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**DEVELOPING THE CIVIL SOCIETY
IN ROMANIA**

 **FORUM**

Organizat de Fundația Internațională pentru Sisteme Electorale
Program finanțat de Agenția Statelor Unite ale Americii pentru Dezvoltare Internațională (USAID)

SINAIA • 24 – 29 martie 1994

NGO FORUM

DEVELOPING THE CIVIL SOCIETY

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FOREWORD

by IFES Project Director Obie Moore

May 11, 1994

The International Foundation for Electoral Systems ("IFES"), a Washington D.C. based non-profit educational and research foundation, is pleased to present in this booklet several documents produced during a 5-day seminar for leading non-governmental organizations involved in public policy development in Romania. The conference, entitled "The NGO Forum: Developing the Civil Society" was held at the "Cazino" in Sinaia, on Thursday evening, March 24, through Tuesday, March 29. The NGO Forum is part of a on-going two-year IFES Civic Education Project in Romania funded by the U.S. Agency for International Development "USAID".

The IFES NGO Forum was attended by over 75 of the leading public policy-related NGOs from throughout the country. This Forum provided NGO leaders a first-time opportunity to discuss their existence and needed legal and regulatory reforms with key Government officials and an official delegation sent by the presidents of both chambers of Parliament. Reciprocally, Government representatives were able to present for the first time publicly its strategy for reform and assistance to the NGO Sector. Important discussions focused on structural changes that were needed to facilitate a more modern operating environment for NGOs. In addition, key presentations were provided by experts from U.S. and European universities and representatives from such funding organizations as USAID, European Community Phare program, and the Soros Foundation.

The NGO participants attended daily Workshops by categories of activities, including (i) Business/Economics (ii) Ecological (iii) Human Rights (iv) Media (v) Civic and (vi) Youth. Through these Workshops, six draft "White Papers" assessing the activities, problems and resource needs of NGOs were introduced and revised by each category of NGOs. Enclosed in this booklet are the final versions of these six NGO White Papers. It is our hope to that these assessment papers will be distributed throughout the NGO community and to Government officials, Parliamentarians, and international funding organizations.

Also, a press conference was held at the conclusion of the event in Bucharest on March 31. (Copy of the Press Release is enclosed with related news articles from the Romanian press.)

The accomplishments produced by the NGO Forum include the following: (i) NGOs now know and understand each other and their activities and have identified areas for future cooperation; (ii) leading Government officials and Parliamentarians acknowledge the essential role that NGOs have in the development of the Romanian civil society and that a more modern legal environment is needed to legitimize the activities of NGOs; and (iii) leading international organizations recognize more clearly that NGOs are performing very responsibly in carrying-out their programs and are worthy of significant international assistance.

As the first follow-up activity to the NGO Forum, NGO participants have met regularly and put forward a request to the Romanian Parliament to establish an NGO Information Office at the Parliament. This office would report on legislative activities of concern to NGOs, including schedules for debates, commission hearings, and copies of draft laws. It is intended that from this effort a legislative working group of NGOs will emerge and eventually a more formal association of NGOs would be created. In addition, the IFES Resource Center is producing a thirty-minute video (suitable for TV audiences) from interviews conducted during the NGO Forum and a script that identifies the relationship between NGOs and the civil society.

The IFES staff would like to thank the NGO Forum participants (see attached participant list) for their commitment and effort to address these important issues affecting the development of the true civil society in Romania. Also, a particular debt of gratitude is owed to the NGO leaders who worked so diligently to produce the White Papers assessing the current state of NGO activities in Romania. And finally, we are indebted in gratitude to USAID for its funding and support of the IFES Project in Romania, without which this NGO Forum would not have taken place.

THE NGO FORUM: "DEVELOPING THE CIVIL SOCIETY"
Sinaia, Romania--The Palace Casino
MARCH 24-29, 1994

AGENDA

Thursday, March 24

- * *ARRIVAL/REGISTRATION*, Palace Hotel, Apartment 119.
(2:00 - 5:30 pm)
- * *RECEPTION*, Palace Hotel
(5:30 - 7:30 pm)
- * *DINNER*, Hotel Caraiman
(7:30 pm)

DAY 1: Friday, March 25

MORNING: ESTABLISHING THE PRIORITIES FOR THE NGO SECTOR
(9:00 am--1:00 pm)

- * *OFFICIAL WELCOME AND OPENING REMARKS*
Richard Hough (Romania Representative, US Agency for
International Development)
- * *THE NGO SECTOR: THE 'SINE QUA NON' OF A CIVIL SOCIETY*
Obie Moore (IFES Project Director, Romania)
- * *THE 'INFECTIION' OF ROMANIAN SOCIETY WITH DEMOCRACY: THE
'HOW-TO' PROCESS FOR NGOS*
Steve Sampson (University of Copenhagen)
- * *THE IMPLEMENTATION OF BASIC FREEDOMS AND CULTURAL
PLURALISM THROUGH THE NGO SECTOR*
Cole Durham, Esq. (Brigham Young University, USA)

LUNCH--Yellow Room, Palace Hotel,
(1:00 pm--2:30pm)

**AFTERNOON: CREATING THE LEGAL AND REGULATORY STRUCTURES FOR NGOS
(2:30 pm--6:30 pm)**

- * *THE LEGAL STRUCTURES OF ROMANIAN NGOS TODAY*
Karla Simon, Esq. (International Center For Not-For-Profit Law) and Cole Durham, Esq. (Brigham Young University)
- * *ESTABLISHING THE LEGAL AND REGULATORY STRUCTURES NECESSARY FOR THE SUCCESS OF NGOS*
 - Foreign Models Regulating NGOs: Any Available "Blueprints"?
 - Formation, Registration, and Dissolution of NGOs;
 - Self Regulation of NGOs;
 - Taxation and Funding.Karla Simon, Esq. and Cole Durham, Esq.
- * *PRESENTATION OF THE EUROPEAN COMMUNITY PHARE PROJECT ENTITLED "DEVELOPMENT OF THE CIVIL SOCIETY IN ROMANIA"*
Kristian Sorensen (Advisor to the Romanian Government on Development of the Civil Society, European Community PHARE Program)
- * *WORKSHOPS:*
Review of six "White Papers" assessing NGOs by categories, including:
 - Workshop I: Business/Economics
 - Workshop II: Civic
 - Workshop III: Ecological
 - Workshop IV: Human Rights
 - Workshop V: Media
 - Workshop VI: Youth

DINNER: Hotel Caraiman.
(7:30 pm)

DAY 2: Saturday, March 26

**MORNING: PERSPECTIVES FROM ABROAD TO ADVANCE THE NGO SECTOR
(9:00 am--1:00 pm)**

- * *FOLLOWING THE MONEY--AND OTHER GRANTSMANSHIP TECHNIQUES FOR NGOS*
Steve Sampson (University of Copenhagen)
- * *THE DEVELOPMENT OF A 'GRASSROOTS' CITIZEN-ACTION NGO: THE EXPERIENCE OF THE NGO 'CITIZENS FOR A SOUND ECONOMY'*
Roger Ream (Executive Vice President and Chief Operating Officer, The Fund for American Studies)
- * *THE OPPORTUNITY FOR A ROMANIAN ASSOCIATION OF NGOS IN PUBLIC POLICY DEVELOPMENT*
Randal Teague, Esq. (Attorney in the Washington, D.C. office of the law firm of Vorys, Sater, Seymour & Pease; Board Member and General Counsel of IFES)

LUNCH: Palace Hotel, Yellow Room
(1:30 pm--2:30 pm)

**AFTERNOON: PARLIAMENT'S CURRENT PERSPECTIVE OF THE NGO SECTOR
(2:30 pm--6:30 pm)**

- * *PANEL PRESENTATIONS BY MEMBERS OF PARLIAMENT*--an open discussion will follow ten-minute presentations by each member of Parliament; issues to be addressed include:
 - legal and financial structures necessary for the NGO sector;
 - formation and registration of NGOs;
 - role of NGOs in the legislative process;
 - should lobbying and advocacy by NGOs be controlled?
 - what agencies should regulate NGOs?
 - availability of tax exemptions, deductions for donations, "sponsorship";
 - should economic activities of NGOs be taxed?
 - customs duties on imports of equipment for NGO use.

Senate participants:

- Emil Negruțiu (PAC)
 - Chestor (oversees administration of Senate)
 - Member of the Senate Permanent Bureau ("Rules" or "Steering" committee)
- Pavel Tănase Tăvală (PNT-CD)
 - President of the Human Rights Committee

House of Deputies participants:

- Ion Rațiu (PNT-CD)
 - Vice President of the House Permanent Bureau ("Rules" or "Steering" committee)
- Aurel Știrbu (PDSR)
 - President of the Juridical Commission
- Nicu Vintilă (PDSR)
 - Secretary of the Juridical Commission
- Nicolae Roșca (PDSR)
 - Member of the Juridical Commission
- Calin Anastasiu (PL'93)
 - Member of the Committee on the Media

* *WORKSHOPS*

Six separate Workshops to discuss "White Papers" assessing six categories of NGOs with members of Parliament and Government.

DINNER, Hotel Caraiman
(7:30 pm)

DAY 3: Sunday, March 27

**MORNING: THE VIEW FROM GOVERNMENT OF THE NGO SECTOR
(9:00 am--1:00 pm)**

- * *THE ROLE AND DYNAMICS OF NGOS IN THE CURRENT PROGRAM OF THE GOVERNMENT*
Vladimir Pasti (Director, Direction for Social Development and Administrative Reform, of the Council for Coordination and Economical Development)

- * *PANEL PRESENTATIONS BY MEMBERS OF GOVERNMENT*--an open discussion will follow ten-minute presentations by each Government representative; issues to be addressed include:
- needed legal and financial structures for NGOs
 - formation and registration of NGOs;
 - role of NGOs in the legislative process;
 - control of lobbying and advocacy by NGOs;
 - what agencies should regulate NGOs?
 - availability of tax exemptions, deductions for donations, "sponsorship";
 - should economic activities of NGOs be taxed?
 - customs duties on equipment imports for NGO use.

Government participants:

Florin Costiniu (Ministry of Justice, State Secretary)
 Ion Neacșu (Ministry of Education, General Director for Reform)
 Dorina Moșoiu (Ministry of Finance, Director)
 Gabriel Micu (Ministry of Youth, Director of the Organization and Synthesis Department)
 Dan Trestieni (State Research Institute for Youth Problems)
 Horia Murgu (National Council for Audio Visual)
 Eugen Palade (Ministry of Education, Office of Reform)

* *PRESENTATION BY THE MINISTER OF JUSTICE*

Gabriel Chiuzbaian (Minister of Justice and President of the Union of Romanian Jurists)

LUNCH: Palace Hotel, Yellow Room
 (1:00 pm--2:30 pm)

AFTERNOON: (1) **BANKING ASPECTS OF NGO ACTIVITY AND (2) OPPORTUNITIES TO COLLABORATE**
 (2:30 pm--6:30 pm)

* *CURRENT FINANCIAL REGULATIONS AFFECTING NGOS AND NEEDED CHANGES*

Gabriela Tudor (National Bank of Romania, General Director for Foreign Currency Control), **Ileana Dragomir** (Romanian Bank for Foreign Commerce).

* *SYNTHESIS OF THE ISSUES: OPPORTUNITIES FOR COLLABORATION AMONG GOVERNMENT, PARLIAMENT AND NGOS*

Kristian Sorensen (Advisor to the Romanian Government on Development of the Civil Society, European Community PHARE Program)

* *WORKSHOPS*

Discussions and revisions to six categories of NGO "White Papers" with participation from representatives of Government and Parliament (Rapporteurs prepare presentations to plenary session on Tuesday)

DINNER: Hotel Caraiman
 (7:30 pm)

DAY 4: Monday, March 28

MORNING: IMPROVING THE INTERNAL OPERATIONS OF NGOS (9:00 am--1:00 pm)

- * *MANAGEMENT EFFICIENCIES NECESSARY FOR ROMANIAN NGOS TODAY*
Lee Rosner (Romania Project Director for Agricultural Cooperative Development International, funded by the US Agency for International Development)
- * *THE ESSENTIALS OF FINANCIAL MANAGEMENT FOR NGO LEADERS*
 - the importance of good financial management from the perspective of Western funding organizations
 - an overview of Western financial practices and standards
 - common accounting problems experienced by NGOs
 - the role of audits in ensuring financial responsibility
 - techniques to prepare a detailed budget as part of a funding proposalJack Reynolds, Esq. (Certified Public Accountant (USA), Consultant with Support Centers of America, residing in the Czech Republic)
- * *DEVELOPING PROFESSIONAL COMMUNICATIONS STRATEGIES FOR NGOS*
Johanna Welzenbach (Private consultant in Communications and Management training, residing in Romania)

LUNCH: Palace Hotel, Yellow Room
(1:00 pm--2:30 pm)

AFTERNOON: NETWORKING AND REGIONALIZATION OF NGO ACTIVITIES (2:30 pm--6:30 pm)

- * *OPPORTUNITIES FOR THE EXPANSION OF ACTIVITIES AMONG NGOS THROUGHOUT CENTRAL AND EASTERN EUROPE*
Irena Lasota (President, Institute for Democracy in Eastern Europe), Smaranda Enache (Pro Europa League), and Luminița Petrescu (Foundation for Pluralism).
- * *PRESENTATION OF AN EUROPEAN (EC) PROJECT FOR ROMANIAN NGOS*
Gabriela Matei (Romanian Representative, Center Analysis and Study for Development)
- * *AVAILABLE METHODS TO ACQUIRE RELIABLE BROAD-BASED INFORMATION ESSENTIAL TO CIVIL SOCIETY DEVELOPMENT*
Georgeta Munteanu (Director of Informatix, Romanian partner of Gallup Organization, Inc., USA)
- * *PRESENTATION OF A PROJECT TO FACILITATE NGO PARTICIPATION IN THE LEGISLATIVE PROCESS*
Alina Inayeh (Executive Director, Pro-Democracy Association, Romania)
- * *PRESENTATIONS BY REPRESENTATIVES OF INTERNATIONAL FUNDING ORGANIZATIONS* (an open discussion will follow five-minute panel presentations by each representative)
Representatives include:
 - William Carter (US Agency for International Development, Bucharest)
 - Kristian Sorensen (Advisor to the Romanian Government on Development of the Civil Society,

- European Community PHARE Program)
- Irena Lasota (President, Institute for Democracy in Eastern Europe)
- Anca Vameşu (Soros Foundation for an Open Society, Romania)
- Alexandru Săvulescu (Regional Environmental Center, Budapest)
- Istvan Sido (AID-ROM)

* *WORKSHOPS*

Final revisions to six categories of White Papers.

DINNER: Hotel Caraiman
(7:30 pm)

DAY 5: Tuesday, March 29

MORNING: (1) CLARIFYING A STRATEGY FOR NGO DEVELOPMENT AND (2) COMPLETION OF CONFERENCE EVALUATION FORMS
(9:00 am--1:00 pm)

- * *PRESENTATIONS BY RAPORTEURS FROM EACH WORKSHOP*
Ten-minute summaries of the final versions of the White Papers from each of the six categories of NGOs as analyzed and revised during Workshops.
- * *SYNTHESIS OF THE ISSUES REGARDING NEEDED LEGAL AND REGULATORY STRUCTURES FOR ROMANIAN NGOS*
Karla Simon, Esq. (International Center for Not-For-Profit Law).
- * *ESTABLISHING AN ASSOCIATION OF NGOS*
 - Creation of a Legislative Working Group
 - Information sharing (data base development, European E-mail network, regularly published information bulletin, civic education materials)
 - Joint planning of local, national and international seminars and other programs

Open discussion led by Obie Moore (IFES Romania Project Director), and Henry Carey (Director, Bucharest Social Science Center)
- * *PRESENTATION OF CONFERENCE EVALUATION FORMS*
Coordinated by Dan Petrescu (IFES Programs Officer)
- * *OPPORTUNITY TO PRESENT OTHER MATTERS FOR DISCUSSION*

LUNCH: Hotel Palace, Yellow Room
(1:00 pm--2:30 pm)

ADJOURNMENT

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 Sinaia, Romania--March 24-29 1994**

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87. Ana-Maria Biro Civitas Foundation (Bucharest)
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659.38.65; 312.42.63
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106. Anca Ioana Petrescu Romanian Ecological Youth
659 3865; 312 4263
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- Media NGOs
107. Mircea Toma "Academia Caţavencu"
610.63.63
Str. Compozitorilor nr. 37, ap. 53,
Bucharest
108. Cornel Ciomâzică European Journalists Association
311.34.38
Str. Centurii 15, bl. 112, ap. 83,
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109. Dragoş Caliţoiu Romanian Association for
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611.65.76
Str. Batiştei 14, Bucharest
110. Dan Preisz Romanian Journalists Association
617.44.07; 312.82.71
Piaţa Presei Libere nr. 1, et. 4,
Redacţia "R.L.", Bucharest
111. Dan Pavel Civic Society Foundation
614.08.27; 312.86.89
CP 22, OP 212, Bucharest
112. Paul Markovits Foundation for Communication
Strategies
659.63.10; 312.96.27
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113. Antal Farkas UTV Foundation (Odorheiu Secuiesc)
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Piaţa Romană nr. 6, ASE Bucharest cam.
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116. Iulian Costache ANTRACT
614.35.08/184
Bd. Carol I, nr. 13, Bucharest
117. Cătălin Strat ANTRACT
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118. Bogdan Tebeică National Centre for Tourism
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119. Adina Dabu Romanian Scouts
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Str. Dem I. Dobrescu nr. 4-6, sect. 1,
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120. Ovidiu Cupşa Students League (Constanţa)
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125. Pal Nagy Youth Forum -- Odorhei
126. Costel Vasile Young Generation of Romani Society
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79, sect. 3, Bucharest
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- Others
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Piaţa Presei Libere nr. 1

WHITE PAPER

ROMANIAN CIVIC NGOs

INITIAL DRAFT PREPARED BY

DAN A. PETRE



FORUM

16A

Organizat de Fundația Internațională pentru Sisteme Electorale
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The White Paper of the Non-Governmental Civic Organizations

by Dan A. Petre

The present text is resulted from the discussions carried out during the Forum of the Non-governmental Organizations that took place in Sinaia, between 24-29 March, 1994. This event was organized by the "Vocea Civică" Project of the International Foundation for Electoral Systems, and funded by the United States Agency for International Development.

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Definition Attempt

The first question is "what are the civic non-governmental organizations?".

If the proximate genre - non-governmental - is well defined, meaning no command or control connection to the sphere of political decision, the specific difference - civic type- raises the largest number of questions.

We shall try to obtain a first clue right from their own name - civic. From an etymological point of view, they should be dealing with those problems that concern either the citadel, (civitas) or the citizens (cives). The conclusion is that this type of organization is responsible for imposing, protecting and promoting those rights of the citizens which the organization, as form of association of certain citizens, considers to be of general interest for the community of its members.

But here a confusion could be reached, between the role of these organizations and that of the political parties. The difference that operates right now in Romania seems very inexact - the political parties fight for the political power while the civic organizations do not. It is this kind of differentiation that creates the confusion mentioned above. That is because there is a dichotomy on the axis active vs. passive, political vs. civic. If we accept this, the result will be that political parties have a capacity of reacting. The immediate consequence is the distribution of the roles of aggressor (political) and defender (civic).

This civic/politic breach generates a double state - that of the passive comfort (what can we do if the political does not want?) and that of the comfortable existence of political as the scapegoat (the fight for power is at fault, they are interested

only in keeping the positions won and so on). Their effects will be analyzed below when discussing the actual status of the civic sector of the non-governmental organizations.

Let's return to the definition of the civic sector of the non-governmental organizations.

We could try a definition such as - associations or groups of people that strive to obtain, keep and respect certain rights considered as essential for the well being of their communities.

We see that if we accept this definition, the area of inclusion of the notion discussed above is different from the one considered as generally accepted. The difference from the political parties becomes evident, if we considered them as those groups that propose a general project for the whole community, while the civic associations are those in charge of certain problems, beyond the ideological options and under the circumstances of any rule.

This definition solves the dichotomy politic vs. civic as well as the active aspect of the civic sector.

Short History

Even though unexpected, the existence of the civic organizations in Romania has started almost right after the communist rule was overturned. In December 1989 'The Group for Social Dialogue' was established by the former dissidents against the communist regime.

Soon afterwards, at Tîrgu-Mures, 'The Pro-Europe League' was founded, a group made up of Roumanian and Hungarian intellectuals having as primary target to prepare the admittance of Roumania in the European structures.

At the same time was established 'The Association of the Former Political Prisoners from Romania', as well as organizations of the December 1989 revolutionaries or groups dedicated to the monitoring of the political power (for example 'The Independent Group for Democracy').

The successive crises that followed the political take-over of the power by the Council of the National Salvation Front, the violent counter manifestations from January 29, February 19, March 15 in Tîrgu-Mures, culminating with the University Square rally led to an intrinsic link between the civic and political aims.

A special moment was March 11, 1990, when, on the initiative of a civic organization, 'The Timisoara Proclamation' was elaborated and distributed, as an answer of the society to the hesitations and limitations of the Iliescu - Roman Government as regarding the breaking from communism.

The most acute moment of the crisis between the civil society and the political power was the brutal intervention of the miners from June 14-15, 1990, intervention provoked and cautioned by the state authorities. After this moment the Romanian civil society tried to find more efficient forms of organization and action. Thus, 'The University Solidarity', a movement of the academics, was directed against governmental abuse regarding the university freedom (the first instance being the devastation of the university of Bucharest and the Institute of Architecture in June 1990 by the miners) and in October 1990 - 'The Civic Alliance'.

The appearance of 'The Civic Alliance' meant a renewal of the fight for the civic rights in Romania. Taking advantage from an extraordinary mobilization all over the country, succeeding, in a very short time to build up branches in all districts, 'The Civic Alliance' has occupied the main place for almost two years.

In all this period, the civic aims were wrongly confused with the political ones, because of objective circumstances, the ruling party (at that time the National Salvation Front) withholding the guarantee of the observation of the citizen's rights. The prerequisites of such a change was achieved in February 1992, when, following the local elections the monopoly of the power of the National Salvation Front was destroyed.

The results of the 1992 elections have significantly clarified the difference between the civic and political objectives, the balance between Power and opposition being relatively level (53% vs. 47%) and the actual president lost his plebiscite character of electoral confirmation (in 1990 he was elected with 89% of the votes, in 1992 with 42% in the first round and 61% in the second).

The re-balance of the political spectrum has determined the appearance of certain civil structures with a greater specialization, which have developed programs oriented towards specific issues - especially in the area of civic education - Pro Democracy Association, the Foundation for Pluralism, Romanian Foundation for Democracy.

The Present Situation

As shown above, there are two types of civic organizations - some having general interests - promoting and developing the civil rights, of the human rights and so on - "Civic Alliance", "Timisoara Society", "Pro Europe League", "The Group for Social Dialogue", "The Association of the Former Political Prisoners from Romania", "University Solidarity" etc - others whose roles and objectives are more precise - "Pro Democracy", "Foundation for Pluralism", Romanian Foundation for Democracy.

It is to be pointed out that, besides the Civic Alliance, the Association of the Former Political Prisoners from Romania

and the Association Pro Democracy, the largest majority of the civic organizations are localized in Bucharest or in other traditionally centers of authority as Timisoara and Tirgu-Mures.

In this instance the issue is what are the objective causes of this situation.

One explanation could be the lack of problems that would need solving and an intervention of the civil society.

A second one, and it is often used is the lack of maturity of the Romanian Civil Society, meaning that as a citizen, one has the possibility to ask the leaders of the community to be consulted in case of a decision influencing one.

None of these explanation seems either precise or satisfactory. In the first instance, the evidence of the internal situation rejects strongly this assertion. As to what we consider necessary to be done we shall refer to that in the chapter dedicated to the strategic development.

The second one, though, needs a more detailed explanation. One of the effects considered by many as defining the totalitarian regimes is the destruction of the civil society. But, what most people forget is that when referring to this concept in the post totalitarian societies is the fact that the civil society is not an institution or a group of institutions which could be restructured when created. It is a stage of development of the human society, a status and a fact. Has the Romanian Society reached this stage?

The true reasons are to be found in other areas, first of all in the political one or better in the state area. The fact that the civic organizations have as their main centers of activity the capital or other important politically traditional centers is the direct result of the failure of the administrative decentralization policy. The effort to obtain something is concentrated where the decision making process is located. As long as decisions will belong to the central government, the civic organizations will be located by this "invisible hand" in those locations.

On the other hand, inside the Romanian Society there is another dangerous hot topic - the priority of the economic problem over the other ones, remaining neglected, among them civic rights. The concentration over the solving of the economic crises brings, besides the extraordinary expenditure of energies, the sensation that sustaining other claims would offend the public opinion. an example is the lack of citizen control over the public monies. How can we explain the fact that out the health budget is clearly inferior to the amount paid by the citizens as health services taxes, representing 23% of the income. Therefore improvements can be achieved if the taxpayer could have his say on the appropriation matter.

Another reason is the dynamic of the rebuilding process of the Romanian civic life. Without criticizing what happened, but emphasizing once again that we discuss objective facts, we must say that the structure of the Civic Alliance as a national organization, centrally coordinated has encroached over the establishment of a local organizations network concerned with local problems. This seems to be the objective general consequence generated by the national structure of coordination and decision, even if the main effort was balanced towards the decentralization, which implies a natural drift towards the concentration of decision to the core and of the execution to the edge. If we also add up the 45 years experience of a super-centralized decision system, we can explain this phenomenon as being natural.

Strategic Directions of Development

In this chapter we shall be concerned with two time scales - an immediate one and a long-term one. We must emphasize that on an immediate term, the main concern of the civic NGOs is to give up the present passive attitude and adopt a real active attitude, proposing ways and means of improving the relationships between the citizens and those that should represent them.

This could be achieved only when the civic organizations will find internal sources of funding their activities.

A second objective to be taken into account on a relatively short term is the improvement of the management and marketing techniques. NGOs have very good ideas and proposals for action which could have really served the communities, but they are not followed beyond colloquial discussions, the lack of human resources and communications techniques being heavily felt.

If until today the training seminars organized in Romania were mainly dedicated to the introduction of elementary knowledge in these fields, we think it is necessary at present to adopt either a more advanced training or a vocational training of certain members of these NGOs.

A second aspect which should be re shaped is that of managing the human resources of NGOs especially of the civic ones. The efficiency of these organizations lies mainly in the fact that they use people that make available their time and skills voluntarily for a community interest.

The professional aspect, beyond the needs required by a good functioning produces inevitably the bureaucratic structures of the decision making and executive processes, entering an institutional type of decision and directly breaking and loosing the volunteer corp.

WHITE PAPER

ROMANIAN HUMAN RIGHTS NGOs

INITIAL DRAFT PREPARED BY

*RENATE WEBER-GAVRILAŞ
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21A

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HUMAN RIGHTS GROUPS IN ROMANIA at present and in the future

One cannot speak about the existence of human rights groups under the communist regime. The communist party had control over everything, trade unions, women, children, youth, etc. organizations included. Even more so, there could not exist any human rights defense groups. The mere phrase was a taboo under the communist regime in Romania. Only very few individuals had the courage to ask the Romanian authorities to respect human rights and to stand up against violations of the engagements Romania had taken by signing the Final Act from Helsinki.

The lack of practice in exercising freedom of association was consequently felt after the December 1989 events, when, apart from real NGOs concerned with various fields, other organizations appeared, some created by the authorities themselves in order to double the former and create confusion so as to control in this way this extremely important sector of the civil society. Other profiteering associations added to these, succeeding to arise discontent with many people and thus contributing to the evolution of a feeling of general distrust in the NGOs.

If in the domain of women, youth, tourism, or lawyers associations very many people willing to take up the activity of the already existing organizations appeared rather soon, especially since there were material and financial resources already at their disposal, the field of human rights appeared in the beginning to be less attractive, so that those involved in the creation of such groups were the ones really interested in the promotion of these values.

Immediately after the 22nd of December 1989, following the contacts established with the Vienna-based International Helsinki Federation for Human Rights, the Romanian Helsinki Committee was created and received legal entity status, according to the Romanian legislation, in April 1990, under the name of the Association for the Defense of Human Rights in Romania - Helsinki Committee (APADOR-CH)¹.

By the end of 1989, the League for the Defense of Human Rights (LADO) was created, and gained legal entity status under the Romanian law by mid-January 1990.

In the beginning, a lack of experience was felt, so that the first activities of these associations bore the mark of amateurism. I must nevertheless mention the context within which they originally started to work - with no funds, the only resources available being the human ones, and in a society confronted on an everyday basis with serious social problems and human rights violations originating in either the frequent arrivals of the miners in Bucharest or the counter-demonstrations organized by the power. It is interesting to note the fact that precisely these serious challenges engendered a certain degree of professionalization with the activity of these groups, as was the case of the June 1990 "mineriad", when

¹ For purposes of simplicity, whenever necessary or possible, Romanian acronyms and abbreviations will be used throughout the text.

APADOR-CH and the Group for Social Dialogue elaborated the *Report on the June 13-15, 1990 events*.

To the inherent hardships of the beginning the pressure of the thousands individual complaints should be added, all coming from individuals who had been victims of the communist injustice for many years, and thought that the existence of organizations interested in the protection of human rights would be a solution to all their problems. In fact, the incapacity of the general public to understand to role and possibilities of human rights groups is still a problem. There have been all sorts of "entrepreneurs" staking on this type of naivete and trying to create in the course of time various leagues, associations, or other for justice, truth, etc. Such people asked for money from the naive or desperate, and promised wonder-solutions never accomplished, naturally. Even if one tried not to accuse them of dishonest intentions, it is nevertheless certain that these groups, irrespective of their number as of this writing, are incompatible with the idea of human rights NGOs, their objectives being rather confuse.

During the summer of 1990, after the June 14-15 "mineriad", the Independent Romanian Society for Human Rights (SIRDO) came into being, having as manifest objective mass human rights education.

Other associations appeared later on, including in their constitutions, among others, the desire to promote human rights. We should specify here that some of them, although well-intended, have not proven to be prepared enough to actually work in this field (this is the case of the Human Rights Institute with the Bucharest Bar). Likewise, one has to say others have at the same time a professional character and naturally give priority to this latter aspect - as happens with the Young Lawyers' Association with the Bucharest Bar (ATA).

The Lawyers' Association for the Defense of Human Rights with the Brasov Bar (APADO) deserves special mention. This group was established in November 1992 and became a legal entity in January 1992. Although initially created as Brasov-centred lawyers' group, its overall activity places it in the ranks of human rights NGOs.

Other groups though, although started long ago, managed to keep their activity totally "discreet". Many were created on the occasion of the local and general elections during 1992, since the law provided that only this type of organizations could credential observers in the polling stations. It is hard to say how many of them wanted to monitor the elections in good faith and how many were just offspring of the authorities, but it is certain that quite a few fell within this latter category, just as it is certain that the same ones never have never been really active in the field of human rights. Only once in a while, on the occasion of important international meetings (as the Vienna World Human Rights Conference in June 1993, or the Warsaw CSCE Conference in October 1993), they turn up, holding that they represent the NGO sector in Romania, and without bringing any concrete information on the human rights situation in a country which, unhappily, still has a great deal of problems in this area.

For those who do not know the state of affairs in the Romanian society, I should mention that the human rights groups active in the last four years and whose presence has been felt in the civil society in Romania, due to the fact that they has a say both in the

country and at an international level, in contacts established with other international bodies and groups in the field, are the ones already mentioned: APADOR-CH, LADO, SIRDO, and APADO. Their positions are taken into account by the Council of Europe, the UN, and the CSCE.

Special mention has to be made regarding to the Romanian Human Rights Institute (IRDO). Although lately it claims to be an NGO, we have to remind here that IRDO was established by a law passed by the Romanian Parliament and has been funded from the state budget and by the UN Human Rights Centre. According to the law, IRDO has got several attributions, one of which is that of elaborating studies and reports concerning the human rights situation in Romania. No such reports have been publicized or sent to other NGOs; they were given only to the Government, who invoked them on several occasions. The positions of IRDO have been different from those of other NGOs; no collaboration with this organization was possible, not even in a matter concerning the whole Romanian civil society, the law on the control of the legal entities. Likewise, whenever asked to state its position on cases of serious human rights violations in Romania, IRDO preferred to remain silent. Without denying the effort IRDO is making to organize human rights education courses in collaboration with the UN Human Rights Centre, it is nevertheless obvious that this organization does not have the same concerns as the previously mentioned human rights groups.

I will refer in the following to the activity of the four associations (APADOR-CH, LADO, SIRDO, APADO) and to the programs developed by them so far, as well as to their prospective activities.

Though no formal agreement has been made between these associations, there is a certain specialization of their individual activities, each of them developing different programs, which allowed for a series of human rights aspects to be covered. At the same time, I have to mention that whenever necessary, these organizations collaborated in order to counteract the legislative pressure threatening them.

I. THE LEAGUE FOR THE DEFENSE OF HUMAN RIGHTS (LADO)

Since its establishment, LADO wanted to become a "pressure group" contributing to the remedy of abuses. It functions as a mass organization, having volunteer members and chapters in 12 counties. The activity of LADO is carried out by its Bucharest staff and volunteer members in the local chapters, and consists of:

1. Solving individual cases - From its establishment to the present, LADO received thousands of complaints (through letters, memos, and interviews) involving human rights violations. LADO makes a brief investigation to check facts mentioned in the complaints and, after the individual concerned exhausts all legal means of attack, it goes to the competent authorities, proceeding hierarchically to the highest ones. If, after repeated interventions, the cases are still not solved, LADO resorts to international bodies, asking for support and cooperation.

In tens of cases, favourable results have been obtained, and in those instances where the authorities were not responsive, LADO protested by means of press releases and appeals addressed to the public opinion in Romania and abroad.

2. The "Caravan" program was initiated in October 1993 and its purposes are:

- * to make local authorities throughout the country sensitive to human rights issues;
- * to put pressure for solving some of the local cases;
- * to increase the effectiveness of the local LADO activists.

Such actions have taken place in Sfântu Gheorghe, Constanța and Buzău as of this writing, and have benefitted from wide participation and the attention of the media.

3. Editorial activity is carried out for both the presentation of the LADO activities and the publication of international documents.

- * the *Information Bulletin* is a monthly publication promoting the activity of LADO and presenting the most serious cases of human rights violations to the public opinion and authorities;
- * *Pro Homine* is a monthly publishing human rights documents of general interest, articles and commentaries in the field;
- * A Romanian version of the book *Human Rights for Children*;
- * Two legislative readers - *Human Rights - Foundation of Democracy and Minorities Rights* - have been published by LADO.
- * Other thematic leaflets have been published.

4. The refugee program has been developed in cooperation with the Romanian chapter of the UN High Commissioner for Refugees, and its objective is to provide legal assistance to the individuals seeking political asylum with the Romanian authorities, on the one hand, and to distribute aid from the UN funding.

5. The national networking program aims to consolidate the already existing local chapters and to create new ones in various parts of the country.

For the future, LADO intends to collaborate closely with trade unions and to support them by promoting and defending trade union rights. Likewise, LADO would like to contribute in influencing the legislative process in the sense of its adaptation to international standards.

In autumn 1993, LADO renewed its request to affiliate to the Paris-based International Human Rights Federation (FIDH, according to the consecrated French acronym), received the favourable approval of the FIDH Bureau, and the final decision is to be taken during the first half of 1994.

II. LAWYERS' ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS (APADO)

Originally created as an organization within the framework of the Brasov Bar, it became in 1993 a nation-wide organization, having lawyers from 11 bars across the country as members. The organization is made up exclusively of lawyers, which determines the characteristic of its activity.

1. Free legal counsel and assistance is provided for the victims of human rights violations. The association has even made interventions on behalf of the victims in civil lawsuits, and in criminal trials, both the police and the prosecutor's offices have been notified in order to remedy abuses and reestablish the rights of the defendants.

2. Publication of reports of general interest:

* the *Report on Judicial and Police Abuses in the Mures County During the 1992 Elections*;

* the *Report on the Condition of the Magistracy in Romania*, from the perspective of the Law of Judicial Organization;

* the *Report on the Judicial System in Romania*.

All the reports were sent to the two chambers of the Parliament, as well as to the interested organizations.

3. Elaborating analyses on draft laws was one of the priorities of the association during 1993:

* an argued protest on the draft law for the modification of the public assemblies law, supported by several trade unions, was published;

* APADO made analyses on: the draft Law for the Election of the Senate and of the Chamber of Deputies, the Law for the Election of the President of Romania, the Sponsorship Law, the Law on the Organization of the President's Office, the Lawyer's Law, the draft for the modification of the Law on Legal Entities; these analyses were forwarded to the two chambers of the Parliament.

4. The Voter's Guide was published in collaboration with the Pro-Democracy Association.

5. Civic education in issues of human rights, by means of periodical meetings with pupils and students in Brasov, and organization of debates on such matters with judges, prosecutors, police, and employees of the Romanian Intelligence Service.

III. THE INDEPENDENT ROMANIAN SOCIETY FOR HUMAN RIGHTS

Created at the initiative of a small group, SIRDO has, as of this writing, approximately 500 members, especially young persons of different professions; its activities are carried out by the Bucharest staff and by volunteers throughout the country. In 1993, SIRDO developed 6 programs:

1. The human rights education program was started in 1991, with a small group of teachers trained by the UN Human Rights Centre. In their turn, these teachers have held human rights education courses with primary and secondary school pupils. SIRDO published for this purpose a reader entitled *The ABC of Human Rights*, a translation of several documents provided by Amnesty International.

There is a Bucharest and a Tirgoviste centre within the framework of this centre, but the nation-wide teachers network includes a relatively large number of members. SIRDO obtained the approval of the Ministry of Education for these optional courses, but the Ministry never interfered in the unfolding of the program.

2. The penal reform program is focused on the penitentiary system (the fulfilment of the convictions) and has included a large number visits in different prisons, the organization of courses for wardens, other activities involving and for detainees.

The program is carried out in close collaboration with Penal Reform International.

3. The minors reintegration and re-socialization program was started in autumn 1993 and is closely connected with the penal reform program.

4. Extrajudicial investigations were the first activity of SIRDO and consisted of fact-finding missions for the cases brought to the attention of the association, where there already existed a court sentence. SIRDO notified the General Prosecutor's Office for an extraordinary appeal for two such cases, and in one of them the Supreme Court of Justice modified the previous judgement and decided to release the convicts.

5. The sexual minorities program started in the summer of 1993, the association getting involved in a wider-scale action for the abrogation of art.200, para.1 of the Criminal Code, criminalizing consensual same sex relations between adults.

6. The refugee program concerns legal assistance only and is similar to the ones carried out by LADO and APADOR-CH.

IV. THE ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS IN ROMANIA (APADOR-CH)

APADOR-CH functions with a small number of members. It is not (and does not intend to be) a mass organization, but has a permanent staff of 10 persons and a number of collaborators for its programs (lawyers and journalists from Bucharest and from the rest of

the country). It is worth noting that some of the most prestigious lawyers in the country are APADOR-CH members. The programs of the association are as follows:

1. Promotion of human rights through legislation. this program has originated in the necessity of ensuring the transparency of the parliamentary process, and has developed into a mechanism by means of which APADOR-CH receives all draft laws relating to human rights as soon as they are forwarded to the Parliament and to its specialized commissions for debate. the following step is for APADOR-CH to elaborate comments and analyses in the margin of these laws, from a constitutional perspective, as well as from the standpoint of the international documents in the field. Furthermore, these comments are sent to the specialized commissions, individual parliamentarians involved in the debate, and, as is the case, to the leaders of the political parties represented in the Parliament. Likewise, whenever necessary, APADOR-CH has organized round tables focused on particular draft laws, having parliamentarians representing the whole range of political parties invited to participate. In this way it has been possible for APADOR-CH to draw the attention of several NGOs on certain draft laws which, if passed, would have restricted extremely important rights, as the right to peaceful assembly, the rights to freedom of expression, and the freedom of association. Following a real campaign organized by human rights groups, such drafts have been withdrawn or suspended. A similar action was carried out around a Government decision establishing the Special Tele-Communications Service, and is currently initiated for the draft law for the modification of the Criminal Code and for the draft state secret law.

2. Monitoring police abuse is another program focused on several objectives: establishing a collaboration with the decision-making actors in the Police, informing the police on the international documents concerning the methodology and conduct of the staff, investigating cases of police abuse and pursuing the criminal liability of the perpetrators, investigating police lock-ups. During 1993, several investigations were conducted, following the notifications received by APADOR-CH, three round tables were held in different locations in the country, with the participation of decision-making representatives of the General Police Inspectorate, police and foreign lawyers, and 15.000 copies of a *Human Rights and the Police* poster were printed and are to be distributed through the General Police Inspectorate to all police stations in Romania, as well as to the fire-fighters and customs officials. The poster contains the most important provisions in the Romanian Constitution and international documents regulating the activity of the police.

3. The minorities program has as main objectives the investigation of cases of violence against the Roma population, identification of the problems relating to the Hungarian minority in Romania, monitoring of extremist press, and participation in the Ethnic Minorities Council. This is how APADOR-CH representatives have been present in locations where there was violence against the Roma, drafting independent reports and cooperating with various organizations representing these minorities. On the other hand, APADOR-CH is involved in the legislative activity concerning this field - i.e. a representative has been appointed to participate as an observer in the meetings of the Ethnic Minorities Council, collaborating with this body and with the various minorities represented within it, providing documentation on foreign legislation, and analyzing the legislative proposals forwarded from the standpoint of the international documents and recommendations.

4. **The legal program** consists of several sub-projects. One of them, i.e. the legal defense program, is carried out in collaboration with LADO, SIRDO, and ATA. A group made up of representatives of all these organizations analyses individual cases of human rights violations in which the victims intend to go to court. If all criteria established are met, the group designates a lawyer and pays the fee. A second part of the project is the creation of a network of lawyers involved in the defense of human rights cases. Both projects aim at the promotion of constitutional provisions and international human rights documents within the judiciary system, through the precedents established and the pleas formulated by the lawyers. It is worth mentioning that the lawyers solicited within the framework of this program defended cases coming through the police abuse or minorities programs as well. Finally, a third component is the free legal counsel offered on a weekly basis by the APADOR-CH office.

5. **Analysis of the Romanian legislation** is a program unfolding on the basis of the cooperation between Romanian and Dutch legal experts, and its purpose is to analyze domestic legislation from the perspective of the standards provided in the international human rights instruments.

6. **The refugee program** has two main components. On the one hand, free legal assistance is provided to the individuals seeking political asylum in Romania (which is similar to the activities of LADO and SIRDO). On the other hand, APADOR-CH has been requested by various fora and bodies around the world to investigate and give information on Romanian citizens seeking asylum in various countries.

7. **The investigations program** functions on the basis of independent fact-finding APADOR-CH missions for the cases brought to the attention of the association and which do not fall within any of the previously-mentioned programs.

Since January 1991, the Helsinki Committee is a full member of the Vienna-based International Helsinki Federation for Human Rights.

THE HUMAN RIGHTS CENTRE (HRC)

Created in December 1992 under the auspices of APADOR-CH, the HRC includes the following thematic sections:

1. **The documentation centre (the library)** was inaugurated at the beginning of 1993 and is designed to provide the interested persons or groups with a rich documentation in the field of human rights: books, reviews, papers, analyses, studies, commentaries, interpretations, international standards, etc. The library is organized along 9 sections: human rights generalities; reports on the human rights record of different countries; civil and political rights; economic, social and cultural rights; law, jurisprudence and legislation; special groups in the international attention; books on international treaties; international conventions and covenants; periodicals published by the UN, the Council of Europe, and the CSCE.

2. *The Romanian Human Rights Quarterly* can be considered a real instrument for the information and education of lawyers and human rights activists. It is structured along four sections:

- * academic papers, analyses of Romanian legislation from the standpoint of international standards;
- * human rights cases judged by Romanian courts, or in the attention of the Prosecutor's Office; both the courageous judgements and the decisions constituting human rights violations are published; the decisions are accompanied by editorials with references to the international documents;
- * round tables organized by the HRC;
- * three-chapters section: presentations of international human rights organizations; national human rights defense associations; aspects from the activity of the latter, and their reactions to various legislative challenges;

The review is published in 1000 copies and is distributed free of charge to the courts, bars, law schools, libraries, law students, and county police inspectorates.

3. **HRC round tables** spring from the necessity to analyze human rights issues of major importance in the Romanian society, and debate them with the competent decision-making factors.

In 1993, three such round tables were organized:

- * *Freedom of expression vs. art.30, para.7 in the Romanian Constitution;*
- * *The death penalty* (determined by the campaign for the reintroduction of the capital punishment in Romania);
- * *Minorities rights - collective and individual rights.*

Parliamentarians, representatives of the Ministry of Justice, of the Prosecutor's Office, of the Ministry of Interior, of the Foreign Ministry, of the General Direction of the Penitentiaries, judges from the Constitutional Court and from the Supreme Court of Justice, professors from the Bucharest Law School and from the Police Academy, lawyers, representatives of human rights groups.

Likewise, the activity of human rights activists from the four associations is worth mentioning; they participated in various seminars, symposia, conferences organized by the International Foundation for Electoral Systems, Institute for Democracy in Eastern Europe, International Human Rights Law Group, Humanitas Foundation, Pro-Democracy Association, Pro-Europe League, IRDO, etc.

* * *

WHITE PAPER

ROMANIAN BUSINESS AND ECONOMICS NGOs

INITIAL DRAFT PREPARED BY

*DESPINA PASCAL
DR. ION ANTON*



FORUM

30A

Organizat de Fundația Internațională pentru Sisteme Electorale
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SINAIA • 24 - 29 martie 1994

ECONOMICS & BUSINESS NON-GOVERNMENTAL ORGANIZATIONS FROM ROMANIA

The presence of the non-governmental organizations' sector next to the state and private sector is a feature of modern economies.

The brief analysis of the institutional background of promoting and supporting the private companies was based on a documentation over the statutes and the business plan of the respective organizations, a series of dialogues and contacts with their representatives, as well as the range of problems accumulated during entrepreneurship courses. The Entrepreneurship's Program was developed by the International Center for Entrepreneurial Studies (ICES) in close cooperation with Entrepreneurs Associations, Chambers of Commerce and other organizations of the civil society.

LEGAL FRAMEWORK

The private companies have appeared following the approval of the basic legal background, that is the Decree Law no.54/1990 for regulating the free initiative and of the Decree Law no.96/1990 regarding establishing private companies, partly with foreign capital and after the passing of Law no.31/1990 regarding the functioning of the commercial companies as well as Law no.35/1990 regarding the promotion of foreign investments in Romania. Thus, on December 31, 1993 the private companies amounted to 524,140, of which: 41 % authorized companies (family associations and independent persons) according to the Decree Law no.54/1990; 53.3 % commercial companies based on Law no.31/1991 and 29,134 (5.7 %) commercial companies with foreign capital participation.

The non-governmental institutional background for promoting and developing small and medium companies was established based on free-initiative of association according to Law 21/1924, known during the two World Wars as the "Marzescu Law". The legal background also regulates, from the legal point of view, the economic and business professional associations.

The Forum for Non-governmental Organizations (NGOs), the first event of this kind, was the occasion for debates on the existing legal framework that regulates NGOs in Romania. About the Law 21/1924 two opinions were strongly made. A part of the NGOs consider this Law to be outdated, and reinforced the fact that it needs to be replaced by a new law, while other participant organizations thought that is more realistic to maintain this law, perhaps with some amendments. On the other hand, all NGOs agreed and reinforced the need for a Sponsorship Law that will complete the legal framework for the functioning of NGOs.

THE PRESENT STAGE IN THE DEVELOPING OF THE ECONOMIC & BUSINESS NGOS.

The dynamic analysis of the appearance and development of the non-governmental institutional background enhances two distinct steps to be taken, as follows:

- in general terms, the period March 1990-1992 was characterized by the fact that the private entrepreneurs have usually acted only by themselves and in a dissipated and isolated manner in order to protect and support their own interests. At the origin of this promotion were mainly their own knowledge and relationship system.

- the increase in number of the private companies, their raising difficulties with which the private sector is confronted in a sometimes hostile economic environment for the development of the private companies, the lagging behind of the legal background which also influenced the free initiative have generated the context for the establishment of independent organizations and associations for supporting and protecting the common interests of the Romanian private entrepreneurs. It is also to be noted that the organization of the non-governmental institutional background for supporting the private sector was achieved at the same time with the channeling towards Romania of a methodology assistance and financial support from international bodies as well as through the intention of organizing for this sector of certain programs for international assistance, as for example the PHARE Program.

An exception from this evolution of the institutional background of sustaining the private companies from Romania is also the system of the Chambers of Commerce and Industry which, theoretically function as associations for sustaining the interests of all economic sector: state, private, cooperative and which, according to the Law no.26/1991, take over, both at the central and territorial level, the activity of the Registers of Commerce, which were established as institutions to offer market information and assistance, based on commercial principles, to the economic operators.

In many cases the Chambers of Commerce and Industry were closer to the state sector, stronger and more institutional, preserving and even promoting their market positions and interests.

As a consequence of this situation in those districts of Romania where Chamber of Commerce and Industry did not prove themselves at least at an equal distance from the interests of the two major sectors, but which were strongly disproportionate where the economic power is concerned, the private entrepreneurs have established their own representative association.

Chambers of Commerce and Industry function in the district capitals, and they are responsible for the entire district. In many cases they neglected the other towns and this led to the establishment of the associations (f.ex. Medias, district of Sibiu) or Business Development Chambers (f.ex. Curtea de Arges, district of Arges) in other urban centers with a major economic potential where a parallel private sector was naturally developed.

After four years of functioning of the private sector (before 1990 almost non-existent for Romania, in comparison with countries like Poland or Hungary) it is unanimously accepted that only through the organization and development of forms of association and representation will, first of all facilitate and substantially support the affirmation and development of the entrepreneurial sector in Romania. In fact, this truth has been enhanced as a favorable premises at that time as well as on occasion of the Round Table organized on November 1992 by the International Center for Entrepreneurial Studies.

Investigating the problematic of the entrepreneurial associations was the main objective of the discussions and the press conference hosted by the Round Table, at the same time signaling the need to act in conjunction.

The conclusions of the Round Table as well as the subsequent evolution of the activity of the non-governmental organizations for the support of the private sector in Romania prove that the process of organizational ripening, enhancing of the objectives and identification of means and instruments of action have not yet finalized.

There are certain aspects that sustain this statement and which also characterizes the present period, as follows:

-with few exceptions, the organizations promoting the private sector have not succeeded to have a consistent and especially systematic business;

-each organization has the tendency to do everything and all by itself. Few associations thought of coordinating their own programs and projects with those of other relatively similar organizations or of specializing the business in comparison with the business of other organizations;

-the associations of entrepreneurs and the organizations of representation have a lower degree of correlation and mutual integration of the business. It can be said that the isolation of the entrepreneur specific to the period 1990-1992 was replaced by the dispersion and isolation at the level of associative structures irrespective of the name under which they function: associations, employer companies, Chambers of Business Development, employer foundations, leagues etc. This has proved their relative vulnerability in front of the well organized and more incisive structures of the public sector. The isolation affects their own capacity to protect and promote the interests of their own members.

-the absence of direct connections of the organizations established at central level with private companies, the lack of promotion of assistance projects or direct dialogue with these.

Their approaches, although positive, are based on information with a certain level of aggregation and not on information with a certain level of aggregation and not on a careful search of dynamism of the entrepreneurial environment.

The largest majority of credible private entrepreneurs from the Romanian business environment are blocked by certain barriers (bureaucracy, corruption, lack of spaces,

equipment, brutal fiscal system, multiple discriminations) are compelled to self isolation and practically do not think of associative structures which could facilitate the dialogue with governmental institutions.

-existence of a certain rivalry (not competition) between some of organizations which are part of institutional background, to some disputes on the patrimonial and historical level, between tools of action and even of the mentality and connections with the former structures. The rivalry and hostility between the supporting organizations and representation ones, unless clarified and solved through mutual concessions and acceptance, will weaken and not consolidate the place and role of the private sector during the period of transition and re-development of the entrepreneurial environment of Romania.

TYPES OF ECONOMIC & BUSINESS NGOs/PROGRAMS AND SERVICES

According to the provisions of the Ordinance of the Government no.25/1993 regarding the stimulation of the small and medium sized enterprises, their support and development can be accomplished by specialized bodies of the central public administration, foundations, associations and other non-governmental organizations.

The Romanian Agency for Development is the central body under the Government which exercises the public administration in the field of supporting and developing SMEs. At the same time the legal act mentioned stipulates the fact that the Romanian Agency for Development (RAD) together with specialized non-governmental organizations supports the establishment in various districts of development centers for small and medium sized companies. In order to achieve its objectives, the institution which shall function as technical support for the activities of RAD is the Foundation "Romanian Center for Small and Medium -sized Enterprises", which was established through the Decision 405/1992 of the Romanian Government, as a non-governmental, non-politic and non-profit organization.

According to the Ordinance of the Romanian Government no.25/1993, at least 20 small and medium sized companies can become associated, as convened by the participants, in representation associations, with following aims: mutual support, access to technology, participation in exhibitions and fairs, domestic or foreign, mutual guarantees for loans, establishment of relationships with similar organization from other countries.

On the basis of the Law no.21/1924 with respect to the above mentioned ordinance the participants at the Economic & Business Workshop from Romanian NGOs Forum have identified the following types of NGOs which function in this field:

-Private Employers NGOs (National Union of the Romanian Employer Companies and 46 district federations-affiliated);

-Scientific-Educational NGOs (like "Liberty" Institute, Romanian Economists Society, Romanian Institute for Free Initiative);

-Professional Associations (General Association of the Economist from Romania, Romanian Marketing Association, The Association of Management Consultants);

-NGOs which supported the development of the market economy and the private sector in Romania (International Center for Entrepreneurial Studies, Center for Implementing the Performant Management);

-GINGOs - NGOs initiated by Government (Foundation "Romanian Center for Small and Medium Size Enterprises)

The National Union of the Romanian Employer Companies (NUREC) was established as a non-governmental organization, as a federation of territorial associations, with a view to represent and protect the interests of the affiliated private owners. At the same time, it offers assistance and provides consultancy to its members, involves itself in promoting through legal initiatives and lobby exercised in order to apply correctly the fiscal, customs, wages legislation with an influence on the activity of its members. From the financing point of view, NUREC is carrying on its activities through the contribution (support) of the 46 district associations affiliated.

As for coordination and protection of the interests of the private capital and for the unique representation of the Private Employer Company from Romania, four employer organizations at the central level: National Council for Small and Medium sized Enterprises, National Union of the Romanian Employer Organizations, National Council of the Employer Companies from Romania and National Employer Company from Romania have decided in December 1993 to associate with a view to build up the Coordination Council of the Private Employer Companies from Romania.

Starting from the fundamental needs of the transitions toward the market economy, besides the entrepreneur's associations there are also some serious professional associations which by the acquired status place and an important role in changing the mentality, economic education and ways of thinking, professional training (management and entrepreneurial), the research in the Romanian economic environment with a view to restructure it. International Center for Entrepreneurial Studies (ICES), Bucharest is a non-governmental association whose goal is to promote and advocate the development of a market economy and private enterprise in Romania. To achieve this goals, ICES is involved in: the organization of entrepreneurial courses and seminars, research activity of economic environment, consultancy, the establishment of National Business Incubator Network. ICES seeks out cooperation and support from other organizations -national and international - with similar objectives in order to promote projects for the private enterprises.

Another Romanian association, relatively similar through its educational programs is the Center for Implementing Performant Management, Bucharest. CIMP develops its training programs and consultancy with British assistance (Know-How Found).

The Association for Encouragement of Small and Middle Size Enterprise offers training and consultancy for private businessmen, organizes meetings between entrepreneurs and local authorities. AESME is carrying on its projects through the donations and contribution of the members and through support of the German Foundation "Hans Seidel".

Non-Governmental Organizations in economic filed as:
Romanian Economists Society, "Liberty" Institute, Romanian Institute for Free Initiative, The Foundation for Economic Culture from Cluj have an academic profile and concentrated their activities in economic education. These Economic NGOs achieve their goals through publication (newsletters, review, newspapers) studies and analysis. Also, these associations offer scholarships and concern itself with the dissemination some economic books. Economic NGOs often organize the discussions about economic policy with Romanian policy-makers.

The annex presents a list of non-governmental organizations acting in the economic and business field in Romania. Through this we identify a part of this associations but the list is not exhaustive. But through elementary identification can distinguish the following aspects: large geographical-territorial dispersion and typological diversity of NGOs in economic and business branch.

Annex:

THE LIST OF NON-GOVERNMENTAL ORGANIZATIONS ACTING IN
THE ECONOMIC AND BUSINESS FIELD IN ROMANIA

TITLE OF ORGANIZATION	HEADOFFICE
NATIONAL UNION OF ROMANIAN EMPLOYER COMPANIES	BUCHAREST
NATIONAL COUNCIL OF SMALL AND MEDIUM SIZED ENTERPRISES FROM ROMANIA	BUCHAREST
ROMANIAN NATIONAL EMPLOYER COMPANY	BUCHAREST
NATIONAL COUNCIL OF ROMANIAN EMPLOYER COMPANIES	BUCHAREST
THE FEDERATION OF PRIVATIZED FARMERS	BUCHAREST
"PROPACT" ASSOCIATION	BUCHAREST
THE FEDERATION OF EMPLOYERS FROM ARAD COUNTY	ARAD
THE FEDERATION OF OWNERS' ASSOCIATION FROM BRASOV COUNTY	BRASOV
THE FEDERATION OF EMPLOYERS FROM BUZAU COUNTY	BUZAU
ENTREPRENEURS ASSOCIATION	CLUJ
THE FEDERATION OF EMPLOYERS FROM VRANCEA COUNTY	FOCSANI
THE FEDERATION OF EMPLOYERS FROM BIHOR COUNTY	ORADEA
"ALFA" ENTREPRENEURS ASSOCIATION	BOTOSANI
THE FEDERATION OF EMPLOYERS FROM DOLJ COUNTY	CRAIOVA
ENTREPRENEURS ASSOCIATION	IASI
THE EMPLOYERS FOUNDATION ROMANIA - MOLDOVA REPUBLIC	IASI
THE FEDERATION OF EMPLOYERS FROM GIURGIU COUNTY	GIURGIU

THE EMPLOYERS ASSOCIATION FROM NEAMT COUNTY	PIATRA NEAMT
THE EMPLOYERS ASSOCIATION	PLOIESTI
THE FEDERATION OF EMPLOYERS FROM SUCEAVA COUNTY	SUCEAVA
THE FEDERATION OF EMPLOYERS FROM TELEORMAN COUNTY	ALEXANDRIA
THE ASSOCIATION OF PRIVATE ENTREPRENEURS FROM SIBIU COUNTY	SIBIU
THE CONFEDERATION OF PRIVATE ENTREPRENEURS FROM THE COUNTY TIMIS	TIMISOARA
THE LEAGUE OF PRIVATE ENTREPRENEURS FROM THE COUNTY ARGES	PITESTI
THE CHAMBER OF BUSINESS DEVELOPMENT	CURTEA DE ARGES
EMPLOYERS COMPANY FROM THE CONSTANTA COUNTY	CONSTANTA
THE FEDERATION OF PRIVATE EMPLOYER COMPANY FROM THE DISTRICT GORJ	TG. JIU
THE FEDERATION OF THE EMPLOYER COMPANY FROM THE DISTRICT SATU-MARE	SATU-MARE
THE FEDERATION FROM THE DIMBOVITA COUNTY	TIRGOVISTE
THE FEDERATION OF THE EMPLOYER COMPANIES FROM BUCHAREST	BUCHAREST
THE ASSOCIATION OF THE EMPLOYER FROM RESTAURANTS	TIMISOARA
THE ASSOCIATION OF PRIVATE ENGINEERS FROM ROMANIA	BUCHAREST
THE FEDERATION OF FOREIGN EMPLOYERS AUTHORIZED TO FUNCTION IN ROMANIA	BUCHAREST
THE ASSOCIATION OF WOMEN MANAGERS FROM ROMANIA	BUCHAREST
ROMANIAN JUNIOR ACHIEVEMENT	BUCHAREST
THE ASSOCIATION OF PRIVATE PHYSICIANS AND CHEMISTS	BUCHAREST

ROMANIAN ASSOCIATION FOR ELECTRONIC INDUSTRY AND SOFTWARE	BUCHAREST
THE ASSOCIATION OF PRIVATE HANDICRAFTSMEN AND TRADESMEN	BUCHAREST
THE GENERAL ASSOCIATION OF ECONOMISTS FROM ROMANIA	BUCHAREST
THE ECONOMIST' SOCIETY OF ROMANIA	BUCHAREST
MANAGEMENT SOCIETY OF ROMANIA	BUCHAREST
THE ASSOCIATION OF MANAGEMENT CONSULTANTS	BUCHAREST
ROMANIAN MARKETING ASSOCIATION	BUCHAREST
ROMANIAN EVALUATORS ASSOCIATION	BUCHAREST
THE ASSOCIATION OF AUTHORIZED ACCOUNTING EXPERTS	BUCHAREST
THE "LIBERTY" INSTITUTE	BUCHAREST
ROMANIAN CENTER FOR SMALL AND MEDIUM SIZED ENTERPRISES	BUCHAREST
INTERNATIONAL CENTER FOR ENTREPRENEURIAL STUDIES	BUCHAREST
CENTER FOR IMPLEMENTING PERFORMANT MANAGEMENT	BUCHAREST
ROMANIAN INSTITUTE FOR FREE INITIATIVE	BUCHAREST
THE ASSOCIATION FOR ENCOURAGING SMALL AND MEDIUM ENTERPRISES	BUCHAREST
THE ASSOCIATION FOR TRAINING AND ENTREPRENEURIAL CONSULTANCY	RIMNICU-VILCEA
THE FOUNDATION FOR XXI. CENTURY	CLUJ NAPOCA
"BOLONI FARKAS SANDOR" FOUNDATION	CLUJ NAPOCA
CENTER FOR ANALYSIS AND DEVELOPMENT STUDIES	BUCHAREST
HUNGARIAN ECONOMIST' SOCIETY FROM ROMANIA	CLUJ NAPOCA

WHITE PAPER

ROMANIAN YOUTH NGOs

INITIAL DRAFT PREPARED BY

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Organizat de Fundatia Internațională pentru Sisteme Electorale
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36d.

PREREQUISITES

Until 1989, all the responsibilities regarding youth, meaning the ideological training, ensuring the programs for leisure, spare time, cultural, sportive, professional training, etc. were assumed by the Union of Communist Youth, the Union of Communist Students from Romania and the Organization of the Pioneers, these having, similar to the Romanian Communist Party, the coordination role for the institutions responsible for these areas.

Besides, the above mentioned role, the old structures represented at the same time, the unique form of affiliation for individuals to the associative structures adequate to their young age, these having a well defined role for the socialization of youth, and - of course, in exercising the social control over them.

When these bodies disappeared in December 1989, a patrimony remained behind, a material infrastructure as well as funds in cash and no responsible instance to manage them as well as a whole area of activities for youth without an offer directed to them.

About the revolution in December...it was said that it belonged to the youth...And this considering mainly their presence in the first line of street fights. But they also had another merit of an opening: that of being the first segment of the society that has promptly manifested their won freedom, establishing, in a very short period of time, a large number of associations: some of them intending to represent all the youth, under increasing hopes but also because of an incomplete detachment from the previous practices; and others wanting to be a framework for expressing specific endeavors, straight-jacketed until then.

There also existed, of course, structures built up from reasons others than the general revolutionary enthusiasm: associations established with a view to preserve certain disputed positions or, in order to turn to a better account the obtained space either for individual or community aims, or organizations established on a time serving basis (taking into account the launching of its leaders in the political world or turning to personal good account, by them, of the generous opening of the other European countries towards Romania, especially to obtaining equipment and invitations abroad). Very significant would be, for example, the establishment in only two months of a national association, having tens of branches in the territory, declaring tens of thousands of its members, representing Romania to almost all international manifestations and issuing the claim of being the principal, if not even the unique substitute of the Power in problems concerning youth!

YOUTH STRUCTURES AND THE CIVIL SOCIETY

During the events from December 1989, youth have played an essential part, being the first category unequivocally interested and involved in the demolishing the totalitarian structure, pretending precise and specific, but also very general claims, right from the beginning: freedom of expression, of association, etc.

The dynamism of age, the power of belief and the purity of their ideals transformed the youth into an efficient explosive in putting down the regime and everything this change has determined at the level of management structures. These features had also influenced the civil society while this was setting up.

In a first stage (1990), the main actors of the civil society were the youth associations, co-opted within the new power structure - the local Temporary Council for National Union (from where they were subsequently removed while the political society was rebuilding itself) and they have obtained the issuing of the Decree no. 150 - an important moment making one of the first areas in which the state abandons the monopoly in managing some of its own structures.

The structures of the youth have thus represented one of the first partners in the social dialogue organized in the post-revolutionary period, representing the embryo of the development of the future civil society, even more, when taking into consideration that the objectives stated by these associations had a complex character, with a general social vocation of protecting the youth, of representation, etc...

Some extremely visible actors of the public scene at that time, where the students associations which obtained some important victories in establishing a democratic university life - restructuring the courses and of the university staff, the right for the students to participate in the Senate of the faculties, the right to administrate the student hostels and the refectories - as well as in the social and political life; on the overall, the students associations have played a special part in crystallizing opinions, mobilizing and expressing ideas (see the phenomenon "University Square"). They have represented a remarkable example of the potential released in the Romanian society, proving the availability to induce the change in the existent structures, and not only to accept it.

The relative political character of the positions of this period had, on the other hand, a negative effect which was common for the society as a whole, regarding the political polarization of the students unions and the merger produced between groups with various orientations: the Students League and UNIS.

Youth associations, especially the student ones, besides the press, have represented the most important forces in establishing and structuring of the Romanian civil society.

The next step was that of affirmation of specialized associations, both the self-sufficient vocation ones (professional, economic associations, clubs) and those with a social intervention vocation (defending the human rights, civic education, etc.).

As for the number, in the first stage, one could remark the relatively increased rhythm of establishing youth associations - subsequently this rhythm has significantly decreased and changes appeared from the point of view of the nature and objectives in comparison with the associations initially established. In November 1993, there existed about 600 youth associations distributed in a non-uniform manner, being predominant only in university and in industrial areas.

There is no information regarding the number of members. There are still certain inquiries with a relative credibility that state the young members of these associations around 1-5% from their whole generation.

Significantly could be, maybe, the tendency of certain youth associations, in the first stage to evoke unreal figures - that of millions! - as members, with intention of being recognized as very significant!

· CONSTITUTING THE REGULATORY AND INSTITUTIONAL FRAMEWORK OF THE ACTIVITIES CARRIED ON BY YOUTH

The evolution of the associative phenomenon among the youth was marked by two events:

- a. the adoption of the Decree no. 150/1990 and
- b. the establishment of the Ministry of Youth and Sports, having a special Department of the Youth.

a. The passing, in May 1990, of the Decree no. 150 regarding the establishment of youth foundations, as independent institutions, meant to administrate the patrimony of the former Union of the Communist Youth, for the benefit of youth, institutions led and controlled by the newly established youth organizations. This represented a chance. But certain factors, among which the imperfections in the text of the above mentioned decree as well as the lack of interest from the local centers of the Power of setting into practice, have transformed this opportunity of acquiring a real financial independence of the youth structures into a trap that has detoured the activity of the foundations from its initial targets.

The Decree no. 150 has fulfilled a need: that to solution the situation of the patrimony of the former Union of the Communist Youth. The answer that was given through the regulation included in this act have led, through a short time blockage of the functional terms between the management structure and that of administrating the youth. So that, the chance to gain financial autonomy in the youth structures was wasted, with few exceptions, due to the lack of managerial experience, the economic context, as well as their own inertia but mainly because of the lack of support from the local structures of the Power which, most often, are enemies and not partners or supporters of the youth structures. (The patrimony - cash one but also real estate one - of the youth foundations, have tempted in most cases both the local structures of power and the commercial companies, especially in the tourism area, among them the most efficient being the former Tourism Bureau for Youth).

This situation represented, unfortunately, the only form of confrontation between the local administrative structures or central ones, responsible for the youth problems and its

associative structures, the conflicts of interest between parts being naturally solved according to the existing uneven ratio of forces, youth losing in many communities, premises, current assets and, what is worse, their self-trust and a belief in their power to change something as well as the trust of other youth.

Another perverse effect of this situation was the stimulation of a certain quasi-political opportunism of some youth structures (and foundations), forced, in order to achieve its targets - to do certain "games" convenient to the local power.

Favored by the legal incoherence and the lack of force both in the norms as well as within the new power structures, the generalized abuse ended by undermining the hope.

b. The establishment of the Ministry of Sports and Youth. Including in its chart a Department for Youth, this governmental structure had to define and apply the policy of the government regarding the youth, the Government Decision that established its responsibilities specified the cooperation relationship that should have been established with the youth structures as well as the obligation of the Department to support them. Up to now, the Ministry of Sports and Youth is the only government structure enabled to use resources from the state budget, for carrying on the programs initiated and fulfilled by non-governmental associations. It must be mentioned that, since the spring of 1993, the problems of youth have been granted a whole distinct paragraph in the structure of the government program, within the section for social reform, which seems to materialize through its provisions, taking into account the recently established CIDT.

The elaboration of a relatively coherent mechanism of cooperation was tried as a partnership with the youth associative structures, based on a methodology which has evolved in the four years since this Department exists, but without being able to surpass some of the initial obstacles: the improvised financial and regulatory framework (operating with borrowed financial norms - from education, culture and sport), determination of priorities on an insufficient documentary basis (in the absence of a thorough study of the needs of youth and their structure as well), the limited aspect of their own resources (both financial and logistic, also taking into account the experience in administrating the cooperation with youth structures).

Besides these obstacles, somehow exterior, other internal ones - errors in the interpretation of Decree no. 150, non-elaboration of some aggregation criteria for the partner associations, the insufficient elaboration and grounding of the programs proposed or accepted for financing, non-promoting certain financial regulations, specific to the cooperation with youth structures - which have led during these four years, to a very often confused, hesitant practice, less-stimulating for the youth structures, at least in comparison with what was initially hoped.

This also caused the failure of one of the singular initiatives in the policy of the post-December governments towards the civil society - the creation of the Consultation Forum of the MTS and of the associative structures of the youth that belonged to the Ministry of Sports and Youth.

CHARACTERIZATION OF THE YOUTH ASSOCIATIVE SECTOR

Some particular aspects of the relevant associative existence of youth are taken into account from the point of view of their affiliation to a more comprising category of the Romanian civil society:

1. The relative incapacity of integration at superior levels of the associative existence of youth.

There are organizations at national level, but these are usually developed starting from a central core, situated in most cases in the capital, which generated the process of setting up branches all over the country. (Thus, the student association with national representation vocation were established, for example the Romanian Scouts, AIESEC, UNSER, MADISZ, Youth League). The other possible approach - that of uniting some federative structures starting from associations established independently, but having mutual aims in particular aspects, has not been achieved yet. There were attempts though (the National Council Romanian Youth, the Cartel T, the Cartel of Romanian Youth), a more enhanced availability being shown by the youth associations of political parties, but they were not finalized yet.

On the other hand, certain intentions of coagulating some federative structures at the local level had a relative success in the university environment - in Cluj (FOS - the Federation of Student Organizations) and in Timi_oara (OSUT) - such kind of federation exist also at the level territorial centers. As for the other youth associations, a consultative structure is under establishment in Bra_ov.

At this chapter, the Convention of the Youth Foundations should be mentioned, as it is the promotion structure for the mutual interests of its members, but which did not succeed to behave as such, mainly due to its own deficiencies.

2. The declining role of non-specialized associations with vocation of representation of the entire needs and aspirations of the youth in a community

OTLs, OTDs, ATLS, ATLDs (Free Youth Organizations, Democrat Youth Organizations, Free Youth Associations, Free Democrat Youth Associations) do not have the same presence in public life as they had in their first year of activity, a fact which explains why an association as the Youth League, which was quite active in 1990-1991 has lost a lot in significance and importance, both for youth, structures of power and the media. A message (too) general (non-concentrated on concrete targets), undifferentiated (according to the more and more individualized partners - be they young, associative partners or structures of power), without proposing a project (mobilizing) of change, associated with a set of needs declared as belonging to the entire generation (and as a consequence - poor in meaning) uncovered with adequate programs for each individualized segment (but limited only to hollow speeches, opportunism and costumers meant to sustain the managing group), this is the core of the reasons of the decline of this type of structures.

The appearance of some specialized youth associations - artistic, professional, ecological, leisure, tourism, has introduced a more interesting offer for the youth, this representing a more credible partner of discussion for the other potential partners (and even for sponsors).

3. The reduced level of the managerial experience.

For a proper functioning and development of any kind of associative structure, certain intrinsic prerequisites are needed: a sustained motivation, a procedure of recruiting new members, efficient internal and external means of communication, a mechanism of decision making, of putting them into practice and of evaluating the activity, a system of fund-raising and management of these funds, etc. All these premises - which define a management type of leadership of the associations - are fulfilled in very few cases and do not represent a constant concern for the majority of youth associations.

The interest of the associations for these problems is not consistent enough, the initiatives belonging mainly to some international associations with vocational management and to certain European or North-American bodies.

An interest - though fluctuating - was manifested in this field by the MTS, with the support of some international partners, governmental or non-governmental, belonging to UNESCO and the European Council for Youth.

DIMENSIONS OF THE FUNCTIONING FRAMEWORK OF THE ASSOCIATIVE SECTOR FOR YOUTH

I.

THE REGULATORY FRAMEWORK

This framework includes: (a) the general regulations regarding the associative sector, (b) the specific regulations resulting from the normative acts elaborated in connection with the functioning of the MTS and (c) other provisions for the same field.

a. The existing legal framework, in connection with the Constitution and the functioning of the non-governmental organizations (Law 21/1924) is appreciated as permissive for the development of the associative sector, especially in connection with the existing situations in other Eastern European countries (a proof is the existence itself of over 6,000 non-governmental organizations constituted and registered on the basis of the respective law). It is necessary though, that the law to be adapted to the European standards, especially concerning the limited administrative intervention in the internal life of the association (provided in the law, but not properly applied into practice).

Compared to the present European standards in this field, the legal framework - especially Law 21/1924 - does not ensure an area free from interference of public's power in the activity of the association. On the other hand, the application is done unequivocally, the legal as well as other public administration bodies not operating on the basis of a coherent and unitary methodology. In spite of certain legal texts which grant to the public precise responsibilities of supervision and control of the associations (a fact that confers a restrictive

character to this law as regarding the object of the development of the civil society), practically, on the contrary, these responsibilities are not exercised, thus determining a loss, in fact, of the warranties, both regarding the rights of the associations as well as for the exercise of the foreseen responsibilities of the public powers.

b. The optimal character of the legal regulations regarding the relationship of the public administration with the non-governmental organizations is a desire which does not concern only the youth structures: the review of the framework determining the way of organization and function of the ministries with a view to permit a better cooperation of the governmental structures with the non-governmental organizations, elaboration at the level of the central and local administration, of certain accreditation methodology for the non-governmental organizations of public usefulness, admitted as partners in the administration of some social services (education, culture, health, social assistance) are a few of the priorities.

c. Other valid regulatory acts have certain essential imperfections. For example, the Law of the Budget - which provides the exoneration from paying taxes (in a ratio well below the levels of the current practices in other European countries) in the case of companies sponsoring activities and programs provided by the law (in a limited way) - does not indicate the selection criteria for the beneficiary associations which could lead to committing certain abuses.

By optimizing the regulatory framework which regulates the legal regime of the non-governmental associations and the relationship between them and the administration, the public authorities will be in a position to rely on the non-governmental organizations in their intention to facilitate the functioning of the institutions as well as the administration of crises in a democratic manner.

A stimulating fiscal regime is also necessary for the activity of the non-lucrative associations which promote public utility programs (complementary or alternative in comparison with the services administered by the public institutions), which will mark in a definite manner the difference between commercial companies and non-governmental institutions.

It would also be useful to elaborate regulatory acts necessary in order to afford the support, including funds from state-owned institutions, of some initiative of the non-governmental organizations.

II. INSTITUTIONAL FRAMEWORK

Presently, the non-governmental associations face difficulties in acting as an active civil society and they cooperate with each other as well as with authorities, although there are preoccupations in this field (more from the non-governmental organizations than from the authorities).

From the part of the Ministry of Sports and Youth, as well as other Ministries, the support is limited and conditioned by the reaction of the non-governmental organizations to

the requirements of the authorities' policy in the respective field (except for the Ministry of Sports and Youth, in few cases the regulatory acts regarding the structure and function of the Ministries include provisions regarding their responsibilities towards the non-governmental organizations, but most often, the only contact is the release of the notice necessary to register the association as a legal person); at the same time the authorities have a weak knowledge of the associative phenomenon.

The local authorities grant more of a moral kind of support, having neither resources nor the necessary training for an efficient dialogue with the non-governmental organizations.

All these institutional structures could, on the basis of the Government's program approved by the Parliament, support the development of the dialogue and the partnership between public administration and the civil society.

a. - at the level of the Ministry of Sports and Youth: the projection and the experiment of some sustaining systems for youth associations, recognized as being of public usefulness by assuming (partially) certain costs regarding their functioning charged upon the public administration; the exceeding of the support system of the projects for the associations according to the stimulus-reaction scheme and stabilizing the partnership relations between the department and the non-governmental youth structures through the agency of some conventions and meetings of cooperation, could increase the efficiency of both parties.

- in 1993 a method became operational, referring to the grounding of the request for budgetary subsidy on the basis of consulting youth associations as regarding their activity projects for short term;

- presently, two categories of programs financed by the Ministry of Sports and Youth are operational: (1) belonging as initiative to the Department for Youth and (2) proposed by the youth association and a grille of differentiation of projects in order to be financed.

b. At the level of local administration - the review of the frame work which regulates the functioning of the local administration with a view to facilitate the implication of non-governmental organizations in the processes of local development and in order to stimulate them, especially through the support of local administration, attracting them to administrate locally the problems of the communities;

- this would facilitate defining the problems, identifying the resources, which will stimulate competition and acquiring competencies, would also determine a better adequacy of the actions done by the associations to the local problems and a decrease of the assisting mentality (of awaiting solutions from the central administration); the non-governmental associations would have to be recognized as suppliers of public services and could be admitted as partners - in administration - of the state institutions in administrating some social programs;

- for determined sectors they should be accepted as carriers of opinions from citizens regarding the way the state is organizing (the way of administration) of the public services, as control and evaluation bodies;

RESOURCES

Generally, the necessary resources for the functions and activities of the youth associative structures generate from at least one of the following sources: Governmental (Ministry of Youth and Sports), sponsorships and their own resources (also limited because of the general economic status) and also from foreign partners interested either in democratic development or in the specific type of activity carried on by the associations they financially support.

1. Governmental resources: The dynamics of the budget granted for the youth activities does not demonstrate an increase in importance given to this field. Also, there is no possibility - under the lack of their own financial regulations - of covering certain expenses of the youth associations - even for carrying on the activity, not to mention the functioning ones (that could facilitate the stability of the youth associative structures); personnel expenses, rents, endowments; under these circumstances, the way of using these funds is added, the Ministry seeming to favor certain associations (CNTT, Youth League) either through simplified procedures of granting financing, or through meetings that would facilitate this kind of solutions.

It would be useful to remind that in the "World Report on Human Development" for 1992/1993, issued by the United Nations, it is indicated that "on the average, one third of the total amount of the funds of the non-governmental organizations originate from the Government, proportions varying significantly, ranging from 10% in Austria, Ireland and United Kingdom up to more than 80% in Belgium and Italy".

2. Sponsorships. Consequence to the postponement of passing of the Sponsorship Law, an important resource for the development of the youth structures was not sufficiently used; and, although the attraction that this field represents for sponsors - of youth activities - is disputable, it will certainly become, in the future, the most important resource for the development of the associative sector.

3. The own resources. These are, of course, quite modest; even the dues are used as a source of self-financing in few cases, usually the reliance being on external resources or on their own economic activities. This situation is explained partly by the general economic difficulties; at the same time though, this indicates the existence of a still poor connection between individuals and the associates, the direct consequence of an associative culture still in formation, for which the personal involvement, defining the condition of associative subject, evaluation and assuming the rights and duties within the association are still not clarified problems.

As for obtaining the resources from their own activities, specific competencies are necessary, and these have to be formed; presently, on one hand they - meaning especially services - do not ensure the financial needs of the associations, and on the other hand usually pervert the voluntary character of the associative activities.

4. The external resources. As other structures of the civil society, the youth associations represented the center of action and assistance of some foreign associations or international bodies.

The support received by some of the associative youth structures enabled them to reach certain levels of performance tending to reach those from the countries that granted the support. A fundamental support was not only the financial one, but also the methodological one, the relationships that were enabled as well as the management training of the responsible factors. Associations like Scouts of Romania, Association of Girl-Guides, AIESEC have established relationships with international networks where they belong and thus they were connected to an European standard regarding the formation, planning, management, recruiting, outstanding being here the quality of the offer proposed to the youth - existing or potential members.

Of course, the financial contribution of the supporting organizations, often materialized through the payment of the rent for the premises, endowment with equipment for communications and transport, funds allocated for communications, materials and transportation, even the wages paid to a restricted number of personnel, steps of formation and some activities were it is insignificant.

Besides the Romanian youth associations which represent branches of international organizations and receive a fairly constant assistance, for the others, after the "boom" of 1990, when various kinds of help were received (especially equipment), the situation is different: the few foundations which are really capable of supporting, from financial point of view, youth associations' projects (for example: SOROS), or to unfold training courses (CDC, IFES), as well as the international programs to which Romania could appeal (TEMPUS, PHARE), have a relatively low capacity of covering the needs, at least in comparison with the support granted to other kinds of non-governmental associations.

Non-governmental associations are recognized for the quality of joint author to the building of the European unity, the international dimension for the affirmation of the public field belonging to them to a significant degree; besides a political Europe and an economic one it is also necessary to have an Europe of the citizens and this can only be achieved through the participation of the associations; there are already talks about an "international civil society" and there already exists a project that was submitted to the European Parliament regarding the admission of a Statute of the European Association - as an adequate intervention to the process of European unification. The international programs for youth are not yet very accessible to the Romanian associations.

OPEN LIST OF PROPOSALS FOR SUPPORTING THE DEVELOPMENT OF THE NON-GOVERNMENTAL YOUTH ASSOCIATIONS

* - the development of the reflection over the status, role and real practice of the youth associative structures: definition of these as subject requires that this role be assumed, the building of a promotion strategy for the image of these structures and of a communication strategy which neither the youth (as target public), nor the other associative, institutional or

financing partners (domestic or foreign) could not do without in correctly evaluating the proposed offer;

* - elaboration of certain concrete proposals for regulations to be included in the draft law concerning associations and foundations as well as other necessary regulatory acts regarding the optimal functioning framework for youth structures, adequate to its needs and to the existing social and institutional framework; the main objective would be the ensuring of the autonomy (materially first) and of their independence as for the power structures are concerned; the support of the administrative structures is necessary today, but it does not have to lead to any kind of conditioning (neither political nor regarding the aims of youth organizations) but, naturally, only to a legitimate control over the use of the allocated public resources;

* - elaboration of some re-defining proposals regarding the cooperation report between the non-governmental structures for youth and the respective ministry; clarifying certain steps of this cooperation, and going all the way over to the recognition by the ministry of the quality of association for public usefulness, of course, together with a set of adequate rights and obligations that spring from such a statute;

* - launching a program regarding the research of the associative existence - especially the one concerned with youth - from Romania, eventually having the support of the PHARE project, in cooperation with other domestic education and research institutions (CSCPT, IRSOP, the Sociology Center), taking into account that Romania has no specialists and no experience in the study of the associative phenomenon; the lagging behind in this field is stressed by the fact that, for example, in France, a few years ago, 140 researchers in the field of the associative existence were reviewed and only until the '80ies there were tens of specialized research institutes; accomplishment of a periodical assessment of the associative structures of the Romanian youth.

* - promoting the establishment of some support structures for youth organizations, which should ensure for them the coverage of certain minimal needs in vital areas: advising, formation, documentation, communication.

Establishing some information and documentation centers for youth (as well as for the associative structures of the youth) represented an objective of the Department of Youth and of the non-governmental associations ever since 1990. Although the project had already received financial support from UNESCO and methodology assistance from CIDJ (France), only this year (1994) such a center was established, belonging to the Ministry of Sports and Youth.

At the level of the local administrations, one of the objectives will be the stimulation of the establishment at the local level of some "houses of associates" in which the non-governmental associations recognized as being of public usefulness to dispose of some space for functioning as well as of logistical facilities.

Under the circumstances of achieving certain progress as far as the association of non-governmental organizations having the same profile is concerned, the acquiring of certain elementary conditions of functioning of such structures would be more probable - with

regards to the areas of infrastructure and of institutional building (management); these will represent an important stage in the consolidation process of the youth associations as part of the civil society.

* - editing a collection of works in the field of associative management; lectures, treaties, administration methodology, financial management, collections of regulatory acts in the field.

WHITE PAPER

ROMANIAN ENVIRONMENTAL NGOs

INITIAL DRAFT PREPARED BY

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Organizat de Fundatia Internatională pentru Sisteme Electorale
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"White Paper"
of
Romanian Environmental Non-Governmental Organizations

NGO Forum
Sinaia, March 23-29, 1994

The re-emerging democratic and free market structures in Romania encourage citizen participation both in private and public sector. This goal is mainly achieved through the voluntary, non-profit sector, sometimes also called "the third sector". An important part of this sector is, today, represented by environmental organizations, dealing with conservation of resources and fighting against pollution of the physical, social and cultural environment.

Although the common opinion is that the environmental movement has no tradition in Romania, the reality is that the first Romanian Non-Governmental Organization (NGO), "Societatea progresul silvic" ("The Silvicultural Progress Society") was founded more than one hundred years ago (in 1886), with the goal of acting towards forest conservation and protection. Many others followed, as "Hanul drumetilor" ("Hikers' Inn") in 1920, later called "Societate de turism si pentru protectia naturii" ("Society for Tourism and for the Protection of Nature"). As more and more NGOs appeared in the Romanian society of the 1920's, a specific associations and foundations law, Law no. 21/1924, was adopted by the Parliament. According to this law, in order to be legally registered in court as a juridical person, an NGO needed to be constituted by at least 21 members, to be organized according to a statute and to receive approval of principle from the ministry dealing with the same kind of affairs. It is important to mention that the law was allowing NGOs to develop activities in order to sustain themselves financially.

After World War II, Romania followed, along with other Eastern European nations, the Soviet influenced pattern of economy relying on heavy industry, and characterized by a relative neglect of environmental issues. After the proclamation of the Popular Republic, on December 30, 1947, civil society stopped being reality and became a remembrance for fewer and fewer people. Representative organizations of the public, as NGOs, disappeared. "Societatea progresul silvic", for example, was dissolved in 1948, although the law 21/1924 was never explicitly discontinued.

Environmental NGOs had a timid restart in the late 1960's, especially as sportive, tourism, youth and scientific organizations not registered officially. They were also not calling themselves "environmental", because a "multilateral developed socialist society" was not allowed to have

environmental problems, but they however acted as real environmental organizations. For example "Focul viu" ("The Living Fire"), was an environmental NGO dealing officially only with speleology, but working, in fact, towards nature conservation.

The environmental movement emerged in force in the 1990's, after the so-called Revolution of December '89. The first registered environmental organization was "Miscarea ecologista din Romania" - "MER" ("Ecologist Movement of Romania"). "MER" obtained the registration as a political party, although many environmentalists didn't want to become party members, because of the bad connotation of "party" - synonym before '89 with Communist Party -. However most of "MER" supporters initially accepted the compromise solution of creating a "movement" with two wings, one political and the other scientific. The fact that the president of the movement was not allowed to participate in the elections was considered as a guarantee of this ambivalent situation. All the other members were free to take part in the elections. The absence of other registration possibilities was, at the time, given as the reason why "MER" choosed to be registered as political party. Unfortunately, when the time came to draw a clear demarcation line between the two wings, "MER" preferred to become almost 100% political, winning the fourth position in the first free elections after '89, in Romania, then loosing all its seats in the Parliament in the 1992 elections.

As the political image of "MER" became too strong, as well as not environmental enough and not democratic enough, many filials or groups of the filials split apart, under different names, as in Galati, "Prietenii Pamantului" ("Friends of the Earth"), trying to get a public image as NGOs.

In the meanwhile, as the 1924 NGO Law was applied again and without any changes, new organizations were born all over the country. This time their specificity was not only sportive or scientific associations (more or less accepted and recognized also by the communist regime), but also grass-roots, civic organizations. The process is on-going, a great dynamism being its principal characteristic.

Some organizations are finding their own way of developing, after several different attempts. For example, the initially politically oriented "Tineretul ecologist din Romania" - "TER" ("The Ecologist Youth of Romania"), which split from both "MER" and the "Romanian Ecologist Party", was registered as an environmental NGO. At first a national organization with filials in the whole country "TER" became a network of independent local organizations.

Incompatibility problems among members led to separation in the case of certain groups, as "Ecosens", from Bucharest, or "Scutul verde" ("Green Shield"), from Ploiesti. Quarrels about the name or about the patrimony consume, unfortunately, an enormous amount of energy, which could have been spent for public welfare.

As the registration process is becoming more accessible, the number of environmental organizations is increasing continuously, all over the country, including slower to develop regions as Moldova. A recent search of the number of environmental organizations gave an estimation of approximately 140.

Western help (both informational and financial) was of great support to the Romanian environmental movement. Organizations such as "The Regional Environmental Center for Central and Eastern Europe" ("REC"), "Ajutor interbisericesc departamentul România" ("AIDRom"), "Fundatia Soros pentru o societate deschisa" ("The Soros Foundation for an Open Society") offered to emerging Romanian environmental NGOs both the know-how and the financial means to become stronger. It is, perhaps, important to mention that public money (of the United States, European Union, Japan, Canada etc. -in the case of "REC"), or private money (of the American millionaire of Hungarian origin, Soros -in the case of the foundation with the same name), were donated for environmental protection activities, because NGOs, being in closer contact with the public, can find quicker solutions to local interest problems than the big and bureaucratic governmental institutions.

Of course, the start was difficult. Not all NGOs' activities proved as efficient as they could have been, or as they wanted to be. However many summer camps (in the mountains, the Danube Delta etc.), printed educational materials (leaflets, brochures, books), seminars and conferences (national and international), information centers ("Training, Information and Mediation Center for Eco-Development", Ploiesti, by the local group "Oamenii si mediul inconjurator" ("People and the Environment") and the Bucharest based "Grupul ecologic de colaborare" ("Ecological Cooperation Group"; "Public Environmental Information and Documentation Center", Bucuresti, by "Earthkind Romania"), direct actions of cleaning or rehabilitation of certain areas etc. helped the non-governmental environmental movement to become more and more respected as a partner in the effort to find solutions to Romania's environmental problems. For example, during the 1993 action "Pietrosul Mare", in the Rodnei Mountains, "Societatea ecologista din Maramures" ("The Ecologist Society from Maramures"), had as partners the Environmental Agency and the Romsilva filial from Baia Mare, as well as the Judet (County) Councils of Baia-Mare, Suceava and Bistrita; the Ecological and Hiking Group "Albamont", from Alba Iulia, cooperated with voluntary groups, experts from various domains, local authorities, governmental and parliamentary representatives for the "Salvati Zlatna" ("Save Zlatna") action.

By now, three national conferences of Romanian environmental NGOs already took place (Sovata, February and October '92 and Tusnad, March '93), in order to try to find a better way of cooperation both among NGOs and between NGOs and other institutions (governmental, academic, business). All the conferences were organized by "Rhododendron Eco-Club", from Targu-Mures. The second Sovata conference, organized in

cooperation with "TER", created the opportunity for Dr. Marcian Bleahu, a leading geologist and, then, Minister of Environment, to sign a declaration, stating that the ministry agrees to offer active support for environmental NGOs. The government change occurring short time after made this act forgotten.

According to the results of the national conferences (summarized by a '93 "REC" Survey with a 24 % response rate for 150 questionnaires distributed to approximately 100 organizations of Romania), the most important three topics for Romanian environmentalists were Nature Protection, Pollution Prevention and Alternative Education. According to the same source, Operational Support was the first need of Romanian NGOs, followed by support for organizing Local Events and Participation in Conferences and Workshops. It has to be underlined that operational support, means not only payment of the rent for an office, salaries and office equipment, but also support for acquiring specific equipment for pollution measurements.

Taking into consideration the needs of Romanian environmental NGOs, many other foundations joined actively in supporting them. "Environmental Training Project" is organizing training courses for NGOs members. "Citizens Democracy Corps" is working toward the creation of a network of Romanian NGO trainers, which will include environmental NGOs. The "International Foundation for Electoral Systems" is trying to include environmental NGOs into a national network of civic education, human rights, mass-media, economy and youth NGOs.

Environmental NGOs received great help also from the media, who clearly understood the necessity to cover environmental issues, in order to increase public awareness. However, the interest of editors in environmental news, and especially the coverage of NGOs' activities, is constantly decreasing, as other type of stories go the front pages and high audience broadcasting hours. "Eco magazin", the only national environmental magazine, was forced to stop its production, in 1993, after almost three years of existence.

Romanian journalists, concerned about this, are trying to unite their efforts to create an association of environmental journalists, with the goal of having free access to information of public interest, in order to be able to inform quickly and correctly the public on environmental problems. Although there is not yet any association of Romanian environmental journalists, several individuals are very active and even affiliated to international organizations, as "Society of Environmental Journalists" (U.S.A.), "Journalistes ecrivains pour la nature et l'ecologie" (France), or the "International Federation of Environmental Journalists" (created in October 1993, in Dresden, Germany). Still, public awareness on environmental aspects can be considered low.

Environmental NGOs play a major role for change in the Romanian society of today. Essentially, environmental organizations mobilize the public towards the principles of a

safe environment and sustainable development. NGOs' work with members of the Parliament, in order to be sure that the elected representatives really respect public needs. Although the Romanian Constitution actually guarantees public participation, there is no enforcement in present laws for it. Therefore, it is important that new laws offer the legal framework for a real public participation.

It is interesting to mention that the latest draft of the long expected Environment Law has a provision on the obligativity of public participation in the process of authorization with environmental impact assessment. Another important provision, which approved could open enormous action possibilities, is the capacity of NGOs to take to court a polluter which affects the environment, even if the NGO was not directly affected.

These provisions could be even more effective if correlated with other laws. A very important law for NGOs, Sponsorship Law, adopted in an unsatisfactory version by the Chamber of Deputies, waits for the Senate approval, in an improved version, after a possible mediation process. Local Budgets Law, also a very important law for NGOs, wait to be discussed by the Parliament. These two laws are vital for Romanian organizations, taking into consideration the fact that they deal with local financing possibilities, which should take the place, sooner or later, totally or only partially, of the existing financing, almost exclusively international.

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April 5, 1994

WHITE PAPER

ROMANIAN MASS-MEDIA NGOs

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FORUM

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**THE WHITE BOOK -- NON-GOVERNMENTAL ORGANIZATIONS
WITHIN THE MASS-MEDIA**

1. The NGO considers that it is highly necessary to speed up considerably the promulgation procedure of the "Sponsorship Law", although the project adopted by the Parliament could have offered more substantial facilities to the potential sponsor.

2. The NGO consider also that the constant actions and incentives coming from themselves as well as from the mass-media in order to assure the permanent compliance with the constitutional rights to information are extremely necessary. The NGO will put in place several forms of collaboration, in order to design a Law regarding the access to information, which would guarantee and describe the mechanisms through which the right to be informed is insured.

3. Bearing in mind the fact that the ultimate purpose of the trading activity developed in compliance with the NGO status represents a self-financing method or a way to finance other activities stipulated in the status, the following points are required:

- supplementary tax allowance (30%) for the external collaborators, VAT (Value Added Tax) and customs duty allowance, as regards the raw material and equipment imports required by the specific activity within this NGO sector.

4. The NGO considers it is extremely important to increase the contractual discipline of the producer, as well as that of the retail agent of the paper, in order to eliminate the preferential delivery system.

5. The NGOs that activate in the written press area consider that it is necessary to develop nation-wide distribution networks, which would constitute alternative forms to the existing unique state owned system. In order to acquire this objective, contractual transport facilities are required. As far as the Local Authorities are concerned, special facilities for distribution areas are required.

6. We consider the increase of the 3% percent of the turnover allocated to the free tax advertising expenses as being a very useful incentive for the mass-media NGOs.

7. The Parliament is asked to form new Offices specialized in dealing with the NGO representatives.

8. The NGOs within the mass-media consider the 21/1924 Law (through which these organizations become legal entities) as being obsolete in the present context and they consequently ask for its amendment.

Sinaia, March 29, 1994

NON-GOVERNMENTAL ORGANIZATIONS WITHIN THE WRITTEN PRESS AREA

The material enclosed in this document represents a synopsis of all the data collected in the press environment, the information provided by the organizations concerned, the view points of several state institutions' representatives who have been contacted by these non-governmental organizations and part of their own experience in this field, as well. This material doesn't claim to be perfect, it merely attempts to discuss the real issues of this NGO sector, being opened to any qualified opinion. In the first section of this work, we attempt to offer an overview of the main strengths and weaknesses perceived outside the organizations, the second section being dedicated to the presentation of the most significant NGOs, together with their future plans and programs.

Generally speaking, we perceive as being most significant the following Romanian NGOs (as far as the written press is concerned): Societatea Ziaristilor din Romania (SZR), Asociatia Ziaristilor din Romania (AZR), Uniunea Ziaristilor Profesionisti (UZP), Asociatia Jurnalistilor Maghiari din Romania (AJMR), Asociatia Ziaristilor Liberi Profesionisti (AZLP), Asociatia Jurnalistilor Sportivi (AJS).

After the sad period of the so-called professionalism which was in fact subordinated to the communist state, the first real changes within the press area occurred by the end of January 1990, through the initiation of the Formation Congress of the Romanian Journalists Society, as a proof of the poignant need of a total and rapid change of the mass-media phenomena. Following the May 1990 Congress, the Romanian Journalists Society (SZR) has been formed as a first attempt to constitute an union type federation within the written press area. Consequently, the federation managed to create an integration and cooperation formula, which meant to establish a link with similar international structures. Another effect of the Congress held in Brasov (May 1990) has been the attending journalists' option for a non-governmental organization formula for the written press, other than the SZR solution, which remained a union type one ever since. The main discrepancies formulated during the '90 Congress occurred between those who had formed the SZR and, on the other hand, those who were to form the future AZR. Those discrepancies related to the journalists' attestation issue and, also, to the way the professionalism facet of this activity was perceived in Romania at that time, other issues being the quality and the degree of determination towards the political factor which took over starting with December 1989. The members of the future AZR decided at that time to create a wider opening towards the young future journalists, as well as towards a "complex-free" journalism.

To simplify the problem, the present press NGOs have either a union type coordinate, or a professional one, both intended to protect the journalist's status. Right now, the SZR seems to be the most significant union-type organization, having a very strong structure affiliated to similar bodies activating abroad.

On the other hand, we should mention the strong position the AZR displays (even though they have been accused of partisan political involvement) towards the issues related to the journalist's protection, defending his rights in front of the state institutions, disclosing

the police-type policy actions. We should also lay stress upon the AZR attitude - on a domestic as well as on an international scale - towards the changes occurred in the Criminal Law, changes which were aiming at a limitation of the press freedom or an administrative or financial censure of the independent press. AZR initiated and supported the idea of a critical, concerted attitude of the written press NGOs towards the alarming phenomena of the national-communist and extremist newspapers. It is worth mentioning the AZR initiative - and a singular one, we should say - of creating a press school - the Superior School for Journalism - as an answer to the state Journalism Faculty, which is still affected by the mentality of certain teachers coming from the unique superior school in the communist period, the one subordinated to the Party Academy.

The AZR activity is impeded also by the difference between the high level of activity periods and the periods during which the discontinuous activity is quite sizable, the reasons for this being of a material and financial nature as well.

The UZP (Uniunea Ziaristilor Profesionisti) - that is, the Professional Journalists Union, is also structured on the basis of professional criteria. They initiated a project of the "Profession and Status Law of the Journalist" - including several elements taken from the 1003 Decision of the European Council. UZP thus wishes to make an "invitation to respect the Romanian journalist's rights, from a legal point of view", although without stating a clear position as regards the press law - feared by most of the NGOs in the field, because of the potential limitation to the freedom of the press by the government institutions -. As regards the completion of this Law project proposed by UZP, they would like to discuss the matter with the other members of the Conventia Nationala a Ziaristilor Romani (National Convention of the Romanian Journalists), which includes the SZR, AZR, AZLP, AJMR, together with whom they would send the government an opened letter dealing with the issues the press is facing right now (among other, the excessive and continuous increase in the paper price, exclusively produced by the state, the increase in the typography fees, the hot issue of the "legal bribe" paid for the normal completion of these services).

On the other hand, many criticism have been made regarding the UZP members, to the extent of their so-called over conservative mentality.

Asociatia Jurnalistilor Maghiari din Romania (the Association of the Hungarian Journalists in Romania), based in Targu Mures, has a distinct personality and an activity which bear the mark of the ethnic feature common to all Hungarian newspapers. They have a real collaboration with and they also enjoy a strong support from the AZR and sometimes, also, from the other associations within the independent press field.

Asociatia Jurnalistilor Sportivi (the Association of the Sport Journalists) has many members, counting among them several important professionals of the sporting pen. Their involvement in the general issues faced by the written press NGOs is not so important for the time being ; they rather aim at their specific problems.

Asociatia Ziaristilor Liber Profesionisti (The Association of the Non-professional Journalists) wishes to represent those journalists who don't activate at a certain newspaper, under a specific contract. As a direct effect of the rather unimportant membership of this Association, because of the lack of material support and, last but not least, because of the

somewhat lower professional skills level, their weight among the other NGOs is of less importance.

THE ROMANIAN JOURNALISTS SOCIETY (RJS)

- it is an union type association which carries a professional feature, aiming at insuring the journalist's protection, as well as defending and promoting the professional rights of the journalists and of all the other professional categories that are members of the Romanian unions;

- RJS operates autonomously, as a distinct legal entity, in compliance with the Romanian legislation and on the basis of the democratic principle of the unions' autonomy.

- RJS is an independent, non-politic organization;

- RJS has been formed as an union type federation of the journalists;

- the members of the RJS are the unions of the professional and non-professional journalists operating in the written press area, as well as in the audio-visual field, without any discriminations related to the political and religious opinion or the nationality, age or sex;

- the RJS management is insured by the following: the Congress - twice a year, the National Council, the Directors Committee, RJS President and the Audit Committee;

- RJS has been founded on January 20, 1990;

- membership: the journalists who are members of the RJS come from the following newspapers: Adevarul, Tineretul Liber, Evenimentul Zilei, Ora, Prahova (Ploiesti), Curierul National, Magazin Istoric, D-ale Politiei (Alba-Iulia), Cuvantul Nou (Sf.Gheorghe), Bihari Naplo (Oradea), Start 2001.

- the RJS is affiliated to the International Journalists Federation (IJF) and the Balkans Journalists Confederation (BJC);

- RJS President: Mrs. Mioara Vergu Iordache (Curierul National);

- RJS address: Piata Presei Libere nr. 1, sector 1, tel. 40-1 617-1591;

- total number of members: approximately 1600.

THE ROMANIAN JOURNALISTS ASSOCIATION (RJA)

- this is an organization which has set as primary objective to defend the professional status of the journalist. RJA fights for the protection of the journalists' freedom, dignity, rights and integrity - even when the physical one is concerned -, in compliance with the specific deontologic rules and regulations which actually operate in the countries with a traditional real democracy;

- RJA has been born following the divergence which arose between the participants at the Brasov RJS Congress (3-5 May, 1990); those divergent opinions were related to the basic problems of the future of the independent press;

- starting with 1991, RJA has organized the "Independent Press Colloquium", covering various topics related to the issues the democratic press has to face;

- one of their special features is the support they offer to the attestation of the young journalists; by doing this, they separate from the classical approach of other organizations, which intend to impose the journalists' attestation only as far as the university graduates are concerned and after 5 years of practice. RJA initiated a Superior School of Journalism, which is mainly intended for the young people desirous to go towards the new independent press.

- RJA has organized over 100 press conferences opened to everybody, through which various people have had the opportunity to express their opinions: journalists who have been aggressed during their activity, dismissed union leaders, ministers, directors and magistrates who have been removed from their functions on political reasons;

- RJA offered a permanent support to the first independent TV post (SOTI), trying to offer an alternative to the existing national one, which had been repeatedly accused of propaganda in favor of the government;

- approximate number of the RJA members: 1400 persons, coming from the following newspapers: Romania Libera, Cotidianul, Flacara, Expres-Magazin, Evenimentul Zilei, Baricada, Zig-Zag, Tinerama, Academia Catavencu, Tineretul Liber, 22, Timisoara, many Hungarian and German publications, SOTI (Societatea pentru Organizarea unei Televiziuni Independente - The Organizing Society of an Independent Television) and the Romanian Television.

- RJA has members in almost all the country regions, generally comprising the independent press, well known by its poignant attitude towards certain state institutions.

- RJA has a branch in the Moldavian Republic (Chisinau).

- during the general elections period (1992), RJA has organized the paper delivery offered by the Americans organizations to the benefit of approximately 100 publications - especially the ones located in the province.

- RJA has elaborated a project for the Deontologic Code of the journalistic profession, which has subsequently been accepted by the remaining NGOs in the field >

- RJA fought in order to block 4 projects of the Press Law, elaborated by the governmental environment, projects which have been considered by the RJA management as being "reactionary" >

- the president of the RJA is Mr. Petre Mihai Bacanu (Romania Libera).

- RJA address: Calea Victoriei 133-135, tel. 659 4024.

- they have a direct collaboration with the following organizations: the International Journalists Federation, the International Journalists Organization, Reporters without Frontiers (Reporters sans Frontieres - France).

THE UNION OF THE PROFESSIONAL JOURNALISTS (UPJ)

- UPJ is a creative professional association of the professional journalists;

- its goal is to defend and to promote the journalist's rights, freedom and professional dignity, as well as to sustain the written press and the audio-visual freedom;

- UPJ states its non-political, non-governmental and non-confessional character;

- the roles of this association are: organizing professional and creative activities; supporting the creative groups and the professional associations; attesting the journalists and organizing their training and the improvement of their skills. UPJ activates in order to insure the necessary circumstances for the efficient development of the journalistic profession, as well as for the free access to the documentary and information sources; the association issues reviews and works which are highly useful to the press people. UPJ activates in order to obtain special facilities for its members, such as travel visas and extra foreign currency, to insure their journeys abroad.

- the UPJ members can be also individuals who have been working in the newspapers area for at least one year (as journalists) or five years (as collaborators).

- the supreme leading authority of the UPJ is the National Conference. In-between the conferences, the general activity is managed by a Council composed of 71 members. During the periods in-between the Councils' meetings, the activity is coordinated by an Operational Committee composed of 21 members.

- the financial support of the UPJ is insured by way of: revenues realized by the Union's own printings; distribution of the "Journalistic Fund", constituted by the participation of the publications whose journalists are members of the Union, with 1% of the sales revenues or subsidies; fees, donations; state subsidies granted for the international activities stipulated in the agreements signed with other countries, which are to be fulfilled by the UPJ.

- the UPJ has been founded in May 1990.
- the UPJ comprises approximately 200 members coming from the following editorial offices: the Romanian Television, the Romanian Radio House and the publications: Adevarul, Vocea Romaniei, Libertatea, Viata Libera (Galati), 24 de ore (Iasi), Gazeta de Transilvania, Cuvantul Libertatii (Craiova), Crisana (Oradea);
- UPJ has approximately 33 branches throughout the country;
- they have no connections with any of the non-governmental organizations located abroad or with any other international organizations, for that matter;
- the address of the Union of the Professional Journalists is: Casa Presei Libere nr.1, etaj 1, corp C, sector 1, Bucuresti, tel. 618 4370;
- the President of the UPJ is Mr. Romeo Nadasan (Rompres press agency).

ISSUES RELATED TO THE AUDIO-VISUAL FIELD

The Romanian audio-visual market is very seriously affected by the legislation gap, the lack of rules and regulations. As long as the public institutions - that is the Government, the National Audio-Visual Council, the Telecommunication Ministry or the Inspectoratul General de Radiodifuziune have followed only restrictive measures, the incentive ones being omitted, taking into account the lack of information in bodies located in other countries concerning the Romanian audio-visual area, establishing new non-governmental associations, constitutes constructive actions which can insure a well balanced situation; thus, any synergetic activity determines positive quality effects.

Unlike the situation in other countries, the moral crisis in Romania has determined a wave of suspicions regarding particular leading figures of certain firms.

Since legal entity formation has been allowed after 1989, the concept of non-governmental non-profit organizations is used more and more.

There are three categories of association within the audio-visual field:

- professional : Organizatia Realizatorilor din Televiziunea Romana, Asociatia Profesionistilor din Televiziunea Romana, Uniunea Creatorilor de Emisiuni Radiofonice, Asociatia Jurnalistilor Europeni din Romania.

- shared aim with the audio-visual ones: Fundatia de Arte Vizuale, Asociatia pentru Libera si Corecta Informare prin Radio si Televiziune.

- patronates: Asociatia Romana de Comunicatii Audio-Vizuale, which comprises 52 radio and private TV stations.

These organizations will be presented in the addenda.

The lack of financial support has been one of the main impediments which have altered the operational capability of these organizations. As far as the patronage type associations are concerned, the companies have adopted the deferred payments policy regarding the tax collection. In respect of the professional associations, the low life standards and the small salaries have a negative impact on the promptness with which the fees are paid.

The Government focused mainly on the Audio-Visual control, especially as far as the public channels are concerned. That is why any NGO within this sector is regarded with a certain degree of suspicion and doesn't benefit from any real support. On the other hand, within the National Audio-Visual Council, there is a certain isolated agreement, without any real overall consistency. In the Senate, the responsiveness to the NGO problems has a low level, whereas the somewhat happier situation of the Expert Committee of the Deputies Chamber seems to be the result of its membership, which is less controlled by the present governmental team.

THE NON-GOVERNMENTAL ORGANIZATIONS WITHIN THE AUDIO-VISUAL AREA

This section of the present material is the final result of a view point formulated following the discussions held with some of the most significant managing representatives of the organizations within the audio-visual field, meetings held with the representatives of the National Audio-Visual Council, the members of the "Art, Culture, Mass-media" committees of the Romanian Parliament, the editors of the Romanian Television and certain representatives of the Telecommunications Ministry and of the Government. This material remains opened for any subsequent ideas coming from authorized sources.

ARCA (Asociatia Romana de Comunicatii Audiovizuale), that is the Romanian Association for Audio-visual Communications is the one and only important professional association, although without having an union type feature.

This is the only NGO that groups all the broadcasters in Romania, following the "National Association of Broadcasting" pattern.

It is a very active association in the area of the community attitude towards the quality of the Romanian audio-visual programs.

ARCA has been involved lately to a high degree in the Parliamentary debates on the Project of the Functioning and Organizing Issues of the Romanian Television and Radio Society Law.

They have a lot of authority and creditworthiness in the dialogue within the area of the professionalism required from the radio and TV people.

They are well rooted in the union confederations area, being among the best quoted discussion partners of the powerful unions, ALFA and FRATIA (Brotherhood).

The activity of ARCA bears the mark of a constant seriousness and that of a permanent activity.

They represent a particular segment of the non-governmental organizations, a segment which has proved and continues to prove a high efficiency. Many of the authoritative, non-partisan factors in the audio-visual professional area agree upon the fact that ARCA can be counted among those specific non-governmental organizations whose activity deserve a future support.

THE FREE ROMANIAN RADIO-TELEVISION UNION

This union represents the most powerful union structure in the audio-visual area, in respect of the number of members as well as through the output of their effective activity towards the subjective information strategy, which has been systematically applied by the representatives of the political force in power during the last four years; this leading force controls the boards of directors of all the national public channels.

They have been repeatedly accused for their firm and radical tone, but the Free RTVR Union is well known for its counterweight role as regards the excessive attitude of the public channels management and, most of all, for the significant impact in disclosing the cases of political censure.

They develop a strong activity in collaboration with the Union Confederation - the National Union Block.

They probably enjoy the best recognition in the area of the audio-visual unions and the one of the similar international associations.

THE VISUAL ARTS FOUNDATION (VAF)

VAF represents a special non-governmental organization which is highly necessary in order to create real opportunities for the independent non-profit producers who activate in the audio-visual field, taking into account the circumstances under which the equipment and special devices are scarcely available. Before 1989, the Romanian producers could use some VHS video cameras, at most. Nowadays, VAF manages to offer to these producers decent technical facilities.

VAF has been widely known abroad through some remarkable productions, recognized as such by certain specialists well quoted on the audio-visual market.

They support the young people, the artists who lack material and financial support and the minority groups.

THE ASSOCIATION FOR THE FREE AND CORRECT INFORMATION VIA THE RADIO-TV NETWORK (ALCI-RTV)

Although this association has set as primary objective the formation of certain branches throughout the country, in order to establish a national consumer's protection system in the audio-visual field, this issue hasn't been translated into practice, for the time being.

The issue of the opinion tests regarding the structure and quality of the programs created by the central broadcasting channels stays opened, representing an objective which still has to be fulfilled at those quality standards proposed by the ALCI-RTV members.

The collaboration of the ALCI-RTV and the independent TV channel SOTI as regards the news programs doesn't represent a specific NGO issue, as far as the audio-visual specialists are concerned.

THE UNION OF THE RADIO PROGRAMS CREATORS (UNCER)

This union developed several projects together with ARCA, but the results have been under the expected level, although these two organizations have a good relationship.

One of the frequent criticism addressed to UNCER relates to the fact that they still have too strong a link with the Romanian National Broadcasting, through which they are merely "tolerated" under special circumstances and conditions, without being effectively loved by the management of the public channel.

They have quite a significant role in Bucharest, as well as within the 6 local public stations.

It would be quite desirable to have a wider opening of this type of NGO, which would aim at as natural a collaboration as possible with the private audio-visual NGOs.

Other criticism have been directed to the UNCER members, whose attitude betrays a mentality specific to the communist type society, far from being related to the real status of the public worker. That is why it would be very useful to deal with young, possibly inexperienced people, rather than with the so-called "specialists" who have been working under the communist regime, thus having a partisan way of thinking.

THE EUROPEAN JOURNALISTS ASSOCIATION IN ROMANIA (AJER)

In spite of its noble purposes, AJER has been suffering some criticism, related to them being the least significant representatives in the Romanian audio-visual area.

Although they have shown a permanent concern with their international recognition, AJER doesn't seem to have a very significant domestic activity, its members being criticised again and again because of their previous relation with the Communist Party press.

THE ROMANIAN TV PROFESSIONALS ASSOCIATION (APTR)

Their membership includes some of the most significant values of the Romanian video production, a special emphasis being laid upon a high professionalism and a very expressive message.

They encounter the adverse attitude of the leading structures which are more or less related to the traditional communist type patterns, because of their support to an outstanding TV program - "Memorialul durerii" ("Remember the suffering") - which arises as a very serious meditation theme on the human suffering provoked by the dictatorial communist regime. The message delivered by this program seems to disturb, in a political sense, the present and future status of certain leaders.

THE ROMANIAN TV PRODUCERS ORGANIZATION (ORTR)

This organization groups reporters, producers, journalists who work in the Romanian TV, most of them being either young, or less connected to the period prior to 1989, during which the moral and professional compromise was a frequent problem. Most of them began their work within this institution after 1989.

Generally speaking, the main feature of their activity is given by their desire to change things, to bring into the spot light the professionalism, the skills, to fight against the censure, to bring the TV public work to the western standards. Nevertheless, ORTR has avoided up to now any violent discussion on the obvious abuses of the management, in order to prevent any accusations such as their supposed attachment to any conjectural policy interests as opposed to the present governmental team.

THE CABLE TV ROMANIAN SOCIETY

Their activity seems to have too strong a managerial link with the leading structures of the Telecommunications Ministry.

This society has suffered many criticism, related to their supposed formation as a "connection" structure with the state institutions. The general idea is that the state intention is to gather all these cable TV societies, in order to offer them certain facilities supported by very restrictive conditions which would eventually lead to their total submission.

THE ROMANIAN PROFESSIONAL ASSOCIATION OF CABLE COMMUNICATION

Although this is the second most important association of this type in Romania, it constitutes a NGO in the classical form.

Its members wish to create a commercial structure.

THE FREE UNION OF THE ROMANIAN RTV Formation date: January 17, 1990

The leader of this union is an ex-political convict (1983-1988 - Aiud, Rahova, Jilava, under the accusation of "conspiracy against the socialism"). They support a total reform of the Romanian society, by way of eliminating the communist way of thinking.

They were born in an institution which was fully and aggressively controlled by the Communist Party before 1989.

They have had a strong involvement in the disclosure of the political diversions during January and February 1990 (Bucharest). At that time, violent attempts have been made in order to annihilate them, their leader being threatened with death. They have tried to release the Romanian TV from the Government censure during December 1990, through a one-man action of the union leader (he entered a 19 days famine strike). They continued their enterprise during the following years, defending by their position and their actions the freedom and the civil rights - especially the constitutional right of being correctly informed-. They had a decisive role in removing two of the RTV presidents (Aurel Dragos Munteanu and Razvan Theodorescu) and two of the executives (Emanuel Valeriu and Paul Everac). They also had an overwhelming contribution to the promulgation of the Audio-Visual Law and the Law of the Public TV and Broadcasting Societies (which is yet to be completed, being a law intended to establish the status of the the Parliament and the civil society control over the audio-visual information).

On March 9, 1991, the Free Unions Federation - Art, Culture and Audio-Visual (FSL - ACAV) has been born. This Federation includes 18 unions, 8 theaters, 5 cinematographical unions, 2 art groups and 1 education union.

The Free Union has over 1300 members (the total number of the RTVR employees being 5200, and the real union participation percent - 60%). All the RTVR activities are represented in this union.

The Free Union controls the union actions within the RTVR, through the majority of the staff, whose will is expressed by way of secret voting.

Their firm actions have lately eliminated the RTVR director Paul Everac, imposing to the new management the broadcasting of the previously censored film "Point break" ("Punct de ruptura). They have encouraged and supported the producers who had to face the hostile conservative forces. Their firm actions - including the stradal meetings - imposed to the leading party the completion of the RTVR Law.

They intend to function under the same auspicious, until the complete and final emancipation of the audio-visual from the political control, their goal being to submit this information media to the civil society interest.

Their problems refer to: the permanent difficulties created by the RTVR administration (directly) and by the Power (indirectly), through those laws which are hostile to the union movements; the lack of material facilities, which would enable the performance of efficient and normal operations of the NGO .

ACAV is affiliated to the Confederation of the National Union Block through the FSL. The Confederation promotes a policy which is closely related to the Free Union's one.

FSL ACAV is managed by the leader of the Free Union, being affiliated to the International Federation ISETO - which has the same profile and recently merged with FISTAV -.

The leader of the Free Union fulfils other civil assignments as well, within several non-governmental organizations - the Association of the Ex-Political Convicts (vice-president), the Civil Alliance (first member and member of the Coordinating Committee) and other various organizations and foundations.

The Free Union is an important element in the fight the democratic forces are leading in order to insure the total success of the social-political revolution which started in December 1989 and is now continuing its course.

The Free Union is constantly expanding its concrete actions in area of utmost importance for our country - art, culture, education - an area which is quite forgotten by the present government, although it has a major role in the development of the civil society and in the positive evolution of the entire Romanian society.

The main objective of the Free RTVR Union is in fact a future one: the development and the consolidation of the democratic unional movement which is meant to reform and improve the social legislation, the creation of that legal framework which could insure the development of the art and culture institutions in Romania.

ADDITIONAL PAPERS PREPARED BY
FOREIGN PARTICIPANTS



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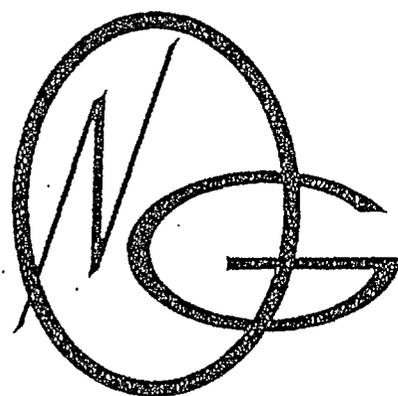
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REPORT

VISIT TO ROMANIA
MARCH 24-29, 1994

AUTHOR

KARLA SIMON

 FORUM

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VISIT TO ROMANIA MARCH 24 TO 29, 1994
Report by
Karla W. Simon
Executive Director
International Center for Not-for-profit Law (ICNL)

INTRODUCTION

On March 24 to 29, 1994, the International Foundation for Electoral Systems (IFES) conducted a meeting in Sinaia, Romania, which it called "The NGO Forum: Developing Civil Society." The meeting was chaired by IFES's representative in Romania, Obie Moore, and it was structured around discussions of several working group reports as well as presentations by several members of the Romanian government and the Parliament and several foreign guests. I was invited, as Executive Director of ICNL, to speak about several topics related to the legal structure in which NGOs exist and operate within Romania. In this report I will address myself particularly to those topics and will only make a few general comments on the forum and the discussions about topics unrelated to the legal environment for NGOs in Romania. I would like to say at the outset that I was very impressed with the Forum and with the high quality of its organization by Obie Moore and his staff. They are to be congratulated for a job well done!

GENERAL COMMENTS

In May 1993, an assessment team of ICNL volunteers visited Romania at the request of a number of Romanian NGOs. The purpose of the visit was to ascertain the state of the laws affecting NGOs in Romania and to determine whether the situation was such that an intensive effort by ICNL to assist in developing a more modern legal system would be warranted. The conclusion was that the legal structure should be modernized, both as to the general laws and as to the fiscal regime. The same conclusion was reached in a report commissioned by the PHARE Programme of the European Community (now Union) and written by Dominique de Crombrughe, a Belgian lawyer who is expert in not-for-profit legal issues. There has to date been no concrete effort to effectuate such a program of law reform. However, the IFES meeting presented an excellent opportunity for me to revisit the issue, to talk with Romanian NGO leaders and government personnel about what changes might be needed and ways of implementing them, and to discuss with PHARE Programme representatives and USAID representatives ways in which we can all work together with Romanian public officials and the third sector to accomplish some concrete results.

It was gratifying to see significant changes in the general climate in which NGOs operate in the ten months between my first visit and the most recent one. Not only does the Romanian NGO community seem to be better organized and more vibrant, NGO

leaders also seem to have begun to assert themselves in meaningful ways that will help them to achieve goals for their development. The change in the attitude of the government and the Parliament has been even more significant. In public meetings and in private discussions it became quite clear that public officials and parliamentarians not only better understand the NGO sector and its role in society, they also seem willing to engage in a dialogue about change and reform.

This all suggests that the present climate is one in which an effort can be mounted to begin the creation of a regulatory regime that will serve both the government and the NGOs better than the present system. Who the exact players will be in this process has yet to be determined. But it is important that efforts on behalf of the major donors in Romania be coordinated, so that the process can include technical assistance by lawyers from both the United States and Western Europe, without overlap and duplication of effort. It is also important for the Romanian government and Parliament to identify key personnel to work on the project and for the NGOs to come together to present specific proposals for change. Although the government seems to be generally sensitive to the need for change, nothing will happen without the formulation of concrete proposals, conceived in a process that is open and transparent and that takes into account the interests of all the parties involved.

LEGAL ISSUES

There are essentially four sets of legal issues that were discussed at the meeting and that deserve attention over the course of the next several years. These are:

1. Issues surrounding the general law regulating NGOs, Law No. 21 of 1924;
2. Issues about the fiscal regulation of NGOs, including the pending sponsorship law;
3. Issues about access to information about pending legislation so that NGOs can participate more fully in the legislative process; and
4. Special problems faced by certain types of NGOs, such as those raised by media NGOs and environmental NGOs at the conference.

I will address the issues in that order.

A. Law No. 21

As I stated at the conference, Romania is lucky that the Communists forgot to repeal Law No. 21. This law was revived after the revolution of 1989 (like *Sleeping Beauty*, an analogy used by my colleague, Dominique de Crombrugghe), and many NGOs have been permitted to register under it since then. More importantly, the existence of Law No. 21 has permitted Romania to avoid the legal anomalies that exist in Poland and

Hungary, where old legal forms have been attached to new legal structures, without fundamental modification. While this may be something that only lawyers and legal scholars care about, it is nonetheless a significant factor in any legal reform effort.

However, Law No. 21 is outmoded in several respects. First, it requires too many founders for associations. Second, it does not permit nonnatural persons to be founders, which inhibits the creation of associations of associations or foundations. Third, it does not pay adequate attention to the differentiation between legal form and governance structure. And there are other-relatively minor problems that should be resolved.

The most important difficulty lies in the fact that Law No. 21 does not comport with most modern laws regulating the third sector because it requires ministry approval for registration. This is very much inconsistent with modern norms within the region. Poland, for example (which had the first modern law in the region permitting independent NGOs to come into existence), repealed the requirement that foundations have ministry approval for registration in 1991, the same year in which it enacted a new associations law without such a requirement. Romania should repeal the requirement of ministry approval so that it will be able to more easily effectuate and make meaningful the freedom of association enshrined in Article 37 of the Romanian Constitution.

This is not to suggest, however, that there is no governmental interest in making sure that NGOs actually do perform the purposes for which they are organized and for which many of them receive tax benefits. It is merely to recognize that an investigation prior to registration into what an NGO intends to do violates important associational rights and does nothing to stop it from later deviating from its stated intentions. What is more important is that the government and the NGO sector come to grips with ways in which NGOs may become more accountable about their operations and operate in an open and transparent fashion, so that the potential for fraud and abuse by illegitimate NGOs may be reduced.

It is important to note that all six working groups of NGOs represented at the conference came to the conclusion that Law No. 21 must be amended. Only the business and professional NGOs suggested that at present the time is not ripe for such a change. But their reason for that is significant -- they fear the government would try to impose a more restrictive regime of regulation than Law No. 21. The youth NGOs, reflecting on the fraud that occurred when youth foundations were formed in each county to receive the assets of the Communist youth organizations, thought that Law No. 21 should be modified, but noted the need for greater government supervision of the finances and economic activities of NGOs, particularly those that receive state property.

The concern of the business and professional NGOs that a more restrictive regime might be enacted if a reform of Law No. 21 is attempted at the present time should be recognized. Only the government and the Parliament can prevent that fear from being realized. Thus, they must work together to prevent changes such as the new Audit Commission (proposed last year) from becoming a part of the legislative agenda in the

future. It also would be advisable to look to models in other countries to assist in devising a regulatory scheme that will protect the public from potential abuses by NGOs while at the same time protecting the NGOs from unwarranted discretion on the part of administrative agencies, which discretion is not subject to automatic appeal to the courts. In addition, overly intrusive regulation must be avoided so as to protect the rights of the citizens to associate freely for legal aims. If the government would work closely with NGO leaders to understand their interests and concerns, it could develop new legislation and other legal regulations that would be wisely constructed in an open and transparent process. Such legislation would then be able to command the support of the Romanian people and their elected Parliament.

At the same time, the concern of the youth NGOs should also be recognized and dealt with in any reform of Law No. 21. Thus, new legislation or regulations should require NGOs to make reports of their activities, including fiscal reports to the tax authorities. NGOs should also be required to seek special licenses to operate within certain social spheres (schools, day care centers, senior citizen homes, etc.) NGOs should work with the government to establish new rules while at the same time seeking to set self-regulatory norms that can be adopted by the NGO community. Only when there is a rational means of overseeing NGOs after they have come into existence will there be appropriate regulation of the activities and functions of NGOs in the best interests of the society at large. However, the government and the Parliament must work establish such regulations only with the full and active participation of the NGO sector in the process.

B. Fiscal Rules

Romania currently has a set of rules permitting tax exemptions and deductions in a fairly limited but respectable range given current practice in the region and Romania's budgetary difficulties. Individuals are permitted income tax deductions of up to 2% of their taxable income for donations to organizations conducting philanthropic activities, including humanitarian assistance, and educational, scientific, religious, sport, or environmental protection activities. Corporations and other juridical persons are permitted a deduction of up to 3%. The income tax law, which taxes the economic activities of all juridical persons obviously taxes such activities when conducted by NGOs. However, gifts, grants, and subsidies of whatever sort are exempt from this tax.

The Romanian Parliament considered last year and is reconsidering this year a draft law on sponsorship, which was originally prepared by law professors of the Faculty of Law of the University of Bucharest, but which has now been very heavily amended. It is difficult to tell what its chances of passage are at the present time. This law would create additional tax subsidies for certain kinds of "sponsorship." There are several problems with the proposal, not the least of which is that the sponsored activities should be defined more broadly. More importantly, however, it is apparent that too little work has been done by fiscal experts to assure that this law is consistent with the remainder of the income tax regime. It cannot exist in a vacuum, and more attention should be paid to issues of

how to reconcile this law with the general deduction provisions. Deputy Aurel Stirbu of the Parliament has recognized these issues, and he has suggested that the laws of other countries be analyzed to determine whether such a law is necessary or advisable -- I strongly endorse that proposal.

NGOs are subject to the 18% VAT in Romania and none of their activities are zero-rated. This is not consistent with general practice in Western Europe, although it is consistent with practice in other countries in which the IMF has exercised control over the budgetary process. Zero-rating and exemptions from VAT present difficult legal as well as fiscal issues and need to be considered as possible ways to help protect the NGO sector from burdensome taxation. This is an issue that deserves careful study.

It is thus apparent that there are several important issues to be considered in the course of a thorough-going review of the system of taxation in Romania and its impact on the not-for-profit sector. I would advise that such a review be attempted within the next year, as these issues are of great importance for a thriving civil society. I would also suggest that greater attention be paid to the ways in which the fiscal regime for NGOs will be implemented. There should be a regularization of the rules regarding grants of exemption and there should be clarity about whether economic activities related to an organization's philanthropic purpose may be conducted without tax. It should be possible for the Romanian tax authorities to gain assistance in this regard from their counterparts in the West.

C. Access to Information

There is a general feeling among Romanian NGOs, expressed very eloquently at the NGO Forum, that NGOs do not have adequate access to information about legal developments pending in the government or the Parliament. This is particularly burdensome for NGOs when the pending issues are ones in which they take a strong interest (e.g., press freedoms, environmental laws, human rights). The problem in Romania is, of course, a general one, because there is no requirement of publication of pending bills, etc. However, the acuteness of the problem for NGOs, many of which advocate legal change in the public interest, led to the development of a proposed resource and information center to monitor legislation. Such an information center can be staffed by NGOs and financed by them, but the real legal question is whether greater public access to information can be mandated by law. This is something that NGO leaders should explore with the government and the Parliament.

Problems arise because the government and the Parliament seem to be uneasy about NGOs playing an advocacy role in Romanian society. When they do play such a role, they tend to question actions by the government and the Parliament, which naturally makes the public officials somewhat uneasy. However, it is important for public officials to recognize that this is a traditional role for the third sector in a robust democratic society. Although the government in the United States may not particularly appreciate being criticized by NGOs about various policies, no one questions whether NGOs should

be permitted to exercise such rights very freely. This is an accepted role for NGOs, and it is even encouraged by the indirect state subsidy of tax exempt status.

It is troubling that there were several intimations in the statements of government officials that NGOs should provide services and not criticize the government. That is a view generated by a fear that free and open debate will result in public approval of NGO positions and rejection of the government's positions. But that is exactly what a democracy is all about. If the elected officials cannot find broad public support for their positions, then they might consider whether those positions should continue to be pursued. NGOs can be partners of government in many ways, not the least of them when they seek to get government to change its views. Access to information is crucial if NGOs are to play such a vital role in the society. The Parliament should consider adopting new laws that provide such free access.

D. Other Specific Issues

There were several specific issues raised by NGOs from various parts of the sector. I will only touch on two here. First, very modern developments have been proposed in the environmental law area that will permit Romanian NGOs to represent the interests of broad issues in courts. These are to be encouraged, and Western environmental organizations that have experience with such laws should provide assistance to Romanian NGOs seeking to develop such a legal regime. Obviously any new rules must be entirely consistent with Romanian legal tradition, but there are useful ideas to be gained from discussions with others who have confronted these technical legal issues in the past.

Second, there seems to be a need for a new press law in Romania, an issue that was raised by the media NGOs. Because of the importance of a free press for a functioning democracy, this is obviously an issue of considerable importance to Romania.

GENERAL SOCIAL ISSUES

One of the most interesting aspects of the NGO Forum for me was the open debate about the role or roles of NGOs in Romanian society. I learned a good deal about Romania in the course of the debate, and I was very impressed with the various thoughts that were expressed. It is clear that only Romanians can work out all the ways in which NGOs will interact with the government and with the society as whole. But it is also clear that no one today can predict the entire scope of the third sector in Romanian society in 2010. The way the sector develops is by evolution, making incremental changes and adjustments to reflect social customs and changing social needs. The ways in which NGOs and the government and the larger society interact will eventually take a huge variety of forms -- some NGOs will be subsidized directly by the state, while others will turn their backs on state money. Some will be staffed 100% by volunteers, while others will have many paid employees. Some NGOs will be advocates, others will be service providers, and a system of tax exemptions will differentiate among them on the basis of

whether they engage in advocacy. All of this is predictable from world-wide experience, but as the evolution takes place in Romania, it will have a distinctly Romanian flavor.

There will naturally be struggles as NGOs seek to establish for themselves what their roles will be. But on the basis of what happened at the NGO Forum, I am optimistic that there will be good results. Debate and discussion are welcome and should be considered to be an integral part of the process of evolution. Romanians are very skilled at debate and discussion -- I assume this means that such open consideration of ideas is a part of the Romanian culture that is valued by Romanian society. While debate and discussion may lead to strong disagreements at times, it is a true mark of democracy and is to be encouraged. I think the NGO Forum gives cause for guarded optimism about the willingness of elected officials to work with the NGO sector to develop models of regulation that will protect the sector from unnecessary government interference.

CONCLUSION

Romanians are participating in an evolutionary development of their society following the fall of communism in 1989 and a return to traditional Romanian modes of government, economy, and social structure. The harm caused by the Communist years can still be felt in many ways. But when it comes to the role of the third sector in that evolution, Romania is fortunate to have in place a well-constructed law that regulates the NGO sector and that has survived since 1924. This law, while in need of modification, has permitted a thriving NGO sector to come into being and to begin to work in Romanian society to help to modernize it and make it more democratic. Thus, the NGO sector can work as a real partner with the government, striving to accomplish several goals that will aid the process of social and economic change. Fortunately, it appears that NGOs are well-positioned to help the government to accomplish the myriad of tasks that must be undertaken to make Romania's newfound democracy effective and its market economy a strong and viable competitor within Europe and the world. However, there are also legal and regulatory changes that must be made to strengthen the NGO sector and to permit it to function better. These should be adopted promptly so that NGOs will be able to function more effectively in their many positive roles and in helping to transform Romanian society.

PHASE II OF THE DEMOCRATIZATION
OF CIVIL SOCIETY

REPORT OF THE MARCH 1994
NGO FORUM CONFERENCE

SINAIA, ROMANIA

AUTHOR

HENRY CAREY



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A Report of the IFES NGO Forum, Sinaia, Romania March 24-29, 1994

by Henry F. Carey, Rapporteur of the Working Groups

Introduction.

Civil society is conventionally referred to organizations outside of the state structure. Romania is at crucial stage of the development of new organizations, some of which are largely independent of the state, but have been dependent on foreign financing while others are the creation of state organizations though they have also gained a measure of independence. So far, the two types of organizations have operated largely independently. While some polarization is inevitable, the maturation of civil society may be better characterized as healthy competition if civil society continues to help change the orientation from single-party state, to single-party mentality, on toward pluralism and away from corporatism. All civil society organizations should have an equal opportunity to advocate its interests and beliefs without prejudice to its funding source. There is much cause for optimism that both types of organizations will lead to compete and occasionally cooperate, while diversifying their sources of financing. While neither appears to have any hostile intents, the need for strengthening the independent sector to prevent a reversal of these developments is crucial, especially if economic exigencies persist.

The development of the NGO sector has an instrumental and a psychological dimension. Organizations are needed to perform functions, from articulating concerns of civil society and particular interests. They can collect information, lobby for appropriate legislation, inform the public about its concerns, and evaluate public policies, programs and agency performance. They also have private concerns, as membership organizations that may not have public import, but bear on their private concerns.

The development of democratic performance also requires a civic culture. Political participation should be active and responsible. Unless the mass of society is involved in politics on some level, from discussion and writing their legislators to reporting irregularities, there is no chance for democratic institutions, practices, and values from becoming institutionalized. Encouraging responsible participation is particularly difficult, given the demobilization of society based on false propaganda and coercion practiced under communism. Furthermore, the worldwide correlation between participation and income means that a low-income country like Romania will face particularly challenging difficulties. However, what aspiring democracies lack in sophistication and income they can compensate for by encouraging dynamic societal organizations. The danger is the post-communist mentality will be warped by television, which has by far the greatest influence on the body politic. In an era of mass communications, where half the world has seen a James Bond movie and will see the World Cup soccer matches this summer, it is even more critical that new communitarian bonds are established other than what central authorities of propaganda deem appropriate. It is from civic organizations that an active culture can emerge.

The prerogatives and capabilities of a democratic civil society require constant institutionalization. The nature and direction of authority relations must be directed to all organizations in society and not just to those linked to the coalition of ruling, residual

communist parties and intelligence agencies, however reformist they may have become in four years. This requires not only a change in governing patterns by the presidency, the parliamentary cabinet, the bureaucracy, judiciary and intelligence agencies, but in the nature and practice of civil society organizations themselves. Their rights require protection, but unless they act responsibly, such rights will remain on parchment. As David A. Kideckel has noted, it is not the development of social groups alone, but their relation with the state that will determine whether a civil society emerges in Romania.¹

The March 1994 Sinaia conference of Non-Governmental Organizations (NGOs), under the auspices of the International Foundation marked the beginning of phase two of the democratization of civil society. If the ultimate goal of democracy is "rule of the people," then the development of organizations representing the people has marked the first stage of the first four years of Romania's continuing democratic revolutionary process. While political parties are the primary effective organization for aggregating interests and effecting compromises emerging civil society, NGOs are the main mechanism for articulating interests in civil society and for monitoring both the aggregating function of political parties, the governing function of the state, and reporting to the citizenry.

Thus, the first phase marked the creation of new associations, while in the second, deepening phase, the NGOs begin associations among themselves, as well as encouraging the creation of new NGOs. Five phase-II tasks present themselves in Romania, compared with other countries. First, NGOs deserve thorough legal protection, both in terms of registration and financial development. Second, as a primarily rural country, it is essential in this second phase to expand from the initial thrust toward creating civil society organizations among the middle class, professionals and intellectual classes to include the peasantry. Third, the group assembled at Sinaia will make deliberate efforts to interact more with NGOs not present at the meeting, be they largely foreign-funded, such as the health service providers, the Association of Former Political Prisoners, or independent trade unions or part of the corporatist sector, such as the Association of Former Interior Ministers, the Humanitarian Law Institute, or official trade unions. Fourth, because of its revolution's beginning from a civil uprising and a coalition of ex-communist reformers, the ruling political parties have largely been created by intelligence agencies. The parliament still has the character of a rubber stamp. Thus, the new NGOs will seek to encourage parliamentary autonomy, transparency, and accountability by establishing an information bureau. This clearinghouse will obtain not only provide references on all active legislation, but will provide early warning to NGOs about new legislative initiatives in their areas of substantive expertise. Finally, the NGOs have resolved to encourage electoral reforms so that the registration, balloting, counting, and reporting irregularities associated with the 1992 elections do not repeat themselves.

¹ "Peasants and Authority in the New Romania," in Nelson, Daniel, ed., *Romania After Tyranny*, Boulder, CO: Westview Press, 1992, p. 70

Institutionalizing NGOs

While Romanian NGOs are better civil status than certain states in the Commonwealth of Independent States, they are not as well established as members of the European parliament. Their sponsorship law (enabling legislation, law number 21) dates to 1924, while a proper incorporation law has not yet been enacted. A fully clear law is needed, both in legal and bureaucratic requirements. Registering a new NGO and annual filing requirements should not take any more time than is reasonably necessary. Second, as non-profit organizations, NGOs should be exempted from all taxes. Related is the difficulty of NGOs to receive imported equipment and financial support in a timely fashion. This can be a problem which is not unique to the NGO sector, of course. But Romanian civil society, like the economy generally, requires a minimum of disturbance of normal communications and transportation services.

Finally, opportunities for obtaining financial support from the Romanian government should be clarified. Too often, funding is given surreptitiously, without providing opportunities for competitive opportunities. Instead, a favored, corporatist sector of pro-government NGOs have received funding in a largely unaccountable, collaborative fashion. Government ministries should announce public bidding processes through requests for proposals, with decisions on awards occurring on a non-partisan, professional basis. Government monitoring of contract performance should be reasonable to assure that performance goals are met, but not so intrusive as to impede efficiency or invade privacy. The chronic lack of funding of NGOs of all types and persuasions merits great concern, which the Romanian government can alleviate with proper policies.

The dismantling of communist mass organizations does not mean that substitutes should be created for favorable treatment. The replacement of the communist UTC (youth organization), for example, resulted in the unsuccessful to create a semi-official youth organization. Subsequently, more independent youth and student organizations emerged, mostly without any state or foreign support. But there is still lacking any systematic attempt to create an association of youth organizations. A free market of association and support should facilitate an NGO sector which is neither partisan nor divided. Sometimes, this will be best promoted by sectoral associations of different organizations and in others, independent views may prevent more general associations. But every opportunity for free associations that seem most rational should be made available. Rather, pluralism means creating a system of civilian organizations that are part and parcel of the bargaining and checks and balances on the state bureaucracy and parliament on which democratic performance depends.

Increasing Rural NGO Participation

After the Dec. 1989 overthrow of Ceausescu, the Iliescu government established rural organizations throughout the country and promised up to ten hectares to all farmers. Most have received one or two, but most have not received any property titles. They have hardly been given, as with Romania's two previous land reforms, the technical assistance, credit and legal protection to ensure them that their newly acquired property will become productive. The development of NGOs in rural society so far has been dominated by state policy and state-created NGOs, with some policy inputs from stipulations on World Bank and IMF loans. Peasant relationships have gained virtually no autonomy and economic development since the 1989 revolution. A crucial agenda item for the newly organized independent sector is to assist in the development of comparable rural organizations. In isolation, peasants will not succeed in the manner that individual compromise and influence-peddling provided minimal autonomy under communism. Concerted action is needed to establish autonomous credit and farming cooperatives, real banking institutions, and protection of private property.

Nevertheless, at a minimum, regular, honest and reasonably fair elections to select rulers preferred by the majority from a reasonable choice of candidates. We might disagree about the meaning of these terms, or employ alternative criteria like the UN's "free and fair," the journalistic "credible" elections or the utopian "democratic." NGOs must be involved to reduce the number of balloting and counting irregularities, whether they resulted from negligence or fraud. The Sept.-Oct. 1992 general elections restricted spending to make sure that the existing resources are spent as budgeted in as efficient a manner possible.

Second, there is an obvious need to involve the NGOs associated with the regime. Corporatism has a Romanian past under the dictatorships of Carol II and Antonescu and a resurgence of corporatism would inhibit the democratization process. The resistance to liberal relationships is always in the interests of the rulers. The public cannot enjoy equal access to its state if only one set of NGOs created by and for the state have access. The latter will only act within specified limits, and will find the reins pulled in the moment any transgress these specified demarcations.

Aside from a neutral attitude to the NGO sector generally, the state should encourage the emerging network of civic groups to form freely new relationships with each other. There is no reason why one environmental group, such as in environmental protection, should not find it advantageous to cooperate with other environmental groups, just as government and opposition Members of a parliamentary commission would naturally share substantive concerns and expertise. Second, the independent NGOs should join the pro-government NGOs (sometimes called 'GONGs) in freely forming relationships with political parties, trade unions, government agencies, and journalists. Specific types of NGOs, such as business associations, would naturally create linkages with commercial enterprises directly affected by public policies and proposed legislation. Other issues, such as proposed censorship laws, would equally affect the entire NGO sector, and would lead to more encompassing alliances.

Increasing Parliamentary and State Accountability

The parliament must act openly and autonomously from other branches of government if it is to offer democratic accountability to the electorate. The public has every right to know how its elected representatives cast their ballot. Legislation in preparation should be open to discussion. NGO representatives should be able to attend and testify and public commission hearings, which should also be held more frequently. So far, the Chamber of Deputies has made more information available than the Senate. But even the lower house only provides legislation on the day of drafting, while not providing a clearinghouse of information. Most of the commissions do not hold public sessions. Even the most open one, on the environment, has drafted an environmental protection bill for over two years without a single public hearing in either house. There have been some public hearings on private premises, some of which were financed by multinational companies, which have an interest in the legislation. Because of potential conflicts of interest, it would be far preferable for such hearings to occur under official auspices in open hearings with transparent mark-ups of the bills.

Toward that end, the NGOs assembled resolved to establish a joint office to collect legislative information of all types. While the exact makeup of this office is yet to be determined, the basic contours involve creating a new association of independent NGOs that would establish office(s) in or near the two houses; providing a reference library of active legislative bills; identifying commission hearings in progress of interest to NGOs; encouraging colloquia to cull information and expertise needed for lobbying campaigns of interest to some or all members; assessing dues from members to finance the salaries of some two-three employees, as well routine expenses. A specific initiative, to create a "Constitution Watch" to monitor violations by the different branches of government is a longer-term initiative of this Association. In the interim, the most flagrant violations of the Constitution will be identified and publicized, whether or not any political parties recognize these aberrations publicly.

Romania is attempting to be the first case of security agency created parties reforming themselves from above. Intelligence agency hegemony over democratic discourse may sanction "original democracy," which in Romania means rule by the executive branch, a presidential system unaccountable to parliament that could easily become totalitarian democracy. There is a danger of unchallenged prerogatives of these intelligence apparatus and the presidency ignoring the constitution without restraint. It is up to a democratic civil society and political opposition to ensure that intelligence agencies do not pull in the reins anytime the system of its creation moves out of its control. Civil society has an educational role to underscore and educate the public what are its democratic prerogatives of civilian superiority and constitutionalism. It also has a monitoring responsibility to ensure that parliament remains superior to the executive branch, as required by the Romanian constitution.

The executive branch should operate with maximum transparency. It may not be possible for Romania to develop a "freedom of information act" overnight. But the current absence of information is startling. The reconfiguration of the post-communist state has occurred rapidly, with the purging of members of the Roman faction of the

National Salvation Front and the redeployment of bureaucrats and technocrats from the communist governments into key positions. While a witch-hunt would certainly be inappropriate, some of these assignments have been undertaken in such haste and secrecy as to arouse suspicion. Some of the ministers, such as the Health Minister, were associated with initiatives, such as the Ceausescu reproduction policy ("Twenty Million Romanian Ethnic by the Year 2000) of taxing small families, that their credibility is called into question. While release of *Securitate* may be beyond the pale of NGO concerns at this stage, certainly the public record of all ministers deserves democratic scrutiny. This would involve at least the holding of parliamentary hearings on all public appointments. The March 1994 change of four key ministers without any hearings or parliamentary confidence vote was in apparent contradiction of Articles 101-104 of the Romanian Constitution.

Electoral Reforms

As in most elections before 1989, the electoral process is as described by Mattei Dogan, "mimic democracy." ² In particular, they will lobby for a formal and independent voter registration process; a permanent electoral commission composed on either a multi-partisan model with checks and balances or an independent commission without any partisan representation; unobstructed access of NGO electoral monitors at any polling station in the country (as was permitted in March 1992, but not Sept. 1992); and publication of all polling results from all polling stations (as has never occurred).

For credible elections Romania must establish a formal registration process, cease special list voting and cancel any election with a nullification rate exceeding three percent. Also necessary are indelible ink applied on all voters' fingers to prevent multiple voting and seven carbonless copies of all official electoral documents, especially the election returns and the canvass at the electoral constituencies. The use of stamps should be replaced with properly printed ballots that can only be marked by a person's writing, preferably of the name of the party, since Romanians currently do not vote for individuals. If funds and technical assistance are available from the UN Electoral Assistance Unit established by General Assembly Resolution 46/137 of 17 Dec. 1991 or from foreign embassies.

Second, there should be a system for reviewing complaints, beginning by publishing precinct-by-precinct results. Third, there needs to be a permanent electoral commission- a constant refrain of former Central Electoral Bureau (BEC) Chair Paul Florea. Then, complaints could be reviewed. Without one, there is no incentive to collect evidence. The 42 electoral constituencies should include permanent representatives of the opposition. The BEC should be included only of party representatives, according to their congressional representation and not include judges. Currently, there is no capacity to guarantee correct registration, counting, and reporting

² "Romania 1918-1939" in Ozbudun, Ergun and Myron Weiner, eds., *Competitive Elections in Developing Countries*, Duke University Press, 1987

votes, as well as enforcement of existing laws mandating a voter identity card. Finally, there should be no restrictions on independent monitors in either the polling stations or the 42 electoral constituencies. Full reporting of all polling station data should be available upon request at any time from the permanent electoral commission. With these reforms, Romania's elections can become democratic and credible. Without them, and there is little reason so far to imagine that the ruling party will enact them without Western pressure, elections will continue to be rigged indefinitely.

There is also a need for NGOs to develop independent polling capabilities to ensure that the pre-electoral polls are reliable and that the official results are credible. While there is no evidence of manipulation of pre-electoral and exit polling, there is an enormous public confidence gap. The best reassurance for the public is to provide it with another check and balance on public processes. Every effort should be made that the new information bureau proposed to monitor parliament also develop an independent polling capacity on issues and public preferences. In that way, another source of public opinion formation and identification will be created, consistent with institutionalizing a self-reliant, independent sector.

Conclusions

The development of democratic performance depends not only upon free elections, a functioning parliament and judiciary, but a viable civil society. Without an informed and active public, there can be no real popular sovereignty. Citizens, through constituent organizations, have every right and responsibility to become intimately involved in electing and governing democratically. Robust democratic development is therefore dependent upon the organizations through which people can become citizens.

The first four years of post-communist rule in Romania has shown vigorous NGO growth. Such progress augurs well for the future if the momentum of the first phase can be maintained and transformed. Five key tasks were articulated at the Sinaia conference that are to be undertaken: legal and organizational institutionalization of NGOs; strengthening rural NGOs, relating to social service and corporatist NGOs, parliamentary monitoring, and electoral reforms and monitoring. The success of the NGOs in achieving this goals in the second phase will determine whether or not Romania inaugurates and consolidates democracy. Without further progress, the NGO sector will become window dressing rather than an integral part of political and civil life.

MANAGEMENT EFFICIENCY NECESSARY FOR
ROMANIAN NGOs TODAY

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MANAGEMENT EFFICIENCIES NECESSARY FOR ROMANIAN NGOs TODAY

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There do exist those NGO professionals who have been successful in blending the human traits characteristic of the socially conscious with the hard technical skills required to manage complex organizations under the difficult conditions under which NGOs must operate in Romania and elsewhere today. But, unfortunately, this is the exception rather than the rule - NGOs tend to be run by well-meaning individuals who are committed to social causes but who lack the management skills necessary to administer a budget, plan and implement projects and organize and motivate staff. Most NGOs were conceived as a response to altruistic motivations of one or several individuals. These individuals often relied heavily on high moral purpose, good will, hard work and common sense as their formula for success. It is unfortunately only a relatively recent development that much attention has been paid to the need to apply professional management practices and technical competence to NGOs. Many are even reluctant to address these needs out of a fear that employing professional management practices might make them more like the larger government and private-sector bureaucracies that they commonly believe to be ineffective and/or whose values they may not share.

This fear is not as irrational as it may seem. Conventional management practices were, after all, initially conceived to

benefit larger organizations whose value systems tend to emphasize urban over rural, industrial over agricultural, things over people, standardization over diversity, large scale over small scale, modern technology over traditional, quantitative over qualitative, laboratory studies over field experience, and which are generally alien to grass roots concerns. The popular misconception is that they stifle creativity and initiative and are authoritarian and undemocratic in nature. They seem to run counter to the very values and principles to which most development-oriented NGOs adhere and are committed (Korten, 1987).

NGOs are, in fact, characteristically quite different from more traditional types of organizations and require alternative management approaches. They must address ethereal issues such as empowerment, social change and social equity. Their goals often attempt to address problems which are national in nature and of such magnitude that they generally fall beyond the scope of any single organization to achieve. Success is often difficult to measure and define. They are almost always dependent on donors for their funding, whose overall goals may be quite different from theirs. NGOs sometimes find themselves in the unpleasant position of having to compromise their independence to the wishes of donors who may, and often do, know considerably less about the true needs of target beneficiaries than the NGOs they are financing. They grapple with the conflict of promoting self-sufficiency while soliciting the bulk of their financing from donor agencies. They are required to balance their accountability to donors, government and beneficiaries, with the latter often receiving the least attention. They often represent diverse constituencies with

competing agendas. NGOs are faced with the task of attracting and keeping highly qualified staff at painfully inadequate salaries. They are routinely asked to cooperate and "liaise" with competitors in the interest of national development. Can you imagine Coca-Cola and Pepsi "liaising" on anything except how best to steal each other's secrets?

In short, NGOs operate in a turbulent, complex, unpredictable environment that requires a unique blend of technical, managerial and leadership skills. Taking all this into consideration, is it any real wonder that NGOs face acute management deficiencies? Toyota and IBM don't know how easy they have it. All they have to do to satisfy their shareholders is make lots of money - a comparatively straightforward and one-dimensional task. It almost seems easy compared to the profound challenges facing NGOs - like building the self-confidence of the poor and disadvantaged, increasing their ability to participate in decisions which affect their lives, expanding awareness of the structural problems which keep people out of the political mainstream and empowering them to action (Smith, 1987).

So...what can we say to those idealistic, socially committed souls who have the audacity to believe they can make a difference when it comes to issues of social equality and justice? How do we help them to improve their capacity to direct and manage organizations which exist to address these human needs? Well, one important thing is that they need to be held to the same standards of professionalism and competence as are managers of banks, corporations and other business entities. NGO managers are often not expected to be as professional as their business counterparts, so they often are not - as if humanitarianism and

Other board members should be able to at least interpret financial statements. The organizers of this forum are to be commended for devoting an entire session to issues of financial management.

2. Long-Range Planning

An NGO needs an institutional vision, a higher-level goal toward which all organizational activities are directed. Critical questions NGO managers and directors must ask themselves are, "What will be the focus of this organization five years from now?" "What will the needs of our constituents be?" "In what directions do we grow and develop to be able to meet those needs?" While project planning involves planning for a discrete activity, strategic, long-range plans are developed to link the organization to the environment within which it operates. NGO managers and directors need to be skillful at reading and interpreting environmental trends and events. Management has no choice but to anticipate the future, to attempt to influence it, to be able to manage change. This is an inexact science for those mere mortals among us. But in the absence of divine guidance, good strategic planning is what often distinguishes those organizations which reach high levels of excellence from those that do not (Vaill, 1981; Drucker, 1974).

3. Project Management

The extent to which an NGO is successful in achieving its mission is directly related to its capacity to identify, plan, appraise, implement, monitor and evaluate discrete activities. Project managers need to be skilled in: (a) determining the economic feasibility of projects; (b) achieving consensus and commitment to project objectives and strategies by key organizations and individuals to be involved; (c) developing

realistic workplans and schedules to include time frames and how resources are to be mobilized; (d) clearly defining roles and responsibilities for project tasks; and (e) ensuring that adequate control and feedback mechanisms are in place to assess progress and respond to changes and lessons learned (Schmidt and Kettering, 1984).

4. Networking

NGOs do not operate in isolation. Together, they comprise an important part of any country's national development program. The need for NGOs to develop the ability to establish mutually beneficial working relationships with government agencies, international bodies, donors, fellow NGOs and constituents is critical to their success. Scarce development resources render it imperative that money not be wasted, that efforts are not unnecessarily duplicated, that a spirit of cooperation rather than competition exists, that efforts are well coordinated so that all are working toward the ultimate goal of national development. This is the reason why the concept of a national association of NGOs is so important.

5. Managing Human Resources

I often wonder how NGOs, given the customarily low salaries and difficult working conditions they offer, are able to attract such highly motivated and committed staff. They attract people with strong values, ideology and social conscience. These characteristics are usually a source of cohesion within an NGO. Because NGOs are themselves ideologically driven, however, internal conflict tends to become personalized because differences are often viewed in ideological terms. Since NGOs are perceived, quite rightly, as being committed to social equity and

empowerment, staff often demand that they be treated in the same way by their organization. NGO management professionals must be skilled in balancing the need for a participatory style of management which embodies the democratic ideals characteristic of NGOs with the equally important need for task orientation, structure, systems, direction, hierarchy and firm decision-making (USAID Committee on Voluntary Aid, 1988).

6. Distinguishing Board and Management Roles and Responsibilities

One of the most common problems I have faced in the twenty years I have worked with NGOs is the difficulty in separating board and management functions. Needs assessments conducted with numerous NGOs have demonstrated that board officials, management and staff complain that the lines of distinction are blurred and that serious problems in organizational effectiveness often result. Basic, fundamental board-management issues in many NGOs fester unresolved - like who approves expenditures, who makes purchases, who has custody of the cash, who holds the keys to the safe, and who hires and fires staff. A characteristic of successful NGOs is the clear distinction between the policy-setting function of the board of directors and implementing function of management and staff. It seems a simple concept but many NGOs have found it difficult to put it into practice.

7. Administrative Systems and Controls

It is essential that NGO managers impose appropriate administrative systems and controls on their organizations. If for no further reason, donors expect that the resources they provide will be carefully managed and used for their intended purposes. Some examples: vehicle logs to insure that drivers are

not using project vehicles for taxis; requisition systems that control the use of office materials and supplies; inventory controls to ensure that equipment and fixed assets don't disappear; good reporting systems; efficient work scheduling; clear personnel policies involving employee contracts, salaries, benefits, overtime, compensatory time, and performance evaluations. The well-managed NGO will have such an institutional infrastructure in place.

The seven areas just mentioned deal with the more tangible skills people need to manage NGOs in an efficient manner. Technical assistance programs designed to help NGOs improve their service delivery capacity will build skills in these areas. But skill development is only a part of the management development equation, albeit quite a crucial part. The other part deals with the intangibles: honesty and integrity; charismatic and inspired leadership; accountability and responsibility; commitment to social justice and high moral values; sensitivity to the needs of the less fortunate; belief in the essential goodness of our species - in short, the spiritual and idealistic zeal that has long been associated with NGOs. It's a delicate balance that reflects the two fundamental sides of the human character - thought and feeling, the cognitive and the affective, the rational and the emotional, the brain and the heart. Striking this balance is the challenge facing those in management and leadership positions within NGOs.



PRESS ARTICLES AND RELEASES

Organizat de Fundația Internațională pentru Sisteme Electorale
Program finanțat de Agenția Statelor Unite ale Americii pentru Dezvoltare Internațională (USAID)

SINAIA • 24 - 29 martie 1994

PRESS RELEASE

IFES CIVIC EDUCATION PROJECT IN ROMANIA Funded by the U.S. Agency for International Development

The International Foundation for Electoral Systems ("IFES"), a Washington D.C. based non-profit educational and research foundation, is pleased to announce the successful conclusion of the five-day conference for leading non-governmental organizations involved in public policy development in Romania. The conference, entitled "The NGO Forum: Developing the Civil Society" was held at the "Cazino" in Sinaia, on Thursday evening, March 24, through Tuesday, March 29. The NGO Forum is part of a on-going two-year IFES Civic Education Project in Romania funded by the U.S. Agency for International Development.

The Director of the Project, Mr. Obie Moore, indicates that he considers the Forum a major success and identifies the following accomplishments: (i) NGOs that have accomplished much in civil society development now know and understand each other and their activities and have identified areas for future cooperation; (ii) leading Government officials and Parliamentarians acknowledge the essential role that NGOs have in the development of the Romanian civil society and that a more modern legal environment is needed to legitimize the activities of NGOs; (iii) leading international organizations recognize more clearly that NGOs are performing very responsibly in carrying-out their programs to advance the civil society and are worthy of significant international assistance.

The first follow-up activity from the NGO Forum will occur on April 4: NGOs attending the Forum will meet to develop a strategy to create a permanent NGO Information Office at the Parliament. This office would report on legislative activities of concern to NGOs, including schedules for debates, commission hearings, and copies of draft laws. It is intended that from this effort a legislative working group of NGOs will emerge and eventually a more formal association of NGOs would be created.

The Minister of Justice, Mr. Gabriel Chiuzbaian, addressed the Forum to assert his support for NGOs and the need for Government to improve the legal structures to insure the success of NGOs. Parliamentarians indicated that they desired more contact with NGOs and needed more information on their activities and invited several NGO representatives to meet with them regarding specifics of needed legal reforms.

The Forum provided Government representatives the opportunity to present for the first time publicly its strategy for reform and assistance to the NGO Sector. (See attached copy of a declaration by Mr. Vladimir Pasti, Director of Social Development and Administrative Reform of the Government). It also allowed the NGO leaders to discuss with Government officials the importance of improving the legal structures and operating environment for NGOs in Romania.

Also, "White Papers" were prepared during workshops by six categories of NGOs. These papers assess the activities, problems, future programs and resource needs of leading NGOs. The final versions of the "White Papers" will be completed in ten days and copies will be distributed to Romanian NGOs, Government officials, Parliamentarians and potential funders of NGOs. (See attached summary of key provisions of NGO "White Papers".)

Finally, IFES announces that its next action will be to conduct a conference in collaboration with APADO (Lawyers for the Defense of Human Rights) on legal issues to facilitate the development of the civil society. The conference will take place in Braşov on April 2 - 3.

For additional information regarding the NGO Forum, please see the attached agenda and participant list or call the IFES office in Bucharest at the following telephone numbers: 613 1990/312 34 14.

Obie L. Moore
IFES Project Director

Organizațiile neguvernamentale și implicarea lor în societatea civilă

Interviu cu Obie Moore, director de programe al Fundatiei Internaționale pentru Sisteme electorale

Cară este situația organizațiilor neguvernamentale în România?

În general, programul IPES realizează că lumea este alcătuită din diferite culturi și tradiții, și că este rolul societății civile din fiecare țară să identifice și respecte aceste diferențe și să asigure condițiile demnității umane pentru fiecare persoană. Acest efort este esențial pentru fiecare țară, dacă dorim să consumăm o comunitate internațională în care diferențele dintre persoane să fie respectate.

Prima instituție neguvernamentală din țară a apărut în 1540 la Suceava

Dacă dorim ca democrația, ca mecanism al societății civile, să se dezvolte în România, ea trebuie să fie adănc înrădăcinată în convingerile fiecărei culturi și tradiții din această țară. În anii '90 devine evidentă responsabilitatea organizațiilor neguvernamentale (ONG) de a îndepărta telurile societății civile, formulând inițiative de îmbunătățire a calității vieții din fiecare comunitate. În ultimii doi ani pe care i-am petrecut în România, am aflat din proprie experiență că ONG-urile rămășițe sunt în cea mai mare parte compuse din persoane preocupate de problemele sociale importante cu care se confruntă comunitățile. Ei își dau seama că nu mai pot aștepta ca alții să rezolve probleme atât de grave ca poluarea mediului, xenofobia, problemele sănătății și lipsa inițiativelor economice.

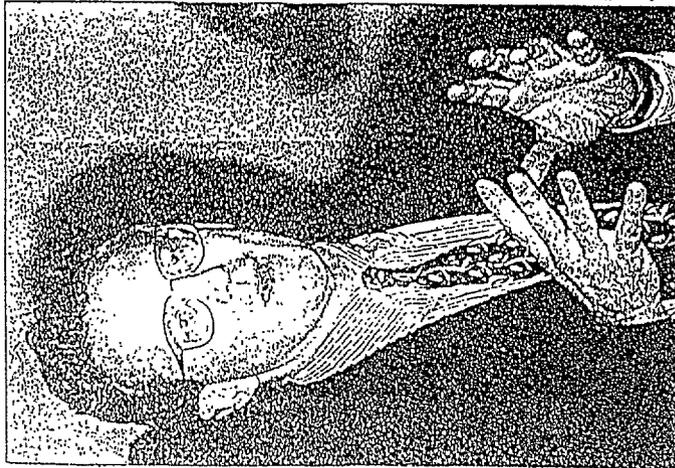
Guvernul ar trebui să încurajeze asemenea acțiuni neguvernamentale, deoarece este binecunoscut faptul că personajele predispușe să-și ajute semenii sau de a îmbunătăți calitatea vieții în comunitățile lor, pot să facă mult mai bine și mai eficient decât instituțiile statului. De fapt, gradul de dezvoltare a societății civile dintr-o țară se măsoară prin numărul ONG-urilor.

Prima atestare documentară a unei instituții neguvernamentale românești este menționată la Suceava în 1540, în cartea "România" de istoricul Vlad Georgescu.

Acest prim ONG se numea "Frăția" și era o organizație de asistență mutuală profesională și religioasă. Ulterior aceste "Frății" au devenit cunoscute sub numele de bresle și, la puțin timp, au fost recunoscute în legislația românească.

Care este rolul IPES în reclădirea societății civile din România?

Rolul IPES în reclădirea societății civile în România a fost să ofere românilor mijloacele de identificare a problemelor ce stau în fața comunităților locale, astfel încât să poată lua măsuri pentru reclădirea societății civile. Din iulie 1992, IPES a organizat peste 25 de seminarii pentru liderii comunităților locale, și la care au participat peste 1500 de persoane. Aceste programe, de una până la cinci zile, cunoscute sub numele de "Vocea civică", au ca scop să aducă împreună liderii orașului sau regiunii respective, pentru a identifica și elabora strategii de rezolvare a problemelor locale, și, prin



Primul Forum Anual ONG de la Sinaia

internaționale. Înălțări ulterioare s-au desfășurat la sediul nostru cu unii participanți ai Forumului, în ideea de a stabili o asociație mai formală de ONG-uri. Două alte inițiative locale de care suntem mândri au implicat eforturi neguvernamentale, cele de a rezolva pe cât posibil poluarea cu efecte grave în Zlătua și Baia Mare.

Miracolele se înfăptuiesc prin eforturi zilnice.

Care este stadiul actual al societății civile în România, și care sunt obiectivele IFES pe termen scurt?

Pentru viitor sunt optimiști în ceea ce privește perspectivele României. Este evident că trebuie să avem speranță în viitor pentru a acționa în prezent. Uneori realizăm că românii care sunt implicați în realizarea unei societăți democratice sunt mult prea severi, atât cu ei înșiși, cât și cu ceilalți. Adeseori le readuc aminte unor lideri ONG că nu au avut decât patru ani pentru a reconstitui o societate civilă; nu trebuie să se aștepte la miracole imediate dar miracolele se pot înfăptui - prin eforturi zilnice, conștiente, de muncă colectivă, pentru a schimba mentalitățile și de a oferi oportunități fiabile în această societate într-o continuă schimbare.

Acestea fiind spuse, mai este mult de realizat fără întârziere. După cum s-a discutat la Forumul ONG, Guvernul și Parlamentul trebuie să ia măsuri pentru a amenaja și moderniza Legea din 1924, care reglementează ONG-urile. Legea asupra impozitelor trebuie revizuită, pentru a oferi posibilități de finanțare OG-urilor care au proiecte importante, esențiale dezvoltării societății civile. Structurile,

elaborează strategii pentru rezolvarea acestor probleme. În consecință, pot spune că cea mai importantă acțiune de până acum a fost primul Forum Anual ONG, care s-a desfășurat la Sinaia, între 24 - 29 martie. La Forum au participat peste 75 dintre ONG-urile cele mai active implicate în viața publică din toată țara. Acest Forum a dat pentru prima dată ocazia liderilor ONG să discute existența lor și reformele legale necesare cu înalți funcționari guvernamentali și delegații oficiale din partea celor două Camere ale Parlamentului. Acest eveniment-pemieră a permis discuții axate pe schimbările structurale necesare pentru a facilita un mediu de operare mai modern pentru ONG-uri. Au participat, de asemenea, cu un aport specific, experți din Statele Unite și universități europene, precum și reprezentanți ai unor organizații finanțatoare cum ar fi USAID, EC PHARE și Fundația Soros pentru o Societate Deschisă. De asemenea, participanții au lucrat zilnic pe aeliere, pe categorii de activități, ce au inclus: (1) mici întreprinderi/ economice, (2) ecologie, (3) drepturile omului, (4) mass-media, (5) civic și (6) tineret. Prin aceste activități s-au introdus și revizuit unele cărți albe, constituind o apreciere asupra activităților, problemelor și necesarului de resurse ale ONG-urilor. Odată finalizate, ele vor fi multiplicare și distribuite în comunitatea ONG-urilor, funcționarilor guvernamentali, parlamentarilor și organizațiilor finanțatoare



În plus, pentru a da o credibilitate ridicată Centrului de Asistență IFES și ONG-urilor asociate acestuia, a fost esențial să comunicăm obiectivele și telurile proiectului autorităților guvernamentale implicate, inclusiv reprezentanților unor ministere. Consecința a fost un nivel mai ridicat de disponibilitate a reprezentanților Guvernului de a încuraja deschis și de a ajuta efectiv atât proiectul nostru, cât și alte programe de educație civică. Sperăm că în curând Parlamentul va simți necesitatea de a promova legislația care va oferi o poziție legală și politică ONG-urilor românești. Prin intensificarea comunicațiilor parlamentare și guvernamentale recunosc că ONG-urile nu pot fi catalogate ca o mișcare de opoziție politică. Deși ONG-urile din fiecare țară sunt încurajate să aibă o agendă politică, în ideea de a solicita Guvernului să acționeze pentru rezolvarea problemelor sociale legate de activitatea lor, scopul principal al ONG-urilor nu este de a alege un partid sau altul ci, mai curând, să muncască împreună pentru a îmbunătăți calitatea vieții pentru toți cetățenii.

Care sunt cele mai spectaculoase acțiuni realizate având în vedere rezultatul lor? Uneori cred că cel mai "specios" lucru pe care îl facem este doar de a aduce împreună oameni competenți, integri, cu simțul datoriei, și de a-i provoca la discuții asupra unor probleme acute și actuale. Și, cel mai important, să

acces proces, să se îndrească structurile democratice emergente. Surturbările prezentate la aceste seminarii includ de obicei concepte cum ar fi societatea civilă, conducerea democratică, drepturile omului și sursă de drept, accesul cetățeanului la procesul legislativ, la privatizarea și proiectia mediului.

Cum se înțeleg liderii ONG cu reprezentanții guvernului?

Există o înțelegere între liderii ONG-urilor și reprezentanții Guvernului? Prezenta la aceste seminarii a experților guvernamentali și neguvernamentali din diferite domenii, incluzând drepturile omului, ecologie, legislație, problemele minorităților, economie, mici întreprinderi și altele, le-a dat ocazia locuitorilor din aceste orașe să dezbătuie în public și să înțelegă problemele complexe și dificile generate de tranziția la o societate democratică guvernată de legea pieței libere. De asemenea, reprezentanții Guvernului au obținut o imagine clară a efectelor acțiunii (sau inacțiunii) lor asupra locuitorilor comunităților mai îndepărtate de evenimentele zilnice ale Guvernului central din București. Astfel, aceste seminarii pentru liderii civici au dat naștere unei comunicări mai bune, nu numai între cetățeni și funcționari Guvernului central, dar și între alți sectorii societății, cum ar fi funcționari locali și regionali, activiști politici și sectorul neguvernamental independent emergent.

legale și reglementările cu privire la ONG-uri trebuie simplificate și coordonate în vederea creșterii unui mediu propice dezvoltării ONG-urilor în România.

IFES speră să poată să furnizeze în continuare asistență tehnică ONG-urilor ce doresc să aibă un aport în procesul legislativ în România. O inițiativă majoră este de a încuraja Parlamentul să pună la dispoziție sprijinul necesar pentru a crea un birou de informații ONG. ONG-urile au un interes deosebit în a avea o contribuție în procesul legislativ, nu numai în legile ce afectează operațiunile ONG-urilor, dar și în acele legi care afectează societatea civilă în general (ex. Legea asupra religiei, Legea asupra minorităților etnice, Legea președintelui). De asemenea, vom susține cel puțin un program ("Vocea Civilă") în diferite orașe din țară.

Acestea programe vor fi organizate împreună cu primăriile și principalele ONG-uri din orașele respective. Planificăm și o inițiativă de consiliere a necesității de a reforma procesul electoral român. Desigur, IFES a lucrat în multe rânduri din lume în vederea sprijinirii guvernelor locale și de stat, totodată dorim ca și ONG-urile să dezvolte un sistem de administrație electorală funcțional și care să reducă posibilitățile de abuz sau fraudă, și să dea astfel mai multă încredere în rezultatul alegerilor.

România este singura țară din Europa Centrală și de Est care nu are un Birou Electoral permanent.

Ceea ce mă preocupă în special în această perioadă, în care se evocă alegeri anticipate, este faptul

că România este singura țară în Europa Centrală și de Est care nu are un Birou Electoral permanent. Un Birou permanent este esențial prin faptul că evită ca problemele din alegerile anterioare să se repete, și, în consecință, alegerile succese sunt mai bine administrate.

Un astfel de Birou poate asigura funcționarii electorali pregătiti, localizați în fiecare județ din țară, a căror funcție este să asigure că legea electorală funcționează la fel pentru toți. De asemenea, un Birou permanent ar fi capabil să inițieze și să coordoneze efortul de înregistrare a electorilor, îmbunătățirea buletinelor de vot și campanii de educație a alegătorilor. Toate acestea sunt esențiale pentru a asigura nu numai alegeri libere și corecte, dar și o campanie electorală activă și corectă.

În acest sens, IFES va trimite persoane cu experiență în procesul electoral din România și din alte țări din Europa Centrală și de Est să observe alegerile din Maraca Brijuni, pentru Parlamentul Comunității Europene, în luna iunie. De asemenea, ca o continuare, sperăm să organizăm un seminar pentru toate partidele politice, lideri ONG și experți care să revizuiască recomandările asupra administrației electorale făcute de IFES în urma alegerilor din 1992, și care să hăniască asupra recomandărilor ce ar trebui încorporate în sistemul electoral românesc.

Este speranța noastră că în alegerile viitoare alegătorii să meargă la urne înțelegând mai bine societatea civilă, problemele comunităților lor, și deținând mai multe informații asupra fiecărui candidat și a poziției lor față de problemele societății.

A consemnat
Mihai Creangă

TRANSLATION OF PRESS ARTICLE FROM
COTIDIANUL NEWSPAPER

Bucharest, Romania
(published: May 10, 1994)

What is the situation of the Romanian NGOs?

Generally, the IFES program recognizes that the world is shaped by different cultures and traditions and that it is the role of the civil society in each country to identify and respect these differences and secure the conditions for human dignity for all persons. This effort in each country is essential if we are going to build a world community in which differences among people are respected.

If democracy, as the instrumentality of the civil society, is to flourish in Romania, it must be rooted in the deepest convictions of the various cultures and traditions of the country. In the 1990s, it is clearly the responsibility of non-governmental organizations ("NGOs") to carry-out the convictions of the civil society by devising initiatives to improve the quality of life in all communities.

During the past two years of living in Romania, it has been my experience that Romanian NGOs are increasingly comprised of individuals who are concerned about important societal problems which affect their communities. They recognize that they can no longer afford to wait on others to try to solve such serious problems as environmental pollution, ethnic hatred, youth unrest, and a lack of economic opportunity, NGOs are enhancing their role as the primary facilitators of the civil society in Romania.

Government should encourage such non-governmental actions because it is well established that persons who are pre-disposed to assist others, or to improve the quality of life in their communities, can do so in a much more efficient and cost-effective manner than if left to public agencies. In fact, the degree to which the civil society is developed in any country is measured by the number of NGOs that are organized and active in their pursuits to improve the quality of life in their communities, by, for example, fostering understanding among persons who have historical differences, protecting the environment, creating more economic opportunities for all persons; and other initiatives to create a more free and fair society that is based on the respect for the rule of law and human dignity.

Romania's first-recorded non-governmental initiative is identified by historian Vlad Georgescu in the book, The Romanians, as occurring in Suceava in the year 1540. This first NGO was identified as a "brotherhood" which was a professional

and religious mutual assistance organization. Eventually, these brotherhoods became known as "guids", which soon thereafter were recognized by Romanian statutes of law.

Define IFES's role in reconstructing the civil society in Romania.

The role of IFES in reconstructing the civil society in Romania has been to afford Romanians opportunities to identify the problems that they face in each community so that they can take steps to rebuild the civil society. Since July 1992, IFES has conducted over 25 "Vocea Civică" civic leader seminars throughout Romania which have been attended by more than 1500 Romanians. These one-to-five day programs, identified in-country as the IFES "Vocea Civică" program, are designed to bring together recognized leaders from the town or region (including mayors, prefects, national government officials, and members of Parliament, the town council, labor unions, NGOs, student organizations, minority groups, and political parties) to identify and develop a strategy for solving local problems and, in this process, to strengthen emerging democratic structures. Topics presented at these seminars typically include such concepts as the civil society, democratic leadership, human rights and the rule of law, citizen access to the legislative process, entrepreneurial opportunity, economic privatization, and environmental protection.

Is there an understanding among the NGO leaders and the representatives of the government?

The presence at these seminars of both governmental and non-governmental experts from various disciplines (including human rights, ecology, law, minority affairs, economics, small business, and others) has provided local citizens the opportunity to publicly debate and gain understanding of complex and difficult problems generated by the transition to a democratic and free market society. Likewise, governmental officials have gained valuable exposure to the effects of their actions (or inactions) on residents of communities far-removed from the daily events of the central government in Bucharest. Thus, these Civic Leader seminars have generated better communication not only between citizens and central government officials, but also among other competing societal sectors, such as local and regional officials, political activists, and the emerging independent non-governmental sector.

In addition, to foster greater credibility for the IFES Resource Center and the NGOs with which it has associated, it has been essential to communicate the purposes and objectives of the Project to key government authorities, including representatives of various ministries. As a result, there has been an increasing level of willingness among representatives of the government to openly encourage and actively support the Project and other civic education programs. It is hoped that soon Parliament will feel

compelled to support legislation that will provide greater legal and political standing for Romanian NGOs and their activities.

Through these increased issue-oriented communications, government officials and parliamentarians recognize that NGOs cannot be dismissed as a political opposition movement. Although NGOs in every country are certainly encouraged to have a political agenda, to petition government officials to take action to address societal problems related to their activities, the primary purpose of NGOs is not to elect one party over another party, but rather to work together to improve the quality of life for all citizens in their communities whether through protecting the environment, reducing disillusionment among youth, increasing understanding among ethnic groups, or whatever means to address the desires of an NGO to re-institute the civil society in Romania.

Which are the most spectacular actions of the IFES Program, judging by their results?

Sometimes I think that the most "spectacular" thing that we do is to merely get competent people with integrity and a sense of duty in the same room together and provoke them to discuss important issues and, more importantly, to devise strategies to solve such problems.

However, the future of these programs must be carried out by the NGOs in Romania. Therefore, the most important action to date was the first Annual NGO Forum that was held at the Casino in Sinaia during March 24-29. The Forum was attended by over 75 of the leading public policy-related NGOs from throughout the country. This Forum provided NGO leaders a first-time opportunity to discuss their existence and needed legal and regulatory reforms with key Government officials (including the Minister of Justice) and an official delegation sent by the presidents of both chambers of Parliament. This first-of-its-kind event allowed important discussions to take place that were focused on structural changes needed to facilitate a more modern operating environment for NGOs. In addition, key presentations were provided by experts from U.S. and European universities and representatives from such funding organizations as USAID, EC Phare, and the Soros Foundation. Also, participants attended daily Workshops by categories of activities, including (i) Business/Economics (ii) Ecological (iii) Human Rights (iv) Media (v) Civic and (vi) Youth. Through these Workshops, six draft "White Papers" assessing the activities, problems and resource needs of NGOs were introduced and revised by each category of NGOs. Once they are finalized they will be multiplied and distributed throughout the NGO community and to Government officials, Parliamentarians, and international funding organizations. Follow-up meetings have been held at our offices with leading participants of the Forum in an endeavor to establish a more formal association of NGOs.

Two other more local initiatives that we are proud of involved non-governmental efforts to do something about reducing the serious pollution that is severely harming the communities of Zlatna and Baia Mare.

What is the present state of the civil society in Romania and what are IFES's short-term objectives?

For the long-run, I am optimistic regarding prospects for Romania's future. It is well-understood that we must have hope in the future in order to act in the present. I feel that at times, Romanians who are committed to a democratic society are much too hard on themselves and on each other. I often remind many NGO leaders that they have only had four years to re-constitute a civil society; they should not expect immediate miracles, but miracles can happen--through steady, day-to-day efforts of working together to change mentalities and increase opportunities for all in this continually changing society.

With that said, much more work needs to be done without delay. As was discussed at the NGO Forum, Government and Parliament need to take steps to revise and make more modern the 1924 law regulating the NGOs. Tax laws should be revised to create greater financial incentives to fund the important work of NGOs which is essential to civil society development. Legal and regulatory structures relating to NGOs should be streamlined and made more simple so as to create a more positive enabling environment for NGOs to thrive in Romania.

IFES hopes to provide technical assistance to NGOs that are working to have greater input into the legislative process in Romania. A major initiative is to encourage Parliament to make office space available to create an NGO Information Office. NGOs have great interest in providing input to the law-making process, not only with respect to laws affecting the operations of NGOs but also those laws that affect the broader civil society (e.g. law on religion, law on ethnic minorities, law of the press, law of the Judiciary, etc.)

We will also be conducting at least one "Vocea Civică" program per month in various cities in the country. These programs will be organized in conjunction with the mayor's offices and leading NGOs in the respective city.

Also, we plan an initiative to increase awareness of the need for reforms of the Romanian election administration process. IFES, of course, has worked in many countries around the world to assist local and state governments as well as NGOs to develop a reliable election administration system that reduces opportunities for abuse or fraud and thereby results in greater confidence in the outcome of the elections.

Of great concern to me, particularly in the midst of recent urgings for early elections, is that Romania is the only country

in Central and Eastern Europe that does not have a permanent electoral bureau. An established permanent bureau is essential in that it ensures that problems experienced in previous elections are not repeated and each election is progressively more fairly administered. Thus, such a bureau can ensure that there are trained election officials that are located in each județ throughout the country that are working regularly to ensure that the election law works fairly for all. Also, a permanent bureau would be able to initiate and coordinate such efforts as voter registration campaigns, ballot design improvements, and voter education campaigns--all of which are essential to ensure not only a free and fair election, but an active and fair campaign process.

Thus, IFES will be sending persons with election administration experience from Romania and other countries in Central and Eastern Europe to observe the United Kingdom elections for the European Community's Parliament this June. Also, as a follow-up, we hope to organize a seminar for all political parties, NGO leaders, and legal experts to review election administration recommendations that were made by IFES following the 1992 elections and to devise a strategy to reach an agreement on which recommendations should be incorporated into the Romanian elections system.

It is our hope that during the next election, voters will go to the polls with a greater understanding of the problems in their communities, and more information about each candidate and their positions on issues of the day.

Succesul Legii Mârzescu

Forumul organizațiilor neguvernamentale, organizat la Sinaia la sfârșitul lunii martie, de IEFS, organizație neguvernamentală (ONG) finanțată de USAID, a readus în discuție cadrul legal de înființare și funcționare a organizațiilor neguvernamentale românești, în ce măsură contribuie la dezvoltarea sectorului neguvernamental și răspunde principiilor și prevederilor legislative moderne.

Cadrul juridic pentru asociații și fundații în România este Legea 21/1924 despre persoanele morale, cunoscută și sub numele de Legea Mârzescu. Această lege nu a fost abrogată niciodată de regimul comunist, iar după 1989 a cunoscut un succes enorm; în baza ei înființându-se cele peste 5500 de asociații existente în prezent. La Legea 21/1924 se adaugă prevederile Constituției care, prin art. 3, garantează dreptul deplin de asociere și abrogă toate dispozițiile legale sau regulamentare care îi sunt opuse.

Trebuie subliniat că, indiferent câte probleme sunt în legătură cu această lege, care, datorită momentului în care a fost elaborată și adoptată, reflectă practicile vechi, dinainte de perioada comunistă, creând unele îngrădiri în înregistrarea și funcționarea ONG-urilor, - îngrădiri neconforme cu legislația modernă pe plan mondial - important este că această lege a existat și există, fiind baza lansării și dezvoltării sectorului neguvernamental în România.

(va urma)

Dana Davidescu

Succesul Legii Mărzescu

(urmare din numărul de
ieri)

Față de Legea nr. 21/1924 s-au conturat la Sinaia, din partea ONG-urilor, două curente de opinii.

● Pe de o parte, se consideră că legea este o lege permisivă și că poate rămâne în continuare în forma actuală.

Restricțiile pe care le prevede, fiind contrare prevederilor constituționale, sunt considerate a fi implicit abrogate.

● Pe de altă parte, sunt foarte mulți cei care susțin că legea trebuie urgent amendată, carența ei majoră fiind aceea că nu apără asociația, dând dreptul statului de a interveni în activitatea ei. Legea organizează un regim de supraveghere și control din partea statului asupra oricărei persoane morale, mergând până la puterea de anulare a deciziilor organelor respective. Este adevărat că, până în prezent, Guvernul nu a uzat de aceste prevederi, iar mulți practicieni le consideră abrogate prin Constituție.

Conform Legii 21, personalitatea juridică nu e obținută prin simplul fapt al declarației, așa cum este în majoritatea statelor membre ale Comunității Europene, ci prin decizie judecătorească, asociațiile trebuind să ceară, în prealabil, avizul ministerului competent pentru tipul de activitate pe care își propun să o exercite. Această ingerință a Guvernului în constituirea asociațiilor, prin avizul ministerului competent, este, de asemenea, neconstituțională, contravenind dreptului de asociere.

Legea reglementează și condițiile în care pot fi înființate federații sau uniuni de asociații. Textul actual face ca acest lucru să fie mai greu de realizat decât o asociație. Și în acest punct legea trebuie revăzută, întrucât constituirea unor asociații neguvernamentale la nivel național ar putea contribui la creșterea eficienței și credibilității activităților ONG-urilor.

Dacă, în ceea ce privește Legea nr. 21/1924 există, la ora actuală, mai multe opinii, procentul de 5% scutire de impozite stipulat de Legea sponsorizării este unanim considerat ca fiind nestimulativ pentru potențialii finanțatori ai ONG. În Europa, procentul de deducție fiscală urcă până la 15% în Danemarca.

În ciuda dificultăților evidente ale economiei românești, asociațiile luptă pentru ameliorarea acestui regim, convinse fiind că numeroși contribuabili vor prefera să le dea lor banii decât să-i verse în contul impozitelor. Dacă Legea sponsorizării va trece însă de medierea parlamentară în forma actuală, probabil că problema resurselor financiare ale asociațiilor nu se va simplifica prea mult.

Nici prevederile legale din domeniul fiscalității nu sunt de natură să contribuie la rezolvarea problemei resurselor bănești a asociațiilor. Legislația română nu diferențiază, din punctul de vedere al impozitelor, ONG-urile de societățile comerciale.

Dana Davidescu

THE SUCCESS OF THE MĂRZESCU LAW - by DANA DAVIDESCU

The Forum for non-governmental organizations, organized in Sinaia at the end of March, by IFES, non-governmental organization (NGO) financed by USAID, brought into discussion the legal frame for the creation and functioning of the Romanian non-governmental organizations, and to which extent it contributes to the development of the non-governmental sector and responds to the principles and modern legislative provisions.

The legal frame for the associations and foundations in Romania is the law no. 21 from 1924 about moral persons, also known as the Mărzescu law. This law was never abolished under the communist regime, and it has been tremendously successful after 1989, the over 5500 NGOs presently existing, being created based on that law. At this law no. 21 from 1924 add the provisions of the Constitution, which, in article no. 3, guarantees the full right to free association and abolishes all opposed legal and regulatory dispositions.

It needs to be emphasized that, because of the moment when it was elaborated and adopted, this law reflects old practices, from before the communist period, creating some restrictions in registering and functioning of NGOs - restrictions that are not in compliance with modern world legislation. Regardless of the many problems related to this law, it is important that it existed and still exists, being the basis for the launching and development of the non-governmental sector in Romania.

In the discussions about the law 21 from 1924, in Sinaia, there were outlined two kinds of opinions.

* On one hand, it is considered to be a permitting law and it can remain unmodified. The restrictions in the law, being contrary to the provisions of the Constitution are considered to be implicitly abolished.

* On the other hand, there are many who think that the law should be amended, its major lack being that it does not protect the association, and gives the State the right to intervene in the association's activity. The law sets a survey and control regime from the state upon any moral person, up to having the power of annulment of decisions made by the respective bodies. It is true that, so far, the Government did not use these provisions, and a lot of people consider them abolished through the Constitution.

According to law 21, juridical personality can not be obtained only through a simple declaration, as can be in the majority of the states which are members of the European Community, but through a court decision. Also, associations have to ask for an approval from the respective ministry for the kind of activity they intend to perform. This Government mixtion in the creation of NGOs, through this approval of the competent ministry, it is, also, unconstitutional, breaking the right to free association.

The Law also states the necessary conditions for the creation of federations or unions of associations. The present form of the law makes this thing more difficult to be achieved than a simple association. From this point of view the law needs to be revised, because the creation of non-governmental associations at a national level may contribute to the increase of efficiency and credibility of NGOs' activity.

If, there are more than one opinions concerning Law 21 from 1924, as far as the 5% tax exempt is concerned (percentage stipulated in the Sponsorship Law) it is unanimously considered that this percentage is not stimulative for the potential funders of NGOs. In Europe this percentage of tax deduction may go up to 15% in Denmark.

Despite the evident difficulties of the Romanian economy, associations are fighting for the improvement of this regime, convinced that numerous tax-payers will prefer to give the money to them rather than pay taxes. If the Sponsorship Law will pass through Parliament in the present form, probably it will not simplify the problem of financial resources for the associations.

Neither are the legal fiscal provisions able to contribute to the solving of the financial resources problems that associations have. The Romanian legislation does not make any difference, as far as taxes are concerned, between NGOs and commercial companies.

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România Liberă

FONDATA ÎN ANUL 1877 • Serie nouă - nr. 1220 • SAMBĂTA, 2 APRILIE 1994 • 16 pagini • 150 lei • Tipărit în două ediții

ONG / Pentru un dialog real al societății civile cu Puterea

Fundația Internațională pentru Sisteme Electorale (IFES), organizație non-profit cu sediul în Washington D.C., a prezentat joi - în cadrul conferinței de la Centrul Internațional de Presă - concluziile rezultate în urma "*Forumului Organizațiilor Neguvernamentale (ONG): Dezvoltarea Societății Civile*"; parte a programului pentru educație civică în România, finanțat de Agenția Statelor Unite pentru Dezvoltare Internațională (USAID). Domnul *Obie Moore* - director de proiect, dl *Dan Petrescu* - director de program și dl *Tănase Tăvală* (PNT-CD), precum și raportorii oficiali pentru cele 6 secțiuni ale ONG - *mass-media, ecologic, drepturile omului, civic, tineret, business* au răspuns întrebărilor presei în legătură cu problemele practice, îndeosebi legislative, ce obstrucționează, încă, voită sau nu, existența unei societăți civile normale. Forumul de la Sinaia a fost apreciat, astfel, ca o primă oportunitate de dialog real al societății civile cu reprezentanții statului și ai Puterii. Dl *Obie Moore* a

subliniat necesitatea de a nu mai persista în mentalitatea că "*alții trebuie să rezolve problemele publice, ONG fiind principalul factor în realizarea unui mediu civic real în România*". La rândul său, dl *Tăvală* a informat pe cei prezenți de faptul că a pus în discuția Comisiei pentru drepturile omului din Senat problemele ridicate în cadrul recentului dialog ONG-Parlament-Guvern-Finanțatori internaționali, pledând și pentru urgentarea înființării unui birou de relații, în Parlament, în cadrul demersului pentru o transparență legislativă reală. În termen de 10 zile vor fi definitivate 6 "*Cărți Albe*" care vor evalua și prezenta Guvernului, Parlamentului, organizațiilor internaționale și opiniei publice, principalele probleme și programe de perspectivă ale ONG.

Deși a fost invitat, dl *Vladimir Pasti*, din partea guvernului, nu a venit. În schimb, am constatat prezența unui expert în analiză politică din partea președinției. Un semnal al interesului la Cotroceni, pentru societatea civilă!

Dan Preisz

ROMÂNIA LIBERA - APRIL 2, 1994

NGO - 'FOR A REAL DIALOGUE BETWEEN CIVIL SOCIETY AND GOVERNMENT'
by DAN PREISZ

The International Foundation for Electoral Systems, (IFES), a non-profit, Washington D.C.-based organization, presented in a press conference on Thursday, at the International Press Center, the conclusions of the "Non-governmental Organizations' Forum: Developing the Civil Society". The Forum is part of a civic education program in Romania, funded by the United States Agency for International Development (USAID). Mr. Obie Moore, Project Director, Mr. Dan Petrescu, Program Director, Mr. Tanase Tăvală (from the National Peasants' Party) as well as the official rapporteurs for the 6 NGO sections: mass-media, ecological, human rights, civic, youth and business, answered journalists' questions regarding practical problems, mainly legislative, that still obstruct, willingly or not, the existence of a normal civil society. The Sinaia Forum was appreciated as a first opportunity for a real dialogue between civil society and representatives of State and Government. Mr. Obie Moore pointed out the necessity of not persisting in the mentality that: "others have to solve the public problems, NGOs being the main factor in achieving a real civic environment in Romania." Also, Mr. Tavală informed all present that he has personally brought in front of the Senate Commission for Human Rights the problems discussed during the recent dialogue NGOs-Parliament-Government-International Funders. He also pleaded for expediting the creation of an Information Office at the Parliament as a step towards a real legislative transparency. The 6 "White Papers" that will evaluate and present to the Government, Parliament, international organizations and public opinion, the main problems and the future programs of NGOs, will be finalized within 10 days.

Despite the fact that he was invited, Mr. Vladimir Pasti, on behalf of the Government, did not come. A political analysis expert from the Presidency was present, though, which is a signal on the Cotroceni's interest in civil society.

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România Liberă

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REPUBLICA MOLDOVA / *Societatea civilă există, dar... lipsește cu desăvârșire*

Printre participanții la lucrările recentului "Forum al Organizațiilor Neguvernamentale", una dintre acțiunile cele mai semnificative ale societății civile, s-a numărat și o delegație de tineri din Republica Moldova. În dialogul cu dnii Alexandru Botoșanu, Vasile Andrieș, Igor Grosu și Alen Cîrîmpei, de la Asociația Pro Democrația-Moldova, am aflat câteva detalii legate de varianta "originală" de societate civilă acceptată de autoritățile de la Chișinău - via Moscova.

În conformitate cu cele relatate de interlocutorii noștri, în Moldova există aproximativ 300 de organizații neguvernamentale, dar majoritatea lor activează în sfera artisticului și a unui soi de "obștesc"... De cele civice, drepturile omului sau pentru protecția mediului nu prea pare să se fi auzit... Nu există, practic, un cadru legislativ al organizațiilor neguvernamentale, nici o lege specifică sponsorizării sau autofinanțării. Partea interesantă este aceea că nimeni din staff-ul tehnic al Parlamentului Moldovei nu știe să se fi pus, vreodată, problema unui proiect legislativ al organizațiilor neguvernamentale, mai ales că actuala conducere a republicii nici nu prea vede limpede rostul lor. Un fel de legislație care pare suficientă pentru conducătorii de la Chișinău este aceea de pe vremea sovietelor și a partidului unic...

Delegația din Moldova a cerut celor prezenți la lucrările Forumului - români și reprezentanți străini - un sprijin real pentru o societate civilă reală. "Noi, în postura în care suntem în Moldova, apreciem în mod deosebit faptul că, în România, a existat șansa primului dialog între reprezentanții instituțiilor statului, ai Puterii și cei ai organizațiilor neguvernamentale. La noi, încă nu este posibil așa ceva...", ne-a declarat dl Botoșanu.

Dan Preisz

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ROMANIA LIBERA - APRIL 4, 1994

REPUBLIC OF MOLDOVA/THE CIVIL SOCIETY EXISTS, BUT... IS ENTIRELY MISSING

by DAN PREISZ

Among the participants in the recent "Nongovernmental Organizations' Forum"- one of the most significant actions of the civil society- was a delegation of young people from Republic of Moldova. During the dialogue with Alexandru Botoşanu, Vasile Andrieş, Igor Grosu and Alen Cirimpei, from the Prodemocracy Association-Moldova, we found out some details related to the "original" version of a civil society accepted by the Chisinau authorities- via Moscow.

According to our dialogue partners, in Moldova there are approximately 300 nongovernmental organizations, but the majority of them activate in the artistic field or in a sort of "community" field... As for civic, human rights or ecological organizations, no-one seems to have heard about those kinds of organizations... Practically, there isn't a legislative frame for nongovernmental organizations, nor a law concerning sponsorship or self-financing. The most interesting part is that nobody from the Moldovan Parliament's technical staff has knowledge that any draft law concerning NGOs was ever considered, especially that the present leadership of the Republic does not see very clearly the point of the NGOs. The only kind of legislation sufficient for the Chişinau leaders is the one back from the time of the Soviets and the unique party leadership...

The Moldovan delegation asked from everybody present at the Forum- Romanians and foreigners-a real support for a real civil society. "Being at the point that we are right now in Moldova, we highly appreciate the fact that in Romania, existed the chance for the first dialogue between representatives of Government, State's institutions and those of non-governmental organizations. In our country, it is not yet possible something like that...", declares Mr. Botoşanu.

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Organizații neguvernamentale, de genul IFES, constituie un catalizator al regenerării societății civile

Managementul O.N.G-urilor

În condițiile dificile în care organizațiile neguvernamentale (ONG) trebuie să lucreze în România sau în oricare altă parte, un mediu complex, turbulent și imprevizibil, combinarea trăsăturilor umane caracteristice conștiinței sociale cu acele aptitudini tehnice deosebite necesare coordonării unor organizații complexe se impune din ce în ce mai mult ca o necesitate. Din păcate, abia recent s-a acordat importanța cuvenită aplicării practicilor manageriale de calitate și competenței tehnice în ONG-uri, acestea fiind în general conduse de indivizi bine intenționați, devotați cauzelor sociale, dar cărora le lipsesc abilitățile manageriale necesare administrării bugetului, planificării și implementării proiectelor, organizării și motivării personalului.

De curând, un comitet de consultanță al USAID a făcut un studiu asupra eficienței ONG-urilor, identificând principalele arii în care un management expert este esențial pentru ONG-uri. Studiul a fost prezentat în România, în cadrul „Forumului” Organizațiilor Neguvernamentale, organizat la Sinaia de IFES, ONG finanțat de USAID. Printre necesitățile de dezvoltare ale managementului se numără:

● **Managementul financiar, sector în care necesitatea de dezvoltare e mai mult decât acută.** Cele mai frecvente probleme în cadrul ONG-urilor de pretutindeni se leagă de dificultățile în practicile de management financiar. Nimic nu distruge mai repede credibilitatea unui ONG decât inabilitatea de a-și gestiona fondurile. Adesea, ONG-urile sunt atât de mici încât nu-și pot permite să angajeze un contabil, ceea ce înseamnă că directorii trebuie să aibă experiență în managementul financiar, experiență care, de cele mai multe ori, lipsește. ● **Planificarea pe termen lung.** Un ONG are nevoie de o concepție instituțională, de un țel suprem către care sunt direcționate toate activitățile. Managerii ONG-urilor trebuie să dea dovadă de capacitatea de a citi și interpreta tendințele și evenimentele din jurul lor. ● **Managementul proiectului.** Gradul în care un ONG se bucură de succes în

indeplinirea misiunii sale este direct legat de capacitatea sa de a identifica, a planifica, a aprecia, implementa, urmări și evalua activitățile distincte. Conducătorii de proiect trebuie să fie capabili: a) să determine fezabilitatea proiectului din punct de vedere economic; b) să dezvolte planuri de lucru, termene realiste și modul de mobilizare a resurselor; c) să definească clar rolurile și responsabilitățile în privința scopurilor proiectului; d) să asigure un control adecvat. ● **Lucrul în rețea.** ONG-urile nu lucrează izolat. Capacitatea de a-și stabili relații cu agențiile internaționale finanțatoare, cu donatorii interni și mai ales cu alte ONG-uri este esențială pentru succesul lor. Resursele reduse implică imperativ faptul că banii nu trebuie irosiți, că există mai degrabă un spirit de cooperare decât unul de competiție și că eforturile trebuie coordonate astfel încât să conducă la atingerea scopului final de dezvoltare națională. ● **Administrarea resurselor umane.** ONG-urile atrag oameni cu o puternică conștiință socială și înalte valori morale, oameni care cred în ceea ce fac. De aceea, managerii trebuie să fie antrenati în abordarea unui stil participativ de management, care să îmbine idealurile democratice ale ONG-urilor cu necesitatea, la fel de importantă, de orientare a sarcinii. ● **Sisteme administrative și de control.** Este esențial ca managerii ONG-urilor să impună sistemele administrative și de control adecvate organizației lor. Chiar și numai pentru faptul că donatorii sunt preocupați de folosirea cu grijă și în scopul propus a fondurilor.

Domeniile menționate tratează cele mai tangibile abilități pe care cineva trebuie să le aibă pentru a conduce un ONG într-o manieră eficientă. Dezvoltarea aptitudinilor reprezintă însă numai o parte, o parte crucială e adevărat, dar numai o parte, din ecuația dezvoltării manageriale. Cealaltă parte vizează aspectele intangibile: cinste și integritate, responsabilitate, încredere în bunătatea esențială a naturii umane, pe scurt, acel entuziasm spiritual și idealist care este asociat ONG-urilor.

Dana Davidescu

MANAGEMENT OF NGOS - by DANA DAVIDESCU

In the difficult conditions that non-governmental organizations (NGOs) have to work in Romania or elsewhere, a complex, turbulent and unpredictable environment, it appears more and more as a necessity the combination between the human features characteristic for social conscience and the special technical skills necessary for coordinating some complex organizations. Shamefully, it was not until recent that the appropriate importance was paid to the quality managerial practices and to technical competence in NGOs. Generally, NGOs are managed by individuals who are well-intended and devoted to social causes, but lack managerial abilities necessary for: budget administration, project planning and implementing, staff organization and motivation.

Recently, a USAID consulting committee has done a study on NGO efficiency, identifying the main areas in which an expert management is essential for NGOs. This study was presented in Romania, at the Non-governmental Organizations' Forum, organized in Sinaia by IFES, an USAID-financed NGO. Among the directions of management development there are:

- * Financial management, sector in which the need for development is more than acute. The most frequent problems that NGOs have are related to the difficulties in the financial management practices. Nothing can erode faster the credibility of an NGO than the inability to administrate its own funds. Often enough, NGOs are so small that can not afford to hire an accountant, which means the manager has to have experience in financial management, experience that, in most of the cases, he lacks.
- * Long-term planning. An NGO needs an institutionalized conception, a supreme goal, towards which, all activities are directed. The NGO managers have to prove themselves capable of reading and interpreting tendencies and events around them.
- * Project management. The degree to which an NGO is successful in achieving its task is strongly related to its capacity to identify, plan, appreciate, implement, follow and evaluate specific activities. Project managers must be able to: a) determine to which extent a project is possible, from economical point of view; b) develop work-plans, set realistic deadlines and mobilize resources; c) define clearly roles and responsibilities for achieving the project goals; d) secure an adequate control.
- * Networking. NGOs do not operate isolate. The capacity of establishing connections with international financing agencies, with domestic donators and especially with other NGOs is essential for their success. Limited resources imply that money must not be wasted, that there should be a cooperation spirit, rather than a competition one, so that the ultimate goal of national development could be achieved.

* Administration of human resources. NGOs attract people that have a strong social conscience and high moral values, people that believe in what they do. Therefore, managers should be trained in approaching a participatory management style, that combines NGO democratic ideals with the equally important necessity of task-orientation.

* Administrative and control systems. It is important that NGO managers implement administrative and control systems which are adequate to their organization. Even only for the fact that donors are concerned about the careful and purposely use of their money.

The above-mentioned relate to the most tangible abilities that someone must have in order to manage an NGO in an efficient manner. The development of these skills only represents a part, a crucial one, it is true, but only a part of the equation of management development. The other part aims the not-tangible aspects like: honesty, integrity, responsibility, faith in the essential kindness of human nature, shortly, that spiritual and idealistic enthusiasm associated with NGOs.