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Editors' Note

In the contents of the international indexed journal *Revista de Științe Politice. Revue des Sciences Politiques*, issue 37-38 / 2013, following an unfortunate typing mistake, appears the article under the title Anca Parmena OLIMID, *EU Law Systems and Effectiveness of Religious Organizations in Transition: Legislation, Finances, and Administrative Regulations*, pages 292-304. The correct title of the article is Anca Parmena OLIMID, *EU Law Systems and Effectiveness of Religious Organizations in Transition: Legislation, Finances, and Administrative Regulations (I)*.

POLITICAL AND CULTURAL HISTORY:
THOUGHT AND PRACTICE

ORIGINAL PAPER

Eugenia UDANGIU

Ideology, Narrative and the Soft Power

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Abstract: *Postmodernity shows a strong distrust in meta – narratives so that it seeks to "deconstruct" them and to highlight ideological mystifying assumptions behind the "objective" speeches. This distrust, this suspicion vis - a - vis of any pretense of objectivity, consistency and foundation, is considered the main characteristic of postmodern thinking. But a narrative is a normative model of high generality which human reason imposes to the real in order to make it intelligible, giving it form and meaning. It does not deals with objectivity or truth but with utility and coherency, allowing the use of soft power and a non – zero sum game. So, will universalistic narratives that oriented our ideas and ideals disappear?*

Keywords: *post - modernity, narratives, political ideologies, soft power*

Introduction

The end of the world or the end of history, the end of democracy, the death of God or the death of ideologies are metaphoric announcements of some paradigm shift, in the broadest sense of this term, which is, I think, Weltanschauung. The Illuminist term Weltanschauung took over, from the major culture of previous centuries, the naive and optimistic ideal of the "virtuous enlightened expert"; in other words, only those who served the universal values (Goodness, Truth, Beauty and the Sacred) could have been provided easy access to "knowledge". (Udangiu, 2009)

Postmodernity shows a strong distrust in meta – narratives so that it seeks to "deconstruct" them and to highlight ideological mystifying assumptions behind the "objective" speeches. This distrust, this suspicion vis - a - vis any pretense of objectivity, consistency and foundation, is considered by Lyotard (1985/1993) the main characteristic of postmodern thinking.

Doctrines and ideologies seemingly so different between them, such as Marxism, Hegelianism, classic economic liberalism, hermeneutics or nationalism, are sometimes considered as many faces of "totalitarian" modernity, in the sense that each is trying to act as the only true and legitimate interpretation of human life, and the only way of influencing and shaping people according to abstract principles. On the other hand, competing ideological narratives (left, right, center) legitimized by the French Revolution seem to have exhausted their specific differences, at least in the case of practical action and therefore, some authors question whether this division makes sense any longer.

So, will universalistic narratives that oriented our ideas and ideals disappear? Do we need anymore political ideologies?

1. Ideology and narrative

In Contingency, Irony and Solidarity, Richard Rorty wrote that what gives cohesion to society are common vocabularies and common hopes. He also wrote that "(...) everything could be made to look good or bad, important or unimportant, useful or useless through a process of re-description". (Rorty, 1989/1998: 39) In light of these considerations I tried to analyze the content of certain concepts, i. e. *ideology* and *narrative*, in political science and political sociology vocabulary, to see to what extent it is possible and desirable to have a vocabulary not necessarily more accurate, but, at least, less controversial.

When we read the word "ideology", everyone can understand different things. Of course, the context in which is placed the word limits the number of possible meanings, but it does not change much either the problem of different denotations or the problem of different connotations. Here are some examples:

1. In 1796, Destutt de Tracy coined the term "ideology" in an effort to create a new area of biological investigation. It was to deal with the research of the history of ideas and the sensorial bases of their formation. Not long after, however, he was appointed by Napoleon contemptuously "an ideologue", a theorist, an unrealistic person, because he was suspected of

liberal sympathies. So appears the term and its first negative connotation. (Kettler, 1987: 366)

2. According to Immanuel Kant, *ideology* is a religion "in the limits of the rationality", that is a system of beliefs that does not make use of fantastical elements to explain the world and to guide inside, while religion is considered a "total ideology". (Magureanu, 1997: 299)

3. The one who theoretically will build the meaning of "ideology" as a symbolic system which serves the mystification of reality, was Karl Marx. Both in *German Ideology* (1845), where he criticized post-Hegelian philosophies and in critical subsequent writings, he warned against ideological illusions disconnected from real life, but representing a feared tool of bourgeois power: these illusions form a "false consciousness" that keeps enslaved the working class. But after a while, Marx recovered the concept *ideology* for the revolutionary proletariat and used it to legitimize claims of revolutionary action, by rational justification of its existence and its acts. Marx's philosophical descendants, generally go on critical and demystifying line. (idem: 296-298)

4. Since 1930, the concept of ideology began again to broaden its sphere of significance, with the writings of Karl Mannheim and of some anthropologists, historians of religion (Dumezil, L. Dumont) and sociologists (Durkheim E., DUBY). They believed that it deals with a broader view of life, with a Weltanschauung, not only with political approaches and theories. (Annsart, 2005: 362-366) Mannheim, for example, makes in 1936, from the study of ideologies a target of sociology of knowledge. That means to discover these "situational determination" of one's ideas, how is formed the matrix of understanding the world, within a group. He introduced the concept of *utopia*, to describe the ideology of the working class, thus producing a separation which again increases the ambiguity of the concept discussed.

5. Nowadays, philosophers and political theorists as Giovanni Sartori still prefer the strong negative connotations of the term, but for other reasons than his predecessors. Ideology, he says, is a system of ideas and ideals transformed into beliefs:

"This transformation requires ideas not to be thought, but "believed" which means that the ideas become, former ideas, empty ideas, frozen ideas (...). Finally, ideas transformed into beliefs are fixed ideas, objects of worship and not reflection. Which explains why ideologies (not ideas) are those which have mobilizing power. Conversely, if a system of ethical - political ideas does not gain mobilizing force then fails to become an ideology. " (Sartori, 1987/1999: 448)

We can easily observe that Giovanni Sartori rejects the excessive use of the term "ideology" as a kind of passe - partout word, especially by those who consider themselves demystifiers, labeling as such any system of thought; or

exactly the automatic, uncritical download, the non - thinking, is closer to the stereotype rather than thought.

Other definitions of *ideology* put the emphasis on its connection to mass action:

- Carl Friedrich: "ideologies are systems of ideas action - related";
- Daniel Bell: "ideologies are the turning of ideas into social levers";
- Antonio Gramsci " ideologies are forms of philosophical popularization which lead masses to transform the reality through concrete action." (ibidem)

To better observe the variability over time of the concept's sphere that widens and narrows continuously, gaining positive or negative connotations, here is a relatively chronological list of some "shortened" definitions. So, if I read the word *ideology* written on a sheet of paper, I could think of:

- The history of Ideas; (de Tracy)
- An idealistic, unrealistic creation of a "theorist"; (Napoleon)
- A religion "within reason's limits"; (Kant)
- A view of the world that reflects the interests of the dominant social class; (Marx 1)
- A justification, a conscious distortion of reality (mystification), a "false consciousness" for proletariat; (Marx2)
- The legitimation of revolutionary action by rational justification of the its existence and of its acts; (Marx3)
- A system of images, representations and myths that determine the behavior and social practices; (Lenin)
- The "situational determination" of ideas, the matrix of world understanding in a group; (Mannheim)
- A broader view of life, a Weltanschauung, much wider than approaches and political theories; (Dumezil, Dumont, Durkheim)
- A system of ideas transformed into "social leverage"; (Bell)
- A system of ideas "action - related"; (Friedrich)
- A system of ideas and ideals transformed into beliefs; opium of mind, the right to not reason; (Sartori)
- Forms of philosophical popularization which lead masses to action; (Gramsci)

Explanations of cultural – historical nature (*ideology* = symbolic system of a historical society) escape reductionism but paying the price of losing "specific differences" from other concepts such as "mythology", "religion", "philosophies" etc.. The mobilizing power of ideologies and their capacity of generating action are intrinsically linked and represent the "specific difference" that separates them from philosophy, theories, paradigms or political approaches. This fact was recognized by most authors. I would propose therefore, the following definition: an *ideology* is the result of the operationalization of a political theory, that "translate" it into empirical concepts, to guide and stimulate social action. Sure, we did not win much with this because from the above list we can see that not accurate definitions are really missing. The problem is reduced to the fact that after Marx1 and Marx2 all the negative connotations have been attached to the concept. Even Marx3

was not an exception. This is the main reason that most authors prefer today to use the concept of *narrative*.

So, if I read the word *narrative* written on a sheet of paper, I could think of:

- A fairytale read in childhood, a popular story with fantastic elements that are about Good, Evil, Courage, Fight, Justice etc.
- The relating of certain events in a literary form: short story, novel, poem, etc.
- A life story, an autobiography;
- Scientific theories: Freudian psychoanalysis or hermeneutics of meaning (Lyotard, 1985/1993)
- A political ideology: Marxism as emancipation of the worker or rational subject (idem)
- A cultural style: Enlightenment as a step in achieving a lofty goal: the "complete" human being and the universal peace; Romanticism as a reaction to rationalist ideals, putting as central human faculty imagination, instead of reason;
- A cognitive style related to the ideas of inner balance and conviviality; (idem)
- "The currency of the soft power"; (Nye, 2010/2012:124)

2. Narrative and soft power

The use of soft power, also called "the power over opinion" (Carr cited by Nye, idem), can fit into the strategies game theory he calls "non-zero sum games." Unlike the cases of use of force (hard power = zero-sum games), when what someone loses someone else wins, in this case it is possible that both partners gain (positive amount). It is very possible, but not necessary. Of course, the gain split for each will be lower in short-term, but in long term it may be substantial. In case the force is used, short-term gain may prove to be long-term loss. We're talking of course about probabilities and not certainties.

In his book *The Future of Power* (2010/2012) Joseph Nye examines mild power sources and behaviors and the difficulties and risks of using them. As a form of power over opinion, that is able to turn opinion in his favor, the gentle power sources are: cultural attractiveness, political values supported internally and externally, and foreign policies that support these values. *Notice the required coincidence between proclaimed values and actions needed to support them.* Otherwise, lack of values orientation will destroy the moral legitimacy of actions and the general credibility of the source. Everything will then turn into mere propaganda. There are many examples from our recent history that illustrates the gap between "fraternal statements" and concrete actions.

Effectiveness and efficiency of gentle power are based on:

- The attraction level of the source: it refers to both visibility of the source and the feelings that inspires target (sympathy, trust, acceptance);
- How it uses persuasion: as a tool of influence (i.e. power) persuasion can be used to expose rational or non-rational arguments (non-rational does not

mean i- rational) able to reinforce the attractiveness of the source to the target group; persuasion can be also used as a tool for manipulation and deception. Between the two ends of the continuum sincerity – deception axis, most of the actions are between extreme, assuming a higher or lower level of manipulation and handling all the risks involved in this assumption.

- Framing the agenda is a face of the "definition of the situation" as it brings certain topics in our concerns while overshadows others. So *framing* runs a selection of topics that deserve or not deserve attention, proposing a specific "agenda" and a certain hierarchy of topics for discussion. It is closely related to persuasion by appealing to feelings and narratives rather than pure logic; if a narrative is perceived as propaganda, persuasion loses its power.

As it often happens, what give strength to a particular approach are at the same time its weakness points. So, the results of mild power exercise are especially visible in the long term, given that it is not easy for this kind of power to be incorporated into governmental strategies. Results depend almost equally on the source and the target: target's perceptions of source credibility are critical to the quality of interaction. Any suspicion of manipulation by misinformation and propaganda can crumble the foundation of cooperation. Therefore, says Nye, capital obtained through gentle power using is difficult to use, easy to lose and expensive to restore.

Conclusions

The narrative is a normative model of high generality which human reason imposes to the real in order to make it intelligible, giving it form and meaning. This model is "operationalized" in various ways, giving rise to different ideologies. The choice between them, sometimes within the same narrative, is our space of freedom, our action possibility space.

As part of the actions which Vilfredo Pareto calls "non - logical", policy actions need "derivatives" to sustain themselves, namely narratives, ideologies, justificative theories etc. The confrontation of these derivatives with reality can not tell us which is the "true" and which is the "false" one but it can tell which is "useful" or not. There is a distinction, said Raymond Aron, between the object of science that is the Truth and the object of social action that is Utility (apud Badeșcu, 1994: 356). And then? Then, searching in the history, around us and in ourselves, we have to decide which story will get our trust investment, hopes and efforts.

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ORIGINAL PAPER

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The Romanian educational system between endogenous degradation and exogenous support

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Abstract: *In a country where the education system exhibit negative symptoms increased, the state continues to direct attention in terms of budget allocation to other areas. A slight increase of 0.66% in 2013 compared to 3.64 percent of GDP allocated to education in 2012 can't cover the cost of managing acute crisis in which it is located. Disastrous failure of high school graduates at the baccalaureate exams in the last two calendar years, an alarming increase in the number of violent conflicts in Romanian schools, family-school partnership fragility, blocking positions and failure to ensure school counselors, human resource poorly motivated to support an act quality educational, legislative changes annual school curriculum correlation with the needs of the labor market, etc.. are just some of the deficiencies highlighted that endanger the generations and evolution predicts major sociocultural changes. On the background of these findings, boosted by demographic decline and maintaining constant migratory flows, sociological analyzes come to confirm fears and alarming predictions outlining the educational future of children and young Romanians. What to do? What type of actions to be taken to improve the situation and slow the degradation? We intend to provide answers to these questions in this article that aims to capture the social policies applied in the family, education and employment and to create the reflection on the possibilities of change.*

Keywords: *social policies, education system, school, family.*

Education and by default the learning system must be addressed with a major importance because the strongly influence the human life, but also social progress, and in the current conditions it is urgent the need to solve the issues identified in the entire system.

The educational system is one of the pillars of a society interested to invest in sustainable development and that tends to access a higher level in the evolutionary process. However, in Romania the state of the education indicates that this aspect is not a priority, especially for the political leaders who allocate insufficient funds for the development of the educational process in optimal conditions. The limited financial resources provided annually in the education budget do not cover the entire range of identified needs, so that the chance to reach the standards of progress found in other European Union member states is minimized.

In a country where the education system shows pronounced negative symptoms, the state continues to direct its attention in terms of budgetary allocation to other areas. Following a trans - party political agreement, the spending with education was included in Article 8 of the Education Law which states that the funding of education to be made through annual allocation from the state budget and local government budgets of less than 6 % of the gross domestic product of that year. However, priorities have been reorganized, and so this measure was initially postponed until January 2013, and afterwards until 2014.

A slight increase of 0.66 % in 2013 compared to 3.64 % of GDP allocated to education in 2012 cannot cover the costs to manage the acute crisis in which it lies. In Romania, the education expenditure is established through a political decision, and in order to appreciate the amount necessary to improve the most critical issues, as the international experiences show, there must be commissions to have the necessary skills to participate in decisions making regarding the costs and management of the entire education system.

The significant discrepancies between actual expenses and budgetary allocations demonstrate under - financing, which has striking negative consequences in the whole education system. In order to operate in underfunding conditions the education units approach measures like merging courses and increasing work formations, all leading to a decreased quality of teaching, but also the enhancement of teaching rules towards the limits of breaking the legislation in force.

The underfunding problem can be improved by diversifying the sources of funding of the education units in Romania. Beyond the use of grant funds from the European Union, either directly or through the Romanian state, the incomes could increase by exploring a number of alternative sources depending on the strategic and operational plans they propose. Developing

some partnerships with strong businesses agents represents, for some scientific areas with greater practicality, a possible direction of development.

Financial incentives for improved performance have had a positive role in the function of education in Romania of the last decade. In accordance with the Government Programme for the period 2013 - 2016, which provides performance - based funding of education, the role of these incentives is due to increase in the current stage, to promote competitiveness in the context of intensified international competition in the area of education.

The underfunding of the education system generated the human resource to be poorly motivated to support a quality educational act and the teachers' interest for the systematic transmission of knowledge of a discipline has significantly decreased. The components related to quality assurance (standard, indicators, criteria, descriptors, etc.) must be understood, accepted and used permanently and unitarily so that the school system to be quality oriented.

However, although frequently it is discussed the issue of quality in education or educational act, in the official documents we do not find this aspect which implies the lack of a clearly defined concept of quality.

Identifying and determining the factors that can stimulate and maintain the quality of education and analyzing the main approaches, dimensions, criteria and organizational, financial, managerial, pedagogical, sociological indicators reflected in standards and assessment strategies of the education institutions can represent alternatives to improve the quality level of the educational act.

On the other hand, the motivation of human resources in the education system is one of the most important issues in education, and being insufficiently approached, even if this may influence the educational act. In general, it is assumed that motivation influences people's attitudes and performance at work. The motivation of teachers is directly related to the desire to take part in the pedagogical process determining involvement or non - involvement in the teaching activities.

Continuing with the difficulties in the education system, the disastrous failure of high school graduates at the baccalaureate exams in the last two calendar years is a problem whose cause must be identified and stopped. Experts in the area believe that failure at the baccalaureate exam or the one for admission to high school is due to a faulty organization of the evaluation process.

On the other hand, teachers should consider new educational methods, unlike the coercive ones nowadays so as to develop students' curiosity and interest. Unsatisfactory results may be also caused by the presence of two factors: one - eliminating the possibilities of inspiration during the exam and the second reason is that people have begun to realize the need for change in terms of education and assessment process.

In another train of thoughts, the further development of the individual - the person under full educational process - depends also on upbringing and

the compulsion methods or obligation of mechanical memorizing only limit children's curiosity and performance, with serious consequences for further development of the students' brain.

The most favorable environment for the development of education should be the reduction of obligation and identification of levers to stimulate students' curiosity. Mechanical learning can lead to such results and is not beneficial for the long term, the psychologists mentioning that the trend is oblivion. To exclude the principle of indispensability, not only parents are to be blamed, teachers also often do not force themselves to emphasize the importance of education for personal and professional development.

According to the Ministry of Education, Research, Youth and Sports, if initially in 2011 the baccalaureate exam had the weakest graduation in "history", the years 2012 and 2013 brought a new negative record.

The Romanian Institute for Evaluation and Strategy developed in 2012 a nationwide study to determine the causes for the poor results and who are to be blamed for this aspect.

According to this study, in terms of the results obtained by students at the baccalaureate exam in 2012, 44.2 % of the respondents believe that students themselves are to be blamed for the fact that about 55 % of those examined did not get passing marks. The educational system in Romania (17 %), the teachers (13.3 %), the Minister of Education (7.1 %) and the parents (5.8 %) are also listed among the culprits. Younger people (between 18 and 35) tend to rather blame students (50.8 %), while people with higher education blame the Romanian educational system (17 %) at a rate higher than the other categories.

Identifying the culprits does not favor the identification of a viable solution. In this context, where the labor market has become increasingly competitive, high school graduation is a minimum requirement for all students. This gap at the educational level also affects another important structure without which a society would not work: the employment.

To increase the graduation among students in the XIIth grade, the educational act must be treated with great significance, both by teachers and students. An intensive training, attending practical courses, inserting performance methodologies for an ongoing evaluation are some of the solutions that can be successfully addressed.

Another problem that the educational system is facing is the alarming increase in the number of violent conflicts in Romanian schools. Although conflict management in school was initially a challenge for teachers, today is signaled school violence, both between students and between students and teachers. There are frequently publicized cases of violence and, whether it is the primary, secondary or university cycle, they involve major consequences.

In this regard, the initiation of a management or mediation program for conflicts can be a proactive manner to address the concerns on violence. Also, ensuring the securing of every education unit is a way of preventing acts of violence that are often caused within them.

Conflicts can be a natural part of life, and therefore of school life. Addressing and constructively managing conflicts may develop among students skills to solve problems or different situations, thus learning to solve their own conflicts.

Treating lightly a conflict, especially among youngsters, may create sharp conflict states, which can quickly escalate into acts of violence.

Compared to Romania, where mediation and counseling are almost nonexistent in schools, in San Francisco it is implemented a mediation program since 1982. This program has three major components:

1. A course of conflict solving taught in high schools that includes experimental exercises, lecture and discussions, the specific activity of interpersonal communication, assertiveness, all with the objective of learning skills for conflict solving and conflict mediation skills for others.

2. Class meetings are often made immediately after courses, with sessions lasting about 20 minutes. During these meetings students are taught alternative conflict solving methods through problem approach and analysis, role play and/or structured exposure of experiences.

3. There are nominated, from among students, 4 - 5 people to be responsible for settling conflicts or disputes between colleagues. They are trained by attending a course that lasts 15 hours, going through different modules: active listening, problem solving, critical thinking, teamwork, assertiveness, open communication or conflict management.

The implementation of such a program in the schools of San Francisco reduced significantly violent conflicts thus creating a safe and favorable environment for students. Assuming such a program by the Romanian educational system as a model of good practice does not involve significant costs, but today this aspect is not a priority.

On the other hand, the shortage of teachers and the inability to provide school counselors determines a decrease in the quality level of education, intensifying the gaps already identified in the system. The school counselor has a significant role in the student' education and development and his presence is essential in an educational environment.

Not only the lack of school counselors is a problem for the Romanian education system, but also the absence of strong partnerships between family and school increases the jams in education, critical issue that early marks an individual's optimal development.

The school - family partnership facilitates the social, emotional, but also academic development of school youngsters, specialized studies showing that the family's involvement promotes student success. Parental involvement in the school activities of their children determines them to get higher marks, to attend regularly and increases the level of communication between teacher - student - family. The role of these partnerships is essential in organizing the school and the classrooms, these being formed as a support community that assists the student throughout the entire school.

The fragility of the family - school partnership occurred on one hand due to the lack of interest of school managers, teachers and parents, and on the other hand because of the lack of legislative regulations to constrain their formation. Although there are legislative changes in education almost every year, this aspect was not included on the list of priorities of political leaders.

On the other hand, the relatively short intervals at which the laws of curriculum structure and assessment methodology change, affects the quality of the educational system through the lack of unitary continuity of the whole process.

The mismatch between school curriculum and labor market requirements, the lack of social policies in education are few other deficiencies that endanger the evolution of generations and predict major social and cultural changes.

Against the background of these findings, potentiated by the demographic decline and constant maintenance of migratory flow, the sociological analyzes come to confirm the fears and outline the alarming predictions on the educational future of Romanian children and youngsters. Although there are viable solutions to help the education system to perform, there has not yet been created the reflection frame on the possibility of change and has not been exhaustively used the applicative frame of social policies on family, education and employment. However, lifelong learning has become an assumed goal of educational partners (family and school), internalizing and experiencing the conclusions of studies of American researchers A. Krueger and M. Lindhal, who in the paper "Education from Growth: Why and for Whom?" showed that "each additional year of schooling increases lifetime earnings with about 10 %".

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ORIGINAL PAPER

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The evolution of the Yugoslavian military power in the period between the two World Wars

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Abstract: *The state created on the 1st of December 1918, the Kingdom of Serbs, Croats and Slovenes, later called Yugoslavia, based its economic development from the period between the Two World Wars, on farming. Between the southern and the northern part of the country, there were many differences, both from the agricultural and industrial point of view. The army could not prop up on a real weapons industry, able to supply it with the necessary materials, munitions or equipments, in the event of a war, even if the country had important resources of the topsoil and the subsoil. Between the Two World Wars, the most important political and military positions were filled by Serbians, and the decisional factors constantly aimed at making a homogenous army. Even though the weapons and the ammunition equipping was precarious, the instruction of the Yugoslavian army was thoroughly made, for every soldier. Nevertheless, an appreciable leap was necessary for the Yugoslavian army to enlist in the group of the Modern Armies.*

Key words: *army, the Serb-Croat-Slovenian Kingdom, ammunition, divisions, military.*

*The Kingdom of Serbs, Croats and Slovenes*¹, later named Yugoslavia, found its confirmation in the Paris Peace Treaties, in 1919-1920. The new created state on the 1st of December 1918 – the *Kingdom of Serbs, Croats and Slovenes* – had a surface of 247,542 km and a population of approximately 11.6 million dwellers. An official census was made on the 31st of January 1921 and registered about 12 million dwellers², and after the delimitation of the Romanian-Yugoslavian border, according of the provisions from the Treaty of Sèvres, 50,310 Serbians, Croats and Slovenians, remained inside the Kingdom of Romania³.

During the entire period between the two World Wars, although the Yugoslavian Constitution, voted in June 1921, proclaimed ethnic and religious tolerance and recognized numerous fundamental rights, there were, yet, manifested ethnic, cultural and religious tensions. It was resorted to the decentralization of the authority, in such a way that the living distortions to be restrained. During the parliamentary period, December 1918 – January 1929, characterized through a great governmental instability, the Serbians were preponderant in the governmental teams, filling the position of Prime Minister for 117 months, that of Minister of Defence, for 121 months, Minister of Internal Affairs, for 100 months, Minister of Finance, for 118 months, or Minister of Justice, for 105 months⁴. For the study of the military relations of Yugoslavia, on the international level, and particularly those with Romania, it is of great importance the fact that from 1929 to 1939, the Serbians held the key positions in the government – Prime-Minister, Minister of Defence, Minister of External Affairs, Minister of Internal Affairs (for 129 months), and also the most important diplomatic and military positions. In 1938, from 165 active generals, 161 were Serbians, two were Croats, and two were Slovenians⁵.

In the inter-wars period, the main position in the Yugoslavian developing economy, was held by farming and, after the agrarian reform from 1919, they reached to the situation when, in 1921, 80.4% of the dwellers to activate in the agricultural sector, and ten years later, their percent decreased to 76.2%⁶. In industry, there was almost 10% of the population and 5% in trading⁷. Although the agrarian reform wished to encourage the development of the small and medium properties, its applying was not fulfilled, and the reduced number of lands appropriate for agriculture, the lack of the agricultural techniques and the supra-production crisis from 1929-1933, deepened the peasants' dissatisfactions.

Between the southern and the northern part of the country there were great discrepancies, both from the agricultural and industrial point of view. Almost 75% of the industrial units were concentrated in the north and north-west part of the country, especially in Belgrade, Novi Sad, Zagreb or Ljubljana. The army could not rely on a real munitions industry to supply the necessary materials, ammunitions and equipments in case of war, a situation similar to

that from World War I. Although it had important resources of topsoil and subsoil, the level of insufficient development of the industry, the condition of the railway or terrestrial transportation, did not allow Yugoslavia to render them valuable. The raw materials richness, the resources and the agricultural potential of the country, transformed Yugoslavia in a strategic point for Germany⁸.

As regarding the effectives that the Serbian army had, after the retreat from 1915, from a report made by Major Dimitriu, on the 26th of May 1919⁹, we find out that it had 120,000-130,000 people, from which 20,000 died on Corfu Island because of different diseases caught due to the lack of food and tiredness. From Corfu Island, the Serbian army was sent to Thessaloniki, where it was reorganized in 6 divisions, endowed with arms and equipment obtained from the French and English. The first 5 divisions maintained their names and structure, on the period of peace: Morava, Drina, Danube, Sumadia and Timoc. The 6th Division, "formed in Russia from the former prisoners that originated from Bosnia and Herzegovina", received the name of the Yugoslavian Division¹⁰. The 6 divisions made two armies, with an effective of 100,000 soldiers.

After it took part in the last offensive from Thessaloniki, under the command of the voivodes Stepanovici and Boiovici, the army entered into the country once with the dissolution of the Austro-Hungarian Empire and with the annexing of some new territories, being divided in four army regions, as following¹¹:

- The Army Region I – included the territory of Serbia before 1912 and Tisa region, having as occupation troupes a part of Sumadia Division, Morava Division and Danubian Division;
- The Army Region II – included Bosnia, Herzegovina and Montenegro and had as occupational troupes, Timoc Division and two regiments from the Yugoslavian Division;
- The Army Region III – included the Serbian territory freed in 1913 and had as occupational troupes elements from Sumadia Division, elements from Yugoslavian Division and indigenous groups;
- The Army Region IV – included the region of Sava and Drava rivers, having as occupational troupes elements from Drina Division and indigenous formations.

After the returning of the army, the Serbian General Staff elaborated a project for its reorganization, "by dividing the army regions into division regions and by using the units of the old divisions to build new ones, without suppressing definitively the existence of the old ones"¹². In order to increase the military effectives, the Serbian commandment called up all the former soldiers from the *Kingdom of Serbs, Croats and Slovenes*, who, from different reasons had remained in the country during the retreat and ordered the recruiting of all the Serbians from the regions that had been occupied in 1918. Many Serbians did not responded to the calling up, being taken by force at the recruiting place¹³.

The fact that the most important political and military positions were filled by Serbians, who were afraid of the superiority of the Croats and Slovenes and by the loyalty manifestations of them, led to the situation when the decisional factors had in mind the gathering of a homogenous army that would determine "the Serbianisation of all the formations"¹⁴. The units of the old divisions were spread on the entire territory of the Kingdom, taking their names after the region "in order to flatter the national spirit", but under Serbian commanding¹⁵. Bosnia Division was made, for example, of Timoc Division's units, and the General Staff was taken from Sumadia Division.

Furthermore, the annexed provinces – Croatia, Slavonia, Dalmatia – created their own national guards, made of the former soldiers and officers of the region. Constituted in companies, battalions and regiments, these formations, reaching 3,000 people, did not enter in the structure of the great Serbian units, but they were under the directives of those army commanders¹⁶.

The total effectives of the Serbian army were estimated, in 1919, to 170,000 soldiers¹⁷. As regarding its endowing with weapons and ammunition, the situation was difficult, the Serbian army had at its disposal only "what it had for the two armies when it left Thessaloniki and what it captured, in good condition, from the enemy armies in the southern sector"; they relied on "the share due from the 800 fire arms of different calibres, taken from the Austro-German-Bulgarians" that were deposited between Niš and Cumanova¹⁸.

According to a census from the 31st of March 1931, the Yugoslavian population had a total number of 13,934,038 dwellers¹⁹. During 1929-1933, agriculture registered a decrease, being strongly affected by the crisis, in such a way that its contribution to the national income situated between 43-57%, while the contribution of industry was of 26-31%²⁰. On the 1st of January 1937, from the 3,000 industrial units, 883 belonged to the food industry, 396 to the textile industry, 394 to the constructions and 363 to the ready-made textiles.

In 1934 the sections of the Yugoslavian General Staff were reorganized. Subsequently to that measure, which was also communicated to the Romanian General Staff, the Yugoslavian General Staff was made of:

1. „The operations section: has in charge the acquainting of their own country and of the neighbouring ones, from the military, political, geographical and strategic point of view; it draws up the war operations plans; it protects the borders and the internal safety (it observes, and works together); it assures the air defence of the country's territory; it gets coordinated with the Major Staffs of Aeronautics and Navy in case of operations; it prepares and works together with the neighbouring and allied Armies.
2. The information section: studies from the military-political point of view its own and other states war potential that concern the army power; it has under its command information service in the offensive and defensive operations; it has in charge the propaganda service in army; it leads the military secret service; it establishes

the connection with the military, aeronautic and navy attaches from abroad and supervises their activity; it co-operates with the other ministries, in the problems regarding the military information service; it handles the materials and the means of the information service;

3. The organizational section: draws up the bills, the regulations and other specialty instructions; it supervises the organization and the formation of the military power and the organization of the territory under all the aspects; it has in charge the supplying of weapons and the material requests; it prepares the military power mobilization; it supplies the necessary materials; it supplies the effectives and the means of transport; it cooperates with the Military Technical Administration and inspects the defence of the country for assuring the supplying with the necessary materials for the state's general mobilization; it cooperates with the Military geographical Institute for the maps; it cooperates with the neighbours for the material and human necessities;
4. The communication section: it manages the railway, the navy ships, the communications (ways, roads) and the telegraphic, postal and telephonic lines of the state and the neighbouring states, together with the cooperation with the Ministry of Communications, Constructions and Post-Office, Telegraph and Telephone; it cooperates for the drawing up of the transportation plan for the units and for the necessary equipment and the navigation during the preparation or mobilization period, and the drawing up of the massing plans; it draws up the plans for assuring the communication behind the front line (the safety); it draws up the plan for the displacement of the animals during the mobilization and concentration; it draws up the plans for the displacement of the necessary materials for the units and in case of war (the war plan); it draws up the plans of communication; it manages the number of the officers specialized in the communications, telegraph and telephone service.
5. The instruction section: Schools Department – it takes charge with the managing of military training schools for the active and reserve officers from all the points of view, it draws up the directives and the instructions for the military education (schools); Army Instruction Department – it takes charge with the drawing up of the directives for the army instruction, it supervises the result of the instruction;
6. Historic Department – it manages the war archive²¹.

In 1938, the total effectives of the reservists from the Yugoslavian army, could not be known precisely, because the Yugoslavian General Staff kept it secret, but, according to the effectives of called up people from the previous series and the political and military circumstances, the military

attaché from Belgrade, lieutenant-colonel Gheorghe Popescu, was estimating that "the Yugoslavian army will have effectives that will reach 350,000 people, with the active under arms troupes"²².

As regarding the determining of the war potential of the Yugoslavian army, lieutenant-colonel Gheorghe Popescu related, in the Information Bulletin from February 1939 that *the effectives in time of peace* were as following²³:

a) Officers: to 10,374 active officers, related in the Information Bulletin, were added 474 gendarmes. This effective was found in the general budget of the state for 1938/1939 and they were divided according to their rank as following: a division general, 3 Brigade generals, 15 colonels, 27 lieutenant-colonels, 26 majors, 106 1st class captains, 143 lieutenants, 109 second lieutenants (a total number of 474 gendarmes). On the whole, the Yugoslavian army had at its disposal 10,848 active officers.

b) Non-coms: at the effective of 13,517 non-coms reported in the same Information Bulletin, were added 4,631 gendarme non-coms: 91 1st class quarter masters, 66 2nd class quarter masters, 69 3rd class quarter masters, 1,306 instructor non-coms (a total of 4,631 gendarme non-coms). On the whole, the Yugoslavian army had at its disposal 18,148 active non-coms.

c) Troupes: at the budgetary effective of 123,387 reported in the Bulletin from January and extracted from the budget of Army and Navy Ministry in 1938/1939, were added 13,859 gendarmes, with the same budget, divided according to their ranks, as following: 9,524 permanent gendarme corporals; 890 permanent gendarmes; 1,646 training gendarmes, 1,799 temporary gendarmes (a total of 13,859). The general total number reached 137,246 budgetary people. At the under arms effectives, approximately 66,000 people, was added the gendarmes effective of 13,856 and almost half of the frontier guards and sailors, who were servicing for 24 months (1,500 frontier guards and 2,300 sailors).

As concerning *the mobilized effectives*, they were made of officers – 10,848 active, and 50,000 (approximately) reserve; non-coms – 18,148 active, and as for the reserve ones, it is not known their number at the moment the informative bulletin was drawn up; troupes – almost 1,200,000-1,500,000 people²⁴.

The number of *the military units* on categories:

a) in peace time there were 16 Infantry Divisions, two Cavalry Divisions and a City Brigade;

b) at the mobilization time – in the same informative bulletin, it was mentioned the creation of another 8 Infantry Divisions, a Cavalry Division, and a City Division.

The number of *the fighting armoured cars*, on categories: 60 old Renault armoured cars, constituted in a Battalion with 3 companies, 6 Skoda armoured cars of 5 tons, armed with one 37 mm cannon and one machine gun.

The *number of planes*, on categories: "The data from the present bulletin differ from those from the previous month; the actual data are verified by the undersigned and are very precise.

a) The aviation has at its disposal:

- 25 old planes of different types, especially Avia and Devoitine. These machines do not have a military value and only 10 of them can be used for training.

- 30 Hawker Fury planes, with Rolls Royce engine. These planes are bought from England, with licence. The rate of their speed is of approximately 400 km per hour.

- 12 I.K.2 planes, with Hispano Suisa 12 Y engine. These planes are the product of the Yugoslavian conceiving and industry. They are supposed to have a Hispano Suisa cannon, but they were not delivered.

The arming of these planes with one cannon is a good decision and up to this moment, the, from the information I have, only the English and the French have such planes.

I insist on the superiority of this kind of fighter planes armed with one cannon that can open fire on an adversary plane from 1000 metres, a fact that the plane armed with a machine gun can do from only 4-500 metres.

The Yugoslavian Aeronautics attaches produced another type of fighter planes, named I.K.3, from which they built the prototype and realized 80 hours of flight.

Due to the fact that the plane showed good results, there were ordered 12 flying machines.

Yet, in January 1939, the plane's propeller broke in the air and the plane collapsed to the ground. The 1st class pilot Pekerni was killed.

Because of this accident, the order of 12 planes was cancelled.

Presently, they are working on the improvement of this plane.

The total number of fighter planes is: 42 planes in a good condition, 25 planes without military value.

b) The Bombarding Aviation has at its disposal: 6 old planes, without military value, of different types (2 Avia, 2 Junker and 2 Dorniers); 35 D.O.17 Dornier, with Gnome Rhone 14 O.N engine.

These planes were ordered in Germany, with a license. They reached a speed of 425 km per hour.

The total number is of 36 planes, one of them was destroyed in the flight training. In the last moment I was informed that one of the Potez 66 M.C.3 planes was destroyed. The general number of bombarding planes, in a good condition, is of 50 machines.

-12 Caproni planes, with Peugeot engine, the dragonfly type. These airplanes were bought in Italy and are built for training. These planes do not correspond in different trials, not having a good stability. The supplying house modified their engine for free, making the propellers to move in the reverse direction and, in this way, the planes gained their stability.

-2 Bristol Blenheim planes, with Bristol, 800 H.P engine. These planes are ordered from England, with licence too.

-2 Potez 66. M.C.3 planes, with 3 places, bought from France.

The total number of bombarding planes: 51 good planes, 6 planes with

no military value.

c) The air reconnoitring has: 350 Breguet and Potez 25 planes; Gnome Rhone and Cyclon engine (American).

A part from the Potez 25 planes is meant for the daily bombarding.

d) The marine aviation has 12 Dernier D.O.22 hydroplanes, with Hispano Suisa Y.21 engine.

These planes are bought from Germany²⁵.

As concerning the organization of the Yugoslavian General Staff, it was reorganized according to the manoeuvres from 1937, as reported the same military attaché at Belgrade, lieutenant-colonel Gheorghe Popescu:

„1. The Organization of the Great Units

a) The Army: The same organization as that reported in the Information Bulletin from January 1939.

b) The Division: During this period, in the Yugoslavian General Staff, there was an exceptional activity, the officers being obliged to come to work, both in the morning and in the afternoon. Starting from the 15th of February, the work at the General Staff returned to normal, the officers attending their job places only in the morning.

According to different clues, I think that it was done a hard work for drawing up some company plans and operations projects, on one side due to the filling of the top position of the General Staff by the Army General Simivici, and on the other side, after the changing the neighbours' situation, by the arriving at the north-western Yugoslavian frontier of Germany.

Besides this activity, they also worked on the reorganization of the Infantry Division, meaning that it was organized in 3 Regiments with 4 Battalions. The Yugoslavian Infantry Division had already had 12 Battalions.

It seems it was established that between 1940 and 1941, to move to the organization of the 3rd Regiments on Battalions. This cannot be so easily realized, on one side due to the lack of barracks, being forced to make new regiments and, on the other side because of the lack of General Staff officers that could organize the Divisions in which the new bodies of troupes could be constituted.

As regarding the new organization of the Divisions, that will soon be done, it will differ from the one that I bring forward with No. 172 from the 1st of March 1939 and that is in force until the carrying out of the new one.

As I become more familiar with the new organization, I will report it on time to the General Staff.

2. The organization of the small units. By verifying the organization of the infantry platoon, I have certainly noticed that this small unit is made of: 2 groups of machine gun fusiliers, 1-2 groups of fusiliers. Each group (named „*disetină*”) is made of 10, 12 or 14 people. The groups do not have any other sub-division.

3. The organization of the Aviation. The Yugoslavian aviation had a new organization.

It is detailed in the order of battle and the displacement of the

Yugoslavian Army that advances with No. 172 from the 2nd of March 1939²⁶.

As regarding the instruction, it is useful to analyse the way instruction is carried on during the entire period of 1938/1939, in order to see the way in which the instruction in the Yugoslavian army takes place:

„1) The period of instruction.

- The 1st Period lasted from the 1st of April to the 1st of July (for 3 months). This period was divided: the technical instruction for 45 days from the 1st of April to the 15th of May, the fighting instruction for 45 days, from the 15th of May to the 1st of July.

- The 2nd Period lasted from the 1st of July to the 1st of September (for 2 months). The period was divided as following: the instruction of the group, for 2 weeks, the instruction of the platoon, for 2 weeks, the instruction of the company, for 4 weeks.

- The 3rd Period lasted from the 1st of September until the 1st of November (for 2 months). This period was divided as following: the instruction of the Battalion, the instruction of the Detachment, the instruction of the Divisions (manoeuvres or calling up on the instruction area).

2) Instruction programmes. The instruction programmes will be made during one year. The Regiments commanders establish the programme on sub-periods, specifying what should be done daily, on each instruction category. The Battalions and companies commanders control and execute precisely the programme established by the Regiment Commander.

3) Timetables. The instruction timetables vary according to each season.

Mainly, the instruction lasts for 7 hours every day:

- 4 hours in the morning, in which there is made: the technical instruction, the fighting instruction

- 4 hours in the afternoon, in which there is made: the theoretical instruction, the instruction for firing (the familiarization with the armament, firings etc.).

It can be noticed that for the fighting instruction is established a quite reduced time percentage, yet, considering the fact that the instruction periods are very rare, this inconvenience is reduced.

4) The carrying on of the instruction.

a) In the 1st period is executed: the technical instruction, the fighting and individual instruction, the specialists' instruction, the firing instruction, the fighting gases and defence against the airships instruction, the theoretical instruction. The technical instruction is made in a malleable way, the officers are very little demanding, and generally weakly prepared. At the fighting instruction can be often noticed that it is not made methodically, and generally the applications are improvised, the enemy is seldom represented, most of the times being presented summarily; nonetheless, they have plenty of drill cartridges, a thing that makes the entire fighting instruction to be animated and very near the reality. The instruction of the specialists starts once with the fighting instruction.

A characteristic of the instruction from the Yugoslavian Army, is that in the instruction of the specialists, is also made the training of the machine gun fusiliers, so they train with the machine gun separately from the grenadiers, until the start of the fighting group instruction.

This is probably due to the specific organization of the platoon that has the groups of gun machines fusiliers organized separately from those of grenadiers, as showing previously.

- The instruction of the firings was very well done in the Yugoslavian army, this because the Yugoslavian soldiers have a vocation for the handling of the pistol and hunting guns, and for the reason that they have enough cartridges, both of war and reduced, and also well-arranged and spacious shooting ranges. Moreover, all the preparatory trainings are made with drill cartridges.

The results are very good, almost 70-80% of the companies' effectives being highly trained shooters.

The training firing sessions are established by the Yugoslavian General Staff, pointing at the sessions that should be made according to the regulations.

This year, have been fired 30 cartridges by each person from the first year (6 sessions), and half by the people from the second year.

The instruction of the gases is done briefly, almost theoretically, sharing the same situation with the instruction against the airships. The theoretical instruction is being done under good circumstances, being allocated for it a quite long period of time, a little exaggerated, as comparing to that allocated for the fighting instruction. I have to notice that the model of the Yugoslavian soldier is an excellent one, animated by high patriotism and an endless love for the Royal Family. Furthermore, the Yugoslavian soldier is sober, diligent and disciplined.

b) In the 2nd period there is made: the fighting group, the platoon, the company and the fight firing instruction. At this instruction category, there can be noticed the next situations:

- In defence, the fighting groups, when the enemy is getting closer for the bayonet charge, they make an assault in front of the resistance position. It represents a curious fact that such a fighting strategy, whose experience proved its negative aspects, is still alive in the conception of an Army.

- As regarding the fighting firings, they are also made in the 3rd period as following: individual fight, grouped, platoon, company, and detachment firings.

This last firing category seems worthy of solving, because it is also made with the artillery. The a.a. and the indirect machine gun firings are badly made: they are not paid the attention their importance deserve.

c) In the 3rd period there is made: the Battalion instruction, the Detachment and the manoeuvres and calling up instruction with the Division.

To the Battalion instruction, during an application for launching the attack, the entire Battalion was gathered almost without depth on the base for

the launching of the assault, the music started to play and the officers started the attack with their swords drawn, in front of the units. This, I think, is a remnant of the past doctrine that seems to have an important place in the fighting strategy of the Yugoslavian Army.

- d) The period of the winter instruction: the same categories of instruction reported in the Information Bulletin from November 1937.
- e) Leaves. In the Yugoslavian Army, there are no leaves for the budgetary economies²⁷.

As a conclusion of the presented annex, it clearly appears the fact that the instruction of the Yugoslavian army during a year is well done for the soldiers, but can be perfectible as regarding the training of the officers and in execution and, "with all the continuous effort of the officers, it still has an appreciable step to take, in order to be enlisted together with the modern Armies"²⁸.

The aviation also represented a force of the Yugoslavian army, but many of its endowments were either under construction, or as projects, very few being in course of delivering: at Ikarus Factory (Zemun) and Rogozarski (Beograd) there were made in 1939 40 plane cellules for the model Bristol Blenheim (the English type) with Bristol (English) engine; at Kraljevo Factory there were 40 plane cellules for the Dornier DOY plane, that were supposed to have Gnome-Rhone engines. Moreover, the Yugoslavian state ordered, but they were in course of delivering 12 Howker Fury fighter planes that reached the speed of 550 km per hour, or they were in the phase of project – 50 DO 215 bombarding planes, Amiot engine and several IK 3 fighter planes²⁹.

On addressing the Yugoslavian Navy, it had at its disposal ships ordered and under construction – a 3,000 tones „Dubrovnik” type destroyer, ordered in Germany; 3 Dubrovnik type anti-torpedoes, two ordered in England and one at the Split shipyard; two submarines ordered in Germany; 8 torpedoes-launching vedette boats ordered in Germany³⁰.

It can be noticed that most of the Yugoslavian aviation and navy endowments were under construction or even in the project phase, the Yugoslavian army facing the same financial difficulties as Romania. Thus, as regarding the budget of the Ministry of Army and Navy in 1938/1939, it was discussed in the financial commission of Skupština in the last days of February, being set up to 2,928,165,957 dinars, establishing a growth as confronted to the budget for the carried on exercise of 156,000,000 dinars³¹.

The sums were distributed on budgetary chapters as following³²: The Land Forces – 2,158,976,000; The Military Aeronautics – 371,586,000; The Civil Aviation – 28,048,957; The Navy – 260,261,000; The Frontier Guards Troupes – 108,933,000. From the total sum of meant for the Land Forces, of 2,158,976,000 dinars, 521,976,000 dinars were for the staff and 1,637,000,000 dinars were for materials. From the total budget of the Military Aviation, of 371,586,000 dinars, 62,692,000 dinars were for the staff and 307,894,000 dinars were for materials. From the total sum of the Navy budget, of

260,621,000 dinars, 57,401,000 dinars were for the staff and 203,220,000 dinars were for materials. As confronted to the budget for 1938/1939, the budget for 1939/1940 increased for the Land Forces with 91,967,000 dinars, the Military Aeronautics with 24,340,000 dinars, the Civil Aviation with 4,688,957 dinars, the Navy with 35,256,000 dinars and for the Frontier Guards Troupes decreased with 251,000. On the whole, it can be noticed an increase with approximately 156,000,000 dinars, and the general total sum of the Yugoslavian army for 1939/1940 was of 2,772,165,957 dinars³³.

The financial difficulties that the Yugoslavian army faced during the period of the Two World Wars, also came out from the comparison made with the budgets of other states' Ministries of Armies. Consequently, if the budget of the Yugoslavian army on 1938/1939 represented 22.06% of the entire general budget of the State, other states' ministries of armies budgets surpassed ¼ from the general budget of the State, as following: Romania – 37.3%, Turkey – 38.6%, Hungary – 30%, Poland – 46%³⁴.

Although the Austrian crisis created concern in Yugoslavia, the Yugoslavian Ministry of War gave instructions to the frontier departments that, at the arrival of the German troupes at the Austrian-Yugoslavian border, the Yugoslavian police, the frontier guards and gendarmes "to have a welcoming attitude towards them, regarding the German units as friendly troupes"³⁵.

¹ *The Kingdom of Serbs, Croats and Slovenes* had in its structure Serbia, Montenegro, Slovenia, Croatia, Bosnia and Herzegovina.

² The census registered 11,984,911 dwellers grouped according to two criteria: of the language (Serbian-Croats – 8,911,509, Slovenes – 1,019,997, Germans – 505,790, Hungarians – 467,658, Albanians – 439,657, Romanians – 231,068, Turks – 150,322, others – 258,910) and of religion (Orthodox people – 5,593,057, Romano-Catholics – 708,657, United-Catholics – 40,338, Muslims – 1,345,271, Protestants – 229,517, Jews – 64,746, other religions – 3,325); See Gheorghe Zbucea, *Istoria Iugoslaviei*, Editura Corint, Bucharest, 2001, p. 39

³ A smaller number as comparing with the 231,068 Romanians that remained in Yugoslavia and that were registered at the census from the 31st of January 1921.

⁴ Gheorghe Zbucea, *Istoria Iugoslaviei*, Editura Corint, Bucharest, 2001, p. 44.

⁵ *Ibidem*.

⁶ Stefano Bianchini, *Problema iugoslavă*, Editura ALL, Bucharest, 2003, p. 37.

⁷ *Ibidem*.

⁸ *Ibidem*, p. 46.

⁹ The Romanian Military Archives (cited next as RMA), fond 5.417, file 2.023, f. 9.

¹⁰ *Ibidem*.

¹¹ *Ibidem*.

¹² *Ibidem*.

¹³ *Ibidem*, f. 23

¹⁴ *Ibidem*, f. 10

¹⁵ *Ibidem*.

¹⁶ *Ibidem*.

¹⁷ *Ibidem*.

¹⁸ *Ibidem*.

¹⁹ *The Kingdom of Serbs, Croats and Slovenes* had in its structure Serbia, Montenegro, Slovenia, Croatia, Bosnia and Herzegovina.

²⁰ Gheorghe Zbucnea, *op. cit.*, p. 51

²¹ RMA, fund 950, file. 201, f. 420-422.

²² Alexandru Duțu, Lenuța Nicolescu, Alexandru Oșca, Andrei Nicolescu, *Atașajii militari transmit...*, vol. II (1938-1940), Editura Fundația „General Ștefan Gușă”, Bucharest, 2002, p. 64.

²³ RMA, fund 456, file 321/1939, f. 270-277.

²⁴ *Ibidem*.

²⁵ RMA, fund 456, file 321/1939, f. 270-277.

²⁶ *Ibidem*, f. 279-283.

²⁷ *Ibidem*, f. 284-288.

²⁸ *Ibidem*.

²⁹ *Ibidem*, f. 288.

³⁰ *Ibidem*.

³¹ *Ibidem*, f. 289.

³² *Ibidem*.

³³ *Ibidem*, f. 290.

³⁴ *Ibidem*.

³⁵ Alexandru Duțu, Lenuța Nicolescu, Alexandru Oșca, Andrei Nicolescu, *Atașajii militari transmit...*, vol. III (1938-1939), Editura Fundația „General Ștefan Gușă”, 2003, Bucharest, p. 19.

ORIGINAL PAPER

Nicoleta Carmen SUCEA

Political Conversion of Romania Communist Elites after 1989

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Abstract: *The collapse of the Communist regimes in the countries of Central Europe and the South-East, represented the events that marked the end of the 80s of the 20th century. Referring specifically to Romania, we can say that the revolution of December 1989 marks the end of the Communist regime of Nicolae Ceausescu and the release of the Romanian society under the SOVIET domination. Programme platform of the Romanian Revolution represented the democratic reconstruction of the country, enhancing confidence in political institutions and in the new elite. Most of them were recruited from the ranks of young technocrats and nomenclature of early 1980s raised in the spirit of perestroika under the protective wing of the regime. The study aims to track how the communist elites has been configured on the political scene after the fall of the Communist regime and at the same time, specifying its development stages.*

Key words: *elite, political elite circulation, democracy, communist nomenclature*

Whether we are talking about the political class (Gaetano Mosca), political elite (Vilfredo Pareto), set of politicians (J. Stuart Mill), group of leaders, all these formulas designate a political minority that participates directly in managing a society. Starting from premises like any society is heterogeneous, its structure will always be divided into: the masses and the elites. The latter becoming the minority that holds the leadership skills needed.

Starting with 20st century the matter of ambiguity regarding “the political class”, “the ruling class”, “political elite” was very intense. “The ruling class” represents the core of the political class, the one that holds the power in a society. “The political class” refers directly to a macrogroup, made of the best professionals, leaders from the political field of the local administration, while political elite concerns with people who have great political skills, people holding certain positions of responsibility, those who participate directly in exercising political power, those who hold key positions within a society. The opposition-whose main goal is reaching power- and the influential elite are also parts of political elite.¹

At the same time, in the absence of the masses, the political elites cannot accomplish their goals, their interests, and would have no subjects to exercise their dominance on, considering the fact that the masses represent a kind of normative court of socio-political behavior.² As Liviu Zapartan states, the masses “are viewed as amorphous, confused, inert”³. The elite has to provide patterns of thinking and behavior, and organizational leadership for them (Sperantia, Dahl, Bottomore, elitism classicists). The elite is the only element which supports the structures of society (Nietzsche).

Another aspect we must consider and which refers exactly to our theme, would be that Robert Michels, an elitist doctrinaire, believes that once the dictatorship and the proletarian leadership are in use, the Communist Party, in relation to the other components that used to build up the society, represented itself a political elite. Fine connoisseur of the German and Italian social-democratic movement, Robert Michels has tried to apply Vilfredo Pareto and especially Gaetano Mosca’s elite theory to the capitalist working class.⁴

As a sequence of our theoretical approach, we will try to find out in which way the political elite was authorized to restore order in postcommunist Romania, who was able to retrieve power in the 90s, what were the criteria and more, what leadership meant in a post-totalitarian Romania. It should be noted that The Romanian Communist Party had not been officially dissolved, but rather dissolving itself, a major part of communist elite, those who held responsibility positions within the regime, had the advantage of not being sentenced. In the years following the 1989 Revolution, numerous political formations comprising a great part of this elite but also having members belonging to elite with no political involvement until then (the economic and local elite), have strengthened themselves succeeding in winning important elections.

We can thus say that the former nomenclature, raised in the spirit of perestroika, alongside the technocrats in the early 1980s, formed the new political elite. Further, through the presentation of statistical data, I will try to support the thesis according to which the reconversion of the Communist elites in post-1989 political structures has put a decisive imprint on the strengthening of democracy in Romanian society.

In the famous "Comunicatul către țară," of the National Salvation Front, the whole change was limited to anti-ceausist opposition because the nomenclature could not blame itself. Of the most important political parties, that have infiltrated in the new political structures after '89, contributing to strengthening of democracy, we can highlight: National Salvation Front (FSN)- the one who assumed power directly from the Communist Party, then splitting in the Democratic Party (PD) and the Social Democracy Party of Romania (PDSR), afterwards named the Social Democratic Party (PSD), the Party Of National Unity (PUNR), România Mare Party (PRM), Socialist Party of labor (PSM), The Democratic Agrarian Party of Romania (PDAR).⁵

The only parties that have relied on rejecting any element which was a reminder of the old regime were the National Liberal Party and the Christian-Democratic National Peasants' Party. Besides, these parties have had a low support coming only from that part of society that fully denied the old regime. But the memory of the collective was still anchored in those 40-50 years of communist ideology and as a solution to this, the population has found a relative balance only by adopting a new form of organization of the former regime.

Returning to the conversion of the Communist elites within the new political structures, within the PDSR, Raluca Grosescu – scientific researcher at the Institute for the Investigation of Communist crimes in Romania (IICCR)- recalls Dan Marțian, Alexandru Bârlădeanu, members of the communist hierarchy, both chairmen of the parliamentary chambers post '89, Silviu Brucan, representative of the communist intelligentsia, converted to be counselor of this party, the undisputed leader of the NSF, Ion Iliescu, Secretary of the Central Committee of the Union of Communist Youth from 1956 and member of the Central Committee of PCR in 1941, later minister for youth-related issues, he served as president from 1990 until 1996.

As regards the numerical weighting of the nomenclature within the parliamentary groups, I can say it was significant. From 20% in 1992 to over 28% in 1996. At the same time, in a proportion of 50% the first two Governments belonging to this party were made up of former activists of the Communist Party, then the numerical weighting to fall from 47% within the third government.⁶

Thus, we can say that along with Communist elite conversion the Romanian society has inherited through PDSR a set of traditions and values which have combined communism with democracy.

The Democratic Party, the second heir of NSF, shows some specific features. This party was able not only to regroup around its young technocrats

who, until then, did not held important functions in political structures, but also to regroup the local economic elite (among them we can mention the current President Traian Basescu). In this sense, the numerical weighting of the nomenclature is significant during the first 6 years after the revolution, oscillating between 15% (1992) and 10% (1996), and then to reach only 4% (2000-2004).

In the case of România Mare Party, it was made up largely of former men of nomenclature, Mircea Mușat- history man of the PCR, Valeriu-Buzea was an officer of Home Ministry, "poets of the palace", worshippers of the Communist regime (Adrian Păunescu and Corneliu Vadim Tudor-founder of the Party alongside Eugen Barbu) and many others.

The Numerical weighting within parliamentary groups that gathered people having a common past in the structures of the Communist Party is extremely significant: 30% (1992), which lowers gradually until 2000 (14%). Moreover, during the first 7 years after revolution, 7 of the 11 persons who held leadership positions in the COMMUNIST PARTY, were part of the former nomenclature.

A special case is the Socialist Party of labor. It declared itself a keeper of the old party so we can only appreciate that this Party re-gathered almost entirely the members belongin to the old nomenclature. With regards to the situation of other parties that I intend to analyse , PUNR, respectively PDAR, the numerical wheighting of the nomenclature in the new political structures was lower: from 12% (1992), following a decrease of up to 9 per cent (only 3% in 1996), in what concerns PUNR, while PDAR, said Raluca Grosescu represented „the political voice of socialist technocracy”.⁷

We can thus say that the following percentages presented, moving towards democracy in Romanian society was achieved largely by the former nomenclature.

Mostly, the revolution of 1989 meant just the fact that some people who held high positions in the Communist Party were marginalized, managing to replace Communist elites that were discredited in the eyes of the masses. In the absence of social, economic, advantages of democratic liberalism, we cannot speak of the establishment of democracy in Romania until there will be a total liquidation of the communist elite. However, the presence of these advantages, helped the former nomenclature to identify new goals and to gradually forget or to tacitly assume their Communist past, becomeing pro-Westerners.

During the Communist era, the nomenclature was a , unitary, centralised, almost invisible class, its production within the social level being insignificant, being given more privileges than the masses. However, right after 1989, Communist elites have seen numerous advantages in the means of economical privatization ,in the individualization of privileges, opening new perspectives, thus turning in new capitalists through the "conversion of a part of the bureaucracy in the new managerial class."⁸ At the same time contraelita, the opposition has been weak, because it was not sure of its share in the

society and has not sought the necessary tools to get a certain representativity and in this way has proved to be no danger for the reaffirmed communist elite, lacking somehow the past that regarded the opposition for denying communism.

Moreover, in Communist Romania, we cannot speak of a class opposed to the elite ones, the degeneration of the old class representing an essential condition for setting up this class. It's in the natural logic of things for some elements that are marginalized or blocked within a society, but at the same time to own leadership skills, to group and offer other alternatives outside the ruling class (the governing elite).

Among the most important characteristics that we can assign to the former communist elite, we can first highlight their unitary character, their way of action, headed in the same direction, acting in accordance with the same rules of fair, being loyal to what was superior. This could also have been understood from the way in which the production of the nomenclature has been done: if a member had some deviations in his behaviour towards the Party then he was substituted.

Furthermore, the conversion of the Communist elites in post-communist political space, the only group that had an identity was also represented by the communist elite. First of all this was due to the fact that the other parties were not very well represented, and secondly they represented a kind of conglomerate of political-ideological visions. Right after December 1989 we take part at the explosion of "a decorative pluralism" being founded over 150 parties and other political formations, although some of them had an ephemeral experience.

Another important aspect is the fact that many political speeches of the former nomenclature were sprinkled with positive elements for the working class: keeping the jobs, social protection, etc., emphasizing the fact that the passage towards democracy within the transition period was accomplished largely by the former communists.

Having as a main support the argument of sociologist John Hihley who states that the transition from a totalitarian to a democratic regime is based on a pact, either tacit or marked, between the elite, we can affirm that this agreement would lead to the emergence of elements hinder the destabilization of democracy. The fact that under the Communist party the nomenclature represented the only social and political segment, presented itself as a class, we can only say that this was the most appropriate for occupying important political positions.

Substituting to itself after the events of 1989, the communist elite, united and centralized and the lack of a serious opposition made this changing of the regime favor this elements.

Taking into account all the characteristics attributed to the reaffirmed communist elite its share within the new political structures, the transformation into an economic class, all I can say is that the main factor of democratic stabilization has been achieved by this class. Despite the fact that

as the rumors within the literature of the domain are showing that the societies in transition found themselves in a kind of 'pattern trap'⁹, the former communist elites have been able to predict what competence they needed for winning the elections. The image of the elites after '89, rather hybrid, I can say, was a result of bad loans, accompanied by some innovations and folded on the existence of a not too distant past, regained within a present time which uncritically approves for new models. Step by step, the political environment has been invaded by numerous elements whose Communist experience does not authentically articulate to democracy practices. Politicians have never felt the need of universitarian qualifications or specializations in this field. The way in which Romania has internalized its social, political and economical reforms that the West has sought over the past decade has decreased quite a lot due to the elites they regress in opposition or in Government.

Maybe we haven't been expected to predict that one of the corrupt effects of the fall of the Communist regime in Romania was the transfer of marginalized elites within the existing political structure.

We may therefore call Communism a brave survivor of the transition due to the percentages but at the same time worrying that in every situation they pass the threshold of 50%. The minimum registered (65%) was reached in the case of Isarescu Government, and the maximum with the cabinet of Vacaroiu, 95%. The practice was inherited by Năstase Cabinet, which, with 88%, ranks secondly in the Transitional Governments hierarchy in terms of the ratio between the Ministers, members of the former Communist Party and all the Ministers in the Executive.

Post-Communist Romanian politics remained dependent on behavioural reflexes of former COMMUNISTs PARTY members and PCR officials, inherited by the protagonists of the current political scene.

¹ For more details, Marius Tudor and Adrian Gavrilescu, *The democracy package: communist elite in post-Communist Romania*, (Romanian title: *Democratia la pachet: elita comunista in Romania postcomunista*, Editura Compania, Bucuresti, 2002,) p. 38;

² For more details, Jose Ortega y Gasset, *The revolt of the masses*, Ed. Humanitas, Bucharest, 1994, p. 51;

³ The expression belongs to Liviu Zăpârțan, *Contribuții la critica teoriilor elitare*, Editura Dacia, Cluj-Napoca, 1979, pp 19-20;

⁴ Aurel Pițurcă, *Revista de Științe Politice. Revue des Sciences Politiques*, no. 33-34, 2012, *Communism and political elites*, p. 10;

⁵ For more details, Stelian Tănase, *The revolution as failure: elite & society*, (Romanian title: *Revoluția ca eșec: elită & societate*, Polirom, Iasi, 1996), p. 28;

⁶ Raluca GROSESCU, *Elite comuniste înainte și după 1989*, Yearbook of the Institute for the Investigation of Communist crimes in Romania, editura Polirom, Iasi, 2007, p. 200;

⁷ The expression belongs to Raluca Grosescu, *op. cit.*, pp. 205-206;

⁸ Marius Tudor and Adrian Gavrilescu, *op. cit.*, p. 184;

⁹ The expression belongs to Anca Parmena Olimid, For more details, Anca Parmena Olimid, *Romanian policy after 1989*, (Romanian title: *Politică românească după 1989*, Editura Aius, 2009), pp. 17-40.

ORIGINAL PAPER

Ionuț ȘERBAN

Revolutionary action and diplomacy. 1989 revolution in the international context

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***Abstract:** The Revolutionary year 1989 has swept across Europe, from the fall of the Berlin Wall in the GDR, extending the Czechoslovakia, Bulgaria, Poland, and Hungary, where the communists were removed from power by relatively peaceful events.*

Romania will experience the bloodiest end of the communist regime, because Nicolae Ceausescu surrounded himself by a state apparatus, whose representatives did not have the courage to say anything against him.

***Key words:** Diplomacy, 1989 Revolution, International Context, Revolutionary Action, International Relations*

The Revolutionary year 1989 has swept across Europe, from the fall of the Berlin Wall in the GDR, extending the Czechoslovakia, Bulgaria, Poland, and Hungary, where the communists were removed from power by relatively peaceful events.

Romania will experience the bloodiest end of the communist regime, because Nicolae Ceausescu surrounded himself by a state apparatus, whose representatives did not have the courage to say anything against him.

Transcripts of teleconferences with the first county party secretaries show that nobody speak against him. Elena Ceausescu, who filled firmly the unreal groundless assertions of dictator, owned the overwhelming weight of the discussions in the Executive Political Committee of the Communist Party and in the Central Committee meetings. After an unsuccessful attempt to Iasi, Romanian revolution started in Timisoara.

Romanian diplomats accredited abroad have developed an intense diplomatic campaign in those days, the exchange of telegrams with the Romanian Foreign Minister in Bucharest confirming this.

On 18 December 1989, a telegram signed by Jianu in Belgrade, adressed to the Intelligence Directorate of the Major State General noted that the Yugoslav officers felt that Hungary orcherstrated "an international conspiracy" aimed to destabilize Transilvania and to attract Hungarian-bornpopulation and even Romanian population in anti-national activities. The Yugoslavs proposed vigorous measures in foreign policy coupled with some tough internally¹.

The telegram of the Romanian Ambassador to Austria, Rose Cocârlă, addressed to the Ministry of Foreign Affairs on 18 December 1989, contained data about the information provided by the Austrian Broadcasting on the situation in Timisoara, where took place violent clashes between law enforcements and demonstrators².

Romanian military attaché in Hungary reported, in his turn, on 18 December 1989, at 18.40, that in Budapest was held an anti-Romanian demonstration staged by the group of the independent parties with representatives in Parliament, the Hungarian Democratic Front Party, Social Liberal Democratic Party, Democratic Youth Organization, all expressing their solidarity with Laszlo Tokes and Doina Cornea, instigating the foreign powers to take action against the party and state leadership from Romanian. Evening news bulletins from 18 December 1989 referred to the events from Timisoara and presented sequence from this demonstration.

Romanian military attaché reported further that the manifestation had a particularly violent character, mealy turning into a dangerous attack against the Romanian Embassy.

The report also informed that the organizers have succeeded in a relatively short time, 1-2 days, to organize such a large-scale anti-Romanian action, which shows the existence of real opportunities to mobilize the masses in short time, against Romania³.

Defying the gravity of the situation, Ceausescu visited Iran on 18-20 of December 1989. At his return, not knowing the state of spirit of the country and

believing that he still enjoys popular support, he condemned at the meeting from 21st of December 1989, the demonstrations from Timisoara, calling the demonstrations as "fascist" and the participants as "thugs" inspired by Hungarian irredentism.

All interventions Broadcasting's Nicolae Ceausescu, teleconferences, CPEx meetings shows that the Romanian leader was unrealistic.

Romanian ambassadors accredited abroad received instructions to protest the annoying" information "against Romania spread by the international media and to give ridiculous answers as the dictator Ceausescu similar statements only if they were asked.

The telegram of the Romanian Ambassador to Poland, Ion Teșu, addressed to the Ministry of Foreign Affairs on 19 December 1989 at 13.40 indicates criticism from the Polish authorities against the violent police actions against demonstrators and sympathy to the victims⁴.

This information led to the issuance of a circular of the Romanian Ministry of Foreign Affairs addressed to the heads of missions of Romania in which they were required to state, only if they were asked, that they knew nothing about what is said in Western media about the situation in Timisoara. They were imperatively to affirm that they reject any event that would affect the image and integrity of the Romania as a socialist state⁵.

The telegram of the Romanian Ambassador to France, Petre Gigea, addressed to the Ministry of Foreign Affairs on 19 December 1989 at 14.00 informed the Bucharest Office about French press coverage in which Romanian authorities were criticized and the victims of the repression were shown support⁶.

The telegram of the Romanian Ambassador to USSR, Ion Bucur, addressed to the Ministry of Foreign Affairs on 19 December 1989 14:30 also informed about the defamatory news in USSR mass-media against Romania. Romanian Ambassador wanted to send a note of protest against the misinformation actions affecting Romania's image by presenting information from unauthorized sources⁷.

In Austria was requested a meeting with the Romanian Ambassador in Wien, who declined the invitation. As the Romanian Embassy charge d'affaires, Marin Ceausescu, the dictator's brother, was found hanged in the Embassy basement on December 28th 1989, a diplomat, Marin Radu, was sent and to whom the director of the Austrian Ministry of Foreign Affairs, E. Schmid, presented the Austrian concern over the situation in Romania and an *aide mémoire* that the Romanian party refused attracting the CSCE's threats, treaty in which Romania was still part of⁸.

The same day, at 21.00, the Romanian Embassy in Sofia reported by the voice of Ambassador Vasile Pungan manifestations of social solidarity with the victims in Timisoara and open criticism of the Romanian authorities⁹.

On 20 December 1989 diplomatic missions of Romania in Hungary, France and the USSR signaled critical actions against the repression of demonstrations in Timisoara¹⁰.

Meanwhile, statements were written, such as the one written by Dumitru Mazilu, claims were presented by people from Timisoara to prime-minister Constantin Dăscălescu, from which could be identified the idea that it is necessary to revise the Romanian state 's attitude towards it's citizens, that they could not be starved no more and that its rights must be respected¹¹.

Even if Ceausescu continued to blaim the foreing powers and its espionage structures for the demonstrations in Timisoara, the armed workers from Oltenia who should have intervined against the demonstrators fraternized with them.

Under the new circumtances, the dictator and his wife were forced to leave Bucharest and they were aprehanded near Targoviste. Juged on 25th of December, the ex presidential couple was condemmed to dead and executed.

By 28th of December the attacks from the so called terrorist ended and a new political era was to began in Romania.

¹Constantin Sava, Constantin Monac, *AdevărdespreDecembrie 1989. Conspirație, diversiune, revoluție*, București, Editura Forum, 1999, p.152-153.

²Apud Dumitru Preda, Mihai Retegan, *1989 Principiul Dominoului: Prăbușirea regimurilor comunitate europene*, București, 2000.

³Constantin Sava, Constantin Monac, *op.cit.*, p.155-156.

⁴Dumitru Preda, Mihai Retegan, *op.cit.*; vezi și Ion Calafeteanu, (coord.), *Revoluția Română din Decembrie 1989. Documente*, Cluj-Napoca, Editura Mega, 2009.

⁵*Ibidem.*

⁶*Ibidem.*

⁷*Ibidem.*

⁸*Ibidem.*

⁹*Ibidem.*

¹⁰Ion Calafeteanu, *op.cit.*, p. 180-187.

¹¹*Ibidem*, p. 183.

POLITICS AND INSTITUTIONS TODAY:
**HOW TO DEAL WITH THE
RECENT ISSUES?**

ORIGINAL PAPER

Cătălina Maria GEORGESCU

Patterns of Local Self-Government and Governance: A Comparative Analysis regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I)

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Abstract: *In this study the author presents the results of a complex comparative analysis of the constitutional provisions on the organization and functioning of public administrations of the Central and Eastern European Administrations. The juridical constitutional regime of the principles of democratic administration in each state is discussed following the logic of the comparative approach and allowing for the formulation of policy implications across the European administrative area. The subsequent paper contains the conceptualisation of the analysis for the constitutional provisions of local government in Bulgaria, Czech Republic, Hungary and Romania highlighting the diversity of democratic organization and functioning of public administrations across the EU and the attempt for harmonisation and recognition of local self-government principles mandated by the European Charter of Local Self-Government.*

Keywords: *public administration, democratic principles, enlargement, European Charter of Local Self-Government.*

In this study the author presents the results of a complex comparative analysis of the constitutional provisions on the organization and functioning of public administrations of the Central and Eastern European Administrations subject to the 2004¹, 2007² and 2013³ EU enlargements. The juridical constitutional regime of the principles of democratic administration in each state is discussed following the logic of the comparative approach and allowing for the formulation of policy implications across the European administrative area. The subsequent paper contains the conceptualisation of the analysis for the constitutional provisions of local government in Bulgaria, Czech Republic, Hungary and Romania.

The diversity of democratic organization and functioning of public administrations across the EU must be analysed in the optics of the transition/enlargement dynamics since:

1. Following the fall of communism the administrative reform process in most countries was conducted to serve the purposes of transition towards democracy and the “consolidation of institutional structures”⁴.
2. The consolidation of the administrative capacity as a prerequisite of European integration has as argument the fact that the European Union does not possess its own administration, but relies on those of its Member States to harmonise national legislation in order to further implement public policies.⁵
3. European enlargement was analysed in relation to the “Rule of Law dilemma”⁶ according to which the European Union uses a rather narrow definition of the rule of law principle – such as observing justice criteria, allowing for some political aspects to be left outside the conceptual construction. Thus Kalypso Nicolaidis and Rachel Kleinfeld (2012) propose a redefinition of the rule of law criteria applicable in the enlargement process and a re-dimension of the relevant measurable standards.

In the explanatory report of the Council of Europe’s European Charter of Local Self-Government the authors highlighted “the lack of common European standards for measuring and safeguarding the rights of local authorities”⁷, thus the Charter becomes “the first internationally binding treaty that guarantees the rights of communities and their elected authorities”⁸. Although the Charter safeguards the application of the subsidiarity principle in the democratic practice, it allows for national governments to “specify the categories of local or regional authorities to which it intends to confine the scope of the Charter or which it intends to exclude from its scope” (Article 13). The European Charter of Local Self-Government was opened for signature as a convention by the Council of Europe Member States on October 15th, 1985.

The rationale for selecting articles from the fundamental laws of the above-mentioned countries is not merely due to the availability of data, but rather it follows the prerequisite of the incorporation of local self-government

provisions into written pieces of legislation, “and where practicable in the constitution” (European Charter of Local Self-Government, Article 1).

Table 1. Constitutional recognition of the principle of local self-government

Country	Constitutional recognition of local self-government
Bulgaria⁹	Self-government of Bulgarian local administration is recognised in the fundamental law which reads in Article 136. (1) “A municipality shall be the basic administrative territorial unit at the level of which self-government shall be practiced. Citizens shall participate in the government of the municipality both through their elected bodies of local self-government and directly, through a referendum or a general meeting of the populace. (2) The borders of a municipality shall be established following a referendum of the populace. (3) A municipality shall be a legal entity”.
Czech Republic¹⁰	The Czech Constitution discriminates within Article 99 between municipalities, regulated as “fundamental self-governing territorial divisions”, and regions, considered “superior self-governing territorial divisions” and prescribes the hierarchy of the two types of territorial divisions in Article 100 “(1) Self-governing territorial divisions are communities of citizens inhabiting a particular area, which have the right of self-government. The law shall define when they constitute administrative areas. (2) A municipality shall be always a component of a superior self-governing territorial division. (3) A superior self-governing territorial division may be constituted or abolished only by a Constitutional Act.”
Hungary¹¹	The Hungarian fundamental law recognizes in Article 31.1 the right of local governments to be “established to administer public affairs and exercise public power at a local level”; however, it does not exclude the organization of referenda “on any matter within the responsibilities and competences of local governments as defined by law” (Article 31.2).
Romania¹²	The Romanian fundamental law reads in Article 120 “(1) The public administration in territorial-administrative units shall be based on the principles of decentralization, local autonomy, and deconcentration of public services. (2) In the territorial-administrative units where citizens belonging to a national minority have a significant weight, provision shall be made for the oral and written use of that national minority’s language in the relations with the local public administration

	authorities and the decentralized public services, under the terms stipulated by the organic law."
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Principles relating to the organization of local authorities are confined in the European Charter on Local Self-Government in provisions referring to what the transition studies have styled the "recognition of the six institutional guarantees: elected officials; free, correct and frequent elections; alternative sources of information; freedom of expression; association autonomy; extensive citizenship"¹³. Thus, Article 3.1 of the Charter defines the concept of local self-government as follows: "Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.". At this point we have to note on the local administrative bodies being directly elected through universal suffrage¹⁴ "This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute." (Article 3.2).

Table 2. Institutional guarantees of local self-government and the rule of law

Country	References to self-government and the rule of law
Bulgaria	The Constitution of Bulgaria has envisaged the territorial division into municipalities and regions (Article 135.1) with "the body of local self-government within a municipality shall be a municipal council elected directly by the populace for a term of four years by a procedure envisaged by the law"(Article 138). The fundamental law prescribes the election of the mayor as the executive power within a municipality (Article 139.1) who "shall be guided by the law, the acts of the municipal council and the decisions of the populace." (Article 139.2). Moreover, the fundamental law establishes the head of each region by "a regional governor aided by a regional administration. (2) A regional governor shall be appointed by the Council of Ministers. (3) The regional governor shall ensure the implementation of the State's policy, the safeguarding of the national interests, law and public order, and shall exercise administrative control" (Article 143). A particular aspect of self-government is established through Article 144: "The central bodies of State and their territorial sub-divisions shall exercise control over

	the legality of the acts of the bodies of local government only when authorized to do so by law" and also, the right of a municipal council "to challenge before a court any act which infringes its rights" (Article 145).
Czech Republic	In the Czech Republic the fundamental law prescribes in Article 101.1 the independent administration of municipalities by municipal assembly. In the same logic, "a superior self-governing territorial division shall be independently administered by an assembly of representatives" (Article 101.2). the Constitution further prescribes that "the State may intervene in the activities of self-governing territorial divisions only if such intervention is required by protection of the law and only in a manner defined by law". (Article 101.4). In Article 102 the Constitution confines the universal suffrage for the election of Assembly members for a four-year mandate.
Hungary	The fundamental law in Hungary prescribes the direct election of local representatives and mayors through universal suffrage for a five-year mandate (Article 35.1,2). The Parliament may "dissolve any local representative body which violates the Fundamental Law at the proposal of the Government made after consultation with the Constitutional Court." (Article 35.5).
Romania	Article 121 of the Constitution of Romania stipulates that "(1) The public administration authorities, by which local autonomy in communes and towns is implemented, shall be the Local Councils and Mayors elected, in accordance with the law. (2) The local Councils and Mayors shall act as autonomous administrative authorities and manage public affairs in communes and towns, in accordance with the law. (3) Authorities under paragraph (1) may also be set up in the territorial-administrative subdivisions of municipalities". Moreover, "(1) the County Council is the public administration authority coordinating the activity of commune and town councils, with a view to carrying out the public services of county interest. (2) The County Council shall be elected and shall function in accordance with the law" (Article 122).

As regards the conceptualisation of the recognition of the transfer of competences to local communities the legislator of the European Charter of Local Self-Government has operated in the logic of the subsidiarity principle, insofar as "public responsibilities should generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and

requirements of efficiency and economy” (European Charter of Local Self-Government, Article 4.3). For instance, in Hungary it was envisaged that “Mayors and presidents of county representative bodies may exceptionally perform administrative responsibilities and competences in addition to their local duties by virtue of an Act or a government decree by authority of an Act” (Constitution, Article 34.3) while “the Government shall perform the legal supervision of local governments through the metropolitan and county government offices” (Article 34.4).

Table 3. Recognition of the transfer of competences to local communities and subsidiarity principle

Country	Width of competences to local communities and subsidiarity principle
Bulgaria	Article 142 of the Constitution of Bulgaria states that “the region shall be an administrative territorial unit for the conduct of a regional policy, the implementation of state governance on a local level, and the ensuring the concurrence of national and local interests”.
Czech Republic	Article 79.3 of the Czech Constitution regulates the transfer of competences through the subsidiarity principle and by introducing the binding rule of abilitation through a legal document for the issuance of legislation by local authorities: “Ministries, other administrative agencies and territorial self-government bodies may issue on the basis and within the scope of a law legal regulations, if they are authorized to do so by law”. Moreover, “(1) The jurisdiction of assemblies may be set only by law. (2) The community assembly shall decide on matters of community self-government save in cases where these matters are entrusted to the assembly of a superior self-governing territorial division. (3) Assemblies may within the scope of their jurisdiction issue generally binding ordinances.” (Article 104) In the same economy of decentralisation, the Constitution provides that “Exercise of state administration may be entrusted to territorial self-government bodies only when so provided by law.” (Article 105)
Hungary	The Constitution of Hungary provides at Article 32 that “(1) In administering public affairs at a local level, local governments shall, to the extent permitted by law: a) adopt ordinances, b) make decisions, c) perform autonomous administration, d) determine their regime of organisation and operation[...] (2) Acting within their competences, local governments shall adopt local ordinances to regulate local social relations not regulated by an Act or by authority of an Act. (3) Local ordinances may not

	<p>conflict with any other legislation. (4) Local governments shall send their ordinances to the metropolitan or county government office immediately after their publication. If the metropolitan or county government office finds the ordinance or any constituent provision unlawful, it may apply to any court for a review of such ordinance. (5) The metropolitan or county government office may apply to a court to establish a local government's neglect of its statutory legislative obligation. If such local government continues to neglect its statutory legislative obligation by the date determined by the court's decision on the establishment of such neglect, the court shall order, at the initiative of the metropolitan or county government office, the head of the metropolitan or county government office to adopt the local ordinance required for the remedy of the neglect in the name of the local government".</p>
Romania	<p>In Romania "the Prefect is the representative of the Government at a local level and shall direct the decentralized public services of ministries and other bodies of the central public administration in the territorial-administrative units" (Article 123.2).</p>

Financial decentralization refers to the competence to possess financial resources conditioned by the fact that an amount "derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate." (European Charter of Local Self-Government, Article 9.3).

This principle must be read in relation to proportionality principle according to which "administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect." (European Charter of Local Self-Government, Article 8.3). Thus, in Hungary the fundamental law prescribes the possibility to allocate "compulsory responsibilities and competences for local governments" observing the proportionality of budgetary interventions in order to achieve their objectives (Constitution of Hungary, Article 34.1).

Table 4. Self-government and financial decentralisation

Country	Recognition of financial decentralisation in national Constitutions
Bulgaria	<p>The Bulgarian fundamental law prescribes in Article 140 the right of a municipality "to own municipal property, which it shall use to the interest of the territorial community." Also, the law stipulates the existence of a municipal budget at Article 141 under the following conditions: "(2) A municipality's permanent sources of revenue shall be established by law. (3) (New-SG</p>

	12/07)The municipal council shall determine the size of local taxes under conditions, by a procedure and within the frames, established by law. (4) (New-SG 12/07) The municipal council shall determine the size of local charges by a procedure, established by law. (5) (Former para 3- SG 12/07) The State shall ensure the normal work of the municipalities through budget appropriations and other means."
Czech Republic	In the Czech Republic the fundamental law stipulates that "Self-governing territorial divisions are public-law corporations which may have their own property and which operate according to their own budget" (Article 101.3).
Hungary	In the Constitution of Hungary, Article 32.1 stipulates that "In administering public affairs at a local level, local governments shall, to the extent permitted by law: exercise their rights as owners of local government properties, determine their budgets and perform independent financial management accordingly, engage in entrepreneurial activities with their assets and revenues available for the purpose, without jeopardising the performance of their compulsory tasks, decide on the types and rates of local taxes" while in paragraph 6 it reads that "the properties of local governments shall be public properties which shall serve for the performance of their duties."

Under the principles of partnership and cooperation, the European Charter of Local Self-Government imposes "The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities" (Article 10.2). Moreover, "local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other states" (Article 10.3)

Table 5. Self-government and the right to associate

Country	Legifiration of the administrations' right to associate
Bulgaria	The fundamental law allows municipalities to associate under Article 137.1 and calls upon the law to "establish conditions conducive to association among municipalities." (Article 137.2)
Hungary	In Hungary local governments are "free to associate with other local governments, establish alliances for the representation of interests, cooperate with the local governments of other countries within their competences, and be free to affiliate with organisations of international local governments." (Constitution of Hungary, Article 32.1.k)

As a concluding remark, following the comparative analysis of the constitutional articles of the four Central and Eastern European Countries we have to note on the organization of local authorities pursuant to the binding principles of the European charter on Local Self-Government. Each state has established its own allocation of competences and responsibilities between the central and local government based on its own perception of what is "closest to the citizen" and having in view the prescription "to consider itself bound by at least twenty paragraphs of Part I of the Charter" (Article 12).

Notes:

¹ For the sake of our study we will refer to the following EU Member States: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.

² Bulgaria and Romania.

³ Croatia is a Member State of the European Union beginning with July 1st, 2013.

⁴ For a deeper understanding of the concept of "consolidation of institutional structures", see Anca Parmena OLIMID, *Politică românească după 1989*, Craiova: Aius PrintEd, 2009, p. 17.

⁵ OECD (1999), "European Principles for Public Administration", Sigma Papers, No. 27, OECD Publishing, <http://dx.doi.org/10.1787/5kml60zwd7h-en>, pp. 14-20.

⁶ Nicolaidis, K. and R. Kleinfeld (2012), "Rethinking Europe's « Rule of Law » and Enlargement Agenda: The Fundamental Dilemma", Sigma Papers, No. 49, OECD Publishing, <http://dx.doi.org/10.1787/5k4c42jmn5zp-en>, p. 8.

⁷ European Charter of Local Self-Government and explanatory report, http://www.coe.int/t/congress/sessions/18/Source/CharteEuropeenne_en.pdf

⁸ Ibidem, p. 9.

⁹ Throughout the paper, all texts referring to principles and provisions regarding the organisation of the Bulgarian local governments were selected from the CONSTITUTION OF THE REPUBLIC OF BULGARIA Prom. SG 56/13 Jul 1991, amend. SG 85/26 Sep 2003, SG 18/25 Feb 2005, SG 27/31 Mar 2006, SG 78/26 Sep 2006 - Constitutional Court Judgment No.7/2006 , SG 12/6 Feb 2007, source: <http://www.partylaw.leidenuniv.nl/>

¹⁰ Throughout the paper, all texts referring to principles and provisions regarding the organisation of the Czech local governments were selected from the Constitution of the Czech Republic, of December 16, 1992 Amended by Act No. 347/1997 Coll., Amended by Act No. 300/2000 Coll., Amended by Act No. 448/2001 Coll., Amended by Act No. 395/2001 Coll., Amended by Act No. 515/2002 Coll. source: <http://www.partylaw.leidenuniv.nl/>

¹¹ Throughout the paper, all texts referring to principles and provisions regarding the organisation of the local governments in Hungary were selected from the the Fundamental Law of Hungary (25 April 2011), source: <http://www.partylaw.leidenuniv.nl/>

¹² Throughout the paper, all texts referring to principles and provisions regarding the organisation of the Romanian local governments were selected from the Constitution of Romania (amended in 2003), source: <http://www.partylaw.leidenuniv.nl/>.

¹³ Diana-Camelia IANCU, *Uniunea Europeană și administrația publică*, Iași: Polirom, 2010, p. 31.

¹⁴ For a deeper understanding of transition and the electoral process we recommend Anca Parmena OLIMID, *op. cit.*, p. 19.

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ORIGINAL PAPER

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Public Procurement in the Market Economy

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Abstract: *The overall objective of logistics is to ensure the right subject at the right place at the right time, at the best price in order to fulfill the mission according to the principle of public procurement. This paper aims to show how to perform public procurement in the last two decades with the transition from planned economy to market economy. The main objective of this study is to describe and analyze the public procurement system in public institutions after the fall of communism. The originality and value of the study comes from the suggestions which are made regarding the concepts and methods that could contribute to efficient public acquisitions.*

Keywords: *procurement management, procurement, logistics, economic efficiency, decision.*

Introduction

The Revolution triggered in 1989 opened a new perspective of demographic development of Romania.

The decentralization of activities led to shifting the center of gravity of the specific activities of technical and material supply towards the production facilities, as well as to an increase in volume of funds directed to cover the cost of locally made materials.

The logical and natural development of public procurement procedures of goods and services, even in crisis, starts from ensuring budget appropriations made available.

Amid the radical changes in the politics, economics, social life, military produced in Romania after 1989, there were significant changes in terms of providing technical, material, medical and financial. On this occasion was imposed the term and concept of "logistics", which was accepted, both in the military, as well as in many areas of social and economic activity across the country. The process of optimizing the logistics activities was intensified to create better conditions by providing performant means, more simple in handling and maintenance, while ensuring a greater speed in carrying out the activities.

The exigency of market economy relations due to fluctuation of the transition stage phenomena, involves the integration of supply links from the public institutions, in their capacity as buyers, to the suppliers specific items system.

In the competitive economy conditions the public institutions have the obligation to use, through the procurement department, the appropriate levers to achieve optimum purchases with good materials and services necessary to conduct activities regardless of ambiguity and often aggressive market environment specific to the transition period.

The achieving of market economy in our country, a complex process with implications in all fields, has influenced directly the logistic system through the way of achievement of public procurement.

The transition of capital from the state to the private ownership, from predominantly "center" planned economy to the free economy, market economy, where manufacturers and retailers are setting their own level of production, the volume of sales, markets, customers, payment methods and other relations, when all activities are carried out according to the objective laws of supply and demand, determine, of course, changes of essence in the supplying systems with goods, services and works necessary to conduct activities through the applications of public procurements procedures.

Chapter I. The transition from conducting procurements in planned system to procurements in market economy.

Engagement of our country on the path of the market economy forced the adaptation, on the move, of the logistic processes from the public institutions to economic realities, of a new nature, which as they are perceived were imposed fast. Thereby, with a substantial reduction of the role of central supply authorities, comes an increase in duties and responsibilities, in this domain, for the logistics departments from the lower levels. They began to secure, under their own responsibility, the necessary stocked by entering into direct relations with the offerers in compliance with the basic principle of the economic report between supply and demand.

Shortly, the normative base of logistic processes has become important, which made the logistics departments passed to the direct application in practice of the republican legislation - laws, ordinances, government decisions, without waiting for the issuing of application instructions. In such a context, the specialized structures of public institutions have become market traders forced to maintain supply relationships with a lot of bidders. As a result it took a thorough adaptation of logistics personnel to the requirements of a market economy with thorough economic knowledge, which the practical actions proved and demonstrates a deep economic thinking. Consequently, logistics activities began to be analyzed through the perspective of quality of costs, which led to the substantiation of decisions.

Growing responsibility toward the spending of public money, the transformation of economic thinking into a quality element of making logistic decisions, intensification of the management substantiation through budgets and other suchlike measures have led to large-scale actions, which have as a result the fulfilling of specific missions with lower costs. In this process, it is analysed the role and missions of each structure, each position in the payroll, are reviewed the forms of management, are trying assuming the responsibilities for local and regional with the central once etc.

Amid the radical changes in the politics, economics, social life, military produced in the 90's Romania, took place, as natural, significant changes in terms of providing technical, material, medical and financial. On this occasion it was imposed the notion and concept of logistics, widely accepted, both in the military, but also in many areas of social and economic activity across the country. The process of optimizing logistics activities was intensified by providing performant means, more simple in handling and maintenance, while ensuring greater speed in carrying out the activities.

Replacing the old concept of "providing material, technical and medical" with "logistics" was driven primarily by the fact that it was considered that the new term is more conclusive and synthesizes into a unitary conception, several distinct sectors which has as activity object the providing of resources necessary to military action. However this change was determined by the need

to achieve interoperability and compatibility from the point of view of terminology, with their counterparts in Western countries.

Most states define this concept as a whole of material conditions and existence of those who work for the realization of different activities.

The supply system begins with the substantiation of supply plans, preparing the procurement program, purchasing products through known procedures, transport, storage, effective distribution to consumers and control of their use. All this has as effect the judicious spending of public money in terms of economic efficiency.

From the above, we can conclude that in the market economy, is greatly reduced the "dirigisme" from the central procurement bodies in favor of decentralization and autonomy of public institutions. In these new conditions, being inspired by the interwar experience of Romania and from the practice of some countries with tradition in market economy, can be introduced and generalize new ways of supplying some products, such as:

- Direct purchase from traders without intermediaries;
- by organizing legal public procurement procedures;
- Procurement of goods and services through the leasing.

Supplying products and materials by the process of direct purchasing from manufacturers operators aims to prevent speculation and saving, in this way, the public money.

In the majority of specialized papers is given a special attention to the analysis of supply systems with goods which belong to organizations that channel there activity towards the production of profit, less influences on public sector supply. Specific public sector procurement activities are grouped under the generic title of public procurement.

The specialized literature uses the concepts of the commercial property market and consumer market. Supplying, in general, targets at establishing quantities of materials, products, raw materials, objects of all kinds necessary for the proper performance of structures.

The economic logistics - represent a very common concept used in connection with material flow control and related operations, we can speak here of specific management activities (planning, organizing, coordination, management and logistics control actions) as well as those that are investigating physical handling, transportation, storage.

The military logistics is situated downstream of economic logistics as a component and comport two main fields of activity:

- the logistic of military materials manufacturers;
- the consumers logistic, namely the consuming military units.

The market economy is a modern form of organization and functioning of the economy in which people operate freely, independently and effectively in accordance with the suitability and rules of dynamic market.

In the conditions of transition to a market economy, the procurement system is closely correlation and directly influenced by the form of property and the allocation mode of resources.

The elements of the procurement process specific to firms can be used in the case of public institutions such as: government, ministries, municipalities, military, police, law enforcement agencies, schools, hospitals. The supply activities specific to services systems and public institutions logistic are based on normative acts regulated by law, established into a complex set of tools made available to public procurement structures that succeed to remove deficiencies recorded in this domain.

Procurement of goods, services and works are done in accordance with the existing European legislation, with a special emphasis on transparency in the use of public funds, from 2007 using successfully the Electronic System of Public Procurement.

2. PUBLIC PROCUREMENT OF GOODS, SERVICES AND WORKS IN PUBLIC INSTITUTIONS

2.1. Definition, purpose, principles. Knowledge in the field

Procurement are defined as obtaining goods, services and works per contract basis and appropriate funds, by purchase or lease, whether these goods or services are or must be created, developed, demonstrated and evaluated.

Procurement are therefore a financial commitment action "purchasing" of goods, being an actual monetary transaction. Public procurement represent the permanent or temporary acquisition by a juridic person defined as contracting authority of products, works or services, through the award of a public contract.

Purchase of goods, services and works is an activity that is at the intersection of the following elements: needs, opportunities, allocated resources, economic efficiency, control of spending allocated credits, legal provisions.

Generally, all procurement management activities are important and economically significant specifically for general activity of the economic entity to achieve the objectives set in the strategy of development. However in a market economy, some activities acquire new meanings, their importance is increasing and as a result they should be approached with a great interest into a vision connected totally to the economic environment in which it acts.

Materials supply management integrates into a whole, the flow and control of material resources from the initiation moment of the process of securing them and until turning them into marketable products (from identification of need, selecting suppliers, purchase, reception, storage and up to passing to consumption, control of the use of material in order to achieve maximum effect of the investment).

Also, procurement management can be seen as a way to group specific activities, performed by a systemic approach. These activities, procurement management components have an economic specific importance and significance for the overall work of the organization.

The public procurement goal is to:

- promote competition between economic operators;
- ensure equal treatment and non-discrimination of operators;
- ensure transparency and integrity of the public procurement process;
- ensure efficient use of public funds by applying procedures for the award by the contracting authorities.

The principles underlying the award of public procurement contracts are:

- non-discrimination;
- equal treatment
- mutual recognition;
- transparency;
- proportionality;
- efficient use of public funds;
- assuming the responsibility.

Public procurement contracts are:

- works contracts;
- supply contracts;
- service contracts.

2.2. Procedures for procurement of goods, works and services.

Procedures for the award of public procurement contracts are:

- a) open tender namely the procedure in which any economic operator concerned has the right to submit the offer;
- b) the restricted tender namely the procedure in which any economic operator is entitled to submit its candidature, following that only selected candidates have the right to submit the offer;

The contracting authority has the right to apply the open or restricted tenders only where the estimated value, without VAT, of the public procurement contract is greater than the following thresholds:

- for the supply contract: EUR 130,000;
- the service contract: EUR 130,000;
- for works contracts: EUR 5,000,000

c) the competitive dialogue namely the procedure in which any economic operator is entitled to submit its candidature and through which the contracting authority conducts a dialogue with the admitted candidates in order to identify one or more suitable alternatives capable of meeting its requirements, following that, on the base of solution / solutions the selected candidates will elaborate the final offer;

d) negotiating namely the procedure through which the contracting authority carries out consultations with selected candidates and negotiate contract terms, including price, with one or more of them. Negotiation can be:

- Negotiation with prior publication of a participation announcement;
- Negotiated without publication of a participation announcement;

e) request for quotation, namely the simplified procedure through which the contracting authority request bids from multiple economic operators.

The contracting authority has the right to apply the procedure 'request for quotation' only where the estimated value, without VAT, of the public procurement contract is less than the following thresholds:

- for the supply contract: EUR 130,000;
- the service contract: EUR 130,000;
- for works contracts: EUR 5,000,000.

The contracting authority has the right to hold a contest, namely a special procedure through which it purchase, especially in the field of territory arrangement, town planning, architecture or in the data processing, a plan or project by selecting it on a competitive basis by a jury, with or without awards.

The contracting authority has the right to directly purchase goods, services or works, to the extent that the estimated value of the acquisition does not exceed 15 000 euros excluding VAT for each purchase of goods, services or works. Procurement is performed on the basis of a justifying document which in this case is considered to be a public procurement contract.

2.3. Prepare the annual procurement program.

The contracting authority has the obligation to establish annual procurement program.

The other departments of the contracting authority are required to support the activity of the public procurement department, according to the specific tender documentation and the complexity of the problems to be solved in the context of the awarding procedure.

Annual procurement program shall be developed in a first form by the end of the last quarter of the year and includes all contracts or the framework agreements that the contracting authority intends to award or to complete within the next year.

The contracting authority has the obligation, when setting annual procurement program, to take account of:

- objective needs of products, works and services;
- the priority needs;
- anticipate regarding the funds that are to be allocated in the annual budget.

After approving its own budget, the contracting authority has the obligation to complete the annual procurement program depending on the approved funds and the possibility of attracting other funds.

Annual procurement program shall include at least information regarding:

- the contract / framework agreement;

- code Common Procurement Vocabulary (CPV);
- Estimated value excluding VAT, expressed in lei and euro;
- the procedure to be applied;
- Estimated date of start of the procedure;
- Estimated date of completion of the procedure;
- the person responsible for awarding the contract.

3. MODEL FRAMEWORK OF AN ONGOING PROCESS FOR PUBLIC PROCUREMENT

Conducting a procurement process is based on the knowledge of procurement legislation. To initiate a public procurement of goods, works, services, we must ensure that the acquisition is included in the annual procurement and funds are allocated in the budget of the institution for making this purchase.

3.1. Conducting the procurement with the procedure "request for quotation" with final stage of the electronic auction

The contracting authority has the right to apply the procedure 'request for quotation' only where the estimated value, without VAT, of the public procurement contract is less than the following thresholds:

- for the supply contract: EUR 130,000;
- the service contract: EUR 130,000;
- For works contracts: EUR 5,000,000.

To start this procurement the compartment specializes in public procurement within the contracting authority shall verify that the purchase is included in the annual procurement program and falling within the tendering procedure and prepares the following documents in order to start the procedure:

- Note to estimate the value of the contract;
- Explanatory note for the purchase procedure "request for quotation with final stage of electronic auction";
- Explanatory note for setting the qualification and selection criteria for the application procurement procedure;
- Explanatory note for setting the award criteria for application procurement procedure through "request for quotation with final stage of electronic auction";
- Explanatory note regarding the initiation of the procurement;

After getting approval for launching the procurement procedure by 'request of quotation', on proceed to preparing tender documentation for the preparation and presentation of the offer which includes the following documents:

- Procurement Data sheet;
- Tender specification;
- Technical specifications;

- Forms;
- Project agreement;

After preparing tender documentation for preparation and presentation of the offer together with explanatory notes are submitted through SEAP towards the National Authority for Regulating and Monitoring Public Procurement for validation.

Within 14 days will be checked if the documentation is prepared correctly and sent back to the contracting authority stating validated or rejected.

If the documentation was rejected, the contracting authority will carry out the amendments made by the National Authority for Regulating and Monitoring Public Procurement and forward for validation.

After the validation of the documents, the contracting authority prepares the documentation for participating invitation which will be published in SEAP with at least 6 days before the date fixed for submission of offers.

At the date and time set for opening of offers, the evaluation committee established by the disposition of the head of the institution, shall meet to verify the documents submitted by the bidders.

For the procedure to take place it is mandatory that at least one bidder submitted his offer and meet the qualification criteria set out in the tender documentation.

After verifying the qualification documents, the evaluation commission determine rankings based on the price proposed by each bidder in the financial bid, shall draw up the recording of proceedings with the public opening of bids and communicate to the bidders his decision.

After this is moving to the electronic auction step that takes place through the SEAP. The contracting authority has the obligation to invite all tenderers, who have submitted admissible tenders, to submit new prices and / or, where appropriate, to offer new values of the elements. The invitation is sent electronically simultaneously to all tenderers concerned.

The invitation must indicate the date and time of the start of the electronic auction as well as any information needed to perform individual connection to the electronic equipment used.

The contracting authority is not entitled to start the electronic auction earlier than two working days after the date on which the invitations were sent.

During this period, the bidders have the opportunity to improve the offer made previously.

At the date and time set for completion of the electronic auction, the SEAP operator, elaborates the final classification, after which the contracting authority establishes the winning bidder and shall notify it of the decision. The contracting authority has the obligation to communicate to the unsuccessful tenderers the decision taken.

Conclusions

The approach taken in this paper started from the need to clarify the issues related to ensuring adequate logistic support to a public institution with strict compliance of the present legislation on public procurement.

The transition from a controlled economy, planned to a market economy has made possible an increase in importance of public procurement structures from the public institutions.

Thus if in the communist period the material goods were received in institution on bases of repairs, in the present time the acquisitions of products are done by the public institutions in compliance with current legislation on public procurement, being able to purchase the product based on the desired features.

But in some situations the principle "efficient use of public funds by application of the criterion" lowest price "is not the best, in the sense that the public institution purchases a product at the lowest price but when will be used it found that was a poor quality product. Therefore, the procurement and marketings specialists must be concerned with finding those solutions to acquire material goods at low prices but with respect for the quality requirements imposed by the contracting authority.

Approaching the problems of purchases of goods and services by the specialists of the logistic department in a manner which ensure that the full volume, time and quality of logistics programs, in compliance to legal proceedings, is an absolute necessity, the management of acquisitions having an important role in logistics management. No doubt, however, that their achievement is closely related to the volume of budgetary funds allocated to the institution.

The public procurement structure within a public institution will remain a core component of logistics with the mission to ensure the material resources necessary in achieving successful missions.

ORIGINAL PAPER

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Challenges of the European Union in the Field of Employment

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Abstract: *The economic crisis has led to a dramatic increase in unemployment rates and undeclared work, and demographic changes (ageing, low birth rate, migration) are likely to reduce the work force available and to put financial pressure on social protection systems. Thus, we need to analyze the most recent documents adopted at EU level – the Green Paper on “Modernizing labor law to meet the challenges of the 21st century”, Europe 2020 Strategy, Euro Plus Pact (EPP) – and to understand their effects on labor market functioning. Greater participation in the labor market would have a significant impact on the future of Europe’s growth, as well as on the evolution of EU social policy.*

Keywords: *economic crisis, flexicurity, labor market, unemployment, work.*

The effects of the global economic crisis, the demographic ageing of the population, technological progress and the intensification of worldwide competition, undeclared work, unemployment, social tourism (and, more recently, medical tourism), the difficulties of social protection systems are, for the European Union, the challenges that require an adequate response.

Analysis of social trends indicates a gain, in the following period, of the demand for social services and benefits. Aging causes a large increase in the expenditure on old-age insurance (often accentuated by lowering the age limit required for entitlement to a pension) and another growth tendency, more moderate, of the insurance costs for sickness¹.

On the other hand, an increase in supply of labor force and a drop in work force demand, which in turn requires – at the appropriate time and on the basis of reliable information – appropriate decisions. The phenomenon of demographic ageing, in addition to its repercussions on social economy (increasing social spending), will also have positive effects whereas the demand for labor force in the field of social care services for sick and elderly will intensify during the next decades.

In spite of all EU policies which took place in the field of employment, flexibility of labor force in Europe will not achieve the level of American geographical or financial mobility. European citizens working in different EU Member States will return to their countries of origin, as the living conditions will improve as they want to contribute to this progress, with the help of their economies and of small business that they will open in their countries².

In addition, the encouraging trends in the field of social participation must be considered an opportunity which must be seized if EU and Member States governments want to find appropriate solutions to the social problems of the future.

The economic crisis has led to a dramatic increase in unemployment rates, and demographic changes (ageing, low birth rate, migration) are likely to reduce the work force available. Greater participation in the labor market would have a significant impact on the future of Europe's growth, as well as on the evolution of EU social policy.

The European social model, characterized by a higher number of risks taken into account, a wider access to social services and benefits offered, higher social allowances, a share of revenues established by social transfers, a more effective struggle against poverty, due to the minimum income benefits³ is in need of modernization and efficiency through the adoption of concrete measures. More efficient and capable the social security system is of ensuring social protection of workers during the periods in which they can no longer work, temporarily or definitively, better the flexibility of labor relations may be increased⁴. Thus, we need to analyze the most recent documents adopted at EU level - the Green Paper on "Modernizing labor law to meet the challenges of the 21st century", Europe 2020 Strategy, Euro Plus Pact (EPP) - and to understand

that “the combined effects of these documents have been to generate a climate that deregulation provides the blueprint for escaping the crisis”⁵.

Launched in November 2006, the Green Paper on “Modernizing labor law to meet the challenges of the 21st century” has pulled a wake-up call about the scale and consequences of undeclared work, identified as the main contributing factor to social dumping. For workers, the effects of undeclared work are extremely negative, undeclared work being often associated with poor conditions, with increased risks for their health and safety, with few opportunities for professional development and with a low level of social security. Through the presentation of statistical data and of the characteristics of this worrying phenomenon, the Commission consider undeclared work as one of the key points for the modernization of EU labor law and also invite Member States to give due attention to undeclared work when deciding which path they want to follow for the implementation of the common principles of flexi security.

Subsequently, through a new communication in June 2007⁶, the Commission proposed the establishment of common principles of “flexicurity” (flexi security), with the aim of creating new jobs, better and safer.

Seen as strategy, flexicurity combines two concepts – flexibility and security on the labor market. Flexibility means a more flexible work organization or management, able to respond quickly and effectively to the new requirements and skills of productivity and to facilitate the reconciliation of professional life with the responsibilities of private life⁷. Security includes various aspects like job security, new job opportunities, vocational training, support for finding a new job, career progress.

According to the Commission communication, a good balance between flexibility and security can be achieved through the interaction of four key elements:

- flexible and reliable contractual arrangements, designed to support in particular those groups which often face problems entering the labor market;
- complete learning strategies throughout life (Lifelong learning - LLL), to ensure the adaptability and employability of the most vulnerable sections of the population;
- modern social security systems that guarantee financial support, encourage employment and promote mobility on the labor market through the granting of subsidies that allow employees to reconcile their work with family and personal life;
- active and effective policies for employment, which help people to cope with rapid changes in the labor market, help to reduce periods of unemployment/inactivity and make them capable of finding new jobs.

It should be noted that the Lisbon Treaty introduced, in art. 32 par. 3, the right to reconcile family life and professional life on the basis of which every person has the right to be protected against dismissal on grounds of maternity, as well as the right to paid maternity leave and to parental leave following the birth or for adoption of a child. Before the adoption of Lisbon Treaty, Directive

96/34/EC entitled both parents to time off following the birth of a child. In some Member States, this leave is unpaid so it is not a realistic option for many employees⁸. In other European states, this leave need to be paid and the maternity allowances are a real bargain for social security systems. In other Member States (e.g. Netherlands) enterprises offer flexible working hours in order to allow new parents to accommodate their family responsibilities and ease the financial burden of childcare.

Member States should, in cooperation with the social partners, to continue fighting against the persistent problem of different remuneration on the basis of sex and gender segregation issue that is and remains evident in the labor market, in particular by means of flexible arrangements regarding the duration of working time, allowing both men and women, to combine better professional life and family life (the principle of reconciliation of family life with professional life). It could also include appropriate provisions with regard to parental leave, which could be claimed by any of the parents, as well as the implementation of accessible and economic infrastructures in the field of child protection and care for dependent persons.

The European Commission's communication on the common principles of flexicurity (June 2007), has defined eight principles, according to which flexicurity policies should be developed by Member States:

1. Flexicurity is meant to create more and more secure jobs, to modernize labor markets, and promote the quality of work through new forms of flexibility and security to increase adaptability, employment and social cohesion. Flexicurity involves a complex of rights and responsibilities for all parties involved: employees, employers, public authorities, persons looking for a job.

2. Flexicurity involves the deliberate combination of flexible and reliable contractual arrangements, strategies for lifelong learning, active policy in the field of labor and modern social security systems.

3. Flexicurity does not address a single labor market model or a national market, nor a single policy strategy: they should be tailored to the specific conditions of each Member State.

4. Flexicurity should promote more open, more responsive and more including the elimination of labor market segmentation, i.e. to reduce the difference between employed people and those belonging to the categories excluded.

5. Internal (within the enterprise) as well as external (from one company to another) flexicurity are equally important and should be promoted. Sufficient contractual flexibility in terms of hiring and dismissal must be accompanied by secure transitions from one job to another.

6. Flexicurity should support gender equality of opportunity and treatment, promoting equal access to employment for women and men, but also for other disadvantaged categories.

7. Flexicurity requires a climate of trust and broad dialogue between all parts involved and interested in the good functioning of labor market – public

authorities, social partners, civil society organizations, and all have to be prepared to take responsibility for change through the promotion of a balanced social policy.

8. Flexicurity requires an effective allocation of budgetary resources and should remain fully compatible with the financial sustainability of public budgets.

Given the global economic crisis, the right to work is deemed important not only for economic reasons but also for civil peace and democracy. The right to work does not provide the individual with a guarantee of employment. Member States are not obliged to provide everyone a work place for not crossing the boundary into forced or compulsory labor⁹. Given the correlation with the right to an adequate standard of living, on the basis of which everyone has the right to gain his living by work, Member States should encourage those that are unemployed to accept viable offers of employment.

Flexicurity policy reforms should be tailored to the specific circumstances of each Member State so as to be observed how the diversity of the legal systems of the Member States, the institutions of the labor market and industrial relations have developed in the course of history. This principle has been developed by the European Group of Experts on flexicurity which, in 2007, identified four possible pathways of flexicurity policies:

1. reducing the asymmetry between non-standard and standard employment through the possibility of concluding non-standard contracts in accordance with labor legislation, collective agreements, social security and continuous learning, and taking into account the increasing attractiveness for employment through standard contracts.

2. enhancing the adaptability of companies and workers through the development and strengthening of the employee's security of the transition from one job to another, from one enterprise to another.

3. identifying opportunities for training and suppression of gaps of skills and qualifications among the workforce by extending and deepening the investment in professional training.

4. enhancing employment opportunities for the disadvantaged, preventing long-term dependency of welfare aid, settlement of informal labor and building institutional capacities for occupational change.

The proposed measures are presented as options; each Member State may therefore choose one or combine them.

It must be emphasized that flexicurity requires a greater reaction capacity of employers and workers in Europe involving, on the one hand, the ability of enterprises/employers to adapt to economic change, technological and structural changes in order to achieve a balance between the needs of the organization and the interests of workers and, on the other hand, the availability of employees for the improvement of vocational training, modification of the working hours, for new opportunities that would allow them to reconcile working life with family life¹⁰.

The devastating effects of the economic crisis that led to the failure of the Lisbon Strategy in achieving its objectives concerning employment and economic growth have imposed its review. Thus, the European Council, meeting in June 2010, adopted Europe 2020 Strategy, calling on Member States to take measures now to implement these policy priorities at their level. Member States should, while maintaining an intense dialogue with the Commission, to quickly establish their national targets, taking into account their initial positions and national circumstances and in accordance with national procedures of decision-making. They should also identify the main bottlenecks in the way of economic growth and to indicate, in their national reform programs, how they intend to address it¹¹.

Europe 2020 Strategy is considering further development of a competitive economy based on knowledge and a better coordination of policy decisions between the supranational and national level, taking into account the distribution of skills, a solid and permanent education, creation of new jobs, so as to achieve an occupancy of 75%, reduce social exclusion and poverty, etc¹².

Europe 2020 Strategy focuses on 3 major growth formulas in the 2010-2020 decade: smart economic growth (reinforcing knowledge, innovation, education and digital society); sustainable economic growth (increased efficiency in production and competitiveness); inclusive economic growth (increased labor market participation, acquiring new professional skills and reducing poverty). These three priorities are supporting each other and build an overall picture of the economy of the twenty-first century Europe. In order to have better chances of success, the EU had to agree on a limited number of key targets for 2020, which reflect the diversity of situations existing in member countries and to rely on sufficiently reliable data to allow comparisons¹³.

Therefore, through this new strategy, EU has established five goals less ambitious, setting minimum thresholds that Member States should meet at the horizon of 2020:

1. a degree of employment of at least 75% in the area of persons aged between 20 and 64 years;
2. a level of 3% of GDP (gross domestic profit) for investments in research and development;
3. achieving targets set already by the EU in the field of energy and climate change, found under the "20/20/20" code, respectively by the year 2020 to achieve: reducing emissions of carbon dioxide by 20% compared with 1990; reducing energy consumption by 20%; not less than 20% of the energy to be from renewable sources;
4. early school leavers do not exceed 10% and at least 40% of the young generation to have higher education;
5. the number of persons exposed to the risk of poverty should be reduced by 20 millions¹⁴.

The main objective that the EU aims to achieve, by 2020, is an employment rate of 75% for women and men between 20 and 64 years of age.

Increased participation in the labor market can be achieved through greater participation of young people, older workers, workers with low qualifications, and through better integration of legal migrants. But it remains to be seen whether the Europe 2020 Strategy is more likely to succeed than the Lisbon Strategy¹⁵ or if it will be, in turn, a failure.

Economic and financial crisis has reinforced the existing macroeconomic imbalances, highlighting a “layered European Union, with differences in productivity and competitiveness, with rigid labor markets, hindering efficient market responses to shocks”¹⁶.

To combat the effects of the crisis, to maintain financial stability and to strengthen the competitiveness of the euro area and the EU, the European Council of March 2011 adopted “Euro Plus Pact – a closer coordination of economic policy for competitiveness and convergence”, signed by the countries of the euro area, which Romania joined too¹⁷.

Objectives of Euro Plus Pact cover four areas: competitiveness, employment, public sector finances and financial stability, to which has been added fiscal policy coordination.

In a first stage, each State that adheres to the Pact (may as well be in the EU, not necessarily in the Euro area) was to adopt within 12 months, the following measures:

- abolition of wage indexing system with inflation;
- mutual recognition of diplomas to increase labor mobility;
- trying to create a common basis for the calculation of the corporation tax;
- adjusting the pension system to the demographic growth rate (for example, increasing the retirement age);
- the obligation for each Member State to set up a mechanism in the Constitution regarding public debt alert;
- establish a national crisis management in the banking system.

In order to promote employment, each signatory State will be able to undertake specific actions, but “will pay particular attention to the following reforms:

- labor market reforms meant for promoting flexicurity, in order to reduce undeclared work and to increase employment;
- lifelong learning;
- tax reforms, such as reducing labor taxation, in order to increase profitability, while maintaining overall tax revenues and the adoption of measures to facilitate the participation in the work force of the second contributor to family income”¹⁸.

Despite the efforts of EU Member States, the Lisbon Strategy, Europe 2020 Strategy, nor any the Euro Plus Pact does not have proved to be effective tools for overcoming the crisis, in order to achieve social balance and economic convergence. The EU must increase competitiveness without sacrificing its economic and social model, without abandoning the market economy, solidarity and social cohesion, strengthening the fight against climate change.

For this purpose, should be strengthened the domestic market in the face of the trends of economic nationalism and implemented common policies on energy, including alternative energy and even nuclear one¹⁹. Also, in order to combat the risk of unemployment and social exclusion, should be invested more in human capital (education, innovation, research, training) and labor market should be reformed and modernized for the purposes of flexibility, without prejudice to job security, productivity, adaptability, etc. Integration of women into active life should be encouraged, unemployment must be combated mainly by active measures (not passive) and immigration should be understood as a necessity²⁰. Last but not least, it has to be ensured demographic growth by encouraging birth rates growth (promotion of appropriate family policy) and fighting infant mortality and morbidity (provision of medical care and increasing access of the population, especially the poor, to medical services).

¹ J. J. Dupeyroux, *Droit de la sécurité sociale*, 13 édition, Dalloz, Paris, 1998, p. 81.

² Elizabeth Pond, *Renașterea Europei*, Pandora-M Publishing House, Târgoviște, 2003, p. 188.

³ J. J. Dupeyroux, *cited work*, p. 73.

⁴ C. Gîlcă, *Reglementări naționale privind flexibilitatea în raporturile de muncă*, www.costelgilca.ro.

⁵ Catherine Barnard, *The Financial Crisis and the Euro Plus Pact: A Labour Lawyer's Perspective*, in *Industrial Law Journal*, vol. 41, no. 1, March 2012, p. 98.

⁶ The European Commission's communication on the common principles of flexicurity: *More and Better Jobs through Flexibility and Security*, Bruxelles, COM (2007) 359 final, 27.06.2007.

⁷ Luminița Dima, *Relații de muncă și industriale în Uniunea Europeană*, C.H. Beck Publishing House, București, 2012, p. 17.

⁸ Rhona K. M. Smith, *Textbook on International Human Rights*, fifth edition, Oxford University Press, New York, 2012, p. 326.

⁹ *Ibidem*, p. 315.

¹⁰ C. Gîlcă, *cited work*.

¹¹ The European Council Conclusions of 17 June 2010, available at http://ec.europa.eu/europe2020/pdf/1_ro_annexe_part1.pdf.

¹² Cezar Avram, Roxana Radu, *Ocuparea forței de muncă: de la Strategia Lisabona la Strategia Europa 2020*, in *Arhivele Olteniei* no. 26/2012, p. 471.

¹³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:RO:PDF>.

¹⁴ http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_19671/Europa_2020_Strategia_Phoenix.html.

¹⁵ With regard to the Lisbon Strategy and its effects, positive and negative, see Cezar Avram, Roxana Radu, *cited work*, p. 469-471.

¹⁶ Daniel Dăianu (coord.), Ella Viktoria Kallai, Laurian Lungu, *Adoptarea Pactului Euro Plus: implicații asupra politicii fiscale a României*, Institutul European din România, București, 2012, p. 9, http://www.ier.ro/documente/spos_2011/SPOS_2011_-_nr_2_RO-EN_.pdf.

¹⁷ According to the memorandum adopted at Government meeting of 23 March 2011 approving the participation of Romania in the Pact at the European Council of 24 and 25 March 2011, Romania announced its participation in The Euro Plus Pact.

¹⁸ Luminița Dima, *cited work*, p. 21-22.

¹⁹ Iordan Gheorghe Bărbulescu, *Europa viitorului și Tratatul de la Lisabona*, communication presented at the National Conference "The Lisbon Treaty and Romania's Role in the Process of Deepening European Integration", organized by the Romanian Government, National School of Political and Administrative Studies-Department of International Relations and European Integration, Craiova, October 21, 2010.

²⁰ *Ibidem*.

ORIGINAL PAPER

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Trends of external migrations in South West Oltenia Development Region

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Abstract: *Due to the actual process of globalization, migration cannot be seen or explained as an isolated phenomenon, as it gets a more regional and world imprint. In this process, the external factors have the most important role, as they can influence the movement direction of massive population flows from one region to another or from one state to another. At the European level, as in Romania, the external factors are represented by the integration in EU, the legislation of member states regarding the emigrants and the level of development of a state or the level of polarization of a region. For a better understanding of the consequences of the migration phenomenon, in the regions generating emigrants as in those that attract a large number of people, but also in the attempt to shape out an emigrant profile, we need an analysis of the legislative, institutional, sociological and statistical-economic dimensions. Thus, using the statistical data available, at the national and regional level, regarding the number of emigrants and immigrants in the last two decades, this study tries to analyze these data in order to establish a social-cultural profile for the Romanian emigrants. In the meanwhile, the study outlines the negative effects of the migration on the social and the economic environment in the receiving and leaving areas, by comparing the data available at the national level with the status of the South West Oltenia Development Region.*

Key words: *migratory flow, emigrant, migration policy, South West Oltenia.*

INTRODUCTION

In the present globalization process, migration cannot be seen or explained as an isolated phenomenon anymore, as it reaches a more regional and global mark. In this process, the most important role is held by external factors which can influence the movement direction of major population flows from one region to another or from one state to another. In Europe, as in Romania, the external factors are represented by the integration in EU, the laws of member states concerning the emigrants and the development level of a state or polarization region. In order to understand better the consequences of the migration phenomenon, as for the generating regions, but also for the receiving ones, in order to establish a profile of the emigrant, we need a clear analysis of the legislative, institutional, social and statistical-economic dimension.

In Romania, the migration phenomenon is and old process which knew substantial transformations regarding the form and the intensity the Romanians moved during the last few decades.

The post-communist economic, social and political transformations had a different impact on the internal and external migrations. It is important to outline the fact that statistical data about migration surprise only the regular emigrants that change their permanent residence, but the real migration of the labor force is hard to be quantified, although during the last few years it became the most important form of Romanian migration process.

Because the migration is an important and complex phenomenon, this study is focused mainly of the statistical-economic dimension of the migration which characterizes the South West Oltenia Development Region. In the same time, the authors try to evidence a profile for the Romanian emigrant taking into account the forms of the migration and the destinations, for two different periods which overlap on two different governing forms.

DATA AND METHODS

The study has two parts. In the beginning it is presented the status of the emigrants and immigrants correlated with the attractiveness of the regions, outlining the impact of the emigration countries.

The second part deals with the most important trends of permanent migration in the South West Oltenia Development Region after 1989, identifying several phases for the migration process.

The significant component of the Oltean migration is the temporary migration of the labour force, thus the study tries to surprise the most important, both positive and negative, implications of this type of migration, at the individual and collective level.

The statistical data obtained from ADR Oltenia and INS Bucharest was analyzed and graphically represented using software like Excel and ArcGIS 9.3. The analysis allowed to state, in the end of the study, some relevant conclusions for this study.

RESULTS AND DISCUSSIONS

Before 1989, the number of emigrants was reduced in the analyzed region, first of all because of the communist political system which forbidden the internal, but most of all external movements of the population. Is it difficult to estimate the real number of emigrants before 1989, as no one knew the exact number of illegal emigrations.

Immediately after 1900, once the political system changed and a more moving liberty occurred, also the migrations patterns changed. The number of emigrants rose, without disappearing the illegal migration, but new migration forms occurred. There is also a change in the migration scopes which brings important changes including in the social-cultural profile of the emigrant.

Regarding the official international migration, after 1990, Romania faced massive population movements to various destinations. The graphic below shows that the highest number of emigrants is in the Center, West and North-West regions (Fig. 1). In these regions there is a high percent of Germans, Magyars and Moldavians who left Romania at the beginning of the 1990, reaching about a few thousands every year. Later, the number dropped under 1,000 persons (in 2001), one of the reasons being the restrictions imposed by the German state for the Germans immigrants that did not have sufficient documents to prove their ethnicity.

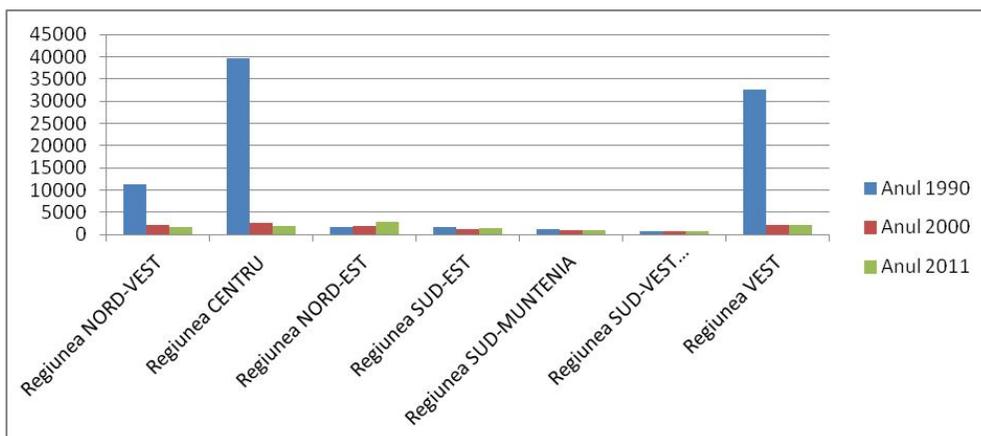


Fig. 1. Emigrants in the development regions (1990-2011)

After 1990, the external migration reaches great amplitude especially to European countries, even if the visas were still compulsory (Fig. 2). The Romanians' favorite destinations (especially for work) are divided into two categories: European countries that receive a great number of emigrants immediately after 1990 (Spain, France, Italy, Greece, Austria, etc.), after 2002 their flow reduced significantly, and Germany that knows a raising trend starting with 1990.

On the other hand, the definitive migration to Canada and USA was constant, about 1,500 – 3,000 persons every year. Destinations like Australia and USA had been preferred by Romanian emigrants starting with 1990, but after this date the number of emigrants dropped significantly (50% for USA in 2002 and 2011 and 80% for Australia). Canada knew a different evolution, as a destination for the Romanian emigrants, the number raising after 2002, but facing a slightly decrease during the present.

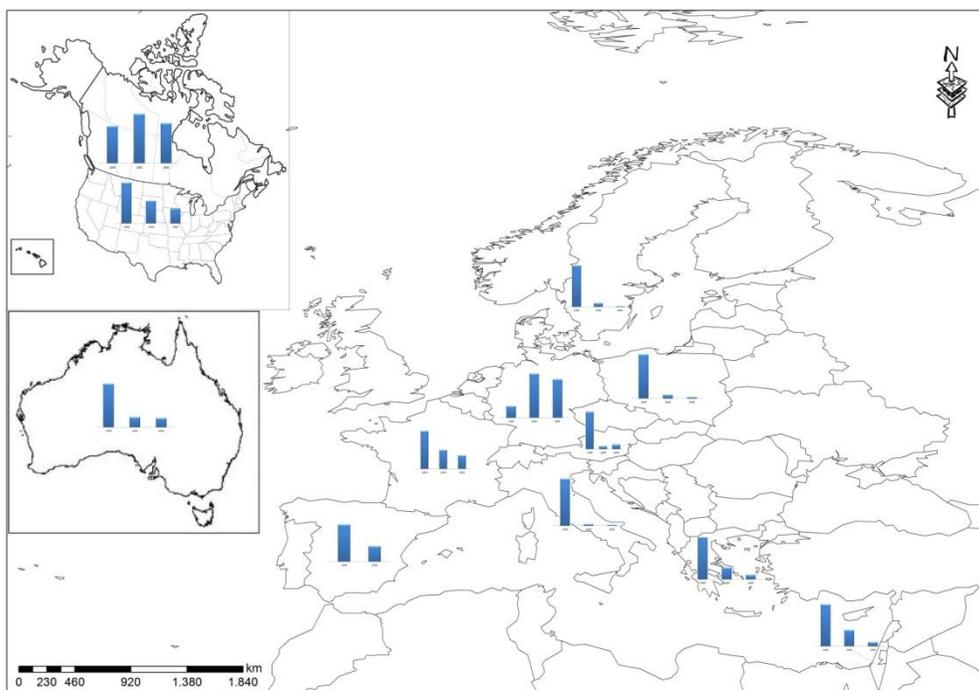


Fig. 2. Destinations preferred by Romanian emigrants (1990-2011)

Concerning the internal migration, the migratory balance registered negative average values during 1991-2011 at the regional level. If we analyze this indicator at the level of the fifth component counties, for the same reference period, the following features can be noted (fig. 3):

- the Mehedinți county registers the highest number of emigrants in 1991, after which their percent drops by half, while the immigrants have an rising trend doubling their number in 2011 compared to the beginning of the analyzed period;
- the Vâlcea county has the same descend trend for the emigrants and ascendant for the immigrants, but the difference in the number of the emigrants at the beginning and the end of the period is not that high;
- Dolj and Olt counties have a different evolution, as they have an ascendant trend for both the emigrants and the immigrants;

- the Gorj county is the only one where the percentage of emigrants is constant during the entire analyzed period. The number of immigrants follows the same ascendant trend.

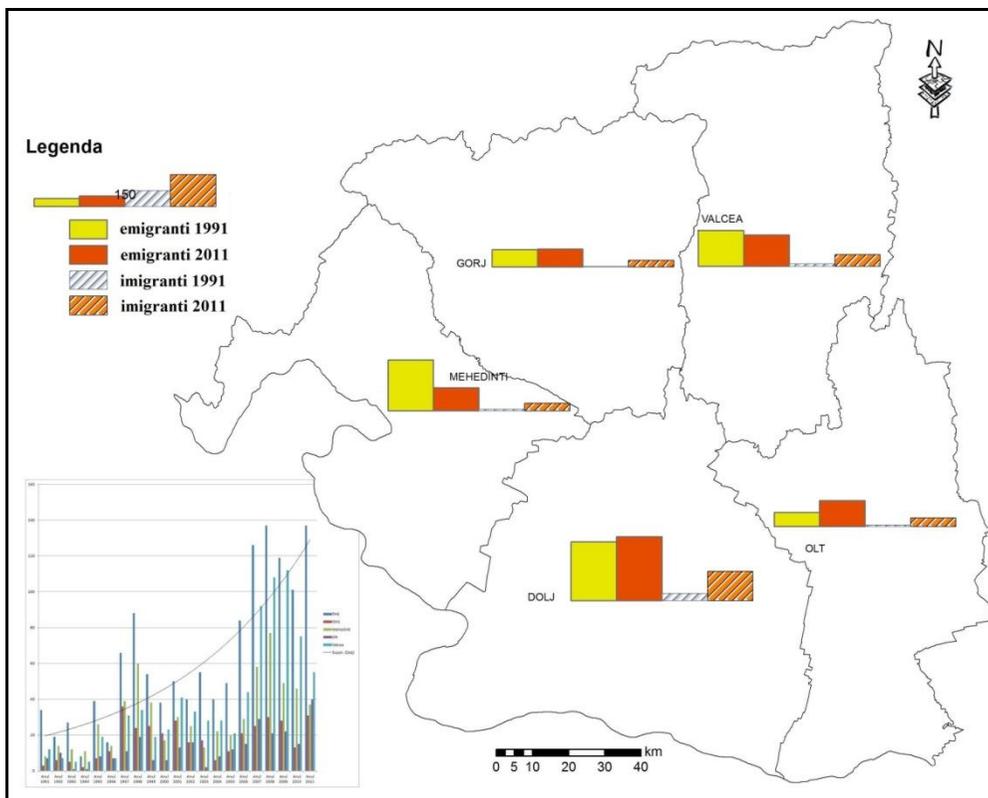


Fig. 3. The migratory balance in South West Oltenia Development Region (1991-2011)

In the rural-urban migration we identified two periods. The first period is marked by the rural-urban migration which contributed to the increase of the urban population and maintained the total number of rural population relatively constant (due to the balance between the birth rate and the migratory balance), the aging of rural population (especially the persons working in agriculture associated with the feminization of the labour force) and the rejuvenation of urban (D. Sandu, 1985). After 2002, a second phase can be identified evidencing an increase of the urban-rural migration because of a high unemployment rate in the urban area generated mainly by the decay of the industry. Therefore, nowadays, the smallest value of the rural migration (0.2%) is registered in the South West Oltenia Development Region (Table 1).

Table 1 – The rural migration flow for the development regions in 2012

Regions	Emigrants	Arrivals	Sold	Percent %
ROMANIA	115.227	135.764	20.537	7,5%
1. North-East	25.085	28.151	3.066	1,1%
2. South-East	16.489	19.396	2.907	1,1%
3. South-Muntenia	21.921	24.812	2.891	1,1%
4. South-West Oltenia	16.216	16.656	440	0,2%
5. West	8.521	12.788	4.267	1,6%
6. North-West	14.194	15.828	1.634	0,6%
7. Center	11.062	14.534	3.472	1,3%
8. Bucharest-Ilfov	1.739	3.599	1.860	0,7%

Source: INS

Analyzing the data available at the national level, several phases were identified in the migration process from the post-December period, phases that are also available for the analyzed region:

- the period 1990-1993 is characterized by the massive migration of Germans, Magyars and Moldavians (Ethnobarometer, 2004);
- the period 1994-1996 represent the beginning of the migration process to West Europe, mainly for seasonal or illegal work;
- the period 1996-2001 is marked by the intensification of the permanent migration process, registering high number of emigrants toward destinations like USA and Canada, even higher than the numbers for the legal migration to European countries. Also, starting with 1999, we noticed a decrease in the number of agreements for the recruitment of the labour force with different European countries (Germany, Spain, Portugal, Italy);
- the period 2002-2007 is marked by the elimination of Schengen visas which promoted a rapid increase in the circular migration, even if the Romanians which were previously caught in the countries included in the Schengen space were able to return in Romania in order to enter into the system of circular migration (OSF, Ethnobarometru, 2004). The possibility to live as a tourist in the countries from the Schengen space for a period of three months lead to a complex system of circular migration concentrated especially on destinations like Italy and Spain (IOM, 2005). This new strategy allowed the avoidance of the control from the European labour market, therefore the emigrants began to work illegally for three months.
- In the present period which began in 2007 (once Romania became an European member) people have free access to travel anywhere inside the European Community.

After Romania became a member of the European Union, there is an increase in the flows of emigrants, but also of immigrants.

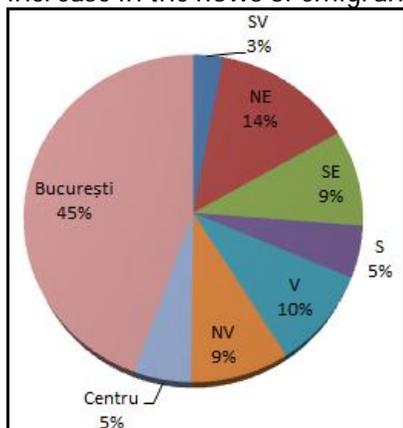


Fig. 4. Immigration on development regions

Immigration in Romania registered an ascendant trend (1,602 persons in 1991 and 11,350 in 2001) followed by a decrease in 2004 (2,987 persons) pursuant the restrictions imposed by the Romanian government, while in 2005 raised up to 11,024 persons. The immigrants came from European countries, especially from Moldavia, searching jobs (51.7% in 2005). SUA, Germany and Italy are the main origin countries for immigrants in 2005. Between 1992 and 2002, Bucharest–Ilfov Region was, by far, the favorite destination for the immigrants (41.03%), followed by North-East, North-West and Center Regions (Fig. 4).

Regarding the number of immigrants, the statistical data registered during the census conducted in 2002, shows that the South West Oltenia Development Region registered the smallest percentage of immigrants, only 3% from the total number, compared to the rest of the regions. Despite the fact that it has a common border with Serbia and Bulgaria, the studied region still has the smallest number of immigrants demonstrating the fact that it is not an attractive region even for non-member states. Starting from 2010, there is an understanding between the Serbian and the Romanian governments to accept the Romanians to cross the Serbian border using only the ID card. The main explanation can be the weak economic development, the predominance of agriculture and a small number of cities, excepting the five county seat towns. But the real number of immigrants may be bigger if we knew the number of illegal immigrants entering our country. The Serbian and Bulgarian borders are extremely vulnerable in respect to security, as they play the role of buffer borders for the European Union.

Statistically, 66% of the immigrants settled in South West Oltenia Development Region are Europeans coming from member and non-member states. The highest percentage is held by Greeks (15%), Italians (14%) and Moldavians (14%), the rest of 34% are immigrants from other continents, predominantly from Muslim Asian countries. From the total number of immigrants, 2/3 are men and only 1/3 are (Fig. 5).

From the total number of persons over 65 years arrived in Romania, according to the statistical data from 2002, 574 persons, over 60%, are pensioners. The social stress conducted by these persons is felt especially by the sanitary system, the services being supported by the national social security system. If only 10% of the immigrants would need social assistance, the financial effort made by the Romanian state would raise to a value of 6 to 20 million euros (the worst prognosis), while the medium value raise to a cost of 6 million euros annually (Constantin, Daniela et. al., 2004).

After the definitive migration, the most important is the migration for work. Although is a phenomenon that affects the entire country, not only the analyzed region, especially in the new economic conditions, it is very hard to quantify, as the statistical data are incomplete. Because the migration for work to the nearest regions or abroad is not always organized by an employment agency and in most cases are not signed any contracts, therefore not knowing the exact number of the immigrants or the destinations.

CONCLUSIONS

Nowadays, the migration can be considered a social phenomenon having a certain risk for society and local communities. As long as there will be economic disparities between the urban and rural areas and between Romania and other states, in the absence of political constrains or any other nature, the migration phenomenon will continue.

The seasonal migration for work, irrespectively of the category of population implicated in this type of migration, has important economic consequences for both the receiving regions, influencing the production performances of the receiving economic units, and the non-agricultural economic units or the farms from the leaving regions (D. Sandu, 1989).

The visits of children, during vacations spent at their grandparents, can also be seen as a temporary migration. In the same category we can also include the migrations of the elders (unregistered administratively) that came to live temporarily with their children for various reasons in different periods of the year. In these cases the effects can be different: the help received by young couples from their parents or the accentuation of the tensions inside the family as a result of the increased living density and habitation of different generations. The children that travel from the urban area to the rural space or vice versa enrich their life experience with cultural elements distinctive for another residential environment other than the one they usually live in (D. Sandu, D., 1989, p. 6)

The official statistical data (emigration and immigration) do no create a real general picture on the Romanian migration phenomenon, as there are no data about the temporary migration, a very important phenomenon. The temporary migration cannot be registered because these people, do not actually live their address. The external migration of the active population that is not officially registered rise serious demographic and social problems that cannot be outlined in any study based on official statistical data. From

unofficial data are estimated that there are at least 2 million Romanians that work temporarily abroad in countries like Spain, Italy, Germany, Hungary, etc. the historical regions Moldavia, Muntenia and Oltenia, that overlap the North-East, South-East, South and South-West development regions are those where temporary migration for work is more intense.

Concluding, we can state that:

- internal migration and the mobility of the labour force increased continuously after 2000 until 2011. In 2012, Romania registered a migratory flow of 272,604 persons, about 1.3% of the total country population;
- at the regional level, the South West Oltenia Development Region is a source of emigrants (together with North-East, South-East, South and South-West regions) while the regions receiving these migratory flows we mention the West, Center and Bucharest-Ilfov regions. There is a correlation with the international migration, taking into consideration the fact that the regions losing population are the same ones as mentioned before as source of internal emigrants;
- the South West Oltenia Development Region follows the same trend, as the one characterizing the migration at the national level. There is registered an increase of migration to the rural areas, where people practice a subsistent agriculture. This phenomenon can be seen as a concerning one, as we consider that already a big part of the active population is engaged in agriculture and the productivity of this domain is rather low.

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ORIGINAL PAPER

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Migration: a Phenomenon and a Public Policy in Post-Communist Romania

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Abstract: *Migration is not a new phenomenon, it means there are always in different ways, and became a global affecting the majority of the countries on the world map. The aim of this research is to study the phenomenon of migration, and how it is reflected in public policies. After 1989, with the fall of the Communist regime in Romania, migration has become a worrying phenomenon, up to 15 percent of Romania's population, leaving the country and then emigrating to the country such as Israel, Turkey, Italy, Hungary, Germany, Spain etc. Permanent migration grew rapidly in the first years after the revolution, dropping further, due to the difficulties to obtain a long-term residence and work permit in the host countries. However, temporary migration has evolved very dynamic, requiring an economic analysis of possible positive or negative externalities of this phenomenon.*

Key words: *migration, phenomenon, policy, Romania.*

The term "migration" comes from the Latin word "*migratio, -onis*", meaning the movement of individuals, groups or populations wishing to settle permanently or temporarily in a place other than the place of origin. This process is determined by certain economical, natural, social, and political factors.¹

Across history, the concept of migration has manifested itself in different types and forms, so it is not a new phenomenon.² In Romania, the migration of the population grew more intense after 1989, after the fall of the communist regime.

After a period marked by great political, economical and social differences, former Communist countries attempted to escape the past through the adoption of a series of measures and strategies such as: the integration into the European Union, changing their legislations, defense strategies, public policies, especially migration policies etc.

Another term that we will address in our paper is that of "public policy". The term appeared quite late in its scope and manifestations, as well as in specific studies and the current language of Romania, more precisely in the late 1990 's. An explanation might be the fact that, although there are many ambiguities concerning this term borrowed from the English "policy", in Romanian the only correspondent translation is that of politics. Traditionally, the notion of politics refers to the activity of political parties, of specialized institutions (Parliament, Government, local political organs, etc.), political declarations, political campaigns, etc.

Therefore, the concept of "public policy" is defined under art. 4 (a). He, HG 775/2005 – as the totality of the activities of the Central specialized public administration in solving public policy issues. A specific solution may be implemented by means of one or several normative acts.³

Regarding the evolution of the phenomenon of migration as well as the measures taken in the framework of public policies across the 23 years of post-communism, we can distinguish three stages that characterize this period in Romania:⁴

a) the first period is between the years 1990-1995. It is characterized by an emigration rate of 7 persons per 1,000 inhabitants, the countries chosen being mainly: Israel, Turkey, Italy, Hungary, Germany. During this period, most of the Romanian immigrants left the country with little or no support from anyone else, only 22% of those who went abroad were assisted by someone.

b) the second period is between 1996-2001. The rate of emigration is the same as in the first period, the destination countries at this stage being Spain, the United States of America, Canada. The percentage of those who benefited from some sort of aid was higher this time, namely 40%.

c) the third period is between 2001 and the present time. The rate of emigration rose to 28 people per 1000 inhabitants. This increase is due to the occurrence of the Schengen visas, as well as to the integration of

our country into the European Union. The countries of destination are Spain 40%, Italy 18%, Germany 5%, Hungary 3% and 6% went to Israel. The number of those receiving aid for departure is much higher, the percentage rising to 60%.

What are the main reasons which have determined these people to flee the country? They are easily identifiable and are connected to: the quality of life, the education level, a native environment favorable to emigration, economical issues, the general degree of awareness, the cultural capital, a disappointing professional environment etc.

Another issue is that people are choosing to leave their native places to find better paid jobs or to get rid of poverty, which in turn is a major problem with which Romania is confronted. Other reasons why people are choosing to move into new geographical areas are: certain persecution of religious or cultural or political conditions, adverse and causes that do not take even the people desire such transfer of some groups, social categories on a continent on the other, wars, natural calamities, expulsion, etc.

External migration also has a multitude of effects that mostly positive ones it counteracts the negative ones, so that macrosocial can scale big winners but appears large and defeated.⁵

Of the positive effects highlight:

- obtain an income that ensures the reproduction of the labour force of the worker and his family, arrived in Romania would not get the same kind of activity;
- start saving and investment capacity, either in durable goods, be launching into business on their own account;
- gains in professional and cultural – of skills, knowledge, behaviours, labour discipline, safety, participation. To all this add a qualitative increase in human relations, civic spirit, involvement in community life, etc.

As the adverse effects noted:

- discrimination in treatment compared to the native labour force or even other migrant workers;
- the risk of non-compliance on the part of the employer's contract of employment;
- tension in relations with the labor force can sometimes reach up to conflict;
- difficulties of adaptation and hence reduced efficiency in the workplace, which may lead to dissatisfaction and a side;
- less social protection or inadequate, progress in security and working conditions is not always satisfactory, however under the promise to the selection interview and employment;

In continuation of our approach we try to present what are the main occupations of the Romanians abroad i.e.: buildings for men (98% worked at least once in this area), domestic work for women (88%) and agriculture (72% mens and 28% female). These occupations are practiced by most often illegally,

especially with regard to domestic and agricultural activities. If in the period 1990-1995 the share of those working illegally was 34 percent, after 2001 it stood at 53%. Destinations that Romanians have elected to work clandestinely in particular Turkey and Italy and they have worked legally were Germany, Greece, Israel, Canada and the USA.

At present the phenomenon of temporary departure from abroad is three times higher than in 2002. Regions where temporary migration for work predominates are Moldova, Muntenia and Oltenia, in other regions such as Transylvania, Banat, Dobrogea and Bucharest are more frequent departures for temporary travel visa type. At this time, Italy and Spain are the main destinations of Romanians working abroad: in the past five years, 50 percent of departures from working out were in Italy and 25% in Spain.⁶

At the same time we will highlight Romania's image reflected in the international press. In this regard we notice a trend of very large victimization displayed by foreigners to address Romanians in response to frequent attacks of the international press, the majority of immigrants being seen as Gypsies, thieves, mobsters and beggars. This combination was used to describe the image of Romania abroad affect us greatly in all areas both in the social, economic, cultural, especially in politics. The massive tide of illegal immigrants from Eastern Europe prompted Western citizens to find a scapegoat for the increasing rate of crime and drug trafficking in the main European cities, with serious repercussions that reach up to xenophobia and racism against immigrants.

As well as the perspectives of labour migration from Romania, specialists in the field say that over the next two decades until it must be borne in mind the following considerations:⁷

Firstly, the increase of labour force flows towards the EU, with the prevailing directions, shift the destination countries targeted are mainly those in the Western and southern EU-Spain, Portugal, France, Italy and Greece. Germany traditionally remains a preferred destination for Romanian workers, however, have a tendency to flow relatively stationary. Migrants are turning to areas where their presence is more easily accepted on the market and where previous experiences have proven successful for them or known.

The second temporary migration is preferred for work against that. During migration tends to increase, however, range from a few months to a few years. The third option for regulated migration increases instead of unchecked because it provides greater security of winnings, a slightly higher level of interaction and (ever-growing) a certain degree of social protection.

Fourthly, then return them to the national labour market has beneficial effects that contribute to increased economic performance, improves absorption of technological advances, promotes modern labour relations, contribute to the development of a culture of work compatible with that of Western Europe.

As regards the possible objectives and required for the policies concerning migration in Romania suitable for addressing the current highlight:⁸

Encourage legal migration through information and specific support services for prospective migrants. It is about the three major elements: information on the requirements of the labour market, preparing to be able to act on the new labour market in the new working environment and ensuring "security package" (access to health care, old-age insurance, etc.); Another issue is that of stimulations circular migration, in particular in the EU, to the benefit of both States involved, boosting demand for qualified labour remuneration and the Elimination of discrimination of migrant workers; encouraging remittances through the banking system and support (helpdesk, training) for entrepreneurial activities, for productive investment.

At the same time should be born in mind that the policy of investment of remittances to be return of migrant workers and initiate a business in which to use the added experience and training gained during migration. Another solution would be to prospective investment (in companies that promote economic growth, etc.).

With all of these perspectives and what measures should be taken, that migration has become in recent years a priority of domestic and foreign agendas of most countries of the world, as well as international organisations. This phenomenon constitutes, at the same time, a source of insecurity and security for both countries and their citizens and for the host countries and their inhabitants. That's why it affects to the turn and is influenced by all dimensions of security, attaing to determine the attitudes that may create tensions, conflicts and even crisis for both sides involved. In such situations, migrants constitute a source of benefits, but also economic, social, political or military.

In the case of Europe, the issue of migration has become extremely complex as a result of the enlargement of the European Union. EU membership of countries with large numbers of immigrants that have targeted and aimed at developing the European States questioned both their status in relation to the territory concerned, as well as regulation of the phenomenon and to counter the negative effects of it. The EU also needs to take into account both the rights and the status of citizen of european immigrants and of the rights of the citizens of the countries of destination. That's why we believe that it is absolutely mandatory that all actions undertaken to respect basic human rights.

With regard to the Romanian situation we believe that the main issue to be resolved concerns the need to ensure that the Romanian authorities as soon as institutional capacity to fulfil the obligations of the Member State of the European Union, as well as the efficient management of the problem of increasingly more complex in the field of migration.

Although developments in policies, institutions and legislation on migration in Romania have been heavily influenced in recent years by the accession of Romania to the European Union, namely the need to ensure compliance with Community law and the existence of an institutional framework enabling administrative participation in EU policies in the field of

migration, they were included in the national legislation with the Community acquis in the field of migration and have taken measures to improve institutional and inter-institutional coordination for the management of legal migration and the illegal.

The legislative plan, existing national legislation has been amended so that it now fully complies with the legislation on migration in the European Union.⁹

Although Romania has a well developed system on strategies, policies and measures concerning the management of the phenomenon of migration, the biggest challenge comes when they must be put into practice. In the current european context of migration and related issues you are experiencing workers are Romanians, Romania should make known as vigorous position and to advocate for change in the vision of mobility and labour force: they are two interrelated concepts, which should describe the distinct realities, namely the mobility of the citizens of the old Member States versus migration of citizens from the new Member States What would lead to equal treatment applied to all European citizens (Casey-Johnny, 2008).¹⁰

Therefore migration remains, irrespective of the duration and distance travelled, a simultaneous change in the socio-cultural space. "It involves not only moving from one community to another, but also involves structural attachments of the destruction, the reorganization of the system of relationships to their destination and cultural assimilation of the receiving environment".¹¹ It is therefore an entire suite of processes, slow and contradictory, blur cultural differences gradually and the habits, values and behavioural models specific to the host population.

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ORIGINAL PAPER

Claudiu LĂZEANU

Labor market integration of young people over 18 who are preparing to leave the welfare system - sociological study

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Abstract: *What do we know about young people leaving the care system, the problems which they must face? These questions I will try to give answers. Protection may have been appreciated by young and maybe helped, but also may have contributed to their other problems. Perhaps they had experienced subsequent changes and breaks, while they were in care. For those in care for a long time there has been a weakening of ties with family, friends and neighbors for some of these young people there was a confusion of identity confusion that comes from incomplete information, the separation and reject' These feelings and confusion can be compounded for young people brought up in a care system like "Placement Centre". We observe the poor educational performance, their feelings of "stigma" of care and poor (nonexistent) preparation for leaving care system. Regarding leaving care at 18, loneliness, isolation, unemployment, poverty, lack of stability, homelessness and "derived" are the most significant features of their lives. First, young people leaving care system to live independently at a much lower age than other young people who leave home (usually average age of leaving home is 22 to 23 years). The main reasons for leaving the care system include termination of investments and the patron assumption that young people have to leave because they have reached the age of 18. Those who leave care system must make a rapid transition and to assume responsibility for housing. They represent a vulnerable group these young people because of their integration in the labor market is not easy.*

Key words: *Integration, young people, education, vulnerable, system.*

Since December 1989, Romania is entering a new historical stage, a phase of much political, economic and social, also known as the "period of transition to market economy."

The main effect of this transformation is for the youngsters assisted in care institutions that reach the critical age of 18 (when they have to leave the system) is the lack of any social support and virtually their rejection by society which protected until then.

They have such a strong sense of social exclusion, attempts at integration leads to failures "And is undoubtedly one of the causes of crime in the this category of young adults many of them haven't a permanent residence and clear possibilities of survival are exposed phenomena of prostitution, delinquency, substance abuse hallucinogens, etc.. general phenomena affecting the homeless category known as "street children" and come in all of the minors assisted majority of the houses of children. "

At age 18, if they do not continue their studies, the obligation of the legal system of children welfare stops, the youngster should assume the responsibilities of adult life. Every year, approx. 5,000 young people will leave the care system and to be integrated into social and professional life.

The main objective of the research was to assess the level of adjustment in the labor market of young people from vulnerable category. I chose to do sociological research, at 'Independent Living Service' In the center are housed young people over the aged 18 years and left the welfare system, because they have left school some of them, or for other reasons, etc.

If family wasn't possible, the young receive adequate housing - in youth service for a period of up to 2 years after termination. Young people are encouraged to take care of themselves by accountability for goods and services they receive, improving housing conditions and maintenance of existing facilities.

This study aims to evaluate the integration of youngsters the are progress of professional integration and what they want, is to show wich are the difficulties wich they face, once out of public care, to what extent has the support of the institutions involved and if agents companies are keen to engage these young people.

Also, another objective of this research is to know the criteria considered by employers when hiring.

Hypotheses

This research has the following assumptions:

- The labor market does not offer many options to hiring;
- Access to the labor market is difficult;
- Their desire to succeed in life is very high.

Research Methodology

Selection batch experimental group I selected a total of 30 young people to retrieve host, 'Independent Living Service' SSCP, Dolj.

Lot consists of 30 people, among them 14 girls and 16 boys aged between 18 and 26 years. The selection was made based on young people's psychological records, by the psychologist center. These youngsters were residents of care institutions, living there. Our research on the lot have been made possible with the help of the social workers of the institution, who have provided materials, information and area of research, and have been possible because some young people have come to visit youth in the experimental group friends and former colleagues orphanage or school with them.

Annual track.

In this research we aimed primarily a set of indicators for the analysis of the socioprofessional desire of integration on the labor market.

- Education;
- Main problems which they faced in finding a job;
- The conditions for a young person to succeed in life;
- Their participation in job interviews;
- Previous experience job;
- Self-esteem;
- The workplace climate in which they work;
- The standard of living;
- Behavior in society;
- The general health.

Methods and techniques used in the research.

Questionnaire-on skills and abilities necessary to adapt young people over 18 who leave the child protection system to labor market for young people who belong to this vulnerable group.

Research findings.

These young people are a vulnerable group of people at risk of social exclusion and marginalization because they haven't housing or rental or purchase options, face difficulties in employment, being exposed to unemployment, they haven't their own means of subsistence being exposed vagrancy and crime, often fall victims of delinquency, drug abuse, sexual exploitation.

Our research shows that most young people interviewed consider that accessing labor market is an impediment because the lack of information on employment is for them a problem because having this information about jobs can not commit.

Another conclusion drawn from our research is the fact that 40% of young people were heavily affected by the standard of living, not having a job where you have an income to support themselves. The unemployment allowance benefits some 20% of young people, the explanation could be that

some of the respondents have received unemployment benefits, but they ended period they received.

Access to housing for these young people is provided as a priority legislation on housing for young people and their families and the legislation contains express provisions to combat marginalization and social exclusion.

Appreciation is modest wage for young people who would work on after a labor supply 30% say they will wage Ron 900 40% 1,500 Ron, the rest 13.33% wage responses of 2,000 Ron, 13.33% Ron 1.000, 3.33% not stated ground that is confidential.

Young people appreciate the seriousness and discipline, communication skills, general education, knowledge of a foreign language or computer use matters very much in getting and keeping a job, a good portion of them can easily fit these requirements.

On the other hand, the lack of correlation efficient trades that can prepare young people with jobs in demand on the labor market affects in turn, a chance for young people to have access to a job. At the same time, even if they find a job after a shorter or longer period of employment, many young people leave jobs is especially disappointing salary (have high expectations in this regard).

The issues noted, and the results lead to the working hypothesis confirmation that research objective was achieved by demonstrating that the labor market does not offer many options to engage, access to employment is a difficult one, and that their desire of success in life is very high.

POLITICS AND RELIGION:
CHALLENGES AND PERSPECTIVES

ORIGINAL PAPER

Anca Parmena OLIMID

Eu Law Systems And Effectiveness of Religious Organizations: Comparative Legislation and Administrative Regulations (II)

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Abstract: *If the first part of the discussion published in issue 37-38/ 2013 argued the case of three newly EU countries, Bulgaria, Croatia and Czech Republic, the second part of the article debated the influx of religion and related areas covered in national legislation. As the first part, the paper covers many different specific categories such as: criteria of definition, particular registration requirements, rights and activities of religious communities or/ and associations of other three newly entered EU countries: Latvia, Lithuania and Poland. This second part has been undertaken with an interest to overview the legal areas covered by the national legislation for selective criteria.*

Key words: *law, religious communities, association, legal person, structure.*

Religious rebirth is high on national scene. The political factor coupled with the decline of religiosity has contributed to an increased interest concerning the “religious market” within EU newly member states¹.

In the last twenty years, former communist countries struggled to build a well-balanced legal regime according to the principle of freedom of religion². In this context, this study focuses on the following topics: definition and legal classification of concepts related to the “religiosity” and “religious market”, including criteria of classification, the areas covered in national legislation, rights and activities of religious organizations and particular registration requirements³.

Furthermore, the first part of this study aims to analyse the definitions of selective topics through an analysis of national legislation⁴. Thereafter, the analysis includes the following notions: religious activities, religious denominations and officials of religious organizations, religious organizations, and religious associations (Latvia); religious community, religious association, and religious centers (Lithuania), religious organizations (Poland)⁵.

This is explained by a contextual analysis of the particular definition and legal classification regarding, for example the creeds, the doctrine and cultic traditions in Latvia and the aims of the religion in Lithuania⁶ (see Table 1. Determining Criteria for Classification).

Table 1. Determining Criteria for Classification

Country	Determining legislation	Definitions
Latvia	Article 1. <i>Terms Used in This Law of the Law on Religious Organizations</i> (Hereinafter LRO)	“... (1) Religious activities – to adhere to a religion or a faith, to practice cult, religious or ritual ceremonies and to proclaim doctrine; (2) Religious denominations – trends of world religions that have their own creeds, doctrine and dogmatics, as well as cultic traditions; (3) Officials of religious organizations – members of elected bodies (councils, boards and audit committees) of such organizations, including ecclesiastics ...”.

	<p>Article 3. <i>Concept of Religious Organizations of the LRO</i></p>	<p>“(1) Religious organization shall be church congregations, religious associations and dioceses”.... (2) Religious association shall unite the congregations belonging to the same denomination, which are registered in accordance with the procedure established by this Law”.</p>
<p>Lithuania</p>	<p>Article 4. <i>Religious Communities, Associations and Centers of the Law on Religious Communities and Associations</i> (hereinafter LRCA)</p>	<p>“A religious community is comprised of a group of individuals seeking to implement the aims of the same religion”. “Religious associations are unions of church and uniform religious organizations, namely, communities striving to implement the aims of the same religion”. “Religious centers are higher governing institutions”.</p>
<p>Poland</p>	<p><i>Law Regarding the Guarantees of Freedom of Religion and Belief</i>, Art. 2, Section 1. <i>Freedom of Conscience and Belief</i> (hereinafter LGFRB)</p>	<p>“Religious organizations named hereafter churches and other religious associations”.</p>

- The criteria of definition are also covered, including an analysis of the:
1. *primary criteria of definition*: the adherence to a religion, faith and the practice of cults, religious or rituals ceremonies (Latvia)⁷, the adherence to a group of individuals and the practice of the same religion (Lithuania), the fulfillment of religious duties, the participation in religious functions and services and the profession of the religion or convictions (Poland);
 2. *the secondary criteria of definition*: the proclamation of doctrine; legal requirements concerning the elections of officials of religious organizations (Latvia), the implementation of the aims of the same religion, the mutual leadership of the religious communities comprising an association; the performance of religious rites and faith (Lithuania), the right to choose “to belong to a clerical or monastic order” (Poland) (see Table 2. Criteria of definition and related concepts).

Table 2. Criteria of definition and related concepts

Country	Criteria of definition (primary)	Criteria of definition (secondary)
Latvia (LRO)	<ul style="list-style-type: none"> - the adherence to a religion, faith; - the practice of cults, religious or rituals ceremonies; 	<ul style="list-style-type: none"> - the proclamation of doctrine; - legal requirements concerning the elections of officials of religious organizations;
Lithuania (LRCA)	<ul style="list-style-type: none"> - the adherence to a group of individuals; - the practice of the same religion; 	<ul style="list-style-type: none"> - the implementation of the aims of the same religion; - the mutual leadership of the religious communities comprising an association; - the performance of religious rites and faith;
Poland (LGFRB)	<ul style="list-style-type: none"> - the fulfillment of religious duties; - the participation in religious functions and services; - the profession of the religion or convictions. 	<ul style="list-style-type: none"> - the right to choose "to belong to a clerical or monastic order".

Nevertheless, certain provisions of national legislation are directly applicable to the "regulation of social relations" and the "right to freedom of conscience". For instance, in all three cases, common provisions include the right to freedom of conscience or the right to freely organize according to organizational structure (See Table 3. Overview of the areas covered in national legislation).

Broadly speaking, the areas covered in national legislation can be divided into three groups:

- a. **regulation of social relations** as follows: regulation of "social relations established through exercising the right to freedom of conscience" and "freedom of religion, including the right to freely state one's attitude towards religion" (articles 1-3) in Latvia), regulation of "legal relations of religious communities and associations and the State of Lithuania" and the consolidation of "human right of freedom of religion" in Lithuania)⁸ and the regulation of the relation of the state to the churches and other religious associations in Poland);

- b. **proclamation of the principles of freedom and equality:** the “equality of inhabitants irrespective to their attitude to religion” (Latvia), the proclamation of the principle of equality regardless the religion, religious convictions and the relationship with religion (Lithuania), the guarantees of the freedom of conscience, belief comprising “the freedom of choosing a religion or conviction”, the guarantee of “the right to freely subsidize churches and other religious associations” and the freedom of conscience and belief“ in relations between the state and churches and other religious associations” (Poland);
- c. **relations between the state and religious organizations:** relations between the state and religious organizations (Latvia), respect of the historical, spiritual and social heritage of the religious communities and association existing (Lithuania) and the relation of the state to the churches and other religious associations (Poland).

Table 3. Overview of the areas covered in national legislation

Overview of the areas covered in national legislation (quote / interpretation)	
Latvia (LRO)	<p>Specific provisions in the second article of LRO:</p> <ul style="list-style-type: none"> - regulation of the “social relations established through exercising the right to freedom of conscience” and “freedom of religion, including the right to freely state one’s attitude towards religion” (articles 1-3); - the “equality of inhabitants irrespective to their attitude to religion ” (article 4); - “relations between the state and religious organizations” (article 5).
Lithuania (LRCA)	<p>Specific provisions in the first and second articles of LRCA:</p> <ul style="list-style-type: none"> - “legal relations of religious communities and associations and the State of Lithuania”; - consolidation of the “human right of freedom of religion”; - the proclamation of the principle of equality regardless the religion, religious convictions and the relationship with religion; - the respect of the historical, spiritual and social heritage of the religious communities and associations existing in Lithuania; - namely, religious communities and associations shall not accomplish “state functions”; - the right “to freely organize” according to organizational structure.

Poland (LGFRB)	<ul style="list-style-type: none"> -the guarantees of the freedom of conscience and belief comprising "the freedom of choosing a religion or conviction" (see Section 1. <i>Freedom of Conscience and Belief</i>, art. 1); - the guarantee of "the right to freely subsidize churches and other religious associations" (art. 5); - freedom of conscience and belief "in relations between the state and churches and other religious associations"; - the relation of the state to the churches and other religious associations; -principle of separation and independence of churches and other religious associations.
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Preliminary Registration Requirements

As regards the preliminary registration requirements, it should be noted that current legislation in Latvia, Lithuania and Poland primarily focus on the legal provisions concerning the protection of legal rights of religious organizations as follows: no state interference in the internal organization of church is permitted (Latvia), the recognition of nine religious communities and associations legally functioning in Lithuania and the legal protection of religious associations within the limits defined by the laws in Poland (see Table 4. Preliminary Registration Requirements indicating the "core legal requirements" that each particular law provides regarding the preliminary registration).

Table 4. Preliminary Registration Requirements

Preliminary Registration Requirements	
Latvia (LRO)	<ul style="list-style-type: none"> - No state interference in the internal organization of church is permitted (see Article 5. <i>The Relations between the State and Religious Organizations</i>); - The relations between the State and Religious are based on the principle of separation (article 4 § 1); - The legal provisions concerning the protection of legal rights of religious organizations are included in Article 5; - The Board of Religious Affairs is in charge to register religious communities as legal entities; - Article 5.1. provides specific requirements regarding the Board of Religious Affairs as "a governmental institution being under the supervision authority of the Ministry of Justice" (article 5.1. § 1-2);

<p>Lithuania (LRCA)</p>	<p>- Article 5. <i>Traditional Religious Communities and Associations of Lithuania</i> recognize nine religious communities and associations functioning in Lithuania: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believer, Judaistic, Sunni Muslim and Karaites.</p>
<p>Poland (LGFRB)</p>	<p>- According to art. 11, churches and other religious associations "are subject to a legal protection within the limits defined by the laws".</p>

Particular Registration Requirements

For an overall framework of the particular registration requirements at the national level, it should be kept in mind that particular institutions are in charge of handling relations between state and religious organizations: the *Board of Religious Affairs* (Latvia), the *Seimas* of the Republic of Lithuania, the Parliament of the Republic of Lithuania (Lithuania) and the *Office for Denominational Affairs* (Poland) (for more details concerning particular registration requirements see Table 5. Particular Registration Requirements).

Table 5. Particular Registration Requirements

<p>Particular Registration Requirements</p>	
<p>Latvia (LRO)</p>	<ul style="list-style-type: none"> - The Board of Religious Affairs (hereinafter BRA) is the official authority in charge of "handling relations between the state and religious organizations" (Article 5 § 5); - The same institution is in charge of controlling "the conformity of activities of religious organization to legislative acts" (Article 5 § 6); - Regarding its legal statue, BRA has: separate property; independent balance and separate budget; - BRA ensures fulfillment and coordination of the state's policy on religious affairs (article 5.1 § 3) and it monitors the effectiveness of the state's legal regulation on practicing religion (article 5.1. § 3); - According to article 7, the procedure for establishing religious organizations specifies that "congregations may be established by at least ten citizens of Latvia or persons who have been registered in the Population Register"; - According to article 7.1.§1, "registered religious organizations" may establish: educational institutions, missions, monasteries etc.; - The procedure of creating, recognizing or dissolving the

	<p>institutions of religious organizations belongs to the founder who “makes a decision in accordance with the Charter” (article 7.1. §2-3);</p> <ul style="list-style-type: none"> - BRA examines in one month the documents submitted for the registration of the religious organizations. The decision to register or not to register a religious organization belongs to the Chief of BRA; - The applications submitted for recognizing a religious organization is accompanied by: the Charter, the list of congregations, an extract from the conference minute concerning the foundation of the congregation and a document confirming the payment of the stamp duty “on the registration of the religious association” article 9 § 3; - According to article 10. <i>Charter of a Religious Organization</i>, the charter has to include the following elements: <ul style="list-style-type: none"> - The name and the denomination of the religious organization; - The pledge of the religious organization to respect the Latvian Constitution; - The structure of the religious organization (including the elections procedure, aim, purpose, the description of teachings, the territory of functioning, the procedure for joining/ leaving the religious organization); - The particular issues such as the procedure of dissolving and recognizing the religious organizations are detailed in articles 17 <i>Procedure for Dissolving and Recognizing Religious Organizations</i> and 18. <i>Termination of Activities of Religious Organizations</i>; - The governing procedure concerning the dissolution or termination of the activity of the religious organization is regulated by the Charter depending on the notification of the Board of Religious Affairs. - Article 18 §1 stipulates the special procedure concerning the violation of the Latvian Constitution following next steps: <ul style="list-style-type: none"> - the written warning of the BRA “ordering the discontinuation of the illegal activities”; - The right to bring an action to court; - The legal situations conducting to the termination of the activities of a religious organization and the consequences of terminating the activities.
<p>Lithuania (LRCA)</p>	<ul style="list-style-type: none"> - The right to grant state recognition belongs to the Seimas of the Republic of Lithuania after receiving a conclusion from the Ministry of Justice (see article 6. Recognition of Other Religious Associations);

	<ul style="list-style-type: none"> - State recognition may be required after a period of no less than 25 years “from the date of their initial registration in Lithuania”.
Poland (LGFRB)	<ul style="list-style-type: none"> - According to art. 28, the legal persons of churches and other religious associations are defined by statutes. - Section III. <i>Creation of Churches and other religious associations</i> details the procedure following: <ul style="list-style-type: none"> - The submission of a “registering organ” provided by at least 100 Polish citizens “having full capacity” (see article 31 § 1); - The comprising documents of the registering organ are detailed in article 32 namely: fundamental characteristics, doctrines, religious ordinances, statute (including name, region of activity, aim and sources of financing, manner of changing statute etc.); - The governing institution concerning the procedure of registration is the Office for Denominational Affairs (article 33); - Article 36 comprises the procedure of “cancelation from the register” in the following cases: the legal and property situation of the church and other religious association regulated by a different law and in case of discontinuance of the activity..

Moreover, it is interesting to see how Latvia, Lithuania and Poland establish special provisions to govern the activities of religious organizations: the right to establish an educational establishment, the right to elect, appoint or dismiss ecclesiastics, the right to conduct their activities according to the provisions mentioned by their own Charter (Latvia), the legal Person Rights of Traditional Religious Communities and Associations, the rights of a legal person, and the refusal to register statutes or corresponding documents of religious communities/associations (Lithuania), the right to organize and carry cultural and artistic activity (Poland⁹) (see Table 6. Rights and Activities of the Religious Organizations).

Table 6. Rights and Activities of the Religious Organizations

Rights and Activities of Religious Organizations	
Latvia (LRO)	<ul style="list-style-type: none"> - When registered, a religious organization shall have the right to act as a “legal entity”. - Moreover, according to article 13. <i>Rights of a Religious Organization</i> (article 13§2), the right to establish an educational establishment belongs only to registered religious associations;

	<ul style="list-style-type: none"> - The right to elect, appoint or dismiss ecclesiastics is regulated by the article 14. <i>Activities of Religious Organizations</i> (see article 14 § 1); - The religious organizations conduct their activities according to the provisions mentioned by their own Charter see article 14 § 2). According to article 15. <i>Business and Entrepreneurial Activities of Religious Organizations</i>, they have the right to engage in business activities according to the existing legislation (the Law "on Entrepreneurial Activities" - The income from the business activities shall be used according to its own Charter legal provisions and the existing legislation).
<p>Lithuania (LRCA)</p>	<ul style="list-style-type: none"> - Religious instruction is regulated by the provisions of the article 9. <i>Religious Instruction</i>. It may be performed in houses of prayer, state and other educational/ institutional edifices upon registration of "religious educational program" with the Ministry of Education (article 9 § 3); - Article 10. <i>Legalization of Legal Person Rights of Traditional Religious Communities and Associations</i> stipulates that "traditional religious communities having the rights of a legal person" have the obligation to inform the Ministry of Justice; - The right to acquire legal person is pursuant "to report in writing" delivered by their authorities about "their establishment to the Ministry of Justice"; - The right to acquire legal person rights is provided to religious communities "no fewer 15 members" (namely "adult citizens of the Republic of Lithuania" – article 11. <i>Granting of Legal Person Rights to Other Religious Communities and Associations</i>). - Furthermore, after registration, religious communities "which are part of the structure of registered religious associations and centers" shall acquire "rights of a legal person" unless submitting a written application comprising: the name, main office, principles, institutional structure and activities, management and procedure for closing the activities; - Article 12 <i>Refusal to Register Statutes or Corresponding Documents of Religious Communities/Associations</i> details the procedure of refusal to register statutes or corresponding documents; - The activity of a religious community/association may not exceed 6 months (for more details concerning "the termination per decision" belonging to its "higher governing

	institution" see article 20. <i>Suspension or Cessation of Activity of Religious Communities, Associations and Centers</i>)
Poland (LGFRB)	<ul style="list-style-type: none"> - According to art. 13 § 2, legal persons of churches and other religious associations "are exempt from tax on revenues from their non-profit activity"; - Chapter 2. <i>The activity of Churches and other Religious Associations</i>, Section 2. <i>The Relation of the State to Churches and other Religious Associations</i> is governed by the principle of equality and "freedom of performing religious functions" defining: religious doctrine, religious services, use of mass media, educational activities. - Art. 26 stipulate "right to organize and carry cultural and artistic activity".

Conclusions

From this perspective, a major factor with a more gradual impact on the relations between state and religious organizations can be seen in the size of the sector "rights and activities". Furthermore, state-religious organizations relations may be uniquely influenced by the rights provided by their own Charter. That said, the recent legal changes above described have also introduced a structural model of mutual understanding state and religious organizations in the "religiosity debate".

¹ For a comparative analysis on the "reorientationist" perspective in the history of religion and religious organizations, the so-called "new history" in France, see François-Xavier de Vaujany, *A New Perspective on the Genealogy of Collective Action Through the History of Religious Organizations in Management and Organizational History* (2010-02) vol. 5, pp. 65-78, available at the following address: <http://basepub.dauphine.fr/xmlui/bitstream/handle/123456789/4821/PapierVaujanyMOH.pdf?sequence=1> (download info at <http://ideas.repec.org/p/ner/dauphi/urnhdl123456789-4821.html>).

² For a general overview on the legal position of religious organizations, the right and legal categories of religious organizations, see Norman Doe, *Law and Religion in Europe. A Comparative Introduction*, Oxford, Oxford University Press, 2011, pp. 88-92.

³ For particular insights on the subject of a methodology for comparative studies in religious education, see Oddrun M.H. Bråten, *Towards a Methodology for Comparative Studies in Religious Education*, Verlag, Waxmann Verlag GmbH, 2013, pp. 29-52.

⁴ For a comparative perspective on the classification of legal systems and related concepts (legal culture, legal tradition, legal family and the determining criteria for classification, see Joan Church, Christian Schulze, Hennie Strydom, *Human Rights from a Comparative and International Law Perspective*, Pretoria, University of South Africa, Unisa Press, 2007, pp. 24-29.

⁵ For a comparative perspective see also Cătălina Maria Georgescu, *On the Relation between Public Organizations and the Political Environment: an Empirical Study in the Field of Education* in *Revista de Științe Politice. Revue des Sciences Politiques*, no. 23/ 2009, pp. 67-78.

⁶ The national legislation used for classification is: the *Law on Religious Organizations* adopted by the Latvian Parliament in September 1995 and amended in 1997, 1998, 2000 (Translation by

Latvian Board of Religious Affairs in W. Cole Durham, Silvio Ferrari, *Laws on Religion and the State in Post-Communist Europe*, Leuven, Uitgeverij Peeters, Leuven (Belgium), 2004, pp. 163-176; the *Law on Religious Communities and Associations in Lithuania* (adopted in 1995 and amended in 1997, 2000 (Translation by the Office of the Seimas of the Republic of Lithuania in W. Cole Durham, Silvio Ferrari, op. cit., pp. 177- 187); and the *Law regarding the guarantees of freedom of religion and belief in Poland* (adopted in 1989) (according to the translation provided by Robert Schwartz in W. Cole Durham, Silvio Ferrari, op. cit., pp. 213-232.

⁷ See also Miklós Tomka, *Expanding Religion: Religious Revival in Post-communist Central and Eastern Europe*, Berlin, Walter de Gruyter GmbH & Co. KG, 2011, pp. 212-213.

⁸ For more on the history of religion, the state of research on religion and religious hegemony of Catholicism in Lithuania, see Milda Alisauskienė, Ingo Schröder (eds.), *Religious Diversity in Post-Soviet Society: Ethnographies of Catholic Hegemony and the New Pluralism in Lithuania*, Farnham, Ashgate Publishing Limited, 2012, pp. 1-12.

⁹ For research on the relationship between national identity, religion and the cult of authenticity in Poland see Jörg Hackmann, Marko Lehti, *Myth of Victimhood and Cult of Authenticity. Sacralizing the Nation in Estonia and Poland* in Catharina Raudvere, Krzysztof Stala, Trine Stauning Willert (eds.), *Rethinking the Space for Religion: New Actors in Central and Southeast Europe. Authenticity and Belonging*, Lund, Nordic Academic Press, 2012, pp. 126-127.

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ORIGINAL PAPER

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The relationship between Church and State in Romania

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Abstract: *The relationship between Church and State is the collaboration between the spiritual and political unity that are united by the common social life of the citizens of the State and faithful of the Church. With the instauration of the communist regime, the relations between State and Church begin to change, especially since 1965, when school is separated from the church and the state through various adopted measures begins to dominate the Church. Although the Constitution guaranteed religious freedom, the communist regime brought a policy of reducing the role of religion and implicitly of supporting and even enforcing atheism. After the fall of the communist regime in 1989, the Church began to gradually regain its function and role and religious education began to be present again in society. Since 1991, the Constitution has set the legal framework for religious activity, as well as the principles of the relationship between State and Church.*

Key words: *State, Church, comunist regime, political life, religions, education, religious freedom.*

Usually the relationship between Church and State is based on the "Byzantine principle of symphony, i.e. harmony, understanding and cooperation between the two distinctive institutions: one spiritual and the other political, which were united by the common social life of Church believers and State citizens"¹.

This principle is also found in the Romanian Lands (Wallachia), as between the site vaivode (political leader) and the metropolitan there were collaboration relationships and also interdependence ones. The vaivode became ruler after he was anointed as lord by the metropolitan, and when the metropolitan was appointed in the bishop chair as well as when he was revoked most of the times the word of the vaivode was decisive.

After the unification of Moldova with Wallachia in 1859, specifically after the Constitution was adopted in 1866, the church - state relationship did not formally change. However, the political class of the time being influenced by the West began to depart from the church.

Although the 1866 Constitution stipulated that the Orthodox Church is the dominant state religion (priests were paid by the State and it was provided that the descendants of King Carol were baptized in the Orthodox faith), the state began to exert control over the church. One thing is certain, the Orthodox church has never become a real enemy of the state.

The establishment of Greater Romania on December 1st 1918 brought with it the principle of autonomy towards the state. The Constitution of Romania of 1923 also stated that the Romanian Orthodox Church was dominant, but with it, as national church it was also proclaimed the Greek Catholic Church of Transylvania. It should be noted that between 1927 and 1930, the Orthodox Patriarch Miron Cristea was elected regent and between 1938 and 1939 was even appointed prime minister.

In 1928 it will be issued for the first time in history of Romania a religion law, which provided that the State would exercise through the Ministry of Religious Affairs the right of control and supervision over the religious affairs. "This right of supervision and control was very broad, being able to ask the Church to hand over the Ministry any official documents and any information it was asked"².

In 1948 it is issued a new regulation on the general regime of religious affairs, which has restrictive provisions, regarding the control exerted by the state. The regulation states the attributions of the Ministry of Religious Affairs through verbs like "examines, approves, consents, suspends, verifies, exercises the right of verification and control, cancels, etc. However, no normative act from that period did expressly regulate the separation of the State from the Church"³.

Once the communist regime was established, the relations between State and Church begin to change, especially since 1965, when school is separated from church and the State, through various adopted measures, begins to dominate the Church. Thus, in the Constitution of Romania, article 30 it was stipulates: "School is separated from the church. No confession,

congregation or religious community can open or maintain other educational institutions than special schools for the training of religious affairs staff"⁴.

Decree number 334/1970 which referred to the structure and functioning of the Department of Religious Affairs visualized functions indicating the control exerted by the state over the religious life, thus the principle of State domination over the Church was replaced by the principle of harmony or cooperation between the two institutions. The state had the right to control and supervise monasteries, to claim any data and information and also had the right to remove any decisions that were taken by the religious affairs.

The communist regime brought a policy of reducing the role of religion and therefore implicitly supporting and even imposing atheism, even though the Constitution guaranteed religious freedom. Church was removed from the army, prisons and even social foundations, being forced to restrict its activity only at liturgical level. Thus, the State took over charitable and philanthropic function, by supporting the poor, orphans, elderly and abolished confessional schools.

After the fall of communism in 1989, the Church began to gradually regain its function and role and religious education began to be present again in society. Thus, one of the primary concerns of the Ministry of Education and Science was to "reintroduce Religion as a subject of study in pre - university education. So, after 45 years of communism, during which it was unjustly expelled from schools, being forbidden by the Decree for the education reform of 1948, religion regains its right to be restored among the school subjects"⁵.

After the fall of communism in 1989, the Church began to gradually regain its function and role and religious education began to be present again in society. Since 1990, in order to ensure relations between State and Church, it was established the Secretariat of State for Religious Affairs, as professional authority of public administration, subordinated to the Government and since 2001 it was merged with the Ministry of Culture, thus forming Ministry of Culture and Religious Affairs.

Starting with 1991, the Constitution of Romania established the legal framework for religious activity, as well as the principles of the relationship between State and Church. Thus, in article 4, where there is talk about people's unity and equality among citizens, it is formulated the equality in rights "for all its citizens irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political membership, wealth or social origin"⁶.

After the revolution, the State got involved and supported the work of the Church in education institutions, religion being introduced as study subject, initially voluntary and then mandatory. At first, religion classes were given by priests and pastors because the reintroduction of religion in schools and the accelerated development of theological education surprised the religions affairs without teachers, thus not being able to handle requests.

In 1991, for covering the lack of personnel to teach religion, it was concluded the „Convention 10.076, regarding the ability of future

schoolmasters to teach religion for the grades I - IV"⁷ and in the same year it was also concluded „Protocole no. 9870 which provided including theological superior education within state universities.”⁸. Thus, in Constitution, article 32, it is provided religious freedom, stipulating that „the State ensures freedom for religious education, according to the requests specific to every religion. In state schools, religious education is organized and guaranteed by law”⁹.

In addition to supporting religion in schools, the state is in charge of supporting, including financially, the religious assistance in the army, prisons, hospitals, orphanages and asylums. Another example of the collaboration between the two institutions is represented also by the contribution to the payment of the religious personnel, as well as the state subsidies for the construction and repair of halidoms.

In the Constitution of 1991, Article 29, which is part of Chapter 2 of fundamental rights and freedoms, it is most indicative for the framework of manifestation of religious life, stating that:

“1. Freedom of thought and opinion, as well as freedom of religious beliefs cannot be restricted in any way. No one can be compelled to adopt an opinion or join a religion, contrary to their beliefs.

2. Freedom of conscience is guaranteed, it must be manifested in a spirit of tolerance and mutual respect.

3. Religions are free and are organized according to their own statutes, under the law.

4. In the relations between religions there are forbidden any forms, means, acts or actions of religious enmity.

5. Religious affairs are autonomous from the state and are supported by it, including the facilitation of religious assistance in the army, in hospitals, in prisons, in asylums and in orphanages.

6. The parents or guardians have the right to provide, according to their own beliefs, the education of minor children whose responsibility devolves on them”¹⁰.

The Constitution revised in 2003, does not absolutely separate the State from the Church, but provides the collaboration between the two institutions, the State supporting the Church in various areas of activity.

Following the discussions since the revolution, between religion and state representatives, in 2006 it was approved Law no. 489 / 2006, by the Parliament of Romania, regarding religious freedom and the regime of religious affairs, in accordance with the Constitution and the new religious and social life of Romania.

The first chapter of the law, entitled *General dispositions* speaks about the religious freedom of each person and the protection of human rights and freedom. In article 6, it is mentioned that the state protects religious groups with or without legal personality. Regarding human rights, there were considered “the provisions of the European Convention of Human Rights, articles from the Universal Declaration of Human Rights, in the International agreement on economic, social and cultural rights, in the International

agreement on civil and political rights as well as the UN General Assembly Declaration on the elimination of all forms of intolerance and discrimination”¹¹.

The second chapter of law, which refers to Religious affairs, is divided into five sections. The first section regulates the relationship between state and religions, the Romanian state recognizing for “religions their spiritual, educational, social, charitable, cultural and social partnership role, as well as their status as factors of social peace”¹².

The law enunciates the state’s agreement for the direct support of religions, for remuneration, repair, construction or consolidation of halidoms, as well as by granting fiscal facilities or deduction of some amounts from the income tax of the believers. The basis of the relation between the Romanian state and the religious affairs are neutrality and non - discrimination, as well as the cooperation between the two institutions in areas of common interest.

indirect, prin deducere, conform legii, a unor sume din impozitul pe venit al credincioșilor sau acordarea de facilități fiscale

In the second section it is established the recognition of religion, by the state, being acquired through “Government decision, at the proposal of the Ministry of Culture and Religious Affairs, by the religious associations who, via their activities and number of members, provide guarantees of sustainability, stability and public interest”¹³.

The third section discusses the issue of religious staff, religion having the power to revoke or hire staff according to their own canonical regulations and codes.

Religious heritage is the fourth section, where the problem is the lack of proper burial spaces for believers. Thus, the law speaks about the obligation of local councils to build communal and city cemeteries, to meet real demands.

In section five, education organized by religions, it is mentioned that the teaching of religion is ensured by the law of recognized religions, the text also referring to confessional education as a form of education regulated by the Constitution of Romania.

The third chapter, entitled *Religious associations*, debates the foundation of religious associations, which must be composed of at least 300 people, of Romanian citizenship, which are associating to manifest a religious belief. “This two - stage system in the law of governing the legal status of religious organizations with legal personality, religion and religious association, is specific to most countries in the European Union”¹⁴.

In the last chapter, *Transitory and final provisions*, it is determined that in Romania there are 18 recognized religions that work and that do not require a new procedure for recognition.

At present the relationship between State and Church is one of interdependence; the State is helping and supporting the Church in its projects, the Church having today, the best position in relation to the State.

¹ Ministry of Culture and Religious Affairs, National Association for Defending Religious Freedom „Conscience and Freedom”, *Religious Freedom in Romanian and European context, International symposium, Bucharest, 12th - 13th of September 2005*, Bizantina Publishing House, Bucharest, 2005, p. 13.

² *Ibidem*, p. 372.

³ Ministry of Culture and Religious Affairs, *Religious life in Romania, IIIrd edition*, Tipogrup Press Publishing House, Bucharest 2008, p. 12.

⁴ *Idem*.

⁵ Ministry of Culture and Religious Affairs, Secretariat of State for Religious Affairs, *Religious and theological education in Romania*, Techno Media Publishing House, Sibiu, 2006, p. 17.

⁶ Constitution of Romania 1991, *General principles, People's unity and equality among citizens*, article 4, section 2.

⁷ Ministry of Culture and Religious Affairs, Secretariat of State for Religious Affairs, *Religious and theological ...*, p. 18.

⁸ *Idem*.

⁹ Constitution of Romania 1991, *Fundamental rights and freedoms, Right to education*, article 32.

¹⁰ Constitution of Romania 1991, *Fundamental rights and freedoms, Freedom of conscience*, article 29.

¹¹ Ministry of Culture and Religious Affairs, *Religious life ...*, p. 15.

¹² Romanian Gazette part I, no. 11/8.01.2007, Law No. 489/2006 regarding the religious freedom and general regime of religious affairs, chapter II, section 1, art. 7, p. 2.

¹³ Romanian Gazette part I, no. 11/8.01.2007, Law no. 489/2006 regarding the religious freedom and general regime of religious affairs, chapter II, section 1I, art. 17, p. 3.

¹⁴ Ministry of Culture and Religious Affairs, *Religious life ...*, p. 16.