

ABSTRACTS

Andrea, Bogdán – Monica Călușer – Olimpia Moșteanu – Levente, Salat:
Putting into Practice Regulations Concerning National Minority Rights on the Level of Public Institutions

The Resource Centre for Ethnocultural Minorities implemented between October 2007 and November 2008 its program entitled *Fostering Dialogue on Minority Legislation in Romania*, a MATRA-KAP project of the Dutch Kingdom's Embassy in Bucharest. The project targeted the analysis of the relationships between the (administrative) bodies interested in the takeover and the implementation of minority rights, furthermore fostering the cooperation between the involved bodies. Some of its chief aims were: an examination of the Romanian legislation's actual state in the field of national minority rights, a comparison of the developments of minority rights with the legislative situation of minority rights in other South-Eastern European countries, a promotion of working practices, methodologies and experiences in the field of South-Eastern national minority rights, and finally, a possible augmentation of the clarity and importance of national minority rights on the decisional level of Romanian legislation.

The project supposed the analysis of the legislation, as well as the organization of public debates, with the participation of actors belonging to different central and regional institutions and bodies working in the field of minority rights. Thus, two meetings were organized – one at Cluj-Napoca on the 10th of June, and one at Sfântu-Gheorghe on the 22nd of July – on the occasion of which there were discussed problems arising from the implementation of minority rights laws and answers to these challenges were searched for through the analysis of public policies and implementation mechanisms. Results of these debates were complemented with questionnaire results distributed and filled in local and decentralized administrative institutions of six Transylvanian counties. This study presents the results of the public debates organized within the framework of this project.

Keywords: Fostering Dialogue on Minority Legislation in Romania, implementation of minority rights, legislative situation of minority rights

Monica Călușer: *The System of Minority Rights in Central and Eastern Europe*

The study presents a synthesis of the specificities of Central and Eastern European national minorities' legal situation. It defines the main terms (legal situation, national minority) and it presents an inventory of the most important international legal sources referring to minority legal situations. Following this, with the help of state policies' typology, using as a variable of comparison the next ones: the definition mode of national minorities, the systems of election and the political systems of representation, the grade of decentralization, the language policies, the educational policies and the policies concerning citizenship, allow for the presentation of the characteristics of national minorities' legal situation in Central and Eastern Europe.

Keywords: legislative situation of minority rights, national minority

Monica Călușer: *The Parliamentary Representation of National Minorities on the Reserved Places*

The author examines the representational system of national minorities through the places reserved (for them) in the Parliament. The study presents an overview of the referring legislation's development, and it proceeds with the observations of an influence analysis concerning the legislation(al) attitude of the representatives chosen on the reserved places. The three-level analysis – referring to observations, questions and interpellations, as well as legal projects – emphasizes the poor achievements of the system, as far as parliamentary activity as such and as minority interests' protection is concerned.

Keywords: the representational system of national minorities, legislation(al) attitude, parliamentary activity

Radu Chiriță – Anca Săndescu: *An Analysis of the Romanian Laws referring to the Rights of National Minorities*

The study presents an overview of the legislation in the period between 1918 and the acceptance of the 1991 Constitution, analyzing the consecutive historical periods, and presenting the specific situation of the German, the Jewish, the Hungarian, as well as the Roma ethnicities, as mirrored by the developments of the Romanian legislation. The subchapter dedicated to the analysis of the existing legislation considers the regulations referring to

the prohibition of discrimination, the use of maternal language in education, the judicial system, and in public administration, as well as those referring to free political association and parliamentary representation. The subchapter also analyses the legal foundation of institutions responsible for the management of national minority questions, the legal devices meant to improve the situation of the Roma, the regulations referring to the use of national symbols, as well as the most important regulations of the compensational legislation. After it enumerates all those contracts and decrees to which Romania adhered, as well as those dispositions accepted by the international bodies of which Romania is a member, the study suggests a possible taxonomy of minority rights, comparing the regulations of the European Council's Cadre-Convention for the Protection of National Minorities, of the constitution, as well as the actual national laws. The last subchapter of the study formulates proposals concerning the possible improvements of the legislation, emphasizing the importance of a Minority Codex being accepted.

Keywords: rights of national minorities, Romanian legislation, management of national minority questions, Minority Codex

István, Horváth: *The Evaluation of Romanian Language Policies*

The study focuses on two aspects of a complex problematic, elaborating on the implementation grade of Romanian language policies (and their aims): it evaluates – from a normative, formal-legal perspective – the Romanian language policies and their implementation grade on the level of the institutions. Its evaluation component referring to the institutional adaptation of legal rights is based on two researches initiated by the Research Centre for Interethnic Relations: an inquiry conducted through 522 questionnaires distributed to administrative units bound to adapt the minority language rights in light of the public administration law's regulations, as well as 40, partly structured interviews, conducted with workers in local administration(s) between 2000 and 2006. The results of the survey offer an interesting and detailed image of the complex conditions needed for the actual adaptation of language policies. Important dimensions of this complexity are constituted by the merged feature of the responsibilities, as well as their being shared on several levels and between a number of actors.

Keywords: Romanian language policies, implementation of minority rights, implementation of public administration law

Dalma, János: *The Institutional Framework of the Protection of Romanian National Minorities*

The study discusses the institutional component of minority public policies, presenting the post-1989 development of the institutional framework competent in the protection of national minorities, with an overview of such institutions' legal tether, organizational features and achievements, as the Office for Interethnic Relations, the Council of National Minorities, the Institution for the Research of National Minorities, the National Council against Discrimination, the Office of the Ombudsman, as well as such ministry structures as the Main Directorate responsible for Minority Education and for the Relationships with the Parliament within the Ministry for Education, or the Department responsible for Minority Cultures within the Ministry of Culture and Religions, and finally the National Authority for the Restoration of Ownership. The study signals some problems and lacks, which influence in a negative manner the activity of the mentioned institutions.

Keywords: protection of Romanian national minorities, institutional framework

Mária, Kovács: *Multicultural Educational Policies in the Romanian Educational System and Some Aspects of Their Implementation*

The author discusses one important aspect of the educational policies: the propagation of multicultural education in the Romanian educational system. The first part of the study sketches and analyses the most important laws constituting the basis of governmental policies popularizing multicultural education, while the second part assesses how the aims of these policies are mirrored in the valid school (teaching) programs and the handbooks used in primary school education. Both in the case of programs and handbooks the analysis was aimed at the 3rd form Romanian Language and Literature class, and the 4th form Geography and History classes. In spite of the fact that in the last two years enhanced attention was devoted to the propagation and use of ethnocultural diversity in education, the integration of diversity in the curricula of primary education is to be found in a rather elementary phase – concludes the author of the study.

Keywords: educational policies, Romanian educational system, multicultural education

Magdolna, Mohacsek: *An Analysis of the Financing Distributed to Organizations of the National Minorities*

The aim of the present study is twofold: to analyse the development of direct financing distributed to central organizations of citizens belonging to national minorities from the central budget, furthermore to examine the Office of Interethnic Relations functioning on a central level, and its activity as a financing body, supporting (as a financing authority) the interethnic and anti-intolerance projects, programs and activities of national minorities' organizations, which are approved on a project basis.

The study presents the legal basis of the supports, their mode of award, and the supported organizations, as well as the development of the fundings' grade in the mentioned periods. Considering the rate of inflation valid for the period 1995-2008, the study also analyses the actual dynamics of the fundings, presenting the development of the fundings awarded for the minorities, calculated on the 2008 year value of RON. On the basis of the 2002 population census results, and based on the calculus for one person, we also analyse the distribution of the funding(s) between the different minorities.

Keywords: Office of Interethnic Relations, fundings awarded for the minorities

Florin Moisă: *Public Policies for the Management of Roma Problems*

The study presents a detailed picture of the efforts of Romanian state authorities concerning the improvement of Roma communities' situation, identifying some inhibiting factors which undermine the efficiency of these. Besides, it presents the most important developmental phases of the public policies for the Roma, and it examines those basic governmental documents, which define the frame(work) of the proposed interventions – the original version of the governamental strategy aimed at the improvement of the situation of the Roma in Romania, accepted in 2001, as well as its variant modified in 2006, and also the project entitled the Decade of Roma Integration – and it sketches a synthesis of the most important programs of support targeting the improvement of the situation of Roma people. According to the author, one of the most important factors inhibiting the implementation of the generous regulations of the Strategy is that the programmatic documents of the government do not always fulfill the methodological conditions of real public policies. The study also comprises some suggestions for the improvement of the existing lacks.

Keywords: management of Roma problems, public policies, Decade of Roma Integration

Levente, Salat: *The Legal Status of Romanian National Minorities and Its International Context*

The desire of homogeneity is deeply rooted in the history of political thought, and it torn into pieces multinational states, it served as a cause for ethnic cleansing in several states becoming independent, and in the case of territorially concentrated minorities it lead to the appearance of autonomist movements. All those provocations, faced by the political communities in this context, brought back into the debate the older dilemmas about the devices the states – older and newer ones alike – have at their disposal, in the context of their interests related to administrative and territorial centralization and economic integration, to cultural and linguistic standardization, to creating and maintaining a common space of political identification and participation.

The situation of national minorities in Romania is not an insular case. Many elements of the system – language rights, the representation of the minorities in the Parliament and in the local administration, the governmental role of minority representatives, multicultural educational policies, measures targeting the banishment of ethnic and racial discrimination – are to be found in international case studies as well, furthermore, many dilemmas and conclusions of the international theories of multiculturalism and ethno-politics are also relevant in the Romanian situation. Therefore it is timely to present an overview of how consequences of diversity have emerged as a question in the international context of the last 20 years.

Keywords: Romanian national minorities, language rights, the representation of the minorities in the Parliament and in the local administration, the governmental role of minority representatives, multicultural educational policies

István Gergő Székely: *The representation of national minorities in the local councils. An evaluation of Romanian electoral legislation in light of the results of the 2004 and 2008 local elections*

The paper assesses Romanian legislation regarding the representation of national minorities (except the Hungarians) in local councils. Most mi-

norities are still seriously underrepresented in the local decisional fora, despite the existence of a special provision in the electoral law of 2004, that grants some sort of affirmative action for minority organizations. In order to evaluate the utility of this special provision, I reanalyzed the results of the last two local elections, comparing the actual results of the minority organizations to the hypothetical results they would have obtained in the absence of the special rule, that is, if they had been treated alike to the mainstream political parties. This allowed the identification of those cases when the minorities indeed benefited from the affirmative action provided by the law. Unfortunately, the scope of applicability of the special rule proved to be very limited, the minority organizations would have obtained most of their seats also without the application of the special provision. Moreover, the provision may have even adverse effects, as it may prevent some organizations from obtaining seats even if they obtained a number of votes that would have been sufficient for getting represented if they had been treated alike to the political parties. This is due to the logic behind the special provision, which advantages a single minority organization, often to the expense of the others. The net gain of seats due to the regulation is so small that one can conclude that there is no point for retaining the regulation in its present shape. The minorities have realized this too, and they initiated a bill in order to replace the current system with something very similar to the regulations in force at the level of the Chamber of Deputies. The paper briefly assesses this proposal too, however, the conclusions are not very optimistic in this regard either.

Keywords: Romanian electoral legislation, representation of national minorities, local council