THE STATE AND THE NATIONAL MINORITIES
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It is a truism to say that national minorities represent an inestimable wealth for a democratic state. Besides the specific values that these minorities put on society, they are a natural and exact indicator for assessing the level of civil freedoms that actually exist, as well as a major part of the vectors which assure the functioning of a democratic mechanism. Needless to say that there are also situations when national minorities are used by the forces hostile to democracy even against their own interests – which, ideally, should coincide with the rule of law and the triumph of the spirit of democracy, either due to the hallow content of their representativeness, or due to the public assertion of some demands not only non-democratic but even anti-democratic.

The modern and even the contemporary history of Europe is abundant in major events whose cause or pretext is the national issue and mainly its particular aspect, the problem of national minorities. With the triumph of the Wilsonian idea pertaining to national states, the crowning of the process triggered by the revolution of 1848, sometimes called the „Springtime of the peoples”, the issue of national minorities became fundamental in assuring political equilibrium in Europe. At least as regards visibility. The policy of revanche promoted by The Axis Powers defeated in the First World War had two propaganda engines – humility of the state and humility of the people. The Versailles Peace Treaty was (and still is) the target of all those who do not consider the state of affairs satisfactory contemplating...
a democratic and an actually democratized Europe. Of course, the Versailles Treaty and ancillary treaties, such as the Treaty of Trianon, did not solve and could not solve all the grievances and claims of cosignatories. It would be but natural for the European democracy to solve what still must be solved. To try again, after the tragic and unsuccessful attempt of the Second World War to amend the Treaties to carry out somebody’s interests and by that not to disregard European democracy, but rather totally ignore it, means to be placed outside Europe. This is not a solution for any of the parties involved. It is not a solution because it means to repeat errors, errors which cost tens of millions of lives and years of historical errancy. The evolution trend of the European democracy supposes the multiplication of the interested parties at the same time responsible for the success of this process, including national minorities. It is obvious that the only matter of interest for all the parties involved in the clarification of the situation of a national minority is the one pertaining to guaranteeing rights. A democratic state guarantees the rights of all citizens, irrespective whether they belong to the national majority or to a minority. Moreover, it guarantees the granting of all rights, including especially those concerning culture, language and the specific of each community. It goes without saying that, in this case, one cannot consider the limiting of the rights of all citizens via the action of a minority in favour of earning some favourably discriminatory rights. Observing some special rights cannot be made without complying with the general rights concerning all citizens, including those who declare themselves being a minority. A national minority is not distinguished in any way when it comes to enforcing the rights of all citizens. And the special rights applied to national minorities cannot limit the rights which apply to the majority.

The development of the democratization process will probably have to face numerous deadlocks in this new contemporary stage, but we cannot predict the limiting of the rights of all in favour of the rights of some.

The Romanian state, in its relatively short period of modernity, has known some favourable moments but also some dark ones in its relationship with its national minorities. The Romanian legislation and particularly its enforcement have not always been democratic, but always, the situation of national minorities has improved
or not, in line with the situation of the Romanian majority people, the freedoms of minorities being the reflection, sometimes amplified, of the freedom of the majority. Undoubtedly, the mentality of the majority before the minority has changed. After many diversions, today, we can say that the Romanian majority has a correct attitude, i.e. a democratic one, in front of national minorities. And the proof is the results of the elections from 1990 to date regarding the trend of voters' options – obviously in favour of democratic options and refusing national extremism. But this does not mean that there is no possibility of a resurrection of antidemocratic forces and implicitly of ethnical conflicts, especially considering the current economic crisis. If social welfare and economic conditions are bad, unavoidably, those „guilty” will not be looked for. Extremist groups do not want to discover causes and solutions, all they need is the „guilty”. The meaning and the disastrous effects of this easy identification of ‘the guilty’ is common wisdom already. „The others” are always the scapegoats. But, we must be careful! „The guilty” and „The others” do not always belong to minorities. Even minorities can be manipulated to identify „the others” in the majority, particularly when they become the prisoners of some political forces who are voted because of their advocating national separatism and not because of serving democracy.

Today, we could say that being in Europe, Romania, the Romanian state, can solve rather adequately the issue of national minorities having its relevant legislation in line with the European one. The Romanian state can take but one road – have citizens who understand to observe their duties and whose rights are observed as well. No more, no less.
The implosion of communism in Central and Eastern Europe, at the end of the ‘80s and the beginning of the ‘90s in the past century, has sanctioned not only the total failure of a fossil ideology prettending to be internationalist, but also the dislocation of the precarious equilibrium instituted by the Cold War on the old continent. Different variants of „national communism” and the Soviet tout azimut expansionist imperialism, dissimulating with difficulty the high-power Velico-Russian chauvinism, had compromised enough, in time, the ostentatious pretention of the state components of the communist bloc to evacuate identity elements from their national consciousness, preferring an unavoidable and uncomfortable historical reality, slogans, precepts and voluntarist projections of a utopian classless society, without any difference between nationalities and ethnic groups.

On the ruins of the former communist regimes, the not-exorcized demons of the past occurred, demons that had accompanied the avatars of the emergence of nation-states and the illusory triumph of the principles of nationalities. The awaken spectre of large and small nationalisms has invaded almost immediately the forefront of affairs among states, until then in good terms with their neighbours, generating irresistible and insatiable geopolitical flares. The continuity of certain states, new states eager to be acknowledged and to assert themselves, all have found themselves in front of the coming-to-life aspirations and pretentions of some national minority communities and ethnic groups,
condemned for many decades to live passively, deprived of public attention and visibility.

Founding myths, noisily brought to life again, autonomist or secessionist ambitions claimed vehemently, borders unexpectedly challenged, new regrouping of forces and new alliances only complicated even more the bumpy landscape of Central and Eastern Europe.

The show – for some annoying, for others not at all surprising – of some countries and peoples stuck in historical irreconcilable conflicts, in endemic and incurable adversities may seem the result of a residual collective hallucination. At the origin of this pathological situation we can of course identify the causes and circumstances accumulated in time. But nobody can deny that behind some nationalist and xenophobic actions, nevertheless, one can find an avalanche of frustrations and long-lasting resentfulness, suspicions and neuroses, the diffuse fears of some ethnic individuals and groups with deep roots in the history of certain national collisions. And awareness about ethnic and national affiliation is not merely heroic and confident of an exceptional destiny. Mostly, it is a hurt conscience, marked by the traumas which the vicissitudes of history have generated, torn by the unspoken inferiority complexes or sublimated, paradoxically for that matter, in emphatic superiority complexes, saturated by reactions allergic to real external threats and imaginary conspiracies.

The title of a remarkable book comes to my mind, a book almost forgotten today, published shortly after the end of the Second World War: The Misery of the Small States of Eastern Europe. Its author, the Hungarian historian Istvan Bibo, could not help the temptation of a discourse meant to highlight the vulnerability of the nations in the east of Central Europe, with direct reference to the Poles, the Czechs and the Hungarians. He evokes the delay in the building of their national states, next to the incapacity of their leading elites to make compatible nationalism and democracy. At the same time, the Hungarian historian is the echo of a tragic contradiction generated by national aspirations interfering against the background of a permanent feeling of fear fuelled by the proximity of other nations and ethnic groups supposed to be enemies.

For Istvan Bibo, the fear of ethnic otherness is, actually, the very counterpart of national consciousness in
Central and Eastern Europe. Nationalist propensities occur therefore as hypertrophied, ailing vanities and ambitions, coagulating cyclically due to the fear of neighbours. And, since the real borders of the officialised „small states of Eastern Europe” do not correspond with the imaginary ones which the nationalist ethos preaches, territorial claims and the need to bring closer again the minority and fragmented national communities living across neighbouring states, become therefore the perennial pillars for a reiterated revisionist or national-populist state policy. As another Hungarian historian Csaba Kiss found: „The ideals emerging at the same time and including elements of mutual influence have often come to foster – openly or in a more hidden manner – mutual territorial claims. These national movements could find support in a uniform territory or tradition and wanted to bring about national unity without changing territorial structures (the Czechs, Hungarians and, also, the Poles). And the movements targeting the union of brothers speaking a common language, usually, had in mind a territory much larger than the one actually covered by that respective ethnic group.”

In the identity consciousness of nations and nationalities in Central and Eastern Europe, the recourse to history still has a centripetal and narcissistic orientation. Actually, we are in the presence of a kind of historical ethnocentrism, which exalts openly or in a veiled manner its own past, but which vulgarises and schematises, deforms and forges the history of other nations, blaming the neighbouring states and peoples for defects, distresses, failures and defeats accumulated and not committed to in different moments and stages. The price paid for the century-long prejudices and the stereotypes with negative connotations about the nations and minorities, with whom a people maintained a conflict over the years, is exorbitant.

The Romanian-Hungarian affairs, for instance, have always been under the sign of an intermittent tension generated by the presence of some national communities compact or dispersed on a territory claimed with historical or pseudo-historical arguments by all the states which alternated along time here, from the Arpadin kings to Trianon Hungary, from the Dacian centralized state to Greater Romania. During the inter-war period and communism, Transylvania continued to
be an obsessive stake for the Hungarian irredentism and a cause to be always defended, under a diffuse or explicit threat for certain Romanian political forces, and not for the Romanian state, for which NATO and the European Union continue to be the guarantees of Romania’s territorial integrity. Romanians and Hungarians alike cultivate with veneration the founding myths via which the entitlement of the ancient implantation in the territory of the enemy cohabitant population is disputed with historical or merely emotional arguments. In the inter-state Romanian-Hungarian affairs, the problem of national minorities – the Hungarian one living in Romania and the Romanian one living in Hungary – is, repeatedly, pathetic or talked about due to domestic political reasons. Even if, numerically, between the two minorities there is a huge disproportion. Thus, even today, just like in the past, the Budapest authorities’ claims and the political actions of the representatives of the Hungarian minorities in Romania prove to be systematic, continuous, concerted and with strong international public echoes. The Romanian minority in Hungary, going rather fast toward extinction following a forced and sustainable assimilation, seems not to have awakened the militant interest of government officials in Bucharest which manifest only formally and declaratively their political wish to support the Romanian communities living abroad. As history has shown us, the Romanian-Hungarian relationship presents identity dimensions full of resentfulness, the Romanians and Hungarians’ self-valorisation incorporating, organically, the danger that „the other one” represents. Hostility is mutual, more or less cleverly disguised as regards the official bilateral relations between the two national states. National haughtiness does not exclude among certain national minorities inferiority complexes before neighbours or before the majority population. In the identity consciousness of a nation or even in a small ethnic group, the delayed rationalization of some historical revanche or some missed circumstantial opportunities capitalizing on some defeats, phase shifts and handicaps against the general evolution of an area of civilization all generate real collective depressions or drifts. The impact of the vicissitudes of history is more than often traumatizing, even when the self-protection mechanisms are activated by messianic, vindictive and compensatory projections.
The frustrations accumulated in the national identity consciousness pertain to the impossibility of approximating and turning an ideal into a reality, a historical meaning and destiny, in line with the aspirations passed from one generation to another, as well as the accumulation of resentfulness against other peoples and ethnic groups, guilty or only accused of being the reasons of the failures, humiliations and tragedies endured in time. In the collective memory of each people, there is a tally of the sufferings, crises and national misbalances. And, in time, this painful memento brings about dourness and the mobilization of collective energies in order to overcome the mood of dependency, subjugation by foreigners and the suppression of national feelings.

In the identity consciousness of a nation, there are but too many such uncured wounds. Examples are many. The Hungarians cannot forget their defeat by the Ottomans in Mohács (1526), when their statehood was suppressed and the spirit of the Hungarianness withdrew to the autonomous principality of Transylvania, to revive during the Caesar-Regent dualism, or the Trianon Treaty which, according to many Hungarians deprived ‘historical’ Hungary of two thirds of its territory. For the Romanians, the Soviet Russia ultimatum in June 1940 and the Vienna Diktat, following which Greater Romania lost entire historical provinces or major parts of them, continue to represent painful scars on their national memory. The Romanians, arbitrarily alienated from their brothers in language and faith, had to endure not only the hardships of the war but also the oppression, repressions, humiliations and the ethnocide revanchist fury of the Soviet occupation or of the Horthyst military and police authorities.

Moreover and easy to prove, the inter-state relations, irrespective of the ages contemplated or the alternating political regimes, have always been under the sign of an incurable adversity having as stake national minorities; Hungary – lessened as regards its territory after Trianon, adopted unequivocally as state policy programmatic irredentism, revisionism, subversion and terrorist pressure using as „fifth column” the Hungarian minorities in neighbouring countries: Romania, Czechoslovakia, Yugoslavia. The Soviet Union, taking up ad litteram Lenin’s message of 1917 concerning nationalities’ right to self-determination, up to the breaking away from the national states they belonged
to, also deployed during its entire inter-war period, a strong offensive against neighbouring countries – considered as being part of the „sanitary belt” instituted by the Triple Entente after the end of the civil war in Russia – whose leit-motif was oppressing nationalities. The acts of brutal aggression and the annexation of territories belonging to some countries neighbours of the Soviet Russia – the annexation of half of Poland in September 1939, in connivance with fascist Germany, some parts of the Karelian isthmus after the Finish-Soviet war in the winters of 1939-1940, the occupying of the Baltic countries, of Bessarabia and the north of Bucovina in the summer of 1940 – had as pretext freeing some „abused” minorities which were to unite, via some Soviet republics, with the large country of socialism. Thus, the territories in the east of Poland, inhabited mainly by Ukrainians and Byelorussians, became part of the SSR of Ukraine and the SSR of Byelorussia, while the north of Bucovina and the south of Bessarabia were included also in the SSR of Ukraine, and what was left of Bessarabia, together with the strip on the right bank of the Dniester – ASSR of Moldova – made up the new SSR of Moldova, next to the renamed Baltic republics.

The entire Romanian population captive in communism came to know not only the „benefactions” of the Soviet power, but also the „iron heel” of Stalinist repression bodies, led by the NKVD.

Romania’s entering the war started by Germany against the USSR had as blatantly stated motivation the recuperation of the territories kidnapped via the ultimatum of June 1940 and the bringing back of the brothers from Bessarabia and Bucovina to their mother country.

The inversion of roles between Romania and Hungary as regards the weight of minorities – the Hungarian one in Romania and the Romanian one in Hungary – after the Vienna Diktat complicated even further the situation already explosive between the two countries which, taking part to a war too big for them, were looking out for one another with a view to solve once and for all the problem of Transylvania before the end of enmities or during a future peace conference. Romania changed alliances, passing to the United Nations against Germany and Hungary after 23 August 1944, precisely in order to free north-west Transylvania abandoned under the diktat and to take out of the Hungarian bondage the compact
Romanian population, considered as a „minority” by the Horthyst usurpatory power.

Hungary and Russia helped each other all the time, either to plot and carry out the breakdown of the Romanian state, or to disparage, isolate and blame Romania, abusively, totally and flagrantly unjustly punished for its policy before national minorities, mainly the Hungarian one, considered an oppressor state, where nationalism has maximum values, contemplating that Hungary has never denied its revisionist ambitions and the Soviet Union and afterwards the heritor states, i.e. the Ukraine and Russia, implemented, by all means, a tough denationalization policy as regards the Romanian element, the policy of forced assimilation of this element, taking into account the constant hostility in their foreign policy before Romania.

In a recent paper on the war of the communist bloc against Romania during the entire inter-war period, the American historian Larry Watts proves with documents from Romanian and foreign archives, mainly US ones including those of the CIA, that, between Budapest and Moscow, there was a permanent concerted unanimity of opinions about the policy to exploit inter-ethnical tensions, with a view to intimidate the authorities in Bucharest, so that the Hungarian minority in Romania is granted a privileged status, without any chance for Romania to defend the Romanian population beyond the Prut river. A perfidious policy on long term, with variable intensity, but whose constant goal has always been the same: Romania losing credibility as regards its policy before minorities and the Romanian Diaspora in neighbouring countries.

A Hungarian author, Akos Szilágyi, who was much criticised by his colleagues and co-nationals, captured rightly and correctly the fact that „Hungarian nationalism has always been the major defiance of the twentieth century, my opinion being that it has always been the most irritating point in the Hungarian history of ideas, coupled with the most repulsive events of the Hungarian history”. And this finding is hard to dispute if we recall but once again the suites of excesses and atrocities that marked the instauration of the Horthyst regime after the repression of the Soviet Republic of Hungary in 1919-1920, the violent coming to office of the Hungarian administration in the fall of 1940 and the massacres done in Transylvania by 1944, the criminal and irredentist
events during the anti-totalitarian insurrection of October 1956, the horrible murders in December 1989 which happened in some Transylvanian towns perpetrated by gangs of the Hungarian minorities against the clerks of the Romanian administration, to end with the inter-ethnic incidents brought about by the Hungarian nationalists and chauvinists in Târgu Mureș, in March 1990.

The re-emergence of nationalism, xenophobia and ethno-centrist exclusivism after the fall of communism made the issue of minorities be in the forefront and affect the whole register of inter-state relations between Romania and Hungary. In a thoroughly documented paper called *Red Transylvania. Romanian Communism and the National Issue, 1944-1965*, the Italian-Hungarian historian Stefano Bottoni reconstitutes, taking but one road of the many Romanian-Hungarian relations pertaining to the issue of Transylvania, both the tensions as well as the restrictions imposed to the two satellite-countries by Moscow’s winding strategy, after the Second World War, relying on the adagio *divide et impera*. Stalin himself decided from one stage to another the formula to be used as regards Transylvania: from the partition of this much disputed region via the Vienna Diktat, to the occupation *manu militari*, by the brutal exclusion of the Romanian administration from the so-called „autonomous” entity of Northern Transylvania, with a distinct communist party, led by illegalist Miklos (Nicolae) Goldbergher during only October 1944 – March 1945. Then, there was the retrocession of north-west Transylvania to Romania and the reinstallation of the Romanian authority upon the territory taken away by the diktat, after 6 March 1945. In 1952, taking after the Soviet model, the Autonomous Hungarian Region was set up, which led to turning into an enclave a region inhabited mainly by Hungarians and Szeklers, whose existence disturbed both Bucharest and Budapest – the latter discontent with the fact that the Hungarian autonomy acquired on a territory artificially blanked out with the direct support of the supreme leader in Kremlin was a factual, temporary solution, impossible to sustain on long-term – the experiment proved to be ruinous after a couple of years.

All these avatars reveal the fact that in communism, nationalisms – including the Hungarian one, were, from the very beginning, under strict control inside the socialist „camp”;
subsequently, the claims of the „centre” dropped from one year to the other, so that the attempts to exit the Kremlin influence (1956, 1968) originated either in a mixture of bolshevism and state nationalism, or in a *sui generis* combination of moderate-communist reformism and the claiming, in a corner, of civic rights and freedoms, in connection with minorities’ collective rights.

Exiting the totalitarianism maze found the peoples of the former communist bloc and national minorities in the states of Central and Eastern Europe – thus Romania and Hungary as well – as the „hard-hits” of a failed system. Without clear landmarks, without institutional resources and channels opened for the assimilation of a new historical experience to be carried out. The only certainties on short and medium-term pertained to militant nationalism, the attempts to recuperate the political-cultural potential of national minorities and ethnic groups reanimated and eager to assert their identity. Or, from the claiming of a national cause to its turning into an exclusive and exclusivist policy of identity self-protection, there is but a very small step. The explosion of ethno-centric intolerance and exclusivism bouts made possible the configuring of a policy hostile before any display and exaltation of national otherness perceived as threats and sources of insecurity for the states engaged in the post-communist venture. Bloody inter-ethnic conflicts in the former USSR, the incidents in Târgu Mureș in 1990 or the breakdown of Yugoslavia following some war-like situations maintained and fostered by interested political forces, ending with horrible acts and genocide bouts pertaining to ethnical purge all highlighted, but once again, though there was no need for it, that the stake of national minorities was exploited to its ultimate limits. With all imaginable prejudices and malefic acts. With dramatic effects, empoisoning forever parallel, sometimes inter-crossing existences by the logic nature of the historical process of some hostile peoples, nationalities and ethnic groups, captive in their own past.
After Samuel Huntington had signalled in his *The Clash of Civilizations* (1996) that religious identity is more profound and longer lasting than other identities (political, ethnic, civic, etc.), people started to analyse the different identities of humankind. Meanwhile, at least in Europe, the belief that people share multiple identities has attracted numerous followers, even though the correlations between various identities (religious and political, religious and economic, etc.) have not been clearly established yet. As a result of an environment focused on self-identification, people are eager to claim various identities, but correlations and behavioural structures are difficult to establish.

On the other hand, in the context of the efforts made by Italian and French authorities (in 2008 and 2010, respectively) to establish the position of Roma, united Europe was confronted with a group of unclear identity, which was not integrated by traditional means, such as self-assertion and recognition. The Roma people benefit from the freedom of movement throughout the continent, but the behaviour and lifestyle that some of them are different from those of the societies where they settle and sometimes, even shocking for those who believe in a modern way of life. Thus, the issue of constructing an identity and gaining recognition in the society claims immediate solutions.

We shall try to give examples of various identities in Europe and establish a number of correlations (1), and then set out the methodology for the construction of identity (2), describe the identity of Roma (3) and
eventually, show what we should do in order to integrate Roma in today’s modern societies (4).

(1)

We shall take as example of multiple identities the case of an inhabitant of Central and Eastern Europe\(^1\), in particular the case of a traditional inhabitant of the city of Cluj – the „unofficial capital of Transylvania“ and one of the most developed cities in Romania. This inhabitant thinks of herself in her day-to-day life, when going to work, to the market or when involved in leisure activities, not only as a person with a specific professional identity, but also as an inhabitant of Cluj, i.e. a person who is a member of the local community in Cluj. Local identity is the first to come to the mind of the city’s inhabitants. According to the political context, ethnic identity is more or less present and establishes a connection between the inhabitant of Cluj and her „native country“. Romanians are searching for their identity across the Carpathians, Hungarians are looking for their identity in the area of the Tisa, Germans feel that they are part of a larger Western European nation, while the Jews think of themselves as members of the ancient community of Israel. During democratic times, local identity is more prominent, while in times of nationalist outbursts, ethnic identity becomes central.

Besides the two identities mentioned above – and due to the specific historical and cultural development of Transylvania and to its actual role in the modernisation of Romania – the inhabitant of Cluj also displays feelings of regional identity. She feels she is Transylvanian or an inhabitant of Ardeal, a member of a region which has always been more closely linked and connected to Western Europe, a region characterised by multiculturalism and interculturalism, built up throughout centuries when various ethnic groups lived their lives together. When authorities pursue a centralised and authoritarian state politics, the regional Transylvanian-centred ideology becomes more prominent, as feelings of regional identity gain momentum.

Besides the aforementioned ethnic and regional identities, the inhabitant of Cluj also displays feelings of confessional identity. Cluj is a city that is

\(^1\) The issue was approached in Andrei Marga, Europäische Identitätsbildung in Osteuropa, in Ludwig Kühnardt (Hrsg.), Europäische Identität: Paradigma und Methodenfinagen, CEIS, Bonn, 2005, a study reiterated in Andrei Marga, Die Philosophie der europäische Einigung, Cluj University Press, 2009, Kapitel II, Vierster Teil.
extremely rich in churches and religions belonging to Christianity and Judaism and as a result, the inhabitant of Cluj has various confessional identities. Most Romanians belong to the Romanian Orthodox Church and follow the teachings and visions of ancient Byzantium. Some other Romanians belong to the Greek-Catholic Church and follow the teachings of Western Christianity. Most Hungarians belong to the Roman Catholic Church and feel a deep connection with Rome and the Western world. Through the reformed churches, Hungarians and Germans identify themselves with the largest Christian community in the Western world, i.e. the Protestant community. Neo-Protestant cults – where Romanians, Hungarians and Roma belong – are built on a different confessional identity, which finds its roots in the Western world. Judaism connects the Jews with a religious tradition which contributed to the development of the civilised world. Under the impact of administrative measures, confessional identity escalates to Christian identity and, sometimes, even to Judeo-Christian identity.

Closely connected to all these identities – i.e. professional, local, regional, ethnic, confessional, religious – the inhabitant of Cluj also displays a national identity. This identity becomes particularly strong in times of danger (such as, for example, the events of 1968, when the invasion of Czechoslovakia was considered an imminent danger for Romania!), in times of efforts to overpower a major source of evil (such as, for instance, the events of 1989, when almost everyone’s desire was to overthrow the dictatorship of Ceaușescu!) but also in times of state modernisation and democratisation. During such times, people are honestly and openly proud of being Romanians, beyond any kind of ethnic belonging. When state politics is aimed not at the interest of the people in general, but at the interest of some regional, ethnic or confessional groups based on ideological definitions of identity, national identity becomes weak.

The traditional inhabitant of Cluj – due to her ethnic and confessional belonging – feels part of the free, emancipated and enlightened Western world. As a Romanian, she knows her ancestors are the Romanians who settled in the Carpathian arch, and the language spoken is the most significant evidence at hand. The inhabitant of Cluj also has a Central-European identity, by virtue of the centuries of regional history and pan-European aspirations.
All the identities referred to above – i.e. professional, local, ethnic, regional, confessional, Christian, Judeo-Christian, national, Central-European and European – are experienced at various levels of intensity by the inhabitant of Cluj. These identities are part of various correlations which depend upon the context, and are thus, difficult to apply at a general level. These identities can be grouped according to the issues faced by a particular community in various stages of development of the Romanian society and pan-European politics.

We should remember that Erik H. Erikson was the first to mention in 1956 – based on the results of his psychoanalytical research – the notion of identity, starting from an actual fact: awareness of ego identity (“Bewußtheit innerer Identität”). “Hier weisst der Begriff der „Identität“ also auf das Band hin, das den einzelnen Menschen mit den von seiner einzigartiger Geschichte geprägten Werten seines Volkes verbindet... Das Begriff „Identität“ drückt also insofern eine wechselseitige Beziehung aus, als er sowohl ein dauerndes inneres Sich – Selbst – Gleichsein wie ein dauerndes Teilhaben an bestimmten gruppenpezifischen Charakterzügen umfasst”2. Erik H. Erikson claimed that identity should be considered „ein Kriterium der stillschweigenden Akte der Ich – Synthese”, as well as „das Festhalten an einer inneren Solidarität mit den Idealen und der Identität einer Gruppe”2.

Identity refers to the structuring of the various experiences of an individual in relation to herself and others; the structuring of experiences is a process but it is always a function of the individual’s Ego. This concept has set the trend both in philosophy and social sciences, even though the scope of identity is nowadays much wider3. Social sciences now refer to „social identity”, „ethnic identity”, „cultural identity” and other types of identities, which converge to „group identity”. The concept proposed by Erik H. Erikson is still successful, particularly given that personal identity continues to be more relevant to social behaviour and empiric research than group identity.

The collapse of socialism in Eastern Europe in 1989 and the transition which followed set the ground for the

assertion of various identities, as well as for a *dynamic* development of the concept of identity. It was once again clear that identities can be grasped and understood as they really are, only in light of their development in certain specific contexts. Even in the case of Eastern Europe, where national identity was closely linked to geographical territory, changes have occurred in a very short period of time. For instance, a study shows that in the case of Poland and some countries in Eastern Europe „the harsh realities of liberal democracy and the free market have meant that the majority of the population is now much more concerned with gaining a «satisfactory» income, however that is defined, than with the pursuit of landscape conceptualizations of national identity”⁴. We can only imagine how quickly other identities have changed, when even feelings of national identity have become so dynamic!

The assertion that identities are dynamic — including national identity, a concept so much reinforced by modern history — has fostered the opinion which holds that ethnic identity is also not given and „natural”, but subject to a process of construction. We do not have enough evidence to claim that nations are now the result of modern states, but there are some facts — for instance, the historical events which happened in the development of society from the Middle Ages to the Modern Age — which certify that „die Transformation der Ethnizität zur Nation einerseits, zur regionalen Identität andererseits fand jedoch erst mit dem Durchbruch der Moderne statt. Ethnische Gruppierungen sind spezifische Formen der socialen Grenzziehung. Sie integrieren die Gesellschaft mittels «Identität» auf jenem Skalenniveau, welches bei gegebener Produktivitätsentwicklung einen bestimmten Umfang des Kommunikations – bzw. Organizationsbundes ermöglicht. Unterschiedliche politische Institutionen können sehr unterschiedliche Mengen von Menschen umfassen. Eine der wesentlichen Entwicklungstendenzen der Ethnizität ist ihre Ablösung von Gesellschaft als Totalität und ihre Ausdifferenzierung zu einem System neben anderen Symbolsystemen”⁵. Ethnicity itself has found its own way in the course of history.

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Of course, the problem lies not only in determining the historical origins of ethnic communities, but also in finding the right place for the ethnic component in the theory of modernity. In this respect, one may easily notice that neither Marx nor Max Weber have placed nations in a significant position within their theoretical systems, aimed at describing and explaining modernity. Moreover, the most important theoreticians of modernity in recent times, such as Parsons, Luhmann, and Habermas have described modern society as a process of „functional differentiation”, but also claimed that ethnicity is derived from basic differentiations (i.e. economy, politics, morals, science, etc.). On the other hand, the review of transition in Europe has shown that, throughout history, cultural tradition is still characterised by „communitarianism” – an ethnic-centred view of the community, which prevails over the individual, to the point where „the communities in Eastern Europe have developed their customs and common values along ethnic lines”6. The „significance” of ethnicity after 1989 was considerably greater than the theory of modernity had envisaged.

Some sociologists have tried to place ethnicity in the theory of modernity in order to explain its significance in the social processes experienced in Europe. The starting point was the belief that „gessellschaftstheoretische Fundierung” is not possible in approaching ethnic identity, without an attempt at integration with the theory of modern society. If we are to analyse the building up and evolution of ethnic identity in European history as well as the theory of differentiation as expressed by Luhmann, then two conclusions may be reached: ethnicity is just one possible way to express reaction to social relations marked by inclusion-exclusion; ethnic identities cannot be reduced to „movement” and „mobilisation” and can be explained only if we accept the inherent existence of ethnic self-identification. The more comprehensive conclusion would be that the theory of modernity is able to cope with the realities of ethnic identification and find the latter’s place in its own architecture.


Die Wahlfreiheit muß allerdings rechtlich und politisch de facto gesichert sein”7. Thus, ethnic identity is subject to individual experience and context. Very many times throughout history, ethnic identity in Central and Eastern Europe was based on the „no-personality – without-nationality” concept, which in its turn, relies on a certain vision of „identity”. According to this principle, ethnic identity is placed at the centre of all other identities, in the absence of sufficient supporting evidence. „Argument from identity demands that the relevant trait – i.e. nationhood and its form of life – should be decisively more successful identity-provider than any of its competitors to which the state-political status is being derived. But micro and macro regional belonging and loyalties, especially if proposed in isolation from their underlying traits, are equally relevant and attractive as candidates for identification: any choice of a few (allegedly) independently identification-forcing low-level properties will exclude others, expose itself to an avalanche of counter instances and thus fail by lack of generality”. Moreover, „no trait is in itself usually coextensive with nationality”8. The idea is that the multiple identities

experienced by an individual should not be reduced to just one. The solution resides not in fostering ethnic identity to the detriment of other possible identities but in developing ongoing political debates, beyond the borders of national states.

An identity can no longer be described as separate from its connections with all the other identities experienced by individuals in various set contexts. One may object to the relativisation of ethnic identity, given that this particular type of identity is deeply rooted in history and is not restricted to the area of Central and Eastern Europe, and sometimes claims its rights also in more advanced countries. We should be careful about the issue of relativisation – but also about not going back to the traditional concept of national identity – particularly in the current context, where motivation and meaning crises soar, where domestic and cross-border resources are scarce and new major threats (such as terrorism) arise.

On the other hand, we feel the need for another meaning of national identity, besides the static meaning which caused so many false ideas and conflicts. We refer here to what we called in our *Filosofia unificării europene* (2003) the *generative approach to nation*\(^9\), including the impact of this approach on ethnic self-assertion. This approach is based not on the – debatable – traits of nations, but on the origins of such nations, i.e. their „genesis“. Let us illustrate this assumption.

At the beginning of the twentieth century, historical literature and political approaches described nations according to criteria derived from their own factual realities: „blood-related community“, „language community“, „historical destiny community“, „geographical community“, „economic community“, „state community“. The definitions of nations used as basis for social sciences and political decisions have considered some or all of the aforementioned criteria in different priority rankings. Any attempt to test such definitions results in examples of nations which fall outside the scope of the definitions or completely contradict them. There are, for instance, nations which are not „blood-related communities“ (such as the American nation), „language communities“ (such as the Swiss nation), „economic communities“ (such as

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historically been among the poorest people in Europe, this has been an unprecedented collapse in their living conditions in the former socialist countries. While most Roma had jobs during the socialist era, formal unemployment is now widespread. Even in the new EU member states and leading candidate countries, the levels of poverty are striking. Roma poverty rates range between 4-10 times than non-Roma in Bulgaria, Hungary and Romania. Because of higher birth rates, the relative size of the Roma population is increasing across the region”

14 (Dena Ringold, Mitchell A. Orenstein, Erika Wilkelns, Roma in Expanding Europe: Breaking the Poverty Circle, The World Bank, Washington DC, 2005, p. 2). This is why poverty is the biggest challenge for European Roma and for the Europeans who care about the situation of Roma. The same study shows that during the transition from Eastern socialism to an open society after 1989 “the poverty and social exclusion... are more acute for Roma. Transition has had a worse impact on Roma than other groups of interconnected reasons: legacies of past policies, low skill levels and educational attainment of Roma, a tendency toward cultural separation, a history of poor relations with the mainstream societies and states of Europe, poor policy responses, and a reduction in social spending caused in large part by macroeconomic decline” (p. 23).

Marginalisation and poverty only add to the fate of Roma. There is also discrimination: Roma are seen as people who belong to a different category. Discrimination starts from childhood (in children games) and develops in school. The European Commission rightfully indicated15 that Roma children in the new European Union Member States are subject to various forms of discrimination, which eventually leads to „absenteeism and drop out, the accommodation to a travelling way of living and on the unintended effects residential segregation” (p. 4).

What can be done for the integration of Roma? The debate over Roma in Europe has escalated in the past few months as a result of the multitude of one-sided views. If we are to consider the principles of the European

the Jewish nation) or „state communities” (such as the nations which are now under formation). Examples are numerous in each case. This is why a reality-based definition of nation can no longer rely on static traits (which become visible after the formation of the respective nation) but shall consider the origin (or genesis) of the nation (in order to provide for a better understanding of the term’s connotation and denotation). The pioneer of the pan-European movement – Richard Coudenhove–Kalergi – was right when he referred in his Die Europäische Nation (1953), to „grosse Schulen, nicht Familien”\(^\text{10}\). He reduced the „grosse Schulen” to „grosse Gemeinschaften des Geistes”, without including the economic, social, institutional, political and cultural components of nations, but he realised the potential of a dynamic concept regarding the origin of nations.

Transition from Eastern European socialism to democratic society has been inter-connected with the process of European integration which involved the countries of Central and Eastern Europe. In this context of identity reinforcement, and as a consequence of accession to the enlarged modern world, the issue of European identity and of its correlation with other identities was included on the agenda of authorities, communities and citizens. The approach to traditional identities was no longer realistic without the assertion of a European identity.

We should stress the idea that European identity is not, by its nature, a simple historical fact and the outcome of positioning within European territory and of involvement in the historical evolution of the continent, but the outcome of local performance. Of course, we may claim that some European traits are derived from certain cultural data. Many concepts related to European identity are based on such traits and claim the superiority of one group of traits or another within the limits of a „paradigm” – we shall refer to it as „the diversity paradigm” – which only reinforces its own structure. Edgar Morin, for instance, in his Die kulturelle Identität Europas (1988), sees European identity as „ein Strudel von Wechselwirkungen zwischen vielen «Dialogiken»”, such as religion – reason, faith – doubt, mythical thinking – critical thinking, empiricism – rationalism, existence – idea, specific – universal, problematisation – new beginning, philosophy – natural

\(^{10}\) Richard Coudenhove-Kalergi, Die europäische Nation, Stuttgart, 1953, p. 10.
science, humanistic education – naturalist-scientific education, old – new, tradition – evolution, reaction – revolution, individual – collectivity, immittance – transcendence, Hamlet – Proteus, Don Quixote – Sancho Panza, etc. „Diese «Dialogik» ist das entscheidende Charakteristikum der kulturellen Identität Europas, und nicht etwas dieser oder jener ihrer Bestandteile oder Augenblicke“\(^\text{11}\). We shall no longer discuss whether this description is able to unequivocally define European culture, likewise, we shall not elaborate more on the idea that once European identity is described on the basis of „the diversity paradigm“, all the persons who breathed the air floating between the Atlantic Ocean and the Ural Mountains should be part of the European identity.

In fact, the process of integrating various countries into the European Union started from the assumption that you do not only have to live within European boundaries in order to be European; you need to become European before actually being European. The approach to European identity was dynamic and focused on the traits of European genesis.

As argued in our *Filosofia unificării europene* (1997), *European identity* has to be reconstructed as closely-knit culture: science focused on factual knowledge to the purpose of solving the everyday life problems of mankind; technology based on scientific knowledge; profitable economic behaviour; effective administration; culture centred on individuals; the fundamental and universal human rights; political will based on democratic debates; cultural reflection\(^\text{12}\). *These are features of the genesis of European culture, which have been applied to the definition of European identity, with an aim to provide both descriptions and standards.*

(3)

What is the place of Roma in the description of identity in today’s Transylvania or anywhere else? How can we describe the identity of Roma?

Let us first summarise the methodological considerations above. Any identity entails identity awareness and is made up of interactions. Any identity, ethnic identity included, is the outcome of history and not something that is „naturally” acquired. In modern societies, identity – including ethnic

\(^{11}\) Edgar Morin, *Die kulturelle Identität Europas*, in Edgar Morin, „Europa denken“, Campus Verlag, Frankfurt am Main, New York, 1988, p. 128.

identity – is the outcome of functional differentiations and the inclusion – exclusion tensions in the economy, administration, politics and culture. Identities are never isolated; they are always inter-connected with all the others identities of an individual. If we refer to a particular nation, we should give up static concepts and move on to a generative definition of the nation as a large community built up through education and other mechanisms. European identity is built up in the foundation of all the other identities of an individual (i.e. ethnic, religious, etc.).

So, we should go back to the question what is the place of Roma in the picture of identities? Roma are largely missing from the description of European identity for a number of reasons. First of all, Roma failed to promote an intellectual elite who could have retraced their history and establish their place in history. Europe does not recognise your identity unless you present a historical certificate. Secondly, in the context of the interactions with other groups who have already claimed their own identity, Roma are still a scattered and disorganised group, who can easily be ignored. Thirdly, Roma have not prepared and developed professionally, so they are not able to play a distinctive role in today’s economy. They are not able to claim their influence on any economic sector. Fourthly, Roma failed to make use of the education system established by European countries; they have been marginalised due to their significant lack of education.

The conclusion of all the above mentioned factors is that Roma are simply „on the margins”. A representative volume13 (Mark Norman Templeton, On the Margins. Roma and Public Services in Romania, Bulgaria and Macedonia. Open Society Institute, New York, 2001) gives the example of Roma in Romania, Bulgaria and Macedonia, who accounted for 2-7% of the population and are „overrepresented in all categories in need of social protection the very poor, the long-term unemployed, the unskilled, the uneducated, members of large families, and individuals without residence permits, identity documents or citizenship papers” (p. 2). In social protection, health care, and housing the Roma are underprivileged even when they meet the necessary criteria.

The traits of an outcast are not only historical. „Although Roma have

establishment, then we should always consider two principles at the same time: the unrestricted freedom of movement within European territory according to the regulations of the Schengen system and the obligation of each state to integrate its own citizens in compliance with the principles of human dignity. Unfortunately, some of the new European Union Member States (nowadays Romania, in particular) implement the first principle, while the other countries implement the second. The issue refers to how the two principles can be interconnected. For Romania, the first step would be to integrate its own Roma and provide them with a dignifying standard of living.

What should we do about this process of integration? In our capacity of Minister of National Education in Romania between 1997 and 2001, we have implemented in the education system the principle of positive discrimination for Roma, and we assigned them places in high schools and universities, thus setting up the scene for the large-scale education of Roma (pp. 14-16). Our assumption was and still is that we cannot integrate Roma without helping them to establish their own social and political elite, particularly through education. Any kind of action – developmental, economic, financial, social or another – is useful, but, in our opinion, education remains a priority.

This assumption holds true up to this date. Mention should be made of the visionary study of Michèle Lamont and Mario Luis Small\(^\text{16}\), who stated that „we need heterogeneous views about how culture and poverty are causally related: cultural practices may shape responses to poverty, cultural repertoires may be limited by poverty, cultural frames may be expanded by neighbourhood poverty, cultural narratives may change irrespective of poverty, and so on. Whether cultural change leads to structural change is a counterproductive question. Much more useful is to ask when, where, and how cultural change leads to structural change. It is imperative that the terms of the debate be changed to make room for conceptions of culture that go beyond thin accounts of preferences” (p. 91). We must reiterate the idea that, although poverty reduction measures are critical for Roma, cultural measures are absolutely necessary. We have in

mind a four-step process: the self-assertion of Roma identity; the organisation of Roma at local, regional and country level; the use of educational and economic opportunities; the fostering of civic and political development. In countries like Romania, Bulgaria, Hungary and Macedonia, Roma are so numerous that traditional solutions based on destructuring are nothing short of counter-productive. The structuring of Roma in economic, civic and political terms is the only valid solution.

Our conclusion is clearly different from that expressed in some recent studies, according to which Roma would not be able to organise themselves and thus, would never establish an ethnic community in the traditional meaning of the expression. These studies stem from the idea that modern society tends to dislocate communities and marginalise people. Roma would be more exposed due to their belonging to an alternative economy. There is historical reason to this approach, but arguments are not decisive. In fact, in many European countries, Roma have already been integrated even though the assertion of their cultural identity may still take some time. We should hold in high esteem these accomplishments instead of trying to prematurely and recklessly close a case that has just been opened.

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17 See Brian A. Belton, *Questioning Gypsy Identity: Ethnic Narratives in Britain and America*, AltaMira Press, Walnut Creek, 2005, p. 93.
Winston Churchill was saying, after the stormy period of Balkan wars that „The Balkans tend to produce more history than they can consume”. And this is quite true; with one objection, the Balkan history was rounded out by a certain mythology due to the geopolitical position of the Balkans, as the main gate to the mysterious Orient.

Ever since the beginning of the Ottoman domination, the imposition of a certain order contemplated the creation of a multicultural and multi-religious system. The resulting ethnic mixture, different from the one in Western Europe, was characterized by intolerance and disobedience against everything which meant giving up aspirations regarding national and religious identity.

Starting from here, we could attempt to configure the winding road taken with much effort by the minorities in the Balkan Peninsula.

To understand the situation of the minorities in the Balkans we need to consider its close links with the particularities of the space where they developed.

In a book which is worth reading even if only with a view to develop an appetite for polemics (Noel Malcom, Bosnia: a Short History, London, 1994) the author mentions two myths which can be remembered until facing the Balkan reality.

The first is the myth of racial purity which advocates the fact that the distinct racial groups of Bosnians, Croats, Serbs, Vlachs, Greeks, Albanians and Turks were separated once and for all by language, religion and culture.

Fortunately, a simple travel to Macedonia, Albania and in general to...
the Balkan space, contradicts the statement mentioned above. If Yugoslavia had not been broken up, racial purity would have cohabitated in the cultural space without fearing disappearance.

The second myth refers to the right of first comers to a territory, conferring them also the right to call themselves the superior race in the respective region. We shall comment on this aspect below. The considerations regarding these myths did not take up much space in the analysis of the socio-political phenomena of the region, but, unfortunately, they survived. History gave us only one lesson unaltered by ambitions and interests, namely ethnical cohabitation. The desire to cohabit peacefully was the only one which resisted the politics which crimped, many times, the road to agreement.

A careful review of the issues regarding the minorities in the Balkans favours the conclusion that, in order to create a security system viable for the region and, ultimately for Europe, dealing with this aspect cannot be avoided.

Minorities in the Balkan countries have the special hallmark of the geographic space where they live accompanied by features born out of the permanent fight with the authorities who many times ignored them.

This presentation captures mainly the specific and the manner in which the authorities of each country approach the issue of minorities.

**Albania.** The community with a high weight here is the one of Aromanians who call themselves Romanians. The most well-known historical settlement is the town of Moscopole located in the south-east of Albania. An almost historical feature was transhumance which, somehow, helped them escape the process of being forced to become Greeks. Nowadays, the main support factor has again become Romania which restarted an old tradition of supporting education institutions and churches, in contrast with the Greek offensive that intends to conquer Albania by convincing as many Albanian citizens as possible to change their nationality in exchange for a €400 pension.

We recall with great pleasure some personalities from Albania such as the Farsherot vicar Dumitrache Veriga from the Aromanian Orthodox church „The Transfiguration” in Corcea, the much appreciated Aromanian photographer Aurel Duka or Fatos Nano, the former prime-minister of Albania; and the list could go on.
**Bulgaria.** Among the minorities on the territory of Bulgaria we find Aromanians from Grumăști who had to „intensely enjoy” the campaigns to become Bulgarians. The second category is the Turkish community who had to enjoy an even more special treatment due to the fact that the community „had to be punished for the 5 centuries of ottoman domination” depriving – according to some historians’ opinions – Bulgaria from a population that today, was supposed to reach 80 million inhabitants. In 1989, almost 350,000 Turks took refuge in Turkey, generating misbalance in the economy of Bulgaria. After 1990, the situation slowly became normal via the adoption of the „Declaration of the National Assembly on the National Matter” which rejected all the previous acts concerning the protection of minorities.

Thus, a document was drawn up, which acknowledges the religious and ethnical status of minorities, next to guaranteeing some rights which emerge from individual rights. Aromanians, Turks and the other minorities from the territory of Bulgaria currently enjoy a somehow better situation, but a far cry from the hopes generated by the geopolitical changes in the region.

**Greece.** A country which represents something special as regards the treatment granted to minorities. Greeks persist in their appreciation that „national minorities are a sort of a Trojan horse among them”. Generally speaking, Greece does not recognise the Albanian, Vlah or Slav minorities, except for the Turkish community which is defined as a religious minority. Today, the main slogan in Greece is „we do not have minorities”. And all this in the context in which Greece insists to grant incentives to the Greeks in other countries.

But what remains and is difficult to accept is the original politics of this state which, under the umbrella of NATO, affords to ignore the rights of the minorities mentioned in the documents of the European Union.

Regarding Aromanians, the Greek authorities’ position is the same, i.e. they ignore their right to keep a spiritual and cultural identity. People pro Turks, pro Albanians and pro Slavs are quoted honorarily as national minorities, but not as a native population and thus without the natives’ rights, namely the rights of the old Greeks.

A special place belongs to the Aromanians who love the Greeks, as part of „the community of the Hellenic
lineage” as they are „Greeks who speak neo-Latin” and this in the context in which their language and culture have much more in common with Romanian than with Greek language.

**Macedonia.** A country neighbouring Greece offers a different image as regards minorities. The Albanian and Aromanian minorities have a better situation compared to other Balkan countries, being represented in the Macedonian Parliament, getting support – quite little for that matter – to keep their ethnic, linguistic and cultural identity and the right to education in their native tongue.

The involvement in politics of the two minorities has generated divisions in their communities, having a visible influence upon unity.

The situation in Kosovo and the bloody events in 2001 finalized with the Ohrid Agreement have clearly shown that in a society where minorities are ignored, instability and the lack of trust become dangerous elements for the state’s integrity.

The multicultural model for minorities promoted by the Skopje authorities has become an example for other regions of the Balkans, interested in normality.

The conflict with Greece, as regards the name Macedonia, has involved also the minorities in the two countries. National identity is the concept that Macedonia does not want to include in the negotiations, while Greece declares history the definitive and irrevocable arbiter who gave a verdict for the situation in another century.

In this context, Macedonia must also cope with the myth we mentioned at the beginning, i.e. the one pertaining to the historical right of the „first to come” as regards parts of the territory, claimed by Bulgaria and Greece. This „historic right” becomes nonsense for the current powers, as, if it worked, they should accept the idea that most of the UK should be held by the Welsh, a large part of the territory of the USA by the native Indians, while Australia should be occupied by the Aborigines. And the examples could go on.

One thing is certain, that the present cannot be controlled by the past, and the road to reconciliation must be traced with the means of the present.

**Serbia.** Despite the numerous proofs of friendship and understanding that Romania has shown after 1989 for the sometimes dramatic situations Serbia has gone through, the Serb authorities maintained their attitude of marginalizing the Romanian
community, rather preventing the manifestation of its spiritual, cultural and linguistic identity. The situation of the Romanian minority has not been solved yet contemplating the respect and friendship that Romania promotes constantly as regards the Serb people. Not too many comments can be made regarding the minorities in this country, maybe due to the fact that Serbia has a special vision upon minorities, apart from the times and the moment we are living.

The issue of minorities in the Balkans continues to be a delicate problem considering that the remains of the not too distant past persist.

Each minority has created a model which, because it has been perceived as being perfect, has become, unwillingly, intolerant and exclusivist. Moreover, one model has been promoted against the neighbour’s model, with a view to create an own mono-dimensional system which could become a benchmark in the Balkans.

Instead of a conclusion concerning minorities, we could mention the opinion that – after an experience of almost two decades in the Balkans – the region is still subject to some difficult experiments because the dimension of ethnicity has not found its place in a well-defined socio-cultural and economic framework.

And this considering that the issue of multi-ethnicity occurs, as motivation, whenever there are political difficulties, but disappears when there is economic cooperation. The cultural space has a series of problems among which the tendency to isolation, the purification of cultures from foreign elements or the intense searching and identifying of specific elements. But economically, the ethnic disputes and borders disappear because cooperation must exist then. Maybe, here is the gate that the European community should try out in order to get the region closer to the standards and criteria requested by the current exigencies. It is but a suggestion and not a solution. Thus, in the relationship minority – authority, as a philosopher was saying, „a climate of eternal susceptibility will last, my interlocutor being always The Other One who must be kept at a distance”.

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It is more than certain that the demented action perpetrated by the Norwegian Anders Behring Breivik would not have been necessary in order to reiterate the problem of immigrants’ integration – especially of those from the Muslim world – into the Western European societies. But what happened in Oslo and the Utöya Island and which can be considered as a terrorist attack, was predictable and not necessarily only for Norway. The question is whether Breivik’s abominable murder was the action of a demented, nationalist and a xenophobic person, or rather it was the outbreak of a part of the Western society, in our case the Norwegian one, against the more and more people from Muslim countries who want to settle down in Europe.

These communities made up of immigrants have not occurred via abiogenesis and are not the outcome of a conspiracy or a devilish infiltration. Rather, they are the outcome of a historical process and certain economic and political conditionality. The case of Germany is representative and a model at the same time, generating reflection and lessons to be learnt. At the beginning of the ’50, in the past century, West Germany was offering the stark picture of a country which had hardly stepped out of a lost war with a destroyed economy and which was trying hard to recover from the chaos affecting all its dimensions, especially as regards understanding its German identity. But, in a quite short period of time, the Federal Republic of Germany (FRG), thanks, among others, to the „Marshall Plan” and to
the implementation of the social market economy under the management of the Adenauer government – based on the concept launched by Ludwig Erhard, was gaining momentum and needed badly the labour force that it could no longer provide from domestic resources, the unemployment rate during the respective period reaching almost 0%. So that the management of the trusts from almost all the branches of the economy asked for the help of the West-German government in order to solve this situation. The government started a real campaign to recruit labour, including even the medical examination of potential employees, in the South and South-eastern European countries, where, except for Yugoslavia, the unemployment rate was very high. We must mention that in almost all cases, they had in mind masculine labour. Thus, on 20 December 1955, in Rome, an agreement was signed between Italy and the Federal Republic of Germany stipulating the hiring of at most 100,000 Italian workers in the economy of Western Germany. These workers were supposed to come without their families and live, most of them, in barracks or in temporary lodgings; the action was limited to maximum one year, after which the respective persons were supposed to return home.

It was the first step.

Subsequently, similar agreements were signed with Greece and Spain (1960), Turkey (1961) – based on which, by 1973, about 650,000 Turks came to Western Germany, Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968).

They were called „Gastarbeiter“, a notion which translated means „foreign worker“ and to whom, at that time, a special importance was given, because they were the first ones to come and were considered as guests (Gast = guest, caller, invitee) as they are presented on page 462 in „Harenberg-Schlüsseldaten 20. Jahrhundert (Harenberg – Key Data of the 20th Century), Harenberg Lexikon-Verlag. Dortmund 1993 under the title „The Economy in 1955“; we quote: „The workers come (to the FRG – author’s note) as guests.”

For the simplicity of understanding, in this paper, we shall use hereinafter the notion of „Gastarbeiter“, considering the above. In the near future, to those who came to Western Germany on the grounds of the agreements mentioned above, others will be added, who came either based on agreements similar with the ones
mentioned or via other ways, including political ones – these individuals being granted political asylum due to the internal situation in their countries of origin in the period mentioned. The regions these „Gastarbeiter” originated from expand to the South and South-east, including, increasingly, the Muslim population. So that, in the middle of the ’70s, when, due to the economic crisis, the process of labour recruitment from other countries was officially stopped, in the FRG there were, in conformity with official statistics, over 2 million „Gastarbeiter”. In 1975, the weight of the „Gastarbeiter” of Muslim religion (Turkey and other countries) was over 49% compared to only 32% a decade ago.

Due to the economic circumstances marked by the oil crisis at the beginning of the ’70s, the West-German government decided to put an end to the recruitment campaign for labour from other countries, and so, in 1973, the so-called „Anwerbestopp” (= stop recruitment) came into force. But the first steps were taken pertaining to the process of establishing what was subsequently called the „Multikulturelle Gesellschaft”, the „Multicultural Society” or „Parallelegesellschaft”, respectively the so-called „parallel society”. And this was so because, as we mentioned, these „Gastarbeiter” were somehow marginalized, since, starting from the hypothesis that everything is but temporary, these workers were given barracks or quasi-improvised lodgings, usually located at the outskirts of residential areas, their socializing having, rather, an intra-community character. Their social relations with the German population were reduced to labour relations in the economic units where these workers had been called, recruited and hired. In this respect, there are numberless testimonies in the recent press or even in literature or in specialism books confirming this fact. Thus, in 1980, only 15% of West-Germans considered the foreigners living in their country as being part of their acquaintances or friends. For comparison, we mention that this percentage point had reached almost 50% in the year 2000. On the one hand, for the domestic population, we can say that, regarding the situation during the war recently ended and of course the compulsoriness of considering proportions, it was already a „déjà vu”. And, on the other hand, the situation was similar with the one during the period after the end of the war, namely the years when they had to „co-habit” with occupation troops and their helping
hands. But we need to underline that in this last case, it was not the Germans who imposed the conditions but rather the representatives of occupation troops. Nevertheless, despite the facts set forth in the Agreements mentioned above and contrary to the expectations of West-Germans, most of the „Gastarbeiter” did not return to their countries of origin after the labour relations for which they had been recruited ended. Some of them, and here we have in mind those who came from European countries except for Turkey, along the years, formed families with German women, due to the fact that, among others, the weight of the West-German masculine population following the second World War was still low. Those of Muslim origin, either brought their families with them, or had families with women of the same religion and from the same country of origin.

Because during the period analysed, in many of the West-German sectors of the economy – mainly in those requesting low professional skills or in the so-called „dirty” ones (everybody knew that in West-German towns the garbage was taken away only by the Turks) – there was still need for the labour offered by the „Gastarbeiter”, their acceptance level by the local authorities and the autochthonous population started going up. We must underline that the weight of foreigners against the total population had gone up from 1.2% in 1960 to 4.9% in 1970.

During the period until 1989/1990, respectively until the revolutions in the countries of Eastern Europe and the fall of communism, next to the Unification of Germany, the number of immigrants continued to go up, but not at the same pace like in the previous years and not for the same reasons. But, this time, the largest weight in their structure belonged to those who requested political asylum coming mainly from Eastern-European communist countries or from the countries subject to structural political changes (see the case of Turkey where a military *coup d’état* took place in 1980 and from where especially the Kurdish population and many intellectuals were forced to flee – *author’s note*).

Needless to say, we must count in the immigrants settled in West Germany who came in the period under analysis from the other neighbouring West-European countries, respectively France, the Netherlands, Belgium, Luxembourg and Denmark, but their weight is not significant.
When underlining the role and place of immigrants in the social and economic development of West Germany, we must mention something of great importance: we cannot talk about this category omitting the so-called „Aussiedler”, respectively the population of German origin who at that respective moment had the citizenship of other European countries, such as for instance the Saxons (Sachsen) from Transylvania. Thus, only during the structural transformation after the second World War, during 1945-1950, over 12 million „Aussiedler” from the Baltic Countries, Poland, the Czech Republic, Hungary and Romania (250,000 people) settled in West Germany, in conformity with the figures presented in the magazine Der Spiegel–Special No. 4/1995.

After communist regimes came to power in the countries mentioned, their number went down considerably, for well-known causes. Most of those included in this category, who during 1950-1990 managed to emigrate from Eastern European countries to West Germany, left their countries of origin clandestinely, and once in this country, requested political asylum. Or they benefited from diverse agreements between the West-German government and the governments of these respective countries, according to which there were established contingents of such „Aussiedler” who were allowed to emigrate and settle in the Federal Republic of Germany, in most cases generating the problem of „reintegration of the family”. Many times, this meant, for the West-German state, a true ransom paid for the population of German origin from these countries, like the Saxons and Swabians from Romania in Ceaușescu’s time for whom the West-German government paid considerable amounts of money. Here, also, we have to include the intra-German migration. Thus, only during 1947-1961, almost 3 million persons emigrated from the Democratic Republic of Germany (DRG) to West Germany (see „Deutschland 1945-1963. Zeitgeschichte in Text und Quellen” pg. 226). After 1961, with the building of the Berlin Wall, the number of the so-called „Übersiedler” dropped considerably, as the possibility of those from the DRG settling in the West is included in the same category with the „Aussiedler” from Eastern Europe countries.

This paper does not deal with a thorough analysis of the reasons which led to this situation.
Moreover, taking into account the subject of this paper, we must contemplate also the situation of the immigrants from the Democratic Republic of Germany, respectively those called to this country based on the political relations established between the communist government led by the German United Socialist Party and the governments of other communist countries or the so-called movements of national deliverance as well as the governments benefiting from the support of the Communist Internationale during the Cold War. It is advisable to know that during the period of „help from comrades” workers and specialists from Vietnam, Cuba, Angola and a number of Arab countries (function of the political orientation of the government of the respective period) were called to work in the DRG, these people subsequently settling in this country. So that, on 1 January 1990, 5 million immigrants were living on the current territory of Germany which represented 6.4% of the population of Germany (not unified yet – our note). As the Badische Zeitung newspaper of 4 October 1990 was writing, commenting the official statistics, on 1 January 1990, the weight of immigrants against the total population stood at 1.6% in the DRG, respectively 7.7% in the FRG, the most numerous groups being made up of Vietnamese in the East, respectively Turks in the west of Germany.

A new stage started in 1990 with the revolutions in the countries of Eastern Europe which led to the fall of communism, the pulling down of the „iron curtain” and the fall of the „Berlin wall”, culminating with the „re-unification of Germany” on 3 October 1990. The main problem of this period was the immense wave of immigrants arriving from all parts of the world in a relatively short period of time, in a Germany, this time united. It was the moment when in almost all walks of the German society, the signal word was „Das Boot ist voll” (The boat is full!).

The German authorities were prepared in 1990 for a possible acceptance of the 2.5 million „Aussiedler”, who were still living in Eastern European countries – of which about 220,000 in Romania – most of them, about 2 million, from the former Soviet Union. Already there was an algorithm according to which they were to be distributed in the ‘lands’ by that time still belonging to West Germany. And, in the years to come, most of them already immigrated to Germany, and, generally speaking,
their integration in the German society was not a problem, being more difficult only for those coming from the former countries making up the Soviet Union, especially from Kazakhstan or Kyrgyzstan, who no longer spoke the language of their ancestors.

At that moment, it was as if borders had disappeared and the slogan „Go West!” was the signal word. And Germany had become the place where all of them wanted to go, irrespective of the causes which had led to their leaving their countries of origin. And the magic word „Asylum” was on everybody’s lips.

In such a situation, at the beginning of the ’90s, the German authorities had difficulties in facing this wave of immigrants who can be said to have invaded the „land of promise”. First of all, there was the need to create the infrastructure, including an administrative one, able to assure concentration and accommodation, in a first stage, under civilized conditions. Moreover, there was the need to create institutions able, in a subsequent stage, to establish real and legitimate possibilities for their residence on the territory of Germany. We need to underline the fact that, due to the German characteristics and its organizing capacities, all this was done in a shorter-than-expected time.

During this period, as a counsellor of the Regierungspräsidium (Prefecture – author’s note) Freiburg for the social issues related to the problems of these immigrants and, subsequently, in some other units for their temporary accommodation in the ‘Lands’ Baden-Württemberg and Hessen, we dealt with them directly and, as we were underlining at the beginning, we had great difficulty in coping with the large number of new-comers due to the fact that, in the accommodation centre where we worked, some hundreds of people used to arrive daily. Their structure, function of nationality, was particularly heterogeneous, including nationalities from all over the world: most were from regions with predominantly a Muslim population, including Europe (namely from Turkey, Bosnia and Herzegovina, and Kosovo) as well as from the Near and Middle East (such as for instance Syria, Jordan, Iran, Iraq or Pakistan) but also from the Muslim regions of Africa. Subsequently, we have found that the new-comers already had relatives or friends and acquaintances in Germany having settled for some time in this country,
people who seemed to have „opened“ the way for them. With the help of these people, we could talk to many of the respective persons because almost all of them were not speaking at all German or any other international language. The most difficult thing was when we had to deal with Chinese immigrants with whom we could not have had any dialogue without the kind help of the staff working in the Chinese restaurants, so numerous all over Germany. Most of the people coming from Romania whom we had to deal with were gypsies who had come to Germany hoping – in vain for that matter – that the government of this country would indemnify them for what their ethnic group had gone through during the Second World War, believing that they would be indemnified as victims of the Holocaust. Besides this, they motivated their request to be granted the status of asylum seeker on the grounds that the Romanians had chased them away from the places where they lived, by putting fire to their houses.

A first truly astonishing impression was that many of those who had come hoping to be granted the status of asylum seeker did not even presume what this status implied and did not consider that this opportunity is closely connected to the reasons why it is being applied for – considering that their mere presence in Germany was enough and that granting the right to asylum is the inherent consequence. In the end, this situation and not only this one, made that the weight of those who received the status of asylum seeker – therefore entitled to settle down here – against total applications be under 10%. For the time being, most of the others received the status of „Tolerated” until the time when competent bodies were to decide whether they can, nonetheless, stay in Germany or are forced to leave this country without the right of coming back.

For the German authorities decisive are the causes and reasons for which immigrants were obliged or forced to leave their country of origin. As Carolin Reißland points out in her work „Migration in East and West Germany during 1955 and 2004”, Germany was, for a long period of time, the ideal place for asylum for many people and for many reasons. Because, as it is stipulated in Article 16 of the Constitution (Grundgesetz” – author’s note) of the Federal Republic of Germany of 1948, „Politisch Verfolgte Genießen Asylrecht”, meaning that
"those who are persecuted for political reasons (in their country – author's note) benefit from the right to be granted asylum (in West Germany at that time, later on in the reunified Germany after 1990 – author's note)". This article in the Constitution or the Basic Law (as it is called in this country – author's note) of Germany had, especially at the beginning of the second half of the last century, special significance. Because, starting from the experience related to the reign of terror during the national-socialist period, this meant that Germany had to become the place of asylum for all those who feel they are being watched in their countries due to their political ideas, their ethnic or social group or for those who feel that their life or health is in danger.

Starting from these premises, as we underlined, there were many who during this period of time, more or less justified, came to the FRG hoping to be granted political asylum. If in 1990, their number stood at about 193,000, in 1992 their figure totalled over 438,000 persons. But, with the coming into force of the reform of the right to be granted the status of asylum seeker in 1993, as well as via the conventions established inside the European Union and with other states – stipulating that potential applicants for asylum were forced to apply for it in the first European country they reached – their number dropped in 1994 to about 127,000 persons. And, in the next period, to these we must add over 50,000 persons following the wars leading to the breaking down of Yugoslavia, namely the wars in Bosnia and Herzegovina, respectively in Kosovo.

So that, at a first quantitative analysis of immigrants in Germany, according to the reasons why they came to this country, in conformity with the data presented in the book of Rainer Geißler, a Sociology professor at the Siegen University, „Die Sozialstruktur“ (The Social Structure of Germany), Westdeutscher Verlag, page 291 and the next), in the year 2000, we have the following situation:

1. 6.2 million (86%) from the about 7.2 million immigrants who lived in Germany in 2000 were included in the category „Arbeitssmigranten“, i.e. immigrants who came for a job. Most of them, respectively 4.3 million, were the so-called „Gastarbeiter“ together with their family members. In 2000, from the countries of the former communist camp, 300,000 (4%) people were coming with this end from Poland.
2. 1.1 million (15%) were included in the category „Flüchtlinge“ (refugees) who had come from almost all the countries of the world, having a very diverse culture and differentiating themselves function of their legal status, as follows:

- about 490,000 were those to whom the status of refugee was acknowledged (for several reasons — author’s note) and who benefited from the authorization to settle in Germany and the right to work, plus social security. Of these, 300,000 had the status of asylum seeker (and here are included also their family members), with around 140,000 being Jewish emigrants from the countries part of the former Soviet Union, plus 60,000 persons accepted in Germany in a series of humanitarian actions;
- another category is made up of the so-called „De-facto-Flüchtlinge“ (de-facto refugees) where we find those who either had applied officially for the status of asylum seeker or their application for it was rejected; here we have about 365,000 persons who, for reasons predominantly humanitarian, had the right to stay in Germany until their situation or the situation of their countries of origin would be clarified. In this category are included the about 12,000 refugees from Kosovo, part of the rroma or askali ethnic groups who, due to the fact that they had allegedly collaborated with the Serbs, were not welcome in the newly created state;
- 40,000 persons were included in the category „Bürgerkriegsflüchtlinge“ (refugees because of the civil war — author’s note) where we have those who came from Bosnia and Herzegovina, who were not entitled to apply for asylum, being allowed to stay in Germany until the situation in their countries of origin improved;
- 200,000 persons were included in the category „tolerated“, namely those for whom the procedure to establish their right to asylum was still not completed and in this respect they received the so-called „Duldung“ (Tolerance), based on which they could continue to stay in Germany until the clarification of their situation.

3. „Illegale“ (the illegal), respectively those who either came in a clandestine manner to Germany and were afraid to be discovered, or the procedure regarding their right to residence in Germany was concluded and they were forced to leave the country. In both cases, they continued to live here by hiding, with „the sword of Damocles“ over their heads as, at any moment,
they could be caught and expelled immediately. Of course, their number is not known for certain, being estimated at about 500,000 people.

Almost one third of the immigrants in Germany (27.4%) are represented by the Turks. Circa 2.5 million (33%) of them come from countries with a predominantly Muslim population.

In 2002, 7.9 million immigrants were living in Germany, the weight of foreigners against the total population standing at 8.9%. The immigration phenomenon went on in Germany after the year 2000 as well, but with totally different characteristics. On the one hand, from a quantitative point of view, the number of immigrants dropped considerably, as there were no more causes that could generate such waves as the ones in the last decade of the past century. And here we must contemplate the fact that the economic development of this country no longer required an affluence of labour from outside the country, as things had happened some decades ago. To the contrary, the word crisis is found more and more in the written press and the unemployment rate reached worrying proportions, i.e. over 10%. On the one hand, the general socio-political framework has changed via the expansion toward the East of the European Union. One by one, Estonia, Latvia, Lithuania, then the Czech Republic, Poland, Slovakia and Hungary and in the end Bulgaria and Romania – after having developed internally some democratic political systems able to offer to all their inhabitants equal opportunities pertaining to their socio-economic and political participation – became EU Member States. Thus, the free circulation of people and commodities was now possible, in a Europe almost without borders, alongside the possibility of investments from Western firms in the new EU Member States.

 Needless to say, we are not talking about the charity of westerners, as we do not have anything similar to the Marshall Plan – like many hoped immediately in the aftermath of the revolutions in Eastern Europe – but rather investors from Western Europe, including from Germany, benefiting from the much lower production costs offered by the new EU Member States. In this respect, we cannot omit the reaction of the German employees, their feeling of being thrown off their balance and being forced to defend themselves, when firms in their country were closing down manufacturing
units in the towns of Germany to relocate in the Czech Republic, Poland or Romania, like Nokia did for instance.

As mentioned above, during this period, the migration to Germany had totally other characteristics. Firstly, the weight of intra-German migration went up this time compared with the period before 1989, and in a very different political framework. Due to the fact that, in the period after the unification, an entire series of „industrial behemoths” from the old times of the DRG were shut down – since they were not profitable any longer – the unemployment rate reached in some regions of Eastern Germany over 20%. Under these circumstances, more and more „ossi”, as the people from the former DRG were called, left to find work, with more or less success, going to the western part of the country. And we say ‘with more or less success’ not haphazardly, as, during the respective period, the economic circumstances were not the best ones in the west either. The situation started improving only toward the end of the first decade of the new century. In the same context, we can consider the people from the countries in the east of the European Union, who go to work in western countries, including Germany. But, this time, we deal mainly with seasonal work, especially in agriculture and in the service sector, in most cases poorly paid and, mostly, without the employers paying social security contributions. So that, for such jobs, it is difficult to find local labour, even if the local people are unemployed and get the so-called „Arbeitslosengeld II”, i.e. an unemployment allowance similar to social security benefits; as, by taking such a job, they risk, in most cases, not to benefit any longer from other allowances and, in addition, it is absolutely unconceivable for them to work without having the amounts for social security paid up, in case these people decide to take the jobs. For employers, it is much more convenient to hire a person without incurring such expenditure. And so, in the German agriculture or in some domains of the service sector where work is not easy, we find labour force from Poland, Bulgaria or Romania.

Some aspects pertaining to the situation of the workers in this category are described by Ozlem Gezer in his article „Legal Slavery” in Der Spiegel No. 21/2011, on the topic of „immigrant integration” from the new EU Member States in Germany. In his opinion, currently, we have totally
different immigrant groups who generate problems in the cities of this country. Of course, except for the groups already settled down many years ago, Romanians and Bulgarians are after the Poles the immigrants with the highest weight in Germany; thus, in conformity with official statistics, only in 2010, 75,000 Romanians respectively 39,000 Bulgarians immigrated to this country, without counting in the people not registered in any statistics. Most of them do not speak German at all and the local authorities do not do anything in this respect, because they consider these people a temporary phenomenon, respectively as seasonal workers or day labourers who do the same as the „Gastarbeiter“ did 50 years ago and send the money earned to their countries of origin and who, after the end of the work relations for which – officially or unofficially – they had come to Germany, go back to their native countries. The author of the article mentioned underlines the fact that, in Germany, similar to the situation in France and in almost all the other West-European countries, „those who want to stay (in Germany) for more than three months must make proof with valid documents that they have a stable job in this country or that they have enough money to finance their stay. Actually, this thing is difficult to check. So that, those who want to be sure go back to their country of origin a little before the expiry of the respective period and after some time, they come back again“.

Local authorities – like for instance those in cities such as Berlin, Hamburg or Frankfurt / Mainz or large urban agglomerations, like those in the Ruhr basin (Dortmund–Duisburg–Düsseldorf) – and others for that matter, either do not take care too much about their situation as mentioned before, or are overwhelmed by problems, as a representative of the Hamburg police remarked (choosing to remain anonymous): „We accepted in the European Union the respective countries without adapting our legal systems to the new circumstances“, concluding that in this way „... an illegal infrastructure we cannot master any more is about to be created“.

Looking for luck, Romanian and Bulgarian immigrants „get off busses mainly registered in Bulgaria, poorly dressed, with bare-footed children and looking different compared to the Arabs or the Turks in our districts“, as Franziska Gifflez remarked, in her capacity of counsellor for educational issues in Berlin-Neukölln, one of the
districts with problems as regards immigrant integration. We must underline that in this article the fact that these immigrants were roma people is nowhere specified; rather, the article analyses the situation of the immigrants who came to Germany as citizens of Romania or Bulgaria.

The author of this article concludes that the newest citizens of the EU are, from this point of view, the last links of the chain started in 1955. Ironically, precisely the former „Gastarbeiter“, Turks and Arabs, are currently the ones who offer work to the Bulgarians and Romanians, mostly in the underground economy; namely, they rent them accommodation, the dwellings being almost uninhabitable. And just like the former „Gastarbeiter“, Romanians and Bulgarians try out all the opportunities they could benefit from in order to settle down in Germany. Since, as Franziska Giffey remarks, „As long as the (socio-economic) relations in their countries of origin do not improve, these people will stay with us“. Unfortunately, they cannot attend the so-called „integration courses“, valid, even mandatory for the „Gastarbeiter“ and their families. But these people try to enrol at least their children in German schools, hoping that in this way they will be granted easier the residence permit in Germany. But Franziska Giffey underlines that „We have but once again to make it clear for them that merely (the endorsement to enrol their children in... – author’s note) the school does not oblige the authorities in any way“ to grant them such a residence permit in Germany”. Nonetheless, despite the fact that three quarters of the Bulgarians and Romanians’ children enrolled in the schools of Berlin-Neukolln do not speak German, the counsellor for educational issues we quoted above states that everybody does everything possible to offer these children the chance to integrate in school and, respectively, in the German society. In the same context of the need to integrate immigrants and their families, we must mention the book of Thilo Sarrazin „Deutschland schafft sich ab“ (Germany dissolves itself), which quickly became a bestseller. Starting from the analysis of the demographical structure of Germany’s population where he finds a strong ageing trend, the author, a well-known economist and politician, reaches the conclusion that without some regulatory measures of the state, by 2050, the active population will no longer be able to bring about an appropriate economic development for this country. According to his forecasts, there is the risk that, already by 2020,
the population aged over 65 double, and the ratio between pensioners and employees become 1/1. Under these circumstances, the author contemplates the contribution of migration but is of the opinion that „Zuwanderung ist keine Lösung für Deutschland“ (Immigration is not a solution for Germany), hence that merely via a positive migration increment the solving of this problem is not possible. Sarrazin fathoms the analysis of the immigration phenomenon by highlighting its qualitative features, especially those of Muslim immigrants and their families. And he stresses that without appropriate measures for their integration, the risk of the occurrence of a „parallel society“ exists and persists, remarking at page 326 of his book that „those who are here (in Germany – author’s note) and have a legal residence permit are welcome. But we expect from you to learn the language (German – author’s note), to earn the income you need for a decent life by working, to have high ambitions regarding the education of your children, to adapt to the customs and habits of Germany and, as time goes by, if not you, then at least your children, to become German (citizens – author’s note). If you are Muslims – OK. Thus, you have the same rights and obligations like the Germans who are Catholic or evanglic. But we do not want any national minority. Those who want to go on being Turks or Arabs and want that for their children too, in our opinion, are better off in their country of origin. And those who want only to take advantage of the social benefits of the German state must have already understood that they are not welcome here“. As underlined above, the book was a real success among researchers and the public at large, giving birth even to controversies, but, due to the pertinent and grounded analysis of the author, we consider that the book must be present in the libraries of all specialists.

His conclusions pertaining to the importance of immigration have the same rationale like the results of the analysis of this aspect which belong to Rainer Geißler in the book quoted above; the latter underlines that, even if in the near future, annually, 200.000 immigrants come into the country, Germany’s population will drop, by 2050, from 82.000.000 inhabitants today to 70.000.000 inhabitants, while the weight of those aged over 80 will go up from 4% currently to 12% by 2035. And this calls for an integration policy for immigrants and for their families alike.
More than three decades, the Spanish state has offered an image of pluralism, coexistence and ethnic integration.

Indeed, from the late 70’s, Spain has 17 autonomous communities, 17 governments and 17 regional parliaments, 17 autonomous statutes that gave the regions (whether historical or not) greater powers than the ones of the German länder.

However, the much promoted „Spanish miracol” is in no way the result of a hypothetical obligation of the military regime that, after the death of the general Franco, chose to correct the „errors” done by the Second Republic, whose leaders approved only the autonomy statutes of Catalonia and Basque, forgetting the demands of the Galician nationalism. On the contrary, the army victorious in the conflict from 1936–1939 was above all else partisan to maintaining the military custody over the civil power, accepting with great difficulty a very slow and carefully monitored democratization of the Iberian country.

In fact, after the long authoritarian parenthesis, our country was in the situation where it had to choose another road: a way more suited to the historical tradition of the old Spanish kingdoms, more asymmetrical and, thus, less homogenous.

The first project of Democratic Constitution, drafted by the Democratic Center Union (UCD)\(^1\) towards the middle of 1977, stated the division of the country in two distinct administrative levels, which contained three statutes of federative division with distinct content – Catalonia, Basque and Galicia – and a large administrative

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\(^1\) Center-right party which governed between 1977-1982.
decentralization of the rest of the territory, with regions without legislative power. In reality, the approval of the three special statutes, destined to the regions with „ancestral tradition” and fourteen or fifteen regions without parliament. So, this was a similar asymmetrical system with what the Italian Constitution from 1948 contained (five special statutes: Sicilia, Sardinia, Val d’Aosta, Trentino Alto Adige and Friuli Venicia Giulia) that strangely evokes the… Second Spanish Republic. The proposal mentioned was counting on the approval of the king Juan Carlos, a partisan of the Assembly of Deputies without the ones of the Basque and Catalonia, regions that were claiming their „special historical case”. Still, the monarch surrendered to the arguments brought by the Prime Minister, Adolfo Suarez, who was a passionate advocate of the base levelling², which lead to the generalization of the autonomy process. This was a phenomenon that the era politicians, starting with Suarez, did not hesitate to ironically baptise „coffee for everybody”. The parents of the new-born, Manuel Clavero Arévalo and Eduardo García de Enterría, administrative law professors, drafted the harmonization law agreed by the two big historical parties, PSOE and PP, ...and for the upper levelling. Even though we are certain that the decentralization of the power was carried out peacefully, generalizing a model that had a large acceptance, we need to remind that the march towards autonomy was not a smooth one. Starting with the suggestion formulated in the Constitution Drafting Committee by the representative of the Catalan minority, Miguel Roca i Junyent, that insisted to introduce the term nationalities in article 2 from the Magna Carta, concession considered harmless enough at that moment, but that opened the pathway to nationalist, independiste outbursts of the radical movements. „Catalonia is a nation” is the war cry of the Catalan radicals. „Independentzia” is the motto of the Euskal Herria³ defenders. Faced with these challenges, the historical legacy of the other Spanish regions shines through absence. Even so, the Andalusian nationalists did not hesitate to run to Tripoli in the 70’s, in order to fuel the early history of Andalusia with petrodollars taken

² The people of Segovia don’t want to be any less important than their neighbours (of Madrid), has Suarez, a young civil governor of the Province of Segovia, told General Franco, during the sixties. The complaint was successful: Segovia was reclassed „province of special interest” during the Second Plan of Economic Development.
³ Basque country, in basque language.
out of the chests of the handsome Colonel Gaddafi.

More than 30 years, the autonomy system allowed to shorten the distance between the citizens and the power centres. Still, the pharaoh budgets of the seventeen autonomous communities came to surpass the central administration deficit, bringing into questioning the viability of the decentralized governing system.

However, most communities demand new changes, destined to accentuate the framework of the self governing. There are some that demand the change of the Senate, defined as a territorial representative Chamber, but has never fulfilled this function, the necessity of revising the way of the autonomous financing, that would give the communities more prerogatives in tax policies and, eventually, though not less important, the reform of the action limitation of the local powers, that is stated in the Spanish Constitution.

How can we make compatible the unit project that the Constitution for Spain represents with particular ambitions of decentralization of power that are currently very obvious? Was recently asking himself the Catalan rapporteur of the Constitution, Miguel Roca. He, himself gives the answer, according to the „sény” of his compatriots: „There is but one perspective for the decentralized developing of Spain: the one of their coexistence. And to coexist means to respect the identity in a framework of freedom and solidarity.”

The economical crisis, the structural changes, the necessity of rationalising the public expenses are factors that should be taken into consideration in the moment of the new and profound changes in the Spanish geopolitical landscape. Before the continuous increase of the management costs and the galloping deficit of the autonomous administrations, some seriously questioned the possibility of reducing the budgetary parts assigned through special policies and/or to give back to the central State administration a part of the transfers received in the late 10-15 years. Obviously, this implies a decline at the political, administrative and democratic level. Are we watching the downfall of „coffee for everybody”?

4 Wisdom, common sense.
1. Most of the times, the syntagma „protection” refers to an accepted manner of defending a natural person or a legal entity, by creating a legal framework accepted by the legal system of a state via which certain rights are set forth for those who are defended, next to certain correlative obligations for those who conduct concretely the activity of protecting a person.

Concretely, protection is not synonymous with defence. If a first supposition, in principle, considers the existence of a bi-directional system (protected – protecting person) – or, if such a system does not exist but we have at least the existence of a tacit convention, the syntagma „defence” has a wider dimension, representing a behaviour of a person (natural or legal), where self-defence is included under any conditions – but, with the obligation not to exceed the limits of self-defence\(^1\).

Nevertheless, the title of this work intends to launch a debate, but on one condition: to be scientifically argued, \(\text{sine ira et stuido}^2\). By definition, in such situations debates degenerate, sooner or later, since protection supposes being aggressive, which is acknowledged both as existence, and as effect too. This way, the author is responsible for his title and any discontent of his readers; but the topic

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\(^1\) This idea is presented in the criminal legislation of each state, exceeding the limits of self-defence is one of the causes which constitute extenuating circumstances of criminal liability.

\(^2\) Without fear or favour, a dictum of the legal system. But a satirical song says that in times of transition between what was and what is not known to be in the future objectivity is not necessary, but rather committing to a position. To this end, listen to the National Archive of the Radio Company, the broadcast „Merry Wave“.
exists, and it cannot be denied, as it produces tensions in society.

2. That is why we shall start our short digression with an axiomatic clarification, found in the proverbs of each nation, as well as in other thoughts belonging to several scientists or artists\(^3\): „Birds of a feather flock together”. Corollary: birds of different feather reject each other. This aspect was captured by popular humour via a formula found in all the states occupied – following the World War – by the Red Army: „What is the Soviet Union, a sister-country or a friend-country? Sister, of course, because friends you can choose”\(^4\).

What does this mean, in the world of legal realities? That a majority, once established, tries to:

a) delimit a territory where to act;
b) set its own rules, via which those who carry out more convincingly the distinctive features of the group can benefit from the power institutionalised via norms acknowledged on a wide scale (acknowledgment, namely state formation, or by accepting a person before a superior court);
c) block or eliminate the access of hostile entities from outside and stop such development trends occurring inside, if these do not comply with the minimum standards of the majority.

All these characteristics happen naturally, and they cannot be denied or considered as being abusive. Actually, and following contamination with a microbe, the body reacts, trying to isolate and eliminate the intruder. And, if we recall that at the basis of a nation there are families and races which have the same linguistic characteristics (first), we can notice how elements considered negative by a family are eliminated or ostracised one way or the other, in the worst case being only isolated via the lack of communication (which, apparently, is from a psychic point of view, more difficult to bear than the elimination from the group).

The history of mankind followed a simple scheme: small communities united and formed city-states first, seen not only as a form of organization, but also as a place of networking with other communities. In time, some became more powerful and imposed their own rule, next to a model.

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\(^3\) From the five books of Indian wisdom to any corpus of thoughts about human nature this aspect is present.

3. In time, empires were built, having to solve the issue of the populations who were not part of the majority ethnic group.

As a rule, they used assimilatory solutions, which gave birth to strong internal conflicts, ended in ample riots, or, more importantly, the breaking up of empires. A longer essay – but we shall not deal with it – can be drawn up with a view to compare the fight of minorities in the Habsburg empire which does not allow for separation⁵ and the constitution of the Soviet Union, which, although allowing it, does not accept it; toward the end, they had the same course.

The 19th century – more precisely, its second half, brought about a change of opinion. From this moment on, under the pressure of the „ghost against which all emperors allied” (communism), the „under-privileged” found themselves, suddenly, introduced, first shyly, then, starting with the 20th century, more strongly, to the power table.

After the Second World War, things changed, under the ideological fight for the truth. Concretely, both capitalism, as well as communism cannot conceive (ideologically) another solution for humanity: one or the other. Both proclaim their moral superiority, but both are judged as regards the „quality of life”. And here, obviously, what matters is only the good of those who, for several reasons, had no fair chances to be successful in life.

Two directions of action take shape: the first a fixed one, the second, without limit, with a predictable outcome, in excess:

a) in communist states real efforts were made for total social equality. In this respect, differences had to be eliminated, and in order to do this, the right steps were taken, namely:

- adopting a clear legislation, as non-discriminatory as possible;
- its implementation and the strict monitoring of implementation;
- rapid repression when tensions occurred between the majority and the minority.

As communism is a dictatorial system par excellence, such achievements were easily tangible. We need to remark a feature specific to any dictatorship: in the conflict majority-minority⁶ the political power favours, of course, the minority, as another position would have forced it – on long-term – to transfer the power to the

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⁵ But it was carried out with major costs for Vienna.
⁶ It is a latent and ongoing conflict.
majority which, obviously, opposes the dictatorship.

Thus, the support a dictatorship (imperial power) offers a minority makes this minority more loyal to the political power (which recruits from here its most loyal supporters), but also the prisoner of this political power. Moreover, it shows to the majority that force is not on the latter’s side, irrespective of how big the number of its citizens is.

As examples, one must examine policies when it comes to the British and French mandates in Arab states or policies in the Soviet Union in Stalin’s time, particularly. And these are but two modern examples which happened on a scale larger than 5 million km², but the entire history is full of evidence in this respect.

b) Democratic states passed from encouragements to positive discrimination, under the name of ‘affirmative action’. We have to remark that in Romania, the current Law on national education no. 1/2001 sets forth, under Art. 118 par. 2 that: “Academic education does not accept discriminations based on criteria such as age, ethnicity, sex, social origin, political or religious orientation, sexual orientation or other types of discrimination, except for the affirmative measures set forth by law.”

This created a favourable framework not only for the access of the most performing members of the minorities to the public services offered to the majority, but, more seriously, they are promoted with priority, considering the need of their social inclusion. Thus, this idea was accepted publicly as being part of the concept called „politically correct”.

A fierce critic of these idea and manners of positive discrimination was Jean François Revel, who, in several works⁷ has underlined the major deficiencies of such a policy, which was even further deteriorated by allowing massive, not monitored immigration. In this respect, another author must be read, namely Jean Sevillia, who puts these ideas under an even harsher but lucid and real demonstration⁸.

Both authors underline also the fact that the majority of the population does not agree with these trends, but he does not imagine a scenario where a leader grows up to the power to govern via such a message.

Nevertheless, lately, Europe has seen some shocks in this respect, positive discrimination having the major negative role here, as it was applied not only for ethnical groups, but as regards religion or other criteria.

4. Thus, we have texts from this perspective:

a) Positive discrimination is usually defined as a set of measures meant to favour social groups discriminated in the past, in order to correct some wrongs and support their integration in society. But, rather often, those who are favoured cannot integrate despite all these measures. Moreover, what favours these minorities, sometimes, only discriminates the majority...

Currently, in our country, there are measures favouring the gipsies or other social minorities, of which we mention reserving for them some classes in high schools and universities. Gipsy children will have problems to enrol in universities or even in high schools, because they have difficulties in getting prepared for this, so that it seems right to offer them special places here from the state budget, places for which they do not have to pass an exam like the majority of the students; rather, they must compete with those from the same ethnic group, among them the playing field is levelled.

If we ponder over things, this procedure to attempt to grant equal chances to some disfavoured social groups by offering advantages is an incorrect start. There are many cases when gipsy students or students from other ethnic groups enrol in a university with scores slightly over 5 (of 10 the maximum score), on the places paid for from the state budget (reserved for them), while the majority of students, with much better scores, either cannot enrol or enrol but have to pay tuition. Why should one bother then and learn when, from the very beginning, some know they will be accepted anyway? Of course, there is competition even among these, but not too much and for them standards are much lower, due to the lack of motivation.

Under no circumstances these measures will help to reach a better integration of minorities, as supposed. In such situations, gipsies will not be liked by their Romanian colleagues, simply because their chances were not equal, and the work, disproportionate. In the case of high schools, the situation is similar. If at a good
high school in a town, Romanians must learn a lot to pass the entrance exam as competition is encroaching for every place in a class, the gipsies enrolled will have their places reserved. Needless to say, we should not forget the fact that there are also young gipsies who have the same intellectual level and the same knowledge as the majority students, setting for themselves professional targets they manage to reach after years of study.

In Romania, we could talk about the positive discrimination of the Hungarian minority. In the Covasna and Harghita counties, Romanians must speak Hungarian, as in almost every institution there are employees who do not speak or do not want to speak Romanian. Moreover, the so-called Szeklerland is present periodically in the mass-media, because Hungarians want to declare the autonomy of this region. In this case, we could talk about a kind of „dictatorship of the minority” against the majority. Last year, there was a real debate in the written press and on TV about a topic related to replacing some Romanian policemen with some Hungarian ones in Harghita and Covasna counties. Many Romanians were then indignant with the measure pertaining to the discrimination of Romanians in their country, obliged to know Hungarian in order to obtain a job with the police, in the counties mentioned.

In other countries more developed than Romania, such as the USA, which, for that matter, invented the concept of „positive discrimination”, and in some European states, this discrimination involves different domains, from education to jobs and politics. In America, there were many cases when a true inter-racial war was born when a coloured person was fired, although this person could have been actually incompetent, so the actual reason was not a racial one. In the respective states, the same controversies could be generated by the firing of a gay person, a Jew or in some cases a woman. Of course, there are also situations when these persons are discriminated precisely because of racial, homophobic, anti-Semitic and misogyny prejudice. In such cases as well, the principle of equal chances for all citizens should be contemplated. If a person proves to be competent in a certain job, he/she should be able to work without any problem, irrespective of racial, sexual or religious criteria; contrary to that, if
such a person is not able to carry out certain jobs, he/she should be fired without invoking racial or other reasons.9

We have detailed upon this example, as it is published (unfortunately, with the mistake roma people instead of gypsies, subsequently corrected in the text by the author) in the daily newspaper of the Romanian Orthodox Church, our national church, with a major social impact (and not only a symbolic one, obviously).

The fact that the church gives such a message should worry us, taking also into account the fact that the issue of positive discrimination is analysed not only here, since this phenomenon produces more and more complications:

b) A law draft proposed by the Albanian Ministry for Education could force young people not to display religious symbols in schools anymore, as for example, the cross or the hijab. After the fifty years of spiritual desert, when religion was banned under any form, Albania is again subject to the danger of hurting its own religious memory, somehow recuperated after 1992...

Now, the new law draft on education supports secular education, independent from religious confessions. If the law passes, it will ban the wearing of religious symbols in high schools, including the cross and the Muslim veil (hijab). Generally speaking, the supporters of this normative act say, this measure intends to eliminate any ideological or religious indoctrination in schools, including the organizing of political parties or religious activity by the school staff. Displaying symbols will be banned, they say, except for the schools teaching religious topics. Of course, both the Muslim community of Albania, as well as the Orthodox Church are, naturally, against this measure.

The freedom of religion is at stake, have declared the representatives of over 70 mosques in the country during a press conference organized recently in Tirana, accusing that the law proposed is discriminatory. The Orthodox Church issued a separate statement declaring that Article 36 – the clause banning religious symbols – is a breach of the constitution, and the

9 http://www.ziarullumina.ro/articole;1687;1;53208;0;Discriminarea pozitiva este dictatura minoritatii.html
international conventions and resolutions, acknowledged and ratified by the Albanian state.

Wearing a veil in school was debated upon in Kosovo as well. In June 2010, thousands of people protested in Pristina against the decision of the Ministry for Education to forbid female-students to wear the burqa in schools. They requested the government to reconsider its position, stating that it is not a school uniform, but rather a religious obligation which does not represent a breach of the constitution. Their efforts failed to date. Over the border, in Macedonia, women can be photographed in Muslim clothing for personal official documents, such as for instance driving licenses. The Ministry for Home Affairs allows this on the grounds of religious, medical or cultural reasons. Blazing arguments on this topic are going on not only in Albania, but all across Europe also\(^\text{10}\).

\textbf{c)} Christians have become the most persecuted religious group in the world. Intolerance and discrimination soar. Data demonstrates this: out of one hundred persons losing their life because of their religion, 75 are Christians. The resurgence of anti-Christian persecution gave birth to some talk about a „war against Christians”\(^\text{11}\).

Due to reasons we shall not contemplate in this paper, we stop here with our examples. Needless to say that the problems mentioned have their own rationale, as facts are facts and cannot be challenged.

The fundamental law of Romania sets forth that „\textit{citizens are equal before the law and public authorities, without privileges and without discrimination}” (Art. 16). This mention in the constitution considers the conclusions of the international debates in the field, during which attention was drawn on the fact that „\textit{neither the attempts of the majority population nor those of the minorities}” to impose „\textit{privileged rights can be accepted}”\(^\text{12}\).

Acceptance of positive discrimination is considered by some authors unacceptable, as it can lead to an opposite outcome. Other authors consider that, in some cases, affirmative measures are necessary, but without any exaggeration\(^\text{13}\). In our opinion,

\(^{10}\) http://www.ziarullumina.ro/articole;1687;1;52753;0;Simbolurile-religioase-din-nou-in-pericol.html

\(^{11}\) http://www.ziarullumina.ro/articole;1687;1;50565;0;Crestinii-tot-mai-discriminati.html


merit – particularly in difficult times, is the only solution; we are against any form of positive discrimination.

5. Sto delat? – What should we do? Famous question, but we need to stop for a while and remark: do we really have the problem of positive discrimination?

The author’s answer is yes, but with nuances: it is much more serious in the countries where the socio-political system was more relaxed for more than 50 years. Actually, the sexual revolution in the 60’s brought about more tolerance in all domains, and, alas, if the idea „guess who’s coming to dinner” had something to rely on, accepting any person in public positions (when the situations to be solved have become more difficult than ever, under the impact of the current social transformations) is not an error, it is rather a mistake 14.

Always, the weakest party – if it wants to be successful in its relationship with the strongest party – must fight, generating a war with chances to win, or, to the contrary, to have permanently an aggressive behaviour, to exaggerate its power and produce the desired effects (either own protection, or winning better positions before the majority).

Nevertheless, this behaviour gives birth to the resentfulness of the strong/majority, which is understandable. What cannot be accepted today easily not even as an idea – although unfortunately, the author’s opinion is that this thing will happen and rather soon for that matter, is the fact that the majority will react. Obviously, first timidly, via election means. But, as we saw things happening lately, these signs are rather ignored, and that is why we shall witness other more serious events. Actually, the Norwegian case 15 is only the proem of the crises which could occur in a society more and more subject to attacks and disinformation from everywhere.

Today, it seems that there are too many arsonists: at the end of the day, breaching the rights considered normal for a majority group – but a group tolerant with minorities – ends up first with a perception: the majority must be protected (what today is a blasphemy of the concept of ‘politically correct’), and then with a reaction. And when force speaks, what was built well, with much effort, in decades, is also lost, and this is to nobody’s advantage.

14 The formula belongs to Talleyrand.
15 On one of the sites accessed by this murderer there is a video with a girl aged 14 from Oslo raped by three black men, and who soon after the tragedy killed herself.
The Balkan Peninsula is a cultural mosaic of small, but strong-willed people.

There are currently two different opinions as regards the Aromanians who migrated and settled in Romania, but both agree on their cultural uniqueness. Some voices claim that Aromanians are actually Romanians, who cannot be considered an ethnic minority, but others are convinced that Macedo-Romanians are a distinct ethnic group in the Balkans, who are currently assimilated by various states. According to this latter opinion, the only way for Aromanians to survive and keep their identity would be for them to have their own schools, churches and institutions (not only in Romania, but in all the other countries where they are present.

Going back to the cultural mosaic of the Balkans, we see that a relatively small place is home for a variety of people who speak Slavic, Neo-Latin or Modern Greek languages and worship the same God, as Orthodox or Catholic Christians and Muslims. Some of the modern states have been established quite recently, in the aftermath of the fall of the Ottoman Empire, when borders were set in a random and controversial manner. Then, a number of people in the Balkans claimed their right to a national territory. Not all of them were successful. Macedo-Romanians were divided after the decline of Moscopole (Voscopole), and were not able to get a state of their own. Officially recognized as separate ethnic group by the Ottoman Empire (the wise Decree of 1905, did not assimilate Macedo-Romanians with Romanians), Macedo-Romanians enter into a dark age of their national history, mainly due to
the extreme nationalism of states such as Greece, but also Bulgaria, Albania, or the mixed area which would later become Yugoslavia, a state whose short-lived existence has already come to an end. For several generations, national states have put pressure on the forced assimilation of Aromanians, who had managed to keep their identity for two thousand years: their schools and churches were closed, Macedo-Romanians were prohibited from holding public and official positions, their properties were confiscated, and numerous leaders, scholars and priests were assassinated. As a result, a significant number of Aromanians left their native lands and migrated to Romania, where they were naturalised as Romanians.

Although Aromanians account for a significant percentage of the population of the Balkan Peninsula, they have been assimilated by various nation-states and have lost their identity. Some of them pass for Greeks, others for Romanians, Albanians, etc. and others even think of themselves as Slavs. Few others have become Austrians or, some have become nobles, such as Mocioni, Sina (the baron who financed the famous chain bridge in Budapest), Gojdu and others. The Aromanians were remarkable scholars everywhere in the world, including Romania.

As regards the origin of Macedonians, there have been recent claims from the part of Greece that Macedonians are Romanised (Latinised) Greeks, particularly considering that Greece does not recognise the existence of ethnic minorities, while Romanians consider them as their Southern Danube branch, given their common 2000 year-old origin. Under the conditions imposed by national states, Aromanians have started to disappear at an accelerated rate, particularly in the last couple of decades. While living in the isolation instated by the communist regime, the children and grand-children of the Aromanians who migrated to Romania have lost connection with their relatives in Northern Greece, Yugoslavia, Bulgaria or Albania. Many of them claim that they are Romanians, and, as a sign of appreciation, Romanians sometimes called them super-Romanians, particularly during the period between the two World Wars. Greece has experienced a similar phenomenon, although much earlier than other states. Many Aromanians fought in the Filiki Eteria and not few of Greece’s national heroes were Aromanians.
Turkey also has some national heroes of Aromanian origin. The Balkan states established after the fall of the Ottoman Empire were short-lived and are currently undergoing a process of integration in the structures of the European Union, which is characterised by the disappearance of national borders, the subordination of national (local) governments to a central authority that becomes ever more powerful and well-structured, as European citizens are entitled to free movement, association and recognition (representation) of their own ethnic identity.

The Istro-Romanians located near the border between Croatia and Italy had a tough fate at the end of the Second World War. By virtue of an ancient historical right, but also due to the need to have more population, Italy has engulfed the shore area of Northern Adriatic, including the towns of Gorizia, Fiume, Durazzo, etc., where Aromanians lived. After Italy was defeated by Germany and under the influence of Tito, the Serbs mass massacred the Italian population in the area they claimed. The victims were also Aromanians and Istrians. Many of the ones who survived had fled to Italy, where they were easily assimilated. Even if recently, the massacres in Sarajevo, Srebrenica etc., (which were actually ethnical cleansing actions), have triggered the decisive intervention of the Americans, who brought to the court in Hague the persons who were responsible for these events, the massacres at the end of the Second World War are just history and are shrouded in mystery and silence. Only some hundreds, or maybe thousands of Istro-Romanians from the once numerous population still survive.

The slogan of the European Union – Unity in diversity – defines the new concept of nationality, as value which needs to be preserved. All populations (ethnic groups) may claim their national identity, and the European Union encourages their actions, which are seen as a priority. This is the reason why this slogan was selected from the other ones which have been considered, such as „Freedom and Peace” or „Brotherhood and Prosperity”. Once the region of the Balkans joins the European Union, Aromanians find themselves in the same position as in the times of the Ottoman Empire. That is, exactly where they should be. In the darkest times, when persecution against the Aromanians was at its peak, when Aromanian priests, scholars, poets and writers
were assassinated many Aromanians find refuge in Romania, where they were welcomed as true brothers. This is why many Aromanians feel bad about not declaring themselves Romanians. They want to show that they are grateful for what Romanians have done for them. Nobody else loves the Romanian people deeper than the Aromanians. In times of trouble, Aromanians were ready to fight together with the Romanians and have sacrificed their lives without any hesitation. So, Romanians should also be grateful for what the Aromanians have done for them. The cultural significance of the Aromanian contribution in Romania is difficult to assess. We are convinced that the mutual feeling of respect between Romanians and Macedo-Romanians will be strengthened after this ethnic group will be recognised for what it is. The Romanians should be proud of having among them this „minority“. Some Aromanians are wondering how they could call themselves a minority when they are among people of their own kind. During communist times, the idea of minority had a derogatory meaning. Communism was in favour of the majority and unanimity, if such thing can exist. In the new European world, minority means specificity and diversity and has a positive connotation. The language and culture of small ethnic groups are protected and preserved. In the European Union of today, the differences between majority and minority are gradually disappearing. People have the same rights, for instance the presidency of Luxembourg in the first quarter of 2005 was followed by the presidency of the United Kingdom, with the same authority, and Germans, the English or the French are nothing but minorities of the European Union. Now we are all minorities! Some claim that Bulgarians will soon become a minority in their own country in favour of the Roma and Turks, who are much more prolific. But this is no longer important once Bulgaria is a Member of the European Union. Some populations disappear; others manage to preserve their identity, other become even more powerful than before. This has always been the way history works. The fate of the EU is not in the hands of just one ethnic group. The vision Napoleon had is not longer possible.

People and ethnic groups may claim their national identity, provided that they are aware of their distinctive characteristics and features. The political philosophy on which the European Union is built fosters diversity.
The more different we are, the more respect we show for one another. The term “minority” had a negative connotation in the past, but it is now seen as something positive. Aromanians are so important for the Romanian nation due to the fact that they are a minority. The disappearance of a minority can have devastating effects. We may give as an example the dramatic fall in the number of German inhabitants in Romania in the second half of the century, from 7-800.000 to just 60.000 persons. Their constant persecution during communism, mass deportation to the USSR, where most of them were exterminated, deportation to Bălăgan, arrests, etc. resulted in the mass immigration of these otherwise loyal citizens. Romanian officials should apologize for accepting and even encouraging deportation to the USSR of Romanian citizens, even though most of such events had been facilitated by the communist party. Mention should be made that immediately after the August 1944 truce, when the Romanian army was changing sides, the Soviet army took approximately 180.000 Romanian soldiers as prisoners in Moldavia, all of them sent to concentration camps, mainly in Siberia. Later on, the Communists started the witch hunt against the Bessarabians who find refuge in Romania when they left the territories occupied by the Soviet army. They were sent to concentration camps, their children were expelled from schools. This was an act of treason against our own people.

Although subject to enormous pressures, the Aromanians, unlike the Germans managed to preserve most of their national identity. In Mihail Kogălniceanu – a town in the Constanța county – established by German colonists, the approximately one hundred descendants still alive speak absolutely no German and consider themselves Romanians, even though the recently renovated German Catholic church is still one of the local architectural jewels. By contrast, the Aromanians who live in the same town continue to speak their own language and have managed to preserve their traditions, despite the fact that they do not have schools or churches of their own.

Very many times, the concept of Romanian identity is confined to the borders of our country. The communist party wanted to terminate all connections with the Romanians „living in exile”. But which are the borders considered? The borders of greater Romania, the borders established in
the times of Stephen the Great, the borders of today’s Romania (which may no longer be valid once Bessarabia and Bucovina join once again the Romanian territory)? In view of a united Europe, the Prut River and part of the Nister River will become what the Olt River or the Mureș River is today. Let us not forget that Romanians are also the dominant ethnic group in Transnistria (the first republic separated from the Soviet Moldova).

It was a miracle that Aromanians have managed to preserve their language, music and specific traditions. They have also managed to preserve their own names, although countries like Serbia requested that such names be changed. Nevertheless, all the conflicts arising in relation with the Aromanians fade in the context of including the Balkans in the European Union. Likewise, any debates on the topic of „language or dialect” as well as borders, which will become impossible to define, is somewhat useless.

What Aromanians are is far less important than what Aromanians WILL BECOME in European context.

Aromanians are what they are, something which is difficult to define but refers to all the feelings related to the idea of national identity, which goes beyond the meaning of words. They are different from their Romanian close cousins by way of their language, music, clothing, personal features, and, above all, genetic heritage. Genetic studies have shown that Aromanians are more closely related with ancient Italic people, while Romanians preserve the genetic heritage of their Dacian ancestors.

In the context of a united Europe, the future of Aromanians seems much clearer. The Aromanian ethnic group benefits from the expansion of the European Union in the Balkans. Why? In the absence of a national state in Northern Greece, Macedo-Aromanians were subject to a process of assimilation in the countries where they lived. This assimilation process was sometimes quite brutal, with Aromanian priests, scholars, leaders and common people being assassinated. Ethnic cleansing is not entirely new to the Balkans and the Second World War was caused by conflicts over Macedonia.

Despite their extremely rich and valuable contribution to the „national cultures” in the area, the Aromanians are now threatened to disappear by way of assimilation. Probably Aromanians would have already disappeared if the European idea of „Unity in diversity” had not emerged. But
Resolution no. 1333 of the European Council is meant to protect Aromanians, who benefit from current EU politics in the Balkans. The greatest richness of the European Union lies in its remarkable ethnic and cultural diversity. As in the times of the Roman or Ottoman Empire, the borders of national states are now considered administrative borders and people continue to live in the areas of their ancient roots (as is the case of Aromanians). National states no longer have authority or interest in denying ethnic identity. The European Union is a very dynamic system, which is constantly changing. The strategies devised by the European Union are very bold. All EU Member and candidate States should consider the dynamics of the European structure, particularly in the light of expansion in the Balkans.

UNESCO is another international institutions concerned with the protection of small populations and cultural groups. On 17 October 2003, UNESCO adopted in Paris the „Convention for the Safeguarding of the Intangible Cultural Heritage”, which comprises 40 articles. The provisions laid down in these articles refer to the protection of cultural diversity with the aim of ensuring sustainable development, i.e. the protection of language, oral traditions, dances, music, traditional crafts, with the aim to preserve and foster national identity and continuity. There are currently 47 intangible cultural heritage areas. In press release no. 92 issued by UNESCO in 2003, Koichiro Matsuura, then Director General, claimed that „the purpose of these proclamations is not simply to recognize the value of some elements of the intangible heritage; they entail the commitment of states to implement plans to promote and safeguard the inscribed masterpieces.”

The European Union is not just an area of freedom, peace, prosperity and justice (in reverse order in the case of Romania), it is also an area where small populations and their cultural heritage are strongly supported and promoted.
Lying at the crossroads between East and West, Ukraine is a geopolitical area of vital significance for Russia’s interests in Western Europe. Due to its geostrategic positioning and to the presence of the Romanian minority, Ukraine represents an area of interest both for Romania and for the entire South-Eastern Europe.

The issue of the Romanians in Ukraine is an extremely sensitive topic. Historical facts unveil the drama of the Romanian community under Habsburg and Russian domination. The position of Bucovina natives, with their past tribulations and present deadlocks is even more of a problem in the context of the Ukrainian policy, which aims at imposing the national language in native schools and churches and makes more difficult the granting of visas. The conflict over the Romanian minority in Northern Bucovina has been unfolding for years but it is now ever more present after the restitution of the Serpent Island to Romania and the nationalist actions of Ukrainians during the orange revolution. The Romanian community in Northern Bucovina is trying to preserve its identity through a number of schools which still teach in Romanian, but are threatened to become Ukrainian or Moldovan schools, as well as through a number of churches which still use Romanian in liturgy and preaching.

From a legislative perspective, the Ukrainian state has regulated minority rights in accordance with the provisions of the European Convention on Human Rights, but in reality, government structures are involved in an effort to restrict the rights of the Romanian community.
In what follows, we shall review the provisions of European legislation on the rights of national minorities, the Framework Convention for the Protection of National Minorities, the European Charter for regional or minority languages, as well as the provisions laid down in the Constitution of Ukraine and the local laws concerning national minorities and the manner in which the rights of the Romanian minority are observed under European Union legislation, the Constitution of Ukraine and the treaties signed by Ukraine and Romania.

**THE LEGAL FRAMEWORK APPLICABLE TO THE RIGHTS OF ROMANIANS IN NORTHERN BUCOVINA (UKRAINE)**

Within the territory of Ukraine, the legal provisions laid down in the Constitution and a number of laws regulate the use and protection of the languages of all national minorities.

**CONSTITUTIONAL RIGHTS**

Article 10, paragraph 2 of the Constitution of Ukraine provides that: „In Ukraine, the free development, use and protection of Russian, and other languages of national minorities of Ukraine is guaranteed.” and Article 11 provides that: „The State promotes the consolidation and development of the Ukrainian nation, of its historical consciousness, traditions and culture, and also the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine.” Given their ancient roots in Northern Bucovina, the Romanians should be the indigenous people who benefit from the aforementioned rights and freedoms.

Article 53 provides that „Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies”, while Article 24 claims that „Citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.” Consequently, Romanians should enjoy the same rights and freedoms as Ukrainians and even more, they should be able to claim and make use and reinforce such rights and freedoms. In accordance with the provisions of the Constitution of Ukraine,
Romanians should have the right to develop and consolidate their ethnic features, traditions, their language and religion. Another important right is the rights to benefit from education in the mother tongue.

Article 9 of the Constitution of Ukraine provides that „International treaties that are in force, agreed to be binding by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.” Consequently, the provisions concerning the rights and freedoms of national minorities, as laid down in the international treaties ratified by the Ukrainian Parliament are also significant for the purposes of our review. Pursuant to the aforementioned article, any treaty signed on behalf of Ukraine is recognised as an integral part of the Constitution following ratification by the Ukrainian Parliament.

**UKRAINE’S INTERNATIONAL COMMITMENTS**

Following Ukraine’s admission to the Council of Europe, the Ukrainian government has committed to signing and ratifying the „Framework Convention for the Protection of National Minorities” (which has been already signed and ratified), as well as the „European Charter of regional or minority languages”. As regards the „European Charter for regional or minority languages” mention should be made that Ukraine has declared in the Council of Europe that the provisions laid down in the framework convention shall be applied to Romanians as well as to other minorities.

Article 5, paragraph 2 of the „Framework Convention for the Protection of National Minorities” reads as follows: „Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.” and article 12 tackles the problem of education in minority languages. Article 12, paragraph 3 provides that: „The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.”

The framework convention provides that each person belonging to a national minority shall benefit from a number of rights:

- „the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of
thought, conscience and religion.” (art. 7);
• „the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.” (art. 8);
• „freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers.” (art. 9, paragraph 1);
• „the creation and the use of printed media by persons belonging to national minorities. (art. 9, paragraph 3);
• „the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.” (art. 10, paragraph 1);
• „the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them.” (art. 11, paragraph 1);
• „the right to set up and to manage their own private educational and training establishments.” (art. 13, paragraph 1);
• „the right to learn his or her minority language.” (art. 14, paragraph 1) (without prejudice to learning the official language);

• „in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.” (art. 14, paragraph 2);
• „the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.” (art. 17, paragraph 1).

All the rights of persons belonging to a national minority shall be observed. The Framework Convention for the Protection of National Minorities „was signed on behalf of Ukraine on 15 September 1995, and as of 1 May 1998 it has been enforced as organic law”. Thus, Ukraine has committed to fully observing all aforementioned rights, but is this really a fact?
The European charter for regional or minority languages is a document which provides for several principles according to which minority or regional languages „should be protected and promoted on a regular basis”. „The document provides several alternatives and acceding countries are entitled to implement relevant provisions in different manners” (Popescu I., 2005, 29). The preparation of the final document was hindered by some political forces in the Ukraine with a nationalist agenda. Mr. Ion Popescu, member of the Verkhovna Rada of Ukraine claims that the provisions laid down in the proposed versions were just minimum requirements which had nothing to do with the provisions of the European charter of the protection of regional or minority languages. The obstacles to adopting the law were various, from the voluntary omission of some provisions, the impossibility to gather sufficient votes or the annulment of the law on account of various technicalities. In the end, there were two versions submitted in 1999 and 2003. „The law of 1999 concerning the ratification of the European charter for regional or minority languages was implemented as national law from 30 December 1999 to 12 July 2000. Nevertheless, when the law was annulled, the provisions thereof remained in full effect.” (Popescu I., 2005, 36). All the provisions of the Charter should be observed in relation with the rights of the Romanian minority in Ukraine to use their own language.

As regards the Charter ratified by Ukraine in 1999, a number of initial provisions were totally disregarded. The provisions laid down in section III apply solely to „the languages of the minorities referred to in art. 2 of the law, namely to Russians, Jews, Byelorussians, Moldovans and Romanians, Tartars in the Crimea, Bulgarians, Poles, Hungarians, Greeks, Germans, Gagauz and Slovakians (this list was accepted by the State Committee on minorities), according to the number of persons who belong to such minorities and live together within an administrative unit, on a permanent basis”.

A significant provision was set out in art. 5 which reads as follows: „the provisions of the Charter shall not be construed as causing a reduction in the number of education, cultural or other similar establishments which use the languages of national minorities”.

Other significant provisions of the Charter are worth mentioning: „Art. 8
of the Charter which corresponds to art. 2.1. of the Law of 1999 on education provides that in the territories where national minorities accounted for more than 20% of the population, pre-school education, primary and secondary school and even higher education is provided in the language of the minorities, and instruction in the language of the minorities shall be an integral part of education curricula; article 9 of the Charter refers to the use of regional or minority languages in legal proceedings; in accordance with article 11 of the Charter and article 2.1 of the Law of 1999, in the territories where speakers of a minority language account for 20% of total population, Ukraine shall encourage the establishment of at least one radio station and one television station in the language of the respective minority”.

The Law of 2003 concerning the ratification of the European charter for regional or minority languages provides that „the provisions of the Charter shall apply to the following minority languages: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean-Tatar, Moldovan, German, Polish, Russian, Romanian, Slovakian and Hungarian”. The separate indication of Moldovan and Romanian shows that the two languages are treated as different. The wording of the 2003 law excludes the provisions which state that „the provisions of the Charter shall not be construed as causing a reduction in the number of education, cultural or other similar establishments which use the languages of national minorities”. (ibidem). Thus, the stage was set for linguistic assimilation by means of education institutions.

The representative of the Romanian minority in the Verkhovna Rada of Ukraine claims that the new law makes no mention of the territorial and administrative units where the provisions of the Charter apply. According to the Law of 1999, the provisions applied to minority populations which accounted for more than 20% or between 10% and 20% or less than 10%. The new Law eliminated the aforementioned thresholds and responsibility was delegated to the executive bodies. Some of the most significant provisions which were eliminated from the wording of the new law included: the right to primary, secondary and higher education in the language of a minority and the provision of education in the language of a minority as part of the education curricula. As regards the
The use of minority or regional languages in administration, some significant provisions were also eliminated. For instance, "the use of regional or minority languages by administrative authorities or the use of regional or minority languages in the preparation of documents" (ibidem). As regards the use of regional or minority languages in the media, the main provision regarding the "establishment of a radio station and television station in the language of the respective minorities" was also eliminated. These are just some of the articles eliminated from the Law of 2003. Most of them were extremely significant with respect to the rights and freedoms of minorities.

The new Law of 2003 also eliminated some articles which provided for the rights and freedoms of minorities with respect to the use of their own language. The most significant such article was the one which referred to the prohibition to resort to linguistic assimilation by means of education institutions. The exclusion of all these provisions of the European Charter from the Law of 2003 ratified by the Verkhovna Rada of Ukraine is evidence that Ukraine has greatly diminished the rights and freedoms of minorities after the annulment of the Law of 1999.

Mention should also be made of another significant treaty, the Treaty on the relations of good neighbourliness and cooperation between Romania and Ukraine, whose article 13 reads as follows: "In order to protect the ethnic, cultural, linguistic and religious identity of the Romanian minority in Ukraine and Ukrainian minority in Romania, the Contracting Parties shall implement the international norms and standards defining the rights of persons belonging to national minorities, as they are stipulated in the Framework Convention of the Council of Europe on the Protection of National Minorities, as well as in: the Document of the Copenhagen Conference on the human dimension of the organization for Security and Cooperation in Europe, June 29, 1990; the Declaration of the United Nations, General Assembly on the rights of persons belonging to national, ethnic, religious or linguistic minorities (Resolution 47/135), December 18, 1992; and Recommendation 1201 (1993) of the Parliamentary Assembly of the Council of Europe on an Additional Protocol on the rights of national minorities to the European Convention of Human Rights, with the understanding that the above mentioned Recommendation does not refer to
collective rights nor does it oblige the Contracting Parties to grant those persons the right to a special status of territorial autonomy based on ethnic criteria”.

In accordance with the provisions of the state Constitution and of the international agreements, Ukraine should observe a number of laws concerning the enforcement, recognition and development of the cultural and national traditions of persons belonging to minorities, freedom of speech and access to education, religion and culture in the language of the respective minorities. These legal provisions should also be observed with respect to Romanians, an ancient population which is deeply rooted in the Northern Bucovina area.

Although the rights of national minorities are clearly established in the Constitution of Ukraine, they are not actually observed by Ukrainian authorities. The process of assimilation is more and more present, from the prohibition to use the Romanian language in the schools where Romanian children study to the performance of religious service in the Ukrainian language in some villages in the Storozhynets rayon, inhabited by Romanian population.

One of the most important pillars of ethnic survival is education. The family, the school and the church are three areas of national survival. If one wishes to destroy an ethnic group, the most secure way is to destroy the national values and standards of that particular group. Education is one significant component of national identity. The enforcement of restrictions with respect to the use of mother tongue in schools is an act of aggression against national identity.

The number of schools which teach in Romanian has constantly dropped along the years, as Romanian-speaking schools were replaced by Russian and then Ukrainian speaking establishments. There is also pressure from the part of Moldovan associations with regard to the use of the Moldovan language and the Cyrillic alphabet.

We shall now see some figures which show the alarming situation of Romanian-speaking schools in Northern Bucovina.

In the Transcarpathia region, between 2002 and 2003, there were 11 Romanian-speaking schools, where 3,543 pupils received education, plus two mixed-language schools, where 1,427 pupils were studying the
Romanian language as mandatory subject and other 10 children were studying the Romanian language as optional subject. On aggregate, 2.3% of the total number of pupils was studying the Romanian language and 310 teachers were teaching their subjects in Romanian.

In the Cernăuți region in 2001, of a total number of 181,780 persons which Romanian origins, 114,555 declared themselves Romanians and 67,225 Moldovans. In 2000, the region had 86 Romanian-speaking schools where 22,000 pupils received education plus six mixed-language schools where 1.8 thousand pupils were studying. In 2002, of the 449 national schools, 305 schools were teaching 93,200 pupils in the Ukrainian language and 83 schools (approximately 18.49%) were teaching 21,672 pupils in the Romanian language (16.56%). In 2002, the number of Romanian-speaking classes amounted to 6,204, while the number of pupils reached 132,450.

In the Odessa region, Romanians are no longer considered the most important ethnic group. Many persons consider themselves Moldovans. In 2001, 123,751 persons were registered as Moldovans and accounted for 5.04% of the population in the region. Since 1989, the number of Moldovans has gone down from 145 thousands to 124 thousands (i.e. by 14.4%). Even though the number of Moldovans in the region has continued to drop, there is some pressure on the population to declare themselves Moldovans, so that the Romanian language may be eliminated from schools and churches. This is just another means to promote education in the Moldovan language, the elimination of the Romanian language and the increase in the number of persons who declare themselves Moldovans rather than Romanians.

In 1979, official statistics showed for the first time a clear separation between the Moldovan and the Romanian ethnic groups. As Dan Dungaciu explains, the concept of the Moldovan ethnic group is „a project of Soviet origin, which distorts historical reality and promotes the ethnic and linguistic differences between „Moldovans” and „Romanians”. The bet is on the idea of national identity. The strategy of Ukrainian authorities is to determine an increasing number of people to declare themselves as Moldovans, so that the Romanian minority should not rank third among ethnic groups (as it should be) but eight. Thus, Romanians can be prohibited
to request in the Parliament a number of rights in relation with education, religion, culture, etc. The official data of the 2001 census shows that the Moldovan minority ranks fourth, while Romanians only rank eighth. If we considered Romanians and Moldovans together, Romanians would rank third, before the Byelorussians (State Statistics Committee of Ukraine, http://2001.ukrcensus.gov.ua).

The concept of the Moldovan ethnic group is based on a voluntary confusion between ethnic belonging and citizenship. Following in the footsteps of Soviet terminology with respect to ethnic groups and language, the Ukrainian authorities are making up Moldovan traditions and customs that are different from those of the Romanians. Moreover, they are trying to prove that there are differences in history, tradition, language and culture between Romanians and Moldovans, with the only purpose to tear apart the Romanian community. As a result, Ukrainian authorities established Moldovan-speaking schools and printed textbooks in the Moldovan language.

The strategies used by Ukraine are aggressive towards neighbouring states, in particular with respect to Romania. There is an obvious tendency to assimilate Romanians through education, culture, language, etc. and to support the establishment of Moldovan schools, together with the use of the Moldovan language and the Cyrillic alphabet. According to the applicable international agreements and treaties, Ukraine should observe the cultural and national autonomy of minorities. State authorities should also promote the development of the cultural traditions of the persons belonging to national minorities as well as their freedom of speech and access to education, religion and culture in their own language. The restrictions imposed on the aforementioned rights are a breach of fundamental human rights and of the European Convention for the protection of national minorities as well as of the Constitution of Ukraine.

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Confluences
The Role of Negotiation in International Relations and Public Administration

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*Keywords: hyper-power, negotiation, government protectionism, shock therapy, „banana war”*

We are now in times of exceptional political, economic and social changeovers. The centres of power established in the aftermath of the Industrial Revolution, when the nation-state controlled almost everything, have lost their grip. The so-called modern systems to organize bureaucracy have become restrictive and obviously hinder the reconstruction of current societies, as well as their progress. All international organizations, starting with those established under the Bretton Woods agreement, need reform and readjustment to new requirements and aspirations. Sadly enough, the countries which established these international organizations, strong promoters of the market economy and of an inflexible model of capitalism, both of which play a significant role within those same institutions, will be the ones to attempt to put a stop to the so much needed reform process.

Thus, in this liberal and global world, we have managed to identify only one hyper-power, as Hubert Védrine calls it, i.e. the United States of America. Everything was for the first time in the hands of a single global player: strategy, economy, currency supremacy, military power, communications and new technologies. World events in the past 5 years have eroded the dominant position of the „world hyper-power” and led to the emergence of new world,

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2 Ibid, p. 29.
3 Minister of Foreign Affairs in France between 1997-2002.
with regional players worthy of attention, which now have a say in global politics. As a result, centres of power have multiplied.

These centres of power have also multiplied in respect of economic and social issues. In the context of this new international system, where everything is negotiated interactively in several locations, state power has started to lose ground in favour of new actors. From the inside, the state has to face numerous NGOs, associations or trans-national groups. From the outside, pressure comes from interaction with other states and from several regional or international organizations. Multinational corporations and globalization add more pressure to the nation-state, but are not able to completely exhaust its power. All these local, national and international players are cooperating or conflicting in redefining tomorrow’s modern society. Their interaction is extremely close and goes deep to redefine ethical, political and economic values. Ethical changes, mostly in Western Europe, will most likely have the most significant impact.

In order to tackle our topic of interest, i.e. the role of negotiation in Public Administration and International Relations, an overview of the developments in the institutional structures of Public Administration after 1989, the year of revolutions in Central and Eastern Europe is both necessary and advisable. After this brief review, we will show the role of negotiation and the degrees of complexity involved. Some examples will bring more light on negotiation as an instrument of Public Administration and International Relations.

**Public Administration after 1989**

The first years of so-called unconditional freedom were characterized by almost total lack of interest in reforming Public Administration by the newly-appointed government officials who were coming and going at head-spinning rates.

This state of facts was influenced by 3 factors:

1. Ultra-liberals were leadership models for the states in Central and Eastern Europe which had just recently found freedom. Margaret Thatcher and Ronald Regan were the advocates of no state intervention in the process of redefining new institutional structures. For them, the only way was to completely suppress old state structures and replace them with the Anglo-Saxon model (USA, UK)
together with the implementation of a «laisse faire» type of capitalism. 

2. Public Administration officials were no longer in a privileged position, as before 1989. The officials employed in this sector were to a large extent highly qualified (because access to the system was granted only to graduates with outstanding academic results, exceptional researchers who had become locally or internationally recognized, but also to a group of political clientele, who were more or less professionally qualified). Their work was to implement party directives. After the revolutionary moment of 1989-1990, the newly-established political parties have tried to discredit all those who had worked in the state bureaucracy, accusing them of obedience and blaming them for economic failure. In this context, Public Administration has entered a new stage of cleansing but also of long-term oblivion. The issue at that time was to find new standards for Public Administration, to restructure its framework and provide its staff with highly professional skills, all in a process of gradual and comprehensive reform. Some countries even came up with the solution of going back to the administrative system in place between world wars. The future still seemed rooted into the past, and stakes were high.

The neo-liberals of the 90’s insisted on a radical solution – the import of the Anglo-Saxon Administrative system. Reform seemed strong in Poland, Czechoslovakia and Romania. The dissolution of Czechoslovakia in 1992 and the emergence of two different states, the Czech Republic and Slovakia have halted the reform process for a while.

In Poland, the collision between the advocates of state protectionism and the advocates of a market economy imposed by shock therapy, or in other words, the fight between left wing political forces (the Democratic Left Alliance, the Polish People’s Party) and right wing political forces (the Civil Platform, Law and Justice) has led to a «sine die» delay in Public Administration reform.

The first years of quasi-freedom in Poland were characterized more by an unprecedented promotion and consolidation of the traditional moral values of the Catholic Church to the detriment of any other initiative or reform.

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Between 1994 and 1996, the Polish Public Administration has developed (through the establishment of education and training institutions, such as „Ecole National d’Administration”, following the model of the same institution in France), although it is still a victim of political fight for power in the public sector. With other words, the new type of politician is still more likely to be appointed as Public Administration official. The involvement of political decision-makers in Public Administration structures usually leads to slow institutional reform and non-compliance with the principles of modern democracy, which relies on the separation of powers, as can be seen in other Central and Eastern European countries.

In Romania, the successive change of power among almost all centre-left or centre-right parties within a relatively short time span, when international support was more or less present, has effectively stopped reform in Public Administration. The slowdown in economic, social and administrative reform is still too much of a reality. Public Administration was in chronic short supply of effectiveness and professionalism (setting up the scene for corruption) and government officials resorted to international experts from all over the world (even Australia and New Zealand) – according to the origin of finance for training and expertise – who were not aware of European and Romanian specificity.

Only starting with 1999, when the European Union (EU) started to show its discontent with the development of administrative reform in Romania, the signs of transformation and modernization have slowly become visible.

3. The need to identify significant financial resources for the purposes of Public Administration reform. Such resources were not available in any of the countries of Central and Eastern Europe. Moreover, all these countries were driven to changes prompted by the USA and the UK. The civil society as a whole identified all those working for Public Administration structures with political oppression. Thus, most Public Administration officials went...

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7 Professional skills and government commitment are far from reality in France. Starting with 2002, the Polish Government has failed to keep up to its promise to employ graduates in the Polish Public Administration. *Revue française d’administration publique*, 104/105, 2003, pp. 95-108.


to the private sector and offered their expertise for the development of the new market economy.

One thing was nevertheless obvious: the EU did not have (and still does not have) one single model of Public Administration to implement upon candidate countries. The EU itself was not very successfully trying to negotiate an institutional reform system to allow for more effectiveness for the EU27 structure. Moreover, the EU failed in its attempt to manage the EU15 structure in an effective manner.

It was only after the Madrid summit of December 1995 that the 15 EU member countries agreed on the preparation of a guide for acceding countries, where the strengthening of administrative capabilities was a critical pre-requisite. In fact, the guide refers to general principles to be implemented by candidate countries. In 1999, the new assessment framework required more considerable effort by candidate countries in the context of European political confusion. These criteria are currently considered the "aquis communitaires" to be implemented in the process of negotiation and accession.

**Negotiation as Instrument**

In this process of structural readjustment, negotiation is central if we are to avoid going back to a past dominated by human violence.

If we leave aside inherent inertia, confusion and hesitation both in the case of candidate countries and in the case of EU, we could say that the negotiation process was of utmost success, both in terms of size (simultaneous negotiation successfully concluded with 12 new EU member states) and scope (32 negotiation chapters within 2-3 years).

Throughout the negotiation process, several techniques and strategies involving different degrees of complexity and involvement from both sides have been employed. We shall not stress the strategies and techniques employed, as they could be the subject of a separate review, but I shall focus on the degree of complexity and on the actors involved in the negotiation process. We shall not focus on a specific negotiation process between the EU and a certain member state, but we will outline a general negotiation framework which can be applied to any negotiation system within the Public Administration.

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between Public Administration and the Government or between two sovereign states.

Conceptually, the negotiation process comprises a set of practices which allow for the peaceful settlement of the antagonistic or divergent interests of autonomous social groups or entities which may be states or larger or smaller collectivities. An agreement reached between negotiating parties may be a short or long term agreement. We may distinguish three degrees of complexity as to the number of actors involved and to the scope of the negotiation process:

**Simple bilateral negotiation**: 2 parties who are trying to accommodate each other in the absence of a horizontal (i.e. to other social categories or nation-states) or vertical (i.e. causing an ethical change process) conflict escalation.

The simple bilateral negotiation process (between the government and unions, unions and employers associations and between nation-states) has an average degree of complexity and the outcome may be foreseen at the time when the initial issue is established. This is all true for a process where the parties involved consider the negotiation process as their priority. When one of the parties has no intention to negotiate but is still present in the negotiation process, this has to be part of a well devised strategy. This mock negotiation process has well established goals that are skilfully disguised:

- to avoid direct or „accidental“ confrontation as well as any possibility for „amicable settlement“ (e.g. the Cold War);
- to prove the bad faith of the interlocutor or to justify a forceful reaction (e.g. the Danzig corridor, the invasion of Iraq);
- to trick the interlocutor into believing that agreement is sought (e.g. Jaruzelski-Solidarity-Catholic Church);
- to win time in order to change the balance of power by means of strategic information or territory (e.g. Mussolini in Abyssinia, the Paris negotiations between the USA and Vietnam);
- to exhaust the opponent and drag feet (e.g. the negotiation between the Tăriceanu government and the unions in the education system).

Within a political system, in the negotiation process between for example the government and certain groups of interests, the following...
variables should be considered in the decision-making process\textsuperscript{12}:
- the balance of power between the two parties;
- the scope of claims;
- pressure means available for either party;
- the reaction of the public opinion;
- the size of the social category involved;
- the moral and political value of the issue defended;
- potential alliances (a variable which leads to another type of negotiation process, i.e. complex bilateral).

While these are the first elements which should be considered in a simple bilateral negotiation process, additional factors may change the balance of powers and extend the negotiation process, at the same time leading to increased pressure from the groups involved:
- control over sources of information;
- intellectual, emotional and moral involvement by government officials (e.g. most politicians will help their regions of origin);
- the moral integrity of government officials or the pursuit of their own interests;
- sensitivity to the reactions of the public opinion;
- authority and capabilities;
- the effects of pressure.

**Complex bilateral negotiation:** a simple bilateral negotiation process may evolve into a complex bilateral system through the involvement of social pressure groups. As shown above, the potential for alliances with various other players or pressure groups within the negotiation process may horizontally expand the process.

Agreement is even more difficult to reach as the number of participants is rising (claims may be various and specific features must be considered). Government officials usually avoid horizontal expansion because the process is much more complex and demanding by comparison to simple bilateral talks. But, on the other hand, unions or interest groups are keen on alluring some other players into the process, in their attempt to put more pressure on government officials.

One of the key issues throughout the entire negotiation process refers to mutual respect between participants and lack of any display of authority. But how can such displays of power be avoided when participants are on different positions within the process.

There are some ways to achieve this goal:

1. Authoritarian relations may be suppressed throughout the negotiation process. This is more of a common fact nowadays. Both parties get involved into the negotiation process in an attempt to prove their „power” or availability. These are signs which usually get positive response from the media and the population (e.g. a strike where the minister/prime-minister negotiates directly with union leaders).

2. Through mediators. Such negotiations usually last longer but their effects are more long lasting. The media usually speculates on the agenda of such negotiations and quite often endanger the negotiation process.

When the parties to a negotiation process are two states and the conflict develops horizontally through the involvement of other states on one side or the other, violent outcomes may arise, even when balance of power is restored. Usually, in such cases, one party experiences great dissatisfaction (see World War One).

When balance of power is obviously in favour of one party, the negotiation process may be extremely lengthy or violent riots may occur (e.g. the war in Yugoslavia). Thus, there is vertical expansion in the conflict and ethical changes may occur among those who have surrendered in the negotiation process. The media usually gathers around the weaker party, except for instances when shady interest or money is at stake, which is usually the case (e.g. the Doha negotiations, the war in Yugoslavia).

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13 The negotiation process between the US and Iran has had major developments since 1979. The negotiation process is currently at a stop because the US are willing to resume diplomatic relations only provided that Iran gives up the use of enriched uranium and allows IAEA (International Atomic Energy Agency) examination. The Iranian nuclear program started in the 50’s with the support of the US. (10.05.2007 – Agence France-Presse – Iran has blocked access for IAEA examiners).

14 The Doha negotiation process started in 2001 with the support of the World Trade Organization to enhance awareness of free international trade among third world and developing countries. Failure in the process was mainly due to the chapter on „agriculture” (access of third world and developing countries to developed markets, aids). The most significant talks and divergences are the ones between the so-called „Structured Groups” (regional organizations – ASEAN, MERCOSUR...) and representative Groups (USA, Canada, Japan, EU) – Le Devoir, 18.07.2006.


16 Daniel Goleman, Healings emotions; conversations with Dalai Lama, Edited by Mind Life Institute, 1997, pp. 24-41. (West World ethics comprises three main components: individualism, rationalism and perfectionism).
In other words, there is public manipulation with the silent support of some developed states. This is also the negotiation system between government officials and unions. Governments may entice union leaders into the political world, thus making them more interested in their own benefits.

Coming back to the two examples referred to above, the difference is in scope, i.e. war vs. negotiation. The difference is also given by the humanitarian factor (human rights) and horizontal expansion (the number of states involved in the negotiation process) which add to the initial crisis.

If in the case of the Doha negotiations, participants are numerous in number and have broad media access (at least at regional level), Yugoslavia on the other hand managed to attract few allies (except for Russia) and Western press was obviously hostile\(^\text{17}\). One case or another, the winners are always those in the developed countries group\(^\text{18}\).

Moreover, the means used to influence and coerce population in Western countries to support the interests of government officials are a far cry from the principles of democracy so much advocated by the Western world\(^\text{19}\).

At the same time, competition among market economies is fierce. As shown above, in the case of complex bilateral negotiations, the interest of participant states, international/regional organizations is to either attract or limit support and participants. Maybe the best example in this respect is the „banana conflict”.

In fact, the „banana conflict” refers to the economic and political conflict between the US and the EU, which favours former colonies (countries in Africa, the Caribbean, Pacific Islands) in banana exports (as a result of the application of a trade and economic support framework established by the EU in 1975 – the Lome Convention\(^\text{20}\)).

\(^{17}\) Michel Collon, ibid, p. 9.


\(^{19}\) Once hostile reactions became manifest between NATO and the countries of ex-Yugoslavia, the Government of Belgium has issued an ordinance prohibiting any kind of public manifestation. Nevertheless, Serbian supporters have organized public demonstrations which resulted in arrests and criminal charges – Le Soir; 25.03.1999, RTBF of 25.03.1999 19.00 hrs.

\(^{20}\) The Lome Convention (Togo) is a trade cooperation agreement concluded between the EU and ACP countries, whereby the 79 ACP member countries are granted access to European markets. The Lome Convention was signed in 1975 and renewed in 1979 (Lome Convention II – 57 ACP countries), in 1984 (Lome III – 66 ACP countries), in 1990 (Lome IV – 70 ACP countries). In 2000, the Lome Convention was replaced by the Cotonou (Benin) Agreement concluded for a period of 20 years (79 ACP countries).
The United States act as the advocate of free economic markets and WTO acts as arbitrator and judge in the conflict. Even though the US was not an initial actor in the process, it is the main beneficiary of the 8 years of negotiations\textsuperscript{21}. This outcome was possible due to the following factors:

- the American administrative system was very quick to adapt to new market opportunities and is a constant supporter of American investments abroad;
- USA is able to involve other states or international organizations as supporters of its own cause;
- well-devised negotiation strategy;
- effective lobbying.

If we are to take a look at the most significant conflicts settled by the World Trade Organization in the past few years, we will not be surprised to find out that more than 2/3 of the cases are settled in favour of developed countries\textsuperscript{22}. The rules which apply to the negotiation process may vary function of the demands and strength of the negotiators\textsuperscript{23}.

**TRILATERAL NEGOTIATION:** a type of negotiation that is specific for states which simultaneously get involved

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\textsuperscript{21} The main stages of the „banana conflict“:
- 1993: EU establishes OCMB to the purpose of harmonizing banana import in the EU. ACP countries shall be able to export larger amounts of bananas to EU markets, for lower duties compared with non-ACP countries;
- 1994: Five Latin American countries (non-ACP members) file a complaint to WTO concerning the agreement concluded between EU and ACP countries;
- 1995: EU and the 5 countries reach an agreement;
- 1996: Five other Latin American states file a complaint to WTO for unfair treatment. The five states benefit from the direct support of the USA, which gets involved in the negotiation process. The US threatens the EU with additional duties in case of failure to reach an agreement with the five Latin American states;
- 1997: WTO settles in favor of USA and the 5 Latin American states. The US claims that EU system reform is needed and persuades the 5 states to decline the EU settlement offer in the amount of 2.5 billion $;
- 1998: WTO, as mediator, establishes a one year term for the EU to comply with the provisions of the decision issued in 1997 (community reform and removal of trade barriers);
- 1999: USA implements anti-dumping measures for a range of EU products;
- 2001: agreement concluded between the US (as representative of the 5 Latin American countries) and the EU. Europe is now fully open to banana import from all Latin American countries.

The negotiation stages and the strategy applied by USA: After manipulating 5 Latin American countries into a conflict with the European Union in order to assess European flexibility and openness, the USA openly sides with a second group of 5 countries. The outcome could have been no less than in the case of the first round of negotiations. The main banana export companies worldwide (which collect products from producer countries, provide for shipping services, etc.) are American (75%): Chiquita, Dole, Del Monte.

\textsuperscript{23} ibid, p. 24.
into negotiation processes with:
- other states;
- regional or international organizations;
- various pressure groups (unions).

The negotiation process is based on a play upon forecasts and expectations.

Besides the example of the Doha round of negotiations, another instance of trilateral negotiation may be considered the economic and financial crisis of the Western world. The scope of the challenge is wide, i.e. the restructuring of the world financial system, mainly within the G-20, given that most international (military, economic, political) institutions are still scarred by the outcomes of the Cold War\textsuperscript{24}.

In other words, the role of the state involved in the negotiation process is finally engulfed by the organization where the state belongs, while the organization starts negotiations with other international organizations or states.

On the other hand, the state starts negotiations with domestic entities which witness decline in their standard of living and organize strikes at an accelerated rate (the strike of metal workers – Germany, 2010; the strike of airline companies – France, 2010; Italy, 2010; Belgium, 2010; the strike of ship yards – Poland; the strikes of education professionals in Romania, Italy, France; the strikes in Greece in the last year; the strikes in Portugal, Ireland, etc.). Pressure is exercised from two directions at the same time. The best example is that of Greece, which is currently in a negotiation process with IMF and EU. The negotiation process is focused on the granting of additional funds, while the Greek government faces strong riots and strikes at home.

In the case of government officials, the most sensitive sectors are (and should be) education and health. Both systems generate high quality long term employment.

As a rule, states maintain a reasonable level of salaries and high quality conditions for these two sectors, which are considered key areas for the soundness of the economy. The current financial crisis and the strikes in education and agriculture stand proof of the vulnerability of the economic system of our age and of the merger between the Public Administration system and the political system, to the detriment of the population.

\textsuperscript{24} Z. Brzezinski, B. Scowcroft, \textit{America and the World}, N.Y, Published by Basic Books 2008, p. 30.
CONCLUSION

The 21st century witnesses the disappearance of negotiation as a powerful instrument in International Relations, due to command-based and authoritarian systems and the prevalence of some Western countries which pay homage to the ideology of liberal capitalism.

Liberal capitalism was seen by Fukuyama as „the end point of mankind’s ideological evolution” and „the final form of human government” 25.

With all due respect for our colleague’s work, we have to say that although liberal capitalism goes on the offensive, there are also other centres of power, both from a financial and ideological perspective. See the cases of Russia („a direct democracy” – as stated by Mr. V. Putin in front of the United Russia assembly in 2009) or China. So it is definitely not the „end of history”. It is just the beginning of a new era, when international relations are changing gradually, but permanently. And even if liberal capitalism now seems to be the name of the game, it is hard to predict whether this ideology will survive the century, as „the most enduring and influential philosophical tradition to have emerged from the European Enlightenment”... „a model of economic organization which argues that market capitalism best promotes the welfare of all most efficiently allocating scarce resources within society” 26.

At state level, we are now witnessing a process of merger between Government leaders and the Public Administration, which becomes more and more an opponent of the Civil Society in general, and of Small and Medium Enterprises in particular. In this case, we also have to deal with mock negotiation (see the case of Greece). The rights and liberties of citizens are restricted in favour of so-called personal security (smoking is prohibited in public places), state security (taxes on luxury items, alcohol, oil products are constantly rising, unrelated to the fluctuation in the prices of energy and raw materials, the number of public servants is also constantly on the increase), regional security (the implementation of the aquis communautaires for EU candidate countries). Terrorism enhances the demand for security to the detriment of personal freedom.

As the personal security (S) of a person „X” rises, the freedom of the same person (L) diminishes, and the other way round. Freedom depends on two factors; domestic factors (Fi) which are specific to a particular country and external factors (Fx).

\[ L = f(Fi + Fx) \text{ where } Fi > Fx \]

Throughout the whole process, political parties see the population as a mass which can be manipulated into supporting them, whenever required. The only way to fight against the system is absence from vote or the „extreme vote” to the purpose of shaking the political system established by Government leaders and the Public Administration. Participation in the voting process in the first 15 European Union Member States has rarely exceeded 50% in the past 10 years.

Participation in the voting process in the countries which have joined the European Union since 2004 has already diminished and statistics show that the population voting in the next elections will be below 50%. Disapproval of the policies promoted by all parties and the feeling that population is just a puppet in the hands of all Government leaders have resulted in large-scale demonstrations in Spain (Porta del Sol-Madrid), Belgium (Place Flagey), Portugal, France (Paris). The message was distorted by the media, which still pays homage to some multi-national corporations, but the idea was clear for everybody. „We no longer want deceiving political parties and politicians.” „EU countries, stand up for your rights!” „Power is in our hands, not yours!”.

If on a macro-level, we can still talk about a „lack of global democracy”, „the weakening of the state as nation” and of the fact that „…globalization may not be the cause of failed states, it has in some instances contributed to them”\(^27\), at national/state level, we can talk about the emergence of democratic dictatorship.

An example in the area of International Relations is the refusal of Western countries to negotiate with the lawful authorities of Libya, still supported by more than half of the country’s population.

The current situation in Greece shows that negotiation was not even considered, as state authorities implement a solution which is enforced from abroad. It is even more obvious

\(^27\) Joseph E Stigliz, *Debates in International Relations*, chapter „The overselling of globalization”, Pearson 2010, p. 86.
that the European Union, a giant with feet of clay, needs profound institutional reform, which may be implemented only by means of long-term negotiation. But how can reform become real, when all European leaders are the result of compromise and have no strong presence or personality?

And after all, is there such thing as effective negotiation!?

Negotiation is real only in the case of countries where the balance of power is stable and international organizations, interpersonal relations or business relations are on equal footing. When the balance of power is skewed in favour of one country (e.g. USA-Libya, USA-Iraq) or state institution (see Greece, Ireland, etc.) decisions are made by the strongest and imposed upon the weak.

When the context is complex from an international perspective and an armed solution cannot be imposed, the state which holds the dominant positions will opt for negotiation (on 17.06.2011, the UNO announced that the Taliban government would be removed from the list of international terrorist organizations and that the USA would start the negotiation process).

In the area of Public Administration, negotiation is a development factor and leads to increased levels of stability and security, which are mandatory for the well-functioning of the nation-state.

In this case, negotiation prevails (but this is not always the case – see the example of present-day Greece, the US war against drugs initiated by President Nixon, which has generated so far more than 1 trillion $ in costs, with no apparent outcome or, by comparison, the case of Portugal, Switzerland and the Netherlands).

The countries of Central and Eastern Europe are still in a process of reshaping and restructuring Public Administration. Constant interference by political structures to the purpose of promoting group interests has caused delays in the modernization process. Moreover, Public Administration officials are still not ready to face the present and even less the constantly changing future. The model still followed is that designed and implemented by UE 15.

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28 BBC Info – 17.06.2011 „war on drugs“. 100
Fund and form
INTRODUCTION

For the purposes of this topic, we shall first and foremost establish a context and define what Patriot Labour was during communist times. We shall also see why Patriot Labour was imposed on the population and by what means, how state authorities justified their actions, and also how the population got involved. We shall also see what are the memories of the persons who performed such activities (as collected now, i.e. twenty years after the fall of the communist regime; mention should be made that such memories can be altered by the success or failure of each individual in the aforementioned period of time). The review of the historical and legal framework will highlight whether the decisions made by authorities at that time were consistent and whether Patriot Labour had a voluntary or involuntary contribution to the establishment of a new type of commitment to the country. We shall also see whether the idea of the New Type of Man took into consideration the citizen’s attitude and commitment to various (patriotic) values in the creation of a new national identity.

This article is the outcome of qualitative research conducted between 2009 and 2011; Research methodology: press review (1970-1989 – 5 national publications); content analysis performed on eighty open interviews conducted with persons involved in Patriot Labour; review conducted over relevant legal provisions and

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Keywords: voluntary work; The New Man; worship of voluntary work; patriotism; reprofessionalization

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official speeches; ideological texts and documents.

HISTORICAL AND LEGAL FRAMEWORK

Patriot Labour was daily practice for most Romanians in the communist regime; certain actions were imposed even on kindergarten children (the collection of paper and glass), children in primary and secondary schools, and high school (the 3 R’s [Recovery, Recycling, Reclaim] plus agricultural/industrial training), workers in factories and plants (activities ranging from sorting potatoes to finishing newly-constructed buildings or construction works for subway stations and the Otopeni airport), farmers or intellectuals (agricultural work, the development of leisure and entertainment facilities, etc.).

The concept of the Great Patriotic Construction Sites was in its turn „imported” from the Soviet Union – a concept developed under the ruling of Stalin. In the 50’s, these construction sites were re-education centres for the prisoners in Stalin’s jail on the one hand and centres for the „training” and „toughening up” of young brigadiers (Chelariu, 1976, p. 264). Later on, officials tried to impose these practices as collective duties by means of legal provisions.

As a result, all the persons who were citizens of the Socialist Republic of Romania were required to „commit their energy and labour capacity to the benefit of general interest of the people”, as provided for in the law concerning Romanian citizenship (Chapter 1, Art. 2)\(^2\). As a matter of fact, one day before the publication of the aforementioned law in the Official Gazette, Law no. 20/1971\(^3\) on contributions in cash and labour to the execution of works to the benefit of the people was also adopted. The preamble of this law refers to the need „to satisfy the requirements of the populations for a civilised standard of living”; starting from this main idea, the population shall decide during meetings and „out of their own

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\(^2\) LAW No. 24 of 17 December 1971 on Romanian citizenship, ISSUER: THE GREAT NATIONAL ASSEMBLY, PUBLISHED IN THE OFFICIAL GAZETTE NO. 157 of 17 December 1971; the content of ART. 13 reads as follows: The person who receives Romanian citizenship under art. 10 shall give an oath of loyalty and service to the Socialist Republic of Romania. The oath shall have the following content: „I..., swear that I will be devoted to my socialist country, the Romanian people and the state officials of the socialis Republic of Romania. I swear to strictly observe the country’s Constitution and laws and to perform with honour all my duties as citizen, committing myself to contribute to the strenghtening and defense of the social and state rame-work of the Socialist Republic of Romania”.

\(^3\) The Official Gazette of the Social Republic of Romania, VIIth Year – no. 155, Part I, Thursday, 16 December 1971.
free will (our underlining) to contribute in cash and labour to the increase in the standard of living and the improvement of rural and urban areas...”. As we may notice, Law no. 20/1971 stressed the idea of the free will expressed by citizens in the villages, towns, municipalities of the country and districts of Bucharest, which were able to „decide to contribute in cash and labour to the execution of works to the benefit of the people, as indicated in this law” (art. 1).

In the 80’s, the Socialist Republic of Romania had to settle its foreign debt in order to gain total financial independence as quickly as possible. The desire for total financial independence triggered not only the implementation of austerity measures regarding the consumption of food and energy, unprecedented in Europe in times of peace (Tismăneanu, 2006, p. 353), and the urge to „tighten up the belt” given to companies and the population with an aim to save resources, but also the enforcement of a new type of tax. This was probably also one of the reasons for the adoption of Law no. 1/1985 on the self-administration and economic and financial management of administrative and territorial units. This law also deals with the concept of labour for the execution of works to the benefit of the population.

As opposed to Law no. 20/1971, this latter law came up with a significant amendment, i.e. the mandatory requirement for citizens to participate in public works. Consequently, pursuant to art. 15 – „The population shall (our underlining) contribute to the generation of revenues for the state budget and local budgets by paying taxes and levies under the law. The population shall also participate in the economic and social development of each administrative and territorial unit by contributions in cash and labour for the execution of certain works to the benefit of the population”, and the persons who failed to observe the provisions laid down in the law were subject to sanctions and fines.

Pursuant to the Law of 1971, the People’s Councils decided whether the population wanted to execute certain public works, such as the building of a new school, the provisions of river embankment protection or the development of public open spaces, etc. in accordance with the law, the approval of such public works required the votes of two thirds plus one of the participants in local meetings, while the new Law of 1985 reduced this

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4 The Official Gazette of the Socialist Republic of Romania, XXIst Year – no. 6, part II, Monday, 18 November 1985.
majority to half plus one (Gabanyi, 2003; p. 290). Citizens had to work maximum six days per year (art. 18 of Law no. 20/1971). According to both the aforementioned laws, citizens had to execute certain works and contribute to the execution of such public works by means of a certain contributions in cash established by the People’s Councils. Pursuant to the Law of 1971, the contribution in cash for an entire family could reach 300 lei, while pursuant to the Law of 1985 the same contribution was calculated for „each family member who was able to work”. While the Law of 1971 provided that contribution in labour referred to males between the ages of 18 and 55 and females between the ages of 18 and 50, the Law of 1985 provides no age restrictions (Gabanyi, 2003, p. 290).

Another sure thing is that between the years 1975 and 19835, the amount of state subsidies to local authorities has declined dramatically (by almost 18 times)6.

OVERALL CONTEXT AND IDEAS

Once the Romanian Communist Party (PCR7) took power, not only the Government has changed, but also the daily lives of the Romanian people. PCR has made an attempt to change society and life within its boundaries. The changes were first and foremost the result of the ideology of Marx and Lenin. Most such „reforms” were adopted and implemented on the basis of the already-existing USSR model – collectivisation, industrialisation, cultural or educational models. Labour is a core concept for the Marxist and Leninist way of thinking, but the Soviet Union has developed a voluntary labour cult8. Most socialist countries have implemented both the underlying

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6 Our opinion supported in the conference — Cultural and Political Developments during the Socialist Regimes of Central and Eastern Europe. Organizing Institution: The Department of Political Science, University of Bucharest, Romania, 24 apr. 2009. Paper: Which were the social and political consequences in Romania of the patriotic work?
7 Even though the name of the party has been changed several times, we use the name Romanian Communist Party (PCR) not the Communist Party of Romania (as before 1945) or the Romanian Labour Party (February 1948 – July 1965) in order to avoid confusion.
8 Another type of patriotic labour was the so-called Stakhanovism — a movement appeared in the USSR in the 30’s, when Aleksei Stakhanov managed to reach record production levels in mining. As Oeriu puts it: The Stakhanovite movement would not have been possible without a rise in cultural levels, knowing that Stakhanovism accounts for the scientific systematisation of labour. The rise of the Stakhanovite movement in the Soviet Union signals the dissemination of culture among labourers (Oeriu, 1946, p. 102). Socialist competition among schools/factories/plants/institutions, etc. was seen as patriotic labour. If we browse through some of the papers, we find headlines such as: „More coal for the country”, or „Socialist competition between…”, „Thousands of young people involved in patriotic labour”, „We have exceeded the five-year plan by X% due to Y extra working hours and patriotic labour” etc. Such headlines show a certain pattern in the entire period under review.
theoretical approach and the practical aspects.

For the Socialist Republic of Romania (RSR), labour was also a core concept on the „road to building socialism” as well as for socialism in itself; the concept of labour has caused a number of changes in the day-to-day life of the Romanians. This attempt at building socialism has shifted focus not only with respect to the priorities of the country as a whole, but also with respect to various micro-issues – the daily lives of families, households or social groups. In the aftermath of the Second World War, the population was called to „work for the reconstruction of the country”. This call found answer in the majority of the population. This process involved the cleaning of agricultural land and pastures, the reconstruction of towns, schools, hospitals, roads or state institutions. The reconstruction process lasted for several years. The government resorted to the patriotism of the Romanian people as well as to the argument that the country’s economy was in ruin after the war (and as a result, the government was not able to pay for such activities). Two types of unpaid workers have emerged in the period: brigadiers and political prisoners. The former category was summoned by means of two types of discourses: one which referred to patriotic feelings and another which referred to professional reconversion. Professional reconversion referred not only to young people who had no job, but also to those who did not have „an appropriate past”. These activities lasted from several weeks to maybe one or two years. In the end, participants were endorsed as „good citizens”. The category of political prisoners worked for re-education purposes. According to the Marxist and Leninist ideology, work created man and due to work, man started to think and develop. As a conclusion, political prisoners worked not only because the government benefited from their unpaid labour, but also for their personal „development”.

The official ideology forced young people to work for disciplinary purposes, as well as in order to create „the new type of man” for the „multilateral developed society” – „the education of young people through work and for work” (Cernat, 2005; p. 328). Intellectuals had to become acquainted with hard labour in the fields, factories and plants. It was a combination of education and production, theory and practice. Students and pupils joined the military for the harvesting
of crops and the execution of works on the Great Construction Sites of the Country – whenever their „country needed their help”. „In actual socialist societies, labour refers only to manual labour, while intellectual work is considered barren and suspicious, ‘a waste of time’ as long as no purpose of the political collectivity is served” (idem; p. 328) – thus, farmers and „city gentlemen” worked shoulder-to-shoulder from dawn to dusk.

With the rise of the new generation, once Nicolae Ceaușescu took power, the expression *Patriotic Labour* was gradually implemented. This expression can be found in various forms in the media of the day and official speeches as well as in the recollections of interviewed subjects: agricultural training, voluntary labour, patriotic labour, labour to the benefit of the country, labour service [in the case of the military], the 3 R’s, labour for the benefit of the people/local community; this expression has also generated some counter-expressions such as voluntary-mandatory labour, voluntary-obligatory labour, etc. All such activities were unpaid or extremely cheap labour, *formal* (nobody could refuse to work and non-involvement was sanctioned in various ways – the offender was denied a salary bonus/a good discipline grade, professional or party-enforced sanctions or even physical punishment) and justified (at discourse level) through ideological, economic and human reasons (the voluntary nature of such labour as well as patriotic/socialist values were stressed).

Even though at the beginning labour was an *instrument* for re-education, a *weapon* used by the political power in order to win the symbolic *war* between the *great deeds* of the new regime and the old regime, it has later on become a usual social enterprise. Labour to the benefit of the Country or of the people was enforced (not only through laws and economic measures) as symbolic value for the people. As long as you invest symbolically in an institution/social practice with positive outcomes, which are identified with national values, the population would be (at least) willing to incorporate such practice into their daily lives. The interviews we have conducted also show a direct connection between *Patriotic Labour* and two other concepts: education and conscience – with positive symbolic meaning in the process of assimilating (individual, collective, national) identity. The language of the media and public discourse read as follows:
Education through work and for work, which highlighted not only the educational but also the entertaining aspects.

The state was the „developer” of socialism; the government was creating jobs, paying salaries and setting prices. „Labour” changed not only the social order, but also everything else. In the aftermath of nationalisation and collectivisation, labour has changed social relations, lifestyle and attitude towards the political power (who now acted as employer). The meaning of daily life has changed. Transformations in the society have given rise to a new social class — the labourers and also to a new national (socialist) identity. From an economic, and ideological point of view and foremost from the point of view of national identity, there was a need for an activity which could bring people together and make them proud for having participated in the construction of the country, the harvesting of crops or the exceeding of yearly plans. If we are to analyse the interviews which tackle the topic of Patriotic Labour, we realise that propaganda has partially achieved its purpose. More than half of the responses may be classified in the category of identity nostalgia — a means to justify the past and dispute the present.

In this category of responses, we hear arguments such as: „We built the subway in Bucharest — what have they [today’s people] done?” (Male, 68) or „we built buildings, plants, we worked for the benefit of the country on Saturdays and Sundays” (Female, 75) and „when we saw a piece of paper on the sidewalk we would pick it up, but we also never littered the streets because patriotic labour made us self-conscious [...] look what’s happening today, these kids, they have no conscience” — this conscience also refers to a certain type of national identity.

Memory and identity

If at the beginning, labour for the benefit of the country was forced upon the population (forced labour), in time, these „unpaid” activities had to become part of daily routine for the following reasons:

1. The establishment of a new national identity built on the following principle: „We have built the country, we work for the country we are one with government policies” — the outcome was the creation not just of a new national (socialist) identity but also of a new type of memory.

Many respondents say that they „planted the parks, built the subway
in Bucharest and supported prosperity in agriculture”. Geographical areas (such as parks, roads, land, etc.) justify the past and make connections to the present and future. In the past, they used to be the centre of all things.

2. Economic reasons – the obligation to work for the benefit of the people was a new type of tax (see the review of the relevant legal provisions above). The economic crisis, the scarcity of resources in the socialist system as well as the burden of foreign debt have contributed to the implementation of patriotic labour.

3. From an ideological perspective, the system also had to create the New Type of Man. This was possible only through the implementation of a new type of thinking concerning the meaning of labour, the essence of life, the development of mankind, „civic” involvement, obedience, subordination-respect for superiors and the implementation of a certain public behaviour.

The structure of political power and the relationship between citizens and state institutions can be interpreted through the behaviour of people and their daily behaviour. Political power and social obedience were closely inter-connected. Official documents, media features and archives can provide us with an idea about social order and structures, the recollections of citizens set up the context of daily group or individual lives, as well as of the society as a whole.

CONCLUSIONS:

We shall try to give a direct answer to the topic of this article: the outcomes of Patriotic Labour are visible and present even today. During the interviews, our open questions started on a neutral tone, for example: „if you were a five year old and I asked you what patriotic labour was, what would your answer?” Surprisingly enough, most answers read as follows: „I know what patriotic labour is too well: I’ve done so much of it myself!” due to the double language used in the past, most people mistook patriotic labour for voluntary labour. As a result, their opinion was that forced labour was actually voluntary labour. Many respondents told us that they had stopped performing patriotic labour after ’89 because nobody asked for their involvement or because voluntary labour is not held in high regard in Romania

9 For instance: voluntary involvement in local administration – just 0.11%; Rural EuroBarometer: European values in the Romanian villages, Authors: Gabriel Bădescu, Mircea Comșa, Dumitru Sandu (coord.), Bogdan Voicu, Mălina Voicu, (p. 45) (www.soros.ro).
were not able to speak publicly about activism, voluntary work or social involvement – because all these concepts were identified with *communism*” (Female, 55); some respondents even argue that patriotic labour has caused reluctance to social involvement and voluntary work.

Another outcome of patriotic labour is the identity discourse of some members of the population. This is the result not just of the sense of community but also of the lack of identity policies after 1989.

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