 52 / 1998** on defence planning;
- **Government Resolution no. 121 / 1998** on material responsibility of the military personnel, approved by the Law no. 25 / 1999;
- **Government Resolution no. 1 / 1999** on the state of siege and emergency;
- **Government Resolution no. 385 / 1999** on MND organisation;

### **2. Military Justice System**

Military justice system is organised on two distinct components subordinated to civil authorities (and at the administrative level to the Ministry of Defence): **Directorate–Ministry of Justice, and Military Prosecutor ‘s Section–Public Ministry.**

Legislative and Solicitor's Directorate located within the Ministry of National Defence, has as main attributions: MND interests support in military, civilian and special courts, endorsement of legislative projects elaborated by the MND, endorsement of military laws projects, participation in the elaboration of international military agreements.

### **3. Medical Assistance**

The Directorate for Medical Assistance conducts the medical assistance of Romanian Armed Forces, being directly subordinated to the Secretary of State for the Relation with the Parliament.

This Directorate:

- Develops the unitary conception of organisation, logistic and functioning of the medical and veterinary assistance system in peace, crisis or war situation;
- Improves and modernises the medical activities to prevent illnesses, to maintain the necessary readiness of the troops

In order to fulfil its missions, the Directorate methodologically co-ordinates the activities of medical assistance units of the Armed Forces services and conducts directly the medical components of the military system. The pharmaceutical section ensures the logistic support.

### **4. Religious Assistance**

The religious activity in the military:

- The restart of the religious service in the Romanian military took place after the 1989 events;
- The Religious Assistance Office was created within the Cultural Directorate of the Military on 1 January 1994. The office was developed into the Religious Assistance Section in May 1996, under the co-ordination of the Department for Defence Policy. This section is integrated in the Human Resources Management Directorate from June 1999.

The religious activity in the military is based on the art. 29 (5) of Romanian Constitution, on the laws of functioning of the military system and on the “Protocol concerning the organisation and functioning of the religious assistance in the military” completed in 1995 between the MND and the Romanian Patriarchy.

The religious assistance is promoted in all military structures, units and educational institutes. At this moment, 37 orthodox priests and 1 roman-catholic ensure this activity. Until 2005, the Romanian military will have around 100 priests and 50 priest’s assistants.

## **5. The Environment Protection in the Military System**

The MOD `s Inspectorate for Environment Protection was created in 1994 to accomplish the following responsibilities:

- Identifying and evaluating the environmental impact of military activities;
- Developing the institutional framework for the environment protection within the military system;
- Complying with the NATO countries’ standards for the environment;
- Extending the national and international co-operation with similar civil and military organisations.

Principles of the environmental protection:

- Protecting and improving the life quality of the military personnel;
- Constant development, through the respect of ecological standards in the barracks, training units and fields;
- Avoiding the pollution through preventive measures for technological upgrading and Modernisation;
- Preserving the bio-diversity through the protection of valuable ecosystems;
- Assuming the principle of responsibility for any activity that affects the ecological quality;
- Increasing the ecological education of military personnel.

Specialised structures for environment protection:

- At departmental level, structures that cumulate different responsibilities, including the environment protection;
- Within the General Staff – the NBC and Environment Protection Section;
- Within the staff of the services – NBC and Environment Protection Office;
- Within the units – personnel with cumulative responsibilities, including environment protection.

## **6. The Military Relations With the Mass Media**

The public opinion confidence in the armed forces determines not only the moral motivation of the military personnel activity, but also a budgetary guarantee, taking into account that the military body is completely sustained by the public finances. From the public relations perspective, obtaining and maintaining the civil society confidence and support represent a strategic objective. The public image of the military is an important element of its fight capability.

The level of public confidence in the military system continually goes around 80% entailing the beginning of the restructuring and Modernisation process.

**The Public Relations Directorate**, created in November 1993 is directly subordinated to the Minister of National Defence. The main attributions of this Directorate are:

- Permanent analysis of the information needs of the military and civilian public;
- Evaluating the communication quality and efficiency;
- Planning and accomplishing the public relations activities.

Principles guiding the communication with the media:

- The provisions of the Romanian Constitution referring to the right to information of all citizens will be respected.
- The information requested by mass media, different organisations or single citizens will be provided timely and completely, if this

information does not interfere with existing law provisions for the military information protection.

- Military personnel will benefit from a permanent flux of general military public information without any censorship or propaganda.
- The information will not be declared as classified for the purpose of protecting the military organisation from critics of unpleasant situations.
- The spread of information could be refused only if affecting negatively the security and national defence, the military or civilian personnel own security.
- The communication and public relations policy of the MND exclude formally any propaganda.

The modalities of public information include press communiqué, bulletins, conferences, and interviews with public personalities from the military system, military mass media, reviews, and movies, Internet. Currently, 40 journalists are officially endorsed to participate in all press conferences of the MND.

Presently, the Higher Military Study Academy organizes a post-academic course for public relations officers, accessible also to military and civilian journalists.

## **7. The Military Support for Public Administration Organisations in Emergency Situations**

The military can ensure support to the public administration organisations, at their request in order to prevent, limit and eliminate the natural disaster effects and for other emergencies. The military units are able to intervene and the military system can provide material support.

Furthermore, the military system can provide paid or free services using the military equipment and personnel in emergency situations or for the activities promoting national history, values, in charitable works etc.



## **8. Civil Protection**

Romania adhered to the Geneva Convention I and II additional protocols in 1990. The internal activity of civil protection is regulated through the Civil Protection Law no. 106/1996 and through the Law for defence against disaster no. 124/1995. The civil protection is an integral part of the national defence system, ensuring through specific means the population, its assets, national heritage and environment protection in emergency situations. The missions of the Civil Protection are:

- a. Training the personnel of inspectorates, commissions, units of civil protection and the population to apply the civil protection measures through institutional means;
- b. Monitoring the technological and natural sources of risk on Romanian territory;
- c. Ensuring the civil protection through:
  - Alert and Warning;
  - Evacuation;
  - Sheltering;
  - Nuclear, Biological and Chemical (NBC) protection;
  - Emergency medical care;
  - Clearing the unexploded ordnance.
- d. Contending and removing the consequences of military actions or natural and technological disasters.
- e. Participation in territory and economy preparation for defence.

## **V Conclusions**

Romania's firm determination to assume the responsibilities associated with NATO's collective defence system is demonstrated by the orientation of the military restructuring towards interoperability with the Allied forces, her political and military capacity to contribute to crisis prevention and management and her active part in the subregional co-operation initiatives.

As far as the military reform is concerned, Romania is now in a stage of preparation for NATO integration more advanced than the 3 new members were at the moment invitations were extended. Apart from the

military capability to contribute to Alliance objectives and missions, a responsible and predictable behaviour in the international relations, the proven capacity to build consensus and the respect for the values promoted by the Alliance obviously qualify Romania for NATO membership as a direct contributor to strengthening the Southern flank and stimulating stability and integration in an area marked by uncertainty and insecurity.

## **Bibliography**

1. *Constitutia Romaniei*, Editura Bibliofor Plus, Bucuresti, 1991.
2. *Strategia de securitate nationala a Romaniei* Stabilitate democratica, dezvoltare economica durabila si integrare euroatlantica, Ed. Tipografia Militara a Ministerului Apararii Nationale, Bucuresti, 1999.
3. *The Law No. 51/1991 Law on the National Security of Romania* in Monitorul Oficial, Part 1, No. 163, August 7, 1991
4. *Ordinance on Romania's National Defence Planning* in Monitorul Oficial, Part 1, No.302, August 18, 1998