

## The International Legal-Administrative System intended to resolve Regional Food Security Crises

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### 1.Introduction

A concerted collaborative action on a global level that integrates the diplomatic, military, economic, socio-cultural, humanitarian, ecological, health and food security dimensions is necessary. New strategies are being developed to strengthen public food security in the context of the increase in the terrorist phenomenon and cross-border organized crime.

The impact of their climate changes on the natural environment are considered a major challenge for ensuring food and water needs for people in areas marked by humanitarian crises, they can increase the transmissibility of diseases through some vectors (water, food, air). These serious natural phenomena directly affect the human community through the physiological effects of heat and cold, indirectly through the modification of some social behaviors (riots, legal migration, forced migration). The increase in the average global temperature and the accentuation of the drought phenomenon, against the backdrop of climate change, will increase the risk of food insecurity. \_\_\_\_\_

Strategies are developed for the humanitarian operational activities of the UN. Numerous non-governmental organizations (NGOs) take part in multinational operations together with the National Red Cross and Red Crescent Societies, under the auspices of the International Committee of the Red Cross. In the contemporary era, the transformations of some legal-administrative mechanisms of the regional security organizations are important in order to reduce the dramatic effects in some states (for the health and public food systems).

The legal consecration of the right to a healthy environment was made internationally in the Stockholm Declaration, a legal instrument where the human right to a healthy natural environment. The declaration provided for the international responsibility of states if serious damage to the natural environment occurs.

### 2.UN legal-administrative tools used to address food security crises

International security organizations carry out numerous missions to solve humanitarian crises: physical assistance to victims (food, medicines, shelters); legal-administrative protection of material assets; mobilizing international assistance to restore the authority of the social and political structures of the state affected by an ecological crisis or a regional armed conflict.

**The Strategy for Disaster Reduction (ISDR)**, adopted by the General Assembly of the

United Nations in 1999, aims to achieve a global framework of action, aiming to ensure food resources during armed conflicts, natural disasters and technological accidents.

In February 2004, the United Nations General Assembly adopted Resolution 58/214 on reducing the effects of humanitarian (ecological) disasters. The objectives were set: completing the evaluation study of the Yokohama Action Plan Strategy – updating the normative framework for the 21st century; establishing activities to ensure the implementation of the reasonable provisions of the Johannesburg Plan, adopted by the World Summit for sustainable development in the fields of natural (technological) disaster management; increasing the availability of the agencies established for the management of humanitarian crises, of public food, in all the affected regions, according to the provisions of the Johannesburg Plan.

At the world level, apart from the International Civil Protection Organization, there are, at the level of the United Nations (UN), some institutions with humanitarian assistance missions: WFP - World Food Program; WHO – World Health Organization; UNICEF – UN International Fund for Children's Emergencies; UNCEP – UN International Fund for Environmental Emergencies; UNDP – UN Development Program; OCHA – Office for the Coordination of Humanitarian Affairs.

**The United Nations (UN)** has a humanitarian assistance mandate, ensuring access to victims, their food and financial support (from donations) and coordination of assistance during the intervention.

The establishment of the United Nations Disaster Relief Organization (UNDRO), transformed into the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), and the creation of the post of Under-Secretary-General for Humanitarian Affairs were administrative acts designed to improve the collective efforts of the international community in humanitarian aid at the time of the disasters.

The General Assembly/UN Strategy for the development of cooperation between the UN and governments, intergovernmental and non-governmental fora allows for rapid access to the capabilities of supporting states in the event of a civil emergency, including human and logistical support, and was developed to strengthen the global leadership role of UN in this field.

Among the UN bodies, the most important in the field of protection of the civilian population, material goods and food is the Office for the Coordination of Humanitarian Affairs (OCHA), based in Geneva, with an executive institution - the Department of Disaster Response (institution that activates the mechanism of response and assistance in case of disasters).

This organization has an operational response system, with the following subsystems: Disaster Response Section (DRB), International Search and Rescue Advisory Group (INSARAG); UN Disaster Assessment and Coordination Team (UNDAC); Military and Civil Protection Elements (MCDA); Joint Unit for Environmental Problems (UNEP).

For complex emergency response missions, OCHA provides: monitoring/notification/alarm activities; coordination of humanitarian agency officials; an effective mechanism for coordinating humanitarian intervention in the event of disasters. OCHA ensures the rapid assessment at the disaster site and provides logistical support regarding the coordination of the intervention, ensures the mobilization of the international community for the provision of emergency aid.

The Disaster Response Section (DRB) is intended for the mobilization and coordination of

international civil emergency assistance through the Emergency Response System, and the Regional Offices are the main components of the response system created by the DRB.

**The International Civil Protection Organization - ICDO** was created in 1931, the year in which the Foundation "Lieux de Geneva Association" (Lieux de Geneva Association) or "Geneva Zones" was established in Paris (Geneva was the headquarters of the Red Cross and the headquarters of the League of Nations United).

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After 1960, **ICDO** expanded its field of activity, including the protection of the civilian population in a state of war, food security and the protection of civilian assets (cultural assets) in the event of natural disasters (technological disasters).

In 1966, at the International Conference on Radiological Protection, a political-diplomatic event held in Monaco, the text of a Convention was legally consecrated by which ICDO was granted the status of an intergovernmental organization. The international convention created the legal-administrative framework necessary for the submission by the member countries of the Organization of the ratification documents.

The Convention became effective on March 1, 1972, being registered in 1975 at the UN Secretariat, in compliance with Article 102/UN Charter.

### **3.The role of the Office for the Coordination of Humanitarian Affairs (OCHA)/UN**

The involvement of the UN in the provision of humanitarian assistance (food) was achieved through the activity of the competent agencies: the Food and Agriculture Organization (FAO), the United Nations Children's Fund (UNICEF), the World Food Program (WFP) and the United Nations Office for Refugees (UNHCR).

In 1991, the UN Secretariat established the position of "under-secretary general for humanitarian actions" (VSG) who was responsible for the activity of the Department of Humanitarian Affairs, a department later transformed in 1998 into the Office for the Coordination of Humanitarian Affairs (OCHA), where a Coordinator of Emergency Situations (ERC). This coordinator is selected from the United Nations Development Program (UNDP) because this agency has the ability to raise the necessary funds in complex situations that require a wide spectrum of activities to be carried out. This coordinating task involves combining strategic planning and monitoring (emergency planning, strategic planning sessions, liaising with local authorities and monitoring the adopted strategy) with resource mobilization (raising financial funds and managing them, directing resources for food security), with facilitating activities humanitarian agencies (establishing a civil-military assistance plan, providing security for humanitarian personnel, coordinating logistics, managing the acquisition of food supplies) and with the provision of aid in the crisis area (organization of OCHA units, establishment of a UN disaster fund and a team of local coordination, including in the field of cooperation between civilians and military - CIMIC, coordination of international search-rescue teams).

The OCHA<sup>1</sup> Reference Manual defines "complex emergency" as a humanitarian crisis with many implications in a country, region or community, where public authorities are

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<sup>1</sup> *OCHA Handbook*, United Nations, New York, 2002, pp. 9-20.

ineffective, a crisis resulting from an internal or external armed conflict and requiring a response international under the UN mandate. Based on Resolution No. 46/182 of the General Assembly, OCHA has an extended mandate to provide humanitarian aid in emergency situations with the elaboration of a development strategy and legal assistance.

In the common response strategies to a certain crisis, the following are priorities: the promotion of humanitarian principles, the protection of the civilian population and the facilitation of humanitarian coordination. The achievement of these objectives is ensured by the fact that the political, security and peacekeeping departments are brought together under the name of the Executive Committee for Humanitarian Affairs (ECHA)<sup>2</sup>.

OCHA field leadership varies in mission depending on the importance of the crisis; after consultation with the other responsible factors, the ERC decides when and how OCHA will intervene, periodically bringing changes to the coordination activities during the mission.

Currently, OCHA assumes many missions and responsibilities, in the first phase of the operation the military component has priority, so that during the achievement of the optimal climate it can also activate the components: civil, humanitarian, political and food security protection.

The need to ensure resources for food security was the reason why OCHA developed the Oslo Principles, a non-binding document, but essential in case of natural (technological) disasters. In consultation with UNHCR, UNICEF, WFP and the International Council of Voluntary Humanitarian Agencies, OCHA developed, in 2001, through the Secretariat of the Oslo Principles Process, the scheme of principles for the use of military and civil protection resources in support of United Nations humanitarian activities in cases of complex emergencies, in which it is established that normally they will not be used for the granting of humanitarian aid, but when absolutely necessary they can be delivered based on the operational principles of complementarity, civil control and gratuities<sup>3</sup>.

While complementarity means their use in case of shortage of civilian food resources, civil control refers to the supervision of their attraction by a responsible authority, such as the ERC, while gratuity means their provision without being paid by the affected population. We believe that in this way the "misunderstandings" between military and humanitarian actors or between the local-national and international levels of humanitarian support could be overcome, global humanitarian agencies like OCHA being chosen first, the most engaged and directly responsible for the people they are mandated to serve, calling on military resources, "stored food" if necessary.

From a strategic point of view, in areas where there is an active armed conflict or a public administration that restricts the access of medicines, food to the victims, OCHA will have to negotiate the establishment of humanitarian zones. OCHA's operational doctrine of global protection of human security is based on the development of common strategies for concrete humanitarian assistance, accepted by all actors involved. OCHA gets involved by planning "coordination forums" as important tools for ameliorating crisis situations, finding solutions to

2 P. Duță, *Security institutions*, op. cit., pp. 103-106.

3 They are added to the principles of neutrality, impartiality and humanity promoted by national humanitarian institutions such as, for example, the Swiss Agency for Development Cooperation.

solve the problems that have arisen and strengthening respect and transparency between the actors involved. These meetings and meetings ensure the mobilization of food resources as well as the provision of coordination mechanisms and tools.

Within the framework of humanitarian operational doctrine during crisis responses, OCHA fulfills the main role of ensuring that politically and executively the actors involved do not interfere with each other, protecting the civilian population and saving property and human life. The intervention in the case of complex crises has many similarities, the primary needs being mostly the same (food, water, security, shelter and medical treatment). Civil protection mechanisms consider the same treatments in their operational plans; ensuring immediate food needs, using local capacities, mobilizing food resources, collecting information and disseminating it, medium and long-term strategies to achieve peace.

The UN Resident Coordinator plays an important role for the application of humanitarian strategies in the theaters of operations, under his authority the United Nations Coordination Team (UNCT), composed of the operational representatives of each global agency, which may also be joined by representatives of the International Committee of the Red Cross (ICRC), other international and non-governmental organizations.

The unification of response strategies to humanitarian catastrophes can be done through OCHA, which establishes an Office in the respective country for this purpose, with the ability to implement coordination activities.

#### **4. Food security objectives of the community mechanism for the protection of citizens of the EU states**

In recent years, European organizations have responded operatively to the effects of humanitarian crises and natural disasters produced in Europe and other areas of the world. The idea of creating a common action mechanism for emergency situations came to fruition because the European states do not have the necessary capabilities to respond effectively and promptly to humanitarian and environmental crises on a regional level, and the assistance of the international community is needed to reduce, limit/remove the effects of natural disasters (technological) on the population, including in the field of public food.

The purpose of the Community Action Program for Civil Protection is to support the efforts of the member states, at national and regional level, for the implementation of a set of joint programs intended for the protection of the population, for food security, in case of natural or technological disasters, as well as to facilitate cooperation between member states.

The program includes strategies in the field of preparing the institutional response to natural (technological) disasters, including information activities and operative warning.

The program provides financial support for major projects of general interest, operational plans that must contribute to increasing the degree of preparedness of the states for the response to disasters.

These programs include: management projects to prevent the occurrence of disasters or limit their effects; training programs for the personnel of the structures responsible for civil protection in the member states, in order to increase their reaction capacity; projects to analyze the

causes of disasters; programs to strengthen the means of prevention and effective response to disasters; information and education programs for the population in the field of food safety.

*European Council Decision No. 2001/792/EC, of October 23, 2001, established the community mechanism for civil protection, with clear objectives to facilitate cooperation between member states for humanitarian assistance interventions in emergency situations.*

The decision of the European Commission of December 29, 2003 established the rules for the implementation of the community mechanism, establishing its responsibilities and the functioning of the various instruments (mechanisms) made available. In the event of a natural or technological disaster, in an EU member state or in a state outside it, the legal-administrative framework was created to mobilize the operational resources necessary to provide assistance in the field of food security.

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The community mechanism for civil protection aims to improve cooperation between partner states in the field of intervention for civil protection assistance in major emergency situations, in the category of situations cataloging natural, technological, radiological or environmental disasters that can occur on the territory of the member states or outside the European Union.

The mechanism is based on a series of objectives: the establishment, at the national level, but also at the community level, of programs for the training of the forces and the means intended for this humanitarian purpose, which include seminars, working groups; establishing assessment and coordination teams during the food crisis; the establishment of a monitoring and information center as well as a common communication and information system.

Romania signed, in 2002, the Memorandum of Understanding regarding participation in the community mechanism for civil protection, this legal instrument being ratified by Law no. 3/2004.

Each authority responsible for the preparation and response to civil emergencies must ensure an economic-financial balance between the expenses intended to successfully cope with these events and, on the other hand, the effects of a major technological accident or a natural disaster. The balance must be facilitated by cooperation between the responsible authorities, personnel and means must be distributed effectively.

The last years have revealed a significant increase in the frequency and severity of natural disasters, those caused by man, dramatic events that caused loss of human lives, civilian property, resources and food sources, destruction of economic infrastructure and serious damage to the environment. By European Council Decision no. 2007/779/EU there was a consolidation of the community civil protection mechanism. The general objective is to provide humanitarian support, at the request of a state, in major emergency situations and to favor a better coordination of the assistance interventions undertaken by the member states and by the EU, taking into account the food security needs of the citizens affected regions.

The mechanism for strengthening cooperation in the plan of assistance interventions in the field of civil protection favors the contribution of teams, experts and means specially intended for humanitarian aid.

At the level of the European Union, the Monitoring and Information Center (MIC) was established, subordinate to the European Commission, a permanent operational structure that

operates 24 hours a day, being responsible for coordinating the actions of states participating in humanitarian assistance missions for a state affected by a disaster .

The mechanism ensures: management of the Common Emergency Communication and Information System (CECIS); identification of intervention teams and other support teams available in EU member states; setting up and sending evaluation and coordination teams. Other missions are: adopting measures to facilitate the transport of humanitarian resources (food, medicine) for the intervention; implementation of the training program for intervention teams, for experts and for evaluation and coordination teams; workshops, seminars and pilot projects regarding the dissemination of important aspects of humanitarian interventions.

States participating in humanitarian missions have obligations in the event of a civil or environmental emergency. In order to ensure their ability to effectively intervene in response to a major emergency, the participating states will establish the intervention teams available for intervention within the community mechanism. These teams must be ready within 12 hours after the request for assistance was made, taking into account that the structure of the team depends on the type of medical (food) emergency.

Other possibilities must be taken into account to ensure the support of humanitarian intervention, capabilities that can come from competent services, specialized personnel and equipment that is used for a special emergency and food (medical) resources that can be provided by non-governmental organizations.

In the event of a major emergency, which produces or may produce cross-border effects in the field of food security or which may result in a request for assistance, EU member states will notify, without delay, those states that may be affected by the disaster, as well as the Commission . A possible request for assistance through the MIC can be anticipated, so that this institution can inform the other participating states and activate the competent services.

Since the Council Decision does not affect the obligations arising from the existing legislation, no notification is needed when it is carried out according to other conventions or bilateral agreements.

Any state, member of the EU or outside it, affected by a major disaster, can request food support assistance from the EU through MIC. The Center immediately sends the respective request to the national contact points of the states participating in the community mechanism. Based on the analysis of the offers received from the states that have the food resources necessary for the intervention, the center transmits the possibilities of assistance to the affected state. The respective state selects the necessary products to support the national humanitarian efforts, to limit the effects of the natural (technological) disaster and transmits the acceptance for the products made available to the states that can provide assistance. In addition, in relation to the facilitation of relations between the affected state and the countries that can provide food support assistance, MIC acts as a center for centralization and dissemination of information to all states participating in the solution of the respective food crisis.

The requesting state will be responsible for managing the food assistance interventions. The authorities of the requesting member state will draw up guidelines and, if necessary, specify the limits of the missions entrusted to the intervention teams without giving details about how to execute them, the operational plans will be entrusted to the person in charge appointed by the

member state to provide assistance. The Member State may ask the intervention teams to lead the intervention, in which case the teams provided by the participating States and the EU will endeavor to coordinate the interventions.

The operative teams must facilitate the coordination between the intervention structures and, if necessary, ensure the connection with the competent authorities of the requesting state.

Interventions outside the community, in third countries, can be conducted as autonomous assistance interventions, or as a contribution to a logistical support intervention led by an international organization. The Commission can be informed by the competent authorities of the third country, through the Delegation of the European Commission or through the Embassy of the state participating in this humanitarian mechanism in the field of food security.

MIC will contact the competent civil protection authority of the Member State in charge of the Presidency of the Council of the European Union and the competent authorities of the Commission to inform them of the situation and to take the necessary measures.

The Commission may decide on its own initiative to activate the mechanism to propose food assistance, if needed. This proposal will be sent to the authorities of the affected country through the Delegation of the European Commission. MIC will inform the Contact Points of the Participants about this initiative.

Lessons learned will be collected and shared to develop and improve the methods of applying the community mechanism. The exercises will help raise awareness of the importance of the mechanism in the participating countries. The reality reveals a lack of knowledge in many areas and in certain situations the limitation of the use of the mechanism for removing the effects of technological accidents (natural disasters), of regional armed conflicts in the field of food security for the population of the crisis area.

Another function of the community mechanism is to contribute to the improvement of the level of preparedness for the response to disasters, by developing and permanently updating the database with the possibilities of intervention made available by the participating states and by receiving information from the database of the EU Military Staff (through the Operations Center) about the available capabilities, achieving a common picture of the food sources that can be used for the management of the consequences of a humanitarian disaster.

Initially, the process of approaching the response to crises and emergency situations, at the level of the European Union, was a reactive one, oriented towards the creation of rapid reaction capabilities. Currently, the Union's efforts are oriented towards the proactive aspect of crisis management actions, including in the field of food security.

## 5. Conclusions

There is a global concern to identify the legal and effective political-diplomatic mechanisms for managing regional food crises in peacetime, in the situation of internal state crisis or during international armed conflicts. The contribution of international security organizations is decisive for carrying out humanitarian missions to protect the victims of political-social or ecological crises. The importance of applying the "responsibility to protect" principle on a global

level was demonstrated, by highlighting the role of the political-diplomatic mechanism in international food security missions.

There is a need to configure policies that determine a new EU strategy in terms of food security for the population. The imperative to develop a viable political-administrative system to protect the citizens of the member states is claimed by the dramatic effects of some humanitarian crises. The waves of refugees and hunger are generated by regional insecurity or the bad governance of public authorities in destructured states located near the borders of some EU member states. These serious phenomena are associated with diminishing food resources. Emergency aid granted to victims of armed conflicts (natural disasters, technological accidents) occupies an important place in international politics.

The member states of the international security organizations are responsible for the generation, regeneration and deployment of national logistic capabilities in the structure of the multinational armed forces.

It is important to manage public food security activities during legal multinational operations, the effective use of political-administrative tools to counteract the effects of regional crises. Major transformations of international strategies in the field of food security have been made to protect victims from humanitarian crisis areas regional.

The imperative norms of the UN Charter regarding the legal use of armed forces, the humanitarian law norms of the Geneva Conventions of 1949 and the Additional Protocols of 1977.

The international community has become increasingly active in the field of organizing and conducting humanitarian operations to protect food security around the world. Humanitarian interventions under the UN mandate have attracted the participation of more and more states.

The positive effects consisted in increasing the degree of food security protection for the population affected by intra-state and inter-state armed conflicts. It is necessary for the UN to develop a comprehensive global humanitarian strategy, with operational plans for effective action, in order to ensure viable conditions of food security for people all over the planet.

## REFERENCES:

1. Blacioti, Ș., 2010, *Food security – Romania's national interest under the conditions of EU integration*, Bucharest, Romania: Tribuna Economică Publishing House.
2. Delcea, M., 2005, *Legal protection of refugees in international law*, Timisoara, Romania: Romanian University Press Publishing House.
3. Dragoman I., Militaru C., Panduru C., 2004, *Current international relations*, Resita, Romania: Intergraf Publishing House.
4. Fuerea A., 2002, *Institutions of the European Union*, Bucharest, Romania: Publishing House Universul Juridic.
5. Iordache, C., Coman D., Bodescu A., 2009, *International humanitarian law*, Bucharest, Romania: Publishing House UN Ap "Carol I".
6. Iordache, C., Coman, D., 2010, *Community policies and strategies*, Bucharest, Romania: "Carol I" National Defense University Publishing House.



7. Olteanu, F., 2010, *Humanitarian interventions*, Ploiesti, Romania: Petrol-Gaze University Publishing House.
8. Repez, F., Popa, E. V., 2015, *Territorial infrastructure and sustainable development*, Bucharest, Romania: Publishing House of the Technical-Editorial Center of the Army.
9. Zamfir, C., 2009, *Civil security and globalization*, Bucharest, Romania: FED Print S.A.

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