

altera

Contents

Editorial 3

REGIONALISATION IN CENTRAL-EASTERN EUROPE

Simina Tănăsescu

Regionalisation in Romania and Its Implications for the
Legal Framework 5

The study makes an unbiased, sine ira et studio analysis of the implications regionalisation would have for Romania. Setting out by explaining the concept of "regionalism", its economic, administrative and political aspects, the study then makes a foray into the current legal doctrine according to which regions fall into political, incorporated, diversified, classic administrative, functional and co-operative, and asserts that, from a purely geographical criterion point of view, Romania is one of the European states that can establish regional structures. After spelling out some terminological haziness, the author closely follows the historical evolution of the idea in Romania, determining that it is the liberal thought that has shaped the idea of regionalism as belonging to the decentralisation problems. In the present context, the region is deemed a decentralisation structure able to perform administrative de-concentration. Both benefits and drawbacks of decentralisation in Romania are weighed; consequently, the need to legally elucidate the notion of region becomes obvious, but it requires a prior political decision, which, in its turn, must take into consideration the European background. The concluding chapter points out that, in prospect of the ratification of the European Charter of Local Self-Government, the Romanian legal system needs a more clear-cut definition of the distinction between local and regional communities as well as of the principle of subsidiarity

Grzegorz Gorzelak

Decentralisation of the Territorial Organisation the Polish State 13

Grzegorz Gorzelak's study deals with Poland's special situation in its strivings to decentralise its territorial organisation. It is a special situation as Poland set out on its way to a genuine democracy long before other ex-communist states. The presidential elections held in the autumn of 1989 elevated Lech Walesa, leader of the Solidarity union trade, to the position of president of Poland. The newly constituted government, which was the first non-communist one, assumed a daring economical programme, but it was impeded by the former local government system, that is, by the lack of a genuine local government. The local elections in May 1990, the first real democratic elections in post-

war Poland, gave a new shape to local government by acting on the doctrine of complete “self-government”, fundamentally different from the former system of the “united state power”. Thus, local government became one of the two pillars of the success Polish changes achieved, the other one having been private enterprise. Nevertheless, there still remains a matter of contention regarding the territorial organisation of Poland, a dispute extending over the last thirty years. Poland shifted from large regions to small ones precisely at the time when three large western countries — France, Italy and Spain — took on to create larger and stronger regional entities and started the decentralisation process. After considering the failures and successes, the author lucidly analyses the stage of decision-making and its outcome: powiats, completely self governed entities, regional councils (sejmik), representative bodies of the regional governments, elected through directly proportional elections, and the voivodships, whose leaders are appointed by the central government. Controversies led to the strengthening of the voivod’s competencies and responsibilities. The process of setting up of the powiats’ boundaries triggered social and political unrest and, eventually in order to ease these tensions, powiats reverted to their traditional small size, which is outmoded in the present context. The study goes on by analysing the financial system as well as the regional policies implemented so far which turned out to be weak and subservient to sectoral policies of the central government. However, the experience gained in past years has led to a simple financing system, based on simple criteria and on generally accepted assessing parameters, marking the beginning of the integration of regional and sectoral policies as a substantial part of the funds formerly attributed to sectoral policies are now earmarked for regional policies. The paper concludes with an overall assessment of the Polish experience. Despite the progress made, the stage of decentralisation is unsatisfying: the new legal framework set up for the activities of the new regions are not supported by the necessary concrete resources. A radical and fast reform of the public finances system must take place in order to further progress. In spite of drawbacks and vacillations, the Polish regions are now visible on the map of Europe and active on the European stage, these having been the very arguments for the successive governs to assume reform, the regional tier being one of the best suited actors in a competitive, innovation-driven global economy

Gyula Horváth

Preconditions for Regionalisation in Hungary

26

The author sets out by listing the territorial subdivisions Hungary consists of — the capital, 19 counties, 23 county rank cities, 214 towns and 2898 villages and then describes micro-regions as groups of geographically linked settlements, based on actual labour, residential, transport, secondary provisional connections. This structure is the result of the legal framework built up to perform decentralisation. The Act on Local Governments and the Act on Local Taxes are analysed, the responsibilities resulting from the former and the structure of the financial resources local governments are entitled to being accurately pointed out. It was the Act on Local Governments that triggered the reshaping of the whole territorial government. Local municipalities gained independence towards county and central authorities. County authorities have lost a

great deal of their former responsibilities and fiscal powers. The study then dwells upon recent policy trends along with the institutions of the new regional policy in the light of the 1996 Act XXI on Regional Development and Physical Planning, which established a new institutional system of territorial development in Hungary and was closely followed by a series of decrees on the use and the distribution of the regional development allocation for territorial equalisation among counties. This 1996 act makes Hungary one of the most advanced transition countries. At present, the territorial policy is developed and implemented at four levels: the National Regional Development Council, the seven Regional Development Councils, the county level and the micro-regions level consisting of groups of self-governing communities which plan and implement their co-ordinated development ideas. Institutional weaknesses of the decentralised tiers as well as confused meso-levels are pointed out, the author showing that from a sectoral policy point of view, benefits and drawbacks of the regions over the counties cannot be easily discerned. The study concludes by a making a foray into the prospects of regions. The future of Hungary's spatial structure is basically dependent on the quality of the decentralisation strategy which Hungary will follow in the use of new resources after the accession to the European Union. A proper decentralisation seems to offer the most efficient solution for Hungary. What is at stake is rather the growth of the Hungarian economy the modernisation of the country, and the future positions Hungary and its regions can take in the European territorial division of labour. The size of the present planning and statistical regions of Hungary complies with the European standards. In the 21st century, only regionalisation can enforce modernisation in Hungary.

Duđko Radosavljević

Autonomy of Vojvodina — Challenges and Prospects

42

The paper ranges among the same field of concern illustrated by the current issue of *Alterra*. The Province of Vojvodina enjoyed its highest degree of autonomy ever as a constitutive part of the Socialist Republic of Serbia following the adoption of the Constitution of the Socialist Federative Republic of Yugoslavia in 1974. The province was entitled to its own Parliament, government, a central bank, academic, cultural and scientific institutions, it carried out its own economical policy, had its own legislation, a judicial system, police and territorial defence bodies of its own. This statute of Vojvodina lasted until 1988 when its powers started to be gradually diminished and eventually almost completely abolished in practice by the political solutions of Milosevic's regime. The current statute of Vojvodina's autonomy make up the core of the study which shows that Vojvodina has been deprived even of its own resources, in sharp disagreement with constitutional provisions. Nevertheless, the current context in Vojvodina is far from being propitious for resolving the issue of Vojvodina's complete autonomy or for rash or incomplete solutions, in spite of the high credibility of the new government and of the international community's efforts to help Serbia to join again the international institutions and the accession process. A favourable course of changes would imply as a first step the correction of its current unconstitutional situation, the amendment of the laws of the republic in order to empower the province to exercise its own normative and executive powers. There also should be considered the emerging ideas of regionalisation

of the republic, that is the establishment of new territorial and political unities in the region. In the second half of 2001, in accordance with the conclusions drawn on the basis of the platform of Vojvodina, a dialogue between representatives of the republic's government and of the province was initiated. The ensuing negotiations brought forward the attempts by the republic's government to undermine efforts and to delay the settlement of issues as long as possible. Nevertheless, opinion polls showed that the idea of autonomy of Vojvodina gains more and more support, it being favoured by 80% of the population. In January 2002, the Assembly of the Republic of Serbia passed the Law on Transferring certain powers to the Autonomous Province, the so-called "omnibus law". About 200 competencies regarding 20 fields of public interest were transferred to Vojvodina. Apart from this incomplete law, nothing has been done to strengthen decentralisation, thus making this process uncertain and also a source of many future problems.

Aleko Djildjov

Decentralisation and Regionalisation in Bulgaria

48

Bulgaria has entered the second decade since it initiated the decentralisation process. One can note the existence of a stable local self government, developed in total agreement with the European Charter of Local Self-Government. The greatest challenge for finishing up the decentralisation of Bulgaria is posed by fiscal decentralisation and the establishment of regional self government. The author analyses the constitutional basis for local self government, provided by Chapter seven of the Constitution, and the actual territorial organisation of the country, consisting of two levels of local/territorial government: municipal and regional. The Amendment to the Law on Administrative Division of the Republic of Bulgaria stipulated that the 9 regions existing at the time should be replaced by 28 new regions by the end of 1998. After reviewing the course of the reforms throughout the years, the author dwells upon the government's intentions regarding regionalization and the aims envisaged by it. Power distribution along government levels as well as the relationship between state administration and local government is analysed. The closing chapter, on control, audit and supervision, shows that, at present, administrative control over the activities of local governments is based on the Law on Local Administration and Local Government, on the Law on Administrative Procedure and the Law on the Supreme Administrative Court. The regional governor exerts control over the lawfulness of municipal administration decisions. Besides administrative control, local governments are subjected to public inquiry. Citizens are entitled to directly participate in issues of major importance for municipality through local referendum, meetings and petitions.

Veaceslav Bulat

Regional Development in the Republic of Moldavia:
Towards Centralism or Decentralisation

56

Regionalism has no traditions in the Republic of Moldavia. At the beginning of the '90s, the system of sectoral government in Moldavia, like in other post-socialist coun-

tries, was demolished without being replaced with a new legal and institutional basis for organising regional development under the new circumstances and for earmarking the necessary resources to this end. Nor has the Republic of Moldavia the experience of adequate regional administrative-territorial unities. As the author points out, territorial administrative reform has been carried out in Moldavia since 1998 in order to eliminate these shortcomings, but it frequently came up against social, economical and political difficulties. The reform is still under way and will be fulfilled provided that regional development policy is promoted. At present, a study is being conducted on the economical regionalisation of the Republic of Moldavia and, based on it, a concept of regional development and a draft law on regional development are being drawn up and, as they are reaching their final form, they confirm the need for a consistent regional state policy to be promoted. Such a promotion is important for Moldavia not only in order to democratise society and to encourage local initiative, but also for the consolidation of the state, for surpassing separatist tendencies on a legal basis and in a civilised manner

INTERVIEW

Giuseppina Paternitti

Interview with Romano Prodi

64

Answering the questions asked by Giuseppina Paternitti, Romano Prodi defines the European project as well as its priorities. After the economical consolidation of this project, it is necessary — as the pressure of expectations of the low levels shows — that Europe should be strengthened socially and politically in order that it act more consistently both on the domestic scene and on the international one. The integration of new states into the European structures takes place at the same time with this reshaping of the project, with the shifting from a Europe of markets to a Europe of rights and liberties. Romano Prodi views the issue of diversity brought forward by this new wave of integration as a sign of cultural wealth, not only as a social and institutional unrest. At the same time, it turns into an incentive to the economic capacities of Western Europe, especially to its South, which is anguished at the prospect of having to share development programmes with the candidate countries. The interview also deals with the financial unification of Europe through introducing the single currency and highlights both its benefits and drawbacks. The arrangements made by the Committee and the Community in response to current requirements as well as to forestall future requirements (social assistance equity, development equity, labour occupation equity, immigration, environment protection, customers' protection, etc) are highlighted, too.

CASE STUDY

Laura Ardelean

National Symbolism in Transylvanian Museums

79

The study has been conducted by a group co-ordinated by the author, a sociologist and

programme co-ordinator within the Pro Europe League. It considers the degree to which museums in Transylvania confirm their naming on the plates hung on the frontispiece of the buildings they are housed in, as well as the degree to which changes have been operated in structuring their collections, in displaying their exhibits after December 1989, considering the well-known fact that museums had been reckoned among the most important institutions of communist and patriotic education of the “young generation”. In the preamble, general remarks are made on the role and mission of museums now seen as a prevailing factor of stopping cultural degradation, of formation and information in agreement with national and international standards and objectives of protection and assessment of the cultural heritage. The issue of national symbolism in Transylvanian museums is tackled. The work group made up of students of the Transsylvania Intercultural Academy has inventoried the objects, maps and their explanatory notes displayed, starting from the presuppositions bellow: the fifty years of communism must have left scars on the face of Transylvanian museums; although the ICOM recommendation clearly encourages the representation of national minorities, this is not mirrored in the reality of Transylvanian museums; sometimes, museums turn into the place where nationalistic concepts prevail over the whole permanent exhibition. The study goes on by analysing each museum apart: the Museum of the History of Transylvania in Cluj, the Ethnographical Museum in Cluj, the Local Museum of Gherla, the Ethnographical Museum in Tîrgu Mureş, the History Museum in Sibiu, the Local Museum of Mediaş, the Criş Rivers Land Museum in Oradea, the Town Museum in Beiuş, the Museum of Hunting and Fishing Items in Săcuieni. Chambers, exhibits and inscriptions are commented on, analyses are made based on concrete data. The conclusions are drawn first, naturally, from the requirements any museum should meet, internationally recognised, these very requirements being the reason for the presence of this cultural institution in the life of the city. From such a perspective as well as from the data collected in the field, things are far from gladdening.

DOCUMENT

Recommendation 1222 (1993) on the Fight against Racism, Xenophobia and Intolerance	104
Recommendation 1438 (2000). Threat posed to democracy by extremist parties and movements in Europe	107
Emergency Ordinance no.31 of 13 March 2002 on banning organisations and symbols with fascist, racist or xenophobe character and promotion of the cult of personalities guilty of crimes against peace and mankind	110
<i>Renate Weber</i> The Fight against Racism, Xenophobia, Anti-Semitism and Intolerance: Between Legal Rhetoric and Reality	113

A reputed jurist and representative of the Romanian civil society, Renate Weber tackles in this study the relationship between legal rhetoric and reality, between words and facts. She sets out with the adoption in 1993 by the Parliamentary Assembly of the Council of Europe of Recommendation 1222 “on the fight against racism, xenophobia, anti-Semitism and intolerance”, the first of a vast series of initiatives meant to bring more peace to this planet shaken by all kinds of earthquakes: political, social, national, etc. The author analyses the impact of this type of legal acts adopted at the European level, and whether or not the public, politic and social climate of Europe has improved. She also reviews the ideas and appeals expressed by the European law in the field. Beside Recommendation 1222, Recommendation 1275 (1995) “on the fight against racism, xenophobia, anti-Semitism and intolerance”, Direction 43/EC/2000 “for the implementation of the equal treatment among persons irrespective of their racial or ethnic background”, Recommendation 1438 (2000) on “the threat posed to democracy by extremist parties and movements in Europe” are also perused. What was the response of the European states? Some of them considered the fight against acts of intolerance must be waged and acted as such. Others, like Romania, have ignored this issue for years. As the author shows, publications eulogising the Iron Guard, exalting an inflated nationalism in articles of inconceivable abjection have been issued without let or hindrance ever since 1990. It is against this background, where the Romanian judiciary seemed powerless, that the Emergency Ordinance no.31 of 13 March 2002 “on banning organisations and symbols with fascist, racist or xenophobe character and promotion of the cult of personalities guilty of crimes against peace and mankind” was issued. Although belated, the ordinance as such was commendable, but it was not remitted to the Romanian Parliament, nor subjected to public scrutiny although the latter would have accomplished an instructive goal. Despite all its worthy ideas, the Ordinance holds provisions liable to curtail some of the civil liberties and, whereas streets are no longer named after Ion Antonescu, on the premises of the Romanian government his picture still hangs on a wall...

ECUMENICA

Al. Cistelean

Why a Memorandum?

118

The text can be read as a foreword to the Memorandum reproduced in the pages following it. One of the initiators and signatories of the document, Al.Cistelean is all the more qualified to depict its assumptions and the reasons underlying its drawing up. The issue raised by the Memorandum may be a sensitive one, but its settlement will be a test of maturity both for society at large and for the state (the political elite).

Memorandum to the Romanian State of the Greek-Catholic
Believers in Romania and All Over the World

120

The document deals with the discrimination the Greek-Catholic Romanian Church United with Rome is subjected to in Romania, and its avowed aim is to “restore the Greek-Catholic Romanian Church United with Rome to its natural rights”. Princi-

ples, legal arguments, historic and religious arguments, social arguments, opinions of outstanding personalities on the Romanian Church United with Rome are reviewed. The principles expressed in the Memorandum are followed by appendages regarding: 1. The state of the assets of the Romanian Church United with Rome at the beginning of 1948; 2. A brief history of the attempt by the Romanian communist state to abolish the Romanian Church United with Rome — Discriminating laws and decrees; 3. The Decree nr.126 of 24 April 1990 — an unconstitutional act; 4. The lack of efficiency and effects of the “dialogue” with the Hierarchs of the Romanian Orthodox Church; 5. A list of the churches in whose demolition, dismemberment, burning-down or dereliction the Romanian State has been an accomplice; 6. A comparative situation of the assets retrieved by the 1st of July 2002 in relation to the situation extant at the moment of the “dissolution” of the Romanian United Church; 7. Excerpts from the literature of “restitution” and of “post-communist persecution”; 8. The report on religious freedom in Romania for year 2001 of the American Government Office for Democracy Religious Freedom and Labour.

DIALOGUE

The Greek-Catholic Memorandum debated by the civil society

150

A round table organised by the Intercultural Centre within the Pro Europe League and held at the Group for Social Dialogue in Bucharest on the 24 of October 2002. The text reproduces the dialogue moderated by Smaranda Enache, co-chair of the Pro Europe League. The meeting was first addressed by representatives of the civic organisations that participated in the organisation of the round table. Gabriel Andreescu emphasised that religious freedom is determined by the restitution of assets. As long as the RUC is deprived one way or other of its assets, the freedom of this creed is besides the question. The Joint Commission for Dialogue Between the Romanian Orthodox Church and the RUC has turned into a pretext for bypassing justice making and an “invention” of the state to get rid elegantly of any responsibility. Cristian Pârvulescu, too, emphasises that the equation freedom-property rights cannot be dissociated and points out the unconstitutionality of the acts through which the state consigns its responsibilities. Consequently the forums the Memorandum refers to as well as civil society must take cognizance of the existence of the issues raised by the document. Doina Cornea — the first of the guests — highlighted that the Memorandum does not recriminate the ROC at all, but it appeals exclusively and directly to the State, the only one it considers to be responsible for the current state of the RUC. The biased interpretations by minister Octav Cozmâncă of the joint declaration signed by both Pope John Paul the second and Romania’s Patriarch are also “denied”. The speaker proposes a special law on restitution of the RUC’s patrimony which should disjoin property right from employment right. Al.Cistelecan stressed that the Memorandum is a challenge to both civil society and the state: to the former — a challenge to mature, and to the latter — a challenge to become responsible. Adrian Popescu reminded the elements defining the specificity of RUC and the necessity of drawing up the Memorandum. Dinu Zamfirescu thinks he cannot possibly

199

abdicate from his own constitutional duties regarding any issue and so much the less from those regarding the restitution of RUC's patrimony. Laurențiu Moisin reviews some instances of glaring discrimination against the RUC today as well as the unconstitutionality of the acts related to this church issued by all cabinets in office since the one headed by Petru Groza. On the behalf of the participant civic organisations, Smaranda Enache gives assurances that the issue of RUC will be a top priority on their agenda.

FACES OF EUROPE

Boyd Robertson

The Gaelic Language in Education in the United Kingdom

169

The paper is one of a series devoted to minority and endangered languages in Europe published by Mercator-Education. It sets out by sketching a brief historical background of Gaelic, its flourishing and its subsequent decrease under the pressure exerted by the English government. By the late 1800s, centuries of repressive government policies and massive immigration had reduced the number of Gaelic speakers to about 6% of the Scottish population. Although at present the figures are even smaller (1.4% of the population in Scotland), there is still hope for Gaelic: the establishment of the Scottish Parliament together with the development of the European project resulted in a thorough reshaping of the legal framework which at present provides for bilingual policies both in the education system and in the local government structures. Gaelic first became an officially recognised medium of instruction in 1975 when a bilingual education project was set up by the newly constituted local authority for the Outer Hebrides. Gaelic education was gradually extended from pre-school level to the primary, secondary vocational and further education. The first wholly Gaelic-medium school opened in Glasgow in 1999. At present, Gaelic is made available for adult education and in higher education, which is of utmost importance since it will provide both teaching and research staff in other words, the means to keep Gaelic alive. Gaelic education is financially supported both by the governmental and the local level. Despite the efforts and the progress made, the prospects of Gaelic are shadowed: analysts have estimated that 1500 new Gaelic speakers are required each year to counter the demise of older Gaelic speakers, a target far from being realised.

REVIEWS

Randolph L. Braham

Tibory Szabó Zoltán: *Élet és halál mezsgyéjén*
(On the border between life and death)

187

Ovidiu Pecican

Levente Salat: *Multiculturalismul liberal*
(Liberal Multiculturalism)

190

200