

INTERNATIONAL NEGOTIATIONS AS STRATEGIC FACTORS WITH INFLUENCE ON THE CONFIGURATION OF THE SOCIAL POLICY IN ROMANIA¹

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The negotiation process for Romania's accession to the European Union (EU) has influenced the configuration of the social policy which was insufficiently prepared to fulfil the responsibilities of a Member-State. Despite the communist heritage in the field of social protection, the social neo-liberal measures adopted at the beginning of the 1990s were directed rather towards the contributory system (social insurances) and less towards the non-contributory system (social assistance), especially as rapid answer to the needs of the vulnerable groups. The standard negotiations with international investors (World Bank, EU, DfD) have influenced the social policy from Romania. The research hypothesis is that arguments in the field of social policy regarded as national priorities in various moments did not succeed in rendering flexible the eligibility criteria of international financings in the social field. The paper contributes to evaluating the national social policy as a step in supporting the elaboration of sustainable scenarios for socio-economic development.

Keywords: social policy, EU accession negotiations, social assistance, vulnerable groups, international investors.

THE REFORMS OF THE WELFARE STATE IN CENTRAL AND EASTERN EUROPE

The European societies faced with the fall of the communist regimes “have organised themselves chaotically, atomised and incoherently (...) and are still searching for an *axis mundi* given that too many new mythologies emerged” (Tismăneanu, 1997: 154). One of the first directions adopted by these countries was to copy the social policy models of Western origin (Naumescu, 1999: 90),

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mainly due to the success of the latter in delivering welfare (Pasti, 2006: 71) and to the “triumph of the market system” (Beaud and Dostaler, 2000: 199).

The social support in post-communist countries was affected both by the challenge of new social risks almost unknown during the communist period (unemployment, minimum income guaranteed, homelessness), and by the impact of changes occurred in the social protection systems. The ill-repute of the communist political regime and the accession to the EU were the main sources of the political support in the former communist countries. The comparison with Western countries represented one of the initial sources for social support in post-communist countries, but the evaluations made ten years after the Revolution from December 1989 have highlighted that this was no longer a source for political support (Mărginean *et al.*, 2004: 41, 47, 53). To the issue of unemployment which was inexistent during the communist period, the transition could give no other answer save for the policy of compensating the effects of unemployment, coherent with the perspectives of present and future development (Spulber, 1997: 179). The extent to which welfare states of Central and Eastern Europe succeed in “improving effectively the living standard of people” (Cace, 2006: 191) can be regarded as an indicator of the efficiency of social policies.

Romania is circumscribed to the European development directions of the social protection systems which “adopted universal schemes of social assistance” (Saari and Kvist, 2007: 247). Genov described the situation from the post-communist European countries as subjected to changes. The institutional patterns can be transferred into four forms of the normative value and structural-institutional directions: the institutional configuration of instrumental activism, modern forms of individualism, improving the organisational rationality and universality of value-normative systems (Genov, 1999: 21–31). The experience and sustainability of the welfare states in the West-European countries represent the main elements with impact on the steps made by the countries from the Eastern area.

The negotiation process of the candidate countries from Central and Eastern Europe coincided with domestic and economic restructuring reforms on the background of the conjugated action of the influence of various international investors (especially the World Bank) (Lambro, 2002: 429; Cace, 2006: 191). In order to meet the challenge of the negotiation pressures in the allotted time interval and in particular to the “structural exigencies comprehensively established by an economic community pre-existing to the accession” (Mihăilescu, 2002: 360) some (future to be) Member-States adopted unpopular measures which attracted the loss of support from the population and even the loss of elections. The economic migration represented one of the first effects of the EU accession (Preoteasa, 2009: 191). Thus was created the favourable framework for some anti-European opinion trends which were otherwise speculated by the political class from most fresh member countries. In the case of the countries from Central and Eastern Europe, a more radical effort was expected, as compared with Western countries (Mihăilescu,

2002: 360) that adhered to the EU. The technical support provided was aimed to sectorial fields: child protection for children in difficulty (UNICEF), protection of ethnic minorities, or protection of disabled persons. “The absence of an area model” (Lambro, 2002: 429) and the weak capacity of the relatively new public administrations to assume a strategic vision in the social field have exposed the analysed countries to the tacit agreement on the influence of international organisations. Due to the conditionality attached to supplying financial assistance, the countries of Central and Eastern Europe adopted policy measures which were sometimes in disagreement with the characteristic lines of the national welfare state. Thus is explained, for instance, the adoption of the liberal model of the World Bank in the reform of the medical assistance system and in the national social assistance system (Lambro, 2002: 429). The accession to the EU has changed the relationship of national governments with the civil society and business environment, by transferring, to a certain degree, the decision-making to the community level, concomitantly with encouraging the opening of national markets (Schmidt, 1996: 223–224). The diminishment of governments’ independence occurred gradually and in parallel with the increase in independence of the business sector.

SOCIAL OBJECTIVES REFLECTED IN THE GOVERNMENTAL PROGRAMMES FROM ROMANIA, AFTER 1990

The preliminary research outputs based on the analysis of the Governmental Programmes highlight the lack of a coherent national vision regarding the design of the social policy in general, and in particular for the vulnerable groups (Stănescu, 2013: 174). The evaluation of the changes in the field of social benefits shows an approach which was rather reactive about the various social issues which were insufficiently forecasted (Stănescu *et al.*, 2012: 264). As direct impact, large population segments which were not acknowledged officially as vulnerable groups during the communist period were exposed to the vicious circle of long-term poverty.

The changes of a socio-economic nature specific to the transition from the communist system to democracy were reflected in the Governmental Programme 1992–1996 as “a radical change of the Romanian society’s configuration” or “a new stage of transition” (Guvernul României, 1992: 2, 4). The focus with respect to the impact on the population represented a constant stated concern of the governmental programmes. Still, a gradual shift is found from the initial intention of “maintaining within bearable limits the social cost imposed by the transition period” (Guvernul României, 1992: 7) to the idea that the population shall have to bear some specific costs associated with the approach of shifting from a planned economy to a market economy, under the conditions of maintaining at a rational level the social costs inevitable in the transition” (Guvernul României, 1992: 5).

The same document mentions the intention that “the reform, the economic mechanisms, the laws and institutions of the new structures should function coherently, synchronised, so as to actually lead to beneficial outcomes for the population” (Guvernul României, 1992: 2). In this respect, attention is drawn to the “social impact of the propagated effects of the *Leu* devaluation and of eliminating part of the subventions” (Guvernul României, 1992: 4), “attenuating the unfavourable consequences of economic reforms at social level” and last, but not least, “equitable distribution of the transition costs in the spirit of social solidarity” (Guvernul României, 1998).

The analysis of the Governmental Programme 1992–1996 underpinned the commitment of the government for “setting on completely new foundations for the economic and social structures, for democracy, and for the implementation and generalisation of the mechanisms of the market economy (Guvernul României, 1992: 2). Only in the governmental programme 1998–2000 is stipulated “the regional and local development and the increase of social cohesion”, the re-launch of social dialogue, of the interethnic and inter-confessional one, both at central and local level, as well as supporting the structures of the civil society and the participation of the citizen and of the communities to the management and supervision of public affairs” in view of “reaching a decent level in the quality of life” (Guvernul României, 1998). Other relevant issues include: “combating poverty and unemployment” (Guvernul României, 2000: 8), “increasing the welfare of citizens”, “economic and social cohesion, poverty and social marginalisation reduction” (Guvernul României, 2005), “economic re-launch and ensuring the sustainability of public policies” (Guvernul României, 2009).

Comparatively, the governmental programme 2013–2016 gains strong electoral valences of taking critical distance against the preceding governments by assuming some approaches that are difficult to evaluate and hard to monitor: “we shall promote a coherent set of macroeconomic policies meant to support the business environment, to regain investment attractiveness of Romania, to lead to the creation of new jobs and to provide for a favourable evolution of the living standard of the population”, or “the right balance between fiscal consolidation and economic re-launch, between economic and social, between the need of a strong state and the diminishment of public money wasting” (Guvernul României, 2012: 2–3). In the same line, we consider that mentioning the fact that the governmental programme reflects and, at the same time, harmonises a series of principles that substantiate the European government: and their enumeration bears a certain electoral scent. At the same time, we regard as unwelcome the stipulation about “the principle of diminishing the gaps separating Romania from the advanced EU countries, inclusively by taking-over European solutions”. Once Romania adhered to the EU, these specific approaches are an integral part of the post-accession process of assuming responsibilities of a Member-State. By no means these aspects can be interpreted or regarded as being the prerogative of a certain governmental

programme, as it represents simply the general framework in which the Romanian state, including here the institutions of the central and local public administration operate since finalising the entire approach of harmonising the adoption of the provisions included in the *acquis communautaire*. Even though the governmental programme 2009–2012 provided on medium-term for elaborating “a document based on which a large debate about the perspectives, objectives and models for the long-term development shall unfold”, this incipient public consultation approach has not been finalised yet.

ROMANIA’S ACCESSION TO THE EUROPEAN UNION

The results of researching the Romanian public policy documents from the pre-accession period highlight the fact that gaining the status of a Member-State was a core political objective (Lambru, 2002: 458; Vonica Raduțiu, 2004). As time sequence, the governmental programmes mirror an initially equal interest for the USA and the West-European countries (Romania’s Government, 1992: 8). Thereafter, efforts were focused on “recovering the lags in the field of economic-social changes required for the EU accession” (Romania’s Government, 1998: 2). From the viewpoint of the legitimacy on behalf of the population, the researches before the time of Romania’s accession to the EU have mirrored the general state of mind channelled towards the rapid accession to the community structures (Voicu *et al.*, 2005: 15). The pre-accession cost – benefit expectations estimated that “the benefits that Romania shall register as member-state of the EU shall have a higher weight than the disadvantages of the integration process” (Nastase and Matieș, 2002: 21).

Romania filed for accession to the EU in 1995. According to the standard procedure, before starting the negotiations, the European Commission initiated a second study about the preparation stage of Romania. The 28 chapters of the *acquis communautaire* were analysed in Bulgaria, Latvia, Lithuania, Slovakia and Romania. According to the report presented in 1998, Romania had registered no progresses, as compared with the last report. The analysis regarding the fulfilment of the political and economic criteria from Copenhagen at the level of the year 1997 concluded that Romania did not comply with them (European Commission, 1998: 11). From the perspective of the political criterion, difficulties were signalised with respect to human rights and the situation of the ethnic minorities, especially regarding the Roma minority. The report underpins the progresses for the Hungarian minority. The report mentions the continuation of the measures of the government, supported by the PHARE funds, to improve the situation of “almost 100 000 abandoned children from state orphanages (...) and the support for reintegration into their families or by adoption” (European Commission, 1998: 6).

A first recommendation addressed to the Romanian Government was to speed up the enforcement of reforms in close link with international bodies.

Concentrated efforts were required also in the field of social policy, despite budgetary constraints (European Commission, 1998: 31, 38). It was estimated that one of the main issues remains the situation of the abandoned children from orphanages, in spite of the efforts sustained financially through PHARE programmes for their reintegration into their families of origin, or for identifying adoptive families.

The proposal of the European Commission from 13 October 1999 addressed to the Member-States for starting up the negotiations with the candidate states received positive answers in two stages, during 1999. The request of Romania was approved in the month of December within the Summit from Helsinki, 1999. Romania started the accession negotiations in the month of February 2000, together with Bulgaria, Latvia, Lithuania, Malta and Slovakia. Romania was right from the beginning in the second wave of approvals. At the respective time, it was considered that the six countries of the second wave shall be able to catch up with those of the first wave, provided that they complied with the Copenhagen criteria. The six countries that were approved in the first wave from 1999 were: the Czech Republic, Estonia, Hungary, Poland, Slovenia, and Cyprus. The Summit from Helsinki represented for our country a step ahead, by opening a new stage, the one of the accession negotiations. The moment represented, simultaneously, also a failure because of the critics formulated with respect to the stage of progress in reforming the institutions for children and the lack of a market economy. In accordance with the report of the European Commission from 1998, Romania's situation deteriorated due to the government's non-commitment to structural reforms (European Commission, 1998: 8).

The representatives of the European Commission underpinned the fact that the issue of child care is part of the human rights. The Romanian authorities were requested to make according budgetary allocations for implementing structural reforms for the institutions dedicated to child care which were established before 1999. The apparently contradictory decision of the European Commission to still include our country among the candidate countries remains of interest. This decision was contradictory to the recommendation of discussing about opening negotiations only in 2000 with the countries that had yet to fulfil the Copenhagen criteria. The negotiation process was initiated in our country in February 2000 during the Swedish chairmanship of the EU. Right from the beginning, the negotiations did not allow for opening and concluding several chapters. As our country became more and more prepared, the number of opened chapters and the one of closed chapters increased.

The opening of all chapters from the *acquis communautaire* during the first two years of negotiations represents an indicator of the interest of our country in recovering lags. The negotiation process does not presuppose, exclusively, the adoption of the *acquis communautaire* by passing a series of measures that would prove its transposal into the Romanian legislation, but also ensuring the administrative and institutional capacity able to assure the implementation of the

legislation thus harmonised (Lambro, 2002: 422). The changes in the national public administrations in accordance with the system of rules imposed by the European Commission can be framed in the logic of “authority with rational – legal character”, according to the Max Weber classification. Still, “the ideal type of authority with rational – legal character” (...) should not be mistaken for “the empirical reality of bureaucratic organisations” (Lafaye, 1998: 16). The negotiation involved both the adoption of the so-called hard *acquis* and of the soft one. An essential condition for their long-term implementation in the harmonised legislation is the existence of an institutional construction and of means to strengthen the administrative capacity (Lambro, 2002: 458). At the same time, the “institutional model of social development presupposes the creation of some formal organisations that can assume responsibility for managing the social development effort” (Precupețu, 2006: 67).

In this respect, the lack of regulations has direct impact on the administrative performance and indirectly on the beneficiaries, by possible delays or functional deficiencies. Thus, an illustrative example is that during the pre-accession period a series of normative documents were adopted in the social field. Despite numerous and frequent legislative changes, no information and communication channels were formalised dedicated to covering the knowledge and information need of the public officers. Still, the organisation of some occasional sessions for informing the specialised staff from the de-concentrated county structures of the current Ministry of Labour, Family, Social Protection and Elderly was successful. Even when such initiatives were materialised, due to budgetary constraints and to the need of informing an as large number as possible of persons, the decision was made to invite to such events the managers of the respective institutions. Beyond achieving the short-term objective (information), these initiatives had rather a reverse effect on long-term, due to a complex of factors among which we mention the fluctuations and the political appointment of the managing staff, and their non-involvement in the daily activities of managing the issues of social services.

THE INFLUENCE OF INTERNATIONAL NEGOTIATIONS ON THE SOCIAL POLICY

In Romania, the impact of the legislative or institutional framework reform programmes for developing the system of social services in the pre-accession period enjoyed the “massive support of some international institutions (World Bank, DfD, the European Commission), but (...) registered only sectorial successes (child protection, the non-contributory transfer system), without succeeding in obtaining a high degree of professionalization or in building up a network of services at local level oriented on prevention” (Arpinte, 2006: 217). The Romanian studies that analyse the influence of the various international investors on Romania

after 1989 are rather more oriented on quantifying these investors, and reviewing the impact fields, than on analysing the impact of the influence had at a particular time in adopting the various initiatives of public policy or of social policy. At the same time, the influence of international investors tends to be analysed from the perspective of the impact and effects, but insufficiently from the perspective of the decisional process and of the administrative capacity of influencing the respective decision. In the series of first studies, we identify a consensus in the specialised literature about the influence of the World Bank, DfD, UNPD, and UNICEF.

The analysis of the impact of adopting the regulations in the agricultural field highlighted the support for their implementation in Romania by all those directly affected (individual households, and companies), under the conditions of poor knowledge about the actual provisions (Voicu *et al.*, 2005: 91). Based on the economic criteria, the companies from the food industry were grouped into three categories: the “inert” companies, the risk survivors and winners (ibid.: 28), with differing trajectories of adjusting to the post-accession context. The conclusions of the studies which approach the answer of the public administration as main correspondent of international investors underpin that in relation to the EU accession the effect was of placing a large number of consultants (Bondar, 2007) under the conditions in which the Romanian expertise in the field was underused.

Stahl and Stahl consider that “only in a century and a half period of time, our country found itself three times in social situations close to utopia, and each time in another way and in other historical circumstances” (Stahl and Stahl, 2004: 10). These situations were in the mid-19th century after gaining freedom from the Ottoman Empire, the communist utopia and the utopia after 1989. If the second was imposed by violent forms, the first and the last share the attempt to copy the rules of the West by having as result what Titu Maiorescu called “forms without substance”. The analysis capacity of the national context and of evaluating the impact of the elements that shall be transposed can contribute to avoiding such a situation.

Recent sociological studies and the consideration of the conclusions in developing social policies can be regarded both as indicators of recognition strengthening. We assist, at the same time, at an epistemic authority transfer in the social field from the representatives of international institutions to the national ones. The involvement of Romanian sociologists is supported by the entry as of 2009 in a new maturity stage of the Romanian sociology apt, thus, to “provide an own answer to the economic, social, and political crisis in Romania, amplified by the world economic crisis” (Zamfir *et al.*, 2010: 11). At the same time, the need is felt of involving some experts from complementary fields but, unfortunately, the “accelerated pace in which everything occurs does not leave the necessary time for reflection” (Stahl and Stahl, 2004: 13).

With respect to the series of studies which analyse the impact of international investors on sectorial public policies, we remind the analysis of public policies

about Rroma (Dediu, 2007). Dediu highlights the role played by international investors on various time intervals: the “settling” period (1990–1997), dominated by the influence of the European Council and OSCE, the period of the “non-aggression pact” (1997–2001), dominated by the increasing EU influence, and the period of “poor implementation” (after 2001) (Dediu, 2007: 175–186, 196).

The legislative and institutional reform initiated in 1997 with the support of international investors registered a series of achievements, but failed in professionalizing the system and in “building-up a network of social services oriented towards prevention” (Arpinte and Cace, 2005: 50). The reform in the field of social assistance in Romania had its debut in the post-communist period, in 1997, with the help of the conjugated financial support of several international investors: the World Bank, DfD, the European Commission. In spite of recorded successes, the reform did not lead to “professionalizing the field or in building up a network of local prevention services” (Arpinte and Cace, 2005: 50).

The restructuring measures “had as basis not so much largely articulated reform logic, but the punctual substantiation of some existing provisions in the agreements concluded by Romania with the International Monetary Fund” (Stanciu, 2005: 387). The assistance mechanism of the IMF and of the World Bank had as impact the indebtedness of the countries to these institutions, and an “acute and deepened poverty” (Stanciu, 2005: 402). After the fall of the communist regime, the support granted by the World Bank to the countries from Eastern Europe was oriented mostly on influencing the policy towards a residual direction focused on privatisation. The responsibilities assumed by these countries based on accession negotiations to the EU have led to diminishing these tensions by focusing efforts on building a “social market strategy” (Deacon, 2000: 147). In this context, the trend is of shifting from the universality of the social security schemes to selectiveness and building the so-called safety nets.

Referring to the social policy options of the East-European governments, the question is whether these shall embrace a conservative – corporatist West-European model, or the liberal model promoted by USA. The financial constraints with which these East-European countries in transition are faced could change the initial corporatist structure into a residual liberal model (Standing, 2000: 109). Deacon underpins the conflict between the social ministries oriented on promoting an European social model and the finance ministries which advocate the American model (Deacon, 2000: 152). Referring to Greece and Spain, Standing considers that after these two countries adhered to the EU, the main purpose of the national policy was the social convergence with Europe. Even though the adopted strategies have attempted to catch-up with the other countries, no measures of “social dumping” were adopted for supporting the competition at economic level (Standing, 2000: 108). The adjustment to delivering welfare in the global competition was achieved neither in the Northern states by diminishing welfare but “rather by a collective commitment, a vision of the value of investing in high standards and the consent to pay therefore” (Buhigas Schubert and Martens, 2005: 109).

One of the main resources of tensions between the new comers and “hosts” (the funding member-states with tradition in managing the main European regulations) is the invitation and acceptance as new Member-States of countries with deficit from the perspective of the development level (Mihailescu, 2002: 360).

The paper contributes to evaluating the process of negotiation between the EU and the candidate countries towards the functioning of the EU, in accordance with the open method of coordination.

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Procesul de negociere al României pentru aderarea la Uniunea Europeană (UE) a influențat configurația politicii sociale insuficient pregătită să îndeplinească responsabilitățile de stat-membru. În ciuda moștenirii comuniste în domeniul protecției sociale, măsurile sociale neo-liberale adoptate la începutul anilor 1990 au fost direcționate mai degrabă către sistemul contributiv (asigurări sociale) și mai puțin asupra sistemului non-contributiv, ca măsuri rapide adresate nevoilor grupurilor vulnerabile. Negocierile standard cu finanțatorii internaționali (Banca Mondială, UE, DfD) au influențat politica socială din România. Ipoteza de cercetare este aceea că „argumentele” din domeniul politicii sociale considerate priorități naționale în diferite momente nu au reușit să flexibilizeze criteriile de eligibilitate din domeniul social promovate de finanțatorii internaționali. Lucrarea contribuie la evaluarea politicii sociale naționale ca demers în susținerea elaborării de scenarii durabile pentru dezvoltarea socioeconomică.

Cuvinte-cheie: negocierile de aderare la UE, grupuri vulnerabile, finanțatori internaționali.

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