

# FROM THE UNITARY TO THE PLURALISTIC: FINE-TUNING MINORITY POLICY IN ROMANIA

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### Abstract

This chapter constructs a typology of the principal minority groups in Romania, incorporating three types—the Hungarian minority, the Roma minority and the ‘smaller’ minority groups (comprised of fewer than 100,000 members). The purpose of this typology is to highlight the fact that the various minority groups in Romania should not simply be ‘lumped together’ in one monolithic category. These three types of minority groups in Romania are highly distinct and are characterised by varying degrees of social, political and economic integration. Furthermore, these three groups have diverse needs and enjoy disparate levels of political mobilisation. The chapter puts forth the argument that Romanian policy-makers and administrators must take into account the plurality of the country’s minority groups when addressing challenges and issues relevant to these three diverse types. This kind of typology can be useful to policy-makers at both the local and central level of government, and can inform those responsible for the management of multi-ethnic communities in Romania. The chapter analyses and assesses both centrally directed and locally initiated minority policies in Romania since 1989, emphasising particular problem areas and policy challenges in the fields of legislation relevant to minority communities, minority rights, the institutional framework for minority protection, minority issues in post-1989 public administration reform and minority education. The study concludes by offering a number of policy recommendations for each of these issue areas.

### 1. Introduction

Romania presents a fascinating case for the study of the management of multi-ethnic communities. Ethnic minorities comprise more than 10% of Romania’s total population. At least sixteen different minority groups can be identified, exhibiting a great variety of cultural, political and demographic profiles. Minority groups in Romania enjoy varying degrees of social, political and economic integration. These distinct groups have also employed different political strategies and have pursued widely divergent policy goals in the post-communist period. An analysis of this diversity can access the particular problems faced by Romania’s minorities as they attempt to reproduce their cultural and ethnic identities.

This chapter advances the argument that, in dealing with minority issues, Romanian policy-makers must recognise the important cultural, political and demographic differences that exist among the various minority groups. In policy and in practice, the central government has thus far failed to do this to a significant degree, and instead has tended to lump together the questions and problems posed by these diverse groups. As this paper will demonstrate, this kind of unitary policy-approach is inappropriate given Romania's ethno-cultural complexity. A more sensitive approach is necessary—one which takes into account the plurality of the needs and demands of Romania's minorities.

We suggest that it can be useful to distinguish at least three separate types of minority groups in Romania based on the following attributes: size, territorial concentration, degree of political mobilisation, political objectives, historical status and socio-economic status. The three types we discern in our analysis are: (1) the Hungarian minority, (2) the 'smaller' minority groups, (comprised of fewer than 100,000 members), including Germans, Ukrainians, Lipovans and others, and (3) the Roma. The construction of this kind of typology, we will argue, can be useful to policy-makers at both the local and central levels of government in dealing with issues related to the multi-ethnic community management in Romania.

### 1.1. *Demographic characteristics*

According to the 1992 census, minorities make up more than 10% of Romania's total population (Tables 1 and 2). The largest minority group is the Hungarian (7.1% of Romania's total population), followed by the Roma (1.8%) and the German (0.5%) communities.<sup>1</sup> The minority population in Romania has gradually decreased over the past few decades (Table 2). This decrease is largely due to significant emigration on the part of Hungarians, Germans and Jews—a process that has accelerated since 1989.<sup>2</sup>

It should be noted at the outset that the term 'nationality' rather than 'ethnic minority' is used in the 1992 census to refer to the various ethno-cultural identities of Romanian citizens. In Romanian political discourse, the terms 'ethnicity' and 'nationality' are used interchangeably. Although this paper is not primarily concerned with semantic issues, it

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<sup>1</sup> During the census in 1992, many Roma individuals hesitated to officially declare themselves as Roma due to widespread negative prejudice against them. Their actual number is therefore significantly higher than the number calculated in the census. A number of nongovernmental organisations estimate that between 1-1.5 million Roma live in Romania—a figure comprising more than 5% of the country's total population.

<sup>2</sup> In 1992 they represented only one-fifth of the number of Germans registered in 1930. During the period between 1977 and 1992, 228,252 emigrants of German origin were registered. The number of Hungarian emigrants in the period between 1977 and 1992 was greater than 68,000—more than half of them leaving the country between 1988 and 1990. See: A. Radocea (1995) 'Structura etnică a populației României și evoluția ei în ultimele decenii' in *Recensământul populației și locuințelor din 7 Ianuarie 1992. Structura etnică și confesională a populației*, Comisia Națională pentru Statistică, pp. VII – LXXI.

Table 1. Ethnic Structure of Romania's Population  
Censuses of 1930, 1956, 1966, 1977 and 1992

Census year	Population				
	1930	1956	1966	1977	1992
Total	14,280,729	17,489,450	19,103,163	21,559,910	22,810,035
Romanian	11,118,170	14,996,114	16,746,510	18,999,565	20,408,542
Hungarian	1,423,459	1,587,675	1,619,592	1,713,928	1,624,959
German	633,488	384,708	382,595	359,109	119,462
Roma	242,656	104,216	64,197	227,398	401,087
Ukrainian	45,875	60,479	54,705	55,510	65,764
Serb, Croat*	50,310	46,517	44,236	43,180	33,493
Lipovan	50,725	38,731	39,483	32,696	38,606
Jew	451,892	146,264	42,888	24,667	8,955,
Tatar	15,580	20,469	22,151	23,369	24,596
Slovak	50,772	1,930	4,165	4,681	2,342
Turk	26,080	23,331	1,956	2,309	4,028
Bulgarian	66,348	14,329	22,221	1,966	452
Czech**	0	12,040	18,040	21,286	1,977
Greek	23,161	11,821	11,193	23,422	19,594
Polish	15,804	11,166	9,978	10,372	29,832
Armenian	12,175	7,627	9,088	7,683	9,851
Other	49,182	6,441	5,860	6,262	5,797
Undeclared	5,052	13,357	3,436	4,641	3,940

\* Until the 1992 census, Slovenes were also included in this group; in 1992 they were included in 'Other nationalities'.

\*\* In the 1930 census, Czechs were included among Slovaks.

is important to distinguish between ethnicity and nationality if we are to avoid plunging into the terminological chaos that plagues so much social science literature. For our purposes, we will make a simplified distinction between the two terms: nationality involves a higher degree of political mobilisation and coherence than ethnicity and often (though not necessarily) implies a more confrontational relationship between the given group and the state. Throughout this paper, however, we will make a concerted effort to use the more neutral term 'minority group', whenever possible, for no clear set of criteria has been instituted in Romania to determine which communities are national groups and which are merely ethnic groups.

According to the census, the degree of native-language use varies significantly among the different minority groups (Table 5). The Hungarian population has the highest percentage of members who speak Hungarian as their mother tongue (97.8%). In marked contrast, more than half of the Roma surveyed declared Romanian as their first language. Among the other minority groups, fewer than 70% of Armenians, Jews, Greeks and Poles declared a mother-tongue language correspondent with their minority group.

*Table 2. Ethnic Structure of Romania's Population  
Censuses of 1930, 1956, 1977 and 1992 (in per cent)*

Census year	Population percentages			
	1930	1956	1977	1992
Total	100.00	100.00	100.00	100.00
Romanian	77.85	85.74	88.12	89.47
Hungarian	9.97	9.08	7.95	7.12
German	4.44	2.20	1.67	.52
Roma	1.70	.60	1.05	1.76
Ukrainian	.32	.35	.26	.29
Serb/Croat*	.35	.27	.20	.15
Lipovan	.36	.22	.15	.17
Jew	3.16	.84	.11	.04
Tatar	.11	.12	.11	.11
Slovak	.36	.01	.02	.01
Turk	.18	.13	.01	.02
Bulgarian	.46	.08	.01	.00
Czech**	.00	.07	.10	.01
Greek	.16	.07	.11	.09
Polish	.11	.06	.05	.13
Armenian	.09	.04	.04	.04
Other	.34	.04	.03	.03
Undeclared	.04	.08	.02	.02

\* Until the 1992 census, Slovenes were also included in this group; in 1992 they were included in 'Other nationalities'.

\*\* In the 1930 census, Czechs were included among Slovaks.

With respect to religion, significant differences can be observed along ethnic lines (Table 3). The vast majority of Romanians (94.7%) are Orthodox Christians, while most Hungarians and Germans belong to the Roman Catholic Church or to various Protestant denominations. With respect to the other smaller minorities, approximately 68% belong to the Orthodox Church. Religious differences between the majority and the minorities have been a source of tension and conflict, within both social and institutional contexts. Over the past ten years Protestant and Catholic churches have received significantly less financial support from the Romanian state than have Orthodox churches. This discrepancy is in part the result of the ambiguous relationship between church and state in Romania.

The regional distribution and the degree of urbanisation of the various minority groups are also important to consider because each helps to determine the degree to which the groups are able to maintain their specific cultural identities. The more concentrated a

Table 3. Ethnic and Religious Structure of Romania's Population  
Census from 1992 (in %)

Religion	Total	Romanian	Hungarian	Roma	German	Ukrainian
Total	100.00	100.00	100.00	100.00	100.00	100.00
Orthodox	86.81	94.68	1.71	85.30	6.80	80.35
Roman Catholic	5.09	1.77	41.20	4.81	59.42	0.94
Reformed	3.52	0.08	47.10	4.39	2.34	0.10
Greek Catholic	0.98	0.94	1.44	0.89	1.59	2.57
Pentecostal	0.97	0.99	0.27	1.97	0.42	7.66
Baptist	0.48	0.46	0.79	0.23	0.37	0.33
Adventist	0.34	0.32	0.51	0.42	0.29	1.57
Unitarian	0.34	0.01	4.56	0.23	0.14	0.14
Muslim	0.25	0.00	0.00	0.15	0.01	0.01
Christian Evangelic	0.22	0.22	0.15	0.23	1.86	0.29
Evangelic Augustan	0.17	0.02	0.44	0.06	22.86	0.01
Christian Old Style	0.12	0.02	0.01	0.02	0.01	0.18
Orthodox Old Style	0.14	0.13	0.00	0.03	0.01	3.53
Evangelic Presbyterian	0.09	0.01	0.79	0.01	2.39	0.01
Mosaic	0.04	0.01	0.01	0.00	0.05	0.06
Other	0.25	0.19	0.73	0.22	1.12	1.96
Atheists	0.05	0.04	0.04	0.06	0.07	0.05
No religion	0.11	0.08	0.20	0.80	0.17	0.16
Undeclared	0.04	0.03	0.05	0.18	0.08	0.07

minority group is in a given area, the higher is its chance to use its mother tongue in everyday communication and in the public sphere. Further, urbanisation is important—in as much as urban settings make the concentration of financial and administrative resources necessary for the maintenance of cultural and educational institutions easier—and facilitates political mobilisation.

The bulk of Romania's minority population is concentrated in Transylvania, where Hungarians represent 21% of the region's population and constitute a majority in two counties (see Table 4).<sup>3</sup> Most of the smaller minorities, with the partial exception of the Germans and a number of small urban Jewish and Armenian communities, live in rural areas. The Roma generally live in rural rather than urban settings.

<sup>3</sup> See Figure 1.

Table 4. Ethnic Structure of Romania's Population by Districts. (Percentages)

District	Romanian	Hungarian	Roma/Gypsy	German	Other	P*
Alba	90.10	5.98	3.06	.78	.07	T
Arad	80.51	12.51	2.73	1.93	2.32	T
Argeş	98.91	.06	.95	.03	.06	
Bacău	98.03	.63	1.11	.03	.20	
Bihor	66.54	28.44	3.41	.25	1.36	T
Bistriţa Năsăud	90.43	6.45	2.76	.29	.07	T
Botoşani	99.14	.03	.44	.02	.37	
Braşov	85.98	9.38	2.43	1.56	.64	T
Brăila	98.06	.05	1.08	.02	.79	
Buzău	97.78	.03	2.15	.01	.02	
Caraş-Severin	86.56	2.09	2.07	3.17	6.11	T
Călăraşi	96.37	.04	3.40	.01	.18	
Cluj	77.59	19.85	2.22	.19	.15	T
Constanţa	91.66	.18	.62	.07	7.47	
Covasna	23.40	75.24	1.13	.11	.12	T
Dâmboviţa	97.69	.07	2.01	.02	.21	
Dolj	97.48	.05	2.37	.04	.07	
Galaţi	98.72	.07	.99	.03	.19	
Giurgiu	96.48	.04	3.42	.01	.06	
Gorj	98.75	.13	1.07	.02	.03	
Harghita	14.05	84.72	1.10	.06	.07	T
Hunedoara	91.84	6.09	1.02	.66	.39	T
Ialomiţa	96.53	.03	3.22	.01	.20	
Iaşi	98.73	.06	.73	.03	.45	
Maramureş	81.10	10.17	1.24	.63	6.87	T
Mehedinţi	97.50	.13	1.50	.12	.75	
Mureş	52.05	41.41	5.70	.75	.08	T
Neamţ	99.06	.07	.67	.02	.17	
Olt	98.87	.04	1.06	.01	.02	
Prahova	98.64	.11	1.13	.05	.07	
Satu Mare	58.52	35.03	2.45	3.58	.42	T
Sălaj	72.17	23.67	3.46	.05	.65	T
Sibiu	87.71	4.24	4.14	3.78	.13	T
Suceava	96.68	.06	.73	.34	2.19	
Teleorman	97.78	.02	2.18	.01	.01	
Timiş	80.17	8.98	2.12	3.82	4.92	T
Tulcea	88.68	.04	.48	.05	10.75	
Vaslui	99.37	.01	.56	.01	.05	
Vâlcea	99.03	.10	.78	.05	.03	
Vrancea	99.03	.04	.88	.01	.04	
Bucureşti	97.53	.36	1.40	.19	.51	

\*Counties marked with a 'T' are in Transylvania.



Figure 1. The Historical Regions of Romania



Note: What is conventionally understood as Transylvania includes the provinces of Banat, Crisana and Maramures.

## 1.2. Historical background

Without question, the diverse historical experiences of the various minority groups in Romania must be taken into consideration when looking at the degree to which they have been integrated into the domestic social and political systems. Rather than offering a detailed analysis of the history of each minority group—a task that would be well beyond the scope of this paper—a brief overview of the Romanian state-building process and its impact on minority communities will be presented.

The first year of the modern Romanian state is generally considered to be 1859, the year in which the provinces of Moldavia and Wallachia (including Oltenia and Muntenia) were united. In 1878 Romania was officially recognised as a sovereign principality (later kingdom). Transylvania, which had previously been part of the Habsburg Empire, was ceded to Romania after World War I. Bessarabia, formerly part of Russia, was also awarded to Romania after 1918, but was taken by the Soviet Union in 1940 and has, since 1991, been a part of the Republic of Moldova.<sup>4</sup>

With the acquisition of the Transylvanian lands in 1918, Romania—up to that point largely ethnically homogeneous—inherited a substantial minority population, comprised

<sup>4</sup> *World Directory of Minorities* (1997) London: Minority Rights Group, pp. 240-244.

Table 5. Romania's Population According to Mother Tongue

Minority Group	Mother Tongue		
	Minority Group Language	Romanian	Other
Romanian	99.87	–	0.13
Hungarian	97.87	2.03	0.10
German	78.91	11.16	9.93
Roma	40.86	54.31	4.83
Ukrainian	91.97	7.11	0.92
Serbian	89.63	9.40	0.97
Lipovan	78.79	20.97	0.24
Jewish	9.46	72.09	18.45
Tatar	93.20	7.19	0.61
Slovak	91.46	6.18	2.36
Turk	90.63	9.08	0.29
Bulgarian	85.47	13	1.53
Czech	83.47	11.39	5.14
Greek	61.17	37.59	1.24
Polish	69.07	26.51	4.42
Armenian	44.86	49.72	5.42

Source: A. Radocea, *idem.*, p. XLIV.

of Hungarians, Germans and others. Crucially, though self-government was promised for the region's minorities in 1918, no such concession was made.

The regions incorporated in 1918 brought with them significantly different historical and administrative traditions than those of the core regions of Moldavia and Wallachia. In the western provinces, due to the influence of several centuries of Habsburg rule, the development of a modern administration was far more advanced than in the rest of the country. These different administrative and legislative histories continue to resonate today, even after nine decades of Romanian governance. For example, land property registers (*cadastru funciar*) were institutionalised in Transylvania at the beginning of the 20<sup>th</sup> century, but this type of administrative and juridical system was introduced in the rest of the country only very recently.

When the western territories were incorporated into Romania, the rulers of the Old Kingdom, 'long acclimatised to using the administrative machine for paying for services rendered, were not anxious to forgo the large opportunities for patronage and influence that the new territories offered'.<sup>5</sup> Thus, the relationship between the newly incorporated territories and the Old Kingdom could be described as a form of internal colonisation, through which the central administrative structure was used to exploit the newly integrated periphery.<sup>6</sup>

<sup>5</sup> R. J. Crampton (1994) *Eastern Europe in the Twentieth Century*, London: Routledge, p. 108.

<sup>6</sup> On the concept of 'internal colonialism', see: M. Hetcher ([ ]) *Internal Colonialism: The Celtic Fringe in British National Development, 1536-1966*, London: Routledge.

Historically, the Old Kingdom's administrators did little to protect the cultural diversity of their subjects. Before 1918, only 8% of the total population of Romania belonged to ethnic minority groups (the two main groups being the Jews and the Roma), and their treatment was poor in comparison with Romanian citizens. For instance, the state refused to grant citizenship to Jews living in Romania. Given this legacy of insensitivity to minority issues, the political and administrative elite faced a significant challenge in 1918. With the acquisition of the Transylvanian lands, ethnic minorities—largely Hungarians and Germans—constituted 30% of the Romanian population.

Although self-government was promised for the region's minorities in 1918, no such concession was made. Instead, the Romanian government opted for overly assertive educational and cultural policies that generated discontent among the minorities.<sup>7</sup> Rather than integrating minority communities through efficient judicial and administrative processes, the central government pursued assimilationist policies and made extensive use of nationalist rhetoric that emphasised the spiritual unity of all Romanians.<sup>8</sup>

This assimilationist legacy continued, despite a brief period of limited accommodation, during the communist period. Beginning in 1945, relations between the Hungarian minority and the majority actually improved. Hungarians were allowed to maintain an extensive network of Hungarian-language schools, including a Hungarian university. Furthermore, a measure of formal administrative autonomy was granted to Hungarians in regions in which they represented a majority of the population. Smaller minorities were also granted a limited degree of cultural autonomy. The German minority, however, was treated severely, for Germans were blamed for Romanian collaboration with the Nazis during World War II. Large number of Germans were forced to emigrate, many deported to labour camps in the Soviet Union. The third group in our typology, the Roma, remained politically and socially marginalised and economically disadvantaged throughout the communist period.

Beginning in the 1970s, conditions worsened for all minority groups as Ceausescu increasingly began to rely on the use of pugilistic, nationalistic rhetoric in order to bolster his declining legitimacy.<sup>9</sup> Throughout the 1970s and 1980s the Ceausescu regime gradually deprived Hungarians of the limited degree of autonomy they had been granted in the previous few decades, dramatically reducing the amount of Hungarian-language education available and closing the Hungarian university in Cluj. Education in other minority languages was also curtailed. Ethnic Romanians were promoted to key political and bureaucratic positions at the expense of minorities, and the issue of minority rights was raised only to serve as evidence of 'secessionist plots' and promote xenophobia among the majority.

The collapse of communism in December 1989 has provided new opportunities for the management of inter-ethnic relations and the reform of public administration. Many significant challenges remain, however, and policy-makers and administrators at both the central and local levels of government must confront the difficult burden of recent histo-

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<sup>7</sup> I. Livezeanu (1995) *Cultural Politics in Greater Romania: Regionalism, Nation Building and Ethnic Struggle, 1918–1930*, Ithica: Cornell University Press.

<sup>8</sup> See C. Durandin (1995) *Historire des Roumains*, Librairie Artheme Fayard.

<sup>9</sup> K. Verdery (1991) *National Ideology under Socialism: Identity and Cultural Politics in Ceausescu's Romania*, Berkeley: University of California Press.

ry. Romanian politicians and policy-makers have inherited an unenviable combination of elements: dissatisfied minorities, no real tradition of protecting cultural diversity and accommodating minority demands, and a surfeit of nationalistic ideology and rhetoric at all levels of public discourse. What is beyond doubt is that established patterns of governance and long-standing attitudes about cultural and ethnic diversity must change if conditions for Romania's minority communities are to improve in any meaningful way.

### 1.3. Political mobilisation of minority groups

As we have seen, Romania's ethno-cultural map is too complex to view all minority groups as part of a single category. In terms of political mobilisation, clear differences can be observed between the three types we have identified:<sup>10</sup>

- *The Hungarian minority* is currently attempting to renegotiate its political status with the Romanian State. The major political goal of the Hungarian minority community, expressed repeatedly in the public sphere since 1989, is the achievement of greater cultural and political autonomy. The Hungarian minority also desires to be considered a 'co-nation' along with the Romanian nation. In other words, the Hungarian minority desires to be considered an equal but distinct and autonomous constituent of the Romanian political community. Hungarians hope to acquire 'official' status for the Hungarian language, and to establish a coherent political and institutional framework that will guarantee greater administrative autonomy and more favourable cultural and educational policies for their community. Finally, and most radically, they hope to gain some form of territorial autonomy for the regions in which large communities of Hungarians are concentrated.
- *The 'smaller' minority communities* (comprised of fewer than 100,000 people) face unique problems in attempting to preserve their cultural identities largely because of their size. They are integrated into the political system through specific mechanisms of representation (see the section below on the political participation of minorities). In clear contrast to the Hungarian minority, their needs and demands can, in general, be satisfied within the political and administrative systems currently in place in Romania. They have not demanded official language status or a separate university. When expressed, their grievances do not usually generate major political and public debates.
- *The Roma minority*, residing throughout Romania, is socially and culturally marginalised, faces discrimination and, occasionally, violent aggression from the local majority communities. Having only a very limited stratum of political and intellectual elites, the Roma minority is characterised by a strikingly low level of political mobilisation. Crucially, their concerns are not articulated to a sufficient degree in the political sphere.

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<sup>10</sup> For a different typology, see: Ted Gurr (1993) *Minorities at Risk: A Global View of Ethnopolitical Conflicts*, United States Institute of Peace Research. This can be found through the Minorities at Risk Project Web site at: <http://www.bsos.umd.edu/cidcm/mar/trgpvs.html>.

The Hungarian and Roma minorities clearly present the greatest challenges in political terms to the Romanian state. The fundamental political objectives expressed by the Hungarian minority conflict with the underlying ideologies in the Romanian political ethos and the vision of the 'unitary state' upheld by the Romanian political and administrative elite. With respect to the Roma, the state lacks the necessary know-how, institutional and material resources to lessen tensions between the Roma and other citizens at the local level. The Roma remain socially and politically marginalised and their integration into mainstream Romanian society will be a difficult task.

## 2. The Legal Framework for the Protection of National Minorities

Several key legal documents comprise the nascent legal framework for minority protection in Romania. This section will analyse this framework on two different levels: the domestic and the international. As regards the former, we will analyse two dimensions: (1) constitutional provisions referring to the status and protection of minority groups, and (2) the discourse surrounding the proposed draft Law on Minorities.<sup>11</sup> At the international level, we will look principally at European legislation on human and minority rights.

### 2.1. *Constitutional provisions*

The Romanian Constitution,<sup>12</sup> adopted in 1991, is both generous and limiting in its provisions on minority protection and has contributed to a great deal of confusion in public and political discourse on minority issues. It should be noted at the outset that the framers of the Constitution made the explicit *decision to consider minority rights on an individual and not on a community basis*. The treatment of individuals rather than groups as the subject of minority rights legislation has been fairly consistent over the past decade, much to the chagrin of the Hungarian minority.

A number of constitutional contradictions have hindered the political process of establishing and implementing the legal framework necessary to ensure consistent and reliable protection of national minorities.<sup>13</sup> For example, according to the Constitution, minorities are granted the right to 'preserve, develop and express their ethnic, cultural, linguistic, and religious identities' (Article 6.1).<sup>14</sup> In marked contrast to this provision, however, the Constitution clearly defines Romania as an indivisible, unitary state with

<sup>11</sup> In the second half of the paper, we will take a closer look at sectorial legislation that is relevant to the protection of the rights of minorities in Romania.

<sup>12</sup> For an online version of the Constitution in English, see: [http://www.uni-wuerzburg.de/law/ro00000\\_.html](http://www.uni-wuerzburg.de/law/ro00000_.html).

<sup>13</sup> For a detailed analysis see R. Weber (1998) 'The Protection of National Minorities in Romania: A Matter of Political Will and Wisdom', in: Kranz and Küpper (eds.) *Law and Practice of Central European Countries in the Field of National Minorities Protection After 1989*, Warsaw: Center for International Relations, pp. 199-268.

<sup>14</sup> Romanian Constitution, Article 6.1. See Table 6 for relevant articles of the Romanian Constitution.

only one official language—Romanian.

The Constitution declares that Romania is a 'nation-state', implying that the relationship between individuals and the state is based first and foremost on ethnic and cultural criteria. This ethno-cultural definition of citizenship is apparent in a number of the Constitution's articles, particularly those which address the fundamental rights and freedoms of Romanian citizens and describe the nature of the Romanian state. However, in contradiction to this unitary definition of the state and exclusive concept of citizenship, the Constitution stipulates that all citizens of Romania are to be treated equally, 'regardless of their nationality'.<sup>15</sup>

The Constitution contains a number of important provisions that, directly or indirectly, affect the situation of national minorities. These provisions and their impact upon minority groups are described in the table below.

*Table 6. Romanian Constitutional Provisions Relevant to Minorities*

Relevant Themes	Constitutional Provisions (Articles)
Fundamental character of state/ political community	Romanian state defined as a unitary national state (1.1.).
Constitutional status of national minorities	Explicit provision of equality of citizens, and non-discrimination on the basis of nationality. (4.2.and 16.1).
Right to national/ethno-cultural identity	Recognizes and provides the right to preserve, express and develop specific national identities (6.1.) of citizens, but the measures of protection are limited, stating that the measures to promote this identity could not discriminate against the majority (6.2 and 16.1).
Linguistic status of minority languages	The only language having official status is Romanian (13) No explicit provisions regarding the status of minority languages.
Use of minority languages in education	Minorities have the right to acquire their mother tongue through public instruction and the right to be instructed in their mother tongue(32.3)
Political representation of minorities	Special facilities are accorded to the representative organisations of minorities failing to obtain the necessary votes to appoint a representative to the parliament (59.2.)
Legal procedures	Only conducted in Romanian (127.1). Upon request, translators are provided for those who do not speak Romanian (127.2.).
Individual/collective rights	The notion of collective rights is not accepted. The terminology used with respect to minority rights is rights of "persons belonging to national minorities" (see, for example, Article 6.)
Status of international legislation	International legislation on human rights, signed and ratified by the Romanian Parliament take priority over the internal legislation if the former and the latter conflict (20.)
Limitations regarding possible amendments to the Constitution	Explicit provision stipulating that articles concerning the national and unitary character of the state, and those regarding the official language may not be changed (148)

<sup>15</sup> Romanian Constitution, Article 4.1.

By including both the principle of nondiscrimination on the basis of ethnicity, national affiliation or language *and* a unitary, monolingual definition of the Romanian state, the Constitution is highly ambiguous as to the precise nature of the legal relationship between citizenship, ethno-cultural identity and the state. Contrary to the spirit of multi-culturalism that underlies several constitutional provisions, the use of the term *nation-state* evokes an image of the state as the expression of a historically constituted human community, bounded together by common ethnic origin, language, culture and religion.<sup>16</sup> This sends an important symbolic message to Romania's minority population and raises crucial questions about the inclusiveness or exclusiveness of Romanian citizenship so defined. National identity is thus presented as an ethno-cultural given rather than a civic construct. The 'nation' is rooted in ethnic and cultural ties, and not in the 'every day praxis of citizens who actively exercise their civil rights'.<sup>17</sup>

In addition to their symbolic dimensions, the aforementioned constitutional provisions have worked to hinder the overall political process of negotiations between ethnic minorities and the majority. For example, in a heated debate on education legislation in 1998 the 'nation-state' concept was evoked in political rhetoric in order to disallow the use of minority languages in Romanian history classes.

## 2.2. Draft laws on minorities

At the moment there does not exist a single corpus of law regulating the rights of minorities in Romania that includes provisions on political participation, language use, education and other relevant issue-areas. Although most of these issues are addressed to some degree in other legislation, the creation of a separate law on minorities could serve as an important political precedent and confidence-building measure between minorities and the majority.

In the immediate aftermath of Ceausescu's overthrow and execution in December 1989, the provisional government of the National Salvation Front (NSF)<sup>18</sup> promised to draft a law on national minorities. Soon after this promise, however, the NSF began to make extensive use of nationalist rhetoric in order to bolster its political support base (in light of its waning legitimacy in the months following the December Revolution).<sup>19</sup>

Under these circumstances, and under the continuing leadership of ex-communist official Ion Iliescu, no law on minorities was seriously debated. Moreover, progress on minority issues was stifled by the Iliescu government's continuous use of reactive nation-

<sup>16</sup> M. Constantinescu (1992) *Constituția României—comentată și adnotată*, Regia autonomă 'Monitorul Oficial', Bucurest, p. 7.

<sup>17</sup> J. Habermas (1994) 'Citizenship and National Identity', in: B. van Steenberg (ed.) *The Condition of Citizenship*, London: Sage Publications, 1994, pp. 20-35.

<sup>18</sup> The ad hoc political force constituted after the power shift from December 1989. The political grouping (under other names) was the dominant party until 1996.

<sup>19</sup> T. Gallagher (1999) *Democracy and Nationalism in Romania: 1989-1998*, Bucharest: All Educational, p. 1.

alism, particularly when dealing with the increasing demands of the Hungarian minority for cultural and administrative autonomy. Thus, instead of negotiating with the minority groups (especially the Hungarians), discussing the sources of their expressed dissatisfaction over a range of issues and looking for workable solutions, the government adopted a highly defensive line, accusing minority groups of disloyalty, and secessionist or irredentist motives.

Following the 1992 presidential and parliamentary elections, and particularly beginning in 1993, the integration of Romania into Euro-Atlantic institutions was declared as a foreign-policy priority for Iliescu and his party (now the Party of Social Democracy in Romania—PSDR), and the central government began to pay more attention to minority rights issues.<sup>20</sup> As a result of this shift in policy, the Iliescu government's response to minority group demands and proposals became somewhat more sensitive. A new institution for the representation of minorities was created—the Council of National Minorities (CNM)—and a commitment to adhere to European standards of minority protection was expressed.

In light of the seemingly more favourable climate for negotiations on minority issues, two key minority organisations—the German Democratic Forum (GDF) and the Democratic Alliance of Hungarians in Romania (DAHR)—and several NGOs focusing on human rights issues produced drafts for a Law on National Minorities. Although seven draft laws were ultimately produced, not a single draft has been debated in Parliament. This neglect of minority issues has sent a powerful message to minority groups that their persistent efforts have been in vain, and has prompted many members of minority groups to accuse the central government's expressed interest in minority issues as mere 'window dressing' for external (i.e. European and American) observation.

Although some problems raised by minorities have been addressed by other laws, which we will discuss in our analysis of the institutional framework for minority protection and minority-language use in education, a number of formidable legal challenges remain to be tackled. For example, the official legal status of minorities has yet to be clearly defined, and a clear procedure has not been established through which an ethno-cultural group can establish itself as a 'national minority', and thus benefit from a different set of legal and institutional mechanisms.

But perhaps the most pressing issue in need of a proper legal and regulatory framework is the continued social exclusion of and widespread discrimination in numerous areas against the Roma population. Although a draft law on the prohibition and elimination of all forms of discrimination has been debated in public, it is still waiting to be included in the agenda of the Parliament. Clearly, serious legal measures will be necessary to combat the pervasive discrimination against the Roma and to facilitate their integration into Romanian society.

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<sup>20</sup> Regarding Romania's foreign policy orientation see, Pal Dunay (1997) 'Hungarian-Romanian Relations: A Changed Paradigm', in: Monika Wohlfeld (ed.) *The Effects of Enlargement on Bilateral Relations Between Central and Eastern Europe*, Paris: Institute for Security Studies, Western European Union.



### 2.3. International legislation

As discussed in the previous section, international legislation on Human Rights adopted by Romania (signed and ratified), in theory, takes priority over domestic legislation where the two conflict. In practice, however, the Romanian political elite has been reluctant to accept international recommendations on minority rights issues.

*Table 7. International Documents (Multi-lateral and Bilateral Treaties) Signed by Romania*

Document	Note
The Universal Declaration of Human Rights	
The International Covenant on Civil and Political Rights	
The Convention on the Elimination of All Forms of Racial Discrimination	
The Framework Convention for the Protection of National Minorities	
Declaration of 18 December 1992, of the General Assembly of the United Nations on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities	
The Copenhagen Document of the CSCE Conference on the Human Dimension	
The Recommendation 1201/11993 of the Parliamentary Assembly of the Council of Europe	
The European Charter for Regional or Minority Languages	signed/not ratified
The European Charter of Local Self-Government	signed/not ratified
Treaty between Romania and the Federal Republic of Germany on Friendly Co-operation and Partnership in Europe	
Treaty on Friendship, Good Neighbourhood and Co-operation between Romania and the Federal Republic of Yugoslavia (1996)	
Treaty on Understanding, Co-operation and Good Neighbourhood between Romania and the Republic of Hungary (1996)	
Treaty on Good Neighbourhood and Co-operation between Romania and Ukraine (1997)	

The debate that surrounded the adoption of the Council of Europe's Recommendation 1201 (1993) is illustrative. Although all political parties represented in Parliament consented to ratify the Recommendation in 1993, and thereby incorporate its provisions into domestic legislation, no action was taken in this direction until 1996. Two of the Recommendation's articles in particular—Articles 11 and 12—began to raise difficulties for Romanian politicians as they entered into negotiations on a bilateral treaty with Hungary. These two provisions, concerning the delegation of administrative autonomy and special political status to ethnic minorities and the granting of collective rights to minority groups, were viewed by a number of parties in Parliament as stepping-stones on the path to the territorial dissolution of Romania. Although Recommendation 1201 was

ultimately signed, it was only accepted with the reservation that the document should not be interpreted in such a way that minorities can be granted territorial autonomy.

The Framework Convention for the Protection of National Minorities (FCNM) was signed and adopted by Romania in 1995 but this initiative was largely motivated by a desire to take advantage of those provisions of the Framework Convention which offered a lower degree of minority protection than the Romanian Constitution.<sup>21</sup> Two other European documents have not yet been ratified by Romania: the European Charter for Regional or Minority Languages and the European Charter of Local Self Government.

### 3. The Institutional Framework for Minority Protection

At the level of government institutions, we will look closely at two dimensions of minority protection: (1) minority representation in the legislature, and (2) the means by which minority groups are able to influence decision-making in the executive. It is important to note at the outset, however, that the effectiveness of either of these institutional mechanisms is highly dependent upon the political configuration of the ruling coalition at any given time.

#### 3.1. *Representation in the legislature*

The Constitution guarantees political representation for minorities in the legislature through Article 59.2, which stipulates that, regardless of the number of votes they obtain, minority organisations have the right to one deputy seat each. This provision is qualified by the Electoral Law for the Chamber of Deputies and the Senate—Law No. 68/1992—which states (Article 4) that minority citizens must obtain at least 5% of the average number of votes at the national level in order to enter the Chamber of Deputies.<sup>22</sup> According to this provision, those officially recognised minority organisations<sup>23</sup> are registered as ‘associations’ rather than political parties and can participate in general and local elections. In general elections, those minority organisations which obtain the highest number of votes (but just one for each minority) benefit from the aforementioned constitutional provision. This provision applies only to the lower house (Chamber of Deputies) of Parliament. There is no equivalent provision for the Senate.<sup>24</sup> The requirement that only one organisation can represent a given minority in Parliament creates a highly undesirable ‘winner takes all’ dynamic and inhibits co-operation by the various organisations that claim to speak for a given minority group. In the case of the Roma, for example, a number of different organisations and personalities, often with contrasting policy proposals and ideological

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<sup>21</sup> Weber, p. 205-206.

<sup>22</sup> Article 4, Law No. 68/1992.

<sup>23</sup> These organisations have the status of nongovernmental organisations.

<sup>24</sup> In real terms, this means a relatively small number of votes. In the 1992 general elections, the Bulgarian Union from Banat-Romania managed to obtain parliamentary representation with 1,906 votes (0.02% of the total vote).

standpoints, claim to represent the Roma community. The fact that only one Roma organisation can have access to political power is exclusionary and can be politically counter-productive.

Since the general elections in 1996, 13 deputies in total have represented the smaller minorities (one for each registered smaller minority group) in the Lower House of Parliament. None of these deputies received enough votes to be directly elected, but were allocated seats according to Article 59.2. These deputies account for 4.3% of the total parliamentary vote. No non-Hungarian minorities are represented in the Senate. The Democratic Alliance of Hungarians in Romania, supported by the overwhelming majority of ethnic Hungarians, hold 25 seats in the lower house and eleven in the Senate, all of which were directly elected.

### 3.2. *The Council of National Minorities*

In the spring of 1993, against the backdrop of Romania's application for membership in the Council of Europe, the central government announced its decision to establish a 'consultative body' on minority issues. This body—the Council of National Minorities (CNM)—was intended to facilitate consultations between minority representatives and both local and central government, and enable minority groups to offer recommendations to the government on issues of direct concern to them. Among the Council's other prerogatives was the administration of financial support to minority organisations and the initiation of draft legislation on minority issues.<sup>25</sup>

The Council operates on the basis of equality among minorities. Thus, regardless of the size of a given minority, a similar number of representatives from each of the minorities' organisations is appointed. This procedure clearly reflects the mentality of the PSDR-led ruling coalition in 1993, which stressed that minority issues should be approached from a human rights perspective (i.e. on an individual rather than a group basis). From this perspective, it was argued that political or administrative measures that benefited one minority group in particular were not justified. This rhetoric, though, only thinly masked the primary goal of the pre-1996 ruling coalition: to use the presence of the smaller minorities on the Council as a counter-balance against the political agenda of the Hungarian minority.<sup>26</sup>

The pursuit of this strategy by the PSDR was made possible by the extensive control exercised by the ruling coalition over the various smaller minority organisations. This control was based primarily on the lack of clear-cut regulations on the allocation of budgetary resources for these minority organisations. In practice, therefore, the allotment of funds to minority groups was highly politicised and rarely impartial.<sup>27</sup>

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<sup>25</sup> For detailed information on the legislative basis and structure of the Council, see: *The Legislative and Institutional Framework for the National Minorities of Romania*, Bucharest: Romanian Institute for Human Rights, 1994.

<sup>26</sup> Weber, p. 245.

<sup>27</sup> D. Oprescu (1999) 'Politici publice pentru minoritățile naționale din România', in: *Sfera Politicii*, No. 66, January, pp. 13-18.

The Council's lack of political independence and authority soon became clear to the Democratic Alliance of Hungarians, which quickly withdrew from the body in September 1993, only six months after it had joined. Soon after, the Council's Roma representative decided to withdraw from the organisation when the central government failed to act decisively following a series of violent attacks against a Roma settlement in Transylvania. The ruling coalition's thinly veiled attempts to manipulate the Council and the withdrawal of the representatives of the two largest minority groups greatly undermined the institution's credibility and effectiveness.

Following the change in government in 1996, the Council was renamed the Council for National Minorities, and three major changes were instituted that directly affected its *modus operandi*.

First and foremost, the new government established the Department for the Protection of National Minorities (DPNM) that operated within normal government channels (i.e. the DPNM is not simply a 'consultative body' but a functioning government department headed by a Minister for National Minorities). Since its establishment, the DPNM has promoted recommendations made by the Council, thereby giving the body more opportunities to shape government minority policies.

Another government initiative which served to empower the Council was the establishment of a special Inter-Ministerial Committee on National Minorities, whereby representatives of different government ministries can participate in Council meetings.<sup>28</sup>

A third important institutional change relates to resource allocation. The Council receives annual funding from the central government, and the Council's members decide how these funds should be allocated. As of 1996, no government minister is allowed to intervene in this process where content is concerned. The only supervisory role given to the Minister of the DPNM is to ensure that no Council decisions on financial matters contravene Romanian law. While this shift in procedure may appear subtle, its implications are important. As a result of this change, the financial means of political control exercised by the ruling coalition before 1996 have been eliminated.

### 3.3. *The Department for the Protection of National Minorities*

As mentioned above, the Department for Protection of National Minorities (DPNM) was established in 1996 with the mandate of facilitating co-operation between the Council of National Minorities and various government agencies. The Department also plays a significant role in the implementation of relevant legislation and programs in the field of minority protection. Five DPNM territorial offices (located in Arad, Cluj-Napoca, Constanta, Suceava and Turnu Severin) have the power to monitor local authorities regarding the uniform implementation of legal provisions on the protection of national minorities.<sup>29</sup> This deconcentration was aimed at increasing the Department's impact at the local level, and to facilitate communication between regional minority organisations and both local and central authorities.

<sup>28</sup> Government Decision No. 460/1998

<sup>29</sup> LGI *Decentralisation Volume 3*, 'Local Governments in the CEE and CIS—An Anthology of Descriptive Papers: Romania', p. 18. Work in Progress.

Although the DPNM is an officially recognised department, it does not enjoy the same status as most departments in the Romanian government, as it is subordinated under the Office of the Prime Minister. Despite this never happening in practice, the prime minister therefore has the authority to intervene and block decisions reached by the DPNM, and the capacity to seriously hamper its effectiveness as an institution. Additionally, this institutional arrangement means that the Department has no financial autonomy. Nonetheless, the Department has its own minister and is, therefore, represented in the Cabinet. Through this representation, the DPNM is involved in the executive policy-making process and can exert a great deal of influence on issues relating to minority interests and the protection of minority rights. Indeed, since its inception, the DPNM has become one of the most influential actors in shaping policy on minority issues.

In 1997 the Department created a separate National Office for Roma in order to develop better communication with Roma organisations and other governmental agencies whose mandates directly or indirectly affect the social integration of the Roma minority. The Office's mandate is to handle all issues related to the situation of the Roma. It maintains contacts with all organisations dealing with Roma issues, prepares and co-ordinates central government strategy toward Roma issues, and co-ordinates inter-ministerial Roma subcommittees. The Office does not have a separate budget, but is financed by the DPNM.<sup>30</sup> Although the body is extremely small (only two full-time employees), its establishment reflects a positive policy-approach in that it is a specialised body designed to deal with the particular problems of a unique minority group.

### 3.4. *Specific issues*

In accepting a lower threshold of votes for the minority organisations in parliamentary elections, a form of positive discrimination on behalf of minority groups has been promoted through which the smaller minority communities can promote their specific interests in the legislature. While this provision is undoubtedly to the advantage of the smaller minority groups, it presents several problems in terms of their representation, as it encourages competition rather than co-operation between the various groups that claim to represent different minority communities.

Because in general elections only one organisation can represent a given minority, a 'zero-sum' or 'winner takes all' situation has arisen, excluding potential minority actors and organisations. This is particularly damaging in the case of the Roma community, for which a number of organisations, often with highly different policy programs and objectives, claim to represent the Roma population in Romania. By recognising only one organisation as the 'legitimate' representative of the Roma, many issues of concern to this minority may be overlooked. Further, although any minority organisation is entitled to funding from the Council of National Minorities, only officially recognised minority 'associations' can make decisions regarding the allocation of funds for minority organisations.

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<sup>30</sup> Zsuzsa Bereschi, Adviser on International Relations to the President of the DAHR, interview, October 2000.

This system of minority representation is based on *the false presumption that minority groups are unitary political actors*. This assumption must be abandoned and the system should be reformed to allow for more participation of various minority organisations. (A number of policy recommendations will be discussed at the end of this paper that address the issue of political representation for minorities.)

Another fundamental problem related to the institutional framework of minority protection is its centralised character, which directly contributes to the lack of local empowerment of minority groups. In particular, when minority communities are very small, they are not in a position to participate in the political processes and decisions that often directly affect them (for example, decisions on the maintenance of cultural and educational institutions). The process of administrative decentralisation is crucial in this respect. As more powers are ceded from central to local authorities, minority interests are likely to be better represented and minority groups are less likely to be left out of political decision-making on issues that concern them. It should be noted, however, that decentralisation on its own is not necessarily sufficient to guarantee greater participation for smaller minority groups at the local government level. Larger minority groups now living in compact settlements will benefit more from decentralisation than small or dispersed groups. Thus, in addition to decentralisation, complementary forms of political participation, such as consultative bodies, could alleviate this problem.

In as much as the regional offices of the Department for the Protection of National Minorities reflect a systematic attempt by the Department to increase contact between representatives of minority organisations and local authorities, it is progress towards the institutionalisation of minority protection.

#### 4. Local Public Administration in Romania

The process of restructuring Romania's public administration system was initiated immediately following the December 1989 Revolution. The Adoption in 1991 of Law No. 69/1991 on local public administration, Law No. 70/1991 concerning local elections, and Articles 119-120 of the new Romanian Constitution established the necessary framework within which serious administrative reform could begin. These laws and constitutional provisions made possible a degree of power devolution from the central to the local administrative level. On paper, at least, a considerable degree of local administrative autonomy has been sanctioned. At present, a number of public services are administered locally, including: social services, heating, water, electricity and the maintenance of public buildings. In addition, some taxes are collected at the local level. In general, however, public administration in Romania remains very centralised. The central administration still controls the police, personnel from the Ministry of Education, agricultural directorates, forestry staff and even cultural policy and subsequent posts.

Broadly speaking, in Romania, the *central public administration* develops activities of national interest throughout the country to be carried out by the executive, the ministries, those central authorities subordinated to the executive and the ministries, and deconcentrated territorial bodies. *Local public administration* develops activities of local importance within local administrative-territorial units. Local administration is comprised of a two-

tiered system: the *local level* and the *county level*. The local authorities are the local council, the county council and the mayor. Central and local administrative authorities co-operate and maintain communication through government representatives called *prefects*. Appointed by the cabinet, prefects are government representatives present in each county who supervise the public services of ministries and other deconcentrated administrative functions (police, agriculture, health, education, environment and social protection).<sup>31</sup> Another key mandate of the prefect is to ensure that all decisions made in the local administrative bodies are in accordance with Romanian law. During the period between 1992 and 1996, instead of acting as public functionaries with clearly delimited competencies (as defined by the Constitution), prefects tended to promote the political agendas of the parties that backed their appointment. In practice, prefects spent much of their time competing with local political actors for effective authority over a range of activities.<sup>32</sup>

Prior to 1996, the law on public administration seriously limited the effective exercise of local autonomy. Since 1996, the process of revising and expanding Law No. 69/1991 on local administration and the relevant system of public finances has been underway, but the results have been highly ambiguous. Emergency Act 22/1997 introduced several key changes in minority-language use in public administration. This Act and its relevance for minority communities will be discussed in the following section. Regarding public finance reform, a new Law on Local Public Finances was adopted in November 1998 and became effective in January 1999.<sup>33</sup> Two positive steps in the direction of fiscal decentralisation were initiated through this new law:

- A certain percentage of personal income tax is now allocated to local and county-level administrative bodies, representing a new source of local revenue.<sup>34</sup>
- Local administrative bodies now can exercise full autonomy in the management of local public funds, including tax collecting (in 1999 local governments established their own tax revenue offices).

Another important dimension of public administration reform relates to the presence of minorities in public administration—a sensitive issue in Romania due to the ethnically selective personnel recruitment policies carried out during the communist period. The communist regime did not simply use nationalistic rhetoric for self-legitimation,<sup>35</sup> but also promoted a policy of ethnically preferential recruitment, unequally distributing administrative positions to ethnic Romanians even in regions where Hungarians represented a majority of the population. According to the 1992 census, ethnic Hungarians comprise only 3.73% of people working in the fields of public administration and social security—

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<sup>31</sup> LGI *Decentralisation Volume 3*, Romania Chapter, p. 5.

<sup>32</sup> Due to the intensive protest of the political opposition and the international community, the powers of the prefects were reduced in 1996.

<sup>33</sup> Zsuzsa Bereschi, interview, October 2000.

<sup>34</sup> The percentage of personal income tax allocated to the local level according to the new law was 40% and to the district level was 10%, though these figures are subject to annual changes according to budget legislation.

<sup>35</sup> Katherine Verdery (1991) *National Ideology under Socialism: Identity and Cultural Politics in Ceausescu's Romania*, Berkeley and Los Angeles: University of California Press.

a figure well below their percentage of the total Romanian population (7.1%).<sup>36</sup> This serves as a clear example of the underrepresentation of minorities in public administration. Problems arise when minority groups account for a very small percentage of the local population. In those cases, minorities often fail to obtain adequate political representation, and no special institutionalised mechanisms exist through which their particular interests can be promoted.

The situation is particularly difficult for the Roma community, in spite of its large numbers. This group, often representing a substantial percentage of the population in different localities, typically enjoys no representation in the local or county councils. Thus, far from being able to promote their specific interests, they are not even in a position to put their issues on the local political agenda.

Two attempts to place the Roma problem on the agenda of the local administration and in the public eye should be mentioned:

1. In Odorheiu Secuiesc, two foundations (CIVITAS from Romania and 'Fekete doboz' from Hungary) initiated, in co-operation with the local cable company, a training program for the Roma with the intention of promoting TV journalists originating from the local Roma community. The goal is to place the special problems of this community in the public eye, and to highlight the projects and solutions proposed by local policy-makers.
2. The Roma Office of the Department for the Protection of National Minorities administers a fund intended to help those local administrations willing to make investments to help improve the social conditions of the Roma communities. This financial incentive has prompted many local administrations to redesign their investments in order to serve the interests of Roma inhabitants.

These efforts, though symbolically important, only scratch the surface of the problem of Roma exclusion from mainstream social and political life. In summary, it can be argued that, following the fall of the Ceausescu regime in December 1989, minority communities in Romania viewed the possibility of redesigning Romania's system of local administration as providing an opportunity for minorities to improve their political standing and to renegotiate power-sharing at the local level. This has not happened to the degree that minority groups anticipated a decade ago. Undoubtedly, minority and majority perceptions have differed and continue to differ as to what exactly 'minority representation' or 'minority presence' in public administration entails.

#### *4.1. Minority language use in local administration*

As seen in the introductory chapters to this volume, minority groups consider language to be one of the most important aspects of their culture: the general tendency of the various minority communities is to maintain their specific languages. The existence of an

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<sup>36</sup> E. Á. Varga (1998) 'A romániai magyarság főbb demográfiai jellemzői az az 1992 évi népszámlálás eredményei alapján', in: Varga, *Fejezetek a jelenkor Erdély népesedéstörténetéből*, Budapest: Püski, pp. 260-276.



'official language' and minority language use in public administration have long been, and continue to be, two of the most controversial topics related to minority protection. In more general terms, designating a particular language as 'official' has always had a major social and political impact when a number of cultures co-exist within a single state, region or local community. Whenever the state promotes a given language as the means of official communication they undermine the actual and symbolic importance and legitimacy of other languages used.<sup>37</sup> Without question, the various language policies that have been pursued in the past decade in Romania have served nationalistic purposes. Against this cultural backdrop, government policies on language-use have resulted in intense public and political debates in the past decade.

The concept of minority language use in public administration was rejected outright in Law No. 69/1991 on Local Public Administration. This law was adopted when the National Salvation Front (Ion Iliescu's original post-1989 party) held a 75% majority in Parliament. The law did not facilitate the use of minority languages in public administration through the employment of bilingual or multi-lingual public administration functionaries. In addition, written communication in native languages was only possible if an official Romanian translation was attached. This thus entailed the use of Romanian even in localities where the vast majority—or even the entire population—belonged to a minority community.<sup>38</sup>

A relevant example of a problematic aspect of the 1991 Law as far as minorities are concerned is that, although it allows minorities to submit documents to local authorities in their mother tongue, the law requires that they attach official Romanian translations of the documents.<sup>39</sup> According to the Law, translation fees had to be paid by those individuals submitting the documents. In the case of verbal communication, if an administrator did not speak the given minority language, a translator was required, also at the minority citizen's expense. Thus, the imposition on minorities of the financial burden of obtaining 'official translations' offers a clear example of preventing equal access for minorities to services provided by public authorities.

In spite of the demands of minority parties for a more precise and extensive law on minority-language use, and the pressure exerted by different international institutions,<sup>40</sup> no real progress was made until 1997, when the 1991 Law on Local Public Administration was modified by emergency decree.<sup>41</sup> Emergency Act No. 22/1997 provided solutions to four issues concerning the use of minority languages in local administration. The Act was applied to those territorial-administrative units in which at least 20% of the population belonged to a minority community. The Act provides for:

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<sup>37</sup> One of the major theorists of multi-culturalism provides a stimulating analysis on the lack of the ethno-cultural neutrality of the state and the alternative of multi-culturalism. See W. Kymlicka (1995) *Multi-cultural Citizenship: A Liberal Theory of Minority Rights*, Oxford University Press.

<sup>38</sup> Zsuzsa Bereschi, interview, October 2000

<sup>39</sup> Law No. 69/1991, Art. 54

<sup>40</sup> See the recommendations made by the High Commissioner on National Minorities on 9 September 93, or the *Report on the Application of Romania for Membership of the Council of Europe*, 19 July 1993, Doc. 6901, especially paragraphs 44 and 59.

<sup>41</sup> Emergency Ordinance, No. 22/1997.

- Bilingual notices (signs and inscriptions);
- Use of minority languages in communications with local authorities, both written and oral;<sup>42</sup>
- Publication in minority languages of information of general interest by local authorities;
- Use of minority languages during local or district council meetings if at least one-third of the members of the council belong to a minority group (Romanian translation must be provided).

The debate over this Emergency Act has been stormy. The Senate did not approve its adoption with the necessary majority, and the Constitutional Court declared the entire Act unconstitutional. To make matters more complicated, Romanian jurisprudence is deeply divided as to whether the Act is now effective, or whether the original 1991 law remains effective. The Constantinescu government (elected in 1996) has since elaborated a Draft Law on the General Provisions of Local Autonomy and the Organisation and Functioning of Local Public Administration, that contains the four above measures. The Draft Law was adopted by the Senate in May 1999 and approved by the Commission of Local Public Administration in the Chamber of Deputies in March 2000, but it has still not made it through Parliament as a whole. It remains unlikely that the law will be adopted before the 2000 general elections.

## 5. Minority-language Education

Minority-language education in public schools in Romania is another important component of public administration and of multi-ethnic community management. The debate over Hungarian-language public education in particular has been highly charged over the past decade. The question of whether the government should allow for the establishment of separate Hungarian-language public schools and universities remains unresolved and politically loaded. The creation of a separate Hungarian public university remains closely tied to Hungarian demands for greater 'cultural autonomy'—i.e. greater decision-making and administrative power on issues related to the preservation and promotion of minority cultures.

In response to increased minority demands in the realm of public education after 1989, a significant part of the Romanian political elite quickly began to question the institutional separation of schools based on the language of instruction, and the extent to which mother-tongue education for minorities was necessary. In 1990 the Romanian government initiated a far-reaching process of minority public educational reform. Minority groups, particularly Hungarians, immediately began to call for the separation of higher education institutions based on the language of instruction, and, in the case of the Hungarians, the re-establishment of a separate Hungarian-language public university. As a result of this

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<sup>42</sup> According to the 1997 Act, the responsibility of hiring bilingual personnel and paying for written translations was transferred from minority citizens to the local administration itself.

pressure, a number of schools previously merged with Romanian ones were re-established as separate institutions with Hungarian as the language of instruction.

Beginning in 1990, a number of public universities that had previously offered Hungarian-language instruction began to re-establish Hungarian faculties and programmes. However, in the absence of clear legal and institutional norms regarding the administrative organisation of Hungarian-language education within these universities, the atmosphere in these faculties became highly politicised. Furthermore, minority groups argued that a more clear and uniform legislative framework was necessary in order to protect minority rights to education in their mother tongues. In 1994 the DAHR initiated a Draft Law on Native Language Education of Minorities. The Draft Law guaranteed minorities the *freedom to organise autonomous, public educational institutions at all levels*. Although the Romanian Constitutional Court ruled that the DAHR's legislative initiative was constitutional, it was never debated in Parliament. This neglect sent a clear message to the Hungarian community that efforts to promote their interests through legal and democratic means would simply be ignored. This lack of consideration prompted widespread Hungarian demonstrations and civil disobedience campaigns. This ultimate result of this publicly expressed outrage was the passage of a new Law on Education in 1995.<sup>43</sup>

The 1995 Law allowed for the establishment of separate minority-language educational units through the secondary level. With respect to university-level public education, however, no form of institutional autonomy (not even at the level of departments and faculties) was permitted. Another limiting provision of the new Law was the stipulation that, beginning at the secondary level, both Romanian history and Romanian geography must be taught only in Romanian. Further, and most controversially, the new Law required that all university entrance examinations be issued and taken in Romanian, regardless of the native language of the students seeking admission. The limitations of this can be examined on two basic levels:

- The maintenance of 'double-standards' between the organisation of Romanian and minority-language education;
- The limited extent to which the teaching of minority languages is permitted at all levels of education.

These explicit limitations of the Law produced intense opposition by the Hungarian community and, in combination with external pressure (from the European Union and other European institutions to which Romania had begun to apply for membership), the government suspended the entrance exam provision.

One of the first initiatives of the newly elected government in 1996, due to significant pressure by the DAHR,<sup>44</sup> was to amend the 1995 Law. Several provisions considered unacceptable by minority groups were altered or eliminated and the Law was adopted. According to the amended Law (effective in 1999), education in the Romanian language must be organised according to regional needs and demands. University entrance exams can now be held in the language in which students obtained their secondary degrees. Most impor-

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<sup>43</sup> Law No. 84/1995.

<sup>44</sup> In 1996 the DAHR became part of the ruling coalition—an unprecedented political event in Romania.

tantly for the Hungarian community in particular, *Article 123 of the law specified that separate private minority-language universities could be established*. Although the Law did not prohibit the establishment of public minority-language universities, it stipulated that ‘complementary legislation’ was needed to address the issue. This ambiguous wording angered many Hungarians, who argued that Hungarian (or other minority) universities should be established and maintained by public funds like any other university in Romania.<sup>45</sup> This claim has been rejected outright by majority politicians and public opinion.

The only alternative solution that arose out of the heated political debates on the issue has been a proposal, made in 1998, to establish ‘multi-cultural universities’, though no political consensus was reached on a definition of the term ‘multi-cultural’.<sup>46</sup> Mainstream Romanian opinion considers the status quo (i.e. tolerance of Hungarian-language instruction within Romanian university structures) to be multi-cultural, whereas the Hungarians viewed a multi-cultural solution as implying greater institutional separation within mixed universities.<sup>47</sup> No mutually acceptable solution to this disagreement has yet been found.

While the Hungarian minority remains dissatisfied with the current situation, the smaller minorities have made less noise about educational issues and have not demanded separate public universities. Although the issue of mother-tongue education at lower levels remains important to these minority groups, their small size has made it easier for the government to accommodate them. The Roma community presents a particularly difficult challenge in terms of education and, as such, we will take a closer look at Roma education in the next section.

### 5.1. *Special educational measures for the Roma population*

As we make clear in our typology, the Roma community, in spite of its large size, is the most culturally and socio-economically marginalised minority group in Romania. In terms of public education policies, the institutional and legal measures that have benefited the other minority groups in the past decade (extension of the rights to learn in mother tongue) have not been sensitive to Roma needs. One of the most pressing problems is their low level of integration into the education system. The rate of illiteracy among the Roma is extremely high. According to research conducted in 1993, 44% of Roma males and 59% of females are unable to read.<sup>48</sup> According to the Ministry of Education, approximately 80% of school-age children not attending school are of Roma origin.<sup>49</sup>

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<sup>45</sup> It should be noted that a private Hungarian university does in fact exist in Oradea. Hungarians support the maintenance of this institution but, in general, argue that public as well as private universities should be established for minorities if desired by minority tax-payers.

<sup>46</sup> I. Horváth (1999) ‘Multiculturalism in Romania: Alternative or Evasion?’, in: Culic, Horváth and Stan (eds.) *Reflections on Differences, Focus on Romania*, Brussels: IPIS, pp. 1-12.

<sup>47</sup> The Hungarian equation of multi-cultural schools as separate schools for their minority group derives from this community’s memories of ‘mixed schools’ being used to advance assimilationist policies in the past.

<sup>48</sup> E. Zamfir and C. Zamfir (1993) *Țigani. Între ignorare și îngrijorare*, Editura Alternative. See also: A. Miroiu (ed.) (1998) *Învățământul românesc azi. Studiu de diagnoză*, Polirom, pp. 141-144.

<sup>49</sup> See <http://www.edu.ro/strarrom.htm>.

Various circumstances have contributed to this bleak situation. Most crucially, the fact that many Roma families are not registered in a given administrative territory makes it very difficult for their children to attend local schools. More than 7% of Roma children do not have birth certificates, and many adults do not possess ID cards giving proof of residence in a particular town. Further, much of the Roma population in Romania has a semi-nomadic way of life, making the enrollment of children in local schools difficult if not impossible in the medium to long term.

In light of these difficulties, the Ministry of Education initiated several programs aimed at increasing the sensitivity of local administrators and to facilitate the integration of Roma children into the public school system. Serious efforts have been made to appoint Roma school inspectors at the level of each county school, who are responsible for Roma issues. At present, there are 38 Roma inspectors—only four school districts do not have one.<sup>50</sup> Efforts have also been made (separate entrance quotas, curriculum development designed to reflect the particularities of the Roma culture) to include Roma in special training schools for elementary school teachers. Additionally, special entrance quotas for Roma students have been established at a number of universities in departments specialising in social work and pedagogy.

In order that Roma students can benefit from the right to receive instruction in their mother tongue, a special Department for Romany Language has been established at Bucharest University, and several Romany textbooks and other teaching materials have been compiled. Although a number of positive policy developments have been initiated to help address the challenges presented by Roma education, many obstacles remain to the integration of this community into Romania's education system, and persistent discrimination continues to hinder efforts in this direction.

## 6. Conclusion

Although the management of ethnic and cultural diversity in Romania is often viewed as a success, particularly when compared with the policies pursued over the past decade in the former Yugoslavia, a number of serious challenges remain with respect to minority representation, protection and integration in the political, social, commercial and educational spheres. This paper has argued that, although conditions in Romania have improved since 1989 for minority groups, significant political and administrative reforms have been hampered by the tendency of the central government to lump all minority groups together, ignoring their significant political, demographic and socio-economic differences. Through the creation of our (imperfect) typology, we have demonstrated that monolithic minority policies fail to meet the diverse needs and objectives of the Hungarian minority, the smaller minority groups and the Roma. Additionally, this paper has argued that minority rights protection in Romania has a long way to go in terms of minority-language use in public administration, minority-language instruction in public schools and minority political participation. Minority representation in local politics and administration remains minimal in many parts of the country. In sum, although significant progress on minority issues has been achieved since Romania's transition in 1989, serious work remains to be done, par-

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<sup>50</sup> Zsuzsa Bereschi, interview, October 2000.

ticularly with respect to the highly marginalised Roma population. Both legislative and institutional reforms are needed to improve minority rights and ease tensions among minority groups (namely, the Hungarians and the Roma) and the majority population. These challenges are not insurmountable and we therefore propose a number of policy recommendations that might help to improve the situation of ethnic minorities in Romania.

## 7. Recommendations

With respect to the *legislative framework* for the protection of minorities and minority groups the following changes should be made:

- Exclusionary constitutional provisions including the definition of Romania as a 'nation-state' and the designation of Romanian as the only 'official language' should be replaced by less exclusive wording, as they exacerbate the ambiguity in the relationship between the state, citizenship and ethnicity in Romania and make peaceful negotiations for legitimate power-sharing impossible.
- The amendments to Law No. 69/1991 on Local Public Administration (as manifest in Emergency Act No. 22/1997 and the subsequent Draft Law) should be passed by Parliament as quickly as possible, in order to begin the process of standardising the use of minority languages in local public administration.

The following recommendations pertain to the *institutional framework* for the protection of minorities:

- Forms of institutional collaboration between organisations representing a given minority should be initiated.
- Institutional mechanisms must enable the implementation of relevant legislation on minority issues. To that end, training of public administration officials on inter-ethnic issues must be conducted.

With respect to *public administration reform*, the following measures are recommended:

- The language barrier that exists in the relationship between local administrators and minorities must be overcome by shifting the financial responsibility for translation of documents and conversations from minority individuals to the local administration.
- Serious measures must be taken to end the legacy of 'ethnically preferential hiring' in public administration and to ensure the 'de-ethnicisation' of certain sectors of public administration. To that effect, bilingualism and multi-lingualism among public administration officials should be considered as an important resource, and should be taken into consideration when hiring public employees.
- State-sponsored training programs for local public administrators should be initiated that focus on minority issues and multi-ethnic community management in order to sensitise local administrators to minority concerns and better equip them to mediate in the case of ethnic conflicts.

In terms of *minority-language education*, the following recommendations are offered:

- Legislation establishing the right of minorities to establish separate public schools

at the primary and secondary levels must be consistently implemented.

- Clearer legislation should be drafted and passed that establishes what level of Romanian-language education is necessary for minorities to be integrated into Romanian society.
- Greater legislative clarity is also required with respect to the rights of minorities in mixed schools to receive instruction in their mother tongue.
- Consensus should be reached regarding a working definition of 'multi-cultural universities' as a first step towards resolving the controversial issue of the establishment of a separate public Hungarian-language university.

The following recommendations relate to *special educational measures for the Roma*:

- Ministry of Education policies should enable greater administrative flexibility in the registration of Roma children at public schools. The absence of identification cards should not be used as a pretext to exclude Roma children from the public school system. In spite of the circulation of a Ministerial Letter prohibiting this practice, its enforcement is limited. Further steps allocating resources, training officials and implementing policies aimed at the integration of the Roma into the public school system must be taken.
- The nascent system of 'positive action' for Roma students seeking to enter universities should be expanded and developed.
- A greater amount of public funding for Roma education initiatives is necessary to encourage the development of new strategies aimed at integrating the Roma community into the school system, increased publication of Romany textbooks, the creation of Romany-language departments at universities and training Roma teachers.
- Innovative solutions to the challenge of Roma education—such as the establishment of mobile 'caravan schools' compatible to the semi-nomadic lifestyle of some of the Roma population should be further explored. This kind of educational experiment should be researched (by NGOs and think tanks, as well as by the Ministry of Education) and subsidised in order to open the door to new policy initiatives on this critical issue.

### *Further Reading*

- Linz, Juan and Alfred Stephan (1996) *Problems of Democratic Transition and Consolidation*, Baltimore: Johns Hopkins University Press.
- Gallagher, Tom (1995) *Romania After Ceausescu: The Politics of Intolerance*, Edinburgh: Edinburgh University Press.
- Rady, Martyn (1992) *Romania in Turmoil: A Contemporary History*, London: I. B. Tauris.
- Schöpflin, George (2000) *Nations, Identity, Power*, London: Hurst.
- Verdery, Katherine (1991) *National Ideology under Socialism: Identity and Cultural Politics in Ceausescu's Romania*, Berkeley and Los Angeles: University of California Press.
- Weber, Renate (1998) 'The Protection of National Minorities in Romania: A Matter of Political Will and Wisdom' in Kranz and Küpper (eds.) *Law and Practice of Central European Countries in the Field of National Minorities Protection After 1989*, Warsaw, Center for International Relations.