

# STUDIA

## UNIVERSITATIS BABEŞ-BOLYAI

### STUDIA EUROPAEA

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EDITORIAL OFFICE: Gh. Bîlăşcu no. 24, 3400 Cluj-Napoca ♦ Phone 064-40.53.52

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### SOMMAIRE - SUMMARIO - CONTENTS

#### **BUSINESS AND EUROPEAN ECONOMIC INTEGRATION**

- Alina ANDREICA, Cristian CUCURUZAN, E-Commerce in Romania - Present Capabilities and Problems ..... 3
- Anca STANGACIU, Valer STANGACIU, Le domain forestier roumain dans le contexte de l'expansion italienne et sa dimension Européenne entre 1920-1929..... 31
- Elena-Marilena PORUMB, Challenges and Opportunities in Modern Business. .... 51
- Carmen LAZAR, Les sources du droit communautaire, la hierarchie des normes et le contentieux ..... 61

#### **SOCIAL AND POLITICAL ASPECTS OF THE EUROPEAN PROCESS**

- Chiara LIGUORI, Il partenariato euro-mediterraneo: analisi delle relazioni politiche e di sicurezza fra Unione Europea e paesi terzi mediterranei ..... 73
- Alina BRANDA, From Indigenous Ethnographies to Cultural Anthropology. Comments on the History of Social Sciences in Romania ..... 89
- Alin FUMURESCU, The Good, the Bad, and the Ugly Rationality, Culture, and Institutions in Comparative Politics ..... 97
- Cristian PRALEA, Questioning the American Culture. Beginning of a Research..... 105
- Berch BERBEROGLU, The Impact of Globalization on Eastern Europe in the Post-Cold War Era ..... 113

## **E-COMMERCE IN ROMANIA – PRESENT CAPABILITIES AND PROBLEMS**

**ALINA ANDREICA\*, CRISTIAN CUCURUZAN\***

**ABSTRACT.** The present paper aims at characterizing the situation of e-commerce in Romania. After a general overview of the IT field in Romania, compared to other countries in the region and in the world, we focus on Romanian e-commerce, describing the most important commercial web sites, online marketing and advertising facilities, specific security aspects, the relationship with the Romanian banking system and the present legislative framework. Romania's potential in developing e-commerce and IT solutions is also dealt with. Three case studies are chosen in order to reveal the most important aspects of Romanian e-commerce, its weakest point being the payment system. We conclude by underlining Romania's chance of better integrating into the global economy by promoting the promising IT field.

### **1. Romania and the Information Society**

The information and communication services offered within the Internet emerged slowly in the Romanian society, on an old communication infrastructure and a defective societal management. The educational and research fields embraced enthusiastically and more rapidly the new electronic facilities; still, at a global society level, Internet services are not so popular since financially they are far from being affordable for the general public, who has much more practical needs to cover first. The first commercial Internet service provider appeared in Romania only in 1993.

From a political point of view, we note that although the Romanian democratic governments which succeeded the fall of the communist totalitarian regime created specialized committees to deal with the mass implementation of information and communication technologies (IT, I&CT), the measures proposed by specialists were not appropriately applied. The lack of political will in placing the IT field among the most important ones in the transition towards the market economy will have negative consequences not only upon the IT field, but, by chain reactions, even upon the Romanian economy as a whole.

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\* "Babeș-Bolyai" University of Cluj-Napoca, Faculty of European Studies

The official Romanian organisms which study and support IT developments are the Romanian Institute for Research in Computer Science (Institutul de Cercetare în Informatică – ICI), and the Romanian National Commission for Computer Science (Comisia Națională de Informatică – CNI), later reorganized into the National Agency for Communications and Computer Science – ANCI (Agenția Națională pentru Comunicații și Informatică).

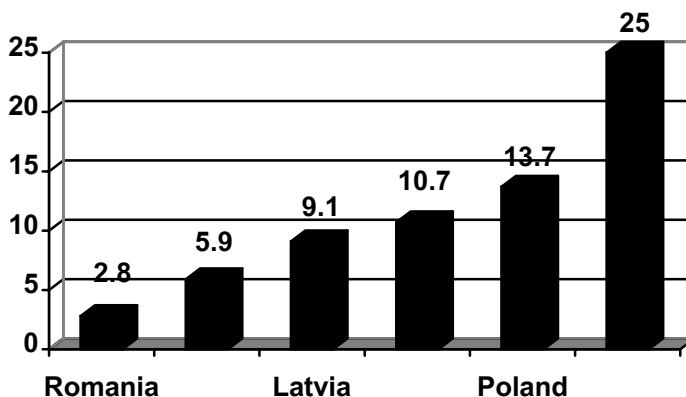
The most important dates for the Romanian development of communication in computer networks and the societal orientations towards the implementation of information technologies, are listed below [ICI], [CNI]:

- 1971 – ICI initiates the first Romanian researches in computer networks (NB. In the USA, the DARPA project started in the late '60s [And98]);
- 1975 – the Institute for Automation Design (IPA) produces the first Romanian modems; ICI and MTT (Ministry of Transport and Telecommunications - Ministerul Transportului și Telecomunicațiilor) test the Romanian communication lines for data transmission;
- the '80s are characterized by the restraint in the development of IT, imposed by Ceaușescu's policy;
- February 1990 – the Romanian National Commission for Computer Science (Comisia Națională de Informatică) is founded as a governmental organism;
- 1991 – on the initiative of the Romanian Academy, the Ministry of Education and the National Commission for Computer Science (CNI), the Prime Minister of Romania approves financing, from the state budget, for a research project aiming at the integration within EARN (the European Academic Research Network); the Romanian subnet would have, as primary nodes – ICI, IFA (Atomic Physics Institute - Institutul de Fizică Atomică) and IPB (the Technical University of Bucharest);
- 1992 – CNI elaborates a project for the implementation of IT in Romania [AndTod01];
- 1992 – the first Romanian node connected to the EARN, through the University of Vienna, is created at ICI; soon, from this node new links are made to IFA, IPB, the Technical University of Timișoara, ECHE (European Center for High Education / Centre Européen pour l'Enseignement Supérieur) and IMAR (the Mathematics Institute of the Romanian Academy) so that in 1993 the connectivity to the Internet is completely ensured. Today, all high education institutes from the most important Romanian academic centers and many other education institutes are connected in the RoEduNet.
- 1992 – the project of a national research and educational network (RNC – Rețea Națională de Cercetare) is initiated; the project will be annually updated (NB. this project can be seen as relatively similar in goals with the one adopted by the US Congress in 1991, but as a giga-byte network);
- June 1993 – the communication infrastructure of the Technical University, Bucharest, becomes operational;
- 1993 – the first commercial Internet service provider appears in Romania – SC EUNET SRL (EUNET Commercial Society, Ltd.).

- 1995-1996 – within the strategy for the Romanian integration into the European Union, new priorities are set for the development of the information society in Romania; CNI updates the initial project for implementation of IT in Romania;
- 1998 – by governmental decision, the National Agency for Communications and Computer Science (ANCI) takes over the responsibilities of the National Committee for Computer Science (CNI) and the Ministry of Communications;
- 1998 – in the ".ro" DNS sub-domain, there are registered 20,000 computers.
- 2001 – the Romanian Parliament initiates laws in the field of software and electronic communication security (digital signature).

In Romania besides the old communication infrastructure, the number of PCs per capita is quite low, compared to other countries, even from the Central and East European (CEE) Region. The situation at the end of 1999 is shown in the graph below – see [AndTod01] (chapter 1).

**Number of PCs for 100 inhabitants  
(end of the year 1999)**



The number of PCs sold in Romania in 1999 – only 75000, from which 58.9% were produced or assembled by local firms (as shown in PC magazine) – is extremely small compared to the 7 million sold in Germany, 5.5 million in Great Britain, 4.6 million in France or 2.2 million in Italy. In the same year 1999, expenses in the IT field were ridiculously small – only

around 7 USD per citizen, the lowest value in the region, while Bulgaria, for example, spent 33 USD per citizen. Another comparison can be made with Canada, where, in the same period, there was spend an average of 2375 USD per capita.

<b>Country</b>	<b>IT expenses - % of GDP per capita</b>	<b>IT expenses per capita (Euro)</b>
Estonia	3.21	82
Czech Republic	2.74	119
Hungary	2.5	90
Slovakia	1.9	60
Slovenia	1.64	123
Poland	1.49	46
Croatia	1.35	45
Bulgaria	1.19	13
Russia	0.61	14
Romania	0.56	7

*IT Expenses in Central and Eastern European Countries – according to IDC (International Data Corporation), 1998.*

While most of the Central and Eastern European countries spend less than 1.6% of the GDP per capita for IT, only the Czech Republic, Hungary and Estonia invest in IT a percentage of GDP that can be considered similar to the one appointed in Western European countries. Romania has the lowest expenses in IT field from the whole region – only 0.56% of GDP.

The IT market in CEE countries is still oriented towards hardware expenses, which represent 60% of the 6.6 billion Euro IT expenses.

A study performed in 1999 in Romania revealed that only 3% of the people that were interviewed used a PC at home and 60% of these also had access to Internet (which would mean that only around 400,000 Romanians used the Internet at home).

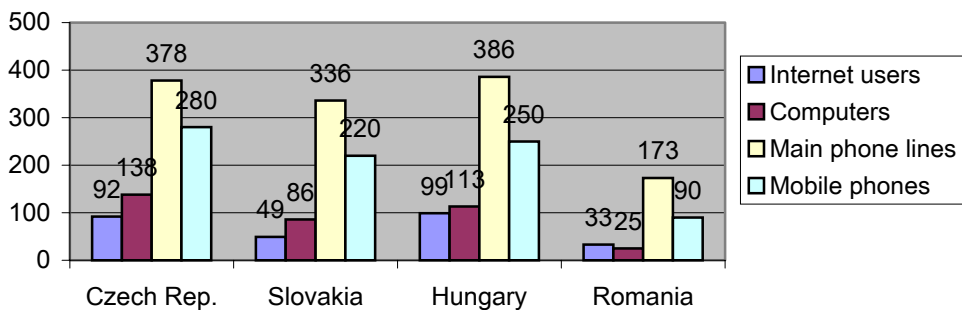
Nowadays, in Romania there are 32 phone lines for 100 inhabitants, amongst which 20 are conventional ones. According to MCTI (the Ministry of Communications and Information Technology) statistics, from the 7,267,625 phone lines existing at the end of year 2000, 2,813,000 were mobile lines. The old RomTelecom network is continuously modernized and expanded. Many cable TV companies join the business of Internet services

and the Internet Service Providers (ISP) expand rapidly, based on modern technologies, such as optical fiber backbones and virtual private networks.

We can state that the situation of I&CT in Romania improved recently but the scarce GDP per capita still does not allow dynamic evolutions in the emerging of IT.

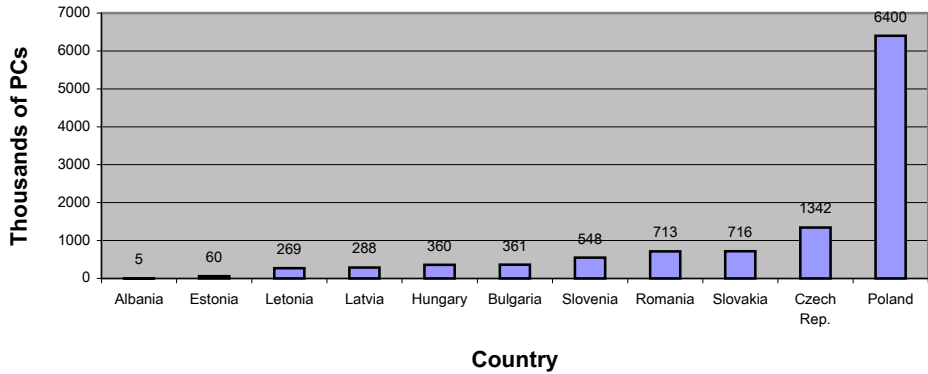
In the year 2000, the situation of IT in Central and Eastern European countries improved, but Romania's position is still poor compared with other CEE countries, as it can be noticed in the graphs below (data source: Roland Berger – Strategy Consultants):

**Number of Internet users, computers and phone lines per 1000 inhabitants in CEE countries, in the year 2000**



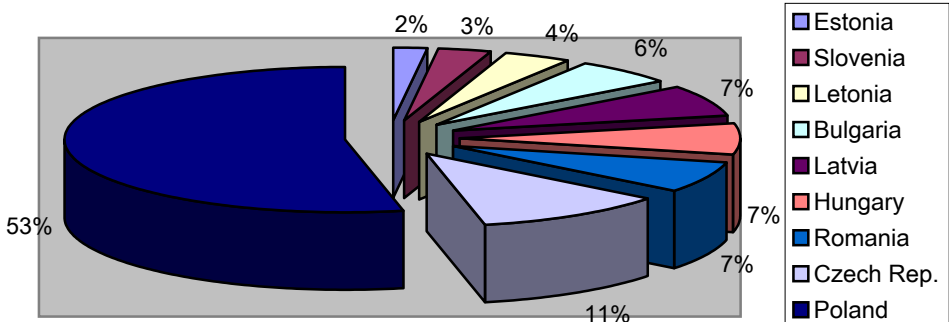
CEE countries have various levels of infrastructure development, Romania's position being quite far of the leading places. Still, according to complementary statistics regarding the total number of PCs, Romania's situation is comparable with most CEE countries:

**Total number of PCs (business & home) in CEE countries - end of year 2000 (figures are expressed in thousands)**



A distribution of the official 9.5 million Internet users from CEE countries is shown in the graph below.

**Distribution of Internet users from the total number of 9.5 million Internet users in CEE countries**



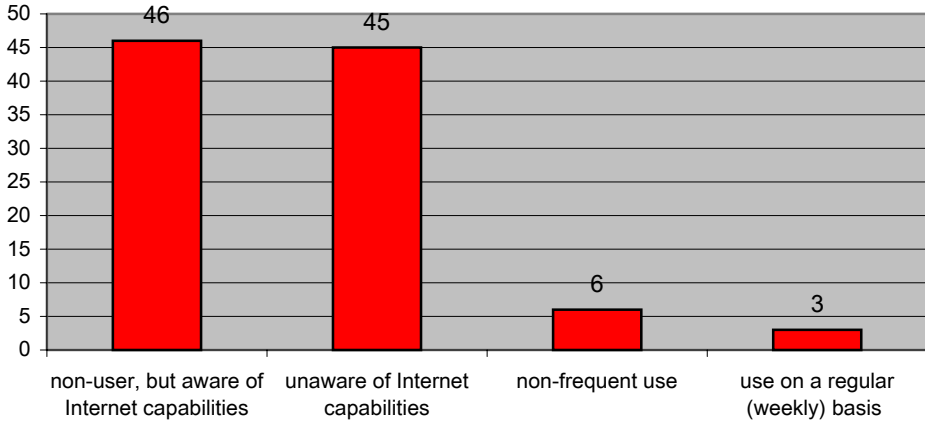
As one might expect, statistics regarding the present number of PCs in Romania (and even other CEE countries) can sometimes have contradictory results depending on their source. In Romania, whereas MCTI states that at the end of year 2000 there were only 713000 PC, it is obvious that this figure does not include "no name" systems, nor takes into account products that elude official monitoring. Therefore, the actual figure must be much bigger – some voices even speak about reaching and even going beyond the average European rate of using PCs. This point of view is sustained by a high Internet traffic that was registered coming from Romania. For example, from a number of 9,467 million of Internet users from Central and Eastern European countries at the end of last year, 7% were Romanians, while Romania has 20% of the region's total population (113.9 million inhabitants). An average of various official statistics for Romanian Internet users is around 600,000 (according to ITU – the International Telecommunication Union) but the most optimistic ones speak about 1 million Internet users in Romania, on the background of ISP development. Unfortunately, the expenses of home Internet connections via phone lines are still too high for the average income (with about 30%) since ISP costs are cumulated with the monopole prices of RomTelecom. Nevertheless, we have to notice the recent RomTelecom offer improvement by introducing ISDN lines and to mention RomTelecom latest declarations to significantly reduce (50%) the prices for Internet dial-up access beginning with the 1<sup>st</sup> of January, 2002. In fact, these trends are extremely natural in the context of continuous ISP expansions and communication development.

A GfK (Market Research Institute) study in Romania concludes that only 9% of the Romanian population are "internauts" – 44% use mostly Internet Cafés, 31% use office computers and connections and only 11% - home facilities. The same study states that the average use time is 4 hours a week.

A distribution of the main categories regarding the use of Internet in a representative sample (analyzed by GfK Romania – Market Research Institute) is shown in the graph below.

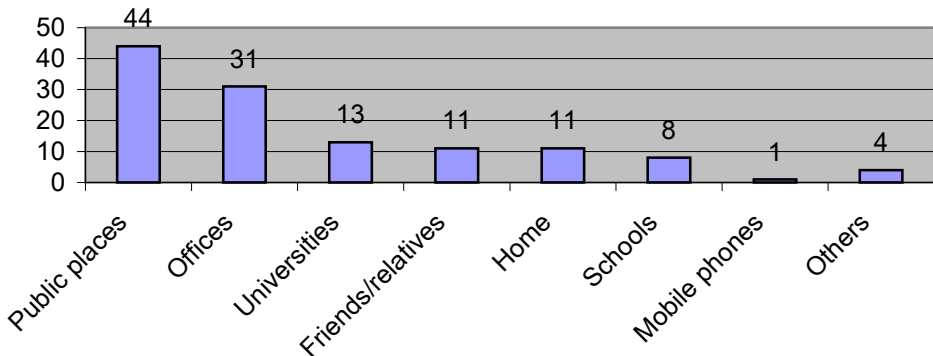


Percentual Internet use in Romania (1999-2000)



Same sources state that the main types / fields of Internet use are the following:

Mediums of Internet use (%) in Romania



A turning point in the Romanian communication infrastructure will definitely be the end of RomTelecom monopole beginning with the year 2003, which will lead to significant changes in the communication "landscape". Some improvements are already noticeable, like certain

commercial societies or institutions developing their own communication systems on optic fibers, at a national scale (SNCFR – National Society of Romanian Railways, Conel – National Electricity Company, Conpet – National Oil Company etc.), as well as the previous-mentioned recent service improvements of RomTelecom. The evolution of digital communications will unquestionably have considerable benefits upon the e-business sector, by means of various e-communication services: Internet access, e-mail, file transfer, web applications and services, digital TV and multimedia communication services.

The liberalization of communications and the emerging of free market competition in the Romanian development of the Internet would have constructive effects by encouraging foreign investments in cable transmission, mobile phones, software industries and the banking system – as US Secretary of Commerce, Charles Ludolph stated. He also mentioned the following problems in attracting foreign investments: corruption, birocracy, over-taxation and excessive formalities, lack of transparency and a complete legislative framework regarding property (including electronic forms).

Nevertheless, we can state that the Internet landscape in Romania tend to develop rapidly and to become more and more resourceful and tempting for a large number of people, not only for young people, whose interest in the new "e-way" has already been proved.

## **2. The Emerging of E-commerce in Romania**

The growing complexity of business applications, associated with an increasing amount of data which is to be transmitted, respectively received, require efficient IT solutions, from a large band communication network to a friendly and appropriate software. In this respect, the development of computer network facilities, starting with local area networks and up to the Internet is extremely important.

E-business software gives efficient solutions for various problems, belonging to the different departments of a company: intelligent management of the available resources, public relations, marketing and advertising. IT solutions for e-business are offered in Romania both by worldwide software producers and by small or medium local firms specialized in software development. Such IT solutions are modular and flexible, adaptable to the peculiarities of each business; they can satisfy a large variety of economic needs, ranging from distributed administration of production processes within firms, intelligent interpretations of data bases accumulated in time to the development of communication infrastructure – portals through which companies can interact with their suppliers or clients via the Internet or private computer networks. E-business software can solve problems regarding enterprise resource planning (ERP), customer

relationship management (CRM), building data warehouses to be processed by means of data mining or balanced scorecard – a technology that enables managers to access all the business' parameters in real time, in order to compare them to certain optimal performance indicators and take the best decisions in various problems.

Another market that grows worldwide with remarkable dynamism is that of Application Service Providers (ASP), who sell or rent out various applications. Since the ASP model involves predictable costs and relatively small initial investments, it could bring enormous benefits to the Romanian companies which plan to develop or have already developed a web component. Nevertheless, in Romania, at present we can only speak about ISP (Internet Service Providers), although many ISPs study the possibility of going into the ASP market.

Internet technologies and applications developed more rapidly than anyone could imagine a few years ago; they open new ways of communication, cooperation and coordination between consumers, comerciants and business partners. The information bases that initially started as personal web pages and firm presentation sites were gradually integrated into complex applications, which enable firms to use the huge public infrastructure of the Internet in developing their own businesses. The growth of the new, electronic economy is important not only for analyzing the new business opportunities created by the Internet, but also for understanding the changes that are taking place in the classical economy, since a significant part of the growth registered by on-line economy will originate in the classical one, by gaining a specific form.

### ***2.1. A Brief Overview on the E-commerce Web Sites in Romania***

For all the above-mentioned principles to be practically applied in Romania, it is necessary that companies integrate all convenient IT solutions, develop and follow specific IT strategies. Nevertheless, this process involves not only infrastructure changes, but also a change in the mentality of Romanian business people, which will probably take place a little slower. Theoretically, software IT solutions are available to any Romanian company, provided that they are appropriately chosen, gradually and efficiently implemented.

Despite all present limitations, it is very likely that the Romanian part of the Internet would follow, with a certain discrepancy, the global trend.

Although existing difficulties are obvious, Romanian internauts are very enthusiastic about e-commerce: a study performed through Computer Press Agora's site (<http://www.agora.ro>) in 1999, revealed that at the question "Have you visited web stores?", 48.8% of the interviewed responded that they visited Romanian sites, 25% - sites abroad and 26.2% said that they visited no electronic store sites.

Another sign that underlines the evolution of Romanian e-commerce is the significant increase in the number of electronic web stores.

The first Romanian electronic web store was Cybershop, hosted and managed by PC-Net; it had a rather limited offer of CDs and audiocassettes. Although Cybershop was not a success, the expansion of electronic web stores continued and the Internet became in Romania an alternative distribution channel for books, music, stationaries, electronic devices, computers and components. We note that these types of products are appropriate for e-commerce since they have a certain degree of regularity (standardization).

In April 2000, the most well known Romanian electronic shops were the following:

*Flamingo Computers* – see 3.

- *Byblos Bookshop*
- *PNP Online Shop*
- *DHL Romania*
- *EFlowers* – accepts credit card payments
- *Austral* electronic store
- *TAROM* – Romanian Air Transport
- *Logimax* On-Line Store – (E-Order Desk)
- *directweb* – orders & distribution for american Amway products
- *Net4you* – electronic store
- *TEORA* electronic bookshop (“Cartea prin Internet!”) – see 3.
- *RTC* electronic store
- *Okazii.ro* – on-line auctions
- *emania.ro* – see 3.
- *cd.ro* – CDs
- *kiosk.ro* – audio & video software
- *itshop.ro* – with 70.000 orders in five months of activity
- *Libraria* - on-line bookshop
- *VICTORIA* Store – accepts credit card payments
- *RAO* Publishing House
- *HUMANITAS* Publishing House
- *CFR* Home Page – National Railway Company
- “Cadouri din Romania” – presents from Romania
- *Musicshop*
- *Cartea* – on-line bookshop
- *PC-NET Cybershop*
- *Rate.ro*
- *vanguard.ro*
- *gameshop.ro* – games
- *plus.fx.ro*
- *anticariat.cjb.net*

- *pcshop.ro*
- *magazin virtual.ro* – electronic “supermarket”
- *realtime.ro* – stationaries
- *domeniul.ro* – domain name registration
- *www.fotomagazin.ro* – electronic photo-sto
- *e-lifestyle* – home decorations
- *producton.ro* – consumables
- *q24.ro* – domestic products
- *pnp.ro*

The emerging of e-business in Romania can be considered promising, since there already exist more than 10 business-to-business (B2B) sites, more than 25 business-to-consumer (B2C) sites and a few online auction sites. Nevertheless, the highest sales figures of the most successful dot.ro-s reach only tens of thousands of dollars, a low level compared to the huge values obtained by the dot.com-s world-wide.

Some of the important Romanian banks offer certain electronic banking services to their customers; at the end of July 2000, there were approximately 770,000 banking cards, but their number increases rapidly since more and more firms choose this method of paying wages (the estimated value for the end of 2001 is 2 million banking cards). Nevertheless, in Romania, these cards are not likely to be used in genuine e-commerce operations over the Internet mainly because of the gaps in the legislative framework and, consequently, of the banks’ reluctance and inertia in introducing Internet transactions, motivated by security risks. Consequently, some Romanian e-commerce sites chose to perform e-transactions through foreign banks.

## **2.2. On-line Marketing and Advertising**

**Marketing strategies** of Romanian companies have entered the web mainly in the last two years. Most of the Romanian firms already have presentation sites, which describe their activity, products and facilities or services. And the business of creating such web sites is continuously growing. Some of the companies’ sites add on-line ordering services – especially for products that do not require prior examination before buying – but most of them do not offer on-line payment facilities from the above-mentioned reasons.

**On-line advertising** facilities for Romanian sites are not very numerous. The most frequently used are search engines, banner<sup>1</sup> networks and "popularity" tops. A banner network is based on an online advertising distributor who ensures the software that is required for running and monitoring banner advertising on the sites that are registered with advertising space, on exchange or on sale. These sites are connected to an advertising server, which displays the banners by rotation, taking into account certain indicators: traffic (the number of visitors registered daily or weekly on one or more web sites), time period, domains and / or number of displays / clicks. A site affiliated to a banner network is a site which offers advertising space, on exchange or on sale, to an advertising distributor.

Electronic reviews and discussion lists are less used in Romania, the number of subscribers (around hundreds) being too few for an efficient advertising.

Generally speaking, the most important types of advertising networks are the following:

◇ Link-exchange networks offer, with free subscription, an usual display rate of 3:1, 2:1 or 1:1, which means that on every 3, 2 or 1 banner displays in the network, there will be one display of that particular site. For a better outcome, more exposures can be bought.

◇ Media agency networks negotiate with the subscribing sites in order to sell advertising space (advertising hosts), on one hand, and with the sites that buy advertising space, on the other hand.

The *advertising hosts* sell advertising space in the network in respect with the number of impressions<sup>2</sup> and / or click throughs (accessing a web location through a link). (The click thru ratio is obtained by dividing the number of impressions to the number of clicks.) The cost of an impression / click can be set taking into account the traffic volume of that site. Ordinary categories might be:

- over 1500 individual visitors per month;
- over 3000 individual visitors per month;
- over 8000 individual visitors per month.

The price offered to the advertising hosts does not exceed 50% of the advertising space cost.

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<sup>1</sup> A banner is a static or animated graphical box (with standard dimensions – usually 468\*60 pixels or 400\*40 pixels), which creates a link to the URL location of the web site that is being advertised. A banner is typically placed at the beginning or at the end of a web page.

<sup>2</sup> An impression refers to the display of a banner on a web site. Depending on the advertising network, the first impression can be equal to 1 up to about 14 page views.

The *advertising customers* buy a certain number of impressions / clicks in the network; they can select the sites to display their ads on certain criteria (thematic, traffic). Average prices on buying advertising space can be:

- between \$0.012 and \$0.015 per impression, for at least 5000 impressions;
- between \$0.3 and \$0.5 per click, for at least 500 clicks (average click thru percentage: 1-2%).

We shall further characterize the most important **Romanian advertising networks**.

- ◇ [www.goldenbanners.ro](http://www.goldenbanners.ro) - a very dynamic banner link-exchange network, opened by Romanian Yellow Pages ("Pagini Aurii") in September 2000. It registered an extremely dynamic growth with the subscription of over 30 sites with various profiles (portals or search engines – with educational or entertaining content, supervised by "Pagini Aurii"), which generate a considerable traffic. It offers 3000 free impressions at subscription and regular promotions. Statistical information regarding the number of affiliates, the traffic or the number of impressions has not yet been issued.
- ◇ [www.goldenclick.ro](http://www.goldenclick.ro) - an online advertising agency with a link exchange component and a commercial one, launched in 1999. It has 980 Romanian affiliated sites, 26,000,000 advertising impressions per month, 300,000 individual visitors per month, 78 advertising campaigns unrolled and has customers both from Romania and the Romanian diaspora.
- ◇ [grafstat.grafx.ro](http://grafstat.grafx.ro) - is a service launched in 1999 aiming at offering free technical support for monitoring site traffic and a link-exchange banner network for providing advertising space within and outside the network (on sale). It comprises more than 250 affiliated sites, supplemented by the "acasa.ro" network of thematic sites (St. Valentine's Day, the specific "Mă rășorul" and "Women's Day", Child's Day, Christmas etc.). It performs over 400,000 impressions per month, its most popular site being "caricaturi.ro", with 1516 visitors between the 1<sup>st</sup> and the 3<sup>rd</sup> of December 2000.
- ◇ [www.adserver.ro](http://www.adserver.ro) - a banner network launched in 1999, which includes Mirabilis Net (6 sites) and other 6 affiliated sites (amongst which "catavencu.ro" – the most popular site, with around 24,000 visitors per month, "nemira.ro", "radio21.ro").
- ◇ [www.telli.com](http://www.telli.com) - is a worldwide news / media agency, which sells advertising space for the Romanian media sites: "Ziua On-line"

(<http://www.ziua.ro> and <http://www.ziua.net>), "Evenimentul Zilei" (<http://www.expres.ro>), "Monitorul" (<http://www.monitorul.ro>), "ProSport" (<http://www.prosport.ro>), "National" (<http://www.nationalpress.ro>), "Mediafax" (<http://www.mediafax.ro>), "ProTV" (<http://www.protv.ro>), "Top100" (<http://www.top100.ro>).

The most important **Romanian portals** which sell advertising space, are: <http://www.click.ro>, <http://www.rol.ro> (PC-NET) and <http://www.acasa.ro> . [www.valueclick.com](http://www.valueclick.com), an international banner network with more than 10,200 affiliated sites and 40,000,000 ads per day, which commercializes advertising space, also includes some Romanian sites.

We can conclude that the best way to create an online advertising system based on ad servers<sup>3</sup> is to choose a solution, according to the available budget, from the ones mentioned below:

- best software on the market (NetGravity AdServer, Real Media Open AdStream, W3.com, AdOptimizer) – ranging from \$3,000 to \$39,000;
- average price software – ranging from \$350 to \$1,000;
- freeware or shareware script systems (programs), which are configured for a certain web server and can be found for free or can cost up to around \$100.

### 2.3. Security Aspects. The Risk of Frauds

General principles of ensuring Internet and e-commerce security can be found in [AndDea00]. Definitely, Internet brings a whole new era in commerce and advertising, as well as in other areas. As it was expected, advertising companies introduced new means, methods and concepts in the field. The almost unlimited means of promotion over the Internet created alluring sources of profits for the "internauts". The advertising principles moved on the web, creating a new framework (see 2.2), where simple banner impressions or sending ad mails are well paid for.

Unfortunately, Romania has a bad reputation in the field of Internet frauds and a regrettably leading position in deceiving security principles of digital payments over the Internet. Fraudulent online orders with fake credit cards boomed in Romania, since they are not immediately traced (the problem also regards the banking system) and, technically, require just basic browsing knowledge. But ethically and legally, the situation is completely different and this lack of responsibility – extremely blamable. Nevertheless, we can generally assert that Internet frauds are merely an electronic face of already existing problems (and the statement is

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<sup>3</sup> An ad server comprises a distributed software installed on a host, which runs and monitors ads over a web site or a network of web sites.



applicable worldwide). More recently, Romanian hackers found ways of digital embezzlement from personal accounts opened at Romanian banks.

As the most famous e-stores worldwide ceased to send products ordered from Romania because of the high number of fraudulent credit card uses, local hackers found less obvious means of making unearned money. The most "popular" method is nowadays the affiliation of a private site to a company specialized in Internet promotion. These companies attach a promotional banner for the site and pay the subscriber (by check or classical mail) according to the number of clicks on the ad spot. The favorite site for Romanian affiliations is LinkShare.com, since it also accepts East European partners, but there are many other commercial sites on the Internet. Moreover, by numerous affiliations, the benefit of a subscriber increases. In this respect, the most profitable are commercial sites which sell various products and offer a percentage from their sales to those who bring customers for their products. (Practically, the subscriber places a link to the commercial sites on his site and benefits from the sales performed through that link.)

All this process is plain and legal, but sometimes the subscriber may deceive regarding his activity and may try fraudulent purchases with fake credit cards from the commercial sites in order to increase his income. Such a commercial hacking procedure may consist in the construction of an affiliated site with links to "Western" e-shops, following those links and fraudulently purchasing any products just to raise the sales percentage as an affiliated site.

Although frauds higher than \$2,000 are dealt with by Interpol, many commercial hackers, including Romanians, escape (national and international) authorized pursuit by creating a new site and a new affiliation after such a "coup".

Commercial sites, which welcome affiliations, flourished on the Internet. Although they offer new means of digital theft, their advantages prevail by gaining a large number of customers almost for free.

#### ***2.4. The Relationships with the Romanian Banking System. The Legislative Framework***

The weak and insufficient IT contributions to the Romanian banking system and to the national payment system are the main obstacles in the Romanian development of e-commerce. These causes are supplemented by an incomplete legislative framework and the users' inadequate level of information regarding the available electronic facilities.

Nevertheless, e-commerce enters the Romanian market, the most relevant sign being the obvious expansion of commercial sites and online marketing. But at present, Romanian e-commerce limits with few

exceptions to presenting and ordering products, since e-payments are not yet implemented in the Romanian banking system (though some local e-businesses use such services provided by foreign banks).

The inadequate legislation in the field, only recently updated, is complemented by the banks' lack of interest for e-business and the deficiency in having an efficient national distribution network. Nowadays, although there are more than 25 e-shop sites, there are few changes in the payment or delivery system and commercial success of e-stores remains in the boundaries of already existing infrastructure.

Such an example is Flamingo.ro (see 3), the site of the homonym company, which in the past few years, built a network of shops in the main Romanian cities and, from 1999, expanded into e-business on the Internet. The Flamingo e-shop – more likely, an online order system – has more than 1,500 users daily (in average), its site has already been visited by more than 1,000,000 people and its transactions performed between 2000 and 2001 have reached the level of \$64,000. The problem of e-payments is mainly created by the insufficient interest of the Romanian banking system in this field. Consequently, some e-shops adopted the solution of dealing with a foreign bank.

In order to develop an online payment system, a company should sign a contract with a bank in order to obtain online access to the bank's account checking system, in return to a percentage from the transactions. Moreover, the bank should perform the corresponding e-payments, ensuring the safety of these digital money transactions.

Unfortunately, most Romanian banks and companies accuse each other, while banks blame the legislation that does not protect online transactions, assuming that such a growing business would be profitable on a long run. Companies which go into e-businesses blame the banks for not developing an e-payment system, fact that forces them to promote only an incipient form of e-commerce.

Nevertheless, we must note that some Romanian banks introduced electronic facilities, in various degrees and, on the other hand, Romanian branches of certain foreign banks (such as the Commercial Bank of Greece or Credit Anstalt – Bank of Austria, HVB Bank Romania Plc after the HVB Group takeover) offer online banking services from any Internet connections, using digital certificates in order to ensure communication security. Recently, Ion Țiriac Bank also has proposed e-transaction facilities, the problem being the responsibility of the operations (also related to the Romanian legal system). The Commercial Bank of Romania (BCR) offers a software system dedicated to small and medium enterprises, whereas the Romanian Bank for Development (BRD) provides software for accessing account information and payment operations.

Regrettably, some recent steps were directed backwards, most banks requiring the physical card for a credit card transaction – a major drawback in developing e-commerce, since such a measure would invalidate any e-payment. On the other hand, Romanian banking card owners would enthusiastically welcome secured e-payments. The number of Romanian banking card owners grows rapidly, more firms choosing this means for paying wages – from 770,000 owners in mid 2000, as mentioned before, the predicted figure for the end of 2001 is 2 million (most of Romanian banking cards are debit cards, only around 100,000 being credit cards, but with a quite inconvenient interest rate for overdrafts).

Rate.ro implemented a semi-automatic online payment system (the only type practical in Romania): when an order from a certain banking card is received, the Rate.ro operator sends the corresponding data to the bank and awaits the confirmation for the validity of the requested operation.

Rate.ro is probably the Romanian e-shop with the most spectacular evolution. With a financing of over a million USD from Libra Bank, it reached Easter sales of over 1 billion lei a week. Future investment plans concern opening new stores in Bucharest and other Romanian cities for commercializing products in the same system, based on an inner delivery system, supported by the whole holding – which also includes FIX Computers.

Another problem in the development of Romanian e-commerce is the low level of computer penetration on the Romanian market, mainly generated by the modest average income of the population, the deficient communication infrastructure and the transition economy problems. According to professional opinions (Roland Berger – Strategy Consultants), "in order for e-commerce to rapidly evolve, it is necessary to allocate considerable finances in the IT and Internet fields, since without potential customers, any e-business model is useless. At present, with only 7 Euros spent per capita, Romania has the lowest IT expenses in all Eastern Europe." Since Romanian banks are not eager to expand their range of services, they will not support the foundation of clearing offices, by taking the financial responsibility of the risks involved. But banks persisting in manual clearing, with the consequent delays, will hardly promote Internet transactions. On the other hand, e-transactions and free-banking on the Internet can only be performed under strict data security rules, using appropriate software means.

Banks' reluctance is supplemented by the high charges set for such banking transactions, the commission being 4.5% of each transaction, regardless the type of activity: from restaurants which use 100% value added tax to computer and component stores, with an ordinary 8% added rate.

An alternate way of performing e-transactions was adopted by Teora.ro, the biggest Romanian e-bookshop, who contracted the services

of an American bank for e-transactions, especially for the site dedicated to American customers. On the Teora's Operate.net site (created in cooperation with Click&Go.ro), e-payments can be performed in secured conditions and Ebill.com delivers the payments at the end of each month, after withdrawing their commission.

The incomplete legislative framework can not be the only drawback in the development of e-commerce, since much more advanced countries, like the United States, have also recently upgraded their legislation in the field. Moreover, compared to the Romanian infrastructure or financial frameworks, the legislative one has nowadays a much better position.

Besides the E-commerce Law (proposed by the Romanian representative Varujan Pambuccian), which has been discussed in the Romanian Parliament in 2001, the Minister of Communications and Information Technology proposed other three regulations: the Digital Signature Law (extremely important for establishing legal responsibility in electronic communications), the Law regarding the protection of citizens in private data processing and free data circulation and the Law regarding the prevention and fight against telecommunication frauds and means of faking e-payments.

Under these circumstances, we can state that the proposed legislative framework is quite good but stays too much on the paper, while Romania has a regrettable leading position (rank 5) in the countries' top of Internet frauds.

### ***2.5. Potential for Future IT and E-commerce Developments in Romania***

We consider that, despite the deficiencies in infrastructure and in the financial system, Romania has an encouraging potential for developing e-commerce and other IT solutions by taking into account: the quality of the high education system, especially in the field of Computer Science, which produces a large number of highly qualified specialists, the creativity of Romanian software developers and their good knowledge of English, as well as the development of Romanian software companies, which are quite small at present, but extremely profitable.

Under these circumstances, the problem resides more in the Government's capabilities of supporting the development of a strong Romanian software industry, which could bring enormous benefits to the Romanian economy and of stopping the "brain drain" of Romanian computer scientists towards much better paid jobs offered abroad. In fact, one of the solutions to the latter may reside merely in the development of Internet and e-businesses, since they diminish the importance of physical locations; in this way, Romania could be well integrated into the global e-economy with fewer efforts than into the classical one.

*Education.* Romanian computer specialists have a solid education and high qualifications, attested both by their good professional reputation and excellent results in various international competitions (from International Mathematics and Computer Science Olympics for high-school students to international programming competitions for university students – for example, in 1999, the team send by the University of Bucharest ranked 4<sup>th</sup> in the world at the World Programming Championship, among 1500 teams, some of them coming from famous universities; the Romanian team surpassed the American teams and obtained the second best position in Europe, after Russia).

*Creativity.* Romanian computer scientists are considered very creative (compared, for example, with Asian specialists). In 2000, the \$100,000 Junior Nobel Prize, awarded in the USA for junior researchers from all scientific fields, went to the Romanian Viviana Risco, arrived in the USA for studies only a few years ago. Her research project in computer science surpassed all the other projects coming from various fields.

*Foreign languages.* A study performed by the Cambridge University indicates Romania at the very first top of non-English countries in understanding English and occupying the second best position in Europe, after Holland, in foreign languages skills. This favorable position, supplemented by good professional qualifications, recommend Romania for creating assistance and support centers or even branches of multinational computer companies.

*Software industry – the situation in Romania compared to successful countries in the field.*

The software industry is a profitable industry in many countries, attending a high export rate. In this respect, the most successful models are recently India and Israel, which concentrate on exporting software (rather than software developers), therefore limiting the "brain-drain" of computer scientists. The key of success obviously originates in promoting the software industry and continuously transferring the obtained benefits into new investments.

India provides software services of over 2 billion USD (per year) but "exports" only a few times more programmers than Romania, while having a density of specialists per 1000 inhabitants 7 times smaller than Romania. India plans to strongly focus on the software export in the near future and to reach a benefit of 50 billion USD from software exports in 2008.

Israel has a few times less programmers than Romania but exports software of over 1 billion USD, with a growth rate that exceeds 25% per year.

In Romania, software export brings around 100 million USD, a minor figure compared to Romania's potential. We shall further motivate this statement.

Romania (still) has an impressive number of specialists, with this "critical mass", the biggest in all Eastern Europe, being able to become a regional leader in the field. At present, Romanian IT services comprise about 40,000 employees and there are over 20,000 highly qualified software developers. The Romanian high education system trains over 5,000 computer specialists each year, from which only about 2,500-3,000 remain in the country. Making an estimation "per capita" this would mean a (more than) 60% better rate than American universities, who have around 24,000 graduates in high tech fields.

At present, Romanian specialists are on average 40% more "affordable" than their Western colleagues, the current economic level and the excessive fiscal policy preventing local firms from offering them better wages. We note that recent Governmental tax relaxations only improve the situation of large companies (which have employees who bring annual incomes greater than \$10,000). Effects are absolutely predictable: Romanian specialists migrate towards economies that offer better wages for the same work – a global tendency whose effects are already obvious in Romania, too. ANCI (National Agency for Research in Computer Science) estimates that, for the first time in the last 40 years, the Romanian IT industry could face a crisis of qualified personnel in 2002.

*The enterprises.* According to a study released at the end of 1999, carried out by Pierre Audoin Conseil, with European funds and ANCI cooperation, in Romania there are over 2000 software firms, more than in any neighboring country. All of them are small or medium enterprises, placed all over the country but concentrated mostly in Bucharest (75%) and other important cities. These companies represent the most dynamic and powerful sector from the whole Romanian economy, a real "gold mine". Therefore, it is highly recommended that they be stimulated by a favorable legal and tax framework, in order to increase the pace of their development.

Romanian industrial associations – such as ANIS (the National Association for Software Industry and services / Asociația Națională a Industriei și serviciilor de Software), ARIES (Romanian Association for Electronic and Software Industry / Asociația Română pentru Industria Electronică și de Software) or ATIC (the national Association for Information Technology and Communications / Asociația pentru Tehnologia Informației și Comunicații) – considerably support I&CT (information and communication technologies) businesses. Moreover, they represent an excellent means of sharing management and marketing expertise in the field, as well as a lobby for Romanian software industry in international business media. A relevant example in this respect regards Romanian missions of software industry to the famous Silicon Valley.

In no other neighboring country, industrial associations in the I&CT field were as successful as in Romania.

Despite the major Romanian advantages in the software field, which were discussed in this paragraph, the development of IT and related businesses in Romania will significantly depend on the ability to attract foreign investment. Theoretically, the high qualifications of Romanian specialists, combined with the (unfortunate, otherwise) low level of national wages, should interest multinational companies. But in this respect, the legislation, the financial system and the economic stability are of utmost importance and these seem to be more appealing in other East European countries (like Hungary, for example). Anyway, governmental investments of the already familiar austerity budget are insufficient for developing a field which requires major capital infusions.

### **3. Case Studies**

Products commercialized by electronic means have to possess a certain degree of regularity, so that they can be purchased without being physically seen, tested or tried. For example, clothes or cosmetics are very unlikely to be sold by electronic means. But computers, their components and associated devices (for multimedia, networking etc.), computer software, audio and video media, books, electronic equipment, some domestic products and so on, can successfully be the object of e-commerce.

Most Romanian e-commerce firms propose books, computers, computer components and subsystems or, less frequently, electronic equipment. There also exist a few sites which promote flowers, medicines, toys or even some alimentary products, but none of these reported significant profits. Nevertheless, we note that many Romanian commercial sites are only used in order to present and promote the products and that, quite frequently, orders can be directed by phone calls.

We further describe three of the most important Romanian e-commerce sites, their evolution, aims and facilities. We note that the weakest point of all local e-businesses is obviously the payment system (because of the reasons described in 2.4), but some of the firms eluded it in some extent by cooperating with foreign banks. Nevertheless, the outcomes of these sites are promising for future developments of Romanian e-commerce (in this respect, trends presented in 2.5 are also to be taken into consideration).

#### **3.1. Emania.ro**

<http://www.emania.ro/> e-shop sold in its first two and a half months electronic and domestic equipment of over one billion lei, three times more

than original estimations, shattering the prejudices regarding Romanian e-commerce, as the general manager of the company, Ră zvan Dobre, declared. The evolution of project, almost build from scratch, by people who had no prior experience in the field is relevant for the potential success of e-businesses in Romania.

Emania.ro project required an investment of \$150,000, from which a considerable amount was dedicated to the advertising campaign. The company, named New Media Concept, also drew a contract with the Romanian branch of the American Internet advertising company Telli, for a one month promotion campaign on the main Romanian information sites.

New Media Concept was created in 1999 by five Romanian shareholders (Ră zvan Dobre, general manager, Olimpia Dobre, marketing manager and other three partners), who came from other fields of activity. E-mania project was developed in 2000, raising from an initial friendly chat; first of all was decided the company's launch on the Internet and afterwards, the business field – electronic and domestic products, appropriate for e-ordering. This business idea was also sustained by the fact that purchasing such equipment would generally be uncomfortable, requiring a customer to visit many classical stores and compare products' characteristics. On the web site, products could be overviewed with minimal effort, further advantages being the home delivery system and the price – from 1% to 5% smaller than the one recommended by producers or dealers.

The project implementation took almost a year and involved Romanian software developers, including many students. Most of these programmers worked at home and gradually sent their programs over the net in order to be assembled. The e-shop was launched in mid September 2000, being mostly dedicated to the Romanian market. First of all, suppliers were slightly reluctant, but the success of the business soon gained their interest.

We note that the company benefited of America professional consulting within a program for supporting small and medium enterprises. The project's outcomes highly surpassed first expectations: only in October 2000, Bucharest sales exceeded 110 million lei, from a total of 5 billion lei (as the area manager sales from Oradea, Dan Costinaş declared). This start was very promising, especially since big electronic equipment does not have good sales even in the United States.

Customers can find the site user-friendly, operating being quite easy: products can be found in the lists of brands and subcategories or by using search mechanisms. For ordering, clients are required their e-mail address and phone, plus the delivery address. Each new client is provided with a password, which protects personal data and previous orders from being fraudulently used by persons who may know the customer's e-mail address. Each order will be confirmed by e-mail and later the customer will



be contacted by phone for setting the delivery conditions. The delivery is usually fixed in 24, up to 48 hours from the phone confirmation and is free of charge for orders exceeding 1 million lei (or it costs 145,000 lei, otherwise). Payments are made on delivery (since credit card payments are unavailable), when the clients also receive the invoice, the receipt and the guarantee certificate. The delivery system covers 60 Romanian towns, including the most important cities.

More recently, a new trend of Emania.ro was launched - this was dedicated to the Romanian diaspora, and gave the opportunity of making gifts to the families back home. Both Emania sites include a complete offer, weekly updated, of the specialized companies from the Romanian market - over 30 brands and 1000 different products.

Before launching the diaspora project, New Concept Media consulted the National Bank of Romania for obtaining the acceptance of issuing invoices for foreign currency and signed a contract with Western Union Bank for banking transactions (mostly from abroad into the company's account).

The first order on the site dedicated to the Romanian diaspora, a washing machine to be delivered in Roman, came from Papua New Guinea. Ordering is very easy: after adding the desired products into the e-shopping basket, the delivery address from Romania and the payment procedure are required. If Western Union PayCash is selected, the customer will be transferred to the Western Union site, where he / she will find the payment procedure, any Western Union office being able of performing the payment once the operation was registered on the site. From 2001, credit card payments are introduced for customers coming from abroad. In the few cases in which deliveries could not be made, New Media Concept paid the value of the corresponding products and they were returned to the suppliers.

The investment of New Media Concept for their e-business project is planned to be recovered in three years, as the company's managers stated. But the promising results of the first months' sales and the outcomes of the diaspora project sustain the forecast of a more optimistic term. On the other hand, however, the success of existing e-businesses might attract new competition on the market.

In the near future, the firm will expand with four new e-shops (with various kinds of products), as New Concept Media managers stated. Another aim of the company is to consolidate its position on the Romanian market and to become a sales leader for electronic and domestic equipment with the general increase of the distribution on the Internet (up to an estimated 30-40% from the total sales of this kind of products).

### 3.2. Flamingo.ro

Flamingo International Plc is one of the biggest IT distributors in South Eastern Europe, with branches in six different countries: Romania, Bulgaria, Croatia, Macedonia, Republic of Moldova and Hungary. Flamingo International Plc, registered in 1999, is a company entirely based on Romanian capital and performs import-export operations for the Flamingo Computers Group.

Flamingo Computers Plc was created in 1994 and has become at present the biggest Romanian IT operator, which activates as an IT broad-line distributor, through its network of IT specialized shops, as well as a local PC producer. Flamingo Computers Plc is ISO 9001 certified both for PC design and production, and for the distribution of IT products. The company also provides other IT services on the Romanian market, such as ISP facilities, technical services, upgrading and so on. Its headquarters is in București-Otopeni and has other nine branches in the most important Romanian cities (including Cluj, Iași and Timișoara), more than 20 specialized shops in Bucharest and other cities, as well as central and local warehouses (the largest are in Otopeni – 2000 m<sup>2</sup> and Giurgiu tax free zone – 1000 m<sup>2</sup>).

Beginning with 1999, Flamingo expanded with Flamingo International subsidiaries in other five countries from the region: Bulgaria, Croatia, Macedonia, Republic of Moldova and Hungary. From 2001, the network is to be extended in former Yugoslavia and Bosnia. Its first West European branch, Flamingo Computers Holland BV, was created in May 2001.

At present, Flamingo Group has over 400 employees. In 2000, Flamingo Group had a turnover of 30 million USD, the forecasted figure for 2001 being 50 million USD. For the next period – 2002-2004, Flamingo intends to surpass 160 million USD (including West European sales), to cover the whole South-East European region and expand on new markets.

#### *Flamingo E-business*

Launched in 1994, [www.flamingo.ro](http://www.flamingo.ro) web site resurfaced with a new design in 1999 and announced in June 2000 that it had reached 300,000 hit-counts (reflecting individual visitors). After a year, the site's hit-counter exceeded the value of 960,000 and was moving towards 1 million.

The information displayed, both in Romanian and English, on Flamingo's web site cover the whole range of available products, technologies and services and is periodically updating regarding technical details, prices and various facilities. Information is grouped on categories of products and services; each product can be analyzed on-line, overviewing its technical details and comparing it with other products from the same category. Therefore, one might say that Flamingo.ro site almost acts as a professional consultant

on technical and commercial information & communication technology matters. Flamingo Computers is also the only IT company in the region that displays information on its web pages in the languages of the East European countries that host its subsidiaries.

The e-commerce service was launched by Flamingo computers at the end of 1999. At present, the service is only available in Romania but the expansion to the subsidiaries is currently taken into consideration. E-commerce services offered by Flamingo Computers include product rezervations and on-line ordering for any of the products commercialized by the company. Moreover, visitors can settle for periodical payments and can compute the appropriate sums. Deliveries from Flamingo shops for the e-mail ordered products are only made after appropriate payment confirmations (and previous phone confirmation, on Flamingo employees calls).

In the design and implementation of the Flamingo e-commerce services, Flamingo Media was involved, a firm specialized in web services and web design. Flamingo e-services were naturally promoted on Flamingo Computers' web page - [www.flamingo.ro](http://www.flamingo.ro).

All Flamingo stores accept banking card payments (VISA, Mastercard, Eurocard or Maestro cards). Electronic card payments will be adopted in Flamingo e-commerce services when the Romanian banking system will accept such payments without the physical signature of the card owner.

At present, Flamingo uses the Romanian mail system (which unfortunately does not make home deliveries), payments being made when picking up the package. Future plans aim at introducing e-payments through Western Union Bank and credit cards but even in this case, the delivery system needs to be improved – since an e-payment is ultimately useless without a home delivery system.

### **3.3. Teora.ro**

Teora.ro ([www.teora.ro](http://www.teora.ro)) is the first Romanian e-bookshop entirely destined to selling Romanian books on the Internet; it offers the lowest prices on the net for books released by the biggest publishing houses in Romania. The site was launched on the 1<sup>st</sup> of June 1998. At present, it targets both clients from Romania (Teora Romania) and from abroad (Teora International). The company that owns Teora.ro, RomaniaUSA (Romaniausa.com), was created at in June 2000 at Sillicon Valley (Santa Clara, California) and also possesses Scrisori.ro, an automatic service of sending / receiving letters on the Internet.

The site is very homogenous and well designed, both from the graphical and technical (easy to visit) points of view. From the beginning, customers choose between one of the two versions, with appropriately

adapted offers (to the existing facilities), respectively dedicated to clients from Romania and abroad - most foreign customers come from USA and Canada.

Once entered into the e-shop, each customer gets an electronic shopping basket and can choose, one by one, the books he / she needs, by consulting the details provided about each book. The e-shopping basket can be updated at any time by adding or removing books. For registering the order, the client must fill-in a specific form, with identification data and other information necessary for delivery. The delivery is performed within 24 hours from the order issuing.

In order to attract clients, Teora introduced a 10% discount for at least three books purchased over the Internet.

#### *Payment procedures*

Orders issued from Romania are delivered by mail and the client pays when collecting the bundle from the post office; postal expenses are covered by the firm.

For orders issued from abroad, e-payments are made over the Internet using secured SSL encryption technology or using a US toll free phone. Orders issued from Romania to Romania International are not processed, since e-payments are not (legally) implemented in the Romanian banking system (see 2.4).

#### **4. Conclusions**

Romanian e-commerce registered a promising start in the last few years. Online marketing and ordering are already implemented on commercial sites; existing problems regard mostly payment procedures, since the Romanian banking system does not process e-transactions. Nevertheless, some Romanian e-businesses chose to use the services of foreign banks for such payments.

The local potential for further developments of IT and e-commerce is significant: Romania (still) has the biggest number of highly trained IT specialists in the region and an excellent reputation regarding their qualification. The Romanian software industry is the most dynamic and (proportionally) powerful sector of the local economy. Under these circumstances, the Romanian government should find the appropriate means of creating a legislative and financial framework to reduce the "brain-drain" process towards other economies and to consolidate the Romanian software industry. On a long run, such measures will support Romania's chance of integration into the world economy with ultimately fewer efforts than into the classical one. E-commerce can be a good opportunity for the countries with transition economies and, with its specific potential in the software field, Romania should definitely take this chance.

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## LE DOMAIN FORESTIER ROUMAIN DANS LE CONTEXTE DE L'EXPANSION ITALIENNE ET SA DIMENSION EUROPÉENNE ENTRE 1920-1929.

ANCA STANGACIU, VALER STANGACIU

**RESUMÉ** Cette demarche se propose d'analyser l'importance du secteur forestier roumain dans le contexte de l'expansion bancaire-industriel du capital italien entre les deux guerre par l'étude de cas de la **Foresta Romena S.A. Bucarest.**

Les effetes de l'implication directe de la Banca Commerciale Italiana Milano, respectif de la Banca Commerciale Italiana e Romena Bucarest dans les branches de l'industrie roumaine peut donner une image rélevante sur la contribution du capital bancaire italien dans l'economie de la Roumanie entre le deux guerre; et aussi sur la dimension européenne du capital forestier roumain.

Les sources des financement des banques étrangères en Roumanie après 1919 ont été constituées par des activités specifiques bancaire (dépôt d'argent etc.) et aussi par les investissements comme les participations et les placements industrieles.

Le plus interesant exemple de participation, de point de vue de sa consistance et de son anvergure, a été celui de l'industrie forestiere, la où, le capital italien a détenu des positions clefs par la Foresta Milano, et respectivement la Foresta Romena S.A. Bucarest. Quelques précisions relatives au concern milanais s'impose pour une meilleure compréhension de la dynamique du contrôle et de la colaboration d'entre les deux entreprise forestieres. De plus, l'architecture de Foresta S.A. Milano permet une compréhension des articulations financieres et manageriales de l'interieur du système de Foresta qui comprend aussi des entreprises forestieres roumaines.

Créé à 11 decembre 1919, sous l'égide de la Banca Commerciale Italiana Milano et de la participation de Camillo Castiglioni - *Foresta, Società Anonima per l'Industria ed il Commercio del legname* avec son siège à Milano est arrivé l'un de plus important concern forestier européen, en contrôlant des douzaine des société en Roumanie et après, par

extension, dans l'Hongrie, dans l'Autriche, en Tchécoslovaquie, en Yougoslavie et en Pologne.

La fondation du concern Foresta S.A. était une résultante de la nécessité de la coordination des entreprises forestières détenues par la Banca Commerciale Italiana à l'intérieur de toute son arie de l'Europe Centrale et d'Est, inclusivement en Roumanie. Ainsi, 36 millions de livres de celles 50 millions de livres<sup>1</sup> le capital de début de Foresta provient du *Credit-Institut Ungarischer Holzhändler* de Budapesta celui qui détenaient les 22 principales sociétés forestières des pays de l'ex empire Autrichien-Hongroise et de la Roumanie<sup>2</sup>. L'acquisition en décembre 1919 des entreprises forestières par la société hongroise a été faite sur le fond de "la pénurie des moyens financiers et des conditions mauvaises" où celles-ci se trouvaient après la première guerre mondiale<sup>3</sup>.

Ainsi, même du début des années 1918-1920, par la préemption de la majorité des actions de quelques banques d'Autriche et d'Hongrie qui contrôlaient des entreprises forestières en Roumanie, la Banca Commerciale Italiana est arrivée de posséder des importantes exploitations de forêt. Seulement l'*Allgemeine Depositen Bank* de Vienne, dirigée par Camillo Castiglioni, la possesseuse dès la période d'avant la guerre des consistantes exploitations forestières en Transylvanie a facilité entre 1918-1922 un puissant renforcement des positions italiennes par la cession de son capital à la Banca Commerciale Italiana<sup>4</sup>.

Le but déclaré de la société Foresta était "l'acquisition, la production et le commerce du bois" dans des différents espaces de l'Europe, la Transylvanie en constituant la principale zone d'intérêts de la banque milanaise dans l'espace roumain. Parmi les succursales du concern Foresta S.A. en Transylvanie se sont trouvées à 1920 *Sigmund Klein Sägewerke, A.G. Deda Bistraer Holzproductions, A.G. Petrozsény Iszkronyer Sägewerke*<sup>5</sup>. Autrement, la *Rumänische Forstindustrie A.G.* de Genève –un syndicat bancaire fondé par le Comit, a inclus, par l'acquisition des actions, les firmes *Union Forstindustrie A. G. Budapesta* et *Union* de Bucarest, des sociétés de référence du domaine d'exploitation des forêts des Szeklers et de la Bucovine<sup>6</sup>, en réfléchissant en même temps la même préoccupation pour la richesse forestière de la Transylvanie.

<sup>1</sup> Il s'agit de 500 000 actions valorisant 50 millions de livres, ce qui représente 100 livres/action, ASBCI, fonds Sofindit (SOF), cart. 231, fasc. 3, f. 1.

<sup>2</sup> *Ibidem*, f. 1.

<sup>3</sup> *Ibidem*, f. 1.

<sup>4</sup> Nicolae Păun, Ludovic Báthory, Constantin Ivaneş, op. cit., p. 644.

<sup>5</sup> *Compass. Finanzielles Jahrbuch*, Wien, 1923, p. 800b.

<sup>6</sup> Nicolae Păun, Ludovic Báthory, Constantin Ivaneş, op. cit. 642.

De l'autre coté, la préluation et l'acheté des actions de quelques entreprises forestieres ex-hongroises ou ex-autrichiennes ont confirmé de nouveau les étroites liesons de ces sociétés et le capital italien. Un exemple rélevant en ce sens a été l'institution de credit et le financier du comerce du bois de l'Hongrie<sup>7</sup> - *le Credit-Institut Ungarischer Holzhändler* - une parte constitutive du concern Foresta, Milano, dont le capital a mis les fondement de la nouvelle *Banca Commerciale Italo-Ungherese S. A.* l'affilié de Banca Commerciale Italiana. Une série entiere de grands banques autrichiennes et allemands ou hongroises, telles celles préciees ont eu un rol consistant dans l'évolution et le fonctionnement du nouveau concern Foresta.

Fondateur de la société Foresta, Milano, le Comit s'est lui reservé dès commencement le rôle de financeur de celle-ci ainsi que déjà de mars 1920, la banque milanaise lui accordait un credit de 20 millions livres. Il est interessant de poursuivre la manière de gestion et l'attitude manageriale du Comit relatif à l'évolution de Foresta et aussi la signification du concept de stratégie industrielle réfléchiée dans la vision des dirigeants de la banque lombarde<sup>8</sup>.

On peut parler ainsi d'une complexe et profonde implication de la société milanaise dans des entreprises forestieres europennées autant de la perspéctive manageriale et autant de la celle financiere. Biensur, les elements de gestion et de stratégie financiere se sont delimités en fonction des facteurs de l'efficiance et de la profitabilité des entreprises forestieres auxquelles la société forestiere milanaise était cointéressée.

Concretement, le doublage du capital social de la Foresta Milano en 28 mars 1920 (dès 50 millions livres italiennes à 100 millions livres italiennes, chaque action en valeur de 100 livres<sup>9</sup>) a permis l'extension des participations et le definitivement des accords avec les groups *Grödel* et *Allgemeine Depositen Bank* de Vienne, qui disposaient des resurses forestieres dans la Transylvanie<sup>10</sup>. La société Foresta a amplifié en 1921 son activité par le fondement d'une nouvelle affiliée – *Polska Foresta*, par la participation à la dynamique de la sociétéi *Göetz*, respectivement par l'acquisitionemnet des outillages qui permetre "*une sorte de cicle vertical de bois*"<sup>11</sup>, c'est-à-dire la transformation du bois brut en des préfabriqués ou des autres produits finits. Des plus, la situation critique de la réseau des transportations de Roumanie a déterminé l'aquisitionement des 8

<sup>7</sup> *Ibidem*, p. 644.

<sup>8</sup> Roberto di Quirico, op. cit., p. 89.

<sup>9</sup> *Compass. Finanzielles Jahrbuch*, Wien, 1923, p. 800b.

<sup>10</sup> ASBCI, SOF, cart. 231, fasc. 3, f. 1.

<sup>11</sup> Roberto di Quirico, op. cit., p. 89.



locomotives, ça attire la possibilité d'utilisation des 350 kilomètres de chemin de fer que Foresta avait en concession<sup>12</sup> de la *Società del Mar Nero*.

En dépit de toutes celles-ci, les difficultés techniques et financières existantes<sup>13</sup> mais surtout la promotion d'un management déficitaire a obligé la Banca Com "*personalité très connue dans l'industrie du bois*."<sup>14</sup>.

Un point de référence dans la direction de *la collaboration et de la participation à l'augmentation du capital de Foresta* a été le parachèvement de la convention de 25 juillet 1924 d'entre la Banca Commerciale Italiana, Milano et le *Trust Maatschappij voor Houtbelanger*, d'Amsterdam, une firme hollandaise trouvée sous le gage des frères Max, Siegfried et Arturo Rosenberg de Monaco<sup>15</sup>. On assurait, conformément à cet contrat, le dirigement de toutes les affaires de Foresta. À son tour, la Banca Commerciale Italiana réussissait d'établir par des réglementations claires ses propres rapports de crédit et de financement avec Foresta Milano, qui était ainsi très endettée à la banque. Le texte de l'accord bilatéral comprend la déclaration de la Banca Commerciale Italiana relative à *la plus partie du capital social de la Foresta Milano plus de 43% de total des actions Göetz*<sup>16</sup>, ce qui, à la première vue, peut équivaler avec une possible consolidation de sa position d'investissement dans l'industrie forestière, respectivement avec un équilibre financier relatif de Foresta S.A. Milano.

Concernant la recapitalisation, l'année 1924 a été un moment positif dans la direction du dépassement des difficultés financières de Foresta par l'entrée dans le concern de la firme *Aktiengesellschaft für Holzwerke* de Zürich<sup>17</sup>, fondée par les frères Rosenberg, et qui a souscrit 25 millions livres italiennes au capital social de Foresta milanaise, auquel on s'ajoute 5 millions livres italiennes de la Banca Commerciale Italiana<sup>18</sup>. De

<sup>12</sup> *Ibidem*, p. 90.

<sup>13</sup> ASBCI, SOF, cart. 231, fasc. 3, f. 1.

<sup>14</sup> ASBCI, SOF, cart. 231, fasc. 3, f. 1.

<sup>15</sup> Parmi les stipulations importantes de l'accord on se comptait aussi les mesures préconisées dans le sens d'équilibrer la balance de paiement de la Foresta Milano. Ainsi, il était visée "*une substantielle diminution du capital de celle-ci de 100 000 000 livres italiennes (LIT) à 30 000 00 LIT*", ce qui équivalait à une mesure appliquée dans le contexte de la conscientisation d'une crise relative du capital, AMB, fond BCIR, d. 3426/1922-1929, f. 12.

<sup>16</sup> *Ibidem*, f. 12.

<sup>17</sup> Le holding *Aktiengesellschaft für Holzwerke* de Zürich, la création des frères Rosenberg, regroupait des entreprises forestières détenues par eux-ci dans des divers États européennes et comprenait aussi le paquet des actions acheté par ces frères Rosenberg de Comit. Après une activité de deux ans, le concern serait liquidé en 1926, ASBCI, SOF, cart. 231, fasc. 3, f. 2.

<sup>18</sup> Gian Carlo Falco, op. cit., p. 146.

point de vue managerial, en débutant avec cette année, la Foresta Milano procède à un changement profond de sa stratégie en abandonnant le cycle vertical productif de transformation du bois en des demi-produits avec l'activité de façonner et commercialiser le bois<sup>19</sup>.

La convention signée en 1926 entre la Banca Commerciale Italiana Milano et *Aktiengesellschaft für Holzwerke* de Zürich a radicalement changé la configuration de la gestion de Foresta S.A. Milano. Conformément à celle-ci le concern Holzwerke *modifiait son statut social, en devenant Foresta Svizzera Romena S.A. Holding*, après que celui-ci cédait ses actions et ses dettes au nouveau constitué, le *Lignum Holding A.G.*<sup>20</sup>. Le Lignum Holding était créé d'après l'accord d'entre le Comit și le Holzwerke et après la liquidation de ce dernier, en étant contrôlé par la Banque Schroeder de Londra, Warburg de Hamburg et Auffhauser de Monaco. Les trois banques nomées, de pair avec le Comit vont constituer dans les actionnaires et les financiers les plus importants du *Lignum Holding*<sup>21</sup>.

Conformément à même convention, le Comit acceptait *la mise en liquidation de Foresta S.A. Milano et le transfert de son activité vers la même société de type suisse* (des crédits, etc.). L'action était une conséquence de l'intention concernant la simplification de la gestion de Foresta S.A.<sup>22</sup>. La Foresta Svizzera Romena, transformée ultérieurement en *Foresta Romena Holdind* obtenait ainsi *les affaires forestières de Foresta Milano*<sup>23</sup>; de plus le Comit *depositait près de la nouvelle société 40 000 000 lei, représentant des crédits d'escompte à la Banca Commerciale Italiana e Romena*<sup>24</sup>; en pratique *l'affaire Foresta*<sup>25</sup>. Le Comit est devenu, à côté du Lignum Holding, le copropriétaire à la Foresta Svizzera Romena de Zürich, dont le capital social de début a été fixé à *30 millions francs suisses (moitié dans des actions ordinaires, respectivement moitié dans des actions privilégiées)*, auxquelles on s'ajoutait *l'émission de 37 500 000 income bonds convertibles dans des obligations en dollars sur le marché américaine*<sup>26</sup>.

Il est rélevé à préciser le fait que, de la perspective de l'implication du capital italien dans l'industrie forestière roumaine la Foresta Milano avait

<sup>19</sup> Roberto di Quirico, op. cit., p. 90.

<sup>20</sup> ASBCI, SOF, cart. 231, fasc. 3, f. 2.

<sup>21</sup> *Ibidem*, f. 4.

<sup>22</sup> Gian Carlo Falco, op. cit., p. 147.

<sup>23</sup> ASBCI, SOF, cart. 231, fasc. 3, f. 2.

<sup>24</sup> *Ibidem*, f. 3.

<sup>25</sup> AMB, fond BCIR, d. 4169/1925, f. 75.

<sup>26</sup> ASBCI, SOF, cart. 231, fasc. 3, f. 2.

en 1928 en Roumanie 17<sup>27</sup> d'entre les 44 entreprises forestières détenues en Europe. La *Foresta Română*, *Societate Anonimă pentru Industria și Comerț ul Lemnului*, București, ou la *Foresta Romena* dans la variante italienne a été une société commerciale constituée en 1921 de l'initiative de la Banca Commerciale Italiana comme une prolongement de la Foresta Italiana voué à représenter les intérêts de ce concern, respectivement de l'institut bancaire milanais en Roumanie. Vraiment, les entreprises forestières d'acquisition, de fabrication ou de valorification du bois intégrées au *groupe d'action de Foresta Romena*\* ont permis à Foresta Italiana de contrôler de vastes espaces forestiers de la Transylvanie, de la Moldavie ou de la Boucovine, spécialement dans les importantes couloirs : la Vallée de Mureș et de Trotuș.

De la perspective de la production, le spécifique de la Foresta Romena était la spécialisation dans l'usinage, demi-façonnage ou la fabrication du bois dans de différents sortiments des produits: du bois rond pour les mines, du bois pour feu, des piones ou des poteaux télégraphiques, des traverses de chemin de fer, des planches, des coffres etc<sup>28</sup>. L'exploitation des ressources du matériel ligneux, comme la première formule de l'implication du capital italien dans l'industrie forestière roumaine, s'est développée combinée avec le processus de préfabrication, fabrication et de commercialisation parce que les deux dernières activités découlent d'une habituelle action de continuité. De plus, le commerce du bois contribuait à un amortissement plus rapide des investissements forestières

<sup>27</sup> À la fin de l'année 1928 la Foresta Romena contrôlait les sociétés forestières suivantes: la *Societatea Anonimă pentru exploatarea de pă duri și fieră straiie cu vapori, mai înainte P. & C. Göetz & Co.*; *Rastoșnea - s.a. pentru industria de pă duri*; *S.a.r. pentru industria hârtiei și lemnului, fost Eichler*; *Valea Troțușului - s.a.r. pentru exploatarea de pă duri și fieră straiie cu vapori*; *Valea Fiadului - s.a. pentru exploată ri forestiere*; *Union- s.a. forestieră din Tîrgu-Mureș*; *Reghinul Să sesc - s.a. pentru comerț ul de lemne*; *Bistriț a-Nă să ud - s.a. pentru industria de lemne*; *Continental Forestieră s.a.r.*; *S.a. Forestieră Union din București*, *Intreprinderile forestiere române s.a.r.*, *Foresta Română S.A. pentru industria și comerț ul lemnului*; *Fabrica de mobile din Valea Jiului s.a.*; *Deda-Bistra s.a. pentru exploatarea de lemne*; *Ceahlă ul - s.a. Forestieră*; *Dună rea-Cherestea - s.a. pentru comerț ul și industria lemnului*; *S.A. pentru industria forestieră din Reghinul Să sesc*. Les sociétés mentionnées détenaient à 31 décembre 1928 un capital social total de 280 317 500 lei, c'est-à-dire presque 15% du total de capital social de l'industrie forestière roumaine, N.N. Constantinescu, Costin Murgescu, op. cit., p. 154.

\* Il doit fait la distinction entre le groupe des entreprises forestières Foresta Romena et la société avec le même nome, une component du système précisé.

<sup>28</sup> *Monitorul forestier*, București, 1923, p. 1139.

sistématiques et s'averait quelques fois moins couteux que les lignes de production. Concrètement, le plus puissant flux des exportations du group forestier Foresta Romena est enregistré dans la troisième décennie par le port de Galați, et les matières premières ligneux les plus exportées étaient le sapin et le hêtre auxquelles on s'ajoutaient le pin et l'épicéa. Les États destinataires de ces exportations (notamment le sapin) ont été ceux qui disposaient des ressources forestières très réduites: l'Égypte, la Grèce, l'Italie et celles de la Turquie, et d'une manière plus réduite la Grande Bretagne, la France et les Pays-Bas<sup>29</sup>.

Pour une compréhension pertinente du rôle que la Banca Commerciale Italiana e Romena a eu dans le périmètre forestier roumain il doit mettre en discussion plus des facteurs d'analyse. On s'impose tout d'abord d'être contournée la relation tripartite d'entre celle-ci, le concern Foresta Milano (1) et la Banca Commerciale Italiana (2), puisque la banque milanaise ait été l'initiatrice de la politique investissante de type *Foresta* dans l'industrie forestière européenne. De l'autre côté, il doit être précisée la relation directe établie entre le Romcomit et le group Foresta Romena (3); on s'impose aussi d'être nuancées les particularités de gestion, de placement et d'organisation de Foresta Romena.

(1). Dans la ligne administrative, la Foresta Romena, comme filiale de *Foresta Italiana* a été jusqu'en 1926 directement subordonnée à celle-ci, et dès 1926 à la centrale *Foresta Svizzera Romena Holding*, respectivement à la *Foresta Romena Holding S.A.* de Zürich. Le concern Foresta S.A. – comme un centre de coordination des entreprises forestières détenues par la Banca Commerciale Italiana en Europe - gérait financièrement l'activité d'acquisition, de l'usinage et de commerce du bois des entreprises forestières roumaines. Pourtant, il a existé, comme une particularité des sociétés forestières, une relative autonomie administrative autant dans la relation Foresta Milano-Foresta Romena, que dans la relation Foresta Romena-les filiales locales. Celle-ci parce que chaque exploitation avait son individualité organique, en dépendant de la direction forestière centrale seulement dans le problème des financements, de l'approvisionnement avec des matières-premières et des ventes des produits.

La force des investissements et aussi la permanence de la présence dans l'espace roumain ont démontré le fait que Foresta Romena à été la plus importante filiale du group forestier lombard. La Foresta S.A. à été directement préoccupée par sa présence en Roumanie afin d'acheter les entreprises trouvées dans des régions riches en forêts résineuses. De tout le volume de bois détenu par la Roumanie d'entre les deux guerres (bois à façonner, bois de feu), le capital italien a manifesté des intérêts pour la

<sup>29</sup> *Ibidem*, 1924, nr. 5-22, passim.

catégorie du *bois à travailler*, spécialement le bois mou (le sapin, l'épicéa, le pin, le peuplier, le bouleau, le saule, le cerisier) utilisé dans l'industrie spécialisée. Le sapin et l'épicéa exploités des forêts de Transylvanie ou de Moldavie étaient les principales sources de matières premières pour les fabriques de bois scié. De ce fait, la Foresta S.A. a manifesté une préoccupation spéciale pour l'acquisition des fabriques de bois scié. On peut observer, de ce point de vue, le caractère caillé du secteur forestier de Transylvanie - les fabriques de bois scié, de meuble, de papier et de cellulose se situant sur les premières trois places dans le potentiel industriel de la région autant en ce qui concerne le capital investi, autant de point de vue de la force motrice<sup>30</sup>.

(2). Relatif au rapport Foresta Romena – Banca Commerciale Italiana, on peut affirmer sans doute que l'implication de la banque milanaise dans la Foresta Romena Bucarest a eu dès début la signification de renforcer sa puissance investissante et d'élargir son périmètre d'action dans le domaine forestier. Dans un rapport de 1926 de la Banca Commerciale Italiana vers le Ministère d'Affaires Etrangères de Rome on est abordé juste la problématique des "*importantes intérêts*"<sup>31</sup> du capital italien dans l'industrie du bois de la Vieille et de la Nouvelle Roumanie réfléchies "*dans une seule*"<sup>32</sup> société – *Foresta Romena, Societate Anonimă pentru Industria și Comerț ul Lemnului*, Bucarest.

Dans le sens de la relation concrète la Banca Commerciale Italiana – Foresta Romena, le fondement de la société forestière de Roumanie comme une représentation de la Foresta S.A. Milano a déterminé que celle-ci se trouve implicitement dans une relation indirecte avec la banque milanaise. De plus, la banque milanaise contribuait à la constitution de la Foresta Romena en qualité de fondateur avec 402 000 lei, ce qui lui conférait le statut d'actionnaire majoritaire. Il est indiscutable le fait que la Banca Commerciale Italiana a manifesté un intérêt investissant hors ligne pour le domaine forestier. Le bois était une matière première déficitaire pour l'espace italien et par conséquent, une orientation de la banque

<sup>30</sup> En 1926, dans la Transylvanie les fabriques de bois scié détenaient dans l'ensemble des industries pour le façonnage du bois première lieu autant au niveau du capital investi (32 729 francs en or), autant en ce qui concerne la force motrice (32 946 CP), respectivement le deuxième place pour les grandes usines détachées (780), suivie par les usines de meubles (le capital investi 3 988 francs or, la force motrice 2 179 CP, de grandes usines-784) et par celles de papier/cellulose (le capital investi 3 080 francs or, la force motrice 3 608 CP, de grandes usines -8), *Transilvania, Banat, Crișana, Maramureș, 1918-1929*, Bucarest, 1929, vol. I, p. 385-386.

<sup>31</sup> AMB, fonds BCIR, d. 3426/1922-1929, f. 350.

<sup>32</sup> *Ibidem* f. 350.

milanaise d'en participer venait à solutionner cette exigence stringente. La création du concern Foresta S.A. Milano allait permettre l'accès à des importantes resursces ligneux et d'assurer une pénétration puissante sur le marché forestier de l'Europe Balckanique, respectivement dans le secteur forestier roumain.

De point de vue de l'administration, la nouvelle filiale constituée en Roumanie, la détenteure de quatre succursales à Galați, à Constanța, à Cluj et à Timișoara, se trouvait sous la direction du très connu banquier milanaise Enrico Allievi<sup>33</sup>. Les autres participants actionnaires de la Foresta Romena étaient en 1921 Camillo Castiglioni avec 40 000 lei, la Banca Italiana Di Credito Commerciale avec 39 000 lei, la Banque de Paris et de Pays Bas, Paris, une de plus grande banque française, participante au fondement de la Banca Commerciale Italiana avec 10 000 lei, aux qui s'ajoutaient Sir Dalziel Davison avec 2500 lei, Frank Henry Houlder, Silvio Crespi, Carlo Porro, Iosif Toeplitz, Mariano Petronio, Adler Roberto, Aladar Fonagy, Bela Grosz et dr. Oscar Golfinger chacun avec 500 lei<sup>34</sup>. Une grande partie de ces actionnaires se trouvaient dans une étroite lieson avec la Banca Commerciale Italiana (C. Castiglioni, L. Toeplitz) ou entrant dans la composition du Conseil d'Administration de la Foresta, Milano: Silvio Crespi comme président, Jules Chevalier en qualité de vice-président, Oscar Golfinger et Porro Carlo – comme des conseillers délégués, Aladar Fonagy, Adler Roberto, Dalziel Davison en qualité de conseillers.

En fait, le Comit a mentenu un contract permanent avec les exploitations forestieres roumaines, en surveillant et en coordonant en permanence les affaires du group Foresta Romena par son affilié de la Roumanie – la Banca Commerciale Italiana e Romena. Il s'agit du fait que la banque milanaise a eu l'initiative d'une ample politique forestiere pour l'espace européen d'interêt, en vertu de ses préoccupations pour les placements et pour le participations et la Banca Commerciale Italiana e Romena a représenté les interêts de celle-çi, respectivement du capital italien en Roumanie, par la promotion d'une politique forestiere régionale de soutien.

La surveillance et le contrôle des sociétés forestieres de Roumanie par la Banca Commerciale Italiana e Romena ont était faites par le Comit dans diverses lignes: la possession des actiones, des credits, etc. Relatif au premier aspect enoncé, la Banca Commerciale Italiana e Romena a directement aidé à l'achetement des actions dans des entreprises forestiers de la Roumanie. Les documents d'archive relevent le fait que, quelques fois, on a fait appel à une formule intermédiaire afin de procurer des actions qui serraient dépositées par le Romcomit. Les instructions contenues dans

<sup>33</sup> *Analele Băncilor*, București, ian. 1922, an IV, nr. 1, p. 110-111.

<sup>34</sup> *Ibidem*, p. 110-111.

les circulaires de la Direzione Centrale, Milano de 1926 montre que la *Banca Commerciale Italiana e Romena* était autorisée de déposer des actions détenues par le concern Foresta S.A. dans des entreprises de la Roumanie (la Transylvanie) et de l'Hongrie<sup>35</sup>. La procédure anticipait la possibilité d'une gestion directe et simplifiée - telle *Foresta Romena* - des sociétés comme la Deda Bistraer A.G., Rastosnyaer Walding A.G., Forestiere Union, Bucarest ou l'Union Forstindustrie, Tîrgu-Mureş, appartenant au concern Foresta S.A. Milano. Autrement, les entreprises mentionnées avaient été des composants du groupe des sociétés forestières Foresta Romena.

En résulte, d'une manière évidente, la communication verticale établie entre la Foresta Romena - la Banca Commerciale Italiana, respectivement la Banca Commerciale Italiana e Romena, et aussi la collaboration horizontale fixée entre le groupe roumain et la Foresta S.A. Milano.

(4). La Foresta Romena s'est trouvée, avec la Banca Commerciale Italiana e Romena, dans une relation directe et profonde, la principale dimension de cette relation étant la politique des crédits. L'initiative d'accorder des crédits, du quantum et du type de financement appartenait d'une manière prépondérante à la Banca Commerciale Italiana. Au niveau de la décision d'investissement, la relation d'entre le Comit et le Romcomit était ainsi une relation de subordination de cette dernière. La réalisation des crédits s'était faite d'une manière directe par son affiliée de Roumanie. Ainsi, la Banca Commerciale Italiana e Romena recevait de Direzione Centrale Milano des ordres de paiement pour les crédits qu'elle allait mettre à la disposition des entreprises du groupe Foresta Romena.

La procédure de communication bancaire, le Comit - le Romcomit, supposait l'information régulière de la banque milanaise concernant les crédits accordés de l'initiative de l'affiliée roumaine. Autrement, l'initiative de la banque italo - roumaine d'accorder ou de modifier la valeur des crédits vers la Foresta Romena impliquait l'accord ou l'avis de la Direzione Centrale. La notification régulière de la Direzione Centrale concernant les actions créancières entreprises par Banca Commerciale Italiana e Romena ou les demandes faites par des sociétés commerciales tierces (telle Foresta Romena)<sup>36</sup> vers la dernière démontre le fait que la Banca Commerciale Italiana prenait conscience<sup>37</sup> de tous les démarches bancaires ou comptables effectués de sa succursale de Roumanie.

La signification de l'implication de la Banca Commerciale Italiana e Romena dans l'industrie forestière roumaine peut être évidente plus

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<sup>35</sup> AMB, fond BCIR, d. 4169/1925, f. 51.

<sup>36</sup> Idem, d. 2200/153, f. 271.

<sup>37</sup> Idem, d. 2266/1925-1945, f. 37.

clairement de l'analyse de sa politique financière et d'investissements pour ce domaine. Concretement, la Banca Commerciale Italiana e Romena accordait des differents *facilitées au groupe des actionnaires de la gestione de Foresta*<sup>38</sup> en premier lieu sous la forme des credits qui variaient entre 1000 000-40 000 000 lei. Les sommes corespondaient en général à un certain type de credit tel comme on s'observe dans le tableau suivant:

*Tableau statistique nr. 1*<sup>39</sup>

Valeur du credit	Le type d'activité creditorielle
Jusqu'à 1 000 000 lei	Credit sous la forme d'acreditives rotatives
Entre 1.000 000 -30 000 000 lei	Lesttres de gage eliberées en faveur des sociétés commerciales ou des institutions de l'Etat
Jusqu'à 30 000 000 lei	Credit en compte courent
Au-desus de 30 000 000 lei	Credit preferentiel en compt courent
Au-desus de 40 000 000 lei	Éscompte de portofeuille
Entre 5 000-50 000 £ (ou d'autres devises)	Credit en devises externes

Les credits accordés par le Romcomit en bénéfice de Foresta Romena et des entreprises situées dans son perimetre d'action ont été tout d'abord celles clasiques en *compte courent* en lei ou en devises à qui on s'ajoutait les lettres de gage, les credits d'éscompte etc. Etant donné le spécifique avec un caractere commercial de la majorité des sociétés du groupe Foresta Romena celles-ci ont fait appel, en coloboration avec la Banca Commerciale Italiana e Romena, aux credits *en compte courent garanti par gage commercial*. Le procédé nommé consistait en certifier le credit par les entreprises forestieres avec des diferents marchandises, très souvent étant les gages avecle materiel ligneux, comme une consequence naturelle de l'appartenance des plus de celles-ci à l'industrie frestiére. En

<sup>38</sup> Idem, d. 2200/1926, f. 319-320, 314-315.

<sup>39</sup> Idem, d. 2200/153, f. 236, 246, 251, 253.



général, la taux des credits en compte courant a variée en fonction du type de credit accordé aux sociétés forestieres, tellement comme on est evidentié par les données suivantes:

*Tableau statistique nr. 2<sup>40</sup>*

<b>Le type de credit en compte courant accordé par le Romcomit aux sociétés forestieres:</b>	<b>La taux annuelle</b>
Credit en compte courant créditeur	Au-desus de 5%
Credit en compte courant débiteur	Entre 3,3 - 4%
Credit en compte courant garantié par un gage commercial	Jusqu'à 9%
Credits blancs – prefférentieles	Au-desous de 3,3%

La politique des credits de la Banca Commerciale Italiana e Romena releve l'importace géostrategique accordée aux quelques unes des filiales de la Foresta Romena. Ainsi, les documents d'archive refléchissent le fait que les succursales de Bucarest et de Galați jouissaient de l'octroi préponderent des *credits en compte courant*, des *credits en solde et en devises externe*<sup>41</sup>.

L'importance de la filiale de Bucarest déculait de la cohérence de la comunicacion avec le siège central, et à celle de Galați de l'importace géographique de la région. De tous les ports de la Roumanie, celui de Galați assurait à la Foresta Romena le flux et la capacité les plus grandes dans l'export des produits ligneux<sup>42</sup>, ce qui a fait que cette ville soit le point le plus important en ce qui concern le transport de bois vers l'exterieur. En fait, la dimensione commerciale remarquable de la ville de Galați a fait que cette filiale de Foresta Romena être fortement engrené dans le comerce extern avec des devises. La signification majeure de les deux succursales se reflecte aussi de la frequence de leur intégration dans le cicuit des transactions commerciales et financiaires. Voilà par exemple, la situation des credits accordés par le Romcomit aux filiales de la Foresta Romena de

<sup>40</sup> Idem, d. 2200/1926, f. 361-362.

<sup>41</sup> Idem, d. 2200/153, f. 236, f. 239.

<sup>42</sup> Le port de Galați assurait le plus grand flux des exportations de la Foresta Romena au-dehors. La capacité du port en 1924 par exemple était de 305 wagons face de 120 de Constanța, 65 de Brăila et 30 du port d' Orșova, *Monitorul forestier*, București, iulie 1924, nr. 11, p. 172.

Bucarest et de Galați, regardé de la perspective comparative des années 1927-1928:

Tableau statistique nr. 3<sup>43</sup>

Types des credits Accordés par le Romcomit	Foresta Romena				
	Galați		Bucarest		
	1927	1928	1927	1928	
En compt de portefeuille	40 000 000 L*	40 000 000 L	-	-	
Blancs	30 000 000 L	30 000 000 L	20 000 000 L	20 000 000 L	
En devises externes	5 000£	5 000£	-	-	
Pour l'acquisition des devises à terme représentant le paiement de leur contre-valeur en lei	-	-	50 000£	50 000£	
Lettres de gages	30 000 000 L	-	-	-	
Le crédit représentant la garantie du Romcomit en faveur de:	Ministère des Finances	-	-	-	20 000 000 L
	L'Automobil Club Royal Roumain	-	-	-	150 000 L
	Diréction CFR. en compte du Goetz	-	-	-	5.000.000 L
	Diréction CFR en compte de la Foresta Romena	-	-	-	5 000 000 L
TOTAL	100 000 000 L 5 000£	70 000 000 L 5 000£	20 000 000 L 50 000£	50 000 000 L 50 000£	

L'assurance des credits "en essere"<sup>44</sup> (transferables) par la Banca Commerciale Italiana e Romena aux quelques entreprises forestieres Foresta Romena a evidentié l'importance spéciale de celles-çi à l'interieur du groupe: *Rastoşnea, Valea Troţuşului S.A., Valea Fiadului S.A., Forestiera Union Bucureşti, Foresta Română S.A.* Les credits de cette catégorie étaient en général transferables de livres italiennes en lei, avec une scadence de jusqu'à 6 mois et avec la garantie directe du groupe

\*L = la monnaie roumaine – lei.

<sup>43</sup> Circulaire de la Banca Commerciale Italiana, Direzione Centrale, Ufficio Special Estero, Controllo, Milano de 8 novembre 1927, respectivement de 7 mai 1928 vers la Banca Commerciale Italiana e Romena concernant les credits accordés à la Foresta Romena, Galați-Bucureşti, AMB, fond BCIR, d. 2200/153, f. 236, f. 239.

<sup>44</sup> Idem, d 2200/1926, f. 334.

*Foresta Romena* et *Foresta Svizzera Romena*<sup>45</sup> après 1926, respectivement de la *Foresta Romena Holding* auxquels les entreprises forestiers précisées les étaient subordonnées.

Les crédits "*en essere*", de type *le compte courant blanc* (préférentiel) offerts vers des sociétés de la *Foresta Romena*, supposaient la perception, tellement comme dans le cas des autres entreprises commerciales, des taux plus réduites que celles des crédits ordinaires, étant accordées par la *Banca Commerciale Italiana e Romena* dans des conditions spéciales comme les cas des opérations de certaines acquisitions<sup>46</sup> (des forêts, des outillages, etc), avec le même terme de scadence de 6 mois. Il est évident que, en ce qui concerne les crédits préférentiels, le *Romcomit* les accordait dans le climat d'une confiance totale vis-à-vis de débiteur. Il faut préciser qu'une partie des crédits *en essere* étaient accordaient avec le concurs de l'*Association de la Maison de Pensions des Fonctionnaires de la Société d'Exploitations Forestières*, mais dans des *depôts* près de la *Banca Commerciale Italiana e Romena*<sup>47</sup>. Dans le même contexte, des crédits *en essere*, on pratiquait le système des garanties "*solidale*" (de solidarité). "*Les facilités accordées par le Romcomit*"<sup>48</sup> concernaient souvent les mêmes sociétés forestières, considérées très importantes à travers de leur efficience et de leur capacité de fournir des matières premières: *Rastoşnea S.A.*, *Valea Troţuşului S.A.R.*, *Societatea Anonimă Forestieră Union*, *Valea Fiadului S.A.*

Les crédits en devises étrangères étaient fréquemment accordés au groupe *Foresta Romena* sous la forme des *comptes courants en devises*<sup>49</sup>. *Les opérations en devises* – se basaient sur le *compte courant* sous la forme du chèque d'entre deux banques, l'opération mettant en relief le rôle d'intermédiaire en transactions de B.C.I.R.. *Les déclarations d'export* rédigées par la *Foresta Romena* – en qualité d'exportateur dénote le fait qu'une partie significative de crédits en devises externes se sont fait en livres italiennes; au demeurant, les exportations du bois scié de la *Foresta Romena* vers des diverses États (l'Égypte, la Danemark etc.)<sup>50</sup> s'étaient faite dans cette monnaie internationale attaché jusqu'en 1931 à l'étalon d'or.

*Les acréditives rotatives* - des formes avantageuses de paiement utilisées fréquemment dans les relations de commerce extérieur se sont constitués dans une autre forme de soutien financier de la *Banca*

<sup>45</sup> *Ibidem*, f. 334.

<sup>46</sup> *Ibidem*, f. 316-317.

<sup>47</sup> *Ibidem*, f. 316-317.

<sup>48</sup> *Ibidem*, f. 316-317, 326-327, 334.

<sup>49</sup> *Idem*, d. 2200/153, f. 251.

<sup>50</sup> *Idem*, d. 2957/1938, f. 130, d. 2834/1937-1943, f. 26.

Commerciale Italiana e Romena vers la Foresta Romena. Les acreditives présentaient l'avantage du paiement d'une certaine somme d'argent en lei ou en devises à la disposition de la Foresta en qualité d'importateur exécuté par la Banca Commerciale Italiana e Romena – pour un certain fournisseur de marchandises. Le paiement s'exécutait par la banque financeuse dans la mesure que les marchandises étaient livrées, à condition que, la Foresta Romena présente des documents qui prouvent leur expédition, conformément, bien sûr, aux stipulations contractuelles établies entre le fournisseur et l'acheteur.

Le caractère *rotatif* était lié de la réstabilisation des sommes créditées immédiatement que le crédit avait été confirmé par la Banca Commerciale Italiana e Romena. Ces acreditives étaient ouvertes d'une manière fréquente par la Foresta Romena en faveur de ses succursales, d'habitude Galați, tout en tirant une commission de ½ %<sup>51</sup>. Vraiment, la ville de Galați, là où existait aussi une succursale de la Banca Commerciale Italiana e Romena, aussi une de la Foresta Romena, était considérée un point important des activités d'import/export, fait qui a expliqué l'acquisition par la Foresta Romena Galați des crédits, notamment sous la forme des acreditives rotatives ou des devises "*a termine*"<sup>52</sup>.

La contribution creditorielle de la Banca Commerciale Italiana e Romena s'était réfléchiée aussi par des opérations provisoires<sup>53</sup> effectuées sous la forme des *credits ocasionels à court terme* (9 mois) destinés à permettre au groupe Foresta Romena de solutionner le problème des fonds des retraites. La participation du Romcomit au système des assurances sociales des entreprises de la réseau de Foresta Romena s'était fait dans le contexte des nouvelles réglementations de la fin de III<sup>e</sup> décennie, alors quand, les fonds des retraits ne pouvaient plus faire partie de la structure de la société respective, mais ils devaient être administrés distinctement, au contraire ils aient été transférés dans la gestion de la Maison Centrale d'Assurance Sociales. Concrètement, dans les conditions que les censeurs "*des sociétés du groupe Foresta tout entière*"<sup>54</sup> ne disposaient pas des sommes liquides pour livrer les fonds des retraits, le Romcomit offrait lui-même la variante du crédit.

Le soutien financier du groupe Foresta Romena par la banque italo-roumaine a été renforcé par le système des garanties contractuelles. Les *lettres des gagee* émises pouvaient servir à la *garantie des paiements des*

<sup>51</sup> Idem, d. 2200/1926, f. 278.

<sup>52</sup> Idem, d. 2200/153, f. 230, 236, 264.

<sup>53</sup> Idem, d. 2200/1926, f. 320.

<sup>54</sup> *Ibidem*, f. 319.

*taxes d'import pour les marchandises commercialisées* (du bois)<sup>55</sup> par des entreprises du groupe forestier roumain, à la garantie de l'ouverture d'un *accreditivo* par le même importateur, à la garantie du paiement des documents à l'*incasso*, à la restitution de l'avance accordé vers d'autres sociétés ou d'autres institutions, etc. En dernière analyse, la signature des lettres de gage supposait l'assimilation des obligations de paiement des sociétés de Foresta Romena dans la situation que celles-ci n'accomplissaient pas leurs devoirs contractuelles vis-à-vis de tiers sociétés commerciales. De cette manière, conformément à la procédure usée, le Romcomit payait jusqu'à une certaine partie de la somme pour couvrir les obligations non honorées par des firmes du groupe Foresta Romena. Dans d'autres situations, les lettres de gage étaient accordées par le Romcomit en faveur du groupe Foresta Romena afin de créditer une firme appartenante au même périmètre (la société forestière Göetz, par exemple)<sup>56</sup>. Le terme de la validité des lettres de gage était dépendant de date de la scadenza du crédit ou des facilités accordées, en existant la possibilité d'être prolongé par la Banca Commerciale Italiana e Romena d'une manière irrévocable<sup>57</sup>.

En résulte le fait que, indirectement, les institutions publiques (d'État, gouvernementales) ou des entreprises privées dont la Foresta Romena collaborait, étaient les *beneficiaries* des paiements faites par la Banca Commerciale Italiana e Romena en faveur de la Foresta Romena dont le garant celle-ci était. Les principales institutions gouvernementales roumaines que les firmes de la réseau *Foresta Română* ont contactées dans la III-ième décennie d'entre les deux guerres ont été le Ministère des Finances, le Ministère de Guerre (jusqu'à 1929), le Ministère de l'Industrie et du Commerce, respectivement les départements comme la Direction Générale des Douanes subordonnée au Ministère des Finances, l'Inspectorat de la Marine subordonné au Ministère des Communications. La Banca Commerciale Italiana e Romena émettait aussi des garanties fréquentes vers les Chemins de Fer Roumains (C.F.R.), une institution clef dans la dynamique des transportations ou vers l'Automobil Club Royal Roumain.

Les entreprises du groupe Foresta Romena – spécialisées dans des activités d'import/export – ont développé un commerce intense avec des produits ligneux, d'où résulte l'implication consistante de celles-ci dans des opérations avec des devises. Du point de vue strictement commercial il faut préciser que les ventes du bois en Roumanie se sont faites *seulement en*

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<sup>55</sup> Idem, d. 2200/153, f. 254.

<sup>56</sup> Idem, d. 2200/1926, f. 251.

<sup>57</sup> Idem, d. 2200/153, f. 254.

lei<sup>58</sup>, la contre-valeur de la marchandises exportées allait être cedée à la Banque Nationale de la Roumanie en devises étrangères<sup>59</sup>. Dans le cas de la Foresta Romena, celle qui garantit à la Banque Nationale de la Roumanie le versement des devises était le Romcomit, le transfere de celles-ci s'effectuant d'une manière différencié, en pourcents en fonction du type de marchandise transactionnée. À la suite des transactions effectuées en bénéfice de la Foresta, le Romcomit recouvrait un comision direct proportionel avec la valeur des devises d'export et, le rest, c'est-à-dire la majorité du quantum des devises, entrait sous la forme du profit dans la caisse de Foresta.

En fait, sous la garantie du Romcomit se sont trouvées aussi les *declarations d'export* des sociétés appartenant à la Foresta Romena, dans le fondement de qui on établissait les taux d'import/export. Le procédé était l'un plus complex: le Romcomit prenait la responsabilité pour la *livraison*, respectivement pour la *confirmation de la livraison des devises vers la B.N.R.*<sup>60</sup> et aussi elle pouvait *autoriser* une autre banque colaboratoire de contre-signer les *déclarations d'export* de Foresta. Ainsi, les sociétés forestieres du groupe Foresta Romena recevaient les sommes sollicitées à la suite de la signature des déclarations d'export par le Romcomit ou une autre banque colaboratoire comme la Société Roumaine de Banque<sup>61</sup>. En général, les conditions fixes par la Banca Commerciale Italiana relatives à la *vise* des *declarations d'export* concernaient la fixation des comisions pour le versement des devises vers la B.N.R situées entre 1â - 2â, en même temps avec des taux variables établies en fonction des circonstances internes et internationales<sup>62</sup>.

En conclusion, on peut affirmer que les pratiques de colaboration financière basées en principal sur les credits courants et sur la garantie offerte par le Romcomit<sup>63</sup> au groupe Foresta Romena, denotent le large soutien et l'intérêt consistant de la banque italo-roumaine pour le secteur forestier roumain. Les conexions dans la ligne du comerce extern établies entre la Banca Commerciale Italiana e Romena - la Banque Nationale de la Roumaniei –le groupe Foresta Romena indique l'importance considerable des entreprises forestieres de la Roumanie dans le circuit comercial roumain et européen. D'autre coté, l'implication intense de la

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<sup>58</sup> *Ibidem*, f. 229.

<sup>59</sup> *Ibidem*, f. 269.

<sup>60</sup> *Ibidem*, f. 273.

<sup>61</sup> *Ibidem*, *passim*.

<sup>62</sup> *Ibidem*, f. 273.

<sup>63</sup> *Ibidem*, f. 273.

Foresta Romena dans des affaires avec des devises prouve le rôle majeur détenu par le commerce dans la structure des activités du groupe.

Autrement, regardée d'une perspective notamment commerciale, la dynamique de la Foresta Romena développe le fait que les opérations d'import/export ont représenté à partir de 1928 la principale forme de la profitabilité du groupe forestier. L'explication réside dans la situation conforme à laquelle, après 1927 dans le concern Foresta S.A. Milano tout entier, et implicitement dans le groupe forestier roumain, font leurs apparitions les signes d'une crise de production profonde. L'analyse comparative des bilans de la Foresta Romena pour les années 1927-1928 relève la réduction *du bénéfice net, des investissements et du capital social*<sup>64</sup>. En plus, le fait que les signes de la crise se sont fait sentir même dès 1927 résulte de la proposition de la Foresta Romena vers la Banca Commerciale Italiana, la filiale de Londres *d'acheter son portefeuille roumain en livres sterling*<sup>65</sup>. La transaction ne semblait pas très rentable pour la filiale londonaise de temps que celle-ci suggérait à la Banca Commerciale Italiana et Romena *le paiement de moitié de la valeur des actions*<sup>66</sup>. Pourtant, le Romcomit avait la possibilité, conformément aux stipulations de la Direzione Centrale, de participer aux bénéfices. Autrement, une croissance accentuée du rôle des activités commerciales on peut se faire remarquer aussi dans le contexte des préoccupations générales de la Banca Commerciale Italiana e Romena, le commerce en preluant une partie de l'importance des activités d'investissement développées dans les moments de cette crise relative.

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<sup>64</sup> Conformément aux bilans des années 1927-1928, les investissements de Foresta Romena ont baissé de 4 955 489 lei à 4 955 480 lei, le bénéfice net de 1 052 957 à 489 597 lei, et le capital social de 4 000 000 lei à 3 000 000 lei, *Informations financières et Bancaires de Roumanie*, București, 1929, nr. 1, p. 317.

<sup>65</sup> AMB, fond BCIR, d. 2200/153, f. 229.

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## CHALLENGES AND OPPORTUNITIES IN MODERN BUSINESS

ELENA-MARILENA PORUMB

**ABSTRACT.** The paper discuss and enlighten important aspects about which Romanian manager of enterprises and organizations must be aware off to be prepared in next future and take advantages on. Major aspects, which will have an important impact on Romanian business, are link with changing in New Economy, marketing paradox and trend for business strategy development. We shall underline changing in organizational culture in "The Age of Access" as a new stage of weightless economy in post-modern society. Last but not least we will present our conclusion and recommendations for Romanian business in the process of Adhesion to the European Union

### 1. Introduction

Changing has different meaning especially in modern business, for every field of human activity. A long list of theoreticians and practitioners are in a debating process for clarifying aspects link with. In our paper we agree with the meaning of dangerous chance for changing, like Japanese pictogram show us, and our major interest is to have a list of recommendation for Romanians managers. The following aspects we will define for different meanings of changing:

- Changing in modern economy and marketing paradox are linked with challenges and opportunities in national and international environment;
- Changing in modern economy and marketing paradox: trends in developing business strategy;
- Organizational changing including culture;
- New Economy and The Age of Access.

## 2. Changing in modern economy -marketing paradox;

2.1 During the last years every field of the economy is in transformation, restructuring or transition to a new stage. In Peter Drucker's <sup>1</sup> view majors three changing are:

- Disrupting extractive industry from secondary and "third sector industry";
  - De-industrialization;
  - Transforming of real economy into a symbolic economy.
- Arvin. Toffler <sup>2</sup> announced other total changing which give the name of his book "Powershift" and pointed also the following trends:
- "Extra-symbolic" economy and de " extra-intelligent networks";
  - Transforming of knowledge power into a force or welfare power;
  - Information power becoming a strategic resource;
  - New strategic standards and alliance;
  - *Transformation of the hierarchy into network.*

Tailoring of the tomorrow decisions, today is underlines by Drucker's <sup>3</sup> paper "*Where tomorrow's decisions are being shaped today*", which enlighten the trends in the contemporary economy. USA economy during the 80's proved the decreasing tendency of the extracting industry in the economy, which was around 1/8. During a century, the efficiency of the output of this industry increased every year by reducing the row material with 1.25%. Other countries, as Japan, reduced more rapidly, with 40% just in one decade (1973-84) the input for industrial production.

What is happened? In fact the structure of the industry is shifting from a major dependency on intensive energy-material, we can call "hard industry", to the knowledge-based industry, or "soft" industry. Romanians can learn two lessons, from the recommendations made by Drucker for each country. So, Japan must to increase the internal consumption and not for the economy of the capital. USA must to reduce the tendency for individualism, mercantilism and just for performance measured by developing profit-oriented activity. Romanian economists can use both recommendations in order to achieve a better structure of the economy and a real mechanism for a sustainable development.

De-industrialization was a result of the reducing of manpower and increasing of the research and development expenses, to over 50% in the product cost, and increasing rate of knowledge based industry of services.

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<sup>1</sup> Peter Drucker , The Frontiers of Management , Where tomorrow's decisions are being shaped today, London, Heinemann,,1987, and p.120.

<sup>2</sup> Arvin Toffler, Powershift, Bucuresti Editura Antet, 1995, p. 102

<sup>3</sup> Peter Drucker, op. cit. p.127.

*Changing from real economy to the symbolic or weightless economy was well represented by the movement of capitals, currency rate change and credits flow, which are higher than the real rate of economic development.*

A real threat, envision professor Sacs<sup>4</sup> from Harvard Institute, for transition or developing countries. *The threat for transition economy countries to become a victim of financial mechanism, which can ensure a rapid short-term profit for foreign banks in using capital. Any bank did take the risk to be the last in specific financial market, so the decision of withdrawing the capital; can produced a chain of Bancroft in entire economy or to determine financial crises, (see Asian or Latin America financial crises).*

Keynes model must be adapted for weightless economy, in Drucker 's view; otherwise it will transform soft borrowing in hard ones. Soft borrowings can induce commercial or budget deficit but in decreasing tendency, producing a balance in high rate employment, production and capital input. Hard borrowings induce budget deficit every year, increase the inflation rate. USA experience in both ways can be use by Romanian macro-stabilization, stagflation or inflation.

Economic dynamic goes for Global economy, and for a mutual beneficial relation state and individual or business it is difficult to obtain in long term without unpleasant consequences. Developed countries policies under their global strategies can take advantages on global opportunities; Japan and Germany successful economies are based on competitive position in a global economy.

Drucker raise the question about the possibility to maintain both control with political and economic freedom in order to have a strong economy. We agree, is a taught, still in discusses question, repositioning Schumpeter preoccupation for "democracy and free market economy". After 90's, for transition economy country doubt still exist, about resource consuming in the challenging of sustainable development strategy. O long list of countries have budget deficit even, in so-called "economic paradise" with dynamic development, now in financial crises recession. There are some opinion but is hard to take the risk of the prediction and find an economic key levier for development. We can see how "Asian Tigers" countries, Japan, Brazil, Argentina, Mexico, and Russia had had the same problems.

2.2. Drawing this unpleasant picture of global economic situation and trends for business, once again we can agree that the changing is real a "dangerous chance". Survival strategy developed the firm's and economies, which take risks and a proactive attitude to changing. Strategic

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<sup>4</sup> Jeffrey Sacs, in Romania Libera, Bucharest 12<sup>th</sup> May 1999, translation Bazil Stefan

analysis is an inter-active process, not just for evaluation of external environment but especially, to transform internal resources in capabilities and to obtain competitive advantages. Business strategies are linked with organizational strategy, in now day can see how it leads to a " corporative strategy " in national governance economy. Information-decision systems are vital not just for business but also for entire economy, in "Information-based society" or the "Age of Access".<sup>5</sup>

John Cross<sup>6</sup>, analyzing business strategy of 90's sees the changing downsizing the dimension of the firms, reducing entire division; this period was suitable for medium size enterprises. Total Quality Management gives the possibility to increase quality of production and services and transform structure, systems and organizational culture.

Re-engineering process marked another revolutionary trend and increased organizational efficiency. The accent goes to value-added process and activities, not functional ones. Starting from 1992 Single European Market transform the base of commercial lows, supply and distribution networks, fundament for business strategy and change the European organizational culture. Miller is author of "marketing paradox" or Icar story for business world. Icar myth for a series of business like Rolls Royce, Digital, ITT or Chrysler linked with marketing tools, showed how even giant can die. Than, how can predict success or failure of a business? Every week died hundreds of business in each country. Consumer perception about firms and products can be influenced. Marketing mix develops a key tools for create, develop and improve the organization and products/ services identity, distribution network and fair price, it can produce a "vital battle" for the consumer number and wrap around of it. McQuinn, 1991, sow the success of organization in structure correspondence, we add the need of a changing oriented organizational culture. It means, use a methodology of organizational change with three steps: to defreeze old culture, change and refreeze the package.

Minzberg, 1994, in business strategy have seen the pitfalls in planning that can destroy the commitment, limit the vision and discourage the changing, which is vital for survival. Peters, in " Crazy Ways for Crazy Days"1995, underlined the difficult period of time and seemed to find o miraculous formula: "only certitude of a business future is a big incertitude".

Changing in business environment involves politic economic, social, technology, judicial and ecology fields. Michel Porter strategic model with five forces, (new entrants, internal rivalry of industry, suppliers and

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<sup>5</sup> Jeremy Rifkin, *The Age of Access*, Penguin Book, UK, 2000, p. 201-202.

<sup>6</sup> G. Johnson, *Exploring Corporate Strategy*, Prentice Hall, 1997.

consumers power) proved, how hard is for a business to deal with all forces. The only response that can be finding is organizational efforts for transforming their resources in capabilities and gain competitive advantages.

Luffman, Lea, Sanderson, Kenny, 1986 and later Cross-developed a model for business strategy. In their opinion, some key fields are needed for business analysis: business profitability, market share, cash flows, and efficient fundraising and put in use, and also motivating the shareholders. Using the indicators like profit, market share, cash flow, rate on equity and other we can give a big picture of a business, which we need for elaborating a strategy.

Internal and external forces can put a pressure on business strategy and stakeholders which are looking to future profit, determine a disruptive process and can end with the possibility to reach to pitfalls of a business. Developing old and new models, methodologies such as: PESTLE model, Mc Kinsey's "7s Model ", Porter's value-add chain, financial analysis, Hockland and Scholes, 1990, Soft System Methodology, Hics; Rich Picture Model, 1991, intelligent type analysis, help us to detail aspects other than strategic analysis. Behavior, connection, relationships models can be using for more symbolic or visual and exchanging opinions for firm strategy development.

We agree with G. Johnson's subsystems centered on organizational paradigms:

- Histories, successful experiences key personalities;
- Symbol s rituals and routines;
- Structure's power, including key personnel;
- Control of systems;
- Organization structure, *but we transformed these into other two:*
  - *Organizational culture and changing strategy;*
  - *New leader' s roles (power broker, policy maker).*

*Our viewpoint about the importance of a relational model can be see in some contribution on "7S" model, which use a new paradigm, linking three hard "s" in a triangle and other soft three "S" under a catalytic set of values.<sup>7</sup>*

### **3. Strategic options for success proposals**

3.1.Transforming of firm resources into capabilities using Grant, 1996, methodology offers possibility to inter-link tangible and intangible for competitive advantage. Organization culture is intangible, which offer

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<sup>7</sup> Elena Marilena Porumb, Managementul strategic al resurselor materiale, Bucuresti, 2000, p.199.

insides and imperceptible resources for successful strategy, more than set of values, attitudes, beliefs, and behaviors.

**Weaknesses** of CEE firms. Be ware of it!

*Firms from Central and East Europe, have the most turbulent environment, due to transition economy, and a lack of survival orientation by using a strategic management. Lack of competencies, skills like strategic thinking and strategic mentality but also attitude that are current problem solving oriented.*

**Present strong point.** Use it! Super-ordinate goals for firms, organizations and society are key response for the problem. In Romania we have too recent preoccupation linked with wide Corporate Management and Economic Democracy. New institutions like International Center for Entrepreneurial Studies and Strategic Alliance of Business Associations Romania is developed with CIPE Washington D.C., SUA, support.

3.2. Changing the environment of business. In fact, it means transforming an **opportunity** into a strong point. Other institutional development capacity and skills are developing with European PHARE Program; Training in European Affairs established a real network of Excellence Centers and European Institute of Romania, for the major fields of development in pre-adhesion process. Institutional capability for Magistrate and Civil Servant National Agency tried to ensure a more pragmatic approach and efficiency for public services that must be run under market economy conditions, competition based and high quality standards.

#### **4. Changing from Markets to Networks, from Ownership to Access.**

Be ware of New Trends and use its!

4.1. Jeremy Rifkin in his book "The Age of Access" announce a major trend, everything is a service so we will move from ownership to **access**. The shifting from markets to networks has a series of advantages:

- Less expensive, all expenses can be included in costs;
- High new technologies for all kind of intelligent products.

4.2. *New type of communities, of interest, identifying of borders, new inclusion relations, "defined community" or "gated communities".<sup>8</sup>* Rifkin claims a new type of business inside of Network Economy. *"The birth of the network economy, steady dematerialization of goods, declining relevance of physical capital, the ascendance of intangible assets, the metamorphosis of goods into pure services, the shift in the first-tier commerce from production to a marketing perspective, and the*

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<sup>8</sup> Rifkin, op.cit. p.108.

*commodification of relationships and experiences, all are elements in the radical restructuring going on in the high-tech global economy as part of humanity begins to leave markets and property exchange behind on its journey into the Age of Access.*"<sup>9</sup>

4.3. Business and New Life Culture *Including Life Culture, shared experiences among people, have concentrated on the Access Problem or Inclusion. Any member of community and culture can enjoy the access of meanings and experiences networks or are excluded. As much shared culture are configured in commercial fragmented experiences in "Economy of Network", access right will migrate similar from social to commercial reality like " Mall Culture", or "Show Biz Culture"*<sup>10</sup>

4.4. New Actors on World Stage *Postmodern Man "Protean Person transformed from good character and strong personality to creative performer moving according comfortable scenario, as part of market multiple dramas."*<sup>11</sup> *In this world, which are post-modernity, characterized by commodification of human network and relations, with strong borders interconnected activities, key solution seemed to be, reprogramming mind, transformation of a man in Protean Person, says Rifkin. It is not easy to do that.*

## **5. Final Conclusions and Recommendations**

European Commission<sup>12</sup> objectives envision new trends on which Romanian manager must take account about all aspects like following:

- Promoting new form (corporate) of governance;
- Strengthening the voice of Europe in the world;
- A New Economic and Social Agenda –European Chart of Fundamental Human Rights
- A better quality of life.

- European a Union need a new economic, social and cultural agenda in order to build a competitive economy, knowledge-based economy model, which can ensure growth and encouraging innovation, full employment, social and cultural cohesion, inclusive type not exclusion like the old one.

- Macroeconomic climate is not quite favorable but still it is possible to increase culture of dynamic progress, new technology and environment protection for a sustainable area development strategy.

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<sup>9</sup> ibidem p.195.

<sup>10</sup> ibidem p.153-163.

<sup>11</sup> ibidem p. 193.

<sup>12</sup> European Commission, Strategic Objectives, Bruxelles, 1999.



- European research will be stimulated by the improvement of efficiency and coherence aspects from the national level to the network "European Research Area"<sup>13</sup>

Political, and security integration can provide a space of freedom, security and defense. All these aspects are included in Romanian negotiations and all chapters will be opened starting with 2002.

*What could be a problem for our country speaking about E.U, it could be the access, even if the desire and commitment exist in both parts. Rifkin terms for answer are in our view a solution for Romanian business, Franchising Access. It means to learn and use how to combine virtual way of doing business, to use the network economy advantages, e-commerce and other IT based economy, Internet marketing and so on. Local business gives up to their autonomy in order to receive the advantages of having access, increasing competitive advantage and than access to economy of scale. We agree with W. Ross opinion about how a system could survive - through a variety of inside sub-systems, so for, Romanian managers these could be an opportunity and also a real challenges.*

Romanian economic-social stage of development is far from post-modern stage presented by Rifkin like trend. So even cultural and esthetic component of Romanian development reach this stage, the gap must be cover by the political willingness and economic involvement. Transition from a modern (even pre-modern in some field) to postmodern economy have painful and taught effects, when the stage of transition is to long.

Changing could be done with internal strengthening capacity and institutional development with the long list of new set of values (European ones), knowledge, skills, and attitudes for both formal and informal society involved.

We consider some recommendations could help Romanian business:

- Spreading to a critical mass number of business which use new investigating and elaborating methodologies for business strategy, and a program for training of human resource within organization/community;
- Extracting, transforming human resources and managing culture in order to correspond to the symbolic, network and knowledge-based economy, "learning organization";
- Creating **strategy** circle in every firm or organization which propose to overcome the mortality of Small and Medium Enterprises, (SME);
- Developing Industrial Parks with SME Incubators, a real knowledge based network which can ensure competitive advantages;

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<sup>13</sup> Ibidem

- Collaborating with all stakeholders inclusive Central and Local authorities to increase the supportive strategy for development.
- Diminishing of strategic alliances risks.
- Increasing of economy of services especially for public services total quality management and corporate governance.

Elaborating of a Romanian strategy for increasing market share of Romanian business in European Market, which has its value, norms, expectance, and specific consumer behavior. It could be build an intelligent network for promoting and monitoring of European environment. Business opportunities and other aspects can be select for Romanian business. Strategic monitoring and scanning process offer a wider access to European Market. Using al opportunity and challenges Romanian business will transform "dangerous chance" in a real chance, and changing in challenges difficult to take over.

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## LES SOURCES DU DROIT COMMUNAUTAIRE, LA HIERARCHIE DES NORMES ET LE CONTENTIEUX

CARMEN LAZAR

**RÉSUMÉ** Les sources du droit communautaire représentent les actes juridiques qui composent l'ordre juridique communautaire. Nous pouvons distinguer 4 grandes catégories: le droit originaire, le droit dérivé, le droit complémentaire et la jurisprudence de la Cour de Justice (ou les principes généraux du droit). Toutes ces sources sont hiérarchisées, l'ordre juridique des Communautés se ressemblant par cela à l'ordre juridique des Etats. Son respect, son application et interprétation uniformes sont assurés par la Cour de Justice et le Tribunal de Première Instance. Le contentieux communautaire comprend deux grands groupes de recours: les recours préliminaires et les recours directs. Les premiers ont pour objet l'interprétation ou la validité d'un acte communautaire qui est applicable dans un litige devant une juridiction nationale, celle-ci étant compétente pour solutionner le litige et les juridictions communautaires étant compétentes pour résoudre la question préliminaire (ou préjudicielle) du sens exact ou de la validité de l'acte communautaire impliqué. Les seconds sont en fait les actions directes qui peuvent être introduites devant la Cour ou le Tribunal. A part cela, il y a aussi d'autres procédures et des voies d'attaque contre les décisions des juridictions.

Avant d'aborder ce thème, nous précisons que nous allons nous référer uniquement à la Communauté Européenne, en excluant les deux autres<sup>1</sup> et les domaines de coopération<sup>2</sup>.

L'ordre juridique communautaire est l'ensemble des sources du droit au sens formel du terme; il est distinct de celui des Etats, mais en même temps il lui est semblable et intégré à lui<sup>3</sup>. La similitude consiste dans le fait qu'il est hiérarchisé et que son respect, son application et son

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<sup>1</sup> c'est-à-dire la Communauté Européenne du Charbon et de l'Acier (CECA) et la Communauté Européenne de l'Energie Atomique (CEEA ou EURATOM)

<sup>2</sup> c'est-à-dire la Politique Extérieure et de Sécurité Commune (PESC) et la Justice et les Affaires Intérieures (JAI)

<sup>3</sup> J. Boulouis, "Droit institutionnel de l'Union Européenne et des Communautés Européennes", Ed. Montchrestien, Paris, 1996, p. 222-225.

interprétation uniformes sont assurés par des juridictions, c'est-à-dire par la Cour de Justice et le Tribunal de Première Instance<sup>4</sup>. L'intégration est due à l'applicabilité directe des actes juridiques qui le composent, aspect que nous n'étudierons pas ici. Les différentes catégories d'actes ont un régime juridique spécifique. Tout d'abord il y a la catégorie du *droit originaire*, appelé ainsi parce qu'il représente la manifestations de volonté des Etats, sujets originaires de droit international<sup>5</sup>; ici entrent les traités constitutifs, les traités et les actes unilatéraux de révision (des décisions du Conseil), les traités d'adhésion + les conventions, les protocoles et les documents annexes. Le *Traité C.E.* a été signé à Rome en 1957 pour une durée illimitée et est entré en vigueur en 1958, les pays fondateurs étant la France, l'Allemagne, l'Italie, la Belgique, les Pays-Bas et le Luxembourg. On lui a ajouté: le *Traité de fusion du Conseil et de la Commission* (1967 - date d'entrée en vigueur), la *Décision du Conseil sur les ressources propres de la Communauté* (1971) et le *Traité accordant au Parlement des pouvoirs en matière budgétaire* (1971), le *Traité d'adhésion de la Grande-Bretagne, du Danemark et de l'Irlande* (1974), le *Traité accordant au Parlement le pouvoir d'adopter le budget et créant la Cour des Comptes* (1977), la "*Décision*" des représentants des Etats membres réunis au sein du Conseil pour l'élection directe des membres du Parlement (1978), le *Traité d'adhésion de la Grèce* (1981), la *Décision du Conseil en matière de ressources propres de la Communauté* (1985), le *Traité concernant le Groenland* (1985), le *Traité d'adhésion de l'Espagne et du Portugal* (1986), l'*Acte Unique Européen* (1987), la *Décision du Conseil en matière de ressources propres* (1988), le *Traité sur l'Union Européenne* (1993), la *Décision du Conseil en matière de ressources propres* (1994), le *Traité d'adhésion de l'Autriche, de la Suède et de la Finlande* (1995), le *Traité d'Amsterdam* (1999) et le *Traité de Nice* (signé le 22.12.2000 et non encore entré en vigueur). Nous n'allons pas aborder ici les procédures de révision et d'adhésion.

Le *droit dérivé* exprime la volonté unilatérale des institutions communautaires, en trouvant son fondement dans le droit originaire; cela parce que les organisations internationales sont des sujets dérivés de droit<sup>6</sup>. Il y a: les règlements, les directives, les décisions, les avis et les recommandations et les soi-disant actes atypiques.

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<sup>4</sup> que nous allons dénommer la CJ et le TPI

<sup>5</sup> R. Miga-Besteliu, "Droit international. Introduction au droit international public", Ed. All, Bucarest, 1998, p. 82.

<sup>6</sup> idem, p. 83

Les *réglements* sont des actes normatifs, c'est-à-dire à valeur générale et abstraite, obligatoires dans tous leurs éléments (but et moyens). Ils peuvent être adoptés par le Conseil, la Commission, le Conseil et le Parlement ensemble, la Banque Centrale Européenne, peuvent être "de base" et "d'exécution" (c'est-à-dire "législatifs" et "exécutifs") et, pour entrer en vigueur, doivent être publiés au J.O.U.E.<sup>7</sup>

Les *directives* sont des actes à caractère individuel, destinées seulement aux Etats. Leur particularité consiste dans le fait qu'elles fixent un objectif, en laissant aux Etats la latitude d'adopter les moyens pour l'atteindre dans les délais établis par elles; les moyens doivent être les plus adéquats, conformes au droit communautaire et communiqués à la Commission. Les directives peuvent être adoptées par les mêmes institutions, moins la B.C.E., et, pour entrer en vigueur, elles doivent être soit notifiées au destinataire, soit publiées au J.O.U.E. (celles destinées à tous les Etats membres et celles adoptées conjointement par le Conseil et le Parlement).

Les *décisions* sont aussi des actes individuels, destinés tant aux Etats qu'aux particuliers, obligatoires dans tous leurs éléments. Les institutions sont les mêmes qu'aux règlements et leur entrée en vigueur nécessite soit la notification au destinataire, soit la publication (pour celles adoptées conjointement par le Conseil et le Parlement).

Les *avis* et les *recommandations* sont des actes à caractère non-obligatoire, les premiers représentant des opinions émises par une institution ou un organe à la demande d'une autre institution, indépendamment du fait que la consultation est obligatoire ou facultative, les secondes représentant de simples indications adressées à une autre institution, aux Etats ou aux particuliers. Nous n'avons pas inclus ici les avis rendus par la Cour, ni les avis conformes du Parlement.

Enfin, les *actes atypiques* sont ceux qui, bien que dénommés comme certains de ceux mentionnés plus haut, ne présentent pas les caractères de ces derniers (par exemple, les *réglements intérieurs* des institutions) ou ceux qui ne s'encadrent nulle part (par exemple, les *résolutions* du Parlement ou du Conseil, les *communications* de la Commission, les *décisions des représentants des Etats réunis au sein du Conseil* etc.)<sup>8</sup>.

Le *droit complémentaire* comprend, d'une part, les sources qui appartiennent en partie au droit communautaire et d'autre part les sources qui ne lui appartiennent pas du tout, tous les deux groupes contribuant

<sup>7</sup> le Journal Officiel de l'Union Européenne (ancien Journal Officiel des Communautés Européennes), devenu ainsi par le Traité de Nice

<sup>8</sup> J. Boulouis, op. cit., p. 198-199

quand même à le compléter. Entrent ici: les *accords conclus par la Communauté ou par elle et les Etats avec les tiers (accords mixtes)* et les *actes adoptés par les organes créés par de tels accords*; les *accords et les conventions conclus entre les Etats membres*; les "*décisions*" des *représentants des Etats réunis au sein du Conseil*. Les accords du premier groupe sont conclus par une décision du Conseil (la décision équivaut à une ratification); pour les accords mixtes est nécessaire, en plus, la ratification par les organes compétents des Etats; tant la décision que l'accord doivent être publiés au J.O.U.E. Les accords et les conventions du deuxième groupe sont rangés par d'autres auteurs dans la catégorie du droit originaire<sup>1</sup>; ils sont conclus dans diverses matières, communautaires ou non, ou dans les domaines de coopération appartenant à l'Union; ils sont des actes de droit international public, mais ceux qui interviennent dans le domaine de la PESC ou de la JAI font partie de l'acquis communautaire. Enfin, les dernières sont en fait des accords en forme simplifiée, parfois non-soumis à ratification, et, paradoxalement, elles aussi font partie de l'acquis<sup>2</sup>.

Les *principes généraux du droit* - la quatrième catégorie - comprennent en fait les *principes déduits des traités communautaires*, les *principes inhérents à tout système juridique organisé* (y compris ceux de droit international public), les *principes communs aux Etats membres* et les *droits et les libertés fondamentaux*. Tous sont découverts par la jurisprudence de la CJ, les premiers étant utilisés de manière prédominante parce qu'exprimant l'intention des auteurs des traités<sup>3</sup> (exemples: la solidarité entre Etats, l'unité, la non-discrimination, la libre circulation, l'équilibre institutionnel, la subsidiarité, la proportionnalité etc). Les seconds et les tiers sont utilisés par la CJ dans la mesure où ils se concilient avec les objectifs des traités<sup>12</sup>, mais ils sont nécessaires pour combler les lacunes de ceux-ci (exemples: le respect du droit de la défense, le respect de la confiance légitime, la non-rétroactivité des actes administratifs, l'équité, le droit au juge, la responsabilité des autorités publiques pour les préjudices causés aux autres etc.). Enfin, les derniers ne figuraient et ne figurent pas dans les traités (sauf sous la forme d'une mention générale introduite par le Traité sur l'Union Européenne), mais il était inadmissible

<sup>1</sup> L. Cartou, "L'Union Européenne: Traité de Paris, Rome, Maastricht", Ed. Dalloz, Paris, 1994, p. 191

<sup>2</sup> J. Rideau, "Droit institutionnel de l'Union Européenne et des Communautés Européennes", LGDJ, Paris, 1996, p. 191; J. Boulouis, op. cit., p. 200

<sup>3</sup> J. Boulouis, op. cit., p. 210-211; J. Megret et a., "Le droit de la Communauté Européenne", tome 10, Eds. de l'Université de Bruxelles, Bruxelles, 1983, p. 15

<sup>12</sup> J. Boulouis, op. cit., p. 208-210

que la Communauté ne s'en préoccupe guère<sup>13</sup>. C'est pourquoi la CJ se réfère aux traditions constitutionnelles des Etats membres, à la Convention Européenne des droits de l'homme de 1950 et aux documents internationaux, pour assurer notamment le respect du droit à la propriété, du libre exercice de l'activité professionnelle (de la libre initiative), du droit au juge, de la non-rétroactivité des lois pénales, de l'égalité hommes-femmes etc.

En ce qui concerne la hiérarchie de ces diverses sources, nous allons l'esquisser sans entrer dans l'analyse des cas particuliers, c'est-à-dire des cas qui soit n'ont pas une place bien définie (faute de dispositions claires dans les traités), soit posent des problèmes au droit communautaire bien que n'occupant pas de place en son sein, soit nécessitent des précisions importantes. Les critères de la hiérarchisation ont été établis par la CJ, étant les suivants:

a) le droit dérivé est subordonné au droit originaire, aux principes déduits de celui-ci et aux droits et libertés fondamentaux

b) le droit dérivé est subordonné aux autres principes généraux du droit, ces derniers subordonnés à leur tour à la catégorie mentionnée au point a)

c) le droit dérivé est subordonné aux accords conclus par la Communauté ou par celle-ci et les Etats avec les tiers et aux actes adoptés par les organes créés par ces accords, ceux-ci étant subordonnés à la catégorie mentionnée au point b)

d) les actes individuels de droit dérivé sont subordonnés aux actes généraux

e) les actes "d'exécution" sont subordonnés aux actes "de base"

f) les actes de la Commission et de la B.C.E. sont subordonnés aux actes du Conseil ou à ceux adoptés conjointement par le Conseil et le Parlement.

Certains auteurs soutiennent que même dans le cadre du droit originaire il y a une hiérarchie, les traités constitutifs et de révision étant supérieurs aux traités d'adhésion (ces derniers ne peuvent pas leur contrevenir mais seulement les adapter, en fonction de l'entrée d'un nouvel Etat); dans les traités constitutifs il y a des dispositions non révisables (jurisprudence de la CJ)<sup>14</sup>.

Le contentieux communautaire comprend deux grandes catégories de recours (au sens de procédures): les *recours préliminaires* ou *préjudiciels* et les *recours directs*. Les premiers, auparavant le monopole de la CJ, ont été attribués également au TPI par le Traité de Nice, avec la possibilité pour lui de renvoyer l'affaire à la CJ s'il apprécie qu'il y a un risque pour l'unité et la

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<sup>13</sup> idem, p. 211-212

<sup>14</sup> J. Rideau, op. cit., p. 73

cohérence du droit communautaire. Ce type de recours a pour objet soit l'interprétation, soit la validité d'un acte communautaire qui est applicable dans un procès devant une juridiction nationale, ce qui suppose un mécanisme complexe de coopération entre les juridictions des Etats et les juridictions communautaires<sup>15</sup> : les premières sont compétentes pour solutionner le litige se trouvant devant elles, les secondes pour solutionner la question préjudicielle de la signification exacte ou de la validité de l'acte communautaire impliqué, question sans laquelle le litige ne peut pas être résolu. Le juge national peut renvoyer le recours à la CJ ou au TPI dans toute phase de la procédure, nonobstant les dispositions nationales contraires, étant libre de poser la question même si les parties s'opposent et, inversement, étant libre de ne pas la poser même si les parties le lui demandent. En principe le recours est facultatif, à l'exception du cas où la décision de la juridiction n'est plus attaquable en droit interne. Pour les matières transférées de la J.A.I. à la Communauté par le Traité d'Amsterdam, le recours est exclu pour les juridictions dont les décisions sont attaquables et facultatif pour les autres<sup>16</sup>.  
Peuvent être interprétés: les actes de droit originaire, les actes, obligatoires et même facultatifs<sup>17</sup>, des institutions, les accords conclus par la Communauté ou par elle et les Etats avec les tiers et les actes des organes créés par ces accords, les actes des organes délégataires (indépendamment de leur origine et nonobstant la nullité de la délégation), leurs statuts (si ces organes sont créés par la Communauté et s'il en est prévu cela).  
Peuvent être appréciés quant à leur validité: les actes obligatoires des institutions, à effet direct ou non; les actes et les statuts des organes délégataires (les statuts seulement si les organes sont d'origine communautaire); concernant les accords avec les tiers et les actes des organes créés par eux, la jurisprudence les inclut mais la doctrine les exclut<sup>18</sup>; certains auteurs considèrent qu'il doit être permis d'apprécier aussi les actes facultatifs, si cela est nécessaire pour la solution du litige<sup>19</sup>. La procédure devant la CJ se poursuit en principe même si la décision de renvoi est attaquée; si cette décision a été annulée, la procédure prend fin ou l'éventuel arrêt de la CJ ou du TPI sera privé d'effets juridiques pour la solution du litige. Quant à l'autorité des arrêts, les arrêts en interprétation ont une autorité générale de la chose interprétée<sup>20</sup>: ils s'imposent non seulement

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<sup>15</sup> J. Boulouis, op. cit., p. 273

<sup>16</sup> R. Trotta dans "L'Union Européenne et le monde après Amsterdam" (colloque), Eds. de l'Université de Bruxelles, Bruxelles, 1999, p. 107-141

<sup>17</sup> J. Megret et a., op. cit., p. 189-190

<sup>18</sup> J. Molinier, "Droit du contentieux communautaire", LGDJ, Paris, 1996, p. 251; M.Ch. Bergerès, "Contentieux communautaire", PUF, Paris, 1994, p. 255

<sup>19</sup> J. Megret et a., op. cit., p. 190

<sup>20</sup> M. Ch. Bergerès, op. cit., p. 266



aux juges qui les ont demandés et aux juridictions supérieures qui se prononcent dans le même litige, mais aussi à toutes les autres juridictions qui se prononceront ultérieurement dans d'autres litiges tombant sous l'incidence du même acte communautaire; ces dernières pourront, toutefois, renvoyer un autre recours, dans la perspective du changement de jurisprudence. Les effets rétroagissent jusqu'à la date de l'adoption de l'acte, mais la CJ ou le TPI peuvent décider qu'ils se produiront depuis le prononcé de l'arrêt, pour que les droits acquis définitivement et de bonne foi ne soient pas lésés; on revient à la règle pour les personnes ayant introduit des actions en justice ou des réclamations administratives avant le prononcé de l'arrêt. Les arrêts en appréciation de validité ont une autorité générale de la chose jugée quand ils déclarent valide l'acte, si les motifs restent les mêmes; quant à ceux qui déclarent non-valide un acte, il semble ressortir d'un arrêt de la CJ qu'ils ont seulement une autorité relative<sup>21</sup> : l'acte est inapplicable dans le litige respectif, les juridictions ultérieures ayant la possibilité de l'écartier elles aussi (en vertu de l'arrêt d'invalidation) ou de continuer à l'appliquer, l'acte étant présumé valide jusqu'à la preuve contraire. Les effets se produisent toujours rétroactivement, la CJ ou le TPI ayant la possibilité de décider le contraire, pour la raison mentionnée plus haut ou pour que se maintiennent les mesures nationales d'application de l'acte invalidé; on revient à la règle pour les mêmes cas que ceux mentionnés plus haut. Les décisions du TPI peuvent être soumis à un reexamen de la CJ, sur proposition de l'avocat général, si on apprécie qu'elles risquent d'affecter l'unité et la cohérence du droit communautaire<sup>22</sup>.

Les recours directs sont les actions formées directement devant la CJ ou le TPI. La compétence entre les deux juridictions est délimitée de la manière suivante: la CJ est compétente pour les actions en annulation, en carence et en responsabilité extracontractuelle formées par les Etats ou les institutions communautaires, pour le contentieux des sanctions et pour les actions en manquement; le TPI est compétent pour les trois premiers types d'actions formés par les particuliers ou les Etats étrangers et pour le contentieux de la fonction publique. Les décisions du TPI sont attaquables soit devant la CJ, soit devant lui-même; les arrêts de la CJ ne sont attaquables que devant elle-même.

L'*action en annulation* s'exerce contre les actes obligatoires des institutions et organes communautaires, en vue de faire constater leur illégalité et donc de les faire annuler. Sont visés aussi les actes adoptés par les organes délégataires, même si la délégation est nulle (à plus forte raison), à condition que leur ait été délégué effectivement le pouvoir de

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<sup>21</sup> idem, p. 267; J. Boulouis, op. cit., p. 300

<sup>22</sup> Traité de Nice, art.225

décision; si ce dernier ne leur a pas été accordé, l'acte est considéré comme inexistant<sup>23</sup>. Il y a deux catégories de requérants: les Etats membres et les institutions communautaires d'une part, les particuliers et les Etats étrangers d'autre part. Les premiers sont privilégiés en ce sens qu'on ne leur demande pas un intérêt à agir, car ils sont présumés de défendre la légalité communautaire<sup>24</sup>; les seconds ne peuvent attaquer que les actes individuels qui leur sont destinés, les actes apparemment destinés à autrui mais les concernant directement et personnellement, les actes apparemment généraux mais les concernant de la même manière. L'action ne peut se fonder que sur l'illégalité de l'acte, les motifs étant: l'incompétence, tant absolue - visant la répartition des compétences entre la Communauté et les Etats - que relative - visant la répartition des compétences entre les institutions; la violation des formes substantielles (les formes prescrites pour l'adoption d'un acte); la violation du droit communautaire; le détournement de pouvoir (la poursuite d'objectifs différents de ceux prévus par les traités ou la poursuite d'un objectif légal sur la base d'un mobile inacceptable). L'action doit être introduite dans un délai de 2 mois à partir de la notification, la publication ou la prise de connaissance de l'acte. La décision qui annule un acte a une autorité générale, avec des effets rétroactifs; par exception, on peut décider que certaines conséquences d'un règlement restent valables, à titre définitif ou provisoire, pour sauvegarder les droits acquis définitivement et de bonne foi, et on peut permettre que soient prises des mesures d'application jusqu'à l'adoption d'un nouvel acte (pour éviter le vide législatif). La décision qui rejette l'action a une autorité variable, en fonction des motifs du rejet.

*L'action en carence* vise la non-adoption par les institutions ou les organes communautaires d'actes obligatoires ou, pour les requérants privilégiés, même facultatifs, au cas où l'adoption est prescrite à titre impératif par les traités ou par un acte supérieur. Les organes délégataires sont cette fois-ci exclus. Les requérants sont eux aussi les mêmes, ainsi que les conditions qui se posent pour les requérants non-privilégiés. L'action doit être précédée d'une invitation préalable adressée à l'institution dans un délai raisonnable, l'institution étant tenue d'y répondre dans un délai de 2 mois; le fait de ne pas se prononcer donne droit au requérant d'introduire l'action dans 2 mois depuis l'expiration du premier délai (car le refus exprès ouvre la voie à une action en annulation). La décision de la juridiction a un caractère constatatif.

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<sup>23</sup> J. Megret et a., op. cit., p. 93-93; en sens inverse, en soutenant que l'acte est inexistant de toute façon à cause de la nullité de la délégation, voir M.Ch. Bergerès, op. cit., p. 203 (il cite R. Joliet)

<sup>24</sup> J. Boulouis, op. cit., p. 318

L'*action en manquement* est exercée par la Communauté contre les Etats membres ou les banques centrales nationales qui se font coupables d'un manquement au droit communautaire; ce manquement peut consister en l'adoption d'une mesure incompatible ou en la non-adoption d'une mesure imposée par le droit communautaire<sup>25</sup>. Les Etats répondent aussi des organes qui bénéficient d'indépendance (par exemple, le pouvoir judiciaire) ou des organes qui, bien que n'étant pas d'origine étatique, ont reçu d'eux des attributions spécifiques et agissent sous leur contrôle ou tutelle<sup>26</sup>. L'Etat ou la banque coupables ne peuvent pas se prévaloir de l'illégalité des actes communautaires - sauf illégalité grave et qui affecte un acte général -, ni de leur manque d'intention, ni du manque de réciprocité, ni de la non-application des actes nationaux incompatibles ou du manque de conséquences sur le fonctionnement du marché commun, ni de l'éventuel effet direct des directives, ni des particularités de l'organisation administrative ou judiciaire nationale, ni de leurs difficultés objectives, sauf force majeure<sup>27</sup>. La procédure devant la CJ doit être précédée d'une phase administrative devant la Commission; celle-ci agit soit sur saisine de la part d'un Etat -contre un autre Etat-, sur saisine de la part de la BCE - contre une banque centrale nationale -, soit sur auto-saisine. Après avoir mis l'Etat ou la banque en demeure de présenter leurs observations, la Commission doit émettre un avis motivé par lequel elle constate le manquement ou son absence et donne, le cas échéant, un délai pour qu'il soit remédié à la situation; si elle a agi sur saisine, l'adoption de l'avis est obligatoire, mais son absence n'empêche pas ceux qui ont saisi la Commission de saisir la Cour. Dans ce cas, comme dans celui où l'avis est négatif, la Commission ne peut pas être requérante devant la CJ<sup>28</sup>; par contre, un avis positif ne l'oblige pas à agir<sup>29</sup>. Dans ce cas peuvent agir devant la CJ: la Commission, l'Etat qui l'a éventuellement saisie, la B.C.E. qui l'a éventuellement saisie, tous ou seulement l'un d'entre eux. L'arrêt de la CJ est constatatif, mais il a quand même une autorité générale: non seulement l'Etat ou la banque reconnus coupables sont obligés de remédier à la situation et de réparer l'éventuel préjudice causé aux particuliers, mais ceux-ci pourront invoquer l'arrêt devant les juridictions nationales si les dispositions communautaires ont effet direct, ces juridictions devant de toute façon écarter d'office les dispositions nationales

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<sup>25</sup> M.Ch. Bergerès, op. cit., p. 181-183

<sup>26</sup> idem, p. 184

<sup>27</sup> idem, p. 185-186; J. Boulouis, op. cit., p. 342-343

<sup>28</sup> J. Megret et a., op. cit., p. 57

<sup>29</sup> ibidem

incompatibles de la solution des litiges<sup>30</sup>. Les effets de l'arrêt ne peuvent pas toutefois être rétroactifs, à l'exception des cas des particuliers qui ont introduit des actions en justice ou des réclamations administratives avant le prononcé de l'arrêt. Le fait, pour l'Etat ou la banque coupables, de ne pas se conformer à l'arrêt donne droit à la Commission de saisir à nouveau la CJ, après avoir préalablement accompli la même procédure, pour que la CJ prononce une amende.

L'*action en responsabilité extracontractuelle* a comme objet la réparation des préjudices causés par la Communauté, c'est-à-dire par ses agents et fonctionnaires dans l'exercice de leurs attributions de service, à des particuliers ou à des Etats (membres ou non), en dehors d'un contrat. A l'origine du préjudice peut se trouver un acte illégal, la non-adoption illégale d'un acte ou une opération matérielle. Bien que la faute ne soit pas prévue par les traités, la CJ n'admet l'action que s'il y a eu faute, équivalente à l'illégalité pour les actes juridiques; elle doit être grave pour les actes normatifs, légère pour les actes individuels et les opérations matérielles<sup>31</sup>. L'action est en principe indépendante d'une action en annulation ou en carence ou d'un recours préjudiciel, en ce sens que le requérant n'est pas obligé d'avoir déclenché au préalable ces procédures, mais s'il veut obtenir comme réparation justement l'annihilation des effets d'un acte illégal ou d'une carence (autrement dit, l'annulation de l'acte ou son adoption), il doit introduire l'action en responsabilité dans le délai de l'action en annulation ou en carence<sup>32</sup>, sous peine de rejet; il en est de même lorsque l'action en annulation ou en carence ont été rejetées comme non-fondées, indépendamment du fait que l'on veut obtenir le résultat opposé ou un autre; même si l'action en annulation a été admise, l'action en responsabilité doit être rejetée si la juridiction a décidé le maintien des conséquences d'un règlement. En principe toutes les institutions sont susceptibles de répondre de leurs fonctionnaires; concernant les organes délégataires, ils vont répondre s'ils bénéficient d'autonomie dans leur activité, dans le cas contraire c'étant l'institution délégante qui va répondre. Si le préjudice a été causé par la Communauté et un ou plusieurs Etats membres agissant ensemble, l'action doit être introduite devant les juridictions nationales y compris pour la part de la Communauté, à l'exception des cas où les Etats ont agi strictement en exécution de dispositions des institutions communautaires, où il n'y a pas de voies de recours nationales ou celles-ci sont insuffisantes<sup>33</sup>. Enfin, le préjudice doit être direct, actuel, certain,

<sup>30</sup> J. Molinier, op. cit., p. 190; M.Ch. Bergerès, op. cit., p. 194-195

<sup>31</sup> M. Ch. Bergerès, op. cit., p. 281-283

<sup>32</sup> J. Molinier, op. cit., p. 265

<sup>33</sup> M. Ch. Bergerès, op. cit., p. 279-280

personnel et suffisamment important, ce dernier aspect étant apprécié par le juge; il peut être matériel ou moral, présent ou futur.

*L'action des fonctionnaires de la Communauté* contre cette dernière couvrent tous les litiges qui sont en rapport avec le statut des fonctionnaires, soit qu'il s'agisse de l'annulation ou de la modification d'un acte illégal, soit de l'adoption d'un acte si elle est obligatoire, soit de la réparation d'un préjudice causé par toute mesure illégale. Toute institution et tout organe communautaire sont susceptibles d'être défendeurs dans une telle action (sous l'incidence du droit communautaire); en ce qui concerne les organe délégataires, ils peuvent l'être uniquement si leurs statuts le prévoient. L'acte dont on demande l'annulation ou l'adoption doit être obligatoire et individuel, par exception il peut être général si le requérant en est affecté directement et personnellement. L'action doit être précédée d'une réclamation ou d'une demande préalable (la première pour l'annulation d'un acte, la seconde pour son adoption), adressées à l'autorité hiérarchiquement supérieure; elles doivent être introduites dans un délai de 3 mois depuis l'adoption de l'acte ou depuis la date à laquelle l'acte aurait dû être adopté; l'institution doit répondre dans un délai de 4 mois et l'action doit être introduite dans un délai de 3 mois depuis l'expiration de celui-là, s'il n'y a pas eu de réponse, ou depuis la réponse reçue, évidemment si elle est négative. On n'exige pas de réclamation ou demande préalable si l'autorité supérieure n'a pas le pouvoir d'annuler ou de modifier l'acte attaqué, respectivement d'adopter un acte à la place de l'institution inférieure. La compétence est de pleine juridiction.

Les *actions des particuliers* contre la Communauté ont pour objet les décisions de sanction pécuniaire adoptées à l'encontre des opérateurs économiques; on peut demander l'annulation d'une telle décision, sa modification ou la réparation du préjudice. La compétence est toujours de pleine juridiction.

Enfin, conformément au Traité de Nice, le Conseil, la Commission ou tout Etat membre peuvent adresser à la CJ une *demande d'interprétation des traités*.

A part les recours étudiés jusqu'ici, il y a aussi d'autres procédures: l'*exception d'illégalité*, qui est un moyen d'invoquer dans le cadre d'une action directe l'illégalité d'un acte général ayant un rapport direct avec l'objet de l'action; le *référé*, voie rapide de prendre des mesures provisoires, des mesures conservatoires, des mesures de remise en l'état etc.; l'*intervention volontaire et accessoire* dans un litige. Puis, il y a les voies d'attaque: le *pourvoi*, exercé devant la CJ contre les décisions du TPI en matière de recours directs et portant uniquement sur des questions de droit; le *reexamen* exercé contre les décisions du TPI en matière de recours préjudiciels; l'*opposition et la tierce opposition*, exercées également contre

les jugements du TPI et de la CJ, de la compétence de la même juridiction; la *révision*, exercée contre les décisions du TPI devant celui-ci et portant exclusivement sur des questions de fait; le *recours pour l'interprétation des jugements* du TPI ou de la CJ, quand subsistent des doutes sur leur sens, leur étendue ou leurs conséquences; le *recours pour la rectification des erreurs matérielles ou de l'ommission de statuer*, exercé contre les jugements du TPI ou de la CJ.

## IL PARTENARIATO EURO-MEDITERRANEO: ANALISI DELLE RELAZIONI POLITICHE E DI SICUREZZA FRA UNIONE EUROPEA E PAESI TERZI MEDITERRANEI

CHIARA LIGUORI\*

**ABSTRACT.** La Conferenza ministeriale tenutasi a Barcellona nel novembre del 1995 inaugurò una nuova tappa, per altro radicalmente innovativa, delle relazioni euro-mediterranee. Il partenariato euro-mediterraneo, lanciato in quella sede, avrebbe dovuto costituire un quadro privilegiato di dialogo multilaterale e di cooperazione globale tra i quindici Stati membri dell'Unione Europea e dodici paesi terzi mediterranei (Marocco, Tunisia, Algeria, Egitto, Israele, Autorità palestinese, Giordania, Siria, Libano, Turchia, Malta e Cipro). L'obiettivo ultimo, di certo ambizioso, sarebbe dovuto essere quello di fare del Mediterraneo un'area di pace, stabilità e prosperità condivisa.

Tuttavia, a distanza di quasi sei anni dal lancio di tale iniziativa, si deve purtroppo constatare la debolezza del processo e l'avvenuto ridimensionamento degli obiettivi fissati.

L'analisi dell'andamento della cooperazione in materia politica e di sicurezza illustra chiaramente la fragilità del partenariato nel suo complesso e la natura degli ostacoli che maggiormente impediscono la piena realizzazione del progetto iniziale.

### 1 - UN NUOVO CORSO NELLE RELAZIONI EURO-MEDITERRANEE

Senza dover chiamare in causa i Romani, si può tranquillamente affermare che i paesi costieri della riva meridionale e di quella orientale del Mediterraneo sono da lungo tempo oggetto di attenzioni da parte dei paesi rivieraschi del Nord. Ad ogni modo la natura di tali "attenzioni" è mutata notevolmente nel corso del ventesimo secolo: da territori di conquista dei più evoluti e più organizzati Stati europei, i paesi del Nord Africa e del Medio Oriente, una volta costituitisi come Stati sovrani, si sono trasformati in beneficiari di una politica speciale di cooperazione allo sviluppo messa in pratica dalla Comunità Europea ed evolutasi nel corso del tempo.

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\* Università degli Studi di Pisa e Université Libre de Bruxelles (Institut d'Etudes Européennes).

Essendo nata essenzialmente come organizzazione economica, la Comunità Europea sviluppò in primo luogo un rapporto commerciale e finanziario privilegiato con i paesi delle rive sud e est del Mediterraneo, attraverso la stipulazione di accordi commerciali prima e di associazione poi.

Fu soprattutto sull'onda della crisi petrolifera globale degli anni 70 che la CEE cominciò a prestare attenzione alle relazioni politiche con i paesi terzi mediterranei (PTM), avviando l'esperienza del "Dialogo euro-arabo". Infatti, in risposta alla riduzione della produzione di petrolio, decisa dai paesi arabi in reazione alla guerra arabo-israeliana dello Yom Kippur, gli europei promossero la strutturazione di un dialogo euro-arabo, su temi tanto economici quanto politici, nella speranza di riuscire, in questo modo, a tutelarsi rispetto al ripetersi di simili shock economici. Tuttavia, la differenza di interessi tra le parti (prettamente economici da parte europea e prevalentemente legati al conflitto arabo-israeliano da parte araba) e l'incapacità di concordare una vera politica unitaria sia da parte europea sia da parte araba determinarono, sul finire degli anni '80, il fallimento della prima iniziativa di dialogo euro-mediterraneo a carattere multilaterale e dai contenuti più ampi.

Pertanto, fu solo tra la fine degli anni '80 e l'inizio degli anni '90 che si gettarono le basi per un profondo rinnovamento della politica mediterranea della CEE/UE, in concomitanza col verificarsi di profonde trasformazioni sulla scena internazionale.

Il crollo dell'Unione Sovietica e, conseguentemente, la fine della guerra fredda e del sistema bipolare aprirono un vasto spazio di interesse nei confronti della regione mediterranea da parte dell'UE. Se, per tutta la durata della guerra fredda, il Mediterraneo aveva avuto rilevanza per il blocco occidentale solo in termini di contenimento dell'influenza sovietica, la definizione del nuovo ordine internazionale, al contrario, portò l'Occidente, e l'Europa in particolare, a prendere coscienza delle realtà e delle necessità dell'area.

Nel momento in cui la logica della competizione Est-Ovest scompariva, lasciando il posto alla dialettica del confronto Nord-Sud, "il Mediterraneo diventava irrilevante come frontiera Est-Ovest, mentre risaltava come una delle frontiere Nord-Sud più chiaramente definite al mondo"<sup>1</sup>. Emergeva, infatti, in tutta la sua gravità, la contrapposizione fra la riva Nord, economicamente sviluppata e impegnata in un cammino di progressiva integrazione, e i paesi della riva Sud che, disuniti e disorganizzati, tentavano con difficoltà di superare le difficili tappe del

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<sup>1</sup> Fenech, Dominic: *The relevance of european security structures to the Mediterranean (and vice versa)*. Mediterranean Politics, Vol. 2, n° 1, 1997, p. 150.



sottosviluppo<sup>2</sup>. Come conseguenza, la difficile situazione dei paesi terzi mediterranei diveniva una delle principali minacce alla sicurezza europea, dimostrando come quest'ultima avesse perso la sua connotazione esclusivamente militare, per arricchirsi di contenuti economici, sociali, politici e culturali.

Da questa pressante preoccupazione per la sicurezza prese corpo l'idea di reimpostare i rapporti tra UE e PTM sulla base di un innovativo progetto di "partenariato": i quindici paesi dell'Unione Europea e dodici paesi terzi mediterranei<sup>3</sup> avrebbero dato vita ad un quadro di cooperazione multilaterale che, includendo questioni non più solo economico-finanziarie bensì anche politiche, di sicurezza, sociali, culturali ed umane, avrebbe consentito di far fronte alle sfide comuni.

E' opportuno ricordare che, se i grandi cambiamenti intervenuti nello scacchiere internazionale e l'emergere di un nuovo concetto di sicurezza spianarono la strada verso la definizione di un nuovo corso nelle relazioni euro-mediterranee, fu però la concomitanza di una serie di circostanze favorevoli che rese possibile la nascita del partenariato.

In primo luogo si può ricordare la volontà europea di riequilibrare la politica mediterranea a quella di grandi attenzioni verso i paesi dell'Europa centrale e orientale: infatti, la strategia di preadesione, nella quale questi ultimi venivano inquadrati, poneva l'esigenza di rivedere quantitativamente e qualitativamente i rapporti con i PTM, al fine di evitare uno sbilanciamento di interesse e di sforzi a favore dei primi<sup>4</sup>.

In secondo luogo appare chiaro che determinante nella realizzazione del partenariato euro-mediterraneo fu il buon andamento del processo di pace in Medio Oriente confermato, nel 1993, dalla firma degli accordi di Oslo, che sancirono il riconoscimento da parte di Israele di uno statuto di autonomia ad alcuni territori palestinesi e la giurisdizione, su di

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<sup>2</sup> Moratinos, Miguel Angel: *"El Mediterraneo y Oriente Medio: reflexiones en torno a dos escenarios prioritarios de la política exterior española (1989-1995)"*, Madrid, Ministerio de Asuntos Exteriores, 1996, pag. 47.

<sup>3</sup> L'Unione europea chiamò a partecipare al progetto di partenariato solamente i PTM che avevano già in passato concluso accordi con essa. I paesi prescelti furono pertanto: Marocco, Tunisia, Algeria, Egitto, Israele, Siria, Libano, Giordania, Turchia, Malta, Cipro e l'Autorità palestinese.

<sup>4</sup> Sulla relazione esistente tra politica mediterranea dell'UE e politica rivolta ai paesi dell'Europa centrale e orientale si veda Barbé, Esther: *"The Barcelona Process: launching pad of a process"*, Mediterranean Politics, Vol. 1, n° 1, Summer 1996 e *"Paradoxes of European foreign policy: balancing Europe's eastern and southern dimensions"*, Florence, European University Institute, EUI working papers, RSC 97/71.

essi, dell'Autorità palestinese. Infatti, la convinzione che il conflitto arabo-israeliano fosse avviato verso una graduale ma sicura risoluzione aveva reso possibile immaginare che i paesi del Medio Oriente, quelli del Maghreb e i membri dell'Unione Europea potessero inquadrarsi in una rete di relazioni stabili e multilaterali.

Pertanto, a seguito dell'elaborazione del progetto in sede di numerosi Consigli europei e attraverso una serie di consultazioni diplomatiche con i paesi interessati, il "Partenariato euro-mediterraneo" (PEM) fu lanciato ufficialmente dai Ministri degli Esteri dei ventisette paesi riuniti in Conferenza a Barcellona, il 27 e il 28 novembre del 1995. La Dichiarazione redatta in quella sede definì l'obiettivo, altamente ambizioso, di fare del Mediterraneo una zona di dialogo, di scambio e di cooperazione, al fine di garantire pace, stabilità e prosperità e consolidare, così, la democrazia, il rispetto dei diritti dell'uomo, lo sviluppo socio-economico, nonché il dialogo tra le culture.

Essendo ormai trascorsi quasi sei anni dall'appuntamento, considerato storico, di Barcellona appare opportuno tracciare un bilancio dell'andamento del vasto e ambizioso progetto e dei risultati finora conseguiti.

Una valutazione accurata e ben fondata richiederebbe l'analisi dell'andamento della cooperazione in tutti e tre gli ambiti in cui è suddiviso il partenariato: quello politico e di sicurezza, quello economico-finanziario, quello sociale, culturale ed umano. Tuttavia, data l'impossibilità di affrontare in questa sede un'analisi di così ampia portata, questo studio limita la sua attenzione al solo partenariato politico e di sicurezza, apparendo quest'ultimo come l'ambito decisivo nel garantire la stabilità delle relazioni, nonché il più delicato.

## **2 IL CAPITOLO POLITICO E DI SICUREZZA DEL PARTENARIATO EURO-MEDITERRANEO**

La finalità principale che, nell'ambito della cooperazione politica e di sicurezza, i partner mediterranei si sono prefissi di realizzare a lungo termine è fare della regione euro-mediterranea un'area comune di pace, stabilità e sicurezza. Il perseguimento di tale ambizioso traguardo dovrebbe avvenire attraverso il compimento di una pluralità di "obiettivi intermedi", che le parti definiscono nella Dichiarazione di Barcellona e che possono essere suddivisi in due categorie.

La prima include il rispetto dei cosiddetti "doveri politici", ossia principi e regole che dovrebbero garantire il rafforzamento delle istituzioni

democratiche e dello Stato di diritto e il rispetto delle libertà fondamentali e dei diritti umani in tutti i paesi dell'area mediterranea.

La seconda categoria di "obiettivi intermedi", invece, rispondendo all'esigenza di cooperare al fine di eliminare ogni minaccia alla sicurezza e alla stabilità della regione euro-mediterranea, include impegni quali la composizione delle dispute per via di mezzi pacifici, la prevenzione e la lotta al terrorismo, al crimine organizzato e al traffico di droga, la non proliferazione nucleare, chimica e batteriologica e la non eccessiva accumulazione di armamenti convenzionali.

Analizzando lo stato della cooperazione in alcuni degli ambiti citati e il grado di raggiungimento degli obiettivi fissati, si tenterà di fornire una valutazione generale dell'andamento del partenariato nel suo capitolo politico e di sicurezza.

### ***2.1 - Rafforzamento Della Democrazia E Rispetto Dei Diritti Umani***

La cooperazione in questi ambiti viene realizzata attraverso i quattro seguenti strumenti.

In primo luogo, il dialogo politico a livello multilaterale, portato avanti dalle parti attraverso le conferenze ministeriali e le riunioni degli Alti funzionari, si occupa assiduamente della questione del rispetto dei principi democratici e dei diritti umani. Tuttavia il raggiungimento di risultati concreti in questo ambito è stato ostacolato dalla mancata adozione della Carta euro-mediterranea di pace e stabilità, che avrebbe dovuto definire le linee direttive e gli strumenti necessari per portare avanti il confronto su tali questioni politiche. Pertanto l'unica misura effettiva, adottata in sede di dialogo multilaterale, è rappresentata dalla decisione, presa a Malta nell'aprile del 1997 in occasione del secondo vertice ministeriale euro-mediterraneo, di intrattenere uno specifico scambio di informazioni riguardo al rispetto degli accordi e delle convenzioni internazionali nel settore dei diritti umani, delle libertà fondamentali e delle regole democratiche.

In secondo luogo, un meccanismo di incentivo al rispetto dei diritti umani e dei principi democratici viene dall'articolo terzo del regolamento MEDA, il principale strumento finanziario predisposto dall'Unione Europea per l'attuazione del partenariato euro-mediterraneo. Tale articolo, definendo il rispetto dei suddetti principi "elemento essenziale" del regolamento e ammettendo l'adozione di "appropriate misure" in caso di una loro violazione, stabilisce un principio di "condizionalità" nella concessione degli aiuti comunitari ai paesi terzi mediterranei. Infatti, il rispetto dei principi democratici e dello Stato di diritto, nonché dei diritti dell'uomo e delle libertà fondamentali, costituiscono il presupposto fondamentale per l'erogazione degli aiuti finanziari promessi, mentre una loro palese e continua violazione, da parte di uno dei paesi, giustifica l'adozione, da parte del

Consiglio dell'UE, di misure sanzionatorie, ivi inclusa la sospensione della cooperazione finanziaria con quel paese.

In terzo luogo, il programma MEDA-Democrazia, che si inquadra nell'"Iniziativa europea per la democrazia e i diritti umani"<sup>5</sup>, promuove il rafforzamento della democrazia e il rispetto dei diritti umani attraverso un contatto diretto con la società civile. Infatti, destinatari dei finanziamenti erogati in questo quadro sono non i governi, bensì organizzazioni non governative, università, istituti di ricerca e altri operatori pubblici e privati interessati alla concreta applicazione dei diritti politici, civili e socio-economici.

Infine, gli accordi euro-mediterranei di associazione, finalizzati a definire, alla luce del partenariato, le relazioni tra UE e PTM su un canale bilaterale<sup>6</sup>, includono, anch'essi, un importante riferimento al rispetto dei principi democratici e dei diritti dell'uomo. Infatti, da un lato prevedono la possibilità per una delle parti di adottare una serie di misure appropriate, tra cui anche la sospensione della cooperazione, in caso di mancato rispetto degli obblighi politici e umanitari ad opera dell'altra parte; d'altro lato, ogni accordo instaura un dialogo politico tra le parti che, finalizzato a instaurare vincoli di solidarietà tali da contribuire alla prosperità, alla stabilità e alla sicurezza della regione mediterranea, dovrebbe anche potenziare direttamente il rispetto dei principi democratici e dei diritti umani.

Sebbene formalmente siano stati predisposti i quattro suddetti meccanismi di garanzia per il rispetto dei principi democratici e dei diritti umani in tutta la regione mediterranea, bisogna chiarire che in realtà ben pochi risultati sono stati prodotti: se si esclude il programma MEDA-Democrazia che, rivolgendosi direttamente alla società civile, è riuscito a

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<sup>5</sup> L'"Iniziativa europea per la democrazia e i diritti umani" fu lanciata dal Parlamento Europeo nel 1994 allo scopo di raccogliere in un unico capitolo i titoli di spesa del bilancio relativi alla promozione dei diritti umani in paesi terzi.

<sup>6</sup> In seguito all'attuazione del progetto di partenariato, si è dato avvio alla negoziazione di nuovi accordi bilaterali tra l'Unione e i PTM, in sostituzione di quelli precedentemente firmati, in gran parte risalenti agli anni '70. Finora sono entrati in vigore, in ordine cronologico, gli accordi con Autorità Palestinese, Tunisia, Marocco, Israele; gli accordi con la Giordania e con l'Egitto sono stati firmati (rispettivamente il 24 novembre 1997 e il 25 giugno del 2001) e attendono ora di essere ratificati; sono, invece, ancora in fase di negoziazione gli accordi con Siria, Libano, Algeria. Con Turchia, Malta e Cipro non vengono negoziati accordi euro-mediterranei di associazione dal momento che tali paesi vengono inquadrati dall'Unione in una strategia di preadesione: avendo presentato domanda di adesione all'Unione, per il momento i loro rapporti con i Quindici continuano ad essere regolati dagli accordi di associazione degli anni 70 (la Turchia ha però siglato nel 1995 un accordo sull'unione doganale), in attesa che vengano soddisfatte le condizioni necessarie all'adesione.

dare qualche frutto, gli altri strumenti di garanzia si sono rivelati inefficaci e, al contrario, fomentatori di ulteriori sospetti e tensioni tra le parti.

Infatti, la formula della "condizionalità" apre fratture insanabili. Da una parte gli europei si presentano come duri inquisitori nei confronti della controparte e come freddi "mercanti" capaci di trasformare i diritti dell'uomo in merce di scambio per il conseguimento di vantaggi di ordine economico e finanziario. D'altra parte, i partner mediterranei sospettano che, dietro l'invocazione dei principi democratici e umanitari, l'Europa, animata da una sorta di rinnovato imperialismo, nasconda la volontà di imporre la sua civilizzazione e di interferire nei loro affari interni; di conseguenza, per tutelarsi, rivendicano una propria specificità culturale e religiosa, tale da rendere improponibile l'adeguamento ai modelli propagandati dall'Occidente.

## ***2.2. Le Misure Di Fiducia E Sicurezza Adottate***

La sezione della Dichiarazione di Barcellona dedicata al partenariato politico e di sicurezza si concludeva con la raccomandazione a "considerare ogni tipo di misura di fiducia e sicurezza che le parti avrebbero potuto adottare in vista della creazione di un'area di pace e stabilità nel Mediterraneo". In effetti, l'adozione tanto di misure di fiducia, che favorissero, cioè, la comprensione delle rispettive posizioni ed esigenze, quanto di misure di sicurezza, che facilitassero la concertazione in vista dell'approvazione di progetti e provvedimenti comuni in materia di sicurezza, ha costituito una delle prime proposte in discussione durante le riunioni degli alti funzionari.

Tuttavia, la diversità di posizioni e di culture, ma soprattutto il rallentamento del processo di pace in Medio Oriente, che ha ridotto sensibilmente la disponibilità dei partner arabo-mediterranei a negoziare, hanno reso possibile l'adozione di un numero molto ristretto di misure di fiducia e di sicurezza. Le tre misure analizzate qui di seguito rappresentano le più significative tra le poche adottate.

La prima iniziativa ad essere attuata è stata la creazione dell'"Euro-Mediterranean Study Commission" (EuroMeSCo), ossia una rete di Istituti di politica estera appartenenti ai ventisette paesi coinvolti nel processo euro-mediterraneo.

Attualmente EuroMeSCo include trentacinque Istituti, privati e indipendenti dai rispettivi governi, impegnati in studi e ricerche su questioni di politica internazionale e di sicurezza internazionale e dotati di un importante e costante, anche se non esclusivo, programma di attività incentrato sul Mediterraneo. La funzione di EuroMeSCo è duplice: da una parte, funziona come laboratorio di idee e metodi, destinati ad alimentare l'adozione di decisioni nell'ambito politico e di sicurezza del partenariato,

dall'altra agisce come misura di fiducia tra le parti coinvolte nel processo permettendo il contatto e il coordinamento tra Istituti dell'Europa, del Maghreb e del Medio Oriente che altrimenti sarebbero rimasti estranei gli uni agli altri.

Altra misura ideata ed attuata sin dall'inizio è stata la convocazione di seminari per diplomatici a Malta. Si tratta di brevi corsi che si tengono due volte l'anno con lo scopo di offrire ai partecipanti, giovani diplomatici responsabili della regione euro-mediterranea presso i rispettivi ministeri, informazioni aggiornate ed elementi di discussione sullo stato del partenariato euro-mediterraneo. Oltre ad avere un importante valore informativo per i partecipanti, i seminari funzionano come misura di fiducia, fornendo una proficua occasione di incontro ai diplomatici dei paesi coinvolti nell'iniziativa euro-mediterranea.

La misura di più recente attuazione è l'iniziativa volta a creare gradualmente un sistema euro-mediterraneo di prevenzione, riduzione e gestione di catastrofi di origine naturale ed umana. Delineata da un Progetto Pilota italo-egiziano reso operativo nel giugno del 1998, l'iniziativa si distingue dalle misure di fiducia sopra descritte per il suo carattere operativo. Infatti il tipo di cooperazione previsto va ben oltre lo scambio di opinioni e il confronto reciproco, articolandosi, invece, nell'organizzazione di corsi di formazione e addestramento, in scambi di esperti e mutua assistenza tecnica, in cooperazione tra le strutture di protezione civile dei paesi aderenti, oltre che in campagne di sensibilizzazione dei cittadini. Data la delicatezza dei temi coinvolti, l'attuazione del progetto pilota procede a piccole tappe. E' tuttavia chiaro che la collaborazione tra le istituzioni responsabili di protezione civile comporta potenzialità notevoli: una volta consolidatasi, infatti, permetterà di definire un meccanismo generale di cooperazione, che potrebbe, perciò, essere applicato anche in altri ambiti, quale, ad esempio, la prevenzione e la gestione di conflitti.

### ***2.3. – La Carta Euro-Mediterranea Per La Pace E La Stabilità***

La Dichiarazione di Barcellona, nel capitolo dedicato al partenariato politico e di sicurezza, aveva individuato la possibilità di realizzare, a lungo termine, un patto euro-mediterraneo finalizzato alla "creazione di un'area di pace e stabilità nel Mediterraneo". Si alludeva, cioè, all'idea, di ispirazione franco-maltese, di strutturare ed istituzionalizzare il dialogo politico euro-mediterraneo attraverso principi ispiratori e regole procedurali contenuti in un testo solenne.

Sebbene da Barcellona ad oggi i funzionari incaricati abbiano costantemente lavorato al progetto di redazione del suddetto patto<sup>7</sup>, bisogna purtroppo ammettere che attualmente non si è ancora arrivati, non solo all'adozione, ma neppure all'elaborazione del tanto atteso documento. L'unico testo fino ad ora disponibile è rappresentato dagli "Orientamenti per l'elaborazione di una Carta euro-mediterranea", adottati nell'aprile del 1999 a Stoccarda, in occasione della terza conferenza euro-mediterranea. Si tratta di una bozza di testo che, definendone i principi, gli obiettivi e i temi generali, avrebbe dovuto guidare l'elaborazione della Carta. In realtà tali orientamenti non apportavano molto di nuovo a quello che era l'*acquis* di Barcellona: lasciavano intendere che la Carta avrebbe costituito poco più di una redazione solenne dei principi formulati a Barcellona, mentre chiarivano che essa non avrebbe avuto un valore giuridicamente vincolante.

La ragione principale delle difficoltà incontrate nella stesura della Carta e, di conseguenza, dell'esiguità dei risultati raggiunti risiede nell'andamento incerto e altalenante del processo di pace in Medio Oriente. Infatti, la mancata risoluzione del conflitto arabo-israeliano ha impedito alle parti di instaurare la fiducia necessaria per elaborare congiuntamente un simile documento, che sarebbe dovuto essere lo strumento politico necessario per la graduale realizzazione dei principi di Barcellona relativi alla pace e alla stabilità. Pertanto, attualmente le parti sono ben lungi perfino dal concordare una visione comune sui principi e sui temi che sono alla base della Carta stessa: concetti di base quali quelli di stabilità e di sicurezza sono oggetto di accanite discussioni, mentre notevolmente complesso risulta trovare accordo sui contenuti da dare ad impegni generici quali il rispetto dei diritti umani e dei principi democratici, la lotta al terrorismo, la prevenzione di conflitti, ecc.

L'interruzione del processo di pace in Medio Oriente, in seguito all'instaurarsi, dallo scorso settembre, di una situazione di guerriglia e di violenza armata tra palestinesi e israeliani, ha inflitto un ulteriore duro colpo ai negoziati per l'elaborazione della Carta euro-mediterranea di pace e stabilità: non solo l'adozione della Carta è stata rimandata in funzione del contesto politico, ma appare anche bloccato un dialogo che, invece, sarebbe quanto mai necessario per colmare le divergenze di vedute esistenti tra le parti.

#### **2.4. - Alcuni Ambiti Di Cooperazione In Materia Di Sicurezza**

**PREVENZIONE E LOTTA AL TERRORISMO.** Il terrorismo internazionale rappresenta una delle principali minacce di *soft security* che

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<sup>7</sup> L'originario termine "patto" è stato nell'uso sostituito da "Carta", per via delle implicazioni militari o giuridicamente vincolanti che il primo sembrava avere.

ha indotto i partner mediterranei a cooperare in vista della creazione di un'area di pace e stabilità.

Propulsori della cooperazione in materia di terrorismo furono, per la verità, non tanto gli europei, per i quali il problema rappresentava una minaccia latente e solo sporadicamente incombente, bensì Stati quali Algeria, Turchia e Israele, perché direttamente esposti nel quadro dei rispettivi conflitti interni. Grazie alle pressioni di questi paesi e al rinnovato interesse dei partner europei, nel novembre del 1998, fu possibile organizzare a Bruxelles il primo incontro tra esperti (per lo più ministri dell'interno e altri organi responsabili dell'ordine pubblico) dell'UE e dei dodici PTM sulle questioni del terrorismo<sup>8</sup>.

Da quanto emerso nel corso delle riunioni ad hoc sul terrorismo e nell'ambito delle discussioni degli alti funzionari in cui è stato affrontato questo tema, la prevenzione e la lotta al terrorismo rappresentano un ambito di cooperazione tutt'altro che facile.

In primo luogo, l'UE rivela profonde difficoltà di gestione di tale questione: la suddivisione di competenze in materia di terrorismo tra i tre pilastri dell'Unione complica notevolmente l'adozione di decisioni, mentre tale inefficienza provoca nei governi degli Stati partner la persuasione della scarsa volontà europea a cooperare in ambiti di loro interesse<sup>9</sup>.

In secondo luogo, esistono ancora molte divergenze tra gli Stati sia su quali siano gli atti che possono essere qualificati come terroristici, sia sulle misure più opportune per condurre la lotta al terrorismo. In particolare, risalta la divergenza di opinioni all'interno dello stesso gruppo dei paesi arabo-mediterranei: infatti, se l'Algeria mantiene un atteggiamento fermo e intransigente, Siria e Libano rivendicano la distinzione tra terrorismo puro e atti di resistenza contro un occupante straniero. La Turchia, inoltre, pur essendo uno dei principali sostenitori della lotta al terrorismo, ha espresso la sua delusione riguardo all'andamento della cooperazione euro-mediterranea in questo ambito, a causa dell'attrito sorto con alcuni Stati europei a proposito della vicenda del leader curdo, Ocalan.

**PREVENZIONE DI CONFLITTI.** La prevenzione di conflitti è, in realtà, un obiettivo così ampio e ambizioso, che può essere considerato condizione necessaria per il conseguimento del più generico traguardo di istituire un'area di pace e stabilità nel Mediterraneo.

Il primo passo nella prevenzione di conflitti sarebbe rappresentato dall'identificazione delle cause di tensione che potrebbero portare allo scoppio di un conflitto violento. Si tratterebbe, cioè, di dare vita ad un

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<sup>8</sup> La successiva riunione ad hoc sul terrorismo si tenne a Bruxelles nell'aprile del 1999.

<sup>9</sup> Young, R.: *The Barcelona Process after the UK Presidency: the need for prioritization*. Mediterranean Politics, Vol. 4, n° 1, Spring 1999, p.13.



sistema di allerta rapida, eventualmente attraverso la creazione di un Centro regionale specializzato: attraverso la raccolta e l'analisi delle informazioni, tale Centro sarebbe in grado di individuare, e quindi comunicare alle autorità competenti dei paesi interessati, le circostanze in cui un'azione potrebbe essere necessaria e i mezzi più efficaci per fronteggiare tale situazione, allo scopo di evitare lo scoppio o l'aggravamento di un conflitto.

Certamente, una cooperazione a questi livelli nel quadro del PEM richiederebbe una grande disponibilità da parte di tutti i paesi coinvolti nel processo di Barcellona. Al contrario, fino ad ora, i partner si sono rivelati piuttosto riluttanti a cooperare in questo ambito, sia a causa della reciproca diffidenza<sup>10</sup>, sia a causa del timore che la prevenzione di conflitti conducesse a forme di cooperazione militare cui non erano preparati.

Il percorso verso la piena cooperazione in materia di prevenzione di conflitti passa, quindi, attraverso un'opera sostanziale di accrescimento della fiducia reciproca: essa, a sua volta, si basa su un più ampio e più costante dialogo politico, condotto secondo una strategia di assoluto gradualismo.

Attualmente, un'iniziativa che lascia ben sperare è il progetto, portato avanti dall'Istituto Affari Internazionali di Roma e dal Jordan Institute of Diplomacy, di creare un programma informatizzato e una banca dati, allo scopo di introdurre un esercizio di allerta precoce per la prevenzione di conflitti nell'area euro-mediterranea<sup>11</sup>: tutto sta a vedere se i Governi daranno l'adeguato sostegno a questa iniziativa per ora intrapresa da Istituti indipendenti.

**CONTROLLO E RIDUZIONE DEGLI ARMAMENTI.** La Dichiarazione di Barcellona inseriva la non proliferazione di armi nucleari, chimiche e biologiche, così come la non eccessiva accumulazione di armi convenzionali tra gli impegni che le parti si assumevano nell'ambito politico e di sicurezza del partenariato euro-mediterraneo: tanto l'adesione e l'attuazione degli obblighi previsti dagli accordi internazionali esistenti in materia di non proliferazione e di disarmo, quanto la conclusione di accordi

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<sup>10</sup> Un problema cruciale, relativo alla prevenzione di conflitti, è la scarsa disponibilità degli Stati a scambiarsi informazioni riguardo a conflitti reali o potenziali. Inoltre, gli Stati arabi sono restii a cooperare perché temono, soprattutto in seguito all'intervento della NATO in Kosovo, che meccanismi di prevenzione di conflitti possano comportare forme di ingerenza nei propri affari interni e violazione del principio di sovranità da parte dei partner occidentali. Per l'analisi di queste cause vedi Biad, Abdelwahab: *Conflict Prevention in the Euro-Med Partnership: Challenges and Prospects*, The International Spectator, Vol. XXXIV, n° 2, April-June 1999, pp. 111-113.

<sup>11</sup> Per ulteriori dettagli su questo progetto vedi <http://www.iai.it>

nuovi riguardo al controllo di armi, al disarmo e alla non proliferazione, avrebbero costituito strumenti adeguati ad adempiere all'impegno assunto, mentre l'obiettivo ultimo sarebbe stato la creazione di un'area mediorientale priva di armi di distruzione di massa, nucleari, chimiche e biologiche, e dei loro sistemi di trasporto.

Dopo più di cinque anni, l'unica misura adottata in questo ambito è rappresentata dallo scambio di informazioni riguardo alla ratifica e all'attuazione dei trattati internazionali in materia di controllo degli armamenti e disarmo.

Nella prassi si è visto che la maggior parte dei problemi circa l'attuazione dei principi di Barcellona relativi al controllo degli armamenti e al disarmo provengono dalla mancata risoluzione del conflitto arabo-israeliano. Infatti, in presenza di un conflitto di così ampia portata e dai contenuti territoriali ed etnico-religiosi, appare remota la possibilità che le parti acconsentano ad una strategia di ridimensionamento delle proprie capacità offensive e difensive. Inoltre, la superiorità strategica e il monopolio atomico di Israele scoraggiano i paesi arabi dell'area dal ridurre la propria disponibilità di armi di distruzione di massa, in genere di tipo chimico e biologico.

E', dunque, evidente che la soluzione del conflitto mediorientale sarebbe una condizione imprescindibile per l'attuazione concreta dei programmi di controllo e limitazione degli armamenti nel quadro del partenariato euro-mediterraneo.

## **CONCLUSIONI**

Dalla precedente analisi dell'andamento della cooperazione politica e di sicurezza nell'ambito del partenariato euro-mediterraneo traspare che i risultati finora raggiunti sono ben al di sotto delle aspettative maturate a Barcellona.

Il dialogo in materia di democratizzazione e di rispetto dei diritti umani si è rivelato difficile a causa della scarsa disponibilità al confronto e allo scambio interculturale: il relativismo culturale invocato dai partner mediterranei e una forte ambiguità, se non ipocrisia di fondo, della politica europea sicuramente non agevolano il dialogo e la cooperazione in questo ambito. Poche e di debole profilo risultano le misure di fiducia e sicurezza adottate. Riguardo alla Carta euro-mediterranea di pace e stabilità, la delusione viene non solo dal fatto che non è stata ancora adottata, a differenza di quanto previsto, ma anche dall'assenza, allo stato attuale, di prospettive concrete riguardo alla sua adozione. Infine, si constata con rammarico che ben pochi progressi sono stati compiuti dai partner in

materia di sicurezza, sia in questioni di *soft security*, sia riguardo a temi di *hard security*<sup>12</sup>.

Le cause di tale difficile funzionamento sono, in primo luogo, inerenti all'organizzazione e alla dinamica del PEM stesso: ad esempio, il forte sbilanciamento del processo decisionale a favore dell'UE e a svantaggio dei PTM, oltre a produrre inefficienze nel coordinamento e nell'adozione di decisioni, fomenta nei partner mediterranei diffidenza e addirittura indifferenza.

Tuttavia, nella determinazione delle cause di debolezza del PEM, non sono da trascurare anche fattori di ordine esterno. Primo fra tutti risulta essere il progressivo peggioramento dell'andamento del processo di pace in Medio Oriente. Infatti, sebbene a Barcellona il partenariato fosse stato dichiarato indipendente e parallelo al processo di pace, in realtà si è visto come quest'ultimo ha esercitato sul primo un'influenza ben marcata: se furono proprio i buoni risultati raggiunti dal processo di pace in Medio Oriente a dare slancio all'iniziativa di partenariato euro-mediterraneo, la successiva inversione di tendenza del primo ha indubbiamente segnato il rallentamento del secondo.

In particolare, il riaccutizzarsi delle tensioni e delle incomprensioni in Medio Oriente, conseguente all'elezione di B. Netanyahu come premier israeliano nel 1996, ha minato alla base il progetto di fare del Mediterraneo un'area di pace e sicurezza: la mancanza di fiducia tra Israele e i paesi arabi e la divergenza di vedute tra questi ultimi e l'Europa ha ostacolato notevolmente l'adozione di decisioni e misure soprattutto in materia politica e di sicurezza. Attualmente, la situazione di rinnovata conflittualità in Medio Oriente e il blocco che, dalla fine di settembre del 2000, interessa il processo di pace rendono la dipendenza da quest'ultimo del processo di Barcellona ancora più preoccupante, giacché è alto il rischio che il partenariato, specie nel suo capitolo politico e di sicurezza, rimanga arenato.

Pertanto, debole nella struttura e in balia degli eventi mediorientali, il partenariato euro-mediterraneo si presenta al momento come un'entità "in cerca di senso"<sup>13</sup>. Quello che era apparso come l'unico risultato effettivo e il vero merito del processo di Barcellona, ossia quello di far sedere allo stesso tavolo negoziale paesi tanto diversi, tra cui perfino alcuni in conflitto

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<sup>12</sup> La *soft security* comprende la cooperazione nella lotta contro il terrorismo, il crimine organizzato, il traffico di droga e l'immigrazione illegale; la *hard security*, invece, include la cooperazione in un numero di questioni politiche, o militari, finalizzate alla prevenzione di conflitti, all'attuazione di misure di fiducia, alla limitazione e al controllo di armamenti convenzionali e di distruzione di massa.

<sup>13</sup>Fabre, Thierry: *Un partenariat en quête de sens*, Confluences Méditerranée, n°35, Automne 2000, pp. 81-90;

fra loro, sembra in discussione in seguito alla recente defezione di Siria e Libano al quarto vertice ministeriale euro-mediterraneo: di conseguenza, si avverte ancor più urgentemente la necessità di trovare per il PEM una strada nuova che ne consenta il rilancio.

Se questa strada passi per un coinvolgimento diretto del PEM nel processo di pace, oppure per una riorganizzazione interna del processo euro-mediterraneo, specie nella sua gestione e nel suo controllo, o ancora per altre, distinte soluzioni, è alquanto difficile dirlo.

Chiaro è, invece, che la soluzione che verrà trovata non potrà che essere riduttiva rispetto al progetto originario varato a Barcellona. L'irripetibilità delle condizioni che resero possibile la nascita del partenariato e l'atteggiamento di progressivo disinteresse delle parti nei confronti dell'ambizioso progetto rivelano la necessità di ridimensionare pretese e aspettative.

Pertanto, solo adattando l'iniziativa al nuovo contesto internazionale sarà possibile sbloccare e rilanciare un processo così innovativo e dalle potenzialità così dirompenti, quali il partenariato euro-mediterraneo.

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## FROM INDIGENOUS ETHNOGRAPHIES TO CULTURAL ANTHROPOLOGY. COMMENTS ON THE *HISTORY* OF SOCIAL SCIENCES IN ROMANIA

ALINA BRANDA

**ABSTRACT.** The aim of this paper is to analyze, mainly, the circumstances in which the cultural/social research (in the ethnographical, ethnological and sociological variants) is configured in Eastern and Central Europe and, also, to discuss its purpose and methodology.

On the other hand, I have attempted to focus on the different perspective suggested by American or West European anthropological approaches and ethnographical/ethnological assessments, framed in Eastern Europe. The explanations of these discrepancies are complex and I try to trace them out.

One of my intended aims is also to analyze the contemporary attempt of the East European scientists to construct an anthropological discourse.. They refuse to make reference to the ethnographical tradition, specific in this area. beginning with the 19-th century.

This trend, pleading for an anthropological discourse is doubled by approaches that perpetuate the indigenous traditional research.

An ambiguity is obvious at this level, induced by the configuration, in the same time, of two different approach types with the same observation and analysis object.

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discourse. They refuse to make reference to the ethnographic tradition, specific in this area. beginning with the 19-th century.

This trend, pleading for an anthropological discourse is doubled by approaches that perpetuate the indigenous traditional research.

An ambiguity is obvious at this level, induced by the configuration, in the same time, of two different approach types with the same observation and analysis object.

As Dimitra Gefou-Madianou suggests, if the Eastern scientists continue to study certain problems regarding their own cultures, having acquired a previous training in anthropological methodologies and theories, they will have the advantage of a good knowledge of the culture/cultures on which they are focused (being part of these).

Within the previously mentioned context, we insist, mainly, on certain essential moments in the configuration of some fields that have promoted the social/cultural analysis: the ethnology and sociology in Romania.

I consistently try to discuss issues regarding the Romanian attempts in the field of Ethnology and Sociology within a broader East European context.

The Hungarian ethnologist Tamas Hofer's statement, in 1970, according to which a real dialogue between the American anthropologists (or the West European specialists), interested in Eastern Europe and the indigenous anthropologists was almost nonexistent- could be chosen as motto of this paper.

This lack of communication, with prejudicial consequences, between the West European / American anthropologists and the Eastern researchers of traditional culture has been discussed by specialists of the field. To have a proper image of the aspects of this problem, further on, we will analyze a few texts we consider conclusive in this respect.

In her study "*Writing about Eastern Europe. Perspective from Ethnography and Anthropology*"<sup>1</sup> Longina Jakubowska, who has studied ethnography in Poland and then after gains a Ph.D in Anthropology in the United States, suggests an explanation of the discrepancies between the indigenous research traditions (East and Central European) and anthropology.

The author demonstrates that the Polish ethnography (and, in general, the East-European ethnographies were framed in the context of the 19<sup>th</sup> Century). It was early rallied to the ideals of national emancipation, of independence of the nations incorporated in empires that dominated this part of Europe. Consequently, its finality was to demonstrate the existence of some distinct cultural units as bases of national states.

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<sup>1</sup> Jakubowska Longina, *Writing about Eastern Europe. Perspectives from Ethnography and Anthropology*, in Driesen H. (ed.), *The Politics of Ethnographic Reading and Writing*, Saarbrueken.



The Serb ethnographers, for example, were involved directly in the national emancipation process, they effectively participated at the Peace Conference in Paris. Enslaved to certain issues, they permanently tried to demonstrate the existence of those distinct cultural units in order to prove the necessity of the national state.

The ethnographers of the traditional culture in South Eastern and, partly Central Europe, did not prove to be in contact with theoretical debates of the social and cultural anthropology in Western Europe and America.

As Longina Jakubowska and other specialists interested in this topic have noticed, the discrepancy between the research type suggested by indigenous specialists and the Social/Cultural Anthropology, in its well known meaning, could be explained starting with the preliminary goals and research modalities of both approaches. If the ethnography performed by East European specialists developed introspectively, Cultural Anthropology was shaped in the colonial context. It was focused on Otherness, on Difference. The Eastern scientists approached their own culture enhancing the national issues. Meanwhile, the main topic of Social/Cultural Anthropology was the traditional cultures, essentially different from those to which the anthropologists belonged.

The two research traditions (or Schools) continued to be different afterwards, as well. The discourses they "constructed" subsequently, made nothing but resuming the initially enunciated issues, deepening the difference.

In the communist period, the scientists of Eastern and South-Eastern Europe are compelled to avoid interpretation (interpretation of cultural events, obviously). In the authorities' point of view, allowing the researchers to develop a normal scientific discourse could be a dangerous issue (they could escape, to a certain extent, to the ideological control), promoting inadequate ideas, as alternatives to the unique, official discourse.

Meanwhile, the Eastern researchers were damned to isolation, they did not have free access to the anthropological bibliographies, they could not participate at international conferences. This double frustration perpetuates a rather rudimentary discourse, different from the western one.

Considering these conditions, Longina Jakubowka asserts that while the Anglo-Saxon Anthropology had started long debates concerning its own methodology, goal and meaning in a post colonial world, in Poland (and in Eastern and Central Europe), the research in this field continued to be focused on issues relevant to the national existence.

"so at the times when Anglo-Saxon anthropology grapples with reflexivity and self-criticism derived from traumas of colonialism, Polish

ethnography remains firmly committed to issues relevant to the national existence".<sup>2</sup>

Obviously, the differences and discrepancy increased. Thus, it can be explained the Polish author's "case". She had been initially initiated in the tradition of the Polish ethnographical school, finding at the moment she started her PhD in the United States, that the scientific experience she gained in her country, hardly helped her.

This case can be easily explained, considering the above mentioned situation. In this particular matter, the Polish scientist did not have a methodological education to allow her to easily connect to the American University requirements. Consequently, the differences are obvious, being illustrated through her biographical experience.

The same obsession of the difference between the Western Anthropology and South European cultural research inspires Dimitra Gefou Madianou's study "*Mirroring Ourselves through Western texts: The limits of an Indigenous Anthropology*".<sup>3</sup> The author assesses three main issues: the late introduction of social sciences in the Greek Universities, the necessity of performing anthropology at home by indigenous anthropologists and, finally, a debate on the existence or non-existence of a Greek anthropological discourse.

From the very beginning, Dimitra Gefou-Madianou examines the conditions in which the Greek state had been shaped. The situation was, of course, very similar to other East European states-nations: Greece was obliged to face the problems of an old society in a new state.

In such a context, the cultural research was, obviously, focused on national topics, on their own traditions. It had been practiced cultural research of this manner for quite a long period in Greece.

During the civil war, the image of social sciences continued to be prejudiced. The social sciences were introduced as separate departments in different Greek Universities, only in 1980. An independent Sociology department had been created at Panteion University in 1984.

In this context, all those interested in studying social sciences (including Anthropology) had been obliged to go abroad. This is the author's case as well. Her situation is very much alike Longina Jakubowska's one: initiated in a positivist and introspectively oriented spirit, which dominated the traditional cultural research in Greece, she approached then, the anthropological discourse.

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<sup>2</sup> Idem, *ibidem*, p. 149

<sup>3</sup> Madianou- Gefou Dimitra, *Mirroring Ourselves through Western Texts: The Limits of an Indigenous Anthropology*, in the reader *Cultural Anthropology of the Balkans*, SSEES, London, 1999-2000.

The fieldwork she performed in a mixed Greek-Turkish community, located between Athens and Piraeus demonstrates the advantages of both having an adequate theoretical background in anthropology and of analyzing her own culture.

The advantages of indigenous (Eastern, South-Eastern) scientists, initiated in anthropological theories and methodologies, assessing their own cultures, are obvious: the cultural patterns are already known, the fieldwork could be easily performed. Both the above mentioned studies discuss such cases.

During the previous period ( the end of the 19-th century and the beginning of the 20-th century), the issue of a necessary connection between the Eastern cultural research and Cultural Anthropology was not really considered. However, there are situations when the East European ethnographers or sociologists, educated in Western Universities suggested alternatives to the indigenous traditional discourses.

Further on, I discuss such a new, synchronized perspective. It belongs to the Romanian "Monographic School", whose the most well known scholar was Dimitrie Gusti.

In Germany, roughly in the same time, the sociological integrative vision replaced empirical approaches. Such a perspective influenced the idea of mapping an ethnological atlas, in the third decade of the 20-th century.

Even if this points of view had an obvious impact, the research project initiated by Monographic School was, somehow particular. It demonstrated the necessity of a deep and intensive study of social events.

The above mentioned modality was permanently used by Romanian scientists in the interwar period, being considered as the only way to create " a science of the nation" as Gusti suggested. Gusti's views, integrated in the monographic experience, represent a solution to the methodological and theoretical deficiencies of the social sciences in Romania.

The main features of this trend, proving the modernity of this view are:

- the interdisciplinary approaches,
- the intensive concentration on the focused social unit (family, household, village, town, district) or on other social facts;
- the complex study of the internal social structures of approached units, related to the processes, the social facts assessed in their external and internal functions and relations;
- the tendency to find the most relevant information, the internal significance and functionality of the phenomena
- qualitative and quantitative methods in the participant observation

Certainly, the Monographic School imposes a new and integrative view, suggesting elements of anthropological interpretation.

According to Traian Herseni, one of the remarkable theoreticians of the Monographic School, a first feature of the new sociological point, would be *the functionalism*. It was imposed by the structure of the social unit itself and the nature of the spiritual manifestations, seen as the causative network around some nuclei of individual and collective life. Any social manifestation has to be explained and understood through its function within that community. In monographers' view, it is the function that is essential to be grasped in the process of social research, being more important than the content of the structure of a social event.

The monographer should determine the place of the social fact on which he is focused in the context of the communities' life, in order to seize its function in the social unit. The monographers' functionalism has similar features to the British one.

Of course, there were other modern approaches in the framework of this monographic trend: Traian Herseni has a modern and pertinent point of view, in approaching rituals. The sociologist declines the positivist assessments of these. To view them in such a way means to impose our point of view, of a positivist mentality, without considering that these are coming from a collective mentality, different from ours, from the mythical or magic mentality.

The monographers' high professional standards are obvious. The superiority of the monographic system is also, in the consistency of denying the romantic view that dominated, to a certain point, the approaches of the social events. The declining of autonomous explanations, based on a single value criterion, is also a modern feature of this approach.

A second main feature of the sociological system was the global (holistic) view. The social facts were not considered isolated, but always approached, considering all the joints that form a social unit. As the monographers suggested, this is a necessary point.

They assessed that otherwise, the autonomous sciences are damned to remain to a degree of a lamentable empiricism.

"The vitalism" is the third main feature of the sociological view of this trend. According to this principle, the social facts are studied in the context of the psychical social life of the unit, in a holistic way, surpassing the autonomous research.

A modern aspect of the monographic point is the collective participant observation as a research modality. This ensures a rigorous methodological base.

The implicit attempts of empathizing are certain in the methodology proposed by the monographic school. The aim of this empathic practice is:

"the ego sees from outside the inner part of the things and human beings, understanding and evaluating them, leaving its own person and

own feelings aside, grasping the real substance of things through direct understanding, in the internal view of a sociological spirit informed and aware of the total and superior role of research".<sup>4</sup> All these ideas are similar to those which dominated the social sciences at that time, proving a synchronization ability and innovative spirit as well.

After 23 years, in 1948, the activity of the Monographic School is brutally stopped. The activities at the Sociology Institute are canceled as well and unfortunately, after 1948, a few sociological reviews could not be published any more: "*The Archive for Science and Social Reform*", "*Romanian Sociology*", "*The Revue of the Social Institute Banat-Crisana*".

The specialists involved in different sociological projects were obliged to take shelter in Research Institutes and, in a few cases, to continue their approaches and investigations on their own. Unfortunately, exactly when the sociological system was perfectly articulated, officially it could not be applied any longer.

This situation had prejudicial consequences. It demonstrated that the social sciences had a discontinuous way in Romania (as well as in other Eastern countries) Their evolution was stopped, when methodologically and theoretically they proved to be mature. What could have represented a "regular history" of these sciences was in fact, a line of discontinuities.

It is obvious that these sciences in Romania and, in the Eastern, South-Eastern and Central Europe could hardly create a specific system, considering the historical and geographical context and the aims they had in view.

On the other hand, beginning with the fifties, the ideological censorship intervenes, stopping the normal evolution of these fields. The discourse that had to be promoted by these sciences was constructed in the limits of the official, unique one. The contacts with the western approaches were completely canceled in the circumstances of internal tension.

After 1965, the Sociology Institute and other research centers in Cluj Timisoara, Sibiu, Iasi had begun again their activity. To a certain extent, after 1972, the contacts of indigenous specialists with West European and American anthropologists were allowed. Investigations involving 17 villages and 17 towns of different historical districts, had been performed by foreign social anthropologists. The dialogue between the indigenous and the West European and American specialists began to be accepted as necessary.

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<sup>4</sup> Gusti, Dimitrie, *Monografia sociologică . Știință a realității sociale. Introducere la Teoria monografiei sociologice, [The Monographic Sociology. Science of the Social Reality, Introduction to Traian Herseni's Theory of the Sociological Monograph]*, Bucharest, I.S.R, 1934, p.55, reedited in Gusti's *Works*, I, Bucharest, 1968, p.321)

The studies theorizing the differences of the Eastern approach of traditional culture and cultural/social anthropological discourses are common in such a context.

Because I have started this paper with comments on Longina Jakubowska and Dimitra Gefou-Madianou's studies, dealing with this topic, it is useless to resume it again. We can conclude that the Romanian ethnographical research tradition (in general, the discourse of social sciences) presents similarities of methodologies and goals with the Polish or the Greek traditions.

Considering the huge qualitative difference between the articulated theory and methodology of West European /American anthropology and the discontinuous approach practiced in Eastern Europe, a split in the latest case is obvious nowadays. Part of the East European scientists continue to perpetuate mechanically indigenous research traditions, while others try to adopt the pure anthropological discourse.. Of course, the ideal situation is to be acquainted with both the main trends of traditional research and cultural/social anthropological theories.

If indigenous scientists are able to assume these two traditions (they have anyway the advantage of being focused on their own cultural patterns), their work would be more professional. The usual situations are different. Either the indigenous scientists prove a good understanding of the traditional research trends and their own cultural patterns, being not enough familiar with anthropological theories and methodologies, or they are well trained in anthropology, but completely neglect the indigenous research traditions.

Unfortunately, both cases induce the risk of shallow approaches which have to be avoided. The reasons of these situations were, as demonstrated above, a specific historical context, generating a peculiar discourse and discontinuities of what could have been a "history" of Social Sciences.

## THE GOOD, THE BAD, AND THE UGLY<sup>1</sup> RATIONALITY, CULTURE AND INSTITUTIONS IN COMPARATIVE POLITICS

ALIN FUMURESCU

'What's time? If you hadn't asked, I would have known. Since you've asked me, I'm not quite sure, any longer', said St. Augustin. When it comes to define 'institutions' the political scientists found themselves in the same situation. The institutions are used almost everywhere: from the studies of the origin of the state to the discussion of corporatism; from the literature on legislatures to the analysis of the breakdown of democratic regimes; from the congressional studies to the modernizing of the intellectual transformation; and so on<sup>2</sup>. Because of its ambiguity, the concept of institution became such a big umbrella that almost everything seems to fit in. Being so, it is no surprise if practically every political scientist would agree with such a statement as 'institutions matter'.

Yet, when it comes to answer *how* they matter, the opinions split dramatically, covering more or less the entire spectrum of contemporary political science. From the institutions seen as the product of *culture* (see for example how for Durkheim the symbolic systems – of knowledge, belief and moral authority - are social institutions<sup>3</sup>) they span to the other end of the spectrum, where the *theory of institutional choice* tries to explain 'the collective choice as the product of individual strategies<sup>4</sup>'. At the same end

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<sup>1</sup> Ross, Marc Howard talks about 'the trinity of comparative politics', in "Culture and Identity in Comparative Political Analysis", from "Comparative Politics – Rationality, Culture, and Structure", eds. Mark Irving Lichbach and Alan S. Zuckerman, Cambridge University Press, 1997, p. 43.

<sup>2</sup> see the examples furnished by James G. March and Johan P. Olsen in "The New Institutionalism: Organizational Factors in Political Life", *American Political Science Review*, vol. 78/3, September 1984 or Paul Pierson and Theda Skocpol, "Historical Institutionalism in Contemporary Political Science", presented at the American Political Science Association Meetings, Washington DC, September 2000

<sup>3</sup> from W. Richard Scott, *Institutions and Organizations*, London, UK, Sage Publications, 1995, pp 9-10

<sup>4</sup> Smith, Steve and Thomas Remington, "The Politics of Institutional Choice", Princeton University Press, 2001

of the spectrum can be found a theorist like Kenneth A. Schepsle ('Studying Institutions: Some Lessons from the Rational Choice Approach'<sup>5</sup>)

As a matter of fact, the vagueness of such a concept (and his success, on the same token) is to be explained by the fact that **the institution's nature is dual**. It is both *objective* and *subjective*, embodying the confrontation between indeterminacy versus determinacy, endogenous versus exogenous determination of preferences, behavioral realism versus simplifying assumptions, and diachronic versus simplifying assumptions<sup>6</sup>. As W. Richard Scott put it, 'the battle between the particular and the general, between the temporal and the timeless, is one that contemporary institutional theorists continue to confront.'<sup>7</sup>

It should be no surprise if the historical issue should also be taken into account *as following a cycle*. At the beginning of the century, as carried out by J.W. Burges, Woodrow Wilson or W.W. Willoughby, institutional analysis was grounded in constitutional law and moral philosophy. The period was depicted by as having three main characteristics: it was *normative*, the overshadowed by moral philosophy; it was *descriptive*, with intricate, descriptive accounts of inter-linked rules, rights and procedures; and it was *conservative*, emphasizing the permanent and the unchanging<sup>8</sup>. After 1950, as March and Olson point out, institutions had been regarded from a wide range of perspectives: *contextual, reductionist, utilitarian, functionalist, instrumentalist*.<sup>9</sup>

Developed as a reaction to the excess of behaviouralist revolution, the **new institutionalism** is described by March and Olson as 'blending elements of an old institutionalism into the non-institutionalist styles of recent theory of politics.'<sup>10</sup>

Trying to offer 'a broad definition of institutions, that encompasses most contemporary views', Scott asserts:

'Institutions consist of cognitive, normative, and regulative **structures** and activities that provide stability and meaning to social behavior. Institutions are transported by various carriers – cultures, **structures**, and routines – and they operate at multiple levels of jurisdiction.'<sup>11</sup>

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<sup>5</sup> in Farr, ed. "Political science in History", pp. 276-295

<sup>6</sup> Scott, op. cit., p. 4

<sup>7</sup> idem, p. 5

<sup>8</sup> idem, p. 6

<sup>9</sup> March and Olson, op. cit., p. 735

<sup>10</sup> idem, p. 738

<sup>11</sup> Scott, op. cit. p. 33



As we can see, even such an 'omnibus definition' may be quite confusing, giving the fact that 'the structures' are presented as being in the same time, the institutions and their carriers. As a matter of fact, Scott himself agreed that is quite difficult to find a single definition that could encompass so many different views. 'Rather than pursuing the development of this integrated conception, I believe more progress will be made at this juncture by distinguishing among the several component elements and identifying their different underlying assumptions, mechanism and indicators.'<sup>12</sup>

Scott argues that the various theorists have stressed one or another of 'the three pillars of institutions', *namely the regulative, the normative, and the cognitive*. Regulative - because institutions constrain and regularize behavior; normative – emphasizing the normative rules that introduce a prescriptive, evaluative and obligatory dimension into social life; and cognitive – stressing the centrality of cognitive elements of institutions: 'the rules that constitute the nature of reality and the frames through which meaning is made'<sup>13</sup>. The three pillars elicit three related but distinguishable bases of legitimacy (legally sanctioned, morally governed, and culturally supported, respectively) and will lead to varying conclusions.

'Theorists focusing on the regulative pillar are more likely to embrace a *social realist* ontology and a rational choice logic of action. Theorists emphasizing the cognitive pillar are more likely to work from a *social constructionist* set of assumptions and to take a broader view of social choice and action, embracing (...) a "theory of practical action". Theorists stressing the normative pillar fall somewhere between the two camps, but closer to the cognitive than the regulative position.'<sup>14</sup>

As a matter of fact, there are **only two ontologically** different assumptions. There is a battle going on between two competing views about the nature of reality and the frames through which meaning is made – a battle with no prisoners. One camp '*regard the world as existing independently of our socially constructed consciousness of it*'<sup>15</sup>, while another '*insists that reality is constructed by the human mind interacting in social situations*'.<sup>16</sup> Once again, the shift is not only in conceptual focus, but also in its ontological assumptions.

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<sup>12</sup> idem, p. 34

<sup>13</sup> idem, p. 40

<sup>14</sup> idem, p. 49

<sup>15</sup> idem, p. 61

<sup>16</sup> idem, p. xv

From this perspective we can understand better why and how the institutions become the space of confrontation between such different views; moreover why, *this ontological confrontation will become even more visible* when we have to discuss the rapport between the rational choice approach and the cultural one.

There is an anecdote about a small village where the oldest and the wiser man had been designated to be the judge in every disagreement among the inhabitants. Once two men came, together with a witness, to ask for his judgment in a matter concerning ... a goat. After hearing the argumentation of the first one, the old wise man said: 'This man is right.' The second one jumped: 'Wait! You didn't listen to my version!' So the second gave his version. The old wise man said again: 'This man is right, too.' Confused, the witness argued: 'But, judge, they can't be both right on the same time!' Passing his trembling hand through his white, long beard, the old wise man gave his final verdict: 'This man is right, too!'

When it comes to the dispute between the cultural and the rational choice approaches, the student of political science found himself in the same position as the old wise man. It all depends on the definitions we are willing to accept.

If, for example, we agree with Rochon that 'culture consists on the linked stock of ideas that define a set of commonsense beliefs about what is right, what is natural, what works'<sup>17</sup>, than to find a 'common language' with the rational choice theory may seem a possibility. For Rochon, interests are important in understanding the cultural changes, precisely because interests are the ones that 'fluctuate over time'<sup>18</sup>. Critical communities – that are found at the origins of any change – 'engage in the identification and elaboration of group interests', not only by 'specifying the interest itself, but also by embedding that interest in a value structure'<sup>19</sup>.

Aaron Wildavsky<sup>20</sup> goes a step further on the same direction, making an over attempt to blend somehow the cultural with the rational. 'The advantages of combining a theory of goal direction, which is the operational base of rational choice, and a theory of preference formation are manifold'<sup>21</sup>, and 'the result will be more variegated, hence more

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<sup>17</sup> Rochon, Thomas R., "Culture Moves – Ideas, activism and changing values", Princeton University Press, 1998, p. 9

<sup>18</sup> idem, p. 249

<sup>19</sup> idem, p. 51

<sup>20</sup> Wildavski, Aaron, "Why Self-Interest Means Less Outside of a Social Context: Cultural Contributions to a Theory of rational Choices", in "Culture and Social Theory", Transaction Publisher, 1998

<sup>21</sup> op. cit., p. 231

complex, but also more powerful theories.<sup>22</sup> For him too, the culture becomes a matter of *personal, active and rational choice*. The way each individual will answer 'four basic questions about human life' will determine what group (what culture) he will become part of.

These examples of trying to find a middle ground between the two theories are not the only ones. In response to the devastating critique addressed by Green and Shapiro in "Pathologies of Rational Choice Theory", the partisans had tried different ways to surpass some of the main counter-arguments, raised by Green and Shapiro. For example, Shepsle acknowledges that 'the rational man (...) is an atom unconnected to the social structure in which he or she is embedded'<sup>23</sup>, and rational choice theories offers 'undersocialized conceptions of human action'<sup>24</sup>. The solution his offering is a re-emphasizing of '*structural features* (the division and specialization of labor in committees, leadership organization, staffing arrangements, party groupings) and *procedures* (rules of debate and amendment, as well as those regulating other features of daily official life).'<sup>25</sup>

Or, as Ferejohn and Satz argues, 'the past thirty years have witnessed changes in the strategic representations of choice situations and in the conception of rationality itself. (...) Partly as a result of this shift toward finer-grained strategic representations, *the concept of rationality has been extended in various ways to apply the formation of beliefs and expectations* as well as to the pattern of choices among actions.'<sup>26</sup>

Yet, this attempts of reconciliation between rational choice theory and cultural theory, *by softening the assumptions*, were rejected (and for good reasons, one may say) by the partisans from both sides, who argues that such attempts will end up either in one of the two camps, or by contradicting themselves. Why is this so? *Precisely because their core assumptions are different ontologically*, different in the understanding of the nature of reality. At this point only we can talk properly about two different *approaches*, instead of two different *theories*, because *different ontological assumptions will lead to different understandings of human nature, the nature of politics, and the nature of social reality*. There is not such thing as a 'no-man-land' where the two can meet without fighting. Once again, there is a war going on, a war with no prisoners.

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<sup>22</sup> idem, p. 232

<sup>23</sup> Shepsle, op. cit., p. 280

<sup>24</sup> idem, p. 280

<sup>25</sup> idem, p. 281

<sup>26</sup> Ferejohn, John and Debra Satz, "Unification, Universalism and Rational Choice Theory", in "The Rational Choice Controversy", Friedman, 1995, p. 73, my emphasize

Against the ones that argue for the culture as only a set of idea or/and beliefs from which the individual chose rationally what fit him best, theorists as Ross or Geertz define culture as 'an historically transmitted pattern of meaning embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about attitude towards life.'<sup>27</sup> At his turn, Lichbach distinguish between subjective and intersubjective views of culture; 'the subjective emphasizes how individuals internalize individual values and attitudes that become the object of study, while the intersubjective focuses on shared meanings and identities that *constitute the symbolic, expressive, and interpretive part of social life*.'<sup>28</sup> Behaviors, institutions, and social structure 'are understood not as culture itself, but as *culturally constituted phenomena*.'<sup>29</sup>

Ontologically speaking, from such a perspective, the social reality is, *on the same time*, the product of culture *and* it can be apprehended only through culture, here understood as schema (or worldview), 'a conceptual structure which makes possible the identification of objects and events.'<sup>30</sup> As we have seen when we have discuss the institutions, *in this case the nature of the reality is dual, both objective and subjective*.

From the rational choice perspective, things look completely different. Culture is rather an epiphenomenon, *without any ontological status*. As Schepsle acknowledge, 'there is no glue holding the atoms together; *there is no society*.'<sup>31</sup> Or as Chong put it, 'by tracing social institutions, collective action, and social change to the actions of the individuals, the theory follows the principle known as methodological individualism. (...) The shift toward rational choice in political science and away from explanations relying largely on attitudes and values, was accompanied by a shift in emphasis toward behavior and action, rather than expression of intentions, and toward strategy (...) rather than social-psychological dynamics.'<sup>32</sup>

From now on, the divorce is complete, each ontological approach following its own path. Even if Chong argue against the 'accusation' of Green and Shapiro that rational choice is *method driven* rather than

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<sup>27</sup> Ross, op. cit., p. 45

<sup>28</sup> Lichbach, op. cit., p. 241 (my emphasize)

<sup>29</sup> Spiro, quoted from Ross, op. cit., p. 45

<sup>30</sup> D'Andrade, quoted from ross, op. cit., p. 49

<sup>31</sup> Shepsle, op. cit., p. 280

<sup>32</sup> Chong, dennis, "Rational Choice's Theory's Mysterious Rivals", in "The Rational Choice Controversy", op. cit. p. 39

*problem driven*, other RC theorists, as Lalman, Oppenheimer and Swistak, acknowledge that 'formal theory is defined more by method of the theory construction than by the content of its theories'<sup>33</sup>. Moreover, that mathematics and symbolic notation are 'naturally' preferred for rational choice theorists.

As Alexander put it: 'Two theoretical poles have governed the analysis of action and order since scientific consideration of societies began. The mechanistic conception of action has likened human behavior to a machine that responds automatically, "objectively", and predictably to the stimuli of its environment.(...) In opposition to this view, there has arisen a subjective approach to action and order. (...) Experience and the meaning of experience become central to this approach.'<sup>34</sup>

To conclude, one may say that the gap between the two approaches is irreducible. As Scott asserts, 'there is no sign of quick or easy resolution (...) because this battle is sustained by two of the enduring antinomies underlying our science.'<sup>35</sup>

And it all started with a definition.

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<sup>33</sup> Lalman, David, Joe Oppenheimer, and Piotr Swistak, "Formal Rational Choice Theory: A Cumulative Science of Politics", in "Political Science: The State of the Discipline II", Finifter, 1993

<sup>34</sup> Alexander, Jeffery C., *Culture and Society*, Cambridge University Press, UK, 1990, p. 1

<sup>35</sup> Scott, *op. cit.*, p. 61

## QUESTIONING THE AMERICAN CULTURE

### BEGINNING OF A RESEARCH

CRISTIAN PRALEA

**ABSTRACT.** What I will try to do in the followings is a work of cultural archaeology. And because the subject refers to the American culture and the American history of culture, I will start by putting the question about its essence, the question about its way of being. In what way can we speak about an American culture? From where did its path begin? The answer that I will try to offer will concentrate around a single keyword, and that is *Abendland*, the concept developed by Gianni Vattimo in his hermeneutical works on Heidegger and Nietzsche.

*Abendland* means Occident, "the Western lands", but it also means "the land towards the dusk". And here comes the Heideggerian thought: the dusk is not only a sunset, as it is the dusk of being itself. And so, it reveals that *Abendland* is not just a simple word that designates something, but it is one essential word, one that uncovers a way to be, the way of the Western culture – the culture that we all are naming Occidental, European-based. But let us see which are the internal articulations of this thought.

Because of its functioning in the dynamics of the project, the modern knowing/ledge is, implicitly, *production*. That means that it adapts to a horizon of being in the form of a process, a process that is prescribed by a project. This dynamics is in its essence tightly connected to, what I have spelled here, *production* – and this *production* (following the Heideggerian etymology of the ancient Greek word *techne*) is not anything else but the production of knowledge. *Techne* is a way of knowing through which we perceive what is present likewise. With the modern knowing/ledge this perception becomes in the horizon of the project (of a project) – for example, the process of nature becomes visible, and it is perceived likewise, only inside the horizon of a preexistent scheme of nature – project, that is, in its essence *proposal*, that is held forth. Here lies the "forgetting of being", the dusk trait of modern thought (because in the final product the happening of being is already gone – and only this happening makes the happened be). Thinking, that means bringing in its essence, this mode, reveals the non-substantiality of what we call being,

the fact that it cannot be somewhere, and the fact that in its case we can only speak about this happening. The being can only be thought in these terms of hiding and unhiding, the terms of happening.

What remains of truth in this case? Truth is the essence of what is true (says Heidegger in *The Origin of the Work of Art*). Truth is *aletheia*, which means a state of unhidden. Truth is something that is born, it happens. Truth is born and it is born from nothing, and in its essence we find untruth in the sense that this very untruth makes truth be the truth. Further thinking, the fact of being true appears to us as a fact of being in the way of discovering, which is a way of *Dasein* (let us call it the being in presence, although this is not the perfect translation – but there is a whole discussion around this subject and I am not going to relate it here). Which can only mean that truth does not have its place in the utterance but the utterance is founded in this state of revealing of *Dasein*. That is why the truth is born and it is born from nothing: "there is (*es gibt*) being just as there is truth" and "there is truth just as there is *Dasein*" – says Heidegger. *Dasein* is the place where the being uncovers. But this is not possible without his characteristic of a thrown project. *Dasein* is in a world before he is himself, "thrown project" means to be thrown, historically, between birth and death, between the limits of an epoch, of a language, of a society. He is already in a world, but existing in that world he constitutes himself, and together with himself he constitutes the world.

The world of this "subject", the place of this truth, is the world of the Nietzschean dead God, and the world of the Heideggerian being reduced to value. The death of God means the disappearing of superior values (united in the supreme value: God), which means the transformation of values in values of change (convertible, interchangeable). This is about exactly the same experience that I have described till now, this is about the fact that the "true world" has become a fairytale. Here is how Nietzsche describes this transformation. In the first step "true world" is accessible for the wise, or the virtuous, or the faithful. It is the Plato's era of deep trust in the possibility of knowing this preexistent, eternal truth. True world becomes then inaccessible for the moment, but it is promise to the wise, or the virtuous, or the faithful. It is the Christian era of the "afterlife". In a third step true world becomes inaccessible, but still remains a consolation: the kantian era of *noumen-phenomen* distinction. Pozitivism is making the fourth step stating that true world is unreachable yet, it is unknown and therefore it cannot save anybody, as it cannot comfort anymore. In the fifth step true world is totally removed, totally contested. We are beginning to realize that God is dead. But this does not means that what remains now is the pure game of appearances. With a dead God the distinction between a real world and a world of appearances has lost its sense. The final, sixth

step is "the end of the most long lasting error", the removal of "true world"- "world of appearances" distinction and the rise of *Ueberschensch*, of a totally different kind of experience. Nietzsche's *Ueberschensch* or Heidegger's *Dasein*, are telling the story of the world, from which the truth-presence, the substantialized truth have gone. This means a weakening of the reality force, means a de-realization of the world. This means a world of being at its dusk, the only one in which the "subject" can experience and manifest his whole freedom.

The thought of this de-realization does not appear only within the framework of this meditation about the dusk of being. *Abendland* does not mean only the land where the being is at dusk, but it is the land of dusk because it is the land of being. The history of metaphysics is the history of being, but there is no other history of being. And this does not reduce the *Abendland* only to the Occidental territory. Modern culture, born in the Occident, functions essentially in a logic of newness, determined by the mode of progress. The ideal towards it targets cannot be else than universal and this is destining this kind of culture to take over, or annihilate the others. Colonialism is legitimate and necessary, but this thing has already happened. The principles after which the Occident has functioned are now imposed globally. Modernity has not only actualized in metaphysics, the universalistic project has reached its end, too: through this very globalization. Globalization belongs, as a determination, to *Abendland*, because between universalization and globalization there is an essential difference, and through this difference we find the other way in which the thought of de-realization appears.

Universalization presumes, necessarily, a universal order. The world must become first a totality, for the global initiatives of the modern project to fulfill themselves. But technical progress, meant to frame this order, has brought with it another accident: the world is experiencing its de-territorialization, and mobility becomes the principle of social stratification. This means practically, that the idea of geographical border becomes harder and harder to be sustained. Zygmund Baumann explains this very clearly in *Globalization*: the development of the transportation techniques proves the fact that the distance is a social product. It is connected with the necessary speed or spending. With this, at an economic level, the mode of the company changes radically. Being held by the stockholders, the company finds itself placed in a continuous mobility, beyond any territorial border because the investment does not require the physical presence of the investor. This leads to an economy transcending the national borders. What results is not a world economy, but one placed beyond any universal order. The movement of the economical capital produces itself with a rapidity that surpasses any change of the political order. The state



separates itself from the economy, because it cannot sustain it anymore but artificially. In this way what we can see is not a new world order, but a new world disorder (as Kenneth Jowitt likes to name this situation). First, the interstate conflicts are transformed in conflicts between groups of states (as in the case of the cold war) and second (after the fall of the soviet system), we have the birth of the "soft states" (the quasi-states), areas very well guarded which present the minimal order necessary for a "healthy" business environment – an economic policy which has nothing in common with autonomy, and no obstacles for the mobility of capital. This is what "new world disorder" means: local orders working together for a global mobility.

Modern technique leads to the possibility of global mobility. The world that shows itself in this way has no resemblance with what was imagined by the modern project. After the fall of the soviet system, says Kenneth Jowitt in *New World Disorder*, the world does not appear anymore as a totality, but as a field in which spreading forces are gathering in unpredictable places, accumulating uncontrollable tensions. The fulfilled condition of this situation is the total lack of a command center, the fact that no one has the "control". The access to this environment of mobility grants the freedom of significance, but not only this – the access to this environment splits the social order in two: a global elite of those who can access this mobility, and those for whom this access is denied. In the case of company, for example, indeed it is freed from the compulsions of any locality, but its movement's consequences remains in that place (that is why we can say that the mobility of the stockholders constitutes in fact an evasion of responsibility – Baumann; the stockholders are freed from any responsibilities for the employees and the unborn generations of that local community, because their investment does not claim anymore their physical presence – the company becomes a "game" perceived in terms of risk and as a pure source of income). But the development of the transport techniques means also the development of the information transport techniques. This means that the difference between "here" and "there" is no longer clearly stated (a message on the Internet costs as much as a local area phone call). That is why that split of the social order could be interpreted as a split between the ones who signify, the ones who speak, and the ones who do not. Baumann presents this situation catastrophically, but only because he makes a confusion. The others, the ones who do not speak, are not condemned to insignificance. Indeed, when one signifies, he signifies for truth, and the others are *sinking* into insignificance, but only as listeners, as watchers. But to mourn for them is nothing else but a revival of the modern universalistic project, when one has just demonstrated its impossibility. And there is another thing, left behind: the ones who speak are never the same.

This derealization, as a determination of the dusk of being, becomes manifest in the fact that "everything is culture now", which means the surpassing of the distinctions between culture and civilization, culture and society, culture and nature. The economic situation of contemporary world could be perceived now as an intensified form of capitalism. Frederic Jameson was making a distinction between three successive forms of capitalism: a market capitalism (present around 1700-1850 and characterized by a growth of the industrial capital in national markets), a monopolistic capitalism (economical imperialism, the birth of the world market) and, finally, a multinational (consumption) capitalism, characterized by the birth of the international corporations. In this last form, the production, trade and consumption of cultural forms are only one of the many expressions of the economical activity. Following the marxian analysis and meeting at a certain point with Jameson's conclusion there are the thoughts of Jean Baudrillard. Thus we have Feudalism and the fact that only a small part of the product is a surplus and therefore soldable. In Industrialism everything is sold. But in the Late Capitalism we found culture penetrated by market, the fact that every value becomes trade value, the fact that the abstract values (as love, kindness, charity) are becoming perfectly soldable. For Marx this is an era of "generalized corruption" and therefore we must do something towards a "revolution". But Marx, says Baudrillard did not understand the enormity of the qualitative transformation between Industrialism and Late Capitalism: in the latter the economical field cannot be anymore separated from the cultural and the social field, when cultural artifacts or feelings are now part of the economic world. This culture, tightly connected with the economic, with the social cannot be thought anymore as opposing nature. If, in what concerns modernity, culture means straying from the undesirable nature (which means the need for developing reason, subjectivity – in fact we can say this is the place of birth for the idea of a transformable nature), "the cultural logic of late capitalism" imposes the dilution of nature-culture opposition by establishing between them relations placed in a logic of trade and difference. From transformable nature it becomes producible nature, ceasing to exist it can be produced.

These are the two meanings of *Abendland*: one the one hand, the land of being at dusk, and on the other hand, the land where all the other lands are meeting together, in/towards an end. On the one hand, the being becomes, in the end of its history, to be seen as it is. On the other hand, the culture produced by the subject of this being becomes finally monoculture. Here is what Gerard Granel said about this in a conference recently sustained: "The culture that comes from here is a culture of power over the world. The electricity theory, more lightning than the lightning, erases the difference between night and day; what used to be the "mystery

of life" is now the field of biological research; astronomy is leaving behind the clothes of popular theology, to draw the paths of ships; the elements of the objects, and their combinations are revealing to the chemical research: and we could continue over and over again this list of novelties which have made from modernity the Age of Newness in an absolute sense: *die Neuzeit*. One can understand that such a culture was destined to destroy the others either by force, and it has not stopped itself from using it, or by the attraction exercised over the spirit of the "other" humanities, which, before that, coexisted with it. By its inner essence, modern culture is meant to be the planetary monoculture" (*Monoculture? Unculture? The Third Millennium Perspectives*, at the symposium named *Multiculturalism*). Modernity has fulfilled through the failure of its projects: universalism has become globalization, and the subject, that point of maximal certitude, is living his experience as a place for the enlightening of being. Monoculture is the reverse of the nowadays multiculturalism. It is the field in which it becomes possible the experience of the other in the terms of tourism. This is the only possible multiculturalism when modern action has the principle *larvatus prodeo*.

Globalization frees the individual in what is proper to him. It is about in-divisum, that which is not divided, but not divided in the sense of a withdrawal to him. In-divisum that is a narcissistic monad that only keeps a residual thought of the modern flourishing subject. The withdrawal of the individual realizes itself from the direction of a need of physical non-vicinity. The experience of truth as happening places him in the field of language. This self is now caught within the texture of communication; he becomes the function of a structure that surpasses him. "Text means net" says Roland Barthes in *The Pleasure of the Text*, "lost in this net – this texture – the subject opens himself in it as a spider who would dissolve itself in the constructive secretions of its net". Left alone, for being able to frame himself in the mobility environment, in the significance environment after all, the man is facing himself, now when modernity starts to live its dusk. He never was and he never will be the Great Knowing Subject, he is that light subject (less subject, weakened subject) whispering himself in a sea of whispers. The man and the thought about man cannot come to being otherwise than in the image of a subject. He cannot say, otherwise, *me* (*ego*). And this subject will be always a prisoner of the speaking, of the language, of the text. We are like that spider dissolved in its own net. Subject and language are interneting in the same experience of the de-realized world, in which the being appears in its intrinsic covering and uncovering.

What becomes clear facing the *Abendland* is that we must pursue the meditation over this kind of experience, over the way in which it has a

place and over the way we have a place in it. It appears another question, the question about the way in which this subject cultivates himself, about the way of his culture.

And maybe the reader of this text is beginning to ask himself now what this is got to do with the American culture, because the initial question was about this issue. As I have said what I was trying to do here was a work of cultural archaeology. The founding of the American States was a turning point in the history of modernity, a turning point too much unconsidered by scholars. But I am not trying to say that Americans are the children of European modernity, and that America is their playground. Not at all. What I am trying to say is that the *Abendland* will never find a better image. America is that never-founded modern utopia, a faraway and nowhere land, where the modern project can begin on a virgin field, where the universal ideal can be fulfilled by a humanity forced to put aside its differences. This is America for the European colonists: the faraway place and the virgin land that will offer for everybody the chance to start again from the beginning. What culture will rise from this promise land finally found? A "melting pot", a "salad bowl"? A happy mixture from the most different cultural elements? And I will answer again: not at all. The American culture was not born by accumulation, or by melting. But what happened was the intensification of the cultural thought dominant in the minds of the colonists: the Occidental modernity, that modernity (the only one, as I have tried to argue) that is now experiencing the *Abendland*. Again I am not saying that in Europe the *Abendland* has never happened, it has happened, but only slower. It is not an accident that the nowadays globalization has its roots in the American ways of economics (they had the first "national"-federal bank, it was the first federal democracy etc.), it is not an accident that the nowadays internet has its roots in the American research (even if this research was military), and it is not an accident that Europe is now trying harder and harder to achieve a federal organization (of course is not the same thing, some might say, but everybody has the right to an identity), and so on.

I have said that for understanding ourselves, we must lean towards meditating over the *Abendland*. Seeing America and its culture from this perspective (within this horizon of thinking) will add a plus of clarity to these thoughts and maybe will reveal other dimensions for the critique of the modern thought.

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12. Gianni Vattimo, *Aventurile diferenț ei*, ed Pontica, Constanț a.

## THE IMPACT OF GLOBALIZATION ON EASTERN EUROPE IN THE POST-COLD WAR ERA

BERCH BERBEROGLU\*

**ABSTRACT.** Earlier versions of this paper were presented at the World Congress of the International Institute of Sociology in Krakow, Poland, July 11-16, 2001 and the Institute of Political Studies and International Relations, State University of Moldova, Chisinau, October 22, 2001. This version was presented at the Faculty of European Studies, Babes-Bolyai University, Cluj-Napoca, Romania, October 25, 2001.

### I. Introduction

The process of globalization has had a great impact on the development of socialism during the course of the twentieth century, and this impact continues to be a challenge for the people's movements in struggling against globalization today in the early twenty-first century. The domination of the global economy by the advanced capitalist states over the past century has been pervasive and reached a critical stage in which any opposition to challenge their rule has become difficult. And this has made it problematic for newly rising socialist states, such as the former Soviet Union and others in Eastern Europe, as well as China, Cuba, Vietnam, and others around the world to function and flourish in an environment free of the threat to dismember and destroy efforts to build an egalitarian socialist society.

In this presentation, I will outline the nature and extent of the impact of globalization on the former socialist countries of Eastern Europe, assess the problems generated by the imperialist states in their attempt to destroy existing socialist states, consider the reasons for the collapse of socialism in the former Soviet Union and Eastern Europe, and discuss the nature of changes these societies are going through today in the early decades of the twenty-first century. Before I begin discussing this impact, the problems it generates, and the prospects for the future, let me say a few words about the nature of globalization so that we are better able to understand its dynamics and contradictions.

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\* Director of Graduate Studies Department of Sociology and Director of the Institute for International Studies University of Nevada, Reno

## **II. Globalization: Its Nature, Dynamics, and Contradictions**

During the course of the 20th century, capital has become thoroughly global.

Today we live in a world dominated by the transnational monopolies. While it has been said that imperialism is the highest stage of capitalism operating on a world scale, I would add that the globalization of capital is the highest stage of imperialism. Imperialism and globalization are both the outgrowth of 20th century monopoly capitalism. Thus, they must be viewed as structural phenomena that operate on a worldwide scale. This is an inevitable outcome, or manifestation, of monopoly capital that now dominates the world capitalist political economy across the globe. In the epoch of capitalist imperialism, the contradictions of globalization are a product of the logic of the global capitalist system. Thus, globalization represents the most intense and accelerated stage of capitalist imperialism at the present historical moment.

Globalization, much as during the earlier phases of capitalism, is driven by the logic of profit for the private accumulation of capital based on the exploitation of labor throughout the world. It is, in essence, the highest and most pervasive phase of transnational capitalism operating on a world scale. It is the most widespread and penetrating manifestation of modern capitalist imperialism in the age of the internet--a development that not only signifies a most thorough economic domination of the world by the biggest capitalist monopolies, but also the most profound domination of and influence over local cultures and mass consciousness by cultivating individualistic, capitalist ideology to break down collective cultural practices.

## **III. The Particular Characteristics of Globalization**

Globalization is a manifestation of worldwide capitalist expansion, but it involves a multitude of spheres within which it operates. These are economic, social, political, ideological, cultural, and environmental, to mention the most central. However, all of these spheres function within the class configurations of the prevailing social system and have immense political implications.

### **(1) economic**

We have already pointed out the economic essence of globalization as profit-making on a global scale. Here, the central dynamic is capital and its accumulation in private hands. The accelerated rate of exploitation through the expanded reproduction of surplus value on a world scale, facilitates the rapid accumulation of capital at global proportions, a process that stimulates further capital accumulation. It is this economic essence of globalization, then, that sets into motion the social, political and ideological contexts in which capitalism prospers.

## **(2) social**

In the social sphere, we find the global expansion of capital as transforming social relations of production from pre-capitalist or semi-capitalist to capitalist ones, where the main class contradictions are between wage-labor and capital. The domination of capital over wage-labor in this process of capitalist expansion fosters the subordination of the working class to the dictates of the capitalists, who not only extract profits from wage-labor, but are the very source of the emerging inequalities in wealth and income, as well as power, such that these inequalities, in time, lead to contradictions and conflict in the social sphere, when class divisions become solidified to a point when class struggles between the opposing forces begin to surface.

## **(3) political**

In the political sphere, power remains in the hands of the capitalist class and is exercised through its "executive committee"--the capitalist state. However, rather than representing the unified interests of a newly emergent global capitalist class, the state under conditions of globalization continues to protect and advance the interests of "its own" capitalists, as against other capitalists, for supremacy over the global capitalist economy. Hence, despite a temporary commercial, monetary, and even military union (as in the case of the European Union), the leading imperialist state (in this case the United States) continues to dominate the world political economy and dictates its terms over other capitalist states, including its chief imperialist rivals (Japan, Germany, and the European Union), thus giving rise to inter-imperialist competition and rivalry between the major global capitalist powers. While this competition takes place at the monopoly level, between rival transnational corporations as well as their states, it nevertheless affects the structure of social relations in general and has a direct impact on other sectors of society as well.

## **(4) ideological**

In the ideological sphere, global capitalism continues to propagate the superiority of capitalism and "free markets" in a private economy, emphasizing the "victory" of capitalism over socialism and criticizing the public sphere as inefficient and undesirable – ideas that are a direct reflection of the class interests of the capitalist class. Such ideological propaganda has been especially effective in the aftermath of the collapse of the Soviet Union and the Eastern European states, where capitalist practices are now making headway. However, as the power and legitimacy of capitalism and profit-making come under attack, as something that is harmful to millions of working people around the world, the ideology behind globalization is bound to face opposition from the popular forces advocating an alternative to capitalism, imperialism, and globalization (i.e., the kind of opposition that took place, for example,



against the WTO in Seattle in November 1999 and against the IMF and the World Bank in Washington, Prague, and elsewhere in 2000 and 2001.

### **(5) cultural**

In the cultural sphere, globalization promotes cultural imperialism. This aspect of the global expansion of capital has been adequately studied, but besides the impact of imperialist cultural values that are imposed on other pre- or non-capitalist societies, the significance of the transformation of belief systems and cultural practices under the globalization process should not be underestimated, as the dominant values promoted by globalization (such as "privatization" and "free markets," which are code words for capitalism), become the new values that are adopted around the world (ones that are easily translated into consumerism, individualism, private accumulation, and other self-centered values and beliefs. Thus, the globalization of capital is able in this way to promote the globalization of capitalist values and capitalist culture.

### **(6) environmental**

Finally, considering the impact of globalization on the environment, the destruction of the ecosystem and the living space through pollution, contamination, and disposal for profit has meant the gradual deterioration of the quality of air, water, and soil, with long-range negative consequences that are quite often irreversible. The globalization process has accelerated this deterioration in the quality of the environment in which we live for the sole purpose of profit for the wealthy owners of the transnational corporations which have turned much of the world into a global dumping ground.

A central feature of the current phase of global capitalism, then, besides its speed and intensity, is the increased privatization of various spheres of the economy, society, and culture, which has had a great impact on societies with which it has come into contact. And this has been facilitated by the key role that the state has come to play to further the global domination of capital—one that has had a great impact on people and countries around the world.

In addressing the nature of this impact on Eastern Europe in the transition period, it becomes apparent that the key to an understanding of this important question is an analysis of the nature and dynamics of the *state*, especially the state in Eastern Europe today, for the nature, social base, and particular characteristics of the state determine the nature of state policy (and its consequences for one or another segment of society) that emanates from the organs of state power. And the nature of this process varies from one type of state to another. This is why it is important that we understand clearly what the nature of the state is, what its policies are, and, above all -- and as a result of this -- a knowledge of who *controls* or wields power over the state.

In examining the nature of the state and its role in Eastern Europe over the past two decades, we find two models of the state counterposed in two distinct historical and temporal settings: (1) the communist state that was prevalent in the postwar period, up until the end of the 1980s; (2) the post-communist state that followed in the wake of the great social-political upheavals at the end of the 1980s and the beginning of the 1990s to the present, under conditions of transition to a market-oriented capitalist economy and society. These two models of the state represented, theoretically at least, two diametrically opposed systems of governance and social-political relations with the population at large: The communist state, governed by the principles of the collective interests of the working class; and the post-communist state, governed by the principles of capital and the capitalist market. However, in their practical application, neither model was able to live up to its theoretical claims, thus facing criticisms from both the left and right forces in the political spectrum. Hence, such criticism made sense in the context of the track record of the communist states that could no longer sustain themselves in the old way, while a similar problem in the current period is forcing these states to face an increasingly difficult situation that may completely deteriorate to a point when the state loses its legitimacy. This may, as a result, trigger an unrest similar to the 1989 events, but in a completely different direction.

#### **IV. The Impact of Globalization on Socialism**

Having dominated the world through economic, political, and military means, the advanced capitalist states have, through their global expansion, fought to prevent the rise of socialist states that would challenge their rule throughout the world. This was the case when the working class came to power through the Great October Socialist Revolution in Russia in 1917, as some 13 imperialist states surrounded and invaded the young Soviet state with the intention of overthrowing it and reinstalling Tsarist rule. In China, following the 1949 October Revolution, the imperialist states likewise went into action to destroy the new socialist state that the Chinese Communist Party was able to forge through a mass mobilization of millions of workers and peasants that fought against imperialism and the landed gentry allied to it so it can build a new socialist state. And again in Cuba in the early 1960s through the Bay of Pigs invasion, and in Vietnam throughout the 1960s and early 1970s, the imperialist state fought to prevent the establishment of socialism anywhere in the world. This was followed by the outright invasion of Grenada and the launching of the Contra War against the Sandinistas in Nicaragua to halt the socialist experiments in these countries during the 1980s.

The Cold War against the USSR and its associated Eastern European states during the post-World War II period and the arms race between the U.S.

and the U.S.S.R., as well as the anti-China policy of the U.S. through the 1970s and early 1980s, created great difficulties for the socialist states and forced them to retreat through economic reforms of a market-oriented nature, as well as cutbacks in the production of consumer goods to fuel their military defenses to protect their very existence under conditions of intense imperialist vigilance. These and other pressures against the socialist states caused much disruption in the viability of the socialist project under conditions of imperialist domination of the global economy.

The collapse of the socialist system in the former Soviet Union and Eastern Europe was a direct consequence of the all out war (economic, political, and military) declared by the imperialist states (above all the United States) against the socialist world, with the intention of sawing divisions and setting socialist states against each other (such as the split between the Soviet and Chinese states), and then destroying and devastating Vietnam and other countries in Southeast Asia, followed by an all out “secret” war against Cuba and Nicaragua, and the disruptions and havoc in Eastern Europe that triggered the chain of events that led to the collapse of the socialist regimes which finally brought down the Soviet Union as the historically first and leading socialist state in the world. Similar efforts to cause such disruptions and upheaval were also attempted by the U.S. in China in the late 1980s, but failed. The situation in Eastern Europe, however, has been quite different.

### **V. The Problems of the Post-Communist State**

The overthrow of communism and the installation of a series of pro-capitalist regimes throughout Eastern Europe have brought to the fore new contradictions and conflicts that pose a challenge to the post-communist states now in power. The problems faced by these states in the current period appear similar to their earlier communist counterparts in that a small group of elite politicians have monopolized the sources of power this time in the name of capital and a market-oriented capitalist system replete with corruption in high offices that while preaching democracy from the pulpit of state power claiming them to be democratic republics, do nevertheless fail to learn from the mistakes of the past, failing to implement the very principles of democratic governance in practical politics that is necessary for the state to insure the legitimacy of its rule.

With the declining social-economic position and standard of living of the great majority of the population in this most recent period of social-economic transition to a new post-communist (capitalist) market-oriented society, it is becoming increasingly clear that the state is more and more unable to act independent of the emerging capitalist (especially the corrupt *Mafia-capitalist*) forces to develop and cultivate democratic governance, so that it gains the legitimacy that it so badly needs to maintain its credibility as

an independent democratic institution. The post-communist states of Eastern Europe that are now in the midst of this process are tangled in a situation, where uncertainty surrounding the re-emergence of previously discredited neo-communist forces may throw the state into renewed crisis, as in Romania, Moldova, and other countries where the widening inequalities and poverty affecting the great majority of the population are setting into motion new social forces that are demanding changes in a different direction that would benefit them directly.

## **VI. Conclusion**

To conclude, today, the globalization of capital and imperialist penetration of the world has reached the apex of international capitalist expansion and poses a greater danger to the economic, social, and political stability of the world. The impact of globalization and imperialist domination of the world is felt everywhere, but much more so in Eastern Europe and the former Soviet Union, as the contradictions of globalization are more evident and have created a more explosive situation due to the gravity of post-communist inequalities in these societies.

As the contradictions of globalization continue to sharpen and surface more and more in the coming years, the power of the imperialist states will continue to weaken and thus their ability to disrupt the development of socialism will considerably diminish. And this will, in turn, help cultivate new forces (primarily in the Third World, but also in the advanced capitalist countries and increasingly in the former socialist states of Eastern Europe) that will rekindle the struggle for socialism worldwide in the coming years.