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## VI.

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### FACTORS THAT ENCOURAGE EXTREMISM

There are five important factors which account for the fragility of Romanian society in the face of extremist pressure: **(1) Romania's status as a "weak state"; (2) the population's distrust of democratic institutions; (3) lack of transparency; (4) poverty; (5) corruption.**

#### 1. Romania as a "Weak State"

The level of state resistance in front of the dangers of extremism is described by the concept of "weak state", or what Samuel Huntington called a "praetorian state", i.e. a state faced with an imbalance between popular pressures for rapid political, economic, and social mobilization, on the one hand, and unresponsive, brittle, and archaic institutions which can not effectively channel, absorb and accommodate this pressure, on the other.<sup>166</sup>

In ex-communist countries such as Romania, Bulgaria, and the states resulting from the dismembering of ex-Yugoslavia, the issue of a "weak state" is a current one. In a weak state, institutions do not work well and they cannot cope with the rule of law.<sup>167</sup> The elite has more importance that it is allowed in a society guided by rules and not will. The importance of the elite in the transition period makes them responsible not only for the internal situation of their states, but also for regional stabil-

166 Samuel Huntington, *Political Order in Changing Societies*, New Haven, 1968. When he wrote his study, Huntington was referring to countries under the double pressure of a powerful tradition and of modernity, such as Greece.

167 "The foundation stone of this evolution was laid by the recently collapsed communist regimes, which failed to develop the organic structures that characterize the western world, capable of granting cohesion without coercion and violence" (Gerhard Wettig, "A New Type of Challenge to European Security", in *Aussen Politik*, vol. 46, 2/1995, p. 137).

ity.<sup>168</sup> Ultrationalism is intimately connected to the evolution of weak states. In the context of ex-communist countries, the post-totalitarian elite cross with the elite that served the old regime.<sup>169</sup>

In spite of all Constitutional and legal provisions concerning special rights of minorities, anti-discrimination and anti-fascist regulations, it is almost impossible to identify cases brought before the Romanian courts or before the Constitutional Court with regard to the three categories. Particularly, in the absence of an express article allowing the rights provided for by the Constitution to be directly enforced, the Romanian courts are extremely reluctant to consider them as such and have always asked for ordinary laws to include and develop such provisions with procedural terms.<sup>170</sup>

Often the Romanian state, as a weak state, is unable to safeguard the rule of law *in institutions* where the Constitution's basic provisions are violated. In other words, this means that: (a) there are institutions that manage themselves according to an internal logic, which contrasts with the logic of the basic law and of the official policies of the elected, legitimate institutions; (b) local authorities or the local branches of central authorities fail to conduct their business in compliance with the general laws. A typical example of an institution that is "out of control" is that of the Romanian Intelligence Service. For a broader typology, I shall choose three examples (but there are many others that would fit the bill) relevant to the question of ultra-nationalism in the context of weak states.

### *1.1 The Romanian Intelligence Service and the Weakness of the Democratic State*

The Romanian Intelligence Service was created in 1990 on the background of the inter-ethnic conflicts in Târgu Mureș, in March 1990. Available data suggest that the conflicts were the result of a deliberate plan masterminded by forces tied to the former Securitate, with the purpose of erecting an intelligence service on the structures of the old com-

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168 "Moreover, there is the risk that, outside of the will and involvement of the state leaders, the deep-rooted structures are exported, and if these become trans-border phenomena, they have an impact on international security" (*Ibidem*, pp.144-145).

169 Gabriel Andreescu, "International Relations and Orthodoxy in Eastern and South Eastern Europe", in *International Studies*, Bucharest, no. 4, pp. 4-34.

170 Renate Weber, Legal Analysis of National and European Anti-Discrimination Legislation – a comparison of the EU Racial Equality Directive and Protocol No. 12 with Anti-Discrimination Legislation in Romania, within a project of Migration Policy group, European Roma Rights Center and Interights, September 2001.

munist institution.<sup>171</sup> As a piece of evidence, one should note that SRI was established without the necessary ratification from the Provisional Council of National Unity. The same data suggests that the first SRI Director, Virgil Măgureanu, was directly involved in the inter-ethnic tensions that were later invoked in order to legitimize the SRI.<sup>172</sup> The miners' assaults on Bucharest – especially the attack of June 13-15, 1990, which held Bucharest under terror, and then the forceful change of the government in September 1991 – could not be conducted without the assistance of the SRI.

“Official” proof of the anti-minority, ultra-nationalist attitudes of the SRI surfaced with the SRI Reports. In the October 1994 Report, the SRI Director argued that a signature-campaign supporting a draft-law on education for national minorities was threatening the national order. For SRI, practicing the constitutional right to legislative initiative was a threat to national security, because it was made by Hungarians. The Report condemned the “anti-Romanian propaganda” of Romanian citizens of Hungarian origin.<sup>173</sup> It also mentioned that Roma ethnics, who were accused of having exploited for propagandistic reasons some “incidents that occurred in the relationship between some members of the ethnic group and other citizens, on the background of severe anti-social and criminal actions”. The report also maintained that members of Roma ethnicity “incited, by denigrating and accusing the realities in our country, to actions that might affect Romania’s image abroad...”<sup>174</sup>

This position of the SRI, which in effect turned national minorities into the main threat to national security, was reiterated every year since. The SRI Report of November 23, 1995, targeted the Hungarians, whom it accused of having “started a propaganda campaign which, ... denigrates the Romanian state, discredits the policies of the authorities and victimizes the Hungarian ethnic community.” In the section called “counteres-

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171 Gabriel Andreescu, *Ruleta: Români și maghiari, 1990–2000*, Iași, Polirom, 2001.

172 *Ibidem*

173 Such as those of the leaders of the “The Hungarian Initiative in Transylvania”, led by Ádám Katona, an organization which became official in 1992.

174 The Romanian Intelligence Service was in effect providing rules of interpretation of inter-ethnic tensions and judged which particular views are or are not compatible with Romanian realities. On the other hand, the “extremist organizations” subsection made no reference to the Greater Romania Party, the Party of the National Unity of Romanians, the Movement for Romania, the Romanian Hearth (Vatra Românească), or to publications such as *Europa, România mare, Totuși iubirea, Vremea, Mișcarea*, which fit the law’s target perfectly – “the undermining, sabotage or any other actions ... that constitute a grave violation of the Romanian citizen’s fundamental rights and freedoms...” (Art. 3(f) of the Law on National Security).

pionage”, the report referred to contacts abroad with some leaders of the gypsies, “to use them in regard of their position related to the Romanian state and their possible availability to participate in propagandistic activities which are unfavorable for Romania”. As an expression of their xenophobe and autochthonistic attitude, the leaders of SRI condemned the fact that databases were created containing personal data, studies of feasibility of some companies, and syntheses on the business opportunities of Romanian companies.<sup>175</sup>

After 1996, when the Hungarian’s representative political group entered the Romanian government, SRI could not conduct its anti-minority politics so openly. But many aspects of the “hidden” life of this institution showed that it was not essentially changed. Its ultra-nationalism was used in order to sabotage Romania’s pro-Western tilt.<sup>176</sup> In 1997, the Service distributed in the US a report on Romania’s NATO candidacy, which turned out to be compromising of this very goal.<sup>177</sup> An observer who had access to the National Intelligence Institute – the only educational institution that trains intelligence specialists in Romania – noted, in an open letter published in 1998, the following: “The reaction of the INI students was violently nationalist, anti-Western and especially anti-American”; “One should ... count all the tenured and associate professors that are friends of The Greater Romania and Gheorghe Funar.”<sup>178</sup>

Another proof that this institution did not change significantly between 1990 and 2001, or with respect to the old Securitate (a key factor of Romanian national–communism), came with the involvement of the SRI in a large nationalist scandal after the 2000 elections. A Report of SRI’s Control Commission dated November 2001 launched the notion

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175 Vasile Lupu, first deputy of the SRI director, stated in 1996 that the Internet represents a threat to national security (Gabriel Andreescu, *Virgil Măgureanu: un obstacol în calea integrării? [Virgil Măgureanu: an obstacle to integration?]*, in “22”, no. 17, 1997).

176 To Romania’s partners, two conditions for NATO and EU accession remained non-negotiable: good relations with the neighbors, and the state of national minorities. The ultra-nationalism of the SRI cast doubts upon Romania’s performance in both respects. At the same time, the SRI gave proof of adversity toward the West, as suggested by the cooperation between Virgil Măgureanu and Fiodor Bondari, a KGB agent, in the recruitment of US diplomats Mark Sullivan and Harold Nicholson (Gabriel Andreescu, *Op.cit.*).

177 Printed with the mention: “approved by SRI Director.”

178 Dan Pavel, “Scrisoare deschisă d-lui Mircea Gheordunescu, director adjunct al SRI, d-lui Dorin Marian, consilier pentru probleme de securitate al presedintelui României”, in “22”, No. 6, 1998.

that the two counties inhabited by a Hungarian majority<sup>179</sup> “escaped state authority and control”. This was a new signal to Romanian society and institutions that the Hungarian minority and its organizations are a threat to the Romanian state.

The statements in the Report of the SRI Control Commission a) contested rights and freedoms that are part of the legislative system of the Romanian state; b) contested the right of persons to wish to express their opinion for changes in the constitutional-legislative framework; c) referred to clear violations of the Romanian laws, which proved false upon investigations;<sup>180</sup> d) accused the “process of de-Romanianization” of the region and the attempt of the mostly Hungarian local authorities to obtain a hegemonic status. Upon verification, the latter allegations also proved false.

In front of the protests of the Hungarian community, the President and the Prime Minister of Romania denied the allegations of SRI and of the SRI Control Commission, without taking steps against their leadership, who proved responsible for ethnic incitement of utmost seriousness. The crisis produced at the end of 2001 by SRI proved again that the Romanian Intelligence service is a constant central source of Romanian ultranationalism. To the extent that this institution fails to reorganize and will not be brought under civil, democratic control, there will always be a danger that the SRI could mastermind extremist events supporting the interests of its members. Under the existing circumstances, SRI is a factor destabilizing natural institutional relationships and, perhaps, the most important factor in preserving the “weakness” of the Romanian state.

### *1.2 The Limits of Central Power at the Local Level*

The most notorious case of the local authorities’ restriction of constitutional guarantees by is that of the municipality of Cluj. The rise to mayorship of then-president (now secretary general of PRM) of PUNR Gheorghe Funar turned this Transylvanian city into a haven of ultranationalism. Year after year, Gheorghe Funar incited anti-Hungarian acts, defiled the symbols of Hungarian culture and identity, forbade democratic meetings, and urged protests against the Hungarian consulate in Cluj. Funar erected ugly statues throughout the city and painted every possible surface into the colors of the Romanian flag, which became a sort of icon of Romanian ultra-nationalism. In 2001, he forbade the application of the Law of Public Local Administration on the territory of Cluj, immediately after the law’s adoption. All these violations of Romanian laws, with de-

179 Harghita and Covasna.

180 APADOR-CH Report, 2001

vastating effects to the state of the nation but also to Romania's international relations, have not been sanctioned by the central authorities.

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In 1997, Prime Minister Victor Ciorbea made a radical step forward in Romanian-Hungarian relations by adopting two emergency ordinances in the fields of education and local administration. They included the claims of the Democratic Alliance of Hungarians in Romania<sup>181</sup> in regards to use of the mother tongue in education and administration.<sup>182</sup>

The emergency ordinance concerning public administration provided, among other things, for the introduction of bilingual public inscriptions in localities with over 20% Hungarian populations. In Târgu Mureş, a key place for Romanian-Hungarian relations,<sup>183</sup> the mayor planted bilingual plates at the city entrance. During the first night, the plates were painted over in the colors of the national flag or erased. The plates were replaced each night, and each night they were defaced. The city's PUNR branch acknowledged the actions, which constituted an open violation of criminal laws. The Târgu Mureş Police, moreover, refused to guard the bilingual plates. The chief of the county's Police Inspectorate made his refusal public, thus violating his own official duties. One of the ministers that had signed the ordinance, Gavril Dejeu,<sup>184</sup> had asked the postponement of its application. State secretary Grigore Lapusanu, head of the department for Local Public Administration, sent a notification, without the consent of the government, to interpret the Ordinance, meant to prevent its application.<sup>185</sup> After several months when, though it had the status of binding law on the territory of Romania, the Emergency Ordinance was sabotaged and its application by the local authorities who wanted to do it could not be done, the Ordinance was 'killed' by the Constitutional

181 The uncontested representative of the Hungarian minority and a member of the government

182 The emergency ordinances were meant to put an end to a conflict that had started in the early days of 1990; they were a part of what was later called "the Romanian-Hungarian reconciliation model".

183 This is the city of the greatest open confrontation between Romanians and Hungarians (March 1990). Five people died during the clash, while other several hundreds were injured. Although historically speaking Târgu Mureş is a typically Hungarian city, today the Romanian and Hungarian population have almost reached parity.

184 Minister of the Interior at the time, member of the PNTCD, whose member was also Prime Minister Victor Ciorbea, promoter of the Ordinance.

185 He interpreted it speculatively, qualifying the display of bilingual name plates as a "giving or changing of name", so that the Mayor's competence in the field would be ruled out.

Court (in the fall of 1997), where it was rejected on the basis that it lacked in ‘urgency’.<sup>186</sup> The public ignorance of the law, in this example, was done without punishing the guilty parties, the extremist forces who went all the way to have their will forced upon the country.

The third representative case is that of the Changos in Moldova, in the region of Bacău. The Chango group that openly assumes a Hungarian ethnic origin has been the subject of a decade-long process of assimilation. The process continued after 1989. Subsequent to the political changes of 1996, the Ministry of National Education and the Department for the Protection of National Minorities tried to enforce the application of relevant laws, which safeguard the study of the mother tongue, provided there is a sufficiently large base of parents who so desire. The parents that expressed this wish were systematically intimidated by the local authorities – and the clergy, so that some withdrew their requests. A Commission made up of members of the two central institutions in order to solve the conflict was given a cold shoulder by the local authorities, who practically prevented it from fulfilling its duties. The case of the Changos near Bacău is a clear-cut illustration of the state being unable to safeguard the rule of law for some of its citizens.<sup>187</sup>

These examples (a few among many others) indicate that, 12 years after the changes in 1989, Romania still has problems that are typical to a weak state. In a weak state, ultra-nationalism and other extremist acts find the appropriate breeding ground.

## **2. Mistrust of the Population in the Institutions of Democracy**

There is a significant number of attitudes for the capacity of a population to defend the values of democracy from extremism. Among them, we can distinguish the population’s trust in institutions. We showed earlier the public’s like for authorities such as the Church and the Army. Below, we present the attitude of the population toward other institutions – in the last six years – according to the Barometer of Public Opinion.<sup>188</sup>

The only institution in which “the majority” of the population trusts (except for the Church and the Army) is still the most “authoritarian” of all: the government. The extremely low percentage of trust in parties, trade unions. The parliament, and justice indicate the fragile state of

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186 Which, practically, if not symbolically, seemed to be true.

187 APADOR-CH Report, Bucharest, 2001.

188 The figures represent “percentages of trust” of the sample. (Open Society Foundation, *Barometrul de Opinie Publică, May 2001*, Bucharest, <http://www.osf.ro>)

Institution	Oct. 1996	Sept. 1997	June 1998	May 1999	May 2000	May 2001
Government	83	86	85	88	85	89
Justice	36	36	28	30	28	29
Parliament	23	38	19	20	28	33
Town Hall	62	51	42	46	34	54
Parties	–	–	10	15	9	16
Trade Unions	–	24	23	30	14	24
Banks	–	28	30	28	19	19

Romanian democracy. The figures simultaneously express two things: a) the weak performance of these institutions, which has led to the mistrust of the population; b) the fact that the population does not count on these institutions to be the basis of social-economic progress, and therefore no mass resistance can be expected to defend them – as institutions of democracy – from the possible aggressions of certain extremist forces.

### 3. Lack of Transparency

The institutions' lack of transparency has profound implications for Romanian democracy. It affects the level of trust in institutions – which are perceived as 'far removed from the citizen' – and encourages corruption. The Romanian Constitution adopted in 1991 guarantees that "a person's right of access to any information of public interest cannot be restricted" (Art. 31).<sup>189</sup> Until the summer of 2001, this provision was not accompanied by a normative act defining adequate instruments and sanctions. The constitutional right was supported only by some pre-1989 provisions which dealt with this issue at an administrative level. But the weakness of legislative instruments is merely a collateral factor. The main problem is the tradition of institutional secrecy and the inferior status enjoyed by the citizen when faced with the institutions. The heads of institutions, the high officials and the politicians, are indifferent to or programmatically refuse to ensure the citizens' access to information.

There are several systematic studies of institutional transparency. An ample research conducted in 1995 indicated that, due to the limits of the legislation (its vague character, the absence of a law on free access to information, the failure to finalize the law on the state secret) and to the absence of infrastructures, the effective character of the right of access to informa-

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189 The excepted cases are those that would endanger "provisions protecting the young people and national security."



tion significantly depends – particularly in view of Romania’s institutional traditions – on the will of the public bodies, i.e. of the civil servants.<sup>190</sup>

A recent study – covering the period between June 1999 and April 2001<sup>191</sup> – provided new data with respect to questions to which transparency is especially relevant: the status of high officials and corruption. The Romanian Commercial Bank (BCR) was asked to answer the following questions: who are the high public officials who have benefited from preferential credits from Bancorex (a publicly owned bank);<sup>192</sup> the Romanian National Bank was asked to indicate which are the sponsorships granted by the bank after 1989; the CEC was asked to indicate the individuals who have benefited, in the period from 1997 to 2000, from credits for young couples (for buying or building homes).<sup>193</sup> Similar questions have been addressed to presidents Emil Constantinescu and Ion Iliescu, and to Prime Minister Adrian Năstase, all of which have prerogatives in this respect.

None of the 11 requests addressed to state-owned banks (or private banks managing public money) and high officials was answered favorably. Yet the subject of those questions is extremely relevant to the citizens. The author concluded that “access to information concerning the management of public money is grossly violated, and is an important explanation of the level of corruption in Romania.”<sup>194</sup>

For the purposes of the same study, the author addressed letters to public officials, requesting them to answer if: they were part of administrative councils or general stockholder assemblies of mostly or exclusively state-owned companies; if they or their spouses were managers/associates/stockholders of mostly or exclusively state-owned companies.<sup>195</sup> Under 20% of those requested answered; only 5% of the members of the parliament responded. Additional data provided by the

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190 Gabriel Andreescu, Manuela Ștefănescu, Renate Weber, *Access to Information in Romania*, Bucharest, Center for Human Rights, 1996.

191 Valerian Stan, “Câteva observații privind transparența și integritatea actului de administrație publică în România” (Some Comments on the Transparency and Integrity of Administrative Actions in Romania), *Revista Română de Drepturile Omului*, No. 20, p. 56-66

192 BCR, a mostly state-owned bank, took over the actives and passives of Bancorex, after the latter was declared bankrupt.

193 In all these cases, the press referred to high officials and civil servants that had allegedly benefited from credits, sponsorships and allowances that were against the law.

194 Valerian Stan, *Op.cit.*

195 The inquiries were sent to 55 House members, 28 senators, 14 ministers, 36 state secretaries, 22 prefects and 11 heads of county police inspectorates. Only 29 answers returned.

Trade Registry indicated that the business activities of public officials are carried out under the names of relatives or third parties. Due to the holders of the businesses, the records of the register of Commerce are incomplete and not updated. The real income of the businesses is difficult to know, often firms of the statesmen that have dozen billion ROL turnovers record minimum profit or “zero profit”.

#### 4. Poverty

Poverty favors the development and manifestation of extremism. “Indicators of poverty” will always also show sensitivity to extremist drifts. There are relevant indicators of poverty in Romania and of its evolution between 1990-2002. The occurrence and depth of poverty are high and have been constantly growing in the country in this period.

Of the Central and East European countries, Romania has the highest rate of poverty except for Albania. In 1998, 6.8% of the population lived on under 2 USD/day, and 44.5% on under 4 USD/day.<sup>196</sup> A recent survey regarding the rate of poverty in under 15-year old children (1998) showed that 11.6% of the children lived on under 2.25 USD/day and 75.7% on under 4.30 USD/day.<sup>197</sup>

If a relative indicator is used, depending on the average adult consumption, then the evolution of poverty at the end of the ‘90s was the following: 1995 – 25.27%; 1996 – 19.85%; 1997 – 30.81%; 1998 – 33.82%; 1999 – 41.20%.<sup>198</sup>

Besides the ‘realistic’ indicators of life standard, the subjective evaluation of people’s capacity to satisfy their personal needs or their family’s needs is significant. The Barometer of Public Opinion (for 1997-2000) provides a relevant image in this respect:<sup>199</sup> the number of those that answered that “the family income is only enough to cover basic expenses” was, in June 1997, 40%, in June 1998 41%, in May 1999 39%, and in May 2000 37%. The answer “the family income is not enough to cover basic expenses” was given by 31% in June 1997, 31% in June 1998, 36% in May 1999, and 41% in May 2000.

As concerns the “subjectivity of the evaluations”, there is a suggestive answer in the survey of May 2000. The question “whether in the last

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196 Cornelia Mihaela Tesliuc, Lucian Pop, Emil Daniel Tesliuc, *Sărăcia și sistemul de protecție socială [Poverty and the system of social protection]*, Iași, Polirom, 2001, p. 24.

197 A Decade of Transition, Florence (Italy), UNICEF, 2001, p. 32.

198 *Ibidem*, p. 28.

199 Barometrul de opinie publică, Open Society Foundation, <http://www.osf.ro>.

month you have gone to bed hungry because you could not afford enough food” got 13% ‘yes’ answers.

The sensitiveness caused by poverty, its attitudinal implications does not only reflect the ‘realistic’ parameters of this or the evaluation of sufficiency – or insufficiency – of personal income. It depends on the way in which poverty ‘is distributed’, the explanation that poverty gets. Research shows that in addition to the life standards before 1989 and the performance recorded in economic growth, Romania’s situation in the position of the poorest country in central and Eastern Europe is due to the growth of inequalities during the period of transition.<sup>200</sup> Its deepening, simultaneously with social polarization – especially if the accumulation of goods by certain categories has a defying character – leads to increased frustration of the disadvantaged social categories and makes them respond to injustice ‘violently’. The topic is directly connected with the manifestations of corruption. Of the numerous relevant observations regarding the ‘face’ of poverty in Romania, we must note the spectacular growth of luxury cars, especially in the capital city. The director of a firm that sells BMW limousines observed that in Romania they sell the most expensive models, while in Slovenia – a country where the average income is about 7-8 times higher than in Romania – they buy the cheaper models especially.<sup>201</sup>

## 5. Corruption

“Corruption in Romania is so widespread that it adversely affects the political and economic stability of the nation.” This statement of the *Nations in Transit 2001* report<sup>202</sup> is something that Romanians know from their daily lives. This is not true with respect to high-level corruption alone, or in special fields prone to corruption, or in the interloper world. Corruption is a fact within whole professional groups, such as the teaching or medical staff.<sup>203</sup> The same report noted, “Romania’s complex bureaucracy increases opportunities for corruption, which is extensive in the civil

200 Cornelia Mihaela Tesliuc, Lucian Pop, Emil Daniel Tesliuc, *Op.cit.*, p.24.

201 Alexandru Lazescu, “Lecția argentiniană”, in “22”, no.2, 2002.

202 Adrian Karatnycky, Alexander Motyl, and Amanda Schnetzer, *Nations in Transit 2001. Civil Society, Democracy and Markets in East Central Europe and the Newly Independent States*, Freedom House, 2001, p. 305.

203 According to the poll performed for the Open Society Foundation in May 2000, of all individuals who had to solve their problems with the help of official institutions, 24% offered gifts in court; 20% to the police; 55% in hospitals; 22% in school; 29% at the workplace (see <http://www.osf.ro>).

service. Though it is possible to benefit from these services without bribing, the process could be long and tedious. Almost all the sections and levels of public services have been affected by bribing.”<sup>204</sup> Of the 90 states surveyed, as regards the Index of Corruption, Transparency International ranked Romanian 61<sup>st</sup> in 1998, 63<sup>rd</sup> in 1999, and 68<sup>th</sup> in 2000.

The opinion polls indicate that large percentages of the population see corruption as one of the factors that prevent Romania from developing. The population finds it is even harder to bear the burden of corruption, since the latter is commonly regarded as responsible for the polarization of society.<sup>205</sup>

The corruption of high officials is a central question because (a) it explains decisions that favor an autochthonous program and, as such, extremist ideologies; (b) turns the corrupt officials into the puppets of extremist groups, for which blackmail is the weapon of choice; and (c) negatively affects the population’s level of trust in democratic institutions.

A transparency study published in 2001 by Valerian Stan indicated that the lack of integrity of high officials and civil servants is an important cause of corruption in Romania.<sup>206</sup> The conflict between the public interest that they are called to serve and their personal interests is affected by the shortcomings of the law as regards the incompatibility between holding public positions and running private lucrative businesses.<sup>207</sup>

The survey showed that “many statesmen and public servants have taken advantage of their positions to gain private or group benefits, such as in 1) obtaining significant private advantages from state owned economic enterprises (this situation was and still is possible due to the extremely slow rate of privatization, approximately 70% of the ‘state-owned’ property has not yet been privatized); 2) obtaining in preferential conditions loans from public banks, CEC or external governmental loan schemes; 3) holding positions paid in the steering boards of production companies, state-owned banking services; fiscal facilities – sometimes worth several billion ROL, by

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204 *Nations in Transit 2001*, p. 306.

205 Public Opinion Barometer.

206 Valerian Stan, *Op.cit.*

207 The Constitution provides for the incompatibility between the position of member of the government and holding a paid position of professional representation in a business. Any other incompatibilities of the members of government and of the parliament are established in organic laws. Law no. 69/1991 prohibits prefects and sub-prefects to hold positions or carry out paid professional activities in autonomous state-owned companies, businesses or lucrative organizations. Law no. 188/1999 does not allow public servants to hold positions in autonomous state-owned companies, in businesses or in other lucrative organizations, or to carry out lucrative activities within businesses with private capital that are related to their public positions.

convenient installments or cancelled debts; 4) obtaining huge amounts of money by illegal means, from illegal sources, as funds destined for politicians and political parties; holding and illegal purchase at hilariously low prices of estate belonging to the state housing system, or estate nationalized abusively by the totalitarian communist state.”

The same author shows that high officials obtain from private businesses annual incomes that are 10 to 20 times greater than their salaries. Many officials become business partners of ‘interlopers’ or local administration officials, intelligence officers, members of the economic police. Some less important guilty parties go to jail.<sup>208</sup> But only one of the many officials, high-level civil servants, and financiers about whom the press has provided evidence of corruption, was punished.<sup>209</sup>

### *5.1 Structural Corruption*

The notion of “structural corruption” refers to the existence, in Romanian institutional and legislative structures, of instruments that simply invite institutional abuse. Romania’s problems are not only a matter of a lack of anti-corruption instruments, but also of institutional and legislative factors that foster corruption. Among them: (a) parliamentary immunity; (b) the institution of military magistrates; and (c) the economic activities of the Romanian Intelligence Service.

Parliamentary immunity – which is relatively widespread in European parliamentary systems – has turned the legislative chambers into a haven for those who break laws. To the extent that the Romanian Constitution provides that “No Deputy or Senator shall be detained, arrested, searched or prosecuted for a criminal or minor offence without authorization of the Chamber he is member of” (Art. 69.1), and since the chambers’ rules provide for a two-thirds majority for such authorization, a member of the majority group cannot be punished, no matter how serious his crime, if the majority so wishes. As a consequence, parliamentarians accused, on solid evidence, of having embezzled millions of dollars or of having committed criminal offenses have never made it to

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208 In 1998, 534 officials were sentenced for corruption, while 381 officials were sentenced in 1999 (*Nations in Transit*).

209 The two most recent corruption scandals – 1) the “Costea affair” involving President Iliescu and other PSD leaders; 2) the National Investment Fund (FNI) affair, a high interest-earning trust company that collapsed in May 2000 after its executives embezzled funds, the first was simply closed, while the resolution of the second is delayed in spite of the wealth of evidence. Gabriel Bivolaru was condemned to three years in prison, after his parliamentary immunity was raised, for a fraud of over 2,250 billion ROL.

court.<sup>210</sup> A perverse effect of this circumstance is the increasing interest of big businessmen in becoming members of the parliament. Each new round of elections marked the increase of the percentage of these people in the legislative body of Romania.

The military courts and attorney's offices are the institutional structures of military justice. There are authors who contest, on sound grounds, their constitutionality.<sup>211</sup> Military magistrates administer the act of justice in military institutions: the army, the police forces, and the intelligence services. Military hierarchy diminishes the chances of an independent act of justice. In many cases, the military magistrates have prevented the cases from going to court. Officers acquire the mentality of a caste which, compared to the average citizen, enjoys relative impunity.

There are still no restrictions for the employment in the Intelligence Services of individuals who own private businesses. Moreover, the Intelligence Services can run their own production companies or autonomous commercial units. This contrasts with the ability and practice of these services of closely following economic activities. In this practice, the Intelligence Services are not limited to businesses that may in some way or another affect national security.<sup>212</sup> This state of affairs is worsened by the close relations between intelligence officers and their ex-colleagues in the old Securitate (the communists' political police), many of which are now important businessmen. The large number of cases brought to public attention between 1990 and 2002 suggests the existence of relations of cooperation between active intelligence officers and the world of interlopers. Although the topic is hard to research, the mentioned cooperation is a major source of corruption in Romania.

## 6. Connection between Poverty, Corruption and Extremism

The connection between poverty and corruption, on the one hand, and the success of extremism, on the other, has been amply illustrated by the elections in the fall of 2000. The Greater Romania Party (PRM) became the second party in Romania and its president participated in the second run for the country's presidency.

The average voter of PRM and his leader both seem to be *macho* figures. The preference of males for PRM and Vadim Tudor over other par-

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210 In this case, the Supreme Court of Justice.

211 Corneliu-Liviu Popescu, "The Existence of the Institution of the Military Magistrates", *RRDO*, No. 3, 1993, pp. 23-29.

212 See the criticisms leveled in Gabriel Andreescu, in several issues of "*Revista Română de Drepturile Omului*".

ties/leaders is hard to miss.<sup>213</sup> The dominance of men in the case of PRM and Corneliu Vadim Tudor is shocking, as related to all other candidates and parties.<sup>214</sup> The dominance of men in the people who vote Corneliu Vadim Tudor and his party probably constitute an indicator for the voters' predisposition to aggressiveness.

Detailed analyses have shown that "Demagogy and the simplistic solutions offered by the PRM leader would have hardly worked against a background of relative prosperity. More important, Tudor's 'righteous' postures would have been hardly convincing if corruption had not been imbued in the Romanian 'political class.' Claiming to have never had any share of the spoils (...), the PRM leader was able to capture for himself and his party that segment of the 'fluctuating electorate' that had neither forgotten nor forgiven the PDSR for its own share in the post-communist debacle."<sup>215</sup>

All polls indicate that the population has had enough of corruption but also of promises and empty words coming from politicians who claim to put an end to this phenomenon. It is this combination of factors that allowed C.V. Tudor to score. In his populist style, he announced that within 48 hours he would deal the ultimate blow to corruption ("Down with the Mafia, Up with the Motherland!" was one of his slogans). He played his card well. Less than half of those who voted for the PRM and its leader are nationalists, extremists, anti-Semites and anti-Western. The rest voted for "Vadim the Righteous".<sup>216</sup>

213 There is an abundance of cases.

214 Ion Iliescu (35%/38%); Corneliu Vadim Tudor (32%/24%); Theodor Stolojan (11%/14%); Mugur Isărescu (9%/11%); György Frunda (6%/6%); Petre Roman (2%/2%); Teodor Meleşcanu (2%/2%). The same is true of the parties: PDSR (39%/41%); PRM (25%/19%); PNL (10%/12%); UDMR (7%/7%); PD (6%/7%); CDR 2000 (6%/6%); ApR (4%/4%). See IMAS: EXIT POLL, Final Report.

215 Michael Shafir, the Greater Romania Party and the 2000 Elections in Romania: a retrospective analysis, in "East European perspectives", vol. 3, no. 14, 22 August 2001.

216 Péter Bányai, "*Fiecare popor are conducătorii pe care-i merită. Așa o fi?*" [Each people has the leaders it deserves. Is it so?], Manuscript, 2000.

