

*On the 4th of September 2000, the letter has been sent to the ambassadors, in Bucharest, of the EU and NATO member countries, and also to the media. The Minister of Transportations, Traian Basescu, called me in front of the Justice, for the affirmations that concerned him regarding the funds he beneficiated of, from the public money. During the trial, that I have won, I proved the fact that, the high dignitary and his family really beneficiated, for their own businesses, of preferential credits from the public funds. The Minister of Justice, Valeriu Stoica and the State Secretary of the same Ministry, Flavius Baias also announced (in the newspaper "Cronica română" on September 8, 2000) to sue me for the affirmations aiming at them, however they have not done this anymore.*

## **Valerian Stan**

### **Open letter**

#### **to the Ambassadors of UE and NATO member states in Bucharest**

The short spell left until the next elections allows for some considerations on the stage reached by Romania at the end of the two post-communist administrations - "Ton Iliescu" and "Emil Constantinescu". The advancement recorded in this period in the process of democratisation of the Romanian society, in the institutional and economic reform and in the Euro-Atlantic integration process is beyond any doubt. I shall not insist upon this last aspect, on the one hand because I know that you are familiar with it and on the other because I believe that the steps Romania must make in order to be able to join the civilised world are just as important.

You are certainly aware that over three fourths of the Romanians are in favour of their country's integration in the EU and NATO. You also know that the Romanian political forces unanimously share this option. It is my belief, however, that Romania's integration - given the current circumstances - can only be sensibly more remote than the moment the Romanian political elite wants the public opinion to believe.

"Economic revival" and "improvement of living standards" are two of the goals that all administrations since 1989 have committed themselves to achieve, without succeeding. The current government's "achievements in the economic field" are a much discussed topic. The "healthy economic growth" insistently announced by the Government's statisticians over the past few months can hardly be anything but an illusion, given that the annual inflation rate is close to 40%, consumption is declining continuously, and the Prime Minister has just mentioned his intention to rise pensions (for reasons that seem to be related to the electoral campaign rather than to anything else) by borrowing money from abroad. Trade deficit, also regarded as an achievement over the last few years, actually continues to be one of the most serious problems România faces (taking into account both the absolute figures, estimated at about 2 billion dollars at the end of the year, and its structure, especially exports). Last but not least, the extremely low level of foreign investments in Romania is a serious issue that the whole country is faced with. From December 1990 to June 2000, the total value of these investments amounted to \$4.7

billion, close to what Poland reported only for the first nine months of last year - \$4.2 billion. Legal shortcomings, bureaucracy and corruption in administration caused a constant decrease of investments over the last four years; the lowest levels have been reached this year (the latest assessments for the month of July - \$3.2 million - show the lowest amounts in foreign investments ever, another negative record broken).

The poor economic development is directly related with corruption in public administration. High governmental officials already speak openly about the unprecedented scope of corruption in Romania. Only several weeks ago, the Romanian President Emil Constantinescu declared publicly: "Theft is a general practice in Romania". Studies conducted by specialised international organisations constantly place Romania among the most corrupt countries in the world. A recent study compiled by the Foundation for the Development of Civil Society mentioned that "the population of Bucharest perceives corruption as a generalised phenomenon; 91.7% of them feel its consequences". An analysis of Freedom House Foundation dating from last year concluded that, although corruption is widely spread in Romania, "no high official has been sentenced on charges of corruption". This remark is essential in order to understand the situation in Romania. Banks have been robbed of tens of thousands of billions lei (while the current Prime Minister was Governor of the National Bank), a good part of Romania's maritime fleet has disappeared without a trace, while the culprits - usually politicians in office or sponsors of these officials and of their political parties - have never been held accountable. The impunity of Razvan Temesan, Vlad Soare, Mugur Isarescu, Sever Muresan, George Constantin Paunescu, Viorel Catarama, Gabriel Bivolaru, Camenco Petrovici, Sorin Vantu, Traian Basescu stems either from the public positions they held or from the almightiness of their protectors - political figures that have held all these years some of the most important positions in the state. At the beginning of his term of office, President Constantinescu announced: "It's time those who robbed the banks and brought the country on the threshold of disaster were held accountable". Several months ago, after being refused by the highest banking officials (the former Governor of the National Bank included), I asked President Constantinescu to step in on the basis of his constitutional prerogatives and to make public the names of those officials and civil servants who had bankrupted Bancorex by obtaining "preferential" credits. The President answered that it was impossible, because such action would represent a breach of confidence, would be detrimental to the reputation of the bank (which had already been liquidated) and of its clients. The judiciary's obvious lack of reaction to serious abuses and life's hardships determine the Romanians to resign themselves to the inevitable and to accept dishonesty and corruption as their fate, sometimes even to "adjust" to this situation. The population's confidence in public authorities and democratic institutions has severely and continuously diminished over the past few years. At the end of last year, a sociological study mentioned an element of utmost significance: over 75% of the population had no confidence in the justice system. The high officials of the Romanian state use their positions to secure important monetary gains. I have drawn attention to numerous such situations over the years. I will only mention three such cases, covered by the press not long ago - the former Minister of Transportation, Traian Basescu (who took hold of the equivalent of approximately one billion dollars from Romania's EU-PHARE funds for his private businesses), the Minister

of Justice Valeriu Stoica and his godson Flavius Baias, State Secretary at the same ministry (who appropriated from public funds, through the companies they own, various sums of money, amounting to several billion lei for the latter) and Anton Vlad, State Secretary at the Ministry of Environment and Forests (whose two companies obtained illicit profits from the very field he was in charge of). Another dimension of the corruption Romania faces is the sponsoring of political figures and parties. The legislation in force - which is anyway very permissive and full of loopholes as compared to that in your countries - is grossly disregarded by most politicians and parties. Actually, none of the legal provisions in force were observed during any of the electoral campaigns, in which tens of millions of dollars were spent: public declaration of the amounts spent, their origin, the persons that manage this money, etc. The officials of the Audit Office, the only instance entitled to supervise the observance of law in this field, publicly admitted that they have not and will never make such investigations out of caution lest they should spoil their relations with political figures.

Any attempts to clarify the situation of the structures and members of the former communist political police has been indefinitely postponed. The consequences of this situation make their presence felt both in the domestic developments in Romania (note even the intricate evolutions in the area CDR - Emil Constantinescu) and in my country's relations with European and Euro-Atlantic structures. Although the law that exposes the former Securitate as a political police has been in force for over a year, the authorities have done nothing to enforce it. Due to misinterpretation and bad will, the law was illegally enforced during local elections with respect to the candidates for mayor in Bucharest. However, nothing has been done with respect to the civil servants and officials currently discharging their duties. The National Council in charge of studying the Securitate Archives had the obligation to publish in the Official Gazette the personal data of Securitate employees involved in political police activities, but failed to do so. Important positions in the army structure are held nowadays by officers of the 4 Section of the State Security Department (a body involved in important political police missions). Officers of the former political police are currently heading important governmental structures that manage Western funds (Mihai Darie, a representative of the Democratic party, one of the officers who "monitored" the family of anticommunist dissident Radu Filipescu, currently manages the tens of millions of Euro the EU makes available for Romania through the National Agency for Regional Development). If one watches closely the situation in România, one has all the reasons to see it as a land of paradox. Several months ago, the - democratic - parties currently in office fired from the position of Secretary General of the Ministry of Interior one of the officers who determined the army to join the revolted citizens in Timisoara during the 1989 Revolution, Viorel Oancea. He was replaced with a member of Ceausescu's military nomenclature, General Gheorghe Carp. On 21 and 22 December 1989, General Carp, who was then commander of the 1st Division Army, took part in quashing the revolution in Bucharest with armed forces and military equipment. Most of the heads of the Romanian intelligence services are former Securitate officers involved in political police activities. Moreover, they supervise the political files of their fellow citizens. Colonel Vasile Hodis is one of the officers who investigated engineer Gheorghe Ursu, killed in the basements of the former Securitate. He now supervises the Securitate files that he had compiled himself. This is

only one of the examples that can be provided, but also a parable of the situation in today's Romania. The question asked by the European Commissioner Gunther Verheugen with regard to the current situation of the communist party nomenclature and of the political police in former communist countries: "Actually, who controls who?" can also be answered only by means of a parable. The fact that the security of information and mutual trust among partners are important matters in international relations is a common place; so should be the reserves such circumstances are able to generate in the relations between your countries and Romania, especially from the perspective of Romania's integration in NATO and EU.

The situation of national minorities and of fundamental civil rights and liberties should also be substantially improved. Although Romania has been a member of the Council of Europe for seven years (and therefore has signed the Human Rights Convention), our country continues to punish "crimes" that pertain to private and intimate life or to freedom of expression (the Romanian courts continue to sentence journalists for criticising some of the most important high officials). Three years ago, the Parliamentary Assembly of the Council of Europe asked Romania to make the necessary corrections to the law (Resolution 1123), which has not happened yet. Similar problems are related to the situation in the penitentiary system, to the right to own property and to the governmental policy on Roma. The relations with the Hungarian minority would also require a different approach. The last four years have certainly witnessed an important step forward - the Democratic Alliance of Hungarians in Romania (UDMR) became part of the ruling coalition. (Unfortunately, a serious reason for concern continues to be the persistently antiminority and anti-Hungarian policy of the main opposition party, virtual winner of the fall elections, although the discourse of this party has been less vocal in this sense over the past few weeks.) The UDMR leaders themselves have repeatedly admitted that the situation of the minority they represent has improved to a certain extent. Still, many unsolved aspects place our Hungarian fellow citizens in an inferior position, which is unacceptable. The subterfuges used by the Romanian political forces - including those UDMR supports in the current administration - to prevent the Hungarian minority from establishing a state-sponsored university with tuition in their mother tongue are both preposterous and liable to undermine Romania's chances to solve the ethnic minorities issue in a manner appropriate in a civilised country. It is not just unfair, but also illogical for the Romanian state to deny the establishment of a university to a community of almost two million taxpayers, as long as the majority population benefits from over 50 higher education institutions with tuition solely in Romanian, sponsored from the state budget that the Hungarians also contribute to. Religious freedom is also subject to unlawful discrimination, deriving from a communist legislation still in force and communist practices.

I have called attention only to a few examples that entitle me to say that Romania is still far from returning back to normal and joining the civilised international community. A fair share of the reasons behind this situation is to be found in the performance of the political class in my country and in the shortcomings related to its political system (an oversized redundant parliamentary system, bureaucratic and ineffective, a presidential institution clashing with traditional customs, with the political values and spirit of the

Romanian people, etc.) The poor performance of the political elite is partly due to the fact that the politically engaged civil society has found it difficult during the last few years to successfully assume its role - namely to monitor and assess the performance of political parties and democratic institutions and eventually to influence political decisions in the state in a positive, democratic manner. I will provide only one example: four years ago, before the elections, the "civil society" designed and launched the project titled "Reforming the administration and the political class". Unfortunately, as soon as their colleagues came into office, the leaders of civic organisations gradually gave up the ideas and principles they had endorsed: transparency and fairness of public administration; no more villas and resorts for the privileged few; obligation for the dignitaries to cease managing their private businesses while in office; returning the apartments and villas taken over illegally to their rightful owners, etc. The lack of credibility and effectiveness of the civil society was imminent: its representatives have given up many of their principles; they have established their own agenda which overlooked actual pressing problems and have applied different standards in judging and relating to various political forces (using the dichotomy "our people" versus "the others").

Taking into consideration all these elements, I believe it would be beneficial in many ways if the representatives of your countries, of EU and NATO, approached the relations with Romanian authorities with more concern. The support amounting to many billion dollars Romania has been granted represents an important and very generous effort of each of your fellow citizens. No one can be allowed to manage carelessly or without a minimum of results the important amounts your countries invest in economic and institutional reforms or in alleviating the situation of unfortunate Romanian children. Allow me to use the legal terminology and say that the partnership with Romanian authorities should be ultimately regarded as a result-oriented contract rather than one based solely on goodwill. The efforts made by your countries for over a decade entitle you to ask Romanian leaders to comply more closely with what must be done, when and how it must be done. "Economic reform", "improvement of living standards", "taking over Western values" are phrases that cannot be used indefinitely only for promotional purposes, meant merely to attract the constituents' votes as well as Western benevolence and his billions.