

# EUROPOLITY

## Continuity and Change in European Governance

The Department of International Relations and European Integration  
The National University for Political Studies and Public Administration



**EUROPOLITY - Continuity and Change in European Governance**

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**THE DEPARTMENT OF INTERNATIONAL RELATIONS AND  
EUROPEAN INTEGRATION**

*THE NATIONAL UNIVERSITY OF POLITICAL STUDIES AND  
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# **EUROPOLITY**

**Continuity and Change in European Governance**

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## ARTIFICIAL INTELLIGENCE AND INEQUALITY IN EUROPEAN UNION

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### Abstract

The paper aims to explore the roots of inequality in the European Union by focusing on the potential of Artificial Intelligence (AI) to enlarge the actual digital divide. Each time a new technology is broadly implemented in society, it generates economic and social gaps. There are many similar examples in history when a new invention brought poverty for significant categories of people, who faced unemployment due to new industrial machines or found themselves unable to operate or afford new devices. Therefore, the research question that I will try to answer in this paper is: “does artificial intelligence have the potential to create more inequality in the European Union?”. To answer this question, I will firstly address the issue of AI’s state of the art and I will research how this new technology is industrially implemented, aiming to see to what extent it represents a threat to our jobs or our way of life. Secondly, I will search for social mechanisms that generate inequality by using the concept of digital divide. This theoretical approach focuses on the possibility of people impoverishing due to the lack of basic skills and the impossibility to afford new available technologies.

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<sup>1</sup> This paper is part of the Human Capital Operational Programme 2014-2020, co-financed by the European Social Fund, under the project POCU/380/6/13/124708 no. 37141/23.05.2019, with the title “Researcher-Entrepreneur on Labour Market in the Fields of Intelligent Specialization (CERT-ANTREP)”.

Thirdly, I will develop a case study, a comparative approach on EU's member states strategies in the field of AI.

**Keywords:** artificial intelligence; digital divide; European Union; inequality; machine learning

## 1.INTRODUCTION

*“AI is likely to be the best or worst thing to happen to humanity”.*

–STEPHEN HAWKING

The crossing point between the evolution of technology and society has always been a delicate issue in human history, as it always modified the economic structure of the society, the social habits or political organization. It generated both wealth and poverty, wars and peace, or illnesses and health. It was not technology itself that positively or negatively impacted the human societies, but the way people were prepared to accept changes and to adapt to them. In the 21st century researchers and engineers have produced technologies that might deeply change our way of life. There is Blockchain which could revolutionise the financial sector and the trust between people during financial transactions, Internet of Things that will allow machines to communicate with each other in real time, and Artificial Intelligence that assigns machines with the ability to “think” and empowers them to make decisions by themselves.

When most of the ordinary people hear about artificial intelligence, they associate the term with robots, especially with robots that become aware of their condition and start to see human race as a threat. But this conception is far from being true. At least for the moment. AI is no more than machines or programmes able to make decisions for themselves, without the assistance or guidance of a human mind. If humanity will ever create machines that are aware of themselves, that have different goals and morality, it is still an open debate and not a subject for this paper. But even without a super intelligent computer, the current achievements in the AI field do represent, to some extent, a threat to ordinary people. This new and powerful technology has this ability to change

society, economy or politics if it is not properly implemented or regulated. Consequently, my paper will focus on how artificial intelligence can create inequality in the European Union (EU), and I will demonstrate this by analysing the national strategies on AI of its member states.

## 2.WHAT IS ARTIFICIAL INTELLIGENCE?

Artificial Intelligence is a concept that is starting to be broadly used at all society levels: by politicians who are promising digitalization and economic growth, by media which often addresses its impact on society, by the scientific community that constantly marks new achievements in the field of AI, and so on. There are also AI enthusiasts who believe that this technology is going to change our society for the better, enhancing the lives of human beings or even the humans themselves by combining human intelligence with artificial intelligence, while there are also skeptics who think that AI is going to be the end of human kind. Therefore, I believe that a more accurate perspective on how AI could generate social inequality could be achieved only after an analysis of its present development. “What are the technical limits of AI?”, “What tasks is AI able to perform today and how can it develop in the near future?” or “Is AI going to take our jobs?” are questions that need to be addressed before I will discuss how this technology could create more digital divide.

Enhancing the intelligence of machines is not a new idea, but it has been on the minds of several researchers since the 18th century. However, one of the most important figures in this field is Alan Turing, a mathematician and World War II code breaker, who did important research on this issue even when the term “artificial intelligence” was not yet used. He was wondering if it is possible to teach a machine how to think and, in 1952, “he published a paper about a set of equations that attempted to explain the patterns of nature, from a leopard’s spots to a zebra’s stripes to a plant’s leaves. Even before the field had a name, one of its founding visionaries was taking cues from biology and from nature that would inform his ground-breaking ideas about machines that could think”

(Coleman 2019, chapter 2). How was it possible to imagine an intelligent machine, even before electronic computers were invented? Flynn Coleman thinks that Turing's interest in many disciplines and scientific areas, allowed him to tackle this issue so accurately (Coleman 2019, chapter 2).

But Alan Turing did not stop there. He also came up with a test, known as the Turing Test, which could check if a machine developed awareness. Peggy Thomas describes the test as follows: "An interrogator or judge sits in front of two computer terminals. One terminal is connected to a person in another room; the other terminal to a computer in a third room. The interrogator types questions on both terminals to try to figure out which terminal is controlled by a human and which is controlled by a machine. If the interrogator cannot decide which contestant is human, or chooses incorrectly, then the computer would be judged intelligent" (Thomas 2005, 21). Until now, there is no machine that successfully passes the Turing Test, a fact that shows us that until present day, there is no AI device that became aware of its existence.

It must be said that the term "artificial intelligence" was used for the first time during the Dartmouth College workshop in 1956, organized by the computer scientist John McCarthy who was going to become a professor at Stanford University. The concept was coined by DeepMind, a British AI company acquired by Google in 2014, that was created by three scientists, two of which met while working at University College London. In 2015, DeepMind developed the Alpha-Go software that managed to be the first computer Go programme to defeat a human professional Go player (Kaplan and Haenlein 2019, 20).

Because AI research field developed many branches since 1956, it is quite impossible to identify a single definition commonly accepted by the entire scientific community. According to Peggy Thomas, "AI is the study and creation of machines that can perform tasks that would require intelligence if a human were to do the same job" (Thomas 2005, 13). Thereby, this new field requires knowledge from other areas such as programming, robotics engineering, mathematics, neurology, psychology or even philosophy. While addressing the subject of philosophy, Flynn Coleman considers that "the study of intelligent technology is actually a philosophical study of the fundamental nature of our existence, reality, and knowledge that will be mirrored in our machines"

(Coleman 2019, chapter 2). This approach requires a deeper exploration of our humanity, because only by understanding our nature we might be able to replicate its features. Finally, Stuart Russell states that “The goal of AI research has been to understand the principles underlying intelligent behavior and to build those principles into machines that can then exhibit such behavior” (Russell 2019, Chapter 3). According to Russell, intelligence is the core element that needs to be understood, defined and replicated in order to create machines that can think.

What we can certainly know about intelligence is that it represents more than the sum of facts a person knows and it derives from what a person experiences and how a person perceives the world around (Thomas 2005, 28). But what is curious about intelligence is that people could easily identify it, but they have a hard time when they should define it. This is happening because “thinking covers a broad range of different cognitive abilities that most humans take for granted. These include the ability to understand logic, learn, have self-awareness, have emotional intelligence, think abstractly, and solve problems” (Wilkins 2019, chapter 1). The fact that we did not manage to create an autonomous artificial intelligence that can pass the Turing Test, might be related to the absence of an universally accepted definition of human intelligence. “Just as we don’t fully comprehend how AI works, we also do not fully understand how our own brains function, nor do we have a definitive grasp of what consciousness is, nor who, or possibly what, is conscious” (Coleman 2019, chapter 2). Besides the problem that we cannot replicate what we do not fully understand, computers intelligence should be constructed using math language. AI is very different from human intelligence because it is designed in a mathematical sense. Human brains use neurons to function, while a computer is having a CPU (central processing unit) that performs all calculations. “The smallest unit of a CPU is a transistor, an electronic component that makes up logic gates. These are the equivalent of neurons for computers, but they don’t do very much. They can switch the flow of electricity, amplify it and that’s pretty much it. Logic gates form the basis for computer programs, which are just a series of ones and zeros” (Wilkins 2019, chapter 1). Thus, the electricity can be transformed in intelligence using software, meaning how a programme makes

decisions based on inputs. For example, a website is asking for your birthday to check if you are 18 years old, and then is deciding if you get access or not.

According to Anca Dragan, “At the core of artificial intelligence is our mathematical definition of what an AI agent (a robot) is” (Dragan 2019, Chapter 13). To support her argument, she uses the example of a robot which is defined by states, actions and rewards. A delivery robot for instance uses states as locations in the world, the actions are in fact the motion necessary to move from one point to another, and the reward function is mostly related to its intelligence. “To enable the robot to decide on which actions to take, we define a reward function—a mapping from states and actions to scores indicating how good that action was in that state—and have the robot choose actions that accumulate the most reward” (Dragan 2019, Chapter 13). When the robot reaches destination, it is rewarded; when the robot finds a shorter way, it is rewarded; When it gets to the destination as quick as possible, again, gets rewarded. Thereby, a machine can make decisions, but the conditions of its decisions are already set up by programmers.

### **3.CATEGORIES AND IMPLEMENTATION OF AI**

For each computer to perform an action, it requires to be programmed. The difference between AI and other regular programmes, following Flynn Coleman, is that in artificial intelligence “the algorithms themselves are designed to let the computers learn on their own” (Coleman 2019, chapter 2). A good example for this feature is Google AI, which tries to learn about you, about what you are looking for when you use the search engine, and prioritize the search results based on what they think you would like to find.

Therefore, artificial intelligence faces two different areas:

- building software - the most common way through AI is developed nowadays;
- building hardware - the field of robotics (Coleman 2019, chapter 2).

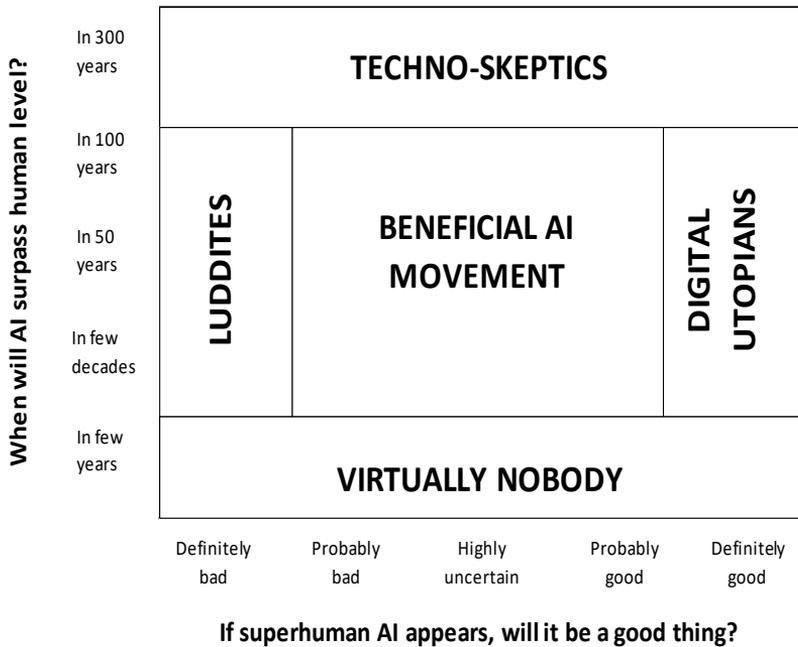
Focusing mainly on software, means that people do not have physical contact with AI, and perhaps, most of the time they do not know they have interacted with an AI programme. When we talk of robotics, situation is quite different. Robots, especially those with human forms, might appear as a threat to many people. It is a general fear among us that robots are going to replace us by taking our jobs, by getting involved in our private lives, and, finally, by achieving political control. But are those fears based on a scientific ground? To see this, I will further analyse the categories of AI and I will give concrete examples of how it is used in daily life.

Generally, as Neil Wilkins (2019, chapter 1) also states, artificial intelligence has two different meanings when used in daily life:

- Narrow AI – that allows computer to perform complex tasks or to make decisions based on how they were programmed;
- Artificial General Intelligence (AGI) – that allows computers to think as humans do.

Artificial General Intelligence is, as I already hint until this point of the paper, not discovered. A machine that can think to a comparable level with a human being is, as Wilkins (2019, chapter 1) points, the “holy grail” of AI research. But is it technically possible for AGI to be created? This question splits researchers and scholars that work in this field. As I show in Figure 1, there are various technical communities with different visions: We have Digital Utopians who think that superhuman AI may possibly emerge in few decades or in, at maximum, 100 years, and it will be constitute a positive support for humanity. On the other hand, there are Techno-Skeptics, who believe that we will never have AGI or that it could emerge in the long future, between 100 and 300 years, or Luddites – the nowadays followers of the 19th century English textile workers organization that used to destroy textile machinery as a form of protest against technology replacing human labour – who think AGI could emerge in between a few decades and 100 years, but it will be destructive for humanity. What is also interesting to mention is that virtually nobody thinks that AGI can be achieved in the next few years.

Figure 1 (Tegmark 2017, chapter 1)



Therefore, as AGI is more of an academic pursuit, most of the time when people use the term artificial intelligence, they refer to the Narrow AI. This category embeds all the achievements in the field until today, and it is split in other subcategories:

1. Clever programming;
2. Machine learning.

Clever programming refers to the building of a programme that can achieve intelligent behaviour. The most common use of clever programming is in the field of video games through the non-player characters (NPCs) that are controlled by computer. “NPC respond to user input in such a way that may

pose a challenging gaming experience. This is done by switching through “states” and defining program behavior at each state. If a player is running away, the computer AI may switch into the chase state and follow in pursuit” (Wilkins 2019, chapter 1). A relevant example could be the soldiers from military video games: they are designed to “think” based on the movements of the human player and the context of the environment around him.

Machine learning (ML) is basically a process where algorithms can “learn” from large amounts of data<sup>1</sup>. “Machine learning falls under narrow AI because it can learn how to do one thing very well but usually can’t generalize it to other problems. Some might take this further and say that machine learning is a subfield of computer science and is completely different from AI research” (Wilkins 2019, chapter 1). The remarkable achievements in the ML field are driverless cars, recommender systems, facial recognition, or understanding human language. The limitation here, as Wilkins points, is that an AI driverless car can only drive, and not understand your language or recognizing your face. But as narrow as the AI is in this area, it has, however, “the potential to replace human labor where a narrow skill set is employed, like in manufacturing” (Wilkins 2019, chapter 1), proving that some fears and remarks claimed by the techno-skeptics or luddites have a real base.

An interesting research direction of the machine learning is deep learning, the confluence point of AI with neuroscience. The main goal of the deep learning field is to create AI based on the human brain model. However, present achievements in this area show that the emerging AI is more human, rather than less. “The skills they bring to learning are not <<better than>> but <<complementary to>> human learning: Computer learning systems can identify patterns that humans cannot—and vice versa” (Lloyd 2019, chapter 1).

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<sup>1</sup> Here is the point where AI is mixing with another new field of research. States and corporations are collecting so much data, that it cannot be process by human brains. This is where machine learning programmes are getting involved to provide us accurate information in the shortest time possible. As Etherm Alpaydin put it, “each of us is not only a generator but also a consumer of data. We want to have products and services specialized for us. We want our needs to be understood and interests to be predicted” (Alpaydin 2014, 1).

We can say that it is not a computer winning a game against a human player, but in fact humans working together with computers.

To conclude this chapter, I must say that Artificial Intelligence is something that just started to transform our society and our way of life. As Pedro Domingos said, “the Industrial Revolution automated manual work and the Information Revolution did the same for mental work, but machine learning automates automation itself” (Domingos 2015, 9-10). And who are the most vulnerable people to be affected by these changes? According to Carl Benedikt Frey, “many medium and low-skilled workers have seen their incomes stagnate. Or, succinctly put, computer technologies contributed to shrink the size of the middle class, put downward pressure on unskilled workers wages, and reduced labor’s share of income across many Western countries” (Frey 2019). As most of technological changes in history have generated, a broad implementation of AI can create new social and economic gaps among people. Thereby, in the next chapter I am going to explore the nature of these gaps using the concept of digital divide.

#### **4.DIGITAL DIVIDE AND ARTIFICIAL INTELLIGENCE**

While new technologies are deeply changing the way we live, “a large section of society is still on the wrong side of the digital divide, unable to fully enjoy the benefits of the revolutionary changes taking place” (Datta, Bhatia, Noll, and Dixit 2019, 70). As a consequence, digital divide could be simply defined as the inequality generated by the diffusion of a new technology in society. In fact, is not technology itself that creates inequality, it is the global capitalism. As Thomas Piketty argues, there is a continuous increasement of inequality in both national and global level (Piketty 2014), that is not related to technology, but to the very nature of the capitalist system. Any technology that possesses the ability to boost various economic sectors, could generate also massive inequality between people and societies in the absence of specific regulatory policies.

Thereby, following the pattern of inequality, digital divide also has two dimensions: national and global level.

The national level

The digital divide between individuals is highly visible in societies where traditional patterns of inequality encounter new technological changes and amplify existing gaps. "If there is a revolution underway, then it is controlled by a small minority of well-placed people, even if it affects us all. Initial hopes that the invention of the PC or the Internet would lead to a more equal or democratised society quickly faded" (O'Hara and Stevens 2006, 69-70). Usually, the big business is in charge of spreading new technology, while their own profit is the law behind the distribution process. It turns out that marginalized classes could be the most affected, as they massively lack financial resources.

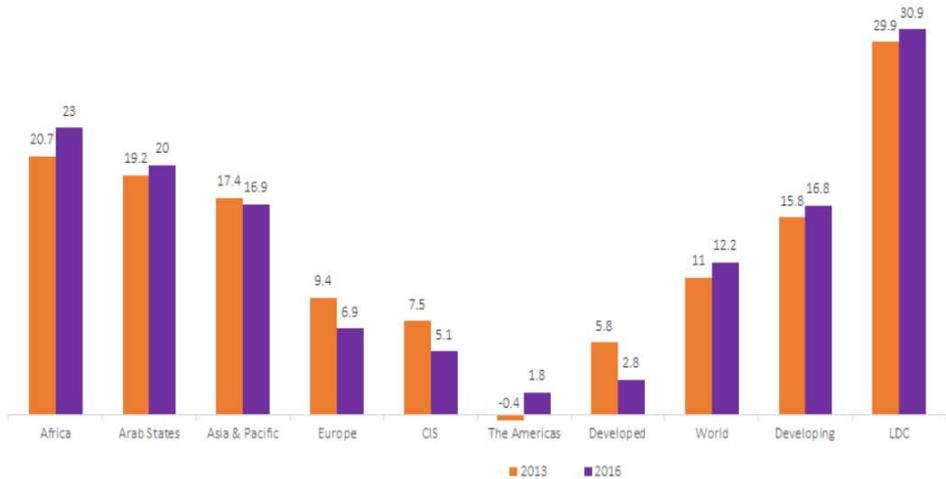
Antonio Hidalgo, Samuel Gabalyb, Gustavo Morales-Alonsoa and Alberto Urueña managed to identify two important dimensions of the digital divide that could emerge among individuals and were also generated when the internet was firstly implemented:

- Connectivity – the access to the ICT (Information and Communication Technology) infrastructure and the possibility to afford it;
- Digital skills – acquiring abilities required to use ICT (Hidalgo, et al. 2020, 1).

These two dimensions could be both applied in the field of artificial intelligence. On the one hand we have the connectivity, which should be interpreted as having access to AI technology – the capacity to afford AI devices or software, and on the other hand, we have the digital skills – the ability to understand and use every device of software based on AI.

But the overall picture of the digital divide hides another problem: the gender digital divide. Technology in general and the internet in particular can be an extremely important tool for women's empowerment, but the lack of opportunities or low digital skills inhibit many of them from tackling this field. The achievement of gender equality becomes impossible without ensuring equal access to technology. As Figure 2 shows, there is a large increasing gap at the global level, while the situation in the EU is improving. However, there is still a threat that AI might reverse the trend if proper policies will not be applied.

Figure 2 – The use of the mobile internet and the gender gap (Sorgner, Mayne, Mariscal and Aneja 2018)



### The global level

The trend of global capitalism that was emphasised by Thomas Piketty in his research on inequality, was also pointed by Manuel Castells in 2001, when analysing the global impact of digital divide. He observed that the global economic, social and political arrangements are “simultaneously increasing wealth and poverty, productivity and social exclusion, with its effects being differentially distributed in various areas of the world and in various social groups. And because the Internet is at the heart of the new sociotechnical pattern of organization, this global process of uneven development is perhaps the most dramatic expression of the digital divide” (Castells 2001, 265). And this seems to be a one-way road because, “it is unlikely that societies around the world would engage freely in non-technological forms of development-among other reasons, because the interests and ideology of their elites are deeply rooted in the current model of development” (Castells 2001, 270). The internet example seems to be similar with current evolution of the artificial intelligence which

created, along with the implementation of 5G network, a global race for supremacy.

But to have a clear picture of the global digital divide, it is necessary to see how the spread of technology occurred in the last decades and what is the current situation. The use of technology “has expanded worldwide over the past two decades, with China and India in the lead, starting in the mid-2000s in total volume of usage. In per capita mobile phone use, the rising economies of South Korea and Brazil lead the way, while in regards to internet users per capita, Korea, Japan, and the U.S. are the leaders. In 2013, an estimated 2.7 billion people worldwide used the Internet. However, 4.4 billion people have not yet made use of it” (Pick and Sarkar 2015, 83-84), a situation that might reflect how the gap can furtherly increase during the AI implementation: people that never utilized it, or are just starting to, would find it almost impossible to understand and benefit from the usage of machine learning.

In 2013 there were 4.4 billion people without internet access, and the situation did not change substantially as “3.6 billion people, remain unconnected from the Internet – despite 96% of the global population living within reach of a mobile signal. Most of the world’s unconnected people reside in Least Developed Countries, where 80% of the population is offline” (ITU Digital Inclusion Division 2019). With a 53% of the global population online it is almost impossible to imagine a uniform implementation of AI on a global scale (ITU Digital Inclusion Division 2019).

Shifting the discussion from individuals to nation states, the situation is quite similar. “The United States and China create the vast majority of wealth in the digital economy, the study reveals, and the two countries account for 75% of all patents related to blockchain technologies, 50% of global spending on the “Internet of Things” (IoT), more than 75% of the cloud computing market, and as much as 90% per cent of the market capitalization value of the world’s 70 largest digital platform companies” (Zahri 2019). As can be observed from this statistic, the capital related to innovation and new technologies is not equally distributed around the world, but it is in fact concentrated in some specific areas where it receives strong support and substantial investments in research. In this context, European states must act quickly if they want to be a global player in

the field of technology in general, and artificial intelligence in particular. In the next chapter I will analyse European and national strategies regarding artificial intelligence to see how EU and European member states are trying to become a global player in the field and if there is any concern regarding the problem of digital divide.

To conclude, the digital divide generated by artificial intelligence can appear at both levels, national – between individuals, and global – between states. At the national level, the lack of skills, and the gender gap, could manifest themselves as in the case of internet or mobile phones. But the issue of connectivity might not follow the same pattern as there is no special infrastructure needed, just the access to ordinary technology such as internet, smartphones or computers. Thus, the problem is more of how to afford technology that uses AI, in the context I presented in the previous chapter, regarding the possibility of many low and medium skilled people to lose their job because of AI automation. At the global level, the analysis should focus on how a specific country supports its AI private companies or implement AI technology in its public administration. This could attract more capital from the global market and create a competitive advantage for that country.

## **5.ARTIFICIAL INTELLIGENCE IN EUROPEAN UNION. CASE STUDY: NATIONAL STRATEGIES ON AI AND THE DIGITAL DIVIDE**

Artificial intelligence became, in the last few years, a focus point for the EU and its member states. European Commission, the institution in charge with the coordination of EU policies and strategies in this field, is defining artificial intelligence as “a generic term that refers to any machine or algorithm that is capable of observing its environment, learning, and based on the knowledge and experience gained, taking intelligent action or proposing decisions. There are many different technologies that fall under this broad AI definition. At the moment, ML techniques are the most widely used” (European Commission

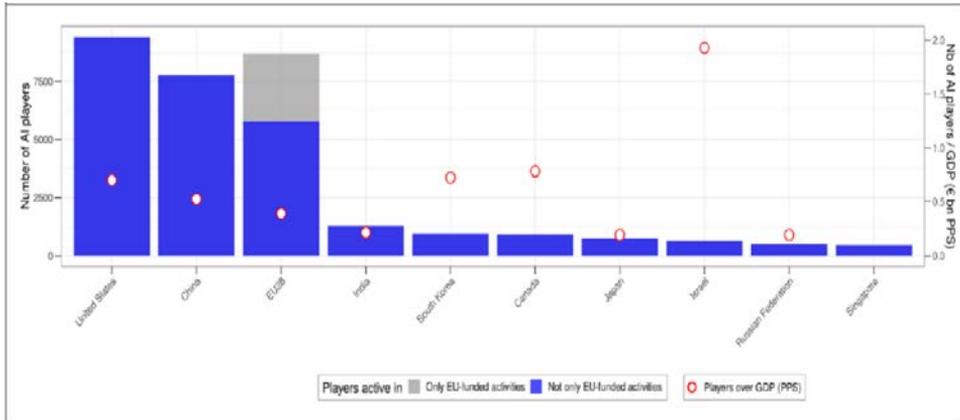
2018b, 18). There are no major differences between this paper's and the European approach, as the way I defined the main elements coincide with the Commission's definition of AI. Furthermore, AI is expected to generate an important wave of economic and social changes, already known as The Fourth Industrial Revolution, which determined Laura Delponte to consider "that the country that achieves the lead in AI is set for having a technological, economic and security advantage. To this end, China and US are competing to dominate Big Data, which is the raw material that makes AI work" (Delponte 2018, 9).

While taking into account this situation, EU needs to act as an umbrella, coordinating its member states to develop policies and strategies that can boost research and business in AI field. Thereby, in May 2017, European Commission published the mid-term review of the Digital Single Market strategy where it emphasised the importance for the EU "to be in a leading position in the development of AI technologies, platforms, and applications" (European Commission 2018a, 3). The Commission also stated that a common European initiative on AI should have the following objectives:

- Boost the EU's technological and industrial capacity and AI uptake across the economy, both by the private and public field;
- Prepare the societies for socio-economic changes generated by AI;
- Ensure an appropriate ethical and legal framework, based on the Union's values and in line with the EU's Charter of Fundamental Rights (European Commission 2018a P3).

On the global level, member states, individually analysed, cannot face the competition, while the EU as a whole is a very important player in AI industry. In Figure 3, "the number of AI players is illustrated by blue bars. To assess the impact that EU-funded projects (FP7 and H2020) have on the presence of EU28 players in the landscape, the number of AI players participating in AI activities exclusively because of their involvement in FP7 and H2020 projects is shown in grey. The US, China and the EU28 differ significantly compared to other worldwide areas (at least four times larger)" (Samoili, Righi, Cardona, López-Cobo, Vázquez-Prada Baillet and De Prato 2020, 13-14). The grey bar is actually an adequate indicator of how important the supranational action and coordination are, and what the real impact of the European funds is.

Figure 3 (Samoili, Righi, Cardona, López-Cobo, Vázquez-Prada Baillet and De Prato 2020, 15)



“One reason for Europe’s strong position in terms of research is the EU funding programme that has proven instrumental in pooling action, avoiding duplications, and leveraging public and private investments in the Member States” (European Commission 2020, 4). In the last three years, EU allocated €3.2 billion for research and innovation in AI field. This was a 70% increase, compared with the previous period, but still not enough set side by side with North America - €12.1 billion, or Asia - €6.5 billion. These numbers show that important steps were done, but there is room for improvements. Thereby, “in December 2018, the European Commission presented a Coordinated Plan on Artificial Intelligence. The Coordinated Plan aims at ensuring complementarity and synergies between national and EU level actions to maximise the impact and spread the benefits of AI across Europe” (Van Roy 2020, 5). An important part of this plan was that member states were encouraged to develop their own national strategies on AI by the end of 2019.

Thereby, to answer my research question on how AI can produce more inequality at the European level, I will analyse the member states’ national

strategies<sup>1</sup> on AI through the digital divide indicators, focusing on two dimensions: national and global level. As I showed in the previous chapter, on the national level, connectivity, digital skills and gender gap are the main issues that define the digital divide. Thus, for my analysis, I will consider digital skills and the gender gap as part of the educational process, the issue of connectivity will be related with affordability and job access, and I will further search for a national mechanism that should monitor social changes generated by AI implementation. Consequently, for the Table 1, I propose the following indicators:

- Education: this will illustrate how member states are planning to address the issues of basic skills (mass education and awareness), advanced skills (technical education) and gender specific policies;
- Jobs: people need to have jobs in order to afford AI technology, and I want to observe how states are involved in creating alternative jobs and if there are any reskilling programmes for those who lost their jobs due to AI automation;

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<sup>1</sup> Until April 2020, there were seven EU member states that did not manage to adopt their own strategy on artificial intelligence (Bulgaria, Croatia, Greece, Hungary, Ireland, Romania and Slovenia). Thereby, my analysis will be applied on the other twenty member states as it follows: Austria (Austrian Council on Robotics and Artificial Intelligence 2018), Belgium (De Croo and De Backer 2019), Cyprus (Ministry of Transport, Communications and Projects 2020), Czech Republic (Ministry of Industry and Trade 2019), Denmark (Ministry of Finance and Ministry of Industry, Business and Financial Affairs 2019), Estonia (Government of the Republic of Estonia 2019), Finland (Ministry of Economic Affairs and Employment 2017), France (Villani 2018), Germany (The Federal Government 2018), Italy (Ministry of Economic Development 2019), Latvia (Government of Latvia 2019), Lithuania (Lithuanian Government 2018), Luxembourg (The Government of the Grand Duchy of Luxembourg 2019), Malta (Office of the Prime Minister 2019), Netherlands (Government of Netherlands 2019), Poland (Government of Poland 2019), Portugal (Government of Portugal 2019), Slovakia (Government of Slovakia 2019), Spain (General Technical Secretariat of the Ministry of Science, Innovation and Universities 2019) and Sweden (Government Office of Sweden 2018).

- A monitoring tool: it is also very relevant if states have an institutional tool that is supervising the evolution of AI technology in order to be more flexible and adapt faster to the new changes.

Table 1

State	EDUCATION			JOBS		Monitoring tool
	Mass education	Technical education	Gender specific policy	Alternative jobs	Reskilling program	
Austria	✓	✓	✓	✗	✗	✓
Belgium	✓	✗	✗	✓	✓	✓
Bulgaria	-	-	-	-	-	-
Croatia	-	-	-	-	-	-
Cyprus	✓	✓	✗	✗	✗	✓
Czech Republic	✓	✗	✓	✓	✗	✓
Denmark	✓	✓	✗	✗	✗	✓
Estonia	✓	✓	✗	✗	✗	✗
Finland	✓	✓	✗	✗	✗	✗
France	✓	✓	✓	✗	✗	✗
Germany	✓	✓	✗	✗	✗	✓
Greece	-	-	-	-	-	-
Hungary	-	-	-	-	-	-
Ireland	-	-	-	-	-	-
Italy	✓	✓	✗	✗	✗	✓
Latvia	✓	✗	✗	✗	✗	✗
Lithuania	✓	✗	✗	✗	✗	✗
Luxembourg	✓	✗	✗	✗	✗	✗
Malta	✓	✓	✓	✗	✓	✓
Netherlands	✓	✓	✗	✗	✗	✓
Poland	✓	✓	✗	✗	✗	✓
Portugal	✓	✓	✓	✗	✓	✗
Romania	-	-	-	-	-	-
Slovakia	✓	✓	✓	✗	✗	✓
Slovenia	-	-	-	-	-	-

Spain	✓	✓	✓	✗	✗	✗
Sweden	✓	✓	✗	✗	✗	✗

For the global level of analysing digital divide, I showed that a state should be able to be competitive and, in the field of AI, it should perform on innovation and implementation level. Thus, I propose a set of indicators related to how a state is supporting its private and public sector in the field of AI and how it perceives itself at a global level:

- Private sector: if there is any financial or non-financial aid coming from the state level in order to boost the activity of AI private companies;
- Public sector: this field could strengthen the state's position on global level by implementing AI technology in the public administration and also by using artificial intelligence to rethink the entire public services system;
- Global approach: this indicator will show if the state is willing, or not, to be a global key player in the field.

Table 2

State	Private sector		Public Sector		Global approach
	Financial aid	Non-financial aid	AI implementation	Rethinking public sector	
Austria	✗	✓	✗	✗	✓
Belgium	✓	✓	✓	✓	✗
Bulgaria	-	-	-	-	-
Croatia	-	-	-	-	-
Cyprus	✓	✓	✓	✓	✗
Czech Republic	✓	✓	✓	✗	✓
Denmark	✓	✓	✓	✗	✓
Estonia	✓	✓	✓	✗	✗
Finland	✓	✓	✓	✗	✓
France	✗	✓	✓	✗	✓

Germany	✓	✓	✓	✗	✓
Greece	-	-	-	-	-
Hungary	-	-	-	-	-
Ireland	-	-	-	-	-
Italy	✗	✓	✓	✗	✓
Latvia	✗	✓	✓	✗	✓
Lithuania	✓	✓	✓	✗	✓
Luxembourg	✗	✓	✓	✗	✓
Malta	✓	✓	✓	✓	✓
Netherlands	✓	✓	✓	✗	✓
Poland	✓	✓	✓	✗	✓
Portugal	✗	✓	✓	✓	✓
Romania	-	-	-	-	-
Slovakia	✗	✓	✓	✓	✓
Slovenia	-	-	-	-	-
Spain	✗	✓	✓	✗	✓
Sweden	✗	✓	✓	✗	✓

After analysing the AI strategies of twenty member states I found the following potential sources of inequality:

1. Education: All countries have different strategies to massively educate people with low skills in terms of artificial intelligence. This could allow ordinary people to understand what AI means and what are its benefits for the economy and for daily life. However, five strategies do not give enough attention to advanced skills, and do not propose specific policies for higher education in the field. In terms of gender digital divide, there are only seven European strategies that focused on this issue.
2. Jobs: Regarding this aspect, market seems to be the tool that member states are planning to use when dealing with the job problem. There are only two countries (Belgium and Czech Republic) that propose themselves to be actively involved in the process of creating new jobs,

and only three that want to develop reskilling strategies for the people who lost their jobs due to AI implementation.

3. Monitoring tool: Eleven member states, just over a half of those that have published a strategy until April 2020, want to develop a monitoring instrument for supervising the AI implementation and the social changes that occur.
4. Private sector. While all the countries plan to support their own AI private companies in different ways (e.g. by reducing legal constraints), only eleven of them would provide financial aid. But still, these are promising numbers which show high interest for the business sector.
5. Public sector. The stronger the administrative apparatus is, the more dynamic the state is in the international arena. Excepting Austria, nineteen countries are mentioning different plans to implement artificial intelligence in the public administration, but only five of them realize the AI potential and consider to rethink the entire public system.
6. Global approach: when it comes to the way countries perceive themselves, most of them have a global ambition and aim to be the key player at international level.

## 6.CONCLUSIONS

In this paper I was mainly focused on the narrow AI (and its application in the machine learning field), rather than on Artificial General Intelligence which still generates an active debate in regards to the possibility of its functioning. Machine learning field is evolving fast and many low and medium skilled jobs could disappear in the next few years, deepening the actual digital divide. Thus, I considered that a further analysis should be made in order to see how AI, apart from other new technologies, could generate more social and economic inequality. To accomplish this objective, I separately tackled the national and international dimension of the digital divide, developing indicators related to education, jobs and support for private and public sector.

In order to be a global player in the field of artificial intelligence, EU, besides many other initiatives, asked member states to design their own national AI strategy. But these strategies are very diverse and, as I stated in the previous chapter, if they are applied, some might have the potential to actually increase the digital divide, generating more social and economic inequalities.

All the national AI strategies that I have analysed show vulnerable areas regarding gender gap, job creation and reskilling unemployed people. Therefore, it seems that most of the countries are more interested in competing at a global scale, rather than reducing internal gaps. My conclusions might not represent a mirror for the European societies, but it could function as a window for the near future. Without a critical view, transforming general strategies in public policies has the potential to create new inequalities and amplify the current digital divide.

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## META-EVALUATION - AN ANALYSIS OF THE EVALUATION TOOLS OF THE RESEARCH AND INNOVATION POLICIES IN ROMANIA FOR THE FINANCIAL FRAMEWORKS 2007 - 2013 AND 2014 - 2020

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### **Abstract**

According to the EU regulations, the policy evaluation is compulsory, for the European Union but also the Member States, as established by the Lisbon Treaty (article no. 156). The purpose of this paper is to verify if there is a correlation between the accessibility (usability) of evaluation outcomes and the degree of use of these results in the process of substantiating future policies. Subsequently, we aim to identify if the evaluation tools play an essential role in increasing the use of the evaluation results and in maintaining the EU's role of knowledge generator in the field of evaluation. Supporting the development of an evaluation culture is essential for the EU's effort to understand what works and what is not working and how its policies are functioning in order to enhance cooperation and maximize impact or improve strategies.

The case study, presented in this article, aims to identify the appropriate tools for evaluating research and innovation policies to improve the quality, efficiency

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and coherence of interventions, considering the context of a significant financial allocation for research and innovation in the future EU budget for the financial framework 2021 - 2027. The study it is expected to provide an answer to the question "To what extent were the results of the evaluations used in the process of substantiating the research and innovation policies in Romania?".

**Keywords:** meta-evaluation; research and innovation policies; evaluation tools.

## 1. INTRODUCTION

Evaluation is not an aim in itself, so investing resources in this approach must be justified by the difference it can make in achieving the success or failure of a program. To make such a difference, the evaluation must address and answer useful questions to the factors involved in the development of the program, regardless of their role in the program.

The European Funds played a key role in the development of the evaluation culture within the European Union and the introduction of evaluation in the countries of Southern Europe is mainly due to the requirements stipulated in the European regulations. As a consequence, at the level of European Union policies, evaluation is mandatory, being an obligation for both the European Union and the Member States under the Treaty of Lisbon, to use policy evaluations.

As one of the largest funders at a global level, the European Union has assumed the role of knowledge generator in the field of evaluation. Supporting the development of a culture of evaluation is essential for the EU's effort to understand not only what works and what doesn't in its policies but also how they work, in order to improve cooperation and maximize impact or improve strategies. The Union's evaluation policy is a strong commitment to improving evaluation practice, built to meet the current needs (EEAS 2014).

The research hypothesis is based upon states that there is a correlation between the accessibility (usability) of evaluation outcomes and the degree of use of these results in the process of substantiating future policies. The case study aims to

appreciate the degree of use of the results of evaluations of research-development-innovation procedures in the process of substantiating intended policies.

The concept of "use of evaluation", also defined as the usage of program evaluation results for decision making or program improvement, is one of the major objectives in the program evaluation literature, as evidenced by the large number of theoretical and empirical studies published on this topic. (Cousins and Leithwood 1986, Johnson et al 2009 - produced significant reviews of the evaluation use literature and together highlight 106 empirical studies on this topic published since 1986). There are three main types of evaluation usage associated with the use of results identified in the literature: instrumental use, which refers to the use of evaluation results as a basis for action and change; conceptual use, which occurs when an evaluation influences stakeholders' understanding and attitudes about a program; and symbolic use, which occurs when individuals use evaluation information for their political interest (Johnson, 1998).

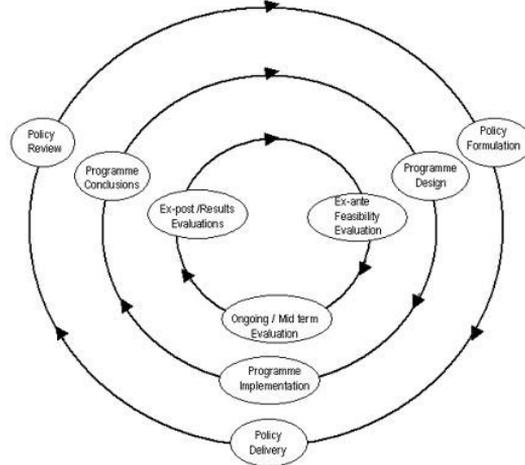
## 2. LITERATURE REVIEW

The obligation to carry out activities for the evaluation of interventions financed from the funds, as well as the general rules are referred in the (EC) Regulation no. 1083/2006 of the Council from July 11<sup>th</sup> 2006 (Articles 47 to 49). Article 47 from the Regulation laying down certain general provisions on ERDF, ESF and CF no. 1083/2006 provided the general framework in which evaluations should be carried out in the 2007-2013 programming period. Based on this article, the mission of the evaluation is twofold: on one hand, to improve the quality, efficiency, and coherence of intervention from the funds, and, on the other hand, to improve the strategy and implementation of operational programs, in relation to specific structural problems of the covered Member States and regions.

When we talk about the evaluation of European policies, it often goes through stages similar to the cycle of a policy, which starts with policy formulation, planning and resource allocation, design, implementation and delivery of

expected results and this results from the use of evaluation in some terms such as ex-ante, intermediate and ex-post. (EVALSED, 2013).

Figure no. 1 - Policy, program and evaluation cycles



Source: EVALSED

On the other hand, meta-evaluation is a systematic and formal evaluation of evaluations, evaluation systems, or the use of specific evaluation tools in order to guide the planning/management of evaluations within organizations. A meta-evaluation can be used for ongoing evaluations (formative) or to highlight the strengths and weaknesses of previous evaluations (summative). The methodology was proposed by Michael Scriven in 1969, to describe the evaluation of an evaluation plan for educational products (Scriven 2009).

Stufflebeam (2000) describes meta-evaluation as “the process of delimiting, obtaining and applying descriptive and critical information about the usefulness, feasibility, relevance and accuracy of evaluation and its systematic nature, competence, integrity/honesty, respect and social responsibility in guide evaluation and/or in highlighting strengths and weaknesses (Stufflebeam 2000, 95 - 125).

Policy monitoring and evaluation provide information and data that, when accepted and internalized, turn into knowledge that supports the learning process. Therefore, learning needs to be incorporated into the policy-making cycle through an effective feedback mechanism. The information must be disseminated and made available to interested stakeholders in order to become applied knowledge.

The study of the consequences of evaluation is not new; however, for most of the last four decades it has focused on the analysis of a particular segment of evaluation, namely, the use of evaluation results (Alkin 2003; Cousins & Leithwood 1986; Leviton & Huges 1981; Shulha & Cousins 1997).

In the late 1980s and early 1990s, theorists and researchers expanded the focus of research on the use of evaluation to include analyzing the consequences of processing information from the evaluation (Cousins & Leithwood 1986) and effective involvement in the evaluation process (Greene 1988; Patton 1997).

Over the last two decades, the analysis of the possible consequences of the evaluation has shifted the focus to hypotheses such as:

- evaluation can contribute to decision making;
- the evaluation can lead to the improvement of the program;
- assessment can expand the knowledge base;
- at the same time, recent studies identify a wide range of expected consequences of evaluation, including empowerment, social justice, organizational learning, capacity building, social improvement, and even transformation.

Evaluation can influence the way people think and act, individually and collectively. It can even have significant consequences for the practice of subsequent evaluation. (Mark 2006). It is important to remember that we cannot separate the concept of “use of evaluation” from that of “usability” when we talk about evaluation and, implicitly, when we perform a meta-evaluation. Regardless of the type of evaluation, the moment of its realization, or the stakeholders involved, it is necessary to make the distinction between these two dimensions. Consequently, if the use of evaluation results takes into account rather the context and organizational capacity to use the evaluation results,

usability refers to the way in which an evaluation has been designed so that its results can be used as broadly as possible.

### 3. CASE STUDY

#### 3.1. Presentation of research-innovation policies in Romania

Being a young democracy and a member of the European Union only since 2007, respectively a net beneficiary of European funds at that time (we are not referring here to pre-accession funds) we can say that Romania is at the beginning when it comes to transition to a knowledge-based economy (objective assumed by the EU to reduce the existing gaps in the regions).

Country-wide innovation performance is poor, ranking last in the EU in the 2019 European Innovation Scoreboard (European Commission 2019b). Investments in research and development are very low, with an R&D intensity of 0.51% of GDP in 2018, well below the national target for 2020, of 2%, and the EU average of 2.12%. Public investment in research and development accounted for 0.2% of GDP in 2018. Private spending on research and development was only 0.30% of GDP, below the EU average of 1.41%. (European Commission 2020)

Scientific performance and the links between academia and business continue to be weak. The country is still at the bottom of the EU in terms of top scientific publications and international co-publications (European Commission 2018a). Regulatory barriers (e.g. bureaucracy, conflicting or unclear rules) hinder the links between academia and business, which tend to emerge on an ad hoc basis. RDI governance is characterized by excessive and burdensome bureaucracy, the predisposition to excessive regulation, frequent changes at the legislative and institutional level, and the lack of human resources. Policy changes have affected the R&D&I system and policies, leading to delays and ad hoc changes. Theoretically, coordination mechanisms and bodies are established; however, they may prove to be insufficient in the absence of human resources, political will and culture to make them work.

The main programmatic documents in the field of research-innovation in Romania, in the period 2007 - 2020 are: National Strategy in the field of research-

development and innovation for the period 2007 - 2013 - (approved by Act no. 217/2007), National Plan for research-development and innovation for the period 2007 - 2014 (NPRDI II) - (approved by Act no. 475/2007), the National Strategy for Research, Development and Innovation 2014 - 2020 (NS RDI 2020) - (approved by GD 929/2014) and the National Research Plan - development and innovation for 2015 - 2020 (NPRDI III) - (approved by Act no. 583/2015).

It should be remarked that these public policy documents stipulate that the undertaking must undertake to monitor and evaluate the measures they propose, which should have been carried out regularly and carried out by independent experts. and whose conclusions have been presented to policymakers.

### 3.2. Methodology

The present meta-evaluation aims to analyze the evaluation tools of the research-development-innovation policies in Romania in the financial years 2007 - 2013 and 2014 - 2020.

The purpose of the meta-evaluation is to know the use of the results of the evaluations carried out in the financial year 2007-2013 to substantiate the research-innovation policies in the period 2014-2020 and, secondly, to establish a benchmark for a future meta-evaluation to subsequently identify trends, models and changes in the policy evaluation tools analyzed.

The main research method used is the analysis of documents, respectively the content evaluation of the evaluation reports and the main programmatic documents and the construction of an analysis grid of the assessment records from 2007-2013 and 2014-2020. To carry out the study, the author focused on the following research: analysis of specialized texts and documents, with a focus on research-innovation strategies and, in particular, with a focus on the financing of research-innovation policies; analysis of evaluation reports made for national research-innovation strategies; analysis of the documents substantiating the normative acts in the field of RDI.

Before building the analysis grid of evaluation reports, we researched what other meta-evaluations were conducted in Romania regarding the system/tools for evaluating research-innovation policies. From the identified documents and information, the authors noticed that the analyzes carried out mainly target the research-innovation system as a whole and not particularly its evaluation tools, not being possible to draw conclusions or recommendations with a particular character. Within the evaluation grid of the evaluation reports we used an ordinal rating scale for each analyzed criterion, respectively the scale: "Excellent, Very good, Good, Satisfactory, Unsatisfactory, Absent". The grading was based on the presence, clarity, robustness and adequacy of the relevant information in the evaluation report for each criterion analyzed. Therefore, the proposed analysis grid of the evaluation reports aims to obtain information on the following analysis criteria: coordination of the evaluation process, evaluation design and methodology, presentation of evaluation results and use of evaluation results.

### 3.3. Research limitations

The main limitation of this study is based on the fact that, although the responsibilities on the management of research-innovation policies and implicitly, the attributions on policy evaluation belonged, de facto, to the same entity (currently the Ministry of Education and Research), the administrative instability led to a low degree of information accessibility on the evaluation exercises analyzed and the difficulty of identifying all documents regarding these evaluations. Thus, if a series of evaluation reports could have been identified on the institution's website, it was not possible to distinguish the documents regarding the evaluation process, especially the reference terms, the main reason being the fluctuation of the staff who managed these evaluations.

### 3.4. Evaluation report analysis grid

The author considers important specifying that the elaborated grid aimed at a logical structuring of the way of conducting the meta-evaluation, this isn't being an interview grid. Thus, the analysis grid of evaluation reports is divided into two main parts: an introductory section, which presents fundamental information on assessment reports that allow them to be placed in a time frame and knowledge of the specifics of evaluation.

The second section contains the rating criteria considered relevant for the purpose of the meta-evaluation: coordination of the evaluation process, design, and methodology, presentation of the evaluation results, use of the results.

Each of these criteria was operationalized through a set of evaluation questions aimed at identifying the existence in the evaluation reports of the categories of fundamental information in the evaluation process, the relevance, clarity, and robustness of these categories of details. The evaluation questions also aim at acquiring information that would allow qualitative analysis of how to present the evaluation results and their use as well as the realization of correlations.

### 3.5. Meta-evaluation report

#### 3.5.1. *Summary*

The purpose of this report was to make a meta-evaluation of the evaluation tools of research-innovation policies in Romania, developed in the period 2007-2013 and 2014-2020. The following criteria were taken into account: coordination of the evaluation process, evaluation design, methodology, presentation of evaluation results, and their use. For each criterion was assigned at least two evaluation questions.

Both the meta-evaluation reports and their supporting documents and information were used to carry out the meta-evaluation, insofar as they could be identified. One of the limitations of meta-evaluation is represented by the different typology of the analyzed evaluation exercises (these being centred either towards the evaluation of the performance, of the governance system of

the RDI field or focused on the analysis of the public policy strategy related to the field). This made it difficult to analyze the answers to the evaluation questions and to give grades. A general conclusion that can be drawn is that evaluation methods and tools have seen significant improvements from one year to the next but the presentation and use of results are not necessarily directly proportional to this development.

### 3.5.2. Presentation of the results of the meta-evaluation

Table nr. 3.5.2.1 – Analysis grid no. 1

<b>Evaluation report identification data</b>	
Report name	Delivering policy analysis on the
Type of evaluation	performance of Cohesion Policy 2007-2013
The evaluated period	Task 1: Policy Paper on Innovation
The evaluation period	intermediate
<b>Criterion no. 1: Coordination of the evaluation process</b>	
Rating: Unsatisfactory	
<b>Evaluation Questions</b>	<b>Findings:</b>
Have the actors involved in the evaluation process been identified, including their roles?	The report does not indicate who the actors involved in the evaluation process are or their roles but rather focused on the analysis of the evaluation subject.
Was the evaluation carried out by an external or internal team?	The evaluation was carried out by an expert from the Expert Evaluation Network for the European Commission - Directorate-General Regional Policy.
<b>Criterion no. 2: Design and methodology</b>	
Rating: Unsatisfactory	
Is the chosen methodology clearly described?	Not. The report does not present the methodology used. However, the report contains a series of annexes where the categories of the user data can be identified.

Is the choice of methodology explained?	N / A
Are the evaluation questions relevant to the purpose and objectives of the evaluation?	The report does not include the evaluation questions used. However, from each aspect evaluated, a series of utilized criteria and indicators are transparent, leading to the conclusion that certain evaluation questions were employed, and through the answers and conclusions formulated for each of them in the report, the objectives of the evaluation are met. (also presumed)
Were the DAC / OECD criteria used in structuring the evaluation?	YES. The analysis of the report shows that at least one DAC (relevance) criterion was used.
Was the data used clear, robust, and sufficient?	The analysis of the report's annexes confirmed the use of a complex, clear, and robust data set. However, in the absence of methodological specifications, it was not possible to assess whether the data were sufficient.
Are the risks of the assessment clearly and specifically identified?	There is no section in the report to identify possible risks that may arise during the assessment. These are not mentioned at all in other sections either.
Does the report have key documents such as terms of reference, etc. attached?	No documents containing the terms of reference were identified.
<b>Criterion no. 3: Presentation of evaluation results</b>	
Rating: Satisfactory	
Are the evaluators' findings and recommendations clearly described?	YES. A chapter of the Report is dedicated to each aspect assessed. The conclusions and recommendations related to each evaluated aspect are set out, but with a low degree of

	specificity.
Does the evaluation report have a logical structure? Does it present the information clearly and coherently?	The evaluation report has only a partial logical structure and the information is presented in a fairly general way. The general areas and objectives of the evaluation are distinguished. However, a detailing of the methodology and tools used to operationalize the evaluation would have been an advantage for substantiating the findings presented, rather than a detailed description of the context of research and innovation policies in Romania.
<b>Criterion no. 4: Use of evaluation results</b>	
Rating: Satisfactory	
Are previous evaluation experiences identified?	Not. The report does not refer to previous evaluation experiences in the field analyzed.
Are future decisions or actions identified that could use the results of this evaluation?	Yes. Future actions are identified that could use the results of the evaluation as well as the actors involved in these actions.

Table no. 3.5.2.2 – Analysis grid no. 2

<b>Evaluation report identification data</b>	
Report name	Interim Evaluation of the National Strategy and National Plan CD & I 2007-13
Type of evaluation	intermediate
The evaluated period	Not specified
The evaluation period	2012
<b>Criterion no. 1: Coordination of the evaluation process</b>	
Rating: Good	
<b>Evaluation questions</b>	<b>Findings</b>
Have the actors involved in the evaluation process been	The report indicates which actors are involved in the evaluation process (National Authority

identified, including their roles?	for Scientific Research, UEFISCDI, National Councils for Development and Innovation / Scientific Research). Although the report mentions the involvement of stakeholders in the evaluation process, they are not accurately identified.
Was the evaluation carried out by an external or internal team?	The evaluation was carried out by a consortium of experts, mixed, consisting of Technopolis Group Austria, Vienna, Austria, FM Management Consultancy, Bucharest, GEA Strategy & Consulting, Bucharest, Vienna University of Technology, Vienna, Austria. The management of the evaluation services contract was ensured by the National Authority for Scientific Research.
<b>Criterion no. 2: Design and methodology</b>	
Rating: Good	
Is the chosen methodology clearly described?	The Report identifies, from the introduction, the objective, the methods/tools used, and the actors involved. The aspects that are subject to evaluation have a high degree of generality (the emergence of the National Strategy for Research, Development and Innovation 2007-2013, its internal and international context, vision, strategic objectives and their main strategic approaches, implementation of the strategy). On the other hand, the instruments used are detailed quantitatively: - 40 interviews with different partners among R&D actors (universities, National Research and Development Institutes, research centres, and institutes coordinated by the Romanian

	<p>Academy and private companies), of the institutions responsible for research policies (representatives of National Authority for Scientific Research, The Executive Unit for the Financing of Higher Education, Research, Development and Innovation (UEFISCDI), Councils for Development and Innovation / Scientific Research).</p> <ul style="list-style-type: none"> <li>- 15 focus groups, composed of 110 representatives of the same group of institutions.</li> <li>- study of official documents, official and internal reports</li> <li>- analysis of data provided by ANCS and UEFISCDI</li> </ul>
Is the choice of methodology explained?	Although the methodology is described in detail, the arguments that led to its choice and the tools used are not presented.
Are the evaluation questions relevant to the purpose and objectives of the evaluation?	The evaluation questions are not presented in a breakdown for each of the objectives of the evaluation and, although they meet the purpose of the evaluation as a whole, it is not very clear to what extent they meet all the objectives set. Most questions are relevant and built to provide specific answers. However, questions were also asked about the measures adopted, which risk providing answers with a high degree of generality.
Were the DAC / OECD criteria used in structuring the evaluation?	YES. The analysis of the report shows that at least one DAC (relevance) criterion was used.
Was the data used clear,	YES. The data used were clear, robust and

robust, and sufficient?	sufficient. In addition to the existing data or made available to the evaluation team by NASR and UEFISCDI, data from official resources were used, which are not, however, mentioned in detail.
Are the risks of the assessment clearly and specifically identified?	There is no section in the report to identify possible risks that may arise during the assessment. These are not mentioned at all in other sections either.
Does the report have key documents such as terms of reference, etc. attached?	Attached to the Report, in its form available to the general public, are a number of annexes, as mentioned in the report, but the terms of reference are not included. At the level of the Authority responsible for managing the service contract, this type of documents was not centralized, so it was not possible to identify the terms of reference that formed the basis of the evaluation.
<b>Criterion no. 3: Evaluation results presentation</b>	
Rating: Good	
Are the evaluators' findings and recommendations clearly described?	YES. The report contains separate chapters for each of the aspects assessed. At the same time, there is a separate section at the end of the report where the findings for each specific evaluation objective and the evaluators' recommendations are presented.
Does the evaluation report have a logical structure, does it present the information clearly and coherently?	The evaluation report has a logical structure and the information is presented clearly and coherently. The chapters are presented in italics, according to the objectives of the evaluation and also according to the questions to which the evaluation had to answer.

<b>Criterion no. 4: Use of evaluation results</b>	
Rating: Good	
Are previous evaluation experiences identified?	Not. The report does not refer to previous evaluation experiences in the area under analysis, although it is an interim evaluation exercise of a programmatic document.
Are future decisions or actions identified that could use the results of this evaluation?	Yes. Future actions are identified that could use the results of the evaluation as well as the actors involved in these actions, mainly to improve the policy and not to change it excessively.

Table no. 3.5.2.3 –Analysis grid no. 3

<b>Evaluation report identification data</b>	
Report name	Evaluation report on the governance of the public research, development and innovation system in Romania 2007 - 2013
Type of evaluation	Intermediate. Themed
The evaluated period	2007 - 2013
The evaluation period	It is not specified. From the analysis of the Report, can be presumed that it was completed in 2015.
<b>Criterion no. 1: Coordination of the evaluation process</b>	
Rating: Very Good	
<b>Evaluation questions</b>	<b>Findings</b>
Have the actors involved in the evaluation process been identified, including their roles?	The report clearly indicates which actors are involved in the evaluation process (UEFISCDI - as a beneficiary of the OPACD 37609 project).
Was the evaluation carried out by an external or internal team?	The report does not contain data on the experts who carried out the evaluation.
<b>Criterion no. 2: Design and methodology</b>	

Rating: Excellent	
Is the chosen methodology clearly described?	<p>The evaluation was performed according to a detailed methodology, which uses the logical model approach. Thus, in addition to including in the Report the description of methodological steps, tools, objectives, and evaluation questions, a separate document was prepared entitled Methodology for evaluating the implementation of public policies in the field of Research, Development, and Innovation in Romania (2007-2013).</p> <p>The general purpose of the methodology is to carry out an evaluation of the governance of the public RDI system in Romania in the period 2007-2013. The governance assessment was carried out through an analysis of the implementation process of RDI policies formulated and applied during the reference period.</p> <p>By applying the methodology, the aim was to carry out a systemic evaluation whose nodal points should be the main components of the public RDI system in Romania (institutions with the regulatory and planning role, main instruments for implementing RDI policies and actors involved in the system as beneficiaries of these tools).</p> <p>In order to achieve the general purpose of the methodology, the following working tools have been adopted that define the structure of the evaluation methodology:</p> <ol style="list-style-type: none"> <li>I. a theoretical model of evaluation;</li> <li>II. an analytical grid that proposes the</li> </ol>

	<p>evaluation criteria and that distinguishes between the main components of the public RDI system subject to evaluation;</p> <p>III. a specific mechanism for operationalizing the analytical grid and detailing the criteria, tools, techniques, data necessary for the evaluation, and the procedures for their collection.</p> <p>The methodology mentions in detail what its limitations are.</p>
<p>Is the chosen methodology clearly described?</p>	<p>YES. For each of the chosen methods and tools, including the data used, justified details are presented, sufficient to provide robustness to the evaluation approach.</p>
<p>Is the choice of methodology explained?</p>	<p>The evaluation questions are presented in detail in the methodology, being assigned to each of the 3 specific objectives of the evaluation:</p> <p>Specific objective 1: Analysis of the responsibility of the main institutions with a regulatory role in the RDI area.</p> <p>Evaluation questions:</p> <ul style="list-style-type: none"> <li>- Was the regulatory framework of the RDI system adequate to the needs of society?</li> <li>- Was the level of funding of the programs adequate to social needs?</li> <li>- What was the contribution of the governance institutions in defining the priorities, in regulating and supervising the RDI system?</li> </ul> <p>Specific objective 2: Analysis of the degree of transparency of the instruments for implementing the RDI policy and of the actors involved in the system as beneficiaries of the</p>

	<p>financing.</p> <p>Evaluation questions:</p> <ul style="list-style-type: none"> <li>- Was the process of implementing the financing instruments of the RDI system a transparent one?</li> </ul> <p>Specific objective 3: Analysis of the performances of the main actors involved in the RDI system as beneficiaries of the RDI policy implementation tools.</p> <p>Evaluation questions:</p> <ul style="list-style-type: none"> <li>- What are the performances of the actors in the system concerning the objectives assumed by the instruments for implementing the RDI policies from which they benefited?</li> </ul>
Were the DAC / OECD criteria used in structuring the evaluation?	YES. From the analysis of the evaluation objectives, it is observed the use of efficiency and effectiveness criteria.
Was the data used clear, robust, and sufficient?	YES. The data used is clear and robust. The experts opted for the use of quantitative data, trying as much as possible to eliminate the subjectivity and lack of standardization of information obtained by qualitative methods. However, in the process of implementing the methodology, the possibility of using qualitative data was not eliminated, as they were useful for obtaining a better understanding of the functioning of the RDI system, as well as for verifying the accuracy of quantitative data collected and analyzed in the evaluation process.
Are the risks of the	YES. The methodology presents the limits of the

assessment clearly and specifically identified?	evaluation and its consequences.
Does the report have key documents such as terms of reference, etc. attached?	Attached to the Report, in its form available to the general public, are several annexes, as mentioned in the report, but the terms of reference are not included. At the level of the Authority responsible for managing the service contract, this type of documents was not centralized, so it was not possible to identify the terms of reference that formed the basis of the evaluation.
<b>Criterion no. 3: Presentation of evaluation results</b>	
Rating: Excellent	
Are the evaluators' findings and recommendations clearly described?	YES. The report contains separate chapters for each of the aspects assessed. At the same time, there is a separate section at the end of the report where the findings for each specific evaluation objective and the evaluators' recommendations are presented.
Does the evaluation report have a logical structure, does it present the information clearly and coherently?	The evaluation report has a logical structure and the information is presented clearly and coherently. The chapters are presented in italics, according to the objectives of the evaluation and also according to the questions to which the evaluation had to answer. It is also worth mentioning the high level of detail of the evaluation activities.
<b>Criterion no. 4: Use of evaluation results</b>	
Rating: Good	
Are previous evaluation experiences identified?	Not. The report does not refer to previous evaluation experiences in the area under

	analysis, although it is a thematic mid-term evaluation exercise.
Are future decisions or actions identified that could use the results of this evaluation?	Not. Although recommendations have been made, they do not address specific actions in which the results of this evaluation exercise can be used. The recommendations made are rather general.

Table no. 3.5.2.4 – Analysis grid no. 4

<b>Evaluation report identification data</b>	
Report name	NS RDI Impact Assessment Study 2014-2020, aggregated at national level
Type of evaluation	Intermediate
The evaluated period	2014 - 2019
The evaluation period	2019
<b>Criterion no. 1: Coordination of the evaluation process</b>	
Rating: Very Good	
<b>Evaluation Questions</b>	<b>Findings</b>
Have the actors involved in the evaluation process been identified, including their roles?	The report indicates which actors are involved in the evaluation process (Ministry of Research and Innovation and the National Institute for Scientific Research in the Field of Labor and Social Protection).
Was the evaluation carried out by an external or internal team?	The report is part of the deliverables of the project “Development of the administrative capacity of the Research and Innovation Ministry for the implementation of actions established in the National Strategy for Research, Technological Development and Innovation, 2014-2020 - SIPOCA 27” and was carried out by a team of internal experts from

	the National Institute for Scientific Research in the Field of Labor and Social Protection.
<b>Criterion no. 2: Design and methodology</b>	
Rating: Very good	
Is the chosen methodology clearly described?	<p>The evaluation was carried out according to a detailed methodology, which represents a separate deliverable within the SIPOCA project<sup>27</sup> - "Impact assessment methodology of NSRDI 2020 2014-2020".</p> <p>The purpose of assessing the impact of the NSRDI 2020 Strategy, in the middle of the implementation period (2014-2019), is to demonstrate whether the interventions are progressing towards the objectives, assessing the short-term impact of funded and completed projects on the identified outcome and impact variables.</p> <p>The evaluation was divided into three levels:</p> <ul style="list-style-type: none"> <li>- The first level is the evaluation of funding programs and instruments through which concrete measures are proposed to achieve the objectives of the strategy.</li> <li>- The second level consists of assessing the impact on the areas of smart specialization and the field of public health priority.</li> <li>- The third level is the evaluation of NSRDI 2020 itself, with the role of understanding the effectiveness and efficiency of its contribution to the achievement of strategic objectives at the national level.</li> </ul> <p>The methodology mentions in detail what its limitations are.</p>

Is the choice of methodology motivated?	YES. For each of the chosen methods and tools, including the data used, justified details are presented, sufficient to provide robustness to the evaluation approach.
Are the evaluation questions relevant to the purpose and objectives of the evaluation?	<p>YES. The questions are highlighted in the methodology and correspond to the objectives of the evaluation.</p> <p>The evaluation questions used are:</p> <ol style="list-style-type: none"> <li>1. To what extent do the objectives of NSRDI 2020 reflect the needs identified at the national level? (relevance)</li> <li>2. Has the implementation of NSRDI 2020 been carried out as planned? "What" went "and what" didn't go "in the implementation of SNCDI 2020?"</li> <li>3. What is the progress towards specific objectives? Have the objectives/targets of SNCDI 2020 been achieved?</li> <li>4. How has the impact on funding instruments and smart specialization areas contributed to the achievement of the SNCDI 2020 objectives?</li> <li>5. To what extent has SNCDI 2020 contributed to the evolution of macroeconomic indicators at the national level (gross domestic product formation, employment)?</li> <li>6. To what extent and how could things have been done better?</li> </ol>
Were the DAC / OECD criteria used in structuring the evaluation?	YES. From the analysis of the evaluation objectives, it is observed the use of efficiency and effectiveness criteria.
Was the data used clear, robust and sufficient?	YES. The data used are clear and sufficient. However, experts identify potential risks

	related to the availability of statistics.
Are the risks of the assessment clearly and specifically identified?	<p>YES. The following risk categories have been identified:</p> <ul style="list-style-type: none"> <li>- General issues related to impact assessment are related to theoretical and methodological aspects, availability of statistics, the bias in the choice of variables.</li> <li>- Access to data and selection of analyzed units.</li> <li>- Choosing the time of the evaluation that must take into account the time required after the implementation of the program for the results to become visible.</li> <li>- Delays and discontinuities in program implementation.</li> </ul>
Does the report have key documents such as terms of reference, etc. attached?	Several annexes are attached to the Report, in its form available to the general public, as mentioned in the report, but the terms of reference are not included.
<b>Criterion no. 3: Presentation of evaluation results</b>	
Rating: Excellent	
Are the evaluators' findings and recommendations clearly described?	YES. The report contains separate chapters for each of the aspects assessed. At the same time, there is a separate section at the end of the report where the evaluators' conclusions and recommendations are presented.
Does the evaluation report have a logical structure, does it present the information clearly and coherently?	The evaluation report has a logical structure and the information is presented clearly and coherently. The chapters are presented in italics, according to the objectives of the evaluation and to the questions to which the evaluation had to answer. It is also worth mentioning the high level of detail of the

	evaluation activities.
<b>Criterion no. 4: Use of evaluation results</b>	
Rating: Excellent	
Are previous evaluation experiences identified?	Yes. The report contains references to the elaboration of SNCDI 2014 - 2020 and PNCDI III and, although no evaluation issues are explicitly mentioned, a deductive reasoning can be used to link to the previous evaluation exercise and the limitations created by it.
Are future decisions or actions identified that could use the results of this evaluation?	The report explicitly states that the analysis of the evaluation results will provide the main beneficiaries and users: the Ministry of Research and Innovation, the line ministries responsible for public policies in the fields of SNCDI 2020, UEFISCDI, and interested economic and social partners, the possibility of implementing an evidence-based decision-making mechanism regarding the modification of the adopted strategic lines, the implementation mechanisms, the decision to continue funding or to selectively enhance it on certain programs/areas using the instruments with the highest potential to achieve significant positive effects. In this sense, the results obtained will provide the Ministry of Research and Innovation with strong arguments to justify the budgetary need to support the development of the RDI field in the coming years.

#### Evaluation of the criterion "Coordination of the evaluation process"

The analyzed reports indicate who held the function of coordinating the evaluation process without detailing all the stakeholders involved in this process. Simultaneously, incomplete or non-existent information on the experts who carried out the evaluation led to low ratings for this criterion. It is noted that this information is more accurate when it comes to evaluation exercises carried out in European funded projects.

#### Evaluation of the criterion "Design and methodology"

If the design and methodology of the evaluation are described in a more detailed manner with each evaluation exercise, the motivation for choosing a specific methodology is missing in the first analyzed reports. Furthermore, for none of the reports could the terms of reference be identified so that, regardless of the degree of detail of the methodology and tools chosen, we can only assume that what was delivered is and what was requested. The risks of evaluation are present in the reports prepared since 2015. A common element of all evaluation exercises is the use of at least one DAC / OECD criterion, which indicates the observance of an internationally accepted methodological framework.

#### Evaluation of the criterion "Presentation of evaluation results"

If the information in the analyzed reports is not always presented following a logical structure and the accuracy of the information raises questions about the degree of substantiation of the findings, each report still contains separate chapters to present the results of the evaluation, clearly highlighting the findings and recommendations of evaluators.

#### Evaluation of the criterion "Use of evaluation results"

The evaluation exercises analyzed do not contain information on previous evaluations or their lack, so the idea is induced that this is a singular approach.

The recommendations made by the evaluators are associated with future events and actions in which they could be implemented without detailing and how this operationalization could take place or if effective steps are envisaged.

#### 4. CONCLUSIONS

Following the application of the analysis grid and the study of the relevant programmatic documents related to research-innovation policies in Romania, we compared the results obtained in order to verify the research hypothesis stated at the beginning of the article and the conclusions that emerged are:

The evaluation exercises were carried out as singular actions, without following a chronology of the analyzed policies. Nevertheless, this is a consequence, firstly, of the different purposes of each evaluation exercise and, secondly, of the administrative instability known to the authority responsible for managing research and innovation policies and the periodic fragmentation of its tasks. Furthermore, the analysis of the studied programmatic documents, corroborated with the data on the financing of the research-development-innovation system in the analyzed period, resulted in a low interest of the decision-makers to support the improvement of research-innovation policy management tools that received numerous budget cuts.

The methodology and tools used have evolved positively from one evaluation exercise to another. Notwithstanding, even though the presentation of the evaluation results has improved, their use remains an aspect that is difficult to follow. On the one hand, one reason is that we do not find information on whether or not to implement the previous recommendations and, on the other hand, because of the proposed recommendations, although identifying actions in which they could be implemented, do not stipulate what steps would be taken, to be followed, which actors can be involved and the time horizon in which they could be implemented.

Regarding the National Strategy for Research-Development-Innovation 2014-2020, although references to the recommendations contained in previous

evaluations have been identified, it is difficult to quantify the degree to which the results of these evaluations have been used. In the absence of details on how those recommendations were implemented, the mere reference to them in the strategy, when describing the approach of its elaboration, is insufficient to state with certainty that the public policy document is based on the results of previous evaluations.

Based on the conclusions obtained from the comparison of the analysis grids, we can affirm that the inconsistency of the analyzed data makes it difficult to establish a correlation between the usability of the evaluation results and the degree of use of these results in the process of substantiating future policies. Specifically, the use of evaluation results is an action that is difficult to predict, influenced rather by external, unknown factors. The research hypothesis is not, therefore, validated, or at least not in the context of the evaluation exercises analyzed.

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## A PSYCHOSOCIAL PROFILE OF THE IMMIGRANT: A CASE STUDY

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### **Abstract**

The migratory flux from the Middle East to the European Union has been on the rise in the past decades due to the almost continuous conflicts in the Arabic Peninsula and to the economic differences between the two regions. Many people were displaced by war and have decided to migrate to the European Union because of the good perspectives the EU Member States have offered for them and for their families.

Although there are many general characteristics of the migratory flux from the Middle East to the European Union, every migration wave has its own traits, its own motives and its own dimensions. Starting from these premises, the specific traits, motives and dimensions of the migratory wave of members of the Hizmet Movement in the past three years will be studied in this article. This movement has emerged in Turkey half a century ago and has become today an important social construct in this country, a network formed of educated people who are involved in developing projects aimed at helping the community.

Many of the volunteers who are part of the Hizmet Movement have decided to leave the country after the political events that took place in Turkey and 2016. This situation has led to a large wave of migrants from Turkey to the EU Member States in the past three years and to a migratory flux with its own traits,

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<sup>1</sup> This analysis represents the author's point of view, based on his own experience.

motives and dimensions. Starting from these premises, we will show how Hizmet is an example of a politically motivated, forced immigration, with consequences on employment, family, identity, standard of living, all analyzed from the perspective of the right to emigration according to the UN Global Compact for Emigration developed in 2016.

In this article, we will seek to identify these specific characteristics of the recent migratory wave from Turkey to the European Union, the results of the study showing that this wave has many of the characteristics of the larger migratory flux that connects the Middle East and the European territory and that the characteristics of this migration spurt are predicted by the most important academic theories of migration.

**Keywords:** Hizmet movement; Middle East; migration; the European Union.

## 1. INTRODUCTION

The premises of this article are represented by the author's PhD thesis named 'The socio-cultural characteristics of migration from the Middle East to the European Union: case study the Hizmet Community'. Starting from the results obtained during the research phase of the thesis, this article will seek to present what is the place of the recent migration spurt within the Hizmet Community within the larger migratory flux between Middle East and the European Union and to develop a psychosocial profile of the immigrant.

Migration is an important phenomenon in the world of today, but it is not a new phenomenon because people have migrated even since the dawn of our species. However, the magnitude of this phenomenon is new because never in the history of human societies migration on such a large scale has manifested itself (Daştan 2019).

The intensification of the phenomenon of migration during the past decades has been a tendency explained by a multitude of factors, but no theory could encompass all factors that determine people to migrate because the social, economic and political conditions are constantly evolving.

The complexity of the migration phenomenon has been reflected not only by academic theories, but also by official documents of international organizations. An example is represented by the New York Declaration for Refugees and Migrants adopted in 2016 by the General Assembly of the United Nations, a document that states the need for developing a global compact aimed at regulating migration, at ordering this complex phenomenon and at assuring the safety of the migrant (United Nations 2019).

The new conditions that characterize the migratory spurts are exemplified in this article by referring to the particular situation of the Hizmet Movement, a community that was formed in Turkey in the middle of the 20<sup>th</sup> century and that is today one of the most important Turkish communities abroad. Starting from the general theories that characterize a migratory trend, this article will seek to explain why the migratory flux from Middle East to Europe represents a particular case and why the migratory flux of Hizmet volunteers from Turkey to Europe represents an even narrower case within the larger framework of migratory waves that have connected throughout history the Arabic Peninsula and the European territory.

## 2. KEY CONCEPTS

The term 'migration' is defined by United Nations as the crossing of the border of a political or administrative unit for a minimum period of time, crossing that is made by economic migrants, refugees or displaced persons (United Nations 2017). This definition supports the academic perspective on migration, a concept that is divided into two categories: an internal migration (that represents the displacement of a person within the national borders of a certain state) and an international migration (that represents the relocation of people between two nation-states) (King and Skeldon 2010).

In close relation with the concept of 'migration', another concept has to be defined, that of 'migrant'. According to United Nations, migrants can be divided into five main categories (United Nations 2017):

1. Illegal migrants, who do not have the necessary permits to stay in a country. Usually, the illegal migrants are the ones who seek for a job and for a better life.
2. Business migrants, who usually migrate because they work in a multinational company that assigns them in a new position in another country. Unlike illegal migrants, business migrants are usually welcomed by their new countries because they bring added value to the national economy.
3. Displaced migrants, who seek refugee or are forced to move in order to respond to an external determinant (e.g. a natural disaster).
4. Temporary migrants, who usually work for a fixed period of time in a new country and then, when the contract ends, return to their country of origin.
5. Migrants from reunified families, who are people with spouses or other close relatives who have migrated at a previous moment in time.

The concept of 'migration' can be constructed not only through its definition or its types (e.g. temporary migration, business migration etc.), but also through the academic theories that have been developed over time in order to explain this complex phenomenon that characterizes the world of today. Some of the most important theories related to migration that were developed over time are the structural functionalism theory, which is based on the assumption that communities tend to disintegrate over time (Harper 2011), the social conflict theory, which is based on Karl Marx's work and which identifies as one of the main determinants of migration the profound conflicts within a nation, the social pressures and the social fragmentation (Homer-Dixon 1994), the symbolic interactionism theory, which explains how the identity of migrants is changed during the process of displacement (Eisenstadt & Giesen 1995), the social politics theory, constructed around the concept of 'diaspora' (Hirschman 1978), the historic theories, which identify several 'push' and 'pull' factors (some of the pull factors that influence migration are the feeling of security, the family ties, the industrial development, the better life conditions etc., while some of the push factors influencing migration are war, discrimination, pollution or natural disasters) (Lee 1966) and the workforce migration theories, which are comprised

of five main categories of theories: the world systems theory, the relative privation theory, the new work economy theory, the dual work market theory and the neoclassical economic theory (Jennissen 2007).

Although they do not form an academic theory, the principles of the 2016 New York Declaration, encompassing the recent developments on the international stage in relation to the migration phenomenon, are important in explaining the status immigrants have today. In 2016, at the UN Summit held on 19 September, the participants have adopted a declaration by which they have committed to protect refugees' human rights, to immediately provide education for migrant children, to condemn xenophobic manifestations against migrants and to improve the contributions that migrants have to the social and economic development of the host countries (Refugees and Migrants 2019). This declaration not only creates the conditions for improving the situation of the immigrant, but also strengthens the right to migration and the rights immigrants have in the host countries.

As a result of this short review of the elements that form the theoretical foundation of the concept of 'migration', two important characteristics of migration stand out: that migratory fluxes may consist of many types of migrants (e.g. displaced migrants, migrants who seek to reunite with their families etc.) and that migration is a phenomenon that cannot be explained by a single theory. At the end of the article, after presenting the results obtained, we will try to develop a psychosocial profile of the immigrant, to determine in what category of migrants can the people from the Hizmet Movement be placed and which of the migration theories that were presented are best applied to the specific situation of the recent migration within the Hizmet Movement.

### **3. HIZMET MOVEMENT. ORIGIN AND SHORT HISTORY**

The historical perspective of the Hizmet Movement began in the 1970s, when Fethullah Gulen's vision regarding the Turkish society began to become more and more popular and when the first study centers led by Gulen were opened in the city of Izmir and in the wider Aegean coast region. These educational centers

represented an opportunity for local communities because educational opportunities were scarce and, in this context, these institutions represented an opportunity for students to integrate into the big cities and to continue their secular education, without being in danger of being influenced by the politicized environment of those times (Çetin 2012).

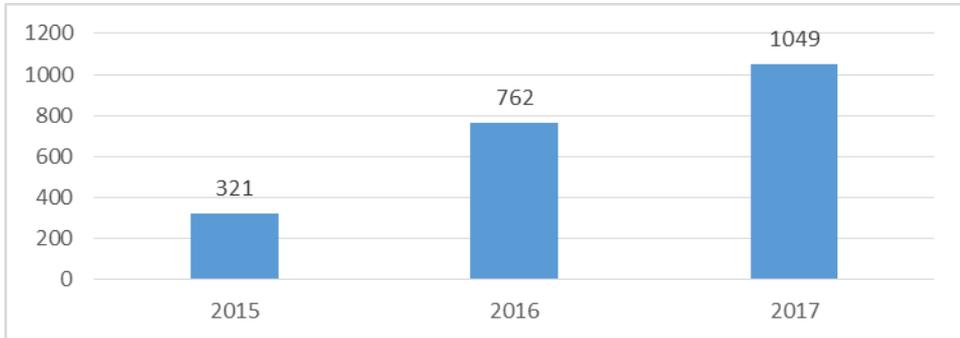
Because of the opportunities it provided for the education of Turkish youngsters and because of the opportunities it provided for the large masses of people, the Hizmet Movement has become in the following decades an important social movement in Turkey and the ideas of this movement have expanded over the Turkish borders through the educational projects developed around the world (Pandya 2012). This means that there was always a significant flux of migration within the Hizmet Movement, a voluntary migration determined by the desire of Hizmet adherents to develop projects in the most disadvantaged communities in different countries on several continents.

The voluntary wave of migration within the Hizmet Movement, that has been developing for decades, has been replaced by a forced displacement phenomenon that began in 2016 due to the political conditions in Turkey (Michel 2016).

The period from July 2016 to the present day has been a critical point for the Hizmet Community, whose followers were forced to emigrate (Watmough and Ozturk 2018). Many people were arrested, several companies were closed and assets were seized by the Turkish authorities (Rehab 2017), forcing the adherents of the Hizmet Movement to emigrate.

The future of the movement is uncertain, given that its supporters are currently in a transnational political exile (Watmough and Ozturk 2018). The severity of the migration flux that took place in the past three years within the Hizmet Movement is reflected by official data which shows that the number of asylum applications submitted by Turkish nationals in one of the European Union's Member States has significantly varied before and after the failed coup of 2016.

**Average monthly asylum applications submitted by Turkish nationals between 2015 and 2017**



Source: European Data Journalism Network. 2018. *Turkey: The number of asylum requests has tripled over the last two years*, [website], <https://www.europeandatajournalism.eu/eng/News/Data-news/Turkey-The-number-of-asylum-requests-has-tripled-over-the-last-two-years> (accessed on 20.10.2019)

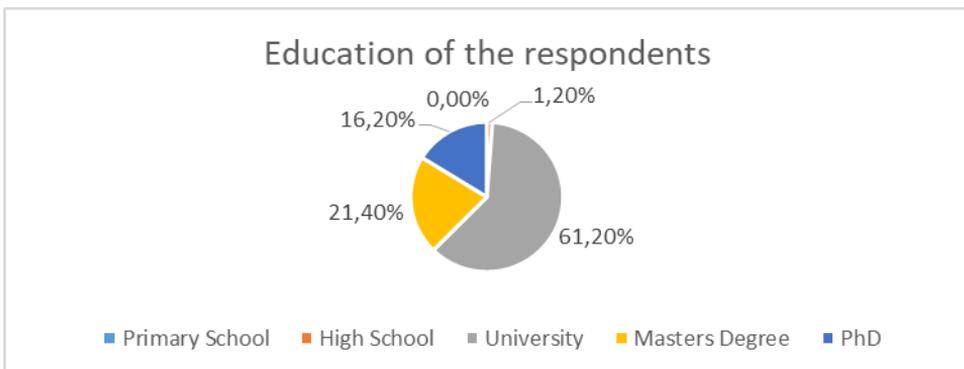
The data in the figure above shows that the number of asylum applications have risen by approximately 300% in a period of just two years. This statistical information shows the impact that political events of 2016 coup has had on the migration flux from Turkey to the EU and indirectly reveals the tragedy that many followers of Hizmet Movement have suffered. This tragedy represents the premises of the present article, that will try to construct a psychosocial profile of the immigrant and to identify the main characteristics of this recent migratory flux that has connected Turkey and the European Union after the events of 2016.

#### 4. RESEARCH METHODOLOGY

The main objective of the study is that of constructing a psychosocial profile of the immigrant, that of identifying the main elements that characterize the recent migratory flux within the Hizmet Movement, that of assigning the Hizmet migrants to one of the general categories of migrants identified in the academic literature and that of establishing what migration theories are best applied to the

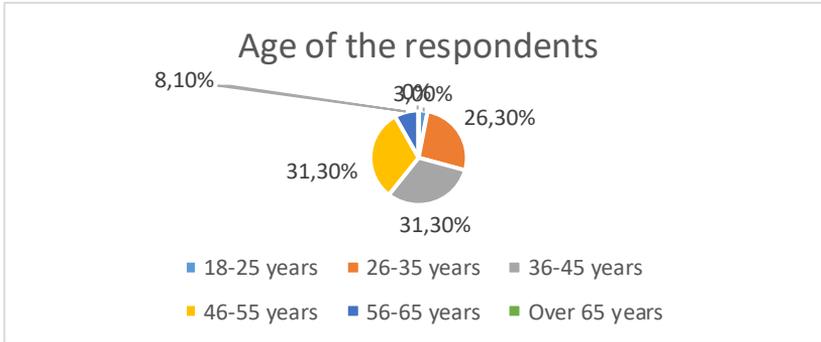
specific situation of migrants who have left Turkey and found refuge in one of the EU states in the past three years.

The data was collected through a semi-structured interview and a questionnaire, the total number of respondents being 174 (154 respondents for the questionnaire and 20 respondents for the interview). These respondents made up the research universe that was composed mainly by people who emigrated from Turkey after 2016. Because the most important projects of the Hizmet Movement are the ones developed in the educational system, most of adherents to this movement are highly educated people. This characteristic reflects in the sample selected for this study, which consists almost entirely of people who have as their last level of study the university or a higher form of education (the master's degree or PhD).



This high level of education of the majority of those who emigrated after the political events of 2016 reflects the socio-professional structure of the majority of those who are part of the Hizmet Movement and who emigrated in the past three years (university professors, journalists, doctors and businessmen recognized in the communities they belong to etc.).

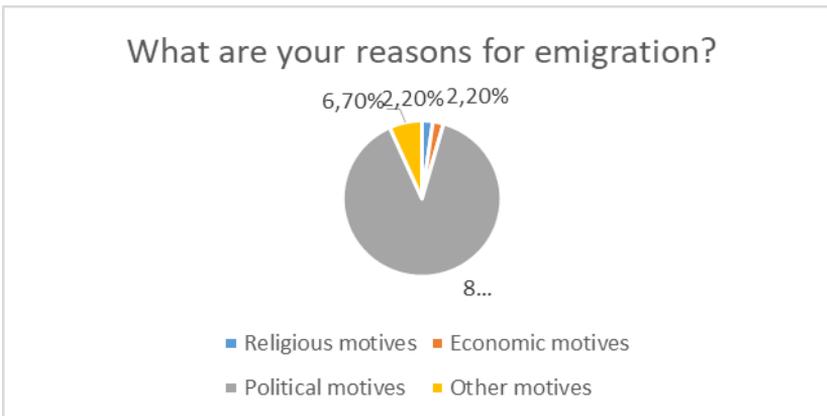
From the previous characteristic of the investigated population results indirectly and another, represented by the structure according to age. Most of the respondents are professionally active persons, aged between 26 and 55 years.



As a result, the data obtained will reveal the main characteristics of a migratory flux composed mainly of young, active and educated people who have left Turkey after the political events of 2016.

## 5. DATA INTERPRETATION

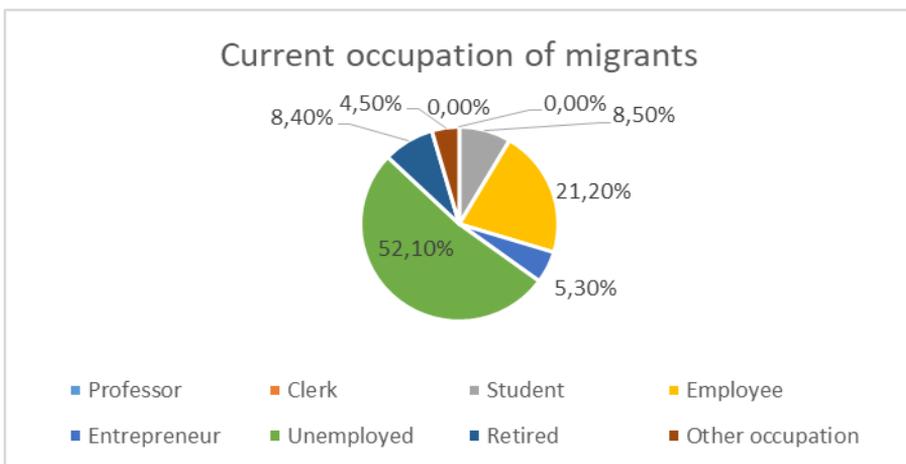
All respondents have had to answer an important question at the beginning of the interview or the questionnaire, showing what were their main reasons for emigration.



When asked which factors were most important in their decision to emigrate, most of the respondents have indicated factors like 'personal security' or 'social

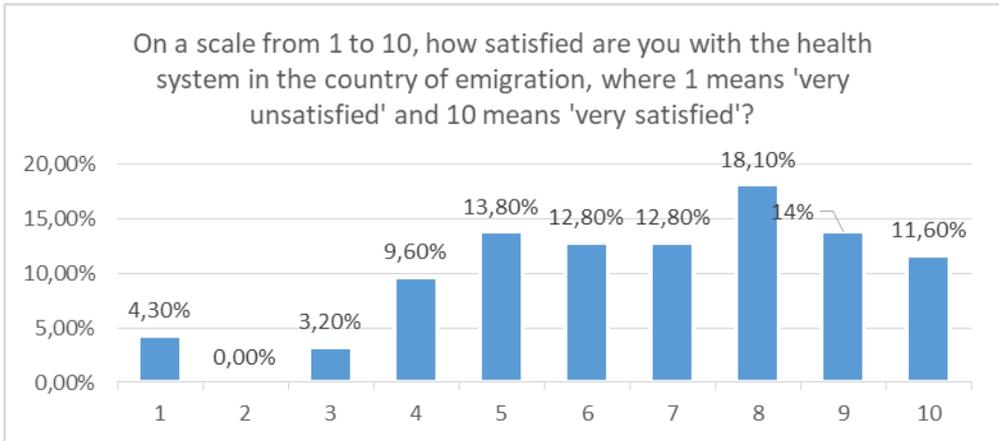
security' and less factors like 'the low income' or 'the poor infrastructure in Turkey compared to the infrastructure in the EU'. This confirms that the reasons for migration within the Hizmet Community are not economic in nature, but rather political, determined by the fear of persecution after the political events of 2016.

The way in which the lives of immigrants changed radically after the events of 2016 is reflected not only by the phenomenon by which many families were disbanded, but also by the speed with which the status of immigrants in the society has changed in only months. About one-third of those who answered the questionnaire were, before 2016, teachers, while many of the respondents were civil servants, doctors, lawyers, journalists, public relations specialists or engineers. However, at present, most of the respondents are unemployed and only about 20% of them have managed to work in one of the companies of their host countries and thus have a stable income.



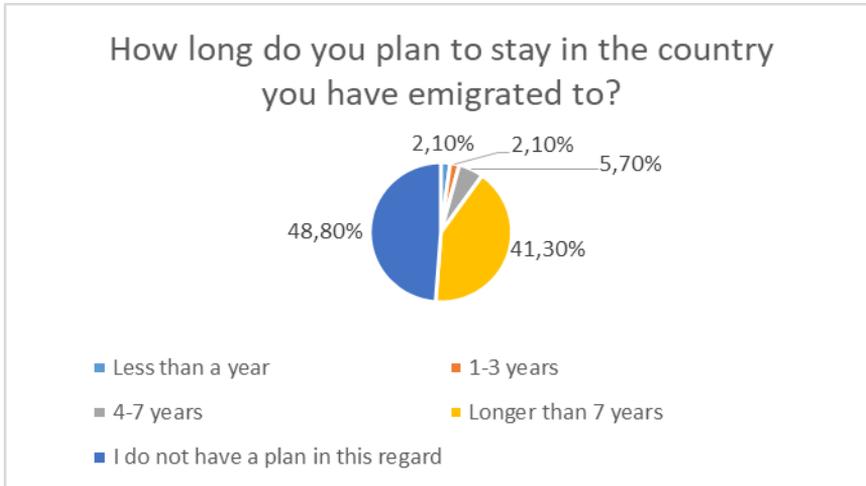
The results have shown that the success of the integration process of those who have fled Turkey in recent years depended largely on how they managed to adapt to the education and health systems in EU countries, on the one hand, and the degree to which the educational system in these countries is able to solve the specific problems of migrants, on the other hand. The respondents have

expressed a relatively high level of satisfaction with the education and health systems found in their new host countries.

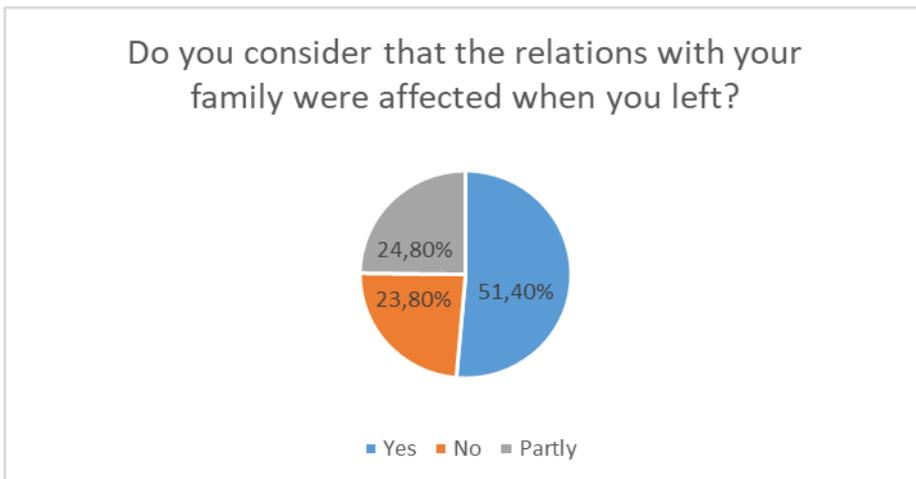


However, there are some problems both in the education system and in the health system. When talking about the education system, for example, many of the respondents indicated that they have difficulties to integrate because the diplomas they have obtained previously are not always recognized. On the other hand, when talking about the medical system, many of the respondents indicated that their health condition has worsened in recent years, due to the tension they experienced after the events of 2016, so that there is additional pressure on the public health systems in the EU countries.

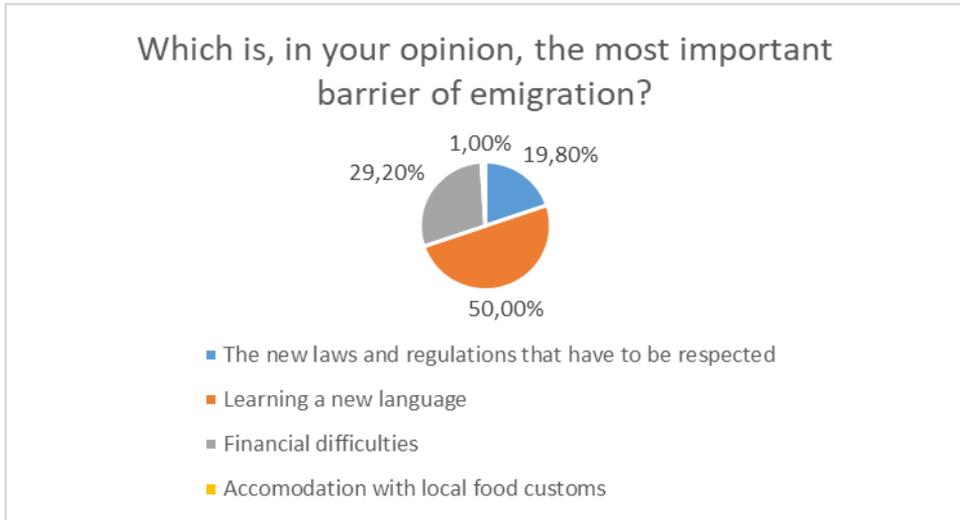
This pressure is likely to be present for a long period of time since most of the migrants intend to settle permanently in their host countries, knowing that the conditions in Turkey will likely not change and that they will not be able to return home.



One of the main reasons most of the migrants would want to return home is that many of them had to leave their families behind and want to reunify with their loved ones.



Another fact that explains the situation of the migrants in their host countries in the EU is represented by the multiple obstacles many of immigrants have had to overcome when trying to integrate in the new societies.



These results show that the immigrants have had to overcome barriers similar to those that most immigrants have to overcome. Although the migration phenomenon within the Hizmet Movement is similar in many ways to the migration phenomenon in general, it differentiates itself from several perspectives: it has a specific determinant (the political events of 2016), it represents a forced displacement (due to fear of persecution), it is not determined by economic factors (since most of the migrants have had a good financial status in Turkey) and it is not permanent (since most of the migrants plan to return home as soon as the political situation allows them to).

## 6. CONCLUSIONS

Through this study, we have intended to make a contribution in terms of knowledge in the field of the migration phenomenon from the Near East to the European Union in general and within the followers of the Hizmet Community in particular. By analyzing the data obtained from the application of the interview and the questionnaire among immigrants who are currently dispersed on all continents of the globe and especially in the EU, we could highlight not

only which of the socio-cultural factors that favor migration from the Near East to the European Union can be applied to the migration phenomenon, but also certain factors that do not necessarily characterize the migration phenomenon between the regions geographies of the Middle East and the EU, but which are specific to the current situation that characterizes the status of people in the Hizmet Community who have emigrated in the last three years.

Indirectly, the study allowed us to draw some conclusions about the situation of migrants from the Middle East and who are currently settled in one of the member countries of the European Union. The study has allowed us to highlight how immigrants were welcomed in the EU states and how these people have managed to adapt in terms of integration into social and economic life. Most of them have had success in adapting to their new life, but the process of adaptation is ongoing and probably will not end in the near future, which stresses again the importance of the Global Compact for Safe, Orderly and Regular Migration adopted in 2016 and aimed at ensuring that the rights of the migrant are respected in the host country.

Another important conclusion that can be drawn after analyzing the results obtained is that the massive phenomenon of migration from Turkey to EU countries in the past three years has left its deep imprint on the social life, reflected in the basic cell of any society: the family. Many families were shattered, many of the immigrants making the decision to emigrate in a very short time and thus lacking the necessary time to make all the needed preparations to be able to emigrate with their spouse or children. Even those who managed to emigrate with close relatives, left behind family members. The impact of the emigration phenomenon was even higher as most of the immigrants had a good material situation in their home country, but they lost all their wealth and so must now live with minimal financial resources in their new host countries of the European Union.

The problems faced by immigrants are not only related to the fact that their families have been disbanded or to the precarious material situation they have in the new countries of residence, but also to the inherent difficulties most of the people face in their new countries: the need to learn a new language, the need to adhere to a set of values that is often completely different from laws and rules of

conduct that migrants are used to, or the need to interact with people who have a different religion and culture. A special difficulty of the migrants from the Hizmet Community was derived from the fact that most of them were professionally active in their country of origin, with important contributions in areas such as education, journalism or medicine and whose work was highly recognized by the Turkish society. Now, most of these people are unemployed, with little prospect of finding a place to work and depending on the protection of their host states in the context provided by the 2016 New York Declaration of the United Nations.

The results of the study allow us to show what are the categories of migrants identified by the specialists that are best applied to the specific situation of the volunteers of the Hizmet Movement. They are not illegal migrants or business migrants who move to another country because of their job, but can be placed in the other three important categories of migrants identified by the literature: they are displaced migrants because they are seeking refugee in order to respond to an external determinant (the political events of 2016 in this case), they are temporary migrants (because they plan to return home when the political conditions in Turkey will change) and they are migrants from reunified families (because, in many of the situations, one member of the family has migrated immediately after the events of 2016, he or she being followed by other members of the family in the coming years).

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## DOES THE EUROPEAN GOVERNANCE STRENGTHEN AS A RESULT OF THE REFORM PROCESS ADOPTED BY THE TREATY OF LISBON?

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### **Abstract**

The importance of the Lisbon Treaty has been and is still widely debated in the academic environment. The insufficiency of the European Union model required adapting the Union to the reality of a 27 members that would bring it closer to its citizens, deepen democracy, increase efficiency and prepare the EU for the future as a global player. The discussion about governance arises in this context of the need to increase the transparency of the decision-making process and the implementation of public policies in a Union with different levels of decision-making. The objectives of ensuring the connection of citizens with democratic institutions so that they feel represented was an initial condition for more relevant and effective policies. In this article, I intend to first analyse the concept of governance and then I will focus on the mechanisms by which it has been strengthened once the new provisions of the Lisbon Treaty were implemented, with an emphasis on citizens' initiative, the role of national parliaments, the role of regions and local authorities, finally presenting the figures from the end of 2019 that show the confidence of citizens in the EU, compared to 2009 before the reform. We will see that more than 10 years after the entry into force of the Lisbon Treaty, citizens' confidence in the EU reaches a modest threshold of 43% and 2% higher when it comes to democracy - 45% of citizens agree that their voice matters in the EU.

**Keywords:** democratic legitimacy; European governance; Treaty of Lisbon.

## 1. INTRODUCTORY CONSIDERATIONS

### 1.1. General considerations

Today, after almost 70 years since the creation of the first forms of integration, we can argue that the European Union has developed as a dynamic process of integration. This evolution has been possible by regularly revision of the Treaties. On one side, the Treaties deepened the European project by wider diffusion to more and more fields. On the other side, these Treaties were enforcing democratization over the policy-making process through granting to European Parliament a wider decisional and control power.

The Treaty of Lisbon introduces the structural reforms needed to continue the building of political Europe in the EU's transformative process. The Treaty addresses the weaknesses of the EU: the inefficiency, accentuated in the context of an enlarged EU, the democratic deficit and the lack of the tools necessary to obtain the status of a real actor of world politics.

European governance was strongly supported as a result of the debate on this topic. Since the early 2000s, the European Commission has launched a document called the White Paper that deals with rules, procedures and practices that influence how powers are exercised within the EU. The aim is to adopt new forms of governance that will bring the EU closer to its citizens, make it more efficient, strengthen the legitimacy of its institutions and democracy. This governance must be manifested through the development and implementation of more efficient and consistent public policies, within which civil society organizations collaborate with EU institutions.

European governance also implies improving the quality of European legislation, making it more effective and simpler. Moreover, the EU must contribute to the debate on global governance and play an important role in improving the functioning of international institutions. By synthesizing these

ideas and comparing their contents with the provisions of the Lisbon Treaty, it is observed that they have enough points in common as we will see further.

## 1.2. Objectives

Given the many faces of ‘governance’ meaning, how can I understand this term by narrowing the scope to political and administrative sciences? Are there any strategies to define governance that are commonly accepted?

After giving an answer to the above questions I move to governance meanings at EU level. So, I intend to understand what does governance means for the EU? How did the debate appear and which objectives were implemented over the years? Furthermore, I am interested also to emphasize the critics that the EU White Paper raised in the academic area.

Next, I look at the reform made by the Treaty of Lisbon. I intend to see what are the innovations included in the Treaty regarding citizens’ participation, National Parliaments role and region and local authorities’ functions within policy-making process.

The finale objective is to give an answer to the question that arises right off the title: has trust in the EU increased over the years since the Treaty of Lisbon entered into force? What is the opinion of the EU citizens about the importance granted to their ‘voice’ by the EU? What is the percentage of those who agreed their voice counts in 2009 compared to 2019? Does the satisfaction with the way democracy works in the EU increased since 2009? Or EU citizens are still not satisfied with the way democracy works? To all these questions I try to identify an answer so that I can conclude if the Treaty of Lisbon made significant changes for increasing transparency, efficiency and democracy in general.

## 1.3. Paper structure and methodology

The paper is structured in three sections. The first section is dedicated to literature review. In order to understand what this fashioned term ‘governance’

mean, I analyse its understandings within the different branches of the political and administrative sciences. Furthermore, after we get acquainted with governance term, a broader look will be channelled to European Union governance. The European Commission's White Paper is hereby analysed in detail, thus observing the broad lines of today's EU governance tools.

In the second section of the paper, I look at the reform made through the Treaty of Lisbon. I focus on the innovation that this reform Treaty brings to the European Union's decision-making and policy-making processes in order to achieve a more democratic and efficient Union. As such, I choose to present three main ways by which the EU wishes to check the fulfilment of this objectives: (1) the novel citizen participation in the EU policy-making system; (2) the role of the National Parliament endowed with particular tools to oversee national competences; and (3) the role of the regions and local authorities in controlling the application of the subsidiarity principle.

With respect to the EU citizens opinion about the institutions, policies and importance accorded to their voice by the EU, in the third and final section, I present the results of the most recent survey on those issues. I am interested in general satisfaction with the way democracy works in the Union and the level of trust in the EU.

Regarding methodology tools, in the elaboration of the paper I used as a working method the analytical method when it comes about the literature review and analyses of primary sources such as the EU Commission's White Paper, The Treaty on European Union, the Treaty on Functioning of the European Union etc. and analyses of public reports published by the European Commission services.

## **2. GOVERNANCE: A BROAD CONCEPT**

### **2.1. Governance and its meanings**

The scale and complexity of the European integration process determines the academic world to attribute a wide and thorough research of all the sources that can explain the evolution of the European Union. The policy-making system of

the EU has never been static, over time there have typically been patterns of gradual evolution and episodes of experimentation, interspersed with moments of explicit institutional change through reforms to the treaties (Pollack, Wallace and Young 2010, 483).

Governance, in turn, is a broad concept conveyed, but there is no consensus on its area of applicability. Thus, at present, the diversity of the meanings of governance is systematically analyzed not only at the practical level, but also theoretically, being a term whose valences are often modified as Bouckaert (2017, 45) mentions.

The literature on governance has exploded in recent years (Pollack 2010, 35). Bartolini (2011, 2) emphasize that the term is used in almost any field where there is an amalgam of competencies and attributions that create complex decision-making structures; wherever we refer to the involvement of both public and private actors; where the decision is based on different levels of government; from the existing rules within private companies to representative associations. These characteristics are reinforced by Jacob Torfing, B. Guy Peters, Jon Pierre and Eva Sørensen (2012, 9) according to whom governance is often associated with increased interaction between public decision makers and relevant stakeholders, competent and knowledge-based decision making, policy innovative solutions, flexible and coordinated policy implementation and democratic ideals on inclusion, legitimacy and ownership. Also, in association with the term "governance", in its use, we find the proliferation of adjectives such as: multi-level, multi-tiered, global, network governance, modern, good, new etc. They have the role of specifying the field in which the precise context is applied, but it does not help us to understand the meaning of the governance itself.

These varied conceptions of governance do not have a core of unanimously accepted characteristics, so it is often defined by identifying dichotomies: "governance" vs. "governing", "top-down governance" vs. "bottom-up governance", "hard" vs. "low" governance, "self-governance and "network" v. "hierarchy and bureaucracy", "private" vs. "public", "flexibility, learning and adaptation" vs. "Institutional rigidity", "deliberation, argumentation and

voluntary acceptance" vs. "formal control and authority" (Bartolini 2011, 2). Of course, these dichotomies are not mutually exclusive and neither exhaustive.

Bartolini (2011, 2) considers that "we cannot and should not use this term just because it points to a series of new developments and structures and decision-making processes whose importance and innovation are undeniable". Governance theory has great potential for exploring phenomena of interest to researchers and practitioners in the European Union, for internal-global political links, transnational cooperation and various forms of public-private exchange.

First, the competing ideologies have long placed excessive confidence either in the ability to solve the problems of governments facing the production of collective goods, or in the ability of markets, civil society and individuals to cooperate spontaneously in achieving the same goods. Governance practices and theory are part of the large spaces between this ideological contest, providing both a challenge for them and the analytical potential to overcome their limited descriptive capacity and cognitive ability (Bartolini 2011, 2).

Second, the use of the notion of governance covers as a generic label most of the centrifugal tendencies of power in relation to the nation-state, regardless of their orientation, towards the local level or towards the suprastatal/supranational level. Referring to this, Bartolini discusses the corrosion of the role played by central governmental institutions (parliaments, governments, bureaucrats) and central political actors (parties and party unions) and the decline of public confidence in them. The dissatisfaction of the population and an increased degree of cynicism about the relevance and effectiveness of political institutions and leaders are visible in almost all our societies, and the evolution of the EU as a new center of policy-making has led to new dimensions of these disapprovals.

The decline of citizens' trust in national governments comes as proof of their failure to meet the expectations of the population. However, citizens still have expectations about the services that the public sector and partner organizations have to offer. This dilemma has forced central decision-makers to look for alternatives to the traditional forms of governance and, since the 1990s, new forms of governance have been adopted as an essential part of the solution which also includes an increased reliance on competitive forms of market regulation.

Usually there is no discussion of major challenges faced by the state, but only the circumvention of the statocentric vision is emphasized and the existence of a significant number of other supra- or sub-state actors is at least as important in different decision-making contexts; therefore, it is about recognizing the existence of a different relationship with governing through the state (Ion 2013, 72). In brief, the emergence of "governance" as a phenomenon itself is related to the broad discussions on the current situation of legitimacy, which I mentioned earlier, and the efficiency of the sovereign nation-state. The incorporation of governance is thus based on criticism of what we call "*modus operandi*" of traditional forms of government (Torfing et al. 2012, 9).

Contemporary researchers tend to define governance as either "the aggregation of a collective desire that results from a diversity of interests" (politics), "a system of rules and norms that outline the actions of political and social actors" (polity), or a political coordination of economic and social relationships based on public policy instruments that involve cooperation such as: good practices, standards, certifications and benchmarking. However, the various attempts to define governance fail to truly understand its distinctiveness because it does not show what governance adds to traditional and well-established notions in the politics-polity-policy triad.

Alternatives to these definitions are found in the field of governance studies. First, the World Bank (2007) defines governance as "the process of selecting those with authority, the ability of the government to effectively manage resources and implement broad policies, and the respect of citizens and governments for the institutions that govern the interactions between them". The obvious problem with this definition is that it "betrays" the fundamental idea that governance implies a problematization of the role and nature of unicentric forms of action.

Second, Jessop (2002, 52) defines governance as "any form of coordination of interdependent social relations - ranging from simple dyadic interactions to complex social divisions of work", talking about "the heterarchy of reflexive self-organization". This definition tends to associate governance with civil society. The problem raised by this defining strategy is that it implies a certain degree of undesirable normativism as a result of the implicit assumption that governance

is more consensual, egalitarian, trustworthy and deliberative than hierarchies and markets.

The latter characteristics are due to the reproduction of the intrinsic values of civil society. Regarding the heterarchy, important are - besides self-organization and interdependence - the foundations offered by "dialogue and resource sharing" in order to achieve common goals and to resolve the divergences that appear between the actors in different positions of power (Jessop 2002, 52).

Third, Kooiman (2003) and Klijn (2008) tend to equate governance with forms of network governance. These are defined as a hybrid of hierarchy and market or as a distinct way of governing additional hierarchies and markets. The governance referred to by Kooiman (2003, 4) is a descriptive concept applied to a system characterized by diversity (multiplication of the number and types of actors), complexity (multiplication of action levels) and dynamism (fluctuating character of the interactions between actors), system in that "knowledge and information no longer represent a monopoly for a single category of actors, which is why classical governance can no longer "legitimately and effectively" address all new challenges. Even though networks are clearly an integral part of governance, the conflict between them creates a far too narrow definition that excludes those forms of leadership, coordination and control offered by established horizontal networks.

Finally, Bevir and Rhodes (2007) tend to regard governance as a new neoliberal linguistic game that leads to different interpretations and institutionalization in different political and cultural contexts. The problem with this post-fundamentalist view is that it becomes difficult to set limits to the concept of governance; governance becomes everything and thus nothing (Torfing et al. 2012, 13-14).

Existing definition strategies either define governance strictly, or leave the definition open to an unlimited number of contextual interpretations. To avoid these problems, Torfing et al. (2012, 14) proposes the definition of governance as "the process of leading society and economy through collective action and in accordance with certain common objectives". Although governance in this general sense of the term can take many different forms, it is not related to any specific institutional form of governance, be it state, market, civil society or

network. This generic definition insists that governance is the process of governing and regulating society and the economy and that the process is based on collective action and seeks to achieve certain commonly accepted goals.

In the field of public policy making, governance has often been associated with legal and formal coordination by existing governments at different levels, but in the new and emerging reality, unilateral action is increasingly complemented and even replaced by "interactive forms of governance". "Where directing, controlling and coordinating are rather the results of more hands than the government's «steel fist»" (Torfing et al. 2012, 14). Torfing (2012, 14) considers that, in terms of public policies, governance is "the complex process by which a plurality of social actors and policies with different interests interact in order to formulate, promote and achieve common goals by mobilizing, exchanging and launching ideas, rules and resources".

This definition highlights three important features of interactive governance, as Torfing calls it. First, it refers to a complex process rather than more or less unitary or a set of formal structures and institutions connected in a single framework.

Second, the process is driven by a collective ambition to define and achieve common goals in the presence of divergent interests and preferences (Torfing et al. 2012, 14). In private markets, economic actors aim to make a profit, while in governance, social and political actors aim to define and achieve common goals that will in turn produce public value - despite the fact that they can have (and most of the time) have different and often conflicting interests, desires and beliefs. The resulting interdependence forces public and private actors to interact in order to identify common solutions that solve emerging problems and explores new opportunities, thus contributing to some extent to the supply of the interests of different stakeholders.

Thirdly, the process is decentralized in the sense that the common objectives are formulated and acquired through interactions negotiated in a plurality of actors from the state, the economy and civil society. Therefore, even though governments often play a crucial role as facilitators and leaders of the interaction in the process of public policy making, there is no privileged center in this process, only a number of competitive and arena actors, each with its important

contribution: resources, experience, ideas (Torfing et al. 2012, 15). From this perspective, civil society and the market are not an external environment for the operation of the government, but are subsystems populated with groups, associations and organizations that are actively involved in formulating and achieving common goals.

As we can see from the information gathered so far, there are many possibilities to analyze governance within the different branches of the political and administrative sciences, but the term is used in other disciplines and sub-disciplines as well.

## 2.2. EU governance

The debate on the idea of European governance within the EU came in the extremely dynamic context of the turn of the century, when some European decision-makers wanted to change the European institutional scaffold so that it was in line with new developments and political and sectorial challenges (Ion 2013, 95).

For the European Commission, the discussion on governance was to be primarily concerned with how "the Union uses the powers provided to it by citizens" or with existing solutions in order to increase the transparency of the policy-making process, through the involvement in this mechanism of as many elements of civil society as possible (European Commission 2001, 3). The objectives were to ensure that democratic institutions and citizens' representatives, both at national and European level, try to connect Europe with its citizens. This was the "initial condition for more effective and relevant policies" (European Commission 2001, 3). The Commission identified the need for reform of European governance as one of the four strategic objectives adopted at the beginning of 2000.

The political developments since then have highlighted that "The Union faces a double challenge: it is not just urgent measures to adapt governance under existing treaties, but also for a broader debate on Europe's future" from the

perspective of the upcoming intergovernmental conference to be held (European Commission 2001, 3).

This was underlined because the EU had to begin to adapt its institutions and to establish greater coherence in its policies so that it would be easier to identify what it does and what it represents. It was considered that a more coherent Union would be stronger regionally and a better leader in the world. At the same time, the enlargement of the EU was being discussed, which attracted measures in order to meet the challenge posed by it.

In this context, the proposals presented by the European Commission in the White Paper of European Governance regarding the achievement of the above mentioned objective were aimed at:

1. Increased citizen participation in the process of public policy making and greater EU openness to citizens;
2. Better policies, regulations and outcomes (increasing the quality of policy implementation);
3. Global governance;
4. Redefining the role of institutions (European Commission 2001, 4-6).

The Commission document also discussed the principles of good governance:

- a) the opening of the European institutions (as processes, but also as information and language) to the other actors: Member States, citizens, the aim being to increase the confidence in the European institutions;
- b) the participation of as many types of actors as possible in the process of implementing "quality, relevant and efficient" policies; Member States are considered the main administrative level charged with increasing involvement. The aim was to trust the resulting policies, in the idea of respecting them;
- c) the responsibility better defined for all the actors involved in the decision-making process, regardless of the administrative level at which they are located or the type of influence held by the decision-makers and participants;
- d) the efficiency of the policies, ensured by the consistency of the results with the existing need, as well as by their timely delivery. The idea of

proportionality (of the measures taken) and subsidiarity<sup>1</sup> (with reference to the level of intervention) was extremely important;

- e) policy coherence, which was intended to take into account the diversified and dynamic context of their implementation (European Commission 2001, 10).

Summarizing the ideas set out above, for the European Commission, governance designates rules, procedures and behaviours that influence how powers are exercised at European level, especially in terms of openness [of European institutions to other actors], participation of [actors], responsibility [of actors], effectiveness and consistency [of policies] (European Commission 2001, 8).

Therefore, according to official EU documents, the debate on European governance took into account "all the rules, procedures and practices that affect how powers are exercised within the EU", the new modes of governance that the Union wants (as OMC<sup>2</sup> type) being quadruple oriented towards: i. the proximity to the citizens (combating the problem of the democratic deficit), ii. increasing efficiency (through better public policies and by associating several categories of stakeholders, especially citizens) in the decision-making process, iii. strengthening democracy in Europe (by increasing the quality of the European legislative act, especially in terms of simplicity and efficiency) and iv. strengthening the legitimacy of the institutions (by engaging in the debate on world governance and by helping to improve the functioning of international institutions (Ion 2013, 97).

The White Paper might in fact be interpreted as a statement of intent by the Commission that "wants to be evaluated on standards different from those applicable to the governments of its Member States" but Schmitter is sceptical about the legitimacy of these standards (referring to proposals for increasing the transparency of the decision-making act and to the principles of good governance) and to the possibility of putting them into practice (Schmitter 2006, 161).

Ion (2013, 96) considers that the document has long been a declaration of intent and would probably have remained at this stage if the Lisbon Treaty had not entered into force, thus resolving some of the wishes contained in the Paper. The

author gives the example of the Community method, which, according to the Commission, represents the standard for ensuring the legitimacy and efficiency of decision-making, by "filtering" at two levels the interests of the parties involved, which is why it was proposed to connect it to the needs of a Union that was constantly developing because it offered equal attributes to the two co-workers, as well as the possibility of "allowing the Commission to assume full executive responsibility"; this aspect was also related to the problems regarding the unclear distribution of competences between the supranational and national levels (European Commission 2001, 34-35). In general, the feedback to the White Paper was written in a sceptical note, whether it came from other European institutions (in response to the Paper, the European Parliament considers that "the core of democracy is represented by the EP and the national parliaments, not by the civil society groups" (Eising 2007, 209) or from specialists (Ion 2013, 97).

Despite its innovative character, at least at the programmatic level, the Paper - praised for building the image of a "confident commission in its own strengths, but modest, capable of playing a complex and caring role in different modes of governance" - has been criticized by analysts or by European decision-makers, especially in matters of informal governance (Wincott 2003, 236).

Ion (2013, 97) points out that the low impact that this White Paper had from the beginning was also caused by a seemingly minor detail, but which many researchers consider relevant: the publication of the document in July, during which time neither the other European decision-makers nor the media paid attention to it; moreover, the notion of governance was not clear to many, considering that "this word does not exist in several languages" (Phinnemore and McGowan 2005, 233). Ion augments that the definition of governance, as it appears in the document, does not provide any clarification on it, being rather a description of good manners that those involved in public policy making should know and practice it in order to not be deemed "ill-mannered" (Ion 2013, 97).

The document is often charged also because it hides a decision-making reality, however, characterized by poor involvement of non-state actors or, in the contexts where this involvement was encouraged by the Commission, by restricted access to either the specialist segment or actors who possess enough

resources to remain competitive and decisively influential (Ion 2013, 98). Thus, we discuss a difficulty of "political nature and regarding the role attributed to the democratic mechanisms of deliberation in advanced democracies and their relation with representative institutions" (Giorgi 2006, 30-31). The fact that after 2001 the Commission did not insist on the idea of governance, led Jordan and Schout to consider that it "does not really want to move too far from the status quo", recalling a new characterization of the governance made by the Commission in a 2002 document, a concept seen this time as a "silent revolution" of the community method (Jordan and Schout 2006, 34).

To conclude this section and comparing its content with the observations presented above, it is noted that the official discourse of the European Commission and the theoretical analyses of governance have enough points in common (for example, the need to involve other categories of actors in the decision-making process in order to increase legitimacy. and its efficiency, etc.), but it is rather difficult to delve into a political document such as the Commission's.

### **3. THE LISBON REFORM**

The innovations in institutional matters included in the Lisbon Treaty are, most likely, the most important reform of the institutional architecture since the creation of the Communities. It represents the EU's response to a dual challenge and necessity: on the one hand, the further democratization of the European decision-making system, strengthening its participatory character and transparency; on the other hand, adapting the institutional system designed for six Member States to the increasing number of Member States, while guaranteeing an effective Union under these conditions.

The Laeken Declaration also decided that the entire institutional pillar should be reconsidered in order to achieve a more democratic, transparent and efficient Union. Aldecoa-Luzarrága and Guinea Llorente (2011, 158) underline that the first objective of the Convention was to combat the so-called democratic deficit in order to bring the institutions closer to the citizens and to improve their

transparency. As regards the second objective, the aim was to make the EU more efficient, with the awareness that in an EU with 25-27 member states, its success depended on the decision-making capacity. That is why it was essential to strengthen political leadership, to build institutions capable of properly defining strategic objectives and translating them into concrete actions.

It should be noted that in the European treaties prior to the reform process concluded in the Lisbon Treaty, there is no similar provision that explains the rules of the game of the European political system. However, with the introduction of Title II, we see the reconsideration of the role of citizens in the EU. Thus, as mentioned by Aldecoa-Luzarrága and Guinea Llorente (2011: 113), on the one hand they are considered subjects of law in front of European public power, and on the other hand, they are political actors, legitimizing public power at European level, power which in turn is exercised on their behalf and with their participation.

Therefore, the EU and its Member States undertake to respect the principle of democracy as provided in art. 2 and 9-12 of the TEU. By this we mean both representative democracy and participatory democracy.

### 3.1. Strengthening the democratic procedures of citizen participation in the EU policy-making

Regarding representative democracy, Bărbulescu (2015, 514) observes a progressive democratization of the EU, especially after, since the 1970s, the members of the European Parliament are elected by universal suffrage. Also, referring to the EU as a representative democracy, he mentions that the citizens of the Member States, in their European apartness, are, on the one hand, directly represented in the European Parliament through elections organized every five years by universal suffrage and, on the other hand, indirectly represented by the European Council, at the level of heads of state or government, but also of the Council, at the level of ministers and members of the government of each state.

When we talk about participatory democracy, a novelty referred to in Article 11 is the possibility for citizens to submit a legislative proposal to the Commission

through the popular initiative of at least one million citizens from several Member States. The introduction of this mechanism of direct democracy is very interesting, its procedures being further developed based on art. 24 of the TFEU by adopting the Regulation of the European Parliament and of the Council no. 211/2011 on the citizens' initiative detailing the conditions under which this right of European citizens can be exercised. It should be noted that, compared to the citizens' legislative initiative under the national constitutional law of the Member States, the legal effect of the initiative is only to invite the institution with the legislative initiative right to submit a proposal.

The introduction in the treaties of the provision regarding participatory democracy constitutes the practices already existing in European governance. Constitutionalization has, in Aldecoa-Luzarrága and Guinea Llorente's view (2011, 116) no doubt of fundamental importance, because it gives legal certainty at the highest level: consultation and citizen participation in decision-making are no longer dependent on the goodwill of the European institutions, but is becoming a cornerstone of European policy.

Participatory democracy in the EU therefore offers citizens and representative associations the opportunity to express themselves in relation to EU actions. It also stipulates the obligation of institutions to maintain dialogue with civil society and, in particular, that of the Commission to conduct such consultations. Referring to the White Paper on Governance, Aldecoa-Luzarrága and Guinea Llorente (2011, 115) say that participatory democracy is already a reality of European policy and applicable in many of its member states. However, there are two novelties: on one hand, its explanation as a defining principle of the system and, on the other hand, its constitutionalization. All this makes it a *sine qua non* condition of a quality EU democracy.

When we talk about European democracy, we often talk about its inadequacies, associating it with the democratic deficit. This is a concept used mainly to emphasize that the European Union is inaccessible to the average citizen and that this is mainly due to the cumbersome, slow and complex operating mode. Therefore, says Barbulescu (2015, 515), the perception is that of an institutional system dominated by an institution that has both legislative and executive

powers (EU Council) and another institution that is rather bureaucratic and without democratic legitimacy (the European Commission).

The issue of democratic legitimacy has been raised at every stage of the process of European integration, the general tendency being to permanently increase European democracy and democratization. Referring to this, Bărbulescu (2015, 515) mentions that the more the democratic deficit was called, the steps taken were noted and more democracy was required. That is why the author called this process "the democratization of European democracy".

Title II - represented by the EU's democratic principles, defines the rules of democratic functioning and, therefore, legitimizes the European political system in front of the European citizen. These rules of play are rather explicit, reaffirming principles that have been progressively strengthened as the EU evolves. The two principles, explicit in relation to the previous treaties, reflect, on the one hand, the legitimacy that the system gives the participation of the European Parliament as a direct representative of the citizens and, on the other, the legitimation of European governance through the participation of civil society. Thus, the European democracy defined by the Treaty of Lisbon is an advanced democracy that complements traditional - representative - democracy with the principle of civil society participation, increasingly accepted in Western democracies as an indispensable complement to democratic functioning.

### 3.2. Strengthening the role of National Parliaments that become known as "guardians of national competences"

From the point of view of the institutional system, the most important political novelty, as a result of the constitutional process, is the incorporation of national parliaments in making joint decisions. In this way, National Parliaments become responsible for controlling the exercise of European powers, being also empowered to watch over their transfer. This is an extraordinary novelty, even if we think that, until then, the role of national parliaments in the EU has been practically non-existent, as stated by Aldecoa-Luzarrága and Guinea Llorente (2011, 117).

But how does this novelty strengthen European governance and what is its connection with the citizens of the Member States in their European otherness - as we mentioned earlier? The role of national parliaments appears to be important when we discuss in the same spectrum the term of "legitimacy" mentioned above. For Lindseth (2017, 37) legitimacy is a protective concept in law and politics. In general terms, legitimacy refers to the way in which social and political actors have to deal with a system of government worthy of their acceptance, loyalty and respect. In this way, legitimacy can offer a degree of stability and sustainability to the forms of organization and social leadership. But how actors actually experience a system can change not only in social or political context, but also in time.

The issue of legitimacy at EU level has been and is still being addressed quite often. In the debates on the legitimacy of the EU, Ion (2013, 192) mentions that two sets of responses have been quite well defined: some that insist on the importance of input legitimacy and others for which the legitimacy of the outputs is very significant in this equation. The author refers to the opinion of Benz and Papadopoulos (2006) who considers that necessarily the input legitimacy of the governance process of public policy implementation is not at all negligible if we look at the considerable output legitimacy (efficiency) that otherwise would not have existed (Ion 2014, 192).

As regards the inputs into this political system, national parliaments find an important place by increasing their role with the Lisbon Treaty. Lindseth (2017, 43) believe that once we look at NPs as instruments of legitimacy in EU policy-making, we begin to appreciate how NPs have proven to be both 'resilient' and 'resigned' in the process of European integration.

On one side, can be argue that NPs have been resigned in the face of functional demands for delegation and autonomy in EU affairs. On the other side, despite this inevitable degree of resignation, NPs have lately also proven to be quite resilient, indeed assertive, in providing mediated legitimacy to EU governance says Lindseth (2017, 43).

In Lindseth (2017, 43) opinion, the expansion of supranational regulatory power has demanded some degree of mediated legitimacy through national parliamentary scrutiny, even as national executive oversight has remained the

predominant source of legitimation. The most important novelty remains the participation of national parliaments in the procedure of political control of subsidiarity: Early Warning Mechanism (EWM). The introduction of the EWM by the Lisbon Treaty (Protocol no. 2 on the application of the principles of subsidiarity and proportionality) was significant insofar as it gave national parliaments a central role in watching over compliance of proposed legislation with the principle of subsidiarity. In the EWM, each national parliament may – within eight weeks of transmission of the proposal – issue a reasoned opinion, setting out why the national parliament (or chamber thereof) considers a proposal as violating subsidiarity (Matei and Dumitru 2020, 3).

According to this procedure, if one third of the national parliaments argue that the legislative proposal presented by the Commission is not sufficiently justified, it will have to reconsider it. This initial "yellow card" was reinforced by the Lisbon Treaty by introducing the possibility that, if a majority of national parliaments present to the Council and the European Parliament an argued position on the violation of the principle of subsidiarity and this is supported by 55% of the members of the Council or by a majority of votes in the European Parliament, the Commission is obliged to withdraw its proposal.

But, as Matei and Dumitru (2020, 4) underscore, the most important political innovation related to the European institutional system is the incorporation of the National Parliaments in it. The National Parliaments are assigned, on one hand, the function of controlling the exercise of European competences and, on the other, the function of overseeing the transfer of new ones. The incorporation of the National Parliaments into the European functioning represents an absolute novelty, well received by some, but doubtful for others, given the fears related to the functioning of the EU.

Supporters of this incorporation emphasize its contribution to increasing democratic control in the EU, its value in terms of EU legitimacy (Martín 2005, 53-79). Detractors, for their part, fear that an already slow decision-making process will be complicated and delayed without, in return, correcting the democratic deficit, given that, in their opinion, few National Parliaments have an interest in the European polity system (Davies 2003, 686-698; Maurer 2003).

The relevant role of the National Parliaments in controlling subsidiarity is one of the main contributions of the constitutional debate to the definition of the European political model, but it is difficult to evaluate it at this time (Matei and Dumitru 2020, 5). *A priori*, it seems that it will strengthen the democratic character of the Union and that, in addition, it could develop the cooperative character of European federalism through the participation of the Member States not only at governmental level, but also at parliamentary level (Aldecoa Luzárraga and Guinea Llorente 2011, 181).

For Boróńska-Hryniewiecka (2017, 69) the role of parliaments as guardians of subsidiarity has a strong legitimacy component to it since, she argues, it grants them the opportunity to ensure that EU action is necessary, brings added value over and above what could be achieved by member states' action alone and - the former two being satisfied - that the decisions are taken as closely as possible to the citizens in accordance with the Treaty provisions.

Everything will depend, of course, on the National Parliaments interest in this activity and on their reaction speed, so that the strong sense represents the added value, the democratization of the system, and not the delay of the decision-making process (Aldecoa Luzárraga and Guinea Llorente 2011, 181). If national parliaments want to perform a meaningful representative function in the highly complex EU governance structure, they should invest further in complementing the EP's influence in EU policy-making. In this respect, Boróńska-Hryniewiecka (2017, 80) believes that the EP - acting in the capacity of its indirect legislative initiative - could be viewed as a power multiplier for national parliaments by, for example, adding more institutional weight to their own initiatives.

Concluding, the principle of subsidiarity, and most importantly the introduction of the EWM, have certainly contributed to the enhancement of relations between national parliaments and EU institutions (Matei and Dumitru 2020, 13). As Matei and Dumitru (2020, 13) argue, national parliaments are now active participants in the day-to-day legislative politics of the EU. These changes would encourage national parliaments to remain active participants in the EWM and the broader political dialogue and hopefully contribute to making it attractive to those who do not engage in this system at present.

### 3.3. The role of regions and local authorities in controlling the application of the subsidiarity principle

The recognition and guarantee of the competences of the regions represented one of the stakes "behind" the principle of subsidiarity and the introduction of the political and judicial mechanism of its fulfilment. This is in response to the regions' request from the Maastricht, that the principle of subsidiarity should not only be a criterion for the delimitation of competences between the Union and the Member States, but should be applied at all European political levels, i.e. to include regions and local authorities.

Bărbulescu (2015, 257) recalls that the introduction of the elaboration of the competences catalogue on the agenda of the constitutional process was due to the pressure of the German states who saw in this exercise a way to protect their competences in the face of the tendency to be "absorbed by the European level". Thus, the Treaty of the European Union recognizes, for the first time, the application of the principle of subsidiarity at the level of regions and local authorities, giving them satisfaction. The Protocol on Subsidiarity, which details the application of this principle and the mechanisms of political and judicial control, reserves an important role for the regions and local authorities. In this regard, Article 2 of the said Protocol expressly establishes the obligation of the European Commission to consult the regions and communities before making a legislative proposal whenever appropriate. Referring to this, Aldecoa Luzárraga and Guinea Llorente (2011, 182) state that, in essence, it is a consolidated practice in European governance - alongside that of consolidating interest groups and civil society - which is now being formalized at the highest level.

In addition, the protocol provides for the active legitimation of the Committee of the Regions before the European Court of Justice: the committee may appeal to the Court if it finds that the application of the principle of subsidiarity has been violated under the matters established by the Treaty as within its competence. This appeal may also be introduced by a Member State, at the request of the national parliament or only one of its chambers, which may even be that of the regional representatives. In other words, as claimed by Bărbulescu (2015, 258), according to the Lisbon Treaty, local regions and local authorities have legal

possibilities, even if indirect, to appeal against European legislative acts that violate the principle of subsidiarity.

We can therefore conclude that the Treaty of Lisbon requires significant progress in equipping European regions with instruments that allow them to defend their competences in the face of unjustified interference of national institutions. Undoubtedly, the proper functioning of these instruments depends, to a large extent, on the existence of internal procedures at Member State level to favour such an action.

#### **4. HAS TRUST IN THE EU INCREASED OVER THE YEARS SINCE LISBON TREATY ENTERED INTO FORCE?**

In concluding an analysis of the entire process resulting from the Lisbon Treaty, Aldecoa Luzárraga and Guinea Llorente (2011, 273) talk about the EU's readiness to leap forward with the launch of the instruments and policies of the new reform. Anticipating the news has since produced an atmosphere of optimism and hope even before its application. The general belief that the Lisbon Treaty brings many beneficial changes and that, after years of application, the European Union will no longer be the same, has already been extended.

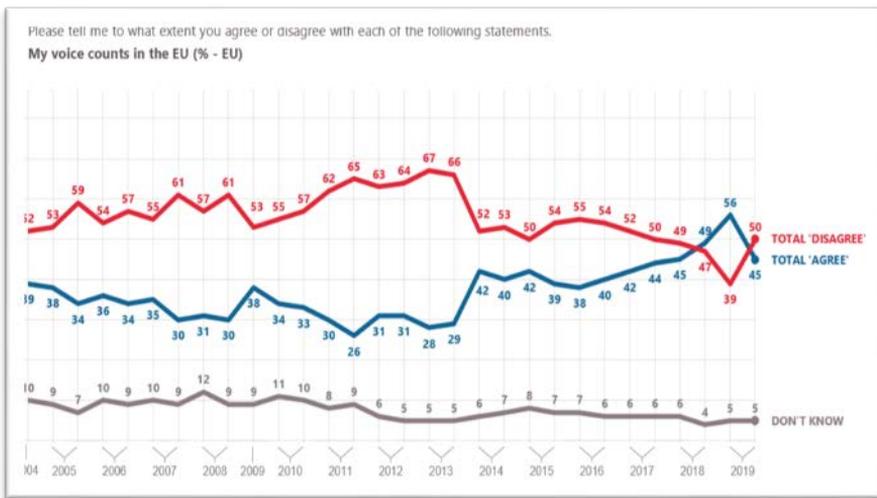
So today, more than 10 years after the entry into force of the provisions of the Treaty of Lisbon, what is the opinion of EU citizens about the institutions, policies and importance accorded to their "voice" by the Union? Has the reform introduced by the new treaty produced the results expected by EU citizens?

According to Standard Eurobarometer 92 (Autumn 2019) more than four Europeans in ten tend to trust the European Union (43%). With the exception of spring 2019, this is the highest level since autumn 2010. Trust in the EU is nine percentage points higher than trust in national governments and trust in national parliaments (both 34%).

When it comes to democracy in the EU, Figure no. 1 shows that 45% of EU citizens now agree that their voice counts in the EU, after a sharp 11-point

decrease compared to the spring 2019 Standard Eurobarometer. The current result reverses a continuous upward trend in agreement between spring 2016 and spring 2019 (from 38% up to 56%), with a return to the level seen in spring 2018. The majority of Europeans now disagree (50%) (Standard Eurobarometer 92, 10).

By the time the Treaty of Lisbon was supposed to enter into force, that is 2009, the percentage of those who agreed that their voice counts in the EU was about 38% into a continuous increase since then. As such, at the beginning of 2019, 56% of EU citizens agreed that their voice counts in the EU – being the highest level ever – as we can see in the Figure no. 1 below.



**Figure 1.** Percentage of citizens who believes their voice counts in the EU (agree/disagree)

Source: Standard Eurobarometer 92: 10

In 17 Member States a majority of respondents agree their voice counts in the EU, led by Denmark (72%), Sweden (69%) and the Netherlands (63%). These countries are followed by Croatia, Germany, Austria, Luxembourg, Poland, Portugal, Ireland, Finland, Romania and Hungary where a majority over 50%

also agree with the statement. By contrast, in ten countries a majority disagree that their voice counts in the EU, with proportions ranging from 72% in Greece, 68% in Estonia and 66% in Italy to 54% in Spain, 55% in Lithuania and 56% in France (Standard Eurobarometer 92, 11).

Regarding satisfaction with the way democracy works in the EU, more than half of Europeans say they are satisfied (52%). While satisfaction had increased continuously since spring 2016, the upward trend has halted, with a 3-percentage point fall since spring 2019. However, satisfaction is still at its second highest level since 2009. In parallel, the proportion of respondents who are “not satisfied” with the way democracy works in the EU has gained four percentage points to 40% (Standard Eurobarometer 92, 12).

In 24 Member States (down from 27 since spring 2019), a majority of respondents are satisfied with the way democracy works in the EU, with the highest proportions in Denmark, Ireland (both 73%), Luxembourg and Poland (both 67%) and Lithuania (66%). At the other end of the scale, satisfaction is less widespread in Malta (48%), Spain (49%) and Slovakia (50%). There are four countries where a majority of respondents are “not satisfied” with the way democracy works in the EU: Greece (62%), France (48%), Italy (46%) and the United Kingdom (44%). Since spring 2019, satisfaction with the way democracy works in the EU has decreased in 24 Member States, led by Malta (48%, -13 percentage points), Finland (59%, -8), Portugal (65%, -7), Cyprus (53%, -7) and Italy (45%, -7). It has increased only in Romania (62%, +3) and Czechia (56%, +2), and remains unchanged in Bulgaria and Luxembourg. As a consequence of these evolutions, the majority opinion has changed from satisfied to dissatisfied in France, Italy and the United Kingdom (Standard Eurobarometer 92, 13).

## 5. FINAL REMARKS

This paper has analysed and assessed three major tools of ensuring the connection of citizens with democratic institutions so that they feel represented in the post-Lisbon European political framework. I have described their extent and assessed their possible impact on policymakers and citizenry. The EU has

been prepared to make a step forward once the new instruments and policies were established by the Treaty of Lisbon. But, as any other treaty, it allows a maximalist or minimalist enforcement depending on political will of the Member States.

EU governance theorists frequently express a normative concern with the democratic deficit in the Union. As we have seen from our analysis of governance literature, assertion assumed also by Pollack (2010, 39), much of the governance literature is given over to proposal for increasing the democratic accountability and the governance capacity of the EU. Whereas in the past EU institutions had relied primarily on output legitimacy<sup>3</sup>, once the Treaty of Lisbon entered into force, there were augmented calls to increase the input legitimacy<sup>4</sup>.

Citizen participation in European political life has been gradually augmented. European Citizens' Initiative is probably the most innovative aspect in terms of participatory democracy introduced by the Treaty of Lisbon. But, as I mentioned about the minimalist enforcement, Pérez de las Heras (2017, 364) claims that the legislation-initiating function of this tool has not been yet fulfilled. She believes that in order to fully exploit its capacity, there is a need of improving and simplifying the Citizens's Initiative, which may require Treaty amendments as well as changes to secondary legislation. As we have seen, the Citizens' Initiative allows EU citizens to request the Commission to make a new legislative proposal "for the purpose of implementing the Treaties". The implementation of this provision has also attracted a lot of criticism pointing that (1) the EU Commission can decide whether or not to act on a successful CI, (2) the EU Commission has ultimate control over the content of any new legislative proposal and (3) only proposals which implement the Treaties are acceptable - any proposal that would change the Treaties provisions is rejected in advance (Bevir and Phillips 2017, 724; Bellamy and Kröger 2014, 453).

The new provisions of the Treaty of Lisbon gave National Parliaments a central role in watching over compliance of proposed legislation with the principle of subsidiarity. Thus, National Parliaments are increasingly called to play a relevant role in building a European *demos*. Pérez de las Heras (2017, 364) states that the EWM for subsidiarity control introduced by the Treaty of Lisbon has not

met the expectations of bringing the EU closer to its citizens and making the Commission vertically accountable to national parliaments. Instead, the “green card” initiative provides the national legislators with a platform for joint policy proposals, which has the potential of translating the parliamentary engagement into co-responsibility for EU governance. Yet, NPs are encouraged to invest further in translating Europe to their voters, while better complementing the European Parliament’s influence in EU policy-making.

In respect to local and regional level role in EU the policy-making process, we can argue that there is visibly a progress in recognition of local and regional perspective. Although, not what was envisaged initially. For this purpose, the Treaty on European Union recognizes regional identity when it requires at article 4.2. that “Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government.” This provision is strengthened when we are looking at the EU principles: “Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level” (art. 5.3 TEU).

Figures from the Standard Eurobarometer 92 (Autumn 2019) shows both general trust of citizens and the concept of EU democracy on the edge.

Given our assessment of democratic legitimacy, we can expect that more and stronger political strategies and instruments will be called for and devised that correspond to citizens’ expectations. If the EU wishes to retain citizen’s support, it needs to improve in this regard.

## NOTES

1. The subsidiarity principle applies to areas where the Union's competence is not exclusive. According to the Treaty on European

Union (TEU), it requires that “the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level”.

2. According to the White Paper on European Governance, which we discussed in this paper, the Open method of coordination (OMC) "is a way to encourage cooperation, exchange of best practices and acceptance of common goals and guidelines for Member States, sometimes taking into account national action plans (...). It is based on regular monitoring of progress towards these objectives, allowing Member States to compare their efforts and to learn from the experience of others. (...) The open method of coordination should be a complement rather than a substitute for community action" (European Commission, 2001: 21-22).
3. I.e. the efficiency or popularity of EU policy outputs (Pollack 2010, 39).
4. I.e. the democratic accountability of EU institutions to the electorate (Pollack 2010, 39).

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## CHILDREN'S RIGHTS AS CONSUMER OF LATIN AMERICAN SCHOOL FEEDING PROGRAMMES

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### **Abstract**

School feeding programmes (SFP) provide food to millions of children around the world in partnership with United Nations' member states using the existing school infrastructure. (State of school feeding Worldwide 2013). Thus, it has been necessary that each state and / or government develop the creation of SFP as part of its public policies, in order to provide quality and safety food supplements and services to children and adolescents of school age. Program operators become suppliers of goods and services, creating a consumption relationship, where the food recipients are the final consumer. Therefore, this consumption relationship is protected by international protocols, consumer policies and regulations of the constitutional and legal order, which protects consumers' rights with special relevance for children and adolescents. Experience in Latin American countries such as Colombia, Brazil and Chile (Feeding the Future 2018) has determined that access to nutritious food leads to eradication of hunger and malnutrition; school attendance and permanence and contributes to closing gender gaps in school education. (Zero hunger 2018). This paper reviews the evolution and development of the SFP from the Colombian experience, as well as the identification of bad practices, abuses and complaints in the operation of the SFP. As a result, SFP's act as form of protection of children's rights as consumer through the application of consumer rights regulation.

**Keywords:** child development; children as consumer; consumer rights; food safety; right to education; School feeding programmes.

## 1. INTRODUCTION

Children and youngsters of school age are the main recipients of World Food Programme (WFP) developed by the United Nations (UN). Its aim is to make all children in the world to be included in the school system, guaranteeing them a nutritional food of quality, needed to develop their abilities (Panorama 2019).

WFP from its consolidation, in 1965, in fact and law by UN, provides school feeding to millions of children in the world in partnership with UN's member states and governments using the existing school infrastructure (State of school feeding Worldwide 2013). To do this, it has been necessary for each state or government to develop, in its public policies, the creation of School Feeding Programme (SFP), which provides quality, safety and suitable goods and services. Besides providing children with the access to a nutritional food, eradicating hunger and malnutrition, SFP also guarantees school attendance and permanence, reduces dropout and closes gender gaps in school education. (Zero Hunger 2018). Unquestionably, SFP in addition to being an excellent strategy to eradicating hunger and malnutrition of children and young people in the world, it also has become an "educational, health, nutritional safety, social protection and human development promotion tool" for Latin America states or governments (Espinoza 2015).

It is therefore appropriate to compare the experience of Latin American countries as Colombia, Brazil and Chile creating and implementing SFP. This comparison will allow us to know their legal frameworks, financial capacity, infrastructure, improvement and challenges (Feeding the future 2017). It is also important to highlight the proximity and influence of SFP in accomplishing the 2 and 4 Sustainable Development Objectives (SDO) of the Agenda 2030 approved by UN as a result of the agreement of more than 150 heads of States and

Governments at the Sustainable Development Summit 2015, regarding to zero hunger and education for 2030 (SDO 2018).

Consequently, SFP in each school system must guarantee a quality, safety and appropriate service to children recipients. So, the children recipient becomes a consumer protected by the international protocols as well as constitutional and legal regulations protecting consumers' rights especially children and young people, as is shown in Colombian case<sup>1</sup>. Thus, if the children is seen by the SFP as a consumer subject, in the case of existing anomalies or irregularities in the development of this program in relation to the incomplete delivery of food, food security and health problems (Committee on World Food Security 2013), the preventive and corrective actions must guarantee the integral protection of children and adolescents not just as simple actors in the program but consumer subjects whose fundamental rights, such as health, life and education, could be violated (SFP 2019).

This is why it is absolutely necessary to guarantee this population the access to the knowledge of their rights, actions and duties, not only as a state programme's beneficiaries but also as consumer subjects, who have a national and international protection in constitutional and legal frameworks, i.e. the Consumer Statute, which provide administrative and jurisdictional actions that consumers may take in front of a deficient provision of goods and services on the part of providers. The present analysis will show the Colombian regulatory framework and the juridical tools available to the consumer children to protect their rights in SFP.

## 1.1. School Feeding Programme in Latin America

### 1.1.1. Colombia

The Colombian SFP started very recently when comparing to the emergence of UN feeding programmes. SFP is defined as "a state strategy that promotes children and adolescents' access with permanence in the official education

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system, by providing a nutritional supplement during the school day, in order to maintain safety levels, impact positively on the learning processes and cognitive development, reduce the truancy and dropout, and promote healthy lifestyles”, in accordance with the Decree 1075 of 2015, art. 2.3.10.2.1.1.

The actors of SFP, with specific responsibilities are:

- ✓ Ministry of National Education - MNE-
- ✓ Certified Territorial Entity - CTE-
- ✓ Children and adolescent beneficiaries
- ✓ Parents
- ✓ Operators
- ✓ Food handlers
- ✓ Principals - Educational institutions
- ✓ Teachers and directive teachers
- ✓ Community in general.

In accordance with the Law 1450 of 2011 (National Development Plan 2010-2014), the National Education Ministry assumes the execution and development of SFP, early operated by the Colombian Institute of Family Welfare (ICBF by its acronym in Spanish), and later, with an orientation, execution and articulation work, with territorial entities. However, since 2013 the NEM has assumed the commitment of operating the program under its supervision, under two modalities: centralized and decentralized.

Such a program (SFP) is ruled by the Decree 1852 of 2015 issued by the NEM. This Decree points out at CTE as responsible of the selection, recruitment and implementation of the program. In the same way, Resolution 16432 of 2015 establishes the specificities about responsibility, minute pattern and social control mechanism of the program. Its funding depends on national resources transferred to CTEs; however, these as responsible of the educational service in their jurisdiction must execute with their own resources the implementation, financing and execution of the program in accordance with NEM guidelines, specified in the art. 2.3.10.3.2. of the Decree 1075 of 2015.

Among the functions of the NEM regarding SFP, it can be mentioned:

1. *Define, deliver and update the Technical-Administrative Guidelines of SFP, the standards and minimum conditions for the execution of the Program and the*

*provision of the service, which will be mandatory and applicable for territorial entities, operators and in general the actors of the program, regardless of the source of resources with which is financed.*

2. *Guide and articulate SFP based on minimum standards of mandatory compliance for its provision.*
3. *Provide technical assistance to territorial entities for the implementation and execution of the SFP in their respective jurisdictions.*
4. *Distribute and transfer to the territorial entities the co-financing resources of the Nation General Budget to the SFP, so that they are executed in accordance with this Title and the conditions indicated by the Ministry, verifying that the execution of the resources of the different sources of financing for SFP are executed in a coordinated manner under the Common Stock scheme.*
5. *Define and implement an information system, as well as the instruments for planning, monitoring and control of the Program.*
6. *Promote citizen participation and social control in accordance with the principles of participatory democracy and democratization of public management in accordance with current regulations and Technical-Administrative Guidelines.*
7. *Enter into contracts for the execution of the program.*
8. *Promote co-financing models and common stock schemes with different resources for financing the SFP.*
9. *Make selective visits to territorial entities, educational institutions and program operators, directly or through supervision, to verify the conditions under which the program is being executed and compliance with the guidelines, standards and conditions of it. These visits may be carried out with the participation of control bodies or entities, or of the competent authorities in matters related to the program. (Decree 1852 of 2015)*

On the other hand, CTE must attend, among other functions, to guarantee the provision of equipment, utensils and household needed to operate the program in the prioritized educational institution, according to the modality being provided; execute SFP, directly or indirectly, in compliance with the guidelines, standards and minimum conditions provided by the NAM.

In order to do the above, CTEs must guarantee the provision of the food service from the first day of the school calendar; appoint the supervision and, if

necessary, the technical supervision, in the contracts subscribed, in order to properly monitor and control its execution, as well as to adopt the actions and measures provided by the law as contracting and expenditure officer for guaranteeing the suitable and timely accomplishment of those contracts, of the program and of the guidelines, conditions and standards of the NEM for the SFP, in their jurisdiction; provide technical assistance to educational institutions in their jurisdiction in search of SFP effectiveness and efficiency in accordance with NEM guidelines, for the implementation and execution of the SFP in their respective jurisdictions; guarantee that educational institutions have the proper infrastructure for storing, preparation, distribution and consuming nutritional supplements, and subscribe improvement plans with those institutions which do not meet these conditions, monitor them and support the implementation and execution of the plan.

In the same way, the principals, during the development of the SFP must assign and manage suitable spaces in the educational institutions in order to develop the program in a proper way, ensuring that SFP operators have and meet the technical guidelines prescribed by law. That is, principals become the real auditors of the program because they have to verify that operators do their duty providing, properly and timely, the nutritional supplements to each beneficiary namely children and young people. It is noteworthy that among others duties of principals, there is the divulgation of SFP among the academic community, explaining the development and way of the program.

But they are not the only ones who will have to ensure compliance of the program in the institutions; in the same way, the coordinators of the program, school administrators, teachers, administrative staff, citizen oversight committees and society in general, have to do the corresponding monitoring. This can be done by establishing controls to food handle conditions and quality, proper tools to manipulate food, pack quality, staff and transportation hygienic conditions, as well as adherence to food rations specifications.

It cannot be forgotten one of the crucial actor in the successful development of the program: the Operator, who is the provider and is hired to execute SFP. S/he is obliged to:

1. Timely comply with the technical-administrative guidelines, operating conditions and minimum standards of the Program set by the Ministry of National Education.
2. Permanently guarantee the quantity, quality, safety and timeliness in the delivery of food to the student beneficiaries of the program under the conditions of the contract, and those indicated by the Ministry of National Education and the authorities in the matter.
3. Plan, organize and execute the daily supply of food supplements, and ensure that the personnel, who carry out the activities during the execution of the SFP in the different stages of the process, have sufficient suitability and experience to comply with their functions.
4. Comply with the training plan and deliver the provision to the food handling personnel used for the operation of the program.

Regarding the recommendations of energy and nutrients for the beneficiary population of SFP, they are summarized as follows:

**Table No. 1** Food and Nutrition aspects

Recommendations	Calories Kcal	Proteins G	Fat G	Carbohydrates. G	Calcium. Mg	Iron. Mg
4 years – 6 years and 11 months	1643	57.5	54.8	230	600	10.3
7 years – 12 years and 11 months	1986	69.5	66.2	278	800	15
13 years – 17 years and 11 months	2556	89.5	85.2	357.8	900	15

*Source: Resolution 16432 of 2015.*

The distribution of the net caloric value or the acceptable range of distribution of macronutrients should be:

- Proteins: 12- 14%
- Fat: 28-32%
- Carbohydrates: 55 a 65%

Since March 14, 1969, Colombia has adhered to the Codex Alimentarius or “Food Code”, promoted by FAO and the World Health Organization (WHO) aiming at protecting consumers’ health. The Codex Alimentarius is composed of a set of regulations, norms and practice codes approved by a Commission known as CAC, a central element of FAO/WHO Joint Program about Food Regulation. The Codex Alimentarius Colombian National Committee was created by the Decree 0977 of 1988; it is ascribed to the Ministry of Economic Development as a consulting organ of the National Government in the formulation of the country policy regarding processes of normalization, and the analysis of principles and procedures that can be advanced in the Joint Commission FAO/WHO of Codex Alimentarius, its Executive Committee and its Auxiliary Organs (Codex Alimentarius). “FAO supports governments in developing school feeding programmes with local products (HGSF), which acquire safety, various and nutritive food, produced by small local farmers, for school feeding. This approach aims at providing children with healthy food, and at the same time, fosters local agriculture and economy. For this to be effective, the food and nutrition programmes have to be supported by national policies, regulations and institutions. In the Second International Conference on Nutrition (CIN2), the governments have agreed to develop policies, programs and initiatives to ensure healthy diets during all the life, included school feeding and nutrition programmes. To achieve these objectives, FAO helps countries to adopt proper policies, and juridical and institutional frameworks for implementing integral school feeding and nutritional programmes, with approaches based on human rights that joint diverse sectors with school feeding, such as agriculture, health, education and social protection” (FAO School feeding and nutrition).

This means that to create guidelines of SFP nutritional and protein content, the NEM together with the territorial entity have to be based on each one of the guidelines of the Codex Alimentarius. In such a way, the level of complaints and claims about safety, security and suitability of SFP food would not compromise the program sustainability.

Currently, SFP has been submitted to a regulatory reengineering with the aim of ensuring the strengthening and renewal of the program to guarantee its sustainability and coverage to more educational institutions in the different CTEs in Colombia. To do this, a series of regulations has been issued to promote the widening of this coverage to more educational institutions in the country. Some of them are listed below:

Resolution 8147, May, 2018 - CONPES 151

Resolution 016294, October 1st, 2018 - CONPES 151

Resolution 08147, November 21st, 2018

Resolution 016294, February 13th, 2019 - CONPES 151

Resolution 016294, March 18th, 2019 - CONPES 151

Resolution 2248, 2018.

Despite the wide range of normativity regulating the implementation, development, monitoring and control of SFP, it has been affected, from its implementation, by diverse irregular situations. An evidence of this is the different reports and investigations that exists in the Office of the Procurator General of the Nation, related to the recruitment of operators by the CTEs (Bulletin 28, 348, 194 Office of the Procurator General of the Nation 2019), claims about the incomplete delivery of food to the educational institutions by the operators (Bulletin 455 Office of the Procurator General of the Nation 2019), as well as complaints about the safety, intoxication and health damage of food provided by the program (Herrera 2019). Thus, it is important to analyse and identify another mechanism to protect children as SFP consumers.

### *1.1.2. Brazil*

For its part, the national school feeding programme in Brazil was implemented in 1955, in the Federal District, states and municipalities in the country. The program provides school lunch to the students of pre-basic (day nurseries, kindergarten, indigenous schools and quilombolas), primary and secondary education, and to youngsters and adults enrolled in official, charitable and community schools, by transferring financial resources through the National

Fund of Education Development (FNDE, by its acronym in Portuguese) to executing entities (FNDE. School feeding)

In accordance with Law 11947, June 16th, 2009, the resources for the program sustainability come from the National Treasury. The states, municipalities and the Federal District must make available a 30% of the transfer carried out by the Treasury for the functioning of the national school feeding program. As a characteristic of the program it is highlighted the creation of vegetable garden in schools and the incentive to the family agriculture and the rural family entrepreneurship.

### 1.1.3. *Chile*

The SFP in Chile is regulated by Law 15720 of 1964, which created the National Board of School Economic Assistance and Grants, which is characterized by providing daily food rations: breakfast, lunch, snacks, and dinner, according to the vulnerability of students of the educational institutions at every level (kindergarten, primary, secondary and adults), aiming at ensuring their attendance to class and avoiding the school dropout. (School Feeding Programme. JUNAEB).

According to the information provided by the Chilean Ministry of Education, the program is for students "focused according to their condition of vulnerability. For this, the Institution processes and analyses all the information considered by its model of measurement of the condition of vulnerability, for about 3 million students of the Official System, identifying with name and course the lists of those who have the greatest condition of vulnerability. These listings are obtained by the establishment (the JUNAEB regional directions send the lists of beneficiary students to the educational institutions). (School Feeding Programme. JUNAEB).

The right to feeding in Chile is protected in the Political Constitution of 1980 that expresses in the art. 5 that "the exercise of sovereignty recognizes as a limitation respect for the essential rights that emanate from human nature" and that "it is the duty of the State organs to respect and promote such rights, guaranteed by

this Constitution, as well as by the international treaties ratified by Chile and that are in force”.

In the same way, Chile develops a governance and normativity regarding nutritional health, safety and sanitary infrastructure, applied to school feeding programmes.

## 2. PROTECTION TO CHILDREN AS CONSUMERS

In fact, the judicial protection to consumers’ interests has existed for a long time, even though not as a specific discipline, it has been done through different norms in the juridical order or with the creation of movements and/or associations aiming at offering juridical tools to consumers in front of misleading advertisement and the unreasonable influence of the consumerist marketing; asking for the existence of protection regimens for consumers in the society (De León Arce 2007)

The position as the weak party in a contractual relationship that has been given to the consumer that acquires goods and services, and the asymmetry in the market relation have always existed. From the Roman Law and in all the juridical orders, it has been used regulations to protect to the acquirers of goods and services against the possible fraud situations on the part of the providers or producers (De León Arce 2007).

Hence, the apparition of successive norms addressed to protect legally that consumer and the interests of all a collectivity, aiming at re-establishing the equality and equivalence of benefits in the contractual relationships.

Before the promulgation of the Colombian Political Constitution of 1991, there was not a constitutional disposition that explicitly was in favour of protecting a specific citizen category, such as consumers.

The Colombian Political Constitution establishes a fair political, economic and social order in a democratic and participative juridical framework. In this way, the justice enacted is not only based on a formal equilibrium or equality, but one equal, real and social, enshrined as fundamental principle of the Social State based on the rule of the law (Camargo 2001, 24-30). Note how articles 13, 44, 67,

78, 88, 95 numeral 1 and 334 of the Colombian Political Constitution of 1991 are the base of protection of the one considered the weakest party in a consume relationship in the market.

When examining the article 78 of the Political Constitution, it is highlighted the State has to carry out the constitutional mandate legal development: on one hand, the tutelage of rights such as health, security and consumers' interests; on the other hand, elaborate effective procedures for protecting the consumer, guarantee the participation of consumers on their own rights and assist consumers through their organizations. This allows the legislator a wide range of action when developing the constitutional mandate of protecting the consumer. It is noteworthy that even though it is the Political Charter what determines the protection framework favouring the consumer, with the aim of re-establishing the equilibrium and equality of the consumer in front of the strong party in the consume relationship, it does not indicate all the protection assumptions for the consumer, it just determines an action o protection field, as the Judgement of the Constitutional Court C-1141/2000 of August, 30th, expresses:

*"...The Constitution orders the existence of a field of protection in favour of the consumer, inspired by the purpose of restoring their equality vis-à-vis producers and distributors, given the real asymmetry in which the person attending the market develops in pursuit of satisfaction of his/her human needs. However, the Constitution does not determine the specific cases of protection, an issue that is developed through the legal system. The protection program, mainly, is determined from the law, regulations and contract. It is clear that the contractual source must be interpreted in accordance with the consumer's guiding principles embodied in the Constitution. With the right of the consumer, something similar is presented of what is observed with other constitutional rights."*

*"The Constitution defines a field of protection, but the precise content of the program of defence of the protected interest is that which is developed and added by law and by other norms and sources of legally valid rules. In particular, when the constitutional framework has been drawn up, the dynamic task of specifying the specific content of the respective right is entrusted to the law,*

*specifying the level of its constitutional protection in historical time and in real circumstances. The meaning of a certain right and its extension, therefore, is not established only by the Constitution a priori and once and for all."*

Note that in this sentence the Constitutional Court does not only provide an action plan developed by the legislator through the law, but also it ensures that consumers' rights are protected according to the country political reality and materialized in public policies. In another paragraph of the sentence it can be read:

*"As already stated, the reason for this regime is based on the need to compensate with diverse measures the position of inferiority with which consumers and users, generally dispersed and endowed with scarce knowledge and potential, face the forces of production and marketing of goods and services, necessary in order to satisfy their material needs. When the Constitution entrusts the legislator with the development of a certain protection regime, it is not simply enabling a specific competence to dictate any type of norms. What the Constituent proposes is that the purpose of the protection be effectively tried to be updated and imposed on the political and social reality - at least to a reasonable degree and to the extent of the possibilities and existing resources -, articulating in the more just and harmonious manner within public policies the just demands of the subjects deserving of such special protection".*

Taking up this criterion, another example is the sentence of the Constitutional Court C-973/2002, which indicates that not only the assumptions of violation enshrined in law, decrees or regulations the single situations of violation of consumer's rights, let's see:

*"From such a sentence it can be seen that the legislator does not enjoy absolute freedom to configure the regime of consumer rights, since the Constitution requires him to take into account, for that purpose, the integral protection established in his favour in the same text above. This entails the necessary examination of the situations surrounding the development of the productive process - which constitute the basis of constitutional protection - to produce norms that harmonize with the Constituent spirit of counteracting the inequality that market relations imply."*

*"In that sense, it is the duty of the legislative body to take into account the asymmetric relationships generated by the manufacture, commercialization, distribution and acquisition of goods and services, and that arise from the*

*preponderant role of the producer as regards the development of the good or design of the service imposing conditions for its operation and use, as well as the advantage of the distributor or supplier because of its dominance of the marketing channels of goods and services; but above all, the law must carefully observe the helplessness to which the consumer is subjected because of the need s/he has to obtain the goods offered in the market."*

*"Consequently, the rules that the legislator gives, by virtue of the competence that has been granted to regulate the regime for the protection of consumer rights, which includes the way in which the producer's responsibility can be demanded, must take into account the special protection of those rights recognized by the Charter and be oriented towards their full effectiveness."*

*"Likewise, it is necessary that the interpretation of the norms relative to the rights of the consumer that have been issued prior to the issuance of the Constitution, as well as the examination of its constitutionality, be carried out under the postulates established by the superior norm in this matter".*

Regarding the international environment, as supranational norms we must mention the UN's Guidelines for consumer protection promoted by the United Nations Conference on Trade and Development- UNCTAD. They are defined as "a valuable set of principles that establishes the main characteristics of the laws of consumer protection, the institution in charge of apply them and the compensation system in order to be effective". The guidelines were approved by resolution 39/248, April 16<sup>th</sup>, 1985, and after that they were extended by the Economic and Social Council by resolution 1999/7, July, 26<sup>th</sup>, 1999, and approved by UN General Assembly by resolution 70/186, December 22<sup>nd</sup>, 2015. Their action field is centred on the transactions between enterprises and consumers, in their relationship of goods and services provision, including state enterprises. The guidelines aim at meeting mainly the needs of consumers towards an access to essential goods and services, protecting the consumer in vulnerable and disadvantage situation, facing risks for his/her health and safety, providing education about the environmental, economic and social consequences of his/her elections (UNCTAD 2016, 3,6 - 7).

The guidelines aim at the States to adopt and promote policies addressed to maintain goods and services security, ensuring safety and quality products. That is, “appropriate policies must be adopted to ensure that assets produced by manufacturers are safe for the intended use or for the normally predictable. Those responsible for introducing goods in the market, in particular suppliers, exporters, importers, retailers and the like (hereinafter referred to as “distributors”), must ensure that, while they are in their care, those goods do not lose their safety due to inadequate handling or storage” (UNCTAD 2016, 11).

In the same way, the Convention on the Rights of the Child in 1989, ratified by Colombia through the Law 12 of 1991, by its normative body, recognizes the rights of children to education, feeding, and proper information about their rights, among others. (UNICEF 2006, 22).

Consequently, it could be said that to protect the consumer rights if a norm is considered, it must be also considered all that surround the consume relationship and address the protection where needed and fight against the inequality between the parties of the relationship, because it is so recognized by the Colombian Political Chart.

Now it must be mentioned the legal body of protection of consumers’ rights in Colombia, which started with the issuance of Law 73 of 1981, which allows the State to intervene in the distribution of goods and services for the protection of consumer. This Law gave extraordinary faculties to the President of the Republic to issue regulations directed to the control of the distribution or selling of goods and services and the establishment of sanctions and procedures. Based on this, Decrees 1441 and 1320 of 1982 were issued; the former regulated the creation, organization, control and surveillance of the consumer leagues<sup>1</sup> and consumer associations, and the latter defined the topics concerning the consumer leagues and association. (Caicedo Pombo 2000, 18-20)

Later, the Decree 3466 of 1982, so called Statute for the Protection of the Consumer, was issued. This decree regulated topics such as suitability, quality, guarantees, marks, slogans, advertisements and public pricing of goods and

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services, and the responsibility of their producers, sellers and providers, being 1982 and the following the most productive concerning to consumer protection. The Decree 3466 of 1982 was revolutionary in its time and put the country at the forefront of other States' legislations concerning the protection of consumers' rights.

However, its effectiveness facing the changes of the market and the birth of new juridical relationship forms where consumers intervened made its applicability to decay, forcing the legislator to update such dispositions. This is why, after 29 years of validity, Law 1480 of 2011 is issued, which adopts a new Statute of the Consumer in Colombia, reaffirming the mandate of the Political Constitution of 1991.

This regime of consumers' protection benefits all consume relationships in which producers and providers participate in front of the consumer in all the sectors of the economy, according to the article 2 of law 1480 of 2011. That is, anyone who acquires a product or service for his/her own satisfaction and is not linked intrinsically to his/her economic activity, will be consumer, and the relationship with the producer or provider of the good or service, will be one of consume; as a consequence, it will be the general regime of Law 1480 of 2011 which protects the rights and duties of the parties in this relationship, as well as the responsibility of producers and providers both substantial and procedurally: *being this the object of the Law.*

But, who are considered consumer for the new Statute of the Consumer? At this point, it is necessary to highlight the importance of the change of consumer concept and the definition of other series of concepts, included in the article 5 of Law 1480 of 2011, which are not in a wide way and specifically defined in the Decree 3466/82. In that regard, it moves of identifying the consumer as the simple natural or juridical person who contracts the acquisition, use or enjoyment of a good or service for the satisfaction of his/her necessities, to consider as such to *"every natural or juridical person who, as final recipient, acquires, uses or enjoys a determined product, whatever its nature, for the satisfaction of his/her own, private, family or domestic, and business necessity"*. It is necessary to understand this new concept is more complete that the previous one, both for

the definition of consumer and for the concept of entrepreneur, producer or provider, among others.

On its part, in Law 148/2011, there are also highlighted some principles of protection, among them it is convenient to highlight the *especial protection to children and adolescents, in their quality of consumers, according to what is established in the Code for Children and Adolescents*. More than principles, they “are rights largely done by the criteria of UN about the specific needs to be covered by national normativity of consumer protection” reaffirming the constitutional protection of consumers. (Giraldo, Caycedo, Madriñan, 2012).

Regarding the basic rights of consumers, even though the Decree 3466/82 did not mention or describe them specifically, the article 3 of the Law 1480/11 does make a general description of rights and duties of consumers and users, without prejudice of those recognized by especial laws, such as: quality, safety (art. 6-18), receiving information (art. 23-28), protection against mislead advertisement (art. 29-33), contractual protection (art. 34-44), election, participation, representation, education, equality, among others.

When specifying the protection of the information in consume relationships, the article 28 of Law 1480 of 2011 establishes a especial protection for children and adolescents, which is reinforced by the article 34 of Law 1098 of 2006, which issues the Code of Children and Adolescents, and the regulatory Decree 975 of 2014, which “regulates the cases, content and form in which the information and advertisement addressed to children and adolescents as consumers has to be presented”.

In accordance with it, the article 67 of the Colombian Political Constitution points out that the *education is a person right and a public service*, in charge of the State, which must ensure an effective quality and including provision. This supposes to have a national education policy that ensures the access to the education services to all children and adolescents. According to the review report carried out by the Organization for Economic Co-operation and Development (OECD), as a contribution to the process of adherence of Colombia, the Colombian set of policies and practices regarding education were assessed, making evident, among other advances, the increase in the access of children and adolescents to the education services, attended to school from early

age and ensuring their continuity until the higher education (OECD Education in Colombia 2016).

The access and permanence in the school system is achieved, as it was mentioned, through the SFP. This means that food provided through the program have to be safe, secure and suitable. In case of irregularities in the development of the program that affect those qualities of food, such a situation has to be protected in accordance with the protection norms established by the laws of creation of SFP, without prejudice of recurring in a general manner to the norms protecting consumer rights.

The dispositions of the school feeding programme establish that any type or claims or complaints about the quality, safety and suitability of food providing by the operator has to be channelled by the claimer, first, to the educational institution in order to this, files a formal complaint to the supervisor entity and to the territorial entity. Then, a formal investigation starts heading by the NEM or other competent authorities. Other SFP actors that can participate in the surveillance of the service and food provided by the program are the committees of school feeding (CSF) in the educational institutions, especially integrated by representatives of parents.

This is the reason why, for the integral protection of children and adolescent consumers regarding the food and services received by the SFP, it is absolutely necessary to ensure the access to the program education to all the academic community and the recognition of children and adolescent rights as consumers and not only as beneficiaries of a State school feeding programme.

It is unquestionable the position of children and adolescents as the weak party of SFP regarding the food received on the part of the Operator in the program. Children and adolescents are consumers or users because they are natural people, final recipient of the food received from the SFP Operator, and they are the people who receive and enjoy such a service in order to satisfy a private need, in this case feeding. The SFP Operator is a real provider because in a habitual way, directly or indirectly, s/he provides and distributes the food. S/he can offer this service as a natural person or a juridical person, with or without profit benefit.

This reasoning takes us to configure between these two actors an actual consume relationship, notion used by the Argentinian legislation in its Political Constitution of 1994, including in such a regulation all a theory around the consume relationship, as is defined in the article 3 of the Argentinian Law 26.361 of 2008, like a link between the provider and the consumer or user. (Villalba, 2012, 109)

In the Colombian regulation, it can also be found a reference to the notion of this relationship between the SFP Operator and the children recipient, when reviewing concepts issued by the Industry and Commerce Superintendence (ICS), such as the one that define it as *those established between consumers and producers and/or providers, in order to apply the norms of the consumer* (ICS Concept 2016, 4).

On the other hand, the text of STC 1518 of February 11th of 2019, when in front of the valuation of a proof recognizes the existence of a consume relationship because there is a consumer who wants to acquire a determined good for his/her own satisfaction, and, on the other part, a provider who offers a product through his/her virtual channels to others.

In the same way, the STC of April 30th, 2009, refers what the Civil Room of the Supreme Justice Court considers as a consumer relationship, as follows:

The consume relationship is one special category that arises among those professionally involved in preparing or providing goods or provide services with whom acquires in order to consume; and it is precisely the consumer, who, being in conditions of economic vulnerability and imbalance, is the recipient of special regulatory protection; of course, the professionalism of the producer, who makes him an expert in the technical and scientific matters around which he carries out his work, his solid economic capacity, its vocation to contract massively, the hiring modalities to which it goes, among many other peculiarities, place it in a plane of undeniable business advantage that demands the intervention of legislators and judges with a view to restoring the lost balance.

As a matter of fact, when there is a violation in providing SFP services, the ICS would be called to ensure children protection as consumer in the consume

relationship. For this, Law 1480/2011 establishes, as one of the ways of promoting or protecting consumers' rights, the exercise of actions of jurisdictional type, especially the actions mentioned in the article 56, whose competency would correspond to the ICS or to the judges of the Republic. In the same line, the Law 1564 of 2012, current General Code of Procedure, in its article 24, reaffirms the jurisdictional functions of ICS, the procedure to be followed and the nature of the decisions proffered.

Turning back to the actions contained in the article 56, Law 1480 of 2011, it must be mentioned the mechanism instituted by the Colombian Political Constitution (art. 88) and developed by the Law 472 of 1998; these are the popular and group actions, which serve to protect consumers' rights because these are considered as collective rights. With these laws, the consumer may prevent the irregular actions of the producer and/or the provider of the good or service, or failing that, procure the reparation or compensation of the damage on the protected interest. Both actions are established to repair the damage caused to a plural number of people. When the ingestion of school food causes health damage to a plural number of children of the school system, together with the investigation and administrative sanction by the SFP surveillance and control actors, these actions become the expeditious mechanism to sanction to such a provider -SFP Operator-, and obtain effective damage reparation.

The article 56 of the Law 1480/11 also mentions the action of responsibility by damage due to defective products, which will be managed before the ordinary jurisdiction. Its nature is explained from the compromise that the producer or provider acquires when offers, distributes and/or puts into circulation goods and services, for consumers. S/he cannot remain aloof or indifferent to the eventual defects, anomalies, danger or risks that these can cause to the consumer life or health. In this way, the operators of SFP can be passive subjects of this action on the part of the child consumer.

In the same line, the action of protection to the consumer, numeral 3, article 56 of Law 1480/11, of competency of ICS, is adjusted to the direct violation of norms about the protection of consumers and users, whenever the food and services provided by SFP present irregularities that produce damage to health, life and food security of the children actors of the program. In this way, the ICS will be

in charge of settling the jurisdictional process in which the action of protection to the consumer is in advance, whose judicial procedure will be the verbal or summary verbal, being the ICS the competent to know prevention in all the national territory, or otherwise the civil judge, of such an action.

Without prejudice of the jurisdictional faculties, ICS have administrative faculties to ensure the observance of Law dispositions and to process the investigations because of its non-compliance, as well as to impose the respective sanctions. To impose administrative sanctions, it will be followed the procedure established by the Contentious-Administrative Code – Law 1437 of 2012.

### 3. CONCLUSION

In this way, it is evident that there is a national authority regarding the protection of consumers' rights, that counts on effective administrative and jurisdictional procedures to prevent and sanction those actions carried out by producers or providers of good and services, when affecting their quality, suitability or safety, and produce damage to the consumer.

The SFP and its actors are not aloof to the rights of consumer protection established constitutionally and legally. Thus, without prejudice of the administrative and punitive actions that territorial entities, or if failed, the National Ministry of Education may execute, the children consumer through their legal representative or the consumer leagues may assume the defence of their rights when these are violated by SFP Operators when providing food.

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## EUROPEAN UNION-ISRAEL RELATIONS: A DESCRIPTIVE RESEARCH OF THE STATUS-QUO AS PART OF THE TRANSATLANTIC RELATIONS

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### **Abstract:**

Although the last legislative elections in Israel indicate a strong desire for political change, the Israeli voter is still very much aware of the position of Israel on the current international scene. The Peace Plan for Israel and Palestine proposed by the Trump administration, on the one hand, alienated even more the Palestinian Authority, and on the other hand, ignored European Union’s willingness to become a more relevant global actor by not involving it in the development of the Plan. Regardless the results of the future presidential elections in the United States, it is important to understand up to which extent should the European Union get involved in order to prevent potential negative outcomes of the Peace Plan. Starting from this context, the research aims at outlining the current dynamics and narratives governing the relations between

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the European Union, as a global actor, and Israel, as a regional actor in the Middle East, including here the global implications of the events in this region.

**Keywords:** European Union; Israel; Middle East; Trump administration; Two-State Solution; United States.

## 1. INTRODUCTION

The relations between the European Union and Israel in the current global context continue to be a conundrum for whoever tries to approach in an isolated manner. The history of the State of Israel indicates an already existing habit of the Israeli leaders to discuss a specific issue with the actor they considered the most relevant for the topic, in spite of any traditional partnership with any other country. For this reason, the relations of Israel with different relevant global or regional actors are better understood in the political context of the Middle East. Of course, one should keep an eye on Israel's domestic politics and the relationship with its traditional partner, the United States of America. However, no matter how much the Netanyahu government tried to dodge the contact with the European Union, this relationship stays relevant, and it seems to become more relevant for a post-Netanyahu leadership.

This research aims at delivering a clear understanding of the interactions between the narratives of the United States and the European Union regarding Israel during the Obama and Trump administrations (2009-2020). Additionally, the research comparatively looks at the period of the two administrations with the second term of Netanyahu as Prime-Minister. By having them compared it would be possible to emphasize a few significant aspects for future researches. The first such aspect is the (in)compatibility of the narratives of the two U.S. administrations with those of Netanyahu government. The second aspect is represented by the different approach of the two administrations in respect to topics like the Iran Nuclear Deal and the Two-State Solution, which are crucial for the research of the relations with Israel. The third aspect is the narrative of

European Union as a global actor, and the position of this narrative in the interactions between the U.S. and Israel since 2009.

Thus, the research begins with a short description of the political situation in Israel at the moment of writing this article, and continues with identifying the elements behind the domestic political narrative in Israel. Most of these elements gravitate around the 'messianic aura' surrounding Netanyahu's efforts of pursuing the national security of Israel. The political crisis following the 2019 legislative elections in Israel that led to the creation of a coalition government is in many aspects the result of the increasing influence of Netanyahu during his second term as a Prime-Minister and, of course, of the inability of the opposition parties to counteract this expanding influence. While the aim of this research is not to measure this influence, by approaching the narrative of Netanyahu government it will be possible to examine this influence.

The second part of the paper will bring into discussion the relations between the EU and Israel as integrative part of the triad European Union – Israel – United States. Rather than approaching historically this relationship, this segment of the research aims at identifying the EU's position in relation to Israel during Netanyahu's second term. The paper shows here that the EU succeeded in co-teaming the United States during the Obama administration in issues like the Iran Nuclear Deal, while the steps taken by the Trump administration regarding Israel have a low level of compatibility with the EU's approach.

The final part of the research brings into discussion the change of U.S.' narrative regarding Israel during the two administrations. The main reason for this is to deliver a clearer understanding of the approach of the Netanyahu government towards the security of Israel, as well the Iran Nuclear Deal and the situation of the Occupied Territories. The relevance of this clarification lies in understanding the historical place and impact of the Netanyahu's government policies in Israel.

## **2.THEORETHICAL FRAMEWORK**

Given the fact that the interactions between the EU-Israel-U.S. play an instrumental role in this research, the analysis will be based on the state-as-actor

approach rather than focusing 'on the structure of the international system as a cause of state behavior' (Smith 2001, 38). The approach (Kiely 2017, 4) supports the post-structuralist idea that the U.S. foreign policy, for instance, can be interpreted 'based on constructed national interests, and on the articulation and interpellation of representations of international politics' and that 'these representations of international politics are structured by identity discourses which set the orientation and limits of possible policy decisions'. According to (Larsen 2004, 64),

*'interests and derived policies are shaped with a particular framework of meaning and are not exogenously given. Actors do not have preferences and interests that are external to their understanding of the social world and their own identity and place therein'*

Essentially, the social-constructivist approach provides a more precise framework of analysis for foreign policy based on the 'actorness' of the states. In comparison to Neoliberalist or Neorealist authors like Arie Krampf or John Mearsheimer, who approached topics related to Israel or Israel's foreign relations through their specific frameworks of analysis, the newer social-constructivist approach aims at a more comprehensive analysis. In respect to EU's contribution to different policy areas, (Larsen 2002, 39) argues that 'actorness of a particular social unit is not an essentialist category that is given by certain objective material elements. Rather, the grouping achieves its actorness as a result of its members and its surroundings articulating this grouping as an actor in a particular social field'. Thus, this theoretical approach allows an independent research of a specific involvement of the EU (or any other actor) in a certain issue related to foreign policy. In the specific case of EU-Israel relations, the social constructivist approach allows, for instance, a research of EU's involvement in the Israel-Palestine conflict regardless the relations between EU and any other actor involved in the dialogue surrounding the conflict. Moreover, since the social constructivism is associated with the analysis of discourse (not in the sense so speech, talk), it allows also an analysis of the narratives behind different policies. In this context, the framework of analysis is

determined by the social constructivism striving 'at making claims about ideas 'inside actors' heads whereas discourse analysis aims to capture the ideational by analyzing the construction of discourse as it plays out in-between set of actors' (Lynggaard 2019, 5). The definition of discourse analysis to be followed in this research is the one proposed by (Lynggaard 2019, 2) as 'a specific ensemble of ideas, concepts, and categorization that are produced, reproduced and transformed in a particular set of practices and through which meaning is given to physical and social realities'

This research is built on the larger background provided the discussion around state identity or, rather, what is perceived as identity through the lenses of the political narratives. Therefore, this aspect is easily identifiable, for instance, in the way in which the U.S. - Israel relations evolved during Obama administration and during Trump administration. Also, it is visible in the way in which the EU approaches the political narrative of the Netanyahu government, as the approach is done through the significant elements of each narrative. Additionally, the social constructivist analysis of the EU-Israel relations rather than trying to replace segmental types of analyses: domestic politics based on, security related, economic, it aims at positioning them in a different, more complete perspective. The reason for this is that these fields are considered not being able anymore to influence a certain foreign policy, but are rather instrumental for the foreign policy as part of a certain narrative. For instance, in the case of the U.S. - Israel relations during Trump administration, and the recognition of Jerusalem as the capital of Israel, one may argue that the relation between Trump and his evangelist voters was crucial for the political decision itself. However, Trump's relationship with the U.S. evangelist groups, as belonging to the U.S. domestic politics, was only a part of a larger narrative in which the U.S. is represented as the unconditional friend of Israel regardless any partisan influence. In conclusion, as the case study will show, it is possible, and necessary to aim at generating a more comprehensive analysis of these relations. In comparison to the realist approach in which the interests of a state play a major role, it is also necessary what defines a certain situation or context as being the interest of a certain state.

### 3. INTERNAL POLITICAL CONTEXT IN ISRAEL

The political crisis generated by the last three rounds of legislative elections in Israel and the final outcome, which is the coalition agreement, seem to be only a consequence of a much deeper crisis of the Israeli democracy. For those that are more optimistic about it, no matter how unpleasant it looks, it is just the beginning of a long-awaited change of the Israeli political panorama. The first relevant aspect related to the outcome of the elections is the creation of an oversized government that might reach either 32 or 36 members, and 16 deputy Ministers. (Valori 2020)

The idea of such a large government is largely criticized since, simply put, such a big number of members increases the chances for division and, consequently, for thwarting some important decisions. Additionally, such a big government goes against both the political tradition and the Basic Law of Israel. From the point of view of the tradition, such a cabinet is totally unjustified, as the unity government created in 1969 had 24 ministers (with a Knesset having 102 members), and the unity government from 1984 had 25 ministers (with 75 members of the Knesset) (Kenig 2020). According to the Basic Law (as Israel has no Constitution), this exceptional situation is considered to have the capacity to alter the 2014 amendment setting a limit to 19 ministers (suspended one year later) and to create a damaging precedent. In many regards, this situation can be considered similar with the avoidance of the *Spitzenkandidat* procedure during the last nominations for the presidency of the European Commission.

A very important role, however, is played by the larger context of the Israeli domestic politics in which the new government has to act, as this situation prolonged the Prime-Minister term of Netanyahu (for at least another 18 months, added to the already 11 years spent in office). This context is a very special one and, given the long time spent by Netanyahu as a Prime-Minister, many aspects of this context gravitate around his public image.

Capitalizing on Israeli's need for security became almost a leitmotif of Netanyahu's leadership, even when political initiatives undertaken under the umbrella of this need endangered the Israeli democracy. Often 'security concerns and the strong influence of the military in society have often cast

typical liberal values aside' (Heistein 2017, 2). This exchange between Prime-Minister Netanyahu and the Israeli voters and most of the parties that joined to his government coalitions was supported by two main pillars: the Israeli-Palestinian conflict and the efforts for halting the Iranian nuclear program (Scheindlin 2017, 4). To put it in a more concrete way, these two elements have a common ideological denominator that served well the political purposes of Prime-Minister Netanyahu: the myth of "a clash of civilizations between life-affirming Zionists and radical Islamic enemies committed to death, as well as an urgent fight against subversive enemies within" (Scheindlin 2017, 3). The issue surrounding Iran has its own contribution to Netanyahu's narrative:

*'He (Benjamin Netanyahu) has frequently attacked the Islamic Republic as being on the wrong side of a moral divide with Israel while arguing in favor of their continued economic and political isolation. (...) He also criticized members of the international community for their immorality in disallowing Israel to attack Iran. Finally, Netanyahu excuses Israel's human rights record with the scapegoating rationale that Iran or other Muslim nations are comparatively much worse' (Jonathan G. Leslie 2017).*

This narrative influenced significantly the coalitions that Netanyahu forged, as they include most of the time "parties that are further to the right and openly oppose a Palestinian state, as well as centrist parties who support it in theory rather than in practice" (Scheindlin 2017, 4). All these elements put together led to the creation of an ideological framework that would justify not only the domestic political initiatives, but also the moves on the international scene. One such move is the total rejection of the Iran Deal in the very heart of the American politics, the U.S. Congress. Netanyahu was supported in his endeavors by the Minister of Foreign Affairs, Avigdor Lieberman, who said that the deal "is an agreement of total capitulation to unrestrained terrorism and violence in the international arena" while comparing it to the Munich Agreement reached with Nazi Germany in 1938 (Kershner 2015).

Moreover, Netanyahu attracted even the support of some political figures from the other side, as Isaac Herzog, the leader of the center-left Zionist Union party

and, most important, the leader of the opposition in Parliament. He said that Israel was facing “a new era in the Middle East that poses security and diplomatic challenges for Israel that are more dangerous and complex than any we have known before” (Kershner 2015). Thus, it becomes obvious that this non-partisan support for rejecting the U.S. Iran Deal had a strong contribution to the political capital of Netanyahu especially in supporting the narrative of Netanyahu’s government. Moreover, it contributed, as we will see further in this research, in improving Netanyahu’s relations with the Trump administration.

Regarding the Israel-Palestine conflict, Netanyahu has a more indirect approach than in the case of Iran Deal. The main reason for this is that the issue manifests, from an ideological point of view, a more global dimension as the global Muslim community considers itself affected by it, while the U.S. Deal with Iran has a more regional dimension. While both issues have a strong impact on the Middle East, the discussions around the Israel-Palestine conflict has a broader impact as it involves territorial aspects that may lead to dangerous precedents and has more chances to touch a nerve of some European countries, at least. One may even speculate over a higher level of sensitivity of European countries regarding territorial issues after the illegal annexation of Crimea by the Russian Federation in 2014.

Although the topic was never approached again in the terms required by the Oslo Accords after it, it did not lose its capacity of delivering a good amount of political capital for the Netanyahu government among the Israeli voters. While indicted on charges of fraud, bribery and breach of trust, political moves like having the U.S. Embassy (and other embassies) moved from Tel-Aviv to Jerusalem, or the Trump Peace Plan promising a durable peace, are aimed only at supporting the political causes of the Netanyahu government. Both these political moves, similarly to the opposition to the U.S. Iran Deal, are part of the same narrative leveraging on the special need for security of the Israeli population.

In spite of its position, that is closer to the center of the political spectrum, the leader of the Kahol Lavan party, and the main competitor of Netanyahu in the legislative elections, Gantz will be tested by the Israeli voters during his term within the coalition framework. As Israel became more isolated during the terms

of Netanyahu as Prime-Minister, the former Chief of Staff of the Israel Defense Forces (IDF) has to prove that he can deliver security for the Israeli population, and that can fix its relations with the main global actors in during and post-Trump administration.

#### 4. EU-ISRAEL RELATIONS

Based on its ten strategic points, the new European Commission approaches the field of foreign policy as a tactical step to a 'stronger Europe in the World' (European Commission 2019). The main segments on which the initiatives in this area will focus are: foreign trade, a more politically present Europe at a global level and a stronger defense of Europe. Although, according to the Agenda, the main geographical priorities of the European Commission are Africa and the Western Balkans, areas like the Middle East or the countries of the Eastern Partnership remain on the radar. In respect to Israel, the approach is an integrated one targeting the Middle East Peace Process.

In spite of the fact the relations between Israel and the European Union seem to have been stagnating, or even worsening, during the terms of Netanyahu as a Prime-Minister, the issues involving the two sides continued to generate effects. Besides economic and political aspects, the good relationships between Israel and different European countries manifests a strong historical dimension. These relations are pre-existent to the improved relations between Israel and the United States since Kennedy and Johnson administrations. One of these aspects is connected to the events surrounding the Jewish community in Europe during World War 2. However, as a political project aiming at implementing strong idealistic principles, while it witnessed major territorial changes, the European Union after 1967 and the Oslo Accords could not agree with the Israeli politics regarding Palestine.

The issue of the Israel-Palestine conflict, as approached by the European Union, is bi-dimensional. The first dimension is represented by the territorial issues, including here the policy of settlements. The second dimension is connected to the issue of Human Rights for the Palestinians in the Occupied Territories. This

issue is part of the very core of interests of the European Union, as defined in the words of the former EU High Representative, Federica Mogherini:

*'We have an interest in promoting our values around the globe. And the way we articulate our interests has to embed our fundamental values. So, we need a strategy to protect proactively our interests, keeping in mind that promoting our values is an integral part of our interests.'* (Mogherini, 2015).

Complementary to the issue of Israel-Palestine conflict and a strong signal, in the same time, was the adoption of the Basic Law in July 2018. The European Union expressed a strong concern over the passing of the Law as Mrs. Mogherini declared: 'we've been very clear when it comes to the two-state solution, we believe it is the only way forward and any step that would further complicate or prevent this solution of becoming a reality be avoided' (Reuters 2018). The main reasons of the concern regarding the Basic Law are the following:

1. It limits the 'right to exercise national self-determination' in Israel to the Jewish people;
2. It gives Arabic language a secondary status in comparison to Hebrew, although the text of the Law describes it as a 'special status';
3. It establishes 'Jewish settlement as a national value' and mandates that the state 'will labor to encourage and promote its establishment and development' (Berger 2018);

Besides the fact that they reflect the official opinion of the European Union on the Basic Law, the declaration of the former HR/VP Mogherini stay relevant also in the case of the Trump Plan for Peace. This fact is confirmed by the declaration of the current HR/VP of the European Commission, Josep Borell on Trump's Plan for Peace:

*'The European Union will study and assess the proposals put forward. This will be done on the basis of the EU's established position and its firm and united commitment to a negotiated and viable two-state solution that takes into account the legitimate aspirations of both the Palestinians and the Israelis, respecting all relevant UN*

*resolutions and internationally agreed parameters.’ (Council of the European Union 2020)*

As the EU aims at promoting its values across the globe, it pays a special attention to the enforcement of these values at home. Often, the European Union has to deal with events which affect the Jewish community in Europe as a result of the politics in Israel. The rise of anti-Semitism in the past 10 years manifested itself in different forms, from graffiti with Nazi symbols in Jewish cemeteries all across the Europe to extreme attacks like the one at Hypercacher (Paris) and the Jewish schools in France, or at the Jewish museum in Brussels. A distinct trait of this new anti-Semitism is that it comes more from the left spectrum of the politics, as a reaction to the nationalist policies of the Netanyahu government. In many ways this New anti-Semitism, as it is sometimes called, can be understood as a reaction to the nationalist policies of the Netanyahu government. Clearly referring to this aspect (one may only speculate a reference to the 2018 nation-state law too), the president of the Conference of European Rabbis, Pinchas Goldschmidt, said: ‘If a party is intrinsically racist, bigoted against large parts of society and intolerant of minorities, if Jews are not the target now, they will be in the near future’ (Gomel 2019).

From an economic point of view, the European Union has been for a very long time until today the main trade partner for Israel. In 2017, the total trade amounting reached approximately €36, 2 billion. Part of this, the EU imports from Israel, amounted €14,7 billion, in the same year (European Commission, 2020). The economic relations between the two sides are also targetted by a movement that was declared anti-Semitic by the European Union. Organizations under the umbrella of Boycott, Divestment, Sanctions (BDS) Movement try to influence the access of Israeli goods on European and U.S. markets. According to an official answer given by the former Vice-President of the European Commission, Federica Mogherini “the EU rejects the BDS campaigns attempts to isolate Israel and is opposed to any boycott of Israel” (European Parliament 2016). In this context, it is easily understood that the EU rejects any anti-Semitic narrative and that it is in symphony with other institutions like the OHCHR Special Rapporteur on freedom of religion or belief, according to whom “the

objectives, activities and effects of the BDS movement are fully anti-Semitic” (OHCHR 2019). These aspects clearly indicate the willingness of the European Union to fully cooperate with the State of Israel, of course, on the condition of Israel engaging in solving the Israel-Palestine conflict and the consequent violations of human rights.

In the current global context, the way in which Netanyahu government decided to interact with the European Union can be interpreted in at least two ways. The first one is related to the buzzword of the 2020 edition of Munich Security Conference: westlessness. The main idea behind this new concept describes a type of cooperation much closer to *realpolitik*, based on the decreasing influence of the United States on the global scene and the rise of *illiberal* democracies (Poland, China, Turkey, Israel) or authoritarian regimes (Russia, China, Iran). This whole environment rejects the Western values while continuing to maintain economic ties with the Western countries. What makes these regimes very attractive, however, is that most of them succeed in ensuring a strong economic growth in their countries, and give a strong flavor of nationalism to this success. Based on this description, the Netanyahu government positioned itself in this paradigm of opposing the globalists (the anti-Soros narrative was thematic for some of Netanyahu’s speeches).

The second way to understand this interaction, as the research will describe further, is the one in which the European Union became the collateral victim of the exchange of political favors between the Netanyahu government and Trump administration.

## **5.ISRAEL - USA RELATIONS DURING TRUMP ADMINISTRATION**

Besides the worsening of the relations between the Netanyahu government and Obama Administration that the Iran Nuclear Framework brought between the Netanyahu government and Obama Administration, it also created a misconnection in the dialogue between the two countries. However, the Iran

Nuclear Deal was not the only element to alienate Netanyahu from the United States. Additional to this, Netanyahu was 'forced by the Obama administration, for example, to publicly endorse the two-state solution to the Israeli-Palestinian conflict, to order a nine-month freeze of settlement building in the West Bank and to refrain from unilaterally attacking Iran's nuclear facilities' (Saltzman 2014, 2). However, this uncomfortable situation for Netanyahu ended as Trump slammed the Agreement as 'one of the dumbest deals ever' (Inbar 2017, 1), and decided the withdrawal of the United States from the agreement on May 8, 2018. It is still a matter of debate either the decision to withdraw from the Iran Deal would affect the image of president Trump in front of the U.S. citizens. Even before the withdrawal of the U.S. from the Iran Deal there were surveys indicating a drop in how Americans perceive the threat posed by the Iranian nuclear program. In this respect, some analysts expect that such a move might compel the administration to allocate considerable resources and risk a military confrontation with Iran (Golov 2018, 3).

In this context, although the relations between Israel and the European Union remained at a low level, it seemed that there still space for dialogue between the two. Thus, at the end of Obama's second term, Netanyahu was in a position needing a good ally in whoever was to follow as the President of the United States. The victory of Trump in 2016 presidential elections represented a strong reassurance of the U.S. support for Israel, especially through the lenses of Netanyahu nationalist approach. Fully enjoying the support of the white evangelicals, Trump positioned himself in concordance with their messianic narrative (par excellence anti-Semitic). In this regard, as he already promised to deliver a solution to the Israel-Palestine conflict, he decided to recognize Jerusalem as the capital of Israel. This recognition 'has not only deepened the stalemate in peace negotiation, but perhaps put an end to the two-state idea as a scenario in peacemaking' (Mohamad 2019, 28). While, at a domestic level, many deciphered this decision as a way to reward his evangelical voters, in terms of foreign policy it can be understood as a sign of policies contrasting to those of the Obama administration:

*'The progressive, liberal Obama stands in direct contrast to the conservative and increasingly illiberal Netanyahu. Unlike U.S. presidents, Israeli prime ministers have no term limits, and Netanyahu is safely on his way to becoming the longest-serving prime minister, surpassing the founding father of the Israeli state, David Ben-Gurion. Netanyahu's place in the history books will not be earned on the basis of a bold foreign policy record or brilliantly planned and executed military campaigns.'* (Etzion 2016, 2)

Moreover, this support of the Republican Party for Netanyahu fits an older background, as 'Netanyahu's Likud and his American supporters are an integral part of the Republican Party's camp, and Israel is too involved in the American political and defense establishment for Netanyahu to be considered as distant as a foreign leader' (Bernard 2015).

In Israel, the recognition of Jerusalem as the capital of Israel was immediately perceived as having the capacity to bring a consistent amount of political capital to Netanyahu for the expected – at that moment – legislative elections. Moreover, as the Israel Police started 5 cases of investigation on Netanyahu, here this political move was perceived as expected to deliver too. In respect to the narrative behind the politics of Netanyahu government, the recognition of Jerusalem, and the consequent decision of the U.S. and few other countries to move their embassies to Jerusalem, was aimed at fueling the messianic image of Netanyahu government. Also, it was targeting at reassuring the Israeli citizens of the full support of the United States and few countries around the world – although most of them have not moved their embassies yet. In the end, the symbols that this episode involved give fuel the narratives and the nationalist feelings of both the supporters of Likud and the white evangelists. In the words of Prof. Yehuda Bauer:

*'The eternal Jewish people did not exist before the fourteenth century BCE, and Jerusalem developed from a small village at about that time. It did not exist before that. The city will be, they tell us, the eternal capital of the Jews. This kind of talk is typical of unthinking religious nationalism – "eternity", our politicians should remember, is a very long time'* (Bauer 2020).

In this specific case, the EU's rhetoric was more than obvious already for many years, since the 'European references to Jewish neighborhoods in East Jerusalem as *settlements* and determining their construction as *illegal*, thereby not distinguishing them, in European eyes, from Israeli settlements in the West Bank and Gaza, is seen as a direct challenge to Israel's claim as its undivided capital' (Sharon Pardo & Joel Peters 2010)

Since Trump promised during the electoral campaign to deliver a solution to the Israel-Palestine conflict, one can even think about the recognition of Jerusalem as a preparatory step of the process. These events created a strong context for alienating the European Union as a partner of dialogue in solving the Israel-Palestine conflict. One aspect in which the Trump administration is not compatible with the European Union, and which strongly related to finding a solution for the Israel-Palestine conflict is represented by the issue of the settlements in the West Bank. President Obama paid extra attention to the issue of settlements considering it crucial for solving the conflict. However, Trump administration approached the topic of the settlements in a more relaxed manner as it is not perceived by him and his advisors as the most important problem in the Middle East. Event when the White House criticized the settlement building 'it called them unhelpful to the peace process, but added that they are not impediments to peace' (Inbar 2017, 2).

Finally, as the Trump Plan 'Peace for Prosperity' was released, it proposes 'a realistic two-state solution'. One of the objectives included in the Vision is to 'achieve mutual recognition of the State of Israel as the nation state of the Jewish people, and the state of Palestine as the nation-state of the Palestinian people, in each case with equal civil rights for all citizens within each state' (The White House 2020). Although widely criticized, mostly because it is considered to having ignored the actual needs of the Palestinians, the Plan, or the Deal of the Century as president Trump called it, remains for the moment the main official proposal on U.S.' side regarding the two-state solution after the Oslo Accords. As many other proposals on the same issue before it, it was rejected by the Palestinian side with the leader of the Palestinian Authority, Mahmoud Abbas saying: 'After the nonsense that we heard today we say a thousand no's to the 'deal of the century' (Tharoor 2020). Even though this plan is not the only one

rejected by the Palestinian Authority, its leadership did not prove a strong will to find an optimal solution to the issue (as it is the case of Netanyahu government). This situation created a gap that gave enough space for Netanyahu to put his ideological net in the expectation of the right moment when a Plan like the one proposed by the Trump administration can be created. Obviously, this expectation paid its dividends as president Trump considers that 'the religious-historical affinity of the Jewish people to the land of Israel must be taken into account in any settlement that is achieved' (Zaki and Kobi 2017, 2). Besides its historical background, this approach brings together, from the point of view of the narrative, the two leaders and, thus strongly alienating the European Union and the Palestinians (it can be added that extensively it reaches the Muslim world too, in this way generating consequences like a significant rise of the Muslim anti-Semitism in Europe).

## 6.CONCLUSIONS

Starting from the narratives governing the relations between European Union, Israel and the United States, one may easily understand what are the origins of the three actors foreign policies. However, the full picture of the situation during Trump's term involves also many unknown aspects. For instance, what would happen in a context having a government led by Gantz, and having Netanyahu sentenced for the any/all investigation cases against him? Also, would be Trump able to succeed in obtaining a second presidential term? If so, how the dialogue between Trump and Gantz will continue? Will it inherit the narrative behind Netanyahu's politics? If Trump will not obtain a second presidential term, what would be the approach that the United State will take on Israel and the Two-State Solution and, consequently, the future of Trump's Plan for Peace? Among all these questions, the European Union as willing to be stronger in the world, needs to find the ideological gaps, in which its values can be exported. Moreover, given the importance of the foreign policy narratives in this triologue, one may easily understand that whoever will follow Netanyahu in the position of Prime-Minister of Israel after the end of his political career, will have to deal

with a narrative that already has strong roots in the perception of the Israeli society. Also, in the political context created by the rejection of the Iran Nuclear Deal by Trump administration in 2018, the recognition of Jerusalem as the capital of Israel in the next year, and Trump's Plan for Peace released in 2020 (including here the reactions of the Palestinian Authority and of the Muslim World, in general, to these events), security will continue to be a hot topic on the political agenda in Israel. Therefore, the change of Israeli politics in a post-Netanyahu era (and post-Trump), will involve not only a change of the political party, but also a hard work of re-shaping the perception of the Israeli citizens on the idea of national security.

Based on the elements/observations identified, and on its main objective, the research managed to prove not only the existence of interactions between the discourses of the three actors, but also to identify certain future directions determined by these interactions. The main contribution of the research is that it delivers a description of these interactions, and of their short-term consequences related to some potential scenarios regarding the foreign policies of the three actors.

## ACKNOWLEDGMENT

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## DENYING DIVERSITY. CHALLENGES TO MULTICULTURALISM IN CENTRAL-EASTERN EUROPE

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### Abstract

This article addresses the issue regarding the recent intensification of tendencies that oppose multiculturalism around the world and especially on the territory of the European Union. Starting from these premises, the article aims at identifying the degree to which the Central-Eastern Europe region can be considered as being a tolerant geographical space when analyzing recent manifestations of racism, extremism, antisemitism, xenophobia and Islamophobia and when analyzing the same manifestations in other countries or regions in the world. The comparison between the situation in Central-Eastern Europe and the situation in other countries or regions will be made through the analysis of several indexes developed by organizations, scholars or recognized international institutions, indexes that will show that the manifestations of diversity denial are far less intense in Central-Eastern Europe than in other countries or regions in the world and will confirm that the CEE states are close not only geographically, but also from political, economic or social perspectives.

**Keywords:** antisemitism; diversity; Islamophobia; Multiculturalism; racism; xenophobia.

## 1. INTRODUCTION

Events in the past two decades, as the intensification of terrorist attacks, the intensification of the migratory flows or the financial distress caused by the global economic crisis of 2008, have led to the increase of fear and hatred between different social groups and between groups that are different from an ethnic perspective. These tendencies represent a threat to the values of multiculturalism promoted at the European Union's level and in other countries in the world that support diversity (the United States, Canada, Australia etc.), especially since they tend to manifest themselves through different instances (e.g. racism, extremism, antisemitism, xenophobia and Islamophobia), which makes it difficult for states to identify unitary public policies that could be universally effective.

In order to determine to which degree the region of Central-Eastern Europe (CEE) is affected by anti-diversity tendencies, this article will approach the subject of study from two main perspectives: a theoretical perspective, aimed at defining the key terms, and a practical perspective, aimed at comparing the situation in Central-Eastern Europe regarding different instances of multiculturalism denial with the situation in other countries in the world.

## 2. THEORETICAL FRAMEWORK

Multiculturalist policies are threatened by several challenges to diversity, challenges that I have analyzed my PhD thesis 'Multiculturalism in the EU and the Islamophobia case'. According to the research made during the preparation of the thesis, there are five important challenges that can threaten the efficiency of the multiculturalist policies: racism, extremism, antisemitism, xenophobia and Islamophobia (Komurcu 2019). In this chapter I will shortly present a theoretical overview of each of these concepts, but also a short theoretical analysis of diversity and its relation to multiculturalism.

## 2.1. Diversity as a theoretical concept and as a characteristic of the Central and Eastern European space

Diversity is a term that is closely linked to multiculturalism. The relation between the two concepts was established by Kymlicka, who has stated that liberal democracies try to reach their specific goals (social justice, individual freedom, deliberative democracy etc.) through the particular mechanisms of the political philosophy called 'multiculturalism' (Kymlicka 2001). However, diversity policies are not always multicultural since, according to the vision of Bleich (1998), diversity can be achieved both through active and passive multicultural mechanisms, but also through preparationist and assimilationist non-multicultural mechanisms.

One of the first scholars who have envisioned a multicultural society driven by values associated with the respect towards diversity is Karl Popper. He has brought many arguments for multiculturalism in the period between the two world wars, arguments that are still valid today: that societies have to avoid cruel oppression which will lead to aggression, that the institutions of the state have to constantly aim at implementing reforms that are progressive in nature and that societies cannot be considered as unified entities, people who have such a vision usually being either irrational or radical (Malik 2014).

If the conditions identified by Popper as being necessary for constructing a multiculturalist society are met, then the respective society can be called a society that 'accepts diversity', but can, at the same time, be a cultural homogenous society through the specific mechanisms of cultural assimilation or cultural fusion. Each mechanism has its own advantages and disadvantages but ultimately lead to the significant decrease of the risk of marginalization in relation to ethnic minorities and to a significant increase of the rate of success in the attempt to allow the smooth blending of the minority into the culture of the majority (Kymlicka 2001).

One of the regions of the world that can be referred to in order to best describe the concept of 'diversity' is the Central and Eastern European space. This region is also known as the 'Socialist Bloc' or the 'Eastern Bloc' in relation to its recent history related to communism and post-communism (Kyvelidis 2000). In order

to define the Central and Eastern European region, we will refer to the division accepted by OECD, an organization that recognizes the following states as being part of the CEE: Romania, Slovenia, Lithuania, Croatia, the Slovak Republic, Estonia, Hungary, Latvia, the Czech Republic, Poland, Croatia, Bulgaria and Albania (OECD 2001). Because of the geographical proximity and the similar historical conditions that have characterized their communist and post-communist history, several other countries can also be included in the Central and Eastern Europe region and will also be referred to in this study:

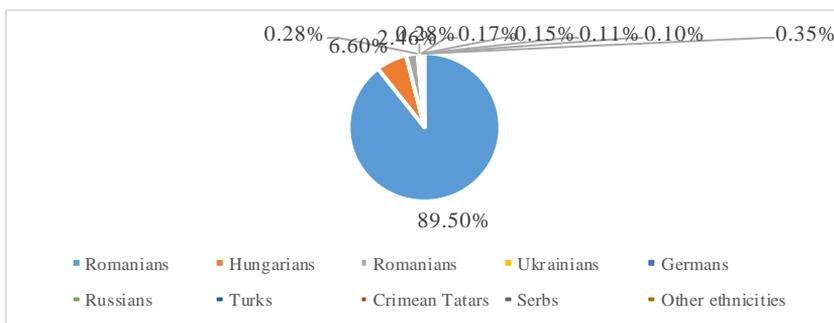
- the former Yugoslavian countries (Bosnia & Herzegovina, Serbia, Montenegro, Kosovo);
- Ukraine;
- Moldova;
- Belarus;
- Macedonia.



*Source: Dobek-Ostrowska and Glowacki, Democracy and media in Central and Eastern Europe*

These countries do not have in common only their history regarding the communist regime or the fact that all have passed through a post-communist era, but also the fact that all are characterized by a relatively diverse population from a cultural, ethnic, religious or linguistic perspective. From the linguistic perspective, for example, the region of Central and Eastern Europe is composed of countries where the Slavic languages are dominant (e.g. in Croatia, Serbia, Poland, Bulgaria), countries where the Baltic languages are dominant (e.g. in Lithuania, Latvia), countries where Finnish languages are mainly spoken (e.g. in Estonia and Hungary) or countries with a language derived from Latin (e.g. in Romania). Similarly, the Central and Eastern Europe region is a very diverse geographical space because of the variety of religions that are present in this geographical space: most Bulgarians are Christian Orthodox, Hungary is relatively equally divided between Protestants and Roman Catholics, Poland is mostly comprised of adherents to the Roman Catholic religion and Islam and Judaism are present in all the CEE countries (Constitutional Rights Foundation 2002).

The states that comprise the Central and Eastern European space are diverse not only from a linguistic perspective or from the perspective of religions practiced in these countries, but also from an ethnic perspective. In Romania, for example, approximately 10.5% of the population is represented by ethnic minorities.



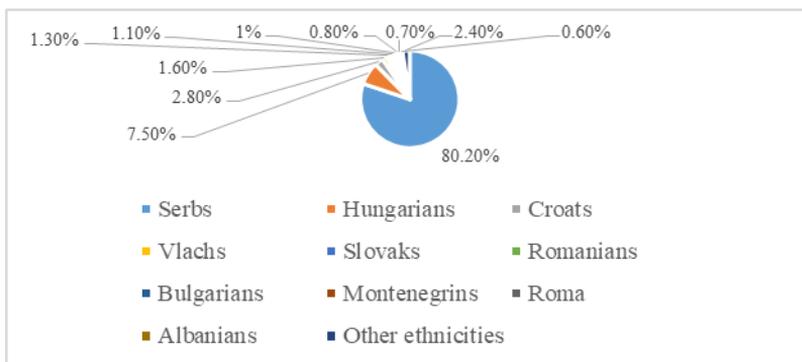
**Figure 2.** The ethnic structure of Romania

Source: National Institute of Statistics, "The 2011 Population and Housing Census"

Ethnic minorities are present in all the countries of the Central and Eastern Europe, a few examples that present the situation from an ethnic perspective in some of the largest countries in this region being the following:

- approximately 93% of Poland's population is represented by Polish ethnics, the rest of the population being represented by Armenian, Belarusian, Czech, German, Greek, Kashubian, Lithuanian or Macedonian ethnicities (Bobryk and Cezary 2015);
- Ukrainians represent only 77.5% of the total population of Ukraine. The most important ethnic minorities are Russians (17.2%), Moldovans (0.8%), Belarusians (0.6%), Crimean Tatars (0.5%), Bulgarians (0.4%), Hungarians (0.3%) or Romanians (0.3%) (Lutz 2017);
- Hungary is a country comprised almost entirely of Hungarians, but ethnic minorities, representing approximately 2% of the population, can still be encountered (mostly Romani, Germans, Romanians and Slovaks) (Hungarian Central Statistical Office 2018).

Even in countries that have been tormented in the past decades by wars with an important nationalist component, such as Serbia, ethnic minorities still represent an important part of the general population.



**Figure 3.** The ethnic structure of Serbia

Source: Statistical Office of the Republic of Serbia, "Census 2011"

Considering all these data, it can be concluded that Central and Eastern Europe is a diverse geographical space from an ethnic perspective, several minority groups being present in all countries of the CEE.

## 2.2. Challenges to diversity

The five challenges to diversity that will be analyzed in this section of the article are the following: racism, extremism, antisemitism, xenophobia and Islamophobia.

### **Racism**

This term comes from the Italian word 'rassa', that had a negative connotation in the Middle Ages (referring to a group of people who usually conjure and plot against other groups) and that has received a second meaning only several centuries later, a meaning related to the genealogy of royal families (Stanculescu 2012). Today, the derived concept of 'racism' is encountered in the modern language under many forms, the most important ones being 'cultural racism' (where cultural traits like customs or rituals are considered to be superior for a group of people in relation to another group of people), 'internalized racism' (that manifests within people targeted by racism), 'institutional racism' (that acts as a system of complex practices and policies), 'interpersonal racism' (that is often spontaneous and appears in the social relations between individuals) and 'active racism' (that seeks to maintain an already racist view) (Bell et al., 2016).

### **Extremism**

The people who have extremist beliefs are the ones whose line of thinking is considered as being 'unacceptable' or 'unreasonable' by the majority (Cambridge Dictionary 2018). Extremists can be single issued, meaning that they pursue a single belief (examples of single-issue extremists are anti-gay groups or radical groups that oppose abortion), left-wing, meaning that they pursue the belief that capitalism must be replaced with social equality, politico-religious, meaning that they assign a political interpretation to a specific religious belief, or

right-wing, meaning that they believe in the values supported by ideologies like fascism or ultranationalism (Centre for the Prevention of Radicalization 2018).

### **Antisemitism**

In a broad sense, antisemitism can be defined as a hostile attitude against 'Jews as Jews' (Kushner, 1989), manifesting itself through stereotypes like 'Jews do not care about anyone but themselves', 'Jews are always trying to take advantage of their status of victims during World War II' or 'The influence of Jews in my region or my country is higher than it should be' (Zick, Kupper and Hovermann 2011).

### **Xenophobia**

Xenophobic manifestations are characterized by denigrations aimed towards people or groups of people, solely based on perceived differences (Hjerm, 1988). The severity of these manifestations is higher in periods of political and economic instability because of the imbalances that characterize these times. An example of instability is the one that arises when massive flows of migrants are registered, flows that indirectly make natives feel threatened by the newcomers (Esses et al. 2001) and xenophobic manifestations to emerge.

### **Islamophobia**

This concept appeared at the end of the 20<sup>th</sup> century, much later than the other forms of diversity denial analyzed in this section of the article. It was first used by political activists and it refers to the manifestations like hostility or fear in relation to Muslims (Alshammari 2013). The complexity of this concept is given by its diverse forms of manifestation: discrimination (in provision of services or employment practices), violence (verbal abuse, physical assaults, properties' vandalization), exclusion (in the work market, in politics or in companies) and prejudice (in social contexts or in mass-media) (Runnymede Trust 1997).

## **3. CASE STUDY: CHALLENGES TO MULTICULTURALISM IN CENTRAL-EASTERN EUROPE**

In this section of the article, five different potential challenges to multiculturalism in the countries of CEE will be analyzed: racism, extremism,

antisemitism, xenophobia and Islamophobia. This will allow us to draw relevant conclusions regarding the current tendencies that deny diversity and to compare the situation in Central-Eastern Europe with the situation encountered in other countries in the world.

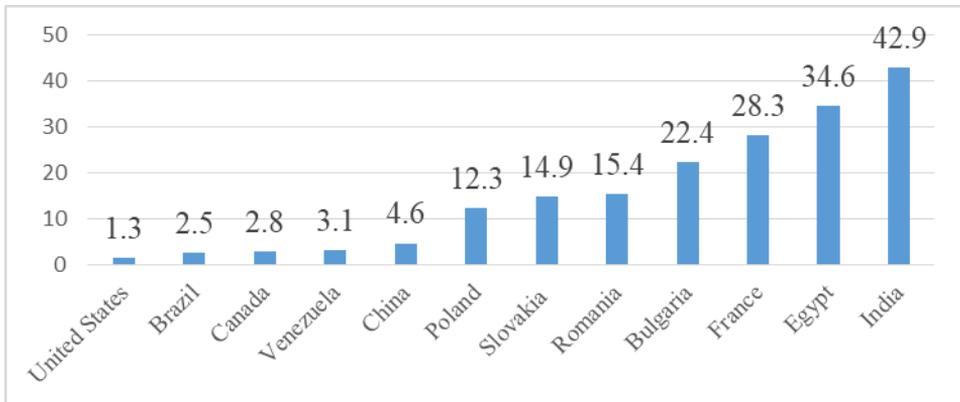
### **Racism**

The phenomenon of racism in Central-Eastern Europe manifests itself mainly with the attitude towards one of the most important ethnic minorities that is present in all the CEE countries, the Gypsy population. Although people of Gypsy ethnicity are present throughout the Central and Eastern European geographical space, most of them live in the following countries (Council of Europe 2007):

- Romania (with an estimated Gypsy population of 1.8 million);
- Bulgaria (0.75 million);
- Hungary (0.7 million);
- Serbia (0.45 million);
- Slovak Republic (0.43 million);
- Macedonia (0.24 million).

People of this ethnicity are often associated by locals with attributes like 'uneducated', 'lazy', 'dirty' or 'thieves'. Also, several stereotypes are assigned to the gypsy population, the most frequent stereotypical manifestations being the ones associated with statements like 'gypsies live in clans that engage in illegal activities', 'gypsies wear thick golden jewelry' or 'gypsies prefer to live in large palaces' (Szelmenczi 2013).

Despite these stereotypical manifestations, according to a study of World Value Survey regarding the racial intolerance level in all the countries in the world, the countries in Central-Eastern Europe are some of the most tolerant countries. For example, the study has shown that only 17.6% of Romanians would not want a person of another race as their neighbor, this percentage placing Romania in the same category with other states that have been shown by the World Value Survey's data as being racially tolerant: The United States, Brazil, Canada, Venezuela or China (Gye 2013).



**Figure 4.** The most tolerant and intolerant countries in the world in terms of attitude in relation to people of another race

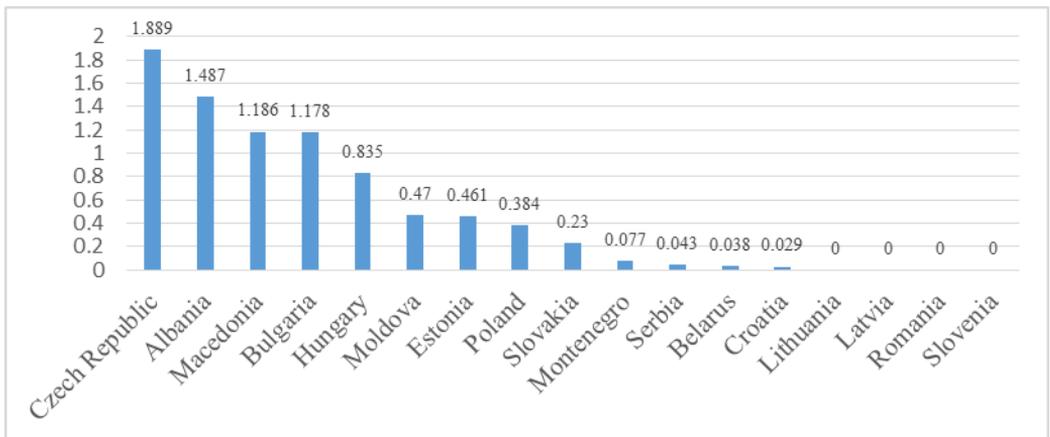
*Source: Gye, "Map shows world's `most racist` countries"*

At the other end of the spectrum are placed societies that have been shown by World Value Survey to be highly intolerant in relation to people from another race, France, Egypt and India being three of these countries. According to this data, the phenomenon of racism in Central and Eastern Europe is less intense than in most of the states in the world, but more intense when compared to very tolerant countries like Canada or Brazil (Gye 2013). This means that tolerance is present in most countries that were part of the Communist bloc, but policy measures could be taken in order to improve the situation and bring the CEE countries closer to the most tolerant countries in the world in terms of racial manifestations.

### **Extremism**

The phenomenon of extremism in the Central-Eastern Europe has been rising in the past decade, Romania being a particular case within this phenomenon since it does not have a far-right party or leader holding the political power (either the executive or the legislative power). No extremist party is in Romania's Parliament, the most known far-right party in the recent history of Romania, PRM, being now almost disbanded after the death of their main political leader, Corneliu Vadim Tudor (Sandu 2017).

If we consider terrorism one of the most important forms of manifestations of extremism, then we can say the CEE region is not comprised of extremist countries. On the contrary, the states of this region were identified by the Institute for Economics & Peace (2017) as some of the few countries of the world with a 'Global Terrorism Index' of less than 2, on a scale from 0 to 10.



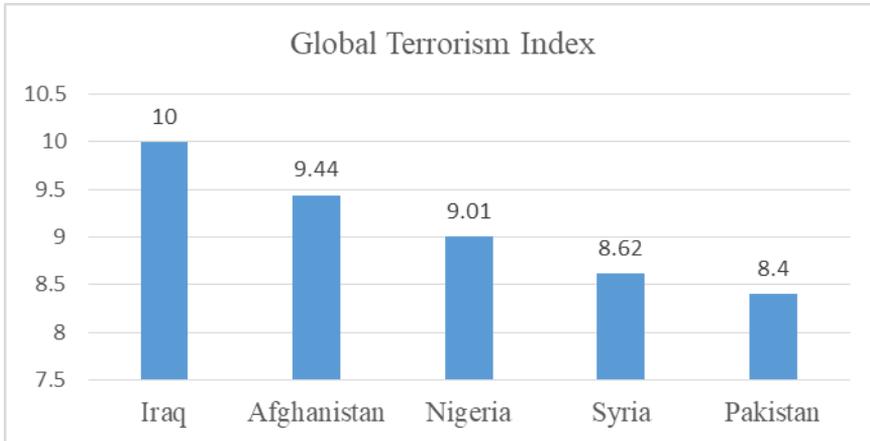
**Figure 5.** The Global Terrorism Index of several Eastern and Central European states

*Source: Institute for Economics and Peace, "Global Terrorism Index"*

The Global Terrorism Index was determined by the Institute for Economics & Peace by taking into consideration three relevant factors:

- the total number of terrorist attacks that took place in a given year;
- The financial measure of the property damages caused by terrorist attacks in a given year;
- the total number of injuries and fatalities caused by terrorist attacks in a given year.

The score of CEE countries on the terrorism scale is much lower compared with the countries in the world with the highest Global Terrorism Index.



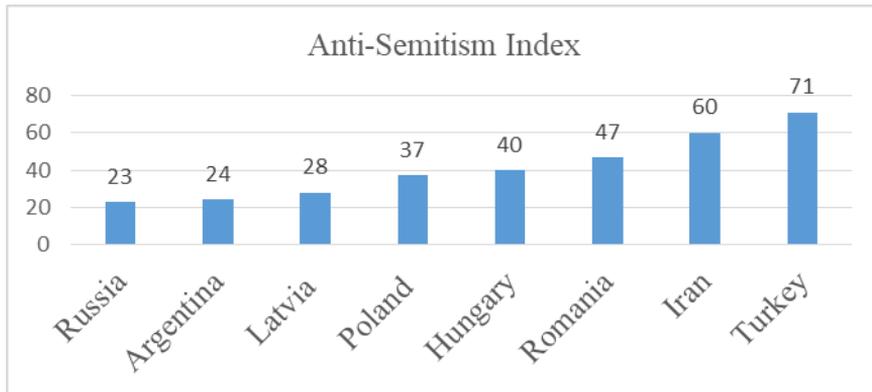
**Figure 6.** The highest Global Terrorism Indexes in the world  
*Source: Institute for Economics and Peace, "Global Terrorism Index"*

According to the data in Figure 6, the most affected countries by terrorist incidents provoked by extremists are Iraq, Afghanistan, Nigeria, Syria and Pakistan. Extremism is less present in countries from the Eastern and Central Europe region (e.g. the Czech Republic, Bulgaria or Hungary), but the terrorist incidents provoked by extremists are more frequent in these states than in Romania, Lithuania, Latvia and Slovenia, countries where no terrorist incident was recorded throughout the year. This shows that the CEE region as a whole is characterized by few extremist tendencies, but intensity of the extremism in the countries in this region is not equal, some states (e.g. Czech Republic or Albania) being more extremist than others (e.g. Romania or Lithuania).

### **Antisemitism**

If racist and extremist events are rare in the Central-Eastern European region, not the same thing can be said about anti-Semitic manifestations. According to a survey developed by ADL Global (2016), CEE states can be considered as being average regarding the intensity of antisemitism in relation to other states that can be considered less anti-Semitic (e.g. Argentina) and in relation to states that can be considered as being more anti-Semitic (e.g. Iran or Turkey). The study of ADL Global was based on telephone and face-to-face interviews that put

respondents in the situation of assigning 'true' or 'false' statements to anti-Semitic stereotypes like 'Jews have a lot of power within the financial markets that operate on the international level', 'Most of the wars on the globe are the Jews' responsibility' or 'Jews believe they are better than others'.



**Figure 7.** The index score of several CEE states on the anti-Semitic scale compared with the index score of other countries  
*Source: ADL Global, "An Index of Anti-Semitism"*

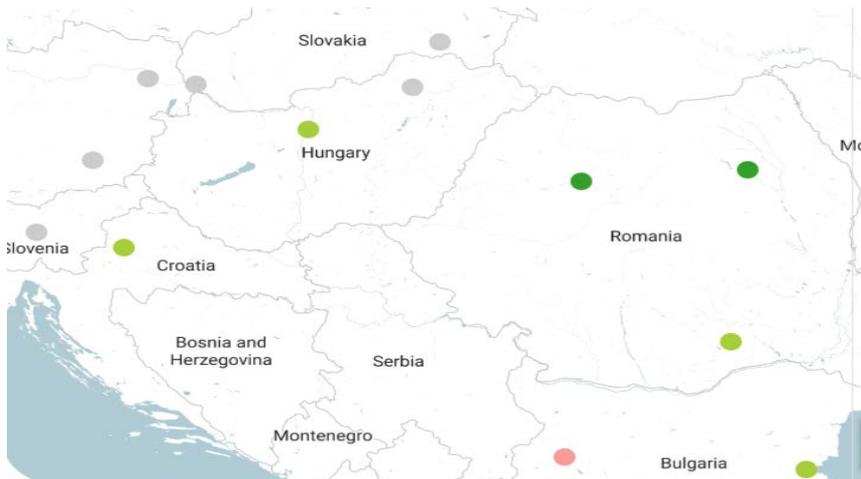
Figure 7 shows that most CEE countries (e.g. Latvia, Poland or Hungary) are placed in the middle on the anti-Semitism scale. This figure also shows that Romania has a relatively high score in relation to other CEE countries, a score that is supported by events that have happened recently. One of the most known recent events involving anti-Semitic behaviors was the one that took place in 2019 in the city of Huși. Here, vandals damaged over seventy Jewish gravestones, an event that shocked the community of about 10,000 Jews currently living in Romania (McGrath 2019).

According to the study of ADL Global (2016), the stereotype that is most often encountered in the Romanian society is that Jews talk too much about the events surrounding the Holocaust. The results showing that almost two thirds of Romania's population agree with this statement indicate that this country can be considered as being anti-Semitic, at least when compared with other countries of

the Eastern and Central Europe that have lower values of the anti-Semitism index (Hungary, Poland, or Latvia).

### Xenophobia

The fact that the challenges to diversity are, in general, less intense in the Central-Eastern Europe than in the majority of the EU's Member States is confirmed by the fact that the European barometer of 2015 shows that the major cities of CEE that have participated in the study have received a tolerance score higher than than the average level of tolerance registered at the EU level.



**Figure 8.** Levels of xenophobia in several Eastern and Central European cities

Source: European Data Journalism Network, "Xenophobia in European cities"

Legend:

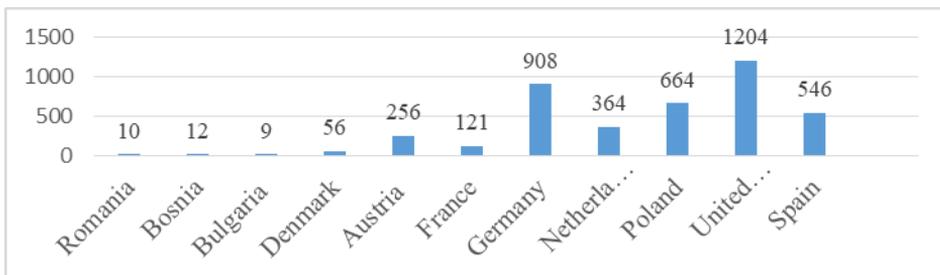


According to the data presented in Figure 8, Romania is more tolerant not only than the European Union's average, but also more tolerant than other countries in the Eastern and Central Europe region. The three cities of Romania that have participated in the study, Bucharest, Cluj-Napoca and Piatra Neamț, are at least

5% more tolerant than the EU average, while cities from Bulgaria, Hungary, Slovenia or Slovakia are as tolerant as the average registered at the EU level or even less tolerant (as is the case of the Bulgarian capital Sofia, for example).

### Islamophobia

The societies of the Central-Eastern European countries are more tolerant than most of the world's societies not only from the perspectives of manifestations like racism, extremism, antisemitism or xenophobia, but also from the perspective of Islamophobia. According to Bayrakly and Hafez (2018), the number of Islamophobic incidents is very high in countries like Germany and United Kingdom and much lower in CEE countries like Romania, Bosnia or Bulgaria. In these Central-Eastern European countries there were under 15 hate crimes against Muslims in 2017, while in western countries like Austria, the Netherlands, France or Spain there were over 100 hate crimes against Muslims in the same period. In Germany and the United Kingdom, the situation is even worse from the perspective of Islamophobia, since, in 2018, there were approximately 1000 reported hate crimes against Muslims in 2017.



**Figure 9.** The number of Islamophobic hate crimes in 2017 in several EU countries

*Source: Bayrakly and Hafez, "The State of Islamophobia", Ghenea, "Islamophobia in Romania"*

According to the data in Figure 9, the number of reported Islamophobic hate crimes is far lower in Romania than in several Western European countries that were affected in the past years by numerous terrorist attacks that can be linked with Muslim fundamentalists. However, the number of reported hate crimes is

much lower in Romania not only in comparison with countries like the United Kingdom or Germany, but also in comparison with countries that have not suffered many terrorist attacks (Austria, for example) or other countries in the Eastern and Central Europe block (Poland, for example). This data confirms once again that Romania and most of the other CEE countries have far fewer challenges to multiculturalism than Western societies. A view that confirms the low intensity of Islamophobia tendencies in Romania is the one given by one of the most eminent Muslim preachers in Romania. According to this erudite, Islamophobia is not present in Romania, Muslims and Romanians live alongside in peace in many cities and adherents to Islam did not encounter barriers in practicing their religion in the Communist era, before 1990, and do not encounter barriers today (Islamic World 2014).

#### **4. CONCLUSIONS**

The comparative analysis has shown that Central-Eastern European states are more tolerant countries than most of the states of the world and that many of the challenges to multiculturalism are far less present in the CEE states than in countries where racism, xenophobia, Islamophobia or extremism represent a social problem that needs to be addressed through coordinated public policies. The only form of diversity denial that is truly present in the CEE societies is antisemitism in Romania and Islamophobia in Poland. According to the results, Romanians are more antisemitic not only in comparison with the average antisemitic tendencies at the global level, but also in comparison with the antisemitic tendencies registered in other countries in the Eastern and Central European region. Also, the case of Poland showed that the number of hate crimes against Muslims is much higher than all the CEE countries and even in comparison with states that are comprised of a large Muslim community (e.g. Spain or France).

Despite these exceptions, the Central-Eastern Europe space remains one of the regions in the world that embraces most the diversity values. This conclusion shows that policies based on multiculturalist premises have the potential of

being implemented successfully in all the CEE societies. However, public institutions and private organizations have to constantly monitor any potential future manifestations that may deny diversity and to take any corrective actions necessary if a rise of Islamophobia, xenophobia, racism or extremism is identified in the Central-Eastern European states.

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## THE CONCEPT OF SECURITY SECTOR REFORM – NECESSITY, LIMITS AND THE WAY FOR FURTHER IMPROVEMENT

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### **Abstract**

In the academic literature, the transformation of the institutions, roles, and processes related to national security, addressed at a sub-state level of analysis, has traditionally been a less prominent area of study, especially if compared to the weight of international security and the external behaviour of states. However, the need to understand the security-related issues from the internal environment of states has led, especially in the last three decades, to the emergence of several concepts and approaches that have also addressed additional levels of analysis and topics such as human security or the transformation of the security field in states in transition. The concept of security sector reform, which refers to this last topic, developed during the 1990s. Despite its already long history, the concept is still prone to shortcomings and may be subject to further development. The aim of this paper is to briefly analyse its meaning, as well as its limits and prospects for development, in order to provide an additional contribution to a better understanding of the underdeveloped area of security studies addressed through it. The study relies upon examples from the recent past of the Romanian security sector.

**Keywords:** 1990s; Romania; security sector reform; theory.

## 1. INTRODUCTION

The concept of security sector reform (SSR) occurred in the academic literature during the 1980s but it was developed and became more visible only in the next decade. With the end of the Cold War and the emergence of non-traditional security challenges, hardly framed by the previous paradigm of inter-state competition, the international community has been pushed to turn attention to sub-state violence, internal clashes or to the fragile institutional design of the states in transition. At the same time, the research agenda concerning security also expanded, surpassing the borders of the military security and linking the concept to economics or society and translating its levels of analysis from an international and state-centric perspective, to individuals, communities or institutions.

The emergence of the concept of security sector reform (SSR) resulted, on one hand, from the new security challenges in the 1990s and, on the other, from the shift in the theoretical views on security. SSR embedded, from the beginning, a wide acceptance for security, both horizontally, in terms of sectors – encompassing both a political, an economic and a social dimension –, and vertically, in terms of actors and levels of analysis.

Due to the ingrowing international concern for the relation between a reliable security sector and a successful reconstruction and reform in the Balkans, in Latin America, in the Middle East or in Africa, SSR evolved, during the 1990s and after 2000, as one of the key concepts associated to the international aid, post-conflict reconstruction, state-building and democratization and it was included in the papers released by the United Nations (UN), the Organization for Economic Cooperation and Development (OECD) or the Organization for Security and Cooperation in Europe (OSCE). The Development and Assistance Committee within OECD even drafted a blueprint for the security sector reform (2005) and a handbook aimed at helping the practitioners to implement it (Sedra 2010, 3). Within the academic community, SSR also became a gripping concept and gained visibility, due to the work of research centers and think tanks such as Berghof Foundation and the Geneva Centre for the Democratic Control of Armed Forces.

However, despite of its relatively solid intellectual history, the concept is still prone to shortcomings and may be subject to further development. While an extensive attention has been paid not necessarily to the design and the intrinsic premises of SSR, but to its practical results and the way for further improving its implementation, the underlying theoretical foundations of the concept continue to be one of its most sensitive – and unexplored – dimensions. The low effort to get into the essence of SSR and to inquire about its basis may lead, in research, to limited or distorted results, while, in the international practice, may be a fertile ground for failure in implementing the security sector reform.

The purpose of this paper is to contribute in overcoming those risks, by questioning the content, the limits and the way for further improving the concept. Starting from a brief presentation of the landmarks of SSR, the paper assumes a meta-theoretical role, seeking to advance a possible answer to questions such as: ‘What are the intrinsic gaps of this concept?’, ‘What are its limitations?’, respectively ‘How can one minimize, in research, the possible shortcomings associated to the use of SSR?’. The aim of this endeavor is to expand the understanding of the security sector reform and to provide a useful starting point and a possible notice to scholars who choose to use the concept in their analyses. The study highlights that (1) security sector reform may be a slippery, misleading or incomplete concept, but also that (2) the concept is still relevant for studying security, while its pitfalls and blind spots can be surpassed. In order to highlight the benefits and the weak points of SSR, the study relies upon sporadic examples from Romania's post-authoritarian experience in transforming its security.

Except for the introductory part and the conclusions, the paper consists of three sections: an overview of the concept of security sector reform, a brief outline of some of its most relevant limitations and shortcomings, as well as a short list of possible strategies to overcome, in research, the inconveniences in working with this concept.

## 2. THE CONCEPT OF SECURITY SECTOR REFORM – WHAT DOES IT COVER?

The concept of security sector reform usually refers to the coherent transformation of policies, institutions, relationships and roles related to security management, insurance and monitoring, which are aimed at improving state's performance in providing security for its citizens (Gindarsah 2015, 5). The concept is associated, as it was already mentioned, to the agenda of the international programs for democracy promotion, assistance for development and cooperation in the field of security (Egnell & Haldén 2009, 27). Occasionally, the references to the concept of security sector vary – the research in this area covers both wider approaches, which add some supplementary dimensions to the initial concept and operate to a review terminology (for instance, that of 'security sector reform and governance' or 'justice and security sector reform'), or, on the contrary, less ambitious views (which have criticized, for instance, the reform idea encompassed by SSR, replacing it with terms such as 'transformation').

Beyond the terminological diversity, SSR usually addresses to three general types of situations: post-conflict reconstruction, developmental contexts, respectively the transition to democracy of post-authoritarian states. Depending on which of these components is particularly targeted, security sector reform is shaped by different general processes and security challenges. Thus, if, in the case of post-conflict reconstruction, the key process concerns transition from violence to a stable and peaceful internal situation, in the post-authoritarian cases, the transition envisages the parcourse to a democratic political regime, and, in the developmental contexts, a robust and prosperous economy (Hänggi 2004, 10). The content of the reform is also, in its turn, distinct. Thus, if the transition to democracy of a former communist state challenges aspects such as the oversized and overmilitarized security sectors, the need to optimize the expenses for defense or to update the normative framework, in the case of post-conflict reconstruction, the reform of the security sector covers, for instance, topics related to the privatization of security or the consolidation of the network

of institutions in charge to security (Hänggi 2004, 10). Due to its polymorphic character, SSR has been used, over time, for a wide array of case studies, such as fostering democracy in the former communist states in Central and Eastern Europe, stabilizing and consolidating the Balkan states, supporting the post-conflict reconstruction in Afghanistan and Iraq or restoring peace and strengthening state capacity in Libya, Mali or Somalia.

Besides these areas of applicability, which form the core research of security sector reform, the concept has also been used, albeit in a narrower way, also for reflecting on the processes such as the transformation, under budgetary constraints, of the security sectors located in mature and stable democracies or for a better understanding of the institutional effects of the emergence of new types of security threats.

The core idea behind SSR is that the transformation of the security sector is a key factor in solving the intricate puzzle of democratization and development - the reform in this area is regarded both as a part of and as precondition for the successful change in other areas of activity. The corollary of this idea is that a poor management of the security sector and a low performance in reforming it is understood a possible hindering factor for the fragile processes of democratization, reconstruction or development (Egnell & Haldén 2009, 30). This core substance of the concept led, for some researchers, to include in the very definition of security sector reform its link to democracy. Nicole Ball describes, for instance, a reformed security sector as one which is 'governed according to democratic principles' and which is also 'subject to the same principles of public sector management as other government sectors' (Ball 2000, 14). At the same time, within the academic community, SSR is also widely defined as incorporating 'the values of the liberal democracy' (Ejdus 2012, 63). Some international organizations, such as OECD, explicitly define the security sector reform in relation to democracy: 'Security sector reform means transforming the security sector/system, which includes all the actors, their roles, responsibilities and actions, so that they work together to manage and operate the system in a manner that is more consistent with democratic norms' (OECD 2005, 20).

The implicit relation to democracy shapes the entire content of SSR. The reform is thus understood as an expression of the 'democratization' of the security sector – therefore, it does not address, in general, the mutations in this area –, with the clear scope of improving the relation to the citizens, the performance of the institutional establishment etc. Derived from this fact, the concept of security sector reform comprises a multidimensional set of activities and concrete aspects, such as enhancing transparency in the activities related to security, the primacy of the rule of law and of the respect for the human rights, the engagement of the civil society in security debates and public policies, the political neutrality of the institutional establishment responsible to security, its civilian leadership, the accountable character of the security institutions etc. The concept simultaneously reaches to the structure, resources, relationships and processes related to security, offering a comprehensive and integrated approach in this area.

The outline of such a package of activities was the result of both the experience of international interaction, even before the 1990s, with post-conflict and democratization contexts, as well as of the theoretical explorations of the idea of security.

**Table no 1.** Security sector reform main domains

<b>Domain</b>	<b>SSR reflection &amp; standards</b>
<b>Structure</b>	Balanced number of institutions and human resources, balanced degree of militarization, clear legal provisions concerning security
<b>Relations</b>	Civilian leadership, functional democratic control and oversight mechanisms, political neutrality of the security sector, low or no doubling tasks between institutions, good horizontal cooperation, accountability and transparency in relation to the citizens, civil society involved in shaping security and well developed civil – military relations
<b>Resources</b>	Balanced military expenditures, transparent and traceable budgeting, resource and expenditure planning systems, prioritization, responsibility in spending public money
<b>Processes</b>	Medium and long-term planning, consultations to the civil society, respect for the human rights in security processes, compliance with constitutional limits and legal provisions, respect for the rights of the military, predictable evolution in the military career etc.
<b>Performance</b>	Ability to protect citizens, to ensure peace and internal stability, effectiveness, resilience

*Source: the author, relying upon the UN Secretary-General report on security sector reform (UN 2008, 6), as well as on the previous work of Iis Gindarsah (Gindarsah 2015, 9), Mark Sedra (Sedra 2010, 5)*

Due to the strong applied character of the concept of security sector reform, the activities associated to it were accompanied, in the specialized literature, by plans and implementation models. For researchers like Amadou Mahamane Ousmane, the sequences of the reform processes include assessing the reform, programming its design, budgeting and financing transformation, implementing the measures and making a final evaluation of the results (Foaleng & Ousmane 2015, 2). For as Mark Sedra, security sector reform is supposed to comprise a preparatory phase, an implementation period and a reform consolidation interval (Sedra 2010, 8-9), while other scholars, such as Eboe Hutchful, identified twelve steps for an ideal type security sector reform, which included the

creation of a plan for managing risks or drafting of a financial feasibility plan (Hutchful 2009, 49-53).

The broad range of core activities and phases involved by SSR include a 'similarly broad range of actors' (Schnabel & Born 2011, 8), fully or partially responsible of ensuring security, aimed at monitoring the security sector, at reinforcing its transformation or at simply benefiting of its performance. SSR is located, both in theory and in practice, at the intersection of the internal and external environment of state, being a nexus for a plurality of actors, such as international organizations, internal institutions, departmental structures, paramilitary organizations, communities or NGOs. Each of these actors is targeted, in different proportions, by the reform processes: from an institutional point of view, the armed forces or the intelligence services are expected to be politically neutral and to possess a civilian leadership, to cooperate horizontally or to fully respect the legal provisions; regarding the political leadership, it is expected to exercise a solid democratic control or to effectively program and manage the activity of the security sector; from a societal point of view, it is assumed that the NGOs or the citizens are able and willing to be involved in shaping security policies etc.

However, not all the researchers prefer to deal with the full range of actors that can be grouped under the umbrella of the security sector. Thus, while the narrowest perspectives are addressed to just a few of them (which usually include the security forces and the institutions responsible for their control and oversight), the broader approaches encompass the civil society, the companies involved in security processes (outsourcing companies, producers of defense resources, strategic buyers etc.) or even universities and think tanks. The most relevant lines of differentiation between the various categories of actors consider their statutory character or their right to use force (Ejdus 2012, 64), while, depending on their dispersion in the research, the analysis can oscillate between a state-centric stance and a focus on individuals and communities.

SSR provides, thus, a malleable focus, with a low consensus on its meaning (Egnell & Haldén 2009, 31) and on its margins, a fact that allowed a plurality of definitions, approaches and case studies. Even there is a traceable set of common

ideas covered by SSR, the variations are so numerous that the papers and analysis dealing with this concept can be incomparable or significantly different.

**Table no 2.** Perspectives on the actors within the security sector

Perspective	Actors				
<b>Narrow</b>	Security institutions (army, police, intelligence services)	Civilian management and oversight bodies			International organizations, foreign donors
<b>Moderate</b>	Security institutions (army, police, intelligence services)	Civilian management and oversight bodies	Judiciary & penal system		
			Civil society / NGOs		
			Paramilitary forces		
<b>Broad</b>	Security institutions (army, police, intelligence services)	Civilian management and oversight bodies	Judiciary & penal system	Private security networks	
			Civil society, social groups, communities, NGOs	Universities, think tanks	
			Paramilitary forces	Economic actors, business corporations	

*Source: the author, relying upon the UN Secretary-General report on security sector reform (UN 2008, 5), the content of the DCAF SSR Backgrounder series (DCAF 2015, 3-9), as well as on the previous work of Mark Sedra (Sedra 2010, 4) and Hans Born and Albrecht Schnabel (Schnabel & Born 2011, 10)*

Summarizing the key traits of the concept of security sector reform, one may note that it evolved as a heterogeneous and context-specific framework, driven by operational effectiveness, comprising a broad understanding of security and resulting from the overlap of the international support to local ownership (Sedra 2010, 5-7). An analysis of its general descriptors reveals that the concept seems to be prone to a normative and prescriptive character, derived from its intrinsic

relation to democracy, and that it comprises a solid practical and teleological component.

With these characteristics, the concept of security sector reform has been used, for more than two decades, to understand an extensive spectrum of security contexts, ranging from the democratization processes in Central and Eastern Europe, to the post-conflict reconstruction in Africa or in the Middle East or the developmental efforts in Latin America. Despite of its relative long history and widespread utilization, SSR still contains, however, weak points and shortcomings. In the next section, we will try to highlight only a few of these.

### **3. A QUESTIONABLE CONCEPT - SHORTCOMINGS AND PITFALLS IN DEALING WITH THE CONCEPT OF SECURITY SECTOR REFORM**

The main pitfalls or vulnerable areas of the concept of security sector reform derive precisely from its fundamental characteristics. The normative and teleological dimension of the concept may, thus, affect its analytical value, the implicit incorporation of certain sets of values and ideas related to democracy may make the application of SSR difficult outside the European space, the vastness of possible combinations of actors and contexts may end up in vagueness and in making from SSR a panacea, while the predilect focus on democracy and on the internal processes comes together with blind spots and relevant data left aside.

Instead of providing a neutral framework of analysis, the concept of security sector reform is rather inclined to prescribe the path for transformation and it is aimed at changing, more than simply observing its objects of analysis (some researchers even drafted objectives of the security sector reform related to democratization or development, which made the concept to resemble rather to a tool for engineering the security architecture of various states, than to a framework of intellectual analysis).

Even though such a mixture between theory and practice is not unique (other approaches, such as the Paris school of security studies, are driven by an even cleared lack of distancing of their object of study and have even assumed a programmatic and militant involvement in the transformation of security), this standpoint is not without risks and disadvantages. Drafting an analytical framework that is more likely to respond to the question 'In what direction?', than to questions such as 'How?' and 'Why?', tends to provide a truncated perspective on security, where the root causes of change, the factors that shape it or the effects of the transformation are under-represented.

Even if SSR is not a mere inventory of standards to be reached, a too prominent normative and teleological character, expressed at the expense of understanding the complexity of causal factors, can leave outside analysis a plethora of relevant and useful information. The most important risk derived from this feature is thus related to the (in) sufficiently pronounced analytical character of the concept.

The risks posed by the normative character are augmented by the poorly developed methodology. Despite its widespread application, SSR mainly relies on case studies, lacking a solid, quantitative or qualitative research. Most of the literature dedicate to security sector reform is focused on the singular experiences of some actors that go through post-authoritarian or post-conflict experiences, while a well-developed comparative body of research or data-driven trans-regional studies are still rare. At the same time, case studies also lack the tools to probe the perspectives of the various actors involved in the reform. The interviews with local policymakers, the focus groups with the representatives of the armed forces or the opinion polls are resourceful and flexible tools that are still slightly accessed. Their absence makes an entire range of valuable information (such as the public perception on transformation, as a barometer of change; the possible correlation between SSR and the improvement of the perception of security; the internal perspective of the security sector on the ongoing change that is has to cope with etc.) to be left aside.

In the absence of a data-driven core structure, the concept risks, on the one hand, to be devoid of depth, and on the other, to provide a distorted perspective on its object of study.

At the same time, the concept of security sector reform embeds, as we have mentioned before, 'a set of values, norms and behavioral standards' (Krempel 2014, 55), related to liberal democracy, which are presumed to be universally applicable (Egnell & Haldén 2009, 27). This relation and the intrinsic axiology behind the concept are putting at risk its applicability, especially outside Europe. The Western model of civilian-military relations or of civil society involvement in shaping security policies, which is used as a reference framework for SSR, starts from two implicit assumptions: that there is a finite model of reform that can be exported, respectively that the specifications of that model are generally applicable. However, the current European understanding of a reformed security sector is, most probably, a stage (and not a final product) of the Western evolution in this area, with new accumulations and new directions of development still under way, while the universality of the norms is slippery and contested. For instance, the values of the liberal democracy have little in common, in their historical evolution and content, with the way of life and the traditional political organization of the communities in Africa or in the Middle East. Trying to approach those areas through the lens of a Western concept, such as SSR, which is not necessarily compatible with the local contexts, may conduct, in research, to distorted views and to a conceptual-contextual divide (Scheye & Peake 2005, 295). This risk was approached, in practice, by the attempt to involve local factors in the reform processes and reshape the directions of change according to the contextual factors. The UN, which operates with the concept of security sector reform, thus underlines the need for SSR to be locally owned. However, it emphasizes, at the same time, that the aim of reform is at 'restoring the social contract on which stability depends' (UN 2020), omitting that in some cases there is nothing to restore, but to build, and that the social contract is, by itself, a foreign concept in some parts of the world.

In these circumstances, in specific cases, the use of SSR may be disjointed from local realities, both in theory and in practice.

The main risk deriving from the fact that SSR is backed by intrinsic sets of norms and values is to provide a narrow, inflexible and hardly applicable perspective on security. Preaching reform without paying enough attention to additional values and norms may relate to missing valuable complementary models of

transformation and to facing local resistance in understanding and implementing SSR in non-Western contexts - therefore, precisely in the spaces who are in need to perform transformative processes. Quoting the title of a paper released by Lauren Hutton, for the countries that are barely improving their statehood or who are struggling with poverty and crime, SSR may simply be 'a bridge too far' (Hutton 2009, 1) and an model that is difficult to be replicated in order to enhance their security situation.

Another provocative trait of security sector reform emerges from its focus. While security is a contested concept (Baldwin 1997, 10), so are the ideas of security sector and security sector reform, whose meaning is not necessarily agreed, but rather vague. As we have pointed out before, there are numerous and heterogeneous views both on the meaning of the reform and on the actors targeted by it. This diversity makes SSR a concept which is easy to use in some of the most different contexts. However, this does not necessarily mean flexibility or coherence. Just as Michael Brzoska pointed out, it may be 'deceptively facile' to work with the idea of security sector reform (Brzoska 2000, 11) or to selectively pick sequences of this concept in order to apply them under extremely different conditions.

SSR has been used to analyze both small-scale mutations and structural changes, internal contexts with a relative degree of democratization or areas in the process of stabilization, groups of actors limited to some security institutions and their oversight bodies or who included citizens, private security companies, economic actors interested in security or non-governmental organizations. The concept is thus at risk of lacking internal coherence and consistency.

For instance, the post-communist experience of Romania was barely similar even with the one of other actors in the region, who passed through transformation in the same historical interval, as the Balkan states. Thus, if, in one case, the reform of the security sector comprises gradual changes, initiated from the first days after the withdrawal of the communist regime, which evolved peacefully and gradually and which were augmented and subsequently improved by the interaction with international organizations, for Serbia, Bosnia or Croatia, the security sector transformation includes previous processes of stabilization. Such dissimilitude may become even more acute in the case of

actors who are not located in the same region or who benefit from different historical experiences. Despite this fact, the concept of security sector reform has still been used both to analyze the transition of post-communist Romania and the progress of some Latin American or African states.

The most prominent risk in broadening a concept so it can cover a plurality of contexts is to dilute its content and to make it become vague and lacking in depth - being largely applied may both equate to the fact that SSR simultaneously refers to everything and to nothing at all and that, despite of becoming more visible, the concept 'has not grown in depth, in coherence and in clarity' (Egnell & Haldén 2009, 31).

Nevertheless, even though the margins of the concept are very lax and SSR addresses a wide array of issues and case studies, the concept still comprises blind spots or underdeveloped areas. The predilect connection of SSR with the processes of development or democratization makes it intrinsic idea of reform to cover only these contexts, omitting the transformative processes and the reforms that are not related to those issues.

Going beyond this observation and supposing that the link between SSR and democratization is essential to the way the concept is now conceived, it still appears that, even in the usual contexts of SSR implementation, there are neglected or unexplored transformative processes. These include mutations in the activity of the security sector that exceed the involvement of international donors and which relate rather to the internal impulse of democratization, the importance of the successful regional models of reform and of the cross-influence between actors in the same geographical area or the fact that the transformations of the internal security sector come together with the mutations in the external behavior of states. In other words, SSR does not cover the entire range of security mutations pursued by the states in transition, whether they face post-authoritarian, developmental or post-conflict challenges.

For example, the security sector reform was initiated, in the post-communist Romania, a couple of years before international actors such as NATO or the European Union began to exert their transformative influence on the internal establishment responsible of security. The first changes in the activity of the security sector appeared in the first days after the communist regime was

abolished, while relations with NATO were only opened in the summer of 1990 and a consistent dialogue occurred after 1992-1993. A brief analysis of the Romanian security during the 1990s also reveals mutations not only on the internal dimension of security (new institutions in charge of security, a reset in the legislation, the emergence of democratic mechanisms to control the army and the intelligence services, a process of downsizing the number of people working within the security sector, improving its resources etc.), but also a comprehensive mutation in the external behavior of the country. Romania moved from international isolation, fragile relations to the states in the region and a troubled international image to becoming a NATO member, improving the relations to its neighbors and profiling as one of the most stable and reliable partners in the region. Despite their appearance, the internal and external processes were not disjoint but, on the contrary, were driven by the same factor and evolved together. Bucharest's interest in joining NATO and EU equated with efforts to assume the norms imposed by the two organizations. In international relations, a consequence was the improvement in the relations with neighboring states, while internally, efforts were visible in the modernization of the security sector, in strengthening the democratic control and oversight mechanisms or in preparing the armed forces to be interoperable with NATO. At the same time, the improvement in the relations with the neighboring states allowed connections between their security sectors and stimulated the exchange of good practices (for instance, through common military exercises, seminars, cultural events or even through the emergence of common military battalions). The cross-regional cooperation and the mutations in the external behavior supported the internal transformation in a way that is usually poorly understood by the means of SSR. At the same time, while donors play a central role in the reform, a low attention is paid to the way they are modeled and influenced, in return, through their interactions to the recipient states. For instance, NATO developed the *Partnership for Peace* program also due to the pressure of the former communist states, in the early 1990s, to join the organization, in a moment when they did not meet the requirements to become full-fledged members and there was no external consensus for such a decision.

Such developments are not approachable through SSR, as it is nowadays. The main risk in not mapping the blind spots and in not addressing them is to omit relevant variables, to provide an oversimplified image of the security sector reform and to skip some of the key factors for change, providing only a truncated view on security.

#### **4. UNDERSTANDING THE LIMITS, FILLING THE GAPS OR FURTHER IMPROVING**

Given its normative dimension, its blurred definitions and its other shortcomings and limitations, the necessity and the validity of the concept of security sector reform may seem questionable. In other words, if the challenges are so numerous, can the concept of security sector reform still be used? A possible answer may be: 'Yes, but it depends.'. The concept of security sector reform is an excellent vehicle for studying the non-traditional, sub-state dynamics of security. It also proved to be a reliable tool in the practice of international relations and in certain transitional and developmental contexts.

However, given both the pitfalls and the benefits in using it, the concept may be approached by choosing one of the three following possible strategies: (i) using SSR as it is, but by carefully understanding its inherent limitations; (ii) using the concept together with a supplementary, additional approach, aimed at diminishing some of the ill-covered areas; (iii) deepening and widening the concept, by extending its limits, provoking its borders and adjusting it for new areas of research.

Using the concept of security sector reform as it is may be the most facile and, at the same time, the most slippery approach. In order to minimize risks, the use of the concept should be accompanied by an understanding of its limitations (including the areas left beyond explanation), a warning concerning the shortcomings and an assessment of their impact on the research. At the same time, it may be useful not necessarily to carefully select the case studies, but to understand that SSR is not equally applicable from one context to another. For

instance, in the specific case of the post-communist Romania, the link between democracy and the reform of the security sector, which is automatically induced by the concept, has a low potential to distort the results of a research, given that the country was striving for democratization, that there was already a previous (fragile) experience with such a political regime and that there was an increased permeability for adopting Western European norms and models. However, this may not be the case in a non-European context, where challenges are rather linked to building and consolidating statehood or where the adherence to a Western perspective on reform and modernization is lower.

At the same time, due to the diversity of the concept of security sector reform, researches should include clarifications on their views (for instance, a definition of the reform and the delineation of the precise set of actors involved in the transformative processes). Chronological delimitations may also be useful. For instance, the post-communist transformation of the Romanian security sector is not comparable to the transformation pursued by the same country, but across another historical period. The mutations that followed to the end of the Second World War, which also implied the massive reconfiguration of the Romanian security sector (but aimed, at that time, at adjusting it to the totalitarian political landscape) are hardly approachable in the same manner as the mutations during the 1990s. The idea of transformation cannot therefore be used outside a clear problematization on the contextual factors.

However, despite of mentioning the limits of SSR, of operating with tailored and context-related perspectives and of clearly delimitating the margins of research, some of the intrinsic challenges and blind spots will continue to exist.

Completing the concept with other theoretical contributions may prove to be an eventual solution for the ill-covered areas or for the unanswered research questions. It is, at the same time, a balanced approach between simply accepting the limits of the concept and radically adjusting it for the scope of the research. The main risk in combining concepts arises, however, from their compatibility and from the integrated final analysis. For instance, a view exclusively relying upon an international level of analysis (such as neorealism) is hardly compatible with the research agenda of the security sector reform. Other concepts and approaches are, nevertheless, more permeable to a joint applicability. The

international assistance and capacity-building sequences associated to the concept of responsibility to protect may complement – from case to case - a broader analysis of the post-conflict security mutations, covering at least some of the issues left aside by the concept of security sector reform. At the same time, the norm diffusion theory, as promoted by constructivism, may also offer some adjacent hints and answers. Scholars such as Martha Finnemore or Amitav Acharya explored, for instance, the spreading mechanisms of foreign norms or the overlapping relation between the local and foreign factors who are part of the transformative processes. The work in this area covers subjects related to the taxonomy of norms and behavioral standards promoted by the international donors, the local conditions that make the external transformation models more acceptable or even the effect of the reforms based on the adoption of foreign norms in the political legitimization of the local leaders. Those topics are little apprehended through the lens of SSR. Other researchers, such as Alexandra Gheciu, approached the internal transformation in terms of security as a case of international socialization, showing that organizations such as NATO, EU and other foreign donors seem to play the role of ‘teachers’ for the countries in transition, by providing models of reform and guiding change (Ghecium 2005, 982).

Returning to the example of post-communist Romania, the combined application of the norm diffusion theory and of the concept of security sector reform may equvalate to understanding the background of the security norms and standards of behavior promoted by NATO and EU (their occurrence and their means of popularization), the internal preconditions that have favored their acceptability (such as the existence of a prior interest in democratization, the openness to Western values or the impulse given by the interest to join NATO) or even the solidity of the reform processes. Amitav Acharya points out, for example, in his works, different stages in adopting foreign norms, from the public claim for change, to the internalization of mutations (Acharya 2004, 251), which can be also applied in understanding the transformation of security. Instead of a simple radiography of the areas of change, provided by SSR, the joint use of the concept with the norm diffusion theory, the theory of international socialization, as advanced by Alexandra Gheciu, or with other

perspectives may enhance the comprehension on the transformation of security. However, such an approach risks to be patchy and eclectic.

If security sector reform remains a useful starting point for the research but, despite of complementing it with a supplementary approach, is still insufficient or vague, a third possible strategy is innovation. Broadening the concept and questioning its limits involve both a concrete contribution to a better understanding of security, which paves the way for other scholars and explores new theoretical directions, and a chance to bring the theoretical framework closer to the needs of the research. The mutations caused within the security sector by the disruptive international events or by the emergence of new types of threats are still poorly theorized. There pre- and post-reform status of a security sector, the cross-regional influence of the actors simultaneously pursuing reform process or the conditions for a possible reversible character of the reform, as well as the variances in the pace of the reform pursued by institutions within the same state are minimally approached.

Although SSR pays attention to individuals and society and integrates topics ranging from human security to gender issues, such subjects are also less visible in research, in contrast to the attention paid to the transformation of the military institutions or to the legislative framework.

There is also room for improving methodology, given that there is still a small amount of research that relies upon quantitative or qualitative data, while most of the contributions related to SSR are based on case studies and in-depth observations. Conducting interviews with decision-makers or organizing focus groups or surveys with citizens or individuals within the security sector may represent a powerful source of information, even if such research is difficult to accomplish and it involves a great deal of resource consumption. Relying upon data could be the key point in moving from a concept of security sector reform that mostly answers to the question: 'In which direction?' to one that provides a comprehensive view on the causes, patterns and effects of change and a solid and documented understanding of security.

## 5. CONCLUDING REMARKS

The concept of security sector reform emerged in the late 1980s and during the 1990s in response to the imperative to address the post-Cold War security challenges in Europe and across the world. The dawns of the transition to democracy of states in Central and Eastern Europe, the need to rebuild the security institutions in the Balkan states in the aftermath of their conflictual experiences, or the necessity to cope with the ongoing security processes in Africa or in the Middle East led to the emergence – firstly, in practice, and only then in theory – of the concept of security sector reform. SSR offered, for this heterogeneous range of contexts – be they post-authoritarian, post-conflict or developmental – a framework for mapping the transformation of a key area for the peaceful internal climate and for the development of states and societies, which is security.

The usefulness of such a concept is, thus, self-evident. Even so – and despite of more than two decades of utilization –, the concept of security sector reform is not, however, safe from gaps and shortcomings. Its prominent normative and teleological dimension are prone to impact upon its explanatory potential, as it was pointed out in the previous sections. The concept provides a perspective of what a reformed security sector should look alike, rather than approaching the resorts of its transformation (the causes, the path for change or the patterns of the mutations). The idea of reform may be misleading, while, at the same time, many sources of change are left aside. Topics such as the link between the transformation of the security sector and the mutations in the external behavior of states, the cross-regional effects of the reform or the reversible character of transformation are, also, poorly addressed. Lastly, the concept is rather Eurocentric, embedding a Western axiology and providing only a limited permeability for incorporating ideas inspired from other systems of norms and values, despite of a proclaimed local ownership of the reform.

The concept of security sector reform is not, therefore, perfect, but perfectible. In order to avoid challenges and benefit from the valuable insights of working with this concept, the possible ways to follow include at least three possible options: using SSR as it is, but by acknowledging its limits and by using the concept in

the most appropriate contexts and on the most appropriate case studies; applying the concept together with other approaches, which, depending on the needs of each research, may cover some of the questions left unanswered by SSR; challenging the limits of the concept and developing it into new and innovative directions, both in theory and in method. None of these strategies is without disadvantages, which range from the risk of eclecticism, to expanding the concept in directions that are no further coherent with its initial nucleus and scope.

Managing limitations, minimizing challenges and finding the most appropriate ways to further improve the concept depend on the needs and on the creativity of each researcher. The morphology of the possible solutions related to the improvement of SSR may, thus, come in various shapes and combinations. The purpose of this paper was to briefly explore the content, the shortcomings and the possible ways to improve SSR, as a first step for its better exploration and for enhancing its utilization, leaving the door open for broadening and further improving the concept.

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## DEMOCRACY AS A FUNDAMENTAL RIGHT FOR THE ACHIEVEMENT OF HUMAN DIGNITY, THE VALUABLE LIFE PROJECT AND SOCIAL HAPPINESS

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### **Abstract**

Democracy is a fundamental right linked to the realization of a person's worthy life project regarding its corresponding fulfillment of Human Rights. Along with the procedures to form political majorities, it is mandatory to incorporate the substantial part as a means and end for the normative content of Human Dignity to be carried out allowing it to: i) freely choose a project of valued life with purpose and autonomy ii) to have material and intangible means to function in society; and iii) to live free from harm and fear in order to achieve human flourishing. The integral democracy is a means and an end to materialize individual happiness and the common good as long as everyone has concrete opportunities to unfold its inherent human dignity capacities within the trademark of the democratic constitutional State. Assuming this, integral democracy is the fundamental right of Fundamental Rights.

**Keywords:** democracy; fundamental rights; happiness; human dignity; life project.

*“If there is no food when you are hungry, if there are no medicines when you are sick, if there is ignorance and people’s basic rights are not respected, democracy is an empty shell, even if citizens vote and have parliament” Nelson Mandela (Ushuaia, Argentina, July 25, 1998).*

*“Si no hay comida cuando se tiene hambre, si no hay medicamentos cuando se está enfermo, si hay ignorancia y no se respetan los derechos elementales de las personas, la democracia es una cáscara vacía, aunque los ciudadanos voten y tengan parlamento” Nelson Mandela. (Ushuaia, Argentina, 25 de julio de 1998).*

Democracy, according to Caldera Ynfante (2017a, 2018a, 2018b, 2018c, 2018d), can be qualified as a fundamental right, it is integrated by a multiplicity of rights, equally fundamental, it gives content to the Integral Democracy that arises from the articulation of the relevant of its electoral procedural facet-formation of majorities-with the substantive facet, of humanistic type, centered in the effective enjoyment of all the fundamental human rights by all the human persons, with the objective that each one, without discriminations, realizes his Project of valuable life, developing capacities according to the opportunities provided to it in order to obtain human flourishing in a constitutional democratic State that minimizes conflict, promotes social harmony and effectively guarantees, protects and promotes the enjoyment of its human rights as a substantial part of democracy aimed at ensuring respect for all persons, that is, guaranteeing their human dignity.

Every human person has the right to democracy, considered as a fundamental right, linked to the achievement of human dignity, understood as the measure of the respect that every human person deserves for the fact of being one. In our opinion, democracy is the fundamental right that allows the realization of other fundamental rights. Democracy, then, is the fundamental right of fundamental rights.

That is why, in this segment of the work, we present our vision of a political community where the fundamental right to democracy is recognized, promoted, guaranteed and respected; where people can count on an Integral Democracy based on a constitutional democratic State, with freedoms and justice, that is not

exhausted in the mere electoral procedure, but is reinforced, in a complementary way, in the substantive part of democracy, as a fundamental right, based on the respect, guarantee and effectiveness of all human rights, all fundamental, of all human persons, as a way and end to guarantee the normative and axiological content of human dignity -respect for the human person- as the essential nucleus or essential core of the fundamental right to democracy. A democracy that, being assumed as a fundamental right, allows each human person to carry out his or her valuable life Project, to deploy to the full his or her talents and capacities, counting on adequate opportunities and goods and services to function effectively in society, to achieve human flourishing and splendor, to have a good and quality life and to be happy, with human security, obtaining, in short, integral human development. The essential nucleus of democracy as a fundamental right is defined by Caldera (2017a, 2018a) as the impassable barrier.

The following reflection is the fruit of the intellectual concerns and factual actions of the author, as protagonist of the recent Venezuelan political life, in support and defense of the constitutional order and the validity of the democratic order in Venezuela, as an expression of the protection of the fundamental right to democracy severely threatened and curtailed in Venezuela these days, where a totalitarian vision (authoritarianism and rampant militarism) of the exercise of political power is in apogee, thus referred to by Caldera (2017b) in the article called "Totalitarianism of the XXI Century in Venezuela. The relationship of identity between Chavism, Nazism and Fascism based on the broadening of the friendly-enemy distinction and the concept of Carl Schmitt's sovereign dictatorship or plebiscite". *Revista Democracia Actual, Registraduría del Estado Civil, N.º 2, August-December, pp. 151-205.*

The right to democracy, for the author, has a binding character, in favor of the peoples of America, in general, and to Venezuelans, in particular, by mandate of the preceptive of the Inter-American Democratic Charter (CDI) and the Democratic Clauses (CD) in force in the Systems of Regional Integration of the Andean Community of Nations (CAN), Southern Common Market (MERCOSUR) and Union of South American Nations (UNASUR), defining the collective examination that corresponds to the States and the implementation of

the so-called collective action in defense of democracy, in full process of application against the Venezuelan regime at present by the OAS (under the knowledge of the General Assembly, via the Permanent Council and other organs and instances of the same), which evaluate the imposition of some of the measures contemplated in the pro-democracy collective action, in response to the very serious violations that the Venezuelan authoritarian regime executes to the detriment of human rights and against the democratic system acting against the principles and rules of the constitutional order that have generated a breakdown of the Venezuelan democratic system, without to date the OAS General Assembly having managed to reach the quorum set forth in Article 20 of the Inter-American Democratic Charter, leaving a situation of defenselessness to Venezuelans, who are beneficiaries of the fundamental right to democracy, due to the bureaucratic impossibility of gathering the votes of the OAS member countries to impose the sanctions provided for in the aforementioned Charter.

## **1.THE FUNDAMENTAL HUMAN RIGHT TO DEMOCRACY - INTEGRAL DEMOCRACY - RECOGNIZED IN THE DEMOCRATIC CLAUSES OF THE OEA AND THE CAN TO THE HUMAN PERSON ITS EXERCISE HAS BEEN RELEGATED TO STATES AND GOVERNMENTS**

For Caldera (2017a, 2018a, 2018b), democracy can be considered as a fundamental human right, and can be expressed as the fundamental human right to democracy from a double perspective: procedural and substantial. Hence, from this holistic vision of democracy, it is possible and feasible to speak of Integral Democracy - with the category of fundamental right - that recognizes the importance of its instrumental aspects (decision making, formation of the majority principle, selection of governments, formal expression of popular sovereignty, etc.), but which is not exhausted in them, together with their substantial or material marrow - normative content derived from their axiological and dogmatic character - called to be realized as long as every

human person effectively enjoys all his human rights, all fundamental, in the constitutional democratic State managing to concretize his Project of valuable life, free from harm and arbitrariness, counting on opportunities to develop their human capacities to live without fear or fear a freely chosen life that makes sense, with human security, displaying their gifts and talents, with autonomy and fullness, to obtain human flourishing and to be happy in the individual contributing to the common good, that is to say, to social happiness. From our classic vision of the common good, in the Aristotelian Thomistic perspective, man is conceived as a natural member of the community, not just politics, where he is called to function effectively to achieve his human fulfillment, giving meaning to his life, contributing at the same time to the achievement of the common good -every time its human dignity is respected- as a normative category, a category that gives content to the enjoyment of the fundamental rights that certain rational or legal limitations may experience, depending on the former, since these they are not absolute when it comes to achieving human fulfillment, as claimed by a certain individualism related to classical liberalism. It is possible to develop a valuable life plan -free from damage and arbitrariness, with human security-, obtaining happiness at the individual level, while continuing to contribute effectively to social happiness, contributing to the achievement of the common good in the political society regulated by the constitutional democratic State.

To say of Caldera (2018c, 2018d), according to the above, democracy as a fundamental right has a holistic, that is, comprehensive or Integral Democracy, based on the interrelation and interdependence between the guarantee of human rights, the validity of the social state of right and the exercise of democracy as a fundamental human right. Integral Democracy, as a fundamental right, in its essential core, is formed by a list of rights (civil, political, economic, social, cultural environmental, etc.) equally fundamental of which it is an indispensable instrument and purpose for their effective enjoyment, through mutual and reciprocal reinforcements, in the context of the theory of the integrality of human rights, seen under the Human Rights Based Approach (HRBA), that is, an integral democracy, a holistic democracy or democracy based on the human rights approach D+EBDH. Caldera (2019a,

2019b) argues that the Integral Democracy (or comprehensive democracy) is the fundamental right of the fundamental rights of every human person. Comprehensive democracy is the fundamental right that serves as a means and end for the realization of the valuable project of life of every human person, since it allows the effective enjoyment of their fundamental rights in order to promote their realization so that they live with dignity and achieve their individual happiness, contributing, through the enjoyment of a meaningful life, to the common good, to the construction of social happiness, to harmony in the political community and to overcoming destructive conflict and the application of violence. The Integral Democracy is the fundamental right on whose enjoyment the material realization of all the fundamental rights of every human person in the constitutional democratic State depends.

The protection of life, free from harm and arbitrariness, together with the guarantee and respect for human rights that give it meaning, is relevant to the enjoyment of the fundamental right to democracy. Hence, for damage to the project of life, we indicate with Fernández Sessarego (1992) that it is the one that “affects the freedom of the person who, consciously or unconsciously, has chosen a way of living that gives meaning to his life and that responds to his own vocation; It is a radical damage to the health of the person, which prevents him from fulfilling his own existential project and being “himself”; it is a damage that marks the future of the subject and that, although it is not current, does not cease to be true.”

The Inter American Court of HRR (1998) -Loayza Vs. Perú case- has constructed an advanced dogmatic about damage and life project indicating:

“148. The “life project” is associated with the concept of personal fulfillment, which in turn is based on the options that the subject may have to lead his life and reach the destiny he proposes. Strictly speaking, the options are the expression and guarantee of freedom. It would be difficult to say that a person is truly free if he lacks options to direct his existence and bring it to its natural culmination. These options have, in themselves, a high existential value. Therefore, their cancellation or undermining imply the objective reduction of freedom and the loss of a value that cannot be alien to the observation of this Court. For this reason, it is reasonable to affirm that acts that violate rights

seriously impede or obstruct the achievement of the expected result, and therefore substantially alter the development of the individual. In other words, “damage to the Project of life”, understood as a reasonable and accessible expectation in the specific case, implies the loss or serious impairment of opportunities for personal development, in an irreparable way or very difficult to repair. Thus, the existence of a person is altered by factors alien to him, which are imposed on him, which are imposed on him unfairly and arbitrarily, in violation of the rules with force and of the trust he was able to place in public organs obliged to protect him and provide him with security for the exercise of his rights and the satisfaction of his legitimate interests.”

Definitions of the fundamental right to democracy: It is recognized in the doctrine and normativity that regulates the rights to democracy, assumed as fundamental, the link between democracy and the social rule of law, on one side, and its interdependence and interrelation with the enjoyment of human rights, which allows a conceptualization of democracy taking into account the dictates of the Human Rights – Based Approach, accommodating the definition of Integral Democracy, or D+EBDH, which brings together its instrumental and substantial facets, understood in a broadened sense and in an abbreviated sense, as well: Integral democracy in its broadest sense:

It is a fundamental right whose enjoyment is functional to the guarantee, promotion and respect of human dignity through the realization of its normative contents (expansion of opportunities, development of capacities, free choice of valuable life project without damage and equal material and immaterial conditions that allow effective participation in society) conformed, in its essential core, by a bundle of rights, equally fundamental, equal in value and hierarchy, indispensable for their realization or enjoyment, interdependent or interrelated, aimed at the attainment of the dignified (good) life of individuals, respect for others and the common good endowed with legal and institutional mechanisms for their protection within the framework of the social rule of law.

In abbreviate sense Integral democracy:

It is a fundamental right whose enjoyment is functional to the achievement of the normative content of human dignity through the realization of all human rights, by all persons, through the development of a valuable life project without

harm that, in conditions of equality, each one decides freely to choose within the framework of the social rule of law, endowed with legal and institutional mechanisms for its protection.

The previous concept emphasizes that it is the discipline of juridical knowledge, in embryonic stage or formation, with a proper object of study, functional to the realization of human dignity, translatable in subjective right, on which there exists consensus of constitutional dogmatics by the set of own rules and principles that conform it and regulate centered in the achievement of the valuable life plans of the people, counting material and immaterial goods adapted, for its effective functioning in the society, its human development and the common good, by means of its protagonist participation in the formation, execution and control of political power. Thus, fundamental democracy of D+EBDH, that is, our definition of integral democracy can be understood in line with the conceptual approach to the definition of "holistic" democracy in the terms of the Report of the United Nations High Commissioner for Human Rights (A/HRC/22/29 dated 17 December 2012), based on a human rights approach and the comprehensiveness of fundamental rights. Democracy, assumed as a fundamental human right, from the perspective of the doctrine of the integrality of fundamental rights and under the Human Rights - Based Approach, called integral democracy or D+EBDH, is formed both by the procedural aspect (necessary for the conformation of the principle of majorities) and by the substantial facet (beam of fundamental rights that integrate its complex or assembled essential nucleus) in functional relation to the achievement of the normative content of human dignity, as means and end, so that the person develops his valuable plan of life, without damages, counts on goods and services, material and immaterial, adequate to function effectively in society and to participate in the formation, execution and control of the political power, to achieve a good life and contribute to the common good, in the social and democratic State governed by the rule of law. Integral democracy is understood as a fundamental right, because seen from a holistic point of view, in its instrumental and substantial aspects, it complies with the criteria established by the Colombian Constitutional Court in the relevant ruling T - 428 of 2012, to

qualify fundamental rights, following a taxonomic examination of the normative-dogmatic structure of the same, being able to state that:

(i) It is intrinsically related and functional to the attainment of human dignity (in its threefold conception as a constitutional value, principle and rule because the effective enjoyment of the fundamental right to democracy is an essential prerequisite for the realization of the human person's valuable and harmless life plan and must guarantee the property, material and immaterial, necessary for its effective functioning in society and, in particular, as a way and end to enable it to effectively exercise its participation in the formation, execution and control of political power);

(ii) There is normative and constitutional dogmatic consensus on their recognition and thus fundamental importance and on their essential content or scope of protection. The consensus of constitutional dogmatics and the expression of this criterion that qualifies fundamental rights is demonstrated by the analysis of the preceptive (principles and rules specific to each system) that exists in the different national and supranational legal systems (Covenants, Treaties, Agreements, Charters, Resolutions, Declarations, Decisions, etc.) on the right of peoples and individuals to democracy together with binding rulings of different constitutional Courts or Tribunals for the protection of human rights, at the regional and national levels, which allow us to affirm that there is a consensus on the dogmatic (*iuris consensus* in terms of Cicero and Arendt) on the essential content of the right, the collective actions or measures for its protection and the sanctions against its non-compliance. The existence of the core or essential content of democracy as a fundamental right is confirmed, with its complex or comprehensive scope of protection highlighting in particular the treatment given to it in the precepts of the Inter - American Democratic Charter, the CAPPDH, and the OAS Democratic Clauses, CAN, MERCOSUR and UNASUR, decisions of the Inter - American Court of Human Rights that define the essential elements of democracy for the hemisphere, in harmony with the Resolutions of the UN Human Rights Council, already cited, and judgments of the Colombian Constitutional Court (e.g., judgment C- 141 of 2010), and;

(iii) Can be translated into a subjective right (where there is a juridical relationship where the peoples of the Americas occupy the legal position of

holder, which becomes corporeal in each person; States and their governments are prima facie obligated and the main content of the democratic obligation is to guarantee its complex and multifaceted essential core, enforceable and justiciable, made up of a bundle of fundamental rights of a political, civil and economic nature, realized in interrelated and interdependent way the right to democracy), in favor of persons, recognized in a sequence of special dispositions (Democratic Clauses) in global, continental and local way, in the author's opinion these are the prodemocracy corpus iuris, means, the right to democracy. In other words, as explained in the doctoral thesis (Caldera, 2017a), the right to integral democracy affirms that there exists a regional right to democracy that configures regional prodemocratic law or regional prodemocratic ius cogens. Likewise, there are axiological, normative and dogmatic presuppositions to autonomously configure the concept of the right to democracy, the right from democracy and, due to its relationship with collective actions in defense of democracy, the concept of democratic preprocedural law is constructed at the national level and, in the context of integration spaces, of community democratic procedural law giving content, as a whole, to a nascent corpus iuris prodemocratic community or community prodemocratic ius cogens.

## **2.DOGMATIC FOUNDATION OF HUMAN RIGHT FUNDAMENTAL TO DEMOCRACY.**

The body of constitutional doctrine that determines that human dignity is the first element of qualification of fundamental rights has been developed by the Colombian Constitutional Court in the paradigmatic judgments T-227 of 2003 and T-881 of 2002 (MP Eduardo Montealegre Lynett). In both judgments and, recently, in judgment T-428 of 2012, of the same Judicial Corporation (MP María Victoria Calle Correa) human dignity is recognized as an identification criterion, that is, as an ontological presupposition of fundamental rights. Keep in mind that human dignity has been recognized and understood in its triple dimension as a constitutional value, as a constitutional principle and as a fundamental

right-rule-in accordance with the jurisprudential dogma indicated, among others, of sentence C-336 of 2008, Constitutional Court (MP Clara Inés Vargas H.) who highlighted the duties that correspond to the State of social law for the recognition of human dignity as one of the foundations of fundamental rights. With the recognition of the right to democracy in the Andean Charter for the Promotion and Protection of Human Rights, it is concluded that there is also, in nascendi status, a right to Andean democracy or a democratic right of the Andean community, being such regulation community internal legal standard at the Colombian level.

In other words, as explained in detail in the author's doctoral thesis (Caldera, 2017a) on the right to comprehensive democracy, where it is stated that there is a regional right to democracy that configures regional pro-democratic law or regional pro-democratic *jus cogens*. Similarly, there are axiological, normative and dogmatic presuppositions to autonomously configure the concept of the right to democracy; the right of democracy and, due to its relationship with collective actions in defense of democracy, the concept of democratic procedural law that is constructed at the national level and in the regional space in the member countries of the Organization of American States (OAS). In the context of integration spaces, one can speak of the democratic community procedural law that gives content, as a whole, to a nascent pro-democratic *corpus iuris*, in the gestation phase, which, because it has a relationship with human dignity and is an essential part of the law fundamental to democracy, it can be affirmed that it has a binding force, endowed with the effects of a pro-democratic *jus cogens*, in the process of legal consolidation at the national, regional and supranational levels.

For Caldera (2018b, 599-601) the Integral Democracy, understood as a right fundamental, seen from a holistic perspective, in its aspects instrumental and substantial, meets the criteria set by the Colombian Constitutional Court in the relevant judgment T-428 of 2012, to qualify it as a fundamental right, following a taxonomic examination of the normative-dogmatic structure thereof, why: I) is intrinsically related and functional to achievement of human dignity (in its triple normative conception as value, principle and constitutional rule) because the effective enjoyment the fundamental right to democracy is a budget essential

that allows the realization of the life project valuable and without harm to the human person, as has already been referred; II) there are normative and dogmatic consensus constitutional about its recognition and importance as fundamental right and its essential content or scope of protection both in the internal prescriptive (principles and rules of each system) as in Pacts, Treaties, Agreements, Agreements, Letters, Resolutions, Declarations, Decisions, etc., which prevail with the same vigor as the Political Charter for mandate of the Constitutional Block. The Charter Inter-American Democratic, CAPPDH, the Clauses Democratic OAS, CAN, MERCOSUR and UNASUR, decisions of the Inter-American Court of Human Rights that define the essential elements of democracy for hemisphere in harmony with the Resolutions of the Council of Human Rights of the UN, already mentioned, and decisions of the Court Colombian constitutional (verbigracia, sentence C-141 of 2010), thus confirm it, and; III) can be translated into a subjective right (establishes a legal relationship with a holder) - the peoples of America - that it becomes corporeal in each person; b) obliged -prima there are states and their governments - and c) an obligation legal (provision or abstention) related to content principle of the democratic obligation or its essential nucleus complex and multifaceted, enforceable and also justiciable, established in favor of people, recognized in a series of special provisions (Democratic Clauses) at the level global, continental and local which, in the author's opinion, make up the corpus iuris prodemocratic, that is, the right of democracy.

The fundamental right to democracy or Integral Democracy, inherent to the achievement of the content of human dignity, belongs to people and must be guaranteed their effective enjoyment (*ius pro homine* o *ius pro personae*), without any detriment, or interpretative concessions in favor of the current ruler, in a concrete State, like the Venezuelan one, incurring in "interpretation *contra proferentem*" also denominated "interpretation *contra stipulatorem*" because, instead of acting in favor of the people who make up a particular people of America, affected in the enjoyment of the essential content of the fundamental right to democracy, applying the *indubio pro operario* or *indubio pro personae*, some spokespersons of the government or State responsible for the denial or violation of the right to request that the competent organs of the

OAS (or MERCOSUR, UNASUR or CAN) refrain from exercising prodemocracy collective action, request that they omit any kind of pronouncement or that they hide their heads or play the game of regional indifference to the attacks launched from power, the Government and the State against the enjoyment of the fundamental right to democracy in Venezuela, making use of the long-standing allegation of respect for national sovereignty and independence and self-determination that they have as a sovereign state, thereby concealing the deprivation, denial and transgression that the State itself and its government execute against the effective enjoyment of the bundle of human rights, likewise, fundamental, that integrate the fundamental right to integral democracy, as a manifest expression of the inalienable popular sovereignty of the people who benefit from it, given that people do not have food, lack medicines, thousands have lost their lives to the hands of the underworld without justice being done in front of those responsible or are subject to state distribution systems under rationing conditions without being guaranteed a minimum of dignified life, depriving them of achieving human flourishing and good life.

As a complement, the author has developed a complete systematic conceptualization about this theme, establishing a definition of the right to democracy or democratic right, in the following terms:

It is a nascent branch of Law whose principles, legal norms and values have as their object the protection of democracy, as a plural or complex fundamental right of peoples, functionally related to the achievement of the dignity of the person so that he may freely choose a valuable life plan without harm and may enjoy material and immaterial good adequate for the development of his capacities and his effective participation, without exclusions, in the formation, execution and control of political power and social life, through the interrelated and interdependent satisfaction of the other fundamental rights that are recognized and form part of its complex essential core within the framework of the social rule of law.

The author defines, taking into account the processes of regional integration, the right to community democracy and regional democratic procedural law, analyzed in the context of the integration systems staged in the CAN, MERCOSUR, UNASUR and OAS within the substantive and adjective set of

norms denominated *Corpus Iuris Prodemocratic Community* making room (based on the previous definition of the right to democracy or democratic right, in the internal sphere) in the context of regional or subregional integration blocks. That makes it possible to provide a definition of a community democracy right or community democratic right that is defined as:

The set of principles, legal norms and binding values approved by the member countries in which they recognize the right of their people to democracy, define their essential content and their interrelation or interdependence with human dignity, the enjoyment of other fundamental rights and the achievement of development and peace, defining collective actions and measures for the preservation of democracy, as a right, the validity of the democratic order and the constitutional order of the social rule of law in the member countries.

Whereas, in the opinion of the author, Community democratic procedural law shall be understood:

The set of principles, legal norms and binding values adopted by member countries in which they recognize the right of their people to democracy, define their essential content and their interrelation or interdependence with human dignity, the enjoyment of the other fundamental rights of their essential core and the achievement of development and peace, which defines the mechanisms and institutional instances through which collective actions and adjective measures are defined and executed for the preservation of democracy, as a right, the validity of the democratic order and the constitutional order in the member countries, defining the organs, instances, procedures and competencies assigned to them in favor of the democratic and constitutional order within the framework of the social rule of law.

This allows to affirm that the conception of constitutional democracy (participative democratic legal framework inherent to the social and democratic rule of law) and the understanding of fundamental democracy (qualified as a fundamental right), make up what we call the American prodemocratic *corpus iuris*, based on the Inter-American Democratic Charter and the Regional Democratic Clauses (CAN, MERCOSUR) and have the common denominator that gravitate around the realization of the dignity content of the human person (free choice of a concrete “valuable” life project, free from harm, together with

the enjoyment of “decent” material living conditions for the development of human capacity and effective participation, without exclusions, in the formation, execution and control of political power and society) provided with a multitude of principles, values and fundamental rights as content of their complex or comprehensive essential nucleus of plural or diffuse character, with superior normative rank, not being risky to affirm that the fundamental right to democracy is translated into a budget so that the other fundamental rights that converge normatively and integrate its axiological - legal - political plexus of a superior nature, as structuring elements of its normative category of fundamental law (essential nucleus) are effectively concretized, through a multiplicity of current or particular factual expressions, in an interrelated and interdependent way, since democracy, fundamental rights, peace and development (crossed by their functionality to the achievement of human dignity) are materialized through a symbiotic and inessential relationship, of mutual reinforcements, where constitutional democracy would be the genus and the fundamental right to democracy, the specie.

The duty of the State and its organs to respect, protect and guarantee the essential content of the right to democracy, because of its function to achieve human dignity and as a budget for the effective enjoyments of other fundamental rights, is the premise that must prevail in its institutional work as an expression and depository of the exercise of political power.

For that reason, it is stated that the majority rule, of enormous practical utility to settle formal electoral competence, in the hands of those who hold power in the State and its organs, must be circumscribed (limited) to legality as a method to settle dissent (conflict) in those areas where the possibilities of fostering agreements and consensus fail, respecting the human dignity of all persons, the fundamental rights and the factual or legal positions of those who legitimately dispute power, since it cannot be misused by them as a tool of domination or for the conformation of hegemonic visions or for the execution of excluding or arbitrary (political) practices, denying fundamental freedoms and rights, because, in addition to polluting its political work with despotism, it wounds to death the fundamental right to democracy by ignoring and disrespecting its substantial facet, based on the superior rights inherent in the dignity of the

human person, which make up its essential content comprehensive, assembled, composed, that is to say, complex.

In order for the fundamental right to democracy, in its substantial dimension, to be effectively enjoyed by its holders, the contents of human dignity to be achieved, the fundamental rights that fill its essential core to be realized (in an interrelated and interdependent manner) and that constitutional democracy be strengthened, in addition to the above, autonomous, independent and effective institutions are also required, which avoid taking decisions motivated by criteria of ideological, religious, racial, social, sexual, economic or partisan convenience; the inveterate and invariable adherence of the State and its organs and individuals to the Constitution and legality promote a political – democratic culture centred on the respect, guarantee and protection of fundamental rights and the principles and values of democracy (pluralism, tolerance, fraternity, solidarity, respect for the rights of minorities and submission of the majority to the dictates of legality and respect for human dignity) so that the scope of protection of the fundamental right diffuse to democracy, of complex or compound content, is recognized, guaranteed, respected and protected as to its effective enjoyment and thus generate a precursor effect that is a trigger or budget for the guarantee and effective satisfaction, intercrossed or interdependent, of the bundle of fundamental rights (substantial side) that make it up. It should be noted that an author who has treated the right to democracy as a fundamental right, focusing on the importance of the principle of functional separation of the branches of public power and citizen and institutional control over political power, is the Venezuelan author Brewer Carías (2009, 93-112). The Venezuelan writer Asdrúbal Aguiar (2008, 2012, 2014) can also be mentioned, who, like Brewer, has been contributing ideas about a notion of democracy as a human right, his study being on the dogmatics or jurisprudence of the Inter-American Court of Rights Humans (between 1987-2014) on this specific point an academic contribution of great theoretical value. The notion of comprehensive democracy, according to Bunge (2009) is the combination, or if you want the conjunction, of "democracy environmental, biological, economic, cultural, political, legal and global by realizing six key values: livelihoods, equality, solidarity, pursuit of happiness, fitness and good common "that aims to

promote“ equal access to wealth natural, equality of sexes and races, equality of opportunities economic and cultural, and popular participation in the administration of the commons ”as stated by Bunge (2013).

### **3.DEMOCRACY AS A FUNDAMENTAL RIGHT OR INTEGRAL DEMOCRACY AND ITS ESSENTIAL NUCLEUS, ESSENTIAL CORE OR ESSENTIAL CONTENT**

Democracy is so much more than elections or voting. It is the way and end for the person to realize his or her valuable life project, to live without harm, to obtain human flourishing and to be happy in the constitutional democratic state. It is the realization of the bundle of fundamental rights that integrate its scope of protection or essential content related to the enjoyment of the normative content of human dignity so that the person realizes, without interference or harm, his valuable life plan, has sufficient immaterial material goods to function in society, achieve human brilliance and be the protagonist agent of the formation, execution and control of political power for his good and the common good of his equal.

The regulation or international norms (*corpus iuris pro-democratic*) on the right to democracy can be seen, among other regulatory instruments, of the United Nations in: I) Resolutions of the Commission on Human Rights: Resolution 1999/57 on the Promotion of Right to Democracy of April 27, 1999; Resolution 2000/47 on the Promotion and Consolidation of Democracy of April 25, 2000; Resolution 2001/41 on Continuation of the Dialogue on Measures to Promote and Consolidate Democracy of April 23, 2001; Resolution 2002/46 on New Measures to Promote and Consolidate Democracy of April 23, 2002; Resolution 2003/36 on the Interdependence between Democracy and Human Rights of April 23, 2003; Resolution 2004/30, on Increasing the role of regional, subregional, and other organizations and initiatives in promoting and consolidating democracy on April 19, 2004; II) Resolutions of the Human Rights Council: Resolution 2005/32 on democracy, the rule of law and the rule of law of

April 19, 2005; Resolution 18/15 on the incompatibility between democracy and racism of September 29, 2011; Resolution 19/36 on the interdependence between democracy, human rights and the rule of law of March 23, 2012; III) General Assembly Resolutions: Resolution 55/43 on the promotion and consolidation of democracy of November 27, 2000; Resolution 57/221 on strengthening the rule of law of December 18, 2002; Resolution 59/201 on strengthening the role of regional, subregional and other organizations and mechanisms in the promotion and consolidation of democracy of December 20, 2004; Doha Declaration approved by the Sixth International Conference of New or Restored Democracies on November 1, 2006; Resolution 66/102 on the rule of law at the national and international levels of December 9, 2011; Report of the United Nations High Commissioner for Human Rights. A / HRC / 22/29 on democracy, human rights and the rule of law of December 17, 2012.

The core of the fundamental right to democracy is developed, among other applicable norms, in resolution 19/36 of 2012 of the Human Rights Council (UN): On the recognized interdependence, through mutual reinforcements, between democracy, human rights and the State (social and democratic) of Law, the foundation of the nascent definition of democracy from the perspective of integrality and approach based on human rights – D+EBDH defined as integral or holistic democracy that, as an autonomous fundamental right, with its enjoyment results in the condition of possibility, as a way and end, for the effective, interdependent and symbiotic enjoyment of human rights related with functionality to the achievement of the content of human dignity, following the aforementioned resolution 19/36 of the Human Rights Council (UN), we come to the definition *lato sensu* of the complex essential nucleus, comprehensive or continent of integral democracy or D+EBDH as a fundamental right conformed by the faculties to carry out activities, to develop and to observe behaviours, granted to persons in the social rule of law, which cannot be denatured by the actions of the state power, or even of the legislator, because they place in danger of destruction the guarantee of the essential content of the fundamental right to democracy (integrally conceived – D+EBDH).

There are several resolutions of the UN Human Rights Commission (now the Council) on the right to democracy: Regarding the right to democracy, it has

been the UN Human Rights Commission that has approved a set of resolutions with binding effects (by virtue of coming from a governing body for the protection of human rights on treaties, agreements, protocols or conventions signed and ratified by Colombia), being the following:

(i) The original and paradigmatic Resolution 1999/57 of 27 April 1999 on the Promotion of the Right to Democracy, which was adopted by fifty-one votes in favour, none against and two abstentions at its 55th session, which confers the rank of right to democracy which ratifies the interdependence between the enjoyment of the right to democracy and the realization of human rights and the right to development;

(ii) The 2000/47 of 25 April 2000 on the Promotion and Consolidation of Democracy;

(iii) The 2001/41 of 23 April 2001 on the Continuation of the Dialogue on Measures to Promote and Consolidate Democracy;

(iv) The 2002/46 of 23 April 2002, related to New Measures to Promote and Consolidate Democracy;

(v) The 2003/36 of 23 April 2003 on the Interdependence between Democracy and Human Rights;

(vi) The 2004/30 of 19 April 2004, entitled "Enhancing the role of regional, subregional and other organizations and initiatives in promoting and consolidating democracy";

(vii) The 2005/32 of 19 April 2005 on "Democracy and the Rule of Law" all the UN Commission on Human Rights, and

(viii) Resolution 19/36 of 2002 on the interdependence between democracy, human rights and the rule of law.

The recognition of the importance of democracy for its relationship with human rights and the rule of law has been reiterated by the UN General Assembly in its resolutions No.- 49/30, of 7 December 1994; No.- 50/133, of 20 December 1995; No.- 51/31, of 6 December 1996; No.- 52/18, of 21 November 1997; No.- 53/31, of 23 November 1998; No.- 54/36, of 29 November 1999; No.- 55/43, of 27 November 2000; No.- 56/96, of 14 December 2001; No.- 56/269, of 27 March 2002; No.- 58/13, of 17 November 2003, No.- 58/281, of 9 February 2004, and No.- 60/253, of 2 May 2006. Of relevance is the Doha Declaration adopted by the

Sixth International Conference of New or Restored Democracies (A/61/581, annex).

The 2002/46 of 23 April 2002, related to New Measures to Promote and Consolidate Democracy establishes as essential constituent elements (essential core) of democracy: respect for human rights and fundamental freedoms, freedom of association, freedom of expression, of opinion, Access to an the exercise of power in accordance with the rule of law, holding of periodic free, fair and impartial elections based on universal suffrage and secret ballot as an expression of the will of the people, a pluralist system of political parties and organizations, permanent, ethical and responsible participation by citizens in the political life of their countries, separation and independence of powers, transparency and accountability in public administration, and free, independent and pluralistic media. Its dogmatic value has been recognized and established, for the Andean area, by article 14 of the Andean Charter for the Promotion and Protection of Human Rights - CAPPDH (2002).

Caldera (2017a, 2018a, 2018b, 2018c, 2018d) highlights that the essential core of democracy, assumed as a fundamental human right, comprises the effective enjoyment of rights, also fundamental, established by resolution 2003/36 of the Commission on Rights Human Rights of the United Nations indicating: 1. Declares that the essential elements of democracy include respect for human rights and fundamental freedoms, inter alia, freedom of association and freedom of expression and opinion, and also include access to and the exercise of power in accordance with the rule of law, periodic free and fair elections by universal suffrage and secret ballot as an expression of the will of the people, a pluralistic system of political parties and organizations, separation of powers, interdependence of the judiciary, transparency and accountability in public administration, and free, independent and pluralistic media; 2. Reaffirms its conviction that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing; that democracy is based on the free expression of the will of the people for the determination of their own political, economic, social and cultural instruments and their full participation in all aspects of their lives; 3. Reaffirms also that democracy facilitates the progressive enjoyment of all economic, social and

cultural rights; 4. Recognizes the global nature of democracy as a system of government encompassing procedural and substantive issues, formal institutions and informal processes, majorities and minorities, mechanisms and mentalities, laws and their implementation, government and civil society; 5. Stresses the need for equal opportunities for men and women to participate in political and public life; 6. Recognizes the role of non-governmental organizations and civil society in promoting democracy; 7. Notes that international human rights instruments incorporate many of the principles, rules, norms and values of democracy and can guide the development of national democratic traditions and institutions; 8. Recognizes that democracy is an ever-improving process, which should be judged by the degree to which its principles, rules, norms and values are applied and contribute to the full enjoyment of all human rights; 9. Notes with satisfaction that the progress made in many countries of the world in establishing democratic societies has resulted in fuller enjoyment of civil, political, economic, social and cultural rights in those countries. Its dogmatic value has been recognized and established, for the Andean area, by articles 2, 3, 4 of the CAPPDH (2002). In this case, democracy is not conceived from a reductionist viewpoint from the merely instrumental, it is not simply elections or competition for political power, but, in essence, the respect, guarantee and protection of the effective enjoyment of a bundle of rights, equally fundamental, that form their scope of protection in favour of the human person and the achievement or effective enjoyment of the rights, all fundamental, of which they are holders or beneficiaries.

The essential nucleus of the fundamental right to democracy, complex or comprehensive, under a human rights approach, that is, integral democracy or D+EBDH, as Caldera calls it (2017a, 2018a, 2018b, 2018d) has been established in the very new resolution 19/36 of 2012 on the interdependence between Democracy, Human Rights and the (social) Rule of Law, which must be respected by every State Party of the UN and, therefore, of the OAS, consists of guaranteeing, respecting and protecting the following specific rights:

“16. Urged States to continue their efforts to strengthen the rule of law and promote democracy:

- a) Defending the separation of Powers through the adoption of appropriate constitutional, legislative, judicial and other institutional measures;
- b) Defending the interdependence and integrity of the judiciary;
- c) Ensuring that the law is applied with sufficient legal certainty and predictability to prevent arbitrariness;
- d) Taking active and consistent measures to increase public awareness of their human rights and their ability to seek redress, as provided for by law and international human rights instruments and mechanisms, when their rights are violated;
- e) Collaborating with civil society organizations and institutions and allowing them to participate in public debate on decisions that can help promote and protect human rights and the rule of law and on any other relevant decisions;
- f) Ensuring that people and groups in society have more access to understandable information about the exercise of their rights;
- g) Taking active measures, such as identifying and removing obstacles and barriers to accessibility, to provide equal access to persons with disabilities in order to ensure their full participation in all aspects of democratic processes;
- h) Taking appropriate measures and taking appropriate steps to amend electoral legislation so that the population can vote and participate in elections without unreasonable restrictions;
- i) Establishing or strengthening national human rights institutions in accordance with the Paris Principles;
- j) Ensuring that no person or public or private institution is above the law, by ensuring that:
  - i) The principles of equal protection before the law and before the courts under the law are respected and applied without discrimination to all persons under its jurisdiction;
  - ii) Violations of human rights law and international humanitarian law should not be allowed to go unpunished and should be duly investigated and punished, including by prosecuting perpetrators using national mechanisms or, where appropriate, international mechanisms, in accordance with States' international human rights obligations and commitments;

iii) All public officials, regardless of their position, are fully and promptly held accountable, in accordance with applicable domestic law and international obligations, for any violations committed by them;

iv) There is no discrimination in the administration of justice;

v) Comprehensive anti-corruption strategies and measures are properly developed and implemented to preserve the Independence and impartiality of the judiciary, and the moral integrity and accountability of members of the judiciary, legislature and executive are guaranteed;

vi) The army is accountable to the relevant national civilian authorities;

vii) Military or special courts are independent, competent and impartial, respect due process of law and ensure a fair trial in accordance with domestic law, international human rights obligations and international humanitarian law;

k) Respecting equal protection before the law:

i) Guaranteeing the right to life and the right to liberty and security of the person without any discrimination, ensuring that the right of everyone to be recognized as such before the law is fully respected;

ii) Ensuring equal access to information on rights for all, as well as equal access to the courts, including through non-judicial means;

iii) Taking active measures to improve access to justice for all persons, including minorities, who are impeded in the full exercise of their human rights by, inter alia, lack of information or resources, or by discriminatory or arbitrary measures;

iv) Incorporating the principle of equality of men and women before the law;

v) Guaranteeing the rights to a fair trial and due process without discrimination of any kind, including the rights to be presumed innocent until proved guilty according to law, and the right of any person who has been convicted of an offence to have his conviction and sentence reviewed by a higher tribunal in accordance with the law;

vi) Constantly promoting the independence, impartiality and integrity of the judiciary;

vii) Guaranteeing victims of human rights violations, the right to an effective remedy, including reparation, as determined by the competent authorities and in accordance with international obligations;

viii) Encouraging continuous training of public officials, military personnel, parliamentary experts, lawyers, judges at all levels and judicial personnel, in accordance with their field of competence, on international human rights obligations and commitments, in particular with regard to legal aspects and procedures relating to equality before the law;

ix) Supporting the adoption of inclusive and democratic approaches in the elaboration and revision of fundamental laws and regulations underpinning democracy and the rule of law, human rights and fundamental freedoms;

17. Urges Member States to increase social cohesion and solidarity, as important elements of democracy through:

a) The development and strengthening of institutional and educational capacities, at local, regional and national levels, to mediate conflicts, resolve disputes peacefully and prevent and suppress the use of violence to address social tensions and disagreements;

b) Improving social protection systems, including appropriate and necessary social services;

c) The promotion of social dialogue and tripartite collaboration with respect to labour relations between government, trade unions and employers' organizations;

d) Promoting women's political and economic empowerment, including by increasing their representation in parliaments, Governments and the labour force, thus reflecting gender equality."

For further insight you can analyze resolution 19/36 of the Human Rights Council (UN) of March 23, 2012, on Human Rights, Democracy and the Rule of Law adopted by the United Nations General Assembly. The defining elements of the complex scope of protection are integral or holistic democracy which, as an autonomous right, with its enjoyment becomes a condition of possibility, as a way and end, for the effective, interdependent and symbiotic enjoyment of fundamental rights in relation to the achievement of the content of human dignity, based also on the "conviction that democracy, development and respect

for human rights and fundamental freedoms are interdependent and mutually reinforcing; that democracy is based on the free expression of the will of the people for the determination of their own political, economic, social and cultural instruments and their full participation in all aspects of their lives” in line with the normative guideline in paragraph 2 of UN Commission on Human Rights Resolution 2003/36 on “The interdependence between democracy and human rights” and other dogmatic norms and principles already cited in the context of the autonomous right to democracy from a human rights perspective (D+EBDH).

The right of the peoples of the Americas to democracy, as well as the essential core of the Americas to democracy, as well as the essential core of the fundamental right to democracy, complex or all-encompassing which is enshrined in the Inter-American Democratic Charter and serves as the basis for pro-democracy collective action, is compatible with the human rights-based approach (D+EBDH-integral democracy), and is contained in the following normative provisions of the Charter:

Article 1. The peoples of the Americas have the right to democracy and their governments have the obligation to promote and defend it.

Democracy is essential for the social, political, and economic development of the peoples of the Americas.

Article 2. The effective exercise of representative democracy is the basis of the rule of law and the constitutional regimes of the Member States of the Organization of American States. Representative democracy is strengthened and deepened by the permanent, ethical, and responsible participation of citizens within a framework of legality in accordance with the respective constitutional order.

Article 3. Essential elements of representative democracy include respect for human rights and fundamental freedoms; access to and the exercise of power subject to the rule of law; the holding of periodic, free, and fair elections based on universal and secret suffrage as an expression of the sovereignty of the people; the pluralistic system of political parties and organizations; and the separation and independence of public powers.

Article 4. The transparency of government activities, probity, the responsibility of governments in public management, respect for social rights and freedom of speech and of the press are fundamental components of the exercise of democracy.

The constitutional subordination of all State institutions to the legally constituted civil authority and respect for the rule of law of all entities and sectors of society are equally fundamental to democracy. It should be noted that the Venezuelan public law teacher, Brewer Carías (2009, 104), in his article *Sobre las nuevas tendencias del derecho constitucional: del reconocimiento del Derecho a la Constitución y del Derecho a la Democracia*, has expressed:

“In the contemporary world, therefore, one can also speak today of other political rights that derive from the democratic regime, such as the aforementioned citizen right to democracy or to a political regime in which its essential elements are guaranteed, as enumerated by the Inter-American Democratic Charter of the Organization of American States (OAS) of 2001, and which are as follows: 1) respect for human rights and fundamental freedoms; 2) access to and exercise of power subject to the rule of law; 3) the holding of periodic, free, and fair elections based on universal suffrage and secrecy as an expression of the sovereignty of the people; 4) the pluralistic system of political parties and organizations; and 5) the separation and independence of public powers (art. 3°). In a democracy, the citizen undoubtedly has the right to exercise public functions, the rights to suffrage or the right of association in political parties. However, taken as a whole, and in particular the separation of powers, can be configured globally as integrating a right to democracy that is intended to guarantee effective control of the exercise of power by and through the rulers of the State. This right to democracy, clearly, can only be configured in democratic States of law, being inconceivable in States with authoritarian regimes where precisely the aforementioned essential elements cannot be guaranteed by the absence of controls over the exercise of power, even though they may be States in which, in fraud against the Constitution and democracy itself, the governments may have had their origin in some electoral exercise.” Brewer himself (2009, 105), in this article, expresses that democracy is a

fundamental right itself, that possibilities the citizen control under the power exercise, pointing:

“Like some of the above-mentioned essential elements of democracy, many of these fundamental components have also been configured in constitutions as individualized citizens’ rights, such as the set of social rights and freedom of expression of thought. However, also considered as a whole, together with the essential elements, these fundamental components of democracy make it possible to reaffirm the existence of the citizen’s right to it, as a fundamental right in itself, which implies above all the citizen’s possibility of controlling the exercise of power.”

The Venezuelan *ius publicist* Aguiar (2014, 78-83), in an authoritative opinion cited at length, because of its singular dogmatic significance, based on binding rulings of the Inter-American Court of Human Rights, explains its conclusion on the elements that make up representative democracy and the essential elements for its enjoyment (core or scope of protection of the fundamental right to democracy) from the jurisprudence of the Inter-American Court of Human Rights and the Inter-American Democratic Charter, stressing that there are basically “twelve elements of representative democracy” and the “essential components of its exercise”. In general terms, Aguiar (2014, 78-83) describes the essential elements of the right to democracy as follows: “a. Respect for human rights and fundamental freedoms; b. Access to and exercise of power subject to the rule of law; c. Holding of periodic, free, fair and secret elections based on universal and secret suffrage as an expression of the sovereignty of the people; d. Plural regime of political parties and organizations; e. Separation and independence of public authorities. It indicated the following as “Fundamental components of the exercise of democracy: “a. Transparency of governmental activities; b. Probity of governments; c. Responsibility of governors in public management; d. Respect for social rights; e. Freedom of speech and of the press; f. Constitutional subordination of all State institutions to the legally constituted civil authority; g. The right to freedom of speech and of the press. Respect for the rule of law of all entities and sectors of society.”

On the other hand, the thesis of democracy as a fundamental right is related, in theory, in part, to Nussbaum's approach to capabilities that emerges "as a

philosophical basis for a theory of the basic rights of human beings that must be respected and applied by the governments of all countries, as a minimum requirement of respect for human dignity" (Nussbaum 2007, 83). The Integral Democracy is functional for the achievement of the normative content of human dignity that is connected with the realization of the valuable life project that each person freely chooses to carry out in the political community and this, in turn, is connected with theory of the human capacities defined by Sen (1985, 1993, 2010) and Nussbaum (1993, 2002, 2007). Thus, capacity is "what people are effectively capable of doing and being, according to an intuitive idea of what a life of human dignity is" (Nussbaum 2007, 83), being, in turn, the human dignity, the presupposition of the basic rights that serve to conceive a threshold for a partial declaration of social justice. The fundamental right to democracy, established in its essential core for a diverse beam of human rights, all fundamental, is related to the statement "social assets primary" of Rawls (1971, 1979). In his theory of justice, the basic structure is made up of "the main institutions political, social and economic, as well as the way in which they they function as a unified system of social cooperation " (Rawls 1993, 11), all of which leads to what Villalobos (2018) reconstructs as the internal link between the rule of law and democracy, it is exactly what it is about: the idea of justice determined by the democratic principle, all of which is exposed in this scientific article to encourage academic discussion and political deliberation that contributes to the promotion of education for democratic citizenship and constitutional culture with an emphasis on the defense, protection and guarantee of human fulfillment, respect for their human dignity and social happiness in the constitutional democratic state.

In summary, it can be said that the Integral Democracy, as a fundamental right, at its core essential, it is made up of a list of rights (civil, political, economic, social, cultural, environmental, etc.) likewise fundamental of which is irreplaceable means and end for your effective enjoyment, interdependent and interrelated, through mutual and reciprocal reinforcements, in the context of the theory of comprehensiveness of human rights, seen under the Rights Based Approach Human (abbreviated D + EBDH) to say the Ávila et. al. (2018d).

## 4. CONCLUSIONS

Democracy is normatively classified as a fundamental right, related to human dignity (life project, conditions to function in society and life without harm); in the form of a subjective right (owner, obligated and essential nucleus) and a consensus of constitutional dogmatics on its relevance, made up of procedural elements -majority formation- together with the substantial facet -enjoyment of the fundamental human rights in its field of protection- as means and end for the achievement of human flourishing and the happiness of the human person in the constitutional democratic State. It is considered the fundamental right of fundamental rights aimed at individual happiness, focused on the protection of life and human dignity of every person. It is feasible, for the author, to consider democracy as a fundamental right from the perspective based on Human Rights, related to the achievement of the normative content of human dignity (as a means and end for the free choice and realization of a valuable life project, material and immaterial conditions for a decent existence, to live a life with meaning and happiness, to live without fear and without harm counting on opportunities for the splendour of human capacities and human flourishing) and with the dogmatic conformation of an essential nucleus of democracy, as a fundamental, comprehensive and holistic right, made up of a procedural facet (elections) and another substantial or material facet (achievement of the dogmatic content of human dignity referred to above) within the framework of the constitutional democratic state of which both the Inter-American Democratic Charter (IDC) and the various Democratic Clauses (CD) and norms that enshrine democracy as a human right are the normative expression. Recognize democracy as a fundamental right and provide it with more effective protection mechanisms. The Integral Democracy is the fundamental right of the fundamental rights of every human person, whose effective enjoyment is a means and an end to the realization of their valuable life project, without arbitrariness or harm, in search of obtaining their human happiness in the community politics, respecting their human dignity. Especially, as in the Venezuelan case, where there is a process of destruction of the constitutional order that threatens the democratic system and the republican model of

government, with a dictatorial regime, with totalitarian pretensions, headed by Nicolás Maduro Moros but directed by the hierarchs of Cuban tyranny, against which Venezuela finds itself in a situation of consensual foreign domination, which merits an energetic academic and scientific position committed to the defence of the human person and his dignity, supporting the constitutional order and the validity of the democratic system in Venezuela, as an expression of the protection of the fundamental right to democracy severely threatened and curtailed in Venezuela during these days of totalitarianism, authoritarianism and rampant militarism, without it having been possible to activate collective action in defense of democracy by the bureaucratic instances of the OAS despite the Pan American Democratic Charter, subscribed without reservations by Venezuela, article 20 contemplates the conventional figure, no less strict, with an open and indeterminate texture, of the alteration of the constitutional order, as an analogous term, although less rigid, than the concept of rupture of the democratic order over which the collective duty to protect democracy and its essential content should be protected. Thus understood, democracy must provide opportunities for every person to fully develop their capacities, reach full human fulfillment and live happily.

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## BOOK REVIEW

**George Friedman, 2020: The Storm before the Calm,  
Doubleday, New York, 256 pages,  
ISBN-10: 0385540493, ISBN-13: 978-0385540490**

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For those familiar with his writings, George Friedman's name is synonymous with geopolitics. However, his latest book seems to more about the U.S. internal affairs than geopolitics. Being familiar with the concepts and the method he uses, as someone who has worked and been trained in his team of analysts, the book is not coming as a surprise: it is the deep structural socio-economic realities that shape the state, setting its priorities, considering its geopolitical imperatives. To me, the Romanian, the book taught me a great deal about the U.S. - to me, the geopolitical analyst, the book is a guide for understanding how institutional and structural cycles can affect national strategy.

For the European public interested in geopolitics the book is essential at least for two reasons. First, it discusses the political philosophy that keeps the United States together, underlining, beyond the geography, the specific American culture driving its global role. Second, it discusses how domestic forces shape political power for a nation state - in this case, the U.S., and how that shapes the relations it has with the world.

The book essentially brings up a model for socio-political analysis of the U.S., a country that, contrary to common beliefs, is very little known. In Europe, the

educational system makes it easy to gain knowledge on the middle ages or the antiquity, but you usually gain similar amount of knowledge about the history of the United States if you decide to enroll in special programs, focused on the history of the Americas. The U.S. is commonly thought about as a “new state”, while its institutional realities are little known. Its foreign policy, especially during the last few years, is tied to the president’s personality while the media, while helping shape the public opinion, is not doing much reporting on the deeper problems and specific aspects of the American life. Friedman’s book comes to address that perception and guide the reader into a better understanding of the United States.

Therefore, the first part of the book is about the founding of the United States. The second talks about the impersonal forces driving events, both internally and externally, for the United States. The third refers to the problems of the 2020s – and, while the book was finished last year and published in February, reading this particular part gives you an unsettling feeling of “*déjà vu*”, due to the current pandemic that generated the sanitary crisis worldwide, U.S. included. George Friedman forecasts that the 2020s and 2030s will have the U.S. experiment a “very real coming crisis”, out of which “pain and confusion” will drive restructuring, arguing that the experience will actually make the U.S. more dynamic.

In the first part of the book called “The Invention of America”, Friedman refers to the way the founding founders designed the United States to have an inefficient political system. “The Constitutional Convention invented the American government. It was an invention in two ways. First, it created a government where none had existed. Second, it created a machine, the machinery of government, which had sprung from the minds of the founders.” Adding that the founders “did not trust the people, because the people – in pursuing their private interests – might divert the government from common good”, Friedman explains why the machinery of government, while having to exist and function, had to be restrained. The combination largely made the passage of new laws very difficult, limited the powers of the president – who could not ever “become a tyrant” and limited Congress by the courts on

anything it could ever achieve. In short, the government had to be inefficient and do little, so that creativity be allowed in private life.

Friedman also points out the specificity of the United States by pointing the symbols the founding act brought, the Great Seal, all-visible on the one-dollar bill. By going into details on each of them, he points out that the founders had a clear vision for the new country. For example, the idea that the new American era was only natural for the Founding Fathers is confirmed by the third motto on the Great Seal – *Novus ordo seclorum*, which means a new order of the ages. In Friedman’s words, the founders “saw the founding of the United States as a new era, filled with unending effort, but effort shaped toward a prescribed and logical end”. All that is explained with regards to the founding of the United States refers to the reasons for which the country is a unique blend of innovation, business and war as the way for the nation to evolve, during each historical period.

The second part “American Cycles” looks at the fundamental, impersonal forces that drive the United States. It also explains how the American evolution is, in fact, set through two cycles: the institutional and the socio-economic cycles. It is in this chapter that George Friedman explains how the U.S. is tied to Europe and Asia and how the economic dependencies came to define immigration patterns which have evolved into social forces. As America developed, the institutional cycle and the socio-economic have always succeeded, one after another. Friedman explains how the South is different from the North, how the West different from the East, due to the way the colonies had been setting but also how transportation, including river trade and agriculture were developed in time, all of which has developed different socio-economic models, which have stood at the heart of the Civil War.

All this translates into tensions that transform into crisis when one institutional or socio-economic cycle ends and another one begins. But such crises, in the history of the United States have proven to be beneficial for the country’s advancements. “This tension has a virtue hidden within it. The tension within the country, the radical differences in culture and outlook, actually become a good driving the country forward but leaving some behind”, George Friedman’s write. As this part of the book takes us through the American history and

geography explaining patterns, it is underlined the foundational forward-looking national identity, considering the United States appears, in Friedman's words, an invented country in all aspects. Historically, the first institutional cycle began with the drafting of the Constitution and ended after the Civil War ended. The second cycle ended at the conclusion of World War II, when the United States also took on the role of global power. The socio-economic cycle has shifted in the 80s, considering technological innovation and businesses. George Friedman points out that "the strains of the next transition are becoming obvious now and will take place around 2025", as the United States is "facing another period of social and economic instability that will conclude in the late 2020s."

This is what the third part talks about "The Crisis and the Calm". George Friedman explains that the current decade is a critical historical moment in time: the institutional and the socio-economic cycle end at the same time. That makes for ampler crises than before, an amplification of usual instability due to existing structural differences and disruptions. He points out that "socioeconomic cycles are shaped by social and economic failure. Institutional crises are shaped by the wars the United States has been fighting. In the 2020, the two major cycles that have shaped the United States will intertwine and the sense of failure will be deep, even as the solution to the economic and social problems will be grinding through the system". By discussing the current political and economic problems that the United States is facing, the crisis of faith in the Republic is underlined to be most important. This last part is very vivid, considering all that happens now – the covid-19 sanitary crisis but also the U.S. efforts to limit its engagements abroad. George Friedman argues that while the 20s will be grim, the restructuring hard, as the United States gets into the 2030, common sense and rational governance will restore its dynamism again.

The polarization of the American society, the problems of the middle class, the ineffectiveness of expertise and technocracy as well as the demoralizing decline of the working class are all described in detail, which makes of this part a veritable analysis of the contemporary American society. In the same time, all the details offered makes it hard to believe common sense will prevail at the end of the coming crisis. To support that argument, George Friedman offers no other reason by that of cyclical evolution – in politics and economics both.

In a simple but not a simplistic way, this book explains the contemporary reality of the United States. It also gives away a method to look at a nation state's problems. The forecasting technique – looking through cycles, is blurred by hope and optimism, something that is not often found in George Friedman's writings. The book was to be released in an election year that was to show divisions, once again, in the American politics and social life. Instead, the book was released just before the covid-19 pandemic hit the world and is testing all countries abilities to cope with it, including that of the United States. But how the United States deals with the current and coming crises defines the world – which makes of this book a must read.



## BOOK REVIEW

**Andrew Lambert, 2018, *Seapower States. Maritime Culture, Continental Empires, and the Conflict that Made the Modern World*, Yale University Press, UK, 427 pages, ISBN: 9780300240900**

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In approaching the fundamental processes of endurance and change in a chaotic international setting, Lambert's work is, first and foremost, daring, with its arguments – and, occasionally, the way they are brought together – sure to generate intense debates and disagreements in some quarters. Early on in the work, the author argues that Mahanian sea power belongs to the West “a consortium of liberal, democratic commercial states that trade globally, and act collectively to secure oceanic trade against pirates, conflict and instability” (p.7), with the crucially different “seapower identity” being found in a number of polities such as Britain, Denmark, Japan and Singapore. This, in effect, represents the book's central argument, whereby “Mahan's phrase ‘sea power’, which describes the strategic options open to states possessing navies, shifts the meaning of the original Greek word from identity to strategy, weakening our ability to understand seapower as culture.” (p.7) Lambert thus argues that seapower in the ancient Greek context (*thalassokratia*) refers to states dominated by the sea, in effect “cultural seapowers”, rather than states which possessed large navies. At the same time, the core of his thesis is that seapowers were dependent on mobilising the full range of human and fiscal resources, and by various forms of inclusive political systems (such as oligarchic republics), which

enabled such polities to compete against continental imperial polities, who were, Lambert argues, rigid, militaristic, focused on a centralised political system and a command economy, and who feared the subversive potential of seapowers.

Thus, the struggle between various seapower republics and continental hegemony is not only seen from a geopolitical standpoint, but also as a long-running series of cultural battles, dealing with identity and values (p.10). As long as seapowers were able to make use of their strengths to maintain a balance in the international system, they were able to prosper. It was in the change of the distinctive weapons of the seapower states that the seeds of disaster could ultimately be found. Therefore: "Seapowers that attempted to wield the weapon of continental might, mass military mobilisation – the Dutch Republic between 1689 and 1713, and Britain from 1916 to 1918 – were destroyed by the effort, even if they 'won' the war. Only continental powers use navies to advance total-war strategies of annihilation or unconditional surrender. This strategic model, employed by Rome, was Mahan's legacy to the United States. Rome possessed strategic sea power, but neither Rome nor the United States were seapowers." (p.15) Moreover, the author justifies his decision on focusing solely on the European dimension of seapower – rather than engaging with other non-European states with maritime traditions – due to his wish for the work to be read as "the collective study of a coherent, interrelated group of seapower states, states that were acutely and overtly conscious of the intellectual heritage left by their precursors", going back to the Athenian invention of thalassocracy via the Minoans "to avoid the stigma of having been the first such state and to obscure a profound debt to the Phoenicians" (p.16).

The book's first – and possibly most important – chapter deals with the creation of seapower identity, pitting the seapower polities of the Eastern Mediterranean against the cosmocratic claims of Mesopotamian empires. In what functions as arguably the most important distinction of the book – which is encountered, with varying degrees, in subsequent chapters – Lambert paints a picture of static imperialism and restless seapower dynamism. In his vision, the Egyptian and Mesopotamian polities, "constrained by regions, river based, hemmed in by desert and mountains" and with political heartlands distant from the ocean, defined political success according to domestic stability and territorial conquest,

while their geography added to a sense of exceptionalism and superiority (p.18). Whereas such states pursued universal monarchies, “pedestrian prospects and military solutions”, whereas seapower states favoured innovation, exploration, compromise and balance. The Phoenician polities which favoured seapower thus represent distinct, innovative, prosperous societies, with the great city of Tyre being the most representative. At the same time, the Tyrian “‘maritime imperial’ model” – albeit destroyed by the return to prominence of continental actors – would be encountered in the much more ambitious policies of later seapowers, thus reflecting “enduring economic and strategic realities.” (p.34). Among these, one encounters the militaristic dimension added by the Greeks to the existing Phoenician model.

Accordingly, the second chapter focuses on the Athenian thalassocratic experiment, which – in Thucydides’ critique of democracy, imperialism and seapower – quickly led to its transformation from heroic city-state to a democracy which was, nonetheless, an imperial tyrant for other Greek city-states (p.70). Just as the dynamic, democratic Athens was seen a major military and cultural threat by continental Sparta and Persia, the Carthaginian seapower state – “an obvious precursor of Venice, and Britain” (p.83) – would be later seen as a deadly enemy by the Romans, with chapter 3 focussing on the cultural war between a defensive, compromise-oriented Carthage and an aggressive, militaristic Rome. The next chapter deals with the way in which Venice “introduced seapower to the West as an intermediary between two worlds, and two epochs” (p.131). The successor to the extraordinary Venetian state is found in the next chapter, dealing with the brief Dutch moment of focus towards seapower, a prosperous republic in a world of monarchies. Chapter six, in turn, looks at Rhodes, Genoa, and Portugal, with Lambert explaining how each of them, while dependent on fleets, did not possess a true seapower culture, with even Portugal retaining “an aristocratic terrestrial culture, where blood and land mattered far more than the undignified business of seafaring trade” (p. 222), with the sea acquiring an important place in Portuguese culture only in the late 19<sup>th</sup> century (p.225). And whereas navies may become the tools of autocracies – as demonstrated in the chapter dealing with Peter the Great’s ambition – maritime culture is a different thing altogether. This was certainly the case in

England, which first embraced seapower under Henry VIII (p.269), with the commercial classes later becoming committed to seapower since they feared the return of a Catholic dynasty (p.276). Thus, “between 1688 and 1945, Britain worked within a multi-polar state system to prevent the creation of successive universal monarchies in Europe, sustaining anti-hegemonic coalitions with money and naval might, which compensated for military weakness” (p.289). That Britain ceased being a strategic seapower after 1945 was mainly due to American policy, which actively worked to end Britain’s dominance of global trade and to dismantle its imperial system (pp.303-307). Chapter nine discusses the role and importance of seapower today, arguing that, despite their vast resources and naval potential, states such as China, and even the United States – with the most powerful fleet in human history –, are not seapowers. The European Union is also briefly considered as a negative example, “an unaccountable protectionist system that has impoverished and infantilized most member states, to the advantage of German industry, in order to integrate old, culturally diverse nations into a homogenised monolith, [...] in danger of becoming a *Zollverein* for the twenty-first century”, or even “an empire, not a nation, closer to Russia and China than the liberal democratic nation states that are the legacy of seapower” (p. 319).

A discussion of the book’s ideas must firstly take into account the scope and ambition of such a work. One cannot escape the feeling that, in choosing to tell the story of innovative, restless, dynamic cultures which favoured trade rather than the militarist, hegemonic, static monocultures associated with states pursuing the symbol of world monarchy, the author has created a somewhat deterministic scheme, which threatens to break, rather than gracefully bend under the weight of contingency, individual agency, and the many other factors which led to the choices made by continental and coastal polities in shaping their own cultures, not least in their strategic vision concerning various rivals and allies. In approaching the subject as the history of an idea, Lambert skilfully integrates history, politics, economics, strategy, and art in the story of a process which contributed to the rise of modernity. It is often an illuminating synthesis, even as some of the author’s conclusion will be forcefully challenged by various experts. Whether it has to do with the impact of Greek militarism on seapower,

the defensive and inclusive nature of Carthaginian politics (when compared to the Rome), or the alleged constant fear that continental hegemony has had towards free, seapower republics which challenged their political culture and societies, issues will not only be raised with regards to the overall argument, but also regarding the way in which the author has interpreted decisions made by historical figures such as Hannibal or De Witt, who he almost turns into seapower agents of freedom, fighting against despotic continental regimes – who are portrayed as possessing monocultural ambitions, levelling of differences, aggressiveness, closed mindsets, and apparently little else. It is an unfortunate simplification which lessens the persuasive power of an otherwise intriguing work.

Audacious in its breadth and scope, as well as in its polemical spirit, the book remains a flawed, fascinating intellectual exercise. Regardless of one's position regarding the author's conclusions, it represents a very important read, particularly in the current international climate, defined as it is by Western retrenchment, the decline of globalisation as we know it, and, more ominously, the reimagining of what constitutes freedom.



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## CENTRE FOR EUROPEAN STUDIES

**The Centre for European Studies (CES)**, established by *Government Decision No. 1082/2003* is a teaching and academic research structure within the *Department of International Relations and European Integration (DIREI)* of the *National University of Political Studies and Public Administration (NUPSPA)*.

CES promotes education and professional training in the European Studies and International Relations field, contributing with its research projects, analysis and evaluations to a better understanding of the functioning and evolution of the processes and dynamics of world politics. CES supports in-depth innovative investigations of the European and international polity, politics and policies, stimulating debate and facilitating academic networking of scholars interested in these topics. The members and volunteers of CES prepare analytical research papers, offer consultancy on diverse European and international themes, organise and participate in national and international programs and projects aimed at promoting cooperation and information dissemination in these educational and research areas. The sustained and comprehensive dialogue and debates on various aspects regarding the complex dynamics on the international arena are promoted by CES through conferences and seminars and the resulted expertise is extremely useful not only for researchers and the academic field but it is also significant for the civil society, Romanian national institutions contributing in the end to a better understanding of the current international system. With the Master's programmes it promotes, viewed in the wider context of all the other educational programmes of DIREI and together with the analysis of different International and European aspects, the expertise offered in the end by CES is able to respond to the practical needs of the Romanian society, economy and administration, being thus a way of improving them, contributing also to an actual construction of identities at a European level. CES brings together at different debates researchers (know-how providers) and actors involved in public policies who represent the main beneficiaries, in order to raise the quality standard of the domestic input in the process of analysis and policy-making at national, European and international level. Thus, CES is trying to illustrate how enhancing the academic, theoretical research is useful in the practical policy-making process and how important is to have national experts trained in undertaking research in the European and international studies field. At a national level, CES cooperates with Romanian state institutions, public administration, private sector, NGO's in organizing various seminars and debates which promote the European participatory democracy in action and European social values contributing to a deepening of the European integration process and being a valuable instrument for the global affirmation of the significance of the European Union in a broader context of International Relations.

Initially, the strategic mission of CES was to contribute to improving the teaching supply at post-graduate level for those willing to form or deepen their professional training in the area of European studies in the context of Romania's increasing efforts to complete the accession negotiations, and thereafter to smoothly and effectively adapt and work within the institutional and political system of the European Union. Therefore, since it was established, the Centre for European Studies contributed to the expansion of the educational offer of the *Department of International Relations and European Integration* by initiating the „*European Politics and Economics*” Master's Programme, developed in a new modular format involving training for both general and specialized competencies concerning the intersection of analysis and dissemination of theories of European integration and public policy. In this regard, the program succeeded in co-opting some important names of scientists from the academia of Bucharest; one can refer here to professors as Daniel Dăianu, Iordan Bărbulescu, George Voicu and Liviu Voinea. The syllabus included for the first time the area and the policies of the migration phenomena in the context of EU enlargement, border security and asymmetric risks/threats in the wider neighbourhood.

In 2010, a second master's project was implemented. Called „*Evaluation of European Public Policies and Programmes*”, this project was dedicated to a niche specialization absent from the Romanian labour market, but much needed, given the procedural requirements regarding the consistent application of the structural funding projects. In the same year, CES has initiated the first MA programme in English, „*Security and Diplomacy*”, where the involved professors have both a recognized university career and a significant public activity: Ioan Mircea Pașcu (MEP, Vice-president of the European Parliament), Vasile Secăreș (NUPSPA founding rector, former head of the Presidential Administration), gen. Mihail Ionescu (Director of the Institute for Political Studies of Defense and Military History / Director of the Institute for Studies of Holocaust Elie Wiesel), Bogdan Aurescu (former Minister of Foreign Affairs), Constantin Buchet (CNCSAS Secretary), George Anghoiu (Adviser on lobby and communication to the President of the Competition Council), etc. A new master's programme in English on

*Development, International Cooperation and Humanitarian Aid* was launched starting with the academic year 2013-2014; one year later, it was followed by a new Master in Romanian on *Social Economy*.

Since 2012, CES is also a partner of the *Romanian Association of International Relations and European Studies* (ARRISE), Romania's representative in ECSA World, to edit/permanently coordinate the publication of *RoJIRES – The Romanian Journal of International Relations and European Studies*. Moreover, CES started to edit a new series of the academic journal *Europolity – Continuity and Change in European Governance*, a biannual peer reviewed open access international academic journal. Designed in 2007, *Europolity* was primarily addressed to young researchers, giving them the opportunity to publish academic papers and opinion articles on topics related to European Union study. Nowadays, edited by CES, *Europolity* is mainly oriented towards multi-disciplinary scholarly work in European Studies, supporting therefore relevant theoretical, methodological and empirical analyses connected to this field and coming from EU Studies or International Relations, but also from International (Political) Economy, Law, Sociological Studies, Cultural Studies, etc.

CES supports excellence in academic research, the development of partnerships, and it tries to increase the visibility for its research and analysis results. The academic staff members have conducted research projects with impact and had a number of publications in this field. CES has collaborations with other prestigious research institutions abroad such as the Jean Monnet Chair within the Political Science Department of the Complutense University (Madrid), the European Institute of the London School of Economics, and the Romanian-based Altiero Spinelli Center of the Babes-Boylai in Cluj-Napoca. Between 2014 and 2017, DIREI and CES are hosting a Jean Monnet Chair focused towards "Bringing European Studies to Journalism, Agriculture, Engineering, Philology, Economics, History, Law and Sociology students", chaired by prof. Iordan Bărbulescu. Moreover, as a staunch promoter of European integration, CES is overseeing the implementation of two Jean Monnet projects aimed at supporting innovation and the spread of European Union related content within the time frame September 2015 – August 2018. Firstly, the Jean Monnet Centre of Excellence *In and Out: Understanding the European Union beyond its Borders* intends to develop border management trainings for frontier workers from Romania, Republic of Moldova and Ukraine, as a means to improve knowledge and practices on European policies, in particular those related to border management and security. Secondly, the Jean Monnet Module *EU\*RO Media. European Standards, Romanian Application: The Media Roadmap for Romania's EU Council Presidency* is designed to contribute to the Europeanization of the public sphere which must better understand the direct and indirect implications of the EU's impact on the member states and, last but not least, the importance of Romania holding the EU Council Presidency in the second half of 2019 and the potential contributions of the public sphere to the agenda-setting.

Finally, CES also manages research grants for the complex and interdisciplinary field of International Relations and European Studies. For example, in the period 2012-2015, CES monitors the implementation of five exploratory research projects - "Romania-Russia bilateral relationship: national and European perspective", "Implementation of the social market economy in Romania as a way of Europeanizing the Romanian society", "Operationalizing an evaluation model for the institutionalization of forms and practices of the social market economy in Romania", "The European Union and the Latin America – an interregional analysis", "Citizens and MEPs: Representation, Legitimacy and Political Participation" -, while actively supporting the involvement of young researchers. From this point of view, an important aspect of the CES activity consists in collaborating with NUPSPA's undergraduate, post-graduate and PhD students; in this regard, since 2009, CES is working closely with the Academic Club of European Studies (CASE), organizing events and activities designed to foster excellence in European research issues. CASE aims to be a via media, but also a connection point between academia and public institutions that can influence Europeanization, which is why CES supports the work of this NGO perceived as the youth component or the nursery for future researchers.

Through all its activities, CES contributes to enhance the image of the *Department of International Relations and European Integration* as an important research and teaching academic actor.





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