

POLITICS

2.1. THE CHALLENGE OF DEMOCRATIZATION

The end of transition?

More than a decade after the fall of the Communist regime, when even transition scholars seem to agree on putting a natural end to their discipline, and admitting that some features of the transition may not be transitory after all⁶⁴, it is worthwhile reviewing Romania's democratic performance. Is present Romania a democracy? Did democratic institutions gain the trust of the majority? If not, what is to be done? Is the democratic process reversible? Is it still evolving? These are a few questions that should be examined.

During its first years after the fall of the Ceausescu regime (1989), Romania was the perfect example of an 'electoral democracy'¹. Free and reasonably fair elections produced regular Parliaments (1990, 1992) and governments dominated by the Communist successor parties. Once elected, these institutions operated in principle within the framework of procedural democracy, but, in practice, often breaking the rules and norms accepted in the West as attributes of liberal democracy. However, public opinion was either too weak, too divided, or simply too indifferent to demand more accountability. The continuing impoverishment of the poorest, due to mismanagement of the economy, and rampant corruption brought the post-Communist regime to an end in 1996, prompting hopes that the electoral democracy phase was over, and that a more substantial approach to democratic institutions and government accountability would emerge. Four years later, when the loose and ineffective anti-Communist coalition lost the November 2000 elections, in favor of Ion Iliescu and of his renovated party (currently known as Social Democratic Party – PSD), many observers had the impression that the same history would start all over again. However, things have evolved substantially since 1996, which suggests that the political transition is nearing to its end.

Political transition is the process of replacing formal institutions of Communist times with new, official and formal institutions, oriented towards

⁶⁴ Carothers, Thomas, "The End of the Transition Paradigm", *Journal of Democracy*, 13:1 (2002)

free market and democracy. This process is now largely over in Romania. Having said this, it does not mean the Communist heritage was completely liquidated. It took West Germany three decades to come at terms with its Nazi heritage, and, it should be highlighted, Nazism did not so pervasively invade the day-to-day life of the West Germans, as Communism did for Romanians. Linz and Stepan consider a democracy to be consolidated when the democratic norm – basically free elections – becomes the ‘new rule’, and is accepted by all relevant actors. Undeniably, this is the case in Romania, which is not only a procedural democracy, but also a consolidated democracy⁶⁵. Again, this does not mean that the institutional transformation is over. Romania is engaged in a lengthy process of European integration, which means, above all things, a continuous institutional transformation.

However, the major political framework will endure in its current form – as shaped by the last decade, and especially by the last few years, during which certain events occurred, which prompt to the ‘end-of-transition’, namely:

- The second democratic swing of power, following the 2000 elections.
- The continuation of the practice of sharing power both in regional administration, as well as in central government, with the Hungarian minority. This practice started as a formal sharing of seats in central and local government between 1996 and 2000, when the Hungarian party (UDMR) was formally part of the government coalition, and it was continued after PSD, who had been at odds with UDMR for most of the last decade, returned to government in 2000. As set in the cooperation protocol between PSD and UDMR, even though the two parties are not formally governing together, UDMR provides parliamentary support to PSD, in exchange for positions within public administration. The latter arrangement actually leaves no important political party in Romania (with the exception of the radical Greater Romania Party), who would not be willing to share power with the Hungarian minority.
- Resolving the dichotomy between post-Communist and anti-Communist parties (a mirroring of the old divide between nomenklatura and dissidents, perpetrators and victims), and the perceived emergence of a unique ‘political class’. Today, even historical inter-war parties are run by former Communist party members, who replaced the former Gulag prisoners, and they seldom reflect normal left-right ideological dichotomy. Cross-party organizations, such as the Council for the Screening of the Securitate’s Archives (CNSAS) or the Broadcasting Boards (TVR, CNA), have become the norm, and whilst their performance is questioned, their party-appointed members behave similarly, giving

⁶⁵ Robert Dahl classified democracies in formal or procedural (formal rules, from free elections to civilian control over the military is accomplished) and substantial (not only the democratic norm is officially set, but compliance with the norms is generalized behavior).

the impression that the main cleavage is now between parties and civil society, rather than between one political party and another.

- The end of the symbolic war between anti-Communists and post-Communists (which has lasted for the whole decade), with an eventual recognition by post-Communists, after their return to power in 2000, of the historical role of the monarchy. A highly symbolic event, in this context, was the organization, by President Ion Iliescu, of a birthday party dedicated to King Michael's 80th anniversary, at the presidential palace, after a decade during which the king had been denied entry in Romania and his followers had been harassed. The insecurity of the post-Communist political elite, which explains their past behavior towards the former monarch, is now a thing of the past. The birthday party, held on November 8, 2001, can be seen as the 'official' end of the political transition. The king is no longer perceived as a political challenger, but rather as a historical character. The PSD Government even returned to the king some of his real estate properties confiscated by the communist regime.
- An eventual consensus on the basic economic institutions, materialized in the passage and implementation, in 2001, of a law on property restitution agreed upon by all political parties, and in the privatization to a foreign company of the steel plant SIDEX, a symbol of the Communist economy.

Thus, Romania seems to having made important progress in coming at terms with its recent past⁶⁶, which can be considered as evidence that formal democracy is now consolidated. However, much remains to be done in terms of substantial democracy.

A review of advances and setbacks for substantial democracy in 2001

Having said the above, the Romanian democracy has achieved important progress, in 2001, in some areas, but also suffered setbacks in other respects. By and large, there are still many things to be done, in order for Romania's procedural democracy to fully become a substantial democracy as well. We shall review accomplishments, as well as threats, in the following paragraphs.

Positive developments:

- Conclusion of a bilateral agreement between the government party, PSD, and the Hungarian alliance (UDMR); this allowed the government to rely on a stable majority in Parliament, which helped the institutional adjustment effort, specially the adoption, at a faster

⁶⁶ An important role in this process was played by President Iliescu, who initiated a campaign for "national reconciliation", soon after taking office at the end of 2000. In this respect, most observers remarked the significant change in President Iliescu's attitude, as compared to his previous mandates (1990-1996).

pace, of the EU acquis. It also allowed Hungarians to keep their share of public administration, and helped to contain tensions during the negotiations on the Hungarian Status Law.

- Isolation of the Greater Romania Party. The Government party initially started on a good footing with PRM. Many MPs of the two parties had common backgrounds and close views. However, due to the process of internal reform of the PSD, initiated by Prime Minister Nastase, the distance between PSD and PRM grew gradually. In this context, the democratic opposition, composed of Liberals and Democrats, has taken a wrong step by collaborating with Tudor's party in the no-confidence vote of December 2001.
- Beginning of the adoption of an effective transparency and anti-corruption legislation. The Freedom of Information Act promulgated by President Iliescu in October, and the Strategy to fight corruption adopted by the Government last fall, are important steps towards curbing corruption and changing the culture of the public administration (see the chapter on corruption, in this report, which discusses in more detail the merits and flaws of the current anti-corruption campaign).

Threats:

Continuation of the practice of politicizing the administration

According to a count by SAR and the Department of Civil Servants, at least 1,300 civil servants were severed by mid-March, 2001, all of whom should have been protected by the 188/1999 Law of civil servants (see EWR 1/2001). Lawsuits against the Government, by various plaintiffs, are pending in the administrative and criminal courts. As many of these civil servants had been appointed by the previous governments, the Government claimed that it would be utterly unfair to grant tenure to politically appointed civil servants with a doubtful competence. The Civil service Law was part of the EU conditionality when Romania was invited to start the negotiation process, at the Helsinki Summit in late 1999. Its purpose was to insulate public officials from political pressure, and to institute a civil service with a European-style discipline, professionalism and *esprit de corps*. It is, however, debatable whether this was a realistic goal, given the situation of Romania's public administration. A better idea may have been to take the American model, where the politicization of the top civil service is admitted openly, thus making official and regulating by law a practice, which is well entrenched anyway, and which is tacitly accepted in Romania. Nevertheless, when a Law of Civil service was adopted, the governments were expected to abide by it. Instead, the 2001 institutional reshuffle – changing the name of government offices, such as Presidential Administration, instead of Presidency, in order to facilitate the purging of unwanted civil servants – has sent a clear signal that domestic habits (such as politicization of the administration) override any laws or regulations. Both the representative of the European Parliament,

Emma Nicholson, and the EC Enlargement Commissioner, Gunther Verheugen, highlighted in 2001 the need for a thorough civil service reform, and for its de-politicization. More than the civil service, the main casualty in this battle was the rule of law. The only positive outcome was the organization of a union of civil servants, which may provide more effective sheltering from political intervention in the future.

Widespread practice of shifting political allegiance

Political corruption is on the rise. 651 directly elected mayors out of the 2,957, that is to say more than a fifth of those who were elected in June 2000, shifted political allegiance after the November 2000 legislative elections⁶⁷. 82% of these turncoats went to the victor PSD. The Alliance for Romania, a splinter of PSD, which made the third Romanian party in June 2000, lost 73% of its mayors after losing legislative elections. There is no evidence that coercion played a part in these shifts. Such moves are also frequent in the Parliament, as there is no regulation to prevent defection from one party to another, and some MPs tend to always be on the winning side. Such practices discredit politics and the parties, since constituents vote for one party only to see the elected move to another party, according to their personal interests.

Secret services not fully accountable

Romania's secret services have always made headlines, and as long as they continue to do so, this is an indication that they have not yet achieved the discrete profile of secret services in democratic countries. This pattern has not changed in 2001. The Romanian Intelligence Service (SRI) launched a paper last fall, deploring the 'loss of sovereignty' by the state in the Hungarian-dominated counties of Covasna and Harghita, a material so groundless and inflammatory that the Prime Minister had to scold the Service in public. For most of the year, SRI opposed resistance in passing the archive of the former Communist political police, the Securitate, to the civilian authority entrusted by the law with its management, the CNSAS. Equally, SRI needed the pressure of American secret services for expelling an Iraqi diplomat based in Bucharest, who was suspected of being the main knot in a web of terror-related business. The Romanian investigation was not considered thorough and convincing, and such doubts can weigh heavily on Romania's NATO application⁶⁸.

Tampering with public media

In 2001, the pattern of replacing the heads of the public media with the Government's own favorites was resumed. At TVR, the major broadcaster, the executive director and the head of the News department were immediately replaced, although the latter still had a valid management

⁶⁷ Data released by the Pro-Democracy Association.

⁶⁸ According to Wall Street Journal Europe, December 20, 2001, "Romania's expulsion of Iraqi diplomat increases suspicion of European spying" by Rick Jervis.

contract. The members of the board of the State Radio were fired after their activity report was rejected by the Parliament, mainly in order to dismiss Sorin Dimitriu, a free-marketer who had been supervising the company for the past two years, and who had the reputation of being close to former President Constantinescu. TVR's yearly report was also rejected by the Parliament, so as to allow a smooth departure for the 1998 appointed Board, although the Board had complied with the requested changes of personnel, mentioned above. The most serious problem, however, although with the smallest stake, relates to the state news agency, Rompres. Rompres has traditionally been financed by the Government, which also used to appoint its head. In 2001, two Government ordinances included Rompres fully in the government, specifically in the Department of Information. This provoked the rage of civil society, criticism from the European Commission in its annual progress report, and triggered a draft law meant to pass Rompres under the supervision of the Parliament, which, however, has neither the means, nor the expertise to restructure a news agency. Unlike TVR, which still enjoys a monopoly in some rural areas, or the radio, which still has a national audience (although both are severely crippled by incompetent management and face increasing competition from the private sector), Rompres is largely a 'ceremonial' agency, which is publishing official versions of public statements more than producing news.

An unbalanced political system

The political opposition in Romania is, at present, extremely weak, and it lacks resources in every sense. It has only one charismatic leader, Mayor Traian Basescu, who is under frequent attacks from the government controlled media. It is basically reduced to just two parties, National Liberals and Democrats, which do not seem to be able to get along with each other. The profiles of the leaders of these two parties, however, suggests that they are complementary rather than competitive, since Basescu, the Democrat leader, is better with public and government management, whilst Valeriu Stoica, the Liberal leader, is better skilled in negotiations and internal management of parties and coalitions. Equally, whilst the Liberals incorporated the Alliance for Romania and recruited practically everyone available, regardless of his or her political past, Basescu's party⁶⁹ went the opposite way, and got rid of much of its old guard from Petre Roman's time, and of Roman himself (who was reassigned to an inferior position). However, their only association in 2001 was to jointly support the populist motion 'Cold and Hunger', directed at the Nastase Government, when they also joined forces with Greater Romania Party.

⁶⁹ The Democrats produced a new leader, deputy Emil Boc, who authored the best interventions in the Romanian parliament, in 2001. Renewing leaders is the most urgent need for opposition parties, which, in the past decade, relied largely on the same people.

Foundations of legitimacy and political trust

Regarding public opinion, 2001 brought additional anger towards politicians. The year had begun with an increase in political trust (an usual phenomenon shortly after elections), and the trust in the Prime Minister and in the President has largely endured. However, the institutions facing serious unpopularity are political parties and the Parliament.

Romanians are, in majority, committed democrats, and perceive any undemocratic option as being undesirable and unrealistic (see Fig. 1).

Fig. 1. The range of anti-democratic options⁷⁰

	Agree %	Disagree %
If Parliament was closed down and parties abolished, would you	19.4	71.8
Best to get rid of Parliament and elections and have a strong leader who can quickly decide everything	30.2	65.1
The army should govern the country	13.2	80.7
We should return to Communist rule.	17.7	77.8
A unity government with only the best people should replace government by elected politicians	59.2	31.9

However, the anger towards politicians is considerable, specially in urban areas (see Fig. 2).

Fig. 2. Popularity of politicians

	%
Conflict between political class and rest of Romanians	51
Blaming incompetent governments for the failure of transition	62

Comparative explanatory models⁷¹ of trust in government, public sector and state can be seen in Fig. 3. The table clearly shows that lack of trust in the public sector and in the government (institutional social capital) is strongly experience-related. Previous bad experiences with civil servants represent a powerful predictor of mistrust in government and state in general. Residual communism and frustration with the transition are also causes for mistrust in politics. As these are largely independent factors, it is obvious that improving the quality of the administration, notably its transparency, responsiveness and accountability, is the only way to increase institutional social capital. Interpersonal trust predicts trust in the public sector and trust in general, but it does not influence trust in government.

⁷⁰ According to *Eurobarometer*, poll by CURS, October 2001.

⁷¹ In order to identify the determinants of political trust and democratic orientation, we used four different dependent variables. We built two aggregated indexes by principal component analysis, Trust Government (aggregated trust for Prime Minister, President, Parliament, KMO=0.641), Trust Public Sector (aggregated trust for public sector agencies), and, additionally, we used two direct questions: 'Can state institutions in general be trusted?' (Trust State), and 'If the Parliament is shut down and elections abolished, would you disapprove or would you approve?' (Democratic Orientation).

Fig. 3. Trust in state, government and public sector (institutional social capital)

Predictors	Trust in State	Trust in Government	Trust in Public Sector
Status			
Education	N/S	N/S	N/S
Income	N/S	N/S	N/S
Age	N/S	- *	- **
Town size	- *	- *	- *
Sex (male)	N/S	N/S	N/S
Regional development index	N/S	+ *	+ *
Hypothesis One: Frustration			
Subjective welfare	+ *	+ *	+*
Paranoia	N/S	- *	N/S
Interpersonal trust	+ ***	N/S	+**
Hypothesis Two: Culture			
Political competence	+ *	N/S	N/S
Civic membership	N/S	N/S	N/S
Ideology	+ *	+ ***	N/S
Communism good idea	- *	- *	N/S
Hypothesis Three –Performance			
Mistreated by a civil servant	- *	- *	- **
R²	0.137	0.193	0.102

*Significance level: * = p ≤ 0.05, ** = p ≤ 0.01, *** = p ≤ 0.001*

Trust in itself cannot be equated with support for democratic or anti-democratic attitudes. Building a full model to explain what causes a citizen to lean towards either democratic or anti-democratic attitudes, reveals more predictors, but trust also remains a predictor. Anti-democratic attitudes are mainly associated with advanced age, low institutional trust, authoritarianism and lower political competence (see Fig. 4).

Fig. 4. Explanatory model of anti-democrats

Predictors	Association and significance
Political competence	- ***
Mistrust in political system	+ ***
Authoritarianism scale	+ ***
Membership Communist Party	+ *
Ideology irrelevant	+ ***
Income	N/S
Education	N/S
Age	- *
Town size	N/S
Regional development index	N/S

*Significance level: * = p ≤ 0.05, ** = p ≤ 0.001, *** = p ≤ 0.000*

By definition, democracy is more procedural than substantial. Governing democratically does not necessarily imply governing well. The fundamentals of the Romanian democracy, such as political trust or defense of free elections, are threatened by the poor quality of governance. Not only politics,

but also policy-making should be reinvented in Romania, as every party is crippled by the absence of qualified policy makers and experts, and the government as a whole is a loosely coordinated, poorly tuned and often overloaded complex of organizations. As it is, though, it seems to work infinitely better with one party in government, as compared to a coalition. This one party has an important responsibility in redressing the public image of the political class, and of politics in general. The solution for preserving the legitimacy of the political system lies in the quality of governance. The reform of the public administration, and of the state in general, is the key to democratic legitimization and to European accession.

Annex 1

1. Trust in state, government and public sector (institutional social capital)

Predictors	Trust in state	Trust Govt	Trust in public sector
Status			
Education	0.010	0.051	0.048
Income	-0.007	-0.032	-0.057
Age	0.045	-0.082 *	- 0.108 **
Town size	-0.043 *	-0.072 *	-0.073 *
Sex (male)	-0.002	0.140	0.045
Regional development index	0.002	0.009 *	0.007 *
Hypothesis One: Frustration			
Subjective welfare	0.105 *	0.226 *	0.181*
Paranoia	-0.036	-0.166 *	-0.035
Interpersonal trust	0.129 ***	0.037	0.141**
Hypothesis Two: Culture			
Political competence	0.128 *	0.062	0.066
Civic membership	0.093	0.049	-0.056
Ideology	0.072 *	0.159 ***	0.023
Communism good idea	-0.127 *	-0.242 *	0.066
Hypothesis three -performance			
Mistreated by a civil servant	-0.137 *	-0.215 *	-0.317 **
R ²	0.137	0.193	0.102

Significance level: * = $p \leq 0.05$, ** = $p \leq 0.001$, *** = $p \leq 0.000$

2. Explanatory model of anti-democrats

Predictors	Regression Coefficient
(Constant)	2.626 ***
Political competence	-0.169 ***
Mistrust in political system	0.224 ***
Authoritarianism	0.244 ***
Ex-Communist Party member	0.166 *
Ideology irrelevant	0.379 ***
Income	N/S
Education	N/S
Age	-0.075 *
Town size	N/S
Regional development index	N/S

*Significance level: * = $p \leq 0.05$, ** = $p \leq 0.001$, *** = $p \leq 0.000$*

2.2. THE CHALLENGE OF COEXISTENCE. DECONSTRUCTING NATIONAL IDENTITY, NATIONALISM AND ETHNIC CONFLICT

This chapter looks at the potential threats to the peaceful coexistence of the ethnic majority group – the Romanians – and the ethnic minority groups, with a special focus on Hungarians, the most self-assertive group, and the Roma, the most socially disadvantaged group⁷².

The latest European Commission progress report on Romania's EU accession (issued in November, 2001) acknowledges the fulfillment of the Copenhagen political criteria for accession, notably in the area of minority rights, whilst insisting on the need to fully implement the National Strategy to Improve the Situation of the Roma⁷³. Other international actors have also praised the Romanian-Hungarian reconciliation, which was symbolized, from 1996 to 2000, by the presence of the Hungarian party in the government coalition. After the latest elections (fall 2000), and contrary to widespread negative expectations, the reconciliation process continued, and an alliance took shape between the Social-Democratic Party (PSD, winner of the 2000 elections) and the Democratic Union of Hungarians in Romania (UDMR), allowing the latter to keep a proportional share of public executive positions.

However, the results of the Hungarian elections of May 1998, and the arrival to power of right-wing Prime Minister Viktor Orbán, and of his neo-conservative party, FIDESZ, has put a strain on Romanian-Hungarian conciliation. The Orbán Government passed through Parliament, in June 2001, the disputed 'Status Law', which grants partial citizenship rights to Hungarians living in neighboring countries, based on a 'Hungarian' Identity Card. The implementation of the Status Law, starting with January 1st, 2002,

⁷² 1.6 million Hungarians and roughly one million Roma, of a total population of 22 million.

⁷³ 'Regular Report- 2001 on Romania's Progress towards Accession', Commission of European Communities; <http://www.europa.eu.int/comm/enlargement/romania/index.htm>

has changed the framework of cooperation established through the 1996 bilateral treaty between Romania and Hungary. Thus, a new era was inaugurated, in which the ‘symbolic’ Hungarian nation across borders, evoked in the early nineties by Prime Minister Jozsef Antal, materialized through a formal, ethnically-based definition of a Hungarian nation spread across nation-state borders. Prime Minister Viktor Orban praised the Law, saying that “A Hungarian-speaking region within the Carpathian Basin is now being formed”⁷⁴.

The analysis of the potential intolerance towards minorities, by the Romanians as majority group, cannot be isolated from the above context. There is currently no formal issue affecting the rights of minority groups, which has not been addressed: affirmative action programs for the Roma are up and running, Hungarians have their share of public sector jobs, and may use the Hungarian language in local governments and Courts. However, additional demands from the radical wing of the UDMR⁷⁵, as well as inflammatory statements from Romanian officials⁷⁶, do occur quite regularly, so that the ordinary Romanians and Hungarians, living side-by-side in Transylvania and elsewhere, are seldom given any respite. Politicians, in turn, tend to take nationalistic attitudes in an effort to gain public support and mobilize constituencies. Mass nationalistic attitudes and elites’ nationalism, therefore, close a vicious circle by feeding the symbolic identity wars, which are entrenched in the recent political history of Romania, and which have played an important role in shaping Romania’s politics in the post-communist years⁷⁷.

There are recent signs, however, of a common effort to put an end to the war of words. PSD and UDMR have renewed their cooperation agreement, and Prime Minister Adrian Nastase asked his cabinet members to refrain from inflammatory statements. Therefore, the main potential threat in the near future remains the alleged widely held nationalistic attitudes. As long as the public is nationalistic, restraint from one political party or another will not be sufficient to clear the atmosphere, and a broader consensus of all the parties is needed for this purpose. Such a consensus, however, seems unlikely to achieve, as long as the nationalistic Greater Romania Party (PRM)⁷⁸ continues to be the second largest party in the Romanian Parliament. PRM grew from only 4.4% in the 1996 elections to 22% in the 2000 elections, whilst its leader,

⁷⁴ Reported by Budapest Sun, quoting Hungarian Radio, January 17-23, 2002, ‘Status Law continues to cause rumpus’, by Michael Craig.

⁷⁵ For a thorough review, see Iordachi, C. ‘The Romanian-Hungarian Reconciliation Process. From Conflict to Co-operation.’, in Romanian Journal of Political Science, no 3-4/2001, pp 88-143.

⁷⁶ Such as the recent Covasna-Harghita scandal, initiated by statements from the Romanian Intelligence Service.

⁷⁷ Decisive, according to some analysts. See Gallagher, T. 1994. *Romania after Ceausescu*. Edinburgh: University of Edinburgh Press.

⁷⁸ Founded in 1991, this party always depicted UDMR as a “paramilitary” and “fascist” group (Greater Romania Weekly, no 9, 27 July 1990).

Vadim Tudor, jumped spectacularly from 4.7% in 1996, to 27% in the first round of the 2000 presidential elections, and 33.17% in the second.

Fig. 1 Results of the 2000 elections

Political Party	Senate	Chamber of Deputies
PDSR (PSD)	37,09%	36,61%
PRM	21,01%	19,48%
Democratic Party	7,58%	7,03%
National Liberal Party	7,48%	6,89%
UDMR	6,90%	6,80%
Democratic Convention	5,29%	5,04%
Alliance for Romania	4,27%	4,07%
Other parties	10,38%	14,08%

The present article analyses nationalism amongst the Romanian public, in an effort to discern the threats to inter-ethnic peaceful cohabitation, and proposes a set of policy options to mitigate such threats.

The definition for nationalism, which is used in this article, is that nationalism represents a *political ideology advocating the perfect congruity of the political unit with the national (ethnic) unit*⁷⁹. National identity is conceptualized as *self-identification with / emotional attachment towards, the nation as a whole*, and parochial identity is defined as *primary identification with a narrower area than one's culture or nation (i.e. neighborhood or region)*.

Our analysis draws upon a specially designed survey, carried out in November 2001, which is representative for Romania's population⁸⁰.

Determinants of nationalism

The nationalism variables in our questionnaire consisted of four questions, with answers ranging from 'strongly disagree' to 'strongly agree', which measured attitudes towards borders, minorities and foreign organizations⁸¹.

Most Romanians do not believe that there is a conflict between Romanians and Hungarians, despite recent front-page coverage of the Status Law dispute between Bucharest and Budapest (fig. 3). It should be noted that the figures are remarkably stable, as compared to previous evaluations⁸². Also in line with previous reports, the perception of a conflict is higher in non-mixed areas

⁷⁹ Smith, Anthony. D. 1983. *Theories of Nationalism*. New York: Holmes and Meier; Gellner, Ernest. 1983. *Nation and Nationalisms*. Oxford: Basil Blackwell.

⁸⁰ We used a probability sample of 1001 respondents selected from a total population of adult Romanians aged 18 and over. The sample design was a multi-stage random cluster design with administrative units stratified regionally. The Romanian pollster, the Center for Urban and Regional Sociology (CURS) executed the face-to-face interviews.

⁸¹ The fourfold typology of nationalism was adjusted after Miller, William L., S. White și P. Heywood. 1998. *Values and Political Change in Post-Communist Europe*. Basingstoke: Macmillan.

⁸² Mungiu-Pippidi, Alina. 1999. *Transilvania subiectiva*. Bucuresti: Humanitas.

such as Moldova, than in ethnically diverse areas like Transylvania and Banat.⁸³

Fig. 2. Variants of nationalism

Variable	% Agree	% Disagree
People who cannot speak the official language should not be allowed to vote (cultural)	38.6	35.3
No foreign organization such as the EU should tell Romanians how to run their own country (state)	53.3	17.4
There are ethnic groups within Romania which act regularly against our national interest (paranoiac)	44.6	21.0
There are parts of other countries which really belong to us and we should fight to get them back (territorial)	56.7	21.3

Fig. 3. Subjective ethnic conflict

	Agree a conflict is going on between Romanians and Hungarians. (%)		
	March 2000	July 2001	November 2001
Agree	47.5	45.8	42.9
Disagree	52.4	45.9	47.7

In line with the general outlook captured in the survey (fig. 2.), many Romanians do not pity the Rroma (fig. 4). A majority still believes the Rroma are not discriminated against. Bucharest residents are the least likely to admit that Rroma are discriminated against, however, no other relation is found between personal wealth or occupational status and the attitude towards the Roma.

Fig. 4. Attitude towards the Rroma

Authorities treat Rroma worse than they treat Romanians	%
Agree	8.8
Agree in part	29.3
Disagree	57.7

Our initial hypotheses were that nationalism in post-Communist Romania may be determined by:

- The structural predisposition towards distrust of foreigners in rural and underdeveloped societies; in this case, nationalism should be associated with underdeveloped areas and low interpersonal trust, as well as with negative evaluations of foreigners and minorities. According to social identity theory, negative perceptions of other groups as inferior to one's own are grounded in the low self-esteem of the group, and serve the purpose of boosting the self positive social identity (trust hypothesis).
- An overstatement of the national identity and patriotism. The current Romanian state draws simultaneously on a nation-state project based

⁸³Abraham, Dorel, Septimiu Chelcea și Ilie Bădescu. 1995. *Interethnic Relations in Romania*. Cluj Napoca: Napoca Carpatica.

on the French model in late 19th and early 20th centuries, and on the basic need acknowledged, to various extents, by all 20th century regimes, to accommodate a dominant ethnic group, the Romanians, with a formerly dominant one (in Transylvania), the Hungarians. The two groups share a history of conflict and mistrust and one group's grand historical periods are in many instances perceived as the other's misfortunes. What can be considered as just patriotism in an ethnically homogenous society, may easily turn into nationalism in a ethnically mixed society (national identity hypothesis).

- The existence of a group of leaders, formerly associated with the Communist party (during Ceausescu's nationalistic regime), who are openly promoting the ideology of national-communism as described by several authors (Verdery 1994; Gallagher 1994). In this case one should be able to find a positive correlation of nationalism and the vote for certain leaders (leaders' hypothesis);
- The existence of an "ideological void" that persisted after the disappearance of communist ideology. According to this hypothesis, advanced by several authors, more prominently by Tismaneanu (1998), the failure of Marxist-based ideologies left an ideological vacuum. Combined with the inherent frustration generated by transition, this perceived vacuum leads to the adoption of nationalist and populist ideologies. From this perspective, nationalism and populism become faces of a unique response to the most pressing material problems of the transition (ideology hypothesis); in this case, one should find some association between Communist-leaning ideology and nationalism.
- The persistence of authoritarian attitudes, due to the heritage of the worst European totalitarian regime of the eighties, namely the Ceausescu regime. Heavy repression of dissent, blame on the West for the hardships of life under Communism, together with the social envy cultivated by the Communist regime should, in this case, be the determinants of intolerance and paranoiac attitudes towards other ethnic groups (authoritarianism hypothesis)⁸⁴.

⁸⁴ We ruled out other explanations, which can be found in current nationalism literature, such as nationalism as a post-material phenomenon, emerged from the need to transcend the impersonality of modern societies (Melluci, Alberto. 1988. *Nomads of the Present*. London: Hutchinson Radius). According to this hypothesis, which is based on the post-materialism theory (Inglehart, Ronald. 1977. *The Silent Revolution: Changing Values and Political Styles among Western Publics*, Princeton, New Jersey: Princeton University Press), and is used to explain nationalism in developed European areas, such as Northern Italy, nationalism is a benign, even positive phenomenon, in which revivalist ethnic movements belong to the same category with Green movements. Testing the post-materialism scale of Inglehart, however, failed to prove any influence on nationalism, even in bivariate models (see Mungiu-Pippidi, Alina. *Lungul drum spre Europa*. Sfera Politicii 97-98/2001).

Fig. 5. Determinants of nationalism

Predictors	Association and significance
Town size	N/S
Regional development index	N/S
Income	N/S
Vote for Corneliu Vadim Tudor	N/S
Authoritarianism scale	+ ***
Membership communist party	N/S
Communism nostalgia	+ *
Education	+ *
Age	N/S
Opinion on minorities	+ **
Interpersonal trust	+ ***
R ²	0.34

Dependent variable: Nationalism scale

*Legend: - a negative correlation; * predictor significant at $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ (***=strongest association); N/S means that the variable did not turn out to be a predictor*

Statistic results show that the most nationalistic people, indeed, live in the poorer areas, and are the least educated. Equally, younger people tend to be less nationalistic than older people. This model, however, provides only a partial explanation for nationalism.

Nationalism is also correlated with the lack of social capital⁸⁵, and of trust toward foreigners. Additionally, there is a correlation between nationalism and the negative evaluation of others ethnic groups.

However, not all the above hypothesis were confirmed. Patriotism, reflected in the self-assessed pride of being Romanian, did not turn out as a determinant, as we found no correlation between feeling proud to be a Romanian and being nationalistic. Even more striking was the irrelevance of national identity. People who identify themselves by nationality are not more likely to be nationalistic than those claiming their primary identification by region or by neighbourhood. Equally, the role of nationalist leaders turned out as only a minor determinant. The preference for Vadim Tudor, the most outspoken nationalist, is loosely correlated with a nationalistic attitude, whilst the preference for Ion Iliescu or Adrian Nastase as presidents is not correlated with nationalism.

Direct Communist leftovers, such as membership in the former Communist party, and the self-assessed Communist orientation ('Communism is a good idea, which was badly implemented') produced contradictory results. Membership in the former Communist party has no influence over current nationalistic attitudes; nostalgia for communism, however, matters significantly. Romania had over four million Communist party members, that

⁸⁵ For testing the trust variable, we built a scale of interpersonal trust based on three variables: trust only one's kin, trust only the people you know, and 'Romanians are more to be trusted than foreigners' (Extracted by principal component analysis. KMO = 0.591. Variance explained = 53.72. Factor loadings ranged from 0.793 (trust only your kin), to 0.783 (trust only people you know), to 0.607 (Romanians are more to be trusted than foreigners)).

is to say roughly 35 % of the adult population and double the regional average. However, it seems that this figure merely reflects an ambitious design of the Romanian Communist Party. For example, many educated people were forced into party membership, once it became compulsory in order to complete a PhD. In the words of a famous Romanian dissident, a party membership card in Romania was as common as a driver's license elsewhere and carried the same ideological value. Whilst Communist party membership can be seen at best as a measure of opportunism, the nostalgia for Communism, however, which is not correlated with membership, shows that residual Communism is not necessarily to be found amongst former party members. For one thing, Communist nostalgia is strongly correlated with the least educated and poorest people, who were not part of the 4 million elite.

However, the strongest predictor for nationalism turned out to be authoritarianism. We created an authoritarianism scale, based on the adherence to four closely correlated statements, namely: 'Romania is a rich country, but its many enemies prevent it from achieving the prosperity that it deserves'; 'Some people behave properly only when led by a strong hand'; 'Same people profit from every regime, while honest people such as myself continue to suffer hardships', and 'There is no point in holding elections if the country is run by the same small group at the top'⁸⁶. The adherence to such statements is the most significant predictor for nationalism.

The complete model confirms the profile sketched above. Therefore, out of the five initial hypotheses, *trust*, *ideology* and *authoritarianism* were validated, with a significantly larger relevance for authoritarianism. Romanian nationalism, therefore, is a substitute ideology, a form of distinctive political identity, not at all or loosely connected with national identity as opposed to parochial identities. Nationalism is a basic mass orientation towards distrust and frustration, of which nationalist leaders seem to take advantage, more than engineering it. Post-communist nationalism is associated with political fatalism, distrust in the outside world, frustration with transition, and distrust in politics, all caught in the authoritarian syndrome hypothesis. Nationalists reject the relevance of political ideology as defined by the left-right dichotomy, and believe in conspiracies against themselves and their kin organized both by the West and internal minorities (who are usually perceived as agents of the outside world). Together with populism, to which it is often combined, nationalism is an ideology of non-ideologues, a 'fantasy of salvation'⁸⁷.

The retrospective positive evaluation of Communism by the majority of respondents is striking, and it is closely correlated with nationalism. One can conclude, therefore, that *the features of present Romanian nationalism are shaped mostly by the Communist heritage*, with its emphasis on the evil Western conspiracies, on a homogenous political culture, and its strong suspicion of difference and dissent. This general distrustful attitude (nationalists are more suspicious towards minorities, more conspiracy-minded and more likely to consider that the transition has changed little, but, rather, that it enriched the

⁸⁶ These items were adjusted after testing from the classical scale of authoritarianism.

⁸⁷ The expression belongs to Vladimir Tismaneanu.

same people as the Communist regime) is combined with the perception of an ethnic conflict with Hungarians. *Nationalism is a general distrustful and paranoid orientation* directed towards neighbouring countries, various minorities, the outside world, the Romanian Parliament, and the winners of the transition alike. The focus of post-communism nationalism is poor. *It is not connected with identity and does not satisfy an identity need: it is connected with, and satisfies only the need to assign the blame*⁸⁸ (for more detailed statistical data on the predictors of nationalism, see Annex 2).

What hinders European identity?

In recent years, the Romanian media has claimed that Romanians feel European, think European and, therefore, are part of Europe. In every survey on the topic, the population is, indeed, very supportive of European integration. But how is this pro-European attitude related to nationalism?

Fig. 6. Explanatory models of pro-European attitude

Predictors	Association and significance Model 1	Association and significance Model 2
Incomplete obligatory studies (0-8)	- *	- **
Complete obligatory studies (8)	- **	- **
High-school or vocational (8-12)	N/S	- *
Age between 18-25	N/S	N/S
Age between 26-35	N/S	N/S
Age between 36-50	N/S	N/S
Age between 51-65	- *	N/S
Town over 200.000 inhabitants	N/S	N/S
Town between 100.000-200.000 inhabitants	N/S	N/S
Town between 30.000-100.000 inhabitants	N/S	N/S
Regional development index	+ ***	+ ***
Read political reports	N/S	N/S
Nationalism scale	+ ***	
National identity		N/S
R ²	0.15	0.12

Dependent Variable: Country should develop closer ties with EU

*Legend: - negative correlation; + positive correlation; * predictor significant at 0.05; **p<0.01; ***p<0.001 (***=strongest association); N/S means that the variable did not turn out to be a predictor*

Nation and nationalism are concepts widely used in social theory. Ethnic or national identity is the key concept of social psychology; however, when other theorists use it, as in Anthony Smith's 'National Identity' (Smith, 1991:14)⁸⁹, it becomes similar to 'nation'. For social psychologists, ethnic collective identity is rooted in the general concept of social identity. The theory of social identity postulates that groups have a need for self-esteem, and, therefore, they strive

⁸⁸ Anthropologists like Mary Douglas have long considered this is a fundamental human need.

⁸⁹ Smith, Anthony. D. 1991. National Identity. Reno: University of Nevada Press.

to obtain a positive social image, by comparing themselves to other groups. Drawing upon the classical Allport (1964)⁹⁰ concept of concentric circles of group identifications, one can assume that European, regional, local and national identities can be seen as complementary, rather than competitive identities, although an individual is likely to have a primary identification amongst those mentioned above.

This report points to the difference between national identity and nationalism. In order to further clarify this point, we have used both national identity and nationalism as independent variables to predict pro-European attitudes⁹¹. The results prove that national identity has no influence on being in favour of closer ties with Europe, whilst nationalism is negatively correlated with it.

Development, education and political competence foster pro-European attitudes. By contrast, poverty, lower education and lack of interest in politics foster anti-European attitudes. Whilst nationalism is definitely anti-European, national identity is not competitive with European identity, and many Romanians select Europe as their second identity choice⁹². Many determinants of parochial identity, underdevelopment and lack of political competence, also determine anti-European attitudes.

Determinants of ethnic conflict

In December 2000, after a decade of adversity, PSD and UDMR signed a political agreement (which was renewed in January, 2002). UDMR's main requests concerned Hungarian language education, positions within government-appointed administrative county structures (*prefectura*), and the adoption of the long-due law on local government. In January, 2001, Hungarian deputy-prefects were appointed in Hungarian-dominated counties. In April, 2001, President Iliescu promulgated the final version of local government law, which granted full use of the Hungarian language in public administration, in counties with a Hungarian minority of more than 20 %. In counties with a Hungarian majority, the law has barely caught up with reality; in regions with fewer Hungarians, implementation began only after the adoption of the law, at uneven speed. On May 22, two articles of the 1993 Education Law, long contested by the Hungarians, were canceled by the Parliament (those law articles required every university in Romania to teach Romanian language courses on each subject, regardless of the official language of the university). In exchange for these measures, UDMR offered Parliamentary support, which PSD needed in order to have a safe majority.

The number of Romanian citizens who believe in the existence of ethnic conflict, according to the November 2001 poll, was very close to that reflected in a previous testing from March 2000. The extensive media coverage of the Hungarian Status Law controversy did not have a sizable

⁹⁰ Allport, Gordon. 1954. *The Nature of Prejudice*. New York: Double Day Anchor Book.

⁹¹ As proxy for pro-European attitude we used a question phrased as: 'Should our country develop closer ties with EU?'

⁹² 'Early Warning Report' 2001-Politics Section, 8: 33

effect on the public perception of ethnic conflict. The ‘subjective ethnic conflict’, therefore, seems to be influenced more by structural factors than by circumstances.

What makes the difference between those who perceive a conflict and those who deny it?

Subjective ethnic conflict emerges as strongly correlated, in multivariate models, with the preference for PRM’s leader, Vadim Tudor. People who do not believe in ethnic conflict tend to be middle aged and to reside in larger cities or more developed areas. They also tend to have more political competence, more life-satisfaction, higher self-esteem, and lower score on the nationalism scale. Subjective ethnic conflict is explained, therefore, by a combination of basic nationalistic attitudes, with trust in a nationalistic leader.

Fig. 7. Explanatory model of subjective ethnic conflict

Predictors	Association and significance
Age between 18-25	N/S
Age between 26-35	+ **
Age between 36-50	+ *
Age between 51-65	N/S
Regional development	+ ***
Town over 200.000 inhabitants	N/S
Town between 100.000-200.000 inhabitants	- **
Town between 30.000-100.000 inhabitants	N/S
Town under 30.000 inhabitants	N/S
Vote for Corneliu Vadim Tudor	- **
Subjective welfare	- ***
National identity	+ ***
Political competence	- ***
R ²	0.16

*Dependent Variable: Subjective ethnic conflict between Romanians-Hungarians; Legend: - a negative correlation; * predictor significant at 0.05; **p<0.01; ***p<0.001 (***=strongest association); N/S means that the variable did not turn out a predictor*

Voting extremist

Vadim Tudor, the main 2000 presidential challenger, has a long record of radical statements. During the past decade, he called for a dictator to shut down the Parliament, for the miners to chase out the government, and threatened in a TV debate to machine-gun his counter-candidates. It is worth taking a closer look at his constituency, in order to determine the reasons why people voted for Vadim Tudor.

Fig. 8. Preference for Tudor determinants

Predictors	Association and significance Model 1	Association and significance Model 2
Sex (women)	- *	
Education		N/S
Age		N/S
Income	N/S	
Regional development index	N/S	N/S
Nationalism scale	- *	N/S
Democratic orientation	- *	- *
Experience with Hungarians		- **
Political competence		N/S
R ²	0.10	0.11

*Legend: - a negative correlation; * predictor significant at 0.05; **p<0.01; ***p<0.001(***=strongest association); N/S means that the variable did not turn out to be a predictor*

The preference for Tudor is strongly related to nationalistic and anti-democratic attitudes. Tudor’s voters are more likely to approve the shutting down of the Parliament and the abolishment of elections. Regarding their profile, they are more likely to be male, and residents of larger cities. But, the most striking feature of Tudor’s voters is the lack of social variables in predicting them. They are not the poorest or the unemployed. They come from virtually every age group or region, and they are not associated with former Communist party membership.

In the second variant of the above model, the vote for Tudor is also associated with the lack of direct contact with Hungarians. In any event, the preference for Vadim Tudor emerges from these models as closely related to nationalism, subjective ethnic conflict and anti-democratic attitudes. Supporters of Theodor Stolojan, the only center-right candidate who still has constituency, are associated with anti-nationalistic attitudes, whilst supporters of Ion Iliescu or Adrian Nastase are considerably more ethnically neutral, as compared to their constituencies in 1999. At that time, Tudor had an electoral support of just 5-6%; currently, his electoral support is between 14 and 18 percent. *This is a clear indication that the most xenophobic constituency has moved from Ion Iliescu to Tudor.* Our models may miss important variables that are hard to grasp in a survey, such as personal connections with the former Securitate. However, they show that support for Tudor is mainly correlated with lack of experience with other ethnic groups, and comes from politically incompetent males, living in ethnically homogenous towns and cities.

Conclusions and policy recommendations

Based on the above findings, we propose the following conclusions and policy recommendations, with a view to fostering peaceful inter-ethnic cohabitation.

A successful model that should be further developed rather than changed

Romania was remarkably successful, in the last decade, in taming the ethnic conflict that had sparked with the violent Tîrgu Mures clash in early 1990. The conflict reached its peak by 1994-1995, when most of UDMR agreed on advancing self-determination as the only solution. However, taking a fair share of the government between 1996-2000, and keeping it after 2000, changed the views of the Hungarian elite, who became converted to the idea of ‘consociationalism’ (proportional participation of the Hungarians in state affairs). Public opinion polls amongst the Hungarian minority showed that participation in the government, as opposed to isolation, is largely approved by the Hungarian public in Romania. This dominant view offered legitimacy to the moderate wing of UDMR, contributed to isolating Hungarian radicals, and alleviated fears of Hungarian secessionism. In November, 2001, only 43% of Romanians, down from 47% in early 2000, perceived a conflict between the two ethnic groups, and only 18 % believed that Romania may share the fate of former Yugoslavia (which was a widespread fear at the beginning of the nineties).

Under these circumstances, there is no need to reorganize the Romanian state along federal lines, in order to ensure a better protection of minorities. Rather, the existing legal framework should be fully used, and its implementation should be accelerated, in order to ensure better governance and allocation of resources. Affirmative action programs, not only for the Roma, but also to address special needs of the Hungarian community (such as the lack of Hungarian policemen), should be encouraged and further developed. The current detente is due to a successful model of minority rights protection, which should be preserved and defended against all attempts for radical reform.

There is one important step, which should be taken, however, for completing the existing model, namely the inclusion, in the minorities law (which should be adopted), of the power-sharing with Hungarians according to their proportion, in both central and local government, as well as in the public sector in general. The current power-sharing mechanism was established through political bargaining between the current government and the Hungarian party. Since this mechanism has proven to be successful, it should be protected from political changes in the future, through specific legislation. The minorities law should specify that every government must grant a fair “share of the state” to minorities, and the minority organizations should be entitled to nominate those who would occupy the specific positions.

Inter-ethnic and cross-regional communication should be fostered; ethnic mobilization should be actively discouraged; nationalist leaders should be isolated

The models presented in this chapter outline nationalism in Romania as having a twofold determinism. On the one hand, nationalism draws upon poverty, isolation and distrust of foreigners, which create *parochialism* (as a

structural component). On the other hand, nationalism draws upon rejection of politics, appeal of authoritarian solutions and social envy, all being remnants of the Communist period, and which create what we have called *residual Communism*.

Whilst it can be expected that *residual Communism* will decline in the future, *parochialism* needs special policies to address it.

Parochialism represents a problem for Romania. Both the least developed, as well as the more developed areas, find little incentive in cooperation and solidarity. Current development programs, such as those targeting the disfavored areas, or those funded from EU the pre-accession funds, push regions to compete rather than cooperate. Romania, however, is in great need of a cross-regional cooperation policy, based on complementarities rather than on convenient proximity of counties. Such relations exist to some extent, but a policy is needed to encourage them. This is the only way to keep the poor from feeling isolated and resentful, and the rich from being selfish. Policies targeting large social groups, such as cheap mass tourism in some areas of the country, are needed in order to foster national socialization. Many Romanians do not even know the groups that they tend to discriminate, as shown above. Only 54% of Romanians reported to have ever met a Hungarian.

Ethnic mobilization of both Romanians and Hungarians draws upon parochialism and limited communication abilities. The capacity to communicating across ethnic lines should be encouraged by local and central governments, and by political parties (including UDMR).

Private television stations selling attractive entertainment products have done more, in recent years, for the common socialization of both ethnic groups, than political actors have ever done. There has been a recent demand for regional Hungarian language programs on the public radio, as well as for regional television stations. Such proposals overlook the fact that private broadcasting, especially cable TV, has already captured a large public audience (including through broadcasting, on a commercial basis, many Hungarian language programs from Budapest, which also target the Hungarian minority in Romania). The state would do better by creating open grants for the regional media, encouraging cross-ethnic communication and favouring private or non-governmental stations, rather than investing in expensive regional transmitters for public stations. The cable companies, who have managed to penetrate the most isolated rural areas, deserve state support more than broadcasters funded from the state budget, and which have lesser audience. The private and non-governmental sector should be made allies in defeating parochialism. Clear policies, not large funds are needed to foster social communication.

National identity is not a barrier to Romanians becoming European citizens in the future, but nationalism is such a barrier. As shown above, trust in nationalist leaders is an important determinant for subjective ethnic conflict. It is, therefore, important to isolate such leaders. The government party

(PSD) has already done a lot in this respect, and it is now the responsibility of the democratic opposition to do the same. Making alliances, even temporary, with Greater Romania party, is a grave mistake for the democratic opposition (National Liberal Party and Democratic Party), since any alliance with Vadim Tudor gives him a legitimacy that the whole political class will have to pay for, in the future. Romanian parties have too easily forgotten the great scare of November 2000, when Vadim Tudor was close to become President.

Instead of competing with Tudor in the dangerous game of ethnic mobilization, Romanian parties should coordinate in rejecting his type of discourse, and should eradicate such discourse from their own ranks. When Radu Timofte, the head of the Romanian Intelligence Service, warned last fall that there was a 'loss of sovereignty' of the Romanian state in Hungarian-dominated counties, all the parties rushed to use this statement for gaining political capital, instead of making it clear that a head of the secret service addressing the media on such inflammatory topics, with absolutely no evidence, was playing political games incompatible with his status. As Romania is making efforts to become a NATO member, it is hardly imaginable how such characters could fit in the picture. It is necessary not only to censor such behaviour, but also to prevent it in the future.

The Roma issue is not related to ethnicity and nationalism, and, therefore, needs special policies.

The Roma problem is clearly very different from inter-ethnic conflict. Rather than being perceived as 'foreigners', or as an ethnically different group, the Roma are usually perceived as a social category, which deserves its suffering. Only one third of the most educated Romanians agree, at least in part, that the Roma face constant discrimination when dealing with the public sector. In response to a question in the November 2001 poll, respondents overwhelmingly indicated that the solution to the Roma problem was to 'civilize' the Roma, meaning that the state should intervene to keep them in schools and provide them with work. A Roma who succeeds in obtaining a normal job and living an ordinary modern life is not perceived as 'Gypsy' anymore. Being 'Gypsy' is, therefore, a social mark more than an ethnic stereotype. The reality is that the Roma make the majority of the beggars and petty thieves, which feeds the negative perception amongst the population at large.

In the above context, communication and awareness campaigns are likely to fail in changing the dominant perception of the Roma. Instead, the state should concentrate its intervention on helping the Roma to catch up with the rest of the society, thus decreasing the number of those who beg or steal in order to survive. Such programmes require large funding, and Romania needs the support of the donor community to tackle the Roma issue. There are no quick fix-all solutions, and any good strategy in this respect is bound to be a long-term strategy.

Annex 2

1. Determinants of nationalism

Predictors	Regression Coefficients (Standard Error)
Town size	0.002 (0.020)
Regional development index	0.003 (0.002)
Income	-0.000 (0.000)
Vote for Cornelui Vadim Tudor	-0.150 (0.107)
Authoritarianism scale	0.462 (0.032) ***
Membership communist party	-0.042 (0.064)
Nostalgiacs (communism good idea)	0.121 (0.058) *
Education	0.019 (0.011) *
Age	-0.033 (0.027)
Opinion on minorities	0.082 (0.029) **
Interpersonal trust	0.162 (0.031) ***
R ²	0.34

Dependent variable: Nationalism scale

*Legend: - a negative correlation; * predictor significant at $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ (***)=strongest association)*

2. Explanatory models for interpersonal trust

Predictors	Regression coefficient (Standard Error) Model 1	Regression coefficient (Standard Error) Model 2	Regression coefficient (Standard Error) Model 3
Status			
Town size	-0.019 (0.023)	-0.021 (0.023)	-0.018 (0.023)
Age	-0.042 (0.029)	-0.042 (0.029)	-0.045 (0.029)
Education	0.034 (0.012) **	0.034 (0.012) **	0.036 (0.012) **
Income	-0.009 (0.021)	-0.010 (0.021)	-0.011 (0.021)
Regional development index	0.012 (0.003) ***	0.012 (0.003) ***	0.013 (0.003) ***
Identities			
Regional identity	0.210 (0.117)	0.365 (0.197)	
Local identity	-0.043 (0.080)	0.109 (0.177)	
National identity		0.173 (0.187)	
Regions			
Moldova	-0.037 (0.093)		
Transylvania	0.020 (0.112)		
R ²	0.64	0.65	0.61

*Legend: - a negative correlation; * predictor significant at $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ (***)=strongest association)*

3. Minorities' perception

Town size	Regression coefficient (Standard Error)
Regional development index	0.025(0.020)
Age	-0.002(0.003)
Education	0.040(0.029)
Income	0.020(0.012)
Political competence	0.012(0.021)
Self-esteem	-0.024(0.036)
Experience with Rroma	0.140(0.030)***
Experience with Hungarians	0.155(0.170)*
Unemployment	0.078(0.072)
Town size	-0.400(0.141)**

Dependent variable: Opinion on minorities

*Legend: - a negative correlation; * predictor significant at $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$
(***=strongest association)*

4. Previous personal experience with Hungarians

	Average score granted to Hungarians (Standard deviation)
Yes	5.21 (2.95)
No	3.80 (2.87)
Doesn't answer	3.86 (3.39)
Total	4.55 (3.00)

5. Attitude towards the Rroma

Predictors	Regression coefficient (Standard Error)
Experience with Rroma	-0.013 (0.146)
Incomplete obligatory studies (0-8)	0.779 (0.378) *
Complete obligatory studies (8)	0.269 (0.276)
High-school or vocational (8-12)	0.454 (0.238) *
Age between 18-25	0.096 (0.259)
Age between 26-35	-0.308 (0.248)
Age between 36-50	-0.432 (0.263)
Age between 51-65	-0.939 (0.325) **
Unemployment	-0.245 (0.302)
Regional development index	0.016 (0.005) **
Read political reports	0.381 (0.188) *
R ²	0.06

Dependent variable: Are Roma discriminated?

*Legend: - a negative correlation; * predictor significant at 0.05; ** $p < 0.01$; *** $p < 0.001$
(***=strongest association)*

6. The multiple identities of Romanian citizens (first choice; then first and second cumulated)

	Romania		NDB regional mean Eastern Europe	
Close to country	27	56	39	64
Close to neighborhood (town, region)	42, 14	62,44	32,8	57,28
Close to Europe	8	18	8	19

New Democracies Barometer, 1998

7. Explanatory models of various identities

Predictors	Local Identity	Regional Identity	National Identity
Regional development index	-0.009 (0.005)	0.014 (0.009)	0.155 (0.118)
Political competence	-0.123 (0.083)	0.085 (0.098)	0.027 (0.011) *
Town over 200.000 inhabitants	-0.087 (0.217)	0.018 (0.259)	-0.290 (0.317)
Town between 100.000-200.000 inhabitants	-0.126 (0.281)	0.222 (0.330)	0.114 (0.319)
Town between 30.000-100.000 inhabitants	-0.267 (0.222)	0.163 (0.267)	0.015 (0.365)
Town under 30.000 inhabitants	-0.361 (0.252)	0.413 (0.292)	-0.282 (0.445)
Incomplete obligatory studies (0-8)	-1.046 (0.358) **	0.594 (0.424)	1.677 (0.756) *
Complete obligatory studies (8)	-1.385 (0.359) ***	0.693 (0.424)	2.002 (0.755) **
High-school or vocational (8-12)	-1.344 (0.424) ***	0.694 (0.495)	2.147 (0.818) **
Income under 1.400.000 lei	0.648 (0.293) *	-0.515 (0.355)	-0.082 (0.403)
Income between 1.400.001-3.300.000 lei	0.154 (0.257)	-0.012 (0.303)	0.094 (0.355)
Income between 3.300.001-4.500.000 lei	0.187 (0.281)	0.007 (0.331)	-0.349 (0.411)
Income between 4.500.001-6.000.000 lei	0.171 (0.289)	0.282 (0.330)	-0.408 (0.424)
Ideology irrelevant	0.411 (0.157) **		
Trust only your kin	0.597 (0.169) ***	-0.395 (0.201) *	
Based in Transylvania		-0.395 (0.201) *	0.107 (0.288)

8. Attitude towards Hungarians

Predictors	Regression Coefficients (Standard Error)
Income	0.015 (0.060)
Regional Development	0.027 (0.008) ***
Education	0.011 (0.032)
Identities	0.050 (0.106)

Dependent Variable: Opinion on Hungarians

*Legend: - a negative correlation; * predictor significant at 0.05; **p<0.01; ***p<0.001
(***=strongest association)*

9. Identities by regions

Region	Neighborhood	Region	Country	Europe	Total
Moldova	73.6%	11.3%	12.3%	.5%	100.0
Wallachia	66.7%	9.5%	19.0%	1.9%	100.0
Dobrogea	54.5%	15.9%	27.3%	2.3%	100.0
Oltenia	63.9%	3.7%	32.4%		100.0
Banat	48.9%	14.9%	29.8%	4.3%	100.0
Transylvania	55.9%	20.5%	20.0%	1.0%	100.0
Crisana-Maramures	80.0%	6.7%	7.8%	1.1%	100.0
Bucharest	50.5%	7.4%	40.0%	1.1%	100.0

10. Explanatory models of pro-European attitude

Predictors	Regression Coefficients (Standard Error) Model 1	Regression Coefficients (Standard Error) Model 2
Incomplete obligatory studies (0-8)	-0.872 (0.405) *	-1.191 (0.397) **
Complete obligatory studies (8)	-0.877 (0.318) **	-1.037 (0.314) **
High-school or vocational (8-12)	-0.508 (0.285)	-0.593 (0.283) *
Age between 18-25	-0.216 (0.300)	-0.125 (0.296)
Age between 26-35	-0.342 (0.281)	-0.316 (0.278)
Age between 36-50	-0.343 (0.293)	-0.315 (0.289)
Age between 51-65	-0.635 (0.337) *	-0.609 (0.333)
Town over 200.000 inhabitants	-0.113 (0.227)	0.152 (0.297)
Town between 100.000-200.000 inhabitants	0.100 (0.301)	0.136 (0.233)
Town between 30.000-100.000 inhabitants	0.178 (0.236)	-0.144 (0.256)
Regional development	0.027 (0.006) ***	0.029 (0.006) ***
Read political reports	0.351 (0.188)	-0.089 (0.224)
Nationalism scale	0.396 (0.079) ***	
National identity		0.305 (0.195)
R ²	0.15	0.12

Dependent Variable: Country should develop closer ties with EU

*Legend: - a negative correlation; * predictor significant at 0.05; **p<0.01; ***p<0.001
(***=strongest association)*

11. Explanatory model for subjective ethnic conflict

Predictors	Regression Coefficients (Standard Error)
Age between 18-25	0.128 (0.282)
Age between 26-35	0.696 (0.269) **
Age between 36-50	0.604 (0.284) *
Age between 51-65	0.462 (0.330)
Regional development	0.025 (0.005) ***
Town over 200.000 inhabitants	-0.074 (0.217)
Town between 100.000-200.000 inhabitants	-0.816 (0.296) **
Town between 30.000-100.000 inhabitants	0.389 (0.228)
Town under 30.000 inhabitants	-0.234 (0.256)
Vote for Corneliu Vadim Tudor	-0.792 (0.289) **
Subjective welfare	-.0588 (0.156) ***
National identity	0.405 (0.077) ***
Political competence	-0.301 (0.085) ***
R ²	0.16

Dependent Variable: Subjective ethnic conflict between Romanians and Hungarians

*Legend: - a negative correlation; * predictor significant at 0.05; **p<0.01; ***p<0.001
(***=strongest association)*

12. Preference for Tudor determinants

Predictors	Regression Coefficients (Standard Error)	Regression Coefficients (Standard Error)
	Model 1	Model 2
Sex (women)	-0.706 (0.288) *	
Education		3.477 (0.323)
Age		4.678 (0.321)
Income	-0.000 (0.001)	
Regional development	0.008 (0.011)	0.014 (0.011)
Nationalism scale	-0.310 (0.140) *	-0.234 (0.140)
Democratic orientation	-0.443 (0.195) *	-0.452 (0.193) *
Experience with Hungarians		-0.815 (0.296) **
Political competence		-0.252 (0.154)
R ²	0.10	0.11

*Legend: - a negative correlation; * predictor significant at 0.05; **p<0.01;
p<0.001(=strongest association)*

2.3. CORRUPTION OR WIDESPREAD ADMINISTRATIVE MALFUNCTION? A POLICY FAILURE WARNING

A Policy Failure Warning

In 2001, the Government published its National anti-corruption Strategy. Long prompted by international partners, the strategy was received with mixed feelings by an increasingly cynical public, despite the fact that, for the first time, it addresses the core of the issue. It is true that the media treated the Strategy lightly and sceptically, emphasizing the stress it gave to petty

corruption, which was interpreted as lack of political will to go after the grand corruption. However, the stress on petty administrative corrupt behavior makes a lot of sense. Evidence shows that personal negative experience in dealing with corrupt civil servants is feeding the public's perception of widespread administrative corruption⁹³. Therefore, sending political signals by tackling grand cases of corruption is by no means more important than convincingly handling widespread petty corruption. Moreover, the Strategy addresses important issues, including the limitation of the parliamentary immunity status (which would require a constitutional modification).

Having said the above, the Strategy still falls short of providing practical solutions in some key areas. Above all, it does not establish clear priorities, which means that too many objectives compete for immediate attention, in a context of overlapping and incomplete regulations.

In the above context, it should be highlighted that, since the release of the strategy last fall, Romania has been plagued by some of the worst corruption scandals in a long time, and the manner in which the Government has dealt with these scandals is still a topic of heated public debate.

This article reviews the evidence on corruption, and proposes a set of policy recommendations.

How widespread is corruption?

How do we measure corruption? One way would be to look at people who have been indicted as being corrupt, but since the general perception is that most corruption cases go unpunished and unreported, this would not provide an accurate estimate. Another way is to ask people to report on their personal experience with corruption. This can be done in two ways. The first would be to **ask people for their own assessment of corruption in society, which we will call *subjective corruption*. The second way would be to ask them to report on their personal experience with corruption, which we will call *corruption experience*. Both measurements are subjective, relying on one's ability to perceive, assess and report correctly situations that are not always clear-cut.**

The first category of questions (how wide-spread do you think corruption is in the public sector?) actually ask for a generalization from every respondent, regardless of his or her personal experience. From the point of view of survey theory, such a question would be considered as 'misleading', since it asks people to answer a query that they have little or no means to answer properly. Consequently, subjective corruption is associated with other things beyond one's experience. The second category of questions is not without problems either, since they ask respondents to report illegal behavior, and there are practically no means to check their story, or to differentiate between an active party and a passive party (since corruption involves at least two actors). Two risks are obvious here, namely that respondents would be tempted to underreport socially undesirable behavior, and that, while reporting it, they

⁹³ See Politics section, EWR 2/2001.

would attribute it to other sources than their own behavior, in order to avoid personal guilt.

However, based on a large number of regional and national surveys, it has been noted that the above mentioned risks are smaller than one would believe. People seem to be so willing to get rid of the ‘extra-tax’ represented by corruption, and the behavior of offering bribe is so generalized, that they tend to report it with no fear of consequences. Having said this, such risks are still present when addressing specific target groups, such as investors, since businessmen tend to be quiet on their own initiative and cooperation in acts of corruption. Furthermore, they often obscure the fact that at the original motivation for bribing officials is not to defend some legal right of theirs, as with the ordinary citizens, but to obtain “favours”, such as shortcutting existing laws and regulations.

Putting aside these reservations, current measurements provide a picture of large-scale participation in bribe giving (see Fig. 1).

Fig. 1. Experience with the public sector in the previous year⁹⁴

Experience with bribing	School %	Court %	City Hall %	Police %	Hospital %
Last year dealings with...	19.3	14.9	42	20	46.9
...and had to bribe to get service	26.5	22.6	14.8	13.9	51.5

Direct experience show schools as being more corrupt than the Courts, the police and city hall, but all are within close range. The widest spread corruption is reported in relation to hospitals and medical care. However, in this chapter, we will focus on experience with bribes within the narrower borders of the state, namely the judiciary, the local government and the law enforcement agencies.

When attempting to correlate bribe giving with consequent satisfaction with the service received, the survey finds an inverse correlation, namely that people dislike bribing, and that they are not satisfied with the outcome (see Fig. 2).

Fig. 2. Association between bribe giving and satisfaction with service delivered

Predictors	Association and significance
Bribe giving	- **

*Dependent variable: Satisfaction with service after bribing. Legend: - a negative correlation; *predictor significant at p<0.05,**p<0.01,***p<0.001 (***=strongest association); N/S means that the variable did not turn out a predictor*

Equally, there is a strong correlation between a reported bribe and reported abuse by administration, which shows that a bribe is often a consequence of mistreatment (see Fig. 3). People bribe because otherwise they would not obtain the services that they need. Mistreatment is generally interpreted as a signal to provide an extra payment to the civil servant or public official.

⁹⁴ Based on BOP Metromedia 2001.

Fig. 3. Association between reported mistreatment and bribe⁹⁵

Association and significance	
How often did you have to bribe?	+ ***
Wealth	N/S
Age	N/S
Town size	N/S
Education	N/S

Dependent variable: Mistreated by a civil servant after 1989.

*Legend: - a negative correlation; * predictor significant at $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$*

*(***=strongest association);*

N/S means that the variable did not turn out a predictor

Romania's situation is not unique in the region. Comparative data show that subjective perception of corruption, frequency of bribing and accountability of the administration are similar to other post-Communist countries (see Fig.4). Regardless of their other differences, it seems that CEE countries are similarly struggling with widespread malfunction of their administrations, which is translated in terms of their incapacity to provide a satisfactory service without bribes.

Fig. 4. Comparison across selected CEE countries⁹⁶

	Romania	Bulgaria	Slovakia
Corruption (most or almost all officials are involved)	69.5%	62.0%	64.3%
Frequency of bribe	67.1%	29.1%	55.9%
Accountability index	1.75	2.64	1.51

The relation between subjective corruption and institutional social capital

A glance at the explanatory models of subjective corruption shows that the perception of widespread or general abuse is mostly encountered in less developed regions, and more in urban areas than in rural areas (see Fig. 5).

Fig. 5. Explanatory models of subjective corruption⁹⁷

Predictors	Association and significance			
		Model 1		Model 2
Village and small town	-0.058	(0.020)***	-0.057	(0.020)***
Age	-0.054	(0.026)**	-0.047	(0.026)*
Education	0.029	(0.010)**	0.029	(0.010)**
Regional development index	-0.003	(0.002)*	-0.003	(0.002)
Income	-0.000	(0.000)*	-0.000	(0.000)
Agree that "Romania is a rich and beautiful country"			0.220	(0.058)***

*Legend: - a negative correlation; * predictor significant at $p < 0.1$; ** $p < 0.01$; *** $p < 0.001$*
*(***=strongest association)*

⁹⁵ CURS-SAR 2000 data.

⁹⁶ Freedom House-SAR survey in 2000.

⁹⁷ CURS-SAR survey in October 2001.

Subjective corruption is associated with younger and better-educated people, but also with low income. It is strongly correlated with paranoia (“Romania is a country both rich and beautiful, but its many enemies prevent it from prospering”) and low trust in government⁹⁸. More than a measurement of corruption, it represents, therefore, a measurement of institutional social capital. High subjective corruption indicates lower social capital, implying a low local administrative capacity. Institutional social capital is lower in cities than in villages, and is lower in poorer areas than in developed ones. Obviously, there is a correlation between the performance of local administration and institutional social capital, but also between the personal poor performance of the respondent and the tendency to blame it on government – the two actually coexist.

Fig. 6. Satisfaction with civil service and government

Variables	%
Mistreated by a civil servant after 1989	59
MPs work for the public interest	11
Judges work for the public interest	27
Central govt civil servants work for the public interest	16
Local govt civil servants work for the public interest	33
Government does not do enough to curb corruption*	75
Unsatisfied with Government’s law enforcement performance*	50

*Note: Items marked * come from a May 2001 BOP survey; the rest come from a CURS 2000 survey.*

The data on people’s experience with corruption and their trust in civil servants and representatives are quite worrisome (see Fig. 6). Corruption is a symptom of widespread lack of administrative performance and of Romania’s institutional weaknesses. Widespread administrative corruption is a consequence of the administration’s overall failure to provide public services. The core services that the Government is supposed to provide are the most affected. Bribes are an extra-tax that Romanian citizens pay in order to obtain the services to which they are entitled to as normal taxpayers. Therefore, a purely repressive approach to corruption will not solve the problem. The most worrisome is the perception of corruption of representatives, who are singled out as the least trusted among public officials. Whilst conflict of interest and corruption amongst civil servants are regulated by the Public Administration Law (repeatedly modified) and Civil Servants Law (188/1999), and the corruption among executives is regulated by the Law for Responsibility of Ministers (115/1999), representatives, from local councillors to MPs, are sheltered from any legal consequences for their misdealings.

When we write or say corruption, we usually associate it with business, for example, phony bids involving large amounts of money. The point of this article, however, is that the large-scale corruption in the post-Communist world is not the one correlated with business, but with the simple everyday functions of the public service. Neither in the Romanian survey, nor in the

⁹⁸ Component extracted from trust in Prime Minister, President and Parliament. See Annex for details on this index.

Bulgarian, can one find a correlation between being engaged in business and bribing. A Chi-square test of the Romanian survey data indicates no association between the two variables, and the percentages appear strikingly similar (see Fig. 7). It is not the reinvention of business, which prompted corruption in post-Communist Europe, but rather the survival of the organization and culture of public administration, from Communist times.

Fig. 7. Cross tabulation of “Engaged in business” with “How often do you have to bribe”?

BRIBE	BUSINESS		Total
	Yes	No	
Always	13.5%	13.8%	13.7%
Depends	57.1%	52.9%	53.4%
Never	27.1%	28.2%	28.2%

The CURS poll, executed for a World Bank Study in Romania, reported encounters of corruption amongst 38% of the civil servants (self-reports of being offered a bribe), 42 % of the public, and only 28% of businesses. Even if the businessmen, admittedly (see above), may have played down their experience with corruption, this points to the fact that business-related corruption is just a part of a more widespread phenomenon.

Conclusion. Can we even call it corruption?

The widespread practice of bribing in dealing with the public administration must be understood as part of a more complex design. Post-communist societies can hardly be considered as fully modernized societies, and their administrations have never achieved the impartiality, impersonality and fairness that are supposed to characterize a modern bureaucracy. Corruption is not simply the use of a public position to seek personal gain, as its most common definition states, but more broadly, it is the infringement of the impersonal and impartial norms that should characterize modern public service. Providing discriminative public service may not be prompted by financial gain only, but may endure as a norm in societies dominated by status groups. A favor may be granted to acknowledge superior status, or to establish one’s position, without necessarily involving money or immediate gains.

The superimposition of Communism on traditional rural societies led to a sort of neo-traditionalist, or *status society*, governed by unwritten rules more than by formal laws⁹⁹. The explicit modernizing design of Communism was doomed from the start by the contradictions embedded in the communist power structure, namely the legitimization of status groups such as the ‘nomenklatura’, who enjoyed political and economic monopolies, and the enforcement of hierarchy over ideology. Romania passed from a peasant variant of status society to a Communist one, and it is the survival of Communism’s core features that still hinders today the development of an

⁹⁹ This argument draws on the work of Kenneth Jowitt (*Social Change in Romania.1860-1940*, Berkeley: University of California, Institute for International Studies, 1993); see also Alena Ledeneva ‘Unwritten Rules: How Russia Really Works’, CER Essay for Centre for European Reform, London, 2001

open society and of a free market. Such societies are characterized by *unpredictable patterns of distributing social and legal rights, from a rational point of view, but are fairly predictable for whoever is acquainted with the patterns of authority, which generate the unwritten rules of the game.* Weber originally defined status societies as societies dominated by status groups and ruled *by convention rather than law.* “The firm appropriation of opportunities, especially of opportunities for domination, always tends to result in the formation of status groups. The formation of status groups, in turn, always results in monopolistic appropriation of powers of domination and sources of income...Hence, a status society always creates ... [the] elimination of individual’s free choice ... [and] hinders the formation of a free market.”¹⁰⁰

The slow, modest, and often contradictory reforms in Romania, since 1990, have been unable to identify this structural problem and to address it effectively, and this is the main reason why so many of them failed to make a difference. Post-communist societies are complex societies: the legacy of communism often appears as an entangled mix of complicities, in which victim and perpetrator are difficult to tell apart, and in which unwritten rules prevail over written ones.

Does it make sense to call this “corruption” then? The plain answer is no. Addressing this merely as an individual derailment from a general norm of impartiality and fairness cannot succeed. Rather, considerable effort must be made to signal that the current norm consists of impartiality and fairness, which, unfortunately, is the opposite of what has happened over the last ten years. In addition, the reason for which politicians are hated above everyone else, is that the public perceives them as the super-status group rather than as the bearers of a new social order.

The above considerations can be summarized in the following conclusions, which are relevant for policymaking:

1. Corruption is a diffuse post-Communist phenomenon grounded in the ineffectiveness of public administration as a provider of public services; business-related corruption is only a variety of this general phenomenon, even if business-related corruption involves more money than the “ordinary” corruption. Actually, since entrepreneurs have more means and incentives to obtain certain public services indispensable to their activity, they are more prone to become passive supporters of corruption than ordinary citizens; but the same happens with all citizens who dispose of more resources.
2. Corruption is only one consequence of the general lack of accountability and transparency, which is, again, rooted in Communist administrative culture, and is enforced by bad and complicated regulations. These have to be addressed directly, and by means other than judiciary, in order to de-rationalize corruption as an informal institution. As long as corruption remains the only means to make the

¹⁰⁰ Originally from Weber, *Economy and society*, quoted after Weber, *On charisma and institution building*, Chicago: University of Chicago Press, 1968, p 177-180

administration work, it will endure regardless of the punitive measures taken against it.

3. Corruption persists due to the lack of civic competence and self-assertiveness of the less educated and economically disadvantaged citizens; if these cannot be mobilized to act on their own behalf, someone else has to act for them. The private sector and the NGOs have an important part to play here.

The following section contains recommendations for priorities of the anti-corruption campaign, and proposes concrete actions to be taken.

Recommendations for Government and political parties

Regulate and criminalize conflict of interest

The Government's Action Plan highlights the need to take action to regulate conflict of interest. However, it does not specify what action to take. A good start would be to acknowledge that regulation of conflict of interest, and enforcement of pre-existing regulations, have been constantly sabotaged by a lack of political will. There have been previous attempts to separate business and politics in the last decade, and one should carefully examine what made them fail, before making promises on future moves in the same direction. The simple conclusion is this: previous moves were shipwrecked by the very same parties who initiated them. For instance, President Iliescu endorsed, during the Vacaroiu government, an unsuccessful bill stipulating that MPs could not sit on the Board of privatising companies, and the bill was sunk in the Parliament by the government coalition of that time. In 2000, the current government party sponsored many Trade Union leaders on their electoral lists. In 2001, an amendment to prevent local councillors from occupying positions in companies dealing with the City Hall was postponed to 2004, in order to protect current businesses, and a special initiative seeking to regulate conflict of interest in local government, initiated by the Democratic Party, was discarded. The real question is: what makes the situation different in 2002? Are the President and Prime Minister more powerful or more committed to confronting the issue within their own power base? If the answer to this question is no, then nothing can be done. Conflict of interest is not only a widespread practice in Romania, but it is embedded in the new legislation as well¹⁰¹. The 1996-2000 governments also sponsored this development. Is there political will to tackle this situation? At least at the formal level, nothing is simpler than drafting a conflict of interest framework bill and passing it through the Parliament¹⁰². Enforcement, however, is a different matter altogether, but at least such a move would give a signal and

¹⁰¹ As per the 1998 revision of the Public Television Law concerning the composition of the Board, the only such law in Europe making conflict of interest legal.

¹⁰² There are ready-made packages available, such as the US Agency for Government Ethics' one, http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html. No Romanian political party has manifested any interest in endorsing such options so far.

would create a starting point. Criminal Code modifications are on the Parliament's agenda: what would be simpler than to criminalize conflict of interest and give it the broad definition that it deserves? The bill should be a simple and short framework-type regulatory act, formulating clear principles and penalties, prevailing on previous legislation in every field. It could, for instance, stipulate that one cannot sit on the board, or have an executive position in any agency involved in the spending of public money, if he or she (or any of their close relatives) is associated in any way, formally or informally, with the type of activity which is being sponsored by that board; that the relationship must cease at least one year in advance of occupying such a position, in case that the individual would rather give up the activity than the Board position. The previous example is extracted from the US Government Code of Ethics and could be adopted as such. It has the great advantage of criminalizing the failure to notify conflict of interest when one risks being involved.

- **Statutory prohibition.** An employee is prohibited by criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.
- **Notification.** An employee who becomes aware of the need to disqualify himself from participation in a particular matter to which he has been assigned should notify the person responsible for his assignment. An employee who is responsible for his own assignment should take whatever steps are necessary to ensure that he does not participate in the matter from which he is disqualified. Appropriate oral or written notification of the employee's disqualification may be made to co-workers by the employee or a supervisor to ensure that the employee is not involved in a matter from which he is disqualified.”

In the model of the code quoted, conflict of interest should be regulated for a period of time before and after one holds or leaves office. In the very recent SOV scandal¹⁰³, there may not be any evidence of misdoings by officials yet, but there is clear evidence of conflict of interests involving at least the current President of the Senate (former Prime Minister Nicolae Vacaroiu) and the former head of cabinet of the Prime Minister (Sorin Tesu). Although these cases were scandalous, they are not illegal under the current Romanian law.

Tackle corruption of law and order agencies

Special care is needed in tackling corruption within law enforcement agencies and the judiciary system. Heavy repressive campaigns, such as the one initiated by Justice Minister Rodica Stanoi, are unlikely to solve the problems, and may even be interpreted as political tampering with the

¹⁰³ Sorin Ovidiu Vantu.

freedom of the judiciary, as in the European Commission's last progress report. It is the basic organization of these institutions that is defaulting here, and if this is not addressed as a main policy focus, then the whole process becomes hopeless. The lack of effectiveness of these agencies in delivering law and order, which is badly needed by society, and the unpredictability of their acts, is a consequence of their general lack of transparency, which in turn is a corollary of their status as organizations. The anti-corruption strategy admits that over-regulating the delivery of services to the public is at the core of the administrative corruption. The next logical step, namely proposing deregulation, does not, however, concern home and justice affairs. The draft police status, currently in the Parliament, is a poor one, leaving the police centralized and hierarchically organized, with no clear provisions for horizontal accountability, which is the only one that could work. Law and order is a service for communities, therefore communities should be provided with some way to make accountable those who fail to provide such services. The status of the local government in the accountability mechanism of local police in the current bill is unclear and inferior on all accounts. The same goes for the Prosecutor's Office. The simple evoking of "management" as being related to prosecutorial work is not effective. The whole status of prosecutors needs revising, and this opaque and ineffective institution, plagued by Communist-time institutional culture, must be reformed. This is merely saying that the best way to attack corruption in these organizations is through long due structural reforms. If secrecy and absurd regulations will continue to be the rule of the game in the way in which these organizations deal with the public, the most entrepreneurial or well off will continue to bribe prosecutors, judges and policemen. The only way to make law and order impartial and fair is by making their agents transparent and accountable along horizontal, not vertical, lines. Mayors should be able to act on behalf of their communities against a corrupt and ineffective prosecutor or policeman, which is not currently the case. The status of the police bill should be rewritten, taking into account suggestions of expert bodies, domestic or foreign¹⁰⁴. The status of the Prosecutor, Judge and Council of Magistrates should be fully revised to shake existing status groups.

Implement fully the Freedom of Information Act

Another weak spot of the strategy is that it does not grant an important role to instruments already at hand. The last and most important one is mentioned just briefly by the strategy. The 2001 Freedom of Information Act is actually an accountability bill, asking every public agency to make every record transparent and to publish a yearly report on the spending of public money in the Official Gazette (*Monitorul Oficial*). It also requires that every non-classified piece of information should be made public ex-officio. If the Government is serious about an anti-corruption, it should thoroughly implement FOIA. If tender procedures and motivations for selecting winners are made accessible to the public, many acts of corruption would be prevented. Political will is

¹⁰⁴ Such as the Romanian Helsinki Committee.

best shown in the using of already available tools, not in the proposal of further strategies or drafts. Here is the test case for the Government. The transparency act, passed due to the excellent cooperation between a responsive Ministry of Public Information and civil society organizations, must be implemented as a full-fledged accountability act, and as part of the anti-corruption strategy. If it is reduced by reluctant implementation to the status of a “rights” type of act, its impact on the reform of the public sector would be reduced. Accountability reports published by government agencies, starting in 2002 according to FOIA, should be controlled on a regular basis and regulations be issued to prevent reporting false or distorted data.

Unify the existing regulatory framework in one Code of Conduct

Too many pieces of legislation compete and overlap already on corruption and accountability. The main piece addressing civil servants is far from being comprehensive, nor does it cover their possibly being related to a controversial activity before or after having a public position, and carries no penalties for infringement of incompatibilities between the position of civil service and “economic activities” other than, at worst, dismissal (article 7, paragraph 2). “Economic activity” is a poor formulation, which leaves open possibilities for having or fostering profit of every kind. The administration needs one clear code of conduct to outline not only regulations, but also ideal current practice, and to provide a comprehensive guide for every situation. Models are available, such as the Code of Conduct of the American Federal Office for Government Ethics quoted above. Not only does such a Code need to be adopted, but also an agency must be created and empowered with its enforcement (Office of Ethics). This agency should be different from the Control Body of the Prime Minister, which can be suspected of political intervention, and which has limited staff and resources. It could be a large autonomous body, with special status to protect agents from political interference and a head appointed by the Minister of Justice with the approval of Parliament.

Regulate and criminalize speculation and banking activities of agents who are not authorized by regulatory agencies

No lessons seem to have been learned from the collapse of mutual funds in recent years. After the collapse of *FNI* and *Banca Populara* in 2000, it became obvious that poor regulations (the National Bank can scrutinize only a few of the agents acting on the financial market), poor enforcement of the existing banking regulations (even those whom they can supervise are largely unaccountable when it comes to sanctions) and absence of adequate penalties in the criminal code made speculation and embezzlement almost a risk-free enterprise. Supervisory agencies for savings banks, mutual funds and insurance companies are toothless. After CEC, the main savings bank, was compromised in the FNI scandal, in January 2002, the Romanian Post Office also became involved. Despite having a bank of its own, BankPost, the Post Office risked its money (public money) in a small and adventurous private bank, which served mainly embezzlement purposes. The insurance company

ASTRA suffered a similar fate. Both these companies had many officials sitting on the Board, which explains why the scandal broke out so late.

The regulatory framework of financial transactions must be completed, a powerful audit agency empowered, and companies compelled to adopt a unitary, clear and transparent records system at hand for eventual controls. Besides the conflict of interest regulations mentioned above, many of the dubious and risky transactions that have become current management practice should be criminalized. Romania should adopt existing European standards on financial accountability and audit.

Make some room for the consumer

The majority of citizens who complain of abuse by the administration suggest that the philosophy “the public is our customer” is far from gaining acceptance in the administrative culture, not to speak of implementing. Signals given by the new laws and old practices in the administration cannot but hinder a more accountability-based approach. For instance, in the oath introduced by the Romanian law of civil servants (188/1999), the civil servants swear allegiance to their administrative superiors, whilst the public is never mentioned. The same philosophy was the underlying factor for the laying off of thousands of tenured civil servants at the change of power in Romania last winter. The Ruling 1 of the Romanian Government in 2001, concerning the reorganization of the Presidential Administration, establishes personal allegiance to the President as the main rule for a civil servant working in the institution.

Make representatives accountable

Representatives deserve a special chapter, as they have managed to consistently maintain the lowest position in public trust, and they are the least regulated, if at all.

- Giving up political immunity for anything other than political acts. This would give the public the impression that the political class is more accountable, and would stop the drive of tax evaders and embezzlers to seek refuge in the Parliament.
- Giving up both the practice and the regulation that make practically every important vote of a representative a secret. One reason why constituents do not trust their representatives is that they cannot find out how they vote. A radical revision of the electoral system¹⁶ would be of little help, if the vote of a representative remains a secret to his or her constituents. The emphasis on the secret vote was due, in the early nineties, to reminiscences from authoritarian times of Communist takeover. Anti-Communist parties feared that they would

¹⁶ As shown by SAR’s Crisis Alert Papers, the passing from the proportional system to a majority system would leave a majority of voters not represented in the Parliament, with the potential of creating even more anti-political feelings.

be held accountable for their voting against the government, and the authors of the 1991 Constitution agreed on this point. Such fears are now obsolete, as Romania is a consolidated democracy. The main goal that the voting procedure must achieve now, is accountability to the constituents.

- Amend regulations of Parliament, political parties law and local government laws, so as to automatically dismiss a representatives who swing parties from any representative bodies, national or local. They should be replaced with the next one on the party list. As long as Romania has a proportional system, and the vote is entrusted to party lists, the migration to whichever party offers more, is immoral and affects negatively the foundations of political legitimacy.
- Adopt campaign-financing legislation, as proposed by civil society.¹⁰⁵

Recommendations for civil society and donors

No anti-corruption strategy can succeed if the public does not play a part in it. The likeliest role for the Romanian civil society is to assisting the overall process of FOIA implementation and to take an active part in the debate on adopting new legislation, such as the Code of Conduct, police law, and so forth. The following recommendations specifically address the implementation of FOIA, as this piece of legislation was enacted on January 1, 2002.

Year One: Achieving state building: empowerment of the government

The first need that arises from FOIA is to build the capacity of the information offices, which must be created under the new law. Even where they existed before, these offices had, as a sole task, to deal with journalists and organize public relations campaigns. Most public agencies do not have such an office, but they are now required under the law to create such an office in the first year after the FOIA is enacted (Article 4). The information officers dealing with the implementation of FOIA have not only the task of satisfying requests for information, but also of publishing ex-officio, for the first time, a large volume of documents, and editing a newsletter (which has become compulsory under the law). Equally, wherever they have computers, they are required to develop a web site and post all of the information in electronic format. These new tasks require a number of skills and operations, such as:

- To produce the list of documents specific for their institution, which need to be published ex-officio, according to the law.
- To gather the relevant data from within the public agency, for publication, or for responding to individual requests from citizens.
- To organize the information in a meaningful and ready-to-use format.
- To publish the information in a user-friendly format.

¹⁰⁵ Pro-Democratia, a civic association, has long been advocating the adoption of such a law.

- To systematically collect and use feedback on the success in performing the above tasks, in order to achieve “consumer” satisfaction, i.e. to satisfy the needs of the public who use the information.

The difficulty of these tasks should not be underestimated; considerable expertise transfer is needed for the law to make a difference. Wages in the public sector are at about the national average (around US\$100 per month), which makes that individuals with writing skills prefer, as a rule, to work in the media or the private businesses. The most knowledgeable people on what kind of information is most solicited, and what formats are the most convenient, are the journalists who cover the area of the respective public agency or local government. Capacity-building programmes of the public relations offices should involve, as an essential resource, such journalists, at least for the editing of the newsletter and activity reports.

Year Two. Bringing the consumer in: empowerment of the community in the accountability process

Let us assume that the public agencies will meet some success in achieving the objectives set for the first year of FOIA implementation, at least formally. They will publish some documents, and for the first time the public will have the possibility to read the spending report and the budget of public institutions. However, most of the public is neither willing, nor competent, for such a task. What is needed, therefore, is some intermediate agent to act on behalf of the public, competent enough to check expenditures reports, but independent enough to be able to follow suit in any event. It may turn out that the reports are fair and accurate, and this must be made public by an independent source, since the Romanians’ lack of trust in their public institutions is notorious. Or, alternatively, it may turn out that they are not fair and accurate, or that essential data is missing or is misused, in which case action must be taken, as the FOIA allows. However, it is most difficult for ordinary citizens to do this, hence the need for an intermediate agent.

Reading a budget and suing the Government require certain skills. Thus, the solution is to allow local NGOs or other community organizations checking reports and filing complaints on behalf of citizens, in the first years after the enactment of the law. This requires training for the organizations volunteering to act in this capacity, and the creation of a national network, which requires donor assistance.

The differences between assisting implementation and letting it go on its own can be seen in other countries. In Bulgaria, where implementation is assisted by a string of NGOs acting as Ombudsmen and auditors, FOIA is already making a difference in the performance of the administration. In Albania, where the law was adopted hastily, after insistent international advocacy, then left to itself, nothing changed, and, after several years have passed, it is hard to dig it out from public indifference and skepticism. This sad story should not be repeated with the Romanian FOIA.

Annex 3

1. Variables and scales used

VARIABLE	Wording and scale	Comments
AGE	Age in years	Otherwise coded in 5 steps as 1=between 18 to 25; 2=between 26 to 35; 3=between 36 to 50; 4=between 51 to 65, 5=over 66
ATTITUDE TOWARDS ROMA	Answer to “Do you think the Roma are being mistreated compared to Romanians?” scale 1=agree, 2=agree in part, 3=disagree	
AUTHORITARIANISM SCALE	Factor score (1=“entirely agree” to 5=“entirely disagree”) from the variables “Romania is a country both rich and beautiful but its many enemies prevent her from achieving the prosperity she deserves”; “Some people behave properly only when led by a strong hand”; “No point in holding elections if the county is run by the same small group at the top “	
CIVIC MEMBERSHIP	Agreement with the statement “Member of a civic organization”, scale 1=yes and 2=no	Otherwise coded 1=“member”, and 0=“else”
CULTURAL NATIONALISM	Agreement with the statement “People who cannot speak the official language should not be allowed to vote”; Likert-type scale ranging from 1=“entirely agree” to 5=“entirely disagree”	Otherwise coded 1=“agree entirely or agree”, and 0=“else”
DEMOCRATIC ORIENTATION	Answer to “If parliament was closed down and parties abolished, would you disapprove?”, 1=“entirely agree” through 5=“entirely disagree”	Otherwise coded 1=“agree entirely or agree”, and 0=“else”
EDUCATION	Last school graduated 1=no school 9-college	Otherwise coded in 5 steps as 1=incomplete studies; 2=complete obligatory studies; 3=high-school and vocational; 4=high education
EXPERIENCE WITH HUNGARIANS	Answer to “Have you ever had encounters with Hungarians?”, scale 1=yes and 2=no	
EXPERIENCE WITH ROMA	Answer to “Have you ever had encounters with Roma?”, scale 1=yes and 2=no	
IDEOLOGY IRRELEVANT	Dichotomous variable: 1= with ideology; 0= the contrary	
INCOME	Scale from 1=under 1.400.000 lei; 2= between 1.400.001-3.300.000; 3= between 3.300.001- 4.500.000; 4=between 4.500.001-6.000.000; 5= over 6.000.0001	Otherwise coded in 7 steps: 1= under 1.400.000; 2= between 1.400.001-2.000.000; 3=between 2.000.001-3.000.000; 4= between 3.000.001-4.000.000; 5= between 4.000.001- 6.000.000; 6= between 6.000.001- 8.000.000; 7=over 8.000.000

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INTERPERSONAL TRUST	Factor score from the variable “Only your kin can be trusted”, ”Only the people you know well can be trusted” and “Only Romanians can be trusted”; scale ranged from 1 = total agreement to 5 = does not agree at all	
LOCAL IDENTITY	Dichotomous variable, coded 1=more emotionally attached to neighborhood; 0=else	
MEMBERSHIP COMMUNIST PARTY	Dichotomous variable: 1=member; 2= non-member	
NATIONAL IDENTITY	Dichotomous variable, coded 1=more emotionally attached to nation; 0=else	
NATIONALISM SCALE	Factor score (1=“entirely agree” to 5=“entirely disagree”) from the variables “There are territories of our country within the boundaries of other countries”; “No foreign country or international organization should be able to tell Romanians how to run their own country”; “There are ethnic groups living within this country which pose a threat to our sovereignty, national security and our borders”	
NOSTALGICS (COMMUNISM GOOD IDEA)	Agreement (1=does not agree at all to 5=total agreement) to the statement “Communism was a good idea which was badly put into practice”	Otherwise coded 1=agree entirely or agree and 0=else
PARANOIAC NATIONALISM	Agreement with the statement “There are ethnic groups living within this country which pose a threat to our national security” Likert-type scale ranging from 1=“entirely agree” to 5=“entirely disagree”	Otherwise coded 1=“agree entirely or agree”, and 0=“else”
POLITICAL COMPETENCE	Factor score from “Watch political news on TV”, “Read political news in the press”, “Discuss politics with friends” and “Interest in politics”	
READ POLITICAL REPORTS	Answers to “Do you read political news in the newspapers?” (0= no answer; 1=daily; 2=more often on a week; 3=at least weekly; 4=monthly or more often; 5= not at all)	Dichotomous variable: 1= read; 0= doesn’t read
REGION IDENTITY	Dichotomous variable, coded 1=more emotionally attached to region; 0=else	
REGIONAL DEVELOPMENT INDEX	Index constructed by Dumitru Sandu, reunites demographic and infrastructure indicators (1999)	
SELF-ESTEEM	Answer to “Do you think of yourself as worthless sometimes?”, scale from 1=every time to 5=never	
SEX	1=Male; 0=Women	
SUBJECTIVE CORRUPTION	Answers to “How spread is corruption in the public sector, after you” (1= “Scarcely anyone of the officials is	

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	involved”, 2= “Few officials are involved”, 3= “Most officials are involved”, 4= “Almost all the officials are involved”).	
SUBJECTIVE ETHNIC CONFLICT	Perceived ethnic conflict between Romanians and Hungarians, coded from 1=“entirely agree” to 5=“entirely disagree”	Otherwise coded 1=“agree entirely or agree”, and 0=“else”
SUBJECTIVE WELFARE	Agreement with the statement “How is your life now compared with last year? ” scale ranging from 1=“ very satisfied” to 5=“not at all satisfied”	Otherwise coded 1=“satisfied”, and 0=“else”
TERRITORIAL NATIONALISM	Agreement with the statement “There are territories of our country within the boundaries of other countries”; Likert-type scale ranging from 1=“entirely agree” to 5=“entirely disagree”	Otherwise coded 1=“agree entirely or agree”, and 0=“else”
TOWN SIZE	Codified variable; 1= town over 200 000 inhabitants; 2= town 100 000-200 000; 3= town 30 000-100 000 inhabitants; 4= town under 30 000 inhabitants; 5= village	Otherwise coded as dichotomous variables: - town over 200 000 inhabitants (1= town over 200.000; 0= other) - town 100 000-200 000 (1= town 100 000-200 000; 0= other) - town 30 000-100 000 inhabitants (1= town 30 000-100 000 inhabitants; 0=other) - town under 30 000 inhabitants (1= town under 30 000 inhabitants; 0=other) - village (1= village; 0=other)
TRUST IN POLITICAL SYSTEM	Factor score of evaluations of Government, Political party, Presidency Parliament, Judiciary; scales ranged from 1 (“does not work at all in the public interest”) to 4 (“it does work in a large extent for the public interest”)	
TRUST/DISTRUST LEADERS	Coded from 1 (very little) to 4 (very much)	Otherwise coded 1 for much and very much, 0 else for trust, 1 for little and very little for distrust
XENOPHOBIC NATIONALISM	Agreement with the statement “No foreign country or international organization should be able to tell Romanians how to run their own country”; Likert-type scale ranging from 1=“entirely agree” to 5=“entirely disagree”	Otherwise coded 1=“agree entirely or agree”, and 0=“else”