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NUCLEAR INCIDENT (MALFUNCTION, BOMBARDMENT OR TERROR) AROUND THE WORLD, LEVEL OF PREPAREDNESS AND CHALLENGING ACCEPTED REFERENCE SCENARIOS

Ori Nissim Levi*

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Abstract

The rate of construction of nuclear reactors in the world that supply energy, the geopolitical situation such as with North Korea, Iran, and the rising tensions between the world powers raise the question of whether and when a large nuclear incident will occur. However, after examining several references scenarios for dealing with civil nuclear events and comparing them to data obtained from interviews, a careful analysis of previous events, and investigating accidents, it is clear that the current models cannot deal properly with those events. The current plans for coping with nuclear accidents address only partial aspects of disaster management, do not offer accurate description of unfolding events, ignore newly obtain scientific data, and ignore the human factor in decision making level. The current paper will review why Reference Scenario to nuclear incidents accepted currently in various countries around the world are not up to date and shed light on the most critical aspect in proper nuclear disaster management - rational thinking pattern. The suggested model presented at this article, ONDM, is an innovative new mechanism and a more effective preparedness mechanism for

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nuclear disaster, as it takes under consideration past mistakes and provides tools for leaders to make informed decisions under conditions of uncertainty

Keywords: Disaster Preparedness, ONDM, Nuclear Event, Risk analysis assessment, Civil defense.

1. Introduction

Nuclear disaster preparedness is an aspect that caught the attention of the world after the Fukushima disaster in 2011, when it was discovered that despite the design of reactors, the country's preparedness against tsunamis, and countless promises to the public about the safety of the country's many reactors and disaster preparedness. This article offers a professional and insightful perspective to understand and mitigate the failure of Fukushima disaster management and previous nuclear events, which focus on the crucial role of decision-makers in managing a successful disaster and/or worsening it to more serious dimensions than could have been.

2. The Nuclear Threat

Nuclear dangers emanate from both the military and civilian sectors. Although the perception today is that we are far away from a nuclear war, there is an increasing interest in nuclear weaponry. Possessing and developing nuclear arms is now a goal for many countries around the world, some of them for guarantying peace but some of them are more prone to use it than others, as religious and fundamental ones around the world.¹ Nuclear military abilities and knowledge is at different stages in the hands of countries such as Iran and Libya, many times illegally and secretly, and nuclear materials pass under international supervision using seemingly civilians or energy company.² In addition, many accidents

¹ Sergei V. Jargin «Nuclear facilities and nuclear weapons as a guarantee of peace» in *Journal of Defense Management* vol. 6, no. 2, 2016, pp. 147-148.

² David Albright, Corey Hinderstein «Unraveling the AQ Khan and future proliferation networks» in *Washington Quarterly* vol. 28, no. 2, 2005, pp. 111-114.

involved nuclear weapons have occurred over the years - including the crash of an American B-52 plane carrying two nuclear bombs in North on 1961; Russian nuclear submarine K-19 that had a serious undisclosed nuclear incident on 1961; Russian nuclear K-8 submarine sunk on 1970 together with its nuclear weapons; and on.³

Though it seems we live on peaceful times, countries still possess nuclear weapons, and we cannot predict future changes in international systems that will perhaps lead these countries to employ this power. In addition, there is always a growing threat from terror organizations who have exploited weaknesses in countries that hold nuclear weapons and will acquire a nuclear bomb or fissionable material for a dirty bomb.

At the civilian sector, a previous study,⁴ speculated that the likelihood of a nuclear event as a result of a failure in a civilian installation in the near future is certain, and it is not a question of "whether" nuclear disaster will occur, but "when". Despite the progress in the technology of reactor design, many of the operating reactors in the world are still second-generation reactors, similar to the failed reactors in Chernobyl and Fukushima, and there is now an increase in the consumption of nuclear energy in the world and especially in countries such as the United Arab Emirates, Pakistan and India, which plans 19 new reactors to be built in the future.⁵ Naturally, the proliferation of nuclear facilities leads to increased probability of accidents and even more serious problems. More and more civilian nuclear facilities are being built such as power stations and/or nuclear research centres and there are more nuclear incidents worldwide, located relatively close to population centres and can constitute a real threat.⁶ At many cases those facilities are not as safe as we would like to think. In Fukushima, for example, there were accusations of corruption

³ For a review about known military accidents that involves military nuclear material see Kenneth Alvin Solomon «Sources of radioactivity in the ocean environment: From low level waste to nuclear powered submarines» in *Journal of hazardous Materials* vol. 18, no. 3, 1988, 255-262.

⁴ A previous study conducted by the author about coping with past nuclear accidents, see Ori Levi-Nissim «Failure of the superpowers (U.S.A, Russia, Japan) to handle large nuclear events» in *Modelling the New Europe* vol. 25, 2018, pp. 122-141.

⁵ WNA, *Plans for new reactors worldwide*, 2018a, [<http://www.world-nuclear.org/information-library/current-and-future-generation/plans-for-new-reactors-worldwide.aspx>] [Accessed 18/05/2018]

⁶ Ori Levi-Nissim, *op.cit*, pp. 123-124.

such as falsifying safety data and connections between political people and the company that ran the nuclear reactors, TEPCO, which led to a low level of pre-disaster preparedness and inadequate plans and compensations of post-disaster coping and rehabilitation.⁷

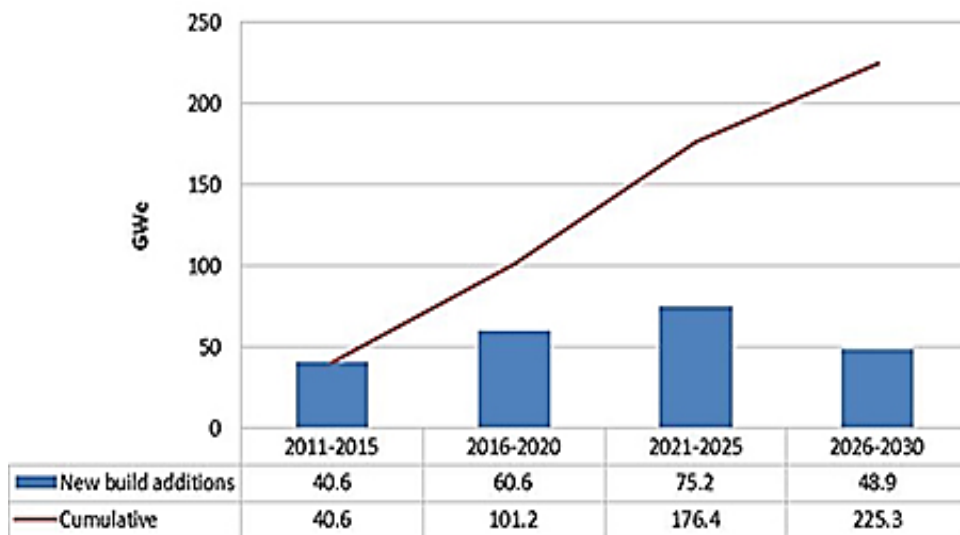


Fig. 1. Projected increase in world's nuclear generating capacity.⁸

There are now several nuclear disaster treatment programs that have emerged after the Fukushima event, which are supposed to provide a coping mechanism that will prevent and/or successfully deal with a serious nuclear event. Detailed plans reviewed for the purpose of this article are of the United States,⁹ Canada,¹⁰ France,¹¹ Germany,¹² and Finland.¹³ It is

⁷ Many accusations of corruptions rose in the media and at reports from NGOs reports as Greenpeace, see Antony Froggatt «Fukushima two years later: Lives still in limbo» in Brian Blomme, Steve Erwood, Nina Schulz, Rianne Teule, *Fukushima fallout*, Amsterdam: Greenpeace international, 2013, pp. 10-21; as an example of the media accusations see CBS News «Fukushima meltdown apology: "It was a cover-up"» 21 June 2016, [<https://www.cbsnews.com/news/fukushima-tepco-power-japan-nuclear-meltdown-apologizes-cover-up/>] [Accessed 12 June 2018].

⁸ WNA, *Reactor database*, 2018b, [<http://www.world-nuclear.org/information-library/facts-and-figures/reactor-database.aspx>] [Accessed 21 May 2018].

⁹ USNRC, *State-of-the-Art reactor consequence analyses project*, Vol. 1-2. Washington: US Nuclear Regulatory Commission, NUREG/CR-7110, 2012.

important to understand that disaster preparedness is a comprehensive aspect that is primarily relevant to decision-makers and not necessarily to appropriate professional equipment - that is, if a country trains emergency teams, buys suitable equipment and presents it to the public, a protocol on how to act at certain stages in a nuclear scenario does not mean that it is ready for a nuclear disaster. The most important and influential elements in the successful management of a nuclear disaster are the ones in which the existing models are irrelevant. First and foremost, the need to build a rational thinking pattern at the time of the disaster, examining existing programs in light of material and knowledge gained from interviews, document analysis, analysis previous events and personal experience three main points can be identified that make these models ineffective in the larger picture of nuclear disaster management:

3. Insufficient Professional Coping

Theoretically, the reviewed models present a comprehensive picture of disaster management, but an in-depth examination reveals that reality is different, and that these models suffer from many professional flaws. First it is important to note that at the level of emergency teams or those operating civilian power stations routinely as engineers or safety inspectors, there is a high level of preparedness and professional procedures that have been built on the basis of past events, but it not enough to prevent the next disaster. The insufficient professional aspect derives from other aspects as wrong coping models that are based on inaccurate and overly optimistic information.¹⁴

Taking the US and Canadian models for dealing with a nuclear disaster, for example, they are built based on Probabilistic Safety Analysis (PSA), a measure that has already been criticized for its disadvantages that

¹⁰ CNSC, *Study of consequences of a hypothetical severe nuclear accident and effectiveness of mitigation measures*, Ontario: Canada Nuclear Regulator, 2015.

¹¹ SGDSN, *National response plan: major nuclear or radiological accidents*, Paris: Prime minister office republic of France, 2014.

¹² SSK, *Planning areas for emergency response near nuclear power plants*, Berlin: German Commission on Radiological Protection, 2014.

¹³ STUK, *Finnish report on nuclear safety: Finnish 7th national report as referred to in Article 5 of the Convention on Nuclear Safety*, STUK-B 205, Helsinki: Radiation and Nuclear Safety Authority, 2017.

¹⁴ Spencer Wheatley, Benjamin Sovacool, Didier Sornette «Of disasters and dragon kings: a statistical analysis of nuclear power incidents and accidents» in *Risk analysis* no. 37, vol. 1, 2017, pp. 100-101.

outweigh its advantages, resulting a failure to predict and deal with nuclear disasters, and based on optimistic and unrealistic assessments.¹⁵ In today's reference scenarios and preparedness plans for nuclear disaster, those unrealistic assessments are evident in the US coping plan that assume that 90% of the population within a 16 km radius of the site must be evacuated beyond 36 km radius.¹⁶ This is despite the fact that at the Fukushima incident the evacuation the massive evacuation took months and caused many casualties, both as a result of the hesitation of the decision-makers and due to the nature of the evacuation itself.¹⁷

Also, even if these models do provide an accurate narrative of events, the US and Canadian reference scenario is based on PSA, as noted, and they are not designed to create overall readiness but those are specific coping frames that was built for each nuclear site separately.¹⁸ The problem is that only two such models have been built on only two power plants in the US,¹⁹ and the information generated from these models is placed on other power stations without precise description, thus creating non-realistic overall preparedness. This means that though those are similar nuclear power plants, each plant requires different operating procedures due to different landscape, populated areas, output, and many other factors. When an event occurs in the US at one of the many nuclear power stations,

¹⁵ *Ibid.* p. 99-100.

¹⁶ The recommendation of the report is that response organization emergency plans are required to include detailed evacuation plans for the 10-mile emergency planning zone, and in some scenarios the evacuation radius can be up to 20 miles in selected areas, see USNRC, *op.cit.*, pp. 55-56.

¹⁷ There were 2,202 disaster-related deaths in Fukushima, according to the government's Reconstruction Agency, from evacuation stress, interruption to medical care and suicide, see Robin Harding «Fukushima nuclear disaster: did the evacuation raise the death toll?» in *Financial Times*, 11 March 2018, [<https://www.ft.com/content/000f864e-22ba-11e8-add1-0e8958b189ea>] [Accessed 12 October 2018]; yet, there were only seven deaths of workers from the nuclear plant itself - disaster-related deaths (two cases), heart attack (three cases), sepsis (one case) and only one case of radiation-induced leukemia, see WHO, *Health risk assessment from the nuclear accident after the 2011 Great East Japan Earthquake and Tsunami based on a preliminary dose estimation*, Geneva: World Health Organization, WN-665, 2013, p. 93.

¹⁸ For elaborate explanation of PSA modeling see Olivier Nusbaumer, *Introduction to Probabilistic Safety Assessments (PSA)*. Leibstadt: Nuclear Power Plant Leibstadt AG, 2012.

¹⁹ Those are model for two common nuclear reactors in USA: Peach Bottom boiling-water reactor (BWR) power station in Pennsylvania, and Surry pressurized-water reactor (PWR) power station in Virginia, see USNRC, *op.cit.*, p. xi.

there will be no specific reference description, but only these general data. This will make it difficult for the decision-makers and increase their level of uncertainty and cause discretion which will develop with the event and is based on assumptions and beliefs. As stated, do not provide a comprehensive picture, not policy for decision-makers, relate to essential and significant elements such as laconic evacuation, and in fact encompass only a very small part of the disaster.

The reference scenario of France does include a real reference to the level of decision-makers, but this, too, is not enough for the researcher's opinion. The decision-making process is too broad, the chain of actions presented is described in general points and disconnected from the rescue forces, but the main problem is a too cumbersome mechanism of operation that includes too many entities dealing with the disaster.²⁰ Another faulty example is the Finnish coping model report, that has only a general statement that the human factor must be taken under consideration.²¹

4 New Scientific Knowledge is Not Embedded in Models

A significant point that arose from comparing the reference programs to the information accumulated in the study is the incorrect scientific knowledge on which these programs are based. Science is a body of knowledge that progresses and evolves over time, and we currently know more accurately about the dangers of radiation and long-term effects. The nuclear knowledge is constantly updating, and new knowledge is constantly implemented in many fields as medical devices, new and more efficient energy generation techniques, and theoretical academic knowledge.²² But from examining the references scenarios, it seems that in nuclear preparedness and coping models no new knowledge is implemented.

In fact, interview with several nuclear experts conducted as a part of a comprehensive research revealed that only recently expert has realized that models for evacuation and treatment of the population are based on misinformation, and the long-term impact of a nuclear accident in terms of exposure to low levels of radiation is lower than science assumed only 15 years ago. Existing coping programs do not rely on new knowledge but

²⁰ SGDSN, *op.cit.*, see for example response strategies (pp. 25-49) and the quick response sheets (pp. 56-101) that do not provide elaborate information for decision makers;

²¹ STUK, *op.cit.*, pp. 42-45.

²² Stacey M. Weston, *Nuclear Reactor Physics*, 3rd Edition, Weinheim: Wiley-VCH, 2018, p. xxiv.

rather on traditional knowledge that has been fixed by decision-makers, and this body of knowledge has not yet been assimilated into the nuclear policy systems. The most prominent of them is a vast and unnecessary evacuation radius, as it was in Fukushima. The US reference scenario for nuclear accident describes an evacuation radius similar to that of Fukushima, up to 36 km,²³ and the Canadian plan is slightly more recent and sets a radius of evacuation of up to 12 km at worst. However, this reference scenario also states that in a serious accident, people must remain under cover of a 50 km radius from the event, which is not necessary and can cause unnecessary harm.²⁴ The German reference scenario describes that only 5 km around the power plan is to be considered for evacuation, there are cases in which people that are up to 100 km from the point will be forced to remain under cover and/or to consume iodine tablets.²⁵ In fact, from the professional knowledge aspect it is clearly stated that one can rely on existing knowledge and there is no change in the body of scientific knowledge on the subject, in complete contrast to nuclear researchers who have examined every aspect of nuclear accidents in the last half century.

Interviewed scientists say that fixation of evacuation areas larger than necessary is based on political considerations and taking as much safety as possible, and they are not prepared to take the risk and assimilate new knowledge that reduces the dimensions of the evacuation. But in order to effectively address the problem and be able to make rational decisions based on actual data, it is necessary to overcome the political concerns of the decision-makers and to act in accordance with the data obtained from the analysis of past nuclear events.

5. The Human Weakness in Decision-makers

These two elements emphasized that inadequate scientific knowledge and inadequate professional preparedness impair disaster preparedness,

²³ The US coping models refers to 20 miles radius evacuation according to needs and the severity of the disaster, see USNRC, *op.cit.*, pp. 55-59.

²⁴ CNSC, *op.cit.*, pp. 47-48.

²⁵ The German coping recommendations divides land around the nuclear plant to three zones: central zone of 5 km radius, middle zone extending 20 km of the plan, and the outer zone that extends for about 100 km of the nuclear plan. The report suggests recommendations as staying indoors, distribution of iodine tablets and prohibition on food consumption; SSK, *op.cit.*, pp. 4-6.

but they also affect the way decisions are made at the cognitive level. The models for dealing with a nuclear disaster describe the event in a dry and technical way, which is in fact all that they offer - dealing technically with the problem. The psychological coping of decision-makers does not take place despite its central importance, and models do not deal with elements in decision-making approaches and do not relate to the human weak point, especially at this level. This is the main drawback of programs dealing with nuclear events, and this is a central element in the ONDM (Operational Nuclear Defense Model) and hardly receives reference in existing reference scenarios.

The existing models were created in response to the Fukushima event, and the action plans that were examined did indeed assume that the human factor represents a key aspect. Therefore, these and many other action plans try to reduce the human factor by means of actions that must be carried out automatically in order to mitigate the disaster and deal with it. A similar understanding exists in the design of nuclear reactors from third and fourth generations. Today nuclear reactors are built and designed with automatic or passive coping systems that almost completely exclude the person from the picture at disaster time by automated mechanisms to contain the damage.²⁶

But in decision-makers level, the human is a primary part of the equation and there is still no reference scenario nor action plan for dealing with nuclear accident that describes how to reduce the human factor at this level of disaster treatment - except the ONDM. Each and every model examined for the current study places its emphasis on the actions of emergency forces and professional teams and there is little or no reference for appropriate actions by decision-makers. In contrast to general opinion, the interviews with experts and the researcher's experience show to what extent erroneous decisions made by decision-makers affect the management of a disaster. That is primarily due to the fact that catastrophic events are almost always unknown events that existing plans overlooked or thought they have a faint chance of occurring, therefore no plans for them was created.²⁷ At times there is an event but none of the emergency scenarios

²⁶ WNA, 2018a, *op.cit.*

²⁷ Maaiké van Tuyll, « Dealing with future risks in the Netherlands » in *Biosecurity and bioterrorism: biodefense strategy, practice, and science* vol. 11, no. S1, 2013, p. 55; Spencer Wheatley, Benjamin Sovacool, Didier Sornette, *op.cit.*, pp. 105-106.

address it, there are no more automatic plans of operation and the professional teams turn to the decision-makers for orders - and this was the exact situation in Chernobyl.²⁸ and Fukushima.²⁹ At those incidents, as in many large-scale incidents, one wrong decision completely changes preparedness arrangements and harms - sometimes fatally - the ability of emergency teams to treat the phenomenon.³⁰

In uncertain situations, humans at any level tend to carry out emotional decisions out of fear, panic, absence of scientific knowledge, not comprehending existing circumstances, inability to cope with unknown situations, extraneous considerations and the like.³¹ Existing models and preparedness programs place great emphasis on professional aspects and outline automatic methods of action to mitigate the human factor of the emergency services and engineers when dealing with nuclear disaster, but these methods are only a fraction of what is needed to manage a successful unexpected event. It is true that any appropriate coping with disaster requires a technical plan for recession and damage, professional teams, appropriate equipment and predefined evacuation plans - but this is not enough at all. Past events have shown that the greatest number of casualties is due to poor choices made by decision-makers, and this situation was particularly evident in the management of the Fukushima disaster.³²

Moreover, the excessive reliance of decision-makers only on professional elements causes them to have a psychological gap between the way they

²⁸ See an analysis of Chernobyl accident at Dillwyn Williams « Lessons from Chernobyl: The world needs to improve its handling of international disasters » in *BJM* vol. 323, no. 7314, 2001, pp. 643-644.

²⁹ See impact of the accident on preparedness at Pablo Figueroa, « Nuclear Risk Governance in Japan and the Fukushima Triple Disaster: Lessons Unlearned » in Michelle Ann, Miller Mike Douglass, *Disaster Governance in Urbanising Asia*, Singapore: Springer, 2016, pp. 263-282.

³⁰ Ali Farazmand « Learning from the Katrina crisis: A global and international perspective with implications for future crisis management » in *Public Administration Review* vol. 67, no. s1, 2007 pp. 149-151.

³¹ Theoretical elements of decision taking in uncertain situations can be learned from: *Ibid*; Costel Calin, Brandon Prins « The sources of presidential foreign policy decision making: Executive experience and militarized interstate conflicts » in *International Journal of Peace Studies* vol. 20, no. 1, 2015, pp. 17-34; Steven B. Redd, Alex Mintz « Policy perspectives on national security and foreign policy decision making » in *Policy Studies Journal* vol.41, 2013, pp. S11-S37.

³² For a report about the Fukushima disaster and casualties see WHO, *op.cit.*

perceive the preparedness for disaster and the reality they face in times of disaster. They develop dependence and a sense of unrealistic security based on partial and unrealistic plans, mainly lack of knowledge and misunderstanding of a nuclear event, and when an event arrives, decision-makers encounter the realistic situation in which professional teams are inadequate, lack knowledge, the gap between expectations and reality creates panic and pressure from other parties and the public, leading in critical hours after the disaster to making irrational decisions, mismanagement of the event and greater damage.

From an analysis of nuclear events and as a result of extensive research on this issue, it was found that leaders' decision-making in dealing with nuclear events could best be described under two familiar academic approaches - the Individual Approach and the Cybernetic Theory. These two approaches describe the fact that the person in his/her decision-making is imperfect and is limited in his/her mind, his/her knowledge, prevents emotions and character traits, finds it difficult to understand complex situations, and in fact these approaches describe the main drawback to making informed decisions – The person himself.³³

The ongoing research shows that the management of past events was flawed at the highest level, the level of decision-makers, even if we assume that there were no ulterior motives in the considerations of leaders linked to political interests or hiding corruption and unpreparedness. The decision-making was plagued by panic, lack of professional and scientific knowledge, lack of understanding of the situation, difficulties in communication between various bodies, poor communication with the public, and a lack of belief that the state is currently in the midst of a nuclear event at level 6-7.

This is a central point that has a huge impact on nuclear event management. This point, which is at the top of the management of the event and affects all the levels below it, is not in the existing preparedness programs and does not deal with it. Well-equipped emergency teams are an important point - but they cannot prevent damage and problems caused by mismanagement,

³³ See Costel Calin, Brandon Prins, *op.cit*, that emphasize the central role of the leader, and all its imperfections, about decision making process during a military conflict; also Steven B. Redd, Alex Mintz, *op.cit*, that describe theoretical decision making models of policy-makers and conclude that due to the human factor it is impossible to use a rational and analytic theory to human behavior. the Cybernetic Theory assumes that humans have cognitive limitations, and the Individual Approach focus on the human traits and character as a dominant factor.

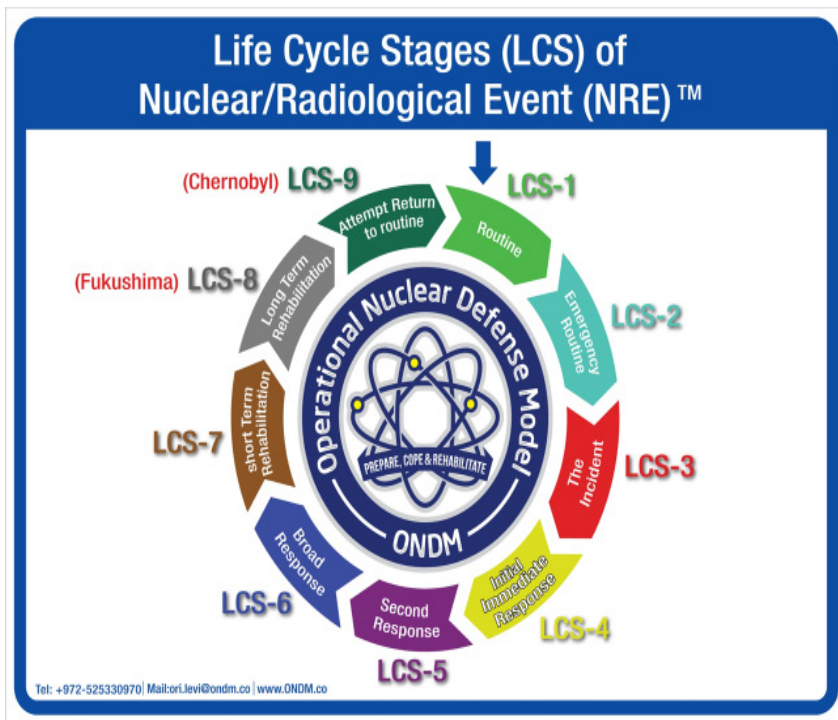
such as inadequate evacuation or damage of long-term effects. In the Fukushima event, the mismanagement of the event claimed many lives and today hundreds of thousands of people displaced from their homes and a large-scale damage to Japan as a country trying to recover from the event to this day. In Chernobyl the situation is similar, as a series of poorly made decisions, due to misperception of the event, led to the known disaster.

In my professional opinion, past events were escalated out of control due to inappropriate and exaggerated decisions based on the panic, lack of knowledge and wrong advice given to the leaders - the decision-makers. Therefore, the main goal of the presented ONDM is to build high readiness at the professional level, but mainly to provide tools for decision-makers to eliminate the elements that lead to irrational choices and to create a decision-making model based on the rational choice approach. This model describes decision-making as a rational process in which decision-makers are aware of possible alternatives to the situation, make decisions based on reasonable and logical judgment, and make the most appropriate decision to deal with the situation. By shifting the center of gravity in managing an event to rational rather than emotional choices, we can best mitigate the destructive effects of mismanaging an event.

6. ONDM - Operational Nuclear Defence Model

The main premise of the model is that the core failures in managing nuclear events, time after time, were at the level of decision-makers - and therefore ONDM emphasizes decision-makers' levels of coping with nuclear events. This is the key point of the ONDM, which provides decision-makers with professional tools and knowledge to carry out appropriate judgments at uncertainty situations. The key objective is to construct a hierarchical and comprehensive arrangement that will manage a disaster in a manner of collective thinking in which emergency teams, operational teams, security and rescue forces, decision-makers at every level, as well as the public itself, will provide information under a hierarchical, organized and complete arrangement.

ONDM contains 9 sequential stages called Life Cycle Stages (LCS) that together constitute the complete incident life cycle. That creates an overall and comprehensive nuclear preparedness, coping and rehabilitation plans for every stage of the incident. It is aimed to create a flowing and simple structure that can contain the information, use it to envelope operational procedures and new knowledge that will not replace decision-makers but guide them by specific measures to make more accurate and efficient decisions using a specific pattern, based on knowledge and understanding the situation.



This is a visual presentation of the nine stages of the model, arranged according to the colors attributed to them and moving in a clockwise direction. These stages are LCS-1: routine (portrayed in green), a day-to-day routine stage when there is neither information nor signs of a nuclear event; LCS-2: emergency routine (portrayed in turquoise), when there is information or potential circumstances of a nuclear incident are created; LCS-3: the moment of an incident (portrayed in red), describing a specific moment or a date or time when it is known for certain that a

nuclear incident has occurred; LCS-4: initial, immediate reaction (portrayed in yellow), which is the immediate point in time when various immediate, mainly spontaneous, actions occur; LCS-5: second response (portrayed in purple), when the ambition is to mitigate the event and turn initial reactions into organized arrangements whereby everyone acts according to existing instructions; LCS-6: broad response (portrayed in blue), the stage dealing with a large nuclear event in which all intended enveloping systems cope with and treat an emergency situation; LCS-7: short-term rehabilitation (portrayed in brown), when the focus of action is returning life to routine with immediate management, when there is a transition from a holding situation to consolidation; LCS-8: long-term rehabilitation (portrayed in grey), when there is rehabilitation and rebuilding with people returning to damaged areas and moving from crisis to consolidation and growth. Correct to September 2018, this is the stage reached in Fukushima; LCS-9: attempt return to routine (portrayed in bottle green), when an event is remembered, learned from, and growing from it to improved preparedness in the routine stage. Correct to September 2018, this is the stage reached following the incident in Chernobyl.

ONDM is constructed and based on comprehensive research conducted over a number of years, and it suggests a much more effective frame model than existing preparedness models examined in this article. The model addresses deficiencies in existing models, assimilated elements of uncertainty, focused on decision-making, and is created in the form of an interactive presentation that contains a huge amount of clear and accessible information. ONDM is a frame model, and any country, region, city or defined territory that strives for nuclear preparedness can build unique and detailed readiness arrangements according to their needs.

7. Conclusions

The nuclear threat, though hidden from public attention, still very much exist today. Fukushima was the waking call for many countries around the world that created and updated their nuclear preparedness plans, but the current preparedness condition of the examined reference scenarios is not adequate, and a new approach is needed that a real and appropriate action will be taken when the time is needed. Current plans are built on optimistic and unrealistic assessments, they do not address many

important issues, they do not contain new scientific data and do not take under real consideration the human factor. To overcome those flaws, the ONDM was presented as a new and innovative method for successful managing large-scale nuclear event at any stage.

A successful nuclear disaster management depends on establishing rational decision-making capabilities among leaders, as opposed to past events that were based on irrational decision-making. At past events, decision-makers, as any human, based their decisions on elements as primarily panic, public fear, a desire to conceal the magnitude of the catastrophe from the world and the core at the political echelons, a problem in understanding the situation, and even foreign interests. Accordingly, under the terminology of the ONDM (www.ONDM.co), leaders' decision-making was inevitably based on Emotional Thinking Pattern (ETP), a form of decision-making that significantly impairs disaster management. The ONDM is intended to lead decision-makers at all levels by means of preparedness and appropriate knowledge to provide the human factor errors and create a situation in which at the time of the disaster they will not act emotionally but will manage the event through a Rational Thinking Pattern (RTP). This is done by reducing the level of the unrealistic components and creating an equation in which decisions are made based on elements such as knowledge, viable choices, familiarity with the system, decision-making from a sense of control and understanding of the causes and consequences of each action. This can moderate the human weakness in decision-makers in nuclear events and allow to make fateful decisions quickly. Changing human decision-making process is not easy, but under an appropriate model of action and direction it is possible to reduce and even eliminate the human weaknesses in the decision-making mechanism by rationalizing a chaotic event, thereby creating the ability to make rational, rapid and effective decisions in times of disaster.

The practical conclusions are implemented into the ONDM, that identifies the elements leading to incorrect decision making, eliminates them, and replaces them with elements that create a rational pattern of thought. It uses key principles for that aim - simplicity of use, accessibility and clarity of information; two-directional knowledge transfer; emphasis on decision-makers and not on professional teams; gives greater control for decision-makers instead of an operational model emphasizing the status of mid-level management; improving quality of decisions from emotional

decisions based on low certainty levels to rational decisions based on information and feasible action options; flexibility and universal application; improving professional power from efficient to effective teams; and employs an international professional team applying work experience in various places around the world.

In addition, the ONDM is created as a flexible and modifiable model, which is an important feature in managing a disaster. It can be adaptable for every country or region's needs, and can assimilate knowledge for long-term preparedness. The model is aimed to absorb information over time, to develop according to changes in a country over years and/or changes in the existing body of scientific knowledge, new technological or professional abilities, political and social changes, and more. This can be executed quickly, using arrangements that combine new knowledge with existing information. A new and orderly procedure as the suggested ONDM is a critical step for future coping with nuclear disaster, and current countries must understand that though Fukushima showed the world the importance of a plan for dealing with nuclear events - the new plans must be efficient and professional and not just general plans that will fail when disaster strikes.

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DIFFICULTIES IN IMPLEMENTING THE NATIONAL PLAN OF EQUATORIAL GUINEA FOR ATTRACTING FOREIGN CAPITAL - INVESTOR CONCERNS AND INTERCULTURAL GAPS

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Abstract

This paper analyzes the difficulties of the government of Equatorial Guinea to fulfill an essential objective of its national development framework, i.e., the diversification of the economy through the private sector. This paper begins with a brief history of the country and its economy. The paper then moves to describe the efforts made by the government to attract foreign investors and outlines their concerns on the socio-political environment and business uncertainty. Equatorial Guinea, today one of Africa's most important oil producers, used to be one of the world's poorest countries with an economy mainly based on the growth of coffee and cocoa. In the mid-1990s, significant deposits of oil and gas were discovered, leading to a substantial economic change. In the following years, the government, supported by international organizations, decided to launch a national program. Its goals were building modern infrastructure, strengthening human capital, diversifying the economy through the private sector and maintaining efficient governance. As of today, attempts to attract foreign investors have not yet succeeded, and the economy continues to base on oil and gas revenues. The paper concludes by arguing that the way the locals perceive the governmental efforts and the market conditions is entirely different from the way potential investors view it, and this gap must be bridged.

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Keywords: Equatorial Guinea, Intercultural Gaps, Foreign Capital, Natural Resources

Introduction

In the morning of February 3, 2014, the president of Equatorial Guinea (EG) took his place at the new conference hall of Sipopo, and inaugurated, in the presence of government members and representatives of three hundred companies, a symposium on economic diversification. While addressing the foreign investors, the president said: "the environment of peace and stability enjoyed in EG offers the most favorable conditions for creating a good business climate."¹ Equatorial Guinea, a former Spanish colony, used to be one of the world's poorest countries until the discovery of oil and gas in the mid-1990s. The change in the country's economy was enormous, and a few years later it was clear that the challenge is to use the oil wealth to achieve sustainable growth and improved social situation. To meet this challenge, the government prepared a national plan "Horizon 2020"² aimed to diversify the economy. The first phase of the plan included the construction of infrastructure and was concluded in 2012. The second phase, diversification of the economy through the private sector, faced difficulties.³ Despite government efforts, foreign investors did not arrive as expected. The Guineans view is that there are good conditions for investments in their country and the socio-political environment is stable, while foreigners might have a different impression. This paper analyzes the situation with particular attention to cultural aspects. It begins with a brief history of the country and its economy. The paper then moves to the efforts made by the government to attract investors and describes investors' concern of the socio-political environment, bureaucracy and business uncertainty. The paper concludes by arguing that the way the locals perceive the national

¹ Government of Equatorial Guinea, 2014. The Symposium on Economic Diversification was inaugurated. [Online]. Available at: <http://www.guineaecuatorialpress.com/noticia.php?id=4776> [Accessed 30 March 2018].

² Ministerio de Planificación, D. E. E. I. P., 2007. Plan Nacional de Desarrollo Económico y Social. Bata: s.n.

³ African Development Bank, 2013. Republic of Equatorial Guinea - Country Strategy Paper 2013-2017, s.l.: African Development Bank.

efforts and the market conditions is different from the way potential foreign investors view them, and this gap must be bridged. The purpose of this paper is to highlight the country's difficulties to attract foreign investors, discuss its cultural aspects, and is not an economic analysis.

Historical and economic background

Equatorial Guinea is a small country in Central Africa, with a land area of 28,051 square kilometers and a population of 1,222,442 inhabitants.⁴ EG gained independence in 1968 after 190 years of Spanish rule. During the 19th century, Britain and Spain had mutual claims for ownership of the continental part of EG, and in Berlin Conference in 1884 it was decided that the region would be given to Spain.⁵ In 1968, after pressure from local movements and the international community, EG was granted full independence. The deputy prime minister of the transition government, Francisco Macias Nguema, was nominated as President. In 1979, After ten years of harsh attitude and human rights violation, he was replaced in a military coup by his nephew Teodoro Obiang Nguema Mbasogo, which is still in power today. Obiang was reelected in 2016 for another period of 7 years.⁶ Until the mid-1990s, EG used to be one of the world's poorest countries with a GDP of less than 700 USD.⁷ The economy was mainly dominated by the export of cocoa and coffee with a small service sector. The majority of Guineans remain as subsistence farmers with almost no integration into the market economy. EG was on the fringes of the global agenda and did not get much international attention. In the mid-1990s, significant oil and gas deposits were discovered, transforming EG to the third largest oil exporter in Africa. EG today is well integrated into the international community and, among others, is an OPEC member since May 2017⁸ and a non-permanent member of the UN

⁴ UNDP, 2018. Human Development Report- Equatorial Guinea. [Online] Available at: <http://hdr.undp.org/en/countries/profiles/GNQ> [Accessed 31 March 2018].

⁵ Birmingham, D. & Martin, P. M., 1983. History of Central Africa. 1st ed. London: Longman.

⁶ CIA, 2018. The World Factbook: Equatorial Guinea. [Online]

⁷ Ibid

Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/ek.html> [Accessed 1 April 2018].

⁸ OPEC, 2018. Equatorial Guinea facts and figures. [Online]

Available at: http://www.opec.org/opec_web/en/about_us/4319.htm [Accessed 17 April 2018].

Security Council since January 2018.⁹EG inhabits five main ethnic groups, each one with different cultural characteristics. Historical tensions are existing between the Fang and the Bubi tribes, Fang from the mainland and Bubi from the island, who together make up ninety-percent of the country's population. The ethnic composition is complex for such a small political unit.¹⁰

The change in the country's economy

After the discovery of the oil and gas, the country has experienced significant progress in many areas including infrastructure, education, health, housing and more. Since the mid-1990s the country has been one of Africa's fastest-growing economies. However, the economy is still mostly dependent on oil, and traditional industries, such as coffee and cacao, were almost entirely abandoned. There was also a significant increase in the number of employees in the government sector. With the improvement of the economy, EG became a commercial destination for countries and business entities. Economic diplomacy starts to work, and different powers are operating in the country. American oil companies operate in EG and are responsible for all drilling rigs activity, Chinese companies are doing massive infrastructure projects, and other factors are trying to take part in the economic boom. The government, supported by international financial institutes, understood that the primary challenge of EG is to use its oil wealth to achieve sustainable and more inclusive growth to improve the country's social status. Despite the sustained growth and its natural resources, the country is lagging on the improvement of social indicators. Three-quarters of the population is considered poor, and job creation in the private non-oil sector is low.¹¹ In an attempt to change the situation the government prepared in 2007 its "Horizon 2020"¹², the national plan to diversify the economy until the year 2020.

⁹ UN Security Council, 2018. Current Members. [Online] Available at: <http://www.un.org/en/sc/members/> [Accessed 17 April 2018].

¹⁰ Liniger-Goumaz, M., 2000. Historical Dictionary of Equatorial Guinea. 3rd ed. Lanham: Scarecrow Press.

¹¹ African Development Bank, 2013. Republic of Equatorial Guinea- Country Strategy Paper 2013-2017, s.l.: African Development Bank.

¹² Ministerio de Planificacion, D. E. E. I. P., 2007. *Plan Nacional de Desarrollo Economico y Social*. Bata: s.n.

Horizon 2020 National Strategic Development Framework

Months of government work came to an end in November 2007 in the city of Bata, where a national conference was held and the national plan “Horizon 2020” was launched. The plan, aim to transform EG into an emerging economy by the year 2020, diversify the sources of growth, reduce poverty and dependence on oil and gas revenues, had four main components¹³⁻

1. Building world-class infrastructure.
2. Building human capital and improving quality of life.
3. Diversifying the economy through the private sector.
4. Instituting good governance at the service of the citizens.

The first phase of Horizon 2020, focused on infrastructure development was concluded in 2012. The second phase will focus on economic diversification, targeting strategic new sectors such as fisheries, agriculture, tourism, and finance. As the country moves into the second phase of the national development plan, the government is planning to redirect public funds towards the development of the new economic sectors.¹⁴ To advance the second phase of the national program, the government’s efforts are aimed at two target audiences- encouraging local entrepreneurship of businesses and attracting foreign investors.

Encouraging local entrepreneurs

The government invests efforts to support local entrepreneurs and has established a dedicated Ministry for this purpose. One of the main challenges is the local mentality, as there are not many Guineans who prefer to start their own business rather than work as employees for others, and there is no tradition of independent entrepreneurs in the country.¹⁵ The ministry of trade and promotion of small and medium-sized businesses is trying to encourage local entrepreneurs and cross this obstacle, but so far

¹³ *Ibid.*

¹⁴ World Bank, 2018. Equatorial Guinea Overview. [Online] Available at: <http://www.worldbank.org/en/country/equatorialguinea/overview> [Accessed 31 March 2018].

¹⁵ No tradition of entrepreneurs- no family history of independent business and market economy.

with limited success. According to a senior official in the ministry of planning¹⁶, the roots of this issue can be found in the local culture. People who have financial resources prefer to avoid making investments because they do not want to expose their financial ability, due to the fear well established in the local mentality, that people will talk about possible illegal sources for this money. Another reason is the bureaucratic system that requires to provide information and obtain approvals from officials who might be of acquaintances or even family members. Another challenge is the banking system, that is not fully accessible to the private sector. Despite high bank liquidity, commercial banks appear unable to transform deposits into loans effectively. The banks extend about 80 percent of loans to large enterprises and construction firms depending on government contracts.¹⁷

Efforts to attract foreign investments

Foreign investments are essential to advance the second phase of Horizon 2020. The government is making efforts to attract investors, but so far, success is less than expected. In February 2014 the government initiated a symposium on economic diversification. In his opening speech¹⁸, president Obiang said about Africa that "African countries must divorce ourselves from under development," and in particular for investments in EG "the environment of peace and stability enjoyed in EG offers the most favorable conditions for creating a good business climate." In his words, the president expressed the Guinean point of view- "all the conditions are in favor of the investors, we offer stability and good opportunities and you, the investors, are warmly invited"¹⁹. To make theory become a reality, the government established the "Holding Guinea Ecuatorial," a national entity to support and co-finance investments in new sectors. The holding includes a professional mechanism to evaluate projects, coordinate between

¹⁶ Anonymous. Interview with a senior official at the Ministry of Economy, Planning and Public Investments. Malabo, November 2017.

¹⁷ International Monetary Fund, 2016. The Republic of Equatorial Guinea- Selected Issues, Washington: International Monetary Fund.

¹⁸ Government of Equatorial Guinea, 2014. The Symposium on Economic Diversification was inaugurated. [Online] Available at:

<http://www.guineaecuatorialpress.com/noticia.php?id=4776>

[Accessed 30 March 2018].

¹⁹ Ibid

government bodies, assist with local bureaucracy, and offer state participation up to 49% of the project budget.²⁰ According to a senior official in the ministry of planning,²¹ two other considerations have led to this policy: first, the state is usually being asked to self-finance projects of its budget. The Guineans want to change this and to have an external credit. They refuse to accept a situation in which their country has no other options but to support projects out of state budget. Also, the Guineans want to avoid a situation in which a company completes a project, and within the time it becomes "white elephant."²² The government wants foreign companies to be obliged to the achievement of the project objectives. There is an understanding that due to a lack of knowledge and professional workforce, the locals, for now, are not able to take over complicated projects without support.

The foreign investors perspective

In *Doing Business 2018*, the annual World Bank report ranks the ease of doing business, EG is ranked 173 out of 190 countries. The most problematic issue is enforcing contracts.²³ According to the report, it is more challenging to start a business in EG than in most sub-Saharan countries. A foreign manager at a company working in EG²⁴ described the prevailing view among business people: "To do business with the government is one thing since it has the money. As for the private sector, the risk is huge. There is not enough information in the local markets, the level of certainty is low, and bureaucracy is not clear enough."

²⁰ Holding Guinea Ecuatorial, 2017. Holding Guinea Ecuatorial- Mision. [Online] Available at: <https://www.holdingequatorialguinea.com/espa%C3%B1ol/holding-guinea-ecuatorial/misi%C3%B3n/> [Accessed 2 April 2018].

²¹ Anonymous. Interview with a senior official at the Ministry of Economy, Planning and Public Investments. Malabo, November 2017.

²² "White Elephant- "A possession that is useless or troublesome, especially one that is expensive to maintain or difficult to dispose of." (Oxford Living Dictionary, 2018)

²³ The World Bank, 2018. *Doing Business 2018- Economy Profile Equatorial Guinea*, Washington: The World Bank.

²⁴ Anonymous. Interview with a senior manager of an Israeli firm. Malabo, February 2018.

The potential investor will probably find himself in a welcoming environment in the relevant government ministry. However, in the end, he will have a business plan with many question marks, and no one who is willing to participate in the risk. He will need to trust the political system. At the same time getting credit from local banks can be complicated. The business plan will rely on estimates and not on real market indicators. The fact that the locals do not invest in the domestic market is also a factor that increases the concerns of foreign investors.

Intercultural gaps

To gain success, both sides should be familiar with each other's culture and be able to practice intercultural management. Intercultural management is the combination of knowledge, insights, and skills which are necessary for adequately dealing with national and regional cultures, at the several management levels.²⁵ In the foreigners perspective, business management in this part of Africa has different characteristics than in other places in a variety of aspects, including, among others, managing and motivating employees, ethics and law, time management, negotiation and compliance with agreements. On the other side, locals should understand the different mentality and work methods. According to Hofstede²⁶, the shorthand definition of culture is "The collective programming of the mind that distinguishes the members of one group or category of people from others." According to Hofstede's theory, in at least three dimensions EG is at an extreme point, indicating possible cultural differences between the local society toward others. The dimensions are power distance, which has been defined as the extent to which the less powerful members of organizations accept and expect that power is distributed unequally. By its characteristic, the Guinean society is a case of large power distance. Another dimension is Individualism vs. Collectivism, in which the community of EG is characterized by collectivism: People are born into extended families or clans which protect them in exchange for loyalty. The third dimension is masculinity vs. femininity, in which the EG society is

²⁵ Burggraaf, W., 1998. Intercultural Management. Interview on cultures and the multicultural organization.

²⁶ Hofstede, G., 2011. Dimensionalizing Cultures: The Hofstede Model in Context. Online Readings in Psychology and Culture.

very patriarchic unlike the trend in the developed world. These cultural differences might lead to a situation being interpreted differently by each of the parties. Also, there is a shortage of available information about starting businesses, and cooperation with the authorities is limited²⁷. The next table summarizes the main perspective differences:

	Locals (EG) perspective	Foreigners perspective
Socio-political environment	Very stable	Not stable
Investors' confidence	high	low
Business certainty (market conditions)	high	low
Bureaucracy	reasonable	Complicated, unclear

As can be seen from the analysis, there are differences in the cultural worldview between locals and foreigners who wish to operate in EG, and both should understand the intercultural environment. These cultural differences constitute a significant barrier, delaying the implementation of the national plan, and impair the realization of the potential for economic growth.

What can be done to change the situation?

Given the complexities arising from the fact that EG is a developing economy and a market characterized by uncertainty and cultural differences, there are some steps that the government can consider to encourage investors.²⁸ It is vital to improving the country's international image since most available information is not accurate and can create a distorted picture of reality. The government can supply information as a supplement to the data published by external factors. The government should professionally manage the relations with financial institutions openly and

²⁷ See detailed information in Doing Business- Economy Profile Equatorial Guinea, Washington: The World Bank.

²⁸ According to interviews with ministerial officials and businessman.

transparently, and position itself as a reliable source of data.²⁹ Another issue is international credit ranking. The dialogue with ranking agencies should be continuous and transparent, so they can serve as another tool to evaluate risks and recruit capital. An essential component will be the establishment of a reliable statistic system.³⁰ The government should be active in the search for capital, and initiate contacts, for example with institutional investors who are not familiar with the country and its potential.³¹ The government may consider establishing local teams that will be trained to identify cross-cultural gaps, as well as professionals who can instill values of intercultural management in the local bureaucracy. The government should try to lower risks and uncertainty for investors, and part of it is to support them through state contracts and tenders. Finally, it is essential to allow free access to the country and to ease the mechanism to get entry permits.

Conclusion

EG has made a long way from one of the world's poorest countries to the third largest oil producer in Africa. Today the country's main challenge lies in transforming its oil-producing economy into a more diversified one. In 2007 the government issued the Horizon 2020 agenda aimed to diversify the economy. The first phase of building necessary physical infrastructure to assist the economy was concluded, but in the second phase, diversification of the economy through the private sector, there are obstacles. Despite the government's goodwill and efforts, there are very few external factors which are willing to risk and work in EG. One main reason for this is cultural differences. The way the Guineans perceive the national efforts and the market conditions is different from the way potential investors view it. The government should first understand the external point of view of the business risks and market deficiencies and

²⁹ African Development Bank, 2013. *Republic of Equatorial Guinea- Strategy Paper 2013-2017*.

³⁰ Ibid

³¹ See also- The Economist, 2015. Private equity in Africa- Unblocking the pipes. [Online] Available at: <https://www.economist.com/news/leaders/21640349-africa-needs-lot-capital-private-equity-offers-lessons-how-get-it-there-unblocking> [Accessed 10 April 2018].

may consider training local teams to identify cross-cultural gaps and instill appropriate practices in the public sector. The government has the option to increase the level of transparency and actively recruit potential investors. There is a great interest among the international business community to work in the region, and local governments can attract them and create a real change in the economy.

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L'ÉTAT ET LA QUESTION DE LA SECURITE AU MOYEN-ORIENT
CONTEMPORAIN: UNE LECTURE SELON LE REALISME
ET LE CONSTRUCTIVISME

THE STATE AND THE QUESTION OF SECURITY
IN THE CONTEMPORARY MIDDLE EAST:
A READING ACCORDING TO REALISM
AND CONSTRUCTIVISM

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Abstract

Our study aims at providing an insight into a few specific ways to understand and analyze state and security issues in the Middle East and North Africa region from the perspective of realism and constructivism. These two classic paradigms of International Relations and Security Studies, despite having a limited epistemological

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dimension, offer nevertheless the capacity to support in capturing the morphology and the stakes of security situations in a region recognized as hardly permeable to exclusively theoretical analyses.

Key-words: Middle East, state, security, realism, constructivism

Résumé

Notre étude se propose d'offrir un regard sur quelques manières spécifiques pour comprendre et analyser la question de l'Etat et de la sécurité dans la région du Moyen-Orient et de l'Afrique du Nord, du point de vue du réalisme et du constructivisme. Ces deux paradigmes classiques des Relations Internationales et des Etudes de Sécurité, même si elles ont une portée épistémologique limitée, ont toutefois la capacité de nous aider à saisir la morphologie et les enjeux des situations sécuritaires dans une région réputée d'être difficilement perméable aux démarches purement théoriques.

Mots-clés: Moyen-Orient, Etat, sécurité, réalisme, constructivisme

Introduction

La région du Moyen-Orient a été assez peu présente comme sujet de recherche dans le champ des Relations Internationales et, plus particulièrement, dans le nouveau domaine des Etudes de Sécurité, malgré les conflits et l'insécurité qui ont depuis longtemps fait partie intégrante de ses réalités géopolitiques, sociales et humaines. La domination du champ scientifique par des théoriciens et des analystes adeptes d'une perspective plutôt euro-centriste – et puis américano-centriste, a modelé les cadres épistémologiques et conceptuels des principaux paradigmes, précisément à partir des expériences historiques et des traditions politiques de l'espace occidental. Les relations internationales et la problématique de la sécurité étaient vues de la perspective de l'Etat-nation: la sécurité concernait tout d'abord sa protection et sa défense face aux menaces externes – militaires, avant tout, de la part des autres Etats. Ce paradigme réaliste (Hans Morgenthau, Edward Carr) et puis néoréaliste (Kenneth Waltz, Stephen Walt), structuré par une vision westphalienne du champ politique international et des relations internationales, a longtemps dominé les

analyses et la littérature de spécialité. Il a été surtout le produit de l'influence du climat de la Guerre Froide, car ses concepts essentiels: la dimension structurellement anarchique du système international, la mise en place des politiques de sécurité des Etats comme réaction face aux menaces externes, la recherche d'un équilibre des pouvoirs par le moyen des alliances politiques et militaires, tous ont été vus comme offrant la lecture et la compréhension la plus appropriée aux phénomènes et aux dynamiques internationales. Pendant la Guerre Froide, la tendance prédominante était celle de définir la problématique des stratégies sécuritaires et des interactions internationales au Tiers-Monde dans la perspective des rivalités des grands pouvoirs; dans une certaine manière, les tensions et les conflits de ces régions étaient vues comme une projection locale des tensions entre les deux blocs de la Guerre Froide ou, du moins, comme une interaction entre Etats, conformément à une perspective réaliste.

Toutefois, cette démarche centrée sur l'Etat a montré ses limites explicatives pour la compréhension des situations et des conditionnements très complexes qui caractérisent les interactions dans l'intérieur des systèmes régionales du Tiers Monde, surtout au Moyen-Orient. La plupart des Etats-nations qui s'y trouvent ont une histoire très récente et ils sont, dans une certaine mesure, le résultat des décisions ou des interférences des grandes puissances européennes. Leur structuration identitaire et institutionnelle a été un processus difficile, traversé par des moments souvent violents: révolutions et coups d'Etat, tensions inter- et intra-communautaires, l'installation des régimes autocratiques, qui cherchent à instituer la cohésion et la sécurité de l'Etat et de la société, soit par l'appel aux différentes idéologies à portée collective (nationalisme, religion), soit par la mise en place des systèmes de contrôle et de répression. Les multiples causalités qui interviennent dans la structuration des interactions internationales au Moyen-Orient ne peuvent être donc pas comprises et analysées que partiellement par les catégories épistémiques du paradigme réaliste. Même s'il reste un acteur central, l'Etat n'est pas le seul qui participe aux champs des relations internationales: elles sont conditionnées par de nombreux autres acteurs, au niveau sous- et supra-étatique. À partir des années 1960-1970, dans le contexte de l'émergence des études postcoloniales, les analyses sur le Tiers Monde cherchent à prendre en considération l'altérité de ses traditions politiques, culturelles, religieuses, et surtout de voir comment tous ces facteurs contribuent tant aux processus de structuration des identités nationales des nouveaux Etats-nations qu'à la modélisation des relations interétatiques. La nécessité de faire appel à

d'autres catégories conceptuelles et de prendre en considération multiples niveaux d'analyse (sous-, supra- et étatique) et une pluralité d'acteurs pour comprendre les situations géopolitiques du Moyen-Orient et de l'Afrique du Nord, a conduit à la relativisation de l'utilisation du paradigme réaliste parmi les nouvelles générations de spécialistes en relations internationales, surtout après la fin de la Guerre Froide. Le développement des écoles dans le cadre plus large du constructivisme – désignées, génériquement, sous la titulature *Critical Security Studies*, a facilité l'élaboration de nouveaux modèles d'interprétation et de formalisation théorique des problématiques sécuritaires et des relations internationales, dans la ligne des différentes théories, comme néo-marxisme, *Area Studies*, matérialisme historique, post-colonialisme, etc. Si elles n'ont pas mis en question la thèse classique du réalisme sur le rôle de l'Etat comme acteur central des interactions internationales et d'agent essentiel assurant la sécurité nationale et l'identité et les intérêts collectives des nations, en échange, elles ont insisté sur une perspective plus complexe, pour montrer le pluralisme des acteurs du champ international actuel et, simultanément, les multiples formes de menaces et de préoccupations sécuritaires qui ne sont plus centrées sur l'Etat mais sur la société et l'individu.

L'Etat et la question de la sécurité au Moyen-Orient selon la perspective réaliste

Selon la perspective réaliste, le Moyen-Orient a longtemps offert l'image d'un système où les catégories classiques du paradigme paraissent trouver une validation parfaite. Comme région traversée par d'innombrables conflits militaires parmi les nouveaux Etats constitués au long des 19^e et 20^e siècles, la sécurité nationale des Etats est devenue une préoccupation centrale des régimes, comme conséquence d'une permanente conscience de l'existence d'un milieu régional structurellement hostile et traversé par des conflits et tensions interétatiques (israélo-arabes, Iran-Irak, Syrie-Turquie, Syrie-Irak, Syrie-Jordanie, Iran-les monarchies du Golfe, Irak-Kuwait, Algérie-Maroc, Arabie Saoudite-Yémen, Egypte-Soudan, Lybie-Tchad, etc.)¹. Egalement, s'y retrouvent presque tous les éléments qui définissent le problème de la „sécurité nationale“: de multiples menaces de nature militaire (conflits, politiques d'armement – y compris armes non-conventionnelles et

¹ Ellen Lust-Okar, *Structuring Conflict in the Arab World: Incumbents, Opponents, and Institutions*, Cambridge: Cambridge University Press, 2005.

missiles balistiques), l'amplitude du phénomène terroriste, disputes territoriales, influences des grands pouvoirs, etc.² Souvent, elles étaient analysées par rapport au contexte de la Guerre Froide et des influences exercées sur la région par les grands pouvoirs, les Etats-Unis et l'URSS³. Comme l'Afrique ou l'Asie, le Moyen-Orient est vu comme une nouvelle arène de confrontation entre les deux superpouvoirs, avec les Etats d'ici comme intermédiaires en se situant selon les fidélités ou les intérêts envers les deux blocs géopolitiques mondiaux⁴. Pendant les années 1950-1960, la projection régionale de cette Guerre Froide globale est représentée par ce que Malcolm Kerr appelait „la Guerre Froide arabe”, qui opposait les Etats nationalistes/socialistes/républicains aux Etats monarchiques/conservateurs⁵. Les premiers, même s'ils assument une vocation tiers-mondiste, sont alliés ou soutenus par l'URSS, surtout diplomatiquement, économiquement et militairement. Pour l'Union Soviétique, les nouveaux systèmes républicains de Mashreq et Maghreb avec qui elle entretient des rapports très proches (l'Irak, la Syrie, le Yémen du Sud, l'Algérie, la Libye, l'Egypte – jusqu'au 1971, l'Afghanistan) ont surtout le rôle de servir comme ceinture de sécurité par rapport aux influences occidentales mais ils sont, également, un espace d'influence géopolitique et géoéconomique (et, dans une moindre mesure, de diffusion de l'idéologie communiste)⁶.

D'autre part, depuis la guerre du Suez de 1956, qui a marqué la disparition de la Grande Bretagne et de la France comme principaux

² Bahgat Korany, Paul Noble, Rex Bryen (eds.), *The Many Faces of National Security in the Arab World*, New-York: St. Martin Press, 1993.

³ Avi Shlaim, Sayigh Yezid (eds.), *The Cold War and the Middle East*, Oxford: Clarendon Press, 1997.

⁴ Mohammed Ayoob, "Security in the Third World: the Worm About to Turn?" in *International Affairs*, No. 1, Vol. 60, 1997, pp. 41-51; Amitav Acharya, "The Periphery as the Core: The Third World and Security Studies", in Keith Krause, Michael Williams (eds.), *Critical Security Studies. Concepts and Cases*, London: University College London Press, 1997, pp. 299-327.

⁵ Dans son ouvrage classique *The Arab Cold War: Gamal 'Abd al-Nasir and His Rivals, 1958-1970*, Oxford: Oxford University Press, 1971. Le terme, qui a fait ultérieurement carrière dans la littérature de spécialité, a été remis en actualité dans le contexte des rivalités idéologiques et géopolitiques suscitées par la crise syrienne en cours, avec les mobilisations régionales autour des deux axes, pro-sunnite et pro-chiite; voire, par exemple Curtis Ryan "The New Arab Cold War and the Struggle for Syria" in *Middle East Report*, Vol. 42, 2012.

⁶ Golan Galia, *Soviet Policies in the Middle East: From World War Two to Gorbachev*, Cambridge: Cambridge University Press, 1990.

pouvoirs externes avec influence sur la région, leur place a été prise par les Etats-Unis. Surtout trois seront les objectives stratégiques majeures américaines au Moyen-Orient: la protection des intérêts sécuritaires de l'Israël, la sécurisation du Golfe Persique et des exploitations et transportations pétrolières d'ici, et la limitation de l'influence soviétique (et de ses alliés) sur la région. Dans le premier cas, Washington va constamment intervenir pendant les moments difficiles des conflits israélo-arabes, tant par un soutien diplomatique au niveau international et dans le Conseil de Sécurité de l'ONU, que par le support concret des efforts militaires israéliens, avec des renseignements, une logistique et un armement. Dans le deuxième cas, les Etats-Unis se sont imposés comme principal allié de l'Arabie Saoudite, à la suite des discussions entre le président Roosevelt et le roi Abdelaziz al-Saoud, en 1945, selon le principe: sécurité contre pétrole. Avec la doctrine Eisenhower (le 5 janvier 1957), les Etats-Unis prennent l'engagement de soutenir militairement et économiquement tout pays au Moyen-Orient qui s'oppose à l'expansion communiste et aux influences soviétiques. À l'époque, cette stratégie avait comme objectif la limitation de l'impact du nationalisme arabe et surtout des projets d'unification panarabe, qui menaçaient les trois alliés du Washington: Israël, Iran du Shah et l'Arabie Saoudite. L'envoi des troupes militaires américaines au moment de la crise du Liban de 1958 a été une application concrète de la doctrine Eisenhower, pour empêcher les forces politiques libanaises d'adhérer au nouveau projet panarabe de la République Arabe Unie (l'Egypte et la Syrie). En 1971, la doctrine Nixon modifia la stratégie américaine, en substituant l'ancien projet d'une intervention directe pour „endiguement” (*containment*) du nationalisme arabe et de l'influence soviétique par un autre: de déléguer la tâche de défendre les intérêts géopolitiques, économiques et sécuritaires américaines dans la région – surtout dans le Golfe Persique, aux Etats partenaires, qui vont recevoir un support militaire et financier. Pendant les années soixante-dix, ces Etats seront, surtout l'Arabie Saoudite et Iran, „*twin pillars*” de la stratégie américaine de sécurité dans le Golfe, à qui s'ajoute, après 1972, l'Egypte, pendant que la Turquie, en tant que membre de NATO, a servi constamment comme avant-poste des intérêts occidentaux⁷.

Cette interférence continue des pouvoirs externes au Moyen-Orient a profondément affecté la stabilité des Etats et le système des

⁷ Douglas Little, *American Orientalism. The United States and the Middle East since 1945*, Chapel Hill: The University of North Carolina Press, 2008.

relations régionales et de sécurité d'ici. Elle a été facilitée par la fragilité politique des Etats, la plupart ayant une émergence récente en tant que tel, et par leur besoin d'un soutien financier et de savoir-faire étrangers pour les aider dans leurs projets de développement. Mais cette dépendance des acteurs extérieurs a conditionné souvent les stratégies de politique externe des pays de la région, et surtout leurs intérêts sécuritaires nationaux, facteur qui a favorisé l'installation des autoritarismes: les élites au pouvoir se font reconnaître comme agents de plus en plus nécessaires qui assurent la stabilité des Etats, dans un climat de tensions régionales profondes, et qui défendent les intérêts des protecteurs externes au niveau national et international.

Ainsi, la fracturation de l'ordre politique régional au Moyen-Orient a été une caractéristique structurelle du système: les Etats y entretiennent de nombreux conflits, rivalités, tensions pour des raisons diverses – territoriales, idéologiques, économiques, des disputes entre les dirigeants et leurs ambitions de leadership. En conséquence, la nécessité d'un équilibre des pouvoirs a été au centre des stratégies sécuritaires et des politiques étrangères des Etats mais aussi des grands pouvoirs externes par rapport à la région. Les alliances, lorsqu'elles sont constituées, sont le plus souvent justifiées par des raisons sécuritaires immédiates, visant à limiter les menaces provenant des autres pays qui sont devenus trop puissants et déstabilisant l'équilibre régional fragile, ou à limiter la portée des autres alliances. Les situations ont été nombreuses: la collaboration du Maroc avec les autres régimes conservateurs arabes pour limiter les menaces provenant de la part d'une Algérie nationaliste et socialiste; la mise en place du Pacte de Bagdad, en 1955, comme alliance militaire et sécuritaire contre l'expansion communiste au Moyen-Orient; la collaboration entre l'Iran et la Syrie pendant la guerre Iran-Irak; la constitution du Conseil de Coopération du Golfe comme structure de défense collective contre les effets déstabilisateurs du conflit irano-irakien; les stratégies des petites monarchies du Golfe (Oman, le Qatar, le Koweït, les Emirats Arabes Unis), à partir des années 2000, de se placer sous une „ombrelle” militaire américaine, vue comme une protection plus efficace face aux ambitions hégémoniques saoudites au sein du Conseil de Coopération du Golfe et face aux menaces, réels ou exagérés, de la part de l'Iran. En ce qui concerne la Ligue Arabe, elle a été constituée en 1945 sous l'influence de la Grande Bretagne, qui essayait de substituer les projets sur la constitution d'un

grand Etat arabe par l'idée d'une structure de coopération collective interétatique, qui légitimerait l'ordre politique des Etats-nations institué à la suite de la Première Guerre Mondiale. Mais, au fil du temps, la Ligue a eu une influence réelle assez limitée, pour devenir plutôt un forum de discussion et de controverses qu'une structure efficace de collaboration politique, sécuritaire et économique – elle est, en quelque sorte, une boîte de résonance de toutes les fractures et disputes interarabes.

Toutes ces caractéristiques du système régional du Moyen-Orient et de l'Afrique du Nord ont motivé, dans les analyses de spécialité, jusqu'à la huitième décennie, la préférence pour une compréhension dans une manière réaliste des relations internationales et des questions sécuritaires dans ces régions⁸. Elle reflète non seulement les options épistémiques des spécialistes, la plupart provenant de l'espace anglo-saxon ou étant éduqués dans son esprit, mais y compris les narrations officielles des Etats de la région, qui privilégient un discours public et des comportements au niveau international qui mettent en premier lieu la catégorie de l'Etat-nation et ses intérêts. Avec l'accès à l'indépendance des pays de l'Afrique du Nord et du Moyen-Orient⁹, les nouvelles élites politiques, surtout dans les régimes nationalistes et socialistes, ont eu l'ambition d'instaurer des Etats-nations forts, centralisés, pour atténuer les hétérogénéités et les tendances centrifuges internes des communautés ethniques, religieuses et tribales. Les dirigeants au pouvoir et leurs régimes se sont considérés comme l'expression de toute la nation et l'Etat a été vu comme le véhicule politique qui reflète et garde les intérêts collectifs, sur le plan interne et externe.

⁸ Bassam Tibi, *Conflict and War in the Middle East. From Interstate War to New Security*, London: Palgrave Macmillan, 1998.

⁹ Libérations anticoloniales: la Libye – 1951, l'Algérie – 1962, post-protectorats : le Maroc – 1956, la Tunisie – 1956, le Soudan – 1956, le Yémen du Sud – 1967, les Etats du Golfe Persique (Kuwait – 1961, les Emirats Arabes Unis, Qatar, Bahreïn – 1971) et post-mandates: la Syrie et le Liban – 1944, la Jordanie - 1946; la mise en bas des régimes monarchiques pro-occidentaux: l'Egypte – 1952, l'Irak – 1958, l'Iran – 1979, ou des monarchies indépendantes: le Yémen du Nord – 1962.

Ce surdimensionnement rhétorique du rôle de l'Etat avait plusieurs raisons: tout d'abord, il était le produit des ambitions et des projets des leaders politiques à superposer leur destin personnel avec celui de l'Etat et de la nation: Gamal Nasser, Anwar Sadat, Saddam Hussein, Hafez al-Assad, Habib Bourguiba, Houari Boumediene mais aussi des souverains arabes, surtout Hassan II du Maroc et le Roi Hussein de la Jordanie, ont vu dans le processus de consolidation politique et institutionnelle de leurs Etats un moyen pour conforter leurs propres positions et leur prestige – surtout au niveau régional et international. Ils se sont servis de l'appareil institutionnel officiel comme un instrument mis à leur service personnel et celui de leurs propres structures de pouvoir. Ensuite, la plupart des Etats de Maghreb et de Mashreq sont des créations récentes, qui ont connu des dominations étrangères et une histoire pré- et moderne traversée par des recherches identitaires et politiques; avec l'indépendance, tous ont été marqués par l'obsession d'accéder à une stabilité interne et à une intégration active dans l'ordre régional et international¹⁰. C'est précisément à la suite de cette quête de sécurité et de certification – à la fois interne et externe, de leur consistance et de leur fonctionnalité étatique, que les régimes au pouvoir au Moyen-Orient ont largement utilisé stratégies de „sécuritisation”, de mise en place des discours et des projets sécuritaires par rapport aux menaces externes, les unes réelles les autres plutôt gonflées, tant pour assurer une cohésion interne et une solidarité de la nation autour du pouvoir, ainsi que pour offrir, sur le plan externe, l'image officielle d'Etats menacés, dans le but d'accueillir ainsi un soutien financier, économique ou militaire.

Peu à peu, cette formalisation, dans une lecture réaliste, des questions sécuritaires et concernant les relations internationales au Moyen-Orient va montrer ses limites épistémologiques. Elle était fonctionnelle tant qu'il s'agissait de comprendre les interactions comme telles entre les Etats mais elle se montrait insuffisante, conceptuellement et dans son contenu, de prendre en considération et d'expliquer tout le complexe de facteurs qui contribuent à la structuration des relations internationales et des problématiques sécuritaires dans la région. La guerre du Golfe de 1991 est vue, en général, comme un repère historique, comme étant parmi les dernières situations où

¹⁰ Iliya Harik, "The Origins of the Arab State System", in Giacomo Luciani (ed.), *The Arab State*, Berkeley: University of California Press, 1990, pp. 1-28.

les rapports de pouvoir pourraient être placés selon la perspective réaliste, c'est-à-dire ayant les Etats comme acteurs principaux, dans un contexte régional où chaque avantage, géopolitique, économique, militaire d'un pays est considéré comme une menace indésirable adressée à l'équilibre de pouvoirs et de l'ordre régional. L'échec de la construction d'un système régional de sécurité après la Guerre du Golfe (*La Déclaration de Damas*, en mars 1991) et la fragmentation de l'ordre politique arabe depuis les années quatre-vingt-dix, l'ascension de l'Islam politique et militant et surtout des mouvements transnationaux islamistes et terroristes, la multiplication des tensions et des conflits aux raisons ethniques, religieuses, tribales, l'impact de la globalisation qui dilue les attachements envers les références étatiques et nationales, le rôle croissant des sociétés civiles dans les pays arabes et les pressions – internes ou externes, pour une démocratisation de la vie politique et des normes publiques, - toutes ont imposé la nécessité de trouver des cadres d'analyse et de compréhension plus larges pour expliquer les nouvelles réalités dans la région¹¹. Le développement, à partir de la neuvième décennie, des théories constructivistes ont offert cette opportunité.

***Critical Security Studies* et les approches constructivistes**

Les approches constructivistes en sciences sociales se sont constituées sur la présomption fondamentale selon laquelle les situations analysées sont „socialement construites”¹². Introduit dans le champ de Relations Internationales surtout par Nicholas Onuf, en 1989, le constructivisme a fait rapidement carrière parce qu'il offrait une perspective beaucoup plus compréhensive sur le complexe des facteurs qui contribuent à la génération des interactions politiques internationales: non seulement les Etats, mais aussi les sociétés, les individus, les différentes structures sociales sous- et supra- étatiques, les idéologies, les croyances, les valeurs – c'est-à-dire tout le set de représentations individuelles et collectives qui construisent la (les) réalité(s) sociale(s) et politique(s). Plus encore, le constructivisme dépasse la vision statique et systémique des approches réalistes pour prendre en

¹¹ Baghat Korany, "The Middle East Since the Cold War: the Multi-Layered (in)security Dilemma", in Louis Fawcett (ed.), *International Relations of the Middle East*, Oxford: Oxford University Press, 2016.

¹² Christian Reus-Smit, "Imagining society: constructivism and the English School" in *The British Journal of Politics & International Relations*, Vol. 4, Issue 3, 2002, pp. 487-509.

considération la dynamique de la construction des processus et des interactions politiques, en y introduisant une dimension historiciste qui complète cette démarche structurelle des phénomènes sociaux, politiques et sécuritaires. Très vite, la lecture constructiviste des relations internationales et des études de sécurité a conduit à l'apparition de plusieurs écoles et directions d'interprétation. Alexander Wendt, par exemple, garde encore un accent mis sur l'Etat et sur la construction des interactions internationales à partir des dynamiques entre les Etats, sans prendre en considération les influences exercées par la politique interne des Etats¹³. Mais, au fil du temps, la plupart des auteurs tendent d'adopter ce qu'ils appellent un constructivisme „holistique”, qui se propose à saisir tout le complexe de facteurs (sociologiques, culturels, identitaires, économiques, politiques, humains) qui contribuent à la construction des processus politiques internationales et à la structuration des dynamiques sécuritaires, non seulement au niveau de l'Etat mais aussi au niveau de la société et des individus¹⁴.

Il y a quelques thèmes fondamentaux sur lesquels se base la compréhension constructiviste des processus politiques au niveau international. D'abord, en ce qui concerne l'ontologie du système international: il n'est pas tant une expression des réalités objectives, concrètes, que surtout une représentation collective, une projection construite, „un système d'idées, une structure de pensée, un système de normes, qui ont été arrangées par certaines personnes à un certain temps et lieu”¹⁵. La réalité sociale est en permanence construite par les sujets humains et il existe une interdépendance entre la dimension sociale et les dimensions personnelles, quotidiennes, des individus: cette dynamique en double sens produit une modélisation tant des processus sociaux que de ceux individuels. Une autre caractéristique: l'idée que les intérêts d'Etat reflètent le contenu du milieu social qui constitue la substance même de l'Etat, c'est-à-dire les idées, les croyances, les valeurs, les normes, les identités des populations et des individus. Les institutions sociales et politiques sont une expression du milieu social où

¹³ Alexander Wendt, *Social Theory of International Politics*, Cambridge: Cambridge University Press, 1999.

¹⁴ Richard Price, Christian Reus-Smit, "Dangerous Liaisons? Critical International Theory and Constructivism" in *European Journal of International Relations*, No. 3, Vol. 4, 1998, pp. 259-294.

¹⁵ Robert Jackson, Georg Sorenson, *Introduction to International Relations: Theories and Approaches*, Oxford: Oxford University Press, 2003, p. 209.

elles existent et fonctionnent, en ayant ses caractéristiques et spécificités. De la même façon, le constructivisme confère une grande importance au rôle des structures normatives et eidétiques, par rapport auxquelles les individus et les sociétés modélisent leur existence et leurs actions. La réalité objective, matérielle, c'est sujet d'interprétation, de valorisation, d'utilisation selon ces idées, représentations, croyances; elles se trouvent dans une dynamique permanente, à la suite de leur (ré)construction par les individus et sociétés. „Les normes” sont croyances intersubjectives qui trouvent leurs origines dans - et qui sont reproduites par - les pratiques sociales¹⁶. Ainsi, les concepts de base des théories réalistes: anarchie, souveraineté, équilibre des pouvoirs, intérêts sécuritaires nationales, sont considérés comme étant non pas des structures statiques mais le produit des constructions sociales et des représentations collectives qui les induisent et qui (ré)construisent les sens et les intensités d'une manière permanente, selon les intérêts intersubjectifs¹⁷.

Un aspect particulier des perspectives constructivistes qui a connu un succès extraordinaire est représenté par le domaine des études de sécurité dans la ligne des écoles qui sont désignées sous le terme *Critical Security Studies*. Les deux les plus illustres, l'Ecole d'Aberystwith (*Welsh School* – Ken Booth, Wyn Jones) et l'Ecole de Copenhague (Barry Buzan, Ole Waever), utilisent une manière constructiviste d'analyse et de compréhension pour redéfinir les problématiques sécuritaires au niveau interne et international. Les nouvelles théories se proposent de passer au-delà des démarches réductionnistes du réalisme et du néo-réalisme, beaucoup trop centrées sur *national security*, pour prendre en considération d'autres acteurs, menaces, interactions, niveaux d'analyse qui participent à la construction des processus et des dynamiques sécuritaires¹⁸. Pour faciliter la cognoscibilité des acteurs et pour mieux identifier les modalités concrètes par lesquelles ils participent à la construction des processus de la sécurité, l'Ecole de Copenhague identifie cinq grands niveaux d'analyse de la sécurité: le système international, les sous-systèmes internationaux, les unités, les sous-

¹⁶ Annika Björkdahl, "Norms in International Relations: Some Conceptual and Methodological Reflections" in *Cambridge Review of International Affairs*, No. 1, Vol. 15, 2002, pp. 9-23.

¹⁷ Columba Peoples, Nick Vaughan-Williams, *Critical Security Studies. An Introduction*, Abingdon: Routledge, 2010, pp. 75-88.

¹⁸ Nilüfer Karacasulu, Elif Uzgören, "Explaining social constructivist contributions to Security Studies" in *Perceptions*, Vol. 12, 2007, pp. 27-48.

unités et les individus. Également, il existe cinq secteurs de sécurité, selon les spécificités des interactions entre les différentes unités: militaire (qui fait référence aux relations de pouvoir), politique (relations d'autorité), économique (relations économiques), sociétal (les relations entre des groupes sociaux) et écologique (les relations homme-nature)¹⁹. Plus qu'une simple perception sur ce qui constitue les risques et les menaces comme telles, la sécurité en général – et au Moyen-Orient en particulier, est donc une construction théorique conditionnée par un complexe de facteurs qui contribuent à la structuration du contenu et de ses formes: les projets et les motivations de ceux qui participent à son élaboration (politiciens, militaires, média, groups d'intérêts, population comme telle) avec les influences exercées par les caractéristiques culturelles, religieuses, nationales, idéologiques, sociales, économiques des milieux de provenance²⁰.

Le rôle de l'Etat dans les mécanismes et le processus de "sécuritisation" des menaces au Moyen-Orient

L'un des concepts les plus spécifiques développés par les études critiques de sécurité est celui de „sécuritisation” (*securitisation*). Selon cette perspective, la sécurité est considéré comme étant très souvent un « discours », une construction sémantique, idéologique et/ou politique et non seulement un reflet fidèle des „intérêts nationaux” ou de certains risques et menaces réelles. Par ce terme, les écoles constructivistes montrèrent dans quelle mesure le discours officiel sur les différentes sources d'insécurité, tant au niveau des Etats qu'au niveau des sociétés, reflète, en réalité, les projections intentionnelles des acteurs décisionnels par rapport à l'établissement du poids des risques et des menaces mais surtout par rapport à l'établissement des stratégies qui doivent être adoptées pour les limiter: „la sécuritisation est un processus discursif par lequel une compréhension intersubjective est construite dans le cadre de la communauté politique pour traiter quelque chose comme une menace existentielle par rapport à un objet avec une valeur référentielle et dans la mesure de faire appel à des mesures urgentes et

¹⁹ Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post Cold War Era*, Colchester: ECPR Press, 2007.

²⁰ Barry Buzan, "The Middle East through English School Theory", in Barry Buzan, Ana Gonzales-Pelaez (eds.), *International Society and the Middle East. English School Theory at the Regional Level*, London: Palgrave Macmillan, 2009, pp. 24-44.

exceptionnelles pour faire face à la menace”²¹. Selon l’Ecole de Copenhague, tous les cinq secteurs de la sécurité peuvent être sujets de la sécuritisation, surtout en ce qui concerne la sécurité sociétale et humaine, qui font référence précisément aux perceptions individuelles et collectives concernant les menaces existentielles ou celles adressées aux identités et aux valeurs. La sécuritisation à ce niveau permet l’instrumentalisation et la manipulation la plus efficace des peurs sociales, par des autorités ou par d’autres structures d’influence, pour induire certaines attitudes collectives au niveau social et pour justifier des décisions ou des politiques au niveau officiel. La menace, réelle, interprétée ou imaginée est toujours une altérité: la sécuritisation est un processus par lequel l’Etat ou la société construit une cohésion et une solidarité par rapport à ce qu’elles considèrent être un péril pour elles.

Le concept de sécuritisation a fait histoire, étant souvent utilisé comme grille de lecture pour la compréhension des politiques officielles sécuritaires par rapport à ce qui est considéré comme une menace pour la sécurité nationale, internationale, sociétale, écologique, etc. Il explique bien une part des politiques et des dynamiques qui confèrent au système de Moyen-Orient une spécificité à part, du point de vue des analyses situées dans la ligne des relations internationales et des études de sécurité.

Ainsi, on peut observer un extraordinaire synchronisme entre les stratégies et les politiques des Etats de la région et celles des Etats occidentaux et de la communauté internationale par rapport aux menaces qui proviennent du Moyen-Orient. Tout d’abord, les élites politiques et militaires des Etats de Maghreb et de Mashreq ont instrumentalisé de manière programmatique et même ont institutionnalisé un discours sécuritaire, en ce qui concerne des différentes menaces, plus au moins réelles, internes ou externes, pour légitimer leurs politiques répressives, l’instauration des situations d’urgence, le financement massif des programmes d’armement, la multiplication des structures de sécurité. Il est vrai que, dans un contexte structurellement conflictuel et traversé par des rivalités et tensions récessives, comme celui du Moyen-Orient et de l’Afrique du Nord, de telles mesures trouvaient parfois une justification objective, surtout en ce qui concerne la nécessité d’assurer la sécurité nationale. Mais, très souvent, l’amplitude et la signification des menaces

²¹ Barry Buzan, Ole Wæver, *Regions and Powers: The Structure of International Security*, Cambridge: Cambridge University Press, 2003, p. 491.

ont été transfigurées par les autorités ou par les différentes structures intéressées. Le cas classique est celui de l'instrumentalisation du péril sioniste et de l'Etat Israélien, par des leaders politiques et religieux du monde arabo-musulman, pour justifier l'amplitude de la militarisation des pays et de l'encadrement de la population au nom de la nécessité de défendre la nation arabe; le thème a été constamment mise en valeur par la narration officielle des régimes pour détourner l'attention des masses, de la „rue”, des problèmes et des crises internes et pour leur offrir une cible externe vers laquelle elles pourraient diriger leurs frustrations et violences.

Par ailleurs, la sécuritisation du sujet de la menace extérieure est bien structurelle à l'histoire du Moyen-Orient contemporain. Après l'obtention des indépendances, les nouvelles élites politiques postcoloniales ont utilisé constamment les mémoires négatives liées aux expériences et à la domination exercées par les pouvoirs occidentaux, pour légitimer – et perpétuer, le contrôle politique au nom de leur prestige accueilli pendant les luttes pour l'indépendance. Après les années 1960, les Etats-Unis se substituent de plus en plus, dans le discours contestataire et critique des acteurs politiques et religieux de la région, comme le nouveau péril qu'il faut tenir à distance et même combattre. À leur tour, pendant la Guerre Froide, les régimes conservateurs (le Maroc, les monarchies du Golfe, l'Iran du Shah) font cas du grand péril du communisme, celui de l'extérieur mais surtout de l'intérieur, en justifiant ainsi leurs actions répressives contre les opposants et la mise en place d'une intense politique d'armement. Au niveau régional, les relations entre les Etats ont été caractérisées par les mêmes stratégies de sécuritisation du péril représenté par „l'autre”. En Arabie Saoudite, l'obsession envers l'idée des possibles déstabilisations en provenance du nationalisme arabe a été une constante de l'*establishment* saoudien pendant le cinquième et sixième décennies, suscitant les projets du royaume de leur opposer un discours et des stratégies idéologiques et géopolitiques alternatives, centrées sur l'Islam. Après 1979 et la Révolution islamique en Iran, l'ancienne angoisse sur le péril du panarabisme laisse place, de plus en plus, pour les autres pays du Golfe, à une appréhension face à ce qui est considérée comme une stratégie pan-chiite et révolutionnaire de la République Islamique, pour déstabiliser la région et pour y déclencher des contestations populaires contre les régimes au pouvoir. En conséquence, on peut assister – jusqu'à nos jours encore, à une sécuritisation du péril chiite, par les régimes politiques sunnites, qui suspectent – à tort ou à raison, leurs

communautés chiites d'être une „cinquième colonne” de l'Iran et donc vecteurs de déstabilisation. Ce qui est bien l'une des raisons qui ont poussé l'Irak à la guerre contre l'Iran, en 1980, et qui se retrouve ressuscité, depuis quelques années, dans la plupart des pays sunnites du Moyen-Orient et de l'Afrique du Nord, obsédés par l'émergence d'un „croissant chiite” dans la région²².

Mais les situations où l'on peut observer très visiblement la mise en action du principe de la sécuritisation sont surtout celles qui font référence aux rapports entre l'Etat et l'Islam militant ou contestataire. L'ascension des partis et des mouvements islamistes, avec les années 1960-1970, dans la plupart des pays du Moyen-Orient et de l'Afrique du Nord, a produit des multiples stratégies réactives de la part des autorités. Tout d'abord, les mobilisations et les contestations islamistes ont été vues comme une source de menace qui mit en question la légitimité et les fondements idéologiques et politiques des régimes au pouvoir, surtout s'il s'agissait de mouvements bénéficiant d'une large adhésion des masses populaires (les Frères Musulmans en Egypte, en Syrie et en Jordanie, *Ennahda* en Tunisie, le Front Islamique du Salut en Algérie, le parti Refah en Turquie). Au fil du temps, tant par des raisons idéologiques que par les conséquences des représailles menées contre eux par les pouvoirs en fonction, des militants et des groupes islamistes se radicalisent et adoptent de plus en plus une stratégie de violence, d'abord contre les autorités mais aussi, surtout avec l'émergence du takfirisme, contre les civiles, accusés de mécréance et de collaboration avec les pouvoirs impies. En conséquence, en prenant comme prétexte les excès de violence perpétrés par les factions radicales des mouvements islamistes, les autorités politiques des pays de la région ont diffusé leur propre contre-discours, qui met en avant le péril du terrorisme pour se faire reconformer le statut des garantes de l'ordre et de la stabilité de la société et, dans le plan externe, pour justifier ainsi leur déficit démocratique et les politiques répressives contre leurs opposants. C'était bien le cas de pays comme l'Egypte (de Gamal Nasser à Sisi), de l'Algérie pendant la guerre civile des années 1990, de l'Irak de Saddam Husein, de la Tunisie - où Habib Bourguiba et surtout Ben Ali ont essayé constamment d'exorciser le mouvement islamiste

²² Matteo Legrenzi, Marina Calulli, "Middle East Security: Conflict and Securitization of Identities", in Louis Fawcett (ed.), *International Relations of the Middle East*, Oxford: Oxford University Press, 2016, pp. 218-238.

Ennahda, mais c'est aussi le cas de régime des deux Assad. Il y a une longue histoire de complicité entre le régime de Damas et certains mouvements islamistes sunnites, palestiniens, libanais ou réseaux internationaux, instrumentalisés en tant qu'agents pour effectuer des opérations spéciales, pour infiltrer des groupes islamistes opposés au régime ou pour discréditer l'opposition syrienne. Depuis 2011, l'une des stratégies de Damas a été de mettre sur pied une propagande à usage interne et externe, qui dissémine une sécuritisation narrative sur les périls de l'opposition - vue comme une expression de l'Islam radical et des intérêts des ennemis étrangers, dans le but de limiter les contestations populaires et de structurer un soutien, surtout de la part des minorités (alaouites, chrétiens), autour d'un pouvoir vu comme le dernier rempart contre la barbarie islamiste²³.

En même temps, la sécuritisation de l'Islam radical et du terrorisme islamique est devenue, depuis la fin de la Guerre Froide, l'un des thèmes centraux de l'agenda de sécurité de la communauté euro-atlantique, surtout après 11 septembre 2001. Elle est la conséquence de l'émergence d'un discours anti-occidental dans les courants islamistes, surtout après les années 1970. La contestation des régimes arabo-musulmans „impies” est doublée par une aversion envers l'Occident, vu tant qu'un système de valeurs en opposition avec l'Islam qu'un système composé par des Etats qui soutiennent les régimes autoritaires au Moyen-Orient tout en manifestant un impérialisme culturel, économique, géopolitique dans la région. Pendant la huitième décennie, l'Iran révolutionnaire a mis sur place toute une industrie médiatique au niveau interne et international afin de diffuser un discours et de susciter un imaginaire collectif anti-occidental, surtout anti-américain. Il sera ultérieurement repris par les mouvements salafistes, en particulier par les courants radicaux salafi-jihadistes, qui puisent leurs ressources idéologiques dans des lectures particulières des ouvrages de Sayyid Qutb ou des autres théoriciens plus récents de l'islamisme (Muhammad Abd al-Salam Faraj, Abdullah Azzam, Abu Musan al-Suri, Abu Qatada). Le transfert des violences en direction des cibles occidentales, avec la neuvième décennie, a eu comme conséquence l'apparition d'un discours sécuritaire en Occident, de plus en plus centré sur le thème des menaces de l'Islam radical et du „terrorisme islamique”. Il arrive à l'apogée avec les attentats

²³ Helle Malmvig, "Power, Identity and Securitization in Middle East: Regional Order after the Arab Uprisings" in *Mediterranean Politics*, Vol. 19, Issue 1, 2014, pp. 145-148.

de 11 septembre, événement qui va susciter ce que Barry Buzan et Ole Waever vont appeler une macro-sécuritisation de la guerre globale contre le terrorisme²⁴. Projeté à l'échelle globale, en utilisant l'appareil conceptuel et l'idéologie du néo-orientalisme (Samuel Huntington, Bernard Lewis) qui prends l'habitude de considérer le monde musulman surtout à travers le prisme d'une réification de ses traits religieux et culturels, le discours officiel sur la guerre contre le terrorisme a été d'abord un projet idéologique avant de devenir une stratégie de riposte contre les menaces terroristes comme telles²⁵. Selon Barry Buzan, le thème de la guerre globale contre le terrorisme a „des fortes éléments de l'universalisme de l'ordre actuel – tous les Etats contre les terroristes non-étatiques, l'ordre contre chaos, mixés avec un universalisme américain inclusif”²⁶.

Du point de vue constructiviste, les stratégies et les conséquences sécuritaires définissant les rapports entre l'Etat et la religion sont le résultat des réadaptations, constructions, interprétations permanentes, influencées par les différents contextes historiques ou politiques. Il n'y a pas une seule lecture, narration, compréhension des significations et des réalités complexes des interactions entre les formes de l'Islam et de l'islamisme avec les Etats et les pouvoirs politiques, comme aussi avec les sociétés, mais elles sont constamment modelées, contextualisées, interprétées par les sujets qui les présentent.

La sécurité sociétale et la question des identités nationales

Dans leur théorisation sur les secteurs de la sécurité, *Critical Security Studies* transfèrent dans une très grande mesure l'analyse de l'Etat vers la société, l'accent étant mis non pas sur une *national security* mais sur *societal security* – la sécurité sociétale. Son objet est représenté surtout par l'identité collective, des groupes ou de la société comme telle: „la sécurité sociétale fait référence à la capacité de la société de préserver ses caractéristiques

²⁴ Barry Buzan, "The 'War on Terrorism' as the new 'macro-securitisation'?" in Oslo Workshop, 2-4 february 2006, <http://rrii.150m.com/t08/Barry%20Buzan%20-%20The%20War%20on%20Terrorism%20as%20the%20new%20macro-securitisation.pdf>, 10 février 2019.

²⁵ Bezen Balamir Coşkun, "Words, Images, Enemies: Macro-Securitization of the Islamic Terror, Popular TV Drama and the War on Terror" in *Turkish Journal of Politics*, No. 1, Vol. 3, 2012, pp. 37-51.

²⁶ Barry Buzan, "Macro-securitisation and Security Constellations: Reconsidering Scale in Securitisation Theory" in *Review of international Studies*, No. 2, Vol. 35, p. 265.

essentielles face à des circonstances variables et devant des menaces potentielles ou actuelles²⁷. C'est-à-dire, au niveau sociétal, la sécurité concerne tout d'abord les menaces ou les perceptions sur des menaces qui peuvent porter atteinte à l'identité collective.

La manière constructiviste de lecture des réalités au Moyen-Orient nous permet de mieux comprendre le poids – réel ou ajouté, des identités dans la modélisation des politiques internes et des relations internationales dans la région. L'identité représente la référence essentielle par rapport à laquelle ils arrivent à se structurer l'image de soi et les intérêts des individus, des groupes sociaux et de l'Etat comme tel – qui hypostasie, symboliquement, l'image collective de la nation. D'ailleurs, l'identité nationale constitue l'objet principal de la sécurité sociétale²⁸.

Mais, ce qui caractérise, d'une manière spécifique, la plupart des pays du Moyen-Orient (comme aussi de l'Afrique, du Caucase, de l'Asie Centrale) c'est précisément la difficulté de concilier les identités nationales avec celles communautaristes (religieuses, ethnolinguistiques, tribales, régionalistes). La fragmentation communautariste de la région a favorisé, au fil du temps, le repliement géographique et identitaire des communautés (les druzes dans le plateau Golan et Djebel Druz, les alawites dans le Djebel Ansariyah, les maronites dans le Mont Liban, les chiites irakiens autour des villes saintes au sud de l'Irak, les kabyles dans la Kabylie, les rifains dans la région de Rif, les ibadites dans la vallée de M'zab, etc.). Ce repli offrait non seulement un espace physique et social de structuration des relations humaines et des structures de solidarité mais aussi il assurait la sécurité collective – et donc la perpétuation identitaire et existentielle des groupes. La fragmentation du Moyen-Orient en nombreuses micro-communautés revient à l'incapacité des systèmes politiques qui y ont gouverné jusqu'à l'époque moderne (l'Empire Ottoman, tout d'abord) d'offrir un modèle d'intégration des populations en transcendant ces conditionnements identitaires spécifiques. La référence officielle, spécifique à la culture politique ottomane jusqu'à la moitié du 19^e siècle, était celle de l'appartenance religieuse: les groupes sociaux et leur condition sociopolitique étaient conditionné par leur religion, avec un statut privilégié attribué aux musulmans sunnites. Au

²⁷ Peter Hough, *Understanding Global Security*, Abingdon: Routledge, 2004, p. 106.

²⁸ Barry Buzan, Ole Waever, Jaap de Wilde, *Security: A New Framework for Analysis*, Boulder: Lynne Rienner Publishers, 1998, pp. 119-140.

moment de la disparition de l'Empire Ottoman et de la formation des nouveaux Etats au Moyen-Orient, le grand problème – qui persiste jusqu'à nos jours, était de mettre sur pied de nouvelles identités collectives et des fidélités envers ces Etats « nationaux », avec leurs territoires adjacentes.

Une très grande part des tensions et des conflits, au niveau national ou international, trouvent leurs origines précisément dans le fait que, au Moyen-Orient, les nations sont le produit de l'importation du modèle identitaire et politique de l'Etat-nation. Ce modèle westphalien a été imposé par les pouvoirs européens ou approprié par les élites intellectuelles et politiques arabes, après la dissolution de l'Empire Ottoman et après la décolonisation, et il a été superposé sur une culture politique locale qui accordait, depuis des siècles, un rôle important aux références et aux solidarités particulières (religieuses/sectaires, ethnosociologiques, géographiques)²⁹. Le manque d'une identité et d'une conscience nationale collective au sens modern (l'attachement envers un territoire vu comme une „Patrie“, mémoires et mythes historiques communes, le partage du même set de valeurs et d'identités culturelles, politiques, sociales) a caractérisé le Moyen-Orient jusqu'au 19^{ème} siècle et même 20^{ème} siècle, quand la problématique des nationalismes fit son entrée dans la région, sous l'influence de l'Occident.

Mais les processus de *nation-building*, pendant le 20^{ème} siècle, ont été difficiles, conflictuels, précisément parce que les identités particulières des communautés d'ici ont dû s'adapter aux nouvelles valeurs et impératives des identités nationales et de les approprier. Ce qui a été initialement un produit naturel, endogène, d'un nationalisme propre – l'arabisme, a été obligé de se fracturer dans les identités nationales des Etats arabes existants déjà (l'Egypte, le Maroc), des nouveaux Etats parus après la Première Guerre Mondiale (l'Irak, la Palestine, la Syrie, le Liban, la Transjordanie/la Jordanie) ou après la décolonisation (la Tunisie, l'Algérie, la Libye, le Soudan)³⁰. L'échec des idéologies et des projets panarabes, surtout après la défaite contre Israël, en 1967, a laissé place, petit à petit, à l'Islam comme vecteur identitaire et de mobilisation collective, une référence idéologique et politique qui se substitue à l'arabisme, y compris dans une dimension

²⁹ Fred Lawson, *Constructing International Relations in the Arab World*, Palo Alto: Stanford University Press, 2006, pp. 19-50.

³⁰ Morten Valbjørn, "Arab Nationalism(s) in Transformation: From Arab Interstate Societies to an Arab-Islamic World Society", in Barry Buzan, Ana Gonzales-Pelaez (eds.), *op. cit.*, pp. 140-169.

supranationale (pan-Islam) ou transnationale (les mouvements islamistes, surtout salafistes, qui contestent les frontières en cours et les fondements idéologiques et politiques du système moderne de l'Etat-nation dans le monde musulman)³¹. Par conséquent, les pressions et les conflits autour de la construction et de l'appropriation des identités nationales proviennent de deux directions: sous-nationale (la persistance des identités religieuses, ethniques, tribales) et supranationale (idéologies nationalistes arabes, pan-Islam).

Dans une moindre mesure, cette dynamique complexe de la construction identitaire nationale se retrouve dans le cas de la Turquie, où la vocation panturque de certaines élites intellectuelles ou politiques et aussi un irrédentisme turc ont suscité d'innombrables situations conflictuelles avec d'autres Etats qui abritent des communautés turques comme aussi avec les communautés non-turques qui peuplent le territoire de la Turquie. La situation de l'Iran est semblable, l'identité nationale perse étant constamment obligé de se concilier ou de confronter les identités sous-nationales (ethniques, tribales, linguistiques) ou supranationales (le chiisme) tout en essayant de gérer les tentations d'un pan-iranisme, dirigé vers les communautés persanophones de l'Asie Centrale.

L'histoire moderne du Moyen-Orient est, dans une très grande mesure, la phénoménologie de ses constructions identitaires nationales et des modalités dans lesquelles elles se sont superposées – ou pas, avec les processus de construction des ordres politiques étatistes fonctionnels ; elle est, également, celle des situations conflictuelles générées par les interférences des identités non-nationales dans la genèse des nouvelles nations³². Les situations du Liban, de l'Irak et de la Syrie y sont les plus importantes: le problème de la sécurité sociétale dans leur cas a été tragiquement affecté par la politisation et même la militarisation des structures communautaires, en sapant la capacité de constituer une identité et une cohésion nationale persistante qui pourrait transcender les intérêts particuliers des différents groupes de solidarité (*asabiyya*). L'Irak depuis 2003, la Syrie depuis 2011, traversées par des conflits sectaires et intercommunautaires, sont exemples

³¹ Sohail H. Hashmi, "Islam, the Middle East and the Pan-Islamic Movement", in Barry Buzan, Ana Gonzales-Pelaez (eds.), op. cit., pp. 170-200.

³² Raymond Hinnebusch, "The Politics of Identity in Middle East International Relations", in Louis Fawcett (ed.), op. cit., pp. 155-175.

de ces réifications des identités sous-nationales qui mettent en péril la sécurité sociétale des nations comme telles.

Conclusions

Résultat d'une idéologie d'importation, celle de l'Etat-nation de type modern, développée par la culture politique européenne, l'Etat au Moyen-Orient et au Maghreb a été vu, par ses élites politiques (et, souvent, militaires) comme étant à la fois un vecteur de transformation et d'encadrement, même par la force, des sociétés et un support institutionnel de leurs propres ambitions. La région est devenue, pendant le 20^e siècle, un milieu qui reproduisait fidèlement les éléments canoniques d'un système westphalien, ce qui a favorisé son analyse en suivant les concepts et les cadres herméneutiques des approches réalistes. Après l'émergence du nouvel ordre géopolitique au Moyen-Orient succédant à la dissolution de l'Empire Ottoman et à la décolonisation, l'importance de l'Etat en tant qu'acteur politique et militaire a imposé une perception de la question de la sécurité surtout par la perspective des rapports de pouvoir entre Etats et des risques et menaces suscités par eux et adressés à l'ordre et à la stabilité dans la région et au niveau international. Ces interactions régionales étaient souvent placées dans le contexte plus large de la Guerre Froide, en continuant ainsi une compréhension de type (post)coloniale, où le rôle des grands pouvoirs externes dans la modélisation et l'influence des politiques et des stratégies des nouveaux Etats était vu comme essentiel.

En réalité, l'instabilité chronique des Etats et du système régional reflétait une phénoménologie beaucoup plus complexe, engendrée par de nombreux acteurs non-étatiques, par des idéologies et projets politiques alternatives et concurrentes à celles qui étaient officielles, promues par les régimes au pouvoir, par des solidarités traditionnelles dont les nouvelles fidélités nationalistes n'arrivent pas à les faire disparaître. La multiplication des sources d'instabilité et d'insécurité, internes et externes, sur le fond d'un échec croissant des Etats-nations de type centraliste, autoritariste, militarisé et patrimonial, ont rendu visibles, depuis la neuvième décennie, les limites des analyses du réalisme dans leurs essais d'expliquer les réalités

sécuritaires au Moyen-Orient. *Critical Security Studies* ont apporté un cadre d'analyse plus large, en prenant en considération la problématique de la

sécurité non seulement du point de vue *hard* mais aussi dans une perspective sociétale, économique et humaine. Dans les nouvelles interprétations, l'Etat reste, bien évidemment, un acteur essentiel qui génère (in)sécurité, au niveau interne et externe, mais son rôle et ses actions sont expliquées dans un contexte qui dépasse la vision rigide et schématique du réalisme. Les analyses constructivistes ont l'ambition d'offrir une compréhension plus détaillée sur la génération des différentes situations sécuritaires, en prenant en considération la participation de tous les acteurs qui contribuent à l'émergence des réalités sociales et donc, implicitement, des aspects d'ordre sécuritaire. L'application des nouvelles théories et modèles d'analyse constructivistes aux phénomènes du Maghreb et Mashreq a ainsi la qualité de mettre mieux en lumière les intentions des acteurs, leurs enjeux de leurs stratégies, les dynamiques sociales, politiques, sécuritaires en se construisant autour de leurs interactions.

A partir d'ici, notre étude a offert une courte lecture de deux manières d'envisager le rapport entre l'Etat et la question sécuritaire, en utilisant deux concepts classiques du constructivisme, la sécuritisation et la sécurité sociétale. Nous avons montré que la stratégie de sécuritisation des différentes menaces, internes ou externes, est une caractéristique structurelle des régimes dans la région, qui instrumentalisent constamment ce thème d'un péril permanent pour certifier leur rôle de garantes de la stabilité et pour justifier les politiques répressives contre ceux qui contestent l'ordre établi. En même temps, l'externalisation au niveau international des différents risques et menaces en provenance du Moyen-Orient et de la Méditerranée du Sud (terrorisme, radicalisme islamiste, conflits militaires et ethno-sectaires, réfugiés et migration illégale) a mené à la construction d'un discours et des politiques élaborées par des Etats et par d'autres acteurs (media, des segments sociaux), surtout dans l'espace euro-atlantique, qui sécuritisent ces thèmes souvent de manières et d'amplitudes qui ressemblent à ceux des Etats autoritaristes du monde arabo-musulman. Il s'agit surtout des cas de l'Islam radical et du terrorisme islamique, dont les excès, les dernières décennies, ont suscité, à la fois aux pays occidentaux et au Moyen-Orient et l'Afrique du Nord, toute une industrie, médiatique et sécuritaire, afin de

combattre une menace qui, précisément par ces ressources énormes dirigées contre elle, gagne une légitimité et une importance symbolique accrue. Les analyses de type constructiviste permettent en effet de mettre

en lumière ce discours et ces politiques qui servent les intérêts des acteurs impliqués et, donc, de trancher dans une mesure plus pertinente sur l'amplitude réelle des problématiques sécuritaires autour desquelles se développent les narrations et les stratégies utilisées.

Enfin, les questions sécuritaires au Moyen-Orient sont conditionnées par la dimension identitaire, surtout par la dialectique compliquée entre les identités nationales et communautaristes – source constante de tensions et de conflits depuis la formation des Etats-nations dans la région. La sécurité sociétale au Moyen-Orient est touchée par cette hétérogénéité identitaire et pas les difficultés à faire compatibles et intégrées les identités particulières (sous- ou supra-étatiques) dans l'identité collective officielle, générée et gardée par l'Etat-nation. La multiplication des conflits identitaires dans la région, en fragilisant certains Etats (l'Irak, la Syrie, la Libye, le Yémen) et les attachements nationaux, font plus utile que jamais une herméneutique de type constructiviste de ces dynamiques, pour rendre intelligibles la construction des représentations collectives et des modalités concrètes par lesquelles les différentes communautés et groupes sociaux se rapportent à l'Etat et à l'identité nationale.

En dépassant le réductionnisme et la pauvreté épistémologique des compréhensions réalistes, le constructivisme offre un support explicatif plus cohérent et plus large pour la phénoménologie complexe des situations sociales, politiques et sécuritaires au Moyen-Orient et l'Afrique du Nord. Toutefois, les analyses constructivistes restent encore peu prisées par les chercheurs et les spécialistes de la région, qui arrivent difficilement à s'approprier les concepts et les normes méthodologiques d'une discipline, à savoir les Études de Sécurité, entourée par une certaine méfiance scientifique. En ce qui concerne ceux qui agissent de l'intérieur du secteur des Études de Sécurité, il leur manque parfois le bagage spécialisé de l'orientaliste qui permettrait de comprendre toute la complexité et surtout l'amphibole des phénomènes analysés. D'où la nécessité d'un processus de synthèse, afin de rendre compatibles les démarches spécifiques des analyses sécuritaires et les approches spécialisées des chercheurs dans le domaine des *Middle Eastern Studies*: ces derniers ont le privilège d'une familiarisation avec le terrain, en apportant ainsi une connaissance du réel qui pourrait

surmonter la faiblesse des constructions conceptuelles des théoriciens de bureau³³.

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³³ Louis Gordon, Ian Oxnevad, *Middle East Politics for the New Millennium: A Constructivist Approach*, Lanham: Lexington Books, 2016; Andrea Teti, "Bridging the Gap: IR, Middle East Studies and the Disciplinary Politics of the Area Studies Controversy" in *European Journal of International Relations*, No. 1, Vol. 13, 2007, pp. 117-145.

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POLISH-MACEDONIAN COOPERATION OF BORDER SERVICES AS AN EXAMPLE OF INTERNATIONAL COOPERATION TO COMBAT THE MIGRATION CRISIS

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Abstract

In recent years, Europe has experienced an increased wave of migration from third countries. This phenomenon has become so intense that it has been described as a migration crisis. The article presents the problem of cooperation between the Polish Border Guard and the Police of the Republic of North Macedonia as a country particularly affected by an increased influx of illegal migrants. The weak institutionalisation of Macedonia, the ongoing disputes with Greece and the low level of economic development were the factors which made it impossible for the Republic of North Macedonia to meet the challenges related to the uncontrolled influx of migrants on its own. These factors led to the establishment of cooperation between Poland and the Republic of North Macedonia, which may serve as an example of international cooperation in the fight against the migration crisis.

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Keywords: Border Guard, Poland, North Macedonia, international cooperation, illegal migration, cross-border crime.

Introduction

When considering the development of the European continent, one cannot overlook the issues of increased migratory flows in recent years, a phenomenon which has made a significant contribution to the development of contemporary Europe, whether in the political, social or economic sphere. The opening of borders within the Schengen countries has enabled the free movement of persons between these countries, which in turn has contributed to the economic growth of the less developed countries of the European Union. It can be said that for many people Europe has become a desired place to live.

At the same time, the development of the continent, combined with a relatively stable international situation within European countries, have made the European Union countries also a destination for people from third countries, often less developed, experiencing poverty and conflicts. The phenomenon of illegal migration of people from third countries to Europe has become so intense in recent years that it has become known as a migration crisis. Although migrants' travel destinations are primarily highly developed Member States of the European Union, the effects of the uncontrolled influx of people from third countries are also felt in other European countries, especially those located along the largest migration routes. One such country is the Republic of North Macedonia.

Although the migration crisis itself took place in 2015, and in 2018 the number of people arriving in Europe fell significantly, the effects of this increased wave of migration are being felt by European countries to this day.

Migration situation in North Macedonia

As of 12 February 2019 the Republic of Macedonia has been known as: The Republic of North Macedonia is a small country located in southern Europe, in an area through which two large migration routes cross. The total area of the country is only 25,713 km², so it can be concluded that the whole Macedonia has a size comparable to that of one of the largest Polish

voivodeships. The state borders on four countries with border sections of the following lengths:

- a 151 km long border section with Albania,
- a 221 km long border section with Serbia,
- a 148 km long border section with Bulgaria,
- a 246 km long border section with Greece.

The fact that Macedonia shares a border with the fifth country, Kosovo, which, however, is not recognised internationally by many countries, remains disputed. If Kosovo is also taken into account (the state is recognised by both Poland and Macedonia, i.e. both countries which are the focus of this article), the border of the Republic of Macedonia with this country is 159 km long, while the border with Serbia is only 62 km long.¹

It is also worth noting that the Police of the Republic of Macedonia mentions other lengths of border sections, including the border with Kosovo. These are the following:

- a 186 km long border section with Albania,
- a 102 km long border section with Serbia,
- a 172 km long border section with Bulgaria,
- a 256 km long border section with Greece,
- a 179 km long border section with Kosovo.²

In turn, the Macedonian institution National Coordination Centre for Border Management, in the document *National Integrated Border Management Development Strategy 2015 - 2019*, provides the following dimensions of individual border sections:

- a 192 km long border section with Albania,
- a 263 km long border section with Serbia and Kosovo,
- a 177 km long border section with Bulgaria,
- a 262 km long border section with Greece.³

¹ Ministerstw Spraw Zagranicznych Rzeczypospolitej Polski, 2018 [https://msz.gov.pl/pl/informacje_konsularne/profile_krajow/macedonia], 11 March 2019.

² Ministerstvo Za Vnatrešni Raboti Republika Severna Makedonija, *Organizaciona Postavenost i Nadležnosti* <https://mvr.gov.mk/page/organizaciona-postavenost-i-nadlezhnosti>], 27 March 2019.

³ Government of the Republic of Macedonia, National Coordination Centre For Border Management, 2014, *National Integrated Border Management Development Strategy 2015 – 2019* [<http://www.igu.gov.mk/files/STRATEGY.pdf>], 11 march 2019.

Despite its relatively small size, the country faces serious consequences of increased migratory flows. The territory of the Republic of North Macedonia is crossed by the Western Balkan migration route, with refugees from the Middle East trying to enter Hungary and then go deeper into Europe. A circular route from Albania to Greece also runs in the vicinity of the Macedonian state. For this reason, during the migration crisis initiated in 2015, Macedonia became one of the countries most affected by the uncontrolled influx of migrants, and it had to start tackling this problem quickly. According to Aleksandar Lj. Spasov PhD, Assistant Professor at the Faculty of Law 'Iustinianus Primus', University 'Ss. Cyril and Methodius' in Skopje and Programme Manager of Progress-Institute for Social Democracy in Skopje „*the Greek-Macedonian border became a symbol for the desperate attempts of thousands of men, women and children trying to cross the border and continue to their dream destination in the European Union.*”⁴

At the same time, Dr. Spasov stresses the institutional instability of the Republic of North Macedonia as the main cause of the country's problems and, at the same time, as a factor preventing it from coping with the uncontrolled influx of migrants on its own. As he claims „*the response of the Macedonian authorities to the crisis was as chaotic and disorganised as the common EU approach to the crisis appears to be. If we take the types of responses to the crisis as a criterion for evaluation, Macedonia passed through three phases in the crisis of 2015*”.⁵ These three phases were qualified by the researcher as follows:

- phase I, lasting from spring to summer 2015, is a period when refugees were treated as illegal border crossers and imprisoned for months in very poor living conditions;

- phase II, lasting from summer 2015, is the period during which the Macedonian authorities stopped imprisoning migrants, realising that Macedonia is a transit country on a journey to Western European countries in order to apply for asylum there;

- phase III, which began in the autumn of 2015, is a period of exploiting the migration crisis to achieve the political objectives of the ruling party, both within the country and internationally. At the same time,

⁴ Aleksandar Lj. Spasov, *A Macedonian perspective on the migration crisis*, 2016, [<https://www.clingendael.org/publication/macedonian-perspective-migration-crisis>], 22 February 2019.

⁵ *Ibidem*.

it was a period of bloody fighting and riots between the Macedonian services and migrants.

All three phases of the conflict create an image of Macedonia incapable of coping with the migration crisis on its own. In addition to institutional problems, the country's weakness was also affected by the conflict with Greece, which has been going on for years, since the break-up of Yugoslavia when Macedonia declared independence on 17 November 1991. This conflict arose primarily from Greece's rebellion against the use of the name Macedonia by the newly created state. According to Greece, the name Macedonia is reserved for the ancient kingdom of Macedonia, whose legacy is an inherent part of Greek culture and tradition. According to the Greeks, the name cannot therefore be used by another country. Moreover, Greece also claimed the rights to Macedonian symbols, which, according to the Greeks, are part of the national heritage of that country. The Greek-Macedonian conflict had a negative impact on Macedonia's economy, as Greece imposed a trade embargo on Macedonia, which was lifted in 1995 after Macedonia agreed to use the name of the Former Yugoslav Republic of Macedonia, as well as a change in the national flag, which until then referred to the ancient Macedonia.⁶

However, hostile socio-political relations between neighbouring countries and economic problems are not the only consequences of the situation. The Greek-Macedonian conflict has also hindered Macedonia's accession to NATO and the European Union. The Republic of North Macedonia has been a candidate country for accession to the European Union since December 2005.⁷ In 2015, the European Union presented to Macedonia "Urgent Reform Priorities", mainly related to the introduction of the rule of law in the country. Their implementation is one of the requirements that the country must meet in order to become a member of the European Union. In turn, the Republic of Macedonia has been associated with NATO since 1995, when the Head of Government of Macedonia signed a framework agreement within the partnership for

⁶ European Stability Initiative, *Macedonia's dispute with Greece*, 2012, [<https://www.esiweb.org/index.php?lang=en&id=562>], 28 February 2019.

⁷ *North Macedonia*, European Commission, [https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/north-macedonia_en], 28 February 2019.

peace.⁸ Since 1999, Macedonia has been trying to join NATO.⁹ On 6th February 2019 the breakthrough took place and the Republic of North Macedonia (still under its previous name – the Republic of Macedonia or the former Yugoslav Republic of Macedonia) signed an accession protocol with NATO. Under this protocol, the country will apply for full membership in NATO structures. Under the agreement signed by the heads of the Foreign Ministries of Greece and Macedonia on 12 February 2019, Macedonia changed its name to the Republic of North Macedonia.¹⁰ In return, Greece undertook to stop blocking Macedonia's integration with the European Union and NATO.

The weakness of the Republic of North Macedonia in the area of preventing and combating cross-border threats related to uncontrolled inflow of migrants, in addition to institutional problems and tense relations with Greece, was also affected by the lack of a separate, specialised service dealing exclusively with border surveillance, such as the Border Guard. In the early days of the independent Macedonian state, a separate border unit of the army of the Republic of Macedonia was responsible for border protection. However, thanks to the country's European aspirations, i.e. the desire to join international organisations – the European Union and NATO – it became necessary to reform the system of border protection. To this end, in October 2003. The Government of the Republic of Macedonia adopted a national strategy for integrated border management.¹¹ Since 2004, the problem of border security in the Republic of North Macedonia has been dealt with by a separate police unit called Border Police. The unit, within the scope of its competences, deals with border protection, regulating the rules concerning the stay of foreigners on the territory of the Republic of North Macedonia, developing the concept of border security management,

⁸ North Atlantic Treaty Organization, *Signatures of Partnership for Peace Framework Document*, 2012, [https://www.nato.int/cps/en/natolive/topics_82584.htm], 28 February 2019.

⁹ North Atlantic Treaty Organization, *Membership Action Plan (MAP)*, 2019 [http://www.nato.int/cps/en/natolive/topics_37356.htm], 12 March 2019.

¹⁰ Polska Agencja Prasowa, *Ateny i Skopje podpisały porozumienie ws. nazwy Macedonii*, 2018 [<https://www.pap.pl/aktualnosci/news%2C1457628%2Cateny-i-skopje-podpisyly-porozumienie-ws-nazwy-macedonii.html>], 12 March 2019.

¹¹ Ministerstvo Za Vnatrešni Raboti Republika Severna Makedonija, *Istorijat*, [<https://mvr.gov.mk/page/istorijat-sgrm>], 26 March 2019.

cooperation with the European Border Guard and Coastal Frontex in the field of adaptation of border protection of Macedonia to European standards, as well as conducting joint patrols with the neighbouring countries – Serbia, Kosovo, Albania and Bulgaria.¹² However, the Police of the Republic of North Macedonia does not carry out joint patrols with conflicting Greece, which is a weakness in the Macedonian border protection system, as it is precisely the Greek-Macedonian border that is a weak point around which migrants arriving in Europe have concentrated.

Polish-Macedonian cooperation

Polish-Macedonian cooperation had begun many years before the migration crisis emerged in Europe. On 16 June 2008 an agreement was signed between the Government of the Republic of Poland and the Government of the Republic of Macedonia on cooperation in combating organised crime and other types of crime.¹³ In the agreement, *the parties undertook to cooperate between authorities competent in matters of public safety and security in combating organised crime and other types of crime by preventing and detecting and prosecuting perpetrators of crime.*¹⁴ Among the types of crimes to be combated within the framework of the established cooperation, there are also crimes of *illegal crossing the state border and organising illegal migration and smuggling of goods,*¹⁵ as well as crimes of *trafficking in human beings and deprivation of liberty.*¹⁶ The Commander-in-Chief of the Border Guard has been appointed as one of the authorities competent to perform the agreement. Almost a decade before the outbreak of the migration crisis, these two countries decided to cooperate in combating migratory threats. At present, we can observe the implementation of the provisions of the Agreement, following the fate of the Polish Border Guard stationed in Macedonia, where it helps the local police.

¹² Ministerstvo Za Vnatrešni Raboti Republika Severna Makedonija, *Organizaciona Postavenost i Nadležnosti* <https://mvr.gov.mk/page/organizaciona-postavenost-i-nadlezhnosti>, 27 March 2019.

¹³ Agreement between the Government of the Republic of Poland and the Government of the Republic of Macedonia on cooperation in combating organised crime and other types of crime, signed in Warsaw on 16 June 2008, *Journal of Laws of the Republic of Poland 2009*, no. 46, item 378.

¹⁴ *Ibidem*, Article 1, point. 1.

¹⁵ *Ibidem*, Article 1, point. 1, section 8.

¹⁶ *Ibidem*, Article 1, point. 1, section 6.

The initiative to establish Polish-Macedonian cooperation in the field of border protection was taken by the Republic of North Macedonia, asking Poland for support. The Executive Protocol between the Commander-in-Chief of the Border Guard and the Ministry of the Internal Affairs – Office for Public Security of the Republic of North Macedonia to the 2008 Agreement was signed on 22 April 2016.¹⁷ The first round of the Border Guard officers to support the Macedonian Police in the fight against an uncontrolled influx of migrants began its service on 5 May 2016, when 30 officers and all equipment necessary to perform their duties abroad went to Macedonia in order to perform their duties until 19 June of the same year. After returning from the mission, Border Guard Colonel Artur Bazydło, an officer participating in the mission, gave an interview for the local media, in which he confirmed that the Polish mission in Macedonia was very intensive, because this region is particularly affected by the problem of illegal migration, which has a significant impact on the whole Europe. As the officer reported: *"during our stay in Macedonia, we detained more than 1,500 refugees, whom we handed over to the Macedonian police. Above all, we have dealt with criminal groups, mass border crossings, money transfers, criminal activities, trafficking. We detained as many as 300 people in one day."*¹⁸ The Border Guard Colonel, Artur Bazydło, also emphasised that *"as a support service we disturbed the local business, which is the transfer of people. Our work made it difficult for smugglers to operate, and the rate for smuggling one person increased. It was a typical criminal activity and you had to be careful who you were dealing with."*¹⁹ As the officer pointed out, cross-border problems in the Republic of North Macedonia are not only an excessive number of migrants coming to the country, but above all a high percentage of criminal activities related to trafficking in human beings and smuggling people across the border. Trafficking in human beings is not only a cross-border crime, but above all a real threat to the lives and health of those who are

¹⁷ *Executive Protocol between the Commander-in-Chief of the Border Guard and the Ministry of the Interior - Office for Public Security to the Agreement between the Government of the Republic of Poland and the Government of the Republic of Macedonia on cooperation in combating organised crime and other forms of crime, signed in Warsaw on 16 June 2008.*

¹⁸ Urząd Miasta Lubañ, *Ze wsparciem dla Macedonii*, 2019 [<http://luban.pl/artykul/108677/ze-wsparciem-dla-macedonii>], 18 March 2019].

¹⁹ *Ibidem*

prepared to pay smugglers for helping them to get into Europe in search of a better life. This fact significantly hinders the hard work of Border Guard and Border Police officers, who, while taking care of the safety of Macedonian borders, have to show a high level of empathy and not only apprehend illegal migrants, but often also provide them with assistance.

The second round of the Polish Border Guard mission in the Republic of North Macedonia had commenced its service on 19 September 2016 and was stationed until 28 October 2016, carrying out tasks related to the registration of applications for international protection, examination of authenticity of documents and prevention of illegal border crossing outside border crossing points. Subsequent changes take place cyclically, and their duration is about a month, while officers of the Border Guard perform similar tasks during each of them. Currently (as of 20 March 2019), the Border Guard completed the third mission lasting from 25 February to 20 March 2019, and started another, the fourth one, in 2019, and the twenty-fourth round, counting from the beginning of the cooperation, under which officers will perform their service in Macedonia for another month. For this round, as in the case of the previous ones, 30 officers from all Border Guard units were sent.²⁰

Each trip of the Border Guard officers to Macedonia is preceded by a preparatory training in the Specialist Training Centre in Lubań. Within the framework of the training, officers take classes in first aid, use of firearms or tactics. They also learn about the legal regulations in force in the Republic of North Macedonia and the culture of the region.²¹ Such training is a complementary element for officers who take part in daily courses and train in their home branches, as well as in the Central Border Guard Training Centre in Koszalin, Border Guard Training Centre in Kętrzyn and the Specialist Training Centre for Border Guards in Lubań. The systematic

²⁰ Komenda Główna Straży Granicznej, *Funkcjonariusze SG wyruszyli na IV misję do Republiki Macedonii Północnej*, 2019

[<https://www.strazgraniczna.pl/pl/aktualnosci/7465,Funkcjonariusze-SG-wyruszyli-na-IV-misje-do-Republiki-Macedonii-Polnocnej.html>], 20 March 2019.

²¹ Ośrodek Szkoleń Specjalistycznych SG im. gen. bryg. Wilhelma Orlika – Rückemanna, *Straż Graniczna gotowa do kolejnej misji w Macedonii*, 2019 [<https://www.oss.strazgraniczna.pl/oss/aktualnosci/31775,Straż-Graniczna-gotowa-do-kolejnej-misji-w-Macedonii.html>], 20 March 2019.

nature of the training enables to maintain the continuous ability to perform service regardless of the tasks currently being performed. Cooperation with the Republic of North Macedonia, however, requires additional competences from officers, which enable them to perform their service abroad, in a country which is very different from Poland in terms of culture, but also in terms of legal conditions or social situation.

The mission of the Polish Border Guard in the Republic of North Macedonia brings many benefits for both sides. First of all, thanks to the cooperation between border services, the effectiveness of activities related to the protection of Macedonian borders is increased. Moreover, for Macedonian officers, participation in mixed patrols together with Polish border guards enables them to acquire new knowledge and skills, as well as to become familiar with procedures and standards related to border protection in the European Union. The Polish Border Guard, apart from physical assistance and substantive support, also provides technical support, taking with it the equipment necessary for patrolling and border protection – cars and weapons – for missions in the Republic of North Macedonia. Certainly, the Border Police officers can rely on the knowledge, experience and competences of Polish border guards. This new quality in the protection of Macedonian borders also brings measurable political benefits – in cooperation with Poland and other European Union countries Macedonia has the opportunity to become familiar with European standards and introduce changes in its activities, which will bring the country closer to the intended goal – to become a member of NATO and the European Union.

On the other hand, the mission in Macedonia also brings benefits for Poland and the Polish Border Guard. In political terms, it is, first of all, Poland's positive presence on the international arena. In the social dimension – a chance to understand that countries with a completely different culture and geographical characteristics face similar problems, so in the future they may also support Poland. Thanks to their trips to the Republic of North Macedonia, the Border Guard officers become acquainted with the rules of functioning of border guards of other countries not only in theory, but above all in practical terms. It is also an opportunity to establish long-term international relations between the services, to learn how to work effectively

in difficult climatic conditions for Poles, as well as an opportunity to get to

know a different culture. Working with people of different nationalities is a permanent element of service in the Border Guard, so joint Polish-Macedonian patrols enable officers to adapt to functioning in a multicultural environment, which also brings measurable benefits when performing service on the Polish borders, where officers often meet people of different nationalities.

Within this bilateral cooperation, perhaps the next step in the training of the Border Police of the Republic of North Macedonia should be a visit of officers to Poland. Representatives of many European and non-European countries have already stayed and trained in the Border Guard training centres, e.g. officers of border services of Georgia or Vietnam. For the Border Police officers of the Republic of North Macedonia, this would be not only an opportunity to gain valuable knowledge from a more experienced border service, but above all, an opportunity to see how the service in Poland looks like and how the eastern border – one of the wildest external borders of the European Union – is being guarded.

Summary

Despite a significant decrease in the number of migrants arriving in Europe in 2018 compared to previous years, it is still not possible to talk about stabilising the situation and resolving the migration crisis. The negative effects of this uncontrolled wave of migration will surely continue to affect Europe for years to come. This is not just a demographic problem, linked to the overpopulation of European countries' territories, but, above all, a social and political crisis that is being felt across Europe, caused by the expansion of other cultures and Europe's difficulties in meeting the challenges of migration.

Polish-Macedonian cooperation in the field of border protection and combating an uncontrolled influx of migrants may serve not only as an example of how to counteract the real problem of increased migration, but above all as a political example showing that long-term cooperation between two completely separate countries, including one that is not a member of the European Union, is possible.

The Polish Border Guard not only supports the Republic of North Macedonia, but also takes part in other bilateral cooperation missions with European countries, as well as closely cooperates with the European Border Guard and Coastal Frontex, carrying out tasks related to the protection of the European Union's borders as well as combating smuggling, human trafficking and illegal migration. In the case of such a widespread problem as the migration crisis, both in terms of the scale of the phenomenon and its geographical dimension, it seems practically impossible to solve the problem effectively by a single state alone. Irrespective of their membership of organisations such as NATO or the European Union, the effects of the migration crisis have affected all European countries to a greater or lesser extent, and all of them should contribute to solving this problem by supporting each other and cooperating with each other, as Poland does with the Republic of North Macedonia.

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WHEN THE CITY MEETS THE SEA: A GLOCALIZED COASTAL ZONE MANAGEMENT MODEL

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Abstract

Increased awareness of the environmental complexities of coastal cities has led to a variety of management strategies. However, there is still a knowledge gap in how global strategies are locally implemented, and how tensions between stakeholders affect outcome. The author, the CEO of the municipal corporation managing the development and planning of the Tel Aviv-Yafo coastline, explores the historical development of coastal policies over time and frames the Israeli context. The important impacts of globalization and the variety of different tools used to manage the coastline are illustrated with global examples of spatial plans and projects that are compared and critiqued. With this framework in mind, this paper introduced a decision-making model for coastal cities. This is an important topic for municipal stakeholders given ever increasing coastal pressures, and the necessity of finding a sustainable balance between societal and ecological needs.

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Introduction

In recent decades, the necessity to protect the environment is a leading concern in international policy. For instance, the massive coastal construction is overloading the seas and shores and one of the most important natural resources is being damaged. Therefore, in order to allow development with minimum environmental harm, the idea of sustainability was born. Sustainability means balanced development that aims to minimize the environmental damage. It welcomes the future and the on-growing urban needs, while combining it with logical coastal strip management¹.

Numerous sustainable environmental plans and policies were established, but a 'One-size-fits-all' plan is impossible since the coastal environment worldwide has a complex and a dynamic nature of interactions, and therefore, management framework must be applied to a defined geographical limit. Different activities, interests and issues deliver different management strategies that will always be unique to countries, regions and ultimately on a local scale².

The Israeli coastal context is a complex one, with diverse, sometimes-contrasting, stakeholders' interests. The writer of the current paper is the CEO of 'Atarim', a governmental company and a municipal corporation which specializes in the development and planning of tourist sites, cultural compounds and leisure areas in Tel Aviv-Yafo, with a great emphasis that is given to the coastline. As part of my position, I take a daily part in the intricate intersection of coastal management.

Based on my field experience, I would like to analyze the tension between international environmental legislation and their local implementation, while offering an initial glocalized coastal zone management model that takes all these aspects into consideration. I contend that we can enjoy the

¹ Dorceta E. Taylor, "The rise of Environmental Justice Paradigm" in *American Behavioral Scientist* vol. 43, no. 4, 2000, pp. 508-580.

² Chua Thia-Eng, "Essential elements of integrated coastal zone management" in *Ocean and Coastal Management* vol. 21, issues 1-3, 1993, pp. 81-108.

natural resource without overusing it, as long as the coastline management will embrace a holistic viewpoint that will combine all the forces working at hand, while being adjusted and localized to the Israeli setting.

International marine programmes

In the last few decades a powerful worldwide process occurs. This process is known as "Globalization" - an international integration of ideas, products, economies, etc., as a result of the growing interdependencies of countries, regimes, societies and technology. This process is holistic and affects every aspect including the environment and, thus, people's lives³.

As part of the massive change tied to the globalization process, universal and local environmental challenges rise: global warming, air and water pollution, overfishing, oil spills etc., are all part of the fast-developing modern era. Under these circumstances, an environmental monitoring and regulation has become a must, so that the human's effect on nature will not harm the ecosystem's balance⁴.

This approach got center stage among supranational and international bodies such as the EU and the UN, but also national governments around the world, that have started cooperating with each other, in order to create foreign and interior environmental policies to protect the environment in the new global order. Marine environment is highlighted since most of the world's population reside along the coastlines, and it supplies a place for human activities, economic and social wise.

The environmental awareness is reflected in numerous international legislations, treaties and agreements signed between international bodies, nation states and other relevant actors. For instance, examples include the European Environment and Health Ministerial Board (EHMB) - the political face and driving force of international policies in environment and health for implementation of the commitments made in the European environment and health process⁵; and the European Environment and Health Task Force

³ Roland Robertson, "Glocalization: Time-space and homogeneity-heterogeneity" in M. Featherstone, S. Lash, Roland Robertson (eds.), *Global Modernities*, London: Sage Publication, 1995, 25-44.

⁴ G. Bridge, "Grounding globalization: The prospects and perils of linking economic processes of globalization to environmental outcomes" in *Economic Geography* vol. 78, no. 3, 2002, 361-86.

⁵ World Health Organization [<https://www.who.int/>], October 2019.

(EHTF) - a leading international body for implementation and monitoring of the European Environment and Health Process with the support of WHO, UNECE, UNEP and other relevant institutions in order to encourage Member States to update, modify or strengthen existing environmental policies⁶.

A central programme is the Barcelona Convention - which is also known as the Protocol on Integrated Coastal Zone Management in the Mediterranean. It was adopted in 1976 and aimed to protect the Mediterranean Sea against pollution and to promote integrated management of coastal zones, landscape and ecological interests, and a rationale use of natural resources through means of protection, conservation and rehabilitation of the marine environment⁷.

These policy guidelines, drawn from different international documents, provide a directing framework for any shore activity, and a basis for creating local programmes. In some countries around the world, these policy guidelines are legally binding, such as in the Californian Policies of Coastal Act. Others are mere recommendations and are not legally binding. Either way, some relevant principles worth mentioning are: 1) The beaches are a public asset: a. preserving the public designation of the beach; b. maintaining free public access to the beach; c. Transparent, open and joint planning process; 2) Planning principles for urban beaches: a. Planning the coastal strip under a holistic and general point of view; b. Planning and developing the coastal strip on the basis of a comprehensive environmental analysis; c. Preserving the coastal strip free of construction; d. Only necessary infrastructure will be situated along the coastal strip; e. Distancing of intensive construction from the coastal strip; f. Preserving scenic and historical values necessary for the character and appearance of the city; g. Giving preference to projects of reconstruction and renovation; h. Encouraging the use of environmentally friendly public transportation.

Maritime boundary, which was considered in the past as a border and a trading bridge between countries, has received a new dimension in the last few decades in the image of discovering the ability and potential to use it for more economic, social and environmental purposes. Especially the deep seas and economic waters beyond the shores, became a very important space nowadays for the development of new uses, like the production of

⁶ Ibid.

⁷ United Nations, United Nations Environment Programme. Mediterranean action plan (UNEP/MAP) [<http://web.unep.org/unepmap/>], October 2019.

renewing alternative energy, which is added to other historical uses such as fishing, boating, trading, gas, oil and resource mining etc.

The sea which was perceived as endless and unlimited in past times, have become crowded, with many bodies struggling on controlling, using and developing it. At the same time, the entrance of other economic bodies to the maritime space is endangering the sensitive ecological system, and therefore endangers the public resources, since unlike the land, the marine resources are common property and public assets according to different treaties and worldwide legislative traditions.

To deal with maritime conflicts, many countries have started to develop spatial marine plans, with an aim to allow a more effective use of the marine space and in order to manage the intersection between all the uses this space holds, while preserving the ecosystems that provide the human society its economic and social needs⁸. Following are some examples of spatial plans put together and implemented by developed countries in the last few years, while examining professional guidelines and recommendations made by the Commission for Intergovernmental Oceanographic (IOC) of UNESCO. The idea behind these plans is to supply information and tools for maritime spatial planning, so that such management will be held while balancing between the different developmental needs, the necessity to preserve the marine ecosystems and fulfilling the national economic and social needs of each country.

The guideline document published by the IOC-UNESCO recommends ten steps that are needed for the composition and implementation of marine spatial plans: identifying needs and establishing authority; obtaining financial support; organizing the process through pre-planning; organizing stakeholder participation; defining and analyzing existing conditions; defining and analyzing future conditions; preparing and approving the spatial management plan; implementing and enforcing the spatial management plan; monitoring and evaluating performance; and lastly – adapting the marine spatial management process⁹.

⁸ UNESCO, Convention concerning the protection of the world cultural and natural heritage. Report of decisions, 2009 [<http://whc.unesco.org/archive/2009/whc09-33com-20e.pdf>] October 2019.

⁹ UNESCO, Marine Spatial Planning: A Step by Step Approach – towards ecosystem based management, 2009 [<http://unesdoc.unesco.org/images/0018/001865/186559e.pdf>] October 2019.

The guidelines were based upon a review of eight spatial programmes made by leading countries in that field: Norway, Holland, Belgium, Germany, England, the state of Massachusetts in the US, Canada and Australia. In most cases the central motive to make such national plans is the need to resolve conflicts between different sectors that are active in the marine environment.

Local implementation of International marine programs

Since the international environmental policy needs to be implemented locally, i.e., in the national and municipal level, various studies are being made in the last few years in order to examine the intersection between the international environmental legislation, policy making and promotion, and the national implementation and extension of that point of view. It also rises from the understanding that even though we live under a globalized regime, a global outlook doesn't override locality, whether it adapts to local conditions, a phenomenon that is known as "glocalization"¹⁰. The coastal environment worldwide has a complex and a dynamic nature of interactions, and therefore, management framework must be applied to a defined geographical limit. Different activities, interests and issues delivers different management strategies that will always be unique to countries, regions and ultimately on a local scale¹¹.

Different spatial plans around the world have adopted different boundaries and legal incidence, based on the considerations of each state. For instance, Germany applied its marine spatial plan on all its economic waters, while Massachusetts applied it on the limited territory under its sovereignty, i.e., 3 marine miles. The Massachusetts plan was under the American Federal plan, which included the entire territorial waters. None of the countries reviewed apply their plan specifically on the adjacent area.

In most cases the initiator of the plan is a governmental authority. Sometimes, a designated national authority is responsible for the marine spatial plan, such as NOAA in the US. The average period of time it takes to plan and approve the programme is between one years to four years.

Generally said, most of the reviewed plans follow the recommended IOC-UNESCO guidelines, even if they preceded it in some cases. They share common characteristics, and therefore it is possible to point out to subjects or fields attended, their priorities, etc. The common fields of interests found in the reviewed programmes are: Environment, society, economy,

¹⁰ Roland Robertson, *op. cit.*

¹¹ Chua Thia-Eng, *op. cit.*

governability, research and information. The methodologies adopted are varied, and so are the processes of decision making, motives, purposes and goals.

For instance, the English Programme, known as "The East Inshore and East Offshore Marine Plans" is led by The Marine Management Organization. It includes the North Sea, a maritime boundary of about 7.5 thousand square kilometers of water, every programme takes two years and the motive was a conflict between wind energy farming, gas energy, oil and marine reservation. Public participation is intensive through all the stages of the programme¹². While the German plan, known as the "Planning Act of 1997" and the "2004 amendments establishing spatial plans for the EEZ" is covering the North and Baltic Sea and is led by Hydrographic and Maritime Federal German Agency. The conflict that led to the programme was between initiatives of wind energy, maritime transport and reservation. The three years programme uses consultants, while the public is not directly involved¹³.

The widespread methodology used to establish goals is the Integrative Management Approach based on ecosystems, which provides a management frame for the current and future marine activities and uses, based on the principle of preserving it as a functioning ecosystem that will serve future generations as well.

In the American context, another glocal model was structured (WEDG Model) in the purpose of managing the waterfront due to local events, such as Superstorm Sandy, destructive flooding, gas and electricity shortages – conditions that were harshen because of climate change. WEDG planners understood, based on those incidents that the waterfront is a utility on which we all depend upon and shoreline projects need to allow us to live with the water, instead of fighting it¹⁴.

This glocal model strives for a better waterfront design that will result in resilient, accessible waterfronts through establishing guidelines as strategies to improve public access and support recreation, enliven the waterfront, support economic development, improve water quality, restore

¹² HM Government, „East Inshore and East Offshore Marine Plans“, [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf], October 2019.

¹³ UNESCO-IOC

[http://www.unesco-ioc-marinesp.be/msp_practice/germany_north_baltic_seas], October 2019.

¹⁴ Waterfront Alliance, „Shape your waterfront: How to promote access, resiliency and ecology at the water's edge. Introducing Waterfront Edge Design Guidelines“.

[http://waterfrontalliance.org/wp-content/uploads/delightful-downloads/2016/02/Waterfront-Alliance-WEDG_Brochure_Final_Jan-2016.pdf], October 2019.

and protect shorefront habitats, improve governmental regulation, as well as increase resilience to climate change¹⁵.

The program gave the Waterfront Alliance the opportunity to work on projects in Harlem River Park and Halletts Cove in collaboration with the NY City Department of Parks & Recreation and the New York City Economic Development Corporation. Until now, this cooperation has led to cleaner waterways, expanded ferry service, and new waterfront parks. The planners also aspire that all the thousands of waterfront stakeholders and their sometimes-conflicted interests— maritime businesses, park administrators, developers, homeowners, government regulators and scores of others who control and manage the waterways— will balance and support sustainability¹⁶.

With input from hundreds of waterfront experts, WEDG planners created guidelines and an incentive-based ratings system. The result, according to their words is "a logical, easy-to-use tool for any urban or suburban waterfront, with scorecards tailored for three types of uses: Residential/Commercial, Parks, Industrial/Maritime. Within these three types of uses, waterfront projects earn credits in seven categories: 1) Site Selection & Planning; 2) Public Access & Interaction; 3) Edge Resiliency; 4) Ecology & Habitat; 5) Materials & Resources; 6) Operations & Maintenance; 7) Innovation"¹⁷.

Moreover, besides the above reviewed localized plans, another project that is worth mentioning is the Mare Nostrum project, since it deals with the Mediterranean coastal zones. It is a EU cross-border research that aimed to investigate the regulation and decision making process in regard to planning and construction along the Mediterranean shores and their implementation. It was held by a team of researchers and participants from Greece, Malta and Spain, as well as Israel. The project examined Mediterranean coastlines for 3 years, while comparing different measurements cross-countries. The findings suggested that in countries such as Spain, Turkey and Greece, illegal coastal construction is so widespread to a point where in some places no legal constructions can be found. Contrary to that it found that in Israel the coasts are well protected from acts of construction and development relatively better than other Mediterranean countries¹⁸.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Mare Nostrum (2016), „Final Report: Legal-Institutional Instruments for Integrated Coastal Zone Management (ICZM)“ in *Mediterranean* [http://marenostrumproject.eu/wpcontent/uploads/2014/02/Mare_Nostrum_Project_Final_Report.pdf], October 2019.

The Israeli context

The EU and Israel have a long history of mutual interdependence and ongoing collaboration in the fields of politics, culture, industry, trade and science with a developed system of agreements. In addition, the EU has special interests working with Israel on varied topics due to the geographical location of Israel along the Mediterranean shores and with proximity to many EU Member States. One of those issues is the environmental one. This involves sharing knowledge and expertise, provision of financial and technical support for creation of environmental legislation and more. Israel greatly benefits from this cooperation, as the EU has created some of the most progressive environmental policies in the world and has an increasingly dense network of legislation that extends to all areas of environmental protection, including: air pollution control, water protection, waste management, nature conservation, and the control of chemicals, biotechnology and other industrial risks¹⁹.

As part of Israel's commitment to the environment, it has signed a long list of bilateral agreements with many countries in the Middle East, Europe, Asia and America: The Barcelona Treaty; International Convention on Civil Liability for Oil Damage (CLC); International Convention for the Prevention of Pollution from Ships (MARPOL); Oil Pollution Act Amendments of 1973 (OILPOL); International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) and so on, and also passed several progressive laws and dozens of regulations that were created under the authority of those laws – that relate to Israel's marine and coastal environment.

Tel-Aviv is a metropolis known to be the economic, cultural, media and art center of Israel. It inhabits major central institutions such as the Israeli banking system, Tel-Aviv Stock Exchange, international embassies, newspapers and media editorial boards, the national theatre, philharmonic orchestra and other national cultural centers. It attracts over a million tourists per year. It is also known as the "White City", which refers to a biggest collection worldwide of over 4,000 buildings built in a unique form of the Bauhaus Style in Tel Aviv from the 1930's and onward²⁰.

Tel-Aviv is located in the Southern Israeli coastal plain, on the mediterranean coastline, on calcareous eolianite soil, with two rivers flowing on

¹⁹ Israel Ministry of Environmental Protection

[<http://www.sviva.gov.il/English/Pages/HomePage.aspx>], October 2019.

²⁰ UNESCO, Convention concerning the protection of the world cultural and natural heritage. Report of decisions, 2009 [<http://whc.unesco.org/archive/2009/whc09-33com-20e.pdf>] October 2019.

its ground: the Yarkon River and Ayalon, and it is the second biggest city in the country, after the capital of Jerusalem. Its coastline stretches along 14 kilometers, and is considered to be a central component of its inhabitants' life and in its image as a coastal city. A major part of the coastal strip is used for leisure and recreational activities open to the wide public, mainly as a bathing beach, promenades and parks. A small part of it is used for other activities, some which are closed for the public.

The coastal strip also includes four harbors: reding, Tel-Aviv's port, Jaffa's port and the marina, and it divides into three main parts: the northern strip – from the border of Herzeliya-Tel-Aviv in the north, to the Yarkon River in the south; central strip – from the Yarkon River in the north to the sea walls promenade in Jaffa to the south; southern strip – from Jaffa's port in the north, to the border of Tel-Aviv and Bat-Yam to the south. Most of the bathing beaches are located at the central strip.

The blue lung is the name i came up with for the coastal strip of Tel-Aviv-Jaffa, since it includes the blue sea, the marine ecology, the blue flag programme and the green of sustainability and environmental protection. The blue flag is a voluntary programme established in france in 1985 by the foundation for environmental education (fee), which is a non-governmental and a non-for-profit organization, now consisting of 65 organizations in 60 member countries in Europe, Africa, Oceania, Asia, North America and South America, with an aim to promote sustainable development through environmental education. The programme grants a certification for a beach, marina or sustainable boating tourism operator, once they meet stringent standards, such as water quality, safety, environmental education and information²¹. On tel-aviv-jaffa's coastal strip there are 5 blue flag beaches, out of 13. The reason for this respected achievement is due to the big effort Tel-Aviv's municipality is putting in rehabilitating, reserving and renovating central sites along the sea shore – such as Tel-Aviv's port, Gordon's Public Pool, Independence Park, Charles Clore Park, Jaffa's port etc.

Tel-Aviv's coastline became the most important public space in the city. In that sense, Tel-Aviv resembles other coastal cities such as Barcelona, Malaga and Boston that have decided to reconnect to their beaches. Therefore, it is of no surprise that some claim that in our current reality, preserving the beaches and the public access to them is extremely important due to the necessity of

²¹ Blue Flag [<http://www.blueflag.global/>], October 2019.

preserving what is left of them. The beaches have become a rare resource that is highly used, not always for the benefit of the public. Thus, there is an ongoing discussion regarding two conflicting values: on the one hand, the development of infrastructure, roads, sidewalks, hotels, businesses and residential construction along the coastline, and on the other hand, preserving and maintaining sustainable development to protect the environment.

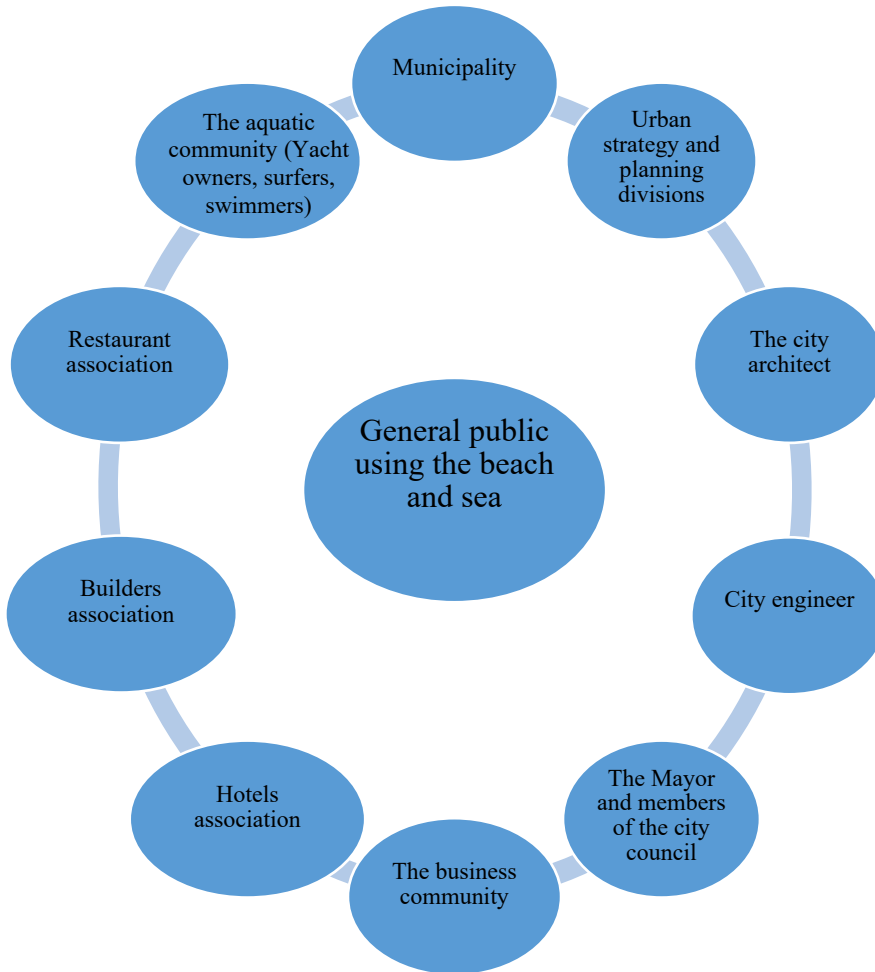
A localized model of coastal zone management

Although Israel has been recognized and awarded as preserving its coastlines better than other countries²², further means are needed to make wise decisions in the long run as well, in regard to the marine environment and resources. At the moment, the ministry of environmental protection²³ is responsible for the formulation of a nationwide, integrated and inclusive policy for the protection of the environment, including coastal and marine protection. The ministry operates on three levels: national, regional, and local. At the national level, the ministry is responsible for developing an integrated and comprehensive governmental policy, as well as strategies, standards, and priorities for environmental protection. To this end, the ministry has professional divisions and departments that deal with a myriad of environmental issues, as well as with its administrative mechanisms and public relations, including the implementation of treaties, agreements and regulations, but further marine attention is necessary as explained above.

In a country with limited land resources, such as Israel, and in coastal cities such as Tel-Aviv, where the coastal strip is not big and the open spaces are scarce, there is a need to protect the long term interest of the public in preserving the land and scenery value, and to balance between the need for commercial and industrial development and nature preservation, while deciding the scope of land use. Below is a diagram presenting all the stakeholders involved in coastal management in the Israeli context:

²² Ibid; Rinat Zafir, While EU study praises Israel for taking care of its beaches, environmental activists less than satisfied, 2013. [<http://www.haaretz.com/israel-news/while-eu-study-praises-israel-for-taking-care-of-its-beaches-environmental-activists-less-than-satisfied.premium-1.525715>], October 2019.

²³ Israel Ministry of Environmental Protection, source cited. [<http://www.sviva.gov.il/English/Pages/HomePage.aspx>], October 2019.

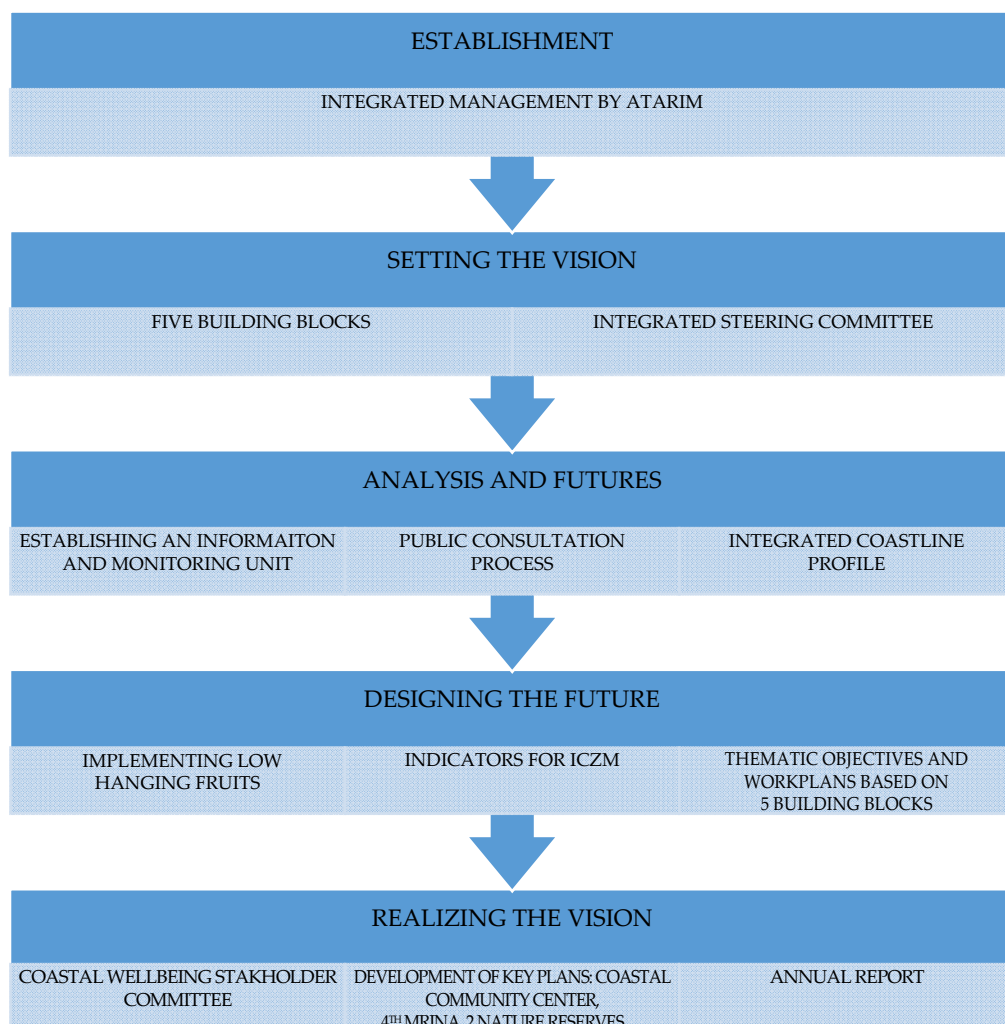


In light of the above issues, the localized coastal zone management model should express not only the need for urban development in order to promote different social needs connected to improving people's residency and boosting the economy and employment opportunities around them; but also the need of a rationale and careful approach for land use, based on the importance of preserving open spaces for agriculture and natural scenery purposes. I.e., a localized model for coastal zone management should be based on a holistic approach²⁴ that will take the below five main aspects (five building blocks) into consideration:

²⁴ Allan Williams, Anton Micallef, *Beach management: Principles and practice*. London: Earthscan Publications Limited, 2009.



Based on the existing models presented beforehand (such as the WEDG model) and international environmental policies (especially the ICZM that was drafted with the cooperation of the UN the EU and 21 member countries), I structured an initial model that takes all these complex aspects into consideration (international legislation, different stakeholders interests and local context)²⁵.



²⁵ This model will be fully developed in my future Ph.D. dissertation.

The first stage of the model is "Establishment". It refers to the stage of unifying the coastal strip management. Tel-Aviv's coastal zone is managed by a number of different companies, dealing with, among other things: ports, marinas and industrial compounds' management. Some other companies are governmental, and a few of them are municipal corporations. The necessity to unify the management is critical, due to the fact that there is a need of one common language, uniform rules, one policy, strategic thought and plan, and of course – a full synergy between all the various compounds.

The second stage in the model is "Setting the vision", which includes two sub-sections. The first is establishing an integrated steering committee of all the actors along the coastal zone, with cooperation of the local authority; the second subsection is setting the vision, while using the five building blocks mentioned beforehand: Nature-Resident-Community-City-World.

The third stage of the model is "Analysis and futures" which marks the beginning of the translation of the vision into actual alternatives. This stage is divided into three parts: 1) Gathering an integrated coastline profile with the cooperation of academic institutions and such, in order to predict the different effects of the climate, wave height, marine ecology, storms and tsunamis – data that can be assessed by the managing body; 2) Establishing an information and monitoring unit that will serve as a knowledge base, a center of all the data collected, in order to build a detailed picture of the coastal uses, occupancy, land reserves, economy and seashore activities; 3) The last part is public consultation process, which takes into consideration the opinions and interests of the city residents.

The fourth stage of the model is called "Designing the future" and it entails three processes: The first is implementing low hanging fruits. I.e., gradual realization of simple or ongoing projects; the second process is indicators for ICZM, i.e., adjusting municipal projects and sustainable beaches to the model, tools of assessment and regulations of the ICZM; and the third one is thematic objectives and work plans based on the five building blocks.

The fifth and last stage of the model is "Realizing the vision", which refers to combining all the forces that work in every step of the process, including a deeper look into the future.

Conclusion

We live in a world where nature is disappearing and being harmed by men. Some of these damages are unfixable and they affect animals, flora

and fauna, the environment and ultimately – men²⁶. This fact forces states and coastal cities to adopt a general approach harmonizing the relations between men and their surroundings. Among other things, this means creating a policy that will combine the needs of the growing population and the creation of beneficial infrastructure, while taking into consideration other aspects. A fine balance is needed between the individual interests and the public rights, between preserving the environment and other public interests, between the needs of the present and the future.

"On a very basic level, the very essence of public space is that everyone should have the right to be in that space and to use it in whatever way suits them, within the boundaries of local norms of behavior. The participation of the people who might be the possible users of the spaces in the decisions making process as to the design and planning of such spaces is considered the best way to achieve procedural justice and a good fit with their needs And preference."²⁷

In the light of this concern, numerous sustainable environmental plans and policies were established, but a 'One-size-fits-all' plan is impossible since the coastal environment worldwide has a complex and a dynamic nature of interactions, and therefore, management framework must be applied to a defined geographical limit and to a local scale²⁸.

The Israeli coastal context is a complex one, with diverse, sometimes-contrasting, stakeholders' interests. As the CEO of 'Atarim', a governmental company and a municipal corporation which specializes in the development and planning of Tel Aviv-Yafo coastline, I take a daily part in the intricate intersection of coastal management.

Based on my field experience, I have analyzed the tension between international environmental legislation and their local implementation, while offering an initial glocalised coastal zone management model that takes all these aspects into consideration.

I contended that we can enjoy the natural resource without overusing it, as long as the coastline management will embrace a holistic viewpoint that will combine all the forces working at hand, while being adjusted and localized to the Israeli setting.

²⁶ Dorceta E. Taylor, *op. cit.*

²⁷ Arza Churchman, "The importance of public space for people of varied characteristics, needs and preferences" in Fischer, H.; Wolschke-Bulmahn, J.; Ozacky-Lazar, S. (eds), *Environmental Policy and Landscape Architecture*, CGL-Studies vol. 18, Germany: University of Hannover, 2014.

²⁸ Chua Thia-Eng, *op. cit.*

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LES TROIS FRONTIÈRES DE MAIDAN

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Abstract

Maidan, the central square in Kiev, is not just a place but also a movement and a representation of the different borders that exist in the country. Maidan symbolises the historic and political border between Ukraine and Russia. It is also the manifestation of the ideological border between the people and those in power that is at the centre of all civil resistance movement. And finally Maidan highlights the border between the different factions in Ukraine, between “us” and “them”. This research analyses Maidan as a place, a movement and a symbol using the film by Lostitsa by the same name.

Keywords: frontier, movie, Maidan, Ukraine, Russia

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*Au-delà des idées du mal-faire et du bien-faire,
il y a un champ. Je vous rencontrerai là.* Rumi

Introduction

Maidan, la place centrale de Kiev, témoigne de la volonté des Ukrainiens pour la liberté et l'auto-affirmation. Le mouvement pour l'indépendance en 1990, ainsi que la Revolution Orange de 2004, commence sur ce lieu traditionnel des rassemblements politiques. Le contexte de Maidan comme mouvement politique est complexe. Il implique une compréhension de l'histoire Ukrainienne et Russe, ainsi que des stratégies qui permettent aux mouvements de résistance civile d'être efficaces. Surtout, il faut comprendre l'importance de l'Ukraine pas simplement comme pays, mais comme frontière. Pour l'Europe, elle protège des invasions asiatiques. Pour la Russie, elle est une protection contre la domination de l'occident. Selon Dullin, l'Ukraine est « le désir d'une frontière épaisse offrant les moyens d'influer sur l'étranger proche et de se prémunir des influences nocives venues de l'extérieur ».¹

Maidan est un endroit, un mouvement, une expérience et un point de vue. Maidan est aussi une frontière, plusieurs frontières. Premièrement, une frontière territoriale entre l'Ukraine et la Russie qui a ses racines dans l'histoire et la politique de ces deux pays. Deuxièmement, une frontière idéologique et symbolique entre le peuple et ceux qui détiennent le pouvoir. Cette frontière entre peuple et pouvoir est la cible de tous mouvements de résistance non-violents. Gandhi et Martin Luther King, ainsi que des chercheurs comme Kurlansky, Ackerman, Duvall, et Sharpe, affirment que la non-violence est une forme efficace de changement civil, souvent sous estimé.² La résistance civile montre au peuple qu'il n'est pas sans pouvoir. En restant non-violente face à la violence, cette résistance attire l'attention et le soutien dont elle a besoin. Elle remet aussi en question la légitimité du pouvoir répressif. En utilisant des méthodes d'action non-violentes, cette résistance expose les faiblesses du régime et le fait douter de sa propre force et légitimité face aux revendications du peuple. Finalement, Maidan est aussi une frontière entre ennemis, entre « nous » et « eux ». Malheureusement, cette frontière n'a pas été franchie

¹ Dullin, S. (2014), « URSS l'obsession des frontières », *L'Histoire*, No. 405, Novembre, 61.

² Kurlansky (2006), Ackerman & Duvall (2001) & Sharpe (1973)

par les différentes factions en Ukraine; ceux qui désirent se rapprocher de l'Union Européenne et ceux qui désirent l'intégration avec la Russie; les russophones et ceux qui parlent ukrainien; ainsi que toutes les autres factions dans ce pays en crise. Cette division, invisible mais profonde, est la cause des conflits en Ukraine et des événements de 2014 qui ont dramatiquement changé le pays. L'avenir du pays ne sera assuré que si un nombre suffisamment important d'ukrainiens auront le courage de passer cette frontière.

Cette recherche analyse Maidan du point de vue de ces trois frontières. En premier lieu, le contexte historique et politique de Maidan sera présenté. Ensuite, le film de Loznitsa, *Maidan*, et ses représentations des différentes frontières identitaires en Ukraine, ainsi que la difficulté à les créer et les franchir, seront abordés. Finalement, une évaluation de Maidan comme mouvement non-violent sera présentée.

Contexte : la frontière territoriale et politique

Les frontières de l'Ukraine changent tout au long de son histoire. Certaines parties sont appartenues à l'empire Russe, l'empire Austro-Hongroie, l'empire Ottoman ou à la Pologne. La frontière entre l'est et l'ouest, entre l'empire Russe et les empires européens a toujours été au centre du territoire Ukrainien. Les premières revendications d'indépendance se manifestent au 19^e siècle, avec la contribution de poètes, tel Taras Chevtchenko et Pavlo Chubynsky.³ C'est à Lviv que le poème de Chubynsky est publié pour la première fois. Ce poème deviendra plus tard l'hymne national Ukrainien, hymne que l'on entend souvent sur la place Maidan, et qui paraît aussi dans le film de Loznitsa.⁴ La « Grande Ukraine » soviétique, qui englobait ensemble la partie ouest et est du pays ainsi que la Galicie et la Crimée, naît à partir de 1920-21.⁵

Cette réalité territoriale rend l'identité « ukrainienne » très complexe. Lors de mon séjour en Ukraine comme formatrice pour un programme de réconciliation en 2010, j'ai remarqué que les ukrainiens n'avaient pas vraiment une identité nationale partagée par tous.⁶ Les jeunes qui participaient au

³ de Tinguay, A., (2014), « Ukraine: le test », *L'Histoire*, No. 405, Novembre, 62-67

⁴ <http://www.nationalanthems.info/ua.htm>

⁵ Dullin, S., (2014), *La frontière épaisse : aux origines des politiques soviétiques (1920-1940)*, Paris, EHESS

⁶ Ce programme de réconciliation nationale pour les jeunes fut organisé par *Foundations for Freedom*, un programme de l'ONG internationale Initiatives of Change : <http://www.iofc.org/foundations-for-freedom>

programme, et les personnes que j'ai rencontrées, s'identifiaient plus par leur région, leur langue, leur religion ou leur histoire. Ceux qui étaient de l'est, les russophones, ne parlaient pas ukrainien (les langues se ressemblent, mais restent distinctes). Ceux de la partie ouest du pays, de Lviv ou des Carpates, préféraient parler Ukrainien. Ils s'identifient premièrement comme ukrainien. Un jeune Tatar, musulman, s'identifiait d'abord comme Tatar et puis comme ukrainien.

Lors de ce voyage, nous avons écouté les histoires de personnes âgées qui avaient vécues différentes périodes de l'histoire Ukrainienne. Un homme nous raconta qu'il avait grandi pendant le *Holmodor*, la famine des années trente créée par le conflit entre les paysans et Stalin qui tua des milliers de personnes. Pendant la guerre, cet homme fut envoyé par les Nazis dans un camp de travail en Allemagne, où il resta trois ans. Dans ce camp, les médecins allemands faisaient des expériences « scientifiques » sur lui et d'autres détenus. Après la guerre, de retour en Ukraine, il fut accusé de collaboration avec les Nazis et interné dans un camp de travail soviétique, encore pendant trois ans. Dans les Carpates, c'était l'histoire d'une femme qui avait combattu avec le UPA, la force armée de Stepan Bandera, contre les Nazis et les Russes. Elle voulait une Ukraine indépendante. Pour ces actions, elle fut emprisonnée pendant onze ans dans un Goulag en Sibérie. Elle nous raconta l'horreur de voir des personnes fusillées en plein jour sans raison. Le jeune Tatar nous raconta l'histoire de sa famille, déportée en Ouzbékistan avec toute la communauté Tatar de Crimée. Tant de souffrances, mais des souffrances différentes. Bien qu'horifiés par ces récits, les jeunes russophones ne les considéraient pas comme faisant partie de leur histoire nationale. À l'inverse, les jeunes d'Ukraine de l'ouest les percevaient comme une partie essentielle de leur identité. Le programme qui réunissait ces jeunes voulait les aider à franchir la frontière entre leurs différences; une démarche difficile. Il est important de prendre conscience de ces différences et de leur impact sur le contexte qui mena au mouvement Maidan, ensuite à l'annexion de la Crimée et enfin à la guerre dans l'est du pays.

Il est aussi essentiel de comprendre l'importance de l'Ukraine pour la Russie, et pour Poutine. Rey affirme que pour les Russes « l'idée impériale a accompagné, voire précédé, le sentiment national ». ⁷ L'ère communiste n'a pas apporté plus de clarté : « l'URSS n'a jamais vraiment réglé la question de l'identité russe, ni même de la nationalité russe ». ⁸ Dans son article de *L'Histoire*,

⁷ Rey, M., (2014), « Les Russes et leur empire », *L'Histoire*, No. 405, Novembre, 40

⁸ Coeuré, S., (2014), « Être russe en union soviétique », *L'Histoire*, No. 405, Novembre, 48

Dullin utilise la métaphore de l'appartement communautaire de l'URSS. Chaque république avait sa « chambre », mais les Russes, qui détenait les clés de toutes les pièces, n'avaient pas de chambre à eux, et circulaient dans le couloir et la cuisine.⁹ L'identité Russe a toujours été associée à son empire, à l'identité de ses voisins, à la frontière qui l'entourait. De fait, la frontière actuelle de la Russie n'est pas historique, mais plutôt une frontière administrative de l'URSS. Plus de 25 milles russes ethniques résident hors de la Russie dont 17% en Ukraine; répartis à 30% dans la partie orientale du pays et 58,5% en Crimée.¹⁰ De ces voisins, l'Ukraine a toujours été la plus importante, la « petite Russie». Kiev est le berceau de la culture Russe : « l'indépendance de l'Ukraine a été largement ressentie en Russie comme une amputation».¹¹

Stalin a toujours défendu le concept de la Grande Ukraine. De la même manière, pour Poutine, les peuples russophones sont une barrière de civilisation russe contre l'Occident.¹² Le 1 mars 2014, il affirme la légitimité de « l'aspiration du monde russe, de la Russie historique, à restaurer son identité » faisant la comparaison avec l'unification Allemande¹³. Cette affirmation semble plaire en Russie. En 2013, 29% des Russes interrogés voient l'Ukraine comme « essentiellement russe »; en 2014 ce chiffre bondit jusqu'à 56%.¹⁴

Est-ce le retour de la « frontière épaisse » qui soulage enfin le sentiment de vulnérabilité permanente de la Russie? Ou est-ce enfin une égalité de pouvoir avec les autres pays dominants, tel les États-Unis? Il est important de se rappeler qu'à la fin de la guerre froide, l'OTAN n'a pas été dissous, et que les deux blocs de la guerre froide furent remplacés par un déséquilibre unilatéral : « *When the cold war ended the US declared itself the victor...and flattered itself that a unipolaire moment had arrived - meaning unchallenged US global hegemony. A quarter of a century later, that smog of self-congratulation has disappeared, as has much international confidence in US leadership* ».¹⁵ Pour certains Russes, les événements de 2014 sont une revendication : « *It had been extermely painful...Only with the annexation of*

⁹ Dullin, S., (2014), « URSS l'obsession des frontières », *L'Histoire*, No. 405, Novembre, 60

¹⁰ de Tinguy, A., (2014), « Ukraine: le test », *L'Histoire*, No. 405, Novembre, 62-67

¹¹ *Ibid*, 66

¹² Dullin, S., (2014), « URSS l'obsession des frontières », *L'Histoire*, No. 405, Novembre, 60

¹³ de Tinguy (2014), *Op cit*, 65

¹⁴ *Ibid*

¹⁵ Tisdall, S., (28/11/14), « A cold war for the 21st century », *The Guardian Weekly*

Crimea did people start to feel that our great-power status was restored...the sense of frustration and humiliation dissipated ». ¹⁶ Après l'annexion de la Crimée, le soutien en faveur de Poutine en Russie augmente jusqu'à 88%. ¹⁷

Maidan : film frontière

C'est dans ce contexte historique et d'actualité que se placent les événements de Maidan et aussi le film de Loznitsa. Ianoukovitch cède à la pression de Poutine et ne signe pas un accord avec l'Union Européenne qui aurait rapproché l'Ukraine de l'ouest. Des centaines, puis de milliers de personnes viennent protester sur la place Maidan en Novembre 2013. Sergeï Loznitsa se rend aussitôt à Kiev, laissant de côté tous ses autres projets, convaincu qu'il devait être là d'urgence pour filmer la progression de ces événements. ¹⁸

Biélorusse de naissance et ukrainien d'adoption, Sergeï Loznitsa est diplômé de l'Institut national de la cinématographie à Moscou. Fasciné par l'histoire et la réalité quotidienne des pays de l'est, ses films mettent en avant les questions de la vie sociale, invitant le spectateur à réfléchir sur ce qui est essentiel. Ses films les plus connus, *My Joy* en 2010 et *Dans la Brume* en 2012, furent tous deux en compétition au festival de Cannes. Contrairement à son habitude avec ses autres films, dans lesquels il structure le tout avant de filmer, *Maidan* est un témoignage visuel de ce qui le touche et l'impressionne : « L'atmosphère euphorique des premiers jours de Maidan était si réconfortante et dynamisante qu'on se sentait comme dans le ventre maternel. Je n'avais jamais vu autant de solidarité, de camaraderie ni un tel esprit de liberté...l'esprit libre d'une nation, s'éveillant après un long sommeil ». ¹⁹ Il choisit de filmer *Maidan* et de le présenter tel quel, sans commentaire : « Mon objectif est de faire venir le spectateur à Maidan et de lui faire vivre les quatre-vingt-dix jours de révolution, au jour le jour...prendre du recul par rapport aux événements et laisser le spectateur face à eux... J'ai choisi de longues prises pour que le spectateur soit immergé dans la narration ». ²⁰

¹⁶ Shuster, S., (22/29/2014), « The Imperialist Vladimir Putin », *Time Magazine*, December, 74

¹⁷ *Ibid*

¹⁸ Les informations sur Sergeï Loznitsa proviennent du site du Festival de Cannes : <http://www.festival-cannes.fr/fr/archives/ficheFilm/id/100000223/year/2014.html>

¹⁹ Quand l'actualité devient l'événement, Sélection Officielle Festival de Cannes, <http://www.festival-cannes.fr/assets/Image/Direct/372105c83b51f042b7c0c7853e1b2e60.pdf>

²⁰ *Ibid*

Maidan est plus une expérience qu'un film, plongeant le spectateur dans ces événements qui bouleversent le pays. Le film commence avec une vue sur la foule qui chante l'hymne national Ukrainien. C'est Maidan comme lieu de discussion sur la frontière. Dans cet hymne, l'identification en tant que « Cosaques » apparaît à plusieurs reprises. Ces soldats paysans parcourent les frontières du pays pour le protéger : « La gloire de l'Ukraine, sa liberté, ne sont pas mortes. Le destin nous sourira à nouveau, jeunes frères. Nos ennemis disparaîtront, telle la rosée au soleil. Nous dirigerons nous aussi, frères, notre pays. Nous donnerons nos âmes et nos corps, pour notre liberté, Et prouverons, frères, que nous sommes de la lignée des Cosaques ! Nous donnerons nos âmes et nos corps, pour notre liberté, et prouverons, frères, que nous sommes de la lignée des Cosaques ! Gloire à l'Ukraine ! Gloire aux héros ! »²¹ Commencer son film par cette hymne montre aux spectateurs l'importance de la création de cette frontière identitaire nationale « ukrainienne »; un thème qui revient sans cesse sur Maidan et dans le film.

Dans les premières images du film, le spectateur « rentre » à Maidan avec des prises prolongées de personnes entrant et sortant. Losnitsa nous emmène voir ce qui se passe à l'intérieur des bâtiments où les personnes essaient de dormir, nous montrant leur engagement et persévérance dans des circonstances peu confortables. Ensuite, sur Maidan, le spectateur se mêle à la foule, à la vie quotidienne sur cette place entre les personnes et aussi sur l'estrade. De longues prises montrent l'organisation nécessaire pour tant de personnes; la solidarité, les donations, les cuisines. La première partie du film nous plonge dans cette atmosphère euphorique et dynamisante. Sans cesse reviennent des images de cette recherche d'identité : une fille avec des rubans aux couleurs ukrainiennes tressés dans ses cheveux sert à boire aux manifestants, l'image d'une jeune fille entourée de champs de blés, des enfants chantant des chansons de Noël. Les désillusions et les blessures sont mises en exergue avec des discours et des chants contre le régime. Une grand-mère dénonce le gouvernement. Des prêtres orthodoxes prient pour un vrai « repentir » de la part des dirigeants du pays. La frontière entre peuple et pouvoir s'affaiblit.

Le film suit les événements en images : le changement d'atmosphère, la présence de la police, la violence sur Maidan et dans les rues autour. Le spectateur voit ceux qui cassent les trottoirs pour se procurer des pierres, et qui forment une chaîne pour les distribuer. Il entend aussi la voix de ceux

²¹ *Ibid.* Le poème original commence par « L'Ukraine n'est pas morte ». <http://www.nationalanthems.info/ua.htm>

qui demandent de ne pas attaquer la police, de rester non-violents : « Restez calme. Comprenez les émotions de ceux qui sont contre nous ». C'est la frontière non-violente et celle qui cherche à rencontrer « l'ennemi » plutôt que de le vaincre. Enfin, le film nous montre les morts et leur mémorial. Il se termine comme il commence avec une vue sur le peuple qui chante l'hymne national.

Maidan : frontière non-violente entre le peuple et le pouvoir

Loznitsa donne aucun commentaire ou réponse sur ce qui était ce mouvement appelé Maidan. Pour lui c'est « une énigme qu'il me reste à résoudre ». ²² Cet énigme a changé pour toujours l'Ukraine, et montre que la frontière entre le peuple et le pouvoir n'est pas si épaisse que l'on croirait. Halyna Trofnyuk, une des cuisinières du mouvement, dit que Maidan l'a changée et lui a donné conscience de son propre pouvoir : « *I used to be timid, but you'd better not mess with me now. If necessary, I can get people behind me and convince them that you have to fight for what you need and not wait to see what others give you* » ²³. Sophie Marchenko, une étudiante qui distribuait ses biscuits patriotiques sur Maidan, propose que c'est le début d'une autre conscience nationale et d'une identité ukrainienne : « *Among us [Maidan veterans], there has been a change in our way of thinking. Now people don't think about what Ukraine can give them, but about what they can give Ukraine. And I think that is the foundation of love of one's country. Not, what can I get, but what can I give? And my disappointment is that a lot of people still don't understand this* » ²⁴

Est-il possible d'affirmer que Maidan fait partie des mouvements de résistance civile non-violents? Chenoweth, Zunes et Ackerman affirment que Maidan est un mouvement non-violent parce qu'il utilise des stratégies non-violentes connues et efficaces, utilisées dans d'autres mouvements, comme Otpor en Serbie, pour rendre moins épaisse et enfin éliminer la frontière entre le peuple et le pouvoir. ²⁵ Kurlansky, dans son livre *Non-violence : the history of a dangerous idea*, ainsi que Ackerman et Duvall dans *A*

²² <http://www.festival-cannes.fr/assets/Image/Direct/372105c83b51f042b7c0c7853e1b2e60.pdf>

²³ Stelmkh, I. & Balmforth, T., (21/11/2014), « Ukraine's Maidan Protests - one year on », *The Guardian Weekly*

²⁴ *Ibid*

²⁵ Chenoweth, E., & Zunes, S., (28/5/2014), « A Nonviolent Alternative for Ukraine », dans *Foreign Policy*, Ackerman, P, Bartkowski, M., Duvall, J., (3 March 2014), « Ukraine: a nonviolent victory », dans *Open Democracy*

Force More Powerful, argumente que la non-violence est non seulement efficace, mais aussi durable, citant comme exemple l'Inde, l'Afrique du Sud, la résistance danoise aux Nazis, le mouvement des droits civils aux États-Unis, la chute du mur de Berlin et Otpor, parmi d'autres.

Dans leur analyse de Maidan, Ackerman, Bartkowski et Duvall affirment que la violence de la part des manifestants était plutôt l'exception que la règle et que du début à la fin les activistes sur Maidan utilisèrent des stratégies non-violentes.²⁶ Pour avoir du succès, un mouvement de résistance civile doit amoindrir le soutien de la population pour le régime et la loyauté de ceux qui le servent. Les stratégies utilisées sur Maidan, comme dans d'autres mouvements non-violents, sont multiples. Premièrement, le mouvement crée une coalition politique éclectique, mais unie. Ceci constitue la force et parfois la faiblesse du mouvement. Selon Ackerman *et al.*, ce sont surtout les groupes d'extrême droite qui utilisent la violence sur Maidan.²⁷ Deuxièmement, le mouvement attire un nombre important et croissant de personnes ordinaires qui participent à des stratégies coordonnées sur Maidan, mais aussi dans d'autres parties du pays. Par exemple, plus de 1000 voitures participèrent à « automaidan », contrôlant le périmètre de Maidan et bloquant l'accès à la police. Le boycott de produits et d'entreprises associées au régime réunit un groupe Facebook de plus de 57,000 adhérents. Troisièmement, le mouvement attaque constamment la légitimité du régime sur l'estrade de Maidan, et utilise aussi les réseaux sociaux (le nom « Euromaidan » est un hashtag pour twitter).

Des actions non-violentes, comme l'occupation de bâtiments au centre de Kiev, envoient un message puissant sur le faiblesse de la frontière entre peuple et pouvoir. Une autre stratégie est l'utilisation de la répression du régime pour accélérer le mouvement. Après la répression brutale de Maidan le trente novembre 2013, des milliers d'ukrainiens, outragés par les images de la police battant les manifestants avec des matraques, viennent à Maidan et exigent la démission de Ianoukovitch. Finalement, le mouvement de par son exposition de la brutalité du régime, encourage les défections de militaires, membres de la police et de ceux qui soutiennent le régime. Ianoukovitch a essayé en vain de s'approprier l'appui de l'armée ukrainienne. Les généraux envoyèrent seulement 500 soldats à Kiev. Ces derniers furent arrêtés par des manifestants qui se placèrent sur les rails empêchant le train de partir. Plusieurs membres de la police spéciale refusèrent de suivre des

²⁶ Ackerman *et al.*, (2014), *Op Cit*

²⁷ *Ibid*

ordres. Des vétérans du *Berkut* demandèrent à leurs collègues de ne pas utiliser la violence contre les manifestants.²⁸

Est-ce possible de dire que Maidan est un mouvement non-violent, malgré la présence de violence? Le film *Maidan Massacre* de John Beck Hofmann, propose que la violence a commencé avec des tireurs isolés qui seraient ni du côté de la police ni de celui des manifestants, mais plutôt des professionnels payés pour déstabiliser la situation²⁹. Ackerman *et al* proposent que la violence sur Maidan du côté des manifestants était le résultat d'un petit groupe non dominant, dont les actions furent très médiatisés.³⁰ Trois types de violences peuvent déstabiliser un mouvement de résistance civile : la violence de sympathisants agressifs, la violence réactive et spontanée d'individus, et la violence organisé par des groupes radicaux qui veulent prendre une place centrale dans les événements afin de pouvoir dire qu'ils ont dirigé « la révolution ».³¹ Cette violence constitue une menace pour l'efficacité du mouvement car elle réduit la participation du publique, la force et la légitimité du mouvement, et annule la possibilité de défections, de policiers, militaires ou autres, nécessaire au succès du mouvement. Cette menace n'a pas déstabilisé Maidan : « *These effects were averted in Ukraine, because the claim of the movementthat it represented the authentic will of the Ukrainian people - could not be forgotten or dismissed by most onlookers. With that credibility and its resilience intact, the movement in Ukraine was not undermined by violent intruders before it succeeded in its primary mission: dissolving the consent of the people and the loyalty of regime defenders on which the authority and capacity of Victor Yanukovych to remain in power depended* ». ³² Les intentions et les stratégies non-violentes de Maidan, font de ce mouvement un exemple de résistance civile non-violente : « *In terms of the fundamental dynamic of how civil resistance can shred the legitimacy of an abusive government and then induce defections from its own enforcers and supporters, there is no serious discrepancy between the narrative of the collapse of the power of Victor Yanukoyvch in 2014 and the fall of Ferdinand Marcos in the Philippines in 1986, Gen. Augusto Pinochet in Chile in 1988, the communist politburo in Czechoslovakia in 1989, Suharto in Indonesia in 1998, Milosevic in Serbia in 2000, or Mubarak in Egypt in 2011* ». ³³

²⁸ *Ibid*

²⁹ *Maidan Masscre* peut être visionné sur Youtube et aussi sur IMBD:
<http://www.imdb.com/title/tt4052016/>

³⁰ Ackerman *et al.* (2014), *Op Cit* et Chenoweth et Zunes (2014), *Op Cit*

³¹ Ackerman *et al.* (2014), *Op Cit*

³² *Ibid*

³³ *Ibid*

Maidan : la frontière entre ennemis

De la frontière territoriale et identitaire à la frontière entre peuple et pouvoir que les mouvements non-violents visent à éliminer, il existe aussi la frontière entre les « ennemis ». Ceux qui franchissent cette frontière se trouvent dans le champ dont parle Rumi : « Au-delà des idées du mal-faire et du bien-faire, il y a un champ. Je vous rencontrerai là ». C'est la vision de beaucoup de cultures anciennes, de philosophies et de religions.³⁴ En Afrique c'est le concept de *Ubuntu* : « j'existe parce que vous existez et notre existence est essentiellement liée ». Cette vision est à la base des principes de la non-violence, *ahimsa* comme le nommait Gandhi. Un fondement repris par beaucoup de mouvements de résistance civiles, mais malheureusement pas sur Maidan, ou pas de manière assez conséquente.

S'il est possible d'affirmer que le mouvement Maidan était un mouvement de résistance civile non-violent qui a réussi à changer le gouvernement, nous ne pouvons pas dire que ce mouvement a réussi, ni vraiment encouragé ses participants à franchir la frontière entre « eux » et « nous ». La recherche identitaire sur Maidan n'a pas inclut l'identité russe, ni celle des autres minorités qui vivent en Ukraine, certaines depuis des siècles. Le dialogue entre les différentes identités ukrainiennes n'a pas eu lieu, peut être à cause d'une concentration trop importante sur le changement de régime.

La bonne gestion des injustices et des blessures éprouvées par les différentes communautés est essentiellement liée à la durabilité de la paix.³⁵ Cette frontière entre ennemie doit être, si elle n'est pas franchie, au moins affaiblie pour permettre une coexistence. Depuis l'indépendance de l'Ukraine, pas assez d'attention a été donné à ce travail difficile afin d'affaiblir la frontière entre ukrainiens de cultures, langues et perceptions différentes, ni à la création d'une identité qui inclue toutes les autres identités présentes sur le territoire. Ceci a contribué au contexte qui mena à Maidan, à l'annexion de la Crimée et à la guerre dans le Donbass. Des programmes et des processus permettant aux ukrainiens d'origines différentes de se rencontrer et se raconter leurs « histoires » contribueraient-ils à affaiblir cette frontière entre ennemies et à créer une stabilité durable? La solidarité et l'enthousiasme des premiers jours de Maidan pourraient-ils se répandre de l'autre côté de la frontière avec l'ennemie? Si des communautés touchées par ces événements pouvaient se

³⁴ Voir par exemple Kurlansky (2006), Ackerman & Duvall (2001) et Brathwaite (1999).

³⁵ Pour un discussion sur ce thème, voir Recycler (2001), Lederach 1997, Clothe & Goldsmith (2000), Taylor (1994), et Crocker *et al.* (2001)

rencontrer et s'écouter dans un contexte où le pouvoir est partagé à égalité, quel en serait le résultat? Pour l'Ukraine ces questions sont plus importantes que jamais.

Conclusion

Cette recherche a analysé Maidan de trois points de vues présentés dans les images du film de Loznitsa: Maidan comme lieu de discussion et création de la frontière ukrainienne, historique et politique et identitaire; Maidan comme mouvement de résistance civile non-violent qui réussit au moins partialement à éliminer la frontière entre le peuple et le pouvoir; et finalement, Maidan comme lieu possible d'une rencontre profonde de dissolution de la frontière entre ennemis. Les événements d'actualité en Ukraine aujourd'hui, les discussions sur le retour d'une guerre froide et l'échec de la diplomatie entre pays possédant des armes nucléaires, ainsi que les attentats à Paris et Bruxelles confirment la nécessité de franchir ces frontières. Le défi lancé par Martin Luther King Jnr, une des autorités sur la non violence, est peut être encore aussi pertinent aujourd'hui qu'il y a soixante ans : « *It is no longer a choice, my friends, between violence and non violence. It is either non violence or non existence.* »

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**CRISIS COMMUNICATION.
A CASE STUDY ON THE “COLECTIV” BLAZE**

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Abstract

The aim of this article is to tackle crisis communication and the image of the crisis at a multi-organizational level, with a focus on the public sector, in the cases of severe crises that pose threats to security and health. For the theoretical background, the article is based on the situational crisis communication theory introduced by the communication scholar Timothy Coombs and the image restoration theory introduced by William Benoit. The crisis that was analysed is an event that took place in Bucharest in October 2015, namely the “Colectiv” club blaze, which caused the death of dozens and the injury of more than one hundred people, having a major impact on the Romanian society.

Keywords: crisis communication, *Colectiv* blaze, emergency situations, social media.

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Introduction

As crises are diverse and the contexts in which they occur are rarely the same, the utility of theories in the domain of crisis communication might be questioned. However, theories, as well as models of good and bad practices, are not mere academic endeavours and can contribute to the resolution of crises in the sense that patterns of communication behaviours or reactions to those behaviours can be identified, providing the organization with guidelines or options when faced with such situations.

Since there have been a lot of discussions on the crisis management of the 2015 *Colectiv* blaze, the purpose of this article is to assess the crisis from the point of view of the communication strategies that were used by the organizations involved, the impact of these strategies on the perception of this event at a national and international level and the role played by social media.

The originality of the article consists in analysing this crisis from the point of view of the communication strategies of multiple actors that contributed to the manner in which the *Colectiv* club blaze was perceived, taking into consideration that most studies in crisis communication focus on the messages conveyed by one organization.

Literature Review

The communication scholar Timothy Coombs developed the Situational Crisis Communication Theory (SCCT) and considers that effective crisis responses depend on the assessment of the situation and the related reputational threat. According to Coombs, “SCCT seeks to use research and theory to develop recommendations for the use of crisis response strategies. The crisis response strategies are matched to the nature of the crisis situation.” The higher the degree of severity of the crisis is, the higher the degree of perceived responsibility will be. Severity of the damage is perceived as “the amount of financial, physical, environmental, or emotional harm a crisis can inflict.” In order to assess the reputational threat, four

elements are to be taken into consideration, namely the type of crisis, the severity of the crisis, the crisis history and the relationship history.¹

Coombs combined existing crisis response strategies to form a comprehensive repertoire, with the purpose of repairing organizational images. He classified the strategies in five main categories: nonexistence, distance, ingratiation, mortification and suffering. Nonexistence strategies have the purpose of eliminating the crisis, as if it did not exist, by denial, clarification, attack and intimidation. Distance strategies attempt to make the crisis acceptable, through excuse and justification. Ingratiation strategies include bolstering, transcendence and praising others and focus on the aspects of the organization that are considered as positive by the public. Mortification strategies, on the other hand, focus on obtaining forgiveness, through remediation, repentance and rectification. The last category, suffering, portrays the organization as a victim, in order to get the sympathy of the public. In classifying crises, Coombs acknowledged the internal-external dimension and whether the crisis is the result of something unintentional or intentional. These aspects should be taken into consideration when deciding on the response strategy.²

Apart from the type of the crisis, the damage caused and the accuracy of the evidence, another important factor in establishing the appropriate response strategy is the performance history of the organization, as a form of credibility. A positive performance history makes the claims of the organization more trustworthy and it is essential for the ingratiation strategies.³

Another researcher that focused on analysing crisis communication, more precisely on image restoration, is William Benoit. Benoit's Image Restoration model offers alternatives of response strategies in case the image of an organization is threatened or has been damaged. He proposes five rhetorical responses, divided in several subcategories.

¹ Timothy W. Coombs (2006), "The Protective Powers of Crisis Response Strategies: Managing Reputational Assets During a Crisis", in *Journal of Promotion Management*, vol. 12(3/4) 2006, pp. 241-245, <http://www.haworthpress.com/web/JPM>, [accessed on 12.03.2019].

² Timothy W. Coombs (1995), "Choosing the Right Words: The development of guidelines for the selection of the appropriate crisis response strategies", in *Management Communication Quarterly*, 8, 447-476, pp. 450-455.

³ *Ibidem*, pp. 460-461.

- the denial strategy, with two sub strategies: simple denial and shifting blame;
- evading responsibility, to reduce the perceived responsibility for the crisis situation, with four sub strategies: provocation, defeasibility, accidental, good intentions;
- reducing offensiveness, divided in: bolstering, differentiation, transcendence, minimization, attacking accuser and compensation offer;
- corrective action;
- mortification, which consists in acceptance of blame, expression of regret or request for forgiveness.⁴

Whether it is because of the limited resources and their distribution, of circumstances that are not under our control and that can stop us from fulfilling our obligations, of humane errors or of differences in our priorities, Benoit considers threats to one’s image are inevitable. Although reality is the source of meaning, “humans and their symbols give meaning to reality”⁵. Hence, good or bad communication in a crisis situation can give a different meaning to the crisis *per se*.

Methodology

The crisis situation that is subject of analysis in this study is a tragic accident that occurred during a concert performed by the band Goodbye to Gravity in the *Colectiv* Club in Bucharest, in October 2015. The blaze is considered to have been caused by the fireworks that set the flammable polyurethane foam on fire. The fire spread rapidly and a lot of the people attending the concert were trapped inside. The initial number of fatalities was of 27 and it reached a number of 65, whereas dozens others were injured. The club’s co-founder, together with two other associates, were arrested on

⁴ William L. Benoit, (2015). *Accounts, excuses, and apologies: A theory of image restoration Strategies*, second edition, Albany, New York: State University of New York Press, pp. 22-31.

⁵ *Ibidem*, p.6.

2 November and charged with negligent bodily harm, manslaughter and negligent destruction.⁶

Since the trial is still on-going and no convictions were made when this article was written, we will present solely the perceptions of the public regarding the culprits of the tragedy, without a claim that any of the parties has been officially recognized and convicted as guilty.

The research methodology consists in a content analysis of the crisis responses of various actors involved in the crisis communication, of institutions such as the Department for Emergency Situations, the Ministry of Health, the Government, the Presidency or representatives of the *Colectiv* Club, as well as some reactions to those responses. The sources include academic research, official websites of public institutions, press releases, TV stations broadcasts, newspaper articles and social media websites.

Results

The extent at which the perceived responsibility, or the reaction of the media and the public regarding different actors involved in the crisis, was attributed during the *Colectiv* blaze can be explained through the four elements that Coombs recommends taking into consideration in assessing the reputational threat: type, severity, history of crisis and relationship history⁷. Hence, the reactions were directed more towards the authorities than towards the owners of the club, the cause of the crisis was attributed more to external than to internal factors. Since it is a case that Romania did not have to deal with before, there was no prior negative relationship history to owners of such clubs. After the incident, improper conditions in case of similar events were brought into discussion, but there was no history of similar incidents.

⁶ RomâniaTV.net (2015), "Alin Anastasescu, Paul Gancea și Costin Mincu, patronii Club Colectiv, au fost reținuți", published on 2 November 2015 18:38, updated on 3 November 2015 08:21, https://www.romaniatv.net/alin-anastasescu-unul-dintre-patronii-club-colectiv-a-fost-retinut_254527.html, [accessed on 12.03.2019].

⁷ Timothy W. Coombs (2006), "The Protective Powers of Crisis Response Strategies: Managing Reputational Assets During a Crisis", in *Journal of Promotion Management*, vol. 12(3/4) 2006, pp. 241-245, p.245. <http://www.haworthpress.com/web/JPM>, [accessed on 12.03.2019].

However, there were negative opinions regarding the capacity of the authorities to respond to emergency situations because, for example, of the plane crash that happened in January 2014 in the Apuseni Mountains, which resulted in the death of two people, when accusations regarding the delay in the tracking of the plane and the interventions were made⁸. Also, the Romanian public health system was generally perceived by the population as offering improper conditions, which made the accusations regarding the improper treatment of the patients and the delay in seeking help from abroad seem plausible, even in the absence of evidence in this respect. Moreover, we can legitimately consider that public organizations have a higher degree of responsibility towards the citizens than private ones.

One of the associates of *Colectiv* club, Costin Mincu, offered several interviews, but only in 2017 and 2018, in which he stated that local authorities, inspectors of the Romanian General Inspectorate for Emergency Situations and the pyrotechnical experts should be judged as having a potential blame for the accident: “I am aware [...] that I have my share of responsibility, but I would like it to be defined correctly and to understand at the end what I did wrong, where it was my competence to do something that I didn’t do. I think this is what everyone should want, to know, when this process will end, the whole truth. How could such a thing happen, who are the people that made mistakes, what institutions made mistakes”⁹. We can identify partial shifting of blame and evading responsibility as response strategies. However, since at the moment of the crisis there were no statements from the representatives of the club, the attention was focused on the declarations of the authorities.

Regarding social media interaction, no social media account or online platforms were created for this event by the authorities, in order to interact with the citizens, which could have placed citizens in an active role of information sharing. Taking into consideration that even in the 2016

⁸ Cătălin Lența, (2014), “Două anchete în cazul prăbușirii avionului medical”, 21.01.2014, published on RFI România, retrieved from <https://www.rfi.ro/stiri-social-47058-doua-anchete-cazul-prabusirii-avionului-medical>, [accessed on 10.02.2019].

⁹ Costin Mincu (2017), “ #Colectiv 2 ani | Mărturia patronului acuzat”, published on Digi 24.ro, on 30 October 2017, <https://www.digi24.ro/stiri/actualitate/social/colectiv-2-ani-marturia-patronului-acuzat-819496>, [accessed on 1.03.2019], [author’s translation].

report the *Control report on the emergency intervention of 30.10.2015 at the fire from Colectiv Club*, the issuing organization, namely the Government of Romania¹⁰, used the media as one of the sources of information, we can presume such an interaction with the citizens could have been useful both for keeping them informed, but also for getting informed. Also, freedom of expression is extremely valued, particularly since it had a week manifestation during the communist regime in Romania¹¹.

There was an update on the situation on the Facebook page of the Department for Emergency Situations, regarding the possibility of donating blood for the victims, the phone numbers available for information on where the victims of the fire can be found (which, according to comments, did not offer sufficient information), updates on the victims sent for treatment abroad or the message of Klaus Iohannis, the president of Romania. However, the Facebook page was more a platform of information than of interaction, as, for example, the post on blood donations had one comment and 99 shares, and there were no responses from the Department for Emergency Situations to the comments.¹²

Also, lists with where the hospitalized patients were available in the media, but the quoted source was the Facebook page of a rock band, some lists were handwritten, so questions can be raised regarding the accuracy of those lists and how they were obtained¹³. The media is considered by some to have taken the role of communicating with the public, they “appealed to the public to prove the solidarity and compassion”¹⁴.

¹⁰ Government of Romania (2016), “Control report on the emergency intervention of 30.10.2015 at the fire from Colectiv Club - Bucharest”, http://gov.ro/fisiere/comunicate_fisiere/raport_c.pdf, [accessed on 10.02.2019].

¹¹ Adrian Corpădean (2016), “Vie intellectuelle et libre expression sous le régime de Ceaușescu. Une rupture de la tradition francophone de l’entre-deux-guerres”, in *Synergies Roumanie*, no.11/2016, 35-45.

¹² Department for Emergency Situations, official Facebook page, <https://www.facebook.com/departamenturgente/>, [accessed on 10.02.2019].

¹³ Stirileprotv.ro (2019), “FOTO: Listele cu persoanele ranite in incendiul din clubul Colectiv si spitalele unde sunt internate”, <https://stirileprotv.ro/stiri/actualitate/foto-listele-cu-victimele-incendiului-din-clubul-colectiv-si-spitalele-unde-sunt-internate.html>, [accessed on 1.04.2019].

¹⁴ Irina Pop (2015), “The Political Communication Crises in Romania - A Case Study - Club Collective of October 30, 2015”, in *Central European Political Science Review, Quarterly of Central European Political Science Alliance*, Vol. 17, No. 63, 2016, 209-227, p. 212.

Nevertheless, the official Facebook page of the Secretary of State Raed Arafat, head of the Department for Emergency Situations, had a significant number of comments and shares. The post shared on 5 November 2015 as an answer to an open letter published by Hotnews.ro , titled *The TRUTH about the intervention at the Colectiv club #Colectiv*, which implies the information speculated is not correct, had 396 views and 55 comments. His very elaborate answers to the accusations against the handling of emergency situations, on 28 November 2018, had 1.1K comments and 2045 shares. However, these latter responses are given on his behalf, on his social media account, even if he specifies that it is also the official position of the institution that he represents.¹⁵

Next, we are going to analyse the declarations of Secretary of State Raed Arafat, in an interview given on the Romanian National Television on November 12, 2015.¹⁶ Rather than conveying an emotional message and expressing empathy, Arafat focuses on elaborate medical explanations. Though he does not have exact information on the number of patients hospitalized abroad, he thoroughly explains the process of patient transfer and acceptance. The reason for detailing the transfer process is to respond accusations that patients were not transferred quickly enough to hospitals abroad that could offer better recovery conditions. Arafat talks about international intervention, such as NATO intervention in the transport of the victims abroad or doctors coming from Israel, France and Great Britain. He also talks about the collaboration between the Ministry of Defence, the Ministry of Internal Affairs and the Ministry of Health, which means that the crisis is addressed from different organizational levels. However, he does not claim complete control over the situation and he states having admitted from the beginning the lack of resources to deal with the crisis.

¹⁵ Raed Arafat, official Facebook page, <https://www.facebook.com/DrRaedArafat/posts/1236325936394278>, <https://www.facebook.com/DrRaedArafat/posts/1249982525028619>, [accessed on 10.02.2019].

¹⁶ Raed Arafat (2015), interview given for the national TV station, special edition ȘtirileTVR, “Raed Arafat despre tragedia din Colectiv: Săptămâna viitoare facem analiza cazului. Facem un set de lecții învățate, pentru viitor”, available at: http://stiri.tvr.ro/raed-arafat-despre-tragedia-din-colectiv--saptamana-viitoare-facem-analiza-cazului--facem-un-set-de-lectii-invatare--pentru-viitor_67372.html#view, [accessed on 10.02.2019].

The Secretary of State gets defensive when being asked to respond to the accusations of mishandling the situation. He responds by saying that the accusations are not legitimate and that the accusers did not take responsibility for the accusations, since some were anonymous. He avoids calling the situation a crisis situation, as he considers it as being a situation of undercapacity or out of the ordinary: "there are situations when we are used to people showing up and starting to criticize [...] but the hospitals were open for those that wanted to help". This strategy of attacking and discrediting the accusers continues when he responds to the accusations made by a doctor, Arafat stating that "I think the doctor talks without knowing how the mechanisms work and how systems work and how the world works." Also, he points out that even other countries would have trouble coping with a similar situation. As a lesson learned, though he admits there will be more, he considers that the entire management of the emergency situations, both medical and non-medical, should be in one place, for a better coordination and communication between the institutions.

Arafat considers that the way emergency operations are being commented on TV can lead to mistakes in the management of those operations: "It is a psychological thing: if you get used that at each intervention, even if you do your job well, you are wrongfully accused and without documentation, from the first minute, [...] by the so called experts that are on TV and have no idea what is happening on the field and they start to comment on what you do, it is clear that at one point you will hesitate in your decisions, you will take wrong decisions, to satisfy those in the [TV] studio."¹⁷ Even if from a psychological point of view, as he points out, his allegations seem to be true and pertinent, we must take into account that the people that he considers might be influenced by the above mentioned comments represent an institution that deals with emergency situations and that they should not respond in order to satisfy the viewers and the commentators, but in accordance with clear guidelines in such situations. Those comments might indeed hinder the image of the institution, but in situation dealing with security and health, it is a fair presumption that the image of the organization should not be a factor that hinders the

¹⁷ *Ibidem*, [author's translation].

operations of the emergency situation department. What we can agree with is that a weakened image of such an organization can discredit it and make its actions more difficult and less trustworthy.

All in all, the message that the Secretary of State is trying to convey is that he is in control of the situation, there are things that need to be improved but lessons have already been learned and there is a plan in order to better respond to such situations. As image restoration responses, we can observe the denial strategy, transcendence, attacking the accuser or corrective actions.

A positive aspect of the communication strategy is that several press releases were given immediately after the blaze by the Secretary of State Raed Arafat, together with the Ministry of Health, Nicolae Băncicioiu¹⁸. This shows collaboration between the two institutions and allows for a homogenous message to be delivered to the public.

However, analysing the statements made by Arafat in the above discussed interview, regarding the undercapacity of the hospitals that was allegedly recognized from the beginning of the operation, they are not in accordance with the statements made by Băncicioiu, who ensured the population in his interventions following the incident that “We do not need anything for the moment, our doctors can manage the situation [...] for the moment we are handling things very well.” A few days later the minister claims that his statement was misinterpreted and that he did not say that help was not needed. Still, his credibility was questioned by the media and accusations that he did not activate in time the special European mechanism for finding suitable hospitalization places within the European Union for the patients were brought.¹⁹

¹⁸ Raed Arafat & Nicolae Băncicioiu (2015), press statements “Palatul Victoria Declarații de presă susținute de Ministrul Sănătății, Nicolae Băncicioiu și Raed Arafat”, published on the official website of the Government of Romania 31 October 2015, https://www.youtube.com/watch?v=9anXVj_p5SY, [accessed on 10.02.2019].

¹⁹ Stirileprotv.ro (2015), “Băncicioiu, pe 1 noiembrie: “Nu avem nevoie de nimic”. 6 zile mai târziu: “Nu am spus niciodată că nu avem nevoie de ajutor”, published on 10 November 2015 at <https://stirileprotv.ro/stiri/incendiu-in-colectiv/banicioiu-despre-ranitiile-din-colectiv-eu-nu-am-spus-niciun-moment-ca-nu-avem-nevoie-de-ajutor.html>, [accessed on 1.03.2019], [author’s translation].

Moreover, the *Colectiv* accident turned into a political crisis. Media abroad presented the political implications of the tragedy. *The Guardian*, for example, in an issue of 4 November 2015, stated that the Romanian Prime Minister Victor Ponta, together with the Romanian Government and Cristian Popescu Piedone, mayor of the district where the *Colectiv* Club was located, resigned following large protests over the tragedy. Ponta declared that “I am obliged to take note of the legitimate grievances which exist in society. I hope handing in my and my government’s mandate will satisfy the demands of protesters.”, whereas Piedone admitted moral responsibility for the deadly fire: “I assume the moral blame. As for the legal [blame] I will leave it to justice to pronounce”²⁰. As we can see in the two statements above, the prime-minister’s resignation was not a form of taking any responsibility for the negative outcome of the fire, but it was imposed by the complaints of the public. In the case of Piedone, he does admit moral blame but refrains from addressing the legal aspects of that blame.

Adina Dudau, lecturer in Public Management at the University of Glasgow, considers that, even if “it takes more than a fire to bring down a government”, links can be made between the blaze and the reaction of the population against the government and that the reaction was not caused by the blaze itself, but it was just the context that made people express their lack of satisfaction with the political system. The crisis had both active and latent errors, the active ones being related to the human errors that were made and the latent ones to the circumstances that allowed the crisis to occur. She states that “as details emerged of what happened on October 30, a collective sense of empathy gave way to popular rage against the system that allowed this to happen.[...] Romanians hit the streets of Bucharest and every other major Romanian city, demanding an end to endemic corruption at all levels of government. This, they argued, was to blame for the poor enforcement of safety regulations that appeared to have caused this tragedy.” Dudau also makes a comparison between the fire from *Colectiv*

²⁰ Mark Tran (2015), “Bucharest nightclub fire: PM and government resign after protests”, published in *The Guardian*, 4 November 2015, <https://www.theguardian.com/world/2015/nov/04/romanian-government-resigns-nightclub-fire-victor-ponta>, [accessed on 1.04.2019].

and other similar incidents worldwide pointing out that it was only in Romania that politicians and national leaders resigned as a result²¹.

To what extent was the crisis considered to be handled well by the authorities, from the perspective of the public? According to newsmagazine *Gândul*: “So far, two weeks after the tragedy of Colectiv, the authorities failed to present a plan of the crisis operations nor did they provide answers to all the questions of civil society and the media. The communication organised by the authorities, vital during a crisis, did not exist in the case of Colectiv”²²

In a quantitative content analysis of the posts from the group *Corupția ucide - #Colectiv* (<https://www.facebook.com/ucide.coruptia/>) between 31 October and 4 December 2015, Monica Pătruț identifies three major frames used by protesters: Diagnostic / Identity-Injustice Frame, Prognostic Frame and Motivational / Agency Frame. The highest percentage is allocated to the Prognostic Frame (46%), with an emphasis on *changing the actual political class and identifying new criteria for a careful selection of the future politicians and establishing more harsh anticorruption laws and institutions*. Pătruț states that the responses of the public institutions were delayed and incomplete²³.

A positive aspect of the communication between the authorities and the citizens is the initiative of inviting several representatives of the civil society at a dialog with the Romanian President Klaus Iohannis. In a statement from 5 November 2015, the President states that he is pleased the manifestations happening the previous night were not violent and that the message he has for those involved is that they were seen, heard and their

²¹ Adina Dudau (2015), “How could a fire in a nightclub bring down the Romanian government?”, published in *The Conversation* on 6 November 2015, <http://theconversation.com/how-could-a-fire-in-a-nightclub-bring-down-the-romanian-government-50260>, [accessed on 1.03.2019].

²² Andrei L. Popescu (2015), “Tragedia care a schimbat România. Cine și unde a greșit în criza de la Colectiv?”, published in *Gândul* on 13 November 2015, <https://www.gandul.info/stiri/tragedia-care-a-schimbat-romania-cine-si-unde-a-gresit-in-criza-de-la-colectiv-14884595>, [accessed on 1.04.2019], [author’s translation].

²³ Monica Pătruț (2017), “A #Col(lectiv)e Romanian Tragedy. A Case Study on Social Media Fighting Corruption”, in *BRAND*, volume 8, issue 1, 38-46, available at: <https://www.edusoft.ro/brain/index.php/brand/article/view/697/780>[accessed on 10.02.2019].

demands will be taken into consideration: “I have decided that in the continuation of the consultations with the political parties, which we have planned for today and for tomorrow, to consult for the first time a new actor: the civil society. [...] It is important for me and I wish to know their opinions and options. In this manner, I will know when I make a decision, the options of the political parties, but, and this is important to me, the options of the civil society as well”²⁴. We consider this initiative as a positive aspect from the point of view of the communication with the public, as it shows transparency and willingness to take the opinions of the citizens into consideration.

In a document issued by the Government of Romania in 2016, the *Control report on the emergency intervention of 30.10.2015 at the fire from Colectiv Club*, one of the problems identified, confirmed by some of the victims of the fire, is the “lack of official information from the authorities of the qualified persons regarding the condition of the victims, their number, hospitals distribution, situation of fatalities, etc.”²⁵

The report also stipulates that “some teams panicked and started to chaotically convey information to the dispatcher” and that “taking into consideration the specificity of an emergency intervention in the case of accidents with multiple victims, the separation, both institutional and *de facto*, is imposed of the activities of communication to the public of the information regarding the intervention, which must be done by persons with exclusive attributions in this respect, from that of coordination and leading of the intervention activities”.²⁶

From this part of the report we can conclude that the communication to the public done by the Secretary of State Raed Arafat, in charge of coordinating the intervention activities, should have been passed

²⁴ Klaus Iohannis (2015), “Press statement of the President of Romania, Mister Klaus Iohannis”, on the official webpage of the President of Romania, 5 November 2015, available at <https://www.presidency.ro/ro/presedinte/agenda-presedintelui/declaratia-de-presa-a-presedintelui-romaniei-domnul-klaus-iohannis1448280402>, [accessed on 1.03.2019], [author’s translation].

²⁵ Government of Romania (2016), “Control report on the emergency intervention of 30.10.2015 at the fire from Colectiv Club - Bucharest”, http://gov.ro/fisiere/comunicate_fisiere/raport_c.pdf, [accessed on 10.02.2019], [author’s translation].

²⁶ *Ibidem*.

on to persons with exclusive attributions in this respect. However, since the Romanian public is accustomed to receiving information on emergency situations from Arafat, and, taking into consideration the discrepancies in the information that was circulating and also the allegations of misconduct that were brought against the emergency intervention teams, we consider that he was the appropriate person to address the public on behalf of the Department for Emergency Situations.

Several PR crises communication experts who expressed their opinions regarding the Colectiv incident, such as Ana-Maria Diceanu, head of the crisis management division at GMP PR or Corina Vintan, managing director at Links Associates-Edelman Affiliate, consider that PR crisis management was handled poorly and that the public sector should be more open to consulting PR experts from the private sector²⁷.

Conclusions

Though crisis communication research has a wider focus on the private sector, we identified in the case analysed above several responses or image restoration strategies that are being used in the public sector as well. We can presume that the focus on the private sector is due to the fact that it is easier to identify who should respond to such crises, as well as the stakeholders. Answers from the public sector require a more complex analysis, it is more difficult to identify the communication strategy and to propose a certain manner in which similar crises should be handled.

Moreover, aspects related to national policies and political aspects in general should be addressed in order to fully comprehend the response to a certain crisis, and, in this context, the lessons to be learned from the success or failure of the way the crisis communication was handled are not as generally applicable as in the private sector.

²⁷ Romanița Oprea (2015), “How a nation learns a PR crisis-handling lesson”, statements of Ana-Maria Diceanu and Corina Vintan in BR Business Review, published on 9 December 2015, <http://business-review.eu/featured/how-a-nation-learns-a-pr-crisis-handling-lesson-92878>, [accessed on 1.04.2019].

Also, since there are two facets to a crisis situation, the crisis *per se* and how it is perceived or how people influence its perception, a thorough social media interaction should be regarded by public institutions as a matter of the utmost importance in properly addressing crises.

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ROMANIAN RHETORIC ON CHINA'S 16+1. DIFFRACTION OF POLITICS AND ECONOMICS

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Abstract

From an epistemological prospect, the upsurge of the conventional establishment within the New World Order remains mutually conditional at times, yet different at a notional level. Regarded as an innovative tool in Central and Eastern Europe, 16+1 is a cooperation platform solely conceived in China's laboratory of regional diplomacy. Quintessentially, terms associated with China's 16+1 remain diffused and altered, despite the pursuit of accelerating the concretization of the platform itself and the adjacent projects. Therefore, this article plans to explore how these fractions reflect in Central and Eastern Europe on a smaller scale, namely through analyzing China's 16+1 platform in the case of Romania.

Keywords: Romania, China, 16+1 platform, cooperation, regional politics.

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Introduction

As the Cold War ceased to exist, the international world order experienced a point of fundamental change, as its "abrupt end"¹ caused major stirs across the globe. Different levels of a variety of sectors (be it the academia, government domains, transnational bodies, the greater public opinion, or media outlets) still assess the dimension of this event today and debate the implications that remain conspicuous. Among these, it is argued that globalization lays at the forefront of major reckonings that precipitated the terminal Cold War. Despite agreeing on the fact that "globalization is a long-term cyclical process"², the conceptual approach of this has changed. It does not merely represent a fresh matter in global affairs, yet since globalization "increased in prominence"³, the phenomena started blending in consonance with the new international political context. Therefore, notions affiliated to this new context of international politics reveal, in brief, amongst others: the arguable position of the United States of America (USA) as its "foreign policy has understandably shifted toward other priorities..."⁴, some fierce debates on "the issue of power"⁵ and its projection, the impact of "regional dynamics"⁶, the creation of "distinctive political spaces"⁷ (*inter alia* Central and Eastern Europe (CEE)), or the rise of

¹Stewart Patrick, "The Evolving Structure of World Politics, 1991-2001", in Geir Lundestad (ed.), *International Relations Since the End of the Cold War. New and Old Dimensions*, Oxford: Oxford University Press, 2013, p. 16.

²George Ritzer, *Globalization: The Essentials*, Malden, MA: Wiley-Blackwell, 2011, p. 18.

³Geir Lundestad, "Introduction: The Past", in Geir Lundestad (ed.), *International Relations since the End of the Cold War. New and Old Dimensions*, Oxford: Oxford University Press, 2013, p. 5.

⁴Michael Bernhard, Krzysztof Jasiewicz, "Whither Eastern Europe? Changing Approaches and Perspectives on the Region in Political Science" in *East European Politics and Societies and Cultures*, no. 2, vol. 29, 2015, p. 313.

⁵Michael Cox, "After the West? Toward a New International System", in Geir Lundestad (ed.), *International Relations since the End of the Cold War. New and Old Dimensions*, Oxford: Oxford University Press, 2013, p. 287.

⁶For further reference, see *Ibidem*, pp. 287-288.

⁷For further reference, see Jackie Gower, "Towards one Europe?", in Richard Sakwa, Anne Stevens (eds.), *Contemporary Europe*, Third Edition, London: Palgrave Macmillan, 2012, pp. 52-53.

China⁸. This spherical approach constitutes a dimension towards understanding the newly created tectonic plates in international relations and beyond.

The essential imperative of this article is to identify main factors that explain Romania's country-level attitude towards China's 16+1. It does not compare 16+1 to similar Chinese-led platforms, but it rather aims at elaborating on several stances that could develop some potential policy recommendations for improving Romania's position in China's 16+1. Additionally, it intends to offer a broader approach upon regionalism and the impact of China's 16+1 in Europe. As a result, this article also reflects upon positions and attitudes towards 16+1 in a much more regional-oriented context, since this is overlapping various other forms of macro-regionalism. Narrowly, on the other hand, it seeks to investigate whether 16+1 is genuinely a stimulant for division or cohesion, especially for those members that are already part of the EU.

After establishing a broader frame of reference in respect to China's 16+1 in CEE, this article intends to answer *Why is Romania passive towards China's 16+1?* This question remains critical not only to Romanian scholars and beyond, but also poses a set of convictions coming from the Chinese scholarship and Chinese governmental agents. These convictions are a reflection today of the enriched history of the Romanian-Chinese relations – at both bilateral and multilateral levels, especially from 1949 to 1989.

Understanding China's 16+1: unknown dichotomy

The upsurge of the conventional establishment, to the extent that globalization had made "the world... indeed [to] become smaller"⁹ is most discernible throughout the 1990s. As Stewart Patrick observes, one large-scale shift is the strengthening of "regional and subregional organizations as frameworks for collective action..."¹⁰ Alternatively, the "enviable position"¹¹ of the USA became arguable, and a welter of new concepts arose.

⁸ Chen Jian, "China's Prolonged Rise. Legitimacy Challenges and Dilemmas in the Reform and Opening-Up Era", in Geir Lundestad (ed.), *International Relations since the End of the Cold War. New and Old Dimensions*, Oxford: Oxford University Press, 2013, p. 251.

⁹ Geir Lundestad, *op. cit.*, p. 7.

¹⁰ Stewart Patrick, *op. cit.*, p. 36.

¹¹ Michael Cox, *op. cit.*, p. 269.

In this regard, for instance, Michael Cox debates matters concerning power and regionalization which nowadays could be identified primarily through the European experience of regionalization and the Chinese experience in the matter of power. Therefore, since the European Union (EU) is regarded as the most eloquent example of regional institution-building, and acknowledged as an acclaimed trendsetter in terms of regionalism, ontologically, similar bodies have taken form in this new international political context across Asia, Africa and the Americas. Some of these are orchestrated by great powers (e.g. NATO, Forum on China-Africa Cooperation etc.), while others have been initiated and managed locally (e.g. EU's macro-regional strategies).

Beyond doubt, it is not solely the merit of the EU that similar bodies have been created across the globe. The trend of multipolarity, as a primary impetus of the New World Order, facilitated a more comprehensive approach to regionalisms, yet the EU, in its aggregated form, inspired similar practices silently. In this sense, it is indicative to point out Ian Manners' observations that Simon Duke evokes, according to which the European experience, although within certain limits of normative assertions, had galvanized a change in the conception by adding a constructivist perspective to the thrust of the same normative power¹². Thereupon, this neoteric angle prepensively implies that "the EU has become a force in international affairs, especially in trade, development cooperation, and the promotion of regional integration, democracy and good governance, human rights and, to an increasing extent, also in security policies"¹³.

Synchronously, in the same post-Cold War context, the concept of an Eastern European construct faded¹⁴ mainly due to the integration of Central and Eastern European states into both the EU and the North Atlantic Treaty Organization (NATO). However, recent regime change and continuous political ontogenesis created "spatio-temporal unevenness"¹⁵

¹² For further reference, see Ian Manners, "Normative Power Europe: A Contradiction in Terms?" in *Journal of Common Market Studies*, no. 2, vol. 40, 2002, p. 263; Ian Manners, "The normative ethics of the European Union" in *International Affairs* no. 1, vol. 84, 2008, p. 45, both cited in Simon Duke, *Europe as a Stronger Global Actor. Challenges and Strategic Responses*, London: Palgrave Macmillan, 2017, p. 23.

¹³ For further reference, see Michael Bernhard and Krzysztof Jasiewicz, *op. cit.*, p. 311.

¹⁴ Tsveta Petrova, "Diffusion and the Production of Eastern Europe" in *East European Politics and Societies and Cultures*, no. 2, vol. 29, 2015, p. 499.

¹⁵ *Ibidem*, p. 500.

that could be translated into a unique point of reference in various theoretical and practical fields. For this reason, CEE benefits from significant attention not only in the academia, but also in the practical paradigm of international affairs.

Particular attention is given also to China's 16+1, since its construction is still an ongoing process, despite having been noted that it "took an institutional form" in 2012¹⁶. The primary objective is "to facilitate and deepen exchange and cooperation between China and sixteen CEE countries"¹⁷. Apart from broad definitions offered by the scholarship, an imperative feature that is easily to observe is that not all countries participating in China's mechanism are member states of the EU. In this regard, Chinese scholars highlight that it does not impose a threat to the existentiality of the 16+1, nor to cooperation between the EU and China. Huang Ping, Liu Zuokui et al. assess that, in fact, 16+1 is an "inseparable" component for the cooperation between the EU and China, especially since those non-EU countries "regard integration into the EU as an important national strategy and a future development direction"¹⁸. Also, it is argued that China's CEE mechanism "provides positive complement for China-EU trade relations"¹⁹. Thus, it is crucial to assess that while "China's trade with the EU fell by 3.1%", trade with CEE displayed "an obvious growth"²⁰, being "better than that with the EU's older member states"²¹. In other words, 16+1 is vastly perceived, narrowly, as a valuable accomplishment for Beijing in CEE as well as in the EU, more broadly²².

A major peculiarity is that, generally estimating, the Chinese scholarship has a much more enthusiast approach to studying about and reflecting upon the 16+1 platform in comparison to their CEE counterparts.

¹⁶ Martin Hala, "Forging a New <Eastern Bloc>" in *Journal of Democracy* no. 2, vol. 29, 2018, p. 84.

¹⁷ Dragan Pavličević, "<China Threat> and <China Opportunity>: Politics of Dreams and Fears in China-Central and Eastern European Relations" in *Journal of Contemporary China*, no. 113, vol. 27, 2018, p. 688.

¹⁸ Ping Huang, Zuokui Liu et al., *The Cooperation between China and Central and Eastern European Countries (16+1): 2012-2017*, Beijing: Social Sciences Academic Press, 2017, p. 14.

¹⁹ *Ibidem*.

²⁰ *Ibid.*, pp. 14-15.

²¹ *Ibid.*, p. 15.

²² For further reference, see Martin Hala, *op. cit.*, p. 84.

This attitude represents a threat to the delivering of the platform, and is substantially transferred into the practical paradigm of international and regional politics. Being heavily reflected, for instance, through Martin Hala's argument, China's 16+1 "has received little attention in the West, and it is not widely known or understood even in the region itself"²³.

The same New World Order witnessed a rising China. As Chen Jian discusses, "from a Chinese perspective... the Cold War did not end in the early 1990s but rather in the late 1970s..."²⁴ This frame of reference, connected to Deng Xiaoping's reform and opening-up policy, is of particular importance to scrutinize. *Firstly*, this represents a decision "to shift the [domestic] focus from political movement to economic development"²⁵. *Secondly*, once the effects of reform concretized internally, the Chinese leadership sought to further improve relations with the West and beyond. Hence, the end of the conventional Cold War facilitated *inter alia* China's rise internationally and determined more pro-active stances in global issues²⁶. *Thirdly*, the vacuum forsaken by the Soviet Union left space for Chinese avowals and, with the rise of multilateralism, it offered impetus towards affirmation. Overall, as the scholarship endorses, "China's economic rise is seriously impressive"²⁷, albeit Beijing "remains quite isolated internationally"²⁸ and "without a very clear idea of what it is doing"²⁹ in current projects, nominal high-level political forums or major security issues (from the perspective of high politics).

Dragan Pavličević shares Hala's belief, bringing into debate additional arguments that are related not only to CEE's recent historical past and current ambitions, but also related to China's foreign policy strategies that were deficient in building strong policy in the region until

²³ Dragan Pavličević, *op. cit.*, p. 688.

²⁴ Cai Fang, Ross Garnaut, Ligang Song, "40 years of China's reform and development: How reform captured China's demographic dividend", in Ross Garnaut, Ligang Song and Cai Fang (eds.), *China's 40 Years of Reform and Development: 1978-2018*, Acton: The Australian National University Press, 2018, p. 5.

²⁴ For further reference, see Chen Jian, *op. cit.*, pp. 251-252.

²⁵ Cai Fang, Ross Garnaut and Ligang Song, *op. cit.*, p. 5.

²⁶ For further reference, see Chen Jian, *op. cit.*, pp. 251-252.

²⁷ Michael Cox, *op. cit.*, p. 285.

²⁸ Geir Lundestad, *op. cit.*, p. 15.

²⁹ Michael Cox, *op. cit.*, p. 285

more recent times³⁰. In this way, as Pavličević claims, "CEE countries have transitioned from <not knowing about China> to <not knowing what to do about China>"³¹. The same disconnecting pattern is identified by Weiqing Song who considers that China's 16+1 initiative "is in sharp contrast to the lukewarm relationship between China and the CEE countries during the majority of the Cold War period and in the post-Cold War era"³². Song considers that China and CEE countries "are attracted to each other on the basis of economic pragmatism"³³ rather than "political opportunism"³⁴.

Subsequent parts of the specialized scholarship debate that 16+1 is still in "a process of creative and rapid institution-building"³⁵. As a consequence, major stakeholders do tend to participate in forums and vastly debate or assess the implications of China's 16+1 for both China itself and the sixteen CEE states. However, this tendency has proven that compelling action is lacking pragmatism and remains limited in its effectiveness, beyond a few factual achievements³⁶. Scrutinizing this could also be reflected in the academia, and hence it is facile to deduct that the specialized literature remains amorphous. Dragan Pavličević remarks this trend by pinpointing that "two competing discourses have emerged, each providing diametrically opposed interpretation of China's engagement of the CEE"³⁷. Consecutively, it heavily influences "what issues should be prioritized within that relationship and what measures and policies should

³⁰ For further reference, see *Ibidem*, pp. 688-689.

³¹ *Ibid.*, p. 689.

³² Weiqing Song, "China's Long March to Central and Eastern Europe" in *European Review*, no. 26, vol. 4, 2018, p. 755.

³³ *Ibidem*, p. 756.

³⁴ *Ibid.*

³⁵ Anastas Vangeli, "16+1 as a Laboratory: Lessons China's New Relations with CESEE Can Teach Us about the Future of the Belt and Road Initiative" in Ping Huang, Zuokui Liu (eds.), *How the 16+1 Cooperation promotes the Belt and Road Initiative*, Beijing: China Social Sciences Press, 2018, p. 15.

³⁶ According to Weiqing Song, one of these major, factual achievements could be regarded as the "China-proposed Hungary-Serbia project [that] stands out as a typical example [...] representing a flagship project between the world's second largest economy and the CEECs". Other projects include "constructing a thermal power plant in Bosnia and Herzegovina, constructing a nuclear power plant in Romania, acquiring a steel plant in Serbia, and signing an express freight railway agreement with Poland".

For further reference, see Weiqing Song, *op. cit.*, p. 761.

³⁷ Dragan Pavličević, *op. cit.*, p. 689.

be taken to properly address them [...]”³⁸ due to the fact that, Pavličević continues, “they play a key role in shaping expectations, interpretations and eventually policies toward China, which in turn are bound to significantly influence the trajectory and outcomes of <16+1>”³⁹.

Collateral ambiguity is further reflected also in the generic terminology that assigns China’s 16+1. They remain constrained to either mechanism, initiative, platform or format. Therefore, it reflects the ambiguity not only of the scholarship, policymaking or even governmental agents, but also the fact that 16+1 is not regarded as an institution in a traditional sense. For this reason, this article avoids labelling China’s 16+1 as an institution or organization. *Per contra*, it is vital to assess a study advanced by Ping, Liu et al. as they present a welter of “cooperation mechanisms or platforms constructed or to be constructed”⁴⁰ under the umbrella of 16+1. Accordingly, it is at ease to determine that China’s platform is heading towards becoming an institution itself, split with secretariats between various CEE locations and Beijing, but the process of institution building has not yet ended. Such arguments are acknowledged by the CEE scholarship; hitherto these projections do not represent any sort of concern, nor stimulate interest for an in-depth study on behalf of the Chinese scholarship realm. Despite these cognitions, concrete institution-building plans epitomized, for example, under the auspices of the Chinese Ministry of Foreign Affairs, which established a “16+1 Secretariat for China-CEEC Cooperation”⁴¹ in order “to coordinate the cooperation between various Chinese institutions and the 16 CEE Countries and to promote the collaboration with authorities of 16 CEE countries”⁴². Tags affiliated with these institution-building efforts are ambiguous, although Jakub Jakóbowski offers the most accurate protrusion as being “sectoral cooperation mechanisms”⁴³.

³⁸ *Ibidem*.

³⁹ *Ibid*.

⁴⁰ Huang Ping, Liu Zuokui et al., *op. cit.*, pp. 4-5.

⁴¹ Weiqing Song, *op. cit.*, p. 759.

⁴² Huang Ping, Liu Zuokui et al., *op. cit.*, p. 24.

⁴³ For further reference, see Jakub Jakóbowski, “Chinese-led Regional Multilateralism in Central and Eastern Europe, Africa and Latin America: 16 + 1, FOCAC, and CCE” in *Journal of Contemporary China*, no. 113, vol. 25, 2018, p. 667.

Nonetheless, taking into account that policymakers in Beijing are well aware that CEE is one of the regions with "the greatest potential"⁴⁴, it is indicative to succinctly consider Angela Stanzel et al. explanations, based on Long Jing's ascertainment, according to which China's 16+1 also has an "image problem"⁴⁵. This issue is examined based on what the authors claim to be enthusiasm (depending on the potential each country possesses), willingness to cooperate (based on various sets of political identities), and EU's "suspicion of China's possible geopolitical intentions"⁴⁶. A succinct, yet complementary ethos to such arguments could also be found in what Vangeli claims to be the "absence of a stamp/logo... for the activities carried under this initiative"⁴⁷.

In contrast to Stanzel's relatively superficial framework, Weiqing Song offers a much more accurate narrative that explains how China-CEE relationship and, implicitly, China's 16+1 are "impeded by a number of economic, normative and geo-political obstacles"⁴⁸. For the same reason, Dragan Pavličević debates the notion of "bifocal lens", based on Chengxin Pan's assertions, which considers extensively "normative paradigms"⁴⁹, and supports the assumption according to which China's perception is either "a source of enrichment"⁵⁰ or one that "imbues China's politics, political economy and policies with the menacing qualities"⁵¹. As a result, Pavličević believes that "rather than being based on a comprehensive empirical inquiry... the perceptions of 'Opportunity' and 'Threat' are rather projections of the 'meaning', hopes and fears others attach to China in line with their own preferences, anxieties and pre-conceived understanding of self and others"⁵².

⁴⁴ Weiqing Song, *op. cit.*, p. 758.

⁴⁵ For further reference, see Jing Long, "Opportunities and Challenges of the Belt and Road Initiative in Central and Eastern Europe", ('一带一路'倡议在中东欧地区的机遇和挑战, Yidai yilu changyi zai zhongdongou diqu de jiyu he tiaozhan) in *Guoji guancha*, no. 3, 2016, pp. 118-130, cited in Angela Stanzel, "Dividing without antagonizing: China's 16+1 image problem", in Angela Stanzel et al., *China's Investment in Influence: The Future of 16+1 Cooperation*, London: European Council on Foreign Relations, 2016, p. 3.

⁴⁶ *Ibidem*.

⁴⁷ Anastas Vangeli, *op. cit.*, p. 20.

⁴⁸ Weiqing Song, *op. cit.*, p. 756.

⁴⁹ Dragan Pavličević, *op. cit.*, p. 690.

⁵⁰ *Ibidem*, p. 691.

⁵¹ *Ibid.*

⁵² *Ibid.*

In a much more archetype pattern, China's 16+1 remains commented upon due to the fact that "China has created a mirror for Europe's internal problems and fading influence"⁵³, especially by accommodating "what Russia perceives as its primary sphere of influence"⁵⁴ in CEE. In other words, participating CEE countries "largely form a geographic belt immediately adjacent to the post-Soviet space, but exclude Belarus, Moldova, and Ukraine"⁵⁵. Thence, beyond the argument pertaining to geography and assembling a mechanism that could facilitate cooperation under the same aegis with CEE, 16+1 reminds stakeholders of some considerable geopolitical implications.

Yet, other arguments that align with similar deliberations are linked to China's adoption of the "pivot state strategy"⁵⁶ and designation of several countries to the level of strategic partnerships. Among these, partnerships with Serbia and Poland "[...] were upgraded to comprehensive strategic partnerships in June 2016 and another one with Hungary was established in May 2017. It is noteworthy that in China's diplomatic glossary, a comprehensive strategic partnership is the highest level of diplomatic relationship"⁵⁷. In addition, it remains "difficult to pinpoint the rationale and contribution of each country"⁵⁸. This further indicates the existent ambiguity and contributes to the tergiversation of China's 16+1 from within CEE. Under these circumstances, the scholarship assays CEE narrowly by dissecting analyses through "regional specifications"⁵⁹, such as the Visegrád Group (V4), the Balkan or the Baltic regions⁶⁰.

Undeniably, this attitude does reinvigorate the purpose and results of 16+1 at this stage of its development, though it could grasp more division if this remains static in the future. Arguments that depict these analyses are

⁵³ Anastas Vangeli, *op. cit.*, p. 15.

⁵⁴ Martin Hala, *op. cit.*, p. 84.

⁵⁵ *Ibidem*.

⁵⁶ Weiqing Song, *op. cit.*, p. 760.

⁵⁷ *Ibidem*.

⁵⁸ Anastas Vangeli, *op. cit.*, p. 17.

⁵⁹ Marek Hrubec, "Innovation in Understanding and Cooperating the Macro-Regions: The Potential of Promotion of the <16+1 Cooperation> and the Belt and Road Initiative" in Ping Huang; Zuokui Liu (eds.), *How the 16+1 Cooperation promotes the Belt and Road Initiative*, Beijing: China Social Sciences Press, 2018, p. 40.

⁶⁰ For further reference, see Ping Huang, Zuokui Liu et al., *op. cit.*, pp. 1-2.

solely linked to economy and investment, and thus such tendencies will further politicize the economy of CEEu states⁶¹. In spite of that, China is facing rather confined challenges in the region that should and could be addressed effectively and in a more prompt demeanor. As the same Vangeli highlights broadly, in agreement with Weiqing Song and Martin Hala, China has not accommodated with "EU procurement rules which do not allow for direct award of contracts without going through an open tender"⁶².

Nonetheless, "labor regulations, specific technical requirements, environmental standards, obligations to consult local communities are also quoted as challenges needed to be dealt with Chinese companies while investing in infrastructure"⁶³ or trade deficits⁶⁴. In fact, Weiqing Song presents a distinct case, which embodies such beliefs by means of "the failure of a Chinese state-owned construction company's (COVEC's) attempt to complete the construction of a 50-km long stretch of highway between Warsaw and the German border"⁶⁵. Song clarifies that, "as the project progressed, COVEC was found to lack good planning, be ignorant of the strict regulations and labor standards applying, and to have poor managerial and financial skills"⁶⁶. As a result, "the Polish government cancelled the contract and demanded compensation in 2011. The whole story was considered a big blow to China's ambition to export its infrastructural capabilities to the West"⁶⁷.

Genesis of the rhetoric: pursuing economic interests or ensuing political values?

Apart from these general forethoughts, it is far-reaching to determine Romania's stance regarding China's 16+1. Beyond the arguments pertaining to geopolitics, pivot states and various challenges faced on different levels, Romania's position resonated with the European ones, and thus "no in-depth

⁶¹ For further reference, see Martin Hala, *op. cit.*, p. 86.

⁶² Anastas Vangeli, *op. cit.*, p. 21.

⁶³ *Ibidem*.

⁶⁴ Weiqing Song argues that "almost all of the CEECs have suffered considerable trade deficits in trade with China". For further reference, see Weiqing Song, *op. cit.*, p. 762.

⁶⁵ *Ibidem*, p. 761.

⁶⁶ *Ibid.*, pp. 761-762.

⁶⁷ *Ibid.*, p. 762.

analysis"⁶⁸ had been provided "until the end of 2016"⁶⁹. Conceivably, Romanian interests are easily identified in "areas of energy, agriculture, infrastructure, communications, IT, and tourism"⁷⁰. In addition to this, as the Romanian scholarship reveals, Romania is ardent to maximize its "strategic advantages arising from its status of EU member state and Black Sea and Danube riparian state, in order to facilitate the transit of goods between China and the EU"⁷¹.

"Despite the fact that Romanian-Chinese relations, prior to 1989, were unique, based on thorough mutual support, this trend did not remain linear"⁷² as it is exhibitiv "to characterize today's bilateral *state of the art* as <not in [the] strategic> perspective"⁷³. Ana Pantea observes that "overlapping and generally endorsed scholarship arguments debate the fact that <Romania's relationship with China and other traditional partners decreased in intensity during the process of EU accession and integration>"⁷⁴. Thereupon, it became clear that "Romania lost numerous opportunities, including the historical advantages in developing economic cooperation with the largest emerging economy, China"⁷⁵.

In a similar way, Ana Pantea examined in 2018 a series of communiqués issued by the Government of Romania, noting that "it is critical to observe that its position [of the Romanian Government] gained some sort of a pattern: not only have they been delivered under the accustomed 16+1 framework, but also in most part of the bilateral meetings and major summits, Romania..."⁷⁶ has been mainly represented by lower ranking government officials⁷⁷. "For example, at the 2015 China-CEE Summit, held in

⁶⁸ Iulia Monica Oehler-Şincai and Liu Minru, "Sino-Romanian relations under the New World Order" in Weiqing Song (ed.), *China's Relations with Central and Eastern Europe. From "Old Comrades" to New Partners*, London, New York: Routledge, 2018, p. 187; *apud* Ana Pantea, "One Belt, One Road Initiative and Its Geostrategic Significance for Eastern Europe" in *Knowledge-Based Organization*, doi:10.1515/kbo-2018-0025, vol. XXIV, no. 1, 2018, p. 174.

⁶⁹ *Ibidem*.

⁷⁰ *Ibid.*, p. 188.

⁷¹ *Ibid.*

⁷² Ana Pantea, *op. cit.*, pp. 174.

⁷³ See Ana Pantea, *op. cit.*, p. 174.

⁷⁴ See Iulia Monica Oehler-Şincai and Liu Minru, *op. cit.*, *apud Ibid.*, p. 174.

⁷⁵ Iulia Monica Oehler-Şincai and Liu Minru, *op. cit.*, *apud Ibid.*, p. 174.

⁷⁶ Ana Pantea, *op. cit.*, p. 174.

⁷⁷ For further references, see Ministry of Foreign Affairs of Romania, "România va găzdui prima conferință ministerială și târgul în domeniul energiei în cadrul formatului de cooperare China – Statele Europei Centrale și de Est (16+1)", 2017, [<http://mae.ro/node/43935>], 13 November 2018.

Suzhou, Romania sent cabinet level ministers, even though the meeting was dedicated to Presidents or Prime Ministers"⁷⁸. Contrary to this, "Bulgaria, Estonia, Hungary or Poland were all represented at a higher level"⁷⁹. However, at the 2013, 2014, 2016, 2018 and 2019 Summits, Romania was represented at the level of Prime Minister⁸⁰. This is peculiar to assess because it is

Ministry of Foreign Affairs of Romania, "Participarea secretarului de stat pentru afaceri bilaterale globale, Monica Gheorghiu, la reuniunea coordonatorilor naționali ai Cooperării China - Europa Centrală și de Est (16+1)", 2017, [<http://mae.ro/node/43598>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "România va organiza la București Forumul partidelor politice din formatul Cooperării China - Europa Centrală și de Est (16+1)", 2017, [<http://mae.ro/node/42469>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "Participarea secretarului de stat Alexandru Victor Micula la reuniunea coordonatorilor naționali ai Forumului de cooperare China - Europa Centrală și de Est (16+1)", 2016, [<http://mae.ro/node/38811>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "Consultări bilaterale între secretarul de stat pentru afaceri globale, Daniela Gîțman, și ministrul asistent al afacerilor externe din Republica Populară Chineză Liu Haixing", 2016, [<http://mae.ro/node/38500>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "Întrevederea secretarului de stat Daniela Gîțman cu delegația Comisiei pentru afaceri externe a Adunării Naționale Populare a R. P. Chineze", 2016, [<http://mae.ro/node/37768>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "Participarea secretarului de stat Alexandru Victor Micula la reuniunea coordonatorilor naționali ai Cooperării China - Europa Centrală și de Est", 2016, [<http://mae.ro/node/37600>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "Întrevederea secretarului de stat Radu Podgorean cu o delegație de lucru a MAE chinez pentru cooperarea 16+1", 2016, [<http://mae.ro/node/35394>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "Participarea secretarului de stat Radu Podgorean la reuniunea coordonatorilor naționali ai formatului de cooperare R. P. Chineză-Europa Centrală și de Est", 2015, [<http://mae.ro/node/34372>], 13 November 2018).

Ministry of Foreign Affairs of Romania, "Participarea secretarului de stat Radu Podgorean la reuniunea coordonatorilor naționali ai Cooperării China – state din Europa Centrală și de Est", 2015, [<http://mae.ro/node/32881>], 13 November 2018.

Ministry of Foreign Affairs of Romania, "Participarea secretarului de stat Radu Podgorean la reuniunea coordonatorilor naționali din Forumul de cooperare China-ECE", 2014, [<http://mae.ro/node/26655>] 13 November 2018, *apud* Ana Pantea, *op. cit.*, p. 174.

⁷⁸ Ana Pantea, *op. cit.*

⁷⁹ *Ibidem.*

⁸⁰ For further references, see Government of Romania/Chancellery of the Prime Minister, "Participarea prim-ministrului României, Viorica Dăncilă, la Summit-ul șefilor de guvern ai formatului cooperării 16+1/Europa Centrală și de Est-R.P. Chineză", 2019, [<http://gov.ro/ro/stiri/participarea-prim-ministrului-romaniei-viorica-dancila-la-summit-ul-sefilor-de-guvern-ai-formatului-cooperarii-16-1-europa-centrala-i-de-est-r-p-chineza&page=1>], 12 April 2019.

connected, to a certain extent, to Chinese political values and, more vastly, to the image perception of an emerging China that is projected on other state actors in the process of socialization.

In the attempt to debate the lack of enthusiasm, answers could be found in the fact that there is an inconsistency "at the level of political correctness"⁸¹. The sudden and "successive domestic changes..."⁸² had an impact on "Romania's foreign relations, especially those with the Far East"⁸³, despite establishing a strategic partnership with the Republic of Korea⁸⁴, while high-level dialogues have been initiated with Japan towards yet another similar partnership⁸⁵.

It is easily observed the unequal balance of/in Romania between political values, economic interests and national security. Perhaps it could also be argued that Romania sacrifices most of its values in exchange for pursuing interests. Therefore, "Romania lacks pragmatism when tackling [the greater welter of] international relations due to internal [dilemmas]... while things seem to have already been caught up in... a vicious repetitiveness"⁸⁶. The establishment became incapable of generating leadership stances based on values and pertinent strategies abroad. As a consequence, geopolitical innovation is not aggregated.

The State Council of the People's Republic of China, "The Sofia Guidelines for Cooperation between China and Central and Eastern European Countries", 2018, [http://english.gov.cn/news/international_exchanges/2018/07/16/content_281476224693086.htm], 11 April 2019.

Government of Romania/Chancellery of the Prime Minister, "The Bucharest Guidelines for Cooperation between China and Central and Eastern European Countries", 2013, [<http://gov.ro/en/news/the-bucharest-guidelines-for-cooperation-between-china-and-central-and-eastern-european-countries>], 19 November 2018.

Ministry of Foreign Affairs of the People's Republic of China, "The Belgrade Guidelines for Cooperation between China and Central and Eastern European Countries", 2014, [https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t1224905.shtml], 11 April 2019.

⁸¹ Ana Pantea, *op. cit.*, p. 174.

⁸² *Ibidem*.

⁸³ *Ibid.*

⁸⁴ For further reference, see Ministry of Foreign Affairs of Romania, "Parteneriatul Strategic cu Republica Coreea", 2018, [<https://www.mae.ro/node/4854>], 2 December 2018.

⁸⁵ For further reference, see Ministry of Foreign Affairs of Romania, "Relația Specială a României cu Japonia", Bucharest, [<https://www.mae.ro/node/4853>], 2 December 2018,

⁸⁶ Ana Pantea, *op. cit.*

In the same train of thoughts, the Romanian scholarship relevant to China's 16+1 "is fractured and dismissed by governmental agents"⁸⁷. This pattern is brought into light by a recent study conducted by Iulia Monica Oehler-Şincai and Liu Minru. Having "conducted a series of interviews with government officials, Sinologists and journalists in Romania"⁸⁸, Iulia Monica Oehler-Şincai and Liu Minru discover one peculiarity that arises from the following postulation: "*Do you appreciate that the current Romanian government supports strengthening cooperation relations with China? - Yes; - No; - I do not know*"⁸⁹. And "admittedly, Oehler-Şincai and Liu conclude that this <let to positive answers among the ministerial experts and negative answers among the Sinologists and journalists>"⁹⁰. Thus, the assumption articulated by the author through the results and the relevance of this article becomes valid, revealed through this complex study that is now inserted within in the specialized literature.

On the other hand, the same Ana Pantea debates some "several optimistic aspects [that are] worth mentioning. *First[ly]*, the 16+1 Summit, in 2013, was held in Bucharest"⁹¹, demonstrating political desire. *Second*, Romania accepted "to host the Center for Dialogue and Cooperation on Energy Projects"⁹² at the level of sectorial cooperation, which grants Romania unicity and specificity within 16+1. *Third*, in September 2016⁹³, "the Romanian government [...] approved the start of discussions on the conditions under which the country could become a member of the AIIB...."⁹⁴, a process that

⁸⁷ *Ibidem*.

⁸⁸ *Ibid.*, p. 175.

⁸⁹ Iulia Monica Oehler-Şincai and Liu Minru, *op. cit.*, p. 193 *apud* Ana Pantea, *op. cit.*

⁹⁰ Iulia Monica Oehler-Şincai and Liu Minru, *op. cit.*, *apud* Ana Pantea, *op. cit.*

⁹¹ For further reference, please see Investment and Development Agency of Latvia, "About", 2016, [<http://ceec-chinalatvia.org/page/about>], 19 November 2018, *apud* Ana Pantea, *op. cit.*

⁹² Ana Pantea, *op. cit.*; Mădălina Cerban, "Cioloş: Centrul pentru Dialog şi Cooperare în domeniul proiectelor energetice, înfiinţat la Bucureşti" in *Agerpres*, 2016, [<https://www.agerpres.ro/politica/2016/11/05/ciolos-centrul-pentru-dialog-si-cooperare-indomeniul-proiectelor-energetice-infiintat-la-bucuresti-19-50-13>], 20 November 2018.

⁹³ For further reference, please see "A Welcome Catalyst for Sino-Romanian Ties" in *Beijing Review*, 2017, [http://www.bjreview.com/Opinion/201705/t20170504_800095401.html], 3 December 2018.

⁹⁴ Janne Suokas, "Romania seeks to join Asian Infrastructure Investment Bank" in *GB Times*, 2016, [<http://gbtimes.com/business/romania-seeks-join-asian-infrastructure-investment-bank>], 19 November 2018, *apud* Ana Pantea, *op. cit.*

concluded in mid-2017⁹⁵. *Last*, Romania "was the second CEE country that <signed a MoU for the development of bilateral cooperation in the economic zone of the Silk Road>"⁹⁶. Other efforts in this direction have slightly concretized recently also in domestic politics (through establishing a network of ministerial expertise) or by means of explorations of European politics (*i.e.* Romania's Presidency of the Council of the EU which propelled strongly an EU-China Summit)⁹⁷.

Ana Pantea, lecturer at Transylvania's Babeş-Bolyai University, being one of the few to have been studying the issue of improvement, endorses the fact that Romania has the potential to "play a role in the energy sector, critical infrastructure, and the peaceful use of the outer space"⁹⁸. From a generic mindset, Pantea believes that Romania "needs a wise multilateral foreign policy" due to its strategic Euro-Atlantic engagements and position, – "major geopolitical actor on the Black Sea" –, and recommends in such a way to "build a strong policy with the East"⁹⁹. Perhaps some concrete policy ventures are to be found in Hungary's *Opening to the East Policy*¹⁰⁰.

Finally, China's 16+1 is regarded as one of the most complex and important projects of the moment, although being a tentacle of the greater Belt and Road Initiative (BRI). It represents one of the footprints that China desires to emulate upon CEE, in particular, because of historical ties and growth – both economic and political. Accordingly, its economic and geopolitical significance will shape not only the transmitter, but also the receivers.

What could be imperatively critical is whether bilateralism might speed up Romania's 16+1 engagement. In this succession of striking interrogations, considered for further research, the secluded credo does not necessarily have to emerge from Hungarian, Polish or Serbian examples¹⁰¹, but rather it has to loom distinctly. This distinctiveness could further be

⁹⁵ Asian Infrastructure Investment Bank, "AIIB Further Expands Its Membership", 2017 [https://www.aiib.org/en/news-events/news/2017/20170513_001.html], 1 July 2019.

⁹⁶ Iulia Monica Oehler-Şincăi and Liu Minru, *op. cit.*, p. 188, *apud* Ana Pantea, *op. cit.*

⁹⁷ Interview with Iulia Monica Oehler-Şincăi PhD, 5 April 2019, Bucharest, Romania.

⁹⁸ Interview with Lecturer Ana Pantea PhD, 29 April 2019, Cluj-Napoca Romania.

⁹⁹ *Ibidem*.

¹⁰⁰ For further reference, see Ling Yuan, "How China and Hungary have boosted ties in recent years" in *Xinhua*, 2018, [http://www.xinhuanet.com/english/2018-11/01/c_137575090.htm], 2 April 2019.

¹⁰¹ See Ana Pantea, *op. cit.*, p. 174.

created around affinities and sensibilities, around the concepts of constructiveness and long haul vision as well as political responsibility and economic balance.

Conclusion

Having identified main factors that lead to explain Romania's country-level attitude towards China's 16+1, it is indicative to summarize that Romania's passivity is related to its wait-and-see policy, as Oehler-Șincai points out¹⁰². In a broader sense, Romania's self-positioning in relation to 16+1 and also at a bilateral level with China is dependent on external factors¹⁰³. This being said differently, Romania is in a state of dilemma towards finding "the right balance between EU interest and its own priorities..."¹⁰⁴ In compelling an even robust explanation, it remains critical to assert that, although ambitious, Romania prefers to remain context-dependent and conditionally passive. Hence, its passivity is simply a matter of choice in conducting its China foreign policy. Contrasting examples include Romania's status as co-initiator of the EU's Strategy for the Danube Region, Romania's clear engagement in the Three Seas Initiative or its confined strategic partnerships. This dilemma is also a reflection of more thorough a certain ascertainment, such as the decades-long processes of discovering and refurbishing a political identity in order to propel a stronger political culture, domestically. Romania refrains from transmitting political values through bilateral examples, but this may not be the case only with China or Turkey, and prefers to advocate for them in multilateral forums¹⁰⁵. However, Romania does not hesitate to bilaterally transmit various political values to the Republic of Moldova¹⁰⁶, for example, or to Serbia¹⁰⁷, as revealed by the practical paradigm of international politics.

¹⁰² For further reference, see Iulia Monica Oehler-Șincai, "Political values: A sensitive issue almost absent from Romania's relations with China" in Tim Nicholas Rühlig, Björn Jerdén, Frans-Paul van der Putten, John Seaman, Miguel Otero-Iglesias, Alice Ekman (eds.), *Political values in Europe-China relations*, ETNC Report, 2018, pp. 75-78.

¹⁰³ *Ibidem*.

¹⁰⁴ *Ibid.*

¹⁰⁵ Iulia Monica Oehler-Șincai, *op. cit.*, p. 75.

¹⁰⁶ Ministry of Foreign Affairs of Romania, "Parteneriate strategice și relații speciale, Republica Moldova", [<http://mae.ro/node/1677>], 16 April 2019.

Furthermore, Romania's participation in 16+1 is dynamic to the extent that has had more consistent positions on the platform and on the ascending welter of achievement; be those achievements political or economic. The linear narrative and its subsequent Romanian rhetoric, on the other hand, at unconditional times, is at the risk of altering. This risk could come if, at some point in the future, Romania will start to place greater importance on advocating openly and deliberately for European-centered liberal political values in relations with China, at bilateral level, rather than passing them as it is the norm today, namely through forums and multilateral agendas that were constructed congruently.

Some of the main effects of Romania's passive attitude include less attraction for major investments and diminished appetite for Chinese investors, in particular, and less geopolitical leverage in CEE and, generally, in the EU. Besides, this passivity reflects upon major stakeholders (*i.e.* government agents, citizens and business environment) in dissimilar procedures. Comprehensively, China's interest in Romania and its motivation to explore Romania decreases, while this aspect increases Romania's dilemma in connection to those greater aspects of bilateral relations and, implicitly, of 16+1. On the contrary, this matter of choice is yielding also positive results. It has the potential to build more sustainability and ensure a balanced foreign policy in relation to the aggregation of great powers, if practiced only for a limited time and if it remains context-dependent. In this manner, Romania could grasp advanced leadership stances at EU level in the future and have the means of becoming more persuasive in European politics.

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¹⁰⁷Christoph Hasselbach, "Romania blocks Serbia's EU candidacy, for now" in *DW News*, 2012, [<https://www.dw.com/en/romania-blocks-serbias-eu-candidacy-for-now/a-15774734>], 16 April 2019.

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**NEW EU LEGISLATIVE FRAMEWORK FOR
THE ORGANIC AGRICULTURE –
OPPORTUNITIES AND CHALLENGES.
A LEGAL AND ECONOMIC PERSPECTIVE**

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Abstract

Considering the current European context and changing legislative EU framework we are going to try and emphasize within this article the main challenges and also opportunities driven from this new set of norms set in place by the Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products.

Keywords: organic agriculture, EU Regulation, standards, organic production and labelling, organic market

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Introduction

During recent years the most developed countries, the emerging market economies governments and also agricultural policies have more and more sustained and also encouraged the development of sustainable agriculture and from this perspective the organic agro product can be seen as a mean to reach and promote a healthier and eco-friendly environment.

To underline all the above mentioned, at this wary moment we count that globally 1.4 % of the farm land is organic. Moreover, what is quite impressive and important to be noticed and stated is the constant and rapid growth of this sector with 11.7 million hectares in 2017, representing an increase of around 20%, the largest ever recorded (for the Europe statistical data indicates a growth rate of 7.6% for the same year, representing a growth of almost 1 million hectares), fact that does not show the same path characteristic for the entire agricultural sector.¹

Moreover, our brief analysis of the organic farming current data showed that a process of institutional strengthening and development is currently undergoing for the organic agriculture in order for the European Single Market to be able to promote this type of agriculture as one of the most important tasks for the agricultural sector sustainable future development in accordance with a more responsible consumer protection and environmental friendly means of production.

The current status of the organic agriculture – facts and figures

The current state of the global organic agriculture indicates us that this market has reached in 2007 around 97 billion US dollars, the entire organic area representing an overall of 70 million hectares (Australia as a country takes the largest share followed by Argentina and China all gathering a quarter of the entire organic global surface and 87% of the total sum of the organic producers, while Europe as a region gains 21 percentage of the overall surface with 14.6 million hectares and 2.9% of its total agricultural

¹ Helga Willer, Julia Lernoud, The World of Organic Agriculture Statistics and Emerging Trends 2019, 2019, FiBL, IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], pp.25-27, 10 Jun 2019;

land – in the case of the EU this figure changes to 7.9%) managed globally by almost 2.9 million organic farmers.²

As we can easily observe from the recent notable data, the constant increasing and at high speed development of the organic production encourages us into believing that this type of agriculture not only that is able to offer more profitable alternative solutions for the suppliers on this market but also can generate alternative more responsible solutions for the long term future prospects developments for the global economy of this sector.

At a more detailed analysis, to sustain what was previously stated we can underline the fact that for instance in the case of the European Union the countries with the largest agricultural land area are Spain (2.1 million hectares), Italy (1.9 million hectares) and France (1.7 million hectares). Moreover in ten of the European countries the organic agricultural land reaches at least 10% of the overall agricultural land (Liechtenstein, 37.9%, Austria-24%, Estonia 20.5%).³ This presented data, suggests the fact that there are a lot of European countries trying to exploit the opportunities and market comparative advantages offered by of this sector of activity to its highest potential.

In terms of trade, we can easily count 115 countries registering exports to the EU.⁴ From this perspective EU imported in 2018 bio food in the amount of 3.4 million tons (the biggest supplier being China with more than 415,000 tons representing up 12.7% of the total market).⁵ However, there are a few countries that should be nominated here as important actors, countries that have supplied important amounts of goods mainly

² Helga Willer, Julia Lernoud, *The World of Organic Agriculture Statistics and Emerging Trends 2019*, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], p.15-25, 10 Jun 2019;

³ Helga Willer, Julia Lernoud, *The World of Organic Agriculture Statistics and Emerging Trends 2019*, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], p.29, 10 Jun 2019;

⁴ EC, *Organic Imports in the EU. A first analysis –year 2018.*, No14, March 2019, p.2, [https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/market-brief-organic-imports-mar2019_en.pdf], 2 July 2019.

⁵ EU, *Organic sector on the rise as both organic production and imports see large increases*, [https://ec.europa.eu/info/news/organics-sector-rise-both-domestic-production-and-imports-see-large-increases-2019-mar-07_en], 2 July 2019.

because of their specificity or temporary gap in the market (tropical fruit and nuts – the first category of imported products within the EU -24% of the total imports⁶, cereals and oil cakes). Such countries are: Ecuador, the Dominican Republic, Ukraine and Turkey.

Brief diagnosis. Policy in retrospective

Even though the organic agriculture is not a new concept, we should mention here the fact that the legislative framework for this sector of activity has its roots only in the mid - 80's when we can note the first group of private organic farmers as organized groups trying to set common policy ground for collaboration within this organizations. From this point forward, policies and programs to stimulate and support the development of the organic agriculture were set in many countries and organic standards have become in the 80's part of the legislative process mainly in order to facilitate and encourage foreign trade with this category of goods.

Commonly the most well-known policies were those referring to subsidies schemes and direct support for the farmers acting in this sector of agriculture, investments to enhance market and research sustainable capacities, quality assurance or consumer protection, etc.

Trying to investigate the current state of the legislative framework for the European organic agriculture we have identified the fact that forty-two countries in Europe have their own legislation on organic production context that indicates quite a good state of facts due to the global framework that shows us a total of 93 countries implying in 2008 standard regulations.⁷

Analysing the previous European legal framework in the matter (before 2018), we can easily notice that it set to incorporate a mixture of norms and derogations, which conferred a certain degree of uncertainty and insecurity upon this sector of the European agriculture. As such, to Council Regulation No. 834/2007 on organic production and labelling of

⁶ EC, Organic Imports in the EU. A first analysis –year 2018., No14, March 2019, pp.2-3, [https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/market-brief-organic-imports-mar2019_en.pdf], 2 July 2019.

⁷ Helga Willer, Julia Lernoud, The World of Organic Agriculture Statistics and Emerging Trends 2019, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], pp.29-32, 10 Jun 2019;

organic production⁸, were added at least 10 other regulations adopted in 2007-2016, namely:

-Council Regulation (EC) No. 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries⁹,

-Commission Regulation (EC) No. 501/2008 laying down detailed rules for the application of Council Regulation (EC) No. 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries¹⁰,

-Regulation (EC) No. 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products¹¹,

-Commission Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control¹²,

⁸ Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/91, published in Official Journal L 189/1. For more details about European Organic Regulations, see IFOAM, EU Group, European Organic Regulations (EC) No 834/2007, 889/2008 and 1235/2008. An Evaluation of the First Three Years. Looking for Further Development, available at [https://www.ifoam-eu.org/sites/default/files/page/files/ifoameu_reg_regulation_dossier_201204_en.pdf], 2 July 2019.

⁹ Council Regulation (EC) No. 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries, published in Official Journal L 3/1

¹⁰ Commission Regulation (EC) No. 501/2008 of 5 June 2008 laying down detailed rules for the application of Council Regulation (EC) No. 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries, published in Official Journal L 137/3

¹¹ Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93, published in Official Journal L 128/30.

¹² Commission Regulation (EC) No. 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control, published in Official Journal L 250/1.

-Commission Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries¹³,

-Commission Regulation (EC) No. 537/2009 amending Regulation (EC) No. 1235/2008, as regards the list of third countries from which certain agricultural products obtained by organic production must originate to be marketed within the Community¹⁴,

-Commission Implementing Regulation (EU) No. 392/2013 amending Regulation (EC) No. 889/2008 as regards the control system for organic production¹⁵,

-Commission Implementing Regulation (EU) No. 567/2013 correcting Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries¹⁶,

-Commission Implementing Regulation (EU) No. 586/2013 amending Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries and derogating from Regulation (EC) No. 1235/2008 as regards the date of submission of the annual report¹⁷,

¹³ Commission Regulation (EC) No. 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries, published in Official Journal L 334/1.

¹⁴ Commission Regulation (EC) No. 537/2009 of 19 June 2009 amending Regulation (EC) No. 1235/2008, as regards the list of third countries from which certain agricultural products obtained by organic production must originate to be marketed within the Community, published in Official Journal L 159/6.

¹⁵ Commission Implementing Regulation (EU) No. 392/2013 of 29 April 2013 amending Regulation (EC) No. 889/2008 as regards the control system for organic production, published in Official Journal L 118/5.

¹⁶ Commission Implementing Regulation (EU) No. 567/2013 of 18 June 2013 correcting Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries, published in Official Journal L 167/30.

¹⁷ Commission Implementing Regulation (EU) No. 586/2013 of 20 June 2013 amending Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries and derogating from Regulation (EC) No. 1235/2008 as regards the date of submission of the annual report, published in Official Journal L 169/51.

-Commission Implementing Regulation (EU) 2016/1842 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No. 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information¹⁸.

Apart from these legal instruments, there were also supplementary specific regulations concerning aquaculture and wine production, such as Commission Regulation (EC) No. 710/2009 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production¹⁹ and Commission Implementing Regulation (EU) No. 203/2012 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards detailed rules on organic wine²⁰.

The purpose of this legal mosaic, complemented by various implementing documents of the Commission regarding the production, distribution and marketing of organic products, was to promote a harmonised concept of organic sector. However, it is obvious that the legislative frenzy was not capable of creating the premises for a real uniformity, the applicable norms of the organic farming allowing for an „à la carte” system of exceptions, sometimes at the level of one producer only²¹.

¹⁸ Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No. 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No. 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information, published in Official Journal L 169/51.

¹⁹ Commission Regulation (EC) No. 710/2009 of 5 August 2009 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production, published in Official Journal L 282/19.

²⁰ Commission Implementing Regulation (EU) No. 203/2012 of 8 March 2012 amending Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007, as regards detailed rules on organic wine, published in Official Journal L 71/42.

²¹ For more details, see Directorate-General for Agriculture and Rural Development, 2018 Annual Activity Report, available on https://ec.europa.eu/info/sites/info/files/agri_aar_2018_final.pdf, 02.07.2019.

New EU legislative framework – challenges and opportunities

Even though the organic sector is constantly gaining increasing market share and registers healthy record financial growth it is also facing important challenges due to the changing legislation on this field, rising number of standards to be met, and eco-labelling differences in the standardization process around the globe, demand concentration in only a small number of important global regions such as North America (USA – 40 billion euros, 47% of the global organic market) and Europe (EU reaches a total amount of 34.3 billion euros – 37% of the global market; Germany - 10 billion euros; France - 7.9 billion euros), supply shortfalls for certain category of products, etc. Countries that succeed in having the highest amount of per capita spending and consumption of almost 300 euros for this category of goods are: Switzerland (9% of market share) and Denmark (13.3% of market share).²² The data shows also an increasing constant demand of bio products sometimes exceeding the existing supply offering possibilities or contextual market flexibility in adapting to the demand on the spot market needs.

In June 2018, the European Commission has launched the 2021-2027 CAP proposal which aims to generate a more focused approach on objectives similar to those followed by the organic agricultural sector, objectives such as environmental care, the preservation of the landscape and biodiversity and also the protection of food and health quality.²³ The recent speedy evolution of the organic markets and its prices in comparison with the conventional one should be included in the future focus of the CAP strategy with specific separate measure intended for this sector and enhanced management of farms in the discussed sector.

The adoption of Regulation (EU) 2018/848 on organic production and labelling of organic products and repealing Council Regulation (EC) No. 834/2007²⁴ (which will enter into force in 2021) reflects the major

²²Helga Willer, Julia Lernoud, The World of Organic Agriculture Statistics and Emerging Trends 2019, 2019, FiBL & IFOAM, [<https://shop.fibl.org/CHen/mwdownloads/download/link/id/1202/?ref=1>], p.27, 10 Jun 2019;

²³ EC, Future of the common agricultural policy, [https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/future-cap_en], 2 July 2019.

²⁴ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labeling of organic products and repealing Council Regulation (EC) No. 834/2007, published in Official Journal no L150/1 (14.6.2018)

changes that took place in the EU organic farming sector in the past 20 years. *Brevitatis causa*, to express our ideas more easily and to avoid repetitions, as we are going to often refer to this legal instrument in our study, we shall use the term Regulation.

The main change that was operated once the Regulation of 30 May 2018 was adopted was the introduction of a single set of norms for the organic farming throughout the EU, that correspond to the high expectation of consumers and that guarantee sufficient clarity for those to whom they are addressed.

The current regulation, however, is not a rigid one, but has a certain degree of flexibility. For example, the European legislator allows for the temporary replacement of an organic ingredient with a non-organic one in cases where such ingredients are not available in organic form in sufficient quantity. According to the art. 25 (1) of the Regulation, such a measure cannot be ordered unless the member states “provisionally authorise the use of non-organic agricultural ingredients for the production of processed organic food on its territory for a period of maximum six months”. This authorisation can be granted only if some express and limitative conditions foreseen by the regulation are cumulatively fulfilled: a) the replacement should be temporary (maximum six months); b) the exception method must be periodically evaluated; c) the authorisation shall apply to all operators in that Member State – to the extent to which it is necessary – therefore ensuring the equitable treatment of all. Moreover, the member state has the obligation to immediately notify the Commission and the other Member States, via a computer system that enables the electronic exchange of documents and information made available by the Commission, of any authorisation granted for its territory.

The new legislative framework also brings about other modifications in the sector of organic farming, ensuring “the fair competition and the proper functioning of the internal market in organic products, at maintaining and justifying consumer confidence in products labelled as organic, and at providing conditions under which the policy can progress in line with production and market developments” (paragraph 6 of the preamble to the Regulation). As follows, we shall present a part of the new regulations formulated for this sector:

► First of all, the scope of the Regulation aims at all organic farmers and products, including the farmers from outside the European Union, who export their products to the European market. We are, therefore, witnessing a set of clear, uniform and stable norms, which, on the one hand, are in favour of the loyal competition among farmers without making any distinction as to whether they produce within the EU or in a third country, and, on the other hand, they confer upon the consumer the certainty that an organic product bearing the EU logo presents the same quality standards throughout the Union.

Moreover, as one can see from the provisions of art. 2, paragraph 2 of the Regulation, it is applicable to the whole organic food chain (production, labelling, distribution). The application domain of the Regulation has also been extended in order to include a series of new products that can make the object of certification, such as salt, cork, essential oils, beeswax, etc.

► As to the imports, under *the umbrella* of the new legal framework, a product can be imported from a third country in order to introduce it on the EU market as an organic product or as a product under conversion if it complies with the exigencies of the Regulation or if it originates in a third country that is the signatory of an equivalence trade agreement concluded with the European Union.

The current organic production systems from the third countries acknowledged as equivalent based on the current Regulation (CE) No. 834/2007 are the beneficiaries of transitory measures, the acknowledgement of these third countries being valid through 31st December 2025 (art. 48, paragraph 2 of the Regulation).

Undeniably, one of the challenges of the organic farming refers to the creation of the premises necessary for the harmonisation of the certification, which allows for a homogenisation of the product market (otherwise said, the product needs to have a “bio-identical” quality, without making any distinction according to the country of origin).

From this point of view, one is witnessing a fundamental change in the perspective of the European legislator, the principle of equivalence that was consecrated by the previous norms (under the rule of Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products) being replaced, as of 1st January 2021, by the principle of conformity with the unique set of norms of the EU.

Taking into consideration the current legal framework, if one is to refer to the principle of equivalence, for an imported product to be sold as an organic one, it has to comply with equivalent standards as those of European provenience. To ensure this, there are various procedures (according to the origin of the product) that the importers have to comply with when they intend to market a product as being an organic one.

According to Regulation (EC) No. 834/2007 in force at the moment, the products that are imported from a third country can be introduced on the EU market as organic products if they are the subject of a certificate of inspection issued by the competent authorities, i.e. either by the control authorities or the control bodies of a acknowledged third country, or by an acknowledged control authority or a control body acknowledged by the Commission.

For example, for products which originated in Argentina, Australia, Canada, Chile, Costa Rica, India, Israel, Japan, Tunisia, Republic of Korea, New Zealand, Switzerland and United States of America (which are recognised as “equivalent” countries), inspection and certification are carried out by the national authorities²⁵. The explanation resides in the fact that the national standards and measures of certification and control are considered equivalent to those existing in the EU member states. These imports from countries having “equivalence” agreements with the EU will remain in place until 31st December 2025. The list of third countries whose system of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No. 834/2007 can be found in Annex III to Commission Regulation (EC) No. 1235/2008²⁶.

For products which originate in third countries, other than “equivalent” countries, the inspection and certification of the organic are the responsibility of “those control bodies or authorities” nominated by the Commission, according to Annex IV of Regulation (EC) No. 1235/2008. One

²⁵ For more details about importing organic produce, see [https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade_en], 2 July .2019

²⁶ The Annex III with the list of third countries whose system of production and control measures for organic production of agricultural products are recognised as equivalent is available at [<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008R1235>], 2 July 2019.

can, therefore, notice that, theoretically at least, it is possible for the producers of the same product, from a country that does not have any equivalence agreements signed with the EU, to be subjected to different standards, given that the certification bodies establish their own set of norms.

Once the new Regulation on the organic farming enters into force, the equivalence regime shall be gradually replaced, between 2021 and 2023, by a regime in which the ecologic standards and the control systems of the control bodies will have to comply with the EU norms. As such, the unique set of norms for the organic farming is going to replace the current mixture of different standards, which are considered equivalent and which currently apply to the imported organic food products. Undeniably, the effects of this legislative reversal shall be notable since, on the one hand, they create the premises for a fair competition among all producers, and, on the other hand, they impose a certain quality standard for the similar product.

► At the same time, the Regulation sets procedural norms of certification that are simplified and less dense, in order to reduce the inspection and certification costs and the associated administrative burdens, strengthen local networks, contribute to better market outlets and ensure a level playing field with operators in third countries (paragraph 85 of the preamble to the Regulation).

Undoubtedly, organic certification is a process that implies certain costs, which, for the small farmers can sometimes become prohibitive. To make sure that they have non-discriminatory access to the organic certification, the Regulation develops specific procedures for group certification, leading this way to the reduction of costs per farmer and to the ease of adhering to the organic system.

Group certification implies that a certain number of small farmers can get organised and be certified as a single entity. The establishment of a farmer group has to be a voluntary process and, irrespective of the form of organisation set by the members of the group, it needs to have legal personality, which leads to the conclusion that the group might be represented by an association, a company or by any other form of association.

The criteria referring to the potential members of the group might be different, taking into account, for instance: the size of the land owned, the form of ownership, the form of administration, the localisation of the land, the spreading of the area and its geographical proximity, the type of

crop, etc. According to art. 36, paragraph 1 of the Regulation, the group shall only be composed of members whose production activities take place in geographical proximity to each other and who set up a joint marketing system for the products produced by the group.

At the same time, the Regulation also sets certain limits, as the group can only be formed by those members “of which the individual certification cost represents more than 2 % of each member’s turnover or standard output of organic production and whose annual turnover of organic production is not more than EUR 25 000 or whose standard output of organic production is not more than EUR 15 000 per year” or “who have each holdings of maximum five hectares, 0,5 hectares, in the case of greenhouses, or 15 hectares, exclusively in the case of permanent grassland” (art. 36 paragraph 1 letter b) of the Regulation).

The Regulation establishes as well restrictions, such as, for instance, for the members of the farmer group which are not entitled to obtain an individual certificate for any of the activities covered by the certification of the group of operators to which they belong. In other words, the farmers which are the beneficiaries of this certificate will be able to sell their certified products only through the group itself²⁷.

Obviously, the group certification also implies certain risks as the Regulation establishes *expressis verbis* that the competent authorities can withdraw the organic certificate if they find deficiencies in the internal control system of the group, imputable to one of its members, in particular as regards failures to detect or address non-compliance by individual members of the group of operators, which affect the integrity of organic and in-conversion products.

► Today the standard procedure foresees annual controls at the level of the EU member states. The new norms comply with this rule, with one exception applicable to the consecrated organic farmers for which the previous controls have not revealed any non-compliance affecting the integrity of organic or in-conversion products during at least three consecutive years. In this case, the national authorities can decide to subject them to control only once every two years (art. 38 paragraph 3 of the Regulation).

²⁷ Also see, ***, The new EU organic regulation: what will change?, available at [<https://www.ifoam-eu.org/en/news/2018/06/15/new-eu-organic-regulation-what-will-change>], 3 July 2019.

► Just like the current rule, the Regulation shall allow for the labelling of a product as an organic one if at least 95% of the agricultural ingredients are organic. The new norms of organic farming do not introduce any changes in what concerns the prohibition to use unauthorised substances, such as pesticides, and they set the precautionary measures that have to be taken in order to reduce the risk of accidental “contamination” with the pesticides used in the conventional crops located near the organic ones.

Conclusions

The *Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018* on organic production and labelling of organic products will definitely have a major impact on the future of the organic agriculture influencing the entire chain of activity beginning with the farmers, continuing with the processors, intermediaries such as: traders, retailers, certifiers, and finishing with researchers and consumers.

Throughout all this research paper making a brief overview on the main changes that can be expected in the near future, we have tried to bring to the light the possible opportunities that can be revealed through the implementation of the new legal EU framework.

In this context we can conclude that there are some measures intended to encourage the certification of new organic products taking into account the fact that now the farmers (even those with limited financial resources and reduced surfaces of land being under the organic management or small animal farmers or even in the case of small processors) can apply for a group certification, leading this way to the reduction of costs per farmer and to the ease of adhering to the organic system through association.

Moreover the new legal provisions represent a set of uniform measures applicable not only for EU farmers but also for those originated from third countries facilitating the recognition and the traceability of the organic food products. The conformity principle which is replacing the principle of equivalence is forcing the suppliers to comply with the same high standards and in the same time ensures the consumers of the fact that those bio products sold within the EU Single Market regardless of their provenience as long as being certified obey the same norms and principles.

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ORDNUNGSPOLITIK UND GEORDNETE EUROPÄISCHE
INTEGRATION

REGULATORY POLICY AND ORDERLY
EUROPEAN INTEGRATION

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Abstract

This paper investigates the role of USA in promoting of economic order (Ordoliberalism) in Germany after the second world war and further its impact on the bottom- up process of Europeanization. Moreover, the United States of America as a modern federation has become an inspiration for European federation concepts. The main hypothesis is contained in the statement that the depart from the policy of order by the USA has been disastrous for international order. The consequence of this was financial and economic crisis, which further deepened the EU and EMU disorder.

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Schlüsselbegriffe: *Vereinigte Staaten, Deutschland, Europäische Integration, Krise, Ordnungspolitik*

Vorwort

Die Finanz- und Wirtschaftskrise '2007+' hinterließ die Europäische Union in einem Zustand der Verwirrung. Bis heute bleibt der politische EU-Rahmen ungeordnet und obwohl die Vereinigten Staaten (zuerst für Deutschland und dann mit Deutschland zusammen) eine Inspiration für föderalistische Konzeptionen Europas lieferten, ist den gegenwärtigen europäischen Integrationstendenzen eher die Idee der Regierungszusammenarbeit (*intergovernmental approach*) näher. Und noch mehr: Von der Versuchung seinen ordnenden und konstituierenden Rahmen aufzugeben wurde das Grundbild des amerikanischen Systems destabilisiert und eine weltweite Krise war die Folge.

Im Beitrag wird eine Analyse der Einflussnahme der Vereinigten Staaten auf das deutsche Konzept der *Ordnungspolitik* unternommen, da ihre Ideen über den Europäisierungsprozess (*bottom-up*) auf die EU-Integrationskonzepte stark gewirkt haben.

Die Haupthypothese lässt sich insbesondere darauf zurückführen, dass die Aufgabe der Ordnungspolitik durch die USA - übrigens waren ja die Vereinigten Staaten die Fürsprecher dieser Politik gewesen – verheerende Folgen für die internationale Ordnung und eine die europäische (Un-)Ordnung vertiefende Finanz- und Wirtschaftskrise nach sich brachte.

Vereinigte Staaten als Mitgestalter der deutschen Ordnungspolitik und Inspiration für europäische Integration.

Die Entstehung der Vereinigten Staaten von Amerika als einer modernen Föderation, die auf republikanische und demokratische Ideale aufbaute inspirierte die Europäer zur Entwicklung föderalistischer Konzeptionen. Die Überlegung war, dass wenn die einzelnen, unterschiedlichen

und unabhängigen amerikanischen Staaten mit ihren jeweils eigenen Gepflogenheiten und Gewohnheiten mit der Teilung der Staatsgewalt in föderale und Staatenebene relativ erfolgreich zurecht kommen, die europäischen Staaten in einer ähnlichen Konstellation umso besser miteinander kooperieren könnten.

Bis Anfang des 21. Jh. hatten die europäischen Integrationskonzepte vorwiegend den Charakter eines Staatenbundes (*confederation*), der auf Allianzen setzen würde. Beispiel hierfür wäre die Gründung der Europäischen Wirtschaftsgemeinschaft (EWG), fundiert auf dem Charles de Gaulle'schen Gedanken eines „Europa der Vaterländer“ (*l'Europe des patries*), als eines Staatenbundes bei vertiefter Zusammenarbeit. Größte Bedenken de Gaulle's weckte aber die Perspektive der politischen und noch mehr der militärischen Erneuerung Deutschlands. Daher wollte er nicht zulassen, dass Deutschland gleichgestellt mit Frankreich als Motor der europäischen Einigung handelt. Deutsche Präsenz auf internationaler Arena könnte – so de Gaulle – die Gründung unabhängiger, gemeinschaftlicher Institutionen und übernationaler Strukturen nachdrücklich vorantreiben sowie die Gründungsinitiative einer Verteidigungs- und politischen Union verstärken. Daher setzte er größte Hoffnungen in die Zusammenarbeit mit Großbritannien und den USA und plante für Frankreich in einem locker integrierten, eher nationalen als gemeinschaftlichen Europa eine besondere Rolle. Er sah als Verbündete für diese konföderative Konstellation die Benelux-Länder: Belgien, die Niederlande und Luxemburg.

Ein gegensätzliches Konzept vertrat der deutsche Bundeskanzler, Konrad Adenauer, der den Weg zur Einigung in der europäischen Solidarität und der Gedanken- und Kultureinheit Europas erkannte. Das Streben nach einer „amalgamierten Sicherheitsgemeinschaft“ (Karl Deutsch) als einer politischen Union mit der Integrationsachse Deutschland und Frankreich war für ihn die Voraussetzung für europäische, integrierte Ordnung, Sicherheit und effektive Zusammenarbeit. Die Adenauersche föderalistische Konzeption sollte, als Voraussetzung für friedliche Koexistenz in Europa, zu einem geordneten, nationale Egoismen minimierenden, das Vertrauen zwischen Menschen und Nationen vertiefenden gesellschafts-politischen System führen. Die Überwindung von Spannungen und Gegensätzen, gute Beziehungen zu anderen Staaten d.h. Benelux-Ländern und Großbritannien, sollten die Wiederherstellung der durch die Sowjetunion ins Wanken gebrachten Balance ermöglichen und dabei Europa zum engen

Verbündeten der USA machen. In diesem Zusammenhang maß Adenauer den Worten von John Foster Dulles, amerikanischen Außenministers unter US-Präsident Dwight D. Eisenhower, eine besondere Bedeutung bei: „Wir betreiben in Europa keine deutsche Politik, wir betreiben in Europa keine französische Politik, es ist amerikanische Politik, die wir in Europa betreiben“¹.

Die USA förderten die Europapolitik Adenauers, da sie in der Bundesrepublik einen Bündnispartner, einen Mitstreiter der westlichen Welt sahen. Besonders erfolgreichen Beitrag erhofften sich die USA bei der Abwehr der politisch aktiven, dominanten kommunistischen Kräfte der Sowjetunion. Eine sichere Friedenspartnerschaft konnte aber nur ein wirtschaftlich starkes und in Europa integriertes Deutschland bieten. Daher auch intensive amerikanische Zusammenarbeit mit der Bundesrepublik beim Wiederaufbau der Finanz- und Wirtschaftsordnung. Ein Ausfluss dieser Intensität war die letztlich am 20. Juni 1948 durch den (damals parteilosen) Wirtschaftsminister der Adenauer Regierung, Ludwig Erhard eingeleitete Währungsreform, die seit Winter 1945 von amerikanischen Fachexperten vorbereitet wurde².

Der nächste Schritt war es den Rechtsrahmen zu bestimmen, also inhaltliche Gestaltung des Grundgesetzes, das auch auf dem festen Aufbau

¹ Zit. nach: W. Bokajło, *Koncepcja Europy Konrada Adenauera i jej realizacja w praktyce politycznej w latach 1954- 1954*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1995, S. 72

² Eine prägende Rolle bei der Vorbereitung der Währungsreform im Nachkriegsdeutschland spielten insbesondere Gerhard Colm, Joseph M. Dodge und Raymond W. Goldsmith sowie Edward A. Tenenbaum.

Zum Thema des massiven Beitrags zum Konzept der deutschen Währungsreform von E. Tenenbaum, dem wahren Leiter dieser Reform, äußerte sich anlässlich des 50. Jahrestages (1998) und des 60. Jahrestages (2008) der Durchführung dieser Reform der ehemalige Bundesbankpräsident, H. Tietmeyer. 50 Jahre Deutsche Mark Festakt der Deutschen Bundesbank, *Rede des Bundesbankpräsidenten, Der Präsident der Deutschen Bundesbank, Prof. Dr. Hans Tietmeyer*, hielt auf dem Festakt „50 Jahre Deutsche Mark“ in der Paulskirche zu Frankfurt am Main am 20. Juni 1998, <http://www2.hu-berlin.de/francopolis/ConsIV99-00/Tietmeyer.htm>, H. Tietmeyer, *Von der D- Mark zum Euro - 60 Jahre Währungsstabilität*, Wasserwerk-Gespräch der Konrad-Adenauer-Stiftung, <http://www.hans-tietmeyer.de/wasserwerkgesprachderkonradadenauerstiftung.html>

Siehe auch: J. Bokajło, *Reforma walutowa w Niemczech 1948r. ab ovo- niemiecki triumf, „gospodarczy cud“ czy przemyślany plan aliantów?* [in:] K. Gelles (Hrsg.), *Niemcoznawstwo. Republika Federalna Niemiec. Ustrój, społeczeństwo, gospodarka*, Nr. 19, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 2011, S. 29- 43

des demokratischen amerikanischen Gedankenguts fundiert wurde. Die Urheberschaft eines Fragments der Präambel des Grundgesetzes wird dem durch die Amerikaner ausgewählten Juristen, Verfassungsrechtler Carlo Schmid zugeschrieben. Es besagt, dass die Bundesrepublik Deutschland sich der Einheit und Freiheit Deutschlands sowie dem Dienste am vereinten Europa, im Namen der Freiheit verschreibt. Damit präzisiert das Grundgesetz ausdrücklich das finale Ziel der Integration, in die man auch die osteuropäischen Staaten mit einbezog. Dieses Ziel konnte nur in einem föderalistischen Konstrukt mit starker Akzentuierung der Rolle übernationaler Organe, insbesondere des europäischen Parlaments verwirklicht werden. Die institutionellen Fragen waren jedoch sekundär angesichts der notwendigen Festsetzung einer auf europäische Verfassung fußenden Rechtsordnung. Und die Verfassung sollte nicht durch Eliten vorgeschrieben, sondern unter Mitbeteiligung nationaler Parlamente verabschiedet werden. Die verfassungsrechtlichen Lösungen sollten mit den Grundsätzen des Völkerrechts konform sein und somit Interessen schwächerer Mitgliedstaaten sichern.

Deutschland würde zum Vorbild werden, sollte es seine souveränen Rechte übernationalen Institutionen übertragen, was zusätzlich die Vision der kollektiven Sicherheit im Rahmen der „Vereinigten Staaten Europas“³ institutionalisiert hätte. Das wiederum würde für die internationale Gemeinschaft den Beweis erbringen, dass es den Deutschen daran gelegen ist, eine nachhaltige Integration, eine europäische Politik nicht durch hierarchisierte Unterordnung und Zentralisierung, sondern in Anlehnung an freiwillige Regierungsvereinbarungen und den internationalen Konsens zu gestalten. Diese Haltung der Deutschen war fast vorprogrammiert, da ihnen die Idee des „geordneten Systems“ durch in die deutsche politische Kultur implementierte sog. *Ordnungspolitik* eingepflegt wurde. Die Ordnungspolitik stütze sich auf die Interdependenz der jeweiligen Einzelordnungen: der Wirtschafts-, Staats-, Rechts-, Sozial- und der axiologischen Ordnung und ihre Idee wurde von Walter Eucken als *'Interdependenz der Ordnungen'* von Max Weber übernommen, der eine auf Vernunft aufbauende Realitätswahrnehmung durch *'Denken in Ordnungen'* anstrebte. In hohem Maße knüpfte sie an liberale Freiheitsprinzipien und ihre Konzeption des Transparenz, Gleichstellung,

³ G. Hirsch, *Carlo Schmid und die Gründung der BRD. Eine politische Biographie*, „Politikwissenschaftliche Paperbacks“, T. 9, Bochum 1986, S. 277.

ethisch-moralische Grundsätze währenden Wettbewerbs an, also genau daran, worauf die amerikanischen Staaten ihre Souveränität in der Aus-Vielen-Eines- Gemeinschaft aufbauten. Für Europa war das amerikanische Konzept einer pluralisierten und, wie es Karl Deutsch nennen würde, „amalgamierten Sicherheitsgemeinschaft“ inspirierend, allein schon durch Bezugnahme auf axiologische Wurzeln der Aufklärungszeit. Dieses Modell stütze sich auf demokratische Tradition, Menschen- und Bürgerrechte, die für europäische Staaten mit den Parolen der Französischen Revolution einher gingen: Freiheit, Gleichheit und Brüderlichkeit. Das Zugehörigkeitsgefühl sollte aus freiwilliger, gleichgestellter – also liberaler - Partizipation souveräner Träger erwachsen, die sich entschieden im Sinne der geteilten Souveränität oder anders „souveräner Gleichheit“ nach dem Art. 2 Pkt 1 der Charta der Vereinten Nationen⁴ einen Teil ihrer hoheitlichen Macht und Zuständigkeiten in die Ebene unabhängiger übernationaler Institutionen abzugeben. Einerseits sollte dieses integrierte System, an das Subsidiaritätsprinzip angelehnt, die Ordnung mannigfaltiger internationaler Beziehungen einzelner Träger (Nationen, Staaten) gestalten; andererseits waren Effizienz und Funktionssicherheit dieses Systems durch Teilung der Kompetenzen und die sog. horizontale Verantwortung d.h. Einschränkung der politischen als auch der Wirtschaftsmachtkonzentration bedingt⁵. Das Ziel der horizontalen Verantwortung, oder mit anderen Worten, das Ziel jedes Staates in der Föderation, sollte Wohlstand und die Fähigkeit sein und die Bedürfnisse einer bestimmten Gemeinde, eines bestimmten Landes, zu befriedigen. Bundesbehörden sind ein Schutzschirm für nationale Behörden, die sich nach dem Grundsatz auf nationale Fragen konzentrieren können: so bürgernah wie möglich; darüber hinaus führt die Gewaltenteilung im föderalen System nicht zur Monopolisierung der Zentralregierung. Dank der geteilten Souveränität, die auf dem Subsidiaritätsprinzip beruht, werden bestimmte Zuständigkeiten an mindestens zwei Regierungsverordnungen übertragen und delegiert. Machtverteilung ist sowohl vertikal organisiert,

⁴ J. Jaskiernia, *Suverenność państwa i suwerenność narodu a konsekwencje członkostwa państwa w organizacjach międzynarodowych ze szczególnym uwzględnieniem Unii Europejskiej*, [in:] P. Stawarz, T. Wallas, K. A. Wojtaszczyk (Hrsg.), *Suverenność państwa członkowskiego Unii Europejskiej*, Instytut Europeistyki Uniwersytetu Warszawskiego, Warszawa 2017, S. 76

⁵ A. Antoszewski, *Suverenność ludu- podejście liberalne*, [in:] P. Stawarz, T. Wallas, K. A. Wojtaszczyk (Hrsg.), *Suverenność państwa członkowskiego Unii Europejskiej*, Instytut Europeistyki Uniwersytetu Warszawskiego, Warszawa 2017, S. 35

dh. zwischen der Europäischen Union und den Mitgliedstaaten, als auch horizontal zwischen der Exekutive und der Legislative. Wie Tanja A. Börzel festgestellt, sind die Vereinigten Staaten ein Beispiel für eine vertikale Gewaltenteilung mit einer klaren Aufteilung der Zuständigkeiten und Verantwortlichkeiten nach Politikbereichen (dh. eine klare Aufteilung der Zuständigkeiten in Machtstufen ist erkennbar). Auf der anderen Seite stellt Deutschland ein Modell dar, das auf der Aufteilung der politischen Funktionen basiert, was bedeutet, dass Kompetenzen häufiger sind und die individuellen Autoritätsebenen weniger selbstbestimmend sind; dieses Modell ist eine engere europäische Zusammenarbeit, obwohl es nicht eine Föderation bezeichnet werden kann⁶.

Um es zu rekapitulieren: Die Vereinigten Staaten waren seit Ende des Zweiten Weltkriegs *in puncto* demokratische, liberale und föderalistische Werte Leitbild für das sich integrierende Europa. Insbesondere die Idee der Zivilgesellschaft von Thomas Paine beeinflusste die Entwicklung des europäischen föderalen und demokratischen Gedankenguts⁷.

Eine eigene Rolle bei der Gestaltung der europäischen Ordnung übernahm aus US-amerikanischer Sicht die Bundesrepublik Deutschland, der die Vereinigten Staaten den Geist einer Politik der Ordnung, Zusammenarbeit und das Narrativ der Nachhaltigkeit einimpften. Ziel dieser Politik war es, die Risiken von Radikalismen und Nationalismen und ihren Folgen, dem Rückfall der Nationalwirtschaften in Autarkie, und in politischem Sinne autoritäre und diktatorische Regierungsformen zu minimieren. Die föderalistische Systemorganisation von Wirtschaft und Politik in Deutschland sollte zum Funktionsmodell für die künftige Europäische Union werden. Sein Gefüge - mit der Macht - und Kompetenzteilung in die Ebene der Regierungskooperationen (zwischen nationalen Institutionen), übernationale Ebene (zwischen Gemeinschaftsinstitutionen, in der Ebene der Integrationsstruktur) sowie Regierungs- und übernationale Ebene (Koordinierung der Maßnahmen zwischen Mitgliedstaaten und den EU-Organen und ihre Interdependenz – nach dem Prinzip der *'Interdependenz*

⁶ T. A. Börzel, *What Can Federalism Teach Us About the European Union? The German Experience*, The Royal Institute of Internationale Affairs, Paper prepared for the Conference „*Governing together in the New Europe*“, Robinson College, Cambridge, 12-13 April 2003, S.4-6

⁷ Mehr dazu: W. Bokajto, *Amerykański model federalizmu*, [in:] W. Bokajto (Hrsg.), *Federalizm. Teorie i koncepcje*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1998, S. 40- 47

der Ordnungen') – sollte sich durch neoliberalen Ansatz auszeichnen, der auch für den deutschen Stil kennzeichnend war. Was als entscheidender Vorteil dieses neoliberalen, deutschen Ansatzes, sog. Ordoliberalismus galt, war die Strukturierung des klassischen Liberalismus und die Anpassung seiner Grundsätze an die modernen Herausforderungen (Europäisierung und Globalisierung). Es handelte sich darum, dass die europäische Ordnung:

- dem orthodox physiokratischen *Laissez-faire*-Prinzip nicht wieder verfällt, welches die Kultur- und zivilisatorischen Prozesse verdrängte, zu sozialen Dichotomien führte und über soziale Bedürfnisse hinweg sah;
- die Wirtschaftsfreiheiten in Rechtsrahmen und Regeln des freien Wettbewerbs ordnet (insbesondere die positive Freiheit im Sinne von I. Berlin, „Freiheit zu“): Vertragsfreiheit, Unternehmensfreiheit, Arbeits- und Kapitalfaktoren, Eigentum;
- an die in Vergessenheit geratene Tradition schottischer Moralisten anknüpft und den Drang nach materiellen Vorteilen mit Egoismus und Mangel an Moralprinzipien als desintegrativen Faktor dämpft⁸.

Nun stellte sich inzwischen heraus, dass die Umsetzung theoretischer Voraussetzungen in die Praxis der internationalen Ordnung viele Zweifel offen lässt. Eine Folge mangelnder Konsequenz beim Aufbau der nachhaltigen, das Wohl der Vielen in Einem anstrebenden Struktur wurde die Weltkrise „2007+“, die sich aus dem Überschwappen der amerikanischen (Un-)Ordnung entwickelte. Sie traf die unionseuropäische (Un-)Ordnung und intensiviert die Mängel der Umsetzung von konstituierenden und regelnden europäischen Grundsätzen.

In der EU haben die Mitgliedstaaten aus freien Stücken (in Erfüllung der Einstimmigkeitsaufgabe bei Umsetzung der Konvergenzgrundsätze, Kopenhagener Kriterien und Unterzeifodrchnung jeweiliger Verträge) darin eingewilligt, in Kooperation und in durch gemeinsam geschaffene Regeln abgestimmten Rahmen eine Maximierung individueller Zielsetzungen anzustreben. Diese Vorgehensweise – bedingt eben durch Freiwilligkeit und Einstimmigkeit – erlaubte, zumindest theoretisch, das Optimumskriterium nach Pareto in kollektiver Zusammenarbeit zu erfüllen. Die Mitgliedstaaten

⁸ W. Sadurski, *Neoliberalny system wartości politycznych*, Państwowe Wydawnictwo Naukowe PWN, Warszawa 1980, S. 77

haben nämlich sowohl formal (in Verträgen festgeschrieben) als auch informal (Zusagen, politische Deklarationen) einen sie bindenden Gesellschaftsvertrag geschlossen. Der Neoliberalismus erwies sich als die ökonomische Strömung für institutionelle (formale und informale) Lösungen besonders im Rahmen der Wirtschafts- und Währungsunion (WWU). Man verwarf den klassischen Liberalismus wegen seiner Schwäche - der Orientierung auf das verabsolutierte *Laissez-faire*-Prinzip, und insbesondere wurde auch seine „gallikanische“ Form nicht akzeptiert. Für eine so differenzierte Gemeinschaft, wie die EU war die Idee des 'Nachtwächterstaates' keine Lösung; wegen der Unzuverlässigkeit des freien Marktes wäre sie nicht imstande sichere, angemessene, d.h. effiziente Umverteilung der Gemeingüter (im weitesten Sinne, d.h. der Wirtschafts-, Sozial-, institutioneller u. ä. Güter) zu gewähren.

Im Lichte der Originalauslegung von Neoliberalismus⁹ betrachtet ist die Ordnung der EU und noch mehr der WWU in bestimmten Rahmen strukturiert und ihre Einhaltung für die Mitgliedstaaten vertraglich bindend. Die Krise hat aber nachgewiesen, dass einige Mitgliedstaaten ihre Zusagen nicht wahr gemacht haben und gegen die beschlossenen Regelsätze verstießen, ähnlich wie die Vereinigten Staaten, die weg von der neoliberalen Tradition und hin zur massiven staatlichen Intervention und langfristigen Interventionsmaßnahmen übergingen, da die letzteren im Sinne der keynesianischen Ansätze wachstumsfördernd wirkten.

⁹ Die neoliberale Auslegung wurde zum ersten Mal im August 1938 in Paris im sog. Lippmann Kolloquium vorgestellt, das auf Initiative von L. Rougier einberufen wurde. Walter Lippmann arbeitete die neue „*Agenda des Liberalismus*“ (*L'Agende du Liberalisme*) heraus, die auf "Grundsätzen der guten Gesellschaft" (*W. Lippmann: An Inquiry into the Principles of the Good Society*) beruhte, einerseits die marktwirtschaftliche Ordnung förderte, andererseits mit Nachdruck auf Organisation in Anlehnung an starke Rechtsprinzipien (in Form von Verfassung), axiologische Vernunft, auf christliche Prinzipien, insbesondere kirchliche Soziallehre und institutionelle Stabilität aufbaute.

Siehe: *L'Agenda libéralisme*, Compte – rendu des séances du Colloque Walter Lippmann, Paris 1939, s. 33, [nach:] W. Sadurski, ...op. cit., S. 93 – 94, 97;

W. Röpke, *Civitas Humana. Grundfragen der Gesellschafts – und Wirtschaftsform*, Erlenbach – Zürich 1944, S. 38

Die Finanz- und Wirtschaftskrise als Konsequenz von Verstößen gegen die Ordnungspolitik.

Durch Globalisierung, Internationalisierung und wandelnde multilaterale zwischenstaatliche Konstellationen erwies sich entschiedenes Bewahren der integren und organisierten Ordnung in der Organisationsebene der EU bzw. der Weltmächte wie die USA als unvorstellbar schwierige Aufgabe. Es schien, als ob die Welt dem geordneten Neoliberalismus nun den Rücken kehre und nunmehr nur an unbeschränkte, unverantwortliche Freiheit fest glaube. Man erlaubte den Kapitalmärkten von den Regulierungsrahmen abzusehen und die Wirtschaft driftete weg vom Pfad der qualitativen Entwicklung in Richtung Konsumtionismus, methodologischer Individualismus und rein quantitatives, durch idealisiertes BIP ausgedrücktes Wachstum ab. Der Verzicht auf das Interdependenz-von-Ordnungen-Prinzip und bewusst gewählte, dominante Rolle nur einiger unter ihnen, störten das Gleichgewicht des integrierten Systems. Ein Anzeichen dafür ist z.B. das Phänomen der Finanzialisierung, also Trennung des Finanzsektors von der Realwirtschaft, was zur Umsteuerung der Überschüsse vom tradierten Produktionssektor in den Finanzsektor führte¹⁰. Gerade die USA, die ja die *Ordnungspolitik* der Nachkriegszeit in der Bundesrepublik förderten und sie anschließend dazu salbten, die ordoliberalen Idee sowohl in die EU-Ebene zu tragen als auch in die WWU-Struktur zu implementieren, wurden zu einem Destruktor dieser Ordnung. Eine Exemplifizierung dessen brachte die Weltwirtschafts- und Finanzkrise, die ihre Symptome bereits 2001 zeigte, als an der amerikanischen Börse die spekulative Internet-Marktblase (*dot-com bubble*) infolge der Deregulierung des Kreditsystems geplatzt war. Die Angst vor immer weiter um sich greifenden Wirtschaftsrezession veranlasste den Vorstand der Fed (der Federal Reserve der Vereinigten Staaten) sich für die Senkung der kurzfristigen Zinssätze zu entscheiden. Mit diesem Zug

¹⁰ Das Phänomen der Finanzialisierung stört den wirtschaftlichen Kapital- und Warenverkehr, d.h. die Relation zwischen Produktion, Warenaustausch, Märkten und dem Finanzsektor. Das Geld dient nicht dem Warenaustausch, was die Produktion antreibt, sondern wird in Geldkapital konvertiert. Die Banken übernehmen hierbei die Mittlerrolle, indem sie das Geldkapital vom produktiven Kapital trennen, was dem Interdependenzprinzip widerspricht. Das Finanzkapital erzeugt Überschüsse, die aber im Produktionssektor fehlen, und es entsteht somit ein *sui generis* Monetärimperialisimus-System.

Mehr dazu: K. Plys, *Financialization, Crisis, and the Development of Capitalism in the USA*, [in:] *World Review of Political Economy*, Vol. 5, No. 1, 2014, S. 24-44

wurde ein Impuls gegeben, der den wachsenden Bedarf an Immobilien und Interesse an zugänglicheren Krediten sowie den Werteverfall verzinsten Bankanlagen auslöste. Die steigende Nachfrage leitete letztlich zum akuten Preisverfall am Immobilienmarkt¹¹. Zu lange wurden die Zinsen auf niedrigem Niveau gedrückt, was einen Liquiditätsüberhang bei den Banken verursachte und diese die riskante Aktion von Massenkrediten einleiteten. Insbesondere waren es die Hypothekenkredite, d.h. *Subprime Loan* sowie *Subprime Mortgage*¹², die ohne redliche Bonitätsprüfung der

¹¹ Kritik dafür traf den damaligen Chef der Federal Reserve, Alan Greenspan, da er angeblich zum sog. „Aufpumpen“ der Immobilienblase beitrug.

Richard W. Fisher, Generaldirektor der Federal Reserve Bank in Dallas stellte fest, dass die Zinsfußpolitik der FED in den Jahren 2000 – 2003 durch das Verhüllen der realen Inflationsniveaus verursacht war.

In einer Rede vor der *New York Association for Business Economics* in November 2006 sagte Fisher: „ein guter Zentralbanker weiß, wie kostspielig für die Wirtschaft unvollständige Daten sein können. Dies betrifft besonders die Teuerungsraten. Zum Ende 2002 und anfangs 2001, zum Beispiel, waren die schlüsselwichtigen Eckwerte PCE Inflationsrate Vorgabe für die Zinsfußbestimmung in einer Höhe von 1%, unter der Untergrenze (Aut.; unter der Inflationsrate). Zu dieser Zeit entwickelte sich die Wirtschaft in Schüben. In Hinsicht auf die Häufigkeit der negativen Schockwellen der beiden Vorjahre, zeigte sich die Fed durch die niedrige Resistenz der Wirtschaft gegen sonstige Schocks besorgt“. Es ist zu vermerken, dass zwischen dem Jahr 2004 und 2006 der Vorstand der Fed die Zinssätze 17 mal erhöhte, von 1% auf 5,25% (2006). Die Fed enthielt sich weiterer Manipulationen wegen der Sorge, dass die beschleunigten Zinssenkungen auf dem Immobilienmarkt eine Schwächung der gesamten Wirtschaft verursachen können.

Board of Governors of the Federal Reserve System, *Open Market Operations*, <http://www.federalreserve.gov/monetarypolicy/openmarket.htm> [Zugangsdatum 20.02.2019];

K. M. Bianco, *The Subprime Lending Crisis: Causes and Effects of the Mortgage Meltdown*, 2008, http://business.cch.com/bankingfinance/focus/news/Subprime_WP_rev.pdf, s. 4 - 5 u. f

¹² Sog. *Subprime*-Kredite wurden an NINJA-Kunden (*no-income, no-job, no-assets*) mit niedriger Bonität bzw. schlechter Kreditgeschichte; u.a. niedrigem Einkommensniveau bzw. ohne Einkommensnachweis, mit Schuldentilgungsrückständen oder hohen Kreditverbindlichkeiten gewährt. Es soll auch das nicht unerheblichen Wachstum der Kreditaktion vom Typ *Subprime* betont werden. Vor 2005 lag deren Wert bei 10% sämtlicher nicht getilgten Hypothekenkrediten. Ein Jahr später erhöhte sich das Niveau der Kredite mit erhöhtem Risiko auf den Doppel und erreichte 20%.

M. G. Crouhy, R. A. Jarrow, S. M. Turnbull, *The Subprime Credit Crisis of 07*, September 12, 2007, Revised July 4, 2008, <https://www.fdic.gov/bank/analytical/cfr/bank-research-conference/annual-8th/turnbull-jarrow.pdf>, S. 4f,

IMF, *Global Financial Stability Report October 2007. Financial Market Turbulence. Causes, Consequences, and Policies*, World Economic and Financial Surveys, Washington 2007, S. 7

Kreditnehmer vergeben wurden. Mit den *Subprime*-Darlehen, die anfangs durch die Wertsteigerungen der Immobilien abgesichert waren, wurde der Traum vom eigenen Wohnraum für fast alle Bürger zur erreichbaren Wirklichkeit, sogar für diejenigen, denen unter normalen Bedingungen der Kredit nie genehmigt werden würde¹³. Proportional zu den gewährten Krediten stieg auch die Vergütung der Hypothekemakler, die aus dem Kreditabschluss kein Risiko zu tragen hatten. Im Gegenteil: sie wurden ja im Prämiensystem vergütet, waren also bestrebt möglichst hohe, nicht unbedingt finanzsichere und stabile Kundenpotentiale zu gewinnen. Die Lawine der Hypothekenkredite wurde durch Susan M. Wachter von der Managementfakultät der Wharton Business School der Universität Pennsylvania als „*erste, die eine Krise im bankexternen Finanzsektor herbeiführte; früher haben derartige Ereignisse zur Entschleunigung der Wirtschaft durch Krisen am Kreditmarkt im Banksektor geführt*“¹⁴ bezeichnet.

In 2006 hat die für Geldpolitik und Bankaufsicht zuständige Fed wegen zunehmender Inflation die Zinsen auf 5,25% erhöht, wodurch die Kreditzinsen nach oben schnellten¹⁵. Die bisherigen

Die Darlehn vom Typ *Subprime* durch variable Verzinsung gekennzeichnet (*adjustable rate mortgage, ARM*), die deutlich unter der Festverzinsung liegt (*fixed rate mortgage, FRM*). Ein unerwarteter Preissteigerungstrend zur Zeit ihrer Tilgung kann in eine Kreditfalle führen. Die Immobilienmakler, die eine hohe Prämie für die Kreditabschlüsse erhalten, streben den Nachweis möglichst vieler Abschlüsse an und sie schlagen vor die ersten zwei Jahre nach einem festen Zinssatz zu tilgen, und die nachfolgenden 28 Jahre nach variablem, bzw. umgekehrt: anfangs tilgt der Kreditnehmer nur die Zinsen, erst nach einer bestimmten Zeit wird das Darlehn vollständig verzinst, d.h. es steigt die Höhe der Kreditsumme.

Siehe: E. Gostomski, *Życie na krawędzi czyli rynek hipoteczny w USA*, „Gazeta Bankowa”, 2008-01-11 [Zugangsdatum: 19.01.2019]

¹³ Zur milderen Wohnungskreditpolitik wurden die Banken durch das im Oktober 1977 durch den 96. Kongress der Vereinigten Staaten verabschiedete Gesetz, das Präsident J. Carter unterzeichnete verpflichtet. Das Ziel des Gesetzes war es die schwachen Bevölkerungsschichten zu schützen; natürliche Personen wie auch Unternehmen mit geringem bzw. mäßigen Einkommen vor einer Diskriminierung durch die Banken. Manche Wirtschaftsfachleute und Politiker argumentieren, dass dieses Gesetz den Anfang von Risikokrediten durch Lockerung der Standards der Kreditgewährung im ganzen Bankensektor machte, da die Banken so durch die Regierung zu Kreditvergabeaktionen angeregt wurden. Diesen Einwand wehren Ökonome der Federal Reserve und die Federal Deposit Insurance Corporation (FDIC) ab. Mehr dazu: V. McKinley, *Community Reinvestment Act. Ensuring Credit Adequacy or Enforcing Credit Allocation?* [in:] T. A. Firey (Hrsg.), *Regulation Magazin*, Cato Institute 1994, NR. 4, S. 25 - 37

¹⁴ K. M. Bianco, *The Subprime Lending Crisis...* op.cit., S. 3

¹⁵ *Ibidem*, S. 5

Immobilienpreissteigerungen, die das Risiko der Banken aus Kreditvergabe an sog. NINJA-Kunden¹⁶ ausglich, gingen zurück durch Drosselung neuer Kreditvergaben, da die akute Steigerung der Tilgungsraten die finanziellen Möglichkeiten der Kreditnehmer sprengte; und so verloren auch durch diese Kredite besicherte Anleihen ihren Wert. Zusätzlich wurde durch Spekulationen ihr Kurs besonders volatil. Die säumigen *Subprime*-Kredite häuften sich, dagegen den bankexternen Finanzinstituten, in die die Banken das Risiko aus diesen Vorgängen transferierten, fehlten die Mittel zur Tilgung von hauseigenen Verbindlichkeiten¹⁷. So breitete sich die Krise auch auf die Sphäre der Realwirtschaft aus, und peinliche Folgen trafen vor allem die Kapitalmarktteilnehmer: Handelsbanken, Fonds, Investment-, Renten und Versicherungsfonds, aber auch natürliche Personen.

Die Europäische Union hat auch die negativen Auswirkungen der Finanzkrise gespürt, u. a. aufgrund mangelnder Systemstabilität¹⁸. Nach dem ordnungspolitischen Auffassung, es fehlt die Rahmen für die Koordination und Regulierung nicht wirtschaftlicher Prozesse, sondern institutionelle Bedingungen, unter denen diese Prozesse stattzufinden. Das föderale Konzept von Europa wurde von Großbritannien abgelehnt und immer wieder ist, aufgrund seiner technokratischen Vision und Zentralisierung, d. h. des Entzugs der Souveränität an die Nationalstaaten zugunsten der supranationalen Institutionen.

Auf der anderen Seite, man spricht über Defizitdemokratie, besonders jedoch Griechenland und andere südliche Staaten haben einen Groll gegen die Ungleichheit in der Wirtschafts- und Währungsunion. Die föderale EU kann die Lösung für all diese Probleme sein, aber dies erfordert der Einverständnis zu einer offenen Debatte zwischen den Mitgliedstaaten über den Weg zu ihren gemeinsamen Interessen. Es ist jedoch sicher, dass die EU kein Föderation im Sinne eines Bundesstaates wird. Vielleicht wäre das Beispiel der amerikanischen Föderation und eine entschlosseneren, sektorale Organisationsform der europäischen (Un)Ordnung eine Antwort auf die Probleme der EU sein.

¹⁶ Englische Abkürzung für Personen, die keine Arbeit haben oder keine Kreditwürdigkeit haben - *No Incomes, No Job, No Assets*

¹⁷ Massiv riskante *Subprime*-Kredite wurden durch hohe Immobilienpreise besichert, deren Verfall brachte die Banken in eine Lage, in der sie durch obligatorische Übernahmen zu Eigentümern immer größerer Anzahl immer weniger werter Immobilien wurden (*foreclosure*)

¹⁸ N. Veron, *EU financial services policy since 2007: crisis, responses and prospects*, Working Paper, Issue 06, Bruegel, Brussels 2018

Schlusswort

Die Konsequenzen der Aufgabe des Interdependenzprinzips der Ordnungen durch Vereinigte Staaten wurden über Transmissionskanäle der Globalisierungs-, Internationalisierungs- und Europäisierungsprozesse in die (Un-) Ordnung der EU transferiert. Deutschland, die stärkste EU-Volkswirtschaft, haben diese Konsequenzen als erstes und am härtesten getroffen. *„Im Sommer 2007 hat man nicht wirklich verstanden, welche Risiken da zu uns rüber schwappen. Erst im Herbst 2008, nach der Pleite von Lehmann Brothers, hat man so richtig begriffen, wie schlimm diese Krise ist“*¹⁹. Als die Finanzkrise Deutschland erreichte, konnte anfangs niemand, auch keine Bankiers vermuten, dass sie ein solches Ausmaß annehmen wird; *„Die Krise des US-amerikanischen Hypothekenmarktes im Subprime-Bereich hat sich auf die IKB Deutsche Industriebank AG ausgewirkt“*²⁰, kommentierte lapidar das Düsseldorfer Institut. Und sie war in der Tat die erste, die Privatbank mit Sitz in Düsseldorf, insbesondere ihre Zweckgesellschaft, *Rhineland Funding Capital Corporation LLC*, die bereits 2007 Liquiditätsprobleme erlebte.

*„Wir haben nicht mehr allein den Patienten Finanzindustrie vor uns, nicht nur die Krise der Finanzzentren New York oder London. Die gesamte reale Wirtschaft bis nach Ostasien, nach Afrika und Lateinamerika ist zum gefährdeten Patienten geworden. Vor allem in New York und in London haben wir es zu tun mit einer Kombination von hoher Intelligenz samt mathematischer Begabung, extremer Selbstsucht und Selbstbereicherung bei Abwesenheit von ausreichender Urteilskraft und von Verantwortungsbewusstsein. Man kann dieser Krankheit einen Namen geben; hemmungslose Habgier“*²¹. So bezeichnete Altkanzler Helmut Schmidt die finanzielle Destabilisierung und „nonchalante Ignoranz“ von Regierungen und Behörden, welche die Missbrauchsversuchung (*moral hazard*) verursachten.

Gerade durch Deutschland wurde die Position der Vereinigten Staaten als Hüter liberaler Ordnung und Verfechter föderaler Leitbilder in der EU-europäischen *Ordnungspolitik* angezweifelt. Trotzdem sind die

¹⁹ Hannoversche Allgemeine, *3 Jahre Wirtschaftskrise, Deutschland und die Krise: Von der IKB bis Athen*, 26.07.2010, <http://www.haz.de/Nachrichten/Wirtschaft/Deutschland-Welt/Deutschland-und-die-Krise-Von-der-IKB-bis-Athen> [Zugangsdatum: 21.02.2019]

²⁰ Ibidem

²¹ H. Schmidt, *Wie entkommen wir der Depressionsfalle?* Die Zeit, <http://www.zeit.de/2009/04/Wirtschaftskrise> [Zugangsdatum: 23.02.2019]

Deutschen noch immer den Meinung, dass eine Wiederkehr zur auf axiologische Werte, Zusammenarbeit und Interdependenz der Systeme aufbauenden Ordnungspolitik erwünscht und erforderlich ist²². Sie sei die Voraussetzung, um von den Defekten der Demokratie, stark nationalistischen Tendenzen, Populismen, euroskeptischen Stimmungen weg und wieder auf den unentbehrlichen Weg der politischen Stabilität und des „Gemeinschaftsgefühls“ zurück zu kommen, hin zur „pluralistischen Sicherheitsgemeinschaft“.

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²² Manifest verfasst von einer Gruppe von Experten für Auslands politik im deutsch-amerikanischen Verhältnis, *In Spite of It All, America: A Trans-Atlantic Manifesto in Times of Donald Trump – a German Perspective*, The New York Times 11.10. 2017, <https://www.nytimes.com/2017/10/11/world/europe/germany-united-states-trump-manifesto.html> [Zugangsdatum: 23.02.2019]

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MORPHOLOGICAL ANALYSES OF RROMANI TERMS RELATED TO LAW

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Abstract

In this short article we focus upon some Rromani terms related to the law. Starting by explaining the usage of double rr in Rroma (noun) and Rromani (adjective) which are preferred by some scholars of Rromology to avoid misunderstanding with Roma, Romania etc., we present shortly what are divàno “debate”, Rromani kris or stabor “the Rromani court” and krisima “ordeals” recorded about 100 years ago in Transylvania and some Rromani expressions used in the Romani court. They are considered as old customs among traditional Rroma. But making an morphological and etymological analysis of them, we arrive at the conclusion that they are all loanwords. It suggests that these customs should come from the other nations, though we can not deny the possibility of adopting only terms into their own customs.

Key words: Rroma, Rromani court, ordeals, etymology, loanwords

1. The use of *rr* in Rromology

1.1. *Rrom* and *Rromani*

We begin by explaining the spelling of *Rrom* and *Rromani*. In English *Roma* (the name of the people) and *Romany* (their language or the adjective) are quite popular, but some of *rromologists* (specialists who are

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involved in the studies about Roma and their language) prefer to use the spells *Rroma* and *Rromani*. The reasons are:

1. that they want to avoid misunderstanding with *Roma*, *Roman*, *Romania* and *Romanian*. Sometimes I met people, who say that their name *Rroma* comes from *Romania*, because they come from there. But it is not true.
2. that there are two types of *r* in Rromani language: *r* and *rr*. The majority of Rromani speakers distinguish these two sounds. The simple *r* is pronounced as in Italian *r*. But the sound *rr* is described by International Phonetic Alphabet, depending on dialect, [ɽ] (retroflex flap), [ɾ] postalveolar flap, [rr] (doubled alveolar trill), [r̥] (extra short r), [ɣ] (voiced velar fricative), [x] (voiceless velar fricative), [ʁ] (voiced uvular fricative), or, in some dialects the difference between *r* and *rr* has been lost and it is pronounced like *r*¹. All these sound described by *rr* comes from the old indic retroflex sound [ɖ] (ḍ in Sanskrit) and [ʈ] (ṭ in Sanskrit). For example, Middle Indo-Aryan *ḍohi, ḍoha > Rromani rroj “spoon” and MI peṭṭa > Rrom. perr “belly”². The noun rrom comes from pk. OI ḍomba- “member of a caste of singers or musicians”³.

So, the use of *rr* in Rromani studies is practical and also etymological⁴.

1.2. The concept of *Rroma*, *Gaze* and the adjective delivered from *rrom*

To understand the culture and customs of Roma, we need to know that there are two kinds of words, depending on ethnicity, which mean “human” in the Rromani language.

¹ Marcel Courthiade, *Morri angluni rromane čhibăqi evroputni lavustik*. How to read Rromani? on the inside cover, Budapest: Romano kher, 2009.

² Marcel Courthiade, ECRRO2B13, p. 6.

³ Norbert Boretzky, Birgit Igla, *Wörterbuch Romani Deutsch Englisch mit einer Grammatik der Dialektvarianten*, Wiesbaden: Harrassowitz Verlag, 1994, p. 250.

⁴ In the 4-th International Rromani Congress held in April 1990 in Warsaw, a decision about the international common Rromani alphabet by was adopted under the patronage of UNESCO. Here is the alphabet used also in this article and the phonetical correspondence by IPA: *Vowels*: a [a], e [e], i [i], o [o], u [u], ä ši ë [ɛ], ĩ [i], ö [ø], ü [y], e [ɛ], -ă [-ɪa], -ě [-ɪe], -ĩ [-ɪi], -õ [-ɔ], -ũ [-u]; *Consonants*: b [b], c [ts], ć [tʃ], čh [tʃʰ], d [d], f [f], g [g], h [h], x [x], j [j], k [k], kh [kʰ], l [l], m [m], n [n], p [p], ph [pʰ], r [r], rr [rr/r:], s [s], ś [ʃ], t [t], th [tʰ], v [v], z [z], ź [ʒ], ʒ [dʒ], w = u which comes from softened v; the postpositional letters -q-, -θ-, -ç- appear usually in flexions. The phonetical values are -q- [k], -θ- [t], -ç- [s], but only after -n- -q- [g], -θ- [d], -ç- [ts].

	Who has the Rroma ethnicity	Who doesn't have the Rroma ethnicity
Adult man	<i>rrom</i> (sg.) / <i>rroma</i> (pl.)	<i>gazo</i> (sg.) / <i>gaze</i> (pl.)
Adult woman	<i>rromni</i> (sg.) / <i>rromnă</i> (pl.)	<i>gazi</i> (sg.) / <i>gază</i> (pl.)
Minor man	<i>čhavo</i> (sg.) / <i>čhave</i> (pl.)	<i>raklo</i> (sg.) / <i>rakle</i> (pl.)
Minor woman	<i>čhaj</i> (sg.) / <i>čhaja</i> (pl.)	<i>rakli</i> (sg.) / <i>raklă</i> (pl.)

As we see, their official name *Rroma* (*Roma*) comes from the plural form of *rrom*, which means “man of the Rroma ethnicity”. The adjective delivered from *rrom* is *rroman/o*, *-i*, *-e*, *-e* and in their language “the language of Rroma” is *i rromani čhib*. From here the name of the language or the adjective ***Rromani*** (***Rromany***) comes.

In Romania, many people consider *rroman*es to be the name of the language. It comes from the expression in Rromani “*3anes rroman*es?” which is often translated “Do you speak Rromani (Rromany)?”. But *rroman*es is not a noun but an adverb which means “according to the Rromani (Rromany) manner”, as the Romanian language has two ways to ask about the language skill “*Știi limba română* (verb-noun-adjective)? (Do you know the Romanian language?)” and “*Știi românește* (verb-adverb)? (Do you know according to the Romanian manner?)”. So *rroman*es can not be a noun.

Besides, we mention also some other words which don't distinguish the ethnicities.

		N.B.
human (m.)	<i>manuś</i> (sg.) / <i>manuśa</i> (pl.)	<i>It is a general term for “human”. It focuses on the difference between human and animal. The name of a Rromani clan Manousch comes from it.</i>
human (f.)	<i>manuśni</i> (sg.) / <i>manuśnă</i> (pl.)	<i>The suffix –ni adds a feminine meaning to the words. But this form is rare.</i>
man	<i>muruś</i> (sg.) / <i>muruśa</i> (pl.)	<i>This word focuses on the difference between man and woman.</i>
woman	<i>zuoli</i> (sg.) / <i>zuolă</i> (pl.)	<i>This word focuses on the difference between man and woman. But some native speakers tells that it can mean also “a lover of other ethnicity”.</i>

2. *Divàno* and *Rromani kris*

Divàno is a debate between two families held when a member of each family has problem between them. The problems must be solved “between brothers”, but, if they cannot solve problems by themselves, *Rromani kris* (or *stabor*) is waiting in the next step.⁵ The word *divàno* is from Turkish word *divan* “sofa bed / meeting, discussion between two high government officials in Ottoman Empire”.

We will present shortly what the *rromani kris* is. *Rromani kris* is the traditional court of the Roma people, which is independent of the official law courts of the State. *Kris* comes from the Greek word *κρίση* “judgement”. The etymology of the another term for court *stabor* is not clear, but the German word *Stab* “staff, headquarter, member etc.” may be its origin.

According to Erdős, the reasons of its existence in their culture are:

1. “the strong clanship of the Tsigans and their love for one another, which would not allow them to tolerate the imprisonment of a fellow Gypsy even after enduring heavy losses through his evil conduct.”
2. “the fact that to bring the issue before the State tribunal would be of no avail, since the Court would not have given them credence or (more likely) have had anything to do with the matter. [...] In fact, the official law courts have shown interest in Gypsies only when non-Gypsies were involved in the case.”⁶

Rromani kris is limited mainly “to actions for damages (debts) and cases concerning women (abduction, wilful(!) desertion, and the like)”⁷.

About the formation of the tribunal, he writes:

“The number of judges may be 20, 10, or 2, but generally they number 7 or 8. The Court cannot, however, consist of a single judge. Unknown and foreign senior Gypsies from other districts may also sit in the Court. As a matter of fact it is always the oldest member who presides; in Hungarian Romani he is called *mujato* ‘judge’. The oarth (*colax*)

⁵ Delia Grigore et alii, *Istoria și tradițiile minorității rromani: manual pentru clasele VI-VII*, București: Sigma, 2005, p. 68.

⁶ Kamill Erdős, “Jottings on Gypsy Judicature in Hungary” in *Journal of the Gypsy Lore Society*, Third Series, Vol. 40, Edinburgh: The Society, 1961, p. 57.

⁷ *Ibidem*.

taken by members of the tribunal is the equivalent of a curse. [...] Thus, for instance, the course current in among the *Dudumešt'e* living in the town of Gyula is in the following words: 'May I be damned and God never grant me luck, if I do not tell the truth.' (***Te mārel ma o Deļ, baxt te na del ma šoha, te na phenav čačipe!***)

[...] The oldest member sitting on the tribunal, as President, opens the proceedings by taking the oath to provide his impartiality. He is the first to express his opinion after listening carefully to the statements of the plaintiff and the defendant and their witnesses, if any. No majority of votes is required for making a decision. If two or three of the judges declare: 'So it is' (***Kade si!***) and the President agrees with their opinion at the close of the deliberations, it is in vain for the majority to disagree.

[...] As regards the ceremonies pertaining to the Kris : First of all the plaintiff spreads a black shawl (a woman's kerchief) on the ground, placing a sacred image on it, for almost every Gypsy carries such an image on his person. Then, kneeling in front of the kerchief, placing two fingers of his left hand on his heart, and two fingers of his right hand on the ikon, he says something of this kind : ***Te šoha nažutij ma o Maria, te na kāde si sar phendom me!*** (May the Blessed Virgin Mary never help me, if it is not as I have declared!). [...] Cases of perjury (***bangi colax***) have occasionally occurred, but only rarely. Should anyone commit perjury and be found out, he is sure to be condemned.

[...] The procedure is always public, and may be held in the open, when the judges sit in a circle with the President in the middle, or in a closed space. With some tribes [...] the audience (even women) may take part in the deliberations, provided their remarks are sensible, judicious and short, i.e. relevant."⁸

The word *mujalo* comes from the noun *muj* "mouth / face" in Rromani. So the judge in Rromani is "of the mouth / speaker". *Colax*, *solax* or *sovlax* is "oath" in Rromani. According to Boretzky&Igla, this noun is a variation of the noun *sovel* "oath". The expression *xal sovel* "to eat oath" gave the word *solaxal* "to swear" and the nominal form *solax* comes from it.⁹

⁸ Ibidem, pp. 57-9.

⁹ Norbert Boretzky, Birgit Igla, op. cit., p. 263.

Expressions, such as “*Te merav!*” “Let me die / I will die (If I say an untruth)” used in *Dudumest’e* clan, are quite popular in Rromani language when they want to say “I swear.” or “I say truth.”. I heard several times in the Rromani community of Poiana-Turda, Cluj, during my research.

The sentence ‘*Te šoha nazūtij ma o Maria, te na kāde si sar phendom me!*’ has a strange article *o*. This is the article for m. sg. If the modified word is *f. sg. Maria*, it must be *i* or *e*.

Bangi colax means “bent oath”.

3. The Rromani ordeal noted by Wlislöcki

3.1. Heinrich von Wlislöcki and the criticism of him

Heinrich von Wlislöcki is a Transylvanian rromologist of the 19th and 20th centuries. He was born in 1856 in Braşov, where his father, descendant from a noble Polish family, were working as a functionary of the imperial finances. After studying in the evangelic college Honterus in Braşov, he started to study in the Royal Hungarian University of Cluj and was taught by the professor of the German philology Hugo Meltzl and the sanscritologist Samuel Brassai. In 1879 he obtained the title of Doctor in Philosophy. After a while he started to study dialects and the folklore of Rroma on Meltzl’s advice. Wlislöcki studied the language, folklore and customs of Rroma, living between the tents of many Rroma tribes (nomad and semi-nomad) about 8-10 months. His main works about rromology are: *Heideblüten. Volkslieder der transsilvanischen Zigeuner* (Leipzig, 1880), *Die Sprache der transsilvanischen Zigeuner. Grammatik und Wörterbuch* (Leipzig, 1884), *Märchen und Sagen der transsilvanischen Zigeuner. Gesammelt und aus unedirten Originaltexten übersetzt* (Berlin, 1886), *Zur Volkskunde der transsilvanischen Zigeuner* (Hamburg, 1887), *Vom wandernden Zigeunervolke. Bilder aus dem Leben der Siebenbürger Zigeuner. Geschichtliches, Ethnologisches, Sprache und Poesie* (Hamburg, 1890), *Volksdichtungen der siebenbürgischen und südungarischen Zigeuner. Gesammelt und aus unedirten Originaltexten übersetzt* (Viena, 1890).¹⁰

We find also criticism of Wlislöcki. For exemple:

¹⁰ Heinrich Wlislöcki, *Asupra vieţii şi obiceiurilor Țiganilor transilvăneni*, Cuvânt înainte, Bucureşti: Kriterion, 1998, pp. 5-7.

“Wliskoeki cum nu era etnolog, ci filosof și filolog clasicist, [...] instrumentele sale de lucru țineau de cultura scrisă, nu de investigația unei culturii orale. [...] Această inadecvare a instrumentelor de lucru explică tendința lui Wliskoeki de „a literaturiza” folclorul...” (p. 7), “...cartea lui este literatură cu impurități de știință...” (p. 13).

(English translation)

“Though Wliskoeki was not an ethnologist, but a philosopher and a classicist-philologist, [...] his instruments of work belong to the written culture, not to the investigation of an oral culture. [...] This inadequacy of instruments of work explains Wliskoeki’s tendency of “literaturising” the folklore...” (p. 7), “...his book is literature with impurity of science...” (drd. Delia Grigore and Vasile Ionescu, in “Wliskoeki între extazul romantic și agonia comprehensiunii”, in Wliskoeki, 1998, p. 7 and p. 13).

So they suspect the scientific value of Wliskoeki’s work. One more to cite:

*“...I have satisfied myself as to the complete atheism of the Gypsies. Wliskoeki is wholly irresponsible in my view. Almost everything he says is his own imagination, scientific sensationalism. He turned Gypsy and died amid fumes of alcohol. I simply ignore all his works. I have met his Gypsy friends, who on being told of his accounts about the various deities the visions of ghost, etc. burst out laughing, delighted that they had been able to fool him so completely.” (Dr. Tancred Borenius (historian and diplomat) in *Journal of Gypsy Lore Society*, XXII. 1-2, 8 old., cited in Erdős, 1989, footnote 12, p. 51)*

So we must carefully read Wliskoeki’s works. But, in my opinion, not all his works must be ignored. Even if he is criticized by folklorists, ethnologists and historian, his linguistic works are still valid. For example, *Die Sprache der transsilvanischen Zigeuner. Grammatik und Wörterbuch* (Leipzig, 1884), is describing well the dialects spoken in his age, comparing with these spoken nowadays. It is too much to consider all his works as „his own imagination”.

Anyway, in linguistics we can analyze even languages of imagination. Anti-wlislockians can read this short article as the analyzes of Wlislocki's invented language.

3.2. 7 ways of ordeal noted by Wlislocki

Ordeal is a way to determine guilt or innocence by submitting the accused to dangerous or painful tests believed to be under supernatural control. It was practiced not only in Europe, but also in Asian countries¹¹.

Wlislocki notes that the ordeal was practiced also by Southern-Hungarian and Serbian Rroma¹². He writes about 7 ways of ordeal, which was usually done in the time when the witches of the tribe were burning articles of a dead.

The ordeal is called in Rromani language *krisima*. *Krisima* comes from the Greek adjective *κρίσιμος* "critical, crucial", which is the adjective delivered from the noun *κρίση* "judgement". This noun remains in Rromani language as *kris* "judgement". *Rromani kris* "Roma justice" is still alive and famous in Romanian Rroma culture. *Krisima* is probably substantivized form from the feminine sg. form of the adjective *κρίσιμη*.

The firstly mentioned *krisima* is *krisima sastrásli*. The accused person grasps a heated iron and a burn on the hand shows his or her guilt. *Sastrásli* is an adjective delivered from the masculine noun *sastri* "iron".

The second is *krisima cikinali*. *Ćiken* in Rromani is "fat" or "lard". The accused person must put his/her ring finger (the third finger of the left hand) into boiling fat several times, usually nine times.

The third ordeal is *krisima londolyi*. *Lon* in Rromani is "salt". They put concentrated saline solution on the eyelids of the accused person. If he / she is innocent, he / she does not shed tears. *Lon* is from pk. (prakrit) *lona-* < OI (Old Indic) *lavana-*.¹³ *-d-* before adjectival suffix *-l-* shows an alternative form of the noun *lond*, which comes by analogy from the perfect participle *lond/o, -i, -e, -e* "salted" and used in Arli dialect¹⁴.

¹¹ In ancient Japan there was *kukatachi*, a trial by boiling water.

¹² Heinrich Wlislocki, *Volks Glaube und religiöser Brauch der Zigeuner in Darstellungen aus dem Gebiete der nichtchristlichen Religionsgeschichte IV*, Münster i. W.: Aschendorffschen Buchhandlung, 1989, pp. 100-1.

¹³ Norbert Boretzky, Birgit Igla, op. cit., p. 169.

¹⁴ *Ibidem*.

The fourth is *krisima kanrásli*. *Kanro* in Rromani is “thorn, spine”. They prick the third finger of the left hand of the accused person by a thorn or a needle. If he or she is innocent, no blood rans from it.

The fifth ordeal is *krisima hutyadi*. The accused person must jump from a high place and must make a good landing without tumbling. *Hutydi* is from the verb *xutel* “to jump”. *Xutyidi* can be understood as the participle “jumped”. It is forcibly used as adjective with the meaning “of jumping”.

The sixth ordeal is *krisima sibakri*. The accused person must lick a heated iron. *Sibakiri* is the genitive case of *čhib* “tongue” in Carpathian Rromani dialect.

The seventh is *krisima anraseli*. The accused person throws 3-9 eggs, according to the seriousness of the crime, he or she would commit, from a distance toward a tree. No hit on the tree shows his / her guilt. *Anrasli* is an adjective from the noun *anro* “egg” in Rromani.

3.3. Adjectival suffixes

In the names of these 7 ways of ordeal practiced by Rroma people, we find a common ending, namely *-li* in *krisima sastrásli*, *krisima cikinali*, *krisima kanrásli*, *krisima anraseli*.

The adjectival suffix *-al/o*, *-i*, *-e*, *-e* quite popular in Rromani¹⁵. According to Courthiade, the meaning of this suffix is:

“so si les but K¹⁶ ja bare K.”

“(It means) that he has many K or big K.” (Eng. transl.)

(Courthiade, 2009, *Mellek nevék*, p. 501.)

For example: *balal/o*, *-i*, *-e*, *-e* “pig (adj.), piggy”, *pišumal/o*, *-i*, *-e*, *-e* “who has many fleas”, *čikal/o*, *-i*, *-e*, *-e* “muddy”, *panǎl/o*, *-i*, *-e*, *-e* “damp, wet”, *bengal/o*, *-i*, *-e*, *-e* “”, *jakkhal/o*, *-i*, *-e*, *-e* “lascivious”, *šingal/o*, *-i*, *-e*, *-e* “horned”, *melal/o*, *-i*, *-e*, *-e* “dirty”.

There is an another adjectival suffix in Rromani, namely *-asl/o*, *-i*, *-e*, *-e*, which means, according to Courthiade,

“pherdo K-(ençar)”

“plenty of K” (Eng.)

¹⁵ Ibidem, Liste der grammatischen Morpheme, p. 413: -aló Adjektivsuffix [vgl. pk. -āla].

¹⁶ K = kòkalo “born; the stem of the word”.

For example: *kišajasl/o*, -i, -e, -e “plenty of sand”, *praxasl/o*, -i, -e, -e “plenty of dust, powder”, *panăsl/o*, -i, -e, -e “plenty of water”, *rašajasl/o*, -i, -e, -e “religious zealot”, *šaxasl/o*, -i, -e, -e “plenty of cabbages”.

The adjectival suffix *sastrásli*, *kanrásli*, *anraseli* may be from *-asl/o*, -i, -e, -e (*e* in *anraseli* is an anaptyxis). But it seems that in this dialect there are no clear difference between *-all/o*, -i, -e, -e and *-asl/o*, -i, -e, -e.

Conclusion

Analyzing morphologically and etymologically the Rromani words related to law, we found many loanwords: the names of meeting or judging, such as *kris* „court”, *krisima* „ordeal” (both from Greek), *divano* (from Turkish) „debate” or *stabor* „court” (probably from German). These words were adopted into the Rromani language after they had got in contact with the nations of which languages the loanwords come from. We can suppose that these customs might have been borrowed or imitated from the other nations. Of course, we can not deny the possibility of adopting only terms into their own customs. We must beware of simplistic judgment only by the linguistics.

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**PERCEPTIONS AND MEANINGS OF
ARRANGED MARRIAGES IN ROMA COMMUNITIES
IN ROMANIA***

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Abstract

The article aims to present and analyse various forms of arranged marriages in Roma communities from Romania and to examine the nature and type of relations between local authorities, through their representatives, and leaders of Roma communities. The main goal is to discuss the ways in which conflicts between Roma cultural values (and decisions taken within the community and endorsed by the informal leader), on the one

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hand, and the legal aspects pertaining to national law, on the other, are mediated. The main hypothesis is that, despite official parallelism between the two, empirical evidence reveals cases of intense interactions at local level, which are indicative for some forms of re-interpretation, revisiting of certain Roma customs, negotiation, and re-adaptation, as exemplified by public organized weddings or engagements in some Roma communities from Romania.

Key words: Roma communities, customary law, early marriage, arranged marriage, perceptions, values

Introductory remarks

The main goal herein is to outline the phenomenon of arranged early marriages in Roma communities in Romania. To this end, the first step is to distinguish among various forms of such arrangements: “promising”/ “uniting” children between families; organizing engagements as public events; organizing weddings (though not legalized). The main research question in this study is: How is the conflict between Roma cultural values (and decisions taken within the community and endorsed by the informal leader), on the one hand, and the legal aspects pertaining to national law, on the other, mediated? A secondary problematisation will revolve around the type and nature of relation between Romanian national law and Roma justice system (*stabor*). The main hypothesis is that, despite official parallelism between the two, empirical evidence reveals cases of intense interactions at local level, which are indicative for some forms of re-interpretation, revisiting of certain Roma customs, negotiation, and re-adaptation, as exemplified by public organized weddings or engagements in some Roma communities from Romania.

The article is organized in three main sections: the first one tackles perceptions and meanings assigned to arranged or early marriages both within Roma communities and by external actors. The second part briefly presents the tenets of Roma customary law, based on tradition, values, norms, rituals, on the one hand, and the legal provisions pertaining to the age of marriage as prescribed by national law in Romania, on the other hand. The

goal here is to underline the legal tensions and the incompatibilities between the two justice systems. Finally, the last part of the article discusses local realities (as revealed by our field research) and interactions between representatives of local authorities and leaders of Roma communities with respect to early marriages, in order to show the ways in which conflicts are often mediated.

Perceptions on early marriage within and outside Roma communities

Research on this topic has been preoccupied with questions such as: are arranged marriages in Roma communities a form of Roma cultural autonomy manifestation? A form of child abuse? Or a manifestation of women (girls) subordination?

Certain valuable clarifications in this sense are offered by Alexandra Oprea. In her study, *Child Marriage - a Cultural Problem, Educational Access, a Race Issue? Deconstructing Uni-Dimensional Understanding of Romani Oppression*, she underlines the need to acknowledge that “only some Roma arrange the marriages of their children” and to differentiate between arranged marriages and child marriages, since “not all arranged marriages involve underage actors.”¹ Moreover, Oprea adds, “there are many variations of arranged marriages, aside from the textbook cases of parents arranging the marriages of their unsuspecting children, who meet for the first time on their wedding day.”²

It has often been argued that the issue of early marriages pertains to the realm of cultural values specific to Roma communities. In such approaches, the discussion revolves around arranged marriages as an exclusively or typically Roma custom. But, data clearly indicates that this is not really accurate. The study titled *Early and Forced Marriages in Roma Communities Country Report: Romania, 2015*, highlights that “early marriage is manifest in a number of Roma and non-Roma communities; adolescent girls aged 15-19

¹ Alexandra Oprea, *Child Marriage - a Cultural Problem, Educational Access, a Race Issue? Deconstructing Uni-Dimensional Understanding of Romani Oppression*, ERRC, 2005, [<http://www.errc.org/roma-rights-journal/child-marriage-a-cultural-problem-educational-access-a-race-issue-deconstructing-uni-dimensional-understanding-of-romani-oppression>], accessed in March 2018.

² *Ibidem*.

account for approximately 10% of the births annually in Romania; in the investigated communities, an estimated 25-30% of Roma women aged 15-19 are married; early marriages are not common practices in all Roma communities; [...]”³ While in contemporary Romania, forced marriages or arranged early marriages do predominantly occur in some traditional Roma communities, the phenomenon should nevertheless be historically associated with traditional communities at large. Moreover, “without an analysis of both the historic and present economic, social and political factors that impact Romani women’s lives, an analysis of child marriages is incomplete.”⁴ The confusion created by the association of early marriage with the strictness of Roma tradition is also noted in other analyses:

“[...] the early age marriage is not always an assumed tradition. Early marriage is defined as part of the ‘tradition’ and valued as such especially in the communities of the wealthier Gabori, Căldărari or Corturari, where the arranged endogamous marriages have the social function of managing the family wealth and heritage. However, there are only few such wealthy households – an observation supported by survey data on income and on long-term consumer goods ownership. In other cases, the family strategy of early marriage is not motivated by an acknowledged ‘tradition’. In these situations, marrying young may be a result of the lack of other attractive options for their future. Young people follow the common path of the community in their family-life, without defining it as a ‘tradition’, due to the scarcity of alternative trajectories.”⁵

³ Eugen Crai, *Early and Forced Marriages in Roma Communities Country Report: Romania*, 2015, 9th CAHROM Plenary meeting, p. 5, <https://cs.coe.int/team20/cahrom/9th%20CAHROM%20Plenary%20meeting/Forms/All%20documents.aspx>, accessed in March 2019.

⁴ Oprea, *Child Marriage - a Cultural Problem, Educational Access, a Race Issue?...*

⁵ Gábor Fleck, Cosima Rughiniș (eds.), *Come Closer. Inclusion and Exclusion of Roma in Present-day Romanian Society*, București: National Agency for Roma, 2008, p. 33.

The authors of the study *Come Closer. Inclusion and Exclusion of Roma in Present-day Romanian Society* emphasize poverty as main and prevalent cause for early marriage, instead of perceived need to preserve tradition:

“for example, in the Mimiș community in Ploiești, the gymnasium girls perceive love and marriage as a possibility to escape the extreme poverty conditions in which they live, to escape the high density households in which they take care of their younger brothers, sisters, cousins and to build their own family, in which they could expect to work less hard [...]”⁶

All these observations lead the examination of causes which determine the practice of arranging marriages. In most studies, the following issues are presented as determinants of early marriages: patriarchal culture; role assigned to women in Roma communities (household, motherhood, obeying mothers-in-law); the need to preserve the honour of the family within the community; parents' need or desire to maintain and perpetuate cultural values and traditions or fear of “modernization”; ensuring the loyalty of families to the community (meaning the commitment of some Roma families to the practices and values, to the customs which organize the community and structure the hierarchy and legitimacy of the informal leaders of such communities); avoidance of relations with non-Roma (*gadže*) or fear of “mixing” marriages; economic factors, such as keeping the wealth within the community, finding a status within the community, or escaping poverty etc.⁷ According to Eugen Crai, the main factors contributing to early marriages are a “complex combination of poverty, marginalization, poorly understood community traditions and lack of other opportunities

⁶ Ioana Florea, “Who Are The Roma?”, in Gábor Fleck, Cosima Rughiniș (eds.), *op. cit.*, p. 33

⁷ Nicoleta Bițu; Crina Morteau, *Drepturile copilului sunt negociabile? Cazul mariajelor timpurii în comunitățile de romi din România* (Are Children's Rights negotiable? The case of early marriages in Roma communities in Romania), București: Romani Criss, 2009, p. 20; Mihai Surdu, *Sarcina și căsătoria timpurie în cazul tinerelor roma* (Early pregnancy and marriage among Roma girls), Raport elaborat pentru Centrul Educația 2000+, 2004.

and perspectives in Roma communities.”⁸ Another factor which could be included in the analysis is the model that seems to be reproduced within families. Mihai Surdu showed that practices within the Roma family seem to deeply shape behaviour of future generations: in case the Roma grandmother and mother resorted to early marriage, there is a high probability that Roma girls in the family will reproduce this practice; in case the family model displays the decision of both grand-mother and mother to give birth at a very age, early pregnancy will be expected from Roma girls as well.⁹

As previously mentioned, there are various forms of marriages in Roma communities in Romania, namely arranged ones, forced ones and early marriages.¹⁰ Further distinctions focus on early marriages and differences between forced ones, marrying a minor girl to an adult, or consensus over a later occurring marriage, which means that two families “promise” their children and decide upon a future marriage. The latter is considered “marriage” because it is “sealed” within the community and often endorsed by the informal leader of the community (*bulibașa*). A third situation could be assessed as engagement, meaning a ceremony signalling the “union” between two minors within a Roma community.¹¹

The practice of arranging marriages entails certain perceptions and meanings within Roma communities. First of all, it could be examined as organizing principle and act of social regulation within the community, based on a perceived necessity to preserve group harmony and to perpetuate a form of family endeavour concerning the future of children. The arrangement and organization of marriages rest upon the participation of parents, extended families and sometimes the entire community. The preparation of such events has a great significance and is perceived as chief obligation by/for the parents.¹² Consequently, the practice is considered, second of all, enduring privilege of parents, as perceived and reproduced duty to shape the future social life of their children. It often relates to the

⁸ Crai, *op. cit.*, p. 6.

⁹ Surdu, *op. cit.*, p. 4.

¹⁰ Bițu; Morteau, *op. cit.*, pp. 18-20.

¹¹ *Ibidem*.

¹² See more details on this in Angus Fraser, *Țigani (The Gypsies)*, București: Humanitas, 1995, pp. 253-256.

need to create and strengthen family alliances as well. Thirdly, fear of external “contamination” (meaning risks associated with permissive sexual practices, disease, in the absence of formalized unions) or resistance to “modernization” tendency (which might attract and taint Roma children) are also crucial reasons for maintaining such practises believed to be rescuing the young from other dangers, such as the fear of bride kidnapping (*bridenapping*).

But how are these practices perceived outside Roma communities? What are media portrayals and public representations of Roma weddings in Romania focusing on? According to some, there is a tendency “to use this social behaviour as an argument to blame ‘the culture’ and ‘the mentality’ of the Roma for their vulnerability to severe socio-economic problems.”¹³ Alexandra Oprea draws attention to racism and sexism in public discourse by arguing that “child marriage is a product of several factors operating together: gender roles within Romani communities, past and present state-sanctioned sexism and racism, and socio-economic instability.”¹⁴ Others indicate that media representations reproduce stereotypes and reinforce discrimination. For example, Eugen Crai observed that

"Roma intra-community resistance to such practices has generally been ignored by both mass-media and many of the researches conducted in Romania with the consequence of exacerbating the risks of labelling and stigmatization as a whole the Roma culture and Roma communities despite the diversity of recorded practices of early marriages in various Roma communities."¹⁵

Media attention displays indifference towards gendered relations in Roma communities and the inferior role of women. Also, Roma public events (weddings, engagements) are portrayed as “exotic” at best and as “primitive”, shocking at worst. As such, the Roma are recurrently presented as

¹³ Ioana Florea, “Who Are The Roma?”, in Gábor Fleck, Cosima Rughiniş (eds.), *op. cit.*, p. 33.

¹⁴ Oprea, *Child Marriage - a Cultural Problem, Educational Access, a Race Issue?...*

¹⁵ Crai, *op. cit.*, p. 23.

the backward *other*, the Roma women as (willingly self-assumed) passive agents, ready to internalize and live up to the roles assigned to them by the gendered structures.

Despite this, one could raise the question: Is there concern for Roma women in public discourse? According to Alexandra Oprea, Romani women are subordinated by both race and gender and are neglected even by international NGOs, because of “failing to address the intersections of racism and sexism.”¹⁶ Moreover, she explains, “the child marriage debate was formulated by ignoring signs of Romani resistance to the practice, thereby portraying feminism as the brainchild of the West/whites. No Romani feminists were interviewed by the media to express their position on the issue. Child marriage was portrayed as a black-and-white example of a (backward) practice consented to by Roma. [...]”¹⁷ Consequently, there is a form of double subordination of Roma women and Roma girls: on the one hand, they are subdued to Roma male and embedded in masculine practices and discourse, hence becoming victims of reified sexism; on the other hand, they are discursively portrayed as inferior and discriminated by racist discourse (reducing them to bearers of multiple children, funny looking because of their coloured skirts etc.).

Roma customary law and legal provisions pertaining to national law

Early marriages are often embedded in Roma tradition and Roma culture and are explained as main corollary of a set of values, customs, rules and recurrent processes. As such, they are tackled in terms of customary law. As shown elsewhere¹⁸, customary law is a key universal feature of Roma culture¹⁹ and is based on rigorous principles and myths.

¹⁶ Alexandra Oprea, “Re-envisioning Social Justice from the Ground Up: Including the Experiences of Romani Women”, *Essex Human Rights Review*, Vol. 1 No. 1, p. 35.

¹⁷ Oprea, *Child Marriage - a Cultural Problem, Educational Access, a Race Issue?...*

¹⁸ Sergiu Mișcoiu; Laura M. Herța, « De facto, non de jure ou De facto, hoc de jure ? Incursions dans la pratique de l'interaction entre le droit étatique et le droit coutumier rom en Roumanie », *Revue générale de droit*, 48/2018, pp. 203-236.

¹⁹ Nicolae Bobu, *Book about Rroms: common law – a legal peace process*, Târgu-Jiu: Gorjeanul, 2011, p. 23.

The custom represents a body of values and rules which has been transmitted from one generation to another after centuries of nomadism and oppression. But it also constitutes the undeniable evidence of a parallel system which reflects not only the will of a closed community, but also the misconceptions and prejudices of the community's surrounding groups or society. The Roma customary law has been maintained and has been reinvented, despite several phases of consolidation or transformations alongside the historical evolution of Roma people. The interest which Roma customary law has been sparking in Romania over the last decades is due not only to certain public notoriety gained by some controversial aspects (such as early marriage or Roma weddings as publicly displayed events), but also due to the revival of ways in which relations between the Roma communities and the Romanian society at large are managed. Arranged marriages are integral part of Roma customary law. In very traditional communities, an engagement or marriage is not perceived as involving just two individuals pledging a future life together, but also the families, the parents who are thought to be equally important agents in negotiating such a pledge. It is almost as if the engagement or marriage becomes the families' endeavour.

But these customs are in direct opposition to legal provisions in Romania. The New Civil Code (October 2011) specifies in Article 272 – Matrimonial Age – that “the age for marriage for both men and women is legally established at the age of 18. However, the second paragraph stipulates that for solid reasons, the minor who is already 16 years old can marry, on the basis of a medical notice, with the approval of his/her parents, or of his/her legal guardian, if applicable, and with the authorization of the competent Guardianship Court. In case one of the parents does not approve the marriage, the competent Guardianship Court will also rule on such a divergence, taking into account the best interest of the child.”²⁰ According to the new Penal Code of Romania the age of sexual consent is 15, but “penal legislation is excluded when the age difference is less than 3 years, irrespective of the age of the participants to the sexual activity (non-criminalization of the freely consented sexual activities among minors). However, when sexual activities are “committed by a person of

²⁰ Art. 272, para. 2, Romanian New Civil Code; Crai, *op. cit.*, pp. 7-8.

age with a minor 13 to 18, when the former abused their authority or influence over the victim” then such activities are criminalized.”²¹

There seems to be an insurmountable difference between Roma customary law and Romanian national law. The first assumption would be that one ought to focus on lack of consensus regarding the practise of arranging or organizing marriages, when these involve underage children. But, as we will later indicate, another pattern of interaction is observable in some communities. The pattern is built on intense interactions between the two legal systems (through local representatives) and it features constant re-accommodation and negotiation of Roma public events (not considered a wedding, but an engagement). The practices seem to be condoned (accepted as main Roma value), but monitored by authorities (in attempts to protect girls from sexual abuse).

Before presenting and analysing the pattern, we focus on certain surveys on early marriages. For example, one study conducted in 2002 indicates that “35 % of Roma married women had been married before the age of 16; 31% of Roma women got married when they were between 17-18 years old; 26% married when aged 19-22; 8% married after turning 22.”²² Another study, conducted by UNICEF and Education 2000+ Centre, shows that “24.5% of Roma girls aged 12-18 were married; 13.3 % of Roma girls aged 12-18 had the experience of giving birth to a child while 10% of this group had the experience of two births; 7% of Roma girls aged 12-18 underwent an abortion procedure.”²³

Framing interactions and meanings between the majority and the Roma minority

The research conducted by us in certain Roma communities indicates forms of intense, yet informal, interaction between representatives of local authorities and Roma community leaders. The interviews taken in Roma communities from Hunedoara, Sibiu, Brașov reflect a recurrent and

²¹ Crai, *op. cit.*, pp. 7-8; Romanian new Penal Code, Art. 220, para. 3

²² *Indicatori privind comunitățile de Romi din România*, Institutul de Cercetare a Calității Vieții, București, 2002, p. 8.

²³ Surdu, *op. cit.*

complex dynamic built upon negotiations, (re)interpretations, interactions between the national juridical system (through its local representatives) and the Roma judgement system, called *stabor* or *kris* (represented by the informal leader, the *bulibaşa*). One observation rests upon concrete attempts to harmonize certain values of Roma communities with legal and moral exigencies of the Romanian state. Often, the case of an early marriage entails the following: when confronted with news about possible marriage involving underage children in Roma communities, local authorities investigate, but also reach out to the Roma community's leader. The latter often argues that the ceremony cannot be called marriage or wedding *per se*, but rather a festivity within the community celebrating an engagement or the "promising" of a future bride. Also, the claim is that the girl would not leave the household and would live with her future husband's family. Representatives of local authorities monitor the situation, but in most cases no other legal action is taken (if the girl remains with her family). When such a scenario unfolds, one could immediately observe that there is no parallelism between the two legal systems. Instead, there is a form of re-adjustment on the part of the Roma community (by raising the age of young girls gradually, so as to meet the legal provisions in Romania, and by resorting to gradual phases of arranged marriages, first celebrating the "union" and then organizing the wedding *per se* at a later time). On the other hand, representatives of local authorities also take Roma customs into consideration and discuss such issues with the Roma leader, hence acknowledging his authority as custom promoter and his legitimacy within the Roma community.

We do not claim that this is the case with all arranged marriages in Roma communities in Romania; nor do we intend to downplay the gravity of child abuse. We simply want to underline a pattern which indicates that legal tensions between the two juridical systems do not always lead to confrontations, but rather to consultations, adaptation, negotiations, and reinterpretations of such public celebrations (tackled as engagements). Representatives of local communities perceive the celebration as embedded in Roma values and accept it on the basis that families are allowed to negotiate a future marriage and then later organize it (sometimes through

monetary exchanges, meaning paying dowry). The act itself of marriage involving minor children is not accepted or tolerated, given its opposition to national legal provisions (even though, according to other sources, it is often condoned). But in our field research we observed that intense interactions concerning the organization of these events (called marriages, engagements or sometimes sumptuous celebrations which are assigned great significance for the perpetuation of the institution of marriage within Roma community) between Roma communities, on the one hand, and local authorities, on the other, lead to a form of acknowledgment of Roma values. At the same time, the effects of these informal interactions also reveal attempts to distort or redefine the significance of such events (authorities accept these rituals because they are not real weddings or marriages). On the other hand, Roma communities included in this research regularly negotiate the existence of these publicly manifested rituals with local authorities, by reducing the scale of the event and by justifying engagements as long-term commitments between Roma families. This is precisely why some Roma communities are capable of harmonizing the event itself (and the intrinsic values of arranged marriages or engagements) with the expectations of other communities from Romania or with the legal provisions.

All these observations are consistent with one model of interactions tackled in previous studies.²⁴ In order to understand the complexity of relations between the national juridical order and Roma juridical order (*stabor* or *kris*), the starting point should be the difference between Romanian law (which is exclusively written and in which customs have no value) and the Roma law (which is exclusively an oral one and entirely based on customs and tradition). This stark differentiation would determine a straightforward juxtaposition of two laws that ignore each other, namely a relation of non-coplanarity. According to this pattern, there is complete parallelism between the two, there is no interaction between them, and the national law does not acknowledge the Roma judgement (*kris*) or the customary juridical system of Roma people (*stabor*). This model corresponds to the official position of the Romanian state, which does not

²⁴ See Mișcoiu; Herța, *op. cit.*, pp. 203-236.

acknowledge any form of alternative jurisdiction. There are two potential developments stemming from this reality. One would be indicative for a scenario in which Romanian national law would start acknowledging and integrating some Roma juridical practices, hence leading to a form of institutionalisation of certain beliefs, values, and rules which are specific to the Roma minority in Romania. This scenario is hardly plausible, given the general conviction that Roma customary practices reveal archaic forms of social organisation and would also collide with essentials of Western understanding of human rights (related, for example, to the status of women in Roma communities). Another scenario would entail the official acknowledgement of Roma customary law; the latter would become subordinated to national law, indicating a relation of hierarchical institutional subordination.²⁵ This development is rejected by both national instances in Romania (who argue against attempts of relativizing national law or dissolution of authority) and by the leaders of Roma communities (who fear the diluting and, ultimately, vanishing of their customary law).

Another pattern of interactions reflects a slightly different model, which is, in our view, indicative for the way in which conflicts between the two juridical systems are often mediated at local level: Romanian national law informally acknowledges some Roma principles and practices (such as arranging a future marriage or organizing a public engagement, but not acknowledging the right of parents to marry minor girls), due to intensified interaction with Roma representatives or leaders and awareness about the rationale and legitimacy of Roma values and customs. At the same time, Roma juridical practices are adapted and some rules, values, principles are redesigned or revised so as to become less and less contradictory to national legal provisions (for instance decisions meant to raise the age considered appropriate for marriage).

²⁵ *Ibidem.*

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**THE ROLE OF STATE IN THE CONSTRUCTION OF
“OTHERNESS” IN MYANMAR:
THE CASE OF ROHINGYA MUSLIMS**

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Abstract**

In the last four years, Myanmar has been the focal point of South East Asian politics. The democratization process started after the election of 2015, and the sanctions have been lifted in 2016, however, the Rohingya remained excluded legally, socially, economically and politically from the nation by discriminatory legislation (imposed since 1982). The present paper examine the evolution of perception toward this ethno-religious minority which takes the shape of organized pogroms in which the Rohingya are seen as enemies of the nation, as “the others”. The paper question as well the impact of the democratic process in providing human security for Myanmar’s ethno-religious minorities, without the active involvement of an inter-faith approach and civil initiatives.

Key words: otherness, exclusion, human rights, Rohingya, Mynamar

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** The present paper was written after a field research conducted in Myanmar, in July 2019.

Background

In the last decade, violence systematically breaks out in Burma/Myanmar's¹ western Rakhine State between local Buddhists, who pretend to protect the nation state, and the representatives of the Muslim community, who are constantly threatened and marginalized. The violence occurred from a mixture of factors related to poverty, potential illegal immigration, and lack of political self-representation of the local Muslim community. As inter-religious violence spread outside of Rakhine State all over the country, the narratives of violence against Buddhists began to recur repeatedly in everyday discourse.² Since 2015, four laws – popularly referred to as “Laws for Protection of Race and Religion” – have passed through parliament and were signed by the president Thein Sein.³

“At the local level, the demand and support for the laws has been brought home to individuals through the sharing of inter-personal rumours of physical, often sexual, real or imagined threats of violence perpetrated by Muslim men. Th[e] Muslim men became the scapegoats of social suffering, the folk devils of a moral panic, created through rumours and political change”.⁴

In order to understand the present day situation, the paper will analyze the history of conflict and the present day situation.

There are currently 18 ongoing insurgencies and more than 130 ethnic minorities in Myanmar⁵ and nearly all of these conflicts are rooted in the uneven distribution of economic opportunities and civil rights, along

¹ The use of the formal term which is Myanmar or the informal term, referring to the colonial past and ethnic relations, which is Burma is still in debate. In the following article, I use “Myanmar” as the literary form, which is ceremonial and official and reeks of government, even though European and North American academics prefer Myanmar/Burma form.

² See Gerard McCarthy, Jacqueline Menager “Gendered Rumours and the Muslim Scapegoat in Myanmar’s Transition”, in *Journal of Contemporary Asia*, 47:3, 2017, p. 396-340.

³ N. Ganesan, “The Myanmar Peace Center: Its Origins, Activities, and Aspirations”, in *Asian Journal of Peacebuilding*, 2 (1), 2014, pp. 127–141.

⁴ Gerard McCarthy, Jacqueline Menager, *op. cit.*, p. 397.

⁵ Andrew Selth, Adam Gallagher, “What’s in a name: Burma or Myanmar?”, in United States Institute of Peace, June, 21, 2018 [<https://www.usip.org/blog/2018/06/whats-name-burma-or-myanmar>], July 2019.

with the heavy-handed rule used to maintain it, leaving the country as a patchwork of ethnic groups and regional fighting. There have been reports on the Burmese political and civil control but without significant examination of the targeted repression which had been going on, and is continuing, against ethnic minority groups.⁶ The extensive program to ethnically cleanse the country's two million Rohingya Muslims represents an authoritarian state action that trade economical promises to the population. Recent evidences have shown that local officials help the military direct massacres under the assumed belief that it will bring them economical and political advantages.⁷ Extensive evidence of atrocities was denied by the government, which refused to allow independent investigators access to Rakhine State, and punished local journalists for reporting on military abuses⁸. The scale at which this ethnic group is suffering is immense and it has rapidly transformed into an indisputable internationalized ethnic cleansing.

The hypothesis of ethnic cleansing

Ethnic cleansing is “the expulsion of an ‘undesirable’ population from a given territory due to religious or ethnic discrimination, political, strategic or ideological considerations, or a combination of these.”⁹ The difference between genocide and ethnic cleansing is contested, with some arguing that the two terms can be distinguished by the intent of the perpetrator: while genocide seeks to destroy an ethnic, racial, or religious group, the main purpose of ethnic cleansing is the establishment of ethnically homogeneous lands, which may be achieved by various methods including genocide.

⁶ Martin Smith, “Ethnic Groups in Burma”, in *Development, Democracy and Human Rights*, A Report by Anti-Slavery International, No 8 in ASI's Human Rights Series, Published by Anti-Slavery International, 1994, p.9.

⁷ Jason Miklian, “The Dark Side of New Business: How International Economic Development in Myanmar Helped Accelerate One of the Most Vicious Ethnic Cleansing Campaigns of the Past 50 Years”, in *Harvard International Review*, 38/4, 2017, pp.20-21.

⁸ Human Rights Watch, *World Report 2019: Reversing Autocrats' Attacks on Rights*, January 2019 [<https://www.hrw.org/news/2019/01/17/world-report-2019-reversing-autocrats-attacks-rights>], June 2019.

⁹ Andrew Bell-Fialkoff, “Revisiting the Sins of Antiquity, A Brief History of Ethnic Cleansing”, in *Foreign Affairs*, Council on Foreign Relations, Summer 1993.

The Rome Statute of the International Criminal Court defines the crime of genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; [among others].”¹⁰

The situation in Myanmar, specifically at the tremendous human loss that has been inflicted on the Rohingya, one can understand the deeper links this conflict has with genocidal actions. Shedding light on how to perceive this ethnic massacre is very important, because the gravity of the situation brings about the difficulty of finding any solution to its end.

In pre-colonial times, identity was to a large extent conditioned by the inhabitation of contrasting environments: lowland people who practiced agriculture lived in states, while upland hunters and gatherers were stateless. European colonial élites started to use terms such as racial or ethnic minorities in the 18th and 19th centuries during the period of colonial conquest. By means of biological theories common of those times, the British and other Europeans concluded that certain groups of peoples and races shared physiological characteristics, which made some races superior than others.¹¹

Myanmar’s annexation was carried out in three wars between 1824 and 1886, resulting in its development as a British colony for over 60 years. During this period, the divide-and-rule separations of colonial government deeply aggravated historic ethnic tensions between the different communities.¹² Perhaps the most devastating aspect of the colonial period was the demise of the monarchy and the monkhood, the twin pillars of the society of Myanmar.

Rakhine is located in one of the poorest regions in Myanmar, a country believed to be the least developed in Southeast Asia. Its inhabitants,

¹⁰ UN General Assembly, Rome Statute of the International Criminal Court, UN Doc. A/CONF.183/9 (1998).

¹¹ Ronald D. Renard, “Minorities in Burmese History”, in *Journal of Social Issues in Southeast Asia*, Vol. 2, No.2, Published by: ISEAS - Yusof Ishak Institute, August 1987, pp.257-267.

¹² See Martin Smith, *op. cit.*, p.22.

the Rohingya Muslims, represent a mixture of diverse ethnic groups, including Arabs, Moghuls, and Bengalis.¹³ The colonial years along with modern-day Myanmar’s refusal to recognize the existence of a people who have existed for thousands of years are two important determinants of their persecution story. Muslim settlers came to Arakan State, an independent coastal kingdom in what is now Myanmar, starting in the 1430s, and a small Muslim population lived here when it was conquered by the Burmese Empire in 1784. Britain conquered Burma in 1824 and ruled it as part of British India until 1948, allowing other Muslims from Bengal to enter Burma as migrant workers which resulted in tripling the country’s Muslim population. Although Muslims had lived in Burma for centuries, and though Britain promised the Rohingya an autonomous state in exchange for their help in WWII, it never followed through, and the Burmese people resented what they saw as an incursion of uninvited workers.¹⁴

The dynamic of persecutions

The Rohingyas, considered to be the most persecuted minority of our times¹⁵, have been suffering from the discriminatory policies of Myanmar’s government since the late 1970s. Hundreds of thousands of Muslim Rohingya were forced to flee their homes and most of them crossed by land into Bangladesh, while others have taken to the sea to reach Indonesia, Malaysia, and Thailand.¹⁶ They were denied citizenship in 1982, because they could not meet the requirement of proving their forefathers settled in Burma. The Burmese government still considers that the migration of other South Asian Muslims which took place during the period of British rule was illegal, and it is on this basis that they refuse citizenship to the majority of the Rohingya¹⁶

¹³ Haradhan Kumar Mohajan, “History of Rakhine State and the Origin of Rohingya Muslims”, in *IKAT The Indonesian Journal of Southeast Asian Studies*, II/1, July 2018, p.20.

¹⁴ Haradhan Kumar Mohajan, *op. cit.*, pp.22-23.

¹⁵ UNHR, “Human Rights Council opens special session on the situation of human rights of the Rohingya and other minorities in Rakhine State in Myanmar”, OHCHR, 5 December 2017 [<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22491&LangID=E>], May 2019.

¹⁶ Eleanor Albert, Andrew Chatzky, “The Rohingya Crisis”, Council on Foreign Relations, December 5, 2018 [<https://www.cfr.org/backgrounder/rohingya-crisis>], July 2019.

They account for one in seven of the global population of stateless people and of the total million Rohingya people living in Myanmar and across Southeast Asia, only 82,000 have any legal protection obtained through UN-designated refugee status. They have been subject to government-sponsored discrimination, detention, violence, and torture, causing several waves of mass exodus to Bangladesh.¹⁷

They are denied legal identities, birth certificates, and even access to essential childhood vaccinations. They have been forcibly confined in Rakhine State due to restrictions on movement, requiring that those seeking work outside their village receive prior authorization from the government. Poverty rates in Rakhine, where the Rohingya constituted one-third of the population before the latest mass flight, is nearly twice that of the national average (43.5% of Rakhine population live below the poverty line, compared to 25.6% national average).¹⁸

In a conflict that seems mostly orchestrated from above, the participants are battling either for survival and recognition, or for constructing a uniform Buddhist country without any interference from Muslim intruders. In a 2017 Al Jazeera documentary, U Par Mount Kha, a Buddhist monk, revealed that: "I don't accept the Rohingya because they've never existed."¹⁹ He also calls the Islamic states of the world to action, to welcome back these people and take them away from Myanmar, so that "there will be no problems in our country at all."²⁰ The greatest of his fears is, if the Muslims are left alone, terrorist attacks will increase. The dichotomy in interpreting the very existence of the Rohingyas in the Rakhine region has brought much criticism for the government and the police forces which are continuously fueling the conflict. While the majoritarian Buddhist population sees the Rohingyas as

¹⁷ S. S. Mahmood, E. Wroe, A. Fuller, and J. Leaning, "The Rohingya people of Myanmar: Health, human rights, and identity, *Lancet* 389/10081, December 2017, pp. 1841–1850.

¹⁸ Department of Population, Myanmar Ministry of Immigration and Population, *The 2014 Myanmar population and housing census*, in *The Union Report: Occupation and Industry, Census Report, Volume 2-B, 2016* [<https://reliefweb.int/report/myanmar/2014-myanmar-population-and-housing-census-union-report-census-report-volume-2-b-enmy>], July 2019.

¹⁹ Al Jazeera English, *The Rohingya: Silent Abuse*, Filmmakers: Salam Hindawi, Ali Kishk, Harri Grace. Al Jazeera World. August, 13, 2017 [<https://www.Aljazeera.Com/Programmes/Aljazeeraaworld/2017/07/Rohingya-Silent-Abuse-170730120336898.html>], June 2019.

²⁰ *Ibidem*.

outsiders, outcasts who have settled on their land, the Muslim minority see themselves as citizens who rightfully reside in Myanmar. But the situation was not always conflictual, as Abdul Rasheed explains, as along with Burma’s independence in 1948, the Rohingyas were offered full citizenship rights. After the military coup in 1962, there was a continuous development of a hostile approach, until a law was adopted 20 years later restricting access to citizenship for Muslim people, in spite of their centuries-old presence on the Burmese lands. Although many statements and resolutions have been put forward by the UN, the US, the EU, and the Organisation of Islamic Cooperation, the situation keeps worsening.²¹ Prior to the 2016 installment of Aung San Suu Kyi as chief of government, many violent outbreaks against the Rohingya took place, forcing them to flee their homes and settle into camps strongly guarded by the army and fenced with barbed wire. In October 2016, a number of policemen were killed in Rakhine state by an armed group believed to be Muslim, an event representing the spark to the series of violent encounters which would follow. An exodus of Rohingya was triggered in 2017 by a new wave of violence, including rape, murder, and arson, elements of a governmental campaign for reinstating stability in the western region of the country.

The ethnic, religious and linguistic differences that exist between the majoritarian population and the Muslim one are key to the understanding of why and how this conflict emerged to such a large scale of suffering. The term Rohingya surfaced in the 1950s and provides the group with a collective political identity, despite their widespread perceived status of illegal immigrants. Although the etymological root of the word is disputed, the most widely accepted theory is that Rohang derives from the word “Arakan” in the Rohingya dialect and *ga* or *gya* means “from”, therefore tying the ethnic Muslim group to the land that was once under the control of the Arakan Kingdom.²²

At an ethnic level, the conflict takes place between citizens and illegal immigrants, or between historically-bound Burmese people and the foreign Rohingya. As Anthony Smith defines ethnic communities “named and self-defined human populations with myths of common origins, shared historical memories, elements of common culture, and a measure of

²¹ *Ibidem*.

²² Eleanor Albert, Andrew Chatzky, *loc. cit.*

ethnic solidarity.”²³ The present Burmese state is of relatively recent creation and many ethnic groups reject the notion that they had ever been brought under the direct rule of any Burman government before the British annexation in the 19th century, with many local communities and societies in Burma being historically multi-ethnic. A two-tier system of administration was enacted by the British, with a Ministerial Burma, dominated by the Burman majority, and the Frontier Areas, where most ethnic minorities lived, a division which built very separate roads towards political and economic development for ethnic groups. As a territorial disadvantage, many ethnic minority lands were divided into different political districts, and none was administered on the basis of nationality. In the late 1930s, an improvement in inter-ethnic relations was springing up, but hopes for further progress were shattered by the Second World War, which is responsible for much of the ethnic hostility which erupted in Burma at independence. Japan was supported by Burma’s national liberation movement, led by Aung San, and the British saw loyalty from most minority peoples, including the Karen, Kachin and Muslims, which resulted in many bloody communal clashes and retaliatory killings during the war. The various nationalities were represented in the Parliament, but only for a short period of time, as a military government was installed and started the 26-year experiment with the “Burmese Way to Socialism”. What followed were decades of political repression under various leaderships, including the martial law installed at the end of the 1980s.²⁴ What developed in the 1990s and 2000s was just a worsening situation of the citizens’, especially ethnic minorities’ rights and wellbeing. Despite some trade liberalization and economic relief, there were few benefits that trickled down to the people in order to improve their daily live.

The cultural values of the ethnic Burmese are thought to be of utmost superiority and that they must be respected by any outsider who arrives with a different set of values. It is felt that the Rohingya support the interests of Bangladesh and that they came in Myanmar for economic reasons to work, the problem here being their continued residence and refusal to leave. This economic migration is not accepted and is not visualized as

²³ Anthony Smith, *The Cultural Foundations of Nations Hierarchy, Covenant, and Republic*, Blackwell Publishing, 2008, p. 31.

²⁴ Martin Smith, *op. cit.*, pp. 22-25.

providing the same set of rights for everyone. However, Bengali language is not spoken by the Rohingya, as they are descendants of forefathers who had no ties to Bangladesh. A bold step forward was made in 2008 by the government, which issued “white cards” to allow the Rohingya to participate in the 2010 elections, but in 2015 the cards were no longer valid. This government move aimed at creating a new set of “cards” which categorized them as Bengali.²⁵

The religious dimension

The Universal Declaration of Human Rights reads that: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”²⁶ In Myanmar, however, there is no call to prayer and a deeply rooted stigma surrounds Islam, proving that Muslims cannot practice their religion openly. The Rohingyas who live in camps have no possibility to gather at a mosque to participate in traditional celebrations central to the Islamic faith, even during Ramadan. Moreover, all mosques in Rakhine have been either destroyed or shuttered after communal riots broke out between the local Buddhist population and Rohingya in 2012. To deepen this disaster, the government has also made it illegal to construct new mosques to replace those that have been destroyed or to make repairs or renovations. Engaging in spiritual pilgrimage to Islamic holy sites in other areas of the country and globe has been prohibited, as well as inviting Muslim religious leaders to visit mosques. To many Rohingya, this not only signifies a denial of their religiosity, but also of their humanity.²⁷

To try and generate a spirit of a national Burmese identity, successive governments have concentrated on the common historical and religious experiences of different ethnic groups in Myanmar. Much public emphasis

²⁵ Al Jazeera English, *op. cit.*

²⁶ United Nations, Universal Declaration of Human Rights [<https://www.un.org/en/universal-declaration-human-rights/index.html>], October 2019.

²⁷ Cresa Pugh, I visited the Rohingya camps in Myanmar and here is what I saw, 2018, [<https://theconversation.com/i-visited-the-rohingya-camps-in-myanmar-and-here-is-what-i-saw-94202>], October, 2019.

has been placed on Theravada Buddhism, which is practised by 87% of the population, as opposed to the Muslim religion practised by only 4% of the people.²⁸ The 2014 census counted 1,147,495 Muslims, equal to 2.3 % of the population, with a further 1,090,000 (or another 2%) Muslims in Rakhine State not counted because they refused to be identified as “Bengali”. The Kaman are the only officially recognised Muslim group among the 135 ethnic nationalities, with the rest having adopted a variety of names, such as the Rohingya.²⁹

Nevertheless, most of the Burmese Muslims in central Myanmar have been able to live peacefully with their neighbours because they have embraced Burmese culture. Muslim author and teacher U Aung Aung Than, a Mandalay resident, said that Muslim communities in most parts of central Myanmar remain well integrated: “We upper Myanmar Muslims are Burmese Muslims. We love Burmese culture and at the same time we pray to Allah and follow the doctrines of the Quran.”³⁰

International perception of the conflict. The global response

The conflict in Myanmar represents a form of new war, which became more visible at the end of the Cold War, increasing civilian suffering, as measured by the ratio of military to civilian casualties and by the explosion of refugees and internally displaced persons. These wars are called internal or civil wars in order to distinguish them from intra-state or Clausewitzian war. Mary Kaldor explains: “The new wars are very difficult to contain and very difficult to end.”³¹ The author also argues that the civil society needs a framework of security and the pressure is growing for an international framework of law to be applied in local situations where the state unravels.³²

²⁸Encyclopaedia Britannica, Myanmar

[<https://www.britannica.com/place/Myanmar/Languages#ref52575>], October 2019.

²⁹ Mratt Kyaw Thu, *The Burmese Muslims of central Myanmar: No beards, no kurtas*, 2018 [<https://frontiermyanmar.net/en/the-burmese-muslims-of-central-myanmar-no-beards-no-kurtas>], October 2019.

³⁰ Mratt Kyaw Thu, *op. cit.*

³¹ Mary Kaldor, *Global Civil Society: An Answer to War*, Cambridge: Polity Press, 2003, pp.119-122.

³² *Ibid.* p.132.

The conflict is internationalized, with heavy attention being drawn towards the plight of the Rohingya and their many difficulties of survival. The first non-Burmese organization to raise issues of concern to Myanmar’s ethnic minorities at the United Nations was Anti-Slavery International, in 1985.³³ As we already know, ethnic Burman and Buddhist history, culture and language are unquestionably the predominant social influences, but political repression and human rights abuses have also existed on the national agenda. The minorities have found themselves in a second class position in every field, whether it be language, culture, education or development. Rather than being acknowledged as equal partners, many indigenous peoples and minorities maintain that they have been pushed to the very fringes of Burmese society.³⁴

Nationals fear a possible territorial loss, because some Bengalis want to claim the area of Rakhine, especially the towns of Buthidaung and Maungdaw, as Muslim, which threatens ethnic Burmese people to flee. Even the fact that the Muslims have given themselves a name Rohingya seems to imply a connection to their desire of independent existence from Myanmar and this unsettles the balance against them. Despite numerous evidence and recordings of Burmese soldiers attacking Rohingya, the government still finds no real blame for the suffering and the killings.³⁵

Journalists have been banned from Rakhine State for a while and their access nowadays is still under authority control, as is their capacity to operate and investigate deep into the story of the region. The Rohingya in camps rely heavily on NGOs, their movement is restricted as well as their ability to marry, their educational opportunities, and their access to health care. The camps are managed jointly by the government and military, and receive substantial assistance from international NGOs and UN agencies. However, there have been times when even the humanitarian organizations have been barred from delivering food rations and other goods and services by the government and military.³⁶ “The current crisis in Rakhine, which at this moment in time is quite possibly the most acute human rights crisis in the world, may have been triggered by attacks by Muslim militants,”

³³ Martin Smith, *op. cit.*, p.9.

³⁴ *Idem*, pp. 35-36.

³⁵ Al Jazeera English, *op. cit.*

³⁶ Cresa Pugh, *op. cit.*

Andrew Gilmour, the U.N. assistant secretary-general told U.N. Security Council members about two years ago. "But it has been decades in the making, through the systematic discrimination against the Rohingya population."³⁷

Recent outcomes

In November, 2014, the UN launched a global campaign to end statelessness within 10 years.³⁸ This effort will require resolution of the crisis, as the Rohingya people account for more than one in every seven stateless individuals worldwide. Below is a summary of recent developments and events surrounding the crisis, from various sources.

In August 2018, a United Nations-mandated fact-finding mission found that the military abuses committed in Kachin, Rakhine, and Shan States since 2011 "undoubtedly amount to the gravest crimes under international law," and called for senior military officials, including Commander-in-Chief Sr. Gen. Min Aung Hlaing, to face investigation and prosecution for genocide, crimes against humanity, and war crimes. Refugees who arrived in Bangladesh in 2018 reported continuing abuses by Myanmar security forces, including killings, arson, enforced disappearances, extortion, severe restrictions on movement, and lack of food and health care. They also reported sexual violence and abductions of women and girls in villages and at checkpoints along the route to Bangladesh, and those who returned to Myanmar faced arrest and torture by authorities. Over 4,500 Rohingya remained stuck in the Bangladesh-Myanmar border "no-man's land," subject to harassment by Myanmar officials and regular threats via loudspeaker to induce them to cross into Bangladesh.³⁹

In March 2019, Bangladesh has told the UN Security Council it will stop accepting any more Rohingya Muslims who flee from Myanmar, with the Foreign Secretary Shahidul Haque accusing Myanmar of "hollow promises" during negotiations over returns. Despite a deal between Bangladesh and Myanmar in January 2018 to repatriate Rohingya refugees,

³⁷ Colum Lynch, For Years, U.N. Was Warned of Threat to Rohingya in Myanmar, 2017 [<https://foreignpolicy.com/2017/10/16/for-years-u-n-was-warned-of-threat-to-rohingya-in-myanmar/>], October 2019.

³⁸ United Nations High Commissioner on Refugees, UN refugee agency launches campaign to eliminate statelessness within 10 years. Geneva: United Nations News Centre, 2014.

³⁹ Human Rights Watch, *op. cit.*

Mr Haque said his country could not accept more of them: "Is Bangladesh paying the price for being responsive and responsible in showing empathy to a persecuted minority population of a neighbouring country?" In repatriating Rohingya, there are immense physical and psychological barriers.⁴⁰

There have been attempts at seeking solutions to the crisis, but the latest one coming from the UN brings up more question marks than answers. Human rights groups have reacted with horror to reports of UN draft plans to help relocate thousands of Rohingya refugees from Bangladeshi camps to a barren, flood-prone island in the Bay of Bengal. A document drawn up this year in March by the World Food Programme, the UN's food aid arm, and seen by Reuters, has revealed how the agency supplied the Bangladeshi government with detailed plans of how it could provide for thousands of Rohingya being transported to the island on a voluntary basis. Relocation to the uninhabited, remote island of Bhasan Char has been praised as a solution to chronic overcrowding, but many Rohingya are fearful to go and human rights experts warn that another crisis can emerge, as the island made of silt and vulnerable to frequent cyclones. "The UN has a long history of failing the Rohingya and it's happening again. Bhasan Char should be off the table. It's an ill-conceived proposal that's sure to lead to more human rights violations," said Matthew Smith, CEO of Fortify Rights.⁴¹ These plans seem to be an easy and quick escape that Bangladesh is willing to use, rather than looking out to provide better conditions in refugee camps and support the Rohingya.

Human rights violations seem to be here on the daily agenda and press freedom looks like a far-fetched fantasy, although it is customary for Myanmar authorities to free prisoners around the time of the traditional New Year, which began on April 17. At the beginning of May two journalists have been released after spending more than 500 days in jail in Myanmar for their reporting on the Rohingya crisis. Wa Lone, aged 33, and Kyaw Soe Oo, aged 29, were imprisoned last year and they became a symbol of press freedom with many calling for their release. The Myanmar Government

⁴⁰ BBC News, Rohingya crisis: Bangladesh will no longer take in Myanmar refugees, 2019 [https://www.bbc.com/news/world-asia-47412704], October 2019.

⁴¹ Nicola Smith, Human rights groups slam draft UN plans to send Rohingya to barren island, 2019 [https://www.telegraph.co.uk/news/2019/03/25/human-rights-groups-slam-draft-un-plans-send-rohingya-barren/].

released them as part of a mass amnesty.⁴² The two journalists were convicted in September of breaking the Official Secrets Act and sentenced to seven years in jail, in a case that raised questions about Myanmar's progress toward democracy and sparked an outcry from diplomats and human rights advocates.⁴³

On May 27, 2019, the final report by Reuters gathered testimonies from a range of participants, including Buddhist villagers who confessed to killing Rohingya Muslims and torching their homes. Accounts from paramilitary police also directly implicated the military. A group of Rohingya men seeking safety on a beach were singled out as their village was raided, the report said. Buddhist men from the village were then ordered to dig a grave and then the 10 men were killed, at least two hacked to death by the Buddhist villagers with the rest shot by the army. This was thought to be the first time soldiers had been implicated with photographic evidence and by fellow security personnel. The military eventually confirmed the massacre had taken place and in April 2018 and 10 soldiers were sentenced to prison for their involvement in the killings, looking to serve 10 years of hard labour for "contributing and participating in murder". The two journalists were arrested before their findings were published, after being handed documents by two policemen who they had met at a restaurant for the first time. They were charged with violating the country's Official Secrets Act. But a police witness testified during their trial that the restaurant meeting was a set-up to entrap the men. Aside from the Inn Din killings, the military exonerated itself of any wrongdoing in Rakhine, despite large amounts of testimony from Rohingya refugees describing atrocities.⁴⁴

Most recently, Bangladesh Prime Minister, Sheikh Hasina, has slammed Myanmar for delays in the repatriation of some 740,000 Rohingya who took shelter in fetid, overcrowded camps in Bangladesh. She explained that the country's patience is wearing thin and criticised international aid

⁴² BBC News, Jailed Reuters Journalists Freed, 2019 [<https://www.bbc.com/news/world-asia-47412704>], October 2019.

⁴³ Thu Thu Aung, Shoon Naing. Myanmar to release 6,500 prisoners in amnesty on Tuesday, 2019 [<https://www.reuters.com/article/us-myanmar-journalists-amnesty/myanmar-to-release-6500-prisoners-in-a-mnesty-on-tuesday-president-idUSKCN1SD04A>], October 2019.

⁴⁴ BBC News, Rohingya massacre: Myanmar grants soldiers early release, 2019 [<https://www.bbc.com/news/world-asia-48419595>], October 2019.

agencies working in the refugee camps in the border district of Cox’s Bazar – who object to any forced relocations – saying they are not interested in ending the crisis.⁴⁵

Finding a humane solution to this crisis is of utmost importance not only for regional, but also for national and international peace-building developments. There still seems to be a hauntingly dark shadow of human rights abuses that refuses to leave the global scene, in part because some conflicts are deeply rooted and cannot easily be ended, but also due to the respective governments’ inability and sometimes unwillingness to act and stabilize the affected areas. The UN can also take part of the blame with its disconcerting connection to the crisis and lack of proper action or improper proposals. What can be done, I believe, is a reform of the governmental system in Myanmar and a reintroduction, reacceptance, of Rohingya as rightful citizens as proven by their ties to the land and their distinct ethnic features. Future developments will be under scrutiny and media attention, most of the times influenced by nationalistic desires to portray the outsiders as relentless people who do not deserve to live in Myanmar. As complicated as the story is, the journey of healing will be difficult for the Rohingya, if and when the conflict will see a peaceful closure. However, they remain devoted to their faith and this represents the spark that lights up their neverending battle for survival and recognition.

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⁴⁵ Frontier Myanmar, Bangladesh PM attacks Myanmar over Rohingya deadlock, [<https://frontiermyanmar.net/en/bangladesh-pm-attacks-myanmar-over-rohingya-deadlock>], June 2019.

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BOOK REVIEW

Mihaela Ivănescu, *Alegeri și comportamente electorale în România. De la local la național*, București: Editura Universitară, 2015, 383 pp., ISBN: 978-606-28-0377-3

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On the eve of a new electoral cycle, Mihaela Ivănescu's book, *Alegeri și comportamente electorale în România. De la local la național* (Eng. trans.: *Elections and Electoral Behaviors in Romania. From the Local to the National Level*) provides a much needed overview of how and why citizens vote a certain way. Understanding the complexities of the electoral behavior is one of those issues that falls not only under the purview of academic research avenues, but also of an entire cottage industry of (political) actors and party operatives whose success is dependent more or less on figuring exactly how to persuade potential voters to their side. If we go by Anthony Downs' observation – father of the rational choice theory – “political parties propose policies in the hope of winning elections”, they do not seek “to win elections in order to propose certain policies”¹. Yet the very essence of the electoral process hinges on the candidates' ability to (re)ingratiate themselves with their constituents from one electoral cycle to another. After all, even though each party has its own partisans, the history of elections

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¹ See: Anthony Downs, *O teorie economică a democrației*, trad. Șerban Cerkez, Iași: Editura Institutului European, 2009, p. 65 quoted in Mihaela Ivănescu, *Alegeri și comportamente electorale în România. De la local la național*, București: Editura Universitară, 2015, pp. 58-59. For the original English version, see: Anthony Downs, *An Economic Theory of Democracy*, New York: Harper, 1957.

shows us that they rarely are enough to win elections. *Alegeri și comportamente electorale în România* is not a book about the parties' role in shaping electoral behaviors, about political ideologies or campaigns, not even about political leaders – though the role played by these figures is not entirely omitted either. Instead, it is a book that draws upon the patterns of exception and irregularities in the voters' decision-making process in order to highlight the fact that electoral behavior cannot be reduced to a handful of variables or theoretical prescriptions. In light of this, the author makes apparent that the most accessible entry point into the chosen subject of study is to examine the mechanics behind the split vote.

Based on the author's doctoral research, the book tries to identify the discrepancies that appear in an individual's electoral behavior from one type of election to another, seeking to understand what might be the reasons that motivate them to split their votes. This is even more intriguing given that the split vote implies jumping not only across partisan lines², but also across ideologies. In the case-study analyzed by the author, voters alter their political choice both on a vertical axis – from the local to the national level – but also within horizontal coordinates – a voter might select the mayoral candidate of a certain party, but vote with a different party where other local branches of government are concerned. Similarly, in terms of first order elections, they might vote for a certain party during parliamentary elections and with the candidate of a different party in the case of presidential elections. While at the individual level, we might be tempted to downplay the idea that the results of an election depend on one single vote, it is an entire different story when we look at the aggregate level where the patterns or outliers of incongruence become more obvious. After all, in recent years, we have seen how the advance of social media technologies has opened new avenues not only of identifying electoral behaviors, but more importantly, of predicting and therefore influencing these behaviors by micro-targeting the voters. These practices came under review in 2016 during the British referendum on whether Great Britain should remain or leave the European Union as well as during Donald

² In Romania, this behavior might be more easily understandable given that while the left pole of the spectrum has gravitated around one socially-democratic inclined party, the right side, on the other hand, has constantly reconfigured itself and split in multiple political combinations that generally vie for the same segments of the electorate.

Trump's presidential campaign. Arguably, they were used even earlier, at the dawn of the social media revolution, during Barack Obama's 2008 and 2012 presidential campaigns³.

In countries like Romania that suffer from an electoral culture lag and where the process of democratization remains in a constant flux, the electoral behavior can emulate the dysfunctions of the political system. The reasons behind these splintered choices can be attributed to a vast array of causal relationships stemming from a post-communist immature political class, a dysfunctional electoral system, poor understanding, but also poor representation of the parties' ideology, practices of bad governance, so on and so forth. It is not a coincidence that one might find similar reasons when talking about electoral absenteeism⁴ – a phenomenon that during the transition period has alarmingly continued to grow especially for the time-span analyzed in the book (from 1990 up to the 2009 presidential election). In order to get a better grasp of the mechanisms involved in shaping certain electoral behaviors, Mihaela Ivănescu focuses on the voting practices exhibited in Romania, and more specifically, in the county and city of Constanta. A former communist country, Romania's transition process from a single-party regime towards a multi-party system has been chaotic, anomalous, and precarious.

Of course, none of these characteristics are outliers in and of themselves when we take into account the forty decades long hegemony of the single party, but one would think that nearly thirty years after the fall of Communism, the electoral system might have started to stabilize over time. Ironically and paradoxically, as the book shows, the budding

³ On the topic of micro-targeting, see for example: Sasha Issenberg, "How Obama's Team Used Big Data to Rally Voters", MIT Technology Review, 19 December 2012 [<https://www.technologyreview.com/s/509026/how-obamas-team-used-big-data-to-rally-voters/>]; Andrew Mullen, "Leave versus Remain: the digital battle", EU Referendum Analysis 2016, [<https://www.referendumanalysis.eu/eu-referendum-analysis-2016/section-7-social-media/leave-versus-remain-the-digital-battle/>]; Tom Dobber et al., "Two crates of beer and 40 pizzas: the adoption of innovative political behavioural targeting techniques", Internet Policy Review, vol. 6, no. 4, 2017 [<https://policyreview.info/articles/analysis/two-crates-beer-and-40-pizzas-adoption-innovative-political-behavioural-targeting>]; Paul-Olivier Dehaye, "Microtargeting of low-information voters", Medium, 30 December 2016 [<https://medium.com/personaldata-io/microtargeting-of-low-information-voters-6eb2520cd473>].

⁴ See the section on Electoral absenteeism in Romania, pp. 207-215.

democracy quickly arrives at a modicum of stability for the first decade of transition where even the test of democratic alternance is successfully passed, only to enter a period of retrograde instability. After a cycle of almost 15 years in which the political power switched hands from one ideological party or political coalition to another (1992-1996-2000-2004), came a period characterized by three main aspects: the waning dominance and popularity of the center left-wing party; the traction gained by center right-wing parties which enabled them win both the parliamentary and presidential elections; and a rise of internecine conflicts: the coalition partners of yesterday became the opponents of tomorrow while the opposition was incessantly proactive in its efforts to regain power. Moreover, though for the most part of this period, the president and government tended to be in lockstep – the party or coalition would win both the presidential and parliamentary elections – in recent years, we have witnessed that a split executive power can also engender the stability of the political system. Specifically, when one party wins the presidency – generally a candidate from the center-right – and another party is in charge of the government either as a result of elections or of a motion of no confidence, cohabitation proves difficult, to say the least.

Outside these political aspects, changes in the constitution and a complete overhaul of the electoral system – that switched from a majoritarian framework to a proportional one – brought plenty of unintended electoral dysfunctions. For example, as Mihaela Ivănescu remarks, while turnout has continued drop, presidential elections continue to register higher turnouts compared to other elections. What is notable is that as long as parliamentary elections were organized at the same time with the first round of presidential elections, turnout for both was high, but after the constitution was amended in 2003 and the presidential mandate was extended from four to five years, the turnout for the parliamentary elections began to drop significantly⁵.

⁵ Ivănescu, *Alegeri și comportamente electorale...*, p. 107. Prior to 2008, the turnout for parliamentary elections which were held at the same time with presidential elections registered the following scores: 76.28% in 1992, 76.01% in 1996, 65.31% in 2000, and 58.51% in 2004 respectively. Since 2008, the following turnout rates were registered: 39.20% in 2008, 41.76% in 2012, and 39.49% in 2016. By comparison, turnout for presidential elections during the same time period reached: 54.37% and 58.02% during the first and second round of the 2009 presidential elections, and 53.17% and 64.10% respectively during the first and second round of the 2014 presidential elections.

At this point, an overview of the book structure is order. First and foremost, it is important to stress out the pedagogical merits of this research beginning with the introduction – that addresses the preliminary setup, the research hypotheses, the methodological apparatus as well as the overall structure of the analysis – and all the way up to the section of conclusions which assesses whether the proposed hypotheses were confirmed or infirmed, reviews the evolution of the electoral system in the years after the completion of the research, and also proposes other potential avenues of research. The referenced literature also points to the pedagogical character of this book, citing groundbreaking studies authored both by foreign politologists and electoral behavior specialists – predominantly from the Anglo-American space, but also from France, for example – as well as by Romanian ones. Among these works, we can mention: Gabriel Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (1963), Samuel H. Barnes and Max Kaase (ed.), *Political Action. Mass Participation in Five Western Democracies* (1979), Bernard R. Berelson et al., *Voting: A Study of Opinion Formation in a Presidential Campaign* (1954), David Butler and Donald Stokes, *Political Change in Britain: Forces Shaping Electoral Choice* (1969), Angus Campbell et al., *The American Voter* (1960), Paul L. Lazarsfeld et al., *The People's Choice: How the Voter Makes Up His Mind in a Presidential Campaign* (1968), Nonna Mayer and Pascal Perrineau, *Les comportements politiques* (1992), or Samuel Merrill III and Bernard Grofman, *A Unified Theory of Voting: Directional and Proximity Spatial Models* (1999). Of the Romanian works, notable mentions are: Daniel Barbu, *Republica absentă. Politică și societate în România postcomunistă* (1999); Daniel Barbu, *Indistinția: o cronică a sfârșitului politicii românești* (2010); Alfred Bulai, *Mecanismele electorale ale societății românești* (1999); Georgeta Ghebre, *Metamorfoze sociale ale puterii* (2007), Cristian Pîrvulescu, „România între democrația de opinie și absenteismul de masă” (2009); Cristian Preda, *Partide și alegeri în România postcomunistă: 1989-2004* (2005), Cristian Preda and Sorina Soare, *Regimul, partidele și sistemul politic din România* (2008), etc.

Of the six chapters that comprise this book, the five chapters that lead up to the case-study meticulously investigate aspects pertaining to: 1) the theoretical positions on electoral behavior (chapter one); 2) the brief history of the electoral system in Romania from the XIXth century and up to

the present moment (chapter two); 3) the comparative statistical analysis of the electoral cycles in the post-communist period at the national and local levels between 1990 and 2009 (chapters three and four); and finally, 4) the voter participation dynamic in Romania (chapter five). While in the third and fourth chapters, we can find a comparative application of the statistical method, the sixth chapter details a particularized theoretical model of electoral behavior that resulted from conducting a qualitative inquiry at the local level. Between October 2009 and March 2010, three opinion polls were administered to a panel of 30 members. Each of the polls was conducted during a pre-defined period: prior to the start of the presidential electoral campaign; during the campaign, but prior to the first round of the presidential election; and, finally, three months after the election. According to the author, the research sought “to analyze the manner in which the electorate develops various political options for different types of election, as well as the effects that local elections have on the way voters come to relate to parliamentary and presidential elections”⁶.

The central thesis of the analysis is rooted in the idea that the voters of a particular city like Constanta use different criteria when evaluating the candidates participating in different types of election. This observation has a direct effect on those variables concerning partisan identification. In other words, Mihaela Ivănescu asserts that while partisan identification “plays a major role in forming one’s voting decision especially in the case of presidential elections, it does not represent the main defining element in the [observed] voting behavior”⁷.

In *Voters and Voting. An Introduction*, Jocelyn A. Evans remarks that while voting is regarded “as a unique activity which forms the bedrock of political equality and civic rights in our society”, the literature on electoral behavior highlights the fact that this process – seen to be of paramount importance for the democratic state – is not usually treated with the apparent “hallowed responsibility” one might be tempted to ascribed it with⁸. As such, Evans points out that many theories on this subject “present voting as an activity much like any other”: “the way individuals make up

⁶ Ivănescu, *Alegeri și comportamente electorale...*, p. 19.

⁷ *Ibidem*, p. 23.

⁸ Jocelyn A. Evans, *Voters and Voting. An Introduction*, London, Thousand Oaks, CA, and New Delhi: SAGE Publications, 2004, p. 1.

their minds [on] how to vote is linked to how individuals make up their minds and take decisions in many other spheres"⁹. Yet while this observation might remind us of the consumer voter pertaining though not limited to the Himmelweit model, Mihaela Ivănescu does not limit herself to a single school of thought, focusing, instead, on several competing explanatory frameworks starting with the ecological one, continuing with the economic¹⁰, psychological, and sociological ones and, finally, ending, with the combined model proposed by Merrill and Grofman. The economic, psychological, and sociological models are also split in several subcategories: 1) in the first instance, the author introduces the Downs model – theorizing the spatial proximity vote; the directional model of voting; the retrospective vote model; and the Himmelweit model concerning the consumer voter; 2) in the second case, three voting frameworks are addressed – the Michigan model (on partisan identification); the cognitive theory of voting; and the psycho-dynamic model; 3) lastly, where the sociological models are concerned, the author examines the Columbia model and the radical model of voting. About the Merrill and Grofman combined model, the author explains how it “utilizes as explicative variables [factors such as] the intensity of preferences and the directional aspects, but it also accounts for other variables as well”¹¹. The voting experience cannot therefore be reduced only to the right-left axis, individual preferences, moral psychologies or group experiences – it is a sum of all of these aspects (and more) where each and every one of them can dominate the decision-making process of a voter at a given time.

Merrill and Grofman consider that “a combined model that explains electoral behavior must establish a connection between the voters’ access to information on the candidates’ agenda, voting behavior and the candidates’ strategies” – such a model has “to incorporate all the influences identified by the pure models”¹². In accordance with this assessment, Mihaela Ivănescu also argues that in order to understand why electoral behaviors

⁹ *Ibidem*.

¹⁰ For a comprehensive Romanian contribution on the economic models, see: Mihai Ungureanu, Alexandru Volacu, Andra Roescu, *Alegere rațională și comportament electoral*, București: Tritonic, 2015.

¹¹ Ivănescu, *Alegeri și comportamente electorale...*, pp. 91-92.

¹² *Ibidem*, p. 92.

function as they do, a singular explicative model does not suffice. Or it can also be the case that the models that might apply in one case (see the research conducted on electoral behavior in the US), do not apply in others. In Romania's case, for example, it is rather difficult to talk about strong partisan affiliations. While it is true that segments of the electorate can be found on what one might come to expect as the right – left axis, the ideology, overall, plays what we might refer as a necessary, but insufficient condition in deciding the outcome of an election. For example, when the reform of the electoral system happened in 2008, Florin N. Feșnic and Oana I. Armeanu point out that the change “from a closed party list proportional representation to a single-ballot mixed electoral system” was designed “to give voters the possibility to choose candidates, rather than party lists”¹³. According to the two authors, the operating principle “was that, for many voters, their preferred candidate may not represent their preferred party”¹⁴. Furthermore, in such a case – where “personal qualities [...] trump ideology”, we are talking about “a shift from ideological voting to ‘personalized’ voting”¹⁵. While this hypothesis was not confirmed by the results registered during the parliamentary elections that fell under the incidence of this reform (specifically those from 2008 and 2012), there are other types of election – such as presidential or mayoral elections – where this prescription is more likely to come into play.

Mihaela Ivănescu highlights this aspect in the chapters reviewing the results of the local, parliamentary, and presidential elections that occurred in Romania between 1990 and 2009. Where Constanta is concerned, two instances stand out: the election of the independent candidate Radu Mazăre as mayor of Constanta in 2000 and the election of Traian Băsescu as president of Romania by a majority of Constanta residents during both of his presidential runs. In the first case, Radu Mazăre had obtained a considerable number of votes from the first round of the mayoral election, surpassing the socialist candidate Tudor Baltă by more than ten percentage points while in the second round, the difference between the two had been even more pronounced (a difference of almost thirty percentage points).

¹³ Florin N. Feșnic, Oana I. Armeanu, “Strategic Effects of Electoral Rules. Testing the Impact of the 2008 Electoral Reform in Romania”, *Studia Politica: Romanian Political Science Review*, vol. 14, no. 2, 2014, p. 15, p. 199.

¹⁴ *Ibidem*, p. 199.

¹⁵ *Ibidem*.

It is also notable that in the local elections from 2000, not only the mayor, but also the president of the county council (Nicușor Constantinescu) had also been an independent candidate. This prompted the author to note that “partisan identification plays a smaller role during local elections than during [other types of election] and it is even less important during the mayoral elections compared to those for the county or municipal councils”¹⁶.

In the case of Traian Băsescu, the fact that he was elected by a majority of the city residents came more or less as a surprise when considering that in the local elections from 2004, the center-left party (the Social Democratic Party) had swept all of the four available contests (mayor, local council, county council, president of the county council¹⁷). Moreover, the results were particularly interesting because, overall, both the city and the county have tended to vote for the Social Democratic Party during all the local electoral cycles, leading one to believe that the region was as partisan as it got. Yet, the parliamentary and presidential elections tell another story altogether. For example, in 2004, the center-right coalition¹⁸ won the same number of Deputy mandates as the center-left coalition (four) and one more Senate mandate compared to the latter.

Additionally, as it has been mentioned earlier, the presidential candidate of the center-right coalition also won the presidency, outpacing the center-left candidate by 21,84% of the votes at the county level and by an even more impressive score at the city level, where the difference between the candidates was of 37,64%¹⁹. Notably, the difference was higher at the local level than at the national level²⁰. Mihaela Ivănescu argues that one factor that might have contributed to this strong support could have been the fact that the President had strong ties with the region (born in what is today known as the town of Murfatlar, he would later graduate

¹⁶ Ivănescu, *Alegeri și comportamente electorale...*, p. 160.

¹⁷ Notably, in the period between the two electoral cycles, the two independent candidates that the local electorate had voted for – Radu Mazăre and Nicușor Constantinescu – had switched to the Social Democratic Party.

¹⁸ The Alliance D.A. – Dreptate și Adevăr (Eng. trans.: Justice and Truth) comprised of the National Liberal Party and of the Democratic Party.

¹⁹ *Ibidem*, pp. 168-174.

²⁰ At the national level, in second round of the presidentials elections, 51.23% of the eligible persons voted for Traian Băsescu, while at the city and county level, the registered scores were significantly higher: 68.82% and 60.92% respectively. *Ibidem*, p. 168, p. 174.

from the Naval Academy of Constanta, and eventually, assume command of various Romanian commercial vessels).

In the 2008-2009 electoral cycle, the Social Democratic Party similarly won all four of the local contests, but unlike previously, it also won the parliamentary election. While usually, there would be certain differences between the county and city levels, with the county voters favoring the Social Democratic Party more than the city voters, in 2008, the city was more supportive of the party than the county (a difference of +1.74% for the Deputy Chamber and of +1.75% for the Senate). By comparison, at the national level, the Social Democratic Party registered, on average, a drop of more than ten percentage points for the Deputy Chamber and of almost twenty percentage points for the Senate when compared to the results registered in the city and county of Constanta²¹. In 2009, when it came the time for the presidential elections, President Băsescu won the re-election but this time, the differences between the two candidates were significantly smaller all across the board, though the city and county level remained marginally higher when compared to the national scores²²: +0.67% at the national level versus +7.27% at the county level and +6.75% at the city level.

While the case-study does not set out to make quantitative observations, in the analysis of the individual electoral behavior, we can see that the voters exhibit a complex “cross-pollinated” voting pattern that goes beyond partisan or identitarian variables. During the 1996 presidential elections, Paul E. Sum and Gabriel Bădescu identified five major factors that determined people to vote and while partisan identification was one of them, age, education, union membership or the frequency of political discussion with family members and acquaintances also contributed to the decision-making process²³. For the time period analyzed, the book provides an accessible review of the stages involved in the formation of the democratic political system and of the electoral behaviors themselves. Almost thirty years have passed since Romania has entered in the democratic family of states and

²¹ *Ibidem*, pp. 185-187.

²² Traian Băsescu was voted by 50.33% at the national level, 53.63% at the county level, and 53.52% at the city level. By comparison, the social-democrat candidate was voted by 49.66% at the national level, 46.36% at the county level, and 46.57% at the city level. *Ibidem*, p. 193.

²³ *Ibidem*, p. 282. See also: Paul E. Sum, Gabriel Bădescu, “An Evaluation of Six Forms of Political Participation”, in Henry F. Carey (ed.), *Romania since 1989: Politics, Economics, and Society*, Lanham: Lexington Books, 2004, p. 181.

yet the ideal of a consolidated democracy remains out of reach. The political class remains for all intents and purposes divorced from the needs and ailments of the electorate which, in turn, only serves to further antagonize the latter. As a result of this disconnect, the voters see themselves faced with two options: to disengage completely from the political system through abstention or to vote against one particular party or candidate and not because of some deep-seeded ideological convictions. Where Constanta is concerned, Mihaela Ivănescu has showed that, time and time again, both the city and the county register higher than average rates of participation and that the results vary depending on “the type of election, the perceived economic situation, and the different stakes associated with each type of electoral contest”²⁴. When you add to this mix, an electoral reform with such confusing effects as that from 2008²⁵, public disengagement is further enabled.

During a period as conflicted as that of the last few years, *Alegeri și comportamente electorale în România* provides a thorough analysis of the Romanian contemporary political and electoral system rooted equal parts in theory, history, and actuality. The case-study shows that while there is a tendency to disparage the electorate of Constanta and most specifically, the electorate of the Social Democratic Party – regarded in general as a “captive” electorate due to the preeminence of the party in local affairs – the electoral behavior displayed by the voters of Constanta, is one rather complex and multifaceted, in equal parts, rational and strategic, but also emotional to a certain degree. As the author remarks, while the ideological issue is not what ultimately shapes the electoral behavior, voters will try to maximize their utility²⁶ and if they do not resonate with the available political alternatives, they will sit out the elections. As the abstention rates soar, it remains to be seen where these significant segments of the electorate that shun political participation will go next. That the political class ignores them in favor of petty squabbles and hollow tit-for-tats, speaks to how “anti-social” the political system they created actually is. In this case, it should not come as a surprise that reactionaries might take advantage of this vulnerability like they did in neighboring post-communist countries like Hungary or Poland. Voter beware!

²⁴ *Ibidem*, p. 283.

²⁵ See the switch to an alleged uninominal system.

²⁶ *Ibidem*, p. 286.

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BOOK REVIEW

Peter Bernholz, *Totalitarianism, Terrorism and Supreme Values. History and Theory* Cham, Springer, 2017, 160 pp.

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The book written by Peter Bernholz represents the culmination of a process, serving to refine his theory on the lexicographic preference for supreme values and its fundamental role in the ideologies of totalitarian regimes. As the author mentions in the preface, he developed his theory on ideocracies characterised by supreme values, and of totalitarianism and terrorism, over a number of works since 1988, when he first presented it.¹ While basing his own ideas on the classic works on totalitarianism, such as those of Hannah Arendt, Carl J. Friedrich and Zbigniew Brzezinski, Bernholz seeks to go beyond what he describes as the “static nature” of totalitarianism theory, doing so in a manner somewhat similar to the important work on ideocracy authored by Piekalkiwicz and Penn. Indeed, it is mostly on this underresearched, but always important and increasingly visible concept of ideocracy that Bernholz anchors his effort. Thus, the existence of an ideology with supreme values and an ideological movement led by what one may define here as a charismatic epistemarch is considered a necessary precondition for the transformation of non-totalitarian systems

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¹ See Peter Bernholz, *Totalitarianism, Terrorism and Supreme Values. History and Theory* (Cham: Springer, 2017) p. v.

into totalitarian ones, which, in turn, may lead to a mature ideocracy.² And while the book itself has a number of shortcomings – one of the most important being the way in which the case studies are spread out and treated far too briefly – the overall ideas and results are often intriguing and certainly worth further investigation.

The introductory chapter establishes the path Bernholz intends to follow in uncovering the common traits uniting the goals of various movements, such as, for instance, National Socialism, Communism, and Islamic State. The author provides a table which includes the cases of what he identifies as undergoing the phases of totalitarian regimes or mature ideocracies (or both), ranging from the Mongolian Empire to the contemporary Islamic Republic of Iran. By choosing to take such a broad perspective, which, among other cases, also includes the Inca and Aztec empires, the Taiping movement, the Khmer Rouge, and the early 20th century Tibet of the Dalai Lama, Bernholz is faced with the task of navigating the difficult waters of historical interpretation, a task which is developed further in the fourth chapter, but not always convincingly. The second chapter is focussed on providing evidence for 20th century National Socialism and Communism, as well as for Christian and Islamic ideologies, with the author arguing – by repeatedly making use of a mixture of direct quotes from primary sources – that all four cases exhibit supreme values and aims which are lexicographically preferred to everything else and that they sought (with varying degrees of intensity) to control the secular power of the state and, usually, to expand their supreme values. Bernholz continues into the very short third chapter with what is nonetheless one of the most valuable contributions of the book, namely, depicting the two basic forms of ideocracy, or, in other words, “political regimes based on ideologically oriented Supreme Values, which are considered to be absolutely true”.³ Moreover, the author rightly points to the fundamental importance of “charismatic innovators” who are at the forefront of the creation and spread of ideologies based on supreme values.⁴ He then organises these according to the extent of the ideocratic polity’s accomplishment of its ultimate aims after conquering state power

² See *Ibidem*, p. vii.

³ *Ibidem*, p. 23.

⁴ *Ibidem*, p. 24.

and according to the ideological tendency for expansion, ranging from “universal” to “restrictive”.⁵

Chapter four is faced with the potential issues already identified in the author’s selection of cases during the introductory chapter. For instance, by making use of Voegelin’s and de Rachewiltz’s analyses on the ideological vision of the Mongol Empire, Bernholz shows – essentially correctly – that its rulers saw themselves as legitimate in suppressing and annihilating any challenge to their cosmocratic ambitions.⁶ At the same time, questions go unanswered regarding the feasibility of considering the polity of the Mongol Chinggisids as “totalitarian”, even in the broadest sense and taking into account the use of massacres in order to ensure a quick submission of their rivals – and particularly when considering their famous tolerance policies which were in place during the first generations of the empire, thereby contributing to the implementation of the Pax Mongolia. Without beginning a larger discussion due to space limitations, one might be better served in such cases – and not only – by employing the arguably more useful term “totalist” instead of totalitarian, due to the latter’s strict dependence on coercion tactics. By contrast, Bernholz is far more convincing in the case of the 16th century Münster Anabaptists, for, aside from a common focus on cosmocratic claims, the Anabaptist ideocratic experiment meant a far greater control over the personal lives of its subjects, bordering on total in some respects, and with any form of counterideological factors being harshly dealt with, rather than merely accepting neutral acquiescence.⁷ The following chapter then deals with the cases of what Bernholz defines as the mature ideocracies of the Puritans of Massachusetts, the Jesuits of Paraguay, Tibet under the Dalai Lama, Saudi Arabia, and the Islamic Republic of Iran, with this chapter arguing once again for the importance of that critical combination of factors – an ideology built on supreme values, the existence of a crisis, and sole rule over secular and spiritual power.

The sixth chapter then looks at two questions. The first deals with the development of totalitarian regimes if their supreme values cannot be realised, with Bernholz identifying four possible outcomes, such as military

⁵ See *Ibidem*, pp. 25-26.

⁶ See *Ibidem*, pp. 27-28.

⁷ See *Ibidem*, pp. 35-36.

defeat, postponing the realisation of the aims, reinterpretation of supreme values, or the erosion of ideological values.⁸ By contrast, if such a regime survives and is able to somehow realise its ultimate aims – which implies that no expansionary goal remains internally or externally – it will then turn into “a rather stable, peaceful and mature ideocracy, if allowed by the outside world.”⁹ This makes a natural transition to the following chapter, which analyses the “constitution of totalitarianism” and, once again, insisting on the importance of an ideological system of supreme values for this aspect. Moreover, Bernholz acknowledges the variables involved in such an undertaking: “Even if the whole legal system, including the constitution, belonged to the totalitarian domain in a supreme value society, and even if no separation of powers were to exist, the substantive contents of supreme values could be such that no totalitarian regime would result. For if these substantive contents were not malevolent, in the sense that they did not ask for the sacrifice of the lives of members of the community, the persecution and/or killing of nonmembers or heretics, the conquest of foreign countries or the conversion by force of nonbelievers, then not all the characteristics usually used to define totalitarianism would be present.”¹⁰

The eighth chapter then concentrates on the use of terrorism as a strategy to gain or recover secular power – with supreme values playing a decisive role – including an economic model of “ideologically based terrorism”. The potential economic and political problems facing ideocracies are looked at in chapter nine, briefly considering the various effects which supreme values may have on the economy, internal politics, or external politics. Chapter ten stands out through its section on the destruction and prohibition of works which are deemed as contradictory to the supreme values of the ideocracy.¹¹ Chapter eleven functions as a return to the analysis of totalitarianism theories, including a number of economic models for interacting with crucial concepts for the author’s argument, such as “converts”, or “in-convertibles”. In recognising that “economists seem to have a hard time to accept that ideologies can be the very aim of totalitarian regimes”¹², Bernholz focuses

⁸ See *Ibidem*, p. 48.

⁹ *Ibidem*, p. 49.

¹⁰ *Ibidem*, p. 60.

¹¹ See *Ibidem*, pp. 97-104.

¹² *Ibidem*, p. 118.

on the manner in which ideocracies are willing to spend resources on winning new “believers” and, under certain conditions, “removing inconvertibles”. The concluding summary is, like a number of otherwise intriguing sections of the book, far too brief.

With regard to the work itself, Bernholz’s style and method of selecting his historical examples, will likely be polarising. Thus, certain specialists will appreciate his undertaking in integrating – even if very briefly – premodern societies into his general theory, while others will find his broad strokes superficial and insufficiently augmented by the latest developments in their own respective fields. Such a potential moment is found already in the preface, when, in a footnote, Bernholz mentions Soden’s 1954 text, stating, in his own translation, that “the Assyrians were convinced that the rule of the world belonged to their god Assur. And because of this they had not only the right but even the duty to force other nations with all available means to recognize this fact of world domination. Revolting against it meant a violation of God-set legal order.”¹³ The reality was perhaps somewhat more complex than this depiction of a people defined by what amounts to pursuit of holy war, as more recent works in the field of Assyriology can attest, yet one may still identify in this generalisation a likely correct depiction of some of the basic features of premodern, cosmocratic, ideocratic polities. Indeed, such themes formed powerful arguments in the sustained claims to world-monarchies far into the Early Modern period, with the 16th century cases of the Ottomans and Habsburgs being some of the most well-known.

At the same time, the book could have focussed far more on the important idea of a “monopoly of interpretation”, which would have served both the overall argument and the specific historical examples provided by the author. This would have been necessary for two reasons. Firstly, because the monopoly of interpretation itself was implemented very differently across the centuries and the many cultures discussed. Secondly, despite the author’s argument that the lack of a monopoly of interpretation can typically lead to a weakening or spitting of the movement, even the existence of a *claim* to a monopoly of interpretation by the leadership is not in itself sufficient. Thus, on occasion, even the most revered charismatic epistemarchs were intensely contested from within and had to prove their

¹³ Ibidem, p. vii.

staying power by force often enough, including in modern contexts. In other words, even charismatic, totalist movements are not immune to crises based on interpretation disputes.

Overall, despite some questionable choices in approaching some of the case studies, the book will stand as a useful reference in the literature making use of the concept of ideocracy, while also pointing to the existence of totalistic features and ultimate aims in their ideological architecture. As a result, it deserves to be read as a contribution to contemporary research on ideocracies, as well as to the importance of totalist systems and their possible evolutions in different societies, concepts whose great analytical potential will certainly be profitable for future research.

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