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SUMAR – CONTENTS – SOMMAIRE – INHALT

HISTORY AND POLITICAL SCIENCE

MURIEL RAMBOUR

Quand la mecanique constitutionnelle s'enraye. Les leçons des "non" français et neerlandais au Traité établissant une Constitution pour l'Europe.....5

ANDREEA MICU

Comitology. Delegation of Powers in the European Union, Legitimacy and the Committee System.....21

ALINA VASILE

From the EU to the Monetary Union: Strategies for New Member States51

GEORGE VOSKOPOULOS

European Integration through Gaullism and Europeanism.....65

LUCIAN BUTARU

The Citizenship Issue in the "Great Romania" (1918-1940).....81

INTERNATIONAL RELATIONS

PHILIPPE CLARET

L'integration européenne des Balkans occidentaux91

ANDREI ENGIŞ

A Single Voice in International Relations: the International Credibility of the European Union..... 115

BOGDAN LUCIAN

The U.S. in World Affairs. From Exceptionalism to Transformational Diplomacy 141

ANCA STÂNGACIU

L'ingresso della Romania nell'Unione Europea. Le relazioni tra la Romania e l'Italia..... 161

ECONOMY AND LAW

VALENTIN COJANU

Entrepreneurship and Regional Development in Romania 175

VYTAUTAS TVARONAVICIUS, MANUELA TVARONAVICIENE

Inovations in Broadband: Implementing Value Added Network Services..... 193

VERONICA MATEESCU

Le management interculturel et les Petits et Moyennes Entreprises. Etude de cas: une petite et moyenne entreprise, avec capital d'investissement italien et roumain, de l'industrie du bois 203

TRAIAN LASZLO

On Commercial Effects (Commercial Papers). Domestic and International Settlements: Principles and Solutions..... 219

EUROPEAN CULTURE

SAROLTA SIMIGNÉ FENYÓ

Global English – Euro-English..... 237

B O O K R E V I E W

RUXANDRA IVAN

Florin Diaconu, *Război clasic-limitat și război total. Elemente de teorie și istorie politico-militară*, București, Editura Universității din București, 2006, 244 p., prefață de Daniel Barbu.....251

ARTUR LAKATOS

Chircă Adrian, *Provocări geopolitice ale construcției europene*, Cluj-Napoca, Editura Mediamira, 2005, 230 p.257

**QUAND LA MÉCANIQUE CONSTITUTIONNELLE S'ENRAYE.
LES LEÇONS DES « NON » FRANÇAIS ET NÉERLANDAIS AU
TRAITÉ ÉTABLISSANT UNE CONSTITUTION POUR L'EUROPE**

Muriel Rambour*

Abstract

On 29th May and 1st June 2005, France and the Netherlands rejected the European Constitution. These referendums led to suspend the constitutional process engaged since 2001. French and Dutch « No » are both based on national considerations and opinions on Europe. By exploring those multiple reasons, the paper aims at showing that the rejection of the constitutional treaty cannot simply be understood as an opposition to European integration as a whole.

Signé en octobre 2004 par les chefs d'Etat et de gouvernement européens, le Traité établissant une Constitution pour l'Europe est le produit d'une démarche initiée fin 2001 avec la déclaration de Laeken. Son objectif premier était de clarifier le fonctionnement de l'Union européenne, de rendre les institutions communautaires plus proches des citoyens en dotant l'Europe d'un cadre politique cohérent¹. Au cours du premier semestre 2005, quatre pays ont choisi de ratifier le traité constitutionnel en recourant à la voie référendaire : l'Espagne (20 février), la France (29 mai), les Pays-Bas (1^{er} juin) et le Luxembourg (10 juillet). D'autres pays (Danemark, Irlande, Pologne, Portugal, République tchèque et Royaume-Uni) envisageaient la tenue d'un pareil référendum, mais l'issue des scrutins

* Muriel Rambour, Ph.D., is associate researcher at the Institute for Political Studies in Strasbourg (France). Email: muriel.rambour@wanadoo.fr

¹ Déclaration de Laeken sur l'avenir de l'Union européenne, Annexe 1 aux conclusions de la présidence, Conseil européen de Laeken des 14-15 décembre 2001, p. 19-21. Sur les objectifs et le déroulement du processus constitutionnel, voir par exemple Rambour, Muriel (2005), Post-nationalisme et intégration politique communautaire. Réflexions sur l'avenir de l'Etat-nation face à la construction européenne, Lille : ANRT, 421-483

français et néerlandais a bouleversé ces plans. Les « Non » exprimés à quelques jours d'intervalle par deux pays fondateurs de l'Europe ont en effet jeté l'incertitude sur la poursuite du processus de ratification et sur la pérennité du projet constitutionnel dans sa configuration actuelle.

En France, le « Non » a recueilli 54.7% des suffrages, avec un taux de participation de 69.3%. Ce rejet très net de la Constitution contraste avec le soutien apporté – certes à une courte majorité de 51% – au traité de Maastricht en septembre 1992. Dans la campagne du printemps 2005, la ratification du traité constitutionnel était appuyée par quatre partis avec, à droite, l'Union pour un Mouvement Populaire (UMP) et l'Union pour la Démocratie Française (UDF), et, à gauche, le Parti socialiste (PS) et les Verts. Au sein même de ces formations politiques, sont apparus des courants dissidents qui ont rejoint le « camp » hétérogène de l'opposition à la Constitution, composé des souverainistes de gauche du Mouvement Républicain et Citoyen (MRC), du Parti communiste (PCF), de trois formations d'extrême gauche – Lutte ouvrière (LO), la Ligue communiste révolutionnaire (LCR), le Parti des travailleurs (PT) –, des souverainistes de droite du Rassemblement du Peuple français (RPF) et du Mouvement pour la France (MPF), ainsi que de deux partis d'extrême droite, le Front national (FN) et le Mouvement national républicain (MNR). Pour la plupart, ces tenants du « Non » ne rejetaient pas en bloc la construction européenne mais se présentaient comme des partisans d'une « autre » Europe. Les opposants de gauche se voulaient ouverts à une renégociation du traité dans un esprit plus social, tandis que les souverainistes de droite en appelaient à une Union de nations excluant clairement toute perspective d'adhésion de la Turquie ². L'analyse du vote à la sortie des urnes montre que le rejet de la Constitution est surtout le fait de l'électorat de gauche. Près de 60% des proches du PS et des Verts, et plus de 90% des partisans du PCF et de l'extrême gauche, ont voté « Non », alors que moins du quart des sympathisants de droite a suivi la même orientation ³. Les deux traits caractéristiques du vote français – une forte mobilisation électorale pour un

² Milner, Henry (2006), « “YES to the Europe I want ; NO to this one” ». Some Reflections on France's Rejection of the EU Constitution » in *Political Science & Politics*, no. 2, vol. 39, p. 257-260

³ Sondage IPSOS-Le Figaro, 29 mai 2005

rejet du texte proposé⁴ – se retrouvent, par ce qui s'apparenterait à première vue à un effet d'entraînement, dans le référendum néerlandais du 1^{er} juin 2005.

Aux Pays-Bas, tant les trois formations membres de la coalition gouvernementale dirigée par Jan Peter Balkenende – Appel chrétien-démocrate (CDA), Parti populaire pour la liberté et la démocratie (VVD), Parti des démocrates 66 (D66) – que les deux partis d'opposition – Parti du travail (PvdA) et Gauche verte (GL) – s'étaient engagés en faveur du traité constitutionnel. Les détracteurs du texte comptaient les extrêmes – le Parti socialiste (SP) à l'extrême gauche, la Liste Pim Fortuyn, le Groupe Geert Wilders et le Leefbaar Nederland à l'extrême droite – ainsi que les formations religieuses du Parti politique réformé (SGP) et de l'Union chrétienne (CU). Le référendum était consultatif, mais le parlement et le gouvernement avaient annoncé qu'ils se rangeraient à l'opinion des électeurs si la participation atteignait 30% et si le résultat était clair, rassemblant au moins 60% des voix. Ces deux conditions ont été remplies puisque le référendum s'est conclu par un refus massif de ratifier la Constitution (61.6% de « Non »), appuyé par une participation de 62.8%.

Les votes français et néerlandais ont fait dire à certains responsables politiques que le traité constitutionnel a été rejeté parce que les citoyens « n'aiment pas » l'Europe telle qu'elle se réalise⁵. Cette irruption de l'opinion publique dans le débat européen marquerait ainsi la fin du « consensus permissif » par lequel la construction européenne aurait progressé sur la base d'une indifférence bienveillante des citoyens⁶. Une

⁴ Pour un commentaire du référendum français, voir notamment Laurent, Annie ; Sauger, Nicolas (2005), *Le référendum de ratification du traité constitutionnel européen. Comprendre le "Non" français*, Paris : Cahiers du CEVIPOF, n°42 ; Mergier, Alain (2005), *Le jour où la France a dit non. Comprendre le référendum du 29 mai 2005*, Paris : Plon, 2005 ; Sauger, Nicolas ; Brouard, Sylvain ; Grossman, Emiliano (2006), *Les Français contre l'Europe ? Les sens du référendum du 29 mai 2005*, Paris : Presses de Sciences Po

⁵ Déclaration du Premier ministre luxembourgeois et président en exercice du Conseil européen, Jean-Claude Juncker, à l'occasion des résultats du référendum aux Pays-Bas, 1^{er} juin 2005

⁶ Sur la notion de « consensus permissif », cf. Lindberg, Leon ; Scheingold, Stuart (1970), *Europe's Would-Be Polity : Patterns of Change in the European Community*, Englewood Cliffs : Prentice Hall. Pour une discussion de l'évolution de cette hypothèse, cf. Percheron, Annick (1991), « Les Français et l'Europe : acquiescement de façade ou adhésion

analyse comparée des référendums de ratification organisés en France et aux Pays-Bas permet d'interroger la perception de l'intégration communautaire par les électeurs de ces deux pays en tentant de percer les raisons de leurs « Non ». De manière générale, le commentaire d'un référendum – que son objet soit national ou européen – est une démarche délicate qui se heurte à la multiplicité des paramètres entrant en ligne de compte dans les motivations de l'électorat. Le « Oui » ou le « Non » dissimulent le plus souvent autre chose qu'une réponse à la seule question posée. Le contexte socio-politique, économique, national ou international, qui préside à la tenue de telles consultations doit également être pris en compte, car il exerce généralement une certaine influence sur le sens du vote ⁷.

Les référendums français et néerlandais ont largement mobilisé les citoyens, la participation dépassant de plus de 20 points celle enregistrée à l'occasion des élections européennes de juin 2004. Que traduit cette forte implication des électeurs ? Est-elle le signe d'une appropriation du projet constitutionnel et d'une prise de conscience de l'importance de l'enjeu que revêtait sa ratification ? Les électeurs se sont-ils effectivement prononcés sur le texte qui leur était soumis ou l'ampleur de la mobilisation est-elle à mettre en rapport avec d'autres considérations que la seule problématique européenne ? Afin de rendre possible la comparaison des deux référendums, il sera fait ici essentiellement référence aux enquêtes *Flash Eurobaromètre 171* (pour la France) et *Flash Eurobaromètre 172* (pour les Pays-Bas) réalisées pour le compte de la Commission européenne ⁸. Elles

véritable ? », *Revue française de science politique*, no. 3, vol. 41, 382-406 ; Reif, Karlheinz (1992), « Ein Ende des permissiven consensus? Zum Wandel europapolitischer Einstellungen in der öffentlichen Meinung der EG-Mitgliedsstaaten » in Hrbek, Rudolf, *Der Vertrag von Maastricht in der wissenschaftliche Kontroverse*, Baden-Baden: Nomos, 23-40 ; Eichenberg, Richard ; Dalton, Russell (1993), « Europeans and the European Community : the Dynamics of Public Support for European Integration », *International Organization*, no. 4, vol. 47, 507-534

⁷ Tsebelis, George (2002), *Veto Players*, Princeton : Princeton University Press, 117 ; Hug, Simon (2003), *Voices of Europe. Citizens, Referendums and European Integration*, New York : Rowman & Littlefield

⁸ *Flash Eurobaromètre 171*, « La Constitution européenne : sondage post-référendum en France », Terrain : 30-31 mai 2005, Publication : juin 2005 ; *Flash Eurobaromètre 172*, « The European Constitution : post-referendum survey in the Netherlands », Terrain : 2-4 juin

procèdent en effet de la même technique de sondage à partir d'échantillons de tailles semblables (2015 entretiens pour la France, 2000 pour les Pays-Bas), ce qui autorise le rapprochement des données produites pour chaque pays et garantit la validité du regard comparatif. La proximité de la réalisation des enquêtes avec la date du référendum permet par ailleurs de cerner l'opinion des électeurs au plus près du scrutin. Revenir sur ces référendums avec un tel outil statistique est l'occasion de mieux saisir la signification d'un double « Non » historique qui fait peser une lourde hypothèque sur le processus constitutionnel européen.

L'incidence relative de l'opinion sur le traité constitutionnel

L'analyse des motivations du « Non » français révèle que le jugement sur le texte proprement dit de la Constitution n'est pas le facteur le plus déterminant de l'orientation du vote. La complexité du traité est spontanément mentionnée par 12% des partisans du « Non ». Viennent ensuite le manque d'information sur la Constitution (5%), le fait que le projet « va trop loin/trop vite » (3%), qu'il n'est « pas assez démocratique » (3%) et qu'il est finalement « trop technocratique, juridique », instaurant « trop de réglementation » (2%)⁹. Les mêmes arguments étaient invoqués par les Néerlandais ayant voté contre le traité, mais dans des proportions supérieures au cas français. Ainsi, près du tiers des électeurs du « Non » (32%) avançait le manque d'information sur la Constitution pour justifier son vote. 6% d'entre eux estimaient que le projet « va trop loin/trop vite », 5% ne le jugeaient « pas assez démocratique » et 6% le trouvaient « trop technocratique, juridique ». Ce dernier chiffre indique qu'une partie des Néerlandais restent réticents à l'idée de voir l'Europe s'ingérer dans des dossiers qu'ils estiment relever de la compétence nationale, en particulier pour ce qui concerne les questions sociales (système éducatif et sanitaire,

2005, Publication : juin 2005. Pour la compréhension des motivations du « Non », la question était ainsi libellée : « Quelles sont toutes les raisons pour lesquelles vous avez voté "Non" au référendum sur la Constitution européenne ». Cette formulation ouverte laissait aux enquêtés la latitude d'exposer les motifs de leur choix sans que la réponse soit suggérée par une liste préétablie d'arguments

⁹ Flash Eurobaromètre 171, 17-18

politique en matière de produits stupéfiants, légalisation du mariage homosexuel, autorisation sous conditions de l'euthanasie...). 4% des électeurs s'étant prononcés contre la Constitution estimaient ainsi que les Pays-Bas doivent d'abord régler leurs propres problèmes. Une proportion identique de tenants du « non » motivait son choix par le fait que « Bruxelles » ne lui inspirait pas confiance ¹⁰.

L'attitude à l'égard de l'Europe et de ses institutions constitue un net point de clivage entre les électeurs français et néerlandais. 53% des Français interrogés au lendemain du référendum affirmaient avoir une « bonne image » des institutions communautaires. Cette proportion s'établissait à 75% parmi les partisans du traité constitutionnel et à 37% chez ses opposants. L'opinion favorable sur les institutions européennes était partagée par la majorité des sympathisants des formations politiques qui avaient soutenu la Constitution. C'est le cas, à gauche, de 55% des proches du PS, 50% des écologistes, et à droite, pour 69% des proches de l'UMP et de l'UDF ¹¹. A l'inverse, les Néerlandais consultés après le référendum affirmaient à 61% avoir une représentation défavorable des institutions européennes. Si 71% des personnes ayant voté « Non » à la Constitution avaient une mauvaise image des institutions, à peine 54% des tenants du « Oui » étaient d'accord avec la proposition « Les institutions européennes vous évoquent une bonne image ». Ce jugement négatif porté sur le système institutionnel communautaire est d'ailleurs partagé sur pratiquement tous les bancs de la classe politique néerlandaise, y compris par les formations qui ont fait campagne en faveur de la Constitution et qui sont les traditionnels promoteurs de la construction européenne. Ainsi, 57% des démocrates-chrétiens du CDA, 62% des proches du VVD, 66% des sympathisants de D66 – trois partis formant la coalition gouvernementale –, et 56% des électeurs du PvdA, 59% de ceux de la Gauche verte pour les deux partis d'opposition, déclaraient ne pas avoir une bonne image des institutions de l'Union ¹².

¹⁰ Flash Eurobaromètre 172, 15-16

¹¹ Par contraste, 64% des sympathisants du PCF et 78% de l'extrême droite avaient une image négative des institutions européennes. Flash Eurobaromètre 171, 23

¹² Flash Eurobaromètre 172, 22

Ces observations sont cohérentes avec les données de l'Eurobaromètre du printemps 2005 qui soulignent une certaine érosion de la confiance que les citoyens européens placent dans les institutions communautaires. Le Parlement européen est particulièrement concerné par cette tendance puisque seulement 52% des Européens lui accordaient alors leur confiance, un pourcentage en baisse de 5 points par rapport aux chiffres recueillis au lendemain des élections européennes de juin 2004. La France et les Pays-Bas enregistrent tous deux des taux de confiance inférieurs à la moyenne européenne. 50% des Français interrogés pendant la période du référendum déclaraient avoir « plutôt confiance » dans le Parlement européen, une proportion en baisse de 9 points depuis l'automne 2004. Aux Pays-Bas, la confiance chute de 12 points pour s'établir à 51%, tandis que la part des Néerlandais (41%) répondant n'avoir « plutôt pas confiance » dans l'assemblée de Strasbourg enregistre la hausse la plus importante (+ 13 points en un semestre) parmi les 25 pays de l'Union européenne ¹³.

L'opinion relativement méfiante exprimée à l'endroit des principales institutions européennes n'équivaut toutefois pas à un rejet du projet d'intégration communautaire. C'est toujours le soutien à l'Union européenne qu'expriment les Pays-Bas : 77% des Néerlandais interrogés après le référendum – dont 98% des partisans de la Constitution et 78% de ses opposants – soutenaient l'idée que l'appartenance de leur pays à l'Union est une « bonne chose » ¹⁴. En France, à peine plus de la moitié (51%) des personnes interrogées partageaient cette opinion. La baisse de 5 points que cette proportion a enregistrée par rapport au semestre précédent ¹⁵ peut partiellement s'expliquer par la vigueur de la campagne référendaire et l'influence des arguments avancés par les tenants du « Non ». Mais à l'image du cas néerlandais, l'enquête post-référendaire indique que l'appartenance de la France à l'Union européenne est considérée comme une « bonne chose » à la fois par la quasi-unanimité (99%) des partisans de la Constitution et par ses détracteurs (83%) ¹⁶. Ces chiffres contredisent donc l'hypothèse selon laquelle les deux « Non » à la Constitution seraient l'expression d'un sentiment anti-européen. De ce fait,

¹³ Eurobaromètre 63, Terrain : 9 mai-14 juin 2005, Publication : juillet 2005, 19-20

¹⁴ Eurobaromètre 63, 10-11 ; Flash Eurobaromètre 172, 20

¹⁵ Eurobaromètre 63, 10-11

¹⁶ Flash Eurobaromètre 171, 21

ils soulignent la complexité des raisons sous-tendant ce vote, en lien avec des préoccupations tenant tant à l'Europe qu'aux contextes nationaux.

Le traité constitutionnel, une victime collatérale des conjonctures économiques nationales

Certaines analyses de l'intégration européenne mettent en avant la lecture utilitaire que les citoyens font des politiques communautaires¹⁷. Celle-ci consiste à anticiper les effets socio-économiques de l'intégration européenne à la fois sur la situation personnelle des individus et au niveau plus global de l'économie nationale¹⁸. Au regard de l'issue des deux campagnes référendaires qui nous intéressent, il semble que l'évaluation des conséquences économiques de la ratification du traité constitutionnel ait effectivement été un élément présent à l'esprit des électeurs français et néerlandais.

En France, le refus de ratifier le traité constitutionnel est essentiellement dû au fait que le référendum a été compris comme le moyen d'exprimer une opinion par rapport aux difficultés économiques rencontrées au plan national. L'enquête Eurobaromètre post-référendaire indique en effet que 31% des électeurs ayant voté « Non » avancent, comme première justification de leur attitude, l'argument selon lequel la Constitution aurait des « effets négatifs sur la situation de l'emploi en France », avec des délocalisations et des pertes d'emplois. 26% jugeaient que « la situation économique en France est trop mauvaise », qu'il y a « trop de chômage ». Selon cette logique, ratifier la Constitution aurait fragilisé un contexte économique précaire, marqué par un taux de chômage avoisinant les 10% et par des tensions sociales qui ont pesé sur les débuts de la campagne référendaire. La prégnance d'un tel argument est corroborée par le fait que

¹⁷ Gabel, Matthew (1998), *Interests and Integration. Market Liberalization, Public Opinion and European Union*, Ann Arbor : University of Michigan Press

¹⁸ Bosch, Agusti ; Newton, Kenneth (1995), « Economic Calculus or Familiarity Breeds Content ? » in Niedermayer, Oskar ; Sinnott, Richard, *Public Opinion and Internationalized Governance*, Oxford : Oxford University Press, 73-104 ; Anderson, Christopher (1998), « When in Doubt, use Proxies. Attitudes toward Domestic Politics and Support for European Integration » in *Comparative Political Studies*, no. 5, vol. 31, 569-601

le « Non » s'est surtout imposé dans l'électorat ouvrier (76% d'entre eux ont voté contre le texte) et les employés (55% ont rejeté le traité)¹⁹.

L'opposition à la Constitution européenne pour des motifs d'ordre économique met rétrospectivement en lumière l'impact de l'argumentaire des partis (MRC, PCF, extrême gauche notamment) ou des fractions dissidentes de partis majoritairement favorables au texte (certains courants du PS, des Verts) qui ont bâti leur campagne sur la dénonciation de l'Europe « libérale » ou « néo-libérale » que le traité constitutionnel ne ferait que consacrer. Le caractère économiquement « trop libéral » du projet et le fait qu'il ne propose « pas assez d'Europe sociale » sont respectivement mentionnés par 19% et 16% des électeurs ayant voté « Non ». C'est donc la perception d'une Union européenne dominée par la libre concurrence au détriment de la protection des travailleurs et des services publics – ainsi que l'a montré la controverse autour de la directive Bolkestein²⁰ – qui a principalement motivé le rejet du traité, alors interprété comme contraire au « modèle social » français. Une majorité de l'électorat français n'a perçu l'Europe qu'au prisme des inquiétudes générées par les difficultés économiques auxquelles elle se trouvait confrontée et dont elle rendait la construction européenne, jugée trop libérale, en grande partie responsable.

Aux Pays-Bas, la situation économique n'apparaît pas comme le point majeur de cristallisation de l'opposition au traité constitutionnel : 5% des électeurs néerlandais ayant rejeté ce texte estimaient que la situation économique dans leur pays était « trop mauvaise », caractérisée par « trop de chômage ». Pour les besoins de la comparaison, rappelons qu'en France ce pourcentage s'élevait à 26% pour un échantillon d'enquêtés de taille sensiblement égale. Les partisans néerlandais du « Non » redoutaient que l'entrée en vigueur de la Constitution ait un impact négatif sur l'emploi, avec des menaces de délocalisations (7% des réponses, contre 31% de citation dans le cas français). 5% d'entre eux considéraient que le traité était économiquement « trop libéral » et 2% qu'il n'offrait pas assez de

¹⁹ Flash Eurobaromètre 171, 13 et 17. Voir aussi Cautrès, Bruno ; Denni, Bernard, « Autopsie de l'eurosepticisme », Libération, 7 juin 2005

²⁰ L'opposition à cette directive qui, dans sa version initiale, instaurait le principe – contesté durant la campagne française – du pays d'origine comme règle générale d'organisation de la circulation des prestataires de services au sein de l'Union européenne est citée par 2% des électeurs ayant voté contre la ratification.

dimension sociale à l'Europe. Ces arguments d'ordre socio-économique expliquent que le « Non » est, comme en France, majoritaire parmi les ouvriers (78% ont voté contre le traité), les personnes dépourvues d'activité professionnelle ainsi que les employés (60% de vote « Non » dans ces deux dernières catégories d'électeurs)²¹.

La dimension économique apparaît de façon plus marquée au travers d'une explication propre à l'électorat néerlandais, qui pointe le coût financier de la construction européenne. En effet, 13% des personnes ayant rejeté la Constitution voulaient par ce geste dénoncer une Europe « trop chère ». Une telle attitude renvoie à la problématique de l'augmentation des prix liée à l'introduction de l'euro, sujet à propos duquel les Néerlandais estimaient n'avoir pas été suffisamment informés et consultés. La critique du coût de l'Europe est aussi à mettre en relation avec d'autres éléments liés à l'actualité du moment : le poids de la contribution nationale au budget communautaire, une forme de ressentiment devant le fait de voir deux « grands » pays comme l'Allemagne et la France prendre certaines libertés avec le Pacte de stabilité tandis que les « petits » Etats se devaient de respecter plus scrupuleusement les critères de convergence en matière de déficits budgétaires²². Bien qu'en rapport avec le contexte européen, ces arguments socio-économiques ayant nourri le « Non » n'en sont pas moins des messages à destination de l'élite politique nationale et à sa manière de gérer les grandes questions qui préoccupent les citoyens.

Le désaveu des gouvernements et des classes politiques

Quand les électeurs sont invités à se prononcer sur l'intégration européenne, ils ont également tendance à fonder leur jugement sur l'opinion qu'ils se font de ceux qui les gouvernent²³. En ce sens, le

²¹ Flash Eurobaromètre 172, 11 et 15

²² Aarts, Kees ; Van der Kolk, Henk (2006), « Understanding the Dutch "No" : The Euro, the East, and the Elite » in *Political Science & Politics*, no. 2, vol. 39, 243-244

²³ Franklin, Mark ; Marsh, Michael ; McLaren, Lauren (1994), « Uncorking the bottle ? Popular opposition to European unification in the wake of Maastricht Treaty » in *Journal of Common Market Studies*, no. 4, vol. 32, 455-472 ; Franklin, Mark ; Van der Eijk, Cees ; Marsh, Michael (1995), « Referendum Outcomes and Trust in Government : Public Support

référendum du 29 mai a été l'occasion pour l'électorat français d'adresser un désaveu, amplifié par l'ampleur de la participation, à son gouvernement et à la classe politique nationale²⁴. L'opposition au Président de la République, au gouvernement ou à certains partis politiques, a motivé 18% des électeurs ayant donné leur voix au « Non »²⁵. Dans la continuité de l'élection présidentielle de 2002, des régionales et des européennes de 2004, le référendum de 2005 poursuit la logique de sanction d'un pouvoir exécutif de plus en plus impopulaire. 71% des Français interrogés dans le cadre du sondage réalisé par l'Institut Louis-Harris le 30 mai estimaient que le Premier ministre de l'époque, Jean-Pierre Raffarin, devait démissionner. Pour 55% d'entre eux, le Président de la République, Jacques Chirac, ressortait également « durablement discrédité » de ce référendum qu'il avait convoqué²⁶.

L'opposition au gouvernement ainsi qu'à la classe politique nationale est aussi un élément d'explication du rejet de la Constitution aux Pays-Bas : 14% des tenants du « non » mentionnent cette explication. Les enquêtes d'opinion réalisées avant le référendum soulignent l'impopularité de la coalition gouvernementale : mi-mai, à peine 20% des Néerlandais se disaient satisfaits de la politique menée par Jan Peter Balkenende. Ce climat contribue à expliquer que les consignes de vote de la coalition, engagée en

for Europe in the Wake of Maastricht » in *West European Politics*, no. 3, vol. 18, 101-117. Pour une argumentation en faveur des déterminants proprement européens du vote lors de ces référendums, cf. Siune, Karen ; Svensson, Palle (1993), « The Danes and the Maastricht Treaty : the Danish EC Referendum of June 1992 » in *Electoral Studies*, no. 2, vol. 12, 99-111 ; Svensson, Palle (2002), « Five Danish Referendums on the European Community and European Union : A Critical Assessment of the Franklin Thesis » in *European Journal of Political Research*, no. 6, vol. 41, 733-750

²⁴ Grunberg, Gérard (2005), « Le référendum français de ratification du Traité constitutionnel européen du 29 mai 2005 » in *French Politics, Culture and Society*, no. 3, vol. 23, 128-144

²⁵ Flash Eurobaromètre 171, 17. L'abstention est également une « arme » aux mains des électeurs désireux de s'opposer au gouvernement : 27% des abstentionnistes expliquaient leur comportement par la volonté de sanctionner le gouvernement en place ou le Président de la République (ibid., p. 6)

²⁶ D'après cette enquête où la question suggérait une liste de réponses possibles, les électeurs du « Non » ont voulu exprimer leur « mécontentement face au gouvernement actuel » (25%) et leur « mécontentement face à Jacques Chirac » (14%). Cf. aussi Morel, Laurence (2005), « Les usages du référendum sous la 5^e République : un Président en perte d'initiative » in Laurent, Annie ; Sauger, Nicolas, op. cit., 7-25

faveur du traité, n'ont été que très peu voire pas du tout suivies. Si près de la moitié des partisans du CDA et de D66 ont effectivement voté pour le texte, 51% du VVD se sont prononcés contre. Du côté de l'opposition gouvernementale, ce sont même 63% des sympathisants du PvdA qui ont voté « Non » alors que ce parti appelait à soutenir le traité²⁷. La crédibilité de l'ensemble des partis de gouvernement ressort donc affectée du scrutin. A cet égard, le référendum est aussi l'expression d'un mouvement contre l'establishment néerlandais qui perdure depuis les législatives de 2002 et l'avènement inopiné de la liste du populiste Pim Fortuyn qui s'insurgeait contre les « régents de La Haye »²⁸.

Il y aurait presque un paradoxe à observer que l'importante participation enregistrée lors des référendums français et néerlandais est en partie la traduction d'une attitude quelque peu désabusée de ces citoyens envers leur classe politique et l'aptitude de l'élite nationale à satisfaire leurs attentes. Les électeurs se sont saisis de la force symbolique du référendum sur la Constitution européenne pour interpeller leurs gouvernements respectifs et leur faire part de profondes inquiétudes concernant leur avenir personnel. Tant en France qu'aux Pays-Bas, les référendums auraient alors également réveillé une fierté nationale troublée, jugée en déclin voire doublement menacée, de l'intérieur et par l'Europe, une situation face à laquelle le « Non » au traité faisait, pour certains, figure de sursaut vital.

L'influence des logiques identitaires sur le rejet du traité

La campagne référendaire française s'est déroulée dans un climat presque passionnel qui, plutôt qu'une lecture apaisée du texte constitutionnel, a conduit une partie de l'électorat à transposer son ressentiment sur le traité et à faire du rejet du texte un exutoire à ses insatisfactions. Interrogés sur leur état d'esprit, 78% des électeurs ayant voté contre la Constitution se disaient globalement « révoltés » et 58% « pessimistes »²⁹. Il n'est alors pas

²⁷ Flash Eurobaromètre 172, 12 et 15

²⁸ Van Schendel, Rinus, « Le fossé qui s'élargit entre les nantis et les autres est un vrai débat », Libération, 2 juin 2005

²⁹ Sondage post-électoral Louis-Harris.

étonnant que le référendum leur soit apparu comme un moyen de sanctionner le gouvernement, d'exprimer leur mécontentement face à la situation socio-économique du pays et des récriminations quant à la manière dont la construction européenne s'est jusqu'alors déroulée.

L'évocation des préoccupations sociales nationales rejoint les méfiances suscitées par l'élargissement de l'Union européenne réalisé un an auparavant³⁰. L'absence de pédagogie particulière et de consultation des Français a eu pour conséquence notable l'irruption dans la campagne de la caricature du « plombier polonais », associée à la crainte d'un nivellement par le bas des normes sociales dans une Europe livrée au libéralisme économique. Plus généralement, la xénophobie a fait figure de puissant ressort du vote négatif lors du référendum : 67% des Français ayant rejeté la Constitution considéraient qu'il y avait « trop d'étrangers » dans leur pays³¹. Dans cette atmosphère, l'amalgame – opéré par les partis souverainistes MPF-RPF et l'extrême droite – entre la ratification du traité constitutionnel et les perspectives d'adhésion de la Turquie a pu donner une raison supplémentaire de voter « Non »³². Et cela d'autant plus que 70% des Français interrogés dans le cadre de l'Eurobaromètre du printemps 2005 se déclaraient clairement opposés à l'entrée de la Turquie dans l'Union européenne.

Le « Non » néerlandais ne se réduit pas à un effet de contagion mais procède d'un contexte politique spécifique. Après le manque d'information sur le traité, la perte de souveraineté nationale était présentée comme la deuxième raison (recueillant 19% de citation) du rejet de la Constitution³³. Dans cet esprit, l'opposition à l'intégration communautaire (8%), le rejet de tout nouvel élargissement (6%), le refus d'une union politique ou d'un système fédéral européen (5%) sont également mentionnés – davantage

³⁰ A propos de l'impact de la problématique de l'élargissement de l'Union européenne sur les campagnes et le résultat des deux référendums, voir Stefanova, Boyka (2006), « The "No" Vote in the French and Dutch Referenda on the EU Constitution : A Spillover of Consequences for the Wider Europe » in *Political Science & Politics*, no. 2, vol. 39, 251-255

³¹ Sondage post-électoral Louis-Harris

³² Selon l'enquête Flash Eurobaromètre 171, le rejet de l'entrée de la Turquie dans l'Union européenne était une raison spontanément avancée par 6% des électeurs français s'étant prononcés contre la ratification

³³ Flash Eurobaromètre 171, 15

qu'en France ³⁴ – pour justifier le « Non », soulignant la sensibilité de telles problématiques dans ce « petit » pays d'Europe que sont les Pays-Bas.

Les hésitations devant les implications de l'adoption du texte constitutionnel sur la souveraineté et l'identité néerlandaises ont principalement été exploitées par le parti protestant orthodoxe SGP, par l'extrême gauche qui voyait dans la Constitution le signe de la mise en place d'un « super-Etat » européen, et par la mouvance populiste. Ainsi, l'ancien député libéral Geert Wilders, fondateur de sa propre formation politique en septembre 2004, répétait à l'envi qu'avec le traité constitutionnel les Néerlandais ne seraient plus maîtres chez eux. Emboîtant le pas à la Liste Pim Fortuyn, il menait campagne sur le thème de la défense de l'identité néerlandaise face à l'immigration, un sujet devenu épineux avec l'assassinat du réalisateur Theo Van Gogh à l'automne 2004 et les menaces proférées à l'encontre de la députée Ayaan Hirsi Ali en raison de sa lecture critique de l'Islam. Dans ce climat de crainte de l'étranger, le « Non » exprime aussi le refus des Néerlandais de voir la Turquie adhérer à l'Union européenne ³⁵.

Le rejet de la Constitution peut donc se comprendre à partir de logiques identitaires ³⁶. Les deux « Non » mettent en évidence un certain attachement à l'Etat. C'est le cas à propos de l'Etat-providence dont bon nombre d'électeurs, en particulier français, attendaient qu'il réponde mieux à leurs préoccupations économiques et sociales face à la mondialisation. Mais cet attachement est aussi synonyme de crispations plus exclusives, liées à la crainte d'une dilution de l'identité nationale dans une Union

³⁴ 5% des Français invoquaient la perte de la souveraineté nationale, 4% l'opposition à l'Europe et à l'intégration communautaire, 3% le rejet de tout nouvel élargissement et de toute forme d'union politique, qu'il s'agisse d'un « Etat fédéral européen » ou des « Etats-Unis d'Europe » (2%)

³⁵ L'Eurobaromètre 63 montre que 53% des Néerlandais interrogés étaient opposés à ce que la Turquie fasse à l'avenir partie de l'Union européenne, un pourcentage proche de la moyenne de l'Europe des 25 qui s'établissait à 52%

³⁶ Mc Laren, Lauren (2004), « Opposition to European integration and fear of loss of national identity : Debunking a basic assumption regarding hostility to the integration project » in *European Journal of Political Research*, vol. 43, 895-911 ; De Vreese, Claes ; Boomgaarden, Hajo (2005), « Projecting EU Referendums. Fear of Immigration and Support for European Integration » in *European Union Politics*, no. 1, vol. 6, 59-82

européenne perçue alors comme un vecteur de fragilisation des repères traditionnels.

Conclusion

Les « Non » français et néerlandais au traité constitutionnel présentent quelques similitudes dans leurs motivations. Aussi bien la France que les Pays-Bas étaient en proie à de fortes préoccupations sociales tenant à une situation économique morose, à une sorte de fracture démocratique entre les citoyens et des partis de gouvernement qui ne semblaient pas parvenir à répondre aux insatisfactions latentes de la société. Une perte de confiance s'est installée entre les peuples et leurs élites respectives. En France, cette situation prolonge la crise ouverte par le 21 avril 2002³⁷. Aux Pays-Bas, ce même état de « désenchantement démocratique »³⁸, de distance croissante entre les citoyens et leurs représentants, est perceptible dans le décalage entre le rejet du traité par les électeurs et le fait que la quasi-unanimité de la classe politique néerlandaise s'était engagée en faveur de la Constitution. Cette impression diffuse de mal-être social profite aux discours populistes et vient nourrir un scepticisme à l'égard de la construction européenne dont le traité constitutionnel a été la victime. Du fait de la proximité entre les campagnes référendaires, on pourrait penser que le « Non » français a influencé le vote néerlandais. Si cet effet a existé, il a en tout cas joué d'une manière qui ne permet pas de conclure à une simple exportation du résultat. Des préoccupations et des configurations politiques peuvent être partagées entre les deux pays, qu'il s'agisse des questions sociales, de l'expression d'un vote sanction contre le gouvernement ou d'une tentation au repli national. Mais les scrutins renvoient à des perceptions bien spécifiques des situations nationales et du rapport à l'Europe.

Les votes du 29 mai et du 1^{er} juin 2005 donnent à voir une subtile intrication de considérations tenant à la situation économique du pays

³⁷ Perrineau, Pascal, « Ce référendum est une réplique du 21 avril 2002 », *Le Monde*, 30 mai 2005

³⁸ Perrineau, Pascal (2003), *Le désenchantement démocratique*, La Tour d'Aigues : Editions de l'Aube

considéré ou la popularité de son gouvernement, et d'opinions sur des problématiques européennes (degré de confiance dans l'Union européenne et ses institutions, anticipation des implications du projet constitutionnel). La part d'influence de chacun de ces éléments sur le résultat final reste propre à chaque configuration référendaire. Devant cette complexité, le rejet du Traité établissant une Constitution pour l'Europe n'est pas réductible à un « Non » brutal à la poursuite de l'intégration communautaire. Si les référendums ont été l'occasion d'imputer à la construction européenne et à la Constitution la responsabilité de contrariétés nationales, ils ont également permis aux électeurs d'y projeter leurs espérances. En se heurtant au verdict des urnes françaises et néerlandaises, le processus constitutionnel européen s'est enrayé, provisoirement ou plus durablement. Quel que soit le sort qui lui sera réservé au terme de la période de « réflexion » ouverte par les dirigeants des 25 en juin 2005, ces deux référendums montrent très certainement que l'Europe agit aussi comme un révélateur des états d'âme nationaux.

COMITOLOGY. DELEGATION OF POWERS IN THE EUROPEAN UNION, LEGITIMACY AND THE COMMITTEE SYSTEM

Andreea Micu*

Abstract

Although European academic literature has paid much attention in recent years to the functioning and significance of the so-called “comitology” committees, they have been largely neglected in Romanian studies with a focus on European institutions and politics. This article aims at correcting this deficiency and providing an overview of this challenging and utmost important topic. The methodological approach of the present paper is interdisciplinary, combining legal analysis aspects with regard to delegation, separation and balance of powers in the EU with insights from political science debates on the modes of decision, legitimacy and the need for reforming the current comitology system.

1. Introduction. Conceptual clarifications

The origins of the word “comitology” are not yet clear (it is not to be found in any ordinary English dictionary). C. Northcote Parkinson was the first one to use the phrase “the science of comitology”, in the sense of the study of committees and how they operate¹. In a narrower sense, it appears that in the context of the European Union institutional architecture it derives rather from the word “comity” than from “committee”, or from the French word “comités” and it constitutes a fine sample of *Eurospeak*. A Brussels official suggested that “comitology” “appears to be a Brussels-created word deriving from the word ‘comity’ in the phrase ‘comity of nations’”².

* Andreea Micu is student at the Faculty of European Studies, „Babeș-Bolyai” University Cluj-Napoca

¹ Parkinson, C. Northcote: *Parkinson’s Law*, 1958, Chapter on “Directors and Councils”, p.31 quoted in House Of Lords Session 2002–03, 31st , Ordered To Be Printed 1 July 2003, Published By Authority Of The House Of Lords London – The Stationery Office Limited, p. 7, [<http://www.parliament.the-stationery-office.co.uk/pa/ld200203/ldselect/ldcom/135/135.pdf>].

² Ibid.

In legal terms, “comitology refers to the practice within the Council of delegating in the primary legislation certain implementing powers (typically aspects of secondary rule-making) to the Commission, to be exercised in conjunction with committees of national representatives chaired by a representative of the Commission. These committees of national representatives – some of whom are civil servants, but many of whom are scientific experts or even representatives of interest groups – wield varying degrees of influence over the executive process”³.

According to the Commission, comitology committees share three essential features⁴:

1. Firstly, they are created by the legislator (the Council and European Parliament) in accordance with the “legislative” procedures in force at the time of adoption of the basic instrument under which they are established, namely the cooperation or advisory procedures and, since the Maastricht Treaty, the codecision procedure. Hence, the legal basis of the comitology committees is enshrined in a so-called “basic instrument”.

2. Secondly, their structure and working methods are in several respects standardised. A representative of the Commission chairs each committee, which consists of Member State representatives; these are the only “members” of the committees. The committees intervene within the framework of the procedures set out in the basic legislative instrument, in compliance with the Council’s comitology decision.

3. Thirdly, the committees deliver opinions on draft implementing measures submitted to them by the Commission pursuant to the basic legislative instrument and intervene within the framework of the advisory procedure, the management procedure or the regulatory procedure provided for that purpose.

³ Shaw, J., *Comitology and the Delegation of Powers*, quoted in Weiler, J.H.H.; Kocjan, M. (2004-2005), “Teaching Material: European Community System. Comitology, 2004-2005”, p. 7. <http://www.jeanmonnetprogram.org/eu/Units/documents/UNIT1-3-EU-2004-05.pdf>

⁴ Adapted from the COM(2002) 733 final, Report from the Commission on the working of committees during 2001, Brussels, 13.12.2002, p. 2, http://europa.eu.int/eur-lex/en/com/rpt/2002/com2002_0733en01.pdf.

2. Policy Implementation and Comitology Committees. Legal Bases

2.1. Legal texts laying down the grounds for the delegation of powers and a typology of comitology committees

The Treaty establishing the European Community (TEC) incorporates only general rules on executive action. Thus, Art. 10 TEC establishes that the competence to implement legislative rules lies with *the Member States*. Hence, the Community exercises such competences in a *subsidiary* capacity only, specifically where it is necessary to guarantee some degree of homogeneity and uniformity in applying secondary legislation.

In such cases, implementation is fundamentally the responsibility of the Commission (Art. 211 TEC). Comitology committees perform the essential task of scrutinising the Commission's executive activity. Therefore, the sharing of responsibility, and the interaction, cooperation and confrontation between Member States and the Commission occur largely at the level of these committees.

The table below summarizes the most important legal acts and provisions currently underlying comitology.

<i>Legal bases of comitology</i>	
<i>Treaty provisions:</i>	<i>Other Legal Acts⁵</i>
<p>• Art. 211 4th indent EC (ex Art 155 EC Treaty) "In order to ensure the proper functioning and development of the common market, the Commission shall exercise the powers conferred on it by the Council for the implementation of the rules laid down by the latter"</p>	<p>• 1999/468/EC: Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <i>Official Journal L 184, 17/07/1999 P. 0023 – 0026</i></p> <p>• Standard rules of procedure . Council decision 1999/468/EC Rules</p>

⁵ Procedures for the Exercise of Implementing Powers conferred to the Commission, list adapted from http://europa.eu.int/comm/development/body/legislation/comitology2_en.htm#procedures .

<p>• Art. 202 3rd indent EC Treaty (ex Art 145 EC Treaty) (modified by Single Act 1987)</p> <p>“To ensure that the objectives set out in this Treaty are attained the Council shall, in accordance with the provisions of this Treaty confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down”</p> <p>• “The Council may impose certain requirements in respect of the exercise of these powers. The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the Opinion of the European Parliament”</p> <p>• “The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself”</p>	<p>of procedure for the . . . Committee (2001/C 38/03)</p> <p>• Council Regulation (EC) No 806/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (qualified majority)</p> <p>• Council Regulation (EC) No 807/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity)</p>
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The Treaty does not make any *explicit* reference to committees or comitology. Before the amendments to Art. 202 in the SEA, the legality of comitology was challenged before the European Court of Justice in the *Koster Case*⁶. “As in the final instance the decision-making powers remained with the Council or the Commission, the Court held that the management committee procedure did not distort the institutional balance”⁷. It also

⁶ Case 25/70 Einfuhr- und Vorratsstelle fur Getreide und Futtermittel v Köster, Berodt & Co. [1970] 2 ECR 1161.

⁷ Sauter, Wolf; Vos, Ellen (1998), “Harmonisation under Community Law: the Comitology Issue” in CRAIG, PAUL; HARLOW, CAROL (eds.) (1998), *Lawmaking in the European Union*, London: Kluwer Law International, p. 176.

ruled that Article 155 made it possible for the Council to set detailed rules for delegation to the Commission. Accordingly, the ECJ stated that management committees provide permanent consultation in order to guide the Commission in the exercise of delegated powers, and, second, “to enable the Council to substitute its action for the action of the Commission”⁸. This idea was restated in the *Rey Soda* ruling of 1975⁹.

The First Framework Decision establishing the rules and procedures was adopted in 1987. Currently they operate under the 1999 Comitology Decision.

Comitology procedures according to the 1999 Decision

1. The Advisory Committee: Member States are represented by experts in a particular field who are supposed to issue an opinion on a draft proposal for the implementation of a measure that is submitted by the Commission. The Commission is called on to “take the utmost account of the opinion delivered by the committee”, but it has no obligation to abide by it. This is the least intrusive type of committee.

2. The Management Committee: Member States are represented by civil servants who must deliver an opinion on a draft proposal within a certain time limit. A management committee is able to block the Commission’s proposal by qualified majority voting. If that is the case, the Commission must notify the Council immediately, and may defer the implementation of the measures for a period authorized by the basic instrument, but which cannot exceed three months. The Council may adopt a different decision by a qualified majority. In practice, such unfavorable opinions were quite rare because “the Commission is often willing to adapt its proposals during the course of the committee meeting – with the committee than voting on the adapted proposal”¹⁰

⁸ Ibid.

⁹ Case 23/75 *Rey Soda v Cassa Conguaglio Zucchero* [1975] ECR 1279, at 1301.

¹⁰ House Of Lords Session 2002–03, 31st, Ordered To Be Printed 1 July 2003, Published By Authority Of The House Of Lords London – The Stationery Office Limited, p. 4 <http://www.parliament.the-stationery-office.co.uk/pa/ld200203/ldselect/ldcom/135/135.pdf>.

3. The Regulatory Committee: it usually comprises higher rank civil servants than the management committees. This type of committee supervises the adoption of measures of general scope meant to apply *essential* provisions. Because of the greater importance of implementing measure that go through the regulatory committee procedure the Commission draft proposals have to gain a qualified majority in order to be adopted. In event of a negative vote, the Commission must refer it back to the Council immediately and must inform the European Parliament. If the EP appreciates that the measure is *ultra vires* (i.e. it exceeds the implementing powers given by the basic instrument), and if the basic instrument was adopted through co-decision (as laid down in Article 251 of the Treaty), the Commission must inform the Council of the position. Then the Council may act by qualified majority and has an obligation to take the opinion of the EP into account. If the Council rejects the proposal, the Commission has three options: it can either submit an amended proposal, re-submit its original proposal or present a new legislative proposal. "In practice, the Commission is very unlikely to re-submit the proposal. If it proposes primary legislation, the European Parliament will then get a voice in the passage of the legislation"¹¹

Nugent summarizes the differences between the three comitology procedures in the following manner: "Advisory committees can only *advise* the Commission; management committees can *block* Commission decisions by a qualified majority; regulatory committees must give their *approval* for Commission decisions by a qualified majority"¹² (emphasis in original).

2.2. Legal issues raised by comitology

2.2.1. The separation and the balance of powers in the European Union

Where do comitology committees fit in the power scheme of the EU?

¹¹ *Idem*, 5.

¹² Nugent, Neill (2003), *The government and politics of the European Union*, New York: Palgrave Macmillan, pp. 137-138.

The Community's legislature has "organised" the executive function rather than "delegated" it:¹³ The delegation of implementing powers to the Commission being established by the Treaty itself, the Community legislature can do nothing more than verify when the Commission acts in its executive capacity – i.e. by requiring the existence of a legal basis. In the exercise of its delegated powers, it develops the procedural framework for implementation. Only in "specific cases" may the Council reserve the right to exercise implementing powers for itself¹⁴. The European Court of Justice even ruled that the Council must present detailed justification for the decision to reserve for itself the right to exercise executive powers¹⁵.

Executive law-making at EU level has been subject to criticism as undemocratic in nature. It raises questions both with respect to the principle of separation of powers and to the institutional balance of the EU governance.

Indeed, the principle of separation of powers is a fundamental feature of the constitutions of the Member States. The 1789 French *Déclaration des droits de l'homme et du citoyen*, to which the present 1958 Fifth Constitution refers in its Preamble, even asserted that "a society where the separation is not established is no society at all"¹⁶. The 1949 German *Grundgesetz* enshrines the principle of separation of powers in Art. 20 (2): "all state authority shall be exercised by the people through elections and voting and by specific organs of the legislature, the executive power, and the judiciary"¹⁷. The principle is also present in the unwritten British Constitution.

So, is there a principle of separation of powers in EC Law? The European Court of Justice expressly rejected the existence of a principle of separation of powers in this form. Its ruling in the joined cases 188 to 190/80, *France, Italy and United Kingdom v. Commission*, [1982] ECR 2545,

¹³ Lenaerts K.; Verhoeven, A. (2000), "Towards a Legal Framework for Executive Rule-Making in the EU? The Contribution of the New Comitology Decision" in *Common Market Law Review*, Vol.37, p. 653.

¹⁴ Art. 202 TEC, third indent.

¹⁵ Case 16/88, *Commission v. Council*, 1989, ECR 3457, paragraph 10.

¹⁶ Haibach, Georg (1997), "Comitology after Amsterdam: A Comparative Analysis of the Delegation of Legislative Powers" in *EIPASCOPE*, No. 3, p. 1. <http://aei.pitt.edu/825/>

¹⁷ *Ibid.*

2573 clearly stated that “the limits of the powers conferred” on an institution “are to be inferred not from a *general principle* but from an interpretation of the particular provision in question”. The United Kingdom argued that Directive 80/723/EEC which had been adopted by the Commission should be annulled on grounds that it was “clear from the Treaty provisions governing the institutions that all original law-making power is vested in the Council, whilst the Commission has only powers of surveillance and implementation”. However, the ECJ concluded that there was “no basis for that argument in the Treaty provisions governing the institutions”. Instead, Article 7 [ex-4] (1) provides that “each institution shall act within the limits of the powers conferred on it by the Treaty”.

Therefore, it may be inferred that the Treaty provisions do not make a distinction between legislative, executive and judicial powers. The European Court of Justice has however ruled in the Köster case that the “legislative scheme of the Treaty, and in particular the last paragraph of Article 155, establishes a distinction between the *measures directly based on the Treaty itself* and *derived law intended to ensure their implementation*”¹⁸. Thus, despite the lack of separation of powers in “the conventional sense”¹⁹, the legal order of the EU does possess clear hierarchical structure:

- *Primary Law* (the provisions of the Treaty and the general principles of community law)
- *Secondary Law*: which can be adopted according to
 - the procedures provided for in the Treaty itself (*basic acts*) or
 - other procedures (*implementing acts*)

“The existence of this hierarchy of norms in the EC legal system is, however, less ‘obvious’ than in the legal orders of the Member States: Whereas national parliaments adopt legislative acts in the form of an ‘Act’ (United Kingdom), a ‘loi’ (France) or a ‘Gesetz’ (Germany), and governments enact executive acts as an ‘Order’ or a ‘Regulation’ (United Kingdom), an ‘ordonnance’ (France) or a ‘Rechtsverordnung’ (Germany), that

¹⁸ Case 25/70 Einfuhr- und Vorratsstelle für Getreide und Futtermittel v Köster, Berodt & Co. [1970] 2 ECR 1161.

¹⁹ Neuhold, Christine; Schäfer, Günther F.; Haibach, Georg; Türk, Alexander; Larsson, Torbjörn; Maurer, Andreas (2000), “Governance by Committee: The Role of Committees in European Policy Making and Policy Implementation” . EIPA Research Paper 00/GHA, p. 44. <http://aei.pitt.edu/548/>

difference in terminology does not exist in the EC. Both legislative and executive acts are adopted in the form of regulations and directives”²⁰.

Although there is no *legal* or *conventional* separation of powers, some authors claim that a *functional* separation of powers is in operation in the EU²¹. Thus, *the legislative power* (the power to enact measures directly based on the Treaty) lies with the Council, the European Parliament acting together with the Council and – in a few cases – with the Commission (e.g. Art. 48 (3) and 90 (3)). The *executive power* (the power to implement legislative acts) belongs to the Council which, according to article 145, must confer it to the Commission but may reserve the right to exercise directly implementing powers to itself in specific cases. And, finally, the *judicial power* (the power to review the legality of legislative and executive acts and the power to interpret EC Law) lies with the ECJ.

“Rather than the traditional separation of powers, with the legislative branch proposing and enacting and the executive implementing laws, the European Union has a two-headed executive/ legislative branch that divides the responsibility of proposing and passing legislation between its constituent departments”²². The European Union possesses what some authors term a “dual executive”. According to Ballman, “similar to the legislative process, EU policy implementation procedures mix the roles of the Commission and the Council, blurring the lines of responsibility and moving the process further from a system of separate powers”²³.

To sum up, despite this functional and practical separation of powers in the European system of governance, no such general legal principle can be inferred from the provisions of the treaties or be invoked before the European Court of Justice.

In conclusion, if political union were ever to be achieved designing a clear-cut and balanced separation of powers in the EU should be a must. The place of comitology committees within the executive “branch” is ambiguous and legally problematic, rendering an intricate institutional

²⁰ Idem., pp. 44-45.

²¹ Haibach, op. Cit, p. 6.

²² Ballmann, Alexander; Epstein, David; O'halloran, Sharyn (2002), “Delegation, Comitology, and the Separation of Powers in the European Union” in *International Organization*, Vol. 56, No. 3, p. 555.

²³ Idem, 556.

system even more complex. Even if their functioning appears to be rather smooth and their activity increasingly under Parliamentary scrutiny, comitology committees have a hard time passing the test of the criteria of the separation and balance of powers set out by the political philosophy which grounds the European traditional political systems.

2.2.2. The distinction between legislative and implementing powers

The line that divides routine implementing measures from those with legislative and budgetary bearing in European Law is also rather blurred and difficult to draw. "The Treaty does not specify how detailed legislative acts must be or how much discretion the Council can delegate to the Commission in its transfer of implementing powers"²⁴. The European Court of Justice has to answer this question. In a series of decisions, which will be analyzed later, the Court has basically left it to the legislator to decide how powers should be allocated between the legislator and the executive.

When the Council legislates alone (the consultative procedure), it decides the content of the basic act and the powers to be delegated to the Commission. Over time, the Council has delegated wide implementing powers to the Commission since it can control the way it exercises the delegated powers through comitology committees. "Since the Court has been rather reluctant to interfere in that choice, the Council enjoys practically complete freedom in that respect. Drawing the line between legislative and implementing acts has become almost an entirely political issue"²⁵.

For example, *Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances*, [1967] OJ L 196/1 until 1999 was amended 8 times under a legislative procedure, but it also has been adapted to technical progress 25 times using comitology procedures. However, *Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain*

²⁴ Neuhold et. Al., op. cit., p. 40.

²⁵ Idem, 41.

dangerous substances and preparations, [1976] OJ L 262/201 has always been amended in legislative procedures (14 times by 1994), despite the fact that the necessity to take quick action would have made it preferable to adopt implementing acts in order to avoid the protracted legislative procedures²⁶.

Throughout the development of comitology the European Parliament gradually attempted to restrict the delegation of implementing powers to strictly routine measures. This has been the main source of conflict between the Council and the EP. In cases of co-decision, the EP and the Council must reach a compromise as to what is decided in the legislative act and what in the implementing act. The second comitology Decision of 28 June 1999 has also left the question of what is to be decided in the legislative or in an implementation procedure open.

2.2.3. *The delegation of powers and its limits*

2.2.3.1. Legal framework

Article 155 EC Treaty provides that “the Commission shall exercise the powers conferred on it by the Council for the implementation of the rules laid down by the latter”. The Single European Act amended Article 145 in order to provide not only for the possibility, but even for the *obligation* to delegate powers: “the Council [...] shall confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down”. This article is optional, meaning that the Community legislator may reserve implementing powers for itself in certain cases, as has been discussed above.

In its practice, the European Court of Justice has offered the notion of implementation a wide interpretation: it “comprises both the drawing up of implementing rules and the application of rules to specific cases by means of acts of individual application”²⁷. Its jurisprudence also highlighted the limits of the delegation of powers from the Council to the Commission.

²⁶ Both directives mentioned in FALKE, *Komitologie - Entwicklung, Rechtsgrundlagen und erste empirische Annäherung*, in: *Das Ausschußwesen der Europäischen Union*, Joerges/Falke, Baden-Baden, 2000, p. 43, 55, quoted in Neuhold et. Al., op. cit., p. 41.

²⁷ Case 16/88

The first ruling of the ECJ regarding the legality and possibility of a delegation of powers was that in Case 9/56 *Meroni & Co. S.p.A. v. High Authority of the ECSC*. The Court emphasized the importance of an institutional balance and indicated that it was prepared to accept a delegation of powers to organs other than institutions only under highly restrictive conditions. Any delegation of powers would have to be laid down explicitly and the High Authority was not allowed to delegate more powers than it actually possessed.

The first comitology committees were set up in the early 1960's in full compliance with the reasoning of the Court. The second and the third rulings were adopted in 1970, "a year characterized by a political awareness of the need for delegation of powers, not only in the Council and the Commission but also in the European Parliament, and a common understanding that this required use of committees"²⁸. Therefore, the ruling in Case 41/69 *Chemiefarma NV v. Commission* represented a milestone in the history of Community law: it was here that the Court of Justice decided not to interfere with the development under way. Based on a wide interpretation of Article 155 EEC, the Court explained that there was no prohibition against the Council delegating powers to the Commission for the adoption of implementing rules of a general nature²⁹. The ECJ soon confirmed its position towards matter of delegation in the *Koster* case when it was asked whether there were any limits to the delegation of powers from the Council to the Commission. The ruling stated that:

"It is sufficient ... that the *basic elements of the matter to be dealt with* have been adopted in accordance with the procedure laid down (by the Treaty). On the other hand, the *provisions implementing the basic regulations* may be adopted according to a (different) procedure, either by the Council itself or by the Commission by virtue of an authorization complying with Article 155'. This follows 'both from the legislative scheme of the Treaty, reflected in particular by the last indent of Article 155' and 'the legal concepts recognized in all the Member States"³⁰.

²⁸ Bergstrom, Carl Fredrik (2005), *Comitology. Delegation of Powers in the European Union and the Committee System*, New York: Oxford University Press, p. 303.

²⁹ Case 41/69, *Chemiefarma v Commission* [1970] ECR 661.

³⁰ Case 25/70.

On another occasion the ECJ affirmed that the notion of implementing measures had to be interpreted broadly and the Council could confer upon the Commission wide powers of discretion and action. However, the Council could not confer powers to the Commission which include the setting up of *essential rules*³¹.

Basically, the practice of the delegation of powers has to be in line with the *Meroni* principle, which “prohibits the delegation of ‘discretionary powers’ which would amount to a transfer of responsibility replacing the choices of the delegator by those of the delegatee. The ECJ refrained from concretising this principle into a rigid doctrine, suggesting instead that the Council should be free to specify the conditions under which the Commission might exercise ‘executive powers’ delegated to it”³²

3. Comitology in the Light of Current Debates

3.1. Tools of intergovernmental control or supranational deliberative bodies?

The recent academic literature on what is known in *Eurospeak* as comitology has drawn attention to a shift in the role of committees in EU policy-making.

“The significance of these committees, however, remains a matter of dispute, with two distinct theoretical images of comitology being put forward in the literature. The first of these approaches, drawn from sociological institutionalism and constructivism, suggests that EU committees provide a forum in which national and supranational experts meet and deliberate in a search for the most efficient solutions to common policy problems. A second view, derived from rational choice theory, depicts comitology committees as control mechanisms designed by EU

³¹ Case 23/75.

³² Joerges, Christian; Neyer, Jurgen (1997), “From Intergovernmental Bargaining to Deliberative Political Processes: The Constitutionalisation of Comitology” in *European Law Journal*, Vol. 3, No. 3, p. 284.

member governments to supervise the Commission in its executive duties³³.

As shown previously, the comitology committees were established in the 1960s as a tool for controlling the “executive” delegated powers of the Commission and have been regarded ever since as a symbol of the intergovernmental dimension of the European structures of governance. However, new evidence has surfaced pointing out that committees act like “fairly autonomous creatures”³⁴ which make decisions in a consensual manner, changing the balance towards the Commission, rather than supervising it as they were initially supposed to.

Intergovernmentalists often depict Comitology as an illustration of the “principal - agent” relation, i.e. it reflects a desire by the “‘principal’ Council to reign in the ‘agent’ Commission, so as to prevent the Commission from straying from the Council’s original intent”³⁵. First, from a legal standpoint, committees were set up as a mere device of control, deprived of any decision-making powers: their only role is confined to issuing opinions on draft implementation measures. All the main institutional actors in the European Union seem to share the same *vision* of Comitology as a traditional mechanism of intergovernmental control, although their *evaluations* of the system are divergent: “The Commission, generally supported by the European Parliament, tends to perceive Comitology as an interference in the executive powers which it reckons it should have, and which the Council, wary of an erosion of Member States prerogatives, is reluctant to bestow on it”³⁶. This fundamental disagreement was only partially resolved by the two Comitology decisions.

³³ Pollack, Mark A. (2003), “Control Mechanism or Deliberative Democracy? Two Images of Comitology” in *Comparative Political Studies*, Vol. 36, No. 1/2, p. 125

³⁴ Dehousse, Renaud (2003), “Comitology: who watches the watchmen?” in *Journal of European Public Policy*, Vol. 10, No. 5, p. 799.

³⁵ Rhinard, Mark (2003), “Committees in the European Union: An Empirical and Normative Assessment” in *European Union Studies Association (EUSA) > Biennial Conference > 2003 (8th)*, March 27-29, 2003, Nashville, TN, p. 7. <http://aei.pitt.edu/2910/>

³⁶ Dehousse, op. Cit., p. 802.

Yet, when looking at the actual operation of the Comitology committees, the picture looks quite different from the official discourse. Day-to-day decision-making and deliberation in committees is strikingly consensual. For instance, of the thousands of opinions delivered by committees in the period between 1993 and 1995, “only six cases were referred back to the Commission, and none of these led to a failure to decide”³⁷. These preliminary data were later supported by the first Report of the Commission on the working of committees, published in conformity with Decision 1999/ 468 to increase the transparency of committee procedures: Out of a total of 2,838 proposals submitted to the committees in 2000, the Commission failed to get the necessary majority in only six cases, that is in approximately 0.2 percent of the total. This situation is illustrated by the following table, emphasizing the instances when committees opposed Commission proposals and referred them to the Council.

Matters referred to Council 1993–1998

Opinion of Committee¹⁰	Matter referred to Council	Council opposed with SM¹¹	Opposition with QM or unanimity
approx. 3000	32	3	8

Source: European Commission 1998³⁸

During the following years the trend was similar. The limited number of members (Member States usually delegate between 1–3 members) and the fact that the committee is often a long-lasting and institutionalised group generates the so-called “Brussels effect”, which reduces the costs of decision-making and minimizes external risks. As a result, comitology committees have displayed a problem-solving capacity and usually have managed to achieve consensus. The Commission report COM(2002) 733 final (p.5) reveals that in 2001 the Council was very seldom

³⁷ Ibid.

³⁸ Sauron, Jean Luc (1999), “Comitologie: comment sortir de la confusion?” in *Revue du Marché Unique Européen*, No. 1, p. 52.

called in under the management or regulatory procedure. Only in less than 1% of the cases was a proposal by the Commission not accepted at the committee level. According to the most recent report of the Commission on the working of committees, the trend was maintained: the total number of *opinions* delivered by the committees in 2004 was 2 777 (compared to 2 981 in 2003) and the number of implementing measures adopted by the Commission was 2 625 (compared to 2 768 in 2003)³⁹.

Co-operative forms of decision-making have become evident in these Committees, where “the actors share notions of validity and a set of normative and principled beliefs”⁴⁰. What could explain this sort of behavior?

First, there is a tacit presumption that both the Commission and the Member States wish to come to a mutually beneficial position on implementation issues. “Member States realize that, notwithstanding their own influence within regulatory committees, the Commission has considerable power to ease or strengthen implementation requirements”⁴¹. It is obvious for the Commission as well that Member States compelled to implement protocols which they find undesirable or unfair will do so poorly or not at all

Joerges and Nyer identified another factor that accounts for the cooperative behaviour of committee members. They seem to be guided by a “problem-solving”, rather than “instrumental ethos in discussion and negotiation”⁴². Therefore, potentially dividing issues are avoided by breaking problems into constituent components and focusing on shared solutions. Thus, “Comitology proceedings are not viewed in terms of ‘zero-

³⁹ COM(2005) 554 final, Report from the Commission on the Working of Committees during 2004, Brussels, 10.11.2005

⁴⁰ Neuhold, Christine (2001), “Much Ado About Nothing? Comitology as a Feature of EU Policy Implementation and its Effects on the Democratic Arena” in IHS Political Science Series, No. 78, p. 6. <http://aei.pitt.edu/238/>

⁴¹ Ibid.

⁴²Joerges, Christian; Neyer, Jürgen (1997), “Transforming strategic interaction into deliberative problem-solving: European comitology in the foodstuffs sector” in Journal of European Public Policy, Vol. 4, No. 4, p. 618.

sum' bargaining, but in 'positive-sum' problem solving"⁴³. Also, the members of committees, have in some instances known each other for years and sometimes meet on a weekly basis. Therefore, they become involved in informal networks, which enables them to reach consensus more easily.

However, not all the scholars who conduct research on the behavior of members of the Comitology committees would agree with these findings. In a recent article (2003) built on survey data of 218 national officials from 14 Member States who attended committee meetings, conclusions were extremely different. Although the authors acknowledged that there exists indeed a sense of belonging to the committees as such, in spite of the loyalty to national institutions, the degree and depth of this feeling knows significant variations among types of committees. Thus, "Council and comitology groups are strongly intergovernmental, while Commission committees seem multifaceted"⁴⁴. The fact that Comitology committees exhibit strong intergovernmental features contradicts their portrayal as representatives of a "Europeanized inter-administrative discourse"⁴⁵. Although civil servants shift loyalty towards Brussels, in some committees, including Comitology committees "the re-socializing and transformative powers of the EU committees are heavily filtered and biased by the national institutions embedding the EU committee participants"⁴⁶.

Therefore, two distinct groups of scholars can be identified: those who consider Comitology committees as an arena of consensual decision-making driving supranational integration and inclining the balance in favor of the Commission, and a second camp who tend to hold to the traditional view of Comitology as Trojan horses of intergovernmentalism and agents of Council control over the Commission.

Where does the truth lie? Changes in the operation modes of Comitology committees have certainly been in place, but the dearth of

⁴³ Rhinard, *op. cit.*, p. 7.

⁴⁴ Egeberg, Morten; Schaefer, Gunther F.; Trondal, Jarle (2003), "The Many Faces of EU Committee Governance" in *West European Politics*, Vol 26. No.3, p. 19.

⁴⁵ *Idem*, p. 20.

⁴⁶ *Idem*, p. 37.

reliable data and the limited number of empirical research conducted on the subject still make it difficult to draw strong conclusions. The debate about the role of Comitology committees and their positioning in the tension between supranationalism and intergovernmentalism is still an open debate and a challenging topic for future research.

3.2. Comitology and legitimacy: “who watches the watchmen?”

EU committees became the target of fierce criticism as a result of a series of unpopular policy decisions and failures, such as in banking fee decisions, trading law rulings or, even more in the case of the BSE crisis and the Belgian dioxin alarm. This opposition to committees also reflects “the broader collapse in support for EU policy solutions and the deterioration of the ‘permissive consensus’”⁴⁷ underpinning the whole process of European integration.

Thus, no analysis could avoid a normative assessment of comitology in terms of its democratic legitimacy. Most often, comitology has been analyzed in terms of the trade-off between “input” and “output” legitimacy. “Input-oriented” legitimacy is based on the assumption that the people are the only legitimate source of power and on the principle of democratic self-determination (“government *by* the people”), while “output-oriented” legitimacy is linked with the concept of efficiency, that is to the principle that public action should produce the desired results (“government *for* the people”)⁴⁸.

The debate surrounding the “democratic deficit” of the European Union often reflect the perception that, while the EU has indeed mostly proved its efficiency in terms of outputs, the conditions required for the first type of legitimacy are still lacking at European level. In this view, comitology committees may be regarded as functionally legitimate, but need to be made more accountable and transparent if full legitimacy is to be attained.

Scholarly work on comitology has been roughly divided into two opposite camps, with completely different views on the democratic credentials of committees. Some analysts deny the legitimacy of

⁴⁷ Rhinard, *op. cit.*, p. 3.

⁴⁸ Menon, Weatherill, 2003, p. 115.

governance by committees, which they consider to be an “opaque, exclusive, and unaccountable entity which contradicts fundamental principles of democratic governance”⁴⁹. A second group of writers take a different stance and defend comitology as an ideal administrative solution which provides the setting for accommodative and deliberative decision-making.

Committees and legitimacy: the ongoing debate	
Committee “supporters”	Committee “detractors”
<p><i>Core idea:</i> The European committees are undemocratic and a major restructuring of the whole institutional architecture is needed.</p> <p><i>Schaefer:</i> Committees are important from an empirical perspective, but represent a “serious defect”⁵⁰ in the European institutional design.</p> <p><i>Hayward:</i> “Government by committee has lost the peoples’ confidence”; the “Monnet method” is no longer an appropriate strategy for European integration⁵¹.</p> <p><i>Weiler:</i> The emergence and growth of the committee system is a “normative disaster”, because of their elitist nature and of the fact that the informality of some</p>	<p><i>Core idea:</i> Applying strict democratic principles to committees in the European Union is impractical and unwise at the same time.</p> <p><i>Christiansen and Kirchner:</i> praise committees as an “intrinsic and essential feature of European integration”. Without the interactive style upheld by committees “European integration would not have reached the point that it has today”⁵³.</p> <p><i>Joerges:</i> The committee system is useful and should be commended on the grounds that it successfully resolves the inherent tension between intergovernmentalism and supranationalism. Moreover, the consensual and technocratic modes of decision-making have lead to the</p>

⁴⁹ Idem, p. 9.

⁵⁰ Schaefer, Guenther F quoted in Rhinard, op. cit., p. 10.

⁵¹ Hayward, Jack quoted in Ibid.

⁵² Weiler, Joseph H.H quoted in Ibid.

⁵³ Christiansen, Thomas; Emil Kirchner quoted in idem, p. 11.

<p>procedures downplays their accountability. Because of the “no demos” problem, the EU needs to be radically reorganized so as to clearly distinguish between the national and supranational prerogatives. EU committees should be restructured to secure the division of powers and maintain the “constitutional integrity” of the EU⁵².</p>	<p>development of a new and unprecedented mode of governance that they term as “deliberative supranationalism”⁵⁴.</p>
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3.3. *Is there a need for reform?*

What triggered the criticism of committees? Apart from being “intrusive and expensive”, Christine Neuhold identified three other faults of the comitology system⁵⁵:

1. *High complexity*: the rules which guide the functioning of comitology committees are numerous and intricate, and there are even cases when representatives of Member States are themselves unaware of the procedures used in the very committee they are part of. Rules of procedure do indeed exist, but they are an exception and only an estimated of one third of the comitology committees have such a document.
2. *Lack of transparency*: this is a critique directed against the whole way comitology committees work. Not only do they meet behind closed doors, but it is also difficult to have access to information about what decisions are being made and how. Although the 1999 Decision included some provisions on transparency, the “process is still rather opaque”⁵⁶. Sometimes there are contradictions between the figures made available to the public; for instance, the EC budget

⁵⁴ Joerges, Christian (2002), “Deliberative Supranationalism'-Two Defences” in European Law Journal, Vol. 8, No. 1, p. 137.

⁵⁵ Neuhold, 2001, op. cit., p. 9.

⁵⁶ Ibid.

gives a list of how many committees exist, but the internal lists of the Commission show different, significantly higher, numbers.

3. *Lack of accountability*: the members of comitology committees are not directly elected and they are delegated by the Member States' administration. Consequently, the accountability of the officials is limited since they are only directly responsible to their government.

Other authors share the same distrust. According to Weiler, for instance, "The principal pathologies of comitology [...] are not to be found in a distortion of power as between, say, Commission to Council and Member States. The pathologies are, indeed, to be found in the twin risks of:

- (A) hugely consequential regulation taking place at a level of public input and accountability which are not commensurate with the importance of such regulations, and
- (B) in a regulatory process which allocates privileges by unequal and hence unfair access"⁵⁷.

Given the apparent consensus of both political and legal analyses of comitology that the system needs improvement, the question seems to be not so much whether reform is needed, but of kind it should be. The following chapter brings to the fore the steps that have been taken so far in the framework of the Convention for the Future of Europe and other initiatives coming mainly from the Commission. But before, let us go over one case study which proves, in my opinion, the crisis of legitimacy and the necessity of reform beyond any reasonable doubt.

3.3.1. Case Study: Case T-188/97, *Rothmans International BV v Commission*, [1999] ECR II – 2463

On 23 January 1997 the Rothmans company, a famous cigarette manufacturer, asked the Commission for access to several documents which included the minutes of the Customs Code Committee from 4 April 1995 onwards (Rothmans may have found out that the Commission was planning to take measures against illegal imports of cigarettes through

⁵⁷ Weiler, Jhh. (1998), "European Models: Polity, People and System" in Craig, Paul; Harlow, Carol (eds.), *Lawmaking in the European Union*, London: Kluwer Law International, p.16.

third countries such as Romania or Bulgaria into the European Union. These illegal imports had resulted in serious losses for the Member States since they were no longer able to collect the high taxes on cigarettes. Many signs pointed to the active involvement of some cigarette manufacturers in these unlawful undertakings).

Rothmans chose to approach the Commission and not the Customs Code Committee directly simply because, like all committees assisting the Commission, this one did not have an administration, budget, archive or premises, nor an address of its own.

On 21 February 1997, the Commission's Director-General of the Directorate-General for Customs and Indirect Taxation wrote a letter to the applicant accepting its request but pointing out that, because of the number and nature of the respective documents, it would probably take over one month before the applicant would be sent a reply.

In a letter dated February the 26th of the same year, Rothmans asked the Director-General to confirm that the application for access had been approved under Article 2(2) of Decision 94/90 (granting access to certain documents of the Commission under certain conditions) and that the one-month period mentioned above was necessary only for the documents to be gathered.

Since it received no reply, the applicant requested from the Secretary-General of the Commission in March 1997 an explanation of the intention to deny access, as provided for in Article 2(2) of Decision 94/90. The Secretariat-General answered that the application would be handled as rapidly as possible but that it would probably be more than one month before the applicant would receive a reply. In April 1997, the company declared that the failure by the Secretary-General to reply within one month after the submission of the application for review equated a decision to reject it.

Lastly, the Secretary-General handed a number of Commission documents but refused to send the minutes of the Committee on the ground that the Commission *was not their author*⁵⁸. It pointed out that, although the minutes are prepared by the Commission in its secretarial capacity, they "are adopted by the Committee, which is therefore their author". The Secretariat-General also refused to turn in the Committee's

⁵⁸ Decision 94/90 provides that applications must be sent "direct to the author".

internal regulation for the same reason that the Commission *was not the author of that document*. The Secretary-General also invoked the Committee's internal regulation, which stated that its work was confidential.

As a last resort, Rothmans contacted the Member States. By letters of 30 May 1997, Rothmans demanded access to the minutes in question directly from the customs authorities of each Member State. Seven of them answered, two of which simply confirming the receipt of the request and the other five refusing access on the grounds of the confidential nature of the proceedings of the Committee.

In June 1997 the company brought an action against the Commission before the Court of First Instance and called for the annulment of the Commission's decisions denying access to the minutes and the internal regulation of the Committee.

Rothmans was a landmark case in that it challenged the openness, transparency, and accessibility of comitology and raised the question of whether citizens are or should be entitled to control the administrative process, and to what extent. Moreover, it illustrated the fact that because the committees do not formally possess decision-making powers of their own the judicial review of their work is more complicated.

As far as Rothmans' right to access the minutes, the position of the Commission led to a paradoxical argumentation: despite the fact that committees are supposed to be an emanation of the Council, supervising the implementing activities of the Commission, the Council does not hold any copies of committee documents. Thus, the case of the Commission that it held the pen for the committee but was not the actual author of the documents resulted in the exclusion of comitology from the scope of rules granting access to Community documents.

In its ruling, the Court of First Instance stressed the importance of the principle of transparency. It held that "for the purposes of the Community rules on access to documents, "comitology" committees come under the Commission itself, [...] which is responsible for rulings on applications for access to documents of those committees"⁵⁹.

⁵⁹ Case T-188/97, Rothmans International BV v Commission [1999] ECR II – 2463, paragraph 61.

4. Reforming Comitology

As the previous chapters indicated, the European major governing institutions have been involved in a fierce power struggle over matters of competence and influence over the implementation of EU acts and policies. “[...] the legitimacy of comitology committees has become one of the most contentious issues in the current round of talks regarding EU structural reform”⁶⁰.

Although Council Decision 1999/468/EC brought significant improvements by reducing the number of comitology procedures and their variants, the system is still characterized by an overall persistence of opacity and a dubious democratic accountability. Aware of these problems, the Commission tried to address them by putting forward a proposal for a new Council Decision, which would amend decision 1999/468/EC.

As early as the *White Paper on Governance*, the Commission had proposed a re-examination of the conditions under which the Commission adopts implementing measures and amending Art. 202 TEC so as to put the Council and the Parliament on an equal footing “in supervising the way in which the Commission exercises its executive role”⁶¹. The objective to present proposals to adjust the comitology system *without amending the Treaty* was reiterated in the Commission Communication *Better Lawmaking* of 5 June 2002⁶². Accordingly, in December 2002 the Commission released a proposal for a new Council Decision amending Decision 1999/468/EC⁶³.

This initiative was followed by discussions within the Convention on the Future of Europe. The issues tackled by the Laeken Declaration on the Future of the Union and the subsequent establishment of the Convention in 2002 refuelled the debate on comitology. The Convention focused on the division and description of competence, the simplification of

⁶⁰ Ballmann; Epstein; O'halloran, op. Cit., p. 553.

⁶¹ European Governance: A White Paper, COM(2001) 428 final, 25 July 2001, p.36.

⁶² European Governance: Better Lawmaking, COM(2002) 275 final, 5 June 2002, p.4.

⁶³ Proposal for a Council Decision amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, COM(2002) 719 final, 11 December 2002.
http://www.europa.eu.int/comm/governance/docs/comm_commito_en.pdf.

the Union's instruments and the improvement of democracy, transparency and efficiency.

To sum up, the major changes advanced by the Commission concern:

- 1) **Advisory committees** – the Commission would have more power, by removing the right of the European Parliament to pronounce itself on the *vires* of the proposals.
- 2) **Management committees** – this type of committee would be abolished altogether for legislation adopted under the co-decision procedure by the Council and the European Parliament.
- 3) **Regulatory committee** – the European Parliament would gain more power, but the Commission would have the ability to override both the Parliament and the Council.

Article 37 of the official and final version of the Constitution states as follows:

“2. Where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission, or, in duly justified specific cases and in the cases provided for in Article I-40, on the Council.

3. For the purposes of paragraph 2, European laws shall lay down in advance the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

4. Union implementing acts shall take the form of European implementing regulations or European implementing decisions”.

Over time, solutions such as merging committees with overlapping competences, limiting the frequency of meetings and scheduling meetings of committees set up for related subjects on the same day have also been advanced. However, the central issue goes beyond mere technical reform. It deals with matters that are of vital meaning for the very structure of the whole Union including:

- the delimitation of EU and Member States competences (at least in implementing legislative acts);
- the balance of powers in the EU; and

- the relationship between European institutions and national administrations.

In conclusion, in its proposals for reforming the comitology system, the Commission has attempted to find a political solution that harmonizes the enhanced powers of the Parliament with the imperative of the balance of powers on the one hand and the relationship between the Member States and the Community level on the other hand. Two aspects permeate through the backdoor of comitology: the absence in the Treaty of a clear-cut definition of the notion of legislative and executive acts and the need to solve the broader issue of the hierarchy of acts.

5. Conclusions: Committees and European Integration

Even a brief overview of committees in terms of their number and size indicates that they “constitute a significant part of the institutional infrastructure of the EU”⁶⁴. In 2002 there were about 1,400 committees in Brussels, involving approximately 50,000 public and private sector actors from the European, national and subnational levels. Of these, 800 were Commission expert groups, 200 were Council working parties and 400 were Comitology committees⁶⁵. These figures do not include the standing committees of the European Parliament.

The fact that the committee system has become an essential feature in all fields of co-operation is confirmed by the assessment of regulations and directives adopted in 2003. Of the total of 707 regulations and directives adopted by the Commission only 26 “had come about without it having been required to follow a committee procedure”⁶⁶. The Report from the Commission on the working of committees in 2005⁶⁷ lists altogether 248 comitology committees in operation in 2004. Comitology procedures are the most formalized in the system and their importance is enhanced by the fact that they produce large amounts of secondary legislation.

⁶⁴ Rhinard, 2003, op. cit., p. 3.

⁶⁵ Ibid.

⁶⁶ Bergstrom, op. cit., p. 19.

⁶⁷ COM(2005) 554 final, Report from the Commission on the Working of Committees during 2004, Brussels, 10.11.2005, , p. 8.

http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2005/com2005_0554en01.pdf

Mark Rhinard went so far as to call committees the “workhorses of European integration”⁶⁸. Committees represent an administrative arena that brings together actors with different national and cultural backgrounds, into a policy-making environment that privileges consensus over conflict. Sensitive issues, often connected with national interest, are broken down into technical components and solved through compromise and shared solutions.

From the early days of the ECSC committees were perfectly in line with the European mode of governance which rested upon the Monnet method or “integration by stealth”⁶⁹. Policy-making was transferred to the European level, but only in limited fields. There, decision-making was left in the hands of national experts working closely with European civil servants and other directly affected interests. “Governance was a process of consensus building amongst national administrators and concerned interests, coming to agreement on common policies through the processes of mutual learning and group socialization (“engrenage,” to integration theorists)”⁷⁰. The processes of functional differentiation and technocratic administration, of which committees have been a driving feature, put integration forward in such a way that it would be safe to assume that without them European integration would not have reached the stage where it finds itself today.

Therefore, committees have become a necessity with the widening scope of the European Community over the years, especially as European legislation in the 1980s and 1990s covered ever more areas of economic and social life. Committees also provided the practical means to accommodate the input of actors from both the public and private sector at supranational, national and sub-national levels. These practical advantages have led to the mushrooming of committees, so that they now provide a substantial part of the administrative capacity vital to the functioning of the European Union.

Committees play “a crucial role in the daily operation of the European Union system of governance by providing expertise in policy

⁶⁸ Rhinard, 2003, op. cit., 7.

⁶⁹ Rhinard, Mark (2002), “The Democratic Legitimacy of the European Union Committee System” in *Governance: An International Journal of Policy, Administration, and Institutions*, Vol. 15, No. 2, p. 187.

⁷⁰ Ibid.

development and decision making, by linking Member States' governments and administrations with the EU level as well as by increasing the acceptance of European laws and programmes in the member states. EU committees are important arenas for EU governance as well as melting pots of national and supranational government systems"⁷¹.

According to Wolf Sauter and Hellen Vos, comitology performs several important functions, among which the most relevant would be:

1. It offers the rules and procedures for the implementation of Community Law, "and a mechanism to guarantee residual Council control over implementing legislation"⁷².
2. It brings the necessary input from national bureaucracies and interested parties in the course of policy-making.
3. It helps the "structurally overburdened Commission to shoulder its ever larger workload"⁷³.
4. Comitology also connects the national and Community administrations, and fosters networks of experts. It informs decision-makers about important developments on a regular basis.

The arrangements spelled out in Council Decision 1999/468/EC clearly represented a step forward in the effort to reform comitology. These advancements have nonetheless not put the debate on comitology to rest. It is still often regarded as a battlefield where divergent views about issues of implementation, delegation and separation of powers meet. Complexity, the lack of transparency and accountability are recurring criticisms in almost the entire literature about the comitology system.

The problem is therefore not so much *whether* comitology should be reformed as *how* to reform it. Comitology has been dealt with by all the relevant discussion on the future of Europe, and its outcome seems to depend on the future of the Constitutional Treaty and on whether or in what form the European Parliament will accept the 2002 Proposal of the Commission.

⁷¹ Egeberg; Schaefer; Trondal, p. 19.

⁷² Sauter, Vos, op. cit., p. 174.

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FROM THE EU TO THE MONETARY UNION: STRATEGIES FOR NEW MEMBER STATES

Alina Vasile*

Abstract

The last enlargement of the European Union is by far a closed process. The new member states have still to integrate into the economic and monetary union.

This paper tries to demonstrate that the monetary integration is not going to be a 'Bing Bang'. I will attempt to prove that a gradual, progressive process suits better the interests of the EU. By focusing on divergence, restrictions of the Exchange Rate Mechanism, and entrance parity, I will explain why the monetary enlargement should include first the small countries, and only later involve the large countries.

Introduction

On the 1st of May 2004, the European Union was welcoming ten new partners, as a result of a swift enlargement process. In less than 15 years the new members have entirely changed their economic systems, remodelled their institutions and regulations, and reoriented their trade towards the West of the European continent. The enlargement process however did not end with the entry of the ten new countries. First of all, the membership in the economic union will only be granted after a few years, once the last restrictions on the freedom of workers or on the capital are eliminated. Furthermore, there are still new candidates preparing to enter the Union. Last, and most important, it is the economic and monetary union that has to enlarge after the EU, with the adoption of the euro by the new member states.

* M.A. in European Affairs, Lund University, Sweden

The issue I would like to address in this paper is whether the monetary enlargement should be a progressive process, in stages, and concentrate at first on the “small” countries (the Baltic States and Slovenia), and later affect the “large” countries (Poland, Hungary, Czech Republic and Slovakia). I will focus on issues such as the success of the participation in the Exchange Rate Mechanism (ERM) II¹, the choice of central parity, the sustainability of the current account financing and the restriction of the uncertainties which could affect the stability of anticipations.

1. Real Divergence in the Enlarged E(M)U

With the entrance of the new members, Europe has incontestably grown. Nevertheless, to the extent that the development level is still weak in the East, the growth has been partial and Europe became more heterogeneous². The new members have experienced a rapid growth since the mid 1990s, as a result of the “catching up”³: in average, their growth rate has been superior by 2 points to that of the EU. But there is no reason to believe that the enlargement would bowl the European economy. The consequences of the growth experienced by the new countries are hardly perceived, first of all because they are confined to their close neighbours (Germany, Austria, and Finland). Second, because the low income level in those countries does not allow their markets to become a driving force of the European growth. On the long term, the enlargement of the single market will produce

¹ The path into the monetary union leads first to the Exchange Rate Mechanism II (ERM II), which regulates the exchange rate relationships between the present Euro Area and the future EMU members (“pre-ins”). The aim of ERM II is to maintain exchange-rate stability between the euro and the participating national currencies. This is important to ensure that excessive exchange-rate fluctuations do not cause problems in the internal market. Retrieved from <http://europa.eu.int/scadplus/leg/en/lvb/l25047.htm>

² Indicators of heterogeneity: GDP per head; price levels (non-traded goods); growth (of productivity), are illustrated in the chart below.

³ The economic catch-up implies: higher productivity gains (traded goods), higher growth rates, higher inflation (Balassa-Samuelson-effect), which is equivalent with asymmetric shocks.

efficiency gains. But because of their rapid aging population these potential growth gains from the enlargement might be restricted.⁴

TABLE I. – Economic indicators

	PIB 2000- 2003 Average annual increase in %	Average PIB PPP/capita 2003 EMU=100	2002 Annual population increase in %	Export and import 2002 In % of PIB
Hungary	3.8	57	-0.3	131
Poland	2.5	39	-0.0	60
Czech Republic	2.8	61	-0.1	133
Slovakia	3.6	49	0.0	153
Slovenia	3.2	78	-0.7	114
Estonia	6.1	43	-0.4	178
Latvia	6.9	36	-0.9	102
Cyprus	6.5	34	-0.4	114
Lithuania	3.2	91	0.5	54*
Malta	1.9	69	0.5	177

* Merchandise only.

Sources: World Bank, World Development Indicators, 2004; BERD, Transition Report, 2003.

The enlargement affects especially the small new members, that are more open and whose trade relations are almost exclusively oriented towards the EU. "The countries most enthusiastic about monetary integration have indeed been the small, open economies of the Union, support for monetary integration having been strong in Belgium, Luxembourg, Netherlands, Ireland, Portugal" (Frieden, 2000:267). In the past, if we consider Spain, Portugal and Ireland, countries to whom the new members are often compared due to their development level, the

⁴ "The Euro Area and the Acceding Countries", European Forecasting Network, Report Spring 2004.

accession to the EU was accompanied by a strong growth, as a result of a process of convergence, of favourable anticipations of the investors (FDI) and of structural funds. But this development did not happen in Greece. Therefore, we can conclude that the integration in the EU is not a guarantee of fast growth for the new members.

The enlargement, awaited for so many years, has already led to massive inflows of FDI and has reoriented the commercial relations towards the EU. The completion of several projects (mobility of workers, attribution of structural funds) should not drastically modify the data. The question that most member states are preoccupied with is the continuation of the enlargement in its monetary dimension.

TABLE II- EU share in trade and FDI flows of new member countries

	UE share in trade balance, 2002 in %	FDI in % of PIB	
		1995	2002
Hungary	64.6	26.7	38.2
Poland	65.5	6.2	23.9
Czech Republic	65.1	14.1	54.8
Slovakia	54.4	4.4	43.2
Slovenia	64.0	9.4	23.1
Estonia	56.0	14.4	65.9
Latvia	49,6	12.5	32.4
Lithuania	38.4	5.8	31.4
Cyprus	39.7	17.8	47.7
Malta	47.3	28.4	73.8

Sources: CNUCED, World Investment Report, 2003.

2. From the single market to the single currency

The integration in the EU implies for the new countries the implementation of the aquis, which comprises also the euro. Unlike the UK and Denmark, the new members did not negotiate an opting out clause. They will have to comply with the criteria defined in Maastricht Treaty in order to be able to adopt the European currency. Therefore, the enlargement is no finished. "The forthcoming monetary enlargement may thus go ahead in stages",

subject to the trade-offs these countries will make between the demands of nominal convergence needed to join the euro and their more general need to catch up economically (Lahrèche-Révil, 2004).

As a reminder, the Maastricht Treaty provides for the realisation of five criteria that are synthesis of the price convergence (price of goods, inflation, capital, interest rate, currency, exchange rate) and public spending⁵. The national situations are characterized by a great heterogeneity. The Baltic States are very well placed, in what the stability of prices and interest rates are concerned, but as well on the dynamic of the public debt. The exchange regime, very strict- currency boards- constituted in Estonia and Lithuania⁶, has allowed these two countries to eliminate the volatility of their exchange rate in relation to the euro.

In the other countries, these criteria seemed to have been complied with in the beginning of 2003. The convergence table shows that the larger acceding countries far exceeded the deficit reference value of 3% of GDP. By contrast, the small new members have posted only minor deficits for years. Just Slovakia has launched on an austere consolidation course in the meantime.

The strict disinflationary policies and the anticipations of the markets had largely contributed to the situation. As a consequence, the situations became more heterogeneous. Tensions within countries proved that it was difficult to respect the nominal stability criteria unless restructuring and the real convergence achieved. Growth is an inflationist process, especially following the Balassa-Samuelson effect (De Grauwe, Schnabl, 2004a:5)⁷, and inflation entails increase of interest rates and

⁵ Monetary Criteria: inflation does not exceed by more than 1.5 percentages, points that of the three best performing (EU25?) members, average nominal long term interest rate that does not exceed by more than 2 percentage points that of the three best performing (EU25?) member states in terms of price stability.

Fiscal Criteria (reference values for an excessive deficit): 3% for the ratio of the government deficit to GDP, 60% for the ratio of government debt to GDP, unless either the ratio has declined substantially and continuously and reached a level that comes close to the reference value. Exchange Rate Criterion, respect the normal fluctuation margins of ERM2 without severe tensions for at least the last two years before examination.

⁶ And Bulgaria, but I do not discuss accession countries here.

⁷ 'Balassa-Samuelson effect' arises because wages forge ahead in the industrial sector as a result of high productivity growth and labour market pressures, while compensating wage increases in the non-traded sectors (public and private services generate inflation).

instability of exchange rate. In these conditions, the fight against tensions on the prices can have negative effects on the growth, as it was the case in Poland in the beginning of the 2000s. In what concerns the state finances, the public infrastructures that contribute to long term growth can impose a high level of expenses. And if the structural funds were supposed to relieve the national budgets, the alignment of the countries with the European regulations increases the public expenses.

TABLE III- 2003 Fulfilment of the Maastricht criteria

	Inflation in %	Public Deficit in % of PIB	Public Debt in % of PIB	Long Term Interest Rate (oct. '03)	Official exchange regime	Volatility after January 2002
Hungary	4.7	-5.9	59.0	7.11	Fixed/€ ± 15%	[-5.7; +9.9]
Poland	0.7	-4.1	45.4	6.75	Free	[-15.8; +14.7]
Czech Rep	0.1	-12.9	37.6	4.64	Managed	[-7.7; +5.3]
Slovakia	7.7	-3.6	42.8	5.15	Managed	[-3.7; +6.7]
Slovenia	5.4	-1.8	27.1	4.1*	Managed	[-6.2; +3.2]
Estonia	1.3	2.6	5.8	3.9*	Currency Board/€	[-0.3; +0.4]
Latvia	3.5	-1.8	15.6	3.8*	Fixed/DTS	[-9.7; +10.5]
Lithuania	-1.1	-1.7	21.9	4.6*	Currency Board/€	[-0.3; +0.0]
Cyprus	4.0	-6.3	72.2	4.79	Fixed/€ ± 1.2%	[-1.5; +1.4]
Malta	1.3	-9.7	72.0	4.70	Fixed/basket	[-5.0; +3.3]
UEM	1.4	-1.9	57.5	4.35	--	--

*28/02/03

Sources: European Commission, European Review, spring 2004; Focus on Transition.

The nominal convergence criteria were imposed to ensure the well functioning of the monetary policy in a united monetary area. In what the real convergence is concerned, it conditions the benefits that the member countries could obtain from their participation in a monetary union. Mainly, their accession to the euro area should stimulate their growth though the reduction of the interest rate (thanks to the disappearance of the exchange risks), the stability of prices and the access to liquid and

integrated market of capitals (Begg, 2001). But the theory of optimal monetary area has it that there are certain conditions to respect in order for the benefits to concretise (Wyplosz, in Frieden, 2000:273).

Therefore, the single currency is even more profitable when the economies are mutually open and have similar structures (Begg, 2001). Or, if the exchanges of CEE with the EMU are very important nowadays, the resemblance of structures is a long term phenomenon. The structural asymmetries remain very strong between the East and the West, which represents a contraindication for the monetary unification. Moreover, "the adoption of the same currency by two economies is even more expensive if the labour markets are flexible (flexibility of the jobseekers or the salaries), and if there are mechanisms of budgetary federalism" (Lavrač, 2002). None of these conditions is really met today. However, once they demonstrate strong intention of adopting the euro, it is politically impossible to refuse the countries that respect the Maastricht criteria from participation in the EMU. There is still one crucial issue to negotiate: and that is the entrance parity in the euro area (Zanghieri, 2004).

3. The restrictions of the ERM II

The condition of exchange rate stability is intended to support the nominal convergence process while ensuring convergence in expectations. The requirements for participating in ERM vary greatly among the new members. Most important, pegging the nominal exchange rate will not be equally constraining for all of them. The Baltic States have already taken on fixed exchange rates against the euro: for Estonia such an exchange rate seems appropriate, being small, highly open country, with very little real exchange rate flexibility. For the small open CEE economies fixed exchange rates lead to lower inflation and more growth (De Grauwe, Schnabl, 2004b).

For the larger countries exchange rate plays a more important role in macroeconomic adjustment. Therefore "pegging the nominal exchange rate is not necessary <the> best strategy to adopt" (Lahrèche-Révil, 2004). In addition, these countries had to abolish their currency pegs in the early 1990s, as their pegs became unsustainable due to massive capital inflows. In both cases, though, the constraint of participating in the ERM II may be

considered as unwelcome. Countries with a fixed exchange rate have little understanding for the fact that after years of having had currency board arrangements, they will still be required to ensure exchange rate stability against the single currency (Clarke, 2005). In small open economies exchange rate stability compensates for the loss of independence in monetary policy making. In particular small countries have large gains from exchange rate stability in terms of price stability (McKinnon, 1963).

Larger countries, in contrast, are suspicious about the problems linked to managing fixed exchange rate regimes in a situation of capital mobility: for the exchange rate to be stable real exchange rate equilibrium, current account sustainability and a convergence of market expectations must all be reached (Pauly, in Stubbs, Underhill, 2006:140).

4. The choice of the entrance parity

The level of the real exchange rate determines the attractiveness and the competitiveness of an economy, as well as the growth perspectives or the inflationist ones: a real exchange rate undervalued stimulates exports and attracts foreign investments, but at the same time feeds on the imported inflation. An exchange rate overvalued deters the raise of prices, but slows down the growth and the recovery. In both cases, the stability within the ERM II can be compromised, because of the anticipations of readjustment of the exchange rate. This is what makes it essential for the pivotal- rate in the ERM II, and afterwards in the enlarged EMU, to ensure the achievement of the "real exchange rate" (Zanghieri, 2004).

The real exchange rate corresponds to the parity that ensures at the same time a balanced growth (non-inflationist) and a sustainable current account (financed by the entries of stable capital, which can generally be identified as foreign direct investments). Research has shown that in 2001, with the exception of Hungary and Slovenia, in Poland, Czech Republic, and Slovakia, the real exchange rate were overvalued from 2% to 15 %, compared to the euro (Clarke, 2005:596). More recent works confirm these results, even if we can notice a great variation of the estimations of the exchange distortions, due to the differences of the use of theory and empirical data (Orlowski, 2003).

The estimations illustrated in the chart below shows two main things: first, the exchange distortions, whatever their tendency, are relatively significant. Furthermore, they can be volatile. The ERM II could therefore be unstable, because the distortions in the real exchange rate represent indicators of the possible tensions on the exchange markets (the high volatility of the exchange rate in Poland and the over-valuation in Czech Republic are most obvious).

TABLE IV- Distortion of the exchange rate of the CEECs compared to the EURO

	Real exchange rates			Nominal exchange rates Beginning 2004
	Mid 2001	Beginning 2002	Beginning 2003	
Hungary	2%	5.5%	≈50%	≈-10%
Poland	15%	14.8%	≈20%	≈-17%
Czech Rep.	11%	14.2%	≈15%	≈15%
Slovakia	10%	-	-	≈0%
Slovenia	2%	4.9%	≈-2%	≈8%
Estonia	-	10.9%	-	-

Source: ECB statistics, 2004.

If the adjustments had not happened before the entry in the EMU, the new members could have suffered long-lasting difficulties, particularly in case of over-valuation at the moment of the entry: once the nominal exchange rate is fixed, the adjustments of competitiveness can be made only through the relative prices, which is a long and costly process in terms of growth.

5. Avoiding the disequilibria at the entry in the EMU

The choice of the pivotal rate at the moment of the entry in the ERM II will be the essential stage of the on-going enlargement process, because it will determine the sustainability of the exchange mechanism and the entry

parity in the euro area. The literature today considers the currencies of the candidates overvalued, mainly because of the current deficits they accumulate. Under these circumstances, a real depreciation of the currencies seems necessary, in order to allow the countries to clear the current surpluses (Clarke, 2005:507).

All these deficits are a result of the process of economic recovery: the strong progress of the national investments exceeds the local capacities of savings. As long as the investments allow for the building of capacities of production and export, the situation is tenable. Besides, these deficits have for a long time been financed through the long-term capital, considered as a stable source of financing. Nevertheless, two elements are of concern. On one hand, the slip of public finances contributes to increased current deficits, making the situation less sustainable. On the other hand, now that the privatization is almost accomplished, the question that remains is whether the FDI entries will continue at a fast enough paces to cover the financial needs of the countries. There is no certitude in this regard, especially because the stocks of FDI are already significant, and largely comparable to those of the most attractive emerging countries⁸. Thus the risk is to have more unstable financing of the current account (entry of short capital), which leads to a greater volatility of the interest rate. The perspective of rapid entrance in the EMU would become more uncertain and the eventuality of an exchange crisis more probable.

These risks could explain the keenness of the Baltic States to enter the EMU or the strategy adopted by Poland (authorization of the double currency circulation): the card that must be played is that of the market anticipations, reassuring the agents about the entry in the euro area (Czarczyńska, 2003:3). However, the new members of the EU are very differently prepared for the adoption of the euro.

⁸ "The Euro Area and the Acceding Countries", European Forecasting Network, Report Spring 2004.

Conclusions

For the small candidates, the participation in the monetary union seems already achieved: the calendar has been announced, the currencies have been stabilized, and on June 24th 2004, the Lithuanian, Estonian and Slovene currencies entered the ERM II. In the case of Estonia or Lithuania, where currency boards on euro have been in place for a few years now, the choice of rapid accession to the EMU is probably without alternative: the costs of the monetary stabilization have already been paid, the maintaining of an autonomous currency does not bring any liberty and the euro is the normal anchorage currency, because of the opening of the economies of these countries. This integration offers them a way of exit from an exchange regime that, despite the guarantees of the official parity, remains- like any exchange regime in an environment of perfect mobility of capital- exposed to unfavourable anticipations or to exchange crises. The difficulty pertains to the fact that their currency is certainly overvalued. The accession to the EMU could therefore be done by paying the price of the real adjustments.

On the other hand, the big countries have announced a deferral of their entry in the EMU for the end of the decade, because their macroeconomic situation makes it difficult for them to comply with the inflation of public spending criteria. Their accession to the euro area could turn out to be costly, if the exchange rate maintains an important role in their macroeconomic adjustments. Poland's experience has shown that exchange rate flexibility allows for macroeconomic adjustments to be made, in a relatively simple way: the depreciation of the zloty during the 2003 has been accompanied by a non-inflationary correction of the current account and a return to growth (even though the labour market didn't go the same way) (Lahrèche-Révil, 2004). Nevertheless, Poland, by authorizing the double circulation of the euro and the zloty, expressed a strong commitment to adopt the single currency. The problems for the Polish, Hungarian, Czech and Slovakian governments have been exacerbated by the important elections in 2005 and 2006. After all, the pace of consolidation is a political variable. Therefore, the obvious answer is to address the expected political reservations in the different countries by setting them against the advantages of early EMU membership (Beck, 2004:10).

The question of how long these countries should wait to enter the euro area remains open. For the European countries, which joined the EEC in 1981 and 1986, more than ten years passed before they entered EMU (1991). Their entry into the euro area was still accompanied by some turmoil.

Hence, the above considerations support the idea that the monetary enlargement will not take place in the form of a “big bang”, but could be made in two stages: starting with the small countries; afterwards, the large newcomers, where structural reforms are not just yet accomplished, and that could still use the manoeuvre area of the national currency.

Abbreviations

- EU- European Union
- CEE- Central and Eastern Europe
- CEECs- Central and Eastern European countries
- EMU- European Monetary Union
- ERM- Exchange Rate Mechanism
- ERM II- New exchange-rate mechanism
- EEC- European Economic Community

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EUROPEAN INTEGRATION THROUGH GAULLISM AND EUROPEANISM

George Voskopoulos*

Abstract

The long course to European integration has been realized through a piecemeal process, sectoral cooperation, bargaining and multilateral compromises. A long-standing feature of the process is the incompatible and conflicting views on the proposed course of integration and Europe's role in international affairs. Gaullism and Europeanism represent two alternative and contending views on European integration but at the same time they dispose of a common parameter, namely the relation of Europe to the USA and the latter's role in European affairs.

Political Realism as the intellectual basis of Gaullism

In the course of post-Second World War history, it was estimated that "consolidating European unification is a modern way of limiting the damaging propensity of nations to become nationalist"¹. Clashing European nationalisms² were regarded as the primary threat to peace in Europe and this almost imposed a policy re-formulating national political systems and national priorities under the impact of influential leaders.

The European integration process has been influenced by alternative, and often, contending visions, aiming at providing an evolutionary and workable framework of integration amongst sovereign states. After several decades the EU constitutes a unique institutional

* Assistant Professor, University of Macedonia, Thessaloniki, Greece

¹ See Pagden, Anthony (2002), *The Idea of Europe, from Antiquity to the European Union*, Cambridge: Cambridge University Press and Woodrow Wilson Centre, p. 171.

² These are to be distinguished from non-aggressive "national nationalisms...that is, the usual defensive nationalism of the nation based on a selfish love of a specific country". Ibid.

edifice, an achievement of regional integration despite its institutional deficiencies and teleological ambiguity.

Seen through the Gaullist vision and its Political Realist basis, the European integration process may be considered a challenge to the traditional state-centric system of sovereign states but also marks a number of divergent visions as far as the international role and the strategic orientation of Europe are concerned.

Gaullism or what has conventionally been defined as Gaullist Europeanism bears a number of elements that may be identified as blueprints of Europeanism, although both attitudes to European integration are incompatible and dispose of operational and institutional dysfunctionality when it comes to applying and operationalising alternative integration theories.

Theorising about Europe's integrative process has aimed at describing and explaining the process of unifying sovereign nation-states. Integration is defined in terms of goals and the processes adopted with the aim of *"attaining within a territory, of a sense of community and of institutions and practices strong enough and widespread enough to assure for a long time dependable expectations of peaceful change among its population"*³. Furthermore, in the study of comparative national policies, integration is defined, *inter alia*, as *"creating a sense of territorial nationality which overshadows-or eliminates-subordinate parochial loyalties"*⁴.

In the case of the EU, political integration may be broadly defined as *"the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states"*⁵ and is seen either as a process or a means.

The above description is almost by definition incompatible with Gaullist logic and De Gaulle's perception of the world and more particularly European affairs. The definition implies implicitly or explicitly

³ See Deutsch, Karl et al (1957), "Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience", in Nelsen, Brent; Alexander C-G. Stubb, *The European Union, Readings on the Theory and Practice of European Integration*, Princeton: Princeton University Press, p. 115.

⁴ See Weiner, Myron (1967), "Political Integration and Political Development" in Welch C. (ed.), *Political Modernization*, Belmont: Wadsworth Publishing Co., p. 150.

⁵ See Haas, Ernst (1958), *The Uniting of Europe*, Stanford: Stanford University Press, p. 16.

a change of loyalties from the national to a supranational or a vague non-national centre of power.

De Gaulle's perceptual framework vis-à-vis integration was articulated with his views on the establishment of the European Defence Community signed in 27 May 1952. Eventually the Treaty was rejected by the French parliament in August 1954. As underpinned, the French government had signed the Treaty on condition that it would not be immediately operationalised. This attitude overlaid its politically-orientated scope and its prospect of being ratified⁶.

De Gaulle's policy was catalytic at this point, as he had opposed the project from the beginning. As a result, in November 1953 he attacked those who supported the plans⁷. His attitude was defined by his state-centric views on the national interest⁸ and was expressed in the aftermath of the proposal. He emphatically and categorically stated that he would do anything to bring about the rejection of plan. He would cooperate even with the Communists and would form an alliance with the Russians to prevent the realization of the plan⁹.

De Gaulle could never accept the unification of French and German armed forces, a proposition incompatible with his belief of an independent and sovereign France and its attitude towards *la defence nationale*. To him a national army could be legitimately used only under national command. Moreover, a national army could only serve a single nation's interests.

His logic has evidently been formulated on a state-centric axis and narrow French national interests. At the same time it set a dilemma to both British and Americans as it threatened the cohesion of the Atlantic Alliance. British Premier Macmillan had emphatically stated: "*How are we (and the Americans) to deal with France today-and Germany tomorrow?*"¹⁰

The statement reveals a compact, compatible strategic thinking on the part of the Anglo-American axis, and at the same time defines France

⁶ See Duchkne, Francois (1994), *Jean Monnet. The First Statesman of Interdependence*, London: W.W. Norton, p. 233.

⁷ Ibid, σ. 254.

⁸ Upon failure to ratify the Treaty, French MPs applauded and sang the French national anthem. This was an indication of underlying nationalistic sentiments. Ibid, p. 254.

⁹ See Walker, Martin (1994), *The Cold War*, London: Vintage Books, p. 97.

¹⁰ See PREM11/3326, Draft directive of the Prime Minister to the Foreign Secretary on future foreign policy, drafted by Sir Norman Brook, Secretary of the Cabinet, 21-12-1960.

and De Gaulle as the main obstacle to Atlanticism and its aim to cement a euro-Atlantic core.

Gaullism as an alternative vision of Europe

The strategic vision of a strong Europe, playing a *primus inter pares* role with other major world powers, particularly the US, was overtly or covertly articulated by General De Gaulle and his vision for the construction of Europe from the Atlantic to the Urals.

The French vision bears compatible and incompatible elements of the current pro-Europeanist debate and may provide the ground on which to scrutinize aspects of the European integration evolution and the dilemmas it faces today. French macrostrategic planning was constructed on the axiom of materializing national strategy by linking goals to existing resources.

The most powerful guideline for French foreign policy was the desire to expand the country's "power basis"¹¹, through regional alliances and autonomy in the national defence field in a way that enhanced France's role as a global power. The Political Realist concept of power has dictated De Gaulle's policies and strategic choices in the foreign policy domain, while his anti-Americanism affected France's relations with those European states that supported Europe's linking to the US.

Roy Macridis has epitomized French foreign policy objectives in a way that covers the multifaceted goals to be achieved ever since the eighteenth century¹².

1. The policy of national frontiers of Europe
2. The European status quo or balance of power in Europe
3. The preservation of the French empire
4. The preservation of world power status

In the course of time French foreign policy was originally orientated on the basis of a specific vision of the world and France's enhanced role in international affairs. Paris could not accept the paternalistic role of the U.S.

¹¹ See Macridis, Roy (1992), "French Foreign Policy, the quest for Rank" in Macridis, Roy (ed.), *Foreign Policy in World Politics*, New Jersey: Prentice Hall, p. 32.

¹² *Ibid*, pp. 35-36.

as a “European power” and its operating as the *eminence grise* of European affairs. As emphatically suggested, “in many ways the real test case for the power of capacious Americanization was France under President de Gaulle. As an arch opponent of American hegemony, he promoted security and economic policies to lessen U.S. influence in Europe”¹³.

Despite De Gaulle’s intellectual and strategic differentiation this influence was institutionally and strategically cemented with the establishment of the Atlantic Alliance and the gradual but steady formulation of what is conventionally called the Anglo-American axis. De Gaulle considered Britain the “American Trojan Horse in Europe” and a setback to Europe’s political emancipation. He feared the establishment of “a colossal Atlantic Community dependent on America and directed by America, which would soon swallow up the European Community”¹⁴.

De Gaulle’s views were formulated on a number of assumptions and beliefs concerning the national interest and the relations between the national Army and the nation-state. As pointed out, “for De Gaulle nothing was more fundamental than the relationship between an army and the nation it was to serve”¹⁵.

As a stern champion of Gaullist Europeanism, France ostensibly resisted the idea of full political integration under NATO’s security umbrella, adopting De Gaulle’s¹⁶ policy of a sovereign France within a concert of European states¹⁷. Rejection of the catalytic role of the US and NATO constitutes a feature of the current pro-Europeanist debate.

¹³ See Taylor, Peter (2002), “The American Century as Hegemonic Cycle”, in O’Brien, Patrick Karl; Armand Clesse (eds.), *Two Hegemonies, Britain 1846-1914 and the United States 1941-2001*, Aldershot: Ashgate, p. 291.

¹⁴ See President Charles de Gaulle, Press Conference, 14-1-1963 in *A Retrospective view of the political year in Europe*, Paris: WEU, 1964, p. 20.

¹⁵ See Gordon, Philip (1993), *A Certain Idea of France, French Security Policy and the Gaullist Legacy*, Princeton: Princeton University Press, p. 33.

¹⁶ For De Gaulle’s policy see Baillet, Roger (1979), *De Gaulle et l’Europe*, Paris: L’Hermes. Also, Bernos, Roger (1974), “Gaullist Foreign Policy in retrospect” in *The World Today*, Vol. 30, pp. 345-354, Sabrosky, Alan Ned (1975), “French foreign policy alternatives” in *ORBIS*, Vol.19, No. 2, and Cambon, Jules (1930), “The permanent bases of Foreign Policy”, in *Foreign Affairs*.

¹⁷ For a full analysis see De Gaulle, Charles “A Concert of European States”, in Nelsen, B.; A. Stubb, op., cit., pp. 25-41.

Europeanists have supported the creation of a European Defence Mechanism, with its own military means, independent of NATO¹⁸.

During the Cold War De Gaulle's policy was considered as an effort to undermine NATO's cohesion and effective deterrence of the Soviet Union, while the same suggestion of Europeanists¹⁹ today is regarded by Atlanticists as a threat to the euro-atlantic core and an unrealistic goal.

The aforementioned divergent approaches reflect dissimilar concepts of Europe but their validity should be scrutinized through the determining factors of the world system and its overall power configuration. A policy differentiation on then part of Europeans during the bipolar era would end up in weakening the western European axis and its overall defence capability²⁰.

Under this spectrum De Gaulle's policy constituted a black hole in NATO's operational apparatus. Gaullism, as an ideology and a particular view of the world, was based on intergovernmentalism, a balanced world and a European continent in which American role would be limited.

However, his overtly expressed anti-Americanism did not equal to Europeanism but what has been termed "Gaullist Europeanism"²¹. This referred to a distinguished vision of Europe, a particular European order of affairs and a balanced world system. The descriptive, strategic, systemic and intellectual elements of his beliefs may be epitomized as follows²².

1. The rejection of French and European subservience in the Atlantic Alliance and the emerging institutions of European cooperation²³.
2. The establishment of a political European confederation amongst Western European states in which France would play a pivotal role.
3. The rejection of any supranational orientation in European affairs.

¹⁸ This was also expressed by French officials at the unofficial intergovernmental summit in Austria on 24-10-1998.

¹⁹ Ex-French Prime Minister Laurent Fabius questioned the validity of putting European defence and diplomacy "under the Anglo-Saxon influence and make it dependent on NATO". See Fabius, Laurent (2004), *Une certaine idée de l; Europe*, Paris : Plon, p. 9.

²⁰ For a full description of the strategic setting at the moment see Leffler, Melvyn; David Painter (1995), *Origins of the Cold War, an international history*, London: Routledge.

²¹ See Shenan, Andrew (1993), *De Gaulle*, London: Longman, p. 71.

²² *Ibid*, p. 117.

²³ *Ibid*.

4. His disapproval of the Cold War status and power configuration
5. The restructuring of NATO to put an end to American hegemony.
6. Cementing a special relationship with Federal Republic of Germany
7. Decolorizing the Third World
8. Advancing France's nuclear capabilities

With the above aims in mind he inaugurated “a long-running campaign against both the economic-financial power of the US and its political-military dominance within NATO”²⁴. De Gaulle felt that Europe was strategically trapped in the dictates of the bipolar confrontation and also that its alternative way would create a new Europe emancipated from the superpower. In essence he was articulating a policy that focused on asymmetric transatlantic relations and the establishment of a European and global order that would not favour American preponderance.

However, his policy could not be successful, as he undermined the strategic need for cohesion within the Atlantic Alliance and the prospects of intra-European cooperation. Eventually, despite his polemic, the integration process was inaugurated with the establishment of the European Coal and Steel Community. Yet, his suggestion for a more balanced world applies today among those Europeanists (i.e. the French Socialists) who wish to reform the framework of transatlantic relations.

The overt or covert aim behind his proposals was to challenge American hegemony and de-link European states' fate from the Cold War realities. Eventually he believed that France's withdrawal from NATO could change the balance of the two blocks and bring about a new world order. If he realized his policy “America would find itself back to its hemisphere and Britain in its island”²⁵

In essence his strategic dream referred to an alliance amongst western Europeans. That was made explicit already from May 1944 when he advocated the idea of “a Western grouping”²⁶. That was to be realized on an intergovernmental framework of cooperation outside a rigid

²⁴ Ibid, p. 119.

²⁵ See Cerny, Philip (1980), *The Politics of Grandeur, Ideological Aspects of De Gaulle's foreign policy*, Cambridge: Cambridge University Press.

²⁶ See Catterall, Peter (2000), *The EEC Crisis of 1963, Kennedy, Macmillan, De Gaulle and Adenauer in Conflict*, London: Macmillan, p.22.

institutional framework, since the signing of abiding treaties limited his dreams for a sovereign France. Absolute independence on joint decision-making and the ultimate supremacy of the nation-state constituted taboos in the Gaullist approach²⁷. The critique against him focused on the expression of a covert or overt nationalism and a European policy made to fit his dreams of a France leading Europe.

Under the above spectrum, the evolutionary course of the European integration process overlaid similar negative evaluative judgments, at least as far as monetary union is concerned. By contrast Gaullist elements, such as the ability to withstand decisions in foreign policy making reflects the operational mode of the EU in its second pillar, namely the CFSP.

This model of intra-state cooperation allows sovereign states to bargain and at the same time provide a legitimacy framework on foreign policy issues, a matter of paramount importance to De Gaulle and today supporters of inter-governmentalism who pinpoint the merits of such an integration mode in terms of, *inter alia*, legitimacy .

As suggested, "*De Gaulle justified his concept of the nation-state in terms of legitimacy and efficacy*"²⁸. Obviously, he could conceptualize a legitimacy framework only within a national decision-making center since in his view "*the nation-state was the only political community that could serve a society's interest*"²⁹. Under this spectrum, supranational centers outside the national territorial base did not serve the interests of the nation and national strategy.

Europeanist strategic orientation and the effects of Atlanticism

Europeanists share a central view of Gaullist thinking, that is the view that Europe can only be envisaged as a junior partner of the U.S. and simply a free market area. They suggest the EU should become a player with enhanced political role in international affairs and reject the notion of an American-dominated world. Europeanist ideals have cemented after the Second World War and disposed of a single feature of Gaullist ideals that is

²⁷ See Gordon, Philip (1993), *op.*, cit.

²⁸ *Ibid*, p. 10.

²⁹ *Ibid*.

the emancipation of Europe from the US. This does not necessarily refer to a clash between the two strategic partners but the formulation of a new relation based on equality and sustained balance.

However, Gaullism has rejected any advancement to a supranational level. By contrast, Europeanists today support the “deepening” process of the EU, thus advancing the integrative process qualitatively with the aim of providing the institutional and operational means for Europe to play a *primus inter pares* role with the U.S. To this direction pointed the decision taken at the European Council in June 1990, when European leaders advocated “*the transformation of the Community from an entity based on economic integration into a union of a political nature, including a foreign and security policy*”³⁰. The suggestion takes Gaullist state-centric Europeanism to a deeper level of political integration and escapes the single-dimensional anti-NATO logic of De Gaulle.

The critique on NATO’s military dominance in the European security environment under Gaullism and Europeanism approaches the Atlantic Alliance as an instrument of American preponderance. De Gaulle considered it as an effort to institutionalize the establishment of “an American protectorate in Europe”, while Europeanists today consider it as a limiting parameter of their strategic rationale to institutionally advance European interests.

This refers to the ability of a group of willing European partners to advance through enhanced cooperation practices. Ex-French Prime Minister Laurent Fabius was explicit when he dedicated a part of his analysis of the Constitutional Treaty on the fact that the Treaty did not allow for the formulation of a “European defence”³¹.

A system-oriented approach of the utility of the Atlantic Alliance is constructed³² on the notion that the Atlantic alliance was formed under different security circumstances and aimed at dealing with clearly defined threats during the bipolar era. When NATO was created, European states were in no position to form a European security mechanism, in order to safeguard peace in Europe, due to ideological incompatibilities and

³⁰ See Shenan, Andrew (1994), *De Gaulle*, London: Longman, p. 225.

³¹ See Fabius, Laurent (2004), *op. cit.*, pp. 40-42.

³² See Voskopoulos, George (ed.) (2006), *Transatlantic Relations and European Integration, Realities and Dilemmas*, Hyderabad: ICFAI University Press.

structural hindrances, particularly Europe's unfortunate economic position and the Franco-German rivalry that was the main threat to European security.

In a way the Atlanticist views have been constructed on the Cold War assumptions of European and American interests being identical. They have also pointed to the role of the US as a facilitator or ideological parameter of European integration. That is what Gaullist Europeanist rejected, an intergovernmental approach to integration built on the rejection of Atlanticism.

However, during the last five decades Western European economies have been reconstructed to such a degree that the creation of a European Security and Defence Identity is not unimaginable, but mainly lacks the required political will on the part of Europeanists and a revised institutional structure based on enhanced cooperation. Non-restructuring NATO's operational and ideological framework in a way that allows European states to play a central role in European security is considered by Europeanists an effort to preserve American military dominance over Europe.

Europeanists suggest that by remaining the sole provider of European security, the U.S. is able to overlay its European partners objections to particular policies. These negative evaluative judgments are formulated under the impact of suspiciousness vis-à-vis American motives. It appears that countries such as Germany and France³³ share similar views, concerning American motives and support procedures of enhanced political integration³⁴.

In the post-Cold War era NATO's political role in European affairs has widened the ideological cleavage between Atlanticism and Europeanism. This dichotomy has emerged as one of the most critical ideological restraints in the development of an operationally sustainable European Security and Defence Identity. In effect, the above deficiency has

³³ For the "distinctive French approach to West European defence identity" and France's unwillingness to be "locked" in Alliance military structures in early 1990s see Yost, David (1991), "France and West European defence identity", *Survival*, Vol. XXXIII, No. 4, pp. 327-351.

³⁴ See National Memoranda on Political Union in Laursen, Finn; Sophie Vanhoonacker (eds.) (1992), *The Intergovernmental Conference on Political Union*, Amsterdam: Martinus Nijhoff Publishers.

deprived Western European Union of credibility and effectiveness, which “depend on a well-structured, multinational and flexible military back-up”³⁵.

The end of the Cold War triggered a heated debate in the EU over the issue of Political Union as European partners acknowledged their differences on the strategic, institutional, structural and operational levels. This led to the suggestion in 1990 on an Intergovernmental Conference on Political Union, which was discussed during the 1990 Dublin Summit. The issue was advanced by the leading Europeanist forces, Germany and France, and was originally challenged by the UK³⁶. What the Franco-German Europeanist axis achieved was to include the issue in the overall agenda of political integration, despite the reaction of the “Atlantic Alliance of Britain, Ireland and Portugal”³⁷.

Eventually, “the debate in Dublin revealed the existence of entirely opposing views among Member States”³⁸. The conflict intensified by the insistence of leading Europeanists to make references to “federal plans”. French President Francois Mitterand suggested that Political Union was related to a certain “federal finality”, while the Italian Prime Minister G. Andreotti referred to a “federative union”³⁹. The urgency of the rhetoric of the Europeanists⁴⁰ alarmed the pro-Atlanticist UK, which strongly opposed any plans for Political Union⁴¹.

Oddly enough British policy and overall strategy vis-à-vis European integration has been consistent with the intergovernmental Gaullist logic. Its qualitative, distinctive and differentiating element has been its support for an American-led world constructed on the euro-atlantic alliance.

³⁵ See the analysis of Jose Cutileiro, Secretary General of the Western European Union in 1995. See Cutileiro, Jose (1995), “WEU’s operational development and its relationship to NATO”, *NATO Review*, Vol. 43, No. 5.

³⁶ For a full analysis see Laursen, Finn; Sophie Vanhoonacker (eds.) (1992), *The Intergovernmental Conference on Political Union, Institutional Reform, New Policies and International Identity of the European Community*, European Institute for Public Administration, Amsterdam: Martinus Nijhoff Publishers, pp. 6-8.

³⁷ Characterization made by Member of European Parliament, David Martin. See *Agence Europe*, 24-5-1990.

³⁸ See Laursen, Finn; Sophie Vanhoonacker (eds.) (1992), *The Intergovernmental Conference on Political Union*, Amsterdam: Martinus Nijhoff Publishers, p. 8.

³⁹ *Ibid.*

⁴⁰ See “European Union more urgent”, *Financial Times*, 12-9-2000.

⁴¹ See *Agence Europe*, 26-6-1990.

The Atlantic Factor between Gaullism and Europeanism

During the Cold War, Europe did not feel the need to develop an autonomous or European-orientated Defence Organization within NATO, since the American extended deterrence caused inaction on the part of the Soviet block. The American security umbrella in Europe eliminated motivation and did not create a scope for the development of a European Security and Defence Identity.

Practically, it was convenient for European actors to allow the U.S. to be the security provider of Europe and thus bridge their differences over leadership by allowing a non-European (at least geographically) to be nominally their *primus inter pares* partner. Thus, Atlanticism⁴² was gradually but steadily rooted, while Europeanism was marginalized (on both collective and national level), a fact that minimized the ability of Europeans to think and act independently and collectively in crises.

To this day, transatlantic relations have remained to a substantial degree the qualitative determinant of European integration process, at a time globalization imposed the interlinking of economic and political issues. This created a multilevel framework of relations characterized by common interests, but also incompatibilities in the trade domain⁴³, which have multiplied ever since the mid-1990s⁴⁴. Despite incompatibilities, the transatlantic axis has been realized through defining common interests and applying a framework of common actions.

In the early post-Cold War era the first step to this direction took place with the 27 February 1990 *Transatlantic Declaration*, which established an institutional framework for consultation on a wide range of matters

⁴² As suggested in the 1960s, "Britain's first loyalty was to the United States, not to the Europeans...De Gaulle feared that Britain...would play the role of a Trojan horse, were it to be admitted to the Common Market". See Taylor, Edmund, "After Brussels", *The Reporter*, February 14, 1963.

⁴³ Between 1962 and 1991 there have been recorded 16 cases of major EU-US trade Disputes. See Piening, Christopher (1997), *Global Europe, The European Union in World Affairs*, London: Lynne Pub., p. 106, table 5.2.

⁴⁴ These were the cases of the 1996 Helms-Burton legislation, with which the U.S. wished to deter Europeans invest in Cuba and the D'Amato law that attempted to prevent European firms from establishing trade relations with Iran and Libya. In both cases the EU adopted counter-measures against the U.S.

including issues falling within the European Political Cooperation domain⁴⁵. As plausibly suggested, “by 1991, it appeared that the U.S. was in a position of dominance comparable only to that which it had occupied in the late 1990s”⁴⁶.

To the same direction pointed the 1995 Madrid Declaration, which defined in a more explicit way the “New Transatlantic Agenda”⁴⁷. This aimed at “building bridges across the Atlantic” and “contribute to the expansion of world trade and closer economic relations” between the EU and the U.S. Moreover, the *Joint EU- U.S. Action Plan* set the operational framework of cooperation in specific areas. The signifiers of the above aims may imply that the U.S. did not wish to confront Europe either on the economic or political field, a goal that indirectly put stress on the value of “closer economic relations”.

Despite criticism on the part of Europeanists, the U.S. has long operated as a consensus builder⁴⁸ among European allies. As a result, intra-European incompatibilities have been overlaid by undisputed American leadership. It has plausibly been pointed out that “even where truly vital interests are concerned, such as security and defence, Europeans are still happier to bring in the respected powerful outside arbiter, the USA rather than be left to sort themselves out...this is a crucial feature of the Atlantic Alliance from its founding...the European powers would rather submit to U.S. leadership than that of any other European power where it comes to defence”.⁴⁹

Today Europeanists suggest that the US evolved from a consensus builder among European allies during the Cold War, into a political fragmentation factor of the post-Cold War EU. This view bears the same Gaullist logic of Atlanticism and more particularly the UK being a fragmentation factor within the EU.

Washington originally supported European integration (post-

⁴⁵ The aim was to institutionalise the European Community’s “relationship with the United States”. See “Institutional Framework for Consultation”, *Declaration on EC-U.S. Relations*, 20-11-1990.

⁴⁶ See Lafflan, Brigid; Roy O’ Donnell; Michael Smith (eds.) (2000), *Europe’s Experimental Union, Rethinking Integration*, London: Routledge, p. 43.

⁴⁷ See Council of the European Communities, Press Release PRES/95/356, 3-12-1995.

⁴⁸ See Heuser, Beatrice (1996), *Transatlantic Relations*, London: Pinter and The Royal Institute of International Affairs, p. 19.

⁴⁹ *Ibid*, pp. 30-31.

Second World War phase) as a means of reconciliation among European states. Yet, in the course of integration American policy-makers realized that the end product of the process as well as the support for Europeanism could threaten American dominant role within the transatlantic structure. Under this spectrum, Europeanism is as much rejectable as was Gaullism.

Eventually, the prospect of creating an alter ego or a competitor within the transatlantic establishment almost imposed a strategy of containment of Europe's political aspirations. It has been suggested that *"America supports European integration but on a relatively limited basis. Both the UK and the U.S. wish for a limited European integration... Britain supports NATO but not the EU because the EU and its qualified majority voting could lead the EU to acquire a supranational character."*⁵⁰

What de Gaulle and today Europeanists implicitly or explicitly suggest is that British EC/EU membership allowed the U.S. to effectively affect the process of European integration and ensure that NATO would be the fundamental military and political forum defining European integration. The British-American axis⁵¹ has dictated the process of political integration to this day as they both view the deepening process as antagonistic to their complementary interests. As underpinned, *"for the British, enemies and allies come and go but one ally remains: the U.S."*⁵²

Conclusion

Gaullism may be considered as an in-between ideology between Atlanticism and Europeanism. It is built on the desire to establish a Europe, strategically independent from the US. De Gaulle's policy aimed at extending the "power basis" of France⁵³. As a result his approach to European integration was state-centric and near the intergovernmental

⁵⁰ Ibid, p. 22.

⁵¹ Beatrice Heuser suggests that "the British enjoyed working with the Americans more than anybody else because the U.S. shared nuclear technology with them", *ibid*, p. 19.

⁵² Ibid, p. 21.

⁵³ See Macridis, Roy (1992), "French Foreign Policy, the quest for Rank" in Macridis, Roy (ed.), *Foreign Policy in World Politics*, New Jersey: Prentice Hall, p. 32.

model, as he put emphasis on the primacy of the nation-state.

What links de Gaulle's ideas to Europeanism is his attitude towards the "Americanization" of Europe and NATO's role as an instrument of implementing American strategy. Upon the withdrawal of France from NATO De Gaulle explicitly articulated his views on NATO stating: "...it is quite clear that, owing to the internal and external evolution of the countries of the East, the Western world is no longer threatened today as it was at the time when the American protectorate was set up in Europe under the cover of NATO"⁵⁴.

Actually this belief, along with the cementing of the Anglo-American relations turned him into the main, if not exclusive, obstacle to Britain's accession into the EC. This was acknowledged by Paul-Henri Spaak, who criticized the French veto suggesting that "*Macmillan's crime was to have reached an agreement with the President of the US on Britain's nuclear weaponry...In General De Gaulle's eyes the cooperation with the Americans was tantamount to treason against Europe's interests and justified his refusal to allow Britain into the common market*"⁵⁵.

Gaullist Europeanism constituted a diversion of the pro-federalist Europeanist logic, based on political integration, despite the fact that supranationality in the field of foreign policy does not constitute the aim of European states. De Gaulle attacked the "federalist logic" of Jean Monnet and his pioneering efforts for integration through "empty-chair" practices until the Luxembourg Compromise in 1996.

The legacy of the Gaullist approach has remained intact in a number of intergovernmental practices found in the Second Pillar of the integration process. CFSP has been formulated on an intergovernmental basis with the aim of allowing member states to defend national interests. Gaullist Europeanism provided elements of the anti-American aspects of the current pro-Europeanist debate.

These aspects have been magnified by the operationalization of President Bush's policy in the Middle East. American strategic choices and Washington's ability to conceptualize a world in which Europe operates as an equal partner may operate as a catalyst in the strategic disorientation of

⁵⁴ See French Embassy Press and Information Service, New York, Speeches and Press Conferences, No. 239, 1966.

⁵⁵ See Spaak, Paul-Henri (1971), *The Continuing Battle: Memoires of a European, 1936-66*, London: Weidenfeld and Nicolson, p. 476.

the EU. Unilateralism and the application of a strategy of primacy may provide the ideological basis and powerful motives for Europe's strategic differentiation.

THE CITIZENSHIP ISSUE IN THE "GREAT ROMANIA" (1918-1940)

Lucian Butaru*

Abstract

The citizenship was "always a problem on the agenda of the day for 20 years" (Victor Iamandi, Minister for Justice). By getting into the daily natural practice, this analysis of the Romanian juridical discourse tries to reveal how the citizenship issue reflected the making of the "Great Romania". Beside education, which functioned as an inclusion instrument, the citizenship represented an exclusion instrument used for a sort of "inner reconquista" of Romania. The Romanian politicians used to see Romania as an ethnic space with a variable and somehow manipulable geometry: before 1918, the variable was the territory and after that – the population.

If we accept Eric Hobsbawm's thesis according to which the international politics after WWI could be characterized as „a struggle of the old regime forces against the social revolution”¹, we can understand in what consisted the luck or the chance of the Great Unification. Romania, being the State „of order” with its army mobilized when „the revolution mowed down through the Central and South-Eastern Europe”², succeeds to double its territory. Using a *criterion of State's legitimacy* in relation with Russia and a *criterion of demographic legitimacy* in relation with Hungary³, Romania obtains the possible maximum regarding the territories. The secondary effect of this proceeding was a „Great Romania” with a great number of *minorities*. The political class tried to repress that “dark” side of the reality. The Romanian politicians rather loved the new territories than the new

* Lucian Butaru, Ph.D. student at the Faculty of European Studies, Babeș-Bolyai University Cluj.

¹ Eric Hobsbawm, *Era extremelor. O istorie a secolului XX*, Ediura Cartier, Chișinău, 1999, p. 67.

² *Ibidem*, p. 39.

³ Sorin Alexandrescu, *Paradoxul român*, Editura Univers, București, 1994, pp. 59-62.

citizens. This fact can be better understood by studying the delicate issue of citizenship.

The citizenship issue's background is created as well by the national State paradigm (and the preference for uniformity) as by the local specificity given by the fact that one speaks rather about a history of Romanians (from different States) than about a history of Romania (with different inhabitants). Even after the unification, Romania continues to be seen as an ethnic space with a variable and somehow manipulable geometry, but which will become stable in the nearest possible future.

The issue in itself and the source of all complications of this nature from the inter-war period is represented even by the way in which the citizenship issue is formulated. Because its formulation is not compatible with the new territorial realities and difficultly compatible with the international obligations that Romania assumed through the signing of the peace treaties after the WW I: the Romanian citizenship does not acquire *iure locis*, being more an *iure sanguinis* question. Otherwise said, the citizens' children inherit the country. For others, the citizenship represents „a simple favor”⁴ which is licensed to them after they meet certain conditions.

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The „Great Romania” knows two laws *regarding the acquirement and the loss of the Romanian nationality*, laws that are different through their elaboration style and the stakes taken in consideration. Thus, there is (1) the *law from 23 February 1924*, published in the *Monitorul Oficial (Official Gazette)*, no. 41 from 24 February 1924, also known as „Mârzescu Law” and (2) the *law from 16 January 1939*, published in the *M. O.* no. 16 from 19 January 1939⁵, modified in 26 July 1939 (published in *M. O.* no. 171 from 27 July 1939) and

⁴ The expression is taken over from (and in the spirit of) a remark made by Alfred Juvara (professor at the Law Faculty from Iași) in *Pandectele române. Repertoriu lunar de jurisprudență, doctrină și legislație*, Ed. „Monitorul Oficial și Imprimeriile Statului”, Bd. Elisabeta 29, București, 1937, Partea I (the First Section), p. 41. Further in text, the quotation will be: the index title abbreviated, the year, the section, the page (*P. R.*, 1937, I, p. 41).

⁵ Because of an inserted error, it was republished in the next number (no. 17 from 20 January).

also modified in 19 October 1939 (published in *M. O.* no. 243 from 20 October 1939).

According to these laws, the Romanian nationality is conferred, in the first place, to the *recognized biological descendants* of a citizen, no matter the context of their production or their birth country (art. 1, al. 1, art. 2, al. a and b from Mârzescu Law; art. 3, al. 1, art. 4, al. 1-4 from the law from 16 January 1939). This principle is reinforced by the provision according to which the adoption does not produce effects over the citizenship (art. 2, al. b; respective art. 5). More, the principle is ethnicized in the Mârzescu Law through the exemption from the 10 years probation required for the naturalization of the Romanians „by origin” who are citizens of other States (art. 19). This intention becomes even more visible in the law from 1939, where is introduced the „recognition” as a possibility to obtain the Romanian nationality in the case of those who can be considered as being Romanians by ethnical origin (art. 3, al. 4 and Chapter III). This vague disposition is clarified by the first modification brought to this law, modification according to which: „for the determination of the quality of Romanian by origin, it is sufficient that one of the parents is from Romanian ethnic origin”⁶. From the article 60, one can easily identify the habit of the legislator from 1939 (and the eventual debates around the questions of interest) to operate in detail with distinctions concerning the group of new citizens: the law exempts from the charge (3.000 + 2.000 lei) the Romanian ethnics that receive the nationality.

Nevertheless, the Mârzescu Law through the introduction of certain exceptions that are more or less important does not follow the *iure sanguinis*. I present few of them, more illustrative, only as an enumeration. Through marriage, the foreign women receive the nationality of the Romanian husband (art. 4), and the foreign men married with Romanian women receive an exemption for the naturalization probation (art. 8, al. b). We can interpret that a “Romanian name” is almost as important as a “Romanian origin”; in other words, any origin is suitable for the Romanian nationality as far as possible it can be hide. Also, „the foreign born and grown in Romania until the age of 21” (art. 9, al. a) are exempted from the

⁶ „The Law Decree regarding the modification and completion of a few dispositions of the laws regarding the acquirement and the loss of the Romanian nationality, published in *Monitorul Oficial* no. 16 from 19 January 1939” no. 2.939, in *M.O.* no. 171, 27 Jul. 1939, p. 4644.

naturalization probation. The children „found on Romania’s territory without known mother and father” (art. 3) are luckier, because they are „considered as Romanians”. In this last case, one can say that the nationality is acquired *iure locis* (art. 1, al. 2). The legislator from 1939 is more skeptical regarding such cases and, in consequence, more coherent. Thus, in the case of found children, „one presumes until the contrary proof that they were born in Romania” (art. 5). One can notice even a change in the language used in 1924 and the one used in 1939, the expression „on the Romania’s territory” being replaced with the expression „in Romania”.

Under the directive of the *iure sanguinis* that penetrates the spirit of the regulations regarding the nationality, *the final and transitory provisions* seem to be more transitory and exceptional. These provisions represent the main stake of the Mârzescu law⁷, because they refer to the interpretation and the application of the conditions regarding the minority issues, conditions stipulated by the much disputed peace treaties. The respective provisions try to combine *the constraining and heavy possibility to acquire the Romanian nationality* with the *international obligation to confer citizenship also to the eventual undesirable inhabitants for the newly acquired territories*. Moreover, one tries, through this way, to minimize the *secondary effects* of the making of the “Great Romania”.

In this respect, the Mârzescu law defines itself as regulations for the interpretation and the application of treaties conditions. It is considered in the same way by the authors of the law from 16 January 1939 (see article 62). The same conclusion can be drawn from the jurisprudence of the High Court of Cassation in order to judge the laws constitutionality for every case, that emphasized for every solved case the fact that the *peace treaties text* had only the power of an organic law, and “therefore, it can be amended or modified through another organic law”⁸. All the future Romanian laws concerning the citizenship issues “far from modifying the principle sanctioned through the peace treaties, they only realized to trace, after they textually reproduced that principle, the rules and conditions of which one can acquire the Romanian nationality”⁹.

⁷ Carol Iancu, *Evreii din România. De la emancipare la marginalizare (1919-1938)*, Editura Hasefer, București, 2000, pp. 96-102.

⁸ P. R., 1939, III, p. 213.

⁹ P. R., 1939, III, p. 146.

Nevertheless, this law modified through the article 56 (al. 1 and 2) the treaties provisions under two aspects, both having as goal the *limitation of the new citizens number*.

First, the condition of being “established” on the annexed territories is replaced with the condition of having the abode in one of those provinces¹⁰. Second, the Mârzescu Law stipulates a date for “being there”: 27 March 1918 for Basarabia, 1 December 1918 for Transilvania, Banat Crişana, Satu Mare, Maramureş and Bucovina. Even Victor Iamandi admits, in 1939, that those reformulations had created „many difficulties, some unbeatable, in the attempt of proving the abode, conform to the interpretation of the law [...]”¹¹.

Under this circumstances, its hard to consider that Mârzescu Law doesn't change the spirit of the provisions of the peace treaties concluded by Romania after World War I; unless if we consider those people as bounded to land. But, in Twentieth Century, the reality is more fluid and the life strategies more complexes. As an example, Iacob Kernes goes to Moscow for a while, to work as a judge. According to his passport visa, he is back in Basarabia at 8 September 1918. But, because he did not have the ability to predict the future, namely to foresee that in 1924 there was established as a requirement for the subjects from Basarabia of the ex-tsarist Empire the day of 27 March 1918, Iacob Kernes had to acquire the Romanian nationality “by fraudulent means”¹².

The articles 64 and 65 from Mârzescu Law that regard the “establishment ex officio of the situation” by the administrative authorities are also formulated in the same spirit. These authorities establish and decide¹³ over the requirements meeting and they compose lists with those who have the right to receive the Romanian nationality “with appeal right for those interested [...] in a term of 40 off days after the lists are posted”. The importance of these provisions is given by the fact that, once this *unique moment* goes by, those who does not appear on the lists and, even

¹⁰ „Domiciliul administrativ” in Basarabia; „indigenatul” in Bucovina, Transilvania, Banat, Crişana, Sătmar şi Maramureş.

¹¹ “Report to the Council of Ministers” No. 151.275, in *M. O.* no. 243, 20 Oct. 1939, p. 5898.

¹² Iacob Kernes' case related on citizenship can be found in *P. R.*, 1939, II, pp. 33-38.

¹³ After the modification of law (26 July 1939), the Justice Department has the decision. (*M. O.* no. 171, 27 Jul. 1939, p. 4645).

more important, their descendants, are no longer under the incidence of the *final and transitory provisions* of the Mârzescu law, they becoming ordinary foreigners who demand the citizenship as a favor and not citizens through annexation who demand their right.

Regarding the way how the administrative authorities and the “appeal commissions” worked after 1924, the abundance of the lists with names of “Romanian citizens through annexation” speaks by itself. The lists fill, after my calculus, rough 300 pages in *M. O.* from 1940, in the period following the modifications of Mârzescu law. Besides these lists are the lists of those “recognized as having always the Romanian nationality” thanks to the ethnic origin.

The authorities were informed later about the exclusion made by (or through) the nationality lists from 1924. Victor Iamandi speaks about “almost one hundred thousand family heads, out of which the great majorities are Romanian by birth, were not, for different reasons, registered on the nationality lists, and today they are in one of the most difficult situations”¹⁴. In order to catch aspects that are missed by the quantitative analysis, I’ll present the Maria Kohn’s case. She is at law with the Mureş city hall. Her deceased father is not registered, and he never asked to be registered on the citizenship lists. In the year when the lists were drawn up, Maria was minor. Thanks to an amendment that was Grigore Iunian¹⁵’s initiative, those who were not in the town at the time of lists’ drawing up had the possibility to demand subsequently the registration, putting forward the absenteeism reason. But, Maria Kohn’s appeal is rejected in February 1937. The Court justifies the rejection in the following way: “[...] as a minor [she] was represented by right by her father, and the fact that she was minor was not equivalent to the absenteeism at the time of documents’ drawing up.”¹⁶

This case it is not, necessarily, an example of the bad intention of the justice that works in Mârzescu law’s spirit but more an example of the

¹⁴ “Report to the Council of Ministers” No. 85.383, in *M. O.* no. 171, 27 July 1939, p. 4646.

¹⁵ The Mârzescu Law stipulated, initially, for those absents (art. 67, al. 2), a law term identical with the appeal term. According to Iunian’s amendment the absentees “could at any time demand from the competent communal authority, the national certificate according to the legal provisions” (*P. R.*, 1940, I, p. 32).

¹⁶ *P. R.*, 1937, III, p. 166.

Romanian jurisprudence daily practice; thus, in fact, Maria Kohn is just the descendant of a stateless person who did not take advantage of the unique moment offered to him and to his descendants to acquire through a easy way the Romanian nationality.

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As we specified in the beginning of the present article, *the law regarding the acquirement and the loss of the Romanian nationality* knew few major modifications after 1939, during the period when Victor Iamandi was the Minister for Justice.

In the initial stages, the law tends to become stricter, its authors emphasizing rather the new ways to lose the nationality. This emphasis on the ways to lose the nationality is justified through *the lack of minorities' loyalty*. In the variant of the law from 26 July 1939, the Romanian nationality can be lost as a sanction (art. 41, al. 2) in the case when one leaves the country "in a secret and fraudulent manner". And alongside with the nationality one can lose also the family properties, even if the relatives are staying in the country (art. 53). This provision applies inclusively in the case of the wife and unmarried children for who the Council of Ministers can retire the nationality (art. 45, art. 46). In this way, begin to appear in the *Monitorul Oficial* numerous lists with names of the citizens who are losing their nationality as a result of ministerial decisions. These lists are not as numerous as those specified previously, and, according to the names resonance, they cover all the ethnic spectrum of the Great Romania. By way of example, on Wednesday, 9 August 1939, appear five pages with the names of ex-citizens who "leaving the country, they took refuge in Hungary". In the report annexed to the decision one recommend "to confiscate their properties"¹⁷.

After the last modification (art. 62), from 19 October 1939, *the Law regarding the acquirement and the loss of the Romanian nationality* becomes more permissive, and the Minister for Justice becomes more pragmatic and inclined to make concessions. Thus, is eliminated the requirement of the "abode" proof, being sufficient that those interested to prove the fact that "they lived in some commune from the annexed territories". Also, the

¹⁷ "Report to the Council of Ministers" No. 105.169, in *M. O. no. 182*, 9 August 1939, p. 4893.

temporal requirement, “the Unification day”, is followed by “or [...] the day of the treaty from Trianon’s ratification” (26 July 1921). Otherwise said, major concessions are made, in the sense of the Mârzescu Law’s humanization. Nevertheless, for the Basarabia’s inhabitants, is still applicable the day of 27 March 1918.

According to these final modifications of the law, Maria Kohn, previously mentioned, would have the possibility to acquire the Romanian nationality, because it is regulated the statute of those for who, minors being at the time of the lists drawing up, “the institution or the persons responsible for them, did not ask their registration in these lists”. The individuals from this category can be “registered in the nationality lists until 1 February 1940”. Once more, one can notice that the pragmatic and concessive spirit appears in the moment when “the nationality is a topical issue in Europe”¹⁸ and the revisionism – more intense. At this moment, it seems that at least a part of the Romanian political class, that found in the king entourage, begins to understand that it confronts with complex and delicate issues that must be approached with lucidity and pragmatism. In this direction must be understood the report of the Minister for Justice, which was annexed to the last variant of *the Law regarding the acquirement and the loss of the Romanian nationality*.

“We considered that the legislation of these dispositions of great concern for the inhabitants of the annexed provinces, entitled for the Romanian citizenship as an effect of the Unification, is the only way to solve definitively and in the interest of the State a problem that, for two decades, is always topical.”¹⁹

However, the *dispositions of great concern* cease when the Jews must to enter under the incidence of this law. Each of the modifications made to the Mârzescu Law during the Royal Dictatorship contains the specification that the *dispositions* “do not apply for those inhabitants from the annexed territories or from the Old Kingdom who were stipulated in the Law

¹⁸ Alfred Juvara, „Legea privitoare la dobândirea și pierderea naționalității române”, in *P. R.*, 1939, IV, pp. 81-102.

¹⁹ “Report to the Council of Ministers” No. 151.275, in the *M. O.* no. 243 of October 20, 1939, p. 5898.

Decree no. 169 from 22 January 1938 regarding the citizenships revision, since they represented the object of a special regulation”.

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We can use as a conclusion the remark of Victor Iamandi: the Romanian citizenship issue was always a problem on the agenda of the day for 20 years. Not because Romania was an attractive country constantly assaulted by immigrants, but because there were many people who wanted to solve this problem, once and for all, and at the same time, there were many people who wanted this problem solved only in their own terms.

At least at the end of Royal Dictatorship period, Romanian political field had operated under the illusion of facing a millenary process which can be speed up, trying to “repair the injustices of the past”. The fact that the Romanian territories had minorities was such an injustice that had to be repaired.

We made the Great Romania, let's make now the Romanians. This paraphrase of Masimo d'Azeglio²⁰ allows us to make a better description of what the Romanian political discourse avoided to say but succeeded in doing. A similar remark belongs to Irina Livezeanu regarding the *inclusive* method of homogenization through the „soul unification”²¹ made by education. We can extend this interpretation to the *exclusive* juridical methods of homogenization through the elimination of undesired populations from the “nation's body”. In that way, the citizenship represented the main instrument used by the Romanian politicians for „solving”/repressing the cultural heritage of the Austro-Hungarian and Tsarist empires. This pattern was also used for the “legal solving of the Jewish question”.

²⁰ *We made Italy, let's make now the Italians.* – Masimo d'Azeglio *apud* Eric Hobsbawm, *Era capitalului*, Ed. Cartier, Chişinău, 2002, p. 110.

²¹ Irina Livezeanu, *Cultură și naționalism în România 1918-1930*, Ed. Humanitas, Bucureşti, 1998, p. 30.

L'INTEGRATION EUROPÉENNE DES BALKANS OCCIDENTAUX

Philippe Claret*

Abstract

Always under the sign of complexity, the relationships between European Union and West Balkans have known an remarkable evolution in the last 15 years, starting with certain expectations from West Balkans and finishing with a clear will to integrate them in the Union. However, the action of the Union towards post-yugoslav States and Albania rest marked, nowadays, by a strong tension between this will of integration and the limits for this effective realisation. This explains, on one hand, the ambiguity that European Union shows in the definition of an integration strategy for West Balkans and, on the other hand, favourite the notable lateness in the production of integration policies of these States.

Avec l'adhésion de la Roumanie et de la Bulgarie (1er janvier 2007), la carte géographique de l'Union Européenne fait désormais apparaître une « zone grise » importante à l'intérieur même du territoire européen : les Balkans occidentaux, également appelés Balkans de l'Ouest, c'est-à-dire l'ensemble des Etats issus du démantèlement de l'ancienne Yougoslavie (mis à part la Slovénie, membre de l'Union depuis le 1er mai 2004), ainsi que l'Albanie. Ces Etats ont acquis le statut informel de « candidat potentiel à l'adhésion à l'Union européenne » au terme du Conseil Européen de Feira (juin 2000), comme les Etats d'Europe centrale et orientale l'avaient acquis par le Conseil de Copenhague en 1993. La Commission Européenne a confirmé, par la suite, la stratégie d'intégration de l'Union pour ces pays (*Document de stratégie pour l'élargissement*, novembre 2000) et la Déclaration finale du Sommet balkanique de Zagreb confirmait, dans le même temps, leur qualité de « candidats potentiels ».

* Assistant Professor, Montesquieu Bordeaux IV University and Institute of Political Science, Bordeaux

Aujourd'hui, pourtant, les Etats post-yougoslaves se trouvent placés dans des situations fort différentes sur le chemin de l'intégration européenne : la Croatie et la Macédoine bénéficient déjà du statut officiel d'Etat candidat ; la Bosnie-Herzégovine, la Serbie et le Monténégro n'en bénéficient pas encore, tandis que la région du Kosovo reste placée sous administration internationale, dans l'attente d'un nouveau statut et, sans doute à terme, d'une adhésion à l'UE. Quant à l'Albanie, les progrès réalisés dans la démocratisation politique et la lutte contre la corruption ont permis un rapprochement plus net avec l'Union européenne, qui s'est traduit par la conclusion d'un accord de stabilisation et d'association en juin 2006.

A vrai dire, les relations entre l'Union Européenne et les Balkans Occidentaux sont placées sous le signe de la complexité, à l'image de l'aire géographique balkanique elle-même. Une complexité qui tient d'abord à la variété des situations des Etats concernés, au moins au regard de leur souveraineté, réelle ou fictive ; également, à la diversité des populations ethniques qui composent ces Etats, et que reflète, précisément, le terme même de Balkans, généralement synonyme de minorités ethniques et nationales. Cette complexité tient aussi à la multiplicité des difficultés, de toute nature, qui traversent ces sociétés, après un demi-siècle de pouvoir communiste et quinze années de transition chaotique.

Mais la complexité des relations entre l'Union Européenne et les Balkans Occidentaux résulte, aussi, des hésitations qui caractérisent la conduite des politiques de l'Union vis-à-vis de ces pays. L'impression dominante est celle d'une sorte d'improvisation permanente de l'Union vis-à-vis de ces pays ou, plus précisément, d'un traitement au cas par cas, dossier par dossier, au gré des situations conjoncturelles et des nécessités structurelles successives et différentes. Le contraste est, ici, très fort avec la détermination et la progressivité qui, à l'inverse, ont marqué la politique d'intégration des Etats post-communistes de l'Europe baltique et de l'Europe centrale durant la décennie 1990 et le début des années 2000.

Un double constat s'impose, en fin de compte : d'un côté, l'imbroglio balkanique semble bien avoir déteint sur les relations que l'organisation européenne a développées avec l'ensemble des Etats concernés depuis le début de la décennie 1990 ; de l'autre, et de façon corrélative, la complexité des Balkans occidentaux se reflète, autant d'ailleurs qu'elle peut être mesurée, dans la complexité même des politiques et des dispositifs institutionnels mis en œuvre par l'Union Européenne depuis une quinzaine d'années, soit de façon exclusive, soit comme partenaire d'autres organisations internationales. Car l'UE n'est pas l'acteur exclusif des politiques d'intégration européenne des Balkans occidentaux ; le Conseil de l'Europe, l'O.S.C.E. et l'O.T.A.N. assurent aussi, chacun à leur mesure et dans leurs domaines d'intervention respectifs, des tâches importantes à cet effet.

Nous nous proposons de mettre en lumière, dans une perspective d'analyse critique et synthétique, les lignes de force qui sous-tendent les prises de positions et les politiques de l'Union Européenne à l'égard des Balkans occidentaux. Celles-ci, en effet, restent souvent difficilement lisibles, tant elles oscillent entre, d'un côté, l'hésitation ou même la paralysie face aux difficultés de l'imbroglio balkanique et, à l'inverse, de l'autre côté, la volonté affirmée et mise en action d'intégrer cette aire géopolitique au sein de l'Union. En somme, une tension fondamentale existe, dans les politiques de l'Union à l'égard des Etats balkaniques, entre indécision et adhésion, qui trouve son actualité en fonction de leur évolution politique, économique et sociale. Mais cette tension ne doit pas cacher, en fin de compte, l'évolution de la position de l'Union Européenne vis-à-vis des Balkans occidentaux durant les quinze dernières années, allant d'un attentisme certain à une volonté affichée d'intégration ; alors même que l'échec du projet de Constitution européenne en 2005 incite aujourd'hui, en Europe occidentale, à la prudence quant à l'élargissement aux pays balkaniques.

La décennie 1990 est marquée, à la fois, par une position d'attentisme de l'Union vis-à-vis des Etats balkaniques concernés, dont la situation se révélait pourtant très critique, et par l'impuissance à endiguer les conflits sanglants qui vont profondément marquer ces Etats durant les

années 1992-1995. Alors même qu'elle constituait un voisinage explosif à ses frontières les plus proches, l'aire balkanique n'a pas retenu, de façon prioritaire, l'attention de l'Union Européenne. Force est de constater, là encore, de la part de l'Union et de ses Etats membres, une différence de traitement très marquée entre les Etats post-communistes d'Europe centrale et ceux de l'Europe balkanique.

Les Accords de Dayton en décembre 1995, et la fin du conflit armé en Bosnie-Herzégovine, marquent une étape décisive dans l'évolution des positions de l'Union vers un traitement spécifique du dossier des Balkans occidentaux. A partir de ce moment là, en effet, la démarche d'intégration de ces pays se dessine progressivement. L'alternative, qui consistait à considérer ces Etats tantôt comme des Etats voisins, tantôt comme de futurs Etats membres, n'est plus de mise. L'Union Européenne évolue alors, très clairement, en faveur de leur intégration progressive.

A vrai dire, l'intégration européenne des Balkans occidentaux s'impose, en fait, comme une nécessité. D'abord, au regard de la nouvelle configuration géographique créée par l'entrée des Balkans orientaux (Bulgarie et Roumanie) dans l'Union ; d'autant plus que, pour cette aire géographique, la question des frontières de l'Union ne se pose pas. De plus, du point de vue géopolitique, la région des Balkans occidentaux constitue un pont naturel entre l'Europe occidentale et la péninsule hellénique. Des considérations politiques commandent, aussi, de leur côté, l'intégration des Balkans occidentaux dans l'Union Européenne. En effet, conformément à la vision de Jean Monnet, selon laquelle la création de solidarités de fait en Europe doit rendre impensable le recours à la guerre, l'Union a vocation à assurer la sécurité collective en favorisant la réconciliation entre les peuples belligérants de cette région.

Pour autant, la volonté désormais affichée par les dirigeants de l'Union Européenne de faire prévaloir la perspective d'intégration des Balkans occidentaux ne s'est accompagnée que très progressivement de mesures effectives conformes et suivies en ce sens. Il faut attendre l'année 2000, avec le Conseil Européen de Feira, pour qu'une étape majeure soit franchie avec le partenariat entre l'Union et ces Etats : c'est la

reconnaissance, pour tous les Etats concernés, du statut - très informel, en vérité - de « candidat potentiel » à l'adhésion ; un statut à valeur essentiellement psychologique, destiné à susciter auprès des dirigeants et des populations, une plus forte motivation pour l'adhésion.

Dès lors, l'indécision, ou, plus précisément, les hésitations de l'Union Européenne ne portent plus sur le principe même, désormais acquis, de l'intégration des Balkans occidentaux, mais se situent dans cette tension entre la volonté affichée de l'intégration et sa réalisation effective, en somme entre le vouloir et le pouvoir. Cette tension permanente de l'Union Européenne explique les ambiguïtés dont elle fait preuve dans la définition d'une stratégie d'intégration des Balkans occidentaux et favorise, aussi, les retards que celle-ci accuse dans la réalisation des politiques d'intégration de ces Etats.

I. Les ambiguïtés dans la définition de la stratégie d'intégration européenne des balkans occidentaux

En consacrant « la vocation européenne des Etats des Balkans occidentaux », le Sommet de Thessalonique (UE – Balkans occidentaux, juin 2003) a confirmé le caractère irréversible du processus d'intégration de ces Etats dans l'Union. Ce Sommet avait également établi un agenda pour la marche vers l'adhésion, dans le cadre d'une politique d'Accords de stabilisation et d'association, précisant que ces Etats « deviendront partie intégrante de l'UE une fois satisfaits les critères établis ». Depuis, deux Etats seulement, la Croatie et la Macédoine, ont pu accéder au statut officiel d'Etat candidat et, à ce titre, ont entamé les négociations d'adhésion (respectivement en octobre et décembre 2005). Deux autres Etats, la Bosnie-Herzégovine et la Serbie-Monténégro (avant l'indépendance de ce dernier, acquise par le référendum du 21 mai 2006), ont été en mesure d'ouvrir des négociations pour la conclusion des accords de stabilisation et d'association (novembre 2005).

Toutefois, une certaine inflexion dans la position de l'Union Européenne est apparue, plus récemment, lorsque le Parlement Européen a adopté, à une large majorité, le Rapport Brok (mars 2006) relatif à la stratégie, définie par la Commission européenne, pour l'élargissement de l'Union. Une nouvelle condition est désormais mise en avant dans la réalisation du processus d'intégration des Balkans occidentaux – applicable également, bien sûr, pour la Turquie - , avec la notion controversée de « capacité d'absorption » de l'Union, une des conditions posées pour l'adhésion de nouveaux Etats membres. En posant ainsi une nouvelle condition à l'entrée des Etats balkaniques, et quelle que puissent être par ailleurs les justifications qui en sont données, l'Union Européenne fait preuve, une fois encore, d'hésitations - donc, d'indécision - dans la stratégie d'adhésion qu'elle définit, au fur et à mesure, pour ces Etats.

En somme, si l'objectif d'intégration des Balkans occidentaux reste clairement posé, la stratégie politique de l'Union Européenne pour l'intégration de ces pays n'est pas exempte d'ambiguïtés. Il convient d'en préciser les motifs, avant d'en mesurer les effets.

A. Les motifs des ambiguïtés dans la stratégie d'intégration européenne des Balkans occidentaux

Les ambiguïtés qui caractérisent la définition, problématique, par l'Union Européenne d'une stratégie d'intégration des Balkans occidentaux sont favorisées, en large partie, par des représentations collectives peu favorables, dans les sociétés d'Europe occidentale, sur les pays balkaniques. Elles découlent, aussi, de la difficulté et de la complexité des choix à opérer, par les dirigeants de l'Union, pour mettre en œuvre l'intégration européenne de ces pays.

1. Les représentations négatives sur les Balkans

L'importance des représentations collectives dans la définition des politiques extérieure et de sécurité des Etats n'est plus à démontrer. Les organisations internationales n'y échappent pas non plus, dans la mesure où les instances dirigeantes de ces organisations, gouvernementales et

parlementaires, sont composées de responsables politiques des Etats membres. En ce sens, les instances dirigeantes de l'Union Européenne, tout comme les responsables politiques nationaux – mais peut-être à un degré moindre - ne peuvent abstraire complètement de leurs réflexions, donc de leurs prises de position et de leurs décisions, les images et les stéréotypes traditionnels qui persistent dans les opinions publiques nationales européennes.

Précisément, l'image traditionnelle des Balkans en Europe occidentale, reste, aujourd'hui encore, très fortement chargée de connotations négatives, héritées bien sûr de l'histoire mouvementée et conflictuelle des populations et des Etats dans cette partie de l'Europe. Du reste, le terme même de « balkanisation » est couramment utilisé, dans le vocabulaire commun comme dans le discours médiatique, pour caractériser une situation marquée à la fois par la diversité, la complexité et la tendance à l'éclatement et au morcellement. Aussi n'est-il pas excessif de parler du « mythe des Balkans », dans la mesure où ce terme provoque inmanquablement la perception, réelle ou supposée, d'une menace, évoquant autant la division ethnique et territoriale que le conflit armé. Cette perception négative des Balkans, qui repose sur des images primaires – primaires dans la mesure où elles s'en tiennent seulement à cette vision, sans aller jusqu'au stade de la réflexion, voire de la compréhension du phénomène observé – trouve encore aujourd'hui à s'actualiser dans les discours sécuritaires européens.

2. Les incertitudes dans les choix stratégiques de l'Union Européenne

Le premier choix stratégique auquel l'Union Européenne est confrontée, dans la définition de la politique d'intégration des Balkans occidentaux, concerne la finalité même du processus d'intégration : faut-il « débalkaniser » ou bien « européeniser » la région des Balkans occidentaux ? En d'autres termes, s'agissant de définir les lignes directrices de la politique d'élargissement de l'Union, la question est de savoir si cet élargissement peut et doit se réaliser dans le cadre régional, au détriment de la tendance historique profonde des peuples de cette aire géographique à la division territoriale ; ou bien, au contraire, au bénéfice de la dialectique

de l'unité et de la diversité, qui caractérise désormais l'évolution générale des Etats membres de l'Union.

La première option - « débalkaniser les Balkans occidentaux » - s'inscrit, délibérément, à l'encontre de la longue histoire de cette aire géopolitique, traditionnellement marquée par les invasions guerrières, les conquêtes territoriales, les rivalités impériales et les épurations ethniques. Aussi, pour contrer ce processus séculaire de conflits et de morcellement territorial (qu'exprime, précisément, le terme de « balkanisation »), expression de cette tendance profonde à l'autodétermination des peuples caractérisant, selon l'historien Paul Garde, la région des Balkans, l'Union Européenne peut faire le choix d'une intégration par la constitution de grands ensembles étatiques, nécessairement multiethniques. C'est en ce sens qu'il faut comprendre l'insistance pressante de l'Union, en 2003, pour la création d'une union d'Etats entre la Serbie et le Monténégro et le soutien qu'elle avait apporté, précédemment, en 1995, à la création de l'Etat multiethnique de Bosnie-Herzégovine.

A l'inverse, la deuxième option - « européeniser les Balkans occidentaux » - consiste à envisager l'intégration européenne dans le respect de la diversité régionale des entités ethniques et politiques. L'intégration vise alors, non pas à favoriser la tendance régionale à la division ethnique et à la partition territoriale, mais bien plutôt à reconnaître cette tendance, tout en l'inscrivant dans le cadre du mouvement homogénéisant que constitue, nécessairement, l'arrimage de ces Etats à l'Union Européenne. En ce sens, la politique ainsi comprise d'« européenisation des Balkans occidentaux » ne serait que l'application, à l'échelle régionale, du mouvement dialectique unité / diversité, sur lequel repose toute l'architecture de la construction communautaire, tension permanente entre, d'un côté, les forces d'homogénéisation et les politiques d'intégration et, de l'autre, les réalités du pluralisme et la consécration des diversités (régionales, linguistiques, culturelles, ...). La position de l'UE sur la question du Kosovo procède, naturellement, de cette conception.

En toute hypothèse, un autre choix s'impose encore à l'Union Européenne, dans la définition de la stratégie d'intégration des Balkans

occidentaux, concernant la méthode d'intégration des différents Etats. Une double approche du terrain s'offre, ici, à l'Union : soit une approche globale, c'est-à-dire régionale, de cette aire géopolitique ; soit, à l'inverse, une approche différenciée, pays par pays. A vrai dire, la stratégie européenne pour l'intégration des Balkans occidentaux a longtemps oscillé entre ces deux positions, allant de l'idée affichée de créer un sous-ensemble politique et économique régional, sorte de « Marché commun des Balkans » pouvant assurer des adhésions simultanées, à la pratique du traitement au cas par cas en vue d'adhésions séparées. La pratique hésitante de l'UE, entre ces deux voies d'intégration, explique, pour une large part, les incertitudes qui pèsent, depuis le début du processus, sur le calendrier des adhésions des différents Etats des Balkans occidentaux.

Actuellement, il existe à Bruxelles un consensus pour un échelonnement des adhésions des Etats concernés. Cet échelonnement résulte, en fait, des situations différentes dans lesquelles se trouvent aujourd'hui ces Etats : la Croatie et la Macédoine, Etats candidats (respectivement depuis juin 2004 et décembre 2005), sont engagées dans les négociations d'adhésion avec l'UE, tandis que la Bosnie-Herzégovine et, désormais, le Monténégro seul (depuis le référendum sur l'indépendance de mai 2006), sont en phase de négociation pour la conclusion des Accords de stabilisation et d'association, respectivement depuis octobre et novembre 2005. Par contre, la Serbie, dont la situation était précédemment liée à celle du Monténégro, connaît depuis mai 2006 une suspension des négociations de stabilisation et d'association (entamées en novembre 2005), en raison d'une coopération jugée insuffisante par les autorités de Bruxelles avec le Tribunal pénal international de La Haye (au sujet de l'arrestation et du transfert des militaires serbes inculpés de crimes de guerre, en particulier de Ratko Mladic). L'Albanie, de son côté, a récemment signé son Accord de stabilisation et d'association avec l'UE, même si les résultats tangibles des réformes structurelles, politiques et économiques, spécialement en matière de lutte contre la corruption, tardent à apparaître. Quant au Kosovo, les négociations en cours sur le futur statut laissent présager, vraisemblablement, un rapprochement très net avec l'UE.

Cet échelonnement des adhésions des pays des Balkans occidentaux souligne, en définitive, le caractère politique des choix effectués par les autorités de Bruxelles. La décision de passage d'un pays, de l'état de candidat potentiel au statut officiel d'Etat candidat, est assurément une décision de nature politique, quelles que soient par ailleurs les justifications techniques mises en avant.

B. Les effets des ambiguïtés dans la stratégie d'intégration européenne des Balkans occidentaux

Les ambiguïtés caractérisant la stratégie d'intégration européenne des Balkans occidentaux aboutissent à des effets négatifs dans la définition des politiques de l'Union en direction des Etats concernés : des effets d'ordre conjoncturel, en premier lieu, concernant la coordination des multiples initiatives prises par la communauté internationale en faveur des pays de l'ensemble du Sud-Est européen ; des effets d'ordre structurel, également, sur la situation même des Etats concernés.

1. L'absence de coordination efficace des initiatives internationales en faveur des Balkans occidentaux

L'indécision dont fait preuve l'Union Européenne dans la définition d'une stratégie pour l'intégration des Balkans occidentaux favorise, incontestablement, la multiplication et, par conséquent, la juxtaposition des initiatives internationales en faveur des pays balkaniques et, plus globalement, de l'Europe du Sud-Est. Celles-ci ont pris la forme, le plus souvent, de tables rondes ou de forums, réunissant une série d'acteurs de nature différente : Etats, Organisations internationales, gouvernementales et non gouvernementales, politiques et économiques. Parmi les initiatives les plus actives, on citera ici, en particulier, le Processus de Royaumont (lancé en décembre 1995), table ronde régionale destinée à favoriser le développement de la société civile et de la démocratie dans l'Europe du Sud-Est ; également, l'Initiative de Coopération dans le Sud-Est de l'Europe (à l'initiative des Etats-Unis), en faveur de la coopération économique et du développement du secteur privé.

Il existe, cependant, en la matière, un cadre de coopération, créé à l'initiative de l'Union européenne à la suite de la crise du Kosovo (Conseil Européen de mai 1999 et Déclaration de Cologne de juin 1999), dont le champ d'application s'étend au-delà des Balkans occidentaux : le Pacte de Stabilité pour l'Europe du Sud-Est. Il s'agit, en réalité, d'un cadre général d'impulsion et de coordination politiques, sans organes propres de mise en œuvre, dépendant étroitement de la volonté d'action des participants. Destiné à favoriser l'assistance occidentale dans les tous les pays du Sud-Est européen (y compris la Turquie), le Pacte de Stabilité est, en définitive, un instrument flexible et pragmatique, au service de la coopération intergouvernementale, de la coopération économique et des sociétés civiles. Mais ce cadre de coordination concerne des projets d'une si grande ampleur, et réunit des partenaires si hétérogènes (Etats membres de l'UE et Etats concernés, Commission Européenne, organisations internationales et européennes, institutions financières internationales, organisations régionales), qu'il ne peut fonctionner sans difficultés réelles ; au point d'avoir été qualifié, de façon très réaliste, de « coquille vide » (J. Rupnik).

2. Le maintien d'Etats sous perfusion internationale

Plus gravement, encore, l'absence de politique clairement affichée par l'Union Européenne en faveur de l'intégration des Balkans occidentaux a favorisé, dans cette aire géopolitique, le maintien d'Etats en situation de « perfusion internationale », dont on mesure aujourd'hui, de plus en plus, les effets contre-productifs dans les processus de démocratisation interne et de développement de la société civile. Cette tutelle, exercée sur plusieurs Etats de la région - voire même, par certains égards, sur l'ensemble des Etats balkaniques - est favorisée, par le relais assuré par l'UE, à la suite des interventions militaires occidentales, dans des actions de stabilisation et de développement des institutions démocratiques (cas de la Bosnie-Herzégovine) ou, plus simplement même, par la mise en oeuvre de politiques actives d'assistance économique, prises dans le cadre du processus de stabilisation et d'association (cas de la Macédoine).

Dans ces conditions, le risque existe, s'il n'est pas déjà avéré, d'aboutir en fin de compte à une Europe post-communiste à deux vitesses :

celle, déjà bien avancée, des pays d'Europe centrale et celle, très problématique, des pays de l'Europe du Sud-est, plus particulièrement des Balkans occidentaux. Tandis que les premiers ont réussi à acquérir une liberté politique (et, à des degrés moindres, économique) certaine, les seconds demeurent très largement soumis aux décisions politiques de l'Union Européenne, au point d'en paraître quelquefois les otages. La gestion européenne du « dossier » Serbie-Monténégro est, à cet égard, très révélatrice, de l'imposition du modèle de l'Union d'Etats en 2003 à la fixation de la majorité nécessaire (55 %) lors du référendum monténégrin pour son indépendance (21 mai 2006).

Au total, depuis la dislocation de l'ancienne Yougoslavie, l'Union Européenne a tardé à définir une stratégie claire et cohérente pour l'intégration des Balkans occidentaux. Et, désormais, tout en affirmant nettement la vocation européenne des Etats concernés, elle fait preuve de certaines réticences dans la mise en œuvre - indispensable - de politiques d'accompagnement, de même qu'elle entretient un certain flou dans la programmation du calendrier des adhésions.

II. Les retards dans la réalisation des politiques d'intégration européenne des balkans occidentaux

Les pays des Balkans occidentaux se trouvent dans une situation vraiment paradoxale : alors qu'ils sont assurément, aujourd'hui, en Europe, les pays qui ont le plus besoin de l'intégration européenne, pour dépasser leurs grandes difficultés et surmonter leurs handicaps, ce sont précisément les Etats qui y sont le moins bien préparés, qui sont les moins prêts. Le parallèle, parfois opéré, entre la situation des Etats d'Europe centrale au lendemain du Conseil Européen de Copenhague (1993) et celle des Etats des Balkans occidentaux après le Conseil de Feira (2000) est, en réalité, trompeur : en effet, pour la conclusion des accords d'association avec l'Union Européenne, l'état d'avancement des premiers était, comparativement aux seconds, beaucoup plus important.

Dans ces conditions, les politiques d'eupéanisation prévues par l'UE en direction des Balkans occidentaux visent, fondamentalement, à assurer de manière irréversible le passage, pour les Etats concernés, de la situation actuelle d' « Etats balkaniques dans l'Europe » à celle, nouvelle, d' « Etats européens dans les Balkans ». Bien plus qu'un simple changement d'optique, il s'agit – tel est le pari – d'une transformation profonde de la nature des Etats et des sociétés concernés. Ces politiques trouvent leur développement dans le cadre spécifique des Accords de stabilisation et d'association (ASA). Dans la région des Balkans occidentaux, deux Etats seulement bénéficient, aujourd'hui, de ces accords : la Croatie et la Macédoine, tous deux désormais dotés du statut d'Etat candidat et, à ce titre, ayant entamé les négociations d'adhésion. Sur les quatre autres Etats de la région, appelés à terme à conclure ces accords, la Bosnie-Herzégovine et le Monténégro sont aujourd'hui les plus avancés dans cette voie, puisque les négociations ont commencé à la fin de l'année 2005 (également pour la Serbie, jusqu'à leur suspension en mai 2006).

Dans ses grandes lignes, le processus de stabilisation et d'association a été défini dans un document de la Commission Européenne intitulé, de façon très significative, « Reconstruction de l'ancienne Yougoslavie » (octobre 1995). Mais il faut attendre le Conseil Européen de Cologne (juin 1999) pour que soient mis en place, dans le cadre d'une approche régionale, les Accords du même nom. Il s'agit d'accords juridiquement contraignants, à deux volets : un volet politique, d'une part, pour l'établissement de l'Etat de droit et de la démocratie pluraliste ; un volet économique, d'autre part, pour l'établissement de l'économie de marché. Ces accords, qui encadrent le processus de préadhésion, ont donné, précédemment, toute satisfaction dans leur application aux pays d'Europe centrale, comme aux deux grands pays des Balkans orientaux (Bulgarie et Roumanie). S'agissant des Balkans occidentaux, leur application – actuelle ou à venir – se heurte à des difficultés importantes, relatives à la démocratisation politique et sociale, tandis que persistent des situations institutionnelles peu favorables à l'intégration européenne.

A. Les difficultés d'implantation du modèle démocratique dans les Balkans occidentaux

Les conditions posées par l'Union Européenne pour l'adhésion des Etats des Balkans occidentaux sont, naturellement, identiques à celles appliquées pour l'entrée des huit Etats d'Europe centrale devenus membres le 1^{er} mai 2004, et aussi pour l'entrée prochaine de la Bulgarie et de la Roumanie. Toutefois, le volet politique des critères de Copenhague (Etat de droit, démocratie pluraliste, respect des droits fondamentaux et des minorités) s'est trouvé complété, pour ces deux derniers Etats, par deux critères spécifiques, en raison précisément du particularisme de leur situation : d'une part, une collaboration active avec le Tribunal pénal international de La Haye ; d'autre part, une participation sans réserve au processus de collaboration régionale, dans le cadre des accords de stabilisation et d'association.

L'application aux Balkans occidentaux des standards politiques européens (en résumé, le triptyque démocratie pluraliste - Etat de droit - droits fondamentaux) prend ici une importance et une résonance toutes particulières, dans la mesure où ils constituent, pour ces Etats, la matrice d'une identité politique nouvelle, qui doit se forger à partir des identités multiples – ethniques, linguistiques, religieuses, culturelles – caractérisant ces Etats. En ce sens, l'implantation du modèle démocratique pluraliste doit conduire les sociétés balkaniques à dépasser, dans une logique d'intégration, les multiples clivages qui les traversent, et parfois les divisent profondément. Mais la greffe du modèle démocratique est, ici, considérablement freinée par deux phénomènes récurrents : la carence des Etats et le poids considérable des héritages culturels du passé communiste dans la vie politique.

1. Les carences des Etats Balkaniques

Parce qu'ils sont les acteurs privilégiés du processus d'intégration européenne, les Etats doivent, en principe, pouvoir disposer de structures institutionnelles suffisamment établies et performantes pour impulser, dans tous les secteurs d'activité et à tous les niveaux de la société, les

changements nécessaires induits par l'adaptation aux normes européennes. Or, précisément, cette condition fait largement défaut, aujourd'hui, dans les Etats des Balkans occidentaux, que les spécialistes qualifient volontiers d'« Etats faibles », voire même d'« Etats en décomposition » (J. Rupnik), en raison de la faiblesse avérée des institutions étatiques, de l'insuffisance des moyens budgétaires, du manque d'efficacité des appareils administratifs et, plus encore, du fait de la corruption rampante au sein même des institutions d'Etat.

C'est pourquoi les efforts, assurément importants et significatifs, des institutions européennes – principalement, le Conseil de l'Europe et l'Union Européenne – en direction de ces Etats, pour la démocratisation des structures politiques et sociales, voient leurs effets considérablement freinés et limités par les insuffisances structurelles notoires des Etats, qui ne sont pas en mesure de pouvoir peser réellement sur les comportements politiques et juridiques incompatibles avec les standards européens. A cet égard, les difficultés rencontrées dans la lutte contre la corruption, dans tous les Etats de la région, sont très révélatrices de l'impuissance des pouvoirs publics à éradiquer certaines habitudes, y compris celles des politiques eux-mêmes, au-delà des discours convenus et des promesses électorales tonitruantes.

Car, en dépit des postures et des proclamations officielles des politiques, on observe, aujourd'hui encore, dans ces pays, que les réseaux les plus efficaces sont les réseaux mafieux. On sait aussi que la mafia, omniprésente, peut apporter une aide efficace pour l'accession au pouvoir. Il ne s'agit pas, ici, de jeter l'opprobre sur tous les dirigeants politiques des Etats balkaniques. Mais, par contre, il faut souligner - de façon générale - combien les difficultés d'implantation du modèle démocratique dans les Balkans occidentaux et, par conséquent, les retards dans le processus d'intégration européenne de ces Etats, tiennent au manque d'engagement fort et résolu des élites politiques, qui ont alterné au pouvoir depuis une quinzaine d'années, en faveur d'un changement radical des pratiques politiques. L'assassinat du Premier Ministre de Serbie, Zoran Djindjic, à Belgrade en mars 2003, confirme, a contrario, ce constat : alors qu'il s'efforçait de démanteler les réseaux mafieux, au soutien d'une politique

pro-européenne très affirmée, ceux-ci n'ont pas hésité à le supprimer, montrant ainsi leur puissance.

2. Le poids des héritages culturels

La démocratisation de la vie politique, dans les Etats des Balkans occidentaux, se heurte, inévitablement, à des résistances culturelles fortes, héritées du passé communiste. La culture politique, ici, comme dans l'ensemble des pays d'Europe centrale et orientale, se révèle encore très imprégnée des réflexes idéologiques dogmatiques, caractéristiques de la période communiste. On sait, par exemple, combien l'idéologie communiste a empêché le développement d'une société civile dans ces pays, en appliquant le modèle centralisateur à tous les domaines de la vie politique, économique et sociale, et pas seulement à l'administration de l'Etat. C'est pourquoi, depuis la chute des régimes communistes, le modèle de type concurrentiel peine à s'imposer dans les comportements et les mentalités, tant l'imprégnation des anciennes références dogmatiques et centralisatrices reste forte.

Dans ces conditions, les transformations institutionnelles et les changements normatifs, sur la base des standards démocratiques européens, n'ont de sens que s'ils sont accompagnés d'un changement réel des pratiques politiques. Sur ce point, précisément, certains observateurs mettent en doute, aujourd'hui, l'importance des changements démocratiques, spécialement dans les Etats post-yougoslaves, en soulignant la résurgence / permanence des idées nationalistes (voire, dans certains milieux, fascistes) ; également, la persistance de comportements intolérants et violents, à l'égard des groupes minoritaires et aussi vis-à-vis des populations tziganes. Dans le même sens, on constate, en dépit des actions répétées du Conseil de l'Europe, une tendance encore très marquée, dans ces pays (en particulier en Bosnie-Herzégovine, Croatie et Serbie), à la falsification de l'histoire et à la persistance des stéréotypes négatifs dans les manuels scolaires, qui marquent toujours les jeunes générations. Autant de signes qui montrent, à l'évidence, que l'intégration européenne des Balkans occidentaux ne peut être seulement une affaire d'institutions et de normes,

aussi élaborées et novatrices soient-elles, mais requiert nécessairement une transformation profonde de la culture politique.

B. Les obstacles persistants à l'intégration européenne des Balkans occidentaux

L'intégration européenne des pays balkaniques, du point de vue politique, passe assurément par un changement radical dans les modes de gouvernance, afin d'assurer un alignement, aussi satisfaisant que possible, des normes et des comportements sur les standards démocratiques européens. Le paradoxe, aujourd'hui très apparent, dans le domaine politique, est que les obstacles à l'établissement de la gouvernance démocratique résultent, pour une part déterminante, des compromis politiques installés par les Occidentaux eux-mêmes. Ces compromis politiques concernent, en premier lieu, les choix institutionnels opérés, quant aux structures étatiques, pour mettre un terme aux conflits entre communautés ethniques et/ou nationales, qui ont ensanglanté l'aire balkanique depuis la dislocation de l'ancienne Yougoslavie. Les solutions juridiques, poussées notamment par l'Union Européenne, si elles ont permis de mettre un terme à des situations conflictuelles ou de crise aiguë, se sont révélées, à terme, être des compromis difficilement viables. Et ces compromis apparaissent aujourd'hui, le plus souvent, comme des facteurs de blocage à l'avancement de la démocratisation, donc à l'eupéanisation des sociétés concernées. Deux situations illustrent, à cet égard, les compromis concernant le choix des structures étatiques, à partir de deux logiques différentes : la logique de la multiethnicité et celle de l'intégration interne.

1. Les difficultés de l'Etat multiethnique : le cas de la Bosnie-Herzégovine

Dix ans après les Accords de Dayton (1995), la Bosnie-Herzégovine n'a pas réussi à faire vivre, de manière satisfaisante et durable, la logique de la multiethnicité dans sa structure étatique unitaire. Ces accords de paix ont divisé l'ancienne République yougoslave de Bosnie-Herzégovine en deux entités, la Fédération croato-bosniaque et la Republika Srpska, disposant chacune d'un gouvernement, d'institutions administratives et judiciaires propres. Le Bureau du Haut Représentant international était

chargé de veiller au respect du processus de paix. Mais, si le processus initié à Dayton a mis un terme à la guerre, il n'a pas créé un cadre adéquat pour un Etat durable et, par conséquent, pour l'intégration de la Bosnie-Herzégovine à l'Union Européenne.

En réalité, les trois entités ethno-territoriales (bosniaque, croate et serbe), qui composent l'Etat fédéral dans le cadre d'un dispositif institutionnel asymétrique, n'ont pas été en mesure de construire un Etat moderne et démocratique, capable de porter une « identité bosnienne » commune, nécessaire à la réalisation d'objectifs communs. Le pays reste partagé, avec une apparence d'organisation démocratique commune, du fait de la définition de l'appartenance ethnique des citoyens et de la prévalence du principe ethnique dans toute la structure étatique. De sorte que, aujourd'hui, pour de nombreux observateurs, une révision des accords de 1995 apparaît comme la solution la plus opportune et la plus pertinente, pour permettre au pluralisme identitaire, qui est au fondement même de la création de l'Etat actuel de Bosnie-Herzégovine, de connaître de meilleures conditions de réalisation.

En ce sens, un projet de réforme constitutionnelle a été discuté durant l'hiver 2005-2006, sous la houlette vigilante des Etats-Unis et de l'Union Européenne. Mais le Parlement de Bosnie-Herzégovine n'a pu, malgré un accord sur le texte entre les sept partis de la majorité en place, réunir la majorité qualifiée requise des deux tiers (mai 2006). Cet échec souligne, encore une fois, les divisions profondes des différents partis et factions sur l'avenir du pays, en contradiction avec les déclarations officielles du Haut Représentant international et des autorités de Bruxelles, d'après lesquelles la Bosnie-Herzégovine serait aujourd'hui en mesure d'assumer la responsabilité de ses propres réformes politiques (et de son développement économique). Dans le même sens, on relève, à la suite du succès du référendum sur l'indépendance au Monténégro (mai 2006), les déclarations du Premier Ministre de la Republika Srpska (juin 2006), en violation des accords de Dayton (qui ne prévoient pas le droit de sécession et d'éclatement de la Bosnie-Herzégovine), en faveur d'un référendum d'autodétermination de cette entité ; également, la volonté de rapprochement de cette entité avec la Serbie, en vue d'un nouvel accord sur

« les relations spéciales et parallèles » entre celle-ci et la Serbie (suite à l'Accord de mars 2001 entre la RS et l'ancienne RFY).

2. Les avatars de l'intégration forcée : le cas de la Serbie et du Monténégro

Succédant à la République Fédérale de Yougoslavie en février 2003, l'Union des Etats de Serbie et Monténégro constituait la mise en oeuvre de l'accord conclu un an auparavant entre Serbes et Monténégrins (mars 2002), sous le parrainage et la pression insistante de l'Union Européenne. Face aux revendications, mises en avant par le pouvoir monténégrin, d'indépendance et de modification du tracé des frontières entre les deux entités, les autorités de Bruxelles misaient ainsi sur la logique de l'intégration étatique interne du nouvel Etat, dans la perspective d'une future intégration à l'UE. Signe avant-coureur, l'Etat de Serbie-Monténégro devenait très rapidement le quarante-cinquième Etat membre du Conseil de l'Europe (avril 2003).

Bien que l'accord passé entre Serbes et Monténégrins laissât la porte ouverte, au terme de trois années d'expérimentation du nouvel Etat, à une éventuelle séparation progressive et pacifique, l'Union Européenne a toujours, depuis lors, souligné la nécessité du maintien de l'Etat commun et de l'intégration interne progressive des deux entités ; elle a donc retardé le plus possible l'échéance du référendum d'indépendance, réclamé par le Premier Ministre monténégrin, Milo Djukanovic, et la majorité au pouvoir. Dans le même temps, cependant, le caractère largement fictif de l'Etat de Serbie et Monténégro apparaissait de plus en plus clairement, aux yeux des observateurs, tant les liens entre les deux composantes de l'Union étaient distendus ; de sorte que la séparation semblait inéluctable à terme.

En définitive, sous la pression des événements, et aussi conformément au droit des peuples à disposer d'eux-mêmes, l'Union Européenne s'est trouvée dans l'obligation de changer d'opinion et de ne plus s'opposer par principe à l'indépendance du Monténégro. Plus encore, elle en a fixé les règles du jeu, en imposant aux deux camps, les indépendantistes et les unionistes, la « règle démocratique » inédite 55 / 45 pour la reconnaissance de la validité du référendum sur l'indépendance.

Au risque de mettre en péril l'harmonie multiethnique et la cohabitation pacifique des différentes minorités, en obligeant les citoyens à se compter selon leur nationalité et en favorisant la course aux voix des populations minoritaires.

Le succès du référendum du 21 mai 2006 (55,5 % des voix favorables à la séparation avec la Serbie) constitue, assurément, la faillite des efforts de l'Union Européenne pour préserver le couple Belgrade – Podgorica, contrairement à celui entre Belgrade et Pristina (Kosovo). Aussi bien, Bruxelles cherche désormais à encadrer le plus possible, juridiquement et politiquement, la séparation des deux Etats, serbe et monténégrin. D'abord, naturellement, pour calmer le jeu que cette scission ne manquera pas de provoquer, par ricochet, dans les Balkans occidentaux (question du Kosovo, avenir de la Macédoine, évolution de la Bosnie-Herzégovine). Mais, également, pour tenter de garder la main dans sa stratégie globale d'intégration des Etats balkaniques, face à un mouvement de « balkanisation » accéléré dans les Balkans post-yougoslaves.

Incontestablement, depuis quelques années, l'Union Européenne s'est beaucoup impliquée dans les Balkans occidentaux, à la fois pour neutraliser les conflits ethniques et pour éviter des phénomènes consécutifs de migrations incontrôlées au sein de l'Union ; également, bien sûr, pour poursuivre sa politique d'élargissement. Mais la logique du protectorat, ou du semi-protectorat (J.Rupnik), qui a souvent prévalu dans ses interventions, a aussi produit des effets pervers. Ainsi, le blocage de l'autonomie des acteurs locaux et, parfois, des nouvelles entités politiques, a privé les processus démocratiques naissants de leurs effets substantiels. Le maintien d'« Etats sous perfusion » a favorisé la persistance de la corruption et du clientélisme. Aujourd'hui, le spectre de l'euroscpticisme n'est plus, dans cette région, un mythe ; il est une réalité, dont la présence se fait de plus en plus sentir, et qui se conjugue avec un certain « désenchantement démocratique », dont on peut mesurer les effets dans la baisse constante des taux de participation électorale.

« L'Europe est notre vision, mais les Balkans sont notre destinée »
(S. Grgurevic, Président du Centre belgradois pour le développement des

Balkans, mars 2004). En proposant la perspective de l'intégration européenne, pour l'ensemble de la région des Balkans occidentaux, l'Union Européenne répond assurément à une demande, autant qu'elle satisfait à une nécessité politique et économique. La réussite des politiques d'intégration, pour l'Union comme pour les Etats concernés, passe certainement par des approches appropriées à la spécificité du terrain, plutôt que par l'imposition ou l'application standardisé de modèles. Mais il est vrai, aussi, qu'un freinage trop important de l'intégration ne peut que favoriser la croissance des sentiments eurosceptiques et des idées populistes dans ces Etats, radicalisant ainsi un peu plus la scène politique balkanique.

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A SINGLE VOICE IN INTERNATIONAL RELATIONS: THE INTERNATIONAL CREDIBILITY OF THE EUROPEAN UNION

Andrei-Ștefan Enghiş*

Abstract

The present study seeks to evaluate the international credibility that was gained by the European Union in international politics. In spite of its wide recognition for the important role it plays as an economic and aid-donor actor, the European Union had witnessed a considerable downscaling of its profile in the international arena due to the lack of a coherent foreign and security policy. The aim of the study is to observe the gradual development of the European Union's international profile in different phases, which bear inevitably the mark of the existent international political context. It concludes by seeking to answer whether the European Union is currently able to successfully influence the setting of the international political agenda or if the rejection of the Constitutional project marked the dead end of the European Union's political dream.

Introduction

*"L'Europe est un géant économique, un nain politique et, pire encore, un ver de terre lorsqu'il s'agit d'élaborer une capacité de défense."*¹ The above quotation, made by the former Belgium Prime Minister Mark Eyskens at the beginning of the 1990s, portrayed the painful reality of the European Union (hereafter EU): in the international system the European Union lacks the credibility of a reliable political player. Despite the successes achieved in the field of trade policy and development cooperation, the inability of the Union to advance in matters referring to an enhanced political, security and

* MA in European Studies, Maastricht University, The Netherlands

¹ Tyler, Richard (1999), "Belgian Foreign Minister criticizes US role in Africa". [<http://www.wsws.org/articles/1999/sep1999/belg-s13.shtml>], 30 June 2005.

defense cooperation has decisively contributed to downscaling EU's profile in the international arena.

A reliable European political and military actor had been an everlasting aspiration of the European leaders. As earlier as 1945, the British Prime Minister, Winston Churchill called for a "United States of Europe", a political construction that would have distinguished a single European political entity in the international affairs². Then, in the beginning of the 1950s, when the dawn of the first post-war European economic community looked so optimistic, the French Prime Minister Rene Pleven proposed the creation of the European Defense Community (hereafter EDC) which would have seen the emergence of the first ever European political and security player. The 1960s had been marked by the failed Fouchet proposals to establish a European Political Union (hereafter EPU) and by the rather limited successful creation of the European Political Cooperation (hereafter EPC) which represented the timid transformation of the European Community into a political actor in the international system. It was not until the beginning of the 1990s, when, following the end of the Cold War and the dissolution of the Soviet Union, the European leaders agreed to enhance the role played worldwide by the EU and to embed foreign and security cooperation in Community's framework. The establishment of the Common Foreign and Security Policy (hereafter CFSP) was largely believed as essentially securing EU's distinct place on the international political system. Nevertheless, the embarrassing failure in settling the Yugoslav crisis had substantially downscaled Union's expectations of becoming internationally recognized as a reliable political player, maintaining its status of the junior partner of the United States. The beginning of the 2000s saw the EU gradually developing structures and capabilities that would have permitted it to aspire to the role of a credible political actor actively participating, alongside other international actors, in influencing the future political outlook of the world. Nevertheless, the Iraqi crisis highlighted EU's persistent incapacity to operate unitarily in the international affairs when it came about agreeing upon a major political crisis. In spite of the relatively unitary position taken with respect to the

² Wendell, Mauter (1998), *"Churchill and the unification of Europe"*. The Historian [<http://www.winstonchurchill.org/i4a/pages/index.cfm?pageid=61>], 30 June 2005, 67.

Iranian nuclear program, the EU is presently confronted with a major identity crisis, its international credibility being substantially undermined after the French and Dutch rejection of the European Constitution.

The present study is built on the assumption that, despite gaining international recognition as an important player in trade³ and development cooperation⁴, without having a coherent foreign and security policy, the European Union's international credibility is being tremendously undermined. Therefore, the study evaluates the gradual development of the European foreign and security policy cooperation, throughout different stages, which bear nonetheless the mark of the international context that had substantially influenced the shaping of the Union's political and security strategy. Consequently, the study commences with portraying the first attempts made in the early years of European integration to establish a political union. The second chapter depicts the subsequent evolution of the European Union in the field of foreign, defense and security cooperation, matters continuously regarded as belonging to the national sovereignty of the state. The third chapter provides an overview of the substantial modifications made by the Treaty of Nice and of those that would have been brought about by the foreseen European Constitution in the field of external representation. Obvious to mention, the rejection of the Constitution in two of the founding states of the European integration process has had profound implications, the future of the European Union largely depending on the lessons that had been learned from this undesired political situation.

The conclusion attempts to answer the difficult question of whether the EU is presently in a situation where it can successfully influence the setting of the international affairs or if the rejection of the Constitution represents the dead end of the European Union political dream.

³ Lamy, Pascal (2004), "Europe and the Future of Economic Governance" in *Journal of Common Market Studies*, 42,1, 5-21.

⁴ Vanhoonacker, Sophie (2005), "The Institutional Framework of EU External Relations" in Hill, Christopher and Smith, Michael (eds.) *International Relations and the European Union* Oxford: Oxford University Press.

1. The early years of a political European community

This chapter portrays the first efforts made in the early years after the end of the Second World War to allow the new Europe to affirm itself into a single political entity in the international system. Therefore, this chapter will commence by depicting Churchill's vision of the United States of Europe and Pleven's proposal for the establishment of the European Defense Community in the 1950s. The last part analyzes President de Gaulle's aspiration for a stronger and less dependent Europe situated under France's leadership and the successful emergence of the European Political Cooperation, which in the end did not produce the desired outcome, a major enhancement of European Community's credibility in the international political system.

United States of Europe?

In the early 1945, the British Prime Minister Winston Churchill visualized the creation of the "*United States of Europe*"⁵, a federation of states that would have been regarded as a single European political actor in the international affairs. In the envisaged political construction, France and Germany would have been the main players, without having their full cooperation there would not have been any reconciliation in Europe⁶.

Although Churchill was confident in the potential Franco-German cooperation, France's reluctant attitude towards Germany dominated the bilateral relations throughout most of the 1950's and 1960's. The foreseen European federation would have been a fundamental pillar of the new world structure, alongside the UK, the US and the Soviet Union⁷. The political vision of the British Prime Minister, although depicting the future trend upon which Europe should have embarked, had been made at an inappropriate moment, the economic reconstruction being the primary

⁵ Wendell, Mauter (1998), *Churchill and the unification of Europe*, The Historian [<http://www.winstonchurchill.org/i4a/pages/index.cfm?pageid=61>], 30 June 2005, 67.

⁶ Wendell, Mauter (1998), *Churchill and the unification of Europe*, The Historian [<http://www.winstonchurchill.org/i4a/pages/index.cfm?pageid=61>], 30 June 2005, 69.

⁷ Vanthoor, Wim F.V (1999), *A chronological history of the European Union 1946-1998*. Cheltenham: Edward Elgar Publishing Limited, 2.

concern for all politicians. Nevertheless, one must observe that Churchill's vision for a United States of Europe had left an important mark on the European political life.

*European Defense Community, far too ambitious*⁸

In the early 1950's, in the context of emerging economic understanding and cooperation between the former enemies, the French Prime Minister Rene Pleven called for the creation of the European Defense Community (hereafter EDC), built on the same supranational political premises as the European Coal and Steel Community (hereafter ECSC). Pleven's proposal, advocating for the establishing a European army under the framework of NATO and a European defense minister implementing the guidelines of the Council of Ministers, was met with certain reluctance in the Western European states, especially in France, where internal and external political concerns determined the embarrassing rejection of it.

Assessing the consequences had on the European level by the rejection of the EDC proposal, one has to observe the main issues that were at stake during the negotiations. Primarily, it was the distrust in a supranational form of governance over matters such as defense and security. Secondly, there were deep feelings of reluctance, especially coming from France, about opening new channels of cooperation with Germany. The rejection of the EDC proposal had a negative consequence for the European Community in terms of external reliability, security and defense remaining matters of national sovereignty. Due to the continuous dependence on the US in terms of security guarantees provided, the ideal of transforming Europe into a reliable and credible international player remained just an aspiration for the future⁹.

⁸ For a complete overview of the EDC proposal please consult Vanhoonacker, Sophie (2001), *The Bush Administration (1989-1993) and the Development of a European Security Identity*, Aldershot: Ashgate, 59-64.

⁹ Vanhoonacker, Sophie (2001), *The Bush Administration (1989-1993) and the Development of a European Security Identity*, Aldershot: Ashgate, 59-64.

*De Gaulle's aspiration for a French-led Europe*¹⁰

The Fouchet proposals, calling for a political union that would have reduced the dependence on the US, must be analyzed in the context of the increased economic competitiveness of the European Community. Moreover, the increasingly divergent interests between the U.S. and Europe, determined de Gaulle to argue for the creation of a political construction that would have established regular meetings of the heads of state and government in which closer dialogue in the political, economic, cultural and above all, defense spheres would have been sought. In the envisaged form of political cooperation, intergovernmental procedures would have prevailed over Community's supranational institutions, completely disregarded in matters referring to foreign affairs. Obvious enough, the Benelux countries, for which supranational institutions were a guarantee against the likely dominance of a larger Member State, were extremely cautious with regard to the Fouchet proposals. Maintaining NATO's important role in the then bi-polar system, but equally considering the geopolitical changes that took place after the Second World War, de Gaulle considered that the envisaged European Political Union (hereafter EPU) would have created a stronger Europe, speaking with a single voice in the world. Despite acknowledging the need for Europe to start playing an important role in international affairs, the Soviet Union remained the main political and military threat and the US the most reliable security guarantor. Considering that the French envisaged European Political Union might have jeopardized Europe's relations with the US and NATO, risking a decoupling of the US from Europe, both Fouchet proposals had been rejected, Western European states continuing to play a second-class role in the international affairs¹¹.

¹⁰ For a complete overview of the Fouchet proposals please consult Vanhoonacker, Sophie (2001), *The Bush Administration (1989-1993) and the Development of a European Security Identity*, Aldershot: Ashgate, 64-75.

¹¹ Vanhoonacker, Sophie (2001), *The Bush Administration (1989-1993) and the Development of a European Security Identity*, Aldershot: Ashgate, 64-75.

*European Political Cooperation: the lowest common denominator*¹²

The conception of the European Political Cooperation (hereafter EPC) at the end of the 1960's marked the first successful attempt made by the European Community to tackle aspects related to foreign policy on a common basis.

Despite the failure of the first two proposals to create a security and political union, the idea of cooperation on foreign and security matters had never disappeared¹³. After de Gaulle's resignation in 1969, the political climate was much more favorable for bringing again into discussion the sensitive issues of foreign and security cooperation. During the The Hague Summit, the European leaders, besides outlining the three main objectives of the Community for the coming years: "*completion, strengthening and enlargement*"¹⁴, began debating the possibilities of initiating cooperation in sensitive areas, such as foreign policy and monetary matters. Despite remaining in a continuous dependence on the US in terms of military guarantees, the European states had sadly acknowledged the further divergences between EC and the US' interests. Drawing lessons from the past attempts, the European leaders were now more cautious with launching ambitious proposals, preferring instead to pursue a gradual development of the EPC, outside Community's institutional framework. The modest goals of the European Political Cooperation, such as the exchange of information, a mutual understanding of foreign policy aspects, a coordination of positions and "*where it appears possible and desirable, common actions*"¹⁵, the operating consensual mode, and the central role attributed to the Presidency, have been credited as being the main elements that ensured the relative success of the EPC. The report drafted by the Belgium Prime Minister, Leo Tindemans, advocating for the development

¹² For a complete overview of the EPC, please see Vanhoonacker, Sophie (2001), *The Bush Administration (1989-1993) and the Development of a European Security Identity*, Aldershot: Ashgate, 75-88.

¹³ Sjursen, Helene (1999), *The Common Foreign and Security Policy: an Emerging NewVoice in International Politics?*, Oslo: Arena Working Papers 99/34, 3.

¹⁴ Vanhoonacker, Sophie (2001), *The Bush Administration (1989-1993) and the Development of a European Security Identity*, Aldershot: Ashgate, 75.

¹⁵ Vanhoonacker, Sophie (2001), *The Bush Administration (1989-1993) and the Development of a European Security Identity*, Aldershot: Ashgate, 77.

of the European Community into an entity having a single and unitary voice in international affairs, found some success in coordinating the positions of the Member States with respect to the Middle East conflict and the Conference on Security and Cooperation in Europe¹⁶. The signing of the Helsinki Final Act in 1975 saw a closer cooperation between the European Commission and the Member States, suggesting an increased reliability of the EC in international affairs, although at that moment the EC could have then hardly been regarded as an important player in international affairs.

The profound economic character of the Community had been severely criticized in 1978 by the future British Prime Minister Margaret Thatcher who advocated for transforming the Community into something *“more than just an economic and cultural entity”*¹⁷. In spite of Thatcher’s advocacy for a necessary advancement of the Community into an enhanced political union, the period of the 1980’s did not see major advancements in European Community’s external representation. Quite opposite, the economic sanctions taken against the Soviet Union’s invasion of Afghanistan in 1979 or against Argentina in the context of the invasion of the Falkland Islands in 1982 depicted the frustrating lack of political reaction concerning major international crisis. The Genscher-Colombo initiative of 1981 outlined again the need for enhancing the political external representativeness of the EC: *“We know we must proceed with caution ... but we believe it is absolutely essential for the political and economic aspects of European security to be brought within the common foreign policy of the future”*¹⁸.

In the second half of the 1980’s, the desired revitalization of the Western European Union (hereafter WEU) disappointedly failed, deepening instead the divergences between the Europeans with regard to the role that the WEU should have been assigned to play¹⁹. The conclusion of the Single European Act (SEA) had little effect in foreign policy

¹⁶ Fraser, Cameron (1999), *The Foreign and Security Policy of the European Union: past, present and future*. Sheffield: Sheffield Academic Press, 17.

¹⁷ Welsh, Michael. (1996), *Europe United? The European Union and the Retreat from Federalism*, Hampshire : MacMillan Press LTD, 110.

¹⁸ Welsh, Michael. (1996), *Europe United? The European Union and the Retreat from Federalism*, Hampshire: MacMillan Press LTD, 111.

¹⁹ Vanhoonacker, Sophie (2005), *“The Institutional Framework of EU External Relations”* in Hill, Christopher and Smith, Michael (eds.) *International Relations and the European Union*, Oxford: Oxford University Press, 81.

representation, being mainly focused on economic issues. Nevertheless, foreign policy matters had increasingly become a subject of Community's competence, although these were still maintained outside the jurisdiction of the European Court of Justice.

2. From Maastricht to Amsterdam

The second chapter mainly focuses upon the creation of the Common Foreign and Security Policy as an independent pillar of the European Union and on the expected increased reliability the EU might have had on the international stage, following the establishment of the CFSP. The second part of the chapter portrays the embarrassing failure of the European Union in settling the ethnic wars from the former Yugoslavia and the negative effects had by this sound failure on the EU's aspirations to be considered an equal player in the international arena. The last section of the chapter covers the changes made by the Treaty of Amsterdam in the contentious area of Common Foreign and Security Policy.

Maastricht 1991 IGC

The Treaty of European Union, establishing the Common Foreign and Security Policy as an independent pillar into the temple structure of the European Union, came on the background of significant geopolitical changes that have profoundly transformed Europe; if efficiently seized, the political opportunities of the beginning of the 1990s might have seen a credible and trustworthy EU emerging in the international political system. Following the Belgian government's proposal to convene an intergovernmental conference that would have thoroughly discussed the issue of a political union, Paris and Bonn, despite the existing frictions, released a joint declaration advocating for a Common Foreign and Security Policy as a central feature of the new European Union.²⁰ While for Germany and the Benelux countries, the foreseen Common Foreign and Security

²⁰ Forster, Anthony and Wallace, William (2000), "Common Foreign and Security Policy: from shadow to substance?" in Wallace, Helen and Wallace, William, *Policy-Making in the European Union*, 4th edition, Oxford: Oxford University Press, 467.

Policy should have been embedded within the Community institutions, ending de Gaulle's legacy of keeping foreign policy outside the reach of Community competences, France and the UK portrayed a rather skeptical vision about the transfer of authority from an intergovernmental basis to more Community mechanisms. In security and defense matters, the rift was even wider, with some countries being fairly reluctant about the eventual weakening of NATO, while others favoring the creation of an independent European security framework outside NATO²¹.

The primary objective of the Union was *"to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defense policy, which might in time lead to a common defense"*²². Therefore, Article J of the TEU provides: *"A common foreign and security policy is hereby established"*²³.

However, an in-depth analysis reveals an awkward observation: instead of bringing major changes to the existing European Political Cooperation, the revised version had only modified the existing arrangements. Moreover, the wording of the section dealing with foreign policy matters had been extremely blurred, *"a training in archaeology rather than political science or law would no doubt be of more assistance in its comprehension"*²⁴. For better defining the structure of the recently established Common Foreign and Security Policy pillar, another Intergovernmental Conference had been envisaged.

The concept of common foreign and security policy had been defined as comprising *"all questions related to the security of the Union, including the eventual framing of a common defense policy, which might in time lead to a common defense"*²⁵ and the Western European Union (hereafter WEU) was given a central role in framing up the defense and security role the Union was supposed to play in the future; the future developments of

²¹ Forster, Anthony and Wallace, William (2000), "Common Foreign and Security Policy: from shadow to substance?" in Wallace, Helen and Wallace, William, *Policy-Making in the European Union*, 4th edition, Oxford: Oxford University Press, 470.

²² Nuttall, Simon (2000), *European foreign policy*, Oxford: Oxford University Press, 177.

²³ Forster, Anthony and Wallace, William (2000), "Common Foreign and Security Policy: from shadow to substance?" in Wallace, Helen and Wallace, William, *Policy-Making in the European Union*, 4th edition, Oxford: Oxford University Press, 473.

²⁴ Nuttall, Simon (2000), *European foreign policy*, Oxford: Oxford University Press, 176.

²⁵ Nuttall, Simon (2000), *European foreign policy*, Oxford: Oxford University Press, 177.

the European security framework and the institutional adjustments needed for ensuring EU's efficiency had been outlined in the two declarations made by the Western European Union. Causing great concerns for the U.S. administration about a potential weakening of NATO, the European leaders expressed their conviction that *"the policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defense policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defense policy established within that framework"*²⁶.

Referring to the institutional setups needed for ensuring European Union's efficiency, it is particularly important to remark that the text of the treaty required for a single institutional framework that would have replaced the EPC ministerial meetings. In this sense, the former General Affairs Council had been renamed as the Council of the Union, being the sole forum for Common Foreign and Security Policy discussions. The Commission, alongside the Member States was in the position to submit proposals to the Council, while the rotating presidency of the EU was granted the overarching role of implementing the decision taken in the field of Common Foreign and Security Policy²⁷. As in the case of the forerunner of the Common Foreign and Security Policy, the ECJ was entirely excluded from having any competence over CFSP matters. The two innovative instruments brought about by the TEU, the common positions and the joint actions, allowing for a systematic cooperation between Member States and for the gradual implementation of joint actions in which the Member States had important common concerns²⁸ were aimed at improving EU's operationality in the field of foreign policy.

The conception of the second pillar of Common Foreign and Security Policy appeared to announce a new era in European foreign policy, underlining Union's aspirations *"to assert its identity on the international scene"*²⁹. The main goal sought was to create *"a more favorable*

²⁶ Nuttall, Simon (2000), *European foreign policy*, Oxford: Oxford University Press, 178.

²⁷ Whitman, Richard G. (1998), *From Civilian Power to Superpower? The International Identity of the European Union*, Hampshire: Palgrave, 89-90.

²⁸ Nuttall, Simon (2000), *European foreign policy*, Oxford: Oxford University Press, 184.

²⁹ Whitman, Richard G. (1998), *From Civilian Power to Superpower? The International Identity of the European Union*, Hampshire: Palgrave, 91-92.

international environment"³⁰ in which the EU would have been the main advocator for preventive diplomacy. Nevertheless, taking into account the pessimistic remark made by one senior Commission official that "*the structure was never intended to work*"³¹, alongside the British Foreign Secretary's comment that "*We now have four years to demonstrate that the intergovernmental model can work*"³², one could already identify the doubts cast upon the feasibility of the Common Foreign and Security Policy and upon the enhanced role the EU was supposed to play in international affairs.

The Yugoslav crisis: the litmus test for the Common Foreign and Security Policy

The ethnic wars from the former Yugoslavia had been considered the first litmus test for the recently established EU in emerging as a viable political player in international crisis. Assessing EU's overall performance in Yugoslavia, the general conclusion would be that EU had completely failed, its failure being explainable by the various external events that occupied the European agenda at the beginning of the 1990's: the collapse of Communism in Central and Eastern European countries, the dissolution of the Soviet Union and the break up of the former Czechoslovakia. Moreover, the still operating European Political Cooperation's procedures, which made no reference to military security issues, had substantially hampered any prompt reaction to the ongoing conflicts. Worth mentioning here is that only France and UK were logistically capable of deploying military troops in the region, with Germany being constitutionally constrained from intervening in external military conflicts and the US being rather reluctant to intervene into a conflict extensively considered as solely being of EU's responsibility. Confronted with an unprecedented escalation

³⁰ Whitman, Richard G. (1998), *From Civilian Power to Superpower? The International Identity of the European Union*, Hampshire: Palgrave, 93.

³¹ Forster, Anthony and Wallace, William (2000), "Common Foreign and Security Policy: from shadow to substance?" in Wallace, Helen and Wallace, William, *Policy-Making in the European Union*, 4th edition, Oxford: Oxford University Press, 477.

³² Forster, Anthony and Wallace, William (2000), "Common Foreign and Security Policy: from shadow to substance?" in Wallace, Helen and Wallace, William, *Policy-Making in the European Union*, 4th edition, Oxford: Oxford University Press, 477.

of violence, EU's response was rather soft and largely inefficient, the appointment of a EU special representative in the region and the observatory mission sent producing little political effects. Throughout most of the conflict, the EU was deadlocked from taking any substantial decision and the establishment of the Contact Group for Yugoslavia³³ in 1994 marked an embarrassing moment for the EU, the US becoming the main political and military actor in the region. Nevertheless, the EU remained the largest supplier of U.N. troops in the region, whose activities did not meet the expectations, i.e. Srebrenica's massacre.

Commenting on the conflict from the former Yugoslavia, Carl Bildt, the former Swedish Prime Minister, argued that the EU was in urgent need of clearly defining and developing an effective Common Foreign and Security Policy. Perhaps the most important lesson that could have been drawn from the failure in Yugoslavia was that without a coherent and common strategy, the national foreign policy of the EU Member States were *"often reduced to little more than the occasional photo opportunity and some brave phrases for domestic consumption but with painfully little relevance to affect the realities on the ground"*³⁴. Assessing EU's external credibility following the failure in the Yugoslav crisis, there is no doubt that this had been consistently undermined, emphasizing instead the continuous need for U.S. assistance in developing EU's own security policy.

Amsterdam Treaty: modest but significant changes

The Amsterdam Intergovernmental Conference, supposed to clarify the opaque aspects of the newly established Common Foreign and Security Policy, produced significant, but relative modest changes to the existing

³³ For a complete overview of the Contact Group for Yugoslavia please see Gegout, Catherine (2002), "The Quint: Acknowledging the Existence of a Big Four-US Directoire at the Heart of the European Union's Foreign Policy Decision-Making Process" in *Journal of Common Market Studies*, 40, 2, 331-335.

³⁴ Fraser, Cameron (1999), *The Foreign and Security Policy of the European Union: past, present and future*, Sheffield: Sheffield Academic Press, 32.

structure of the Common Foreign and Security Policy³⁵. An important role in preparing the Amsterdam Intergovernmental Conference discussions in the field of Common Foreign and Security Policy had been played by the studies realized by the CDU/CSU Parliamentary leader Wolfgang Schäuble and foreign policy spokesman Karl Lammer³⁶, as well as the Western European Union's 1995 document³⁷. The Turin European Council in 1996 saw the European leaders unanimously acknowledging that the international situation had become a primary concern for the Union and its position in the international system should have been strongly reinforced. Therefore, one of the key points in the negotiations of the Amsterdam IGC was to give the EU "greater capacity for external action"³⁸, seeking to enhance EU's credibility, so much deteriorated by the failure in the Yugoslav crisis. Nevertheless, the unanimous willingness portrayed by the European leaders to enhance EU's international role had been severely undermined by the national preferences of the Member States with regard to the future outlook of the Common Foreign and Security Policy. In this light, one can easily observe the main problems that arose during and after the negotiations: while the larger Member States were in favor of the appointment of a High Representative of the Union, in charge of coordinating the foreign policy matters, ensuring an enhanced international representation for the EU, the smaller Member States, having the Fouchet proposals in mind, had given a relatively lukewarm response. Moreover, the issue of neutrality of some of the new Member States brought into discussion the role that should have been played by the EU in fulfilling the Petersberg tasks. Another thorny aspect was the future relation between the European Union and NATO³⁹.

³⁵ Duke, Simon (2002), "The Common Foreign and Security Policy: Significant but Modest Changes", in Laursen, Finn (ed.), *The Amsterdam Treaty. National preference formation, interstate bargaining, and outcome*, Odense: Odense University Press, 473.

³⁶ CDU/CSU Reflections on European Policy

³⁷ Contribution to the European Intergovernmental Conference of 1996

³⁸ Duke, Simon (2002), "The Common Foreign and Security Policy: Significant but Modest Changes", in Laursen, Finn (ed.), *The Amsterdam Treaty. National preference formation, interstate bargaining, and outcome*, Odense: Odense University Press, 479.

³⁹ Forster, Anthony and Wallace, William (2000), "Common Foreign and Security Policy: from shadow to substance?" in Wallace, Helen and Wallace, William, *Policy-Making in the European Union*, 4th edition, Oxford: Oxford University Press, 482-483.

Particularly relevant at this stage are the innovations made by the Amsterdam Treaty in the Common Foreign and Security Policy area. Firstly, it must be mentioned that, acknowledging the “capabilities-expectations gap”⁴⁰, the European leaders were now more cautious with the wording of the revised treaty. For the first time, the issue of flexibility had been introduced, allowing Member States to abstain from voting on certain decisions and to refrain from participating in the actions carried on by the Union. In this aspect, the particular neutrality cases of Ireland, Austria, Finland, Sweden and Denmark, were thoroughly analyzed, the text of the revised treaty mentioning that “no agreement shall be binding on a Member State whose representatives in the Council states that it has to comply with the requirements of its own constitutional procedure”⁴¹. Conscious about the necessity of reinforcing the EU’s role in international affairs, the new version of the treaty sought “... to assert its [EU] identity on the international scene; in particular through the implementation of a common foreign and security policy including the progressive framing of a common defense policy [...]”⁴². With respect to the decision-making mechanism, the introduction of the common strategies was thought to bring to the attention of the European Council those issues where the Member States had common interests. Another important advancement was the appointment of the High Representative for Common Foreign and Security Policy in the person of the Secretary-General of the Council, who would have assisted the Presidency in implementing the decisions made in the Common Foreign and Security Policy area. However, the creation of such a political profile raised some doubts about the future representation of the EU in external affairs, considering the multitude of representational functions held by the Commissioners and by the Council. The subsequent nomination of Javier Solana came to appease, partially, the fears that the Union will be overly

⁴⁰ Forster, Anthony and Wallace, William (2000), “Common Foreign and Security Policy: from shadow to substance?” in Wallace, Helen and Wallace, William, *Policy-Making in the European Union*, 4th edition, Oxford: Oxford University Press, 484.

⁴¹ Duke, Simon (2002), “The Common Foreign and Security Policy: Significant but Modest Changes”, in Laursen, Finn (ed.), *The Amsterdam Treaty. National preference formation, interstate bargaining, and outcome*, Odense: Odense University Press, 489.

⁴² Duke, Simon (2002), “The Common Foreign and Security Policy: Significant but Modest Changes”, in Laursen, Finn (ed.), *The Amsterdam Treaty. National preference formation, interstate bargaining, and outcome*, Odense: Odense University Press, 490.

represented in external affairs. Nevertheless, the problem remained of actual concern, the EU continuing to lack a single representative voice in external affairs. Concerning the needed restructure of the voting procedures employed in the Common Foreign and Security Policy area, in order to avoid an embarrassing paralysis of the EU, the qualified majority voting was introduced in some areas, although unanimous approval remained equally important in deciding on Common Foreign and Security Policy matters.

The overall assessment of the changes made by the Amsterdam Treaty in the field of Common Foreign and Security Policy area reveal that, despite the major advancement set forward, the Union was still far from securing a strong position in the international political system, the new instruments and decision-making procedures being largely undermined by the unwillingness of the Member States to come to a unitary position. Understandable to a certain extent, neutral states such as Ireland, Austria, Finland or Sweden were not enthusiastic about giving up their historical neutrality and become active players in the eventual military operations conducted under the framework of the EU and in cooperation with other military and security actors. Nevertheless, their reluctance had substantially downscaled EU's external reliability in security and military matters. Furthermore, a number of fundamental issues remained unsettled, being postponed for the 2000 Intergovernmental Conference.

3. From Nice 2000 to the European Constitution

This third chapter analyzes the major changes made by the Nice Treaty and proposed by the foreseen European Constitution in the area of foreign and defense policy cooperation. Considering the profound impact had by the strong rejection of the Constitution in France and the Netherlands on the international profile of the Union, the last parts of this chapter devote considerable attention to the future position the EU may have in the international political system.

Nice 2000 and the conception of the European Security and Defense Policy

Notable to mention at this stage is the fact that the agenda of the 2000 IGC had been primarily shaped by the events in the Balkans, and particularly, by the crisis in Kosovo, which had once again outlined the EU's impotence to combine its economic power with political and military role. Moreover, the central role of the US in managing with conflicts in which the EU was incapable to act was further emphasized.

Prefacing the creation of the European Security and Defense Policy, the St. Malo Franco-British Declaration on European Defense signaled the need for the EU to start playing an active defense role in the international system. The previous frictions between the British and French government were put aside and both leaders gave a further impetus for the creation of a European defense policy. The St. Malo Declaration advocated for creating the necessary structures and capabilities for the EU to be able to intervene in those conflicts in which NATO was not directly involved⁴³. Moreover, the Petersberg tasks, included in the Common Foreign and Security Policy areas of competence since Amsterdam, were now carefully reconsidered in the context of the eventual emergence of a European security component. Endorsed by the European Council in Vienna in 1998, and warmly supported in the Cologne European Council Declaration of 1999, the St. Malo Declaration outlined the goals for the upcoming Nice 2000 Intergovernmental Conference: enhanced capabilities for carrying out operations falling under the Petersberg tasks, establishment of adequate institutional frameworks that would have offered guidance and operational control for the EU's operations and closer cooperation with EU's allies⁴⁴. An extremely sensitive issue in the relations between the EU and the U.S. was the unnecessary duplication of NATO's capabilities in security matters; therefore, the text of the Nice Treaty clearly mentioned, "*NATO remains the basis of the collective defense of its members*"⁴⁵. By extending security

⁴³ Fraser, Cameron (1999), *The Foreign and Security Policy of the European Union: past, present and future*, Sheffield: Sheffield Academic Press, 76-79.

⁴⁴ Rynning, Sten (2003), *Coming of Age? The European Union's Security and Defense Policy*, University of Southern Denmark: Center for European Studies, 2-5.

⁴⁵ Rynning, Sten (2003), *Coming of Age? The European Union's Security and Defense Policy*, University of Southern Denmark: Center for European Studies, 3.

cooperation to countries poised to join the EU in the foreseeable future or to those without a certain EU membership on table, the Union sought to enhance its security position in the world, being capable of taking appropriate measures after thorough consultations with its allies.

Extremely important was the inclusion of Canada, Russia and Ukraine in EU's security plans, suggesting an outward geostrategic search for partners that would support the Union in defining and conducting its military operations⁴⁶.

Analyzing the advancements made by the Treaty of Nice in the field of Common Foreign and Security Policy, one must primarily mention the essential creation of the European Security and Defense Policy, supposed to ensure EU's security and defense profile. Secondly, the new institutional frameworks, the Political and Security Committee (PSC) in charge with coordinating the CFSP discussions within the EU, the EU Military Committee (EUMC), providing military guidance for the EU and the EU Military Staff (EUMS), aimed to provide early warning, situation assessments and strategic planning, had been a major advancement of the EU's security and defense profiles, the prospects of an European security actor becoming increasingly feasible⁴⁷.

The conception of the European Security and Defense Policy proved fruitful; the period of 2000-2005 saw the first ever EU military operations. A remarkable success was achieved by the Union with its first military operation, Operation Concordia in FYROM, but despite the success of the operation, there are consistent doubts about its real success, referring here to the fact that prior to this operation there were three NATO operations that stabilized the country. Furthermore, the fact that the EU had to rely upon NATO's assets and military capabilities provided by the Berlin Plus Agreements casts major doubts about the real efficiency of the EU in military operations.

Despite the increased international recognition achieved by the EU in the years following the Nice Treaty, the rejection of the European Constitution in France and the Netherlands plunged the Union into one of

⁴⁶ Rynning, Sten (2003), *Coming of Age? The European Union's Security and Defense Policy*, University of Southern Denmark: Center for European Studies, 4.

⁴⁷ Rynning, Sten (2003), *Coming of Age? The European Union's Security and Defense Policy*, University of Southern Denmark: Center for European Studies, 5.

the most severe crisis in its entire history, with voices already predicting the disintegration of the EU, or, in a more positive scenario, a deep paralysis of the EU's institutions.

The European Constitution: the death of the European Union?

The emphatically called Treaty establishing a Constitution for Europe had been brought to a dead end by the strong rejection of the Constitution in the French and Dutch national referendums organized in May and respectively June 2005. Extensively considered the most advanced and ambitious treaty ever made in the entire history of the EU, the European Constitution, if ratified, would have brought major changes for the EU. The ambitious proposals enshrined in the Constitution are currently deadlocked, the future of the EU appearing extremely grim. Considering the multiple changes that would be introduced by the Constitution, this section only portrays the profound modifications that would have been made in the Common Foreign and Security Policy area, commenting also upon the changes that would have turned the EU into a more credible political partner, enhancing EU's reliability in the international political system.

For the first time in its entire history, the EU would have had a Foreign Minister in charge of exercising leadership and coordination, so much needed, in foreign policy matters. In his position the EU Foreign Minister would have combined the work of the Commissioner for External Relations with the role held before by the High Representative for Common Foreign and Security Policy. Furthermore, the nominated Minister for Foreign Affairs would have been chairing the Foreign Affairs Council, taking over much of the Presidency's earlier tasks. In his activity, the Foreign Minister would have been assisted by the foreign ministers of the Member States⁴⁸ and supported by the European External Action Service, the foreseen diplomatic service of the Union comprising of diplomats from the Commission, the Council of Ministers and from the Member States. Moreover, the Constitution provides for the creation of the

⁴⁸ Everts, Steven and Keohane, Daniel (2003), *The European Convention and EU Foreign Policy: Learning from Failure*, Center for European Reform, [http://www.cer.org.uk/pdf/everts_keohane_survival.pdf], 30 June 2005, 171.

President of the European Council, appointed for two and a half years, with the possibility to renew his/her mandate, entrusted with the “*representation of the Union on CFSP matters, albeit without prejudice to the powers of the Minister*”⁴⁹.

In areas of defense and security matters, the Constitution provides for smaller groups of Member States to engage in closer cooperation on all military matters. Such a provision would have allowed the countries with a high-developed military infrastructure to engage in consistent military actions that would have tremendously upgraded the profile of the newly established European Security and Defense Policy. A mutual defense clause had been removed from the final text, considering here the existence of Article 5 of NATO to which most of the EU Member States are members; the solidarity clause, arguing for mutual assistance in case of a natural or man-made disaster, had been nonetheless maintained in the final version of the Constitution. Confronted with an unprecedented escalation of terrorist attacks in the world and compelled to take immediate action against terrorism in the aftermath of Madrid bombings, the drafters of the Constitution have given particular attention to the Security Strategy⁵⁰ released by Javier Solana in 2003. Perhaps the most ambitious change proposed by the Constitutions was the extension of the legal personality of the EU to the Common Foreign and Security Policy and Justice and Home Affairs matters, giving the EU a sound and single voice on the international system.

Although the Constitution had been soundly rejected, some of its parts might still be adopted through Intergovernmental Conference proceedings. Considering the immediate need for a more effectual foreign policy, the Member States may decide to continue with the creation of the diplomatic service envisaged to support Javier Solana in coordinating the EU’s foreign policy. What could particularly be more difficult to accomplish would be the appointment of Javier Solana as the Union’s

⁴⁹ Cowe, Brian (2005), *Foreign Minister of Europe*, *The Foreign Policy Center*, [<http://fpc.org.uk/fsblob/395.pdf>], 30 June 2005, 3.

⁵⁰ Solana, Javier (2003), *A secure Europe in a better world*, Council of the European Union [<http://ue.eu.int/uedocs/cmsUpload/78367.pdf>], 30 June 2005.

foreign minister⁵¹. These delicate issues concerning the future representation of the EU in international affairs would be subject for discussion for the upcoming European Councils, the June 2005 European Council providing for a period of reflection on the future trend of the European Union⁵².

What kind of Europe?

The rejection of the Constitution brought to a painful end Chirac's vision of a United States of Europe capable of consistently challenging the US economic and military dominance⁵³. Following the rejection of the Constitution, the EU had been thrown into one of the most serious crisis since its establishment in 1957. The political future of the Union currently appears to be extremely grim, the financial disagreements that surfaced during the June 2005 European Council deepening the crisis the EU is currently confronted with. Faced with a deep political and economic crisis, the EU may be in the position of not respecting its previous commitments made with the future enlargement of the EU, currently the foreseen accession of Bulgaria in Romania in 2007 being substantially questioned, although the Vice-President of the Commission and former Commissioner for Enlargement, Günter Verheugen, admitted that "*Bulgaria and Romania's EU membership remain among the Union's priorities*"⁵⁴. Another contentious problem remains the opening of negotiations with Ankara, due to start at the end of 2005, considering the wide dissatisfaction regarding Turkey's potential EU membership. An aspect that deems particular attention concerns the democratic deficit that has been so shamefully disregarded by the European leaders. The fact that EU citizens are increasingly feeling disconnected with the policies drafted in Brussels, which have nonetheless

⁵¹ Grant, Charles (2005), *Europe beyond the referendums*, Center for European Reform [http://www.cer.org.uk/articles/42_grant.html], 30 June 2005, 2.

⁵² Europa Newsletter (2005), *Constitution: a "pause for reflection"* [http://europa.eu.int/newsletter/index_en.htm#constitution], 30 June 2005.

⁵³ Topol, Allan (2005), *No United States of Europe*, The Washington Times Editorials/ Op-Ed [<http://washingtontimes.com/op-ed/20050601-100141-6206r.htm>], 30 June 2005.

⁵⁴ Southeast European Times (2005), *EU Sends Mixed Signals on Enlargement*, [http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2005/06/14/feature-03], 30 June 2005.

a profound impact on their lives, has been one of the fundamental reasons for rejecting the European Constitution. The future of the EU can hardly be predicted, but the political changes expected to take place in the coming years in Germany, France, and Italy, may tremendously influence the future of the EU in the international arena.

Conclusions

The present study has attempted to portray the development of the European Union foreign and security policy and the consolidation of its position as a reliable political actor in international affairs. Without covering the widely acknowledged economic competitiveness of the EU on the international markets and its primary aid-donor status achieved in the past years, the study is centered on the premise that without a common framework for debating foreign, security and defense policies, EU's international credibility, if existent to a certain extent, had been for most of the time at a very low level. Although the past years have seen tremendous success achieved by the EU in military and security issues, an in-depth analysis reveals the fact that in almost all cases, the EU had not been acting by itself, the permanent assistance of its closest ally, the US, being extremely beneficial.

As has been outlined throughout the entire study, the aspirations for a stronger, united and reliable European actor on the world scene have dominated the European agenda since the end of the Second World War, with Churchill's emphatic speech in Zurich in 1946 advocating for a United States of Europe, continued in the following years by the European Defense Community proposal, Fouchet plans and the European Political Cooperation conception. Due to the international political climate of those years, the attempts made by the EC to affirm itself into a third player on the international arena have soundly failed or, as in the case of the European Political Cooperation, have managed to secure a certain cooperation in foreign policy matters, which however did not result in the expected enhancement of the EC's representation in international affairs. The end of the Cold War and the dissolution of the Soviet Union marked a milestone in the conception of the EU's international profile. Since Maastricht, the Common Foreign and Security Policy has been aimed to improve and

expand EU's political and military credibility in the world. The Yugoslav crisis revealed the frustrating incapacity of the EU to play a constructive and efficient role in international affairs. Moreover, the failure of the EU in the former Yugoslavia further emphasized the pressing need for American military assistance in supporting the definition of an own EU military profile. The Treaty of Amsterdam and the Treaty of Nice have come to complete and further clarify some of the aspects of the blurry drafted text of the Treaty of Maastricht. Most notable remains the conception of the European Security and Defense Policy following the Treaty of Nice, an advanced step made by the EU in creating an autonomous security provider-profile. The first ever EU military operations have tremendously boosted EU's expectations in the security field, however an in-depth analysis depicts the fact that especially in the case of EU's operation in FYROM, without the consistent contribution of the previous three NATOled missions in FYROM, the EU would have never been able to achieve such a success as it had. The Iraqi crisis has further emphasized the lack of a common European foreign policy, although highly praised as existent by EU's officials. As has been observed in the case of Middle East, the Yugoslav crisis or the Iraqi case, the EU's foreign policy had been and continues to be largely influenced by the Member States' national interests, fundamentally downscaling EU's attempts to emerge in the international system as a single unitary political actor. With the Constitutional project brought to a deadly end, the Union is currently passing throughout one of its most severe international identity crises, major doubts being cast upon its future. The deep disagreements that surfaced in the last European Council Summit in Brussels threaten to seriously undermine EU's postmodern actor's⁵⁵ role and to discredit EU's "soft-power" position, with the feasibility of further enlarging the Union being substantially questioned⁵⁶.

Where the European Union is heading to remains an open issue, the coming European political class being responsible for a profound and fundamental re-thinking of EU's role in international affairs. It is beyond

⁵⁵ Cooper, Robert (2004), *The Breaking of Nations: Order and Chaos in the Twenty-First Century*, London: Atlantic Monthly Press, 26-44.

⁵⁶ Bildt, Carl (2005), *Europe must keep its soft power*, Financial Times, [http://www.cer.org.uk/articles/bildt_ft_1june05.html], 30 June 2005.

any doubt that only a strong and united Europe, alongside the US, may be capable of facing the increased pressure exercised by the growing Asian powers of China and India.

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THE U.S. IN WORLD AFFAIRS. FROM EXCEPTIONALISM TO TRANSFORMATIONAL DIPLOMACY

Bogdan Lucian*

Abstract

“The United States within the World Affairs. From Exceptionalism to Transnational Diplomacy” analyses, in the first place, the American Exceptionalism and its cultural basis, with an emphasis on J. Winthrop’s works. J. L. Sullivan’s rhetoric was chosen for illustrating the “transformation” of Exceptionalism into “Jingoism”. In order to depict a conceptual and practical cohesive policy, I analyze the discourse of W. Wilson. Then, I analyze its relations with contemporary foreign politics and with the new concept, “transnational diplomacy”, investigated by the study of the reformist measures introduced by State Secretary Condoleezza Rice.

Prior to going any farther, we have to highlight the fact that, the opinions and ideas stated below are those generally and most widely accepted by American statesmen and historians. And being given the rights of free thought and speech, not even in the U.S. do they go on uncontested, not to be mentioning other nations. However, the concept of American exceptionalism is of prime importance for understanding transformational diplomacy, an end-product of the Republican administration running the U.S. at the time given.

The U.S. has come a long way since the Pilgrim Fathers’ settlement on the banks of the Atlantic, to her place nowadays, namely that of first-ranking player in world affairs. However, as we shall see, it would have been near-impossible for this to take place merely by making recourse to the means previous world-class powers have employed.

* Bogdan Lucian is Ph.D. student in contemporary history at the Faculty of European Studies, Babeș-Bolyai University of Cluj.

Throughout history, empires have relied on their might in order to secure and expand their primacy even further. An essential prerequisite for this kind of endeavors is a strong, capable army¹, which, if adequately supplied by a healthy economy and put to the service of able statesmen, is able to deal in a decisive manner with practically any threat.

In this respect, when dealing with nowadays' sole superpower, one cannot ignore its might. For instance, the U.S. retains both a quantitative and, more importantly, a qualitative edge in terms of strategic nuclear weapons on her next two competitors², in spite of stockpiling some three quarters of her arsenal since the tensest times of the Cold War as part of the disarmament process.

Nevertheless, the U.S., no common a power (to be using R.J. Lieber's words), though heavily armed, is practically the first nation in history to use her might not only for her own interests, but for the advancement of other nations of the world, as well.

It is here that we arrive at complexity: the notion of *American exceptionalism*, the cornerstone of the way the U.S. sees her place in the world and shapes her behavior towards it. American exceptionalism comprises two essential and, in a way, complementary, elements.

The first is the idea that the U.S. is *a nation apart*, qualitatively different from others, an idea which, according to sociologist Seymour Martin Lipset³, can be traced back to Alexis Charles Henri Maurice Clérel de Tocqueville. The French thinker emphasized the fact that America was the first nation to be founded free of despotism and servitude⁴, which wrought the ideas of liberty and democracy in the hearts of its inhabitants for evermore.

And with her people provided with this new mindset, the newly-established country set out on an utterly different course from the political and ideological standpoint of other nations of the time.

¹ Vid. Hans J. Morgenthau, *Politics among Nations. The Struggle for Power and Peace*, New York: Alfred A. Knopf, 1959, 104-118

² For details, vid. Lieber, Keir A. and Press, Daryl G., "The Rise of U.S. Nuclear Primacy", in *Foreign Affairs*, Council on Foreign Relations, March/April 2006

³ Lipset, Seymour Martin (1996), *American Exceptionalism: a Double-edged Sword*, New York & London: W.W. Norton, 18

⁴ Tocqueville, Alexis de (1997), *Democracy in America*, University of Virginia, 43 sq.

The second element, derived from the first, is the idea that the U.S. has, either by divine sanction, or by moral obligation, the right to *intervene in the rest of the world*, in order to bring the other nations civilization, democracy and liberty⁵ and shape them according to its own model, which has, so far, proven to be the most stable democratic system ever.

We have to remark the U.S. has emerged as a significant player in the international arena in the wake of the twentieth century. This happened first in the Western hemisphere, during the presidency of Theodore Roosevelt, and then at global level, during that of his successor, Woodrow T. Wilson.

By this we mean it was J.J. Pershing's GI's who tipped the balance in favor of the Entente. And even though the Congress did not endorse the Professor's construct, Wilson's internationalism would resurrect from the ashes of World War II, inspiring FDR's United Nations.

But whilst the capability for promoting the American model is relatively new, the moral ground the former stands on, namely American exceptionalism, has stemmed from times as early as the first Puritan settlements.

Though it would be an interesting overview, for space reasons it would be impossible to tackle here with every historical moment of the development of American exceptionalism; therefore, let us focus upon the resources which for the first time in a cohesive form gave cultural and moral endorsement, respectively, to the two main components of exceptionalism.

Thus, even if it was de Tocqueville who gave them a synthetic form, (in his *Democracy in America*, of 1840) many of the essential ideas in support of the unique, exceptional nature of the Americans are more than two centuries older, dating from 1630, when, preacher and later Governor of the Massachusetts Bay colony, John Winthrop wrote and delivered his sermon, *A Modell of Christian Charity*⁶, also known as *A Citty upon a Hill*.

Given aboard the *Arbella*, the flagship of a fleet of no less than eleven vessels taking settlers to the New World, his sermon was meant as a

⁵ Vid. Zinn, Howard, "The Power and the Glory. Myths of American Exceptionalism", in *The Boston Review*, august 2005

⁶ A reproduction of his manuscript is available in Lauter, Paul (general editor) (1994), *The Heath Anthology of American Literature*, vol. 1, 2nd edition, Lexington: D.C. Heath, 226-234

utopian foundation of the new society he and his fellow Puritans would be building; the difficulties met during this process would be the test to be taken for proving their sainthood⁷.

The end purpose of this endeavor was to put into actual practice what had only been professed back in the Old World. Abstract Christian ideals were to be put into actual practice, thus every day life would be shaped according to the Holy Writ, in conformity with His "workes." And though it is debatable to what extent of Winthrop's dreams materialized, a significant part of his heritage lives on, as we shall see.

Nevertheless, the community was not only to live by and for itself. As everything was to be done according to God's will inside the community, even its entire legal system being of Christian origin, trying to emulate to the highest possible degree the divine equilibrium between justice and mercy, its achievements, which make her a better world, are not to be kept within, but, instead, be *promoted and broadcast to the world*.

As the established community of New England, having God within it, would not only thrive to an unprecedented extent and be "able to resist a thousand enemies", but, as a direct consequence of this, would draw upon it "the eyes of all people", which would see that something totally different from what they knew, in the positive meaning, has appeared.

The newly-established colonies were to become the "Citty upon a Hill"⁸, a model of a community which not only acts according to God's will for its own sake, but because, in doing so, it provides a model of conduct for the world at large.

Deriving from here one may find an essential idea for the way the U.S. deals in her foreign policy, namely the fact that she tries never to act without having *strong moral backup*; always having a principled justification for the country's endeavors on the international arena is of prior concern for American statesmen⁹.

This is to be done not only to set out an example, but also because acting in disregard of moral values and principles would be a totally

⁷ P. Lauter, *op. cit.*, p. 224

⁸ J. Winthrop, in P. Lauter, *op. cit.*, p. 232

⁹ Note this does not exclude mischievous behavior, as originally good ideas may be perverted, for instance, by special interest groups. However, to paraphrase *Federalist no. 51*, we need principles *precisely* because men are no angels

detrimental thing. To quote John Winthrop's words, "[...]if wee shall deale falsely with our God in this worke wee have undertaken, and soe cause him to withdrawe his present help from us, [...] [w]ee shall open the mouthes of enemies to speake evill of the wayes of God, [...] [w]ee shall shame the faces of many of God's worthy servants, and cause their prayers to be turned into curses upon us till wee be consumed out of the good land whither wee are a goeing."¹⁰

As one may easily see, many of John Winthrop's assertions, though made in the specific form of a sermon and meant for an audience living in those times of Puritan effervescence, are applicable to today's American realities as well. In a way, their author has succeeded in expressing the reasons for the New World's perceived uniqueness and its exemplary condition, while also setting out an incipient form of international missionary venture.

However exceptional, the American colonies would be unable to act on their perceived sense of mission for more than two centuries. Up to 1776, the lack of statehood prevented it and, afterwards, their isolation was a hindrance.

In the meanwhile, domestic development and capital inputs from seaborne trade, along with a successful surging forward of the western frontier¹¹, thus, more or less willingly contributing to the fulfillment of Thomas Jefferson's dream of making the U.S. a continent-wide nation. This led to the reaching of a critical mass, which meant that the new nation could no longer remain isolated and would sooner rather than later collide with the powers holding a grasp on the American continent¹².

Therefore, the 1830's and 40's were years of struggle, both for territorial aggrandizement and for obtaining the political support needed for this aggrandizement to take place. Lobbying in this respect, journalist and diplomat John Louis O'Sullivan wrote what became his two best-

¹⁰ *Ibid.*, p. 233

¹¹ The frontier advance westwards some 17 miles per year in the 1830s – cf. *Legislative Documents of the 20th Congress*, no. 111, quot. in A. de Tocqueville, *op. cit.*, 298

¹² For details on Westward expansion, vid. Jenkins, Philip, (2002), *O istorie a Statelor Unite*, Editura Artemis, 116 sqq.

known articles, "The Great Nation of Futurity"¹³, published in *The United States Magazine and Democratic Review*, in November 1839 and its sequel, "Annexation"¹⁴, published in the same magazine in the July-August issue of 1845.

We shall not tackle in the paper herein with the righteousness of forcibly acquiring lands belonging to sovereign states, either dictatorial (as was General Antonio Lopez de Santa Anna's Mexico at the time) or not. Neither shall we analyze the flaws of the American system which could be deemed as making its rhetoric sound delusive and, somehow, out-of-this-world.

Note that our demarche does not mean our actual full endorsement of O'Sullivan's ideas, but simply intend to provide the reader a sample of the former's rhetoric which may be used to rally public support for forcible intervention abroad. This latter aspect becomes especially interesting if we think of what increasingly becomes known as "the Bush doctrine", namely unilateralism, preemption, preventive war, and indispensable-nationhood¹⁵, sounding much like O'Sullivan's discourse.

The author, a staunch Jacksonian, favoring thus forcible action in disregard of its potentially mischievous side-effects, tends to skip over the elements which would have, obviously, kind of refuted his argumentation. Such would be the fact that expansion was not to be done entirely for democratic purposes, profit playing an important part, as well, or that the U.S. was a free nation only if one ignores the "all other Persons", as the Constitution dubbed the African Americans.

O'Sullivan depicts the U.S. as the first democratic nation of the world, which grants an unprecedented degree of liberty to her people, especially as compared to the European aristocracies. Consequently, people

¹³ O'Sullivan, John L., "The Great Nation of Futurity", in *The United States Democratic Review*, Volume 6, Issue 23, November 1839, pp. 426-430, available at [<http://cdl.library.cornell.edu/cgi-bin/moa/moa-cgi?notisid=AGD1642-0006-46>]

¹⁴ O'Sullivan, John L., "Annexation," *United States Magazine and Democratic Review*, Volume 17, Issue 1 (July-August 1845), 5-10, available at [<http://web.grinnell.edu/courses/HIS/f01/HIS202-01/Documents/OSullivan.html>]

¹⁵ Cf. Mueller, John, "The Iraq Syndrome", in *Foreign Affairs*, Council on Foreign Relations, November/December 2005

are given a strong incentive to make the country evolve¹⁶, this way her being “destined to be the *great nation* of futurity”.

The direct consequence is that America “is destined for better deeds”. Having no previous recollections of carnages carried out merely for the bloodlust of despots, but, instead, always standing in the defense “of humanity, of the oppressed of all the nations, of the rights of conscience, of personal enfranchisement”¹⁷, which looks at ancient history only in order to find “lessons of avoidance of nearly all their examples”, the U.S. is to have a better future, in “an era of American greatness”.

Basically, the elements that differentiate the U.S. from other nations, namely the possibility to forge her history from scratch and having the first functional democratic system of the modern world, with strong guarantees of human rights (at least for its free, enfranchised citizens), are the very constitutive parts of her greatness.

However, these elements are not to be kept in a napkin, to be putting it in Theodore Roosevelt’s words of wit. Instead, as “we [the Americans] cannot retrograde” in the continuous upheaval of equality of rights and between individuals, this principle, strongly related to liberty, the groundwork of the Union, is to be taken onward.

Therefore, this is to become “our [of the U.S.] high destiny”, “our future history, to establish on earth the moral dignity and salvation of man – the immutable truth and beneficence of God”¹⁸, a “blessed mission”, for which America has been chosen, in order to “smite unto death the tyranny of kings, hierarchs, and oligarchs, and carry the glad tidings of peace” to the oppressed peoples of the world, living in poverty and misery.

However, if she is not to be the chosen one for Christ’s millenary rule, at least she will prove to have a *manifest destiny* (to be using the key phrase of O’Sullivan’s “Annexation”) in aggrandizing her might and, at the same time, taking her model into this world.

The aforementioned rhetoric is, however, rather jingoistic, as this way of addressing the problem sounds more like the “Dieu li volt” call to

¹⁶ It is perhaps ironical for O’Sullivan, who favored slavery, that this very argument would be used a couple of decades later by abolitionists, who noticed the widening developmental gap between the “free” and “slave” states

¹⁷ J.L. O’Sullivan, “The Great Nation of Futurity”, 427

¹⁸ *Ibid.*, 430

arms of the crusaders, instead of favoring the best possible approach for fulfilling the City upon a Hill's ideals.

We have seen, until now, the principles and beliefs the exceptionalist rhetoric lies on and the way they can be put (or diverted) to the service of actual policy implementation. By "diverted" we mean their serving narrow interests, which are depicted as universal ideals. Yet, in this case, one could speak of the issue of exporting the American model and its moral grounds as abducted to serve the "jingoos".

Consequently, in order for the aforementioned principles to be put to proper use, one needs not only *speak* in the name of morality, but actually *think* this way, too. And if it was a preacher, John Winthrop, who coined the idea of always acting in pursuit of moral ideals and of serving as a model to the world, it would be a preacher's son, President Woodrow Thomas Wilson who started an active worldwide promotion of these values, which he deemed as universal.

To be saying it with Henry Kissinger's words, Wilson was the embodiment of the tradition of American exceptionalism¹⁹, who put the issue of difference to a definitely positive use. Opposing classical *Machtpolitik* schemes, the Professor argued that the United States' exceptional role consisted in exercising and propagating liberty worldwide and, hence, her foreign policy should serve this purpose.

While Wilson's image is related generally with the Great War, one should not lose sight of his political thought expressed in his first years as President. It was a time of unrest in Mexico²⁰, when loud voices in the Congress favored military intervention against General Huerta's dictatorship, in the hope of territorial gains.

However, instead of toppling the dictator by military force, it would be the force of principle that would do the job. As one may see from his December 1913 State of the Union Address, Wilson gave utterance to the United States' desire for "a growing cordiality and sense of community of

¹⁹ Kissinger, Henry, (2002; original edition 1994), *Diplomația*, București: Bic All, 37

²⁰ In 1913, General Victoriano Huerta seized power by killing President Francisco Madero, to whom W.H. Taft had provided support. However, he was contested by three revolutionary groups, the domestic climate being highly volatile. In 1914, seizing the opportunity, the Germans would attempt to arm Huerta, hoping to trigger a Mexican-American war (and to secure land for a military base in Central America)

interest among the nations, foreshadowing an age of settled peace and good will”²¹.

These were, basically, the very values the U.S. aimed to promote abroad in order for her, as a republic of trade, to benefit from the greater degree of stability in the international arena. However, Woodrow Wilson took the idea one step farther: not only was his country to benefit from the new climate of international cordiality, but so would all nations who agreed to take part in this endeavor.

In his conception, peace and frankness in international relations go hand in hand, the envisioned finality being a better world for everyone. Accordingly, the U.S. was to act solely in the fulfillment of these idealistic objectives, complying with “only one possible standard”, consisting in always taking into account “[o]ur own honor and our obligations to the peace of the world”²².

Without going into further details, let us say Huerta’s militaristic dictatorship was, practically, the perfect antithetic to this dream-like image. His downfall would follow in a short while, after allying himself with another “rogue”, Kaiser William’s Germany. The latter sent him a shipload of assault guns.

In a swift move, the American navy seized the Mexican harbor of Vera Cruz, making the Germans back off. Left in utter isolation, with his position severely eroded, Huerta was left with no option but to resign, in July 1914²³.

In the meantime, half a world away, a clash between giants (in “Teddy” Roosevelt’s words) was well on its way. Every day of the Great War was taking lives with the tens of thousands; the first 128 Americans would go down with the sinking *Lusitania* less than a year later.

However, President Wilson, who considered one of a leader’s greatest qualities consists in remaining serene in moments of challenge and controversy²⁴, thought undertaking precipitous action would lead to no

²¹ Woodrow Wilson, in Linden, James, ed.(2004), *State of the Union Addresses of Woodrow Wilson*, Project Gutenberg, www.gutenberg.org, E-Book #5034

²² *Ibid.*

²³ Tumulty, Joseph P. (2003), *Woodrow Wilson as I Know Him*, Project Gutenberg, www.gutenberg.org, E-Book #8124

²⁴ For details, vid. Wilson, Woodrow (2004), *On Being Human*, Project Gutenberg, www.gutenberg.org, E-Book #5068; we paraphrased Martin Luther King, as well

good, therefore preferring a more cautious approach. Therefore, in a speech given May 10th, 1915, he stated that America is *too proud to fight*²⁵, utterance which, at that particular moment, came in compliance with the isolationist stance James Monroe advocated for.

However, the Great Nation did not simply plan to stay clear of those entangling alliances, as its first President had put it. Wilson had greater thoughts: he hoped to bring all warring parties at the bargaining table.

Or, to be quoting Kissinger²⁶, he stood for “a world arena governed by international law and not by balance of powers, inspiring a sentiment of confidence in the nation and not national affirmation of one’s own value” (approach also known as *wilsonism*).

Therefore, when the U.S. did take up arms the following year, the Professor stressed the idea his country was by no means waging war against the German people, which was simply used by its leaders “as pawns and tools”. Instead, the fight was to be carried out “without rancor and without selfish object, seeking nothing for ourselves but what we shall wish to share with all free peoples”, namely the ideals of democracy and liberty.

The GI’s would be going, indeed, to endure “many months of fiery trial and sacrifice” some 3000 miles away from home. However, by no means would this be a futile gesture, as they would go to the battlefield “with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured.”²⁷

It would be reductionist, however, to think the City upon a Hill was fighting for a simple showing-off, as Wilson would not have sacrificed American lives for so little. Instead, war had to be waged for *wilsonism* to become reality.

²⁵ J.P. Tumulty, *op. cit.*

²⁶ H. Kissinger, *op. cit.*, p. 38

²⁷ "Woodrow Wilson declares war on Germany, April 6, 1917", (March 8th, 2005), in *Wikisource*, http://en.wikisource.org/wiki/Woodrow_Wilson_declares_war_on_Germany

Having the President's *Fourteen Points*²⁸ speech at its groundwork, the postwar world was meant to be characterized by harmonious, liberal intercourse between all nations. This supposed, among others, exercising a frank and open diplomacy, absolute freedom of the seas and trade, disarmament, granting statehood to the oppressed peoples kept in bondage by former empires and the "establishment of a general association of nations "for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike".

This meant postwar arrangement would have to rely upon *a partnership of democratic nations*, having an institutional mechanism, the League of Nations, at its core. Even though, eventually, the U.S. did not take part in the League, as Wilson failed to rally the necessary congressional support for ratifying the Versailles Treaty, the value of its theoretical construct should not be underestimated²⁹.

Basically, Wilson provides us with an excellent theoretical example of devising a new and better world order, relying upon the values and principles the U.S. perceives herself as standing for, both of the constitutive components of American exceptionalism being given life in his discourse.

Moreover, it represents the first significant attempt of starting from moral grounds in order to transform the way the nations of the world perceive relations in-between them, providing us with a viable alternative which leads only to better ends.

However, this way of approaching things places too great an emphasis on states and too little on their inhabitants, their citizens. Even though this could be deemed as normal for the third decade of the 20th century, we know now that this is not enough. In order for the whole enterprise to succeed, the peoples' hearts and minds need to be dealt with as well. And this is precisely what we shall see.

Coming back to the present, a tormented one for an American administration, that has to deal with an increasing number of threats,

²⁸ "The speech given to the U.S. Congress by Woodrow Wilson outlining his Fourteen Points, 8 January 1918", (April 11th, 2005) , in *Wikisource*, http://en.wikisource.org/wiki/Fourteen_Points_Speech

²⁹ Especially since Wilson's projects inspired the post-WW2 reconstruction, notably by President Franklin Delano Roosevelt's creation of the United Nations

which are directed not only at the country's military, but at the American democracy, its people and its "very way of life"³⁰, one should not be surprised that the U.S. seeks not only to fight back, but also to adapt and mould her foes according to a less war-prone model.

If we think only of the most difficult part of the war against terror³¹, namely the ongoing war in Iraq, which started March 20th, 2003, we come upon a paradoxical situation. Speaking strictly from the military standpoint, it could be deemed as a total success from American behalf: with a total of 2718 to-date casualties³², they have inflicted an estimate of 48000 losses to the Iraqis, comprising civilians.

Note that, since U.S. forces try to keep civilian losses to the lowest level compatible with their military activities, the losses or innocent lives are caused by their own brethren's factions, who either organize suicide bombings, or settle ambushes – a preferred tactic of the Chiite militias.

Practically, for every American death, we have over 17 Iraqis, a figure that would make Napoleon envious, were military body counts the only benchmark to be taken into account. Yet, the goal is utterly different: smiting unto death (or, actually, behind bars) the Baathist tyranny was meant, as O'Sullivan would have put it, to bringing forth a new life to the so hard-trying Iraqi people.

And, since the U.S. intends to set the example, the idea is to shape a nation newly-emerged from totalitarianism as much as possible along American principles and disallow it to fall back under despotic rule (either secular or, more likely, religious) again³³.

We therefore arrive at the newest end-product of the American exceptionalist rhetoric, the latest way of addressing foreign policy, namely *transformational diplomacy*. Basically, winning the struggle between freedom

³⁰ Bush, George W., *Statement by the President in His Address to the Nation*, [www.whitehouse.gov/news/releases/2001/09/20010911-16.html], Washington D.C., September 11th, 2001

³¹ Concept coined by President G.W. Bush after the 9/11 attacks; vid. Bush, George W., „Transcript of GWB's Sept. 20 2001 Speech“, in *Right Wing News*, [www.rightwingnews.com/speeches/sept20.php] and Kenneth Roth, „The Law of War in the War on Terror“, in *Foreign Affairs*, Council on Foreign Relations, January-February 2004

³² *Iraq Coalition Casualties Count*, [www.icasualties.org/oif/], as of October 2nd, 2006

³³ For a comprehensive coverage and more standpoints, vid. Diamond, Larry et al., „What to Do in Iraq: A Roundtable“, in *Foreign Affairs*, Council on Foreign Relations, July/August 2006

and terror (a far better formula devised by the White House to the initial one of the “crusade against terror”, which was offensive to non-terrorist, peaceful Muslims) requires a new approach, in which confronting the enemy (who are rather difficult to track down) no longer is the central point.

Transforming the potential enemy’s hearts and minds so that they will forsake their bellicose ways is by far preferable. In essence, the City upon a hill brings the “glad tidings of peace” to former enemies, which, by embracing the new vision, are “saved”, thus the Great Nation fulfilling its divinely ordained mission - we have synthesized here the romantic rhetoric previously depicted in order to see, in the following, its contemporary form.

Former Professor of Political Science at Stanford University, Deputy Secretary of State during George W. Bush’s first tenure and Secretary of State since 2004, Condoleezza Rice coined the “transformational diplomacy” concept³⁴ in a speech at Georgetown University’s School of Foreign Service, delivered January 18th, 2006.

However, it would be a reductionist approach to stick together in too intimate a manner transformational diplomacy and the struggle between freedom and terror, for the former has far broader connotations and aims at a wider range of problems.

For a better understanding of the matter, one may look at “Transformational Diplomacy”, the transcript of a conference held at the Center for Global Development³⁵, attended by leading figures of the study of foreign affairs.

Among them was Stephen Krasner, long time a scholar of international relations and recently appointed Director of the Policy Planning Staff, who argues that the new program Secretary Rice has devised amounts to a significant change in the nature of diplomacy. Whilst, in the classical conception, diplomats were supposed to engage relations at a state-to-state level (hence the denomination of the Department of State,

³⁴ Wolfson, Charles, “Rice Seeks To Transform Diplomacy”, in *CBS Diplomatic Dispatches*, January 20th, 2006, [www.cbsnews.com/stories/2006/01/20/opinion/diplomatic/main1226605.shtml]

³⁵ Birdsall, Nancy (moderator), “Transformational Diplomacy” (transcript), Center for Global Development, P.G. Paterson Conference Center, Washington D.C., January 20th, 2006

the U.S. foreign affairs chancellery), representing their own governments to their foreign counterparts, the new approach, transformational diplomacy, sets out far more ambitious and complex tasks for the diplomatic apparatus. "Transformational diplomacy is essentially about supporting changes within states, not relations among them. It's about the nature of domestic political regimes rather than the international balance of power [...]"³⁶

To be specific, the very goals the exceptionalist rhetoric sets out for U.S. intervention in the world arena are to be attained, not by forcible intervention, which would threaten to (and in many situations has) diminish the City upon a Hill's glimmer and make Governor Winthrop's warnings about losing legitimacy sound livelier than ever.

A new approach is to be chosen instead. Targeted nations are to be influenced with subtlety, transformed, so that they end up by accepting the U.S., if not as a friend, then at least not as an enemy. This is by far more difficult than George W. Bush's answers to sword-rattling by using even bigger swords, but it could lead to better results in the long run.

Nevertheless, as journalist Farrah Stockton argues³⁷, it would be over-optimistic (not to say utopian) to think that democracy alone is the antidote, the universal panacea to the problem of global terrorism. This is the case there appeared Muslim terrorist factions that are increasingly made up of youngsters born and raised in democratic societies, and, in certain cases, extremist Muslims may be democratically elected to power, as was the case of Iran's President, Mahmoud Ahmadinejad³⁸.

Nor may one lean back and argue that simple 1950's-style propaganda, advertising the American creed and values and offering examples to the targeted countries would suffice. It is true that mass-media clichés and the emoluments of consumerism may attract segments of population; but, as Samuel P. Huntington once argued, this does not stop them to embrace a Western way of life from the material standpoint, while continuing to behave like Muslim fanatics in every other respect.

³⁶ Stephen Krasner, in Birdsall, Nancy, *op. cit.*, p. 3

³⁷ Farrah Stockton, in *Ibid.*, p. 15

³⁸ For details, vid. "The George and Mahmoud Show", in *The Economist*, [www.economist.com/agenda/displaystory.cfm?story_id=7938954], September 20th, 2006

It is here that we arrive at another essential aspect of the new approach towards U.S. diplomacy, namely the attitude towards the envisioned peoples of the world. There are two main alternative ways the U.S. has chosen for the conduct of her foreign affairs: withdrawal in isolationism, as stated by Presidents George Washington and James Monroe and endorsed in the 20th century by Warren G. Harding and Calvin Coolidge and, respectively, active involvement on the international arena.

The latter, which is of prior concern for our topic of inquiry, comprises, in its turn, the internationalist approach, as coined by Woodrow Wilson's Fourteen Points and, to an even greater extent, by Franklin D. Roosevelt's sponsoring of the United Nations and, respectively, the "big stick"³⁹ approach.

However, whilst in Theodore Roosevelt's times the U.S. was but a regional hegemon, which dealt with the Americas as the "United States' back yard"⁴⁰, nowadays the eagle's wings have stretched, practically the entire world having to take, more or less, the American standpoint into account. This, in turn, may give the other nations the impression of being dealt with if not in an imperial manner, at least a paternalistic one.

And by no means is this an appropriate way of rallying support, since this policy is, on the contrary, more likely to fuel anti-American feelings, the very thing the administration needs least in the times of hardships it has to endure.

Consequently, we may say that the shift proposed by Secretary Rice ought not to surprise us: a stronger emphasis on internationalism has to go hand-in-hand with forsaking paternalism and with maintaining stronger ties with the envisioned groups.

Or, to put it in Condoleezza Rice's words, "[...]I would define the objective of transformational diplomacy this way: to work with our many

³⁹ T.R. actually employed the "Speak softly and carry a big stick" phrase for describing his relation with the labor unions; only later would it be used for describing his foreign policy; for an exact quotation, vid. Theodore Roosevelt, *An Autobiography*, New York: Bartleby.com, 1998, 312

⁴⁰ For a synthetic perspective upon the aforementioned personalities, vid. Urofsky, Melvin I. (2000), *The American Presidents*, New York and London: Garland Publishing; Note that Teddy's position is expressed in his "Roosevelt Corollary to the Monroe Doctrine"; however, he had taken this course of action even before stating it programmatically

partners around the world, to build and sustain democratic, well-governed states that will respond to the needs of their people and conduct themselves responsibly in the international system. Let me be clear, transformational diplomacy is rooted in partnership; not in paternalism. In doing things with people, not for them; we seek to use America's diplomatic power to help foreign citizens better their own lives and to build their own nations and to transform their own futures."⁴¹

And since we have seen these aims have to be achieved by a subtle, peaceful conversion, based upon conviction, rather than on coercion, the diplomatic apparatus plays a decisive role in this matter, as it is by far the foremost salient of American presence in the areas which require special attention because they pose more or less immediate a risk and, hence, need most urgently to be transformed.

Or, at least, this is what, theoretically, the diplomatic corps should be, for, as a recent Public Diplomacy Watch study has shown us⁴², appointing ambassadors on political or financial criteria, rather than on the basis of personal competence, especially to virtually risk-free posts, as in Western Europe or international organizations, remains a common practice. It is true that Condoleezza Rice has not addressed specifically this matter (since offending party sponsors would not have constituted too smart a movement), but, nevertheless, she devised more active a role for diplomats.

Diplomats have to become valuable "pieces on a chessboard"⁴³, who are to be moved in the hot spot according to their best competencies, so that they get "to influence what goes on in host nations to spur the emergence of democracy". We have to remark this strategy is very much like that of "gunboat diplomacy", with peaceful persuasion and gradual influence replacing forceful coercion, or, to be putting it in a metaphoric form, "where is the closest carrier" is replaced by "who is our best man for the job".

⁴¹ Rice, Condoleezza, *Transformational Diplomacy*, lecture held at Georgetown University, Washington, DC, January 18, 2006

⁴² Tourist, John Q., "Transformational Diplomacy", in *Public Diplomacy Watch*, [www.publicdiplomacywatch.com/2006/01/transformational_diplomacy.html], January 24th, 2006

⁴³ *Ibid.*

Moreover, since realities have changed since the end of the Cold War, the State Department's priorities have to be changed accordingly. Stronger emphasis needs to be placed upon the new conflict or potentially conflict-prone areas of the Middle East, as part of the early warning mechanism, but also upon the newest American allies of Eastern Europe and the new emerging regional powers, such as India, China, or Indonesia, so that bilateral relations are kept on track.

In this respect, massive shifts in U.S. global posture, for a better coverage of the "new critical posts for the 21st century" are required. Therefore, "[w]e will begin this year with a down payment of moving 100 positions from Europe and, yes, from here in Washington, D.C., to countries like China and India and Nigeria and Lebanon, where additional staffing will make an essential difference"⁴⁴. Secretary Rice is aware that a long-term commitment, by far exceeding her tenure, is required, but this work is deemed essential for the U.S. to maintain her position on the world stage.

We have seen that U.S. involvement in foreign affairs began with strong moral posture, in the defense of the principles the nation stood for. Thus, perhaps the most appropriate means of making other nations bandwagon along the American model is by convincing them of the good will the U.S. stands for, by providing them with substantial foreign aid, not platitudes.

Aid programs have been in the past, as well, a means of gathering various countries' assent for U.S. policies in the U.N. General Assembly for instance, as Stephen Krasner has argued⁴⁵. But the focus has to change from merely a barter for support, in which case non-democratic regimes may receive aid in order to comply with a specific matter the U.S. needs backing on, to using foreign aid as an instrument of transformational diplomacy.

Foreign aid, far from shifting towards the "food as a weapon" approach, has, in Secretary Rice's view, to become an effective instrument of transformational diplomacy. "The resources we commit [through foreign aid programs] must empower developing countries to strengthen security,

⁴⁴ Condoleezza Rice, *loc. cit.*

⁴⁵ Stephen Krasner, in Birdsall, Nancy, *op. cit.*, 6

to consolidate democracy, to increase trade and investment, to improve the lives of their people"⁴⁶.

Moreover, she continues, "America's foreign assistance must promote responsible sovereignty not permanent dependency." Practically, foreign aid is not meant to be a mere subsidy, a reward for adopting an "Americanomorphic" stance, but rather it should contribute to the fulfillment of the Great Nation's *manifest destiny*, the promotion and safeguarding of self-sustainable democratic and liberal (non-despotic, not necessarily in the economic meaning) regimes.

In this respect, providing foreign assistance can no longer remain an end in itself, done simply for humanitarian purposes, it has to be more intimately tied with U.S. foreign policy as a whole. Granting low-interest loans is not a bad thing; providing humanitarian aid is even better (though it addresses a different range of issues). Yet it would be more beneficent for both parties if it were done in exchange for the liberalization of the recipient's political life, for it allowing a wider freedom of the speech, or freeing political dissidents, to be thinking of only several examples.

In order for this binding to take place, the most appropriate method U.S. policy planners devised was to unite their command and control structures: the Administrator of the U.S. Agency for International Development (better known by its acronym, USAID) would also become Director of Foreign Assistance, at the State Department, being thus able to adapt in an optimal way the allocation of resources (some 19 billion for the 2006 budgetary exercise) to U.S. foreign policy as a whole. Randall L. Tobias, pharmaceutical industry CEO of the year 1995 and former U.S. Global HIV/AIDS Coordinator⁴⁷, was the first person appointed in the newly-created, Ambassadorial-ranking position. Future developments will prove (or, refute) the righteousness of this new development.

Undoubtedly, when tackling with a complex issue, one has to select what has to be said and what, for space reasons and, having less direct a connection with the envisioned topic, needs to be left out for a future study (as, for instance, the reform of the diplomatic apparatus, from the standpoint of providing a better coverage in remote, yet densely-populated

⁴⁶ Condoleezza Rice, in *Ibid.*, 17

⁴⁷ "Ambassador Randall L. Tobias", in *The White House*, <http://www.whitehouse.gov/government/tobias-bio.html>, October 3rd, 2006

areas). Therefore, let us just say that, we have tried in a brief, yet comprehensive manner, to deal with those aspects of transformational diplomacy which have the strongest ties with the roles set out for the U.S. on the international arena by the framers of American exceptionalism.

L'INGRESSO DELLA ROMANIA NELL'UNIONE EUROPEA. LE RELATIONI TRA LA ROMANIA E L'ITALIA¹

Anca Stângaciu*

Abstract

This study aims to present some of the most important aspects of the process of integration of Romania in the European Union structures. We treat the chosen subject of our study from a conceptual point of view, considering the evolution of the process of Europeanization outside the borders of the European Union. A major point in our analysis is the influence of EU on Romania (in a top-down perspective) and the possible impact of our country upon the structures of the Union (in a bottom-up perspective). Towards the end of the paper we consider in a more detailed way the economic relationship established between Romania and Italy in what regards the presence of the Italian capital in Romania. The aspects related to the relationships between Romania and Italy make the object of a study case, which represents a more practical aspect of the present article. We considered introducing this particular case study due to the fact that Italy is the main economic partner of Romania and the Italian investments hold the first place within the total number of the foreign investments in Romania.

Introduzione

L'ingresso della Romania nelle strutture dell'Unione Europea aprirà alla Romania nuove opportunità in quello che riguarda lo sviluppo economico ed il progresso sociale. La l'adozione dell'acquis comunitario, dei

¹ Il punto di partenza di questo studio è il tema portando lo stesso titolo, che fu oggetto di un intervento in sede della conferenza organizzata dal sindacato di Cassina (Lombardia) il 18 maggio 2006, occasione offerta con gentilezza e speciale appoggio di Alfredo Canavero, professore presso l'Università Degli Studi di Milano.

* Anca Stângaciu, Ph.D. is Lecturer in Economic History at the Faculty of European Studies, „Babeș-Bolyai” University Cluj-Napoca

diversi metodi e delle diverse strategie manageriali, potrebbero portare a dei ritmi rapidi della crescita economica e ovviamente al trapasso dei ritardamenti economici esistenti tra la Romania e gli altri stati Europei. I casi della Spagna e del Portogalo potrebbero essere degli esempi in favore di quest'idea. Oltretutto il processo di transizione della Romania verso una democrazia, spesso inteso come processo di modernizzazione e sviluppo è stato non poche volte identificato con il processo di integrazione ed europeizzazione. La verità è infatti che la Romania ha visto nell'alternativa dell'Unione Europea la sua possibilità di compiere quel tanto desiderato e secolare passo di modernizzazione. Parlare dunque delle relazioni economiche fra la Romania e l'Italia, in questo contesto dell'ingresso nell'Unione Europea, diventa doppiamente importante nel contesto della rilevanza di tali rapporti economici nello spazio economico e sociale romeno. Si tratta non solo di apporto di capitale o del cosiddetto *know-how*, ma anche di modelli manageriali e di strategia. Il sistema delle Imprese Piccole e Medie Italiane (IPM), di tipo familiare, specifico per l'economia italiana, può costituire un'efficientissima formula di sviluppo per l'economia romena in corso di consolidamento.

Il processo della mondializzazione e della globalizzazione impone una collaborazione, ma anche una crescita della concorrenza tra i vari stati. Negli ultimi anni, l'America ha provato di essere il più importante centro dell'economia mondiale, cercando di imporre il suo modello di organizzazione democratica ed economica a tutti gli altri stati. L'Unione Europea risponde con successo a questa competizione tramite le politiche proprie, i suoi risorse e le sue modalità di organizzazione. L'Unione Europea con le sue strutture riesce veramente ad essere un rilevante polo dell'economia mondiale. Presto o tardi, anche i paesi più piccoli come la Romania, devono rispondere alla provocazione della globalizzazione con dei risultati migliori.

La Romania si trova nel processo di sviluppo dell'economia di mercato e delle strutture democratiche, cioè in un processo di modernizzazione della società e dell'economia. Purtroppo, non possiamo dire ancora che Romania sia un paese performante da questo punto di vista. Esistono ancora molti limiti nello sviluppo dell'area economica, strutturale e anche istituzionale, causati dalla sua cultura politica, dal modo abbastanza storto di capire e di mettere in funzione la democrazia,

dalla mentalità della gente e dall'attitudine civica non molto sviluppata. Infatti, la Romania si trova nella situazione in cui occorrerebbe superare il ritardo economico e sociale di tipo balcanico, e quindi ridurre gli sfasamenti esistenti tra di essa e gli stati industrializzati dell'Unione Europea (il cosiddetto *catching up*).

Una prima questione potrebbe essere quella di trovare delle soluzioni per uno sviluppo economico sostenuto e rapido della Romania. Una risposta ai requisiti di progresso economico e sociale, di modernizzazione e prosperità di questo paese, potrebbe essere il processo di integrazione europea. Questo tipo di relazione con l'Unione Europea, uno spazio economico e sociale prospero, potrebbe fornire alla Romania, quel *Big Push* così necessario per superare gli sfasamenti esistenti².

Nella letteratura di specialità si considera che l'Unione Europea eserciti, tramite delle politiche e decisioni prese a livello istituzionale comunitario, delle pressioni costanti sui paesi membri o candidati dell'Europa Central-Orientale, come la Romania, nella direzione delle riforme intraprese da questi stati. In questo modo, l'Unione Europea potrebbe offrire alcuni efficienti modelli di organizzazione istituzionale, di politiche pubbliche coerenti, di strategie di sviluppo economico e sociale. I casi della Spagna, del Portogallo e specialmente dell'Irlanda potrebbero essere rilevanti se abbiamo in vista il fatto che questi paesi hanno conosciuto dopo il loro ingresso nell'Unione Europea una crescita economica rapida, che ha permesso il superamento dei vari sfasamenti economici esistenti fino allora. A suo turno, la Grecia ha attraversato, dopo il suo ingresso nelle strutture comunitarie, un processo di modernizzazione e rafforzamento economico e politico.

L'ingresso della Romania nell'Unione Europea potrebbe costituire in questo modo un'opportunità per la propria modernizzazione e progresso, però questa possibilità non deve essere la sola strada impiegata

² Si tratta quà della teoria dell'economista P.N. Rosenstein-Rodan, il quale considerava qualche decennio prima che lo stato di arretratezza degli stati de l'area balcanica potrebbe essere superato solo tramite un impulso maggiore (*The Big Push*), Dăianu Daniel, Vrînceanu Radu, *România și Uniunea Europeană* (2002), Iași, ed. Polirom, p. 24.

per ottenere il progresso desiderato, visto che il processo di integrazione non può essere sostituito ad una strategia di sviluppo economico³.

La conclusione è che una via per trovare una soluzione ai problemi strutturali, dovrebbe essere trovata prima all'interno, utilizzando le risorse interne, una migliore organizzazione, una mobilitazione ed una coesione dei pensieri politici e dei progetti economici.

In quello che riguarda la relazione della Romania con l'Unione Europea, possiamo mettere in rilievo due aspetti maggiori: in che misura esiste la Romania e l'Europa, rispettivamente la Romania per l'Europa. Un terzo punto importantissimo della nostra indagine è quello di individuare quali sono le prospettive delle relazioni svolte tra la Romania e l'Italia

La Romania e l'Europa

Da più di 15 anni la Romania cerca di superare i propri problemi politici, economici e sociali avvicinandosi il più possibile al modello comunitario. Il passaggio da un'economia centralizzata improntata sul comunismo a quello di un'economia di mercato basato su valori democratici, è stato un cammino molto difficile e troppo lento in alcuni campi. Un fenomeno molto importante, come quello della privatizzazione, che doveva consentire il trionfo della proprietà privata, ha avuto un cammino molto lento, e pieno di gravi incoerenze. La prima spiegazione che possiamo trovare per questo progresso lentissimo della Romania nei primi anni di post-comunismo potrebbe essere il fatto che questo paese aveva subito un regime comunista molto più aggressivo di quello degli altri paesi dell'Est-Europa, che non ha permesso lo sviluppo politico, istituzionale ed economico, a differenza dei sistemi comunisti della Repubblica Ceca, dell'Ungheria, della Polonia e anche dell'Unione Sovietica. In quello che riguarda l'evoluzione post-comunista della Romania, possiamo affermare con certezza che, la principale costrizione esterna affinché si passasse dalle strutture comuniste a quelle democratiche fu esercitata appunto dall'Unione Europea.

Alle strutture rigide e distorte lasciate come eredità dal passato politico ed economico romeno (l'industrializzazione forzata del periodo del

³ Cf. Rodrik Dani, *Can Integration into the world economy substitute for a development strategy?* (2000), Parigi, apud Dăianu Daniel, op. cit. p. 25.

regime Ceaușescu ecc), si sono sovrapposte le difficoltà inerenti al nuovo processo di cambi ed anche l'incoerenza della politica di riforma. La mancanza di maturità politica ed a volte, la mentalità tributaria rivolta al passato, hanno giocato anche loro un ruolo abbastanza importante.

Nonostante questo, è ovvio che la Romania abbia fatto dei progressi considerevoli in tutto questo tempo. I rapporti della Commissione Europea degli ultimi anni lo mostrano con chiarezza: la Romania dispone di una struttura politica stabile, di un'economia di mercato funzionale, e di pluralismo, essendo in grado di garantire le libertà ed i diritti dei cittadini, inclusi quelli delle minorità. Gli studi più recenti, appartenenti alla letteratura di specialità romena ed estera, sostengono che la Romania si trovi in un periodo generale di addattamento alle richieste ed ai standard europei, ed in una fase di trasformazione in conformità a codesti standard nel problema delle minorità etniche⁴.

Comunque, la Romania è ancora in ritardo dal punto di vista economico, presentando molte incoerenze e limiti nell'organizzazione istituzionale. Perciò lo sfasamento nello sviluppo economico con il quale si confronta la Romania, impone la continuazione delle riforme strutturali in vista della competitività e dell'efficienza. Una delle preoccupazioni maggiori dell'economia romena dovrebbe riguardare il campo dell'agricoltura, perchè l'agricoltura romena è fondata su di un'organizzazione tradizionale di sussistenza, caratterizzata da un eccesso di popolazione agricola, ma anche da una bassa produttività. In conformità ai dati statistici ufficiali possiamo affermare che il campo dell'agricoltura rappresenta il 40% della popolazione attiva della Romania, mentre il contributo che immette nel PIB tra gli anni 2000-2005 fu solo di 11-18%⁵.

Un altro problema importante che la Romania sta affrontando è un deficit in quello che riguarda il funzionamento delle istituzioni statali, lo sviluppo di politiche pubbliche attive, il promuovere dei funzionari onesti, innovativi e competitivi. Infatti, l'assimilizzazione da parte della Romania dell'acquis comunitario, nel senso di mettere in pratica il funzionamento delle istituzioni romene, è vista dall'Unione Europea come una ante-

⁴ Dobre Ana Maria, Coman Ramona, *România și integrarea europeană* (2005), Iași, Institutul European, p. 347.

⁵ Leonte Jaqueline (coord.), *Agricultura României în perspectiva aderării la UE* (2002), București, Institutul European din România, p. 27.

condizione per la performance economica e sociale⁶. Questo è uno dei motivi per i quali la Commissione Europea sottolinea ogni volta la necessità della riforma amministrativa, nell'ambito dell'amministrazione pubblica e della giustizia, come anche la necessità dello sradicamento della corruzione, specialmente ad alto livello (politico).

Altri limiti che dovrebbero essere superati il più presto possibile sono correlati alla mancanza di un'élite politica e burocratica, matura e morale, che sia capace di prendersi carico coscientemente delle responsabilità afferenti; di un dialogo reale tra la classe politica e la società civile; dalla bassa capacità di solidarietà collettiva e dal basso impegno da parte della società civile alla vita politica (per esempio, i gruppi di pressione esercitano ancora una bassa pressione sul processo decisionale); dell'esistenza di alcuni rammenti di pensiero e condotta di tipo comunista.

Perciò si impone che la Romania sia capace di far fronte a queste provocazioni, e di armonizzare le strutture politiche, sociali ed economiche a quelle esistenti nell'Unione Europea, e che tanto la classe politica quanto i cittadini in genere sostengano questo processo di riforma e di europeizzazione.

Di fatto, il processo di transizione della Romania verso la democrazia, inteso come processo di modernizzazione e sviluppo, è spessamente confuso oggi con il processo di europeizzazione e integrazione del paese. Tanto nel medio politico quanto in quello dell'intellettualità, o meglio detto, nel mentale collettivo romeno, il processo di integrazione è visto come una garanzia del successo della Romania accanto agli altri stati appartenenti all'Unione.

Dal punto di vista concettuale si impongono alcune specificazioni. L'ingresso della Romania nella Comunità Europea, come fenomeno connesso al processo d'integrazione, delimita in una maniera chiara ed esatta, tramite diverse norme e regole, la direzione da seguire per gli stati che desiderano integrarsi nelle strutture dell'Unione Europea. L'integrazione come processo politico significa infatti una delega di competenze politiche a livello sovranazionale, mentre l'europeizzazione si costruisce mano a mano come effetto duraturo del processo sopra menzionato. A questo punto possiamo dire che l'europeizzazione significa cambio, addattamento, sviluppo e costruzione degli stati

⁶ Dăianu Daniel, *Pariul României* (2004), București, ed. Compania, p. 180.

all'interno della struttura Europea. Per gli stati che non ne fanno ancora parte, l'europeizzazione è essa stessa un atto politico volontario di trasferimento politico ed istituzionale, una scuola di insegnamento e imitazione anche⁷.

In quello che riguarda la confusione nel associare il termine modernizzazione a quello di integrazione, rispettivamente europeizzazione, il dibattito nel ambito culturale romeno è ancora più antico dell'apparizione delle istituzioni comunitarie. Se dovessimo fare una sintesi del significato e dell'importanza del fenomeno integrativo dal punto di vista del modello culturale rumeno dell'inizio del secolo (in maniera popolare), allora dovremmo dire che la modernizzazione della società romena significa infatti una sua occidentalizzazione⁸.

In presente, nei diversi ceti della società romena si sta formando la convinzione che l'ingresso della Romania nelle strutture europee sia una via sicura verso un progresso costante accanto agli altri stati comunitari. L'élite politica e culturale romena associa l'integrazione all'idea di modernizzazione e progresso economico e sociale. In questo modo l'ingresso della Romania nell'Unione è visto come un processo più che necessario. Gli specialisti in vari campi, osservatori del processo di integrazione della Romania, considerano che il diventare uno stato con pieni diritti nel ambito dell'Unione Europea, porterebbe a buon fine una difficile transizione politica ed economica. Gli analisti economici e gli economisti in genere accordano che l'ingresso della Romania nell'Unione Europea consentirebbe un *contenuto pieno alla sua forma*, e che le relazioni ulteriori con lo spazio comunitario fornirebbe quel impulso necessario per superare gli sfasamenti economici ancora presenti in paragone con i paesi prosperi⁹.

In quello che riguarda la percezione del processo di integrazione a livello individuale, i sondaggi danno una chiara prova del fatto che i

⁷ Dobre Ana Maria, Coman Ramona, *op. cit.*, p. 14.

⁸ Lovinescu Eugen, *Istoria civilizației române moderne* (1992), București, passim.

⁹ Gli studi intrappresi da vari specialisti in economia mostrano che il ricupero da parte della Romania dello sfasamento economico non è possibile che su un periodo più lungo di tempo. Così nell'ipotesi di una crescita economica annuale di 5% per la Romania e di 2% per l'Unione Europea, saranno necessari 21 anni perchè l'economia romena raggiunga la metà del livello di convergenza con la media comunitaria, Dăianu Daniel, *op. cit.*, p. 182.

romeni mostrano un sentimento positivo nel confronto dell'integrazione e dell'europeizzazione. In conformità agli studi e alle ricerche interne in campo, oltre la metà della popolazione della Romania considera che l'integrazione *de facto*, tanto a livello nazionale quanto a livello individuale, porterebbe dei benefici economici (crescita economica, efficienza e rendimento), politici (il miglioramento dell'immagine estera della Romania), e piano piano anche sociali (crescita della qualità e del livello della vita)¹⁰.

La Romania per l'Europa

L'analisi di alcuni aspetti riguardanti il fenomeno dell'integrazione, ed in genere la relazione con l'Unione Europea impone non solo discutere sopra il problema dell'impatto che l'Unione avrebbe sulla Romania (la dimensione *top-down*), ma anche i legami e le conseguenze che si stabiliscono in senso contrario, dalla Romania verso l'U.E., (la dimensione *bottom-up*)¹¹.

È sicuramente evidente oramai il fatto che l'impatto dei paesi dell'Europa Central-Orientale sopra il processo decisionale o sopra il quadro istituzionale dell'Unione Europea, guadagnerà consistenza con il passare del tempo. A livello pre-integrativo, la relazione stabilita tra la Romania e l'Unione, potrebbe essere un contributo che il paese sopra nominato potrebbe portare alle strutture europee. Si necessita quà la specificazione che dal punto di vista geopolitico, la Romania potrebbe costituire un punto di stabilità e di sicurezza della zona de Mar Nero e dei Balcani. Per evidenziare in una maniera più chiara i benefici che la Romania potrebbe portare all'Unione Europea, dobbiamo comunque prendere in considerazione soprattutto gli aspetti economici e culturali.

Il passaggio da un'economia centralizzata improntata sul comunismo ad un'economia di mercato in Romania è stato uno difficilissimo appunto per la rigidità delle strutture economiche create dal

¹⁰ Le indagini effettuati in paese indicano il fatto che dal punto di vista socio-professionale, i principali sostenitori del processo di integrazione sono i politici, gli intellettuali (liber-professionisti, professori ecc), gli intraprenditori, gli stipendiati, i funzionari pubblici, ed in una più bassa misura i paesani, i pensionari ed i disoccupati.

¹¹ *Dobre Ana Maria, Coman Ramona, op. cit., p.17.*

regime comunista. Nonostante questo, il processo delle ristrutturazioni e della privatizzazione ha fatto sì che alcuni campi dell'industria Romana diventino competitivi sia al livello dei prezzi, sia al livello della qualità dei prodotti. Così si spiega il fatto che alla fine del 9 decennio, le merci esportati dalla Romania verso l'Unione Europea rappresentavano il 35,9% della produzione dell'industria tessile e delle confezioni, il 12% dell'industria delle macchine e delle attrezzature, rispettivamente dell'industria siderurgica e quasi l'8% dell'industria dei mobili¹².

Nel contesto dell'ingresso della Romania nell'Unione Europea, esistono alcune industrie che potrebbero tener petto con successo alla competitività venuta da parte dell'Unione, costituendo pregi della qualità e dell'originalità romana. Un simile esempio potrebbe essere l'industria aeronautica (IAR Braşov) che contribuisce con prodotti di base per la struttura degli aerei Airbus. L'industria del legno potrebbe rappresentare in futuro un marchio romeno eccellente, materializzato in prodotti di mobili di legno e prodotti artigianali ottenuti da essenze naturali. L'industria dei mobili è infatti uno dei pochi campi dell'economia romana che presenta una dipendenza bassa al riguardo della produzione in Lohn (prodotti ottenuti in Romania, utilizzando materie prime portati dall'estero). Alcune fabbriche dell'industria tessile e delle confezioni possono già essere considerate come punti validi per prodotti di alta qualità conformi alle norme comunitarie (Brainconf lavora per la celebre casa di moda Valentino ecc). In più la Romania è diventata negli ultimi anni, e si mantiene in questa posizione, il principale fornitore degli articoli di abbigliamento (confezioni, biancheria, maglieria) dell'Unione Europea, lasciando dietro di molto la Polonia, la Repubblica Ceca, l'Ungheria e la Bulgaria¹³. Anche l'industria siderurgica e metalurgica ha riconquistato un po' del prestigio e dell'importanza che aveva prima dell'istaurazione del comunismo in Romania, se prendiamo in considerazione la continua crescita degli esporti in questo campo verso l'Unione Europea. Un esempio illustrativo potrebbe essere la fabbrica di vagoni Astra Arad, una società con capitale

¹² Sanda Gabriel, *Integrarea economiei României în Uniunea Europeană* (2003), Tîrgu-Jiu, ed. Rhabon, p. 127.

¹³ Popescu Doina, *Industria ușoară din România-integrare economică europeană* (2005), Bucureşti, ed. ASE, p. 48-49.

predominante italiano negli anni '20, una delle più competitive unità di profilo dell'Europa e che oggi si trova in processo di modernizzazione.

A questi esempi di natura economica possiamo aggiungere il capitale umano romeno, performante e competitivo. La competenza degli specialisti romeni in campo dell'alta tecnologia informatica (IT) costituisce un valido argomento a favore della creazione di un'immagine esterna positiva della Romania. Questo paese dispone realmente di una forza di lavoro molto ben qualificata nel dominio IT (software). I dati statistici (Brainbench) considerano la Romania sul 6 posto tra i primi 10 paesi del mondo in quello che riguarda la disponibilità della forza di lavoro IT qualificata¹⁴, ciò che dimostra uno straordinario vantaggio competitivo a favore della Romania, tanto a livello europeo quanto a livello mondiale.

Gli specialisti del dominio finanzia-bancario o anche degli altri settori (come la salute ecc) possono costituire anche loro, benchè in una più piccola misura, un etalone di forza di lavoro qualificata. Al livello dell'insegnamento, il numero in crescita costante degli studenti, masterandi e dottorandi romeni iscritti alle prestigiose università europee e ulteriormente partecipi nelle *team* di ricerca dei paesi in cui avevano effettuato e finalizzato gli studi, certifica la qualità ed il valore professionale dei giovani specialisti romeni.

La Romania e l'Italia

Riprendere il problema dei rapporti politici ed economici fra i due paesi in queste pagine è giustificabile per tradizione e per stabilità. La caduta del regime comunista e la spinta che la Romania ha preso verso la democrazia e verso un'economia di mercato, ha condotto non solo alla ripresa ma anche ad un certo ampliamento dei rapporti politici economici e culturali fra la Romania e l'Italia.

Le relazioni politiche fra la Romania e l'Italia si sono ampliate negli ultimi anni ed hanno acquisito una profondità sempre più grande. Infatti, l'Italia è stata un sostenitore costante per l'ingresso della Romania nelle strutture europee, sottolineando ogni volta l'importanza di questo processo

¹⁴ Jinaru Aron, *Noua economie din perspectiva aderării României la Uniunea Europeană* (2002), Bucureşti, Institutul European din România, p. 182.

integrativo. Nel contesto dei rapporti culturali bilaterali, la Romania ha in Italia più istituti di cultura e dipartimenti di lingua romena che in qualunque altro paese europeo, e svolge estesi scambi culturali in virtù delle afinità linguistiche e culturali con il soprannominato paese europeo.

L'interesse nel discutere sugli scambi commerciali romeno-italiani, è ovvio vista l'importanza che questi scambi dettengono nel contesto del commercio estero romeno. Ed è imperativo che vengano annalizzate le caratteristiche degli investimenti italiani in Romania siccome ad oggi sono i più costanti, sostanziali e rilevanti investimenti del perimetro romeno. Infatti, le ditte italiane dettengono il primo posto nella gerarchia delle ditte con capitale straniero in Romania, e non solo ma queste ditte sono riuscite ad imprimere con successo l'efficace IPM in Romania (Timisoara, Alba, Cluj), ed a promuovere lo spirito intraprenditoriale e aziendale in questo nuovo spazio europeo.

Dopo 1990, negli scambi commerciali tra la Romania e l'Italia sono stati registrati risultati importanti per la formazione di convenzioni e protocolli: il Protocollo riguardante la creazione del gruppo di lavoro intergovernamentale romeno-italiano per gli scambi e la cooperazione economica ed industriale, la Dichiarazione riguardante il partenariato strategico romeno-italiano (1997), l'Accordo governamentale riguardante la promozione e la protezione reciproca degli investimenti (1990), il Memorandum di cooperazione nel campo delle imprese piccole e medie.

Sin dall'inizio dell'orientamento democratico della Romania, l'Italia è stato uno dei partner più importanti di questo paese. Di conseguenza, se tra gli anni 1993-1998, l'Italia è stato il terzo partner commerciale della Romania, dopo la Francia e la Germania, il valore degli scambi con l'Italia rappresentando tra il 20,3% ed il 23% dal volume totale degli scambi commerciali della Romania¹⁵, dopo il 1999, l'Italia occupa il primo posto per il volume totale degli scambi commerciali con la Romania, arrivando al momento in cui nell'anno 2002, questi scambi rappresentino un procento di 24,11% dal totale¹⁶. In un certo modo, la maggior parte degli scambi commerciali con l'Italia si giustifica tramite un alto potenziale economico di questo paese e le tradizioni economiche comuni avute con questo.

¹⁵ Niculescu N.C., Adumitrăcesei J.D., *România pe calea integrării economice europene* (2001), București, ed. Economica, p. 216.

¹⁶ Bernardo Gasparini, *Le imprese italiane e la Romania* (2005), Cluj, Eikon, , p. 81.

I principali gruppi di prodotti esportati dalla Romania verso l'Italia in questo periodo, sono stati: prodotti tessili, prodotti di pelle, minerali ferrosi e non ferrosi, prodotti chimici, legno e mobili di legno, materie plastiche. Le principali merci importate dall'Italia verso la Romania sono stati: prodotti tessili e di calzature, prodotti chimici, attrezzature e macchine agricole ed industriali, apparecchi elettronici. Come si può vedere, i settori che predominano negli scambi commerciali dalla Romania verso l'Italia sono quasi unicamente i settori tradizionali, che producono merci, in genere, di valore più basso della Partita IVA, mentre nel caso degli importazioni predominano le materie prime, i prefabbricati e le attrezzature.

Dalla prospettiva geografica, le regioni italiane che sviluppano i più intensi scambi commerciali con la Romania sono nell'ordine dell'importanza: il Veneto, la Lombardia, la Toscana, l'Emilia Romagna, il Piemonte, Lazio, l'Umbria, cioè le regioni dell'Italia Settentrionale e Centrale¹⁷.

Gli scambi commerciali romeno-italiani sono fortissimamente correlati all'attività degli investimenti italiani diretti in Romania. La presenza delle aziende italiane in Romania, sono senz'altro un capitolo essenziale nel quadro delle relazioni economiche tra i due paesi.

Dal punto di vista dell'importanza detenuta da questo capitale nell'economia romena, i dati statistici ufficiali indicavano nel gennaio del 2006, il fatto che gli investimenti italiani rappresentavano nell'ambiente del capitale sociale sottoscritto una cifra oltre a 753 milioni euro del totale degli investimenti stranieri in Romania, cioè il quarto posto nella gerarchia dei paesi europei dopo l'Olanda, la Francia e la Germania. A seconda del numero delle aziende (conforme agli dati statistici ufficiali del Ministero degli Esteri Romeno, in gennaio 2006 esistevano in Romania quasi 18.000 aziende italiane) cioè il primo luogo nella gerarchia, immediatamente dopo situandosi la Germania, l'Ungheria e la Francia¹⁸.

Risulta da questi dati, il fatto che le aziende italiane presente nella Romania sono, per di più, di dimensioni piccole e medie, l'elasticità del modello degli IPM italiani essendo una caratteristica definitoria di questo

¹⁷ *Ibidem*, p. 84.

¹⁸ www.mae.ro, La politica estera, Relazioni bilaterali, Repubblica Italiana, imprese con capitale italiano, data di accesso 12 ottobre 2006.

capitale, che permette una più facile adattabilità alla realtà del medio di affari dell'economia romena. Tuttavia, gli investimenti italiani in questo paese sono rappresentati anche da una serie di grandi aziende come: Ansaldo (nel campo nucleare e dell'elettricità), Agip Petroli (nell'industria petrolifera), ambedue essendo aziende con tradizione investimentaria in Romania, se pensiamo anche al fatto che queste imprese sono essistite anche fra le due guerre¹⁹, poi Incom, Stefanel, Benetton (l'industria tessile), Zanussi (elettrocasniche), Fiat (l'industria auto), Natuzzi (l'industria dei mobili), Beltrame (l'industria siderurgica) ecc. Il sistema bancario italiano è costituito in presente in Romania da otto banche: sucusali della Banca Italo-Romena, del Gruppo Veneto, della Banca di Roma, della Banca UniCredit, della Banca Intesa, della Banca Monte dei Paschi, della Banca Popolare di Verona, della Banca San Paolo e la IMI Bank Romania.

I principali campi di interesse delle società con capitale italiano sono nell'ordine dell'importanza: il campo industriale (l'industria tessile e delle confezioni, l'industria delle costruzioni, l'industria siderurgica, l'industria del legno e dei mobili), il campo commerciale (il commercio all'ingrosso ed al dettaglio), il campo agricolo, il campo degli servizi, del turismo e del trasporto.

Le ragioni per cui il capitale italiano è presente in Romania sono collegate al desiderio di ottenere dei profitti dall'esistenza di alcune facilità di natura fiscale (regime fiscale per gli investitori stranieri uguale a quello per i romeni), di natura vamale (esonerazioni dal pagamento di alcuni tassi per le IPM ecc), o qualunque altro tipo di facilità che si riferisca alle zone sfavorite della Romania, alle zone libere o ai parchi scientifici. A questo possiamo aggiungere anche le affinità culturali ed in alcuni casi l'esistenza di una certa tradizione di collaborazione economica. Per mettere meglio in rilievo questo ultimo aspetto, dobbiamo specificare che la presenza del capitale italiano nell'economia romena attuale è almeno dal punto di vista del numero delle aziende qui presenti, e della diversità dell'interesse verso il nostro paese, ancora più rappresentativa di quanto ne era durante il periodo fra le due guerre mondiali.

Sicuramente, l'ingresso *de facto* della Romania nell'Unione Europea rafforzerebbe e approfondirebbe le relazioni economiche, sociali e culturali

¹⁹ Anca Stângaciu, *Capitalul italian în economia românească între anii 1919-1939* (2004), Cluj, ed. EFES, passim.

fra la Romania e gli altri stati comunitari, principalmente nel beneficio della Romania, e perchè no, dell' Unione Europea.

Conclusioni

L'élite politica e culturale romena e la società romena in genere, associa all'idea dell'ingresso nell'Unione Europea, l'idea della modernizzazione e del progresso del proprio paese. Perciò il fenomeno d'integrazione diventa un processo più che necessario per il benessere europeo della Romania. L'ingresso e l'alineamento alle strutture communitarie potrebbe segnare la fine di un processo di transizione politica ed economica e presentare delle garanzie per il progresso costante della Romania accanto agli altri stati membri. Il processo di europenizzazione come effetto dell'ingresso nelle strutture europee significa anche alineamento, sviluppo e ricostruzione della Romania come partner europeo, cioè uno sviluppo che porta una crescita economica nel senso più concreto, ed un reale cambiamento di mentalità e di stile di vita.

Si intrevvede che lo sviluppo dei rapporti con l'Italia e soprattutto la diversificazione degli scambi commerciali e delle attività d'investimento, diventi in futuro un vantaggio in beneficio della Romania, come nel contributo di capitale, know-how, strategie d'investimento, e anche un passo importante nella creazione di veritabili modelli distrittuali di tipo IPM. L'ingresso della Romania nell'Unione Europea manterrà costante l'interesse degli imprenditori italiani per l'economia romena e porterà alla diversificazione dei rapporti bilaterali fra i due stati.

ENTREPRENEURSHIP AND REGIONAL DEVELOPMENT IN ROMANIA

Valentin Cojanu*

Abstract

During the last decade, Romanian economy has been experiencing a multifaceted process of openness, which challenges the balanced regional development as inherited from the communist regime. This study follows the Schumpeterian vision on economic development and investigates Romania's regional evolutions through the prism of the entrepreneurial milieu. The findings are revealed by a statistical analysis of clustering the Romanian counties according to 33 indicators of economic and social development. There were identified counties that lack entrepreneurial capability, those that expose a high potential and counties that fare remarkably well in this area. The material concludes with the observation that the sources of development are distributed throughout the country in close correlation with local abilities to take better advantage of generic determinants of entrepreneurship.

Introduction

For more than a decade, the Romanian economy has been taking part in a multi-stage opening process which embraces at once commitments towards market economy and integration within the European area. How these challenges are going to affect the level of development at both regional and national level is subject to various interpretations. To the economist's intrigue, the answers do not come necessarily from his or her object of study. In a reference work, the sociologist Max Weber (1920) related the performance of the economic enterprise directly to religious convictions. The historian Nicolae Iorga (1905) believed in the influence of the superior

* Valentin Cojanu holds a Senior Lectureship on *International Trade and Competition* with the Academy of Academic Studies in Bucharest

culture and referring to the Romanian territories he said that the western part (Ardealul) "was there to give the Principalities and especially to the Romanian country... what was necessary to become civilized in an occidental sense." The institutional school (e.g. North 1990) gained ground considerably through its emphasis on arguments like good governance, state of law, or cultural traditions that at times relegate the issue of proper functioning of the economy to secondary importance. Meanwhile, the economic science builds its theoretical underpinnings on the benefits of free market and liberal economic policies, but leaves aside in the conventional approach *punctum saliens* of any productive activity: the formation of economic initiative.

In the context of the Romanian economy, outstanding spirits from a wide array of disciplines—economists like Mihail Manoilescu and Virgil Madgearu, historians like A.D. Xenopol and Nicolae Iorga, literary scholars like Mihai Eminescu, Titu Maiorescu, and Eugen Lovinescu, or philosophers like Constantin Radulescu-Motru—belong to the group of the enlightened thinkers who opened the debate in the very first years of modern Romania. One of their arguments has constantly appeared among the accepted explanations: Romanians are not sufficiently adapted to the productive work. Ironically, these ideas were so broadly shared in a time when the technical maturity of the Romanian specialists rivalled with their colleagues' from developed countries in various fields such as mechanics, aviation, industrial constructions, or geology (Răduleț 2000, 130ff).

The pessimistic note of the intellectual tradition was confirmed somehow by the existence of significant development gaps between the historic regions of the country which allegedly exposed different regional economic traditions. In 1938, a period earmarked for the impressive capitalist development in Romania, Oltenia was participating to the industrial production of the country with only 2% as opposed to a maximum contribution of the South-East region of 31.4% (Turnock 1974, 147). The subsequent socialist industrialization achieved a better spatially distribution of economic activities¹, which soon after the opening of the economy has to resist the adverse centrifugal or centripetal forces of location. The disintegration of the industrial systems has resulted in a

¹ In 2001, the eight development regions were contributing to the formation of the gross domestic product with close values between 9% and 12% (INS 2005).

process of industrial fragmentation (Iancu 2002, 57 – 71) with regional localization of activities taking place in a more and less arbitrary manner.

This material proposes a Schumpeterian vision of development by approaching regional evolutions through the study of entrepreneurship. The next section tackles the argument of the enterprise development at regional level by hypothesizing that this development is considered the best approximation of the economy capacity to dynamically face the multiple challenges of the economic opening. The conditions of entrepreneurial development by county level are contrasted in a separate section which groups various evolutions depending on thirty-three indicators of social and economic development.

This investigation attempts to eliminate certain arbitrary or circumstantial criteria which give a certain superiority to certain regions of development. On the contrary, the resulting conclusion is that the development sources are regionally divided in a strong relation to the local abilities to put at good use certain common determining factors of the entrepreneurial initiative. The material concludes that various regional developments are accounted for by an emerging entrepreneurship potential, independently of certain geographical cliché or of any deterministic nature.

Background and theoretical approach

The emergence of new perspectives in creating competitive advantages at national level clearly emphasizes the role of local factors and economic initiative in the general economic development of a country through conceptual constructions such as industrial clusters or districts, innovation networks or competence centres. However, at the same time there is a reduced offer of empirical analysis which examines the relation between economic initiative and local economical development systematically (OECD 2003, 10; 13). This section attempts to review the main arguments that substantiate the interdependence between entrepreneurship and development and to glance through the workings of the real economy with the help of some empirical evidence on the Romanian economy. Against that background, a methodology to link development to entrepreneurship is proposed and subsequently discussed.

Entrepreneurship and regional development: theoretical arguments

It has been always emphasised (e.g. Audretsch 2002) the fact that making use of the productive and innovating potential of the economy represents an essential preoccupation in most developed countries, especially by adopting specific supporting and enterprise development policies. The approach has been enriched from two complementary directions.

In one perspective, the theories which put the actors' (entrepreneurs') capacity at the forefront of their explanations were completed by descriptions based on environmental factors. Much stimulated by the new economic geography, the empirical studies thus began considering the economic–geographical space within which the regional entrepreneurship develops. According to Wagner (2004), the enterprising initiative must be treated as a regional phenomenon; the enterprising person is part of a regional-personal system.

One major achievement of this literature consists in the representation of the regional environment by three important groups of influences on entrepreneurship, namely factors specific to the macro-climate, micro-climate factors and factors specific to each person. The enterprise macro-climate is characterized by indicators which reflect such aspects as regional infrastructure, regional cultural level, economic situation, or political systems. All these factors however receive different interpretations and therefore the micro-climate factors of the entrepreneur's "world" are represented by this infinite variety of ways of perceiving the surrounding reality. Thus, the reactions, the vision, the strategy, the action manner, the efficiency and of course the success are mostly the result of micro-climate factors beneficial for the enterprise initiative. Another category of factors specific to the entrepreneur includes age, gender, social status, education level; these factors can describe the intensity of the latent enterprise initiative or the evolution of the already manifested one.

In a second perspective, the theoretical background increasingly combines the macro aspects of industrial policy with the regional ones of the economics of agglomerations. The EU experts wonder in a report of the European Commission (2002) if cluster policy is not a way of reaching the EU landmark objective of becoming the most competitive region in the world at the horizon of 2010. The same study offers details that are less

common for standard economic texts: the initiatives dedicated to generating new businesses were equally divided between medium and big urban localities, and rural ones and small towns (European Commission 2002, 21). This is *prima facie* evidence regarding the existence of some conditions for the development related rather to the economy of the region than to some inherently better influences, of historical, psychological or any other nature.

Beyond the academic preoccupation, it can be distinguished a reorientation of the public attention towards this kind of problems. For example, if the annual competitiveness reports of the European Union (EU) focused at the beginning only on the comparison between EU and its advanced peers, the last reports reveal a need of extending the analysis regarding the implications of the competitive policies to a national level.² This particularly means that regional competitiveness plays a new, enhanced role through its emphasis on regions that enjoy the biggest increases of competitiveness. At the same time, the regional level of analysis also crosses the national borders by drawing attention to the way the productive capacities are reallocated in the widened European area especially because of the increase of the industrial production in those fields where important economies of scale (internal or external) can be achieved.

The empirical analyses for Romania offer similar arguments when applied to the formation of local initiative. In such a case, the EU financially supported project "West-East Industrial Districts" studied the mechanisms of founding, functioning, evolution and involution of the industrial districts with particular emphasis on the enlargement phase. From the authors' point of view (Borras et al. 2004), the development of local concentration of small and medium factories represents a means of economic progress. In most cases, these concentrations from Eastern Europe have a correspondent in Western Europe. The two groups of companies engage in collaborative efforts of many sorts, such as financing, technology, research, fabrication, products sale, purchasing of raw materials, etc. It is thus created a complex, trans-national social-economic

² The full set of reports on competitiveness can be found at http://ec.europa.eu/enterprise/enterprise_policy/competitiveness/

environment, where the integration and the conscious development of the groups leave a far-reaching impact on regional development.

Entrepreneurship and regional development: the Romanian case

The SMES play a predominant role in the Romanian economy, accounting for 98% of all companies, having a significant contribution to the formation of GDP and to the creation of jobs. On the other hand, there is a huge discrepancy regarding the performances of the enterprise sector comparatively to EU: the turnover per enterprise, as well as per employee is almost 10 times smaller (INS 2003). The gap highlights the problematic issue of entrepreneurship on the way to EU membership.

The importance of the enterprise development at regional level in Romania was acknowledged by including the assistance and support programmes for SMES (Small and Medium-sized Enterprises) in the programme platform of most Romanian political parties (Government of Romanian 2004; 2005). However, institutionalizing a regional development policy was visibly imposed by EU policies and demands in formulating programmes to absorb the Structural Funds (Cojanu et al. 2004).

The familiar image resulting from the regional development in Romania is the one of significant discrepancies. In 2004, the volume of foreign direct investments inflows was concentrated in the North–East and South–East regions in a proportion of 1.8 % in evident contrast with the Central region (8%), the South region (6.7%) or the three West regions (6.1%) (ARIS 2004, 10). There are other several indicators, from the production value per inhabitant and the presence of good infrastructure networks to labour qualification, that show without doubt that those regional gaps are consistent. However, there are at least two features of the development in Romania which seem to indicate a more expressive image of the possibilities of the regions to develop: first, it is the reality of common difficulties and opportunities which are not geographically individualized and, second, taking into considerations a wider area of indicators directly linked to entrepreneurship may suggest a different, more diverse picture of economic initiatives spurring at regional level.

Regarding the first aspect, a survey addressed to the SMES population (in the period April – June 2004) (ANSMCC 2004) emphasizes

several common challenges that this sector needs to adapt to. To put it differently, this survey reveals that the entrepreneurial initiative should overcome mainly obstacles of horizontal rather regional nature, among them including:

- The modernization process: In 2000–2002, only 9.2% of the small companies and 20.3% of the medium ones invested in innovation and modernization, as opposed to 48.3% in the category of the big companies.

- The "lohn" system: The dependence on this system extends to most exporting industries, like textiles and clothing industry (93%), machinery industry (55.3%), chemical industry (32%), food industry (19.1%), and wood industry (6%).

- The access to financing: Most of the investments are sustained from their own funds in varying proportions from 77.4% to 87.5%, depending on the size of the business, in stark contrast with data for developed countries, where similar figures amount to ca. 30% (OECD 2005).

A second line of arguments strengthens the idea of the existence of specific, local factors that would not necessarily grant better circumstances for development. An elaborated and illustrative construct is the Regional Specialization Index (RSI) (ANSMCC 2004) which measures the regional specialization against the sectoral structure of the economy at national level. The picture that emerges is that of an economy with different regional capabilities for development. The Bucharest–Ilfov (BI), South–West (SW) and South–East (SE) regions are relatively specialized in the service sector, the prominent one at the national level, with indices of 107, 105 and, respectively, 103, while the South (S), Centre (C), North–West (NW), West (W) and North–East (NE) regions are under-specialized in this sector. On the other side, the C, NW, W and NE host several industrial companies that makes RSI exceed the national average, with indices of 130 for C, 125 for NW, 120 for W and 114 for NE. BI, W, C and NW are regions specialized in construction, while the S has a higher index in the agricultural field, 164, followed by W with 140, SE with 125, C with 113 and NE with 109.

Analysis on entrepreneurship and regional development

In order to highlight the entrepreneurial environment at regional level, a selection of indicators has been drawn from the territorial statistics elaborated by the Statistics National Institute (INS 2005), probably the most authoritative database to date. Comprehensive though it is, the selection spectrum does not go into too much detail and leaves aside some useful information as for example that surrounding individual entrepreneurial development (extent of personal abilities, motivations, perception of marketplace, opportunities, business experience etc.) or that related to political evolutions with economic impact which inherently is much hardly quantifiable.

Given the limitations, the dataset has been selected with respect to the longest possible list of economic and social-cultural aspects which by and large correspond to the macro- and micro-climate of influences on entrepreneurship. A set of thirty-three indicators³ has been processed for all 42 regional administrative counties / units with the help of the statistical software SPSS, using the cluster method. This cluster method is based on a specific algorithm for an optimum grouping of the counties depending on the similarities and differences between the selected indicators. The

³ Inhabitants per square kilometre -**LOCKM**, Active employed population -**POC**, Unemployment rate -**R-SOM**, School population within the pre-school education -**PSPRS**, School population within the superior education -**PSSUP**, Average number of the employees -**NMS**, Average number of the employees within industry -**NMSI**, Average number of the employees within constructions -**NMSCNS**, Average number of the employees within commerce -**NMSCOM**, Average number of the employees within hotels and restaurants -**NMSHR**, Average number of the employees within transport, storing and communications -**NMSTDC**, Average number of the employees within financial services -**NMSIF**, Average number of the employees within real estate transactions and other services -**NMSTIAS**, Average nominal monthly net salary -**CSMNL**, Active local units within industry, constructions, commerce and other services - **ULAICCS**, Turnover -**CA**, Gross investments -**IB**, Employees within the development research activity per 1000 civil employed persons -**SACD**, Total expenses in the development research activity -**CTACD**, Total number of libraries -**NTB**, Identified sportsmen -**SL**, Number of hospitals -**NS**, Number of beds in hospitals -**NPS**, Criminality rate (crimes investigated by police per 10000 inhabitants) -**R-CRIM**, Total income to the local budget -**TVBL**, Turnover per inhabitant - **CAPLOC**, Gross investments per inhabitant -**IBPLOC**, ULAICCS per inhabitant - **ULAPLOC**, CTACD per inhabitant -**CTACDLOC**, SL reported to the number of inhabitants -**SLLOC**, NS reported to the volume of the population -**NSPITLOC**, NPS reported to the volume of the population -**NPSLOC**, TVBL per inhabitant -**TVBLPLOC**.

programme groups similar counties based on the selected indicators while the particular cases presenting specific properties much different from the other cases, appear separately.

The "cluster" number or the number of similar areas (counties) has been set to eight. This option is sustained by the argument that there are as many development regions, and by analogy there can be observed how the counties fare in this statistical investigation as opposed to their administrative location. On the other hand, other types of divisions which were experimented, for example in groups of 2, 4, or 6, frequently led to many groups represented by only one county that made the analysis highly irrelevant.

The conclusions include observations on various iterations depending on different combinations of the chosen indicators, but a special significance has been given to the combination that gets together the whole set. Particular references are made only to this latter case. The results are given in Table 1 and Figures 1 and 2 in the appendix. The findings attempt to reveal local areas of development (counties) with a developed entrepreneurial spirit, those that possess such potential and those with a poor situation and contrast these more nuanced results with the familiar image of, say, discrepancies between the advanced West and the poor East.

There should be first noted that the processed data reveal several "isolated" countries/areas-Bucuresti, Arges, Constanta, Mehedinti-which for some reason singularize themselves. As expected, Bucuresti comes highly on top with extremely positive levels on all indicators, with the exception of the criminality rate, in comparison to the rest of the country. As for the other groups, they usually expose a particular combination of favourable and less favourable characteristics that require interpretations from case to case. For example, Constanța appears to have a somewhat established entrepreneurial environment, but what sets it apart is a very low level of development in the research area. Due to an exceptionally high level of activity in two service sectors-tourism and transportation-that do not require big product development expenditures, the overall score may still rank this county in the top league. However, in order to improve the accuracy of assessments in such cases, Table 1 enlists what are the common characteristics of each cluster and Figure 2 is added to illustrate a narrow

representation of development which is based on a selected set of indicators of mainly economic nature.

More interestingly, the forming of a cluster of counties with very good performance levels-Braşov, Timiş, Cluj, Iaşi, Bihor, Bacău, Galaţi, Prahova, Mureş, Dolj (Table 1, second row)-is suggestive of a remarkably even distribution of entrepreneurial activity throughout the country. According to the logic of this methodology, these counties show the highest level of the enterprise development. Two observations arise in this context. First, this group features a sub-cluster consisting of Braşov, Timiş, Bihor, Cluj, and Iaşi that preserves its particularities over repeated iterations. On the basis of previous commentaries, adding to the large group Bucuresti, Arges and Constanta will make up for a more faithful illustration of the first tier of entrepreneurial development in Romania. Second, it should be also noted that several counties in this group disproportionately take advantage of the presence of either a large company (e.g. Dolj-*Daewoo Automobile*, Galați-*Mittal Steel*, Argeş-*Renault*), or industry (Prahova-crude oil). It is under these circumstances that the limits of the statistical investigation become mostly visible.

There are still other several counties with a manifest good potential for enterprise development, but in their case adequate support programmes are needed. For counties like Arad, Sibiu, Alba, Satu-Mare, Maramureş, Vâlcea, Gorj, Covasna, Harghita, and Suceava an encouraging environment for economic initiative develops amidst slight "sparkles" in certain fields and small disequilibrium in others. Rest of the counties finds below or much below average for most of the relevant indicators. In these cases, complex projects will be necessary in order to bring them to acceptable levels of development. A list of the worst performers-Ialomiţa, Caraş-Severin, Giurgiu, Vrancea, Călăraşi, Dâmboviţa, Vaslui, Botoşani-makes clear that at least as far as the bottom rank is concerned there is distinct localization of problematic issues that follow the South – South-East – East alignment.

A notable implication of the analysis consists in the strength of the interdependence between the economic factors and the social-cultural ones within a region. Generally, it may be noticed that counties with a good economic milieu also present a favourable social-cultural situation; the relation goes the other way around too.

Conclusions

This study reaches results that are similar to conclusions of reports touching on the same topic (e.g. UNDP 2004). It nevertheless advances the discussion by finding similarities over a mixed set of influences on entrepreneurship across Romanian regions. The conclusions come in two areas of interest.

Firstly, the results underpin a view on enterprise dynamics that may be reasonably divided in three areas of development. There is first a group that shows a favourable climate for enterprise initiatives, from business performance to market networks and supporting social infrastructure. There are then counties satisfactorily positioned to outgrow their present medium-level enterprise development level. They certainly have strong advantages that must be further pursued, but at the same time favourable conditions must be created for the diversification of the regional enterprise initiatives. Through inadequate policies, these areas with potential can be forced towards involution as well, and it is precisely for this reason that this case requires special attention. Finally, the remaining counties expose such a large range of unsuccessful achievements that makes them unattractive for business development.

Secondly, it is somehow part of the intellectual tradition the fact that regional development should be understood in terms of different business habits, favouring "mentalities", in general, inherently better conditions in certain regions as opposed to others. This investigation acknowledges indeed different practices with regard to regional business initiatives, but the abilities for the establishment of some thriving economic activities find a favourable environment for manifestation in any region. The variety of local conditions and capabilities forms a particular development fabric which should be put to good use through public policies and business strategies.

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Appendix

Table 1 Characteristics of clusters

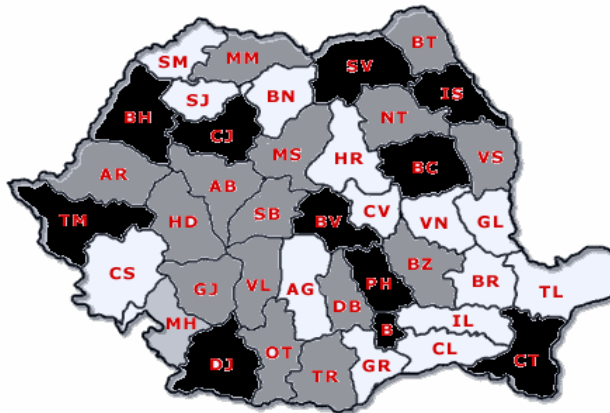
<i>County cluster composition</i>	<i>Common characteristics</i>
București (B)	- Highly positive levels of indicators on all influences under investigation, except for the criminality rate
Bacău (BC), Iași (IS), Suceava (SV), Galato (GL), Prahova (PH), Dolj (DJ), Timiș (TM), Bihor (BH), Cluj (CJ), Brașov (BV)	<ul style="list-style-type: none"> - High density of population - High rate of unemployment - High level of education - Large number of employees - Low salaries - Large number of companies, but relatively few when divided by the number of inhabitants - Interest for research-development area - Very low intensity of sports activities, largely concentrated in few big cities - Adequate sanitary infrastructure - Good level of budgetary revenues
Constanța (CT)	<ul style="list-style-type: none"> - Dense population - High level of employment - Relatively low levels of unemployment - High level of education - Large number of employees, mainly in construction, tourism, transportation, estate transactions and other services - Relatively high salaries - Very high levels of turnover and investments - Relatively high number of libraries - Intense sports activities - Poor quality of health infrastructure - Modest levels of research-development - Medium criminality rate - Very good level of budgetary revenues

Argeş (AG)	<ul style="list-style-type: none"> - Low level of unemployment - High level of educated people - Large number of employees in industrial activities - Small number of employees in construction - Relatively low salaries - Very high levels of turnover and investments 	<ul style="list-style-type: none"> - High spending on research-development - High number of libraries - Intense sports activities - Very good quality of health infrastructure - Medium business density
Gorj (GJ), Hunedoara (HD), Ilfov (IF)	<ul style="list-style-type: none"> - Dense population - Relatively high unemployment, low employment - Poor education - Large number of employees in research-development - Few libraries 	<ul style="list-style-type: none"> - High criminality rate - Low number of companies - Relatively high levels of turnover and investments (on a per capita basis) - Developed sanitary infrastructure - Good level of budgetary revenues
Botoşani (BT), Neamţ (NT), Vaslui (VS), Buzău (BZ), Dâmboviţa (DB), Teleorman (TR), Olt (OT), Vâlcea (VL), Arad (AR), Maramureş (MM), Alba (AB), Mureş (MS), Sibiu (SB)	<ul style="list-style-type: none"> - Relatively low level of density of population - Very low level of employment - High unemployment - Average level of education - Small number of employees - Lowest levels of salaries - Below average number of companies - Modest turnover 	<ul style="list-style-type: none"> - Few investments - Low interest for research development - Few libraries - Modest sports activities - Modest sanitary infrastructure - Low level of budgetary revenues - Average criminality rate

Mehedinți (MH)	<ul style="list-style-type: none"> - Low level of research development - Average levels of turnover and investments - Very few employees in tourism and catering - Relatively intense activity in construction
Brăila (BR), Tulcea (TL), Vrancea (VN), Călărași (CL), Giurgiu (GR), Ialomița (IL), Caraș-Severin (CS), Bistrița-Năsăud (BN), Satu-Mare (SM), Sălaj (SJ), Covasna (CV), Harghita (HG)	<ul style="list-style-type: none"> - Extremely low levels of indicators on all influences under investigation

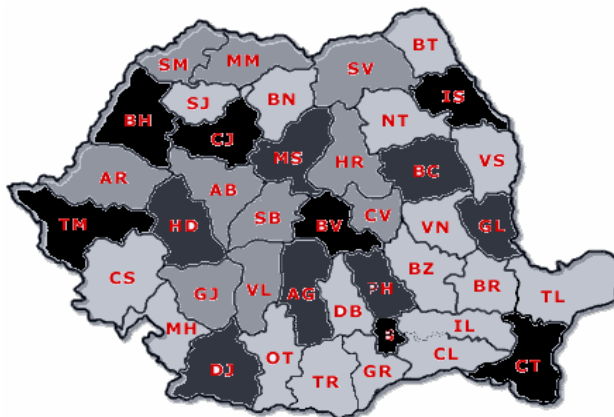
Source: Processed data and statistics from INS (2005)

Figure 1 Map of clusters of entrepreneurial activity (all indicators)



Source: Processed data. A lighter colour means a less favourable scoring on the selected indicators for the particular cluster. The complete datasheets are available from the author on request.

Figure 2 Map of clusters of entrepreneurial activity (selected indicators*)



* LOCKM, POC, R-SOM, NMS, CSMNL, ULAICCS, CA, IB, CTACD, TVBL, R-CRIM, CAPLOC, IBPLOC, CTACDLOC See footnote 4 for definitions.

Source: Processed data. A lighter colour means a less favourable scoring on the selected indicators for the particular cluster. The complete datasheets are available from the author on request.

INNOVATIONS IN BROADBAND: IMPLEMENTING VALUE ADDED NETWORK SERVICES

Vytautas Tvaronavičius
Manuela Tvaronavičienė*

Abstract

Free competition in broadband service provider market accelerates a better Internet usage, brings down the price, and attracts more broadband subscribers. The downward movement of price with a concurrent increase in the cost of service can ultimately lead to losses. In order to successfully and profitably attract and retain subscribers, broadband service providers need to be flexible and increase the stickiness of their offerings. The way to do this is to fully embrace the idea of value added services, such as Voice over IP (VoIP), Television over IP (TVoIP), Video on Demand (VoD), gaming services and so on.

Introduction

Broadband access penetration is breaking new highs. At the same time, with the introduction of technologies such as fiber-to-the-home (FTTH), higher speed DSL and cable-modem access connectivity, broadband internet service providers are in a battle for customer ownership, retention and reduced churn.

In order to differentiate themselves, broadband service providers sell service packages with ever-increasing download / upload speeds and stretch their margins to lower levels to acquire their share of precious customer base.

This situation presents a serious challenge for service providers – the downward movement of price with a concurrent increase in the cost of service – can ultimately lead to losses [1]. In order to successfully and profitably attract and retain subscribers, broadband service providers need to be flexible and increase the stickiness of their offerings. The way to do

* Vilnius Gediminas Technical University, Saulėtekio al. 11, LT-10223 Vilnius-40, Lithuania
E-mails: vytastv@gmail.com, manuela@vv.tvu.lt

this is to fully embrace the idea of value added services, such as Voice over IP (VoIP), Television over IP (TVoIP), Video on Demand (VoD), gaming services and so on.

Broadband Service Access Penetration Growth

With the help of European Union funds, society members are implementing broadband network infrastructure projects that enable enterprises, public sector organizations and households to have a broadband connection and gain the features of broadband data transmission services. A special attention is paid to the rural areas of the members of the European Union [2].

A good example would be the Rural Area Information Technology Broadband Network (RAIN), implemented by the public enterprise "Plačiajuostis internetas" in Lithuania. Broadband connectivity implementation works in Lithuanian rural areas under the project, the value of which amounts to LTL 52.7 million, have been carried out since the 13th of September, 2005 and the finish of the project is planned at the 28th of February, 2008 [3].

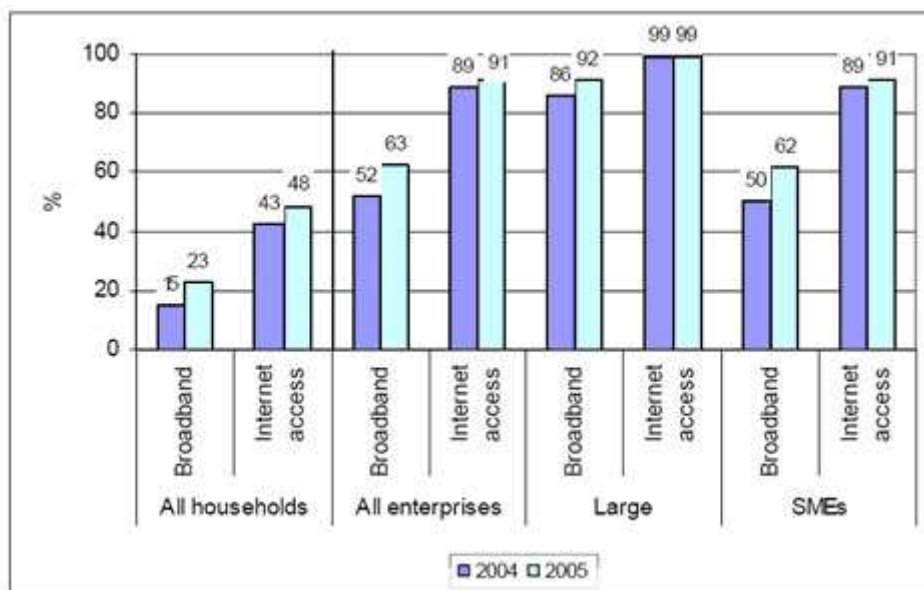
The project schedules the building of fiber-optics based broadband internet bus network channels to all 410 local administrations in the territories of rural local administration centers that do not have broadband internet connectivity. The total length of such channels will amount to 3 000 kilometers and the same amount will be rented from other infrastructure holders. The territories of every local administration centre will be equipped with broadband internet RAIN communication nodes having the access to the worldwide internet network through optical connection channels. The speed of the channels will initially reach no less than 100 Mbps. Optical channels will open up the possibilities of employing, to one's own needs, not only data transmission but telephony and video with these possibilities being continuous, reliable and safe. The network is designed in such a way that its speed is subject to increase without involving considerable costs. Rural area information technology broadband network RAIN is being built for the 20-year period perspective and is going to increase the availability of broadband services in rural areas that are non-attractive for huge investments [4] (see Table 1).

Table 1. Proportion of households having a broadband connection according to the degree of urbanization in 2005 (%)

		EU25	EU15	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK	IS	NO
All	Broadband	23	25	41	5	51	23	30	1	21	:	:	13	4	13	12	39	11	:	54	23	16	20	19	7	36	40	32	63	
	Internet	48	53	50	19	75	62	39	22	36	:	:	39	32	42	16	77	22	:	78	47	30	31	48	23	54	73	60	84	
Dense	Broadband	27	28	40	7	59	25	37	1	26	:	:	16	7	19	20	38	19	:	57	30	26	27	28	15	43	45	34	:	
	Internet	52	55	49	22	80	62	45	29	42	:	:	41	40	50	25	68	32	:	80	49	40	36	53	33	59	67	58	:	
Intermediate	Broadband	23	25	44	5	52	24	u	3	20	:	:	13	3	11	:	42	11	:	53	24	15	16	u	:	42	49	34	69	
	Internet	49	53	54	18	74	61	u	15	34	:	:	38	39	58	:	83	22	:	78	48	31	30	50	:	56	83	54	86	
Sparse	Broadband	15	19	29	3	42	15	22	0	10	:	:	6	1	7	6	36	5	:	49	15	5	11	13	4	30	36	22	54	
	Internet	40	49	41	17	70	62	32	16	23	:	:	34	16	34	9	81	14	:	75	44	19	23	45	19	51	72	57	82	

Source: Eurostat

With the next generation network infrastructure largely in place and high-speed access penetration growing (see Picture 1), the broadband challenge is offering value-added services that leverage existing and emerging broadband access technologies: Fiber-to-the-anything (FTTx), Metro or Gigabit Ethernet (GigE), xDSL or even Wi-Fi or WiMAX innovations [5].



Picture 1. Internet access and broadband connections for enterprises and households – EU25, 2004-2005

Source: Eurostat

The future of broadband is not merely Internet access. It is premium mass market consumer services such as ultra high-speed internet ($\geq 10\text{Mbps}$), streaming audio, broadcast high definition and interactive TV, and online gaming. It is business offerings such as video on demand (VoD), Voice over IP (VoIP), Voice over DSL (VoDSL) or Voice over Broadband (VoBB) for IP Centrex or IP PBX connectivity, distance E-learning and application hosting [6]. It is on-demand services that attract new customers, expand markets and – perhaps more importantly – open new revenue streams for current subscribers, with relatively minimal additional costs to the service provider. Some of these value added services are available today, others are on their way.

Common Network Services

Network services that are usually provided for any internet service subscriber (also known as common data transmission services) include:

- Connectivity to worldwide public networks (Internet connection) service;
- Domain Name System (DNS) service;
- Electronic mail (E-mail) service;
- File Transfer Protocol (FTP) service;
- Instant messaging services;
- Other common network services.

The Internet is a vast collection of different networks that use certain network protocols and provide certain common services. It is an unusual system in that it was not planned by anyone and is not controlled by anyone [7]. The implementation of interconnecting different and frequently incompatible networks is done by means of machines called gateways to make the connection and provide necessary translation, both in terms hardware and software.

Although programs theoretically could refer to hosts, mailboxes and other resources by their network addresses, these addresses are hard for people to remember. Also, if a resource server moves to a different machine with a different network address, the address of the resource has to change. Consequently, ASCII names were introduced to decouple

machine names from machine addresses. Domain Name System (DNS) is a generalized, distributed database system for storing a variety of information related to Internet host naming [8].

Internet services provide service subscribers with important tool – electronic mail service. E-mail is a powerful, sophisticated tool that allows sending text messages and file attachments (documents, pictures, sounds and movies) to anyone with e-mail address. Much like the mail from the post office, e-mail is delivered to a mailbox (a network server for handling electronic messages) [9].

File Transfer Protocol (FTP) service allows a subscriber to transfer files between local and remote host computers. FTP has been around more than two decades and is well entrenched. Numerous FTP servers all over the world allow subscribers anywhere on the Internet to log in and download whatever files have been placed on the FTP server [10].

Although instant messaging services were designed for teenagers, nowadays it is an important business tool especially for virtual organizations, where business communications takes place mostly using the means of information technology. This service, derived from the UNIX talk program is in use since around 1970, allows people to type messages in real time [11].

Value Added Services

Although for businesses that depend on hundreds of terabytes of data and 99,999% availability, the concept of value added services represent the starting point of any discussion on value added services. The business exposure is enormous as even the most minute of failures can lead to irrecoverable losses.

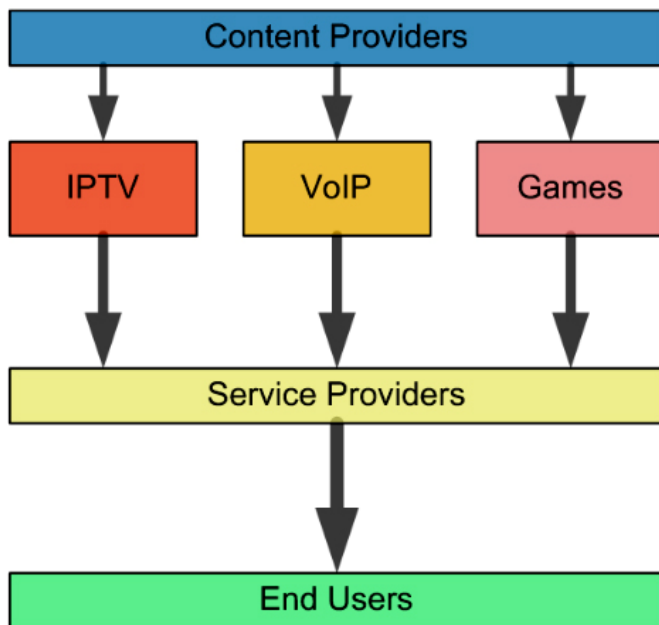
With high-capacity broadband network infrastructure in place, value added services technologically may be implemented with no negative influence to existing high-availability services. Value added services may include:

- Voice over Internet Protocol (VoIP) services;
- Internet Protocol Television (IPTV), Video on Demand (VoD) services;
- Games-on-Demand;

- Other value-added services.

Voice over Internet Protocol (VoIP) is voice delivered using the Internet Protocol. In general, this means that the technology sends voice information (in digital form) in discrete packets rather than in the traditional circuit-committed protocols of public switched telephone network (PSTN) [12]. VoIP, now used somewhat generally, derives from the VoIP Forum that includes Cisco, VocalTec, 3Com and Netspeak to promote the use of ITU H.323, the standard for sending voice and video using IP on the public Internet and within an intranet. A major advantage of VoIP and Internet telephony is that they avoid the tolls charged by ordinary telephone service. Examples of existing broadband networks (B2 in Sweden, FastWeb in Italy, Dubai Internet City in United Arab Emirates and others) show that IP telephony is one of the main services that create attractive force and give more profit to service provider.

Internet Protocol Television (IPTV) is about using an Internet Protocol based distribution platform for delivery of digital services to TV screens in any shape or form (see Picture 2).



Picture 2. IP services: delivery model.

Using IP make it suitable for delivery over broadband networks as an element in multi-service offerings, often referred to as Triple or Quadruple play. IPTV represents a major strategic influence point for TV services, comparable to what VoIP is for usual telephony services. However the real potential for IPTV lies in the innovation possibilities where the differentiation will come from interactivity, multiple streams and High Definition TV (HDTV) capabilities. The interactive capabilities include On-Demand/Time-Shifted TV channels as well as Movies-On-Demand. The interactivity also extends to "personal producers" whereby anybody, person or organization, can produce and distribute content widely or to selected groups of subscribers [13].

Since the time computers were available to the mass market computer games became one of the most popular and profitable market sector of computer industry. Broadband data transmission technology allows service providers to offer Games-on-Demand service as a value added service in their service portfolio. Games-on-Demand services cater to every taste and age group, with the flexibility to offer games for both desktop/laptop and living room gaming environments, through various business models. Small and large games of various genres – action, strategy, sports and more – can be delivered through a bandwidth-efficient streaming delivery method. Streaming provides users a no-install experience for an overall easier click-to-play experience, which in turn encourages additional users to sign up.

Conclusions

The free competition in broadband service provider market accelerates a better Internet construction, brings down the price, and attracts more broadband subscribers. However, there is an urgent need to tackle problems such as an over-concentrated market, the construction of "last mile" infrastructure, and the improvement of quality and contents. Therefore, in the future, service providers will have to work on a differentiation policy instead of cut-throat price competition. And they will have to form alliances to provide value-added services.

Value added service is emerging as a strategically important issue for enterprise and public service provider infrastructures alike. The proposition of this value added multi-service networking is the

combination of all types of communications – data, voice, and video – all on one connection line (see Table 2).

Table 2. An overview of some available value added broadband services

<i>Service</i>	<i>Implementation</i>	<i>Interested market</i>
Voice over Internet Protocol (VoIP)	moderate	enterprise, public sector
Internet Protocol Television (IPTV)	moderate	public sector
Video on Demand (VoD)	complex	enterprise, public sector
Games-on-Demand	easy	public sector

Value added service is a service that increases the worth of your basic offer relative to your competition. It accomplishes three business goals:

- Give the customer something they desire;
- Differentiate you from your competition;
- Insure the company to achieve financial goal.

The benefits of value-added service are:

- Reduced operational costs,
- Higher performance,
- Greater flexibility,
- Integration and control, and;
- Faster new application and service deployment.

Enterprises interest in data, voice, and video integration is fueled by short-term interest in cost savings and increased budget leverage, medium term requirements for emerging application support, and long-term direction for complexity reduction and technology convergence.

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**LE MANAGEMENT INTERCULTUREL ET LES PETITES ET MOYENNES
ENTREPRISES. ETUDE DE CAS: UNE PETITE ET MOYENNE ENTREPRISE,
AVEC CAPITAL D'INVESTISSEMENT ITALIEN ET ROUMAIN, DE
L'INDUSTRIE DU BOIS**

Veronica-Maria Mateescu*

Abstract

The influence of culture on management and organizations is not an unquestionable truth, it constituting a central question for the cross-cultural management field. The cross-cultural management is related especially with the multinational corporation institution. The small and medium-sized enterprises (SME) that also confront, in their internationalization process, with the impact of the cultural diversity are, in general, neglected by the field theorists and practitioners. We tried to identify the cross-cultural management daily practices at the level of a SME from the wood manufacturing industry, with Italian and Romanian participation at the social capital, the investment under the form of SME and in labor intensive sectors (textile, leather or wood industry) being a characteristic of the Italian investments in Romania.

Introduction

Le domaine du management interculturel est, depuis plusieurs années, mis sous les projecteurs, en se constituant comme discipline indépendante d'étude dans la sphère plus large du management. Pourtant, l'influence de la culture sur le management, sur l'organisation et sur le comportement de travail n'est pas communément reconnue parmi les théoriciens et les praticiens du domaine du management et des affaires internationales, en constituant une des questions principales pour le domaine du management interculturel¹. C'est une situation qui pourrait sembler paradoxale dans les

* Veronica-Maria Mateescu, PhD Student in Economics of the University Marne-la-Vallée, France.

¹ Nancy J. ADLER, « Cross-cultural Management: Issues to Be Faced », *International Studies of Management and Organization*, vol. XIII, No. 1-2, M.E. Sharpe, Inc., 1983, p. 8.

conditions dont il y a une tendance générale envers la reconnaissance de la diversité culturelle et la prise en considération de l'impact de celle-ci sur l'activité des entreprises², surtout parmi les entreprises multinationales qui ont adapté tant leur discours que leurs pratiques internes et externes à cette réalité³.

Mais, indifféremment que la position théorique/pratique est celle de négation/ignorance/minimisation ou de reconnaissance/valorisation de la différence culturelle⁴, la question de l'influence de la culture sur le management, sur l'organisation et sur le comportement de travail est presque toujours reliée avec l'institution de l'entreprise multinationale. Cette préférence pour les entreprises multinationales en tant que des sujets de recherche pourrait être expliquée tant par leur visibilité et tradition dans l'activité internationale que par leur pouvoir financier qui leur permet de développer leurs propres recherches pour découvrir/comprendre l'impact de la différence culturelle sur leur activité ainsi qu'elles améliorent leur performance économique.

Mais, les entreprises multinationales ne sont pas, à présent, les seuls acteurs de la scène économique internationale, les petites et moyennes entreprises (PME) en développant aussi une activité internationale croissante. Elles se confrontent, par conséquence, avec la même réalité de la différence culturelle et doivent tenir compte de l'impact de celle-ci sur leur

² La tendance est celle de considérer la différence culturelle plutôt comme une source de problèmes qu'une source de bénéfices pour les entreprises (N.-J. ADLER, *op. cit.* p. 42). Ainsi, une des tâches du management interculturel ou du management de ressources humaines internationales est d'offrir des solutions pour minimiser l'impact négatif de la différence culturelle sur l'entreprise.

³ Bien sur, on ne peut pas ignorer les multinationales qui ont resté ancrées dans une approche limitée ou ethnocentrique et, de même, on doit prendre en considération la possibilité que la reconnaissance/la valorisation de la différence culturelle reste seulement au niveau des déclarations officielles.

⁴ Une présentation détaillée de ce débat est au-delà du but de notre article. Nous précisons donc seulement les résultats d'une recherche effectuée parmi les études dans le domaine du management et des affaires internationales. Ainsi, cette recherche a identifié deux perspectives fondamentalement différentes : les perspectives « à contexte faible » (études de convergence) et les perspectives « à contexte fort » (études de divergence), la différence principale entre ces perspectives étant leur sensibilité à l'impact des facteurs spécifiquement nationaux sur la gestion et sur les organisations (voir John CHILD, David FAULKNER, Robert PITKETHLY, *The Management of International Acquisitions*, Oxford, University Press, 2003, pp. 32-44).

activité. Pourtant, par différence à l'entreprise multinationale, la petite et moyenne entreprise ne bénéficie pas de la même attention de la part des chercheurs (même si, tant au niveau de l'Union Européenne qu'en Roumanie, les PME sont considérées en jouant un rôle extrêmement important pour l'économie). En outre, la plus grande partie de PME n'ont pas le pouvoir financier et/ou le savoir-faire nécessaires ainsi qu'elles peuvent manager d'une manière efficiente les différences culturelles pour améliorer leur performance économique.

Notre intérêt pour l'étude des pratiques de management interculturel au niveau des PME a plusieurs justifications, tant théoriques que pratiques : a) par leurs dimensions, plus réduites que celles des multinationales, les PME permettent une recherche et une compréhension plus approfondies de l'interaction interculturelle ; b) les informations obtenues sont moins biaisées que dans le cas des multinationales où fonctionne la pression de la conformité avec le discours officiel et les programmes de reconnaissance/valorisation de la différence culturelle l'ont transformée dans un lieu commun, au moins au niveau des déclarations ; c) en Roumanie, les PME représentent la principale forme d'organisation des affaires et elles sont considérées un élément essentiel pour l'économie de la Roumanie⁵; d) un grand nombre d'investisseurs étrangers investissent en Roumanie sous la forme des petites et moyennes entreprises.

Méthodologie

Nous avons choisi à concentrer notre recherche sur les pratiques de management interculturel dans les PME avec participation italienne au capital social, car l'attractivité pour les PME est une caractéristique des investisseurs italiens, les autres investisseurs étrangers étant attirés en Roumanie de plus par des grandes entreprises que par les PME⁶. Ainsi,

⁵ ***, « Strategia guvernamentală pentru susținerea dezvoltării întreprinderilor mici și mijlocii în perioada 2004-2008 », http://www.mimmc.ro/files/imm/strategia_20042008.pdf, consulté le 18 septembre 2006.

⁶ Un grand nombre d'investisseurs allemands sont attirés aussi par les PME. Une possible explication serait le fait que l'Allemagne et l'Italie sont les principaux pays qui bénéficient par la production en système TPP (*Trafic de Perfectionnement Passif* ou *Lohnsystem* – le terme le plus souvent employé en Roumanie est *la production de type lohn*), les entreprises du domaine de textile et de l'habillement qui produisent dans ce système étant, dans leur

pendant 1991-décembre 2005, ont été enregistrées 18.807 entreprises avec participation italienne au capital social, tandis que jusqu'à 31 juillet 2006 leur nombre a atteint 20.346⁷, dont la plus grande partie sont des PME, mais seulement environ 4.000 d'entre celles-ci sont estimées étant opératives⁸. Ces investissements sont concentrés surtout dans des domaines *labor intensive* (l'industrie textile, l'industrie du cuir ou l'industrie du bois), un grand nombre des entreprises produisant dans le système de production de type TPP (trafic de perfectionnement passif). Les investissements sont concentrés surtout dans les départements du Nord-Ouest du pays, dans le département de Timiș en se créant même de vrais districts industriels⁹.

Pendant avril 2005 – août 2005, nous avons effectué une recherche qualitative parmi plusieurs PME avec participation italienne au capital social, ces entreprises étant situées dans le Nord-Ouest de la Roumanie, dans la localité Șomcuta Mare, qui fait partie du département de Maramureș.

Nous allons présenter, brièvement, les principaux résultats de l'étude réalisée dans une PME¹⁰ de l'industrie du bois, l'objet principal d'activité de celle-ci étant l'usinage brut du bois.

La recherche est de nature descriptive, la méthode utilisée étant l'étude de cas. Les instruments de recherche utilisés sont : le questionnaire, l'interview et l'observation participative. Les questionnaires ont été appliqués aux employés pendant l'horaire de travail, tandis que les interviews ont été prises, dans le cas des ouvriers, au-dehors de l'entreprise dans un cadre informel (le plus souvent au logement personnel des

grande majorité, petites et moyennes (Regina BARENDT, Bettina MUSIOLEK (coordinateurs), « Workers' Voices. The Situation of Women in the Eastern European and Turkish Garment Industries », http://www.cleanclothes.org/ftp/05-workers_voices.pdf, p. 41, consulté le 22 septembre 2006).

⁷ MINISTERUL JUSTITIEI; OFICIUL NATIONAL AL REGISTRULUI COMERTULUI, « Societăți comerciale cu participare străină la capital. Sinteza statistică a datelor din Registrul Central al Comerțului la 31 iulie 2006 – date provizorii », http://www.onrc.ro/statistici/is_iulie_2006.pdf, p. 26, consulté le 26 septembre 2006.

⁸ Le page Web officielle de l'Ambassade Italienne à Bucarest : http://www.ambbucarest.esteri.it/Ambasciata_Bucarest/Menu/I_rapporti_bilaterali/Cooperazione_economica/, consulté le 23 septembre 2006.

⁹ *Ibidem*.

¹⁰ Pour des raisons de confidentialité, nous n'utiliserons pas le nom de cette entreprise, en l'appelant « l'entreprise Y ».

informants), ceux-ci en manifestant de la réticence à répondre à nos questions pendant l'horaire du travail ; en outre, les informations obtenues par la complétion des questionnaires ne correspondent pas aux informations obtenues suite aux interviews¹¹.

Les principaux aspects suivis par notre recherche sont les pratiques de management de ressources humaine/de personnel de l'entreprise¹² et l'influence de la culture sur celles-ci et sur le comportement de travail.

Étude de cas

L'entreprise Y a été constituée en 1993, son objet principal d'activité étant l'usinage brut du bois. Le capital social de l'entreprise est intégralement privé, la participation à celui-ci étant 99% d'origine italienne et 1% d'origine roumaine, les investisseurs étant des personnes physiques. En 2004, le chiffre d'affaires de l'entreprise se situait entre 100.001-500.000€, tandis qu'en 2005 elle était moins de 100.000€¹³. La structure organisationnelle de l'entreprise suppose : deux associés d'origine italienne (ceux-ci sont père et fille – voir la spécificité italienne de développer des affaires en famille ; en fait, la fille ne participe pas du tout à la direction de l'entreprise), une associée d'origine roumaine, une comptable, deux chefs

¹¹ Les paroles de la comptable de l'entreprise sont extrêmement suggestives en tant qu'explication pour cette situation : « (...) si vous appliquez des questionnaires, vous n'apprendrez rien de sincère ; que vous appreniez 10.000 de mensonges et de sottises, il serait mieux que vous cherchiez les gens et parliez avec eux [les ouvriers] après l'horaire du travail (...) voyez où ils buvent leur café et parlez avec eux car ils vous diront (...) si vous leurs montrez une carte d'étudiant et vous les dites "c'est pour l'école, ça ne m'intéresse pas pour autre chose" ; sinon ils croiront que le chef [l'associé italien] vous a mis les questionnaires ou que qui sait à quoi ça vous sert (...) vous savez... les gens, quand ils voient des papiers... (...) pendant la récréation ce n'est pas bien [les interviewés], car ils ne vous diront rien parce que les autres les entendent et ils vous diront seulement des mensonges (...) ou s'ils complètent les questionnaires, s'influenceront réciproquement (...) ».

¹² Dans une certaine mesure, le management interculturel peut être interprété en tant qu'une extension du domaine du management de ressources humaines internationales qui prend en considération, sous tous ses aspects, les différences culturelles au sein du personnel employé ainsi que les buts d'une entreprise soient atteints d'une manière efficace.

¹³ La source de cette information est la page Web officielle du Ministère des Finances Publiques de la Roumanie :

<http://www.mfinante.ro/contribuabili/link.jsp?body=/bilant.do>, consultée le 24 septembre 2006.

d'équipe et environ 40 ouvriers¹⁴ (dans leur grande majorité ceux-ci ne sont pas qualifiés). Les bénéficiaires des produits semi-finis (planches, parquet, briquettes combustibles) de l'entreprise Y sont cinq entreprises d'Italie ; celles-ci sont les clients de l'entreprise Y dès sa constitution, les produits de l'entreprise Y étant destinés exclusivement au marché italien¹⁵.

La constitution de l'entreprise dans une période quand les investisseurs étrangers manifestaient encore de réticence envers l'investissement dans la Roumanie post-communiste pourrait être expliquée par le fait que l'investisseur italien connaissait déjà la Roumanie, y en faisant des affaires avec du béton armé pendant le régime communiste. Après la chute du communisme, l'investisseur italien a commencé à chercher d'autres opportunités d'investissement. La raison pour laquelle Șomcuta Mare a été choisie pour y créer l'entreprise a été l'existence du bois dans la région dont l'investisseur italien a été informé par une connaissance personnelle. De même, une raison qui a déterminé l'investisseur italien de continuer à faire des affaires en Roumanie a été la main d'œuvre bon marché et la faible concurrence existante dans le secteur à ce temps là¹⁶.

¹⁴ Le nombre d'ouvriers n'est pas exact car l'associée roumaine a déclaré initialement, dans une des interviews prises, un nombre de 60-70 ouvriers, mais elle a complété, dans le questionnaire, un nombre d'employé situé dans l'intervalle 11-49. L'explication donnée par l'associée roumaine a été celle qu'elle ne savait pas exactement le nombre actuel [au temps de notre recherche] d'employés de l'entreprise à cause de la grande fluctuation du personnel. Sur la page *Web* officielle du Ministère des Finances Publiques de la Roumanie, pour l'année 2004 figurait, pour l'entreprise Y, un nombre moyen de 49 employés, tandis que pour l'année 2005 un nombre de 41 employés. Une explication pour cette discordance pourrait être le fait qu'un grand nombre d'ouvriers travaillent informellement pour l'entreprise.

¹⁵ Récemment, les cadres dirigeants de l'entreprise Y ont fait faire une page *Web*, où on présente les produits offerts. La page *Web* a tant une version roumaine qu'une version anglaise. On pourrait identifier donc une tendance d'orientation de l'entreprise Y non seulement vers le marché italien, mais aussi vers le marché roumain et d'autres marchés étrangers.

¹⁶ À présent, la situation est changée, dans le sens d'une croissance de la valeur de l'usinage du bois et des produits en bois dans la structure de la production industrielle. Ainsi, si en 1990 l'usinage du bois et des produits en bois représentait 1,9% dans la structure de l'industrie de l'usinage, en 2003 il représentait 2,7%. (INSTITUTUL NAȚIONAL DE STATISTICĂ, « Capitolul 6. Industrie; Construcții », http://www.insse.ro/anuar_2004/zip_r2004/cap6-indc.pdf, consulté le 12 octobre 2006).

Initialement, le capital de l'entreprise a été intégralement d'origine italienne, mais la possibilité pour l'investisseur italien d'obtenir, par loi, le droit de propriété sur le terrain et sur les bâtiments où l'entreprise avait son siège social seulement dans le cas où il avait un associé avec citoyenneté roumaine, l'a déterminé à proposer à sa secrétaire de devenir son associée ; à présent, celle-ci détient 1% du capital de l'entreprise.

L'entreprise n'a pas un département/une personne ou une activité formalisée dans le domaine du management des ressources humaines, les responsabilités en ce qui concerne le personnel étant partagées entre l'associé italien, l'associée roumaine et les chefs d'équipe, le pouvoir final de décisions en appartenant à l'associé italien.

Les processus de recrutement, sélection et intégration du personnel sont dans une très grande mesure influencés par la spécificité culturelle de la région. Ainsi, le recrutement du personnel est fait par deux méthodes : l'annonce direct des employés sur le besoin de personnel de l'entreprise et l'annonce publicitaire sur le poste local de télévision. Tandis que la première méthode est influencée par des facteurs culturels, la deuxième est influencée par des facteurs sociaux et économiques caractéristiques pour la région. Ainsi, la première méthode prend en considération le caractère de communauté traditionnelle de Şomcuta Mare¹⁷ où l'information est propagée par un système de communication informel, basé sur des relations personnelles; ce système pourrait aussi être considéré comme un prolongement des pratiques du régime socialiste où l'accès aux informations importantes (vitales parfois) était assuré par l'intégration des individus dans des réseaux élargies de relations personnelles. La plus grande majorité des employés de l'entreprise sont embauchés suite à une information qu'ils ont reçue par ce système de communication informel.

La méthode de recrutement par des annonces publicitaires diffusées sur le poste local de télévision est utilisée seulement dans le cas où l'entreprise n'a pas réussi à attiré le nombre désiré d'employés ; cette situation est déterminée par le fait que Şomcuta Mare se confronte avec l'émigration de la main d'œuvre et il n'y a pas d'infrastructure nécessaire pour assurer le déplacement de la main d'œuvre de villages voisinés à

¹⁷ Même si Şomcuta Mare, officiellement, est considérée ville, elle a été pour longtemps commune et elle préserve son caractère rural.

Șomcuta Mare. De même, il ne faut pas oublier la compétition de la part d'autres entreprises de la région qui ont besoin d'ouvriers non qualifiés.

La méthode de recrutement du personnel par l'intermède du système informel de communication est étroitement liée avec le principal critère de *sélection* du personnel : la relation personnelle/la recommandation de la part de « quelqu'un connu » (des parents, des amis etc.). L'utilisation de ce critère de sélection est faite possible par la spécificité de l'activité de l'entreprise, seulement les chefs d'équipe devant être qualifiés ; en ce qui concerne les ouvriers, la qualification professionnelle n'a pas d'importance, la grande majorité étant employés en tant que des ouvriers non qualifiés, seulement une partie d'entre eux étant formés pour travailler sur des machines automatisées. En outre, il y a un grand nombre d'ouvriers qui ne sont pas légalement employés, le travail sur « le marché noir », au-delà des désavantages de la non affiliation au régime de la sécurité sociale, ayant l'avantage commun (pour l'employeur et ses employés) de l'exemption d'impôts, en permettant aussi à une partie d'ouvriers de garder leur aide de chômage ou la pension de retraite. Dans ces conditions, « l'emploi » des « connaissances personnelles » peut être perçu comme une modalité de fournir à celles-ci une source supplémentaire de revenu. L'absence du contrat de travail détermine une grande fluctuation du personnel et un très faible attachement du personnel envers l'entreprise, un des aspects du contrat psychologique créé entre employeur et employés étant une relation basée sur un calcul rationnel et non pas sur des obligations morales comment on pourrait croire si on prend en considération le fait que le principal critère de sélection du personnel est la relation personnelle. Mais, il y a aussi des exceptions, en quelques cas la relation personnelle et l'obligation morale ayant de la primauté devant l'intérêt de l'entreprise : « (...) *il faut le prendre [employer], même s'il est un alcoolique, car tu le connais (...)* » (S.L., l'associée roumaine).

La *formation* du personnel se réduit à la qualification au lieu de travail, mais seulement pour une partie d'ouvriers. Pour le reste d'employés, il n'y a pas de programmes de formation/spécialisation. Cette situation est le résultat de la spécificité de l'activité de l'entreprise et de la structure de celle-ci. Ainsi, il n'y a pas besoin de personnel qualifié que pour les positions de chefs d'équipe et de comptable et aussi il n'y a pas beaucoup d'opportunités d'avancement sur l'échelle hiérarchique (la seule

exception a été celle de l'associée roumaine qui, initialement, a été employée sur un poste de secrétaire ; comme nous l'avons déjà mentionné, cette « promotion » a été plutôt le résultat de la conjoncture que de la performance professionnelle). En outre, le désir de préserver l'avantage de coûts bas constitue une autre raison pour le manque d'intérêt des cadres pour l'investissement dans la formation du personnel directement productif.

La formation des ouvriers pour travailler sur des machines automatisées est la responsabilité des chefs d'équipes, mais, en fait, il y a la pratique informelle de la préparation de nouveaux venus par des anciens employés qui ont de l'expérience, même si cette pratique ne donne toujours les meilleurs résultats, en existant des employées qui ont déclaré que même après quelques mois de travail ils/elles ne savaient pas trop bien ce qu'ils/elles devaient faire.

Dans ces conditions, le processus *d'intégration* de nouveaux employés devient plus facile. En outre, l'intégration est facilitée par le caractère de communauté traditionnelle de Şomcuta Mare et par la sélection du personnel suite à une relation personnelle/recommandation, en existant des cas où plusieurs membres de la même famille travaillent pour l'entreprise Y (des frères, mère et fille, belle-mère et belle-fille etc.). Même si l'intégration des nouveaux employés est, théoriquement, la responsabilité d'un des chefs d'équipe, en pratique, les nouveaux employés sont très rarement introduits à leurs collègues.

Le travail en équipe facilite aussi l'intégration et la socialisation des employés, en se créant des sous-groupes sur la base de l'accomplissement des tâches communes de travail (le travail est divisé en catégories opérationnelles différentes), la configuration spatiale en soi en suivant ce principe de la division du travail.

Le système *d'évaluation et de rémunération* du personnel directement productif prend en considération le caractère collectif du travail. Ainsi, ce système est basé sur la norme réalisée, celle-ci étant constituée par le nombre de tirs chargés chaque mois avec des produits semi-finis destinés à l'exportation en Italie (1-3 tirs/mois) ; un tir est chargé par une équipe qui s'occupe de toutes les opérations nécessitées pour obtenir le produit semi-fini exporté. Il y a donc un système d'évaluation collective, chaque ouvrier dépendant de la performance de son collègue. Même s'il y a un système de

pénalisation salariale individuelle pour des rebuts, les ouvriers semblent avoir très bien intériorisé le caractère collectif du travail ainsi que, même s'ils savent qui est le responsable pour des rebuts ou pour le retard dans le chargement d'un tir, ils collectent d'argent de tous les membres de l'équipe pour payer la pénalisation.

La rémunération constitue le principal instrument de motivation positive ; on peut dire même le seul, car il n'y a pas de bénéfices supplémentaires ou d'autres modalités non financières de motivation. Le salaire est établi en fonction de la norme réalisée, les heures supplémentaires (payées différemment en fonction des opérations effectuées ; le paiement varie entre 8.000 ROL/heure – environ 0,22 € et 14.000 ROL/heure – environ 0,40 €) et l'expérience de travail. En ce qui concerne les salaires reçus par les ouvriers, les déclarations de ceux-ci et celles de l'associée roumaine ne correspondent pas ; ainsi, les premières déclarent des salaires qui varient entre 2.500.000 ROL (environ 70 €) et 5.000.000 ROL (environ 140 €), tandis que l'associée roumaine déclare des salaires entre 4.000.000 ROL (environ 114 €) et 15.000.000 ROL (environ 428 €)¹⁸. Une explication possible pour cette discordance pourrait être le fait qu'un grand nombre d'ouvriers n'ont pas des contrats de travail, l'associée roumaine en évitant pendant les interviews prises à répondre aux questions regardant des aspects soumis aux lois qui gouvernent le marché du travail: le travail informel, le paiement des droits de sécurité sociale des employés, les pointages, le nombre des heures supplémentaires etc. Les interviews prises aux ouvriers ont dévoilé aussi, au-delà du fait que le travail informel est une pratique commune au sein de l'entreprise, l'existence des pointages « faux » (destinés au contrôle des autorités¹⁹) et des pointages « réels » (ceux-ci contiennent le temps travaillé réel qui peut

¹⁸ En juillet 2006, le salaire moyen brut dans l'industrie de l'usinage du bois et des produits en bois (à l'exception du meuble) était de 656 RON (6.560.000 ROL) et le salaire moyen net était de 510 RON (5.100.000 ROL). Le salaire moyen nominal brut était dans la même période de 1.122 RON (11.220.000 ROL) et le salaire moyen nominal net était de 842 RON (8.420.000 ROL) – INSTITUTUL NAȚIONAL DE STATISTICĂ, « Câștigul salarial mediu și efectivul salariabilor în luna iulie 2006 », Communiqué de presse, no. 45, 5 septembre 2006, <http://www.insse.ro/statistici/comunicate/castiguri/006/cs07ro6.pdf>, consulté le 15 septembre 2006.

¹⁹ Conformément à ces pointages, le temps travaillé respecte les 48 heures de travail par semaine, y inclus les heures supplémentaires, prévues par le Code roumain du travail.

arriver à 60-72 heures de travail par semaine ; les ouvriers sont payés sur la base de ces pointages « réels »). Aussi, seulement les ouvriers légalement employés signent l'état des salaires.

Une pratique qui pourrait être considérée paradoxale ayant en vue ce calcul rationnel qui gouverne la relation employeur-employés est le « crédit » ouvert pour les employés qui ont besoin d'argent pour différents problèmes personnels ; ce « crédit » est une pratique en fait illégale d'« emprunt » de l'argent aux employés par les fonds de l'entreprise, somme qui est ultérieurement retenue du salaire. Cette pratique n'est pas le résultat d'une intention de la part des cadres dirigeants de l'entreprise de motiver les employés, mais plutôt le résultat de l'influence du facteur culturel. Ce système est très semblable à celui d'acheter des produits à crédit (système pratiqué depuis longtemps surtout dans les petites communautés où fonctionne encore *l'économie de bonne foi*²⁰), encore en vigueur en Şomcuta Mare. On peut y identifier la persistance d'un système caractéristique pour la période communiste où les relations personnelles, l'aide réciproque, l'appartenance à un réseau informel assuraient aux individus la possibilité de « se débrouiller » ou même de survivre.

Au-delà de son caractère d'instrument de motivation positive, la rémunération peut constituer aussi un élément de motivation négative sous la forme de la pénalisation salariale appliquée en général pour des rebus, pour absentéisme ou pour ne pas respecter les standards de qualités. Une autre sanction appliquée dans le cas où la norme n'est pas accomplie est le travail au dehors de l'horaire du travail (y inclus les heures supplémentaires), sans que l'ouvrier respectif soit payé. On peut voir donc que le système de motivation n'est pas trop complexe, le principal instrument de motivation employé étant la rémunération. Cette situation

²⁰ Pierre BOURDIEU, *Raţiuni practice. O teorie a acţiunii*, Bucureşti, Meridiane, 1999, pp. 128-130, pp. 140-142. Par exemple, dans la localité que nous avons étudiée, un des magasins alimentaires, situé au centre de la ville, pratique depuis plusieurs années ce système, les débiteurs étant enregistrés dans un cahier. Chaque mois, dans le cas des débiteurs qui reçoivent la pension de retraite, l'aide de chômage ou l'allocation pour les enfants par l'intermédiaire de la poste – la livraison est faite personnellement, au domicile, par un employé de la poste –, la propriétaire du magasin en retienne la somme due avant que celle-ci arrive aux débiteurs ; la propriétaire a, dans ce sens-là, un « accord » avec l'employé de la poste et avec les débiteurs.

pourrait être considérée tant le résultat du *calcul rationnel* caractéristique pour le contrat psychologique que le résultat de la pratique du travail informel qui transforme le facteur financier dans la raison principale qui détermine les ouvriers à travailler pour l'entreprise.

Une des principales raisons de démissions/intentions de quitter l'entreprise est le rapport négatif entre le volume de travail et le paiement reçu²¹. L'associée roumaine de l'entreprise Y était consciente de l'existence de cette raison, mais elle considérait que le paiement était équitable pour le travail effectué et que, en fait, les ouvriers voulaient gagner de plus sans travailler de plus et qu'ils posaient toujours l'intérêt personnel au-dessus de l'intérêt de l'entreprise. Par exemple, une des raisons pour l'absentéisme des employés est leur participation aux travaux agricoles ou à d'autres activités du ménage. Le travail a constitué dès la période socialiste un sujet de conflit entre l'État socialiste et le ménage du village, la lutte étant donnée pour le contrôle du temps, de l'énergie et de la ressource humaine²². Une recherche effectuée par Gábor Kolumban²³ parmi des entreprises de l'industrie textile qui produisent en système de type *lohn*, étant situées dans la région centrale de la Roumanie et en employant, de même, une main d'œuvre du milieu rural, montre aussi que l'activité de ces entreprises est influencée par les travaux agricoles, la fluctuation du personnel étant plus grande pendant les travaux agricoles et les fêtes traditionnelles²⁴.

Une autre raison de démission/insatisfaction est la difficulté perçue par les ouvriers regardant les conditions de travail : l'hiver il fait très froid dans la halle, tandis que l'été il fait très chaud et il y a beaucoup de poussière car le système de ventilation, même s'il existe, il ne fonctionne

²¹ Le rapport négatif entre le volume de travail et le paiement est un des sujets fréquents des mécontents qu'on peut entendre dans un grand nombre de discussions quotidiennes ; il semble que la situation n'ait pas beaucoup changé pour une partie des employés qui ont travaillé aussi pendant le socialisme, quand le rapport négatif entre le volume de travail et le paiement constituait aussi une source de mécontentement (David A. KIDECKEL, *Colectivism și singurătate în satele românești. Țara Oltului în perioada comunistă și în primii ani după Revoluție*, Polirom, Iași, 2006, pp. 16-17).

²² *Ibidem*, p. 31.

²³ Gabor KOLUMBAN, « Human Resource Policy Implications of the Regional Workforce Migration Pattern. Case of the Clothing Industry in the Center Region of Romania », p. 78, p. 79, la base de données *Emerald*, consultée le 15 Juillet 2006.

pas. Nous avons observé cet aspect pendant notre visite dans l'entreprise et certains ouvriers même ont mentionné qu'ils sont admonestés s'ils font fonctionner les ventilateurs, mais que les ouvriers qui travaillent depuis longtemps dans l'entreprise transgressent l'interdiction quand l'air devient irrespirable. L'explication donnée par les ouvriers pour cette situation est le désir des dirigeants d'épargner l'argent payé pour électricité. Les conditions de travail sont visiblement difficiles, une des constatations les plus frappantes que nous avons faites pendant notre recherche, au-delà de la poussière qui alourdissait la respiration, étant l'absence d'un réfectoire. Ainsi, les employés mangent dans la halle, assis sur des planches ou debout, les machines automatisées étant utilisées comme tables, et ils mangent aussi dans la cour de l'entreprise.

Un autre facteur d'insatisfaction/démission est le fait que l'entreprise ne paye pas les congés médicaux ni même pour les ouvriers légalement employés. Aussi, au-delà des bénéfices mentionnés du travail informel, celui-ci constitue un autre facteur d'insatisfaction/qui détermine l'abandon de l'entreprise. Il y a des situations quand les ouvriers attendent l'achèvement du contrat du travail après une période qu'ils considèrent être « à l'essai », mais même après cette période le contrat n'est pas achevé, en se prouvant que l'associée roumaine avait fait de vaines promesses.

Le système de *contrôle* pratiqué par le management de l'entreprise Y pourrait être considéré plutôt faible. Les ouvriers ne sont pas surveillés tout le temps, leur contrôle étant partagé entre les chefs d'équipe (ils sont les chefs directs qui ont l'autorité de résoudre tout problème qui apparaît dans l'activité de production ou dans les relations entre/avec les ouvriers ; en pratique, les deux chefs ont leurs responsabilités partagées, un d'entre eux en mesurant la norme réalisée et l'autre en s'occupant avec le contrôle des employés), l'associée roumaine et l'associé italien. L'associée roumaine vient seulement de temps en temps dans la halle, pour une surveillance de routine (pour voire « *si tout va bien* »), tandis que l'associé italien, quand il est présent dans l'entreprise (3-4 heures par jours), il passe tout son temps parmi les ouvriers. Même si le contrôle des ouvriers est partagé entre trois personnes, par les déclarations de quelques ouvriers on résulte que, en fait, ils ne se sentent pas trop contrôlés, en pouvant se soustraire à leurs devoirs.

Conclusions

L'analyse des pratiques de management des ressources humaines au niveau de l'entreprise Y a illustré une approche du management sensible à la spécificité locale.

Cette approche pourrait être considérée comme le résultat de l'expérience antérieure de faire des affaires de l'investisseur italien en Roumanie. Une étude réalisée parmi les directeurs des ressources humaines avec expérience internationale de travail a montré que les entreprises qui ont plusieurs années d'expérience internationale ont des pratiques plus diverses dans le domaine du management des ressources humaines, en conformité avec les demandes locales et régionales, par rapport aux entreprises qui ont moins d'expérience internationales. Ainsi, les dernières sont plus ethnocentriques dans leur approche de la ressource humaine, en considérant qu'un seul ensemble des pratiques dans le domaine du management des ressources humaines est valable partout dans le monde²⁵. Même si l'entreprise Y n'a pas un département (de)/une activité formalisée dans le domaine du management des ressources humaines, nous avons constaté que les résultats de l'étude mentionnée antérieurement se vérifient aussi dans ce cas. Outre l'expérience antérieure de l'investisseur italien en Roumanie, une autre explication pour cette approche, qui pourrait être considérée comme sensible à la spécificité locale, serait, en fait, une acceptation de la manière dont les employés roumains travaillent, même si cette manière ne correspond pas nécessairement aux conceptions de l'investisseur italien combien de temps cette manière de travail assure/permets la préservation de l'avantage de coût qui a déterminé dans une très grande mesure la continuation de l'investissement en Roumanie. L'implication de l'associée roumaine dans des décisions regardant le personnel a aussi de l'influence sur cette approche managériale sensible à la spécificité locale.

Le management et le comportement de travail dans l'entreprise étudiée sont fortement influencés par la spécificité culturelle de la région. Mais, la culture n'est pas la seule variable qui influence le management et le

²⁵ Randall S. SCHULER, Peter J., DOWLING, Helen DE CIERI, « An Integrative Framework of Strategic International Human Resource Management », *The International Journal of Human Resource Management* 4:4 Décembre 1993, pp. 752-753.

comportement de travail, les facteurs socio-économiques ayant aussi une influence remarquable. De même, les facteurs d'attractivité/les raisons de l'investissements (dans ce cas là, les coûts bas de la main d'œuvre et de la matière première), l'expérience antérieure de l'investisseur italien de faire des affaires dans la Roumanie et la composition de l'équipe managériale (un associé d'origine italienne et une associée d'origine roumaine) doivent être pris en considération comme des facteurs qui déterminent l'activité managériale et le comportement de travail.

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ON COMMERCIAL EFFECTS (COMMERCIAL PAPERS) DOMESTIC AND INTERNATIONAL SETTLEMENTS: PRINCIPLES AND SOLUTIONS

Traian Laszlo*

Abstract

The commercial effects such as the bill of exchange, the financial bill and the check are, in a general way, instruments of creation and movement of the credit under different shapes which have the value of enforceable papers and also have the quality of commercial papers and instruments of payment both in domestic and international affairs, they are the most efficient commercial papers, a quality derived from their multiple results obtained in the usage.

Introduction

In order to avoid confusions one must point out the fact that in the domestic and international commerce usage the commercial effects¹, meaning the bill of exchange, the financial bill and the check are more commonly known as commercial effects, commercial papers or debenture – with the mention that the check is not actually debenture², but it represents an instrument of payment govern by laws similar to those applying to the bill of exchange.

Such names are being widely used as a result of certain commercial activities when the purchase and sale of goods is done on credit, with the actual payment taking place at a future date established between the buyer and the seller. Through these commercial effects the creditor's payment is not done in cash but by means of the commercial effects (commercial

* Traian Laszlo is Ph.D. Student in Law at the „Babeș-Bolyai” University Cluj-Napoca

¹ commercial papers – is the generic name for negotiable instruments that prove the existence of a debenture in a specific amount and payable at once or on short term.

² see the divergent opinion – meaning that the check is a commercial paper because it must inspire confidence in the juridical and economical reality, P. I. Demetrescu, *Noua lege asupra cambiei și biletului la ordin și legea asupra cecului*, Ed. Națională „Ciornei”, București, 1934, p. 496.

papers). Thus, these effects become substitutes of the circulating medium and materialize two of the main functions of cash: means of payment and means of circulation.

Though these various names are being used to denote the same category of objects, the nature of the matter at hand remains the same.

As concerns the bill of exchange, the financial bill and the check they are commercial effects, yet, simultaneously, they are means of payment and credit because:

- They exist through their emission and their introduction in the commercial and banking activities' flow;
- These titles allow their owners (beneficiaries) to take their literary and independent rights mentioned on the respective titles³;
- Although they can circulate as money, they have the same value as money and they can be exchanged for money through cashing, discount, rediscount or cession, the commercial affects are distinct entities through their specific characteristics, meaning that (1) they are marketable securities; (2) they are negotiable if they abide by the standards of specific national legislations and the international commercial law; (3) they have a value in Lei or foreign currency, namely a determined value, not approximate or variable; (4) also, they represent a debenture in cash caused by a commercial activity or services (provision) and which will be paid at a specific time;
- *Payments are made* by means of the commercial effects at the due dates shown in the titles, therefore after a certain period of time during which the loan is active (usually a short, less than a year, term).

The commercial effects and the commercial papers (means of payment and credit) are documents or notes in Lei or foreign currencies which are used to settle and liquidate debts proceeding from domestic and international purchase and sell operations, domestic or international services etc.

³ I. Turcu, *Operațiuni și contracte bancare*, Ed. Lumina Lex, ediția a V-a, 2004, p. 123-127.

In market economies there are several types of commercial papers, which can be grouped together according to various criteria:

- a) **According to their content**, commercial papers can be divided in three groups: proper debenture, representative debenture and debenture of participation.

Proper debentures are also known as proper commercial effects and they are commercial papers that give the right to cash a specific amount of money. This category includes: the bill of exchange, the financial bill, government securities and insurance policies, cash vouchers that represent debentures as a proof of loans given by a private person to a bank or a firm and the obligation of the borrower to return the loan, treasury notes that are actually bills of exchange issued by the state through the public treasury in order to meet a budget deficit, the credit cards which are up to date instruments giving certain advantages and the investment certificates representing papers which prove that their owner has invested a certain amount in a mutual fund.

Commercial papers with the value of floating currency issued by the government through its institutions or by the banks with monopole rights on these matters: the paper currency issued by the state and the banknote or the bankable bill.

Representative debenture which confer the holder the real right over a specific amount of goods, which are stored in special facilities or they are being loaded for transportation. The holder of the representative debenture holds possession of the goods through his agent (the carter, the captain, the depositary), and the documents doesn't just give him the right over a future credit, meaning the right to return and turn over the goods, but it also gives him an actual right of disposal of goods which is a natural consequence of immediate possession. The bills of lading, the deposit receipts and the warrants, the railway bill, loading policy and the pledge certificates all fit in this category. These representative papers are issued on basis of a contract that establishes the registration of a good and the obligation to return it; the person who has the obligation to return it has also the obligation to preserve it. The rail way bill and the bill of lading gain the quality of "credit" when they are deposited at the bank in order to obtain a credit.

The debenture of participation does not involve a promise of future services and neither does it include a real right. They certify a complex right and that is someone's quality of component part of a collectivity meaning the shareholder of a company. As a component part of a collectivity one has certain patrimonial and non-patrimonial right, such as: the right to hold dividends, the right to own a part of the estate in case of liquidation, the right to vote in the general meeting, the right to verify the balance sheet and the loss and gain account.

b) According to the means of circulation of the papers we have: bearer certificates, order papers and registered securities.

The bearer certificate points out to the borrower without holding any information in reference to the creditor. The bearer of the debenture is the person in possession of the document: the successive acquirers are not mentioned in the certificate. The bearer certificates circulate by mere tradition through the simple handing of the certificate to its bearer and they must contain in their body the article: "bearer" so that it shows explicitly the will of the underwriting debtor to fulfill his obligation towards the bearer of the certificate.

The order papers unlike the bearer certificates are addressed to a specific person indicated in the body of the paper, the primary beneficiary being the bearer of debenture rights. These order papers are transferable through pledge (endorsement), which consists of the writing of the new bearer's name on the papers along with the handing over of the paper. These procedures apply only to the bill of exchange and the financial bill.

The registered securities, like the order papers must also include the name of the primary bearer, but in order to achieve the transfer of the securities it is necessary to ask the debtor to mention the action in his registers and to write it down on the security.

c) According to the cause of the obligation, the commercial papers are divided in 2 categories:

The causative commercial papers that mention the cause of obligation (the shareholdings of companies, the insurance policy and the bill of lading)

The abstract commercial papers have juridical value so that the existence of obligation is substantive to the absence of cause.

d) According to the manner of issuance there are several types of commercial papers:

Commercial papers issued serially by the debtor, which have an identical form and each paper incorporate a part of the total debenture right (the debenture stocks of the same loan).

Commercial papers issued individually by the debtor, which do not show a connection between the right represented by the papers and those derived from other papers of the same kind (the bill of exchange, the bill of lading and the bonds of a loan).

e) According to the role they have in the economy the following commercial papers types exist:

1. commercial papers issued for prompt payment (checks)
2. commercial papers issued for short time loans (the bill of exchange, the financial bill, the bill of lading)
3. commercial papers issued for long time loans (bonds, shares)

A distinct category is made of the improper commercial papers. These endorse only some of the characteristics of the commercial papers. This category of papers includes the identification documents that insure the exertion of rights only by the person mentioned, such as the ticket that allows access to bathing treatments, as well as the papers called counter-identification signs that do not mention the name of the bearer, such as the train ticket, bus ticket. These are commercial papers, but instruments that prove the existence of a juridical report and that are used to identify a person, meaning that the bearer of the paper is considered entitled to receive the respective services until proven otherwise.

The commercial effects such as the bill of exchange, the financial bill and the check are, in a general way, instruments of creation and movement of the credit under different shapes which have the value of enforceable papers and also have the quality of commercial papers and instruments of payment both in domestic and international affaires. They are the most

efficient commercial papers, a quality derived from their multiple results obtained in the usage.

The necessity, the role and the importance of commercial effects in the payments relations

In the case of domestic and international commercial exchange, the goods delivered can be paid for at once (at the delivery moment) in cash or by the remittance of a check. Usually this kind of payment is used for small values and in the same place. Payments in cash are extremely rare in external commercial relationships, especially because of each country's restraints regarding such currency transfers, but also due to the inherent risk that the bearer of important amounts of foreign currency has.

In most cases the seller or the exporter allows the buyer to pay in one, two or three months' time and in certain situations even after a longer period.

In other words the seller/exporter has agreed to grant a credit to his internal/ external client who has bought the goods and is now waiting a period of time until the buyer honors his debenture at the date established between them laid down in the domestic or international bargain and sale deed, under the chapter "terms of payment".

According to the commercial practice of the countries with market economies, in the event of a credit operation the seller, the exporter or the creditor may want to act proceeding from the following possibilities:

- To draw a bill to the buyer, the importer or the debtor in favor either of a third party to whom he is in debt with the same amount (and in the case of a larger debt the value of the bill exceeds the value of the debenture), or of himself (house bills). The amount on the bill must represent the exchange value of the already sold and delivered goods plus the interest of the credit:

- To draw two bills: one for the goods and the other for the interest, the payment date having been established in the contract. According to the Romanian practice this last variant is preferable in relation to external payments. In relation to internal payments, the drawer of a bill can mention on a sight draft or a tenor bill that the amount is with interest, pointing out the number or the percentage of the interest and the fact that the interest

starts from the issuance date (art. 5 from the 58/1934 Law on the bill of exchange and the financial bill and point 51 of the Frame-Standard no.6 in the 8th of Mach 1994 issued by the National Bank of Romania)⁴.

- To ask the internal or external partner to issue or subscribe a financial bill for him, and to be remitted or to subscribe two financial bills, one for the value of the purchased/ imported assets and one for the interest. As concerns the interests of the financial bill in the domestic affairs the same explanations as above apply according to point 513 of the Frame-Standard no.6 in the 8th of Mach 1994 issued by the National Bank of Romania);

- To ask the internal/external client to remit a check, preferable confirmed by the buyer's/ importer's bank, whose value, payable at the due date mentioned in the contract, represents both the value of the delivered goods and the respective interest;

- To suggest that the amount is paid at due date through a transfer check, financial bill or any other means of payment doable in his current bank account.

In goes without saying that the seller/exporter who has agreed during negotiations to cash the counter-value of the delivered goods after a period of time, has already analyzed all the possibilities and depending on the client's capacity to pay settled on one of these means of payment the one he had considered the best and which has been laid down in the contract under the chapter "terms of payment".

Particular aspects of the loan stock. The notion of debenture circulation in the juridical report specific to the loan stock.

In common speech the loan stock is a document with an intrinsic value (insignificant from an economic point of view⁵), a result of economic

⁴ following the 5th article of the Law 58/1934 on the bill of exchange and the financial bill: „ in an exchange bill payable on sight or after short time, the drawer can stipulate that the amount will produce interest. In any other bill of exchange this stipulation is considered not written. The amount of interest must be shown in the bill of exchange; in the lack of such writings the stipulation is considered not written. The interest begins at the date of the bill unless another date is not given.

⁵ E. Lupan, *Drept civil – partea generală*, Cluj-Napoca, 1981, p. 126; A. Pop, Gh. Belei, *Drept civil – partea generală*, București, 1975, p. 200.

relationships between traders. The loan stock is the “result” of the obligation report between traders. So these types of documents have a constitutive function. The right cannot exist without it being written in a document. The doctrine has emphasized the fact that between the obligation and the document there isn’t just a constitutive link but also a permanent one⁶. In other words, on the one hand the right and the corresponding obligation can be born only by the laying down in a document of the will of the parties, and on the other hand “the right cannot be exerted by the bearers than through the material possession of the document, and the debtor cannot free himself than by asking and obliging the return of the document without which he risks to pay again the person who might present itself as true owner of the same document”⁷. One might notice a tied connection between the document and the right, because the possession of the first is the sufficient and necessary condition for the exerting of the second⁸, the purpose being the movement of credits in order to sink a commercial debt and in order to insure an efficient protection of the third (the buyer of the debenture). Or the common right settles the handing over of the debenture through the art. 1391-1404 of the Civil Code (assignment of a debt) Even so, the articles of the Civil Code do not clear the beneficiary’s risks, this being achieved only by the abstract papers⁹.

In reference to the assignment of a debt in the French doctrine several opinions have appeared. Starting from the law on the 2 of January 1981 the articles of the law 323-23 of the Monetary and Financial Code were encoded, creating the notion of “cession”¹⁰ that produces an effect similar to that of the endorsement of a bill of exchange.

⁶ O. Căpățână, B. Ștefănescu, *Tratat de drept comercial internațional*, Vol. II, București, 1987, p. 83.

⁷ S. Ionescu, P. Demetrescu, I. L. Georgescu, *Noua lege asupra cambiei*, București, 1934, p. 86.

⁸ Ferri, *La promesse unilaterali – I. Titoli di credito*, Milano, 1972, p. 45; Asquini, *Titoli di credito*, Padova, 1966, p. 49.

⁹ „the bill of exchange obligation is a literary or formal obligation”, „the bill of exchange is not just a formal paper: it is also an abstract and autonomous paper self sufficient, without needing to have its cause search”, „ the formalism of the bill of exchange creates an appearance which gives the bill of exchange an independent value towards its cause”, „ the standard of the commercial papers of the bills of exchange is the formalism and the abstract”.

¹⁰ Th. Bonneau, *Droit bancaire*, Montchrestien, 4e éd., 2001, n° 582, p 378; M. De Juglart et B. Ippolito, *Traité*, Montchrestien, 3e éd., par L. M. Martin, 1991, n° 283; G. Ripert et R. Roblot, *Traité de droit commercial*, t. 2, LGDJ, 16e éd., 2000, n° 2428-1, p 452.

Domestic and international settlements regarding the commercial papers*Domestic Settlements*

- The Law 58/1934 on the bill of exchange and the financial bill, modified by the Law 83/1994;
- The Law 59/1934 on the check, modified by the Law 83/1994;
- The Government Decree 11/1993 that modifies some provisions of the laws on the check, the bill of exchange and the financial bill;
- The National Bank of Romania – Department of Payments and Bank Settlements:
 - (a) Frame-Standards no. 6/8 in March 1994 regarding the commerce of banking companies and other credit companies with bills of exchange and financial bills, based on the Law 58/1934 on the bills of exchange and financial bills modified by the Law 83/1994;
 - (b) Frame-Standards no. 7/8 in March 1994 regarding the commerce of banking companies and other credit companies with checks, based on the Law 59/1934 on the check modified by the Law 83/1994;
 - (c) Technical Standards no. 10/20 in April 1994 on the bill of exchange and the financial bill;
 - (d) Technical Standards no. 9/20 in April 1994 on the check;
 - (e) The Annexes referring to the check of the Regulation no. 10/14 November 1994 regarding the multilateral compensation of inter-banking disbursements; (Instruments of Payments, October 1994)

Regarding these domestic settlements, in the international practice there are cases of certain laws whose provisions can be found in an “International Agreement” and its annexes. These provisions were introduced in a country not by virtue of the International Agreement, which the country hasn’t even adhered to, but because that country founded adequate to endorse such laws.

Such a law is the Law 58/1934 on the bill of exchange and the financial bill published in the Official Gazette no. 100 of May 1st 1934, law

in which the Romanian legislator endorsed most of the provisions of the "Agreement of Geneva" in the year 1930 on the bill of exchange and the financial bill and for the regulation of conflicts of laws, Agreement which Romania hasn't adhered to. Although through the endorsement of the Geneva Agreements' dispositions in 1930 it took place the unification of domestic law with the international law.

As concerns the check Romania applies the principles of the Geneva Agreement from the year 1931 on the check and the conflicts of law regarding the check, which Romania has signed and ratified, principles which can be found identical in the Law 59/1934 published in the Official Gazette no. 100 of May 1st 1934 as well as in the Frame-Standards no. 7/8 in March 1994 of the National Bank of Romania.

International settlements in view of the standardization of the commercial papers

In order to ease the circulation of the bills of exchange, the financial bills and the checks through imposing on an international level confidence in the usage of these payment instruments whose number grows proportionally with the volume of international credit exchange (especially short term ones), in order to avoid the general conflicts caused by the particular provisions of certain countries, it is long since it has been acknowledged the need to agree on the unification of some settlements regarding essential points in the business field.

Since the end of the last century there have been discussions that have reached a conclusion on the need of standardization but the adequate endorsement of settlements hasn't been yet achieved. An encouraging stage was the Conference in Hague in the year 1910, followed by the signing of the Hague Convention in 1912.

Numerous events had later interfered: the beginning and the participation of a lot of countries in the First World War the reconstruction activities in the postwar era, the establishing of certain restraints on the transfer of the means of payments (gold and currency) and economic crises which have shattered many countries and have caused the unification of different settlements in reference to the bill of exchange and the financial

bill on the one hand, and the check on the other hand, to settle only after another 20 years, through the following international agreements:

- The Havana Convention (Cuba) in 1928 also known as the “Bustamante Code”;
- The convention that deals with the homogeneous law on the bill of exchange and the financial bill from July the 7th 1930 in Geneva (Switzerland);
- The convention meant to regulate the conflicts of laws regarding the bill of exchange and the financial bill of July the 7th 1930 in Geneva;
- The convention that deals with the homogeneous law on the check of March 19th 1931, Geneva;
- The convention meant to regulate the conflicts of laws regarding the check of March 19th 1931, Geneva;

The countries under the Anglo-American law system have not adhered to the above convention claiming the existence of differences from the point of view of the Commercial Code and of the usages. These countries have the English Custom encoded and known as the “Bill of Exchange Act”¹¹ which also exists in the United States under the name the “Uniform Negotiable Instruments Act”.

After more than three decades from the compilation of the four conventions in Geneva (1930 and 1931) held under the patronage of the former “Society of the Nations”, the problem of a standardized law on the bill of exchange and the financial bill was resumed under the aegis of the “United Nations Organization Committee for the International Business Law”.

This revival of the standardization issue in the field of the bill of exchange and the financial bill is greatly due to the fact that, by wanting to

¹¹ **bill of exchange** – An unconditional order in writing, addressed by one person (the drawer) to another (the drawee) and signed by the person giving it, requiring the drawee to pay on demand or at a fixed or determinable future time a specified sum of money to or to the order of a specified person (the payee) or to the bearer. If the bill is payable at a future time the drawee signifies acceptance, which makes the drawee the party primarily liable upon the bill; The use of the bills of exchange enables one person to transfer to another an enforceable right to a sum of money. A bill of exchange is not only transferable but also negotiable, since, if a person without an enforceable right to the money transfers a bill to a holder in due course, the latter obtains a good title to it. Much of the law on bills of exchange is codified by the Bills of Exchange Act 1882, Oxford: *Dictionary of Finance and Banking*, Oxford University Press, 1997, p. 37-38.

reach an international understanding regarding the standardization of the provisions on the commercial papers, years ago a series of laws were suggested but were not agreed upon and the negotiations would have taken too long and would have endangered the endorsement of the above mentioned conventions.

On the other hand the Geneva Conventions didn't succeed in getting the agreement of all countries: most of the states (there are little exceptions) that have signed and have later ratified the conventions are on European territory. Numerous states are adepts of the "Bill Exchange Act", the "Negotiable Instruments Act" or the "Geneva Conventions" such as if the business partners are from different countries that have adhered to different conventions some problems coming from the usage of commercial papers might generate conflicts of laws.

The working group of international commerce papers under the aegis of the "United Nations Organization Comity for the International Business Law" intends to eliminate the content of the main law systems regarding the commercial papers through the project of the standard law. When the existing law systems agree on a given rule, this rule is introduced in the project. When the systems have different solutions they have chosen a compromise between the divergent rules taking into account all the information available on the actual practices and needs of commerce.

There are still some divergences that arise in the completion of this project for a standard law and they are mirrored in:

- The form and literal text of the bill of exchange and the financial bill;
- The effect of the commercial papers' provisions such as the non-warranty clause and the interest provisions;
- The contradictions in which a person can receive an effect free of rights or exceptions from certain subscribers;
- The effect of forged signature and text alteration;
- Formalities required when protesting in lack of acceptance or payment;
- The causes of redemption and the effects of the redemption.

Concerning the usage of these effects on an international level some problems occur in relation to the currency in which these can be issued which is the currency of the lender country where the payment must be

done, or the currency of a third country with payment in the currency of the lender country. Another problem is that of the currency risk which is supported differently as the currency in which it is expressed is or is not the currency of market, as follows:

- If the currency is the same, the risk of currency depreciation belongs to the owner of the bill of exchange or of the financial bill; if the depreciation produces slowly and the risk passes through (by means of endorsement or discount) than the loss is born by the owner of the bill, proportionally with the time he had owned it and the depreciation rate in that period.
- If the currency in which the bill of exchange and the financial bill are expressed is different than the one in which the payment is realized, the depreciation risk of the bill belongs to the owner and the risk of currency depreciation belongs to the payer.

Another problem emphasized by the usage of the bill of exchange and the financial bill in international payments is connected with the debtors' possibility to acquire the instruments to cause the redemption. This possibility would be very difficult to realize in the absence of banks. They buy the bills of exchange and the financial bills from the exporters who want to access the counter-value of the papers. The importers buy such papers at the current market price and the bank remits them to their creditors. Such an operation of external redemption is called payment through remittance.¹²

The international bill of exchange and the financial bill when being used to make payments and liquidate external debts are introduced in the category of foreign currency (exchange) if they are liquid commercial papers that is payable on sight or in a short time.¹³

In the communist period the commercial papers specific to the market economies seized to be used in domestic economic relations, being

¹² Elena Dragoescu, *Relații valutare și financiar internaționale*, Cluj-Napoca, 1992, p. 54.

¹³ Costin Kiritescu, *Relațiile financiar-valutare internaționale*, Ed. Științifică și Enciclopedică, București, 1978, p. 37.

exclusively used in international business relations.¹⁴ That means that the laws 58 and 59 from 1934 were not abolished but were still available. They suffered several changes after the establishment of state notaries. In 1960 these institutions were given the right to invest the bill of exchange and the financial bill with enforceable form and to compile acts of protest regarding the commercial papers and the checks.¹⁵

Some juridical aspects of the commercial papers

The bill of exchange rights and clauses

The bill of exchange rights

The bill of exchange¹⁶ and the financial bill¹⁷ contain literary and autonomous rights as follows:

1. The literary rights meaning that the limits and the content are determined by the actual body of the commercial paper. This means that the debtor's obligation is established by the writing act;
2. The autonomous right meaning that every owner has an original and independent right from those of the previous owners in such a way that the exceptions imposed to previous owners do not apply to him.

The bill of exchange and the financial bill unlike other commercial papers have some characteristics of their own: they have a form clearly determined by the law under sanction of annulment; they cannot be interpreted, completed or to resorted to other writings because they are complete papers whose existence is stated by themselves.

¹⁴ O. Căpățîna, L'évolutions des fonctions de la lettre de change dans les rapports de commerce extérieur, în „Revue roumaine des sciences juridiques“, nr. 2/1978 p. 309-320.

¹⁵ the modification was made through the article 4 lett.i of the Decree no. 377/20 Octobre 1960.

¹⁶ *the bill of exchange is the document with this name by which a person (the drawer) gives a warrant or orders a person (drawee) to pay a third person (the beneficiary) a specific amount of money at a precise date at the indicated location.*

¹⁷ *The financial bill- is the commercial paper by which the issuer obliges himself to pay the beneficiary or at his request (order) a certain amount of money, at a due date, in a specific location.*

The bill of exchange clauses

Both on the bill of exchange and on the financial bill certain clauses, which influence the bill of exchange obligations, can be added:

- Clauses permitted by the law: the clause mentioned by the drawer that he is not responsible for the refusal of the bill; the clause which extends or reduces the circulation of the commercial papers over the legal term; the clause by which the owner excuses himself from the obligation of the rejection protest etc;
- The unwritten clauses are those clauses that, if they were to be taken into consideration would cause the shifting of the bill of exchange obligation, leading to the annulment of the bill. For instance the clause by which the drawer exonerates himself of the responsibility to pay at due date or that by which the drawer would transfer more rights than it actually has;
- Clauses that contradict the bill of exchange obligation and which cause the annulment of the bill of exchange. For instance that of the conditioning of the payment order (of the bill of exchange) or that of the payment obligation (the financial bill), the payment order or the payment obligation needing to be unconditioned.

More juridical aspects

- The right acquired and exerted through the bill of exchange and the financial bill is actually an amount of money, payable at the place and due date written on them;
- The right to the payment of an amount of money is not subordinate to a counter-service
- As commercial effects, the bill of exchange and the financial bill are transmitted through pledge (endorsement) from a person or a corporate body to another, also transmitting the rights in this instrument of payment and credit. Unlike the common right these rights are connected to the cause that generated them and so through the transmission of the pledge, the holder acquires the right of the assignor.

It is important to remember that the lack of one of the essential (compulsory) elements of the bill of exchange and the financial bill cannot be replaced thus making them void as commercial papers. Even incomplete the bills can produce certain juridical effects according to the provisions of the Civil Code.

The rules of international law conflicts. Principles and Solutions

Due to the fact that the standardization of the commercial papers is only partially realized it is obvious that their international circulation gave birth to law conflicts generated by different international regulations as well as different national regulations.

We name "law conflict" a situation in which as concerns a juridical report there are at least two different laws in two different countries, apt to deal totally or just partially with the specific juridical report.

In reference to the law that applies to the capacity

Article 2 of the "Geneva Conventions" in reference to the bill of exchange capacity: the capacity of a person to engage itself in a bill of exchange or a financial bill is determined by its national law. If this law declares competent another country's law, this last law applies."

In the Romanian law system the national law applies – *lex patriae*.

In reference to the law that applies to the consent

The international conventions give no indications on this matter. In such cases the general principles, respectively the law of contract applies – *lex contractus*.

In reference to the law regarding the signing place or the law of the payment place

Most legislation bodies of the market economies are favorable to the use of the signing place of the commercial paper.

So the bill of exchange, the financial bill and the check will be interpreted according to the law of the place they were signed in by the drawer – for the bill of exchange and the check – or by the issuer or the subscriber – for the financial bill.

Even so there are certain people that consider as preferable the competence of the place of payment as being the only one that insures the certainty and the unity of the solutions involved in this case.

In reference to the law that applies to the form condition regarding the bill of exchange engagement

In the common law the form of the documents is submitted to the rule – *locus regis actum*, meaning the law where the document is created.

This fact is actually stated in the Geneva Conventions in article 3 of the “Agreement on the bill of exchange and the financial bill” (1930) and the article 4 of the “Agreement non check” (1931) with grants two subsidiary competences:

- one of the law of the country where a future engagement was subscribed in the sense that if the obligation assumed did not comply with the conditions of the law where it was signed, the law does not have an influence over the future engagement due to the principle of independence of signatures that leads to the conclusion that each signature’s validity must be appreciated separately;
- one of the common national law in the sense that the parties of the convention may consider the obligation valid even if it is not valid according to the law of the place where it was signed, but if it fulfills the conditions of the national common law;

In reference to the effects of the bill of exchange engagement

In order to determine the applicable law on international grounds one must start with the principle of signatures’ independence and that of the multiple links. In the 3rd article of the “Geneva Convention” on the law conflict states that: “the form of the engagements concerning the bill of exchange and the financial bill is regulated by the law of the country on whose territory these engagements were subscribed.”

So the effects of the acceptance’s obligations are determined by the law of the place where the payment will be made.

The 4th article of the above mentioned convention indicates that the effects produces by the signatures of the other obliged persons, the

acceptors and guarantors, are determined by the law of the country on whose territory those signatures were made.

The effects of the obligations deriving from the check are settled by the law of the country on whose territory the check was subscribed.

Countries that have signed and ratified or adhered to the Geneva Conventions

1. Countries that have signed and ratified or adhered to the Geneva Conventions on the bill of exchange and the financial bill¹⁸.

Signatory countries: Austria (1932), Belgium (1932), Czechoslovakia, Denmark (1932 with the mention that it assumes of not obligations for Greenland too), Ecuador, Switzerland (1932, was accepted only in 1937), Finland (1932), Germany (1933), Greece (1931), Italy (1932), Norway (1932), Luxemburg, Yugoslavia, Japan (1932), Holland (1932, with the mention that it had only given the accept for its European territory), Peru, Portugal (1934), Spain, Sweden (1932), Turkey, Hungary.

Countries that have adhered to: Brazil (1942), France (1936), Monaco (1934), Curacao (1935), Surinam (1936), Poland (1936), The Soviet Union (1936).

2. Countries that have signed and ratified or adhered to the Geneva Conventions on the check.

Signatory countries: Austria (1932), Belgium (1932), Czechoslovakia, Denmark (1932 with the mention that it does not include in its acceptance Greenland too), Switzerland (1932, was accepted only in 1937), Ecuador, Finland (1932), Germany (1933), Greece (1934), Italy (1933), Norway (1932), Monaco (1933), Luxemburg, Mexico, Yugoslavia, Japan (1933), Holland (1934), Romania, Portugal (1934), Spain, Sweden (1932), Turkey, Hungary.

Countries that have adhered to: Brazil (1942), France (1936), Nicaragua (1936), Curacao (1936), Surinam (1936).

¹⁸ See Imireanu M. *Cambia, biletul la ordin și cecul –efecte de comerț în relațiile de plăți interne și externe*, în „Buletin Economic Legislativ”, Ed. Tribuna economică nr. 3/1995, p. 19.

GLOBAL ENGLISH – EURO-ENGLISH

Sarolta Simigné Fenyő*

Abstract

The main goal of this article is to determine the conditions allowing us to perform a differentiation between the various types of Englishes, according to their area of utility. It seems that the main differentiation can be made between World English (Global English) and Euro-English.

Introduction

The second congress of the *European Society for Translation Studies* was held in Granada, Spain in September 1998. The congress was hosted by the University of Granada and aroused world-wide interest. The participants (268) arrived from 23 European and 9 transatlantic countries to discuss theoretical and practical problems of translation. The sessions of the congress worked as usual, but on the last day, during the closing plenary session something out of the ordinary happened. One of the lecturers of the University of Granada read out a letter to the audience, in which she protested against the English language having been chosen as the working language of the conference. She supported her ideas by the fact that Spanish is spoken by at least as many native speakers as English is, and on this ground Spanish is entitled to have the status of a world language. Since this event concerned problems of language policy, namely problems of linguistic imperialism, after the congress this protest gave rise to serious debates regarding the definition of “world language”. In the circle of Hungarian linguists the following decision was made: the status of a world language does not depend on the number of its native speakers. If it were the only criterion, Chinese could undoubtedly become the *lingua franca*,

* Sarolta Simigné Fenyő, PhD., Department of Applied Linguistics, University of Miskolc, Hungary (nyefenyoy@gold.uni-miskolc.hu)

because Mandarin (Chinese) is spoken by the greatest number of native speakers in the world. Thus the status of a world language has to be determined by the function the given language performs in international communication. Three specific areas, engineering, medical science and chemistry were chosen at random at the University of Miskolc. In January 1999 it was examined, how many publications and scientific reviews concerning these three areas were available on the Internet both in English and in Spanish. The number of publications in English was as follows:

Engineering: 10 122 032

Medical science: 4 313 746

Chemistry: 2 873 448

In contrast to this, the number of publications concerning the special literature available in Spanish was as follows:

Engineering: 508 432

Medical science: 645 298

Chemistry: 310 147

These data show great differences in size, and it is supposed that had other areas been examined, the difference would have been the same (Simigné Fenyő 1999: 137-139). The aim of this long introduction was to prove that the status of the English language has become an important area of research recently. In accordance with the title, the objective of the present study is to describe the various roles and some linguistic properties of the English language when it functions as a *lingua franca* in the world and in the countries of the European Union. The theoretical framework is given by the Indian-born scholar Braj B. Kachru's model of world Englishes.

1. World English or Global English?

Researchers point out that the importance and fortunes of languages rise and fall. The variety which has a great international influence today "on a scale never seen before, was once of very secondary importance and restricted utility" (Edwards 2001: 5). It holds true for English as well, since the rise and dominance of English in the world have profited from historical circumstances. If we consider other great *lingua francas*, for example Greek and Latin, we can realise that they seemed imperishable, but faded away with the declining power of their speakers. Historical

precedent would have suggested that the decline of the British power meant the decline of the English language. But the power moved to the other side of the ocean, and English received a renewed lease on life. Later English received a further injection of life from a wider world, which it has already penetrated. Edwards quotes Burchfield, former editor of the Oxford English Dictionary and consultant to the 1980s television series *The Story of English* making the point that “English dominance seems assured, well into the future, unless something truly cataclysmic – a nuclear ‘winter’, for instance – were to occur” (Edwards 2001: 5). English is spoken by more and more people in Europe and this language is becoming *the binding agent* in our continent. The current status of English needs documentation as well as scientific investigation.

Examining the status of the English language in an extensive study McArthur asks the following question: is it *world* or *international* or *global* English, and does it matter? To answer this question the professor examines the occurrence of these attributes in dictionaries, encyclopaedias and newspaper articles, explores the histories and meanings of, and similarities and contrasts among these three labels. He points out that “Although all three phrases relate to the same vast language or family of languages, each has a history and perspective of its own: *world English* since the 1920s, *international English* since the 1930s, both emerging strongly in the 1980s, and *global English* since the mid-1990s” (McArthur 2004: 3). Then he points out that *world English* has been used to mean both “Standard English and all English”. The attribute *international* refers to the multinational use of English, while “the third both implies vast use and links the language (often negatively) with socio-economic globalization (McArthur 2004: 3). Although all the three adjectives are being used, and although they are synonymous and interchangeable in phrases like *world peace*, *international peace*, *global peace*, the three kinds of *peace* are close but not identical in meaning. Let us examine these three attributes one by one.

World English is an all-embracing term. It means both Standard English and all the varieties used in different countries of the world, like Indian English, Singapore English, New Zealand English et cetera. The term *world English* is usually associated with imperialism, since its development and usage coincides chronologically with colonialism. In addition, “English is now entrenched world-wide as a result of British

colonialism, international interdependence, 'revolutions' in technology, transport, communications and commerce, and because English is the language of the USA, a major economic, political and military force in the contemporary world" (Phillipson in Brutt-Griffler 2002: 447). The term *world English* expresses the central idea of linguistic imperialism, namely the fact that "the spread of English represents a culturally imperialistic project, which necessarily imparts English language culture to its second language learners" (Phillipson in Brutt-Griffler 2002: 447).

International English is an alternative to *world English* mainly used with reference to pedagogy. Some linguists use the term to contrast strongly with the two sets of established terms *Teaching English as a Foreign Language (TEFL)* or *Teaching English as a Second Language (TESL)*. *Teaching English as an International Language (TEIL)* emphasizes that English belongs to all its users who use it in situations where a language serves as a shared international medium (McArthur 2004: 8). For example, it occurs that at a German-French joint venture company the working language is English.

Nowadays English is used by more than two third of its speakers as a means of international communication and not as a mother tongue. This fact accounts for using the attribute *global*. *Global English* is a late 20th century term for a language used everywhere on the Globe. It refers to the process called globalization, which means the increasing integration of economies around the world, particularly through trade and financial flow. The term also refers to the movement of people (labour) and knowledge (technology) across international borders. Globalization has cultural, political and environmental dimensions. If we were to summarize globalization in a single word, we could say it is *mobility*. *Globalization* means *mobility* of capital, investment, labour, goods and services, and *global English* is the language used to help this mobility.

Although all three phrases relate to the same vast language, each has a history and a perspective. If we study dictionary definitions and real-life situations, we can conclude that *world English* and *global English* are style variants. On the one hand, they overlap, but on the other hand, the first is mainly associated with colonialism, and the second with a recent phenomenon called globalization. Both *world English* and *global English* are collective terms for all the different varieties of English used in various

countries of the world. In Europe a new variety called Euro-English is emerging, which can be considered as part of *world English* or *global English*.

Trying to help us to understand the new status of English, researchers propose models. The best one was introduced by the Indian-born scholar B. Kachru (Kachru 1985, 1992)

2. The characteristic properties and the function of world Englishes

Kachru proposes a model which serves as a framework for studying the various roles English plays in different countries of the world and in various sociolinguistic situations. The model consists of three concentric circles: inner, outer and expanding. Each circle represents the type of spread, patterns of acquisition and functional domains in which English is used in different countries and cultures.

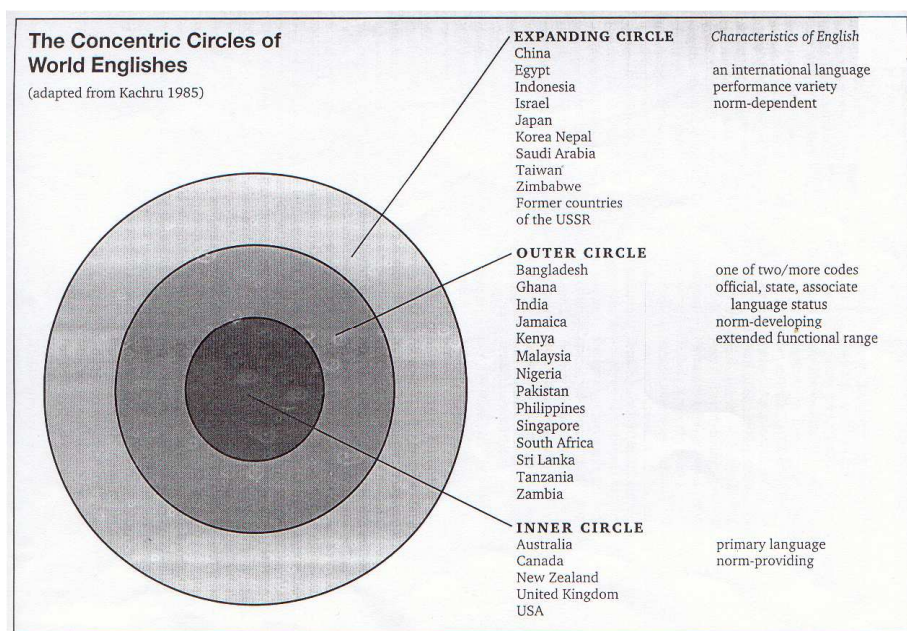


Figure 1. Concentric Circles of World Englishes, adapted from Kachru 1985.

The **inner circle countries** are the ones where English is spoken as the mother tongue of the inhabitants, where it is a primary language. These countries are Australia, Canada, New Zealand, the United Kingdom

and the United States. These countries are the traditional bases of English and provide standards and norms for non-native speakers, to which they have to conform.

The **outer circle countries** include Bangladesh, Ghana, India, Kenya, Malaysia, Nigeria, Pakistan, the Philippines, Singapore, Sri Lanka, Tanzania and Zambia. This circle is distinguished by the following features:

- the place of English in the linguistic repertoire (where it is only one of two or more codes), and
- the status of English in the language policies (whether it is an official language like in Nigeria or one of the state languages like in Zambia or an associate language like in India).

The language norms in the outer circle countries are determined by two factors:

- their own institutionalised varieties and
- the norm-providing varieties used in the inner-circle countries.

A variety of countries, for example China, Egypt, Indonesia, Israel, Japan, Korea, Nepal, Saudi Arabia, Taiwan, Zimbabwe, and the countries of the former Soviet Union belong to the third circle, which Kachru calls the expanding circle. In these countries English functions as an international language and the speakers develop its performance varieties. They learn English as a foreign language and are also dependent upon the norm-providing inner-circle countries. Their situation differs from that of the outer-circle countries as well, because they did not have the colonial past of outer-circle users of English. In these countries English is becoming more and more influential and the number of its learners is increasing rapidly.

3. The sociolinguistic situation of a unified Europe

The European Community has been a political and economic unit since the economic integration in 1992. There is a sense of unity through a common culture. The model of the various world Englishes shows the different functions the English language performs in different parts of the world and in different sociolinguistic situations, for example in Africa, Asia or the Middle-East. Although the spread of English in Europe can be considered as part of a global process, the model incorporates neither Europe nor any European countries. Due to the spread of English and the variety of

functions the language performs it would be necessary to extend the model to Europe. Before doing so, we have to describe in detail the sociolinguistic situation of the unified Europe.

We can find a wide range of speech communities in Europe. Each community has its own culture but at the same time constitutes part of the cultural heritage of Europeans. Each speech community has its own language and dialect, which is one of the number of different languages and dialects spoken in Europe. In spite of this fact, English is a language of wider communication. The knowledge of English is essential for citizens of the member states to move freely across borders, to live, work and get training outside their homeland. In the European Union the goal is political and economic integration and this objective leads to unification in language use, which in turn creates a unique sociolinguistic situation.

English plays *multiple roles* for various citizens of Europe. In the unified Europe English functions as a *mother tongue*, a *foreign language* and an international or a *foreign language*. For citizens of Great Britain and Ireland English is a native and a second language, in other countries it is a foreign or an international language, but in Luxembourg together with French and German, English is regarded as a primary language. In the Netherlands English is so widely understood that it is considered by some as one of the languages of this Dutch-speaking community. English is a compulsory school subject in primary and secondary education. In the other countries of the EU English is generally regarded as a foreign and an international language.

In the European Community English is also used for intra-European communication. In this situation the users of English are neither the native speakers living in Great Britain nor the English speakers of one particular EU country. In the territory of Europe there is a European-English using speech community. "And this community represents speakers of a non-native English, one that has been referred to as *European English* or *Euro-English*. The label *European English* identifies those uses of English that are not British (and not American or Canadian or Australian or any other native variety), but are distinctly European and distinguish European English speakers of other varieties" (Berns 1995: 7). Parallel to the multiculturalism and linguistic diversity characterising the EU countries

there is a common language, a variety of English that functions as a *lingua franca* in the European Community.

4. Vocabulary and structure of Euro-English

The changing status of the English language in Europe is reflected by its vocabulary and its structure. New lexical items appear as reflections of new phenomena.

4.1. *New lexical items*

The new lexical elements demonstrate *euro-mania*. It means that the vocabulary contains a lot of words with the element *euro*. The new currency is referred to as the *euro*, *euro notes* are the valid currency used in the *Euro-zone* or *Euro-area*, which consists of those *Member States* which have joined the *EMU (Economic and Monetary Union)*. The *euro-mania* got control over the politicians, the economists and of course the media. One of the recently established words is *Euroland*, which refers to the area of the Member States. Since 1998, when the exchange rates of the euro and the national currencies were fixed, everyone has obtained an *euro calculator*. In the Member States there was a real movement to popularise the euro. The Dutch government presented a set of euro-models, called *euro-kits*, to its citizens. In Belgium, the government encouraged the companies to give mini-eurokits to their employees. The Spanish government sent special *euromobils* equipped with educational rooms to every part of the country in order to make its citizens acquainted with the euro. Austria solved it with *eurotrains*. France launched a campaign called 'Euros bienvenus' to stimulate the French to pay in euro from the very first day. It is not by chance that the EU politicians are called *Euro-crats* and their language is referred to as *Euro-speak*.

The tradesmen also had to prepare for the introduction of the euro. The large supermarkets prepared their employees to the introduction of the new currency in order to avoid *euro jams* at the cash desks. Several trades accused each other of raising their tariffs highly. The hairdressers were expressly called *euro profiteer*. They said: Attention! *Euro-raises!* After that the citizens of the euro zone got over the euro New Year's Eve, they wished

a Happy New Year and a lot of euros to each other. This event can be called *euro euphoria*.

4.2. *New terminology based on political implications*

Besides the words that contain the element *euro* new terminology originating from the new reality appears. We find that in Euro-English, instead of the terms *state*, *country* or *nation* the expression *Member States* is used. This difference is only a subtle one, but it has important political implications. Another example illustrating this type of a subtle distinction in Euro-English is the using of the term *internal market*, which is slightly different from *domestic market*. European citizens often use the term *additionality*. It means the demand for matching funds from national or local authorities when money is provided by the European Regional Development Fund. The new vocabulary also contains the word *Berlaymont*, the name of the Commission building in Brussels. The word *Berlaymont* is used to refer to bureaucratisation and red tape (Modiano 2001: 13).

4.3. *Discoursal nativization*

Discoursal nativization or *Europeanization* is the process through which common expressions of European languages make their way into Euro-English. Euro-English contains several terms which are peculiar to European experience, because Europeans introduce innovations on the basis of their mother tongue. At the same time they de-Americanize and de-Anglicize English, which involves a number of linguistic processes. The most striking features are *lexical borrowings*. Words like *eventual* having the meaning *probably*, *perhaps* or *actual* meaning *current*, *topical* are examples of the continental use of English. Conventions of the native language and culture are also maintained in texts which use English language and syntax. Users of English living in other parts of the world generally do not understand them. It is important to mention that words of European origin are first understood only by those people who know the languages from which the new words were taken. Later all users of EU-English will accept it and as a result of nativization, the new forms get communicative legitimacy (Modiano 2001: 13-14).

4.4. Fossilization

Another phenomenon contributing to the formation of Euro-English is the process of *fossilization*, which means that “non-standard structures become acceptable forms of language” (Modiano 2001: 13). Expressions used in other European languages are slowly making their way into Euro-English. The examples Modiano mentions are taken from Swedish. In Swedish, if people want to neglect something they say they *hoppa över* it. In Sweden it might happen that we hear a sentence like this: *I am going to hop over lunch today*. Another example illustrating the phenomenon is the literal translation of the Swedish structure

We were five people at the party instead of *There were five of us at the party*. Both native speakers and citizens of other EU countries would be at a loss to hear such statements. But in time such usage could become more commonplace and it could be accepted by users of English not familiar with Swedish.

4.5. Abbreviations, clipping, acronyms and blendings

Besides the new vocabulary EU-English is characterised by a great number of abbreviations which are easy to remember, concise and convenient to use. They are often applied instead of long official names, save time in speaking and space in tables or written texts, they are used in groups of statistics, technical and scientific texts, indices, footnotes, bibliographies and by experts of similar professions. There are three types of abbreviations: clippings, acronyms and blendings. Clippings are lexical structures, in which part of a word is standing for the whole. For example EURATOM meaning European Atomic Energy Committee. Acronyms are formed from the initial letters of words that make up a name, for example EIB (European Investment Bank). Blendings are formations in which a compound is made by blending one word with another (for example *eurocrat*) so that the whole remains fairly analysable (Quirk 1991:175). We have to admit that blends are very rarely used in Euro-English.

5. The function of English in Europe

If we want to apply the model of world Englishes to the EU countries, we have to use the inner circle as a starting point with Great Britain and

Ireland occupying this circle on the grounds that in these countries English is spoken by native speakers and recognised as either the primary language or one of the two languages. The variety of English spoken here is norm-providing. But the situation in the non-norm providing countries is not as simple as that.

In the outer circle countries of the model by Kachru speakers used non-native varieties like Indian English or Singaporean English. But this status does not exist in the EU countries, there is no Spanish or Swedish English. But we can find some similarities between the outer circle countries of the original model and that of the EU countries: English plays an important role in the visual and sound media and in interpersonal communication.

In the expanding circle of the original model English has the status of international or foreign language, is taught in schools as a foreign language and speakers develop performance varieties. In addition to acquiring the language, learners have to acquire the appropriate forms of behaviour accepted in the inner circle countries. As Berns points out, "English in Belgium, Denmark, France, Greece, Italy, Portugal, and Spain match these characteristics and thus can be identified with the expanding circle" (Berns 1995: 8). And so can Finland and Austria, the countries which joined the EU later than the study by Berns was published. As regards the Netherlands, Luxembourg, Germany and Sweden, it is difficult to identify them with the expanding circle in spite of the fact that English does function as an international language in these countries. If we contrast these countries to Japan, which occupies the expanding circle in Kachru's model, we find that people living in these European countries have more opportunities to use English and more contact with native speakers than Japanese do. Germans for example do not have to go abroad or work for international firms to use English, but Japanese do. After the war there was an influx of military personnel to Germany where people were exposed to American products, culture and the English language. But we cannot state that Germany belongs to the outer circle either. In the original model the outer circle is occupied by countries which had been colonised by users of English. In India for example English is an official language and a second (or third) language of the population and it has developed an institutionalised variety. But although in Germany English is a first foreign

language taught at schools, it is not declared as an official or state language. Nor has it developed an institutionalised variety. To this Berns adds the following: "And while proficiency of English among users is not as widespread as in Singapore, it is greater than in Japan. In addition, it is hard to dismiss English in Germany from the outer circle given the functions it serves there (that English in Japan does not) in various social, cultural, commercial, and educational settings" (Berns 1995: 9). The situation of shared characteristics holds for the Netherlands and Luxembourg, too.

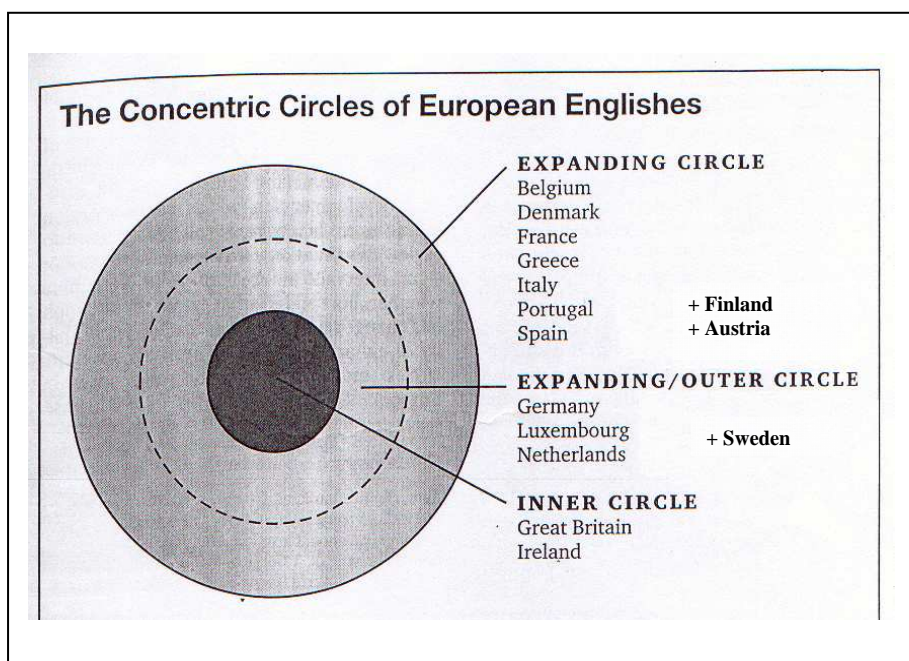


Figure 2. The Concentric Circles of European Englishes adopted from Berns 1995.

Conclusion

In conclusion, we can say that *world English* or *global English* are used as a lingua franca in various countries of the world. Besides this, in Europe a new variety of English is emerging, which is officially accepted as a new lingua franca in Europe. The linguistic properties of Euro-English reflect the political and economic changes taking place in the EU countries.

Europeans introduce innovations on the basis of their mother tongue. They de-Americanize and de-Anglicize English. Conventions of the native language and culture are also maintained in texts which use English language and syntax. When trying to model the situation of European Englishes on the basis of Kachru's model, we find that the outer and the expanding circles cannot always be clearly demarcated from each other. There are overlaps between the areas of the outer and the expanding circles. So we either state that the linguistic situation concerning the function of English in the European Community is so complex that it is impossible to accommodate it in the framework of the model. Or we can draw another conclusion: due to its multiple function, some day English is likely to become the primary language of the citizens of the EU. In the future it will be even more widely used as a vehicle for intra-European communication. As a result of nativization and fossilization Euro-English will bear the characteristics of a broader European context.

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BOOK REVIEW

Florin Diaconu, *Război clasic-limitat și război total. Elemente de teorie și istorie politico-militară*, București, Editura Universității din București, 2006, 244 p., prefată de Daniel Barbu

Ruxandra Ivan

The scientific discipline of International Relations was founded in 1919, at the University of Aberystwyth, with the specific aim at understanding the causes of war. Ever since the First World War and the creation of the League of the Nations, the political elites have been trying to eradicate war as a means of action on the world stage. They did not succeed. The Second World War is the greatest ever fought; it is followed by the Cold War, silent confrontation between two superpowers. When the latter ended, scholars hoped that the end of history¹ was approaching, with a world in which liberal democracies would never wage war to each other². But this proved to be vane, too, and we are facing an epoch in which the war takes new and unexpected forms. But are they really new and unexpected? Is terrorism a type of war never encountered in history?

These are the main reasons why, nowadays, a reflection on war is as necessary as it was in the times of Thucydides, one of the first thinkers we know who produced a study of the war³, or in the times of Woodrow Wilson. Such a reflection is also necessary in Romania, country which becomes more and more assertively involved in the international affairs, and where the study of war was, for a long time, a monopoly of the military circles.

¹ Francis FUKUYAMA, *The End of History and the Last Man*, Harmondsworth, Penguin Books, 1992.

² This is the main assumption of the theory of the democratic peace; see Michael DOYLE, "Liberalism and World Politics", in *American Political Science Review*, vol. 80, no. 4 (1986), pp. 1151 – 1169.

³ The Romanian edition of his book is THUCYDIDES, *Războiul peloponesiac*, Ediție îngrijită de N. I. Barbu, București, Ed. Științifică, 1966.

This is why we think that the book of Florin Diaconu, a Lecturer at the Faculty of Political Sciences at the University of Bucharest, fills this gap of the Romanian scientific literature on war and draws an answer to the questions outlined above (Florin Diaconu, *Război clasic-limitat și război total. Elemente de teorie și istorie politico-militară*, București, Editura Universității din București, 2006).

The book is the first part of the author's doctoral dissertation, a historical approach to the nature of war in international relations. Thus, after discussing the general aspects of the subject, the literature review and the methods he used, Florin Diaconu attempts a review of the most known definitions of the notions of „classic” and „total” war. Not completely satisfied with these definitions, the author proposes his own, which, as he demonstrates, better serves the understanding of some important texts about written on the subject of the war. The third main chapter of the book discusses the occurrence of the two types of war - classic and total, since the ancient world until the beginning of the 20th century. Thus, the structure of the book presents a first, theoretical part, followed by a second, empirical one, where the hypotheses previously formulated are tested. After proposing his own definitions of the classic and total war, the main thesis that Florin Diaconu tries to demonstrate is that the total war is not a specificity of the contemporary times, but it can also be met in ancient epochs.

The author begins by underlying the essentially political nature of his subject, thus circumscribing his research to the broader field of the political sciences. From the point of view of the empirical field chosen to test his hypotheses, the study also has a general scope, not being limited to Romania. Florin Diaconu confesses having avoided the Romanian case-studies as he thinks that Eastern Europe is rather an example of inefficient and underdeveloped techniques of “accomplishing political plans by military means” (p. 18). The epistemological position on which the book is situated is specified from the beginning: the author declares himself belonging to the realist paradigm in International Relations (p. 26), we would even say, to the offensive realism, if we are to take into account his own statements: “the deliberate use (...) of military means, of violence, of war, more generally, of a hard line, are methods not only effective, but also perfectly (...) legitimate” (p. 29). Some of the basic assumptions that

underlie the book are thus the belief in the existence of objective laws that govern politics and society, that the decision-makers are rational actors, acting on the basis of the national interest defined as power (pp. 26-27). Thus, Florin Diaconu shares these assumptions with Hans Morgenthau, the founding father of the classic realism, which he extensively quotes all through the book.

The theoretical chapter of the book is a review of some theoretical approaches to the classic and total war. The works of Quincy Wright, Hans Morgenthau, Raymond Aron, and André Beaufre are examined in order to draw a typology of the several definitions that were produced for the terms “classic” and “total” war. The method of the author is very clear and straightforward: after presenting the approaches of his predecessors, he makes their very detailed and attentive critique, showing, by carefully chosen examples, the points in which history contradicts them. Nevertheless, he retains some elements of the reviewed definitions, in order to propose a more updated and flexible one. Thus, the total war is defined as “the type of war in which (...) at least one of the actors involved has as final objective (...) the serious and irreversible strike or even the complete destruction of the ontological status (the existence) of the enemy” (p. 63). By contrast, in the classic-limited war, the actors do not attempt the complete annihilation of the enemy. The final result of a total war is a reconfiguration of the system in which the war takes place (be it regional or international), while the result of a classic-limited war is only a partial disaffection of some actors’ capacity to influence the decisions and actions of other actors (pp. 64-65). What finally counts for this distinction is the stake of the conflict, and not necessarily the size of the actors involved or the degree of violence. Two eloquent examples are the Cold War, characterized by the absence of a direct military confrontation between the two superpowers, and the terrorist attacks: this is, according to Florin Diaconu, an asymmetric and total war, in which the stake for the belligerents is the complete annihilation of the enemy (p. 70).

A detailed look at the consequences of the total war shows that it might affect all the components of the power of a State, as listed by Morgenthau: beginning with the geo-strategic position of the enemy, for example by significantly reducing its territory, to the destruction of the economic capacity of the State, of its infrastructure, of its natural resources,

of its military and of its capacity to exert political control over the territory (pp. 81 – 100).

The second part of the book is an empirical investigation into the nature of the wars waged during different historical periods. The author shows that the primitive societies were more inclined to fight total wars, for several reasons. First, the competition for scarce resources determined the total character of the wars. Secondly, the primitive societies were not bounded by internationally accepted norms, such as those that emerged in the 19th and 20th centuries. This changes in the ancient world (the Greek, Roman and Asian ancient civilizations), when the character of war becomes rather limited. This is due to the practice of taking prisoners instead of killing the adversary, to the amelioration of the defensive capabilities of the cities, and to the difficulty of total mobilization of the populations for war. The wars of the ancient era are fought with limited military effectives, with logistic difficulties, and without a political will of the commanders to fight general, total wars. The few cases of total wars in the ancient world are strictly linked to the imperial expansions.

The Middle Ages wars are also rather limited, classic wars. Although very long, these have few total consequences, because of the strong systems of fortifications of most of the cities, because of the limited economic efficacy of the medieval societies, and because of the lack of professionalization and motivation of the armies. The cases of total wars in the Middle Ages concern the religious wars (the crusades).

Starting with the modern age, the technological progress and the political centralization of the States seem to create the conditions for another shift in the nature of war. But this shift does not occur until the end of the 18th century (p. 152), when the total war is “rediscovered” (p. 161). The main cases used by the author to exemplify the modern total wars are the French revolutionary and imperial wars, the 1948 revolutions, the Secession war, the French-Prussian war and some of the colonial wars fought in the second half of the 19th century. All these have in common the existence of an underlying ideology (either revolutionary, national or imperialist), the general mobilization of the populations, the technological progress applied to military techniques and a more effective system of command.

The work of Florin Diaconu contributes to a better understanding of the *nature* of war from several points of view. First, his approach from an International Relations perspective fills the gaps of the Romanian theoretical literature on warfare, which is dominated by military, technical approaches. This allows a more comprehensive historical image of the use of warfare as a means of achieving political purposes.

Second, some of his examples serve to counter one of the main tenets of the liberal paradigm in International Relations: the theory of the democratic peace. While this theory contends that liberal democracies are less prone to war⁴, the book of Diaconu shows that not only do they engage in wars, but they don't hesitate to use total wars when this is perceived as necessary from the point of view of their national interest (p. 199). This helps to the deconstruction of the contemporary political discourse that tends to adopt a normative stance when examining the international political actors by creating the categories of "good" and "evil" states.

Finally, another achievement of the book is the fact that it emphasizes the flaws of the preconception according to which the total wars are characteristic for the contemporary times. The total annihilation of the enemy, the main characteristic of the total war, is a recurrent purpose of the international actors at different historical stages.

In our view, the danger of Florin Diaconu's approach lays in the fact that it contributes to legitimating the war as an instrument of politics. In nowadays world, the efforts to establish a body of international law that banes the war as an instrument of international politics is challenged by an increasing tendency of states to move away from these fragile legal bonds.

It is true that, by adopting an explicitly a-moral position, faithful to the sixth principle of political realism stated by Morgenthau⁵, the author keeps the objectivity of a scientist. His positivist epistemological approach remains coherent all through the research. Finally, it is this approach that

⁴ For a wider discussion on the theory of democratic peace, see Michael E. BROWN *et al.* (eds.), *Theories of War and Peace*, Cambridge, Massachusetts and London, The MIT Press, 1998.

⁵ Hans MORGENTHAU, *Politics Among Nations. The Struggle for Power and Peace*, New York, Alfred A. Knopf, 1959 (1948), pp. 8-13.

we can't agree with when it comes to social sciences, which cannot pretend the same mathematical accuracy as the exact sciences.

BOOK REVIEW

Chircă, Adrian, *Provocări geopolitice ale construcției europene*, (Cluj-Napoca, Editura Mediamira, 2005, 230 pagini).

Chircă, Adrian, *Geopolitical Challenges of the European Construction*, (Cluj-Napoca, Mediamira Publisher, 230 pages)

Artur Lakatos

This book tries to place the European Integration process in the context of the International Relations and geopolitical realities of our days. It is well documented, having 16 pages of selected bibliography, in which can be found Romanian and international special literature, and also pages from the Internet. Among the Internet sites are quoted the sites of daily newspapers, scientific magazines and different kind of institutions.

The style of the book is easy to be read, it is more close to the journalistic or even to literature style than to a “dry” academically one. The Introduction is short, having less than 4 pages; it only presents very shortly the general problematic of the book, which is developed in the following chapters.

The first chapter- structurally the second one after the Introduction- *The preliminaries of European Construction*, presents the historical roots of the European integration process. A separate subchapter is dealing with the structural integration process during the Cold War period, and another one is dealing with its characteristics following the collapse of Communist regimes in Europe. This chapter has the characteristics of a synthesis, without the demand for details. It cannot be considered being a complex study at all, while there are missing the consideration of certain historical periods, but in the same time the way in which the information is presented is a real success. This part is good enough for those who want to understand the way how the European Union’s institutions work. But as we will see, this is not the main part, only an introduction to that.

The following chapter is the largest one, and it contains the strictly speaking geopolitical analysis. It betrays that the knowledge of the author concerning this field is quite good. It presents the relationship of the

European world from the recent past, present and future with the other factors of world politics, especially from political and economical perspectives. The greatest part of these subchapters are dealing with the United States of America, with its economical and political relationship with the European Union, from the point of view of two opposite, but also complementary trends: those of cooperation and competition. Some of the subchapters are more general, like the one dealing with the military cooperation; other ones are more specific, like the one which is dealing with the audiovisual mass culture and the competition on this domain between the two related, but different cultures. There are extremely interesting the subchapters which are dealing with the problems of the War against Terrorism, the Kyoto environmental protection treaty and the war in Iraq. The author proves that even if there are no violent conflicts between the EU and the USA, there are many different or even antagonistic perceptions over different problems, which can create tensions at certain level in European-American relations.

Beside the part dealing with the American relations there can be identified two other subdivisions of this chapter: one of them is dealing with the relations of the European Union with the ex-Communist region from Eastern Europe, the possibilities, challenges and dangers represented by its countries, among them the homeland of the author, Romania too. The third part is the most varied one concerning the subjects with which it is dealing with, it contains subchapters referring on the situation in Balkans, the special position of the country which is applying since long for the membership in the Eu, Turkey, the possible direction of the European expansion outside of the continent (more philosophical problems, by comparing the aspects of two conceptions: the conception of a specific: the partnership with the Maghreb countries, initiated on the level of the whole European Union by the So-called ""Barcelona process""), and there are even a few pages dedicated to the possibilities hidden in the spatial research. The whole chapter occupies almost the half of the entire book, and has the character of political analysis.

The content of this chapter is well documented and consistent enough, even if some problems and questions could have been developed even more. It is for example a real achievement from the author, concerning the judging of the USA's policy and its role and consequences on European

policy, finding a way somewhere in between the “America-fans” (very largely widespread especially in the countries of Eastern Europe) and its harshest, almost irrational critics. The image of the United States for him is complete, with nuance, and so are the superpower’s relations with Europe. He is not praising the American foreign policy from the last decade too much, but there are also missing those standard expressions (imperialist, aggressive, etc) which are used by the critics from the left of contemporary USA politics; Chomsky, Blum, Chalmers Johnson, etc. The subchapters dealing with the EU’s relations with the Maghreb countries can be very important and interesting for the Romanian reader because they are presenting information which are not new,, but they can be important, and generally the East-European people are not paying too much attention on them, even if these can be very useful for the citizens of those countries which wants to see their country integrated in the EU.

Eventually, the only thing which could be reproached to this professionally-written chapter is that it could be an even more complete one. In case it wanted to present the European Union’s relations with the rest of the world, in a global perspective, it probably was very important to present the Union’s relations with the fastest developing region of the world, which is the Far East, namely first of all with the emerging economic and political giant, China, but also with the “ tigers” too, while the trade relations with these countries are having a great importance nowadays. Beside this, there could be presented the system of relations (or the lack of these, and its motives) with Latin America, the Black Africa or even with the Anglo-Saxon countries of the Southern Hemisphere: Australia, New Zealand, and Republic of South Africa. This didn’t happen probably because of the lack of time, or space, or both. Another general characteristic of this chapter is its Historical, narrating character, the author does make any predictions for long terms, as many other geopolitical works are doing.

The last chapter bears the title “*The European Construction at long term, between deepening and expansion, chances and risks*”. It contains mainly theoretical-federal European Union and the conception of the Europe of Nations and at the end of the comparison, the author presents in a short way the concrete economical, political and social aspects of the integration process. This part is also a well-written one, it is dealing with its subject in a very complete way. It is focusing mainly on divergence and their resolution

in theoretical levels. The conflicts/divergence/difference concerning own interests appears (in the opinion of the author), between big Union-member countries and smaller ones, old members and new ones, state policies and supranational institutions, common interest and the individual interests of citizens of the Union. He does not see a catastrophe in the failure of the referendums regarding the European Constitution in France and in the Netherlands, only a temporary slowing down of the integration process. In the same time he considers to be unlikely possible the birth of such a functioning state (federation) like the United States of America is, with a truly working and common foreign- and defense policy. In his vision, the common institutions of the Integration process and of the Union will remain and develop further in the future, and it is possible even the appearance of some new ones. But the functioning of the European community will remain for long only the community of values, ideas and common economic interests, and not more.

The book ends with *Conclusions*, which is summing up the ideas presented by the author in the entire content of the book. The text of the book comprehends, easy to understand, and its conclusions are quite realistic ones. He does not try to develop any new, shocking geopolitical theories, and neither tries to apply existing ones (which are only theories today, like the ones of Huntington's, Fukuyama's and so on). The main purpose of this book is to present the perspectives and limits of European Integration, and it succeeds, in great lines. It represents a good, enjoyable lecture and it can even become, in the nearby future, a basic reference for those who wants to know more concerning the geopolitical perspectives of the European integration process.



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Dr Sergiu Mişcoiu, miscoiu@yahoo.com

Mrs Laura Herţa Gongola, lauragongola@yahoo.com

The Editorial Staff is looking forward to receiving your papers for the three volumes in 2007. *Studia Europaea* is thankful for the interest you show in this *Call for Papers* and hopes for a future collaboration.



Université „Babeș-Bolyai” de Cluj-Napoca
 Faculté d’Etudes Européennes
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Studia Europaea
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 Revue Scientifique

Lance *l’Appel à contributions* pour 2007

Depuis 1996, la revue scientifique *Studia Europaea*, éditée par la Faculté d’Etudes Européennes, a représenté une *agora* qui s’est proposé d’encourager l’expression des idées et des débats scientifiques. Des hommes de science consacrés, de même que des jeunes chercheurs d’Europe et des Etats Unis ont trouvé dans *Studia Europaea* un espace favorable à la propagation des préoccupations scientifiques qui relèvent des divers domaines des sciences sociales. La revue – qui est officiellement reconnue par le Conseil National Roumain de la Recherche Universitaire (CNCSIS) – bénéficie d’un comité de lecture composé de nombreux spécialistes internationaux.

Par cet *Appel à contributions* pour le 1^{er} numéro de 2006, *Studia Europaea* est prête à recevoir des articles qui seront groupés dans six sections :

- La section « **Histoire, Relations Internationales et Science Politique** » rassemble les articles qui mettent en évidence la perspective européenne sur la politique mondiale et font l’analyse des évolutions politiques européennes.
- La section « **Economie Européenne et Société Informationnelle Européenne** » accueille des articles qui contiennent des analyses et des commentaires concernant l’économie et la technologie informationnelle européennes.
- La section « **Droit communautaire et droit commercial européen** » rassemble des articles qui

- portent sur les Communautés Européennes et leur organisation juridique et institutionnelle, de même que sur les réglementations dans le domaine commercial européen.
- La section « **Culture, Philosophie et Anthropologie Européennes** » se concentre sur l'expérience interculturelle européenne, notamment sur les relations avec les autres aires culturelles telles l'Asie et les Amériques.
 - La section « **Forum** » attend les meilleurs articles des étudiants en maîtrise et en master traitant des sujets qui correspondent aux domaines énumérés ci-dessus.
 - La section « **Revue critiques** » accueille des revues sur les derniers livres parus

Avis aux contributeurs

Les articles devraient être écrits en anglais, en français, en allemand, en italien ou en espagnol et ne devraient pas dépasser les quinze pages. Des résumés de cinq à huit lignes, écrits en anglais, de même que des notes biographiques de trois à huit lignes sur l(es) auteur(s) doivent être joints à l'article soumis.

Les auteurs doivent respecter les règles d'édition ci-dessous :

1. Mise en page :
 - Dimension de la page : A4 (29.7 cm x 21 cm)
 - Orientation du papier : portrait
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2. Police : à employer Palatino Linotype et à suivre les tailles spécifiées ci-dessous :
 - 10 pt pour les en-têtes, les notes de bas de page, les en-têtes, les bas-de pages et les spécifications des tableaux
 - 11 pt pour le contenu des textes
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- **11 pt (bold)**, centré, pour les noms des auteurs et les intitulés des sections
 - **12 pt (bold)**, centré, PETITES MAJUSCULES, pour l'intitulé de l'article
3. Les auteurs sont invités à employer seulement des notes de bas de page.

Références :

< Pour les livres : Auteur(s) : Nom, prénom (année), *Titre*, Lieu de la parution : Editeur >

Ex : Mișcoiu, Sergiu (2005), *Le Front National et ses répercussions sur l'échiquier politique français*, Cluj-Napoca : Efes

<Pour les articles parus dans des volumes : Auteur(s) : Nom, prénom (année), « Titre de l'article » in Editeur(s) : nom, prénom, *Titre du volume*, Lieu de parution : Editeur, pages>

Ex : Herta Gongola, Laura (2005), « Modelul societății informaționale. O abordare sociologică » in Todoran, Horea, *Societatea informațională europeană*, Cluj-Napoca : Efes, 36-57

Pour les articles parus dans les revues scientifiques : Auteur(s) : Nom, prénom (année), « Titre de l'article » in *Titre de la revue*, numéro, volume (optionnel), pages

Ex : Mișcoiu, Sergiu ; Tataram, Marina (2004) « Sur les avancées timides et les promesses risquées de la révision constitutionnelle roumaine » in *Politeia*, no. 5, 35-45

Pour les sources électroniques : Auteur(s) : Nom, prénom (année), « Titre de l'article » (si cela s'applique), [adresse web complète], date de la consultation

Ex : *Marketing Glossary Dictionary* [www.marketingpower.com/mg-dictionary-view2464.php], 19 janvier 2005

Les articles proposés pourraient être envoyés par la poste à l'adresse suivante (accompagnés par une version CD) :

STUDIA EUROPAEA

Université « Babeş-Bolyai » de Cluj-Napoca,
Faculté d'Etudes Européennes,
1, rue Emmanuel de Martonne,
400090, Cluj-Napoca,
Roumanie

ou bien par courrier électronique à l'un des membres de l'Equipe Editoriale:

Dr Horea Todoran, htodoran@euro.ubbcluj.ro,

Dr Sergiu Mişcoiu, miscoiu@yahoo.com

Mme Laura Herta Gongola, lauragongola@yahoo.com

L'Equipe Editoriale accueille vos articles pour le trois numéros de 2007 et vous remercie pour l'intérêt que vous avez témoigné à l'égard de *Studia Europaea*, tout en souhaitant de vous compter parmi ses contributeurs.