



UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION &
CENTER OF POST-COMMUNIST POLITICAL STUDIES
(CESPO-CEPOS)

REVISTA DE ȘTIINȚE POLITICE.
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University of Craiova, 13th A. I. Cuza Street, Craiova, 200585, Dolj, Romania. Phone /Fax:

+40251418515, Email: cepos2013@gmail.com.

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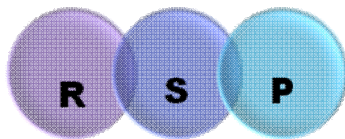
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EDITORS' NOTE

Managing Global Security within International Governance: Multidimensional Viewpoints and Regulatory Synthesis

Note of the Editors of the
Revista de Științe Politice. Revue des Sciences Politiques

Issue 64/2019

Anca Parmena Olimid¹⁾,
Cătălina Maria Georgescu²⁾,
Cosmin Lucian Gherghe³⁾

The current issue (Issue 64/2019) of the *Revista de Științe Politice. Revue des Sciences Politiques* faces new challenges and conditions of the global security within the international governance.

¹⁾Associate Professor, PhD, University of Craiova, Faculty of Social Sciences, Political Sciences specialization, Center of Post-Communist Political Studies (CEPOS), Editor in Chief of the *Revista de Științe Politice. Revue des Sciences Politiques*, Phone: 0040251418515, Email: parmene2002@yahoo.com.

²⁾Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Political Sciences specialization, Center of Post-Communist Political Studies (CEPOS), Deputy Editor in Chief of the *Revista de Științe Politice. Revue des Sciences Politiques*, Phone: 0040251418515, Email: cata.georgescu@yahoo.com.

³⁾Associate Professor, PhD, University of Craiova, Faculty of Social Sciences, Political Sciences specialization, Center of Post-Communist Political Studies (CEPOS), Managing Editor of the *Revista de Științe Politice. Revue des Sciences Politiques*, Phone: 0040251418515, Email: avcosmingherghe@gmail.com.

It is thus especially innovative to reflect how the political sciences face the new gaps and how the scientists and experts' approaches examine new theoretical and practical arguments in the fields of the history of the major financial crisis and the multilevel analysis; the social and legal effects of the matrimonial property regimes using the legal comparative analysis, the social media technology, the interlinks between the societal challenges, the population trends and the human security; the area of the transnational corporations as a topic of the international law, the quest for power recognition in international relations and the challenges of the conflict zones.

The contents of the Issue 64/2019 (December 2019) examine the management of the global security within the international governance seeking to identify the latest paths by which the international context evolves, namely: the financial sector, the social nexus, the social media claims, the societal challenges, the international law regulatory framework, the power quest for international recognition, the historical approaches.

By detailing these research steps, the reader faces the contemporary expression of the debate pinpointing the human security and its multidimensional viewpoints: "financial crises", "legal effects", "population trends", "risk management", "post-modern family", "emotions", "feelings" and "sensations", "culture and society", "role of leadership", "perceptions of well-being", "trends in human development", "the health outcomes" etc.

The first article entitled "Disseminating the History of the Major Financial Crises and their Multidimensional Implications" (authors: Muhammad Zahid Naem, Cristi Spulbar, Ramona Birau, Abdullah Ejaz, Elena Loredana Minea, Zulfiqar Ali Imran) points out the theoretical and practical advancements of the financial crisis by summarizing the "current market conditions" and the "trading strategies".

The second article entitled "Romania in the European context: Social and Legal Effects of the Matrimonial Property Regimes in Contemporary Society" (authors: Cristina Ilie Goga and Andreea Mihaela Niță) offers a broader look of the "social and legal effects of the matrimonial property regimes in contemporary society" by considering the specific topics of the subjects in a comparative legal analysis: "separation of property", "joint property of spouses", "deferred community of property", "community of property", "conventional community of property", "community of property regime" etc.

The next article entitled "Societal Challenges, Population Trends and Human Security: Evidence from the Public Governance within the United Nations Publications (2015-2019)" (authors: Anca Parmena Olimid and Daniel Alin Olimid) focuses on various input and output indicators namely: "the social cohesion", "the demographic estimation", "the population trends", the "population momentum", "the urbanization prospects".

The fourth article entitled "Transnational Corporations, as subjects of International Law in the Globalization Context" (authors: Alexandra Porumbescu and Liivia Dana Pogan) describes the role of the transnational companies and "the emergence of new types of relations".

The last two articles: "Russia as a Great Power and the Quest for International Recognition" (author: Loretta C. Salajan) and "Cyprus Dispute" (author: Tudor Urea) consider different academic viewpoints and models of government, the "conceptual link between identity and (in)security" and the role of diplomacy in the conflict zones.

The current issue of the *Revista de Științe Politice. Revue des Sciences Politiques* (Issue 64/2019) focuses the discourse of the human security by exposing the

rhetoric of global governance within the international context. Therefore, the contents of this issue argue that the cross-empirical researches expressly create a more connected research on human security, especially in terms of citizen engagement and political participation.

Wishing you all the best,

The Editors



ORIGINAL PAPER

Disseminating the History of the Major Financial Crises and Their Multidimensional Implications

Muhammad Zahid Naeem¹⁾, Cristi Spulbar²⁾, Ramona Birau³⁾,
Abdullah Ejaz⁴⁾, Elena Loredana Minea⁵⁾, Zulfiqar Ali Imran⁶⁾

Abstract

In this article, we provided a comprehensive discussion about the major financial crises and their details based on some major historical financial crises. The crises include the stock market crash of 1987, the Asian financial crisis of 1997, and the global financial crisis of 2007-08. The discussion is categorized into two sections. Under first section, the generation models for crises are discussed based on the timeline and their development. In the second section, each of the above mentioned crisis is discussed in details which include the situations prevailing before during and after the crisis and the lessons undertaken by the markets from those disastrous events.

Keywords: *global financial crisis; basic generation models; economic policies; Asian stock market; efficiently channel.*

¹⁾ Post-Doctoral Researcher, Dokuz Eylul University Izmir, Turkey, Phone: +905522682864, Email: drmnzaeem@gmail.com.

²⁾ Professor, Ph.D, Faculty of Economics and Business Administration, University of Craiova, Romania, Phone: +40722309021, Email: cristi_spulbar@yahoo.com.

³⁾ Lecturer Ph.D and Ph.D student (follows the 2th Ph.D programme), C-tin Brancuși University of Târgu Jiu - Faculty of Education Science, Law and Public Administration and Faculty of Social Sciences, University of Craiova, Romania; Phone: +40767970777, Email: ramona.f.birau@gmail.com.

⁴⁾ Instructor Business Administration and Accounting, Bredin College of Business and Health Care, Edmonton, AB, Canada, Phone: +1 7803180989, Email: ejazabdullah03@gmail.com

⁵⁾ Ph.D student, Faculty of Economics and Business Administration, University of Craiova, Romania, Phone: +40762559302, Email: loredanaelenaminea@gmail.com.

⁶⁾ Ph.D student, Universiti of Utara Malaysia, Sintok, Kedah, Malaysia, Phone: +92-300-401-0842, Email: zulfiqaraliimran05@gamil.com.

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A brief introduction about major financial crises

The history of financial crises is as old as the financial markets themselves are. Crises have been known events since the birth of financial markets and their severity and intensity has been varied over time. They happen from time to time and mostly are the result of the errors committed in the financial sector. There is no concise and easy way to define financial crises, but based on their varied nature and impacts, instead a broad term for financial crises is applied to give some understanding about them. The term financial crisis broadly applies to a variety of situations in which adverse selection and moral hazard problems predominate and as a result the markets become unable to efficiently channel their funds to the most productive uses (Schlink, Huen, 2004). The main reasons for crises are not specific, but crises can occur as a result of problems like overshooting of markets, excessive leverage of debt and credit booms, miscalculation of risks, the rapid outflow of capital from a country (capital flight), mismatches between asset types, such as investing in short term assets to fund long term assets. No matter where we are at the financial stage, what one does see again and again in the history of financial crises is that, when an accident is waiting to happen, it eventually does. To make it simple, financial crises are practically unavoidable events created by our own mess and result in our own destruction.

While investigating about financial crises, the roots can even be realised in the 18th century. One of the first crisis that can be recognized and explained by a failure in a market economy, and thus be labelled as a financial crisis, is the “panic of 1819” which resulted from international conflicts, including Embargo Act, war of 1812, which lead to several bank failures, foreclosures, high unemployment rates and slump in agriculture and manufacturing (Skaggs, Ln Glasner, Cooley, 1997). Since that was almost 200 years ago and during that time crises were not so often, but there have been other incidents of crises in between that period and afterwards and crises, however, have become relatively frequent events since the beginning of the 1980s (Tomczyńska, 2000). Whatever may be the reason for that, whether it is the financial liberalization or the introduction of other complex instruments, the intensity and frequency of crises have been increased to many folds.

The theories of crises provide an ambiguous answer to their proximate causes but literature does help in clarifying that what can be the possible symptoms of an upcoming crisis. These symptoms can range from recessions to the exaggerated cycles in credit markets (Lucarelli, 2011). The literature is filled with discussions on crises from different perspectives of how crises can occur and what can be the indications for that, but in order to have a clear and thorough look at the development of financial crises over time, this paper discusses the literature from two different perspectives covering most of the literature in an ideal way to provide a complete guideline for the reader to understand most aspects of crises. For this purpose, the elementary approach to look at the crises is through generation models which ascertain that how the majority of the crises can be categorized on the basis of fundamental problems and other relevant symptoms, thus associating them to a particular generation of models, which means categorizing new crises based on their characteristics.

The maintactic is to explore the literature by specifically focusing on major crises in the history. It covers the previous four decade crises which in particular include; stock market crash of 1987, Asian financial crisis of 1997, and the first major crisis of the new century: subprime mortgage crisis of 2007-2008. This part provides a

comprehensive but compact material to look at the past history of financial crises and understanding about their behaviour without missing any of the noteworthy information.

The study is sequenced as follows: Section 2 discusses the generation models which includes first, second, and third generation models. Section 3 provides the literature based on the major financial crises and elaborate significant and main studies and their results. In section 1, an effort has been made to summarize and provide some discussion on the past four decades and some recommendations on what can be the suitable scheme to look at the crises in order to build some statistical approaches to predict such unwanted events.

Literature review based on Generation Models

With every past financial crisis, economists always proposed new sets of complex models in order to better capture the situations. Although there is no specific definition for generation models, but generally speaking, the terms which explain the crises on the basis of some arguments based on the market situations at that given time, if observed on a timeline, are considered as the generation models. The basic reason of coining them as generation models is that they are sequenced on a timeline and capture all the improvements and varieties over this time-span. There are three basic generation models which are literally termed as 1st generation models of crises, 2nd generation models of crises, and 3rd generation models of crises respectively. There are three basic models, however, another model was also suggested by Krugman, (2002) which deals with some additional situations compared to the other three generation models. The details about these generation models are discussed in subsequent sections.

1. First Generation Models

Krugman (1980) developed one of the first generation models in the light of crises in Latin America in the 1960s and 70s. According to Krugman (1980), a government attempting to keep its currency from depreciating under the fixed exchange rate, under the expansion rate of domestic credit in excess of money demand growth, finds a persistent loss of its international reserves, which ultimately results in the speculative attacks on the currency. To put it differently, a domestic credit expansion inconsistent with the fixed exchange rate gives rise to a loss of international reserves, which simulates a speculative attack that forces the exchange rate to be abandoned. According to this model, the root causes for the crisis appeared to be poor government policy, which is, the excessive public sector deficit that becomes monetized in the presence of fixed exchange rates. According to Krugman (1980) and Calvo (1987), the fiscal authority is the first mover which fixes the fiscal deficit level. The monetary authority then chooses the rate of domestic credit expansion in order to accommodate the fiscal deficit. However, the argument of Flood and Garber (1984) is in contrast to the study of Krugman (1980) and Calvo (1987) which describe that; the first mover is the monetary authority that chooses the rate of domestic credit expansion. To accommodate to this monetary expansion, the fiscal authority, then chooses the fiscal deficit.

Some of the studies extended Krugman's model in various directions. These extensions have presented that speculative attacks would generally be set by a real appreciation of the currency and if there is deterioration of the trade balance. The results followed from those models in which expansionary fiscal and credit policies lead to higher traded and non-traded goods, end up with a real appreciation of the currency (Garber, Svensson, 1994). Other models take a different perspective to highlight crisis

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and describe that expectations of a future crisis may lead to higher wages, but low competitiveness in the presence of sticky prices (Blackburn, Sola, 1993). Models which shed light on uncertainty about credit policy or about the loss of international reserves, and that the authorities are willing to sustain to defend parity, argue that domestic interest rates would increase when crisis become more likely (Gupta, 1996). Kaminsky, Lizondo, Reinhart (1999); Heun, Schlink (2004); Chaeng (2008); Kindman (2010); and Lundstrom and Tiberg (2010) are a few of the studies which focused on the first generation models. However, in later years, the focus of the literature has shifted from this view, since the stipulated fiscal disequilibrium in Krugman's model has proved to be absent in many recent crises.

While traditional approaches stress upon the role played by declining international reserves in triggering the collapse of a fixed exchange rate, few models have suggested that the decision to abandon the parity may stem from the authorities' concern about the evolution of other economic variables. For instance, Ozkan and Sutherland (1998) presented in the study that the authorities' objective function depends positively on certain benefits which are derived from keeping a fixed nominal exchange rate, and negatively on the derivations of output from a certain target level. Generally, under a fixed rate of exchange, there exist higher domestic interest rates and lower output levels if there is heave in foreign interest rates, which makes it more costly for authorities to maintain the parity. Once the foreign interest rates exceed some critical level, the cost of keeping the exchange rate fixed grows larger than the benefits and the authorities abandon the parity.

2. Second Generation Models

Since, the series of outbreaks on some European currencies under the European Monetary System (EMS) during 1992-93 and Mexican crisis of 1994-95 could not be explained through first generation models and also some models have suggested that crises may develop without any noticeable change in economic fundamentals. As a result, another generation of models was developed. The need to have another set of models can best be actualised by looking at EMS 1992-93, seigniorage was not an issue and it was not even the depletion of reserves which led the authorities to abandon the parity, rather it was a matter of policy choice as there may have been concerns about the adverse consequences of policies needed to maintain the parity. Obstfeld (1996) offered several variants, but the main theme seemed to focus on macroeconomic trade-offs and decisions, and the existence of multiple equilibria. As the contingent nature of economic policies may give rise to multiple equilibria and generate a self-fulfilling crisis.

A crucial assumption in these models is that economic policies are not predetermined, but instead are response to changes in the real economy and economic agents take this relationship into account for forming their expectations (Buckley, 2008). At the same time, the expectations and actions of economic agents may affect same variables to which economic policies respond. This, in a way, may give rise to the possibility of multiple equilibria and the economy may possibly move from one equilibrium to another without any variations in its fundamentals. Within the second-generation models, crises are no longer the result of irresponsible policy, but they occur because market participants expect them to. As a result, it may be difficult to find a tight relationship between fundamentals and crises, as sometimes crises may take place without any previous significant change in fundamentals. Calvo, (1995: 1) phrases it, "If

investors deem you unworthy, no funds will be forthcoming and, thus, unworthy you will be”.

This view was further established by Obstfeld (1996) which was based on the study of Flood and Garber (1984) and it examined the effects of self-fulfilling attacks on the gold standard. Chang and Velasco (2001) used the same theoretical approach in the bank run model for investigating the banking crisis. Second generation models differ from first generation models significantly as it recognizes and accounts for the effects of speculative attacks from international investors. A crisis may be the result of deteriorating fundamentals or self-fulfilling prophecies by noting that a currency is more expensive to defend when it is under speculative pressure, and the speculative pressure is not always based on sound information or rational concerns.

3. Third Generation Models

When the Asian Financial Crisis (AFC) hit the markets in 1997, both first and second generation models were unable to explain the actual causes of it. This gap enforced some challenge to researchers to come up with something which could be more relevant to the situation present during AFC. As a result, in those models, apart from the acknowledgement that the behaviour of market participants influenced also the decisions of policy makers, the main characteristics were the integration of moral hazards, information asymmetries, herding behaviour and contagion effects. This model, thus, was the synthesis of many of the conclusions drawn from the first and the second generation models. Krugman (1999) later hypothesizes the existence of three separate equilibria; growth equilibrium, crisis equilibrium and a transitional equilibrium. The crisis and growth equilibrium are stable, while the transitional one is not. The fall from growth to the crisis through transition is a three step process according to Krugman's stylized facts.

The process begins with a loss of confidence, either due to exogenous factors such as contagion or endogenous factors such as liquidity concerns. This loss of confidence manifests in a sudden stop of foreign investment which can turn a current account deficit into a current account surplus. This potentially leads to a transfer problem which can be considered as a second step. In that situation, governments must find a way to finance a diminishing current account deficit. This in turn creates a balance sheet problem which is the third step in the process. This stage may define the difference between a panic and leading to a recession situation. A weak currency and shock to demand can create disastrous conditions for domestic businesses, causing widespread default, the impact of which may diffuse through the economy causing long term damages.

Since the growth in international bank lending to emerging markets and its sharp retrenchment was a remarkable feature of the East Asian crisis, Jeanneau and Micu (2002) found evidence of several fundamental factors as determinants of international capital flows. Dodd (2001) pointed out that the currency trade, whereby foreign exchange, forward, and swaps were used to hedge as well as to speculate on the fixed exchange rate regimes while profiting from the interest rate differential between pegged currencies, was the major factor preceding and participating in the Thailand during the 1997. If the authorities are not mindful of their activities, derivatives can make the economies more susceptible to the financial crisis because they create conditions for entities to raise risk in relation to capital and to dodge prudential regulatory safeguards even though they play the useful role in herding and risk management.

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To summarize the discussion about generation models, it is noteworthy to describe that these models do not have any significant statistical form or equation, rather, they are based more of terms which describe a particular set of criteria which studies follow to investigate crisis under a particular generation of the model. As a result, such models help in understanding the bases and logics behind studying about crisis using a particular definite rule.

In this section, the detailed discussion of major crises is provided for the last three decades and is particularly based on three major crises, which include stock market crash of 1987, Asian financial crisis of 1997, and sub-prime mortgage crisis of 2007-08. Each of the crises is separately discussed in detail in the coming sections. Moreover, this discussion is followed on with what were the major causes and triggers of the crises? What went wrong at that time and how much did it cost to the financial markets?

Stock Market Crash of 1987 (Black Monday)

On October 19, 1987, the stock market, along with other associated futures and options markets, crashed and equity market suffered its largest single day decline in history. The standards and poor's 500 (S&P 500) stock market index fell by 57.86 points which was a decline of (20.46 %) and also suffered an overall decline of (10.12%) in its value during the three days. The Dow Jones Industrial average (DJIA) also suffered a similar loss and it fell by 508 points which was (22.50%) of its value. Moreover, NASDAQ also fell by 46 points (11.35% in value) although its dealers stopped trading early (McKeon, Netter, 2009). The 1987 crash of the stock market is a significant event in the crises history not only because of its severity and quick impact on the markets, but also because it clearly exploited the weaknesses of the trading systems themselves and how they could be strained and come close to breaking in extreme conditions. Crisis became worse because of the problems in the trading system interacted with the declining prices. When things got worse quickly, the other problem which markets faced was to gather information in that chaotic environment.

The use of trading strategies, based on pre-set instructions (previous pre-set programs), was not able to process many transactions at once, and when there is such an uncertainty in information, it always cause investors to pull back from the market and that is what happened during that time (Itskevich, 2002). Another factor which contributed to the troubles was the record margin-calls that accompanied large price changes. While protecting the solvency of the clearing house, processing trade was necessary and the size and timing of payments contributed to reduce market liquidity. Lastly, some have greatly argued that program traders contributed to the overwhelming of the system because it led to notable volumes of larger securities sales (Carlson, 2006).

By carefully observing the market background during the years proceeding to the 1987 crash, the equity markets showed strong gains, earning growth was outpaced by price increments and as a result there were high price-earnings ratios. Although some of the analysts warned of the situation that the market had become overvalued (Anders, Garcia, 1987). There were some new market investors in the stock market during the 1980s such as the pension funds, and the surging demand, which help support the prices (Katzenbach, 1987). Due to some favourable tax treatments to the financial and corporate buyouts, such as allowing firms to deduct interest expenses associated with debt issued during a buyout, helped in boosting the equities. It also increased the number of companies that were potential takeover targets and pushed up their stock

prices (Malkiel, 1988). It concluded that the failure of the stock market and derivatives markets to operate in sync was among the major factor behind the crash.

However, looking through the macroeconomic perspective during the months leading up to the crash showed some clear symptoms which can directly be related to the crash. Interest rates were rising globally (Winkler, Herman, 1987). A growing US trade deficit and decline in the value of the dollar were leading concerns about inflation and the reason for higher interest rates in the US as well (Itskevich, 2002). In the study, Siegel (1988) concluded that it was not possible to directly pin point the basic reasons for the crash, however, the cumulative effect of rising real interest rates appeared to quickly shift the sentiments of investors from an extremely optimistic scenario of future corporate profits to one closer to a consensus view. Notably, the financial markets had seen an increased use of program trading strategies (such as Designed Order Turnaround (DOT) system), where computers assist to trade quickly the particular amounts of a large number of stocks, those, which were included in a particular stock index. There were two program trading strategies that have been tied to the stock market crash. The first one was the portfolio insurance, which serves the purpose to limit the losses investors might face from a declining market.

To implement this strategy, computer models were used for computation of the optimal stock-to-cash ratios at various market prices. Models would suggest that investors decrease the weight on stocks during falling markets and reducing their exposure to falling markets, which on the other hand, during rising markets, would increase the weights on stocks. So, in a sense for investors, buying portfolio insurance was similar to buying put options which allowed them to preserve upside gains but hedge from the downside risk. In reality, many portfolio insurers operated in future markets rather than in the cash market. By buying stock index futures in a rising market and selling them in a falling market could provide protection to portfolio insurers against losses from falling equity prices with even trading stocks. It was preferred as trading in future markets was cheaper in general and also instructions which provide portfolio insurance were not authorized to trade their clients' stock.

Garcia (1987) argued that portfolio insurers did not continually update their analysis about the optimal portfolio of stock and cash holdings because of tedious and time consuming procedures with high transaction costs, instead, the study runs the models periodically and then traded in batches. This view was also supported by McKeon and Netter (2009) who too highlighted that insurers were outdated on their optimal portfolio investments. Moreover, there were concerns that the use of portfolio insurance could lead many investors to sell stocks and futures simultaneously. It also signified the concern that during a declining stock market, the use of portfolio insurance "could snowball into a stunning rout for stocks".

Among the strategies of program trading, the second one was the index arbitrage. This strategy was designed to produce profits by exploiting the discrepancies between the value of stocks in an index and the value of the stock-index futures contracts. If the value of the stocks was lower than the value of the future contracts, then index arbitrageurs would buy the stocks in the market and sell the future contracts knowing that the prices would have to converge at the time the future contract expires. The reverse transactions could be executed if the value of the stocks was above that of the future contracts, but the rules which restrict short-sales made this trade more difficult to implement for arbitrageurs who did not own any stocks (Carlson, 2006).

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New York Stock Exchange (NYSE) used the program trading using the Designed Order Turnaround (DOT) system. This order processing system allowed NYSE member firms to transmit large volumes of buy and sell orders through their own connections to the NYSE common message switch and then have them routed to a specialist/trading port. A specialist at the NYSE is an exchange member in charge of making a market in a particular stock or stocks.

All stocks are assigned to a specialist. The specialist has a monopoly on arranging the market for the stocks and in return has an obligation to make a market when there are order imbalances by buying/selling whenever there are numerous sell/buy orders from other market participants (Cornett, Saunders, 2007). It worked this way, that if the specialist did not report the execution of the trade within three minutes, the NYSE gave confirmation of execution at a reference price. If the trade was not made with the third party, then the trade was put on specialist account (Malkiel, 1988).

This automatic nature of the DOT system enabled it to handle the large number of trades needed for the successful implementation of the program trading strategies. Moreover, the broader look at the crash clearly explains that uncertainty and herd behaviour also contributed to the crash. Information about the current market conditions was difficult to obtain due to rapidly changing prices. Price quotes for stock and stock index were not necessarily reliable since some stocks were temporarily not open for trading (Securities and Exchange Commission, 1988). Rumours about the market closing added to the confusion and panic among investors (Siconolfi, Kilman, 1987), and given the uncertainty, investors ostensibly sought to sell and close out their positions. Insufficiency of reliable information made the herd behaviour common. According to Malkiel (1988), on the day of crash market participants were reacting more to price movements than to any other particular news.

The impact on Asian stock markets was significant. Asian markets were also hit by the stock market crash as Asian markets are generally dependent on the direction of US markets, as studies have proved that the information coming from US affects the Asian markets (Aggarwal, Rivoli, 1989). The stock market crash of 1987 not only hit in the US, instead, it also affected the other major stock exchanges around the Asian stock markets (Greenspan, 2007).

Arshanapalli, Doukas and Lang (1995) studied the behaviour of the US and Asian markets and concluded that the Asian region was severely affected during the stock market crash. In another study, Liu, Pan and Sheih (1998) concluded that the degree of interdependence among national stock markets in Asia increased substantially after stock market crash of 1987 and also highlighted that the US markets play a dominant role in influencing the Pacific-Basin markets. The figures 1 and 2 represent the market situations during the stock market crash in US, UK and Asia respectively.

As for US and UK markets, it is clear from the Figure 1 that all the markets took a nose dive and their values were severely affected and some even lost more than 20% of their original values (S&P 500) before the crisis period. Although, the markets started to recover immediately, but still their levels remained much lower than the original values of pre-crisis time.

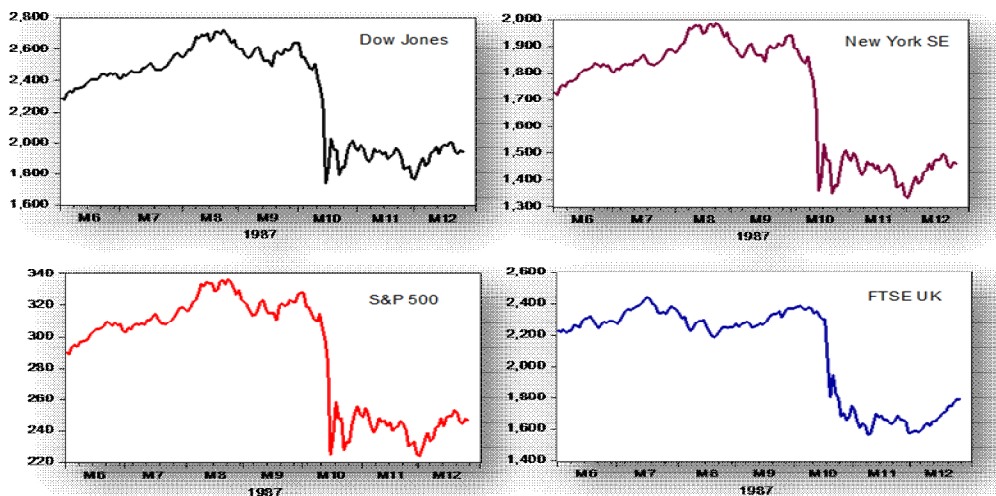


Figure no.1. Behaviour of US and UK Stock Markets for the sample period 01 Jul 1987 to 01 Jan 1988

Source: Authors' own calculations using historical data on daily basis for the given stock markets

In case of Asian Markets, Japan stock market fell from a value of 26646 to 21910 (a loss of 17.77%) within four days of trading. The Hong Kong stock market went down to 30% from its original value. Singapore and Malaysian markets also recorded a decline of 26.57 and 32.05 percent respectively. Philippines and Indonesian markets also showed a decline of 8.9 and 5.82 percent in values respectively, while South-Korean stock market showed a great resistance and its value did not change much, which is an interesting observation.

The argument on the presence of contagion revealed the fact that stock market crash of October 1987 has been extensively discussed in literature in many ways. The main observation which holds or at least catches the attention is that almost all stock markets fell together despite widely differing economic circumstances (Roll, 1988); (King, Wadhvani, 1990); (King, Sentana, Wadhvani, 1994). If one looks at the economic fundamentals of each country, it does not seem to provide a credible explanation on the origin of the crash. Thus, as a result, generates a notion that there may exist contagion at the time of the crash. Before going further into the details about the presence of contagion, this study will briefly describe here that what constitutes a contagion and then continue with the discussion.

Although the research for contagion has progressed to many levels, yet, there is no uniform definition of what constitutes a contagion. The reason for this lies in the complexity and variety of the contagion in which they occur. However, according to Eichengreen, Rose, Wyplosz (1996); Kaminsky, Reinhart (2001) contagion is defined as a situation where the knowledge that there is a crisis elsewhere, increases the probability of a domestic crisis. Edwards (2000) defined contagion as events, where the extent and magnitude to which a shock is transmitted internationally exceeds what was expected before. The World Bank defines contagion as the "transmission of shocks to other countries or the cross-country correlation, beyond any fundamental link between the

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countries and beyond common shocks”. To put it simply, contagion is a situation, where the markets or countries get affected under situations created in other markets or countries, where, under normal circumstances they had no or very less probability of being affected.

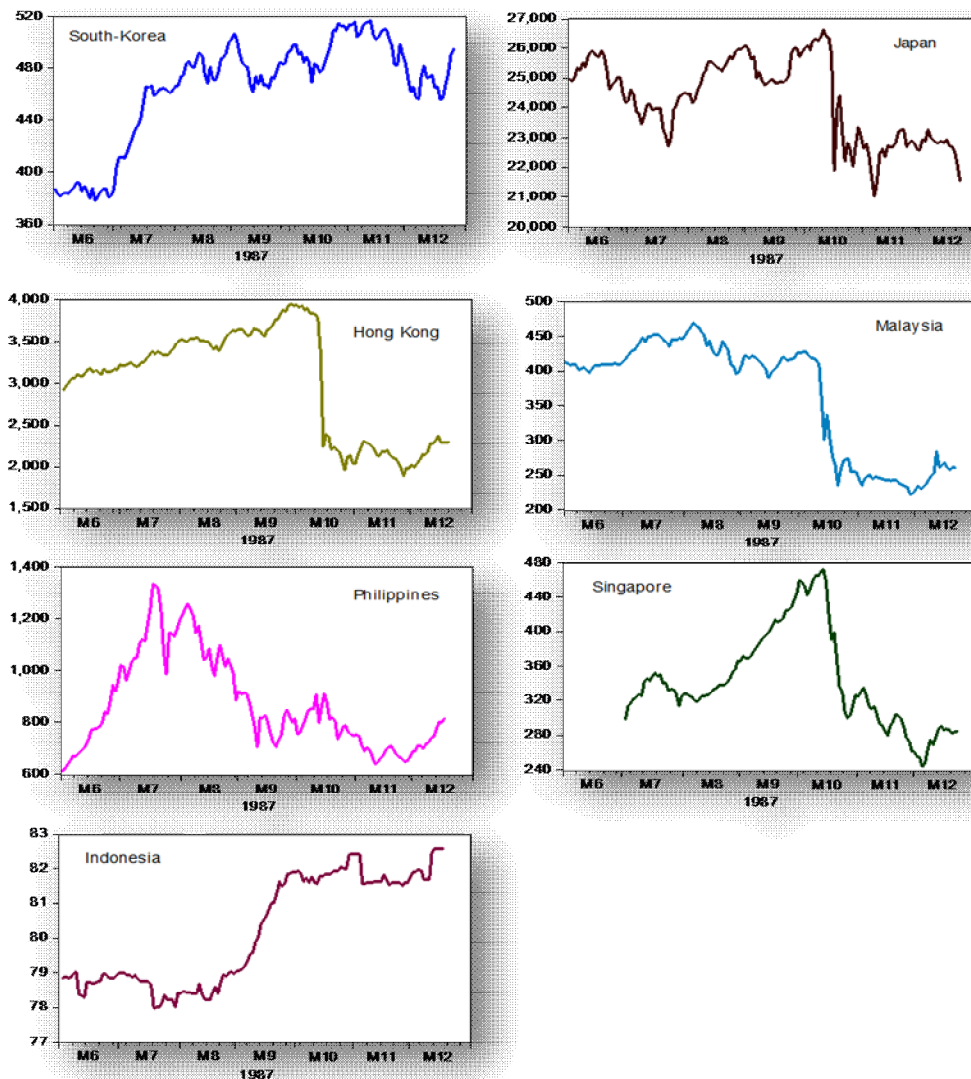


Figure no. 2. The evolution of Asian Stock Markets (01 Jul 1987 to 01 Jan 1988)
 Source: Authors’ own calculations using historical data on daily basis for the given stock markets

Coming back to the discussion on the presence of contagion King and Wadhvani (1990), as one of the earliest studies on financial contagion during the 1987 crash, argued that share prices in one market respond not only to public information about economic fundamentals, but also to share price changes in other markets beyond

of what economic fundamentals suggest, which indicates the presence of contagion. Moreover, much of the theoretical studies: Kyle, Xiong (2001); Kodres, Pritsker (2002); Yang, Bessler (2004) stressed on the argument that financial crises should be characterized by financial market contagion. Studies indicated a variety of results and many varied views over it. Among the studies which supported the contagion phenomenon include Mathur, Gleason, Dibooglu, Singh (2002). However, Forbes and Rigobon (2002) showed that with an improved statistical method, there is little or no evidence of contagion in major crises including the stock market crash of 1987. This study challenges the argument on the presence of contagion. Furthermore, an important question arises that if there was no contagion, then what made things to worsen during the 1987 crash period given the fact that the 1987 crash is the most significant stock market crash in the history of stock markets. However, in another study, Yang and Bessler (2008) studied the contagion effects during that time period and concluded that the stock market crash which originated in the US market, created an upward movement in the Japanese market after the crash which helped in the recovery of US market indicating that contagion existed. Roll (1988) argued that the international stock market crash first originated in Asian countries, other than Japan, and from there spread to Europe, the US and finally reached Japan. The survey evidence of Schiller, Fumiko, Yoshiro (1991) suggested that the US played a dominant role in the international crash. King and Wadhvani (1990) though studied different market, but also speculated that a US price decline, intensified by portfolio insurance, could have rapidly spread to the other markets during the period of the crash.

Although, there is a strong argument between researchers that it was not the contagion effect; instead the degree of dependence among the world's stock exchanges is an important factor for investors which transmit the spillovers effects. However, studies have also shown that there is a high degree of independence among stock exchanges of different countries (Reddy, Sebastin, 2009). Still, there were pronounced linkages among markets during the crash of 1987 and it refers to the rapid globalization of financial markets and in particular, it is often suggested that world markets have developed a tendency to follow market movements in New York. According to Aggarwal, Reena and Rivoli (1989), there has been a strong tendency towards day-to-day linkages between New York and the other Asian and European markets and in particular before the crash of 1987 and these markets showed dependence on market movements in New York. Furthermore, the study also concluded that there is a well-documented tendency towards low Monday returns in the United States and it has led to low Tuesday returns in Asian markets.

In a nutshell, the 1987 stock market crash was a shock to the stability of the financial system, not only because of the size of the drop in price but most importantly because of market functioning was impaired. The volume of sell orders at time overwhelmed NYSE specialists and they were forced to suspend trading in some stocks. However, the issues raised by the crash not only helped the markets in upgrading their facilities by exchanges and clearing houses, but also helped in understanding the market situations and how to deal with them by applying different tools in order to avoid any of such unpleasing events in the future.

Asian Financial Crisis of 1997

There is no doubt that some of the economies were in very bad economic situations before the crisis in Asia. Indonesia, Malaysia, and Thailand were affected by

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the ineffective banking system, corruption, and nepotism. South-Korea was suffering with rigid industrial structure which was dominated by cables and unsound commercial bank loans (Clifford, 1998). However, all these troubles were present long before the crisis erupted even at the time when economies were performing outstandingly. This in a way highlights that these troubles can be considered as a reason in building up the crisis but is not the trigger factor of it.

Moreover, it is of common understanding that the Asian Financial Crisis (AFC) refers to the onset and aftermath of the currency crashes with huge declines in output growth and plummeting stock markets in many of the previously fast growing countries in East-Asia before 1997-1998. The countries which were particularly hit by the crisis were Thailand, Indonesia, Republic of Korea, The Philippines, and Malaysia which is also termed as “The Affected Five”. An average decline of this group of countries during the crisis of 1997 in terms of the real GDP growth was about 10% of the trend value of 1996. The currency devaluations range from 30% to 80% and stock markets declined by as much as 70% (See Klien, Shabbir (2006) for further details). During the last decade preceding the crisis, these East-Asian countries had enjoyed a period of remarkable economic growth as well as social sector achievements. The region enjoyed a growth in average real GDP and with an annual growth rate of more than 7%, a decline in poverty from a massive six in ten to two in ten.

For Korea, the per capita income increased up to ten times, and four folds for Indonesia, Malaysia and Thailand, almost 100% primary school enrolment, a remarkable reduction in infant mortality and an increase in the life expectancy. In short, before the crisis, this region was growing in an ideal way and was enjoying outstanding macro-economic stability. However, this view was opposed by Chang and Velasco (1998) as according to them, irrespective of all of this, there were clear signs of disruptions before the crisis. It was very unfortunate that the crisis of 1997-1998 pushed the region into trouble and all the past achievements went into serious jeopardy. The region suffered with heavy economic and social disasters. Thailand was the first country to experience a crisis in the region. It started with the series of currency attacks during late-1996 and mid-1997 which led to the collapse of Thailand’s fixed exchange rate on July 2, 1997 (Agenor, Miller, Vines, Weber, 1999).

The consequent and severe fall of around 40-80 per cent in the Baht value led to a tremendous increase in the liability side for entrepreneurs in the balance sheet as they borrowed heavily from the international markets. Financial institutions were facing liquidity and insolvency problems (Sornette, 2003). This market trouble put a negative impact on the other regional economies and their currencies also became unstable, which sent even more negative feedback effect on the Thai economy. In order to defend the currency, at first, bank of Thailand (BOT) used up all of the international reserves through the swap operations, which resulted in a net worth of only 1 billion dollars in July 1997 (it was 33.8 billion dollars in December 1996). As a result, it had to borrow credit of 17.2 billion dollars from the IMF. Thailand’s real GDP contracted to -10.4% in 1998 and the unemployment rate was as high as three times compared to the 1997.

As for the case of Malaysia, for ten consecutive years, it grew by 8% annually and more and had always been politically stable and economically resilient, with a strong currency and all the international debts within the acceptable limits. From no point, it looked to be a contender for economic and financial turmoil but still in July 1997, its currency began to devalue rapidly and its stock market plunged to extremely low levels (Mohammad, 2000). There were clear effects of the fall of Thai Baht on the

Malaysian economy and fall of the Ringgit and stock-market capitalization looked likely to be continuous and could not be detained. The country and the government were completely unprepared to deal with the seriously flagging economy. No one seemed to understand that what was happening and why the Ringgit (RM) was depreciating so rapidly against the US dollar. The Ringgit charge rate was also generally stable against regional currencies. Against the currencies of two of Malaysia's neighbours; Thailand and Philippines, the Ringgit was stable at 1 Ringgit to 10 Thai Baht (TB) and 10 Philippine Pesos (PP) respectively. The Ringgit did appreciate against the Indonesian Rupiah (IR) but this was due to the Rupiah's weakness against most currencies including the Ringgit.

On the back of the currency stability, Malaysia' economy was very steady and showed great economic growth. As an evidence, by the end of 1996, real GDP grew at almost 8.5% per annum for almost ten consecutive years and it was looking like that this rate will continue to grow for many more years. By 1997, total external trade reached to more than 158 US billions, making Malaysia, according to the World Trade Organization (WTO) as an 18th biggest exporting nation and 17th biggest importing nation in the world (Klien, Shabbir, 2006). External debt was low at 40% of GNP, inflation was at its lowest at around 2.1%. Despite the fact that Malaysian economy was fundamentally strong, the crisis happened in Malaysia. The other regional neighbours to Thailand experienced more or less same and got entangled into the crisis one after the other. Different studies based on 1997 crisis highlighted a variety of reasons and causes for the crisis and based their arguments centred on a variety of market situations. The detail of such studies and their claims are discussed in depth in the following section.

What really made the things go this worse? Literature that has been inspired by the East Asian crisis extends two competing hypotheses as the possible causes of currency crisis. At first is the contagion hypothesis. According to this hypothesis, crisis' severity is directly linked to the contagion phenomenon where herd behaviour was prominent factor. For instance, Bhagwati (1998) concluded that, the only explanation that accounts for the massive net capital outflows is panic and herd behaviour: whether it was of domestic or foreign nationals. Radelet and Sachs (1998) deduced that the crisis was triggered by dramatic swings in creditors' expectations about the behaviour of other creditors, thereby creating a self-fulfilling financial panic. On the other hand, the vulnerability hypothesis states that the crisis occurred because of the worst situations present in the market and which just required some spark to exploit it. Dornbusch (1997) described that vulnerability means that if something goes wrong, then suddenly a lot goes wrong. That "something" which causes things to go wrong can be considered as "trigger" whereas the possibility of "suddenly" a lot going wrong is conditional on the existence of the vulnerability.

According to the contagion view, the capital flight in Thailand persuaded big expectations of an impending devaluation of the Baht relative to the US dollar to whom it was pegged and had negative informational spillover effects that doomed some of the neighbours by casting doubt in the minds of the investors about otherwise healthy economies. The vulnerability hypothesis, on the other hand, maintains that some economies were inherently vulnerable to crisis because of relatively long term deterioration in economic fundamentals (Haile, Pozo, 2008). This prone them to crisis when faced with shocks that may lead to expectation of exchange rate devaluation.

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These two explanations are quite contrasting and can be described in a way that contagion is analogous to a trigger and vulnerability means susceptibility to a country crisis on the basis of fundamentals.

According to Radelet and Sachs (1998); Marshall (1998); Chang and Velasco (2000), the initial financial turmoil in Asian countries and its propagation over time was mainly due to sudden shifts in market expectations and confidence, followed by regional contagion. According to the view of worsening of the macroeconomic performance of some affected countries in the mid 1990', the extent and depth of the crisis cannot be attributed to the deterioration in fundamentals, as explained in first generation models, but rather to panic on the part of domestic and international investors. Another view of Corsetti, Pesenti, Roubini (1999); Dooley (2000) suggests that the crisis occurred primarily as a result of structural and policy distortions. This view emphasizes that fundamental imbalances triggered the currency and financial crisis in 1997, and as after the crisis started, market over-reaction and herding caused the falls in exchange rates, asset prices and economic activity got worse than warranted by the initial weak economic and financial conditions.

Although, it is very difficult to decide that which hypothesis is more plausible, but policy and institutional reforms should however be reformed in a way to address the weakness, if the crises were caused by weak economic fundamentals. On the other hand, if investors panic deemed to be the cause of crisis, policy reforms should focus more on ways to prevent and contain the investors panic. As a result, which hypothesis to accept requires thorough understandings as there are different policy implications for different hypotheses (See Zhuang, Dowling (2002) for further understanding). Berg and Pattillo (1999) explained that there were no fundamental imbalances at the time of crisis and fiscal position was robust for all countries. Inflation was under control and the countries were enjoying the peak of their periods. There were no common symptoms among countries other than the weakness in financial and corporate sectors. But what actually made things worse was the spread of crisis from one country to another country, as investors withdraw their money in a panic. Spillovers and herding behaviour of the investors led to play an important role in capital flight out of a whole region and played an important role in the contagion.

According to the study of King (2001), Asian financial crisis was triggered by Japanese commercial banks as these banks wanted to reduce their exposure to Asia in response to emerging troubles in Thailand and South Korea which worsened the market situations further. On the other hand, the contagion theory fails to explain, if one believes there was pure contagion, why some countries like Singapore, Taiwan and China proved to be resilient to the spreading of the virus? Therefore, it is hard to escape from relying on explanation based on deteriorating fundamentals in Thailand before 1997. With regards to the fundamental deteriorations, few clouds appeared on the horizon by 1996, as IMF indicated the overheating in Thailand, especially, growing current account deficits, banking failures and signs of an asset price bubble. Meanwhile in Korea, the corporate profitability had been falling steadily with six of the largest thirty corporations going bankrupt by June 1997, although there was no expectation of a crisis in the region at least outside Thailand (IMF, 1998).

A common backdrop in crisis was abundant liquidity and excessive, imprudent credit expansion. Prior to the Asian crisis, capital flows into the region surged, leading to a sharp rise in bank lending and corporate borrowings. Foreign investors bought high-yield Asian securities or US dollar denominated debt instruments, assuming that Asian

economies would continue to grow rapidly and currency pegs would hold indefinitely (Ee, Xiong, 2008). Because of the abundance of liquidity, there was search for yield by leaders and it led to tax credit standards. Credit imprudence came in the form of connected lending to large corporate entities or to mega projects and property developments that were of uncertain commercial viability. Little explanation of it can be found in the Minsky (1992) that describes well-known financial instability hypothesis that “a period of strong growth encourages increased leveraging” and this phenomenon was present in Asia during that time. Furthermore, the study categorized borrowers into three types: Hedge borrowers, speculative borrowers, and Ponzi borrowers. Speculative and Ponzi borrowers play a major role in the asset bubbles and such borrowers were significant during the crisis which added to the financial troubles.

Asian Financial Crisis (AFC) of 1997 was the most significant crisis ever took place in Asia. What has happened is for sure cannot be reverted, the question is what did markets learn from it and how can it avoid such troubles in future? There are some important achievements conquered by Asian and other Emerging Market Economies (EMEs) which are very significant to notice and make us believe that this region has learned some important lessons from the past experience.

The region has significantly improved in and has reduced an important source of financial vulnerability by taking cautious approach about cross border bank borrowings (Haile, Pozo, 2008). It has also become more prudent in running current account deficits. If one compares the level of reserves during AFC and now, there is a huge accumulation of reserves which is a healthy sign for the region. Now, there is a great flexibility in exchange rates compared to the earlier situations, which provide a greater cushion against the speculative attacks. Fiscal policies are relatively strong and as a result, the risk of fundamental based crises has been reduced significantly (Klien, Shabbir, 2006). Leverage in the financial system has been reduced, which is a very healthy sign. Therefore, all the above adjustments in the financial system are pretty impressive and gives a positive signal that the region has learnt a handful from past mistakes and has corrected its position to not to become a victim of the same sort of troubles again.

Another very important lesson which can be learned from this crisis is that without the building of strong institutions, a wide capital inflow (uncontrolled financial liberalization) under a fixed exchange rate can put the economy in trouble during the panics and can eat up a huge amount of reserves. A panic can lead to capital outflows and put pressure on currency’ devaluation and no amount of government reserves can defend the currency as was the case with Thailand during the Asian crisis. As according to the Moussalli and Huntingdon (2007) study, developing countries should be careful in attracting too much capital in short span of time as it can have devastating effects in case of panic attacks. Conversely, if the capital liberalization is the only way, then economy at least should adopt a flexible exchange rate system. Another way to look at the crisis is to assess the performance and behaviour of economic and financial variables before, during, and after the crisis period, which an empirical study can cover as a future inquiry.

Subprime Mortgage Crisis 2007-2008

Crisis anniversaries are usually occasions to draw lessons from the past, but the 10th anniversary of the Asian financial crisis came with another shock to the financial markets in the form of global financial crisis. In response to dot com collapse in 2001,

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the Federal Reserve decided to create capital liquidity by lowering the interest rate to realise the main objective which was to boost the US economy by encouraging more borrowings, spending, and investments (Bianco, 2008). The strategy worked well and the economy began to stabilize by 2002. Low interest rate, although, helped stabilize the economy, but on the other hand, it went on to provide a hunger to even increasing real estate mortgages and their meltdowns.

In the real estate market, house prices increased in accordance to the law of demand and supply as more liquidity in the economy gave rise to house price bubble as if there is more demand than the supply, prices rise. Based on the prediction that housing values will keep on surging always, customers found it suitable to buy houses as an investment and it paid off as well, banks lent more and more money, at the beginning, with proper check and balance and then later on, even allowed and started lending to subprime borrowers (Subprime lending is the practice of providing loans to borrowers who do not qualify for the best market rates or have low/bad credit history) as banks could receive higher profits over high mortgage rates associated with sub-prime lendings (Lal, 2010).

Financial institutions were safe, and the reason that they were considered as safe is because if a sub-prime customer gets any sort of troubles; banks could always sell the property at higher prices and could earn even more profits over it. The house prices immediately escalated to such a high level that it was almost out of the reach of customers. It resulted in declined demand for housing in accordance to the law of demand and supply, as if supply is more than demand, prices decline. When the house prices began to fall, not only did borrowers failed to make high interest rate payments, but financial institutions also stopped investing in sub-prime lendings. In order to compensate for the losses, the banks amplified the mortgage rates, which made the situation even worse and it resulted in higher delinquency rates (Hofstede, 2009).

The trigger for crisis begin when on September 15, Lehman Brothers filed a case for bankruptcy; the largest bankruptcy filing ever in the history of US with Lehman holding over \$600 billion in assets. This created a bad impact on the already worsened economy. The Dow Jones closed down just over 500 points (-4.4%) on September 15, 2008 and it reached to (-7.0%) on September 29, 2008. Soon after this incident, the largest insurance company American International Group (AIG) also collapsed and all these ended up with the global recession, which caused 30 million people to go unemployed and it doubled the debt of US (Lim, Brooksf, Kim, 2008). Before the crisis occurred, the whole of the investment process was backed up by the securitization system. Therefore, for the current study, it is desirable to explain this system in detail in order to get to the root of the problem that how these problems originated and spread to the rest of the markets.

The securitization issues are very important. During old times, the money goes directly to the local lenders when homeowners pay their mortgages every month, and since mortgages took a long time to repay, lenders have always been cautious before lending the money. However, in contrast to the old system, in the new system lenders sell those mortgages to investment banks, these investment banks combine many of such mortgages and other loans (e.g. credit card debts, student loans, car loans) to create a complex type of derivatives. These derivatives are known as Collateralized Debt Obligations (CDO's). The investment banks then sell these CDO's to investors.

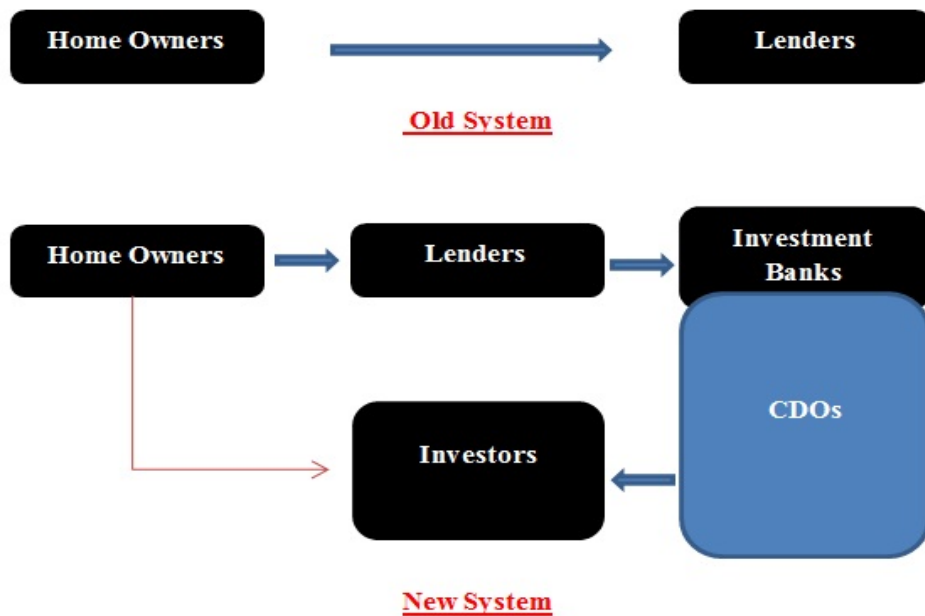


Figure no. 1. Securitization System
Source: Authors' own calculations

If the homeowners pay the mortgage payments, money goes directly to investors which are all over the world. In order to be more striking, these investment banks paid rating agencies to evaluate their CDO's, and in fact many of them got AAA ratings which is the highest possible grade which any asset can get in investments. This made CDO's popular with retirement funds which can only buy highly rated securities. In reality, the whole system became very risky, as lenders did not care anymore about whether a borrower can repay or not, and even started making riskier loans. Investment banks followed on the same lines as for them, the more CDO's they could sell, the higher profits they made, and also rating agencies which were paid by these investment banks, had no liability if their rating of CDO's proved to be wrong later (O'Connell, 2010). As a result, the numbers of mortgage loans started augmenting every year and everybody in the securitization chain did not care about the quality of the mortgage. The subprime loans increased to very high levels, and when thousands of such subprime loans were combined together to create CDO's, most of them still could receive the AAA ratings. The only attraction for investment banks to prefer subprime loans were higher interest rates, which these loans were carried (Mortreuil, 2010).

Through this securitization chain, billions of dollars were flowing through the system as anyone could get a mortgage. Home purchases and house prices skyrocketed and it resulted in the biggest financial bubble ever in the history. Although, the investment banks kept on issuing subprime loans without any control to make more and more profits, but few efforts made to regulate the mortgage industry. However, such proposals were immediately rejected and the investment banks kept on borrowing heavily to create more loans. As a result of such fury, the leverage ratio between the borrowed money and banks own money increased from 3:1 later to 15:1 and even reached to as high as 33:1 (Merrouche, Nier, 2010). Securities and Exchange

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Commission (SEC) relaxed the limits on leverage, with the efforts of Goldman Sachs, which allowed the banks to sharply increase their borrowings. Another big threat which was created in the financial system was of AIG which is the world's largest insurance company as it was selling huge quantity of derivatives called Credit Default Swaps (CDS). The CDS worked like an insurance policy for investors who owned CDO's. An investor who purchased CDS and paid AIG a guaranteed premium, and if CDO's went bad at any time, AIG promised to pay the investors their damages.

Although it looked like normal insurance, but there was a major and astonishing difference between this and regular insurance. Unlike the regular insurance, speculators could also buy CDO's from AIG, in order to bet against CDO's they did not even own. Since CDS were unregulated, it was advantageous for AIG as it did not have to put aside any money to cover the potential losses. However, if CDO's went bad in any case at any time, then AIG could get into real trouble. In total AIG issued 500 billion worth of CDS during the bubble, and most of them were on CDO's which were backed by subprime mortgages (Harrington, 2009). Borrowers on average had borrowed 99.3% of the value of the house, which was quite astonishing as if anything goes wrong, it does not put any pressure on borrowers as borrowers could walk away easily as they have no money invested in the house. Despite the huge warnings from many researchers and institutions, Federal Board did nothing and let the subprime mortgages grow. The result was, the loans went bad and thousands of lenders failed, the market for CDO's collapsed and it left the investment banks holding hundreds of billions of dollars in loans, CDO's and real estates which they were unable to sell.

Disasters

On March 16, 2008 Bear Sterns ran out of cash (Bankruptcy) and was acquired for 2\$ per share by J.P. Morgan Chase. Bear Stern was rated as A2 (High Investment Grade) one month before it went bankrupt. Same with Lehman Brothers, AIG as AA, Fannie Mae and Freddie Mac were AAA. This deal was backed by 30 billion dollars in emergency guarantees from Federal Reserves and was the beginning of the countless disasters in the financial system. On September 7, 2008, Federal Reserve took over Fannie Mae and Freddie Mac; the two of the gigantic mortgage lenders on the edge of collapse, but they still reported that economy is doing well. Two days after the incident, Lehman Brothers recorded a loss of 3.2 billion dollars and its stock collapsed. By September 12, Bank ran out of cash and was not bailed out, as a result, it filed a bankruptcy report on Sep 15, 2008 and was not rescued. According to Federal Reserve, Lehman Brothers was not rescued because in order to calm the markets and move forward it was necessary for Lehman to go into bankruptcy. AIG owed 13 billion dollars in the form of CDS's and it did not even has the money, and later it was taken over by government on Sep 17, 2008, and its owners of CDS' were paid with 61 billion dollars, the next day AIG bailout, it cost taxpayers over 150 billion dollars as AIG was forced to pay 100 cents over a dollar. The immediate result was double digit unemployment in the US (Ferguson, 2010).

In spite of the strong economic and financial fundamentals in Asia and the Pacific, the regional markets were not strong enough to cope with the international financial crisis after the collapse of Lehman Brothers in September 2008. All the claims about Asia being insulated from the distant financial crisis proved to be myths and the region suffered drastically. The shock was very acute and its intensity was unprecedented. Financial markets were the first to receive the shocks as market confidence and risk appetite collapsed. Equity indexes as well as the house prices faced

downward movements. Export markets were affected badly as US consumers cut down on their spending, and it put a real pressure on Chinese markets and these markets stumbled, resulting in millions of overseas Chinese losing their jobs (Céspedes, Velasco, 2011). Same happened to Singapore and it went down to (-9%) from the initial growing rate of about (20%) per year as its export market collapsed.

In the case of the GFC, it is not feasible to single out that what was the major problem for crisis, however, it would be more appropriate to call it as a structural issue, and the crisis was not a one-time unique event as interestingly addressed by Reinhart and Rogoff (2009) in the book “This Time is Different” (as contrast to their book title, based on the past crises events, they demonstrated that these crises are not new and we have been here before, so this time is not different). According to Gorton (2010) the structure of private transaction securities created by banks can be considered responsible for the crisis. Although this structure was very important for the economy, but it was still subject to the periodic panics if there were shocks concerning about the counterparty default.

Conclusions

In this research study, we tried to integrate three major crises in last four decades and built a story line which could render the common reader some idea that what went wrong and how the turmoil affected the economies. The whole discussion about the financial crises and the channels through which the virus was spread and the losses which economies incurred because of it, may lead the discussion again to the question that, what did financial markets learn from the disasters created by our own mistakes and will we be able to structure ourselves in a way not to repeat those mistakes again? There are many of similar questions which arise when we observe the behaviour and response of financial markets to the crises of the past four decades, as according to Reinhart and Rogoff (2008) the comparative analysis has shown that such things have already happened in the past. According to Zandi (2009) there is probably no coincidence that why crises are happening about every ten years as, “It takes about that long for the collective memories of the previous crises to fade and confidence to become all persuasive once again”. It is in human nature. So, future financial shocks are inevitable.

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ORIGINAL PAPER

Romania in the European Context: Social and Legal Effects of the Matrimonial Property Regimes in Contemporary Society

Cristina Ilie Goga¹⁾, Andreea Mihaela Niță²⁾

Abstract

The reconfiguration process of Romanian society after December 1989 was slow and arduous. Unstable political climate has inducted to an effervescent dynamics of legislative changes, thus the first Family Code from the year 1953 and entered into force in 1954, has undergone substantial changes until its abrogation by Law no. 71/2011 for the implementation of the Civil Code of 2009. In order to ensure the compatibility of the Civil Code with the rest of the laws in force, it was chosen to integrate the provisions regarding family relations with changes adapted to the evolution of the society. And in the case of matrimonial property regimes, the changes considered the principles of the pluralism and the flexibility, abandoning the principle of mutability. The risks derived from the matrimonial cohabitation in contemporary society imposed this change: occupational migration, change of family roles, accentuation of economic cleavages, acute poverty etc. The regime of separation of property and the regime of conventional community were established through the possibility of concluding a matrimonial agreement. Although the judicial practice confirms the utility of the convention, social statistics disprove it. The typology of post-modern family is based on the characteristics of the traditional family, even it is modeled by the phenomena and the processes of the globalization era. The values on which the marriage is based are the love and the trust, the feelings prevailing over the reason. This is also the reason for knowingly ignoring the two regimes, choosing a priori the regime of legal community. Are the partners aware of the effects of ignoring the regimes of separation of property and conventional community? This article attempts to analyze the answer to this question from a social and a legal point of view.

Keywords: *matrimonial property regimes; family; marriage; matrimonial agreements; Romania; European states.*

¹⁾Assistant Professor, PhD, University of Craiova, Faculty of Social Sciences, Sociology specialization, Phone: 0040766291455, Email: cristin_il@yahoo.com.

²⁾Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Sociology specialization, Phone: 0040743108885, Email: andreea_nita2005@yahoo.com.

About family and marriage: from theory to legal perspective

The family is an institution that appears as an area of multidisciplinary convergence, combining elements of sociological, juridical, economic, religious, philosophical origin, thus, a large number of definitions can be found in the literature (Chirilă, 2012: 6; Trebici 1995: 67). The family is the group of people "joined by marriage, filiation, kinship, characterized by community life, feelings, aspirations and interests" (Voinea, 2005: 9). The family is also seen from a sociological and anthropological point of view, as a "social group characterized by common residence, economic cooperation and reproduction. It includes adults of both sexes, of which at least two have socially recognized sexual relations and have one or more children of their own or adopted, whom they grow and care" (Murdock, 1949). We find family functions as internal and external (Voinea, 1993) and can also these functions can be divided into biological, economic, of social solidarity and pedagogical (Voinea, 1993: 45-46).

From a legal point of view, the family is a group of persons regulated by legal norms between which, rights and obligations have been established. The conclusion of the marriage generates, together with rights and duties of a personal nature between the spouses, a range of pecuniary rights and obligations (Ermese, 2015).

It seems like, from of all the legal acts and facts that produce family legal relationships, the marriage produces the most numerous patrimonial effects on a person (Avram, Nicolescu, 2010: 1).

According to article 258 from the Romanian Civil Code "(1) The family is based on the freely agreed marriage between spouses, on their equality, as well as on the right and duty of parents to ensure the raising and education of their children. (2) The family is entitled to protection from society and the state. (3) The State is obliged to support, through economic and social measures, the conclusion of marriage, as well as the development and consolidation of the family.(4) For the purposes of the Civil Code, spouses are men and women united by marriage" (Romanian Civil Code, art. 258). According to the Romanian Constitution, "the family is based on the freely consented marriage between spouses, on their equality, and on the right and duty of parents to ensure the raising, education and training of children" (Romanian Constitution, art. 48, al. 1).

So, as we can see, the family is primarily based on marriage and kinship.

From a sociological point of view, marriage is the socially accepted way in which two or more people establish a family.

From a legal point of view, in Romanian law, "marriage is the freely consented union between a man and a woman, completed under the law, in order to establish a family" (Romanian Civil Code, art. 259, al. 1). In national law, we can find some specific aspects of marriage: first, marriage is monogamous, second, equality between spouses, third, the only purpose for marriage is to establish a family, and the religious celebration of marriage can be made only after the civil marriage (Romanian Civil Code, art. 259).

For the legal conclusion of the marriage, several essential conditions and formalities needs to be met in Romania. The essential conditions are: -consent to marriage is personal and freely expressed; -the legal age of marriage is 18 years (or 16 years with the consent of the parents or the guardianship authority); - interdiction of marriage between relatives in the straight line and collateral line up to the 4th; -

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interdiction of same-sex marriage and even same-sex civil partnerships or contracts; - banning marriage for alienation and mental debilitation; - banning the marriage between the a person and his/her custodian if he/she is under 18 years of age; -the marriage of a married person is forbidden (Romanian Civil Code, art. 271- 277).

The matrimonial property regimes and matrimonial conventions in European Union

The relationship between marriage and money is the essence of matrimonial regimes, "which encompass all rules of legal or conventional origin, concerning patrimonial relations between spouses and spouses and third parties" (Roşioru, 2012: 18). In conclusion, the matrimonial regime deals with the economic aspect of marriage.

The purpose of the matrimonial regime is to balance the economic interests of the parties: "of the spouses in relation to the third parties; the personal interest of one of the spouses in relation to the general interest; the husband's interest in relation to his wife's interest etc." (Perkumiene, 2014: 131). However, the matrimonial property regime does not cover all the patrimonial relations between spouses or between spouses and third parties, such as the obligation of support, the inheritance rights, the liberalities, but only those patrimonial relations that have their direct origin in the marriage (Avram, Nicolescu, 2010: 3).

Worldwide there are many matrimonial property regimes used, each with its unique characteristics, found in the national legislations, but the most commonly used are two: common property regimes and separation of property regimes (Perkumiene, 2014; 131; Hegnauer, Breitschid, 1993: 209). The system of the community of goods is the traditional one, based on the religious principles of "marriage for life", "for good and bad", "for loss and gain", but taking into account the high rate of divorce, there was also a need for a legal regulation of the property of the spouses, in the sense of defending their common and individual interests (Perkumiene, 2014: 131-132).

In the European Union, each country has its own rules, principles and particularities, applicable to the matrimonial regimes concluded between their citizens and thus, trying to make a synthesis we have set out in the table below the main characteristics of the matrimonial regimes:

Table 1. Matrimonial property regimes in European Union states

State	Matrimonial regime
Austria Law: Civil Code	-legal matrimonial property regime: <i>separation of property</i> -the spouses "can dispose freely of their own property during the marriage" - the spouses can make a marriage contract: "the community of property and the contract of inheritance"
Belgium Law: Civil Code	-legal matrimonial property regime: <i>common property</i> („community of the property acquired after the marriage has begun") -each spouse „can dispose of her/his own assets, excepting the family home" -the spouses can choose their matrimonial property regime by a marriage contract: "the separation of property; the universal community of property and a a matrimonial property regime contract with specific regulations"
Bulgaria	-legal matrimonial property regime: <i>regime of community of</i>

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<p>Law: family Code</p>	<p><i>property</i> ("assets acquired during marriage, excepting assets acquired before the marriage, assets acquired by inheritance or by donation during the marriage, assets used for her/his personal use, profession or trade")</p> <p>-the spouses can conclude a marriage contract, containing only provisions on the spouses' property relations ("separation of property or specific common and separate property")</p>
<p>Croatia Law: Family Act</p>	<p>-legal matrimonial property regime: <i>separate property and community property</i> ("the spouses can own separate property -the property that a spouse owns at the time of entering into the marriage remains his or her separate property and the assets acquired during marriage by inheritance or donation-; and community property-property that spouses earned from their work during marriage or the property accrued from such property-")</p> <p>-The spouses can conclude a matrimonial property agreements, "containing provisions on the spouses' property relations, specifically mentioning the assets that will be part of separate property and assets that will be part" of the community property</p>
<p>Cyprus Law: 232/1991 amended</p>	<p>-legal matrimonial property regime: <i>separation of property</i></p> <p>- each spouse "retains and acquires her/his own property after the marriage"</p> <p>- Marriage contracts (e.g. "prenuptial agreements") are not valid</p>
<p>Czech Republic Law: Civil Code</p>	<p>-legal matrimonial property regime: <i>joint property of spouses</i> ("assets acquired during their marriage, excepting assets that serve the personal needs, assets acquired as a gift, legacy or inheritance, assets acquired by a spouse by a legal act,, relating to his exclusive property etc.)</p> <p>- the spouses can make a marriage contract: "a separation of property regime or a contract for expansion or reduction of the joint property,,</p>
<p>Denmark Law: Nordic Convention on Marriage, amended by the Agreement of 2006</p>	<p>-legal matrimonial property regime: <i>deferred community of property</i> ("all property held at the time of entry into a marriage and those acquired during the marriage becomes a part of their joint property, excepting non-transferable rights and rights like specific forms of copyrights and assets related to business activities,,).</p> <p>- the spouses can make a marriage contract: a marriage contract for a separate property (for all assets or for a part of the assets)</p>
<p>Estonia Law: Estonian Family Law Act</p>	<p>- when they get married, the "spouses are must choose their matrimonial property regime, selecting between the community of property regime, the separation of property regime and the community of accrued gains regim"e.</p> <p>- legal matrimonial property regime, "if the spouses have bot chosen the matrimonial property regime, it is considered": <i>community of property</i>.</p> <p>-In community property the assets "acquired during the marriage are considered joint property, excepting property owned before marriage, personal belongings, assets acquired as succession,, etc.</p> <p>- the spouses can make a marriage contract any time they want and can choose between: "the community of property regime, the separation of property regime and the community of accrued gains regime".</p>

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<p>Finland Law: Marriage Act of Finland</p>	<p>-legal matrimonial property regime: <i>separation of property</i> ("the property held before concluding the marriage remains his/hers and the spouse own what he/she acquires during the marriage, but each spouse have a marital right to the property of the other spouse and the surviving spouse will acquire half of the net property" of the deceased spouse) - the spouses or "betrotheds can make a marriage contract before or during the marriage and can exclude from the marital property regime, any property they own or will later acquire".</p>
<p>France Law: Civil Code</p>	<p>- legal matrimonial property regime: <i>community of property</i> ("assets acquired after the marriage are joint, excepting property owned before marriage, personal belongings, assets acquired through gift, inheritance or legacy"). - spouses can make a marriage contract: "conventional community; universal community (all assets and debts are pooled); separation of property ; participation in acquisitions (there is no community property but each spouse, in the event of death or divorce, can receive monetary compensation)" - from 2013 couples made up of German and French citizens, can choose the "Franco-German matrimonial property regime" (a variant "of the participation in acquisitions regime, with separation of property during marriage and, after the marriage ends through divorce or death, each spouse can have half of the assets acquired during the marriage")</p>
<p>Germany Law: Civil Code</p>	<p>- legal matrimonial property regime: <i>community of accrued gains</i> (a form of separation of property regime, in which, "the goods acquired before the marriage and during the marriage are individual assets of each of the spouses", but "the increase in the spouses' assets, that occurs during the marriage, will be divided equally" after the marriage ends through divorce or death) - spouses can make a marriage contract: the separation of assets; full community of property and the "Franco-German matrimonial property regime"</p>
<p>Greece Law: Civil Code</p>	<p>- legal matrimonial property regime: -1. <i>the separation of property/participation in acquisitions system</i> ("if the spouses do not conclude a contract") (in this regime, "the assets acquired before the marriage and during the marriage are individual assets of each of the spouses, but after the marriage ends through divorce, one spouse is entitled to a part of the other spouse property, if during the marriage the spouse's wealth was considerably increased and he participated in this growth (one third of the augmentation", unless proven otherwise). -2. <i>community of property system</i> (if the spouses opt for this system) (equal shares in "each other's property, without a right for each spouse to dispose of this share in the property, excepting personal assets, assets used to carry on the profession, intellectual property rights") - spouses can make a marriage contract: the community of property regime to be applicable ("the general rules of law are respected, but spouses can specify details relating to the extent of the common property, the management of the common property, when it expires", etc.)</p>

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<p>Hungary Law: Civil Code</p>	<p>- legal matrimonial property regime: <i>community of property</i> (assets acquired after the marriage are joint, "excepting property acquired before marriage, intellectual property, assets acquired through gift or inheritance, compensation for personal injury" etc). - spouses can make a marriage contract: the separation of property system and the property acquisition regime</p>
<p>Ireland Law: Family Law Act</p>	<p>- legal matrimonial property regime: <i>separation of property</i> (the property held "before concluding the marriage remains his/hers and the spouse own what he/she acquires during the marriage", but upon divorce or separation "the non-owning spouse can claim a right in some or all of property held by the other spouse if this claim is made in the interests of justice, depending on the impact of the divorce order and the circumstances of the marriage". - in Ireland, the spouses do not have a choice of matrimonial property regimes, so, "private, inter-spousal arrangement" can be done, but cannot avoid the governing statutory provisions effective upon divorce or separation.</p>
<p>Italy Law: Civil Code</p>	<p>-legal matrimonial property regime: <i>community of property</i> (property acquired after their marriage, individually and together, "forms part of the community property, with the exception" of <i>personal property</i> – "property acquired prior to the marriage; property acquired after the marriage as a gift or inheritance; property for personal use; property needed for profession; property or money received as compensation for damages or for the loss of work capacity" etc. - and <i>property which falls into the deferred community</i> which gives " the right to credit of one spouse to be paid by the other (the owner), equal to half the value of the property, when the community of property is dissolved.- deferred community includes "the fruits of a spouse's personal property and the proceeds from his/her individual activities; property intended for the operation of a business set up after the marriage and also the increments of a business set up before the marriage, if they exist when the marriage ends"-. -spouses can make a marriage contract: the separation of property system and the conventional community of property</p>
<p>Latvia Law: Civil Code</p>	<p>- legal matrimonial property regime: <i>separation of property</i> (the property held before concluding the marriage "remains his/hers and the spouse own what he/she acquires during the marriage", but if an asset is acquired with the resources of both spouses, or with the assistance of the other spouse, is joint property) - spouses can make a marriage contract: a separation of property (each spouse is liable for her/his own debts with her/his own property) or a community of property ("the property owned before the marriage and property acquire during the marriage combined into one joint indivisible mass and it is the possibility to stipulate in the marriage contract a spouse separate property")</p>
<p>Lithuania Law: Civil Code</p>	<p>-legal matrimonial property regime: <i>community of property</i> (property acquired after their marriage, individually and together, forms part of the community property, "as well as the fruits collected from the</p>

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	<p>personal property and the income of each spouse or the income from intellectual activities”. with the exception of property acquired before the marriage, <i>personal assets</i>, property acquired by gift or succession during the marriage etc.)</p> <p>- spouses can make a marriage contract: the separation of property system and the conventional community of property where ”property acquired by a spouse before the marriage will become common property after the registration of the marriage” or ”property acquired during the marriage shall be partially divided as common property”)</p>
Luxembourg Law: Civil Code	<p>-legal matrimonial property regime: <i>community of property regime</i> (with elements of common property –”like property acquired after their marriage, individually and together, spouses' professional earnings, the income and fruits of their personal or separate property, assets acquired by each of the spouses- and elements of separate property” -like assets already owned before marriage, assets acquired during the marriage as an inheritance or gift and assets of a personal nature acquired during the marriage).</p> <p>- spouses can make a marriage contract (the spouses are free to adopt a marriage contract adapted to their personal situation): community of property regimes, separate property regime or participation in acquisitions regime.</p>
Malta Law: Civil Code	<p>-legal matrimonial property regime: <i>community of property regime</i> (the assets acquired by each of the spouses during marriage, all property acquired by spouses through the exercise of a ”lucrative activity, the fruits of the property of each of the spouses”). All assets acquired during the marriage as an inheritance or donation are considered personal property.</p> <p>- spouses can make a marriage contract (the spouses are free to adopt a marriage contract adapted to their personal situation): community of property regimes, separate property regime or ”community of residue under separate administration” (in this regime,” the property acquired during the marriage is held and administered by the spouse who acquired it as exclusive owner and at the termination of the marriage concluded on community of residue regime, ”the final residues of the spouses remaining after deduction of debts are equalized”).</p>
Netherlands Law: Civil Code	<p>-legal matrimonial property regime (after 1 January 2018): <i>limited community of property regime</i> (”assets acquired during the marriage and associated debts are part of the community of property”, but there are also assets that are parts of the separation of property, like, ”those acquired as an inheritance, as a gift, pension rights and survivor’s pensions”. ”The community of property also includes assets jointly owned by the spouses before marriage (in concubinage). A special scheme applies if one of the spouses own a business”).</p> <p>- Before 1st of January 2018, a comprehensive community of property operates in the Netherlands.</p> <p>- spouses can make a marriage contract: ”a limited community of property” and ”an exclusion of any community, which may be combined with netting covenants”</p>

<p>Poland Law: Family and Guardianship Code</p>	<p>-legal matrimonial property regime: <i>community of property</i> (property acquired after their marriage, individually and together, forms part of the community property, with the exception of personal property of each spouse, property acquired before the marriage, property acquired by donation, inheritance or bequest during the marriage, assets obtained as a reward for personal achievements, and assets acquired in exchange for personal asset, personal assets, "property rights resulting from a joint ownership of property subject to separate regulations", inalienable rights, copyrights, intellectual property rights etc.)</p> <p>- spouses can make a marriage contract (before entering into marriage or during the marriage): the separation of property system, separation of property regime with equalisation of accrued gains and the conventional community of property.</p>
<p>Portugal Law: Civil Code</p>	<p>-legal matrimonial property regime: <i>community of property</i> ("property acquired after their marriage, individually and together and income from work forms part of the community property, with the exception of personal property of each spouse, property acquired before the marriage, property acquired by gift or succession during the marriage, assets obtained under a prior entitlement".</p> <p>- spouses can make a marriage contract: the separation of property system, the universal community of property and an atypical regime ("the spouses may select a regime that has specific characteristics of two or three of the matrimonial property regimes")</p>
<p>Romania Law: Civil Code</p>	<p>-legal matrimonial property regime: <i>community of property</i> (assets acquired during the community of property regime by each spouse are part of their common property, with certain exceptions- detailed in this article)</p> <p>- spouses can make a marriage contract: the separation of property system, the conventional community of property</p>
<p>Slovakia Law: Civil Code</p>	<p>-legal matrimonial property regime: <i>community of property</i> (with "undivided co-ownership of the property", except assets which serve the personal needs and the profession of one spouse, property acquired by gift or inheritance during the marriage, "the property held in its own name by one of the spouses", returned to the spouse who had previously lost it.</p> <p>- spouses can make a marriage contract, after concluding the marriage: "the community of property determined by law can be extended, the community of property determined by law can be reduced or the deferred community of property" (the community property is not established until the day the marriage ceases.</p>
<p>Slovenia Law: Family Code</p>	<p>-legal matrimonial property regime: <i>community of property</i> (property acquired after their marriage, individually and together and income from work forms part of the community property, with the exception of personal property of each spouse, property acquired before the marriage, property acquired by gift or inheritance during the marriage, or "from separate assets like interest and fruits")</p> <p>- spouses can make a marriage contract (agreement for the arrangement of property and legal relations):</p>

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Spain Law: Civil Code	<p>-legal matrimonial property regime: <i>community of acquisitions</i> (in the absence of a contract). In the community of acquisitions, income and property acquired after their marriage, individually and together, are common, and also, the system "allows personal property to become community property and vice versa by an agreement between the spouses". Assets considered to be personal property and assets considered to be common property, are listed in the Civil Code.</p> <p>- spouses can make a marriage contract: separation of property and a participation in acquisitions regime.</p>
Sweden Law: Marriage Code	<p>-legal matrimonial property regime: <i>the deferred community of property system</i> ("each spouse owns her/his property, even if the property was acquired before the marriage or during the marriage, and each is responsible for her/his own debts", but, "each spouse has a marital right, which gives her/him the right to half of the marital property's net value upon dissolution of the marriage").</p> <p>- spouses can make a marriage contract: the contract "changes the property nature of marital property or separate property" and there are special family contracts, "concerning division of property during marriage" or concerning special family issues, like "gifts between spouses".</p>
United Kingdom Law: Scottish Family Law Act	<p>England and Wales</p> <p>In England and Wales there is no community of property. We can find here a kind of <i>separation of property</i>, considering that "marriage in principle does not have a proprietary effect", but, after divorce the courts are given a great possibility of issuing "a wide range of orders" (called "ancillary relief")</p> <p>- spouses can make a marriage contract (a marital agreement), but they "can always apply for ancillary relief, even when a marital agreement" was concluded.</p> <p>Scotland</p> <p>-legal matrimonial property regime in Scotland: a version of <i>separation of property</i> ("marriage does not affect the ownership of property", but has a number of specific elements, such as: "a spouse has statutory occupancy rights in the matrimonial home, even if it is owned only by the other spouse"; in case of divorce the principle of fair sharing of matrimonial property is applied (usually means equal sharing); in case of death of one spouse, "the surviving spouse has certain protected rights, on testament, will often take the whole estate")</p> <p>- spouses can make a marriage contract</p>

Source: Conseil des Notariats de l'Union Européenne. CNUE (2019) *Couples in Europe*; Legislation of the European Union countries regarding matrimonial property regimes

We can observe that in most European states, the principle of the community of goods still prevails in national laws, which seems to be in accordance with the traditional fundamental principle of marriage, that of founding and building everything together.

This, however, does not exclude the possibility of the spouses to conclude matrimonial conventions in the form accepted by the law, which will regulate the patrimony of the spouses.

By exposing the characteristics which a matrimonial regime acquires in several systems of law, it is emphasized that both the spirit and the tradition of each people greatly influence the regulation, as well as its conventional modification (Crăciunescu, 2000).

In European Union the patrimonial relation between spouses is now regulated by "Council Regulation (EU) 2016/1103 of 24th of June 2016", and we find common rules for marriages concluded after 29th of January 2019. According to Regulation (EU) 2016/1103, the spouses have the possibility to choose their matrimonial property regime, by choosing "the law of one of the States of which at least one of the spouses is a national or the law of the habitual residence of at least one of the spouses at the time the agreement is concluded" (Regulation 2016/1103, Art. 22).

According to article 26 of the Regulation 2016/1103, "in the absence of a choice of law agreement, as mention in art. 22, the law applicable to the matrimonial property regime, is chosen, in order, according to the following criteria: "1. the spouses' first common habitual residence after the conclusion of the marriage; or, failing that; 2. the spouses' common nationality at the time of the conclusion of the marriage; or, failing that; 3. the law of the State with which the spouses jointly have the closest connection at the time of conclusion of the marriage" (Regulation 2016/1103, art. 26).

Matrimonial property regime in Romania: the legal and sociological perspective

In Romania, the matrimonial convention was abrogated by art. 49 of the Decree no. 32/1954 for the implementation of the Family Code and the Decree on natural and legal persons. The Family Code in force since 1954, established "the legal, unique, compulsory and immutable matrimonial regime" of the community of goods acquired during the marriage (Crăciunescu, 2000: V), being evident that on the way of regulating the patrimonial relations between spouses, the "collectivist" perspective of that time was very important, thus limiting the freedom of organization and functioning of the patrimonial relations between spouses (Pisarenco, 2012: 45).

The matrimonial convention was reintroduced into the new Civil Code adopted by Law no. 287 of July 17, 2009 but entered into force on 1st of October, 2011. The reintegration of the regulation of family relationships in the Civil Code is not only an element of legislative technique, but also implies the establishment of connections with the other major institutions of civil law, such as assets, obligations or successions (Avram, Nicolescu, 2010). The new civil code establishes the principle of freedom of choice of matrimonial regime (Apetrei, 2013). The reintroduction of the matrimonial convention into Romanian law represents an important step towards harmonizing our legislation with the European legal systems and becomes an important and modern tool for the regulation of the fundamental aspects of the social life, adapted to the present realities and is also an instrument that comes to meet the needs of some of the contemporary Romanian families (Buda, 2012: 48; Dariescu, 2009). As such, the matrimonial convention proves to be a legal institution useful to contemporary Romanian society (Dariescu, 2007: 32-33). The risks derived from the matrimonial cohabitation in contemporary society imposed this change: occupational migration,

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change of family roles (Sorescu, 2016; Motoi, 2018: 145), accentuation of economic cleavages (Grignoli, Şerban, 2018: 11), acute poverty etc.

The regime of the separation of goods and the regime of the conventional community are applicable where, by matrimonial convention, it derogates from the provisions on the legal system of the community and the matrimonial convention concluded in this case may restrict or broaden both the separation of goods and the goods community (Dariescu, 2008: 98-110).

The Romanian Civil Code, contains a set of mandatory rules, personal and patrimonial obligations, which aims to protect "the marriage and balancing the patrimonial relations between spouses" (Banciu, 2011: 21).

Those who want to get married will personally make the declaration of marriage, at the town hall where marriage is about to be concluded (Art 280 RCC). In the marriage statement, future spouses will show that there is no legal impediment to marriage, and will state the surnames they will carry during their marriage, as well as their chosen matrimonial regime (Art 281 RCC). On the same day as the marriage declaration was received, the civil status officer orders the publication by displaying it in a special place at the headquarters of the City Hall and on its website where the marriage is going to be concluded and on the headquarters of the town hall where the other spouse is domiciled or resident. Marriage is concluded in 10 days after the marriage statement is displayed, which includes both the date of appearance and the date of marriage, or the marriage may also be forfeited before this date for good reason (Art 283 RCC).

There are three types of matrimonial regimes in Romanian legislation: - The regime of the Legal Community (Romanian Civil Code, Articles 339-359); -The Separation of Goods Regime (Romanian Civil Code, Articles 360-365); -The conventional Community Regime (Articles 366-369).

The choice of a different matrimonial regime other than of the legal community is done by concluding a matrimonial convention.

Under the sanction of "absolute nullity", "the matrimonial convention is concluded by an certificate authenticated by the public notary". "The marriage contract concluded before marriage takes effect only from the date of marriage. A convention concluded during the marriage shall take effect from the date specified by the parties or, failing that, from the date of its conclusion" (Art. 330, RCC). So, the Romanian civil code also introduced "the principle of the mutability of matrimonial property regimes", so, the spouses can change, during their marriage, the matrimonial regime applicable (Moldovan, 2015: 47).

The matrimonial convention cannot affect equality between spouses, parental authority or lawful inheritance, but may include a preciput clause (Art 332-333, Romanian Civil Code). In order to be opposable to third parties, matrimonial conventions are registered in the Notarial National Registry of Matrimonial Regimes (334, Romanian Civil Code).

The regime of the Legal Community

According to The regime of the Legal Community "Goods acquired during the legal regime of any spouse are, from the date of their acquisition, joint property of the spouses" (Art 339, Romanian Civil Code).

According to the Article 340 of the Civil Code, are not common goods but individual property of each spouse: "a) property acquired by legal legacy, testament or donation, unless the donor has expressly provided that they will be common; b) goods for personal use; c) goods intended for the exercise of the profession of one of the

spouses, unless they are elements of a commodity fund which is part of the commodity community; d) the patrimonial intellectual property rights on its creations and the distinctive signs it has registered; e) goods acquired as a prize or reward, scientific or literary manuscripts, drawings and artistic projects, designs of inventions and other such goods; f) insurance indemnity and compensation for any material or moral damage to one of the spouses; g) the goods, the amounts of money or any values that replace a good, as well as the good acquired in exchange for them; h) fruit of own goods". (art 340, RCC)

Under the regime of the community of goods on joint debts, spouses respond with common goods to: "a) obligations arising in connection with the conservation, management or acquisition of common goods; b) the obligations they have contracted together; c) the obligations assumed by either spouse to cover the ordinary expenses of marriage; d) reparation for damage caused by the acquisition by one of the spouses of goods belonging to a third party, to the extent that they have increased the common property of the spouses" (Art. 351 RCC).

To the extent that the common obligations have not been covered by the "pursuit of joint property", the spouses "are jointly and severally liable with their own property". In this case, "the person who paid the common debt subrogates to the creditor's rights for what he has sustained over the share that would come from the community if the liquidation would be made at the time of debt payment". The spouse who has paid the joint debt in the above specified has a right of retention over the other spouse's assets until the claims of the other spouse are fully covered (Art. 352 RCC).

The Separation of Goods Regime

Under the regime of "separation of goods", each spouse is the sole owner of the property acquired before the marriage, as well as of those acquired in its own name after that date. By matrimonial convention, "the parties may lay down clauses on the liquidation of this scheme according to the mass of goods purchased by each of the spouses during the marriage, on the basis of which the participation receivable will be calculated. Unless otherwise agreed by the parties, the participation receivable represents half of the value difference between the two masses of net purchases and will be due by the spouse whose net purchases are higher and can be paid in cash or in kind" (Art 360 RCC). When adopting this regime, "the public notary draws up an inventory of their own movable assets, regardless of their acquisition" (Art 361 RCC). According to article 364 of Romanian Civile Code, "none of the spouses can be held responsible for the obligations arising from acts committed by the other spouse. However, the spouses are jointly and severally liable for any of their obligations to cover the ordinary expenses of marriage and those related to raising and educating children" (Art 364 RCC).

The conventional Community Regime

If the conventional community is adopted, the matrimonial convention may refer to one or more of the following: "a) the incorporation in the community, in whole or in part, of the acquired goods or of the debts incurred before or after the marriage, with the exception of personal property and goods intended for the exercise of the profession; b) the restriction of the community to the particular goods or liabilities determined in the matrimonial convention, regardless of whether they are acquired or, as the case may be, born before or during the marriage, except for the obligations assumed by either spouse to cover ordinary marriage expenses; c) the obligation of both spouses to conclude certain acts of administration; in this case, if one of the spouses is unable to express his will or abusively opposes, the other spouse may conclude the act itself, but

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only with the prior consent of the tutelage court; d) inclusion of the precipice clause; execution of the precipitation clause is done in kind or, if this is not possible, by the equivalent of the net asset value of the community; e) modalities for the liquidation of the conventional community” (art. 367 RCC).

In Romania, in 2018, there were 143292 marriages (91960 in urban and 51332 in rural), thus registering 6.5 marriages per 1000 inhabitants. In 2017, there were 142,613 (91212 in urban and 51401 in rural), with 679 fewer marriages than in 2018, thus observing an increase in the nuptiality rate in our country (NIS, 2019: 21).

According to the National Institute of Statistics report, ”Demographic events in 2018”, most marriages, namely 14.4% of the total number of marriages, were concluded by men and women in the age group 25-29 years, followed by those concluded by men in the same age group as women in the age group 20-24 years, ie 12.2% ”(NIS, 2019: 21).

In our country, the average age at marriage, in 2018, was 32.2 years, namely 33.8 years for men and 30.6 years for women, rising compared to 2017, when the average age at marriage it was 31.7 years, more accurate, 33.3 years in men and 30.1 years in women (NIS, 2019: 22). However, the average age at first marriage is slightly lower, in 2018, it was 31.9 years for men and 28.7 years for women, up from 2017 with 0.4 years for men and with 0.5 years in women ”(INS, 2019: 23). Over the last 30 years, the average age of marriage has increased in our country by approximately 6 years (OECD, 2019: 3).

In our country, the matrimonial regime adopted by spouses is mentioned in the National Notarial Register of Marriage Regimes (RNNRM), thus:

- marriage documents for marriages concluded from 01.10.2011;
- matrimonial conventions;
- the acts of modification of the matrimonial regime.

Regarding the number of matrimonial conventions authenticated by the Romanian public notaries, there is a very large increase in their number in the period 2011-2018. Thus, according to the data issued by the National Notarial Registry of Matrimonial Regimes, as a result of a request addressed to this institution, from the establishment of the RNNRM until 29.07.2019 (the date of issue of the address), there are in Romania 19507 matrimonial conventions, authenticated by the Romanian public notaries , distributed as follows, depending on the year of registration:

- in 2011: 234 matrimonial agreements;
- in 2012: 1288 matrimonial agreements;
- in 2013: 1582 matrimonial agreements;
- in 2014: 1972 matrimonial agreements;
- in 2015: 2452 matrimonial agreements;
- in 2016: 2739 matrimonial agreements;
- in 2017: 3369 matrimonial agreements;
- in 2018: 3635 matrimonial agreements;
- in 2019: 2236 matrimonial conventions until July 2019 (CNARNN, 2019).

Thus, we notice that the introduction of the possibility of concluding a matrimonial agreement in the national legislation, was an aspect that more and more aroused the interest of the population, and, more and more people resort to this type of matrimonial contract, thus concluding that the relations of patrimonial nature are an important aspect of the newly founded families through marriage in Romania.

However, in relation to the number of completed marriages, the number of matrimonial conventions is very low, of 2.5% maximum. The question remains: the 10 years since the publication of the current civil code were not enough for the information regarding the matrimonial regime to be sufficiently spread among the citizens, or the typology of post-modern Romanian family is based on the characteristics of the traditional family, even it is modeled by the phenomena and the processes of the globalization era? However, at the time of writing the declaration at the marriage, 10 days before the conclusion of the marriage, the employees of the civil status office inform the future spouses on the conditions of the marriage, including the possibilities of the matrimonial regime, and yet, even being informed, very few of them chose to conclude a marriage agreement. It seems like in the national culture, the values on which the marriage is based are love and trust, the feelings prevailing over the reason. This is also the reason for knowingly ignoring the two regimes, choosing a priori the regime of legal community.

In the European Union, the data for 2017 show that Romania is among the countries with a high nuptiality rate of 7.3 ‰, next to Lithuania (7.5 ‰), Cyprus and Latvia (6.8 ‰) and Malta (6.3 ‰), followed by Slovakia (5.8 ‰), Denmark (5.5 ‰), Sweden and Hungary (5.2 ‰), Austria and Poland (5.1 ‰), Germany and the Czech Republic (5 ‰), Croatia and Estonia (4.9 ‰). In the second part of the ranking, we find the following countries: Finland and Ireland (4.8 ‰), Greece (4.7 ‰), United Kingdom (4.4 ‰), Bulgaria (4 ‰), Belgium (3.9 ‰), The Netherlands (3.8 ‰), Spain (3.7 ‰), France (3.5 ‰), Portugal (3.3 ‰) and the last three places are Luxembourg and Italy (3.2 ‰) and Slovenia (3.1 ‰) (Eurostat, 2019). In the states of the European Union, marriage rates are 4.3 marriages per 1,000 inhabitants.

However, we note that the marriage rate in Romania is among the highest in the OECD countries, along with countries such as China, Russia, Lithuania, Turkey and the United States. Moreover, we note that Romania is the only state in which the crude rate of marriages has changed very little in the last 50 years, maintaining a high level, being a very low difference between the marriages rate in 1970, 1995 and 2017 (OECD, 2019: 2). In most OECD states, there is a dramatic decrease between the current rate of marriages, compared to the rates from the years 1970 and 1995.

Regarding the divorces, in 2018, "the number of divorces pronounced by final court decisions or by administrative path was 30857, less than in 2017, when 30,563 divorces were pronounced. The divorce rate was 1.39 ‰ in 2018 and 1.40 divorces per 1000 inhabitants in 2017" (NIS, 2019: 24). We note that Romania, the divorce rate has increased by more than one percentage in the last 50 years (compared to 1970), but has not changed much in the last 15 years (compared to 1995) (OECD, 2019: 4). The average age of the spouses divorced in 2018 was 43.0 years for men and 39.3 years for women. Also in 2018, out of the total divorces pronounced, 66.6% were performed "with the agreement of the parties", by the civil status officer or the notary public, and the rest in the court, for various reasons, such as: marital infidelity (2.4%), physical violence (1.8%), alcoholism (1.5%), combined causes (3%), other situations (24.7%). (NIS, 2019: 24-26)

In 2016, compared to the other countries of the European Union, Romania having a divorce rate of 1.5 ‰, recorded an average level. The lowest divorce rates at European Union level were in Malta (0.8 ‰) and Greece (1.0 ‰) and the highest divorce rates were in Latvia and Lithuania (3.1 ‰) and in Denmark (3.0 ‰) (NIS, 2019: 26). We also note that among the OECD states, Romania is among the countries with a

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low divorce rate, along with Iceland, Turkey, Italy, Bulgaria, Croatia, Slovenia, Mexico, Ireland, Malta and Chile (OECD, 2019: 4). Among the OECD countries with a high divorce rate, we find first, the Russian Federation, with a big difference from the rest of the top states, such as Latvia, Lithuania, United States of America, Denmark and Costa Rica (OECD, 2019: 4).

We can conclude that we have observed a directly proportional link between the legislation regarding matrimonial regimes in Europe and the rate of nuptiality and divorces. Of course, these aspects are also correlated with other indicators, such as the high standard of living (Ilie Goga, 2014: 200), the traditionalism of some regions, the degree of religiosity, family influence, the emancipation of women (Porumbescu, Pogan, 2018), urbanization (Pricină, 2018) or change in social perceptions (Niță and Goga, 2017).

However, the relative stable rate of marriages in Romania and the low number of concluded marriage conventions in our country, causes us to consider the fact that traditional principles still work in the founding of the Romanian family.

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ORIGINAL PAPER

Societal Challenges, Population Trends and Human Security: Evidence from the Public Governance within the United Nations Publications (2015-2019)

Anca Parmena Olimid¹⁾, Daniel Alin Olimid²⁾

Abstract

The present paper monitors the publications of the United Nations launched in the period 2015-2019. Furthermore, the research introduces key approaches in the field of the population trends by relating them to the field of the socio-economic processes, the spatial distribution and the policy implications. From a methodological perspective, the research enables an in-depth analysis of these publications released in the period 2015-2019, focusing on the following aspects: the new social challenges, the demographic estimation, the population trends: “population momentum”, the urbanization prospects, the international migration, the Sustainable Development Goals (SDGs), the policy integration, the equal access to services, the public governance, the human development, the human security and the “demographic dividend”. As research strategy, the paper aims for a multi-level examination of the current policies, the urbanization, the population decline, the human development, the poverty reduction and the environmental interdependence.

Keywords: *United Nations; population; policy; urbanization; social cohesion.*

¹⁾ Associate Professor, Ph.d., University of Craiova, Faculty of Social Sciences, Political Sciences Specialization, Center of Post-Communist Political Studies (CEPOS/CESPO) (founding member), Email: parmena2002@yahoo.com.

²⁾ Lecturer, Ph.d., University of Craiova, Department of Biology-Environmental Engineering, Email: olimiddaniel@yahoo.com.

Introduction

During the last ten years, the interest in monitoring the publications of the United Nations has enabled various analysis aimed to assess and focus the conceptual development and the well functioning at micro and macro level by pointing: the future scenarios on population ageing and population growth, the outcomes of the demographic policies, the institutional responses and the migration policy (Olimid, Olimid, 2016; Alho, 1997; Kendig, Lucas, Anstey, 2013). As research strategy, the paper aims for a multi-level examination of the urbanization, the population decline, the human development, the human security, the poverty reduction and the environmental interdependence (Li, Zhou, Eom, Yu, Asrar, 2019; Kinsella, 2001; Jiang, O'Neill, 2018).

Moreover, the analysis contributes to the research in the field of the population studies and policy implications by documenting the links between the population trends and the urbanization prospects. In addition, the study faces the challenging of monitoring the urbanization prospects, the changing population age structure and functioning, and the family planning. The research serves three main purposes: (i) the monitoring of the main publications (reports, data sets, data booklets etc.) launched in this period by pointing the urbanization prospects and the populations trends; (ii) the approach to the different categories of the input and output indicators: e.g. the rural-to-urban migration, the equal access to services, the public infrastructure, the economic and social data, the population change, the gender equality, the political participation etc.; (iii) the focus on the areas to consider when determining the policy implications here highlighting: the new social challenges, the city growth, the social cohesion, the demographic estimation, the population trends: the “population momentum”, the urbanization prospects, the international migration, the Sustainable Development Goals (SDGs) and family planning, the policy integration, the equal access to services, the public governance, the administration and the citizen services, the human development and population trends, the human security, the population prospects and the “demographic dividend”, the climate change and the population growth.

Methodology

From a methodological perspective, the research enables a focused analysis of the publications released by the United Nations in the period 2015-2019. Furthermore, we consider various types of publications such as: data, reports, data sets and booklets from the United Nations launched in the period 2015-2019. First, we focus the patterns of the social, legal and economic publications by drawing on various trends. Second, the approach to the different categories of the input and output indicators: e.g. the rural-to-urban migration, the equal access to services, the public infrastructure, the economic and social data, the population change, the gender equality, the political participation etc. Third, we focus on various areas when determining the policy implications here highlighting: the new social challenges, the city growth, the social cohesion, the demographic estimation, by monitoring the following: i) the publications (reports, data sets, data booklets etc.) launched in 2015: “Transforming our World: The 2030 Agenda for Sustainable Development, A/RES/70/1” (United Nations, 2015a) and “The Millennium Development Goals Report 2015 (United Nations, 2015b); ii) the publications (reports, data sets, data booklets etc.) launched in 2016: “Public Governance and Administration for Sustainable Development. Compendium of Innovative Practices in Public Governance and Administration for Sustainable Development” (United

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Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016); iii) the publications (reports, data sets, data booklets etc.) launched in 2017: “The impact of population momentum on future population growth” (United Nations, Department of Economic and Social Affairs, Population Division 2017a); “World Population Prospects: The 2017 Revision, Key Findings and Advance Tables. Working Paper No. ESA/P/WP/248” (United Nations, Department of Economic and Social Affairs, Population Division, 2017b) and “World Population Prospects: The 2017 Revision, Methodology of the United Nations Population Estimates and Projections, Working Paper No. ESA/P/WP.250” (United Nations, Department of Economic and Social Affairs, Population Division, 2017c); “International Migration Report 2017 (ST/ESA/SER.A/403)” (United Nations, Department of Economic and Social Affairs, Population Division, 2017d); and “World Family Planning 2017 - Highlights (ST/ESA/SER.A/414)” (United Nations, Department of Economic and Social Affairs, Population Division, 2017e); iv) the publications (reports, data sets, data booklets etc.) launched in 2018: “World Urbanization Prospects: The 2018 Revision, Methodology. Working Paper No. ESA/P/WP.252” (United Nations, Department of Economic and Social Affairs, Population Division, 2018a); “Working Together: Integration, institutions and the Sustainable Development Goals, World Public Sector Report 2018” (United Nations, 2018b); “Human Development Indices and Indicators: 2018 Statistical Update” (United Nations, United Nations Development Programme, 2018c); v) the publications (reports, data sets, data booklets etc.) launched in 2019: “Disability and Development Report. Realizing the Sustainable Development Goals” (United Nations, Department of Economic and Social Affairs, 2019a); “World Population Prospects 2019” (United Nations, Department of Economic and Social Affairs, Population Division, 2019b); “Emission Gap Report 2019” (United Nations Environment Programme, 2019c).

As such, we consider the following research questions: Q1) What are the key faces of the urbanization and populations trends in the United Nations publications launched in the period 2015-2019? Q2) What are the main focuses of the Sustainable Development Goals (SDGs) in the period 2015-2019? Q3) How the policy integration and equal access to services are detailed in the United Nations publications in the period 2015-2019? Q4) What are the fundamental tasks of the city growth and social cohesion?

Results

The article faces the population trends and the urbanization prospects, characterized by rural-to-urban migration, the challenges of the equal access to services, the public infrastructure, the population change and gender equality. Given the documentation of the United Nations, we provide also an in-depth analysis of how the new policy changes, the city growth or the social cohesion may operate similarly by using the data from the main publications launched in the period 2015-2019. Most directly, these internal or external factors may interact with the public policies in ways that influence the effects on population trends and urbanization prospects.

The population trends: “population momentum” [“The impact of population momentum on future population growth” (United Nations, Department of Economic and Social Affairs, Population Division 2017a); “World Population Prospects: The 2017 Revision, Key Findings and Advance Tables. Working Paper No. ESA/P/WP/248” (United Nations, Department of Economic and Social Affairs, Population Division,

2017b) and “World Population Prospects: The 2017 Revision, Methodology of the United Nations Population Estimates and Projections, Working Paper No. ESA/P/WP.250” (United Nations, Department of Economic and Social Affairs, Population Division, 2017c)]

A key objective of the research is to monitor the United Nations, Department of Economic and Social Affairs ambitious agenda by focusing the recent publications in the field of the population trends. Our results indicate the use of a new conceptual development in the United Nations, Department of Economic and Social Affairs publication entitled: “The impact of population momentum on future population growth” namely the “population momentum” indicating “the effect of a population’s age on its future growth” (United Nations, Department of Economic and Social Affairs, Population Division 2017a). More specifically, the new population study tool uses three variables: the mortality rates, the fertility statistics and the net migration factor. Furthermore, the United Nations prospects on the world population provide new approaches to the sustainable development and the implementation of the 2030 Agenda for Sustainable Development.

The “World Population Prospects: The 2017 Revision, Key Findings and Advance Tables. Working Paper No. ESA/P/WP/248” links the population trends to the fertility levels, the “population momentum”, the life expectancy and the migration flows (United Nations, Department of Economic and Social Affairs, Population Division, 2017b).

The third publication researched is entitled: “World Population Prospects: The 2017 Revision, Methodology of the United Nations Population Estimates and Projections, Working Paper No. ESA/P/WP.250” (United Nations, Department of Economic and Social Affairs, Population Division, 2017c). The same publication operates on the United Nations principles and projections on population and housing censuses and focuses the links between population, fertility and mortality. It also addresses the multifaceted patterns of the new international migration connecting various data and sources to estimate the population dynamics (United Nations, Department of Economic and Social Affairs, Population Division, 2017c). However, the publication shows also the adaptive strategies focused to enable a sense of continuity in the field of the data collection and evaluation by pointing four major phases namely: the “data collection, evaluation and estimation”, “further evaluation and adjustments”, the “country-specific consistency and cross-validation” and “checking consistency across countries” by considering new links between population, mobility and life expectancy (United Nations, Department of Economic and Social Affairs, Population Division, 2017c).

Moreover, the study additionally investigates also the complex processes of “modeling of the gap between female and male life expectancy” from the perspective of two factors: the data pointing the period of crisis and the period of conflict. The publication also reveals key contributions to the perspectives of the international migration, the labour migration flows and the demographic change for the recent period.

The urbanization prospects [“World Urbanization Prospects: The 2018 Revision, Methodology. Working Paper No. ESA/P/WP.252” (United Nations, Department of Economic and Social Affairs, Population Division, 2018a)]

In particular, the publication entitled: “World Urbanization Prospects: The 2018 Revision, Methodology. Working Paper No. ESA/P/WP.252” offers an expanded notion

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of the levels of urbanization and the criteria used to define the urban area (United Nations, Department of Economic and Social Affairs, Population Division, 2018a).

Rather than focusing on the urban environment and the structural patterns of the urban areas, the publication explores the relationship between the number and the type of the selected criteria highlighting the changing understandings of the rural and urban areas (United Nations, Department of Economic and Social Affairs, Population Division, 2018a). The publication focuses various criteria: i) first criteria namely: the administrative and economic landscape; ii) second criteria such as: the population size and the population density etc.; iii) third criteria such as: the urban population patterns (United Nations, Department of Economic and Social Affairs, Population Division, 2018a).

The international migration [“International Migration Report 2017 (ST/ESA/SER.A/403)” (United Nations, Department of Economic and Social Affairs, Population Division, 2017d)]

Furthermore, other publications individually draw the network between the parameters of the levels, trends and legal provisions of the international migration. Focusing explicitly on the increase of the number of the international migrants coming from South and North areas, the publication entitled: “International Migration Report 2017 (ST/ESA/SER.A/403)” points the origin and the region of destination of the international migrants (United Nations, Department of Economic and Social Affairs, Population Division, 2017d).

The publication also reflects the migration levels and the prospects for Asia and Europe by discussing the annual changes by region of destination and the largest regional corridors of the international migration (United Nations, Department of Economic and Social Affairs, Population Division, 2017d). Similarly, the publication discusses the gender and the age dimension and argues that the migration levels are also the outcome of the life expectancy and the levels of the working ages.

A broader aim of the publication points the “net migration” and the “net inflow of migrants” and reflects the regional trends, the intra-regional migration, and the levels of net migration for Northern America, Oceania, Asia, Latin America, Africa and the Caribbean. Moreover, the publication explores the “traditional countries of immigration” and discusses the increase of the levels of immigration in the last twenty years (United Nations, Department of Economic and Social Affairs, Population Division, 2017d).

Furthermore, the publication focuses the net immigration countries, the emigration countries for the periods 2000-2010 and 2010-2015, the age structure, the total population change and the estimations based on the “zero-net-migration scenario” (United Nations, Department of Economic and Social Affairs, Population Division, 2017d). At the same time, the publication points an important pillar of the international migration, namely the international legal instruments by underlining the protection of the status of the refugees and/ or the asylum seekers, the migrant workers, the human trafficking etc.

Moreover, the legal instruments highlight in the field of the migrant workers the respect of the principle of equal treatment, the equal access to employment, the individual fundamental rights, the equality of opportunity, the freedom of association etc.

The Sustainable Development Goals (SDGs) and the family planning [“Transforming our World: The 2030 Agenda for Sustainable Development,

A/RES/70/1” (United Nations, 2015a), “The Millennium Development Goals Report 2015 (United Nations, 2015b) and “World Family Planning 2017 - Highlights (ST/ESA/SER.A/414)” (United Nations, Department of Economic and Social Affairs, Population Division (2017e)]

The section focusing the sustainable development and the family planning provides an overview of the aims of the 2030 Agenda for Sustainable Development within the publication entitled: “Transforming our World: The 2030 Agenda for Sustainable Development, A/RES/70/1” launched in 2015 (United Nations, 2015a). The publication maps the Sustainable Development Goals (hereinafter SDGs) as a data source by pointing two perspectives: i) the well-being of the population and ii) the gender equality. The publication focuses on specified aspects: a focused 17 SDGs and 169 “associated targets” (United Nations, 2015a: 7). Moreover, the two concepts (“universal policy agenda” and “global development”) reflect the societal context and the factors comprising three dimensions of population change with two or three aspects in each dimension: (i) the first dimension: “the rights and obligations of the States” covering two aspects: the international law and the Universal Declaration of Human Rights (United Nations, 2015a: 7-8); ii) the second dimension: “the achievement of full human potential” covering three patterns: the “education”, the “economic resources” and the “political participation” (United Nations, 2015a: 8); (iii) the third dimension: the sustainable development covering three patterns: the policies, the “regional and subregional dimensions” and the “interconnectivity” (United Nations, 2015a: 8). Additionally, “the gender perspective” and the development policies are linked through their common area namely: the “equal perspectives” (United Nations, 2015a: 8). Moreover, by focusing on resources, the publication reflects the effectiveness of the “regional economic integration” and the “urban development and management” (United Nations, 2015a: 7-12).

The publication entitled: “World Family Planning 2017 - Highlights (ST/ESA/SER.A/414)” links the global and regional trends by targeting the strategies and the counseling aspects (United Nations, Department of Economic and Social Affairs, Population Division, 2017e). Combining these two approaches leads to significant indicators for the next period: the annual estimations considering the internationally agreed aspects. Moreover, the publication focuses various perspectives of the family planning and the sustainable development including the government policies and programmes, the support of the international community, counseling and information, the implementation of the Millennium Development Goals (hereinafter MDG) (United Nations, 2015b).

The publication “World Family Planning 2017 - Highlights (ST/ESA/SER.A/414)” focuses all data and information from national, regional and global sources and examines the “family planning indicators”, the “international investments in family planning programmes”, the population trends and “planning information” (United Nations, Department of Economic and Social Affairs, Population Division, 2017e). Moreover, the publication entitled: “The Millennium Development Goals Report 2015” launched in 2015 is also enabling an integrated vision of the human development for the implementation of the MDG namely (Goal 3, Goal 4, Goal 5 and Goal 8): i) Goal 3: the promotion of the gender equality and women empowerment (United Nations, 2015b: 5); ii) Goal 4: the reduction of the child mortality (United Nations, 2015b: 5); iii) Goal 5: the improvement of the maternal health (United Nations, 2015b: 6); iv) Goal 8: the development of a global partnership for development (United Nations, 2015b: 7).

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World Public Sector Report 2018 (WPSR 2018) and policy integration [“Working Together: Integration, institutions and the Sustainable Development Goals, World Public Sector Report 2018” (United Nations, 2018b)]

The analysis of the publication entitled: “Working Together: Integration, institutions and the Sustainable Development Goals, World Public Sector Report 2018” (hereinafter WPSR 2018) presents two important conceptual advances for the SDGs implementation namely: i) a broad understanding of the “allocation of resources” (United Nations, 2018b) and ii) the definition of the term “integration” (United Nations, 2018b).

Moreover, the publication considers the complex linkages between the sustainable development-policy integration and the political legitimacy by focusing three key factors: i) the “horizontal integration” by pointing the budget processes, the public services, the human resources management and the role of parliaments (United Nations, 2018b); ii) the “vertical integration” by focusing: the 2030 Agenda goals, the multi-level governance and the connection between the national and subnational strategies and plans (United Nations, 2018b); iii) the policy integration in the context of the SDGs by engaging the legal and functional mechanisms. In this way, the WPSR 2018 details: i) the challenges for the state in the post-conflict situations; ii) the fundamental functions of the state and the protection of the basic rights and freedoms; iii) the multiple governance outcomes and developments; iv) the social development, the integrated approaches to inclusion and the “equal access to public services” (United Nations, 2018b). Finally, the WPSR 2018 explores also the multisectoral patterns namely: the “community health”, the “capacity development”, the “science-policy interface”, the “health technologies and innovation”, the “health-SDG linkages” (United Nations, 2018b).

The equal access to services [“Disability and Development Report. Realizing the Sustainable Development Goals” (United Nations, Department of Economic and Social Affairs, 2019a)]

The publication of the United Nations, Department of Economic and Social Affairs entitled: “Disability and Development Report. Realizing the Sustainable Development Goals by, for and with persons with disabilities” launched in 2019 (United Nations, Department of Economic and Social Affairs, 2019a) examines four main categories of factors, namely: i) the access to health care services covering “physical, financial and attitudinal barriers” (United Nations, Department of Economic and Social Affairs, 2019a: 102); ii) the “access to education”, the “use of the internet” (United Nations, Department of Economic and Social Affairs, 2019a: 117), the social and economic conditions; iii) the “availability of accommodations”, the “labour force”, the demographic factors, the “access to employment”, the “workplace, the “job opportunities”, the “education levels” and the “protection against discrimination” (United Nations, Department of Economic and Social Affairs, 2019a: 152); iv) the “access to assistive technology”, the “various areas of development” including “reducing inequality” (United Nations, Department of Economic and Social Affairs, 2019a: 190).

The public governance, the administration and the citizen services [“Public Governance and Administration for Sustainable Development. Compendium of Innovative Practices in Public Governance and Administration for Sustainable Development” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016)]

The research of the publication entitled: “Public Governance and Administration for Sustainable Development. Compendium of Innovative Practices in Public Governance and Administration for Sustainable Development” launched by the United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management in 2016 (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016) examines the new developments and innovation in the area of the Sustainable Development Goals (SDGs) and the impact of the government-society interlinks. Specifically, the document measures the interactions between citizens, the public administration and the public services by focusing: a) “a more people-centered governance”; b) “a greater use of ICT technologies” and c) a new demand in the area of the “high-quality human resources” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 3). Findings suggest that the validations of the “technology advancement”, the “people-centered service delivery”, the “e-government”, the “digital inclusiveness”, the “e-participation” and the “open government” are associated with the public services. In response to the societal challenges and populations trends, the publication proposes a multi-dimensional framework based on four fundamental arguments: 1) the focus on the 2030 development agenda; 2) the detailed perspective on the role of information and public engagement; 3) the various coordination forms between the public governance and the sustainable development; 4) the decision-making determinants pointing “the expanding capacities of government institutions” and scalling up the decision theme to focus: the “resilient governance”; the “collaborative governance” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 12-13); the “people-centered governments” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 14); the “good governance” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 15-17, 20, 48-49, 51, 66); the “governance processes” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 17).

Moreover, the publication increasingly engages the role of the ICT technologies and of the social media (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 15-17, 21) to illustrate the policies and strategies in the area of the “people-centered service delivery” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 14, 21). Furthermore, the publication considers the effects of the innovation, public investments and human resources “by engaging people in policy development” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 16). More interestingly, the publication provides guidelines for the public governance and for the public sector by focusing a multi-dimensional structure namely: i) the first dimension – the “people-public institution relationship” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 20); ii) the second dimension – the “government decision-making processes” demanding public information, transparency and the “community engagement” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development

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Management, 2016: 20-21). On the other hand, the publication examines the factors determining and transforming the public services here including: “the recognition of the ICTs as ‘means of implementation’ for the SDGs” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 32) and “the role of leadership” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 49).

The publication also uses two approaches based on the “citizen engagement” and the “participatory decision making” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 3, 22). The two aspects engage not only the innovative strategies in the public governance, but also an enhanced access to technology by focusing the following outcomes: the “policy formulation processes”, the “policy design”, the “policy-making”, the “policy actions”, the “policy development”, the “policy implementation”, the “policy strategies”, the “policy options, the “policy monitoring” and the “policy evaluation” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 3-4, 13, 16, 22, 33, 48). Next, the publication uses three operational indicators: i) the cooperation between the “government agencies and external stakeholders” which refers to the procedures and networks (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 33); ii) the new software applications here including the amount of big data which refers to the “personalized interfaces to government e-filing systems” and the “quality of data” (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 33-34); iii) the advancement of the technologies that sets the relationship between innovation and accessibility (United Nations, Department of Economic and Social Affairs, Division for Public Administration and Development Management, 2016: 32-34).

The population prospects and the “demographic dividend” [“World Population Prospects 2019” (United Nations, Department of Economic and Social Affairs, Population Division, 2019b)]

The publication entitled: “World Population Prospects 2019” (United Nations, Department of Economic and Social Affairs, Population Division, 2019b) traces the key aspects of the population prospects and the “demographic dividend”. Given the discussion between the “demographic changes”, the “sustainable development” and the “population trends”, the results expressed in this publication give some insights for the key policies and strategies addressed to assess the monitoring mechanisms. Moreover, it considers the key issues of the population dynamics and the SDGs by developing the framework of the “population momentum” defined as “the implication of the current population age structure for future population growth” (United Nations, Department of Economic and Social Affairs, Population Division, 2019b: 5-8). The publication also locates the objectives, the resources and the relationship between the “future population growth” and the “family planning” (United Nations, Department of Economic and Social Affairs, Population Division, 2019b: 9). Moreover, the publication projects a “momentum scenario 2020-2100” by focusing the role of the “demographic dividend” defined by “creating a window of opportunity for rapid economic growth” (United

Nations, Department of Economic and Social Affairs, Population Division, 2019b: 10-14).

The human development and the population trends [“Human Development Indices and Indicators: 2018 Statistical Update” (United Nations, United Nations Development Programme, 2018c)]

The publication entitled: “Human Development Indices and Indicators: 2018 Statistical Update” (United Nations, United Nations Development Programme, 2018c) also focuses on examining the reasons associated with the socio-economic components and the institutional components. The socio-economic components deal with “the state of global human development in 2018” and the “social, economic and environmental realms” (United Nations, United Nations Development Programme, 2018c: iii). Furthermore, the institutional components and the statistical updates undertake self-directed actions here including: the “trends in human development”, “the gender inequality”, the “overall progress”, the “quality of human development”, “the environmental degradation”, the “multidimensional poverty”, the “composition of resources”, the “status of fundamental human rights treaties” (United Nations, United Nations Development Programme, 2018c: vii, 20, 78). Thus, the institutional component represents the main foundation for realizing the Sustainable Development Goals indicators. Therefore, at the structural level, the publication addresses a direct linkage between the “Human Development composite indices”, the “Human Development Index values by country grouping, 1990-2017” and the “Human Development indicators” (United Nations Environment Programme, 2018c: vii). As mentioned before, by using the three dimensions framework, the publication: “Human Development Indices and Indicators: 2018 Statistical Update” illustrates the practices, the relationship between the “quality of human development” and the “environmental sustainability” (United Nations, United Nations Development Programme, 2018c: 2). An alternative observation is based on a pluralism of practices and policies. The observation also suggests the key indicators of the human development namely: the “population trends”, “the health outcomes”, “the human security”, “the human and capital mobility”, but also the diversity of “the perceptions of well-being” (United Nations, United Nations Development Programme, 2018c: 74-76).

The climate change and the population growth [“Emission Gap Report 2019” (United Nations Environment Programme, 2019c)]

In the publication entitled: “Emission Gap Report 2019” launched in 2019, the question of the population growth is influenced by a practical angle, namely “the medium fertility variant” (United Nations Environment Programme, 2019c: 11). The publication notes the challenges of the population health in the rural and suburban areas by pointing the importance of other factors: the energy emission, the household size, the residential dwellings, the urbanization, the local resources, the developing strategies etc. (United Nations Environment Programme, 2019c: 58). However, it also addresses the question of the “technology developments” by specifying “the impact of policies” and of the “current policies scenario projections” (United Nations Environment Programme, 2019c: 7).

Conclusions

The results demonstrates that the three dependent variables (the population trends, the human security, the societal challenges are discussed in relation to their effects for the policy integration. Additionally, the study investigates the effects of the United Nations publications on the development of the new public infrastructure, new dimensions on population changes, the gender equality, the human security and the new societal challenges.

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ORIGINAL PAPER

Transnational Corporations, as Subjects of International Law in the Globalization Context

Alexandra Porumbescu¹⁾, Livia Dana Pogan²⁾

Abstract

When analyzing the contemporary society, globalization eloquently describes every domain of existence, regardless of the geographic area, whether we are talking about the elimination of borders, rapid access to information, or the freedom of capital and circulation, for example. Its economic dimension, however, has a predominant impact, as Wallerstein considered that the world capitalist economy determines all dimensions of social life. Transnational corporations become, in today's context, an emblematic portrayal, defining globalization, characterized by the transcendence of traditional models of capitalism (Behrman, 2003). Thus, the regulation of global economic relations and functioning in this global space requires a new reference framework and specific institutional regulations, with no consensus yet. Although the role of transnational corporations as major actors in the globalization process is widely recognized, intense debate has been generated by their status as subjects of international law. Therefore, in this paper we intend to highlight the main aspects regarding their legal status, discussing also the larger globalization context.

Keywords: *transnational corporations; globalization; legal status; international law.*

¹⁾Assistant Professor, PhD, University of Craiova, Faculty of Social Sciences, Phone: 004 0740364309. Email: alexandraporumbescu@yahoo.com.

²⁾Assistant Professor, PhD, "Lucian Blaga" University of Sibiu, Faculty of Social Sciences and Humanities, Department of Social Work, Journalism, Public Relations and Sociology, Chair of Sociology and Social Work, Email: livia.pogan@ulbsibiu.ro.

The context

Technological jumps, industrial development and economic interactions, all fostered by scientific discoveries, have reshaped the way people work, learn, interact, entertain and even live, in a remarkable way, for the last two centuries, starting with the First Industrial Revolution and the steam-powered engine. Nowadays, every local happening can become global in a blink of an eye, due to communication facilities and rapid data transmission through internet. Goods, cultural operas, ideas, can be produced everywhere and accessed, seen, bought from almost anyway on Earth. Globalization is a catchphrase frequently used to describe the actual connected society we live in and it's economic dimension is often brought to attention, as it is considered of capital importance. Furthermore, in addition to the multiplication of contexts in which globalization, as a process, can be observed, "the effects of globalization are most easily perceived in the economic aspects of life, such as trade, commerce, or public access to certain goods and services, due to significant increase in foreign exchanges" (Porumbescu, 2018: 79). In other words, economy usually deals with production and consumption issues and the defining feature of the global context is that production and consumption are no longer only locally situated, limited to a territory, but the frontiers and boundaries between states become less compulsory. On this fertile soil, transnational corporations emerged, as subjects of law. Although, throughout time, they have known many changes in terms of size and fields of action, the fundamental characteristics that differentiate them from other types of economic agents remain constant.

The United Nations Organization on Trade and Development defines transnational corporations as "legal entities or entities without legal personality consisting of parent companies and their foreign affiliates. The parent company is defined as an enterprise that controls assets of other entities in countries other than the mother country, usually by owning a capital stake. Foreign affiliate is a legal entity or entity without legal personality in which an investor as a resident in other economy holds a share that allows a long-term interest in managing of this company" (UNCTAD, 2016). In this analytical framework, the concept of *transnationality* can be used to define a new distribution of productive activities on an international scale. Transnational corporations are extremely powerful institutions and possess resources that far outstrip those of the majority of the states that are members of the United Nations Organization system. Among their main assets, we can include an immense reserve of managerial talent, financial assets and technical resources, which are being instrumentalized in order to conduct gigantic operations, all with the aid of a concerted global strategy. Since this type of investment creates integrative types of economic relations, engaging the global society in the internal economic operations performed within national borders, it came to be a very controversial one.

In the scientific literature dedicated to the study of these companies a rather consistent attention is being paid to defining and differentiating them from other types of economic international actors. However, the focus of this article is on investigating the extent of their indisputable role in the globalization phenomenon, and, consequently, their legal status under the provisions of international law.

The main actors of globalization are the transnational companies, respectively large companies (mostly from western countries), which have expanded their activity economic and financial beyond the borders of the country of origin, becoming the main economic agents in the contemporary world economy. They exist and act in all sectors

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of activity: industry, agriculture, banks, insurance, advertising, tourism, etc., holding important positions of control in the respective sectors. Many transnational corporations have in a relatively short time come to concentrate an economic force greater than that of some states, having therefore a word that is hard to say in terms of direction, magnitude and degree of complexity regarding the development of international economic relations as a whole, as well as their impact on the development of national economies.

The international arena depicts a landscape in which transnational companies have become the initiators and organizers of the international production of goods and services, the generators of foreign direct investments, therefore gaining the ability to play an important role in complementing the development and progress efforts of the national companies located in different countries. Under these circumstances, and given the resource package transnational corporations can provide for their hosts - in terms of capital, technology, access to markets, advanced technical, professional and managerial skills and knowledge - the frontier between the economic interests and other type of interests a corporation is entitled to lobby for becomes rather unclear.

From the international politics perspective, corroborated with the extensive expansion of the role of the transnational corporations in the multi dimensioned global links concluded nowadays, we argue that it is of critical importance to draw a difference between the legal status of the transnational corporations under the provisions of public international law and their role as actors in the development of relations on the international arena. While the last is indisputable, being given the contemporary international context, as previously described and further analysed in this paper, as being dominated by processes such as globalization, significant multiplication of international contacts, the increasing role of non-state actors etc., the first frame of analysis creates room for significant debate in the international relations theory.

Historical development

Although the issue of the role of multinational companies in establishing the international agenda and their interference with state politics, as well as numerous examples of such practices have been around for a long time, the events that led to the introduction of the matter in the political and administrative theory are more recent. Setting the topic of international economic agents as subjects in the global evolution of the international system was fuelled by the rapid intensification of their activity and the expansion of the territorial frame of their initiatives, partly due to the innovations in the production and transportation processes.

The spread of powerful private entities, which influence state processes, was also facilitated by the technological and financial advancement of the United States following World War II (Hinsey, 2017), combined with a doctrine and propaganda of consumerist type that transformed the social ideals and lead to a rapid transformation in the global landscape. The change of the global social paradigm is often regarded as one of the most important aspects of the globalization process, describing it as "the phenomenon that causes significant structural changes in societies, involving a number of new processes like massive technological development, demographic ageing or facilitating access to education, all these producing permanent changes of values, so that it became imminent the question: What cultural values dominate today and which of these will prevail in the future?" (Niță, Ilie Goga, 2017: 11). These kinds of questions arise in relation to the significant interference of the set of values promoted by

transnational companies and the traditional, locally constructed ones. Furthermore, it is often argued that “historically, the relationship between the economic power and the political power of transnational corporations has been very controversial” (Sklair, 2002: 145).

Considering this, it is important to highlight the fact that evidence of the interference of these transnational economic actors in other sectors of activity, such as political, administrative, or even legislation is not recent, but dates back to incipient forms of enterprises that conducted production and financial affairs in the colonies of the former great empires.

One of the oldest examples of transnational companies is the East India Companies (English East India Company, East India Trading Company, or English East India Company) (Encyclopaedia Britannica, 2019), which was a set of commercial companies that have shared, with vast rivalries often solved by bloodshed, the area of the current Indian state, and belonged to the British, French, Danish and Dutch. The most widespread and efficient of these was the East India Company, known as the Honourable East India Company or the British East India Company and informally the John Company. It was one of the first English stock companies, initially set up to trade in the East Indies, but ended up trading even with the Qing Dynasty of China and gained control of large parts of the Indian Continent. The company received the Royal Charter and the title of “Governor and Company of Merchants of London Trading in the East Indies”, signed by Queen Elizabeth I on December 31, 1600 (Molesworth, Foster, 1893: 3), becoming responsible for about half of the global trade at that time. At the peak of its domination in India, the company had a private army of nearly 260,000 people (double from that of the country from which it came) exercising military control, almost entirely, in the region and assuming administrative functions, either directly or by completely obedient leaders.

At the moment when such companies carried out their activities they acted, in legal terms, as representatives of the states that commissioned them, thus making it more difficult to establish whether they should be regarded as subject of private law or public law. However, over time, the influence of the sovereign states in the transnational companies has diminished, making room for private initiatives, and the initial state-company directed link was reversed, along with the increase of the interests of the non-state actors in the development of internal politics and international relations.

Transnational Corporations and globalization

As argued above, transnational corporations certainly are an emblematic symbol of the actual global world. Therefore, according to our scope, some necessary specifications regarding globalization need to be made in the following lines. Firstly, theories regarding globalization are generally grouped into two main categories: the ones that link globalization with modernism and the ones that see this phenomenon in relation with postmodernism. Moving further with our analysis, one can easily acknowledge that globalization certainly is reflected at every level of the social life, even if we speak about communication, economy, politics or ideology and symbolic dimension.

Although when trying to define globalization over-simplification is unavoidable, the attempt of Anthony Giddens is often mentioned and briefly describes in an understandable way this phenomenon. According to his view, globalization can be regarded as an “intensification of worldwide social relations, which link distant localities in such a way that local happenings are shaped by events occurring many miles away

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and vice versa” (Giddens, 1990: 64). His perspective also captures the dialectic nature of globalization, in the sense that local consequences of the facts that determined them, situated at a great distance, may be different from their precursors.

While Giddens sees globalization as an outcome of modernization, Wallerstein mainly describes economic globalization, Meyer considers the economic dimension and Luhman regards this phenomenon as a structural modernization of western societies (Rusu, 2008). From a postmodern perspective, globalization can also be understood in the light of the post-industrial, informational society, characterized by technological developments, digitalization, automatization, also called knowledge-based society, or even smart society. From this perspective, globalization is a result of technological revolutions. In economic terms, corporations, migration of capitals, the global division of labour, all are facets of financial globalization.

Trying to understand the position of transnational corporations, we should emphasize their important role in society, with echoes at every level: educational, cultural, political and certainly economic. In order to argue our position regarding the economic key position of transnational corporations, we will introduce a short paragraph which describes in an eloquent manner their impact: “The main centres of power in the world economy are capitalist states – states in which capitalist economic enterprise is the chief form of production. The domestic and international economic policies of these states involve many forms of regulation of economic activity, but (...) their institutional organisation maintains an “insulation” of the economic from the political. This allows wide scope for the global activities of business corporations, which always have a home base within a particular state but may develop many other regional involvements elsewhere” (Giddens, 1990: 70). Multinational companies are described as centres of economic power in the capitalist world, monopolizing all forms of production. Furthermore, economic activities and institutions benefit from a considerable amount of regulations concerning the international interactions between states, beside the domestic ones.

Giddens also catches the financial power of such transnational companies, but also the limits they reach, regarding for example territoriality: “The biggest transnational companies today have budgets larger than those of all but a few nations. But there are some key respects in which their power cannot rival that of states – especially important here are the factors of territoriality and control of the means of violence” (Giddens, 1990: 70). This remark is of main importance for our work, as it draws attention on both impact of transnational corporations and sensible issues regarding their sphere of influence, arguing thus for the importance of analysing multinational companies in the context of international law.

Besides the economic dimension, the one regarding industrial and technological development also links globalization and transnational corporations. In the actual context, fostered by communication possibilities, travel alternatives, division of labour also becomes global. Internalization and specialization in different domains in certain areas or regions also describes multinational companies and regards differences in resources, human or natural, skills, production of raw materials or type of industry. The global labour division is defined by the fact that some countries, areas or regions are raw materials suppliers, others products suppliers, while others become know-how suppliers, which becomes increasingly valuable in the knowledge-based society.

This diffusion of technology reshapes not only production activities and relations, but impacts all aspects of humans’ day-by-day life. Transnational corporations

can also be seen as a messenger of such transformations, especially in poorer regions, where they represent the only jobs provider for several communities.

A useful key in addressing transnational corporations' impact is Wallerstein's theory of Modern World System (Wallerstein, 1974). According to his perspective, the world can be seen as divided between centre, semi-periphery and periphery, the West having the central role. Worth mentioning here is that globalization is seen by Wallerstein mainly as an economic one, because the global capitalist economy influences all dimensions of social life, as politics, culture or education. The spread of global capital connections and the interdependency created as a result, depicts an economic and political landscape in which "capitalism means, first of all, profit and technical civilization. This social system is defined, in economic terms, through the predominance of private property and its mass extension, through free initiative and unlimited profit, perfecting of work means and serial production, dynamism of activities and wealth" (Ilie, 2014: 235). Furthermore, globalization determines the spread of central – western models to periphery and semi-periphery, contributing to uniformization.

Linking Wallerstein's thesis to transnational corporations, we must say that their economic impact is unquestionable. At the same time, the economic status is consolidated through the entire construction of such companies and the local context of each new established subsidiary may repaint in different nuances the model brought. Aspects as economic development of the region, other concurrent opportunities for the workforce, the educational status of the inhabitants, their values systems, may influence the way a certain branch of a multinational company looks like.

Furthermore, national and international legal regulations are a key factor in this equation, as they can allow or not certain activities, practices, policies. At the same time, we must acknowledge that while for certain areas work regulations are very strict, especially when looking at safety and security, protection of pregnancy, motherhood or minors, working hours and rest time, still are regions where labour activities are dangerous and under-regulated, compared to the "Centre". Moreover, pollution, dangerous or toxic substances, waste storage, considered hot topics in western countries, are differently seen across the Globe. Industrialization is frequently incriminated regarding such issues and industry has a lot to deal with them. Therefore, new markets, also for sale, but for workforce, or resources are sought for, and law regulations, together with political or legislative predictability and military stability are a key factor taken into consideration by transnational corporations when drawing their strategy regarding such new markets.

Transnational Corporations under the rule of International Law

The nucleus of international law is represented by the relations concluded among states, as primary subjects of this type of law. These global links ruled by the international law can be based on cooperation, but also on confrontation, sometimes peaceful, but also, at times, violent. However, in the contemporary development of international relations, the traditional actors of international relations, namely the states, can be often replaced by non-conventional actors, thus resulting in the emergence of new types of relations, such as those between states and transnational companies, or those between transnational companies, international organizations and/or non-governmental organizations.

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Therefore, although both the legal doctrine and the studies in international relations theory consider the state either as the primary subject of international law, or the main actor of international relations, they also agree with the existence of other types of subjects/actors that need to be taken into account. Given these circumstances, it is impossible to disregard the fact that in the most recent period, after the Second World War in particular, a number of other factors, including public opinion, peace and anti-war movements, international non-governmental organizations, or international corporations act and exert a certain influence in international life. These entities act both legally and in the sphere of international relations, more indirectly, influencing - without determining - their content.

There are some characteristics of the international law that differentiate it from all the national systems of law: first of all, there is no institution invested with legislative authority. The international law is created based on the will of states that form, at a given moment, the international society, and the agreements they reach. In other words, the rules of international law are created by states, but, in some situations, other subjects of internal law contribute to creating legislation. Secondly, there is no higher authority entitled to observe and ensure the proper application of the norms. Thus, the consensus, the will of the national sovereign states is the only guarantee that the legal provisions of the international law are to be observed. And last, but of most importance, applying internal law depends solely of the will of the state, which is presumed from the moment it agreed to enforce a certain regulation. However, this system depicted above, created based on the sovereign will of the states, does not apply only to states, but also to all the other subjects of international law, which are represented, as most of the literature agrees, by international intergovernmental organizations, the peoples fighting for national liberation, and, in certain situations, individuals (Bogdan, 2007: 59-61). Therefore, transnational corporations are not listed as subjects of international public law, and the reason for this exclusion resides in the fact that they are not legitimized by the same kind of authority as the national states or the international intergovernmental organizations, which are founded based on the will of states, thus deriving their legitimacy from them. In other words, what transnational corporations lack, despite their significant influence in the development of countries all over the globe, is sovereignty. But, beyond these legal constrains it is undeniable the influence they have in the international affairs, being able to persuade political decisions and interfere with global politics. In this regard, it is important to highlight the fact that "while TNCs have always been political actors, the demands of economic globalization require them to be political at the global level in a more systematic sense than previously. The political action of TNCs at the global level, like most political action, is a mixture of the haphazard and opportunistic on one hand and well-organized and systemic behavior on the other" (Sklair, 2002: 145).

In the matters related to private international law, there is recognition of the transnational companies as subjects of law, numerous branches of legislation being specifically dedicated to economic and financial activities. However, the rapid acquisition of capital, due to the exponential increase of financial transactions, which was subsequently used to "colonize" the forms of administration, allowed transnational companies to rapidly expand their sphere of influence and to sway the legislative processes and the political decisions, both at national and supra-national level.

There are also authors who argue that, despite the fact that from the legal point of view, the concept of personality in the international law has been extended a lot

during the last years, the global system, in its current form, does "not take fully into account the international importance of transnational corporations and other non-state entities possessing such economic power" (Charney, 1983: 787). But even taking into account these remarks, being recognized as subjects of public international law would imply that the transnational corporations are holders of sovereignty, which is not true. This a prerogative only held by the nation states, and granted to them considering their exclusive authority over a certain territory and population, exerted through the means of an institutional complex. The state cannot invest sovereignty in the transnational corporations, since they submit to the legal authority of the state on the territory of which they were founded or develop their activities. The international intergovernmental organizations are subjects of international law due to the fact that their very existence derives from the decision of sovereign states to create them, thus investing them with legal autonomy. Once created, they exist autonomously from the founding nations.

On the other hand, as Charney (1983) argues, so far the international legal community has "failed to give these entities a legal role partly because of the power struggles among nation-states and the perceived threats to the nation-state system that they represent". In this context, one may presume that any continuation of these differences would bear consequences that are also likely to affect the global system, as a whole. Furthermore, the results acquired in the law making and law imposing processes in matters of international relations "depends largely upon the legitimacy of its rules. Because the law development process is the vehicle by which these rules are legitimized, a process that excludes powerful international actors will become less legitimate in the eyes of the excluded actors and will breed disrespect for the international system as a whole" (Charney, 1983). In addition to this, regarding the issue of sovereignty, it can be argued that even this concept, which embodies a certain level of equality between states, which are inherently different, can be dismantled or easily moulded into a prerogative fit for any other international actor. However, despite the fact that transnational corporations, aside for their economic activities, also interfere with the various kinds of political activity, a problem related to the legitimacy comes up, as the leaders and representatives of these companies do not accede to power as a result of democratic elections, nor can their activity be controlled by the means of a similar process. (Orts, 1995; Scherer, Palazzo, Baumann, 2006: 519).

Conclusions

Multinational corporations should be understood both as results and also agents of globalization. Their transnational dimension is possible due to globalization, but in the meantime, they also contribute to the spread of models, values, principles or behaviours. Therefore, it can be assumed that transnational corporations resemble to a socializing agent, or a messenger of western cultures, according to the view of Wallerstein regarding the Modern World System. From this perspective, multinational companies bring from the country of origin to the new established subsidiaries not only technologies and know-how, but also principles, working and relating systems and procedures, some of them written, others unwritten – in one world, they pass on their organizational culture. Multinational corporations have internal rules that may differ to a lesser or to a greater extent from the typical, sometimes informal, work regulations of the country where they arrive. Through the models they propose, transnational corporations can influence, in a soft manner, not only the work behaviour of their employers and collaborators, but also their private lives, the way they relate and interact.

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Such an influence is also facilitated through training programs, internships or other specialization courses, that target both hard skills, as professional abilities, and soft skills, as communication, team-working, interacting, problem solving or creative thinking.

Regarding the importance of state versus non-state legitimacy in defining the international system, a contemporary perspective that takes into consideration several layers of power distribution needs to acknowledge the importance of unconventional actors in the global connections, due to the fact that “the actions and relations of multinational corporations, associations, organizations and networks, based in various countries or no country in particular and which are apart and independent from national governments, are added to the actions and relations of the two fundamental systems of politics, i.e. the states and the international system” (Attina, 2009: 54).

The position of transnational corporations as key players at global level is built on one hand on their economic impact, as producers, suppliers of goods and jobs and also consumers, and on the other hand on their smoother social impact, consolidated by models, values or principles. But, based on these functions provided by the transnational corporations for the “global village”, their reach in the political, administrative and legal decision-making process increases in direct ratio with their economic growth. Nevertheless, law regulations have the power to limit, direct, or moderate the impact of transnational companies.

The financial capital resources, which the transnational corporations obtain from the globalization of the principle of liberal democracy, namely free trade and non-interventionism in the economy, are transposed into significant contribution both directly (added value taxes, income taxes, state contributions, concession contracts, loans etc.) and indirectly (taxes, respectively the purchasing power of employees, public-private partnerships, development related, attracting investors, influencing migration, public diplomacy, etc.), on the GDP of the mother country (the state in which their headquarters are located), but also of those in whose territory they operate. Given these significant contributions to the national economy, elected political leaders may feel compelled to “bow an ear” to the wishes expressed by transnational private entities (Eijaz, Eijaz, 2011).

Despite the existence of certain situations when privately owned companies have acted by interfering with local forms of government, or have even fully incorporated them into their area of domination, the issue regarding the degree of interference of privately-owned corporations in state affairs became of scholar interest only in the end of the XXth century, being initially used by anti-globalization groups, as a formula meant to emphasize the diminishing role of the nation-state on the international arena. By radically changing the lenses and becoming even a topic in the political spectrum on its own, a basic description of the situation would be that of a political and economic system controlled to a certain degree by corporations and their specific interests. There are however voices claiming that “the actual scope of “globalization” is modest and that these various transactions still take place in environments that are shaped and regulated by states. Nonetheless, the belief that economic forces are superseding traditional great power politics enjoys widespread acceptance among scholars, pundits, and policy makers, and the role of the state is likely to be an important topic for future academic inquiry” (Walt, 1998: 32).

To sum up, the focus on this article was on the bi-dimensional status of transnational corporations in the international relations, namely from the legal

perspective, and from the one of the international relations, starting from the assumption that they represent a key social actor in a global world. While their role in the latter one is unquestionable, emphasized by the globalization context, the first one is still under scrutiny, and numerous transformations are likely to occur. Charney's proposed model that would involve a deeper cooperation in terms of law making between public and private international actors might become suitable for representing the interests of all parties involved in the development of global affairs: "a hybrid system, keeping law enforcement as a nation-state responsibility and opening law development to TNC participation, might permit the nation-state to keep its influence and power while providing the flexibility that would prevent international law from losing touch with reality. Such a system also has the potential to make the interests of TNCs and nation-states more alike, thereby making possible future TNC participation in all aspects of the international legal system" (Charney, 1983: 787). We may conclude that, despite the fact that according to the classic international law classifications, transnational corporations are not recognized as subjects of international public law, expanding their prerogatives in this field and recognizing their legal status and involvement may be considered a suitable evolution in this area.

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ORIGINAL PAPER

Russia as a Great Power and the Quest for International Recognition

Loretta C. Salajan¹⁾

Abstract

The article analyzes the quest for international validation of Russia's great power self-image, by drawing from the insightful literatures on state identity recognition and ontological security. After mentioning the main Russian foreign policy schools and their convergence on Russia as a great power in global affairs, the discussion unfolds why this ongoing journey has been particularly problematic. It unpacks the elusive notion of "great power", which goes beyond achieving a set of somewhat objective conditions. A state's great power status heavily relies on the identity verification of salient external audiences or already established great powers. Faced with nonrecognition, elite discourses under the Putin administration have gradually securitized state identity. Russia's great power self-image has been recently redefined to challenge the absence of international recognition, indicating a high level of identity anxiety or ontological insecurity, with troubling effects on the state's foreign policy conduct.

Keywords: *recognition; great powers; Russia; identity; anxiety; security.*

¹⁾ Lecturer, PhD, University of Oradea, Faculty of History, International Relations, Political Science and Communication Sciences, International Relations and European Studies specialization, Email: l.c.salajan@gmail.com.

Russia as a Great Power and the Quest for International Recognition

Russia's foreign and security affairs have inevitably attracted a lot of attention from different academic fields over the years. This article represents a contribution to the International Relations (IR) scholarships on state identity recognition and ontological security, building on the extensive work of Neumann regarding Russia (1996, 2005, 2008a, 2008b, 2015). Neumann has offered a historical perspective about Russia's standing as a great power, arguing that its claim to the status was overall unsuccessful throughout nearly five centuries. The main reason for the identity failure is that Russia has refused to adhere to the hegemonic neoliberal model of government, hence its rejection by other established great powers in the West (Neumann, 2008b).

Here the analysis picks up an insufficiently explored argumentative strand and tries to show why Russia's struggle for the international recognition of its great power self-image is particularly difficult in the post-Westphalian international system, perhaps even ill fated from the very start. To achieve this objective, the discussion begins with a section about international recognition and ontological (in)security, which lays the foundation to better understand Russia's identity quest and the response mechanisms used to mitigate the lack of external validation.

The second section focuses on the empirical dimension, introducing the three Russian foreign policy schools whose contrasting opinions have only converged on the idea of Russia as a great power in global affairs. Then it unpacks the notion of "great power" and explains the key role of salient others in validating such a status, with concrete references to the Russian example. Confronted with nonrecognition, domestic elite discourses under the Putin administration have gradually securitized state identity and rearticulated Russia's great power self-image to defy the absence of verification from other established great powers.

International Recognition and Ontological (In)Security

A long-held viewpoint in IR and foreign policy analysis talks about states pursuing their rational and material interests in an anarchic global environment. Without denying the continued relevance and utility of realist and liberal explanations, our understanding of state security practices and foreign policy has evolved and it incorporates now the fundamental role of identity. State anxieties or insecurities could come from possible physical threats and from "the prospective transformations and developments that call into question a state or a group's identity" (Innes and Steele, 2014: 16), which creates the distinction between physical and ontological security.

The notion of ontological security has psychological and sociological origins, which have impacted its use in IR literatures. An issue to note when applying insights from psychology to international relations is the ongoing debate in IR theory about whether or not to conceptualize states as subjects or people (Oprisko and Kaliher, 2014). Eloquent justifications have already been given elsewhere for the argument that states need and seek ontological security (Mitzen, 2006: 351-353), so this assumption is treated as unproblematic here.

Emotional factors underlying state responses in international politics are not actually uncommon. One interesting aspect to ponder is that IR theories like neorealism and neoliberalism feature two central emotions - fear and hate - as the "engines" that drive state behaviour (Crawford, 2000: 120-122). The "cold and calculating" or purely rational and materialistic state reflects a construct or a way of interpreting the world, whereas emphasizing only fear and hate "says more about the agenda of mainstream IR

than it does about the ‘irrationality’ of emotion as a social reality of world politics” (Steele, 2008: 16).

The growing scholarship on ontological security displays a variety of different and even contradictory positions. But the shared theme or core remains focused on “attempting to articulate the relationship between identity and security”, on “what goes into the stories or narratives we tell (...) about ourselves and our relations to others”, on investigating the “cognitive and affective reasons why individuals, groups and even states experience insecurity and existential anxiety and to explore the emotional responses to these feelings” (Kinnvall, Mitzen, 2017: 5). The conceptual link between identity and (in)security derives from the process of external recognition.

In the IR literature, recognition has been defined as “a social act that ascribes to a state some positive status, whereby its identity is acknowledged and reinforced as meaningful by a significant Other, and thus the state is constituted as a subject with legitimate social standing” (Murray, 2011: 134). The validity of a state self-image can be deduced from the practice of international politics: if “there is a rough equivalence between our asserted self-image and how we are treated, meaning that if others treat us according to what we consider ourselves to be, our self-image is recognized” (Lindemann, 2010: 9). Being part of a group entails “visible signs” to help with reciprocal identification (Ringmar, 1996: 79).

In an anarchic international environment, it is imperative for states to gain recognition of their self-images and identities for a number of reasons (Murray, 2008). Nonrecognition leads to anxiety and anguish as it threatens an actor’s self-esteem and in extreme cases it can represent a challenge to the symbolic existence of the collective (Lindemann, 2010: 24). Usually though, the absence of recognition takes the form of positive self-images not being confirmed by salient others, leaving the state with the dilemma to choose an appropriate response.

States have three possible courses of action, if confronted with the denial of international recognition - a) give up and find “an alternative self-description”, without any guarantees that a second attempt at gaining verification will be successful; b) “accept the verdict of the audience” and keep the domestic narratives, while “embarking on a program of self-reformation” to incorporate the missing traits necessary for recognition; c) maintain the self-images and associated meanings and try to persuade others of their legitimacy (Ringmar, 2011: 8).

In the case of Russia, the great power self-image has been incredibly persistent in elite discourses across the political spectrum and different post-Soviet administrations, even if it has come at high costs for domestic society. It is actually the one state self-image that garners agreement from all the schools of Russian foreign policy. Yet Russia’s obsessive pursuit of great power status has not been met with the craved international recognition throughout most of its historical trajectory. Considering how deeply ingrained the great power self-image is in Russian consciousness, giving it up would be inconceivable.

At times, the Russian state has embarked on self-reformation to hopefully acquire the absent traits necessary for identity verification, but the outcomes did not lead to success. The only option left is to defy the established great powers and attempt to demonstrate Russia’s global status by any means possible, including the breaking of international law. There is a tragic note to Russia’s struggle for the international recognition of its great power self-image, which has been ill fated from the beginning.

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Understanding Russia's Self-Image as a Great Power

Despite the state's top-down system, the views of Russian foreign policy elites are not homogenous and feature different or even contradictory articulations. These images of the state and the outside world have been circulated with "a remarkable degree of historical continuity" by three distinct and enduring schools of Russian foreign policy - westernist, statist and civilizationist (Tsygankov, 2016: 4).

The westernist school has promoted Russian similarities and identification with the West in its different historical representations. Liberal westernizers were drawn to the ideal of constitutional freedoms as exemplified by western states. In the late 1980s, Mikhail Gorbachev initiated the idea of a "common European house", which suggested Russian-European integration based on shared principles (Neumann, 1996: 166). During 2009-2012, Dmitry Medvedev advocated better security cooperation with western states and greater economic and political openness for Russia.

The second school of Russian foreign policy - statism - focuses on "the state's ability to govern and preserve the social and political order" or "the strong state", which prioritizes stability and sovereignty over freedom and democracy (Tsygankov, 2016: 6-7). Statists have been traditionally concerned with the external threats to Russian security. There is the famous example of Josef Stalin framing the need for rapid domestic industrialization as a response to threats from more advanced states. After the Soviet collapse, liberal statists have stressed that Russia must be a great power able to counteract threats anywhere in the world. Vladimir Putin has implemented the strong state vision by tightening control over Russian business, legislature, political party system and electronic media, while fostering bilateral relations in the near abroad and security partnerships with western states to deter terrorism (Tsygankov, 2016: 7-8).

The third school of Russian foreign policy - civilizationism - has insisted on the distinctiveness of Russian civilization, seeking to challenge the western system of values and to propagate Russian influence in areas outside the West. There are various and sometimes opposing strands grouped under the civilizationist umbrella, which include firm commitment to orthodox christianity, Russia as a synthesis of religions, panslavism and eurasianism. The eurasianists in the post-Soviet context have treated Russia as a "constantly expanding land-based empire in a struggle for power against sea-based Atlanticism" and notably against the United States (Tsygankov, 2016: 8). Overall, civilizationists remain intrinsically linked to the state image of the "Russian empire" and the more aggressive movements have supported "a widespread external expansion as the best means of ensuring Russia's security" (Tsygankov, 2016: 8).

Thus, Russia's international trajectory has exhibited a series of recurring or redefined themes inherent in the state's foreign policy: "No state can recreate its foreign policy from scratch simply because of particular domestic political changes, even if such change is profound. Foreign policy objectively reflects the characteristics of how a country - its culture, economy, geopolitical situation - have historically developed, and therefore is a complex alloy, comprising elements of both continuity and renewal, which defies expression in an exact formula. It is common that what appears to be a fundamentally new direction for foreign policy actually turns out to be yet another variation of a traditional policy repackaged in a form more in line with the spirit of the times" (Ivanov, 2002: 18).

The one aspect all foreign policy schools converge on is Russia as a great power in world politics, which has been consistently articulated by elites. Among the Russian foreign affairs ministers, Andrei Kozyrev has seen his state as "doomed to be a great

power” (cited in Thorun, 2009: 34), while Yevgeny Primakov confidently declared in 1996 - “Russia will always be a great power. This is not a question of nostalgia, it’s simply a sober-minded approach. At present this ‘greatness’ is based mainly on our strategic potential, which is comparable only to America’s. But that’s not our country’s only trump card. Take, for example, our territory, our scientific potential, the educational level of our people, and the prominent place Russia has always occupied in cultural terms” (cited in Thorun, 2009: 34-35). Igor Ivanov (2002: 13-14) also remarked that “[o]ne legacy bequeathed to us by Soviet foreign policy was a ‘superpower mentality’, which induced post-Soviet Russia to participate in any and all more or less significant international developments, often incurring a greater domestic cost than the country could bear”.

Amidst the harsh socio-economic and political difficulties that characterized the aftermath of Soviet disintegration, Russia’s great power status was questionable at best. And yet to ordinary people, as well as to their leaders, it was unthinkable that Russia could be anything less than a great power (Light, 1996: 35). Consensus emerged across the political spectrum on Russia’s responsibility to play “a leading global role” in the post-Cold War environment (Lo, 2002: 20). The same certainty was expressed by Putin to an external audience in 2000, when asked about the West’s concern regarding the “renewed Russian claims to the status of a great power”; Putin specified that “Russia is not claiming a great power status. It is a great power by virtue of its huge potential, its history and culture” (cited in Smith, 2012: 42). Medvedev echoed the depiction of Russia as a great power throughout his presidency, frequently using it both in the domestic and international arenas (Smith, 2012: 42).

The persistent theme and state image of Russia as a great power in elite discourses is symptomatic of much deeper identity anxieties. It reflects the fear of irrevocably falling behind other more advanced states and of not being up to par with the unwritten standards of great powers in international relations. Historically, Russia’s great power self-image has acted as “a prison of its own making” since it constrains internal and foreign policy choices (Neumann, 2015: 5). The Russian state struggles to be an alternative to a dynamic West and implicitly refuses to learn from western experience for a simple reason; “a learner is not a great power – a great power is a power from which others learn” (Neumann, 2015: 5). It is also quite startling to realize that Russia’s identity quest for international recognition may have been ill fated from the beginning, as the notion of “great power” is vague and elusive.

This begs the obvious question - what makes any state a great power? Some have provided a deceptively simple answer - “despite the difficulties, one finds general agreement about who the great powers of a period are, with occasional doubt about the marginal cases (...) The question is an empirical one, and common sense can answer it” (Waltz, 1979: 131). Others have been more explicit in their definitions. For instance, Wight (1978: 26) has compiled a list of “basic components” for great power status: “size of population, strategic position and geographical extent, and economic resources and industrial production”, which need to combine with “less tangible elements like administrative and financial efficiency, education and technological skill, and above all moral cohesion”. It is clear that material capabilities like military strength and economic wealth are an integral part of physical security for great powers and ordinary states in the international realm.

But a contemporary great power relies on the interplay between hard and soft power to advance its foreign and security policies. The two facets of power have been

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differentiated by Nye (1990: 178) - “[c]ommand power - the ability to change what others do - can rest on coercion or inducement. Co-optive power - the ability to shape what others want - can rest on the attractiveness of one’s culture and ideology or the ability to manipulate the agenda of political choices in a manner that makes actors fail to express some preferences because they seem to be too unrealistic”. These somewhat objective criteria for a great power have been openly discussed in IR literature and guide more or less explicitly the prevalent understanding of how global politics works.

At first glance, Russia fits the bill with a “colossal geographic expanse, rapid economic growth, a vast nuclear arsenal, a permanent seat on the United Nations Security Council (...) plus vast quantities of energy resources and vital raw materials, wide-reaching political influence, and a dynamic leader” (Rumer and Wallander, 2003: 57). Still, great power status is not something that can be attained in a purely objective way. Levy (1981: 585) has suggested this through the “operational indicators of great power status”: “possession of high level power capabilities; participation in international congresses and conferences; de facto identification as a Great Power by an international conference or organization; admission to a formal or informal organization of powers (...); participation in Great Power guarantees, territorial compensations, or participations; and generally treatment as a relative equal by other Great Powers”. Most of the above indicators configure the intersubjective dimension of great power identity. It is not sufficient for a state to meet the objective conditions required by great power status. Even more significant is the role of external verification by meaningful others (fellow great powers).

Russia’s search for the recognition of its great power identity has been analyzed in a historical perspective and declared unsuccessful throughout almost five centuries (Neumann, 2008a, 2008b). The lack of recognition has derived from two basic assumptions - “if an identity claim is successful, it forms part of the horizon of the political debate rather than its substance” and that “[r]ecognition of Russia as a great power can only be given by great powers that are established as such” (Neumann, 2008b: 129). The main reason behind the identity failure would be that, “as long as Russia’s rationality of government deviates from present-day hegemonic neo-liberal models by favouring direct state rule rather than indirect governance, the West will not recognize Russia as a fully fledged great power” (Neumann, 2008b: 128). The argument certainly has merit, yet the historical and current absence of recognition between Russia and the West in terms of great power identity has more layers to it than the contrasting type of governance.

Why has Russia’s quest for international validation as a great power been so problematic in the post-Westphalian context, even ill fated from the very start? The answer goes back to the modern origins of the international system and the stigma that has discursively operated among states. Stigma is “as much the internalization of a particular normative standard that defines one’s own attributes as discreditable, as it is a label of difference imposed from outside” (Zarakol, 2011: 4). Turkey, Japan and Russia were important actors that existed prior to the seventeenth century, but were not members of the initial Westphalian arrangement. When the leaders of each state later decided to join the system emerging from Europe, “by accepting its international standards and borrowing a number of the domestic institutions of its major players”, it was a costly delay (Zarakol, 2011: 29).

The western states had already turned into the “gatekeepers” of the international system, which created the “stigma of an insider-outsider status” for Turkey, Japan and

Russia (Zarakol, 2011: 30). An “insecure relationship with the West” contributed towards the modern sense of self for the three entities and has remained ingrained in state identities, which sheds light on their respective foreign relations - from times of enmity to periods of amicable cooperation with the West (Zarakol, 2011: 30).

As a latecomer to the Westphalian arrangement, Russia’s narratives about state identity persistently advocated its deserved place among great powers. The goal has always been to foster “a sense of biographical continuity and wholeness that is supported and recognised in and through relations with others” (Kinnvall and Mitzen, 2017: 4). The internal narratives encountered sceptical external audiences that were reluctant to acknowledge the Russian self-proclaimed great power status and the inherent western bias did not help matters at all.

Interestingly, the Soviet Union era and its superpower status in the Cold War environment did not ensure external validation, since Russia’s self-images were questioned and unrecognized within the bipolar international system (Ringmar, 2002). But the quest for international recognition has had much more obstacles to surpass in the aftermath of the Cold War. The collapse of the Soviet Union has represented an unprecedented crisis with far reaching consequences in terms of identity verification. The Russian self-image of great power has again been subject to intense international debates and often found lacking, inevitably leading to state identity anxieties. Collective actors become ontologically insecure particularly when “critical situations rupture their routines thus bringing fundamental questions to the level of discursive consciousness” (Ejdus, 2018: 884).

After 1991, Russia’s “standing as a great power” has relied on armed forces, nuclear arsenal and the influence exerted in the near abroad (Neumann, 2015: 12). It is an unstable foundation if one takes into account the constant need for technological innovation, quality of personnel and high economic resources. Nuclear weapons are “not a fine-grained foreign policy instrument, but more of a marker of status and an insurance against attack”, which leaves the near abroad as “all-important for the upkeep of the Russian claim to greatness” (Neumann, 2015: 12).

Russia has always been sensitive when it comes to the near abroad or former Soviet sphere of interest, expecting to be treated as befitting a contemporary great power in international negotiations. This equal treatment and implicit recognition of Russian state identity includes not losing Georgia, Ukraine and the Republic of Moldova to the western orbit. It constitutes a simplistic way of looking at things, in line with the “imperial syndrome” prevalent in Russian society (Pain, 2016; Trenin, 2011).

Confronted with the persistent nonrecognition of Russia as a great power, elite discourses under the Putin administration have gradually securitized state identity and stressed the idea of Russian uniqueness or exceptionalism. Here securitization means that “something typically becomes a question of security when it is lifted out of the general political agenda and made into a question of life and death” (Neumann, 2005: 18). The discursive shift has been apparent since 2013, when Putin asserted that “finding and strengthening national identity really is fundamental for Russia” (cited in Zevelev, 2016: 8). The securitization of Russian state identity is not an unusual development, if one considers that states secure their selves through “the discursive articulation of a(n) (auto)biographical identity narrative”, which “provides meaning for their past and current actions” (Innes and Steele, 2014: 17).

Russian uniqueness has been constructed as deriving from values, history and collective memory: “what makes us unique, our own character and traditions (...) the

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historic continuity and the links between the different generations (...) for Russians this is a question of being and remaining Russian” (Putin cited in Zevelev, 2016: 9). State identity and Russian exceptionalism are also reflected in the interpretation of great power called “Derzhavnost” - literally “great powerness”, which attempts to simultaneously connect Russia to a universal system of meanings and illustrate the uniqueness located at the core of Russian self-understandings.

Therefore, “Derzhavnost (...) has a meaning all its own, one missing from the English language, simply because the phenomenon is missing. Only the Russians in moments of distress revert to an affection of great-power standing – that is, to asserting their natural right to the role and influence of great power whether they have the wherewithal or not” (Legvold, 2006: 114). The historical articulation of Russia as a Derzhava has been “loosely translated as an entity that can influence the international power equilibrium” (Tsygankov, 2012: 184).

Presently, Russian state identity emerges as a blend of ideas from the statist and civilizationist schools of foreign policy. Sovereignty features prominently in the political rhetoric, which is not surprising because “Russians have developed a psychological complex of insecurity and a readiness to sacrifice everything for independence and sovereignty” (Tsygankov, 2016: 6). Putin’s discourse has escalated in intensity and linked sovereignty with state identity - “The desire for independence and sovereignty in spiritual, ideological and foreign policy spheres is an integral part of our national characters”; being even more emphatic in 2014 - “Either we remain a sovereign nation, or we dissolve without a trace and lose our identity” (cited in Zevelev, 2016: 9).

The civilizationist turn has embraced “Russian messianism” (Macfarlane, 1993: 7), promoting a redefined great power self-image. For example, in a 2014 presidential address to the Federal Assembly, Putin declared: “We will protect the diversity of the world. This is our conceptual outlook, and it follows from our own historical destiny and Russia’s role in global politics (...) Russia itself has evolved on the basis of diversity, harmony and balance, and brings such a balance to the international stage” (cited in Zevelev, 2016: 10).

Russia’s state self-image as a great power has been rearticulated to defy the absence of international recognition. Foreign Minister Sergey Lavrov has been explicit about it by circulating a definition of great power identity from Russian philosophy - “Greatpowerness is not determined by the size of the territory or the number of inhabitants but by the ability of people and their government to assume the burden of great international tasks and deal with these tasks creatively. A great power is the one which, while asserting its existence and interest (...), introduces a creative and accommodating legal idea to the entire community of nations, the entire ‘concert’ of peoples and states” (Ivan Ilyin cited in Lavrov, 2016).

The missionary element of great power self-image and its challenge to nonrecognition indicate that Russia’s identity anxieties have reached a high point, with unpredictable implications for global politics. Russia has already found and implemented “creative” ways to fuel frozen conflicts in its near abroad, going as far as the illegal annexation of Crimea in 2014. Future prospects are even more worrying because an unrecognized great power could inflict a lot of damage to legitimize its self-proclaimed narratives.

Conclusions

This article has aimed to contribute towards the IR literatures on international recognition and ontological security, by analyzing an insufficiently explored component of Russia's difficult journey to validate its great power self-image. Neumann's ample work on Russia underlines that the identity verification process was historically unsuccessful during nearly half a millennium. That is a long time to accumulate frustrations and identity anxieties due to lack of external validation. Neumann has also opined that Russia will continue to face rejection as a great power, as long as it refuses to adopt the neoliberal model of government, which is dominant in the West.

Yet why has Russia's identity quest for international recognition been particularly problematic, even in historical periods when the West was not keen on liberal and indirect forms of government? There is an argumentative gap here that deserves further explanation, as the article has gradually shown. The bottom line remains that Russia's struggle for validating its great power status in the post-Westphalian context was ill fated from the beginning.

A good starting point to understand the complex Russian political dynamic is that, although the main foreign policy schools radically disagree on many things, they have always converged on the idea of Russia being a great power in international affairs. After unpacking the vague notion of "great power", one realizes that a state cannot become a great power by fulfilling a set of somewhat objective criteria like substantial military strength, economic wealth or soft power instruments. The identity process requires the key role of international recognition from meaningful others – already established great powers.

The great power self-image is a deeply ingrained articulation in Russian consciousness, which has limited the available responses to mitigate the absence of international recognition. Renouncing the great power self-representation was out of the question and attempts to reformulate it by engaging with the West were not successful either. The core issue lies in the Westphalian origins of the international system and the fact that Russia was not a member of the initial arrangement. Consequently, Russia has been treated as an outsider by the West, struggling to surpass a certain stigma that discursively operates among states.

Unfortunately, the persistent nonrecognition of Russia's great power self-image has led to identity anxieties and ontological insecurity. The latter have manifested in the progressive securitization of state identity under the Putin administration. If an actor cannot give up or rearticulate a self-image to gain external acceptance, the only solution left is to reinforce the identity narratives in the global arena by any means deemed appropriate or useful, including the breaking of international law. The recent emphasis on Russian exceptionalism and the redefinition of Russia as a great power with a missionary vocation, which explicitly challenge the lack of international recognition, are troubling developments, whose long term implications need further investigation.

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ORIGINAL PAPER

Cyprus Dispute

Tudor Urea*

Abstract:

Cyprus is an island state located in the Mediterranean basin at an equal distance of the shores of Europe, Africa and Asia. Due to this economic and geographical location, the country served as the object of the dispute between the great empires of ancient times. Over time, the island of Cyprus came under the control of different peoples; from Egyptians to Byzantines in the Ancient period, from Arabs to Crusaders on the Middle Ages, from the Ottoman Empire to the Great Britain on the Modern period. The process of decolonization started in Cyprus after the Second World War. In this context the Greeks which are majority voiced the wish their union with Greece ("Enosis"), in time what the Turkish minority claimed the split of the island according to the ethnic principle. The Turkish minority aimed to join to Turkey the Turkish side of the Cyprus. The United Nations operated in Cyprus on 1964 to prevent battles between Greek Cypriot and Turkish Cypriots. Following the escalation of the Turkish military aggression on 1974, the Security Council mandated UN's troops to oversee the ceasefire, the buffer zone for humanitarian missions, and support the UN Secretary-General's mission in the area. In 2004 the Republic of Cyprus is accepted by the European Union as a Member State. At the time when it was decided that Cyprus could join the European Union, it was assumed that the new Member State would be considered in its entirety as a confederation. After several Union Nations mediated talks that did not lead to any result, the application for membership in the Republic of Cyprus appeared as an opportunity that should not have been missed. Integration of Cyprus into European Union structures would become the best way to find a solution.

Keywords: *Cyprus, ethnic, minority, confederation, integration*

*MS Student, University "Lucian Blaga" of Sibiu, Faculty of Social and Human Sciences, field of study History, Phone: (+40)743869062, Email: tudor_urea@yahoo.com.

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Cyprus is an island state located in the Mediterranean basin at an equal distance of the shores of Europe, Africa and Asia. Due to this economic and geographical location, the country served as the object of the dispute between the great empires of ancient times. Over time, the island of Cyprus came under the control of different peoples; from Egyptians to Byzantines in the ancient period, from Arabs to Crusaders on the Middle Ages, from the Ottoman Empire to Great Britain on the modern period. (Drevet, 2011: 137-139).

By the ninth century BC the island was Greek speaking. Since ancient times, the island has been harvested and colonized by the Phoenicians and to a lesser degree by the Phoenicians. These conquests a few centuries later must also have affected to some extent the ethnic make-up of the population. Cyprus came under Roman rule in 58 BC. Later island formed part of the East Roman Empire and the Greek Cypriots were called "Rum" by the Turks. Under the Roman domination, the Cypriots became Christians, and for many centuries the Greek language was spoken in the Church and in the state. The Roman Catholic Lusignan dynasty of French lineage ruled the island for 300 years since 1192. For a short time the island came under the Genoese and then under the Venetians. Apart from the Greeks, which are the majority, there is also a substantial Turkish minority (about 18%). In 1571, Cyprus was conquest by the Ottoman Empire (Acheson, 1965: 350). After the Ottoman victory they established their hold by colonizing the island. Clement Dodd in his book "The History and Politics of the Cyprus Conflict" resumed that: "Turks were sent from Anatolia, care being taken the relevant skills and trades were included. Estimates vary as to their number, but it seems that they were around 20,000. To these must be added those members of the Ottoman soldiery who stayed on in the island. By 1640 the population probably numbered 120 – 140,000, with the Turks constituting about quarter of the island's population" (Dodd, 2010: 1). The Turks are shown to be totally tolerant of the local population, but after the riot of the Eterists they retaliated against the Greeks. In this case, thousands of Cypriots converted in Muslim religion, in an attempt to save them self. To balance the population the Ottoman central authorities sent numerous colonists from Anatolia. These colonists formed small and compact communities which were equally distributed throughout of the island.

The situation remained unchanged until the end of the 19th century, when the Ottoman Empire was already in decline. The first part of the nineteenth century was thus summarized by Clement Dodd, who said: "During the early part of the nineteenth century Ottoman rule was generally corrupt and inefficient. Governors were changed frequently and sought to satisfy their own and the Sultan's financial needs at the often ruinous expense of the populace, Greek and Turkish Cypriot alike" (Dodd, 2010: 2). The presence of Russia on the banks of the Bosphorus after the Crimean War was followed by concerted efforts by Western Europe countries to save the Turkey. For the "unselfish" help Great Britain will take the administration of Cyprus. The Ottomans maintain their formal sovereignty over the island, which they lost on 1914. In this year Cyprus was annexed to the British Empire. The British governance has maintained the inter-ethnic tensions in order to domination Cyprus, because this colony has become for them a geo-strategic point, in the overseen the access routes toward the Suez Canal.

During British rule (1878–1960), the government and education were administered along ethnic lines, accentuating the linguistic, religious, cultural, and ethnic differences and ignored traditional ties between the two Cypriot communities. Iliia Xypolia in the paper "Cypriot Muslims among Ottomans, Turks and Two World Wars"

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she thinks that: “Cyprus experienced imperialism under British colonial rule which started in 1878 and ended in 1960. Greek and Turkish nationalism developed at different historical periods and at different paces. Greek nationalism started at the beginning of the 19th century before the advent of British Colonialism while Turkish nationalism started to develop in the Ottoman Empire at the end of 19th century and was made fully real with the establishment of the Republic of Turkey in 1923. Relations between Turkish Cypriots and the British on the one hand, and Greek Cypriots and the British on the other, were asymmetrical. During the colonial era in Cyprus, the Muslim community had undergone an enormous change in terms of national/ethnic identity and class characteristics. Turkish Cypriot nationalism developed belatedly as a militant nationalist and anti-Enosis movement in the 1950s” (Xypolia, 2011: 110-111). More, the two communities - the Greek Cypriots and the Turkish Cypriots were encouraged to view themselves as extensions of their motherlands, and that developed two distinct nationalities with antagonistic loyalties.

With the independence of Greece in 1821 the unification of the island with the “motherland”, Greece became more and more important for the Greek Cypriot scholars. This concept, called “enosis”, will play a dominant role during the Cyprus dispute in the twentieth century.

Following its defeat in World War I, the Ottoman Empire was faced with the Greco-Turkish War (1919–1922). Turkish forces were under the leadership of Mustafa Kemal Atatürk, in 1923, proclaimed the new Republic of Turkey and renounced irredentist claims to former Ottoman territories beyond the Anatolian heartland. In this situation Muslims in Cyprus were thus excluded from the nation-building project. The reports of atrocities committed by the Greeks against the Turkish populations in Anatolia, and the Greek Occupation of Smyrna had result approximately 30,000 the Turkish Cypriots who migrated to Turkey. The Muslim Cypriots who remained on the island gradually embraced the ideology of Turkish nationalism due to the impact of the Kemalist Revolution. Mete Hatay in his paper “Politics, Society and the Decline of Islam in Cyprus: From the Ottoman Era to the Twenty-First Century” thinks that many of those Cypriots who until then had still identified themselves primarily as Muslims began now to see themselves principally as Turks in Cyprus (Hatay, Altay, 2009: 911-933).

In 1925 Cyprus became a crown colony, and the high commissioner, became governor. The new status had got Greek Cypriots to agitate for “enosis”. During the Second World War, Britain made no move to restore the constitution that it was revoked in 1931, to provide a new one, or to guarantee any civil liberties. In 1941 the governor guarantee the permission for the formation of political parties and political meetings were accepted. Cypriot communists founded the Progressive Party of Working People (Anorthotikon Komma Ergazomenou Laou - AKEL) as the successor of a communist party prior established in 1920 and banned in 1930. Some Orthodox clergy and middle class traders were alarmed by the apparition of the Progressive Party of Workers (Anorthotikon Komma Ergazomenou Laou - AKEL). Thus, the Panagrarian Union of Cyprus (Panagrotiki Enosis Kyprou - PEK) opposed of the Progressive Party of Workers (Anorthotikon Komma Ergazomenou Laou - AKEL). The Panagrarian Union of Cyprus (Panagrotiki Enosis Kyprou - PEK) was a federation of nationalists supported by the Orthodox Church and by the “enosis” adepts. In the municipal elections of 1943, the Progressive Party of Workers (Anorthotikon Komma Ergazomenou Laou – AKEL) gained control of the important cities of Famagusta and Limassol. Both communists and

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conservative groups advocated enosis. In 1946, a coalition of the Progressive Party of Workers (Anorthotikon Komma Ergazomenou Laou – AKEL) and the Pan - Cyprian Federation of Labor (Pankypria Ergatiki Omospondia - PEO) was victorious in the municipal elections, adding Nicosia to the list of cities having communist mayors.

After the Second World War, the process of decolonization is triggered, and Cyprus was also touching by this process. In late 1946, the British government announced plans to liberalize the colonial administration of Cyprus and to invite Cypriots to form a Consultative Assembly for the purpose of discussing a new constitution. Instead of rejoicing, as expected by the British, the Greek Cypriots reacted bad, because there had been no mention of enosis. In 1947 the fiery bishop of Kyrenia was elected archbishop. As Makarios II, the new archbishop continued to oppose British policy in general, and any policy in particular that did not actively promote “enosis”. In the political climate of the immediate post Second World War era, the proposals of the British did not come near the idea of “enosis” of the Greek Cypriots. Having observed this upsurge in popularity of the enosis idea, the Progressive Party of Workers (Anorthotikon Komma Ergazomenou Laou – AKEL) became a supporter of “enosis”. The Church of Cyprus solidified its control over the Greek Cypriots, intensified its activities for “enosis” and, after the rise of the Progressive Party of Workers (Anorthotikon Komma Ergazomenou Laou – AKEL), opposed communism. In June Archbishop Makarios II died, and in October the bishop of Kition was elected to succeed him. He took office as Makarios III and, at his inauguration, he pledged not to rest until union with “Mother Greece” had been achieved.

The majority of Greeks voiced their union with Greece ("Enosis"), and the Turkish minority demanded the division of the island according to the ethnic principle, so that the Turkish side would then be joined to Turkey (Acheson, 1965: 357).

By the political scene rise the Colonel George Grivas but, he is support an armed struggle to achieve enosis. Grivas was devoted to enosis cause. Grivas toured Cyprus in July 1951. He discussed his ideas with Makarios III but was disappointed by the archbishop's reservations about the effectiveness of a guerrilla uprising. Makarios III preferred to continue diplomatic efforts, particularly efforts to get the United Nations involved.

In August 1954, Greece formally called for self-determination for the people of Cyprus to be included on the agenda of the next United Nations session. The British position continued to be that the subject was an internal problem. Turkey rejected the idea of uniting Cyprus and Greece. The Turkish Cypriot community has consistently opposed Greek Cypriot movement, but has generally abstained from direct action since under the British leadership the status and identity of Turkish minorities have been protected. The Cyprus Turkish Minority Association believe that with the British withdrawal, control over Cyprus should simply return to Turkey, even than Turkey renounced all the rights and claims of the 1923 Treaty of Lausanne. After 1954 the Turkish government had become increasingly involved as the Cyprus problem became an international issue. On the island, an underground political organization known as Volkan (volcano) was formed. The Turkish Resistance Organization (Türk Mukavemet Teskilâti - TMT), a guerrilla group that fought for Turkish Cypriot interests was established in 1957 by Volkan. In Greece, pro-enosis demonstrations became common place in Athens.

The Greeks launched a guerrilla movement in 1954, under Colonel Grivas, directed against British colonists and Turkish separatists. At the end of 1954 the United

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Nations General Assembly, after consideration of the Cyprus item placed on the agenda by Greece, adopted a New Zealand proposal that announced the decision "not to consider the problem further for the time being, because it does not appear appropriate to adopt any solution on the question of Cyprus." Greek Cypriot leaders called a general strike to demonstrate in the streets. Makarios III and Grivas agreed that their group needed a name and suggested that it be called the National Organization of Cypriot Fighters (Ethniki Organosis Kyprion Agoniston - EOKA). In 1955, the National Organization of Cypriot Fighters (Ethniki Organosis Kyprion Agoniston – EOKA) opened a campaign of violence against British rule. In Nicosia the radio station was blown up. The four year revolutionary struggle was launched.

In December 1958 led to discussions of the Cyprus problem between representatives of Greece and Turkey. For the first time the both country discussed the concept of an independent Cyprus, i.e., neither enosis nor partition. This new approach was stimulated by the understanding that Makarios III was willing to discuss independence. In Zurich in February 1959 the talks between the foreign ministers of Greece and Turkey yielded a compromise agreement supporting independence. Thus were laid the foundations of the Republic of Cyprus. The Zurich-London agreements which were ratified at the London Conference became the basis for the Cyprus constitution of 1960. These documents were: the Treaty of Establishment, the Treaty of Guarantee, and the Treaty of Alliance. "The general tone of the agreements was one of compromise. Greek Cypriots, especially members of organizations such as EOKA, expressed disappointment because enosis had not been attained. Turkish Cypriots, however, welcomed the agreements and set aside their earlier defensive demand for partition" (Solsten, 1991: 31)

In 1959, the London Agreement, which puts under British sovereignty the military bases of Akrotiri and Dhekelia (about 3% of the country's territory), Turkey, Greece and Great Britain, became the guaranteed powers of the Cypriot state that proclaimed its independence year.

According to constitutional arrangements, Cyprus was to become an independent republic with a Greek Cypriot president and a Turkish Cypriot vice-president. The Treaty of Alliance gave Greece and Turkey the rights to station military forces on the island. These forces were to be separate from Cypriot national forces. Makarios III was elected president, despite opposition from right-wing elements who claimed that he had betrayed enosis and from AKEL members who objected to the British bases and the stationing of Greek and Turkish troops on the island. On the same day, Fazil Küçük, leader of the Turkish Cypriot community, was elected vice president without opposition. The first general election for the House of Representatives took place on July 31, 1960. The constitution became effective August 16, 1960, on the day Cyprus formally became a republic. The new republic became a member of the United Nations, and in 1961 it was admitted to membership in the Commonwealth. In December 1961, Cyprus became a member of the International Monetary Fund (IMF) and the World Bank.

Unfortunately independence did not ensure peace. Serious problems concerning the working and interpretation of the constitutional system appeared immediately. Underground organizations of both communities revived during 1961 and 1962. The National Organization of Cypriot Fighters (Ethniki Organosis Kyprion Agoniston – EOKA) and the Turkish Resistance Organization (Türk Mukavemet Teskilâti - TMT) began training again for fight.

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Bloody inter-ethnic conflicts took place between 1963 and 1964. Turkey and Greece immediately intervened in the conflict, and the United Nations sent peacekeeping forces to Cyprus. During this period, in Greece, the dictatorial regime of “black colonels” was established, which, in order to maintain power, decided to use the Cypriot stake. In 1974, a part of the Greek-Cypriot national guard, with the declared support of Athens, committed a coup d'état, removing the constitutional president Makarios from power, and proclaimed the Enosis.

Turkey answers fast and sent forty thousand troops to the north of the island. Over two thousand ethnic Greeks come to southern Cyprus. It is the first ethnic purification in Europe after the Second World War. The country and its capital, Nicosia, were divided into two parts. Turkish Cypriots self-proclaimed a federal state in northern Cyprus, and in 1983 they declared independent, under the leadership of Rauf Denkta.

The self-proclaimed Turkish Republic of Northern Cyprus (TRNC) is not recognized in the international arena only by Ankara, which has decided on this occasion to solve certain social problems. In order to escape the agricultural overpopulation inside Anatolia, Turkey repeated the sultans' practice and directed thousands of poor people from this region in Northern Cyprus. The Greek part of the island recovered very quickly after the shock of the civil war. The rhythms of the growth of the national economy surpass any expectations. The country has become a true touristic and investment hub for Western Europe, with the Greek Cypriot government adopting the strategic line of accession to the European Union with the support of Greece that was already part of this organization. The Republic of Cyprus has repeatedly attempted to resolve the dispute with the Turkish Cyprus part by negotiation, but all the attempts have failed. With the Turkish side not accepting any proposal outside the island's confederation, as the maximum that the Greek community agreed to go to was the federation.

The United Nations operated in Cyprus (Operation UNFICYP) on 1964 to prevent battles between Greek Cypriot communities and Turkish Cypriots. Following the escalation of the Turkish military aggression on 1974, the Security Council mandated United Nations troops to oversee the ceasefire, the buffer zone for humanitarian missions, and support the United Nations Secretary-General's mission in the area. The mission now has about 1,000 people.

“The events of 1974 dramatically altered the internal balance of power between the two Cypriot communities and coupled their prevailing political and institutional separation with stark physical and geographical separation. In a grim historical echo of the widely praised 1930 Greek-Turkish exchange-of-population agreements, roughly a third of each community, displaced by the war, was transferred to the side of the island that its community controlled. As a consequence, in 1990 nearly a third of the people of Cyprus lived outside their birth places or places of residence in 1974”(Solsten, 1991: 171).

Five serious attempts to bring the conflict to an end took place between 1978 and 2004. These attempts were mainly sponsored by the United Nations, which invested much time and effort in trying to bridge the diverging positions of the two communities on a wide array of issues. The first plan was the 1978 “ABC plan”, named after the three countries – America, Britain and Canada – that formulated the 12-point plan. This was the first comprehensive attempt after 1974 to set a general framework for a solution, and provided for the creation of a federal state within which every community would administer its own constituent region. The next attempt was made by the then United

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Nations Secretary-General Perez de Cuellar, who submitted a Draft Framework Agreement in 1986. It contained arrangements similar to the 'ABC' plan for the structure of the federal state and afforded a separate veto power to the president and vice-president on all matters. This initiative was rejected by the Republic of Cyprus Government, but was accepted by the Turkish Cypriot side. De Cuellar then submitted a new plan in 1989, this time named 'Set of Ideas'. Much of the 1986 attempt was repeated, with some amendment. The two regions were solely referred to as 'states'; in the northern part of the island, Turkish Cypriots would constitute the majority of the population and most land would be owned by Turkish Cypriots, and in the south, Greek Cypriots would constitute the majority of the population and own most land. Veto power was granted only for matters of defense, security, foreign affairs, taxation, citizenship and budget. This time, the proposal was accepted by the government of the Republic of Cyprus as a basis for negotiations, but rejected by the Turkish Cypriot side. The successor United Nations Secretary-General, Boutros-Boutros Ghali, submitted his own "Set of Ideas" for an overall framework agreement in 1992. Political equality of the two communities remained a key component. Along with the set of ideas came a map which included specific territorial adjustments through concessions made to the Greek Cypriot side. The talks were initiated, but soon came to an end, especially owed to the Turkish Cypriot side, but voices of refusal were also within the Greek Cypriot political membership.

"Between 1974 and 2002, there were numerous, unsuccessful rounds of U.N.-sponsored direct and indirect negotiations to achieve a settlement. Negotiations focused on reconciling the two sides' interests and reestablishing a central government. They foundered on definitions of goals and ways to implement a federal solution. Turkish Cypriots emphasized bi-zonal and the political equality of the two communities, preferring two nearly autonomous societies with limited contact. Greek Cypriots emphasized the freedoms of movement, property, and settlement throughout the island. The two parties also differed on the means of achieving a federation: Greek Cypriots wanted their internationally recognized national government to devolve power to the Turkish Cypriots, who would then rejoin a Cypriot republic. For the Turkish Cypriots, two entities would join, for the first time, in a new federation. These differences in views also affected the resolution of issues such as property claims, citizenship of mainland Turks who had settled on the island, and other legal issues. These differences in views continue to plague the negotiations today" (Congressional Research Service, 2019: 2).

In 2002, the first of five versions of the Annan Plan was submitted to the two sides. From November 2002 until April 2004, negotiations on the plan were held and resulted in the fifth and final version, which was submitted to separate referenda to the two sides. In the meantime, restrictions on freedom of movement within the island were partially lifted in April 2003, meaning that people from both geographical areas could cross over to the other side. The Annan Plan was the only instance where the populations of Cyprus were given the opportunity to express an opinion on a proposed solution. The Plan was rejected by 76 per cent on the Greek Cypriot side, whereas the Turkish Cypriot side voted "Yes" by 65 per cent. In contrast to previous plans, the Annan Plan included very detailed arrangements as to how the settlement would work. A federal state would be set up, with a single sovereignty and international personality, while the constituent states would enjoy considerable autonomy on a wide range of matters. The resolution of the property issue was based on a complex and multi-layered system, and assumed that a number of Turkish migrants would remain on the island. Turkish troops would steadily

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leave, while the majority of Greek Cypriot displaced persons would return to their homes under territory that would be returned to Greek Cypriot administration. The current round of negotiations was initiated on 3 September 2008. The first thematic area of the negotiations was governance and power-sharing (presidency and vice-presidency, structure of the federal government, legislature and other institutions). At the beginning of 2009, the Special Representative of the UN Secretary-General in Cyprus stated that the two sides had reached “full agreement on the issue of harmonization and cooperation between the federal government and the constituent states or federal units (Kyriakou and Kaya, 2011: 21).

The first round of talks was concluded on 6 August 2009. During these discussions other thematic areas included the property issue, European matters and the economy. The next round, begun on 10 September 2009, went on to cover procedural matters of the negotiations and issues of citizenship, immigration and asylum the Turkish Cypriot and Greek Cypriot leaders intensified negotiations. The intense discussions took place in January 2010. On January 31, 2010, the United Nations leader visited Cyprus to manifest his support for the process of negotiation.

In April 2010, Mehmet Ali Talat was voted out and Derviş Eroğlu, a right-wing politician, came to power in the northern part of Cyprus. Talks resumed in May 2010 and meetings were held in June and July. In the last of those meetings, President Christofias submitted a package of proposals which included the linkage of the discussion of the property issue with the chapter on territorial adjustments and the chapter on immigration, nationality, aliens and asylum; the return of the fenced city of Famagusta to the United Nations; and, upon reaching agreement on a range of internal issues, an international summit, to be organized by the United Nations (Kyriakou, Kaya, 2011: 21).

The Turkish Cypriot side rejected this package, but talks continued throughout August. During September, further full-day talks were held between the two leaders. The UN Secretary-General met the two leaders in New York on 18 November 2010 and in Geneva on 26 January 2011 (Kyriakou, Kaya, 2011: 21). As the political situation currently stands, it is impossible to make any prediction for the final outcome of the process of negotiations.

The Greek and Turkish Cypriot leaders resumed negotiations in Geneva in early 2017 under the aegis of the United Nations as a historic chance to reunify the Mediterranean island, divided over 40 years, but the outcome remains uncertain. Although discussions have continued to be debated, both sides still display deep divergences on the fundamental issues that need to be resolved to put an end to one of the world's oldest conflicts: territorial and security, property restitution. “At the close of 2018, unification talks intended to end the division of Cyprus after 54 years as a politically separated nation and 44 years as a physically divided country remain suspended. The stalemate began in July 2017, when talks held at Crans Montana, Switzerland, between Republic of Cyprus President Nicos Anastasiades and Turkish Cypriot leader Mustafa Akinci collapsed. The talks again felled victim to the harsh realities of five decades of separation and both sides’ inability to make the necessary concessions to reach a final settlement. As a result, the long-sought bi-zonal, bi-communal, federal solution for the island remains elusive” (Congressional Research Service, 2018: i). Resumption of talks between the leaders of Greek Cypriot and Turkish Cypriot have been disturb by controversies over a new set of provocations, the exploitation of hydrocarbons near Cyprus’s territorial waters being one of them.

Cyprus Dispute

In 2004 the Republic of Cyprus is accepted by the European Union as a Member State. At the time when it was decided that Cyprus could join the European Union, it was assumed that the new Member State would be considered in its entirety as a confederation. This is because, at the same time, a referendum on the possible reunification of the Cypriot state took place on the island the solution proposed by the European Forces envisaged the creation of a Greek-Turkish confederation. After several Union Nations-mediated talks that did not lead to any result, the application for membership in the Republic of Cyprus appeared as an opportunity that should not have been missed. Integration of Cyprus into European Union structures would become the best way to find a solution. The idea was not formulated by the European Union's intention to engage in mediating the conflict, because the European Union has never had such an action. Two types of arguments have been put to this idea. Firstly, the accession process of the Republic of Cyprus would exert pressure on Turkey and Turkish Cypriots to take a more constructive stance in European Union -mediated negotiations. This time, however, the Greeks voted against. The authorities in the southern part of the island, under the administration of the Greek Cypriots, refusing the reunification plan proposed by the European Union, will later use the right veto to postpone or even block the start of Turkey's accession talks. The northern part of Cyprus has a peculiar status with regard to the European Union. Even as it de facto comes closer to Turkey, it remains de jure part of the EU.

The Cyprus conflict dates back more than sixty years. The Republic of Cyprus only existed for a few years as a functioning state shared by two communities after it achieved independence from Great Britain in 1960. Greece's and Turkey's involvement in Cyprus will continue. Even than the both countries battle several internal issues. Greece has passed by an economic crisis for several years, and Turkey has involved in the Syrian conflict and also the internal politics have drawn a lot of negative attention from the international community. Surely the two Cypriot communities will be alone capable of deciding their destiny. Far from the geostrategic interests of the two mother countries - Greece and Turkey - may be under the umbrella of the European Union.

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CEPOS NEW CALL FOR PAPERS 2020
10TH INTERNATIONAL CONFERENCE
AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY

Craiova (Romania), University House,
27-28 March 2020

Dear Colleagues,

We are delighted to invite you to participate in the 10th International Conference AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY in Craiova, Romania, 27-28 March 2020.

More than three decades after, an event is both history and present. The annual conference organized by CEPOS involves both the perspectives of the researches in the field of Communism and Post-Communism: research experiences and scientific knowledge.

Like a "pointing puzzle", 30 years after the fall of communism, the conference panels explore with emotional detachment, but with a peculiar professional involvement creating and exploiting the inter-disciplinary developments of the East-West relations before and after the crucial year 1989 in the fields of political sciences, history, economics and law.

The conference will be hosted by the University House and during two intense and exciting days, participants all over the world (professors, professionals, doctoral and post-doctoral researchers and students) are invited to raise the issue of the study of recent history of the former communist space in connection with the Western world. We are confident that all of us will focus during these two days on what is important to move the research in the field forward.

We dear to state that we even bear the moral obligation to do that.

Best regards,

The Board of Directors of CEPOS 2020 Conferences and Events Series

PROPOSED PANELS for CEPOS CONFERENCE 2020

Center of Post-Communist Political Studies (CEPOS) proposes the following panels:

- Political culture, civil society and citizen participation
- History, politics and ideologies in modern and contemporary Europe;
- Communism, transition, democracy;
- Post-communism and collective memory;
- Social changes, political history and collective memory
- Politics, ideologies and social action in transition;
- Revolution and political history;
- Political culture and citizen participation
- Law, legal studies and justice reform;
- Law, transitional justice, democratization;
- Constitution(s), legality & political reforms;
- Political parties, electoral systems and electoral campaigns;
- Security and diplomacy in national and Euro-Atlantic environment;
- Security, social movements and citizenship;
- Rights, identities, policies & participation;
- Education, media & social communication;
- Education, social inclusion and regional policies;
- Administrative history and governance within South-Eastern Europe during transition;
- Political leadership, democratization and regional security;
- Comparative policies, sustainable growth and urban planning;
- Knowledge transfer and competitiveness in regional economies;
- Global environment and cultural heritage;
- Integration, identity, and human rights in European systems;
- Religion, cultural history and education;
- Media, online communication and politics;
- Discourse, language and social encounters;
- Bioethics and transition challenges.

ABSTRACT SUBMITTING (SEE CEPOS CONFERENCE 2020 REGISTRATION FORM-on <http://cepos.eu/>)

The proposals must be sent in English and must contain the title of the paper, the

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abstract (no more than 300 words) and a short presentation of the author(s) (statute, institutional affiliation, short list of relevant scientific contributions).

DEAD-LINE FOR SUBMITTING A PROPOSAL: 15 MARCH 2020

Proposals must be submitted until 15 MARCH 2020 at the following address: cepos2013@gmail.com

CONFERENCE VENUE

Casa Universitarilor/University House (57 Unirii Street, Craiova, Romania). You can view the Conference location and a map at the following address: <http://www.casa-universitarilor.ro/>

- More information about the Conference venue can be found at the following address: http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/prezentare.php

- More photos of the conference room can be viewed at http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/galerie_foto.php

CEPOS CONFERENCE PAST EDITIONS

More information, photos and other details about the previous editions of the Conference and CEPOS Workshops, Internships, and other official events organized in 2012-2019 are available on:

- CEPOS official website sections

CEPOS Previous Events

Photo gallery CEPOS Events

- CEPOS FACEBOOK ACCOUNT:

<https://www.facebook.com/pages/Center-of-Post-Communist-Political-Studies-CEPOS/485957361454074>

TRANSPORT

The 10th International Conference "After communism. East and West under Scrutiny" (2020) will be held in Craiova, a city located in the South-Western part of Romania, at about 250 km from Bucharest, the national capital. The airport of Craiova (<http://en.aeroportcraiova.ro/>) has flights to Timisoara, Dusseldorf, Munchen, Ancone, Rome, Venezia, London, Bergamo etc. Other airports, such as Bucharest (Romania) (<http://www.aeroportul-otopeni.info/>) is located at distances less than 240 km from Craiova and accommodate international flights.

Train schedule to Craiova can be consulted at InterRegio CFR (<http://www.infofer.ro/>) and SOFTRANS (<http://softrans.ro/mersul-trenurilor.html>).

CEPOS CONFERENCE 2020 FEES AND REGISTRATION DESK

The Conference Registration Desk will be opened from Friday, 27th of March 2020 (from 08.00 a.m. to 18.00 p.m.) until Saturday 28th of March 2020 (from 08.00 a.m. until 14.00 p.m.), for registration and delivery of conference bag with documents to participants. The Conference Registration Desk is located in the lobby of the University House Club, 1st Floor.

REGISTRATION FEES

70 euros / first paper and 20 euros/ second paper (same author(s)) can be paid directly via bank transfer on CEPOS Bank account as follows:

Details for online payment

Banca Romana pentru Dezvoltare (BRD)

Owner: ASOCIATIA CENTRUL DE STUDII POLITICE POSTCOMUNISTE

Reference to be mentioned: CV taxa participare si publicare CEPOS

Account Number: RO64BRDE170SV96030911700 (RON)

MEALS AND OTHER ORGANIZING DETAILS

The registration fee covers:

- * Conference attendance to all common sessions, individual and special panels
- * Conference materials (including a printed version of the Book of Abstracts of the Conference)
- * Conference special bag - 1 for every single fee paid, no matter the number of authors/paper
- * Coffee Breaks-March 27, 2020 – March 28, 2020. During the two days conference, 3 coffee breaks are offered.
- * Welcoming reception (March 27, 2020)
- * Lunch (March 27, 2020) offered in the University House Gala Room
- * A Festive Gala Dinner and Cocktail (March 27, 2020) offered in the University House Gala Room
- * A Free Cocktail Buffet will be served from 19:00 p.m. to 21.00 p.m.
- * Lunch (March 28, 2020)
- * Certificate of attendance (offered at the end of the conference March 28, 2020)
- * Publication of the Conference Papers in the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (previous publication of the 2012-2019 Conference papers is available at <http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php>)
- * One original volume of the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (where the personal conference paper was published) will be delivered to the authors (an additional fee of 10 euros is required for the mailing facilities)
- * Computer & Internet Facilities. There is available videoprojector and connection to Internet services.
- * Language. The official language of the Conference will be English. The Organizing Committee does not provide simultaneous translation.

NEW! FREE SOCIAL AND CULTURAL PROGRAMME OF THE CEPOS CONFERENCE 2020

* Participants in CEPOS CONFERENCE 2020 have free acces to the Social and Cultural Program of the Tenth Edition of the International Conference After Communism. East and West under Scrutiny, Craiova, 27-28 March 2020: including free guided tours of the:

Craiova Old City Tour and CEPOS Headquarters

Museum of Arts Craiova, <http://www.muzeuldeartacraiova.ro/>

Oltenia Museum (all sections included):

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<http://www.muzeulolteniei.ro/index.php?view=content&c=26>
Casa Baniei <http://www.muzeulolteniei.ro/index.php?view=content&c=26>

CERTIFICATES OF ATTENDANCE

Certificates of attendance will be offered at the end of the conference on Saturday, March 28, 2020

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[d%2CIO%2CB9000%2B%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-](http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CIO%2CB9000%2B%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=Omwa_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1)

[17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-](http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CIO%2CB9000%2B%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=Omwa_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1)

[75%2C%2C77%2C%2C88-](http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CIO%2CB9000%2B%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=Omwa_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1)

[90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=Omwa_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1](http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=GBV&url=http%3A%2F%2Fgso.gbv.de%2FDB%3D2.1%2FCHARSET%3DUTF-8%2FIMPLAND%3DY%2FLNG%3DDU%2FSRT%3DYOP%2FTTL%3D1%2FCOOKIE%3DD2.1%2CE900d94f2-d%2CIO%2CB9000%2B%2B%2B%2B%2B%2B%2B%2CSY%2CA%2CH6-11%2C%2C16-17%2C%2C21%2C%2C30%2C%2C50%2C%2C60-61%2C%2C73-75%2C%2C77%2C%2C88-90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3FPPN%3D590280090&signature=Omwa_NLtwvdaOmmyeo7SUOCEYuDRGtoZqGXIK-vTY1o&showCoverImg=1)

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ACPN Catalogo Italiano dei Periodici, Universita di Bologna

<https://acnpsearch.unibo.it/journal/2601620>

Bibliothèque Nationale de Luxembourg

[https://a-z.lu/primo-](https://a-z.lu/primo-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L)

[explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L](https://a-z.lu/primo-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L)

National Library of Sweden

<http://libris.kb.se/bib/11702473>

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Harold B. Lee Library, Brigham Young University

http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes

Catalogue of Hamburg Libraries

https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x

Edith Cowan Australia

<https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X>

University College Cork, Ireland

<https://ucc.summon.serialssolutions.com/?q=1584-224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=>

York University Library, Toronto, Ontario, Canada

<https://www.library.yorku.ca/find/Record/muler82857>

The University of Chicago, USA

https://catalog.lib.uchicago.edu/vufind/Record/sfx_100000000726583

The University of Kansas KUMC Libraries Catalogue

<http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields>

Journal Seek

<http://journalseek.net/cgi-bin/journalseek/journalsearch.cgi?field=issn&query=1584-224X>

State Library New South Wales, Sidney, Australia,

<http://library.sl.nsw.gov.au/search~S1/?searchtype=i&searcharg=1584-224X&searchscope=1&SORT=D&extended=0&SUBMIT=Search&searchlimits=&searchorigarg=i1583-9583>

Electronic Journal Library

https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour_id=111736

Open University Malaysia

<http://library.oum.edu.my/oumlib/content/catalog/778733>

Wayne State University Libraries

<http://elibrary.wayne.edu/record=4203588>

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Kun Shan University Library

http://muse.lib.ksu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress

Western Theological Seminar

[https://col-](https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma99100122541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0)

[westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma99100122541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0](https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma99100122541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0)

Swansea University Prifysgol Abertawe

[http://whel-](http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELFSWA_VU1&reset_config=true#.VSU9SPmsVSk)

[primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELFSWA_VU1&reset_config=true#.VSU9SPmsVSk](http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELFSWA_VU1&reset_config=true#.VSU9SPmsVSk)

Vanderbilt Library

https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0

Wissenschaftszentrum Berlin für Sozial

[https://www.wzb.eu/en/literature-data/search-find/e-](https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2)

[journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2](https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2)

Radboud University Nijmegen

[https://zaandam.hosting.ru.nl/oamarket-](https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=)

[acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=](https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=)

Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)

[http://rzblx1.uni-](http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736)

[regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736](http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736)

The University of Hong Kong Libraries

https://julac.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224x&search_scope=My%20Institution&vid=HKU&facet=rtype,include,journals&mode=Basic&offset=0

Metropolitan University Prague, Czech Republic

[https://s-](https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25)

[knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25](https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25)

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University of the West Library

<https://uwest.on.worldcat.org/search?queryString=1584-224x&clusterResults=off&stickyFacetsChecked=on#/oclc/875039367>

Elektronische Zeitschriften der Universität zu Köln

https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_ALIAS=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on

EKP Publications

https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

Valley City State University

https://odin-primo.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224X&tab=tab1&search_scope=ndv_everything&sortby=rank&vid=ndv&lang=en_US&mode=advanced&offset=0displayMode%3Dfull&displayField=all&pcAvailabilityMode=true

Impact Factor Poland

<http://impactfactor.pl/czasopisma/21722-revista-de-stiinte-politice-revue-des-sciences-politiques>

Universite Laval

http://sfx.bibl.ulaval.ca:9003/sfx_local?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.fulltext=yes

Universität Passau

<https://infoguide.ub.uni-passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22>

BSB Bayerische Staatsbibliothek

<https://opacplus.bsb-muenchen.de/metaopac/search?View=default&oclcno=502495838>

Deutsches Museum

<https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d>

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Technische Hochschule Ingolstadt

[https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35=%22502495838%22+IN+[2])

Hochschule Augsburg, Bibliothek

<https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22>

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek

Freising, Germany

<https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de>

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek

OTHBR, Regensburg, Germany

<https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de>

Staatliche Bibliothek Neuburg/Donau , SBND,

Neuburg/Donau, Germany

<https://opac.swnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002%22>

Universitätsbibliothek Eichstätt-Ingolstadt, Eichstätt, Germany

[https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+[2])

Bibliothek der Humboldt-Universität Berlin, Universitätsbibliothek der Humboldt-Universität zu Berlin

Berlin, Germany

https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X

Hochschulbibliothek Ansbach, Ansbach, Germany

<https://fanoz3.bib-bvb.de/InfoGuideClient.fansis/start.do?Query=10%3d%22BV035261002%22>

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)

Frankfurt/Oder, Germany

<https://opac.europa-uni.de/InfoGuideClient.euvsis/start.do?Query=10%3d%22BV035261002%22>

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University of California Library Catalog

<https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&searchArg1=ucoclc469823489>

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:

<http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php>.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2019)

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

Oxford Academic Journal of Church & State <https://academic.oup.com/jcs/article-abstract/60/4/784/5106417?redirectedFrom=PDF>

10 Times

<https://10times.com/after-communism-east-and-west-under-scrutiny>

Conference Alerts

<https://conferencealerts.com/show-event?id=205682>

Researchgate

https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl%5Bcontexts%5D%5B0%5D=publicationCreationEOT&_iepl%5BtargetEntityId%5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA

The Free Library

<https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTE R+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701>

Science Dz.net

<https://www.sciencedz.net/conference/42812-9th-international-conference-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

Conference Alerts, <https://conferencealerts.com/show-event?id=186626>

Sciencesdz,

<http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

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ManuscriptLink,
<https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event>
Maspolitiques,<http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny>
Aconf, https://www.aconf.org/conf_112399.html
Call4paper,<https://call4paper.com/listByCity?type=event&city=3025&count=count>
Eventegg, <https://eventegg.com/cepos/>
10 times, <https://10times.com/after-communism-east-and-west-under-scrutiny>
Biblioteca de Sociologie, <http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/>
Science Research Association
<http://www.scirea.org/topiclisting?conferenceTopicId=5>
ResearcherBook <http://researcherbook.com/country/Romania>
Conference Search Net, <http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>
SchoolandCollegeListings,
<https://www.schoolandcollegelists.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>
Vepub conference, <http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHN0ZmpkYU9nTHJzUkRmdz09/>
Geopolitika Hungary, <http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/>

CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases: Ethic & International Affairs (Carnegie Council), Cambridge University Press-<https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/>

ELSEVIER GLOBAL EVENTS
LIST <http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny>
CONFERENCE ALERTS-<http://www.conferencealerts.com/show-event?id=171792>
10TIMES.COM-<http://10times.com/after-communism-east-and-west-under-scrutiny>
Hiway Conference Discovery System-
<http://www.hicds.cn/meeting/detail/45826124>
Geopolitika (Hungary)-<http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/>
Academic.net-<http://www.academic.net/show-24-4103-1.html>
World University Directory-
<http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769>

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Science Research Association-
<http://www.scirea.org/conferenceinfo?conferenceId=35290>
Science Social Community-<https://www.science-community.org/ru/node/174892>

CEPOS Conference 2016

The Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) was evaluated and accepted for indexing in the following international databases, catalogues and NGO's databases:

ELSEVIER GLOBAL EVENTS-
<http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/>
Oxford Journals – Oxford Journal of Church & State-
<http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract>
Conference Alerts-<http://www.conferencealerts.com/country-listing?country=Romania>
Conferences-In - <http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/>
Socmag.net - <http://www.socmag.net/?p=1562>
African Journal of Political Sciences-
http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securitee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk
Researchgate-
https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism_East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania
World Conference Alerts-
<http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442>
Edu events-<http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/>
Esocsci.org-<http://www.esocsci.org.nz/events/list/>
Sciencedz.net-<http://www.sciencedz.net/index.php?topic=events&page=53>
Science-community.org-<http://www.science-community.org/ru/node/164404/?did=070216>

CEPOS Conference 2015

The Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

THE ATLANTIC COUNCIL OF CANADA, CANADA-
<http://natocouncil.ca/events/international-conferences/>
ELSEVIER GLOBAL EVENTS LIST-
<http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf>
GCONFERENCE.NET-
http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01

CEPOS NEW CALL FOR PAPERS 2020

CONFERENCE BIOXBIO-<http://conference.bioxbio.com/location/romania>
10 TIMES-<http://10times.com/romania>
CONFERENCE ALERTS-<http://www.conferencealerts.com/country-listing?country=Romania>
<http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf>
<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>
NATIONAL SYMPOSIUM-
<http://www.nationalsymposium.com/communism.php>
SCIENCE DZ-<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>
ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IIES/
CONFERENCE WORLD-<http://conferencesworld.com/higher-education/>
KNOW A CONFERENCE KNOW A CONFERENCE-
<http://knowaconference.com/social-work/>
International Journal on New Trends in Education and Their Implications (IJONTE) Turkey <http://www.ijonte.org/?pnum=15&>
Journal of Research in Education and Teaching Turkey-
<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>
CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see <http://natocouncil.ca/events/international-conferences/>

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:
American Political Science Association, USA-
<http://www.apsanet.org/conferences.cfm>;
Journal of Church and State, Oxford-
<http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html>;
NATO Council of Canada (section events/ international conferences), Canada,
<http://atlantic-council.ca/events/international-conferences/>
International Society of Political Psychology, Columbus, USA-
http://www.ispp.org/uploads/attachments/April_2014.pdf
Academic Biographical Sketch,
<http://academicprofile.org/SeminarConference.aspx>;
Conference alerts, <http://www.conferencealerts.com/show-event?id=121380>;
Gesis Sowiport, Koln, Germany, <http://sowiport.gesis.org/>; Osteuropa-Netzwerk,
Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism:_East_and_West_under_scrutiny:_Fourth_International_Conference
Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Políticas y Sociología, futuro Consejo Nacional de Colegios Profesionales, Madrid,
<http://colpolsocmadrid.org/agenda/>.



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The references cited in the Article are listed at the end of the paper in alphabetical order of authors' names.

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For books

Olimid, A. P. (2009a). *Viața politică și spirituală în România modernă. Un model românesc al relațiilor dintre Stat și Biserică*, Craiova: Aius Publishing.

Olimid, A. P. (2009b). *Politica românească după 1989*, Craiova: Aius Publishing.

For chapters in edited books

Goodin, R. E. (2011). The State of the Discipline, the Discipline of the State. In Goodin, R. E. (editor), *The Oxford Handbook of Political Science*, Oxford: Oxford University Press, pp. 19-39.

For journal Articles

Georgescu, C. M. (2013a). Qualitative Analysis on the Institutionalisation of the Ethics and Integrity Standard within the Romanian Public Administration. *Revista de Științe Politice. Revue des Sciences Politiques*, 37, 320-326.

Georgescu, C. M. (2013b). Patterns of Local Self-Government and Governance: A Comparative Analysis Regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I). *Revista de Științe Politice. Revue des Științe Politice*, 39, 49-58.

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