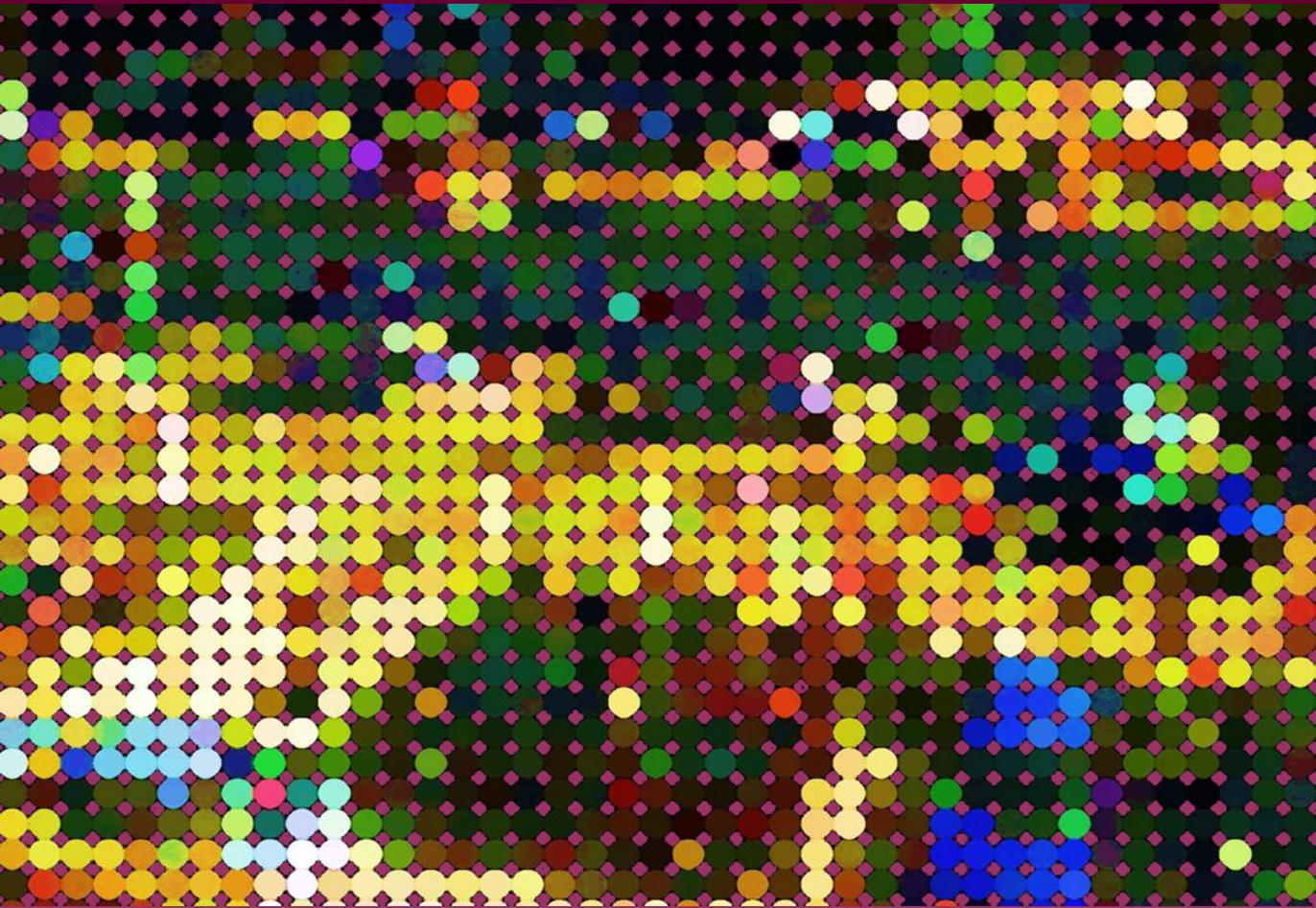




**UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION &
CENTER OF POST-COMMUNIST POLITICAL STUDIES
(CESPO-CEPOS)**

**REVISTA DE ȘTIINȚE POLITICE.
REVUE DES SCIENCES POLITIQUES**

No. 52 • 2016



UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION &
CENTER OF POST-COMMUNIST POLITICAL
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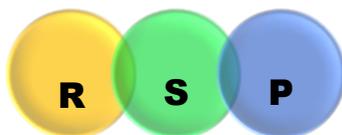
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Policy-making in Post-Communist Europe: Snapshotting Integration and Institutional Building

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

**Anca Parmena Olimid^{*},
Cătălina Maria Georgescu^{**},
Cosmin Lucian Gherghe^{***}**

Editorial Mission

For the past thirteen years, *Revista de Științe Politice. Revue des Sciences Politiques* (**RSP**) has carried out and enjoyed a fair assignment. Our aim was at advancing new paths in the post-communist public debate by providing an innovative research arena for the Eastern and Western booming concerns, but also devotions: collective imaginary of the European integration, the paths of the Euro-Atlantic integration, security encounters, political identities and patterns, legal focuses, social claiming, economic interactions etc.

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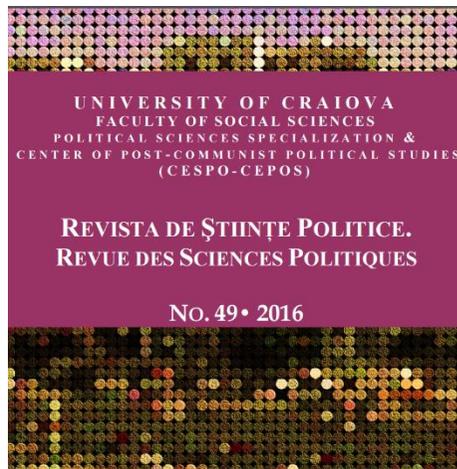
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While our editorial aims have been reliable, we have been constantly engaged in renewing the design and publishing policies to guarantee an expansive proofreading-ship in order to achieve our **RSP** mission statement and the exigences of the **RSP**'s international indexing and abstracting available at: <http://cis01.central.ucv.ro/revistadestiintepolitice/linkuriBDI.php>.

Recapping the thematic of the RSP issues published in 2016

RSP issue no. 49/2016

We started the thirteenth year of the **RSP** publishing with a full online issue in April 2016 (**RSP** issue no. 49/2016) announcing an ambitious content challenging the citizen-state relation. The first issue of 2016 was entitled "From Citizen to State: In Depth Post-Communist Analysis of Governance and Administration" and it inaugurated an innovative focus on the governance-administration links in the Eastern landscape (as inputs of the political system) and the public participation, diaspora feedback, law applying and democratization practices within the Eastern-Western space (as outputs of the political system). **RSP** issue no. 49/2016 also explored the levels of the analysis of the relationship between Citizen and State and a comparative concept mapping of democratization and political legitimation.



RSP issue no. 49/2016: "From Citizen to State: In Depth Post-Communist Analysis of Governance and Administration"



RSP issue no. 50/2016: "Timing the Past, Counting the Future: Human Security, Education and Cultural Identity in Eastern Europe"

RSP issue no. 50/2016

The second **RSP** issue published in June 2016 (**RSP** issue no. 50/2016) announced the state-of-the-art of the debating theme of human security, education and cultural identity in Eastern Europe. It was entitled: "Timing the Past, Counting the Future: Human Security, Education and Cultural Identity in Eastern Europe".

The issue relaunched a forum of academic debates on direct democracy and the cultural, legal, education and human security ongoing challenges and objective appraisal of the cultural diversity, new policies of identity, communist and post-

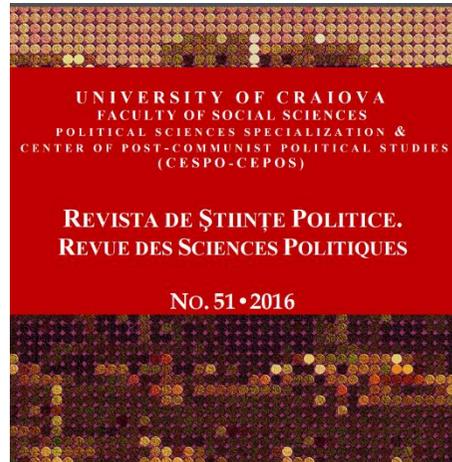
EDITORS' NOTE

communist heritage, policy making and the rights to education, public speech and the mid-term and long-term effects of the social challenges.

RSP issue no. 51/2016

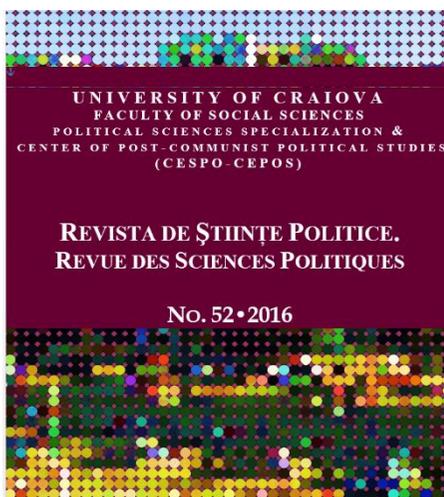
The third **RSP** issue published in September 2016 (**RSP** issue no 51/2016) was designed to shift the core debate of leaders-leadership relationship and styles. It was published under the title: “Leaders and Leadership in Review: Connecting Political and Cultural Spotlights to Leading Styles”.

This third issue of 2016 was thematically driven as a debate platform on the pluralistic society approach, democracy patterns in the Western Balkans, role and status of nations and nationalities in transition countries, the gender role views and perceptions, the work and family life, social, cultural and legal encounters. **RSP** issue no. 51/2016 also investigated the relationship between political ideologies and democracy and a new approach to the transition processes in the Balkans including gender role behaviors and civil obligations in the new legal acts.



RSP issue no. 51/2016: “Leaders and Leadership in Review: Connecting Political and Cultural Spotlights to Leading Styles”

Focusing on the contents of RSP issue 52/2016 (December 2016)



RSP issue no. 52/2016: “Policy-making in Post-Communist Europe: Snapshotting Integration and Institutional Building”

RSP Editors are honored and pleased to announce the fourth issue of RSP/ December 2016 (**RSP** issue no. 52/2016) entitled: “*Policy-making in Post-Communist Europe: Snapshotting Integration and Institutional Building*” deeply spotlighting the issues of the human rights and right to a healthy environment, the recent UN calling on the health-population-development markings and social, cultural and political vectors in Eastern Europe and the Balkans, public and private legal investments and a multilevel analysis of the institutional, economic and technical outcomes, the corporate reputation and the values of the image-identity functioning relation, learning standards of knowledge and interpretation, cultural and social phenomena of communication and mutual respect, legal development in Eastern and Western Balkans.

EDITORS' NOTE

The article of Adrian Barbu Ilie entitled: “The right to a Healthy Environment – between a Basic Human Right and a Policy of Form without Substance” embraces the activism for a health environment questioning the environmental protection and legislation, the legal standards adopted in Romania and the meaning of the concept of “health” in a multilevel judicial analysis.

The article of Dan-Mihail Dogaru and Izabela Bratiloveanu entitled “Factoring Contract-Short Term Financing Technique” revisits the functioning solutions of a structural factoring market in-between the international and national displays. The authors strive to answer to the dilemma of the theoretical basis of the concept of the “factoring contract” appreciating the platform of the operations and membership positions in the field by connecting the inter-American functions and the British and European references and encounters.

The article of Daniel Alin Olimid and Anca Parmena Olimid appreciates how the health, population and development are focused in the latest United Nations resolutions adopted within the Commission on Population and Development.

More than twenty-four conceptual items interlink the status of human rights-sustainable development-dynamics of population encounters and explore the role of the United Nations institutional framework and its policy-making processes in reflecting the current social, cultural and economic demands.

The article of Lavinia Elena Smarandache (Stuparu) entitled: “The Enterprise in the Romanian Legal System - Past and Present” sees the regulatory evolution of the enterprise in the context of the commercial legislation deriving trade or service supply enterprises, business activities and special legislation.

The article of Vali Ilie and Ecaterina Sarah Frăsineanu entitled: “Theoretical Premises and Methodological Aspects of Learning through Multiple Interpretations” follows a set of cultural, legal and social questions on the discussion over the “stimulation of communication” and the approaches to the technological patterns and constructivist practices in the field assuming the theoretical debate on “interrogation” and the “training models”.

Reviewing the literature in the field, the authors find in their article necessity to seriously engage a link between the learning and teaching processes and the “staging” phases of the conceptual encounters.

The article of Veronica Gheorghîță entitled: “Anthropology and Population: Perspectives on Aging” explores the conventional argumentation of the relationship between anthropology and population focusing on the social appearances of “fertility, mortality and migration”. In the debate the author inaugurates new research proposals signaling a critical look over the worldwide patterns in the field of the aging population.

The article of Dragoș Alexandru Bălan entitled: “Creating Value Through Reputation – Key Differences Between Corporate Reputation, Image and Identity” urges RSP’s readers to acknowledge and investigate the “consumer demand” and the “management agenda”. It reflects and engages the idea of the subtle relationship between reputation, self-image and the encounters with the identity’s faces. The author’s synthesis

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links the inputs of the strategic choices and the outputs of the sustainable competition paths.

The Future of the RSP's Contents to be published in 2017

RSP will continue to review and publish only original papers according to its manuscript submission policies available on the **RSP** website: http://cis01.central.ucv.ro/revistadestiintepolitice/files/RSP_Manuscript_Submission.pdf.

RSP issues to be published in 2017 will celebrate and scrutinize the East-West encounters focusing on recapping the last ten year of sharing, living and envisioning the European convivial existence. The next four issues of **RSP** will focus on the dynamics and advances of the input policies and strategies marking the East-West relationship in the last ten years.

On the edge of this debate, **RSP** will focus on the convergence of the political sciences frame and the European, regional and national assignments of the multilevel analysis and researches. **RSP** issues in 2017: **RSP** issue 53/ 2017 (April 2017), **RSP** issue 54/2017 (June 2017), **RSP** issue 55/2017 (September 2017) and **RSP** issue 56 (December 2017) will label a transformative mixing of the constructivists regimentation and dialectic theories locating the “inner ground” for the most recent and rigours methods, ideas, values and norms.

Wishing you all the best,

RSP Editors

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ORIGINAL PAPER

The Right to a Healthy Environment – between a Basic Human Right and a Policy of Form without Substance

Ilie Adrian Barbu*

Abstract

There's no denial that in the last decades environmental concerns experienced a great development, both in highly-developed countries and countries emerging from communism era. The large range of legal instruments at national, European and international level, specialized organs and regional or global agencies that enforces the environmental legislation and activates to protect the environment and our right to a healthy environment is a solid proof for those concerns. The base of environmental protection is the human right to a healthy environment. It is found in many international declarations and treaties regarding environmental protection, as well as national legislation, recognized even by the national constitutions. But this right was often criticized, much of the economic powers of the world refuse to recognize it, it is neither found in the European Convention on Human Rights and Fundamental Freedoms and in many cases the national courts had problems in the application of specific legislation. Given this difference between desiderate and reality, we can ask ourselves why the human right to a healthy environment is often only a declaration of intent without substance and has not found place as a fundamental human right, although it is recognized as such. This analysis should be done in a complex way, beyond the legal text by giving considerations of many social, political and economic factors.

Keywords: *human right to a healthy environment, the European Convention on Human Rights and Fundamental Freedoms, basic human rights, social, economic and political policies*

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The Right to a Healthy Environment ...

Introduction

The concept of human right to a healthy environment is not different from the right to peace, the right to a harmonious development of cultures or other rights that make up the third generation of human rights. All this fundamental rights are a step forward in achieving what is known as a “state of law” (Ticu, 2016: 87). We believe it is a universal right and a right of every individual that needs to be recognized both nationally by the Constitution and laws, as well as at a European and international level. This recognition must not be confined only to its acceptance as a fundamental right, but it must also develop the mechanisms necessary for its implementation.

The problem with these rights, named “of solidarity” between people and also between the present generation and future ones, is that they do not have a very determined character as other rights, being quite diffuse both as applicability, as well as content. In legal doctrine, it was tried to impose the idea that they “do not have a precise meaning or content, do not have a determined owner, are not properly opposed, do not allow their owner to defend the rights before a court because they do not involve a legal sanction. That being the case, these rights are imprecise, which can generate undesirable confusion in a matter so delicate” (Rivera 1982: 646; Dogaru, Dănișor, 1988: 48).

While on the classical system of law, we basically agree with this idea, we cannot fail to see that this kind of legal analysis, although rigorous, is tributary precisely to the legal mentality which dates 20-30 years ago, that these rights are trying to change and from which are trying to evolve. This new type of rights, ranging from human rights to a healthy environment, at present time are trying to change a vision of society and that is why they cannot be analysed in the light of this vision. There are required: changes at the legislative, procedural and institutional levels, creating new tools to meet these challenges, precisely for them to not remain only at a declarative level, but also to be effective.

Supporting that these rights do not have a precise meaning derives rather from their disorganization in legal terms, than the inability to achieving them. Any concept can be extended, adjusted and improved over time if offered a starting point so that in the future it may become completely viable. The problem has to do rather with the abstract elements of these rights, because it conditions us and limits certain rights and tangible present benefits (e.g.: the intensive exploitation of certain resources for material profit, which subsidiary produces pollution) in opposition with other benefits possibly higher in a faraway future and not necessarily easily visible (the same operation performed reasonably and within certain limits brings less tangible economic benefits in the short term, but provides a more balanced and unpolluted environment).

Obviously, it is not easy to define a healthy environment if we want to consider all the elements that compose it and all the interactions between them and, as such, the content of the right to a healthy environment is tributary to the same problem, being a clear link between the elements of the environment and what it wants to be protected. If the elements of the concept of environmental protection, as noted above, are evident, determining the content of this right relies upon complex factors, both individually and overall, since there can be both pollution of a substance well above permissible limit, but at the same time, the ecosystem can be heavily polluted with a lot of elements that are at the upper limit of tolerance for the individual, but the consolidated effect being devastating. We also must consider that ecosystems are in continuous interaction and its effects are difficult to quantify. To deal with such challenges there should exist legal rules which defend this right by imposing a particular conduct, but also technical rules to

establish standards and accepted limits, both individually and overall. This construction is by no means easy and requires time, but hardly impossible.

Developments over the last 10-20 years regarding the rights of solidarity have determined the evolution of their legal approach. It is much easier now to define and coagulate juridical concepts that were impossible to accept at that time. The major change stems from the fact that these rights are now recognized by national and international legislation, their existence being no longer in question on grounds of lack of determinable ownership or lack of enforceability itself. Now, given their recognition, we must pass to the phase concerning the complete construction of the legal instruments and institutions which they are based upon. Given their recognition as rights, it is clear that they have a determined or a determinable holder, regardless that this occurs only when someone's right has been violated. Their enforceability is also in the same situation specific to subjective rights, where there is a general obligation not to prejudice them, their specific passive subject being revealed when defending that right.

Trial procedures require the existence of clearly defined parts. The interest of future generations may be seen as non-existent, because they do not exist. But the law is very good at creating simulations and fictions with legal basis. Taking a slightly asymmetrical parallelism with the situation of the child conceived but unborn who enjoys rights before his birth subject to his birth alive, here too we can create the same kind of law. It is obvious that on an individual level we cannot know how, who or when will give birth (here is the slight asymmetry to the situation of the unborn foetus, which is actually determined), but we are sure that future generations will exist, the alternative that nobody would conceive being absurd. Moreover, unlike the situation of the conceived child, whose rights hang upon being alive at birth, in this case it is sure that the future generations will exist. Therefore, recognition of standing capacity to pursue the proceedings for future generations, whose rights should be defended by those present, is not a challenge but an issue of legal will.

Finally, we can give the example of the right to health, with whom the right to a healthy environment has many connections and common goals. It involves the same gender of challenges, being equally abstract, with the same kind of vague content (what is health?), with right holders equally undetermined, future generations being affected by the health of those present too, but no one denies the existence of this right. The right to a healthy environment must be approached in the same spirit as the right to health and it should receive the same kind of standardization.

Recognition of the right to a healthy environment in the Romanian legislation

The first environmental protection law that expressly recognized the right to a healthy environment in Romanian law was Law no. 137/1995 on environmental protection. Subsequently, environmental protection and the right to a healthy environment has experienced a strengthening and a clear constitutional defining through Law revision of the Constitution of Romania (Official Gazette no. 669 / 22.09.2003), adopted by national referendum on 19 October 2003. Beside the fact that there were kept all previous articles which refer to environmental protection and human right to a healthy environment from the Constitution of 1991, it was introduced in the Constitution a new provision, at Article 35, entitled *The right to a healthy environment*, which clearly stipulates: 1) the State recognizes the right of everyone to a healthy and ecologically balanced environment;

The Right to a Healthy Environment ...

2) the State shall provide the legislative framework for exercising this right; 3) natural and legal persons have the duty to protect and improve the environment.

The Law no. 137/1995 (Environmental Law) was replaced in December 2005 by Government Emergency Ordinance (G.E.O.) no. 195/2005 (amended and approved by Law no. 265/2006 and subsequent normative acts). G.E.O. no. 195/2005 also has preserved the provisions of the old law on the right to a healthy environment, changes in article 5 of G.E.O. being strict formal: “The State recognizes any person the right to a “healthy and ecologically balanced environment” ensuring for this purpose: a) access to environmental information, in compliance with the confidentiality required by the legislation in force; b) the right of association in environmental organizations; c) the right to be consulted in the decision-making on environmental policy and legislation development, issuance of regulatory acts in the field, developing plans and programs; d) the right to appeal directly or through organizations for environmental protection, to administrative and/or judicial authorities, where appropriate, in environmental matters; e) right to compensation for damage suffered”. The provisions regarding the right to a healthy environment in the Romanian Constitution are on par with every European constitution and in most cases, even better except for Environmental Charter from French Constitution, that “are more complete and more clearly prove” than those from the Romanian one (Diaconu, 2006: 98, Thieffry, 1998: 28).

Before starting the analysis of Article 5 of the framework law, we ought to interpret the meaning of the statement “healthy and ecologically balanced environment”. Although not very precise or well defined, the term “healthy environment” clearly refers to an environment whose elements can ensure the health, now and in the future to “any person”. Moreover, Article 4 letter s in the ordinance includes in the means of implementation, “the removal with priority of pollutants that endanger human health directly and severely” thus creating an inextricable link between human health and environmental health. The problem does not lie in understanding the abstract concept of the idea of “health” but in the attempt to establish and define its components and the limit that differentiates “healthy” and “unhealthy”. The phrase “ecological balance” is defined in G.E.O. no. 195/2005, Article 2 letter 24: “The whole circumstances and interrelations between the components of an ecological system that ensures maintaining the structure, function and its ideal dynamics.” Besides, the “health” of the environment and humans is closely related to “ecological balance” as there none without the other can be met, because health involves balance and equilibrium exists where there is health.

A brief discussion is required on Article 5 of the emergency ordinance. These rights are seen differently by doctrine, on the one hand they are considered attributes of the right to a healthy environment (Dușcă, 2014: 62), possibilities that this law gives to “any person” (as an example, the property right has its attributes: the right to possess, the right to use, the right to dispose, and so does the right to a healthy environment – it has its attributes that “any person” can exercise or not) and on the other hand, other theorists regard them as procedural rights-guarantees (Duțu, 2007: 318). Although the theory that these rights provided for in Article 5 should be attributes of the property right is not without foundation, we tend to consider that these are in fact special legal rights-guarantees, institutional and procedural arrangements for the exercise of this right, for the following reasons:

In principle, fundamental rights and freedoms are protected both by their general guarantees, as well as by specific procedural guarantees (Deleanu, 2003: 101). As an example of general guarantees there are: exceptional and conditional restriction of these

rights (Article 53 of the Constitution), the absolute prohibition of suppressing them (Article 152 paragraph 2), subscription to areas that cannot be the subject of revision of the Constitution (Article 152 paragraph 1) etc. General institutional guarantees concern the constitutionality control, control over administrative activity and more. As for Article 5 of GEO 195/2005, interpreting grammatical text it can be observed the usage of the term “guarantee” and not of a phrase that can suggest the idea that right “is composed of...” or “consists in...” (as it is clear from the wording of the right to private property, for example) so it appears that the legislature intended that they be treated as rights-specific guarantees, not attributes, unique components of the right to a healthy environment.

Moreover, attribute means “inseparable appropriation of an object or phenomenon, without which the object or phenomenon can neither exist nor be conceived” (Romanian Academy, Linguistic Institute, 2016), or the right of association, the right to appeal to authorities and the right to compensation for the damage suffered are not unique attributes of the right to a healthy environment. Furthermore, the framework law provides among the principles and strategic elements that underline it: “the information and public participation in decision-making and access to justice in environmental matters” (Article 3 letter h), and as ways to implement the principles and strategic elements: “the education and awareness of the public, as well as its participation in the elaboration and implementation of decisions on the environment” (Article 4 letter p) and it does not consider them attributes of the right to a healthy environment.

Beyond how they are regarded as warranty rights or rights-attribute, it is obvious that they are the ones who determine how the right to a healthy environment must be perceived and how it should be attained and respected.

Access to environmental information, in compliance with privacy under the laws in force (Article 5 letter a of the framework law)

This right to information is based on Article 20 of the United Nations Conference of 1972, which recommends governments to be concerned with increasing exchanges of information resulting from scientific research and provide each individual, both through education and through the availability of means and necessary information, equal opportunities to influence by oneself its environment, and Article 31 of the Constitution concerning the right of a person to have access to any information of public interest and Article 51 of the Basic Law, according to which citizens are entitled address to public authorities by petitions, and the authorities have an obligation to meet the terms and conditions of the law.

As shown, the regulatory framework for informing the public on environmental issues is well insured, problems occurring in connection with the interpretation and application of these rules. Usually, the state has an inertia to assume a positive and active role regarding information, due to several reasons that cannot be absolutely quantified (from a superficial interpretation of regulations to a lack of staff and adequate budget allocated to this activity). In a society dominated by a media bombardment with superficial information like “junk information”, it is very hard for people to select, interpret and decide what information is relevant or not. Most often, the procedure for information on environmental issues is limited to a posting at the headquarters of the institutions so that the public, already oversaturated with garbage, irrelevant and unimportant information and accustomed by media to not make an effort in informing oneself, due to the transmission through all channels (printed, radio, TV, internet) of an enormous amount of information, does not have a real access to relevant information on environmental issues

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unless the entities in the media decide that a problem regarding the environment is sufficiently important to draw attention¹. Even if the public has access to information concerning the environment and participates in decision-making, it is possible for the state authorities not to present all the information on grounds of confidentiality and/or not to present the possible long-term effects of various actions that have an impact on the environment, there for the finality of these situations is the same: namely the absence of real information of the public in environmental issues. Or, as stated earlier, this is the very purpose of the right - to raise public awareness on potential problems and consequences and enabling to act accordingly, as emphasized every time the ECHR jurisprudence including in the Tătar case against Romania.

Therefore we believe, *de lege ferenda*, that it is necessary a review of legal norms, namely that the active role of the state in informing the public in environmental issues should be stronger highlighted by introducing the express obligation to make public these problems in all media channels, not just posting them at the headquarters of the competent authorities and there should be imposed an express obligation for those working in the media to allocate a required space for informing on such issues both at national and local level.

The right to associate in organizations for environmental protection (Article 5 letter b) of the framework law)

It is provided both by Article 40 paragraph 1 of the Constitution, which states that “citizens may freely associate in political parties, trade unions, employers and other forms of association” and by G.E.O. no. 195/2005. We should take into account also the provisions of the Government Ordinance no. 26/2000 on associations and foundations², which in Article 1 states that “Individuals and legal entities pursuing certain activities of general interest or in the interest of communities or, where appropriate, in their private not monetized interest can constitute associations or foundations in the conditions presented by this ordinance.” Through G.O. 37/2003 on associations and foundations Article 11 was introduced which also states that the protection of the environment and nature is of general interest, and that “the community interest is any interest which is specific to: a) a community: neighbourhood, city, administrative-territorial unit; b) a group of individuals or legal entities pursuing a common objective or the same opinions, the same culture, religious, social or professional orientation etc”.

This right is closely connected with the right to information, allowing the public to act to protect the environment in an organized manner and not just at individual level. Moreover, this law overcame the problems of implementing the right to information by allowing those interested in protecting the environment and nature and in publicizing health and education to offset the inertia of the state we discussed about above, by promoting in the public consciousness environmental information that maybe, otherwise, would not have reached them. The only limits of this right are given by people's willingness to act and the possibilities of funding. Although, in Romania, we cannot say that we have an attitude of total involvement and interest in national and community affairs, this result being induced by a prolonged and constant education³, however, such activities have been used successfully several times in raising awareness on major environmental problems. The most famous example is undoubtedly the case of the association Alburnus Maior, which is an N.G.O. based in Rosia Montana, Jud. Alba and represents the interests of those residents of Rosia Montana and Bucium who oppose R.M.P. and refuse to alienate their properties to make way for the mining project. It was

established on 8 September 2000 and opposes the pit mining project proposed by Rosia Montana Gold Corporation, due to social, environmental, economic and heritage reasons. The activity of the association (under the message Save Roşia Montana) consisted both in actively informing the local and national population on issues regarding that mining plant, but also in addressing petitions to administrative authorities and actions before courts to defend what they to be the right to a healthy environment (Ilie, 2010: 115). The association's campaign had a huge effect both at informing and procedural levels, being one of the decisive factors that led to stopping this more than controversial project.

The right of association, moreover, is closely linked to the right to consultation and to the right of addressing authorities and courts, allowing greater flexibility in terms of how to achieve it. We can say that this right is an instrument for achieving people's and communities' objectives to information in order to arouse the conscience of every citizen for environmental management, protection of the environment and their health, despite they can be "categorized in category of non-commercial professionals when carrying out economic activities, thus exploiting a lucrative enterprise according to the current Civil Code" (Smaradache, 2013: 101).

The right to consultation in decision-making regarding the environment (Article 5 letter b) of the framework law)

It materializes through strategic elements and modalities of their implementation of the law (*Article 3 letter h*) "[...] public participation in decision-making [...]" and *Article 4 lit. p*) "[...] his participation (public) in making and implementing decisions on the environment"), and the attributions of competent authorities provided corroborating *Article 20 paragraph 1* "the competent authority for environmental protection, together with other authorities of central and local government, as appropriate, ensure informing, public participation in decisions on specific activities and access to justice in accordance with the Convention on Access to Information, public participation in decision-making and access to justice in environmental matters, signed in Aarhus on 25 June 1998, ratified by Law no. 86/2000^d. At European level, we have, for example: Directive of the European Parliament and Council 2003/35 / EC of 26 May 2003 regulating public participation in drawing up certain plans and programs on the environment and another directives⁵, all those setting the steps that states must take to make effective public participation to plans and programs. This kind of consultation is not specific jut to environmental law, but in other law branches as well, for example in urbanism law (Bischin, 2016: 125).

We believe it is extremely pertinent the observation expressed in the doctrine (Duşcă, 2014: 66) that "from normative acts mentioned above it results that this right of" any person "implies a passive attitude, someone else has an initiative, someone else has an active attitude; the competent authority for environmental protection, together with other authorities of the central government and local - Article 20 G.E.O. no. 195/2005; project owner - Article 21; The Regional Committee etc. "Any person or the public has the right solely to be consulted, to be asked about: decisions on development of the environmental policy and legislation, issuance of regulatory acts in the field, developing plans and programs". I agree with the idea that it should be required by *law ferenda* to be regulated the right of people "to take initiative to develop environmental policy and legislation, plans and programs etc."

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The right to address directly or through organizations for environmental protection, to administrative and/or judicial, as appropriate, on environmental issues, whether or not there was a prejudice (Article 5 letter d of the Act frame)

This right is guaranteed and materialized in infringements of the right to a healthy environment in the Constitution and the G.E.O. 195/2005, where the Article 20 pt. 1, 5 and 6 provides that: “the competent authority for environmental protection, together with other authorities of the central and local public administration, as appropriate, ensure [...] access to justice [...]”. “Access to justice for the public shall be according to legal regulations entered into force” and “non-governmental organizations promoting environmental protection have the right to an effective remedy in environmental matters, having locus standi”. Beyond the rights already presented previously by *Law no. 86/2000 for ratifying the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed in Aarhus on 25 June 1998*, other regulation as *Government Decision no. 878/2005 on public access to environmental information* and *Decision no. 564/2006 regarding the framework of public participation in drawing up certain plans and programs relating to the environment* stipulates the ways in which the public can contest the decisions of authorities regarding information, drafting of documents, plans and projects with environmental impact and consultation and public participation to decisions about them. It can be seen that all the mentioned documents do not provide the right to appeal courts as a right by itself, but as a guarantor of those rights.

The right to compensation for damages

Regarding compensation, environmental law has a specific characteristic, given the social relationships and specific legislative provisions that protect them. Moreover, it distinguishes between different types of damage, each of them submitting to different legal rules. The starting point of compensation for harm suffered is the 'polluter pays' principle. Pollution is the act that leads to prejudice (tort/damage). This is defined by *G.E.O. no. 195/2005, at Article 2 pt. 51*, as the direct or indirect introduction of a pollutant that can harm human health and/or environmental quality, damage property or cause damage or hinder the use of the environment for recreation or other legitimate purposes. The pollutant is any substance prepared in solid, liquid, gaseous or vaporous or energy, electromagnetic radiation, ionized, thermal, sound or vibration form which, when introduced into the environment alters the equilibrium of its constituents and of living organisms and causes damage to material goods.

Regarding the prejudice, his legal situation is complex, so we make do with specifying that in accordance with Article 2 pt. 52 of G.E.O. no. 195/2005 prejudice(tort) is the quantifiable effect regarding cost of the damage effect on human health, property or the environment caused by pollutants, harmful activities or disasters. Hence, there are three types of damage: on human health, on goods and on the environment and, of these, according to Article 95 point 1, only liability for environmental damage is objective⁶, independent of guilt. Interpreting logically, it results to other cases it is applied the classical theory of subjective liability based on fault/guilt, generating from the common law. It also states that in the case of multiple authors, the liability is joint and several.

Framework Law provisions are complemented by the G.E.O. no. 68/2007 on environmental liability regarding the prevention and remedying of environmental damage⁷ which transposes in the Romanian legislation Directive. 2004/35/EC on environmental liability regarding the prevention and remedying of environmental damage.

Under this law, the notion of prejudice is also receiving more definitions, both for prejudice in general, as well as for prejudice regarding the environment⁸. Prejudice is defined in Article 2 pt. 12 as “a measurable negative change in a natural source or measurable impairment of a service concerning natural resource which may occur directly or indirectly” while in paragraph 13 are defined the types of harming the environment.

It is important to note that Article 4 of G.E.O. 68/2007 stipulates that it does not entitle individuals or private or legal entities the right to compensation as a consequence of environmental damage or of an imminent threat of such damage, and in these cases the common law is applied.

Holders of the right to a healthy environment

From the text of Article 35 of the Constitution and Article 5 of G.E.O. no. 195/2005, both using the expression “any person”, it results that the holder of this right may be any person in Romania, which resides temporarily or permanently: Romanian citizens, foreign citizens and stateless persons, taken as individuals or as a community (the human species as a whole); they can also be holders of the right to a healthy environment for future generations. This right is recognized, for example, by regulations from Declaration of the Stockholm Conference (1972), the Rio Conference (1992), the G.E.O. no. 195/2005, Law no. 107/1996. All these rules are based on the idea of “human solidarity and common interest” for the sustainable development of environmental protection.

Conclusions

As it could be seen human right to a healthy environment appears as a paradox: on the one hand is obviously an absolute need in modern society and the rule of law, through the protection necessary following changes to intense environmental damage by human civilization, but on the other hand there are still problems of implementation. By competing with short-term benefits brought by an aggressive economic and social development, specific to our era, not once it lost the fight when it was weighed against it.

This struggle goes on many levels: legislation, enforcement, information, application and mentality of the people. It not once happened that application of that law to strike the opposition more or less overt of those who are uncomfortable with the limits that it imposes. Fortunately, the provisions of Romanian legislation are very comprehensive and covers the vast majority of relevant aspects of this right. Unfortunately, there are certain weak normative provisions (e.g. some limitations on the liability for environmental damage) that may hamper the effective enforcement of the rules. Also, because of its novelty (there are no well-established best practices) deficiencies appear in the enforcement of guarantee-rights such as the right to information or the obligation of state institutions to respond effectively to petitions on environmental issues. Lastly, in Romania it is not yet fully developed the “environmental consciousness” that would make people to be more responsible in this regard. Resulting from analysis carried out, without doubt, that the human right to a healthy environment is a fundamental human right, granted by the regulatory interest. Meanwhile, many times it happens that environmental policy be implemented without substance, the reasons being shown. General awareness of the importance of this right will cause the balance to tilt towards observance and the spectre of a law empty of content, a purely declarative form without substance will disappear.

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¹ Most often those are private entities that operate information aiming for profit, so the significance of information always has an economic filter and not merely an information one. This kind of analysis can lead to a situation where information on environmental issues is not considered relevant in relation to other information fashionable, interesting and perhaps “selling” on very short-term, but useless in the long term.

² G.O. no. 26/2000 was published in Official Gazette no.39/2000, amended and completed by G.O. no. 37/2003 (Official Gazette nr.62, 1 February 2002), approved by Law no. 246/2005 (Official Gazette nr.656/2005), Law no. 305/2008 for amending O.G. no. 26/2000 on associations and foundations (Official Gazette no. 855, 19 December 2008).

³ This kind of education is encouraged at Community level by provisions of point 4 from the Considerations of European Parliament and Council Directive 2003/35 / EC of 26 May 2003 providing for public participation in drawing up certain plans and programs on the environment and amending Council Directives Council 85/337 / EEC and 96/61 / EC with regard to public participation and access to justice by “public” understanding “one or more natural or legal persons ... their associations, organizations or groups of them” .

⁴ Law no. 86/2000 ratifying the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed in Aarhus, June 25, 1998 provides in Article 6 Article 7 Article 8 ways the public can participate in decisions on specific activities (article 6, paragraph 3: “public participation procedures shall include reasonable time limits for the different phases,

allowing sufficient time for informing the public and sufficient time to it to prepare and participate effectively during the decision-making process”, paragraph 4: “each party shall provide for early public participation when all options are open and can be an effective public participation”), practical measures to ensure public participation in the preparation of plans and policies related to the environment and public participation during the preparation of implementing regulations and legal instruments binding regulations generally applicable. For aspects of public consultation, the Law was enforced by Government Decision no. 564/2006 regarding the framework of public participation in drawing up certain plans and programs relating to the environment.

⁵ Directive 2012/18/EU of the European Parliament and the Council from 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82 / EC (OJ L 197/1, 24/7/2012).

⁶ It's provided in paragraph 2 of Article 95 that, exceptionally, the liability can be subjective for damage caused to protected species and natural habitats.

⁷ Ordinance was published in the Official Gazette no. 446 of 29 June 2007 and was approved by Law no. 19/2008 (Official Gazette no. 170 of 2008). It was later amended by G.E.O. no. 15 of 25 February 2009 amending and supplementing G.E.O no. 68/2007 (Official Gazette no. 149 10 March 2009), Law no. 187 of 24 October 2012 implementing Law no. 286/2009 on the Criminal Code (Official Gazette No. 757 of 12 November 2012), Law no. 249 of 19 July 2013 (Official Gazette no. 456 of 24 July 2013) and Law no. 165 of July 22, 2016 on the safety of offshore oil operations (Official Gazette no. 572 of 28 July 2016).

⁸ In the case of environmental damage is distinguished between damage to species and natural habitats, water damage and damage on the ground (Article 2, item 13 a, b and c).

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ORIGINAL PAPER

Factoring Contract – Short Term Financing Technique

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Abstract

We aimed in this study an analysis of the factoring contract which, by the advantages it offers, has become a technique of short-term funding becoming more attractive to clients of banks, non banking financial institutions and of commercial companies that have as object of activity factoring operations. Thus, in the last five years, Romanian factoring market grew by over 100%, and in 2015 recorded the highest growth in Europe (35%), reaching 3.65 billion Euros. The factoring market has started to develop since 1993 through specialized departments of banks and in 2006 were established specialized non-banking financial institutions. Currently, on the Romanian factoring market there are 15 players.

Keywords: *adherent, factor, debtor, unnamed contract, Romanian Factoring Association*

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Introduction

Factoring, short-term financing technique appeared two centuries ago as a result of trade between the U.S. and the UK. As noted in a specialized work: “British industrialists who supplied textiles to British emigrants, penetrating even deeper westward, appreciated the need to find guarantors to provide their exports. Undoubtedly, these were the first factors. The process was subsequently spread into the inter-American relations. It was introduced to Europe in 1960 with the establishment of an international network of factors in the UK, and mainland” (Gavalda, 1978: 124). In Romania, according to data from R.F.A., the factoring market has started to develop since 1993 through specialized departments of banks, and in 2006 were established specialized non-banking financial institutions. Currently, on the Romanian factoring market there are 15 players. At international level, there are two main chains of factors, namely Factors Chain International and International Factors Group through which there are held about 90% of the international factoring operations.

The Romanian Factoring Association (R. F. A.)

In order to protect and represent the general interest of the factoring sector and persons engaged in this activity in 2011, it was established the Romanian Factoring Association (R. F. A.) which currently has nine members: Acces Financial Services IFN, Banca Comercială Română S.A., Banca Transilvania SA, BRD- Groupe Société Générale SA, Banca de Export-Import a României EximBank SA and IFN Next Capital Finance SA. Romanian Factoring Association (R. F. A.) signed a cooperation agreement at Pismo Beach on April 12th, 2012 with the International Factoring Association (I. F. A.). It is reported that the International Association of Factoring is the largest association of financing companies in the world and it has as members factoring companies, assets based creditors and other companies specialized in financing receivables. Currently the association has over 375 corporate members. The cooperation agreement is extremely important because it aims to help the members of the two associations by providing information, organizing scientific events on common factoring subjects and by assuring the participation of the two associations’ members in what concerns the membership fee of the related association, by mutual promoting events, the long-term interest being that of building a global network. This agreement will support the Romanian market makers based on the provided information, access to professional training and purchasing power, serving as a resource for this community. Since its establishment, the Romanian Factoring Association performed every year since 2013 and at the middle of the year, a study on the evolution of the main parameters of the factoring market. The performed studies are based on the information provided by association members and other non-bank financial institutions.

Only in the past five years, Romanian factoring market grew by over 100%, and in 2015 recorded the highest growth in Europe (35%), reaching 3.65 billion euros. The construction, energy, information technology and communications, metals, chemicals, recycling, transport domains have risen significantly, the least financed sector being financed through factoring being farma. Thus, in the fields of energy and construction registered a six times increase compared to 2014, the information technology and communications field which registered a tripling compared to 2014, both on internal and on foreign markets, the metals, chemicals and recycling fields increased by 49% and the transportation field increased by 44%. The pharmaceutical sector registered a decrease of

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22% compared to 2014. In terms of export factoring, according to official data provided by the Romanian Factoring Association, significant increases were registered in what concerns the information technology and communications field (166%), construction field (40%) and transportation field (17%). At the same time, members of the Romanian Factoring Association managed trade receivables of over 14.5 billion Euros, thus providing an essential support in what concerns the financing needs of the economy. With reference to the development of the Romanian factoring market, the major role is held by the banks, through their specialized departments. Instead, non-bank financial institutions also have an important contribution in particular by ensuring a diverse market for all profiles of companies. The increasing trend which features the Romanian market currently has a high interest from foreign capital to finance the Romanian factoring sector, in particular by non-bank financial institutions.

Definition

In Romanian law, the factoring contract was defined in article 2 letter b) of the Emergency Ordinance no. 10/1997 on easing the financial deadlock and economic losses as a contract between a party called adherent supplying goods or providing services, and a bank or financial institution specializing called factor, which the latter shall finance tracking receivables and credit risk protection and adherent gives to the factor, by way of sale or pledge, claims arising from the sale of goods or provision of services for third parties. This legal definition confuses the factoring contract with commercial pledge agreement (Smarandache and Dodocioiu, 2008: 99). Also, erroneously in article 2 paragraph (2) of this act, the factoring contract is framed in the category of payment instruments. By payment instrument means cash and cash substitutes, papers, documents, marketable debt denominated in a foreign currency and used in payment transactions (receivables liquidation), the use of cash, the actual currency and gold. Are payment instruments: bills of exchange, promissory note, check, letter of credit, the provision of collection, invoice, shares, bonds, travelers checks, credit cards, debit cards, checks credit card.

This first definition is corrected based on article 146 of the Annex to the Order no. 1418/1997 of the Secretary of State, Minister of Finance and Governor of National Bank of Romania (N.B.R.) on the chart of accounts for banks and the methodological standards for its use. It shows that „the factoring is the operation whereby the client called „adherent” transferring ownership of receivables (bills) to its commercial bank, called „factor”, which has an obligation, under contract, to ensure recovery of receivables of the adherent, assuming their risk of default”. Finally, article 6 of Law no. 469/2002 on certain measures for strengthening the contractual discipline fits correctly the factoring contract, along with the lump sum in the mobilization of domestic receivables category, and defines it as a contract between the Party, called adherent, that is a provider of goods or service supplier, and a bank or a financial specialized institution called factor, whereby the latter shall finance tracking receivables and preservation against credit risks and adherent yield factor, as sales receivables arising from the sale of goods or services to third parties. It should be mentioned that in accordance of this normative act, the factor had to assume three obligations in its relationships with the adherent, without the possibility to opt for one of them: financing, tracking receivables and insurance against credit risks.

Internationally, the factoring contract is governed by the Ottawa UNIDROIT Convention on International Factoring, adopted on 28 May 1988 and the United Nations

Convention on the assignment of receivables in international trade from New York in 2001.

Given the significant role that international factoring had played in the development of the international trade, is recognised the importance of adopting uniform rules to provide a legal framework that will facilitate international factoring, which led to the conclusion of the Ottawa Convention, which states that the “factoring contract” means a contract between one party (the supplier) and another party (the factor), pursuant to which: “(a) The supplier may or will assign to the factor receivables arising from contracts of sale of goods made between the supplier and its customers (debtors) other than those for the sale of goods bought primarily for their personal, family or household use; (b) The factor is to perform at least two of the following functions: finance for the supplier, including loans and advance payments; maintenance of accounts (ledgering) relating to receivables; collection of receivables; protection against default in payment by debtors; (c) Notice of the assignment of the receivables is to be given to debtors” (Article 1 of the UNIDROIT Convention on international factoring).

On this subject in the literature earlier showed that “factoring is a contract whereby one party, called the adherent transfer ownership of a certain category of its receivables to another party, called factor, which, for a fee, undertakes adherent to pay their value and acquires its place in its rights receivables against debtors that are assigned to collect” (Ștefănescu and Rucăreanu, 1983: 231). Another theorist who studied the contract of factoring defined as “a commercial contract concluded between two traders, adherent and factor, whereby the factor takes ownership of adhering claims on assigned debtors - resulting from sale of goods or provision of services previously concluded with them - and with receivables accepted he undertakes financing adherent prepay of such receivables, the obligation of collecting from assigned debtors to their payments and the obligation to guarantee against credit risk, respectively against the risk of default at maturity of the claims concerned by assigned debtors” (Vartolomei, 2006: 229).

The factoring mechanism

In the literature, the mechanism for the implementation of factoring operations was summarized as it follows: “Under the factoring contract, the adherent send original invoices or certified copies to the factor thereof with the mention that they were sold and that the payment is to be made to the factor; subrogation of the adherent in the factor’s rights must be notified to the debtor to pay it only by factor; factor pays factors to the adherent at face value, less commission either immediately, therefore before their maturity (*old line factoring*) or at maturity if the contract was concluded in that form (*maturity factoring*); in practice, the system is used as a factor to immediately pay only a percentage of the bills, while the remaining to be regularized after the receivable” (Angheliescu, Deteșan and Hutira, 1983: 155). In most cases, there is a framework factoring contract comprising the promise of the factor to buy and the adherent to sell all claims or those that meet certain criteria, which they determine, and with each transfer of receivables is entered into a factoring contract itself (Mircea, 2000: 121). There should be noted that the adherent may send only partially a receivable and recover the rest on their own behalf.

Specific contractual clauses

The factoring contract includes *an exclusivity clause* which implies that the adherent is obliged to present only to the factor all invoices including receivables on debtors and the factor can accept only those that show a high degree of certainty about

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their payment at maturity by debtors. Also the factoring contract includes *a clause of globality* through which the adherent shall vacate all its claims on debtors to the factor. This prevents failure by adhering only to bad debts, which are difficult to recover and recover certain receivables himself, managing to save the factoring fee. The two clauses are interdependent.

Participants in factoring technique

Factoring is a tripartite operation involving the adherent, the factor and the assigned debtor.

1) *The adherent* is a seller of goods or provider of services with the delivery of goods or services succession. Typically, the adherent is merchant natural or legal person. It is pointed out that for defining traders, the Romanian legislature uses the criterion of matriculation or of registration in the trade register. According to article 6 paragraph (1) of Law no. 71/2011, “in normative acts applicable to the entry into force of the Civil Code, references to merchants shall be deemed to be made to individuals or, where appropriate, legal entities subject to matriculation in the trade register under Article 1 of Law no. 26/1990, republished, as amended and supplemented, as well as those made by this law”. And, according to article 11 of Law no. 71/2011, are required to apply for matriculation or, if applicable, registration with the trade registry: freelancers, individual enterprises, family businesses, companies, national companies and national societies, autonomous administrations, economic interest groups, cooperatives, European societies, European cooperative societies and European economic interest groups with headquarters in Romania, as well as other natural and legal persons under the law (Bratiloveanu, 2015: 54). Along with other authors, we appreciate that the adherent can be a noncommercial legal entity, such as an association or foundation recognized by law as having the ability to conduct business (Stănciulescu and Nemeş, 2013: 613);

2) *The factor* can only be a legal person trader. According to article 11 b) of the Banking Act No. 58/1998, factoring contract is included in the banks' premises activities as a form of credit, along with consumer contracts, mortgages, financing of commercial transactions, discount and forfeiting. Also, the factoring is part of lending activities that can be undertaken by non-banking financial institutions. Factor can become the companies which have the object of factoring operations (NACE 6499 - Other financial n.c.a.).

3) *The assigned debtor* is a trader natural or legal person, as a buyer of goods or recipient of the benefits of traditional service provider to which they owe the equivalent work or services provided (Cernăianu, 1996: 54).

Legal characters of the factoring contract

We note the following legal characters of the factoring contract:

Mutually binding contract, as concluding it generates reciprocal and interdependent obligations borne by both parties. The Factor undertakes to provide financing, monitoring and preservation of receivables against credit risks and the adherent undertakes to submit ownership on receivables arising from the sale of goods or services;

Consensual contract because it arises through the mere agreement of the parties. The written form is a condition required *ad probationem*. In practice no bank will conclude a factoring contract than in writing (Săuleanu, 2005: 158);

Onerous contract as each side aims to achieve a material benefit. Factoring is essentially onerous; without the existence of a price that factor pays for receivables

assigned by the adherent we can not speak of a factoring contract (Pătlăgeanu and Lefter, 2004: 108);

Continuing contract because it runs slowly, over time, referring to a succession of benefits, not on a single one;

Contract with intuitu personae character, according to the doctrine majority, because of the characteristics of adherent ends: professional competence, customer stability, respectability, credibility. Some authors question this character as the decision of the factor to fund is influenced by monetary issues and less of the personal of parties involved in the factoring mechanism. An additional argument is that specific rules of intuitu personae contracts (revocation, death of the parties, disability) does not apply to this contract (Stănciulescu, Nemeș, 2013: 611).

Contract of adhesion: is the factor that imposes contractual terms, in practice it has the ability to select debtors and to deny the assumption of doubtful debts of adherent (Turcu, 1995: 353).

Ancillary contract because its existence is predetermined by the relationship existing between the adherent and debtor arising from receivables assigned in favor of the factor.

Commutative contract because the parties usually know the extent of the obligations from the moment of conclusion. The factoring contract can be *random* in case of the factoring contract without recourse, the factor being the one who bears the risk of insolvency of the debtor (Stănciulescu, Nemeș, 2013: 611).

Unnamed contract: Currently, the law no. 469/2002 is repealed, the factoring contract is an unnamed contract because the legislature did not nominate it as a distinct type of contract (Stănciulescu, 2014: 36).

Complex contract: includes an assignment of debt, a conventional subrogation consenting by the creditor and additional obligations for the factor to a transferee or subrogated staff consisting of: bookkeeping job reviews the records of the transferor, keeping accounts relating to receivables assigned, taking credit risk and financing the adherent.

A *special condition of validity* of the factoring contract consists in the material delivery of invoices by the adherent to the factor.

The functions of the factoring contract

Traditional factoring, classic (*old line factoring*) has the following two functions: *short-term financing tool* as the factor it behaves towards the adherent as a financier, through the payment before maturity of goods supplied or services rendered by adhering to debtors. We emphasize that factoring is accelerating rotation of the capital of a company, thereby, increasing the number of rotations performed over a period of time to achieve a higher turnover; *commercial management tool* as the factor undertakes to record invoices, track debtors are late in paying, receiving the payments, to promote actions in court for non-payment of outstanding debts.

Classification of factoring operations

Depending upon payment of receivables that the factor buys from the adherent and additional services offered to the latter, we distinguish between: *Traditional factoring, classic (old line factoring)*: payment of debts is made when receiving them, so before they reach maturity. In this case, the factor undertakes financing, management and guarantee. In case of traditional factoring, data transfer is itself born of that receivable (or a few days

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later) (Popescu, 1983: 341); *Maturity factoring*: the factor pays claims when due, not on the moment of receiving them. Credit obligation is not predominant, but its guarantee (Ghiță and Calotă-Ponea, 2006: 92). Note that for the factoring maturity date, the assignment date is the date of liability of receivables; *Agent factoring*: the factor buys the receivables of the adherent, paying them in advance and assuming the risk of default by assigned debtors and the adherent undertakes the management of receivables. Therefore, the adherent acts as an agent of the factor which received the payment from the assigned debtors which was not obliged to notify the assignment of the receivables involved (Vartolomei, 2006: 36).

In terms of confidentiality of the transaction, the factoring contract can be: *Closed factoring (confidential invoice discounting)*: provides the ability to maintain confidentiality about the fact that adherent turned to a factor; *Open factoring*: the adherent assigns to the factor all the receivables and notify the debtors on this aspect. Depending on the right of recourse that the bank can exert over adherent, we distinguish between: *Factoring with recourse* is characterized in that if the assigned debtor does not pay at maturity, factor has recourse against adherent; *Non-recourse factoring*: this form of factoring contract assumes that factor can not act against adherent to recover the invoices. According to participants in the factoring operation, we distinguish between: *Internal factoring*: taking place on the territory of a single country, intervening only one factor; *International factoring*: it involves the fact that the adherent and its clients, assigned debtors to be located or domiciled in different States and the intervention of two factors: the import and export. The exporter (adherent) concludes a factoring contract which surrenders all receivables against clients importers from abroad to the export factor. In his turn, the factor of export assigns the receivables to a factor in the country where the goods will be delivered, which is called the import factor that plays a key role in the operation because it is the person who performs the receivables from importers and bears the risk of their insolvency.

Effects of factoring contract

Next will be presented the effects of the factoring contract between the parties (*inter partes*) and to assigned debtors. The effects of the factoring contract between the parties are: The object of obligation to the adherent is transferring existing or future receivables, if at the time of conclusion or their birth they are determinable, relieving parties to negotiate and conclude a new contract every time. Together with the receivables, there will be handed over documents attesting factor consisting of invoices, records and contracts. The assignment of the receivable to the factor can be carried out without the consent of the debtor. Moreover, the UNIDROIT Convention on International Factoring expressly provides in article 6: “1. The divestiture of the transferee receivable by the supplier can be achieved, notwithstanding any agreement between the supplier and the debtor prohibiting such assignment”. The Factor will acquire receivables with all accessories attached to them: real or personal guarantees, privileges, penalties, interests (Stănciulescu and Nemeș, 2013: 615). Another obligation of the Adherent is to guarantee receivables under Article 1585 Civil Code. The Adherent guarantees the existence of a valid receivable in relation to the transfer date. The parties may stipulate expressly in the factoring contract that the adherent is the one who assumes the refusal of payment or insolvency of the assigned debtor. In this case, the factor reserves the right of recourse against the adherent if the debtor has not paid at maturity receivables transferred from any cause. In the absence of an express contractual provision, it operates the assumption that

the receivable was taken with all the risks, including non-payment of the assigned debtor. In this case, if on the maturity date the assigned debtor refuses to pay the receivables, the factor can not act against the adherent to recover the amounts paid.

We support, along with other authors that another obligation incumbent to the adherent is to notify the assigned debtor the assignment of receivables. However, since this is an unnamed contract, the parties are free to stipulate the responsibility of any one of them. Through a notice there might be avoided a payment in good faith to others. According to article 1578 (1) a) Civil Code, the assigned debtor is obliged to pay the assignee from the moment they accept the assignment given in writing with a certified date. The notification of the assigned debtor must be in writing, on paper or in electronic format and will have to specify whom or in whose name it is made, to identify in a reasonable way the assigned receivable and that the debtor is required to pay the factor.

Also, the adherent is obliged to pay a fixed remuneration to the factor. Remuneration is based on the factor obligations under the contract. More generally, the compensation factor includes the factoring fee, commission funding and possibly the agio. Factoring fee covers the costs incurred by the factor with the verification of receivables and the operation of the current account opened for the adherent. Financing commission lies at least as practiced in the banking market interest for short-term loans and apply to amounts paid in advance by the factor. Sometimes, compensation includes an additional factor - "Agio" is a guarantee against the risk of default by borrowers assigned debtors (Vartolomei, 2006: 78).

Finally, the adherent obligation is to communicate to the factor all informations it holds on assigned debtors, that could facilitate to the factor the cashing of invoices.

The main obligation of the factor is to pay to the adherent the invoices accepted for collection, thus becoming funder of the adherent. Without going into details, we show that in practice, the factors open a current account in the name of adherent scored to debit the amount of his remuneration and the credit amount representing the nominal value of receivables transferred by adhering. Payment is by funding the account that will be recorded as a debit and credit adherent factor. Also, the factor must collect debts at maturity and bear the risk of insolvency of debtors as a result of its subrogation in all the rights and obligations of the adherent. In the factoring with recourse, the contract provides expressly that the risk of default and insolvency of the assigned debtor will be assumed by the adherent, where the factor has recourse action against the adherent. As the owner of receivables, the factor has no right of recourse against the adherent. However, in the absence or part of the receivable, he has a repetitive action of undue payments.

In addition, the factor is tasked with keeping track of factoring operations. The adherent remits to the factor, the deadlines set by contract, the invoices accompanied by a schedule containing the following data: receivables assigned with accessory rights and respective actions; statement of transmission of receivables in the property of the factor; the request for payment of bills, in exchange of subrogatory receipts (Pătulea and Turianu, 1999: 129).

The effects of factoring upon the assigned debtor are: The main effect of the factoring contract to the assigned debtor is that, after being notified or accept payment, can pay validly only in the hands of the factor after the receivables become due. The factor that becomes through subrogation the owner of receivables transmitted, can bring an action for payment against the debtor. The debtor may invoke against the factor any exception that is inherent to the receivable, as this was sent with defects affecting and other exceptions if they have been incurred before the subrogation. Thus, the factor may

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exercise any right to compensation against the adherent to the rights or actions against the adherent existing at the date of the notification. Against debtors, the factoring contract is enforceable only when they are notified and in some instances when the factor asks to the debtors to accept the assignment and through the specification on the invoices issued by the adherent to the debtor of the fact that they are assigned in favor of the factor. It is noteworthy that the assigned debtor will retain all rights and defenses that he had against the adherent.

Termination of factoring

In the factoring contract, the parties specify the cases of termination of contract. In the absence of express contractual provisions, there will apply the rules of commercial obligations regarding the termination of contracts.

Conclusions

Surely, in a challenging economic environment, the factoring contract is a solution for companies to develop their specific commercial activities of manufacturing and marketing of goods or supply of services while maintaining liquidity without having to give guarantees. Another advantage of the factoring contract for companies is protection against the risk of insolvency of borrowers, buyers of goods or beneficiaries of provided services. Lastly, the growing interest of companies for the factoring contract is explained by allowing them to benefit from the experience of banks in assessing the creditworthiness of customers, in management and administration of receivables. On the other hand, the factoring is interesting also for the members of the Romanian Factoring Association (R.F.I.) because it allows them to exploit liquidity under a handling fee which is higher than the interest rate applied to the loan in the credit market. Banks and specialized non-bank financial institutions concluding factoring contracts benefit in what concerns the assigned borrowers of all guarantees and privileges that they had accepted with reference to the goods or services providing companies. Lastly, the factoring contract is interesting due to the specific clauses of the agreement: the exclusivity clause and the clause of globality. The factors may accept only those adherent's receivables which they consider safe in terms of their payment at maturity and the adherent is required to assign all its receivables exclusively to one factor.

Among the products addressed to corporate customers of banks and non-banking financial companies, factoring is the product which recorded the most consistent growth. The construction, energy, information technology and communications, metals, chemicals, recycling, transport domains have risen significantly, the least financed sector being financed through factoring being farma. The advantages offered by factoring made it to become a technique of short-term funding becoming more and more attractive for suppliers of goods and Romanian service providers. For the Romanian factoring market, the major role is hold by the banks, through their specialized departments, but non-bank financial institutions also are important in particular by ensuring a diverse market for all profiles of companies. The increasing trend which features the Romanian market has a high interest from foreign capital to finance the Romanian factoring sector, especially through non-bank financial institutions.

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ORIGINAL PAPER

Accuracy of Health, Population and Development Counting Vectors: Evidences from the UN Resolutions Markings and Policies (2012-2016)

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Abstract

The present article explores the recent United Nations (UN) resolutions in the field of health, population and development adopted in the period 2012-2016. The analysis argues that the official documents of the Commission on Population and Development may pose a challenge to the UN “mission model” by emphasizing the major relevance of the current course of the cross-resolutions agendas. More than twenty-four concepts and related items are interlinked and used to measure the UN millennium development goals towards international peace, sustainable development, health outcomes and human rights displays by identifying the conceptual mapping and the subsequent causal effects in the research areas of: population, migration, migrant population. The article also reviews the consequences of the UN key actions and programmes focusing on the transmission of concepts within the institutional engagements considering the following resolutions: (a). the Resolution adopted by the Economic and Social Council on 27 July 2016 (2016/25. Future organization and methods of work of the Commission on Population and Development) (E/RES/2016/25); (b) the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); (c) the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); (d) the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and (e) Resolution 2012/1 Adolescents and youth (Resolution 2012/1);

Keywords: *health, population, United Nations, development, migration*

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Introduction

The classical approach to the United Nations refers to the analysis of its main institutions and the involvement in the international crisis (Beardsley, Schmidt, 2011: 33-49). Further, Beardsley and Schmidt base the United National theoretical approach on the following issues: (a) the determinants of the UN involvement and engagement based upon its official documents; (b) the UN intentions and the impact on its “mission model”; (c) the institutional mandate of achieving international peace; (d) the conflict potential and the particular interests of the veto-holding states of the UN Security Council. In their theories on the United Nations documents, other studies argue the UN millennium development goals (Ican, Philips, 2010: 844-874), the thematic conventions, the compatible instruments and the “support institutional coordination” (Rieu-Clarke, Kinna, 2014: 15-31), the UN peace operations, protection, security, humanitarian aid and the complex conflict situations (Bellamy, Hunt, 2015: 1277-1298), the resilience, the absence and the levels of the protection of civilians and the peacekeeping operations in contemporary conflict areas (Williams, 2013: 287-298; Karlsrud, Felix da Costa, 2013: S171-S187; Jose, Peace, 2015: 515-535).

Other studies argue that the institutional analysis of the United Nations has to articulate the “cooperative security architecture” and the new views of a “muscular security organization” in the area of the global security (Barnett, 1995: 37-54). The focus on the new scales of the UN international engagement engages the analysis of the policy challenges and the assessments of the “inhospitable environment” (Smith, 2004: 197-215).

Methods and methodology

The present article contributes to the knowledge of the UN main Resolutions and Decisions in charge of the Commission on Population and Development between 2012-2016 using the concept mapping (Figure 1) and the document analysis. The research process of the UN documents explores and investigates the conceptual framework of:

(a) “health”, “reproductive health”/ “reproductive cancer screening and treatment rights”/ “programme of (key) action(s)”, “population(s)”, “(reproductive) health services”/ “free of discrimination” (Table 1);

(b) “well-being”/ “(regional) guidance on population”, “lives”, “health-care providers”, “education” (Table 2);

(c) “human rights (integration)”, “gender”, “(in)equality (agenda)”/ “rationalized(ing) agenda (programmes of work)”, “physical”/ mental health” (Table 3);

(d) “sustainable development”, “invest(ment)”, “cooperation (collaboration)”, “labour market” (Table 4);

(e) “United Nations (institutional framework)”, “participation”, “work” (“workplace”/ “working-age”/ “working-place”/ ”working-“)/ “responsibility”, “population dynamics”/ “population and development” (Table 5); (f) “migration”, “migrants”, “discrimination”, “social” (Table 6).

Findings

The current content analysis of the UN Resolutions on population, development and their variables proposes three domains of the conceptual varieties of broader areas of social research.

The first domain (1) will consider organizing the sampling form choosing the UN Resolutions between 2012-2016 focused on the population division with additional data

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in the field of: a. health and its variables (Table 1); b. well-being and its variables (Table 2); c. human rights and its variables (Table 3); sustainable development and its variables (Table 4); d. UN institutional framework (Table 5); e. migration and its variables (Table 6).

The second domain (2) will focus on the codification of the conceptual variables (Cvi,ii... Cvn) as follows: Cv(i). Table 1 uses the following codifications: the codification of “H” for “health”, “R_H” for “Reproductive health”/ “reproductive cancer screening and treatment rights”/ “programme of (key) action(s)”, “P” for “Population(s)”, “R_{HS1-5}” for “(Reproductive) health services”/ “free of discrimination”; Cv(ii). Table 2 uses the following codifications: the codification of “W” for “Well-being”/ “(regional) guidance on population”, “L” for “Lives”, “H_{cp}” for “Health-care providers”, “E” for “Education”; Cv(iii). Table 3 uses the following codifications: the codification of “H_r” for Human rights (integration)”, “G” for “Gender”, “(I)Eq₁” for “(In)equality (agenda)”/ “rationalized(ing) agenda (programmes of work)”, “P_{mh}” for “Physical”/ “mental health”; Cv(iv). Table 4 uses the following codifications: the codification of “S_{dev1-5}” for “Sustainable development”, “I_{nv}” for “Invest(ment)”, “C_{oop}” for “Cooperation”/ “collaboration”, “L_{amark}” for “Labour market”; Cv(v). Table 5 uses the following codifications: “U_n” for “United Nations (institutional framework)”, “P_{art}” for “Participation”, “R” for “Work” (“workplace”/ “working-age”/“working-place”/“working”) / “responsibility”, “P_{dy}” for “Population dynamics”/ “population and development”; Cv(vi). Table 6 uses the following codifications: the codification of “M_{ig}” for “Migration”, “M_{igr}” for “Migrants”, “D” for “Discrimination” and “S” for “Social”.

The third domain (3) will approach the semi-quantitative results using cross-tabulation as follows: A. Column 1 emphasis the United Nations Resolutions putting into relation: Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1); B. From Column 2 to Column 5, each column reports the values of each concept by counting words in each document. From Row 2 to Row 6, the table will display the research counting vectors of each concept analyzed. Row 7 reports the sum of the conceptual approaches as follows: Column 1, Row 7 sums all the appearances of the concepts and Column 2-Column 5 (Row 7, Table 1-Table 6) sub-sums the particular concepts appearances according to the codifications above presented: H₁₋₅ values, R_{H1-5} values, P₁₋₅ values, R_{HS1-5} values (Table 1), W₁₋₅ values, L₁₋₅ values, H_{cp1-5} values, E₁₋₅ values (Table 2), H_r values, G values, (I)Eq values, P_{mh} values (Table 3), S_{dev1-5} values, I_{nv1-5} values, C_{oop1-5} values, L_{amark1-5} values (Table 4); U_{n1-5} values, P_{art1-5} values, R₁₋₅ values, P_{dy1-5} values (Table 5) and M_{ig1-5} values, M_{igr1-5} values, D₁₋₅ values, S₁₋₅ values (Table 6). In each table, the counting vectors are associated to the content of each document from Column 2 to Column 5. Each counting vector specifies the number of times each word appears in each document (ncv).

| | | | |
|---|--|----------------------------|---|
| United Nations Resolution Department of Economic and Social Affairs Population Division Commission on Population and Development Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) Resolution 2012/1 Adolescents and youth (Resolution 2012/1) | "health" and related items | H ₁₋₅ values | R _{H1-5} values P ₁₋₅ values R _{HtS1-5} values |
| | UN institutional framework | U _{nl-5} values | P _{art1-5} values R ₁₋₅ values P _{dy1-5} values |
| | "well-being" and related items | W ₁₋₅ values | L ₁₋₅ values |
| | | H _{cp1-5} values | E ₁₋₅ values |
| | "human rights" and related items | H _r values | G ₁₋₅ values (I)Eq ₁₋₅ values P _{mh} values |
| | "development" and related items | S _{dev1-5} values | I _{nv1-5} values C _{oop1-5} values L _{amark1-5} values |
| | "migration" and related items | M _{igr1-5} values | M _{igr1-5} values D ₁₋₅ values S ₁₋₅ values |

Figure 1. Concept mapping the United Nations (UN) Resolutions

Source: Authors' own compilation based on the content analysis of the texts of the Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1).

Results

Table 1 explores and links the concepts of “health”, “reproductive health”/ “reproductive cancer screening...”, “population(s)”, “(reproductive) health services”/ “free of discrimination”. Column 1 explores the frequency of the use of the concept of “health” noticing that this item was highly used in the Resolution 2014/1 (n_{cv}=22 items), Resolution 2016/1 (n_{cv}=20 items) and Resolution 2013/1 (n_{cv}=15 items).

These uses described above provide a basis for further uses of the related items of “reproductive health”/ “reproductive cancer screening and treatment rights...” (Column 3, Table 1, n_{cv} =79 items) and the items of “reproductive health services”/ “free of discrimination” (Column 4, Table 1, n_{cv}=32 items). Column 4 identifies the frequent uses of the item of “population” in all the documents analysed summarizing more than 113 uses of the selected item (Row 7, Column 4, Table 1).

These results reinforce accuracy of the use of the “health” and related concepts describing a different profile of the selected resolutions in the fields of health approaches (Row 7, Column 2, Table 1 and Figure 2, n_{cv}=95 items), social involvement and population’s interests (Row 7, Column 4, Table 1 and Figure 2, n_{cv}=113 items) and reproductive health approaches (Row 7, Column 3 and Column 5, Table 1 and Figure 2, n_{cv}=111 items).

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Table 1. Analysis of the use of the concepts of “health”, “reproductive health”/ “reproductive cancer screening and treatment rights” / “programme of (key) action(s)”, “Population(s)”, “(Reproductive) health services”/ “free of discrimination” (no. items)

| United Nations Resolution Department of Economic and Social Affairs Population Division Commission on Population and | “Health (H)” | “Reproductive health”/ “reproductive cancer screening and treatment rights”/ “programme of (key) action(s)” | “Population(s)” | “(Reproductive) health services”/ “free of discrimination” |
|---|-------------------------|---|-------------------------|---|
| | H ₁₋₅ values | R _{H1-5} values | P ₁₋₅ values | R _{HS1-5} values |
| E/RES/2016/25 | H ₁ = (*) | R _{H1} = 11 | P ₁ = 21 | R _{HS1} = (*) |
| Resolution 2016/1 | H ₂ = 20 | R _{H2} = 8 | P ₂ = 23 | R _{HS2} = 1 |
| Resolution 2014/1 | H ₃ = 22 | R _{H3} = 7 | P ₃ = 31 | R _{HS3} = 2 |
| Resolution 2013/1 | H ₄ = 15 | R _{H4} = 14 | P ₄ = 20 | R _{HS4} = 7 |
| Resolution 2012/1 | H ₅ =38 | R _{H5} = 39 | P ₅ = 18 | R _{HS5} = 22 |
| $\Sigma H_{1-5} + \Sigma R_{H1-5} + \Sigma P_{1-5} + \Sigma R_{HS1-5} = 319$ | $\Sigma H_{1-5} = 95$ | $\Sigma R_{H1-5} = 79$ | $\Sigma P_{1-5} = 113$ | $\Sigma R_{HS1-5} = 32$ |

Source: Authors’ own compilation based on the content analysis of the texts of the Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1); (*): no data provided

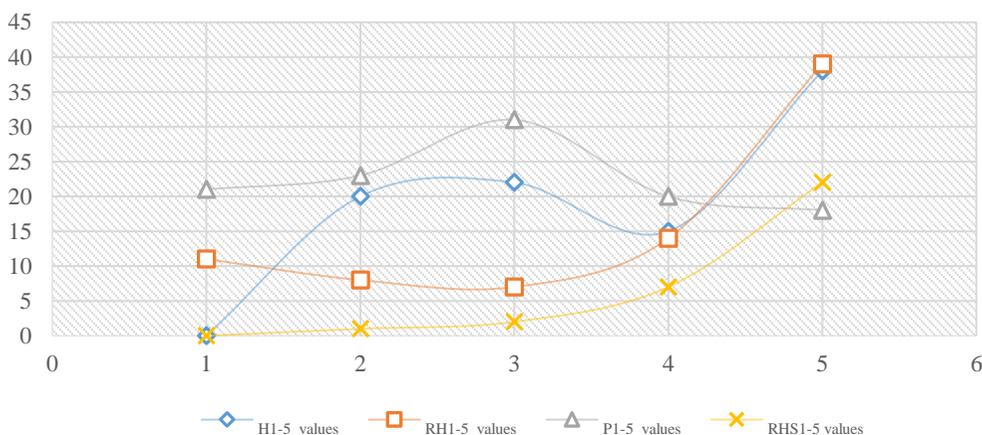


Figure 2. Chart Analysis of the use of the concepts of “health”, “reproductive health”/ “reproductive cancer screening and treatment rights” / “programme of (key) action(s)”, “population(s)”, “(reproductive) health services”/ free of discrimination” (based on the results described in Table 1); (*): no data provided

Table 2 presents the frequency of the use of the concepts of “well-being”/ “(regional) guidance on population”, “lives”, “health-care providers”, “education” which provide an extensive analysis stimulating the debate on the links between education-health-well-being based on the health-care providers behaviors and education tools (Column 1, Table 2, $n_{cv}=54$ items). Moreover, according to the findings of Table 2, the results provide a rich portrait of the education agenda across the selected documents giving a temporal categorization of the cross-resolutions agenda (Column 5, Table 2, $n_{cv}=39$ items). Each value of the Table 2 represents a relatively different approach of the UN

resolutions in the fields of education, life approach, health-care providers, well-being and (regional) guidance on population as follows: “well-being”/ “(regional) guidance on population” (Column 2, Table 2 and Figure 3, $n_{cv} = 9$ items); “lives” (Column 3, Table 2 and Figure 3, $n_{cv} = 3$ items); “health-care providers” (Column 4, Table 2, $n_{cv} = 3$ items); “education” (Column 5, Table 2 and Figure 3, $n_{cv} = 39$ items).

Table 2. Analysis of the use of the concepts of “well-being”/ “(regional) guidance on population”, “lives”, “health-care providers”, “education” (no. items)

| United Nations Resolution Department of Economic and Social Affairs Population Division Commission on Population and Development | “Well-being”/ “(regional) guidance on population” | “Lives” | “Health-care providers” | “Education” |
|---|--|-------------------------|----------------------------|-------------------------|
| | W ₁₋₅ values | L ₁₋₅ values | H _{cp1-5} values | E ₁₋₅ values |
| E/RES/2016/25 | W ₁ = 2 | L ₁ = (*) | H _{cp1} = (*) | E ₁ = (*) |
| Resolution 2016/1 | W ₂ = 2 | L ₂ = 1 | H _{cp2} = (*) | E ₂ = 2 |
| Resolution 2014/1 | W ₃ = 2 | L ₃ = (*) | H _{cp3} = 1 | E ₃ = 5 |
| Resolution 2013/1 | W ₄ = (*) | L ₄ = 1 | H _{cp4} = (*) | E ₄ = 6 |
| Resolution 2012/1 | W ₅ = 3 | L ₅ = 1 | H _{cp5} = 2 | E ₅ = 26 |
| $\Sigma H_{1-5} + \Sigma L_{1-5} + \Sigma H_{cp1-5} + \Sigma E_{1-5} = 54$ | $\Sigma W_{1-5} = 9$ | $\Sigma L_{1-5} = 3$ | $\Sigma H_{cp1-5} = 3$ | $\Sigma E_{1-5} = 39$ |

Source: Authors’ own compilation based on the content analysis of the texts of the Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1); (*): no data provided

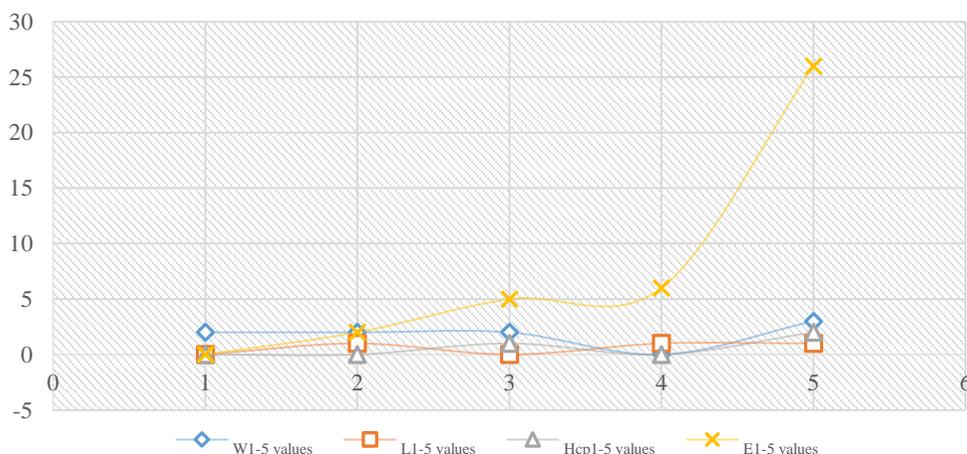


Figure 3. Chart Analysis of the use of the concepts of “well-being”/ “(regional) guidance on population”, “lives”, “health-care providers”, “education” (based on the results described in Table 1) (based on the results described in Table 2); (*): no data provided

Table 3 points the analysis of the use of the concepts of “human rights (integration)”, “gender”, “(in)equality (agenda)”/ “rationalized(ing) agenda (programmes of work)”, “physical”/ “mental health” correlating the H_r values (Column 2, Table 3 and Figure 4, $n_{cv} = 63$ items); G values (Column 3, Table 3 and Figure 4, $n_{cv} = 34$ items); (I)Eq

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values (Column 4, Table 3 and Figure 4, $n_{cv} = 27$ items) and P_{mh} values (Column 5, Table 3 and Figure 4, $n_{cv} = 5$ items). In order to see how the conceptualization of the resolutions tools is enhanced within the field of human rights and related areas, we have to focus on the formulation of the concept categories of “gender”/ “(in)equality”.

The assessment and promotion of the human rights and the equality’s values reports the development of the “fundamental freedoms” including: (a) the universality of the human rights universality and indivisibility (Resolution 2012/1; Resolution 2013/1; Resolution 2016/1); (b) the respect of the principles of dignity and the protection of the rights of the migrant population (Resolution 2013/1; Resolution 2014/1; Resolution 2016/1); (c) the paths to the improvement of the quality of life (Resolution 2014/1; Resolution 2016/1); (d) the commitment to poverty eradication (Resolution 2013/1; Resolution 2016/1).

The principal components of the analysis of concept of “physical” (in terms of “integrity” and “dignity”)/ “mental health” reveal four knowledge and behavioral factors: (a) equal access to medical and social services (Resolution 2012/1; Resolution 2013/1; Resolution 2014/1); (b) ensuring gender equality (Resolution 2012/1); (c) universal access to sustainable health at all levels (Resolution 2012/1); (d) guaranteeing and supporting measures to improve and expand health education (Resolution 2012/1).

Further interpretations of the approaches between the human rights analysis and the paths of the sustainable development depend on the measures implementation and the primary role of the high-level political decisions (E/RES/2016/25).

Table 3. Analysis of the use of the concepts of “Human rights (integration)”, “Gender”, “(In)equality (agenda)”/ “rationalized(ing) agenda (programmes of work)”, “Physical”/ “mental health” (no. items)

| United Nations Resolution Department of Economic and Social Affairs Population Division Commission on Population and Development | “Human rights (integration)” | “Gender” | “(In)equality (agenda)”/ “rationalized (ing) agenda (programmes of work)” | “Physical” / “mental health” |
|---|---------------------------------|-----------------------|--|------------------------------------|
| | H_r values | G values | (I)Eq values | P_{mh} values |
| E/RES/2016/25 | $H_{r1} = 2$ | $G_1 = (*)$ | (I)Eq ₁ = 4 | $P_{mh1} = (*)$ |
| Resolution 2016/1 | $H_{r2} = 11$ | $G_2 = 6$ | (I)Eq ₂ = 4 | $P_{mh2} = 1$ |
| Resolution 2014/1 | $H_{r3} = 12$ | $G_3 = 7$ | (I)Eq ₃ = 7 | $P_{mh3} = (*)$ |
| Resolution 2013/1 | $H_{r4} = 15$ | $G_4 = 6$ | (I)Eq ₄ = 1 | $P_{mh4} = 1$ |
| Resolution 2012/1 | $H_{r5} = 18$ | $G_5 = 15$ | (I)Eq ₅ = 11 | $P_{mh5} = 3$ |
| $\Sigma H_{r1-5} + \Sigma G_{1-5} + \Sigma (I)Eq_{1-5} +$ $\Sigma P_{mh1-5} = 129$ | $\Sigma H_{r1-5} = 63$ | $\Sigma G_{1-5} = 34$ | $\Sigma (I)Eq_{1-5} =$ 27 | $\Sigma P_{mh1-5} =$ 5 |

Source: Authors’ own compilation based on the content analysis of the texts of the Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1); (*): no data provided

One other argument to support the high score for the use of “human rights” in the texts of the Resolution 2012/1 (Column 2, Table 3 and Figure 4, $H_{r5} = 18$ items), Resolution 2013/1 (Column 2, Table 3 and Figure 4, $H_{r5} = 15$ items), Resolution 2014/1 (Column 2, Table 3 and Figure 4, $H_{r5} = 12$ items) and Resolution 2016/1 (Column 2, Table

3 and Figure 4, $H_{r5} = 11$ items) is that the factors of reveal social, educational and cultural assessments emphasize the need to review the functioning and coordination of the methods and instruments of work, implementation and application of the key actions and agendas of the Commission on Population and Development between 2012-2016. The “human rights” variations are being related to the “gender” scores from $G_2 = G_4 = 6$ items (Column 3, Table 3 and Figure 4, Resolution 2016/1 and Resolution 2013/1) to $G_3 = 7$ items (Column 3, Table 3 and Figure 4, Resolution 2014/1) having similar outcomes comparing to the depth of the linking factor of the “(in)equality” scores from $(I)Eq_1 = (I)Eq_2 = 4$ items (Column 4, Table 3 and Figure 4, Resolution 2016/1 and E/RES/2016/25).

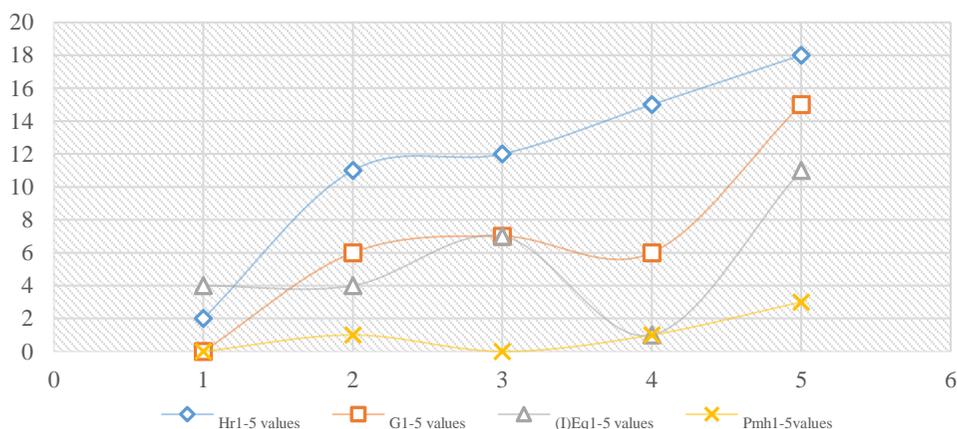


Figure 4. Chart Analysis of the use of the concepts of human rights (integration)”, “gender”, “(in)equality (agenda)”, “rationalized(ing) agenda (programmes of work)”, “physical”/ “mental health” (based on the results described in Table 3)

Table 4 is designed to examine the interlinks between the concepts of the “sustainable development”, “invest(ment)”, “cooperation (collaboration)” and “labour market”. The purpose of the analysis of these four items is to explore seven development goals and approaches: (a) the balanced approach of the sustainable development considering the intergovernmental efforts, mechanisms and actions (E/RES/2016/25); (b) the institutional requests of the Commission on Population and Development and the United Nations Population Fund convening professional meetings and briefings (E/RES/2016/25); (c) the three dimensions of the sustainable development policies and data within the “global partnership” and its sub-levels: “economic, social and environmental” (Resolution 2016/1); (d) the calls upon the cooperation and collection of data and statistics on the international flows of refugee and migrants (Resolution 2016/1); (e) recalling the platform for key actions and further acknowledgements of the links between sustainable development-population dynamics in urban and rural sectors (Resolution 2014/1); (f) the relevant outcomes of the advantages of the international migration ensuring collaboration at all national and regional levels and reinforcing the importance and specificities of the “cultural, historical and religious” backgrounds (Resolution 2013/1); (g) the central collaboration between the United Nations mechanisms, programs and funds with the goal of the “economic growth” and the “development and poverty eradication” (Resolution 2012/1).

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Table 4. Analysis of the use of the concepts of “Sustainable development”, “Invest(ment)”, “Cooperation”/ “Collaboration”, “Labour market” (no. items)

| United Nations Resolution Department of Economic and Social Affairs Population Division Commission on Population and Development | “Sustainable development” | “Invest (ment)” | “Cooperation”/ “Collaboration” | “Labour market” |
|---|-----------------------------------|----------------------------------|-----------------------------------|------------------------------------|
| | S _{dev1-5} values | I _{nv1-5} values | Coop ₁₋₅ values | L _{amark1-5} values |
| E/RES/2016/25 | S _{dev1} = 7 | I _{nv1} = (*) | Coop ₁ = 2 | L _{amark1} = (*) |
| Resolution 2016/1 | S _{dev2} = 23 | I _{nv2} = 1 | Coop ₂ = 5 | L _{amark2} = (*) |
| Resolution 2014/1 | S _{dev3} = 10 | I _{nv3} = 3 | Coop ₃ = 3 | L _{amark3} = (*) |
| Resolution 2013/1 | S _{dev4} = 3 | I _{nv4} = 3 | Coop ₄ = 9 | L _{amark4} = (*) |
| Resolution 2012/1 | S _{dev5} = 3 | I _{nv5} = 3 | Coop ₅ = 8 | L _{amark5} = 4 |
| Σ S _{dev1-5} + Σ I _{nv1-5} + Σ Coop ₁₋₅ + Σ L _{amark1-5} = 87 | Σ S _{dev1-5} = 46 | Σ I _{nv1-5} = 10 | Σ Coop ₁₋₅ = 27 | Σ L _{amark1-5} = 4 |

Source: Authors’ own compilation based on the content analysis of the texts of the Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1); (*) : no data provided

Table 4 also reveals two main score-related differences for: 1. the use of the concept of “sustainable development” in the texts of the Resolution 2012/1 and Resolution 2013/1 (Column 2, Table 4 and Figure 5, S_{dev5} = S_{dev4} = 3 items) comparing with the high-score in the text of the Resolution 2016/1 (Column 2, Table 4 and Figure 5, S_{dev2} = 23 items) and E/RES/2016/25 (Column 2, Table 4 and Figure 5, S_{dev1} = 7 items); 2. the use of the concept of “cooperation”/ “collaboration” considering the text of the Resolution 2016/1 (Column 4, Table 4 and Figure 5, C_{oop2} = 5 items) and Resolution 2014/1 (Column 4, Table 4 and Figure 5, C_{oop3} = 3 items) and Resolution 2012/1 (Column 4, Table 4 and Figure 5, C_{oop5} = 8 items). Finally, Table 4 also shows that the use of the concept of “invest(ment)” (Column 3, Table 4, I_{nv3} = I_{nv4} = I_{nv5} = 3 items) can foster functional understandings and connections with the use of the concept of “labour market” (Column 5, Table 4 and Figure 5, L_{amark5} = 4 items) referring to the needs of the youth population here considering also the youth migrant population and the “entrepreneurship and development of networks” (Resolution 2012/1).

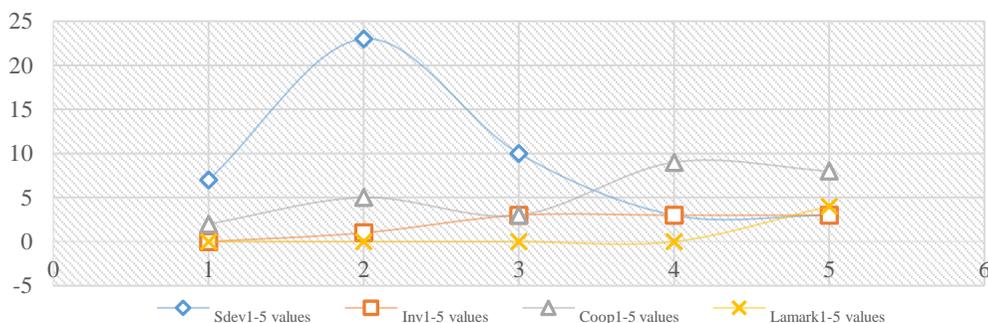


Figure 5. Chart Analysis of the use of the concepts of “sustainable development”, “invest(ment)”, “cooperation”/ “collaboration”, “labour market” (based on the results described in Table 4)

Table 5 investigates the use of the concepts of the “United Nations (as institutional framework)”, “participation”, “work” (“workplace”/“working-age”/“working-place”/“working-“)/ “responsibility” and “population dynamics”/ “population and development”. Hereinafter, considering the value vectors of the Table 5 for each item selected and identified in Column 2 to Column 5, the research correlates a concept-network enhancing the United Nations institutional framework and its aggregate linkages considering: (a) the subsidiary bodies and methods of interacting with other institutions (such as non-governmental organizations) (E/RES/2016/25); (b) the key actions, mandated assignments and further participation in the Commission on Population and Development (E/RES/2016/25); (c) the relevant approaches to the population and development undertakings (E/RES/2016/25; Resolution 2014/1); (d) the contextualization of the framework of the relationship between the United Nations mandate, civil society’s actions, the demographic basis and the 2030 development policies ad strategies (Resolution 2016/1). Table 5 also investigates the institutional framework of the United Nations where the focus of the analysis is assumed in the Column 2 ($\Sigma U_{n1-5} = 65$ items) and Column 5 ($\Sigma P_{dy1-5} = 29$ items). After comparing the results of Table 5, it is evident that the concept of “work” and its related items influence the inputs of “participation” as follow: Column 3, Row 7, Table 5 and Figure 6, $\Sigma P_{art1-5} = 15$ items and Column 4, Row 7, Table 5 and Figure 6, $\Sigma R_{1-5} = 25$ items. According to these results, we assumed “participation” as a proxy concept for the “United Nations” (as institutional framework), “population dynamics”/ “population and development”.

Table 5. Analysis of the use of the concepts of the “United Nations (as institutional framework)”, “Participation”, “Work” (“workplace”/ “working-age”/ “working-place”/ “working-“)/ “responsibility”, “Population dynamics”/ “population and development” (no. items)

| United Nations Resolution Department of Economic and Social Affairs Population Division Commission on Population and Development | “United Nations” (institutional framework) | “Participation” | “Work” (“workplace”/ “working-age”/ “working- place”/“working- “)/ “responsibility” | “Population dynamics”/ “population and development” |
|--|---|--------------------------|---|--|
| | U_{n1-5} values | P_{art1-5} values | R_{1-5} values | P_{dy1-5} values |
| E/RES/2016/25 | $U_{n1} = 7$ | $P_{art1} = 3$ | $R_1 = 7$ | $P_{dy1} = 21$ |
| Resolution 2016/1 | $U_{n2} = 20$ | $P_{art2} = 4$ | $R_2 = 3$ | $P_{dy2} = 3$ |
| Resolution 2014/1 | $U_{n3} = 13$ | $P_{art3} = 2$ | $R_3 = 2$ | $P_{dy3} = 3$ |
| Resolution 2013/1 | $U_{n4} = 12$ | $P_{art4} = 1$ | $R_4 = 6$ | $P_{dy4} = (*)$ |
| Resolution 2012/1 | $U_{n5} = 13$ | $P_{art5} = 5$ | $R_5 = 4$ | $P_{dy5} = 2$ |
| $\Sigma U_{n1-5} + \Sigma P_{art1-5} + \Sigma R_{1-5} + \Sigma P_{dy1-5} = 134$ | $\Sigma U_{n1-5} = 65$ | $\Sigma P_{art1-5} = 15$ | $\Sigma R_{1-5} = 25$ | $\Sigma P_{dy1-5} = 29$ |

Source: Authors’ own compilation based on the content analysis of the texts of the Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1); (*): no data provided

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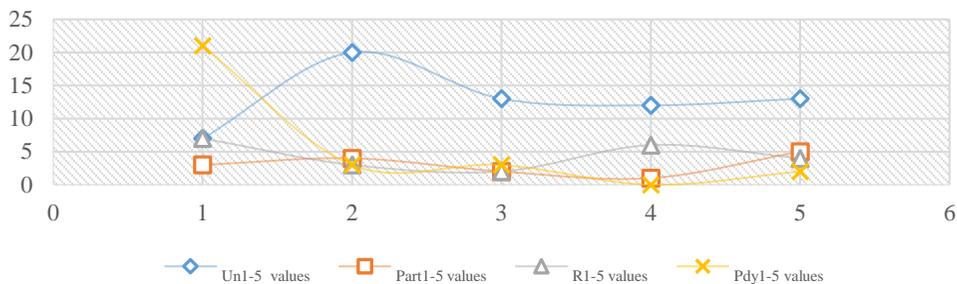


Figure 6. Chart Analysis of the use of the concepts of “United Nations” (as institutional framework)”, “participation”, “work” (“workplace”/ “working-age”/ “working-place”/ ”working-“)/ “responsibility”, “population dynamics”/ “population and development” (based on the results described in Table 5)

Table 6 outlines the areas of “migration”, “migrants”, “discrimination” and “social” demonstrating that the migration policies indicate particular demographic approaches in the field of social development. This final analysis concentrates on the multilevel nature of the international migration acknowledging the links between human rights-fundamental freedom-national encounters-regional paths (Resolution 2013/1).

Table 6. Analysis of the use of the concepts of “Migration”, “Migrants”, “Discrimination”, “Social” (no. items)

| United Nations Resolution Department of Economic and Social Affairs Population Division Commission on Population and Development | “Migration” | “Migrants” | “Discrimination” | “Social” |
|---|----------------------------|----------------------------|-------------------------|-------------------------|
| | M _{igr1-5} values | M _{igr1-5} values | D ₁₋₅ values | S ₁₋₅ values |
| E/RES/2016/25 | M _{igr1} = (*) | M _{igr1} = (*) | D ₁ = (*) | S ₁ = 14 |
| Resolution 2016/1 | M _{igr2} = 6 | M _{igr2} = 4 | D ₂ = 4 | S ₂ = 7 |
| Resolution 2014/1 | M _{igr3} = 8 | M _{igr3} = 4 | D ₃ = 7 | S ₃ = 11 |
| Resolution 2013/1 | M _{igr4} = 65 | M _{igr4} = 35 | D ₄ = 7 | S ₄ = 16 |
| Resolution 2012/1 | M _{igr5} = 3 | M _{igr5} = 7 | D ₅ = 15 | S ₅ = 19 |
| $\Sigma M_{igr1-5} + \Sigma M_{igr1-5} +$ $\Sigma D_{1-5} + \Sigma S_{d1-5} = 232$ | $\Sigma M_{igr1-5} = 82$ | $\Sigma M_{igr1-5} = 50$ | $\Sigma D_{1-5} = 33$ | $\Sigma S_{d1-5} = 67$ |

Source: Authors’ own compilation based on the content analysis of the texts of the Resolution (E/RES/2016/25); the Resolution 2016/1 Strengthening the demographic evidence base for the 2030 Agenda for Sustainable Development (Resolution 2016/1); the Resolution 2014/1 Assessment of the status of implementation of the Programme of Action of the International Conference on Population and Development (Resolution 2014/1); the Resolution 2013/1 New trends in migration: demographic aspects (Resolution 2013/1) and Resolution 2012/1 Adolescents and youth (Resolution 2012/1); (*): no data provided

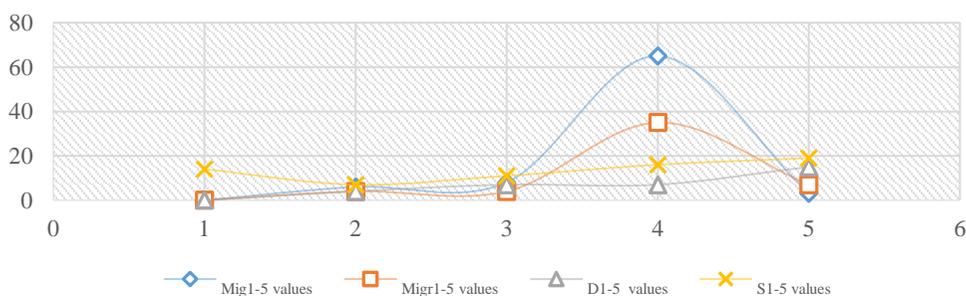


Figure 7. Chart Analysis of the use of the concepts of “migration”, “migrants”, “discrimination”, “Social” (based on the results described in Table 6)

Other important factors focused by the results of Table 6 and Figure 7 are “discrimination” (Column 4, D₅ = 15 items) and the “social” perspective (Column 5, S₅ = 19 items). Moreover, the main purpose of the Table 6 is to identify the high-scores of the use of the concept of “migration” and “migrants” with differences and particular approaches within the text of each resolution depending on: (a) the beneficiaries category and the central role of the home, transit and destination country of the migrant population (Resolution 2016/1; Resolution 2014/1); (b) the community involvement based on the national and (or) regional/ urban and (or) rural areas of implementation and action (Resolution 2014/1); (c) the key variables of the global community most associated with the migration status, economic and social system, cultural background and social outcomes (Resolution 2016/1; Resolution 2014/1; Resolution 2013/1; Resolution 2012/1); (d) the decision-making process towards needs and prevention of inequalities and discrimination (Resolution 2016/1; Resolution 2013/1; Resolution 2012/1).

Conclusions

The health, population and development counting vectors within the United Nations Resolutions (2012-2016) note the conceptual arguments from the complex enhanced understandings of the UN institutional arrangements to the particular uses and frequency of concepts such as: “human rights”, “migration”, “participation”, “work” and “cooperation”. In conclusion, the paper summarizes and analysis the justification and use of the concepts demonstrating the analytical guidance for all levels of the institutional system: national, regional and (or) local. Clearly, the six tables outline the social, economic and political implications associating central analytical planning with the United National institutional framework and the other values of the individuals, states, non-governmental organizations etc. In conclusion, the conceptual analysis of the UN resolutions acknowledges the sustainable development decisions and process and builds upon a theoretical model outlining the human rights approach and the particular aspects of the health sector, population dynamics and migration status.

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ORIGINAL PAPER

The Enterprise in the Romanian Legal System - Past and Present

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Abstract

The national legislature has constantly focused on the concept of enterprise. The previous Commercial Code, the current Civil Code, as well as certain special laws co-existing with the two codes allocated imprecise and contradictory provisions to the enterprise, generating a diversity of opinions in the literature. In time the regulations on the enterprise as part of the legal institution of trade acts, as a legal entity, as an economic activity or an essential element for the professional quality reveal the complexity of this concept and the need to explain its content.

Keywords: *enterprise; trade act; legal entity; economic activity; professional*

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Regulatory evolution related to the notion of enterprise

A. Regulation of the enterprise subject to the Commercial Code

Throughout the entire implementation period of the Commercial Code (1887-2011), the notion of enterprise was treated both by the Romanian Commercial Code, but also by other legislative acts, the meanings given to it being sometimes different. The invoked legislative framework outlines two trends of understanding and defining the concept of enterprise, namely the enterprise as a business activity and the enterprise as legal entity. The Romanian Commercial Code represented the main legislative act approaching the notion of enterprise until its abolition (October 1st 2011). Its text did not establish a definition of the enterprise, however it was reduced to the classification of the enterprise as an act of merchant and to the enumeration of the types of enterprise.

In the Article 3 Commercial Code the legislator nominated 20 legal acts and business operations known within the doctrine as objective acts of merchant, within which the enterprises were also included (Article 3 Commercial Code point 3-10, point 13, point 17-18). In relation to their object of activity the enterprises enlisted by the Commercial Code were grouped into the literature (Cărpenaru, 2000: 40; Voica, 2000: 317) into: a) production enterprises, of which the building enterprises, factory, manufacturing and printing enterprises were part; b) service supply enterprises, of which publishing, library and artefact enterprises were part, whenever another than the author or artist is selling; the supplies enterprises; the public performance enterprises; the fee, agency and business office enterprises; the insurance enterprises; passenger transport enterprises or maritime or inland freight enterprises; docking and warehousing enterprises (for details, Găină, Smarandache, 2010: 175-178; Mihăilă, Dumitrescu, 2013: 9; Stanciu, 2015: 40-41). The absence of a legal definition for the enterprise was compensated by literature by formulating numerous definitions. If applicable, these confirmed the economic, social, legal or mixed meaning of the notion of enterprise (see for a synthetic presentation of these definitions and also their critics, Cărpenaru, 2012: 29-30; Căpățână, 1990: 28-30; Georgescu, 1946: 241 et seq.; Juglart, Ipolito, 1995:158). The doctrinary delimitations and, especially the provisions of the Commercial Code allow the identification of a definition for the enterprise for the analysed period.

The enterprise as act of merchant assigns the business activity organized by an entrepreneur with the aid of the production factors on his own risk and liability, having as object the production of goods, service supply or execution of works such as those provided in the Commercial Code or in other commercial special laws meant for the exchange and the attainment of a profit. Within this context the object of the business activity was the one making the difference between the enterprises enlisted by the Commercial Code and which at the same time explains the terminology used by the legislator. In its turn the Government Emergency Ordinance no. 44/2008 regarding the performance of business activities by authorized natural persons, the individual enterprises and the family enterprises (published in the Official Gazette no. 328 as of 25.04.2008) treated the notion of business enterprise and its organization forms. In this case the law placed the notion of enterprise from the Commercial Code into a new concept, singularized by limiting the type of entrepreneur that can organize it. According to the provisions of the Article 2 letter f) from the Government Emergency Ordinance no. 44/2008 the business enterprise is the business activity performed in an organized manner, permanently and systematically, combining financial resources, entailed labour force, raw

materials, logistic means and information on the entrepreneur's risk in the case and under the terms provided by the law. According of the definition provided by Government Emergency Ordinance no.44/2008, the business enterprise can be *individual* or *family*, in both cases lacking legal personality. The organization of the business enterprise was reserved for the natural person entrepreneur (in the case of the individual enterprise), namely the natural person entrepreneur together with his/her family (in the case of the family enterprise).

The continuance of the trend to define the enterprise as business activity and the regulation of its form was based on the Law no. 381/2009 on preventive composition and ad-hoc warrant (published in the Official Gazette no. 87 as of 14.12.2009, with its subsequent amendments, the Law no. 381/2009 was abolished by the Law no. 85/2014 regarding the prevention of insolvency and the insolvency proceedings.). According the meaning of this law [Article 3 letter a)] the enterprise was the business activity performed in an organized, permanent and systematic manner, combining the financial resources, entailed labour force, raw materials, logistic means and information on the entrepreneur's risk according to the cases and terms provided by the law. The enterprise at risk was also defined as the enterprise whose managerial and economic viability potential is decreasing, but whose holder performs or is capable to perform the payable obligations [Article 3 letter b)]. A change in the meaning of the enterprise notion is presented by the *Law no. 346/2004* regarding the stimulation of the creation and the development of small and medium enterprises (published in the Official Gazette no. 681 as of 29.07.2004, amended, with its subsequent amendments and additions). Different from the conception promoted by the Commercial Code, according to this law *the enterprise is legal entity* and benefits from *classifications in relation to new criteria*.

For the analysed period the provisions of the Article 2 from the Law no. 346/2004 determined that the enterprise is any form of organization related to an authorized business activity which according to the legislation in force would perform any trading activity and acts of merchant with the purpose of obtaining any profit under the competition circumstances, namely: companies; cooperatives; natural entity performing independently business activities and family associations authorized according to the legal provisions in force. Article 4 paragraph (1) from the Law no. 346/2004 defined *small and medium enterprises* as being those enterprises fulfilling cumulatively the following terms: a) have an annual average number of employees less than 250; b) achieve an annual gross business turnover of up to 50 million Euro, namely the equivalent amount in lei or hold total assets which do not exceed the equivalent value of 43 million Euro according to the last approved financial report.

Depending on their relation with other enterprises, in relation to the capital or the vote rights held or to the right of exercising any dominant influence, Article 4¹ from the Law no. 346/2004 identified three types of enterprises: a) autonomous enterprises; b) partnership enterprises; c) associated enterprises (the meanings given to these 3 types of enterprises are established by the provisions of the Article 4²⁻⁴ from the Law no. 346/2004). Last but not least, within Romania's accession process to the European Union, *Law no. 217/2005* regarding the set-up, organization and operation of the European Works Councils (published in the Official Gazette no. 628 as of 19.07.2005, republished the second time in the Official Gazette no. 889 as of 15.12.2011). According to this legislative act the notion of *enterprise* had the meaning of *legal entity* and *new categories of enterprises* were established. According to the provisions of the Article 6 point 1) from

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the Law no. 217/2015 the notion of enterprise designates a public or private entity performing a profit or non-profit business activity.

Taking into consideration the citizenship of the enterprise's employees, the Law 217/2005 (Article 6 point 4) established *the community enterprise* as the enterprise which employs minimum 1,000 employees in the member states and in at least 2 different member states, at least 150 employees in each of them. In relation to the control level between the enterprises, Article 6 point 5 also defined the enterprise which has control within the group of enterprises as the enterprise which can exercise a dominant influence on another enterprise, referred to as controlled enterprises based on the ownership, financial contribution and governing rules. In conclusion, for the implementation period of the Commercial Code (1887-1948 and 1990-2011) the enterprise established through this legislative act had a significant weight on the acts of merchant, therefore being one of the main sources for the trading legal relations. In their turn the enterprises governed by the special legislations mentioned, having the meaning of business activity or legal entity, represented in most cases a commerciality criterion for the legal relations (when the business activity is an act of merchant and/or was performed by merchants, namely when the legal entity was a merchant and/or performed acts of merchant).

B. Regulation of the enterprise during the communist period

During the time period corresponding to the communist period the Romanian Commercial Code was fragile (Schiau, 2009:11-12). Although it was not abolished, its implementation became impossible based on the transformation of the national economy into a socialist economy planned according to the centralized system. It was characterized by the state's exercise of an absolute monopoly on all economic activities, possibly mainly due to the overwhelming supremacy of the state property which in fact cancelled the individual initiative. Regarding the notion of enterprise, its meaning was exclusively of legal entity. The enterprise was designated through the phrase "socialist enterprise" (Gheorghe, 2013: 42) and indicated the legal entities specific for the socialist economy, meaning business operators based on the state property.

C. Regulation of the enterprise subject to the Civil Code

The abolition of the Romanian Commercial Code and the entry in force of a new Civil Code adopted through the Law no. 287/2009 regarding the Civil Code marked the change of the national legislator's view both at the level related to the positioning the commercial law within the national law system (Nicolae, 2015: 211-396), and also at the level of the enterprise institution. Regarding the enterprise, as novelty elements, its regulation is ensured by the current Civil Code and benefits from a wider sense. As a continuity element, the Civil Code is doubled by the legislative acts which established during the implementation period of the Commercial Code the meanings of business activity or legal entity related to the notion of enterprise. In the Civil Code, the approach of the enterprise notion is usually one mediated through the phrase "exploitation of the enterprise". According to the Article 3 paragraph (3) from the Civil Code the systematic performance of an organized activity by one or many persons, consisting of the production, administration or alienation of goods or service supply constitutes the exploitation of an enterprise, irrespective whether it has as a remunerative purpose.

The juridical establishment of the enterprise in relation to the exploitation of the enterprise is presently the essential criterion for the acknowledgement of the professional

quality. According to the Art 3 para (2) from the Civil Code professionals are deemed all those exploiting an enterprise.

The absence of the definition related to the enterprise from the Civil Code deprives us from the exact identification of the notion's meaning according to this new legislative act. The establishment of such a definition was imposed within the context in which the legislator determined an inseparable relation between the notion of enterprise and that of professional. According to the Civil Code the enterprise became the gravitation centre of the professionals' juridical regime. The legislator's view on the enterprise highlighted by the Civil Code is an extended one in comparison with the previous one from the Commercial Code, as it has a view at the same time on the remunerative and non-remunerative scope.

The implementation of the new Civil Code has not brought amendments to the meaning of the term "enterprise" specific for the provisions contained in certain legislative acts, which have survived the abolishment of the Commercial Code. We take into account the meanings of the notion of enterprise determined by the Government Emergency Ordinance no. 44/2008 regarding the performance of the business activities by authorized natural entities, individual enterprises and family enterprises [Article 2 letter f)], from the Law no. 346/2004 regarding the stimulation of setting-up and developing small and middle size enterprises (Article 2) and by the Law no. 217/2005 regarding the set-up, organization and operation of the European Enterprise Committee (Article 6 point 1). Considering these special legislations, the term of enterprise preserves the sense depending on the business activity or the legal entity.

Beside the analysis of these regulations (performed above) we would like to mention only the adjustment of the notion of enterprise by the Law no. 346/2004 (Article 2) according to the amendments occurred within the private legal system. Currently the Law no. 346/2004 deems enterprise as any form of organizing a business activity authorized according to the laws in force to perform production, trade or service supply activities with the purpose of obtaining income under competitive conditions, namely: companies regulated by the Company Law no. 31/1990, republished, with the subsequent amendments and additions, cooperatives, authorized natural entities, undertakers holding an individual enterprise and family enterprises authorized according to the legal provisions in force, that perform business activities. The provisions of this law are applicable also to the associations and foundations, agricultural cooperatives and agricultural companies performing business activities.

Notion of enterprise according to the Civil Code

In relation to enterprise the Civil Code is a source of controversies based both on the absence of an explicit definition of the enterprise and also on the fluctuant and inconstant use of this legal term within its text. The definition of the notion of enterprise ensured by the Civil Code [Article 3 paragraph (3)] is an indirect one, deducted from the phrase "exploitation of an enterprise" (on this theme, Gheorghe, 2012: 331). From this regulation it results the appreciation of the enterprise as an activity organized and systematically exercised by one or many persons, consisting of the production, management or alienation of goods or of service supply irrespective if it has a remunerative purpose or not. This regulation deficiency from the beginning of the Civil Code is doubled within the context of regulating certain judicial institution, by the legislator's oscillation related to the used terminology and its inconsistency regarding the meaning of the enterprise. The provisions of the Civil Code equally use the term of "enterprise" (non-

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regulated) and also the phrase “exploitation of an enterprise” (according to the regulated sense). The notion of enterprise is also used in terminological enunciations (such as “on behalf of an enterprise”) or “the exercise of an enterprise’s activity” which induce the idea that the enterprise is a legal entity, thus deviating from the initial meaning, deduced from the Article 3 para (3) from the Civil Code. It constitutes examples within the previously mentioned meanings of the provisions from the Civil Code, contained by: Article 741 paragraph (2) determining in relation to the beneficial interest of the life annuity that “the vote which has as an effect (...) *the termination* of the legal entity or, if applicable, *an enterprise* belongs to the bare owner”; Article 2339 paragraph (1) letter a) determining in relation to the privileged debts that the debt of the seller not being paid for the price of the movable asset sold to a natural entity is privileged “regarding the asset sold, except for the case when the buyer acquires the asset from the *service or exploitation of an enterprise*”; Article 1297 paragraph (2) determining in relation to the mandate contract that “the representative, when concludes a contract with the third party within the granted powers *on behalf of an enterprise*, claims to be its owner, the third party who subsequently discovers the identity of the true owner, can exercise against the latter the rights which the third party has against the representative”; Article 1523 (2) letter d) determining that the debtor is rightfully in default when “the payment obligation related to the payment of an amount of money, assumed *within the exercise of an enterprise’s activity* is not fulfilled”. Article 1446 providing that “the solidarity is presumed between the debtors of an obligation assumed *within the exercise of an enterprise’s activity* if the law provides otherwise”.

Taking into account the adverse and contradictory regulation ensured by the Civil Code regarding the notion of enterprise, within literature (Buta, 2012: 62, Găină and Găină, 2012: 216) there were identified and it was tried to clear the following issues: if the enterprise is an activity or is a legal entity; if the exploitation of the enterprise is performed only by the owner or and by other persons; if other persons than the owner acquire also the status of professional as a result of exploiting the enterprise.

Regarding the classification of the concept of enterprise we claim that the enterprise is an activity organized according to the Civil Code [Article 3 paragraph (3)] by a professional. The ensemble of the provisions from the Civil Code assigned to the enterprise must be interpreted only in this sense, the doubtful phrases being only the expression of some terminological deviations, an example of failed legislative technique. Currently the sense of legal entity for the notion of enterprise is exclusively possible to be taken into account by some special laws which expressly regulate this specific sense of the notion.

Regarding the identification of the one exploiting the enterprise, we appreciate that he is always only the owner of the enterprise, namely the professional. According to a reinterpretation of the definition provided by the Civil Code to the exploitation of the enterprise, its meaning is to perform an activity within its entire range (Găină and Găină, 2012: 21). According to this sense the exploitation of the enterprise includes all the aspects related to the organization of the activity, its actual performance and the assimilation of its results. The owner of the enterprise is only that who assumes the risk for the exploitation of the enterprise, being the one who shall obtain a profit or a loss from the performance of the activity (irrespective of the way in which it is fulfilled and, if applicable, the type of assumed liability). Any other persons intervening in the exercise of the activity (such as the employees or representatives) are auxiliary of the enterprise’s owner, acting in the name and/or on behalf of the owner (Găină and Găină, 2012:217). These contribute only to the achievement of the enterprise’s objective, being a component

of its exploitation. Therefore we appreciate that the enunciation “systematic exercise by one or many persons” used in the definition of the enterprise definition from the Civil Code [Article 3 paragraph (3)] must be interpreted.

Regarding the status of professional this can be acquired only by the owner of the enterprise. Any other persons taking part in the achievement of the enterprise’s objective have the quality of auxiliaries. These persons act in the name and on behalf of the professional and do not assume the risk of exploiting the enterprise.

Component elements of the enterprise

The provisions of the Civil Code assigned to the “exploitation of an enterprise” and to the “professional”, and also those from the Law no. 71/2011 reserved to the “professional” represent the source to identify the elements necessary to define the notion of “enterprise”. In our opinion the component elements of the notion of enterprise (see for similar opinion: Cărpenaru, 2012:31; Găină, 2016: 15-16) are as it follows:

a) *Organized activity*. The enterprise is essentially an activity organized according to the law and systematically performed. Taking into account the provisions of Article 8 paragraph (1) from the Law no. 71/2011, this can be an economic or professional activity. The organization of an economic or professional activity is achieved by combining some specific production factors. The production factors can put on different forms of: financial resources, attracted labour force, raw material, logistic means and information. The activity thus organized must be performed systematically, namely with a character of permanent continuity.

b) *Owner*. The one performing systematically the organized activity on own risk, acquires the quality of professional. The risk means the possibility to make profit or to lose profit (Piperea, 2011: 8). Therefore, the professional is the enterprise’s owner, being able to organize and to perform the activity by himself or together with other persons acting in his name and/or on his behalf (see the opinion according to which he is professional and the one exploiting the enterprise in the owner’s name such the representative, the administrator of his assets, the trustee, the lessor of the enterprise, Piperea, 2012: 40-42). As it was underlined in the doctrine, there are differences between professionals depending on the judicial status of the legal regime applicable for each category (Angheni, 2013:3).

c) *Object*. The enterprise’s object is ensured by the object of the activities organized and performed by the professional. If applicable, the object consists of the production, management or alienation of goods or service supply. Practically they are materialized in a variety of legal deeds, legal actions or business operations.

d) *Scope*. The finality pursued through the organization and exploitation of an enterprise can be of remunerative or non-remunerative type. The scope is remunerative when the achievement of a profit is usually pursued and as exception the attainment of some advantages or benefits. The scope is non-remunerative when the provision of knowledge and skills to those interested is pursued for which a remuneration occurs. The received amounts do not constitute a profit and do not have its legal regime.

The component elements resulting from the provisions of the Civil Code [Article 3 paragraph (2) – (3)] and from the Law no. 71/2011 [Article 8 paragraph (1)] enable the definition of the enterprise. In our opinion, the enterprise is an activity organized and performed systematically by a professional on his risk and responsibility, which has as object the production, management or alienation of goods or service supply and a remunerative or non-remunerative purpose.

Classification criteria of the enterprise

The provisions of the Civil Code and the Law no. 71/2011 do not classify the enterprises. But these regulations enable the performance of some classifications related to the enterprise in relation to the component elements of the notion of enterprise, depicted from the legal text in the field. The component elements of the enterprise can be viewed as an unit and deemed as sole criterion or can be used separately as separate criteria (such as owner, object and scope of the enterprise). If we consider all the component elements of the notion of enterprise a sole criterion, we can classify the enterprises into *commercial (business) enterprises* and *civil enterprise*. These represent the main forms of the enterprise identified and treated in the literature (Cărpenaru, 2012: 32). Both types of enterprises have the same component structure but each of the component elements present particularities which delimitate and impress them a distinctive juridical regime. The commercial (business) enterprises represent a favourite study object of the commercial law discipline and civil enterprise are study object mainly for the civil law discipline. In their turn, the distinctive criteria such as owner, object and scope of the enterprise enable also other classifications of the enterprise (see also Găină, 2016: 16). According to the type of the professional we distinguish between individual enterprises and collective enterprises. Depending on the object of the enterprise, these can be goods production enterprises, goods management enterprises, goods alienation enterprises and service supply enterprises. In relation to the scope of the enterprise, these can be (business) enterprises with remunerative scope and (civil) enterprises with non-remunerative scope.

The classification of the enterprise are determined explicitly or implicitly also by special legislations which regulate the specific meanings of the notion of enterprise (Law no. 346/2004, Government Emergency Ordinance no. 44/2008, or Law no. 217/2005). For these cases the classification criteria of the enterprises (already analysed) are different from the ones depicted by the civil legislation.

Commercial enterprise

The commercial (business) enterprise is a specific category of the enterprise established by the Civil Code, the phrase being the result of the doctrine (Cărpenaru, 2012: 31). In order to avoid the possible confusions generated by the terminology used by the legislator and the one used in literature, we would like to remind that the phrase “business enterprise” preceded and prevailed the implementation of the new Civil Code, being determined by the Government Emergency Ordinance no. 44/2008. Within the meaning of this legislative act it assigns only the individual enterprise and the family enterprise as business enterprise, without legal personality. Once with the implementation of the Civil Code these two forms became components of the business enterprise, the phrase being used within the doctrine in order to designate a category of the enterprise instituted by the Civil Code.

The regulation of the commercial enterprise has a primary source the Civil Code [Article 3 paragraph (3)] and Law no. 71/2011 [Article 8 paragraph (1)] and additionally the legislative acts which regulate the organic state and the merchants’ activity. Based on the enterprise’s status of specific category established by the Civil Code, the commercial enterprise benefits from all the component elements of the enterprise (organized activity, owner, object and scope) but each of them presents particularities according to the delimitations below (see for similar opinion Găină, 2016: 16-17). At the commercial

enterprise the organized activity designates a business activity organized with specific production factors and systematically performed.

In most relevant cases for the commercial enterprise the legislative references to the business activity are achieved by the previous and external legislations of the current Civil Code. Consequently, the interpretation of the phrase must follow the rule set-up by the implementation norm of Civil Code [Article 8 paragraph (1) from the Law no. 71/2011], namely the notion shall be considered as it was provided by the law upon the entry date in force of the Civil Code. The legislator uses the phrase “business activity” within the context regulating the legal status of different legal entities, but also within other numerous contexts. But its definition is determined only by the provisions of the Article 2 letter a) from the Government Emergency Ordinance no. 44/2008. According to this legislative act the business activity is the agricultural, industrial, commercial activity performed to obtain any goods or services whose value can be expressed pecuniary and which are meant for selling or trading on the organized markets or to some determined or determinable beneficiaries with the purpose of obtaining profit. This definition targets only the business activities of the authorized natural persons as authorized natural entities, individual enterprises and family enterprises. In our opinion the mentioned definition can be used as benchmark for all the other cases where the special laws mention the business activity but do not define it, however it must be adjusted in relation to the possible particularities depicted from the corpus of each such legislation.

The production factors initially necessary for the organization of the business activity and subsequently for its exercise shall be different depending on the type of the business activity actually performed. As a whole, the category of production factors contains financial resources, attracted labour force, raw materials, logistic means and information. In literature the production factors were classified into natural factors, human factors and material means (Schiau, 2009: 72-74).

The business activity organized with the help of the production factors must be exercised systematically, namely with a character of permanency, stability, continuity.

The business enterprise’s owner is a professional such as the merchant.

The quality of merchant is held by natural and legal entities set-up in the legal forms for which the law acknowledges this status (for the categories of merchants see Smarandache, 2011: 96-105). Within the context of different special laws the quality of merchant can overlap the one of enterprises, business operator or authorized person performing business activities according to the law. The professional such as the merchant can exploit the commercial enterprise individually or collectively with other persons acting in his name and/or on his behalf, he is the one bearing the risk and is liable to organise and exploit the commercial enterprise.

The object of the commercial enterprise consists of production, trade or service supply. The phrase “production, trading or service supply activities” is the one which has replaced the phrases “trading acts” and „acts of merchant” in all the legislative acts in force [Article 8 paragraph (1) from the Law no. 71/2011].

Although the phrase “production, trade or service supply activities” is not explained by the legislator, we assert that this can target the production, management, alienation, exchange or circulation of the goods, work execution and service supply according the general meaning of the enterprise from the Civil Code and according to the special meanings from the special legislation.

The object of the commercial enterprise is materialized in the conclusion of different legal deeds and in the performance of legal actions (for the classification of the

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commercial legal deeds deemed as legal deeds related to the exploitation of a commercial enterprise, see Cărpenaru, 2012: 32).

The scope of the commercial enterprise is always remunerative.

As a rule related to the commercial enterprises the remunerative scope consists of obtaining a profit. As an exception, certain commercial enterprises can have as finality the attainment of some advantages or benefits, this scope being able to double or not the scope of attainment of profit. As an exception, the enterprises exploited by cooperative organizations (including by the European cooperative companies) and the enterprises exploited by the groups of economic interest (including the European groups of economic interest) fall into this. In the first case, the pursued scope is to promote social, economic and cultural interests of the co-operator members, which can be ended in attaining profits, distributing dividends, supporting the co-operator members by granting facilities or attaining services. In the second case, the pursued scope is to facilitate or to develop the members' economic activity and also to improve the results of the relevant activity.

In conclusion, we define the commercial enterprise as the business activity organized with the help of the production factors and exercised systematically by a professional such as the merchant on his risk and responsibility, which has as purpose the production, trade or service supply and which pursues a remunerative scope.

Civil enterprise

It its turn, the civil enterprise is a specific category of the enterprise determined by the Civil Code. According to terminology the phrase “civil enterprise” is a creation of the literature (Cărpenaru, 2012: 31). The civil enterprise is mainly *regulated* by the Civil Code [Article 3 paragraph (3)] and by the Law no. 71/2011 [Article 8 paragraph (1)] and additionally through legislative acts which regulated the organic status and the non-trading professionals' activity.

As a specific category of the enterprise, the civil enterprise benefits from all the component elements of the enterprise (organized activity, owner, object and scope), but each of these presents particularities according to the delimitations below (see for similar opinion Găină, 2016:17-18). At the civil enterprise the organized activity designates as a rule an organized professional activity with specific production factors. As an exception, the organized activity can consist also of a business activity organized with specific production factors.

The rule targets the activities performed within the liberal professions. The exception targets the business activities performed by associations and foundations, by institutions or by other legal entities (non-trading). The production factors initially necessary for the organization of the professional activity or business activity and subsequently for its exercise shall be different depending on the type of activity actually performed. The category of the production factors contains different factor of human or material type. The professional or business activity organized with the help of the production factors must be exercised systematically, namely with character of permanency, stability, continuity.

The owner of the commercial enterprise is a non-trading professional.

The category of non-trading professionals is extremely diversified. It includes persons exercising liberal professions (such as doctor, lawyer, architect, chartered accountant etc.) but also other categories of legal entities (e.g.: associations, foundations or public institutions performing business activities). The owner can exploit the civil enterprise individually or collectively with other persons. The non-trading professionals

is the one assuming the risk and liable for the organization and exploitation of the civil enterprise.

The object of the civil enterprise usually consists of the service supply and as exception of the production, management or alienation of goods.

The object of the civil enterprise is materialized in the conclusion of different legal deeds and the performance of some legal actions within the activities which, if applicable, presume the exercise of the liberal professions or the performance of business activities (e.g. medical activities, the activities of the administrative receiver, activities performed by lawyers, agricultural activities etc.).

The scope of the civil enterprise is always non-remunerative.

The scope of the civil enterprise usually consists of putting at the disposal of those interested in knowledge and skills, for which they receive fees and not a profit. If the civil enterprise consists in a business activity, the benefits achieved by its performance are used to reach the non-remunerative scope. The scope become thus the element essential for the delimitation of the civil enterprise from the commercial enterprise.

In conclusion, we define the civil enterprise as the professional or business activity organized with the help of the production factors and exercised systematically by a non-trading professional on his risk and responsibility, which has as object the service supply, production, management or alienation of goods and which aims a remunerative scope.

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ORIGINAL PAPER

Theoretical Premises and Methodological Aspects of Learning through Multiple Interpretations

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Abstract

In learning we often appeal to interpretation, defining our own identity by activating certain cognitive and affective strategies. We achieve a kind of apprenticeship in our scientific knowledge by raising “the scaffolding of knowledge”. From the perspective of the teacher, the stimulation of communication and the acceptance of all types of questions from students is the way we can help them think freely, build and positively value themselves in relation with the others. The possibility of having quick access to information, the need to find things out without an effort or with a minimum effort has advantages and limitations. There is the danger that technology facilities might question the man's ability to think critically, to question, to reflect, to interpret, to find and give meaning to the complex world where he lives. Technology itself, although it does not guarantee results, is useful, but matters more how we relate to technology, our ability to use it and to develop our own resources. There are a number of learning models, but we focused our attention on those concerning our ability to question, to interpret situations and problems specific to our world. We were interested in the circular approach, which we consider to be superior due to its resuming the initial stages and to valorizing previous experience of the learners. From a teaching perspective, we consider important the methodological suggestions on the art of asking questions, of using different types of questions (depending on different variables), of answering and interpreting.

Keywords: *learning, multiple interpretations, learning cycle, interrogation, question types*

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Introduction

The present work proposes a framework for the application of learning through multiple interpretations, starting from the role of the question types and their contribution to the cognitive development. Many of the current research prove that the learning process is best seen from multiple perspectives, as a fusion between the personal and social constructivist approaches and the socio-cultural guidelines.

Constructivists postulate the idea according to which knowledge is always a construction and a reconstruction. Learning through multiple interpretations is an active learning, which involves the construction and reconstruction, the interpretation of the meaning (of different people, from different angles in relation to paradigms and/or different criteria).

Constructivist teaching practices challenge students to become active participants in managing their own investigations and in building basic knowledge. The circular approaches are preferable to the linear ones as they integrate the steps taken along the new approach, repeating certain stages. It is acknowledged that significant learning does not come from direct motivation or from pressure, from environment constraint, but rather from the reorganization of the psychological structures during the interaction between the organism and the environment (apud Gilbert and Watts, 1983). Building interpretation is one aspect of the cognitive apprenticeship, it stimulates active learning and places students at the center of the activity.

Used in solving certain situations, real problems with a certain degree of difficulty, the cognitive flexibility theory capitalizes the understanding of the meaning, of data as well as the relations between them by presenting several approaching perspectives. It states that cognitive flexibility is “the ability to spontaneously restructure one's knowledge, in many ways, in adaptive response to radically changing situational demands” (Spiro and Jeng, 1990: 165).

Having examined several cases in different contexts, the students will build new cognitive structures which are capable to take into account and integrate the new cases. This is possible if (Joița, 2006: 155): there is an informational field that is big enough and varied in theme; the previous cognitive experiences are updated and can be exploited by transfer and recombination; students are increasingly gaining the skills of self-expressing the mental operations of processing information; enough time for search and recovery-expression is given; students are encouraged to do so; the personal formulations, regardless of the quality, during the production stage, are kept; even the preexisting data in the mental development are valorized.

Cognitive flexibility is embodied here in formulating predictions, assumptions, representations of how to know the essence of the problem, in the procedural solving versions. This is the cause as well the effect of effective learning and interpretation from several perspectives requires the understanding of concepts but also the call on previous experience and adaptation to the context.

By multiple interpretations we understand the plurality of angles, perspectives, viewpoints, ways of approaching and not vague or meaningless sentences that generate confusion and express ambiguity, understood as the oscillation between different accomplishments of the conceptual merger between multiple meanings, between different voices and degrees of assuming the discourse.

The theoretical framework

Interrogation – a starting point in making interpretations

The interrogation or question indicates a state of curiosity or indecision, a problematic state, a situation which requires the subject to take a particular decision or to have a certain attitude, using inherent cognitive resources or resorting to other sources. As bases of any human knowledge, the question is an operating state of an informational system, a meeting place of various linguistic theories, but also an important aspect of communication, a cognitive area specific to interrogation. The phrasing of questions in the analysis and development of a theme can support the understanding of its different aspects and can cause personal reflection, stimulating the updates, intradisciplinary and interdisciplinary associations, the formulation of hypotheses. Many times a question can generate other questions, thus providing teaching questioning a constructive role and a dynamic character. In terms of the criteria we relate to, there are several *types of questions* (Nicola, 1996: 379; Zabolin, apud Cerghit, 1997: 119; Popescu, apud Cerghit, 1997: 128; Gostini, apud Albulescu and Albulescu, 2000: 131-132; Erickson 2007: 10-73; Gagnon and Collay 2001: 66-77):

1. According to the intended purpose: *Limitative or closed*: they allow only one valid answer, one judgment, comparison, decision, closely directing the students' judgment; *Comprehensive or open*: they allow choosing the response out of ideas, multiple viewpoints and methods, different techniques, dependent on possibilities, interests, level of development, they encourage initiative, clarify ideas and develop feelings; *Demanding and exploratory*: they stimulate students to look for the answer, urge them to express more widely and clearly without forcing into their thinking a certain direction.

2. According to function: *Nomothetic* (what is it? what is it about?) or *reproductive-cognitive* (which is/are?, what?, who?, when?): they check memory; appreciate the amount of knowledge, the precise reproduction; *Productive-cognitive* (why?): they stimulate thinking as well as individual and group creativity; they appreciate the quality of answers, the critical approach, the interpretation of knowledge, states.

3. According to the cognitive domain objectives: *Of information, of knowledge* (when?, which are they?, what is it?, who?): they require appointment, enumeration, repetition, reproduction; *Of explanation, of understanding* (how is it demonstrated?, what role does it have?, where can I find out from?): they ask for description, classification, explanation, recognition, selection, translation; *Of analysis* (which is the difference?, what is the connection?): they require analysis, categorization, comparison, differentiation; *Of synthesis* (how is it possible to?, what happens if?): they require arranging, collection, integration, organization; *Of evaluation, valorisation* (do you think that?, what is more important?, when is it right?): they require evaluation, judgement, estimation, valorization.

4. According to the thinking operations: *Of classification* (what is this?); *Of comparison* (more or less?); *Of ordering in time and space* (where?, when?); *Of explanation* (why?); *Of evaluation* (what for?); *Of counting* (how much?).

5. According to addressability: *Frontal, general or as a whole* (addressed to the whole group): What is the cause?, Why?; *Direct* (addressed to a particular participant): "X, what makes you support/ deny/ reject?"; *Reversed* (question that one of the participants addresses the leader who answers it back to him – the classical answer by asking): "The participant: What happens if?; The leader: What do you think?"; *Of relay and communication* (question that a participant addresses to the leader, and the leader addresses to another participant or when the answer to the same question is given by

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completions from other participants): “Participant Z: Don’t you think that ...?; The leader: Z raised a very interesting problem. What do you think about that?”; *Of return* (question that the leader asks by taking up an idea, an observation, an opinion previously uttered by one of the participants whose intervention is not done at the right time): “Z has already expressed his opinion that ... How can it be influenced by...?”; *Imperative* (a categorical and unconditional request is, in fact, formulated): “Summarize your own opinion”, “Explain the differences”, “Explain the causes”; *Of controversy* (involves conflicting answers in important matters): “Is there life on Mars or not?”;

6. According to the role performed while working with the students: *Of guidance, leadership*: they appear in the first episode of learning and support or conduct the activity by challenging the students to answer; they create opportunities of thinking and allow multiple answers or enough ways of formulating a reply; *Of anticipation*: they help the teacher to open the learning episode, to explain himself how students think, how they understand, to imagine how they will be able to fulfill their training tasks; *Of clarification*: they appear during learning, in response to the students’ requests; they do not need to imply the answer, but to show an understanding of how students think, to support their ideas; *Of integration*: they occur during synthesis, quickly checking understanding at the group level; they challenge the students to express their own ideas, to externalize or reflect on them, they explore understanding at the level of group work.

7. According to the degree of activism: *Factual*: they require relatively simple, final answers; *Conceptual*: could be the convergent, divergent or evaluation ones (they require more sophisticated levels of cognitive processing and thinking); *Challenging*: are those that attract, but cannot be easily answered; have a motivational character and can be called essential questions.

Interrogative techniques are effective as long as the students have enough knowledge to be able to debate certain subjects or to approach a subject. They are indicated where the topic under discussion offers the possibility of an approach from several angles, of revealing some aspects or controversial nuances. Any question articulates both the cognitive dimension and the interactional dimension of communication and superior questions force students to create their own views on the subject they have learnt. We know that “essential questions support deep and lasting understanding” (Mack-Kirschner, 2005: 43), that is why it matters how we formulate questions and what types of questions we ask according to the stages of teaching.

Training models which valorize interrogation as part of the learning cycle

The complexity of learning is reflected at the level of a spherical, circular model during the constructivist approach to learning. The learning cycle is a concept which helps people learn by appealing to experience. It has a number of stages or phases and can be repeated several times during a training program or learning units.

The Learning Cycle is a model of the learning process that was first used in science education. The first direct application of a learning cycle in science teaching was proposed by R. Karplus. Together with his colleagues, he proposed a training model based on the activity of J. Piaget. The learning cycle has three phases during which students learn through their own actions, then introduce the concept with the help of the teacher and apply it to new situations by exercising in practice. This cycle is repeated several times throughout a lesson or during a training unit. *The stages* can be used as a general framework for many types of constructivist activities (Karplus, 1977: 5-6): the exploration (the teacher encourages the students to generate questions and hypotheses based on

working with different materials); the introduction and explanation of concepts (the teacher concentrates the students' questions and helps them create hypotheses and design experiments); the application of concepts (the students discover, solve new problems that reconsider the concepts studied in the first two rounds).

In presenting the specific of the circular pattern in teaching science, D.W. Sunal uses a comparative analysis of the models of strategies used in the conceptual reconstruction and it valorizes the previous research on the subject: Barnes, 1976; Karplus, 1977; Erickson, 1979; Driver, 1986; Nussbaum and Novic, 1981; Renner, 1982; Rowell, Dawson, 1983 et al. The circular learning frames are different, but they all help to change each student's ideas, as transformation, reconstruction (apud Sunal, 1995):

Table 1. Stages of the training models based on the Learning Cycle

| <i>Models of using the learning cycle</i> | <i>Stages</i> |
|---|---|
| Renner | Experiences, Interpretation, Exploration |
| Karplus | Exploration, Explanation, Application |
| Driver | Discovery, Presentation, Application |
| Nussbaum and Novak | Exposing alternative frameworks, Creating conceptual conflict, Encouraging cognitive accommodation |
| Erikson | Experiential maneuvers, Anomaly maneuvers, Restructuring maneuvers |
| Barnes | Focusing, Exploration, Reorganizing, Public |
| Rowell and Dawson | Establish initial ideas, Introduce new ideas, Comparison of ideas |
| Osbourne and Whittroch | Assess student ideas, Exchange points of view, Use ideas |
| Riverina and Murray | Identify naive ideas and select events, Exploratory activities, Organize ideas and establish links, Practice and apply new idea |
| Hewson and Hewson | Diagnose, Opportunity to clarify and contrast, Practice new idea, Apply idea |
| Lawson and Abraham | Exploration, Conceptual invention, Expansion |
| Driver and Oldham | Orientation and motivation, Elicitation of ideas, Restructuring ideas through exchange, Application and review |

Source: Sunal, 1995

Over time, the learning cycle has been revised by adding to it several stages, as in the case of *Bybee Cycle (the 5E Model)*, proposed by R.W. Bybee, (Bybee, 2009: 5-8): Commitment (attention is focused on pre-assessing previous knowledge); Exploration (students share a common experience of laboratory and actively collect); Explanation: data are used to solve the problem and introduce concepts; Development: transfer is done and new concepts and information are applied; Evaluation: it occurs during the other phases of the cycle, too.

The model is known as the *Biological Sciences Curriculum Study (BSCS)* – The BSCS Instructional Model – and it is used to develop skills related to the scientific investigation of the students and the development of some skills aimed at identifying

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research questions. In 1990, A. Smith developed an *accelerated learning cycle*, emphasizing the importance of how we learn. Accelerated learning involves a series of techniques that improve the learning process (Smith, 2000). This way of learning is dynamic, innovative, relaxing and efficient. Unlike other similar models, it requires a *staging* that involves the transition from the last step to the second: creating the supportive learning environment; connecting to the learning process; presentation of the big picture; description of the learning results we want to achieve; introduction of new information that enables the activity; accomplishing the activity; demonstration of activity results; reviewing to remember and memorize.

The experiential learning cycle proposed by D.A.N. Kolb (1984) is one of the most popular models and it integrates experiential components of several influential theorists (eg. J. Dewey, J. Piaget, C. G. Jung, K. Lewin). It includes the following *stages*: practical experience: the learners have active encounters during the activity; reflexive observation: the learners consciously reflect on experience; formation of abstract concepts: the learners are present and try to be aware of the model (theory) to be followed; testing in new situations: the learners try to test the planning of the model (theory) for future experiences. It states that “experiential learning is most often compared to academic learning, the accumulation of knowledge through the study of the subject, without requiring a direct sensory experience as an information transfer pathway. While the dimensions of experiential learning are analysis, initiative and immersion, academic learning is based on constructive and reproductive learning” (Jong, Wierstra, Hermanussen, 2006: 155-169).

The ICON Model (Interpretation Constuction) starts from capitalizing the interpretations of specific texts as hermeneutical approaches, as circumstances that facilitate understanding, cognition. This model is suitable for bigger projects or training units, which contain a certain level of complexity and have the required time for proper involvement in each of the seven stages. In building interpretations there are presented the following *steps* (Black, McClintock, 1998): observation in authentic activities; building performances by the students; contextualizing by an independent expanding of the observations and the initial interpretation, by additional documentation, by comparison with other materials or models, by ordering their own ideas; cognitive apprenticeship by confronting their own previous interpretations with those offered by the teacher as an expert in the problem, with the scientific reasoning model; collaboration with the others on observations and interpretations by resuming and expanding the context; formulation, presentation and discussion of multiple outlined interpretations, as a sign of cognitive flexibility, their synthesizing by the teacher, the assessment of their value as products and of the building activity; applying these interpretations in multiple situations and events, transfer of proceedings in the achievement of other interpretations of problems, texts. The model summarizes the essence of other intrinsic developed models, such as: the situational learning model, the discovery learning model, the collaborative learning model, the initiation model in scientific research etc. Some of these principles are older adaptations of key concepts. These include the “collaboration” (Johnson, Johnson and Holubec, 1984), the “cognitive apprenticeship” (Collins, Brown and Newman, 1988), the “observation” (Brown, Collins and Duiguid, 1989).

A similar model is the one proposed by Gagnon and Collay and it involves the following *stages* (Gagnon and Collay, 2001: 9-10): the presentation of the framework, the context, the situation, the problem under analysis and the development; the selection of a method of grouping students and materials; the building of a structure, a diagram,

networks of the theme ideas as a basis for the debate, interpretation, learning, of a bridge between what students know and what the teacher wants them to learn; the formulation of exploratory questions; the encouragement of students to formulate as many interpretations and arguments as possible, to link them with other topics, to refer to applications, to share with others, to expose publicly what they have learned; the request for reflections on the learning process, the conducting of assessments on the understanding and learning approach. The idea that learning is not a linear process, but it is built through a cyclical process is also encountered in designing the *ETER Model*, proposed by Y.J. Beliveau and D. Peter (2002). The defining elements are found in the four stages that capitalize the following perspectives: theoretical, empirical, experiential, experimental, scientific and critical-reflective.

This model is found in school learning and practice and it covers the following steps: theory: the theoretical approach supports the interpretation of information, situations, the understanding of the relationship between them; experience: the concrete experience that follows leads to the application of concepts in a context, supports the formulation of new interpretations for understanding; experimentation: it introduces investigation into the scientific research (checks the assumptions made, developing new generalizations etc.); reflection: reflexive reporting allows analysis of goals and tasks, conditions and procedures for resolution, resorting to critical dialogue. We notice that all these models have in common the constructivist learning, which focuses on building knowledge on a circular path, based on the work of the learner, appealing to intrinsic perspectives and ways of interpretation.

Methodical suggestions related to the role of multiple interpretations in learning

Asking questions sets on to reflection and multiple interpretations. Because there are multiple realities, any situation is open to multiple interpretations. Interpretation is related to perceiving and making sense of things, it offers multiple perspectives and generate diversity within the group, giving an integrative picture of the elements of reality.

From a psycho-pedagogic perspective, *the features of the approach of building questions are important*: the holistic approach to the topic/problem/school subject allows a larger vision, integrating and generating pertinent questions; the type of question, the nature and weight of the question in activity depend largely on the circulated contents, the theme, the previous experience; the value of the question depends on the proportion between the formulation and context of the information it is framed in; the formative and constructive value of the question is facilitated by the organization of teaching, by the way the teacher understands to essentialize the content, to integrate it, to highlight the key concepts etc.; if in younger students the questions of information, identification and the causal ones dominate, in older students, in relation with the richer cognitive experience, the share of aversive, anticipation and systematization questions increases; the students' motivation, the continuous encouraging of searching for solutions, of the attempt to answer questions is one of the conditions of quality training; teachers should give students enough time to formulate answers and avoid equivocal questions. If interrogation is a starting point in the effort to interpretation, *the cognitive map (mental) or the conceptual map* is a technique of visual representation of concepts and the links between them in graphical, diagrammatic, consisting of nodes form (concepts) and networks of relationships between concepts. The conceptual map (the graphic organizer) occurred as a result of the cognitive theories of D. Ausubel and subsequently as a result of J.D.

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Novak's research, since the 70s, at Cornell University, U. S. A. The answers to the questions can be expressed in a number of ways of representation: cobweb/radial or clustering form (in the center there is an important concept, a unifying theme from where there start links in the form of rays to the other secondary concepts), hierarchic/ tree of derivation or chronological (it presents information decreasingly in importance or occurrence), linear (the information is presented in a linear format), circular (the information is related and dependent upon one another), systems maps (comprising many concepts and a large number of relationships between the elements).

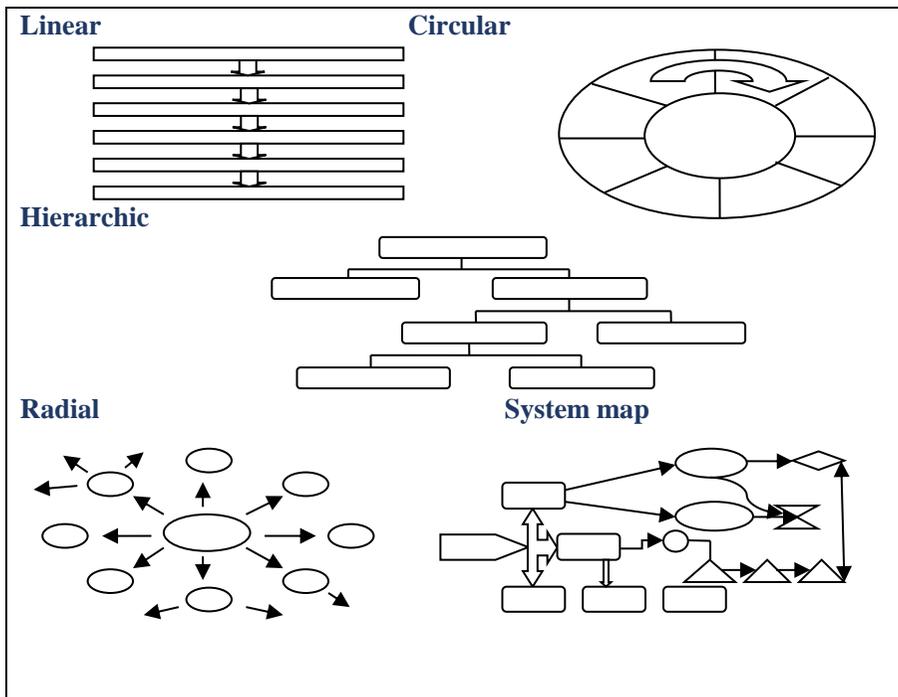


Figure 1. Models of cognitive maps

Source: Our adaptation by Novak, 1977; Novak and Cañas, 2006

The WebQuest technique is also valuable, and it is based on constructivist principles using specific Internet instruments. This technique was developed and implemented in 1995 in the U.S.A. by Bernie Dodge and Tom March, teachers at San Diego State University. A WebQuest simulation (individual or in teams) offers a simple training design for learners, by reference to the following steps or components: introduction: it sets the stage and provides background information; task: it refers to what the students will achieve; it must be interesting and involve intense participation; the process: refers to the description of steps for the learner in order to accomplish the task; information resources: the web documents of the data bases searched on the Internet, the research results, the books (e-books) and articles from the virtual environment help to describe the organization of the information gained through the use of questions, conceptual maps or the cause and effect diagrams; evaluation: it reminds the learner what he has learned and encourages him to extend the experience to other areas; it materializes

through video and audio presentations and take into account both the content and the manner of exposure; conclusion: it leaves room to reflections and discussions with a synthesis character. WebQuest includes a series of questions that invite the students to investigate, to ask questions to each other, to analyze and synthesize multiple sources of information. WebQuests must be “real, rich, and relevant” (March, 2003: 45).

Whether we use the cognitive maps or the WebQuest technique, whether we turn to other methods and training means, it is worth considering the *offer of exercises* that help us formulate good questions (Seghedin, Ioachim and Domunco, 2006: 222): Whenever you do not understand something, ask a question to clarify; Whenever you face a complex issue, formulate the question you want to answer in a few different ways (being as exact as possible) until you find the one that best expresses the issue in question; Whenever you plan to discuss a topic or an important issue, write beforehand the most significant questions you think you need to ask during the discussion. Be ready to change the main question, but once clarified, help the participants in the discussion to settle the question, making sure the dialogue is built towards an answer that makes sense.

There can be added various *suggestions with a methodical character*: creating the context, ensuring a state of communication, mastering emotions, respecting the age particularities and the individual ones, patience in waiting for a response, avoiding offensive questions, those which encourage arguing, the appeal for prompts, the awareness of paraverbal and nonverbal language, improving the negotiation techniques etc. If students assign the difficulty of the learning tasks to their shortcomings (ie. the lack of skills), then the teacher should turn its attention to difficulties, to outside obstacles (Hartman and Glasgow, 2002: 43): “Pay attention to the choice of a more difficult part of the problem”, “this is a new type of problem, and we have not talked about it yet, so do not expect to know how to solve it”, “Do not expect your mind to work very quickly. It takes more time”, “There is no problem, many of us choose this approach”.

Conclusions

Giving up the limiting behavior patterns that restrict freedom of thought and expression generates a different approach to education. Training models based on using questioning in the learning cycle represents some theoretical constructs that allow translating into practice the principles of teaching and learning. Even if, in essence, these models are themselves some templates, they have the merit to encourage learners to rely on previous experience, to make room for the construction, de-construction and re-construction, to provide opportunities of affirmation for each student, through the opportunity to suggest meanings, to interpret and reinterpret. In order to configure or reconfigure a personal point of view, it is necessary to put the students in front of opinion diversity. This can be the aim of some organized debates, focused on heuristic strategies, where the role of the teacher is to organize discussion, to animate the dialogue, to mediate possible disputes. All these aspects lead towards the communicative competence (one of the key competencies recognized at EU level) and contribute to the training and personal development of learners. The person who has a certain facility in asking questions, who permanently doubts and looks for more answers to the same problem/ question is characterized by divergent thinking and is interested in innovative ideas. Divergent thinking is a natural thing in people with a creative mind, but can be also cultivated by practicing the various techniques of improving creativity. Asking questions (to ourselves and to others) is an art that is refined while we train and expand our sphere of social interaction. Moreover, this is a necessary condition in the attempt of understanding the

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show of the world, with lights and shadows, with permanent changing opportunities, of renewal and improvement.

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ORIGINAL PAPER

Anthropology and Population: Perspectives on Aging

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Abstract

In the last decades it was noticed a significant demographic growth, as world population surpassed 7.3 billion persons in 2015. The increasing number of people was linked to a significant increase in the number of older persons in the population. This trend is projected to accelerate in the coming years, the global population of older persons is going to reach 1.4 billion in 2030 and 2.1 billion in 2050. In Romania, in 2015, the population of 65 years and older, represented 16% of the total population. In the period 2015 - 2050 the forecasted values are much higher, reaching over 30% of the elderly population. From this point of view, the ascending of the "graying" population involves changes in many fields of society, from social to economic ones.

The paper focuses on presenting the anthropological perspective in the study of population in general and the understanding of the experience of growing old. It examines the global changes in the age structure of the population and the future trends of the demographic characteristics. At national level, the article explores the changes in the age characteristics of the population, the demographic drivers of the aging of population and the challenges posed by the growth in the number and share of older persons. Also, it will underline the peculiarities of the process of aging, an approach that shows human aging related to social and biological changes.

Keywords: *aging, anthropology, demographic processes, Romania*

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Introduction

Worldwide, in most countries, the accelerated pace of economic and technological development produced significant changes in the quality of life of individuals, social structures and family, but also in the demographic processes, such as the fact that increasingly more people live longer and reach old ages. Currently, the percentage of people aged 60 years and over is growing; the number will reach 1.4 billion in 2030 and 2.1 billion in 2050. Thus, there is a reconfiguration of the age structure of the population, a significant increase of the age group over 60 years and a decrease in the younger age groups. This population aging is understood as a success story “for public health policies and for socioeconomic development, but it also challenges society to adapt, in order to maximize the health and functional capacity of older people as well as their social participation and security” (World Health Organization [WHO], 2016). Anthropologically, the approaches for the study of aging concern understanding and exploring the aging process within and beyond the variety of human cultures. Therefore, they aim to answer questions such as: *which is the origin of aging? how are we getting old? what is the meaning of aging?*

What do we understand by aging?

From a demographic perspective, the aging refers to the increase in the proportion of the elderly population (U.S. Department of Commerce Economics and Statistics Administration, 2014: 1). Thus, the aging of the population means the process by which older individuals become a proportionally larger share of the total population (United Nations, Department of Economic and Social Affairs, Population Division, 2001a). The elderly population is defined as “the share of the dependent population is calculated as total elderly and youth population expressed as a ratio of the total population”(Organisation for Economic Co-operation and Development [OECD], 2016). The elderly dependency rate represents the percentage between the old and the working age population.

Factors influencing aging

Demographic changes in the age structure of the population are associated with three demographic processes: *fertility, mortality and migration*. Therefore, levels and trends in fertility explain the size of the population; while in mortality determine the percentage of survival of birth cohort in old age (United Nations, Department of Economic and Social Affairs, Population Division, 2015a: 41).

Fertility decline is considered the main cause of aging of population. The age structure of the population is changed as fertility decreases and life expectancy is growing. Thus, in most parts of the world, it is observed a change in the pole age group, from the young to the old group (United Nations, Department of Economic and Social Affairs, Population Division, 2001a: 5).

Globally, the fertility rate has followed a downward trend, from 5.0 to 2.7 children per woman. For the next 50 years the fertility rate will reach 2.1 children per woman, the developed countries reaching just below the demographic replacement rate. Currently, in industrialized countries there is a fertility rate below the rate of replacement of 2.1 children per woman, while in less developed countries is 2.9 children per woman. In the least developed countries, such as those in East, West and Middle Africa, the total fertility rate is 5.2 children per woman, and in Central Asia and South America, in South America and Caribbean current rates of fertility is 2.5 children per woman (United Nations, Department

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of Economic and Social Affairs, Population Division, 2001a: 5-6). By 2050 the total average fertility rate is projected to rise in the more developed regions (1.9 children per woman) and to fall in less developed regions (2.2 children per woman) and the least developed countries (2.5 children per woman).

The decline in *mortality* is associated with a decline in the fertility rate, particularly at older groups, which thus brings an increase in the longevity. In more developed countries with low fertility, life expectancy has increased, which also implies a growth in the older population and their chances of surviving at this stage of advanced age (United Nations, Department of Economic and Social Affairs, Population Division, 2001a: 6).

In the last 50 years, the life expectancy increased about 30%, which represents a gain of 20 years. Thus, in less developed countries, life expectancy at birth increased to 23.1 years, while growth in developed countries was 9.4 years. For the next 34 years it is expected to a 10 years expansion in life expectancy at birth. By 2050, average life expectancy at birth is expected to reach 80 years in more developed regions and 71 years in the less developed regions. Therefore, these increases in life expectancy will influence the older age groups: people get to live to old age and once they reach the age limit, they tend to live longer. Therefore, in more developed regions in the coming decades, average life expectancy will increase by 27% at age 80, in the less developed countries by 28%, and in the least developed is expected a higher life expectancy at birth, than in older age (United Nations, Department of Economic and Social Affairs, Population Division, 2001a: 6-8). In all age groups, mortality rates were lower among women than men. By 2050, the gap on gender of mortality is expected to increase up to 4.8 years.

Population migration or replacement migration is emphasized as a solution to decrease the number and the aging of population. Replacement migration refers to “international migration that would be needed to offset declines in the size of population and declines in the population of working age, as well as to offset the overall ageing of a population” (United Nations, Department of Economic and Social Affairs, Population Division, 2001b: 7). Besides the benefits for the economy, there are also important ones for the demographic dynamic in general, as population policies and easy ways to integrate immigrants in their new country (Eurostat, 2013: 5). Increasing the size of the population following the arrival of immigrants is contributory to significant demographic changes in the host country: the changing of the age structure of the aging population, the increasing fertility and longevity and also the decrease of mortality.

Globally aging of population: statistics and trends

In 2015, the world's population reached 7.349 billion people, distributed as follows: Asia (4.4 billion), Africa (1.2 billion), Europe (738 million), Latin America and the Caribbean (634 million), Northern America (358 million) and Oceania (39 million). Currently, the world population increases by 83 million people annually that is 1.18% per year. Therefore, the global population is estimated to grow by more than 2 billion over the next 35 years, reaching 9.7 billion in 2050 and 11.2 billion in 2100. Thus, compared to 2015, in the coming decades it is foreseen a world population growth of 14% in 2030, 24% in 2050 and 34% in 2111. The distribution by age shows a percentage of 26% for group under 15 years, 62% for those enrolled in the group of 15-59 years and 12% are those of 60 or more (United Nations, Department of Economic and Social Affairs, Population Division, 2015b: 1).

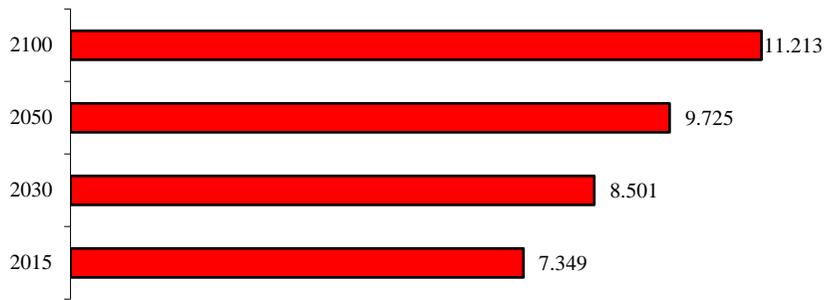


Figure 1. Projection of world population distribution (2015, 2030, 2050, 2100)

Source: United Nations, *World Population Prospects The 2015 Revision Key Findings and Advance Tables*, New York, 2015, p.1

The senior population has increased considerably in recent years and it is estimated that the number will triple over the next 50 years. If there were 205 million people aged over 60 in 1950, in the next years the number has doubled, reaching 606 million of old people in 2000 (United Nations, Department of Economic and Social Affairs, Population Division, 2001a: 11). Between 2015-2030, the elderly population will increase by about 36%, from 901 million in 2015 to 1.4 billion in 2030 (United Nations, Department of Economic and Social Affairs, Population Division, 2015a: 22).

Table 1. Worldwide trend in population aging (1950-2015)

| 1950 | 2000 | 2015 | 2030 |
|--------------|--------------|--------------|--------------|
| 205 millions | 606 millions | 901 millions | 1.4 billions |

Source: United Nations, Department of Economic and Social Affairs, Population Division, 2015

Therefore, during 2015-2050 the population aged 60 and older will represent 22% of the world population, an increase of over 43% compared to 2015.

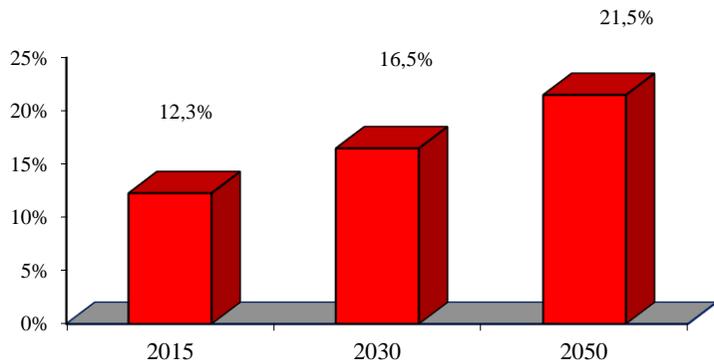


Figure 2. The percentage evolution of the population aged 60 years and over

Source: United Nations, *World Population Ageing 2015*, New York, 2015, p.122

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It is expected that by 2030, the proportion of elderly population will grow over 71% in Latin America and the Caribbean, 66% in Asia, 64% in Africa, 47% in Oceania, 41% in North America and 23 % in Europe (United Nations, Department of Economic and Social Affairs, Population Division, 2015a: 22). In 2015, in the hierarchy of countries with the highest percentage of the population aged 60 years or older were reported Japan, Italy, Germany, Finland, Portugal and Greece. In contrast, in the last five places from the 201 countries entered in the study there were Qatar, United Arab Emirates, Kuwait, Gambia, Uganda (with percentages below 4%). In this classification, Romania ranks 22, with a percentage of the population aged 60 years and over of 24.4%.

Table 2. Ranking of the top 10 countries with the highest percentage according to the estimated percentage of population aged 60 or over in 2015

| | | |
|-----|------------|-------|
| 1. | Japan | 33.1% |
| 2. | Italy | 28.6% |
| 3. | Germany | 27.6% |
| 4. | Finland | 27.2% |
| 5. | Portugal | 27.1% |
| 6. | Greece | 27.0% |
| 7. | Bulgaria | 26.9% |
| 8. | Martinique | 26.2% |
| 9. | Croatia | 25.9% |
| 10. | Latvia | 25.7% |

Source: United Nations, *World Population Ageing 2015*, New York, 2015, pp. 138-141

If in 1950, worldwide, one person out of 12 had at least 60 years, until 2000 these ratios increased to 1 person in 10, and in 2050 it is estimated that more than 1 person in 5 will age 60 years or more (United Nations, Department of Economic and Social Affairs, Population Division, 2001a: 11). The number of persons aged 80 years and over are in an upward trend, noticing a faster increasing than the number of elderly people. During 2015-2050, the number of people aged 80 years and older will triple, reaching 434 million compared with the 125 million people aged over 80 in 2015 (United Nations, Department of Economic and Social Affairs, Population Division, 2015a: 22). The elderly are more concentrated in urban areas than in rural areas. In 2015, 58% of the population aged 60 years or older was concentrated in urban areas and 42% residing in rural areas. In urban areas, the number of elderly increased by 68% in the period 2000-2015 and by 25% in rural areas. Regarding persons aged 80 years or over, it was revealed a preponderance of them in urban areas by 2015, 63% of them residing in cities. Regarding the distribution of population aged 60 years and over, by gender, it was highlighted a preponderance of the female population, which in 2015 represented 54% of the total number of elderly. The following years brought a reduction in the percentage difference between the sexes, as the life expectancy among men will have increased (United Nations, Department of Economic and Social Affairs, Population Division, 2015a: 2).

The aging process is more advanced in certain regions of the world than in others: “the more developed countries are in general in a more advanced stage of the demographic transition; thus, the proportions of older persons there are projected to remain significantly higher than the proportions in the less developed regions” (United Nations, Department of Economic and Social Affairs, Population Division, 2001a: 12).

Thus, the same report “World population ageing: 1950-2050” of the United Nations, underlines that by 2050, 1/3 of the population of more developed countries will be 60 years or older, while a 1/4 is expected to be 65 or older. Less developed regions will record the lowest number of older adults, one person in five will be 60 or over and one person in seven years will be over 65.

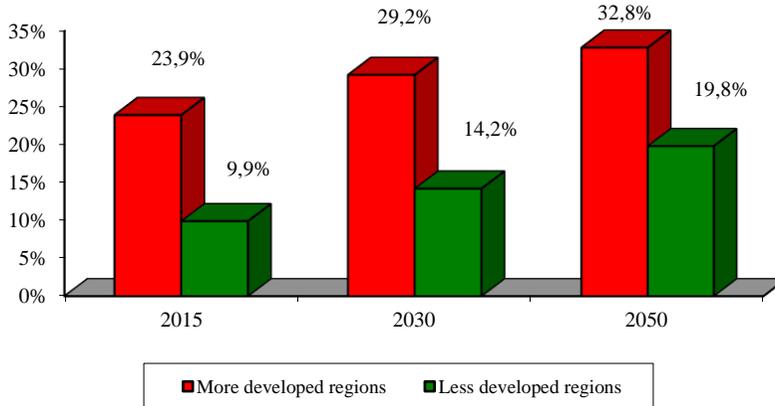


Figure 3. Proportion of population aged 60 or over in more developed/less developed regions

Source: United Nations, *World Population Ageing 2015*, New York, 2015, p. 122

In the next decades, the world is ‘turning increasingly grey’. Until 2050, the age structure of the countries will change; the overall size of the population is projected to be much older than it is in the present. The number of older people is projected to strongly increase in high and middle income countries, while in low-income countries the projected rise it is much lower.

Table 3. Proportion of population aged 60 or over in High-income countries, Middle - income countries, Low-income countries

| | 2015 | 2030 | 2050 |
|-------------------------|-------|-------|-------|
| High-income countries | 22.1% | 27.7% | 31.9% |
| Middle-income countries | 10.5% | 15.4% | 21.9% |
| Low-income countries | 5.2% | 5.8% | 8.3% |

Source: United Nations, *World Population Ageing 2015*, New York, 2015

Facts about population aging in Romania

In January 2015, according to Eurostat data, the European population was estimated at 508.5 million people, the distribution by age being as follows: 15.6% of the EU population-aged 0-14 years; 65.6% of the population is represented by people aged 15-64 years; 18.9% is the elderly population -aged 65 years and over. In the coming decades, the percent of older persons will have an ascending trend, as the population born in the post-war period reaches retirement. Therefore, the working age population will be

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required to sustain bigger social expenditure associated to several services of the elderly population. Nationally, demographic changes have brought significant socio-economic transformations. In the period 2005-2015, the share of the population aged equal or older than 65 years increased from 14.2% to 17%, i.e. by 16.5% over the past 10 years, a percentage that places Romania on the 9th place among the Member States of Europe Union. Therefore, the ratio between the number of elderly people who are not economically active (65 and over) and the number of those who can activate in the labor market (15-64 years old) (Eurostat, 2016b) is 28.8 % at European level. In Romania, the old-age dependency ratio is 25.2% that is 2.5 working age people for every person aged 65 or over. The total age-dependency ratio of 48.5% ranks Romania in the bottom countries from the European Union. This old-age dependency ratio is defined as a “measure of the age structure of the population that relates the number of individuals who are likely to be *dependent* on the support of others for their daily living – the young and the elderly – to the number of those individuals who are capable of providing this support” (Eurostat, 2016c). The increasing percentage of the population of 65 years and over in most European countries, including Romania, is explained by the decreased fertility, increased longevity and life expectancy, and decreasing of the mortality. Nationally, in 2014, the total fertility rate reached 1.52 live births per woman. This represents “the mean number of children that would be born alive to a woman during her lifetime if she were to pass through her childbearing years conforming to the age-specific fertility rates of a given year” (Eurostat, 2016d). Over half the children born in Romania in 2014 were first born children, approximate 30% second child, 10% third child and about 7% were fourth or subsequent child.

Life expectancy has risen in the member states of the European Union, which implies a reduction in infant mortality, a better quality of life and progress in medicine. Life expectancy at birth, an indicator for analyzing mortality, is understood as “the mean number of years a newborn child can expect to live if subjected throughout his or her life to the current mortality conditions, the probabilities of dying at each age” (Eurostat, 2016e). In the period 1980-2014, life expectancy in Romania at birth increased by about six years, from 69.2 to 75.0 years, higher growth was observed among the female population. Therefore, life expectancy at birth for women increased by seven years and by about five years in men.

Table 4. Life expectancy at birth in Romania in the period 1980–2014

| | 1980 | 1990 | 2000 | 2010 | 2014 |
|--|------|------|------|------|------|
| Life expectancy at birth- <i>total</i> | 69.2 | 69.9 | 71.2 | 73.7 | 75.0 |
| Life expectancy at birth- <i>males</i> | 66.6 | 66.7 | 67.7 | 70.0 | 71.4 |
| Life expectancy at birth- <i>females</i> | 71.9 | 73.1 | 74.8 | 77.7 | 78.7 |

Source: Eurostat

This increase is due to the reduction of mortality at older ages. Therefore, once a man has reached the age of 65, he could, on average, to live another 14.7 years, while women who have reached the age of 65 have a higher life expectancy and can be expected to live another 18.1 years.

Table 5. Life expectancy at age 65 in Romania in the period 1980–2014

| | 1980 | 1990 | 2000 | 2010 | 2014 |
|--|------|-------|------|------|------|
| Life expectancy at birth- <i>total</i> | 13.4 | 14.3% | 14.8 | 16.1 | 16.6 |
| Life expectancy at birth- <i>males</i> | 12.5 | 13.2 | 13.4 | 14.2 | 14.7 |
| Life expectancy at birth- <i>females</i> | 14.2 | 15.2 | 15.9 | 17.6 | 18.1 |

Source: Eurostat

International migration can be used as a tool to resolve labour market problems. In 2014, 3.8 million people have immigrated to one of the Member States of the European Union, of which (Eurostat, 2016f): 42% belong to countries outside the EU; 34% have citizenship of an EU Member State different from the one they left; 22% migrated to an EU country they already had the citizenship; 2% without state. As for Romania, there were 136.000 registered immigrants, 91.1% (i.e. 123.000) were citizens of another member state of the EU and 8.9% (12.100) came from people with citizenship of the country of destination, but have emigrated from other Member States and / or in countries which are not members of the European Union.

Consequences of population aging

Demographic dynamics and the changing structure of the age groups have a strong impact on the economic, political and social level. Thus, there is a need for (United Nations, Department of Economic and Social Affairs, Population Division, 2001a: 1): maintaining social support systems, whose smooth functioning is essential for human well-being, regardless of age. In the context of reducing the number of family members, and the woman, who is the primary caregiver of the family, becomes active on the labour market, the responsibility of taking care of the family becomes more difficult; developing social security systems because with increased longevity, the social benefits (such as pensions) tend to extend over longer periods of time; increasing medical costs and the demand for health services, because older people have poor health and are more vulnerable to chronic diseases.

Economically, long-term consequences include: reduction of the population providing gainful activity involves substantial increase in age-related public expenditure (pension and health); changes in the structure and size of of the working age population: as the percentage of elderly in the labor market increases, the professional mobility of the young population decreases. This situation, underlines Keyfitz (1973), could bring social tensions between young groups because they must work harder for getting a promotion (Hagemann, Nicoletti, 1989: 81); labour mobility decreases with age, meaning a weaker labour adaptability to significant changes in market structure; decline in private savings, the savings rate in the aging population would be expected to fall if the model saving consumers corresponds with the hypothesis "life cycle" (LCH), pattern of behaviour suggesting that determining the rate of saving is connected the demographic profile of the population. According to this view of the world, savings rate would be expected to be high when most of the population is working, with savings meant to finance the consumption after retirement (Morrow, Roeger, 1999: 18); changes in the structure and level of people's private consumption, given that age is an important determinant of their purchasing

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preferences. In general, “the categories of private consumption that would tend to decline the most in relative importance in an aging society are education, transportation, recreation and durable, including housing services, while food, most services, and, particularly, medical care would increase (Hagemann, Nicoletti, 1989: 83); decrease of income differences between countries will slow immigration flows, implying a decline in the workforce by 20% in the euro area and 15% in the United States of America (Miksa, 2015); a worsening of social problems in underdeveloped countries like hunger, corruption, conflicts, lack of access to clean water and education.

The aging of the world’s population introduces several major policy challenges (Bloom, Canning and Fink, 2010): people aged 60 and over tend to work and save less, which means they provide less to society (labour and capital); health decline implies a constant concern, which implies a greater need for financial support from the government and the family. Apart from additional health care costs, implying an extra care from the state and relatives, personal savings tend to run out with increasing longevity. If, older people are healthier than previous generations, the requests for health care will be reduced and the elderly will be able to participate economically to the good developing of society; in general, the income of the elderly relies on social pensions is a greater financial support in case of elderly population growth.

Anthropological approaches to aging

Anthropological perspective on aging is based on the origin, nature and evolution of the human aging, as well as pattern differences in terms of each individual and the society. Because aging is a mysterious process, throughout time, there have been outlined numerous theoretical perspectives to answer the question "why do we age?" From the perspective of evolutionary theory, the most widespread theory, the origin of aging is identified by two perspectives: the adaptive or non-adaptive (Kaczmarek, Szwed, 1997: 38-40). In the acceptance of Maria Kaczmarek and Anita Szwed, the two theories can be explained as follows:

Adaptive explanation emphasizes the positive effects of aging by increasing the capacity of species to evolve by adapting to the environment and thus protect the natural resources needed for survival (accentuates the process of social change that increases the chances of species to adapt to changes affecting social harmony).

Non-adaptive explanation emphasizes the negative or neutral effects, somewhat indirect evolution and is understood from the perspective of the two-pronged approach: 1. the first one suggests that the human body wears out with time and natural selection cannot prevent this. Medawar in 1982 supports reducing the impact of natural selection with aging; 2. the second direction shows aging as a secondary result of the impact of natural selection on other traits. Williams (1957), by the theory of "antagonistic pleiotropy" supports the pleiotropic character of genes, that according to the dictionary Dexonline, "the ability of a gene to condition the concomitant emergence of several hereditary characters" I.e., certain genes that increase reproductive chances in early life may have harmful effects in the second half. The effects are observed later, after the reproduction was ended and so natural selection cannot remove them (American Federation of Aging Research [AFAR], 2006: 3). Also, Kirwood Thomas (1970) argues the “disposable soma” theory, aging is a progressive accumulation of physical defects. “He believed that organisms have to balance the demands of maintaining their body, or soma, cells and reproducing” (AFAR, 2006: 3). Therefore, as the resources become important for the

reproduction of the body, the soma is filled with transformation and cellular loss, as the body is unable to fix it all.

The causes underlying the aging process can be reduced to two perspectives: *the deterministic approach* presents the process of aging as an innate process, being prone to just small changes; *the stochastic approach* sustains that aging “is the result of the accumulation of harmful products of metabolism in tissues” (Kaczmarek, Szwed, 1997: 37).

The anthropological discourse about the body envisages the relationship between three body shapes: body-self, body social, political body. Thus, in examining the relationship between anthropology and medicine to understand the human body, Nancy Scheper-Hughes and Margaret Lock identify three bodies.

Body-self is understood in light of the experience of consciousness on existence, as the body individual experience. “The constituent parts of the body-mind (matter, psyche, soul, self, etc), the relations to each other and the ways in which the body is received and experienced in health and sickness are highly variable” (Scheper-Hughes, Lock, 1987: 7).

Social body includes the physical meanings or “the representational uses of the body as a natural symbol” (Scheper-Hughes and Lock, 1987: 7) which one can use to represent society, nature and culture.

Body politic refers to the way “individual and social bodies are managed through politics and social control” (Crampton, 2013: 100).

In all of these polities-acephalous anarchy, chieftainship, monarchies, oligarchies, democracies and modern totalitarian state- (the stability of the body politic representing the analysis, enactment and supervising individual and collective bodies in the reproductive behaviour, health, labour or other forms of deviance), “rests on its ability to regulate populations (the social body) and to discipline individual bodies” (Scheper-Hughes, Lock, 1987: 8).

How do people grow old?

From a biological perspective, the human body undergoes changes along his entire life, such as growth, development, maturation or aging. Maria Kaczmarek and Anita Szwed define these processes by their biological different meaning: *growth* is an irreversible process, that implies increase in size or mass, involving the production of new protoplasm; *development* is understood as a progression of changes from a common state to a highly organized and matured form; *maturation* is the capacity of the organs and the entire organism to function properly; *ageing* has two meanings: the first is decline of body functions, gradual changes that stand out especially in the post reproductive period; the second meaning refers to the demographic perspective, the organism is not able to adapt and therefore survive, measured by the age-specific death rate.

Currently, in specialized studies, the theories which identify mechanisms generating the processes of aging are (AFAR, 2006: 4): the cross-linking / Glycation hypothesis of aging: molecular structures, DNA and protein crosslinks, which involve certain health problems (reduction of molecular elasticity, inhibition of proteolytic enzymes); free-radical hypothesis of aging: free radicals affect the good working of the body, with bad effects such as DNA damage and formation of age pigment; the replicative senescence hypothesis of aging: telomere shortening could contribute to human aging; the genome maintenance hypothesis of aging: some spontaneous mutations or changes in the structure of genes can cause poor functioning of cells, eventually even their death; the neuroendocrine hypothesis of aging: originally, the reduction of hormones was associated

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with year contributor to aging. It is demonstrated that reduced hormone levels can increase life.

Conclusions

Globally, the number of older people grows faster than the number of people in any other age group. Due to the dynamics in fertility, life expectancy and migration, in the following decades, the age structure of many countries will change, with variations in timing, levels and patterns.

Demographic researchers “divide countries into four categories, according to the share of the population that is over 65: young (less than 7% aged 65 or over), aging (7-13%), aged (14-20%), and super-aged (more than 21%)” (Miksa, 2015). Today, Germany (21%), Italy (22%) and Japan (26%) are defined as super-aged societies and in the next five years, Bulgaria, Finland, Greece and Portugal are also expected to become super-aged. Other countries, such as Canada, Cuba, South Korea, Sweden, France, Austria and the UK will have majority population over 65 in the future.

The process of population aging involve challenges in different aspects regarding family, labor market, social programs, income security and access to health services. In many countries there is a rural-urban migration in order for people to gain new opportunities, older adults are left behind without support from their family.

These problems are further aggravated when ones immigrates to other countries in order to find new educational and professional opportunities. On one hand migration may slow down the process of demographic aging, on the other hand it can bring social pressures and conflicts in trying to balance the need for labour and social effects of migration (Bloom, Canning and Fink, 2010: 11).

From another point of view aging can have a positive impact on the socio-economic development of society and public health policies. According to the World Health Organization the increased number of elderly may cause a bigger social involvement of older people, as well as the increase of their life quality (subjective well-being, safety and health) (WHO, 2016).

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ORIGINAL PAPER

Creating Value through Reputation - Key Differences Between Corporate Reputation, Image and Identity

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Abstract

In an increasingly competitive global economy, corporations are seeking new opportunities to differentiate against other players and to gain a sustainable market advantage. Moreover, evolving consumer demand and complexity of other stakeholders' requirements have been constantly challenging corporations to rethink their strategic approach. Corporate reputation has turned into a highly debated topic on international management agenda and more and more business executives are starting to recognize that being held in high regards is, undoubtedly a window of opportunity. Although the concept has steadily gained momentum for the past few decades, ample debates still exist in the corporate reputation literature about how the construct should be defined and interpreted. This paper argues that the confusion surrounding the concept of reputation can be partially explained by using it as synonym with other corporate-level terms such as image and identity. The purpose of this thesis is to explore the linkage between these theories and to develop a framework to capture the disparate theoretical views that have been formulated in a structured approach. The paper goes a significant way to close this gap. It brings together various angles of interpretations in order to enable a better understanding of the complex and subtle relationship between reputation, image and identity. In times when companies are transitioning towards integrating the corporate reputation as a function of all their operations, it becomes important to provide a cohesive synthesis of the concepts and develop a coherent and holistic corporate reputation approach. The current research views reputation, image and identity as distinct, yet interrelated concepts. It builds on the idea that the reputation is a broader concept that incorporates the image and identity, as key components. The framework identifies and explains five pivotal arguments which are considered as being essential in differentiating the concepts.

Keywords: *corporate reputation, corporate identity, corporate image, integrative framework*

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Introduction

In an increasing globalized landscape, a myriad of disruptive forces is steadily transforming the traditional course of business. Today's organizations, whether commercial or not-for-profit, face an unfamiliar competitive landscape in which achieving a differentiated market positioning presents different and more complex challenges. On one hand, consumers, empowered by technological advancements and social media channels have become more connected, having more sophisticated and more demanding requirements towards companies.

At the same time, higher expectations regarding the financial performance and social involvement from other groups of stakeholders, such as investors or activists, add mounting pressure on how business operations are realized.

In the modern stakeholder economy, driving profitable growth continues to top the agenda of companies across all economic sectors. Under continuous public scrutiny, CEOs and middle-level executives will increasingly face tough strategic choices framed by mounting global competition.

The increasing competition has forced corporations around the world to find, integrate and assimilate innovative sources through which they can expand their industry notoriety and deepen the relationship with different stakeholders. To cope with limited resources in managing their business operations, corporations are starting to recognize that delivering product offerings of quality alone is no longer sufficient to secure business long-term survival.

The 'new normal' environment has reshaped the pillars of commercial success and, now intangible resources have a role to play. An untapped opportunity to differentiate against the market's peers and build a sustainable competitive edge is, therefore, the company's reputation capital. Winning through reputation is a complex process that poses numerous challenges to any organization. Corporations which endeavor to compete and succeed in a crowded market environment must, first of all, to effectively understand the elements and the dimensions that frame the concept of reputation and how it relates to other constructs such as image and identity.

Despite the popularity that reputation has gained among scholars and practitioners alike through the past few decades (Davies et al., 2003), there are still divergent views in defining and clearly articulating what it is really meant by corporate reputation (Mahon, 2002; Brown et al., 2006; Walker, 2010). The lack of consensus about the basic conceptualization of the concept of reputation is partially explained by an interchangeable use with other corporate-level constructs such as image and identity as synonyms (Gotsi, Wilson, 2001; Brown *et al.*, 2006; King, Whetten, 2008). Although the existing literature acknowledges the fact that corporate reputation, alongside image and identity pose great importance to the long-term success of any organization, there is still a missing agreement in defining these terms.

It is not possible to design a cohesive reputational framework with actual strategic impact on the company's future development in the absence of a comprehensive interpretation of these constructs. To be able to build a practical reputation framework, it becomes necessary to consider an integrative perspective, rather than examining the concepts separately. Thus, the present paper contributes to the existing reputational discussion by developing a better understanding of the definition of corporate reputation.

Furthermore, the article builds on the concept of reputation and explains the relationship of this construct with the corporate image and identity.

Corporate reputation

Recently, corporate reputation has turned into a highly debated topic on international management agenda and more and more business executives recognize that being held in high regards is undoubtedly a window of opportunity. The influential relationship between reputation and corporate financial and economic success has been long discussed in the marketing and management literature (Frooman, 1999, Dowling, 2004; Chun, 2005; Helm, 2007). A favorable perception built in the eyes of stakeholders represents a wealth resource and a strategic growth enabler (Hall, 1992; Roberts, Dowling, 2002; Rindova *et al.*, 2005; Walker, 2010).

The concept of corporate reputation embodies a long-term value proposition which allows companies to foster superior commercial performance and stay ahead of its peers. In this view, a strong corporate reputation is likely to sustain the company's financial returns by improving the bottom line because 1) it lowers the cost of all types of inputs (Fombrun, van Riel, 2004), 2) it generates superior profits by altering the purchasing behavior of customers and increasing their loyalty (Yoon *et al.*, 1993), and 3) it provides greater flexibility to charge premium prices for its products or services (Fombrun, van Riel, 2004). All these things contribute to an enhanced market awareness and mass-media communication built around the company which, ultimately, will stimulate the interest of investors for its shares and increase the market capitalization (Fombrun, Shanley, 1990). The existing body of literature surrounding the concept extends the strategic advantages yielded by corporate reputation beyond commercial and financial outcomes. Its impact has been investigated from an organizational point of view, suggesting higher effectiveness for those corporations benefiting from a good perception in recruiting and retaining top talents into their structures (Cable, Turban, 2003). Besides facilitating the recruitment process, corporate reputation is presumed to also develop the employees' identification with the organization's internal culture and values, boosting their productivity (Dutton *et al.*, 1994).

Fombrun and van Riel (1997) interpret reputation as being the position held by an organization in the eyes of its stakeholders. They define the concept as "collective representation of a firm's past actions and results that describes the firm's ability to deliver valued outcomes to multiple stakeholders. It gauges a firm's relative standing both internally with employees and externally with its stakeholders, in both its competitive and institutional environments" (Fombrun, van Riel, 1997: 10).

Expanding on this definition, the reputation is described through the following salient characteristics: reputation encompasses secondary elements which depict the status that an organization has achieved in the marketplace; reputation represents an external reflection of the company's core values and principle (internal identity); reputation is developed from previous resource allocations, turning into a mobility barrier for both the organization and its competitors; reputation reflects the sum of the assessments of various groups of stakeholders regarding the organization's past performance; it is also an expectation of its future market behavior; reputation represents a signal of the overall attractiveness of the organization to customers, employees or investors; reputation embodies the organization's effectiveness in fulfilling its economic and social responsibilities.

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Another important contribution to the field of corporate reputation is provided by Chun (2005). The author views the reputation through a different lens of analysis and interprets the stakeholders as a central definitional element. Thus, the reputation paradigm is explained taking into consideration the relationship between the organization and its audience. In this regard, three schools of thought are identified - the "evaluative", "impressional", and "relational" school. The "evaluative" school examines the reputation only in connection with the financial performance achieved by the organization. In this approach a single group of stakeholders is concerned, namely the CEO, shareholders or investors. The second school of thought, named the "impressional" school, emphasizes on the emotional relation between the organization and other two important groups of stakeholders, its employees or customers. According to this line of thinking, reputation becomes a representation of all impressions and perceptions of an organization. The "relational" school brings in attention the concept of multiple stakeholders and reconcile the gap between internal and external stakeholders' view. Following this perspective, the reputation of an organization represents a collection of perceptions of many individuals. Chun (2005) states, therefore, that reputation is a multidimensional concept which includes both internal and external stakeholders.

Barnett et al. (2006) expand the research work in the field of corporate reputation and propose a new theoretical model to describe the construct. After reviewing 49 different academic resources, the authors describe the corporate reputation as a continuum that runs from reputation as a state of awareness (stage 1) to reputation as an assessment (stage 2) and reputation as an asset (stage 3). Reputation as a state of awareness stresses that the organization holds a certain level of notoriety among observers, however, no judgment is made regarding its economic performance. Reputation as an assessment indicates a measure or an estimate of the aspects that describe the organization. Reputation as a strategic asset, unlike the other two approaches, captures the complex nature of the concept and defines it as a valuable resource for the company. Barnett et al. (2006) summarize the concept of reputation as representing the "observers' collective judgments of a corporation based on assessments of the financial, social, and environmental impacts attributed to the corporation over time" (Barnett et al., 2006: 34).

Corporate identity

The concept of identity has become a very popular subject in the past recent years since its strategic contribution to the long-term success of any organization has been widely recognized. In broad acceptance, the identity of any corporation reflects a set of tangible and intangible attributes that allows it to distinguish from others (Olins, 1978). According to this conceptualization, corporate identity encompasses all factors that companies want to project about themselves and want others to know and believe about them. This is also congruent with another commonly cited interpretation of identity which describes it as being the sum of all characteristics that appears to be central, distinctive and enduring (CED) about an organization (Albert, Whetten, 1985). Congruent with this line of thought, corporate identity cumulates all tangible and intangible elements that provide uniqueness and make an organization inimitable against its peers (Abratt, 1989).

In their work, Hatch and Schultz (1997) distinguish between two categories of identity: "corporate identity" and "organizational identity". The authors stress that both concepts draw on the same idea of what an organization stands for, but the aspects that differentiate them concern the role of leadership and its involvement in creating and maintaining the corporate identity. In this sense, the authors claim that "corporate identity

differs from organisational identity in the degree to which it is conceptualized as a function of leadership and by its focus on the visual” (Hatch and Schultz, 1997: 357). They also describe the identity as being “grounded in local meanings and organizational symbols and thus embedded in organizational culture, which we see as the internal symbolic context for the development and maintenance of organization identity. The symbolic construction of corporate identity is communicated to organizational members by top management, but is interpreted and enacted by organizational members”. This internal focus suggests that the concept of identity represents a collection of values, attitudes, and beliefs. It describes how the company is regarded by its members, both employees and managers.

Melewar (2003) reviews various definitions existing in the literature and adopts Topalian’s interpretation of corporate identity. According to the author, identity should be understood as the “the set of meanings by which a company allows itself to be known and through which it allows people to describe, remember and relate to it” (Topalian, 1984, cited in Melewar, 2003: 197). Therefore, corporate identity incorporates all aspects that characterize the organization from an internal point of view and addresses questions such as: “What the organization is”, “What it stands for”, “What it does”, “How it does it”, and “Where it is going” (Melewar, 2003: 197). Following this perspective, the identity of any organization is a reflection of its market behaviour and strategic choices made to express this behaviour. Over time, it develops in a strong indication of how the company conducts its business operations. Corporate identity evolves, therefore into an engagement proposition to its stakeholders and it is based on three interrelated pillars, namely the operational, physical and human features of the organization (Melewar, 2003).

Corporate image

While corporate identity mainly concerns the set of attributes that help the organization to identify itself in the marketplace, corporate image encompasses the factors that give the public the needed information to form a sense regarding the organization. In a simple interpretation of the concept, image represents a set of beliefs, impressions or feelings through which an organization is described or remembered by the large audience, including customers, investors, media experts or other observers (Hatch, Schultz, 1997). Corporate image embodies, thus the mental images that individuals hold about an organization (Dowling, 2004).

Bromley (2000: 241) describes the notion of image as representing “the way an organization presents itself to its publics, especially visually”, while Barnett et al. (2006: 34) define it as “observers’ general impressions of a corporation’s distinct collection of symbols, whether that observer is internal or external to the firm”. Originally, the idea of considering the corporate image as a strategic intangible resource emerged in the domain of marketing and the research work conducted in this field of interest was oriented towards evaluating the effectiveness of advertising activities (Chun, 2005).

Similar to the concepts of reputation and identity, literature surrounding image is characterized by great multidisciplinary richness. The concept has been approached from a multitude of academic disciplines such as organizational behavior, psychology, sociology or strategic marketing (Lopez et al., 2011), resulting in a growing and, often, conflicting body of definitions.

From an organizational behavior standpoint, corporate image is described as what employees believe outsiders think about the organization (Dutton, Dukerich, 1991). Brown et al. (2006: 102) concur with this interpretation and describe the image as “mental

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associations that organization members believe others outside the organization hold about the organization and corporate reputation". Psychologists conceptualize the image of an organization as being a "symbolic link between an organization and its various publics", while a similar perspective is shared by sociologists describe the image from a bi-dimensional view: "the inner picture - sense image and fabrication - communicated image" (Lopez et al., 2011: 1602-1603). More recently, practitioners belonging to strategic marketing discipline depict the image as "a person's beliefs about an organization (Dowling, 2004: 21).

Towards an integrative view

The review of the existing body of literature points towards a multidisciplinary nature of the concepts of reputation, image and identity. Although numerous definitions and models have attempted to describe the complex relation between these constructs, there is growing confusion generated by an interchangeable use of these concepts. The present research views corporate image and identity as interrelated components of a complex process through which reputation is formed, rather than considering the constructs as synonyms or distinct concepts. The main aspects that distinguish between the reputation, image, and identity are discussed in the next section.

The temporal nature of reputation

A first important difference flows from the temporal nature of the concept of reputation. Weigelt and Camerer (1988: 443) refer to reputation as "a set of attributes ascribed to a firm, inferred from the firm's past actions", while Fombrun and Shanley (1990: 254) define it as "public cumulative judgments of firms over time". While the view according to which reputation requires time to develop and it is relatively stable is widely accepted among practitioners (Hall, 1992; Roberts and Dowling, 2002; Argenti, Druckenmiller, 2003; Barnett *et al.*, 2006; Walker, 2010), corporate image is subject to more frequent changes (Chun, 2005; Walker, 2010) being reinforced by factors such as mass-media or government regulations (Roberts, Dowling, 2002). On the other side, organizational behavior studies identify the enduring character as an important characteristic associated with the concept of identity (Albert, Whetten, 1985).

The enduring nature of identity should be, however, questioned or at least, reviewed. Organizations are not static entities and, faced with a multitude of challenges and the constant risk of losing their competitive edge, they change and adapt their strategies to the new business requirements.

They may evolve over time in order to touch different audiences and, inherently, so does their identity. The enduring character is more evident in the statement of mission, values and principles assumed by the organization and, partially in its visible identity. Building on the model created by Melewar (2003), the enduring character can be explained in relation to "What the organization is" and "What it stands for", while the remaining questions which concern "What it does", "How it does it", and "Where it is going" can only be explained by continuity over time. It can be concluded that corporate identity, similar to reputation, is a dynamic construct that is progressively developed over time.

The identity is, however, a concept rooted in the meanings, values, attitudes and actions that define the organization and, therefore, it follows the same evolution pathway as the organization itself. Organizations need time to develop the reputation and identity

and, in contrast to the image, once they have built them, they are stable being viewed as more general, lasting perception.

Defining attributes

The core elements that describe the concept of reputation, image and identity represent another layer of differentiation. While the corporate identity is the set of tangible and intangible attributes used by the company to project its “character” to stakeholders (Olins, 1978; Dowling, 2004; Barnett *et al.*, 2006), corporate image is presumed to incorporate the mental associations, impressions or appreciation developed by various groups of publics about the organization (Brown *et al.*, 2006). Thus, identity is understood as “a representation of the firm”, “what the firm actually is” (Barnett *et al.*, 2006: 33) and answers the questions “Who are you?” (Dowling, 2004: 21). In contrast, the image is assembled based on the set of features promoted outside the organization and concerns the impressions held by the audience about the organization.

The image of an organization answers, therefore, the question “What do people think about you?” (Dowling, 2004: 21). The result of an integration process of both identity and image of the organization leads to the formation of the corporate reputation. In this perspective, reputation is understood as a collective judgment of an organisation, derived from mental associations held by stakeholders (Chun, 2005; Brown *et al.*, 2006; Barnett *et al.*, 2006).

Stakeholders focus

The review of the existing literature surrounding the concept of corporate reputation points towards a common agreement regarding the increasing importance of all groups of stakeholders to the positive economic development of the organization. Despite this agreement, the complex relationship between organizations and stakeholders remains an unclear theme. Barnett *et al.* (2006) indicate that identity is a projected image outside the organization, held by the members of the organization, while the company’s image encompasses the impressions formed among the company’s both internal and external observers.

This view is divergent from other theoretical interpretations that highlight an external focus in what regards the formation of corporate image. According to this second line of thinking, image is the result of the communication efforts undertaken by the company and, therefore it is concerned with examining what other people thinks or believes about it, thus the external public (Bromley, 2000; Chun, 2005).

On the other side, Balmer, Greyser (2006: 735) reinforce the internal focus of identity and define it as being “the collective feeling of employees as to what they feel they are in the setting of the entity”. A similar confusion arises over the concept of corporate reputation.

Considering the stakeholder focus as a classification criterion, practitioners describe reputation as an actual perception held by people outside the organization about the organization (Bromley, 2000; Brown *et al.*, 2006). This is distinct from other academic findings that suggest that reputation should be shaped by an alignment between the perceptions held by both internal and external stakeholders (Gotsi, Wilson, 2001; Davies *et al.*, 2001; Chun, 2005; Walker, 2010).

The latter perspective is also adopted by the author in this article. The rationale for adhering to this view is justified by the common agreement that reputation is built through

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a collection of perceptions or impressions developed over time and derived from both internal (identity-related elements) and external constructs (image-related elements).

This observation highlights that internal and external groups of stakeholders should be simultaneously considered when defining the concept of corporate reputation. To summarize, corporate identity has an internal focus and exist in the organization, while corporate image resides outside the organization, within the external stakeholders.

Process of formation

The internal and external focus identified as depicting the corporate identity, respectively the corporate image of an organization raises an interesting discussion about the process through which these constructs are built over time. In order to shape, maintain and promote a corporate identity among members, organizations need to identify those traits or attributes that offer authenticity. The company's character is, thus communicated inside the organization through visual symbols and promoted through organizational culture and values. In this sense, internal stakeholders perceive, interpret and endorse the corporate identity of the organization.

Corporate image, on the other side, reflects the set of attributes chosen by the organization to present itself in the market place. It embodies a set of beliefs, impressions or feelings communicated to the stakeholders and through which the organization is remembered by the external stakeholders. In this perspective, corporate image is mainly shaped through mass-media coverage or any other external communication form, including word-of-mouth, and it is based on the characteristics that members project about their organization in the marketplace.

Taking into consideration that it does not necessarily require a direct interaction of the public with the organization, it can be concluded that corporate image is formed, and not interpreted by stakeholders. Given that corporate reputation is the result of the interaction between the identity and image, the implication is that reputation emanates from both the inside and outside the organization. Corporate reputation embodies direct and indirect experiences of the public within the organization, thus, it is formed.

Perceived level of control over time

The last argument found to separate the definitional approach between reputation, image and identity is the perceived level of control over time that an organization takes on each of the constructs.

Firstly, corporate image can be formed in the absence of a direct interaction with the company only using advertising channels or other communication sources. Following this thinking stream, it is presumed to be impossible to exert complete control on it. In the process of formation, images can only be shaped by a series of internal and external factors, among which the most important are the mass-media, other people's experiences, the company's visual identity, its past market behaviour or industry trends or competitors' strategic movements.

A similar situation applies to the concept of identity. A distinction between the vision and values shared by the company's top executives and the way these elements are interpreted by all other internal members is drawn. To better illustrate the above observation, Walker (2010) clearly distinguishes between the desired identity, respectively desired image (what companies want internal stakeholders, respectively external stakeholders to know/consider about the firm) and actual identity or image (what actually internal and external stakeholders know/consider about the firm).

The difference between image and identity resides in the fact that, although CEOs or top management cannot enforce the actual identity of the organization to the members, they still make use of more tools to influence it (Burlea Șchiopoiu, Idowu, 2016). This is because organizations represent far more homogenous environments than the large external public.

Table 1: Differentiating Corporate Reputation, Image, and Identity

| | Reputation | Image | Identity |
|--------------------------------------|---|--|--|
| Temporal nature of reputation | Historically rooted, develops over time | Perceptions at a determined time | Develops over time |
| | Stable in time (durable), enduring | Dynamic, more volatile, subject to change more often, in a short period of time | More dynamic, continuity over time |
| | More general perspective | Short term perspective about the organization | Medium-to-long term perspective about the organization |
| Defining attributes | Expectation of future behavior, judgment, appreciation, assessment or opinion of the organization | Mental associations or impressions of the organization (What do people think about you?) | Set of attributes that make the organization to distinguish against its peers (Who are you?) |
| Stakeholders focus | The collective perceptions or impressions (derived from both internal and external stakeholders) | External focus – perception of public about the company (derived from external stakeholders) | Internal focus – planned self-presentation of the company to the public (derived from internal stakeholders) |
| Process of formation | It is formed (through direct and indirect experiences – requires interaction with the organization) | It is formed | It is perceived, interpreted |
| Perceived level of control over time | Can be shaped, limited control over time | Can be shaped (desired image), not controlled (actual image) | Can be shaped (desired identity), limited control (actual identity) |

Source: Author's compilation

Conclusion

Corporate reputation has developed into a highly debated subject in the past few years and more and more companies have invested considerable efforts and large budgets in building a sustainable competitive edge by being held in high regards by its key stakeholders. Despite the popularity that reputation has gained among scholars and practitioners alike through the past few decades, there is still a lack of common agreement in defining and clearly articulating what it really stands for.

The multidisciplinary nature of the corporate reputation has generated considerable confusion regarding an interchangeable use of the notion of reputation with concepts such as identity or image. Depending on the conceptualization, identity and image have been referred to either as equivalent terms with the reputation or as important elements of it. The present research builds on the existing literature and collates multiple definitions in order to develop an integrative point of view regarding the antecedents of corporate reputation. In the absence of an integrated understanding of the key attributes that frame the concept, it becomes impossible for companies to use the reputation as a true source of competitive advantage. To be able manage the business and make effective decisions require to close the gap between the various interpretations and meanings assigned to the concept of reputation, image and identity of an organization.

The current research develops a framework in which reputation, image and identity are distinct, yet interrelated concepts. It builds on the idea that reputation is a broader concept that incorporates the image and identity, as key components. The model identifies five pivotal arguments which are considered as being essential in differentiating the concepts. The definitional features are temporal nature or reputation, the defining attributes, the stakeholders focus, the process from which the concepts emanate and the perceived control over time. Providing an in-depth discussion on each of these differences, the article helps closing the reputational strategy-to-execution gap.

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- Discourse, language and social encounters;
- Bioethics and transition challenges;

ABSTRACT SUBMITTING

(SEE CEPOS CONFERENCE 2017 REGISTRATION FORM on cepos.eu)

The proposals must be sent in English and must contain the title of the paper, the abstract (no more than 300 words) and a short presentation of the author(s) (statute, institutional affiliation, short list of relevant scientific contributions).

DEAD-LINE FOR SUBMITTING A PROPOSAL: 20 FEBRUARY 2017

Proposals must be submitted until 20 February 2017 at the following addresses:
Center of Post-Communist Political Studies (CEPOS) cepos2013@gmail.com,
cepos2013@yahoo.com

CONFERENCE VENUE

Casa Universitarilor/University House (57 Unirii Street, Craiova, Romania).

You can view the Conference location and a map at the following address:

<http://www.casa-universitarilor.ro/>

- More information about the Conference venue can be found at the following address:

http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/prezentare.php

- More photos of the conference room can be viewed at

http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/galerie_foto.php

CEPOS CONFERENCE PAST EDITIONS

More information, photos and other details about the previous editions of the Conference and CEPOS Workshops, Internships, and other official events organized in 2012-2016 are available on:

- CEPOS official website sections

Past Events available at <http://www.cepos.eu/past.html>

Foto Gallery available at <http://www.cepos.eu/gallery.html>)

- CEPOS FACEBOOK ACCOUNT:

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

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS

CEPOS Conference 2016

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

ELSEVIER GLOBAL EVENTS

<http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Oxford Journals – Oxford Journal of Church & State

<http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract>

Conference Alerts

<http://www.conferencealerts.com/country-listing?country=Romania>

Conferences-In

<http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Socmag.net

<http://www.socmag.net/?p=1562>

African Journal of Political Sciences

http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securiteee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk

Researchgate

https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism._East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania

World Conference Alerts

<http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442>

Edu events

<http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Esocsci.org

<http://www.esocsci.org.nz/events/list/>

Sciencedz.net

<http://www.sciencedz.net/index.php?topic=events&page=53>

Science-community.org

<http://www.science-community.org/ru/node/164404/?did=070216>

CEPOS Conference 2015

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

THE ATLANTIC COUNCIL OF CANADA, CANADA

<http://natocouncil.ca/events/international-conferences/>

ELSEVIER GLOBAL EVENTS LIST

<http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf>
GCONFERENCE.NET

http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01

CONFERENCE BIOXBIO <http://conference.bioxbio.com/location/romania>

10 TIMES <http://10times.com/romania>

CONFERENCE ALERTS <http://www.conferencealerts.com/country-listing?country=Romania>

<http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf>

<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>

NATIONAL SYMPOSIUM

<http://www.nationalsymposium.com/communism.php>

SCIENCE DZ

<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>

ARCHIVE COM http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/

CONFERENCE WORLD <http://conferencesworld.com/higher-education/>

KNOW A CONFERENCE KNOW A CONFERENCE

<http://knowaconference.com/social-work/>

International Journal on New Trends in Education and Their Implications (IJONTE) Turkey <http://www.ijonte.org/?pnum=15&>

Journal of Research in Education and Teaching Turkey

<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>

CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see <http://natocouncil.ca/events/international-conferences/>

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:

American Political Science Association, USA,

<http://www.apsanet.org/conferences.cfm>;

Journal of Church and State, Oxford

<http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html>;

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NATO Council of Canada (section events/ international conferences), Canada,
<http://atlantic-council.ca/events/international-conferences/>
International Society of Political Psychology, Columbus, USA,
http://www.ispp.org/uploads/attachments/April_2014.pdf
Academic Biographical Sketch, <http://academicprofile.org/SeminarConference.aspx>;
Conference alerts, <http://www.conferencealerts.com/show-event?id=121380>;
Gesis Sowiport, Koln, Germany, <http://sowiport.gesis.org/>; Osteuropa-Netzwerk,
Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism:_East_and_West_under_scrutiny:_Fourth_International_Conference
Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Politicas y Sociologia,
futuro Consejo Nacional de Colegios Profesionales, Madrid,
<http://colpolsocmadrid.org/agenda/>.

TRANSPORT

The 7th International Conference "After communism. East and West under Scrutiny" (2017) will be held in Craiova, a city located in the South-Western part of Romania, at about 250 km from Bucharest, the national capital.

The airport of Craiova (<http://en.aeroportcraiova.ro/>) has flights to Timisoara, Dusseldorf, Munchen, Ancone, Rome, Venezia, London, Bergamo etc.

Other airports, such as Bucharest (Romania) (<http://www.aeroportul-otopeni.info/>) is located at distances less than 240 km from Craiova and accommodate international flights.

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

CEPOS CONFERENCE 2017 FEES AND REGISTRATION REGISTRATION DESK

The Conference Registration Desk will be opened from Friday, 24th of March 2017 (from 08.00 a.m. to 18.00 p.m.) until Saturday 25th of March 2017 (from 08.00 a.m. until 14.00 p.m.), for registration and delivery of conference bag with documents to participants.

The Conference Registration Desk is located in the lobby of the University House Club, 1st Floor.

REGISTRATION FEES

90 euros/paper can be paid directly via bank transfer on CEPOS Bank account as follows:

Details for online payment

Banca Romana pentru Dezvoltare (BRD)

Owner: ASOCIATIA CENTRUL DE STUDII POLITICE POSTCOMUNISTE

Reference to be mentioned: CV taxa participare si publicare CEPOS

Account Number: RO64BRDE170SV96030911700 (RON)

MEALS AND OTHER ORGANIZING DETAILS

The registration fee covers:

- * Conference attendance to all common sessions, individual and special panels
- * Conference materials (including a printed version of the Book of Abstracts of the Conference)
- * Conference special bag - 1 for every single fee paid, no matter the number of authors/paper
- * Coffee Breaks-March 24, 2017 – March 25, 2017. During the two days conference, 4 coffee breaks are offered.
- * Welcome reception (March 24, 2017)
- * Lunch (March 24, 2017) offered in the University House Mihai Eminescu Gala Room
- * A Festive Gala Dinner and Cocktail (March 24, 2017) offered in the University House Mihai Eminescu Gala Room
- * A Free Cocktail Buffet will be served from 19:30 p.m. to 21.30 p.m.
- * A Free Entrance Voucher is provided inside of each Conference Bag.
- * Lunch (March 25, 2017)
- * Certificate of attendance (offered at the end of the conference March 25, 2017)
- * Publication of the Conference Papers in the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (previous publication of the 2016 Conference papers is available at <http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php> (RSP issues/ 2016)
- * One original volume of the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (where the personal conference paper was published) will be delivered to the authors (an additional fee of 10 euros is required for the mailing facilities)
- * Computer & Internet Facilities. There is available videoprojector and connection to Internet services.
- * Language. The official language of the Conference will be English. The Organizing Committee does not provide simultaneous translation.

NEW! FREE SOCIAL AND CULTURAL PROGRAMME OF THE CEPOS CONFERENCE 2017

- * Participants in CEPOS CONFERENCE 2017 have free acces to the Social and Cultural Program of the Seventh Edition of the International Conference After Communism. East and West under Scrutiny, Craiova, 24-25 March 2017: including free guided tours of the:
Museum of Arts Craiova <http://www.muzeuldeartacraiova.ro/>
Oltenia Museum (all sections included):
<http://www.muzeulolteniei.ro/index.php?view=content&c=26>
Casa Baniei <http://www.muzeulolteniei.ro/index.php?view=content&c=26>

CERTIFICATES OF ATTENDANCE

Certificates of attendance will be offered at the end of the conference on Saturday, March 25, 2017

**PUBLISHING THE PAPERS IN THE INTERNATIONAL INDEXED JOURNAL
REVISTA DE STIINTE POLITICE. REVUES DES SCIENCES POLITIQUES**

After the reviewing process, the conference papers will be published in Revista de Stiinte Politice/Revue des Sciences Politiques.

The whole text of the papers must be written in English and delivered until April 3, 2017 at the following addresses:

Center of Post-Communist Political Studies (CEPOS) cepos2013@yahoo.com,
cepos2013@gmail.com

Important note: All conference materials presented at the:

- Second International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 2-3 March 2012) were published in no. 33-34, 35 and 36/ 2012 of the Revista de Stiinte Politice. Revues des Sciences Politiques (RSP).

See the full text (free acces) at the following

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

- Third International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 5-6 April 2013) were published in no. 37-38, 39, 40/ 2013 of the Revista de Stiinte Politice. Revues des Sciences Politiques (RSP).

See the full text (free acces) at the following address:

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

-Fourth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 4-5 April 2014) were published in no. 41, 42, 43, 44/ 2014 of the Revista de Stiinte Politice. Revues des Sciences Politiques (RSP).

See the full text (free acces) at the following address:

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

- Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) were published in no. 45, 46 (pending publication -47 and 48/ 2015 of the Revista de Stiinte Politice. Revues des Sciences Politiques (RSP).

- Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) are published in no. 49, 50, 51, 52/ 2016 of the Revista de Stiinte Politice. Revues des Sciences Politiques (RSP).

See the full text (free acces) at the following address:

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

**INTERNATIONAL INDEXING OF REVISTA DE STIINTE POLITICE/REVUE
DES SCIENCES POLITIQUES**

Revista de Stiinte Politice/Revue des Sciences Politiques is an International Indexed Journal by:

ProQuest

ERIH PLUS

ProQuest Political Sciences

EBSCO

KVK

Gale Cengage Learning

Index Copernicus

Georgetown University Library

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Elektronische Zeitschriftenbibliothek EZB
Journal Seek
Intute Social Sciences.

Revista de Stiinte Politice. Revue des Sciences Politiques. Indexing and abstracting in other relevant international databases, services and library catalogues
Statistics June, 2015

Google Scholar
https://scholar.google.com/citations?user=geaF_FgAAAAJ&hl=ro

ProQuest 5000 International
<http://tls.proquest.com/tls/servlet/ProductSearch?platformID=1&externalID=770&vdID=614505/PMID99909>

Birmingham Public Library, United Kingdom
<http://www.bplonline.org/virtual/databases/journals.as/px?q=R&p=36>

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

Miami University Oxford, Ohio, USA
<http://www.lib.miamioh.edu/multifacet/record/az-9ce56f97d1be33af92690283c0903908>

German National Library of Science and Technology
<https://getinfo.de/app/Revista-de-%C5%9Ftiin%C5%A3e-politice-Revue-des-sciences/id/TIBKAT%3A590280090>

Bibliothek Hamburg
<http://www.sub.uni-hamburg.de/recherche/elektronische-angebote/elektronische-zeitschriften/detail/titel/144583.html>

Sabre Libraries of University of Sussex, University of Brighton and Brighton and Sussex NHS
<http://sabre.sussex.ac.uk/vufindsmu/Record/1584224X/Details>

University of Southern Denmark
<http://findresearcher.sdu.dk:8080/portal/en/journals/revista-de-stinte-politice%28ca92579a-2621-46ec-946f-21e26f37364d%29.html>

Edith Cowan Australia
<http://library.ecu.edu.au:2082/search~S7?/.b2071921/.b2071921/1%2C1%2C1%2CB/marc~b2071921>

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University College Cork, Ireland

<http://cufts2.lib.sfu.ca/CJDB4/CCUC/journal/375867>

Region Hovedstaden Denmark

<http://forskning.regionh.dk/en/journals/revista-de-stinte-politice%2811468a3a-a8be-4502-b8d6-718255c47677%29.html>

WorldCat

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

York University Library, Toronto, Ontario, Canada

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

The University of Chicago, USA

https://catalog.lib.uchicago.edu/vufind/Record/sfx_1000000000726583

Wellcome Library, London, United Kingdom

http://search.wellcomelibrary.org/iii/encore/search/C__Scivil%20law__Orightresult__X0;jsessionid=86D8DE0DF1C54E503BEF1CB1168B6143?lang=eng&suite=cobalt

The University of Kansas KUMC Libraries Catalogue

<http://voyagercatalog.kumc.edu/Record/143742/Description>

University of Saskatchewan, SK

<http://library.usask.ca/find/ejournals/view.php?i>

Academic Journals Database

<http://discover.library.georgetown.edu/iii/encore/record/C%7CRb3747335%7CSREVIS TA+DE+STIINTE%7COrightresult?lang=eng&suite=def>

Journal Seek

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

Sherpa

<http://www.sherpa.ac.uk/romeo/search.php?issn=1584-224X&showfunder=none&fidnum=%7C&la=en>

University of New Brunswick, Canada

<https://www.lib.unb.ca/eresources/index.php?letter=R&sub=all&start=2401>

State Library New South Wales, Sidney, Australia,

[http://library.sl.nsw.gov.au/search~\\$1?i1583-9583/i15839583/-3,-1,0,B/browse](http://library.sl.nsw.gov.au/search~$1?i1583-9583/i15839583/-3,-1,0,B/browse)

Electronic Journal Library

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

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

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Jourlib

<http://www.jourlib.org/journal/8530/#.VSU7CPmsVSk>

Cheng Library Catalog

<https://chengfind.wpunj.edu/Record/416615/Details>

Open University Malaysia

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

Wayne State University Libraries

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

Kun Shan University Library

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

Western Theological Seminar

<http://cook.westernsem.edu/CJDB4/EXS/browse/tags?q=public+law>

NYU Health Sciences Library

<http://hsl.med.nyu.edu/resource/details/175011>

Swansea University Prifysgol Abertawe

<https://ifind.swan.ac.uk/discover/Record/579714#.VSU9SPmsVSk>

Vanderbilt Library

http://umlaut.library.vanderbilt.edu/journal_list/R/139

Wissenschaftszentrum Berlin für Sozial

http://www.wzb.eu/de/node/7353?page=detail.phtml&bibid=AAAAA&colors=3&lang=de&jour_id=111736

Keystone Library Network

<https://vf-clarion.klnpa.org/vufind/Record/clarion.474063/Details>

Quality Open Access Market

<https://zaandam.hosting.ru.nl/oamarket-acc/score?page=4&Language=21&Sort=Ascending&SortBy=BaseScore>

Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)

http://rzblx1.uni-regensburg.de/ezeit/searchres.phtml?bibid=AAAAA&colors=7&lang=de&jq_type1=KT&jq_term1=REVISTA+DE+STIINTE+POLITICE

Harley E. French Librayr of the Health sciences

<http://undmedlibrary.org/Resources/list/record/129818>

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Open Access Articles

http://www.openaccessarticles.com/journal/1584-224X_Revista_de_Stiinte_Politice+---

Vrije Universiteit Brussel

<http://biblio.vub.ac.be/vlink/VlinkMenu.CSP?genre=journal&eissn=&issn=1584-224X&title=Revista%20de%20Stiinte%20Politice>

The Hong Kong University

http://onsearch.lib.polyu.edu.hk:1701/primo_library/libweb/action/dlDisplay.do?vid=HKPU&docId=HKPU_MILLENNIUM22899443&fromSitemap=1&afterPDS=true

Biblioteca Universitaria di Lugano

https://en.bul.sbu.usi.ch/search/periodicals/systematic?category=10&page=34&per_page=10&search=

Olomuc Research Library, Czech Republic

http://aleph.vkol.cz/F?func=find-c&ccl_term=sys=000070018&con_lng=eng&local_base=svk07

California State University Monterey Bay University

http://sfx.calstate.edu:9003/csumb?sid=sfx:e_collection&issn=1584-224X&serviceType=getFullTxt

University of the West

<http://library.uwest.edu/booksab.asp?OCLCNo=9999110967>

Elektron ische Zeitschriften der Universität zu Köln

http://mobil.ub.uni-koeln.de/IPS?SERVICE=TEMPLATE&SUBSERVICE=EZB_BROWSE&SID=PETERSPFENNIG:1460334557&LOCATION=USB&VIEW=USB:Kataloge&BIBID=USBK&COLORS=7&LANGUAGE=de&PAGE=detail&QUERY_URL=jour_id%3D111736&REDIRECT=1

Biblioteca Electronica de Ciencia y Tecnologia

http://www.biblioteca.mincyt.gob.ar/revistas/index?subarea=148&area=34&gran_area=5&browseType=discipline&Journals_page=17

University of Huddersfield UK

<http://library.hud.ac.uk/summon/360list.html>

Saarlandische Universitäts- und Landesbibliothek Germany

<http://www.sulb.uni-saarland.de/index.php?id=141&libconnect%5Bjourid%5D=111736>
EKP Publications
<http://www.sulb.uni-saarland.de/index.php?id=141&libconnect%5Bjourid%5D=111736>

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OHSU Library

<http://www.ohsu.edu/library/ejournals/staticpages/ejnlr.shtml>

Valley City State University

<http://www.ohsu.edu/library/ejournals/staticpages/ejnlr.shtml>

Centro de Investigaciones Sociológicas, Spain

<http://www.cis.es/cis/export/sites/default/>

Archivos/Revistas_de_libre_acceso_xseptiembre_2010x.pdf

Drexel Libraries

<http://innoserv.library.drexel.edu:2082/search~S9?/aUniversitatea+%22Babe%7Bu0219%7D-Bolyai.%22/auniversitatea+babes+bolyai/-3%2C-1%2C0%2CB/marc&FF=auniversitatea+din+craiova+catedra+de+stiinte+politice&1%2C1%2C>

Impact Factor Poland

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

Pol-index

<http://catalogue.univ-angers.fr/OPD01/86/61/40/00/OPD01.000458661.html>

ILAN University Library

http://muse.niu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress&set.user.locale=en_US

Dowling College Library

<http://wwwx.dowling.edu/library/journaldb/keyword4.asp?jname=revista>

Universite Laval

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

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

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



RSP MANUSCRIPT SUBMISSION

GUIDELINES FOR PUBLICATION

REVISTA DE ȘTIINȚE POLITICE. REVUE DES SCIENCES POLITIQUES (RSP)

Email: Manuscripts should be submitted online at cepos2013@gmail.com with the following settings:

Page setup: B5 JIS

Paper title: For the title use Times New Roman 16 Bold, Center.

Author(s): For the Name and Surname of the author(s) use Times New Roman 14 Bold, Center. About the author(s): After each name insert a footnote (preceded by the symbol *) containing the author's professional title, didactic position, institutional affiliation, contact information, and email address.

E.g.: Anca Parmena Olimid*, Cătălina Maria Georgescu**, Cosmin Lucian Gherghe***

* Associate Professor, PhD, University of Craiova, Faculty of Law and Social Sciences, Political Sciences specialization, Phone: 00407*****, Email: parmena2002@yahoo.com. (Use Times New Roman 9, Justified)

** Lecturer, PhD, University of Craiova, Faculty of Law and Social Sciences, Political Sciences specialization, Phone: 00407*****, Email: cata.georgescu@yahoo.com. (Use Times New Roman 9, Justified)

*** Lecturer, PhD, University of Craiova, Faculty of Law and Social Sciences, Political Sciences specialization, Phone: 00407*****, Email: avcosmingherghe@yahoo.com. (Use Times New Roman 9, Justified)

Author(s) are fully responsible for the copyright, authenticity and contents of their papers. Author(s) assume full responsibility that their paper is not under review for any refereed journal or conference proceedings.

Abstract

The abstract must provide the aims, objectives, methodology, results and main conclusions of the paper (please submit the papers by providing all these information in the abstract). It must be submitted in English and the length must not exceed 300 words. Use Times New Roman 10,5, Justify.

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Keywords

Submit 5-6 keywords representative to the thematic approached in the paper. Use Times New Roman 10,5, Italic. After the keywords introduce three blank lines, before passing to the Article text.

Text Font: Times New Roman: 10,5

Reference citations within the text Please cite within the text. Use authors' last names, with the year of publication.

E.g.: (Olimid, 2009: 14; Olimid and Georgescu, 2012: 14-15; Olimid, Georgescu and Gherghe, 2013: 20-23).

On first citation of references with more than three authors, give all names in full. On the next citation of references with more than three authors give the name of the first author followed by "et al."

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References:

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

References of the same author are listed chronologically.

For books

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

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E.g.: Table 1. The results of the parliamentary elections (May 2014)

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