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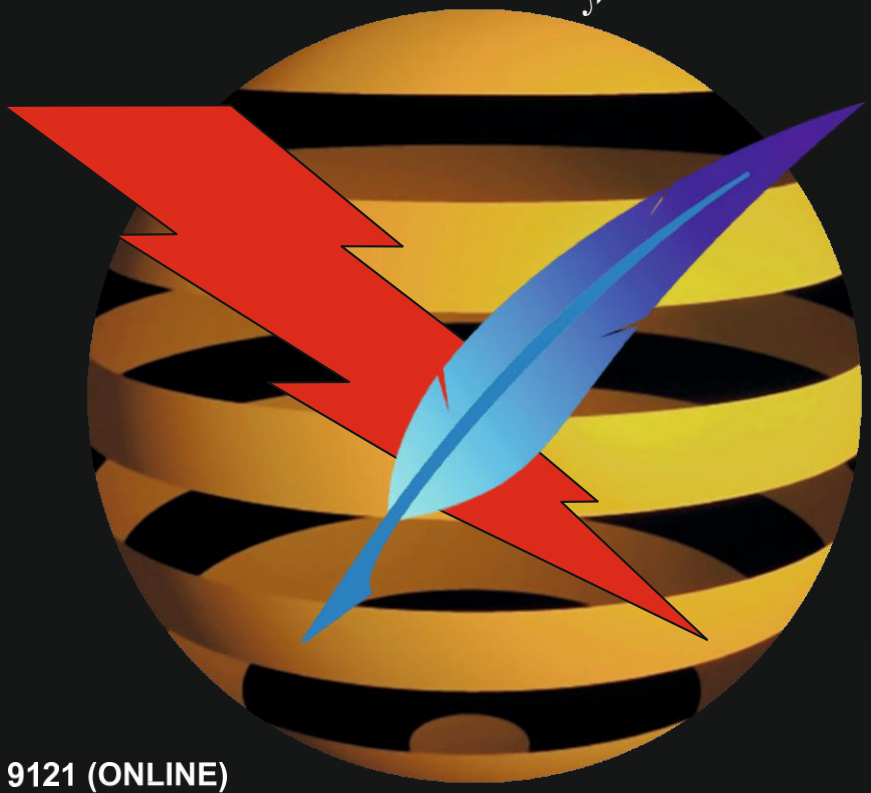

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# Perspectives on the administrative-territorial reorganization of Romania[1]

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**Abstract.** *The territorial administrative organization of Romania has been a highly debated topic in recent years at the public level. Thus, immediately after 1990, in the light of the new vision regarding the organization of the state and society, the issue of territorial administrative reorganization was raised, especially since almost all the legislation prior to 1990 had been changed. Later, at various stages in the evolution of Romanian society and especially in the context of Romania's accession to the European Union, the subject reappeared. In this last context, the problem arose of the non-existence of a correspondence between the Romanian administrative structures and those existing at European level. The issue was somehow resolved by the establishment of the regions as territorial-statistical units without legal personality, representing the framework for the elaboration, implementation, monitoring and evaluation of regional development policies, including regional development strategies and economic and social cohesion programs.*

**Keywords:** *Administrative-Territorial Units, Reorganization.*

**JEL:** H11, H70.

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## 1. Introduction

Recently, the theme of territorial administrative reorganization of Romania was resumed, this time in the context of policies meant to reduce the public expenses. Thus, several analyses have emerged in the public arena, the conclusion of which is that there are too many administrative territorial units in Romania, which do not justify their existence because they have a small number of inhabitants, with a low administrative capacity and, consequently, generate an unnecessary consumption of public resources.

Therefore, the issue of the territorial administrative reorganization of Romania has no longer been raised in terms of creating higher-level administrative structures that would have to do with the merger/abolition of the current counties, but in terms of abolishing some territorial administrative units, more specifically some communes considered too small in terms of the number of inhabitants.

The issue of territorial administrative reorganisation of Romania is not a simple one. It must be approached in a multidisciplinary manner and starting from the present economic and social realities in Romania. Moreover, the legal aspects should not be forgotten either.

From this last perspective, it should be noted that according to the constitutional provisions, the national territory is organised administratively in communes, towns/cities, and counties. The constitutional text also provides that, under the law, some cities may be declared municipalities.

## 2. Administrative-territorial units in Romania

Although it precedes the current Constitution of Romania, the normative act regulating the administrative and territorial organization of Romania is Law 2 of December 20, 1968 on the administrative organization of the territory of the Socialist Republic of Romania. Law 2/1968 has undergone numerous amendments, especially after 1990, as a result of the abolition, change of name or territorial boundaries, but especially as a result of the establishment of numerous territorial administrative units. According to this law, there are a total of 3228 administrative territorial units and sectors in Romania, as follows: 103 municipalities (including Bucharest), 216 cities, 2862 communes, 41 counties and 6 sectors of the Municipality of Bucharest.

According to the final data of the 2021 Population and Housing Census, the resident population of Romania is 19,053,815 persons (National Institute of Statistics, 2023). An analysis of the data published by the National Institute of Statistics reveals several interesting facts about the population of Romania at territorial level.

Thus, regarding the population of Romania's counties, the smallest county in terms of the number of inhabitants is Tulcea county, with a resident population of 193,355 people (1.01% of the country's total population), and the largest county is Iasi with a resident population of 760,774 (3.99%) (National Institute of Statistics, 2023). So, between the two extremes there is a difference of almost 1 to 4.

Analysing the final data of the Population and Housing Census of 2021 (2023) it appears that most counties of Romania, i.e., 11, have a population between 300,000-400,000 inhabitants.

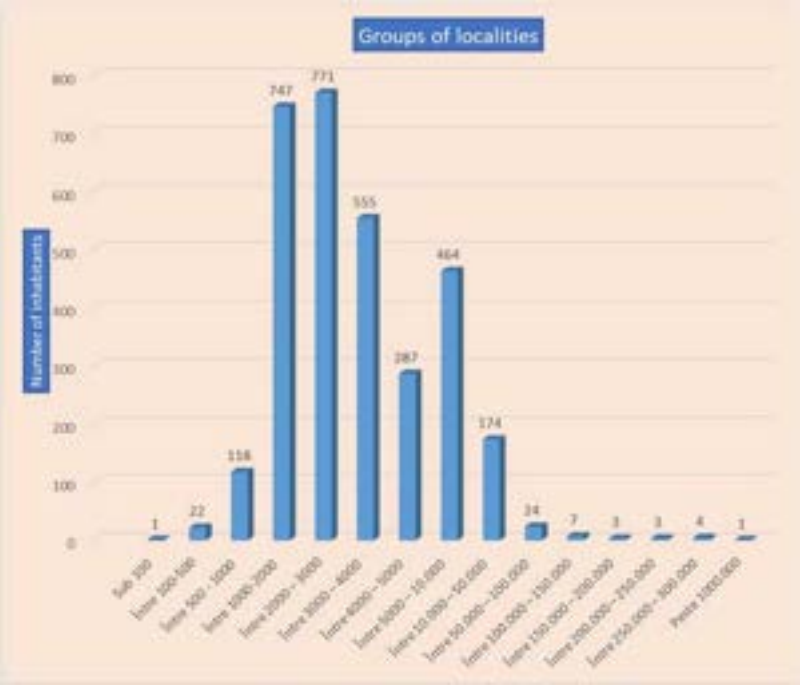
**Figure 1.** *Romanian counties grouped by number of residents*

| County resident limits | No. counties | % of total counties | Counties |
|---|---|---|---|
| Under 200,000 inhabitants | 1 | 2.43% | Tulcea |
| Between 200,000-300,000 inhabitants | 10 | 24,39% | Bistrița-Năsăud, Harghita, Călărași, Brăila, Giurgiu, Ialomița, Caras-Severin, Mehedinți, Sălaj, Covasna |
| Between 300,000-400,000 inhabitants | 11 | 26,82% | Botoșani, Sibiu, Olt, Vaslui, Hunedoara, Vâlcea, Alba, Vrancea, Satu Mare, Teleorman, Gorj |
| Between 400,000-500,000 inhabitants | 6 | 14.63% | Galati, Dambovita, Neamt, Maramures, Arad, Buzau |
| Between 500,000-600,000 inhabitants | 6 | 14.63% | Dolj, Argeș, Bihor, Brașov, Ilfov, Mureș |
| Between 600,000-700,000 inhabitants | 6 | 14.63% | Prahova, Cluj, Constanta, Timis, Suceava, Bacau |
| Between 700,000-800,000 inhabitants | 1 | 2.43% | Iasi |

**Source:** Population and Housing Census 2021
(2023, available at https://www.recensamantromania.ro/)

Out of the 3181 localities in Romania (municipalities, cities, and communes), 24.24%, i.e., 771 have a resident population between 2000 and 3000 inhabitants, being also the largest group of municipalities in terms of number of residents. The next group in this perspective is that of localities whose residents are between 1000 and 2000 inhabitants, representing 23.48% of all Romanian localities, i.e., 747.

**Figure 2.** *Romanian localities grouped by number of residents*




**Legend:** *Sub – under, Între – Between, Peste – over*
**Source:** Population and Housing Census 2021
(2023, available at https://www.recensamantromania.ro/)

It is worth noting the existence of one locality with less than 100 residents (Bătrâna, Hunedoara County) and 22 localities (0.69% of the total) with a population between 100 and 500 inhabitants.

Analysing the localities by category, it is highlighted that:

- As far as cities are concerned, most of these 50% have a population between 5000 and 10000 inhabitants;
- The most numerous municipalities in Romania are included in the groups of 50,000-100,000 inhabitants, 20 municipalities (23.26%) and 10,000-20,000, 19 municipalities (22.09%);
- Most communes, 771, are in the category of 2000-3000 inhabitants, the next category being that of communes with a population between 1000 and 2000.

As general conclusions from the analysis of the data presented, we note that 2501 localities in Romania, i.e., 78.62% of the total, have a population of up to 5000 inhabitants, and 23 (0.72%) of them have even less than 500 inhabitants.

It is also noted that there is a disproportion of the number of inhabitants in relation to the status of the locality, in the sense that 1.57% of the communes have a population of over 10,000 inhabitants, while almost 20% of towns have a population of up to 5,000 inhabitants. Therefore, based only on the criterion of the number of inhabitants, there are communes that would sooner fall into the category of towns than communes and vice versa. Thus, there are communes such as Florești in Cluj County, whose population exceeds 50,000 inhabitants, or Chiajna in Ilfov County, whose population exceeds 45,000 inhabitants, much more than many cities in Romania.

While the public approach is to reduce budgetary expenditure, it is still essential to consider a number of aspects related to the financial resources of the local public administration authorities.

Thus, according to the GEO no. 57/2019 on the Administrative Code, with subsequent amendments and additions, "...administrative-territorial units are entitled to their own financial resources, which the local public administration authorities establish, manage and use for the exercise of their competence and duties, under the law." In addition to these general legal provisions, Law No. 273/2006 on local public finances sets out the exact sources from which the budget revenues of local authorities are constituted. Thus, the normative act in question states that "local budget revenues consist of:

- own income, consisting of taxes, duties, contributions, other payments, other income and income tax deductions;
- amounts broken down from some state budget revenues;
- subsidies received from the state budget and other budgets;
- donations and sponsorships;
- amounts received from the European Union and/or other donors on account of payments made and pre-financing."

Regarding the revenues and expenditures of the administrative territorial units in Romania, we are considering a brief analysis based on data published by the Ministry of Regional Development and Public Administration for the year 2022.

Thus, according to this data, 47.08% of all Romanian localities ended 2022 with total expenses higher than total revenues. In this situation are 47.57% of Romania's 103 municipalities, 47.22% of Romania's 216 cities and 46.47% (1330) of the country's 2862 communes.

The analysis was made in a context where the own revenues represent only 43.55% of the total revenues of Romanian communes, 51.79% in the case of towns and 72.62% in the case of municipalities.

In the figure below we present the situation of the country's counties according to the share of administrative territorial units that ended 2022 with total expenses higher than total revenues.

**Figure 3.** *Romanian counties according to the number of localities that had in 2022 expenses higher than revenues*


**Source:** Ministry of Regional Development and Public Administration

Another extremely important aspect to be considered when carrying out territorial administrative reform is that related to the public services that local authorities provide to the citizens of the communities they administer.

Thus, regardless of the type of locality, there are legal obligations regarding the provision of services in the following areas, depending on the specifics of each locality:

- Collection of local taxes and fees
- Local public services for records of persons and civil status
- Agricultural register, land registry and cadaster
- Spatial planning and town planning
- The service for emergency situations
- Education and support services for education
- Health
- Culture, sport and leisure
- Social assistance and guardianship authority
- Water supply and sewerage
- Public lighting
- Sanitation and waste management
- Production, transport, distribution and supply of thermal energy in centralised systems
- Authorisation of local passenger transport
- Public order and peace
- Traffic on public roads
- Construction discipline and street display
- Environmental protection
- Commercial activity
- Administration of the public and private domain of the administrative-territorial unit
- Landscaping, management of green spaces, parks and public gardens
- Urban furniture
- Maintenance, repair, operation of public roads
- Organisation and operation of agri-food markets
- Development and operation of public parking lots
- Administration of the housing fund
- Animal control
- Other public domain administration activities

- Lifeguard and mountain rescue
- Relations with owners' associations
- Thermal rehabilitation of housing blocks

## 3. Perspective

Considering what has been presented in relation to living in the territorial administrative units of Romania, with their financial situation but also with the public services that the local authorities provide in their communities, there are some aspects that need to be taken into account when discussing the territorial administrative reorganisation of the country.

First of all, we consider the administrative and territorial reform of Romania as a necessity.

All the measures that have targeted the administrative system over the last 30 years have omitted this matter, which was in fact an essential one. Practically, any reform in the Romanian public administration system should have started precisely from the territorial administrative reorganisation, but the reality is that it was done exactly the opposite. The old administrative-territorial structures of the communist state were preserved, and based on their existence, the new Romanian administrative system was created. In this context, it is certain that all sorts of more and more complicated problems appeared over the years, as essential principles such as administrative and financial autonomy were implemented in a system based on territorial structures that did not correspond under any circumstances to the social and economic realities of the country and were even a symbol of administrative centralism.

A real territorial administrative reform was not carried out in Romania even when the European requirements demanded it. At that time, in Romania it was decided for a “compromise solution”, leading to the emergence of development regions, which, as mentioned, do not have legal personality, being territorial-statistical units.

The subject of territorial administrative reform of the country has always been a topical one for the whole society, but especially for the political area, where it has always appeared in important political moments and disappeared without reaching any concrete solution. In fact, the subject was a permanent electoral theme, and it

contains an extremely simple mechanism: reducing the number of territorial administrative units would reduce budget expenditure, in the sense that there would be fewer local public authorities, specialized apparatuses of the mayor, and consequently less expenses would result in the operation of the administrative system.

The current debates in the Romanian public space are based on exactly the same motivations, those of saving financial resources. The territorial administrative reform, achieved by reducing the number of territorial administrative units in Romania, is seen as a solution to reduce public expenses, and the data presented above in relation to the number of inhabitants of the territorial administrative units or their surplus expenses in relation to their revenues, certainly serve as strong arguments in order to achieve this endeavour.

A second essential aspect is that Romania cannot function with the current number of territorial administrative units. We believe that they should be reduced.

The problem that arises is how to make this reduction and, especially, what are the criteria that will underpin the territorial administrative reform mechanism.

Is the criterion of the number of inhabitants an infallible one that, once applied, will create in Romania a flexible and functional administration that will provide public services to the population in the quantity and quality required by local communities? The same question applies to the criterion related to the financial balance of the territorial administrative units.

In order to answer this question, we will use the data presented above. We will also take into account that rather widely used public threshold/criterion of 5000 inhabitants. In this version, localities with a population of less than 5000 inhabitants would be abolished. In other words, taking into account the LPR 2021 data, there is the issue of abolishing **almost 80% of the administrative territorial units in Romania, most of them being communes.**

On the other hand, the approaches that concern the issue of territorial administrative reorganisation from a purely budgetary perspective, consider the abolition of territorial administrative units whose expenses exceed revenues. Considering the data presented above, which relate to the reality of the last completed budget year, i.e., 2022, we notice that **approximately half of territorial administrative units in Romania are in this situation, but this time we are talking about many major towns and even municipalities in Romania.**

Thus, here are two solutions based on two very clear criteria which at first sight lead to correct solutions. Strictly mathematically, it is likely that the two criteria are valid and even answer the problem, i.e., reducing the number of territorial administrative units.

The big problem that arises is whether the exclusive application of one of these criteria will also results in the reduction of public expenses. And even if this reduction is achieved, there will certainly be the question of the repercussions for the population. Will citizens still receive public services from local authorities? In sufficient quantity? At what quality and especially at what cost? In this context, we believe, on the one hand, that the use of such previously presented criteria will not lead to a satisfactory reduction of public expenses so that the reform is considered a success, and that the consequences for citizens will be major in terms of public services received and their costs.

Reducing the number of territorial administrative units strictly based on criteria related to the number of population or the financial balance will lead to the emergence of new mammoth territorial administrative units in terms of administered area. At the moment, such situations exist in the case of some communities, especially in the mountain areas, or in the context of reorganisation, things will become even more complicated in this respect. There will be dissatisfied citizens because they will have to travel longer distances in order to solve their problems because of poor digitisation or social assistance services (which cannot be digitised), they will have to make additional expenses, spend more time or simply feel unmanaged. On the other hand, there will be the problem of organising certain administrative structures or their elements at the level of the former territorial administrative units that have been abolished, in order to maintain contact with the citizens who must be administered (structures such as agencies/offices of town halls). In this context, it is very likely that the costs for the operation of local public administration authorities will not only not decrease but may even increase in the case of many such territorial administrative units.

Moreover, there are extremely important localities in Romania from a historical or cultural point of view which, not having 5000 inhabitants, would be abolished. An example of this is Sarmisegetusa in Hunedoara County. The locality has a special importance for the history of Romania, but it would not meet the criterion of the number of inhabitants to remain an administrative territorial unit, it would be

abolished and possibly joined to another administrative territorial unit. But can we, as a nation, afford to lose such a symbol?

On the other hand, there is certainly a kind of local pride, belonging, local identity that is extremely important for the inhabitants of a territorial administrative unit. There are also many administrative territorial units that have important patrimony assets but could not meet this criterion of the number of inhabitants.

Another extremely important aspect would be that we are still in a free country, with a democratic society based on a series of principles and values that are in total contradiction with the adoption of decisions that would not involve the popular will in any way, but would bring faster with decisions that we limit ourselves to calling only as "sad memories".

An old Romanian saying says "... let's measure several times and cut only once". So, this is how folk wisdom once again offers the solution to our current problems. It is clear that one of the reasons why we ended up in this situation of needing such a reform is precisely the fact that this popular advice was not taken into account.

Of course, such a major reform is a national project that can only be carried out based on in-depth studies and analysis, but also under the conditions of the existence of broad political support among the population. The topic is so important that it is likely to be the subject of consensus at least in the political area and of strong popular support.

The question of the will of the political class in this matter is essential because, as I said before, the subject has been present in the Romanian public space for a very long time, but there was no political will to make it a reality. In practice, the political parties, although aware of the need for territorial administrative reform and even of the situation of numerous depopulated territorial administrative units unable to support their own expenses, have been interested in maintaining this situation. A territorial administrative reform would have meant reducing the number of territorial administrative units, and consequently also reducing the number of mayors, or as we know, mayors are extremely important in elections because they bring votes. And so, due to the lack of other political means at their disposal, even the internal democracy of the parties ended up suffering in the context in which the mayors of the parties, aware of their strength within the formation, began to dictate certain policies, including blocking any attempt at

territorial administrative reform. The issue became even more complicated with the introduction of the system of electing the mayor in a single round of voting.

Another important element was the introduction of the system of direct election of the county council president, giving him or her an even stronger status and position in the administrative architecture of the county. From a political point of view, the county council president is also a very powerful figure with impressive influence within his/her political party.

In this context, the will of political parties on this issue is directly influenced by the will of these categories of local elected representatives. In principle, at least at the declarative level, they agree with territorial administrative reorganisation. Certainly, the mayors of larger administrative territorial units, with a larger population or with higher budgetary revenues, support territorial administrative reorganisation by reducing the number of localities, because it is clear that in this situation they will be advantaged. On the other hand, however, there are many mayors who see their jobs at risk and will therefore try to oppose such an approach. The county council presidents are in a similar situation.

## 4. Conclusions

Despite all contrary positions, the administrative territorial reorganization of Romania will have to be carried out, and the main objectives of this approach must be to achieve the national/local interest and the well-being of the country's citizens by ensuring quality public services and creating competitive administrative territorial entities at European level able to ensure economic and social development.

From this point of view, we believe that the territorial administrative reorganisation of the country will have to target all categories of territorial administrative units, although lately priority has been given to reducing the number of communes. In order to ensure coherence in the functioning of the administrative system, of the state in general, it is necessary to think and implement a complete project including the elements of regionalisation of the national territory and not only those of physical reduction of the number of existing territorial administrative units.

Thus, regions will have to be defined as administrative territorial units with legal personality to ensure coherence in the functioning of the state but, at the same time, ensure the needs of social and economic development in accordance with the realities of the Romanian society, with the history and culture of the Romanian people, but, at the same time, applying European principles in this matter.

Certainly, a significant step will be the establishment and formalization of a special statute for the Municipality of Bucharest, taking into account the extraterritorial influence that it manifests in relation to the territories of Ilfov County, in particular.

Regarding the rest of the existing territorial administrative units, we consider it appropriate, as we have previously indicated, to reduce them. However, we cannot support a brutal reduction, from the centre, of them by abolishing them based only on criteria such as the number of inhabitants or their budgetary revenues. Such a solution would create major shortcomings in the functioning of the state and in the economic development of the country and could be a colossal mistake in terms of the future evolution of Romania.

The reduction in the number of territorial administrative units, of communes in particular, must, beyond the number of inhabitants, take into account the history and evolution of the Romanian society, as well as the major urban development trends. We consider it appropriate that the reduction of the number of territorial administrative units should be based, for example, on major investment projects. The territorial administrative units could be merged considering such projects, in the context of reducing the urban/rural gaps, but also between the different areas of the country.

To give an example of this, we bring up the administrative territorial units in the Panciu area, Vrancea county. The town itself has suffered in recent years in terms of population, with the disappearance of local economic structures and migration leading to a significant reduction in the number of inhabitants. The same phenomenon was also recorded in many communes in the vicinity of the town. On the other hand, the town retains its influence from many points of view on the surrounding communes, there being a *de facto* recognition of this from the inhabitants. One of the most important local occupations is the one related to viticulture, the vineyards having a particularly international reputation, currently both in the town and in the surrounding communes there are important economic

capacities in this field. Basically, the town of Panciu and the nearby communes can create an economic pole based on the wine industry, developing wine tourism in parallel, taking advantage of the important touristic and historical resources in the area, ultimately leading to the creation of a new territorial administrative unit, based on the idea that "the community and not the territorial administrative unit is the engine of development". Beyond this example, there are many similar situations at national level.

Also, in the context of the urbanisation of many municipalities in the immediate vicinity of large cities as a result of the extension of their influence, including through the expansion of some public services, we propose to support and develop metropolitan areas and administrative consortia as logical means of creating future new territorial administrative units.

On the other hand, the case of isolated communes in mountain areas, or in other areas such as those in the Danube Delta, should also be taken into account. In their case, special statutes could be formalised to ensure more flexible administrative structures, but at the same time meet the needs of the citizens of these communities. In this case too, the territorial administrative organisation should take into account investment projects and the future economic development of these administrative territorial entities.

Therefore, the territorial administrative reorganisation should take into account multiple sets of social, economic, cultural, historical, geographical, infrastructural, territorial management and public services management criteria, beyond the "classic" criteria, such as the number of inhabitants.

The approach of administrative reorganisation of Romania must not only take into account, but even emphasise the fact that local public administration is the administrative level closest to the citizen and able to know and respond to the needs expressed by the community. Its main role is to provide public services to the community in the quantity and quality they require. Modern administration means being strongly involved in local economic development, shaping medium and long-term prosperity and ensuring social cohesion and people's well-being.

From this point of view, beyond the reduction, merging some localities, the reorganization and/or the abolition of counties and/or the creation of regions in Romania, there are a series of "postulates" according to which the Romanian administration must operate.

The digitisation of most of the public services provided to the population and of public administration in general is, in our view, an essential aspect for the Romanian administration, for the well-being of its citizens, being a step that will pave the way for an important territorial administrative reform. In the same sense, better organisation of public administration activity in general and public services in particular, through better inter-institutional communication and the application of modern principles of organisational management, remains a priority.

As a final point, we believe that any territorial administrative reform that would be carried out must be based on public consultation and active involvement of citizens. The process must not be, as we said above, a centralised one, carried out "from a pen to an office". The nature of the reform process, achieved by adopting a partnership with citizens, will be the key to the success of territorial reform. In the absence of active participation of citizens in the reform process, the approach will certainly not contribute to achieving the established objectives.

Beyond all these aspects, we believe that the first step in the discussion on administrative-territorial reorganisation is a precise definition of the problem: why is reorganisation necessary? Is there real administrative and financial decentralisation in Romania? Why do the territorial administrative units not have sufficient resources? Are they somehow limited and the state is the main 'collector', out of a desire to control the 'local' by redistributing them according to unclear criteria? Are the administrative procedures and the legal framework in general unclear and their application involves too much resource consumption? Isn't there an imbalance at local level between skills/attributions and resources? Isn't the local level of administration the "guardian on duty" of the State, good at everything? Wouldn't serious digitisation reduce operating costs? Are there too many local councillors and do they consume a lot of resources? ...and the questions could go on.

All this has the role to raise an alarm signal: a superficial administrative reorganisation would not only not lead to the reduction of expenses so much invoked (no one took into account the cost of reorganisation, from changing the property documents of the population to the relocation of institutions), but represents a source of administrative disruption and loss of local identity. Anyway, it just seems like an election theme that we won't see in practice any time soon.

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# Lobbying in the European Union. A model for Romania?[1]

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**Abstract.** *Citizens' engagement in public decision-making is one of the pillars of any democracy. Therefore, the tendency of private actors to participate in the policy-making process can be seen as a natural consequence of a democratic society. As society's needs and desires have diversified more and more, lobbying has also increased - phenomenon that is generically perceived as an attempt to influence decision-making within a legal framework. However, lobbying is not a new concept in the public arena. In fact, its existence dates back as far as the mid-17th century, when British citizens gathered in the halls of Parliament to try to persuade their representatives to adopt various positions. In the European institutions, lobbying is also referred to as interest representation and plays a central role in the decision-making process. Thus, one can even speak of a "European model of lobbying" undertaken at the level of the EU institutions. In Romania, lobbying regulation is becoming increasingly relevant, with numerous failed legislative attempts (the latest one taking place in 2022). Thus, this paper aims to identify specific elements of European lobbying that could be successfully transposed into the Romanian public system. In this respect, we aim to analyses how lobbying is carried out at the level of the European institutions, to determine its effectiveness in the Romanian public system and, last but not least, to identify the perception of Romanian citizens on lobbying. In order to determine the perception of lobbying, a quantitative research based on the questionnaire method has been used.*

**Keywords:** *Lobby, Interest representation, European Union, Decision-making.*

**JEL:** D72, H83.

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## 1. Introduction: Understanding Lobbying

When it comes to lobbying, there is no unanimously accepted definition. One can identify definitions provided by national and international bodies as well as academic definitions suggested in specialized publications.

Analyzing lobbying in the 21st century, the Organization for Economic Co-operation and Development – OECD (2021, p. 11) has defined lobbying as "an attempt made within legal limits to influence the design, implementation and evaluation of public rules and policies for which public officials in the legislative, executive or judicial branch are responsible at the local, regional or national level". Based on this interpretation, lobbying covers the entire spectrum of public sector activity.

In his book, Total Lobbying, the American professor Dr. Anthony Nownes (2006, pp. 2-3) discusses the complexity of the phenomenon on the basis of six considerations, the interpretation of which leads to a comprehensive definition of lobbying. Thus, lobbying is an activity that can take a significant number of forms, carried out by a variety of organizations in every conceivable field, with the aim of influencing public decisions specific to each of the three branches of government, throughout the entire territorial organization (national, regional, local), and which sometimes produces results, sometimes not.

## 2. Lobbying in Brussels

At EU level, there are various rules that define the framework within which interest representations can take place. The origin of this activity is linked to the provisions of Article 11 of the Treaty on European Union. Thus, "the institutions shall give citizens and representative associations, by appropriate means, the opportunity to make known and publicly exchange their views in all areas of Union action". In this sense, interest representation contributes to the quality of the Union's decisions. The same treaty lays down the duty of European institutions to ensure a legitimate framework for dialogue, characterized by transparency, accessibility and consistency, in which interested parties are consulted on issues of direct concern to them.

A key moment in shaping the optimal environment for legitimate interest representation was the signing of the Inter-Institutional Agreement between the European Parliament and the European Commission on the establishment of a

Transparency Register in 2011. This agreement sought the joint registration and monitoring of actors who "carry out independent activities while being involved in the process of developing and implementing EU policies" (European Union, 2011). The main criticism of this initiative has been the voluntary nature of registration, which is not considered enough to increase the transparency of lobbyists' actions (Chambers, 2016, p. 3). Over time the agreement has been revised, resulting in the current form of the Register, established through the Inter-Institutional Agreement between the European Parliament, the Council of the European Union and the European Commission on a binding Transparency Register of May 20, 2021.

As can be seen, the Council of the European Union has joined the register, strengthening coordination between EU institutions. The aim of the current agreement is to "establish a framework and operating principles for a coordinated approach to transparent and ethical representation of interests by the signatory institutions" (European Union, 2021). In other words, the three institutions will be able to monitor the activities of interest representatives (defined as "natural or legal persons or groups, associations or networks" who undertake activities aimed at influencing the drafting and implementation of EU decisions), in a unified way (European Union, 2021).

This agreement also establishes a code of conduct for entities included in the Transparency Register. Thus, various obligations are specified, such as: declaration of interests, objectives and clients represented, when contacting the signatory institutions; obtaining information and decisions exclusively through legitimate channels, without the use of pressure tactics or improper behavior; and preventing conflicts of interest by respecting confidentiality requirements and rules, for former members of the European institutions who have become lobbyists (European Union, 2021b). The well-established prerogative of the European institutions to determine their own internal regulations has led to a fragmented approach to lobbying standard setting (Coen & Richardson, 2009, p. 318), and the coordination of the signatory institutions in 2021 was a moment of clarity that may change the current lobbying paradigm.

At the start of 2019, the European Parliament took an important step towards strengthening the regulation of lobbying by introducing a number of new obligations for its members. These stipulate both that MEPs can only have meetings with lobbyists who are registered in the joint transparency register of the Commission, Council and Parliament, and that rapporteurs, shadow rapporteurs and

committee chairs must disclose to the public all scheduled meetings with lobbyists for each report drafted (European Parliament, 2021).

Furthermore, the Rules of Procedure of the European Parliament state that only representatives of interest groups listed in the Transparency Register may attend meetings and events of intergroups or other informal groupings formed at Parliament level (European Parliament, 2021). Only registered lobbyists are allowed access to the European Parliament via badges. Under the European Parliament's Rules of Procedure, the holders of these badges are bound by a specific code of conduct, as well as other provisions and procedures, the breach of which may result in the withdrawal or deactivation of the badges (European Parliament, 2021). Still in relation to interest representation, the code of conduct mentioned above establishes on the one hand the prohibition for MEPs to "engage professionally in paid lobbying activities directly related to the Union's decision-making process" (European Parliament, 2021b), and on the other hand, the ex-MEPs' duty to inform the European Parliament if they engage in such activities (thus waiving the facilities granted to former MEPs for the duration of their engagement) (European Parliament, 2021b).

The framework for interaction between Members of the European Commission and interest representatives is laid down in the Commission Decision on the Code of Conduct for Members of the European Commission adopted on January 31, 2018. This Decision sets out, but is not limited to, the following rules of conduct:

- members of the Commission and their cabinets may attend meetings or events organized by interest groups or lobbyists only if the latter are registered in the Transparency Register of the signatory institutions and only with disclosure of the information about the events (European Commission, 2018);
- in the case of former Members of the European Commission, two years must elapse between the end of their mandate and the start of their lobbying activity, and three years in the case of former Presidents of the Commission (European Commission, 2018).

## 3. Legislative Attempts to Regulate Lobbying and Their Failure in Romania

The regulation of lobbying in Romania has been the subject of many legislative proposals, but so far none of them resulted in a law. Among them, we can highlight the legislative proposal no. 739/2011.

According to the initiators of this proposal, lobbying services were already found in Romania, under various forms and labels, and in order to professionalize and enhance their transparency, as well as to create a truly competitive market, it was essential to regulate lobbying (Romanian Parliament, 2011). In addition, the confusion between legitimate mechanisms for influencing public decisions and influence peddling/conflict of interest would have been eliminated (Romanian Parliament, 2011).

In the draft legislation, only lobbying activities carried out in exchange for material benefits were addressed, whereas situations may arise where lobbyists act voluntarily, without receiving any remuneration. Although these situations are rare, the legislative draft would place them outside the scope of lobbying. The definition provided did not cover the situation in which a private entity employs a lobbyist directly, without signing a contract with a lobbying firm, nor the situation in which the private entity itself decides to undertake lobbying. Two specific terms are also used, namely "lobbying entity" and "client". A lobbying entity is "a commercial company solely owned by private parties which carries out lobbying activities (...) in favor of a third party, under a lobbying contract, in exchange for material benefits" (Romanian Parliament, 2011). Thus, non-governmental organizations (NGOs) were excluded from this category, although traditionally they proved to be important players in the lobbying arena. The term "client" refers to natural and legal persons under private law who may engage lobbying entities.

An important measure laid down in the legislative proposal aimed at establishing a Lobbyists' Register, under the Ministry of Justice, encompassing all legal persons whose activities include lobbying (Romanian Parliament, 2011). Although the usefulness of the Register cannot be contested, its organization under the Ministry of Justice could prove problematic, given the mission and competence of this particular organization.

The draft required registered entities to report annually on the status of all contracts concluded in that year.

The approval of the draft was not supported by the Government of Romania, with both specific criticisms of form and substance and counter-arguments on the regulation of lobbying in general. First of all, the regulation of this activity is not an obligation established by EU legislation, and in that particular year, lobbying was only regulated by a limited number of European countries (Romanian

Government, 2011, p. 2). In addition, the regulation of lobbying was deemed contrary to the Criminal Law Convention on Corruption, adopted in Strasbourg in 2007. The convention criminalizes the act of giving or offering undue advantages to individuals claiming to be able to influence the decision of a public official, international official or Member of Parliament (Romanian Government, 2011). The government has also expressed its views in 2013, 2016, 2017 and 2020, but the arguments have remained unchanged. In 2021, the Chamber of Deputies definitively rejected the legislative proposal by an overwhelming majority (297 votes for rejection, 0 votes against and 4 abstentions).

The legislative proposal no. 129/2019 on transparency in the field of lobbying and interest representation was another attempt to regulate lobbying in Romania.

The introduction of a lobby register was an integral part of the aforementioned proposal. The register was to be administered by the Commercial Registry Office attached to the Bucharest Municipal Court (Romanian Parliament, 2019).

The registration of natural and legal persons in the Lobby and Interest Representation Register would have taken place upon request, but without being registered, no entity could lobby (Romanian Parliament, 2019). In other words, even if registration would have been voluntary, legislators have identified a way to persuade organizations to register. The legislative proposal also established a series of obligations for lobbyists. Thus, they would have to: communicate to the public representative with whom they come into contact their mission (during their first meeting), i.e. the identity and concerns of their client; not use illegal means to acquire information; always communicate the information they hold truthfully; inform and respect the limits and incompatibilities established by the law; not exert illegal pressure on the public representative (Romanian Parliament, 2019). This proposal was not supported by the Government of Romania either. In the motivation given, certain arguments that led to the negative position on the legislative proposal no. 739/2011 can be identified, namely the incompatibility between lobbying and the Convention adopted in Strasbourg in 2007, the existence of mechanisms for participation in the act of government or the overlap of lobbying with influence peddling (Romanian Government, 2019, pp. 2-6).

During the parliamentary debate on February 8, 2022, the Chamber of Deputies rejected the legislative proposal no. 129/2019 with 286 votes for rejection, 0 votes against and 4 abstentions.

## 4. The views of Romanian citizens on lobbying regulation

A key feature of any democratic governance is the active engagement of citizens in public affairs. Of course, active engagement can only happen when citizens are aware of what is being debated. That being said, it is necessary to identify the degree to which Romanian citizens are familiar with lobbying.

The questionnaire method was used to obtain this information. With regard to the method of data collection, the process took the form of quantitative research, which allowed for statistical processing of the data. The research instrument followed a self-administered questionnaire, available online. In order to project a comprehensive picture, but also to highlight some subtle elements that might have been overlooked, it contained both closed-end and open-end questions. The questions followed a logically ordered structure, comprising three categories, namely: identification questions; questions designed to establish whether respondents know what lobbying entails and what their views are on lobbying; and questions designed to establish whether respondents would agree with and support lobbying regulation. This research was conducted between May and April 2022.

In order to avoid excluding respondents who do not know what lobbying entails, a mechanism has been identified for them to acquire the basic general knowledge (where applicable) needed to complete the questionnaire. Thus, if the respondent chooses “no” to the question “do you know what lobbying entails?”, then a new section will become visible containing a short and concise definition of lobbying. Last but not least, the topic of European lobbying was also addressed, in order to ascertain respondents' perceptions on the effect of lobbying on European legislation. Probabilities and inductive reasoning served as the basis of this research, starting from particular cases (of questionnaire respondents) to draw some general conclusions.

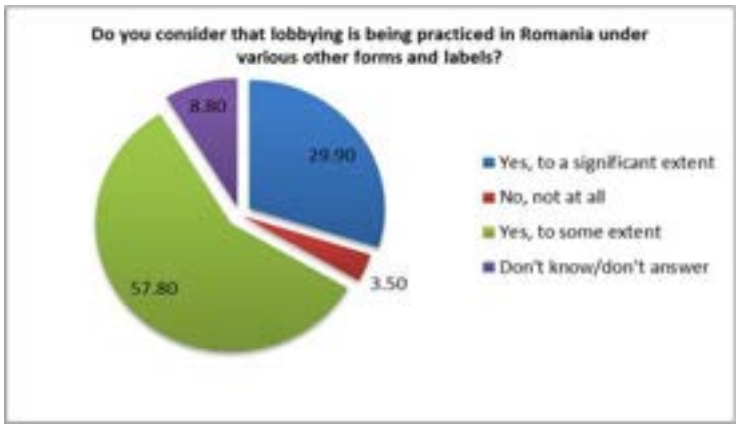
By processing the data collected from the questionnaire, the degree to which Romanian citizens are familiar with lobbying has been determined. Of the total respondents, 76.50% know what lobbying entails, while 23.50% have no knowledge of lobbying. Of all respondents who know what lobbying entails, most are in the 25-35 age group (85%). At the other end of the spectrum are respondents in the 50+ age group, where only 46.15% know what lobbying entails.

With reference to the gender of respondents, a relatively balanced ratio can be observed in terms of knowledge of lobbying. Thus, of all women who responded to the questionnaire, 76.76% understand what lobbying entails, while for men this percentage reaches 75.81%. In another sense, a significantly lower level of knowledge of lobbying can be observed in rural areas (60.98%) as compared to urban areas (80.37%). In terms of education, lobbying is most known among respondents with higher education (86.67%), especially among PhDs (100%) and Masters (90.48%) graduates, and least known among respondents with secondary education (0%).

The results indicate that 80.99% of employees surveyed understand the subject of lobbying among various professional categories. A higher percentage of public sector employees know what lobbying entails as compared to private sector employees (91.23% versus 71.88%). This may indicate that public sector employees have been exposed to the issue of lobbying, which reinforces the assumption that lobbying is already practiced in Romania in various other forms.

In addition, 87.70% of respondents consider that lobbying is practiced in Romania at least to some extent, under various forms and labels such as advocacy, consultancy, public relations, etc. Essentially, more than ¾ of respondents believe that various private actors take action to influence the decision-making process in Romania, as shown in the figure below:

**Figure 1.** *The practice of lobby in Romania*




**Source***:* author's personal processing

Romanian citizens' views on being a lobbyist were predominantly positive, with a low percentage of respondents having no opinion (19.12%), a negative opinion

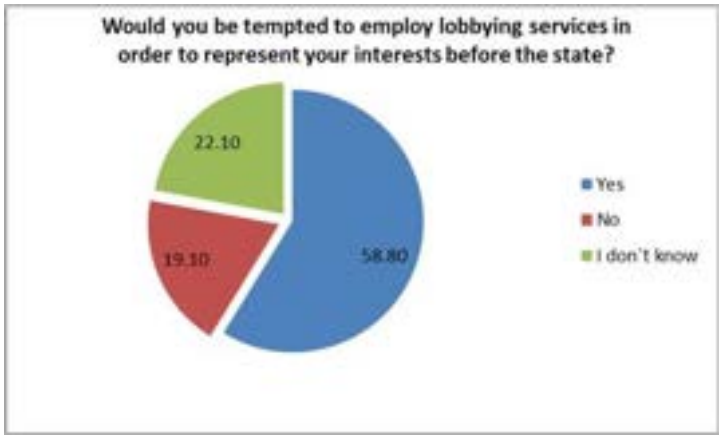
(2.94%) or a neutral opinion (8.33%). One of the most common responses from those surveyed was that this role is insufficiently defined/regulated. Another common response on this topic also highlighted that lobbying is an important element in a democratic system.

The main arguments put forward to support this hypothesis refer on the one hand to the educational/informative role of lobbying (educates public officials on issues relevant to a particular group) and on the other hand to the pragmatism created by lobbying (facilitates the initiation or completion of public initiatives).

Some negative aspects of being a lobbyist were also touched upon by the respondents. Among these, the most common are the pursuit of private interests at the expense of public interests and the thin line between legally and illegally influencing the decision-making process. One possible explanation for the lack of trust in lobbyists may be the perceived level of corruption in Romania, ranked number 63/180 by Transparency International (2023) in 2022, which generates a significant degree of skepticism and cynicism among certain segments of the population. However, the negative elements highlighted above are more the exception than the rule.

When asked whether they would be tempted to use lobbying services to represent their interests when dealing with the state, 58.80% of respondents gave an affirmative answer, while 22.10% were undecided.

**Figure 2**. *Degree of attractiveness of lobbying services*

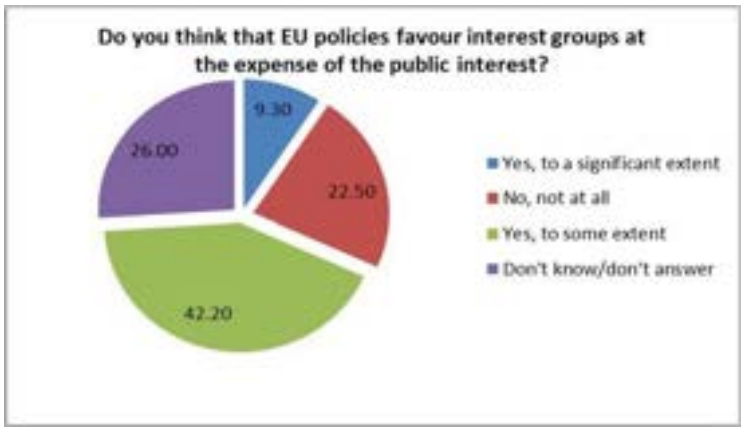



**Source**: *author's personal processing*

Of the entrepreneurs surveyed, 66.67% would be tempted to use lobbying services, showing that most of them understand the potential advantages of representing their interests to public authorities. Of all respondents working in the public sector, more than half (56.14%) indicated that they would be tempted to use lobbying services. This can be problematic given the possible conflicts of interest generated. It also reinforces the need for a norm which, like the European model, clarifies that public sector employees cannot undertake or benefit from lobbying.

In another vein, 51.50% of respondents believe that EU policies favor interest groups over the public interest to at least some extent, as shown in the figure below.

**Figure 3**. *Perception of lobbying outcomes in the EU*

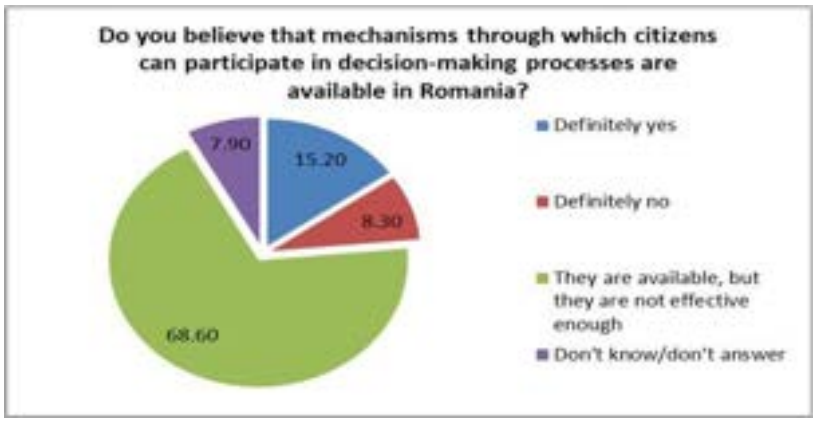



**Source:** *author's personal processing*

In addition, the survey reveals that around ¼ of respondents feel that they do not have enough information so as to be able to give an opinion. This indicates that a significant proportion of Romanian citizens are not aware of EU policies, which may make it difficult to integrate the European lobbying model, as this segment may either be difficult to convince of the usefulness of lobbying or cannot analyze whether lobbying has produced positive or negative outcomes.

The introduction of new mechanisms for citizens to engage in decision-making processes is a necessity, as about 68.60% of respondents consider that existing mechanisms are not effective enough and 8.30% consider that these mechanisms are completely lacking, as shown below.

**Figure 4.** *Views on participation mechanisms in decision-making processes*




**Source:** *author's personal processing*

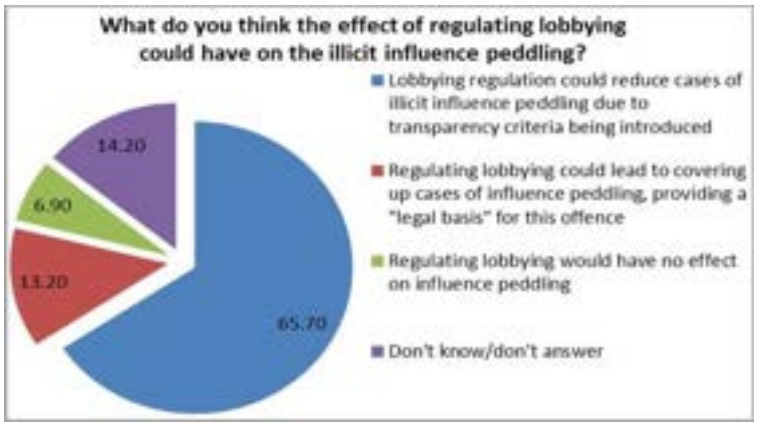
At the same time, 84.80% of the respondents consider that the establishment of a code of conduct to underpin the conduct of lobbyists, as well as the creation of a lobbying register containing data on lobbying activities, are effective tools to ensure the transparency of lobbying. Both measures listed are present in the regulations governing lobbying at the level of the European institutions. The openness towards them (in significant percentages) indicates the potential support of citizens for such tools and mechanisms.

Concerning Romanians' opinion on the impact of non-regulation of lobbying, 28.43% of respondents do not consider that they have enough information about the decision-making process to take a position, which could make civil monitoring of lobbying activities more difficult. On the other hand, respondents who felt they had enough information to give an answer expressed some consensus that the lack of regulation of lobbying negatively affects the decision-making process in Romania. Among the most common arguments put forward in support of this view are the following: decreasing the transparency of the decision-making process; fostering corruption; not reflecting and not valorising citizens' interests; and making decision-making more difficult.

Analyzing citizens' perception on the nexus between lobbying and influence peddling, 65.70% of respondents believe that regulating lobbying would lead to a reduction in cases of influence peddling due to the transparency criteria introduced. In the other side, only 13.20% believe that regulating lobbying would lead to covering up cases of influence peddling and 6.90% believe that regulating lobbying

would have no effect on influence peddling. The figure below gives a broad overview of the responses.

**Figure 5**. *Perception of the nexus between lobbying and influence peddling*

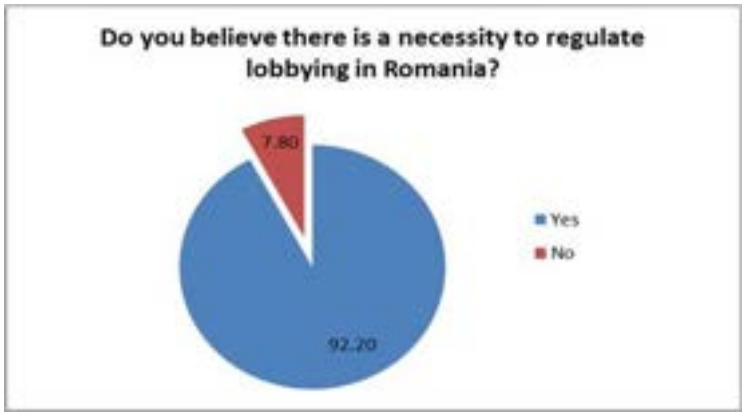



**Source:** *author's personal processing*

When it comes to the educational level, respondents holding a higher education represent the segment that most agrees (71.33%) with the statement that the regulation of lobbying could lead to a decrease in cases of influence peddling due to the transparency criteria introduced. Conversely, respondents having a secondary education are the segment with the lowest contribution to this response (20%).

Moving on to the last section of the survey, the research indicates that 92.20% of all respondents consider the regulation of lobbying in Romania to be a necessity, as shown in the figure below.

**Figure 6.** *Views on the need for lobbying regulation in Romania*




**Source:** *author's personal processing*

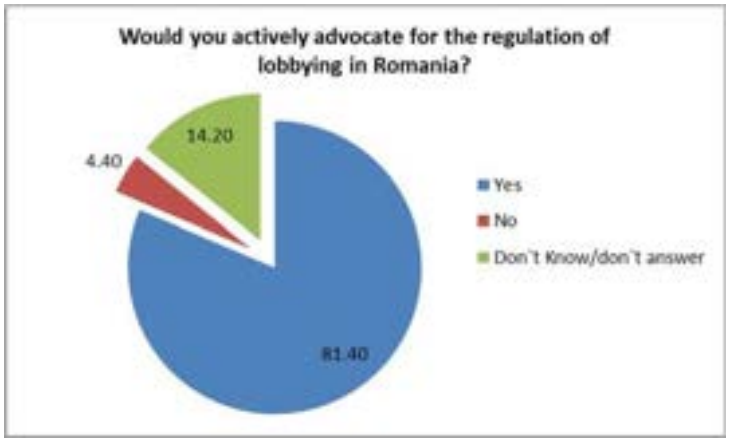
This overwhelming percentage highlights the urgent need to address social problems such as the lack of transparent interaction between the political and business worlds, the lack of favourable prerequisites for the engagement of citizens and interest groups in decision-making processes, and the high number of cases of influence peddling.

With only one exception (respondents in the age category "over 50" - 69.23%), at least ¾ of all respondents in all age categories registered consider that lobbying needs to be regulated in Romania. Although more than ¾ of both genders believe that Romania needs to regulate lobbying, a higher percentage of women are aware of this issue compared to men (95.77% and 83.87% respectively).

This necessity is also felt more strongly among urban respondents (95.71%) than rural respondents (78.05%). In terms of education, 95.33% of respondents with higher education believe that lobbying needs to be regulated in Romania (the highest percentage) and only 40% of those with secondary education share this opinion (the lowest percentage for all education categories recorded).

Even though 92.20% of all respondents consider it necessary to regulate lobbying in Romania, the share of people who would actively support this shows a decrease of about 11 percentage points, as can be seen in the following figure.

**Figure 7.** *Active support for lobbying regulation among citizens*




**Source:** *author's personal processing*

## 5. Conclusions

In the Romanian context, lobbying is not regulated. The legislative steps initiated in this regard have not materialized, lacking the support of the Government and the votes of the MPs, even though the low efficiency of existing mechanisms aimed at ensuring citizens' participation in decision-making processes has been reported by both the European Commission and the Romanian citizens, as shown by the survey (68.60% of the respondents to the questionnaire consider that the existing mechanisms are not efficient enough).

In terms of how lobbying is carried out within the European institutions, it can be concluded that no stage of the decision-making process is free from the involvement of private actors. However, the desire for an inclusive, transparent and competitive process has resulted in effective mechanisms for monitoring and controlling the representation of interests. In this respect, it is also worth mentioning the majority negative perception of Romanians (51.50%) regarding the impact of lobbying on European legislation, considering that EU policies favor interest groups to the detriment of the public interest at least to some extent. In addition, the existence of a transparency register containing details on lobbying activities and a code of conduct to underpin the behavior of lobbyists are central elements of the European lobbying model, which are supported by a significant percentage of respondents (84.80%).

As regards Romanian citizens' perception of lobbying, the following conclusions can be drawn:

- lobbying is rather a familiar topic among Romanians, with more than ¾ of respondents saying they are informed about what lobbying entails;
- a significant majority of Romanians interpret lobbying in a positive way, with some 83.30% of respondents believing that the issue leads to social progress; more than ¾ of respondents believe that lobbying is practiced in Romania under various forms and labels;
- some 58.80% of respondents would be tempted to use lobbying services to represent their interests;
- the fact that lobbying is present at the level of the European institutions is known among 71.60% of respondents;
- transparency requirements such as the publication of meetings between public officials and lobbyists are considered effective by 94.10% of respondents;

- there is some consensus among respondents that the lack of regulation of lobbying negatively affects the decision-making process in Romania;
- 65.70% of respondents believe that regulating lobbying would reduce cases of influence peddling;
- 92.20% of all respondents consider it necessary to regulate lobbying in Romania, but only 81.40% of them would actively pursue the regulation of this issue.

In conclusion, the issue of regulating lobbying must be included in the current public debate in order to identify the best solutions for improving the mechanisms of citizen`s engagement in the decision-making process in a social context characterized by competing interests.

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# The right to social security in Zimbabwe: a literature review[5]

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**Abstract.** *In light of the rising unemployment and ongoing economic shocks in Zimbabwe, the purpose of this article is to assess the relevance and applicability of its social security system. An analysis of the existing social security literature is used to determine the extent to which Zimbabwe's mandatory social security policy has succeeded in providing social protection to the country's marginalised people. According to a survey of general reports on the performance of the national social security policy, as well as an analysis of journal and newspaper articles, the country's social security system has not significantly insulated people from financial challenges. The current social security system is not sufficiently inclusive and safeguarding, as it continues to exclude the informal sector. As a result, many individuals who ought to receive social protection are instead left on their own. In order to make the national social security policy more accessible in the midst of economic difficulties, the Zimbabwean government has a duty to re-examine it, to establish its relevance to the new realities of life. Social inclusion should be the policy's focal point. In order to fully address the issue of exclusion from social security arrangements, the country should adopt a multidimensional social security strategy.*

**Keywords:** *Social Security, Social Exclusion, Inclusivity, Inequality, Zimbabwe.*

**JEL:** D60, D63, H55.

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## 1. Introduction

Social insecurity has spread throughout the world and frequently leaves many people penniless and unable to care for their families once they grow old or become incapacitated. As a result, the impoverished are more susceptible to life's dangers and vagaries. The poor economic performance, which led to widespread layoffs and abrupt company closures, has wreaked havoc upon the livelihoods of ordinary people. The ongoing economic difficulties in Zimbabwe have led to significantly high layoffs. Those who lose their jobs suddenly find themselves without social protection. The number of people requiring social protection has increased as a result. This creates a fresh set of difficulties. People who require social protection from unforeseen socioeconomic challenges become anxious in the absence of a trustworthy social security policy. Therefore, it is the moral responsibility of the government, non-governmental organisations, and the private sector to prevent violations of the right to social security by adopting social security strategies that promote social inclusivity and social justice. The spread of social unrest brought on by rising social insecurity poses a threat to undo the gains made after independence. Increasing social insecurity threatens to derail the gains of independence by unleashing social unrest. Thus, social security ought to be considered a fundamental human right, rather than a privilege. The article therefore seeks to assess the relevance and effectiveness of social security delivery in Zimbabwe under the current socio-economic environment.

It is against this background that the issue of social security strategies needs to be prioritised. A comprehensive literature review has been undertaken in order to assess the current environment and how it has impacted on the existing social security arrangements in Zimbabwe.

## 2. Research Methodology

The article is based on a review of existing information on the social security system of Zimbabwe. Using a qualitative research design based on a systematic literature review, the article examines the historical development and relevance of Zimbabwe’s social security system, with particular focus on the changing demographics, and the socio-economic and political landscape. Available literature informed both the research design and methodology employed in this particular study. This research follows a descriptive approach, highlighting the inadequacy of

the current social security system. Data was gathered from a wide range of books, documents such as policies and statements, published papers, operational and evaluation reports, online academic journals, conference papers and newspaper articles. The information was grouped and coded according to themes. Trends and patterns were then established which led to the findings and conclusions of this study.

## 3. The social security concept

Anifalaje (2017) asserts that the concept of social security is rooted in welfarism, which entails the application of social justice in society. According to the United Nations and the International Labor Organization (ILO), access to social security is a basic human right. First, Article 22 of the International Declaration of Human Rights establishes the right to social security. Furthermore, Article 9 of the International Covenant on Economic, Social and Cultural Rights also guarantees the right to social security. As a member of the Southern African Development Committee (SADC), Zimbabwe is a signatory to the Charter on Fundamental Social Rights in the SADC, which recognizes the right to social protection as a fundamental human right. The Charter states that: "Member states shall create an enabling environment so that every worker in the region shall have a right to adequate social protection and shall, regardless of status and the type of employment, enjoy adequate social security benefits."

The Zimbabwean Constitution declares that having access to social security is a fundamental human right, thus, the National Social Security Authority (NSSA) is required to carry out this obligation, because they are legally required to do so (The Herald online 7 March 2022). As for persons who have been unable to either enter or re-enter the labour market and have no means of subsistence, they shall be entitled to receive sufficient resources and social assistance. Thus, social security is now universally recognized as a fundamental human right (Anifalaje, 2017; Dhemba, 2013; Masuka, 2014).

The social charter does not discriminate on the basis of whether one is employed in the formal or informal sector. However, it is important to note that the majority of the Zimbabwean citizens are slowly being driven into the informal sector as a result of retrenchments and company closures. In the process, some people have become destitute and unable to fend for themselves, let alone meet their basic needs. This

has resulted in social stratification and has negatively impacted on the livelihood and welfare of the society at large. The current social security system does not yet provide coverage for the informal sector (Nhapi and Mathende, 2016); hence the majority of Zimbabweans have become vulnerable to social insecurity.

Formerly a British colony, Zimbabwe attained independence from colonial rule in April 1980. The country has become increasingly poverty stricken with the majority of its people living below the poverty datum line. The country has, especially over the past decade, been affected by a rapid and unprecedented economic meltdown. This has prompted rampant unemployment and poverty. The advent of the land reform program has not only sent more people to join the ranks of the unemployed, but it has also pushed the country into isolation from the international community, due to the controversies surrounding the agrarian reforms. This has led to donors withholding their funds and the imposition of economic sanctions against Zimbabwe by the west. Although some people have chosen to describe the economic sanctions as "targeted towards individual government officials", these sanctions seem to hurt the ordinary people who have no sufficient and reliable sources of income, as opposed to the targeted government officials. They have weakened the economy and this has exacerbated the already soaring levels of unemployment. Anifalaje (2017) argues that guaranteeing the right to social security to everyone is pivotal to the alleviation of poverty and inequality, and it enhances the socio-economic development of a country. The significance and relevance of social security in contemporary societies cannot be under-estimated, given its benefits (Anifalaje, 2017).

The problem of income insecurity has also been aggravated by the fact that the country's national social security policy is contribution-based; hence the unemployed remain socially excluded from social protection. Contributory social security's purpose is to protect retirees and laid-off workers from poverty and to lessen their level of hardship (Nhapi and Mathende, 2016). Social exclusion in Zimbabwe has been made worse by the fact that individuals who are employed formally, and resultantly have social security cover, especially in recent years, has been diminishing. As a result, the greater percentage of the population has been excluded from social security coverage. Social exclusion has affected women and children the most in that they are the ones largely excluded from the contribution-based social security schemes, hence many women have become vulnerable to

social exclusion. Consequently, many have become informal traders as they seek ways and means to eke out a living.

Achieving social justice and egalitarian ideals has been undermined by the growing social exclusion. The marginalized members of society have been exposed to the hazards and vicissitudes of life. This further undermines the full realization of the country's international obligations under the International Covenant on Social, Economic and Cultural Rights. Thus, the government should re-assess the current social security policy, in order to achieve inclusivity, social justice and an egalitarian society. There is a need to create a supportive environment so that other players can come on board with diverse social security strategies. Left on its own, the government cannot achieve universal coverage in terms of social protection.

## 4. Social Exclusion

The problem of social exclusion is not one that is uniquely Zimbabwean, but one which has been in existence from well before Zimbabwe became independent. It is thus not surprising that current Zimbabwean social security schemes embody exclusionary elements from the period before independence. There is no universal agreement on what social security is, because the idea has been interpreted differently in several jurisdictions (Kaseke, 1997). Early definitions of social security reflect this social lacuna which corroborates this fact. Such definitions are limited in scope; hence they place much emphasis on "workers" and "employment", denoting that one can only have social security if one is in formal employment, because it is contribution-based (Maes, 2003). Such a definition is thus narrow, exclusionary and an apt description of the Zimbabwean social policy.

It should be noted that confining social security to those people in formal employment is on its own exclusionary. With limited job opportunities, the government should prioritize extending social security coverage to the informal sector of the economy. Currently groups that are excluded from formal social security arrangements include domestic workers, casual workers, informal traders, as well as rural folk. As already insinuated, these constitute a large portion of the Zimbabwean population. The ILO Social Security (Minimum Standards) Convention, 1952 (No 102) has a more inclusive definition which is:

"*The protection which society provides for its members, through a series of public measures, against the economic and social distress that otherwise would be caused*

*by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, unemployment, disability, old age, death; the provision of medical care; and the provision of subsidies for families with children*" (ILO, 1984).

Although there is inclusivity in this definition, the practical interpretation and intervention strategies adopted by member states still reflect the exclusionist orientation inherent in the Zimbabwean policy of protecting persons in formal employment, thereby disregarding those in the informal sector. This is so regardless of the existence of the Ministry of Small to Medium Enterprises, which has jurisdiction over the informal sector. It could be argued that when the ILO refers to "income from work," people generally understand it to refer to the salaries and wages which they receive from formal employment (Smit and Mpedi, 2010). It has been argued that this ILO definition has also helped to shape the mindset and perception that those in the formal economy are the ones who need social security. This perception has triggered debate on social security coverage in Zimbabwe and beyond. It should be noted that the needs of developed countries and those of developing countries are quite different. There is a need for a definition of social security that encompasses both social insurance and social assistance, if the controversy caused by early definitions of social security is to disappear. In Africa for instance, an Afrocentric definition is required that reflects the reality of social security in Africa (Nhede and Marumahoko, 2021). It has to be broader so as to incorporate the various segments of African communities and their unique needs.

There is a multiplicity of reasons for excluding groups that are not in formal employment. One is based on the notion that these identified groups have no regular salary, making it difficult to extend social security coverage to them due to the risks involved. If the informal sector is to make voluntary contributions, ways and means of dealing with the employer component have to be properly designed (Nhede, 2016). One could argue that the current system, in which both the employer and the employee contribute to social security, makes it difficult to extend social security to the informal sector. The informal sector may find it not feasible, given that they would have to make double contributions; one for the employer and another one for the employee. If contributions are to be affordable and less burdensome to members, government has to provide subsidies.

Considerably manageable contributions have the potential to attract membership and resultantly provide more realistic and meaningful social security cover to the

majority of people who are currently vulnerable. According to the Herald correspondent, Gibson Nyikadzino, the Director of Social Security, Mr. Shepherd Muperi, indicated that in order to assist traders in the informal sector and protect them from financial vulnerabilities, the NSSA was putting together recommendations for the government to establish another social security scheme. Prior to the introduction of NSSA schemes in 1994, workers had only one option for social protection: non-compulsory occupational schemes, which lacked intergenerational risk sharing, an adequate risk pool, and government financial support in times of insolvency and economic uncertainty (Nhapi and Mathende, 2016). According to estimates, only 5 to 10 percent of newly hired workers can be absorbed by the formal economy; the majority of new jobs are created by the informal economy, which implies that it employs the majority of people (African Union, 2008). Since the bulk of the Zimbabwean workforce works in the informal sector, there is a need for expanding the innovative social security scheme to incorporate those from the existing social security arrangements. The scheme will be consistent with National Development Strategy 1 and Vision 2030 (The Herald online 7 March 2022).

## 5. Historical overview of social security

Similar to the majority of African countries, Zimbabwe's economy was based primarily on agriculture. As a result, traditional approaches to addressing the social security needs of rural communities during times of drought or famine have existed in many countries (Kaseke, 1997). It should be noted that historically, social security arrangements were based on reciprocity and Ubuntu (i.e. essential human virtues of compassion and humanity). Extensive family networks were critical in the past for assisting vulnerable members of the community to receive social protection (Dhemba, 1999). Nonetheless, the arrangement started waning following the introduction of the cash economy by the colonial state. Kaseke quoted in Nhapi and Mathende (2016) asserts that the indigenous people were exposed to a money economy for the first time. As a result, many physically fit men moved in droves from rural areas to the brand-new urban areas, thus, they became exposed to the risks associated with a money economy such as unemployment and industrial injuries.

In Africa informal social security arrangements have been eroded by the migration of people from rural to urban centers in search of employment (Mukuka, Kilikiti

and Musenge, 2002; Devereux, 2013), which prompted the need for new social security strategies for meeting the people's social protection needs. Human migration to towns and cities deprived rural communities of young people who could actively participate in community-based developmental activities deeply rooted in land use and traditional family institutions. The quest for formal employment had a negative impact on rural development because it left behind a population of peasant farmers who were primarily made up of women, children, elderly people, and people with disabilities and who consequently became extremely vulnerable and unable to pay for any type of social protection.

It should be noted that indigenous people did not have access to formal social security during the colonial era. Most of the social security programs that African governments have implemented were modeled after those in other countries, without considering the particular requirements of local communities (Bailey and Turner, 2002; Anifalaje, 2016). One could argue that the majority of formal social security policies that governments adopted soon after gaining independence were influenced by former colonial masters (Nhede, 2014). Holzmann, Sherburne-Benz and Tesliuc (2003) assert that simply copying publicly provided and financed programs from rich countries in many cases will not solve the social risks facing the developing countries.

Prior to independence the peoples' social security was met through informal social security arrangements based on Ubuntu and reciprocity, as people were a homogeneous group that knew each other well (Ouma, 1995; Mupedziswa and Netseane, 2013). There was a need to extend social security coverage to the majority of the Zimbabwean population. This is an issue that the government has been trying to address ever since, without success. The primary piece of legislation that enabled the establishment of social security was the Old Age Pensions Act of 1936. The social security programs, however, were elitist in nature and had a narrow focus on giving pensions to White settlers who had lived in the country for at least 15 years and had reached the age of 60 (Clarke, 1977). There was no public assistance available to Black people either. Social assistance was extended only to the elite White minority. Racial discrimination characterized public policies of successive colonial governments. Blacks could only get bus fare back to their rural homes where informal social assistance would be instituted to assist those temporarily or permanently disadvantaged.

It can be argued that the Act was not only exclusionary in nature, but it also perpetuated racial discrimination. The occupational pension scheme which was introduced to cover the non-African population similarly was not extended to cover Blacks in formal employment, on the basis that they had traditional support systems in place back in their rural homes. Black people in cities and towns were generally regarded as temporary residents, and as a result were not entitled to receive occupational pensions (Kaseke, 2003). It suffices to say that the colonial social security system was designed to care for and protect the White minority, not the Black majority.

Gender is another basis of social exclusion in social security. It is important to consider the plight of women. Nevertheless, women are largely excluded from traditional social security coverage despite being the majority, and this can be attributed to the previous generation's discriminatory educational system (Riddell, 1981). Inevitably, failure to participate in the formal wage economy meant that women were not covered by the contribution-based social security system. The extreme disparity in African men and women's access to education is the result of the demand for male workers in the formal wage sector and the belief that a woman's primary responsibility is childrearing (Riddell, 1981). As a result, few Black women were able to find formal employment.

Moreover, some employers discriminate against women on the basis that there will be work disruptions associated with maternity leave. “Women experience de facto discrimination when employers hire them under the assumption that they will eventually become pregnant and take maternity leave and so are a bad investment" (Kawewe, 2001). This is one of the major contributors to social security exclusion, particularly on the part of women. Due to the fact that they would have to interrupt their employment in order to take maternity leave, women in formal employment were not treated as permanent employees, which was another discriminatory practice. Women were consequently excluded from occupational pension plans. Thus, indigenous women were typically doomed to poverty (Dhemba, 2013).

As argued by Chitambara (2010), as in most African countries, the evolution of social protection in Zimbabwe was shaped to a great extent by colonial considerations, as initially the colonial regime extended social protection to White expatriates. Even though the post-colonial government tried to denounce the racial segregation policy that had led to the exclusion of Blacks from social assistance, its effects were still felt several years after independence. Along with other laws that

had a discriminatory character, the Old Age Pension Act had to be repealed. The argument for repealing the Act seems to have been rational at the time, as the government argued that there were no funds to cater for an inclusive old age pension scheme. Thus, the Old Age Pension Scheme remained exclusionary. Recipients of the old age pensions prior to April 1980 continued receiving limited benefits.

Chikova (2013) notes that to administer social security programs in Zimbabwe on behalf of employees, employers and the government, the NSSA is a statutory corporate organisation that was created and established under the principles of the NSSA Act of 1989, Chapter 17:04. However, there have been significant changes made to how social insurance and public assistance are administered. The administration of public assistance was decentralized to district level and offices were established in each of the districts in the country. Public assistance provisions were extended to most people, including those in rural areas. However, this public assistance scheme is seriously underfunded and most needy people fail to access benefits from it (Kaseke, Dhemba and Kasere, 1998).

The government's minimalist approach to social welfare was reinforced when Zimbabwe implemented the Economic Structural Adjustment Program (ESAP) in the early 1990s. This was occasioned by deteriorating economic fundamentals in the country. The ESAP called for a reduction on government social spending and introduced cost-sharing (Nhede, 2016; Nhapi and Mathende, 2016). This then marked the retreat of the state in the provision of social services. This is the reason that social funding has been underfunded. The plight of the recipients has also been exacerbated by the hyperinflation that has characterized the Zimbabwean economy in recent years. At the same time, the rural communities were excluded from the contribution-based social security arrangements due to the informal nature of their employment. It is imperative to note that the public assistance scheme which was supposed to benefit rural people restricted assistance to specific groups, such as old people, the disabled, dependents of the indigent and the chronically ill.

However, having seen that the industrial workers were retiring to destitution, the Pensions and Other Benefits Scheme was promulgated in October 1994. This is a social insurance scheme and is universal for formally employed workers. The Workers' Compensation and Accident Prevention Scheme and the Private Occupational Pension Scheme coexist with the Pensions and Other Benefits Scheme. By introducing the Pensions and Other Benefits Scheme, a framework for expanding social security coverage to those who were previously excluded was

established. Given that there are no concrete plans to include the self-employed and employees of the informal sector, expanding social security coverage to include them nonetheless remains a significant challenge. Although the government has historically prioritized the official economic sector, it is also important to address the distinct peculiarities of the informal sector (The Herald online 7 March 2022).

Public servants have an established occupational pension scheme, but due to low salaries it does not provide adequate social security benefits to avert the contingency of retirement. Yet another setback for some employees in the formal sector is non-registration of their employers with the NSSA. This has also created an exclusionary effect. Additionally, the Accident Prevention and Workers' Compensation Scheme mandates that the employer reports the accident; however, the majority of employers fail to uphold this requirement. Most often, only horrifying and fatal accidents are reported. Many times, some employers are reluctant to report every accident because they fear that the NSSA will penalize them for not taking adequate safety measures (Kaseke et al., 1998). At the same time, workers are often disinclined to report accidents that happen at the workplace, due to fear of retribution and losing their jobs. The high unemployment rate has exacerbated their plight. Owing to the fear of victimization, workers often suffer in silence. This has thus given the scheme an exclusionary character, particularly including those who were supposed to benefit from it. Thus, according to Nhapi and Mathende (2016), the NSSA needs to realign its social security strategies to remain relevant to its primary objectives of protecting workers from becoming destitute and preserving their dignity.

## 6. Current social security schemes in Zimbabwe

Social exclusion in the social security schemes of Zimbabwe can be better understood by having a brief overview of the social security system that exists in Zimbabwe today. The NSSA, which is a result of a law passed by Parliament, was established in response to the realization of the need for a safety net to care for the children of employees who may have gone away while employed, as well as to safeguard workers after being injured at work or after retirement (Nhapi and Mathende, 2016). Although the NSSA was established with the best of intentions, some employers and employees have expressed dissatisfaction with the way in which the NSSA funds are handled. Social insurance funds are allegedly misused and used for individual gain.

According to Mchomvu, Tungaraza and Maghimbi (2002), some of the reasons for why governments fail to provide adequate social protection to the poor include a lack of financial resources and political will on the part of the state. People cannot entrust government with their contributions if there are allegations of corruption and misuse of funds.

Probably one of the biggest obstacles to the realization of the right to social security in Zimbabwe would be the deeply rooted negative attitude towards social assistance. Some groups are vulnerable and in need of social assistance, commonly known as public assistance in Zimbabwe. However, the deeply ingrained negative attitude toward social assistance is likely one of the biggest barriers to Zimbabweans achieving their right to social security. This negative attitude emanates from the fact that the early beginning of social assistance in Zimbabwe was associated with charity. Charitable acts are not celebrated, as they are seen to encourage the development and reinforcement of a hand-out mentality. This thinking helps to explain the poor budgetary support for social assistance in Zimbabwe. Religious and voluntary organizations were the first to provide social relief to destitute members of society (Kaseke, 2011). The recipients of social relief were considered as objects of pity, and in many instances were seen as people who had chosen a life of poverty. It is, therefore, not surprising that social relief was seen as a privilege extended to the poor. This characterization of the poor has persisted over the years.

The Accident Prevention and Workers' Compensation Scheme, the Pensions and Other Benefits Scheme, occupational pension plans, and the Public Assistance Program are just a few of the social programs in Zimbabwe. A quick overview of these schemes will reveal the shortcomings that are inherent in the country’s social security policy. The Accident Prevention and Workers' Compensation Scheme offers social security in the event that an employee is injured or killed while working (Nhapi and Mathende, 2016). The fact that the program does not cover those employed in the informal sector, temporary employees or domestic workers further demonstrates the program's exclusionary nature. The rates are determined by the NSSA and are reviewed from time to time. A disability pension, a widow or widower's pension, and child allowances are all payable benefits. The program also pays for the costs of medical care and rehabilitation. The program promotes sound health schemes and high safety standards in an effort to lower workplace accidents.

In October 1994 the Pensions and Other Benefits Scheme was introduced. This social insurance program offers protection from the unforeseen events of retirement, illness and the death of the primary wage earner. The scheme also falls under the administration of the NSSA. In this program, the employer and employee each contribute 4.5 percent of the employee's monthly insurable earnings up to $7000. For a period of seven years, the maximum insurable earnings were set at $4000. However, towards the end of 2001 it was changed to $7000 (Kaseke, 2003). Coverage was restricted to those who worked in the formal sector, as was previously mentioned. The self-employed, domestic employees and people working in the unorganized sector have not yet been considered. The ceiling is still low taking a number of factors into account, amongst them inflation. It is also worth noting that this scheme was introduced 14 years after independence, but to date it is still not inclusive enough. Another contribution-based scheme which provides protection against retirement is the Occupational Pension Scheme which is operated by employers. However, apart from retirement, the scheme also covers the contingencies of disability and invalidity.

The Department of Social Welfare is in charge of managing a non-contribution-based public assistance program that offers aid in cash or kind to the needy and vulnerable populations, including the elderly who have no-one to care for them, people with disabilities, the chronically ill, and dependents of the poor (Kaseke, 2003). When applicants apply at their district office, officials typically make home visits to learn more about the applicant's actual circumstances. The problem is that even when the economy was performing well, the scheme was poorly funded. Apart from the problem of poor funding, people from the rural areas are usually unaware of the program, hence only a few have access to it despite the decentralization initiative. As a result, it has benefited a few individuals annually and has been dysfunctional over the past few years. Masuka (2014) notes that the difficulties which social security programmers face in Zimbabwe demonstrate how social security has fallen short of meeting the essential criteria for social protection.

## 7. Recommendations

It is necessary to have legal sources of social security rights, such as an enabling national constitution, in order to realize the right to social security. The constitution must explicitly guarantee the right to social security. The provision of social security to the citizenry should have its own section. Certainly, countries can

successfully uphold the right to social security in this way. The right to social security should be enforceable in accordance with the constitution. As a result, the constitution should also foster an environment that allows for social security rights to be fully realized. The implications of breaking the constitution on social security matters should be made very clear in the constitution.

Governments should remedy this situation through legislative and other means for the full realization of social security as a fundamental human right. In order to achieve compliance with the dictates of the constitution, there have to be adjudication mechanisms put in place such as courts and tribunals. Otherwise the right to social security would continue to be ineffective because there would be no way to enforce compliance without these legal institutions. Like other jurisdictions, Zimbabwe ought to have these compliance mechanisms in place. For instance, in South Africa, the courts are in charge of adjudicating disputes involving social security. At the moment, Zimbabwe has no systems in place for external adjudication. In other words, the right to receive social assistance is not subject to judicial review, which is why internal review mechanisms exist.

The Social Welfare Assistance Act provides for regular reviews by the Minister responsible for social welfare, of all disputes relating to social assistance applications. However, there exists a lacuna in this system for there is no provision for further appeal beyond the Minister. The provision for appeal to the Minister does not apply in cases where individuals cannot access benefits due to the failure of the government to allocate sufficient resources (Kaseke 2004:2). The government cannot, therefore, adjudicate itself. Thus, the enforcement mechanisms are not watertight, and hence are subject to abuse.

It is recommended that government should dismiss as inadequate the belief that social security ought to be restricted to those in the formal sector only (Nhede and Marumahoko, 2023). Instead a mixed system of a social security espousing both contributory and non-contributory schemes should be embraced. In order to promote social justice, the government should establish a means-tested or universal social pension funded by the state for people aged over 60 years of age.

The Old Age Pension Act, which has since been repealed, used to provide a means-tested old age pension for non-Africans over the age of 60. It would be admirable if the old age pension could be reviewed under new legislation that encourages inclusivity. Life expectancy has changed drastically and this development should

be taken into consideration when deciding on the 60-year-old threshold. Thus, government needs to rethink the definition of "old". It now seems impractical to keep the age requirement at 60, due to factors like the AIDS pandemic and the ensuing decrease in life expectancy.

Despite having fewer resources than Botswana, Mauritius and South Africa, Zimbabwe's government should give top priority to the full implementation of social security plans and the general social protection of its citizens. That way it will be able to meet its social security responsibility. This cannot, according to some, be a short-term objective for the vast majority of Southern African countries. Concerted effort is required to improve the economic climate of the country and subsequently economic fortunes in order to attract investors back into the country. Reviving Zimbabwe's economy will not be cumbersome if issues around good governance and accountability are prioritized. Enhancing governance and accountability will ensure that limited resources are used wisely and primarily for initiatives that aim to improve citizen welfare.

The article recommends that government should introduce voluntary membership to existing social security schemes. This will make it possible for people working outside of the formal economy to voluntarily join the current contribution-based formal social security arrangements. However, it should be noted that the incomes of those working in non-formal industries are typically low, necessitating cross-subsidies from the government, since their contributions would be insufficient to provide adequate social protection without them. Otherwise, voluntary participation might not be feasible without some kind of subsidies. By enabling income redistribution, this intervention strategy would help to close the wealth-poverty gap.

It is imperative to provide women who have experienced long-term gender discrimination with social security coverage for other unforeseen events like pregnancy and illness. In addition to improving social security's relevance to women's needs, expanding it to cover such contingencies also eliminates gender discrimination. Micro-insurance can be made available to women working outside the formal sector, in cases where they are unable to enlist in traditional social security programmers. This is similar to what happened in Tanzania, where the United Medical Aid Schemes in Dar es Salaam (UMASIDA) offered primary healthcare and preventive services to those working there. Zimbabweans can also learn some positive lessons from UMASIDA. People working in the non-formal sector successfully organized themselves into associations under these social

security programmers, and these associations were in charge of collecting contributions and interacting with medical professionals.

It is argued that the realization of the right to social security depends largely on political will. The budget and actual implementation of the policy should demonstrate the government's dedication to the universal social security coverage. However, this commitment is lacking because the Zimbabwean government does not provide adequate funding for social assistance. Since the 1990s, this has been the trend. It is safe to say that social assistance has never been a top priority for the government.

## 8. Conclusion

The reviewed literature leads to the conclusion that Zimbabwe's social security system has not directly benefited or provided social protection for the general populace. Zimbabwe's economic woes have forced businesses to scale down operations, leaving many people without jobs and vulnerable to economic shocks. Therefore, social insecurity has affected societies in both the colonial and post-colonial periods, necessitating a multifaceted strategy to address the issue. Social exclusion had been a hallmark of Zimbabwe's social security system. In the colonial era, exclusivity was brought about by discrimination, whereas in the post-colonial era, it may have been caused by structural and economic problems. In order to achieve universal social security coverage, it is advised that a comprehensive and multifaceted approach be adopted. The situation necessitates increased political will and comradely between the government and those who contribute to the NSSA. Critical lobbying and advocacy on behalf of workers and pensioners in need of protection can spur a NSSA paradigm shift and produce the desired results. Regardless of their class, status, age, or line of work, people should have access to some form of social security.

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# Implementing evaluation framework for assessing the impact of the European green deal on the environment and climate[1]

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**Abstract.** *Environmental policies represent a priority for the European Union. By implementing the European Green Deal, the E.U. aims to reach zero emissions of greenhouse gases by 2050. By implementing an evaluation framework we can better understand its particularities and monitor it's outcomes. This paper will highlight the previous environmental efforts and how the European Green Deal represents a leap forward for the European space.*

**Keywords:** *Evaluation, Public Policy, Environmental Policies.*

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## 1. Introduction

The present work aims to develop an evaluation design that takes into account the new strategy of the European Union regarding the fulfilment of the objectives regarding climate change management, environmental protection and sustainable development. Also, "Sustainability is a property of a system, whereby it is maintained in a particular state through time" (Berceanu, 2012). The synthesis of these policies was done through the elaboration of the European Green Deal. It considers the sustainable and most efficient use of resources by transitioning the economic system to models based on the circular economy and reducing pollution by improving the quality of biodiversity.

The assessment design is based on the following important aspects regarding: technological modernization of the ecological sector, industrial evolution at the level of the European Union, adaptation of means of transport to the new pollution norms to improve air quality and protect human health, reducing carbon emissions from the energy sector, the energy efficiency of buildings, global meetings regarding the solution of environmental problems. All these themes will be analysed and based on them, the essential problems will be identified from which the objectives that help to solve them will result.

The implementation of the European Green Deal raises the issue of climate change and environmental degradation as a priority factor both for Europe and for other international actors, and for its solution, the European Union's strategy considers the sustainable evolution towards a modern, efficient and competitive economy. Moreover, aspects of the circular economy are introduced for the efficient use of resources and the development of methods for their long-term reuse.

Also, the EGD objectives focus on the reduction and finally the elimination of greenhouse gas emissions by 2050, sustainable economic evolution achieved through circular economy methods and equal development both at the European Union and global level, with the aim of reducing the degree of poverty on the whole planet.

The sustainability offered by the European Green Deal comes from the degree of complexity of this initiative, integrating a wide diversity of the economic sectors involved. The funds will be invested in sustainable development, using the inclusive paradigm and thus improving the economic capacity of the European Union as part of the development of the circular economy.

Another important aspect is represented by the development and financing of programs aimed at reducing the amount of pollutant emissions generated by human sources and the reduction of those originating from elements that cannot be fully regulated by humans. The management of funds used in fields considered unfeasible can, and will be reused in other economic sectors, which require investments to make the working environment more efficient, a concrete example would be the withdrawal of funds used to subsidise fossil fuels and the use of funds to renovate buildings and work spaces, thus increasing their thermal efficiency, or by subsidising the purchase of electric machines and vehicles.

Organic farming is part of the policies related to the European Green Deal due to the fact that it focuses on the elimination of chemical fertilisers and pesticides from agricultural production and the use of non-polluting mechanised agricultural machinery. This approach aims to practice agriculture in the long term, taking into account methods to combat the effects of climate change and protect the environment. Having that in mind, we must focus our attention on the problem of intensification of production, so that there is a balance between production and environmental concerns "Due to the support of the EU policies and regulations the agriculture from Romania and from Central and Eastern countries is economically recovering, bringing along a host of environmental problems specific to the intensification of production" (Berceanu, 2016).

The importance of preparing this evaluation design is also given by the budget allocation from the Multiannual Financial Framework 2021-2027. More than 500 billion euros are allocated for the implementation of EGD measures for sustainable development and improvement of air quality. However, the budget allocation from the Multiannual Financial Framework 2021-2027 also considers the implementation of the green economy in areas drastically affected by pollution as an essential issue.

## 2. The evolution of European environmental policies

### 2.1. Brief history of environmental policies

The objective of the European Union since its early stages has been to unite states to achieve a goal far too complex to be achieved by a single state. With this in mind, we can understand the need for European states to work together after the Second World War, as a result of which there were deficiencies in all economic sectors, and

to remedy this, the European Coal and Steel Community was established (ECSC) in 1951. An element that was not integrated into the treaty establishing the ECSC is the protection of the environment and the efficient use of resources so that the impact on the environment is as low as possible. We can affirm the fact that during that period, the prevention of pollution and the protection of the environment were secondary, a fact that can also be deduced from the Convention for the Protection of Human Rights and Fundamental Freedoms from 1950, because this document does not mention either the need for a healthy environment or the issue of pollution.

The omissions made by the political leaders of that period were to affect the health of the citizens. An example can be found in London, 1952, where "coal burning released high amounts of sulfur oxides" (European Environment Agency, 2013), thus hospitals were full of patients with respiratory ailments. This aspect can be found in many European cities, because at that time fossil fuels, such as coal, were used both in the industrial sectors and in people's homes as a heating agent.

At the European level, the first measure aimed at combating pollution was the "Clean Air Act" of 1956 in Great Britain, which regulated the use of harmful fossil fuels and implemented subsidies for the transformation of households to use less harmful fuels (Clean Air Act, 1956).

The first event that laid the foundations for legislative concepts regarding pollution and the environment was the United Nations Conference in Stockholm in 1972 (United Nations, 1972). Thanks to this event, international government environmental agencies were formed, but more importantly, the UN Environment Program was created.

At the European level, the first step towards a better management of the environment, its resources and the implementation of legislation conducive to effective development was represented by the Declaration of the European Council in Paris in 1972. Thus, in the same year, the first Environmental Action Program of the European Community (PAM) developed between 1972 and 1976 was adopted, this having as its ideological basis the fact that "prevention is better than cure" and the implementation of the principle of "the polluter pays", principle based on the idea that the polluter should pay the compensation for the damages caused by his actions. Thus, at the European level, the first national ministries of the environment are established.

Starting from the premise that "economic prosperity and environmental protection are interdependent" (European Parliament, 2018), the European Community begins to develop its own environmental legislation by adopting directives and regulations. Among them we can find:

- Waste Framework Directive 1975 - this incorporates the 'polluter pays' principle and Member States must take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without processes or methods which could environmental damage, in particular without:
  - Risks to water, air, soil, plants and animals.
  - Causing nuisance through noise or smells.
  - Negatively affecting the rural environment or places of special interest (The Waste Framework Directive, 1975).
- The Bathing Water Directive - this has as its main object the protection of human health and the environment against pollution, defining bathing waters as "fresh or marine waters, in which bathing is explicitly authorised". This directive lists 19 physical, chemical and microbiological parameters, and Member States must set values for bathing waters, which are not lower than I values, while G values are seen as desirable targets. The directive contains minimum sampling frequencies as well as reference analysis methods (Bathing Water Directive, 1976).

The Montreal Agreement of 1987 regulated the production and use of about 100 chemicals that have the adverse effect of reducing the ozone layer. Considering the role of the ozone layer in protecting people and the environment from ultraviolet radiation, we can understand why this agreement was signed by all 197 member states. It is proven in this case that if the member states benefit from both the necessary support and the desire to bring to its citizens a climate conducive to harmonious development, the necessary changes can be implemented correctly and harmoniously.

More specifically, an example of a chemical substance with an adverse effect that was regulated in the Montreal Agreement is Hydrochlorofluorocarbons (HCFCs), gases that were used daily in refrigeration systems (e.g. air conditioning systems or refrigerators) or in care products personal (antiperspirants or hair fixative sprays). Developed countries have committed to phase them out completely by 2020, and developing countries have committed to phase them out by 2030, to be replaced by specially designed environmentally friendly alternatives. account at the same time

of all economic or health regulations. Thanks to this agreement, chemicals with targeted adverse effects have been reduced by 98% from 1990 to date, also protecting the global climate system because these substances also have a greenhouse effect. It is also estimated that, through the implementation of these measures, approximately 2 million human lives have been saved annually.

Efforts regarding the sustainable development of the planet also led to the conservation of natural habitats, wild fauna and flora, maintaining biodiversity, an aspect achieved through the "Natura 2000" initiative, adopted in May 1992. These efforts have as their main objective the long-term assurance of the most "valuable and threatened species and habitats in Europe" (European Commission, 2020), living things that are included in the Birds Directive of 1979 or the Habitats Directive of 1992.

### 2.2. The importance of implementing environmental policies in the context of climate change

The creation of an environment conducive to human development is a continuous process, thus, after the creation of the necessary measures to solve the problem of the ozone layer, the main objective of the member states of the United Nations, the reduction of greenhouse gases, an aspect achieved by the United Nations Framework Convention on Climate Change since 1992. Member States were aware of the fact that they cannot eliminate all sources of greenhouse gases, as both developed and developing countries depend on deposits and other materials from the processing of deposits, thus proposes a stabilization of the concentrations of greenhouse gases "at a level that would prevent dangerous anthropogenic interference with the climate system", "aspect carried out for an indefinite period but in good time to give the ecosystem the necessary period to adapt to climate change, moreover ensuring the fact that food production is not affected, allowing economic development to continue in a sustainable way" (United Nations, 1992).

Taking into account the balance between reducing greenhouse gases and maintaining a predictable course of economic development, an economy that is constantly influenced by the decisions of political decision-makers, the Kyoto Protocol is being built to operationalize the decisions made within the framework of the United Nations Framework Convention on climate change. In the case of the Kyoto Protocol, a differentiation is made between states, there is a group of states

that have to comply with a set of predetermined indicators (36 states, among which we also find Romania), but benefit from 3 important mechanisms, namely:

- International emissions trading. This mechanism gives states the opportunity to trade carbon like any other physical good and is used by states that sell their "positive results" to states that have not been able to meet their obligations, thus states that have not reached the indicators will not be sanctioned, but will have the possibility to purchase the necessary carbon limit from other states, ultimately reaching a positive overall result. Also, other indicators have been created that can be used in the international market, carbon-based indicators, more precisely, the indicators are equivalent to one ton of CO2.
- The clean development mechanism. This mechanism creates an incentive for states that have made a commitment to reduce costs, to be able to meet their indicators. More precisely, they can initiate projects in developing countries, and after a certification of emission reduction, they will receive credits that will go towards the achievement of the originally set objective.
- Common implementation. This mechanism allows a state that has made a commitment to reduce emissions to receive credit, equivalent to one ton of CO2, for carrying out environmental projects in other states with the same responsibilities. This mechanism can come into operation only when it meets the eligibility criteria recorded in the protocol.

### 2.3. The role of the European Green Deal in the European Union

At the present time, the European Green Deal represents one of the most ambitious projects designed around the needs of the environment. The main objective is to achieve Europe's transition by 2050 to a sustainable economy that will no longer use conventional and polluting resources, thus becoming climate neutral, taking into account the needs of citizens, creating inclusive policies and facilitating a just transition.

The initiative being a very ambitious one, important decisions are needed, for example the creation of a "European climate law" (European Climate Law) which entered into force on July 9, 2021 (European Commission, 2021).

In order to cover all the important sectors that contribute directly or indirectly to the emissions of harmful substances, the European Commission has established for the European Green Deal several areas of action, each of which has a well-defined

role and contributes to the final objective assumed by the European Union. Among them, we can list:

- From fark to fork. A significant aspect in creating an environment conducive to development is supporting local markets that do not benefit from the advantages of economies of scale, but compensate by paying attention to details and offering better quality products or services. This aspect, once achieved, will contribute to the consolidation of a circular economy and we will have a fair transition process, both for producers and consumers.
- Biodiversity. The ecosystem in which we live is a diverse one and requires a wide range of resources to develop harmoniously, therefore an important emphasis is placed on maintaining biodiversity, which has benefits for both health and the economy. To understand how important nature is and to understand the consequences of its bad management, it should be mentioned that "half of the world's gross domestic product (GDP) (40 000 billion EUR) depends on nature". Analyzing this statistic, we can understand why there are reasons for concern when, as a result of poor resource management, "The world population of wild species has decreased by 60% in the last 40 years" and "1 million species are at risk of extinction".
- Sustainable agriculture. In order to achieve efficient, effective and sustainable agriculture, a well-structured institutional intervention is needed. This objective is ensured by the Common Agricultural Policy, which fulfils 3 secondary objectives, given its complex nature, combining economic, social and environmental aspects. All these are interconnected and interdependent, being designed in this way to be able to make the whole process more efficient.
- Clean energy. Over time there have been several methods of creating and managing energy, each of which has both advantages and disadvantages. It is very important to properly select the type of energy used according to each individual situation, using the benefits properly while also taking into account the disadvantages. However, an advantage that is highly sought after at the moment is that of energy regenerability, an aspect that is necessary within the European Union's efforts to fulfil the objective assumed in the European Green Deal.

## 3. Definition and applicability of evaluative concepts

### 3.1. Applicable/relevant concepts and theories of evaluation

Evaluation is a tool used to objectively analyze, correlate and correct various components of public policies. These evaluations, which contain evaluation judgments formulated following the realization of the research process, have the role of improving the quality of a program or helping to correctly inform a decision-maker. We can use Mr. Adrian Miroiu's definition in the book "Introduction to the analysis of public policies", namely "Policy evaluation represents the objective and systematic empirical examination, with the help of social research methods, of public policies, in terms of the objectives proposed by them." (Miroiu, 2001).

Taking Mr. Miroiu's definition as an example, we can say that the evaluation process is very important in the case of the European Green Deal, because the objectives assumed by it are ambitious and require an appropriate structuring of the actions that must be carried out in order to achieve those objectives.

Depending on when the evaluative process occurs, there are 3 distinct categories, namely:

- Ex-ante evaluation (also called a priori). This type of assessment is carried out before the start of a program/project and has the role of analyzing a problem, exposing the advantages and disadvantages of existing options to solve the target problem, and establishing both direct and indirect costs that may occur in following the start of the project. All these aspects, presented in a specific form, have the role of informing the decision-maker regarding the relevance and coherence of the analysed option.
- Intermediate assessment. This type of evaluation is carried out during the implementation of a public policy, so deviations that may occur along the way can be monitored and avoided. It also has the role of intervening in case there were problems in the ex-ante evaluation, or other problems arose that were not initially reported.
- Ex-post evaluation (also called a posteriori). This type of evaluation is carried out after the completion of the program/project and is an approach that aims to appreciate the way in which the project activities were carried out and to make a synthesis of the information, also verifying the conformity of the activities in the field with those initially included in the project. All these aspects have the

role of providing feedback to the initiator and to observe problems that may become recurrent so that they are not implemented in future policies.

Given the diversity of programs and policies, there are a multitude of evaluation approaches with various advantages and disadvantages. It is the evaluator who must, after a thorough analysis, decide which model presents the most advantages and the fewest disadvantages in evaluating a particular program.

Within the specialized literature, several typologies of evaluation models have appeared, however, we will focus on the evaluation models approached by Scriven in 2003 and by Hansen in 2005, who proposed 6 evaluation models:

- Results-oriented models. I use a classic evaluation method, in which the results attributed to the evaluator are analysed strictly from the perspective of his predetermined objectives. From the purpose and objectives of the evaluator, the evaluation criteria are derived, having the same common question, namely "To what extent were the predetermined objectives achieved?". This typology includes the produced effects model, which analyzes all the advantages and disadvantages, direct or indirect, that can be attributed to a project or program, thus answering the question "what are the obvious effects of the program?". The problem discovered by the academic community for this model would be the lack of clear evaluation criteria.
- Explanatory models. These models use all 3 evaluation periods (ex-ante, intermediate and ex-post) to monitor the evolution of the evaluator, quantifying his performance based on indicators, this process being very process-oriented, based on formative evaluation. The questions that such an evaluation model must answer are "How satisfactory is the level of activities?" or "Are there implementation issues?".
- Systemic models. The approach is based on the analysis of structure, processes, inputs and outputs, these being viewed through the prism of results. In this case, the results obtained by the targeted project/programme are compared with other projects in the same field, carried out under similar conditions. Common questions found in evaluations of this type would be "Were the objectives assumed in the ex-ante evaluation properly achieved?" or "Are the results achieved within the project/program comparable to those recorded within a similar program?".
- Economic models. These are based on financial analysis, using methods such as cost-efficiency analysis, cost-effectiveness analysis or cost-benefit analysis. All

of these use much of the basis of the systems approach. The difference between economic models and systemic models is that, within the economic ones, they report from a financial point of view, analyzing the costs and benefits brought.

- Models centered on the actors involved. This type of evaluation is based on stakeholder feedback and creates the evaluation criteria according to the criteria argued by the project participants. The main question of an evaluation based on this model relates to the degree of satisfaction of the direct or indirect beneficiaries and would be a question of the type "Were the beneficiaries of this project satisfied with the results recorded?". Depending on the evaluated project/program, the intervention of an expert in the field may also be needed, he establishing the evaluation criteria.
- Theory-centered models. Program theory is relevant here because it looks at the reasoning behind interventions. Due to the complex nature of the programmes/projects at both national and European level, an in-depth approach is needed, using empirical data in the analysis and using mostly qualitative research methods. This method is an adaptable one, which tracks the elements of risk, social elements and builds the evaluative criteria following these factors in accordance with efficiency, effectiveness and economy.

In the case of the evaluation of the European Green Deal, the advantages of the program theory are accentuated by the complexity of the initiative, covering a wide spectrum of action and a wide target audience, from different nationalities using different approaches to the same issue. The theory of the program creates a logical matrix that takes into account all these aspects, thus, the implementation at the European level and the adaptation to the various fields of action, either the agricultural or the industrial sector, can be successfully achieved.

### 3.2. Identification and analysis of the target audience of the European Green Deal as well as the beneficiaries of the measures of the subsequent EGD policies

We can state that the target audience and beneficiaries targeted by the European Green Deal are made up of the entire population of the member states of the European Union. Depending on the geographical area, age or occupation, an EU citizen can be both a direct and indirect beneficiary depending on the implications of each field of action of the EEP.

Among the direct beneficiaries of the European Green Deal we can list:

- Citizens whose state of health requires a very good quality of air to be able to continue their life, predominantly found in the case of people over 50 years old and predominantly in urban areas due to the agglomeration found in these areas (Harbers, 2012).
- Farmers whose activity is carried out around ecological, sustainable and high-quality agriculture who will benefit from the funds allocated for regional development (ERDF). Also, the beneficiaries are the farmers who have the initiative to re-technologize the agricultural production.
- Tourism, due to the reduction of physical pollutants in areas of interest such as mountain or maritime ones.
- Urban areas will have a much easier process of storing and converting waste, thanks to the use of biodegradable and reusable products.
- Property owners who will benefit from renovations that will make the thermal capacity of the building more efficient, thus the cost of the energy used will be lower, helping both the owners and reducing the resources needed to create that energy (electrical or natural gas-based).
- Entities responsible for research and development of solutions necessary to combat climate change and greenhouse gases. In this case, monitoring and prompt action in case of non-conformity will require more competent personnel.
- Entities responsible for the creation, management, reuse or disposal of waste, their purpose being that of the sustainable use of resources.
- States whose development in this direction has not been significant until this moment, benefiting from much greater support.
- Actors involved in the production, maintenance and distribution of renewable energy technology, both regarding its storage and use.

Indirect beneficiaries:

- Manufacturing and maintenance industries for electric machinery and vehicles, or at least those concerned with machinery or vehicles that comply with the new pollution standards.
- The local/national and European public administration that will benefit from sustainable development programs, through the most efficient use of resources and their reuse. Among them we can count the digitization of services, and thus the amount of physical materials needed to carry out activities is reduced.
- The medical system that will no longer encounter so many cases of respiratory diseases caused by a defective ecosystem.

- The increase in the average age of the population due to the appropriate development of the new generations which, following the use of the new living standards, will exceed the current demographic standard.

The beneficiaries of this initiative are mostly direct due to its complex nature.

The circular economy has an important role within the European Green Deal, thanks to actions to combat climate change, protecting the environment by reducing carbon dioxide emissions (or other chemical elements later converted into carbon dioxide), developing the economic capacity of the European Union on global plan, optimal storage and reuse of waste, protection of biodiversity and natural landscapes.

Advanced technology has an essential role in the development necessary to achieve the objectives assumed by the European Green Deal because it helps to monitor climate effects or to develop sectors where technology would make a significant difference, such as the agricultural, industrial or medical sectors. A concrete example is the sector of personal vehicles and industrial machinery due to their adaptation to the new pollution standards, switching to propulsion systems not used on a large scale such as hybrids, those using natural gas (Liquefied Petroleum Gas-LPG or Compressed Natural Gas - CNG) or even electrical systems.

By storing and using renewable energy, a benefit is brought to the efficiency of the exploitation of resources. Ways to create renewable energy would be photovoltaic panels or wind turbines. Also, the benefit from the point of view of pollution is visible, these methods reduce the amount of polluting emissions, except for the process of creating the necessary tools. An alternative source of renewable energy creation can be the use of waste, thus through a multifunctional approach two objectives can be achieved at the same time.

For the most sustainable development of ecological agriculture and for the achievement of the most significant number of organic products, it is necessary to eliminate chemical fertilizers and pesticides from agricultural production and replace them with natural fertilizers, taking into account the differences in the actual amount produced as a result of the changes of this nature.

The state of health of citizens is closely related to the environment in which they work. Thus, through the European Green Deal, appropriate conditions are created in both rural and urban environments. Also, the medical system will contribute to improving the quality of life by using new technological resources and by

combating diseases resulting from exposure to polluting substances of any type, such as substances present in pesticides or insecticides.

Non-governmental organizations will have a significant impact due to the NGO concept, that is not to produce profit, but to bring added value within a field. They can monitor the evolution of the measures taken by local and national administrations regarding the progress of the implementation of the European Green Deal, publicly signaling the gaps or slippages of the actors involved when necessary.

## 4. Operationalization of evaluation elements

### 4.1. Analysis of the ideational paradigm regarding environmental and climate policies

In order to understand the current investment plan, the priorities from the recent history of projects financed or co-financed by the European Union must also be analysed. Previous projects that contributed to combating climate change and protecting the environment were ones that analysed and combated problems at the micro level, being implemented at the local level and their positive effects could only be felt by a limited number of people. Examples of such projects would be:

- Creation of the first national investment platform in the field of energy efficiency in Lithuania. Modernization projects are a pillar of the efficient use of resources, thus, they have been of interest to the European Union in the process of complying with regulations and directives in the environmental sector. In the case of Lithuania's financing, the emphasis was placed on the installation of solar panels, the renovation of buildings that can benefit from this approach, or the efficiency of the industrial sector through the transition to more efficient light sources. These steps balance the high initial costs with the benefits that will arise as a result of the changes made.
- Heating investment strategy for the Budapest city area. Terminal management solutions for buildings and other spaces where citizens work are part of the energy strategies that will eliminate practices not adapted to market requirements, and in this case, the results will come from the expansion, interconnection and modernization of already existing thermal networks to increase performance.

An important element of the policies of the European Union that complicates the process of protecting the environment is the subsidy of fossil fuels, subsidies that

accumulated between 39 and 200 billion EUR annually. The elimination of greenhouse gases is closely related to the reduction or even the complete elimination of fossil fuels, but this aspect presents difficulties that must be taken into account by decision-makers in order to make the best decision. The main difficulty lies in reducing the economic sectors that are based on fossil fuels and thus, the probability of social and economic consequences will be very high. An aspect that is not taken into account in subsidizing fossil fuels is the calculation of the cost of the harm they bring to the environment. The targeted damages refer to the pollution of the air and the environment, the congestion of public roads or the costs related to the degradation of public roads.

The paradigm used by the current political decision-makers is constantly changing, but the objectives enshrined in the public agenda must be fulfilled. A concrete example of the mistrust of the decision-makers regarding the environmental policies addressed by the European Union is the former president of Romania, Traian Băsescu, who publicly declared the probability of some states leaving the European space following the implementation of the policies of the European Green Deal. The argument presented by him is that the transition to a sustainable and fossil fuel-free economy cannot be made considering the budget allocations dedicated to this purpose. It also emphasizes the need to develop infrastructure, especially express highways, considering these elements to be more important at the expense of sustainable and efficient development using the tools designed by the European Union, such as the just transition mechanism.

The support of the decision-makers who occupy some of the most important positions in the European institutions is an essential factor in the optimal implementation of a program or project, thus, the support provided by the President of the European Commission, Ursula von der Leyen was essential to receive the resources necessary for optimal implementation EGD. This initiative, to be the promoter of such a project aimed at the environment and the climate, requires the use of an inclusive paradigm, which evaluates both the benefits and the disadvantages arising from the application of a program and builds the implementation strategy so that the results are as expected, more precisely sustainable, efficient and effective, using only calculated compromises (Tidey, 2020). Mrs. Ursula von der Leyen's position from this point of view is in antithesis with that of MEP Traian Băsescu.

### 4.2.1. Definition and conceptualization of program theory in accordance with the particularities of EGD

The vision of the European Green Deal, being a macro one, integrates the ideas of environmental policy in a multitude of economic sectors. The relevance of the use of program theory, considering the peculiarities of EGD, is based on the idea that it is used for the evaluation of large-scale programs, which also address social issues, and meet secondary objectives in a main objective.

Based on the theory of the program, the evaluation is carried out through the identification of problems and the schematization of the objectives regarding the socio-economic issue. These problems stem from the inefficient use of natural resources, the faulty practice of agriculture at European level, the inadequate management of the effects that led to global warming and the use of fossil fuels in excessive amounts, which cannot be fully absorbed by natural mechanisms (soil, forests or waters) (European Parliament, 2019). Within the strategy of the European Green Deal, it is considered to solve the problems mentioned above through the transition to a circular economy at the EU level, by increasing the practice of ecological agriculture and increasing the degree of awareness regarding the benefits brought by it, by modernizing the infrastructure and by improving the economic capacities of the EU to facilitate EEP interventions. According to a study carried out at the request of the European Parliament, the absorption capacity of CO2 emissions is impressive, approximately 9.5-11 gigatons of CO2 annually (European Parliament, 2018), but in 2017 there was an amount of 37.1 gigatons of CO2 emitted by to the polluting economic sectors (European Commission, 2017), thus the amount emitted is more than 300% compared to the amount absorbed during the same year.

According to the previously mentioned, the idea of using the program theory as an evaluation method for the realization of the evaluation design is supported. It aims to monitor the evolution of the EGD strategy, an aspect achieved thanks to its ability to operationalize a thorough assessment of an extensive number of constituent elements.

An important element of the evaluation based on the theory of the program is the predominant use of qualitative research, building a logical matrix that will encompass all the important aspects of the optimal development of the initiative, the vision being one of macro type, using a specialized work methodology to

eliminate the significant discrepancies between the member states from the point of view of the implementation of the policies targeted by the European Green Deal.

Due to the large number of beneficiaries, there are a multitude of issues that may arise during the evaluation. In this sense, the theory of the program is based on the thorough research of the impact of the policy on the stakeholders.

### 4.2.2. Macro-level EGD processes and structural elements

Part of the evaluative process based on the theory of the program are the identification and exemplification of the structural elements of the European Green Deal. The structural elements are a constitutive part of the evaluation and represent elements that will be taken into account in the evaluation process that will not change as a result of the processes carried out. They will influence the EGD policies, but will not be directly affected by these policies.

Ministries whose work is constitutive elements of the EGD are considered structural elements, because they will not change their internal structure. They will create special structures that will deal with the development of pollution reduction techniques through sustainable measures, which respect the criteria of efficiency, effectiveness and economy. Moreover, in most of the member states of the European Union, there are already departments that deal with environmental and climate issues. With the implementation of the EGD policies, these departments will gain more importance due to the prioritization of these issues.

Transport infrastructure is not a priority for changing the EGD. It is an element that has a good enough constitutive base to not be of interest to the structures of the European Union at this moment, being feasible in terms of the environment and the climate. Whether it is road, naval or air infrastructure, structural benefits cannot be brought to be included in the ecological concept targeted by EGD, but related issues of these infrastructures are targeted. Eastern European states will recover the infrastructure deficit using greener means, thanks to policies designed on a macro scale by the EEP.

Local administrations are considered structural elements, considering the fact that they only adapt to the needs of citizens and implement policies that are agreed by the ministries and the European Union, regardless of their nature. The organizational structure does not change in this case, the policy design departments remain identical. These usually attract funds for regional or even rural development,

and to continue the investments, ideological adaptation to the new European bases is impetuously necessary.

The European institutions represented the pillar of public policies on a large scale in the European territory and thus, they are considered structural elements by the evaluators. The European Parliament, the Council of the European Union, the European Commission and the European Council present a constant structure around which the policies are carried out, in this case speaking of the environmental and climate policies of the European Green Deal. In addition to the structure, there are also constitutive elements that are not covered by the EGD policies, among which we can find the staff, the administrative structure or the organizational chart.

These structural elements represent the bases of the policies related to the European Green Deal, which do not require changes throughout the implementation, but, with the help of the evaluators, in exceptional situations they can be intervened on, an operation that will help the proper implementation of the policies.

### 4.2.3. Process Map

This is a constitutive part of an evaluation based on the theory of the program and gives us the tools that will be necessary to be used to achieve the main objective, that of adapting the measures of the European Union regarding the reduction of pollution and climate change. The process map catalouging in the general mode differentiates according to the type of action into 3 distinct categories:

*a. Structural processes*

- The creation of specialized funds to support the economic sectors and regions most affected by the EGD policies.
- At the national level, the implementation of own policies to help the European ones to speed up the measures targeted by the EGD.
- Investments from national funds specifically dedicated to waste recycling and reuse infrastructure.
- The creation of departments whose objective is to evaluate the state of implementation of EGD policies and monitor the indicators established related to them.
- Creation of a working methodology in emergency situations that respects the environmental protection criteria of the PAC regulations
- Funding energy unfeasible regions to modernize workspaces and buildings to create an energy efficient system.

- Programs to finance professional reconversion with the aim of acquiring the tools specific to the ecological economy.
- Regional and local support for small and medium-sized enterprises that aim to produce organic food.

*b. Operational processes*

- Updating micro-level working methods to adapt new green techniques to current operational bases.
- The purchase at local level of new machines and vehicles that comply with the European norms in force regarding the quantities of pollutant emissions generated.
- Purchase of digital components that comply with European recycling rules
- The acquisition of digital work systems to facilitate the digitization of local, regional, regional, national and European public administrations.
- Refurbishment of spaces for management, reuse and recycling of all waste to achieve the secondary objectives of EGD at the regional level.
- Designing financing methodologies for SMEs, especially those in the agricultural sector that want to make the transition to ecological alternatives.
- The purchase of means of public transport that have hybrid or electric propulsion technologies.
- Specialization courses dedicated to employees from national institutions that will deal with the implementation of ecological policies.

*c. Support type processes*

- Board games dedicated to both the young and the elderly to raise awareness of the importance of protecting the environment and climate.
- Awareness materials on financing possibilities for entrepreneurs operating in economic sectors financed by EGD.
- Creating podcasts and other photo-video materials that address environmental and climate issues.
- Promotion of materials promoting the benefits of the European Green Deal in educational environments that address these issues.

### 4.2.4. The result elements brought by the EGD

These are a constitutive part of the evaluation based on the theory of the program and present two necessary elements, which are the outcome and the output. The outcome is the main objective of the policy, which is made up of a series of outputs.

To address the issue of the European Green Deal, we will define these two terms in the following way:
Outcome: Adaptation of the European Union's measures to reduce pollution and climate change
Output 1: Increasing the quality of sustainable development policies within the EU states
Output 2: Increasing the number of interventions to combat environmental pollution and climate change
Output 3: Facilitating the transition to a sustainable development based on the socio-economic environment
Output 4: Adapting current national legislation to new environmental challenges
Output 5: Supporting member states that do not have optimal development
Output 6: Efficiency of resource use
Output 7: Combating pollution caused by sources emitting CO2 (or equivalent substances)
Output 8: Establishing strategies to protect the environment
Output 9: Preventing and combating the negative effects of climate change

The complex nature of the European Green Deal implies a diversification of outputs so that the outcome is the desired one. The outcome being the main element, the outputs can be conceptualized as secondary objectives that lead to the fulfilment of the outcome.

## 5. Conclusion

For the correct conceptualization of a European program, the intervention of an evaluator is necessary. Depending on the type of program or project, the evaluator may approach different evaluation methods. In the current case, the European Ecological Pact, due to its complexity and the introduction of some socio-economic elements, requires an approach based on program theory, within which the methodological framework will be established, with the aim of identifying macro-level problems and developing methods of solution by schematizing the objectives. Considering the current state of evolution of the European Ecological Pact, it is difficult to identify a result that will bring a significant impact on reducing carbon emissions and combating climate change.

The initiative is a long-term one, with a term of 30 years, more precisely 2020-2050, during which the policies addressed by the PEE will gradually realize the secondary and tertiary objectives. However, given the public agenda of high-level decision-makers, we can speculate on the possibility of the continuation of the European Green Deal in the form in which it was conceptualized.

The value judgments made following the evaluation based on the theory of the program, bring real benefits in all 3 crucial moments of a program, in the case, in the ex-ante, in the intermediate stage and in the ex-post stage. Thanks to the ex-ante evaluation, the measures to be adopted and the stages to be completed are known from the conceptualization stage of the program, at which point the value judgments of the evaluator prove to be crucial. These value judgments are necessary for a decision-maker to take into account all the constituent elements of a program and make the best decision for citizens in the long run.

The evaluation starts from the main objective, which is the adaptation of the European Union's measures regarding the reduction of pollution and climate change, and builds the secondary objectives in correlation with the main one, creating a pyramidal system for solving individual problems, which are then divided into zones and areas of implementation. Awareness of the effects of the European Ecological Pact, both by the institutions responsible for carrying out the tasks necessary for its good implementation, and by citizens to properly benefit from the benefits and mitigate the disadvantages, is impetuously necessary to create a dynamic and efficient system.

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# The role of public administration in interreligious dialogue. International standards and recommendations[1]

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**Abstract.** *Interreligious dialogue, recognized as a democratic instrument with the potential to foster respect and cooperation, occupies a pivotal role within the general democratic framework. Despite its significance, international organizations have not prescribed a specific framework for conducting interreligious dialogue. Instead, a diverse range of options exists, from ad-hoc to institutionalized formats, involving various stakeholders from religious leaders to local communities. This review study addresses the evolution and conceptual foundations of interreligious dialogue, while also exploring its integration into the democratization process. The first section of the study defines key terms within an interreligious dialogue framework using a conceptual framework from the social and political sciences. The avoidance of "conceptual stretching", as articulated by Giovanni Sartori, is emphasized to elucidate commonalities between religious freedom (Freedom of Religion or Belief – FoRB) and interreligious dialogue, highlighting the crucial role of FoRB in governing interreligious discourse. The subsequent sections of the study delve into the multifaceted nature of interreligious dialogue, examining its formats, benefits, and the role of the State in promoting it. The study identifies diverse formats, from theological exchanges to non-hierarchical cooperation, emphasizing the importance of common goals and avoiding the imposition of individual perspectives and politicisation. In conclusion, this study systematizes the core elements of interreligious dialogue and underscores the importance of inclusivity, de-politicisation, neutrality, and dialogue over debate, ultimately contributing to a contemporary democratic model for interreligious dialogue that upholds the values of freedom and cooperation within diverse societies.*

**Keywords:** *De-politicisation, Freedom of Religion, International Organizations, Democratization, Dialogue.*

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## 1. Introduction

The partnership and dialogue between different religious and cultural traditions are recognized as being a democratic instrument that can contribute to an increase in confidence, respect, and cooperation, and is part of the "human dimensions" commitments within the technico-diplomatic language of the Organisation for Security and Cooperation in Europe (OSCE) (ODIHR, 2011). Nevertheless, neither the OSCE nor other international organizations offer a rule on how interreligious dialogue should be carried out, with options being among the most varied, from ad-hoc to institutionalized formats, from a dialog between religious leaders to that carried out at the local community level.

The oldest attempts to articulate interreligious dialogue date back to the year 1893, with the establishment of the World Parliament of Religions in Chicago (Moyaert, 2013). What subsequently became known as the "ecumenical movement" (…), with its different sequences, developed within a theological and even political framework, and diverted the meaning of interreligious dialogue. It was recovered more recently through international organizations and as examples of best practices in different countries in the context of advancing democratization.

In the first part of this study, I will define the basic terms of an interreligious dialogue using a conceptual framework from the social and political sciences, and avoiding the dangers defined by Giovanni Sartori (1970) as "conceptual stretching." Thus, the tendency to broadly define various concepts, such as discrimination, interreligious dialogue, and many others, gives rise to a premise that no longer represents strong concepts, with universally accepted understandings and meanings, to become weak metaphors. In the second section, I will lay out several common points relating to religious freedom (Freedom of Religion or Belief – *FoRB*[(1)]) and interreligious and interconfessional dialogue, while in the last section, I will draw a model for interreligious dialogue based on principles of religious freedom and depoliticization, as well as several recommendations for participants in an interreligious dialogue.

In methodological terms, this study sets out from the hypothesis that the rights and freedoms of citizens of any democratic regime take precedence over tradition, organic or organized solidarity, and even, in most cases, over security threats. As such, Freedom of Religion or Belief (FoRB), referred to in international documents as expressis verbis must govern the interreligious framework. Freedom of Religion

and Belief is mentioned in the Universal Declaration of Human Rights (Art. 18) as follows: "Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance" (United Nations, 1948). Furthermore, the quasi-canonical definition, established as far back as 1948 in the Universal Declaration of Human Rights, was also adopted in the Helsinki Final Act (1975), as well as by successive OSCE meetings(2).

In its internal realm (forum internum), FoRB protects individuals to have, adopt, choose, change, or renounce a theist, agnostic or atheist faith. In its external realm (forum externum), FoRB protects persons either individually or in a community, to manifest their religion or belief in the practice of their faith, the religious teachings, and the respecting and observance of religious traditions (Ferrari, 2020; Kerr, 2022).

Limitations of FoRB are acceptable only insofar as these are applied as to any other fundamental right, specifically in very strict keeping with a variety of conditions and only in situations of imminent danger to public safety, public order, public health, morality, or other fundamental rights. No one but the State must justify the application of restrictions in a non-arbitrary fashion, demonstrate that restrictions are prescribed by law, are non-discriminatory (do not affect certain people/ communities more than others), are proportional to the danger (as unintrusive as possible), and, respectively necessary to attain the desired purpose (Raiu & Mina-Raiu, 2022). For instance, the limitation of FoRB may be considered discriminatory if it does not have objective and reasonable justification or if it is disproportionate to the desired purpose, as was observed in several countries during the pandemic (Zidaru, 2020). Unlike other human rights, such as freedom of expression, FoRB may not be limited based on public safety (van der Vyver, 2005; Martinez-Torron, 2021).

## 2. Definitions and concepts

Although numerous commitments by OSCE underline the importance of dialogue to create a cohesive, safe, and peaceful society, the question *What form should this dialogue take?* cannot be answered either simply or uniformly, because before responding to this head-on, other questions, such as the one that follows, must be

answered first: *How far must governments go to intervene in interreligious dialogue?*

International commitment to interreligious dialogue is a process that may not be isolated from the nature of political regimes and was accelerated in the past two decades based on the rapprochement of Eastern Europe to the cultural and human rights practices developed in the West(3), including activities such as:

- Religious leaders respond with a common voice in specific matters on the public agenda, as in the case of COVID-19 pandemic in some countries (Williams, Miller & Nussbaum, 2021);
- Structures/institutions are created as platforms for dialogue for the various segments of society (youth, the elderly, etc.);
- Local-level activism, in which participants jointly promote religious differences and social changes;
- Dialogue based on Sacred Scripture.

These types of activities are characterized by:

- Knowing "others" (i.e. to facilitate meetings among people of different faiths);
- Responses intended to explain/debunk myths and preconceptions about different religions;
- Informal instruction about different religious or faith communities;
- Mediation of secular conflicts using religious or theological tools (invoking religion as an instrument for peace;
- Activities to promote human rights, peace, community cohesion, or even public health campaigns(4).

Most of the time, the interreligious dialogue does not follow a canonical model applicable in any context but is rather contextually circumscribed - especially culturally and politically (Cornille, 2013), and the terms used are not interchangeable based on the particular language (Swidler, 1983). Concepts are not uniformly based on history, socio-cultural context, or theological language. Therefore, the choice of language must be fully analyzed to be all-inclusive. Generally, the use of primarily theological terminology is more efficient than a vocabulary specific to human rights, because it recognizes more religious traditions, local context, etc.

### 2.1. The role of the State in the promotion of dialog and interreligious partnership

The role of the State is not set canonically in international documents, but rather only approximately, leaving the decision and scope of involvement to the national policy level, based on the principle of subsidiarity. However, in the past two-three decades, international commitments in matters of human rights and FoRB reserve the responsibility of handling interreligious dialogue for the State. This was done at the 20th Meeting of the OSCE Ministerial Council, held in Kyiv in 2013 by Decision 3/13 (OSCE, 2013), by which OSCE participating States were invited to:

- Promote and facilitate open and transparent interfaith and interreligious dialog and partnerships.
- Aim to prevent intolerance, violence, and discrimination based on religion or belief, including against Christians, Jews, Muslims, and members of other religions.
- Encourage the inclusion of religious and belief communities, in a timely fashion, in public discussions on pertinent legislative initiatives.
- Promote dialogue between religious or belief communities and governmental bodies, including, where necessary, on issues related to the use of places of worship and religious properties.

The current practice has resulted in several models of (non-)involvement of the State in interreligious dialogue:

- The State stays uninvolved, a passive player, so as not to influence the interreligious dialogue agenda, but there is a very active civil society segment (for NGOs, think tanks, etc.) that promotes interreligious dialogue.
- The State does not get involved directly, but rather participates as an observer at various levels (local, regional, national).
- The State creates a platform for dialogue, offering subsidies, and serving as a facilitator of dialogue, but not as a participating player.

The State may offer financial support for interreligious dialogue in the following ways:

- Grants offered to civil society organizations for the design and organization of interreligious dialogue initiatives.
- For research and communication activities.
- Increasing administrative capacity in the case of religious organizations that wish to be involved in types of interreligious dialogue.

- The financial support must be known to be available continuously and to all initiatives, both across the leadership level of organizations and at the local initiative level.
- Support for networking events that bring together various religious communities.
- Intensification of religious literacy.
- Financial support should be available and transparent, with simple administrative procedures, and take into account the impact and sustainability of the initiative.

Because the COVID-19 pandemic increased the need for intensifying interreligious dialogue, especially between the state and faith communities, OSCE issued the Human Dimension Commitments and State Responses to the Covid-19 Pandemic. The document was principally intended to identify consensual, national-level solutions to guarantee FoRB as widely as possible while allowing states to act to limit the effects of the pandemic. Therefore, the document included a series of recommendations, some of which were specifically related to an increase in an interreligious dialogue: the states must ensure that religious limitations are accompanied by guides addressed specifically to the authorities that implement the restrictions (such as the police, the gendarmerie, etc.), and to those affected by such restrictions (citizens of all faiths); the states must ensure that newer religious organizations (not only thosehelding a form o recognized status) or ones with fewer members are treated equally with the traditional faiths, and benefit from equal protection; establish permanent channels of communication, including at the regional and local levels (ODIHR, 2020).

The state may promote dialogue initiatives as a religiously neutral facilitator, including all legitimate players, respecting the general framework of FoRB, being impartial, offering equal treatment to all involved and avoiding ad-hoc initiatives to the detriment of systemic ones. In this hypothesis involving the state, there are a few dangers that must be prevented:

- States will be tempted to politically direct the interreligious dialogue agenda and even the internal agenda of religious organizations (Maier & Schafer, 2004).
- The influence of the state increases if it attempts to define the dialogue agenda.
- The State may elect leaders to collaborate with from among persons who claim to represent the community, who do not truly have the necessary legitimacy; will coopt those that it wants to listen to, not necessarily those it must listen to.

- The dialogue can be derailed into an instrument of supervision and control, especially in the case of states that have not separated themselves firmly from their totalitarian past (fascist, communist, etc.).
- Depoliticization.

### 2.2. What formats and benefits can interreligious dialogue have?

There can be very diverse formats, from theological exchanges between religious leaders to non-hierarchical cooperation, bottom to top, on subjects of common interest. Some activities can have an official structure, while others can be informal. The benefits of interreligious dialogue depend on the level of involvement and commitment of the participants. As with any form of dialogue, the benefits appear when the participants have a common goal and do not attempt to derail the dialogue to impose all of their points of view. The first measurable benefit is an increased potential for reciprocal understanding, reduced prejudices and stereotyping, a rise in social cohesion and social peace, or even military/political, if we think of the different international contexts, such as the contemporary war in Ukraine(5). In conflict or post-conflict areas, the dialogue can contribute substantially to reconciliation (Hayward, 2012; Sampson, 2007). Other benefits include the promotion of the common good, overcoming stereotypes, stigmatization, and prejudice, battling religious illiteracy (Moore, 2014), and the promotion of security by way of united responses to such phenomena as hate crime & speech, offensive speech, and attacks on some religious officials or houses of worship. A dialogue can also serve as a preventive measure in situations that could escalate without such communication.

**Who participates in dialog?**

It is necessary to accept the fact that interreligious dialogue cannot include all players. The inclusion of some players can lead to others being left out. It must also be accepted that not all organizations want to be involved, and it is important to consider the internal structure of religious organizations because although all voices are legitimate, not all are equal. The dialogue must not exclude young people, women, atheists, agnostics, recognized organizations, or those not recognized by the state, academics, policymakers, and experts in human rights and FoRB.

**Dialogue is not a debate**

Dialogue involves a form of discussion by which various positions are explored in a spirit of reciprocal respect, to identify a positive outcome for participants

(KACIID, 2017). A dialogue begins with several hypotheses: its purpose is to find a common goal, an open attitude, and a willingness to listen to others and avoid preconceptions and presumptive conclusions. On the other hand, debate can degenerate into a means for convincing others of one's point of view, and even highlighting the weaknesses of others. Debate assumes that there is a single correct answer or only one truth, and winning the debate is the purpose in itself while listening to others happens only to develop a counter-argument (KACIID, 2017).

If dialogue digresses into a debate, it can cause division. For this reason, an interreligious dialogue begins with a set of "game" rules (Swidler, 1983), such as it is highly unlikely that a single person, even an extremely representative one of his community, can offer the position of the entire community; in many cases, it is very possible that the religious organization itself does not have a cohesive point of view; participants must be enabled to express only those positions with which they feel comfortable, to set out with definitions and concepts whose understandings are as common as possible.

The Council of Europe (n.d.) proposes 12 principles for interreligious dialogue that begin with the need to understand and the incarnation of dialogue in different forms of partnership. Therefore, an interreligious dialogue should not be seen as a party congress at the end of which decisions are ratified and produce legal consequences, but rather as a form of integration and knowledge. For this reason, also, the chairing of the dialog is carried out through rotation by all members, a practice likewise adopted at the time of its establishment in 2011/2013 by the Consultative Council of Religious Faiths in Romania(6) or the Interreligious Council of Albania, created in 2007(7). However, if the state is included in this format, it is preferable that the chairing of meetings not be assigned to State representatives to avoid the risk of politicizing the dialogue. The dialogue does not promote either a particular religion or theological truth, but needs to be directed towards the common good, neutral in terms of religious memberhip; it is not a platform for proselytizing or a platform to promote syncretism or religious relativism nor one to erase religious identity.

### 3. How can interreligious dialogue be put into practice?

In order not to be politically instrumentalized, the interreligious dialog must start from an analysis of the context by way of evaluating all of the country's stakeholders: religious organizations, parliamentary groups or commissions,

government institutions, civil society institutions, the media, and influential public voices in this domain. Have there been similar experiences in the past? What results did these have?

According to the European Union Council (Ventura, 2020), EU Member States commit to "make use of all available tools, including the financial instruments, to promote a culture of mutual respect, diversity, tolerance, dialog, and peace" (Art. 34c). Furthermore, "the EU will also engage in the fight against all forms of intolerance and discrimination on grounds of religion or belief, and the implementation of the relevant UN resolutions in that field, as well as in initiatives in the field of intercultural and inter-religious dialog in the spirit of openness, engagement, and mutual understanding […] Religious tolerance as well as inter-cultural and interreligious dialog must be promoted in a human rights perspective, ensuring respect of freedom of religion or belief, freedom of expression and other human rights and fundamental freedoms." (Art. 60-61).

A series of meanings are falsely attributed to FoRB, including the fact that religious freedom protects religions, not people, that it promotes a different agenda or is even contrary to human rights, and that it promotes a sort of western cultural imperialism (Bielefeldt, Ghanea-Hercock & Wiener, 2016). For this reason, the dialog requires the presence of an experienced facilitator who knows how to manage such prejudices and stereotypes, and who does not allow the dialogue to be derailed from its intended purpose.

Religious freedom must not be the only theme on the dialogue agenda, but it should not be missing as the central point of reference in dialogue, together with other "axioms" of religious freedom which can either not be placed on the dialogue agenda because they are by definition contrary to human rights (points a and b), or because they are subjects that are so present in society that they cannot be overlooked (points c-e):

**a. Legislation concerning apostasy and/or blasphemy**

In some countries, blasphemy is considered a punishable felony (Sturges, 2015). Blasphemy can be defined as the act of insulting or showing contempt or lack of reverence for God (Petersen). When legislation exists that prevents blasphemy, religious sentiment, ideologies, and ideas are prioritized over the individual right to express himself freely. Anti-blasphemy legislation tends to favor a certain religious faith over another (Berkmann, 2018). Thus, laws are discriminatory by their very

nature, and their abolishing is a necessity in keeping with international standards for religious freedom: "At the national level, blasphemy laws are counterproductive, since they may result in de facto censure of all inter-religious or belief and intra-religious dialog..." (OHCHR, 2012).

**b. Proselytism**

In democratic logic, proselytism is an approach to presenting to others one's religious faith, and it is an integral part of religious freedom until someone uses his authority to impose on or seduce another person with his religious point of view (Menchik, 2018). Moreover, proselytism is discomforting for those religious communities who fear that on a free market for the promotion of religious ideas, they might lose members. However, for some religious communities, sharing faith is not just a desire but also an obligation. Christianity itself was spread through different forms of proselytism (Fletcher, 2014). For this reason, the right to present and promote one's religious faith, including in public spaces, is protected by international standards of human rights, and the state must ensure that no single religion/faith is favored in terms of a right to express in this manner.

**c. Religious symbols**

Religious symbols in public spaces will always be a subject for interreligious dialog because it has to do directly with the relationship between church and state, governed by the need for the religious neutrality of the state, but also the principle of religious freedom, which allows religious organizations to express themselves in public spaces (Schmitt, 2008; Barnett, 2013). The presence of religious elements in public spaces can also be interpreted as a means for reducing religious illiteracy or a form of informal religious education, which in turn is a right derived from or associated with religious freedom. This includes the right of every person to receive religious education in his mother tongue, individually or in the community, in spaces suited to such purposes (school, house of worship, etc.) including the freedom of parents to educate their children based on their religious convictions.

**d. Religion in the workplace**

The issue of religion in the workplace is a subject that is being increasingly debated due to the rise in religious and ethnic diversity, especially in larger places of employment, such as multinational companies. People may wear different clothing, and need to take off alternative days according to the religious calendar that they observe. This is true also in Romania, where the National Council for Combatting

Discrimination (CNCD) has analyzed many complaints in the past few years[8] and the agenda of this institution appears to be increasingly committed to issues relating to religious freedom. People must be allowed to practice and to observe their religious faith, even in the context of their work contract, and both the State and the private environment must make efforts to combat discrimination.

**e. Combating incitement to hate and violence**

In the global context in which there is increasing talk about the securitization of religion (Štimac & Aslanova, 2021; Bialasiewicz & Gentile, 2019), States must make efforts to prevent incitement to religious hatred, not only through declarations by public officials or religious leaders but especially through public policies. Religiously motivated violence can take on various forms, such as online and offline hate speech, attacks on houses of worship, physical attacks on religious officials or devotees, attacks on properties belonging to religious communities, or the more recent phenomenon of religious bullying (Ryan & Gardner, 2021). Such a subject must be permanently on the interreligious dialogue agenda, even if there do not seem to be obvious dangers and tensions, so that dialogue can contribute to social peace.

The recent case between a Finnish parliamentarian and a bishop, who risked spending time in prison to express religious opinions in a public space, is relevant in this sense. Material evidence exists in the form of a 2004 pamphlet, a 2019 radio show, and a tweet in which the parliamentarian offered criticism in the form of a theological argument about the gesture of the Lutheran Church to offer support during a public event dedicated to LGBT persons. The Prosecutor's indictment stipulates that the Bible contains offensive words aimed at ethnic and sexual minorities. The Parliamentarian in question formulated a point of view in which he makes an observation that the Finnish State allows you to agree with the Bible only as part of your conscience (forum internum) and that personal adherence to the Christian religion may not form the basis of public expression (forum externum).

The Finnish episode is a test for interreligious dialogue and freedom of religion, albeit fundamentally hampered and perverted in many countries of the world due to the pandemic, and generally in a heightened regression globally. It is an episode that raises many questions regarding the intersection between LGBT rights and freedom of expression on the one hand, and religious freedom on the other.

In constitutional terms, religious freedom is not accorded specifically to religion, but rather to persons and groups of persons. As such, it is not applied to Christianity, but rather to Christians. It is thus a form of civic protection, deeply connected to other civil rights and freedoms as supplementary rights, such as those recognized as far back as the first Amendment of the Constitution of the United States of America in 1791 (Levy, 2017), as well as by international treaties and declarations that we should today consider binding in the process of advancing democracy.

Another principle that springs from international standards for religious freedom is that rights are not competitive. In other words, LGBT rights can coexist with religious freedom, without the risk of canceling each other out (Ghanea, 2010; Bielefeldt, Ghanea-Hercock & Wiener, 2016). Furthermore, public perception is indeed such that we are in the midst of a zero-all game: any progress in the area of LGBT rights appears to be a defeat for religious freedom and vice versa (Hosu, 2015). Can it, therefore, be said that sex education in schools affects religious and moral values or that religious education in schools discourages the free expression of young people about sexual rights? These questions can be answered in many ways, but not so many as to discourage us from debating and further refining the relationship between religion and society in the democratic context.

When human rights are being increasingly judicialized and subjected to legal recourse, a danger appears that religious freedom will be pushed into the courts, avoiding not only traditional forms of public debate and interreligious dialogue, but also public policies that can accommodate different opinions and options. In other words, we rush to pass decisive matters into law without considering the impact and consequences in all social spheres. This judicialization of rights and freedoms is nothing more than a sub-section of political judicialization to which the French political scientist Pierre Rosanvallon (2014) drew attention two decades ago.

It is for this reason, that at the national level, through institutions such as the equality bodies or in other government sectors, and at the international and European levels through the Organization for Security and Co-operation (OSCE), the United Nations, or the Agency for Fundamental Rights of the European Union, States also take on the role of educator in the complex approach of fitting various human rights into democratic frameworks through public policies. They do this in the form of an intermediary laboratory between free citizen experiences and the despotic dimension of the state and manage to produce benchmarks of tolerance and acceptance of the diversity of us all, as free persons.

Moreover, in the international environment, these benchmarks of behavior and public policies result in various non-binding texts and orientation documents with no punitive powers. This is the case of the UN, which gathered the expertise of numerous stakeholders in the area of religious freedom and produced The Rabat Plan of Action (OHCHR, 2012), a document already used by many countries, but also by the European Court of Human Rights. In an effort not to treat perfunctory situations such as that mentioned above in Finland but rather in a formal and consensual framework, The Rabat Plan of Action on the prohibition of advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence begins from the legal framework of art. 20 (2) of the International Covenant of Civil and Political Rights – ICCPR (UN, 1966) and defines hatred or hostility as intense and irrational emotions of contempt, enmity, and loathing against a target group.

Furthermore, encouragement or incitement must be aggressively connotated to be placed under the specter of hatred. Article 20 (2) of the ICCPR – "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law" – sets a very high bar specifically to limit/censure, even though criminal sanctions, so that freedom of expression remains an exception.

Concretely, speech may be categorized as incitement to hatred only after it passes the six-part threshold test of the Rabat Plan of Action:

(1) Analysis of the context in which the speech was made.
(2) The speaker's position or status, specifically the speaker's standing in the context of the audience to whom the speech is directed.
(3) The clear intent of the speaker to encourage or incite action if negligence or recklessness is not sufficient circumstances to classify a speech as incitement to hatred.
(4) Content and form of the speech must be considered from a critical perspective.
(5) Extent of the speech act in terms of magnitude and size of the audience.
(6) Reasonable likelihood, including imminence, to identify the degree of risk of the actions that can be generated by the respective speech.

Further to the Rabat Plan of Action, the interreligious dialogue platform #Faith4Rights (2020) was initiated, which is made up of 18 commitments of UN Member States, drawn up by expert consensus to administer the fine line between

freedom of practicing a religious faith and consequences of discrimination that can arise here (Wiener, 2020).

Beyond international documents and guides, which are quite difficult to navigate, there is still the head-on question: can someone receive a punishment that deprives her/him of freedom for expressing religious faith in the public space? Without analyzing the actual details of the Finnish case, which ended with a decision in favor of both the archbishop and the parliamentarian(9), it seems that we are faced with democratic regress. This is encouraged by dogmatic secularism which gnaws at the idea of religious pluralism and diversity and inhibits interreligious dialogue, a hypothesis that States are asked to condemn in point 4 of #Faith4Rights to remain in the religious neutrality zone and not to become anti-religion promoters.

Thus, the characteristics, implications, and conditions of interreligious dialog can be summed up as follows:

**Figure 1.** *Interreligious Dialog*

| **Is…** | **Is not…** |
|---|---|
| Brings both major and minor religious communities together | Always theologized |
| A way to strengthen social cohesion | Convincing other participants to change their Faith |
| Exchange of information, ideas, and experiences | About syncretism |
| Supports an inclusive approach, and makes available a platform to learn about others | Attacks on different religious identities to compromise them |
| Sustainable | Negotiation |
| Includes different players and faiths to be non-discriminatory | Pleading for a certain religious Faith |
| Adapted to the context | Reserved only for the representatives of majority religions |
| Cooperative | Exclusivity |
| Broaches difficult, sensitive subjects | Avoiding difficult, sensitive subjects |
| Respects differences | Ignoring differences |

**Source:** author's personal processing

## 4. Depolitization of Church-State Dialog

In Romania, the theme of collaboration between the different religious faiths is still overdue, both in terms of academic research and at the practical level. The first reason is a lack of government initiative, regardless of the political party component thereof, to breathe life into such projects. Beginning with the hypothesis consecrated in conceptualization and international practice of human rights, States are the ones who are responsible for the entire range of human rights, including religious freedom. In this context, interreligious dialogue and the partnership

between Church and State can contribute to the promotion of religious freedom, but does not eliminate the responsibility of the State as "duty-bearer" (Vandenhole, 2015). The State and Church are unequal partners in the structure of dialogue: the State must facilitate, while the Church is free to participate or set the agenda.

A sign of a healthy democracy in the area of religious life is depoliticization, while the proof of this sign is the capacity of religious organizations to speak freely before the State and in public spaces. A State that does not share the vision of certain religious organizations (for instance, the fact that religious organizations did not wish to promote vaccinations during the COVID Pandemic), must ensure that the voices of religious organizations are uncensored and fully heard, especially in the context in which the State offers financing to religious faiths based on unpredictable criteria, and therefore has direct instruments to intervene in their lives. The State must respect the autonomy of religious communities, and may invite them to the dialogue, but may not impose it. Furthermore, it may not make access to public funds conditional on participation in the dialogue.

If a dialogue is not depoliticized by its very format, it can be derailed for electoral purposes or financing conditions. Thus, in order to avoid this situation, it is necessary to coopt all legitimately interested parties (academia, parliamentary oppositions, press, etc.), and instead, the participation of the State must be carried out through a different institution than the one that normally provides financing or administers the return of church properties confiscated by the communist regime.

Also, the depoliticization of interreligious dialog is ensured by the advancement of a culture of religious freedom among political decision-makers and public administration (Figel, 2017). Democracy is based on the bureaucratic rule of law-oriented towards a maximizing of citizen rights and freedoms, which is why dialog must be based on international and national legislation and best practices in countries with democratic traditions.

In the Romanian case, the State has proven to be a modest facilitator/mediator of interreligious dialogue, not only in historical terms but also throughout the pandemic years. Romania was a victim of somewhat neo-communist political policies in terms of interreligious dialogue: the State invited faiths to dialogue more often when it required their legitimization - the use of the Orthodox Church in the 1990s for the acceptance of the Iliescu regime, the invitation extended to faiths to sign the Snagov Declaration (1995), and the attempt to instrumentalize the image

of religious faiths to promote the anti-COVID vaccine in 2021 - (Dascalu et al., 2021). Paradoxically, in the Romanian case, neither the State nor the minority (in terms of numbers of members) religious faiths initiated platforms of interreligious dialogue, but rather the Romanian Orthodox Church, through its Patriarch Daniel, initiated the Consultative Council of Faiths in 2011/2013, an interreligious dialogue platform, which operates without the support of the State.

## 5. Best Practices and Recommendations

Even though the Romanian State has not been concerned with the development of public policies for promoting religious freedom or interreligious dialog, there are several examples of interreligious dialog, including the establishment of the Centre for Pontifical and Ancient Christian Literature Studies in 2011, initiated by Robert Dodaro, O.S.A., Dean of the Augustinianum of the Vatican's San Giovanni Pontifical Lateran University, and by Claudiu Tuţu, a Greco-Catholic priest with the Gherla-Cluj Diocese. The founding of this center, whose main objective is pontifical research, and which was the result of intensive interreligious dialog concerning the works of Eastern Fathers, brings together around the same table several Christian confessions: Orthodox, Greek-Catholic, Reformed, and Roman Catholic, and is operating within the Babeș-Bolyai University in Cluj(10).

Another example of interreligious dialogue took place during the 2022 Population and Housing Census (March-July 2022), an initiative of the National Institute for Statistics, which is central public administration body. In this example, the State initiator proposed that the census put on the table of decision-makers the most faithful picture of faiths collected through the question relating to religious adherence of the resident population. The dialogue was carried out online, both due to pandemic restrictions, but also because not all diocesan and regional representatives of Romanian religious faiths could have met easily in person. The subject discussed, namely, the promotion of the Population and Housing Census among the faithful was decided by the National Institute for Statistics, within the boundaries of administrative competence limits set by European and national legislation, and meetings took place monthly(11). The results of this dialogue were measurable because a significant portion of the Romanian population, including those encouraged by religious faiths, participated in the automated census (47%), much higher than the initial 35% expected. Within the framework of this dialogue,

which targeted subjects such as the usefulness of declaring religious adherence in the census, the pastoral-missionary usefulness of the local, regional, national, and European, etc. adherence picture, but also subjects that might seem detailed, such as the obligation of field census-takers not to ostensively wear sacerdotal insignia specific to the communities or carry out the census on specific religious days (Friday for Muslims, Saturday for Jews and Adventists, and Sunday for Orthodox, Catholics, Protestants, Evangelicals, etc.).

In conclusion, the interreligious dialogue must include religious leaders (both ordained and non-ordained persons) of all religious organizations, regardless of their status, academics, civil society organizations, public authorities, and international organizations. The purpose of the dialogue is the understanding of religious cultures and faiths of others, the consciousness-raising of ethnic and religious diversity, the prevention of abusive compartmentalizing, increased religious and cultural literacy, and the development of public policies. This cannot be used for purposes aimed at endangering a certain religious group, creating a new faith, or degenerating into a theological debate.

It is not the role of the State to establish an interreligious dialogue, but the State can play a role as a religiously neutral facilitator, supporting also the logistics and financing of such actions. The interreligious dialogue must be protected from any form of politicization (Rouban, 2003) and carried out in keeping with the democratic principles of religious freedom.

## Notes

(1) FoRB (Freedom of Religion or Belief) is a universally recognized acronym to designate religious freedom.

(2) OSCE Concluding Document of the Vienna Meeting 1986; Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990; OSCE Istanbul Document 1999; OSCE Bucharest Plan of Action for Combatting Terrorism 2011; OSCE Ministerial Council, Declaration No. 4/03 Tolerance and Non-Discrimination (Maastricht, 2 December 2003); OSCE Ministerial Council, Declaration No. 2/08 Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights, (Helsinki, 5 December 2008); OSCE, Declaration by the OSCE Chairperson-in-Office at the High-Level Conference on Tolerance and Non-Discrimination, Astana, 2010; OSCE Ministerial Council, Declaration No. 3/13 Freedom of Thought, Conscience, Religion or Belief, (Kyiv, 6 December 2013).

(3) The Maastricht Ministerial Decision 4/03 "emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding;" The Kyiv Ministerial Decision 3/13 calls on participating States to "promote and facilitate open and transparent interfaith and interreligious dialogue and partnerships;" The Ministerial Council Meeting in Helsinki, 2008: recognizes "that human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation. We support a pluralistic civil society and encourage partnerships between different stakeholders in the promotion and protection of human rights."

(4) The country's most impactful public health campaign was initiated in 2015-2016 by His Beatitude Daniel, Patriarch of the Romanian Orthodox Church. It encouraged blood giving, a campaign repeated every year, available at: https://basilica.ro/a-inceput-campania-doneaza-sange-salveaza-o-viata-editia-2022/ [Accessed on: 02.12.2023].

(5) Example: Dublin City Interfaith Forum (DCIF); Finn Church Aid, and the Network of Religious and Traditional Peacemakers.

(6) The Consultative Council of Religious Faiths in Romania, available at: https://adevarul.ro/locale/constanta/consiliul-consultativ-cultelor-romania-mesaj-credinciosi-stati-case-urmariti-slujbele-radio-televizor-online-1_5e881cfd5163ec42716d6713/index.html [Accessed on: 02.12.2023].

(7) The Interreligious Council of Albania, available at: https://knfsh.al/en/historiku-i-knfsh-se/ [Accessed on: 02.12.2023].

(8) Decisions adopted by the Governing Board of the National Council for Combating Discrimination in the period 2008 – present, available at: https://www.cncd.ro/hotarari/?_sft_criteriu= religie&_sft_anul_publicarii=2022 [Accessed on 02.12.2023].

(9) The Finnish MP's case, available at: https://adfinternational.org/free-speech-victory-finnish-mp-wins-trial-over-bible-tweet/ [Accessed on 02.12.2023].

(10) The establishment of the Centre for Pontifical and Ancient Christian Literature Studies, available at: https://www.csplca.com/istoric/ [Accessed on: 02.12.2023].

(11) Interreligious dialogue regarding the Romanian Population and Housing Census, available at: https://www.recensamantromania.ro/webinar-pe-tema-recensamantului-populatiei-si-locuintelor-rpl2021-adresat-reprezentantilor-cultelor-religioase-si-ai-minoritatilor-nationale/ [Accessed on: 02.12.2023].

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# Two decades and two years since 9/11 attack: is the 'war against terror' a success?[1]

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**Abstract.** *The September 11, 2001 attack on the United States by the terrorist groups is no doubt a shocking one which forced the then President George Bush and his administration to vehemently vowed; to carry out a war against terror. Consequently, the United States, partnering with other countries across the globe under the auspices of the Global War on Terrorism (GWOT), made real, President Bush's vowed and embarked on full-scale military operations against the terrorists. The efforts of the GWOT at suppressing the terrorists notwithstanding, their activities have continued to escalate. In the course of the war against terror, over seven thousand Americans have died, while hundreds of thousands of Iraqis and Afghans have lost their lives. The costs of procuring the war on terror by joint military operations in Iraq and Afghanistan stood between $2 to $4 trillion, apart from material losses that remain unquantifiable. Given the reality on the ground, the study concluded that, although the war against terrorism has achieved some levels of success, however, the purpose of the declaration of war has not been fully realized. The study thus recommends that the underlying causes of terrorism should be, adequately addressed, for the war on terror to be effective. The United States and its allies should also re-assess the approaches they have been using against the terrorist groups and adjust the approaches appropriately.*

**Keywords:** *Al-Qaeda, Counterterrorism, GWOT, Terrorism, 9/11 Attack.*

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## 1. Introduction

September 11, 2001, marked an epoch in the annals history of the United States of America and terrorist assault against the country. That was the day the Al-Qaeda machinists group hijacked and controlled four commercial airliners, and subsequently ran two of them into the World Trade Centre in New York; the third plane was directed to the United States military headquarters at the Pentagon in Washington, while the fourth plane was forced to crash-land in Shanksville, Pennsylvania (Fredrickson, Tugade, Waugh & Larkin, 2003). The aftermath of the attack was the leveling of the World Trade Center in New York and damaging the Pentagon in Washington. Beyond this was the untimely death of about three thousand civilians, while several people lost vital organs and parts of their bodies in the incident, and a lot of businesses, as well as properties worth several millions of dollars, were utterly shattered. The attack was considered the deadliest terrorist attack carried on United States soil (Paust, 2003; Byman, 2003; Bergen 2023).

Although Afghanistan is believed and regarded as the base of the Al-Qaeda terrorist group, the country is considered a place where all terrorists' agendas are being decided. This belief nonetheless, there was no single Afghan national out of the nineteen men linked with the militant Islamist group Al-Qaeda, that led the September 11 attacks. Mohammed Atta who was the leader of the group, for instance, is from Egypt, fifteen members of the group were from Saudi Arabia; two of them were from the United Arab Emirates, while one is from Lebanon (Council on Foreign Relations, 2023).

The September 11, 2001, attack came as a rude shock to the United States in particular and to the world in general. The incident dealt a blow to the United States and Mr. George Bush who was then the United States president (Bram, Orr & Rapaport, 2002; Paust, 2003). This perhaps made George Bush vowed and resolved to "win the war against terrorism" by all means possible. President Bush, to this extent, solicited an all-inclusive planning and agreement among global leaders and countries across the world to put an end to terrorist activities and terrorism around the world (Pew Research Center, 2021).

Terrorism could be simply seen as acts or actions of aggression directed against civilians to pursue political or ideological targets (United Nations, 2018). On the other hand, "war against terror" or "war on terrorism", is coined to denote the global counterterrorism operation led by America, in response to the September 11, 2001,

attacks carried out by the militants linked with the Islamic extremist group Al-Qaeda against the United States (National Archives, n.d.). The Global War on Terrorism (GWOT), or the War on Terror was the initiative of the United States and, it became an official global affair. GWOT was put together to combat and counteract the terrorists and check their activities following their cruel attack on the United States on September 11, 2001 (Buzan, 2006; The US Department of State, n.d.).

In essence, bin Laden the leaders of Al-Qaeda, the Al-Qaeda, the Taliban regime, and its allies in Afghanistan were the target of the Global War on Terrorism's counterterrorism campaigns (Posen, 2001; Byman, 2003). The President of the United States Mr. Bush in association with global leaders under the auspices of the Global War on Terrorism demanded from the terrorists, without hesitation to hand over the leaders of the Al-Qaeda militant group hiding in Afghanistan territories or face the wrath and consequences that might follow. Suffice it to say that, the counterterrorism efforts of the GWOT at the initial phase were mainly targeted at Afghanistan and Iraq (Posen, 2001; Byman, 2003).

Following President Bush's declaration to tackle the menace of terrorism, one of the steps taken in conjunction with the Global War on Terror was the blockage of the finances available to terrorists (Clunan, 2006). The step was supported by coalition partners across the globe, particularly the partner countries that participated in the GWOT. Therefore, aside from warning the Taliban from sheltering members of Al-Qaeda, President Bush; on September 24, 2001; announced the signing of an executive order freezing the assets of terrorist groups and allied entities that are sponsoring their activities. In addition, there was the promise that GWOT would not stop its activities until terrorism was eradicated (CNN, 2001; Roth, Greenburg & Wille, 2004). With the promises and vows to nip terrorism in the bud, this study assesses the extent to which the war against terror has been carried out.

## 2. Terrorism and the Need to Counter It

Terrorism has been in the world for many centuries, at least in the past three millennia (Forst, 2012). The United Nations account reveals that the word "terrorism" was coined to refer to the Reign of Terror, during the period of the French Revolution between September 5, 1793, and July 27, 1794. This was a

period when the Revolutionary Government orchestrated violence and tough measures on citizens opposing the Revolution (United Nations, 2018).

Prior to the formation of sovereign nation-states, there have been skirmishes among men to either defend their communities or territories or to overcome others. This has not been without causing injury or damage to nonmilitant populations. Some of these skirmishes include - the invasion of the kingdom of Judah and annihilation of temples in Jerusalem by Nebuchadnezzar, Babylon's ruler, in the Sixth Century BCE; the assassinations of Julius Caesar, the Roman Emperors in 44 BCE; Caligula in 41 CE, Galba in 68 CE, Domitian in 96 CE, Commodus in 193 CE, and others – are often cited as examples of early acts of terrorism (Forst, 2012).

Other instances of terrorists' activities were that of assassinations of Czar Alexander II in 1881, by the Russian revolutionary group; and Archduke Franz Ferdinand of Austria on 28 June 1914 (Walzer, 1977), among others. It must be noted that the above-mentioned occurrences can be categorized under target attack and the victims were targeted. The targeted assassination was a violent method of spreading terror by terrorist groups, it carries a serious personal risk to them, but it portrayed them as political martyrdom. Nevertheless, targeted assassination perhaps was a bit humane, as only the targeted people are assassinated, unlike civil war where anybody can be killed (Morozov, 1880).

However, following the technological improvements in the late nineteenth century, the pattern of operation of terrorism has changed and its activities have been on the rise. Technological developments have enhanced the production of dangerous weapons like dynamite which allowed terrorists to carry out their lethal acts more extensively and dangerously. Besides, the mass communication technologies and social media development, allowed news to be disseminated rapidly across long distances. This perhaps, opened a forum of inspiration for terrorist groups and their sympathizers across the world and allowed them to monitor the dastardly activities as they are happening, and mobilize further support. The development of different means of transportation equally gave the terrorist groups in their millions the opportunity to travel long distances to carry out their mission.

Lending credence to the above, Smith (2002), states that no doubt terrorism has for long been a disastrous feature of the world, but the recent terrorism operations were quantitatively and qualitatively different from those of the past. The recent form of terrorism encompassed a far-reaching arrangement by a group of terrorists that

traverse nationality and operate from many countries. With regards to the 11 September attacks, Smith emphasizes that the attacks were calculated as transcontinental attacks. It was a daring attack from established organizations that maintained a worldwide presence in not less than fifty countries, and being controlled from Afghanistan. The organization has the advantage of the crops of technology, vis-à-vis "satellite technology, accessible air travel, fax machines, the internet, and other modern conveniences to advance its political agenda" (Smith, 2002, p. 23-35).

Since September 11, 2001, when the terrorist attacks on the United States of America, there has been growing international support for efficient and effective counter-terrorism measures and responses. The event has equally yielded a better international collaboration in waging war against terrorism, particularly terrorism groups such as Al-Qaeda and the Islamic State in Syria and the Levant.

Given the dangerous and destructive dimension the activities of terrorists have taken, there is no way the governments of the world would have folded their arms and watched the situation getting out of hand before they could take necessary action to counteract the heinous activities. Folding arms at this critical stage of technological advancement and the rise in terrorist recruitments and activities could spell doom for the world if the world did not rise in time to check the menaces. This is because, terrorism has continued to threaten people's security, international stability, and prosperity, and undermining the core values of the world, especially since terrorist activities neither know no border, nor nationality or religion. In essence, the world needs to rise and counter-terrorism; as their activities in all their forms and materializations are serious crimes without justification (Organization for Security and Co-operation in Europe, n.d.).

## 3. 9/11 Attack: A Review of International Law on Terrorism

The analysis of extant international law as agreed to by international lawyers across the world shows that the events of September 11, 2001, in respect of cruelties perpetrated by terrorist groups in the United States were purely illegal. Put differently, the atrocities committed by terrorist groups have no legal explanation. The attack could be seen and regarded as "a new phenomenon" in the anal of terrorism activities because, the event fell outside the standing framework of

international law, especially when the scenario is viewed from the perspective of a non-state actor challenging one superpower of the world (Greenwood, 2002).

The United States' reaction to the events, especially by resorting to force against Al-Qaeda and the Taliban regime, the accompanying hostilities; and the treatment meted out to prisoners among other issues attached to combating terrorist groups have all become subjects of controversy. In essence, the terrorist attack of September 11, 2001, was unprecedented given the fact that it was carried out by terrorist organizations who operated outside the control of any state, and as such, the event did not fit into any of the recognizable categories of international law. The Security Council in its resolution 1456 (2003) states that:

*States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and should adopt such measures by international law, in particular international human rights, refugee, and humanitarian law* (cited in The United Nations Office on Drugs and Crime, 2009, p. 1).

With the above resolution by the Security Council arm of the United Nations, there has been a growing body of international laws promulgated to wage war against terrorism. The laws create a structure and platform for cooperation among different countries of the world within which terrorism activities can be prevented and countered effectively. The international laws specify the framework which includes instruments that tackle particular aspects of counter-terrorism together with other instruments designed for international collaboration in areas such as criminal law, human rights protection refugees, or laws of war establishing a broader context within which counterterrorism activities transpire.

According to Robert (n.d.), although there are laws of war which are parts and parcels of international law, which address many issues attached to combating terrorist movements, however, applying such laws during military operations against terrorists has always been problematic. This is because most of the time what normally occur during counterterrorist operation can be different from what was envisaged and documented in the laws of war.

Yoo and Ho (2003) state that, the war on terrorism has generated two legal questions. The first, question is whether the attacks of September 11, 2001, actually induced a war, or “international armed conflict”? The second question is whether the legal procedures governing the status and handling of members of Al-Qaeda, as

well as, the Taliban militia who conspired and harbored the terrorists in Afghanistan are adhered to or not? The questions and controversies raised notwithstanding, the United States government has decided and determined that unjustifiably attacks on the country on September 11, 2001, have put the country in a situation where war must be applied. Besides, the event has equally shown that the Al-Qaeda terrorist group and its Taliban ally are unlawful soldiers or fighters under the existing laws of war, thereby have no right to legal protections, and such rights given to legal belligerents, especially, "prisoners of war status" under the Third Geneva Convention of 1949 (Yoo and Ho, 2003).

## 4. The Countermeasures Against Terrorism

Counter-Terrorism (CT) measures are actions taken at the international level to prevent and tackle the terrorist threat. Counter-terrorism measures and sanctions are from time to time considered to mean the same thing. This is because, some sanctions targeted at terrorist groups add to the overall fight against terrorism, especially their financial power. Other CT sanctions may include - a travel ban on people and freeze of assets, and proscription of natural persons and entities from generating funds and economic resources. Thus, there is an intersection between CT measures and sanctions with regard to CT. The difference between the two lies in the fact that a lot of sanctions regimes are not terrorism-related, so also, are some CT measures that are not sanctions regimes (European Civil Protection and Humanitarian Aid Operations, n.d.).

The U.S. Department of State has noted that terrorist groups including – Al-Qaeda, ISIS, and Hizballah have relentlessly planned attacks against the United States and its supporters. The United States and its allies and partners on the other hand have continued to build global consensus to cut down their activities. The countermeasures against terrorism as planned by the United States and its supporters include diplomatic engagement and foreign assistance, essential for preventing, degrading, detecting, as well as, responding to terrorist threats. Other measures are – strengthening the law enforcing the judicial competencies, intensifying aviation and border security, extending global information dissemination, blocking terrorist finance sources, improving response to the crisis, and counter-violent radicalism. Through global arrangements, allied countries are

encouraged to build the capacity to tackle terrorism in their different localities (U.S. Department of State, n.d.).

According to the Ministere De L'Europe Et Des Affaires Etrangeres (n.d.), the objectives of countermeasures against terrorism are many, they include to: cut down the terrorist groups' regional hold; stopping the financial, logistic, human, and terrorist propaganda networks; and checking radicalization; among other goals. To achieve these objectives, the action that must be taken includes: putting up unwavering military action; calming down liberated areas and pursuing political solutions to conflicts; and improving international support to fight terrorist sources of finance among others.

## 5. The Campaign Against International Terrorism: Has It Failed?

Terrorism no doubt, is a threat to peace, security, stability, human rights, as well as, the rule of law. Terrorism is inimical to socio-economic development and democracy. For that reason, terrorism must be prevented and suppressed.

As a result of the September 11, 2001 attack on the United States, the government of the United States instigated an international war on terrorism. The war on terrorism put up by the United States government and allied countries was a well-defined military involvement targeted at nation-building and restructuring of Middle Eastern politics. The steps and strategies taken by the United States as of 2017 have not only destabilized the Middle East but have also been unable to protect the United States completely from terrorism. Thrall & Goepner (2017), to this extent, have argued that some years after strategic steadiness under President George Bush (2001-2009), President Barack Obama (2009-2017), and President Donald Trump (2017-2021), the War on Terror could be said to have failed. According to them, the failure of the war has two central but interrelated sources. In the first instance, the terror threat facing the United States was exaggerated in terms of assessment. This consequently orchestrated an expansive counterterrorism operation that failed to protect Americans from terrorist attacks. In the second instance, the use and application of an aggressive strategy through military intervention could be seen as a source of failure of the war on terrorism (Thrall & Goepner, 2017).

Assessing the war against terror, the U.S. Department of State (2019), states that, the United States along with its partners had been able to defeat the terrorist groups in 2019. With support from the Global Coalition, they have been able to defeat ISIS and the professed “caliphate” in Iraq and Syria in March 2019. This was followed by another military operation that led to the termination of the life of Abu Bakr al-Baghdadi, the self-proclaimed “caliph” of ISIS, in October. The United States and its supporting countries enforced new sanctions on Tehran and its surrogates, this was to checkmate the Iranian government from sponsoring the world's nastiest state of terrorism. Furthermore, the United States in April 2019, designated Iran's Islamic Revolutionary Guard Corps (IRGC), which includes its Qods Force, as a Foreign Terrorist Organization (FTO), this was the first time a designation of such was applied to part of another government. As this was ongoing, different countries of Western Europe and South America continued to join the United States in designating Iran-backed Hizballah as a terrorist organization.

The successes recorded above as documented by the U.S. Department of State (2019), notwithstanding, precarious terrorist threats continued unabated across the world. For instance, even though ISIS has lost its leader and territory, the group still adjusted, adapted, and continues to mobilize and stimulate followers to fight, even from the territories of its associates across the globe. It is equally important to note that it was during this period that, ISIS became deeply rooted in Africa, to the extent that the group established several new branches and networks, particularly in 2019. ISIS-affiliated groups then became more active across the continent, and well-established in the Lake Chad region, the Sahel, and East Africa. Besides, in South and Southeast Asia, ISIS affiliates have continued to carry out a series of attacks. One of such attack was the April 21, 2019, Sri Lanka attack carried out by ISIS. It was a coordinated series of attacks targeted at churches and hotels. On that fateful Easter Sunday, not less than 250 devotees, tourists, as well as onlookers including five United States citizens were killed. In addition, was several people who were maimed and tormented (Rajasingham-Senanayake, 2021; Glazzard & Reed, 2021).

The terrorist groups also remained resilient, continuing to multiply and posing threats in Africa, the Middle East, and some other places. For instance, in the Horn of Africa, the Al Shabaab continued to pose a threat; in the Sahel was the Jama'at Nasr al-Islam wal Muslimin, while Hayat Tahrir al-Sham/Al-Nusrah was operating

in Syria. These set of terrorist groups become more active and dangerous and continue to threaten the peace and tranquility of their different bases.

O'Hanlon & Windholz (2021) in their study equally affirm the failure of the war on terror. Their assessment is based on the fact that despite the counter-terrorism efforts, terrorism has continued to endure, especially in the Middle East, North Africa, and South Asia regions. Beyond what it was in 2001, the number of attacks from terrorist groups and casualties worldwide is about five times higher yearly. As such, "the so-called global war on terror has largely failed", especially since, terrorist organizations find it easier and faster to recruit members beyond "what Washington can capture, kill, or deter" (O'Hanlon & Windholz, 2021, para. 2).

In a similar vein, Van Evera (2006), admitted that Al-Qaeda and its allies constitute a threat to the United States' safety, as well as committed a grave menace against the country, however, the responses of the United States towards terrorism have not been adequate. He further states that instead of focusing and waging war in four dimensions the United States and its allies only concentrated on one. They only concentrated comprehensively on an offensive campaign against Al-Qaeda overseas, thereby, neglecting homeland defense; ignored safeguarding weapons and materials of mass destruction from being stolen or purchased by terrorists (Van Evera, 2006). All these vital fronts are where the United States and its allies have missed it, and as such, have not been able to record the expected result in war against terror.

Concerning human and financial resources, the war on terror has not fared better either. The human and financial resources put up against terrorism also exceeded what was projected and imagined. O'Hanlon & Windholz (2021) put the price of the joint military operations in Iraq and Afghanistan at between $2 to $4 trillion. On human resources, over seven thousand Americans have died in the two countries, while hundreds of thousands of Iraqis and Afghans have lost their lives too in the course of waging the "war against terror".

## 6. Conclusion

The attack of September 11, 2001, by the terrorist groups is no doubt a devastating one which forced President George Bush and his administration to vehemently vow; to carry out a war against terror. And so, the United States and partners across the globe made real, President Bush vowed and embarked on full-scale military

operations. Some months after the attacks, the United States and its partners forcefully drove out the Taliban regime along with its Al-Qaeda supporters and sponsors away from Afghanistan. Beyond the United States' expectation with regard to the challenges presented by Al-Qaeda and its allied terrorist groups, the post-September 11 world, more than before; witnessed the spring up of many other terrorist groups causing more deadly activities.

Given the reality on the ground, the purpose of the declaration of war against terrorism has not been fully realized. Therefore, instead of suppressing the terrorist organizations, their activities have continued to escalate, as the group continues to flourish in their heinous activities. The costs of the war on terror remain unquantifiable given the number of casualties, material losses, as well as; financial losses. Not until the underlying causes of terrorism are adequately addressed, the war on terror will remain ineffective. It is, therefore, necessary for the United States and its allies to re-assess the approach they have been using so far against the terrorist groups, and if possible, adjust the approach appropriately. The use of military intervention could be reviewed, while the United States and other countries fortify their intelligence and law enforcement structures to firmly secure and cut down the threat of terrorism in their territories.

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