

The Romanian Academic Society (SAR) proposes

15 STEPS TOWARDS EUROPE

Following the resolution of the European Parliament Committee on Foreign Affairs that EU negotiations with Romania should be reoriented towards implementation rather than formal adoption of the *acquis*, with a focus on ensuring that the rule of law is firmly established in this EU candidate country, the doubt arose that Romania still fulfills the Copenhagen political criteria. The Romanian Academic Society, a leading Romanian think-tank, proposes fifteen concrete actions to be taken immediately by the Romanian government in

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order to spill any doubts on Romania's commitment for European integration. SAR has cautioned in its early warning reports for the past two years that the distance between the legal country and the real country is growing instead of diminishing, and that implementation policies should be stepped up.

The following proposals do not replace such policies or strategies, which are covered by other SAR policy papers, but provide a test for the government to prove its political will to the Romanian society and the international community. All these actions can be implemented by June this year, the deadline the government has set for itself.

1. **The dismissal of both the Minister of Justice, Rodica Stănoiu,** and the Secretary of State in charge with European Integration in the Ministry of Justice. Neither of them has any longer the credibility for continuing the accession negotiations, even if they would honestly try from now on. They should not be replaced by politicians, but by technocrats – for example, by legal experts who work with the European Commission's Delegation in Romania, who know better than anybody else what are the EU's requirements.
2. **The complete abolition of the „extraordinary appeal”** (*recurs în anulare*), an institution that has annihilated any authority of the judiciary in Romania, both in the civil and criminal domains. The withdrawal of all the pending extraordinary appeals submitted by the General Prosecutor of Romania.
3. **Decriminalization of libel**, which should be removed from the Penal Code and remain a civil offense only, as it happens in most of the democratic countries. Moreover, the ruling party MPs from the Judicial

Committees of the two Chambers should be mandated to withdraw from the Criminal Code the amendment which introduces jail sentences for journalists who take unauthorized pictures of houses and properties of dignitaries.

4. **The dismissal from any party or government position of the people who patronized the international adoption of children** after the coming into force of the adoption ban, no matter what was the reason. The setting up of an international committee for the elaboration of a final form of the adoption law's project and the immediate parliamentary passing of this law.
5. **The main political talk-show on the public station (TVR1),** traditionally confined to hosts friendly to the government party, should be entrusted from Monday to Friday to the five best circulated national broadsheet dailies. Thus the government will ensure that the public broadcaster is indeed promoting a plurality of opinions, as these shows are bound to include more civil society leaders and independent opinions. The main news programs, where currently the government party features on more than two thirds of political stories, should be balanced so that a viewpoint from the opposition always accompany stories on the government. The same balancing and broadening of the talk shows host pool should apply to the public radio.
6. **Drafting and publishing a plan to recuperate the debts to the state budget of the private TV networks,** including a rescheduling of payments where applicable and a firm monitorization mechanism. No confidentiality of private business is applicable as long as a business is *de facto* subsidized with public funds, which is the situation currently with these networks. A standard contract for editors and journalists should be adopted to protect them from censorship or undue influences. National associations of journalists and international media watchdogs could easily draft such a contract which all private broadcasters could adopt in the next three months.
7. **The Braşov-Borş motorway project should be put on hold until elections,** when a thorough debate in the media and Parliament should decide on its future. Therefore the government should not adjust the budget this year by cutting funds indispensable to European integration in order to finance this expensive, but low-priority project. Funds already allocated to key ministries for items related to EU accession (ex. Justice) should stay where they are, as these domains are already facing serious problems in meeting EU standards and need all the resources they can get.
8. Inquiries should be done on every situation where **funds for local governments were distributed to counties and localities by deviating from the technical criteria mandated by law** (equalization grants, roads fund, etc). The central government officials (ministry executives, prefects) who have by their action or inaction contributed to this situation should be dismissed, and legal action should be initiated

against local officials involved. There is no point in even discussing new legislation or strategies when current legislation is not enforced. Similarly, there is no point in creating hotlines to report traffic of influence when the evidence of this practice is sitting in the drawers of the government itself, namely in the spending reports of the budget.

9. **Urgent and exemplary solution to the systemic corruption in allocating SAPARD EU grants in Suceava county**, in order to send a political signal and create a precedent. Not only should funds be returned in cases where individuals filled in false statements of conflict of interest, but appropriate legal action should be initiated against them – and those who covered them for almost one year. Inspections should be carried out in other counties where media reports have signaled similar cases, such as Bacău and Buzău.
10. In the next two months the official forms of disclosing **personal assets and interests by dignitaries and top civil servants** should be checked for accuracy. Legal action should be initiated against those who intentionally filled in incomplete and incorrect statements.
11. The provision should be included in the electoral legislation currently under debate that **parlamentarians and local councilors elected on party lists who change their political affiliation should step down from office** and be replaced by the next candidate on the list. In case of directly elected mayors new elections should be organized and they will be allowed to run again for office. There is no other way to fight widespread political corruption. Romania cannot claim to fulfill the Copenhagen political criteria with a local government map fundamentally different than the one resulted from the 2000 elections due to massive political migration towards the ruling party (over 50% of mayors switched sides since). Local elections have little meaning unless this problem is solved.
12. **Pass special legislation to close the Regie Autonome for State Protocol**, and put up its assets for privatization through open tender. How can Romania convince anybody that it has a functional market economy when this island of privilege with special prices and selected clients has been expanding instead of shrinking in the last years, with losses produced by the assets of the former Communist protocol empire regularly covered with public funds?
13. **Fire all public executives who commissioned without tender to businesses close to the government** opinion polls, public works and advertising for various campaigns (including the one for the referendum on Constitution). Acquisitions following the provisions of the public procurement legislation have come to be the exception rather than the rule. If the law imposes unreasonably awkward procedures, it should be changed. However until this happens the government must stick to its letter if they want companies and citizens to obey the law in their turn.

14. **Finalizing by April this year of the current inquiries** under way into the situation of RAFO (oil company), SNTR (National Tobacco Company) and Great Island of Brăila (agrobusiness). **Finalizing and publishing by June this year of a complete situation of state aid** for economic operators, both direct and implicit. This is a must for concluding negotiations on the Competition chapter, and a very difficult task. Support from the top is needed, the office of the chief negotiator cannot be left to fight alone with the conservative bureaucracy from economic ministries.
15. **Creation by each party of an internal audit body to check corruption and conflict of interests** record for each candidate in local or general elections, as the media abound in such signals. The government party, which dominates the administration should make the first step and give an example.