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PREZENTARE

Revista de Științe Politice Politikron (Journal of Political Studies Politikron) este un jurnal academic editat de Departamentul de Științe Sociale și Geografie din cadrul Universității Hyperion, București.

În Revista de Științe Politice Politikron pot fi publicate contribuții din domeniul Științelor Politice, fiind de asemenea încurajate studiile interdisciplinare. Contribuțiile vor fi scrise în limba română și engleză. Colegiul de redacție își propune să încurajeze publicarea de studii de către tineri cercetători.

PRESENTATION

The Journal of Political Studies Politikron is an academic journal edited by the Department of Social Sciences and Geography of Hyperion University, Bucharest.

In the Journal of Political Studies Politikron studies in Political Sciences, as well as interdisciplinary research, are published. All contributions are written in Romanian or English. The Editorial Board aims to encourage publishing for young researchers.

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Editor's Note

SOME CONSIDERATIONS CONCERNING CONDITIONALITY – ROMANIA AND EUROPEAN INTEGRATION –

Alice IANCU

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Introduction

Romania became a member state of the European Union in 2007. Since then an ongoing process of Europeanization and democratization is supposed to take place, an alignment with both European policies and values.

The political discourses concerning Romania's becoming a member state of the European Union can be described as ambivalent. On the one hand, popular enthusiasm and Romanian politicians' triumphant speeches were prevalent in Romania. On the other hand skepticism was present among EU politicians as well as some Romanian public voices: „There was a sense that these two new member states from the Balkans were less prepared for the integration tasks ahead compared with previous enlargements. This mood of doubt and caution concerning these two countries was not new for it had followed their evolving record on conditionality matters during the

accession process, that is over European political standards, economic reforms and 'the ability to assume the obligations of membership' (Pridham, 2007, p. 2). Both voices were present in the public space and this dual positioning continued to mark Romanian public discourse.

In this article I aim to provide a brief overview concerning some aspects of democratization and european integration after Romania's accession to the EU. My analysis focuses mostly on conditionality – its limits and opportunities. This study is meant to serve as background to the rest of the contributions of this inaugural issue of the *Journal of Political Studies Politikron*.

1. Conditionality – a general overview

1.1. Conditionality and accession criteria

One of the main relations analyzed by theorists is that between

democratization and Europeanization. When addressing democratization several pathways have been addressed by theorists: control, contagion, convergence and conditionality. Conditionality is understood as “the linking of perceived benefits (e.g. political support, economic aid, membership in an organization) to the fulfillment of a certain program, in this case the advancement of democratic principles and institutions in a “target” state” (Kubicek, 2003a, p. 7).

The European Union used conditionality to stimulate the Romanian state’s democratization and integration, as it was and still is the case with other present or former candidate countries for EU membership. In order to become an EU member Romania had to adopt a number of new laws and policies, in a number of domains, ranging from economics to human rights. A more extended definition of conditionality explains it as: “an exchange between the EU and a candidate country in which the EU offers the candidate a (realistic) prospect of EU membership, if the candidate implements a wide range of (EU driven) domestic reforms. The so called carrot and stick approach of conditionality involves the withdrawal of the benefits of accession and halting or slowing down the process, if candidate states’ governments fail to progress with reforms. The EU’s justification for requiring reforms is that it views

itself as a club with specific rules, requiring adaptation to key features of the existing membership: a stable democratic regime obeying the rule of law and supporting a well-functioning market economy, capable of implementing the rules of the club, that is, the *acquis communautaire*” (Steunenberg and Dimitrova, 2007, p. 3).

Conditionality itself evolved over time. After the collapse of communism in Europe a new framework was set in place: “in its scope the EU’s conditionality moved in the 1990s well beyond the (somewhat bland) formal democracy criteria utilised in previous decades into areas of substantive democracy” (Pridham, 2007, p. 3). The Copenhagen criteria became the main measure of a state’s situation in terms of its accession. These criteria were listed as follows “Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.” (European Council in Copenhagen, 1993, p. 13). These can be divided

into four main categories: the political criteria, the economic criterion, the *acquis* criterion and the administrative requirements (Marktler, 2006, pp. 344-345). These criteria were not new principles as far as the European Union was concerned: "The Copenhagen innovation consists only in the fact that membership obliges compliance with those conditions explicitly set forth by the European Council." (Marktler, 2006, p. 346). In a sense the innovation of Copenhagen was thus linking such criteria to conditionality itself: "These criteria reflected trends in the growing activity of conditionality in the post-Cold War world, such as a priority to minorities, and they included new attention by the EU to human rights. But, rather importantly, they were also introduced to reassure some member states that in going ahead with enlargement the EU's 'deepening' would not be endangered" (Pridham, 2007, p. 3).

Since Copenhagen a twofold process took place: firstly, the Copenhagen criteria became a part of the enlargement process, with reports and strategy papers tracking the compliance of candidate states. Funding was also conditioned upon such compliance. Also, as far as the political criteria are concerned, they have been reaffirmed and enriched including recently within the Lisbon Treaty (Marktler, 2006, p. 347-348). Priority was given to political criteria (Pridham, 2007, p. 3). Secondly, a

number of other issues were added on the agenda in 1997: „the strengthening of state capacity, the independence of judiciaries, the pursuit of anti-corruption measures and the elaboration of a series of particular human and minority rights, as well as introducing economic, social and cultural rights, such as those relating to trafficking in women and children, gender equality and prison conditions”, and also a focus on bettering administrative capacity emerged (Pridham, 2007, p. 3).

Romania was one of the European States that undertook the accession to the EU. In the sections that follow some aspects of this road to becoming a Member State are highlighted, with conditionality and the accession criteria as a main focus.

1.2. Conditionality and Romania's Accession

Romania's accession process was riddled with hurdles and hesitations. Summing up the pre-accession period multiple difficulties are often presented in a rather gloomy overall picture: „It is often cited as an archetypical example of the problems that beset the post-communist countries. The absence of independent associations; political culture shaped by long-term Ottoman occupation and a predominantly Orthodox religious tradition; a low level of economic development; and a highly repressive communist experience all

argue against a smooth democratization process. The country's abrupt and violent overthrow of its communist leadership also predispose it toward an authoritarian successor regime." (Crowther, 2003, p. 87). This pessimistic approach however had also a counterpart, a more optimistic vision: „the lodestone of Romania's foreign policy strategy since the early transition period has been integration into Western economic and security structures. Along with this has been the effort to construct a network of international relationships designed to bolster security and advance the country's economic interests. The effort to achieve this goal has constrained the political elite's domestic strategy choices." (Crowther, 2003, p. 87).

The multiple failures of the Romanian state to comply with EU criteria in a timely manner and the reluctance of some EU members concerning Romania's accession have led to the introduction of the „safeguard" clause: „This 'safeguard clause' amounted to an unprecedented extension of conditionality beyond the end of negotiations, since in the past this had ceased once the latter were concluded." (Pridham, 2007, p. 5). Safeguard clauses in general are not uncommon, and they may be used by Member States to elude certain provisions of the aquis in specific situations or they may be punitive in nature and instituted to

bring a Member State "back in line" (Bărbulescu et al, 2009, p. 171).

In Romania's case however it was clear the safeguard clause had a punitive and warning intent. Romania's Accession Treaty in the end contained 3 safeguard clauses: one general clause dealing mainly with economics, one clause concerning justice and internal affairs and one dealing with the internal market. These could be activated only during the first three years after accession (Bărbulescu et al, 2010, p. 199). The safeguard clause is an ambivalent instrument. On the one hand it is understood as some sort of a negative sanction and in Romanian public discourse was widely viewed as a negative assessment of Romania's progress. On the other hand however the safeguard clause can be seen as an effective incentive" As it happens, the 'safeguard clause' speeded up reform efforts in some areas, recalling previous immediate Romanian reactions when really placed under threatening pressure" (Pridham, 2007, p. 10).

Even with conditionality extended, some worries still surfaced concerning Romania's path after the accession, as described in the next section of this overview. This is why Romania was the target of additional „safeguards" after the accession, with a framework set in place consisting of „a new programme of benchmarks and sanctions (including the freezing of EU funds and the non-recognition

of Romania's court decisions by other member states)" (Pridham, 2007, p. 5). Also, Annex IX of the Accession Act, for example, detailed a number of issues Romania had to adequately address, in the areas of justice and internal affairs, with particular attention being paid to combating high-level corruption (Bărbulescu et al, 2011, pp. 199-200).

As mentioned before, the political criteria were carefully monitored during the pre-accession period. The main responsible institution with this was the European Commission. However, the Commission relied heavily on reports and feedback from the Romanian government, which excluded a multitude of actors from the monitoring process. This led to a rather incomplete dialogue between EU representatives and Romanian political actors: „One should also refer here to limitations to the EU's political conditionality relating to the Commission's bureaucratic approach, expressed in its reluctance to engage with political actors like parties and those from civil society, not to mention the relatively short period in which it sought to instigate change in candidate countries. In the case of Romania" (Pridham, 2007, p. 4). This is an especially relevant factor since Romanian civil society has largely been supportive of EU accession: „despite its historic provenance, support for democracy and market capitalism is widespread among both elites and the general

population." (Crowther, 2003, p. 88). With Romania's population displaying an overall very high enthusiasm concerning EU membership, this could be used as a political instrument, since it would prove very detrimental to political actors to be perceived as being rejected by Europe (Crowther, 2003, p. 91).

The political establishment has in many instances proven quite set in its old ways: „political and party political interests in particular came to the fore and inhibited implementation of some of the conditions, which in the most difficult cases included changing patterns of behaviour among other elites, notably economic and judicial" (Pridham, 2007, p. 11). While this political establishment has proven corrupt and conservatively bias to the Romanian status quo on numerous occasions, it has not been necessarily overtly undemocratic. Kubicek mentions "gray zone" democracies as a useful analytical categories in such cases (Kubicek, 2003b, p. 200). In this sense this is a category describing regimes „that exist between open authoritarianism and consolidated democracy" (Crowther, 2003, p. 105). While Romania's transition had been plagued by extremism and nationalism to various degrees by 2003 what was noted was that Romania's government: „is in fact well removed from the extreme of "open authoritarianism." (Crowther, 2003, p. 106). Regimes present in the

„grey zone”, Romania included, could well report some type of „progress” while an overall democratic effort could still be lacking (Kubicek, 2003b, pp. 200-205). In this sense the EU’s general approach consisting of interacting mainly with the main political actors and excluding other civil society actors has proven largely detrimental to Romania’s overall democratic Europeanization.

At the same time one must be cautious in employing conditionality as a single explanatory factor for Romania’s trajectory in recent years. While conditionality-centered approaches focus on the relation between national governments and EU institutions, it is not only the civil society that is largely excluded from the picture, but also other actors and factors. Candidate states might adopt certain EU measures regardless of conditionality if those policies prove to be useful to them or because they can be persuaded to do so regardless of the actual conditionality “reward” system (Schimmelfennig and Sedelmeier, 2004, p. 670).

While conditionality and conditionality-related dynamics have been important for Romania’s evolution, particularly since very firm measures were taken in the process, the aim of this analysis is not to indicate a proven relation between conditionality and Romania’s ongoing processes of Europeanization and democratization. Rather, the aim here

is simply to underpin some “intersection points” between these three factors.

2. After the Accession: some Analytical Options

One of the main concerns after Romania’s accession to the EU was related to the loss of „bargaining power” of EU officials in relation to Romanian politicians and policy-makers and to Romania’s overall performance after the accession.

Pridham wrote in 2007 that four possible post-accession dynamics could be at play: 1. the „Routinisation and Status Quo Bias” approach argues that rules become instilled in the political behaviour and are already part of a routine that is difficult to reverse. 2. the „Pressures for Reversal” approach states that „the top-down political conditionality of Brussels during accession left little space and, for that matter, little time for value commitment to emerge” (Pridham, 2007, p. 6). 3. The „Post-Monitoring External Pressures” emphasizes the continuing monitoring of the new member states, for example through additional provisions set within the accession treaties. In the case of Romania, as previously mentioned, an example of such provisions are the clauses inserted in Annex IX of the Accession Act. 4. The „Social Learning” approach focuses on the changes and alignments of norms and

beliefs of social and political elites, the effects of transnational interactions and on (albeit sometimes diffuse) transfers of policy and political approaches (Pridham, 2007, p. 6).

The success and limits of conditionality depend on multiple factors: the setting or not setting of an accession date, the perceived gains of EU memberships, the types of incentives used to continue negotiations and the patience displayed by both parties involved (national government and EU institutions) (Steunenberg and Dimitrova, 2007, p. 10).

Also some debate exists over the actual strength of coercive measures implied by conditionality. Theorists such as Pridham assert that conditionality is not coercive by nature “trades on persuasion and therefore influence. There is no element of coercion, although the ultimate sanction of aborted membership negotiations can be effective. An element of formal constraint does gradually enter relations once agreements are made (notably with Association) and entry negotiations start to produce decisions. But the main limitation on conditionality relates to the transition path being played out in individual countries.” (Pridham, 1999, p. 1223). Other theorists however do presuppose some various degrees of coercion as part of conditionality (Agné, 2009, p. 4-5). A useful analytical separation is between coercion to become an

EU member and coercion to comply with conditionality.

As far as Romania is concerned, the “choice” to become an EU member state could be viewed cautiously. As Agne states “A country may be unable to abstain from membership not because of what the EU does, but because of what some other international power threatens to do – or because of structural constraints within the country itself.” (Agné, 2009, p. 9) and Romania’s tough economical and humanitarian crisis in the early 1990’s do not paint a picture of many choices. At the same time, while Romania has been the subject of tough monitoring and safeguard clauses and while future sanctions are possible, the accession happened and Romania became an EU member state.

Conclusions and Contributions

The contributions in this issue of *Journal of Political Studies Politikon*, our first issue, aim to illustrate various issues relevant for Romania’s accession and underline directly or indirectly various aspects of conditionality and the European Union context. We believe know-how regarding the European Union and Romania’s status as a EU member state needs to be enriched and this is why we decided to include a book review in our issue, signaling valuable work published in Romania.

The first two contributions, written in Romanian, set out the background of this issue. Prof. Mazilu's analysis focuses on the European Union as a transnational structure marked by debates surrounding its future, may it be a federative or a confederative one. The arguments are set in the context of the current financial crisis. Prof. Chiriac's study presents the general global picture of states that find themselves in post-conflict situations and the implications for their democratization process.

The next set of contributions, written in English, underline various aspects concerning the interplay between the European Union's path and Romania's past and future evolution and Europeanization. Prof. Bahrin's contribution aims to present the main features of the European Union's energy policy and Romania's specific objectives and efforts in the field.

At the same time the process of Europeanization impacts both policies and political actors and Ioana Dodi's article questions the way in which the National Liberal Party's behavior regarding women's access to political participation is influenced

or not by the Alliance of Liberals and Democrats for Europe, its European political family. Gender equality proved to be an important featured subject of several contributions in this issue. Miruna Pantel's study aims to introduce an ethical framework of the capabilities approach to assess Romania's evolution after the EU adoption of the Strategy of Equality between Women and Men. Mirroring similar concerns regarding gender equality Andreea Bragă analyses the ways in which conditionality managed to consolidate gender-oriented policies in Romania and how political actors lack of interest in the issue led to the loss of progress in the field.

Through this first issue of the Journal of Political Studies *Politikron*, we aim to encourage debate and research concerning Romania's current political and social context. In this inaugural issue we believed it would be suited to address Romania's policies and evolution in a European Union context. We hope to stimulate new discussions regarding Romania's Europeanization and EU's conditionality background, in order to uncover new dimensions of this relationship.

BIBLIOGRAPHY

- Agné, Hans, 2009. *European Union Conditionality: Coercion or Voluntary Adaptation?*, in *Alternatives: Turkish Journal of International Relations*, Vol. 8, No. 1, Spring 2009
- Bărbulescu, Iordan Gheorghe (coord.) et al., 2010. *The Lisbon Treaty. Impact on Romanian Institutions and Policies*, European Institute of Romania, Bucharest

- Bărbulescu, Iordan Gheorghe and Răpan, Daniela, 2009. *Trilingual Dictionary of the European Union*, Iași: Polirom
- Crowther, William, 2003. *The European Union and Romania: the politics of constrained transition* in Paul Kubicek (ed) *The European Union and Democratization*, Routledge, New York, pp. 87-110
- European Council in Copenhagen, *Conclusions of the Presidency*, 21-22 June 1993
- Kubicek, Paul, 2003a. *International norms, the European Union, and democratization: tentative theory and evidence.* in Paul Kubicek (ed) *The European Union and Democratization*, Routledge, New York, pp. 1-29
- Kubicek, Paul, 2003b. *Conclusion: the European Union and democracy promotion.* in Paul Kubicek (ed) *The European Union and Democratization*, Routledge, New York, pp. 197-215
- Marktler, Tanja, 2005. *The Power of the Copenhagen* in *Croatian Yearbook of European Law and Policy*, Vol.2, pp. 311-342
- Pridham, Geoffrey, 2007. *Unfinished Business? Eastern Enlargement and Democratic Conditionality*, Working Paper, FRIDE
- Pridham, Geoffrey, 1999. *Complying with the European Union's Democratic Conditionality: Transnational Party Linkages and Regime Change in Slovakia, 1993-1998*, *Europe-Asia Studies*, Vol. 51, No. 7 (Nov., 1999), pp. 1221-1244
- Schimmelfennig, Frank and Sedelmeier, Ulrich, 2004. *Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe*, in *Journal of European Public Policy* 11:4 August 2004: 669-687
- Steunenberg, Bernard; Dimitrova, Antoaneta, 2007. *Compliance in the EU enlargement process: The limits of conditionality*, in *European Integration online Papers* (EIoP) Vol. 11 (2007) N°5; <http://eiop.or.at/eiop/texte/2007-005a.htm>.

Partea I
Științe Politice și Studii Interdisciplinare

Part I
Political science and interdisciplinary studies

UNIUNEA EUROPEANĂ – O CONSTRUCȚIE CU VALENȚE COMPLEXE, AFLATĂ, ÎN PREZENT, SUB IMPACTUL CRIZEI ECONOMICO-FINANCIARE GLOBALE

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Abstract: *In this study has been demonstrated that the European Union is an economic structure, inspired from cultural, religious and humanistic inheritance of Europe, with confederative values and federative ambitions.*

This structure represents a guarantee of maintenance of identity and traditions of each Community. At this moment, the Member States of the European Union accept the confederative system, but not yet the federative system. In an important chapter of the study an analysis of the new European Treaty on fiscal governance has been developed, indicating the main consequences for each member State.

Keywords: *economic structure; cultural, religious and humanistic inheritance; confederative; federative; European Union; fiscal governance.*

Rezumat: *În studiul prezent s-a demonstrat faptul că Uniunea Europeană este o structură economică, inspirată de o moștenire culturală, religioasă și umanistă a Europei, cu valori confederale și ambiții federale.*

Această structură reprezintă o garanție a păstrării identității și tradiției pentru fiecare comunitate. În acest moment, statele membre ale Uniunii Europene sunt de acord sistemul federativ, dar nu acceptă sistemul federal.

Cuvinte cheie: *structură economică, moștenire culturală, religioasă și umanistică. Confederativ, federativ, Uniune Europeană, guvernarea europeană.*

Unitatea în diversitate reprezintă construcția promovată prin toate înțelegerile și tratatele convenite de statele membre ale Uniunii Europene¹, dând expresie voinței popoarelor

membre de a-și menține identitatea lor națională², tradițiile comunităților

¹ Art. 2, *Tratatul de la Lisabona de modificare a Tratatului privind Uniunea Europeană și a Tratatului de Instituire a Comunității Europene* (2007/C306/01).

² Charles de Gaulle – combătând tezele federalizării Continentului a demonstrat că se impune să se construiască o „Uniune a statelor europene care să-și păstreze și perpetueze și tradițiile proprii“, în *Integrare Europeană. Drept comunitar și Instituții Europene*, Ediția a V-a, Editura Lumina Lex, București, 2007, p. 68.

constitutive, unite prin valorile comune de apărut³.

1. O construcție economică cu valori multiculturale – garanție a menținerii identităților și tradițiilor Comunităților constitutive

Tratatul de la Lisabona consacră – încă din Preambulul său – că Uniunea Europeană se inspiră din „moștenirea culturală, religioasă și umanistă a Europei, din care s-au dezvoltat valorile universale care constituie drepturile inviolabile și inalienabile ale persoanelor, precum și libertatea, democrația, egalitatea și statul de drept”⁴.

Uniunea – se precizează în Tratat – instituie o piață internă, care „acționează pentru dezvoltarea durabilă a Europei, întemeiată pe o creștere economică echilibrată și pe stabilitatea prețurilor, pe o economie socială de piață cu grad ridicat de competitivitate, care tinde spre ocuparea deplină a forței de muncă și spre progres social”⁵.

Uniunea Europeană „respectă bogăția diversității sale culturale și lingvistice și veghează la protejarea

și dezvoltarea patrimoniului cultural european”⁶. Francis Fukuyama – unul din cei mai remarcabili analiști ai realităților lumii în care trăim – nota cu îndreptățire că valorile multiculturale se află la temelia dezvoltării democratice a Continentului european. Națiunile Europei – observa eminentul analist – își au izvoarele dezvoltării lor pașnice în „natura specifică a legitimității democratice”, și în „capacitatea de a satisface aspirația umană către recunoaștere”⁷. „Nevoia statelor democratice de a colabora pentru a promova democrația și pacea pe plan internațional este o idee la fel de veche ca însuși liberalismul”⁸.

Construcția economică cu valori multiculturale reprezintă o garanție a menținerii identităților și tradițiilor Comunităților europene constitutive⁹. Această construcție se întemeiază pe colaborarea statelor membre¹⁰. În concepția generalului Charles de Gaulle „opțiunile federaliste nu sunt realiste și contravin modului

³ Art. 1 a, *Tratatul de la Lisabona...*, *loc.cit.*

⁴ *Ibidem*, litera a, alin. 1, Preambul.

⁵ Alin. 3, art. 2, *Dispoziții generale*, *Tratatul...*, *loc.cit.* Se consacră în Tratat combaterea excluderii sociale și discriminărilor, promovarea justiției și protecției sociale (*Ibidem*).

⁶ *Ibidem*. Găsim în acest text al Tratatului – exprimată sintetic – ideea „unității în diversitate”.

⁷ Francis Fukuyama, *Către o Uniune pașnică*, în *Sfârșitul istoriei și ultimul om*, Colecția Gândirea Nouă, Editura Paideia, 1992, p. 274.

⁸ *Ibidem*, p. 275.

⁹ Uniunea fiind alcătuită din state ale căror Comunități naționale nu acceptă „topirea” identităților și tradițiilor de milenii într-o structură impusă prin subordonare.

¹⁰ Evocată de Francis Fukuyama pentru construcția democratică a unei *Uniuni pașnice*, *Op.cit.*, p. 275.

de gândire al europenilor privind statutul pe care ar dori să-l aibă în Europa Unită¹¹.

2. Uniunea va deveni o Federație de state sau își va continua sistemul confederativ, acceptat în prezent

Se știe că o construcție federativă este dorită cu ardoare de „birocrăția nealeasă de la Bruxelles”¹². O asemenea construcție și-o doresc și statele puternice economic din Uniunea Europeană și, în primul rând, Germania, dar nu și-o doresc statele mai mici din Uniune, cu toate că sporadic unii lideri ai acestora, cum este, de pildă, președintele României, consideră că ar trebui construite „Statele Unite ale Europei”¹³.

Se impune ca atunci când abordăm problema construcției europene – în esența ei – să avem în vedere implicațiile reale ale construcției fede-

rativ sau confederative. Remarcăm faptul că reprezentanții statelor în forurile europene au rezerve în acceptarea sistemului federativ¹⁴ nu numai pentru că îi cunosc implicațiile ci, mai ales, pentru că știu că popoarele pe care le reprezintă – nu au acceptat până acum și, după datele și informațiile existente, – nu vor accepta, cel puțin în anii ce vor veni, „pierderea identității lor naționale”, care s-ar „topi” în sistemul federativ pe care unii vor să-l construiască.

În baza marilor dicționare ale lumii, federația este definită „acea formă de organizare statală constând în asocierea mai multor state autonome, cu organizare proprie, care au un guvern central și organe de stat comune (cum este forma de organizare a Statelor Unite ale Americii sau forma de organizare a Federației Ruse). Aceleași dicționare de referință¹⁵ definesc confederația drept „o uniune de state sau de unități teritoriale autonome sau independente, având anumite organe ale puterii (parlamente, unele instituții limitate convenite de comun acord) care au atribuții limitate, conferite

¹¹ Charles de Gaulle, *Op.cit.*, p. 68.

¹² Pentru „birocrăția nealeasă de la Bruxelles”, o construcție federativă ar prezenta cel puțin trei avantaje: *a.* ar conferi puteri decizionale Bruxelles-ului, care ar deveni Capitala Federației; *b.* ar stabili noi praguri ierarhice pentru funcționarii noii structuri federative; *c.* ar ridica nivelul retribuțiilor – și așa destul de greu de suportat de statele membre – ca urmare a extinderii atribuțiilor acestor funcționari, care au ajuns, în prezent, la 27.000.

¹³ Traian Băsescu, *Declarație cu privire la opțiunile cele mai adecvate pentru construcția europeană*, Sulina, iunie 2010. Tabăra de vară pentru tinerii români care trăiesc în diaspora.

¹⁴ Exprimându-și opțiunea pentru construirea Statelor Unite ale Europei, Președintele României a susținut că se impune „depășirea rezervelor existente” pentru ca Uniunea Europeană să poată funcționa mult mai performant (Ibidem, Cedarea de suveranitate asigură viitorul Uniunii Europene).

¹⁵ *Marea Enciclopedie Britanică; Marea Enciclopedie Franceză* precum și alte dicționare, cum este, de pildă, *Cartier*.

prin înțelegeri negociate de statele componente, care își păstrează suveranitatea și independența lor națională“.

Așadar, Uniunea Europeană nu este o federație, ci mai mult o confederație, căreia liderii europeni încearcă din răspuțeri să-i confere tot mai multe competențe, prin care – în fapt, o apropiere de sistemul federativ¹⁶. Deși este o „Uniune de state“, cum se definește confederația, încercarea de a impune o guvernare economică sau fiscală ține mai mult de atribuțiile unei federații. Și numai pentru a menaja susceptibilitățile unor state membre, Consiliul European a recurs la conceptul de „guvernare“ pentru a evita o realitate implicată: un executiv european, adică „un Guvern european“¹⁷.

3. Summit-ul din 8-9 decembrie 2011 pentru promovarea unui nou Tratat al Uniunii

Analiză avizată ai construcției europene au constatat că în lunile noiembrie-decembrie 2011 au avut loc demersuri diplomatice susținute pentru a se explica nevoia unui „nou Tratat de stabilitate“, care viza „o

¹⁶ Se constată că unele decizii ale anumitor instituții europene – cu deosebire ale Consiliului European și ale Comisiei Europene – țin mai mult de un sistem federativ, decât de unul confederativ.

¹⁷ În condițiile în care cei mai mulți cetățeni europeni nu disting în substanța lor deosebiriile dintre federație și confederație.

guvernare fiscală“ pentru: **a.** Prevenirea unor evoluții similare celor din Grecia; **b.** salvarea monedei euro de la prăbușire; **c.** încercarea de a consolida relațiile politice din Uniunea Europeană, demonstrând celorlalți parteneri, mai ales celor din Statele Unite care îi prevăd destrămarea, că această construcție va supraviețui crizei actuale și că va găsi resursele interne de redresare.

Preocuparea explicită a Cancellariilor politice și diplomatice din Germania și Franța a reprezentat-o „împiedicarea destrămării zonei euro“, dar preocuparea celor mai multe state din uniune privește implicațiile „Guvernanței fiscale“ – care reprezintă obiectivul noului Tratat de stabilitate – asupra exercitării suveranității.

În ultimele luni ale anului 2011 confruntările de opinii cu privire la soluțiile care ar putea fi adoptate pentru salvarea monedei europene s-au concentrat asupra posibilității adoptării unui „federalism bugetar“¹⁸ sau asupra opțiunii de a acorda „mai multe puteri supranaționale Bruxelles-ului“.

Francezul Jacques Attali susține că pentru a evita „prăbușirea sistemului financiar occidental“ – în condițiile în care guvernele nu par pregătite să evite o astfel de tragedie – „de ce să nu cerem atunci Parlamentului să se reunească în sesiune extraordinară, să se declare «Adunare

¹⁸ Care ar marca un pas important în direcția constituirii unei Federații Europene.

constituantă» votând crearea unui adevărat federalism bugetar, de care depinde supraviețuirea a tot ceea ce am construit, din momentul în care Europa a renunțat la barbarie. Nu cu atât de mult timp în urmă¹⁹.

Radicalismul fostului președinte al Băncii Europene de Reconstrucție și Dezvoltare (B.E.R.D.) nu este însă împărtășit de oficialii francezi. De pildă, Valérie Pécresse, ministrul francez al bugetului și purtătorul de cuvânt al Guvernului Sarkozy, a declarat că „ceea ce vrem noi este mai multă disciplină bugetară, dar o **disciplină exercitată de state**, cu participarea reală a parlamentelor naționale. Nu se pune problema transferului de suveranitate²⁰. Ea s-a pronunțat pentru ca toți membrii Eurozonei să adopte o „**regulă de aur**“ constituțională prin care guvernele să fie obligate să-și echilibreze bugetele, care să fie controlate de jurisdicția statelor. Controlul instituțiilor europene să fie acceptat, dar dreptul de a aplica sancțiuni judiciare „să rămână în mâinile statelor membre²¹.

Germania se pronunță ferm pentru acordarea mai multor puteri Bruxelles-ului, așa încât instituțiile europene „să aibă puterea de a aplica

reguli bugetare“. În optica Angelei Merkel se impune instituirea unei „uniuni fiscale“²², idee pe care președintele Nikolas Sarkozy nu o acceptă.

Totuși, Germania și Franța sunt de acord că trebuie promovate propuneri comune de reformă economică și bugetară în țările Eurozonei, ceea ce implică unele modificări ale Tratatului Uniunii Europene. Prin aceste modificări – a precizat președintele Franței – nu trebuie să se înțeleagă acceptarea unor asemenea „puteri supranaționale asupra bugetelor în toate cazurile“. O asemenea „intruziune a Comisiei Europene s-ar putea aplica – subliniază președintele Sarkozy – numai unor țări ca Grecia care au primit ajutor din partea Uniunii Europene și Fondului Monetar Internațional“²³.

Chiar în dezbaterile din 8-9 decembrie 2011 s-au exprimat rezerve, nu numai din partea Marii Britanii și Cehiei, dar și din partea liderilor altor state membre.

4. „Mai bine un bulldog britanic, decât un pudel de la Bruxelles!“²⁴

¹⁹ Jacques Attali este considerat un promotor fervent al „Statelor Unite ale Europei“. El este susținut în acest demers de mai mulți decidenți din sistemul bancar european.

²⁰ Valérie Pécresse, *Declarație la 30 noiembrie 2011*.

²¹ *Ibidem*.

²² Angela Merkel, *Statement la Summit-ul de la Bruxelles*, 8-9 decembrie 2011.

²³ Nikolas Sarkozy, *Declarații în timpul campaniei electorale din 2012*, februarie-martie 2012.

²⁴ Mark Pritchard, *Declarație la revenirea Premierului David Cameron de la Summit-ul din 8-9 decembrie 2011*.

Există – după Summit-ul din 8-9 decembrie 2011 – o îngrijorare tot mai extinsă cu privire la faptul că aplicarea noului Tratat ar putea pune în cauză suveranitatea națională a statelor membre ale Uniunii Europene. Chiar și acei lideri care au apreciat că tratatul ar fi bine venit, au declarat că „vor întâmpina dificultăți în efortul de a convinge forțele politice din țările lor să accepte dispozițiile acestui Tratat“, deoarece unele dintre ele – mai ales acelea privind avizarea și controlul bugetelor – le încalcă suveranitatea.

Premierul Irlandei, Enda Kenny a adus la cunoștință că – în țara sa – Tratatul ar putea fi supus referendumului. În Danemarca, cei doi parteneri de coaliție ai premierului Helle Thorning-Schmidt, susțin că Tratatul ar trebui supus referendumului. În același timp, oficiali austrieci consideră că – date fiind unele prevederi ale Tratatului prin care este pusă în cauză suveranitatea Austriei – acest Tratat ar trebui supus unui referendum. Chiar și în Franța se exprimă rezerve față mai ales de acele dispoziții din Tratat prin care Comisiei Europene îi sunt acordate „drepturi de control“ asupra bugetelor naționale²⁵.

Se știe, însă, că poziția cea mai tranșantă de respingere a Tratatului a avut-o premierul britanic, David

Cameron. Poziția sa a fost apreciată de cei mai mulți membri ai propriului partid. La revenirea sa la Londra, David Cameron – căruia Președintele francez a evitat să-i dea mâna la încheierea Summit-ului, un gest diplomatic inacceptabil – a fost primit ca un erou, pentru modul în care a apărat drepturile suverane ale Marii Britanii. „Mai bine un bulldog britanic, decât un pudel de la Bruxelles!“²⁶, a declarat Mark Pritchard. Mai mult, 62 la sută dintre britanici consideră că David Cameron a avut dreptate, exercitându-și veto-ul, iar în cazul unui referendum pentru ieșirea Marii Britanii din Uniunea Europeană numai 33 la sută s-ar împotrivi.

5. Problema locului Greciei în zona Euro

Este cunoscut că problema locului Greciei în zona euro rămâne, în continuare, una din cele mai controversate, deoarece, costurile menținerii sunt foarte ridicate financiar, iar costurile politice ar putea fi îngrijorătoare. Cancelarul german, Angela Merkel susține că „ieșirea Greciei din zona euro ar pune în cauză nu numai această construcție financiară, ci

²⁵ Valérie Pécresse, *Declarație la 30 noiembrie 2011*, regăsită, în conținut, în Declarațiile Președintelui Sarkozy din martie 2012.

²⁶ Mark Pritchard, *Declarație la revenirea Premierului David Cameron de la Summit-ul din 8-9 decembrie 2011*. Ceea ce trebuie remarcat este faptul că declarația lui Mark Pritchard a fost primită cu aprobare din partea multor membri ai partidului de guvernământ britanic.

chiar construcția europeană, în ansamblul ei²⁷.

Evident, nu doar complicata probleme financiare ale Greciei au determinat liderii europeni să se concentreze asupra unor reglementări prin care să se implementeze „guvernanța fiscală”²⁸.

Alte state membre au adus în atenția instituțiilor europene probleme financiare destul de grave, ca urmare a gestionării defectuoase a mijloacelor financiare proprii, precum și a fondurilor europene²⁹. Este vorba de Portugalia, de Irlanda, de Spania și chiar de Italia.

Dezbaterile europene privind statutul Greciei se referă la: **a.** Salvarea acestui stat european de la faliment; **b.** consecințele falimentului Greciei dacă ar fi acceptat; **c.** cine să suporte costurile menținerii Greciei în zona euro³⁰.

Atât Germania, cât și alte state membre ale Uniunii Europene au nu doar un interes politic pentru menținerea Greciei în zona euro. Grupurile financiare din aceste țări sunt destul

de serios implicate în afaceri economice și comerciale în Grecia, iar falimentul Greciei ar afecta economiile țărilor respective.

În Grecia – și în alte țări europene – se discută în modul cel mai serios ieșirea acestei țări din zona euro³¹. Cel puțin două rațiuni explică această opțiune: **a.** costurile celorlalte state din zona euro ar fi stopate în cazul în care n-ar mai fi menținută Grecia în această zonă; **b.** Grecia s-ar putea întoarce la moneda sa națională, fiind îndrituită să emită cât consideră necesar prin Banca Națională a Greciei pentru cheltuieli proprii și pentru comerțul cu alte țări.

Liderii europeni – când insistă pentru „guvernanță fiscală” – au în vedere: **a.** consecințele financiare ale ieșirii Greciei din zona euro, efectul de contagiune neputând fi oprit; **b.** consecințele politice pentru Uniune, deoarece – cum doamna Merkel observa – întreaga construcție europeană ar putea fi pusă sub semnul întrebării. Așa se explică faptul că miniștrii de finanțe din zona euro s-au pronunțat – la reuniunea din februarie 2012 – pentru cel de-al doilea pachet de salvare a Greciei în valoare de 130 miliarde de euro.

În concluzie, considerându-se că „guvernanța fiscală” constituie, în prezent, preocuparea principală a liderilor care au lansat noul Tratat, reprezentanții statelor membre, inclusiv cei ai României, ar trebui: **1.** să analizeze cu atenție dispozițiile

²⁷ Angela Merkel, *Statement on November 18th, 2011*.

²⁸ Care ar însemna, de fapt, un „Federalism bugetar”.

²⁹ George Soros, Președintele Soros Fund Management, *Problemele economiei europene au intrat într-un con de umbră, însă ele se agravează pe zi ce trece*, Declarație la 11 aprilie 2012. A se vedea și analiza de referință făcută de Elena Dumitru, *Criza euro într-o fază letală*, în *Adevărul* din 13-15 aprilie 2012.

³⁰ Obiectivele urmărite sunt corecte, dar lipsesc soluțiile practice de promovare a lor.

³¹ George Soros, *Op.cit.*, loc.cit.

acestui Tratat, înainte de a se pronunța asupra lui; **2.** să evalueze cu rigoare consecințele acestor dispoziții pentru propria țară; **3.** să consulte nu numai toate forțele politice, dar și populația cu privire la statutul țării în configurația europeană, după acceptarea „guvernanței economice“, „guvernanței fiscale“ ori a altei forme de guvernare promovată de la Bruxelles.

Cele câteva argumente asupra cărora ne-am oprit în studiul de față

sunt de natură să sublinieze că „Uniunea Europeană este o construcție economică, inspirată din moștenirea culturală, religioasă și umanistă a Europei, cu valori confederative și cu preocupări federative“. Rămâne de văzut dacă opțiunile liderilor europeni pentru promovarea unei guvernări fiscale vor da rezultatele așteptate pentru depășirea crizei cu care Uniunea se confruntă în prezent³².

BIBLIOGRAPHY

- *Tratatul de la Lisabona, 2007, varianta consolidată, Official Journal of the European Union, C 83, vol. 53, 30 martie 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>*
- Băsescu, Traian, Declarație cu privire la opțiunile cele mai adecvate pentru construcția europeană, Sulina, iunie 2010. Tabăra de vară pentru tinerii români care trăiesc în diaspora
- Dumitru, Elena, Criza euro într-o fază letală, în „Adevărul“ din 13-15 aprilie 2012
- Fukuyama, Francis, Către o Uniune pașnică, în „Sfârșitul istoriei și ultimul om“, Colecția Gândirea Nouă, Editura Paideia, 1992
- *Marea Enciclopedie Britanică*
- *Marea Enciclopedie Franceză*
- Mazilu, Dumitru, *Integrare Europeană. Drept comunitar și Instituții Europene*, Ediția a V-a, Editura Lumina Lex, București, 2007
- Merkel, Angela, *Statement la Summit-ul de la Bruxelles*, 8-9 decembrie 2011
- Merkel, Angela, *Statement on November 18th, 2011*
- Péresse, Valérie, *Declarație la 30 noiembrie 2011*
- Pritchard, Mark, Declarație la revenirea Premierului David Cameron de la Summit-ul din 8-9 decembrie 2011
- Sarkozy, Nikolas, *Declarații în timpul campaniei electorale din 2012*, februarie-martie 2012
- Soros, George, Președintele Soros Fund Management, *Problemele economiei europene au intrat într-un con de umbră, însă ele se agravează pe zi ce trece*, Declarație la 11 aprilie 2012.

³² Avându-se în vedere că o asemenea guvernare reprezintă – în substanța reglementărilor sale – un „Federalism bugetar“.

LIMITELE DEMOCRAȚIEI REPREZENTATIVE ÎN SITUAȚIILE POST-CONFLICT

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Abstract: *In the contemporary society, the issue of state democratization became a central theme for political systems. A clear cause is represented by the end of the Cold War. That generated, among other consequences, a complex process of democratization on the totalitarian states from Centre and Southern-East Europe, some of which going through a post-war phase. From this point of view I must emphasize that in the contemporary society, there are states in post-conflict situations on almost all continents. This situation generates a number of limitations in the process of democratization of the respective states.*

Keywords: *post-conflic states, reform of post-conflict society, democratization process, democratization limits.*

Rezumat: *În societatea contemporană problema democratizării statului a devenit o temă centrală pentru sistemele politice. O cauză evidentă este sfârșitul Războiului Rece care a generat, printre alte consecințe și un proces complex de democratizare a statelor totalitare din centrul și sud-estul Europei, unele dintre acestea parcurgând o etapă post-conflict. Din acest punct de vedere trebuie evidențiat faptul că în societatea contemporană, aproape pe toate continentele au existat și există state aflate în diferite situații post-conflict. Această stare generează o serie de limite în procesul democratizării acestor societăți.*

Cuvinte cheie: *state post-conflict, reformă a societății post-conflict, proces de democratizare, limitele democratizării.*

Contextul politic contemporan este definit de un val de democratizare început în 1974, care face ca, în peste 60 de țări din Europa de Sud și de Est, din America Latină, Asia și Africa¹ regimuri autoritare să fie

înlocuite cu regimuri de natură democratică. Cu toate că multe dintre noile democrații sunt societăți fragile în care succesul democratizării este încă incert, putem afirma că democrația a devenit unica sursă admisă de legitimitate politică (Zakaria,

¹ Schimbările de regim produse în anul 2011 de mișcările populare din Nordul Africii și Orientul Apropiat, cunoscute sub numele „primăvara arabă” sunt considerate de unii autori a fi începutul unui al patrulea

val de democratizare. Vezi de exemplu Larry Diamond, 'A Fourth Wave or a False Start? Democracy after the Arab Spring', în *Foreign Affairs*, Mai, 2011, 23.

2009, 13), pentru cea mai mare parte a lumii.

Huntington identifică cinci schimbări care au avut loc în anii 60-70 și care au avut probabil ca efect democratizarea din anii 70-80:

1. Deteriorarea legitimității sistemelor autoritare, datorită performanțelor economice slabe sau datorită înfrângerilor militare;

2. Creșterea economică fără precedent din anii 60, care a dus la creșterea standardelor de viață, a educației și a clasei de mijloc;

3. Schimbarea doctrinei Bisericii Catolice de la prezervarea *status quo*-ului la promovarea reformei sociale, politice și economice;

4. Schimbarea politicii actorilor externi (cum ar fi SUA și Uniunea Europeană) către promovarea drepturilor omului și democrației în alte țări, precum și schimbarea indusă de Gorbaciov în politica sovietică;

5. ”Efectul bulgărilor de zăpadă” sau efectul demonstrativ al primelor democratizări din al treilea val, care furnizează modele pentru alte țări; efect potențat de dezvoltarea a noi mijloace de comunicare internațională. (Huntington, 1991, 21-26)

Acest val de democratizare reprezintă o mare provocare atât pentru teoria relațiilor internaționale cât și pentru politicile externe ale democrațiilor consolidate. Promovarea democratizării a devenit un argument central în intervențiile militare din prima decadă a acestui mileniu.

Sume enorme sunt cheltuite pentru organizarea de alegeri și pentru procesele de formare și consolidare a instituțiilor democratice și a societății civile. Toate aceste eforturi sunt o consecință a credinței că „democrația aduce stabilitate” și că „buna guvernare” este sinonimă cu guvernarea democratică, însemnând că, fără alegeri libere și conducători care pot fi trași la răspundere de cetățeni, statele tind să fie dezbinat și conflictuale în relațiile cu vecinii (Reynolds, 2011, 1). Pacea și stabilitatea depind de capacitatea sistemului politic de a soluționa conflictele, prin designul unor instituții statale a căror legitimitate este recunoscută de către populație în ansamblul său și de către grupurile minoritare.

Multe din statele în tranziție către democrație se prăbușesc în conflict intern sau în noi forme de autoritarism. Interesul academic s-a orientat către factorii care explică această fragilitate sau care, dimpotrivă, duc la consolidarea procesului de democratizare. S-au conturat astfel distincții importante între democratizare (sau tranziția către democrație), liberalizare politică și consolidare.

Liberalizarea politică promovează libertățile civile și abia într-o mică măsură cele politice. Este de obicei un proces declanșat de sus în jos, de lideri politici care doresc să păstreze puterea, dar nu riscă să se expună incertitudinilor instituționale

implicate de organizarea de alegeri libere. Liberalizarea nu are drept consecință neapărată un proces de democratizare.

Democratizarea sau tranziția către democrație este de obicei definită prin introducerea unor aranjamente instituționale și legale necesare pentru organizarea de alegeri libere. Democratizarea implică și anumite procese de liberalizare, care fac posibilă competiția politică, precum și participarea și exprimarea liberă a votului cetățenilor, având deci un sens de jos în sus. Însă, democratizarea se poate limita la organizarea de alegeri libere, fără a avea drept consecință instaurarea statului de drept, a răspunderii executive și a transparenței în actul de guvernare. Zakaria denumește un astfel de regim politic democrație *neliberală* și consideră că acesta este modelul cel mai frecvent întâlnit în rândul noilor democrații (Zakaria, 2009).

Liberalizarea și democratizarea pot avea loc simultan, de regulă atunci când are loc disoluția rapidă a unui regim autocratic. Nu există o cauzalitate sau o succesiune clară între procesele de liberalizare și democratizare; ele sunt caracterizate de fluiditate și incertitudine, democrația nefiind asigurată.

Consolidarea apare atunci când democrația devine singura regulă acceptată în societate și presupune nu numai proceduri de guvernare, dar și drepturi substanțiale (Linz, Stepan, 1996, 66). Consolidarea este asociată

cu longevitatea și calitatea proceselor democratice. Posibili indicatori calitativi ai proceselor democratice sunt funcționarea instituției parlamentare, drepturile minorităților sau politicile de gen. O definiție minimalistă a consolidării democrației este încrederea populației în continuitatea regimului politic. O viziune mai exigentă asupra conceptului, face referire la incorporarea principiilor democratice în sfera publică și cea privată, în domeniile economic, politic și social (Burnell, 2001, 261).

Robert Dahl a identificat zece avantaje majore care fac democrația preferabilă oricărei alternative posibile: evitarea tiraniei, drepturi esențiale, libertate generală, autodeterminare, autonomie morală, dezvoltare umană, protejarea intereselor personale esențiale, egalitatea politică, atitudine favorabilă păcii și prosperitate (Dahl, 2003, 46).

Democratizarea înseamnă construirea unui **stat** democratic. Samuel – Huntington subliniază că, spre deosebire de forme anterioare, democrația modernă este o democrație a statului-națiune, și apariția ei este asociată cu apariția statelor națiune (Huntington, 1991, 13). Robert Dahl afirmă și el că statul reprezintă de mult timp punctul principal al ideilor democratice. Statul este întruchiparea și esența puterii politice, iar instituțiile politice caracteristice democrației au apărut ca mijloace de democratizare a guvernământului statelor (Dahl, 2003, 43). Pentru o democratizare

consolidată a statului sunt necesare trei procese (Grugel, 2008, 78-79):

1. Transformarea instituțională (designul constituțional al statului);

2. Transformarea reprezentativității (mecanismele care determină cine influențează politicile și față de cine este statul responsabil);

3. Transformarea funcțională (care determină aria de responsabilitate a statului).

Distincția esențială între statul democratic și statul autoritar este aceea că, folosirea violenței în statul democratic este o măsură de ultimă instanță, cel puțin față de cetățenii proprii. Statele democratice sunt mai puțin prezente în viețile oamenilor ca forță de coerciție; sunt mai raționale, mai ordonate și mai previzibile (Grugel, 2008, 78).

Statele post-conflict sau aflate în primele faze ale tranziției de la o dictatură la un sistem democratic sunt vulnerabile și instabile, reprezentând un teren favorabil pentru conflict, intern și internațional. Numai statele cu instituții puternice, cum ar fi o birocrăție funcțională și un sistem judiciar incipient, au trecut cu succes prin procese de democratizare, reușind să rămână pacifice. De aceea, eforturile de democratizare trebuie să urmeze o secvență temporală determinată, în care construirea instituțiilor să preceadă organizarea de alegeri populare competitive. Nerespectarea acestei succesiuni riscă să producă conflict

violent, pe termen scurt, dar și să permită articularea unor forțe politice liberale, cu capacitatea de a bloca consolidarea democrației pe termen lung.

Procesul de democratizare în perioada post-conflict presupune configurarea și implementarea unor mecanisme democratice de distribuire a puterii dinspre un grup limitat de lideri politici către colectivități, grupuri de interese și cetățeni. Apare în consecință o rezistență a elitelor politice la acest proces de redistribuire a puterii pe verticală, și o interacțiune dificilă între elite și cetățeni, care încearcă să influențeze aceste mecanisme în direcția unei participări active și inclusive în viața politică.

Alegerile par a soluționa aceste tensiuni, dar, deși necesare, nu sunt și suficiente pentru o democrație consolidată. Samuel Huntington scria în 1968: *”Instituțiile politice au și dimensiuni morale pe lângă cele sociale... Morala înseamnă încredere; încrederea atrage predictibilitate; iar predictibilitatea implică modele de comportament regularizate și instituționalizate. Fără instituții politice solide, societatea este lipsită de mijloacele necesare pentru a își defini și realiza interesele”* (Huntington, 2006, 24).

În consecință, pentru ca alegerile democratice să fie benefice pentru societate ele trebuie să fie organizate abia după ce societatea respectivă atinge un anumit nivel de organizarea

politică. *”Problema nu este a organiza alegeri, ci a crea organizații”* (Huntington, 2006, 7). O societate cu instituții politice slabe nu are capacitatea de a modera excesele intereselor personale și parohiale. În sprijinul argumentelor sale, Huntington îl citează la rândul lui pe James Madison care în 1788 scria în faimosul său eseu *Federalistul Nr. 51*, pledând pentru necesitatea separației puterilor în stat, că *”marea dificultate este a face guvernul capabil să îi controleze pe cei guvernați; abia pasul următor este să îl oblige să se autocontroleze”*.

”Să presupunem că au loc alegeri libere și corecte, iar cei aleși sunt rasiști, fasciști și separatiști. Asta e dilema” spunea diplomatul american Richard Holbrooke despre Iugoslavia anilor '90 (Zakaria, 2009, 16). Scepticismul cu privire la democratizarea țărilor în perioada post-conflict a devenit foarte popular în lumea academică în ultimele două decenii, în ciuda evoluțiilor politice internaționale contrare, marcate de intervenții militare justificate prin necesitatea democratizării forțate a unor state, și de un număr semnificativ de programe de asistență internaționale pentru democratizarea statelor post-conflict, justificate prin logica păcii democratice.

Robert B. Kaplan argumenta, acum mai mult de o decadă, pe un ton aproape vehement, că democrația liberală a eșuat și va eșua în statele sărace, dar și că eforturile

internaționale pentru promovarea democrației nu fac altceva decât să transforme guvernele din țările respective în regimuri autoritare de un format/tip nou (Kaplan, 1997, 4). O serie de cercetări recente² arată într-adevăr că inegalitățile orizontale – între grupuri diferite politic, economic, etnic și ca identitate culturală, sunt o cauză frecventă a izbucnirii conflictelor violente. Acest tip de inegalități caracterizează aproape întotdeauna o societate post-conflict, chiar după mulți ani de la pacificare.

Concluzia lui Kaplan nu este că un regim dictatorial este mai bun decât unul democratic, ci faptul că o democrație cu șanse de succes apare numai ca o încununare a altor realizări sociale și economice. Democrația a apărut în lumea occidentală ca un imperativ moral, dar unul rezultat dintr-un proces organic de dezvoltare a societății (Tocqueville, 2004, 3). Alexis de Tocqueville descrie în a sa *„Democrația în America”* cum pentru a evita tirania

² Gudrun Østby, *Polarization, Horizontal Inequalities and Violent Civil Conflict*, *Journal of Peace Research* vol. 45, 2(2008): 143-162; Stewart, Frances, ed., *Horizontal Inequalities and Conflict: Understanding Group Violence in Multiethnic Societies*, New York: Palgrave Macmillan, 2008.; Stewart, Francis, ed., *Horizontal Inequalities: A Neglected Dimension of Development*, Working Paper 1, Centre for Research on Inequality, Human Security and Ethnicity (CRISE), 2002, accesat la 21 octombrie 2012, <http://www.crise.ox.ac.uk/pubs/workingpaper1.pdf>

și anarhia, elevata aristocrație europeană a trebuit să confere cetățenilor drepturi și responsabilități, pentru a structura o societate complexă în grupuri de interese competitive. Occidentul încearcă astăzi să impună acest imperativ moral în întreaga lume, forțând societăți imature să ardă etape care s-au consumat în democrațiile consolidate sute de ani. Kaplan spune că „*însuși faptul că recurgem la argumente morale – și adesea numai la argumente morale – pentru a justifica democrația indică că pentru multe părți ale globului argumentele istorice și sociale care să sprijine democrația sunt pur și simplu inexistente*” (Kaplan, 1991, 6).

Rezultatul este că procesele democratice impuse din afară slăbesc instituțiile statului și capacitatea lor de a asigura serviciile de bază și duc la haos. Numeroase exemple din Africa sub-sahariană sunt prezentate ca dovadă a acestei tendințe. Încurajarea unui sistem multipartinic într-un stat fragil sau post-conflict duce la formarea partidelor pe criterii tribale, religioase sau etnice, încurajând de fapt instituționalizarea acestor diviziuni. Alegerile nu pot fi câștigate decât prin discursul exclusiv și cultivarea conștiinței alterității: „*Democrația adesea slăbește statele pentru că necesită compromisuri ineficiente și coaliții fragile în societăți în care instituțiile birocratice nu au funcționat niciodată. Pentru că democrația nici nu formează și nici*

nu întărește statele, într-o fază inițială, sistemele multipartinice sunt potrivite pentru națiuni care au deja birocratii eficiente și o clasă de mijloc care plătește taxe, și unde chestiuni esențiale cum ar fi granițele și împărțirea puterii sunt deja rezolvate, lăsând politicienii să dispute bugetul și alte chestiuni secundare” (Kaplan, 1996, 61).

Un alt autor pesimist față de convingerile convenționale din anii '90 privind oportunitatea încurajării proceselor de democratizare în statele post-conflict este Fareed Zakaria (Zakaria, 2009, 42). El spune că este greu de găsit dovezi care să demonstreze că democratizarea consolidează pacea. Factorii care contribuie la stabilitatea unei democrații și la comportamentul ei pacific nu sunt aceiași cu cei care determină inițierea unui proces de democratizare. Democrațiile consolidate sunt mai puțin susceptibile de a declanșa un război cu vecinii, în schimb însă, democrațiile tinere par a avea șanse mari de a se angaja în violențe regionale, evoluția proceselor de democratizare fiind dependentă de calitatea liderilor politici și de dezvoltarea economică.

Într-o serie de articole și studii care au culminat cu volumul „*Alegând pentru a lupta*” politologii Edward D. Mansfield (1995) și Jack Snyder (1995) argumentează că noile democrații sunt adesea instabile și

beligerante³. Mansfield și Snyder au cules un volum impresionant de informații statistice despre țările care au trecut printr-un proces de democratizare în ultimii 200 de ani și au arătat cum democrațiile imature, aflate încă în tranziție, în care instituțiile statului nu sunt pe deplin formate și stabile, devin mai agresive și mai predispuse la război; exemplele lor merg de la dezastruosul atac francez asupra Prusiei în 1870, la invazia Ciprului de către Turcia în 1974 sau la politica brutală a lui Putin în Cecenia. Datele culese de ei arată că fostele regimuri autoritare în care se înregistrează progrese în participarea democratică, sunt de fapt mai predispuse să intre în război decât sunt regimurile democratice sau cele autoritare. Statele care fac schimbări semnificative rapide, de la o autocrație pură la o democrație de largă participare populară – exemplul dat de ei fiind Rusia – sunt de două ori mai predispuse decât statele care rămân autocrații, a intra într-un război în prima decadă care urmează schimbărilor democratice.

Explicația dată de ei este aceea că țările aflate în proces de democra-

³ A se vedea și Zeev Maoz și Nasrin Abdolali, *Regime Types and International Conflict, 1816-1976*, *Journal of Conflict Resolution*, 33:1(1989): 3-35; Michael D. Ward și Kristian S. Gleditsch, *Democratizing for Peace*, *American Political Science Review*, 92:1 (1998): 51-61.

tizare adesea nu pot asigura statul de drept, le lipsesc partidele politice bine organizate și o media profesională. Autoritatea instituțiilor statului este în general slabă și instabilă. Dispariția puterii autoritare, de obicei foarte concentrată, duce la apariția unor grupuri cu interese diferite, adesea conflictuale, între care nu se poate stabili rapid un echilibru de putere. Elitele preocupate de acapararea puterii (sau de evitarea pierderii ei) sunt tentate să mobilizeze masele în jurul unei agende naționaliste sau populiste, situație care se dovedește extrem de periculoasă într-o democrație neconsolidată. Fără instituții stabile și puternice, care să prevină excesele de discurs și comportament, a da putere populației înseamnă a alimenta tendințele belicoase naționaliste. Exemplul ilustrativ este dat de evenimentele din fosta Iugoslavie după prăbușirea comunismului, cu Slobodan Miloșević în Serbia și Franjo Tuđman în Croația, fiecare folosind naționalismul populist pentru a ajunge și a se menține la putere, cu prețul de a începe un conflict sângeros. Democratizarea este un proces extrem de dificil și de lung – uneori durând câteva decenii, și fără garanția că la sfârșitul lui se ajunge inevitabil la o democrație consolidată.

Tranzițiile incomplete (blocate înainte de a se ajunge la o democrație consolidată) în țări în care instituțiile guvernamentale sunt slabe, cresc

probabilitatea implicării în conflicte internaționale de la patru până la 15 ori. Riscul ca statele în tranziție să se implice în conflicte violente rămâne crescut până când democrația este pe deplin consolidată⁴. Din păcate, reformele implementate în majoritatea proceselor de democratizare contemporane se opresc la introducerea unei democrații minime (organizarea de alegeri), neproducând state pe deplin democratice.

Anarhia internă care emerge după conflict trebuie înlocuită de procese de reconciliere, negociere și acceptare reciprocă între diferite grupări etnice și sociale. Însă analiza empirică a proceselor de stabilizare post-conflict scoate la lumină o discrepanță majoră între intențiile acestui imperativ și consecințele lui în realitate. Conflictele recent încheiate sunt adesea redeschise și exacerbate de natura pluralistă a societăților și de manifestarea competitivă a diverselor identități politice. Oricât de mult pot alegerile democratice contribui la progresul democratic, ele sunt de multe ori un declanșator al conflictului în statele fragile. Eforturile incipiente de

democratizare pot reprezenta chiar o sursă de insecuritate, atunci când competiția electorală între recenții semnatari ai unor acorduri de pace devine prilej pentru recurgerea la violență. De multe ori conflictele interne sunt alimentate de greșelile făcute în designul democratic în perioada post-conflict.

Majoritatea publicațiilor academice care se apleacă asupra subiectului democratizării în statele fragile și post-conflict abundă în descrieri sumbre ale perspectivelor procesului. Un număr semnificativ de autori au cules date empirice despre eforturile de democratizare în statele post-conflict sau în tranziție, demonstrând că acestea sunt deosebit de vulnerabile, prezintă un risc ridicat pentru conflict violent și generează insecuritate atât pentru propria populație cât și pentru alte state.

Tranziția către democrație este considerată de unii cercetători a fi chiar una din cauzele izbucnirii conflictelor, primele stagii ale democratizării dând mai degrabă naștere războiului decât păcii. Principalul motiv invocat este faptul că liderii politici încearcă să mobilizeze suportul maselor prin invocarea amenințărilor externe și prin folosirea unei retorici naționaliste beligerante. Unitatea națională este considerată a fi una din condițiile esențiale pentru declanșarea procesului de democratizare, ori majoritatea statelor post-conflict nu îndeplinesc această condiție. În

⁴ La rândul ei, teza lor este criticată. Analizând studiile de caz din *Electing to Fight* Gershman argumentează că nu democratizarea incompletă este cauza conflictului violent, ci sărăcia și slaba performanță economică. Statele autoritare sărace sunt de fapt la fel de predispușe spre conflict.

absența ei, democratizarea nu își poate îndeplini funcția de prevenire a conflictelor, ci dimpotrivă, poate stimula potențialul de conflict intern. Minorități, care se tem de posibile manifestări tiranice ale majorității, se simt îndreptățite să ceară ele însele autodeterminare națională, ca soluție de supraviețuire pe termen lung.

Acest scepticism academic surprinde prin contrastul față de politicile intervenționiste ale democrațiilor consolidate și față de programele de asistență desfășurate de organizațiile internaționale în statele post-conflict, în care adesea organizarea alegerilor este prezentată ca un panaceu care va rezolva toate problemele societăților dezbinat de război⁵.

Statele post-conflict se pot transforma relativ repede în democrații electorale, prin organizarea de alegeri libere și corecte. Dar constituționalismul liberal, care conferă substanță unei democrații, este un proces mult mai dificil de integrat în societate. Statul post-conflict rămâne caracterizat, chiar și după organizarea de alegeri, de un puternic dezechilibru între cele trei puteri, cea executivă dominând clar puterile legislativă și judiciară. Parlamentele sunt insuficient dotate cu resurse umane, tehnice, financiare, și, cel mai important, nu au voința politică pentru a-și folosi noile puteri

⁵ Această concluzie indică o ruptură inexplicabilă între lumea academică și politică.

constituționale și a își juca pe deplin rolul instituțional.

Programele de reformă în statele post-conflict sunt de obicei declanșate ca rezultat al misiunilor internaționale de sprijinire a păcii, și sunt dominate de actorii internaționali. Prezența străină este totodată dominată de elementul militar, în defavoarea celui civil, consecința fiind aceea că prioritate vor avea acele componente ale reformei care țin de construirea capacităților de apărare. Mai mult, principiile controlul democratic, ale buneii guvernări și ale responsabilității guvernamentale, parte integrantă a unei reforme democratice și profunde, sunt importate din țările donatoare de asistență, nu sunt dezvoltate organic în aceste societăți. O reformă a societății post-conflict, care urmărește ca obiective majore furnizarea eficientă a securității și controlul democratic, forțază societățile respective să ardă etape și într-un timp foarte scurt să internalizeze principii, reguli și atitudini care s-au dezvoltat în Vest de-a lungul a sute de ani. Relevanța factorilor culturali este adesea neluată în considerare suficient de serios în asistența pentru securitate.

Democrația este considerată o sursă importantă a securității. În teoria și practica relațiilor internaționale a devenit o axiomă faptul că sistemele democratice posedă instituții naționale care regularizează conflictele, astfel încât acestea sunt soluționate înainte de a deveni

violente, și prin extensie, înainte de a intra în conflict cu alte democrații.

Pe de altă parte, securitatea reprezintă condiția fundamentală pentru dezvoltarea capacității de guvernare a statului și pentru formarea unei societăți deschise, liberale, bazate pe statul de drept și economia de piață. Orice efort de democratizare sau bună guvernare este sortit eșecului într-un teritoriu marcat de război. Discursul politic al actorilor implicați în stabilizarea statelor post-conflict (organizații, donatori și coaliții internaționale pe de o parte, autorități naționale pe de alta), recunoaște această legătură între democrație și securitate, și pledează pentru sprijinirea instituțiilor și proceselor democratice, încă din primele etape ale procesului de reconstrucție post-conflict.

Aceste concluzii despre procesul de democratizare în statele post-conflict ridică în mod legitim mai multe întrebări de natură normativă:

➤ Care sunt condițiile care trebuie să fie îndeplinite înainte ca procesele democratice formale (în primul rând alegerile electorale) să devină utile și nu periculoase pentru o societate post-conflict?

➤ Cum pot procesele și instituțiile democratice instaurate într-o societate post-conflict să prevină reinstaurarea unor sisteme disfuncționale de distribuție a puterii?

➤ Cum poate asistența internațională sprijini procese și instituții democratice care să prevină reînnoirea la conflict?

Singurele răspunsuri de care dispunem sunt contextualizate, bazate pe o analiza multi-dimensională a situațiilor individuale specifice. Cercetarea academică dedică însă din ce în ce mai multă atenție analizei procesului de transformare democratică și problemelor sale în astfel de cazuri, în diferite regiuni ale globului. Nu au fost încă formulate teorii despre democratizare care să poată fi aplicate în mod universal. Mai mult, nu este examinat suficient rolul specific jucat în procesul de democratizare de diferite instituții naționale – cum ar fi armata, poliția, sistemul judiciar, mediul de afaceri sau partidele politice; sau de diferite politici guvernamentale – economică, de integrare etnică, de politică externă, de reformă a sectorului de securitate.

Problematika reformei sectorului de securitate are un rol extrem de important în depășirea limitelor democrației în situații post-conflict. Reforma sectorului de securitate este un concept larg și ambițios care se referă la ameliorarea relațiilor și arhitecturilor de securitate asociate democrației liberale. Reforma sectorului de securitate este considerată un mecanism pentru promovarea dezvoltării și păcii; ea este considerată o precondiție pentru atingerea stabilității și dezvoltării sustenabile în societățile afectate de conflict sau care se află într-un proces de tranziție de la un sistem autoritar la democrație.

Nicăieri nu este mai evident potențialul transformator al reformei sectorului de securitate de a contribui la stabilizarea păcii și la reconstruirea statelor decât în situațiile post-conflict.

Conceptul își revendică originile în două domenii diferite: relațiile civil-militare și asistența internațională pentru dezvoltare. Conținutul acestui concept este complex și necesită, cu siguranță, o abordare specială.

BIBLIOGRAPHY

- Burnell, Peter, 2001, *Democratization*. În *Politics in the Developing World*. Oxford: Oxford University Press.
- Dahl, Robert A., *Despre Democrație*. Iași: Institutul European, 2003.
- Grugel, Jean *.Democratizarea. O introducere Critică*. Iași: Polirom, 2008.
- Huntington, Samuel P. 1991. *The Third Wave. Democratization in the Late Twentieth Century*. Oklahoma: University of Oklahoma Press.
- Huntington, Samuel P. 2006. *Political Order in Changing Societies*.New Haven: Yale University Press.
- Kaplan, Robert M. 1996. *The Ends of the Earth*. New York: Random House.
- Kaplan, Robert M. *Was Democracy Just a Moment?* The Atlantic Magazin, December 1997, 4. Accesat la 12 decembrie 2011. <http://www.theatlantic.com/magazine/archive/1997/12/was-democracy-just-a-moment/6022/>.
- Linz Juan J., și Alfred Stepan. 1996. *Problems of Democratic Transition and Consolidation*. Baltimore: The John Hopkins University Press.
- Mansfield, Edward D. 1995 și Jack Snyder. *Democratization and the Danger of War*. *International Security*, 20:1():5-38.
- Mansfield, Edward D. 1995 și Jack Snyder. *Democratization and War*. *Foreign Affairs*, 74:279-97. Accesat la 23 octombrie 2012. <http://www.foreignaffairs.com/articles/50974/edward-mansfield-and-jack-snyder/democratization-and-war>
- Mansfield, Edward D. și Jack Snyder. 2005. *Electing to Fight. Why Emerging Democracies Go to War*. Cambridge: MIT Press Cambridge.
- Maoz, Zeev, și Nasrin Abdolali. 1989. *Regime Types and International Conflict, 1816-1976*. *Journal of Conflict Resolution*, 33:1: 3-35.
- Østby, Gudrun. *Polarization, Horizontal Inequalities and Violent Civil Conflict*. *Journal of Peace Research* vol. 45, 2(2008): 143-162.
- Reynolds, Andrew, 2011, *Designing Democracy in a Dangerous World*.Oxford: Oxford University Press.
- Snyder, Jack L. 2000, *From Voting to Violence: Democratization and Nationalist Conflict*. New York: W. W. Norton.

- Stewart, Francis, Ed. *Horizontal Inequalities: A Neglected Dimension of Development*. Working Paper 1, Centre for Research on Inequality, Human Security and Ethnicity (CRISE), 2002. Accesat la 21 octombrie 2012. <http://www.crise.ox.ac.uk/pubs/workingpaper1.pdf>.
- Stewart, Frances, Ed. 2008. *Horizontal Inequalities and Conflict: Understanding Group Violence in Multiethnic Societies*. New York:Palgrave Macmillan
- Zakaria, Fareed, 2009. *Viitorul libertății. Democrația neoliberală în Statele Unite ale Americii și în lume*. Iași:Polirom
- Ward, Michael D. și Kristian S. Gleditsch. 1998. *Democratizing for Peace*. *American Political Science Review*, 92:1: 51-61.

EUROPEAN UNION ENERGY POLICY

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Abstract: *The EU legislative package on EU's future policy in the field of energy – climate change was approved at the European Council Summit of 13 December 2008 and adopted at the plenary meeting of the European Parliament at 23 April 2009. The legislative package contains the objectives undertaken by the European Union within the European Council in 2007, with the aim of at least 20% reduction in emissions of greenhouse gases (GHGs) in the European Union, increase with 20% of the proportion of renewable energy sources (SRE) in the total energy consumption and increase of the energy efficiency by 20% in the period until 2020. From the legislative package targets 20/20/20, within the EU, Romania has specific objectives, among which the increased use of renewable energy from 17, 8% in 2005 to 24% in 2020, the diminish the Greenhouse gas emissions for ETS (big polluters) with 21% by 2020 and in the spirit of fairness between Member States, the permission to increase GHG emissions by 19% for non-ETS sectors (small polluters). It is estimated that the 20/20/20 targets of the package are very difficult to attain even for developed countries of the EU, and is therefore extremely difficult for a country like Romania, with an emerging economy. Over 50% of Europe's energy comes from countries outside the European Union - and the dependence is growing. Russia is one of the largest energy suppliers, and disputes with transit of exported products has caused in recent years, serious imbalances in supply. This warning indicates the need for the EU to closely monitor oil and gas reserves and be prepared in case of emergency energy. Among the priorities in the area include the development of the southern corridor, which could carry gas from the Caspian Sea region via Turkey. Through Communication no. 677 of 17 November 2010, the EU Commission proposed a series of energy corridors to link the EU's priority cross-border flow of electricity, gas and oil.*

Keywords: *European Union Energy Policy; Greenhouse gas (GHG); oil and gas pipeline; small polluters; energy sources (SRE).*

Rezumat: *Pachetul legislativ comunitar privind politica viitoare a UE în domeniul energiei – schimbări climatice a fost aprobat în cadrul Consiliului European din data de 13 decembrie 2008, adoptat la reuniunea plenară a Parlamentului European din data de 23 aprilie 2009. Pachetul legislativ prezintă obiectivele asumate de Uniunea Europeană în cadrul Consiliului European din anul 2007, respectiv reducerea cu cel puțin 20% a emisiilor de gaze cu efect de seră (GES) la nivelul Uniunii Europene, creșterea cu 20% a*

ponderii surselor de energie regenerabilă (SRE) în totalul consumului energetic, precum și creșterea eficienței energetice cu 20% în perioada de până în anul 2020. În cadrul țintelor 20/20/20 ale pachetului legislativ pe ansamblul UE, României îi revin și obiective specifice, între care creșterea utilizării surselor regenerabile de energie de la 17,8% în anul 2005, la 24% în anul 2020, reducerea emisiilor de gaze cu efect de seră pentru sectoarele ETS (marii poluatori) cu 21% și, în spiritul echității între statele membre, permisiunea de a crește emisiile de GES cu 19% pentru sectoarele non-ETS (micii poluatori). Se apreciază ca țintele 20/20/20 ale pachetului legislativ sunt de mare dificultate chiar pentru țările dezvoltate ale UE, fiind, ca urmare, extrem de dificile pentru o țară ca România, cu o economie emergentă. Peste 50% din energia Europei provine din țările aflate în afara Uniunii Europene - iar gradul de dependență este în creștere. Rusia este unul dintre cei mai mari furnizori energetici, iar disputele sale cu statele tranzitate de produsele exportate au provocat, în ultimii ani, dezechilibre grave în aprovizionare. Acest semnal de alarmă indică necesitatea ca UE să-și monitorizeze mai atent rezervele de petrol și de gaz și să fie pregătită în caz de urgență energetică. Printre prioritățile în domeniu se numără dezvoltarea coridorului sudic, prin care s-ar putea transporta gaz din regiunea Mării Caspice, trecând prin Turcia. Prin intermediul Comunicării nr. 677 din 17 noiembrie 2010, Comisia UE a propus o serie de coridoare energetice prioritare ale UE pentru interconectarea fluxului transfrontalier de energie electrică, de gaze și petrol.

Cuvinte cheie: Politică energetică a Uniunii Europene, gaze cu efect de seră, conducte de petrol și gaze, poluatori mici, surse de energie.

1. Introductory Remarks

The European Union is increasingly dependent on foreign sources of energy supplies which prove to be less reliable. After repeated quarrels between Russia and Ukraine, the oil market seems to be out of control, that is why now, Europeans can only try to respond to crises as well not only unexpected, but also increasingly frequent. An energy policy and strategy at EU level has become necessary for reasons pertaining to national security. [1]¹

¹ Aurel Leca. (coordinator) etc. *Energy management. Principles, concepts, policies, tools* (Bucharest: AGIR House, 2006)

So far 56% of total EU energy consumption is provided from imports (percentage will increase to 75% by 2030) and the percentage in the case of oil dependence on foreign sources is even higher: 75%.

The European Union enlargement process involves growth and development strategies of the States in order for them to adapt to the requirements imposed, and appropriate policies to legitimize and institutionalize these strategies.

The main elements of the acquis in the field of energy are: the EC Treaty and secondary legislation mainly on competition and state aid, the internal energy market (including

directives on electricity, price transparency, transport of electricity and natural gas, hydrocarbons, providing licenses, emergencies and mandatory existence of strategic stocks), nuclear energy, energy efficiency and environmental protection sector.

The *Acquis communautaire* in the field of nuclear energy consists of a framework of political and legal instruments, including international agreements. Currently, they are focused on the health and safety, including radiation protection, security of nuclear installations, radioactive waste management, investment, stimulate research, the common market of nuclear energy supply in the field, and international relations. The implementation of the *acquis* requires not only requires adequate legislation but also properly functioning institutions (for example, a regulatory body in accordance with the directives relating to electricity and natural gas, nuclear power and authority to control activities etc.).

2. The Politics and EU Energy Strategy

European Commission published on 8 March 2006 the document: “*Green Paper on the European Competitive and Sustainable Energy Policy*”².

² Green paper – A European Strategy for Sustainable, Competitive and Secure Energy, European Commission – March 8, 2006 Website: ec.europa.eu/energy/strategies/2006/2006_03_green_paper_energy_en.htm

The document states:

- A clear strategy to diversify natural gas sources;
- A new infrastructure such as liquefied natural gas terminals and new pipelines to carry Caspian oil and gas and North Africa;
- A strategy for gas reserves;
- A unified European energy network;
- the attempt to create a single market for gas and electricity;
- A debate about the use of nuclear energy;
- Greater efforts to restrict the use of fuels and developing alternative energy sources;
- An open and competitive energy markets.

The Green paper also entails the adoption of an unified position in the EU energy field, which may mean that there will established a new position of European Commissioner responsible for energy issues in the negotiations on behalf of the EU.

The “European Energy Charter of 2006” was drafted as a political statement in order to stimulate collaboration between East and West in the energy sector and is a legally compulsory multilateral document, devoted to intergovernmental cooperation in the energy sector. Its principles relate to the cooperation of countries in the fields of transport and energy trade, investment, energy and effectiveness of dispute settlement. This paper contributes to the internationally accepted standards

and practice of sustainable development environmental impact assessment. Under this agreement energy efficiency is considered an important lever to achieve its goals by: collaboration in achieving sustainable development and compliance with international environmental standards, raising awareness of population on the consequences of energy production, exchange of scientific information and research on technologies, practices and processes that reduce negative environmental impacts and contribute to energy efficiency, exchange information on methods and technologies based and economically efficient environmental energy policy.

The Lisbon Treaty – 2007 recognizes the existence of new challenges for the Union, such as combating climate change while promoting solidarity between Member States in the energy field. The EU has treated the energy security seriously only after the gas crisis (Russian-Ukrainian dispute).

On the Agenda of the European Council on 19-20 March 2009 it was set out a new, ambitious and visionary plan in the field, containing:

- national plans of action in case of emergency
- the amending of the Directive on gas supplies which dates from 2004 (Directive 2004/67 / EC – on measures to safeguard security of natural gas).

The review should include national plans of action in case of emergency, compulsory and containing a joint statement on emergency situations, the allocation of stocks available to affected states, the activation of emergency measures in the states affected or less affected in order to increase the volume of gas to those states affected.

- A trilateral agreement between the EU, Russia and Ukraine to ensure transit.

- The negotiation of a more complex agreement with Russia, to replace the Partnership and Cooperation Agreement in 1997.

- Energy security clause in trade agreements, association, partnership and cooperation with producer and transit countries, which would establish a code of conduct and would prohibit disruptions due to trade disputes; the measures would be adopted unilaterally in the event of an interruption, or in case of making any change of contract or terms of supply by one partner.

- Supporting the diversification of transport routes, such as Nabucco, Turkey-Greece-Italy (TGI) and South Stream. EU will continue to be highly dependent on the medium-term supply from third countries. EU countries import 50% of Russia's energy consumption, a proportion that will rise to 70% by 2030.

- Nuclear energy must be used at the highest level of safety technology (long given up at her), the EU and

neighboring countries should adopt European standards in terms of nuclear safety.

– 2050 targets: 80% fewer emissions of greenhouse gas, 60% renewable energy and energy efficiency 35%.

The package of laws on future policy in the energy-climate change was approved at the European Council of 13 December 2008, adopted at the plenary meeting of the European Parliament on April 23, 2009. The legislative package contains the objectives undertaken by the European Union European Council in 2007: at least 20% reduction in emissions of greenhouse gases (GHGs) in the European Union, increase by 20% of the share of renewable energy sources (RES) in the total of energy consumption, and increase energy efficiency by 20% in the period up

The European Parliament and the European Council adopted on 23 April 2009, the following acts: Directive 2009/28/EC on the promotion of renewable energy use, Directive 2009/29/EC on improving and extending the Community scheme for trading emissions allowances Greenhouse gas; Directive 2009/31/EC on the geological storage of carbon dioxide 406/2009/CE Decision on Member States' efforts to reduce emissions of greenhouse gases to meet EU commitments to reduce emissions of greenhouse gases by 2020.

Within the 20/20/20 targets in the legislative package throughout the EU, Romania has specific objectives, among which the increased use of renewable energy sources from 17.8% in 2005 to 24% in 2020, reducing greenhouse gas emissions for ETS (big polluters) by 21% and in the spirit of fairness between Member States, permission to increase GHG emissions by 19% for non-ETS sectors (small polluters).

The legislative package targets 20/20/20 are very difficult to reach even for developed countries of the EU, and are therefore extremely difficult for a country like Romania, with an emerging economy.

Through the Communication no. 677 of 17 November 2010, "Energy 2020", the EU Commission proposed a series of energy corridors to link the EU's priority cross-border flow of electricity, gas and oil.

The Commission proposes a new method that includes the following steps:

– The identification of the map of energy infrastructure requirements for European super-intelligent networks that interconnect networks at the continental level.

– Focusing on a limited number of European priorities, to be implemented by 2020 to meet long term objectives and justifying the optimal action at European level.

– Based on a methodology agreed in advance, identifying concrete projects needed to implement these

priorities – projects declared of European interest

– To respond to changing market conditions and technological development in a flexible manner and based on regional cooperation.

– Support the implementation of projects of European interest through new tools, such as improving regional cooperation, licensing procedures, methods and improved information for policy-makers and citizens and innovative financial instruments.

In the context of longer-term perspective to be presented in the Roadmap for 2050, the EU must start to design, plan and build energy networks of the future, with which the EU will further reduce greenhouse gas emissions. This unique juncture should be capitalized. In the long term, expensive approaches at Member State or at the project level and not very appropriate solutions can be avoided only through a coordinated approach to optimized European infrastructure.

According to the strategy of "Energy 2020", in the next decade, European Union requires investments in energy infrastructure of 1.000 billion. To accelerate strategic projects of the EU, the Commission proposes a simpler and faster procedure for granting building permits, establishing a deadline for obtaining final authorization and European funding. It will also be established a "single desk" to handle applications

for all permits required to realize a project.

3. Romania's Energy Strategy

European integration is a long process. It focuses on the assimilation of European values, integration into European economic, institutional adaptation and implementation of good governance. Also important is to achieve a convergence of national and community interest. Of course, membership to NATO and the EU imposes "constraints of alliance" and "mechanisms of integration (economic, political and military) that foreign and security policy cannot ignore. Traditional national interests will intertwined with those of EU and NATO. At the same time, policymakers in Bucharest must respect the bilateral, trilateral, regional and international treaties Romania has signed.

A current political debate concerns the National Security Strategy of Romania – GD 1069 / 2007 (See also Decision No. 1535 of 18.12.2003 regarding the approval of the turning to renewable energy.) European Commission a reasoned opinion – the second stage of infringement proceedings of the Accession Treaty (infringement) – against 20 Member States, including Romania, which have not transposed into national law the European directive on energy efficiency. Romania has transposed partially the

Directive 2006/32 on end-use energy efficiency and energy services, by GEO 22/2008 on energy efficiency and promoting the final consumers of renewable energy³.

However, the relationship between national security, energy security and sustainable development strategy has barely been put into public discussion. In the West, the most important strategic guidelines at the politico-military level are systematically publicized and the pros and cons are analyzed. Political culture in any society necessarily includes major security and diplomatic issues. Citizens are encouraged to assume responsibilities in the external engagements of democratic states and act in such states as pressure factors on the governmental level. Such behaviors are absolutely necessary and democratic also in Romania.

Currently, as an official document, there is the National Security Strategy, approved by the CSAT on 17 April 2006. It identifies the vulnerabilities as: dependence of vital resources hard to access, persistent negative demographic trends, the high level of social insecurity and the role of the middle class, poor development and civil society civic spirit, weakness of strategic infrastructure, poor health of the population, failure of the

education system, inadequate organization of the system crisis, etc. We could enumerate also the slow recovery of economic and social disparities with the EU, the quality of governance, the gap between the complexity of current economic issues and political leaders managerial culture, the weakness of the national capital, the second-rate of self-management in society, mainly formal adoption of European values etc.

On this background, the strategy focuses on building a system of security and prosperity in the Black Sea. Romania considers that the Black Sea region is a geopolitical space open to international democratic community in which she can fully manifest as allied, partner and friend. For this purpose, it actively promotes the necessity of defining and implementing a Euro-Atlantic Strategy for the Black Sea region, taking into account the experience of a NATO-EU stabilization process in South-Eastern Europe and the need for balance in order to promote the democratic aspiration of states, to pre-encounter risks and threats and to contribute actively and effectively to resolve conflicts, tensions and disputes.

Efforts will be targeted at *developing the energy and transport corridors able to link economically the Black Sea region states and Euro-Atlantic community to allow a higher recovery of the potential of*

³ Government Decision no. 1069/2007 – to approve Romania's energy strategy for 2007-2020 – Monitorul Oficial, Part I, no. 781/2007

maritime and river ports in the region, along with a focus on environmental protection and restoring the ecological balance of the Black Sea.

Black Sea Region is a paramount connector located on the corridor linking the Euro Atlantic community (as a security provider and consumer of energy) to the Middle East-Caspian Region – Central Asia (as an energy supplier and consumer of safety). In terms of energy, Black Sea region is the main transit area and – to a large extent – a major source of energy that is consumed in Europe. Forecasts envisage the possibility of substantially increase its share in the coming decades, which gives it a crucial role in European energy security.

In terms of policy and energy security, one can remark the new official new approach after 2005-2006. Thus, in 2005 it was issued a document entitled *Energy policy of Romania during 2006-2009*.

The government prepared afterwards a Project on Energy Strategy for 2007-2020, approved on September 5, 2007 by H.G. 1069/2007. This governmental document has been aligned with the main aims and objectives of EU energy. Energy Strategy authors consider that the national energy system has a number of vulnerabilities (weaknesses), such as production facilities, transportation and distribution partially outdated and obsolete, with

consumption and high operating costs high, plants and equipment used for lignite exploitation and physically obsolete, high operating costs and low performance.

One can add the lack of equipment for the implementation of advanced technologies in the sector of coal mining and production efficiency, reduced transportation-distribution chain-end consumer. Also, the electricity generation sector is organized into channels of mono-fuel technology. Mining companies are not generally efficient.

Simultaneously, it highlights the increasing dependence on imported oil and natural gas, although Romania provides 60% of its needs of raw materials from internal resources. Economically exploitable reserves of oil, natural gas and uranium are more limited. External oil prices on international markets are increasingly volatile.

However, there are opportunities for development of the energy sector, because Romania has a favorable geographical position to actively participate in development projects of main pan-European oil and natural gas pipelines, the existence of physical and financial energy markets, and access to regional markets electricity and natural gas, with opportunities to achieve regional system services. The investment climate is attractive to both foreign and domestic investors, including the privatization of various companies

currently owned by state, there is increasing confidence in the functioning capital market in Romania, which allows successful listing on the stock exchange of energy companies, the full liberalization of energy markets and natural gas in 2007, creating opportunities for increased investment in energy efficiency and renewable energy resources unused; accessing EU Structural Funds for projects in energy, the existence of a major hydropower sector able to provide the required amount of ancillary services, extensive experience and infrastructure to exploit the existence of domestic primary energy resources, based on coal and uranium, the detection of new perimeters with considerable reserves of coal and uranium.

The Energy Strategy's stated *aim* is to ensure the so-called energy independence in the context of sustainable development of Romania and the European Union.

4. Conclusions

EU states are forced to move towards a common energy policy for several reasons. Firstly, to ensure security of supply, particularly through diversification in conditions in which Europe now depends on a number of vital supplies dangerously low. The most obvious example is Russia. Secondly, because we have established at EU level, the reaction

mechanisms in the event of a supply crisis, including one provoked by terrorist attacks. Thirdly, because we have re-launched EU investment in research and in using renewable energy sources. In the fourth place, because the Europeans must intensify the fight to reduce environmental hazards and global warming.

The European energy policy, approved by the European Council in March 2007, establishes the basic objectives of EU energy policy: competitiveness, sustainability and security of supply. In the coming years, it should be carried out an internal energy market by 2020, renewable sources must contribute with 20% to the final energy consumption, emissions of greenhouse gases must decline by 20% and energy efficiency needs to determine a 20% reduction in energy consumption. In an increasingly sharp international competition for world resources, the EU must provide, at reasonable prices, security of supply for over 500 million citizens. The relative importance of energy sources will change. EU will become even more dependent on imported fossil fuels, especially oil and gas, and electricity demand will increase significantly.

The Energy 2020 Paper adopted by the European Commission on 10 November 2010, calls for changing the way we plan, build and operate our energy infrastructures and networks. Energy infrastructure is at the forefront of strategic initiative.

The existence of appropriate energy networks, integrated and reliable is an essential prerequisite not only to meet EU objectives in energy policy, but also for the EU's economic strategy. Developing energy infrastructure will enable the EU to achieve a functioning internal energy

market at its best, will increase the security of supply, will allow the integration of new renewable energy sources, increase efficiency and enable consumers to benefit from new technologies and intelligent use of energy.

BIBLIOGRAPHY

- Leca, Aurel (coordinator) etc., 2006. *Energy management. Principles, concepts, policies, tools*, Bucharest: AGIR House;
- Ungureanu, Mihaela and M. Lungu, I., 2001. *Uses of electricity*, Bucharest: EDP;
- Ungureanu, Mihaela and Patrascu Roxana, 2000. *Clean technologies*. Bucharest: AGIR Publishing House;
- Leca, Aurel (coordinator), 2003. *We live on one planet. Sustainable energy seen in perspective*, Bucharest, Romanian Academy Publishing House, 2003;
- Susanne Nies, *Gas and oil for Europe*, French Institute of International Relations, Ed 2008; http://www.ifri.org/files/Energie/OilandGas_Nies.pdf, accessed on the 27th of October, 2012;
- European Council conclusions of 13 December 2008 on energy and climate change <http://climate-l.iisd.org/news/european-council-approves-climate-change-deal/>; accessed on the 27th of October, 2012;
- Green paper – A European Strategy for Sustainable, Competitive and Secure Energy, European Commission – March 8, 2006 Website: ec.europa.eu/energy/strategies/2006/2006_03_green_paper_energy_en.htm; accessed on the 27th of October, 2012;
- Law no. 220/2008 for the establishment of the system to promote energy production from renewable energy sources 743 Monitorul Oficial/ November 3, 2008;
- Government Decision no. 1069/2007 – to approve Romania's energy strategy for 2007-2020 – Monitorul Oficial, Part I, no. 781/2007;] Order no. 51/2009-technical conditions of connection to public electricity networks for wind power – Technical Rule.

THE EUROPEANIZATION OF THE NATIONAL POLITICAL PARTIES THROUGH THE GENDER COMPONENT CASE-STUDY: THE NATIONAL LIBERAL PARTY IN ROMANIA

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Abstract: *The aim of this paper is to argue that the gender dimension appears in the European practice not only at the supranational level, in the European political groups' practice, but also at the national one, due to their influence upon the national political parties, representing therefore, an agent of the process of Europeanization. The analytical approach of this study will focus on the modifications that appear in the National Liberal Party's behavior regarding women's access to political participation when connected or not to the Alliance of Liberals and Democrats for Europe, the European family it is part of.*

Keywords: *Europeanization, political parties, gender equality, political representation, women's political participation, elections.*

Rezumat: *Scopul acestei lucrări este acela de a argumenta ca dimensiunea de gen apare în practicile europene nu doar la nivel supranațional, în practicile grupurilor politice europene, dar și la nivel național, datorită influenței pe care acestea o asupra partidelor politice, reprezentând astfel, un agent al procesului de europeanizare. Abordarea analitică din acest articol se va concentra pe schimbările de poziție ale Partidului Național Liberal privind accesul femeilor în politică, în relație cu Alianța Liberalilor și Democraților Europeni, familia europeană căreia aparțin.*

Cuvinte-cheie: *europeanizare, partide politice, egalitate de gen, reprezentare politică, participarea politică a femeilor, alegeri.*

The European Parliament has known a strong development over the past 30 years¹, has acquired

¹ Since 1979, the first year in which European elections were organized and the members of the European Parliament were directly elected by the European citizens.

new competences and has increased its power within the institutional system of the European Union. As a representative institution, its legitimacy has increased. Also its responsibility in terms of European policies has increased, European

policies affecting nearly 500 million citizens.

Part of this responsibility must also reflect on promoting equality between women and men. The main actors regarding this are the European party families, not only through the influence that the European Parliament has over the European decision-making process (through legislation passed in co-decision with the Council of the European Union or the offering of its advisory opinion), but also at the national level, through national parties, which try to reproduce specific elements of policy and practice of the political group they belong to.

It is important to note that gender equality can not become a reality if the dimension of equality between women and men is not present in all types of policies, and if it does not manifest itself among all social actors and non-state actors.

The hypothesis of this paper is that the gender component of the European political families' ideology contributes to the Europeanization of the national political parties in the member states of the European Union.

The Alliance for Liberals and Democrats (ALDE) supports gender equality between men and women, through its political program, its legislative initiatives or other political activities. Some of the most relevant examples would be the

activity of the Committee for Women's Rights and Gender Equality regarding the strengthening and the implementation of the Gender Equality Strategy², the campaign ALDE initiated in order to enhance the gender equality in the European institutions³; the activity of the Committee for Women's Rights regarding women's vote for the European elections, analyzing the implications of the euro barometer *Women and the EU: attitudes, and information*⁴; the organizing of workshops or debates connected to gender equality, such as *More efficiency in reducing the gender pay gap between women and men*⁵.

Thus, gender equality is one of the main components of ALDE's ideology and should be recognized as

² Alliance for Liberals and Democrats for Europe, Committee for Women's Rights and Gender Equality, <http://oldsite.alde.eu/en/committees-and-delegations/committee/institution/womens-rights-and-gender-equality/>

³ Alliance for Liberals and Democrats for Europe, Press Release, 21.09.2010, <http://www.alde.eu/press/press-and-release-news/press-release/article/liberals-and-democrats-campaign-for-better-gender-balance-in-eu-institutions-12972/>

⁴ Alliance for Liberals and Democrats for Europe, Press Release, 8.04.2010, <http://www.alde.eu/press/press-and-release-news/press-release/article/focussing-on-the-female-vote-in-european-elections-22893/>

⁵ Alliance for Liberals and Democrats for Europe, Events, 22.06.2010, <http://www.alde.eu/event-seminar/events-details/article/workshop-more-efficiency-in-combating-the-gender-pay-gap-33843/>

such by all the national parties that are part of the ALDE political family. The National Liberal Party (NLP) in Romania is one of these structures and shall be the main element of the analysis of this paper.

This paper has two parts, a theoretical one, where I explain the concept of political parties' Europeanization, and a practical one, the case-study of the ALDE-NLP. The latter is a gender analysis of the NLP's candidate selection and is also made up of two sections: the first one is based on the correlation of the gender criteria with the eligible seats, while the second one focuses on the connection of women's participation in politics and the professionalization of the political actors.

1. The Europeanization of Political Parties

1.1. The concept of Europeanization

Since the creation of the European Union, we have started to use different concepts related to the European integration, such as *supranational institutions*, *European aquis*, *European party groups* or *Europeanization*. "The term *Europeanization* has been employed to describe new patterns of behavior and decision making among political actors and institutions resulting from the impact of European integration" (Poguntke at al. 2007, p. 748). Hence, the Europeanization of the political parties must rely on a

change that the parties would make in terms of public policy priorities, of internal decision making, of the selection of their candidates for the elections organized for the representative positions at the national or supranational level.

There are various meanings that European Studies' specialists attributed to the term of *Europeanization*, as it can firstly be invoked for describing the European institutions, their growing policy competence and the emergence of a European system of governance (Cowles et al. 2001 in Poguntke at al. 2007, p. 748). Secondly, it can be understood as a process by which domestic actors and institutions adapt to the institutional framework and logic of the EU (Ladrech 1994; Radaelli 2000 in Poguntke at al. 2007, p. 748). It is important to mention that the latter represents the premise I use in this paper. There is a third meaning of the Europeanization, that regards the national parties' positions, positive or negative, toward European policies (Aspinwall 2002; Gaffney 1996; Haywood 1989; Hix 1999a; Johansson & Raunio 2001; Marks & Steenbergen 2004; Ray 1999 in Poguntke at al. 2007, p. 749).

Nicolo Conti highlights that "an underlying argument that has emerged in the specialist literature is that European integration creates a challenge to party politics. In turn, this has been defined as one that has a negative impact on parties'

relevance ‘in popular terms’ (Mair, 1995: 46-47), as one that reduces the capacity of parties to process key issues and be leading agents of interest aggregation and political representation (Gaffney, 1996; Bartolini, 1998, 2005; Hix and Goetz, 2000). If the change in the environment produced by European integration really is a factor preventing parties from fulfilling their long-established functions, then there is reason to expect European integration to represent a sensitive issue for parties, even more so in the last decade with the deepening of the integration process” (Conti 2007, p. 193). I do not agree with the argument that Conti presents, because the capacity of the parties’ relevance can only be reduced if they fail to represent the citizens they want to transform into their voters and that will not happen because the European integration will Europeanize certain policies, but rather because they will maintain the exclusion of certain categories of citizens, exclusion that the European Union is precisely fighting against. The European Integration does not interfere with the parties’ capacity to process key issues, because the European institutions cannot assume a legislative or an executive responsibility if they do not have competences in that specific area. The subsidiarity principle guarantees that the various levels of governance will not temper with one another.

Moreover, even if a certain policy is passed to the supranational level, the national level is not excluded, especially after the Lisbon Treaty reform, that makes provisions for the participations of the national parliaments in the codecision procedure, the ordinary legislative procedure of the European Union.

On the other hand, in terms of an eventual dichotomy between the European party group and the national party that is part of it, the idea of a negative effect of the European integration is also not viable, because the influence of the European families upon their national components is very mild. Therefore, the national parties benefit from a large freedom in respect to the positions toward the European policies and especially toward the national policies. The European political party system is not a federate one yet, so the national bodies do not have to respect a certain alignment established in Brussels. Nevertheless, the national parties are involved in a continuous process of coordination with the European political families they are part of and their views and practices.

1.2. The importance of assuring equal political representation

One of the major reforms introduced by the Lisbon Treaty, entered into force on the 1st of December of 2009, regards the decision-making process, more

accurately the transformation of the co-decision procedure from an exception provided for certain policy areas to the ordinary legislative procedure of the European Union. Given the fact that the codecision procedure stipulates equal powers for both the European Parliament and the Council of the European Union for the adaptation of European legislative norms, this change is highly important from the point of view of the European Parliament's role. Furthermore, given the fact that the European Parliament's members are elected directly by the European citizens, this change represents a progress from the point of view of the European Union's legitimacy and democratic functioning.

In this respect, it is vital to assure that the members of the European Parliament do represent all the European citizens and their interests. In order to avoid the exclusion of women from the European political participation, the political parties should balance the presence of women and men on their list of candidates⁶ for the European elections.

Robert Rohrschneider and Stephen Whitefield argue that in order to represent their voters, political parties must: a) offer viable policies;

⁶ Even if the electoral system is a uninominal one and does not imply an electoral list which is voted entirely by the citizens or from which they have to choose a number of candidates, the political parties are responsible for nominating their candidates for that electoral competition.

b) link these policy stances to their other programmatic goals; c) have party positions that correspond to voters' preferences (2007, p. 1135). The third criterion is hard to accomplish if the parties do not assure first a descriptive representation⁷ of their voters, which can evolve afterwards to a substantive representation⁸.

Therefore, I consider that the gender dimension of the political representation and, hence, the one of the political parties represents an important component of the democratic European political structure that is being built by and for us all. This is the reason why I chose this particular element for this analysis of the Europeanization of the national political parties.

1.3. The political parties' role in increasing the political participation and representation of women

Nadezhda Shvedova analyzes the political, socio-economical and psychological obstacles that women

⁷ The descriptive representation refers to Descriptive representation focuses on the members that make up the representative structures, the degree to which the citizens to represent are reflected within that structure (Celis 2008, p. 75).

⁸ The substantive representation refers to what the elected representatives do, to their actions, as the concept of representation places the subject and the relationship between the representative and the represented in the center of attention (Celis 2008, p. 76).

face while trying to access public political appointments. Given the fact that “the conditions of representation and accountability are the two foundations upon which this understanding of party government rests” (Ladrech 2007, p. 951), this paper takes into account the political obstacles identified by Shvedova, which refer to the patriarchal patterns of the political life, to the lack of support inside the party, to the weak contact between women’s organizations or groups and to the nature of the electoral system (Shvedova 2005, p. 34-49).

These items are examples of what happens if the national political parties are not interested in changing the way that they respond to this challenge regarding their candidates’ selection process: do they ignore the implications of the parties’ schedule for both women and men when evaluating their work within the party and their presence at party meetings or events, do they have a gender proportional list of candidates, do they consider taking some measures to facilitate the reconciliation of the women’s professional and personal life? These questions will frame the NLP’s analysis in the second part of the next section, the paper’s case study.

2. Case-Study: NLP Romania

2.1. NLP’s candidate selection

In the first part of this section, I shall compare the NLP’s candidate

list for the European elections and the one for the National elections; meanwhile in the second part, I will follow the similarities or differences between the lists for the two European elections held in Romania until 2012: the 2007 scrutiny and 2009 scrutiny.

The electoral system for the European elections in Romania is the list proportional representation one⁹ and, therefore, the structure of each party’s list is very important as in guarantying an equilibrated selection of those candidates that have real changes to be elected according to the percentage that the respective party gains at the election the list is made for.

The political parties can establish a certain level of quotas either formally, by including them in their Act of functioning, either informally, through a tacit understanding among the members and leaders of that party. The NLP does not have such a quota system regarding women’s seats in its Regulatory document and neither a tradition of promoting women among their candidates. This would be the status-quo and onward I will try to establish if something has changed or not after the accession of Romania to the European Union and

⁹ Official Monitor of Romania, First Part, Nr. 28/16.I.2007, The Parliament of Romania, Decree regarding the organization and the ongoing of the elections for the European Parliament, <http://www.bec2009pe.ro/Documente%20PDF/LEGISLATIE/0028.pdf>

of the NLP to the ALDE group, during this ongoing process of European integration.

Using the information of the past 3 national parliamentary elections offered by the National Institute Of Statistics¹⁰ and the Romanian Central Electoral Office¹¹, it can be observed that the NLP's electoral scores have been: 2000 elections: The Chamber of Deputies – 30 seats, Senate – 13 seats; 2004 elections (in the Justice and Truth Coalition, together with the Democrat Party): The Chamber of Deputies – 112 seats, Senate – 49 seats; 2008 elections: The Chamber of Deputies – 65 seats, Senate – 28 seats.

If we corroborate the number of seats obtained by the NLP and the total number of members of the Chamber of Deputies and the Senate, we see that the NLP's electoral score ranged around %: 9% in 2000 (for both the Chamber of Deputies and the Senate), 34% in 2004 (together with the Democrat Party: 33% for the Chamber of Deputies and 35% for the Senate) and 20% in 2008 (for both chambers of the Parliament). Thus, the NLP does not have a very

high electoral score in Romania, so the score obtained in the European elections would not have allowed many of the candidates on the list to actually be up for a position of liberal members of the European Parliament.

Therefore, the criterion upon which the candidates' order is determined on the list becomes very important and reveals the true willing of the parties leaders in terms of ensuring a parity representation. This is because a party can have an equal number of women and men on its electoral list, but if only the men are situated on the eligible seats and women are below the threshold of the candidates that are declared elected, that list is not a balanced gender representation list.

The NLP had 452 candidates for the national parliamentary elections in 2008, from which only 8% were women and 92% were men: 315 candidates for the Chamber of Deputies, from which only 7% were women (24 out of 315) and 137 candidates for the Senate, from which only 8% were women (12 out of 137)¹². Hence, the NLP women obtained 10% of the NLP's seats (7 out of 65) for the Chamber of Deputies and only 4% of the NLP's

¹⁰ National Institute Of Statistics, Electoral statistics, http://www.insse.ro/cms/rw/resource/stat_electorale.pdf

¹¹ Central Electoral Office, Results of the 2008 Parliamentary elections for the Chamber of Deputies, <http://www.becparlamentare2008.ro/rezul/anexa8abun.pdf> and Central Electoral Office, Results of the 2008 Parliamentary elections for the Senate, <http://www.becparlamentare2008.ro/rezul/anexa8bbun.pdf>

¹² Central Electoral Office, Elected members of the Parliament according to the political parties and gender, <http://www.becparlamentare2008.ro/statis/Defalcare%20candidati%20pe%20partide%20si%20sexe.pdf>

seats (1 out of 28) for the Senate¹³. At the June 2009 elections, the Romanian liberal voters were proposed a list in which the first four places were occupied by women: Norica Nicolai, Adina Vălean, Renate Weber and Ramona Mănescu. Moreover, those who have obtained a place in the European Parliament after the elections were these candidates, followed by one man, Cristian Bușoi¹⁴.

Although the ratio of women and men on the NLP list for the European elections has a disappointing result of 0.23 (10 women versus 43 men), the fact that four out of ten women on this list are on top, on the eligible seats of the list, eliminates the apparent lack of equal opportunities in the NLP in terms of women's access to important political positions, such as those of members of the European Parliament.

The very way that the liberal candidates were presented indicates that the first seats on the list are those that are designed to attract votes and to promote the position of women in the political arena. During the

election campaign especially the first four places occupied by Norica Nicolai, Adina Vălean, Renate Weber and Ramona Mănescu were covered. Adina Vălean, Renate Weber and Ramona Mănescu have an important experience in the European Parliament and talk about its functioning from the point of view of a connoisseur, in a way that can increase the interest of the citizens for the European Parliament and for discussing European matters that affect them implicitly, as European citizens (and gender related issues have a particular importance for European citizens, whether they are directly concerned women or indirectly concerned men).

The NLP's candidates list for the European Parliament election in 2007 (the first time that the European election were organized in Romania, few months after its accession to the European Union) included a good gender representation, especially because the first 10 seats, which are considered eligible for the NLP, were occupied by an equal number of women and men, leading to the election of 3 women (Renate Weber, Adina Vălean and Ramona Mănescu) and 3 men (Daniel Dăianu, Magor-Imre Csibi and Cristian Bușoi)¹⁵. As we can observe, the NLP seems to guide its candidates' selection

¹³ Central Electoral Office, Elected members of the Parliament according to the electoral competitors and gender, <http://www.becparlamentare2008.ro/statis/Defalcarea%20mandatelor%20de%20parlamentari%20pe%20competitori%20electorali%20si%20sexe.pdf>

¹⁴ Profiles of the candidates for the 2009 European elections, The National Liberal Party, <http://www.alegeri.tv/europarlamentare-2007/partidul-national-liberal-pnl>

¹⁵ Profiles of the candidates for the 2007 European elections, The National Liberal Party, <http://www.alegeri.tv/europarlamentare-2007/partidul-national-liberal-pnl>

process according to different principles when it comes to its activity at the European level.

2.1. Professionalizing the political class

It is argued “that the career paths of EU specialists have become more ‘detached’, meaning that a separate channel of promotion within the party, for both elected party representatives and appointed party functionaries, may be visible” (Poguntke et al., 2007, p. 760). This fact can represent an element in favor of women’s participation in the political area, because they graduate from specialized studies and can build their career as EU specialists, which is a category of people that national political parties need in order to maintain their active role as political stakeholders in the European governance system.

On the other hand, the significant distribution of seats for women and men on the liberal European elections’ candidate list was not made exclusively from the gender point of view, but also based on the performance and professional experience of those persons, bringing once again a proof that women can build a successful career at all age levels, as evidenced by the case of the three Romanian liberal women members of the European Parliament for the 2009-2014 term.

Apart from Norica Nicolai, everyone in this eligible group has been part of the European Parliament in the two years term of 2007 and 2009, between Romania’s accession to the European Union and the first elections for the European Parliament organized from that time. Thus, they have the necessary experience of such functions and can guide the other candidates who will obtain their first mandate in the European Parliament.

The first candidate on the NLP’s list for the European elections is Norica Nicolai, who has not been part of the European Parliament before, but of the national one. A possible explanation for this choice could be her activity in the Romanian Parliament and of the National Liberal Party¹⁶.

Adina Valean, which ranks second in the hierarchy of NLP, also had an intense activity, both within the National Liberal Party (she was vice president of the Prahova organization of the NLP, member of the NLP’s Permanent Bureau of the First District in Bucharest) and the European Parliament. During the 2007-2009 term in the European Parliament she was a member of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), a substitute member of the Committee for Economic and Monetary Affairs (ECON), a member of the Delegation

¹⁶ Norica Nicolai, http://www.noricanicolai.ro/europarlamentar_roman/

for relations with the Maghreb countries and the ones of the Arab Maghreb Union (including Libya) and a substitute member of the Delegation for relations with the United States¹⁷.

Renate Weber is another member of the European Parliament, which has a remarkable activity at the European level: she was ad hoc judge at the European Court of Human Rights in Strasbourg in 2000, she worked in Committee on Civil Liberties, Justice and Home Affairs, she was chosen two times as president of the European Parliament's delegation for the observation of the elections in Ecuador, she was the first and only Romanian representative of the European Parliament's delegation for the observation of the elections in Bolivia. During the 2007-2009 European Parliament term, she was part of the following commissions and parliamentary delegations of the European Parliament: the Committee on Civil Liberties, Justice and Home Affairs (LIBE), the Committee on Legal Affairs (JURI), the Committee on Development (DEVE), the Delegation for Relations with the countries of the Andean Community (DAND), the Delegation for relations with Iraq¹⁸.

¹⁷ Adina Valean, <http://www.valean.eu/raport-de-activitate/>

¹⁸ Renate Weber, Achievements of the 2007-2009 European Parliament term, http://www.renateweber.eu/ro/detalii_parlamentul_european/26

Most important of all, she initiated more than 25 resolutions on the protection of human rights, on the situation of Romanians in Italy, on the European Union's foreign policy (all being adopted) and she is one of the supporters of gender equality between women and men¹⁹. She is also the author of over 50 studies, articles and reports published in prestigious academic publishers all over the world.

Ramona Manescu is a member of the National Liberal Party and was also a member of the European Parliament between 2007 and 2009. She was appointed by the Romanian National Youth Authority as the responsible person to represent that institution in relation to the European Commission in Brussels²⁰.

Cristian Buşoi is involved in a series of European projects (such as *Consumers in Europe, Patients' rights and cross-border healthcare, The pharmaceutical package or Moldova closer to the European Union*), most of which are related to the medical domain, which is his specialization area²¹.

The professionalization of the political class would mean a real

¹⁹ As evidenced by her interventions in the European Parliament, such as the one in Strasbourg, on the 13th of March 2008: http://wn.com/Renate_Weber_on_Gender_Equality.

²⁰ Ramona Manescu, <http://www.ramona-manescu.ro/ramona-manescu/>

²¹ Cristian Buşoi, <http://www.cristianbusoi.eu/index.php>

progress for the democracy in Romania. Therefore, the political parties should encourage as candidates those members that have specific studies, specializations, postgraduate courses in political science or in areas in which they will then work within the Parliament.

It can be noticed²² that the first candidates on the list have studies and specializations in law (Norica Nicolai, Renate Weber, Ramona Manescu), in the area of defense (Adina Vălean), of security (Ramona Manescu), of European integration (Adina Vălean) or of administration (Cristian Bușoi). Norica Nicolai has a PhD. in Criminal Law; she graduated from the Faculty of Law of the University of Bucharest, the United Nations Bucharest Academy for political leaders and the Kennedy School of Government at the Harvard University. Adina Vălean is a mathematics graduate, but has specialized in European integration and security studies at the Faculty of Philosophy at the A. I. Cuza University in Iași and in defense studies, at the National Defense College. Renate Weber is a law graduate of the University of Bucharest and of the Centre for the Study of Human Rights at Columbia University. Ramona Manescu has graduated from the Faculty of Law of the

University of Bucharest, has a master at the National Defense College and postgraduate courses at the Superior College of National Security of the National Academy of Information. Cristian Bușoi has graduated from the Faculty of Medicine of the *Carol Davila* University of Medicine and Pharmacy, but also from the Law Faculty at the Titu Maiorescu University and the National Defense College.

As we head toward the middle or the end of the list that contains , we see that the candidates' studies and specializations are in areas that do not have a direct connection with political science, international relations or European studies, being rather technical studies (for example Horia-Victor Toma, graduated in physics and Cristian Anghel, with a Polytechnics degree). On the other hand, these liberal candidates have a certain activity within the party, holding positions in youth, local or regional organizations of the NLP.

3. Conclusions

The fact that the liberal leaders put in the first seats people that can advocate for the significance of the European Parliament and of the policies that ALDE consider as priority (the gender policy being one of them) indicates the intention to form specialists in terms of European functioning and integration and one of its components, the gender one.

²² Profiles of the candidates for the 2009 European elections, The National Liberal Party, <http://www.alegeri.tv/europarlamentare-2007/partidul-national-liberal-pnl>

Women candidates obtained in the 2008 national parliamentary elections a total of 44 seats out of 453, (36 out of 316 for the Chamber of Deputies, representing 11% and 8 out of 137, representing 6%) representing almost 10% of the Romanian parliament members. Furthermore, there are 61 constituencies (25 for the Chamber of Deputies and 36 for the Senate) that do not have even one woman as a representative in the Parliament²³. What kind of representation of their interests do the women in those constituencies benefit from? Taking these facts into consideration, I emphasize the importance of the gender component of the Europeanization of the NLP, a national political party that has modified its behavior according to the principles, values and practices of its European political family, the Alliance for Liberal and Democrats in Europe.

The results for the European elections in June 2009 show that women won 35% of seats in Parliament, which is the highest percentage of female representation in the history of direct elections to the EP since 1979, a score that is close to the percentage of women from Romania who obtained a seat in the European

Parliament (29%)²⁴. In comparison with these data, the National Liberal Party is placed above both the European Union and Romania in a hierarchy on the distribution of seats in terms of gender analysis, given the fact that 4 out of the 5 members elected for the 2009-2014 European Parliament term are women.

As to conclude, ALDE's support for the principle of equal opportunities between women and men inspired a practice in this respect and national level, given the liberal members' wish to use one of the elements that differentiates the ALDE group from other party families in the European Parliament: its interest for equality between women and men and its implementation at both supranational and national level. By analyzing the political behavior of the National Liberal Party during the elections for European Parliament in the 2009-2014 term, we can see put into practice this principle of the Alliance of Liberals and Democrats for Europe, i.e. equality between women and men. The influence of the promotion of the gender dimension in the European practice by the ALDE group is obvious in this case, given the fact that the NLP's interest regarding the political representation

²³ Central Electoral Office, Elected members of the Parliament according to the constituencies and gender, <http://www.bec.parlamentare2008.ro/statis/Parlamentari%20alesi%20pe%20circumsriptii%20si%20sex.e.pdf>

²⁴ European Parliament, About Parliament, Distribution of men and women, <http://www.europarl.europa.eu/aboutparliament/en/00622bc71a/Distribution-of-men-and-women.html>

of women was manifested particularly in relation to its European activity and to its European political family. Therefore, in terms of reporting to

the European institutions NLP can distinguish a tendency to align to the ALDE principles, including that of gender equality.

BIBLIOGRAPHY

- Celis, Karen. 2008. *Gendering representation*, in Mazur, Amy, Goertz, Gary, *Politics, Gender and Concepts*, Cambridge: University Press
- Conti, Nicolo. 2007. *Domestic parties and European integration: the problem of party attitudes to the EU and the Europeanization of parties*, *European Political Science* 1. 6:192-207
- Ladrech, Robert. 2007. *National Political Parties and European Governance: The Consequences of 'Missing in Action'*, *West European Politics* 30, ; 945-960
- Poguntke, Thomas; Aylott, Nicholas; Ladrech, Robert; Luther, Richard Kurt. 2007. *The Europeanization of national party organizations. A conceptual analysis*, *European Journal of Political Research*, vol. 46, pp. 747-771
- Rohrschneider, Robert; Stephen, Whitefield. 2007. *Representation in New Democracies: Party Stances on European Integration in Post-Communist Eastern Europe*, *Journal of Politics*, 69:= 1133-1146
- Shvedova, Nadezhda. 2005, *Obstacles to women's participation in Parliament*, in Ballington, Julie; Karam, Azza, *Women in Parliament: Beyond numbers*, Stockholm: International Institute for Democracy and Electoral Assistance Publications Office.

Documents, reports, Websites:

- Adina Vălean, <http://www.valean.eu/raport-de-activitate/>, last accessed on the 30th of October 2012
- Alliance for Liberals and Democrats for Europe, Committee for Women's Rights and Gender Equality, <http://oldsite.alde.eu/en/committees-and-delegations/committee/institution/womens-rights-and-gender-equality/>, last accessed on the 1st of November 2012
- Alliance for Liberals and Democrats for Europe, Press Release, 21.09.2010, <http://www.alde.eu/press/press-and-release-news/press-release/article/liberals-and-democrats-campaign-for-better-gender-balance-in-eu-institutions-12972/>, last accessed on the 30th of October 2012
- Alliance for Liberals and Democrats for Europe, Press Release, 8.04.2010, <http://www.alde.eu/press/press-and-release-news/press-release/article/focussing-on-the-female-vote-in-european-elections-22893/>, last accessed on the 30th of October 2012
- Alliance for Liberals and Democrats for Europe, Events, 22.06.2010, <http://www.alde.eu/event-seminar/events-details/article/workshop-more-efficiency-in-combating-the-gender-pay-gap-33843/>, last accessed on the 30th of October 2012
- Central Electoral Office, Elected members of the Parliament according to the constituencies and gender, <http://www.becparlamentare2008.ro/statis/Parlamentari%20alesi%20pe%20circumscriptii%20si%20sexe.pdf>, last accessed on the 1st of November 2012

- Central Electoral Office, Elected members of the Parliament according to the electoral competitors and gender, <http://www.becparlamentare2008.ro/statis/Defalcarea%20mandator%20de%20parlamentari%20pe%20competitori%20electorali%20si%20sexe.pdf>, last accessed on the 1st of November 2012
- Central Electoral Office, Elected members of the Parliament according to the political parties and gender, <http://www.becparlamentare2008.ro/statis/Defalcarea%20candidati%20pe%20partide%20si%20sexe.pdf>, last accessed on the 1st of November 2012
- Central Electoral Office, Results of the 2008 Parliamentary elections for the Chamber of Deputies, <http://www.becparlamentare2008.ro/rezul/anexa8abun.pdf>, last accessed on the 1st of November 2012
- Central Electoral Office, Results of the 2008 Parliamentary elections for the Senate, <http://www.becparlamentare2008.ro/rezul/anexa8bbun.pdf>, last accessed on the 1st of November 2012
- Cristian Buşoi, <http://www.cristianbusoi.eu/index.php>, last accessed on the 30th of October 2012
- European Parliament, About Parliament, Distribution of men and women, <http://www.europarl.europa.eu/aboutparliament/en/00622bc71a/Distribution-of-men-and-women.html>, last accessed on the 1st of November 2012
- National Institute Of Statistics, Electoral statistics, http://www.insse.ro/cms/rw/resource/stat_electorale.pdf, last accessed on the 30th of October 2012
- Norica Nicolai, http://www.noricanicolai.ro/europarlamentar_roman/, last accessed on the 30th of October 2012
- Official Monitor of Romania, First Part, Nr. 28/16.I.2007, The Parliament of Romania, Decree regarding the organization and the ongoing of the elections for the European Parliament, <http://www.bec2009pe.ro/Documente%20PDF/LEGISLATIE/0028.pdf>, last accessed on the 1st of November 2012
- Profiles of the candidates for the 2007 European elections, The National Liberal Party, <http://www.alegeri.tv/europarlamentare-2007/partidul-national-liberal-pnl>, last accessed on the 1st of November 2012
- Profiles of the candidates for the 2009 European elections, The National Liberal Party, <http://www.alegeri.tv/europarlamentare-2007/partidul-national-liberal-pnl>, last accessed on the 1st of November 2012
- Ramona Manescu, <http://www.ramona-manescu.ro/ramona-manescu/>, last accessed on the 1st of November 2012
- Renate Weber, Achievements of the 2007-2009 European Parliament term, http://www.renateweber.eu/ro/detalii_parlamentul_european/26, last accessed on the 1st of November 2012
- Renate Weber, intervention in the European Parliament, Strasbourg, 13th of March 2008: http://wn.com/Renate_Weber_on_Gender_Equality, last accessed on the 1st of November 2012.

TOWARDS GENDER EQUALITY: EUROPEAN UNION AND CAPABILITIES APPROACH. THE ROMANIAN CASE-STUDY

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Abstract: *This paper aims to analyze the level of progress that Romania made towards ensuring gender equality after adoption in the European Union of the Strategy of Equality between Women and Men. The theoretical framework that I am going to use is that of the capabilities approach. The question that what I want to answer to in this paper is the following: are Romanian women able to be and to do according their own reasoning. What I plan to analyze is (1) if Romania has made any progress towards gender equality and if it is concordance with the Strategy of Equality Between Women and Men, by acting accordingly to the key direction mentioned and toward the objectives set by the Strategy and (2) how the level of concordance with the Strategy contributes to ensure women's capabilities.*

Keywords: *capabilities, gender equality, European Union, Nussbaum, care.*

Rezumat: *Scopul articolului este acela de a analiza nivelul progresului făcut de România spre asigurarea egalității de gen după adoptarea Strategiei Europene pentru Egalitate între Femei și Bărbați. Cadrul teoretic pe care îl voi folosi va fi cel oferit de abordarea capabilităților. Întrebarea la care vreau să răspund pe parcursul lucrării este următoarea: pot femeile din România să se comporte și să acționeze conform propriei judecăți? Ceea ce mi-am propus să analizez în cadrul lucrării sunt următoarele: (1) dacă a făcut vreun progres spre egalitate de gen și dacă este în concordanță cu Strategia pentru Egalitate între Femei și Bărbați, acționând conform principalelor direcții indicate și spre obiectivele setate de strategie și (2) în ce măsură nivelul de concordanță cu strategia contribuie la asigurarea capabilităților femeilor.*

Cuvinte cheie: *capabilități, egalitate de gen, Uniunea Europeană, Nussbaum, grijă.*

Introduction

This paper aims to analyze the level of progress that Romania made towards ensuring gender equality

after the adoption by the European Union of the Strategy of Equality Between Women and Men. The theoretical framework that I am going to use is that of the capabilities

approach. What I plan to analyze is (1) if Romania has made any progress towards gender equality and if it is concordance with the Strategy of Equality Between Women and Men, by acting accordingly to the key direction mentioned and toward the objectives set by the Strategy and (2) how the level of concordance with the Strategy contributes to enabling women's capacities.

The paper is structured in three main parts. First I will present the theoretical framework that I am going to work with: the capabilities approach. I have chosen this approach due to the manner that it responds to gender issue. The capabilities approach emerged in the recent decades as a theoretical framework about well-being, development and justice. The pioneers of this approach are Amartya Sen (1993; 1999; 2000) and Martha Nussbaum (2000; 2002; 2008). The capabilities approach implies that well-being and development should be measured in what people are actually able to do and to be. While Sen argues for capabilities that are to be set by each society, Nussbaum goes further towards conceiving a framework for a theory of justice and proposes a list of ten central human capabilities that must be incorporated by each society as constitutional principles. Nussbaum's ten central capabilities are: life, bodily health, bodily integrity, senses imagination and thought, emotions, practical

reason, other species, play and control over one's environment. I will focus on Nussbaum list and her work, I will present how this capabilities address gender issues and I will argue that this approach incorporates gender into a theory of justice. More I will show how by integrating care into a theory of justice, capability approach.

In the second part of my paper I will present the European Strategy for Equality between Women and Men and see to what extent it represents an appropriate "guidance tool" for governments to ensure development of capabilities and gender equality. Before I will move to the actual analysis, I will present the Strategy and I will select the key directions and the expected outputs as variables of analysis.

In the third and last part of my paper, I will analyze the level of gender equality in Romania by concentrating on the concordance between Romanian national directions, actual data and the directions set by the European Strategy for Equality between Women and Men. I intend to see what progress has Romania made in implementing the Strategy, and implicitly how the Romanian State develops women's capacities. I will use for this analysis data available from European report on Member States progress, Eurostat Data Base and National Documents.

In the end, the question that I want to answer in this paper is: *are*

Romanian women able to be and to do according their own reasoning?

1. Theoretical Framework

1.1. Capabilities as political goals

The capabilities approach offers powerful instruments for shaping social justice. However, the bare idea of capabilities is not enough without identifying a core set of capabilities that is basic for social justice. Martha Nussbaum's main goal by setting central human capabilities is to provide a philosophical support "for an account of basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires" (Nussbaum, 2000, 6)

An idea from which the capabilities approach emerges in political arena, is the existence of certain human abilities implies a moral claim to be developed. Nussbaum insists on the fact that this is a free self-standing claim and is not dependable on particular metaphysical view or religion. This approach implies that state's role is not only not to interfere in human functioning but to take affirmative measures for shaping "the material and social environment [...] required to bring all citizens up to the threshold of capability". (Nussbaum, 2000, 135)

Nussbaum identifies three types of capabilities with an important role in analysis. First, there are the basic

capabilities that were previously mentioned. They are most often rudimentary, cannot be directly transformed into functioning and can be more or less in functioning (like seeing or hearing, as Nussbaum exemplifies). Second, there are the internal capabilities that represent states of individual in which they can function. They are more developed than the basic capabilities and are ready to be used by a person in order to function. While some of these capabilities just evolve with maturation – a woman who has not suffered genital mutilation has the internal capability of sexual pleasure, many need some extent external support – like the ability to play with others or to love, or to political participation. However, even if they have the power to function, individuals may be held back from actual exercising of his or hers function. This leads to the third type of capabilities – the combined capabilities. The combined capabilities are defined by Nussbaum as the combination of internal capabilities with appropriate external conditions for the exercise to function. (Nussbaum, 2000, 85)

Her list is, as she says, a list of combined capabilities. The achievement of capabilities in the list implies not only promoting appropriate development of their internal powers, but also preparing the environment so that it is favorable for the exercise of practical reason and the other

major functions. By insisting on combined capabilities she emphasize the double importance of material and social conditions

“In training internal capabilities and in letting them express themselves once trained; and I establish that the liberties and opportunities recognized by the list are not to be understood in a purely formal manner”. (Nussbaum, 2000, 85)

The purpose of the list of capabilities presented by Nussbaum is to create a foundation of basic political principles that can be incorporated as constitutional guarantees. This is the reason for which the list contains only those capabilities that are universally accepted as having a central importance in one person’s life, regardless other choices that persons makes. More, the capabilities are not mere instruments, but have value themselves in construction of a life fully human (Nussbaum, 2000, 85).

Such a list, says Nussbaum, is not meant as a complete theory of justice but offers a basis for determining what social minimum is decent in different areas. More, she underlines that capabilities approach does not assume that the state has to make all citizen healthy or emotionally balanced but it has a duty to offer a *social minimum basis*. For example, the government cannot make all women emotionally stable, but it can provide a social minimum basis such as appropriate family law, rape law

or public safety that have an important influence to emotional health. “Basic political principles have done their job if they have provided people with the full social basis of these capabilities.” (Nussbaum, 2000, 83)

Nussbaum underlines that when talking about social minimum in concern to women, almost all societies are far from providing the basic. She argues that the design of just political and social institution should have in mind promoting a threshold level of these capabilities (Nussbaum, 2000, 81).

Following is the list in its current¹ form:

1. *Life*. A human being must be able to live a “full-length” life, not die prematurely and not have his or her life “reduced as be not worth living”. Therefore, the capability of life goes beyond the right of life and implies a worthy, good life;

2. *Bodily Health*. Each person must be able to have a good health; this includes a good reproductive health. Each person must be able to have an appropriate nutrition and shelter;

3. *Bodily Integrity* Each person must be able to move freely from place to place, to be protected against violent assault – including sexual assault and domestic violence. Each person must have opportunity for

¹ I mention current form because Nussbaum stresses out the fact that the list is open-end and it is subject to modification, in the light of criticism

sexual satisfaction and must have the real possibility of choice in matters related to reproduction;

4. *Senses, Imagination, Thought* – Each person must be able to use his or her senses, to imagine, to reason and to think in a “truly human way” that is informed and cultivated by appropriate education – including but not limited to literacy basic mathematical and scientific training. This capacity implies being able to use imagination and thought to experience and produce works and events in accordance with one’s own choice, religious literary, musical etc. It implies being able to use one’s mind under the protection and guarantees of freedom of speech in respect to political, artistically or religious exercise. More, this capability means being able “to have pleasurable experiences and to avoid nonbeneficial pain” (Nussbaum, 2008, 603).

5. *Emotions* This capability implies being able to make connections and form attachment with other people and things, to develop feelings for them: love, grief (in case of absence), long, gratitude and justified anger. Human being emotional development should not be marked and dominated by fear and anxiety. Nussbaum underlines that “supporting this capabilities means supporting from of human association that can be shown to be crucial in their development” (Nussbaum, 2008, 603).

6. *Practical Reason* Each person must be able to formulate his or her own idea and conception about what good is, to engage in critical reflection about how to live one’s life- this, Nussbaum stresses implies assurance of the liberty of conscious and religious observance;

7. *Affiliation* This capability implies two things. First, *being able to live with and toward others*, that is to have interests and concern about other people’s life, to interact with other people and to manifest empathy towards them. This means protection institutions that represents and develop such forms of affiliation and securing the freedom of association and political speech. Second, *having the social basis of self-respect* – that means that each and every person has to be able to be treated as dignified being of equal worth with other. This implies provision of non-discrimination;

8. *Other species*. Each person must be able to care for and be in relation to animal, plants and the entire world of nature;

9. *Play* Each person must be able to enjoy recreational activities, laugh and play;

10. *Control over one’s environment*. This capability involves two aspects. First aspect is *political* and means being able to actually participate in political decision with effects on one’s life, it involves the right of political participation, of free speech and association. Second, is

the *material* aspect and refers to equal rights to property, “having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason, and entering into meaningful relationships of mutual recognition with other workers” (Nussbaum, 2008, 603-605).

The capabilities approach politically translates into entitlements, which are found also in the human rights paradigm like: political liberties, the freedom of association, the free choice of occupation, and a variety of economic and social rights. Nussbaum stresses the fact that capabilities are closely linked with rights and they cover “both the so-called ‘first-generation rights’ (political and civil liberties) and the so-called second-generation rights (economic and social rights)” (Nussbaum, 2008, 601). However, the capability approach address the issues of gender equality, issues that have been omitted in the human rights paradigm as the feminist critique reveals.

1.2. Capabilities and gender justice

Martha Nussbaum identifies the potential to develop a theory of gender justice as the central motivation of Sen’s development of a

capability approach². Sen’s argument as presented by Nussbaum, is that equality of people as political goal can be aimed through equality of capabilities. More equality as political goal is central to the women’s pursuit of social justice.

For ensuring gender justice, a more complex view is necessary than that of equality of resources. The problem with equality of resources is that it ignores the fact that people need different level of resources for functioning. Starting from physical differences, as Nussbaum states, a child needs more protein, a pregnant women more nutrients and so on and so forth, to social difference: if there is a tradition of discouraging women from going to school the resource to produce female literacy will have to be more that those required to produce male literacy (Nussbaum, 2008, 600).

Nussbaum argues that the capability approach not only is an appropriate way to address questions of social justice, entitlements-especially important when talking about gender equality, but moreover, the capability approach is superior to other Western approaches “in ways that emerge most vividly in the area of sex difference” (Nussbaum, 2008, 599).

² However, Nussbaum stress the fact that a “formulated account of social justice generally and gender justice in particular” will not be found in Sen’s work (Nussbaum, 2008, 598)

In concern to gender justice, the capabilities approach has the advantage of concentrating right from the start on what people are actually able to do and to be, of addressing the inequalities that emerge inside family and have major effects on women's life: unequal distribution of resources, educational deprivation, threats to bodily integrity, issues that have been neglected in the traditional rights paradigm. Nussbaum underlines that the ignorance of this issues is not an accident and that is linked with the separation between public sphere – that state regulate and private sphere – that should be left alone (Nussbaum, 2008, 603).

Her list of capabilities brings to surface gender issues that were ignored by other approaches and sets the framework for a theory of justice that includes gender justice and equality. Each of that capabilities play an important role for enhancing women's autonomy and answers to gender issues that other approaches failed to. More, Nussbaum shows how the capabilities on her list connect one with each other, „working” to develop and enhance women autonomy.

“One of the most effective ways of promoting women's control over their environment, and their effective right of political participation, is to promote women's literacy. Women who can seek employment outside the home have exit options that help them protect their bodily integrity

from assaults within it. Reproductive health is related in many complex ways to practical reason and bodily integrity. This gives us still more reason to avoid promoting one at the expense of the other” (Nussbaum, 2000, 81).

An important achievement of the capabilities approach concerning gender issues is that it goes beyond the public life and „regulates” and has effect on private sphere. For example, the capability of bodily integrity includes among other things „to be secure against violent assault, including sexual assault and domestic violence” (Nussbaum, 2008, 601). This means that the government has the duty to protect women against domestic violence, which not a long time ago in some states and still in present in others, was thought to be a problem of private sphere that exceeds the attribution of the state. More, by mentioning emotions as a central capability, Nussbaum valorifies and brings into public sphere, into a theory of justice an aspect that was attributed exclusively to private life, devalued and excluded from other approaches of justice. She values emotions as having moral value and being central for a human good life.

Nussbaum also structural changes the conception about public sphere – attributed to men and private sphere – attributed to women. Ross Poole (1993) talked about the fact that.

“Capacities which are required by public life are conceived of as male, even or especially when they are possessed by women, and the form of identity constructed by public life as a form of male identity”. (Poole, 1991, 41)

Nussbaum’s capabilities for public life are constructed according to women’s realities and include women’s experiences. One can say that through her list of capabilities Nussbaum not only breaks the barriers between public and private spheres, but also she reconstructs from the basic public arena that is inclusive and friendly towards women, a public arena that is shaped not only as “male likeness” but also as women likeness. More, as Nussbaum underlines, it implies a greater role for men in private sphere too. This construction of a public arena that is inclusive for women is possible only by breaking the delimitation between the two spheres and by understanding the interdependence and complementarity between them.

“Moreover, in order to describe how a threshold level of capability might best be secured, much more needs to be said about the appropriate role of the public sphere vis-à-vis incentives to private actors, and also about how far the public sphere is entitled to control the activities of private actors in the pursuit of the capabilities on the list.” (Nussbaum, 2000, 75).

More, the capabilities approach takes into consideration factors that are neglected by other approaches. Looking at women’s life, we see that traditional approaches in measuring quality of life and the well-being of peoples fail to comprise all aspects and realities of women’s lives: traditional internalized hierarchies, traditional roles. Therefore, a theory of justice that includes gender justice, must take into consideration these aspects. Nussbaum underlines the importance of assuring not just a formal framework for the exercise of capabilities but also ensuring material resources and institutions that assure that people can really function and that fight against existent current obstacles in functioning.

“Women burdened by the double day may be internally incapable of play- if, for example they have been kept indoors and jealously guarded since infancy, married at age six and forbidden to engage in the kind of imaginative exploration of the avowal that male children standardly enjoy. Young girls in poor areas of rural Rajasthan, India, for example, have a great difficulty learning to play in an educational program run by local activists because their capacity of playing has not been nourished early in their childhood. On the other hand, there are also many women in the world who are perfectly capable of play in the internal sense, but who are unable to play because of the crushing

demands of the “double day” (Nussbaum, 2002, 132).

The capabilities approach represents a feminist framework for a theory of justice. It answers to questions and critiques raised by feminist theories towards utilitarianism and contractalist approach. The most important aspect regarding capabilities approach and gender is that it conceptualizes women’s concrete, effective realities, inequalities into political theory. The capability approach brings out to surface inequalities and obstacle that are a current part of women’s life and that are absent and hidden in other approaches.

As Martha Nussbaum underlines it, the capabilities approach links with works of scholars regarding women’s agency and participation (Nussbaum, 2008, 599). By ensuring the capabilities on Nussbaum’s list, the state facilitates participation of women in public life. Political participation is not only a capability, a political goal itself- control over environment. It is also promoted through all other capabilities. While some are implicitly necessary – like life and bodily health, bodily integrity, affiliation others indirectly affect women’s public participation. The capability of senses, imagination and thought permits women to receive proper education, to formulate their own conception about politics and about what a good society are. The capability of

emotions enables women to express their feelings and act according to them and it supports forms of human association. An important capability for increasing women’s participation is practical reasons that acknowledges and enhance women’s ability of conceptualizing and reasoning about the society they live in, about distribution of resources and the list can continue. What I want to show, more clearly, is that the capability approach assumes that the government has a duty to ensure that women do not face obstacles- such as poor education, poor resources, attributed gender roles, traditional hierarchies, devaluation – in participating in public sphere and that women have actual and real access to political decision.

I will approach the problem of capabilities and gender also in the next part, through a different perspective. I will talk about how ethics of care connects with the capability approach and how they enhance two democratic values – public trust and equality of opportunities. Before going further, I will briefly present the relation between capabilities and democracy.

1.3. Ethics of care and the capability approach

Joan Tronto identified Martha Nussbaum’s notion of human capacity and flourishing as being the closest account from another

philosopher to the ethics of care view of a society in which people strive for a better quality of care in their life (Tronto 1995 143).

Martha Nussbaum in turn, talks about the importance of care in a society, how dominant theories of justice failed to approach care appropriately and how the capabilities approach respond to issue of care.

“Care must be provided in such a way that the capability for self-respect of the receiver is not injured and also in such a way that the care giver is not exploited and discriminated against on account performing that role. In other words a good society must arrange to provide care for those in a condition of extreme dependency, without exploiting women as they have traditionally been exploited and thus depriving them of other capabilities” (Nussbaum, 2002, 136).

More, an important argument for the superiority of the capability approach to Western notions of social contracts lays in the *manner in which it can handle issues of care* (Nussbaum, 2008, 602). Before I present how Nussbaum addresses matter of care I would like to present the points that the ethics of care and capabilities approach have in common.

First, they both share the conception that individuals are needy and dependent and both acknowledge interdependency between people.

The same assumptions about individuals appear in the capabilities approach that recognizes the importance of care in people’s lives and state that political thought should recognize the dependency generated by some phases in each person’s life (Nussbaum, 2002, 136).

Unlike traditional approaches, that ignore the “dependency and needy” part of human existence in the social contract, and conceive the individual as fully autonomous, the capabilities approach takes into consideration this part of human life and places care as a part of the foundation of political institutions. However, Martha Nussbaum maintains and emphasizes the importance of focusing on individuals and on capabilities for each and every member. This focus belongs, as she states to the liberal tradition but does not diminish the value of love and care as political goals (Nussbaum, 2002, 247).

Second, both the ethics of care and the capabilities approach the value of emotions. Nussbaum includes emotions in her list of central capabilities. While ethics of care talk about the importance of emotions in moral judgment, Nussbaum talks about emotions as a central part of people’s lives, as an important element of a good, dignified, worth living existences. Third, they both bring critics to rationalist and universal theories and bring into discussion the need for an

alternative approach that corresponds to people's realities and everyday life. Both approaches argue against abstracting and for more attention paid to people's different needs and specific experiences.

Moreover, one of the most important aspects in my opinion is that both challenge and confront the separation between public and private sphere. Both approaches talk about the importance of consideration regarding "private" aspects in people's lives. Capabilities have effect on called "private institutions" like family. How care is distributed and valued in the family has a major impact on how care is valued in public. This is why it is important to see how resources and opportunities are shared in the family and how it affects care distribution.

As I mentioned, care represents, according to Nussbaum, an important part of a just society. More, she argues that her approach of capabilities provides an appropriate framework of analysis, better than the "standard liberal proceduralist approach" due to the commitment it has for placing love and care as important social goals (Nussbaum, 2002, 248).

The incorporation of care and justice as essential part of political theory and of a just society, according to Nupur Ray, is one of Nussbaum's theory achievements. She succeeds that, by placing love, imagination, emotions such and care

as central capabilities therefore as main political goals. By doing this she acknowledge the presence of care not as contingent and private aspect, but as a continuous need, and therefore making it *everyone's responsibility* (Ray, n.d., 22).

In conclusion, care, while essential is not enough for a just society there is need for resources and opportunities of assuring that each and every person has the possibility to live a fully dignified worth living life. Even if it is not explicitly mentioned by Nussbaum as a capability itself, care is behind capability she proposed. Moreover, as she repeatedly states, the list is open-ended and it is subject to modification. Following, authors like Jonathan Wolff and Avener de Shallit (2007) or Ingrid Robeyens (2003) add more capabilities to the list like being able to care for other, to do good for others and to show gratitude(Wolf& de Shalit, 2007, 47-48) or capabilities regarding labor force and gender inequalities- like domestic work, paid work, leisure activities and autonomy of time (Robeyens, 2003, 73). Even more, Mary Leahy (2010) adds a self-stand capability of care that implies „being able to receive the care needed during periods of dependency, particularly infancy, old age, periods of illness or disability, and being able to take responsibility for the care of others. This includes our obligations to provide or arrange the care of

close family members as well as a shared social responsibility for the care of members of the same community and of distant strangers. Social responsibility includes paying taxes to fund decent support services and transfer payments as well as supporting labor laws that guarantee a living wage and proper working conditions, and supporting fair trade and environmental sustainability” (Leahy, 2010, 15).

Not to forget that what Nussbaum aims with her theory is “to set groundings for constitutional principles” (Nussbaum, 2002, 105), therefore I believe that it would not be a mistake to state that care is incorporated as basic principles in constitutional stipulation through the capability approach. Even more, I believe that the capability approach as proposed by Nussbaum offers a framework for a theory of justice that has among its principles care.

Next, I will present how capabilities approach as normative framework for care enhance a fundamental values of democracy – equality of opportunity

1.4. Capabilities approach and equality of opportunity

A functioning democracy requires much more than formal equality – it requires that genuine equal opportunity exists. Every individual should be free in the pursuit of his or her goals, not only because the

political system has the duty to eradicate barriers, but also because the system has the duty to create opportunities. Moreover, Amartya Sen underlines the fact that democracy is valuable as a source of social opportunity (Sen, 1995, 205-206).

Equal opportunity is an essential component of democracy, as well as a vital moral value pertaining to this type of political system. Rawls views equal opportunity as a defining concept for democracy. When the social needs of individuals, such as basic liberties and access to opportunities, are met, they behave as free and equal citizens of a democracy (Daniels, 2002, 243). Moreover, Rawls emphasizes the important of equal opportunity concerning participation – a basic democratic principle that is included in the first principle of justice, as defined by Rawls (Rawls, 1991, 65).

A detailed analysis of equality demonstrates the fundamental importance of granting access and protecting the right all citizens have to participate in the democratic process and civic life. The access to participation should truly function, and not be limited to formal rights.

The economic inequalities that differentiate citizens, along with other dissimilarities, such as gender, race, religion, sexual orientation, et cetera, often result in situations in which individuals cannot participate and influence the decision-making

process, situations that go against the foundation of democracy.

Dahl (2006) examines certain issues relating to political equality, which can define an ideal democracy. The first – *effective participation* – implies that all citizens should have the equal and effective opportunity to state their opinions and influence political decisions before policies are instituted. The second – *voting equality* – infers that all individuals should have an equal and effective opportunity to vote, while all votes weigh the same. Dahl names his third principle *enlightened understanding*, which entails that citizens should have the equal and various opportunities to gain information regarding policies, as well as their alternatives and their effect. The fourth – *the control of the agenda* – argues for the right of the people to decide which matters should be brought up for consideration and decision. The fifth element, *inclusiveness*, is the one emphasizing that each and every single citizen should be allowed to participate in the decision-making process. Finally, the *fundamental rights* are an intrinsic component of all principles mentioned above: the right to participate, the right to have an equally valued vote, the right to information regarding the agenda, the right to influence the formation of the public agenda (Dahl, 2006, 8-9).

One can notice that the conditions that Robert Dahl stipulates for

political equality as a democratic ideal are found in Martha Nussbaum's list capability. More, from these conditions one can observe that equality of opportunity is measured also in term of public participation.

Given the fact that I assumed from the start a feminist approach, I will mainly focus on gender equality of opportunity³.

One of the main goals of the capability approach is to eliminate this kind of inequalities by adopting "a two way strategy". First, it explicitly states the importance of provisions of non-discrimination, as basis for assuring people equal opportunities to live a good life. In the same time the capability approach goes further and highlights the importance of ensuring that people are not only protected from discrimination but that they are also ensured with the necessary condition to benefit opportunities and to live accordingly to their own conception of a good life. Equal opportunity in the capabilities approach language refers to equal and *effective*

³ However, I must underline the fact that the capability approach and ethics of care take into consideration other types of inequalities. Marginalization of care leads marginalization of groups that are seen as traditional care-givers. As Tronto underlines it, at the moment care is gendered, raced and classed and has been attributed over time to women, slaves and servants (Tronto, 1993, 95)

opportunity to be and to do according to own reasoning.

Returning to issues related with gender equality. Leahy (2010) states that a society cannot be considered just if its members are not able to receive proper care, nor “if people are punished financially and socially for providing the care we all need at some point in our lives.” (Leahy, 2010, 7) This has important implications on gender equality, given the fact that as statistics presented in the first chapter show the caregivers, the women are “financially punished” for providing care, even if we talk about private, no-paid care or about public low paid care.

An important aspect regarding equality of opportunity and more specific gender equality is the isolation of private sphere, of family as private institution from public concern. Nussbaum “breaks through family gate” and makes family a public concern, transforms family and regulations it according to principles of rights, equality, and dignity of life. The capabilities she proposes are actual guarantees that women have real equal opportunities to act as public actors, to decide public matters and to decide their own path according to their own reasoning.

By acknowledging the role played by care in women’s lives – as a part of a social constructed role⁴ – the

⁴ Nussbaum insists on the artificial construction of women’s caring nature. (Nussbaum, 2002, 265-268)

capabilities approach addresses the “double burden”, which is an obstacle for women to equal participation. The capabilities that refer to participation include that women must have access to resources to enjoy equal political participation and even though it is not explicitly mentioned, in my opinion, this refers of resources of time. Equal access to resources, including resources of time is crucial from my point of view for equal participation.

Another type of resources vital for enhancing effective equal participation are the economic ones. By addressing care as a political issue, by setting health care and education as central for assuring capabilities, therefore prioritizing them from a political point of view, Nussbaum creates a framework that implies proper budgeting for area related to care. Proper budgeting of these domains has a double effect: first it enriches the quality of care received and second it enriches the quality of life of care-givers that is of women. More, as I mentioned before Nussbaum reconstructs from the basic a public arena that is inclusive and friendly towards women, a public arena that is shaped not only as “male likeness” but also as women likeness. One of the reasons for which she achieves that is in my opinion the fact that she acknowledges care.

To conclude, by including the “care component” in her capability

approach Nussbaum creates in my opinion the necessary environment to enhance equality of opportunity by stipulating equality distributions of opportunities according to each individual needs and its own reasoning, and by stimulating and assuring the effective possibility of equal participation.

Next I will analyze how the European Strategy for Equality between Women and Men 2010-2015 contributes to the development of capabilities and of the environment for equal opportunity above mentioned.

2. European Strategy for Equality between Women and Men 2010-2015 – A Political Tool for Gender Justice?

2.1. European Strategy for Equality between Women and Men 2010-2015. Presentation

The European Strategy for Equality between Women and Men was created by the European Commission as program for ensuring gender equality. It acknowledges gender inequalities as violation of human rights and emphasizes on the negative effects that inequalities have on economy and on the utilization of talents. It was created having as a background the Roadmap of Equality Between Women And Men 2006, Through this Strategy, the European Commission wants to reassert its

commitment to gender equality, as a fundamental value of the European Union⁵.

The Strategy stipulates five priority directions⁶ for achieving gender equality: equal economic independence, equal pay for equal work and work of equal value, equality in decision making, dignity integrity and an end to gender based violence, gender equality in external action. More, it spells one more area of action⁷ that addresses horizontal issues like gender roles, anti-discrimination legislation and the governance and tools of gender equality.

I will now present each of these priority areas and indicate what output of the key actions⁸ of the Strategy I will use for my analysis of the connection between the Strategy and Martha Nussbaum's capabilities

⁵ Strategy for Equality between Women and Men 2010-2015, SEC (2010) 179, SEC (2010) 179

⁶ As they are defined in Women's Charter (2010)

⁷ This area of action consists mostly in reporting, statistic and assigning responsibility to European Institution. Therefore, I chose to concentrate in my analysis on the main five directions already mentioned.

⁸ I refer here to the outputs of key actions as presented in the Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men 2010-2015. Due to editorial limitation, I have chosen to present those key action that I considered to have a great correlation and significance to enabling women's capabilities as previously discussed.

approach. In the next part, I will try to see if this outputs proposed in the strategy enable women to do and to be according to their own reasoning.

2.1.1. Equal economic independence

The main purpose of this area of action is to increase the number of women that are active in the labor market in order to be able to financially sustain themselves and achieve economic independence. The objective regarding this area⁹ is to reach a level of 75% employment rate both for women and men. In order to fulfill this objective the Strategy stipulates that special attention must be paid to older women, single parents, women with disabilities, migrant women and women from ethnic minorities.

One of the causes of low participation rate of women identifies in the strategy is the disproportionate responsibility regarding family activities. The burden of household activity and caring activities¹⁰ is reflected in the career choices that women make- choosing a part-time job or even choosing between a job and the family. Moreover, this inequality in sharing family responsibilities affects women's real possibility of high professional's achievements – even if women are active in the labor market, due to this double

burden they find themselves in the impossibility of allocating sufficient time to professional development. Therefore, the Strategy emphasizes on the necessity of public providing of affordable and high-quality care services.

The key actions for obtaining equal economic independence are structured into seven main domains: Employment/ labor market; Poverty, social exclusion and pension; Youth and Education; Promote gender equality in European funds; Promote female entrepreneurship and self-employment; Reconciliation between work and private life; Migration Policies and integration of migrants¹¹.

The main outputs of the key actions that I chose to analyze using the capabilities approach are the following:

(1) “Encourage, in the evaluation of national measures implemented to attain the Europe 2020 objectives, measures which contribute to promoting further opportunities for training, skills and professional experience of women, and this also in the scientific, mathematical and technology fields;

(2) Encourage, in the evaluation of national measures implemented to attain the Europe 2020 objectives, measures which contribute to protect women from the risk of exclusion,

⁹ As it is state in Europe 2020 strategy

¹⁰ Of childred or other dependants

¹¹ Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men 2010-2015, 3-7

ensuring income security for one-parent families, elderly women and men;

(3) Improve knowledge about caring for the elderly and the skills needed for workers in this field (network of experts report).

(4) Promote gender equality in education and training related initiatives particularly the initiatives taken to alleviate gender imbalances in literacy, to tackle early school leaving, to promote women adult learning and scientific career choices and the initiatives taken to improve media literacy;

(5) Assess remaining gaps in the entitlement to family-related leave, notably paternity leave and careers' leave, and the options for addressing them;

(6) Support the European Alliance for Families to improving the possibilities of reconciliation of work and family life for both women and men through best practice workshops and 'good practice' section of the Alliance's web portal;

(7) Report on the Member States' performance with regard to childcare facilities;

(8) Encourage co-responsibility in family and domestic tasks between women and men through EU awareness-raising on the role of men regarding gender equality;

(9) Continue to gather and exchange good practice on childcare and care for other dependents (e.g. elderly and/or disabled persons) in

the framework of the HLG on gender mainstreaming in the structural funds;

(10) Adopt a Communication on early childhood education and care"¹².

2.1.2. Equal Pay for Equal Work and Work of Equal Value

Despite the fact that the principle for equal pay for equal work is to be found in the EU Treaties and it's given a high level of importance, the gender pay gap is far from being reduced and more eliminated. The causes for this persistence of the gender gap go beyond the mere question of equal pay: they derive from the gap between women's education and women's participation in the labor market, from the gender segregation of jobs- women tend to work more in domains like health care, education and public administration, domains that are less valued than masculinized ones. As well as in the first area of action, the asymmetry of assuming responsibility for household activity is presented as an obstacle for gender equality.

The key actions for obtaining equal pay for equal work and work of equal value are structured into five main categories: exploring possible ways to improve the transparency of

¹² Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men, 3-7

pay as well as the impact on equal pay of atypical arrangements such as part-timework and fixed – term contracts; Support equal pay initiatives at the workplace such as equality labels, 'charters' and awards, as well as the development of tools for employers to analyze the reasons for unjustified gender pay gaps; Seek to encourage women to enter non-traditional professions, for example in "green" and innovative sectors; Participation of women in ICT; Gender equality and Research¹³.

The main outputs of the key actions that I chose to analyze using the capabilities approach are the followings:

(1) "Promote gender equality in the definition of the EU instruments for "Education and Training strategy for 2020" with the objective to ensure full participation in the knowledge-based economy including literacy aspects, monitor the representation of women in scientific and technological careers, support awareness raising on professional choices of young women and men to reduce vertical labor market segregation (more women in scientific and technical professions, more men in the classrooms);

(2) Elaborate a 2010 Joint progress report on the Education and Training, including on the presence of men in initial teaching and on

attracting highly skilled women in scientific and technical fields;

(3) Reports on research projects on gender issues: GENDERACE (gender equality and women rights-in relation to combating discrimination), FEMCIT (notions and practices of gendered citizenship), FEMAGE (needs of female immigrants and their integration in ageing societies)"¹⁴.

2.1.3. Equality in Decision Making

The strategy acknowledges the low rate of participation of women as a major obstacle for gender equality. The strategy addresses the issues of women under-representation in decision making process in the following domains: politics, economics and research.

The key actions for achieving gender equality in the decision making process are: Consider targeted initiatives to improve the gender balance in decision making; Monitor the 25 % target for women in top level decision-making positions in research; Monitor progress towards the aim of 40% of members of one sex in committees and expert groups established by the Commission Support efforts to promote greater participation by women in European

¹³ Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men 8-10

¹⁴ Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men , 8-10

Parliament elections including as candidates.

The main outputs key actions that I chose to analyze using the capabilities approach are the followings:

(1) Support the collection, analysis and dissemination of comparable data on gender balance in decision making at EU level, i.e. through its database on women and men in decision-making and regular reporting.

(2) Monitor the target of a minimum of 25% target of women at the top level decision-making positions in research.

(3) Encourage participation of women in elections (in particular 2014 EP election) and especially as candidates via the Programmes "Fundamental Rights and Citizenship" and "Europe for Citizens"¹⁵.

2.1.4. Dignity, Integrity and an End To Gender-Based Violence

The Strategy emphasizes the magnitude of the gender-based violence phenomena in the European Union, showing that 20% to 25% of women were victim of physical violence at least once in their lives. Forms of violence against women include: domestic violence, sexual harassment, rape, sexual violence during conflicts and tradition practices like genital mutilation.

¹⁵ Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men 11

More, the strategy presents the importance of eliminating gender inequalities in areas like healthcare and long term care. It emphasizes the importance of taking into consideration the different health risks that women and men have and create public policies that respond adequately to the specific needs of women and men.

The key actions in this area are: Adopt an EU-wide strategy on combating violence against women that will aim, for instance, at eradicating female genital mutilation using all possible instrument within the limits of its powers, including criminal law if needed, supported by a Europe-wide awareness-raising campaign on violence against women; Asylum; Consider gender issues in health policies

The main outputs of the key actions that I chose to analyze using the capabilities approach are the followings:

(1) Adopt an EU wide strategy on combating violence against women, including practices of female genital mutilation;

(2) Legislation on victims' rights;

(3) Ensure that the EU asylum legislation takes into account gender equality considerations; promote gender-specific training and best practices within the European Asylum Support Office as well as via funding by the European Refugee Fund;

(4) *Promote health and gender impact assessment of policies and programmes;*

(5) *Promote gender mainstreaming in health policies in line with the EU's Health Strategy and initiatives linked to the health strand of the social OMC, as well as the 2009 Communication on Health Inequalities, notably in the EU quality framework for social and health services, HIV/AIDS, tobacco and cancer*¹⁶.

2.1.5. Gender Equality in External Actions

The strategy connects EU Policies for gender equality inside EU with the work undertaken in third countries. The fundamental principle of equality between women and men must be implemented at national level in the candidate countries and the monitoring the implementation and the enforcement of this principle is stipulated in the Strategy as main priority of the European Union.

The strategy readdresses EU's engagement in collaborating with other entities in order to promote gender equality.

The key actions in this area target the following domains: Enlargement process; External relation and development policies; Further integrate gender considerations into EU

humanitarian aid; Other external actions and cooperation with international organization.

The main outputs of the key actions that I chose to analyze using the capabilities approach are :

(1) *Monitor and support adherence to the Copenhagen criteria for accession to the EU in the field of equal treatment between women and men, and assist Western Balkans countries and Turkey with the transposition and enforcement of legislation and the necessary establishment of adequate administrative and judicial systems.*

(2) *Continue to contribute to the implementation of the EU Guidelines on violence against women and girls and combating all forms of discrimination against them*

(3) *Support civil society organizations working on women's rights-call for proposals with a focus on economic empowerment of women.*¹⁷

2.2. The European Strategy for Equality between women and men and the Martha Nussbaum's capabilities approach

The principle of non-discrimination and fair treatment on the labor market is present in Martha Nussbaum's approach of capabilities. Explicitly this appears in

¹⁶ Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men 12-13

¹⁷ Commission Staff Working Document Actions To Implement The Strategy for Equality between Women and Men 15-16

Nussbaum's tenth capacity "control over one's environment" as "having the right to seek employment on an equal basis with others [...and] being able to work as a human being, exercising practical reason, and entering into meaningful relationships of mutual recognition with other workers." (Nussbaum, 2008, 605) More, when Mary Leahy integrates care into the capabilities approach, she states that care as a capability implies a social responsibility that includes paying taxes to fund decent support services and transfer payments as well as supporting labor laws that guarantee a living wage and proper working conditions, and supporting fair trade and environmental sustainability" (Leahy, 2010, 15) It is important to underline that European Strategy emphasize on the importance of increasing participation of women in areas that are traditionally masculinized and economically valued, areas that due to gender segregation are out of reach for women. By doing this, it enlarges the sphere of possibilities and choices for women's development: women can be and can do according to their reasoning and not be constrained only to few domains¹⁸ traditionally assigned to women. I believe that the measures implied by the Strategy to promote employment opportunities, to protect women against risk of social

exclusion, to promote women literacy and skills development all of this measures are consistent with Nussbaum's approach and have as a result of their implementation the development of women capacities: by ensuring real access on the labor market women can (1) be and do whatever they want as a profession according only to their own understandings and desires of professional development and (2) achieve an improved level of economic independence.

An important point that is reiterated throughout the Strategy as having a crucial role for achieving gender equality is education – seen as literacy, training, and skills development. Literacy also plays an important role in Nussbaum's theory of capabilities. Explicitly it is mention in the fourth capacity "Senses, Imagination, Thought" as a tool for one's ability to use his or her senses, to imagine, to reason and to think in a "truly human way" (Nussbaum, 2008, 604).

The forth priority area of the European Strategy: Dignity, Integrity and an end to Gender-Based Violence find its correspondent in Nussbaum's lists of capabilities in the second and third capabilities: Bodily Health and Bodily Integrity. As Nussbaum underlines it, the capability of bodily integrity includes „to be secure against violent assault, including sexual assault and domestic violence". (Nussbaum, 2008, 604)

¹⁸ That are usually in the area of caregiving and are poorly financed.

This is also an objective of the strategy: to combat violence against women in all its forms. More, the strategy emphasizes the importance of ensuring appropriate health care for women that respond to their specific needs. Response to specific needs and acknowledgement of differences between needs are important points in the capability approach and represent an advantage of this theory compared to other approaches of equality of opportunity.

Another important issue addressed both throughout the Strategy and also by the capabilities approach is public participation of women. This issue appears explicitly in Nussbaum's capability list as the political aspect of the tenth capability: Control over one's environment. Moreover, the public participation of women is promoted through all other capabilities¹⁹. In the previous part of my paper, I mentioned how in order to increase the level of women's public participation two main obstacles must be removed: "the double burden" and the scarcity of economic resources. I also have shown in the first part how the capabilities approach addresses obstacle. Before I show how it concretely responds to this issue, I would like to mention that the subject of equal public participation is referred to both throughout the entire strategy, as a tool for achieving gender equality in

¹⁹ I have shown how in the first part of my paper.

other domains, as well as in a separate section as a priority area itself. Now, I intend to show how the European Strategy for Equality between women and men targets and addresses the two barriers already mentioned. First, it proposes insurance of full participation in the labor market in all sectors in order to increase women economic independence and to eliminate gender pay-gap. Second, it encourages co-responsibility in family and domestic tasks between women and men. By sharing "the burden", women gain more time for entering into the public sphere.

It is important to mention at that this point that care²⁰ represents an issue addressed throughout the Strategy. Thorough promotion of high quality care services as public responsibility and by committing to support process of reconciliation of work and family the Strategy encourages and ensure real access for women in the public, political sphere and in the decision making process. More, various key directions have as central focus care issues: childcare facilities, promoting good practices regarding care activities.

Next I will analyze what is the level of progress that Romania has made according to the objectives of the strategy and therefore towards ensuring women's capabilities.

²⁰ I have previously detailed the importance that care has in the capability approach, how Nussbaum's list contain

3. Romanian Case: Where we Stand in Actual Implementation and Usage of the European Strategy for Equality between Women and Men as an Instrument for Enabling Women's Capacities

In this section of my paper I intend to see what is the current position of Romania in implementing the Strategy of Equality between women and men, and how it develops women's capacities. I will use as tools of analysis data from European report on Member States progress, Eurostat data and National Documents on three main areas: economic equality and independency, gender violence and public participation decision-making equality²¹. Given the fact that my scope is to see the possible effects of the Strategy adopted in 2010, I will focus in my analysis on data from 2011 and 2012.

3.1. Economic equality and independency

Employment rate

According to Eurostat data, in 2011 the employment rate in Romania was 65% for men and 52% for women, below the threshold set by European Union of 75%. While

²¹ I have chosen to group the five priority areas of the European Strategy into three main categories that I believe to reflect best the connection between the Strategy and Nussbaum's capability approach

we may not see a very big difference between employment rates between women and men at this, if we introduce the variable of number of children we will notice significant differences of employment rate: (1) one child – women's employment rate is 65.3% while men's employment rate is 78.7%, (2) two children – women's employment rate is 62.8% while men's employment rate is 80.8%, (3) three children or more – women's employment rate is 48.5% while men's employment rate is 67.6%²². We can see that the higher the number of children is, the bigger the differences between women's and men's employment rate are. The same differences, appears in part-time employment rate: if in case of only one child difference between women and men part-time employment is of 1.8% (Women: 8.4%, Men: 6.6 %) in case of three or more the difference is of 5% (Women: 21.5%, Men: 16.5%).²³ More, almost 5% of women that chose part-time employment identify as main reasons looking after a child or incapacitated person, The main ideas that may

²² Eurostat, Employment rate of adults by sex, age groups, highest level of education attained, number of children, updated at 20.09.2012, Time:2011 Age: From 15 to 64 years, Romania ISCED97: All ISCED 1997 levels

²³ Eurostat, Percentage of part-time employment of adults by sex, age groups, number of children, updated at 20.09.2012, Time:2011 Age:From 15 to 64 years, Romania

arise from here is that (1) women's employment rate is lower, depending on number of children in the family and (2) women's employment rate as part-time is higher when there are more children in the family. This leads to the conclusion that women's access on labor market and her actual possibility of income and economic independence are limited.

Care facilities

In order to promote gender equality, and especially economic equality, the Strategy addresses issues of care, as an obstacle in women's path towards economic independence and recommends Member States to develop high quality services of care and care-oriented policies

According to the Progress Report on Equality Between Women and Men in 2011²⁴, Romania is among the bottom three Member States in terms of Child Care Coverage with a rate below 10%²⁵. More, Romania is on the first place on inactivity and part-time work due to the lack of care services for children and other dependents²⁶.

In March 2010 the Romanian Government adopts the National

Strategy for Equality between Men and Women. It addresses the issue of labor market and economic independence for women, but its key directions remained only at a declarative level. As Alice Iancu (2010) underlines it "it is hard to establish a serious commitment both from the part of Romanian government and other state institutions for gendered care policies." (Iancu, 2012, 237).

Moreover, the crisis policies in Romania had a negatively impact both on care-givers as well as on care-receivers as well on the process of caring itself²⁷: care-cash transfer for the care-givers of disabled persons were simply not paid, budgets in caring activities like education and health were cut, the number of child care facilities dropped. These are few examples that come to show that Romania is far from fulfilling the objectives of the Strategy and its policies are inconsistent with the directions and recommendations of the European Union regarding care.

²⁴ That is the most recent report published

²⁵ Commission Staff Working Document on Progress on equality between women and men in 2011, 6

²⁶ Commission Staff Working Document on Progress on equality between women and men in 2011, 7

²⁷ The impact of crisis measures is a subject on analysis itself. However this is not the point of my paper and I would not approach this subject in a more detailed manner. For details on this subject see Alice Iancu, 2010, Politics of Care in a State of Crisis: The Romanian Case, *Lex ET Scientia International Journal – Juridical Series*, No. XVII, Vol 2/2010, 224-241

Risk of poverty

According to Eurostat data²⁸, in 2011 Romania was positioned as having the second highest rate of risk poverty²⁹ in the European Union (40.3%) after Bulgaria (49.1%). According to the same data women have a higher rate of risk of poverty 41.1%³⁰ than men 39.5%³¹. More, Romania has the highest rate of in-work³² at risk poverty rate by age and sex³³.

Significant differences concerning risk of poverty rate are observed for different household types: single female household have a 26.7% rate of risk of poverty while single male household gave 17,2% rate. More,

²⁸ Eurostat, People at risk of poverty or social exclusion by age and sex, updated 05.11.2012

²⁹ Which is set at 60% of the national median equivalised disposable income (Euro-stat official website, Glossary, http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:At-risk-of-poverty_rate)

³⁰ Also it occupies the second highest rate position

³¹ Men's rate of risk of poverty is the third in the European Union

³² Individuals who are classified as employed (according to their most frequent activity status) and whose household equivalised disposable income is below 60% of national median equivalised income. (Eurostat official website, Glossary, http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:In-workpoor)

³³ Eurostat, In-work at-risk-of-poverty rate by age and sex (Source: SILC) [ilc_iw01]

households with a dependent child has almost double rate of risk poverty (27.4%) than the households without a dependent child³⁴.

Therefore, in Romania in 2011 women still confront issues of poverty and are far from achieving economic independence.

3.2. Gender violence

No official reports or statistics concerning gender violence are published in Romania since 2009. In a response received from The Ministry of Labor, Family and Social Protection, following a request of information, it is shown that the number of adult women victims of domestic violence in 2011 is of 1296. This number refers to reported cases and is far from revealing the actual number of women victims of domestic violence. More, police reports on victims of assault, harassment are not gendered.

Regarding legislation, due to NGO's pressures and protests, recently it was adopted a new Law against Domestic Violence, that has a major point the possibility of obtaining an restraining order against the aggressor. However, there were identified several problems regarding its actual implementation, for example the lack of norms of application.

³⁴ Eurostat, ,updated 05.11.2012At-risk-of-poverty rate by poverty threshold and household type

The National Strategy for Equality between Women and Men mentions violence against women only when stipulating the celebration of the International Day of Eliminating Violence against Women.

3.3. Public participation and decision-making equality

Women in economic decisions making

The Progress Report on Women in Economic decision making in the EU shows that only 10% of the members of the boards of the largest listed companies are women. More important, Romania occupies the first position in the lowest rate of change in the share of women on corporate boards between October 2010 and January 2012 – the change is actually negative of more than – 10%. More than 42% of the companies in Romania have no women in leading positions and on boards.³⁵

Regarding legislation and national initiatives the Report has no mention of Romania.

Women in political decision making

According to the most recent data from the European Commission Report on decision making equality, Romania is on the second place on

the lowest percentage of women in National Parliament: 10%. Concerning regional assembly only 2% of the presidents are women and 15% men. More, in 2012 only 3% of mayors are women. The same percent of 3% characterizes the situation of women as ministers in the Romanian Government.

The situation does not seem to improve. A statistics drawn by the feminist ONG Front shows that in the current parliamentary elections the two main political competitors have nominated as candidates between 10.8% (The Social Liberal Union) and 13.2% (The Alliance for a Fair Romania)³⁶.

Conclusions

In the first part of my paper I have argued for using the capabilities approach as a theoretical framework for analyzing gender equality. As I have mentioned from the start I believe that the capabilities approach represents a feminist approach for a theory of justice because it conceptualizes women's concrete, effective realities, inequalities into political theory. The capability approach assumes that the government has a duty to assure that women do not face obstacles – such as poor education, poor resources, attributed gender roles, traditional hierarchies,

³⁵ European Commission - Directorate-General for Justice, Women in economic decision-making in the EU: Progress Report, Luxembourg: Publications Office of the European Union 2012

³⁶ Women candidates in election. Statistics. (Femei candidate in Alegeri. Statistici), 2012, Electronic document

devaluation – in participating in public sphere and that women have actual and real access to political participation. Given the fact the equality of opportunity and gender equality represent core values of the European Union I have chosen to analyze to what extent *The Strategy of Equality between Women and Men* develops capabilities of women and offers concrete, real and equal opportunities for them to be and do according to their own reasoning. Moreover I wanted to see to what extent this Strategy can become a tool for national governments to “fulfill” their duty above mentioned.

After showing how the European Strategy can represent a tool for developing capabilities and how the key directions and outputs expected correspond to Martha Nussbaum’s capabilities approach, I have moved to analyzing to what extent Romanian state “follows the path” of the Strategy towards gender equality. Thus if the capabilities approach represents a basis for determine a social minimum that must be provided to the citizen and we acknowledge the European Strategy for Equality between Women and Men represents a “guidance instrument” towards insuring a social minimum for women, by analyzing the level of concordance between national directions and the strategy, we can reach to relevant conclusion

regarding the national level of insuring a social minimum for women.

I have shown that Romania is far from reaching the European objectives regarding gender equality and the directions adopted are mostly formal without substance. Statistical data shows that women still face more employment challenges in the labor market, mostly due to lack of care facilities and care-centered policy. More, women face a high level of risk poverty and social exclusion. This represents obstacles for women to do and to whatever they reason to.

Lack of information regarding gender violence and scarcity of measurement against it, disable women’s capacities like Bodily Integrity, or Bodily Health.

Also, women’s capacity to control their environment, as possibility of political participation is almost impossible to detect in the Romanian case with a political representation of no more that 10%.

Therefore, I conclude that the Romanian state has a long way to go reach for concrete and real gender equality, and to actual insure women’s opportunity of environment where they can be and do what their own reason tell them to be and to do and not are they constrained by society.

BIBLIOGRAPHY

- Dahl, R., 1996. *On Political Equality*, New Haven: Yale University Press
- Daniels, N., 2002. *Democratic Equality: Rawls Complex Egalitarianism* in: S. Freeman, ed. *The Cambridge Companion to Rawls*. New York: Cambridge University Press, pp. 241-276.
- Iancu, Alice, 2010, Politics of Care in a State of Crisis: The Romanian Case, *Lex ET Scientia International Journal – Juridical Series*, No. XVII, Vol 2/2010, 224-241
- Leahy, M., 2010. *Care and Capabilities Approach: A Path to Gender Equality*. Buenos Aires, s.n
- Nussbaum, M., 2000. *Women and Development: The Capability Approach*. New York: Cambridge University Press.
- Nussbaum, M., 2002. Capabilities and Social Justice. *International Studies Reviews*, 4(2), pp. 123-135.
- Nussbaum, M., 2008. Capabilities as Fundamental Entitlements: Sen and Social Justice., In: T. Brooks, ed. *The Global Justice Reader*. Malden: Blackwell Publishing, pp. 598-614.
- Poole, R., 1991. *Morality and Modernity*. New York: Routledge
- Rawls, John. *A theory of Justice*. Revised Edition. Cambridge: Harvard University Press, 1971, 1999
- Ray, Nupur. "Martha Nussbaum's Capabilities Approach: A Rethinking on 'Self' , 'Responsibility' and 'Gender Justice' in 'Family'." *Human Development and Capability Association* . n.d. http://www.capabilityapproach.com/pubs/1_3_Ray.pdf (accessed 05 02, 2012).
- Robeyns, I., 2003. Sen's capability approach and gender inequality: selecting relevant capabilities. *Feminist Economics*, 9(2-3), pp. 61-92.
- Robeyns, I., 2011, "The Capability Approach". [Online] Available at: <<http://plato.stanford.edu/archives/sum2011/entries/capability-approach/>>[Accessed 01 05 2012].
- Sen, A., 1995. *Inequality reexamined*. New York: Harvard University Press.
- Wolf, J. & de-Shalit, A., 2007. *Disadvantage*. New York: Oxford University Press
- European Commission – Directorate-General for Justice, *Women in economic decision-making in the EU: Progress Report*, Luxembourg: Publications Office of the European Union 2012
- Commission Staff Working Document *Actions To Implement The Strategy for Equality between Women and Men 2010-2015*
- Commission Staff Working Document *on Progress on equality between women and men in 2011*
- *Strategy for Equality between Women and Men 2010-2015*, SEC (2010) 179, SEC (2010) 179.

ROMANIAN INSTITUTIONS FOR PROMOTING EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN. THE IMPACT OF ROMANIA'S ACCESSION TO THE EUROPEAN UNION

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Abstract: *The accession to the European Union represented a turning point for the Romanian gender equality domain and series of legislative and institutional transformations had to be achieved in order to create an efficient framework for promoting equal opportunities between women and men. During the EU accession, the process of transformation and change has been delayed by the political representatives' lack of a real interest in eliminating the existing inequalities between women and men. The fact that the European Union imposed some conditionalities for Romania's accession didn't prevent the Romanian institutions to only "import" the legislation, without also changing the priorities of the decision-makers.*

The consequences of such behavior were visible when the Romanian Government decided to impose austerity measures by abolishing institutions responsible with monitoring and evaluating the politics of equal opportunities between women and men. Although the development of these institutions and of an efficient legislative framework represented conditions imposed by the European Union for the Romanian accession, these criteria were no longer relevant after the EU accession. The lack of receptivity of the political representatives regarding Romanian women's problems and interests did not allow for the development of an efficient mechanism to promote gender politics based on the local context. In order to comply with the European Union conditions, an import of the legislative and institutional framework has been made instead.

Keywords: *equal opportunities between women and men, National Agency for Family Protection, National Agency for Equal Opportunities between Women and Men, European Union, room-service feminism.*

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Rezumat: În perioada de aderare a României la Uniunea Europeană au avut loc o serie de transformări legislative și instituționale pentru a crea un cadru funcțional de susținere a egalității de șanse între femei și bărbați. Procesul de transformare a fost îngreunat de lipsa unui interes real din partea reprezentanților politici față de rezolvarea inegalităților existente între femei și bărbați.

Urmările importului legislativ și a impunerii de către Uniunea Europeană a unor priorități încă neconștientizate de decidenții politici s-au concretizat în măsurile adoptate de Guvernul României pentru contracararea efectelor crizei economice, măsuri prin care au fost desființate instituții responsabile cu monitorizarea și evaluarea politicilor privind egalitatea de șanse între femei și bărbați. Deși dezvoltarea acestor instituții și crearea unui cadru legislativ funcțional au reprezentat condiții ale Uniunii Europene în ceea ce privește aderarea României, aceste aspecte nu au mai fost relevante în perioada post-aderare. Lipsa receptivității reprezentanților politici față de problemele și interesele femeilor din România nu a permis dezvoltarea unui mecanism eficient de susținere a politicilor de gen, pornind de la contextul local, având loc, în schimb, un import al cadrului legislativ și instituțional.

Cuvinte cheie: egalitate de șanse între femei și bărbați, Agenția Națională pentru Protecția Familiei (ANPF), Agenția Națională pentru Egalitate de Șanse între Femei și Bărbați (ANES), Uniunea Europeană, feminism "room-service".

1. Legislative and Institutional Transformations during EU Accession

The EU pressure imposed for Romania stimulated the development of national mechanisms regarding gender equality regulation and monitoring. EU conditions for the accession of Romania represented an important factor for Europeanization and for redefining the institutional and legal framework regarding equal opportunities between women and men (Chiva, 2010, p. 196).

One of the EU conditions for the accession of Romania was to implement the directives regarding the prohibition of discrimination on

the basis of ethnic or racial origins, sexual orientation, gender, religion, disability, age etc. In the Regular Report from 2003 on Romania's progress towards accession, Romania had accomplished the conditions for the necessary infrastructure regarding promotion of equality through the existence of the National Council for Combating Discrimination (NCCD) (Chiva, 2010, p. 202) and through the enforcement of the Governmental Ordinance nr. 137/2000 for preventing and sanctioning all the forms of discrimination². Because of the

² Governmental Ordinance no. 137/2000 was later modified through Governmental Ordinance no. 77/2003, Law no. 27/2004, Law no. 324/2006.

existing disputes³ regarding the autonomy of NCCD, the institution was transferred in 2006 from the subordination of the Government under the subordination of the Romanian Parliament (Popa, 2008a, p. 7).

In 2002 the Government enforced the Law no. 202 regarding equal opportunities between women and men, but the institutional framework for application and monitoring was created only in 2004, after several debates between the political decision-makers and as a consequence of the critics presented in the Regular Reports of the European Commission. The Law no. 202/2002 has attributions only in the public sphere and, although the responsible institutions are enunciated in the legislative text, the law “does not stipulate any monitoring mechanism for these institutions’ activities, does not assign responsibility to any central institution or specialized commission, does not stipulate any deadline or budget for the implementation of these activities” (Borza, 2008, p. 167). Ioana Borza critiques the fact that, although one of the

Romanian Government objectives for 2001-2004 was to develop an independent organism for promoting equal opportunities between women and men, the institutions responsible in this domain were developed under the subordination of the Ministry of Work and Social Solidarity, Ministry of Education and Research and Ministry of Health and Family (Borza, 2008, p. 166). The nominated Ministries for promoting equal opportunities between women and men were those which are specialized in feminized activities (work, education, health) and this indicates the political representatives’ lack of expertise in the gender equality domain. The other Ministries, where masculinized activities prevail, were not assigned clear responsibilities for promoting equal opportunities between women and men.

The responsible institutions with the implementation of Law no. 202/2002 “did not present any activity report, any political strategy in this domain, nor evaluation indicators” (Borza, 2008, p. 167). The National Agency for Equal Opportunities between Women and Men (NAEO) was established, at last, after several critics made in the Regular Report of the European Commission from the autumn 2002, which indicated that “there was no progress regarding fund allocation for the implementation of the National Plan for Equal Opportunities”

³ Raluca Popa argues that one of the most controversial criterion of discrimination was the one based on sexual orientation, and the same-sex relationships were prohibited and punished with prison from two to seven years in conformity with the Penal Code until June 2001, although the Governmental Ordinance no. 137/2000 was enforced as a EU condition for Romanian accession (Popa, 2008a, p.12).

(Borza, 2008, p. 170) and in the Regular Report of the European Commission from the autumn of 2003, where is explicitly critiqued the lack of accomplishments for promoting equal opportunities between women and men and is estimated the establishing of the National Agency for Equal Opportunities in the following period (Borza, 2008, p. 172). Establishing NAEO represented a condition for the EU accession and was built with the financial and expertise support of the PHARE program, representing an objective of the twinning project between Romania and Spain “Establishing the National Agency for Equal Opportunities between Women and Men” (Popa, 2008a, p. 18). Before NAEO was established there were several initiatives from the women political representatives for the establishing of an autonomous institution with an adequate budget, but these recommendations were rejected by the political decision-makers (Borza, 2008).

NAEO was created through Governmental Ordinance no. 184/2004 for the modification and completion of the Law. No. 202/2002, organization which had the role to apply the European Union legislation on the labor market and to promote and monitor the equal treatment (Popa, 2008a, p. 6), but it was established under the subordination of the Ministry of Work,

Family and Social Protection. In the Regular Report on Romania’s progress towards accession, the European Commission emphasized the disparity between the Romanian legislative and institutional framework and the *acquis communautaire* regarding the equal opportunities between women and men in labor and social politics (Popa, 2008a, p. 17). The European Union insisted in promoting equal opportunities between women and men especially on the labor market: “Equality in the public area depends on equality in the private sphere of sexuality, marriage and the family – areas that the EU member states have been remarkably reluctant to relinquish in favor of legislating at the Community level” (Chiva, 2010, p. 196). Thus so, the Government’s attention for promoting equal opportunities between women and men represented a result of the EU pressure for the alignment of the Romanian gender politics to the European Strategy for Employment and to the Lisbon Agenda (Popa, 2008b, p. 10). There were no authority to monitor the application and evaluation of the Romanian gender politics.

Domestic violence was one issue which “drew the attention of the Commission sporadically, being particularly prominent in the Reports on Romania” (Chiva, 2010, p. 200). But the improvement of the legislation for combating family violence did not represented a

condition imposed by the European Commission for the Romanian accession, but the existing pressure in that period, regarding the legislative modifications, gave the opportunity for developing the Law no. 217/2003 for combating family violence (Popa, 2008a, p. 16). As well, the Romanian Constitution from 2003 stipulated that torture or any other kind of punishment or degrading or inhumane treatment are prohibited and that it guarantees the right to individual freedom and safety as well as the right to be protected⁴.

2. Legislative and Institutional Effective Functioning for Supporting Equal Opportunities between Women and Men

NAEO functioned initially with 30 person's personnel and with one person in each county, who already worked in the organizations of the Ministry of Work and who were attributed competences in the equal opportunity's domain. After the enforcement of the Law no. 202/2002, the National Commission for Equal Opportunities between Women and Men was established and was led by the NAEO President and had the role to coordinate County Commissions. NAEO did not have autonomy, being in the Government subordination,

⁴ Romanian Constitution, 2003, published in the Official Gazette of Romania, Part I no. 767 from 31/10/2003.

within the Ministry of Work and in the first two years of activity (2005-2007) NAEO did not receive a budget for effective activities regarding the promotion of gender equality, but only for the administrative expenses and for the personnel wages. During the same period, NCCD was moved from the Government control in the subordination of the Parliament, but did not have the same expertise in gender equality and its activities were financed through external funds (Popa, 2008a, p. 19). NAEO could not have been an independent mechanism of monitoring and evaluating the politics regarding equal opportunities between women and men because it was subordinated to the Ministry of Work, fact that limited its decision-making power regarding the the coordination and monitoring the Government's strategies and politics, given the fact that it depended on the approval of the MPs for their implementation and for deciding the amount of its budget (Borza 2008, p. 182), hence NAEO could not have been an independent mechanism of monitoring and evaluating the politics regarding equal opportunities between women and men.

Before Romania's accession, there were several factors which contributed to the improvement of the institutional functioning in the gender equality domain. Alongside the European pressure, there were other ones too: (a) an indirect pressure form the Commission for Equal Opportunities between Women and Men within the Chamber of Deputies in order to

modify the Law no. 202/2002 and (b) from the civil society through a public letter addressed to the Prime Minister regarding the inefficient functioning of NAEO (Borza, 2008, p. 200). The gender dimension “was missing from the vulnerable group’s approach, which was globally applied” (Bărbulescu et al, 2011, p. 89). Law no. 340/2006 regarding the modification and completion of Law no. 202/2001 introduces the concept of *multiple discrimination*⁵ as a result of the influence of Roma women organizations in the decision-making process (Borza, Grünberg, 2008, p. 38). The effective implementation of the concept of *multiple discrimination* was difficult and there is no sanction applied by the NCCD on this criterion.

The concept of equal opportunities between women and men was treated as a sterile principle, being legislated only because as a member state, Romania had to harmonize its legislation according to the European aquis. Because of this, the development of gender politics in Romania did not have the results expected by the European Union. Also, the lack of receptivity of the political representatives to the recommendations of the feminist and women’s organizations, regarding Romanian women’s real interests, contributed to the development of a series of politics that do not comply with the identified needs. The activities for

the promotion of women’s rights concentrated on assuring equal opportunities in the employment domain and neglected other domains like education, health, violence against women, reconciliation between work and family life etc.

One of the factors that threaten the rights of women is gender based violence under its different forms: domestic violence, forced marriages, sexual abuse, human trafficking, economic and psychological violence, etc. Gender based violence reflects a power disequilibrium between women and men and the most widespread and socially tolerated form of human rights violation⁶. The National Agency for Family Protection (NAFP) was established through Law no. 213/2003 for combating family violence. The NAEO, NCCD and NAFP’s responsibilities and attributions were not clearly defined, fact which was mentioned in the Regular Report from 2005 regarding the Romanian progress towards accession. After this, NAEO concentrated on policies regarding the implementation of the Law no. 202/2002 and NAFP on politics for combating domestic violence (Popa, 2007, p. 53). These misunderstandings led to the postponement of sanctioning the discrimination cases and into the discouragement of making complaints.

Once it was established in 2003, the NAFP coordinated the Pilot Center for the Protection and Assistance for the Domestic Violence

⁵ Multiple discrimination represents any discrimination act based on two or several criteria of discrimination.

⁶ <http://www.unfpa.org/swp/2005/english/ch7/>

Victims and the Center for Family Counseling and Planning (Popa, 2008b, p. 18). The Decision no. 686/2005 for the approval of the National Strategy for Preventing and Combating Family Violence was a response to the Regular Report from 2003 regarding the Romanian progress towards accession⁷ and “makes a clear statement regarding the Romanian state’s responsibility to create a favorable framework in order to identify solutions for preventing family violence and to support the victims of family violence” (Bragă, 2011, p. 59). The implementation of this strategy aimed to harmonize and correlate the reform processes from different domains like social protection, justice, health, education, local administration, under the coordination of NAPF, in order to assure a common action plan with the purpose to socially reintegrate the victims of family violence.

For this to happen, the legal provisions refer to “mediation of conflicts regarding family violence, but they do not correspond to the new Law regarding mediation, do not develop safety measures for the vulnerable parts and encourage that

⁷ „In mai 2003 was enforced the legislation for preventing and combating family violence. The Law represents a positive development and offers improved protection for violence victims. For the implementation of the Law, National Agency for Family Protection has to become operational as soon as possible” (p. 23).

this conflicts should be resolved by a family council – a mechanism which is very rarely used or not used at all, but which, potentially, may bring further injuries in cases of severe and repeated aggression” (Asociația Baroului American, 2007, p. 61). Also, the absence of the restriction order and the lack of applicability of the safety measures stipulated in the Penal Code⁸ limit the possibility for solutions in the cases of family domestic violence. In the conclusions of the report made by the American Bar Association it is mentioned that the Law no. 217/2003 and the Penal Code contribute to contradictory interpretations and that “according to the enforced legal stipulations, the magistrates can not address many cases as being family domestic violence” (Asociația Baroului American, 2007, p. 70). The National Strategy for Preventing and Combating Family Domestic Violence, enforced in 2005, did not include indicators for evaluating and monitoring its impact. Although the protection order was introduced in the legislation at the beginning of 2012, the effective implementation is restricted by the existing misunderstandings in the legislative framework and by the lack of proper applicability norms. In most of family domestic violence cases, the decision is taken by the police or the judicial representatives and is based on the way they interpret the law.

⁸ Regarding the safety measures against the agresor.

3. The Economic Crisis and the Abolishment of the Institutions with Attributions in the Domain of Equal Opportunities between Women and Men

The institutional modifications implemented during the economic crisis have had a negative impact especially on Romanian women's lives. The budgetary cuts and the dissolution of different institutions that were responsible for promoting equal opportunities had a stronger effect on women because these institutional modifications took place on an existing gender inequality background. Also, women were affected differently by the governmental measures based on their residential environment, sexual orientation, ethnic origins, poverty, age, disability, etc.

The European Parliament's Resolution of the 26th of November 2009 invited the EU member states to amend their national legislation and politics for combating all the forms of violence against women and to take measures in order to approach the causes of violence against women and to use prevention measures⁹. Through this Resolution, the European Parliament emphasized the fact that the economic, social and/or financial crisis contribute to raising women's vulnerability in

⁹ European Parliament Resolution from 26th of November 2009, regarding the elimination of violence against women.

front of the male violence and that they should not be considered excuses for tolerating violence against women. The member states were invited to support financially the organizations which offer shelter and psychological counseling for the women victims of violence, to support their reintegration on the labor market and "to take into consideration adequately the specific circumstances of some groups of women which are more vulnerable to violence as women from an ethnic minority, migrant women, refugee women, women who live in poverty and from rural or isolated communities, women with disabilities, aged women"¹⁰. The European Parliament's Resolution pointed out the importance of statistical data collecting regarding violence against women in order to have the possibility to use comparable data from the entire EU¹¹.

On the 26th of November 2009, in the same day the European Parliament enforced the Resolution regarding the elimination of violence against women, in the Romanian Official Gazette the Governmental Decision no. 1385/2009¹² was published, which abolished the National Agency for the Protection of the

¹⁰ European Parliament Resolution from 26th of November 2009, regarding the elimination of violence against women.

¹¹ *Idem*

¹² H.G. nr. 1385/2009, published in the Romanian Official Gazette, Part I, no. 807 from 26th of November 2009.

Child Rights (NAPCD) and the NAPF, presented as a measure of the Romanian Government for “the rationalization of public expenditures, supporting business environment and respecting the accords made with the European Commission and International Monetary Fund”¹³. Also, the Pilot Center for Counseling and Protection for the Victims of Domestic Violence from the subordination of NAPF was abolished and the National Authority for Family Protection and Children’s Rights (NAFPCR) was established, which shouldered the responsibilities, objectives, functions and attributions of the former abolished institutions. Through the Governmental Decision no. 1385/2009, several important objectives were eliminated: supporting victims through health recovery and social reintegration programs; counseling aggressors through rehabilitation treatments; protecting victims – especially minors – through identity confidentiality and psychological protection measures taken during the juridical case (Art. 2. – lit. c), d) and e) din H.G. 1624/2003).

In order to accomplish the objectives for combating domestic violence, the NAPF attributions provided for the expenditures with shelters, judicial psycho-social counseling, emergency medical services, emergency telephone numbers and the forensic certificates for the

victims of domestic violence (Art. 10 din H.G. 1624/2003), but these attributions are no longer available in the NAPF responsibilities.

Another measure that the Romanian Government took against the effects of the economic crisis was the dissolution of the NAEO¹⁴ in 2010, when it was transformed into a Direction under the subordination of within the Ministry of Work. Even if it would have suffered several institutional modifications and even taking into account “the reduced number of employees (as a result of reorganization) and the reduced quantum of the salaries, the dissolution of the NAPF because of budgetary reasons cannot be sustained” (Iancu, 2011, p. 20). The public and budgetary policies implemented by the political decision-makers during the economic crisis contributed to the increase of women’s risk of social exclusion. As far as representing women’s interests, “through the budgetary and political priorities, the lack of importance given to women and their specific experiences” (Iancu, 2011, p. 29). Although beside the parental leave, nurseries and kindergartens remain “the main widespread formal available instruments regarding the reconciliation between work and

¹³ *Idem.*

¹⁴ Prin Ordonanța de Urgență nr. 68 din 30 iunie 2010 privind unele măsuri de reorganizare a Ministerului Muncii, Familiei și Protecției Sociale și a activității instituțiilor aflate în subordinea, în coordonarea sau sub autoritatea sa

family life in Romania” (Băluță, 2011, p. 36), their number was severely reduced, from 12831 kindergartens in 2000 to 1498 in 2011, while the number of children has grown (Băluță, 2011, p. 39).

The political representatives did not take into consideration the different needs and interests of women and men when they decided to implement the measures against the effect of the economic crisis. In 2006, during the process of EU accession, Romania ranked the 46th place in a global classification based on the global index of gender inequalities, from a total number of 115 countries. What is of concern is that in 2012, Romania held the 67th position¹⁵ in that global classification, which is, from my point of view, a consequence of the political representatives’ decisions regarding gender policies and which reflects the extent of their real support for equal opportunities between women and men. Regarding women’s political empowerment, in 2012 Romania was on the 97th position from a total of 137 countries, being an indicator of the indicating the representation of women’s interests and of their participation at the political decision-making level.

After the Romanian accession there was a relative functional legislative and institutional mechanism for supporting equal opportu-

nities between women and men. The NAEO and the NAPF implemented activities that were starting to make the specific problems of women’s experiences and their interests visible in the public space. The following development of public policies could have taken into consideration the reports and studies regarding women’s interests, but instead the two institutions with attributions in the domain of equal opportunities were dissolved as a measure of budgetary cuts.

4. Equal Opportunities between Women and Men?

The EU accession represented the main factor of motivation for the political representatives regarding the development of a functional legislative and institutional framework for supporting equal opportunities between women and men. The critiques repeatedly made by the European Commission in the Regular Reports of the Romanian progress towards accession show the legislators’ reluctance to align with the European Directives for gender equality. The lack of political decision-makers’ responsiveness towards the interests and problems of women at the local level allowed for the development of an inefficient mechanism of supporting equality between women and men.

One of the problems raised by the Romanian feminists indicates the

¹⁵ http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf

effects of importing gender equality policies (Miroiu, 2004; Băluță, 2006; Văcărescu, 2006). *Room-service feminism*, as it was called by Mihaela Miroiu, refers to the the development of policies for women by international or national institutions, even though these do not necessarily reflect the interests and priorities of women at the national level (Miroiu, 2004, p. 82). The financial support from Western Europe and from North America shaped the direction and the way of the policies and programs regarding gender equality, setting this way the agenda and the priorities of the Romanian women (Văcărescu, 2006, p. 136). The specific problems and interests of the Romanian women remained invisible during the process of implementing equal opportunity between women and men under the western legislative and institutional framework:

“To legitimize Governmental action by importing knowledge, when domestic knowledge is also available, but especially by ignoring the citizens’ demands and especially the demands of women citizens that the states also have to represent and to govern, represents the most severe form of lack of political responsiveness and responsibility” (Borza, 2008, p. 210).

Because it is not a result of women’s political activism, the legislation’s development under the EU pressure becomes “a divorce between the formal partnership

present in legal norms’ and the patriarchal nature of institutions and practices” (Miroiu, 2004, p. 217). The legislative and institutional modifications were argued by the decision-makers based on Romanian obligations to align with the European *acquis* and did not represent a response to the local requirements and interests, expressed by the feminist and women’s organizations (Borza, 2008, p. 165). Ioana Borza criticizes the fact that the institutional model regarding equal opportunities between women and men that was supported by the Romanian Government did not take into consideration the existing domestic expertise, proving “a lack of responsiveness and responsibility towards the civic body of women from Romania” (Borza, 2008, p. 180) and a lack of interest for combating the inequalities between women and men. Even though the EU conditions were formally accomplished by aligning the legislative framework to the European Directives, the weak commitment of the political representatives regarding the support of equal opportunities between women and men is reflected in “the absence of clear sharing of tasks and objectives, the absence of deadlines, the absence of budget allocation, the placing the institution at an inferior level of political decision-making and, most of all, influencing it” (Borza, 2008, p. 187). The lack of interest on the behalf of the political

representatives for a real support regarding gender equality after the Romanian accession represents an evidence of the fact that the import of the institutional and legislative framework was made especially to accomplish the conditions imposed by the European Union and not with the purpose to start an efficient process for eliminating the existing inequalities between women and men.

Conclusions

The low political representation of women and the absence of a powerful public reaction against austerity measures which had a strong negative impact on women and equal opportunities institutions and policies, would seem to indicate, at first glance, a resignation of women in relation to an imperfect political system. However this is not so.

There were public protests of feminist and women's organizations¹⁶ or public letters sent to the political representatives, but these representatives were not receptive to the recommendations made for the gender policies in Romania starting from the local experience, preferring instead a formal legislative and institutional framework, which fulfilled the indicators established by the European Union, but which did

not have the expected results. Mihaela Miroiu criticizes the fact that there is no opposite phrase to the second feminist wave slogan/motto ("What is personal is political"), namely "What is political is personal", given the fact that every policy affect both women's and men's lives (Miroiu, 2004, p. 249).

On the background of different Governmental decisions on gender policies, we can observe in the last few years the coagulation of a continuum public activism of feminist and women's organizations. Thus, the organized public reactions and interventions of women became more and more frequent, especially against the Governmental decisions made at the expense of women's interests or against the absence of the political representative's reactions towards women's problems and interests. The protests against the NAEO's dissolution, against the modifications of the child raising allowance and of the parental leave, against gender based violence, against street harassment¹⁷ offered a space for manifesting discontent regarding the recent gender policies and for claiming women's rights. These protests were supported also by organizations which are not mainly centralized on equal opportunities between women and men, but which support human

¹⁶ Protest organized against the Playboy magazine in 2000, Protest of the silent witnesses in 2004, Public letter regarding the inefficient functioning of NAEO in 2006

¹⁷ More information regarding the protests can be found on www.centrulfilia.ro and www.feminism-romania.ro

rights. The existing solidarity between different nongovernmental organizations and the mutual support of causes indicate the formation of a strong coalition for defending citizens' interests and needs, as identified in the local context.

All these manifestations of feminist activism from the last years indicate a continuation of the fight

against Romanian patriarchy and the emergence of women's problems into the public space, but also a rising awareness of the fact that "the political is personal".

BIBLIOGRAPHY

- Asociația Baroului American, 2007, *Violența în familie în România: legislația și sistemul judiciar*, USAID.
- Băluță, Oana, 2006, *Motive pentru Decalajul dintre Numărul Instituțiilor și Consecințele Practice*, in Grünberg (coord.), 2006, *Cartea Neagră a Egalității de șanse între Femei și Bărbați în România*, Bucharest :Societatea de Analize Feministe AnA.
- Băluță, Oana, 2011, *Reconciliere dintre Muncă, Familie și Viața Privată*, in *Impactul Crizei Economice asupra Femeilor*, coord. de Băluță, O., Bucharest: Editura Maiko.
- Borza, Ioana, 2008, *Feminism de Stat prin modelul P.H.A.R.E: Limitele Reprezentării Politice a Femeilor în Procesul Instituționalizării Egalității de Gen. România 1995-2008*, Teză de Doctorat susținută în cadrul Școlii Naționale de Studii Politice și Administrative.
- Bragă, Andreea, 2011, *Violența împotriva Femeilor*, în *Impactul Crizei Economice asupra Femeilor*, coord. de Băluță, Oana. Bucharest: Editura Maiko.
- Chiva, Cristina, 2010, *The Limits of Europeanisation: EU Accession and Gender Equality in Bulgaria and Romania. Perspectives on European Politics and Society*, 10":195-209.
- Iancu, Alice, 2011, *Excluziune Socială*, în *Impactul Crizei Economice asupra Femeilor*, coord. de Băluță, O., Editura Maiko.
- Miroiu, Mihaela, 2004, *Drumul către Autonomie: Teorii Politice Feministe*, Iași: Polirom.
- Popa, Raluca, 2007, *Issue Histories Romania: Series of Timeline of Policy Debate*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/ih_romania.pdf
- Popa, Raluca, 2008a, *Context Study Romania*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/cs_romania.pdf
- Popa, Raluca, 2008b, *Report Analyzing Intersectionality in Gender Equality Policies for Romania and the EU*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/ir_romania.pdf
- Văcărescu, Teodora-Eliza, 2006, *(NOT) MADE IN ROMANIA: A importa sau a nu importa – aceasta n-ar trebui să fie problema*, în Grünberg (coord.), 2004, *Cartea Neagră a Egalității de șanse între Femei și Bărbați în România*, Societatea de Analize Feministe AnA.

Partea a II-a: RECENZII

Part II: BOOK REVIEWS

EUROPA VIITORULUI: TRATATUL DE LA LISABONA
FRANCISCO ALDECOA LUZZARRAGA,
MERCEDES GUINEA LLORENTE

– REVIEW –

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Original Title: *La Europa que viene: el tratado de Lisboa*

English Title: *The Europe to Come: The Treaty of Lisbon*

Romanian Title: *Europa viitorului: Tratatul de la Lisabona*

Authors: Francisco Aldecoa Luzzarraga; Mercedes Guinea Llorente

Romanian edition: Francisco Aldecoa Luzzarraga; Mercedes Guinea Llorente,
2011: *Europa viitorului: Tratatul de la Lisabona*, Polirom Publishing, Iași

Abstract: *This article reviews the book The Europe To Come: The Lisbon Treaty, written by Francisco Aldecoa Luzzarraga and Mercedes Guinea Llorente, two experienced specialists in the European Studies field. I wish to underline the significance of this study for the literature regarding the construction of the European Union, as it analyses the impact of the Lisbon Treaty upon the development of the European Union.*

Keywords: *reform, institutions, citizens, democratization, decision-making process, efficiency.*

Rezumat: *Acest articol cuprinde recenzia cărții Europa viitorului: Tratatul de la Lisabona, ai cărei autori sunt Francisco Aldecoa Luzzarraga și Mercedes Guinea Llorente, doi specialiști recunoscuți în domeniul studiilor europene. Țin să subliniez importanța acestui studiu pentru literatura referitoare la construcția Uniunii Europene, dat fiind că acesta analizează impactul Tratatului de la Lisabona asupra dezvoltării Uniunii Europene.*

Cuvinte-cheie: *reforma, instituții, cetățeni, democratizare, procesul decizional, eficiență.*

Francisco Aldecoa Luzzaraga and Mercedes Guinea Llorente chose a very appropriate title for their book, *The Europe to Come: The Lisbon Treaty*, as it anticipates the analysis of the Lisbon Treaty's impact on the European Union's structure and functioning and the reforms it brought. Since 2009, when this treaty entered into force, the European Union has started a set of structural reforms in terms of core principles and values (through the incorporation of the Charter of Fundamental Rights along the Treaties' bodies), of its institutions (for example the appointment of a President of the European Council for a 5 year term or the creation of the European Service for External Action) or of the actors involved in the decision making process (as the national Parliaments become part of the codecision procedure).

Francisco Aldecoa Luzzaraga is a professor of International Relations and dean of the Faculty of Political Science and Sociology of the Complutense University in Madrid¹. He founded the World Centre for Research and Education in conflict resolution, the Spanish Society of International Law and International Relations, the European Society for the Study of International Relations and was president of the Spanish Association of the Professors of

¹ Francisco Aldecoa Luzzaraga, <http://patxialdecoa.es/presentacion>

International Law and International Relations².

Mercedes Guinea Llorente is a professor of International Relations at the Faculty of Political Science and Sociology of the Complutense University in Madrid³, with advanced knowledge regarding the last reforms of the European Union, especially considering the fact that her PhD thesis examined the process of building a Constitution for the European Union between 2001 and 2004, the European Convention and the Constitutional Treaty (Guinea Llorente, 2007).

The authors plead for a constitutional view of the Lisbon Treaty, which they regard as being, in fact, the reconstruction of the Treaty for Establishing a Constitution for Europe, the failed Constitutional Treaty: "the elimination of the term *Constitution* did not mean however that the new treaty wasn't in fact a Constitution (...). After all, the feature of a Constitution is not given by its title, but by what it regulates" (Aldecoa Luzzaraga 2011, p. 30). Thus, the main elements of the book's argumentation are based on

² Școala Națională de Studii Politice și Administrative, Francisco Aldecoa Luzzaraga, <http://doctorat.snsa.ro/content/conferinta-viitorul-europei-europa-viitorulu>

³ Facultad de Ciencias Políticas y Sociología, Universidad Complutense de Madrid, <http://www.ucm.es/centros/webs/fpolisoc/index.php?tp=Personal&a=centros/personal&d=entidad-280.php>

the provisions of the current treaty of the European Union, signed in Lisbon in 2007 and entered into force only in 2009, delay whose causes and effects are also analyzed in this paper. The primary hypothesis of the book is that the Lisbon Treaty represents “*a return to the future*”, given the fact that the European Union’s political model remains the same as before the Constitutional Treaty, but simultaneously reforms it in order to make it capable of responding to the ongoing and future challenges that the European Union must face (Aldecoa Luzzaraga 2011, p. 31).

The book consists of 14 chapters, sequenced in 8 sections that regard the analysis of the effects of the Lisbon Treaty: (1) The Lisbon Treaty, (2) The Political process, (3) The Model Of The European Union, (4) The Fundamental Rights, According To The Lisbon Treaty, (5) Institutions And Competences, (6) The Home Affairs Policy, (7) The Common Foreign Policy, (8) The Upcoming Europe. Beside these, the authors complete the book with an Introduction, Conclusions and Addenda that offer additional details about the reform process launched by the Lisbon Treaty.

Therefore, the introduction presents the reasons that lead to the Laeken Declaration and later, to the creation of a Constitution for the European Union, the fact that the so far successful political integration

required such a reform, the inappropriate model for amending the treaties and the political innovation of organizing, for the first time, a European Convention that would produce the fundamental document of the Union. The special importance of the latter is that this kind of method of modifying the treaties does not involve only the governments, like the Intergovernmental Conferences used to do, but all the stakeholders, such as “the representatives of the member states (at the level of the Governments and of the national Parliaments), of the common European Institutions (the European Parliament and the European Commission) and the civil society” (Aldecoa Luzzaraga 2011, p. 27). This aspect is further developed in the eighth section of the book, the one regarding *The Europe to Come*.

The book’s sections cover the discussions about the ambitious reform of the Lisbon Treaty, made through a classic method of treaty amendment, the main transformations (a) of the European Union (granting it legal personality and defining three types of competences for it: exclusive, common and complementary); (b) of its relations with the member states (the fact that the national Parliaments are included into the European decision-making process in order to guarantee that the European legislation respects the

subsidiarity principle and into the procedure for the simplified amendment of the treaties); (c) of its relations with its citizens (improving the European democracy by means of the legal binding of the Declaration of Fundamental Rights of the European Union); (d) of its institutional system (by introducing a new rule for establishing the number of the members of the European Parliament, by the creation of the President of the European Council, by changing the procedures within the European Union Council: regarding the qualified majority vote and the presidency of the Council); (e) of the decision-making process (in terms of codecision and the domains to which qualified majority vote applies); (f) of the internal and external policies of the European Union (through the creation of the European Service for External Action and of the European Defense Agency, the extending of the types of crisis management tasks or the introduction of a clause that refers to mutual assistance between the member states in case of a military attack).

The authors' analysis starts from a general level and gets to particular ones, which seem to follow a diagram of the stakeholders of the European Union in order to examine how they are affected by the changes of the Lisbon Treaty. Thereby, it starts with the presentation of the way that the Lisbon Treaty came to

be, continues with the review of the key points of its reform, sketches the political model of the post-Lisbon European Union, outlines the importance that the Lisbon Treaty provides to the protection of fundamental rights for the European citizens, emphasizes the institutional reforms and highlights the changes that appear for the home affairs and foreign policies, considering thus the two major dimensions of the political construction of the European Union.

This study is very interesting and is recommendable for specialists in European Studies or International Relations, as it comprehends the analysis of the political and social dimensions of the European Union, of both its internal relations, between its institutions and its citizens, and its foreign ones.

I would have liked that the parts that look into the political and socio-economical model of the European Union would include a more detailed exploration regarding the women's political participation (especially in the section regarding the democratic functioning of the European Union, the representative and participatory democracy), the gender dimension of the the "constitutionalization" of the European social model through the values, objectives, rights and principles (there is only one paragraph regarding the gender equality principle, which refers to the articles that stipulate it, without any further comments or debates) or if women

are affected differently than man by the social clauses of the Treaty.

I would also recommend this book to persons that are not very familiar with the European Union,

because the language that the authors use is very light and the references at the situation before the Lisbon Treaty facilitates the understanding of the ideas.

BIBLIOGRAPHY

- Aldecoa Luzzaraga, Francisco; Guinea Llorente, Mercedes, 2011, *Europa viitorului: Tratatul de la Lisabona*, Polirom, Iași
- Facultad de Ciencias Politicas y Sociologia, Universidad Complutense de Madrid, <http://www.ucm.es/centros/webs/fpolisoc/index.php?tp=Personal&a=centros/personal&d=entidad-280.php> , accessed on the 1st of November, 2012
- Francisco Aldecoa Luzarraga, <http://patxialdecoa.es/presentacion>, accessed on the 1st of November, 2012
- Guinea Llorente, Mercedes, 2007, *El proceso de constitucionalización de la Unión Europea (2001-2004) la convención europea y el tratado-constitución*, Universidad Complutense, Madrid
- Școala Națională de Studii Politice și Administrative, Franciso Aldecoa Luzzaraga, <http://doctorat.snsa.ro/content/conferinta-viitorul-europei-europa-viitorulu>, accessed on the 1st of November, 2012.