

## 2. Citizens' free access to information

Ana-Maria Dobre



According to Art. 31, Paragraph 1, Constitution of Romania, "a person's right of access to any information of public interest cannot be restricted".

At the same time, "The public authorities, according to their competence, shall be bound to provide for correct information of the citizens in public affairs and matters of personal interest". (Art. 31, Paragraph 2).

**Law 544/2001 regarding citizens' free access to information of public interest** defines the information of public interest as being "any information that concerns the activities or that results from the activities of a public authority or a public institution, regardless the support, the form or the way in which the information is rendered".

At the same time, it is necessary to highlight that *public authority or institution means any public authority or institution, as well as any autonomous authority which uses public financial resources and which deploys its activity on Romanian territory.*

Therefore, any Romanian citizen can ask any specialized information department, as well as any public relations department, belonging to one of the public authorities or institutions previously defined, for explanations regarding the information defined according to the Law as being of public interest. The petition for information can be formulated either in writing or verbally.

According to the Law, *the public authorities and institutions shall be bound to respond in writing to the petition for information of public*

*interest within 10 days or, if needed, within 30 days at the most since the registration of the petition, depending on the difficulty, the complexity, the volume of the documentary research works and the emergency of the petition. If the period of time necessary to identify and further transmit the requested information exceeds 10 days, the answer shall be notified to the petitioner within maximum 30 days, provided that the solicitor is notified about this in writing within 10 days. The refuse to communicate the requested information is motivated and communicated within 5 days since the reception of the petitions. As far as the verbally requested information is concerned, the civil servants shall be bound to specify the conditions and the forms under which the access to information is given (making reference to sources, bibliographies, sites, etc.) and can provide instantly for the requested information.*

The citizens must know that this right is nevertheless restricted if the requested information is related to the following fields of activity: national defence, public safety and order, all those fields regarding the deliberations of authorities (if they are considered as classified), the economic and political interests of Romania, the commercial or financial activities, if their advertising prejudices the principle of loyal competition, the fields regarding the personal data, the procedure throughout the criminal or disciplinary investigation, if the result of the investigation is jeopardized, if confidential sources are revealed or if a person's life, limb and health are jeopardized as a consequence of the investigation already conducted or in progress.

This right also concerns the information regarding the judiciary procedures, if their advertising prejudices the insurance of a fair process or of the legitimate interest of any of the parties involved in the trial, as well as the information whose publication prejudices the youth protection measures.

The citizens' right to information gives a transparency character to the governing act, highlighting at the same the citizens' involvement as far as the decision act is concerned.

In the same connection, **Law 52/2003** regarding the decisional transparency in public administration *establishes the applicable rules so as to ensure the decisional transparency within central and local public administration authorities, as well as within other public institutions which use public financial resources in their relations with the citizens and their legally established associations.*

According to the provisions of this Law, the concerned citizens (their legally established associations) are entitled to be informed beforehand, *ex officio*, on the problems of public interest which are to be debated by the central and local public administration authorities, as well as on the draft legislative acts. The Law also stipulates the citizens' (and their legally established associations') right to be consulted, on the initiative of the public authorities, in the process of elaboration of draft legislative acts.

The Law also regulates the procedures of elaboration of draft legislative acts. Thus, the public administration authority shall be bound to publish an announcement related to this action on its own site, to display it at its own main office, in a location accessible to the audience, and to transmit it to the central or local mass media, if needed. The public administration authority shall transmit the draft legislative acts to all the people who

lodged a petition to obtain this information.

The announcement related to the elaboration of a draft legislative act shall be made public within at least 30 days before its lodging within the public authorities in order to be analyzed, approved and adopted.

If the draft legislative act which is being elaborated has relevance to the business environment, it shall be transmitted by the initiator to the business associations and to other legally established associations, by specific fields of activity, within the deadlines stipulated by the Law.

It is necessary to highlight that the public authority shall be bound to delegate a person from within the institution to be responsible for the relation with the civil society, to receive the concerned people's propositions, suggestions and opinions regarding the proposed draft legislative act.

The concerned citizens have also the possibility to participate in the public debates which are being organized and which shall be held within the process of consulting the public society. The concerned public authority shall analyze all the recommendations related to the draft legislative act in question and shall publish the final version, the inserted observations included.

Taking into account that at present, in Romania, there is no law to regulate the lobby activities (*any activity deployed with a view to positively influence the activity of the legislative or the executive power from a state, having implication both at the level of the central or local public institutions and in the orientation of the decision adopting process* - definition given within the research report regarding the Lobby activities regulation, elaborated by the Legal Resources Centre with the support of the Organization for Economic

Cooperation and Development - OECD, on the Stability Pact Anticorruption Initiative - SPAI), the laws previously described represent the legal framework of the dialogue between the civil society and the state authorities. The citizens' active involvement becomes a sine-qua-non requirement for the transparency of the governing decisional process. At the same time, the citizens' access to the information previously presented also represents the proof of the functioning of the rule of law, condition which is essential both to Romania's accession to the European Union and to its integration in any of the European structures.

In the light of the previously mentioned information, the citizens must assume and be aware of this right, regardless the obstacles generated or not by the bureaucracy.

Thus, any person who believes that her rights stipulated by the present Law are being prejudiced, can lodge a complaint under the conditions of the **Law on administrative solicitor's office no. 554/2005**. We must mention that the complaint and the appeal are judged under the emergency procedure and that they are exempt from stamp duty.

At the same time, it is important to know that the action of the civil servant who, out of reasons which are against the Law, refuses to allow people's access to public meetings or prevents the concerned people from interfering with the process of elaboration of draft legislative acts of public interest, under the conditions stipulated by the Law, represents a disciplinary infringement and it is sanctioned according to the provisions of **Law no. 188/1999** regarding the Public Servants' Statute, as subsequently supplemented and

amended or, if needed, according to the labour legislation.

At the same time, the people who exercise a public function, regardless the way in which they were invested, within public authorities or public institutions, shall be bound to fulfil their duties resulting from the exercise of their functions, attributions or assigned tasks, strictly abiding by all laws and professional behaviour norms, and to ensure the protection and the achievement of citizens' rights and legitimate interests, without making use of their functions, attributions or assigned tasks, in order to appropriate money, assets or other undeserved benefits either for themselves or other people. (**Law no. 78 of May 8, 2000 for preventing, revealing and sanctioning the acts of corruption**, published in the *Official Gazette* no. 219 of May 18, 2000). In the light of the previously mentioned information, it is important to remember that *receiving or claiming money or other benefits or accepting promises, gifts, directly or indirectly, for oneself or for another person, committed by a person who has influence or who claims to have influence on a civil servant in order to determine him to commit or not an act which falls under his job attributions, is sentenced from 2 to 10 years of imprisonment*, according to Criminal Law, represents a case of traffic of influence and has nothing to do with citizens' constitutional right to interfere with the decision-making process.





### 3. Integration of South East European Media to EU Standards

Vasilica Tudora Farmatu

The role of mass media in transitional countries is extremely important. Without free media it is not possible to achieve democracy. The level of democracy can be exactly measured by media freedom in transitional countries. That's why international community is constantly and carefully monitoring media landscape and evaluating the level of freedom.

Media in transitional countries inherited the old communist meaning of media. It is the so called Soviet media model, when media should serve the ruling Communist Party and promote Party directives. Professional standards and media freedom are not as important as serving the Party. Journalists are seen as obedient members of the Party, having the main role in keeping the Party line, not reporting on reality and not investigating, not being a watchdog of democracy.

The new politicians in transitional countries are not any more publicly adopting the same communist relationship to media and journalists. They are promoting media freedom, but at the end of the day they prefer to have their own media and their own journalists, trying to manipulate public and present themselves as positive politicians.

International community is trying to encourage journalists and editors to respect professional standards, demanding high quality and ethical principles. At the same time, the process of globalization came to South East Europe. International global media companies became the most influential media owners in the region.

Public and media experts expected that they will bring not only investments, but also high profes-

sional standards. Unfortunately, most of global media companies were profit driven only, practicing worst kind of yellow journalism.

Media in transition are characterized as a hybrid between old, Soviet style media and Western style media based on profile making principles. Old inherited understanding of media as a servant of politicians is still present. Politicians are changing the methods, but having the same control over media. Main difference in that now is not any more only one Party, like in communism, but several. So, media are serving different political options. It is not visible in comments and opinions only, but also in news manipulation. Media consumers are confused and not informed about what is really happening in the country.

Media market in South East European countries is small due to the economical situation. SEE countries are facing with difficulties in economy. Salaries are small and insufficient for a decent living. All citizens are faced with limited incomes. Salaries distribution is simple: food and accommodation. The rest is not sufficient for consuming media or culture. Media companies are faced with poor buyers and small markets.

That's why media managers are turning their attention mostly to market success. They are not any more producing quality media, because their market results are poor, income is small and the company is losing money.

Market formula is very simple and it is known in the West as the 3S: sex, sport and scandals. British tabloids or commercial televisions are the pilot model. Journalists are not any more respecting ethical principles and professional standards. All scandals are published; most of them are invented in phantasm of journalists or editors.

Television is the most influential media all over the SEE countries. Television is much cheaper than purchasing newspapers. Television in SEE countries used to be owned by the government. Most of the governmentally owned TV is turning into public TV. At the same time, global TV companies founded new local commercial TV stations. Most of them are having the same approach and similar program as international commercial TV stations: news reduced to a few minutes, lots of music, soap operas and, of course, all kinds of Big Brother and similar shows. TV as a public service is not developed or it is the old fashioned state owned TV under the influence of the ruling party.

Newspapers turned into tabloids. Quality press does not exist any more. Group of media experts, researching the quality press in SEE, stated: "The problem of the quality press in Southeast Europe is determined by two key factors: first, the quality press is a media of high public significance, and second, it is an area that is definitely underdeveloped in the region".

Newspapers are fighting on news stands for each buyer. They are trying to attract buyer's attention by huge headlines and photos. Topics are related to the 3S formula. Tabloidization in SEE is understood as journalism where truth is not presented, facts are not important and it is not a shame to sell your pen to advertisers.

Thousands of private radio stations exist all over the region, from national level to small local radio stations having one person who is at the same time owner, editor and journalist. This small local radio stations are in some countries close to the local politicians. Local electronic media explosion is not bringing new, independent voices. It is an example of worst manipulation of media. Internet is the fast developing media, but mostly in urban parts of SEE countries. Rural parts are far away of consuming the new media. It will take time and higher economical standards to enable Internet to become an influential media.

New local media investors are present: local businessmen who became tycoons after suspi-

cious business operations and now they would like to have their own media for image making purposes. Media are also important in local politics. Tycoons are being more influential if they own media and can support some politicians. New power is visible in SEE countries: local politicians are well connected to tycoons. Tycoons are financing political campaigns, supporting politicians using their media. Politicians are enabling tycoons to undertake new business operations not respecting usual legal procedure. Very often one can observe in local SEE media manipulation in favour of local politicians.

Media in SEE are also a good money laundering operation. Nobody is controlling circulation or advertising income of media companies. It is hard to understand how newspapers are surviving having small selling circulation. Or, how can operate local radio or TV station without sufficient ads. But, if they are owned by local tycoons, it is possible. Tycoons are media donors and they are not supporting media because of public interest. Tycoons are building their empire using media as public support.

Local politicians are connected to tycoons. But, they are still not strong enough to control the media by themselves. However, media manipulation is present and visible. They are using new manipulation techniques, which are not transparent. Methods of control are: legislation, ownership, hidden advertising and journalists on payroll.

A more sensitive method is hidden advertising. Media managers are selling their pages or air to advertising companies. Legally, it is not possible, but it is excellent income to media companies. Of course, media companies became dependent on advertisers and their influence to the editorial policy is soon visible.

An old method of control is known from communism. One who controls editors is controlling media. Editors and eminent journalists are often members of a party, chosen by headquarters. It is obvious that they will fulfil the party's policy in editing. But, very often, editors and journalists

are on hidden payroll of the parties. In that case public does not know how the "independent" editor is, practically, in the party's service.

Globalization of media business in SEE made a significant difference. New investors, big international corporations, brought a new understanding of media. Everything is market oriented. Only market results are important. No editorial policy is good if it is not profit making. Market value is what matters, nothing else. Journalists' task is to find sensational news as much as possible. Ethical principles are forgotten. Journalists are forced to intrude privacy, not respect any human rights, no children rights... Editors are forcing journalists to break every rule if it will help them to investigate scandalous stories.

It is all done under the management of well known international media corporations. Such professional standards were not applied earlier, especially not in communism. Media consumer cannot recognize anymore what is truth and what is lie. Very often newspapers are reporting on same event from two diametrically different angles, depending on the political standpoints the company has.

International media corporations became important media owners in SEE countries. Local media markets within these countries introduced a special kind of problems. These markets suffer the most serious consequences of media concentration and of the interplay of economic, political and media power concentrated in the hands of a single owner. Local media markets are particularly sensitive to various kinds of external pressures. Owing to the limited advertising potential and dependence on advertising income, it is journalists working for local media who are particularly exposed to strong pressure.

Globalization is a world trend and it is almost impossible to stop it. It is natural that SEE countries are also exposed to the process of globalization. Nevertheless, SEE countries should find the way how to avoid negative effects of globalization. For them, it is much harder campaigning to become EU countries, because of non-con-

solidated democracy. In EU countries civil society and public are capable to ensure independent media voices and media pluralism. In SEE countries civil society does almost not exist, role of the public is weak and media tycoons connected to the politicians are untouchable.

Journalists, media experts, NGO representatives and civil society representatives in SEE countries are disappointed by double standards imposed by the international community.

When communism fell apart and when SEE countries started their fight for independence, international community tried to help them. This help was most welcomed, especially in the media field. In the sensitive period of transition, when in many of SEE countries media freedom was almost not existing, international community was the only help and important supporter of independent media and journalists. In some countries international assistance to independent media resulted in media freedom and democracy. High professional standards, especially ethical principles, were introduced to the SEE journalists. It was not an easy transformation, but after 15 years it is visible.

SEE media environment was in the beginning under the control of local owners. Nobody was surprised by their understanding of media control. Local journalists managed to change the role of the media. When this process started and when it was expected to successfully end, global media companies arrived.

Journalists were happy having in mind all good and positive assistance which came earlier from international community. But, media freedom is media freedom and business is business. Journalists were negatively surprised when they realized that they got fewer rights, less freedom and many of them were fired by new owners.

Double standard was unpleasantly visible: journalists were forced to practice sensationalism, tabloidization and infotainment as keys of success and they had fewer rights, no legal contracts and no education.

Education is, maybe, a good example of global media companies approach to SEE journalism. Education is a key issue and many of journalists in the region are not properly trained. But, double morality of the international community regarding to media in transition has a negative impact.

International community is pulling out of the region, saying that there is not need to be present when media landscape is stabilized by presence of global media companies. Donors fatigue is visible, funds are smaller and smaller, independent media subject are getting less assistance and it is not yet possible to become self-sustainable.

Tabloids and infotainment are making a lot of money, but are not developing quality media or respecting professional standards. Results are negative and, in some countries, there is less pluralism than during the autocratic government before.

There is one possible solution, also suggested by international community: force global companies to respect journalists, professional standards, ethics and all other attributes of journalism. Unfortunately, local politicians are already well connected to global companies creating a new force and neglecting media standards. Development of SEE media and pluralism are very much dependant on solving of this double morality and double standards.



## 4. Constitution and Evolution of the Mass-Media System in Romania. The New Web-based Media

Camelia Julia

The web-based media is kind of new for Romania, but growing really fast. As the Internet came into use in 1995 in our country for the large population, Romanians got hungry about information and the need of having it right away occurred at once. They started reading foreign newspapers on the internet. Soon, Romanian editors realized that not having their newspaper on the internet will be bad for business in very few years. So now, most Romanian newspapers have an online edition, where one can read the same articles from the printed edition. Even local newspapers have websites. But, at a more careful look, we see that many websites are poorly designed and maintained and do not take advantage of the

possibilities for interactive content and frequent updates offered by the net. The media content is pasted on to the website as fast as possible with little regard for appearance and usability.

**Still limited access to the Internet for Romanians**

The real web media came into being around the year 2000. Although just about 15-20% of Romanians have access to the internet, the online "everything" is developing rapidly. The "heavy users", those who surf the net at least once a week, are less than those 20% who have access; and only about 10% have direct access from their homes. The others surf from the office, school, internet cafes or friends. In the last couple of years, though, the cable connec-

tions grew amazingly and the intranet networks, that offer internet for various types of subscriptions, are getting bigger and bigger. TV cable operators have upgraded their infrastructure and they offer now cable internet access at reasonable prices. And the wireless companies started to do business also, along with the people or companies who need to get rid of the cables and eliminate the possibility of network failures.

### The online edition is mostly a copy-paste of the newspaper

Media companies realized that through the internet they can reach an important number of readers. And that the online advertising is becoming a very important source of money. The most important newspapers in Romania are taking good care of their websites now and there is a lot of publicity going on there that does not appear in the printed edition. Even the content can be different, as some stories, last hour news or very short features are only found on the website. This type of web media can be found at the some of the most well known newspapers in Romania, such as Evenimentul Zilei and Cotidianul. Sports newspapers and magazines understood even more rapidly the advantages of being on the net and they have special online editions, such as Prosport.com or Gazeta Sporturilor Online. But in the last couple of years, special media sites appeared, such as Hotnews.ro or Ziare.com - they give the link, and part of the story, or they summarize, basically, articles, from all the newspapers, radio and TV stations, that are relevant, important, interesting or really "hot stuff". They also take into consideration the regional media and offer links to those articles in the local newspapers that seem interesting. And in the last year, for instance, Hotnews.ro developed their own desk, so we can definitely talk about media on the net, because their crew writes articles and does analysis or conducts interviews.

### Brave project revealing the owners of the media

Along with Hotnews, there can be mentioned Anchete.ro, a special media site dedicated to investigations that are not necessarily published in a newspaper (in fact, it is opened to the public, if anyone has something to say about an act of corruption or bad use of public money ... or things that do not work properly in various areas). This site also leaves the possibility, for journalists who have conflicts with their editors because of the political or economical involvement of a story, to publish their investigation on the net. A very new section of web-based media occurred just a month ago: a site where anyone can find out who are the owners of national, regional or local media - mediaindex.ro. The project was carried out by the Romanian Centre for Independent Journalism, with the financial help (a grant that covered part of the project) of the US Embassy in Bucharest. You can find on this site more than 600 media organizations from all over Romania. Knowing who the owners of a media institution are was a real problem for Romania till a short while ago. This is why the Mediaindex project is not only courageous, but very necessary.

### Euractiv.ro does a great job

There are other portals on the internet that kind of offer access to a sort of web-based media: Kappa.ro, Romania Online, Bumerang, Apropos.ro and many more. Most of them give information about various things they are not specialized media institutions. But, step by step, online journalism, although far from how it's done in some Western European countries and in the US, is growing in Romania. There is just one more type of web media that should be mentioned: Euractiv.ro. It is the Romanian version of Euractiv.com, from Brussels and it does a wonderful job. Information is very quick, easy to read, clear and objective. Actually, we can talk

about having the internet media since the moment editors, investors started hiring, with money, journalists and IT specialists to work for a media site.

### Debates about a media law

The most significant development in the past couple of years in the Romanian media has been the increasing tendency of political and economic circles to exert control upon the media in order to ensure political influence and popularity amongst the electorate. Mostly the local and regional media face such problems, as attempts to influence central media are more subtle. Independent observers such as the Centre for Independent Journalism and interna-

tional organisations such as Freedom House and the EU have drawn attention to the fact that government advertising can and is used to prevent media criticism. Since 1990 there has been an ongoing debate over the possibility of adopting a media law in Romania. Up to now, the Parliament has not backed one, although there have been several projects. The journalists themselves are most opposed to such a law, arguing that it would only limit freedom of the press and the public's right to information. The right to information is recognised by the Romanian Constitution and (since the end of 2001) by the Law on Access to Public Information, which obliges government institutions to announce any information of public interest.



## 5. The Importance of the Roma Issue for Romania's European Integration

Marius Lakatos

The Roma people of Romania officially account for a number of 535,250 individuals, which means 2.5 % of the total population. However, that number does not reflect the real situation, as estimations of the number of Roma living in Romania are well beyond 2-2.5 million people. This occurs mainly because of the discrimination and repression (during World War II) of the Roma by the majority population and to their fear they will have only to lose if they declare their real ethnic origin. Even though they had been freed from slavery in 1855, their statute remained inferior to the majority population until the middle of the 20th century and, unofficially, even after that.

The social situation of the Roma people in Romania is very dramatic. The poverty rate among them is 79%, compared to 31% at the level of the entire population, 44% of men and 59% of women are illiterate, 5% of them do not

have birth certificates and 4% do not possess any identity documents. That is why they need, more than any other group in the country to be helped by the government and by international institutions.

At the level of the Romanian society, the actuality and importance of the Roma minority is first mentioned in the monitoring report of the Commission of the European Union from May 2006, which provides the necessity of improving the administrative capacity of institutions representing the Roma minority. The report stipulates the fact that, on the whole, there has been limited progress in the field of protection and integration of the Roma minority. Taking into account the fact that the field protection and integration of minorities is one of the objectives of Romania's accession to the European Union, the importance given to this purpose is ever more visible.

The Romanian Government has adopted the

Governmental Decision nr. 515/2006 concerning the modification and completion of the Governmental Decision nr. 430/2001, with a general measures plan for the interval 2006-2008, a plan which is a component part of the present decision. On the basis of this normative provision, among others, it is illustrated the importance of European financed programmes for Roma, as direct beneficiaries for the local public administration through their eligibility to

initiate and manage projects as well as for NGOs, in their quest for establishing an emphasized relationship with the local public administration, in view of facilitating signing of long run equitable partnership. The importance of the field Roma minority for the European Union is then highlighted by the European funds allocated in this context.



## 6. Romania's Role in the European Union

Sorin Oraşteanu

**R**omania is geographically located in Europe. But, unfortunately, history made difficult the Romanians' dream to be part of the European system and share its values. Although the start of the 20th century was the first step for the country to become a member of the European family, the 40 years of communism destroyed all the aspirations and hopes of the over 20 million Romanians. Even if not realized by the majority of them, the 40 years of dictatorial command transformed most of them, modeled their style of life, their mentality and, very important, their expectations.

### Europe

**1951** was the year when European countries realized that it's better running together than as individuals. The team set very strong principles so that everything to work fine. The spirit of Europe was born and was growing quickly, becoming a strong entity which meant evolution and success for millions of people

In 1989 Romania found itself in the position of change, that historians will most likely mention a

lot. A high percentage of the Romanians, enthralled by Europe, considered themselves Europeans but had no idea of what Europe is.

Nobody realized that their attitude was far away from being close to the ideology of Europe. The country, by no choice, continued to be ruled by people with same visions of communism. It was impossible to change millions of people over night. In 1989 a small boy asked his mother "Will we be able to buy salami now?". No answer. Prosperity was far away. Enclosing the European dream, the country continued with small steps on its way to Europe. It might be difficult to find out why other countries, that had the same rank during the communist years, managed better. We woke up later and discovered that the dream was hard to accomplish.

### Europe again

**T**he helping hand was Europe, who was conscious that Romania had the right to be part of the team. They realized that our country can play a role in the team and the advantages would be important for both sides. Europe started to invest in changing Romania and try to change its people. Not an easy task to do. The

new generations started to become Europeans but the old ones changed little. Unfortunately 2005 does not illustrate a total change, and we will see whether we will be able to participate there, where our ideal is.

### Introducing the Romanian culture and values in Europe?

A market of 20 million people? A well qualified and low paid labor force? A tourism destination? The new El Dorado of the continent? These are questions that many important figures of the Romanian civil society asked during the years. Which is the right question and which is the right answer? Unfortunately most of Romanians don't ask the question. However they can get the answer everywhere. The answer is simple: a new start and a new role. It is the role of being part of the united team. The role of respecting the rules. The role of joining universal principles and values. The role to live in a democratic society. The role to be tolerant. The role to become European citizens.

Do we assume the role? Most of us never asked ourselves whether we are able to say "Yes". We are Europeans not only from the geographical point of view. We can respect values and act fairly. But floating in different parts of Romania we will see that few are the ones to be able to play the role. People are demanding but not offering, people try to do as much out of law than try to respect it, people don't understand regulation. Neither a political party nor a European institution will be able to do the low-level change soon. Romania finished negotiations for the European Union, tried to implement the European aquis, but what good if the ones to know about and respect them are very few. The Romanian economy is far away from being competitive and one of the most important facts is that Romanians could not change their vision; we could not understand that work is the base of prosperity. A good standard of life is not obtained by the help of others. We must help ourselves.

The European Union recognized many improvements in Romania but not always the improvements corresponded to the reality. We were not always able to do our homework in time and apply the lessons we received. Not many people know what the *aquis* is and why should it be respected. Many consider we must be Europeans but do nothing for it. That can't be done. We must not be knocking a door without exactly knowing what we will find inside, and must be prepared to enter there. We must know from the beginning what we could discover inside or it will be tricky to live there. We will get equal rights to the other countries in the union and have to play the same game. It won't be possible to establish new rules but try to manage and improve the existing ones.

Our role should be an active and reasonable one. If we won't realize that our mission is to be an active member not an outsider, many years will pass and, though playing in Europe, we will continue to be the poor relatives to it. Our mission is to advance to that expertise level of being able to invoice our name and become as important members as Germany or France are at present. In all sectors of activity: political, economic, NGOs, etc.... We must prove our capabilities and try to turn the mentalities to the future and definitely forgive the past. It's our only chance that Romania's name should be mentioned with pride over the years.

Romania's economy proved to be inefficient. It was in need of massive investments both in equipments and know-how. Again the communist era made us believe we are almighty and very capable. Wrong. We should have better let others praise us. The European system means a market economy too. The market means selling and buying. Unless we will be able to produce in order to sell we will become simple shoppers. The working population represents only 4 million people out of 20 million inhabitants. One in five is officially working in our country. What do the others? Buying can't be done without selling. Our role in the European market will be so reduced that we will find ourselves simple observers in the united market of

Europe, unless we will be able to understand that, without playing our own role on the market, it will mean continuous shortage. Europe was ready to help and massively invest but dishonesty and deceit brought part of the European money in unknown pockets instead of helping the country rise.

The reality shows about 10% of the Romanians are working in European countries. They are giving a helping hand to their families but, as long as they won't be able to do changes for our society when they will return, if they will ever return... They first of all will not return back to poverty. Why should one give its life opportunity for returning to an unhealthy system? So, they will become Europeans, forget their country, as they will see there is no way of return. The ones here must assume the role of construction and not of the perpetual deconstruction that happened over the years.

The political system is mainly composed by the same old vision people. Most of the political parties are still ignoring their voters and look forward only for their interest. In the future we will have to send our own people to represent the country in the European institutions. They must be active figures in the European political life and be the ambassadors of our country and represent its interests. We will send them there but, unfortunately, if they didn't manage to represent their local electors in the positions they occupied, it will be more difficult to show their interest in front of the other players of the European team.

Romania's education was always considered emeritus and providing high skill professionals. Nobody is, or was, aware that an education system must not only provide elites but an average of skills. It's not only for 1% of the country's peo-

ple to be part of Europe but for 100% of it. Reforms were hardly implemented and the results will show in a few years. A European should be able to speak a foreign language and use a computer but the statistics show that we are not really at that level. If one wants to play a role in the team he should be able to understand the others and communicate with them. If not we won't be accepted and our voices won't be understood.

The people should show their interest, and make possible their ideal of democracy, prosperity and solidarity to be the same with the one of those who had already been members of Europe for 50 years. It's important that this model corresponds to the reality.

As already said, young people had the chance to be born and educated under other circumstances. Far away from being the ideal conditions, at least they did not find the old and barren rules of communism. Their mission is now to continue and accelerate on the right way. The 16 years of 'democracy' is what they will decide whether it was healthy or unhealthy ones. They will be the actors over the years and their generation will be the one to show our potential to fight over the negative facts and view the brightness and the benefices that their country can get from its association to Europe, a membership made possible by our ideals.

If we could predict the short term future we could see whether we will be able or not to assume the test. We are offered now an opportunity, a chance to transform. Nobody will ever wait for us, and even joining the group means we must be part of it and try to be as significant as possible. The main role in the team is played by people.





## 7. The Management of Communication Crisis in Coalition Cabinets

Remus Ștefureac

The debate about Romania's transition from the communist society to the democratic society was almost entirely confiscated by economists. Slow reorganization, financial indiscipline, fragile banking system, payment incapacity, slowness of the privatization are just some of the technical economical terms that have received the rank of fundamental arguments in the problematic of society's development. The purpose of this brief essay is to raise a question: Are the curves of the economic theory enough to offer the answer to the problem of the ways of stimulating society's general development or it must be searched also somewhere else?

A possible answer is given by the study of the stability of the political environment and especially of the procedures through which are managed the relations from within the governmental structures or between those and the public opinion.

In these almost 16 years of Romanian transition it happened too many times for the political conflicts to affect the institutional capacity of the governmental structures. In other words, the political crises and the communication crises have often provoked institutional jamming that has affected and continue to affect the performance of the state's institutions.

The stability of a society depends on the level of institutionalization of the political organizations and procedures. And the level of institutionalization of the political system depends on the adaptability (more an organization or a procedure is adaptable and less rigid, more it is institutionalized), the complexity (more an organization is complicated, more it is institutionalized), the autonomy (more the organizations and the

procedures are independent of other social groups and behavioral systems, more they are institutionalized) and the coherence of the organizations and procedures. In Romania, after the Revolution, history has presented to ourselves a period characterized by political instability whose complex causes can be found in the insufficient degree of political institutionalization (the majority of the Romanian institutions have the tendency to represent private interests, concentrated by limited oligarchic groups that revolve around and inside the majority of political parties). In other words, the institutions do not collect demands from external environment (inputs) and do not transform them in results and decisions that represent the public interest (outputs). And this thing is mostly due to the communication deficiencies from the social environment toward institutions and conversely. That is why the institutionalization of the political communication at the governmental level imposes itself as a necessity and a condition for the promotion of a more stable system willing to adapt to the rigors of democracy and market economy environment.

### a. Hypothesis

The creation of structures that will deal with the institutionalization of the communication between the actors of the power structures and between them and the external environment can avoid the appearance of political crises and encourage the constitution of a politically stable environment.

### b. The political environment and the need to institutionalize communication

The environment of organizations is not an objective reality. It becomes known through a construction process (enactment), in which the perceptions, the attention and the interpretation arrive to define the context of the organization. The foundation of dependences, contingencies and external demands are partially determined

by the organizational structures, the informational systems and the type of power and control distribution within the organizations.

The political environment is not in itself the environment of a certain organization, but it has the characteristics of the organizational environment. The political environment becomes real as a result of the interactions and contingencies between its actors (political institutions, organizations, political parties, individual political actors, interest groups, etc.). The political environment can be identified with what political scientists call the politic. Namely that area of conciliation where several proposals compete and where starts to shape a sort of general interest or, better said, common good. One of the most synthetic expressions of the political environment is given by Samuel P. Huntington that appreciates the politic as being equivalent with the political order: the existence of consensus, community, legitimacy, organization, efficiency or stability in the circumstances when the citizens and their leaders have a vision of society's public interest. The politic enters into crisis when the consensus disappears, when the citizens and the leaders have different visions of the public interest or when a consensus cannot be reached within the ruling class about the public interest.

The Romanian political environment is a reality insufficiently matured due to the poor institutionalization of political behaviors and to the establishment of certain political communication procedures oriented less toward collaboration and the pursuit of a common interest, but rather on conflict and the pursuit of diverging private interests.

### **c. The tenseness of the environment: the political crises. The governmental crises**

A political environment less institutionalized and organized is vulnerable to numerous pressure factors that could tense it. The most synthetic expression of the tenseness of the political environment is the political conflict. The conflicting situations can contribute on one side to strengthening of the social connections within a system (through opposition and creative compe-

tion between values and interests) and on the other side they can lead to system instability. As a form of the political conflict, the political crises are divided in government crises, regime crises and social crises. The government crisis is the most frequent form of tenseness of the political environment and it has the less serious consequences. Its causes are political ones, but often they can be found in the poor communication capacity of the governmental structures. The consequence? Communication, more precisely the deficit of communication, amplifies the crisis situation instead of moderating it.

After 1989, Romania had known many tense moments. From these stand out the governmental crises from the period of the right government - from 1998-1999 - that resulted in the fall of two prime-ministers. Also, from the point of view of institutions' functioning and especially of the communication problems between the partners of the coalition cabinet, the present day government directed by the liberal Calin Popescu-Tariceanu is approaching the profile of crisis coalition cabinets.

The causes of starting and maintaining of the crisis situations in Romania's coalition cabinets were due to the deficient management of communication between the governmental partners, on one side, and between those and the external environment, on the other.

### **d. Premises of the governmental crises in coalition cabinets**

The Prime Minister doesn't harmonize the reports within the coalition government and manifests an exaggerated partisanship toward the party from where he comes.

The main political actors - the parties - don't communicate enough. The political coordination structures of the government's activity don't function because they are not based on efficient mechanisms of political communication and relationship.

The coalition cabinet doesn't have a unitary political agenda and no instrument of coordination and harmonization of the agendas of the

constitutive parties.

The fundamental institutions (Parliament, Government, Presidency) reproduce the conflicts of the coalition cabinet and don't have a common communication strategy.

There are no governmental structures dedicated to the management of crisis situations.

#### **e. The harmonization of political interests through the institutionalization of communication**

The lesson of the Romanian coalition cabinets that have ended in major governmental crises attracts the attention on the necessity of a stable governmental structure for the management of the circulation of information between the governmental structures and between those and the public opinion. The lack of such a structure encourages the instability of coalition govern-

ments and implicitly the public's confidence in such governing formulas.

The main attributions of such structures (the coordination and the unitary production of the public governmental message, the technical consultation and the coordination of communication crises and conflicts, the coordination of the activities of the inter-ministerial communication group - essential in coalition cabinets) can ensure an integrated communication interface that will help management of conflicts within coalition governments and to the improvement of communication with the public in crisis situations.

Communication management contributes to avoid crisis situations or to overcome them without affecting the institutions' performance. It is a lesson not yet well learned by the transition states.



## **8. The Role of Politicians in Building and Developing a Democratic Multiethnic Society**

**Sógor Csaba**

**A**s a representative of the Hungarian Community in Romania, I would like to reflect on the role of politicians in building and developing a democratic multiethnic society by reviewing the last 16 years of achievements and failures in the activity of UDMR (Democratic Alliance of Hungarians from Romania), in the framework of the relationship between the 1.5 million - strong Hungarian minority and the Romanian majority in Romania

Before 1989, the culturally heterogeneous body of citizens in Romania had been subject to an integration process dominated by the cultural aspects of nation building rather than political or administrative considerations. Under the leitmotiv of the spiritual unity of all Romanians, this

integration process turned into an aggressive nationalistic course starting at the end of the seventies and resulting in the harsh diminishing of Hungarian-language education. The status of ethnic Hungarians was also reduced within the economic, social and political spheres by the systematic promotion of ethnic Romanians into key positions.

The events of 1989 launched the era of a fragile democracy in Romania, dominated by the difficult burden of the past, namely, the persistence of the utopia of Romanian national unity manifested in a chauvinistically-colored anti-minority policy. This, in turn, was met by dissatisfaction by the Hungarians who had been subjects of severe nationalizing policies. It was in the aftermath of the 1989 events that the first inter-ethnic conflict in the region initiated by the ex-

Communist Party activists erupted in Târgu Mures leaving 6 dead and more than 300 injured - an event that left its imprint on the following four years.

In the climate of the post 1989 political changes, the political objectives of the Hungarians began to take contour. The Hungarian minority has tried to renegotiate with the Romanian state its political and public status. The farthest-reaching goal ever publicly expressed was the idea of becoming a co-nation with the Romanian one, meaning that it would be considered an equal but distinct constituent of the Romanian national community. Working towards the accomplishment of this aim, the Hungarian community has been striving to acquire an official status for the Hungarian language, to reframe the cultural and educational policies in a manner which promotes an autonomous administration of these areas and also to have some forms of territorial autonomy for the regions with compact Hungarian communities. It has been these aims that the interests representing organization of the Hungarians, the Democratic Alliance of Hungarians in Romania has been striving to accomplish since its establishment in December 1989.

The years between 1994 and 1996 were characterized by a complete isolation of the Hungarian political elite within the government opposition - a manifestation of nationalistic domestic policy that was in contradiction with the Western oriented foreign policy goals. It was in this period that international norms began to matter as rules of the game of Western integration. Yet, these norms have been perceived not as positive guidelines for more inclusive minority policy but as externally imposed scales of evaluation.

1996 heralded the era of change: the co-optation of UDMR into the government coalition marked the beginning of a continuity of a direct or indirect Hungarian participation in the various governments ever since. This turn without precedent was paralleled by the signing of the bilateral treaty with Hungary making UDMR a

partner of dialogue for Romanian governments on issues of Hungarian concern. The 1999 report of the Secret Services dropped the issue of Hungarian irredentism altogether. At the same time, the potential for inter-ethnic conflict persisted (e.g. the scandalous reactions to the placing of bi-lingual signs).

From 2000, political dialogue between Hungarians and Romanians continued in the form of cooperation protocols - a framework that enabled UDMR to introduce and accomplish numerous objectives within the government agenda. An education law was passed to guarantee the right to use mother tongue in education and the restitution of unlawfully confiscated church and private properties also kicked off in 2002-2003. The 2003 amendment of the Constitution ensured national minorities the use of native language in public administration, in the administration of justice and acknowledging denominational education. Minority issue gradually became one of European dimensions in the government's view and the constructive relationship between Hungarians and Romanians has been commended by the West regarding Romania as a model of interethnic co-existence and stability (rewarded by Romania's NATO accession and pending EU accession). The gradual transition in the attitude of both the government and the representatives of the Hungarian community from confrontation to negotiation, cooperation and dialogue was paralleled by a gradual change in the attitudes of the two communities towards each other.

At the same time, we have to bear in mind that these positive developments and gradual move towards mutual forgiveness and understanding have been achieved under continuous external pressure and on an exhaustively slow path (it took 15 years to accomplish the placing of bilingual signs) and the agenda is yet far from complete. It is necessary to continue the process of decentralization, to expand education in native language (it is still not possible to learn history and geography of Romania in mother tongue, there is a need to teach the state language, Romanian, from special books for minorities,

still missing the Romanian state supported university for minorities). It is necessary to ensure regional development of Transylvania - a requirement of paramount importance for the decrease of ethnic tensions. Further steps have to be taken to end the disadvantageous position of the Hungarians in the spheres of national defense, diplomacy, justice and internal affairs. We couldn't change the first article of the Constitution which says Romania is a national state; we hope to have once a state supported Hungarian university. There is also a need for a minority law to regulate the legal status of national minorities and the development of the institutional system of cultural autonomy - a project currently being elaborated by the representatives of Hungarians in the government and parliament. Nevertheless, we haven't given up

introducing the three-level autonomy: personal, cultural and territorial.

Thus, the steps that have been taken towards mutual respect, forgiveness and understanding between the Hungarians in Romania and Romanians have yet to be completed in order to lead into our common future, which we see in the EU integration. The prerequisite to this aim is long-term approach of the power sharing system rather than the contextual political agreements of today. Further, given the accelerated dynamics of political, social and economic transformations, a permanent reestablishment of the majority-minority political balance is also required in order for Romania to blend into the Europe of minorities recognizing and respecting differences and promoting diversity and unity at the same time.



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