

## THE STATE AND THE CIVIL SOCIETY

ANA BĂLAȘA, IOAN MĂRGINEAN,  
OCTAV MARCOVICI,  
IRINA MOROIANU-ZLĂTESCU,  
ȘTEFAN CONSTANTINESCU

The major objective for Romania and one that has national consensus and legislative support, is to construct a market economy within a democratic State, and create a civil society capable of becoming an authentic intermediary between the State and the people. In brief, one can define it as the key to a country under normal conditions.

These components influence and empower each other. In order to build a market economy that will ensure a positive outcome in the area of social issues generated by the transition, there is a need for a lawful State that is continuously consolidating, while at the same time capable of preparing and administrating adequate and efficient programmes together with social policies. There is also a need for social cohesion and solidarity, supported by a civil society.

Faith in all reform programmes depends, to a great extent, on the degree to which a society is willing to support them, and not only at their initiation by government, but during the whole process. This presumes the possibility of communication within society, the chance to negotiate and re-negotiate, to open dialogue and partnership with various social elements, and a civil society where changes will have a broader and more consistent legitimacy than those of the government whose political existence and legitimacy are by nature transitory.

In its turn, a healthy construction together with a strong functioning economy are essential conditions for the constitution and affirmation of a civil society. Within the conditions offered by a reasonably efficient welfare system and the beginning of a middle class, the State's authority is also being formed on more democratic lines, and the civil society it is developing should now be able to take complementary action to the State, rather than oppose it.

The same reports of interaction are evident in the creation of a lawful state and a civil society. A civil society presumes a liberal-democratic order, which constitutes a form of state and institutions of power, which in their turn, preserve the attributes of democracy in the same way as civil society enfranchises its members for **active citizenship** thus producing **social pluralism** through organisational structures that are promoting the interests of the most diversified social groups. In a democratic regime there are certain relationships between society and state that are characterised by a government's so-called "sharing" of power with the civil society, and the provision of access to such institutions.

In the present chapter we have set out objectives for evaluating the evolution of the rapport between state and civil society to find an optimal and functioning on-going balance. The overall idea being that the common denominator and primary objective of the enormous efforts being made by our country to enter these areas of normality must be THE HUMAN BEING, THE CITIZEN, together with the quality of social and individual life, liberties and rights. All reforms, political and economical, must be subordinate to the exigencies of **human development**.

### LEGITIMACY AND EFFICIENCY OF THE ROMANIAN POLITICAL INSTITUTIONS

The legitimacy of political institutions of Romania is instilled in the process of changing the political regime from a dictatorship to a democracy, and in the establishment and consolidation of a lawful State. As a result of the evolution that took place after 1990, Romania has been seen to introduce fundamental democratic institutions. The main stream of transformations has included the installation of the revolutionary authorities; the establishment of political parties; free elections and the adoption of a democratic constitution; a spawning of informational sources through the media, both public and private; and finally, alternate governments coming into power<sup>1</sup>.

The major areas of difficulty during this process were not so much in the setting up of the systems that would ensure the **legality of governing**, but in the **functioning** of such systems. The incapacity to find quick and efficient solutions to the problems involved in governing, in fact to the fundamental needs of society, has **eroded** the legitimacy of the government. The same issue is always raised, and it is not about rightful access to government, but about ensuring the consent and support of those who are governed.

#### **The social context of reconstructing political institutions after December 1989. The main stages for political transition**

The meaning of political change following post-dictatorship Romania may be clarified if we take a closer look at the context and details of what happened before these changes occurred. One such detail was that, after the abolition of the main institutions of the socialist State and the dysfunction of the communist party, the new authorities, unlike in other former communist countries, were left wing. This fact coloured later developments. On the other hand, if as in other countries, the change from dictatorship to democracy implied certain negotiations to amend legislation and hand over power, in Romania, due to the highly repressive nature of the former regime before 1989, there was no such form of organisational structure

<sup>1</sup> Ioan Mărginean. *Indicators of Democratisation in Romania*. Kluwer Academic Publisher, Netherland. p. 42, 1997.

with a specific programme for transfer. In fact, the process of changing Romania into a democracy started in an institutional and legislative void. Only after the dictatorship, when the communist institutions and structures were removed from power and the Ceausescus executed, did our partners of old resume their activity and new political parties were formed. The same thing happened with the unions and other groups and organisations who began to appear on the scene. It was then that the first newspapers and independent magazines were issued. Those first months after the still controversial Revolution were characterised by early attempts to get rid of communism and by a new political openness. The authorities who were newly installed during those first days of the Revolution enjoyed wide public support, but the National Salvation Front Council's option to function as a **national union front** proved to be inadequate for the new conditions. This body that had legislative and executive responsibilities, established during the crisis period, was faced with numerous political groups that appeared when the previous political parties were reborn, laying the foundation for an **opposition** and starting, quite naturally, to claim their stand in the political arena.

The establishment of the National Union Provisional Council (CPUN – February 1990) set the framework for the **opposition** – itself an institution of democracy – to participate in the political process. The main measures of CPUN were the preparation of the **Electoral Law** and the **organisation of the first legislative and presidential elections**, won by the FSN and its candidate for the presidential chair. The national minorities, other than Hungarian, who had already won 36 seats in the Parliament, each received a seat in the Chamber of Deputies. The new Parliament was also to function as a Constituent Assembly.

Among the few fundamental elements of democracy that can be recorded for this period are: the passing of the democratic Constitution (1991); respect for basic political and citizen's rights; a free society; and the establishment of public authorities at central and local levels

The response of the electorate can be clearly seen in the democratic evolution of Romanian politics, if we look at the imbalance of power following the monolithic number of votes gained by the ruling party (FSN) in May 20 1990 (out of 75 competing parties), and compare it with the political changes brought about by the elections in September 1992 and then to the rotation of power in November 1996.

Table 1

Votes gained by the Chamber of Deputies

|   | May 1990              |      | September 1992        |      | November 1996         |      |
|---|-----------------------|------|-----------------------|------|-----------------------|------|
|   | Number of Votes (mil) | %    | Number of Votes (mil) | %    | Number of Votes (mil) | %    |
| Ruling Party (FSN, from 1992 PDSR)                        | 9.1                   | 66.3 | 3.0                   | 27.7 | 2.5                   | 21.5 |
| Opposition (PNI, + PNTCD from 1992 Democratic Convention) | 1.2                   | 9.0  | 2.1                   | 20.0 | 3.4                   | 30.2 |

Source: Release of the Central Electoral Body.

**It may be said that, despite some hesitations and delays, in the political arena the institutional changes were significant even from 1990, through the adoption of measures to create a lawful State.**

Basic elements of the transition towards a market economy are now beginning to appear. It is evident that small and medium-sized enterprises are starting to function, and a massive privatisation of land is taking place. However, the reform process is slow when compared to other former communist countries.

Ironically, the particular characteristics of Romania's Revolution and the much more difficult tasks needed for post-dictatorship transformation, were not evaluated adequately by the political editors of international media. This led to a certain isolation of Romania from the "leading team", viz. Czech Republic, Poland, and Hungary. Their judgement on various criteria was more severe in the case of Romania, and there is no doubt that the political disputes that degenerated into violence in the first part of 1990, contributed to these attitudes.

Political surveys have acknowledged that the period 1992-1996 was one of stabilisation and consolidation in an on-going democratic process. This was particularly noticeable in the way Romania's media gained independence and diversified rapidly. The appearance of private television stations and cable television are by their very nature a counterbalance to national television, considered partly under government control. Admission to the European Council in 1993 and the prospect of joining the European Union and NATO in the near future are a positive sign that Romania is evolving in the right direction.

Public institutions and their officers are forever facing the erosion of identity. At the same time, reform moves at a slow pace and the general standard of living is far below people's expectations.

A Civil society is now taking shape that can be seen not only through the setting up of non-governmental organisations, professional in outlook. It is also noticeable in the significant changes of response if valuable options are offered in political matters, and also in the mentalities of social groups. Many categories of specialists have taken part in professional training or have participated in the implementation of hundreds of projects supported by foreign funding. A significant percentage of the country's population has been either directly or indirectly influenced by foreign assistance programmes, with favourable results in what is regarded as the construction of democracy, a market economy and a diversification of European ideas<sup>2</sup>.

Despite the inertia, one can still say that the civil society has now grown aware of its role and is acting accordingly. The most obvious response was the **change of power** that took place "with good grace", (to use the term from the October 1996 Election), to the merit of winners and losers alike, along with society in general, thus proving that the most important principle of democracy has now been adopted.

<sup>2</sup> *The economic assistance granted to Romania by the G.24 Most Developed Countries Group.* Government of Romania, European Integration Department, Third Edition, Bucharest, 1998, p. 2.

Political life in the year 1997 was influenced by the favourable consequences brought about by the change of power, which emphasised the need for firm reforms in many fields such as: public administration, ensuring the functioning of the State's legal institutions, opening a dialogue with the civil society, guaranteeing human rights, the elimination of discrimination and citizen abuse (all monitored by non-governmental organisations), improving prison investigations and the systems of detention, ensuring economic and social rights, and the protection of those with special needs.

### **The constitutional basis of government**

In the Constitution adopted by Parliament on the 21st of November, 1991, and passed by a Referendum during the same year, Romania is defined as "a lawful, democratic and social State, that guarantees the dignity of the human being, the rights and the liberties of the people, the free development of the human personality, justice, and a political pluralism that will represent the highest ideals". (Art.1, paragraph 3.)

The process of debate and preparation for the Constitution took almost two years. We now have a completely different Constitution whose democratic provisions can be compared with constitutions from other western countries.

**The principles of constitution, democracy and human rights** form the foundation of Romanian political institutions, and the government in general. Yet many problems have arisen within the workings of government. For example, no new law has been passed for public administration; the juridicial system still awaits independence; laws have been violated by government officials; anti-corruption campaigns have been inefficient; the political system has remained too centralised; and the government's partnership with the civil society insubstantial. In the management of public institutions, executive power has been seen to put itself above the law. These facts that the present government seems unable to control were also brought to the attention of the previous administration. Negative consequences that have arisen from the excessive adoption of emergency statutes during 1997, could have given, if even for a short period, an opportunity for unconstitutional activity, and this too has been brought to the Government's attention.

### **Basic rights and freedoms**

The area of freedom and citizens' rights occupies a distinct place within the Constitution adopted in 1991, where it is stated that the interpretation and application of such should be made in accordance with the Universal Bill of Rights, and any other treaties or agreements in which Romania plays a part. It also states that should Romanian law fail to resolve issues, international law would take precedence (art. 20).

Even before the Constitution of Romania was drawn up, a number of legislative measures were adopted, that focused upon the annulment or

modification of some legal norms found to be undemocratic and which had a negative effect on human rights and basic freedoms.

Modifications were made and legal provisions annulled, among which were the Penal Code, the Penal Code procedure, and the death penalty, etc. A series of norms, decrees and laws were passed, and government decisions made, designed to create the infrastructure for democracy and human development. The work towards integration in the international juridical order is on-going, but with a different approach. Our country is to become part of a series of juridical systems that recognises and guarantees protection and promotion of rights.

By the 20th of May, 1990, over two hundred legislative provisions relating to the old regime were annulled, because, directly or indirectly, they violated the rights and basic freedoms of the citizen. Bills were passed in order to reorganise the system of the work place and payroll, pensions, unemployment benefits, child benefit, and in general, ease areas of economic difficulty.

Romania continues to promote economic and social rights believing them basic to humanity. The main route can be found in the agreement to the **right of development**, which means the right of individuals and groups to participate effectively in all its aspects.

Legislation in this field has been continuously improved and perfected in areas such as: offenders under surveillance, the workplace, instances of incompetence, ways of dealing with arguments, the guarantee of free expression, the organisation of professions with a liberal outlook, the right to property, and various aspects of social security. In 1991 the **Romanian Institute for Human Rights (IRDO)** was established as an independent body with legal status. Its main purpose was to increase the general knowledge of what was meant by human rights, and, through non-governmental organisations, educate the general public, especially youth, about human rights issues, and how they are dealt with in other countries.

So far results appear to be good, despite the fact that the legislative framework in this field still requires fine tuning. Some institutions have experienced delays when attempting to ensure the protection of human rights. Such was the case of an institution called **Avocatul Poporului (the Ombudsman)** whose law for functioning and structuring was adopted only in 1997. The permanent status of magistrates was a subject of enquiry only in the latter part of 1995. The Public Notary Law, the Environmental Law, and the Advocate Law, etc. were all passed relatively late.

Even now some of the existing laws do not give full satisfaction. The very fact that some need to be continually revised proves that from the outset there was no clear concept regarding the law's direction and objectives. From this point of view, it must be said that in this last period, we have witnessed changes in many laws that did not comply with the realities of Romanian society or with European trends in the same fields.

The difficulties that have arisen regarding social rights and protection for groups with special needs, demand a strengthening in the power of the law and in the control exercised by the civil society over the management of public institutions.

These are necessary changes if human rights are to be respected. The provision of an efficient economy is needed if support is to be given to social programmes fitted to the needs of this particular aspect of society.

### **Social partnership**

Provision for social dialogue is another way to consolidate a democracy and solve problems that a society is bound to face from time to time. This dialogue can be efficient only if the partners are independent, share mutual trust and respect, their interests are well defined, and they are willing to accept compromise.

The first unions were established during the rearrangement of staff within certain enterprises, when the old political union structures were abrogated. Through legislative provisions for unions (1991), recognition was given to their right to strike and attend joint negotiations. Lack of experience in the Trade Union Movement made the workers use the strike procedure quite frequently, including unauthorised strikes. Traffic was blocked and there were even a few acts of violence, both by union workers and law-keeping officers. The influence of politics proved to be of a great value to the unions. In the meantime, federations and confederations of unions have been established, exercising a significant influence on society in general.

Government dialogue with the unions was established as early as the winter of 1990, for the Government still had the status of public authority and was the representative of State-owned property. Through this dialogue, they often managed to solve conflicts at work, and in doing so it was possible to plan ahead for legislation in the work place, unemployment, and social security. They also touched upon such areas as salaries, indexation, and the standard of living. The fact that the unions remain unsatisfied with the efficiency of social dialogue is very relevant. Often they do not think through what they are agreeing upon in consultation. While the Owners' Association was developing, there seemed a need to extend the social partnership, and in the year 1997 it was adopted as law by the Economic and Social Council, a body which had not yet been recognised as such.

### **The dramatic increase of the number of independent media**

One of the most accelerated changes has been that of the media, and it started in the first days after the Revolution.

It was the journalists who first shook off the shackles of strict control and assumed the status of independence. New editorial staffs were quickly formed, and the title and content of existing publications modified. Eventually privatisation of the larger publications took place, and new newspapers appeared on the market, as well as new television channels, radio stations, and private press agencies. In this way a competitive media-market was quickly created. The public sector runs the national television companies, national radio and the National Press Agency (Rompres).

At the end of 1997 there were 59 private television stations and 140 private radio stations. The private tele-vision stations are continuously extending their coverage. Over 1/3 of households are connected to cable television, and about 10 % have their own satellite dish, which allows them access to over 20 foreign television channels.

Mass-media has a significant control over the way power is exercised by the State. Its service has improved significantly. At the same time, one must note the position of the authorities, for before and after the election of 1996, public television channels were under their control. Romanian Television is still being managed by an acting director appointed by the government.

On the other hand, there have been some attempts to introduce special sanctions for press crimes, which have placed journalists in a vulnerable position. This is due to the ambiguous wording of the requirements regarding defamation of character by the press.

Within each section of the media there may be journalists who find it hard to be objective and therefore tend to adopt a strong political partisan approach, and one cannot ignore the occasional over-excessive statements sent out by private and public television stations.

The belief that there should be respect for a set of criteria regarding moral and professional values, is making its way into the consciences of Romanian journalists. The Ethical Code of journalists adopted in March 1998 by the Romanian Press Club is also dedicated to this purpose.

### Values of economic and political democracy

The fact that the virtues and social conditions brought about by democracy and the market economy now have their own independence, may mean that their general value will only have a reflex acceptance by the public. That is why a number of researchers set out to establish the degree to which the public perceive some of the values of democracy in practice, – free speech and free enterprise, equality in the face of the law, political equality, economic equality, and the role of chance.

Table 2

Values of economic and political democracy (%)

|   | Strongly Agree | Agree | Neither Nor | Against | Strongly Against | Don't Know |
|---|----------------|-------|-------------|---------|------------------|------------|
| Anyone, through his vote, may influence the election of the country's leaders | 26             | 48    | 11          | 8       | 1                | 7          |
| There is freedom to create social organisations, political or other           | 17             | 55    | 11          | 3       | 1                | 15         |
| All people are equal in the eyes of the law                                   | 20             | 30    | 17          | 20      | 8                | 5          |



|  |    |    |    |    |    |    |
|--|----|----|----|----|----|----|
| It is possible for each ethnic or minority group to live in accordance with their own traditions and customs | 19 | 50 | 14 | 4  | 1  | 12 |
| You can only get rich by working hard  | 9  | 21 | 19 | 30 | 17 | 4  |
| Income is highly dependent on training and skills  | 10 | 32 | 21 | 22 | 9  | 7  |
| Differences in income are too great  | 24 | 43 | 12 | 10 | 2  | 9  |
| A lot of people are making more money than they deserve  | 29 | 43 | 10 | 9  | 3  | 7  |
| Bribes and connections are important to succeed  | 30 | 37 | 10 | 13 | 4  | 6  |
| Private enterprise is the best way to solve the economical problems of the country                           | 13 | 31 | 23 | 8  | 3  | 22 |
| Privatisation gives the average person an equal chance to succeed  | 6  | 23 | 29 | 19 | 6  | 17 |
| Privatisation provides chances only for the rich   | 9  | 29 | 25 | 19 | 5  | 13 |

Source: Barometer – Youth 1997 (main sample of the population aged between 15-29), CSCPT, coordinator dr. Ana Bălaşa.

From the above data, the following may be concluded:

- Over half the people interviewed thought it possible that in Romania you could achieve: political equality, the liberty to create social organisations, political, economical, or other, equality in the eyes of the law, and the possibility for each ethnic or minority group to live in accordance with their own traditions or customs.
- The democratic values which are contested in Romanian society are focused more on economic equality (excessive economic differences, settled illegal sources of income). youth mostly perceived the State as producing **economical inequality**.
- Regarding privatisation as valuable for the new economic and social system, unlike the other components, it remains less defined, holding an ambiguous status: a significant percentage of answers are of the type “I don’t know”, “I don’t agree, but I’m not against it either”, (over 40 %). Thus, 42 % of young people consider private enterprise as being the best way forward to solve the economical problems of the country (so accepting the principle of a market economy), while only 29 % consider that in Romania today, privatisation gives the average person an equal chance to succeed. At the same time, 38% consider privatisation only works for the rich. Privatisation, as a value option, seems to give more support to the negative results of some of its forms.

### Trust in institutions

Trust in institutions has been evaluated ever since the first surveys and social investigations that began after the revolution. This suggests the importance of this

indicator for the evaluation of the Romanian social and political scene, through which the democratisation of the country, including its stability or instability can be measured.

The results of such research in this field, beyond small differences of the hierarchic type, prove that only a few were responded to positively.

Based on an evaluation scale from very great trust to very little, the following classification may be listed:

- |               |                        |
|---------------|------------------------|
| 1. Church     | 8. Justice             |
| 2. Army       | 9. Unions              |
| 3. School     | 10. Government         |
| 4. Media      | 11. Government Parties |
| 5. Presidency | 12. Parliament         |
| 6. S.R.I.     | 13. Opposition Parties |
| 7. Police     |                        |

The first 6 institutions are placed on the positive side of the scale (the average values exceeding the theoretical average without reaching the "great trust" level) and the next 7 institutions are placed on the negative side of the scale, but not below the "little trust" level.

Table 3

Trust in institutions (%)

|                                     | Very great | Great | Reasonable amount | Little | Very Little | I cannot say |
|-------------------------------------|------------|-------|-------------------|--------|-------------|--------------|
| Presidency                          | 9          | 21    | 36                | 13     | 10          | 11           |
| Parliament                          | 3          | 11    | 37                | 22     | 15          | 13           |
| Government                          | 4          | 14    | 36                | 19     | 14          | 13           |
| Justice                             | 6          | 18    | 35                | 18     | 13          | 11           |
| Army                                | 12         | 39    | 30                | 7      | 3           | 10           |
| Police                              | 6          | 20    | 35                | 20     | 12          | 8            |
| Romanian Intelligence Service (SRI) | 6          | 17    | 28                | 13     | 7           | 29           |
| Unions                              | 3          | 12    | 30                | 16     | 11          | 29           |
| Schools                             | 11         | 36    | 34                | 7      | 3           | 10           |
| The Church                          | 21         | 38    | 24                | 7      | 3           | 7            |
| Governmental Coalition Parties      | 2          | 12    | 31                | 15     | 12          | 28           |
| Opposition Parties                  | 2          | 5     | 21                | 22     | 22          | 29           |
| Mass-media (newspapers, radio, TV)  | 12         | 30    | 37                | 7      | 5           | 8            |

Source: Barometer – Youth 1997, CSCPT. co-ordinator Dr. Ana Bălașa.

From all the institutions that came about after the elections, which was the time the survey was completed, only the presidency enjoyed a higher rate of trust, while the Government and Parliament were vastly contested. As to the Government, this

fact is more easily explained for there is always the possibility of a reshuffle or another election, but when considering their attitude to Parliament, the constant negative evaluation by voters and especially by younger voters, reveals an unwillingness to risk a compromise within an institution essential to a democracy.

Two elements that should be noted are: a) the placing of the media in fourth position, immediately after the church, army and school and b) the actual opposition parties placed last. The latter suggests that in the eyes of youth, they cannot possibly represent an alternative to government, which itself does not invite much trust. This leads to the absence of an already formed conviction in the event of a new election.

Huge efforts are needed on many fronts in order to improve or change this situation. If you correlate the mistrust of institutions with the disappointment in the political life of the country, which has been overwhelmingly expressed by the population, together with the insignificant political activity, it may be affirmed that huge efforts are needed on many fronts in order to improve or change this situation.

In the post-dictatorship period, a complex and difficult process took place in order to constitute the institutions of a lawful state, which allowed for the consolidation of democracy, and the strengthening of control by the civil society over the exercise of power. The functioning of the newly created institutions very powerfully guarantees respect for the rights and basic freedoms of the human being. However there is still not enough action when it comes down to stopping the violation of some of these rights. Their importance is being minimised, and very often the hopelessness of solving such cases is strongly felt.

Meanwhile, the State's emphasis has shifted from an economic administration towards the creation of an infrastructure adequate enough to make a market economy function. By maintaining the State as the main shareholder of companies not yet privatised, the State can still intervene directly in the economy by means of its role as proprietor. In this context, decisions are often insufficiently documented, and require frequent correction, which creates a state of confusion.

Little attention has been given to strengthening the status of an individual's economic independence of an individual, to maintaining a reasonable threshold for living standards, to the distribution of the social costs of the transition, to reducing the burden of income-tax, to protecting the environment, to help the consumer, or to improve buildings and thereby, living conditions.

#### **THE QUALITY OF SOCIAL RELATIONSHIPS – THE PREMISE OF BUILDING A CIVIL SOCIETY**

##### **Social change and relationships between individuals**

The profound changes that have taken place in Romanian society have also triggered changes within social relationships, individuals and groups. In a society like ours forever facing a series of crises, people no longer find safe havens – a

system of values and norms – to take on board, to follow, absorb, and use as a yardstick. Even the values and norms we now have are changing and often conflict with each other. The attitude of the individual in a society is usually an active one, and many find themselves blocked even by the rhythm of change, and are incapable facing up to it. Individuals are finding it harder to cope with stress, and subsequently alienation is becoming more frequent in the area of relationships.

On the one side, pluralism of options leads to contradictions, tensions and conflicts between various groups and human collectivities, while on the other, it is obvious that to realise economic reform and the continuation of democratic processes, social stability is essential. It is necessary to maintain a certain degree of **cohesion and social coherence** in order to straighten out and relaunch social and economic life, both for the benefit of society and the individual.

It was inevitable that the institutional void, present before 1989 should be perpetuated for some time after the instigation of the new authorities in 1990, because up to that time you could not consider the civil society of the dictatorship period an authentic intermediary between citizen and state. At present such conditions have disappeared, yet during the formation of the new types of associations which began to appear, the government did not focus on all segments of the population, but just on a relatively small number of people. The system was unstable and often failed to respond to the pressing needs, of “here and now”.

**The basic characteristics of social relationships are their atomisation and restriction to families and neighbourhoods, which are the only relationships still appreciated positively.**

Field research has shown that at society’s level, relationships between people are perceived predominantly in a negative manner and are considered sources of dissatisfaction (40% expressed this in 1997).

Economic inequality is perceived as a phenomenon of deep social injustice. There are large discrepancies between some categories of income and much inequality in the habits of consumption, access to goods and services needed to assure a decent live-style. This includes goods and services vital to human development. There are big differences between households, indicating that the concept of social class is still maintained. Social polarisation is now firmly installed, which, from the people’s point of view did not originate from hard work or chance.

In **the population’s view**, certain groups and social categories have been **favoured** by the changes that occurred after 1989, while during the later evolution, others remained **unfavoured**.

Table 4

An appreciation of the manner in which, after 1989, the changes in our country were favourable or not to various groups and social categories (%)

|          | Definitely favoured | A little favoured | Neither Nor | A little unfavoured | Definitely Unfavoured | Don't Know |
|----------|---------------------|-------------------|-------------|---------------------|-----------------------|------------|
| Workers  | 0.9                 | 5.1               | 10.6        | 43.3                | 29.8                  | 9.4        |
| Peasants | 2.2                 | 21.3              | 15.4        | 36.9                | 22.9                  | 6.8        |

|                              |      |       |      |      |      |      |
|------------------------------|------|-------|------|------|------|------|
| Intellectuals (not managers) | 1.6  | 13.1  | 23.7 | 27.9 | 11.7 | 20.6 |
| Businessmen                  | 25.1 | 46.5  | 6.7  | 5.3  | 1.6  | 13.7 |
| Directors and other managers | 35.7 | 37.4  | 7.0  | 2.6  | 1.0  | 15.4 |
| Politicians                  | 52.8 | 28.20 | 2.5  | 1.4  | 1.1  | 13.4 |

Source: Diagnosis for the quality of life, Research ICCV, 1997, coord. Prof. Dr. Ioan Mărginean.

**Conflictual Relationships** exist in some fields of social relationships (in the work place, in politics, between rich and poor, between generations, between people of different religions and nationalities. These have marked the individual and the life of the group, sometimes even having a significant impact on social stability, but they have not prevailed upon the **resources available for self-regulation** of the Romanian society, which so far, despite all the "accidents along the way", has managed to evade such catastrophic events.

Table 5

Appreciating the manner in which social conflicts present them selves in Romania (%)

|   | Very Much | Much | Little | Very Little | Not at all | NS,NR |
|---|-----------|------|--------|-------------|------------|-------|
| Between generations                                 | 10.5      | 35.1 | 33.2   | 9.4         | 8.5        | 3.4   |
| Between employees and managers                      | 17.8      | 46.6 | 19.9   | 4.1         | 3.4        | 8.1   |
| Between people of different political beliefs       | 28.1      | 45.1 | 12.9   | 3.2         | 3.5        | 7.2   |
| Between people of different religion                | 11.6      | 29.0 | 23.2   | 13.0        | 17.6       | 5.7   |
| Between Romanians and people of other nationalities | 8.9       | 28.7 | 31.0   | 11.7        | 14.2       | 5.4   |

Source: Research Diagnosis for the Quality of Life, 1997, co-ordinator Prof.Dr.Ioan Mărginean.

Political conflicts, dominant on the etiology of the conflicting state have been evaluated constantly in large proportions, even though their objective way of expressing themselves, i.e. in rallies, demonstrations, protests, etc. has diminished over the last few years. The manner in which political confrontations take place, including the most recent ones of the ruling coalition, has resulted in a wearing down of the populations' interest and trust in the matter of politics, and a dissatisfaction with political life.

With each year that passes, the public seems less concerned with the internal conflicts of the State. This could be a sincere reaction, but it could also suggest that the general population is accomodating itself to something it feels is an essential ingredient of democracy.

### Social Participation

If you take voting habits of citizens into consideration, the social participation at election time must have been deemed valuable (over 75%), with

institutionalised participation being relatively low. With regard to young people, their affiliation to political parties, unions, and non-governmental organisations was, for instance, only 11.2 % in 1997, and the next table shows the results of this political involvement:

Table 6

Political Involvement (%)

|   | No | Rarely | Often |
|---|----|--------|-------|
| National Sample Adults 1996                   | 94 | 4      | 2     |
| National Sample Young people 1996 (age 15-29) | 90 | 9      | 1     |
| National Sample Young people 1997 (age 15-29) | 89 | 10     | 1     |

Source: *Diagnosis for the Quality of Life. 1996*, co-ordinator Prof. Dr. Ioan Mărginean, ICCV. *Barometer – Youth 1996, 1997* realised by the CSCPT, co-ordinator Dr. Ana Bălașa.

The data from the sociological research also reveals a very low level of participation in social and political decision making, in a context where the population's attitude towards democracy is favourable. However, the percentage of those who declare their **dissatisfaction with the social and political life of the country** is very high (50%).

Yet we may amend these results because the answers focused on **direct participation** in the political decision making process, at local or national level, where the population is in fact **represented** by advisors and elected congressmen. But, whether or not the participation results in a social and political activism, there is still a large interest in politics, expressed through knowledge, belief, attitude, or by opinion on what is happening in society. Support for this can be seen by the relatively high audience ratings that TV political talk-shows attract; by the vast numbers of newspapers and magazines; and by the phone calls and letters that editors receive regarding these issues.

### Relationships between ethnic groups

The democratisation of Romanian society is the most optimistic way forward to providing a practical solution to ethnic problems. In a democratic country, differences are usually solved through dialogue and negotiation. It is hard to negotiate when there is no consensus on the criteria. This is what is happening in Romania where the State is an independent nation, unified and indivisible, yet multinational. It has to follow international standards in the right to identity, and the protection of minorities. At the same time it has to decide whether or not to allow such minorities self-determination with territorial autonomy based on ethnic criteria, with all the consequences that will no doubt arise. These are, in fact, the ethnic issues in our country, and the main source of tension particularly between Romanians and Hungarians.

The suspicions of the Romanian majority regarding the requests of the Hungarian minority to claim autonomy and self-government, are based upon

history. Relatively recently, in 1940, the Hungarians lost the North of Ardeal to the Romanians, and so every Romanian gives importance to this territorial issue. Also, their concerns are based upon the notorious fact that official Hungarian representatives, after 1990 reinstated their territorial claims in a manner considered to be dangerous even by some Hungarian-born analysts<sup>3</sup>. After 1993, even though there have been quality changes in Hungarian foreign and defence policy, they have never refuted the current belief that they wish to continue their territorial claims, even if discussed peacefully.

"In modern states, which have a social mobility, restricting a certain territory for the purpose of securing an ethnic group living on that territory clearly reduces the possibility of option and the chances that this group has to life, giving birth to other minorities inside the minority, leaving those members of the minority that are outside the marked territory defenceless, and leading to an increased suspicion of the majority."

*Schöpflin, György Hungary and its neighbours, in Korunk, No.7-8/1993, apud Cumpăna, No.2, 1995, p.259.*

As a matter of fact, during the negotiations of the treaty between the two countries<sup>4</sup>, with regard to the basic issues of borders and minorities, the initial positions on both sides were very far apart. Romania, wanted the treaty to establish the territorial status-quo and the political and juridical status of the Hungarian minority in accordance with valid Romanian laws. However, the Antal-Boros Government, wanted the treaty to be an instrument of **change** for the position and the juridical status held by the Hungarian minority within Romanian society and its State institutions. Moreover, the treaty was supposed to provide a link between the minority and the motherland, with specific agreement on the right to autonomy for the Hungarian minority. The election of Gyula Horn, in 1994, led to a clarification of the negotiations. The Foreign Affairs ministers, Romanian and Hungarian, came to an agreement over principles by establishing clauses regarding the inviolability of borders, and national minorities, all based on European and world-wide principles, being the norm in such cases. Romania launched the concept that "What is good for Europe regarding minorities is also good for România".

Romania's civil society, viewed as something that develops citizenship, – the real test of a state's rights and responsibilities – is still under the process of forming and structuring. It is still seeking its own identity by which it will anchor its objectives in the concrete reality of our country, including the issue of minorities. Despite this, real progress has been made in the involvement of the civil society, both in the monitorisation of minority rights and in the field of juridical and civic education. It is an incontestable fact, recognised quite recently by authorised international agencies, that Romanian society has moved forward

<sup>3</sup> Schöpflin, György, *Ungaria și vecinii ei*, în „Korunk”, No. 7-8/1993, apud Cumpăna, No. 2, Cluj, p. 241-261.

<sup>4</sup> Căiașu, Dumitru, *Un traité longtemps attendu...* „Revue d'Europe Centrale”, tome V, No.1/1997, p. 67-75.

positively regarding the fulfilment of requests for a cultural identity for all minorities. Such developments can now be continued, especially after the favourable conditions created by the signing of the treaty between Romania and Hungary, and also due to the fact that the Hungarian minority is now part of the ruling coalition.

### **National minority's situation after 1989**

#### ***National minority's rights***

Romania came in line with international regulations, through the implementation of a modern democratic regime and through having the option to integrate in European structures<sup>5</sup>.

International provisions regarding national minorities provide for:

- creating conditions for the State to promote and protect cultural identity;
- minorities' rights to have their own culture, to practice their own religion, and to use their own language, in private or in public;
- recognition of the important contribution national minorities have made to the cultural diversification and dynamics of European countries;
- the right to cultural contacts with other people, citizens of the same nationality, religion, language, including those from other countries;
- the right to establish cultural and political organisations;
- the right to participate effectively in cultural, religious, social and political life;
- the right to learn and be taught in their native language;
- the right to **certain conditions** (s.n.) such as using their native language during contacts with administrative authorities;
- the right to use the last and first name in the native language and the right to have this name recognised as such.

In all international documents regarding minorities, one can find together with assurance on the protection of rights of **persons belonging to national minorities inside a lawful state, a statement on the principle of respecting territorial integrity and a state's national sovereignty.**

The main provisions regarding ethnic and cultural identity, as well as the rights of national minorities in **Romania**, are stated in **the Constitution**:

- the unity of the people and the equality between citizens (art. 4);
- the right to identity, to the "keeping, developing and expressing ethnic, cultural, linguistic and religious identity" (art. 6);

<sup>5</sup> We are referring to: *Declaration on the rights of national minorities, ethnic, religious and linguistic*. New York, UN General Assembly, 1992. *The Document of the Copenhagen Reunion for the human dimension of C.S.C.E.*, 1990; *The Chart of Paris for a new Europe: The Human Dimension* (1990); Helsinki Decisions (1992); *Declaration from Vienna Annex II. National Minorities* (1993); *Recommendation 1201 of the Parliamentary Assembly of the European Council* (1993); *The Basic Agreement for the protection of national minorities*, signed in Romania on February 1, 1995.



- the measures for protection of the identity of national minorities and all other Romanian citizens, that must comply with the principles of equality and of non-discrimination in the report (art. 6);
- the recognition of the Universal Bill of Rights and other international documents regarding basic human rights; being the priority of international regulations (art. 20);
- the right of national minorities to learn their native language and the right to be taught using their native language (art. 32);
- the right to be represented in Parliament (art. 59);
- the right to use their native language in courts (art. 127).

Table 7

Population by nationalities in the 1992 census

| Nationality     | %     | Nationality         | %   |
|-----------------|-------|---------------------|-----|
| Romania         | 100.0 | Slovaks             | 0.1 |
| Romanians       | 89.5  | Bulgarians          | *   |
| Hungarians      | 7.1   | Jews                | *   |
| Rroma (Gypsies) | 1.8   | Croats              | *   |
| Germans         | 0.5   | Czechs              | *   |
| Ukrainians      | 0.3   | Polish              | *   |
| Russians        | 0.2   | Greek               | *   |
| Turks           | 0.1   | Armenians           | *   |
| Serbs           | 0.1   | Other Nationalities | *   |
| Tătari          | 0.1   | Undeclared          | *   |

\* Under 0.1%

Source: National Commission for Statistics (CNS), 1995.

### *Modalities for exercising the right to cultural and ethnic identity*

According to the census and statistical data of some cultural institutions, and from data obtained through sociological research, it may be affirmed that the right to cultural and linguistic identity is now being exercised.

In order to keep one's cultural and ethnic identity, it is essential to **preserve the language**. At the time of the last census (January 7, 1992) mother tongue coincided with the language of minorities declared for 97.9% of Hungarians, 40.9% of Gypsies, 78.9% of Germans, 92.0% of Ukrainians, 78.8% of ancient Orthodox Russians, 90.6% of Turks, 89.6% of Serbs<sup>6</sup>.

**Students** of Hungarian nationality declared that the language they speak with their families is 100% Hungarian, and it was the same during their childhood<sup>7</sup>.

So, for Hungarians whom we can include in the investigated samples (the number being great enough to allow statistical work), there is no danger of

<sup>6</sup> We are speaking of minorities exceeding 25,000 members. Source: *Romania's Statistical Bulletin*, Bucharest, C.N.S., 1993, p. 104.

<sup>7</sup> Research on a national sample of students made by the Centre for Studies and Research for Youth, realised in 1995. in 14 university centres. author dr. Ana Bălaşa.

linguistical assimilation, or in general, of biological assimilation because, as research and census data show, the predominant practice is **endogamy**, which is also characteristic of traditional societies that wish to preserve their cultural identity, almost unchanged.

**The preservation of cultural and folk traditions** are also essential if ethnic and cultural identities are to be preserved. A significant percentage of the total books and brochures issued by publishers of minorities language, newspapers, magazines and other periodicals present their **written culture**, while a percentage of **TV and Radio shows**, also give witness to the right of identity for national minorities<sup>8</sup>.

In Romania at the present time, many events take place in the language of national minorities: There are 10 drama theatres, 4 puppet theatres, 1 lyric theatre, 3 artistic organisations, and over 400 amateur bands. The national minorities also affirm their cultural identity through 21 museums and 21 memorial houses, as well as through numerous cultural and religious monuments<sup>9</sup>.

Transmission of cultural traditions is realised mainly through the **education system**. For instance, in the school year of 1992/1993, **pre-school education** was organised in the eight languages of the national minorities and in two languages of international circulation. **Elementary and secondary schools** were organised in six languages, **high schools** in five languages, **education for professions and that of trainees** in four languages, and **post-high school education and specialist education** in the three languages of the national minorities<sup>10</sup>. At university level, there are departments in the native languages of some minorities within **multicultural universities**. Through a change in the Education Law, announced by the new government, there are a number of increased facilities for education in the language of minorities. Some of these provisions are still under public debate, such as the one for separate state universities. In the opinion of Romanian Congressmen, such a separation on the basis of ethnic criteria would be counterproductive. They feel that Hungarian minority students, would not only limit their options and chances in life, but would create problems of relationship for this minority in general with the Romanian population and other minorities. Whereas now they are seen positively and without discrimination. There is no restriction on anyone who wishes to attend a private university.

Another way in which they are able to exercise their right of identity is the recognition by the State of their **religious freedom, the autonomy of their religious group and full acknowledgment of equality between them**. Believers from different nationalities (a religious minority is not necessarily an ethnic one) **have the possibility to exercise their belief** within their own group. Religious groups have at their disposal theological institutions of education at high school level, post high school and university, as well as other material facilities granted by the State.

<sup>8</sup> See *Romania's Statistical Bulletin*, Bucharest. CNS. 1993. p.312.319. 321.

<sup>9</sup> *The legislative and institutional framework for the national minorities of Romania*, Bucharest. the Romanian Institute for Human Rights. 1994. p.75-94.

<sup>10</sup> The same. p.14-52.

National minorities can defend their rights and become **involved in political and public life**. After the Revolution of December 1989, the largest part of Romania's minorities established their **own organisations**. The Constitution adopted in 1991 guarantees **the representation in Parliament of citizens' organisations belonging to national minorities** that receive the minimum number of votes to gain a seat.

Inside the current administration there is a **Department of Minorities** holding the status of a Ministry, run by a Secretary of State that belongs to the Hungarian national minority

### *National minorities as seen by the population*

Based on the practical research developed within the "Standard of Life" Research Institute and the "Youth Problems" Research Centre the focus has been on seeking opinions, perceptions, attitudes, orientations and behaviour of the population regarding national minorities and ethnic relationships.

With regard to **the rights of minorities for a cultural and ethnic identity**, the great majority of Romanians (and the percentage rises annually), accept and greatly support such principles. There is a very favourable climate of opinion for the **unrestricted exercising of the rights and liberties of national minorities**, as formulated in the Romanian Constitution and in international documents. This option has been expressed by both Hungarians and Romanians, so we are able to speak, on the one side about high hopes of preserving national identity, culture and group identities, and on the other, about tolerance for what is regarded as the "other's right" by the majority of the population. Such a positive starting point must be beneficial for future ethnic relationships. Students also give strong support to these principles, proving that the opinions, values and principles of future intellectuals, are already linked to a democratic view of life. They are not just forming such ideas they are also diversifying them. They do not only accept the concept of "differences" and "others", but they accept the government's guarantees that people will be able to express themselves freely, thus considerably diminishing a potential source of conflict.

A measure for the degree of support within the legal framework for ensuring cultural identity is the acceptance of the principle, referred to in all international documents, which ensures the protection of national minorities, that is – to **respect territorial integrity and the national sovereignty of states**. For example if out of a sample of students, this principle seems established fact for the Romanians, the Hungarians may not seem so sure.

Romanians and Hungarians have vastly divergent viewpoints on the degree to which national minorities effectively dismiss each other's rights. This situation which, according to the objective data is unique, could become an obstacle for communication and interaction both at individual and group level. It is also a potential **source of conflict**. Almost all Hungarian students consider that minorities should have more rights. Any interaction between individuals, groups, or

collectives, presumes an identical context for those involved. Yet, in certain aspects, Hungarians and Romanians appear to refer themselves to slightly different social situations. Even though their social environment is common to both, they do not think of it as the "others'" situation. It is not "shared" in the same way.

The way Romanians and Hungarians view one another denotes a **certain absence of each other's comprehensive values**. There is a way forward which both parties already agree on and which could irradicate this mutually felt negative perception. According to research data they should intensify social contacts, intercommunication, and be able to express opinion even when mutual feelings are less favourable. It is assessed that they have a better understanding of each other's problems and accept each other more frequently in those geographical areas where contacts are more intense.

Regarding the gypsies, the research concluded that their rejection is predominantly of a cultural nature, not an ethnic one, especially because of their way of life. Also, people's attitude to the gypsies must be judged in the more general context of deteriorating social relationships, which includes ethnic issues and their very serious social problems, but should not be interpreted in terms of ethnic problems, which would be contrary to the spirit of democracy

Analysis of inter-ethnic relationships emphasises the need for educational policies for young people – promoted both by institutions of the administration and by non-governmental organisations, focusing on the values of intercommunication and pluralism, of tolerance and fighting discriminations of all kinds.

### **Dimensions and evolutions of the non-governmental sector**

The period of dictatorship hindered the functioning of the civil society in Romania. Any form of association or organisation outside the state system and the party's structures, such as unions, youth organisations, children or women's groups, etc. were brought under its umbrella and politicised. In fact, they lacked any real independence. Immediately after 1989, a real "explosion of associations" took place, as an expression of the citizens' eagerness to be involved in public life. They wanted to influence political events and decisions, and also to represent and promote individual and group interests.

The **young** especially are still establishing numerous associations, and those who fought in the streets in December '89 are eager to defend those ideals. Moving forward with the impulse of their generation's solidarity, and with the desire to play a role in promoting social change, thousands of people began to join Youth organisations, and particularly student associations. Soon afterwards there followed civic and professional associations, unions, and groups involved in social service. Those who defended human rights, were, together with the press, the first to take part in the civil society during its establishment and structuring process. Through such action an authentic democracy is now appearing.

In the list presented by Robert Dahl, for what he called **the minimal procedural conditions guaranteeing the existence of the political modern democracy** the following condition is written: "Citizens have the right to establish associations or independent organisations, including political parties and groups of interests" (Robert Dahl, *Dilemmas of Pluralist Democracy*, New Haven, Yale University Press, 1982, p. 11).

"Volunteer associations are the foremost centres through which the function of mediation between individual and state is being realised. Through this means, the individual is able to relate efficiently and significantly to the political system" (Gabriel A. Almond, Sidney Verba, *Civic Culture*, Humanitas Publishing House, 1996, p. 262).

The Law - Decree no.8/31 of December 1989, besides the provisions regarding the juridical framework for the registering and functioning of political parties, also targets community associations, and a few months later, the 1924 Law no.21, was reinstated with regard to associations and foundations. In the first two years, the rate of non-governmental associations were registered as very high, while at the end of 1992, many NGOs were affiliated to foreign or international organisations. In the same period, an important number of foreign non-governmental organisations opened a branch in Romania.

The democratic practice of various newly established associations significantly contributed to **the initiation of new types of relationships between the State and society, between the State and the citizen**. The political, social and economic environment's evolution – the affirmation of multipartitism, of the market economy's principles, the promotion of human rights and liberties – are gradually starting to change the relationship between citizens and administration and even the role of the State in society is being discussed. All this has gone ahead much faster than was first envisaged thus enabling the civil society to make its voice heard in these issues.

The process of forming a civil society has received coherence and consistency as a result of the significant support granted by important international bodies: PNUD, U.E., U.S.A.I.D., U.N.I.C.E.F., O.S.C.E. and numerous western organisations in the areas of finance, logistics, advisory help, and the offer of programmes to help its formation. Through the development of such programmes launched by and with the support of these bodies, the civil society is gradually approaching a structuring of the non-governmental sector of Romania and a reconsideration of its role in the building of democracy. A process has begun to involve non-governmental organisations in the promotion of human rights, to reform public policies and legislative reform, to offer alternative models for social services and civic consultancy, to promote basic concepts expressing the new political, social and economic reality, and to produce and disseminate information in various fields.

American Donors financed in particular NGOs specialised in human rights, ethnic conflicts, civic education and ecological problems – oriented towards lobby and political activism, while European donors supported those NGOs<sup>11</sup> orientated towards Social Services.

<sup>11</sup> Thomas. Carothers. *Assessing Democracy Assistance: The case of Romania*, A Carnegie Endowment Book, Washington, 1996.

The Romanian non-governmental sector received its revenues mainly from the following sources: governmental foreign financing programmes (for example: Phare Programme for the Development of the Civil Society ) or non-governmental (ex: Soros Foundation for an Open Society ); donations and contributions made by members of the population (including dues paid by members); payments for services/gains from financial placements; sponsorships and donations made by commercial companies; subsidies and payments for services rendered by the public sector. During a workshop of non-governmental financing organisations (NGO Forum, 1997), it was said that 80% of funding used by the Romanian NGO sector comes from abroad.

Together with financial resources, foreign assistance programmes have had a decisive role to play in the institutional development of NGOs. It has been one of the few sources of revenue which allowed for salaries, equipment and buildings, as well as the shaping/planning of some modern programmes and practices of management.

Some negative secondary outcomes from western support, especially in the first stages of establishing the non-governmental sector, cannot be ignored: the thoughtless adoption of some civic and social priorities that did not relate to Romanian society, the impression of "transplant" given by some associations that seemed unrelated to the real needs of the community, resulting in lack of local adherence, and an incapacity to mobilise effectively human and financial resources. The deficit in openness and publicity through mass media, together with a lack of professionalism in some press comments, led to the suspicion of misuse of funds, resulting in a negative public image and noncredibility of the non-governmental sector.

It must also be stated that the political partisan attitudes (real or imaginary) of some civic organisations (seen as faithful to the opposition until the new administration came to power in 1996) financed by foreign bodies, created confusion, and brought about a situation which could have led to the general public developing a negative attitude to foreign financing<sup>12</sup>.

These facts must be taken into account as **there is still much need for foreign support** for the development of Romanian civil society, both from a financial point of view and with regard to the specialised assistance needed for the consolidation of current results, and the transfer stage to where activities will be grouped by profession.

The establishment and the consolidation of the civil society is vital for the further support of democratic processes and economic reform. That's why NGOs started to be a **subject of reflection, critical analysis and scientific research** both in the field of organisation itself and the field of research and of universities.

Since 1994 there has been established, annually, the **Forum of Romanian Non-governmental Organisations – The Development of civil society**, the first two being under the organisation of the International Foundation for Electoral Systems, the next two being under the organization of CENTRAS Foundation, the Romanian successor of IFES.

<sup>12</sup> *ONG Forum from Romania, Bucharest, 1996, p. 15-17*

• **Civil Society Development Foundation**, established in 1994, and which since 1995 has managed the Programme for Civil Society Development, financed by the European Union in the PHARE Programme, has a **research programme** assisted by specialised institutions regarding: the associative and philanthropic behaviour of Romanians, activities of sponsorship belonging to companies, population's opinions on the nonprofit sector's evolution, its priorities for development. It also co-ordinates the research activity in Romania for the second stage of the John Hopkins Comparative Project on the Non-profit Sector, which is also on-going in 19 other countries, with the main objective of analysing dimensions, goals, legal frameworks, efficiency and social impact of the non-profit sector.

• **Centre of Research for Problems of Youth** noted, in its two-year plan of research, the theme "Youth and the civil society", for which it focuses mostly upon the evaluation of the associative phenomena for youth, the impact and the social significance of the willingness to form associations.

• The civil society in general and NGOs in particular, are now approached in **Studies and articles** published in specialised magazines of the social and human fields, in volumes elaborated in research institutes and in the university environment, and published in various publishing houses.

• Some publishing houses have brought out translations of significant works in these areas.

Currently, non-governmental organisations are trying to address the needs not covered by state policies<sup>13</sup>, a consequence which seems part of the natural development of Romanian society. However, self-support for the non-governmental sector under actual economic conditions remains to be fulfilled. The total contribution by the population and NGOs members did not represent more than 12% of the sum total of revenues (in 1996). When it comes to material support, the population prefers to give priority to Churches or individuals<sup>14</sup>.

Currently, non-governmental organisations total approximately 23,000 legally registered organisations<sup>15</sup>. After 1990, the year of reference, the number of new NGOs dropped off steadily until 1993. Then a new rise was noted, the largest increase being in 1996 and 1997. In March 1998, the number of registered NGOs reached a total of 23,000.

Table 8

Activities performed in the non-governmental sector of Romania

| Fields of Activity                  | % of total NGOs |
|-------------------------------------|-----------------|
| 1. Culture/ Art/Sport/Entertainment | 24.3            |
| 2. Education and research           | 17.4            |
| 3. Social Services                  | 16.0            |
| 4. Health                           | 10.2            |
| 5. Human Rights                     | 7.3             |
| 6. Protection of the environment    | 6.2             |

<sup>13</sup> *ONG Forum from Romania*, Bucharest, June, 1997, p.45.

<sup>14</sup> Source: National survey *Romanians Associative and Philanthropic Behaviour*, realised in 1996 by the Centre for Urban and Regional Sociology (CURS S.A.), at the request of the Civil Society Development Foundation.

<sup>15</sup> Source: Ministry of Justice.

|  |     |
|--|-----|
| 7. Economic and social development                       | 5.0 |
| 8. Representation of professional and business interests | 4.4 |
| 9. International cooperation                             | 3.9 |
| 10. Religion   | 3.5 |
| 11. Philanthropy (Financing Foundations)                 | 1.8 |

Source: FDSC. Adopted ICNPO Classification, 1996.

The non-governmental sector of Romania presents a **relatively high rate of inactivity** meaning that an important number of organisations having an inconstant activity or their closure (legally or because they were unrecognised as such)<sup>16</sup>.

The development of the non-governmental sector presents important functional disparities and also those related to certain residential environments. At the beginning of the 90's, the Capital of the country and other large cities were the main outlets for the non-governmental sector. Even if the free association practices and the flow of resources were spread out more to include medium-sized and small towns or towards the rural sector, the Romanian phenomenon in relation to associations concentrates more than two thirds of the total of NGOs in the big cities, and county capital cities. The regions from the western part of the country (Transylvania, Crisana and Banat) as well as the municipality of Bucharest represent those areas with the highest score for **associative intensity** (number of associations established per 100,000 people). At the opposite end of the scale, the regions of the south (Muntenia and Oltenia) are grouped in an area of small and very small density, while Moldova has the closest to the average value of regional indicators.

The above mentioned inter or intra-regional disparities have the tendency to become a structural component of the non-governmental sector, while the judets that scored small scores during 1994 can still be found in the same areas of reduced associative intensity. It must be noted that, although in general, strong socially orientated **non-governmental organisations are instruments of action that are practically unknown in the heart of the judets with a lower rate of development.**

Those organisations that have especially contributed to the democratisation of the political process and to the monitoring of political activities of the government are the civic ones for the defence of human rights, and youth organisations.

Civic Organisations<sup>17</sup> are focusing their activity generally on the following lines: the monitorisation of the functioning of the political and administrative

<sup>16</sup> FDSC investigated, in October-November 1996, with the help of interviewers, 3.000 organisations from 19 municipalities judet capitals from all regions of the country and the municipality of Bucharest were discovered. It is considered that the average rate of dysfunction assessed during the investigation can be extrapolated for the entire sector due to the strong urban concentration of NGOs.

<sup>17</sup> Source: Dan, A. Petre, *Romanian Non-governmental Organisations* (preliminary version), NGO Forum's White Book, *Civil Society Development* Sinaia, 1994; Sorin, Antohi, *Romanian Non-governmental Civic Organisations*, additions by Dan Petrescu, *NGO Forum's White Book, Civil*



structures, the modification of the legislative framework regarding civil rights, the offer for specialised consultancy for the central and local administration, the relationship/communication between citizen and public authorities, the offer of information, the development of programmes for civic education for various groups, and local and national elections.

Organisations are promoting basic civic values and behaviour: participation to vote, supervision of elections, civic solidarity, responsibility of the elected towards the voters, respect for the law, mutual tolerance and respect between citizens. Its general objective being the development of democratisation at local or regional level through the stimulation of citizens activities, regardless of the object of action; the consolidation of the lawful state, the ensuring of the public institutions' openness, nurturing the democracy's values at the level of the individual and the institution, inter-cultural education, the strengthening of the relationships between ethnic groups, the prevention and solving of conflicts, the forming of local leaders and the training of young politicians. Examples of such organisations are: Pro-democracy, Liga Pro Europa, Civitas.

In 1997, the participants of the CIVIC workshop assessed that the largest part of civic and political rights is found in Romanian legislation provisions, its practice – even if still to be perfected – is already institutionalized in Romania. They felt that such rights were due to those living in a democratic state and listed them in an analysed text. The conclusion of these debates was that **“unlike economic provision, the transition process is closer to its final stage when you analyse civic and political liberties and rights”**.

| Civic NGOs Activity   |   |
|---|---|
| Strong Points:  | Weak Points   |
| <ul style="list-style-type: none"> <li>civic organisations address some essential needs of a democratic system</li> <li>ensure the conditions for information and education of citizens</li> <li>allow the involvement of a large number of people in adopting the public decision</li> <li>facilitates the dialogue between political structures</li> <li>promotes the values of democracy</li> <li>a large number of volunteers attracted to specific projects</li> </ul> | <ul style="list-style-type: none"> <li>lack of a clear separation from the political structures</li> <li>sliding towards subjective politics</li> <li>tendency to excessive criticism</li> <li>late appearance of results in current actions</li> <li>lack of desire for collaboration with other organisations</li> <li>tendency to use “imported” managerial methods</li> <li>tendency to spread nationally with no coverage in local resources;</li> </ul> |
| Opportunities:  | Dangers:  |
| <ul style="list-style-type: none"> <li>positive attitude from the press</li> <li>possibility for educating public authorities as well as citizens</li> </ul>  | <ul style="list-style-type: none"> <li>capture, either by opposition or by the administration</li> <li>negative perception in public's eye</li> </ul>   |

*Society Development*, Braşov, 1995. *Civil Society Development*; Mihai, Liseþchi, *Civic NGO Forum's White Book Civil Society Development*, Bucharest, 1996; Mihai, Liseþchi, *Civics and politics in NGO Forum Civil Society Development* Bucharest, 1997.

|  |                             |
|--|-----------------------------|
| <ul style="list-style-type: none"> <li>• accepting civic organisations as an interlocutor for public authorities and political parties;</li> </ul> | regarding foreign financing |
| <i>Mihai Lișețchi "Civics and politics" NGO Forum, 1997</i>  |                             |

The **beneficiaries** of civic education programmes, identified by the CIVIC workshop and the problems they face<sup>18</sup> are: **students** not yet having an institutional civic education at the necessary level, **teachers** not having the information necessary in that field, **women** showing a profound lack of activism and political involvement, **local administration**, where efficiency is dependent upon the capacity and experience of local politicians who are the ones to place existent or potential resources, (often revealing a lack of competence in exercising a public mandate to mobilise the people into solving their own local problems, and a lack of openness in the adoption and functioning of decisions), **members of the press** who do not always use civic journalism, **peasants** who, having the smallest impact on Romania's political life, do not have civic organisations in their environment, **the parties** – who prove "a difficult partner in the relationship with non-governmental organisations", **central public administration**, which, in the eyes of the taxpayer fails to manage public finances in a satisfactory manner, **congressmen** who are preoccupied with the problems of communicating with citizens, and their relationship with their electorate", and yet lack the "opportunities for training either themselves or their staff in these areas". **minorities** unaware of their full rights and responsibilities, **unions** requiring negotiating techniques, a coherent and active policy, systematically promoted to replace actions of a reactionary nature", and which can be an "important partner in the development of programmes on civic education by non-governmental organisations", **the local community**, passive to the issues it is facing, yet in need of acquiring an active civic behaviour, **the citizen**, who ideally should be a person "who knows the laws of his country, and actively and responsibly participates in community life, knows his rights and obligations, respects the values of democracy, has a critical and self-critical sense, and adopts a flexible and tolerant attitude".

Civic organisations should develop their activities and advertise them since "these are perceived as institutions acting against state institutions" or, at best, are regarded with a "certain skepticism, derived from ignorance and misunderstanding" leading to a feeble collaboration with authorities. It is also to be noted that the civic NGOs have a limited capacity for action. Their activities are focused on a limited geographical area, rarely on a national scale, and therefore they are not able to discuss with each other while developing programmes. They also have poor communication with the media, who need more information about what is happening in this field. The civic NGOs do not yet have the necessary experience and competence to make their programmes known.

<sup>18</sup> Mihai Lișețchi, *Civic and politic*. NGO Forum, *Civil Society Development*, Bucharest, 1997, p. 7-13.

**The Human Rights Defence League (LADO)**<sup>19</sup> since its establishment (January 1990) set its target to be a "pressure group" that would contribute to the eradication of abuse. It functioned as a mass organisation especially during election time, when it became involved on a large scale in election monitoring. It has a statute of observer from the Human Rights International Federation (FIDH) in Paris. It has foreign financing.

LADO's activity consists of **solving individual cases** notified through letters, memoirs, and hearings, regarding violations of human rights, **the development of the "Caravan" programme** whose purpose is to alert local authorities over the issue of Human Rights, to expedite cases that have appeared at local level; **publishing activity**: takes place with the High Commission for Refugees of the UN - Romanian branch, **The Programme regarding Refugees**, grants legal assistance to those seeking political asylum from the Romanian authorities, and distributes aid with the UN's support.

**The Association for the Defence of Human Rights in Romania – The Helsinki Committee (APADOR – CH)**<sup>20</sup> is targeting the Romanian authorities, especially the legislative Forum, judges, prosecutors and lawyers from the judicial system. The developed **Programmes** are focused on: **promoting human rights through legislation** – analyses of those drafted laws sent to Parliament containing interesting aspects on human rights, institutions and the functioning of a lawful state; **the relationship between individuals and the police** – focuses on theoretical aspects of current legislation, as well as on the practical ones, regarding police behaviour, investigates those cases brought to the attention; **the situation in penitentiaries**; **the situation of national minorities** of Romania; aspects in connection with the situation of **sexual minorities**; **the situation of refugees and petitioners for asylum**.

Relationship with public authorities consisting of collaboration with the Council for National Minorities, with the Military Prosecutor's Office from the General Prosecutor's Office, with the specialised committees of Parliament, with the General Directorate for Penitentiaries.

**Non-governmental organisations for human rights** were created immediately after the revolution, when the spotlight was on the affirmation and protection of political and civil rights. Apart from organisations whose main activity is to protect human rights by developing programmes regarding civil, politic and minorities rights, there are other organisations who perform civic activities and who are also developing programmes regarding human rights, especially in the field of education. No matter what the organisation, if their main object is to protect some social category, they are also in the business of protecting economic and social rights<sup>21</sup>.

### **Young People's Associations**

The data base of the Centre for Research on Young People's Problems, for the period of December 1989 – December 1993, showed 566 non-governmental organisations self-defined for the young. In 1994, there were 240 registrations and the number of young people recorded within these organisations was approximately

<sup>19</sup> Gabriel Andreescu, Renate Weber (co-ordinators), *White Book of the Non-governmental Organisations for the Human Rights in Romania*; In: NGOs Forum, "Civil Society Development", June 1996, p. 33.

<sup>20</sup> Established in December 1989 and registered as a legal body in April 1990.

<sup>21</sup> Renate Weber, Gabriel Andreescu, *Human Rights - White Book*, NGO Forum, Bucharest, June 1997, p. 18-20.

40,000, which means approximately 1% of Romania's young people. This means that the associative low was not maintained, but on the contrary, was followed by a strong "reflux" starting in 1993. The data base compiled in 1997 showed 256 registrations.

According to the Barometer of Opinions – "Young People, 1996", 4,7% of Romanian young (age 15-29) were members of an organisation. If we rely on the Barometer of Opinions – "Young People, 1997", drawn up by the same institute and according to which 11,2% of young people were part of an organisation, we may conclude that, starting from 1996, we are in the process of witnessing a new associative flow.

The lack of participation by Romania's young people in the life of associations, which if you look wider exceeds 50% in EU countries, results directly from the fact that political organisations, unions, and religious and sports organisations are less attractive to the young.

In general, this new associative flow can perhaps even be connected to the development of democracy in Romania, yet favourable factors, such as the following, must also be taken into consideration:

- Starting from 1997, financing in a decentralised regime no longer imposes restrictions on the proposed field of activity in projects for young people (80 % of the MTS's budget is allocated for young people) which have been proposed by non-governmental organisations for the young;
- Widening the field in the areas of information and consultancy, both through governmental agencies and non-governmental organisations of that field;
- The creation, especially since 1997, of some interface structures with the non-governmental organisations at the level of Presidency, Parliament, Government, and some Ministries, as well as at local and county level;
- The multiplication and development of non-governmental information structures, on consultancy and financing of activities and projects of young people's organisations, including those with international funding.

With regard to the content of the associations, an analysis, shown on three data bases and realised by the CSCPT (1994, 1995 and 1997), emphasises the priority of orientation for young people's associations as being towards culture and education.

In the rubric of these young people's organisations their main objectives include the development of cultural horizons, fighting unemployment, leisure activities, sport, tourism, environmental protection, and the promotion of humanism and a Christian morality. The dynamics of the creation and disappearance of such topics makes for a hierarchy based on frequency only, for they differ from one period to the next.

One of the most important trends in the non-governmental sector of the last few years has been the gradual shift of activities from civil rights or professional interests, (so typical of the earlier period), toward a model of activities coming from a wide category of social, educational and health services. Those who offer such services have mainly targeted groups from the younger age limit, (young people, children, students), social groups with a high potential for economic and social vulnerability (elderly, people in need, and the handicapped) and professional groups.

### **Relationships between public authorities and nongovernmental organisations**

The first step in the relationship between public authorities and the nongovernmental organisations of Romania is to do with regulations. The premise of adopting legislation in this field that will stimulate the establishment of associations, organisations and foundations was created by the Romanian Constitutions of 1991 (art. 37 paragraph 1).

In fact, the Law implementing the provisions of Article 37 of the Constitution is Law no. 21/1924 which explains the lacks of compliance with the actual legislative system. The law no longer corresponds to the actual needs of Romanian society, nor stimulates the development of further associations. The Government seems preoccupied with seeking to improve the legislative framework that involves a number of NGOs and new proposals are: a new law related to this field, a sponsorship law, and freedom of access to information, etc.

Between the objectives set out by the political forces of the current ruling coalition there is also the plan to optimise relationships with the civil society, especially through developing the partnership based on correct information and efficient cooperation. Measures taken by the administration in order to realise this objective resulted, in a first stage, in the creation of certain structures interfacing with the civil society, both at central and local levels. The process is not yet finalised, but it may be affirmed that, at least at central level, some results have been forthcoming:

- At Presidential level, there was the creation of the **Department for Relations with Non-Governmental Organisations**. This was established in December 1996. This fact mainly assumes a facilitatory role in communication with the NGOs and one of guide for those projects suspect of having a significant social impact on domestic or international financing institutions;

- At Governmental level, within the the Prime-Minister's cabinet, the **Office on Relationship between Government and NGOs**, was established with the following primary objectives: promoting public administration – NGOs partnership policy, supporting the associative sector as an spokesman for community development and the encouragement of the voluntary section; increasing public administration's capacity to collaborate with the associative sector.

- At Chamber of Deputies level, the **Office on Public Information and Relationships with the Civil Society** was established, with the primary objective of facilitating access to information of public interest whose content focuses on the current activity of the Chamber;

- At Ministry and other central public authority level, departments with the role of developing sectorial interfaces for the fields they administer in their relationship with the civil society were established. The Ministry of Youth and Sports, together with the specialised directorate for relationships with the NGOs, supervises all offices which assess needs for young people in the Capital and the judets, with the primary role of ensuring collaboration with the NGOs for Young People at local level.

The process for the establishment of these kind of structures also started at local level, especially in the Town halls. Of those organisations that managed to develop a **partnership relationship with central administration**, we must mention **The Save the Children Fund** which in 1991, together with the Ministry of Labour and Social Security and the Humanitarian Enterprise "Equilibre", came to an agreement whereby they managed to establish the Social Centre for Receiving Minors "Gavroche". This is a centre designated to recuperate and reintegrate minors aged between 5 and 14 years back with their families, institutions, schools and professions, minors that do not have custodial sentences, and still have their mental and physical integrity. Other examples of partnerships between central administration and the NGOs are the agreements made between the Ministry of Education and the Romanian Boy Scouts' Association, for the purpose of educating the younger generation. The Romanian Group for Defending Human Rights (GRADO), and the General Directorate for Penitentiaries collaborated for the purpose of defending human rights. One can now find examples of partnership where both central and local administrations have joined forces with a foundation. For example, the "Equal Opportunities for Women" Foundation (SEF) worked with the Labour and Social Security Directorate (DMPS), and the City of Iași Governor's Office with the County Council of Iași. Within these partnerships, the parties set as their target, the support of the elderly who live alone.

Unlike the central administration, **local administrations have used the current legislative framework** much more imaginatively. They realised a number of projects in partnership with non-governmental organisations. This is due to the small amounts allocated in the budget for the accomplishment of local council duties. This forced the local administration to form a partnership with non-governmental organisations. Other organisations focusing on such partnerships are those connected with social security, protection of the environment, housing for the needy, and protection for children. (especially orphans and street children).

Another component of relationships between public administration and the non-governmental sector refer to **non-governmental organisation influencing public policies**. This takes place either through **offering specialized consultancy** on a certain issue that authorities wish to solve, or through **the creation of coalitions** (temporary or permanent) for the development of **public campaigns** for a precisely determined purpose (such as lobby and advocacy campaigns). For example the Romanian Association of Humanitarian Rights (ARHU) and the Romanian Association for Defending Human Rights – Helsinki Committee (APADOR – CH) made a significant contribution to the completion of the Law regarding the statute of refugees in Romania. A successful lobby campaign was carried out in 1996 by the Pro-Democracy Association and was focused on article 106, paragraph 3 of the Local Election Law. This campaign's objectives were to lift the restrictions regarding the freedom of domestic observers to move from one polling place to another; and also regarding organisations authorised to license domestic observers. Another example of such a campaign is the one referring to the modification of the sponsorship law, that reunited the efforts of about 400 nongovernmental organisations.

The role of the NGOs is to address certain needs of the community and to offer chances for broader participation at the planning stage of public policies. In compliance with this, together with the partnership they have with the public authorities, they should represent themselves better as a counterpart of the state and private sector. They should especially represent an authentic framework for citizens' participation who wish to get more involved in defending human rights. They should also aid in providing services and facilities that are not yet in place in order to facilitate political and social integration, promote diversity, help reduce inter-ethnic tensions, ensure mobility of interests and help with society or their assembly's request for new coherent measures by which to influence public policy.