



ETHNOCULTURAL
DIVERSITY
RESOURCE
CENTER

MINORITIES IN TRANSITION

- Report on the public policies addressing national and ethnic minorities in Romania -

Author: *Marian Chiriac*

Documentation: *Ambrus Bela, Monica Robotin, Gabriela Vieru*

Project coordinator: *Rari a Szakats*

January 2005

Ethnocultural Diversity Resource Center

Str. ebei 21, 400310 Cluj-Napoca, Romania

Tel: +40 264 420490, Fax: +40 264 420491

info@edrc.osf.ro

www.edrc.ro

*Project financed by the Royal Netherlands Embassy to Romania
within the Matra-KAP program.*



Ambassade van het

Koninkrijk der Nederlanden

Summary

I. INTRODUCTION

II. NATIONAL MINORITIES IN ROMANIA (1918 – 1989)

- brief history

III. NATIONAL MINORITIES IN POST-COMMUNIST ROMANIA

- Statistics
- Legal framework after 1989

IV. SPECIFIC PROBLEMS AND PUBLIC POLICIES

- Warranting and securing minority protection
- Parliamentary representation of national and ethnic minorities
- Reversion of community assets and of the properties confiscated during the communist rule
- The institutional mechanism for promoting ethnic identity
 - i. The situation of the national minorities (except for the Hungarian)
 - ii. The Communitas Foundation case
- The necessity of preserving the specific language, tradition and culture of the various ethnic communities

V. CONCLUSIONS AND RECOMMENDATIONS

I. INTRODUCTION

Romania, although a state in which almost 90 percent of the population declares to be of Romanian origin, has a long history of multi-ethnic and multi-cultural cohabitation. On this territory, many ethnic minorities have been living for centuries, 20 of them being now officially confirmed, (meaning that they are represented in the Parliament) and their contribution to the economic and cultural development of the country is not negligible at all. On the other hand, the protection of the national minorities represents one of the political criteria that Romania has to fulfil in order to access to the European Union. This implies two major approaching principles: implementing the anti-discrimination norms and supporting the minority rights to help them preserve their specificity and not implicitly be subjected to forcible assimilation by the majority culture.

Is Romania a good example regarding minority protection? Even if it is said that there is a Romanian model for interethnic reconciliation, and the progress is visible in this respect, we believe that one cannot consider all the problems in our country to be solved. First of all, the unquestionable guarantee of the fundamental human rights has been accomplished, including the right to assume one's ethnic identity, the right to receive education and culture in one's native language, the freedom of association etc. Nevertheless, there still are several issues that, in our opinion, require an urgent solution or settlement.

That is why the present report undertakes the task of analysing the public policies in the field of national minorities within the post-communist period, as well as implicitly identifying the problems that are still affecting the respect for and efficient protection of the national minorities and ethnocultural communities. Although the specialized literature clearly distinguishes two types of minority, in the present report – only for editorial purposes - we will peculiarly use the term 'national minorities'. On the other hand, a special mention is still necessary.

Taking into account the fact that two previous reports of the Ethnocultural Diversity Resource Center have analysed both the relationships between the majority and the Hungarian minority (including the extent to which their rights are complied with) and the stage of the implementation of the governmental strategy for improving the Roma situation, we are not insisting on the specific problems of these two communities.

After presenting a brief history of the presence of national minorities on the Romanian territory, including the communist period, we will survey the problems and the public policies in this field. On the basis of analysing the existing legislation and the activity of both the national minority organizations and the public institutions that are responsible, but also as a result of some sociological interviews with persons who are directly involved (officials, minority representatives, politicians) we have succeeded in identifying a set of five relevant matters. They are related to warranting and securing minority protection, and to improving the mechanism of parliamentary representation as well as the institutional mechanism of promoting ethnic identity. This is also about accelerating the process of retrocession of community assets and the properties that were confiscated during the communist regime, as well as the necessity of sustained efforts towards the preservation of the language, tradition and culture of the ethnic communities.

By all means, the present analysis starts with the premise that the minority issue primarily pertains to the civil field, the state or the government being obliged to fulfil both a

statutory mission, by promoting a legislation that should permit the development and self-sustainability of the ethnic communities, and a protective role.

In the end, we express our hope that the final recommendations offered by this report might be used as a point of departure by any political platform and/or institutional reconstruction programme which pursues the preservation of ethnic diversity and the majority-minority cohabitation.

II. NATIONAL MINORITIES IN ROMANIA (1918 – 1989)

- brief history -

The national minorities issue became acute in Romania especially after the First World War, once the old multinational empires were fragmented and new national states (including Great Romania) were created.

At that moment, namely right after the 1st of December 1918, approximately 28 percent of the total number of Romanian citizens belonged to the national minorities, the highest rate being held by the Hungarians – 7.9% - , followed by the Germans – 4.1%, the Jews – 4%, the Ruthenians and the Ukrainians – 3.2%, the Russians - 2.3%, the Bulgarians – 2%, the Roma – 1.5%, the Turks – 0.9% etc. On the other hand, according to the 1919 statistics, the ethnic structure of Transylvania was even more heterogeneous: Romanians – 57.12%, Hungarians – 26.46%, Germans – 9.87%, Jews – 3.28%, other nationalities – 3.27%.

The Romanian authorities acted urgently in order to create a legal framework that would ensure full equality of rights for all individuals, regardless of their ethnic origin. Thus, together with the ratification (by royal edict) of the union between Basarabia, Bucovina and Transylvania, all the inhabitants of these territories were granted Romanian citizenship. At the same time, several law-decrees issued in 1918 and 1919 acknowledged the Romanian citizenship of the Jews in the Old Romanian Kingdom, who, until then, could only obtain the citizenship by individual request.⁽¹⁾

On the other hand, "The Council of the Four" victorious powers (France, Great Britain, USA and Italy) enforced the successor states of the Habsburg Monarchy to sign a special treaty regarding the minorities. Although Romania initially opposed to this initiative, fearing that the Treaty might nourish the tendencies of some citizens to avoid their state authority and address other international forums, the Romanian authorities would nevertheless sign the document on the 10th of December 1919.

Another important moment was marked on the 29th of March 1923, when a new, democratic constitution was enacted, sanctioning the fact that all Romanians, "regardless of their ethnic origin, language or religion", would benefit of all the freedom secured by law. The following legislation, adopted on the new constitutional ground, pursued the same principles regarding education, culture, proprietary rights etc.

Nevertheless, in the interwar Romania, the minority situation was a paradoxical one. First of all, there was a fairly coherent legal framework, which permitted the development of political, cultural, and economic activities of most minorities. Each of them had its own organisation, some of them even parties with parliamentary representation. During that period, the number of schools, classes with minority native language teaching, as well as the number of publications raised. Thus, in 1922, a number of 657 newspapers and 524 reviews were published. Among them, 181 newspapers and 75 reviews were written in the national

minority languages (144 in Hungarian, 71 in German, 17 in Russian, 6 in Hebrew, 5 in Bulgarian etc). (2)

On the other hand, the law of private education (adopted in December 1925) allowed the national minorities to constitute their own schools with teaching in their native language, except for the Romanian Language Theory, the History and Geography of Romania, which were still taught using the official language of the state. Following the same direction, the law of secondary education (adopted in May 1928), permitted the founding of sections which used minority languages as teaching language (within the areas predominantly inhabited by ethnic minorities).

But the integration of the national minorities in the Romanian state has also confronted many tense moments, mainly regarding the tendency of some minorities to obtain supplementary rights considered to be unacceptable by the central authorities in Bucharest, the most eloquent case being the request of the Hungarians and Germans to obtain autonomy, including territorial independence.

For many Hungarians in Transylvania, the shift from the status of political, economic and cultural superiority to the minority status represented a trauma and a problem of accommodation quite difficult to be solved. Within this context, the political party of the Hungarian minority constantly requested that the Romanian state should not interfere with the activities in the schools with Hungarian language teaching, neither ask them to apply the teaching syllabus or to use the textbooks that were certified by the competent authorities. The political claims also pursued the broadening of the national minority rights as well as the establishment of an exclusively Hungarian leadership within the counties where they were a majority. All these were accompanied by an extensive external propaganda that showed the minorities in Romania as being subjected to constant discrimination.

Therefore, in order to maintain a certain control on the situation, the authorities decided the founding (on December 22nd) of the State Secretariat for ethnic minorities within the Ministry of Internal Affairs. Many of the initiatives taken by this Secretariat were based on the conviction that Hungary's concern for the Hungarian minority was nothing more than a screen hiding revisionist intentions.

Another issue that was going to dramatically influence the inter-ethnic relationships in the interwar Romania refers to the tide of anti-Semitic phenomena. Manifested at the level of public opinion – generated, among other factors, by the prejudice that the Jews are a minority who refuses to integrate within the state structures and intends to form an elite pursuing the economic and cultural domination of our country – the Romanian anti-Semitism developed starting from the adoption of a discriminating anti-Jewish legislation, continuing with pogroms, forced work, deportations, culminating in the active participation of Romania to the European Holocaust.

Although there is no full consensus among historians in what concerns the exact number of victims, according to the Report elaborated by the International Commission for the Study of Romanian Holocaust, "the Romanian civil and military authorities are responsible of the death of 280.000 to 380.000 Jews and Ukrainians in Romania and other territories with Romanian administration". The report concludes that approximately 340.000 Romanian Jews survived because the Government had suspended deportations in 1943 (16 months before Romania left the alliance with the Nazi Germany and joined the United Nations) (3)

According to the same report, the last years of the interwar period were also remarkable for the adoption of a racist and discriminating legislation whose climax was the deportation of

25.000 Roma population to Transnistria, the number of victims among them being of approximately 11.000.

Once the Second World War was over, after a short period of transition marked by the hope to regain democratic normality, a totalitarian regime was installed in Romania. The communist regime would promote a propagandistic inter-nationalist ideology (in opposition to the interwar nationalist excess), but, in fact, established the arbitrary and gradually dissolved the individual rights and freedom.

In 1951, as a consequence of a new territorial division (confirmed by the Constitution adopted on the 27th of September 1952), and also under the Soviet pressure, Romania accepted to create the Autonomous Hungarian Region in the areas predominantly inhabited by the Secui. Targu-Mures would be the regional capital and would function for eight years. During the same period, some of the state schools from the areas inhabited by the Csangs provided the possibility to study in Hungarian, but it was a rather limited possibility within the period of the national-communist rule.

The events that took place in Budapest in 1956 brought important changes in the relationship between the governors in Bucharest and the Hungarians from Transylvania. Thus, an event that was going to affect the Hungarian community in a negative way was in the year 1959, when the communist authorities decided to unify the Hungarian and Romanian Universities in Cluj , and all the Hungarian schools were incorporated in Romanian schools. During the second half of the years '60, the pressure held upon the ethnic minorities intensified by the promotion of national-communism.

Even if all the Romanian population suffered during the communist regime, either politically, or (mostly) from the material point of view, the life of the ethnic minorities confronted some specific forms of repression.

After 1965, in Nicolae Ceau escu's Romania the ethnic minorities were assigned the name of "co-inhabiting nationalities", apparently a more democratic denomination, as it enunciated a full equality regardless of ethnic origin. But in practice things were different, as the status of the minorities was not based on assuming the difference. Thus, the private or confessional schools with native language teaching systems were eliminated and substituted for education institutions that only had classes with native language teaching. In addition, especially in the universities, the students' access, including the minority representatives, was restricted, as the ones "coming from the working class, having a rich experience in production" were favoured.

(4)

We are not going to insist upon the effects of the communist policy on the Hungarian minority, as this was the subject of another report published by the Ethnocultural Diversity Resource Center. (5)

There are still some aspects to be mentioned, with respect to the destiny of other national and ethnic minorities. Thus, during the first years after the end of the war, thanks to the support that it had offered to Hitler's regime, the German minority in Romania would be subjected to an ample persecution process, materialized in deportations to B r gan or Siberia (approximately 70 thousand people being thus displaced), confiscation of assets, arrests or temporary suppression of their civil rights. In 1950 the Germans regained their vote rights, and only by the year 1956 they took back their houses and farmsteads. On the other hand, as a consequence of the agreement between the Romanian government and the government of the Federal Republic of Germany, a massive "exportation" of German ethnics began in the years '70. Despite some social and cultural achievements, until the year 1989 the number of the

German population went down to approximately 250 thousand persons and a defeatist spirit spread among them. (6)

An apparently similar fate characterized the Jewish minority, only their emigration was not so much based on economic reasons (as in the case of the Germans), but mostly on a national ground. The establishment of the state of Israel represented the fulfilment of an ancient dream for the Jews in Romania, as well as an opportunity to escape the repression and economic restrictions in their residence country. "The social and economic changes that were imposed <<from the upper structures>>, as the nationalization of the industrial units, banks and various kinds of commercial enterprises, the cooperative turning of the handicraftsmen, the abolition of the private sector within the framework of the liberal professions, the building expropriation, the conveyance of the mobile and immobile community estate to the patrimony of the state, the brutal imposition of laws and principles that were meant to install the communist rule, the state control over fortunes a.s.o. – profoundly affected most part of the Jews in Romania by considerably diminishing their fortune. (...) Despite the anti-emigration campaign, the mass tendency to leave became obsessive for the Jews, putting the Romanian authorities in an unpredicted situation, difficult to be understood by some communist leaders". (7)

Under these circumstances, within the interval between 15th of May 1948 -1951 about 117.850 Jews emigrated to Israel. Afterwards, although drastic restrictions were imposed with respect to the emigration, until 1960, 32.462 more Jews left; from 1961 to 1964, 63.549 Jews left, generally following the criterion of reuniting families, and until 1979 other 41.053 persons left. That is why the 1977 census registered only 24.667 Jews in Romania, and in 1992 the number went down to 9.000. (8)

The situation of other ethnic minorities was neither enviable at all. In some communities, like the Bulgarian, Ukrainian, Greek etc., schools, churches, places for culture and art were closed or demolished. Personal property of many members was improperly confiscated or they were subjected to forced assimilation. (9) And all this was happening even though, at the official levels, the communist regime showed a special concern for the minorities: it is worth mentioning the existence of councils of workers of Hungarian and German nationality, or the presence of minority representatives in high positions inside the Party or the commanding state structures (including the Great National Gathering).

The assimilative mentality that we mentioned above, mostly based on the communist nationalist principles, was going to affect in a negative way the community life of the ethnic minorities in Romania. But not in such amount as to destroy them or to generate conflicts like those that shook the Balkans during the '90 decade.

(1) The State Archives of Romania, *National Minorities in Romania (1918-1925)*, p. 8 Bucharest, 1995.

We must add that the Jewry situation (regarding the attainment of Romanian citizenship and not only that) represented a reason of discord between the political class from Romania and the one in Europe ever since the Congress of Berlin in 1878. Also, there is more to be said about the assimilative politics carried out after the incorporation of Dobrogea or the Quadrilater (between 1913-1940).

(2) Ibidem, p. 13

(3) The Report of the International Commission for the Study of the Romanian Holocaust can be consulted on the site of the Romanian Presidency, who initiated it (see www.presidency.ro).

On the other hand, the literature specialized in the Holocaust theme is very comprehensive. According to Liviu Rotman, *Romanian Jewry. The First Decade after the Holocaust*, in the volume *The Tragedy of Romanian Jewry*, ed. Randolph L. Braham, New York, Columbia University Press, 1994, p. 287-288, the number of Romanian Jews lowered from 756.930 (registered according to the 1930 census) to approximately 372.000 right after the Second World War.

(4) William Totok, *Memory Constraint*, Polirom Publishing House, Ia i, 2001, p. 11

(5) see "A law for (the same) status-quo? – Report on the consequences of the enforcement of the Law for the Hungarians in the neighbour states of Hungary", www.edrc.ro, October 2004, pp. 7-8

(6) Several German Historians (see the trilogy of Johann Böhm, published between 1993 and 2004, which was dedicated to the intricate relationships of the Germans in Romania with the interwar Nazi Germany) think that the Germans radicalising was a reaction against the national politics promoted by several governments of Great Romania and, of course, against the influence of the Nazi ideology.

Later on, during the communist regime, and especially after 1965, tens of thousands of Germans left Romania. In 1978 an agreement was signed by the Federal Germany and the Bucharest Government, stating that the Germans could pay for their right to emigrate.

(7) According to Lucian Nastas , "Introductory Study" to *The Jews in Romania (1945-1965)*, the Ethnocultural Diversity Resource Center, Cluj, 2003, p. 41

(8) Ibidem, p. 44

(9) Gabriel Andreescu, *The Roulette – Romanians and Hungarians, 1990-2000*, Polirom Publishing House, Ia i, 2001, pp. 18-19

III. NATIONAL MINORITIES WITHIN THE POST-COMMUNIST ERA

Statistics

Although Romania is a state where almost 90 percent of the population declares to be of Romanian origin, has a long history of multi-ethnic and multi-cultural cohabitation. On this territory, many ethnic minorities have been living for centuries, and their contribution to the economic and cultural development of the country is not negligible at all. During the last decade, a continuous decrease of the minority groups percentage within the total number of the Romanian population has been ascertained (even though some of them are increasing their number).

We give you the official statistics regarding the ethnic structure of the population in Romania :

Nationality	1992 census	%	2002 census	%
Romanians	20.408.542	89,47%	19.409.400	89,5%
Hungarians	1.624.959	7,12%	1 434 377	6,6%
Roma (Gipsies)	408.087	1,76%	535.250	2,5%
Germans	119.462	0,52%	60.088	0,28%

Ukraineans	65.764	0,28%	61.353	0,28%
Russians-Lipovenians	38.606	0,17%	36.397	0,17%
Turks	29.832	0,13%	32.596	0,15%
Tartars	24.596	0,11%	24.137	0,11%
Serbs	--	--	22.518	0,10%
Croats	--	--	6.786	less than 0,10%
Slovenes	--	--	175	"
Slovaks	19.594	less than 0,10%	17.199	"
Bulgarians	9.851	"	8.025	"
Jews	8.955	"	5.870	"
Czechs	5.797	"	3.938	"
Poles	4.232	"	3.671	"
Greeks	3.940	"	6.513	"
Armenians	1,957	"	1.780	"
Ruthenians	--	--	257	"
Italiens	--	--	3.331	"
Albanians	--	--	477	"
Macedonian Slavs etc	--	--	695	"
Total	22.408.542		21.698.181	

Besides the above mentioned minorities, the statistics also record the presence of some new ethno-cultural communities, such as the Chinese, Kurds, Arabians, the Hutsul etc. A particular case is represented by the Csangs, a community of Catholic religion and Hungarian language, who live in Moldavia and whose right to education in their native language is mentioned by several resolutions of the European Council.

Legal framework after 1989

Once the communist rule was abolished, in December 1989, the national minority issue regained its importance in public debates and political agenda. Several factors contributed to this. First of all, the activity and the initiatives undertaken by the Democratic Union of Hungarians in Romania (UDMR), then the pressure the European Union and the international community held upon the Bucharest governments in order to achieve the institutional modernisation and the compliance with the democratic standards. It is also important to mention the bursting of extremist nationalism (not as virulent as the one in the ex-Yugoslavia, though) and the civil society reaction to it (the Pro-Europe League, APADOR-CH, GDS etc).

Let us consider them one at a time. On the 25th of December 1989, the UDMR was founded, an organisation that was involved from the very beginning "in defending and representing the Hungarian community interests". The main goals of the UDMR were: the acknowledgement of the national minorities as a constitutive factor of the state; the creation of social circumstances that would permit all the citizens to freely assume, keep and cultivate

their national identity; the accomplishment of the rule of law, based on the separation of powers; the constitutional guarantee of the private property inviolability; the complete restitution of the church and community goods that had been illegally confiscated; the regulation of the juridical status of the national minorities on the basis of the positive European practice in this field etc. (10)

The UDMR was not only involved in the defence of the Hungarian minority rights, but also contributed to the elaborating or initiating legislative projects, public policies or even governmental strategies that had a positive effect on several ethnic communities. In this respect, we mention the normative documents that allowed the use of native language in the field of justice or public administration, the possibility to display bi- or tri-lingual plates in the localities where significant percentages of ethnic minorities lived, the restitution of the minority religious cults properties and of community goods, and also the governmental Strategy concerning the improvement of the Roma situation (which was, initially, an initiative of the minister György Tokay) etc. (11)

The second important factor that contributed to the improvement of the status of the ethnic minorities in Romania was the ceaseless international pressure, throughout the 9th decade. Within that period, especially the European Union and the United States were concerned with maintaining stability in the Eastern part of the continent, as the conflicts in the former Yugoslavian area were threatening to de-stabilize the entire European construction. (12)

An eloquent example in this respect is related to Romania's efforts to adhere to the Council of Europe, when, in order to counteract the critics regarding the non-fulfilment of minority rights, an extremely permissive electoral law was adopted, a law that indulged the promotion of positive discrimination measures with respect to the ethnic minorities. Therefore, on the basis of the article no 4 in the Law-Decree no. 92/1990, the ethnic minorities had the right to have one representative in the Chamber of Deputies unless they obtained that as a result of the elections. The idea was initiated and sustained by the representative of the Armenian minority in the Provisional Council for National Unity (intermediate organ with legislative functions, instituted after the fall of the communist regime), and then it was undertaken by the party that was at rule – the National Salvation Front – as a measure capable of counterbalancing the presence of the UDMR, who was going to become the second political force in the Parliament after the elections on the 20th of Mai 1990.

These stipulations were maintained by the 1991 Constitution and the electoral Law (no. 68/15th of June 1992), on which ground the non-governmental organizations of the national minorities were allowed to take part in the local and parliamentary elections, having the right to send a representative in the Parliament if they gathered a minimum of 5 percent of the votes that were normally necessary for a deputy. This limit is a rather symbolic one, as it was of only 1.336 votes in the 1992 elections, 1.494 votes in the 1996 elections and 1.273 votes in the 2000 elections. (13). Compared to these, a deputy in the Parliament of Romania is normally elected by a minimum of 40 thousand votes. On the last elections, in 2004, this limit was raised to 10 percent of the votes that are necessary for a deputy election.

Another decision that was going to influence the regulation of the minority organizations' activity referred to the founding, in April 1993, of the Council for National Minorities (the CptMN, subsequently renamed as the National Minority Council - CMN), formed of all the parliamentary represented organizations. The Council was from the very beginning under the governmental tutelage, and its main task was related to the way of

negotiating the distribution of the funds that were budgeted by the executive power for the ethnic minority organizations. The Council was used by the authorities as an element that was good for the image of "a government that once contained nationalist, xenophobic and isolationist parties". (14). For the above reasons, as well as the fact that the CptMN had been projected as an attempt to politically and propagandistically isolate the UDMR, the Hungarian Union was soon suspended from this council.

A significant change regarding the minority status was noticed after the year 1996, when the UDMR entered the government, together with the Romanian Democratic Convention (CDR) and the Democratic Party. Even though the years 90 had previously been characterized by a certain inter-ethnic tension (see the events in Târgu Mureș in March 1990) and the problems and requests of the Hungarian community had been marginalized, starting with the middle of the 90's, a real "Romanian model" of minority protection was created. Some important factors contributed to this: the signing of friendship treaties with Hungary and Ukraine (in an attempt to solve, among other issues, the minority-related problems in the signatory countries), the nationalist parties' absence from the ruling, and also the adoption of a series of measures with respect to the minority-related problems.

A Department for the National Minority Protection (DpMN) was thus founded. It was ruled by a delegate minister belonging to the UDMR, but it also included a National Office for the Roma in its structure. On the other hand, the grants that were offered to the ethnic minority organizations raised substantially, year after year, high above the inflation rate. In addition to that, Romania signed or ratified the most important international documents concerning the minority issue, the retrocession of the buildings and lands belonging to the minority associations and churches was initiated. In 1998, the Inter-Ministry Commission for the National Minority Protection was created, with the aim of monitoring and implementing the Convention of the European Council regarding the National Minority Protection. It is also worth mentioning the adoption of the Ordinance no.137 from the 31st of August 2000 regarding the prevention and fighting against all forms of discrimination.

After the general elections at the end of the year 2000, the DpMN was transformed into a Department for Interethnic Relations (DRI), ruled by a secretary of the state (this position remained, in fact, unoccupied until November 2003). At the beginning of 2001, the UDMR entered a new parliamentary coalition, this time with the Social Democratic Party (PSD), which favoured the attainment of supplementary rights for the minorities (especially the Hungarians). Thus, The Law of Public Administration was modified, so that it should permit the use of bilingual/trilingual plates or the use of their native language in the local administration and in justice; the Law of Education was also improved starting with 1997 so that the ethnic minorities could use their mother tongue at all the educational levels, from kindergarten to doctor's degree.

Another important measure is related to the adoption, in April 2001, of the Government Decision no. 430 regarding the governmental strategy for improving the Roma situation. Even if only a part of its objectives have been achieved until now (15), the Roma representation at different levels of the local and central administration, the implementation of educational, medical and labour programs etc, the development of partnerships between the Government, the local authorities and some non-governmental institutions have nevertheless been attained on the basis of this Strategy.

(10) According to the UDMR platform presented on the site www.rmdsz.ro

(11) For more details, see the reports of the Ethnocultural Diversity Resource Center

: *By half-measure – report concerning the retrocession of the property of the Romanian religious cults*, *A necessary change of strategy – report on the stage of the application of the governmental Strategy for improving the Roma situation in Romania*, *A law for (the same) status-quo? – report regarding the effects of applying the Law for the Hungarians in the neighbour states of Hungary*”, all available on the site www.edrc.ro,

(12) The idea is enlarged by Dan Oprescu in his article *(Presque) Quinze Ans Apres: the national minorities – balance sheet*, The Political Framework no. 107, pp. 26-30. Oprescu asserts: „Various international organs have begun to particularly stress upon the theme of accomodating the national minorities, mostly within the candidate countries for the EU – which are also the only countries within this region that can be efficiently pressured upon”.

(13) The numbers presented by Ciprian-C lin Alionescu, *Parliamentary Representation of Minorities in Romania*, Southeast European Politics, June 2004, p. 64

(14) Dan Oprescu, *(Presque) Quinze Ans Apres: the national minorities – balance sheet* (The Political Framework no. 107, p. 27. More exactly, it is about the so-called “red quadrilater”, which the ultra-nationalist parties PRM and PUNR were part of.

(15) see the report of the Ethnocultural Diversity Resource Center *A necessary change of strategy – report on the stage of the application of the governmental Strategy for improving the Roma situation in Romania*, www.edrc.ro

IV. SPECIFIC PROBLEMS AND PUBLIC POLICIES

It is generally considered that in order to solve a problem it is essential for it to be well-defined from the beginning. In this case, we seem to have a paradox that is the existence of many international documents, juridical reglementations, and bilateral treaties referring to the minority issue without giving or using a definition of this concept.

Some authors consider such a definition unnecessary and useless, others think that by merely using the phrase “ethnic, national, linguistic or religious minority” its meaning is automatically understood. The juridical experts claim that the best solution is “either no definition, or a minimal definition, with few exceptions and based on self-identification, as in most cases it is obvious which groups are minorities; as for the cases in which things are uncertain, the issue can be submitted to the practice of the international organs”. (16)

Some national legislations (and we will refer here only to the case of Hungary or Poland) make a quite clear distinction between the “national minorities” (who have a mother country, among other aspects) and the “ethnic minorities” (who do not have that privilege).

Until now, there was no official consideration of any distinction between the two types of minority in our country, either because the problem presented no interest on the highest political levels, or because the minority-related discourse remains rather rudimentary on the level of cultural or political elite.

Nevertheless, by using the above distinction, we notice that the Roma population, the Tartars and the Ruthenians (to speak only of the ethnic groups that are officially acknowledged) are the only minorities which do not have a mother-country to defend their interests inclusively by the bilateral treaty method (following the model of the documents that were signed by Romania and Hungary, Ukraine or Serbia etc, in which explicit measures for the minority rights protection are stipulated).

Another possible division of the minorities in Romania would be made according to their number. In this case, we can ascertain the existence of the "great" minorities category (where only the Hungarians and The Roma are represented) and the one of the "less numerous" minorities (the rest). This division becomes important only when taking into consideration the political representation of the ethnic groups, as well as the complexity or specificity of their problems. But we will minutely discuss these matters further on.

In the prospect of adopting a law for the minorities, a criterium that ought to be considered is the one that makes the distinction between historical minorities and immigrants. Although the immigrants represent ethnocultural communities more and more relevant in number, some of them even surpassing the dimensions of national minorities, the public policies regarding the protection of ethnic diversity further ignore them.

Eventually, another way of categorizing the national minorities may be according to their problems and the public policies developed by the authorities in order to solve them. From this point of view, we have identified the following categories:

- Warranting and securing minority protection
- Parliamentary representation of national and ethnic minorities
- Retrocession of community goods and of the properties confiscated during the communist rule
- The budgetary mechanism for promoting ethnic identity
 - i. The situation of the national minorities, except for the Hungarian
 - ii. The Communitas Foundation Case
- The need to preserve the language, tradition and culture of the various ethnic communities

Under these circumstances, we will further on analyze the specific problems of the national and ethnic communities in Romania, starting with the categories that were concisely presented above, but mostly the problems connected to the public policies in this field.

(16) dr. Ion Diaconu, *The Minorities within the Third Millenium –between globalism and national spirit*, The Romanian Association for a Democratic Education publishing house, Bucharest, 1999, p. 83. The author finally settles to a definition that was proposed in 1993 by the special reporter of the Sub-commission for the prevention of discrimination and for minority protection: "a group of individuals who have their residency in a sovereign state, who represent less than half the population in our national society and whose members share ethnic, religious or linguistic characteristics that make them differ from the rest of the population".

Warranting and securing minority protection

"The respect for and the protection of minorities" is one of the political criteria that need to be fulfilled by the candidate states for the European Union, by Romania implicitly. Thus, the aims that are pursued are the elaboration and application of legislative initiatives or public policies that should contribute to the chance improvement for the racial and ethnic minorities, in order to avoid their discrimination and to ensure their traditional rights.

For a few years now, Romania has no longer faced major problems in this respect, as, generally speaking, most international reports show that the necessary legal framework for

minority protection has been adopted. However, the problems that are still unsolved mostly refer to the defective manner in which the law is applied, or even not applied at all.

Thus, the last state report regarding Romania's progress on its way to European integration, report communicated on the 6th of October 2004, shows that our country fulfils the political criterium for adhesion, and also the economic criterium of a functional market, but there still are some problems in what concerns the law supremacy, the human rights and the respect for minority rights.

According to the above quoted document (17), Romania continues to respect human rights and freedom but, although our country has ratified the main conventions in this field, it still has to ratify the no.12 additional Protocol to the European Convention for Human Rights, which forbids all forms of discrimination.

The National Council for Combating Discrimination (18) continued with its policy for discriminating action prevention, by adopting new legal stipulations, and this represents a progress in transposing the *acquis* regarding anti-discrimination, as it is showed in the report. Nevertheless, despite all the legislative improvement (19), the necessary elements of an efficient anti-discriminating mechanism (such as the elimination of the burden of proof, or the acceptance of statistic data as proof of indirect discrimination) are still missing.

On the other hand, it is worth mentioning the fact that in March 2002, the Government adopted an emergency ordinance (no. 31) prohibiting the fascist, racist, xenophobic symbols and organizations, as well as the promotion of any cult for the persons who are guilty of crimes or offence against peace and mankind. The ordinance has already had the first effects, as the bust statues of some war criminals (among which the Marshal Ion Antonescu) were destroyed and several individuals were convicted for Nazi propaganda.

A special concern has been expressed by the European Commission with respect to the occasional excessive use of violence by officers who were charged with applying the law, including the illegal use of fire weapons. "The cases of violence were more frequent with disadvantaged categories as, for instance, the Roma minority", shows the report.

In addition to that, the same document states that „discrimination of the Roma minority continues to be extended and that social inequalities among this population are considerable. Their living conditions are precarious and their access to social services is limited. The implementation of the governmental Strategy for Improving the Roma Situation, adopted in 2001, was done in sectors like education, health, labour rights, or relationship with the Police. Although some positive results have been noticed, these efforts risk to remain isolated and inefficient as long as their coordination at the national and local levels is weak. Limited results have also been reported in what concerns the functioning of the Joint Committee for Strategy Implementation and Monitoring". (20)

The state report has nevertheless underlined the positive evolutions in the field of education, health, labour rights and relationship with the Police.

On the other hand, no problems were met with respect to the relationships with other ethnic minorities within the period that was analysed in the Report. The law regarding the display of bilingual plates has been put into practice, including the localities where the minority ratio is lower than 20 percent of the population.

After the Constitution revision, in 2002, that now permits the citizens' right to use their native language in justice, the Hungarian language became more and more used in certain areas of Romania. The same Constitution, as well as the Law concerning the police officers status permit the conscription of officers who speak ethnic minority languages, but

still their number remains low. In what concerns the pre-university education in minority languages, a decrease in the number of educational institutions and of pupils was registered in 2003-2004. This fall could be due to the negative demographic tendencies, as at the level of educational legislation no modifications have been made. The private University with Hungarian language teaching is still functioning in Cluj, with branches in Miercurea Ciuc, Oradea and Târgu Mureş. At a local level, a protocol regarding the founding of two Hungarian faculties within the state University in Cluj has been agreed, but not put into practice yet. The Report also mentions the improvement of the official attitude towards the Csangs as long as the Hungarian language is being studied as an optional subject in ten Csangs communities.

As a conclusion, we may say that Romania has created the legal framework for warranting and securing the national and ethnic minority rights. The Frame-Convention for national minority protection, adopted within the Council of Europe, has been ratified ever since 1995, and the bilateral treaties with Hungary (1996) and Ukraine (1997) compels Romania to apply the standards of this Convention, as well as the 1201 Recommendation of the Parliamentary Gathering of the European Council (21). The main international document that ought to be ratified soon is the European Charter of Regional or Minority Languages of the European Council, which Romania has already signed in 1995.

(17) The state report concerning Romania's progress on its way to the European integration, available on www.infoeuropa.ro

(18) The National Council for Combating Discrimination, an administrative organ subordinated to the Government, was founded in August 2002, with attributions connected to identifying and administratively sanctioning the various forms of discrimination. According to a declaration of the first CNCD president, Cristian Jura, in Romania (legally speaking) there is no discrimination based on ethnic criteria, and it can only be found at individual levels. (see the interview given for the Divers news on www.divers.ro/cgi-bin/articol_ro.py?id=2099)

(19) In November 2000, Romania became the first country within the group of the adhesion candidates to adopt a general anti-discriminating legislation, by temporarily (provisionally) putting into operation the no. 137/2000 Ordinance regarding the prevention and sanctioning of all forms of discrimination.

(20) According to the state report concerning Romania's progress on its way to European integration, available on www.infoeuropa.ro. For more details on the implementation of the Strategy for the Roma, see the report of the Ethnocultural Diversity Resource Center *A necessary change of strategy – report on the stage of the application of the governmental Strategy for improving the Roma situation in Romania*, www.edrc.ro

(21) For details, see Corneliu-Liviu Popescu, *The Romanian Application of the juridical norms regarding the national minority protection*, in *The Human Rights at the Encounter of Cultures*, pp. 195-214, Paralela 45 Publishing House, Piteşti, 2004

Parliamentary representation of the national and ethnic minorities

Representing all the interests and minority groups at the highest political levels is one of the solutions for peaceful cohabitation of all the state citizens, especially where there has been a history of conflicts and disputes. Although the easiest way to ensure minority representation is to organise free and democratic elections, this is not always accomplished, as

there may be some minorities that are relevant from the economic, social or symbolical point of view, but do not have enough political strength.

Therefore, the political practice offers the method of positively discriminating the national or ethnic minorities that means their access to the Parliament is facilitated on the basis of some affirmative measures. This practice is fairly spread in Eastern Europe (see the case of Croatia or Slovenia), but Romania has got the most inclusive system, by guaranteeing a seat in the Chamber of Deputies for each minority.

We have described above the history of granting parliamentary representation for the organizations belonging to national minorities, which did not obtain a deputy or a senator mandate as a result of the elections. The only thing that is to be mentioned is that the UDMR has constantly been represented in the different Parliaments of Romania (41 senators and deputies in 1990, 39 in 1992, 37 in 1996, 39 in 2000 and again 39 in 2004), while in the first Parliament 11 national minorities were represented (Germans, Roma, Lipova-Russians, Armenians, Bulgarians, Czechs-Slovaks, Serbs, Greeks, Poles, Ukrainians and Turks), in 1992 there were 13 minorities (the ones before plus the Italians and the Tartars), in 1996 15 minorities were represented (the Albanians and the Jews were added), and in 2000 and 2004 there were 18 minorities (the last ones that were added on the list were the Croats, the Ruthenians and the Macedonian Slavs).

Besides the constant increase of the number of national minorities represented in the Parliament, two more tendencies are worth mentioning:

a. the constant decrease of the number of votes gathered by the UDMR in the Chamber of Deputies due, in fact, to the constant increase of the absenteeism (see the table below)

An	1990	1992	1996	2000	2004
Number of votes	991.601 (7,23%)	811.290 (7,46%)	812.628 (6,87%)	736.863 (6,80%)	637.109 (6,23%)

b. the fluctuating number of the votes obtained by most minorities (see the table; the brackets contain the number of the organisations which took part in the elections)

National or ethnic minority	Votes gathered in the 1996 elections	Votes gathered in the 2000 elections	Votes gathered in the 2004 elections
Roma	159.521 (5)	83.597 (2)	71.117 (2)
Germans	23.888 (1)	40.844 (1)	36.166 (1)
Bulgarians	9.474 (2)	34.597 (4)	25.588 (3)
Ukraineans	11.297 (2)	15.427 (2)	10.888 (1)
Lipova Russians	11.902 (1)	11.558 (1)	10.562 (1)
Croats	486 (1)	14.472 (3)	18.100 (2)
Armenians	11.543 (1)	18.341 (1)	9.810 (1)
Macedonians	---	8.809 (1)	25.689 (3)
Jews	12.746 (1)	12.629 (1)	8.449 (1)
Turks	4.326 (1)	10.628 (2)	21.638 (3)
Greeks	9.972 (2)	19.520 (4)	7.161 (1)

Serbs	6.851 (1)	8.748 (1)	6.643 (1)
Tartars	6.319 (1)	10.380 (1)	6.452 (1)
Italiens	25.232 (7)	37.529 (2)	11.349 (2)
slovaci	6.531 (1)	5.686 (1)	5.950 (1)
Poles	1.842 (1)	6.674 (2)	10.632 (2)
Albanians	8.722 (1)	18.341 (2)	5.159 (1)
ruteni	---	6.942 (1)	2.871 (1)

By analysing the above information, some surprising conclusions can be drawn. First of all, for many minorities there is a **huge difference between the votes they obtained and the declared number of individuals belonging to the respective minorities**. The most striking cases are those of the Macedonian Slavs (695 declared persons but 25.689 votes obtained), Ruthenians (257 -2871), the Albanians (477 – 5.159) etc. On the other hand, only 10 percent of the number of individuals who have officially assumed the Roma identity voted for the Roma organisations.

On the other hand, although since 1990 the minorities have been represented in the Parliament by nearly the same organisations, there are some cases, not very few, where **competition for the automatically ensured seat is very strong**, sometimes even abnormally strong. In 2004, the authorities tried to limit the number of the parliamentary represented minorities, and also of the discussions and arguments between the various leagues and unions. "We try to unify these movements so that they become a coherent voice", declared Viorel Hrebenciuc, president of the electoral Commission. He showed (and was quoted by the press at the beginning of the Commission debates) that there are members of some organisations who do not know the language of the respective minority and that "order has to be made in this area". (22) Nevertheless, several organisations that claimed to be representing the interests of a national minority accused the way in which they were forbidden to take part in the elections (either local, or parliamentary) and we mention here the The Civic Hungarian Union, The Ethnic Association of the Russians in Romania, as well as an association of the Polish youths.

Many times, **entering the Parliament as an ethnic minority representative was a profitable business**, these seats being taken by candidates who were either partially, or not at all related to the respective ethnic minority.

The most mediated case in this respect was the one of the deputy Vasile Savu, who represented (between 2000-2004) the Macedonian Slavs minority in the Chamber of Deputies. Savu, a well-known union leader from Valea Jiului, entered the Parliament on the association list, and, according to the press, the seat was offered to him as some kind of reward for "having betrayed Miron Cozma during the last miners' revolt". (23) And with respect to the same Macedonian minority we must say that another organisation, the Cultural Association of the Macedonian Slavs, founded in September 2004, tried to send to the Parliament a person who publicly admitted not to be of Macedonian origin. (24)

There are also other members of the Parliament whose authentic membership within the ethnic minorities they represent is questionable. The actress Ileana Stana Ionescu was contested in 2000 for not being Italian, but this did not deter her from representing this ethnic group for four years. At that time she declared that a grandfather of her father-in-law was of Italian origin. In 2004 it was her turn to contest the origin of a competitor organisation

representative, Gina Nazaritti. The disputed cases do not end here. The deputy of the Albanian Cultural League, Oana Manolescu, claims to have an Albanian descent, but in the year 2000 she was strongly contested by other Albanians and even by some members of the association she belongs to. Another confusing situation is connected to the name of the deputy Gheorghe Firczak, representative of the Cultural Union of the Ruthenians (a minority formed of only 257 members, according to the last population census). Firczak, whose election was hardly validated in 2000, is of Hungarian origin, and he was a candidate on the lists of the Free Democratic Hungarian Party in the local elections of 1996 and 2000, and then entered the Parliament in the general elections as a Ruthenian.

There are also many situations in which individuals who do not belong to any ethnic minority try to take advantage of the "largesse" of the law and to obtain a seat in the Parliament. Even in the last parliamentary elections in the 28th of November 2004, on the electoral lists of the ethnic minority organisations (many of them recently founded) there were names of persons who did not belong to the respective ethnic minority. For instance, the former deputy from the Social Democratic Party (PSD), Ion Vela, after falling out of favour within the respective organisation, founded a phantom organisation called The Democratic Croat Union. "I have no connection with this ethnic group", admitted Vela, saying that his assignation as a candidate represented "an aspect of the harmonious cohabitation of the minorities in Banat". The Bulgarian minority faced a similar situation, when Mihai Florin Luican, a former prefect of Bucharest, was the 8th in the internal PSD elections for the Chamber of Deputies. Luican reappeared as a candidate on behalf of a newly founded Bulgarian Cultural Association, stating that he had a "Basarabian Bulgarian" grandfather and that knew well the Bulgarian community in Romania. "I am not aware of Mr. Luican's affiliation to our minority", declared the deputy Petru Mirciov, on behalf of the Bulgarian Union in Banat. (25)

We must also mention the case in which, in order to obtain votes, some organisation representatives offered advantages that were intended to attract more sympathizers. A most famous case in this respect was that of the president of the Romanian Croats Union (UCR), Mihai Radan, who, as the press wrote, facilitated the attainment of double citizenship, as well as the obtaining of Croat passports by the organisation members. This may explain the significant advance of the UCR, which obtained 486 votes in the 1996 elections while in the 2000 elections they gathered 11.084 votes. In 2004, the number is approximately the same.

Another issue related to national minority representation in the Parliament consists of the **efficiency of the deputies** representing these communities. It is quite difficult to evaluate their activity, as there are no precise indicators; still, by taking into consideration the number of parliamentary interventions of the minority representatives (except for the Hungarian minority) within the interval of December 2000 – February 2003, we come to an average of 5.6 interventions per year (compared to the UDMR, where the average is of 17.5 and to the main opposition party in that period, with an average of 21.1). (26). It is worth mentioning that the representatives of the Italians, Russians and Macedonian Slavs had only one intervention each, within this interval, and that was on their affirmation oath. The same representatives participated in the elaboration of only one bill that was in fact another colleague's initiative.

On the other hand, the average number of legislative initiatives of the national minority representatives within legislation is not very high. The Armenian deputy was the most active, with 15 such initiatives, the Greek one had 8 (which is the approximate average in the case of minority deputies), only very few initiatives were exclusively dedicated to the

communities they represented. (27). When this was the case, still there were other "hostile" circumstances. It is worth mentioning the initiative of the Social Democratic Roma Party deputy, Nicolae P un, who tried to promote a law regarding the social re-insertion of the Roma population, but the project was rejected by the Executive in February 2004 on the reason that a law which would stipulate social protection measures for only a small ethnic group is not constitutional.

Even if the public image of the Romanian members of the Parliament and their activity is a negative one, we can see that neither the representatives of the ethnic minorities positively distinguished themselves. With rare exceptions, they were nothing more than a docile parliamentary group, who stood alongside the winners of the elections. However, a system that would ensure – even imperfectly – the parliamentary representation of the minority groups seems to be better than no system at all.

(22) see the Divers informative bulletin, on www.divers.ro

(23) see the reports of the Gazeta V ii Jiului daily newspaper (www.gazetavaiiului.ro). This publication, where more articles were written describing various illegal business affairs of Vasile Savu, including some where he used money from the Macedonian Slavs Organisation, was three times sued for libel, but won all the cases started by Savu.

(24) "My connections with this minority are due to the fact that, between 2001 and 2002, I was the Macedonian president Boris Trajkovski's counselor for economic problems , and to the fact that I was the president of the parliamentary group for Romanian-Macedonian friendship", declared Sorin Dimitriu, former president of the State Property Fund, quoted by the "Cotidianul" newspaper, on the 18th of November 2004.

(25) see "Cotidianul", 18th November 2004

(26) Numbers presented by Ciprian-C lin Alionescu in *Parliamentary Representation of Minorities in Romania*, Southeast European Politics, June 2004, p. 69

(27) interviews with Varujan Pambuccian, deputy from the Union of Romanian Armenians, Sotiris Fotoupolos, deputy from the Greek Union and Miron Ignat, from the Lipova Russian Community. The latter declared that he had asked the community he represented to point out the problems that needed to be solved, but he did not get any answers.

Retrocession of community goods and of the properties confiscated during the communist rule

Far from being a perfect model, the interwar period is nevertheless an example (in many respects) in what concerns the development of the community life of various ethnic and national minorities. Within this period, there was a constant increase of the number of minority confessional schools (28), of theatres and cultural institutions (for instance, in 1920, 10 Hungarian theatres obtained the functioning license besides the ones that already existed), the number of publications in minority languages, but also the number of community institutions: professional organisations, asylums for the old, canteens for the poor etc.

After the 23rd of August 1944, once the communist regime was installed, new politics were adopted, concerted towards state centralization and the annihilation of almost any form of social aggregation based on an ethnic ground. Successively, starting with the no.176 Decree from the 2nd of August 1948, the state appropriated the properties of the churches, congregations, communities or individuals, that had served the functioning and maintenance

of the institutions for general, technical or professional education. Another series of nationalisations was initiated within the years '50, when many buildings and lands belonging to the religious cults were undertaken with no legal certificate. (29)

After December 1989, the recovery of the properties that had been confiscated during the communist regime was an issue that would not be considered immediately, due to its complexity and also to the lack of political will.

Even if there had been some previous attempts, more precisely the adoption of some special government decisions, the problem of retrocession the buildings that had belonged to the ethnic communities or to the religious cults started being seriously considered in Romania only in the years 1996-97, together with the ascent to the rule of a reformer coalition, which also included The Democratic Union of Hungarians in Romania (UDMR).

Within this period, emergency ordinances were issued, concerning the retrocession of some properties that had been confiscated by the communist regime, which also included (in the annexes) a few buildings belonging to various religious cults or ethnic communities. We hereby mention the reversion of some buildings with symbolical value, mostly belonging to the Jewish community, by the Law no.140/1997 regarding the approval of the Emergency Ordinance no. 21/1997 and the Emergency Ordinance no. 13/1998 respectively.

Although these restitutions were finalized to a certain extent, there still was no general framework for the retrocession of the community property.

Until the adoption of the Law no. 10/2001, the general judicial regime for the restitution of the goods that had initially belonged to the religious cults had been regulated by the Government Emergency Ordinance no. 94/2000. The respective normative act dealt with the retrocession issue in a limited approach, meaning that it only allowed the restitution of 10 buildings to each of the religious cults.

Two more years had to pass from these events to the adoption of the law no. 501/2002. They were years of negotiations between the party that was then at rule in the government, The Social Democratic Party, and the Democratic Union of Hungarians in Romania (UDMR), in order to sign collaboration protocols at parliamentary and local levels. Both in 2001 and 2002, these protocols included the elaboration of the juridical framework that would permit the retrocession of the buildings belonging to the religious cults. In addition to this, several meetings of the leaders of the Hungarian historical church with the Prime Minister Adrian N stase were held during this period, and the Jewish community (in Romania, as well as many international organisations) lobbied to solve the issue. (30)

We must stress on the idea that the adoption of the Law no. 501 was not a wilful political act, but the consequence of some pressures, that were solved by means of conjunctural solutions. Thus, for the adoption of this law, a great help was offered by the existence of the Emergency Ordinance no. 94/2000 in the parliamentary circuit, an ordinance that had been substantially amended by the parliamentary commissions. Therefore, starting from an ordinance containing only a few articles, which only partially tackled the issue of the religious buildings retrocession, the Law no. 501/2002 was adopted as an emergency by the two legislative Chambers.

Eventually, the retrocession process began, with respect to the properties of the minority religious cults, and although it was to be finalized by the end of 2004, it would last for a few more years. For instance, it is eloquent in this respect the fact that out of the 1809 buildings that were claimed by the Mosaic cult, less than 25 have been returned up to this moment. And the cases of other minority cults are quite similar in percentage.

We will not insist upon the causes that have created this situation, as this subject has already been tackled in another EDRC report. A close look upon the problems that have been discovered until now could nevertheless offer another perspective also in what concerns the difficulties that will most probably appear within the process of retrocession of the goods belonging to the ethnic communities. On the 2nd of March 2004, the Parliament of Romania adopted the law that permits this action, that means the retrocession process should start off soon. We believe that if a series of problems, that were pointed out within the process of religious property retrocession, were considered, many difficulties could be avoided. We will see if this is going to happen.

On the same ground, as connected to the issue of repairing the injustice caused during the communist rule, another problem is to be discussed, and that is the return of the gold that has been confiscated from some Roma communities. But this issue is insufficiently regulated at the moment, so it almost exclusively depends upon the political decision. Eventually, some compensatory measures could also be applied in the case of the persons who have suffered deportations or other forms of persecution during the Second World War, but, until now, although the issue was pointed out by some of the ethnic and national minorities (like the Greeks, the Jews) a solution has not yet been found.

(28) According to the volume *National Minorities in Romania (1918-1925)*, The State Archives of Romania, p. 12, in 1925 there were 425 primary Catholic schools, 684 Protestant schools and 268 Lutheran schools, in a significant increment compared to the year 1918. The same happened to the civil or commercial high schools supported by the various religious cults.

(29) For more information see Olivier Gillet, *Religion and nationalism*, The Ideology of the Romanian Orthodox Church under the Communist Rule, translated by Mariana Petri or, Compania Publishing House, Bucharest, 2001 or Ioan-Marius Bucur, *From the History of the Romanian Greek-Catholic Church (1918-1953)*, Cluj, Accent Publishing House, 2003

(30) For a detailed analysis of this subject see the report of the Ethnocultural Diversity Resource Center *By half-measure – report concerning the retrocession of the Romanian religious cults' property*, available on www.edrc.ro

The institutional mechanism for promoting ethnic identity

i. The situation of the national minorities, except for the Hungarian

All the Romanian governments after 1989 undertook the obligation to become involved in securing the national minority right to maintain and develop their ethnic identity, so that they could fully activate within the areas of culture, language, religion, education, public life etc. Since we have already discussed the commitments that were made within the European integration process, including the European and international norms, we must say that the main contribution of our country to the promotion and preservation of minority identity is the allocation of budgetary funds.

The mechanism is quite simple. Every year, the organisations of the national minorities that are members of the Council of National Minorities (CMN) (31) receive a certain sum from the state budget, which is meant to partially cover the material expenses for the functioning

of the organisation headquarters and their branches, as well as for their maintenance and repair, personnel expenses, media expenses, books, school manuals and publications, for organising cultural or scientific activities, symposia, meetings of their members according to the statute etc.

In addition to the sums they receive from the budget, which have constantly risen every year (and especially in the electoral years), surpassing the inflation rate, some of the minority organisations take part in other governmental programs (32), have access to European funds or receive financial and material support – sometimes very significant – from their mother-countries.

One of the main goals of this report was to determine the extent to which the minority organisations, when using the budgetary <<allocations>>, manage to spend the respective sums of money according to the real needs of the minority communities. We have not reached a final answer in this respect, first of all because there are no firm criteria for the estimation, but also because several organisations did not seem inclined to submit to any evaluation process. We are nevertheless convinced that, even though they may be partial, the conclusions we reached are completely valid.

But first let us see the amount of the budgetary funds that were annually allocated for the ethnic minorities organisations. Thus, in 1997 approximately 6 billion lei were allocated, in 1998 – 12 billion lei, in 1999 – 32 billions, in 2000 – approximately 63 billions, in 2001 – 90 billion lei, in 2002 – 126 billion lei, in 2003 – 190 billions, in 2004 – 240 billion lei.

In addition to the funds that were exclusively dedicated to the minority organisations, other funds for inter-ethnic projects and programs were also available for the National Minority Protection Department (the later Department for Inter-ethnic Relationships).

Year / Fund (millions)	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
The CMN supply	107,8	158,3	90,23	102,78	--	--	--	--	--	--	--
European campaign for combating racism, anti-semitism and intolerance (RAXI)		300	306	274	700	835	900	800	2660	3170	--
Interethnic projects and programs	--	--	--	--	880	2885	3900	4000	4400	6052	15000
Contribution to international programs	--	--	--	--	--	--	1221	1221			
Total sum for department	107,8	458,3	396,2	376,78	1580	3720	6021	6021	7066	9222	15000
Organisations	1392	2361	3103	6137	12120	31600	62600	90000	126498	190000	240000

Let us return to the fund distribution in 2004, divided according to the national minority organisations.

Organisation	Sum
Communitas Foundation	50 billion lei
The Social Democratic Roma Party	35,85 billion lei
The Ukrainean Union	20 billion lei
The Democratic German Forum	19,5 billion lei
The Lipovenian Russian Community	13,45 billion lei
The Romanian Armenian Union	10,6 billion lei
The Democratic Union of Turkish-Muslim Tartars	9,95 billion lei
The Serbian Union	9,6 billion lei
The Greek Union	9,3 billion lei
The Slovak and Czech Democratic Union	8,6 billion lei
The Bulgarian Union in Banat	8,6 billion lei
The Jewish Community Federation	8 billion lei
The Democratic Turkish Union	7,9 billion lei
The Croatian Union	6 billion lei
The "Dom Polski" Polish Union	5,55 billion lei
The Albanian League	4,7 billion lei
The Italian Community	4,7 billion lei
The Macedonian Association	4,7 billion lei
The Cultural Ruthenian Union	3 billion lei

First of all, we must say that the existence of the Communitas Foundation, which represents the interests of the Hungarian minority, represents a sui generis solution found by the authorities in order to avoid the administration by the same UDMR of the budgetary funds circulated through The Council of National Minorities. The UDMR, which is not officially a political party (as it is an association reuniting several cultural and social organisations, political platforms etc) nevertheless receives money from the budget, for being a parliamentary represented association.

We must also mention that **most of the criteria according to which the budgetary funds allocation is done within the CMN are completely aleatory**. "The money is shared as the minorities please, in a CMN meeting where all the organisations meet and it is a long and difficult negotiating process. Every year, there are similar discussions, but, generally speaking, the ones that have punctual projects get more money. Usually there is a first draft in which the money is shared according to the requests of each minority. Then, varying with the sums that remain, – usually they are in minus – some minorities convey to others, in proportion with the power of persuasion of the respective minority leaders", says the leader of a minority organisation. (33). "There are years when some organisations advance better and more important projects, and that is an understandable situation, but there are years when they don't. The most important thing is that the educational area not be affected by the lack of money... then we can discuss anything else".

Another criterium for the fund sharing is represented by the declared number of community members, but still it is not a definitive one. Thus, from the above table results the

idea that The Armenian Union received two billions more than The Slovak and Czech Democratic Union, even though the latter are much more numerous than the former.

However, the most important problem does not reside in the fact that the money is shared by means of negotiation within the Council of National Minorities, even if it is done on the basis of project ideas, but the fact that no simple and transparent mechanism exists in this respect. We do not have a concordance between the amount of the sums allocated by the government and the real needs of the ethnic communities, neither do we have some firm criteria for fund sharing.

On the other hand, since the CMN depends upon a governmental structure that has no clear affiliation and is always influenced by political changes (34), **the money from the budget often comes very late, affecting the programs that are advanced.** Under these circumstances, the CMN members (reunited in six specialized commissions such as culture and mass media, financial, legislation, education etc) do not meet as often as they should, in order to discuss and find solutions for the problems of the national minorities. "Unfortunately, the frequency and the quorum of the CMN commissions meetings (in 2004 – n.n.), except for the Financial Commission, were not as they were expected to be, and this affected the efficiency of their activity", shows a DRI document. (35). And the situation had been even worse in the previous years.

There are some ideas for solving this situation, one of them, proposed by the minorities themselves, would be **to promote a national authority to be charged with their problems, an independent authority that could directly administrate the money for the minorities.** (36) But until now there are no clear public policy programs with respect to the national minorities, neither is there a political will to apply them.

All this should be correlated with **the adoption of a law regarding the status of the national minorities as well as with the creation of the legal and institutional environment for cultural autonomy.** Right after 1990, the necessity of a minority law was especially discussed, an idea that also appeared on the agenda of a new governmental coalition, installed after the elections in November 2004. There have been several project proposals, and the UDMR announced that their version would be made public within the first part of this year. The Department for Interethnic Relationships has also started collaboration with international experts with respect to such law.

The national minority representatives have already elaborated their own project three years ago and they claim to know what the main stipulations of this project should be. "We would like that the minorities in Romania be clearly identified, so that we would not be surprised by apparitions of new minorities from one legislation to another. I think the distinguishing principle is that the national minorities are the ones that, from a historical perspective, have been living on the Romanian territory for a certain period of time (150-200 years). The ones that have come later should be considered as ethnic groups. It is obvious that the historical minorities have brought a specific culture, which intermingled with the majority culture. And since this minority has survived for so long, it proved to be a solid minority, that preserved its customs and traditions despite all the problems and influences", says a leader of the Lipova-Russians. (37)

Another chapter that the minority representatives consider to be necessarily included in the future Minority Law refers to the definition of their rights. "These rights include the right to have their own language, culture, organisation, connections with their mother countries and with the similar minority organisations, as well as stipulations concerning their

participation in the local and parliamentary elections. Then, the right of every minority to preserve ethnic specificity and identity must be stipulated. Another chapter will refer to the relationships between the minorities and the democratic governmental structures, the non-governmental, parliamentary and presidential structures of the countries they live in and of their countries of origin, another chapter should refer to the material support of the minority actions, considers the Greek representative in the Romanian Parliament. (38)

Other issues that need to be established by the future minority law refer to the accurate definition of the national minority organisations, which, at the moment, are neither mere non-governmental organisations, nor political parties (39), as well as to the establishment of a concordance between the Romanian standards and the international standards in this field. (40)

(31) – The National Minority Council is only an advisory organ of the Government, with no juridical personality, that is in charge of the coordination of the Inter-ethnic Relationships Department (DRI). It includes 3 representatives of each national minority organisation represented in the Parliament.

(32) – for example, last year, the Inter-ethnic Relationships Department allocated 15 billion lei for the financing of some inter-ethnic and intolerance combating projects.

(33) – interview with the deputy Varujan Pambuccian, leader of the National Minority Group in the Chamber of Deputies.

(34) – After the 1997-2000 period, when the Minority Protection Department functioned independently (formally speaking), as it was ruled by a statesman with a minister rank, between 2001 and 2003, the new structure – named The Department for Inter-ethnic Relationships- successively depended either on the Minister of Public Information, or the General Secretariat of the Government. Only in November 2003 a secretary of the state was appointed to the DRI leadership.

(35) - Report concerning the activity of the specialized commissions of the National Minority Council from January to the 11th of October 2004.

(36) - interview with the deputy Varujan Pambuccian, leader of the National Minority Group in the Chamber of Deputies. He declared: "I proposed a formula of an independent type of authority, main credit coordinator, following the formula of the National Bank or the authorities in the energetic or communication field, or controlled by the Parliament, or directly depending on the Prime Minister".

(37) – interview with Miron Ignat, the Parliament representative of the Lipovenian-Russian Community. In what concerns the defining of the ethnic minorities, we must say that the representatives of the Hungarian community desire that in addition to the historical criterium, the minorities also be defined according to their common language, culture, even religion.

(38) – interview with the deputy Fotopoulos, president of the Romanian Greek Union

(39) "We need to define the meaning of such an organisation, to publish some guide that would describe the way it should be structured, we must find a formula that would allow each minority to organise itself as it pleases ", says the deputy Varujan Pambuccian.

(40) "We have to establish a connection between the minority law that we intend to create and the Convention that represents the framework for national minority protection. It is a document that has already been ratified by Romania and we cannot elaborate a minority law having the same stipulations as the Convention", declared the leader of the Department for Inter-ethnic Relationships, Cristian Jura, as quoted in the no. 7 *Împreună* newspaper supplement of the Ziua daily paper.

ii. The Communitas Foundation Case

The Communitas Foundation, benefiting of the Romanian state budgetary support, has financed projects regarding activities of the Hungarian minority in Romania. The sums that were allocated from the budget constantly raised, year after year, so that in 2004 they reached the approximate amount of 50 billion lei, which was 10 times larger than the first sum they had received in 1997, for the support of all minorities.

In 1998, the great number of financial applications with respect to the publication of books by the Hungarian writers in Romania and the publication of books written in Hungarian, would generally indicate the need for an organ that should direct a part of the budgetary funds towards this segment. By the UDMR proposal, a special fund was created, being allocated from the budgetary resources intended for minorities, as well as an afferent commission that should distribute the solicited sums according to the projects.

Starting from 2000, a legal possibility was created for making investments – important sums being thus allocated for buildings – both for their acquisition, and for their restoration, with the simultaneous implementation of the “Magyar Ház” (Hungarian house) program, which offered headquarters to the existent non-governmental organisations.

In 2001, the Communitas Foundation undertook all these duties, also adding the Youth Commission, to which, during the same year, the Foundation offers a first amount of 400 million lei. The same year, The Communitas Foundation distributed 2.8 billion lei for the Hungarian mass-media support, and 700 million lei for publishing books written in Hungarian. For the rest of the cultural projects in 2001, Communitas distributed 1.88 billion lei. In the same year, for its own headquarters, the Communitas Foundation allocated 1 billion lei (and the following year other 2.4 billions), and 1.5 billion lei for its own programs.

Since 2002, the Communitas Foundation has been constantly organising project contests regarding the support of the infrastructures and activities of some civic, cultural or educational Hungarian organisations, projects for the financing of study travels, participation of teachers and artists in courses, festivals, scientific events, scholarships for the writers, artists, musicians and actors. An important part is still represented by the Hungarian mass-media support and the publication of books written in Hungarian.

The financing applications are centralized and discussed by the specialized commissions (six in number), that decide on the financing opportunity and the sums to be allocated. These commissions are made of 50 persons.

The curator-ship of the Communitas Foundation 2004: (the constituent members have not changed since 2003)

Borbély László
Kelemen Attila
Kelemen Hunor
Kerekes Gábor
Markó Béla
Nagy F. István
Nagy Zsolt
Szép Gyula

Project financing	2001	2002	2003
mass media	2.800.000.000 lei	2.600.000.000 lei	5.395.000.000 lei
book publishing	700.000.000 lei	900.000.000 lei	1.800.000.000 lei
culture	1.880.000.000 lei	2.000.000.000 lei	7.065.000.000 lei
youth	400.000.000 lei	450.000.000 lei	1.800.000.000 lei
internal diaspora			1.158.000.000 lei
scholarships			774.000.000 lei

We can notice that the mass media support funds have doubled, while the youth funds were raised 4 times and the allocations for cultural projects were raised 7 times.

financing	2001	2002	2003
	5,7 billion lei	11,7 billion lei	17,9 billion lei

All this financing refers to other activities than the ones related to the Communitas Foundation's own programs, which, in 2003, totalised 1.4 billion lei.

The scholarships that were granted – a quantum of 3 billion lei per month – addressed in 2003 a number of 114 kindergarten educators and primary school teachers, but also 12 scholarships for creation. In 2004, 105 scholarships were solicited for the latter category, from which 21 were granted – that is 6 for literature, 5 for fine arts, 5 for actors and 5 for musicians.

In 2003, 698 projects were handed in to the culture Commission, out of which 357 were approved, 22 of them belonging to youth organisations, and other 17 belonging to church organisations.

Here is the county distribution:

county	approved projects	sum
Cluj	70	689.000.000
Harghita	64	508.000.000
Mure	38	387.000.000
Covasna	30	315.000.000
Bihor	29	269.000.000
S Iaj	17	115.000.000
Satu Mare	15	138.000.000
Timi	13	112.000.000
Bistri a N s ud	8	51.000.000
Arad	8	70.000.000

Maramure	8	50.000.000
Alba	5	42.000.000
Bra ov	5	39.000.000
Hunedoara	5	27.000.000
Sibiu	4	38.000.000
Bac u	2	20.000.000
Suceava	1	5.000.000
Bucharest	1	10.000.000

Other 31 national projects are added to the above, with a total amount of 567.000.000 lei, projects that were run by the State Hungarian Theatre in Cluj, the League of Hungarian Writers in Ardeal etc.

We should note that 10 percent of the projects that have been approved by the cultural Commission are projects from Cluj, and so is the case of the projects for mass media financing, where the number of the projects from Cluj is much higher. Another important observation refers to the more intense activity for the promotion of Hungarian interests in 8 counties, the first positions being held by Cluj, Harghita, Mure , Covasna etc., counties where either the number of Hungarians is very high within the general county population, or – as in the case of the Cluj county – they represent “general headquarters” for all the activities related to minority support (Cluj is the county where Inter-ethnic Research Center also functions, not to mention the UDMR and even the Communitas Foundation). Besides, in the same county (Cluj) there are faculties with Hungarian language teaching within the Babe – Bolyai University, as well as a separate university with Hungarian language teaching. The rest of the counties (Sibiu, Bra ov), advance a relatively low number of projects, the most insignificant ones being the projects of the Csangs – the case of Bac u, where only 20 million lei were allocated, compared to the considerable sums – almost 700 millions – that were allocated in Cluj.

The projects regarding **book publishing** referred to a number of 47 titles in 2003, as for the authors – 42 out of 43 were Hungarians. In what concerns the publishing houses that were chosen, on the first place, in 2003, was the Kriterion Publishing House (with 8 books published), followed by the Pallas Akadémia Publishing House (5 books published), the Mentor Publishing House (5 books published), the Polis Publishing House (4 books) etc.

In what concerns the **Hungarian mass media**, over 120 publications (newspapers or electronic press – including the internet) – benefited of financing in 2003. A similar number of financing decisions were made in 2004. Here is the distribution of the number of titles in a few counties: Cluj holds the supremacy with over 40 financed publication titles, Harghita and Covasna – over 25 titles, Mure – 10, Bra ov, Bucharest, Bihor – 4, Sibiu – 1, Arad – 2, S Iaj – 4, Timi – 5 etc. There were 212 financing requests. Approximately two thirds of the proposed projects were financed.

In what concerns their structure, 27% of the publications are cultural, 28% are youth publications, 19% scientific, 8% religious, 5% literary, only 12% of them being newspapers. Here are some examples of allocated sums:

media	locality	grant amount (lei)
Korunk	Cluj	250.000.000
Krónika	Cluj	50.000.000
Szabadság	Cluj	50.000.000
Romániai Magyar Szó	Bucharest	150.000.000
A Hét	Bucharest	250.000.000
Hargita Népe	Miercurea Ciuc	50.000.000
www.transindex.ro	Cluj	80.000.000
Brassói Lapok	Bra ov	40.000.000

In the Youth Commission 383 projects were registered, out of which 160 were approved, with a total amount of 1.067.500.000 lei. Here is the sum distribution:

categories	sum (lei)
opinion polls, symposiums	202.900.000
new initiatives and organisations	14.000.000
electronic communication	112.700.000
Youth clubs	236.900.000
specializing	257.500.000
infrastructure, co-operations	92.900.000
semination of scientific information	58.000.000
small support	12.600.000
other	49.000.000

Regarding the **internal Diaspora**, the number of the projects was 157, out of which 126 were approved. By the term "internal Diaspora" the Communitas members (as the UDMR, too) refer to communities where the number of Hungarians does not surpass 20 percent of the total population. The financed activities referred to programs for "building" the Hungarian community, by facilitating contacts between various communities belonging to the "internal Diaspora" , contacts with the Hungarians living in areas that had well-defined Hungarian communities, meetings with personalities, camp organising, library founding etc. In addition to all that, the programs also pursued the support of kindergarten educators and primary school teachers.

Globally speaking, in 2003, over 800 organisations addressed the Communitas Foundation for financing, and so did about 170 publications. The individual requests overpassed the number of 250. From the total amount of the requests, approximately 45 percent of the solicitors received finances for their projects.

In 2004, the budgetary funds that were used by the Communitas Foundation reached the approximate amount of 50 billion lei, so we can speak of a 33 percent fund rising as compared to the year 2003.

A delicate matter that has not yet been solved refers to the fact that **some persons** who were part of the several commissions in the Communitas Foundation (and who were in

charge with fund allocation), approved the financing of projects submitted by some non-governmental organisations that they were members of.

The necessity of preserving the language, tradition and culture of various ethnic communities

When talking to almost any representatives of the national and ethnic minorities in Romania, they will surely say that the ethnic group they represent is not well enough known, and that their specific tradition and culture are not enough supported by the Romanian state.

However, by making use of the money they get from the state budget or the funds they raise from other sources, the minority organisations manage to have a reasonable presence in the cultural life (publications, books, performances etc) or in the promotion of their specific traditions. It is not our intention to make an inventory of this type of activities or to appreciate their relevance for the minority communities or the broad public. We must note that approximately 80 percent of the public funds are used in cultural and tradition preservation activities, according to the declarations of several members of the National Minority Council.

Even though they are not sufficiently supported by the Romanian state, there is a category of three national minorities (Hungarians, Germans and Jews) who, by the consistent support they get from their mother-countries or from other partner organisations, manage to avoid any major difficulties in this respect. "Their own financial resources are reduced, and not much can be done with the contributions. Therefore, 80 percent of the necessary funds for the Federation of the Jewish Communities in Romania – FCER is ensured by Joint, a supporting society of the Jewish World Congress", says the FCER cultural counsellor. (41).

On the other hand, the German community in Romania received last year an approximately two million Euro help from the German Ministry for Internal Affairs, for social and youth projects, as well as sums from other public institutions (42). With respect to the Hungarian minority, the support they got from Hungary was extremely consistent, as only in the education field about 8 million Euro were allocated within the last years (43). Other important sums are intended for supporting some editorial projects, for publishing newspapers and magazines or supporting television studios etc.

For the other national minorities, even if some of them are supported by their mother-countries, things do not look so good. Their main problem in the relationship with the Romanian state is related to the insufficient official support of the education in their mother tongue.

First of all, the lack of interest in printing school manuals in minority languages is blamed, as the number of copies is low and the prices are high, and this causes the publishers' disinterest. "We, the Slovaks, form the most numerous school network, after the Hungarians and the Germans. Nevertheless, the Ministry of Education and Research refuses to respect the Law of education regarding minorities. Since 1990 only one manual was printed for the Slovak schools, all the other manuals being re-published. The parents of the children who learn in classes with mother-language teaching began to wonder why they should enlist their children to enter these schools, since they are given Romanian manuals", says a Slovak community leader. (44) His opinion is supplemented by a Croat representative: "Manuals are a vicious circle. We must respect the law, which says that the state is in charge of the manual

publishing. It is not the job of the national minority organisations. Let us then privatise education, for I believe we could manage on our own". (45)

The national minorities also blame the **unofficial policy of eliminating some of the minority school inspector jobs**. Besides, according to a Lipova-Russian leader, "school directors belonging to our ethnic group have been dismissed one by one. On the other hand, the school inspectorates claim that it is impossible to hire primary school teachers to work half norm, or a quarter norm, because these jobs are not provided by the MEC (The Ministry of Education and Research n.n.)". (46) Last but not least, the minorities ask the authorities to simplify the procedures for recognising the diploma of the graduates who have studied in universities of their countries of origin and then come to work in Romania.

The response of the Ministry of Education to all these accusations and requests is that they know about all these and have been trying for a long time to find solutions. "We have forwarded many propositions for solving this situation and what we have in mind is the translation of all Romanian manuals (for all the study disciplines). On the other hand, the ethnic communities should express their need for a greater number of qualified teachers and to support their formation. Nevertheless, I do not agree to the idea that the MEC would be interested in affecting the native language teaching by dismissing directors or eliminating inspector jobs". (47)

We hereby present the official statistics regarding the teaching system in national minority language, in the 2002-2003 school-year.

Preuniversitary system

Teaching language	Total no. of units and sections	%	Total no. of children and pupils	%
Total no. per country	23 519	100	3 900 489	100
Total no. per minorities	2 648	11,25	208 146	5,33
Hungarian	2 322	9,87	186 218	4,77
German	245	1,04	19 076	0,48
Ukrainian	10	0,04	685	0,01
Serbian	32	0,13	788	0,02
Slovak	32	0,13	1 191	0,03
Czech	4	0,01	111	-
Croatian	3	0,01	77	-

Number of students

I. Superior public education

Total no. of students per country*	457 259	100%
Total no. per minorities	25 544	5,58%
Hungarians	21 259	4,64
Germans	1 533	0,33%
Other nationalities	2 752	0,6%

II. Superior private education

Total no. of students per country**	139 038	100%
Total no. per minorities	5 140	3,69%
Hungarians	4 503	3,23%
Germans	348	0,25%
Other nationalities	289	0,2%

A particular situation is to be mentioned in what concerns the education system for the Roma ethnic community, who benefit of a well-developed network of classes, teachers and school mediators. This has rather been accomplished as a result of the striving efforts of a few school inspectors or Roma militant workers, with the consistent support of some Romanian or international organisations or foundations. Thus, the number of pupils who studied the Romany language and literature in Gymnasium schools reached 16925 in 2004, and there were other 3603 who studied the history and traditions of their community. On the other hand, by taking some affirmative measures, 1918 positions for the Roma pupils were ensured in 2003 for the matriculation in high schools and art and professional schools. At the same time, 399 positions were allocated last year for the young Roma in several university centres from all over the country. (48)

(41) – interview with Jose Blum, cultural counsellor of the Federation of the Jewish Communities in Romania. We should briefly mention that FCER is very active in the field of cultural production (the Hasefer Publishing House or The State Jewish Theatre being unanimously appreciated) and it publishes a monthly bilingual magazine, The Jewish Reality. There are also some activities which are organised in connection to the Holocaust victims commemoration or the traditional Hanuka feast. There is a Center for the Study of the Romanian Jewry History and two centres for Judaic studies, at the Cluj University and the one in Bucharest. The FCER also helps the up keeping of some Judaic pray houses and of 801 Judaic cemeteries.

(42) – public information quoted by the Divers informative bulletin, www.divers.ro. About the cultural field, we need to mention that the German State Theatre is functioning in Timi oara and there are German branches at the "Radu Stanca" State Theatre in Sibiu and the Puppet

Theatre in Sibiu respectively. There is also the "Allgemeine Deutsche Zeitung fur Rumanien" daily newspaper, published in Bucharest, the "Hermannstadter Zeitung" weekly newspaper in Sibiu, the monthly "Kirchliche Blatter", which is a publication of the C.A. Evangelic Church in Romania, as well as many informative bulletins.

(43) – For more details see the Ethnocultural Diversity Resource Center report

"A law for (the same) status-quo? – Report on the consequences of the enforcement of the Law for the Hungarians in the neighbour states of Hungary", pp. 22-23

(44) – interview with Ondrej Stefanko, deputy in the Parliament of Romania, representing The Democratic Union of Slovaks and Czechs in Romania

(45) – statement of Mihai Radan, deputy in the Parliament of Romania, representing The Union of Croats in Romania.

(46) – interview with Miron Ignat, deputy in the Parliament of Romania representing The Lipovenian Russian Community.

(47) – statement of Mrs. Christiane Cosmatu, from the Ministry of Education and Research

(48) – For more information, see the official web page of The Ministry of Education and Research, www.edu.ro/invrrom_b04.htm

V. CONCLUSIONS AND RECOMMENDATIONS

Within the last years, Romania has registered a constant positive evolution with respect to the comprehensive approach of minority protection, more exactly related to the anti-discriminating norms implementation and the minority right support. It doesn't mean that there are not still enough issues to be solved, as, in our opinion, Romania is still experimenting a period of transition in what concerns the respect for and protection of the national and ethnic minorities.

In order to successfully conclude this period, especially now, when we are short before our probable adhesion to the European Union, we believe that Romania should assume and apply several reform principles.

- The effective implementation and completion of the legislation regarding the minority protection warranting and securing

In this respect, even though the legal framework has been adopted, the necessary elements for an efficient anti-discriminating mechanism, such as the elimination of the burden of proof or the acceptance of statistics as proof of indirect discrimination.

Another issue that has not yet been solved refers to the persistence of the Roma discrimination, as well as the social inequality among this population group. The authorities are still developing an insufficient number of programmes for combating discrimination, and the implementation of the governmental Strategy for the Improvement of the Roma Situation, adopted in 2001, is still difficult.

On the other hand, the existent legal framework needs to be complemented by the ratification within a short period of time of the European Chart of the Regional or Minority Languages, elaborated by the Council of Europe, which Romania has signed in 1995.

But the main normative act that should be adopted soon is a minority Law that would clearly define what, and especially which are the national minorities and their rights, as well as precisely defining the status of the national minority organisations.

- The improvement of the mechanism for national minority parliamentary representation.

Although it is an indisputable asset of democracy, the national minority representation in the Parliament of Romania, based on the principle of affirmative measures, has got some deficiencies that need to be solved. First of all, they are related to the accurate establishment of the meaning of "national minority". Secondly, measures need to be taken with respect to the organisations that can send a representative to the Chamber of Deputies in order to avoid any situations similar to existing precedents, when either were there big differences between the gathered votes and the official number of individuals pertaining to an ethnic group, or some persons took advantage of the law's largesse and candidated even though they did not pertain to any minority. The electoral legislation in Romania should also be modified so that it would encourage political pluralism within the minority communities and not restrain in any way the freedom of association, the chance to political affirmation etc.

- The improvement of the institutional mechanism for ethnic identity promotion.

The frequent changes within the last years, regarding the governmental structure, which is in charge of administrating the public policies concerning the national minorities, call for the promotion of an independent authority who would be sufficiently autonomous in what concerns the defence of minority rights, as well as the use of budgetary resources. This has to be accompanied by the more intensive promotion of the principle of open repartition of budgetary funds on the basis of project competition, in accordance with the real priorities of the minority communities.

- The intensification of the efforts towards the preservation of the various communities' language, culture and tradition.

This is an issue primarily depending on the quantum of the money that the Romanian authorities can afford to allocate, as well as the capability of the national and ethnic minority organisations to attract supplementary funds from other sources. However, some urgent solutions have to be found, including legislative solutions, in order to secure the better functioning of the native language educational process, more precisely to ensure the manuals, as well as the necessary teachers.

- Encouraging and facilitating intercultural communication and multicultural education.

We consider that these principles should reach the status of public policies. The authorities, as well as the non-governmental organisations, must promote multicultural education in schools, high schools etc. for a better acquaintance with the minority cultures, which may unquestionably contribute to good and stable intercommunity relationships.

- The quickening of the reversion of community assets and properties confiscated during the communist regime.

The delay in adopting the legal framework makes the equitable compensation for the former property owners (and by this we mean the minority religious cults as well as the ethnic communities) less possible than a decade ago, for example. The years of delay and the compensation rate which is lower than the market lead to not fully equitable retrocession solutions. Nevertheless, there is a need for speeding this process under the present circumstances, with an already existing legal framework