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Parliamentary Representation of Minorities in Romania

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ABSTRACT

This article aims to analyse the mechanisms through which the parliamentary representation of ethnic minorities is ensured in Romania. After briefly reviewing the situation in other countries from South East Europe, I turn to the case of Romania, where there is a clear distinction between the Hungarian minority (which established a highly successful political movement in 1989, UDMR) and all other minorities (which were only able to gain parliamentary representation through the positive discrimination system provided by the Romanian law). This system is then analysed in detail and the results of the 1996 and 2000 parliamentary elections are used as case studies. The Romanian system has clear strengths (such as simplicity), but also obvious weaknesses (hijacking of the minority representation being the most serious). The paper concludes with a discussion on the advantages and disadvantages of the Romanian system and suggests a few possible improvements.

Introduction

To have free and fair elections is an essential right in any democracy. Free elections lead to the national (parliamentary) and local representation of different groups and interests in a country and therefore could be considered the most important feature of modern democracy.

But even free and fair elections cannot always guarantee representation for all groups and interests - and this is especially true for minorities (ethnic, religious or other). In a region stricken by ethnic cleansing, civil wars and resurgent nationalism like South-East Europe (hereinafter SEE) after 1989, representation of minorities' interests at all levels of government is important for peaceful co-existence. I should point out here the existence of an ongoing debate between the adepts of a *soft* and *hard* version of multiculturalism. An advocate of the former type, the Australian political philosopher Chandran Kukathas, argues in favour of a minimalist liberal state. According to him, confronted with the complex realities of a multinational state, liberalism "recommends doing nothing" (Kukatha 1998: 687). Nevertheless, I would argue that such an approach would be unfortunate in Europe. Indeed, Will Kymlicka points out that in contemporary societies the attempts to suppress minority nationalism have

been abandoned as unworkable and indeed counter-productive (1995). Practices leading to forceful integration or homogenization are morally indefensible, even more so in Europe, where the members of ethnic minorities have not chosen to live in a country dominated by a different culture, but were born into it (unlike first-generation migrants to countries such as USA, Australia or Canada, where the soft version of multiculturalism has been applied successfully). Therefore, a harder version of multiculturalism may be needed in SEE, that will not merely allow for a minority culture to exist, but will actively support it. The same opinion is shared by Linz and Stepan, who believe that "the combination of *collective rights* of nationalities or minorities in a multinational, multicultural society and state, *with the rights of individuals fully protected by the state,* is probably the least conflictual way of articulating … a democratic non-nation-state policy" (1996: 33-34; emphasis in original). Adequate political representation of minorities could be considered a necessary ingredient in this harder version of multiculturalism.

This article aims to analyze the parliamentary representation of ethnic minorities in Romania, viewed in a regional context. This analysis will examine whether parliamentary representation of minorities in Romania is a good model for SEE and whether the Romanian system is an effective one for the representation of minorities' interests. I will examine the mechanisms that ensure representation, the results of the four parliamentary elections held in Romania since 1990, the patterns of the minorities' representation, and end with a discussion of the system's potential and actual problems.

Parliamentary Representation of Minorities in SEE

Positive discrimination regarding the parliamentary representation of ethnic minorities is not a common feature in SEE - only a few countries have established reserved seats or communal rolls for minorities. Nevertheless, this does not mean that other SEE countries completely lack parliamentary representation for minorities.

Some members of parliament (MPs) belonging to a minority group manage to get elected as representatives of nationwide political parties, and in countries where ethnic parties are forbidden (e.g. Turkey) this is the only form of parliamentary representation possible for minorities.

On the other hand, in many SEE countries minorities have been able to form successful political organizations that gained parliamentary representation due to the sheer number of their votes. Back in 1990 in Bulgaria, the Turkish minority (9.4 % in the latest census) formed the Movement for Rights and Freedom which became an influential national political actor. In Macedonia, the large Albanian minority (25.2 % in the 2002 census) is currently represented in Parliament by 26 MPs from four parties (out of 120 MPs, the total number of representatives in the Sobranie, the unicameral Macedonian parliament).

In Bosnia-Herzegovina there are constitutional provisions that ensure the proportional representation of Muslims, Serbs and Croats at both the state level and the level of the two component entities. In the Federal Republic of Yugoslavia (and in Serbia proper) the Hungarian minority from Vojvodina

was represented at both federal and republican levels in all parliaments from 1990 until 2003. However, in the last elections (November 2003) the political organization of the Vojvodina Hungarians (in coalition with the Sandžak's Muslims and other smaller parties) did not manage to clear the 5 % electoral threshold and consequently lost its parliamentary representation.

Hungarians in Romania are a model for political representation of ethnic minorities – they have been represented in all parliaments since 1990 not only because of their size, but also because they maintain a united political organization. I will analyse this case more in depth later on.

But for many minorities in SEE, size alone is not enough to gain parliamentary representation. Either they do not have a strong, credible organization that can collect all the votes of the respective minority (and this is largely the case with Roma people all over SEE), or the number of their voters is simply not big enough to win an MP seat.

The political organizations (ethnic parties) of such minorities can often enter Parliament in a coalition with other parties (for instance, DOS - the Democratic Opposition of Serbia - was, in the Serbian elections in December 2000, an alliance of 18 parties that included two Hungarian parties and the party of Sandzak's Muslims), but because they don't contribute enough votes it is usually hard for them to successfully negotiate such alliances (as seen in the case of 2003 Serbian elections). Therefore, the most certain way for the smaller minorities to gain access into Parliament is positive discrimination by law.

How does this system work? In Slovenia, the National Assembly is composed of 90 MPs; 88 are elected through a proportional voting system that contains some elements of a majority system, and two MPs are representatives of the so-considered "historical minorities" - Hungarians and Italians. The system obviously provides positive discrimination for Italians and Hungarians, who would otherwise be unable to gain parliamentary representation. This practice has also been criticized by other minorities. Indeed, Serbs and Croats in Slovenia constitute minority groups that are a few times larger than the 6,500 Hungarians or the 2,500 Italians - but they do not have a guaranteed MP seat. The official reason for guaranteeing political representation only for Italians and Hungarians is that all other minorities are immigrants from the territory of the former Yugoslavia who came to Slovenia primarily for economic reasons, while Italians and Hungarians are considered autochthonous to Slovenia.

In Croatia, the House of Representatives (Zastupnički Dom - the lower chamber of the Parliament) is currently composed of 152 MPs. At the January 2000 elections, 140 MPs were directly elected through a proportional system in ten electoral districts, six MP's were elected by the Croatian Diaspora (forming the 11th electoral district) and five seats were reserved for national minorities within Croatia (the 12th electoral district).

The five MPs for national minorities were elected to represent Serb, Italian, Hungarian, Czech/Slovak and 'other' (German/Austrian/Ruthenian/ Ukrainian/Jewish) minorities. The system allows for free competition for the minority seats, but has been criticized for the under-representation of the Serb minority, which is much larger in number than all other minorities taken together. Responding to such criticism, Croatia amended its electoral law for

the November 2003 elections, reserving three seats for the Serb minority (and enlarging the number of reserved seats to eight by providing one more place for 'other' minorities). All things considered, Croatia ensures greater representation of minorities than Slovenia, but the largest parliamentary representation of minorities in SEE is to be found in Romania.

The Case of Romania

Romania, its Minorities and the Legal Framework Concerning Parliamentary Representation

Romania, the largest country in SEE, had a population of 22.8 million people according to the 1992 census, and the results of the 2002 census show a 4.9 % decrease to 21.7 million.[1] Romania's slowing birth-rate and emigration led to a drop in population numbers by more than one million over the past decade, but this decrease has been felt almost equally by ethnic Romanians and minorities. Ethnic Romanians are now 89.45% of the total population, Hungarians 6.61%, Roma 2.47%, and all other minorities each make up less than 0.3% of the total population.[2]

The idea of guaranteeing parliamentary representation to minorities in Romania was born after the violent overthrow of the Ceausescu regime in December 1989. The power in Romania passed to the National Salvation Front (FSN) and later to the Temporary Council of National Concentration (CPUN), until the first elections on 20 May 1990. The political and cultural organization of ethnic minorities began in Romania already in December 1989, the first being the Democratic Union of Hungarians in Romania – UDMR.[3]

Decree-Law no. 92/1990 for the election of the Parliament and the President of Romania (adopted by CPUN on March 1990) stipulated the right of ethnic parties to one seat in the House of Deputies if they were to fail to obtain any MPs through the normal procedure (Decree-Law 1990, Art. 4)

Decree-Law 92/1990 was probably the most important law adopted in Romania before the Constitution of 1991. It regulated not only the election procedure, but also the functions of Parliament and the President until the adoption of the new Constitution. For these reasons, Decree-Law 92/1990 was considered by the public to be a genuine "mini-Constitution" of Romania, and therefore the favorable provisions for minorities in such a law were of greatest importance. The first group to advocate for such a provision was the representative of the Armenian minority in the "provisional Parliament" (CPUN), but the main reason for the adoption of this proposal was probably the desire of President Iliescu to counterbalance the UDMR, who was already vocal in expressing its discontent with the new leadership of Romania and would eventually emerge after the May 1990 elections as the main opposition party.

The principle of positive discrimination for parliamentary representation of national minorities was later enshrined in the new Constitution of Romania[4] which was adopted in November-December 1991 and elaborated in detail in electoral Law no. 68/1992 (which replaced Decree-Law 92/1990 and, with some amendments, is still valid today).

This law stipulates that ethnic parties who do not win any seats in Parliament have the right to one seat in the lower chamber if they receive at least 5 % of the nationwide average number of votes for the election of one MP (there are no such provisions for the Senate). This 'threshold' is a symbolic one: it was 1,336 votes in 1992; 1,494 votes in 1996 and 1,273 votes in 2000 (Law 1992, Art. 4).

The electoral law stipulated that, if two or more organizations claim to represent the same minority, then the organization that receives the highest number of votes gets the MP seat accorded to that minority. Because Romania is divided into 42 multi-member constituencies, the MP seat for a successful ethnic party is then awarded to the candidate who receives the highest number of votes in his constituency, as compared to all other constituencies where the respective ethnic party runs candidates. This was the rule for the elections held in 1992 and 1996, resulting in a number of surprises – the MP elected for one minority was not always the candidate supported by the ethnic party's leadership. For the November 2000 elections, Law 68/1992 was amended and the ethnic parties were allowed to present the same candidate (or the same list of candidates) in all 42 constituencies of Romania. This practice is strictly forbidden for all other political parties.

The Parliamentary Representation of Minorities after the Romanian Elections of 1990, 1992, 1996, and 2000

The Romanian Parliament is composed of two chambers - an lower chamber (the House of Deputies) and an upper chamber (the Senate). Apart from a few minor powers and different numbers of MPs (according to the Constitution, one MP in the lower chamber represents 70,000 inhabitants and one MP in the Senate represents 160,000), there is no difference between the two chambers.

Both chambers of Parliament are directly elected through a system of pure proportional representation. Each Romanian citizen has one vote for the lower chamber and one vote for the upper chamber (as opposed to Croatia, where voters belonging to ethnic minorities have to register as such if they want to vote in the 12th electoral district, reserved for minority representation). In Romania, the ethnic parties first compete with all other parties; positive discrimination starts only after the counting of the ballots.

In the first elections (May 1990) there was no threshold for gaining parliamentary representation, and therefore small parties with as little as 43,188 votes (representing 0.32 % on a country-wide level) managed to obtain one seat in the lower chamber. But among ethnic parties only UDMR managed to have MPs elected due to the number of votes it received - all other minorities received one MP through the positive discrimination system.

Since 1992, a threshold was introduced for the accession of political parties into Parliament: it was 3 % in the 1992 and 1996 elections, and 5 % in the November 2000 elections (8.9 or 10 % for coalitions). It then became obvious than no minority group (except the Hungarians) would be able to meet this threshold and therefore their only possibility of being represented in Parliament remained the positive discrimination system.

The most important organization of a national minority in Romania was the Hungarian UDMR, who always overcome the electoral threshold for political parties and consequently does not need to rely on positive discrimination for getting parliamentary representation.

UDMR had 41 MPs elected in both chamber of Parliament in the 1990 elections, and maintained about the same number in the three subsequent elections (39 MPs in 1992, 37 MPs in 1996, and 39 MPs in 2000). The ethnic parties that entered Parliament with the help of the law had 11 MPs after the May 1990 elections (representing the following minorities: Germans, Roma, Russians-Lipovans, Armenians, Bulgarians, Czechs/Slovaks, Serbs, Greeks, Poles, Ukrainians, Turks), 13 MPs after the 1992 elections (all of the above plus Italians and Tatars), 15 MPs after the 1996 elections (all of the above plus Albanians and Jews) and 18 MPs after the 2000 elections (all of the above plus Croats, Ruthenians and Slav Macedonians). The total number of MPs in the Romanian Parliament is now 485.

Patterns of Representation of National Minorities in Romania

The Hungarian minority

The Hungarian minority was the first to organize itself after the fall of the communist regime. During the 1990s UDMR evolved into an umbrella-organization that represents a wide variety of Hungarian interests in Romania. Perhaps this capacity to change and adapt explains the success of UDMR in the parliamentary elections.

In the elections for the lower chamber of Parliament, UDMR obtained the following results:

Year	1990	1992	1996	2000
Number of votes	991,601 votes (7.23 %)	811,290 votes (7.46 %)	812,628 votes (6.87 %)	736,863 votes (6.80 %)

Table 1. Votes received by UDMR at parliamentary elections for the House of Deputies (lower chamber), 1990-2000

The votes received by UDMR for the higher chamber (the Senate) in the same elections are very similar (for instance, 6.90% in the 2000 elections), which is just one of the many features that are different when we compare UDMR with other ethnic parties. Indeed, starting with 1990, the other ethnic parties performed much worse in the elections for the Senate when compared with those for the House of Deputies. Later, when it became clear that they had little chance to pass the threshold, most other ethnic parties did not field any candidates for the Senate in the last elections.

Another remarkable fact is that no other Hungarian organization was able to become a serious competitor for UDMR. We shall see that for many smaller minorities, usually two organizations, but sometimes even three or four, compete for parliamentary representation of that minority. The UDMR,

however, was and still is the only voice of the Hungarian minority heard in parliamentary elections. The best result of UDMR's competitors in all elections since 1990 was a meagre 14,333 votes (0.12% of the total votes for the lower chamber) received by the Free-Democrat Hungarian Party of Romania in 1996. Attempts at an independent bid for Parliament seats (by a few former UDMR MPs) also ended in complete failure.

The number of votes and the territorial distribution shows that nearly all Hungarian voters support the UDMR in the parliamentary elections. Contrary to other ethnic parties, UDMR is also successful in local elections (although here it does not attract the entire number of Hungarian votes). In the local elections of June 2000, UDMR received 6.27% of the votes for county council seats and 5.50% of the votes for local council seats. A few mayors, as well as a number of local and county councillors in predominantly Hungarian cities were elected as independents or belonged to other Hungarian local associations (e.g. in Odorheiul Secuiesc).

Due to the voting history, number, and territorial distribution of the Hungarian minority in Romania, the number of future MPs of UDMR is highly predictable, as are the electoral districts from which they will be elected. UDMR has established a sort of competition for the so-called "eligible places" on its list for Parliament, and the whole process for selecting their future MPs is conducted in a transparent and democratic manner that even their political opponents admire.[5]

Other minorities

Probably the most obvious (and also most surprising) feature of the results of the other ethnic parties in the last two parliamentary elections (House of Deputies) is the general increase in the number of votes obtained by these parties (see table 2). If we exclude the two biggest minorities (Hungarians and Roma), we can see that all other minorities, numbering 1.47% of the total population of Romania, received 2.6% of the total number of votes in November 2000. Nevertheless, the election results, in terms of both numbers and territorial distribution, are very much related to the results of the 2002 census regarding minorities, including Czechs, Slovaks, Germans, Russians, Serbs, Tatars and Ukrainians (I have put here all minorities with a number of votes between 25-66 % of their total census recorded number; the percentage for UDMR, a very successful ethnic party, is around 50-60%).

Another similarity across these minorities is that they are usually represented by only one organization, founded back in 1990-91. Also, this group of ethnic parties witnessed a similar improvement in results in the local elections, i.e. their local election results are very close to their parliamentary elections results.

Minority	No. of votes received in the 1996 elections	No. of votes received in the 2000 elections	% of the total number of votes in the 2000 elections
Albanians	8,722 (1)	18,341 (2)	0.17%
Armenians	11,543 (1)	21,302 (1)	0.19%
Bulgarians	9,474 (2)	34,597 (4)	0.32%
Czechs*	n/a (see note)	1,539 (1)	0.01%
Croats	486 (1)	14,472 (3)	0.13%
Germans	23,888 (1)	40,844 (1)	0.37%
Greeks	9,972 (2)	19,520 (4)	0.18%
Hutuls**	629 (1)	1,225 (1)	0.01%
Italians	25,232 (7)	37,529 (2)	0.34%
Jews	12,746 (1)	12,629 (1)	0.11%
Poles	1,842 (1)	6,674 (2)	0.05%
Roma	159,521(5)	83,597 (2)	0.77%
Russians	11,902 (1)	11,558 (1)	0.10%
Ruthenians	n/a	6,942 (1)	0.06%
Slav Macedonians	n/a	8,809 (1)	0.08%
Serbs	6,851 (1)	8,748 (1)	0.08%
Slovaks	6,531 (1)	5,686 (1)	0.05%
Tatars	6,319 (1)	10,380 (1)	0.10%
Turks	4,326 (1)	10,628 (2)	0.10%
Ukrainians	11,297 (2)	15,427 (2)	0.14%

*Table 2. Votes received by ethnic parties in parliamentary elections for the House of Deputies (lower chamber), November 1996 and November 2000****

All these characteristics are in sharp contrast with the election results of a second group of ethnic parties. First of all, this second group does not show any interest in local elections: in 2000 the ethnic parties of Armenians, Hutuls, Ruthenians and Macedonians did not present any candidates; the Albanians, Italians, Jews and Turks fielded candidates, but none were elected; the Greeks and Poles had only one local councilor each elected in all of Romania.

In this second group we also find a larger number of organizations (but usually only two strong competitors) vying for the MP seat of the respective minority. A typical example would be the Bulgarian minority: in 1990 the two Bulgarian ethnic parties participated in the elections together

* In 1996, only UDSCR, a common organization of Czechs and Slovaks, presented candidates on behalf of these minorities (see section 3.4).

** In the Romanian language the name of this minority is "hutzuli" and they speak the same language as Ruthenians/Ukrainians.

*** In the brackets is the number of ethnic parties of each minority that presented candidates in the 1996 and 2000 elections.

(on a common list) and after that as competitors - in 1992 UBB-R won the MP seat, in 1996 CBBR did and in 2000 UBB-R won again. The number of ethnic parties in Romania has grown a lot since 1990 (when only UDMR, ten organizations of other minorities and five parties of the Roma minority competed for Parliament) – in addition to UDMR, in 2000 we had 34 other ethnic parties fielding candidates. Interestingly, the Roma minority went the other way around when it came to the number of competing parties: from five parties in 1996 to only two Roma parties participating in the 2000 elections.

Current and Potential Problems of the Parliamentary Representation in Romania

The parliamentary representation of minorities in Romania through a system of reserved seats became really controversial after the November 2000 elections, following a series of disputes which I will shortly analyze below.

One case was that of Oana Manolescu, the MP of the Albanian minority. She was accused of being of Romanian ethnic origin (and not even speaking Albanian) by UCAR, the first Albanian ethnic party established in Romania. However, the contestation was dismissed by the validation committee of the lower chamber because she had been allowed to run in 1996 for UCAR in the Dolj constituency. Apparently, fielding her as a candidate was a strategy of UCAR for gaining more votes nationwide, but the strategy backfired when she received more votes in her constituency than the candidate preferred by the party leadership obtained in his constituency (Bucharest); unexpectedly, she was elected as MP. Later, she founded her own Albanian organization (LAR), received more votes in 2000 than her former party, and was re-elected to Parliament.

Another controversial MP was Ileana Stana-Ionescu. She was elected on the list of the Italian CIR, the only ethnic party that chose not to present the same candidate in all constituencies in 2000. CIR received 21,263 votes nationwide and Mrs. Ionescu (being the CIR candidate for Bucharest) gained the MP seat because she obtained 2,943 votes in her district, more than any other candidate of CIR in all the other electoral districts in Romania. But her victory was contested by LCIR, the other party of Italians, which presented the same candidate in all constituencies and received a total of 16,266 votes. LCIR claimed their candidate received more votes than Mrs. Ionescu and that he should then be the MP for the Italian minority, but after a review the law was interpreted in the favour of CIR and Ileana Stana-Ionescu.

Far more serious are the following two cases. Gheorghe Firczak is a school teacher with political ambitions from Deva in the district of Hunedoara. In 1996 he was the candidate for the Senate in Hunedoara for the Free-Democrat Hungarian Party of Romania, but neither he nor his party received enough votes to enter Parliament. Later, he tried his luck with the Social-Democrat Party and finally he founded the Union of Ruthenians in Romania and become its first president. In November 2000 he became MP for this minority. The legitimacy of Gheorghe Firczak's election to Parliament was contested by the entire opposition, but despite his

unbelievable transformation from Hungarian into Ruthenian in just four years he was also validated by Parliament after a few weeks.

The chief hijacker of minority representation, however, was Vasile Savu. He is the union leader of what was once the strongest syndicate in Romania: the coal miners. Vasile Savu replaced the notorious Miron Cozma, who led three riots of miners against Bucharest in the 1990s and is now in jail (following the 1999 riots). Savu learned some lessons from Cozma (who failed in his bid for Senate as an independent in 1996) and founded the Union of Slav Macedonians a few months before the 2000 elections (this minority was unrecorded at the 1992 census and registered only 751 alleged members according to the 2002 census). He received 8,809 votes nationwide, but the case was so outrageous that even the Embassy of the Republic of Macedonia at Bucharest abandoned diplomatic reserve and issued an official contestation. It was obvious that such a minority does not exist in Romania – but nevertheless, Vasile Savu was validated by Parliament at the same time as Gheorghe Firczak, in February 2001.

The question arises: how was this possible? The answer lies in the voting behavior of the parliamentary group representing the national minorities (except UDMR, which always had its own distinct parliamentary group). Since 1990 and without exception, this group was considered to be the safest ally of any government and always voted as such. Therefore, all Romanian governments since 1990 were interested in preserving (and even extending) the parliamentary representation of minorities through positive discrimination. The Social-Democrat minority government installed in December 2000 was no exception, especially since its position at the beginning seemed very fragile. On the other hand, the MPs representing minorities did not want to endanger their presence in Parliament – a simple amendment to the electoral law could drastically reduce it (or even end it, by setting unattainable conditions). They might also have thought that negotiations were a better route to solve the problems of smaller minorities than open confrontation with the government.

But if this position can be understood, their lack of parliamentary activity cannot. Between December 2000 and February 2003 the yearly average number of parliamentary speeches made by the 17 MPs from the group of non-Hungarian minorities (not counting the group leader) was only 5.6 (the same average for UDMR was 17.5 and for one of the Romanian opposition parties, the National-Liberals, 21.1) The absolute record in this regard belongs to the representatives of the Italians, Russians and 'Macedonians': one intervention each in more than two years (and this was actually the oath of allegiance for Romania, compulsory for all MPs!). They also endorsed just one legislative proposal (written by another MP) in all this time. The question is: what is the quality of parliamentary representation of minorities' interests by such a 'silent group' of MPs?

Finally, there are serious problems with minorities that previously constituted a single (common) ethnic party, namely the Turks/Tatars (who separated very quickly, in 1990), Serbs/Croats (the Croats withdrew from the common party at the beginning of 1992) and Czechs/Slovaks. If in the first two cases the situation is now clear and each of the four minorities involved have their own ethnic party and MP (and the names of the former common

organizations have been changed accordingly), the Czech/Slovak case is more complicated. UDSCR (the party of Czechs and Slovaks – see Annex 1 for the full names of all ethnic parties) was founded back in 1990 and presented itself as a strong and serious ethnic party during the 1990s. But within the party the smaller Czech minority was somehow overshadowed by the more numerous Slovaks, so after 1996 they decided to establish their own ethnic party, the Union of Czechs in Romania. But UDSCR refused to change its name, pretending it still had some ethnic Czechs in its ranks (a thing hard to verify) and therefore UDSCR still considered itself a common party for the two minorities. At the November 2000 elections, the Union of Czechs obtained 1,539 votes (more than the threshold for ethnic parties, which was just 1,273 votes), but was denied parliamentary organization on the grounds that the Constitution and the electoral law say that a minority can be represented by only one ethnic party. According to the logic of the Central Electoral Office, UDSCR obtained more votes overall and therefore they are the ones that represent Czech and Slovak minorities. In other words, if UDSCR refuses to change its name and continues to pretend that it represents both Czech and Slovak minorities, then there is no way for Czechs to obtain a separate MP seat.

Conclusions

The parliamentary representation of minorities in Romania is definitely an interesting case, but its viability as a model for all of SEE is questionable.

The continuous increase of the number of MPs representing non-Hungarian minorities and the ways through which they were elected are subject to growing criticism from sectors of civil society, which views the total number of MPs (485) far too large for a country like Romania. Last year, the Pro-Democracy Association, one of the most active Romanian NGOs, gathered 250,000 signatures for a legislative initiative which would mean a radical change in the Romanian electoral system and would substantially reduce the number of MPs. The maneuvers of mavericks like Gheorghe Firczak or Vasile Savu have only fuelled the criticism – it is argued that others will follow in their path and try to snatch a parliamentary seat at the next elections on behalf of other non-existent minorities, a practice that can be regarded as an abuse of democracy.

Another serious source of concern is the increase in the number of votes for the ethnic parties, especially the ways in such new voters were attracted. A spectacular jump from 486 votes (this is how much UCR obtained in 1996) to 11,084 votes (received by the same organization in 2000) is the dream of every politician, but rarely seen. In this case, the explanation, according to the Romanian press, is that the president of UCR, Mihai Radan (MP since 2000) obtained double citizenship and Croatian passports for the members of this organization. The benefits of being able to work in Croatia and to travel with less hindrance into the Schengen area were obvious during the Romanian economic recession that lasted until 2000. The result was that many non-Croats queued to become members of this ethnic party and voted for Mihai Radan at the 2000 elections (*Libertatea* 2001). The

increase in the number of votes for this minority is even more spectacular if we consider that the other two Croatian ethnic parties that appeared after 1997 obtained together another 3,400 votes in November 2000.

And there are many other stories like this one – the conclusion is that the majority of voters for the ethnic parties of minorities such as Albanians, Armenians, Bulgarians, Croats, Greeks, Italians, Poles, Ruthenians and 'Macedonians' do not belong to the minority for which they voted. Almost all minorities who are in such a situation have two or more ethnic parties, so it is even more questionable whether these MPs really represent any minorities.

With all its shortcomings, the Romanian system nevertheless has obvious advantages:

- it is easier to administrate (does not require any supplementary effort/procedure in organizing the elections)
- it ensures a broad representation of minorities
- it stimulates competition between ethnic parties

But the "Romanian model" needs a serious reform before it can be exported. I would dare now to advance a few possible remedies to the above-mentioned problems.

First of all, I believe that the simplicity of the system should be sacrificed for better representation. The communal rolls are a very good way to do it (and the system seems to work in Croatia): the compulsory registration of minority voters prior to elections would stop non-Bulgarians or non-Croats (for instance) from having a say in the election of the Bulgarian or Croat MP. Also, minority representation could be limited to those minorities that registered a certain number of members in the last census.

Moreover, the parliamentary representation of minorities should be better defined in the constitution. The current vague definition has left room for too much interpretation and consequently has transformed the minority MPs into servile tools of the government. Also, a change in the law must allow independents to run for MP seats (currently only ethnic parties can compete in this way).

Probably the most heated debate concerns the hijacking of minority representation by individuals who either pretend to represent non-existent minorities (like Vasile Savu) or do not belong to the minority they allegedly represent. The solutions I have proposed above would probably solve the first problem, but the second one is more complicated. Indeed, who defines the ethnicity of minority MPs? I do not have a comprehensive answer, but there is one obvious test: language. No MP should be allowed to be a representative of a minority whose language he/she does not speak.

Whatever the improvements, as Reilly and Reynolds point out, each system that allows for an explicit recognition of ethnic groups suffers from a fundamental drawback: "each requires some official recognition and determination of group identity. Someone, somewhere, has to be able to determine who is and is not an Indian, a black, a scheduled caste member and so on" (1999: 43). Therefore, they argue that "*explicitist* approaches – ethnically mandated lists, communal rolls, racial gerrymandering, and the like

– may serve artificially to sustain ethnic divisions in the political process rather than mitigating them," and consequently "counsel against their use in all but the most extreme cases of ethnic division" (1999: 56; emphasis in original).

The problem, however, is how to ensure the political representation of minorities in the absence of such mechanisms? I would conclude by saying that the main lesson of the Romanian experience is that imperfect parliamentary representation of minorities is better than no representation at all and therefore a wholesale change to the present system would be counter-productive. After all, "the comparative experience of electoral reform to date suggests that moderate reforms that build on those things in an existing system which work well is often a better option than jumping to a completely new and unfamiliar system" (Reilly, Reynolds 1999: 57).

ANNEX 1

The most important organizations and parties of minorities in Romania:

CBBR	Comunitatea "Bratstvo" a Bulgarilor din Romania	"Bratstvo" Community of Bulgarians in Romania
CRLR	Comunitatea Ruşilor-Lipoveni din Romania	Community of Russians-Lipovans in Romania
CIR	Comunitatea Italienilor din Romania	Community of Italians in Romania
FCER	Federaţia Comunităţilor Evreieşti din Romania	Federation of Jewish Communities in Romania
FDGR	Forumul Democrat al Germanilor din Romania	Democratic Forum of Germans in Romania
LAR	Liga Albanezilor din Romania	League of Albanians in Romania
LCIR	Liga Comunităţilor Italiene din Romania	League of Italian Communities in Romania
PR	Partida Romilor	Roma Party
UAR	Uniunea Armenilor din Romania	Union of Armenians in Romania
UBB-R	Uniunea Bulgarilor din Banat - Romania	Union of Bulgarians in Banat - Romania
UCAR	Uniunea Culturală a Albanezilor din Romania	Cultural Union of Albanians in Romania
UCR	Uniunea Croaţilor din Romania	Union of Croats in Romania
UDSCR	Uniunea Democratică a Slovacilor şi Cehilor din Romania	Democratic Union of Slovaks and Czechs in Romania
UDTR	Uniunea Democrată a Turcilor din Romania	Turkish Democratic Union of Romania
UDTT	Uniunea Democrată a	Democratic Union of Turkish-

MR	Tatarilor Turco Musulmani din Romania	Muslim Tatars in Romania
UER	Uniunea Elenă din Romania	Hellenic Union of Romania
UPR	Uniunea Polonezilor din Romania "Dom Polski"	Union of Poles in Romania "Dom Polski"
USR	Uniunea Sarbilor din Romania	Union of Serbs in Romania
UDUR	Uniunea Democrată a Ucrainienilor din Romania	Democratic Union of Ukrainians in Romania
UUR	Uniunea Ucrainienilor din Romania	Union of Ukrainians in Romania
UDMR	Uniunea Democrată a Maghiarilor din Romania (Romániai Magyar Demokrata Szövetség)	Democratic Union of Hungarians in Romania

ANNEX 2

The ethnic structure of Romania's population according to 1992 census and preliminary results of 2002 census:

Nationality	**1992 census**	**% total population**	**2002 census**	**% total population**
Romanians	20,408,542	89.47 %	19,409,400	89.5 %
Hungarians	1,624,959	7.12 %	1,434,377	6.6 %
Roma	408,087	1.76 %	535,250	2.5 %
Germans	119,462	0.52 %	60,088	0.28 %
Ukrainians	65,764	0.28 %	61,091	0.28 %
Russians	38,606	0.17 %	36,397	0.17 %
Turks	29,832	0.13 %	32,596	0.15 %
Tatars	24,596	0.11 %	24,137	0.11 %
Serbs	*	*	22,518	0.10 %
Croats	*	*	6,786	Under 0.1 %
Slovenes	*	*	175	"
Slovaks	19,594	Under 0.1 %	17,199	"
Bulgarians	9,851	"	8,092	"
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	"
Others and no nationality	9,368	"	**	**
TOTAL	22,810,035	100 %	21,698,800	100 %

Notes:
***** At the 1992 census, Serbs, Croats and Slovenes were counted together and their total number was 33,493 (representing 0.15 % of the total population of Romania).
** The official results of the 1992 census were released in this form (i.e. without naming the minorities with less than 1,957 members). The preliminary results of the 1992 census name, in addition, the following minorities: Italians – 3,331 ; Chinese – 2,249 ; Albanians – 520 ; Slav Macedonians – 751 and Ruthenians – 262.

Endnotes

[1] For full results please see Annex 2.

[2] An important decrease was registered for Hungarians (190,000 people, a drop of 11.7 % compared to 1992). The main causes were the same for the Romanian population as a whole: low birth-rate and emigration. A dramatic decrease (by almost 50 %) was also registered for Germans - a minority composed now almost exclusively of elderly people, i.e. those that did not emigrate to Germany (or Austria) in the 1980's and 90's. Other minorities who registered a decrease in numbers were the Serbs, Croats, Bulgarians, Ukrainians, Poles, Czechs, Slovaks, Jews, Russians, and Armenians. There were also minorities that registered an increase in numbers - the most important being the Roma: 535,250 people (30 % more than in 1992). The explanation lies in the traditionally high birth-rate of the Roma, as well as the growing awareness of self-identity among this minority. I will not go into detail here, but the same holds true for the other minorities that grew since 1992 - Turks, Greeks, Italians and Albanians. What is really important is that both the 1992 and the 2002 censuses and their results can be considered valid, scientific data (source: www.recensamant.ro).

[3] In this article I mostly use abbreviated names - for full explanations of the names of the ethnic parties in Romania please see Annex 1.

[4] Source: Constitution of Romania. 1991, Article 59(2) – renumbered 62(2) after the amendments to the Constitution adopted in October 2003.

[5] UDMR sets clear compulsory pre-conditions (good command of Romanian, Hungarian and at least one other language; political activity; etc.) for all would-be candidates. Afterwards, the candidates for the eligible positions are decided upon after a series of internal debates and even some primary elections inside the party. The columnist of the rather nationalistic daily *Adevarul* (The Truth), who had previously shown little sympathy for UDMR, was so impressed by this selection process that in September 2000 he published an editorial entitled "Let's learn Hungarian!" (in which he was urging the other parties to learn the "language of democracy," because the usual process of selecting candidates is seen by the press as unclear and subject to corruption in all main Romanian political parties).

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