

THE IMPORTANCE OF GOODS AND SERVICES REQUISITION PROCESS IN THE PUBLIC INTEREST

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Abstract: *Preparing the national economy and territory for defence is an important component in ensuring national security and, in the current geopolitical and military context, it is carried out in peacetime and involves the capitalization of human, material and financial resources in order to ensure the continuity of socio-economic processes and to satisfy the need for defence resources when a state of mobilisation or war is established. Thus, defence forces must be able to have a full range of resources at their disposal, depending on their specific needs, so that when a crisis, threat or aggression against the state arises, they should be able to carry out their specific missions.*

Based on the need to make resources available to national defence institutions in extreme situations that endanger the integrity or proper functioning of the State, one of the ways of ensuring the provision of resources is the requisition of goods and services in the public interest.

Key words: *security, defence, territory, economy, resources, requisitions.*

1. INTRODUCTION

In the current international and regional security environment, the emergence of classic conflicts consisting of armed attacks is less likely to materialise in Romania. Therefore, new hybrid threats will create increasingly difficult problems, which are difficult to identify and counter.

Preparing the national economy and territory for defence is a very important aspect of ensuring Romania's security and defence. There will never be enough resources to implement a comprehensive defence and security concept, regardless of the economic capacity of the Romanian state.

These statements are not intended to develop or support a pessimistic view of national security and defence, in the sense that there will never be sufficient resources to fully implement such a concept.

The current economic realities, in which the major economic operators may be multinational corporations, holdings or company conglomerates, which hold an overwhelming percentage of the national production of goods and services, lead to the idea that placing them at the disposal of a state in an extreme situation, such as general or partial mobilisation, state of emergency, or disaster intervention, is a sensitive situation that requires a careful approach, i.e. an extremely detailed and realistic legislation drawn by the institutions responsible for preparing the economy and territory for defence.

The Romanian state must develop as a European and Euro-Atlantic state and increase its efforts to modernise the military systems designed to carry out collective defence actions, without minimising the role of the military reserve and mobilisation entities/structures.

Thus, a very important aspect is the need to accelerate the process of revitalising the national defence economy in all branches and areas of activity that are intended for defence production.

These elements, to which others could certainly be added, support the assertion that planning the requisition of goods and the provision of services in the public interest are complex processes, which are always timely, in terms of aligning the national legislation with the social, economic and military realities that are manifesting themselves at national, regional, European, and global level.

The economic potential for defence must be understood and achieved in peacetime, by being legislated in line with the economic environment, so as to ensure the country's defence needs meet the standards required by the national military strategy.

2. GENERAL NOTIONS REGARDING THE REQUISITION OF GOODS AND SERVICES

The National Defence comprises *“the set of measures and activities adopted and carried out by the Romanian state in order to guarantee national sovereignty, independence and unity of the state, territorial integrity of the country and constitutional democracy”* [1].

This definition states that national defence is based on respect for the provisions of the Romanian Constitution, on the principles of the military doctrine of the Romanian state and, of course, on the provisions of the treaties to which Romania has acceded.

Experts in the field consider that national defence is the way to ensure the existence of the Romanian state, and in the event that the forces intended for defence, which are organised in accordance with the principle of defensive sufficiency, are exceeded in scale by the force of aggression, it will lead to the commitment of all human and material resources that can be made available to the responsible national authorities.

Ensuring the full range of capabilities for a military structure is the fundamental objective in achieving its combat capability, and at the same time the stage without which it cannot be able to successfully perform the missions and tasks for which it was designed.

Against this backdrop, we can argue that a military structure is able to carry out a mission when it has the human resources at its disposal, in accordance with the state of organisation, when it has the equipment provided at the level of all classes of material and when it has undergone a training programme tailored so as to ensure an appropriate level of operationalization.

On this basis, the military organisation must identify the sources of entry for resources, in particular for the military equipment and technique provided for in the states of organisation, in accordance with the rules of endowment of the equipment which may be subject to requisition.

In order to defend and preserve the fundamental values guaranteed by the Constitution, the Romanian State has the obligation to achieve, from an economic and military point of view, a defence potential that guarantees the deterrence of any aggression against the rule of law and the constitutional order.

In order to accomplish this defence potential under current conditions and standards, it is necessary to develop and allocate economic and financial resources that are proportionate with the defence needs.

The result would lead to the development and modernisation of the national defence industry, the preparation of the territory, the economy and the population for defence, and the development of civic spirit and attachment to the country.

We can definitely state that the economic potential has a decisive influence on the national defence capability, but not in isolation, but together with other components, namely human resources, technical-scientific potential, information potential, moral, and operational potential.

In this respect, historical experience convincingly demonstrates the accuracy of the following statement: *“Nothing depends so much on economic conditions as the army. Arming, armament, manpower, organisation, depend primarily on the respective level of production and means of communication. It is not about the free creations of the intellect of brilliant army commanders that have acted in a revolutionary manner, but about the invention of better weapons and the change of the human resource”* [2].

Thus, we can identify two main sources of input into the system that provide the required resources, namely material goods and services:

- through the public procurement system, requirements are met in relation to equipment needs and endowment;
- through requisitions, in exceptional situations.

According to the legal provisions, *“the requisition of goods and services is an exceptional measure whereby the public authorities empowered by law force economic operators, public institutions, and other legal and natural persons to temporarily transfer movable or immovable property, in accordance with the law”* [3].

The requisition process is exceptional in nature and is implemented in the event of the imminence or occurrence of a situation likely to seriously affect national security.

This measure must be seen as certifying that all the necessary resources are directed towards ensuring the maximum defence capability of the armed forces and other institutions responsible for national defence.

The requisitioned resources are allocated to the forces carrying out national security missions or to the various authorities responsible for national security in the event of the declaration of partial/full mobilisation or of a state of war, as well as when a state of siege or emergency is declared.

This process, i.e. the requisitioning of material goods and summoning natural persons for the provision of services, falls within the competence of the following institutions:

- the President of Romania, through the declaration decree issued for the situation of partial or total mobilisation;
- the President of Romania, by decree of declaration issued in the event of a state of war;
- the President of Romania, by decree of establishment, in the event of a state of siege or state of emergency;
- the Romanian Government by decree or the prefects, by order, in the case of prevention, location and removal of the consequences of disasters.

The central authority vested by law with specific powers for the execution of requisitions is the Central Requisition Commission, which is directly subordinate to the Romanian Government.

The composition of the Central Commission covers the entire spectrum of areas that are relevant to the activity of requisitioning and provision of services in the public interest and, through its organisational structure, provides the level of competence required to adopt decisions of the magnitude of those referred to.

The adoption of this legislative solution was intended to involve the highest level of state authorities and thus create the necessary framework for taking decisions based on knowledge of the real possibilities existing at a given time in the sphere of procurement and provision of services in the public interest.

The Central Commission also has the legal power to determine the prices of the main consumables required for the process of estimating the funds used to pay compensation, on the basis of proposals made by the Joint Requisitioning Commissions, concerning the limits of these prices.

Joint requisition commissions are set up at the level of each county/municipality:

- the prefect of the county or of the municipality of Bucharest, who also acts as chairman;
- the commander of the county/zonal military centre, respectively the commanders of the military centres of the sectors of the municipality of Bucharest;
- the representative of the Air Force Staff/Naval Force Staff, as appropriate;
- the representative of the County Gendarmerie Inspectorate or the General Directorate of Gendarmerie of the Municipality of Bucharest;
- the representative of the county police inspectorate or of the General Directorate of Police of Bucharest;
- the head of the legal department of the prefecture;
- the representative of the Regional General Directorate of Public Finance as a specialist in prices and valuations of goods;
- the head of the territorial structure for special issues and territorial preparation for defence;
- the director of the county or municipal trade register office;
- the representative of the territorial structure for emergency situations.

In the case of the joint procurement committees, the aim was to adopt an organisational structure that was as complex as possible, providing the appropriate organisational framework for adopting decisions based on high-level expertise in the areas of responsibility of its members.

At the same time, the legislative framework provides the possibility for other representatives of the public institutions involved in the requisition process to participate in the work of the Joint Committee as guests.

It is important to mention that the requisitioning process is very complex and can only be triggered with the approval of the highest-ranking institutions of the state, institutions which have, through their own or subordinate administrative apparatus, all the data and information necessary to support the preparation of the economy and territory for defence.

These institutions are empowered with legal rights to initiate, conduct and verify the requisitioning process through their subordinate authorities, also due to the fact that requisitioning disposes of goods and services that are in property, a form that is guaranteed by the Romanian Constitution as intangible.

In this case, it should be noted that the legislator has clarified that the owners of requisitioned goods are entitled to compensation, regardless of whether they are natural or legal persons.

According to the competences that fall to them in their area of responsibility, whether in peacetime or wartime, the central/local public administration authorities have the following duties:

- to ensure that economic operators, public institutions and individuals comply with the provisions and measures related to the preparation of the population, the economy and the territory for defence;
- to implement the necessary measures to carry out requisitions and calls for service;
- to follow up and intervene to satisfy the requests submitted by the military units within their territory for mobilisation needs.

The main goods that may be subject to requisitioning are mentioned in the national legislation, of which the following are considered important:

- motor, rail, air and sea transport and animal-drawn vehicles;
- port facilities and berths;
- power supplies of various types;
- computer technology and peripheral equipment;
- communications and telecommunications systems;
- airfield systems, installations and technology;
- buildings and land;
- surveying, printing and audiovisual technology and equipment;
- building and railway equipment and materials.

Regarding the provision of services in the public interest, we specify that those persons aged between 16-60 years - men and 16-55 years - women and who also meet the condition of being fit for work can be called.

In view of the importance of the experience acquired during a career in the exercise of the profession and the specific nature of the work performed, exceptions to this rule have been provided for in the current legislative framework – in the case of doctors, nurses, pharmacists, engineers, economists, etc.

At the same time, the relevant legislative framework also provides for a number of other facilities for staff called upon to provide services in the public interest, such as the settlement of transport, accommodation and food expenses, where the person called upon is domiciled in a place other than that of the person receiving the service, who is responsible for this settlement.

3. THE IMPORTANCE OF GOODS AND SERVICES REQUISITIONING IN THE PUBLIC INTEREST

In the case of an exceptional situation, such as the transition from a state of peace to a state of war, it can be said that requisitioning comprises a complex set of activities that are established during peacetime and whose purpose is to bring military structures, regardless of their hierarchical rank, to a level of organisation, staffing and equipment that, after the operationalisation period, will enable them to fulfil their mission, with the combat power configured to the maximum potential.

This transition period, even if not permanent, is influenced by a series of factors which determine the time and action interval, which differs according to:

- whether or not there is a period of tension preceding the change in the state of the structure;
- the level of preparedness and organisational capacity of the peace component of the military structure;
- the level of staffing, technique, military equipment and material of the military structures during peacetime;
- the provision of war stocks and resources entering the system through requisitions.

Currently, according to national legislation, the transition of the components of the national defence system from peacetime to wartime can be achieved, depending on the situation, directly through mobilisation or by going through certain steps, stages and states, with a certain timeframe. In the case of mobilisation, the most complex state is full mobilisation.

In the current military context of the Romanian military, namely as a member state of the North Atlantic Treaty Organisation, the most powerful global military alliance, the possibility that total mobilisation be decreed directly is quite unlikely.

However, we do not believe that it would be appropriate to eliminate this situation, if only for the simple reason that a strategic-level surprise can be achieved with the help of long-range strike systems with particularly high destructive power, which some potential enemy armies possess.

This view is also supported by the argument that states with medium-level economic power and a peacekeeping structure that is not very well developed in terms of numbers and equipment in relation to potential adversaries can make direct use of the concept of mobilisation using all the resources at their disposal.

Against this backdrop, we believe that the force architecture that can be created or developed and the level of military equipment can be adjusted to command level military structures, large units and combat, combat support or logistical support units.

At the same time, it is essential to ensure the necessary dynamics of the national economy to fully complement all the resources needed to adapt the level of response to the level of aggression.

In concrete terms, full mobilisation is declared in situations where there is a certainty of the outbreak of armed conflict in the short term and consists of the transition of all structures of the national defence system to a state of war, including the implementation of the plan for the mobilisation of the national economy.

In virtue of its complex nature, such a situation is determined and conditioned by a very wide spectrum of factors, one of which is maintaining the viability of the logistics of mobilisation.

A very important aspect is to ensure the viability of the logistical component of the mobilisation, particularly in the event of a declaration of full mobilisation, and it is therefore necessary to go through an organisational and planning process which will include the following stages:

a) determining the quantities of human, material and financial resources required by the structures to be mobilised, on the basis of the requests submitted. At this stage, which takes place in peacetime, the centre of gravity is located in the area of responsibility of the recipient military structure, which is required to identify the exact resources needed to achieve full combat capability, at the end of the operational training phase.

The requisition of goods and services also facilitates the provision of material goods and services. The management of military structures, regardless of echelon, but tasked with mobilising organic units, must know and correctly determine the requirements that can be met by requisitioning goods or services.

The personnel responsible for the preparation and hierarchical transmission of requests are obliged to know the legal basis in force, the resources that can be provided by requisitioning, the tasks and competences of the various institutions that are empowered by law to operate in this area of responsibility, as well as the algorithm to be followed in order to provide the necessary resources.

It is useful to be aware that incorrectly calculated requirements or requirements that are attributed to a source other than that provided for in the regulatory framework in force may generate dysfunctions that can affect the overall mobilisation process of a structure.

b) identifying the sources that have the capacity to provide resources, whatever their nature.

At this stage, we consider that the major, if not the exclusive responsibility, which is also legislated, belongs to the national entities whose main task is to identify and allocate resources that can be allocated through requisitions of goods and services to be provided through the public interest process.

In order to analyse the relationship between total mobilisation and the requisitioning of goods, it is necessary to focus on the prioritisation of resources that can be provided through this process.

Given that total mobilisation involves all the state institutions responsible for ensuring national security, and that resources are of primary importance, we believe that it is very important to coordinate the resources that can be provided through requisitions with those entities that are on the main axis of effort in fighting the aggressor.

This distinct and punctual allocation of goods and services cannot be carried out in good time if the real resources and capabilities that can be made available in the event of total mobilisation, and in particular, those that be provided through the requisitioning process, are not known during peacetime.

c) Correlation of all categories of resources required when declaring mobilisation.

Interdependence is a characteristic that can be associated with systems with a high degree of complexity within them, as well as with components that are interconnected within such a large whole.

We believe that it is necessary to look at the provision of resources through requisitioning or provision of services from a systemic point of view of the whole process and to accept the idea that a positive outcome of a military action cannot be expected unless all necessary and existing resources are made available.

Such a complex system is the logistics of mobilisation, which involves a multitude of interdependencies, particularly in the case of total mobilisation, and can only be considered effective if it is managed according to modern principles.

Mobilisation logistics management is an integral part of mobilisation management, which includes the measures carried out by the leaders both in peacetime and during mobilisation, in order to constantly coordinate the activities of drawing up, updating and adapting logistics documents, with the aim of providing military structures with integrated technique, equipment and material.

Based on these considerations, we present the main activities, measures and responsibilities that underlie the act of command and control by the personnel responsible for the requisitioning process, as follows:

- specialist training of the logistical structures and microstructures providing resources for mobilisation;
- permanent knowledge of the contents of the *Mobilisation Plan* with regard to mobilisation logistics, the identification of possible malfunctions and their timely correction;
- informing the commander within the set deadlines of the status of logistical activities, including the requisitioning of goods and services for the situation of full or partial mobilisation;
- accurately determining and informing subordinate staff of the measures and activities specific to mobilisation logistics;
- permanent cooperation with public administration institutions on the issue of taking over the resources requested through requisitions.

In the case of the structures of the Ministry of National Defence, the responsibility for drawing up, centralising, reporting, and regularly updating requisition requests or requests for the provision of services lies with the logistics department, which, in cooperation with the other microstructures of the General Staff, carries out the following activities during peacetime:

- determines requisitioning requirements for goods and services;
- prepares, centralises, and submits requisition and service requests;
- implements the decisions of the Joint Requisitioning Committees;
- allocates goods to be requisitioned.

In order to determine requisition requirements, the offices/departments in the logistics branch draw up the calculation bases for both their own entities and for the mobilisation tasks.

In order to carry out the mobilisation, the unit/major unit, through the responsible microstructure, requests through the county/area military centre the following:

- provision of transport services;
- requisition of buildings for the deployment of forces in the locality during peacetime and in the mobilisation district;

- requisitioning the land necessary for the execution of the training programme for the achievement of full combat capability;
- requisitioning / provision of services for the feeding the troops.

At present, at the level of the responsible structures, the recording and centralisation of the resources required for exceptional situations is carried out by filling in various standard documents provided for by specific regulations, on the basis of operational or working procedures.

Since these aspects are outdated from an operational and technical point of view, it is necessary to implement an IT application that integrates all national institutions and authorities involved in the process of providing resources through the requisitioning process, while respecting the principles of prioritisation on need-to-know bases.

Such an application facilitates knowing in real time the needs and the degree of assurance of resources from external sources, through requisition. Moreover, in case deficiencies are found, the necessary corrective measures can be ordered in a much shorter time.

4. CONCLUSIONS

Due to the fact that the process of requisitioning goods and services is carried out only in exceptional situations, it is very important that all the institutions in charge act in an integrated and timely manner, so that no deficiencies occur during the implementation of specific documents.

This is only possible as a result of a very good knowledge by the management of the institutions involved of the legislation, processes, timetable of activities, and actions to be carried out.

In the goods and services requisition process, institutions from several areas of society, such as economic, military, social, administrative, etc., are all part of a legislative framework. It is imperative that there be effective cooperation, a balanced and proactive approach on all parts; otherwise, the requisitioning process will be slow and dysfunctional, which in a real situation can lead to vulnerabilities to national security and safety.

The continuous improvement of legislation in this field is another aspect that should be mentioned here, as the economic, political and geo-strategic situation at regional and European level requires new performance standards for ensuring state or European security.

Thus, in the case of the requisitioning of goods and services, it is also necessary for those involved, each at their own decision-making level, to provide modern, applicable and effective legislative benchmarks that provide the military organisation with the solutions needed to achieve maximum combat capability in the shortest possible time, right after the declaration of an exceptional situation.

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