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CONTENTS

<i>A MULTI-LAYER ANALYSIS OF EFFECTIVE CLUSTERS IN REGIONAL DEVELOPMENT POLICY. A CASE STUDY ON POLAND.....</i>	5
Peter NIJKAMP Karima KOURTIT	
<i>INNOVATIVE TEACHING METHODS BASED ON INFORMATION TECHNOLOGY.....</i>	25
Camelia Mădălina BELDIMAN	
<i>THE NECESSITY OF REFORMING THE TERRITORIAL ORGANISATION OF THE LOCAL PUBLIC POWER IN THE REPUBLIC OF MOLDOVA: DEMOGRAPHIC ARGUMENTS.....</i>	31
Sergiu CORNEA	
<i>COMPARATIVE LAW PERSPECTIVES ON THE EXCLUSION OF EVIDENCE OBTAINED ILLEGALLY IN THE CRIMINAL PROCEEDINGS.....</i>	47
Oana Elena GĂLĂȚEANU	
<i>POWER TRANSITION AND BALANCE OF POWER: COMPREHENDING THE POWER DYNAMICS OF THE 21ST CENTURY.....</i>	58
Adrian POP Andreea BRÎNZĂ	
<i>INSTITUTIONAL AND ADMINISTRATIVE ANSWERS TO THE PHENOMENON OF DEMOGRAPHIC AGING: (RE)CONFIGURATION OF THE SOCIAL SERVICES INFRASTRUCTURE</i>	71
Valentina CORNEA	

A MULTI-LAYER ANALYSIS OF EFFECTIVE CLUSTERS IN REGIONAL DEVELOPMENT POLICY. A CASE STUDY ON POLAND *

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Abstract

Regional development policy in the past years is increasingly dominated by cluster strategies. This means a dedicated orientation towards selective industrial initiatives (often of a high-tech and cognitive nature). In the present study the notion of effective cluster – characterized by intense social and human capital – is introduced as a systematic framework for assessing regional development policy. The paper presents a specific tool, viz., a Balanced Dashboard, to offer an operational evaluation instrument based on a multidimensional policy perspective. The relevance of this approach is illustrated by means of a multi-layer application of the proposed analytical framework to the Aviation Valley in the Podkarpackie region in South-East Poland.

Keywords: regional development; regional clusters; strategic regional position.

1. Introduction

Regional development policy has already a long tradition in Europe. Starting from the concept of industrial districts (Marshall) designed more than a century ago, various dedicated strategies to address spatial equity concerns have played an important role in post-WW II regional growth policies, as is witnessed in well-known concepts like industrial complexes, growth centres, development poles, growth corridors and the like (Kourtit and Nijkamp, 2017). In recent times, the notion of industrial clusters has gained much popularity as

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a tool to favour spatially and sectorally concentrated growth initiatives (Porter, 1998). The idea of a cluster suffers however from some ambiguities regarding its precise scope and the underlying critical success factors. Hence, recently the related concept of effective clusters has recently been introduced, to highlight the fact that a successful concentration of advanced industrial activities does not only need a satisfactory cognitive and high-tech base, but also a strong social and human capital base, so as to unite all growth efforts from both an individual and collective perspective on the region concerned.

The present paper aims to present a new policy assessment tool for a multidimensional analysis of the performance of effective industrial clusters as part of an ambitious regional development strategy, based on a merger of a high-tech orientation and the presence of social and human capital. The analytical tool for evaluating a cluster performance is based on a so-called '*balanced dashboard*' which finds its origin in a balance score card approach. This evaluation mechanism will be concisely presented in this paper and illustrated by means of an empirical application to an ambitious regional development project in Poland, viz. the Aviation Valley in the Podkarpackie region in South-East Poland. This analysis is based on a multi-layer approach, with different geographical scale levels, ranging from individual firms to local and regional scale levels.

1.1. A Decision Support Tool: *Balanced Dashboard*

In this section we will present a useful and interactive policy tool for regional development in the form of a '*Balanced Dashboard*'. A Dashboard is an operational navigation tool for policy makers for assessing regional or urban performance criteria outcomes under varying conditions, ranging from the macro-level (e.g. effects of spatial clusters and agglomerations) to the micro-level (e.g. impacts of entrepreneurship).

A thorough assessment of the broad, multidimensional performance of regions and cities should be based on appropriate judgment criteria which – with varying degrees of policy priorities attached to these yardsticks – can be employed to evaluate the competitive position and attractiveness of these regions and cities in terms of broadly defined socio-economic achievements (Nijkamp and Kourtit, 2011, 2013; Arribas-Bel et al. 2013). These criteria are captured under the heading of the XXP (maximum performance) framework seeking to maximize the performance of these stakeholders or decision-making entities (comparable to the 'XXQ' (maximum quality) principle in Nijkamp,

2008; Kourtit 2015, p. 358). The Dashboard mechanism serves to help the region or city to be on course, and to intervene timely, if the socio-economic direction of development is not according to a priori specified targets. This method presupposes sufficient data (including 'big data') on past and actual development patterns.

In the same vein, much interest has in recent years arisen in efficient and operational spatial and urban Strategic Performance Management (SPM) and Performance Measurement Systems (PMS), especially for urban areas or regions. Consequently, their use by local and regional authorities has drastically increased in recent years. Such policy tools are particularly important, given the tendency to assess a region's and city's relative performance level not only from a traditional economic perspective but also from a broader, partly non-economic, valuation perspective, so as to propose affective strategies for regions and cities in order to achieve a competitive position in a global and open economy (Nijkamp and Kourtit, 2011, p. 22).

There is nowadays in the decision literature an increasing interest in a broad and multidimensional set of strategic performance indicators and policy tools that are mutually linked and can be judged against each other, in order to provide a comprehensive view on the socio-economic 'health' conditions of cities and regions. This new approach is essentially based on a combination of traditional and modern measures integrated in a systematically structured and interconnected four-pillar analysis framework (see Figure 1): (1) economic vitality; (2) smart logistics and sustainable mobility; (3) social participation and social capital; and (4) ecological sustainability (see Nijkamp, 2008; Nijkamp and Kourtit, 2013, p. 302). A focus on the mutual linkages between these four distinct cornerstones is a *condition sine qua non*. Thus, a critical feature of a '*Balanced Dashboard*' is to offer an interconnected perspective on regions and cities. In order to link the regions' and cities' long-range strategies to short- and medium-range performance actions, a user-oriented interactive dashboard has to be developed as a learning tool (see the cornerstones described in Figure 1).

The Dashboard designed here is a strategic management tool that employs Critical Success Factors (CSFs) and Key Performance Indicators (KPIs) for transforming a region's or city's mission and future strategy into a coherent package of integrated performance indicators (Ho and Chan, 2002; Brignall, 2002). Such performance measures offer a balanced picture of a region's or city's achievement in terms of its mission and goals (Ho and McKay, 2002).

The '*Balanced Dashboard*', an increasingly popular method, is based on a multidimensional set of performance tasks and indicators as a mix of *non-*

financial measures (sometimes coined 'leading' indicators) and *financial* measures (sometimes coined 'lagging' indicators), that are systematically integrated according to the four above mentioned policy perspectives, viz., economic vitality, smart logistics and sustainable mobility, social participation and social capital, and ecological sustainability. Figure 1 offers now a concise presentation of such a coherent, transparent and focussed strategic analysis framework in the form of a policy arena.

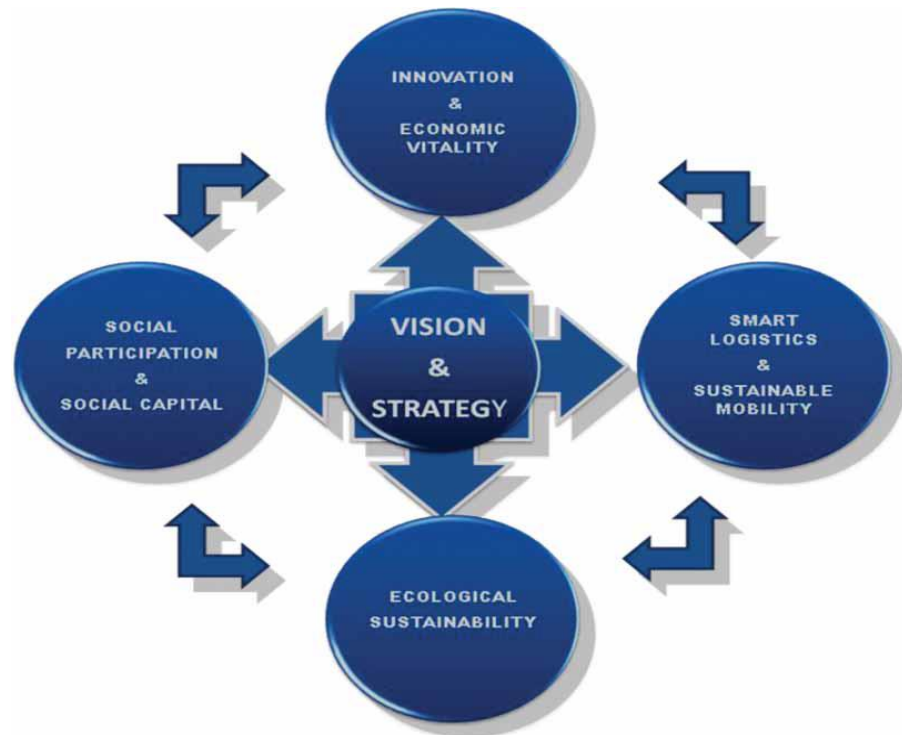


Figure 1. Policy Arena of the 'Balanced Dashboard'
Source: Nijkamp and Kourtit (2013, p. 302)

1.2. Mechanism of the Balanced Dashboard

The *Balanced Dashboard* follows essentially a linear straightforward approach (Kaplan and Norton, 1992) and contains the following sequence: it starts with a learning, innovation and future perspective and ends up in financial results or tangible outcomes (Brignall, 2002), so that the performance of an organization can be assessed from a multidimensional angle.

The effectiveness of the Dashboard is then defined as the degree of achievement of financial and non-financial goals, the improvement of skills and competences, and the enhancement of stakeholders' care and process quality (de Waal, 2007). In order to obtain a useful approach, the region or city at hand need to think in terms of strategy and related operational activities. They should also recognize the necessary detail to understand precisely what they are doing (their national and international position), what they want to achieve and how they want to do this (a logically structured strategic framework). The mechanism of the Balanced Dashboard can be described as follows:

1. *Articulating the mission and strategy of the region or city*

The region or city has to put forward a mission and to decide on a suitable strategy; they need to ask the question: "what do we want to do and to accomplish"; and "how can we achieve that mission?"

2. *Formulating long-term strategic objectives*

To make a region's or city's strategy operational, strategic future-oriented objectives have to be formulated; then it becomes evident which activities have to be undertaken in order to implement the region's or city's strategy.

3. *Monitoring through Critical Success Factors (CSFs) and Key Performance Indicators (KPIs)*

In the last stage, the achievement of goals and value creation (by guiding and improving all the region's or city's functions within the spatial system) have to be monitored using indicators expressed as *Critical Success Factors* (CSFs) (essential or necessary factors which define their success), and are operationalized by *Key Performance Indicators* (KPIs). Thus, the region or city needs to ask the question: "*what is the empirical measure for a given objective?*" and "*how can this objective be measured?*" The use of CSFs and KPIs allows the measurement, and thus the management and control, of strategic objectives and value creation of a region or city. Figure 2 provides a pedagogical illustration of the development and usefulness of this approach.

Thus, the Balanced Dashboard involves a practical performance measurement at five successive levels: mission, strategies, objectives, *Critical Success Factors (CSFs)*, and finally, *Key Performance Indicators (KPIs)*, so as to establish a clear link between performance and strategy.

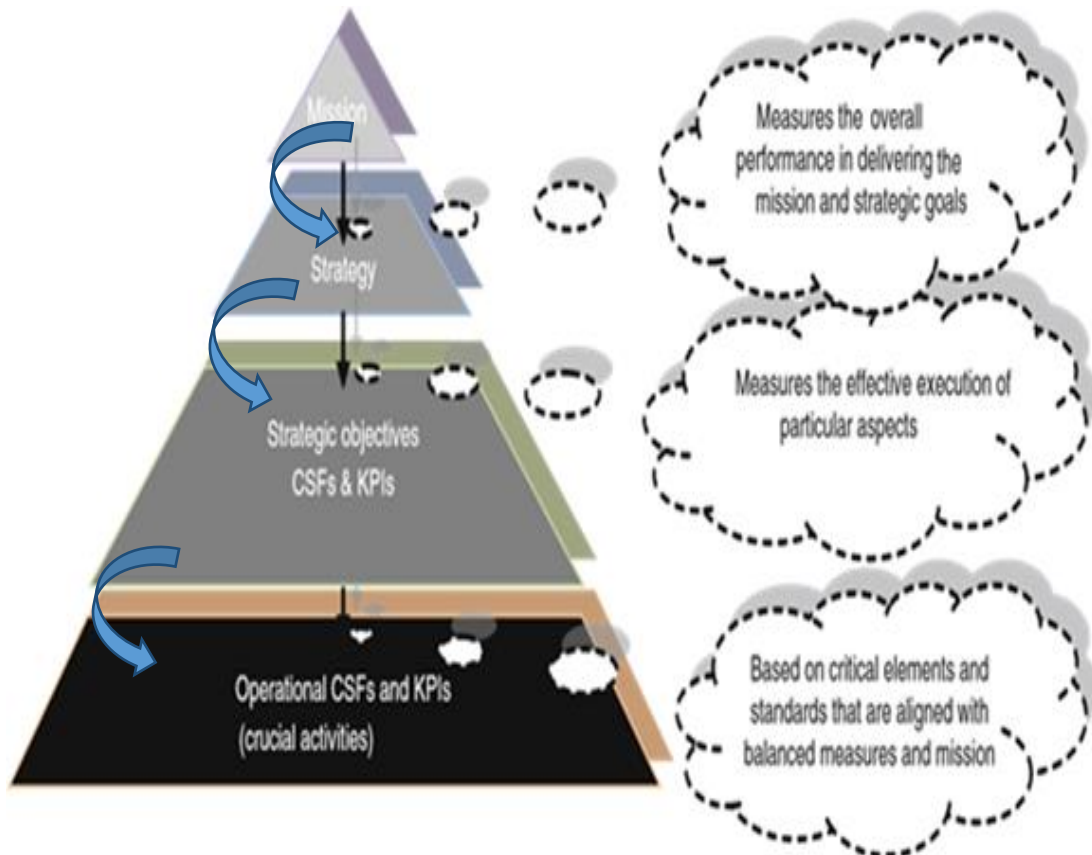


Figure 2. The development of CSFs and KPIs (illustration)

Source: Kaplan and Norton (1996b)

Thus, the region or city needs to have a meaningful starting point for viewing, monitoring and measuring its performance. In this way, a city or region can improve its performance at all levels. Clearly, all stakeholders need to appreciate the strategy and their role in it. Thus, this is clearly an interactive process starting with an understanding of the present position of the region or

city (positioning), the direction it needs to choose, the targets that should be set, and the resources necessary to achieve those ambitions. Clearly, this supports the region or city in continuously anticipating its changing circumstances and in developing a proper capacity for smart adaptation of their region and city.

We will now address the link between a Balanced Dashboard use and the development and performance of the region and city, with a view to an application to the Podkarpackie region in Poland.

2. Application to the Podkarpackie Region in Poland

The Podkarpackie area in South-Eastern Poland is a rather peripheral region, with a traditionally below-average economic performance. This voivodship is one of the major administrative units in the Polish system and is subdivided into several counties (powiats), which in turn contain various gminas (municipalities). Its main administrative and cognitive centre is Rzeszow. Consequently, to assess and monitor regional development strategies and efforts a multi-layer approach may be needed.

One of the major spearheads of the Podkarpackie regional economy is the aviation industry. After a severe dip in the 1990s, it is now starting to boom again. And therefore, it is an interesting challenge to assess its performance. To evaluate and monitor how a powiat performs in the Podkarpackie region, according to a long list of criteria (CSFs and KPIs) extracted from the four distinct cornerstones in the 'Balanced Dashboard', a great deal of statistical information has been collected on the powiats' profile and development in the Podkarpackie region, the home base of the Aviation Valley in Poland.

Table 1 shows a summary of the long list of indicators that were used to assess three of the four components with regard to the vision and performance of the powiats in the Podkarpackie region in Poland.

Table 1. Assessment indicators of important components with regard to the strategic regional position of powiats in the Podkarpackie region in Poland.

Perspectives	Criteria
<ul style="list-style-type: none"> Smart Logistics and Sustainable Mobility 	<i>Population connected to wastewater treatment plants</i> <i>Distribution network</i>

	<i>Gas supply system</i> <i>Accessibility</i> <i>Function</i> <i>Transportation</i>
<ul style="list-style-type: none"> • Innovation & Economic Vitality 	<i>Economic climate</i> <i>Workspaces and activities (sectors)</i> <i>Employment</i> <i>Business climate</i> <i>Quality of life and sustainability</i> <i>Learning</i>
<ul style="list-style-type: none"> • Social Participation and Social Capital 	<i>Demography</i> <i>Quality of urban life</i> <i>Cultural amenities</i> <i>Low rent</i> <i>Urban design and architecture</i> <i>Urban land use</i> <i>Criminality</i>
<ul style="list-style-type: none"> • Ecological Sustainability 	<i>Environmental indicators</i>

Source: The authors' elaboration.

The Podkarpackie region calls clearly for new strategic public governance systems that enhance its economic potential. To evaluate the 'competitive advantage' (à la Porter) of appropriate spatial governance systems, it is desirable to develop a relevant and practical indicator system that depicts the multilevel creative and financial resources of this regional district (see for an applied example, Table 1). These indicators were collected from the official sources (Podkarpackie voivodship, powiats, gminas 2014 *).

This is also a step that is necessary for a benchmark performance analysis of the success and failure factors of urban or spatial policy. Furthermore, such indicators of four important perspectives and the related indicators (criteria) in Table 1 should be transparent, manageable, measurable, testable, comparable, representative, and policy-relevant. These CSF examples in the Balanced Dashboard contain information from both smart-physical and immaterial infrastructure. All these components are directly related to a

* <http://rzeszow.stat.gov.pl/en/publications/statistical-yearbook/podkarpackie-voivodship-subregions-powiats-gminas-2014,2,8.html>

spatially integrated force field for the Aviation Valley that shapes the competitive capacities and opportunities of all stakeholders in that region.

There are various ways to represent the powiats' score in the context of a Balanced Dashboard. We will illustrate this here mainly for the indicator: *Social Participation and Social Capital* (SC). The findings shown in Figure 3 indicate clearly that in regard to the overall performance score, given the long list of criteria related to *Social Participation and Social Capital* as one of the CSFs, the powiat of Przemyski outperforms the other powiats in regard to Social Participation and Social Capital, followed by the powiats m.Rzeszow and powiat Brzozowski; it gets a relatively high performance score (although the latter two powiats are also high performers) (see Appendix A for the data used).

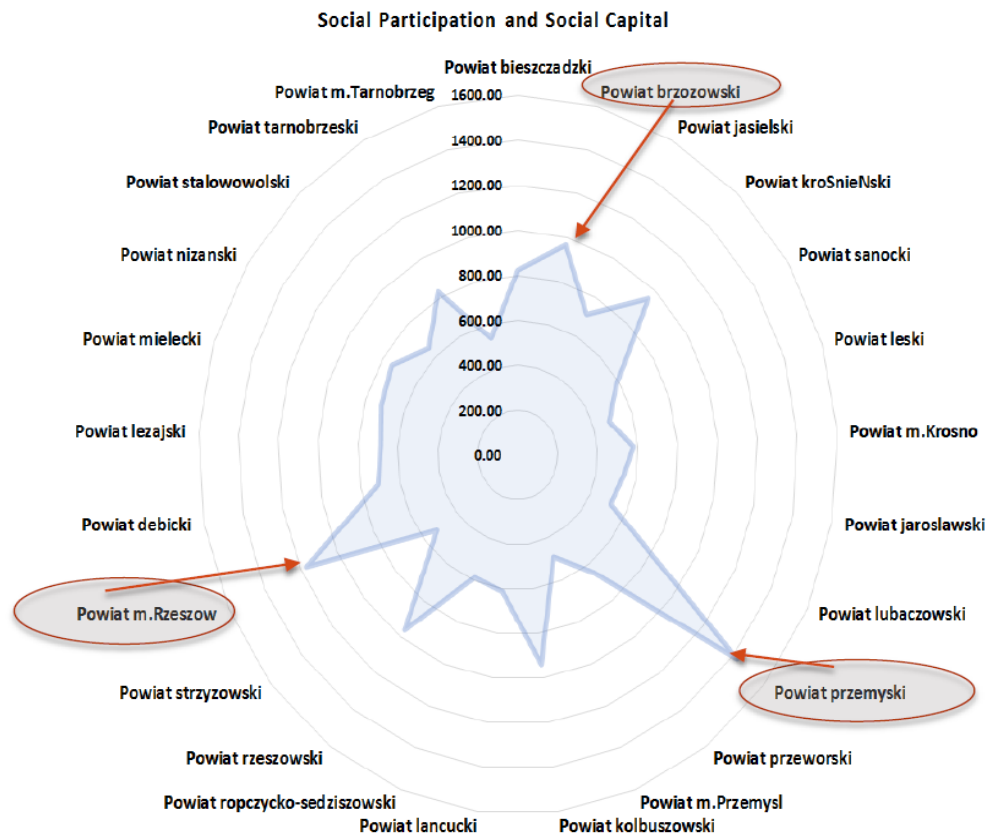


Figure 3. Spider web for the *Social Participation and Social Capital* (SC) of powiats (Sources: Authors' own calculation using data of different powiats in the Podkarpackie voivodship from the Statistical Office in Rzeszow Statistical Office in Rzeszow 2014)

Next, if we take a closer look at a few key indicators in the *Social Participation and Social Capital* category, such as "health care" and "generally available pharmacy", we can see from Figure 4 that the powiat Przemyski is indeed scoring very high on many of the specific sub-criteria, followed by the powiat in Rzeszowski on the criterion "generally available pharmacy" in the Podkarpackie region in Poland (see Appendix B for data used).

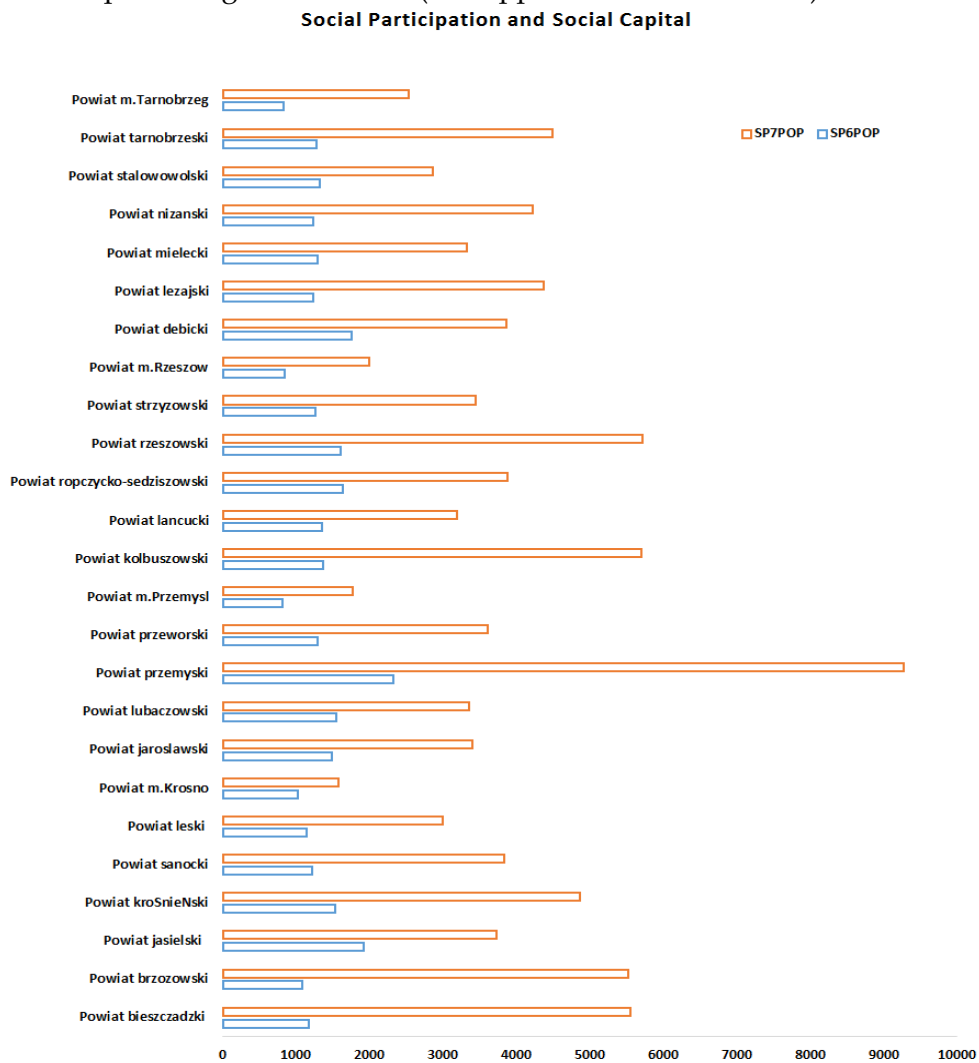


Figure 4. Presentation of the powiaty's performance score for two criteria: "health care" an "generally available pharmacy" (Sources: Authors' own calculation using data of

different powiats in the Podkarpackie voivodship from the Statistical Office in Rzeszow Statistical Office in Rzeszow, 2014)

The powiat Przemyski, however, has some clear drawbacks with regard to other criteria and has a clear scope for performance improvements, as is witnessed by its high scores, for example, on *delinquents in ascertained crimes and safety*. We will next illustrate the Balanced Dashboard functions by referring to Territorial Capital (TC) handles or policy criteria in the 25 powiats in the Podkarpackie region (see Figure 5). In our analysis, TC is an ‘umbrella’ indicator composed of Human Capital (HC), Infrastructural Capital (IC) and Social Capital (SC) (see Appendix C for data used).

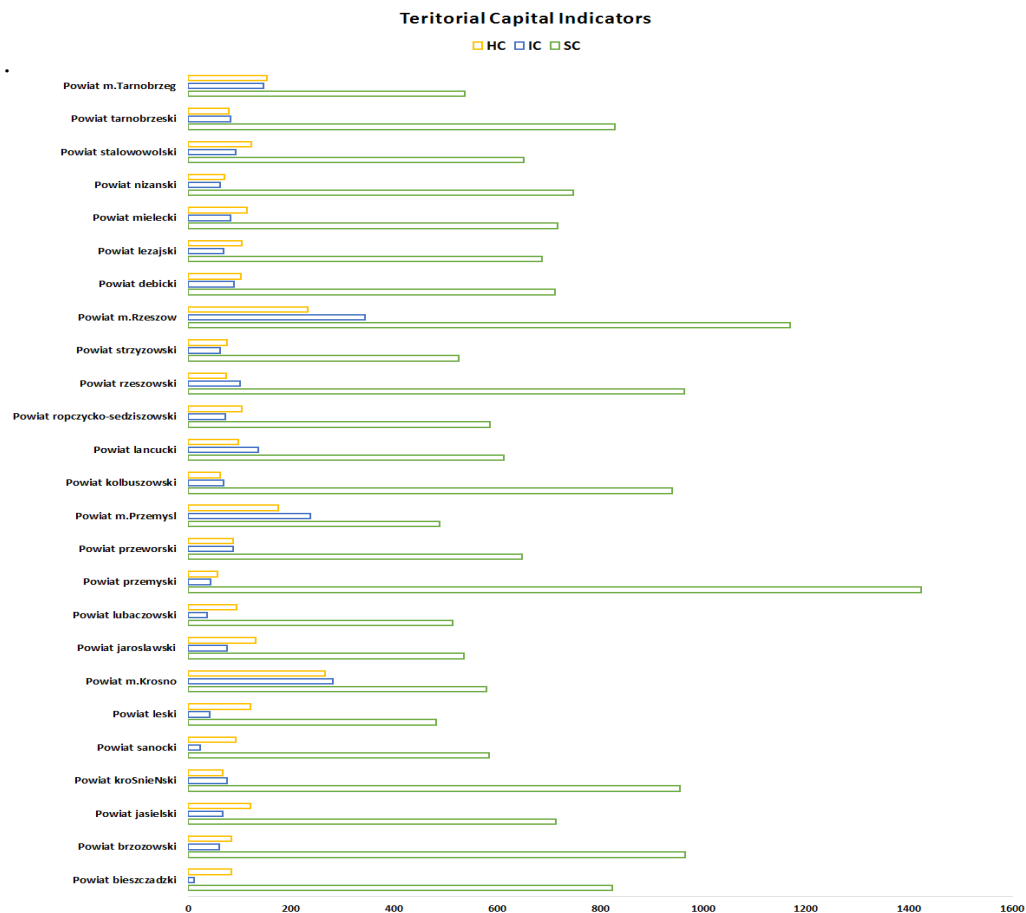


Figure 5. Presentation of the powiats’ performance score on the Balanced Dashboard for *Territorial Capital (TC)* (Sources: Authors' own calculation using data of different

powiats in the Podkarpackie voivodship from the Statistical Office in Rzeszow
Statistical Office in Rzeszow 2014)

There appears to be a great variety in TC performance among the powiats, as well as between the HC, IC and SC performance indicators making up for TC. This variety can be mapped out in a way which is similar to the previous Dashboard in Figure 6.

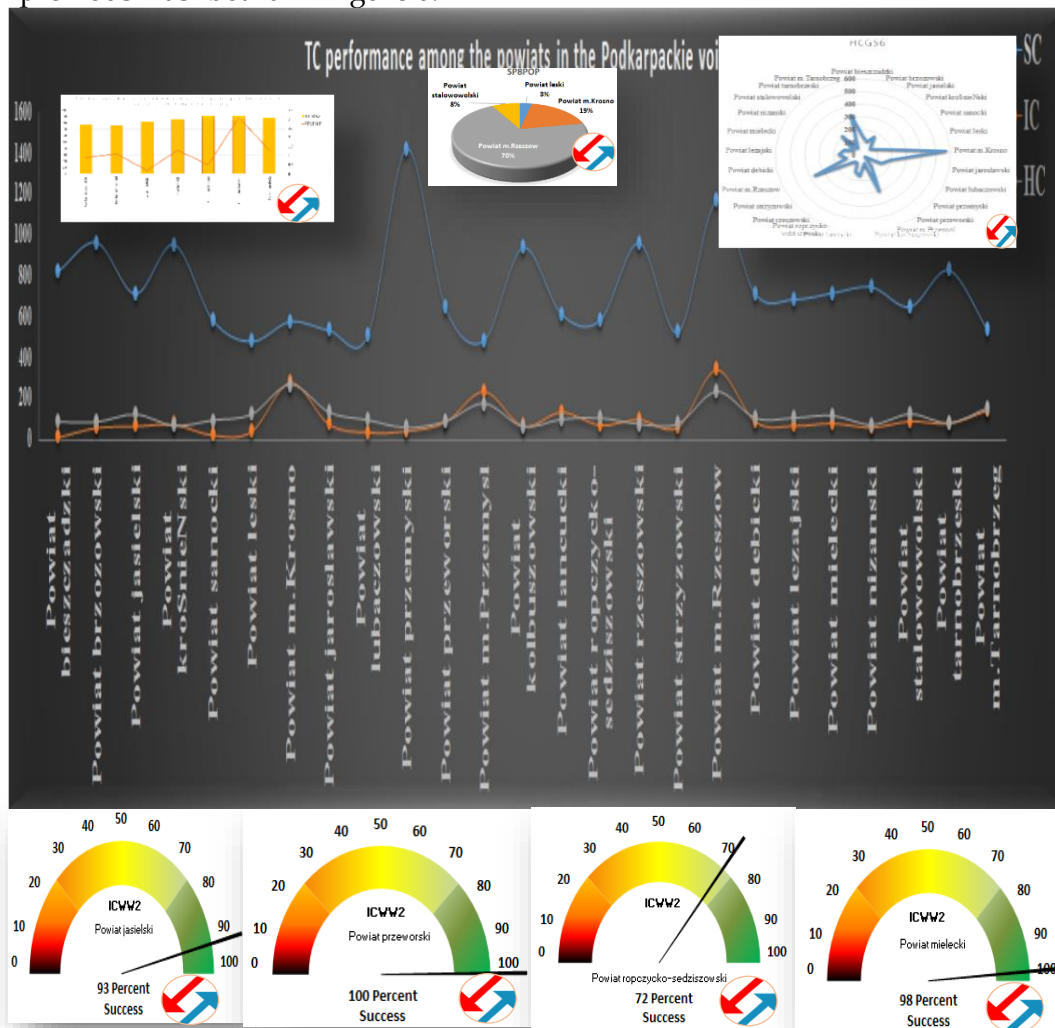


Figure 6. Presentation of the overall Balanced Dashboard

The aim of the examples provided above was to exemplify and test the Balanced Dashboard potential using interactive visualisation techniques – on the basis of a benchmark performance method for assessing the success and failure conditions of the Podkarpackie regional development – in particular, for governance challenges emerging at the interface of fast global dynamics regarding HC, SC and IC (see Figure 5 and Figure 6) for the Aviation Valley. Our examples presented above on the Dashboard strategy have demonstrated the feasibility and usefulness of this planning tool for the Aviation Valley in Podkarpackie. Our specific results for this area in Poland illustrate the significance of intensive economic revitalisation as a core cluster approach. The robustness test carried out in this paper has shown that it is feasible to develop resilient spatial development alternatives, even in the presence of conflicting policy goals and different sets of stakeholders.

3. Conclusions

Modern evaluation tools like the Balanced Dashboard appears to be among the important methods for evaluating and identifying differences and conflicts among distinct groups of stakeholders, future long-range visions and operational actions plans in a dynamic or regional context. Clearly, frictions between e.g. cultural heritage and technological progress in regions and cities deserve due attention and call for appropriate modern evaluation tools. The present study has shown the potential of the dashboard approach in assessing spatial-economic development strategies in the Podkarpackie region in Poland. This approach enables us to take into consideration the varied stakeholders' points of view and to combine these into a decision-making system on conflictual spatial land-use options. Clearly, many new advances still have to be implemented.

A focused Dashboard study on the Aviation Valley in the Podkarpackie region in Poland may provide, on the basis of structured interviews with stakeholders, insight into experiences and findings that consider and favour the socio-economic impacts of the Aviation Valley, with an alignment to the Podkarpackie region policy, in a broader setting. In reinventing the Aviation Valley, the urban Facebook framework, first developed in Kourtit and Nijkamp (2013), may help to distinguish successful strategic policies, and to combine different expertise to balance tensions between the interests and priorities of a multiplicity of stakeholders on the one hand, and economic growth combined with socio-economic needs and the conservation of eco-systems on the other hand. Clearly, a systematic preference elicitation exercise may have to be

organized among the main focus group or stakeholders in the Aviation Valley. Such systematically collected information may then be analysed within an urban Facebook evaluation framework ('Facebook Dashboard'), which may include a visual support tool (*i.e.*, Spatial Faces, Scenarios, Images, Scorecards, etc.). This novel framework to be developed adopts the same general idea as sketched above, but extends it by emphasizing the importance of the visual image of the spatial ambience and spatial future pictures and views of relevant historic and modern areas, based on a stakeholder-oriented approach (a bottom-up approach related to regional policies).

In this framework, visual features and values may be combined in a set of long-range spatial images, which map out various critical aspects of urban planning on the basis of relevant evaluation criteria derived from the Balanced Dashboard for the Aviation Valley in the Podkarpackie region. Thus, this framework may become a useful action platform that provides social benefits to connect relevant people who work and live together (social capital), supported by high-quality visualisation methods, for mapping original and feasible redevelopment initiatives in an interactive stakeholder-based approach.

Based on the stakeholders' preferences and points of view regarding the relevant domains, the above described decision support tool may serve to attract and keep creative minds living and working in the area to favour flourishing, dynamic local and regional economies. Clearly, each stakeholder has specific priorities and viewpoints. This diversity will help to design more integrated and accurate future images of the region concerned. Thus, a promising facelift aim of the Aviation Valley (ranging from little to strong) is to select and retain creative, high-skilled actors, and innovative firms in order to achieve a balanced sustainable development supported by all stakeholders involved in this process.

A sine qua non for a favourable development policy is that the Aviation Valley is in a position to develop highly innovative strategies to advance sustainable development and planning in an open and global economy, taking account of ecological conservation and favouring effective local management that does integrate a cluster development with place-based development. Indeed, both the organizational and economic development potential of a region is needed to enhance areal resilience of a cluster system, and thus its integrated sustainability of the region concerned.

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Appendix A: Data: Social Participation and Social Capital of powiats in the Podkarpackie region

Powiats	Social Participation and Social Capital
Powiat bieszczadzki	823.34
Powiat brzozowski	964.54
Powiat jasielski	713.27
Powiat krośnieński	954.48
Powiat sanocki	584.01
Powiat leski	480.87
Powiat m.Krosno	578.93
Powiat jarosławski	535.03
Powiat lubaczowski	513.10
Powiat przemyski	1423.34
Powiat przeworski	647.76
Powiat m.Przemyśl	487.39
Powiat kolbuszowski	939.97
Powiat łancucki	613.60
Powiat ropczycko-sędziszowski	586.34
Powiat rzeszowski	962.87
Powiat strzyżowski	525.57
Powiat m.Rzeszów	1168.80
Powiat debicki	711.79
Powiat leżajski	686.66
Powiat mielecki	717.79
Powiat nizancki	746.86
Powiat stalowowolski	650.90
Powiat tarnobrzeczki	828.56
Powiat m.Tarnobrzeg	536.30

Source: Authors' own calculation using data from Podkarpackie Voivodship.

Subregions, powiats, gminas 2014:

<http://rzeszow.stat.gov.pl/en/publications/statistical-yearbook/podkarpackie-voivodship-subregions-powiats-gminas-2014,2,8.html>

Appendix B: Data: Social Participation and Social Capital for the powiats in the Podkarpackie region based on two criteria: “health care” and “generally available pharmacy”

<i>Territorial unit</i>	SP6POP	SP7POP
Powiat bieszczadzki	1169	5551
Powiat brzozowski	1087	5528
Powiat jasielski	1923	3722
Powiat kroSnieNski	1533	4864
Powiat sanocki	1217	3826
Powiat leski	1144	3003
Powiat m.Krosno	1027	1574
Powiat jaroslowski	1489	3393
Powiat lubaczowski	1542	3356
Powiat przemyski	2320	9278
Powiat przeworski	1299	3603
Powiat m.Przemysl	816	1768
Powiat kolbuszowski	1364	5705
Powiat lancucki	1354	3195
Powiat ropczycko-sedziszowski	1634	3871
Powiat rzeszowski	1610	5718
Powiat stryzowski	1267	3450
Powiat m.Rzeszow	844	1990
Powiat debicki	1755	3862
Powiat lezajski	1228	4374
Powiat mielecki	1299	3327
Powiat nizanski	1228	4220
Powiat stalowowolski	1325	2860
Powiat tarnobrzski	1284	4493
Powiat m.Tarnobrzeg	831	2538

Source: Authors' own calculation using data from Podkarpackie Voivodship.

Subregions, powiats, gminas 2014:

<http://rzeszow.stat.gov.pl/en/publications/statistical-yearbook/podkarpackie-voivodship-subregions-powiats-gminas-2014,2,8.html>

Appendix C: Data: Territorial Capital for powiats in the Podkarpackie region

	SC	IC	HC
Powiat bieszczadzki	823.34	12.18	84.54
Powiat brzozowski	964.54	59.7	84.66
Powiat jasielski	713.27	66.86	121.14
Powiat kroSnieNski	954.48	74.88	66.34
Powiat sanocki	584.01	23.32	92.91
Powiat leski	480.87	41.48	121.76
Powiat m.Krosno	578.93	281.42	266.59
Powiat jaroslowski	535.03	75.96	131.29
Powiat lubaczowski	513.1	36.96	93.7
Powiat przemyski	1423.34	43.62	57.41
Powiat przeworski	647.76	87.34	86.93
Powiat m.Przemysl	487.39	237.84	174.27
Powiat kolbuszowski	939.97	68.46	62.57
Powiat lancucki	613.6	135.86	97.73
Powiat ropczycko-sedziszowski	586.34	72.52	103.49
Powiat rzeszowski	962.87	100.36	74.59
Powiat stryzowski	525.57	62.96	75.23
Powiat m.Rzeszow	1168.8	343.04	232.39
Powiat debicki	711.79	89.38	103.39
Powiat lezajski	686.66	69.5	104.19
Powiat mielecki	717.79	82.04	114.9
Powiat nizanski	746.86	61.32	70.86
Powiat stalowowolski	650.9	92.46	122.86
Powiat tarnobrzski	828.56	81.6	78.74
Powiat m.Tarnobrzeg	536.3	145.88	153.09

Source: Authors' own calculation using data from Podkarpackie Voivodship.

Subregions, powiats, gminas 2014:

<http://rzeszow.stat.gov.pl/en/publications/statistical-yearbook/podkarpackie-voivodship-subregions-powiats-gminas-2014,2,8.html>

Appendix D: Codebook

Social Participation and Social Capital	SC
Smart Logistics and Sustainable Mobility	IC
Human Capital	HC
population per 1 km ²	SP1POP
Natural increase per 1000 population	SP2POP
Net internal and international migration for permanent residence: per 1000 population	SP3POP
Rate of detectability of delinquents in ascertained crimes by the Police in %	SP4POP
Beds in general hospitals per 10 thous. population	SP5POP
provider of out-patient health care	SP6POP
generally available pharmacy	SP7POP
Audience in fixed cinemas: per 1000 population	SP8POP
Investment outlays in enterprises according to investment location (current prices): per capita in zł	SP9POP
Water withdrawal for needs of the national economy and population per 1 km ² in dam ³	ICWN1
Industrial and municipal wastewater treated in % of waste requiring treatment	ICWW2
Population connected to wastewater treatment plants in % of total population: total	ICCW3
Outlays on fixed assets (current prices) per capita in zł: in environmental protection	ICEP4
Distribution network per 100 km ² in km: water supply system	ICDWSS6
Distribution network per 100 km ² in km: sewage system	ICDNSS7

Distribution network per 100 km ² in km: gas supply system	ICDNGSS8
Employed person: per 1000 population	HCE1
Employed person: trade; repair of motor vehicles Δ; transportation and storage; accommodation and catering Δ; information and communication - in % of total	HCEPTSACIC2
Employed persons: financial and insurance activities; real estate activities - in % of total	HCFA3
Registered unemployment rate ac in %	HCTU4
Registered employment rate ac in %	HCRE5
Pupils and students of schools for children and youth per 10 thous. population: general secondary	HCGS6
Pupils and students of schools for children and youth per 10 thous. population: technical secondary	HCTS8
Pupils and students of schools for children and youth per 10 thous. population: postsecondary schools per 10 thous. population	HCPS9

INNOVATIVE TEACHING METHODS BASED ON INFORMATION TECHNOLOGY

Camelia Mădălina BELDIMAN*

Abstract

E-learning has earned a solid reputation among the business community as the method of choice for delivering wide-impact, high-quality, cost-effective training. Although the means used to attain these goals may vary as far as the pedagogical approach and technical complexity is concerned, the results must be the same: added-value for the employees and companies alike.

The present paper analyzes some of the content design exigencies imposed by the specifics of company staff training. At the same time, it proposes a set of guidelines which could help designers get adequate pedagogical benefits from blending multimedia and e-learning standards.

Keywords: e-learning, blending learning, multimedia content

1. Introduction

When we intend to analyze the advantages presented by educational software compared to traditional teaching and learning methods, we should start from the final beneficiaries - students and teachers, who are the key actors in developing and using educational software. The IT specialist's role is secondary. He knows which information technology tools should use, and which opportunities are available in the technical plan. But those tools are harnessed through the teacher to the benefit of the learner. Educational software that does not seek this guidance cannot achieve its mission and will remain a simple application, an exciting game and nothing more.

If we look at things from this perspective, we have a better representation of requirements to which educational software must respond. First, it is the purpose for which it should be circumscribed. Educational software should facilitate learning, provide a new framework, better than the classic one, of how the student should approach information, to engage, to help him learn and not just memorize.

At the same time educational software should propose new ways of organizing information. Thus, the information must be easily accessible

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and the tools offered by the product to its beneficiaries should be easily exploited.

For teachers, educational software should provide a new didactic instrument that they can successfully use in training. But what educational software successfully adds to the game is flexibility.

A product of this type opens new opportunities for teachers. Unlike previous teaching tools, the teacher is no longer limited to some pre-established form (for example, a drawing board remains a board and is limited to the information it contains). In the case of educational software, starting with the initial form, the teacher can transform or replace the product with their own material. The modularized structure enables him to use just moments or tests they deem necessary for a particular lesson or a specific class.

2. Case study

We have already mentioned that one of the most important assets of educational software is that it promotes learning at the expense of memorizing. One of the concepts underlying this approach is discovery learning.

For this, educational software brings a whole series of instruments from the ludic sphere. But one thing must be stated at the very beginning. Despite the elements related to game, we are dealing with a dedicated educational product, which falls within specific educational goals. Given this, the playful side must not impede the formative, but rather merely to complete the latter.

The result can only be beneficial to the end user. Thus, information may be presented in an appealing and interactive form to determine the student to be involved in running the course, to become, sometime unwillingly, part of the process. Perhaps easier than in the case of technical works, the lesson becomes interesting and goes beyond a mandatory step that must be just checked.

Learning by doing determines this outcome. The information is revealed as part of a complete application, whether it is an educational game or a three-dimensional animation. The student goes from stage to stage and reveals new data with each of them. The first thing to emphasize is that this approach offers the advantage of presenting information in context. Concepts of Technology, for example, are seen as part of a process. Moreover, the animations show processes in a manner that goes far beyond a picture or a drawing board. First, the student is related to data and

experiences that are already known, so that subsequently he can understand and deepen new information that is referred to him.

The second aspect that should be highlighted is the fact that the focus this time is on the student. We constantly refer to him and try to identify ways we can make learning easier. This is one of the goals we set, without affecting the value or volume of information to "coddle" the end user. The challenge for the teacher and developer of educational software is to be able to identify precisely the tools and methods to make information more accessible and easier so the student can reach the optimal preparation level more easily.

From the perspective trainer, the cognitive edifice which we intend to implement for the student must rely on a solid foundation. This foundation is represented by the baggage of knowledge that the student already owns, assimilated knowledge that will help him learn (to understand and explain) new concepts much easier. If it were to relate to Bloom's taxonomy, this would be the first step in the process of learning, the knowledge stage.

The student is presented with a series of items related to the lesson's scope, enabling him to refer to a much better educational content that will convey. His past knowledge and experiences helps him enter into the 'atmosphere' course. Without being obliged to do or expressly request, the student should pass through the data. Figure 1 hierarchical depicts a structure of modularized items of information. Each stage of the learning process corresponds to a level.

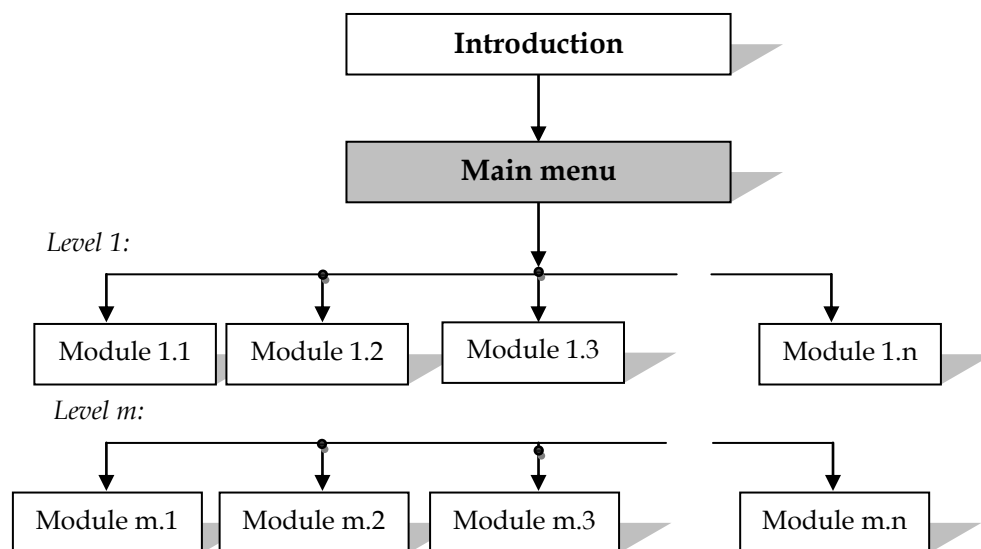


Figure. 1: The hierarchical structure of information modules

This moment might be called the generic teaser, but its functions go far beyond the limits that apparently draw its name. It depends on the teacher's skill and creativity and on the software developing team to come out of the scope of a cute drawing attention application and transform it into a true teaching tool.

Here, the technologies used in developing educational software open a wide range of opportunities. But one thing must be remembered: graphics, 2D or 3D animations are only teaching tools, and do not constitute a target in our approach. An application that helps the student to recall previously learned information, relevant to the beginning of the course is welcomed. However, to generate more interesting and attractive content, we add graphic elements to which we referred earlier. Nevertheless, the formative value of the software module is not given in any case by the avant-garde design, nor by the originality of the application in question, but the cognitive benefit it brings. Other aspects like ergonomics and décor are important for an education application, but must fall within the educational goals.

The next stage is understanding. Here the teacher's didactic skills and those related to IT blend happily. It is the section in which new information is presented to students and it should enable smooth understanding and mastering it.

The role of the software developer is also secondary, at this level. The final quality of the product depends utmost on the quality of the teaching material on which it is based. And when we talk about quality, at least two aspects should be considered, namely: scientific value and structure. These two are closely interdependent, and the absence of either of them can compromise the overall value of the material.

We will not insist on the scientific value because its importance is evident when discussing about a material used in the training of future generations of practitioners. But an aspect often overlooked is the structure.

The importance of the structure must be considered in at least two respects. Firstly, it is about how the information is divided in order to be presented. We mean here both logical structure and especially the way the modules of information are designed. We will insist particularly on this last aspect.

The requirements imposed by achieving a valuable educational software are completely different than those arising from the development of a course in classical sense. The software application shall be subject to clear limitations of size and time requiring a different approach to traditional educational materials.

Information should be structured in based on relevance, in order to avoid the to risk to create an interesting software application, that does

nothing but to waste between details without emphasizing the overall message that must be conveyed. The primary focus, in terms of information, should be the data, that according to the operational objectives of the application, the student should acquire. Therefore, the course materials on which the entire application is built should focus primarily on data transmission in a manner that facilitates its understanding and subsequent application.

Concerning the structure, maybe we should bring into question a note of pragmatism that should be taken into account in the design and development of educational software. From the point of view of the one that provides the information material, he must take into account the specifics of the course and especially the specificity of its target audience, its expectations, needs and level of preparation thereof. Without these considerations, the final application will only continue on the line for most of the current educational materials, without that added educational value that we want and we propose.

Also, we must also take into account the limitations of educational software involved that are already mentioned above (size and time). In relation to a web-based product, they are even more striking. Therefore, the pragmatism that we have referred to, should guide both the supplier of educational materials and the teacher involved in the development of educational software, within the limits posed by the product, to achieve by best fashion possible the educational objectives of the application.

In support of the learner, the ultimate beneficiary of the product, who should reap the benefits projected by the drafting team, there come the text organizing facilities, offered by IT. The most eloquent example in this respect is probably the hypertext. It can liaise between the different sections of the same educational material, offer links to databases or alternative educational materials. In this way, an entire structure of data is arranged and information becomes more accessible to the user, facilitating learning.

At the same time, the theory must always be accompanied by practical applications, the only able to present the concepts in context. In this way it stimulates the learning of knowledge, to the detriment of mere memorizing them. Meanwhile, the immediate proof of their usefulness strengthens the practical side of the training process for the benefit of learners and teachers.

Concerning learning, the application stage cannot be overlooked in an educational software. Here, IT technologies round the teaching methods very well. They bring in the possibility of creating complex applications that simulate real processes and interactions, presenting technical data or expert information in context. In this way it gives the student the opportunity to view various processes and components that normally

would be hard-to-reach. A virtual environment allows the most diverse experiments and not only provides interactions and the appropriate results, but also an adequate representation.

3. Conclusion

The suggested approach regarding content is designed to fully exploit the features offered by the proposed technical solution. At the same time, it emphasizes interactivity, accessibility, functionality and the innovative. It is an approach chosen to serve in a suitable manner to the project objectives and to allow its implementation in the best conditions.

The approach to the content to which the whole paper refers, not only facilitates access to information, but also encloses the related IT tools to the common user. At the same time, it is sought to ensure project sustainability and viability. The result is a product that not only proves its utility, but also can guide the Romanian education to a new, more powerful track.

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THE NECESSITY OF REFORMING THE TERRITORIAL
ORGANISATION OF THE LOCAL PUBLIC POWER IN THE
REPUBLIC OF MOLDOVA: DEMOGRAPHIC ARGUMENTS

Sergiu CORNEA*

Abstract

A plausible argument in favour of reforming the territorial organisation of the public power is the demographic situation in Moldova. Currently, the Republic of Moldova is faced with a series of demographic issues that leave their mark on many processes that take place. Here, I refer to the natural movement of the population, the migration phenomenon, aging and pauperization of the population. Closely related to these processes, there are also other phenomena: depopulation, de-urbanisation, and ruralization of urban settlements in Moldova.

These tendencies and phenomena that take place in the Republic of Moldova require a new principled approach for the territorial organization of public power. Under the newly created circumstances, the population of local communities that are constantly shrinking does not have sufficient means to finance the activity of local public authorities and therefore, not having sufficient means due to the limited tax base, cannot provide quality public services.

Keywords: reform, depopulation, migration, population aging, de-urbanisation.

1. Demographic situation in the Republic of Moldova

The situation in the demographic sphere of the Republic of Moldova is influenced by two major factors: demographic modernisation, which is characterized by the modification of the demographic behaviour of the population (decreased fertility, delaying childbirth to more mature ages, diversification of family patterns, etc.); and the long-lasting socio-economic crisis, which results in mass migration of the working age population, and the maintenance of the high level of mortality in adulthood (Paladi, Penina, Dondiuc, 2015). In the coming years the demographic situation will be influenced by: a) a reduction in the birth rate because the population of active reproductive age will be made up of the smaller generation born in the 90s; and b) the larger generation, born in the late 50s - early 60s, is entering retirement age (Gagauz, 2016). Thus, as O. Gagauz mentioned: "the demographic future of the Republic of Moldova is very unfavourable and causes concern, and the major cause is the falling birth-rate and massive emigration. A population that is in the process of natural decline and in an accelerated demographic ageing decline is not practically able to

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find internal resources of recovery and stabilization of the situation” (Gagauz 2015).

Although according to the National Bureau of Statistics, as of January 1, 2016 the population of the Republic of Moldova was 3,553,100 people¹, the preliminary census data from May 12-14, 2014 indicated 2,913,281 people making up the total population of Moldova, of which 329,108 were abroad². It would appear, thus, that the resident population is 2,584,173 people. In terms of the demographic decline, NBS attests an increase of 639,819 people. It is obvious that Moldova’s population is overestimated. This, in the opinion of O. Gagauz and Ir. Pahomi, happens because the labour migrants that have been missing from the country more than a year are also included in the resident population while according to international standards, demographic and socio-economic indicators should be calculated in relation to the present population. As a result of these discrepancies, some indicators that are calculated in relation to the population are distorted. An eloquent example of this is the indicator calculating the share of the population that is of working age, which is quite high for many districts despite the fact that because of labour migration a significant part of this contingent has established permanent residence abroad (Gagauz, Pahomii, 2016).

Thus, we can find that the statistical data provided by specialized state institutions do not offer comparable and reliable information about the population of the Republic of Moldova. This situation distorts analyses, forecasts, and strategies based on the size and structure of the population. Instead, taking into account only the size of the resident population would align the demographic data more closely to the real situation existing in the Republic of Moldova.

A useful tool for the monitoring of the socio-economic and demographic situation in territorial and administrative districts is the *Demographic Security Integrated Territorial Index* (DSITI). DSITI is built upon four components: 1) demographic development (total fertility rate, rate of demographic ageing, rate of natural increase, migration balance), 2) population health (life expectancy at birth, number of family doctors per 10 000 inhabitants, infant mortality rate, prevalence of circulatory system diseases, prevalence of tumours, people aged 18+ years with a primary disability per 100 000 inhabitants), 3) social security (the average retirement income for the age limit in relation to the national average, the share of

¹Populația și procesele demografice. <http://www.statistica.md/category.php?l=ro&idc=103&>

² http://www.statistica.md/public/files/Recensamint/Recensamint_pop_2014/Nota_informativa_Preliminare_Recensamint_2014.pdf

pensioners that are receiving the minimum pension amount, the average salary in relation to the national average, the percentage of pupils who study in the first half of the day) and 4) labour market conditions (the percentage of new jobs created compared to the national average, the percentage of unemployed persons employed from the total number of unemployed people, the percentage of working age people as part of the total population, the percentage of employed pensioners).

DSITI certifies a territorially significant gap in socio-economic and demographic development (a relatively high DSITI for the Chişinău municipality and a pronounced gap between districts), this being one of the main issues of demographic security. The accumulated score according to DSITI depends on the approaching/distancing of the districts' development from that of the Chişinău and Balti municipalities or on the area's socio-economic pole of development (for example: Cahul, Soroca) (Gagauz, Pahomii, 2016). (See Annex I)

2. The size of the population by districts compared to the total population

Grouped by population size as reviewed in the census from May 12 - 25, 2014, 7 districts registered less than 50,000 inhabitants accounting for 9,0% of the country's population; 21 districts had a population between 50,000 and 100,000 inhabitants, accounting for 51.1%; and only 4 districts and ATU Găgăuzia exceeded 100,000 inhabitants, representing 19.4%. Of the total of 2,913,000 people, 20.5% are in the Chişinău and Balti municipalities, with 493,000 and 105,000 persons, respectively.³

The Basarabeasca and Dubasari districts, by population, represent less than one percent of Moldova's population.⁴ Twelve districts have a population representing between 1% and 2% of the total population, and fourteen districts have a population representing between 2% and 3% of the total population. Only the districts of Cahul (3.51%), Hancesti (3.38%), Orhei (3.52%), Ungheni (3.30%), and ATU Găgăuzia (4.56%) have a population that represents over 3% of the country's population.⁵ (See Annex II)

To better understand the situation in the Republic of Moldova, it is useful to compare it with that of the neighbouring countries. In order to understand the phenomenon, I consider the presentation of some data related to the population of the North-East and South-East development

³ http://www.statistica.md/public/files/Recensamint/Recensamint_pop_2014/Nota_informativa_Preliminare_Recensamint_2014.pdf

⁴ This is without counting the population from the left side of the Dniester and from the Bender municipality.

⁵ Populația stabilă la 1 ianuarie 2016. <http://statbank.statistica.md/pxweb/sq/1b3169ca-9da0-48c8-a472-b880ac8097db>

regions of Romania bordering the Republic of Moldova relevant. The North-East region, which includes the counties of Bacău, Botoșani, Iași, Neamț, Suceava and Vaslui, has a population of 3,922,407 people, and the South-East region, which comprises the counties Brăila, Buzău, Constanța, Galați, Tulcea and Vrancea, has 2,871,862 inhabitants.

It is easy to note that the population of a development region of Romania, as can be seen from the data presented in Table 1, is comparable to Moldova's entire population.

Table 1

The population of North-East and South-East development regions
(Romania) on January 1, 2016

Region/county	Population	Region/county	Population
North-East	3,922,407	South-East	2,871,862
Bacau	746,566	Braila	356,196
Botosani	455,973	Buzau	478,811
Iasi	919,049	Constanta	769,768
Neamt	577,359	Galati	631,669
Suceava	743,645	Tulcea	244,249
Vaslui	479,815	Vrancea	391,169

Source: Romanian population by localities on January 1, 2016 (by usual residence). Bucharest: INS, 2016, p.25.

According to data from the National Bureau of Statistics on January 1, 2015, the population of the Republic of Moldova ordered by development regions was the following: Chișinău municipality – 809,563, the North Development Region – 91,246, Center Development Region – 1,058,669, South Development Region – 533,921, ATU Găgăuzia – 161,760 inhabitants.⁶ Next, preliminary data of the 2014 Census shows that the distribution of the population by development regions is as follows: North – 31.5%, Center – 30.5%, Chișinău municipality – 16.9%, South – 16.3%, ATU Găgăuzia – 4.8%. It is easy to see a concentration of the population in central and northern areas – the northern and central development regions and Chișinău municipality include 78,9% of the country's population.⁷

⁶ Statistica teritorială, 2015. Chișinău: BNS, 2015, p.22.

⁷ http://www.statistica.md/public/files/Recensamint/Recensamint_pop_2014/Nota_

Ukraine is in a situation similar to the Republic of Moldova. The population average of the districts in the Odessa region is 53,055 inhabitants.⁸ For example, the districts of Southern Bessarabia are small by population: Reni – 37,288, Izmail – 51,513, Kiliya – 52,277, Bolhrad – 69,010, Artsyz – 45,198, Tatarbunary – 38,781, Tarutyne – 41,535, Sarata – 44,984, Bilhorod-Dnistrovskiy – 60,755.⁹ But, in Ukraine the normative framework has been elaborated and the process of voluntary consolidation of local communities has been initiated.¹⁰

3. The effects of depopulation

One of the biggest problems that leaves its mark on local democratic affirmation and implicitly on public participation is depopulation.¹¹ According to BBC statistics, the population of the Republic of Moldova decreases by 106 people every day, making Moldova the country with the highest rate of population decline in the world.¹² In an on-line survey conducted by *jurnal.md*, from the 12,474 people surveyed on October 21, 2016, only 19,26% saw their future in the Republic of Moldova, and 65,05% didn't. 13,68% of people were determined to leave in the near future and 2,01% of the respondents had already left.¹³

According to preliminary results of the Population and Housing Census undertaken in May 2014, out of 1,259,207 existing housing facilities in the Republic of Moldova, 215,112 were unoccupied. Territorially, the largest share of unoccupied dwellings was recorded in the North Development Region, especially in the districts of Donduseni and Soroca, where the share of unoccupied dwellings is over 25%. Meanwhile, the lowest rate of unoccupied dwellings was recorded in the districts of Telenesti and Straseni in the Center Development Region and in the districts of Cahul, Causeni and Leova in the South Development Region,

informativa_Preliminare_Recensamint_2014.pdf

⁸ Calculations were performed as follows: from the region's total population, 2,390,289, I have subtracted Odessa's population, 1,010,848, and I have divided the sum by the number of districts – 26.

⁹ Чисельність наявного населення України на 1 січня 2016 року. Київ: Державна служба статистики України, 2016, с.57-60.

¹⁰ Закон України „Про добровільне об'єднання територіальних громад” від 05.02.2015, № 157-VIII. <http://zakon3.rada.gov.ua/laws/show/157-19/print1476166308174374>

¹¹ In this context, I mention that the problem of depopulation is current not only for the Republic of Moldova but also for some EU countries, such as Bulgaria. For example, during 2013 by the decision of the Council of Ministers, 10 localities were abolished and 6 of them were amalgamated with other localities. However, at the end of 2013, in Bulgaria there were 169 depopulated localities. http://www.nsi.bg/sites/default/files/files/pressreleases/Population2013_AUIT2RS.pdf

¹² <http://ziarulnational.md/alarman-bbc-r-moldova-statul-cu-cea-mai-mare-rata-de-scadere-a-populatiei-patru-cetateni-parasesc-tara-in-fiecare-ora/>

¹³ <http://jurnal.md/ro/polls/>

where it was below 14%.¹⁴

Depopulation has grown especially in rural areas. In the Republic of Moldova, there are dozens of villages with a population of less than 40 inhabitants,¹⁵ and in the 2014 Population Census, in 8 localities from 7 districts there was not a single person registered.¹⁶

Depopulation of the villages is also due to the massive exodus of the rural population. The decreased employment opportunities in rural areas in the Republic of Moldova have generated a process of migration inside and outside the country that includes young and educated people. Every fifth citizen of the Republic of Moldova works abroad and every fourth migrant comes from a rural area.

A consequence of depopulation is de-urbanisation and ruralisation of urban settlements. According to some estimates, by 2025, about two-thirds of the world population will be living in urban areas.¹⁷ Nevertheless, while in the world and especially in the EU states, there is a broad process of urbanisation taking place,¹⁸ in the Republic of Moldova the process is exactly the opposite, a fact that shows a process of de-urbanisation and ruralisation of the urban settlements. The share of the urban population decreased from 50% in 1989 to almost 40% in 2004. During 1992-2007, the populations of the cities of Orhei and Soroca decreased by one-third, the cities of Ungheni and Cahul by one quarter, and the city of Balti by 20%.¹⁹

On January 1, 2016, according to NBS data, more than half of the country's population was composed of rural inhabitants – 2,042,000 people or 57.5%. 1,511,100 people or 42.5%²⁰ were living in urban areas. After preliminary results of the 2014 Census, the share of the rural population in

¹⁴ http://www.statistica.md/public/files/Recensamint/Recensamint_pop_2014/Nota_informativa_Preliminare_Recensamint_2014.pdf

¹⁵ <http://localitati.casata.md/index.php?l=ro&action=viewtopdownpoplocalitati>

¹⁶ These are localities: s. Pelinia (Stație de Cale Ferată, rn. Drochia), s. Cuconești Vechi (rn. Edineț), s. Chetrișul Nou (rn. Fălești), s. Frumușica Nouă și Țîra (Stație de Cale Ferată) din rn. Florești, s. Stălinești (rn. Ocnița), s. Dărcăuții Noi (rn. Soroca), s. Dudulești (U.T.A. Găgăuzia). http://www.statistica.md/public/files/Recensamint/Recensamint_pop_2014/Nota_informativa_Preliminare_Recensamint_2014.pdf

¹⁷ Comunicarea Comisiei către Parlamentul European, Consiliu, Comitetul Economic și Social European și Comitetul Regiunilor „Sporirea autonomiei autorităților locale din țările partenere în vederea consolidării guvernancei și a îmbunătățirii rezultatelor în materie de dezvoltare” (15.5.2013). <http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52013DC0280&from=RO>

¹⁸ For example, in 2012 the rural population average of the new EU Member States was 35%, and of all the EU countries-15 was 21%. See: Strategia națională de dezvoltare agricolă și rurală pentru anii 2014 – 2020 (Aprobată prin Hotărârea Guvernului nr. 409 din 4 iunie 2014). În: Monitorul Oficial nr.152/451 din 10.06.2014.

¹⁹ Republica Moldova – cea mai rurală țară din Europa. <http://www.interlic.md/2007-06-27/1493-1493.html>

²⁰ <http://www.statistica.md/newsview.php?l=ro&idc=168&id=5210>

the total population of the Republic of Moldova was 65.8% compared to 34,2% in urban areas.²¹

The predominance of the population in rural localities was registered in the districts of Cantemir, Criuleni, and Telenesti, with a share of the rural population above 90%. At the development region level, the degree of urbanisation is more accentuated in the Chişinău municipality and ATU Găgăuzia, but at the district/municipality level are the Chişinău and Bălţi municipalities.²²

It is important to note that the de-urbanisation phenomenon occurred in parallel with the elevation to city status of the former “urban-type settlements” of the Soviet period, a process which took place in the last quarter century. Thus, while in 1988 in MSSR there were 21 cities and 49 “urban-type settlements”,²³ in 2015 were 61 cities.²⁴ Thus, as was mentioned in a report by the UN Population Fund, all urban-type settlements, namely larger villages with an agglomeration of buildings in the central part of the village, and some possessing enterprises, were elevated to city status.²⁵

Moreover, the average population of the central districts of the Republic of Moldova was 14,700 inhabitants in 2015.

4. The extent of the migration phenomenon

Migration has the effect of reducing the size of the economically active population. In the opinion of the researchers Paladi and Dondiuc, beyond the boundaries of the Republic of Moldova are about 840,000 citizens, of whom a significant proportion is represented by women of reproductive age (Paladi, Dondiuc, 2015).

The economically active population rate in Moldova in 2012 was only 38% of the total population, while most other countries in the region had a rate of 50%. The share of the active population employed in agriculture has decreased over the last 20 years from 14% in 1992 to 5% in 2012.²⁶ The economically active population in 2014 compared to 2000 has decreased by 25.5%, the evolution being more pronounced in rural areas where the decrease was 31.3%, compared to urban areas, which saw a decrease of

²¹ http://www.statistica.md/public/files/Recensamint/Recensamint_pop_2014/Nota_informativa_Preliminare_Recensamint_2014.pdf

²² http://www.statistica.md/public/files/Recensamint/Recensamint_pop_2014/Nota_informativa_Preliminare_Recensamint_2014.pdf

²³ RSS Moldovenească. Orânduire administrativ-teritorială la data de 1 aprilie 1988. Chişinău: Cartea Moldovenească, 1988, p.5.

²⁴ Anuarul statistic al Republicii Moldova 2015. Chişinău: BNS, 2015, p.13.

²⁵ Republica Moldova - cea mai rurală ţară din Europa. http://www.bbc.co.uk/romanian/news/story/2007/06/070627_moldova_rural.shtml

²⁶ Strategia naţională de dezvoltare agricolă şi rurală pentru anii 2014 – 2020. In: Monitorul Oficial nr.152/451 din 10.06.2014.

17.3% (Stratan 2015).

The biggest increase in migration is observed among middle-aged persons (45-54 years) and young people (25-34 years) with higher education. The number of people gone for employment purposes or who are looking for a job abroad, according to official statistics presented in Table 2, has increased in the period 2000-2013 by 1.5 times in urban areas and 3 times in rural areas.

A sociological survey conducted in the summer of 2015 found that 62% of respondents didn't intend to go abroad in the next two years, and 33% were thinking about a possible departure abroad. It is alarming that in the category of the 62% of respondents that didn't intend to go abroad in the next two years, a larger portion were individuals aged over 50 years and people that had a monthly income that did not exceed 2,000 lei. Among those who intended to go abroad were predominantly individuals with a salary of more than 5,000 lei per month.²⁷

Table 2

Population working or looking for a job abroad

Years/persons (thousand)	2000	2001	2002	2003	2004	2005	2006
Total	138,3	172,0	231,3	291,0	345,3	394,5	310,1
Urban	56,2	68,0	78,7	89,7	106,6	112,1	92,7
Rural	82,1	104,0	152,5	201,3	238,7	282,4	217,4
Years/persons (thousand)	2007	2008	2009	2010	2011	2012	2013
Total	335,6	309,7	294,9	311,0	316,9	328,3	332,5
Urban	103,0	97,1	89,5	90,6	92,7	90,2	94,4
Rural	232,6	212,6	205,4	220,5	224,2	238,1	238,0

Source: <http://statbank.statistica.md/pxweb/Dialog/Saveshow.asp>

The gaps between the development levels of the economies in the regional countries and the economy of the Republic of Moldova will further influence the increase in the labour force exodus abroad. The Republic of Moldova needs qualitative economic growth accompanied by increased investments, development of exporting industries, job creation and increased labour productivity.²⁸

5. Population ageing phenomenon

The growth rate of the elderly population is accelerating, their share

²⁷ <http://infomoldova.net/studiu-citi-dintre-moldoveni-au-de-gind-sa-emigreze-din-tara/>

²⁸ Raport privind sărăcia în Republica Moldova. 2012, p.19. http://www.mec.gov.md/sites/default/files/document/raport_privind_saracia_2012.pdf

at the global level constituting 12.3% in 2015 (compared to 9.2% in 1990). This process is also characteristic for Moldova, where at the beginning of 2016 there were 592,600 persons aged 60 years and over living in the country, which is 16.7% of the total resident population (See Annex III). About 60% of the total number of elderly individuals are women, and 58% live in rural areas. In this category, every third person is aged 60-64 years, and 13.3% are people that are over 80 years old.²⁹

The average age of the population of the Republic of Moldova,³⁰ by statistical region, is: North – 39.4 years, Center – 36.4 years, South – 36.9 years. In some districts (all from the Northern Region), the average age of the population exceeds 40 years: Briceni – 40.5, Donduseni – 41.5, Drochia – 41.0, Edinet – 40.7, Ocnița – 41.2, Râșcani – 40.2.³¹

In 2014, compared with 1959, the share of people aged 60 years and over has increased from 7.7% to 17.4%, and the proportion of young people aged 0-14 years has significantly decreased from 33.4% to 18.2%. During the same period, the adult population aged 15-59 years has grown from 58.9% to 64.4% of the total population. Currently, the size of the young population is practically equal to the size of the elderly population. Numerically, the elderly population has grown by 2.3 times: from 222,500 people in 1959 to 507,400 people in 2014 (according to alternative estimates of the population for 2014) (Paladi, Penina, Dondiuc, 2015).

Important changes have taken place in Moldova's age distribution, so that the number of "young" elderly people (60-65) has significantly increased in the last five years. In 2010 the total number of "young" elderly people was 160,500 while in 2015 it increased to 243,600, an increase of 83,000 people. The changes that occur in the structure of higher age groups have a strong impact at the economic, social and political levels. As the population is ageing, benefits such as pensions, medical assistance or material support for the elderly should be given for longer periods. The rapid growth of the elderly population has a special importance in terms of public policy because this age group requires special long-term care (Cușnir, 2015).

The main source of income for elderly households is social benefits that constitute 47.6% of the monthly incomes of such households. Also, an average salary payment constitutes 24.7% of this category's household income, and individual agricultural activity makes up 10.1%. Transfers from abroad also contribute 10.3% of an elderly household's income. The

²⁹ Vârșnicii în Republica Moldova în anul 2015. <http://www.statistica.md/print.php?l=ro&idc=168&id=5358>

³⁰ Without population from the left bank of Nistru river and Bender municipality.

³¹ http://statbank.statistica.md/pxweb/pxweb/ro/60%20Statistica%20regionala/60%20Statistica%20regionala__02%20POP/POP021100reg.px/table/tableViewLayout1/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9

average pension for retirement as of 01.01.2016 amounts to 1,191.8 lei. The average pension for men is 1,362.5 lei compared to 1,120.3 lei for women. About 15% of the total pensioners receive the minimum pension amount.³²

The average pension for retirement covers the subsistence minimum for this category of the population at a rate of 83% in 2015 compared to 69% in 2011. On average, the men's pension covers the subsistence minimum for pensioners at a rate of 95%, while for women that rate is 78%.

The subsistence minimum for pensioners varies based on their type of residence. For pensioners from big cities, it is 1,612.8 lei compared to 1368,8 lei for those from villages and 1,442.6 lei for those from other cities.³³

Representing only 83% of the subsistence minimum for a pensioner (1343,7 lei), an average pension amount doesn't meet the minimum needs of the elderly.

The persons who receive a minimum pension for retirement are in a more difficult situation: agricultural workers receive 710.7 lei or 52.9% of the subsistence minimum, and other beneficiaries receive 798.3 lei or 59.4% of the subsistence minimum (Rojco, Gagauz, 2016).

Mostly, elderly household expenses are for necessary food consumption (45.7%), followed by home maintenance expenses —(19.5%), and medical care and health – (8.9%).³⁴ The elderly have to spend considerable financial resources on medical services, 172,94 lei per month per person or 1,7 times more than the national average. About 86% of these expenses are spent on medicine (Rojco, Gagauz, 2016).

The standard of living of pensioners remains below the living standard of the average population. For pensioners, in 2013 living expenses averaged 1,326.9 lei, which represented 82.3% of the average value for the total population (1612,3 lei on average per month per person, and 1549,4 lei in rural areas). The average monthly pension set on January 1, 2014 was 1020,6 lei, which covers only 76.9% of living subsistence for this category of the population.³⁵ At the same time, 12% of pensioners receive only the minimum pension amount.³⁶ If we also consider the fact that the absolute poverty line in 2013 was 1196 lei,³⁷ given all this data, I find that pensioners from the Republic of Moldova are on the edge of survival.

According to global research on the quality of life of elderly people

³² Vârșnicii în Republica Moldova în anul 2015. <http://www.statistica.md/print.php?l=ro&idc=168&id=5358> (accesat la 01.10.2016).

³³ Ibidem.

³⁴ Vârșnicii în Republica Moldova în anul 2015. <http://www.statistica.md/print.php?l=ro&idc=168&id=5358>

³⁵ <http://www.statistica.md/newsview.php?l=ro&idc=168&id=4356>

³⁶ <http://www.statistica.md/newsview.php?l=ro&idc=168&id=4529&parent=0>

³⁷ Sărăcia în Republica Moldova 2013. Notă informativă a Ministerului Economiei. Chișinău, iulie 2014. <http://www.mec.gov.md/ro/content/impactul-saraciei>

for the year 2015 (Global Age Watch Index), the main indicators (material insurance, health, education, employment and living conditions) place Moldova on one of the last places in the ranking of European countries (77), after Belarus and Russia (64 and 65), Ukraine (73) and Romania (41).

Most older people in the Republic of Moldova do not have sufficient financial resources for a decent life, which undermines the quality of life of this population category, and the progressive and uncontrolled growth of home maintenance, service and basic food costs contributes to the increase in poverty among the elderly, who are already exposed to additional specific risks of old age (Rojco, Gagauz, 2016).

6. Conclusions

Given that the Republic of Moldova is facing the demographic problems mentioned above, it is obvious that the current territorial organisation of public power is outdated and doesn't correspond to new political, social and demographic realities. Local communities at both levels with a relatively small number of inhabitants and that are in decline, affected by migration and the ageing population phenomenon, will find themselves unable to generate the revenues needed to provide for the vital needs of their population and will not be able to bear the expenses for the effective functioning of local authorities. Population ageing increases the share of the population with low potential for participation in public life. Financial difficulties, poor education, poor health, reduced opportunities in the country's localities (especially in rural areas), and lack of community centres are the main barriers to the development of volunteering and political participation among the elderly (Buciuceanu-Vrabie, 2016).

These negative effects of the Republic of Moldova's demographic developments can be solved through the consolidation of local communities, which will have the effect of reducing expenses for the maintenance of local and district authorities, the resulting savings will be allocated to solve other vital issues.

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Annex I

Demographic Security Integrated Territorial Index

District	Demographic index	Health index	Social index	Occupational index	DSITI	Rating
Chişinău	67.5	67.5	88.4	57.2	70.2	1
Balti	61.2	60.2	79.0	42.0	60.6	2
Dubasari	66.7	59.2	77.2	31.5	58.7	3
Ialoveni	66.4	62.3	59.5	38.4	56.6	4
Cahul	55.5	69.8	63.1	37.5	56.5	5
Anenii Noi	59.4	58.2	64.8	37.6	55.0	6
Ungheni	62.1	58.8	62.6	36.4	54.9	7
Orhei	57.4	65.2	61.8	35.1	54.9	8
Criuleni	61.5	56.3	60.1	39.7	54.4	9
Soroca	55.0	57.0	63.9	37.1	53.3	10
ATU G	58.1	57.1	61.3	36.1	53.1	11
Straseni	62.9	52.5	61.7	35.3	53.1	12
Nisporeni	52.1	72.6	53.3	32.6	52.6	13
Rezina	54.0	57.1	64.1	33.4	52.1	14
Falesti	57.3	55.6	62.8	32.5	52.1	15
Cimislia	42.4	66.7	57.5	40.4	51.8	16
Leova	54.2	61.1	55.0	35.3	51.4	17
Drochia	42.6	62.5	69.3	30.6	51.2	18
Basarabeasca	51.0	53.1	61.9	36.6	50.6	19
Glodeni	44.3	62.1	63.0	32.0	50.4	20
Stefan-Voda	51.3	57.3	56.5	35.7	50.2	21
Causeni	46.7	59.2	58.4	34.6	49.7	22
Sangerei	57.7	49.8	58.4	32.7	49.6	23
Briceni	37.4	64.2	62.0	34.4	49.5	24
Hanceşti	49.9	64.7	53.7	29.5	49.4	25
Edinet	43.3	55.9	64.9	32.5	49.1	26
Rascani	44.8	53.5	63.9	32.8	48.8	27
Telenesti	55.1	53.8	50.2	34.7	48.4	28
Taraclia	40.2	59.1	58.9	35.3	48.4	29
Calarasi	47.2	54.3	56.2	34.4	48.0	30
Floresti	44.5	48.1	65.2	30.4	47.0	31
Ocnita	30.5	63.1	64.4	28.2	46.5	32
Cantemir	54.6	46.1	52.3	32.6	46.4	33
Donduseni	32.7	55.0	65.3	29.1	45.5	34
Soldanesti	46.8	45.4	49.5	36.6	44.6	35

Source: Gagauz O., Pahomii Ir. Indicele Integral Teritorial de Securitate

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Annex II

Resident population on January 1, 2016 at territorial level

No.	Districts	Population (thousand persons)	% of total number
1	Total of the Republic of Moldova	3 553,1	100
2	Chişinău municipality	814,1	22.91
3	Balti municipality	150,7	4.24
4	Anenii Noi	83,4	2.35
5	Basarabeasca	28,5	0.80
6	Briceni	72,9	2.05
7	Cahul	124,6	3.51
8	Cantemir	62,0	1.74
9	Calarasi	77,8	2.19
10	Causeni	90,5	2.55
11	Cimislia	60,1	1.69
12	Criuleni	73,6	2.07
13	Donduseni	42,9	1.21
14	Drochia	87,4	2.46
15	Dubasari	35,3	0.99
16	Edinet	80,7	2.27
17	Falesti	91,5	2.58
18	Floresti	87,6	2.47
19	Glodeni	59,6	1.68
20	Hancesti	120,2	3.38
21	Ialoveni	101,3	2.85
22	Leova	52,8	1.49
23	Nisporeni	65,6	1.85
24	Ocnita	54,0	1.52
25	Orhei	125,0	3.52
26	Rezina	50,8	1.43
27	Rascani	67,9	1.91
28	Sangerei	92,2	2.59
29	Soroca	100,1	2.82
30	Straseni	92,3	2.60

31	Soldanesti	41,9	1.18
32	Stefan Voda	70,4	1.98
33	Taraclia	43,6	1.23
34	Telenesti	72,6	2.04
35	Ungheni	117,3	3.30
36	ATU Găgăuzia	161,9	4.56

Source: <http://statbank.statistica.md/pxweb/sq/1b3169ca-9da0-48c8-a472-b880ac8097db>
(accessed at 29.09.2016)

Annex III

Population ageing coefficient at the beginning of 2016

(without population from the left side of the Nistru and Bender municipality)

No.	Districts	Ageing coefficient
1	Total per country	16.7
2	Chişinău municipality	15.3
3	Balti municipality	17.2
4	Briceni	21.7
5	Donduşeni	24.3
6	Drochia	23.0
7	Edinet	22.5
8	Falesti	18.0
9	Floresti	19.3
10	Glodeni	19.7
11	Ocnita	21.3
12	Rascani	21.5
13	Sangerei	16.7
14	Soroca	18.6
15	Anenii Noi	15.9
16	Calarasi	16.8
17	Criuleni	14.2
18	Dubasari	16.5
19	Hancesti	15.4
20	Ialoveni	13.2
21	Nisporeni	14.9
22	Orhei	15.6
23	Rezina	16.3
24	Straseni	15.0
25	Soldanesti	16.9
26	Telenesti	15.2
27	Ungheni	15.1
28	Basarabeasca	16.0

29	Cahul	15.3
30	Cantemir	13.9
31	Causeni	16.4
32	Cimislia	16.9
33	Leova	14.7
34	Stefan Voda	16.6
35	Taraclia	18.2
36	ATU Găgăuzia	16.1

Source: http://statbank.statistica.md/pxweb/pxweb/ro/20%20Populatia%20si%20procesele%20demografice/20%20Populatia%20si%20procesele%20demografice__POP010/POP011700reg.px/table/tableViewLayout1/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9
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COMPARATIVE LAW PERSPECTIVES ON THE EXCLUSION OF EVIDENCE
OBTAINED ILLEGALLY IN THE CRIMINAL PROCEEDINGS

Oana Elena GĂLĂȚEANU*

Abstract

Exclusion represents a sanction which the competent judiciary bodies apply in the cases when evidence has been obtained in illegal ways during criminal proceedings. It consists in the removal by the Court of that evidence which has been obtained illegally. By applying this sanction, the purpose is also to comply with the fundamental rights of the subjects from the criminal procedure.

The exclusion is an institution conceived by the common-law legal system, being taken over by the continental law system. In both law systems, it is applied differently, in some national legislations being applied as a mandatory rule in any infringement cases, in other being applied as stand-alone sanction, but only in certain conditions and when the competent courts of competent jurisdiction appreciate it is necessary for the proper course of justice and for keeping an unblemished image in relation to it.

A few comparative law perspectives related to the institution of excluding illegally obtained evidence in the criminal proceedings are presented in this study, according to the legislations of the different states of law which have embraced, as case maybe, common law or continental law legal system.

The author's conclusions and opinions regarding this institution of exclusion are presented at the end.

Keywords: exclusion, evidence, illegal modalities, rule

1. General aspects of exclusionary rule

In any law democratic system, be it the continental or common law system, criminal proceedings have the extremely important role of performing justice and achieving a balance between the interests of the individual and of the society, by finding the truth and by criminally sanctioning those proven guilty of committing offences. The criminal proceedings have to fulfill several functions, and among these we mention: the function of guaranteeing justice, that of correctness and that of preventing judicial errors. They can be understood as being wrong interpretations, beliefs and applications of sanctions, in good or bad faith, for those matters of fact and of law which occurred during the process of fulfilling justice (Butoi, 2014).

As it has been provided in the doctrine, the truth and its finding imposes the propriety of the way in which it is proved and the procedural correctness represents a guarantee – but not absolute – by itself, that the truth will be proved (Brants, 2009). In any law system, it is universally admitted the principle of finding the truth on the circumstances of an offence and the identity of the individual/individuals who committed the offence, only by gathering evidence to prove this truth. This is the reason why in any criminal law system, both the parties and the competent judicial

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bodies have the possibility to return to the collected evidence in order to sustain the accusation or the defense and to establish the extent of the eventual prejudices. The judicial bodies can obtain these pieces of evidence by reverting to some of them, respectively to those acknowledged and allowed by the law. One of the principles applicable in submitting the evidence domain is the principle of lawfulness and a fundamental principle of the criminal proceedings refers to its lawfulness. This principle of lawfulness of any criminal proceedings involves also the compulsoriness according to which the parties and their representatives, as well as the judicial authorities, should proceed only in the legal limits and in the procedural ways provided by law. This principle also imposes that the judicial authorities respect the procedural rights of the parties in the proceedings and guarantee their exercise, to contribute to legally and soundly solving the cases. In case these acknowledged rights of the parties are not respected, the invalidity of those acts abusively carried out will enter into force (Theodoru, 2013). The invalidity of the acts abusively carried out during the activity of gathering the evidence material in a criminal case will have as consequences, according to the legal provisions existing at each state level, the elimination of the evidence obtained through abusive or illegal means or declaring their invalidity or their exclusion based on the rule of exclusion and practically not using them during the criminal proceedings.

International law considers as abusive the following ways of obtaining evidence:

- manipulative and coercive hearing techniques which can have serious consequences in obtaining the statements, going up to obtaining false answers (Butoi, 2014);
- torture, as well as the usage of inhuman or cruel or degrading treatments, methods which violate the right of the individual to safety, and to the place of living and of belongings;
- as well as abusive search and arrest, etc.

At international level, the pacts and conventions on the human rights, as well as the International Covenant on Civil and Political Rights (ICCPR), the European Convention of Human Rights and Fundamental Freedoms (ECHR), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, have stipulated the fundamental rights of the persons within criminal proceedings which have confining power, where a state can act legally for performing the criminal prosecution, judgment, conviction and sanctioning of the law-breakers and for ensuring the social security. A series of rights with fundamental character which are ensured by ICCPR and ECHR and by other conventions can produce effects also regarding the propriety of the procedures. In this sense, the right to keep silent and the presumption of innocence may be invalidated by the incorrect way the investigation bodies understand to respect the right to private life or by the use of a humiliating treatment against the suspect.

The international guarantees in the development of fair criminal proceedings are in close connection to the clear establishment of truth, without any doubts. The

defense against self-incrimination and preventing the usage of non-conventional persuasion methods during the interrogation periods, in connection to the right to keep silent, come both from the humanitarian concept that torture cannot be accepted, as well as from the reality that those declarations or confessions given by force are inconclusive and favor the production of a judicial error (Brants, 2009).

According to the internal legislation of each state, the removal or un-usage of the evidence obtained – directly and indirectly - will become effective in case illegal pieces of evidence are used. For example, they will be excluded in Romania, i.e. they are not being used or in some cases, they are declared null and void, as it is expressly stated by the provisions of art. 102 of the Criminal Procedure Code, which is currently in force.

The exclusion of the evidence illegally obtained can become effective according to the type of criminal proceeding, as a rule, in any case of evidence illegally obtained or as a possibility given to the Court with competence to rule. Similarly, in states like the US, the exclusion of illegally obtained evidence within the criminal proceedings shall always operate as a rule, whereas in Canada and Australia, this rule operates only in certain cases to which we will refer later in this study. In other countries, such as Japan, Great Britain, Germany and Romania, the exclusion will become effective, not always with mandatory character, but only by taking into consideration certain aspects regarding the social need.

If we try to formulate a definition of this institution of exclusion and of its role, we might say that the exclusion is meant to establish the certainty that any evidence obtained in the criminal proceedings by breaking certain legal provisions – expressly stated by the internal law of the state – will be removed or taken out from the allowable evidence. Thus, this kind of evidence will not be taken into consideration in the solution of the investigated criminal case.

2. The ways in which the exclusionary rule is applied in different law systems and its purposes

As mentioned previously, the exclusionary rule is applied in different states with different law systems. It is obvious that in all states, by applying this rule, it is desired to protect the fundamental rights of any individual, but we underline the reality that its main application purpose is different from one state to another, as we are going to present hereinafter:

A. In the USA, the Supreme Court states that the exclusionary rule guarantees that any evidence which has been obtained by the state by violating the Fourth Amendment from the Constitution of the USA will not be allowed in the criminal proceedings for establishing the guilt of the individual (del Carmen, 2010). This Fourth Amendment provides “the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath

or affirmation and particularly describing the place to be searched and the persons or things to be seized". (Avramescu, 2010).

Based on this rule, the "exclusionary rule", these pieces of evidence which have been obtained illegally and the secondary evidence are not allowed in the criminal proceedings (Boţic, 2016).

There is evidence illegally obtained the illegal goods or the goods found illegally in the possession of the suspect or defendant, the goods obtained through the offence committed, the instruments and means with which the offence was committed and other pieces of evidence which might prove the existence of a connection between the individual and offence, in case they have been illegally obtained. They could not be used in the criminal proceedings for establishing the guilt of the one accused, due to the illegal way it was obtained.

The derivate evidence, "fruit of the poisonous tree", is also excepted from being used in the criminal proceedings considering that, as long as the primary evidence is illegally obtained, than all the other evidence coming from the main one is impossible to be used in the proceedings, being also poisoned, the "poisonous tree" being represented by the primary evidence illegally obtained.

The practice and the specialty literature in the U.S.A. have concluded that the exclusionary rule operates in three specific cases, namely:

- implicit privilege - as a consequence of the natural interpretation of the constitutional provisions of the Fourth Amendment, according to which both the individual's right to be protected against the searches and seizures performed abusively, and the exclusionary rule are mandatory for the Court;

- protecting the judicial integrity - this feature implies the protection of Court's honor against its "staining", which might occur by allowing a deformed evidence. This characteristic feature is a consequence of the concern for the integrity of the criminal investigation bodies, of prosecutors and courts of justice, concern which determines the exclusion of evidence obtained through "unclean" methods in the criminal proceedings (Crocker, 1993). It is considered that admitting certain evidence in the criminal proceedings that is known to be flawed, is equivalent to the right of state authorities to suspend the fundamental law provisions and act illegally.

- a fundamental sanction of discouragement, but also of determining the revision of the state authorities' behavior having acted barely legally. Therefore, it is considered necessary that the judicial body should be discouraged to violate the laws which they are, actually, due to defend.

In the USA criminal law system, the main purpose of the exclusionary rule is not to encourage violations of all criminal investigation bodies, being used at both state and federal levels. The exclusionary rule basically raises awareness among the criminal prosecutors on the fact that those pieces of evidence that have been gathered illegally will not be accepted and used in court and thus, their work would be pointless, discouraging them in resorting to such actions.

As regards the procedure of applying these rules, we can note that in the USA, this sanction of exclusion will work only if it is requested by the subjects of procedural

law considering that one of their rights was violated. This request may occur at any time during the criminal proceedings, brought forward by the suspect or defendant, and even after a sentence has been pronounced, by the convict serving the sentence. The main procedure applicable for the exclusion of evidence by applying exclusion is that of a "pretrial motion to suppress" that evidence collected illegally (Boţic, 2016). Subsequently, if the preliminary application was rejected, it will be formulated again during the trial, at the moment of including the evidence which is the subject of request by resorting to a "contemporary objection" (Hall, 2009).

The proof of the unlawful way of obtaining evidence under the exclusionary rule lies, as appropriate, with the defendant or the prosecution, in relation to whether a valid search warrant exists or not. Hence, the obligation is with the defendant if the search was made based on a warrant, presumably that the warrant is valid. The task of the defendant will be to prove that the warrant was issued beyond any reasonable suspicion, in truth. On the contrary, the obligation to produce evidence will rest with the prosecution when the search is made without a valid warrant issued. They will have to prove the existence of reasonable suspicions or that the search was carried out in a situation exempted from the requirement of acquiring a prior mandate.

The exclusionary rule may be also relied upon when a conviction was already decided by way of using the special procedure "habeas corpus". It is a procedure aiming at releasing from prison a convicted person if his/her rights acknowledged by the constitution have been violated previously or during the trial. As exceptions to the rule that illegally obtained evidence is excluded, the jurisprudence has accepted a series of cases when even illegally obtained evidence is accepted. The doctrine has divided these exceptions into four categories:

- a) the exception on good-faith, when the investigating body was reasonably mistaken;
- b) the case when the evidence was about to be discovered anyway, by legal ways;
- c) the case when the evidence is considered to be "laundered" off illegality by a willful act of the defendant;
- d) the case when the evidence could have been obtained from other independent sources, a proof to be made by the investigating authorities.

Legally speaking, the exclusionary rule, in the American legal system, is the result of the binding decision of the USA Supreme Court, not being though expressly provided in the Constitution of the United States.

B. In Canada, differently from the USA, in the Constitution, in the Charter of Rights and Freedoms, the exclusionary rule is expressly presented under art. 24 paragraph (2) according to which if in the trial referred to under paragraph (1) of this text of the law (i.e. a case filed by any person whose rights and freedoms provided in the Charter have been infringed or denied in order to remedy the situation by the legal court), the Court finds that the evidence has been obtained in a manner that violates or refuses to exercise any right or freedom guaranteed by the Charter, the evidence will be excluded

if it can be decided that in relation to all the circumstances, its admission would dishonor the course of justice (Boćić, 2016).

When analyzing the admission of evidence or applying the exclusionary rule, the Court will have to analyze the following aspects imposed by the Supreme Court of Canada: the gravity of the illegal behavior of the State, the effect produced by not respecting the interests of the defendant protected by the Constitution, the interest of the society in solving the case judged only based on own actions and achievements.

In what concerns the “fruit of the poisonous tree” of paragraph 2 of art. 24 mentioned, it comprises a provision applicable both to main and to secondary pieces of evidence. Practically, the Courts will have to analyze the entire material situation where the evidence was obtained and in case a connection was identified, than the evidence is considered as being obtained in a way which violates the constitutional right in discussion and the Court will research the following essential aspect, respectively if by admitting the evidence, the image of justice achievement will be disadvantaged.

C. In Great Britain, another state with common-law regime, the application of the exclusionary rule is different from the modalities used in the U.S.A. and Canada. Here the rule is applicable in two different ways, namely: when there is the case of a statement which was given by force or imposed by force, the evidence obtained from it will be automatically and absolutely excluded by the Court of justice, considering that the evidence has lost the feature of plausibility. But when the evidence was obtained illegally, but following to using other modalities of taking the pieces of evidence than the statements, the Courts have the power to decide if they shall exclude the respective evidence or not. The rule practice has proved they are admitted (Boćić, 2016). They shall apply the exclusion in these cases only if the admission of evidence shall have detrimental consequences towards the criminal proceedings’ fair character. In the cases regarding the evidence obtained incorrectly or illegally and during searches, it is not necessary to apply the exclusionary rule, the Courts having the freedom to decide if the admission of such evidence would bring prejudices to the act of justice and if the exclusion is necessary.

In other words, in Great Britain, the evidence exclusionary rule applies sometimes mandatorily - only in the case of the suspect or defendant’s declarations - and sometimes discretionary. There are norms of strict application regarding the individuals’ hearing procedure and in the situations when they are violated, drastic exclusionary sanctions are applied.

D. The same practice of Great Britain through which the Judge is actually given the possibility to decide on admitting or rejecting the illegally obtained evidence, has been taken over by Australia. Here, the Judge must analyze certain aspects, such as: whether the law infringement was done with intent or not, whether the illegality committed produced consequences in regard to the evidence plausibility, how simply the evidence could have been collected with compliance of the legal provision, the type of the offence investigated, if the procedures dealing with limiting the law enforcement

bodies have been violated, the existence of the emergency character in protecting the fragile evidence, the existence of some alternate evidences equally conclusive (Nuț, 2014). In continental law states the exclusionary rule has also been applied.

E. In Germany, there is no constitutional provision to interdict the usage of the illegally obtained evidence, but there are some legal provisions dealing expressly with the exclusion of such evidence. The exclusionary rule is put to application here only by reverting to the principle of proportionality which deals with the ratio between the individual's right to private life and the social need to prevent criminality (Nuț, 2014). In other words, applying this rule has not always had a mandatory character. It is applied mandatorily only in the domain of taking the statements of the suspect or defendant, but, in what concerns these procedural wrongs during the process of obtaining the evidence, they can generate the exclusion of evidence, but not mandatorily (Gless, 2010). In practice and in the existing doctrine, just due to the non-existence of some legal concrete provisions of exclusion of evidence obtained by the procedure which violates German legal provisions in the domain various interpretations and opinions have been highlighted. For example, the recent jurisprudence imposed for the possibility to exclude the evidence the necessity to formulate by the person whose rights have not been respected some express opposition to using the evidence obtained with infringement of its rights, formulation which can take place up to a certain phase during the proceedings, an aspect which has been criticized in the specialty literature. Mention must be made about the fact that in the jurisprudence it is allowed the use of the evidence directly obtained through illegal pieces of evidence from errors of procedure, when it was possible to be obtained by legal means. Secondary evidence is also not excluded.

All these practical perspectives are criticized in the legal literature, along with the provision according to which the Judge deciding upon the exclusion, having the competence to solve the matter of the criminal case, must also not take into consideration the conviction already formulated in his mind (Nuț, 2014).

F. In Romania, the new Criminal Procedure Code has entered into force on February 1st, 2014; by Law no. 135/2010, the legislator has had to fulfill the requests of the actual society to speed up and to reduce the duration of the criminal procedures and to form a unitary practice in harmony with the European Court's jurisprudence on Human Rights, as it expressly provided in the Substantiation report of the Law project on the Criminal Procedure Code in the form sent to the Parliament. A novelty brought by the Criminal Procedure Code in force, as compared to the previous one, is the mention that the evidence will have to help to discover the truth, fact which, according to what was discussed in the doctrine (Crișu, 2014), might be considered as a criterion for its admissibility.

The principles which stay at the basis of obtaining the evidence in the criminal proceedings, as it results from the provisions of the actual Procedure Code, are the principle of freedom of evidence and the principle of unlimited admissibility of the

pieces of evidence, as long as they highlight evidence which might help the person supporting it.

Another novelty brought by the Code in force is represented by the express provision, in article 101, of the principle of loyalty in taking the evidence, based on which, according to paragraph (1) of art. 101 Criminal Procedure Code, “it is not allowed to use violence, threats or any means of pressure, as well as promises or advice with the purpose of obtaining evidence”. At the same time, paragraph (2) of the same text of law emphasizes that “there cannot be used listening methods or techniques which affect the capacity of the person to remember and to recount consciously and voluntarily the facts which constitute the object of the evidence and that the interdiction applies, even if the listened person gives its consent to using such listening method or technique”. Also, according to paragraph (3) of art. 101, it is prohibited to the criminal judicial bodies or other persons who act for them to provoke a person to commit or to continue to commit some criminal deeds with the purpose of obtaining evidence.

The series of novelties continues with the introduction in the Code of an article (art. 102) named “the exclusion of evidence obtained illegally”, where the sanctions brought by obtaining the evidence by torture and by illegal ways are provided. Accordingly, in paragraphs (1), (2), (3) and (4) of art. 102 it is mentioned that “the evidence obtained by torture, as well as the evidence derived from it cannot be used within the criminal proceedings; the nullity of the act through which it was decided or authorized the admission of evidence or through which it was admitted determines the exclusion of the evidence”. At the same time, the secondary evidence is excluded if it was obtained directly from the evidence obtained illegally and cannot be obtained otherwise.

All these provisions of art. 102 of the new Criminal Procedure Code highlight the legislator’s intent to include in the evidence admissibility subject a new, specific procedure sanction, applicable in the case of obtaining evidence by not complying with the principle of loyalty and lawfulness and this specific sanction is “the exclusion of the evidence illegally obtained”. Besides this new sanction, there is another in operation, namely the nullity sanction. It deals with procedure and procedural acts which are performed with the violation of the legal norms.

The provisions of art. 102 of the new Criminal Procedure Code have brought confusions and different opinions in the specialty legal literature; some specialists have interpreted the law test in the sense that the sanction of exclusion will operate as effect of the nullity of the act through which the admissibility of evidence has been decided or authorized or through which the evidence was obtained (Crişu, 2014). In our opinion, others justly consider that the exclusion of the illegal evidence can actually be decided not through the institution of nullity, but as a procedural sanction which will operate automatically, autonomously. Rightly so, if its application was just a consequence of declaring the nullity, than, this sanction of exclusion should not have purpose, but we do not believe this was the legislator’s intention. Our firm belief is based upon the fact that the legislator has expressly included in the new Criminal

Procedure Code other provisions regarding the exclusion of evidence obtained with violation of the legal provisions. An example in this sense is given by art. 89 of the Criminal Procedure Code on the legal assistance of the suspect or defendant: in the latter thesis of paragraph (2), it is provided that the evidence obtained without complying with the right of the retained or arrested person to get in contact with a lawyer and to have confidential communications with a lawyer, will be excluded. Other examples are given in art. 190, paragraph (5) of the new Criminal Procedure Code, where the legislator refers to the “exclusion” of the evidence obtained by physical examination, and art. 345, paragraph (2) of the new Criminal Procedure Code, which deals with the procedure from the preliminary chamber, and where the “evidence exclusion” sanction is clearly delimited. For that matter, even art. 102 of the new Criminal Procedure Code has the marginal name “Exclusion of evidence obtained illegally”.

Other specialists appreciate that this exclusion sanction operates following to not complying with the legality and loyalty at the date of obtaining the evidence or its admittance, so that it can operate following to its nullity, but also as unique sanction (Novac, 2016).

As a conclusion regarding the application of the exclusionary rule in the Romanian criminal proceedings, the current preoccupations of the Romanian state in this domain are aligned with the ECHR judiciary practice. In this context, analyzing the institution of exclusion taken over from the common-law system and the continental system, first of all, the legislator has had in view to protect the individual's rights and freedoms. This is the main reason for instituting the principle of loyalty of evidence. By this principle, we believe that the legislator wanted to place the focus on the way the evidence is obtained and how it is used in the criminal proceedings, in order to achieve its main objective, respectively to protect the individual, by ensuring the respect of his dignity and his right to a fair trial.

3. Conclusions

The exclusionary rule appeared in the common-law system and was taken over by other states with law continental system. It was used for the first time in the United States of America in the year 1886. In both systems, through its application, it is intended to protect the fundamental rights and freedoms of each individual, but it can be observed that in its application, the states have as main purposes different aspects. To this sense, we can mention that in the USA, for example, its application is achieved with the intent to discourage the deviations of the criminal investigation bodies. When the error in obtaining evidence is committed by a magistrate or by an employee of the Court, it is considered to be an exception from the rule, not existing the fault of a criminal investigation body (Boțic, 2016).

In what concerns the way the exclusion sanction is applied, differences have been identified. For certain, in the American legal system of criminal law, the exclusion operates as rule and mandatorily only in the cases of evidence illegally obtained with

the help of declarations given by the suspect or by the defendant; in the other situations, the Courts have the practical possibility to decide if it is necessary to exclude the illegally obtained evidence or not. This rule is also not applied identically in the states of continental law. In Germany, it is applied following to putting to practice the principle of proportionality, respectively after the effects against the individual's rights to private life, guaranteed by the Constitution and by the society's interest in fighting against criminality are put in balance.

In Romania, the new criminal procedure provisions have included as sanction the exclusion of the evidence illegally obtained but here also the Judge has the competence to decide if it is necessary to exclude such evidence, putting to balance the concrete situations from every case. In other words, we believe, that it cannot be said that an exclusionary rule applicable in any situation operates in the Romanian criminal procedure, but the competent Court can decide upon a sanction, which may be a special sanction, different from the nullity one.

In our opinion, the exclusion of the illegally obtained evidence must be applied, either as a mandatory rule, or as a distinct sanction in the matter of evidence admittance in the criminal trial. This way, the fundamental rights and freedoms of persons are protected, usually by stating and acknowledging them in the fundamental law of a state. At the same time these rights and freedoms are protected against abusive and arbitrary ways of action of the investigation bodies during the criminal proceedings.

As a result of the research carried out, we have observed that the exclusion is not applied as a rule in all legal systems, but on contrary, both in states with common law legal system and in the continental law states, the exclusion operates frequently as sanction, this decision being left up to the Courts; they have to decide according to the concrete situations they are confronted with.

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POWER TRANSITION AND BALANCE OF POWER: COMPREHENDING THE POWER DYNAMICS OF THE 21ST CENTURY

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Abstract

Lately, the power transition theory has witnessed a certain revival, becoming a popular perspective for scholars and officials alike, especially as far as the U.S.-China relationship is concerned. Firstly, as the power transition theory was originally developed as an alternative to the balance of power arguments, the present paper reviews the concept of power balance. Secondly, it presents the main features and tenets of the power transition theory. Thirdly, it comparatively assesses the key differences between the power transition and the balance of power theories. The paper suggests that, in order to adequately comprehend the power dynamics of the 21st century, one might selectively adopt aspects of the power transition theory, but not doing away with the notion of power balance, as, on one hand, the multipolar distribution of power would likely be the future configuration of it, and, on the other hand, the current and the likely short-term future behaviour of China towards the U.S. fits the notion of soft balancing.

Keywords: power transition theory, balance of power, emerging powers, Sino-American relations

1. Introduction

Looking back to the past five centuries or so, one can see that it is made up of historical cycles of „the rise and fall of great powers”, as Paul Kennedy (1988) emphasized in his eponymous book. According to George Modelski (1987, p. 40), although Portugal dominated most of the 16th century (1494-1580), the United Provinces most of the 17th century (1580-1688), the United Kingdom (UK) most of the 18th and 19th centuries throughout two cycles in a row (1688-1792, and 1792-1914), and the United States (U.S.) most of the 20th century (1914-present), all these nation-states reached a point in which their power suffered a relative decline, because of the rise of a new challenger, i.e. a great power aspiring to exercise world leadership.

As these historical patterns needed to be analysed through theoretic lens, in order to be understood and even anticipated, realist and neorealist theories emerged, such as the balance of power, the power transition, and the long cycles theories. These theories can be classified into systemic theories (which focus on the analysis of the power distribution within the international system), dyadic theories (which focus on the relations between two great powers), and state-level theories (which focus on the national attributes of states) (Geller, 1992, p. 269). Thus, major hegemonic warfare, such as the Italian and Indian Ocean wars (1494-1516), the Spanish-Dutch war (1580-1609), the wars of Louis XIV (1688-1713), the French Revolution and Napoleonic Wars (1792-1815), and the First and Second World Wars (1914-1945) have been analysed from the perspective of such theories.

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2. Balance of power theory

The notion of power balance is revolving around the concept of power, traditionally assessed by the realist school in terms of material capabilities. However, while “offensive” realists, such as John Mearsheimer (2001), conceive only economic and military capabilities as indications of state power, classical realists, such as Hans Morgenthau (1985), include factors such as population and demographic trends; territory, geography, and resources, as well as political will, morale, and competence.

The balance of power may refer to the distribution of power between countries, a particular configuration of such a distribution, i.e. the multipolar one, a deliberate foreign policy meant to preserve the balance within the international system, or a family of international relations (IR) theories (Davis, 2008, p. 47).

In the first sense, the concept of the balance of power can be used to designate the status quo at a given time, i.e. the distribution of power at a particular moment in the history of international relations. Any shift in the distribution of power, such as the rise of China and the advance of the BRICS (Brazil, Russia, India, China and South Africa) group or other emerging powers, may change the balance of power. Especially during the Cold War, the balance of power was regarded as a steady state in which power is distributed evenly. Contrary to the hegemonic stability theory claiming that stability is reached when one great power holds supremacy, some realists argued that the balance of power between major power poles generates stability and prevents war.

The second sense of the concept of the balance of power refers to a particular configuration the distribution of power i.e. the multipolar one. The 19th century Europe is considered a model of the multipolar system, a classic model of the balance of power. Although economic and political rivalries and a series of wars in the mid- and late-19th century caused alliances to shift, overall between 1815 and 1914 this system, known as the "Concert of Europe", produced the longest period of peace between the great powers. Some analysts have identified a "holder of the balance" and the concept of "offshore balancing", both exemplified by Britain before 1914. Britain avoided to be part of any European alliance, but supported the weaker side to rectify any imbalance on the continent. Finally, the multipolar power system of the "Concert of Europe" crystallized into a quasi-bipolar system of military-political alliances, which led directly to the First World War. While later on, throughout the Cold War, bipolarity proved to be stable in the sense of lack of war between the two superpowers, the quasi-bipolarity of political-military alliances by the end of the 19th century and the beginning of the 20th century, paved the way towards the First World War, proving that the bipolar system in itself is not necessarily predisposed to peace.

The third sense of the concept of power balance refers to a deliberate policy for maintaining stability within a system composed of several autonomous units. It is, in this sense, that balance of power can be viewed “as the very essence of world politics” (Modelski, 1987, p. 32). Typically, the authority that ensured a balanced distribution of power within the international system was either a great power, or a group of major powers which, at the time, assured the management of the system. A state which pursues a balancing power policy, evaluates the distribution of power and engages itself in balancing behaviour, seeking at least to maintain a distribution of power that would preserve its independence. As, under anarchy, any state can use force to get what it wants, states shall take measures against the possibility that one of them has means to compel them, to impose its will on them, or even annihilate them. The balance of power theory posits that states will act to prevent a state or an alliance to hold supremacy. It postulates that states will check dangerous concentrations

of power either by building up their capabilities (“internal balancing”) or aggregating their capabilities with other powers in alliances (“external balancing”).

Balance of threat theory adds supplementary insights to the balance of power concept. This theory predicts that states will balance against threats, conceived as the end results of three variables: aggregate capabilities (overall military and economic potential), geography and perceptions of aggressive intentions. Balancing strategies will come to dominate foreign policies when one state becomes particularly powerful and its location and behaviour feed threat perception on the part of other states (Walt, 1987). Therefore, the international order will be either the unintended consequence of the balancing pressures, or the expression of learned or formalized rules of balancing and counterbalancing.

The balance of power theory predicts the continuous formation of the balances of power over time. Such a prediction is based on the behaviour of European powers against the hegemonic attempts of some of them between the 16th and 20th centuries, in general, and Great Britain’s behaviour throughout the 19th and 20th centuries vis-a-vis France and Germany, in particular. One by one, the House of Habsburg (in the 16th century), France (throughout 17th and 18th centuries, up till the beginning of the 19th century), and Germany (in the 19th and 20th centuries) have attempted to exercise hegemony in Europe, apparently intending to set up a universal monarchy and/or unify the continent under their leadership. The hegemonic ambitions of these primarily continental challengers unleashed against the power that has nurtured them a counterbalancing coalition “coordinated by the world power and basically oceanic in orientation” (Modelski, 1987, p. 33); consequently, this ultimately led to their defeat. Still, because states are interested in anticipating the emergence of possible problems, balancing can occur even before a state or an alliance represents an immediate threat. For example, England and France waged war against the Czarist Empire during the Crimean War (1853-1856), less because they saw an immediate threat to their positions, but because they deemed that Russian unchecked power might someday become a threat to them (Wohlforth, 2010, p. 15). Eventually, one of the key members of the winning coalition leaves it and assumes the role of challenger in the next cycle.

While classical realists focus their inquiry on the unit-level of countries, and underline deliberate balancing behaviour by decision-makers, neorealist theories focus on the crucial role of structure and its generation of recurrent, but unintentional, balances of power over time. “Offensive realists” argue that countries seek to maximize their power in order to maximize their chances of survival in anarchy, while preventing others from gaining power at their expense by balancing.

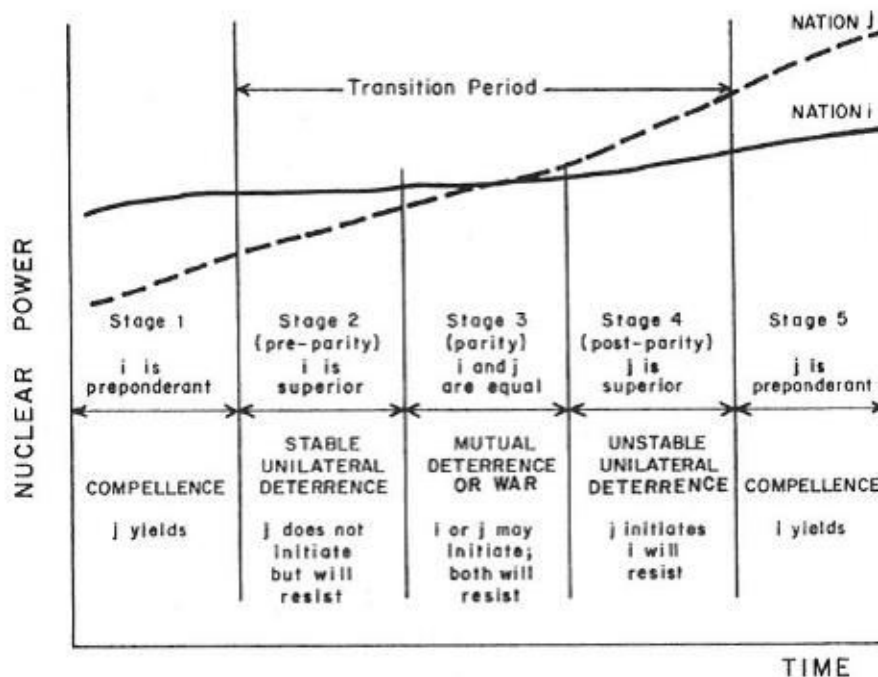
At present, both the balance of power theory and its offshoot, the balance of threat theory, have witnessed a revival against the background of the transition towards a multipolar distribution of power generated, on one hand, by “the rise of the Rest” (Pop, 2014; Pop, 2016) and by the great powers’ behaviour heralding both a new Great Game and a new Cold War, on the other.

3. Power transition theory

Power transition theory tries to explain how international orders are falling apart through recourse to war. It postulates that, whereas the powerful and satisfied states will prefer to maintain the leadership of the international order, the weak and dissatisfied states will prefer to challenge the dominant power as they become stronger against it. Consequently, the clash between the dominant power and the emerging power would manifest, as the capabilities of the two powers are at nearing parity. According to A.F. K. Organski, the distribution of power at the international level is achieved not through the existence of a balance of power, but through a hierarchy of power, concentrated around a

hegemonic power and its allies. To emphasize this assertion, Organski used as an example the idea that periods of world peace have overlapped with the existence of a hegemonic power, while periods characterized by an even distribution of power caused wars (Organski, 1968, p. 363). What exactly the power transition theory emphasizes is that, when a great power challenger reaches a certain level of power parity with the hegemonic power, the result will be war, instead of a balance of power. Kugler and Organski postulated that the transition of power follows five stages: preponderance, pre-parity (the development of the challenger), parity (equilibrium of power between the hegemonic power and the challenger), post-parity (the challenger becomes superior to the existing hegemonic power) and the preponderance of the challenger as the new global power (Kugler and Organski, 1989, p. 187).

Figure 1. The power transition stages according to the power transition theory



Source: Kugler, J., Organski, A.F.K. (1989). The Power Transition: A Retrospective and Prospective Evaluation. In M.I. Millarsky (ed.), *Handbook of War Studies*, Boston: Unwin Hyman, p. 187.

According to the power transition theory, power parity is dangerous because, at this stage, both sides cannot be sure of victory and this uncertainty encourages both the dominant power and the rising challenger to be determined in their bid at preserving and/or changing the status quo. Trying to explain why Germany lost the Second World War (Kugler and Organski, 1989, p. 182), the power transition theory also claims that the challenger tends to declare war to the hegemonic power before reaching power parity with the hegemonic power. Yet, what particularly Organski lost sight of, by exemplifying his theory with Nazi Germany, was not the idea that Germany did not reach power parity with the great powers that it challenged (Germany has just caught up with Great Britain, and had already surpassed France and Russia), but the importance of alliances and the influence they exercise upon the outcome of the war. Even if the vacillation caused by the *buck passing* practice of the great powers, whereby a state tries to get another state to deter or possibly fight an aggressor state while it remains on the side-lines (Mearshmeier, 2001, p. 157-158), gave Germany enough time to score some important victories in annexing territories and strengthened its

belief in its power to change the status quo, the fact that Germany's GNP was not the same as that of Great Britain (it actually was) did not cause the surrender of the Third Reich, but the fact that Germany should have had a GNP equal with that of all those states against it had fought the war, respectively, Great Britain, France and the USSR. If Germany had fought only against Great Britain or France or the USSR, then certainly history would have had a different direction. The limits of this assertion could later be corrected by Organski, who recognized the importance of alliances during power transitions and the fact that a challenger would attack only when being in a position of power parity with the great power and not before this threshold. Although Organski did not fully contradict his idea that two states can start a conflict even if the challenger has not yet reached power parity with the hegemonic power, he recasts the plausibility of such a conflict being generated by the challenger. Kugler and Organski state that in such a case, before power parity is achieved, the challenger could stand up to the hegemonic power, if the latter would start a pre-emptive war. As underlined by the two scholars: "The challengers did not initiate major war prior to the overtaking, but instead waited until they were stronger than the dominant power to make a move" (Kugler and Organski 1989, p. 188).

Organski discerns three stages that cause a power transition to happen (Organski, 1968, p. 340):

1. The stage of potential power;
2. The stage of transitional growth in power;
3. The stage of power maturity.

The potential power stage refers to the stage of reindustrialization that a state goes through. As the majority of the population lives in rural areas, employed in agriculture, the state's economic output being relatively small and its leaders lacking a vision that enables progress, such a state cannot get an important position within the world system, even if practicing a stable power.

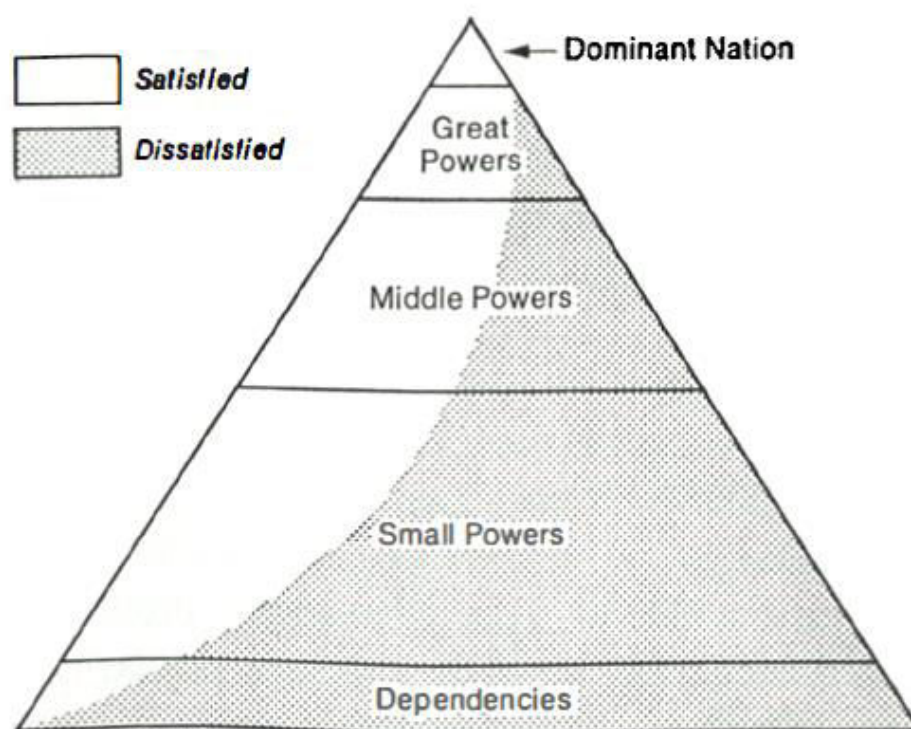
The stage of economic power transition gives a challenger the capacity to influence the behaviour of other states, therefore maximizing its power. This stage is representative of states that go through a process of industrialization and accelerated development, as it is the case today of China and India.

The final stage represents the maturity of power of a state, generated by the fulfilment of a higher level of economic development. It is the case of the United States, Japan and the Western states that still observe GDP growth, but at a slower level than the one recorded during their stage of economic power transition. This is the stage that defines the relative decline of the United States and, why not, the beginning of China's slower growth rate of the past years, as "a nation may decline in the stage of power maturity, even though the nation continues to grow richer, more industrial and more efficient" (Organski, 1968, p. 343).

Possibly by far the most defining characteristic of the power transition theory is the fact that, even if the theory is classified as belonging to neorealism, it does not see the international system as being anarchic, but as hierarchic, whose hierarchy is determined through a model of cooperation between states, similar to the interactions that take place inside a state. Organski admits, though, that there is no sovereign entity that controls the international system (Toft, 2007, p. 245). To identify the states which could upend the global order and global stability, thus changing the *status quo*, Organski used a hierarchy of powers (Organski, 1968, p. 364), based on their satisfaction or dissatisfaction with the world system:

1. The powerful and satisfied;
2. The powerful and dissatisfied;
3. The weak and satisfied;
4. The weak and dissatisfied.

Figure 2. The hierarchy of power according to the power transition theory



Source: Organski, A. (1968). *World Politics*. 2nd ed. New York: Knopf, p. 364.

The challenger tends to become part of the group of strong and dissatisfied states, being unhappy with its current position within the international system and wanting to reform it. Weak and dissatisfied states will tend to *bandwagon* behind the challenger, while strong and satisfied powers will choose either to ally with the hegemonic power, or to maintain their neutrality between the two sides, in the hope of avoiding involvement into a war, or due to ethical considerations. It is important that the hegemonic power has the support of the strong and satisfied powers (Kugler and Organski, 1989, p. 175), as this will enhance its power in the face of a challenger and, thus, the stability of the international system. But the equilibrium generated by these alliances cannot exist *ad infinitum*, as it can put a hold on the development of some states and, maybe, even the development of the international system. Thus, sooner or later, the international system tends to regenerate itself through war which makes way for a new hegemonic power.

Thus, the power transition theory is similar to the hegemonic stability theory which argues that the unbalanced power, i.e. the hegemon, generates stability. Hegemonic stability theory explains the stability of the international system configuration created around a hegemon through the mutual benefits derived from this system for both the dominant power, and for other actors of the system. The theory starts from the observation that powerful states tend to seek dominance over the whole or only parts of the international

system, thus generating a degree of hierarchy within the overall systemic anarchy. The theory tries to explain how cooperation can occur between major powers and international orders – which include rules, norms and institutions – appear and are supported. The central prediction of the hegemonic stability theory is that any international order is stable only insofar as the relations of authority within it are supported by a distribution of power sustaining these relationships.

Although similar to the hegemonic stability theory in that it sees the presence of a preponderantly powerful actor as conducive to peace and stability, the power transition theory differs from it by not requiring the status quo to be a collective good (Lemke, 2008, p. 696). Moreover, unlike the hegemonic succession theory, interested basically in the conditions for preserving order, the power transition theory is primarily interested in explaining the start of the international conflict leading to a new status quo (Clark, 2011, p. 14). Indirectly, the power transition theory supports also the democratic peace theory assumption that democracies are less likely to fight each other. As the dominant powers of the past two centuries have been democracies, they were more inclined to be satisfied with the status quo.

4.Key differences between power transition and balance of power theories

The main theoretical cleavage between the power transition and the balance of power theories is generated by the idea of power parity among two states. Whereas the power transition theory stipulates that the balance of power is just a precursor to war, the balance of power theory contrasts with this idea, claiming that the newfound balance between two states is tantamount to securing peace at the international level, due to their capacity to balance reciprocally. In fact, the balance of power theory seeks the premises of peace in the equal distribution of power and interstate alliances. Anyway, peace is not a consequence of states intending to ensure a stable international environment, but a consequence of their fear of the outcomes generated by war (Kugler and Organski, 1989, p. 176). By contrast, power transition theory suggests that peace can be obtained only when there is a hegemonic power, in other words, only when a balance of power is absent, while being replaced by a hierarchy of power. It acknowledges the existence of a hierarchical power mechanism, which structures the international order and justifies the maintenance of peace through the power advantage held by the dominant power, together with its alliance with the satisfied states (Kugler and Organski, 1989, p. 177). Although Organski did not fully denounce the idea that two states can maintain peace following the logic of the theory of the balance of power, he believed that this may be possible only if the challenger is a pacifist one, which is looking to to cooperate with the hegemonic power without seeking conflict (Kugler and Organski, 1989, p. 188).

The other important difference between the balance of power and the power transition theories is the fact that theoreticians of the balance of power mostly focus on military power, while those of the power transition theory take into account many other factors when analysing state power, such as economics, demographics, and domestic politics. The power of a state is defined as an S-shaped curve, being more developed during the industrialisation phase, still remaining efficient in the post-industrialisation phase of power as well (Levy and Thompson, 2010, p. 44). An important role in attaining power is played not just by industrialization, but also by demographics. Thus, while China recorded its economic boom over the past decades due to its large number of young workers (a trajectory that India seems to follow as well), the United States has managed to maintain its edge ahead of the Asian states due to immigration. "If population size is a major determinant of national power, immigration should be an important means of adding to a nation's strength,

provided that the migrants arrive in large enough numbers and provided that they can be absorbed into the economy and the social system" (Organski, 1968, p. 351). Thus, migration becomes a key element of state power. Maybe the country that understands this best is Japan, which, because of its adversity to immigration, proved unable to recover after more than two lost decades of economic stagnation. Not even Abenomics, with its combination of fiscal and monetary policies and structural reforms, has managed to free Japan from the clutches of deflation and almost non-existent growth.

According to Organski, the optimal model for analysing the development of a challenger and the path for the transition of power is the sum of factors determined by the level of economic development, population and the elites' capacity to manage domestic politics. Consequently, we have the following equation: $\text{Power} = (\text{Economic Production Per capita} \times \text{Population}) \times \text{Relative Political Capacity}$ (Kugler and Organski, 1989, pp. 190-191).

Furthermore, Organski's observation that the prevailing world order is established by the dominant powers to their advantage, and these states would be reluctant to make concessions to the latecomers of their own accord (Organski, 1968, pp. 327-328) is at least partially confirmed by the slow pace of the process of matching the emerging and developing countries' economic weight with their power and influence within global economic governance structures. Thus, Organski's assumption that the international system's distribution of benefits represents a source of international disputes remains a fundamental valuable insight of the power transition theory. It points to the need for satisfying the expectations of developing and emerging powers, including and chiefly China, relative to their representation in the economic global governance structures and, thus, their benefit share in the international system, as a means not only for avoiding potentially dangerous rivalries (Chan, 2008, p. 126), but also for their better embedment in the global world order (Pop, 2012). As structural conditions provide the pre-conditions for conflict and cooperation, decision makers have leeway in advancing policies that eventually lead to either war or peace (Efird, Kugler, and Genna, 2003), such a policy would lead to cooperation rather than conflict with China, thus reiterating the rather peaceful Anglo-American power transition.

5.Revisiting the power transition theory: the case of the Sino-American relations

Yves-Heng Lim reminds us also that, whether a transition of power materializes in a hegemonic war or not, it depends largely on the level of dissatisfaction that the challenger manifests vis-à-vis the status quo (Lim, 2012, p. 282). Zhiquan Zhu reinforces this argument: "If the rising power is dissatisfied with the status quo, like pre-WWI Germany, then a violent power transition is expected. When both powers are satisfied with the international status quo, the actual overtaking is most likely to be peaceful" (Zhu, 2005, p. 3). From China's point of view, there is no need to change the status quo, because China is not dissatisfied with the current order, but rather with its position in this order. So, while a "Beijing Consensus" and a "Chinese model" (Lim, 2012, p. 291) may become a model for other less developed countries, this will not become a challenge for the status quo, because China is much too tangled into the existing order and does not want to change it, but rather to reform it for accruing its benefits derived from participating and being a part of it.

It was argued also that the "process and outcome of a power transition are determined by the interactions of the international environment, domestic politics, societal links and individual leaders" (Zhu 2005, 4). From this idea stems a hypothesis regarding the relationship between the dominant power and its challenger. If both countries' governments, leaders and societies see the relationship between the two actors in positive terms, then the power transition is likely to be peaceful (Zhu 2005, p. 4). With regard to this aspect, Yan

Xuetong claims that even though China and the U.S. might have more conflicting interests than mutually advantageous interests, they still see each other in friendly terms. Thus, even though U.S.-China relations are at times marked by tensions, after a while, the two countries return to a relationship characterized by what has been described as a “superficial friendship” (Yan, 2010).

Not refuting altogether, the central claim of the power transition theory, that, in a power parity situation the danger of war becomes greater, although the idea that the overtaking of a former dominant state by a latecomer heralds war is in fact supported only by Germany overtaking the UK prior to both the First World War and the Second World War, Chan took issue with several aspects of this theory's standard explanation of the process leading to hegemonic war. First, hegemonic war can originate not from a struggle for pre-eminence among global great powers, but from rivalries among lower rank powers. Secondly, the instigator of war can be not just the rising state, but the declining state, due to a preventive motivation. Thirdly, an emerging power's relative growth tends to make it more willing to postpone its status gratification. Fourthly, as there are multiple possible candidates for the role of challenger, it is the dominant power which in facts chooses which one to conciliate with or oppose to and its course of action influences their subsequent alignment. Fifth, neither the rising state is necessarily revisionist, nor the hegemon is necessarily bent on preserving the status quo, as it might want to change the international system in order to further extend and consolidate its own interests and values (Chan, 2004, pp. 140-141; Chan, 2008).

Thus, dissociating himself from the wisdom typically associated with the power transition theory in relation to China's rise, Chan emphasized that China might be dissatisfied with the current distribution of benefits accorded by the international system, without being inclined to challenge it. Consequently, China is unlikely to instigate a confrontation with the U.S.; rather, it is likely to accommodate with it. Moreover, while military conflict (over the Taiwan Strait or the South China Sea) is indeed possible, this would more likely be triggered by China's inability to prevent U.S. involvement, rather than its willingness to deliberately provoke the U.S. (Chan, 2008).

Similarly to Steve Chan, John Ikenberry speaks about the possibility that China may overtake the U.S. in terms of power, but he is very skeptical that China may change the Western international order, because China is not an outsider of this order, but a country which reaped the benefits of globalization and joined Western institutions such as the United Nations (UN), World Trade Organization (WTO), International Monetary Fund (IMF), the World Bank, and so and so forth (Ikenberry, 2008). Because of this, if a power transition takes place, it will most likely be peaceful, premised on the fact that China is integrated in the international system created by the U.S.

Furthermore, China has a strategy to deal with the United States which is “at odds, but not at war” (Lai, 2011, p. 173). This illustrates the fact that China is interested in maintaining a peaceful climate, although it may not restrain from some skirmishes like the Hainan island incident in 2001, when an American plane was forced to land on the Chinese territory and the crew was seized, or the repeated interceptions and harassment of American ships and planes in the South China Sea, or even the altercations with Japan over the Senkaku/Diaoyu Islands. Although throughout history, China or the numerous Chinese states were prone to start a war in order to establish a dynasty, or to enlarge their boundaries, on the philosophical level, China is the standard bearer of the peaceful rise and co-existence, and as the Chinese strategist Sun Tzu advocated, it is better to win a war without fighting. The same strategy was adopted by Deng Xiaoping, the mastermind behind China's economic development. Deng memorably said that China must “keep a low profile and bide its time, while also getting something accomplished”, which is another

interpretation for a non-belligerent attitude towards neighbours or other countries, as China's priority should be its internal development.

As Ikenberry notes, the U.S. created an integrated world system in which its rivals became its new partners (Japan and Germany) (Ikenberry, 2008, p. 28). This may be the same path that China may try to implement with the Belt and Road Initiative (BRI) and the Asian Infrastructure Investment Bank (AIIB), the new development bank set up by China. These upgrades to the international system implemented by China may increase its influence and transform China into a responsible stakeholder, while preserving the system that the U.S. created. In this scenario, China can eventually reach the apex of the international system without a war and without changing the system.

Many scholars have seen, especially in the AIIB, a way by the help of which China may challenge the Bretton Woods order. Even the U.S. saw the AIIB as a potential threat, choosing not to participate in the formation of the bank. But the wave of Western countries which joined the AIIB and the subsequent partnerships the bank signed with the Asian Development Bank, the European Bank for Reconstruction and Development and the World Bank obliged the AIIB to adopt international standards and regulations, integrating the bank even more in the existing international order, making AIIB a global bank (Brînză, 2017). This situation proved once more that China must juggle with the existing international order if it seeks to improve its status on the international arena.

In the case of the Belt and Road Initiative, a grand development and investment strategy, China may obtain leverage given by each alliance established with the countries along the way. Therefore, the power and the prestige China will develop may help it in its attempt to become a global power. Regarding to its status, China has advocated for a higher place on the international stage through the motto “new type of great power relation” – with China as an equal to the U.S. in terms of power and status. Hence, China is looking for multipolarity, in which it would act as a balance of power to the U.S. Therefore, the relations between the U.S. and China may be seen through the lens of the balance of power and not so much through those of the transition of power.

Still, the South China Sea may act as a war trigger in the US-China relation, as seen through the power transition angle. The big difference in this sphere is that China, the challenger, intends to expel the U.S. from the region, but it is not very committed to starting a war along a route through which 82% of its oil imports pass annually (U.S. Department of Defense, 2015, p. 94). The South China Sea disputes involve 6 countries (China, Taiwan, Malaysia, the Philippines, Vietnam, Brunei) and 3 groups of islands: the Pratas Island, the Paracel Islands and the Spratly Islands, plus the Scarborough Shoal, in an amalgam of claims, incidents and construction of artificial islands.

China is determined to become a naval power with a blue water navy, an important feature of a great power, and the U.S. seems to disapprove of the evolution of the Chinese power, because, as Mearsheimer claimed, “if China continues to grow economically, it will attempt to dominate Asia the way the United States dominates the Western Hemisphere” (Mearsheimer 2014). However, in these circumstances, the U.S. is advised to focus on a “generic hedge” that does not target China specifically and which would represent a shift from big military equipment, like aircraft carriers, to high-tech and low-cost weapons, like drones and cyberwarfare tools (Etzioni, 2011, p. 657).

Even if China has not expressed its interest to dominate Asia, it has made it clear that it is looking to break through the First and Second Island Chains. These island chains are two natural barriers which impede Chinese control of the Pacific Ocean. The First Island Chain stretches from the Ryukyu Islands (Japan) to the Mindanao Island (the Philippines) and the second one stretches from Japan throughout the Mariana Islands, to the West Papua (Indonesia), both island chains being dominated by a US military presence.

China wishes to become a maritime power; its economic development over the past four decades created numerous Chinese overseas interests, while the meteoric rise of its military expenditures over the last 20 years offered it the means for such a naval expansion. Nowadays, China is no longer contented with focusing on its internal affairs and has started to abandon the motto of “keeping a low profile”, as it seeks to project its power outside its borders, as the great power does. Still, even taking into account all these aspects, Chinese military expenditures as a percent of GDP are much lower to those of the U.S. While China's military expenditures reach almost 1.9% of its GDP, U.S. military expenditures account for 3.3% of its GDP (The World Bank, 2017).

Regarding China-U.S. relations, there are two parallel scenarios, one focused on the military developments, which hint toward a power transition outcome, with possible conflicts in the South China Sea or the East China Sea, because China might attempt to challenge the U.S. and to expel it from the Pacific, and the other scenario based on China's economic rise, with China largely integrating in the current international system, while still trying to balance the U.S. and creating a multipolar order based on a balance of power. Until now, China seems to be juggling with both these scenarios. Although the military developments, like the construction of aircraft carriers or cutting-edge stealth fighters, the construction of artificial islands and opening of overseas military bases (starting with the one in Djibouti), seem to have overtaken the economic development strategy, China's experience in dealing with Taiwan, for example, has proved that it is able to tackle stringent impulses and sensitive problems without resorting to the use of force. Before the Taiwanese elections in 1996, China conducted aggressive missile tests to intimidate Taiwanese voters, but ahead of the presidential elections in 2016, China used a soft power strategy and economic opportunities to lure Taiwan. The soft power strategy consisted in a meeting between Xi Jinping, the Chinese President, and the President of Taiwan, Ma Ying-jeou, to support the Kuomintang candidate (the party that sustains the status quo and is interested in an eventual reunification with China). Such a shift in strategy could be considered an additional indication for China's predisposition for a peaceful rise scenario.

Analysing the power transition between the U.S. and China, some scholars have become sceptical that China will replace the U.S. as a new global leader, because, as David Lai remarked, China will not surpass the U.S. to take the helm of the international order because it is not a democracy, therefore, China “will not replace the United States to become a champion of democracy and human rights” (Lai 2011, 85). However, with the Trump administration and the protectionism and apparent isolationism that the U.S. seems to promote nowadays, China may end up by being seen as communist and authoritarian inside, but multilateral and globalized outside. As a multilateral international power, China aims to become a steadfast advocate of free trade, globalization, as well as a supporter of international institutions and of a union of peaceful common destinies, as represented by the Belt and Road Initiative.

6.Conclusions

The power transition versus the balance of power dilemma is not just a theoretical one. The way one sees it and through what theoretical lenses one comprehends the current and future global and regional power landscapes has pragmatic and practical underpinnings and implications. If one chooses the power transition theoretical lenses, one would be inclined to view the current pre-parity and future power parity distribution as merely replicating the recurrent trend towards hegemonic war. By contrast, if one chooses the balance of power assumptions, one would self-reassuringly assume that power parity preserves peace. However, mixing the two theoretical lenses for comprehending the complex

dynamics in the 21st century is not only possible, but also desirable, as testified by the case of the Sino-American relations.

According to the latter, the power transition theory would predict that a hegemonic war or, at least, a Cold War-type rivalry might ensue between the U.S. and China if China's economic growth is not slowing down, or the U.S. cannot find ways suitable to accommodate China's preferences. However, until now, China cannot be depicted as an ascending power that will go to war to change the existing system, but more like an ascending power that was absorbed by the current international system, so that the need for war has been diminished considerably. Moreover, the relationship of economic interdependence between Washington and Beijing, as well as Beijing's preference for peaceful rise, make such an outcome rather unlikely, indicating China's preference for accommodation with the U.S. Nonetheless, the power transition scenario cannot be entirely dismissed and has to be taken into account, while keeping an eye on China's military modernization.

Similarly, taking power transition theory seriously does not mean doing away with the balance of power theory, as the current and the likely short-term future behaviour of China towards the U.S. fits the notion of soft balancing intended to both distract and wear-down the incumbent dominant power and to maintain a stable internal and external environment in order to obtain a greater share from the distribution of the international system's benefits.

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INSTITUTIONAL AND ADMINISTRATIVE ANSWERS TO THE
PHENOMENON OF DEMOGRAPHIC AGING: (RE)CONFIGURATION
OF THE SOCIAL SERVICES INFRASTRUCTURE

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Abstract

The study analyses the types of services for elderly people. The analysis made on this subject aims at pointing out the features of the current pattern of services, the responsibilities of the public authorities and the predictions on keeping, improving or even assuming another pattern. The types of social services dedicated to elderly people belong to a medical paradigm. A new paradigm referring to the infrastructure of services for elderly people does not intend to revolutionize the system. It is not necessary to invent activities to fill in the elderly people's time but, on the contrary, to create conditions for the manifestation of the real needs which are not only the medical ones. For the creation of a new paradigm it is necessary to take into account indicators about the vital minimum and the symbolic meaning of consumption. In this way, there must be a stressed receptivity at the level of institutions that deliver the tasks, and the existing resources should be redistributed for actions and services based not only upon the matter of the demand but on the type of problems that engender the demands.

Keywords: ageing, social services, vital minimum, welfare.

1. The aging phenomenon and the need for services

The fact that the human needs are socially fulfilled (nobody produces everything he needs and has to use what others are producing), determines their social fulfillment. When the living conditions cannot be provided only by individual action, the state intervenes by means of actions of social policy. These refer to legal actions, decisions, administrative guidelines; programs and projects to implement social policies – from the setting up of the resources to social intervention programs by redistributing income, to financing, producing and providing goods and services (Mărginean, 2004, p. 32).

Although it is stated that everything related to the government or the public area is social and once the social problem is defined, a collective action is needed to solve it (Morris, *apud* Preoteasa, 2009, p. 15), there are also opinions according to which there is no specific way to allow define what is useful for people. Due to the diversity of requirements we tried a division into two categories: the first one to provide the necessary minimum

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for individuals (food, housing) and the second one represents the expenses considered unproductive (luxury goods, performances, etc). Actually, this approach leads us to discuss about two notions:

1. the vital minimum and
2. the symbolic meaning of consumption (Profiroiu, 2001, p. 115).

The purpose of services is to provide the necessary economic, social or cultural living conditions, continuously. There are activities with a strong social characteristic – a system of utilities in which the beneficiary buys or uses not a product but a certain utility which offers some advantages (in most cases they do not mean material goods) intended to fulfill some personal or social needs. A large part of social consumption funds is distributed by means of these services.

Without going into academic debates concerning the definition of social services, we just point out that through this type of services, a community (town, association, etc.) provides them totally or partially, for all its members or for special segments that show an increased need for such services (Zamfir & Vlăsceanu, 1993, p. 551). The last mention "for special segments that show an increased need for such services" has a double meaning, it refers to welfare and the public protection and, at the same time, makes it easier to leave individual narrow spaces. For example, the army, the police, the school and the road network, the town hall or the cultural institutions serve all people and are meant for persons not as different individuals but for the totality of them (Simmel, 2000, p. 343). The orientation towards specific segments emphasizes the protective character of some services, compared to the fulfillment of a general need at the level of the local collectivity, and this is a specific feature of public services in general. These services with protective characteristics do not exclude people from the benefits of general services. They are complementary services that constitute a system of economical, legal, social and organizational initiatives on the part of the state in order to ensure an adequate standard of living for the vulnerable social strata in society. This system is based on two basic components that are mutually completed:

1. social insurance and
2. social services.

The first constitutive part – social insurance provides compensation if a person loses his/her job due to ill health, staff shortage, advanced age, confinement leave or work accident. The social insurance relies on contributions paid by employers and employees. The second constitutive part – the social services – represents a set of medical, social, etc. services provided to families in need, elderly or disabled people. The main purpose of the social insurance is to partially compensate for the income losses, and the main purpose of the social welfare programs is to reduce poverty.

The amplification of demographic aging with all its effects, as well as other phenomena - whether we are considering ageism [1] or the Romanian term "vârstnicism" translated as aging [2] introduced by Septimiu Chelcea, create considerable pressure on the public administration, especially the local one, responsible for organising and providing social services. The pressure is given by the increase and variety of needs associated with age, as well as by a change in the social image of old age, an image ranging from „rejection and ignorance to assumption and involvement" (Vrasti, 2012, p. 2). On this point, we can mention empirical studies of gerontological and geriatric nature that have led to the emergence of concepts of aging as a passage involving imbalances, but also new balances (Zani, 2003, p. 347). When we speak about age-related needs, we do not only consider the needs arising as a result of physical degradation and the gradual limitation of adaptation capacities. The third stage of life, as defined by the Larousse Dictionary (Sillamy, 1998, p. 43), implies biological, psychological and also social changes. From a social point of view, old age is equivalent to disengagement from active social roles, withdrawal from work life and the adoption of other roles, among which some have a passive character of dependence, and others have an active-compensatory character (Bonchiş & Secui, 2004, p. 381). Thus, the elderly, according to the chronological and biological data, actually correspond to a new model of adult- perhaps even with very different features - because, besides the creative, engaged behaviors and in addition to the ability to establish relationships and the intellectual vivacity, also possess that kind of wisdom that derives from the full experience of their age. There are elderly people who keep working part-time, embarking upon volunteering activities, who are a strong support for the families of their descendants, taking care of their grandchildren. They are old people who participate substantially in cultural activities, who study, who keep themselves active, producing important quantities of goods for self-consumption. For example, in Italy, local authorities register many requests from the elderly for activities such as gymnastics, swimming, motion activities, there are some other old people attending social centers for an active and interesting exchange with either their own generation or other generations (Zani, 2003, p. 347). Taking into account these aspects, the public policies aiming at the third age must be designed and implemented by pursuing two types of support - social and medical services (Ros, 2012, p. 85), paying special attention not only to non-self-sufficient people but also to elderly in the full vigour, active and useful to society.

2. Institutional and administrative answers: with respect to needs vs. welfare providers

The natural question is: *what kind of services is necessary to deal with these challenges?* How can local authorities efficiently act to solve problems such as those mentioned, when "the individual is a gear wheel and the laws belong to the macroeconomic field?" (Zani, 2003, p. 354). The social needs of elderly are rapidly diversifying. It is therefore essential that the social services field be maintained and developed through strong public policies, which include a long-term vision and a "space for development" that allows for social innovation. The intellectual constructions representing the base upon which the social protection systems have been modeled and adjusted, illustrate three options: residual social policies, the achievement-performance model and the institutional redistributive model. The essential features of the models are given by the degree of intervention of the state. Thus, the model of residual social policies starts from the idea that the state should take action to provide the social protection for citizens only in case when the two natural institutions to meet the needs of individuals (the market and the family) are helpless. State intervention should only be temporary; the achievement-performance model implies that social needs must be met by merit, work performance and productivity, social welfare institutions having a complementary role to the economy; the institutional redistributive model refers to the social welfare as an integrated institution in society that aims to provide some social services starting from universalist principles and according to needs (Leibfried & Mau, 2008, p. 145-146). In practice, many of the current welfare regimes include elements from all three models.

Richard Titmuss appreciates that, regardless of the results he has come at, social policies are strongly anchored in the system of moral and political values, and he also noticed that political propaganda is often dissimulated under the social policy labels (apud Alcock, Glennerster, & Oakley, 2001).

The situation of elderly people raised the interest of the European Community since the 1980s. The documents drawn up under the authority of the European Commission also include the answers to the challenges of aging. The European Union's commitment to "active aging" is based on its core values, as they are defined in the agreements. The approach of active aging is based on the recognition of the rights of the elderly and on the principles of independence, participation, dignity, care and self-accomplishment. It basically moves the center of gravity from the need-based approach to the rights-based approach, which admits people's rights to equal chances and treatment as they get older. Furthermore, it supports the involvement and the empowering of elderly people to get involved in

the political process and in other aspects of the community life (Matthew, 2012, p. 6). The European Commission provides useful statistical tools and a policy framework with respect to active aging. The Active Aging Index (AAI) was created as a way to synthesize the current situation in four areas assignable to active aging in each EU member country, namely 1) involvement, 2) social participation, 3) independent, healthy and safe living and 4) ability and environment to allow active aging. Special Eurobarometer survey no. 378 on Active Aging is another useful tool developed to understand the views and attitudes of European citizens on the elderly (World Bank 2014, p. 6). [3]

For applying of the European directives, each of the EU member countries takes into account the specific tradition regarding the social protection system adopted in their own country. The way of organizing and functioning of the social protection system, the modernization and the degree of financing, the level of social services, the role of public authorities and of local partners in the development of social services, and, last but not least, the legal framework emphasize the differences between the member states.

There are countries that rely almost entirely on private provision of social services and countries that rely extensively on the public sector. Most countries have a public-private mix in providing social services. Usually, the private sector is most likely to be involved in the provision of residential type services and may have a more limited role in providing home and community care services. Countries that rely almost entirely on the private sector in the provision of social services are Germany and the Netherlands, where legal regulations have been developed in order to favor this. There are countries where the private sector is less represented in the provision of social services (Sweden, Finland, Norway) (Dima, et al. 2013, p. 21-22).

The social policies in Romania, a former communist country, do not fit into any of the "classical" models outlined above. It is believed that it would have certain characteristics of the residual model (the state intervenes when the family fails to meet the needs of the individual), but also elements specific to the corporate conservative model, given that the private insurance and the "occupational welfare" are still reduced (Dima et al. 2013, p. 15).

By signing the European Social Charter, Romania has committed itself to promoting appropriate measures for the elderly, so that they remain active in society, benefit from enough resources for a decent living and can take part in social and cultural public life. Institutional and administrative answers to the phenomenon of demographic aging show that in 2016, the care for the elderly is reflected in a broad legislative

framework: laws, government decisions, government emergency ordinances, ministerial order, 2 strategies - 2005-2008; 2015-2020. All documents are drawn in the spirit of at least 7 programmatic documents - from the revised European Social Charter to the European Social Security Code and recommendations of the Committee of Ministers and the Council of Europe.

The services for elderly people, delivered and named differently so far, are the responsibility of the local communities. Through the framework law on decentralization, the local authorities of the villages and towns, as well as those of the county, acquire exclusive authority on specialized social assistance services for the elderly. Exercising this exclusive competence involves ensuring, according to the law, the necessary framework for their provision. Decentralization has only placed the responsibility on the local authorities, involving them in a busy bureaucratic system. First, by the Social Welfare Law no. 292/2011, the third framework law of the last 15 years, the local public authorities have the obligation to set up the public social assistance service in each territorial and administrative division, in order to provide at least the minimum community assistance services (represented by the assessment of the social needs of the community, the creation of the initial intervention plan, community information and counseling services, implementation of measures to prevent social marginalization, etc). Then, to comply to the subsequent changes of the Social Welfare Law, they must be accredited as social services providers. After being accredited as providers of social services based on the provisions of Law no. 197/2004 on quality assurance in the field of social services, they will apply the requests for accreditation in order to get a functioning authorisation for the social services provided in the community. The local councils and the county councils decide upon the types of social services that will be organized and defined according to the Nomenclature of the social services: residential care and nursing centres for the elderly (care homes for older persons, "respiro" type centres/crisis centres), social services without accommodation (adult day services and recovery centres, elderly day care centres for socialising and spending free time (club type), home care services. The criteria that shape the types of social services to be contracted are developed in cooperation with the public and private providers. The division of responsibility with the central authority in the field of social services for the elderly occurs only in the case of investment and capital repairs expenditures for social assistance centres situated in disadvantaged areas, to supplement the extra-budgetary resources of care homes, when the local budget resources become insufficient and for other expenditures assigned through the annual budget laws.

Three years after the come into effect of the Social Welfare Law no. 292/2011, we notice that not all local government authorities have set up such services. The failure to comply with this legal provision is due to the lack of human resources rather than to financial shortage. The human resource is an important criterion in the accreditation procedure.

The official data does not come with an exact number of social services providers exclusively for elderly people, simply because social services rarely have a single category of beneficiaries.

In 2016, 1,186 public providers (40%) and 1,782 (60%) private providers were accredited in Romania. The public providers are:

- 1,089 specialized structures within/ subordinated to the local government authorities and the executive authorities from the territorial administrative divisions organized in the village, town, town municipality and Bucharest districts;
- 38 local government authorities or other institutions on their subordination or coordination which have statutory duties with respect to the provision of social services for certain types of beneficiaries;
- 59 health care facilities, educational institutions and other public institutions that develop integrated social services at the community level;

The category of private providers is represented by:

- 1,615 non-governmental organizations, namely associations and foundations;
- 131 cults recognized by law;
- 36 economic operators.

Among these, only 249 accredited social services would be exclusively intended for the elderly.

Following the debates on the subject of social services, fighting poverty and promoting social inclusion, we concluded that, given the demand for social services including from those who want and have the opportunity to pay for the services accessed, the offer of social services is insufficient [4].

A first remark on the current system points out the fact that the elderly have the right to social assistance in relation to the social and medical status and the economic resources they have. An elderly person benefits from the provisions of the Law 17/2000 if he is in one of the following situations: a) he/she has no family or is not dependent on any person or persons bound to it, according to current legal dispositions; b) he/she does not have a home nor the possibility to provide himself the living conditions by means of his own resources; c) he/she does not have an income or this is not enough to provide the necessary care; d) he/she cannot manage on his own or he requires specialised care; e) s/he is unable

to meet his social and medical needs due to illness or physical or mental state.

Apparently, we witness a wide range of services provided locally but they are not enough. That is because they cover only the non-self-sufficient elderly people and when the medical aspect encounters the social one, the first one tends to „absorb” the second one which seems to accept its secondary role (Zani, 2003, p. 215). Community services for the elderly are limited to:

- A) temporary or permanent home care;
- B) temporary or permanent care in care homes for older persons;
- C) care in day care centres, clubs for the elderly.

As a result of public policies aiming at third-age people, also private welfare providers find their place into the social services market. Private nonprofit organizations, often with the support of international organizations (such as Caritas, Diaconia, the Red Cross), are funded to provide home care and care services in residential buildings, especially in rural areas. The cooperation of public authorities in “public-private partnerships” with these organizations is strengthened by legal regulations, specifying authorization and funding mechanisms.

Predominantly administrative, the current system has high performance in the development of administrative rules, in controlling their compliance, but it has poor performance in the development of techniques and procedures, professional standards for risk prevention or recovery of those in difficulty by means of normalization/integration. It still promotes many civil servants, and although some of them prove bureaucratic precision, they are not professionals with a higher degree of training and specialized skills. Field research has often found the difference between two types of different evaluations of the system results. The persons responsible in the system estimate that things are going well and very well, that there are no problems in its functioning. And they may be right because they take into account only the enforcement of the strictly administrative rules. Instead, other observers, outside the system, tend to estimate the situation to be rather critical. They consider the results completely unsatisfactory in comparison with the status of the beneficiaries (Zamfir, 2015, p. 44). The rural local authorities fail to meet the needs of social services and at the discursive level they are even confused with the social benefits.

The opinions regarding the access of rural population to the existing social services converge to the description of an under optimal situation caused by: lack of information and education in the field, poor development of social services in the rural environment, poor collaboration

between the mayors and the competent county authorities in the field, poor awareness of the rights provided by the legislation (Chiriacescu, 2013, p. 8). Commercial home care providers emerge in a large number, especially in urban areas, due to some incentives and funding opportunities encouraged by the “Intermediary Home Care Scheme”, which is funded by social health insurance and facilitates health care with home care for a maximum of 90 days. This service is free for patients and supervised by general practitioners, but in practice (based on unconfirmed information) it only covers the post-acute phase for an average not exceeding three weeks (World Bank, 2014, p. 135). Generally, we can talk about a commitment to solving problems, and the effort for synthesis is minor. This happens because this would have required more effort to develop broader, longer-term strategies and defining the conditions to make them operational. Reform in the social assistance field has been difficult. Funding, administration and responsibilities for the development of social services have been transferred at the local and county level where the funds and the human resources are very limited. Therefore, the social services currently provided are fragmented and characterized by disparity (Ministry of Labor, Family and Social Protection, 2012, p. 12). Decentralization, as a desirable institutional principle, has turned into a bureaucratic instrument with limited local responsibilities and few responsibilities for those in need (Zamfir, 2015, p. 40), and the types of social services for the elderly belong to a clearly medical paradigm.

3. Landmarks for a new paradigm

Rethinking a new paradigm for the social services for the elderly is a challenge in the current context. The main challenge for policy makers is to guarantee that the measures that will be taken will be adequate and, on the other hand, that they will have reasonable costs (Bălașa, 2005, p. 281). In this context, the debate on a new paradigm should bring forward some important issues:

- A. *Guiding principles.* Intergenerational solidarity, aiming at long-term financing of the system, is one of the principles that gains ground in the current debates. At the same time, research in the field draws attention to the impairment of solidarity in contemporary societies. Individualisation and de-rationalisation, seen as emancipation and heterogeneity, are two possible reasons that would lead to the decline of national solidarity (Neamțu 2016). How much can you bet on this principle?
- B. *Typology of services.* The margins of manoeuvre to form a new paradigm can be more or less extensive. Many rules of public service management depend rather on laws and regulations than on inherent choices of the community. Besides, the services depend extensively on

the behavior of beneficiaries and users. The “client” of public services can act in favor of developing “sales”, as well as he can lead the institution to the vicious circle of regression, through his decision of “not buying”. The availability of services in a community correlates positively with the incomes of the population, which have an important role in the use of services, somehow determining their status - services whose attendance increases at the same time with the income (libraries, theaters, cinemas, swimming pools, sports halls); services where attendance increases up to a certain point (holiday camps); services whose attendance decreases at the same time with the income (private clinics); services whose attendance does not vary according to the income. Under the current circumstances, in Romania only the availability of administrative services (the civil protection, the child welfare authority, the register office) does not vary according to the request and the income of population. We must admit that the problem that makes elderly people vulnerable is not the aging process but their ability to live in the current society with the low income they have (Bătrân, 2010, p. 50);

- C. *Services vs benefits*. The new Social Welfare Law, adopted in 2011, contains an interesting provision: the social services must take precedence over the benefits of social assistance if their cost and the impact on beneficiaries is similar. The provision has been criticized, assuming that the social assistance services cannot overlap the financial benefits, as each of them has distinct, precisely defined objectives and own features (Zamfir, 2015, p. 136). So far in Romania there is no evidence that the welfare benefits have led to the acquiring of individual economic autonomy. On the contrary, the unintended effects of this measure are felt in Romania – an increasing number of applications for welfare benefits, generating a phenomenon of dependence on social benefits.
- D. *Local priorities*. It is necessary to take into account that a social service, created in a local community, derives from:
- The desire of local government authorities to make it visible some basic prerogatives that are considered important;
 - The desire to capitalize and develop a certain level of cooperation and synergy in the processes specific to the internal activity;
 - The current administrative capacity.
 - For a local community with limited resources, it is complicated to choose between projects on infrastructure and social services, as both of which are of major importance.

A new paradigm concerning the service infrastructure for elderly people is not meant to revolutionize the system. It is not necessary to invent activities

to fill up the time of the elders but rather to create conditions for the manifestation of real needs, are these are not only the medical ones. In this regard, there must be a strong receptiveness within the institutions that distribute the tasks, because only in this way the elders potentially interested in investing in energy are perceived from the social point of view and perceive themselves as a resource (Zani, 2003, p. 354-355). A decisive stage for the positive orientation of resources and responsibilities is to clear up the relationships between whoever asks and whoever, professionally and institutionally, has to answer (if and how). Otherwise, the existing resources are exhausted on actions and services inspired by the content of the demand, and less on the nature of the problem that created it. Therefore, an administrative agenda regarding the active aging should not only follow the implicit preferences of the population but should also shape these preferences so that a lifestyle involving active aging becomes a widely accepted social norm. In fact, changing attitudes and opinions on age and aging should be considered one of the most important components of the Active Aging Strategy (World Bank, 2014, p. 28).

4. Conclusions

Legislation in the field of public administration and the one on the capitalization of local self-government indicate the competences and the responsibilities of local authorities concerning the elderly people. As a result of decentralization reforms, the local government administration has become responsible for organizing a large number of services. The extremely variable demand, often involving unexpected solutions in the administrative practice, leads to the need for innovative interventions. However, it is necessary to note that not every need or problem becomes a demand for the social assistance system (Zamfir, 2015, p. 102). In Romania we can talk about an excessive reference to the need for social protection, neglecting the welfare providers.

Without ignoring the medical paradigm, the policies for the elderly people should be oriented towards measures that allow them to exercise their capacity to consume no more than necessary in order to overcome the poverty line and to meet basic age-related needs. For the development of social policies regarding aging and elderly we must consider all the aspects that meet the medical, legal, administrative, economic, social, and gerontological needs. Among the demands of the elderly we may not find requests about more tools of knowledge, of communication, to actively take part in the concrete aspects of everyday life in their community. The challenge and the "offer" of such requests should, still, belong to those responsible for the public policies, and on the administrative agenda we

should find not only medical solutions or welfare benefits. A health education course, or a theatre lab will be a real opportunity not just an educational one. The special Eurobarometer on active aging shows that the most necessary improvements so that the local environment becomes more propitious to the elderly are: (1) more facilities for the elderly to keep in shape and healthy; (2) better public transportation; (3) better roads and better road safety; and (4) more public areas, such as parks. (World Bank, 2014, p. 27-28). It is obvious that citizens understand that the wider the set of universalist services will be, the less will be the need for social assistance services.

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Note:

[1] The word is created by Robert N. Butler, director of the National Institute on Aging (Maryland, SUA). Ageism refers to an ideology or a set of beliefs which affirm that people in a certain age group are inferior or have negative attributes and can be dominated and exploited due to age. See: Sullivan, Thomas J., *Introduction to social problems*, Tenth edition. Pearson, 2016, p. 243.

[2] The word „vârstnicism” translated as aging is introduced by professor Septimiu Chelcea, who made a psycho-sociological analysis on the discrimination of elderly people, at the first National Conference of Social

Psychology, Iași, 22- 24th of September 2006. Social Psychology Journal no. 35(I)/2015, p. 63.

[3] The elements of the *Active aging indicator* put Romania on the 20th place. The best classification is for the element “Employment rates by age 55 to 59”, the most unfavorable places are for “Social participation” and “Capacity and environment that allow active aging” (World Bank, 2014, p.27).

[4] Data are taken from the official site of the Ministry of Labor
http://www.mmuncii.ro/j33/images/buletin_statistic/Asistenta_2016.pdf
and <https://www.omenia-advocacy.ro/document-de-pozitie-serviciile-sociale-si-importanta-lor-in-asigurarea-calitatii-vietii-persoanelor-varstnice/>