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THE IMPORTANCE OF SOFT POWER IN THE CONCEPT OF EMPIRES AND GREAT POWERS

Albert P. van Goudoever[*]

Abstract

Recent literature on great powers and/or empires in world history shows not only the conventional aspects of military and economic power. They pay attention to new factors that usually were neglected, like the argument of cultural cohesion, cross-border migration, innovation and systems of governance. Many studies include the history of non-European powers and try to present an analytical view of global developments through many centuries. This contribution tries to show some of the new elements within the general context of rise, consolidation and decline, even re-occurring great powers.

Key words: soft power, empires, great powers, systems of governance, theory

The phenomenon of "Empire" recently came to the forefront, probably because of the current development of China and the expected retreat of the United States as a hegemon on the world scene,; maybe also because of the obvious limits to American superpower in current international conflict areas like Afghanistan and Iraq. This contribution seeks to demonstrate the main relevant aspects of great powers and empires and presents some new approaches to the material, mainly focusing on the relevance of cultural aspects of society like cultural cohesion, innovation, and social change. Culture usually is seen as a soft side of state power, as a parallel to the notion of soft power in international relations.

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Actually, many specialists on the field of international relations implicitly used the notion of soft power when discussing the relevance of international protection of human rights by international law.[1] The attraction of the human rights concept is demonstrated by widespread acceptance of international human rights instrument like the Universal declaration of 1948 and the International Covenants of 1966. The famous American scientist Joseph S. Nye wrote important contributions to the international relations debate and reminded the American public of the relevance of soft power as contrasted to military power in international relations. He defines soft power as the 'ability to get what you want through attraction rather than coercion or payment'.[2] The idea of soft power has widened since then, pointing out that soft power also includes cultural exchange programs.[3] Soft power may be used also as part of the composite of a state's power, as an element that possibly is connected to cultural and moral attitudes, social structures, and so on. Together these elements are highly relevant for internal stability. This approach is covered by the notion of cultural cohesion.[4] Jeremy Black mentions Chinese 'cultural and educational diplomacy' and points out that the Chinese example could be attractive for other societies, especially those without strong individualistic traditions.[5] John Darwin stresses the 'cultural attraction of an imperial state'.[6] Actually, in my opinion this approach means a way of expressing the relevance of culture in a broad meaning, pointing at different factors in power than just military and economic power. In this contribution I use this broad notion of soft power to focus on the analysis of great powers in world history. I deliberately refrain from discussing the traditional hard power as military and economic power. But I will not provide rigid definitions, according to Dominic Lieven.[7] The reader should not expect a comprehensive summing-up of all factors and their historical examples in literature; this essay merely selects a few examples to clarify the arguments, and suggests the reader to find out more by tracking down the literature in the footnotes.

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[1] See e.g. David P. Forsythe, *Human Rights and World Politics*, Lincoln: University of Nebraska Press, 1983; Jack Donnelly, *International Human Rights*, Boulder, Colorado: Westview Press 1988; Peter R. Baehr, *Human Rights*, London: MacMillan Press, 1999.

[2] Joseph S. Nye Jr., *Soft Power: The Means to Success in World Politics*. New York: Public Affairs, 2004. Professor Nye introduced the idea of soft power in his *Bound to Lead: The Changing Nature of American Power*, New York: Basic Books, 1990.

[3] See the book review by Steven I. Levine in *the Journal of American History*, June 2008, page 260, on: Takeshi Matsuda, *Soft Power: US Cultural Policy in Early Postwar Japan and Permanent Dependency,* Stanford: Stanford University Press 2007. Another example is Joshua Kurlantrick, *Charm Offensive: How China's Soft Power is Transforming the World,* New Haven: Yale University Press, 2007.

[4] Jeremy Black, *Great Powers and the Quest for Hegemony. The World Order since 1500*. London: Routledge, 2008. John Darwin, *After Tamerlane. The Global History of Europe since 1405*. London: Allen Lane 2007. Noel Cowen, *Global History. A Short Overview*, Oxford: Polity Press 2001. Amy Chua, *Day of Empire. How Hyperpowers Rise to Global Dominance - and why they fall*. New York: Doubleday, 2007.

[5] Black, *op. cit.*, p. 235.

[6] Darwin, *op. cit.*, p. 491.

In history throughout the ages, the most important Great Powers were concentrated in Asia and the Middle East. Empires in China, Mesopotamia, Persia, and Egypt were highly developed societies. Next to Asian empires, the Mediterranean area got her place in history by the empires of the Romans, followed by Byzance, the Arab caliphates and the Ottoman Empire. Africa and America had their regional powers. European powers succeeded to obtain the leading position in the world from the mid 18th century only, and Europe is as such a relatively recent phenomenon. In contrast to the other leading powers in world history, Europe did not develop into a centralized and unified state, and remained divided. Some European powers, however, succeeded in taking the role of leading power on their own, in particular Great Britain, and the British part of the story still dominates the historical scene of modern history till the Second World War. The United States and the Soviet Union followed as super powers after the war, and since the fall of communism only the USA is visible as the dominating world power and hegemon. Current discussions presume a transformation of the centre of world gravity again to Asia, in particular to China. Below, I will point out the important factors, and I follow the factors within the framework of rise, consolidation and fall of a great power or empire. A selection of recent literature is taken into account in the footnotes.

Historical development

World power and (regional) great power. We identify major empires next to great powers, although that distinction often omitted in the detailed analysis of the individual factors. First of all, major powers, that is, *long existing empires* grow and decline, such as the Roman Empire, China, Russia, Persia, and perhaps should be added: the Holy Roman Empire that less by power than by cultural cohesion was determined (covered by the German notion *Kultur*). Major Empires recognize no equality of other states or powers. Soviet Russia and communist China also work with their own interpretation of international law that thus allows these powers to escape equality with other powers. A Great Empire of a specific type concerns the United States: a country that economically has since long acquired the status of great power, and occasionally intervenes in the world. Only late, after the Second World War, the Unites States rose to the status of Great Empire respectively hegemonial power.

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[7] Dominic Lieven, *Empire. The Russian Empire and Its Rivals from the 16th Century to the Present.* London: Pimlico, 2003, p. 417.

The European powers can be regional great powers; since 1648 they are used to mutual formally recognized sovereignty. European history has shown great powers in varying mutual competition, and rivalry between the courts as well.[8] Coalitions evolved that tried to combat a hegemonial state like France in the 17th century, or in the 20th century, Germany. The competition resulted in a situation of continuing crisis. Great Powers in Europe successively live through a period of rise, hegemony, a period of decline at secondary international-political level without major territorial sacrifices, and a time of downfall without complete disappearance (see e.g. the Spanish empire that lost its position while maintaining the overseas possessions until the 19th century) or returning temporarily back to the political scene. There is contrast between continental (often regional powers rather than world powers, see Poland, Austria, Prussia, and Russia) and seaborne powers (with England and the United States as a model of hegemony, but also temporarily, the Republic of the United Dutch provinces, and Portugal). In the long run, the neighborhood of a large ocean seems to be requirements per se for an enduring position of a great empire or a great power.[9] A *short-lived great power* exists temporarily: e.g. Napoleon's France, Hitler's Third Reich, and, in Asia, Japan. These types of great powers are characterized by a short-lived expansion.

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[8] Jeroen Duindam. *Vienna and Versailles: The Courts of Europe's Dynastic Rivals, 1550–1780*, New York: Cambridge University Press, 2003, brilliantly analyses the role of the courts in the early modern international political scene, focusing on France and Austria.

[9] Karen A. Rasler and William R. Thompson, *The Great Powers and Global Struggle 1490-1990*, Lexington, Kentucky: University of Kentucky Press, 1994, p. 207.

Multi-cycled development. Because of this diversity, it is not desirable to think exclusively to think about major powers exclusively in terms of one organic cycle of rise- acumen of power-decline, as often is done by analogy with the old Roman Empire. Several great powers witness more cycles. Periods of expansion are followed by contraction, and then again expansion arises; some large empires lived through several phases of flourishing periods, such as China, England, Persia, and Russia: that is essentially a multiple cycle. And even after the final decline of a long existing great power, its cultural influence continues for a long time, as the culture of the Roman Empire and the Arab caliphates. And even the violent short-lived empires knew a long-term mark on society, as the empire of Napoleon and Hitler demonstrate. The long-term effect of the formidable reputation of a great power can be demonstrated in many cases, because the outside world continues to show respect to such powers even after its acumen.

Imperial blueprints? It is possible to differentiate the idea of plans or blueprints to develop an empire. In the early-modern era, there is a strategy -- but no blueprint—to collect princedoms and crowns in order to increase prestige and territory; in the modern period there is usually no strategy, or plan or blueprint to start a large power; the factor luck, and coincidence also do play a role, and of no small importance is the factor of the absence of competition (with the Dutch Republic as an example); once a great power is created, a political aim is detected to maintain that position, and that goal is also visible in education and culture, see England in the 19th century, and Bismarck's Germany after 1871. However, a conscious plan can exist to modernize in order to create an industrial society as a function to acquire a dominant position as an international great power, like Japan after 1867 and 1905, the Communist countries Russia after 1928 and China after 1949, and Hitler's Germany.

Leaders. Judging after the results of their work, great leaders (crowned heads of state or their chancellors) appear to have on time taken the steps in order to create the conditions for the construction and/or the development of large power: the Habsburg emperor Charles V (1519-1555), the Chinese emperor Kangxi 1661-1722, Sultan Suleiman the Magnificent

1520-1566, Louis XIV 1661-1715, Willem III of Orange 1672-1702, Peter the Great of Russia 1682-1725, Frederick the Great of Prussia 1740-86, Napoleon, Hitler, the communist leaders Stalin, Mao Zedong and Deng Xiaoping, and so on. They may also have contributed to decline of the great power status, like Clemens von Metternich in Austria by his enduring conservatism, by approving war where they have done better to remain outside of the conflict (Austrian and Russian emperors in 1914). Dominic Lieven clarifies the importance of some leaders by stressing 'how much the last Soviet emperor, Mikhail Gorbachev, contributed –for better or worse- to the end of the Soviet tradition of empire.'[10] The issues of war and peace, foreign policy and defense, long remained the exclusive privilege of the Head of State: that privilege gave them great responsibility, even in the 20th century democracy of the United States.[11]

Cultural cohesion. *Cultural cohesion* is the factor recently demonstrated by the publications of Black[12] and Darwin[13], and proves to be an interesting, typical long-term factor. The Holy Roman Empire is a typical example of a cohesive culture and enjoys that reputation because it did not transform into a concrete hard power.[14] Awareness of the vital importance of an empire is laid down in education and preach traditions or in unwritten political ideology; also the cultural factor is valid for a long-term. In Great Britain, sticking to a 19th century ideal of public education and morality contributed to the decline of the empire, as the failure of the leaders in the Second World War showed.[15]

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[10] Dominic Lieven, *op. cit.*, p. 339.

[11] Some relevant literature on individual countries, in English: Jonathan Israel, *Conflicts of Empire. Spain, the Low Countries and the Struggle for World Supremacy 1585-1713.* London: Hambledon Press, 1997; Dominic Lieven, *Empire. The Russian Empire and its Rivals from the 16th Century to the Present*. London: John Murray 2002. Henry Kamen, *Empire. How Spain became a World Power 1492-1763*. New York: Harper Collins 2003; Christopher Clark, *Iron Kingdom. The rise and downfall of Prussia, 1600-1947.* London: Allen Lane, 2006; J.H. Elliott, *Empires of the Atlantic World. Britain and Spain in America 1492-1830*. New Haven: Yale University Press, 2006. Brendan Simms, *Three Victories and a Defeat. The Rise and Fall of the First British Empire.* London: Allen Lane 2007; Piers Brendan, *The Decline and Fall of the British Empire 1781-1997*. London: Jonathan Cape, 2007.

[12] Jeremy Black, *Great Powers and the Quest for Hegemony. The World Order since 1500*. London: Routledge, 2008.

[13] John Darwin, *After Tamerlane. The Global History of Europe since 1405*. London: Allen Lane, 2007.

[14] Peter Claus Hartmann, *Kulturgeschichte des Heiligen Römischen Reiches 1648 bis 1806. Verfassung, Religion und Kultur*. Wien: Böhlau Verlag, 2001, emphasizes the non-national and religious character of the Holy Roman Empire.

Imperial mentality. A consolidated great power is to employ a self-evident imperial identity. The selection of the élite and the education of the future élites are based on the maintenance of the existing empire. The mentality thus can prevent a nationalism because nationalism is restricted to the ethnic identity, so the imperial identity goes further. Essentially, many world powers are based on poly-ethnicity, as William McNeill argued.[16] As a precondition, from the 19th century the empire is put in place of the nation state, the British Empire being the obvious example, but also the Soviet type of empire is a valid example. As a consequence, loss of Empire in the political culture of national emotion causes strong long-term reactions of disappointment.

Ideology. Major Powers are often served by Messianic roles, notwithstanding the overall content of the ideology. That mission can be religious conversion, or rolling-back conversion, e.g. the case of the roll-back of Islam, under the name of crusades. That may also be a mission of civilization (see Sir Christopher Bayly for a recent positive reading of the adoption of Europeanism in the colonies[17]), or the placing of the true faith, liberation, or the proper democracy, or communism. Messianic belief can also be identified with the idea of free trade and international law.

Coalitions. Great powers also like Coalitions against their opponents, on the one hand to increase their power, on the other hand to enhance their options for defense. The counterbalance against a great hegemonic power can be seen in early formation of coalitions. The fight against Spain in the 16th-17th century, the combating of Louis XIV of the 17th century, or of Austria in the 18th century, the alliances before the First

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[15] Correlli Barnett, *The Collapse of British Power*, Phoenix Mill, Gloucestershire, U.K.: Allan Sutton, 1972.

[16] William McNeill, 'Introductory Historical Commentary', Geir Lunderstadt, ed., *The Fall of the Great Powers*, Oslo: Scandinavian University Press 1994, pp. 3-21.

[17] Christopher A. Bayly, *The Birth of the Modern World. Global Connections and Comparisons 1780-1914*, Oxford: Blackwell, 2004.

World War, are all based on coalitions. These also play a crucial role in the toppling from power of short-lived large empires as Napoleon, Hitler and Japan.

Rise, consolidation, and decline of a great power.

A discussion of the main elements of turnout, consolidation and downturn follows below, involving various elements that are summarized under the title modernization and innovation: the core of rise and decline is already decided in the process of innovation and competition or the absence of such elements.

1. Rise of a great power

a. Mass of a state relates to the acquisition territory and population, the collection of a heartland. This element constitutes the traditional key argument in the analysis of great powers.[18] Characteristic of a great power in absolute terms is territory and population (mass), economy, and military weight. That weight can exist without dominance on other powers. Expansion enlarges a state, but consolidating power often proves to be more difficult than conquering.

Mass is highly relevant to the continental powers: the collection of lands. In China it means the subjection of local rulers, and the control over nomads in the periphery. In the Ottoman Empire, it means consolidation of the Anatolian possessions, and then a long-term strategy of conquering both on the continents and on the Mediterranean, but not on the ocean. The Habsburg politics of dynastic acquisition led to a dramatic collection of hereditary lands. That collection of lands lead to the possession of a series of Crowns which constituted the basis of power for Spain and the regional large power of Austria in the Holy Roman Empire, based on the *Hausmacht* of the Habsburg family. The Russian rulers first acquired the neighboring lands in central Russia and ensured the unity of Muscovy, then expanded to the East on the Eurasian continent at the expense of original inhabitants and was stopped by the challenge of China. The expansion of Prussia depended primarily on internal development and after 1815 on acquisition of surrounding areas at the expense of the competitive great power Austria, which meant a long phase of collection of lands. The current interest of the factor 'mass' can be seen in the Chinese pursuit since 1896 to regain Taiwan, and from Putin's concern about declining population in current Russia.

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[18] See the discussion in Rasler and Thompson, *op. cit.*

The moment of development to great power is triggered off by lack of balance of power: powerful opponents are defeated or included. It is not possible to determine an absolute mass as a critical mass that begins great-power-status, i.e. the quantification of the mass needed to achieve the status of great power. Actually, only relevant is the relative strength in relation to the immediate neighboring powers and elimination of competition. Of course, relatively sparsely populated areas facilitate expansion, like the frontier in Russia and the United States. Moreover, saturation can stop expansion, like China showed already in the 15th century.[19]

Maritime powers built an empire by collecting overseas bases in the world. The *Reconquista* and the overseas trade lead to the temporary empires of Portugal and the Republic of the United Provinces, which lacked mass but which nevertheless after their decline retained weight by maintaining colonies. Portugal and the Republic are atypical major powers, Portugal began with the *Reconquista* and gradually came to world prominence, the Republic profited from the Spanish shortcomings and knew the deficit of the Spanish Atlantic orientation, while the most obvious competitor England was absent at the international scene because of by internal struggles. Spain itself eliminated any competition for the Republic, for example, by conquering Antwerp. It is a unique phenomenon that the Republic as great power did not seek to obtain mass by territorial extension across the border. Spain began its expansion with the collection of the Iberian kingdoms and the *Reconquista*. After that, it combined the Habsburg legacy with the acquisition and active population of colonies and developed to the status of world power during the two centuries 1500-1700. England collected her United Kingdom by the acquisition of Ireland and Scotland (later, that enlargement caused many problems) and developed as a world power on the long run after 1650.[20] France reached enough mass to be a great power as the English competition in the French countries is driven out during the late Middle Ages. Then, France is rather a large regional power to 1600, and subsequently developed into a position of world power till 1763; afterwards France was again a regional large power, and Napoleon as a demonstration of France that decline could result into a short-lived revival of world power. A long term significance of French importance is felt in the French self-confidence which is clear from the concept the French *civilisation*, that is the feeling of a cultural dominance, as a kind of substitute for real world power.

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[19] Amy Chua, *Day of Empire. How Hyperpowers Rise to Global Dominance – and how they fall.* New York: Doubleday 2007, pp. 178-181.

[20] Jonathan Israel, *Conflicts of Empire. Spain, the Low Countries and the Struggle for World Supremacy 1585-1713.* London: Hambledon Press, 1997.

The United States acquired mass by the moving of the frontier to the West at the expense of the first nations (rather similar to the Russian advance in Siberia) and mass immigration until the end of the 19th century. The USA made use of its geographical location and opted for a long isolation on the world stage and later for a very limited direct control of colonies. Economic dominance was rather a more standing goal. Only by disturbance of the balance of power in the world the USA entered global politics, actually more often by coincidence and wrong decisions of the subsequent opponent (particularly the blunder of the Japanese attack on Pearl Harbor). The geographical position of the United States perhaps explains the lucky choices of allies in the world wars.

b. Modernization as a factor, in particular, the factor in innovation: technology, self-employed citizens, migration.[21]

Some powers succeeded in managing to a status of large power. Primary cause is modernization and innovation: they are faster developing than the other states. Innovation may be interpreted within the context of technology, but also of social change, of governance, and migration. Most well-known is innovation as a technological achievement: the nuclear bomb in the 20th century, the specific ships like the Portuguese caravel and the Dutch flute in the 15th and 16th century, but not as a unique factor. The industrial revolution in England with all its simultaneous revolutions can be described as gigantic innovation and as a condition for the deployment of an empire. The Japanese choice for westernization was one of above steered innovation in all areas of innovation, starting with innovation of governance. The western world witnessed a major social innovation by the development of the challenge to monarchical power: the bourgeoisie.

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[21] Rasler and Thompson, *Great Powers*, point out the relevance of factors like modernization and innovation next to the traditional factors of hard power. Darwin, in *After Tamerlane. The Global History of Europe since 1405*, and Black, in *Great Powers and the Quest for Hegemony. The World Order since 1500*, consider the factor of innovation in a broad sense as a major factor.

Independent citizens. Broad participation of elite worked in favor of an empire, in contrast to a limited and competitive elite; social mobility is favorable in the same way. In China the structure of government was based on hierarchy and her related education and exams, actually in the beginning an innovation that proved to be relevant for the long term as a breeding ground for talent, but there were no citizens that were independent of the state. The development of the citizens in the Italian cities of the late Middle Ages and beginning of the early-modern times was the explanatory factor for success. The special place of the Dutch Republic in the list of major powers can largely be explained by the innovation with regard to the cities and the citizens. The deployment of as much as talent by the freedom of enterprise and of citizens was a contrast with the country gentry that dominated developments elsewhere. The Prussian king succeeded in restraining the nobility in time and motivated nobility to participate in further development of the state centralism. Conversely, also the lack of social innovation in the decline constituted a factor of interest, see below, with long term serfdom at in Eastern Europe and Russia as typical examples, but as well the continuation of the role of the nobility in Spain.[22]

The role of leaders seems less relevant when discussing structural developments like innovation. Nevertheless, Napoleon is well known as an essential innovator, his conscripted army became a new standard for Europe, and his centralization of governance remained where ever his empire was established. Hitler and Stalin were innovators in the social field, in the sense of the mobilization of the masses both with modern mass means of propaganda and the media, based on new ideologies and promises of future salvation. Ultimately only the rulers and their party took advantage of the benefits of social renewal, because political alternatives were entirely excluded by terror.

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[22] Maarten R. Prak, *The Dutch Republic in the Seventeenth Century. The Golden Age*. Cambridge: Cambridge University Press, 2005.

In the field of innovation may also be included migration.[23] The mobile and nomadic empires of the Mongols were based on a permanent migration and thus constituted a surprise to all the others. The Spanish empire consciously organized migration to the colonies, the Dutch Republic got a major positive impetus by the migration from the Southern Netherlands, Portugal and France, caused by intolerance. Many great powers had high-ranking public servants, or traders and bankers of non-dominant or foreign ethnic origin (Italians in Spain, Greeks in the Ottoman Empire, early 19th century ministers in Russia). Forced migration of slaves was from a purely technical point of view also innovation. In the 19th century imperialism promoted great waves of (temporary) migration and the United States benefited of continuous migration. Within Russia many Russians migrated to the newly acquired areas, in fact internal migration. Not just migration of elites should be taken into account, also migration of large groups of uneducated people provided in modernizing societies' need for more workers, the United States as the most beautiful example.[24] As empires consolidate, again migration is a major element.

2. Consolidation: submission, domination, or integration

Major, mobile, and continental empires dominated rather informal and consolidated their rule by tribute and refraining of integration, see e.g. the Mongol empire. Continental powers consolidate by centralism, full integration and impose its system of governance; only expansion far-from-home is consolidated by the formation of tributary states. China was a clear example: China refrained from overseas control from the 15th century and opted for continental central security. Spain left intact the Habsburg components intact and functioned as a personal Union, thereby achieving a deficit of unity. Russia stood for the model of centralism. After the 20th century restoration of the Russian Empire, was Russia for the second time a regional large power. The elimination of the European counterbalance of Germany meant a development to world power and a competitor of the USA. The Soviet model of domination and regional hegemony was based on internal social and political copying of the communist system to the satellite states.[25]

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[23] Amy Chua, *Day of Empire. How hyperpowers rise to global dominance – and why they fall*. New York: Doubleday, 2007, puts forward migration as a major element in the rise and fall of powers.

[24] *Ibidem*, chapter 9: The American Hyperpower.

Migration also may be a factor of consolidation. Spain integrates early and carries out a deliberate policy of migration and population in the colonies; as a result, the Spanish culture dominates the overseas parts even after downturn of the Spanish power around 1800. The special order even is determined by the upper class, born in the Iberian Peninsula, known as the *peninsulares*, and a second place for those Spanish people born in Latin America, the Creoles. In connection with this consolidation in South America, a demographic disaster was brought upon the original inhabitants, who were decimated in number and a second disaster by the introduction of slaves, and the later development in North America shows a large similarity to that pattern. Migration of dominant groups within large powers such as Russia and China is on the long run was mostly relevant because of its russification respectively sinification of the areas of expansion.

The Ottoman model between continental and maritime power is based on the personal governance of the Sultan and the court clans as well as the play of élites, in the 19th century bringing many Greeks to the leading positions of the regime. Ottoman central authority remains structurally rather weak and the unity is therefore relatively fragile. The persons of the Sultan and his family were extremely vulnerable, as the great number of executed Sultans or claimants to the throne proves. The development and modernization of the State comes late, effectively in the course of the 19th century, under pressure of international developments, lost wars, and of the great powers. Innovation was introduced at several moments, 1826, 1839, and 1876 but proved to be rather limited in scope. One is tempted to compare the Ottoman Empire to Poland in the 18th century when late modernization in 1791 could not prevent the division by the major neighboring powers.[26]

In the 20th century, Hitler's Germany aimed at total integration with the help of submitted élites, as well as by puppet regimes. Japan’s policy organized direct control and a total integration. The Soviet Union worked internally with total integration and outside their own areas with alignment of their model of governance and at the same time by puppet governments.

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[25] A survey is presented by Noel Cowen, *Global History*, Cambridge: Polity Press, 2001.

[26] Dominic Lieven, *op. cit.*, pp. 128-158; Barbara Jelavich, *History of the Balkans*, 2 vol., Cambridge: Cambridge University Press, 1983.

Overseas territory and the maritime powers. The control of colonies by trade factories left the original intact under foreign domination: up to the 19th century, this was the model of Portugal, the Republic and England. In the 19th century the modern state developed and brought direct control of the colonies. This type of governance is reflected by aspirations to full integration. In particular France went a long way using that model of integration. Already Napoleon operated with a triple model of total integration (annexation), puppets-family-government and alliances. The English colonial system used to[27] large extent local rulers.

3. Decline of a great power

Is decline of an empire a result of imperial overstretch, as Paul Kennedy put it in his famous book on *Rise and decline of the great powers* in 1987.[28] He suggested expansions above the economic potential that can sustain expansion .Or are other factors of interest? Is it always the matter of the end of major powers or is regeneration a possible option? Is it just the economy that is determining the importance of great powers or do we find other factors?

Wars are often mentioned as a factor that leads to decline: the German and Japanese examples of the 20th century speak for themselves. But it is thinkable that both empires could have succeeded in maintaining a position as great power if they had restricted their expansion, and limited their policy of conquering for political reasons. Of course, they should have refrained from any policy that brought the United States as a new opponent. These arguments lead to the conclusion that the German and Japanese empires could consolidate at a smaller scale. As such, the cause of decline was more a political than an economic one. This is just an example of another way of arguing about the relative weight of economic factors. In his recent book, Jeremy Black deals extensively with the Kennedy-thesis and points out that "Other factors, including the role of circumstances, perception, and cultural influences need to be emphasized, and, collectively, they diminish the appropriateness of materialist interpretations".[29]

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[27] Piers Brendon, *The Decline and Fall of the British Empire 1781-1997*. London: Jonathan Cape, 2007; M.S. Anderson, *The Ascendancy of Europe 1815-1914*. London: Pearson Education, 2003, ch. 5: Europe and the World.

[28] Paul M. Kennedy, *Rise and Decline of the Great Powers: Economic Change and Military Conflict from 1500 to 2000.* New York: Random House, 1987.

The reverse argument may be found in the current Russian case. Russia is a state at an impressive place at the scale of world production of strategic goods such as oil and steel etcetera. Russia is influential because of that high place, but her internal weakness demonstrates a major limit. In addition, innovation is neglected, -as in the Soviet period innovation was restricted to the military field- which contributes to Russia's limitations as a great power.

Elite and social structure. Several major powers retained a traditional social structure, which caused loss of power, because of the lack of social modernization and innovation. The absence of the development of citizenry, independent of the State status, contributes to decline. Moreover, structural and endemic corruption is a systematic weakness because it hinders good governance and the emergence of talent.

An internal weakness is seen in the early-modern times when the rulers were satisfied with the collection of crowns and did not pursue unification and centralization; in such cases, the hereditary lands remained internally sovereign and were not to comply with the dominant crown, with Spain as typical example. Austria worked consistently to reach that unity until nationalism defeated her central state that was weakened by the First World War. In the early-modern period, the personal union of the monarchical positions dominated and prestige was normative. The Empire was connected to the person of the monarch.

The role of the landowning nobility was striking and relevant.[30] Spain did nothing to spend the incoming silver from South America to development of their own society and actually left these benefits to non-Spanish bankers and traders.[31] On the other hand, France ended the dominance of the landowners abruptly in the revolution of 1789, and the *Restauration* after 1815 could not easily restore that structure and elite. Habsburg Austria favored the landowning German and Hungarian nobility and did not change the social contract when citizens and national minorities showed up to claim their own positions; besides, foreign capital played an important role. Prussia mobilized the nobility in favor of expansion and got her to participate in the building-up of a military complex.[32] Russia kept old social structure of nobility enjoying tax exemption and tax-paying serfs. The nobility invested by far not enough to move the country structurally forward. The Russian revolution of 1917 made an end once and for all of the position of existing élites, nobility and gentry as well as citizens.[33] The influence of foreign entrepreneurs and capital in Russia had been of great importance, one should compare Spain centuries earlier. England retained a nobility who-albeit delayed-knew to adjust, and the early revolution of 1688 already had given the citizens enough room for development.[34]

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[29] Black, *ibidem*, p. 26. Next to his criticism on Kennedy, Black analyzes extensively many theories on great powers.

[30] Barbara Jelavich, *Modern Austria. Empire and Republic 1800-1986*. Cambridge: Cambridge University Press, 1987. Dominic Lieven, *Empire*, pp. 158-198.

[31] Henry Kamen, *How Spain became a World Power 1492-1763*. New York: Harper Collins, 2003.

In the case of other countries, a positive influence of the non-development of a landowning nobility (China, Ottoman Empire, Japan) may be noted. The new élites in the United States prevented the formation of such traditional positions by the open society that offered plenty opportunities for talents and private initiatives independent of the state. Japan entered rather consciously a path of overall social renovation by putting all her cards on modernization. Only on separate aspects, a culture of hierarchy remained as a limit of total modernization. The second (Soviet) Russian Empire bred its own, new élite that led the country into disaster.[35]

Competition of other powers as a factor of decline happened often. Sometimes competition led to the disappearance of a whole State: Portugal was a (temporary) victim of Spain in 1580, Poland was divided between the powers in Eastern Europe at the end of the eighteenth century. Sometimes economic competition led to relative decline as the Dutch Republic after 1713 or England after 1900. France survived the imperial competition in the 18th century, and England's first empire of the 18th century ended with the loss of the United States, but began at the same time with the development of the control of India. The absolute level of performance therefore remained, but other powers succeeded to rise to the same level of power.[36] The ultimate competition took place in great wars. A major war is designated as the cause of decline because major powers got completely exhausted, but these same wars could lead to new major powers such as the complex of the combined First and Second World Wars illustrated. In the previous centuries such wars were rare; war was simply a common phenomenon that was much less significant than the total wars of the 20th century.[37]

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[32] Christopher Clark, *Iron Kingdom. The Rise and Downfall of Prussia 1600-1947*. London: Allen Lane, 2006.

[33] See Geoffrey Hosking, *Rulers and Victims. The Russians in the Soviet Union*, Cambridge, Mass.: Belknap Press of Harvard University Press, pp. 42. Cf. Dominic Lieven, *Empire*, p. 288 ff.

[34] David Cannadine *The Decline and Fall of the British Aristocracy*. New Haven: Yale University Press 1990. Brendan Simms, *Three Victories and a Defeat. The Rise and Fall of the First British Empire*. London: Allen Lane, 2007.

[35] See e.g. John Darwin, *ibidem*, ch. 9, pp. 490-506. Dominic Lieven, *ibidem*, pp. 320-339.

Nationalism. The last part of the 18th century saw the awakening of American self-confidence who separated the American states from England. A little bit later, the French Revolution instituted the people as dominant factor. All together brought about the linking of the ethnic nation with the State in the 19 century, and led to the dominance of the national idea, and unification, as the cases of Italy and Germany showed. But also dissolution of empires occurred. Breaking the ties with the old motherland was the motive for the South American areas that liberated itself from Spain, at the beginning of the 19th century. Liberation in order to establish a state for specific ethnic identities turned down many empires: the Ottoman Empire in the 19th century was the model. As a result of the First World War the problem of minorities was a cause of dissolution of Austria and Russia. The colonial empires suffered from late 19th century. Nationalism became a factor of decline of the colonial empires in the 20th century. Actually, that nationalism was learned from the European masters! The formation of a strong state accompanied the process of formation of the national state, but that meant in no way a development to the status of large power. Since the 19th century, major powers often obtained rather an imperial culture of identity than an ethnic and national political culture, like England and Russia.[38]

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[36] Jeremy Black, *The British Seaborne Empire*. New Haven: Yale University Press, 2004.

[37] Cf. Paul Kennedy, *op. cit.*

Conclusion and Epilogue: The present

The use of soft elements in the analysis of great powers and empires seems very useful, next to the traditional analysis of military and economic power. The aspects of cultural cohesion and social structure relate directly to stability, the innovative power relates to future economic development, migration is an added value in the analysis because of its social relevance. Education and mentality are closely connected factors that are influencing the role of the decision-making elite. The comparative approach of any analysis of a great power or empire can be enriched by taking into account also these soft factors.

Presently, superpower 'the United States', appears to be in decline. But that seemed to appear in the 1980's too, when, in relation to the emergence of Japan (according to Kennedy's thesis) revival nevertheless took place. China and India are seen as the emerging major powers, especially in the long run. Russia seeks to restore her lost prestige, but is fixed on energy and disregards other economic sectors, while the development of independent citizens is lagging behind. The United States offer a good prospect for the moment to continue its position as a dominating power. Despite wars which the United States binds to the world –whatever the lack of final successes- , the power of the dollar still is of cardinal importance: all competitors live in dollars, though a growing interest in the euro shows up. The dominance of the American culture in the world is effectively expressed by Coca-Cola and MacDonald-culture. The powers that are allowed to have their say in international meetings are selected by the United States. On all the factors the United States still scores high, even though recently George Bush's leadership came under fire. The fantastic regenerative capacity of America is previously shown. A possible weak point in the otherwise strong position of America as country of innovative Nobel Prize winner is the religious bias leading to denial of the evolution or to ban on stem cell research leads. The American flexibility in the long term can also offer a new club competition. A reply to decline of power is also that the revival of Europe after the Second World War, at least in the economic and social sense, not political. As long as there is no real unification and centralization, the political translation remains inadequate. Europe still needs far-reaching innovation in the political system.

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[38] Dominic Lieven, *op. cit.*, pp. 413-415.

China begins to use effectively her enormous human capital, and shows surprising flexibility. The Communist regime does not consider appropriate democratization: that is a factor of weakness in view of the need for social groups, independent of the state. China's own technological innovation may occur any day, but still China is rather dependent of Western innovation. The internal division within the country is enormous, the deep-rooted corruption constituted an attack on stability. India shows a large pool of talent, but has a long way to go before a balanced modern state can be discussed. For the contemporary states, energy is the crucial factor by far, and is for all concerned, whether major of minor powers, a source of strength as well as a sign of weakness. However, there are many more factors at work at the same time, as is demonstrated above. The conclusion still is a continuation of the dominance of the United States, and the main argument seems to be a cultural convergence as a result of the global economy that follows the American example, attracted by her long term successes.

The recent turn to the relevance of cultural and social soft power, like culture, innovation, and migration, gives rise to an unlimited discussion, especially if a comprehensive research into all kinds of global empires, great powers, and regional powers are included. Nevertheless, this approach is fascinating because of its complexity and the possibility to prioritize the dominating factors in the development of great powers, be it rise or decline.[*]

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Bibliography:

1. Anderson, Matthew S. (2003), *The Ascendancy of Europe 1815-1914*. London: Pearson Education.
2. Barnett, Correlli (1972), *The Collapse of British Power*, Phoenix Mill, Gloucestershire, U.K.: Allan Sutton.
3. Bayly, Christopher A.(2004), *The Birth of the Modern World. Global Connections and Comparisons 1780-1914*, Oxford: Blackwell.
4. Black, Jeremy (2008), *Great Powers and the Quest for Hegemony. The World Order since 1500*. London: Routledge.
5. Black, Jeremy (2004), *The British Seaborne Empire*. New Haven: Yale University Press.
6. Brendon, Piers (2007), *The Decline and Fall of the British Empire 1781-1997*. London: Jonathan Cape.
7. Cannadine, David (1990), *The Decline and Fall of the British Aristocracy*. New Haven: Yale University Press.
8. Chua, Amy (2007), *Day of Empire. How Hyperpowers Rise to Global Dominance - and why they fall*. New York: Doubleday.
9. Clark, Christopher (2006), *Iron Kingdom. The rise and downfall of Prussia, 1600-1947*. London: Allen Lane.
10. Cowen, Noel (2001), *Global History. A Short Overview*, Oxford: Polity Press.
11. Darwin, John (2007), *After Tamerlane. The Global History of Europe since 1405*. London: Allen Lane.
12. Duindam, Jeroen (2003), *Vienna and Versailles: The Courts of Europe's Dynastic Rivals, 1550–1780*, New York: Cambridge University Press.
13. Elliott, J.H. (2006), *Empires of the Atlantic World. Britain and Spain in America 1492-1830*. New Haven: Yale University Press.
14. Hartmann, Peter Claus, (2001) *Kulturgeschichte des Heiligen Römischen Reiches 1648 bis 1806. Verfassung, Religion und Kultur*. Wien: Böhlau Verlag.
15. Hosking, Geoffrey (2006), *Rulers and Victims. The Russians in the Soviet Union*, Cambridge, Mass.: Belknap Press of Harvard University Press.
16. Israel, Jonathan (1997), *Conflicts of Empire. Spain, the Low Countries and the Struggle for World Supremacy 1585-1713.* London: Hambledon Press.
17. Jelavich, Barbara (1983), *History of the Balkans*, 2 vols., Cambridge: Cambridge University Press.

18. Jelavich, Barbara (1987), *Modern Austria. Empire and Republic 1800-1986*. Cambridge: Cambridge University Press.
19. Kamen, Henry (2003), *Empire. How Spain became a World Power 1492-1763*. New York: Harper Collins.
20. Kennedy, Paul M. (1987), *Rise and Decline of the Great Powers: Economic Change and Military Conflict from 1500 to 2000.* New York: Random House.
21. Kurlantrick, Joshua (2007), *Charm Offensive: How China's Soft Power is Transforming the World,* New Haven: Yale University Press.
22. Levine, Steven I.(2008), in *the Journal of American History*, June 2008, page 260, book review on: Takeshi Matsuda, *Soft Power: US Cultural Policy in Early Postwar Japan and Permanent Dependency,* Stanford: Stanford University Press 2007.
23. Lieven, Dominic (2002), *Empire. The Russian Empire and its Rivals from the 16th Century to the Present*. London: John Murray.
24. McNeill, William (1994), 'Introductory Historical Commentary', Lunderstadt, Geir, ed., *The Fall of the Great Powers*, Oslo: Scandinavian University Press.
25. Nye, Joseph S. Jr. (2004), *Soft Power: The Means to Success in World Politics*. New York: Public Affairs.
26. Nye, Joseph S. Jr. (1990), *Bound to Lead: The Changing Nature of American Power,* New York: Basic Books.
27. Prak, Maarten R. (2005), *The Dutch Republic in the Seventeenth Century. The Golden Age*. Cambridge: Cambridge University Press.
28. Rasler, Karen A. and Thompson, William R. (1994), *The Great Powers and Global Struggle 1490-1990,* Lexington, Kentucky: University of Kentucky Press.
29. Simms, Brendan (2007), *Three Victories and a Defeat. The Rise and Fall of the First British Empire.* London: Allen Lane.

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THE FUTURE COMMON SECURITY AND DEFENCE POLICY. WILL THE TREATY OF LISBON BE ABLE TO BRIDGE THE CAPABILITIES – EXPECTATIONS GAP?

Georgiana Ciceo*

Abstract
More than fifteen years after engaging in the endeavors of giving a political and security muscle to the already powerful economic European Union, there is still a good deal of work that needs to be done. Most of the institutions necessary for carrying out the security and defence tasks are already at work and still the European Union is rather shy in undertaking such responsibilities. The article is centered around the possible answers to the question of the extent to which the new by no means constitutional but still reform Treaty of Lisbon will be able to strengthen the authority of the European Union, in a very sensitive and highly important area for its respectability, as an effective actor on the world stage.
Key words: Common Security and Defence Policy, Treaty of Lisbon, capabilities, expectations, European Union

The calls for an even stronger European commitment in world affairs based on the consideration of the continents' interests and values came repeatedly under the examination of politicians and political scientists[1] alike even before the end of the Cold War. These were most often connected with the necessity that Europe had to add strength to its more prominent soft power profile as an undeniable proof of its stature on the international arena. Echoing Hedley Bull's appeal in this respect from 1982, Christopher Hill argued in the immediate aftermath of the launching of the Common Foreign and Security Policy (CFSP) that in order to achieve

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[1] The leading contributions in this respect remain those of François Duchêne, "Europe's Role in the World Peace" in: Richard Mayne, *Europe Tomorrow: Sixteen Europeans Look Ahead*, London: Fontana, 1972, pp. 32-47 and Hedley Bull, "Civilian Power Europe: A Contradiction in Terms?" in: *Journal of Common Market Studies*, vol. 21, no. 1-2, 1982, pp. 149-164.

international actorness the Union had to develop its capacity to defend itself and project a military power[2]. For effective military action, Hill's reasoning went on, the European Union had to strengthen its defence capabilities, which in his view, meant strengthening mutual obligations among Member States, enhancing operational capacities and mobilization of necessary resources[3]. The analytical framework advanced by him for evaluating Europe's capacity to assert itself as a reliable partner on the international stage centered on the '*capability-expectations gap*'. This has quickly become part of the foreign policy analytical toolbox because of its power to tackle one of the biggest challenges of European foreign policy: meeting demands with outcomes. Despite the many attempts aimed at refining the analytical device put forward by Hill[4], we consider that the three above-mentioned variables, considered by him, for evaluating the military capabilities of the European Union, maintain with minor adjustments their validity.

When speaking of the mutual obligations, Hill meant the necessity to bring *cohesiveness* to the reciprocal commitments of the Member States. 'Coherence', also known as 'consistency' has acquired a special meaning in the context of EU foreign-policy making[5]. It deals with the attempt made by the national governments to draw their institutions and procedures closer in order to improve their collective performance. This was regarded as an important prerequisite in order to express solidarity in the face of any military or security threats coming from the outside environment. They did not need to conflict with other obligations, such as those arisen within the framework of NATO[6] or OSCE, but they had to offer the Union the ability to act independently in case any of these alternative forms of cooperation would have fallen apart. Looking at the multilayered nature of the European decision making with regard to international affairs, the wide variety of actors involved, as well as to the multitude of instruments that might be employed, it is obvious that the success of the European Union in tackling worldwide problems depends largely on the fruitful interaction of these players. Under *operational capacities*, it was understood an ever deeper coordination and institutionalization of the cooperation among the military command centers of the Member States so that they will be prepared for the further elaboration of the Union's operations in the field of security and defence. As far as *resources* were concerned, it was considered that they will have to cover both the operational and the administrative costs necessary for enabling European Union to act convincingly on the world stage. The budget and its capacity to bear the necessary costs were regarded as playing a key role in supporting any defence activities.

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[2] Christopher Hill, "The Capabilities-Expectations Gap, or Conceptualizing Europe's International Role" in: *Journal of Common Market Studies*, vol. 31, no. 3, 1993, p. 318. See also Fraser Cameron, *The Foreign and Security Policy of the European Union: Past, Present and Future*, Sheffield: Sheffield Academic Press, 1999, p. 11.

[3] Hill, *op. cit.*, pp. 319-321.

[4] See for instance Martin Holland, "Bridging the Capability-Expectations Gap: A Case-Study of a CFSP Joint Action on South Africa" in: *Journal of Common Market Studies*, vol. 33, no. 4, 1995, pp. 556-572, Christopher Hill, "Closing the Capabilities-Expectations Gap?" in: John Petersen and Helen Sjursen (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, London: Routledge, 1998, pp. 18-38, Roy H. Ginsberg, "Conceptualizing the European Union as an International Actor: Narrowing the Theoretical Capability – Expectations Gap" in: *Journal of Common Market Studies*, vol. 37, no. 3, 1999, pp. 429-454, Charlotte Bretherton and John Vogler, *European Union as an International Actor*, London: Routledge, 1999, pp. 3-5.

[5] Simon Nuttal, "Coherence and constituency" in: C. Hill and M. Smith, *International Relations and the European Union*, New York: Oxford University Press, 2005, pp. 92.

This essay evaluates, on the basis of the criteria mentioned above, the extent to which the Treaty of Lisbon will be able to contribute to the strengthening of European Union's potential in the realm of defence and security, making it thus capable of mobilizing resources for achieving military goals and projecting military power on the world stage. Last but not least, an attempt will be made to appraise the usefulness of the capabilities-expectations gap as a relevant concept for European foreign policy analysis after the entering into force of the Treaty of Lisbon – will it still be relevant or will it become obsolete because the gap would be bridged by the provisions of the new document that makes ESDP fully operational and the EU able to transform its economic and diplomatic power into a more autonomous political power. In other words it will try to assess the capacity of the European Union to reconcile the institutional constraints with the political ambitions in order to create a favorable environment for strategic action.

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[6] See also Hanna Ojanen, "The EU and NATO: Two Competing Models for a Common Defence" in: *Journal of Common Market Studies*, vol. 44, no. 1, 2006, pp. 57-76.

Europe's security responsibilities increased significantly after the end of the Cold War. As a consequence its capacity of action in the area of foreign and security policy had to be ostensibly reinforced over the years. The 1992 Maastricht Treaty and the 1997 Amsterdam Treaty[7] attempted to provide the EU with the ability to get involved more efficiently in world affairs. However, contrary to the general expectations, against the background of the Bosnian war and the later crises in the Balkans, not much flowed from the fledgling CFSP beyond political rhetoric[8]. The reasons behind were connected with the lack of cohesiveness as a consequence of the terribly uncoordinated military policies of individual European capitals, the absence of necessary operational capabilities and the limited resources at hand for the European Union. At the end of the decade it was clear that the EU countries could no longer afford the luxury of attempting to solve the continents' security problems in isolation from one another.

Security coupled with defence paved then smoothly its way on the agenda of the European Union. As such it was a '*new policy child that had to get its feet on the ground very quickly*'[9]. The catalyst for the launching of this new project served the historic meeting of December 1998 from St. Malo between the Europe's two biggest military powers[10]. It triggered a sea-change in political attitudes and led the EU leaders to declare six months later that the Union '*must have the capacity of autonomous action backed by credible military forces*'[11]. Even before the legal framework was amended in order to include the latest European Security and Defence Policy (ESDP), new institutions were created in order to allow the European Union to cope with the challenges in this field[12]. Contrary to the general expectations, that these developments will be reinforced by the Treaty of Nice, this failed to come up with appropriate solutions due to the much higher importance attached at that time by the Member States to the institutional reform in view of the forthcoming enlargement. The Treaty only managed to bring into the legal framework of the European Union the newly created institutions.

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[7] On a more detailed account on how the European Union came to develop a new policy in the realm of security and defence, see Jolyon Howorth, *Discourse, Ideas and Epistemic Communities in European Security and Defence Policy*, Chaillot Paper no. 43, Paris: EUISS, 2000.

[8] See also Roy H. Ginsberg, *op. cit.*, pp. 430-431.

[9] ***, "The strengths and weaknesses of the European security & defence policy", Policy Dossier: Security and Defence in: *Europe's World*, no. 6/2007, p. 97.

[10] On the process set into motion by the summit in St. Malo see Jolyon Howorth, "Britain, France and the European Defence Initiative" in: *Survival*, vol. 42, no. 2, 2000, pp. 33-55, Anne Deighton, "The Military-Security Pool: Towards a New Security Regime for Europe" in: *International Spectator*, vol. 30, no. 4, 2000, pp. 41-54, John Roper, "Keynote Article: Two Cheers for Mr. Blair? The Political Realities of European Defence Cooperation" in: *Journal of Common Market Studies*, vol. 38, Annual Review, 2000, pp. 7-23.

[11] *Presidency Conclusions of the Cologne European Council* (3-4 June 1999), Annex III: European Council Declaration on Strengthening the Common European Policy on Security and Defence [http://www.consilium.europa.eu/uedocs/cmsUpload/Cologne%20European

Since then the new policy has picked up speed. A European Security Strategy (ESS) was adopted in the attempt to lay the future political objectives of the new policy, to be followed just one year later by the Headline Goals 2010 (HG-2010). They state as aim of the European Union the necessity to be prepared to '*think globally and to act locally*' and to be able to '*defend its security and to promote its values*' while taking into consideration the reality of '*new threats*' that '*are dynamic*' and make that '*the first line of defence will often be abroad*'[13]. Under these circumstances, '*Member States have decided to commit themselves to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union. This includes humanitarian and rescue tasks, peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking*', '*joint disarmament operations, the support for third countries in combating terrorism and security sector reform*', the ability '*to act before a crisis occurs*' and '*to conduct concurrent operations thus sustaining several operations simultaneously at different levels of engagement*'[14].

%20Council-Presidency%20conclusions.pdf] 22 January 2009.

[12] *Presidency Conclusions of the Helsinki European Council* (10-11 December 1999), Annex IV: Presidency Reports to the Helsinki European Council on "Strengthening the Common European Policy on Security and Defence" and on "Non-military Crisis Management of the European Union",
[http://www.consilium.europa.eu/uedocs/cmsUpload/Helsinki%20 European%20Council-Presidency%20conclusions.pdf] 22 January 2009.

[13] See *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December 2003 on [http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf] 22 January 2009.

[14] *Headline Goal 2010* (HG-2010) replaced the *Helsinki Headline Goal 2003* adopted in December 1999, whose aims proved to be too ambitious for being met by 2003. See *Headline Goal 2010,* approved by General Affairs and External Relations Council on 17 %20Council-Presidency%20conclusions.pdf] 22 January 2009.

At the same time the Union spawned also around the globe within the past few years, in spite of the reluctance shown by most of its members in dealing with these issues, an ever-increasing number of security-related missions in peace-keeping, police training, defence reform or border security reform[15]. Most of the missions were modest in scale but could not have been achieved without an underlying political process. These missions needed planning, required a considerable amount of money and would have been inconceivable in the absence of a clear mandate generated collectively by the European Union. Moreover they indicated that the Union is able to support military its diplomacy and wants to be regarded as a reliable and accountable partner as far as the international peace and security is concerned.

Thus the up to now endeavor aimed at reinforcing the European Security and Defence Policy has not been just a paper exercise. Looked upon from a reversed angle it generated expectations on the side of an increasing number of international actors such as the states of the Third World, which tend to prefer European involvement in frozen conflicts or protracted political crises, the United States[16] due to the overstretching of

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[14] *Presidency Conclusions of the Helsinki European Council* (10-11 December 1999), Annex IV: Presidency Reports to the Helsinki European Council on „Strengthening the Common European Policy on Security and Defence" and on "Non-military Crisis Management of the European Union"
[http://www.consilium.europa.eu/uedocs/cmsUpload/Helsinki%20 European%20Council-Presidency%20conclusions.pdf] 22 January 2009.

[14] See *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December 2003 on [http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf] 22 January 2009.

[14] *Headline Goal 2010* (HG-2010) replaced the *Helsinki Headline Goal 2003* adopted in December 1999, whose aims proved to be too ambitious for being met by 2003. See *Headline Goal 2010,* approved by General Affairs and External Relations Council on 17 May 2004, endorsed by the European Council of 17 and 18 June 2004 on [http://www.consilium.europa.eu/uedocs/cmsUpload/2010%20Headline%20Goal.pdf] 22 January 2009.

[15] Out of the 23 missions launched up to now 13 are still under way. See *Overview of the missions and operations of the European Union*, December 2009 on
[http://www.consilium.europa.eu/uedocs/cmsUpload/mapENdecember09.pdf] 4 December 2009.

[16] See for instance Esther Brimer, *Seeing blue: American visions of the European Union*, Chaillot Paper no. 105, Paris: EUISS, 2007, Gustav Lindstrom, *EU-US burdensharing: who does what?*, Chaillot Paper no. 82, Paris: EUISS, 2005, Stanley R. Sloan, *The United States and the European*

the American military forces deployed abroad or the other international organizations involved in international peace and security as for instance United Nations[17] and NATO[18]. It generated also expectations that the Union will be able to develop a legitimate cultural environment within which it can work out coherent policies that are supported by an adequate institutional framework and an effective range of tools[19]. But it is particularly this expectation that the Union will possess the capacity to define its relations with other states and institutions that is most often questioned[20].

For sure a good deal of work still lies ahead as we still cannot reckon with a European Union defence budget though the Commission made the necessary financial arrangements so that it can bear the costs of dual-use technologies, a European army although the idea is floated every now and then by prominent European politicians, or a European arsenal, even though since 2004 we have a European Defence Agency, in order just to mention a few from the most salient deficiencies of the newest policy. They only underline the limits of European Union capabilities necessary for meeting the high expectations attached to it.

Defence, Chaillot Paper no. 29, Paris: EUISS, 2000, Jolyon Howorth, „European Defence and the Changing Politics of the European Union: Hanging Together or Hanging Separately?”, in: *Journal of Common Market Studies*, vol. 39, no. 4, 2001, pp. 765-789.

[17] See the calls of the Secretary General of the United Nations for European Union involvement in crises situations on the African continent.

[18] Asle Toje, *The EU, NATO and European Defence – A slow train coming*, Occasional Paper no. 74, Paris: EUISS, 2008.

[19] Anne Deighton, „European Security and Defence Policy” in: *Journal of Common Market Studies*, vol. 40, no. 4, 2002, p. 728.

[20] In this context are worth to be mentioned the big question marks raised constantly by the prominently American representatives of the neoconservative school of thought with regard to the European Union’s ability to stand up to its external commitments in case of unexpected geopolitical challenges to its position coming from its immediate proximity (allusions being made of course to the Russian resurgence in international affairs). See for instance Spiegel Interview with Robert Kagan in: *Der Spiegel*, no. 44/27.10.2008, p. 129 and Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order*, New York: Vintage Books, 2004, pp. 19-27, 42-55, 65-66.

An important milestone on the way to develop a European Security and Defence Policy is considered to be represented by the Treaty of Lisbon that will amend the Treaty on the European Union (TEU) and the Treaty on the European Community (TEC) rebaptized from now on in the Treaty on the Functioning of the European Union (TFUE). Will it be able to contribute significantly to the emancipation of the European Union in terms of security and defence and fulfill the high hopes attached to it? The following section is trying to analyze the most relevant contributions made by this Treaty against the ambitions set by the European Union in the European Union Strategy (ESS) and the Headline Goals 2010 (HG-2010). These provisions are to be found in the Title V of the Treaty on the European Union – *General provisions on the Union's external action and specific provisions on the Common Foreign and Security Policy*.

According to article 42(1) TUE, '*the common security and defence policy shall be an integral part of the common foreign and security policy*'. So from the very beginning it is clear that in order to add weight to the actions in this field, the former European Security and Defence Policy will be upgraded to the status of a common policy - Common Security and Defence Policy (CSDP). The aims of this policy will be connected with '*the progressive framing of a common defence policy*' that '*will lead to a common defence, when the European Council, acting unanimously, so decides*' (article 42(2)). On the other hand, the Union's competence in matters of common foreign and security policy shall cover according to article 24(1) '*all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence*'. Being a part of the CFSP means that within the CSDP attempts will be made to develop mutual political solidarity among the Member States, to identify matters of general concern and to find a better convergence among the Member States. At the same time, CSDP will have to '*provide the Union with an operational capacity drawing on civilian and military assets*' (article 42 (1)). From this perspective, the Petersberger tasks[21] will be from now on enriched in order to include '*disarmament operations, military advice and assistance tasks, peacemaking and post conflict stabilization, conflict prevention, post-conflict stabilization missions*' (article 43). What is also important to be mentioned is the fact that this policy will have to contribute to the fight against terrorism, including '*by supporting third countries in combating terrorism in their territories*'.

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[21] Petersberger repertoire of missions that might be undertaken by the European Union in crisis management situations includes humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management including peacemaking. They were included in the Petersberger Western European Union Declaration from 1993 and inherited as such in the Treaty on the European Union as amended by the Treaty of Amsterdam.

From these preliminary remarks we can draw the conclusion, that bearing in mind the goals set forth in the ESS and HG-2010 the Treaty of Lisbon attempts to strengthen the position of the new policy within the larger framework of the European Union. A wider array of missions than those currently mentioned by the existing treaties was considered so that the new treaty will be able to better reflect the nature of the existent ESDP missions and to give a legal basis to the ambitions laid down in the two above-mentioned strategy documents. However, it is to be expected that the recourse to military means on the side of the European Union will be possible only in a multinational context and with a proper legal base as it is already suggested by the ESS[22].

Cohesiveness

The Treaty of Lisbon emphasizes in several of its parts the need for increased coherence in the realm of security and defence. So article 21(3) stipulates that '*the Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect*". On their part, the states commit themselves to '*reinforce and develop their mutual political solidarity*' and '*to avoid any action that goes contrary to the interests of the European Union or is susceptible to harm either its efficiency or its cohesion in international relations*' (article 24(3)).

However, the Treaty allows also a certain degree of flexibility in implementing the decisions. The mutual defence clause and the solidarity clause are important innovations that promote fundamental principles of the European Union: solidarity with and assistance to other Member States. If the defence clause echoes the defence clause of the Western European

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[22] See also Alyson K. Bailes, *SIPRI Policy Paper No. 10 - The European Security Strategy: An Evolutionary History*, February 2005, pp. 16-18.

Union, the solidarity clause represents a new legal mechanism of assistance between Member States when one of them is victim of a terrorist attack, natural or man-made disaster. As far as the mutual defence clause as defined in article 42(7) is concerned, its provisions are somehow watered down by the condition that any commitments and cooperation in this respect will have to be consistent with those of NATO and will not prejudice the security and defence policy of neutral Member States. With regard to the solidarity clause the participation maintains a voluntary character, as according to article 31(1), a Member State may decide to abstain from voting on an initiative in this respect.

At the same time, the Treaty extends the scope of '*enhanced cooperation*' to the field of defence and security. The newly created instrument of '*permanent structured cooperation*' is meant to bring a certain degree of flexibility to the new policy domain as, unlike the former enhanced cooperation, does not require a threshold of members to proceed. This flexibility cannot be weighed up though in absolute terms, as the participation in any form of permanent structured cooperation is permanent (although a withdrawal is possible), its content is fixed, its construction structured and the performance evaluated by a specialized body – European Defence Agency (Article 42(6) and Protocol no. 10 to the Treaty). That is why the permanent structured cooperation can be better regarded as an institutional mean for overcoming a potential political blockage[23].

Institutionally speaking the Treaty of Lisbon strengthens the role of the European Council in matters concerning the foreign policy and the security and defence policy (see articles 24, 31 and 42). The European Council is defining and implementing all the foreign and security policy of the Union. At the same time the Council will '*frame the common foreign and security policy and take the decisions necessary for defining and implementing it on the basis of the general guidelines and strategic lines defined by the European Council*' (article 26). This means that, exactly as in the case of CFSP, the realm of security and defence will also be marked by a '*tradeoff between the benefits of increased bargaining power and the costs of compromise among*

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[23] See also Antonio Missiroli, *The Impact of the Lisbon Treaty on ESDP*, Brussels, European Parliament: Directorate General External Policies of the Union, 2008, p. 15.

heterogeneous interests'[24]. Nevertheless, a number of innovations aimed at rationalizing the European Union's institutional architecture are expected to have a certain (but still to be evaluated) impact on the common security and defence: a new president of the European Council, a new High Representative for Foreign Affairs and Security Policy and a new external service. What appears to be obvious is the fact that the attempt to accommodate the intergovernmental impulses steaming from the Council with the community ones sent by the Commission will not be fully attained as the High Representative for Foreign Affairs and Security Policy[25] will find itself under the tight scrutiny of both institutions, which basically means that the 'intrinsic dualism' that has characterized the security policy up to now will be maintained in a new form[26].

If the Commission is barely mentioned in the dispositions concerning the CFSP as a whole, the European Parliament is to be consulted regularly on the '*main aspects and the basic choices of the common foreign and security policy and the common security and defence policy*' and kept informed on how these policies evolve. Moreover the High Representative for Foreign Affairs and Security Policy '*shall ensure that the views of the European Parliament are duly taken into consideration*' (article 36). It is obvious that none of these provisions has the capacity of transforming the Parliament into a central institution for the CSDP. Nevertheless, the authority of the Parliament is likely to increase indirectly by means of its revised participation into the budgetary procedure.

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[24] This means that the probability of aggregating a common decision is higher when the benefits of the compromise exceed its costs. See Jeffry A. Frieden, "One Europe, One Vote?" in: *European Union Politics*, vol. 5, no. 2, 2004, p. 274.

[25] The Treaty of Lisbon adds weight to the position of the up-to-now High Representative for CFSP and future High Representative for Foreign Affairs and Security Policy. Instead of further parting the responsibilities in this area, on the one hand with the commissar for foreign affairs who had to coordinate the funds offered by the European Union, handle the external aid and conduct the relations with third parties and on the other hand with the Presidency of the Council that had to represent the Union on the international stage, the High Representative for Foreign Affaires and Security Policy will have to '*represent the Union for matters relating to the common foreign and security policy*', '*conduct political dialogue with third parties*', and '*ensure implementation of the decisions adopted by the European Council and the Council*' (article 27 (1 and 2)). This last task will have to be delivered together with '*the Member States, using national and Union resources*' (article 26). At the same time the High Representative for Foreign Affaires and Security Policy will be one of the vice-presidents of the European Commission accountable '*within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action*' (article 18). In doing this, he will '*be bound by Commission procedures*' (article 18) to the extent to which these do not affect his position in the European Council and the Council on Foreign Affaires.

[26] See also Wolfgang Wessels and Franziska Bopp, "The Institutional Architecture of CFSP after the Lisbon Treaty – Constitutional breakthrough or challenges ahead?" in: *CHALLENGE Liberty and Security*, Research Paper No. 10, June 2008, p. 29.

With regard to the decision-making, Lisbon Treaty reinforces the intergovernmental nature of the security decision-making. Both the European Council and the Council are supposed to take the decisions unanimously (see articles 24, 31 and 42), which basically means that each Member State has the possibility of blocking an initiative that goes against its own interests. However the qualified majority voting will make inroads into the sphere of security in at least two very important points, namely the establishment of a permanent structured cooperation (article 46(2)) and the launching of a start-up financing from the Union budget for a defence policy mission (article 41(3)). Extremely important, qualified majority voting will remain the basic rule for any procedural decisions.

The Lisbon Treaty also maintains the rule of constructive abstention for those Member States who are unwilling to go ahead with a certain decision. They have to make a formal declaration in this respect, and, as a consequence, they cannot be obliged to put into practice the decision and are exempted from any financial contribution for its implementation. Also in cases of decision-making on the basis of qualified majority voting there is a possibility to use an 'emergency brake' for '*vital and stated reasons of national policy*' (article 31(2)).

Operational capacities

The Lisbon Treaty deals also with one of the most challenging purposes of the ESDP, namely the strengthening of its own military capabilities, which is now regarded as vital for the European ambition of adding hard power to its already prominent soft power. It is by now widely accepted that the European Union does not suffer from a lack of material resources but from the inability of uniting its diplomatic and military potential[27]. That is why, even before the Constitutional Treaty or the subsequent reform Treaty of Lisbon were able to enter into force, '*an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments*'[28] was established. With the Lisbon Treaty, the European Defence Agency (EDA) has been inserted in the legal framework of the CSDP, reinforcing as such the leading role that the Member States want to assign to it in pushing forward the development of the EU operational capabilities and the EU as a military actor. According to article 46, its main role is to '*contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States and to promote harmonization of operational needs and adoption of effective, compatible procurement methods*'.

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[27] Philip Gordon, "Europe's uncommon foreign policy" in: *International Security*, vol. 22, no.1, 1997/1998, p. 75.

Nevertheless, the most important problems that confront the Member States in matters related to their military capabilities – the insufficient amount of money available for defence, the limited interoperability and the fragmentation of the European defence market – have not been addressed. Moreover, the intergovernmental character of EDA will be maintained, although it is obvious that in the absence of a real autonomy from the Member States for carrying out the most basic tasks associated with independent institutions, EDA remains a toothless institution[29], unable to make a substantial contribution towards increasing work-sharing and interdependencies or even to get the Member States to live up to their undertakings on capabilities and resources. Its ability to make a contribution to the establishment of a competitive European Defence Technological and Industrial Base for supplying the European armed forces remains uncertain.

What is also to a some extent surprising is the fact that the Treaty of Lisbon remains at least ambiguous with regard to the necessity of building up the non-military capacities of the future CSDP although the Union has come to enjoy a high profile as a '*civilian power*' actively involved in conflict prevention, reconstruction and development assistance deepening as such another *capability-expectations gap*[30], namely between the military and civilian aspects of its stature on the international arena. As far as the future CSDP is concerned, the Treaty of Lisbon tends to reinforce a widespread maxim according to which the military needs to receive the lion's share whereas in the civilian realm everything that needs to be done is just better pooling the existing resources.

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[28] Council of the European Union, Joint Action 2004/551/CFSPof 12 July 2004 on the establishment of the European Defence Agency, Official Journal of the European Union L245/17 July 2004.

[29] Anand Menon, "Empowering paradise? The ESDP at ten" in: *International Affairs*, vol. 85, no. 2, 2009, p. 238.

Conclusions

All these changes introduced by the Lisbon Treaty indicate a greater willingness on the side of the Member States to develop a 'military arm' of the European Union. The European Security and Defence Policy is updated and offered a new juridical framework so that new forms of cooperation and flexibility can be taken into consideration. However the provisions of the Treaty do not show any desire to push the new policy towards a more integrationist approach. Notwithstanding the intense debates on the importance of enhancing the effectiveness of the security and defence policy by means of adopting a community oriented approach towards it, either by expanding the qualified majority voting in the process of decision-making[31] or by pooling the sovereignty of the Member States in ways similar to those chosen for other public policies[32], it is obvious from the above-mentioned discussion that the Treaty of Lisbon was not meant to give a significant impetus in this direction. So, the basis for agreement remains intergovernmental whereas commitments entered into would not necessarily be immediately or ever matched with appropriate guaranteed capabilities subject to European command or control.

In spite of the significant accumulation of institutional capacity at the European level, a number of factors and forces, fuelled by a pervasive aversion to increased defence spending and a widespread dislike of increasing the centralizing power of Brussels, is to be expected to keep foreign and security policy frail and fractured. If we add to this the absence of a common security concerns we *'fully grown high-politics actor Europe'* will not arise on the world stage any time soon[33], making as such the *capability-expectations gap* a still very useful tool for assessing the progresses with respect to the security and defence aspects of the European Union's international participation.

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[30] See Peter Viggo Jakobsen, "The ESDP and Civilian Rapid Reaction: Adding Value is Harder than Expected" in: *European Security*, vol. 15, no. 3, 2006, p. 299.

[31] Wolfgang Wagner, "Why the EU's common foreign and security policy will remain intergovernmental: a rationalist institutional choice analysis of European crisis management policy" in: *Journal of European Public Policy*, vol. 10, no. 4, 2003, pp. 588-589.

[32] Anand Menon, *op. cit.*, p. 236.

Bibliography:

Documents:

1. Council of The European Union, Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of The European Defence Agency, Official Journal of the European Union L245/17 July 2004.
2. Council of the European Union, *Declaration on Strengthening Capabilities,* Brussels, 11 December 2008.
3. European Council, *A Secure Europe in a Better World. European Security Strategy,* (Bruxelles, 12 December 2003).
4. European Council, *Headline Goal 2010,* approved by General Affairs and External Relations Council on 17 May 2004, endorsed by the European Council of 17 and 18 June 2004.
5. European Council, *Presidency Conclusions of the Cologne European Council* (3-4 June 1999).
6. European Council, *Presidency Conclusions of the Helsinki European Council* (10-11 December 1999).

Secondary sources:

1. ***, „The strengths and weaknesses of the European security & defence policy", Policy Dossier: Security and Defence in: *Europe's World*, no. 6/2007, pp. 97-111.
2. Bailes, Alyson K., *SIPRI Policy Paper No. 10 - The European Security Strategy: An Evolutionary History*, February 2005.
3. Bretherton, Charlotte and John Vogler, *European Union as an International Actor*, London: Routledge, 1999.

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[33] See also U. Krotz, "Momentum and Impediments: Why Europe Won't Emerge as a Full Political Actor on the World Stage Soon" in: *Journal of Common Market Studies*, vol. 47, no. 3, 2009, p. 570.

4. Brimer, Esther, *Seeing blue: American visions of the European Union*, Chaillot Paper no. 105, Paris: EUISS, 2007.
5. Bull, Hedley, „Civilian Power Europe: A Contradiction in Terms?" in: *Journal of Common Market Studies*, vol. 21, no. 1-2, 1982, pp. 149-164.
6. Cameron, Fraser, *The Foreign and Security Policy of the European Union: Past, Present and Future*, Sheffield: Sheffield Academic Press, 1999.
7. Deighton, Anne, "The Military-Security Pool: Towards a New Security Regime for Europe" in: *International Spectator*, vol. 30, no. 4, 2000, pp. 41-54.
8. Deighton, Anne, „European Security and Defence Policy" in: *Journal of Common Market Studies*, vol. 40, no. 4, 2002, pp. 719-740.
9. Duchêne, François, „Europe's Role in the World Peace" in: Richard Mayne, *Europe Tomorrow: Sixteen Europeans Look Ahead*, London: Fontana, 1972, pp. 32-47.
10. Frieden, Jeffry A., „One Europe, One Vote?" in: *European Union Politics*, vol. 5, no. 2, 2004, pp. 261-276.
11. Ginsberg, Roy H., „Conceptualizing the European Union as an International Actor: Narrowing the Theoretical Capability – Expectations Gap" in: *Journal of Common Market Studies*, vol. 37, no. 3, 1999, pp. 429-454.
12. Gordon, Philip, „Europe's uncommon foreign policy" in: *International Security*, vol. 22, no.1, 1997/1998, pp. 74-100.
13. Hill, Christopher, „The Capabilities-Expectations Gap, or Conceptualizing Europe's International Role" in: *Journal of Common Market Studies*, vol. 31, no. 3, 1993, pp. 305-328.
14. Hill, Christopher, „Closing the Capabilities-Expectations Gap?" in: John Petersen and Helen Sjursen (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, London: Routledge, 1998, pp. 18-38.
15. Holland, Martin, „Bridging the Capability-Expectations Gap: A Case-Study of a CFSP Joint Action on South Africa" in: *Journal of Common Market Studies*, vol. 33, no. 4, 1995, pp. 556-572.
16. Howorth, Jolyon, *Discourse, Ideas and Epistemic Communities in European Security and Defence Policy*, Chaillot Paper no. 43, Paris: EUISS, 2000.
17. Howorth, Jolyon, „Britain, France and the European Defence Initiative" in: *Survival*, vol. 42, no. 2, 2000, pp. 33-55.

18. Howorth, Jolyon, „European Defence and the Changing Politics of the European Union: Hanging Together or Hanging Separately?” in: *Journal of Common Market Studies*, vol. 39, no. 4, 2001, pp. 765-789.
19. Jakobsen, Peter Viggo, „The ESDP and Civilian Rapid Reaction: Adding Value is Harder than Expected” in: *European Security*, vol. 15, no. 3, 2006, pp. 299-321.
20. Kagan, Robert, *Of Paradise and Power: America and Europe in the New World Order*, New York: Vintage Books, 2004.
21. Kagan in interview with Spiegel redactor Erich Follath in: *Der Spiegel*, no. 44/27.10.2008, pp. 126-129.
22. Krotz, Ulrich, „Momentum and Impediments: Why Europe Won’t Emerge as a Full Political Actor on the World Stage Soon” in: *Journal of Common Market Studies*, vol. 47, no. 3, 2009, pp. 555-578.
23. Lindstrom, Gustav, *EU-US burden sharing: who does what?*, Chaillot Paper no. 82, Paris: EUISS, 2005.
24. Menon, Anand, „Empowering paradise? The ESDP at ten” in: *International Affairs*, vol. 85, no. 2, 2009, pp. 227-246.
25. Missiroli, Antonio, *The Impact of the Lisbon Treaty on ESDP*, Brussels, European Parliament: Directorate General External Policies of the Union, 2008, pp. 15.
26. Nuttal, Simon, „Coherence and constituency” in: Christopher Hill and Michael Smith, *International Relations and the European Union*, New York: Oxford University Press, 2005, pp. 91-112.
27. Ojanen, Hanna, “The EU and NATO: Two Competing Models for a Common Defence” in: *Journal of Common Market Studies*, vol. 44, no. 1, 2006, pp. 57-76.
28. Roper, John, “Keynote Article: Two Cheers for Mr. Blair? The Political Realities of European Defence Cooperation” in: *Journal of Common Market Studies*, vol. 38, Annual Review, 2000, pp. 7-23.
29. Sloan, Stanley R., *The United States and the European Defence*, Chaillot Paper no. 29, Paris: EUISS, 2000
30. Toje, Asle, *The EU, NATO and European Defence – A slow train coming*, Occasional Paper no. 74, Paris: EUISS, 2008.
31. Wagner, Wolfgang, „Why the EU’s common foreign and security policy will remain intergovernmental: a rationalist institutional choice analysis

of European crisis management policy" in: *Journal of European Public Policy*, vol. 10, no. 4, 2003, pp. 576-595.

32. Wessels Wolfgang and Franziska Bopp, „The Institutional Architecture of CFSP after the Lisbon Treaty – Constitutional breakthrough or challenges ahead?" in: *CHALLENGE Liberty and Security*, Research Paper No. 10, June 2008.

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LOCAL DEVELOPMENT STRATEGIES – REGIONAL POLICY TOOLS IN ROMANIA. STUDY CASE: VALEA JIULUI MICROREGION

Adrian Basarabă[*], **Adrian Mariciuc**[**]

Abstract

The purpose of the hereto study is the analysis of the role of the local development strategies as regional political tools in Romania. The local development strategy represents a participative tool that involves the entire community and which goal is to provide the economic development. In most of the cases, local development strategy is a long-term step, being a future community projection. This vision of the community, related with its future development must be shared with all relevant actors at a local level and transposed in a set of specific objectives and a clear action plan. The case study examined in the present paper focuses on the practical methods used in order to achieve a local development strategy in the Valea Jiului microregion from Hunedoara County, realized under the ***StrategVest*** *project and funded by the European Union through the Phare Programme 2006, the Civil Society Component.*

Key words: Regional development, development regions, local development strategy, microregion

Introduction

The regional development policy is one of the most complex policies of the European Union due to the fact that through its principal objective, namely reducing the economic and social disparities existent among the

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regions of the member states, acting above some significant domains in developing of the entire society. Regional development is a complex process which contains a series of interdependent components either institutional or legislative, to establish relations among different sectors and activity domains, between authorities and collectivities.

One of the fundamental values of European Union is social, historical and cultural diversity of the containing regions, but there are numerous disparities, from the point of economic development view, among these regions. Thus, the creation of a regional community policy was proved to be essential for assuring a balanced economic development of the entire community space, as for a gradual abatement of the social and economic disparities existent among the development levels of region state members.

As a general accepted definition, the regional policy represents, "all measures taken by the central governmental authorities that are favorable to the socio-economical development of the disadvantaged regions."[1]

The implementation and evaluation frame of the regional policy represents the development region. A exhaustive definition of the region of development is offered by European Parliament: "a region of development is a territory which forms, geographically, a flat unity or a similar territory assembly were there is continuity, where the population posses some common elements and wish to keep their resulted specificity and to develop it with the goal to stimulate the cultural, social and economical progress"[2].

In the application of the law of regional development in Romania, in concordance with the economic and social Romania's cohesion objectives, as the European Union's in the development regional political domain, on the territory of Romania there are constituted eight development regions.

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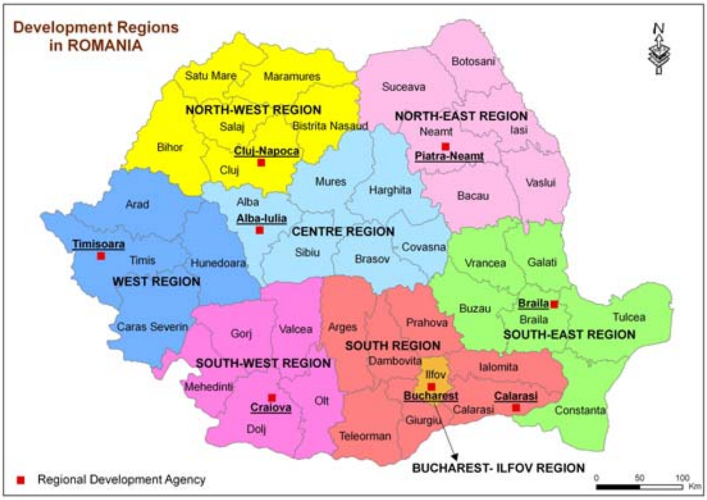
[1] Daniela Antonescu, *Dezvoltarea regională în România*, Bucureşti: Oscar Print, 2003, p. 62.

[2] Gabriel Pascariu, „Politica de dezvoltare regională în UE şi în statele membre", in *Sociologie Românească*, No. 3-4, Iaşi: Polirom, 2000, p. 76.

Fig. 1. The eight Development Regions in Romania

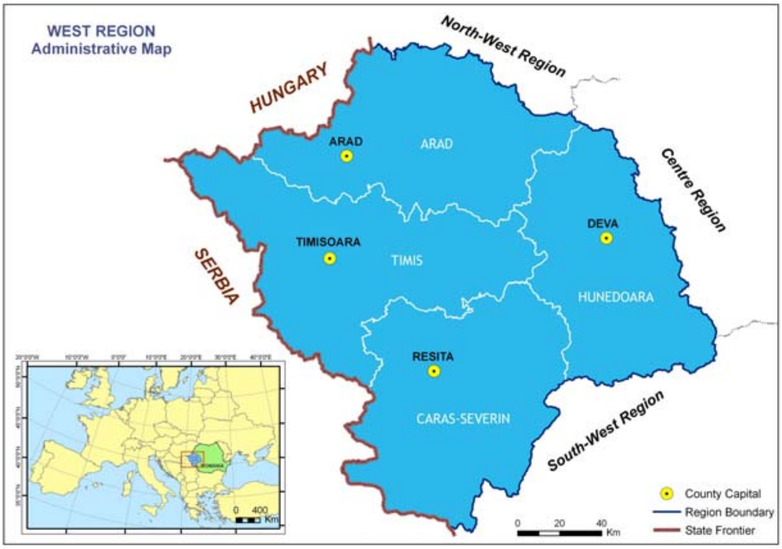

Development Regions
in ROMANIA
Satu Mare
Maramures
NORTH-WEST REGION
Salaj
Bistrita Nasaud
Bihor
Cluj-Napoca
Cluj
Suceava
Botosani
NORTH-EAST REGION
Neamt
Iasi
Piatra-Neamt
Vaslui
Bacau
Mures
Harghita
Arad
Alba
Alba-Iulia
CENTRE REGION
Covasna
Sibiu
Brasov
Timisoara
Timis
Hunedoara
WEST REGION
Vrancea
Galati
Buzau
Braila
Braila
Tulcea
SOUTH-EAST REGION
Caras Severin
Gorj
Valcea
Arges
Prahova
SOUTH REGION
Dambovita
SOUTH-WEST REGION
Ialomita
Ilfov
Mehedinti
Craiova
Olt
Bucharest
Calarasi
Calarasi
Constanta
Dolj
Giurgiu
Teleorman
BUCHAREST- ILFOV REGION
Regional Development Agency
N
0
50
100
Km

Source: *Regional Development Plan 2007-2013 of the West Region*

The development regions in Romania are not to be confused with administrative-territorial units and do not have legal body liability. The regions, counties and/or the localities from counties which takes part of different regions **can be associated** in order to achieve common interest, interregional and/or among counties objectives.

West Development Region is situated in the western part of Romania, next to the border with Hungary and Serbia, composed of *four counties: Arad, Caras-Severin, Hunedoara* and *Timis*. The West Region lies on an area of 32.034 km^2, representing 13,4 % of the entire territory of Romania, the same surface of Republic of Moldova or Belgium, for instance.

Fig. 2. Administrative map of the West Region


WEST REGION
Administrative Map
North-West Region
HUNGARY
Centre Region
ARAD
ARAD
DEVA
TIMISOARA
TIMIS
SERBIA
HUNEDOARA
RESITA
CARAS-SEVERIN
South-West Region
0 400 Km
0 20 40 Km
County Capital
Region Boundary
State Frontier

Source: *Regional Development Plan 2007-2013 of the West Region*

Local development strategy – instruments of the regional policies in Romania

The strategy can be defined as the framework that sets up the direction, in the elections process, and also that determines the nature and the mentalities of a community. The strategy helps establishing the unitary life course within a community in terms of operative goals and provides the base for distributing resources needed to fit the purpose.

A *strategy plan* consists of long-term elaborated documents, which are revised periodically planning the actions and the efforts in realizing them. Such a technique permits to a community achieving, firstly, the priorities, therefore creating a hierarchy of the problems according to the amount of resources.

Basic principles in strategic planning:

- Odds in having success increase when we deal with a strategic plan that includes using upcoming opportunities;
- Leaders′ success will increase considerably, with positive consequences over the community, if they draw up the plans in perspective, alongside with all the members of the organization

Local development strategy represents an instrument that co-involves the entire community with the scope of insuring the economical growth. In a large number of cases, a local development strategy is a long-term project, mirroring the future shape of the community. This vision has to be shared by all the members of the community and by the relevant actors on the local level in order to be translated into a set of specific objectives and a concrete action plan.

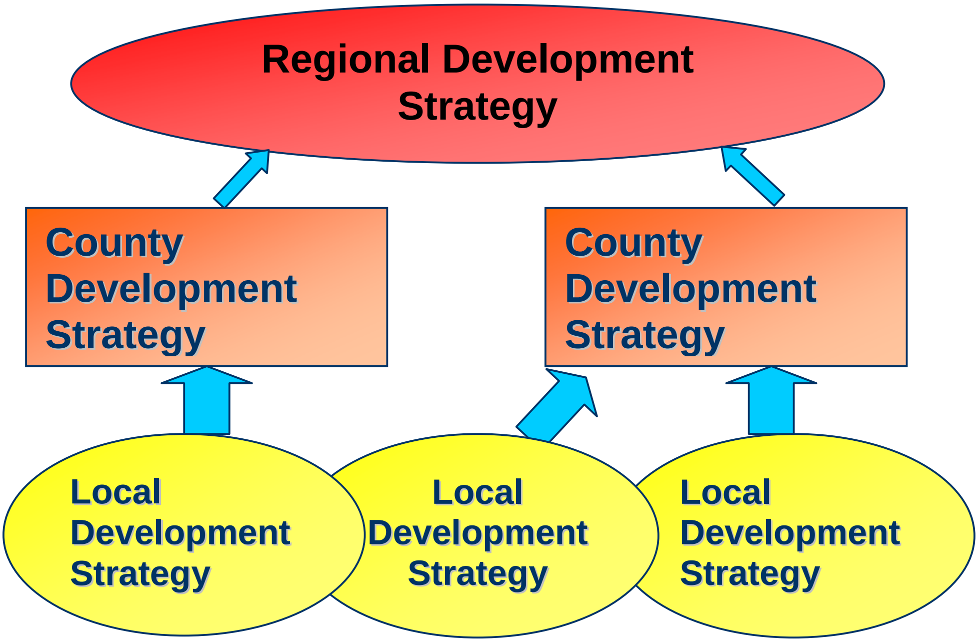
If a community does not have a clear strategy, it would be forced to face the daily events as they appear. On the other hand, when there is a strategy, the leaders of the community and the community itself have the possibility to concentrate on the objectives and the actions that have to be accomplished. Thus, following certain objectives that have been priory planned, the resources of the community can be coordinated and orientated in an efficient way. Though, along the road, changes or modification can appear, but they do not influence the main goals and the actions primary set up.

In terms of methodology it is recommended that, in every town or village should be elaborated a specific strategy of economical and social growth, in order to have a clear image regarding the initial situation and the point desired to arrive to within a certain *time limit*. It is important that the strategies of development should be drawn up for a certain limit of time, starting from one year to four years, seven or even more.

The estimated time within the European Union is usually seven years, but taking in consideration that the local administration has a mandate of four years, shorter periods of time can be approved.

The strategies of development for the localities have to be *included* in the strategies of the counties, and at the same time to consider the guidelines included in the Romanian National Plan of Development 2007-2013 so that available financial instruments can be found for the priority projects.

Fig. 3. Integration strategies - local, county, regional level


Regional Development Strategy
County Development Strategy
County Development Strategy
Local Development Strategy
Local Development Strategy
Local Development Strategy

Source: Adapted from the *Regional Development Plan 2007-2013 of the West Region*

The main *features* of a strategic planning are:[3]

- Development, minding both the existing practices and introducing new opportunities;
- Operating in a well-defined spatially and administrative territory;
- Approaching the problems on the macro level, rather than isolated items;
- Political support is a key-element;

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[3] Nicolae Munteanu (coord.), *Ghid metodologic de elaborare a unei strategii de dezvoltare locală*, Timişoara: ARTPRESS, 2007, p. 29.

- Bringing up new elements on the technical, managerial and financial level, adapting new successfully experiences to each case;
- Generating resources establishing a direct connection between planning and implementing.

Case Study: Valea Jiului Microregion

Valea Jiului Microregion is one of the *direct beneficiaries* of the project *„Local strategies for global opportunities and for an European future of the local communities from the Western Romania: improvement of the elaboration and implementation capacity for the social-economical local development strategies in the Western Region"*, called shortly **StrategVest**.

StrategVest is a project won and implemented by the Regional Development Agency West Region and the Center for Rural Assistance. The project is financed by the European Union by *Phare 2006 Program*, Civil Society Component.

The general objective of the **„StrategVest"** project was to support the adoption of the community acquis in the field of the social-economical development by reinforcing the capacity of elaborating development strategies within the local communities from the Western Region.

At the level of the locale communities in the Western Region, the project regarded particularly the communities turned recently in towns, generally small communities and rural areas. The project encouraged more communities to come together in a microregion and to develop an integrated strategy bringing out the existent resources and to think integrated about the problems regarding the respective microregion.

The strategy of Valea Jiului Microregion came as a need for putting in motion the resources of the microregion in order to solve the problems which were identified.[4]

In the process of local development strategy elaboration for Valea Jiului microregion we realized a socio-economical analysis and in the next words we will present some elements.

Located along the Carpathian Mountains, *Valea Jiului* is the gate to the Retezat National Park and to other Carpathian destinations, being surrounded by the Parâng group and Retezat group mountains. The most important river crossing *Valea Jiului* microregion is Jiul, having as tributaries Jiul de Vest and Jiul de Est, having located along the consisting localities of the microregion.

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[4] Adrian Mariciuc (coord.), *Strategia de dezvoltare locală a microregiunii Valea Jiului,* Timişoara: ARTPRESS, 2007, p. 8.

The access in the depression is possible:

- from *South* through the Jiu`s Defile from Târgu Jiu,
- from *North* on the national road DN 66 from Simeria,
- in the future from *West*, through Cheile Buţii from Herculane.

The microregion is triangle-shaped, oriented towards VSV- ENE and a length of approximately 60 km, between the localities Câmpa-Răscoala at the East and Campul lui Neag at West. The width decreases to 9 km, along the localities Petrila and Livezeni, to 1,5 km at Câmpul lui Neag.

Valea Jiului is a microregion consisting of 3 municipalities: Petroşani, Lupeni, Vulcan and 3 towns: Petrila, Uricani, Aninoasa, with a total population of 149.582 inhabitants. Administratively, the localities from Valea Jiului are consisting of other smaller localities: Petrila has as belonging localities Lonea, Cimpa, Jieț, Răscoala and Tirici; Petrosani with the belonging localities Dâlja Mare, Dâlja Mică, Peştera Bolii, Slătinioara; Lupeni; Aninoasa with the belonging locality Iscroni; Vulcan with the belonging localities Dealul Babii and Paroseni; Uricani with the belonging localities Campul lui Neag and Valea de Brazi[5].

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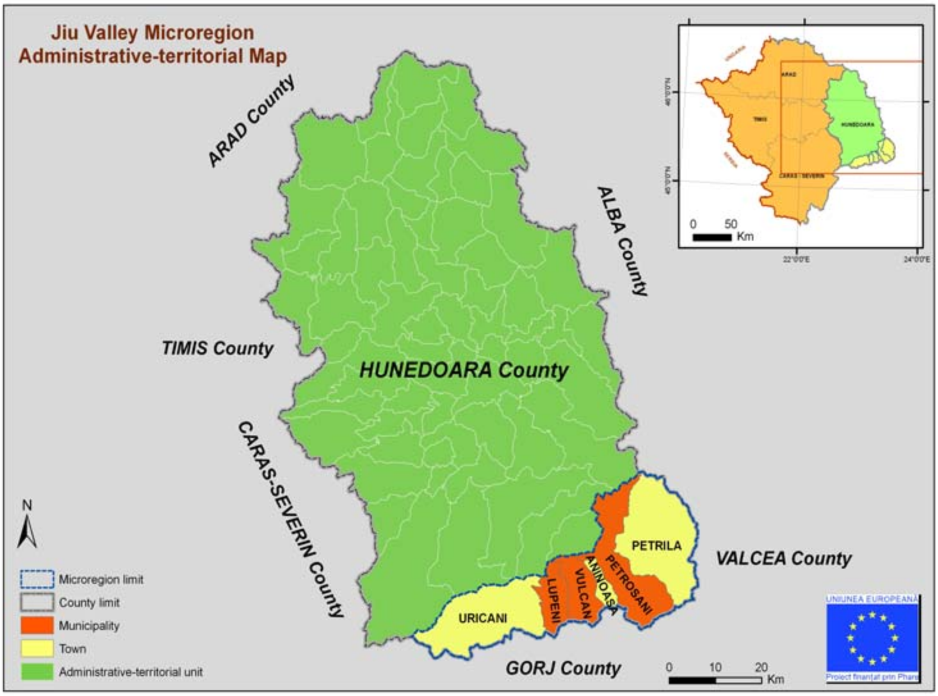
[5] *Ibidem*, p. 15.

Fig. 4. Territorial map of Valea Jiului
Microregion

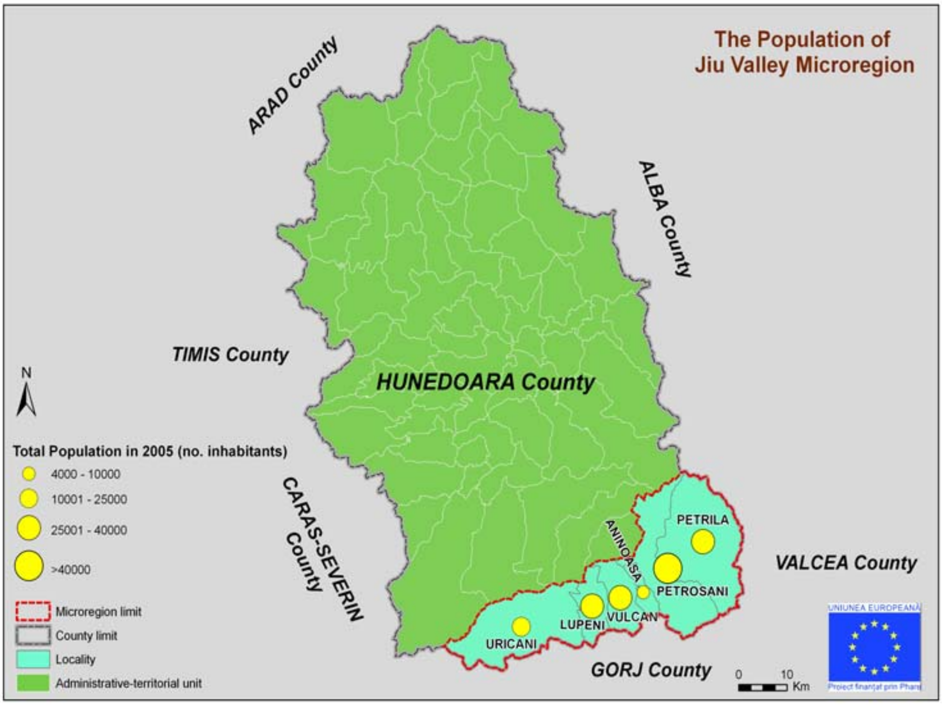

Jiu Valley Microregion
Administrative-territorial Map
ARAD County
ALBA County
TIMIS County
HUNEDOARA County
CARAS-SEVERIN County
VALCEA County
GORJ County
PETRILA
PETROSANI
ANINOASA
VULCAN
LUPENI
URICANI
N
Microregion limit
County limit
Municipality
Town
Administrative-territorial unit
0 10 20 Km
0 50 Km
ARAD
TIMIS
HUNEDOARA
CARAS - SEVERIN
UNIUNEA EUROPEANA
Proiect finantat prin Phare

Source: *Local Development Strategy of Valea Jiului microregion*

Regarding the population of Valea Jiului microregion, it can be observed that in year 2007, the population consisted of 146.026 inhabitants, divided relatively regularly between the two genders (49.2% male and the rest of 50.8% women). Reporting to the population of Hunedoara county, it can be affirmed that in the analyzed territory are living approximately third of the entire county's population. The share is also impressing regarding the population of the Western Region, Valea Jiului concentrating 7,5% of the region's population.

As well, regarding the indicator the population's density calculated as number of inhabitants on km^2 of territory it can be observed that the average from Valea Jiului, of 153 inhabitants/km^2 is net superior to the average of the Western Region and of the level of Hunedoara country[6].

Fig. 5. The Population of Valea Jiului Microregion


The Population of
Jiu Valley Microregion
ARAD County
ALBA County
TIMIS County
HUNEDOARA County
CARAS-SEVERIN County
VALCEA County
GORJ County
N
Total Population in 2005 (no. inhabitants)
4000 - 10000
10001 - 25000
25001 - 40000
>40000
Microregion limit
County limit
Locality
Administrative-territorial unit
PETRILA
ANINOASA
PETROSANI
VULCAN
LUPENI
URICANI
0 10 Km
UNIUNEA EUROPEANĂ
Proiect finanțat prin Phare

Source: *Local Development Strategy of Valea Jiului microregion*

An important part of the working force is qualified in professions specific to mining industry. There can be found cheap but not qualified working force, resulted from the massive dismisses from the mining sector.

In statistics, Hunedoara county appears with a rate of unemployment of 6,4%. Regarding Valea Jiului microregion, where this indicator will not be calculated, much significant for this is the result of the ratio between the total unoccupied population and the total active population, resulted at over 30%.

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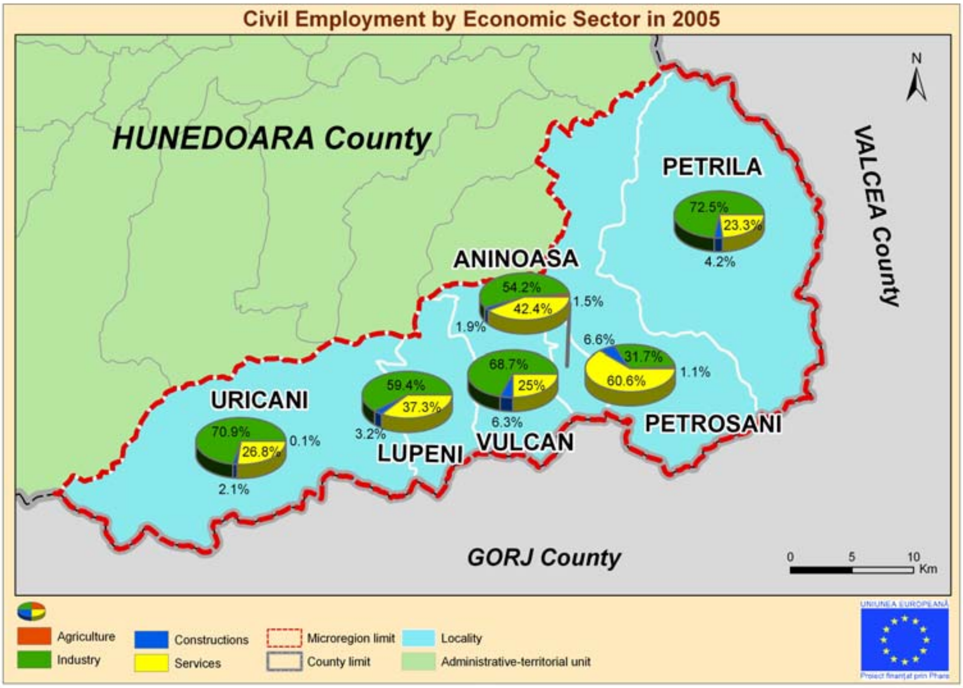
[6] *Ibidem*, p. 29.

During the time, once the process of restructuring the mining activity in Valea Jiului has started, there have been developed a series of programs for increasing the degree of employing the working force.[7]

Fig. 6. Employment by Economic Sector in Valea Jiului Microregion


Civil Employment by Economic Sector in 2005
HUNEDOARA County
VALCEA County
GORJ County
N
PETRILA
72.5%
23.3%
4.2%
ANINOASA
54.2%
42.4%
1.5%
1.9%
6.6%
31.7%
60.6%
1.1%
68.7%
25%
6.3%
VULCAN
PETROSANI
59.4%
37.3%
3.2%
LUPENI
URICANI
70.9%
26.8%
0.1%
2.1%
0
5
10
Km
Agriculture
Industry
Constructions
Services
Microregion limit
County limit
Locality
Administrative-territorial unit
UNIUNEA EUROPEANĂ
Proiect finanțat prin Phare

Source: *Local Development Strategy of Valea Jiului microregion*

SWOT analysis represents an analysis of the strong points, of the weak points, of the opportunities and threats, created and used by enterprises as an instrument of expressing the strategies.

The strongest message sent by the SWOT analysis is that indifferently of the established actions, the decisional process should include the following elements:

- *Build* on Strong Points,

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[7] *Ibidem*, p. 35.

- *Eliminate* Weak Points,
- *Exploit* Opportunities,
- *Remove* Threats.

Fig. 7. SWOT analysis of Valea Jiului microregion[8].

STRONG POINTS	WEAK POINTS
• The geographic position ensures (possibilities of connection and traffic) direct connections with the other localities and areas of the country • The industrial tradition of the microregion • Developed transport infrastructure • Available and cheap working force • Existing utilities in the residential areas, as well as in the industrial ones • High degree of urbanization of the microregion • Existence of all types education institutions • Active local pubic administrations, having important experience in the relations with the projects with financing from community founds • Existence of business structures (incubator) • High degree of active population, having working age (15-64 years)	• One-industry region • Shortage of employment places • Working force migration • Deficiency of lands for future investments • Absence of a regional development plan for Valea Jiului • Decline of mining industry • Existence of bad environmental problems: polluted areas, industrial structures not dismantled • Deficiency of homes or new residential projects • Weakly developed tourism infrastructure • Shortage of utilities in the peripheral areas • Low quality of the public transportation • Poor economical development • Insufficient promotion of the region • Absence of some social care institutions • Shortage of the lands having agrarian potential, offering resources for alternative

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[8] *Ibidem*, pp. 83-84.

• Existence of some popular craftsmen, able to transmit their knowledge, traditions and specific habits to the young people • Developed sanitary infrastructure • Mining industry and connected activities • Large protected areas (natural reservations, parks): Jiului narrow path and Retezat • Outstanding natural capital, from the point of view of the : geno-found, biodiversity, landscape, water resources, playing an important role in ensuring the ecologic equilibrium in the hill and mountain areas • Existence of more river courses in the microregion • Re-qualification programs for those willing to join the labor market	economical activities • Low incomes of the population in the microregion • Increasing number of persons receiving the minimal guaranteed income • Insufficient number of protection centers for some categories with problems (abused minors, abused women, young people in institutions) • Reduced number of Small and Middle Companies • Weak cooperation with the tourism sector • Reduced number of human resources specialized in tourism • Absence of a warehouse for ecological refuse in the microregion
OPPORTUNITIES	THREATS
• Romania's access to the Structural and Cohesion Founds of the European Union • Completion of the connection road Valea Jiului – Băile Herculane • Development of the education at distance and of the improvement courses at the place of work • Conserving and capitalization of the protected natural areas in the microregion in order to be	• Dependence of the coal exploitation • Social problems due to the absence of working places • Absence of some coherent programs for professional reorientation, having as consequence the diminution of the region's attraction for investment companies • Insufficient use of the opportunities for tourism

exploited as touristic attractions • Developing potential for some partnerships/associations between administrative-territorial units, having joint interests for the development of the tourism • Existence of available financing for the environmental projects • Natural resources able to generate new economical activities: wood, wild fruits, quartz, etc. • Attracting certain strategic investment companies • Development of the secondary tourism (industrial, mountain, adventure) • Cheap and qualified working force	• The offers for touristic products of the microregion are neither competitive, nor known in foreign countries • Absence of some structures to intervene in emergency situations • Waning of the living standard • Migration of the working force towards other regions • Degradation and pollution of the natural environment • Increase of the unemployment rate • Loose of the region's specific, traditions and habits

Source: *Local Development Strategy of Valea Jiului microregion*

The starting point for elaborating *The Strategy of Valea Jiului microregion* for the period 2007-2013 is represented by the strategic documents elaborated regionally, in the county and locally.

Considering the context where the project **StrategVest** is implemented, in the establishment of the strategic axis for intervention it was taken into consideration the fact that Romania is an integrant part of the European Union and is enjoying a series of instruments for reducing the development disparities.

The development strategy of the microregion represents the join result of the all relevant parts' effort since it is considering the identification of the Valea Jiului inhabitants' problems, as well as the effort of the local authorities to manage as efficiently as it is possible the available material resources for the social-economical development.

The strategic objective was: *„Transformation of the cities located in the coal-bearing area of Valea Jiului in regions favorable to the economic development by replacing their dependence of the mining industry."*[9]

In order to achieve the general objective, there has been identified a series of *specific objectives*[10] regarding:

- The increase of the occupation degree of the population in Valea Jiului;
- The diversifying of the economic activities and the involvement of new investment companies;
- The involvement of investments in order to build/modernize and rehabilitation of the infrastructure in the microregion;
- The promoting and presentation of Valea Jiului as a touristic destination, attractive and accessible;
- The protection of the environment by acting against the main sources of pollution.

These objectives will be accomplished in a period of 7-10 years by means of the implementation of development projects, benefiting by financing from community founds. Graphic, the connection between the general objective and the specific objectives is given by the figure 8 (below).

Following the partnership analysis accomplished at the level of the Valea Jiului microregion, for the period 2007–2013, there have been identified the following 5 strategic priority axis:[11]

- *Development of human resources;*
- *Diversifying of the economical activities ;*
- *Development of the infrastructure within the microregion;*
- *Development of the region as regional and national touristic attraction;*
- *Protection of the environment.*

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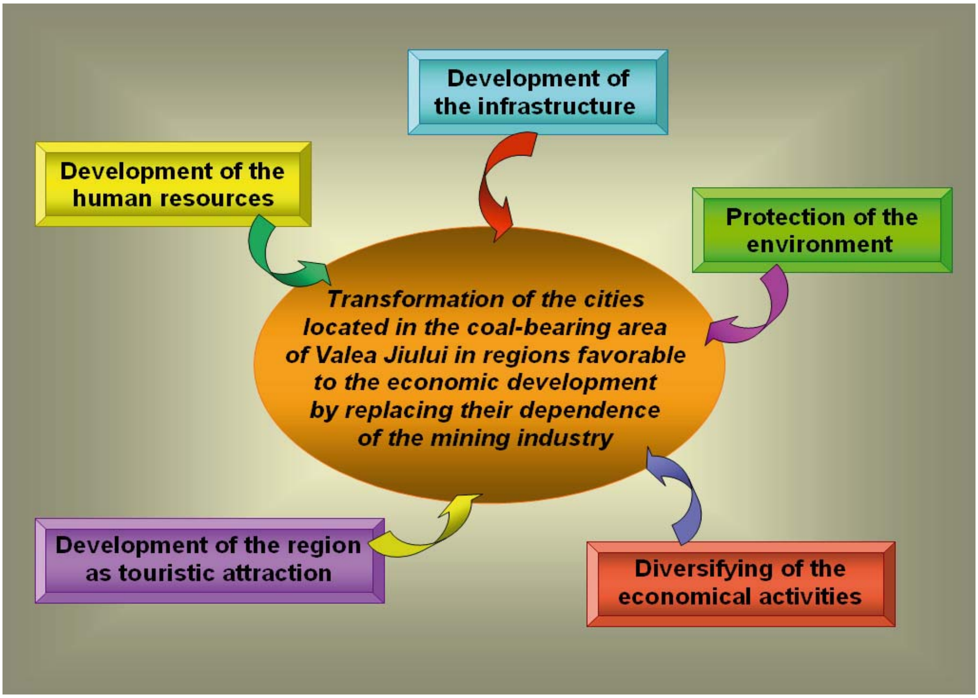
[9] *Ibidem*, p. 86.

[10] *Ibidem.*

[11] *Ibidem*, p. 87.

Fig. 8. Graphic representation of strategically objective of Valea Jiului Microregion


Development of the infrastructure
Development of the human resources
Protection of the environment
Transformation of the cities located in the coal-bearing area of Valea Jiului in regions favorable to the economic development by replacing their dependence of the mining industry
Development of the region as touristic attraction
Diversifying of the economical activities

Source: *Local Development Strategy of Valea Jiului microregion*

Conclusions

After the integration of Romania in the European Union, the local communities which have the intention to benefit of European funds must justify the necessity of these projects by proving that they have the basis in a well elaborated strategic plan that is accepted by the whole community. There were few strategic plans in the local communities, especially in the rural area and in the small towns in the time of the elaboration of the **StrategVest** project.

By implementing the project these competences were improved and a project portfolio was identified in the microregion. So far, from this portfolio, there have been made funding demands on various projects, such as: *Modernization (Reinforcement) of the Republic - Campa Street from the town of Petrila, Rehabilitation of DJ 709 F and the road infrastructure in the Parang area, the Modernization of DJ 664: Pas Vulcan km 38+000 – 41+700.*

Bibliography:

1. Antonescu, Daniela (2003), *Dezvoltarea regională în România*, Bucureşti: Oscar Print.
2. Mariciuc, Adrian (coord.) (2007), *Strategia de dezvoltare locală a microregiunii Valea Jiului*, Timişoara: ARTPRESS.
3. Munteanu, Nicolae (coord.) (2007), *Ghid metodologic de elaborare a unei strategii de dezvoltare locală*, Timişoara: ARTPRESS.
4. Pascariu, Gabriel, (2000) „Politica de dezvoltare regională în UE şi în statele membre”, in *Sociologie Românească*, No. 3-4, Iaşi: Polirom, 69-94.

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EUROPE BETWEEN EXCLUSIVE BORDERS AND INCLUSIVE FRONTIERS

Ioan Horga[*], **Mircea Brie**[**]

Abstract

The approach of the European Union external border has been made on the one hand through an analysis of the concepts of external border from the point of view of official documents and the concepts introduced by authors and specialists in the field; on the other hand, it has been made through an attempt to seize certain types of symbolic and ideological borders.

As far as the first category is concerned, resorting to documents and legal regulations of European institutions has been highly important. We have also paid attention to conceptual approaches on the border, as well as on the relations "open – close", "inclusive – exclusive", or "soft – hard" border. Beyond physical border irrespective of the conceptual approach from whose perspective it is analysed either within or at the European Union border, we can identify other types of "borders". We consider these borders symbolic and ideological as they are not palpable more often than not. From Europeanism to nationalism, from ethno-religious identities to social chasm, this wide range of approaches on symbolic and ideological borders may continue in the context of new fight against terrorism or of the implementation of an efficient European neighbourhood policy.

Keywords: external border, European Union, exclusive borders, inclusive frontiers, cross-border cooperation, good neighbourhood

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Introduction

We can debate on the external borders of the European community considering a complex approach comprising the official point of view of the organisation, as well as that of different concepts as set out in literature in the field.

Right from the beginning of our initiative, we have to point out that the debate has two categories of border areas that are considered to be external: the former results from the geographical boundaries of the European Union, while the latter from the territorial enlargement of the Schengen Implementation Agreement. Considering the double approach, the perspective of a debate on the external border is coordinated by clear legal norms. As a matter of fact, the community border legal status is conferred by: "all legal norms adopted by the members of a community of states concerning access and stay of citizens from another state (be it a member of the community or not), concerning crossing of internal or external borders by persons, means of transportation, goods and assets, as well as joint regulations referring to both internal and external border administration"[1].

The border, defined by *Dictionnaire de géographie*[2] as a "limit separating two areas, two states", a clash "between two manners of space organisation, between communication networks, between societies often different and sometimes antagonistic"[3], represents the "interface of territorial disruption"[4]. Borders mark the limit of jurisprudence, sovereignty and political system. Thus, they can act as lines of division, as "barriers" or "landmarks". On the other hand, they also mark the typology of political construction. The border – political system relationship is shown in an interesting manner by Jean-Baptiste Haurguindéguy, who sees „la frontière comme limite du politique" and „le politique comme limite de la frontière"[5].

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[1] Vasile M. Ciocan, *Bună vecinătate şi regimuri frontaliere din perspectivă europeană*, Oradea, Editura Cogito, 2002, p. 88.

[2] P. Baud, S. Bourgeat, *Dictionnaire de géographie*, Paris: Hatier, 1995.

[3] Apud Gabriel Wackermann, *Les frontières dans monde en mouvment*, Paris: Ellipses, 2003, p. 11.

[4] *Ibidem*, p. 10

[5] Jean-Baptiste Haurguindéguy, *La frontière en Europe: un territoire? Coopération transfrontalière franco-espagnole*, Paris: L`Harmattan, 2007, p. 154.

From the community perspective, the European Union external border represents the geographical boundaries settled by community agreements and treaties. From the Schengen Agreement perspective, external borders are defined as "terrestrial and maritime border, as well as airports and maritime harbours of the Contracting Parties unless internal borders"[6]. "By derogation to the definition of internal borders, ... airports are considered external borders for internal flights"[7]. These borders can basically be crossed only at "border crossing points according to their schedule"[8]. Moreover, the new European treaties stress and regulate the principles of individual freedoms amongst which free circulation of persons has a special place. The final dispositions of the Treaty on the European Union regulated after the reform of the old "European constitution" in Lisbon show in a clear-cut manner, despite the abrogation of article 67 in the text of the former treaty[9], that the Union is a space of freedom, security and justice[10]. In order to reach these standards and to guarantee citizens' rights, the protection and strict control of external borders have become compulsory. Moreover, all protocols on external relations making reference to external borders stipulate "the need for all Member States to provide effective control at their external borders"[11].

1. Border and "inclusive – exclusive"/"open – close"/ „soft-hard" concept

Such a vision on the border has undoubtedly resulted from the need to characterise certain border typologies. Such a conceptual approach can be made when attempting to characterise contemporary European space. The concept acquires new features precisely in such a community construction where regional or sectorial identities are still very powerful irrespective of their forms.

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[6] *Convention of 19/06/1990*, published in Brochure no. 0 of 19/06/1990 to enforce the Schengen Agreement of 14 June 1985 on gradual elimination of common borders control, Schengen, 19 June 1990, art. 1.

[7] *Ibidem*, art. 4, paragraph 4.

[8] *Ibidem*, art. 3, paragraph 1.

[9] The text of *Treaty establishing a Constitution for Europe*, title V, chapter 1, shows in articles 67-76 *General dispositions on liberty, security and justice*. See text of constitutional treaty in Marianne Dony, *Après la réforme de Lisbonne. Les nouveaux européens*, Bruxelles, 2008, pp. 35-164.

[10] *Charte des droits fondamentaux de l`Union proclamée le 12 décembre 2007*, chapter II, art. 6-19. Apud Marianne Dony, *op. cit.*, pp. 270-277.

[11] This can be found in *Protocol on external relations of the Member States with regard to the crossing of external borders* (1997), annexed to the *Treaty establishing the European Union*. Apud Marianne Dony, *op. cit.*, p. 235.

An interesting survey on the topic entitled *Border in a Changing Europe: Dynamics of Openness and Closure*[12], was published by Gerard Delanty, professor of sociology at the University of Liverpool. The survey starts from the premise that societies are spatially organised through different "border" delimitations. From this perspective, each space may be characterised as open or close depending on the typology of the border delimiting it. Fabienne Maron speaks about "frontières barrières" (characterised by restrictions and visa) to design the opposite of "frontières ouvertes" whose crossing is authorised without restrictions[13]. However, in the context of the new geopolitical mutations in the European area, they all acquire a new significance under the pressure of changes generated by the process of European integration. The old borders fade away leaving room to new border structures resulting from new concepts and approaches on delimitations more or less spatial.

The numerous political borders tend to fade away to fully disappear in importance. In time, former borders turn into mere "symbols of singularity, of independence"[14]. At the same time, cultural borders, for instance, acquire an ever more visible functionality. The approach is not only internal, in which case one can identify cultural sub-components specific to the European area; there is also an approach characteristic of the European Union external governance system. Such a cultural border makes clear distinction between Europe and non-Europe. Beyond such a theory that might stress scepticism against certain projects for future enlargements of the European Union, we can notice the use of debates on the issue of actual borders of Europe, an issue raised by analysts for centuries.

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[12] Gerard Delanty, *Border in Changing Europe: Dynamics of Openness and Closure*, in *Eurolimes*, vol. I, *Europe and Its Borders: Historical Perspective* (hereinafter *Eurolimes*, vol. 1), ed. Ioan Horga, Sorin Sipos, Oradea: Institute for Euroregional Studies, 2006, pp. 46-58.

[13] Fabienne Maron, *Les nouvelles frontières de l`Europe: repenser les concepts*, in *Eurolimes*, vol. 4, *Europe from Exclusive Borders to Inclusive Frontiers* (hereinafter *Eurolimes*, vol. 4), Gerard Delanty, Dana Pantea, Karoly Teperics (eds.), Oradea: Institute for Euroregional Studies, 2007, p. 115.

[14] Enrique Banus, *Images of openness – Images of closeness*, in *Eurolimes*, vol. 4, p. 139.

The cultural perspective gives birth to debates on the notion of European civilisation unity and on the relationship between geography and culture. Can Europe be separated from Asia as a consequence of the cultural delimitation criterion? Professor Delanty approaches the concept of Christian Europe, as well as that of Europe as an heir of Roman and Greek civilisations[15]. Beyond the geographical, tectonic delimitation of the two continents, is European culture able to impose new borders? It is a question to which European analysts have very different answers. Perspectives are strongly influenced by current geopolitical subjectivism. In the same manner, in the Middle Ages, Europe was constrained to Catholic West clearly separated from expanding Islamism. Through his endeavours, Peter the Great included Russia in the European diplomatic system. Europe expanded as a concept. For the first time in 1716, the *Almanach royal* published in France put the Romanov on the list of European monarch families. This was undoubtedly due to the harmonisation of Russia with other powers in the European diplomatic system[16]. In 1715, the position of the Ottoman Empire was similar to Russia's from several points of view. It entered the European diplomatic scene at the end of the 15th century. In fact, the entrance of the Turks in the relational system amongst European countries was mainly due to rivalries between France and the Habsburgs[17]. Nevertheless, the Ottoman Empire did not express as a European state and was never part and parcel of the European diplomatic system all through the 18th century. To Napoleon, the European space meant "French Europe" conceived as a space whose borders had to be settled after pressures on the Ottoman Empire[18]. The examples continue nowadays. Beyond all these, the hypothesis of cultural borders impose certain delimitations that we often assume whether we want it or not.

We do not aim at tracing such borders of the European area. We only point out the fact that our debate imposes rather a characterisation on European identity as a spatial notion protected just like a fortress. Is Europe not only politically, but also culturally a space imposing external borders clearly settled from a territorial point of view? Pursuing the evolution in time of the process of European construction, we can conclude by answering this question as follows: in the European Union, external borders are more and more important (more closed!), while the internal ones become more formal than real (more open!). Europe seen as a "fortress" is thus more open, more "hospitable" from the perspective of its members, and more closed, secure and less permissive for the rest of the world. In such a construction, we can identify not only the advantages of the high level of democracy and welfare the Community citizens may enjoy, but also the exclusivism imposed to others by closing the border. After removing internal barriers, Europe starts to become a super-state reinventing the "hard" border protecting states and politically associated people, excluding others that have not benefitted from such political decisions. In this context, do external borders of the community become expressions of national state border? It is a difficult matter entailing debates not only on the character and typology of the border, but also on aspects introduced by the fact that the Union does not have a border from within which the exterior may be seen. There are several territories that, from a geographical point of view, are comprised "within" the community while not being part of the European Union. Thus the attempt to trace community border to (physically!) separate the "Europeans" from the "non-Europeans" becomes impossible from a cultural point of view. Though recent, the historical heritage after the cold war imposes not only borders; they also impose actual barriers that cannot be crossed from the point of view of political decisions. Borders remain closed, irrespective of cultural heritage. On the other hand, the process of outlining external borders cannot be finished. Starting from such a remark, people and states that will belong to the "interior" are currently outside the borders. Thus the hard border whose construction is more and more obvious excludes the Europeans, not only the non-Europeans. Consequently, the European border is open or close depending on the exclusivist political interests and less from a possible cultural perspective. Hence, political discourses bringing motivations relating to the European cultural heritage concerning European integration of certain states such as Turkey are mere populist actions. It is a political decision of an exclusivist club. "Europe is and should remain *a house with many rooms*, rather than a culturally and racially exclusive club"[19]. Thus, the European Community becomes a close territory on political grounds based on identity motivations.

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[15] Gerard Delanty, *op. cit.*, p. 46.

[16] Matthew Anderson, *L'Europe au XVIII^e^ siècle 1713-1783*, Paris, 1968, p. 156.

[17] *Ibidem*, p. 157.

[18] Gerard Delanty, *op. cit.*, p. 46.

The debates on current European borders have often acquired the image of polemics on their place, role, shape, or consistency. Kalipso Nicolaides considers that *Eurolimes* is „un paradigme qui lie l'integration a l'interieur et a l'exterieur, les liens intercultureles, interethatiques et interclasses tisses au sein de l'Union d'aujourd'hui et les liens inter-Etats tisses avec ses nouveaux membres potentials"[20]. Beyond the image of national states' borders, the definition of this paradigm is carried out in the survey entitled *Why Eurolimes?*[21]. According to the same pattern, the *Eurolimes* paradigm designs, according to several researchers in the field, what we understand by "inclusive frontier"[22], that is, the borders to which the European construction tends. The main idea of the integration process is not to settle barriers, but to attenuate them. From this perspective, internal borders become more and more *inclusive* and less visible. Security and border traffic control are transferred to external borders that become more and more *exclusive*, more restrictive if we respect the logic above. Such a theory is valid up to a point. Internal borders do not simply become more open, more *inclusive*[23]; there is an integration process taking place in steps. On the other hand, we cannot consider as fully equal good and *inclusive/open*, or bad and *exclusive/close*. A simple example can confirm our hypothesis: in war areas, borders are relatively open to refugees[24]. However, we cannot conclude that we have an *inclusive* border "open just for pleasure" like European borders to which community integration tends as a model.

As a methodological and conceptual approach from the perspective of the topic, surveys published in volume 4 of the Eurolimes Journal,

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[19] Robert Bideleux, "The Limits of Europe", in *Eurolimes*, vol. I, p. 62.

[20] Kalypso Nicolaides, "Les fins de l'Europe", in Bronislaw Geremek & Robert Picht (eds.), *Visions d'Europe,* Paris: Odile Jacob, 2007, p. 287.

[21] Ioan Horga, "Why Eurolimes", in *Eurolimes*, vol. I, pp. 5-13.

[22] Kalypso Nicolaides, *op. cit.*, pp. 275-290; Jan Zielonka, *Europe Unbund: Enlarging and Reshaping the Boundaries of the European Union*, London: Routledge, 2002; *Idem*, *Europe as Empire*, Oxford University Press, 2006; Bronislaw Geremek; Robert Picht, *Visions d'Europe*, Paris: Odile Jacob, 2007.

[23] Gerard Delanty, *op. cit.*, p. 51.

[24] *Ibidem*, p. 50.

Europe from Exclusive Borders to Inclusive Frontiers, are very interesting. The debate focuses on possible interpretations on typology, form and structure of the new borders in central and eastern European space after the accession of the first communist countries to the European Union in 2004. The new Europe is made up of eastern territories on the continent. The external border of the EU has been pushed to the east, to the traditional limits of Europe[25], which entitles us to wonder when and if this enlargement process should stop: before or after reaching these limits? European spaces and peoples might remain outside the more or less *inclusive* border. Then the European border cannot be only geographical with people living on both sides. Cultural distances between people can increase even within the community as the number of immigrants, refugees, and transnational communities is constantly increasing[26]. Moreover, immigrants' integration is mainly crossing an *inclusive* community border[27].

Beyond cultural and political perspectives, the situation in the past years has shown a new type of *inclusive* border resulting from states' economic interests, either belonging to the community or not. Business development bringing benefits to both sides has been able to provide a more flexible trend to political norms and regulations[28].

All these and others can identify a process of community transformation developing with passing from *exclusive* to *inclusive* border.

Without greatly differing from others, such a conceptual approach suggests an image of the border from several points of view. The concepts of territory, border, or frontier are historically determined constructions to a great extent. This is how administrative, military, and cultural borders as well as the market focused in territory delimited by border constructions came into being[29]. Yet, in time, the concept of border has been diluting. This is also due to the process of European integration and construction. In certain cases, the physical border has even disappeared, while other "borders" that are no longer superposed over national states have appeared. The globalisation process has a considerable influence on the erosion of borders and barriers crossing the European continent[30]. In the European Union, there are several governing systems, cultures and administrative borders. Many of them do not coincide with national borders. At the same time, the multinational and transnational character of some organisations funded by community programmes lead to integrating huge areas devoid of barriers against communication, cooperation, working together, cross-border circulation.

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[25] Ioan Horga, Dana Pantea, "Europe from Exclusive Borders to Inclusive Frontiers", in *Eurolimes*, vol. 4, p. 7.

[26] Kalypso Nicolaides, *op. cit.*, p. 287.

[27] Chris Quispel, "The opening of the Dutch borders. Legal and illegal migration to the Netherlands 1945-2005", in *Eurolimes*, vol. 4, pp. 102-110.

[28] Jaroslaw Kundera, "L'Europe elargie sans frontiere monetaire", in *ibidem*, pp. 69-77.

[29] Charles S. Maier, "Does Europe Need a Frontier? From Territorial to Redistributive Community", in Jan Zilonka (ed.), *Europe Unbound: Enlarging and Reshaping the Governance and European Union*, London, New York: Routledge, 2002, pp. 17-37.

In general, the concept of border is associated with the *hard* physical border, a concept related to the barrier that can be crossed provided certain special conditions and requirements (visa to enter that country is the best example of a restrictive requirement in the case of *hard* border). On the other hand, a state can have *hard* borders with a neighbouring country, while having *soft*, open borders with another neighbouring country[31]. A border can be both *hard* and *soft* at the same time. A state can eliminate visas for the citizens of a state while strengthening and reinforcing requirements in border control[32]. In the European Union, community institutions suggest that Member States should have *hard* external borders and *soft* internal borders. Visa, border police control on people and goods crossing the border are characteristic of *hard* border. Unlike this type of border, the *soft* border is characteristic of a more flexible transit system with no restrictions of circulation for goods and persons[33]. There are several steps to reach this type of border. They consist of the following: eliminating visa, reducing taxes for people and goods to zero, facilitating and strengthening human contacts on both sides of the border including cultural, educational, and training programmes, etc.

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[30] Nanette Neuwahl, "What Borders for Which Europe?", in Joan DeBardeleben (ed.), *Soft or Hard Borders? Managing the Divide in an Enlarged Europe*, Hampshire: Ashgate, 2005, p. 24.

[31] *Ibidem.*

[32] See Olga Potemkina, "A „Friendly Schengen Border" and Ilegal Migration: The Case of the EU and its Direct Neighbourhood", in *Ibibem*, pp. 165-182.

[33] Joan DeBardeleben, "Introduction", in *Ibidem*, p. 11.

The enlargement of the European Union to the East, a process materialised by integrating several former communist countries, has led to changing the view on former community borders, to pushing the external frontiers to the border of these countries. The *hard* border that would provide protection to community citizens according to European institutions has thus become the concern of the newcomers. Nevertheless, within the community there are supporters of other European states: Poland constantly supports Ukraine, Romania supports the Republic of Moldova and Serbia, Hungary or Slovenia support Croatia and the examples can continue. Despite community restrictions, these states try to develop contacts and *soft* border constructions with their partners outside the community. These states' European integration has led to a certain isolation of Russia (associated with a *hard* type reaction), which was disturbed by the enlargement of the EU at the same time with the enlargement of NATO. They are all part of a complex process generated by community mechanism, geopolitical realities and macroeconomic strategies. Thus, European enlargement determines the outline of new models of neighbourhood relations somehow different from the former relations between nation states.

Without getting into details, we wish to show some concepts leading to the same interpretations in general lines. Besides, several authors consider that *hard, exclusive, close, sharp-edges* or *barrier* are equal. They are all associated with restrictions and strict control being characterised by the numerous conditions imposed to those intending to cross them. On the other hand, *soft, open, inclusive, porous, communicative* or *bridge* type borders remove transit restrictions by rendering traffic more flexible[34].

From another perspective, Charles Maier identifies three possible conceptual approaches of the border[35]: the first, *„positive and constructive"*, considered as a border providing political order and good neighbouring relationships; the second, *„negative and revolutionary"*, seen as an illogical obstacle against normality, peace and unity; and the third approach, *„dialectical and evolutionary"*, characterised by the dissolution of a border and the inevitable settling of another, yet not necessarily at the same level of formality.

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[34] *Ibidem.*

[35] Charles S. Maier, *op. cit.*, pp. 41-43.

Another approach originates in the clear separation of people, institutions and organisations as compared to the European Union. The perspective is either internal, in which case the border does not constraint community expression, or external, in which case the border interferes as a barrier, as an obstacle against freedom of circulation. Thus, the European Union is the expression of a *fortress* protecting its citizens against external perils (immigrants, imports, insecurity, etc.)[36]. Such a perspective released again and doubled by the trend for world anti-terrorist fight has more and more supporters amongst political leaders of the European Union Member States. Joint or not, the security policy has provided new coordinates and even European neighbourhood policy despite the fact that many countries neighbouring the EU are not insecurity "exporters". In this context, the issue of immigration turns more and more into a security issue[37] that has to be managed even through a reform of the border crossing system.

2. Symbolic and ideological borders. Between external and internal borders

For a long time, the concept of border has developed as an "intolerance axis" of nationalism and racism, of neighbours' rejection[38]. Beyond physical border, irrespective of the analysed conceptual approach, either within or outside the European Union border, we identify other types of "borders". We consider these borders as symbolic and ideological considering that, more often than not, they are not palpable. From Europeanism to nationalism, from ethno-religious identities to social chasms, the wide range of approaches on symbolic and ideological borders may continue in the context of a new fight against terrorism or of the implementation of an effective European neighbourhood policy. The physical border at the external limit of the European Union may "open" in time. Yet other types of borders may exist between people and communities. For instance, immigrants live within the European Union; by preserving their identity, they can create a world that "refuses integration" due to the particularities they develop. Thus, we can identify a split that may take the form of a symbolic cultural border sometimes even turning into an "external" border.

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[36] Gerard Delanty, *op. cit.*, pp. 52-53.

[37] See Régis Matuszewicz, "Vers la fin de l`Élargissement?", in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *L`Union Européenne et ses espaces de proximité. Entre stratégie inclusive et parteneriats removes: quell avenir pour le nouveau voisinage de l`Union?*, Bruxelles, Bruylant, 2007, pp. 103-117; Gabriel Wackermann, *op. cit.*, pp. 63-84.

[38] Gabriel Wackermann, *op. cit.*, p. 28.

2.1. European neighbourhood policy and the "new external border"

The community perspective on external relations envisages as a support and starting point *the European Neighbourhood Policy* whose results have been noticed by the European Commission as positive[39]. This and the external policy of the European Union directly support two other general tools with impact on external border: pre-accession policy (potential candidates to accession are included) and the development policy for third countries[40]. In such a community construction both between members and in the direct neighbourhood relations at the external borders, stress has to be laid on dialogue and constructive cooperation amongst all parties. A special role in this equation is played by promotion of education and human capital through different programmes funded and supported by the European Union, such as the partnerships under the TEMPUS programme and the convergence with the Bologna process and the Lisbon Agenda[41].

Under the influence of the European neighbourhood policy, the concept of external border of the European Union tends to acquire new means of expression. On the one hand, we see a flexibility of contacts between the two sides of the border. Such a trend is enhanced by the means of cross-border cooperation through Euroregions and European instruments successfully implemented at the external border. On the other hand, the remarkable actions of the European Union through which they attempt to implement policies for regional cohesion at the current borders is, according to some analysts, the proof that the European Union is consolidating the current external borders, thus considering, at least for the moment, the option of slowing down the enlargement to the east without effectively closing the gates to this enlargement[42]. Irrespective of the reasons for the European neighbourhood policy, we can see that there is a change of attitude on external border due to its implementation. In such a situation, regions and people outside community structures can benefit from programmes and instruments of a policy bringing them closer to community citizens. Through its programmes for territorial cooperation at the external border, the neighbourhood policy significantly contributes to developing a more homogenous system[43] and the "integrated regional development"[44]. These policies are also required by the need to promote harmonisation of economic policies to contribute to achieving economic cohesion on a regional level. The attenuation of important commercial unbalance between EU and its neighbours by enlarging the common market beyond the external borders of the community is thus an imperative responding to the European policy for good neighbourhood[45]. We can conclude to pointing out that the implementation of the European neighbourhood policy leads to altering the perception of external border; moreover, the implementation of European instruments for cross-border cooperation tends to move current border to the outside by building a new symbolic one including a peripheral privileged area having the advantages of neighbourhood. Nevertheless, this policy has limits. For example, in spite of the "opening", we feel in the discourse of European officials referring to a possible enlargement of the European Union by Turkey's accession, that it would lead to some issues in managing the European neighbourhood policy – some of the new partners might be Syria, Iraq and Iran. At the time, the EU is not ready to face such challenges.

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[39] See *Communication de la Commission. Une politique européenne de voisinage vigoureuse*, Bruxelles, 05/1272007, COM(2007) 744 final (hereinafter *Comunication de la Commission...*).

[40] Annabelle Hubeny-Berlsky, "Le financement d ela PEV- la réponse proposée (1)", in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *op. cit.*, p. 313.

[41] *Communication de la Commission...*, p. 9.

2.2. Islamic diasporas and the unseen border

The "insertion of Muslim presence" in Europe, in particular the management of the Islam, is a priority on the "daily agenda" of European nations[46]. One of the debated issues is the relation between "imposing" European traditional values and the alternative of giving the actors (in this case the Islamist community diasporas) the opportunity to build their own value system from a spatial-temporal point of view. This ability of conflicting (at least symbolically) diasporas identities to co-exist on local or global level with the majority is not only a positive reflection on contemporary society in Europe, it is also a dilemma of the time. Integration is not a solution proposed and supported by all society. Even if it were desired by the majority, is it accepted by the Islamist community? It is a difficult question that can only be answered by analysing local communities and concrete examples.

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[42] Connecting the "orange revolution" in Ukraine, the European Commissioner for external relations and European neighbourhood policy, Benita Ferrero-Waldner, stated on the 1st of December 2004 that „*la question de l'Ukraine dans l'UE n'est pas à l'ordre du jour. Mais il est clair que nous ne fermons aucune porte*". See Régis Matuszewicz, *op. cit.*, p. 109.

[43] Annabelle Hubeny-Berlsky, *op. cit.*, p. 317.

[44] *Ibidem*, p. 320.

[45] Régis Matuszewicz, *op. cit.*, p. 110.

The Islamic community in the European area is currently undergoing a varied process of restructuring[47]. If we analyse it, we have the perspective to see the nature of external and internal borders including human relations. European Muslims are a postcolonial minority "provided" by colonised countries, or dominated by important European countries. In France, the numerical domination of Muslims coming from Maghreb is connected to the particularities of the colonial empire. The beginning of Islam in the United Kingdom is associated with the expansion of the British colonial empire in India. Starting with 1960-1970, immigration from Pakistan and India has become a mass movement. The history of Islam in Germany is related to the imperialist movement of the Kaiser, who had developed privileged economic and diplomatic bilateral relations with the Ottoman Empire in the 19th century. It is obvious that Germany cannot aspire to the "title" of colonial empire, but the relations with the Ottoman Empire explain the effect of Turkish immigration. As far as the origins of Muslims in the Netherlands are concerned, these are much more diverse and colonial history played an important role in "recruiting" people from Surinam[48]. Jean-Paul Gourévitch identifies "couple" relations resulting from colonialism. The couple France – Algeria is an emblematic example;

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[46] Chantal Saint-Blancat, "L'islam diasporique entre frontières externes et internes", in Antonela Capelle-Pogăcean, Patrick Michel, Enzo Pace (coord.), *Religion(s) et identité(s) en Europe. L`épreuve du pluriel*, Paris: Presses de la Fondation Nationale des Sciences Politiques, p. 41.

[47] *Ibidem*, p. 42.

[48] Jocelyne Cesari, "Islam européen, Islam en Europe", in *Questions internatilonales*, no. 21, September-October, Paris, 2006, p. 34.

yet other couples can be mentioned, such as France – Morocco, France – Tunisia, France – Mali, France – Senegal; UK – India, UK – Pakistan, UK – Nigeria; Belgium – Democratic Republic of Congo; Portugal – Angola; Netherlands – Indonesia[49]. At the beginning of the 1990s, two thirds of immigrants in Europe were Muslims, and the European concern about immigration is most of all regarding Muslim immigration[50].

Europeans' attitude concerning immigrants has not been steady in time. If in the 1970s the European countries were in favour of immigration and in some cases, such as the Federal Republic of Germany and Switzerland, they encouraged it to support labour force, things subsequently changed. At the end of the 1980s, due to the overwhelming number of immigrants and their "non-European" origin, the old continent became less hospitable. Yet Europe tried to provide a climate of openness and generosity. "It is fundamental to create a welcoming society and to acknowledge the fact that immigration is a two-way process supposing adaptation of both immigrants and society assimilating them. Europe is by nature a pluralist society rich in cultural and social traditions that will diversify in time."[51] Could this European optimism identified by Maxime Tandonnet be a utopia? The presence of Islam in Europe is certitude, but its Europeanization is still debatable. As French academician Gilles Kepel notices, "neither the bloodshed of Muslims in northern Africa fighting in French uniforms during the two world wars, nor the toil of immigrant workers living in lamentable conditions rebuilding France (and Europe) for next to nothing after 1945 have turned their children into... European citizens as such."[52] If Europeans are not able to assimilate Muslim immigrants, or if a conflict of values is about to occur, it is still an open issue. Stanley Hoffman noticed that western people fear more and more "that they are invaded not by armies and tanks, but by immigrants speaking other languages, worshipping other gods; they belong to other cultures and will take their jobs and lands, they will live far from welfare system and will threaten their lifestyle"[53].

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[49] Jean-Paul Gourévitch, *Les migration en Europe. Les réalité du présent, les défis du futur*, Paris, 2007, p. 43.

[50] Samuel P. Huntington, *Ciocnirea Civilizaţiilor si Refacerea Ordinii Mondiale*, Bucureşti, p. 293.

[51] Maxime Tandonnet, *Géopolitique des migrations. La crise des frontières*, Paris: Edition Ellipses, 2007, p. 50.

[52] Robert S. Leiken, "Europe´s Angry Muslims“, in *Foreign Affairs*, July-August 2005, p. 1.

By alternating negotiation and conflict, communication and doubt, the Muslims build little by little an individual and collective identity "that risk being at the same time pure and hybrid, local and transnational"[54]. The multiplication of identity vectors contributes to a fluidisation of symbolic borders and an individualisation of diaspora communities. There is a sort of division around the Islamist community as compared to the rest of the community. This chasm is sometimes expressed through an internal and external border at the same time. Such a reality is stressed by the creation of community models where identity features are transferred from ethnic or national sphere (Turks, Maghrebians, and Arabs) to the religious, Muslim, Islamic ones[55]. From this behavioural model, we can notice several behavioural reactions of Islamist communities between which there is a solidarity beyond ethnic or national differences. Such a reality is determined by the discriminating attitude of the majority. The several stereotypes lead not only to a generalised pattern image and to solidarity around Islamic values even of those who do not practice religion, some of them being even atheists. The phenomenon can be reversed: from an Islamic solidarity, they reach an ethnic solidarity. It is the case of Islamic community of Pakistani in Great Britain (approximately 750,000 people) regrouping ethnically (making up an ethnic border) on a religious basis[56]. Radicalisation of such communities' behaviours can have negative effects in managing minority – majority relationship leading to the interruption of communication channels that provide balance and intercultural dialogue. Under the circumstances, fundamentalism and extremism may take the most radical form. These become manifest particularly in minority Islamic communities (significantly increasing on a European level) facing deep issues and identitary crises[57].

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[53] Hoffman Stanley, "The Case for Leadership", *Foreign Policy*, 81 (winter 1990-1991), p. 30; *Apud* Samuel P. Huntington, *op. cit.*, p. 292.

[54] Chantal Saint-Blancat, *op. cit.*, p. 42.

[55] *Ibidem*, p. 44.

[56] Konrad Pędziwiatr, "Islam among the Pakistanis in Britain: The Interrelationship between Ethnicity and Religion", in *Religion in a Changing Europe. Between Pluralism and Fundamentalism* (edited by Maria Marczewska-Rytko), Lublin, 2002, p. 159.

2.3. Europeanism vs. Nationalism – ethno-cultural border

After 1992, standard Eurobarometer (measuring public opinion in European Union Member States twice a year) comprise questions focused on Europeanity (in relation with nationality). The answers to these questions have often related to both EU institutions success and the "answer", the ability of states' internal institutions to correctly manage in citizens' interest all issues raised by internal and international challenges. Such a Eurobarometer may provide an image on fluctuation between Europeanity and national feelings. An important conclusion of these investigations (after 1992) has shown first of all that the European feeling exists. Moreover, after important moments relating to the process of European construction (e.g. Maastricht Treaty in 1992; the circulation of euro in 2002), we can see an exaltation of Europeanism[58]. Finally, as opposed to expectations, the intensity of the feeling of belonging to European values is not proportional to the number of years as a European Union member: in several states that have recently acceded to the EU, we can see that there is a high level of Europeanism as compared to exclusive nationalism[59]. On the other hand, this feeling of Europeanity seems to be idealised in some situations; in the case of other European states, Euro-scepticism has proved to be more obvious being encouraged more or less by a strong national feeling. The inhabitants of newcomers during negotiations have shown a strong pro-European feeling undoubtedly originating in their wish for a superior standard of living specific to Western Europe. In Turkey instead, against the background of postponing negotiations with the EU, public opinion has turned to Euro-scepticism and extreme nationalism[60] showing mental, cultural and ethno-religious "barriers".

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[57] Angelo Santagostino, "How Europe can Dialogue with Islam", in *Religious frontiers of Europe*, *Eurolimes*, vol. 5, volume edited by Sorin Şipoş, Enrique Banús and Károly Kocsis, Oradea, 2008, p. 85.

[58] Anna Geppert, "Quelles sont les frontières de l'Europe? L'apport de la géographie (et des sciences sociales)", in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *op. cit.*, p. 331.

[59] *Ibidem*, p. 332.

Our approach does not aim (although it could be the core of our debate) to discuss the relation European border – national (state) border. An approach of the symbols of the two categories of border could reveal interesting understatements. Does a citizen of a third country in Europe consider as a "strong" border (protecting them after all) the boundary of their country or the external border of the European Union? Freedom of circulation in community space and the Schengen Agreement have significantly contributed to outlining a perception on the European area leading to building a European feeling. Thus, the European citizens identify themselves with an area expanding over the territory of their own country. The Europeanism trend is the winner of the situation. In fact, things are not that simple. Crisis or exaltation moments may easily result in nationalist feelings diluting the "Europeanist" perception on the border. This happens together with strengthening identity-community cohesion, feeling of ethno-cultural appurtenance to a nation. Europeanism does not substitute the feeling of national appurtenance or the other way around. Ethno-cultural borders may, or may not, be superposed over the borders of a state: within majorities of European states, we can identify symbolic "borders" separating more or less human communities based on ethnic or cultural criteria.

EU policy has an impact on national minorities' position in European countries. A key element of accession agreements of most countries in Central and Eastern Europe has been based on treatment of national minorities including the management of the "border" between minority and majority. In Estonia, for instance, a programme funded by the state on the issue of "integration to Estonian society" (programme implemented in 2000-2007) together with programmes funded by the EU, United Nations and other northern states had the task to promote interethnic dialogue and learning Estonian by Russian language speakers[61].

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[60] Jean-Pierre Colin, "Les paradoxes du voisinage dans l'Union Européenne", in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *op. cit.*, p. 344.

[61] Andrew Thompson, "Nationalism in Europe", in David Dunkerley, Lesley Hodgson, Stanisław Konopacki, Tony Spybey, Andrew Thompson, *National and Ethnic Identity in the European Context*, Łódź, 2001, p. 68.

In Hungary, the Government was similarly concerned with improving gipsies' treatment, which is a general issue in all states in Central and Eastern Europe. In its reports on accession negotiations with states in the area, the European Commission showed its concern regarding protection of national minority rights. In the report of 1999 on evolution in candidate countries, the Commission stated that "rooted prejudice in many candidate countries is still the result of discrimination against gipsies in social and economic life"[62]. There will still be difficulties despite the attempts of European institutions to improve the situation. Some countries in Central and Eastern Europe seek to redefine their national position after the influence of the Soviet era. In Estonia, for instance, according to their response to the recommendations of the Commissions concerning minority protection, the Government speaks about "preserving the Estonian nation and culture" and the "development of people loyal to the Republic of Estonia"[63]. The case of Ukraine, although not a member of the European Union, is even more eloquent due to the fact that it has a privileged with the European Union at its external border. This is where we see what Samuel Huntington called "erroneous civilisation line" – a line dividing two cultures with distinct perception on the world[64].

So, these are the difficulties of integration. Between ethnic and cultural groups, there are often communication barriers that often lead to cleavages thus entailing discrimination reactions and conflict situations. On the other hand, these cleavages are but expressions of other elitist political trends that are difficult to see in daily reality. From this point of view, ethnic borders are spaces of mutual understanding and insertion; from another point of view, they are divergence and exclusion spaces[65].

3. Conclusions

The wide range of epistemological concepts on the European Union external border can continue by analysing other typed of approaches.

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[62] *Ibidem*, p. 69.

[63] *Ibidem.*

[64] *Ibidem.*

[65] Marius I. Tătar, "Ethnic Frontiers, Nationalism and Voting Behaviour. Case Study: Bihor County, Romania", in *Europe between Millennums. Political Geography Studies*, edited by Alexandru Ilieş and Jan Wendt, Oradea, 2003, p. 159.

Beyond the great conceptual diversity, there is a clear-cut difference between the official border with different degrees of openness for non-community citizens and borders actually separating people despite the fact that they are not physical. Even if it has a political, economic, social, cultural, mental, religious, or ethnical support, the border is a space separating people and territories. From another perspective, "the border is identified to a contact area where social, economic, and cultural particularities of two countries interwine"[66].

The main conclusion of an investigation on concepts of external border is that the European Union has an external border that can be both stiff and flexible depending on the realities and challenges of the moment, on tensions or social and economic, political and legal openness, as well as on the complex internal reality of the European Union Member States.

Bibliography:

1. Anderson, Matthew (1968), *L'Europe au XVIII^e siècle 1713-1783*, Paris
2. Annabelle Hubeny-Berlsky (2007), *Le financement de la PEV- la réponse proposée (1)*, in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *L`Union Européenne et ses espaces de proximité. Entre stratégie inclusive et parteneriats removes: quell avenir pour le nouveau voisinage de l`Union?*, Bruxelles, Bruylant, pp. 311-323
3. Banus, Erique (2007), *Images of openness – Images of closeness*, in *Eurolimes*, vol. 4, *Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty, Dana Pantea, Karoly Teperics, Oradea, Institute for Euroregional Studies, pp. 134-141
4. Baud, P.; Bourgeat (1995), S., *Dictionnaire de géographie*, Paris, Hatier
5. Bideleux, Robert (2006), *The Limits of Europe*, in *Eurolimes*, vol. I, *Europe and Its Borders: Historical Perspective*, ed. Ioan Horga, Sorin Sipos, Institute for Euroregional Studies, Oradea, pp. 59-76
6. Bogdan, Luminița (2009), *Marea Britanie, transformată într-o fortăreață*, in *Adevărul*, 16.11.2007, http://www.adevarul.ro/articole/2007/marea-britanie-transformata-intr-o-fortareata.html (accessed March 29, 2009)

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[66] Alexandru Ilieş, *România între milenii. Frontiere, areale frontaliere şi cooperare transfrontalieră*, Oradea, 2003, p. 29.

7. Cesari, Jocelyne (2006), *Islam européen, islam en Europe,* in *Questions internatilonales*, no. 21, September-October 2006, Paris, pp. 34-36
8. Ciocan, Vasile (2002), *Bună vecinătate şi regimuri frontaliere din perspectivă europeană,* Oradea, Editura Cogito
9. Colin, Jean-Pierre (2007), *Les paradoxes du voisinage dans l'Union Européenne,* in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *L`Union Européenne et ses espaces de proximité. Entre stratégie inclusive et parteneriats removes: quell avenir pour le nouveau voisinage de l`Union?*, Bruylant, Bruxelles, 2007, pp. 341-345
10. DeBardeleben, Joan (2005), *Introduction,* in Joan DeBardeleben (ed.), *Soft or Hard Borders? Managing the Divide in an Enlarged Europe,* Hampshire, Ashgate, pp. 1-21
11. Delanty, Gerard (2006), *Border in Charging Europe: Dynamics of Openness and Closure,* in *Eurolimes,* vol. I, *Europe and Its Borders: Historical Perspective,* ed. Ioan Horga, Sorin Sipos, Oradea, Institute for Euroregional Studies, pp. 46-58
12. Dony, Marianne (2008), *Après la réforme de Lisabonne. Les nouveaux européens,* Bruxelles
13. Filiu, Jean-Pierre (2005), *Les frontières du jihad,* Paris
14. Foucher, Michel (2007), *L'obsession des frontières,* Paris
15. Geppert, Anna (2007), "Quelles sont les frontières de l'Europe? L'apport de la géographie (et des sciences sociales)", in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *L`Union Européenne et ses espaces de proximité. Entre stratégie inclusive et parteneriats removes: quell avenir pour le nouveau voisinage de l`Union?,* Bruylant, Bruxelles, pp. 325-340
16. Geremek, Bronislaw; Picht, Robert (2007), *Visions d'Europe,* Paris, Odile Jacob
17. Gourévitch, Jean-Paul (2007), *Les migration en Europe. Les réalité du présent, les défis du futur,* Paris
18. Haurguindéguy, Jean-Baptiste (2007), *La frontière en Europe: un territoire? Coopération transfrontalière franco-espagnole,* L`Harmattan, Paris
19. Horga, Ioan (2006), *Why Eurolimes,* in *Eurolimes,* vol. I, *Europe and Its Borders: Historical Perspective,* ed. Ioan Horga, Sorin Sipos, Institute for Euroregional Studies, Oradea, pp. 5-13

20. Horga, Ioan; Pantea, Dana (2007), *Europe from Exclusive Borders to Inclusive Frontiers*, in *Eurolimes*, vol. 4, *Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty, Dana Pantea, Karoly Teperics, Institutul de Studii Euroregionale, Oradea, pp. 5-10
21. Huntington, P. Samuel (2002), *Ciocnirea Civilizaţiilor şi Refacerea Ordinii Mondiale*, Bucureşti
22. Ilieş, Alexandru (2003), *România între milenii. Frontiere, areale frontaliere şi cooperare transfrontalieră*, Oradea
23. Kundera, Jaroslaw (2007), *L'Europe elargie sans frontiere monetaire*, in *Eurolimes*, vol. 4, *Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty, Dana Pantea, Karoly Teperics, Oradea, Institute for Euroregional Studies, pp. 69-77
24. Maier, Charles S. (2002), *Does Europe Need a Frontier? From Territorial to Redistributive Community*, in Jan Zilonka (ed.), *Europe Unbound: Enlarging and Reshaping the Gouvernance and European Union*, Londra, New York, Routledge, pp. 17-37
25. Maron, Fabienne (2007), *Les nouvelles frontières de l`Europe: repenser les concepts*, in *Eurolimes*, vol. 4, *Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty, Dana Pantea, Karoly Teperics, Oradea, Institute for Euroregional Studies, pp. 112-123
26. Matuszewicz, Régis (2007), *Vers la fin de l`Élargissement?*, in Laurent Beurdeley, Renaud de La Brosse, Fabienne Maron (coord.), *L`Union Européenne et ses espaces de proximité. Entre stratégie inclusive et parteneriats removes: quell avenir pour le nouveau voisinage de l`Union?*, Bruxelles, Bruylant, pp. 103-117
27. Neuwahl, Nanette (2005), "What Borders for Which Europe?", in Joan DeBardeleben (ed.), *Soft or Hard Borders? Managing the Divide in an Enlarged Europe*, Hampshire, Ashgate, pp. 23-44
28. Nicolaides, Kalypso (2007), *Les fins de l'Europe*, in Bronislaw Geremek & Robert Picht (ed.), *Visions d'Europe*, Paris: Odile Jacob
29. Pędziwiatr, Konrad (2002), *Islam among the Pakistanis in Britain: The Interrelationship Between Ethnicity and Religion*, in *Religion in a Changing Europe. Between Pluralism and Fundamentalism* (edited by Maria Marczewska-Rytko), Lublin, pp. 159-173
30. Potemkina, Olga (2005), *A „Friendly Schengen Border" and Ilegal Migration: The Case of the EU and its Direct Neighbourhood*, in Joan

DeBardeleben (ed.), *Soft or Hard Borders? Managing the Divide in an Enlarged Europe*, Hampshire, Ashgate, pp. 165-182

31. Quispel, Chris (2007), "The opening of the Dutch borders. Legal and illegal migration to the Netherlands 1945-2005", in *Eurolimes*, vol. 4, *Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty, Dana Pantea, Karoly Teperics, Oradea, Instite for Euroregional Studies, pp. 102-110
32. Robert S. Leiken, "Europe´s Angry Muslims", in *Forreign Affairs*, July-August 2005, pp. 1-5
33. Saint-Blancat, Chantal, "L'islam diasporique entre frontières externes et internes", in Antonela Capelle-Pogăcean, Patrick Michel, Enzo Pace (coord.), *Religion(s) et identité(s) en Europe. L`épreuve du pluriel*, Paris, Presses de la Fondation Nationale des Sciences Politiques, pp. 41-58
34. Santagostino, Angelo (2008), "How Europe can Dialogue with Islam", in *Religious frontiers of Europe, Eurolimes*, vol. 5, volume edited by Sorin Şipoş, Enrique Banús and Károly Kocsis, Oradea, Institute for Euroregional Studies, pp. 84-94
35. Stanley, Hoffman, "The Case for Leadership", in *Foreign Policy*, 81 (winter 1990-1991), pp. 26-35
36. Tandonnet, Maxime (2007), *Géopolitique des migrations. La crise des frontières*, Paris, Edition Ellipses
37. Tătar, Marius I. (2003), "Ethnic Frontiers, Nationalism and Voting Behaviour. Case Study: Bihor County, Romania", in *Europe between Millennums. Political Geography Studies*, edited by Alexandru Ilieş and Jan Went, Oradea, pp. 155-160
38. Thompson, Andrew (2001), "Nationalism in Europe", in David Dunkerley, Lesley Hodgson, Stanisław Konopacki, Tony Spybey, Andrew Thompson, *National and Ethnic Identity in the European Context*, Łódź, pp. 57-72
39. Wackermann, Gabriel (2003), *Les frontières dans monde en mouvment*, Paris, Ellipses
40. Zielonka, Jan (2006), *Europe as Empire*, Oxford: Oxford University Press
41. Zielonka, Jan (2002), *Europe Unbund: Enlarging and Reshaping the Boundaries of the European Union*, Londra, Routledge
42. ****Comunication de la Commission. Une politique européenne de voisinage vigoureuse*, Bruxelles, 05/1272007, COM (2007) 744 final

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THE PRINCIPLE OF SUBSIDIARY IN THE PROCESS OF ROMANIA'S INTEGRATION IN THE EUROPEAN UNION

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Abstract

The post-communist Romania will confront many changes, both in ideologic as in functional fields. If ideologic changes were sawn as normal by a very large part of the population, the organisational changes would be often more difficult to realise. It is the case of adopting and application of the subsidiarity, although the modifications turn out to be more and more visible, and the process of the European integration should be considered as a catalyst of the administrative structures evolution in the direction of decentralisation and a stimulus for the people to assume more civical responsibilities.

Key words: subsidiarity, European integration, administrative structures

Introduction

The fall of the communist regime brought in the Romanian public discourse numerous new realities and concepts. Hence, in the early period of the post-communism, words as "democracy "or "liberty" were largely used both by the representatives of the authorities and the civil society as well. Howewer, as time goes on, the changes taking place in the political and administrative space of Romania and the ultimate goal of the European integration imposed new concepts. Hence, terms as human rights, minorities's rights, political system, public administration, decentralisation, regions or regionalisation, autonomy and subsidiarity became more and more frequent and important in the public discourse. Howewer, although every concept is important to be studied in order to offer a complet image of the evolution of the Romanian public and political space, we will focus only on the concept of subsidiarity, a key-concept in the process of the

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European integration. The reason of this choice was the fact that the concept of subsidiarity was every time invoked only in its European functional connotations, and very rare as a principle to regulate the functioning of the Romanian public institutions[1]. On the other hand, this article is intended to be an applied approach (focused on Romanian public space) of theoretical approaches taken in the doctoral thesis, within which a major portion was given to this principle. The literature concerning the principle of subsidiarity exist in Romania, both as translations and autochton approaches. Among the most important translations we can mention the book of Chantal Millon-Delsol, *Statul subsidiar* [original *L'État subsidiaire*], Cluj-Napoca, EFES, 1999, one of reference book published in Romania. Regarding the autochton approaches, they are focused both on the law application perspective (i.e. B.M.C. Predescu, "Subsidiarity – Fundamental Principle of the European Construction", in: *Revista de Ştiinţe Juridice*, no. 4-5/2005 or M.A. Rădulescu; D.O. Rădulescu; P.I. Rădulescu, "Despre caracterul subsidiar al infracțiunilor de abuz în serviciu", in: *Dreptul*, An XII, Seria a-III-a, no. 3/2001), and chapters or references in some important works concerning the peorcess of european integration, the european law or the european federalism (and that are enough difficult to identify). Autochton approaches emphasizing the principle of subsidiarity could be found especially in the magazines *Altera* (1995-2007) and *Provincia* (2000-2002) and in some collective volumes concentrated on the evolution of the process of the Romania's European integration or other general approaches of the European issues.

Unlike other approaches, this article will focus on how the principle of subsidiarity was adopted in Romanian public space and was used as an instrument of decentralisation of the administrative structures and a stimulus for the people to assume more civical responsibilities.

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[1] We consider it impossible to assume a European principle only to regulate the relations between the indigenous public institutions and the European Union' institutions, and its failure in the functioning of autochton public institutions, either central or local.

Short theoretical and empirical approach of the principle of subsidiarity

Specialized theoretical writings consider the subsidiarity as being one of the principal instruments[2] used both in the general theories on European federal idea and in some stages of the process of European integration. It is well-known, nowadays, that etymological roots of the word *subsidiarity* are situated in the Latin words *subsidium, subsidiarius,* having initially the significance of *reserve* or *aid,* in the modern period the meaning *accessory* or *complementary element*.[3] Then again, it is necessary to mention that the notion of subsidiarity could be found both in biblical and old administrative writings or philosophical texts, analysing both political and social aspects of the life. However, alongside the archaic meaning, the concept of subsidiarity didn't find its whole appliance, because both of its large complexity and interpretability.

Philosophical basis of subsidiarity developed and shaped in the course of time, coagulating in a spectrum of principles largely accepted alongside the Occidental space: dignity of the person[4] as a basis and also equally as an instrument for individual self-fulfilment and as finality of any political act (non-intervention, if individuals succeed to demonstrate their own capacity to resolve their problems by themselves[5], but intervention in the opposite case, both in public and private cases[6]); the better self-fulfilment of the individuals, by according them more autonomy and responsibility and by ensuring the possibilities and the necessary instruments for individuals' to participate in the public space and to realise the common good, according to the principle of impossibility of the self-fulfilment of the individuals in total independence by the other people.[7]

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[2] "The principle of subsidiarity is as older as the history of Europe...." (Jean-Yves Naudet, „Le principe de subsidiarité", in: *Revue des Etudes Humaines*, No. 10, Février 1993, p. 27); "the principle of subsidiarity, as old as our civilisation..." (Claude du Granrut, *La citoyenneté européenne. Une application du principe de subsidiarité*, Paris, LGDJ, 1997, p. 12); "...subsidiarity, this is not a new concept" (Mackenzie-Stuart, Lord, „Evaluation des vues exprimées et introduction à une discussion débat », in: *Subsidiarité: défi du changement. Actes du colloque Jacques Delors, La subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?*, organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, 1991, p. 41). However, despite of its oldness, the principle of subsidiarity was registered late enough in the dictionaries, in the beginning of 1990, and only by its secondary means (i.e. *subsidiary*) and associated to some juridical norms brought into existence in the process of European integration (former to the Maastricht Treaty, which will mention explicitly this principle). Jean-Philippe Chenaux, „La subsidiarité et ses avatars", in: *Etudes&Enquetes*, Centre Patronal, no. 16, janvier 1993, p. 5, 9; Jean-Yves Naudet, *op. cit.*, p. 27; Chantal Millon-Delsol, „Quelques réflexions sur l'origine et sur l'actualité du principe de subsidiarité", in: *Les démocrats-chrétiens et l'économie sociale de marché*, Paris, Ed. Economica, 1988, p. 73.

[3] Jean-Philippe Chenaux, *op. cit.*, p. 5 ; Jean-Yves Naudet, *op. cit.*, p. 27.

[4] Jean-Yves Naudet, who analysis the principle of subsidiarity starting from its presentation in the texts of social Christianism, considers that this principle is based on "the prominence of the person and on his liberty of action in the name of his dignity". This approach recalls

Starting from these theoretical considerations, authority received the obligation **to not get involved** when the intermediate bodies demonstrate[8] their capacity to resolve themselves their problems, and **to interfere** when these bodies do not have the appropriate means and instruments to solve the negative situations. The purpose should be to organize the society in interdependent groups at all levels (national, European and supranational), and not to atomize and individualize it[9]. The achievement of this objective is considered to be possible if the principle of subsidiarity is applied at all the levels: local and national; public and private[10]. Thus, according to the right of the different public institutions (who benefit of certain powers), to interfere or the obligation to not intervene, the subsidiarity is considered to have two essential

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the conception of personalist philosophers on human person. Jean-Yves Naudet, *op. cit.*, p. 30.

[5] Chantal Millon-Delsol, "Le principe de subsidiarité : origines et fondements", in: *Institut la Boetie*, no. 4, avril 1990, p. 10.

[6] Christophe Heckly; Éric Oberkampf, *La subsidiarité à l'américaine : quels enseignements pour l'Europe?*, Paris: Eds. L'Harmattan, 1994, p. 16.

[7] Chantal Millon-Delsol, „Agir jusqu'aux limites de ses capacités. Quelques éléments sur le principe de subsidiarité", *Bulletin d'Information des Cadres*, no. 28/1995, pp. 114-5; Idem, „La subsidiarité dans les idées politiques", in: *La subsidiarité. De la théorie à la pratique. Actes du XII^{e} colloque national de la Confédération des Juristes catholiques de France, Paris, 20-21 novembre 1993*, Paris, Ed. Téqui, 1995, pp. 43-4, 49, 71-2.

[8] Chantal Millon-Delsol, *op. cit.*, p. 10.

[9] Jacques Delors, „Le principe de subsidiarité : contribution au débat", in: *Subsidiarité: défi du changement. Actes du colloque Jacques Delors, La subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?*, débat organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, 1991, p. 9.

[10] Christophe Heckly; Éric Oberkampf, *op. cit.*, p. 16.

characteristics: one ***negative***, restrictive or defensive, *descendent*[11], consisting in the obligation of the state or of the intermediate bodies (the last being many times difficult to recognise[12]) to bound their interventions in individuals' or groups' problems but just in necessary cases; and one ***positive***, extensive, invasive or *ascendant*[13], which accepts the intervention of the state or of the different institutional structures just to help the individuals or the groups to accomplish their objectives (the "non-neutrality of the state"[14]). This last characteristic of the subsidiarity is considered to be dangerous, particularly when the intervention of the superior institutions is longer as necessary and it is not correctly directed[15], and principally if we consider how difficult it is to quantify the two types of characteristics at an empirical level.

The two directions of the subsidiarity's characteristics make this principle difficult to apply at the social level, more often a clear delimitation between the degree of the necessary liberty and coercion being almost impossible to define. Hence, the correct application of the principle of subsidiarity becomes difficult to realize, especially if we take in consideration the numerous possibilities and errors of application at all the levels.[16] An example which makes obvious the imminent difficulties to apply the principle of subsidiarity conveys in itself numerous debates concerning the meaning of ***principal***[17] and ***subsidiary***, secondary[18]. In this context, Chenaux considers as principal the principle of autonomy, accepted as natural right of natural communities or of intermediate bodies, whereas Millon-Delsol considers the notion subsidiarity as being relative, depending on the different cultural elements of concerned societies.[19]

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[11] Joël-Benoit d'Onorio, „La subsidiarité. Analyse d'un concept", in: *La subsidiarité. De la théorie à la pratique. Actes du XII^e colloque national de la Confédération des Juristes catholiques de France, Paris, 20-21 novembre 1993*, Paris, Ed. Téqui, 1995, p. 27. An other vision about ascendent and descendent subsidiarity and on the liaison between this kind of subsidiarity and the Church can be found in la Henri Hude, « Les deux aspects de la subsidiarité », in: *Evangile et société. Actualité de la subsidiarité*, 7ème Séminaire, pp. 13-5). In German language there are the terms « staatsbegrenzend » (which limit the state) and « staatsentlastend » (which *liberate* the state). Klaus Gretschmann, „Le principe de subsidiarité : quelles responsabilités à quel niveau de pouvoir dans une Europe intégrée ?", in: *Subsidiarité: défi du changement. Actes du colloque Jacques Delors, La subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?*, organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, 1991, p. 53.

[12] Chantal Millon-Delsol, „La subsidiarité dans les idées politiques", *op. cit.* p. 77.

[13] Joël-Benoit d'Onorio, *op. cit.*, p. 27.

[14] Chantal Millon-Delsol, „Le principe de subsidiarité: origines et fondements", *op. cit.*, p. 10.

[15] Jean-Philippe Chenaux, „La subsidiarité et ses avatars", *op. cit.*, p. 22, 24.

[16] Chantal Millon-Delsol, „Le principe de subsidiarité: origines et fondements", *op. cit.*, pp. 9-10; Jacques Delors, „Le principe de subsidiarité : contribution au débat", *op. cit.*, pp. 9-10; Christophe Heckly; Éric Oberkampf, *op. cit.*, p. 16.

The complexity of interpretation and application of the principle of subsidiarity implies some difficulties in sociological definition of subsidiarity as well, although from juridical point of view many definitions were accepted. Hence, we have to invoke the definition offered by Millon-Delsol stating that the principle of subsidiarity is one *of the double expand, which coagulates clearly, quasi-dialectical, around the criteria of **sufficiency** and **insufficiency***[20]. Although the general predisposition is to impose the principle of subsidiarity as being mainly a normative one, there are opinions according to which subsidiarity is more than that, considering it *a certain spiritual condition, a collective mentality*[21]*, an image of the general human and social world*[22].

Indifferently, the principle of subsidiarity being invoked on the political, economic or administrative level is almost instantaneous to be considered as opposite to centralism and favourable to concurrence, competition, autonomy, transparency and efficiency in the terms of the law.[23] Having a lot of effects in the pragmatic field of economic, political and social life, the fundaments of the principle of subsidiarity have an important philosophical nature[24] (one of the sources of the complexity in its application[25]). A good application of the principle of subsidiarity requires the accomplishment of some essential sociological and political conditions: the existence and the clear manifestation of *the participating will of the social actors and the sense of the responsibility*; the existence of some dynamism of the society and a better attention paid by the civil society to immediate reality; a rational approach of the conflicting situations; accepting the debates and the negotiations as an instrument to overtake the conflicting situations, conditions which are difficult to accomplish both in totalitarian and authoritarian societies[26] and for the new democracies who experienced this kind of political regimes, like Romania. Hence, the principle of subsidiarity cannot be limited to its functionalist approach, the importance of the human resources in its empirical applications being overwhelming[27].

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[17] Jean-Philippe Chenaux, ″Europe : le piège de la subsidiarité″, AGEFI du 2.10.92, apud. « Transparence, démocratie et subsidiarité. Analyse du programme de renouveau communautaire et perspectives pour une Europe ouverte », in: *Etudes et Documents*, Genève, 1992 , p. 19.

[18] ″L'État dans tous ses états. Entretien avec Chantal Millon-Delsol″, in: *Questions économiques et sociales*, No. 7, mai 1993, p. 11.

[19] Jean-Philippe Chenaux, ″Europe : le piège de la subsidiarité″, *op. cit.*, p. 19; « L'État dans tous ses états. Entretien avec Chantal Millon-Delsol », *op. cit.*, p. 11.

[20] *ibidem*.

[21] André Faure; Emmanuel Négrier ; Andy Smith, ″Introduction : les controverses émergentes sur un principe pourtant ancien…″, in: *Territoires et subsidiarité. L'action publique locale à la lumière d'un principe controversé*, Paris, Montréal, L'Harmattan, 1997, pp. 9-10.

[22] Chantal Millon-Delsol, « Agir jusqu'aux limites de ses capacités… », *op. cit.*, p. 114.

[23] Olivier Borraz, ″Des pratiques subsidiaires vers un régime de subsidiarité? Les obstacles institutionnels à l'introduction de la subsidiarité en France, à la lumière de l'exemple

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suisse", in: *Territoires et subsidiarité. L'action publique locale à la lumière d'un principe controversé*, Paris, Montréal, L'Harmattan, 1997, pp. 32-34, 37, 41.

[24] Philosophical approach is in fact the first that identifies the principle of subsidiarity, a domain taken over by the politic and economic field. Joël-Benoit d'Onorio, *op. cit.*, p. 12, 21.

[25] We must point out again the double characteristics: intervention / non-intervention (exposed before), according to a set of circumstances.

[26] Olivier Borraz, *op. cit.*, p. 41 ; Claude du Granrut, *op. cit.*, p. 11 ; "L'État dans tous ses états. Entretien avec Chantal Millon-Delsol", *op. cit.*, p. 15.

[27] We cannot resist to temptation to expose a situation which could be considered as relevant, even for the high level, as regarding the attitude toward the problem of delegation of the responsibility: in a discourse addressed in Cluj-Napoca, for the mayors from rural communities, the President of Romania wanted expressly to point out that the level of development of any community is almost exclusively the responsibility of the mayors. However, although the President did ntt refer explicitly to the principle of subsidiarity, the principle of responsibility was obvious, and, as we know, this was for the first time when this question was underlined by such a high official. However, at the end of the speech, any question addressed by the journalists did nt refer to the issue of subsidiarity or of the mentioned direct responsibility. Hence, it is evident the fact that the issue of subsidiarity represents an interesting subject only for a small group of specialists. (The speech could be receipted on TV channel *Realitatea TV*, during the news program from 14,00 o'clock, at 12 January 2006).

The principle of subsidiarity in European documents

Invoked for a better understanding of the liaison between the states and different local or regional communities or between the states and its citizens, the subsidiarity seems to be also a functional principle in the relations between the European institutions and the administrations of the member states, especially in the process of the distribution of the competences between the European institutions and the member states. On the other side, in what concerns the functioning of the European mechanism and the achievement of the political finality of the European Union through federal means, the subsidiarity is appreciated as being an essential principle, and is considered strictly necessary[28] to be present in all the European documents.

Although the principle of subsidiarity is often associated with the Treaty of Maastricht, it is easy to observe its presence in some documents prior to this European document. However, the individual decision-maker who imposed the principle of subsidiarity out of the juridical norms of the different European documents was Jacques Delors, who mentioned it for the first time in July 1988, during a visit in Bonn[29], and hence opening the way to introduce this concept in many other documents of the European Commission (i.e. the Report Delors on the Economic and Monetary Union, in April 1989; in the reports of the European Councils from December 1989, June and December 1990; in the final declaration of Roma conference, from December 1990 etc.)[30]. According to the opinion of Delors it was obvious that subsidiarity could not be left as an abstract principle, but to find its applicability in the way of working of the European institutions, which needed to be applied for themselves, not only to be imposed to the member states.[31] In the same opinion, the success of the European political union depends on the success of the reorganisation of the economic and social communitarian fundaments, according to the principles which regulate, usually, the functionality of the traditional communities, where each individual has the right to exercise his own responsibilities in the fields where he/she is more competent than the public institutions. However, the public institutions have to assure for the individuals the necessary means to complete their responsibilities[32]: *even when an objective is distinctively defined in the European treaties it is necessary to ask ourselves if the best means to realise it, are not at the national state or at the regional authorities' level*[33]. According to Jacques Delors, the next European organisation should have been constituted following a **stellar**, not **pyramidal**[34], model, and the principle of subsidiarity shouldn't have become the attribute of any political ideology or doctrine[35], but it had to be the subject of political debates of (not only philosophical). The role of these debates was to inform the citizens which level of authority they could use without any risking the existence of democracy[36].

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[28] Panayotis Roumeliotis, ”Le principe de subsidiarité : le pont de vue du Parlement européen”, in: *Subsidiarité : défi du changement. Actes du colloque Jacques Delors, La subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?*, organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, 1991, p. 37.

[29] Helen Drake, *Jacques Delors en Europe. Histoire et sociologie d'un leadership improbable*, GSPE, Collection „Sociologie politique européenne”, Presses Universitaires de Strasbourg, 2002, p. 44 ; Klaus Gretschmann, *op. cit.*, p. 60.

[30] Joël-Benoit d'Onorio, *op. cit.*, p. 29.

Thus, for Delors the subsidiarity was a principle which helped the citizen public involvement, allowing to individuals a maximum approach to the nearest level of decision. However, Delors admits that the situations which are easily recognisable at the level of the states are difficult to be understood at the European level, because of the influence of the European institutions and of the *benevolence* of the political decision-makers.[37]

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[31] Jacques Delors, "Le principe de subsidiarité. Au Colloque de l'Institut Européen d'Administration Publique à Maastricht, le 21 mars 1991", in: *Le nouveau concert européen*, Ed. Odile Jacob, 1992, pp. 166-167, 170.

[32] idem, "Le principe de subsidiarité: contribution au débat", *op. cit.*, p. 18.

[33] *ibidem*, p. 11.

[34] "La communauté européenne et les chocs de l'histoire. Discussion entre Jacques Delors, Pierre Hasner, Jacques le Goff et Alain Tourraine", in: *Esprit. Revue internationale*, Paris, no. 176, novembre 1991, p. 25.

[35] Jacques Delors, "Le principe de subsidiarité. Au Colloque de l'Institut…", *op. cit.*, p. 174; idem, « Le principe de subsidiarité : contribution au débat », *op. cit.*, p. 17; Christophe Heckly; Éric Oberkampf, *op. cit.*, p. 15.

[36] Jacques Delors, "Le principe de subsidiarité. Au Colloque de l'Institut… ", p. 176; Idem, « Le principe de subsidiarité: contribution au débat », *op. cit.*, p. 18.

Although the explicit use of the concept of subsidiarity, as we observed, has a short history in comparison to the history of the European integration process, it appears indeed in the documents older than the Treaty of Maastricht, i.e.: art. 5 of the Treaty of CECO, which pointed out the reduced dimensions of the European administrative corpus, but constrained to work closely with national institutions, directly implied in the process of European integration; art. 235 and 130R of the Treaty of Rome; arts 90, 100A and 189 of the treaty of European Economic Community, which offers to member states, providing the unanimity, the right to choose the manner to realise the objectives of the treaty, without annuling the right of initiative of the European institutions (if the member states has the capacity to achieve their tasks)[38].

Reverting to the documents where the principle of subsidiarity is explicitly mentioned, we can suggest: *Tindemans Rapport* and the project of the *Treaty instituting the European Union*, both being elaborated by Altiero Spinelli in 1975 and respectively 1984, by the European Parliament Resolution from 14 February 1984[39]. In the Preamble of the *Treaty*, Altiero Spinelli expresses his conviction on the necessity that European institutions would have to assume only the competences whose accomplishment would have as result a better execution of the communitarian objectives than the member states would have achieved it, and only if this extra-efficiency could have been demonstrated. The article 12, paragraph 2 of the same *Treaty* takes back this idea, but follows a restrictive manner against the coming union and supports the idea that communitarian objectives are better accomplished by the member states than the European institutions: *The Union shall only act to carry out those tasks which may be undertaken more effectively in common than by the Member States acting separately, in particular those whose execution requires action by the Union because their dimension or effects extend beyond national frontiers*[40]. The article 66 of the same document transposed the principle of subsidiarity at the level of the international relations, where the coming union was supposed to act more efficiently than the member states individually.

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[37] According to his own affirmations, he considered this because he was a practicing catholic. Jacques Delors, *L'unité d'un homme. Entretiens avec Dominique Wolton*, Paris, Ed. Odile Jacob, 1994, pp. 282-283.

[38] Jean-Philippe Chenaux, "La subsidiarité et ses avatars", *op. cit.*, p. 41 ; Joël-Benoit d'Onorio, *op. cit.*, pp. 28-29 ; Paul Sabourin, *L'État-nation face aux Europes*, Paris, PUF, 1994, p. 196.

[39] Another resolution of the European Parliament, that of 6 July 1982, specified that "the Union will assume only the tasks which will be possible to realise better than would do individually the member states or the tasks which need the specific contribution of tyhe Union". Cf. Dusan Sidjanski, *L'avenir fédéraliste de l'Europe. La Communauté européenne des origines au Traité de Maastricht*, Publications de l'Institut Universitaire d'études européennes, Genève, Paris, PUF, 1992, p. 146.

However, the clearest mention of the principle of subsidiarity is realised in the text of the *Single European Act,* referring to working and environmental problems (art. 100A(4); 130R), with the remark that the communitarian intervention could happen only if the member states didn't held sufficient means to solve the environmental problems.[41]

Among the other documents which referred to the principle of subsidiarity we should mention: The McDougal rapport, which sustains the application of this principle in the field of financial federalism (i.e. the redistribution of the revenues, but whose application will be realised only according to the art. 130R of the SEA); the Padoa-Schioppa Rapport(1987), which presents the principle of subsidiarity both as a normative rule and political concept; the Delors Rapport on the *Economic and Monetary Union*, where the subsidiarity is considered as *an instrument necessary to equilibrate the national and communitarian powers in the process of elaboration of monetary and economical policies*[42]; the *European Chart of fundamental rights of the workers* (1989), highlighting the responsibilities of the states in the field of social rights, the communitarian intervention (difficult to start) being possible only for the strictly necessary cases and only in the limits of the competences[43].

However, Delors was not the only European leader who underlined the necessity to use the principle of subsidiarity as fundament of the functionality of the European institutions. In 1990 the European deputy Valéry Giscard d'Estaing, inspired by one of the resolutions of the

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[40] « Projet de traité instituant l'Union européenne », http://ena.lu/mce.cfm

[41] "Single European Act", in: *Official journal of the European Commission*, No. L 169/1/29.6.87, http://eur-lex.europa.eu/en/treaties/index.htm.

[42] Klaus Gretschmann, *op. cit.*, p. 61.

[43] Joël-Benoit d'Onorio, *op. cit.*, p. 29; Klaus Gretschmann, *op. cit.*, pp. 61-62.

European Parliament, elaborated a rapport where he asked the explicit mention of the subsidiarity in the next treaty of the European Union, offering the clearest definition until the moment of the principle of subsidiarity which worked in the communitarian space, including the axiom of the double competence[44]. D'Estaing differentiated two types of subsidiarity: *a horizontal one*, which made difference between the attributions of public powers and those of the civil society, and *a vertical one*, making difference between the competences of the European Union and those of the member states. The Giscard d'Estaing Report will be concretised later in the Martin Report, where the principle of subsidiarity would be considered a general principle, submitted to judicial control concerning the identity of the actors implied in the process of decision-making and the level of efficiency assured by the mentioned principle in the federal system.[45] The difference to the preliminary Spinelli's Report consists in the way to distribute the competences: if the Spinelli Report sustained the necessity of the actions of the Union only to accomplish some specific tasks, the Martin Report considered that subsidiarity should act only if it was able to realise a better accomplishment of certain objectives, yet outside of any constitutional control of its acts.[46] In his turn, in 2001 Giscard d'Estaing would come again to his idea of subsidiarity, adding a new dimension, the one of proportionality, and underlining the necessity for a precise delimitation of the exclusive competences both of the European institutions and of the member states.[47]

On the other side, the institutional level was dynamic enough as well: in October 1992, the European Parliament admitted the conclusion of an institutional agreement concerning the subsidiarity, a document which, the next year, was endorsed by the Council of Ministers, but without any references regarding the horizontal subsidiarity, elaborated in the *Chart of the fundamental social rights of the workers* (1989) and in the Treaty of Maastricht (art. 3 A and B)[48]. This latter document is the one that aproaches the issue of subsidiarity in a double pespective[49]: specifying, at first, the necessity to approach the decision-making process of citizens, and the the second one that opens the series of a new plethora of documents aproaching the subsidiarity principle: the Birmingham declaration, which states that approaching citizens is the main objective of the Union, objective obtainable through greater transparency and better information and consultation of citizens; the *Conclusion of the Presidency*, elaborated during the reunion of the European Council of Edinburgh (December 1992), which considered the principle of subsidiarity (defined as proportionality) a regulating and equilibrant instrument between the European Union and the member states. According to that last Council new rules concerning the competences of the European Union had been implemented: any action of the Union should be reduced to minimum and should be proportional with the concerned objective; the member states should always have had a margin scheme even for the domains without exclusive competences, but on the condition of not coming against any concerned objective; the guidelines and recommendations should be priviledged in relation to regulations; communitarian actions should have had a suppletive nature, supportive and not a substitutive one. According to this document, the subsidiarity is based on three judicial principles, all of them presented in the art. 3B of the Treaty of Maastricht, i.e.: i./ ***principle of competences' assignment*** (the communitarian intervention should be strongly justified and should not overdraw the limits of assigned competences); ii./ ***the principle of the necessity of communitarian action*** (the Union can act in case of a certain objective, but only in the framework of assigned competences[50]); iii./ ***the principle of proportionality or of intensity of***

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[44] Jean-Philippe Chenaux, «La subsidiarité et ses avatars», *op. cit.*, p. 43; Panayotis Roumeliotis, *op. cit.*, p. 37.

[45] Klaus Gretschmann, *op. cit.*, p. 55, 64.

[46] Panayotis Roumeliotis, *op. cit.*, pp. 37-38.

[47] "Quelle architecture pour l'Europe ? Editorial", in: *L'Europe en formation. Les cahiers du fédéralisme*, Paris, no. 2, 2002, pp. 3-7.

[48] Joël-Benoit d'Onorio, *op. cit.*, p. 29 ; Fr. Schwerer, *op. cit.*, pp. 120-125.

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[49] Alex Walreigh, *Democracy in the European Union. Theory, Practice and Reform*, London, Thousand Oaks, New Delhi, Ed. Sage, 2003, p. 64.

[50] Applying the dispositions of the Treaty of Maastricht launched numerous debates on the concepts promoted by this document, such as the term of *competence*, debates consisting in defining the *domain and the objective for which an authority receives the right to exercise its powers*. Defining this concept is realized, inside the European Union, by analogy with the concept of power. Although, in certain conditions, the two concepts are possible to be considered similar, when in discussion are the exclusive domains of the EU, according to the principle of subsidiarity, the two concepts became two distinctive realities: the European Union will exercise its power only if the principle of subsidiarity allows its intervention, in case that its competence became necessary, but not sufficient. Nevertheless, there are some exclusive competences, determined both by the European Union obligation to accomplish

communitarian action (the means to realise the objective must be proportional with the objective).[51]

Council of 2003 established the procedures of the principle of subsidiarity appliance imposing the obligation to any decision founded on this principle. Hence, the Community did not have the right to intervene in the exclusive national competences and, on the other side, regarding the common competences, any interested part should adopt the necessary decisions for the best achievement of the settled objectives.[52]

Decentralisation, autonomy and subsidiarity in Romanian political and administrative space

Well-knowing the resistance of the Romanian post-communist political-administrative system manifested against any tendency of decentralisation, it would be difficult to believe that the issue of decentralisation of the regions or of the principle of subsidiarity were ever among the concerns of the Romanian politicians and opinion leaders. Nevertheless, there are a lot of research and documents which demonstrate the opposite. Hence, Daniel Barbu emphasizes that at the beginning of the XX century the Orthodox Church was concerned with the social problem[53],

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certain tasks and by the loss of the right unilateral intervention of the member states. One of the most important rules concerning the functioning of the European Union is to respect the proportionality of the rapport between the competences of the Union and the objective which is necessary to realize: the Union has to fix the objective, to establish in what extent the member states are not able to realize the respective objective as best as the Union and, in the same time, in what extent the Union itself is able to realize the respective objective. Claude du Granrut, *op. cit.*, pp. 19-23.

[51] "Transparence, démocratie et subsidiarité. Analyse du programme de renouveau communautaire et perspectives pour une Europe ouverte", in: *Etudes et Documents*, Genève, 1992 ?, pp. 9-12 ; Claude du Granrut, *op. cit.*, pp. 19-21, 121 ; Paul Sabourin, *op. cit.*, pp. 198-200.

[52] Claude du Granrut, *op. cit.*, p. 121.

[53] A preoccupation completely abandoned during the communist period, but is being rediscovered now, at least if we consider the fact that close to the faculties of theology developed a lot of distinctive departments which prepare social assistants; that in the faculties of orthodox theology there is a discipline named *social theology*; that some orthodox theologians are interested in the issue of social implication of the Church and social theology, or that some local publications contain distinctive rubrics in social theology and

a significant example being the book of the bishop Bartolomeu Stănescu, *Scurte încercări de creştinism social* [...*social Christianism*] (1913), where the author stated that the human being is "the unique possessor of the natural right", former and hence morally superior to the state[54]. Later, after the union of 1918, the book *Enciclopedia Română* [*Romanian Encyclopaedia*] explained the method of the public administration coagulation, following this event. Hence, as a result of the Decree-Law from 13 December 1918, *in Ardeal and Banat*[55] *the management of public services… was temporary attributed to a* ***council advisor***, and *the interest of these regions was represented in the central government by the ministers without portfolios*.[56] If we consider the fact that the ***council advisor*** holds a certain *legislative competence*, while the *foreign affairs, army, railways, post, telegraph, fiduciary circulation, public loans, customs and general security* are held exclusively by the central power competence, the situation can be interpreted in both ways: decentralization and subsidiarity. However, this kind of organization had a short life, only sixteen months, because of some new decrees and laws adopted in April 1920 by the General Averescu and because of the constitutional revisions in 1923 and 1938.

The installing into power of the communist party signified the rise of a more and more deep centralism, despite the provisions of Constitutional Law of 1952 concerning the autonomy for regions inhabited by large minorities[57]. Because these provisions didn't produce real effects, we dare to affirm that during communist Romania the concept of

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the social role of the Church. (It is the case of the journal *Adevărul literar şi artistic* [*The Literary and Artistic Truth*]).

[54] Daniel Barbu, "Subsidiaritate, democrație creştină şi ortodoxie", in: *Provincia*, septembrie 2000, pp. 3-4, http://www.provincia.ro/pdf_roman/r000101.pdf, 29 April 2009.

[55] According to this *Enciclopedia...*, in the provinces Bucovina et Basarabia the situation was similar with thatof the central level, but the local administration was organised with some different appellatives: *resorts*, for Ardeal and Banat; *secretariats* in Bucovina; and *directorats* in Basarabia.

[56] *Enciclopedia României*, vol. I, *Statul*, 1938, p. 190.

[57] It was astonishing to find out some titles of the communists party publications which contain in their components the term *regional*: *Lupta Ardealului: organul Regionalei Cluj a PCR* [*The Ardeal Fight: the periodical of Cluj Regional Faction of Romanian Communist Party*], Cluj, An I (1946)-An 45 (1989) and *Făclia: organ al Comitetului Regional Cluj al PMR şi al Sfatului Popular Regional Cluj* [*The Flame: the Periodical of the Cluj Regional Committee of Romanian Worker Party*], 1952-1989.

subsidiarity was completely unknown by the large public and never studied or used in the public discourse.

Civil society and the principle of subsidiarity in the post-communist period

Although the political conditions were formally modified after December 1989, the issue of subsidiarity did not appear immediately in the public space. Initially it was the civil society and some representatives of intellectual elite which dealt with this topic, only later, when Romania decided to start the adhering process and adopted *The European Charter of Local Self-Government*, the subject became interesting for public institutions and political decision-makers. The most important presentations of the principle of subsidiarity can be found in the articles presented in the review *Provincia*[58], in the following circumstances: in interpretation of the centralism that was still educed by the Romanian political and administrative institutions; in interpretation of the application of the principle of subsidiarity by some European political and administrative systems; in evocation and interpretation of the subsidiarity such as the principle is presented in European documents; in refreshing some articles or interviews of some important European political personalities. The essential part of our study underines the references to the principle of subsidiarity and to the possibilities offered by this principle in the working of Romanian political and administrative system.

Thus, in the articles published in *Provincia* the principle of subsidiarity is presented as being "one of the strongest pillars of societal organisation" having "a vital role, because through the medium of it the hierarchies of attributions could be divided depending on competences and could make possible a dynamic decentralisation, taking into consideration all specific details of the existent problems", a principle by dint of "the competences organised vertically are redistributed horizontally, preserving the extent of system integration"[59]. In this context some normative acts are mentioned (such as the Law 69/1991, concerning the local public administration) which, although on the main level sustain the redistribution of the competences at local administrative level, they do not take into consideration the principle of subsidiarity and, consequently, they do nt succeed in proving their efficiency[60].

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[58] Maybe it would be useful to mention that the group *Provincia* begun the debates in order to answer to the way that public institutions and especially the politicians referred themselves to the process of regionalisation, an implicit part of the European integration process. Nevertheless, the preoccupations for regionalisation (and implicitly for the principle of subsidiarity) appeared before the apparition of the group *Provincia*: Nona Chilian; Victor Platon, "Politica dezvoltării regionale în Uniunea Europeană", in: *Economistul*, Cotidian al Asociatiei Generale a Economistilor din Romania - A.G.E.R., Anul VII Nr. 922, 2-3 mai 1997, http://www.itcnet.ro/econom/arhive/2mai97/alte1.htm; Liviu Căpraru, "Regiunile şi dezvoltarea regională în perspectiva edificării viitoarei Europe", in: *Economistul*, Anul VII Nr. 913, 11-12 Aprilie 1997, http://www.itcnet.ro/econom/arhive/11apr97/alte2.htm. And examples may continue.

The principle of subsidiarity is considered a principle which is "able to activate the local energies"[61], but which was "permanently ignored"[62]. However, the time was not lost, and the mission to implement the principle of subsidiarity is considered as incumbent to the Christian-democrat ideology[63], although the Partidul National Ţaranesc Crestin-Democrat [National Peasant and Christian-Democrat Party] didn't have as objective "the application at the regional level of the principle of subsidiarity"[64].

The intellectuals reunited in the group *Provincia* (active in the period 2000-2003) self-assigned the task to promote some concepts completely unknown for the large public: subsidiarity, decentralisation, autonomy, and regionalisation. This charge was not easy to achieve in that period because of the opposition of public opinion or of an important number of representatives of intellectual or of political class. The following years the debates on those topics became more frequent and did not raise so multiple disapprovals as initially. We can also mention the projects developed by the non-governmental association *Asociația Pro Democrația*[65], the debates related within the review *22*[66], or some declarations or official informative notes concerning the process of adoption of *acquis-communautaire*.

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[59] Gábor Kolumbán, "Autonomiile regionale şi Europa regiunilor", in: *Provincia*, iunie 2000, p. 12, http://www.provincia.ro/pdf_roman/r000038.pdf.

[60] Sabina Fati, "Centralismul – persistenţa tradiţiei", in: *Provincia*, mai 2000, anul I, nr. 2, http://www.provincia.ro/rindex.html.

[61] The exemple of the very active Romanian city Jimbolia, offered by Daniel Vighi, is presented as being really exciting and relevant. Daniel Vighi, "Ideile provinciei, în provincie", *Provincia*, noiembrie 2001, p. 10, http://www.provincia.ro/pdf_roman/r000124.pdf.

[62] Alexandru Zub, "Un imperativ: descentralizarea statală", in: *Provincia*, mai 2000, anul I, nr. 2, http://www.provincia.ro/rindex.html.

[63] Daniel Barbu, *op.cit.*, p. 165.

[64] Marius Cosmeanu, "Rolex sed lex", in: *Provincia*, decembrie 2000, anul I, no. 8, http://www.provincia.ro/rindex.html.

Political parties and the principle of subsidiarity

Either preceding or following the public debates on subsidiarity, decentralisation etc., political parties adopted or rejected again these organisational principles. One of the political parties which introduced in its political program the principle of subsidiarity was *PNȚCD*, which, assuming European tradition, asserted even in 1996 (according to the affirmation of Daniel Barbu[67]) that the principle of subsidiarity was one deeply connected to the efficiency of the actions of Romanian political class[68].

Uniunea Democratică a Maghiarilor din România [Democratic Union of the Magyars of Romania] stated too, in its statutory documents (statutes, programes, etc., all consulted in 2006), that they were militating, based on European model and local specificity for *the general decentralisation and the application of the principle of subsidiarity including the system of education*[69]. However, the above mentioned web page of ethnic political association is unavailable again and the actual links of the political program and the statute of the party are still under construction.

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[65] "Dezbatere cu tema **Principiul subsidiarității**", 18 aprilie 2003. http://www.apd.ro/stiri_editie.php?id=12#articol_73

[66] Year XIII (629) Nr. 13 (26 mar. - 1 apr. 2002); Year XIII (671) (14 ian. - 20 ian. 2003); Year XIV (786) (1 April -8 April 2005; Year XVI (798) (21 June - 27 June 2005); Year XVI (799) (28 June - 4 Jully 2005); Year XIV (810) (20 September - 26 September 2005); Year XIV (817) (1 November - 7 November 2005); Year XV (832) (15 February 2006 - 21 February 2006); Year XV (836) (15 March 2006 - 21 March 2006); Year XV (864) (13 October 2006 - 19 October 2006); Year XV (868) (27 October 2006 - 02 November 2006); Year XV (870) (10 November 2006 - 16 November 2006); Year XV (872) (24 November 2006 - 30 November 2006); Year XV (874) (08 December 2006 - 14 December 2006); Year XV (879) (12 January - 18 January 2007);

[67] Daniel Barbu, *op. cit.*

[68] "Principiile şi valorile noastre", in: http://www.pntcd.ro/program-politic-pincipiile-si-valorile-noastre-subsidiaritate-si-actiune-politica-eficienta

[69] http://www.udmr.ro/script/mainframe.php?lang=ro, consulted at 12 January 2006.

Partidul Democrat [Democrat Party][70], which adopted in 2005 the popular doctrine[71], considered the principle of subsidiarity as necessary to obtain *an efficient, humane and solidary market economy, modern and performant public services, extended, active and with a good orientation social protection, doubled by an independent, accessible and a secure justice*[72]. In its current statute, the PDL assume "the respect of the principle of subsidiarity, of decentralisation and of local autonomy"[73]

Partidul Național Liberal [National Liberal Party] does not mention the principle of subsidiarity in its statutory and doctrinary documents, but only in the program of the former alliance established between this party and the Democrat Party and in some of official liberal positions (elaborated in 2003) concerning the system of education and the health system. As regarding the statutory document of the alliance *Dreptate si Adevar* [Justice and Truth] the principle of subsidiarity is considered a fundament of the development of a functional market economy.[74] Actually, the web page of this alliance did not exist anymore.

Another political group, *Acțiunea Populară* [Popular Action], assuming the Christian-democracy ideology, sustained in its program the principle of subsidiarity, which some members tried (hesitatingly) to practice[75] during their presence in the government in the framework of *Convenția Democrată Română* [Romanian Democrat Convention].

The parties which did not mention anyway the principle of subsidiarity are *Partidul Social Democrat* [Social Democrat Party], *Partidul Conservator* [Conservative Party] and the nationalist party *Partidul România Mare* [Great Romania Party]. As regarding PSD, it is remarkable that the party brought into discussion, at a given time, the problem of decentralisation as *a method to reform the central level and to Europeanise the*

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[70] Since December 2007, following the fusion with Partidul Liberal-Democrat [Liberal-Democratic Party] appealed *Partidul Democrat-Liberal* [Democrat-Liberal Party].

[71] An enough criticized decision, because the roots of the party were social-democrat.

[72] http://www.pd.ro/capitol.php?c=1, accessed 19 January 2006. Actually this web page doesn't exist.

[73] "Statutul PDL", http://www.pdl.org.ro/index.php?page=PDL&textPag-22

[74] http://pnl.ro/?id=alianta-angajament&offset=0; http://pnl.ro/?id=dp1492&offset=2; http://pnl.ro/?id=dp1197&offset=0; http://pnl.ro/?id=dp822&offset=0. All these web pages were consulted on the 2nd of January 2006 and they didn't exist actually.

[75] "Programul politic al Acțiunii Populare", http://www.actiunea.ro/documente.php?id=2.

local level[76], as *a method to approach the politics to citizens*[77], a situation which attired some ironical opinions and critics from the initial adepts of decentralisation, regionalisation and subsidiarity.

The public actors and the problem of subsidiarity

As concerning the legislative framework, the normative documents which stipulate the administrative field were, as expected, enough numerous: the *Law 29/1990, of the administrative contentious*, modified in 1993 and 1997; the *Law 10/1991, concerning the public finances*; the *Law 69/1991, concerning the public administration*; the *Law 70/1991, concerning the local elections*; the *Law 199/1997 for ratifying of the European Charter of Local Self-Government, adopted at Strasbourg, the 15 October 1985*; the *Law 188/1999, concerning the statute of public officers*; the *Government Decision 1006/04 October 2001, for approving the Strategy of the Government to accelerate the reform of public administration*; the *Law 339/12 July 2004, concerning decentralisation*; the *Government Decision 1038/08 July 2004, concerning the functioning of the Institutului National de Administratie* [*National Institute for Administration*] *and of the regional centres for carrying on the formation in local public administration*; the *Government Decision 761/21 November 1997, concerning the empowering of the Departamentului pentru Administrație Publică Locală* [*Department for Local Public Administration*] *to promote the politics of regional development*; the *Law-cadre 195/22 May 2006, of decentralisation*.[78] It is also possible to add all decisions and governmental order having as objective to modify some articles of the normative documents[79].

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[76] "Ioan Rus consideră restructurarea PSD, un demers constructiv", in: *Gardianul*, 03 iulie 2004, http://www.revistapresei.ro/articol.php?a=1720&s=21&ss=-1.

[77] "Vasile Puşcaş în *„Provincia"* a vorbit de regionalizare acum trei ani", in: http://www.ziua.net/display.php?id=18247&data=2004-06-29. It is obvious the implicit allusion to the principle of subsidiarity.

[78] Cf. http://domino2.kappa.ro/mj/superlex.nsf (accessed in May 2006).

[79] As example, we can mention an emergency ordinance, adopted in November 2008 and having as subject the decentralisation of the public health system. Guvernul României, "Ordonanță de urgență referitoare la descentralizarea sistemului de sănătate", http://www.gov.ro/ordonanta-de-urgenta-referitoare-la-descentralizarea-sistemului-de-sanatate__l1a103193.html

As regarding the principle of subsidiarity, its first appearance in a legislative text happened in 2004, when the principle is invoked in two legislative projects: one concerning the regional development in Romania (the Law 315/28 June 2004 on the regional development in Romania, when this principle is considered the fundament of the Romanian regional policies, beside the decentralisation and the partnership (art. 2(3)), and the other one focusing on the decentralisation (the Law-cadre 339/12 July 2004, art. 4a), and which considerred the subsidiarity the fundamental principle of a successful administrative decentralisation. This law was abrogated in 2006 and replaced by the Law-cadre 195/22 May 2006 of the decentralisation (arts. 3a and 4). The article 3a of this latter law text considers the principle of subsidiarity "the exercise of the competences by the local public administration authority situated at the nearest administrative level by citizen, and which disposes of the necessary administrative capacity". The article 4, in its turn, provides that "The government, the ministries and the others specific agencies of central public administration transfer their actual competences to the authorities of the local public administration situated at the level of departments, communes or cities, with the respect of the principle of subsidiarity and the following criteria: scale economy and the geographic area of beneficiaries".

The process of elaboration of some legislative norms concerning the decentralisation of administrative apparatus determined a lot of debates concerning the possibility to impose the respect of the right *of transparency, the public access in decisional process and the public participation in the process of administration of communities*. Moreover, some voices asked for a clearest precision of the way and criteria which determined the decision on the existence of an insufficient administrative capacity for the administrative units, and hence on the necessity of the transfer of competences in the institutions of public administration.[80]

On the other hand, regarding the institutions of the state directly implied in the process of European integration (by the perspective of the decentralisation), the most important are the former Ministry of European

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[80] "Punct de vedere al Institutului pentru Politici Publice (IPP) cu privire la proiectul de lege-cadru a descentralizării", in: http://www.ipp.ro/altemateriale/IPP_Punct%20de%20vedere_Legea%20cadru%20a%20descentralizarii.pdf

Integration and the current Ministry of Administration and Internal Affairs. As regarding the first institution, the principle of subsidiarity is not referred to on its web page. Nevertheless, the first mentioned institution directed us to a web page containing a dictionary of terms and concepts specific for the vocabulary of European integration[81], where the principle of subsidiarity appears both individually and as structural principle of European law, where other subordinated principles represent the basis of functioning of the European Union, as for instance the principle of communitarian pre-emption[82]. Although, few time ago the notion of subsidiarity was not interesting for the public institutions, in June 2004, during the debates for adopting the framework law on decentralisation, the issue of subsidiarity would appear also in the debates of Romanian Parliament[83]. Moreover, even the principle of subsidiarity was not mentioned again in the Romanian legislation, it appeared in some analytical documents elaborated by certain public institutions, for instance the *Manual pentru Elaborarea Planurilor de Dezvoltare Regionale ale Regiunilor Romaniei in concordanta cu Cerintele Comisiei UE* [84].

Thus, although initially it was received with reluctance, the principle of subsidiarity succeeded in obtaining a normal position in the public and political debates of post-communist Romania. Following an optimistic vision, we can state that, inclusively in the situation of a "forced" adoption of the subsidiarity, of *this rapid learning*, or "without any digestion", according to the opinion of Alina Mungiu-Pippidi[85], will end by producing some effects or, otherwise, the form will determine a change of the **substance**, will ennoble this. An argument supporting this idea can be considered within the scope of some changes in the administrative system :

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[81] The same approach was observed for the Prefecture of Brăila County. "Glosar de termeni", http://www.prefecturabraila.ro/integrare/glosar4.htm

[82] "Dictionar de termeni comunitari", http://www.mdrl.ro/_documente/dictionar/Pagina_P.htm

[83] http://www.cdep.ro/pls/steno/steno.stenograma?ids=5693&idm=6&idl=1, accessed at 21 January 2006.

[84] http://www.adr5vest.ro/attach_files/Manual_Planuri_Regionale1_1149587579.08_rom.pdf

[85] Alina Mungiu-Pippidi, "Moldova: eşecul construcției unui stat european sau Modelul găgăuz ajuns la maturitate", in: *22*, Anul XIII (629), nr. 13, (26 martie-01 aprilie 2002). http://www.revista22.ro/html/index.php?art=57&nr=2002-04-01&cecaut=Moldova

the publication[86] of the review *Autonomia locală* [*Local Autonomy*] under the patronage of the Presidents of Departmental Councils, the Federation of Municipal Towns and the Federation of the Towns from Romania; the publication of the *Revista Română de Administrație publică locală* [Romanian Review of Public Local Administration], which has also an electronic variant[87]; the creation of *Asociația Comunelor din România* [Association of the Communes of Romania], of the *Asociația Municipiilor din România* [Association of Municipal Towns of Romania]; the *Asociația Oraşelor din România* [Association of the Towns of Romania] and *Federația Autorităților Locale din România* [Federation of Local Authorities of Romania]. Although this last association does not present in its statute the terms of decentralisation or subsidiarity, it is obvious that the constitutive units rely on these principles: the statute of the association mentions as fundamental document the European Charter of the Self-Government; the objectives of the association[88] are similar with those proposed, generally, by the confederations of states (limited union, realised only to follow the realisation of some objectives difficult to achieve individually). In order to exemplify, we will mention some of the objectives of the last mentioned association: *active participation in the process of modernization and administrative decentralisation of Romania*; *improving the legislative framework, according to the European Charter of the Self-Government and to other international rules on local collectivities; consolidation of the partnership with the central public administration; monitoring the achievement of the institutions of central public administration and the obligation to consult the associative structures of the local public administration authorities before adopting any decision having direct influence on those authorities, and to inform the media and any national and international bodies, if these obligations are not accomplished; the unitary representation of the common interest of the local collectivities in its rapports with central public administration, with non-governmental organisations and the third parties, at national and international level*; *defendind the rights of the local elects and of other categories of employees...* in accordance with the due legislation; to harmonize the interests of the component associations in order to realize an equilibrate development of the local collectivities; to promote some forms of collaboration and mutual economic, financial, social, cultural and institutional aid between the local collectivities; to create and maintain an integrated informational system and a team of specialists able to analyse the problems of local collectivities and offer the best solutions to solve them; achievement, with other structures of the civil society, of the common objectives of the local communities; cooperation, with the respect of the law, with the authorities of the public administration of other states; to evidence the officials having the best results in the field public administration and in the process of administrative and financial decentralisation, by creating the own system of decoration, medals, titles and prizes.[89]

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[86] The time of apparition if the first issue is not clear: 1994 or 1997?

[87] View: http://www.administratie-ghid.ro/

[88] “Statut”, http://www.falr.ro/statut.falr?l=ro

Final remarks

The transition to a new system of political and economic organisation implied at the same time the economic actors to consider the new realities of decentralisation and regionalisation. Thus, it created a numerous trade-unions or employers' federations and some of nationally relevant economic actors reformulated and reformed their ways to organise following regional criteria and using the principle of subsidiarity. Among these organisations can be mentioned: *Centrul Regional de Prognoză şi Meteorologie Aeronautică Cluj-Napoca* [Regional Centre for Prognose and Aeronautical Meteorology of Cluj-Napoca]; the different *Direcția Regională de Drumuri şi Poduri* [Regional Office of the Roads and Bridges, an organism which possess numerous regional components]*; Regionala CFR Timişoara* [Regional of Romanian Railways[90]]*; Direcțiile vamale* [Regional Office of Customs]*; direcțiile poştale* [Regional Offices of Posts]*;* viticultural regions*; Regionala de distribuție a gazelor Cluj* [Regional of Gas Distribution]*; Regia autonomă a domeniului public Cluj* [Autonom Administration of Public Domain]*; Federația asociațiilor de proprietari din Cluj* [Federation of Associations of Owners]*; federațiile organizațiilor utilizatorilor de apă pentru irigat* [federations of organisations of users of irigation water]*; federații ale legumicultorilor* [federations of the vegetable gardeners].

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[89] Art. 5, "Statut", http://www.falr.ro/statut.falr?l=ro

[90] Romanian Railways were organized even during the communist regime in the same manner.

The organisational changement emerged in the post-communist period confirmed that at least the centralised economic system was no longer acceptable for the aspirations of the directly implied actors. The transformations and multiplication of the objectives and the interests, the character of the human and natural resources specific for each community, all these determined another kind of relationship between local and central actors, and the adoption of an adequate normative framework could be considered as a demonstration of maturity of Romanian decision-makers. Nevertheless, the process is not achieved, while many other things are yet to be done.

Bibliography:

1. Barbu, Daniel (2000), "Subsidiaritate, democrație creştină şi ortodoxie" [Subsidiarity, Christian-democracy and ortodhoxy], in: *Provincia*, septembrie, pp. 3-4, http://www.provincia.ro/pdf_roman/r000101.pdf, 29 April 2009.
2. Borraz, Olivier (1997), „Des pratiques subsidiaires vers un régime de subsidiarité? Les obstacles institutionnels à l'introduction de la subsidiarité en France, à la lumière de l'exemple suisse", in: *Territoires et subsidiarité. L'action publique locale à la lumière d'un principe controversé*, Paris; Montréal: L'Harmattan, pp. 21-65.
3. Chenaux, Jean-Philippe, „La subsidiarité et ses avatars", in: *Etudes&Enquetes*, Centre Patronal, no. 16, janvier 1993, pp. 2-60.
4. "La communauté européenne et les chocs de l'histoire. Discussion entre Jacques Delors, Pierre Hasner, Jacques le Goff et Alain Tourraine", in: *Esprit. Revue internationale*, Paris, no. 176, novembre 1991, pp. 10-33.
5. Cosmeanu, Marius, "Rolex sed lex", in: *Provincia*, decembrie 2000, anul I, no. 8, p. 5, http://www.provincia.ro/rindex.html, 29 April 2009.
6. Delors, Jacques (1992), „Le principe de subsidiarité. Au Colloque de l'Institut Européen d'Administration Publique à Maastricht, le 21 mars 1991", in: *Le nouveau concert européen*, Paris: Ed. Odile Jacob, 1992, p. 163-176.
7. Delors, Jacques, „Le principe de subsidiarité : contribution au débat", în: *Subsidiarité: défi du changement. Actes du colloque Jacques Delors, La*

subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?, organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, 1991, pp. 7-19.

8. Delors, Jacques (1994), *L'unité d'un homme. Entretiens avec Dominique Wolton*, Paris: Ed. Odile Jacobs.
9. "Dezbatere cu tema **Principiul subsidiarității**" [Debate on the **principle of subsidiarity**], 18 aprilie 2003. http://www.apd.ro/stiri_editie.php?id=12#articol_73, 18 May 2009.
10. "Dictionar de termeni comunitari" [Dictionnary of communitarian terms], http://www.mdrl.ro/_documente/dictionar/Pagina_P.htm, 19 January 2006.
11. Drake, Helen (2002), *Jacques Delors en Europe. Histoire et sociologie d'un leadership improbable*. GSPE, Collection „Sociologie politique européenne", Presses Universitaires de Strasbourg.
12. *Enciclopedia României* [Enciclopaedia of Romania] (1938), vol. I, *Statul* [The State].
13. „L'État dans tous ses états. Entretien avec Chantal Millon-Delsol", in: *Questions économiques et sociales*, No. 7, mai 1993, pp. 10-16.
14. Faure, André; Négrier, Emmanuel; Smith, Andy (1997), „Introduction: les controverses émergentes sur un principe pourtant ancien…", in: *Territoires et subsidiarité. L'action publique locale à la lumière d'un principe controversé*, Paris; Montréal: L'Harmattan, pp. 9-17.
15. "Glosar de termeni" [Glossary of terms], http://www.prefecturabraila.ro/integrare/glosar4.htm, 19 January 2006.
16. Granrut, Claude du (1997), *La citoyenneté européenne. Une application du principe de subsidiarité*, Paris: LGDJ.
17. Gretschmann, Klaus, „Le principe de subsidiarité : quelles responsabilités à quel niveau de pouvoir dans une Europe intégrée ?", in: *Subsidiarité: défi du changement. Actes du colloque Jacques Delors, La subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?*, organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, 1991, pp. 49-67.
18. Guvernul României, "Ordonanță de urgență referitoare la descentralizarea sistemului de sănătate" [Emergency ordinance on the

decentralisation of the health system], http://www.gov.ro/ordonanta-de-urgenta-referitoare-la-descentralizarea-sistemului-de-sanatate__l1a103193.html

19. Heckly, Christophe; Oberkampf, Éric (1994), *La subsidiarité à l'américaine: quels enseignements pour l'Europe?*, Paris: Eds. L'Harmattan.
20. Hude, Henri, "Les deux aspects de la subsidiarité", in: *Evangile et société. Actualité de la subsidiarité*, 7ème Séminaire, 1992-1993, pp. 13-17.
21. "Ioan Rus consideră restructurarea PSD, un demers constructiv" [Ioan Rus considers the restructuration of PSD a constructive approach], in: *Gardianul*, 03 iulie 2004. http://www.revistapresei.ro/articol.php?a=1720&s=21&ss=-1, 18 January 2006.
22. Kolumbán, Gábor, "Autonomiile regionale şi Europa regiunilor (2)" [Regional autonomies and the Europe of the regions], in: *Provincia*, iunie 2000, p. 12, http://www.provincia.ro/pdf_roman/r000038.pdf, 29 April 2009.
23. Legea 315 din 28 iunie 2004 privind dezvoltarea regională în România [Law No. 315 of 28 June 2004 on regional development in Romania], http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?idt=56280, 06 June 2009
24. Legea-cadru nr. 195 din 22 mai 2006 a descentralizării [Law-cadre No. 195 of 22 May 2006 on decentralisation], http://modernizare.mai.gov.ro/documente/Legea%20195%20cadru%20a%20descentralizarii.pdf
25. Mackenzie-Stuart, Lord (1991), „Evaluation des vues exprimées et introduction à une discussion débat », *Subsidiarité: défi du changement. Actes du colloque Jacques Delors, La subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?*, organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, p. 41-46.
26. *Manual pentru Elaborarea Planurilor de Dezvoltare Regionale ale Regiunilor Romaniei in concordanta cu Cerintele Comisiei UE* [Guide on the Elaboration of the Plans of Regional Development of Romania's Regions, according with the Demand of the European Commission], http://www.adr5vest.ro/attach_files/Manual_Planuri_Regionale1_1149587579.08_rom.pdf, 19 January 2009.

27. Millon-Delsol, Chantal, „Agir jusqu'aux limites de ses capacités. Quelques éléments sur le principe de subsidiarité", in: *Bulletin d'Information des Cadres*, no. 28/1995 p. 113-118.
28. Millon-Delsol, Chantal, „Le principe de subsidiarité: origines et fondements", in: *Institut la Boetie*, no. 4, avril 1990, p. 4-11.
29. Millon-Delsol, Chantal (1988), „Quelques réflexions sur l'origine et sur l'actualité du principe de subsidiarité", in: *Les démocrats-chrétiens et l'économie sociale de marché*, Paris: Ed. Economica, pp. 74-78.
30. Millon-Delsol, Chantal (1993), „La subsidiarité dans les idées politiques", in: *La subsidiarité. De la théorie à la pratique. Actes du XII^{e} colloque national de la Confédération des Juristes catholiques de France, Paris, 20-21 novembre 1993*, Paris: Ed. Téqui, pp. 43-57.
31. Mungiu-Pippidi, Alina, "Moldova: eşecul construcției unui stat european sau Modelul găgăuz ajuns la maturitate" [Moldova: the fall of the realisation of a European state, or the matured gagausz model], in: 22, Anul XIII (629), nr. 13, (26 martie-01 aprilie 2002). http://www.revista22.ro/html/index.php?art=57&nr=2002-04-01&cecaut=Moldova
32. Naudet, Jean-Yves, „Le principe de subsidiarité", in: *Revue des Etudes Humaines*, No. 10, Février 1993, pp. 27-30.
33. d'Onorio, Joël-Benoit (1995), „La subsidiarité. Analyse d'un concept", in: *La subsidiarité. De la théorie à la pratique. Actes du XII^{e} colloque national de la Confédération des Juristes catholiques de France, Paris, 20-21 novembre 1993*, Paris: Ed. Téqui, pp. 10-40.
34. "Principiile şi valorile noastre" [Our values and principles], in: http://www.pntcd.ro/program-politic-pincipiile-si-valorile-noastre-subsidiaritate-si-actiune-politica-eficienta, 18 January 2006.
35. "Principiul subsidiarității" [The principle of subsidiarity], http://www.mdrl.ro/_documente/dictionar/Pagina_P.htm, 28 september 2009.
36. "Programul politic al Acțiunii Populare" [Political program of the *Popular Action*], http://www.actiunea.ro/documente.php?id=2, 19 January 2006.
37. "Projet de traité instituant l'Union européenne", http://ena.lu/mce.cfm, 23 May 2009.

38. "Punct de vedere al Institutului pentru Politici Publice (IPP) cu privire la proiectul de lege-cadru a descentralizării" [The point of view of the Institute for Public Politics (IPP) concerning the project of the Law-cadre of decentralisation], in: http://www.ipp.ro/altemateriale/IPP_Punct%20de%20vedere_Legea%20cadru%20a%20descentralizarii.pdf, 18 January 2006.
39. Roumeliotis, Panayotis, „Le principe de subsidiarité: le pont de vue du Parlement européen", in: *Subsidiarité: défi du changement. Actes du colloque Jacques Delors, La subsidiarité – principe directeur des futures responsabilités en matière de politiques communautaires?*, organisé par l'Institut européen d'administration publique, Maastricht, les 21-22 mars 1991, Institut européen d'administration publique, 1991, p. 35-39.
40. Sabourin, Paul (1994), *L'État-nation face aux Europes*, Paris: PUF.
41. Sidjanski, Dusan (1992), *L'avenir fédéraliste de l'Europe. La Communauté européenne des origines au Traité de Maastricht*, Publications de l'Institut Universitaire d'études européennes, Genève, Paris, PUF.
42. "Single European Act", in: *Official journal of the European Commission*, No. L 169/1/29.6.87, http://eur-lex.europa.eu/en/treaties/index.htm, 25 May 2009.
43. "Statut" [The statute], http://www.falr.ro/statut.falr?l=ro, 22 January 2006.
44. "Statutul PDL", http://www.pdl.org.ro/index.php?page=PDL&textPag-22
45. „Transparence, démocratie et subsidiarité. Analyse du programme de renouveau communautaire et perspectives pour une Europe ouverte", in: *Etudes et Documents*, Genève, 1992 (?), p. 1-30.
46. "Vasile Puşcaş în *„Provincia"* a vorbit de regionalizare acum trei ani" [Vasile Puşcaş, in *Provincia*, he talk about regionalisation three years ago], in: http://www.ziua.net/display.php?id=18247&data=2004-06-29, 19 January 2006.
47. Vighi, Daniel, "Ideile provinciei, în provincie" [Provincia's ideas in the province], in: *Provincia*, noiembrie 2001, http://www.provincia.ro/pdf_roman/r000124.pdf, 15 May 2009.
48. Zub, Alexandru, "Un imperativ: descentralizarea statală" [An imperative: the state' decentralisation], in: *Provincia*, mai 2000, anul I, nr. 2, http://www.provincia.ro/rindex.html, 15 May 2009.

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THE EUROPEAN CONVENTION ON HUMAN RIGHTS AS A LEGAL STANDARD OF FUNDAMENTAL RIGHTS IN ROMANIA

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Abstract

The relationship between the individual and the state is fundamentally prescribed. The protection of the individuals from the abuses of the states' authorities is to be known as the protection of human rights. The levels of this legal protection are domestic or municipal and international or European. Our material presents the compliance of the rights protected by the Romanian Constitution with the European Convention on Human Rights.

Key words: human rights, legal harmony, fulfilment of commitments, European Convention, fundamental rights

Is there legal harmony between the fundamental rights prescribed by the Romanian Constitution and the European Convention on Human Rights? To what extent did Romania fulfil its commitments which have been taken as a Member State of the Council of Europe and as a Party State to the Convention?

In the modern society which is global and opened to the inclusion of all human beings, human rights are perceived to be the core of the society meant to protect the individual and the society itself from the tensions which might destroy it.[1] Human society is organised on different criteria so that the dynamic equilibrium between universal and particular, general and individual still exists. The human being as a member of the society has

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[1] Gert Verschraegen, "Human Rights and Modern Society: A Sociological Analysis from the Perspective of Systems Theory" in *Journal of Law and Society* no.2, 2002, pp. 258-282.

to understand the world in order to regulate the reality of the relationships which govern its members and the relationship between the Government and the individuals. This particular legal relationship is based on equality in front of the law, and emphasises the position of the individual in its relationship with the Government. The individual subordination with the Government is legitimate when the Government rules with the people and for the people.[2] The legal equality is provided by the law which is regulating rights and duties for the both parties in such a way that no party is favoured.

The protection of the individuals can be realised by the human rights treatises at the international or regional level and through the constitutions at the national level.[3] The Convention advances the cause of human rights which need to be protected in the European countries and on the ground the reality of the events are to be differentiated upon the diversity of divergent cultural values and norms,[4] according to the margin of appreciation doctrine and to the principle of proportionality. Romania is an actor at the international scale, who became a member of the Council of Europe in 1993 and a Party State to the European Convention of Human Rights. The Convention is a regional treaty providing human rights for the individuals and sound duties for the party states.[5] Romania as a party state has to integrate the Convention and to harmonise the internal legal system with it.

According to the legal doctrine, the Convention is to be applied, observed and implemented directly and immediately by the party states. It creates a public order regulated by the Council of Europe, at the European level and has the function to articulate a constitutional model for the entire continent.[6]

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[2] Richard Lillich, *International Human Rights*, Canada: Little, Brown, & Company Limited, 1991, p. 54; Lathan Brown, *Public Int'l Law*, London: Sweet and Maxwell, 1970, p. 98; Frank Newman, David Weissbrodt, *International Human Rights*, Cincinnati: Anderson Publishing Co., 1990, p. 64.

[3] Neville S. Harris, *Education, Law and Diversity*, Oxford: Publishers, 2007, p. 164.

[4] Aaron Robertson; John Merrill, *Human Rights in the World, Manchester and New York: Manchaster University Press*, 1996, p. 342.

[5] Mireille Delmas-Marty, *The European Convention for the Protection of Human Rights: International Protection Versus National Restiction,* Dordrecht-Boston-London: M. Nijhoff Publishers, 1991, p. 131.

This order establishes a special relationship between the states and the individuals who are the subject of the legal relationship. Under the Vienna Convention on the Law of Treaties the legal relationship between states as subjects of law, parties to the treaty, the mutual obligations are characterised by reciprocity.[7] All the legal prescriptions of the Convention are autonomous. In the cases in which the states' authorities will breach the provisions of the Convention, this treaty will prevail over the national laws. This situation has to be related to the prescription of the Convention which requires to the party states "to guarantee the rights and liberties provided in the Convention" (title I, Art.1, the Convention). This rule obliges the states to take the necessary measures to enforce the Convention.

In Romania, the Convention is ratified by the Law no. 30/1994 and *integrated* in the internal legal order by the Constitution (Art. 11/2, the Constitution). The Romanian citizens have the possibility to invoke the human rights provided in the Convention, in front of the national courts, due to the direct and immediate effect of the conventional norms. An important aspect of the integration process of the Convention in the domestic legal order is its *priority over the* national legal norms when a conflict of laws occurs, "unless the Constitution or national laws comprise more favourable provisions" (Art. nr. 20/2, the Constitution).

The *legal order* created at the regional level by the Convention has as active principles the *subsidiarity* and the *complementarity*. They assure a dynamic equilibrium between the national legal systems, on one hand, and the European legal system created by the Convention on the other hand. They maintain the unity and harmonise the two legal orders (nationals and European).

The subsidiarity principle's end is to protect the individuals through the norms which are closer to them. It means that in Romania the provisions of the constitution and other laws which protect individual rights and freedoms will be applied primarily. If there is an inconsistency with the Convention or the rights are better protected by it, the Convention is to be applied. The complementarity supposes to apply the Convention's norms or the national ones, those which better protect the individuals' rights. It belongs to the individual the opportunity to choose the system to which he or she wants to relate to. The final objective is to reconcile the expediency and efficiency of the justice and the recognition of human dignity and equality.[8] These principles help to realise the legal harmony between the provisions of human rights to which the society and the institutions try to conform to.[9] In all the cases in which a violation of human rights is in place, the legal standard or etalon is that one established by the norms of the Convention, which are to be applied in the public interest[10]. The end of the Convention is to create the legal mechanism to provide, protect and guarantee the human rights by combining the application of the most favourable norms. The evolution and dynamics of the two components is the result of the common interest: the maintenance of the European legal order, sustained by the cultural relativism and the universal values. The Convention and its provisions act as catalysts of the legal reform and in subsidiary as a mean of supervision in the human rights area. The European system of monitoring the human rights observance in the party states is a legal and political remedy when the national mechanism of fundamental rights protection failed. It acts like a *permanent pressure,* through the monitoring institutions, when the Convention and its prescriptions are perceived as European legal standards or the human rights are juridical products.[11] Conceived as a legal way to realise the European integration, the Convention and its Protocols is the bill of rights. The consequence for the individuals resides in having an essential and effective remedy: the petition of the European Court of Human Rights when they are the victim of a violation. The conformity or compatibility of the constitutional provisions regarding human rights with the Convention, guaranties the best protection to them.

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[6] Steven Greer, *The European Convention on Human Rights: Achievements, Problems and Prospects*, London: University Publisher, 2007, p. 213.

[7] Popescu, Corneliu-Liviu, *Protecția internațională a drepturilor omului. Surse, instituții, proceduri,* Bucureşti: Ed. All Back, 2000, p. 270.

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[8] Joseph M. Jakob, *Civil Justice in the Age of Human Rights,* Farnham-Surrey, Burlington: Ashgate Publishers, 2007, p. 231.

[9] Jean-Marc Coicaud, *Globalization of Human Rights,* Geneva: UN University Press, 2003, p. 73.

[10] Aline Humbert, "Public Law and human rights in Romanian Constitution", in *R.R.D.O. - APADOR - CH*, no. 14, 1997, pp. 11-29.

[11] Fuyuki Kurasawa, *The Work of Global Justice: Human Rights as Practice,* Tokio, New-York: Cambridge University Press, 2007, p. 84.

The provisions of the Convention do not create a hierarchy of the rights provided at the European level and the domestic one. The preamble provides that the end of this treaty is to ″recognize universally and to apply effectively the rights within it". It also provides (Art. nr.14, the Convention) "the exercise of the rights and liberties without any kind of discrimination". The force of the Convention is the same for each party state and their obligations are to respect it entirely, based on the *bona fide principle and the commitments assumed freely by each party state when ratifying it.* In Romania we notice a hierarchy of the rights made by the legislator when adopting the laws. The rights of the individuals are protected differently when they are part of the fundamental law or ordinary laws. This legal distinction creates a hierarchy of the values protected and implicitly establishes different sanctions and penalties.

Human rights are considered to be equal for every person no matter what social position in the society he/she has, based on the fact that human dignity is the same and equal for each person.[12] Human rights are indivisible, they form a unity and they ought to be applied in all areas of human activity. Their violation brings the responsibility of the subjects of the law who breach them. There are differences made by the legislator regarding the classes of laws which protect the rights (Art. no.73/1, the Constitution); some of them are absolute rights, others are relative ones. The right to life (Art. no.2, the Convention, with the exception of death as a result of a licit act of war), the interdiction of slavery or servitude (Art. no.4/1, the Convention), the interdiction of torture, degrading or inhuman treatments (Art. no.3, the Convention) and the prohibition of *ex post facto laws* (Art. no.7, the Convention) are absolute rights due to the fact that no derogation from them is accepted (Art. no. 15/2, the Convention). The protection of these rights is the same in special times (natural disasters or war) or normal time, no exception or derogation being allowed (Art. no.15, the Convention). The other rights are protected by the normal, common legal provisions existing in the organic and ordinary laws; derogations are allowed during war or the state of emergency, if they are in accordance with the commitments of the states, assumed as parties to other international agreements or treaties (Art. no. 15/1, the Convention), and notified to the Secretary General of the Council of Europe (Art. no. 15/3, the Convention).

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[12] Joseph M. Jakob, *Civil Justice in the Age of Human Rights,* Farnham-Surrey, Burlington: Ashgate Publishers, 2007, p. 131.

What institutions of the state will effectively apply or enforce the Convention?

The answer to this question will bring the issue of the commitments of the party states to the Convention and the specific tasks of the three branches of the Power, also perceived by the common knowledge of the people as public authorities or the institutions/ bodies of the state. In Romania, according to the Constitution, the Parliament passes the constitutional, organic and ordinary laws (Art. no.73/1). In the legislative activity the Parliament will debate and adopt the bills, treaties and other international agreements (Art. no.75/1, the Constitution), in such a way that legal conformity and co-ordination will exist amoung these bodies of laws (Art. no.61/1 and Art.no.79, the Constitution).

The execution of the laws and the implementation of the domestic and foreign policy of the state will be exercised by the Government (Art. no.108/2; Art. no.102, the Constitution). In order that "all citizens shall enjoy the rights and freedoms granted to them" (Art. no.15/1, the Constitution), the President of Romania "shall guard the observance of the Constitution" (Art. no.80/2, the Constitution). All the central and local bodies of the public administration subordinated to the Government, have the function to carry out the implementing measures (Chapter, no. V, the Constitution).

The Judicial authority, through the courts of law will render impartial and equal justice in the name of the law (Art. no.124/1, 2, the Constitution). The proceedings are public (with the exceptions expressly provided by the laws and equal for all (Art.no.127, the Constitution), this way the rights and freedoms of the people (citizens, aliens and stateless persons) provided in the fundamental law of the country and in other organic and ordinary laws being secured (Art. no.15/1; Art. no.18/1, the Constitution). An important role in the implementation process of the Convention has the Constitutional Court of Romania (Title, no. V, the Constitution). In the activity carried out as a guarantor of the supremacy of the Constitution (Art. no.142/1, the Constitution), and "bringing into line the laws with the Constitution" (Art. no.147/1, the Constitution), through the decisions of unconstitutionality of the legal provisions, the Constitutional Court contribute to the harmony of the Convention and the Constitution. All the decisions which are published in the Official Gazette of Romania, and had found the unconstitutionality of some legal provisions, after 45 days from the publication, will suspend *de jure* the unconstitutional provisions, if the Parliament or the Government will not modify the unconstitutional provision (Art. no.147/1, the Constitution). As part of the domestic legal system (Art. no.11/2, the Constitution), the Convention will not fall under the process of the objection of constitutionality (Art. no.146/b, the Constitution). The treaties and all the other international agreements to witch Romania is a party to, and found to be unconstitutional are not ratified (Art. no.147/3, the Constitution). This provision is to be applied together with that one which stipulates that "provisions concerning citizens' rights and liberties shall be interpreted and enforced in conformity with the covenants and treaties Romania is a party to" (Art. no.20/1, the Constitution). When inconsistencies are found, the covenants or treatise will take precedence over domestic legal provisions, unless "the Constitution or national laws comprise more favourable provisions" (Art. no.20/2, the Constitution). A general and fundamental guarantee of human rights is the prohibition of the constitutional review of human rights when the end is their suspension or the annulment of their guaranties (Art. nr.152/2, the Constitution).

The European remedies provided in the Convention consist in the mechanism of human rights protection by the European Court of Human Rights (the Court) in Strasbourg and in the way in which the Court's decisions are enforced by the states. The problem of the Court's jurisprudence has to be perceived according to the legal complexity existing in every party state. The ratification of the Convention does not mean necessarily an improvement of the rights of the individuals. Considered to be the standard or the etalon in the interpretation and application of the Convention, the jurisprudence of the Court has interpretative value for the party states. Amoung the factors that cause the compliance or non-compliance[13] to norms, the mechanism based on persuasion or coercion measures and acculturation may be taken in account.[14] With the entry into force of the Protocol no.14 in 1/6/2010, the Committee of Ministers will be empowered, if it decides by a two-thirds majority to do so, to bring proceedings before the Court where a State refuses to comply with a judgment. The Committee of Ministers will also have a new power to ask the Court for an interpretation of a judgment. This is to assist the Committee of Ministers in its task of supervising the execution of judgments and particularly in determining what measures may be necessary to comply with a judgment. Romania ratified the Protocol in 16/5/2005, expressing its commitment to improve the practice of decisions implementation. As a respondent state of the two rehearsals in Strasbourg, Romania's authorities undertook to eliminate various forms of racial discrimination, especially Roma discrimination; to stimulate their integration in the community and their participation in the economic, social, educational, cultural and political life; to rehabilitate housing and environment in the communities. In other cases against Romania (e.g. where ill-treatment was inflicted by the police or the detention conditions of applicants were decided by the Court) the Government undertook to adopt general measures to ensure the eradication of discrimination within the judicial system; to enhance the educational programs for preventing and fighting discrimination; to support positive changes in the public opinion on the bases of tolerance and the principle of social solidarity; to identify, prevent and solve conflicts. These undertakings were implemented through judicial trainings, dissemination of information material on the fight against discrimination, stimulation of civic participation, activity for the promotion of inter-cultural experiences, professional training on inter-ethnic communication, professional training for teachers and children aimed at promoting human rights.[15] In the process of enforcing the decisions of the Court there are different forms of action to which the state may resort in order to fulfill its positive obligations under the Convention.[16] In order to translate human rights into practice, there is a need for variable solutions according to the context.[17]

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[13] Oona Hathaway, ''Do Human Rights Treaties Make a Difference?'' in *Yale Law Journal* no. 111, 2002, pp. 1935-2034.

[14] Roda Mushkat, ''Incomplete Internalization and Compliance with Human Rights Law: A Reply to Ryan Goodman and Derek Jinks" in *European Journal of International Law,* no. 20, 2009, pp. 437-442.

[15] Ministers' Deputies, Information documents, CM/Inf/DH(2009) rev….27 November 2009 at [http://wcd.coe.int/Viewdoc], 8 March, 2010.

In Romania the causes that explain, at least partly, the non-compliance with the commitments and the disharmony with the Convention are: the general mentality of the people related to the law which is perceived to regulate mainly for the public authorities; the historical experience of the people that the prescriptions of the law benefit only to the top ranged individuals in a social grid; the experience of the transition period when many of the decisions of the public authorities have been taken in their personal interest; the process of transition towards democratic values has been experienced as traumatic, non rewarding for those who believe in justice, human dignity and equality of the rights; the corruption of those who have legal duties to implement the law (courts of law, police, administrative bodies); politically dependent bodies with contextual interests; weak domestic compliance mechanism to enforce the decisions of the Court;[18] the real need for legislative capacity building; the interpretation of the Convention by doubtful value methods when applied in different cases;[19] the lack of credibility and transparency of the public authorities; the bad attachment which exists to the notions of "fair trial", "justice", "just decision" or even "human rights"; bad examples of punishments inflicted to those who violated human rights; a misunderstanding of the doctrine "the margin of appreciation" of the Court;[20] excessive delay in the adoption of the laws which modernize the state, the administration and the justice (e.g. civil and criminal procedure codes); simple laws to be understood by every person with clear responsibility provided.

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[16] Alistair Mowbray, *The Developement of Positive Obligations Under the European Convention on Human Rights by the European Court of Human Rights,* Oxford: Hart Publisher, 2004, p. 15.

[17] Michael B. Licovsky, *Law, Infrastructure and Human Rights*, Cambridge: Cambridge University Press, 2006, p. 13.

[18] Dragoş Bogdan; Mihai Selegean, *Drepturi şi libertăți fundamentale în jurisprudența Curții Europene a Drepturilor Omului,* Bucureşti: Ed. All Back, 2005, p.295; Corneliu Bîrsan, *Convenția europeană a drepturilor omului.Comentarii pe articole, Vol.I Drepturi şi libertăți,* Bucureşti: Ed. All Back, 2005, p. 11.; Radu Chiriță, *Convenția europeană a drepturilor omului, Comentarii şi explicații, Vol. I,* Bucureşti: Ed. CH Beck, 2007, p. 35.

[19] Alexander Orakhelashvili, ''Restricted Interpretation of Human Rights Treatis in the Recent Jurisprudence of the European Court of Human Rights" in *European Journal of International Law*, no.11, 2003, pp. 529-568.

[20] Aileen Kavanagh, "Strasbourg, the House of Lords or Elected Politicians: Who decides about rights after Re P? " in *Modern Law Review*, no.72, 2009, pp. 828-843.

Romania still has to improve its laws, their application and the enforcement of the decisions of the Court. It should apply, when necessary, the Convention's provisions which are part of the domestic legislation. It also has to pay more attention to the legal inconsistencies between the domestic laws and the Convention, assuring this way the needed harmony. At the state action and personal level as well it has to refocus on moral decisions[21] in order to feel the human rights at the centre of the world order.

Bibliography:

1. Bîrsan, Corneliu (2005), *Convenția europeană a drepturilor omului.Comentarii pe articole, Vol.I Drepturi şi libertăți,* Bucureşti: Ed. All Back.
2. Bogdan, Dragoş; Selegean, Mihai (2005), *Drepturi şi libertăți fundamentale în jurisprudența Curții Europene a Drepturilor Omului,* Bucureşti: Ed. All Back.
3. Brown, Lathan, (1970), *Public Int'l Law*, London: Sweet and Maxwell.
4. Chiriță, Radu (2007), *Convenția europeană a drepturilor omului, Comentarii şi explicații, Vol. I,* Bucureşti: Ed. CH Beck.
5. Committee of Ministers (2009)-*Moldovan and others,* [http://wcd.coe.int/ViewDoc], 8 March 2010
6. Delmas-Marty, Mireille (1991), *The European Convention for the Protection of Human Rights:International Protection Versus National Restiction,* Dordrecht-Boston-London: M. Nijhoff Publishers.
7. Falk, Richard (2008), *Achieving Human Rights,* London: Routledge.
8. Greer, Steven (2007), *The European Convention on Human Rights: Achievements, Problems and Prospects,* London: University Publisher.
9. Harris, Neville S. (2007), *Education, Law and Diversity,* Oxford: Hart Publishers.

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[21] Richard Falk, *Achieving Human Rights,* London: Routledge, 2008, p. 113.

10. Hathaway, Oona (2002), ''Do Human Rights Treaties Make a Difference?'' in *Yale Law Journal,* no 111, 1935-2034.
11. Humbert, Aline(1997), "Public Law and human rights in Romanian Constitution", in *R.R.D.O. - APADOR - CH,* no. 14, 11-29.
12. Jakob, Joseph. M (2007), *Civil Justice in the Age of Human Rights,* Farnham-Surrey, Burlington: Ashgate Publishers.
13. Kavanagh, Aileen (2009), "Strasbourg, the House of Lords or Elected Politicians: Who decides about rights after Re P?" in *Modern Law Review,* no.72, 828-843.
14. Kurasawa, Fuyuki (2007), *The Work of Global Justice: Human Rights as Practice,* Tokio, New-York: Cambridge University Press.
15. Licovsky, Michael B. (2006), *Law, Infrastructure and Human Rights,* Cambridge: Cambridge University Press.
16. Lillich, Richard, (1991), *International Human Rights,* Canada: Little, Brown, & Company Limited.
17. Mowbray, Alistair (2004), *The Developement of Positive Obligations Under the European Convention on Human Rights by the European Court of Human Rights,* Oxford: Hart Publisher.
18. Mushkat, Roda (2009), ''Incomplete Internalization and Compliance with Human Rights Law: A Reply to Ryan Goodman and Derek Jinks" in *European Journal of International Law,* no. 20, 437-442.
19. Newman, Frank, Weissbrodt, David, (1990), *International Human Rights,* Cincinnati: Anderson Publishing Co.
20. Orakhelashvili, Alexander (2003), ''Restricted Interpretation of Human Rights Treatis in the Recent Jurisprudence of the European Court of Human Rights" in *European Journal of International Law,* no. 11, 529-568.
21. Popescu, Corneliu-Liviu (2000), *Protecția internațională a drepturilor omului. Surse, instituții, proceduri,* Bucureşti: Ed. All Back.
22. Robertson, Aaron; Merrill, John, (1996), *Human Rights in the World, Manchester and New York, Manchaster University Press.*
23. Verschraegen, Gert(2002), "Human Rights and Modern Society: A Sociological Analysis from the Perspective of Systems Theory" in *Journal of Law and Society* no.2, 258-282.

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ERNESTO DE MARTINO
A EUROPEAN PERSPECTIVE IN ITALY AT THE MID OF THE XXTH CENTURY

Loredana Baba[*]

Abstract
This article is meant to underline a peculiar pro-European perspective of a character little known in the contemporary scientific world. Ernesto de Martino, recognized nowadays as the father of Italian modern anthropology, has dreamt a dream, which was to become true but after his departure from the living. He has dreamt a dream of a culturally and geographically united Europe, in which the Cultural South would be appreciated for its intrinsic folk gems. He pledged allegiance to the vision of that Europe which he recognized as his homeland.

Key words: imbarbarimento, culture, Europe, ethnology, political missionarism

Introduction:

In a troubled age of armed and diplomatic conflict such as the XXth century, when nations still fought for and believed in imperialism and colonialism as solutions to acquire more power in a larger, world-wide context, there appears, for the first time on the old continent, the need for affiliation and collaboration of more nations, in order to face the perils of economic and financial subsistence. This idea becomes more viable and more and more debated upon in Europe once with the fall of the share market in 1929 New York, since it was then visible that an indebted continent after the GREAT CONFLAGRATION could hardly face the economic problems and balances of the time. Together with the rethinking of the GOLD STANDARD, under the premises of the American loan, came the restructuring of the old belief in what value meant, and the new idealistic philosophical ideologies, such as those of Webber and Marx, began, little by little, to redefine the universal thought.

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The general context being that of a crisis, situation which usually causes change, it became evident that there were to begin a series of conflicts of power between the nations of Earth, which would forever alter the geographical distribution of powers. In what Europe was concerned, along with the debates regarding economic and financial collaboration there arose the question of a redefinition of the concept of culture and cultural value under the pressure of the more and more present decadence.

Around the 1930's, in Italy, mimicking the European cultural trend, two young intellectuals discuss around the problem of Western DECADENCE, trying to find solutions for the cultural, political, geographical and spiritual future of Europe. One of them was Ernesto de Martino, a student in letters and philosophy, who, as we lately discovered with surprise, was about to develop a real vision of a culturally united Europe, professing the same unity in diversity and right to freedom of the individual so much praised by the contemporary European Union ideals.

The purpose of the present paper, extremely monographic in nature, is, as previously specified in the abstract, to underline and exemplify the extremely peculiar pro-European vision of Ernesto de Martino, in a pre-European Union period, depicted by all the fields in which he activated, from the political scene to the academic and scientific one. Since this side of de Martino's studies was little exploited and observed by the specific scientific literature, we found it important and significant to give proof of pro-European thinking in a summarily known scholar, who for decades has been erroneously considered a communist.

1. Who was Ernesto De Martino? Born in Naples, December 1908, he died of lung cancer in a Roman hospital bed in May 1965[1]. As you can see he consciously lived the two world conflagrations, as a child the first one, as a young head of a family the second. He barely made it to see the nations of Europe come together as one in economic and financial cooperation, but he failed to see them become a unity of spirit and common values under the construct of the EUROPEAN UNION, as he innocently envisioned and foresaw.

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[1] a.n. Since the author discussed by the paper is extensively unknown in the Romanian academic environment of the field, and little discovered in the European one, we considered compulsory to shortly give a glimpse of who he was. Due to the economy of space imposed by the format of a brief article we shall resume to mention only the biographical data which are imperative for the understanding of the present text. The complete reconstruction of De Martino's biography, the most recent one, will soon be available for the interested in the first monographic chapter of the author's yet unpublished Ph.D. Thesis.

In a contemporary perspective, if we re-contextualize his entire research activity, we should say that he was mainly an **anthropologist**. In fact, in nowadays Italy he is considered by the scientific environment as the founding father of Italian Anthropology. However, in his contemporary Italy, he used to be seen as a first hand **ethnologist**, innovator of Modern Italian Ethnology and an especially gifted field-research team leader. Even if he never confessed himself as such, by formation and title of study he was also a **historian of religions**, rewriting the religious history of South Italy in more than one volume. He could also be considered to be a **philosopher**, not a very original one since almost all his philosophical thought is a continuous to and fro departure from the Olympian figure of Benedetto Croce. Surely not a philosopher by profession, but still a creator of an Ethnological Philosophy, or, better said, as Galasso put it, a Philosophy of Ethnology. He theorized the category of presence in history as a way to escape the crisis of both existence and non existence. He also continues Croce's ideas in a personal interpretation of historicism, by relegating it to the ground of folklore. He was also a **political figure,** conscious of his social role as an intellectual and as a political local leader, always culturally, socially and politically active, shifting political colour but never shifting interest, thought, belief and vision.

1.1. Ernesto de Martino as Political Figure. Since he was an extremely complicated personality in all respects, it is only natural to have implicated himself actively at all levels of socio-cultural life of his time, one of the main aspects in which he majorly participated being the political life of the age. In his dynamics a moderate left winger with a liberal vision, never an extremist and opposing to extremism and extremists, from a very young age De Martino began to express himself politically. Even though it may seem strange, despite the fact that he often changed party and even political colour, he remained faithful to his political and ideological creed, being a true democrat[2] as some of the people he knew confess after his departure from the living. Out of the many political actions and shifts he took all along his life, we shall resume to naming briefly the most important ones in date order:

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[2] *"Era un vero democratico", conversazione di Giuseppe Pescarini e Carola Fabbri con Cesare Bermani e Franco Caggiola, Ravenna, 9 March, 1996,* in Cesare Bermani (a.c. di), Il de Martino, Bollettino dell'Istituto Ernesto de Martino per la conoscenza critica e la presenza alternativa

- In between 1930–1935, the university years, he was a left wing fascist, participating in the fascist meetings of a youth that was beginning to turn a moderate fascist vision into a potent antifascist one.
- In 1936 he registers a significant change in ideology when he enters the liberal circles of Bari, becoming a centre-right liberal. The discussions held during the meetings of the young intellectuals forming that liberal circle, as well as the teachings of his father, inflamed De Martino to meditate upon and theorize into a never published essay ***La religione civile,*** a laic type of religion, which was to be the religion of the new modern world.
- In 1937 he finally meets B. Croce becoming his disciple, a convinced liberal and a fierce antifascist. Under the influence of Croce's theory of the religion of freedom, he matures his own theoretical description of a civil religion which was to become both his creed and his faith.
- In 1941 we see him as one of the founders of the Liberal-Socialist Party, and the writer of the party's pledge.
- In 1944 he founded the Italian Labour Party, departing from the ideals Croce impressed into him and shifting even more towards socialism. It is also the year he wrote the article and standpoint ***La religione della libertà***, that had been published as a political clandestine booklet at the time, arising a lot of controversy and suspicion around the identity of its author. Having as fundaments Croce's theory, the text survived oppositions although very compromising at that age by its inflaming content, and the identity of the "scribbler" remained tacitly hidden.
- In 1945 yet another shift, probably motivated by local contexts, he enters the Italian Socialist Party for Proletarian Unity, making a standpoint out of his research upon the fight songs of the Italian labourers of the South. At the same time he fights in order to bring culture in their midst, and to assess the value of the low society strata creativity, creations and creative manifestations.
- A decisive turn, which was going to be a last and final political choice for the last fifteen years of his life, he enters the Communist Party in 1951, activating more or less actively till 1965.

2. The cultural shift: *Imbarbarimento* of Europe. As already anticipated in the introduction, Ernesto shows an early interest for the

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del mondo popolare e proletario, *Tra furore e valore: Ernesto de Martino*, Florence: Nuova Cesat Coop. a.r.l., no. 5-6, 1996, pp. 100-103.

destiny of European culture. During the university years, he and his elder friend and first mentor Armando Forte discuss frequently upon the decadence of Western Civilization. The two young thinkers try to find ways to escape decadence and to return Europe to that greatness it always had. Ernesto de Martino sees the only salvation in *imbarbarire Europe*, while for Armando Forte the way to salvation would be the creation of a construct of United States of Europe or better said one United State of Europe combining both Latin and Anglo-Saxon races.

In those years, Ernesto de Martino was penetrating the Italian fascist circles of his university surroundings. Young and easily influenced by the general perspective, Ernesto's vision derives from the fascist ideology of the time. *Imbarbarimento* meant in the Italian fascist ideology upraising the cultural values of the old continent. *ITALIA BARBARA* was an Italy that ignored the Enlightment and Renaissance elitist heritage, praising and reclaiming the worrier vitality of the Latin nations, found in the rural space. Even if his young mentor, Armando Forte, was the real visionary, envisaging in the early 1930 what was to become the nowadays EUROPEAN UNION CONSTRUCT, his destiny was to become unknown. Still, this idea remained dormant in Ernesto's memory, arising when everybody least expected in the pledge of the Liberal Socialist Party, in 1941.

Eight years later, in 1949 Ernesto resumes the idea of *imbarbarimento of culture* in a Communist context. He feels now the need to broaden the meaning of the concept of culture, which begins to be translated in the need to level culture between the elites and the masses. Therefore the true value of folk culture being assessed and praised, the distance between high culture and lower, folk culture could be diminished. It meant both a push towards a mass-size culture, and a simplification to the understanding of the many and of the poor of high culture manifestations, both spoken and written, and an assessment of the intrinsic value of the oral folk patrimony. Thus, both folklore and folk life became, in Ernesto's opinion, sources of making history, worthy to be studied, considered and interpreted from a historical perspective.

The idea of *imbarbarimento* becomes, therefore, the first pillar upon which the idea of a European construct is configured in Ernesto's vision and the starting point in prefiguring what we could call an Italian *cultural* *identity*, which could be compared, equalled and inserted into a larger identification unit, a European cultural, historical and social identity.

3. The Civil Religion[3] and The Religion of Freedom. In a historical social and cultural context of a EUROPE in CRISIS, B. Croce comes up with the concept of *Religion of Freedom*, a theory in which he theorizes the ideal of morals prone to the ethics of modern society. Croce's theory twice influenced E. de Martino, who in an early memento in 1936, in his first years as a liberal, wrote an article which was never to be published, *La religione civile*. In 1944, prompting more and more towards socialism, in the context of the Italian Labour Party, De Martino designed a socio-political essay, which was homonymous to Croce's theory, *La religione della libertà*. Both essays were meant to depict a new kind of laic religion, which was meant to become the religion of Modern Nations, based on a new set of morals and on the construction and reconstruction of society as a whole, performed through the rebirth of culture. Both essays were written in an attempt of political struggle, and a passage from a politics based on theory to a politics based on action. They both were signalling the importance of reconsidering the science of ethnology, which was considered thus far a science of civilizations foreign to the Western World, as a science intrinsic to all European countries. For within each high culture European civilisation remains dormant, unknown to the modern world, a folk civilization, or a set of folk civilizations, keepers of ancient truths and values. These, according to De Martino, should have constituted the subject and object of study of a Historicist Ethnology, which was to become the science of freedom, signing the passage from theory to action.

By bringing folk civilisations into the category of history, De Martino departs from the classical optics of the Italian scholars, breaks traditions with Croce's philosophical and political thought, but also slides back from the Marxist theory of presence vs. absence, alienation vs. religion in society. In other words, De Martino develops theoretically, and from hence on practically and actively, a cultural politics that verifies the cultural and historical possibility of still having a religious Italy. Under the premises of a completely laic vision of the world, the assessment of the cultural value of religion/religions permits a historical interpretation and classification of religions. Once religion was methodologically reinserted into society as a cultural construct depending on the social, political and economic context of a certain moment, it was possible to consider it from a historical perspective. Hence, history of religions was to be considered intrinsic to the historical modifications of a society, be them of social, of political or of economic order, and an imperative determinant for the way the political parties of a certain modern society were about to reconstruct history and reform the society they governed/guided. Therefore, sustaining the study of the remaining residue of culture and of religion of those subaltern societies within the dominant society, translated into folk life and manifestations, becomes a civil duty and an obligation of the political parties governing both the dominant and subaltern civilizations of a determined political and geographical space, and in a determined historical time.

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[3] The problem was discussed in detail and from more points of view, philological, political, philosophical and ideological, in chapter 3, *La religione civile*, of Gennaro Sasso's volume *Ernesto de Martino fra religione e filosofia*, Napoli: Biopolis, 2001, pp. 79-113.

Thus, the civil religion becomes a religion of freedom and of freedoms, especially meant as freedom of expression and recognition of diversity in beliefs without hierarchies of value or importance. It is meant to be a revival of a new Christianity, rethought in the context of a new generation of thinking and of perspectives, shaped accordingly to the new social, political, ideological and moral configuration of Europe. It also hints to the newly discussed, at that time, question of juridical equality between and among the states in which concerns international relationships. It basically constitutes the second pillar upon which Ernesto's vision of a common "religion", understood not necessarily at a spiritual level, for common purposes and common interests sustains itself in the context of the modern nations.

4. With or Without Croce![4] In 1949 Ernesto de Martino and the Liberal Socialist Party adherents were openly accused by M. Scelba[5], of being opportunists and *culturame*[6]. The minister was denying that particular group of intellectuals the right to speak to the Italian population in the name of culture and profess themselves as political educators and reformers of the younger generation[7].

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[4] a.n. The subtitle echoes the title of one of De Martino's articles (below specified and discussed) and hints to Croce's behaviour in a certain political/cultural context. It was not our intention to exemplify the relationship, political and ideological as well as academic and scientific between De Martino and Croce. Many of the titles listed in the bibliography below tackled the idea over hundreds of pages, the author of the present paper bringing her contribution to the matter in one of the chapters of the PhD Thesis yet to be published.

De Martino responded to the attack with an article entitled *Allora Croce era con noi!,* published in the newspaper *Avanti!* (June 17, 1949). In this article he reminded everyone interested that not so long ago, the same ideals and cultural actions for which the party was being accused now, were the ideals promoted and praised by Benedetto Croce himself. In fact, the same intellectuals that in 1941 were part of the Benedetto Croce's liberal circle, defending justice and truth and fighting against fascism were being accused now of being less than worthy of spreading culture and political guidance amidst the Italian public. In the same article he professes himself and the party's adherents as true followers of the philosopher's best pages, as true fighters for the reconstruction of a laic REPPUBLIC OF GOD and fighters against the pagan REPPUBLIC OF SALO', true interpreters of HISTORY as THOUGHT and as ACTION, true believers and followers of the RELIGION of FREEDOM, true CITIZENS of EUROPE both historically and culturally. They were acting in a sort of political missionarism doubled by a more potent cultural missionarism. But their political missionarism was not propaganda. It was merely a desire to arise the Italian youth to the consciousness of a truth for which with or without Benedetto Croce's ministration they still paid the consequences. The truth, the only truth they could profess, was a European identity united to that of Europe itself as a spiritual and not only as a geographical space, the praising of freedom which came close to religious fervour, the religion of freedom, and a liberal, Christian and democratic society which was to be spread at the level of the entire European continent.

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[5] **Mario Scelba**, Italian diplomat and political figure, Minister of Internal Affairs at that time, who was later to become Prime Minister of Italy in between 1954-1955 and **President of the European Parliament** in between 1969-1971.

[6] *culturame* – at the periphery of culture, tasteless, scum.

[7] V.S., Severino, (2003-2004), Italia religiosa. Percorsi nella vita di Ernesto de Martino, PhD. Thesis in History of Religion, «La Sapienza», ROME, Chapter II, Ernesto de Martino e la comissione socialista per lo studio del laicismo, 1949-1950, p. 25, note 13, [http://padis.uniroma1.it/getfile.py?docid=281&name=Severino&format=pdf&version=1.], 01 February 2008.

De Martino attached to the article, a copy of the Liberal Socialist Party Pledge, he wrote in 1941, and which was diffused by Benedetto Croce and his followers amidst the Cultural South, *mezzogiorno*. This constitutes, at the same time, the third pillar upon which we constructed our demonstration of the assumption specified in the title and by the content of the present paper.

Below we have selected the most relevant paragraphs.

4.1. As citizens of EUROPE the Liberal Socialist Party Pledge[8]

1. In nome dell'Europa, mia patria, e della libertà	1. In the name of Europe, my homeland, and in the name of freedom
2. Risvegliato ad una consapevolezza di una tradizione due volte millenaria che a me europeo è stata commessa e che in me europeo continua e si difende,	2. Brought to the consciousness of a twice millenarian tradition that I the European inherited and which through me the European continues and defends itself,
3. Credente in uno spirito che soffia dovunque si accende una vita, ma questo spirito vedendo incarnato nella forma storica dell'Europa cristiana e liberale e nelle nazioni e nelle genti che ne formano il corpo visibile e le membra, […]	3. Believing in a spirit that breathes wherever life begins, spirit which is the embodiment of a historical Christian and Liberal Europe and of the nations and peoples forming its visible body and limbs, […]
5. Convinto che la libertà è dell'individuo se del ceto, del ceto se della nazione, della nazione se dello spirito, dello spirito se del suo corpo visibile che ha nome EUROPA. […]	5. Convinced that freedom belongs to the individual if freedom of class, to the class if freedom of the nation, to the nation if freedom of the spirit, to the spirit if freedom of its own visible body which bears the named EUROPE. […]
IO GIURO	I PLEDGE
15. Di uscire dalla solitudine alla quale mi ero condannato per entrare a far parte della nuova associazione liberal-socialista, *GIOVANE EUROPA*, i cui principi sono i miei, la cui volontà è la mia medesima, di restituire me a me stesso, di risvegliare altre coscienze, di ritrovare altri fratelli …	15. To abandon the solitude to which I had condemned myself and enter the new liberal and socialist association, *YOUNG EUROPE*, which principles I share, which will is my own, to restore me to myself, to awaken other minds, to find new brothers

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[8] Ernesto de Martino, "Il giuramento degli aderenti al Partito liberalsocialista", in Cesare Bermani (a.c. di), Il de Martino, Bollettino dell'Istituto Ernesto de Martino per la conoscenza critica e la presenza alternativa del mondo popolare e proletario, *Tra furore e valore: Ernesto de Martino*, Florence: Nuova Cesat Coop. a.r.l., no. 5-6, 1996, pp. 50-52.

The text of the above inserted pledge perspires of Armando Forte's image of Europe, one united by the same spirit and body, a Europe united in diversity and combining all European nations. Nevertheless, the context is different, and it is the context De Martino lived and, in a way, created in order to diffuse the idea, which is in fact a visionary one. Not long after de Martino's death it was to become a reality, and the one keeping it real as representative of Italy, ironically as it could be, was the same Mario Scelba who accused the former and his political followers to be *culturame*.

5. The social shift: The issue of the two Italies. In the historical context of an after-war Italian society, troubled as it was, but in which the social and cultural difference between North and South was largely debated upon, Ernesto de Martino, in the same spirit of unity of identity under the same desiderate of freedom, tried to bring to the general consciousness the idea that each culture comes with its intrinsic value. Therefore no culture or civilization should be denied the right to existence as presence within history.

The issue of the two Italies can be considered from the perspectives of at least two dimensions. In a historical and cultural dimension, it sees the encounter between 2 worlds: that of the subordinate classes of the South, keepers of ancient magical values, immersed in a traditional paganism, and that penetrating from the North, open to industrialization and Europe, holder of an Enlightened and modern perspective upon life. The explanation De Martino gives to the social, mental and economic gap between North Italy and South Italy in this respect is that there are two different types of civilization, coexisting in the same historical period, within the boundaries of the same nation, but pertaining to different ages of development, both financial and of mentality, keeping distinctively different customs and traditions.

Taking into account the crisis of ideologies verified at the mid of the XX^th^ century, the political and ideological dimension faces the myth of a regenerating socialism, based on the reinterpretation of Marxist theses. Thus, the new regenerating socialism meets two different perspectives, the socialist ideology of the countryside and of the peasant working class, prone towards a new kind of freedom and the acquisition of a new social status, that of labourer, and the subtle elitist Liberal and Christian-

Democratic interpretation of Marxist theses, coming with their share of parties and fractures.

5.1. The South de Martino researches. But when referring to the Cultural South, which is the South De Martino researches, in terms of mentalities and of culture, he does not limit the term to South Italy and to Italian civilization. It is not the Geographical South that he researches, but the Cultural South of something which a later on will be recognized as South EUROPE. It is the world permitting the beginning of laic religion, a religion of freedom, which is the ultimate utopian scope of a modern society. It is the Cultural South, intrinsically of the people, of the poor and of the oppressed. As proof of the above mentioned, De Martino's own ethnological field research, which is not limited to collecting the social labour songs of the Italian workers, or particular traditions of debatable origin, such as tarantinism typical for one particular province of Italy, or threnodies and funeral marches of the Italian people. He also researches the Romanian *bocet* and the Albanian folklore of some Albanian communities of South Italy. Although the Romanian threnodies and Lazar Boia's funeral are the only outside Italy example of a real scientific intercourse, the bibliographic material shows an extensive interest towards other South European national folklores.

In this respect, the question of the two Italies becomes, in a sense, illustrative for the question of the two Europes, that of the economically developed countries of Western civilizations and that of the underdeveloped countries of the Southern and Eastern Europe, considered part of Oriental Europe, subject, up to not so long ago, to a long series of prejudices and discriminations. This would constitute the fourth pillar motivating us to assert the presumption of a pre-European Union pro-European vision within De Martino's work and thinking.

Conclusions: Towards a Culturally United EUROPE

De Martino remained tributary to many friends and mentors for the ideas he launched into written existence. Some of them were praised and recognized as reference to his work, such as the name of Benedetto Croce, but some remain tacit and dormant, breathing life from beneath Ernesto's texts, expecting to be discovered by the scholars studying his work. The romantic vision of his university years' mentor, A. Forte, became his own.

And his vision was pro-European in a deep organic and inflamed sense. De Martino aspired to a Culturally United Italy and Europe, professing no dominance or subordination of culture. He dreamed an Italy and a Europe of equal citizens united by the same spirit and by the same ideals: FREEDOM and equality, respect for diversity, pluralism and minority, tolerance and justice, recognition of true value. This is exactly what the present European construct is striving to promote, sustain and conserve.

De Martino's attempt to explain the Italian dualism by the socio-cultural factor was seen as a heresy in terms of Marxist ideology. Nevertheless, his political action is motivated by the very fact of his scientific research, which resents of several influences: the Italian one of B. Croce's historicism; the ideological trend of the time, translated into various interpretations of Marxist theses; the European one, coming with the lesson of an inter-disciplinary type of research, combining methodologies and ideologies, in order to lead to a more complex interpretation of the historical phenomenon.

The four pillars upon which we attempted to demonstrate De Martino's pro-European vision before the coming into existence of the European Union construct, far from tackling financial and economic aspects, depict it in its cultural and social essence, as well as in its international relationships desiderate. Still, there remains much to investigate in order to completely prove our first assumption and the results of our analysis, which remains as a future challenging project of research.

Bibliography:

1. Altan, Tullio Carlo, (1986), "Le «due Italie»", in Gallini Clara (ed), *La Ricerca Folklorica, contributi allo studio della cultura delle classi popolari, Ernesto de Martino. La ricerca e i suoi percorsi,* no. 13, Milan-Brescia: Grafo Edizioni, pp. 71-72.
2. Altan, Tullio Carlo, (1997 - 2002 last ed.), "Ernesto de Martino, mio fratello maggiore", in Clara Gallini and Marcello Massenzio (ed.) *Ernesto de Martino nella cultura Europea,* Neaples: Liguori Editore, pp. 177-182.

3. Charuty, Giordana, (2005), *Il poeta e lo studioso. Una corrispondenza giovanile*, in Gallini Clara (ed.), *Ernesto de Martino e la formazione del suo pensiero, note di metodo*, Neaples: Liguori Editore, pp. 9-41.
4. Clemente, Pietro, (1986), "Continuando a pensare de Martino", in Gallini Clara (ed.), *La Ricerca Folklorica, contributi allo studio della cultura delle classi popolari, Ernesto de Martino. La ricerca e i suoi percorsi*, no. 13, Milan-Brescia: Grafo Edizioni, pp. 81-82.
5. Clemente, Pietro, (1997 - 2002 last ed.), "De Martino dentro di noi: appunti, tra storia e genealogia", in Clara Gallini and Marcello Massenzio (ed.) *Ernesto de Martino nella cultura Europea*, Neaples: Liguori Editore, pp. 193-207.
6. DE MARTINO, Ernesto, (1949), „Intorno a una storia del mondo popolare subalterno", in *Società*, V, pp. 411-435.
7. Einaudi, Giulio, (1997 - 2002 last ed.), "Ernesto de Martino e la casa editrice Einaudi", in Clara Gallini and Marcello Massenzio (ed.) *Ernesto de Martino nella cultura Europea*, Neaples: Liguori Editore, pp. 337-342.
8. Bermani Cesare (ed.), (1996), Il de Martino, Bolletino dell'Istituto Ernesto de Martino per la conoscenza critica e la presenza alternativa del mondo popolare e proletario, *Tra furore e valore: Ernesto de Martino*, no. 5-6, Florence: Nuova Cesat Coop. a.r.l..
9. Laternari, Vittorio, (1986), "«Ernesto de Martino? Meglio un americano» Noterelle sul rito", in Gallini Clara (ed.), *La Ricerca Folklorica, contributi allo studio della cultura delle classi popolari, Ernesto de Martino. La ricerca e i suoi percorsi*, no. 13, Milan-Brescia: Grafo Edizioni, pp. 15-22.
10. Laternari, Vittorio, (1997 - 2002 last ed.), "La mia alleanza con Ernesto de Martino", in Clara Gallini and Marcello Massenzio (ed.) *Ernesto de Martino nella cultura Europea*, Neaples: Liguori Editore, pp. 91-104.
11. Lattarulo, Leonardo, (1987), *Esistenza e valore. Croce, De Martino e la crisi dello storicismo italiano*, Rome: Cadmo Editore.
12. Massenzio, Marcello, (1986), "Il problema della destorificazione", in Gallini Clara (ed.), *La Ricerca Folklorica, contributi allo studio della cultura delle classi popolari, Ernesto de Martino. La ricerca e i suoi percorsi*, no. 13, Milan-Brescia: Grafo Edizioni, pp. 23-30.
13. Nicoară, Simona, (2002), "O perspectivă istorico-antropologică despre națiune şi naționalism", in *Caiete de antropologie istorică*, Cluj-Napoca: Accent, I no.1, January – June, pp. 45-63.

14. Sasso, Gennaro, (2001), "Ernesto de Martino fra religione e filosofia", Napoli: Biopolis.
15. Associazione Internazionale Ernesto De Martino, *Bibliografia di Ernesto de Martino, 1933-1965, opere postume, inediti, traduzioni*, official site [http://www.ernestodemartino.it/sudemartino.html], 08 August 2008.
16. Severino, V.S., (2003-2004), *Italia religiosa. Percorsi nella vita di Ernesto de Martino*, Ph.D Thesis in History of Religion, «La Sapienza», ROME [http://padis.uniroma1.it/getfile.py?docid=281&name=Severino&format=pdf&version=1.], 01 February 2008.
17. Tucci, Roberta, Carpitella, Diego (April 2003): *Bibliografia*, «La Sapienza», ROME, Department of Anthropology, and Music, [http://rmcisadu.let.uniroma1.it/glotto/archivio/bibliografie/biblio_carpitella.pdf], 26 January 2009.

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BUSINESS PERFORMANCE ANALYSIS OF AN INFORMATION SYSTEM IMPROVEMENT - AN ACADEMIC SYSTEM USE CASE

Fernando Paulo Belfo[*]

Abstract

This paper shows the benefits of a real implementation of an information system in a state institution of higher education in Portugal. It starts by concentrating on the institution to which this real case refers, acknowledging its existing information system change and evidencing the improvement made on one process example. Some behavioral aspects are emphasized as well on this change. This practical system implementation was made under a quality standard framework. The article underlines the approach between information system change and quality perspectives. The convergence way is the same process point of view. A simple model of this convergence is proposed.

Key words: BPM-Business Process Management, Information System Implementation, Performance Analysis, Quality

1. Introduction

ISCAC[1] is an institution of higher education in Portugal, one of the IPC (Instituto Politécnico de Coimbra[2]) Schools, with extensive experience (31 years) in the teaching of science business; it is assumed as a school-business, putting emphasis on a theoretical / practical approach, tailored to an individual increase, and competitive labor market. It has about 2.500 students divided into 5 bachelor courses and 3 master courses. The administration of ISCAC is made by a board and several councils (scientific

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[1] Coimbra College of Accountancy and Management

[2] Polytechnic Institute of Coimbra

council, educational council and advisory board), commissions, support units and services. The body of teachers, with about 110 people, is divided into 5 scientific areas and the rest of the employees are more than 20 with the responsibility of supporting processes.

2. Performance and Improvement

Business performance has always been one of the most important concerns. Any organization wants to improve its level of service to its customers, reduce the costs, improve its profit or increase its efficiency. This can be done by a more radical approach, usually under the label of Business Process Reengineering (BPR) or by a more soft evolution, under what is usually called Business Process Improvement (BPI).

Hammer and Champy's view about BPR was a fundamental rethinking and radical redesign of business processes to achieve dramatic improvements in critical, contemporary measures of performance, such as cost, quality service and speed. Nevertheless, these special words "fundamental", "radical" and "dramatic" influenced the re-engineering projects in the 90´s and most of them failed due to their scale of change. Project objectives dimension add large impact on information, technological, human and costs management with lots of problems associated.

Other soft approaches appear, like BPI whose main objective is to optimize present processes usually helped by information technology improvements. According to one important and recent survey[3], improving business processes remains a critical executive priority today, representing 65% of answers to the question about which initiatives are most likely to pursue over the next two years. This approach usually focuses on a part of the organization's needs (most important needs but not all), reducing the scope of the project and using no radical process redesign, but improving the existing one. BPI can be seen as a business process innovation, using Davenport's words. Usually this improvement is made by automating some activities in what is called the business process automation (BPA).

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[3] BEA White Paper, (2008) *The State of the BPM Market, Business and IT: Solving Process Problems Together*, BEA Systems, Inc.

Business improvement objectives may vary, depending on the perspective. Most important are the following:

- *Cost Reduction*. This objective is part of a "rationalization" approach. Cost is an important redesign objective but it should be combined with others. Excessive attention to this objective may result in tradeoffs usually unacceptable to process stakeholders.
- *Time Reduction*. Usually has been a secondary objective of traditional industrial engineering. Increasing numbers of companies however are beginning to compete on the basis of time. This aspect sometimes related to service quality aspects, so it cannot be seen alone as well. Design of information systems (hardware and software) must have this objective in mind.
- *Output Quality*. This perspective may be within a tangible product — or informational — such as in adding data to a customer file. Output quality is frequently the focus of any process. The measure of output quality may vary a lot and should be defined with the customer. Some common quality characteristics are efficiency, flexibility, integrity, interoperability, maintainability, portability, reliability, responsiveness, reusability, testability and usability. These views should be done accordingly ISO 9001 standard for global quality management and ISO 12207 standard (Software Quality Assurance Process) for software life cycle processes.

ISCAC, as any other organization, is not an exception and wants to improve its business performance. As an institution of higher education, the main objective of ISCAC is to provide a good education to its students. This main objective can be achieved by performing a set of groups of processes. Some of these groups of processes are the core of this activity; others are the support to the first ones. For instance, establishment and revision of academic courses is one of the main activities. Another one is the management of those academic courses. Support group of processes are budgetary management or human resource management. Annex 1 shows the group of processes that where identified at ISCAC.

3. Business background

ISCAC academic services have several processes to perform during one academic year. The main ones are related with courses management group of processes which are detailed at Map of documents of the courses management (PGQ 13) (Annex 2). Some of these processes are Academic Services mainly responsibility, like Contests and Special Schemes Transfer, Change of Course and returns, Enrollment - 1st time, Renewal of the Registration and Payment of Fees, Exam registration, Improvement of Note, Assessment of Knowledge, Final results of the Student, Certificates, documents and photocopies of diplomas, Local Competition for Access to 2nd cycle, National Competition for Access to Higher Education (CNAES), Various Requirements in Academic Services and Isolated discipline.

The work is usually made by phases, each one corresponding to an academic phase. At the beginning of each academic year enrollment - 1st time and renewal of the Registration and payment of fees are the main tasks. Then, as the year goes by, various requirements appear. At the end of the year, exam registration, improvement of grade, assessment of knowledge and improvement of grade are the main concerns. At the end of an academic degree there come certificates, documents and photocopies of diplomas...

There are 8 persons working at this support unit. ISCAC has courses running at night so there is a special concern about the working students. Once a week, academic services provide a special timetable at night for these students. Summer vacations must be planned carefully in order not to congest the enrollment phase.

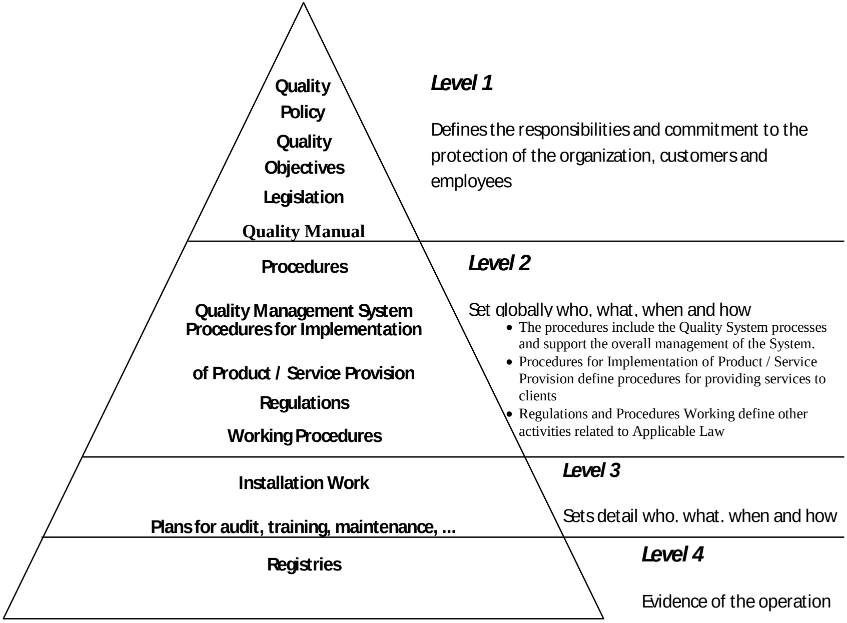
Main problems were related with large student queues at enrollment or at exam registration phases. Some days before the last day of registration were chaotic in terms of volume of employees work and student queues. Assessment of knowledge process takes too much time to be completed. Managers wanted improvements in student and employees satisfaction, individual and corporate performance, and process effectiveness and efficiency. They decided to introduce a more integrated system.

4. Quality assurance and management

The school made an important effort and implemented the international quality standards. The Quality Management System adopted subsequently the provisions of the standard NP EN ISO 9001 9 and is designed to organize and systematize the activities of ISCAC - relating to areas of intervention defined in Section 2 of Chapter II of this document - and capable of ensuring the ability to provide services that consistently meet the relevant provisions, whether of law or the needs of customers.

The ISCAC, through the implementation of its Quality Management System, aims to create conditions from the organizational, management of its human and material resources and its processes and methods of work, in compliance with applicable laws, obtain and maintain the satisfaction of their customers.

In addition, through the processing of data and events associated with the operation of ISCAC, it also aims to create conditions for active participation of its employees in that system as a way to generate processes of continuous quality improvement of services and its overall performance and prevent the occurrence of non-conformities.


Quality Policy
Quality Objectives
Legislation
Quality Manual
Level 1
Procedures
Quality Management System Procedures for Implementation of Product / Service Provision
Regulations
Working Procedures
Level 2
Installation Work
Plans for audit, training, maintenance, ...
Level 3
Registries
Level 4

Defines the responsibilities and commitment to the protection of the organization, customers and employees

Set globally who, what, when and how

- The procedures include the Quality System processes and support the overall management of the System.
- Procedures for Implementation of Product / Service Provision define procedures for providing services to clients
- Regulations and Procedures Working define other activities related to Applicable Law

Sets detail who, what, when and how

Evidence of the operation

Fig. 1 **- Quality Management System**

ISCAC structured its Quality Management System and supports it through a hierarchical set of documents that are described in Fig. 1 - Quality Management System

5. System description and implementation experience

Until the winter of 2005, management of the main academic data was carried out using different systems and much manual work. There was a homemade system, responsible for main academic information management. This system was maintained by an internal IT support that could not fulfilled the system's evolution anymore.

Data was often introduced twice with all time consuming and error typing problems. The main academic system used was an own development one and worked generally fine but had lots of difficulties to be expanded and integrated with other processes or activities.

In the winter of 2005, ISCAC decided that should shift to a system that could incorporate more flexible rules, curriculum plans and complex year transition. The decision was to acquire a new system from a firm that is specialized in academic solutions systems in Portugal. This academic information system, CIGES is a modular solution. At that time ISCAC bought CIGES - the implementation of modules CSE[4] and CXA[5] modules.

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[4] CSE - Education Control System

[5] CXA - Monitoring and Treasury Management.

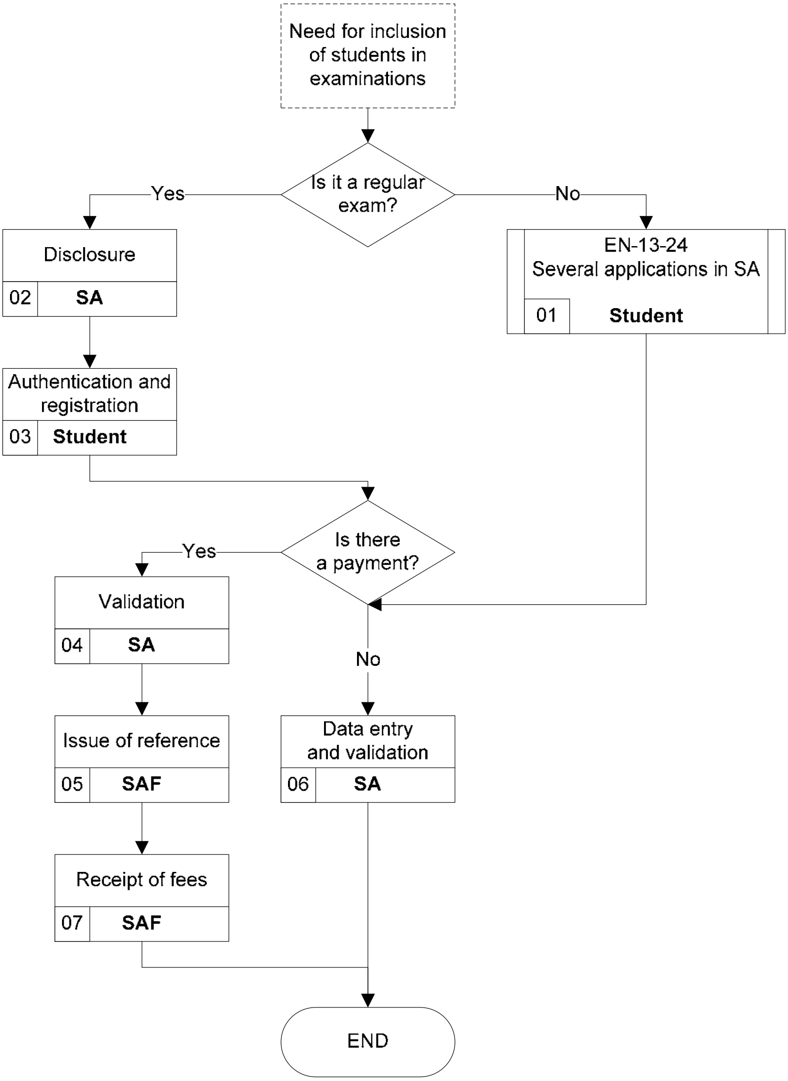
Need for inclusion of students in examinations
Is it a regular exam?
Yes
No
Disclosure
02 SA
EN-13-24
Several applications in SA
01 Student
Authentication and registration
03 Student
Is there a payment?
Yes
No
Validation
04 SA
Issue of reference
05 SAF
Data entry and validation
06 SA
Receipt of fees
07 SAF
END

Fig. 2 - **Exam registration process flowchart**

As supplier says[6], "in a single interface, simple, and the universally recognized reliability of the systems management of Oracle databases, Digital introduced the Integrated Management of Higher Education."

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[6] Digitalis, SIGIS presentation. Available via <www.digitalis.pt> [accessed May 26, 2009]

Created in 1994 from the central application for managing student CSE, the SiGES has been since a subject of continuous development and optimization, is currently composed of a set of applications, engine applications for Oracle databases and libraries of routines BD-Interface integration. The 18 administrative and management applications of knowledge that make up the executable of SiGES is now a computer management system fully integrated, collaborative, comprehensive and secure stable, whose modularity also translates a high capacity for adaptation to the case.

The SiGES architecture is a client-server integrated platform based on Oracle and IBM / Lotus. The system is aligned by two major areas: Academic and Human Resources.

The Academic area includes various academic applications that relate to the management of the student body (applicants and students) and teachers, in terms of academic management. The area of Human Resources as application is designed to manage personnel either teacher or official.

Apart from academic applications and human resources, the SiGES also has two satellite systems, autonomous but complementary to SiGES that supplement: @NetP and IDOC. Also, within SiGES there is a sub-group of academic preparation of applications for use via web: the system of automatic registration via web (SIAnet) and the Release Notes for the Teacher web (LNDnet).

Lately, other important effort has been made by the ISCAC institution, through the improvement of the information system and documentation for quality. A decision of buying a new academic platform was made and all the consequent aspects appear. The computers, software applications and actual communications capabilities offer innumerous possibilities. These possibilities, linked to implementation of quality, opened business process redesign opportunities. At middle 2008, manager decided to buy @NetP subsystem to complement and increase information system features.

According to Digitalis, assuming again the task of translating the reality technology to the Portuguese Higher Education, netP@ represents a vision of the Virtual Campus: is the generator of interactive portals for institutional care, consultation and education in the dynamic Web. Based on a repository of intelligent information SiGES about the reality of each member institution of Higher Education, the Institutional Portal netP@ allows Students, Faculty, Staff, Alumni and Candidates access - no physical barriers or time - a comprehensive set of services devoted to consultation and implementation processes via Web.

Beginning with initial registrations using the web, through a range of other features that enable reduction of costs and operational complexities, benefiting the return on investment, netP@ is the e-business portal for Digitalis translated by the reality of higher education.

Let’s take a closer look to an example of a process, an exam registration, see Fig. 2 - Exam registration process flowchart (better described in Fig. 2). Before the last system implementation (netpa@ module), students should download a document from the internet that should be fulfilled with the disciplines they wanted to be examined. After that, they should make a presence delivery, going to the academic services. At last 2 or 3 days (about 80% of students come at that time), it creates an enormous queue that make students wait for their turn more than 1 hour. Nowadays students can make their registration anywhere, anytime (during the period allowed). Before, presence validation took time from the services and students, because it should be confered if the student documentation was alright and if he was allowed to do the registration (for instead, check if the number of disciplines allowed for that season was not exceeded).

Nowadays, validation only takes some few minutes from the students and do not take any time from officials.

Before, the payment was mainly made with money (essentially using coins, which took considerable time and patience from officials with an end day procedure to close cash – sometimes it took more then 1 hour on worst days). After that, Academic services went and give the cash to finance services that checked again those numbers and money. Today, there is a daily procedure that generates all references for payment automatically (small human validation). Students can pay anytime and anywhere, using any automatic bank machine box or internet home banking at any computer with internet. It may take about 3 minutes for the student.

According to this process change, it is possible to make an analysis of this business process evolution. Table 1 synthesizes average time for each activity, according to officer´s responsible time evaluation, before and after last system change (implementation of netpa@ module). Each activity is measured in terms of time consuming (minutes), either in respect of officials time spend either in terms of final clients (students)[7].

		Time before		**Time after**	
Activity	**Description**	**Officials**	**Students**	**Officials**	**Students**
1	Several applications in SA (EN-13-24) PT-13-24	-	-	-	-
2	Disclosure	0,01 min	0,00 min	0,01 min	0,00 min
3	Authentication and registration	5,00 min	90,00 min	0,00 min	3,00 min
4	Validation	4,00 min	3,00 min	0,50 min	0,00 min
5	Issue of reference	0,25 min	0,25 min	0,02 min	0,00 min
6	Data entry and validation	0,11 min	0,00 min	0,11 min	0,00 min
7	Receipt of fees	0,43 min	0,43 min	0,00 min	2,00 min

Table 1 – Compariosn of exam registration time

Note that activity 1 (several applications in SA (EN-13-24)) is not considered here because it is a special case, detailed in another process (or PT[8]).

		Time before		**Time after**	
Is there a payment?		**Officials**	**Students**	**Officials**	**Students**
yes	**41%**	9,69 min	93,68 min	0,53 min	5,00 min
no	**59%**	5,13 min	90,00 min	0,13 min	3,00 min

Table 2 – **Time consumes division in what payment need is concerned**

Process improvement analysis can be made in a time reduction perspective at a first stage. The calculation made is just for the cases related to appeal and employee student exams. Normal exams maintain the past procedures and did not have significant differences. Table 2 presents average time consumes by student, before and after the improvement implementation.

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[7] We took into consideration effective times. For example, if it is a season with fees associated (not a regular one), after making the registration application, these are in state pending until the SA (Academic Services) make them valid. Annex 4 - Activity set description of registration in examination processes. Before the electronic implementation, students may have been waiting about half a day until they were able to pay the fee. Nevertheless, effective time is considered as zero, because students do not need to wait all that time and can do other things meanwhile.

[8] PT – "Processo de Trabalho" means work process.

	Time before		**Time after**		**Global Time Gain**		**Improv. Ratio**	
2.100 stud	**Officials**	**Students**	**Officials**	**Students**	**Officials**	**Students**	**Officials**	**Students**
41%	20.358 min	196.728 min	1.122 min	10.500 min	19.236 min	186.228 min	94,5%	94,7%
59%	10.770 min	189.000 min	270 min	6.300 min	10.500 min	182.700 min	97,5%	96,7%

Table 3 – **Global analysis performance improvement (total time consumed each season)**

Table 3 shows global analysis performance improvement. This table presents global time gain (total time consumed each exam season) and an improvement ratio calculated based in time cut gain. We can conclude a significant process improvement, of more than 90% in any circumstances.

After these sums are computed is possible to estimate the efficiency in terms of number of personnel gain. Total numbers of hours estimated as gain by season are 496 h. If we consider 2 seasons per year, each season with 2 special exams (appeal and employee student exams), it gives 1.982 hours. Each month 165 hours will be gained which correspond to a 0.2 official. This value could be easily converted into costs improvement. But the main improvement is at quality service level and that is more difficult to be measured. And this is just one process analysis.

6. Modeling Quality Management and Academic System integration

After this improvement experience others are being prepared by same team, composed by business responsible, internal IT support team and maintenance IT support team. Next process improvement analysis will involve the automation of the validation of certain criteria students must make special exam registration. This may reduce to zero the validation time consumed by officials in the near future.

This approach is following a process opportunities prioritization analysis based on complexity and value 1. Getting mixed teams, with both business and IT sensibility to work through this exercise helps establish agreement on the most effective use of everyone's time. This first less complex projects gives teams the opportunity to move quickly, early wins while learning about the best technological and organizational approaches.

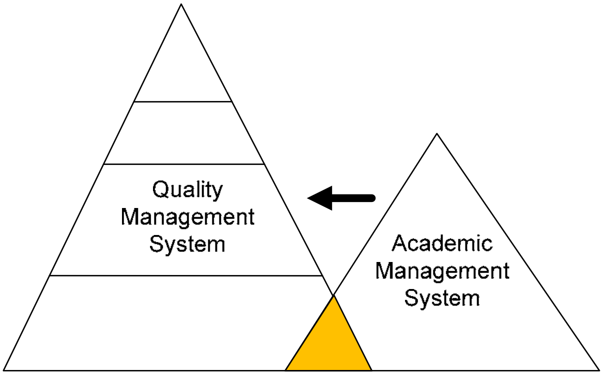

Fig. 3 – **Modeling integration between Quality Management System and Academic System**

In terms of the Quality Management System, aspects like some working procedures, installation work and registries are taking into account at the academic management system. These considered aspects are from the second to the fourth level of the quality management system (according to those defined at Fig. 1). First quality level aspects, like quality and objectives policies definition, are probably more difficult to be initially integrated into this particular academic management system, but can be used in a global view of the organization.

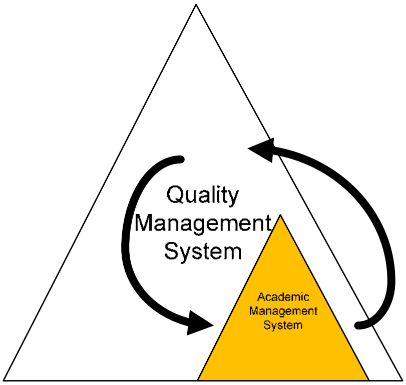

Fig. 4 – **Modeling Quality Management and Academic Systems Integration and Interaction**

The idea is to push this academic system into the global quality perspective and objectives. The more integrated these systems are, the higher level academic system incorporates policies and strategy level definition, relating to policies. This integration would allow a better business performance analysis and understanding. This unique perspective makes an easier converge of metrics from both systems. In a certain way, this approach is the establishment link between quality standards like ISO 9001 and software life cycle processes like ISO 12207.

On the other hand, this approach allows the development of a unique framework, with automatic flow of figures, with the same concept behind. For instance, the measure of student's evaluation about academic services could be done at the academic management environment, before or after some important student activity at the system. These forms could have a posterior treatment at the quality management system, in a complete automatic way.

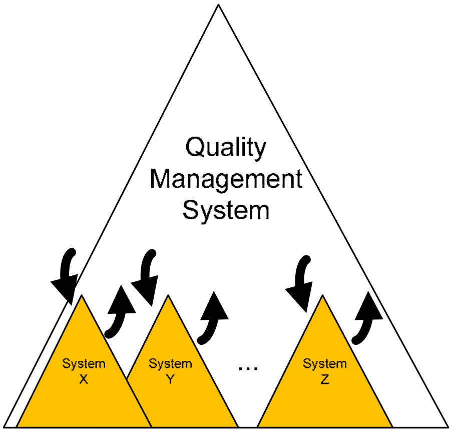

Fig. 5 –**Modeling Quality Management System Integration with other information systems**

Ideally, the organization could try to get a global model for the other systems integration, taking all of them into the quality objectives and system quality perspective.

This is really an incremental approach to global integration, instead of a process reengineering view. These can be done by phases and not at once, reducing dimension of the project problems and people resistance to change.

7. Conclusion and overview

The analysis and design of work flows and processes within the organization made by the quality certification process was the seed to a business process management [BPM]. Business process can be transformed using information technology [IT]. This transformation can have a mutual influence and can be seen as a recursive relationship.[9] IT is one of the main supports of business process redesign [BPR]. Business process can be redesigned by using new IT approaches. On the other hand, information systems can be designed or configured according to the business needs and business process definition. It is a recursive relationship.

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[9] see the survey of Thomas Davenport and James Short, *Information technology and business process redesign*, Sloan Management Review, 1990.

In the future, several perspectives could be used to help ISCAC organization to improve its global service level. Business process modelings used are still in flux and are not really integrated with IT services. The next step should be done and it consists of making an evolution to a business process modeling supported by a Web-based workflow (see www.ebpml.org). Actual business process languages perspectives (like BPML, BPEL4WS, EDOC, XPDL and UML 2.0) allow the interaction between Web-based services and manual business processes. This unique framework will gradually come to be critical to business process management and improvement.[10]

Another area of interest that can be developed in the future is the enhancement of business process management with adequate simulation. ISCAC is running the third year of ISO quality implementation. Benefits are coming now. Some workflow has already changed and some may change on the near future. Some changes are being study by a special team, but eventually without the right tools to do it. Studies say that is better to do process simulation before real implementation. This could be an interesting area of study and development at ISCAC as well.

Business process management approach could be used to improve quality management process in general. This is currently the process with more problems to be managed and, on the other hand, the relation between these two areas is an interesting field of research. Today, at ISCAC, almost all quality forms are made with a spread sheet, with no automatic interaction with other parts of the information system. This integration is a hard way and, even if from a logical point of view integration between quality system and other systems can be done, in practice it is difficult. One way to implement business process management can be done using an approach which leverages agent technology[11], to obtain agile business process behavior.

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[10] see the survey of Jon H. Weyland and Michael Engiles, *Towards simulation-based business process management*, Winter Simulation Conference 2003, p. 3.

[11] Birgit Burmeister, Felicia Copaciu and Giovanni Rimassa, *BDI-Agents for Agile Goal-Oriented Business Processes*, AAMAS '08: Proceedings of the 7th international joint conference on Autonomous agents and multiagent systems: industrial track, 2008. pp. 37-44.

Bibliography:

1. BEA White Paper, (2008) *The State of the BPM Market, Business and IT: Solving Process Problems Together*, BEA Systems, Inc.
2. Thomas H. Davenport and James E Short, (1990) *Information technology and business process redesign*, Sloan Management Review
3. Jon H. Weyland and Michael Engiles, (2003) *Towards simulation-based business process management*, Winter Simulation Conference
4. Jay April, Marco Better, Fred Glover, James Kelly and Manuel Laguna, (2006) *Enhancing business management with simulation optimization,* Winter Simulation Conference
5. Sung Ho Ha, Sang Chan Park, (2006) *Service quality improvement through business process management based on data mining,* SIGKDD Explorations
6. Carlos Pedrinaci, Dave Lambert, Branimir Wetzstein, Tammo van Lessen, Luchesar Cekov and Marin Dimitrov, (2008) *Sentinel: a semantic business process monitoring tool*, ACM Publisher
7. Digitalis, SIGIS presentation. Available via <www.digitalis.pt> [accessed May 26, 2009]
8. ISO (International Organization for Standardization), *ISO 12207 – Systems and software engineering – Software life cycle processes*, 2008
9. ISO (International Organization for Standardization), *ISO 9001 – Quality management systems*, 2008
10. Birgit Burmeister, Felicia Copaciu and Giovanni Rimassa, *BDI-Agents for Agile Goal-Oriented Business Processes*, AAMAS '08: Proceedings of the 7th international joint conference on Autonomous agents and multiagent systems: industrial track, 37-44, 2008
11. Hammer, M. and Champy, *Reengineering the Corporation,* Harper Business, 1993

Annex 1 - Group of processes that where identified at ISCAC

PGQ[12]	Denomination	date of last revision	responsibility of preparing[13]
01	Planning and Review of the Quality Management System	04-03-2009	CD
02	Establishment and Revision of Courses	12-01-2009	CC President
03	Human Resource Management	24-03-2009	SAF
04	Supply	23-09-2008	CD
05	Management Information System and Documentation for Quality	17-03-2009	CD
06	Management of infrastructure and working environment	27-01-2009	GI
08	Management of Measurement and Monitoring Devices	05-03-2009	CD
09	Management of non-conformity, corrective and preventive actions	05-05-2009	CD
10	Management audits	17-11-2008	CD
11	Budgetary Management	26-11-2007	SAF
12	Management Library	17-09-2008	SAF
13	Courses Management	13-04-2009	CD
14	Advanced Training Courses and Supplementary	10-11-2008	ISCAC BS
15	Continuing Education Courses	30-10-2007	CentroForma

Annex 2 - Map of documents of the courses management (PGQ 13)

Work Process	Denomination	date of last revision	responsibility of preparing[14]
13-01	Distribution of Teaching Service	07-07-2006	CC
13-02	Contests and Special Schemes Transfer, Change of Course and returns	25-07-2007	SA
13-03	Certifications and Recognition of Qualifications	06-03-2009	CC
13-04	Enrollment - 1st time, Renewal of the Registration and Payment of Fees	11-09-2008	SA
13-06	Registration and Control of Abstracts and the diligence	17-03-2009	CD

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[12] PGQ – "*Procedimento de Gestão da Qualidade*" means Quality Management Procedure

[13] CC-Scientific Council, SA-Academic Services, CD–Board, GRI-International Relations Office, GI-Office of information technology, ISCAC BS–Business School

[14] CC-Scientific Council, SA-Academic Services, CD–Board, GRI-International Relations Office

	of students		
13-07	Exam registration	05-01-2007	SA
13-08	Improvement of Note	16-06-2006	SA
13-09	Assessment of Knowledge	24-06-2008	SA
13-11	Final results of the Student	16-06-2006	SA
13-12	Certificates, documents and photocopies of diplomas	24-05-2007	SA
13-15	Socrates-Erasmus - mobility of students - outgoing	14-01-2008	GRI
13-16	Socrates-Erasmus - mobility of students - incoming	16-06-2006	GRI
13-17	Sócrates-Erasmus - Mobility of Teachers - outgoing	05-09-2006	GRI
13-18	Socrates-Erasmus - Mobility of Teachers incoming	16-06-2006	GRI
13-19	Definition of criteria and vacancies within the CNAES	02-05-2006	CD
13-20	Local Competition for Access to 2nd cycle	16-06-2006	SA
13-21	National Competition for Access to Higher Education (CNAES)	16-06-2006	SA
13-23	Definition of timetables	24-04-2008	CD
13-24	Various Requirements in Academic Services	16-06-2006	SA
13-25	Definition and Criteria for vacancies Outside CNAES	02-05-2006	CD
13-26	Capacity evaluation tests for the frequency of courses for the ISCAC (more 23 Years)	25-07-2008	CD
13-28	Isolated discipline	04-09-2006	SA
13-30	DPCC - Curriculum Stage's in Administration and Solicitadoria	20-03-2009	Director of Course
13-31	Applications for Masters	01-10-2008	CD
13-32	Establishment of the Unit Curriculum Dossier	21-10-2008	CD
13-33	Application and Registration for Technology Specialization Courses (CET)	27-01-2009	CD

Annex 3 – CSE, Control System of Education

Existing resources in the implementation of the central academic area is the interface of high returns associated with the resources of the parameterization and maintenance reports of the application.

The application allows control of several schools or centers, which can manage cross-curricular plans, trunks or common areas, systems of credits, mixed systems and a full range of rules of transition from years of calculations and the Graduation.

The work of the users is facilitated by using a system of wizards associated with many of the repetitive tasks, such as registration, placement assessments, classes and curricula.

Security and control are provided by the constant registration of all transactions of users, similar to what happens in all modules SiGES.

CXA - Monitoring and Treasury Management

The new version CXA resulted in implementation of cash management truly complete.

The CXA can manage the account of students, candidates, officials and others, issuing invoices, receipts with or without fragmentation, credits and debits.

The CXA allows the calculation of fully configurable tuition plans and fines. The export of data to accounting systems is possible, grouping them by the two common classification systems, and provided that the application POCP Education allows reading text files, delimited or HTML.

It should also be noted CXA enforcement's ability to generate invoices for payment of fees for MB. The imported files from SIBS are treated dynamically, thereby generating a log for consultation and post.

Features	**Description**
Type of Application	Intranet (Client-Server)
Client Platform	Windows 9X/ME/NT/2000/XP/Vista
Prerequisites for Client Software (licensing)	Oracle 9i Client License
Base Technology	Borland Delphi and Oracle PL/SQL

Annex 4 - Activity set description of registration in examination processes

1. The student may request enrollment in the regular examination or examination not regular. If the desired entry is not in regular review, the process is defined in the EN-13-24 - Various Requirements in Academic Services, followed by section 3 and then following this procedure to work.
2. In the case of regular reviews, the disclosure is made (by issuing a warning) the terms and conditions of entry in examinations. This disclosure should be based on the school calendar and maps of examination proposed by the Pedagogical Council and approved by the Board in accordance with the Rules of Frequency, Evaluation, Transition Year and of Course

Completion of the 1st Cycle of Studies (RG-13 - 12) and the Regulation of Access to Special Investigations (RG-13-19).

3. All entries in tests at the time of appeal and student workers are made in academic portal http://netpa.iscac.pt. To register, students log in the system and follow the instructions.

4. If it is a season with fees associated (not normal one), after making the registration application, these are in state pending until the SA (Academic Services) make them valid.

5. After validation, the reference is issued for cash payment of registration, which can be found on the APS intranet user.

6. In the case of the normal season, there is no way to pay for registration. The SA perform the input of data in the system SIGES and validate the legality of the application.

7. The Administrative and Financial Services (APS) receive the fee by downloading the files from SIBS. If the student wishes to get a receipt, he/she should request it in SA.

STUDIA UNIVERSITATIS BABEŞ-BOLYAI, STUDIA EUROPAEA, LV, 1, 2010

INFORMATION SYSTEMS FOR FINANCIAL AND ADMINISTRATIVE MANAGEMENT – CASE STUDY ON BABES-BOLYAI UNIVERSITY

Alina Andreica[*]

Abstract

The paper focuses on implementing efficient IT strategies in regard to organizations' goals and resources and presents the case study of Babes-Bolyai University in this respect. We describe the dedicated information systems that have been developed and the integrated architecture framework that is designed to incorporate the dedicated information systems for educational, administrative, research management software systems and an e-learning platform. The interdisciplinary perspective specific to European studies sustains a proficient organizational solution, which combines efficient IT strategies with organizational management perspectives. The case study of Babes-Bolyai University reveals the strong points of strategy that has been implemented in regard to pace development, system integration facilities, organization culture and characteristics.

Key words: IT strategy & system flexibility, Integrated information system; e-learning portal, organization competitiveness, European studies

1. Introduction

Information systems have important roles nowadays in increasing organization competitiveness[1] and require systematic implementation solutions, adapted to organizations' characteristics.

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[1] Alina Andreica, "IT Strategies In Increasing Business Competitiveness", *Studia Europaea*, LI, 3, 2006, pp. 139-148.

The universities' case is quite complex, since their activity covers a wide range of areas: education and learning, research, administration. Therefore, an efficient system implementation has to pursue systematic design and goal-oriented principles. Academic management systematically pursues strategies for increasing university competitiveness[2]. Regarding the information systems' implementation, organizations face today the challenges of integrating their systems in order to ensure advanced management facilities at a global organization level.

In a more general framework, academic management systematically pursues strategies for increasing university competitiveness. Regarding the information systems' implementation, organizations face today the challenges of integrating their systems in order to ensure advanced management facilities at a global organization level and integrated IT facilities for various user categories.

The paper deals with these topics and presents the case study of Babes-Bolyai University - BBU, Cluj-Napoca, Romania in implementing its dedicated information systems and integrating them into a flexible framework for academic management. The framework principles were first presented as a framework for supporting advanced e-learning facilities.

We describe BBU's information systems in section 2 and its e-learning platform in section 3, section which also contains first implementation feed-backs consequent to launching the platform. Section 4 addresses advanced integration principles and describes the integrated architecture characteristics we have designed in order to create an integrated information system framework in our university. Conclusions reveal the most important directions and implementation principles stated in the paper.

2. BBU Information Systems

Information systems, the "top" of an IT (information technology) strategy[3] can strongly increase organization efficiency; yet, appropriate implementations are required, in order to address the goals and requirements of the organization, and to adequately use its resources.

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[2] Andrei Marga, *University Reform Today*, Cluj-Napoca: Cluj University Press, 2004.

[3] Alina Andreica, "Strategies in Implementing Efficient Information Systems", *International Research on Global Affairs*, Gregory Papanikos (editor), Athens Institute for Education and Research, Athens, 2005, pp. 499-508.

Taking into account its goals and resources, BBU adopted since 2003 the strategy of developing and implementing its own systems, with important autonomy and manageability characteristics in system development and extendibility . This strategy pursues the principles characteristic to large organizations, with consistent IT requirements and professional IT resources, as well as high flexibility and manageability requirements[4]. Three integrated information systems have been developed and implemented since, in order to manage the university's main activity directions: education – **AcademicInfo** system, research – **Research Management** [5] system and administrative management – **ManageAsist** system[6]. These systems are further described.

2.1 AcademicInfo System

AcademicInfo is an integrated information system dedicated to managing educational information, with dedicated processing facilities for secretariats, specific access facilities for students and teachers and relevant synthesis regarding the educational process. The system models educational processes at BBU level, ensuring course selection from all faculties' curricula in study agreements, models in a flexible manner various types of educational activities at all study levels (BA, MA, PhD, continuous education, specific curricula), ensures multilingual support in processing and reporting, integrates various types of facilities, fee management, student documents and requests, on-line course evaluation.

AcademicInfo contains the following component modules – fig. 1.

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[4] Alina Adreica, "IT Strategies In Increasing Business Competitiveness", *Studia Europaea*, LI, 3, 2006, pp. 139-148.

[5] Alina Bianca Andreica, Paul Serban Agachi, "Design and Implementation of An Integrated Software System for Managing Research Activities in Universities", 7th RoEduNet *International Conference Networking for Research & Education*, E. Cebuc (ed.), UT Press, 2008, pp. 90-95.

[6] Alina Bianca Andreica, Daniel Stuparu, Florina Ghetie, "Design and Implementation of an Erp System for Universities", *Proceedings of IADIS Information Systems 2009*, IADIS Press, M. Nunes, P. Isaias, P. Powell (eds.), 2009, pp. 315-322.

Educational management – processes educational information in secretariats and generates necessary reporting documents at faculty level;

Web Acces for students, teachers, management – provides on-line access facilities to educational information for students (curricula, disciplines, grades), teachers (curricula, coordinated disciplines, grades), syntheses for academic management - http://academicinfo.ubbcluj.ro/Info; additional facilities for students are related to on-line filling in student documents and course evaluation, while academic management has on-line access facilities to relevant syntheses on the educational process at various levels;

Fees - faculties – fee management at faculty level, cashier operations and dedicated reporting facilities;

Fees - economic administration – administrative fee management, financial management for payment orders, payment operations and dedicated reporting facilities; the module is integrated with ManageAsist system – Finance module and departments' financial management – see next section;

Admission – on-line pre-registration and client modeling of the admission process: registration, uniform data processing based on various admission criteria by expression modeling, admission reports, confirmations and re-locations in admission stages ;

Diplomas – automatic generation of graduation diplomas based on the stored educational information

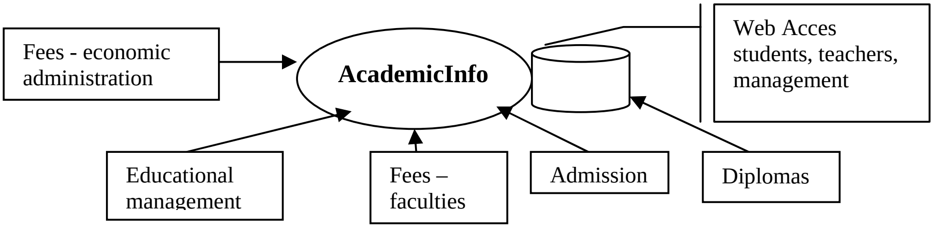
Fees - economic administration
AcademicInfo
Web Acces students, teachers, management
Educational management
Fees – faculties
Admission
Diplomas

Fig. 1 AcademicInfo – functional structure

Architecture and development principles: the system was designed and implemented on systematic layer based architecture principles in order to ensure proficient implementation and flexible stage development; client modules are developed in C# and the web interface is constructed in ASP; the system uses and MS SQL database; hierarchical structures are used for modeling curricula–information is efficiently processed by means of stored procedures. Design and implementation principles are in train of being discussed and published in more details, together with run-time studies and approaches on processing hierarchical structures

2.2 ManageAsist System

ManageAsist system is the integrated software system for administrative management that has been developed for our university . The system can be viewed as an ERP system; within its design and implementation, we integrated systematic efficiency principles in software design: multi-layer architecture[7], advanced object oriented design based on systematic abstraction principles[8], design patterns[9], flexibility in module integration and communication, systematic workflow management, efficient database access and design.[10] Specific design principles of ManageAsist system are described in.[11]

MangeAsist's principles and facilities are adapted for high education institutions; the system contains the following modules: Document management, Assets, Warehouse, Cashier, Finance, Accountancy, Grants, Human Resources and Acquisitions, and decision assistance facilities. The first 7 modules are already in use; their implementation has pursued systematic and efficient principles.[12] Each module contains management reports for the corresponding compartment. Relevant synthesis from each compartment will be integrated, together with global management tools into a decision support module.

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[7] Ken Hoganson, Mario Guimaraes, "N-Tier Client/Server Course", *Consortium for Computing Sciences in College Conference*, Dunwoody, Georgia, 2003.

[8] Ian Somerville, *Software Engineering*, 8th edition, Addison Wesley, MA, 2006.

[9] Gamma Erich, Helm Richard, Johnson Ralph, Vlissides John, *Design Patterns*, Teora, Bucuresti, 2002.

[10] Michael Berry, Gordon Linoff, *Mastering Data Mining*, John Wiley & Sons, New-York, 2000.

[11] Daniel Stuparu, Alina Andreica, Iilia Mantu, "Comparing Access Techniques on Databases in Distributed Application Frameworks", *Proc. of Collaborative Support Systems in Business and Education*, BBU, Cluj-Napoca, 2005, pp. 1-10.

[12] Alina Andreica, "Strategies in Implementing Efficient Information Systems", *International Research on Global Affairs*, Gregory Papanikos (editor), Athens Institute for Education and Research, Athens, 2005, pp. 499-508.

In a previous paper [13] we address the advantages of pursuing advanced design principles in the implementation stages of the system, and in designing a flexible framework for efficiently integrating the system's modules. We also deal with means of managing hierarchical data structures, together with efficiency issues in respect with processing them. Each module includes levels[8] for specific document processing, operational facilities and reporting, level that provides management assistance information for the corresponding compartment.

We further describe module characteristics and functionalities[14]:

The *log on module* – performs authentication and verifies user permissions. Data availability domains and user permissions are modelled at the database level, specific operations being granted according to user permissions. Permissions are managed in respect with the organization chart, as well as with data availability domains and operation types (operational, reporting, full access – including configuring facilities)

The *Acquisitions module* – models acquisitions according to public acquisition regulations. Primary documents are processed in a dedicated flow, containing order specifications, orders, invoices, receipt, payment orders (processed by the Finance module). Reporting facilities are available at different user levels. Acquisition operations are automatically pre-registered in order to be processed by the Accountancy module.

A dedicated module selects acquisition ordering facilities, tracing and adequate reporting facilities that are available for all system's users; management levels have available dedicated reporting facilities;

The *Warehouse module* – models warehouse activity: product delivery receipts, product registration, transfer operations, internal ownership. Products are retained in the integrated database

The *Assets module* – models asset management, specific input / output / transfer operations, internal ownership (compartment). Reporting facilities are available at different user levels. Specific operations are automatically pre-registered for the Accountancy module;

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[13] Alina Bianca Andreica, Daniel Stuparu, Florina Ghetie, "Design and Implementation of an Erp System for Universities", *Proceedings of IADIS Information Systems 2009*, IADIS Press, M. Nunes, P. Isaias, P. Powell (eds), 2009, pp. 315-322.

[14] Alina Andreica, "Design and Architecture of an Integrated E-learning Environment. Case Study on Babes-Bolyai University", Cluj-Napoca, Romania , Research, Reflections and Innovations in Integrating ICT in Education, vol 1, Formatex, Badajoz, Spain, A. Mendez Vilas, A. Solano Martin, J. Mesa Gonzalez, J. A. Mesa Gonzalez Editors, 2009, pp. 507-514.

The *Cashier module* – models the cashier activity based on: cash payment orders, cheques, cashier reports, etc. The module communicates with the Internal finance / accountancy processing module, which performs the internal finance operations for the corresponding internal account and adequate accountancy pre-registrations;

The *Finance module* – models the financial activity of the organization in respect with its bank accounts and internal compartment accounts (based on the organization's chart). The module processes payment orders, cheques, etc. and provides specific reporting facilities. The module communicates with the Internal finance / accountancy processing module, which performs the internal finance operations for the corresponding internal account and adequate accountancy pre-registrations, for the Accountancy module. A dedicated module selects adequate reporting facilities available for faculty / department managers;

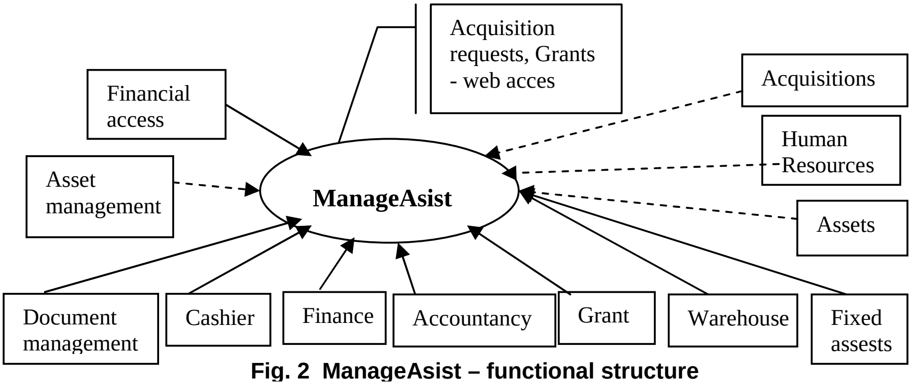

Fig. 2 ManageAsist – functional structure

The *Accountancy module* – models the accountancy activity of the organization: accountancy operations / registrations, ledger reports. The module uses an Accountancy plan management module. The Accountancy module is based on pre-registered accountancy operations performed by other modules. Reporting facilities are consistent and cover various documents required by accountancy regulations for public institutions;

The *Internal finance / accountancy processing module* – belongs to the business layer; performs internal financial operations within compartment accounts and appropriate pre-registered accountancy operations;

The *Document management module* creates, retains, updates, erases and operates on documents in a uniform manner. Documents are further processed by other operational modules. The *Grants module* processes financial operations on grants and includes adequate reporting facilities; a dedicated module selects adequate reporting facilities for all grant coordinators. The *Human Resources* module is also being developed

Design and architecture principles of the system, as well as workflow management characteristics are presented in a previous paper.[15] The system's functional scheme is presented in figure 2:

2.3 Research Management System

Our university's management decided to develop and implement a dedicated software system for managing Babes-Bolyai University's (BBU) research activities, by offering accessible and user-friendly means of collecting specific information, and automatically performing quantitative analyses, syntheses and evaluations based on the collected information. The system may be viewed as a tool for quantitative research evaluation, its more general aim being to ensure proficient management of the research activity within BBU and supporting the design of competitive strategies in the field by means of this dedicated software system.

The design and implementation principles of the Research Management software system, its architecture features and its impact in research activity management for the members of the academic & research staff, but especially for research management levels: chairs, institutes, departments, faculties, university are described in the cited paper. [16] The implementation of the system complied structured efficiency principles and stages – see cited papers [17], [18] in order to ensure best design and impact features.

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[15] Alina Bianca Andreica, Daniel Stuparu, Florina Ghetie, "Design and Implementation of an ERP System for Universities", *Proceedings of IADIS Information Systems 2009*, IADIS Press, M. Nunes, P. Isaias, P. Powell (eds), 2009, pp. 315-322.

[16] Alina Bianca Andreica, Paul Serban Agachi, "Design and Implementation of An Integrated Software System for Managing Research Activities in Universities", *7th RoEduNet International Conference Networking for Research & Education*, UT Press, E. Cebuc (ed), 2008, pp. 90-95.

The system that was designed and implemented in this respect – **BBU Research Management System** – is accessible by means of a user-friendly web interface – the address is http://infocercetare.ubbcluj.ro and provides the following facilities: *efficient collection of the research activity* for each member of the academic staff – from any Internet location, by means of a web interface and dedicated user accounts; *proficient synthesis & reporting facilities* for each staff member, as well as for various management levels – chairs, institutes, departments, faculties, university – based on managers' accounts and access facilities

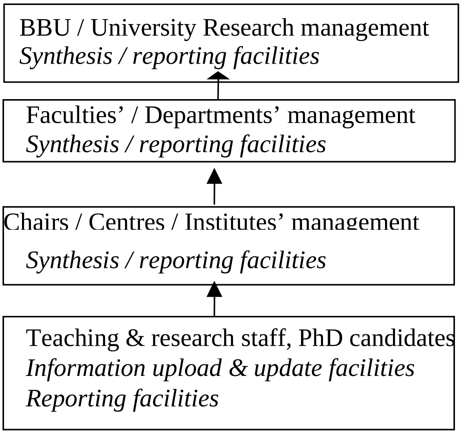
BBU / University Research management
Synthesis / reporting facilities
Faculties' / Departments' management
Synthesis / reporting facilities
Chairs / Centres / Institutes' management
Synthesis / reporting facilities
Teaching & research staff, PhD candidates
Information upload & update facilities
Reporting facilities

Fig3: System facility levels for user categories

The system's user categories are: teaching & research staff (including PhD candidates); chairs / departments / institutes' managers; BBU research activity managers.

From a technical point of view, the system's architecture comprises a Postgresql database accessible on a web server and dedicated php [19] interfaces (including Java script modules) which perform the dedicated information processing.

Design and architecture principles of the system are presented in the cited paper [20]. The system's facilities are consistent with the university's organization's chart since the research database is integrated into the human resources one. Therefore, management level facilities are based on managerial information collected from the organization's chart & human resources database and related to user account permissions (user categories & management levels), also based on the organization chart. The system's facility levels are described in figure 3 and its functional scheme – in figure 4

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[17] Alina Andreica, "Strategies in Implementing Efficient Information Systems", *International Research on Global Affairs*, Gregory Papanikos (editor), Athens Institute for Education and Research, Athens, 2005, pp. 499-508.

[18] Alina Adreica, "IT Strategies In Increasing Business Competitiveness", *Studia Europaea*, LI, 3, 2006, pp. 139-148.

[19] Luke Welling, Laura Thomson, *Dezvoltarea aplicațiilor web cu PHP și mySql*, Ed. Teora, 2005.

[20] Alina Bianca Andreica, Paul Serban Agachi, Design and Implementation of An Integrated Software System for Managing Research Activities in Universities, 7th RoEduNet

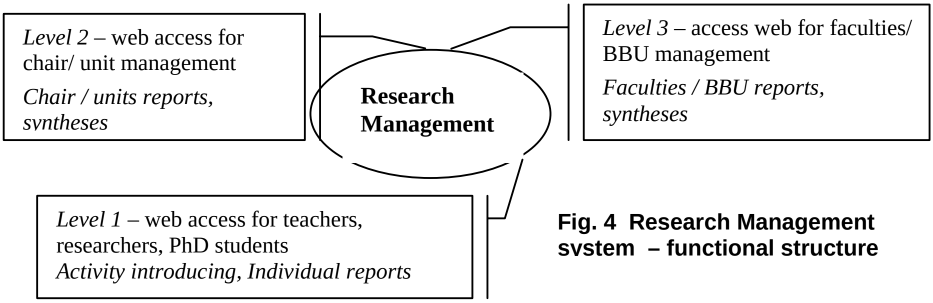
Level 2 – web access for chair/ unit management
Chair / units reports, svntheses
Research Management
Level 3 – access web for faculties/ BBU management
Faculties / BBU reports, syntheses
Level 1 – web access for teachers, researchers, PhD students
Activity introducing, Individual reports

Fig. 4 Research Management svstem – functional structure

The implemented activity sections are described in the cited paper[20] . The system also provides automatic facilities for exporting BBU's research activity database into the national CNCSIS (National Council for Scientific Research in Romanian Higher Education) standard, database that is annually communicated for national ranking purposes in the higher education area.

3. The E-learning System

3.1 System Requirements and Implementation Strategy

The implementation of e-learning systems should pursue similar rules and stages to the implementation of other information systems[21], user role being crucial in the specification, verification, system installation and exploiting phases. In this respect, specific requirements should be taken into account for each user category: students, teachers, administrators,

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International Conference Networking for Research & Education, UT Press, E. Cebuc (Ed), 2008, pp. 90-95.

[21] Alina Andreica, "Strategies in Implementing Efficient Information Systems", *International Research on Global Affairs*, Gregory Papanikos (editor), Athens Institute for Education and Research, Athens, 2005, pp. 499-508.

secretaries. It should be verified that these roles and their corresponding permissions are appropriately implemented and specific facilities are available to each of these user categories. Though e-learning capabilities are quite well defined, it is useful that adaptive characteristics are supported and stage development is ensured in respect with user needs.

Though not at its first e-learning implementation, "Babes-Bolyai" University decided in 2006 to upgrade its e-learning system since the existing one did not meet all necessary requirements, mostly regarding de-centralized administration and complete integration of different e-learning facilities. The upgrading necessity became clear as the number of students enrolled in distance leaning programs significantly increased in the last years and the university expanded in the region.

In this framework, the goal was to implement a more complex e-learning system, aiming at sustaining the ambitious distance learning programs launched by the university. The system should be efficiently accessible from a wide geographical area, by 5000-8000 students, who should have available advanced e-learning facilities, integrated into a user-friendly e-learning system, in order to sustain their educational path in an efficient manner. Supplemental to usual e-learning requirements, the following specifications were considered very important [22]: increased flexibility; adaptability to future requirements; adaptive stage development, flexibility in upgrades; adaptability in curricula organization based on studied courses; increased user accessibility; administrator accessibility, development potential; de-centralized system administration facilities; multi-language support, capable of sustaining the strong multicultural profile of the university; integration with a dedicated videoconferencing system; natural customization in respect with our university's organization culture.

3.2 E-learning System Implementation

Taking into account these requirements, mainly oriented on flexibility specifications, we decided to implement Microsoft Learning

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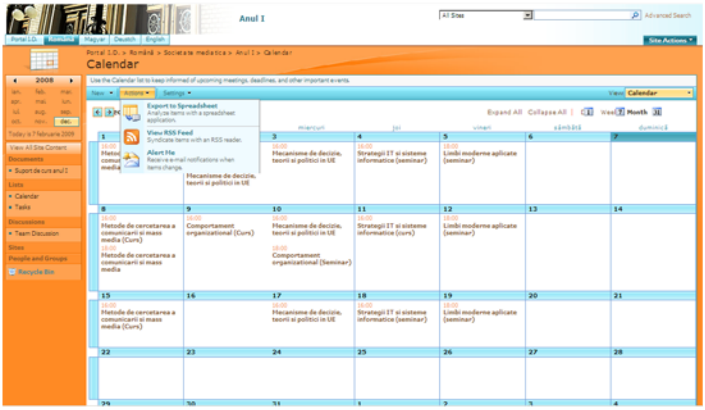
[22] Alina Bianca Andreica, "Implementing Advanced E-learning Facilities. Case Study for Babes-Bolyai University, Cluj-Napoca, Romania", *International Conference on Engineering Education*, University of Coimbra, Portugal, Carlos Sa Furtado, Maria da Graca Rasteiro (eds), 2007, p. 4.

Gateway (MS Learning Gateway) – https://portal.portalid.ubbcluj.ro , based on dedicated Microsoft Internet servers, which ensure not only the integration of various e-learning facilities in a very user-friendly manner (see figures 5- 8 – facilities with design permissions), but also system development in respect with different specifications and adaptability in stage development according to the university's needs. Examples of such facilities that were already added into the system regard manageability of educational resources – see fig. 7 and certain document workflows – customized in respect with the user category. One of the main advantages of the implemented system is flexibility in administration levels (which lacks in other e-learning systems). Further implementation details are presented in [23]. We note that the public-private aspects of published information are also very well managed by the permission system, customized for different users and user categories.

MS Learning Gateway is complemented by dedicated videoconferencing facilities, mostly used in order to broadcast lectures in the university's regional branches, at a high technical quality.


Anul I
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Advanced Search
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Site Actions
Portal I.D. > Română > Societate mediatica > Anul I > Calendar
Calendar
Use the Calendar list to keep informed of upcoming meetings, deadlines, and other important events.
New
Actions
Settings
View: Calendar
Export to Spreadsheet
Analyze items with a spreadsheet application.
View RSS Feed
Syndicate items with an RSS reader.
Alert Me
Receive e-mail notifications when items change.
Expand All
Collapse All
Week
Month
2008
ian.
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Today is 7 februarie 2009
View All Site Content
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Calendar
Tasks
Discussions
Team Discussion
Sites
People and Groups
Recycle Bin
miercuri
joi
vineri
sâmbătă
duminică
16:00 Mecanisme de decizie, teorii si politici in UE
16:00 Strategii IT si sisteme informatice (seminar)
18:00 Limbi moderne aplicate (seminar)
16:00 Metode de cercetarea a comunicarii si mass media (Curs)
16:00 Comportament organizational (Curs)
18:00 Comportament organizational (Seminar)
16:00 Strategii IT si sisteme informatice (curs)

Fig 5: Schedule (in design permissions)

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[23] Alina Bianca Andreica, *op cit*.

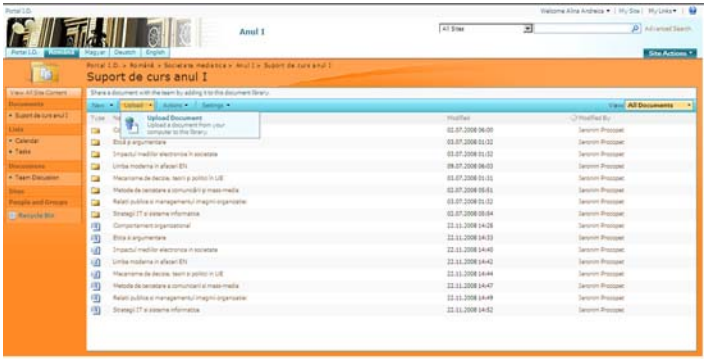
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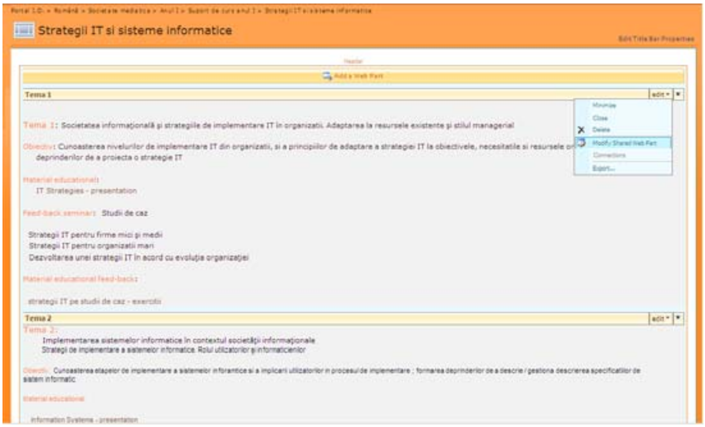
Fig 6: System Interface : educational library - design permissions


Strategii IT si sisteme informatice
Edit Title Bar Properties
Header
Add a Web Part
Tema 1
edit
Minimize
Close
Delete
Modify Shared Web Part
Connections
Export...
Tema 2

Tema 1: Societatea informațională și strategiile de implementare IT în organizații. Adaptarea la resursele existente și stilul managerial

Obiectiv: Cunoasterea nivelurilor de implementare IT din organizatii, si a principiilor de adaptare a strategiei IT la obiectivele, necesitatile si resursele o

deprinderilor de a proiecta o strategie IT

Material educational:

IT Strategies - presentation

Feed-back seminar: Studii de caz

Strategii IT pentru firme mici și medii
Strategii IT pentru organizatii mari
Dezvoltarea unei strategii IT în acord cu evoluția organizației

Material educational feed-back:

strategii IT pe studii de caz - exercitii

Tema 2:

Implementarea sistemelor informatice în contextul societății informaționale
Strategii de implementare a sistemelor informatice. Rolul utilizatorilor și informaticienilor

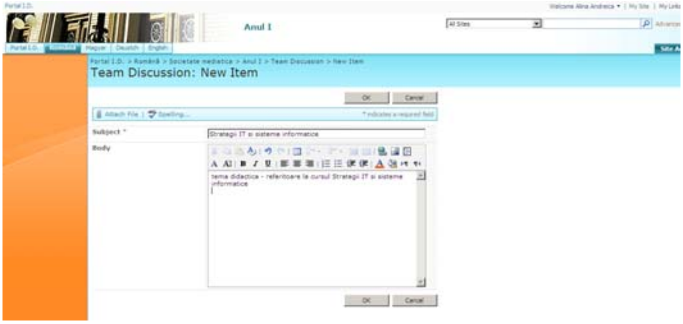
Obiectiv: Cunoasterea etapelor de implementare a sistemelor inforamtice si a implicarii utilizatorilor in procesul de implementare ; formarea deprinderilor de a descrie / gestiona descrierea specificatiilor de sistem informatic

Material educational

Information Systems - presentation

Fig 7: Managing an educational resource -design permissions

The first implementation stages relied on de-centralized system administration by faculties' administrators and continued with 'filling-in' the system with the necessary learning information: curricula, courses and feed-back material, schedules, contact information, additional shared information. Administrators may delegate design permissions for teachers on corresponding educational content (courses). Student and teacher categories are already fairly acquainted with the system's facilities.



Strategii IT si sisteme informatice

tema didactica - referitoare la cursul Strategii IT si sisteme informatice

Fig 8: Discussion lists – creating a topic

3.3 E-learning Portal Evaluation

Regarding the system assessment, we developed dedicated questionnaires for administrators, students and teachers, in order to obtain a general feed-back regarding existing facilities, platform functionalities and to ensure future developments

The questionnaire has been created and interpreted using the survey functionality built-un in the platform (Share Point Portal); we underline in this respect the flexibility of the platform's tools.

We further discuss the results obtained consequent to monitoring the administrators' survey, since students and teachers are still filling in responses. Preliminary results reveal that users a not fully aware of the platform functionalities and we still have to organize more trainings in this respect.

Administrators were requested to evaluate, on a 1 – 5 scale (1=very weak, 2=weak, 3=moderate, 4=good, 5=very good), the following platform characteristics: *administration functionalities* - the average weighted grade was *4.16; communication functionalities* - the average weighted grade was *3.83; functionalities for administering educational content* - the average weighted grade was *4.16; functionalities for developing educational content* - the average weighted grade was *3.5; functionalities for platform development* - the average weighted grade was *4.5; platform adaptability / flexibility characteristics* - the average weighted grade was *3.75; reporting facilities* - the average weighted grade was *4*. We can notice that all characteristics are positively rated, most of them being qualified above 'good' (weighted grades >=4).

Administrators were also requested to evaluate the percentage of teachers who requested / were granted permissions for administering their courses / educational resources – results are displayed in figure 12: we can notice that most of the faculties (83%) did not grant for more then 50% of their teachers permissions for administering their own educational content, which reveals the fact that users are still in initial phases of platform use. Regarding the experience of our administrator respondents, most of them - 50% didn't have the experience of using other platforms

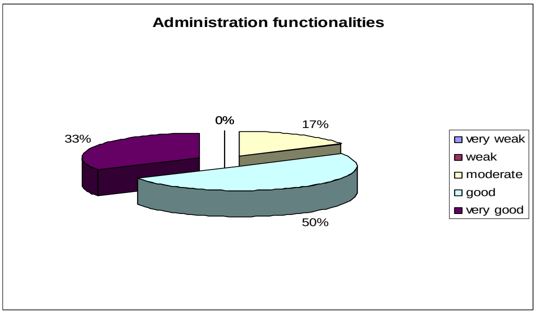


Fig9: Administration functionalities

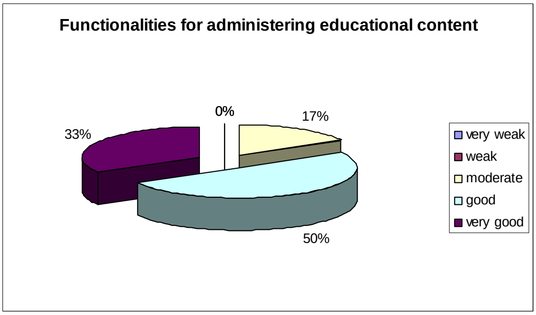


Fig. 10 Functionalities for platform development

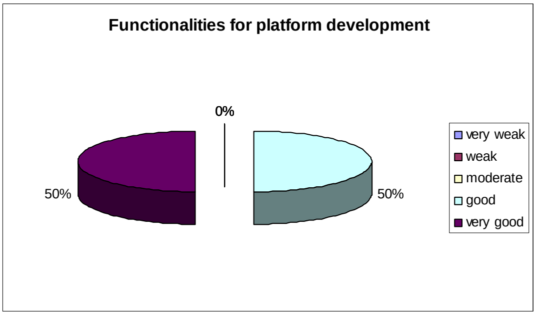


Fig. 11 Administering educational content

We further discuss some of the most relevant responses in respect with the platform characteristics: *administration functionalities and functionalities for developing educational content* are well rated: 33% very good, 50% good, 17% moderate – see figure 9, 10; *functionalities for platform development* are very well rated: 50% very good, 50% good – see figure 11

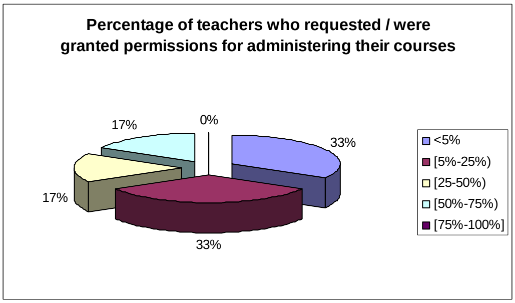


Fig. 12 Percentage of teachers who administer their courses

We may conclude that the adaptability and flexibility characteristics of the platform that were mainly aimed are actually implemented and we have a very good feed-back in this respect.

We also note that guided e-learning facilities are still being developed and further have to be evaluated.

We shall continue monitoring the system and completing the survey evaluations in order to ensure its most appropriate use and development; in this respect, we are confident that our prerequisites regarding adaptability specifications in system upgrades will also prove to be very useful in the future

3.4 System overview and perspectives

E-learning systems may be viewed as advanced tools which assist teachers in creating a cooperative, multidisciplinary and explorative learning environment and students in accessing these learning facilities and developing learning interactions within this environment. The implementation of e-learning facilities strongly contributed to the development of the student and goal centered learning model[24].

E-learning implementations should pursue the same principles and stages as for other dedicated software systems[25] - the user involvement within the stages of system requirements, verification and implementation are of outmost importance for a successful implementation. Though e-learning facilities are fairly standardized, it is important to take into account future upgrades of the implemented system

The implementation of the e-learning system within "Babes-Bolyai" University of Cluj-Napoca, Romania systematically applied the above described principles. The flexibility system requirements and de-centralized system administration that were pursued are expected to prove their efficiency in the future developments

4. Global System Integration

We have designed an advanced system integration framework, in order to ensure the integration of BBU's e-learning portal with BBU's dedicated information systems (see 3) AcademicInfo, ManageAsist, Research Management System. Integration principles are based on an integrated authentication solution, which maps facilities from the dedicated information systems into the portal, for each user category – see figure 13.

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[24] Michael Allen, *Guide to e-Learning*, Wiley, New-York, 2002.

[25] Alina Andreica, "Strategies in Implementing Efficient Information Systems", *International Research on Global Affairs*, Gregory Papanikos (editor), Athens Institute for Education and Research, Athens, 2005, pp. 499-508.

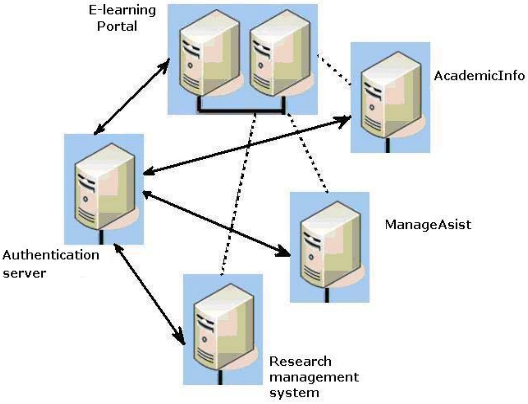

Fig 13 Framework for advanced system integration

The integration solution is also designed to ensure database synchronisation among AcademicInfo, ManageAsist, Research Management System and Portal databases based on matching the following data:

- ◊ portal – AcademicInfo: users (all categories), curricula, study contracts, grades, fees;
- ◊ portal – AcademicInfo – ManageAsist: organisation chart, units, human resources, managers, financial information;
- ◊ portal – AcademicInfo – Research Management System: research activities, PhD students;
- ◊ portal – ManageAsist– Research Management System: organisation chart, units, human resources, grants & corresponding financial information .

In order to implement the authentication server we have installed MS Identity Lifecycle Management server, which has advanced integration facilities with our e-learning portal, and we are in train of configuring the necessary permission mappings from the dedicated information systems into the authentication server for completing the integration facilities.

The proposed integration solution may be applied in different organizations, for integrating their dedicated information systems

5. Acknowledgements

We thank to the whole development team in our IT department for their contribution to developing ManageAsist, AcademicInfo, Research management information systems and to administering the e-learning portal: Daniel Stuparu, Florina Covaci, Florentina Tufiş, Călin Miu, Gabriel Pop, Simona Nemeş, A. Bara, Carmen Pavel, Dan Pop, Ana-Maria Iuhos, Monica Bojan. We are in train of registering the intellectual property rights of the information systems for the whole implementation team

6. Conclusions and Future Work

The paper focuses on efficient IT strategies and information system development and implementation as tools for increasing organization competitiveness. Organizations face nowadays the phase of system integration, in order to ensure advanced management facilities at a global organization level and integrated IT facilities for various user categories. An interdisciplinary approach in IT implementation and design is extremely efficient for organizational management advantages. The universities' case is quite complex, since their activity covers a wide range of areas: education and learning, research, administration.

We present the case of Babes-Bolyai University, Cluj-Napoca, Romania, by describing its overall IT strategy, its dedicated information systems for educational, research and administrative management and its e-learning portal, which has been implemented as a flexible and extendable framework. We present first feed-back results consequent to the portal implementation; results are positive and reveal the adaptability and flexibility characteristics of the solution. Integration capabilities are also revealed in this respect.

We describe an efficient integration solution by implementing a single authentication server and mapping specific facilities from the dedicated information systems into the portal, for each user category. This solution has a good extensibility degree and may be applied in various organization cases.

We may conclude that adapting IT strategies to organizational aims and resources gives best implementation results both from organizational and user perspectives

Bibliography:

1. Allen, Michael (2002), *Guide to e-Learning*, Wiley
2. Andreica, Alina (2005) "Strategies in Implementing Efficient Information Systems", *International Research on Global Affairs*, Gregory Papanikos (editor), Athens Institute for Education and Research, Athens, pp. 499-508

3. Andreica, Alina (2006)"IT Strategies In Increasing Business Competitiveness", *Studia Europaea*, LI, 3, pp. 139-148
4. Andreica Alina Bianca, (2007) *Implementing Advanced E-learning Facilities. Case Study for Babes-Bolyai University, Cluj-Napoca, Romania,* International Conference on Engineering Education, University of Coimbra, Portugal, Ed: Carlos Sa Furtado, Maria da Graca Rasteiro, 4 p
5. Andreica, Alina Bianca, Agachi, Paul Serban (2008), *Design and Implementation of An Integrated Software System for Managing Research Activities in Universities,* 7th RoEduNet International Conference Networking for Research & Education, UT Press, Ed: E. Cebuc, P. 90-95
6. Andreica, Alina Bianca; Stuparu, Daniel; Ghetie, Florina (2009), *Design and Implementation of an Erp System for Universities,* Proceedings of IADIS Information Systems 2009, IADIS Press, Eds: M. Nunes, P. Isaias, P. Powell, pp. 315-322
7. Andreica, Alina (2009) *Design and Architecture of an Integrated E-learning Environment. Case Study on Babes-Bolyai University,* Cluj-Napoca, Romania , Research, Reflections and Innovations in Integrating ICT in Education, vol 1, Formatex, Badajoz, Spain, Editor: A. Mendez Vilas, A. Solano Martin, J. Mesa Gonzalez, J. A. Mesa Gonzalez, 2009, pp. 507-514
8. Berry, M.; Linoff, G. (2000), *Mastering Data Mining*, John Wiley & Sons
9. Carter, G., (1992), *Building Organizational Decision Support Systems,* Cambridge Academic Press
10. *Client/Server and the N-Tier Model of Distributed Computing,* Micromax Information Services Ltd. 1999
11. Dhawan P., (2002), ".NET Remoting Performance", *Building Distributed Applications with Microsoft*, NET, MS Press
12. Gamma E.; Helm R.; Johnson R.; Vlissides J. (2002), *Design Patterns,* Teora
13. Hoganson, K.; Guimaraes, M. (2003), "N-Tier Client/Server Course", *Consortium for Computing Sciences in College Conference*, Dunwoody, Georgia
14. Horton, William; Horton, Katherine (2003), *E-learning Tools and Technologies: A consumer's guide for trainers, teachers, educators, and instructional designers*, Wiley

15. O'Leary, Daniel, (2000), *Enterprise Resource Planning Systems*, Cambridge University Press
16. Lucey, Terry (1995) *Management Information Systems*, The Guernesey Press Ltd.
17. Marga, Andrei , (2004), *University Reform Today*, Cluj University Press.
18. Oprea, Dumitru; Airinei, Dinu; Fotache , Marin (2002), *Sisteme informationale pentru afaceri*, Ed. Polirom, Iaşi
19. Somerville, Ian, (2006), *Software Engineering*, 8th edition, Addison Wesley
20. Stuparu, D.; Andreica, Alina; Mantu, I. (2005), "Comparing Access Techniques on Databases in Distributed Application Frameworks", Proc. of Collaborative Support Systems in Business and Education, BBU, Cluj-Napoca, p 1-10
21. Watson, R. (1990), *A Design for Infrastructure to Organizational Decision Making*, Los Alamitos, California, IEEE Computer Society Press
22. Welling, L., Thomson, L , (2005), *Dezvoltarea aplicațiilor web cu PHP şi mySql,* Ed. Teora
23. Microsoft Learning Gateway http://www.microsoft.com/education/learninggateway.mspx , accessed 11 November 2008

STUDIA UNIVERSITATIS BABEŞ-BOLYAI, STUDIA EUROPAEA, LV, 1, 2010

THE ROLE OF CULTURE IN THE EUROPEAN INTEGRATION

Enrique Banús[*]

Abstract
The common idea is that culture does play a role in the European integration only (or at least) when article 128 (now 151) is included into the Treaty with the Maastrich Treaty. A while ago, actions on the cultural field on the basis of intergovernmental agreements were given. But the relations between the European integration project and culture are impressively more relevant. On the one hand, a Common Market, as established in the founding treaties, is based on a culture and, at the same time, improving a culture. A political project like the European Communities, realised via an economic instrument, has inevitably cultural consequences. The panorama of these relations is schematically showed in the article and exemplified in the role the European integration has for the (cultural) awareness of the frontiers.

Key words: culture, common market, frontier, values, free movement

At the Beginning, a Confession

This presentation is intended to be a plea for taking into account the cultural aspects when dealing with European Studies.

And I am not referring to develop a research on the "cultural action" of the European Community, its history, its actual situation and the future perspectives. This research, of course, has been done and has to be done also for the future, after the entry into force of the Treaty of Lisbon

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and of the new Treaty on the European Union, which by the way does not introduce changes in the point immediately related to culture (point 167, which will substitute article 151, namely the former article 128). There are, nevertheless, some minor changes in other mentions to culture in the Treaty. But this is not intended to be the topic of this presentation, because the cultural action of the Union – expressed with a certain radicalness – is not the most relevant point when bringing to the fore the relevance of culture for the European integration, and – as the other side of the coin – the relevance of the European integration for the culture.

It is of course in vain that we look for a mention of culture in the Treaty that was signed in Rome on March 25, 1957, at 17.46, when it was raining cats and dogs and the bells of the churches in Rome were greeting the new foundation. Only some 35 years later, the Maastricht Treaty will introduce an article specifically devoted to culture. In the enlargement of competencies that the States have attributed to the Community with this Treaty also the culture was considered, on a very small basis (the smallest fundament which is foreseen in the Treaties: the complementary action to the States) and with all kind of limitations (it was the only field for which not only harmonisation was excluded but unanimity was foreseen in each and every step of the decision making process).

Nevertheless, here a double thesis will be defended:

– the European integration is based on culture – from the beginnings;
– the European integration process has relevant cultural consequences.

Culture is understood here in a broad sense, as it has been described by UNESCO:

> "Culture is a set of distinctive spiritual, material, intellectual and emotional features of society or a social group. It encompasses, in addition to art and literature, lifestyles, ways of living together, values systems, traditions and beliefs."

This view of culture is common probably since the famous definition by Edward B. Tylor in 1871 (in the introduction to his work

Primitive Culture): according to him culture is

> "that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society".[1]

In this view of culture, values, attitudes, patterns are included – and probably also prejudices and stereotypes could be included.

The Cultural Fundaments

The Treaties (as the visible result of a movement which has well–known predecessors and which is inserted into a post–war ambience of the need to establish a new order in Europe, but which has done a decisive step with Schuman's speech in 1950) are based on roots that are immediately linked with culture in the quoted broad sense of the word.

More concrete: the Treaties tend to overcome cultural paradigms, precisely the cultural paradigms that in the view of the founding fathers were responsible for the disasters in Europe. One of these paradigms is the idea of the State, which – probably in the "mixed formula" of the Nation–State – has dominated the political life in Europe since the beginnings of Modernity. Europe has been an extremely violent continent (it is eloquent to have a look at the conflicts that have caused so much suffering to the population in Europe during centuries; in Annex I try to present a list – which by no way is exhaustive but shows that only several generations in Europe during the last four centuries had the privilege to live in a world without war and post–war suffering).

After the end of a conflict (or short before it) the same procedure was established: representatives of the different states came together for negotiating a peace treaty. Very often, the treaties included territorial changes: a new map was considered a needed point of departure for guaranteeing the peace. Two points are here relevant: the consideration of the territory (with its symbols, its frontiers, and its rights) and also the logical succession of the events: first the war, the conquest of the territories, and then, the negotiation.

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[1] Edward B. Tylor, *Primitive Culture*, London, 1871, p. 1.

Famous treaties like the Peace of Westphalia, the Conference of Vienna, the Versailles Treaty and also the Conferences in Potsdam and Yalta at the end of WWII are based on this vision. And this vision corresponds with a culture, is a consequence of it, the consequence of the high value given to some concepts.

The European integration signifies in many ways a farewell to this culture. At least in two relevant senses:

- the European integration process means a weakening of the State, This is obvious in the moment in which a supranational body is established: supranationality means "transfer of sovereignty" and sovereignty is exactly the main characteristic of the State. The idea is to create a space which functions outside of the State control. The market is put under the government of itself – within a given frame. This frame is established by the Treaties and concretized then by institutions which have to be at least partially independent from the Member States; these institutions are at the same time controlling the correct functioning of the market. The initial configuration of the frame includes several dispositions that are foreseen for separating the States and the market. First of all, the use of the frontiers for interfering into the market is expressly prohibited: taxes and quotes are banned; also "measures with an equivalent effect" have to be dismantled. The difficulties to realise the Common Market – a goal which was possible only "in the second round", after the Single Act – shows that the "State in the market culture" was deeply rooted. Also subventions – another classical procedure through which the State regulates the market – are forbidden, and fall now under the responsibility of the Community's institutions. Of course: the description simplifies, and in real life things were more complex; but it tries to show only the cultural core of the process.

- A new negotiation culture has to be established. Negotiations should be no more the last step, after confrontation, the way for regulating the consequences of the confrontation; negotiation now has to be used instead of confrontation, it has to become the normal

> way for solving conflicts, the only way. This means that dialogue is considered the first instrument for conflict resolution. This is a cultural option.

The whole system of the European Communities, which within the Communities has established the communitarian method and international relations the idea of the Union as soft power, should induce a change of the cultural paradigm, not only in the political sphere but at the end also in the societies of the Member states. In the political sphere, the other Member states cease to be considered as enemies – at least as potential enemies – and become partners in a common project, partners which do not share all the aspects of political life, partners that maintain own interests but also work on the realisation of a common project and, on the other side, have accepted a common methodology for finding a balance between the own and the common interests. This peculiarity, the balance between own and common interests, caused a new vision of "the other" Member state, which is no more completely "foreigner", although not being completely "one of ours".

And this balance has exactly to be transmitted also to the society: "the other" is not a threat any more, the reason for destruction and suffering, but someone who has accepted a common house, although living in different rooms.

The new consideration of "otherness", the abolishment of the mental barriers and their substitution by the experience of daily life which is facilitated by the open space, by the obliteration of the physical frontiers, this is a cultural revolution in Europe.

All these goals should be achieved via the Common Market, after the failure, already in the 50ies, of other possibilities. But a market is not only a trade event, an economic project therefore, but also a highly cultural marked project. The Common Market, that – as we have tried to show – has had so relevant consequences for culture, is on his part based on culture, on values, as Jedediah Purdy wrote regarding the market as such:

> "The idea that markets arise naturally and always work efficiently is a myth; markets are products of legal, political, and institutional work, including property rules, contract enforcement, financial

> regulation, and of course the courts, police forces, and banks that put them into practice. The governance of markets must include "non-market values" such as distributive justice, solidarity, and stability. When properly governed, free markets represent a great expansion of human freedom and well-being. Improperly governed, they can bring crises and forms of exploitation that undermine their legitimacy and inspire destructive rebellions"[2]

The connection between market and culture is visible if one considers that simultaneously to the Common Market of the Communities also another Common Market was created. Durant the Cold War, the Common Market of the Communities coexisted with the common market on the other side of the iron curtain. But both markets were the consequence of two different types of society, of two different cultures, two antagonistic societies, based on two different cultures, on different values. With the Common Market, the Communities tend to situate the society in the centre, to create a State-free space, to promote a free movement which is dictated by supply and demand. On the other side of the Iron Curtain, the economy was linked to the State, the citizens' will was not decisive: planning here – free movement there: two markets , two opposite world views, a fundamental difference, that means, a difference in the (cultural) fundaments.

And at the same time, each type of market had to reinforce in society the underlying values that had on his part been nourished by this culture. On that way, a double side interaction is established, that can be transmitted socially.

If the underlying culture of the common market of the other side of the uncommon Iron Curtain was Marxism, the common denominator of "this side common market" results from the basic ideas of the "founding father", which probably can be associated with an ordoliberalism[3], the federalism and the social doctrine of the Catholic church, together with a relevant percentage of pragmatic approach in the sense of the so called functionalism. It is well-known that most of the founding fathers have shared these values sources and have wanted to establish a common market on these fundaments, far away from collectivism and from the view of a regulating State which gives priority to society instead of the individual.

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[2] Jedediah Purdy, "The Values of the Market" in *Ethics & International Affairs*, Vol. 16, 2002, p. 143.

[3] To this term see for example Joachim Starbatty, "Ordoliberalismus" in O. Issing (Hrsg.), *Geschichte der Nationalökonomie.* Munich: Vahlen 1984.

The Cultural Consequences

During the decades of the Communities' existence, Europe's face has changed considerably. Are some of the changes a consequence of the establishment of the Communities? It is of course impossible to identify single cause-effect relations for the changes; and it is not only impossible but also methodologically wrong, because changes in society normally are the consequent of different interacting factors. But at least one change can be attributed with a certain probability to the existence of the Communities.

And this change has to do with the consideration of the frontiers. Frontiers have many different meanings and consequences: in economic life, in political life, in social life, but also as a symbolic expression[4]: they are one of the most relevant symbols of the State and its power, of the capability of the State to decide who is able to be accepted as (provisory) habitant of the territory. The possibility to cross the territory or to establish there the own home is seen as a privilege the State concedes to the individual after examining at the border whether he or she is dignified for this gift. With the establishment of the Common Market, an evolution has been set in motion that at the end will bring the European citizenship and – as a reality that does not belong to the Community's life but is intrinsically connected with it – the Schengen space in which also the State activity at the border becomes invisible.

After the Maastricht Treaty, the free movement becomes a citizen right: it is no more the single State that considers whether the citizen has to be allowed to cross the border; it is the citizen who decides whether he or she wants to travel here or there, lo live here or here, to work here or there.

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[4] See Enrique Banús, "The cultural relevance of the borders" in *Eurolimes* 2, 2006, pp. 198-205.

These are not only legal changes; or it could be said that these legal changes have brought also changes in the worldview: the idea to live in an open space in which the change of national territory has no consequences regarding how you are considered signifies a radical change in comparison with the previous situation. If you add the existence of a common currency (in part of the territory) and the increased exchanges thanks to some Community programmes – the panorama has changed, the feeling of belonging to the same community is becoming more and more a daily experience, of course together with the experience of diversity, which remains in the language, in the time schedule, in gastronomy and in so many other aspects of daily life.

The False Monnet quotation was right

Famous quotes are sometimes right although they are no quotes. The Jean Monnet dictum he would start with culture if he could start again with the European integration probably has never been said by Jean Monnet[5]. But it could be stated that Jean Monnet really has started with culture – also in his first effort to establish the European integration, the effort which has become reality. He – and the other founding fathers and all the people who have contributed to realise this project – they all have indeed started with culture - because it was impossible not to start with culture. They have wanted to realise a political project; they have seen that the only possibility to realise it was using the economy. And in dealing with economy and with politics they have dealt with culture. The only problem is that this is forgotten.

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[5] Fabrice Thuriot calls this quote "citation apochryphe" ("L´influence de l´Unione Européenne sur les politiques culturelles internes et en particulier en France" in Enrique Banús-Beatriz Elio (eds.), *Actas del IV Congreso "Cultura Europea"*, Pamplona: Aranzadi, 1998, p. 1145). Nevertheless, the quote has been attributed to Jean Monnet also by members of the European Parliament (for example Varela in the debate from 15.9.97, see OJEC Annex 4-505, 18) and even in half-official writings, for example in John Myerscough's "European Cities of Culture and Cultural Months, a Report, "prepared for The Network of Cultural Cities of Europe" (Glasgow 1994) and "Funded by the European Commission". Also one on the main experts in Culture within the European Parliament could say some time ago: "Certainly that is often quoted in the Culture Committee" (Roy Perry -Budget Rapporteur for the Culture Committee of the European Parliament- at a public meeting "The Artists and EU" in Copenhagen 26. May 2004, quoted after: http://www.eca.dk/debate/perry.htm, 20 June 2007).

Annex: Some Wars in Europe during modern times

1337-1453 Hundred Year's War (Valois-Plantagenet)
1453 Fall of Constantinople
1494-1559 Great Italian Wars
1562–1598 French Wars of Religion
1568–1648 Eighty Year's War (Netherlands)
1585-1604 Anglo-Spanish War
1618–1648 Thirty Year's War
1688-1697 Nine Year's War (against Louis XIV)
1701–1713 War of the Spanish Succession
1700–1721 Great Northern War (against Sweden)
1757–1763 Seven Year's War (Silesia)
1792-1802 French Revolutionary Wars
1804-1015 Napoleonic Wars
1821-1829 Greek War of Independence
1870-1871 Franco-Prussian War
1914-1918 World War I
1936-1939 Spanish Civil War
1939-1945 World War II
1954-1962 Algerian War of Independence

Only one extra–European war is included (Algeria); of course, European courts and states were involved in wars outside Europe, wars that have often been provoked by European states and have caused suffering always to the European population.

Bibliography:

1. Albert, Michel (1989), "Souvenir de Jean Monnet" in *Témoignages à la mémoire de Jean Monnet*, Lausanne: Fondation Jean Monnet pour l'Europe, pp. 23-27

2. Banús, Enrique (2000), “Algunas tesis simples para un tema complejo: ‘Cultura europea’”, in Banús, Enrique- Elio, Beatriz (eds.), *Actas del IV Congreso "Cultura Europea"*, Pamplona: Aranzadi, pp. 5-30
3. Banús, Enrique (2002), “Cultural Policy in the EU and the European Identity”, in Farrell, Mary; Fella, Stefano; Newman, Michael (eds.), *European integration in the 21st century*, London: Sage, pp. 158-183
4. Banús, Enrique (2006), “The cultural relevance of the borders” in *Eurolimes* 2, pp. 198-205
5. Bondy, François (1985), "Selbstbesinnung, Selbstbestimmung: Kultur und Integration" in Werner Weidenfeld (hrgs.), *Die Identität Europas*, München-Wien: Hanser, pp. 66-79
6. Cuisenier, Jean (ed.) (1979), *Europe as a cultural area*, The Hague: Mouton, 1979
7. Forrest, Alan (1994), “A New Start for Cultural Action in the European Community: Genesis and Implications of Article 128 of the Treaty on European Union”in *International Journal of Cultural Policy* 1, pp. 11-20
8. Pérez-Solórzano, Nieves-Longman, Christopher (1998), “European Cultural Identity: Unity in Diversity or Family of Cultures?” in Banús, Enrique- Elio, Beatriz (eds.), *Actas del IV Congreso "Cultura Europea"*, Pamplona: Aranzadi, pp. 117-126
9. García, Soledad (ed.) (1993), *European Identity and the Search for Legitimacy*, London-New York: Pinter
10. Strath, Bo (ed.) (2000), *Europe and the Other and Europe as the Other*, Brussels: Peter Lang
11. Thuriot, Fabrice (1998), “L´influence de l´Unione Européenne sur les politiques culturelles internes et en particulier en France”, in Banús, Enrique- Elio, Beatriz (eds.), *Actas del IV Congreso "Cultura Europea"*, Pamplona: Aranzadi
12. Wittal-Düerkop, Tanya-Elizabeth (1998), "Diskurse europäischer Identität. Europäische Identitätsmuster im Spannungsfeld von Gesellschaftskritik und Kulturtheorie", in Banús, Enrique- Elio, Beatriz (eds.), *Actas del IV Congreso "Cultura Europea"*, Pamplona: Aranzadi, pp. 201-214
13. Zettelholm, Staffan (ed.) (1994), *National Cultures and European Integration*, Oxford: Berg

STUDIA UNIVERSITATIS BABEŞ-BOLYAI, STUDIA EUROPAEA, LV,1, 2010

FORUM

UNIVERSITIES AS LEARNING ORGANISATIONS OR HOW TO SECURE QUALITY IN TEACHING

Eckhard Dittrich[*]

I

The transmission of knowledge to the next generation and the discovery of new knowledge are supposed to be the traditional tasks of universities. Their selfunderstanding is centered on these tasks. They implied institutional forms as givens: subjects and faculties being their organisational expressions. Leadership was based on the authority of the professor. To improve the performance of this type of universities one had to follow the best practices, had to follow the old universities with their Nobel laureates, their big donations, and their forms of funding. But the situation today is quite different.

German universities as universities elsewhere have entered an age of growing competition nationally and internationally. This growing competition concerns all resources, be it state money for their normal operations be it additional research and development money, be it students. The reasons for this are manifold and can't be dealt with here. **Basically they are all connected with a globalizing world market for highly qualified labour.**

Resulting from this, in the last years, observers of the academic field in Germany acknowledge a **growing institutional diversity of university education** that has largely dissolved the classical type of state universities. The new diversified landscape can no longer be managed by the disciplinary associations, nor by professional ethical codes, by intellectual honesty or rigour, as traditionally done and executed by the dominant authority, the professor. The changes have affected the whole traditional university system.

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Additionally, new private universities sprang up fuelling the need for **standards in higher education**. And many traditional universities evolved into so called **profile universities**. Following this developmental orientation, universities tempted to secure their position in the field of higher education by developing special profiles to find market niches in order to meet the challenges of competition. Profile universities no longer offer the whole range of study courses alongside classical subjects. My university e.g. has no faculty of law and offers only a limited range of language studies etc. Besides, the **evolution of scientific thinking** has developed new fields of knowledge turning into **new additional subjects** such as computer science where the established standards for evaluation for scientific outcomes are not valid.

All this together has spurred the need for new standards in teaching as well as in research. In the following remarks I shall not tackle the problem of research in the changed universities. Instead I shall talk about teaching.

Quality in teaching, in German universities hardly played any role until recent times and did not have to play any important role. The majority of all people involved believed that the professors knew what to teach and how to do it. This made up for their authority in teaching.

Additionally, in Germany especially, the teaching ability of the staff was believed to be a **skill less valuable** than scientific research and experience stemming from it. The idea to run a university focussed on quality in teaching is rather new – not only in Germany.

Despite all changes, universities have kept their position as ruling knowledge institution in a modernizing world, but the major problem of the future is to make them evolve into a learning institution, a learning organisation.

What do I mean with this?

II

Universities have to **reorganize** the **traditional form of teaching into** an idea of **structured learning**. Only this shift will allow them to encounter future challenges. This is their essential goal. It implies new forms of teaching for a world in which scientific knowledge is decisive for survival. The universities have to prepare individuals, the community and the society to face the future risks and opportunities based on current knowledge.

This implies the development of the higher education institutions into universities of learning, in which learning or knowledge formation plays the major role[1]. But how to enhance the learning capability of individual students and staff as well as of the organisation itself?

One may borrow from theoreticians of organisational learning, e.g. Senge, of organisational culture, e.g. Edgar Schein or of network university, e.g. Bowden, Ference.

They all agree to the switch I mentioned above: Away from teaching input to learning output. Learning capabilities are in the forefront of their reasoning. Senge e.g. sees three major fields where change has to happen:

1) – The aspirations of the individuals that have to be transformed
2) – The capability to reflect including ones own thinking and actions and finally
3) – The enhancement of a type of thinking that can match the growing complexity of life and the interwovenness of different levels of action. He calls this systemic thinking.

This redesign of learning has nearly become common knowledge. But to turn universities into a formation of learning implies additional endeavors, implies something else.

Traditionally, as outlined already above, learning emphasized the educational inputs: content, teaching methods. And still today we can discover the predominance of the substantive content, of teaching methods, of thoroughly designed modules, of evaluation of taught knowledge. All this is important but does not reorganize teaching in the sense that I would like to promote today. Basic for a university based on the principle of learning is the shift from the "common custom of focusing on the substantive content of the course and the teaching methods of the instructor" that is the input of the educational process to the output of this process, that is from teaching to learning.

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[1] see J. Bowden, M. Ference, *The University of Learning: Beyond Quality and Competence,* London: Kogan Page Ltd, 1998.

III

Why is this necessary? Today, we know from psychology, education and sociology that "learning is not only, and probably not even mainly a function of teaching"[2]. What students learn is a result from how students experience learning opportunities. To grasp opportunities means to discern oneself from familiar patterns of knowledge and actions and to risk the route to unknown territories of knowledge. To experience learning opportunities implies to become open for future learning.

To promote a university of learning thus implies a redefinition of its methods of teaching. Learning effects rather than the delivery methods of instruction have to be in the forefront of our endeavour. Bowden & Ference argue that teaching "is not about transferring the teacher's understanding of a phenomenon to the student but rather it is about assisting the students to develop their way of seeing phenomena in a way that is more powerful to them … Teaching should therefore aim at students' capabilities of seeing certain situations in certain ways. Being capable of seeing something in a certain way amounts to being capable of discerning certain critical aspects and focusing on them simultaneously"[3].

"The task facing teachers in a specific field is to define "learning objectives" within their field of expertise and to design learning opportunities that expose students to a variety of problematic cases which requires them to identify and manipulate the critical variables to produce desired outcomes"[4] .

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[2] J. Bowden, M. Ference, *The University of Learning: Beyond Quality and Competence,* London: Kogan Page Ltd, 1998, p. 4.

[3] J. Bowden, M. Ference, *The University of Learning: Beyond Quality and Competence,* London: Kogan Page Ltd, 1998, p. 132; p. 159.

[4] L. Cornett, *Book review of J. Bowden, M. Ference, The University of Learning: Beyond Quality and Competence, London: Kogan Page Ltd, 1998,* 1998; [http://www.unca.edu/et/br110698.html], 13.06. 2009, p. 3.

IV

Assessment implies different means: ranking list of subjects, professors and universities, certification, standardized questionnaires, placement studies, reporting systems. Of course also the traditional form of examination of all sorts and also consulting of students belongs to this field of assessment.

Most scientists who deal with universities agree that assessing means to "regularly gather and report concrete evidence about what students know and can do as a result of their respective courses of study, framed in terms of established learning outcomes and supplied at an appropriate level of aggregation"[5].

Most of these measures are already output-driven. Insofar the universities have changed already considerably.

But in accordance with the idea of a learning organisation, assessment measures should follow more learning objectives and assessment tools should be orientated at measuring the ability to learn how to learn.

To secure quality also means to create study formats that fit scientific as well as market necessities. Most new BA and MA formats allow the development of subject-specific competences like communication skills, performance abilities, self management technology etc. Thus, a structural element is added to our traditional teaching orientated at the knowledge of subjects. Of course, this element aims at market orientated abilities that were formerly not taught.

In other words: the focus has to be switched to the ability of the students to learn how to learn, their competence to apply concepts to problems and to reality. Quality means this capacity of learning and not only gathering knowledge. In assessing, we have to find out students' capability to learn as an investment in their ability to learn in a future world.

Of course these forms of assessing should serve teachers to be confronted with their teaching or better with their capability to turn their seminars and courses into a learning environment. Self-assessment is a major aim of assessing. The results of assessing should be discussed with students and serve the staff to judge on their ability to create a learning environment prone to enhance the self-learning capabilities of students and teachers as well.

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[5] C. Lewis, "How do teachers learn during lesson study?", In P. Wang-Iverson; M. Yoshida (eds.), *Building our understanding of lesson study,* Philadelphia: Research for Better Schools, 2005, p. 36.

For the universities as organisations all this implies that they have to evolve into learning organisations. They have to accept the common aim to develop the whole organisation into a learning environment.

In the traditional university system this was part and parcel of the idea of common learning of students and professors, although centred on dialogue between them and not as part of the organisation. I don’t want to elaborate on the question here whether this was a mere ideology. But I want to stress that there is a need of a special spirit of collaboration, a new culture of learning apart from hierarchical cleavages, differences in perceptions according to sex, religion, race etc.

The evolution of universities into learning organisations is difficult to accomplish because universities are part of the wider society. Its change is a complex and risky task.

Bibliography:

1. Bowden, J.; Ference, M. (1998), *The University of Learning: Beyond Quality and Competence,* London: Kogan Page Ltd.
2. Cornett, L. (1998), *Book review of Bowden, J.; Ference, M. (1998), The University of Learning: Beyond Quality and Competence, London: Kogan Page Ltd,* 1998 [http://www.unca.edu/et/br110698.html], 22. 10.2009
3. Lewis, C. (2005), “How do teachers learn during lesson study?“, In Wang-Iverson, P. ; Yoshida, M. (eds.), *Building our understanding of lesson study,* Philadelphia: Research for Better Schools, pp. 77-84.
4. Senge, Peter, M. (2000), Die Hochschule als lernende Gemeinschaft, In Laske, St., et al., (eds.), *Universität im 21. Jahrhundert*, München und Mehring, Hampp Verlag, pp. 18 – 44.

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BOOK REVIEW

Sergiu Mişcoiu, Chantal Delsol, Bertrand Alliot, *Identités politiques et dynamiques pqrtisanes en France,* Cluj Napoca, EFES, 2009, 227 p.

Ana Ţurcan*

Les divers aspects de l'identité politique ont commencé à être abondamment traités depuis les années soixante-dix. La plupart de ces études se sont concentrées sur le lien entre le caractère identitaire des sujets et leur manière de voter. Pourtant, la construction et l'évolution des identités politiques n'ont été pas assez explorées. Le livre représente une réflexion sur les transformations des identités politiques et les dynamiques en France. L'ouvrage est le résultat des travaux de plusieurs chercheurs des formations diverses : politologues, philosophes, économistes, c'est-à-dire une étude interdisciplinaire.

Même si le livre est le fruit de plusieurs auteurs, on peut saisir quelques éléments communs en ce qui concerne le style. Tous les articles sont rigoureusement structurés et possèdent une argumentation solide. En plus, chaque auteur analyse les problèmes les plus récents passés en France. Certes, ce regard sur des questions tout à fait nouvelles peut provoquer bien de débats avant d'être amélioré.

Le livre est composé de deux parties distinctes : 1) les défis politico-identitaires de la France et 2) dynamiques, métamorphoses et stratégies partisanes en France. Si la première partie problématise les divers aspects de l'identité, la deuxième est axée sur la transformation identitaire de quatre pôles politiques français. L'ouvrage débute avec l'article de Chantal Delsol qui attire l'attention sur les difficultés de se définir comme appartenant à la nation française dans le contexte contemporain. Elle affirme que les Français doivent renoncer à leur attitude supérieure nourrie par leur passé glorieux. En plus, ils doivent trouver des voies nouvelles et réviser leur position en tenant compte du fait que la France a perdu sa grandeur d'autrefois. Chantal Delsol a le mérite de saisir les nouveaux défis de l'identité française. Toutefois il serait utile qu'une telle réflexion s'appuie sur des études quantitatives/qualitatives qui visent les perceptions des Français sur leur identité.

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Le livre continue avec les considérations de Nicolas de Castelnau sur le rôle de l'Etat dans l'économie française. L'auteur se propose le but de montrer que le rôle de l'Etat dans l'économie a varié au long de l'histoire en fonction des circonstances mondiales et européennes, des facteurs idéologiques et commerciaux. En analysant l'ingérence de l'Etat dans l'économie française à des époques diverses, Nicolas de Castelnau découvre que les faiblesses successives du système économique français ont déterminé et justifié l'implication augmentée de l'Etat dans l'économie, manifestée par des « poussées ». Ensuite, il présente les mesures économiques faites pendant le mandat de Nicolas Sarkozy, quand les mesures libérales se sont mélangées avec les poussées interventionnistes. L'économiste affirme qu'au cas d'incapacité de la classe politique pour résoudre les problèmes survenus à cause de la crise mondiale, la voie à un illusoire « homme providentiel/sauveur », lequel préconiserait probablement des solutions extrêmement dirigistes, serait ouverte.[1] A ce point-ci, l'auteur fait le lien entre la culture politique des Français et les dynamiques de l'économie. Nicolas de Castelnau a saisi parfaitement les circonstances conjecturelles qui ont déterminé les vagues d'interventionnisme accru, mais je crois qu'il faut insister plus sur l'influence de la culture politique dans cette question.

Dans le chapitre suivant, Emmanuel Banywesize entreprend une étude complexe sur la discrimination des Africains en France. Il dénonce les tares de l'humanisme des Lumières qui est un faux humanisme (glorifiant seulement l'Homme Occidental), c'est-à-dire un humanisme qui a promu « une conception étroite et parcellaire, partielle et partiale de l'identité humaine et, en somme, une conception raciste de l'Homme ».[2] Emmanuel Banywesize oppose le terme « mondialisation » qui uniformise les rapports socioculturels entre les gens et la notion « mondialité » qui rejette tout gommage des particuliers. Si cela va sans dire que l'auteur est pour la deuxième vision, le fait de trouver un mot adéquat ne résout pas toutefois le problème de la diversité culturelle. Le chercheur critique la politique d'exclusion formée par la différenciation radicale entre le « Soi » et les « Autres », politique qui a servi autrefois à la formation de l'identité nationale. En plus, il affirme que la démocratie française est plutôt fermée au multiculturalisme et aux diversités, ayant un modèle d'intégration assimilationniste. A la fin, Emmanuel Banywesize propose qu'on renonce aux binarismes du type Soi/Autres, Nous/Eux, Centre/Périphérie et que la société française reconstruise son identité en tenant compte des circonstances actuelles et de la diversité culturelle. Cette dernière idée est retrouvable dans l'article de Chantal Delsol.

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[1] Sergiu Mişcoiu, Chantal Delsol, Bertrand Alliot, *Identités politiques et dynamiques partisanes en France,* Cluj Napoca, EFES, 2009, p. 47.

[2] *Ibidem*, p. 71.

La deuxième partie du livre se concentre sur les changements identitaires en relation avec le politique. Dans le premier chapitre, Ana Nechita analyse la stratégie d'alliances du Parti Communiste Français dans les moments décisifs de son existence. Elle nous montre la place occupée par le PCF dans des différentes coalitions (« Le Front Populaire », « Le Programme Commun », « La gauche plurielle ») et ainsi les avantages/désavantages qu'il a su en tirer. Une contribution notable de l'auteur est l'appréhension avec exactitude de l'influence soviétique et sur le mode d'agir du PCF. Après l'effondrement de l'URSS, les effectifs du PCF ont diminué constamment. Il est vrai que le parti a essayé d'« adapter le communisme aux réalités contemporaines »,[3] mais sans beaucoup de succès. A la fin, Ana Nechita prévoit une chute inévitable du PCF. Je pense que le but de cet article a été accompli : il a démontré que la stratégie d'agir du PCF dans le cadre des coalitions a été peu avantageuse pour cette formation de gauche.

L'ouvrage continue avec une étude toujours sur l'aile gauche de l'échiquier politique, mais cette fois-ci sur le Parti Socialiste Français. Codruța Beșta cherche à expliquer les implications du référendum de 2005 concernant le Traité Constitutionnel Européen sur la cohésion du PS. Après avoir exposé l'évolution du PS sur la scène politique française, elle fait l'observation que le problème du Traité Constitutionnel Européen a déterminé une scission au sein du PS. Le PS a été incapable d'avoir une position unitaire vis-à-vis du TCE. D'une part, certains militants et électeurs qui croyaient le TCE comme une évolution naturelle de l'UE, vu les contributions des politiciens socialistes à la construction européenne (François Mitterrand, Jacques Delors, etc.), et d'autres part, ceux qui ont rejeté le TCE comme un projet trop libéral, craignant l'élimination progressive du système social français. D'après Codruța Beșta, cette image du parti divisé a été une des causes pour la défaite de Ségolène Royal aux élections présidentielles de 2007. L'auteur de cet article a le grand mérite de saisir l'influence croissante des thèmes européens et leurs implications sur la scène politique française.

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[3] *Ibidem*, p. 107.

Le chapitre suivant écrit par Bertrand Alliot est une approche inédite de la relation entre écologie politique et écologie médiatique. Il part de l'exemple de deux défenseurs de l'écologie pendant la campagne électorale de 2007, quand un représentant de l'écologie politique (Dominique Voynet - leader du principal parti écologique français, les Verts) a été mis dans le plan secondaire à cause d'un représentant de l'écologie médiatique (Nicolas Hulot – journaliste, qui s'est proposé de faire de l'écologie un des thèmes importants de la campagne). Puis, Bertrand Alliot nous révèle les difficultés rencontrées par l'écologie politique quand elle essaye de mettre en place ses croyances. La cause principale est l'opposition apparente entre croissance économique (l'objectif principal de tout gouvernement démocratique) et la préservation de l'environnement. Cette opposition peut être atténué par la vision du développement durable, mais, affirme l'auteur, cette idée n'est pas suffisamment appliquée. Ensuite, le chercheur surprend le fait que les ambassadeurs de l'écologie médiatique, même s'ils sont populaires, refusent la participation au pouvoir politique. Cela arrive parce que d'une part ils craignent perdre la sympathie du public une fois entrés dans la politique et d'autre part, ils doutent de la possibilité de mettre en œuvre leur projet. Par cet article, Bertrand Alliot a appréhendé d'une manière originale les difficultés de l'écologie et a fait une dissociation pertinente entre les problèmes de l'écologie médiatique et politique.

Le livre continue avec l'article de Marius Mitrache « Jacques Chirac et l'Europe ou la conversion d'un faux eurosceptique » dans lequel il cherche à expliquer les prises de position contradictoires de l'ancien président concernant la Communauté Européenne. Le premier signe d'euroscepticisme se manifeste dans par une déclaration faite en 1978, dans laquelle Chirac dénonce l'UDF (formation politique de centre-droite, dont le chef était Valéry Giscard d'Estaing) comme le parti de l'étranger agissant contre l'intérêt français. Mais, contre cette position, Chirac a soutenu plus tard le Traité de Maastricht (1992) et le Traité et Constitutionnel Européen (2005). Marius Mitrache affirme que l'ancien président a été eurosceptique par circonstance pour se différencier du fédéraliste Valéry Giscard d'Estaing et par cela, conquérir l'électorat traditionnel de la droite gaulliste. En conclusion, le chercheur affirme que Chirac n'a jamais été un vrai eurosceptique vu le support pour les deux derniers traités européens. En ce qui concerne cette conclusion, il faut être plus prudent : on ne peut pas être sûr de sa vraie position, car on peut attribuer aussi la dernière attitude aux calculs politiques/électoraux. Pour cela, il faut étudier aussi s'il y a eu un changement dans les opinions de son électorat fidèle.

Le dernier chapitre, écrit par Sergiu Mișcoiu, représente une réflection sur la citoyenneté et sur l'identité nationale dans le binarisme gauche-droite. Traditionnellement, la gauche a soutenu une vision civique et ouverte de la citoyenneté, tandis que la droite a développé une conception liée aux valeurs et aux traditions du pays. Mais l'auteur nous attire l'attention que dans la campagne présidentielle de 2007, on assiste à une convergence entre l'attitude de la gauche et de la droite sur l'identité nationale. Ainsi, Nicolas Sarkozy (droite) et Ségolène Royale (gauche) ont adopté la même vision de la citoyenneté, plutôt spécifique à la droite. Sergiu Mișcoiu explique que cela a été possible car les concurrents voulaient éviter un nouveau revirement de Jean-Marie Le Pen (extrême droite). Mais si cette approche a été utile à Nicolas Sarkozy, elle s'est montrée préjudiciable pour Royal parce qu'elle a mécontenté par cela une part de l'électorat socialiste.

Comment on a vu, les auteurs ont le mérite de révéler des questions inédites et actuelles. Ils ont saisi avec précision les mutations récentes au cadre des identités politiques et leurs implications sur la scène politique française. En plus, le livre offre des angles originaux dans les sujets abordés et ouvre des nouvelles voies de recherche. Je pense que l'ouvrage représente un instrument utile pour ceux qui veulent étudier les phénomènes politiques en France et non seulement.

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Herta Gongola, Laura (2005), "Modelul societății informaționale.O abordare sociologică", in Todoran, Horea (ed.), *Societatea informațională europeană*, Cluj-Napoca: EFES, 36-57

Martin, François; Morley, Frank (1983), "Spaces of Belonging" in Horowitz, Stanley; Kocsis, Ibolya (eds.), *Identity, Belonging, and Social Behaviour*, London: Identitas, 78-114.

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Mişcoiu, Sergiu; Tătărâm, Marina (2004), "Sur les avancées timides et les promesses risquées de la révision constitutionnelle roumaine" in *Politeia*, no. 5, 35-45

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Hirsch, E. D.; Katt, Joseph F.; Trefil, James (2002), *The New Dictionary of Cultural Literacy* [http://www.bartleby.com/59/17/postindustri.html], 20 January 2005

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