



ORIGINAL PAPER

## With or Without Regionalization? Realities, Challenges and Prospects in a European Union of the Regions

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### Abstract

For some time, the European Union is facing two trends that are antithetical: the nation and the nation state with all its internal and external powers and the form of confederation or federation in the process of globalization. Italy, Spain, France and, not least, Romania are forced to face not only the trend towards regionalization upon economic and administrative criteria, but also an acute expression of nationalism as form of ethnic regions with a high degree of political autonomy if not the separation of the state they are belonging to.

This study deals with the presentation of such regionalization trends, developing an argument based on the documents of the European Union and some studies of this subject. It also highlights the arguments which so far stopped the beneficial regionalization of Romania as part of the EU.

**Keywords:** *state, regionalization, European Union, political autonomy, confederation/federation*

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### **Introduction**

The European Union is today a form of economic, political and cultural organization in full process of coagulation. The objectives of the European Community on the approval of a constitution to form a confederation, federation or union of states has progressively evolved over the years while developing a series of common policies (industrial, social, monetary, energy, research, external relations, environmental protection policy etc.) caused by economic, social and political needs of the community order. The transfer of competencies from the national to the community level and vice versa still know limits due to the treaties in force, and to the procedures for internal territorial-administrative organization of states (Olimid, 2013: 9-18). In the new political world, the nation-state in the form in which existed in the nineteenth century sees its position threatened by administrative, political, ethnic entities manifested especially in the international organizations, including the European Union. Politicians, in particular, and also analysts consider the region as an entity closest to the citizens, who manages to solve problems even where the state is proving powerless. Jacques Palard believes this new form required increasingly stronger is the “clock of the world time” (Palard, 1999: 663).

The European world dominated by globalization and regionalization processes realize the need for a reorganization and the competencies allocated to the new forms are intended to redesign the power, functions and authority of national governments (Georgescu, 2014: 135-146.). But scientific analyzes prove that States have remained the major international authors together with regional and global organizations. Strategies and policies in the field of geographical, technological and socio-political factors aims at smart power (Rotaru, Zodian, 2015: 40) who manages to convert resources into results. The main links of territory-politics-society relationship gives to the state the power position in the international system, even if parts of its sovereignty were transferred to European institutions voluntarily, the goal being a stronger and more effective European building. The European Union is not a single state although it has unique leader who gives it representativity on international level and despite the way of solving external challenges (Bărbieru, 2015: 17). If states' size matters, sovereignty (self-governance) involves not only the size of the territory, but also forms of political and administrative organization, the management of local institutions and economic and human resources. The government, in its complexity, focuses both on global governance and on regional government. The ability of states and society to organize, manage and capitalize their interests is based on the public policy, the administration and the connections and relationships between state – civil society – interest groups.

### **Conceptual aspects of regionalization**

The concept of region is no stranger to historical evolution of states and was acquainted over time with both a varied legal regulation (Tănăsescu, 2002: 5), and an uneven economic development (Cușmir, Macovețchi, 2013: 23). Is defined by the Community Charter of Regionalization as being “a territory that forms, from geographical point of view, a distinct unit or a similar ensemble of territories in which there is continuity” context in which the population has common elements and “wishes to retain the specificity resulted and to develop it in order to stimulate the cultural, social and economic process” (Niculcea, 2015). In the legislative sense, regionalization completed

by territorial decentralization denotes recognizing the legal personality to local collectivities with their own local interests. Thus, regionalization is a general trend in Europe and aims at creating the necessary conditions that will enable regions to maximize national economies (Cuşmir, Macoveţchi, 2013: 23). Committee of the Regions (CoR), set up in 1994 and now consisting of 350 representatives of Member States, has the tools that allow involvement at all levels of local and regional authorities and citizens so that regions and cities of the European Union exchange best practices and participate in a better implementation of EU public policies (Committee of the Regions). In essence, the process of building a capacity for autonomous action is conditioned by the constraints exercised by the political and institutional framework starting with the fundamental law and continuing with all the legislation in force.

Regionalization phenomenon is attributed several meanings. Of these, pseudo-regionalism (a form of deconcentration of state administration at the local level), administrative regionalization (intermediate power between the city, community, district, department and national level represented by the state) and super-regionalization (political organization located between regionalism and federalism) are the most important ones. These correspond to local autonomy, which enables participation in forms of decentralized cooperation, cross-border relations and the entire manifestation of regions in the field traditionally managed by state under the attribute of its external sovereignty (Popescu, 2001; Niculae, 2009: 2).

The already existing regions in Europe (Italy, Spain, France etc.) try to produce new rules that are related to populations who intend to move away from the nation state, often weakened. Public interest issues within the European community are resolved by local governments in accordance with legal conditions and on behalf of the communities they represent. Developing international regulations under the influence of macro-economic and socio-political factors (Constantin, 2010: 35; Diaconu, 2007: 24) is important in studying the diversity of territorial, regional and local administrations in the European Union. The evolution of local autonomy has some features which are based on traditions and legal rules that determine free administration of collectivities. In turn, they have enough tools that allow the existence of autonomy in decision and also the existence of local regulatory powers and is legislatively supported by government flexibility and obeys the principles of the rule of law (Dănişor, 2007: 106). In the European administration can be met a series of traditions with particular features (Avram, Piţurcă, 2003: 103).

### **Patterns of regionalisation in Europe**

Italy, under the Constitution of 1947 where we find principles of political regionalism is presented as an entity with regional structures where regions have a broad local autonomy. By art. 5 of the Constitution of the Italian Republic local autonomy was recognized and promoted (Constitution of the Italian Republic). 1977 is the year of the first administrative reforms aimed at decentralizing state (Poggi, 2007: 99-110), and the Italian regions have won considerable autonomy only after 1999. Thus, the issue of regions' autonomy constituted a constant concern for the politics of the peninsula (Massimo, Polo, 2006: 229-284). According to art. 123 of the Constitution, regions benefit by statute autonomy and basic principles of regional organization and functioning of and state may delegate them legislative initiative, publishing regional laws and regulations. The revision of the Fundamental Law in 2001 has differentiated areas of competence

## With or Without Regionalization? Realities, Challenges and Prospects ...

between national and regional legislator. Also, a distinction is made between regions with common law status and regions with special status, where the Regional Council (Consiglio regionale), the Regional Assembly (Giunta) and the President of the Assembly (Presidente della Giunta) are presented as management bodies. Constitutional Law no. 1/1999 and Constitutional Law no. 3/2001 have strengthened Giunta as the executive body of the Region (Alexandru, 2008: 422). Italy is part of the regional states which have conferred wide powers to regions, moving towards a form of federalism in which central government provides the necessary support for regions that want the development of their international relations. Thus, The Unit for Regions within the Ministry of Foreign Affairs assists regions and local entities in their international activity. According to the law named *La Loggia* (Law no. 131/ 05.06.2003) regions may conclude economic, social and cultural agreements with third countries, in matters of their own competence, but these will be of executive nature of international treaties already in force or of technical-administrative nature. Regions and autonomous provinces conduct a varied series of promotional activities, of institutional visits, twinning etc. complying with the obligation to observe the cooperation with central authorities.

Spain, in accordance with its basic law, is organized territorially into municipalities, provinces and communities benefiting by autonomy in managing their interests and guarantees the right to autonomy to the nationalities and regions which are forming it (Alexandru, 2008: 417). Like Italy, it took into account the different status that certain minorities had and the insular individuality. According to art. 2 of the Constitution, the continental provinces with common historical, cultural and economic traits, the island territories and the provinces with historic regional status may accede to self-government. Spanish autonomous communities benefit from a dual autonomy by nature, administrative autonomy specific for local communities and political autonomy. Basic Law distinguishes between regional autonomy (Comunidades autónomas) and local autonomy (municipios, provincias). Autonomous communities have regulatory autonomy, adopting their own laws and regulations with the same value and force as State's laws (Avram, Radu, 2009: 619, 623), statute autonomy (adopt their own statutes), functional autonomy and financial autonomy. The adoption of the so-called *El Pacto local* in 1994, called also the second decentralization, aimed at delimiting competences between the two levels, regional and local level, and providing the tools needed for managing their own interests (Llovet, 1995: 115). As a result of its impact on Spanish political order there were generated a series of reforms through which was accomplished the introduction of a legitimate intervention of local entities (Nogueira Lopez, 2007: 161-174). In conclusion, Spain has a regional autonomy in which the autonomous communities are operating under a status of autonomy based on community organization and skills. Basic organizational rules are the statutes, recognized by the state and included in its legal order (Plumb, Popescu, 2004: 18).

Although there are numerous contrasts of territorial and demographic nature, regions in Italy and Spain have a high degree of functionality and cohesion, this being due to groups of large regions (Balcanii Europa: documentary).

Local autonomy and free administration in France is a true model for other European countries like Belgium, Holland, Luxembourg, Portugal etc. The literature shows that the first manifestations of regionalization occurred in 1950, when it was instituted a higher administrative level – region, but the effective delimitation into regions took place a few years later, in 1956, and took into account both the economic development of big cities and the historical evolution, returning basically, in most cases, to the old French provinces. It was also taken into account the trend in the European Union.

After 1981 with the election of Mitterrand as president, were made important steps in the field of decentralization, considering that the great task of the president consisted of truthfully applying the principle of decentralization and autonomy (Mény, 1987: 66). The transformation of region into territorial collectivity has taken place as a result of the decentralization laws from 1982-1983, which removed the State's control over the acts of local authorities, raised regions to the rank of territorial collectivities, and created a true executive at the level of departments (Borella, 2008: 178). Thus, a number of governmental functions have been delegated and since 1984 have been instituted specific institutions at territorial levels, have been increased the role of the prefect as an agent of the state, as well as the role of state-appointed local executives, and the powers of local assemblies (Avram, Pițurcă, 2003: 103). The process of regionalisation (division into 26 regions) was completed in 1992 through a law which regulated the territorial administration provided by decentralized regional communities and by services transferred from the State. Bureaucracy and duties of the regional administration level similar to those of the lower administrative level led the experts in the field to affirm that the French system is outdated. The difficulties of the system are specified in the report drawn up at the request of Sarkozy, by Jacques Attali, report which does not enjoy trust and appreciation among the governors and which argues that, in order to limit bureaucracy and financial losses, the State should strengthen regions, abolish the departments, reduce the number of communes from 36,000 to 6,000. The problems pointed out in Attali's report "are highlighted in another report conducted by Jacques Chereque, who brings to the foreground the deficiencies of horizontal cooperation and between the three levels of government" (Garaiman, 2013).

German administrative system, in contrast to the French one, has a federal nature, being organized on five levels: federation, *länders*, administrative precincts, administrative districts and cities, communes (Avram, Radu, 2007: 280). It is based on the principle of subsidiarity, avoiding centralization at the levels of *länders*, administrative precincts and communes and having a truly autonomous management (Avram, Pițurcă, 2003: 104). Practical necessities determined the internal organization of Germany and turned it into a model of regionalism, achieved by "federal structure, created by regionalization, a balance between historical traditions, arbitrariness imposed by political circumstances of the moment and the will of the people expressed through referendums" (Săgeată, 2004). *Länders* have legislative jurisdiction, the powers of the federal State being listed and determined by law (Borella, 2008: 185), and directly designate their representatives to the Bundesrat, where they have the right of veto (Avram, Radu, 2007: 280, 281).

The German model is also found in Switzerland, where cantons are similar to German *Länders*. Federation, cantons and communes are the main elements that give the federal nature of the state (Auer, Malinverni, Hotellier, 2000: 78) and the Basic Law of Switzerland provides that "all cantons are sovereign insofar as their sovereignty is not limited" by the Constitution (Alexandru, 2008: 431). From the administrative point of view, the cantons exercise all rights not delegated to the confederation (Benoit, 2009: 14). According to art. 50 of the Constitution, they enjoy a broad autonomy, and not sovereignty, Swiss legislation setting limits on autonomy. Art. 42 provides for the demarcation between the confederation's tasks and the competencies of the cantons. Cantons have their own governing bodies (cantonal parliament, cantonal government), directly elected by the electorate.

## **With or Without Regionalization? Realities, Challenges and Prospects ...**

The examples analyzed in this study were designed to demonstrate that EU countries took into consideration in the process of organizing in regions both administrative criterion and historical criterion, economic cohesion and ethnic homogeneity, each addressing regionalization according to its interest and internal realities.

### **A Romania of regions?**

In Romania of today there is a trend of regionalization, which involves primarily the Constitution and all legislation, and last but not least the consensus between the directions that start from the geographical, historical, economic, and ethnic causes in the post-communist period (Șerban, 2012). So far no doctrine failed to agree with political or public opinion. In the contemporary period there have been numerous attempts at regionalization but which proved ineffective, however, fact which led to giving up to them.

Over time, there were several administrative-territorial divisions of Romania who have tried to adapt to the requirements of the time. Of these, most of them have proven to be inadequate, as evidence in this respect being giving up to them in a very small period of time. Romania is currently functioning on the basis of the administrative-territorial division in 1968, which unfortunately turns out to not be able to maintain its viability in the new socio-economic conditions.

After the Union of 1859, the basic administrative-territorial unit was the county, after the Great Union in 1918 leading to the territory's division in 71 counties. In the interwar period county and "plasa" (small administrative unit) have been preserved as forms of organization. During the authoritarian regime of King Carol II, for two years, land ("ținutul") represented, along with county and "plasa", a new form of organization. The Administrative Law from 1938, modeled after the Yugoslav model of 1926 and the Italian model of 1929, Romania was divided territorially in 10 lands ("ținuturi"), led by the royal residence, each land comprising several counties. After two years, lands were abolished, the country returning to earlier administrative organization according to which counties were decentralized administrative units with legal personality (Băhnăreanu, Sarcinschi, 2012: 69). After 1947 there were a series of reforms in order to adapt Romania to the demands of the time. Law no. 5/1950 abolished counties and replaced them with 28 regions consisting of 177 districts. This law was also amended two years later by the Romanian People's Republic Constitution of 1952 and Decree 331, imposing administrative-territorial reorganization in 18 regions, including the Hungarian Autonomous Region, created on ethnic grounds (Băhnăreanu, Sarcinschi, 2012: 69-70). Basically, the Constitution of 1952 legalized the communist totalitarian regime that expelled the principle of local autonomy. In the years 1964-1965, the changes in Communist Party leadership imposed the necessity of adopting a new Constitution, with some changes in public administration, too. The Constitution of 1965 showed the changes in the Romanian society of the time and stipulated in art. 1 that Romania "is a socialist republic", "State of the working people in towns and villages, sovereign, independent and unitary", its territory being "inalienable and indivisible" and Title V, art. 79-93 made mentions on local bodies of state power and local bodies of state administration (Muraru, Tănăsescu, 2001: 98).

Last administrative-territorial reorganization of Romania, under a new fundamental act, took place in 1968 (Gherghe, 2012: 401-407). Law no. 1/1968 changed

“art. 15 of the Constitution, providing that the territory of the Socialist Republic of Romania is organized into territorial-administrative units – county, city and commune – that larger cities can be organized as municipalities and Bucharest, the capital of the Socialist Republic of Romania is administratively organized into sectors” (Law no. 1/1968). Along with Law no. 1 of 16 February 1968, it was adopted the Law no. 2/16 February 1968 referring to the administrative organization of the territory of the Socialist Republic of Romania, bringing specification on the administrative sector. The country was divided into 39 counties, 2,706 communes, 46 municipalities, 189 cities (Law no. 2/1968). Art. 1 stipulated the cessation of the People’s Councils, regional and districtual Councils and of their executive committees (Official Bulletin, 1968: 946-950), so being regulated the administrative organization on departmental system, based on two links: county – at the upper level, respectively city and commune – at the lower level, unlike the 1926 organization that was based on three links: county - the upper level; “plasa” – the intermediate level and commune or city – the lower level and unlike the law of 1950 which stipulated also three links: region, district and commune (city) (Săgeată, 2004). During time some changes have occurred, and current legislation establishes 41 counties, including Bucharest municipality, which is valued as county.

Between the years 1968-1989 local autonomy was actually non-existent. The principle of collective leadership included in all documents of the Party and State did not increase the participation of working people, as they were supposed to do, to the achievement of the objectives proposed and the responsibility of governing bodies only meant the implementation of the directives of the upper bodies. This period meant for Romania forced economic development and the imposing of the objectives planned by the single party; the practice proved that real local autonomy was not possible in fact, but only in the articles of the laws.

### **Scenarios of regionalization in Romania**

As already noted in this study, the idea of regionalization is not new for Romania. As a member state of the European Union, Romania is obliged to follow the requirements formulated by it in relation to certain rules of territorial organization arising from EU legislation (Băhnăreanu, Sarcinschi, 2012: 64). Countries in the former communist bloc considered that regionalisation was appropriate and put it on the list of priorities, so it became a reality in 2003 for Bulgaria and Estonia, in 2004 for Poland and for Slovakia in 2005. Although in the past 25 years it became evident that regionalisation is necessary for Romania, eliminating development gaps between regions has been realized at governmental level only since 2006. Unfortunately, until now the process has not occurred.

In a study published in 2007, on the difficult process of regionalization in Romania, Mircea Preda drew three conclusions that explain why so far this important administrative-territorial change was not possible: “a) all parliaments and governments after 1989 have addressed this issue in its insignificant elements, limiting themselves mainly to the declaration of cities as municipalities, of communes as cities, to the establishment of new municipalities or changing the name of certain localities. Even these actions were in most cases just the result of some legislative proposals, of some singular acts of certain deputies and senators which took into consideration only the county that they represented; b) secondly, we could say that sometimes, especially in the early years after the revolution, even the proposals made by local authorities have not always been

## With or Without Regionalization? Realities, Challenges and Prospects ...

sufficiently substantiated, the initiators changing their minds about some of them and demanding their replacement with others; c) third, none of the governances has defined a clear strategy and a concrete program on actual costs entailed by this action as a whole and by each of its elements in order to know if and when they can support the costs” (Preda, 2007: 9). Many writers, policy makers and political men believe that in Romania “it cannot create territorial-administrative units using ethnic, linguistic or other criteria, organization criteria must be generated and common to all administrative units of the same rank or at the same level. Admission of such criteria would establish a discrimination between citizens of the same country, depending on their membership to a national minority or on using a particular mother tongue” (Preda, 2007: 13).

Currently, various debated forms of regionalization meet more or less the needs of Romania, but have the common argument of the obligativity to meet economic, social, environmental and cultural needs that have experienced a significant transformation from those existing at the date of adopting the territorial-administrative organization of today. In time, although initial discussions on the subject aimed at division based on ethnic principles, things have calmed down, discussions have become substantiated, and the political class and the authorities have realized the benefits of such a process, the big gain consisting of attracting European funds for large-scale projects. In this sense, part of the specialists and Romanian political class points out that the proposed regionalization of the country should equally take into account the regional assembly with distinct historic, cultural and economic personality. The functionality of these provinces has been demonstrated by the fact that the regional organization, accompanied by genuine decentralization is a process which the European Union supports, on the one hand, and by the economic imperative of EU 2014-2020 budget, on the other hand (Balcanii Europa: documentary).

In 1998, in Romania, like other countries in this part of Europe, have appeared development regions, which were created in anticipation of the accession to the European Union, without legal personality and without being administrative-territorial units, but only being the result of an agreement between the county and local councils, in order to coordinate the zonal development and European funds absorption: 1) *Bucharest-Ilfov Region* (with residence in Bucharest); 2) *North West Region* (with residence in Cluj-Napoca); 3) *West Region* (with residence in Timișoara) 4) *South-West Oltenia Region* (with residence in Craiova); 5) *South Muntenia Region* (with residence in Călărași); 6) *South East Region* (with residence in Brăila); 7) *North East Region* (with residence in Piatra Neamț); 8) *Centre Region* (with residence in Alba-Iulia).

In 2011, the Social Liberal Union (political coalition, which was in opposition at that time) launched a model of regionalization that keep the present administrative-territorial organization in counties, but that fits in the trend of regionalization, process that should be extended over several years. The main points of the model proposed by the Social Liberal Union are: a) maintaining current counties; b) creation of another administrative level, called Region, after the French model, between the counties and the central administration of the country; c) regions coincide with the current formal division in the 8 euro-regions; d) regions have political, administrative and administrative integrability characteristics specific to local current structure; e) a region should be managed by a regional council, headed by a regional president – both elected by the citizens; f) regional president acts as a premier and is elected directly by citizens. Regional board members have executive responsibilities; g) Regional Council have its own budget; h) besides the president and the regional council, each region has a prefect appointed by



the government, so the 8 regional prefects will replace the 41 prefects currently existing in each county; i) establishment of a body called the Regional Economic and Social Council (CES), which should operate in addition to the Regional Council, with powers to achieve regional development plans. CES will be advisory but its consultation by the regional council will be mandatory; j) central government will only decide on national projects. All other projects, investments, expenses, budgets etc will be the responsibility of regional councils; k) there will not be a capital of the region, there will be specific centers of development: political and administrative center, economic center, university center, cultural center etc.; l) the transition to this model of territorial administration should have been done in three phases between 2012 and 2016. In 2016 the first elections should take place following this model, then it should be elected the first regional parliaments and the first regional presidents (Ionescu, 2011). This model of regionalization has not been implemented so far.

Another variant of regionalization was proposed in early 2013 and was based precisely on the 8 euro-regions. Administrative-territorial units, with regional autonomy, would have had exclusive or shared competence with the state, multi-annual budget and a regional council led by a president. Government has assumed the end of 2013 for the setting up of regions (Bărbieru, 2015: 140), which should have involved three simultaneous administrative proceedings, the constitutional revision, developing the legal framework for the organization and functioning of regions and the regulatory framework for decentralization of powers to regions, counties, municipalities, cities and communes, but the project failed.

Some of the reasons why we still can not talk of regionalization in Romania and the project proposed in 2013 was a failure would be the fact that ethnicity criterion was invoked; the approach was not politically good because it was not discussed anything in terms of decentralization, but basically it was wanted the overlapping of a new level over the political and administrative structure already existing in Romania; duplication of bureaucracy that would have resulted from this action; avoiding solving problems requiring a regionalization of European type in our country.

Other proposals, including the ones of the Romanian Academy, was based primarily on economic criterion, but also on geographical and historical criteria, so that the region be evaluated in terms of its potential and development needs; secondly, proposals took into consideration the autonomous capacity for cooperation with other regions in Europe, as is the case in Poland, in Italy, in Spain (these countries have permanent missions in Brussels representing strictly the interests of the region); third, fiscal decentralization have been taken into account; and last but not least they wanted to avoid bureaucratic system.

Although it is an important issue for all governments since 1989, regionalization in Romania can only be achieved on the basis of a real political consensus. The new form of regionalization that will represent the region as an entity inferior to the central State benefiting from political representation through an elected council, its own budget emerged from fiscal policies and last but not least from a program of territorial development, lays on the working table of political parties, government and academia. The Statute of the Assembly of European Regions (ARE), the Community Charter of Regionalization and EU treaties (Maastricht, Lisbon) presents a vision of the role and functioning of the region. Reorganization of countries within the EU aims, according to the Commission, Council and European Parliament, at stimulating cultural, social and economic progress. The region as distinct unity with common features and continuity of

## With or Without Regionalization? Realities, Challenges and Prospects ...

the local population and the specific of its identity represent the EU vision about Europe's current and future dynamics. Certainly, the term of region must not be confused with the one of regionalism. The latter refers to an ideology and a political movement that recommends a substance control of the region over political, economic and social affairs in its territory. Regionalism appears in this vision as a historical process with distinct socio-economic content (Loughlin, 1996: 147-150). In Brussels, there are offices of delegations organized by embassies system that oversees community decisions. They should not harm the particular interests of regions, but should help in getting as many European funds as possible. The Conference of the Presidents of Regions, the Council of Communities and Regions of Europe are associations with legislative powers representing regions.

Today is expected a new approach to regionalization in Romania, which would require amending the Constitution. Local and parliamentary elections to be held in 2016, in our view, will speed the response to what the European Union expects and, surely, Romania's development at all levels in the period 2016-2020.

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## With or Without Regionalization? Realities, Challenges and Prospects ...

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