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Standing Conference of Local and Regional Authorities of Europe

Conférence permanente des pouvoirs locaux et régionaux de l'Europe

Strasbourg, 25 March 1992

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#### STANDING COMMITTEE

#### REPORT

on the CLRAE observer delegation to the municipal elections held in Romania

on 9 February (first round) and 23 February 1992 (second round)

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## INTRODUCTION

In a letter addressed to the Secretary General of the Council of Europe, of 16 December 1991, the Prime Minister of the Republic of Romania, Mr Stolojan, invited the Council of Europe to send a delegation to Romania to observe the forthcoming municipal elections, the first round of which was due to be held in the country on 9 February 1992, with a second round, where necessary, being held a fortnight later, ie on 23 February.

Accordingly, the Council of Europe's Standing Conference of Local and Regional Authorities of Europe (CLRAE) appointed a delegation as follows:

# For the first round of the elections, 9 February:

Mr Alain Chenard (France), Deputy Mayor of Nantes, President of the French delegation to the CLRAE

Mr Ulrich Mentz (Germany), Vice-President of the CLRAE Committee on the Natural and Built Environment

Dr. Erich Pramböck (Austria), Secretary General of the Association of Austrian Towns

Mrs Cristiana Storelli (Switzerland), Deputy of the "Grand Conseil" of the Canton of Ticino, Vice-President of the Committee on the Natural and Built Environment

Mr Alexander Tchernoff (Netherlands), Mayor of De Bilt, President of the CLRAE Committee on the Natural and Built Environment

The delegation was accompanied by Mr Richard Hartley, Deputy Executive Secretary of the CLRAE.

The delegation was present in Romania from 7 to 10 February.

# The second round of the elections, 23 February

Under the terms of the Electoral Law, in those constituencies where, in the first round, no absolute majority emerged for the position of mayor, ie in the event in 1,611 out of 2,951 constituencies and in constituencies where under 50% of the total electorate voted (relatively few cases), a second round was required.

The CLRAE delegation for the second round was:

Mr John Morgan (United Kingdom), First Vice-President of the Standing Conference

Dr. Karl-Christian Zahn (Germany), President of the CLRAE Committee on Social Affairs and Health

 $\mbox{Mr}$  François Zaragoza (France), member of the CLRAE Standing Committee

As in the first round, the delegation was accompanied by Mr Richard Hartley.

This delegation was present in Romania from 21 to 24 February inclusive.

# 1. THE POLITICAL BACKGROUND AND CLIMATE

The municipal elections took place against a background of rapid political change - in the space of half a year, the National Salvation Front Government under the Prime Ministership of Mr Stolojan had held a referendum on the new constitution; organised a nationwide census; prepared the municipal elections and has begun preparing the legislative and Presidential elections - and a polarisation of Romanian political life between two main forces - the National Salvation Front (NSF), the ruling government party; and some of the principal opposition forces, grouped under a coalition known as the "Democratic Convention".

Since the 1989 December Revolution, itself the subject of considerable divergence of view as to its real nature and the scope of change it represented, Romanian public life has been characterised by a series of significant political and economic reforms, accompanied by some civil unrest; occasional ethnic clashes, particularly between Hungarians and Romanians in Transylvania; suspicions about the continued existence of elements of the Securitate within the new Romanian Information Services; moves towards a market economy, with accompanying high prices and penury of some basic goods; alleged diversion of goods from charitable and humanitarian organisations; little foreign investment and considerable international scrutiny.

# Some of the principal events since the Revolution of December 1989

- The incidents of 20 March 1990 at Tirgu Mures (Transylvania) where severe inter-ethnic clashes between Hungarians and Romanians resulted in the death of six people and injuries to over 300.
- Legislative elections on 20 May 1990 where the National Salvation Front obtained 60% of the seats in the Chamber of Deputies and 70% in the Senate. The new President, Mr Iliescu, was returned with 80% of the vote. The turnout was high approximately 85% of the electorate.

Although observers considered the elections to be relatively free of manipulation - this was the view of the delegation of the Parliamentary Assembly - the opposition parties criticised their unfairness.

It was felt that one of the reasons for the lack of success of the opposition parties was that they were too splintered and that their strength consequently was diluted - a lesson learned for the municipal elections where the main opposition parties and groups came together under a coalition.

The events of June 1990 in University Square, Bucharest, where over 10,000 miners, called in by the Government, brutally broke up a demonstration. The demonstration had begun in April with (particularly) students protesting openly at the alleged "confiscation" of the December Revolution by the then government authorities.

The Government was subsequently severely criticised, both at home and abroad, for calling in one part of the population to deal savagely with another.

- The creation in Brasov in 1990 of the first non-parliamentary opposition group a coalition under the name of Romanian Resistance and in November, the creation of a further opposition group, in Timoasara, under the name of the Civic Alliance.
- Miners' riots in October 1991 in Bucharest, protesting against the difficulties brought about by government economic policies incidents which prompted the removal from office of Mr Petre Roman.
- A referendum in December 1991 on the new Constitution, modelled on the Western system criticised by the opposition, particularly by the Hungarian parties, as giving too much power to the President and Parliament and proscribing the possibility of Romania becoming a monarchy. Nevertheless, the Constitution was adopted on 14 December 1991.
- In December 1991 in Timoasara, a demonstration against the Iliescu government of an estimated 30,000 people.

# 2. MUNICIPAL ELECTIONS - PREPARATORY PERIOD

Under the legislation adopted after December 1989, the Romanian Government committed itself to the immediate organisation of the <u>legislative</u> elections - held in May 1990 and that, within two years, further legislative elections would be held, ie before the end of May 1992.

It was considered essential to organise the <u>municipal</u> elections, for mayors and municipal councils, <u>before</u> the legislative elections in 1992, in order that problems in the application of the Electoral Law (deficiencies in the electoral lists etc) could be ironed out in time and, more significantly, that it was urgent to open up the local administration to democratic procedures: local government had been a democratic fiction - purely the instrument of central authority - since 1946.

It was accepted by the Government that the rapidity with which the elections were to be organised would obviously be subject to some criticism and that there might well be some deficiencies in the Electoral Law.

Nevertheless, the Romanian authorities felt that they had done their best in organising the elections. In the words of Mr Stolojan, "I did the best I could to ensure that the elections would be free and fair".

As to the timing of the elections, the Romanian Government -- in its reply on 30 January 1992 to the report of the International Republican Institute (IRI) in Washington (see later, point 5.i), which had criticised the choice of date for the elections as not giving enough time for the parties to organise a viable electoral campaign - maintained that the date of 9 February (established through a Government Resolution of 4 December 1991) was agreed amongst the main political forces and that there was even a proposal to hold the elections in November 1991. "Neither public opinion nor the political parties can pretend that they had been taken by surprise" (1).

The municipal elections were widely regarded as a test of the political forces and of the political maturity of the electorate - a test which the legislative elections of May 1990 was inadequate to show, given at the time the impossibility of quickly finding popular personalities; insufficient means for electoral propaganda; biased Romanian television - all factors which meant that the National Salvation Front could, at the time, easily impose itself in a crushing manner.

There were many affirmations from public and political figures and the press about the importance of the elections.

"The results of the local elections will not only influence the general elections; they will first of all influence our daily life and change the course of our political life. They are not only a means to something, but also a purpose in itself, one on which depends in the long run the democratisation of Romanian society" ("Romania Libera").

The municipal elections are fundamental in "winning sympathy, confidence and economic support of civilized countries" (Doinea Cornea).

Television and press coverage was considerable. However, the appearance of representatives of the different parties on television was criticised by the press as being naive, with many of the political parties wasting time attacking their opponents; and with their political leaders presenting themselves rather than their candidates for local office; and with far too much emphasis on the cult of personality.

Opinion polls were plentiful, concerning for example whether people had enough information on the candidates and voting intentions. Interestingly, in one major poll, nearly 40% of people said that they had changed their view as to the party for which they would vote since the May 1990 elections. In the same poll, 50% considered that the forthcoming local elections would be fair, as against 16% no.

<sup>(1)</sup> Reply of the Romanian Government, 30 January 1992, to the report of the IRI

# 3. <u>ELECTORAL LAW AND THE LAW OF LOCAL PUBLIC ADMINISTRATION</u>

Both these became law in November 1991. Copies of them in English and French had been printed and were available to members of the delegation.

### a. <u>Electoral Law</u>

Over 100 provisions concerned the organisation of the elections. Some of the main points:

- for the position of <u>mayor</u>, voting was for individual candidates, either of the parties or independents. Election was by absolute majority in the first round. If this was not achieved, a second round, with the two top candidates, on a simple majority, would be organised (within a fortnight);
- election of <u>municipal councillors</u> was on the basis of party lists and individual independent candidates. Places on the municipal councils would be filled according to the proportion of vote. The number of councillors depended on the population of respective municipalities;
- the mayors and the municipal councils were to be elected <u>separately;</u>
- the minimum age for voting is 18; for standing as candidates for councillors and mayors, 23;
- the right to vote can be exercised only in the voter's domicile;
  - no one person could run for both mayor and the position of a councillor;
- electoral lists were to be prepared by the incumbent mayor (ie not by an independent commission) and were to be posted publicly 30 days before the election day with a right to contest being available. This was to be made in writing to the mayor, who was obliged to settle the matter within three days.

Appeals against the mayor's decision could be heard by the local court, whose decision was final;

- the town of Bucharest had specific arrangements.

  Voting would be for a mayor and a municipal council for each of the six administrative districts of the capital, plus a vote for the position of Mayor General, for the whole of the city (ie each voter would be voting for three different positions);
- the Electoral Committees were to be made up of two magistrates and up to 5 representatives of the political parties and organisations running in the elections in the respective locality (for Bucharest, 4 magistrates and 11 representatives). The magistrates were to be drawn by lot by the President of the County

Court or, in the case of Bucharest, by the Court of Bucharest. Where there was an insufficient number of magistrates, the list would be supplemented by the prefects or they mayors, with "persons of untarnished reputation" and without affiliation to any party or political organisation;

- Independent candidates for the office of councillor must be supported by at least 1% of the total number of electors, divided by the number of councillors to be elected, but in no case fewer than 50;
- For the mayor, an independent candidate must be supported by 1% of the electors, but in no case fewer than 150. Their credentials are checked by the constituency's Electoral Committee;
- Subsidising of election campaigns with funds received from abroad is illegal;
- A special ballot box is available for people suffering from disability and unable to vote directly at the voting station;
- The report sent by the President of the local Electoral Board to the Central Electoral Committee should be signed, if possible by the Chairman and members of the Electoral Bureau, but failure for the statement to bear the signatures of all members of the Bureau does not invalidate it. However, the Chairman should mention the reasons for the absence of signing by any one member;
- The elections would be valid if 50% plus one of the voters have voted; if not, the second round would be organised within 14 days, using the same list of candidates and same electoral lists. The second round would be valid, irrespective of the number of voters;

# b. <u>Candidates for mayors and municipal councils</u>

For 2,951 positions of mayor, there were 12,000 candidates; for 40,000 positions of councillor, there were 119,000 candidates.

33 candidates had been declared for the position of Mayor General of Bucharest.

Throughout the country, the number of voters was officially 16,647,728. For the 2591 constituencies, there was a total of 14,192 polling stations. In Bucharest, 1,273 polling stations covered the 46 electoral districts.

### c. Law on Local Public Administration

A new Law on Local Public Administration defines the role and responsibilities of the mayor, the municipal council and local administration. It also defines methods and mechanisms for local finance.

In respect of the regional tier of government, regional councils are nominated 30 days after the municipal elections, by the municipal councils elected within that region. The regional council in turn elects its President.

At the same time, central government appoints a prefect in each county who, in the event of a different of opinion with the Regional Council, can overrule it.

The Municipality of Bucharest is formed of 75 councils.

#### 4. THE PRINCIPAL PARTIES

The elections were characterised by the existence of a considerable number of parties (128), registered if they had provided proof of having 251 members. In reality, some of them were non-existent; some were very local; some were alleged to have forged or family membership. Since registering, a spree of reorganisation had taken place, not all of which had been recorded.

It was considered by the principal opposition parties that this proliferation of small parties gave an advantage to the National Salvation Front, in that voters, in the face of such a bewildering array, might well feel that there was no other real choice except the current governing party.

The CLRAE delegation met the leaders of the principal parties contesting the elections (1). The delegation which visited Romania for the second round, on 23 February, repeated these visits, seeing if possible the same representatives of the same parties.

With the party leaders, the CLRAE delegates discussed the organisation of the elections; good points and bad points; fears and hopes and, generally, the development of different aspects of the democratic process in Romania. The principal points of these discussions, in relation to the municipal elections, appear later (see point 5).

# a. The National Salvation Front (Mr Petre Roman)

In power since the December Revolution of 1989, and with a majority in the Parliament, the Front is widely considered to include many members of the former Communist regime.

It is split basically into two main groups - those supportive of President Iliescu, considered to be conservative, in favour of slowing the pace of change and

<sup>(1)</sup> The names of the party leaders met by the CLRAE delegation appear in parenthesis after the name of each party.

supporting some continuing state intervention in the economy; and those supporting the former Prime Minster Mr Petre Roman, considered to be the more liberal reforming group, committee to a more rapid move towards a market economy.

The widely publicised differences between the two strands are deepest at the top, ie between the two principal leaders. Its national convention at the end of March will be the occasion for the choice of party leader. Inevitably, there is speculation about the future of the party - whether it will stay together; whether it will split into two blocks; whether part of it, for example, that led by Mr Petre Roman, could side with the historic parties. The results of the municipal elections would certainly have an influence on the way in which the NSF would develop in the near future.

# b. **The National Liberal Party** (Mr Radu Campianu - President)

The Liberal Party is one of the main "historic" parties, in existence since before the First World War. It is one of the main opposition parties in the current government, holding three Ministerial portfolios.

It is one of the leading forces in the "Democratic Convention" (see below).

### The National Christian and Democrat Peasants' Party (Mr Coposu - President)

Another of the historic parties, in existence since 1848.

Its principal political planks are (in the words of Mr Coposu): principles of Western democracy; Christian morality; social justice; enlightened patriotism; sovereignty and integrity of frontiers; market economy; the right to property; decentralisation of power; local autonomy.

# d. The Civic Alliance Party (Mr Manulescu - President

(Mr Manulescu - President and Mr Popovici - Vice-President)

This draws its strength mostly from university towns - Cluz, Iasi, Timisoara and Bucharest - and attracts a lot of support from the younger generation and within the media.

The leader, Mr Manolescu, has already indicated his candidature for the presidential elections.

The Party was created from the wider Civic Alliance which still continues under the leadership of Anna Blandiana.

# e. Hungarian Democratic Party of Romania (UDMR) (Mr Attila Verestoi - Vice-President)

Created in 1989, the party's stronghold is in Transylvania, the area where most of the Hungarian minority lives. It's leader is Domokov Geza. Its proclaimed objectives are the protection of the rights of the Hungarian minority in Romania; the support of Hungarian candidates for

elections and the introduction of Hungarian citizens into national, regional and local administration. It supports policies aimed at giving Hungarians full rights in Romania:freedom of expression; cultural development; use of Hungarian language in schools, in courts, etc.

The Party maintains, however, that it has no aim of reunification with Hungary and is respectful of the integrity of Romanian territory and sovereignty.

#### f. The Romanian National Unity Party (PNUR)

This is one of the principal right wing nationalist parties. We did not see their national representative in Bucharest, but the delegation which visited Tirgu Mures during the second round of the elections met their Vice-President in the Tirgu Mures area. Inevitably antagonistic to the UDMR (see above, point e), this party was expected to achieve some success in the polls in Transylvania.

Other Romanian nationalist parties, eg the Romania Mare Party, we did not have the occasion to meet.

Democratic Convention

#### g.

In the belief that they could more effectively combat the National Salvation Front, the opposition parties came together for the municipal elections, a coalition against the Front, known as the Democratic Convention. It is composed of 14 parties, the principal ones being the National Liberal Party, the National Christian and Democrat Peasants' Party, the Civic Alliance Party and the Hungarian Democratic Party of Romania.

Other parties under the umbrella of the Convention include the Romanian Ecological Party; Future Romania; University Solidarity; Democratic Union Party; Democratic Christian Union Party.

#### 5. PROBLEMS AND APPREHENSIONS BEFORE THE CAMPAIGN

During their discussions with leaders of the different parties and representatives of a number of national observer organisations (principally Pro Democracia and League of the Protection of Human Rights [LADO]), members of the delegation learned of a number of problems which had arisen during the pre-election period; heard of a number of fears, expressed particularly by the opposition parties.

#### Lack of finance a.

The proposal that political parties benefit from financing for electoral purposes had been rejected by a majority vote in the Government, on the grounds that it was an inappropriate use of public money.

This left the opposition parties short of funds for logistic and administrative expenses, publicity, propaganda, printing, travel, etc - difficulties compounded by a coincidental increase in the price of paper and an equally savage price rise of petrol.

This absence of funding was bitterly criticised by the opposition parties.

(NB: The CLRAE delegation heard that the Government intends to introduce a new bill to provide funds for political parties for the forthcoming legislative and presidential elections).

### b. <u>Electoral lists</u>

This was one of the main problems.

According to the opposition parties, not one single list was in order. Either they were incomplete, leaving off legitimate voters, or they included people who were either dead or had left the country.

Despite the Electoral Law stipulating that they had to be published at least a month beforehand, very few lists were visible within the legal limits. Many of them were published only a few days before the expiry date for contestation.

Theoretically, the way was thus left open for ballot papers, marked beforehand, to be introduced into the ballot boxes in the name of inexistent voters on the lists.

It was also felt that there was a lack of safeguards against multiple voting. For those voters who changed their domicile <u>after</u> publication of the lists, it was theoretically possible for them to vote on the day in their <u>new</u> electoral district by simple registration on the day and vote in their <u>original</u> constituency where they still appeared on the list.

There was also considerable controversy and dispute over the total number of voters. A discrepancy apparently existed between the number of people voting in the May 1990 elections and those in the referendum in December of 1991 for the Constitution - numbers which, in turn, differed from those for the current municipal elections. For example in May 1990, a total of 15,800,000 were registered, whereas in reality 17,400,000 voted. In December 1991, for the referendum, a total number of 16,800,000 voted and now, for the municipal lists, there were 1,500,000 fewer those registered for the referendum.

Apart from the unsatisfactory nature of this, it was feared by the Democratic Convention that, given the Electoral Law which stipulated that, for the elections to be valid on the first round, 50% of the voters registered had to vote, a manipulation of the total figures, where the turnout was approximately 50%, could result in the forcing of a second round - generally considered by the Convention to favour the National Salvation Front, in that the Convention was not likely to be able to call upon any further supporters.

It was suggested to the CLRAE delegation by the President of the Central Electoral Committee for Bucharest that, before organising the municipal elections, it might have been better to await the full results of the recent UN-sponsored population census.

# c. <u>Inadequate time for preparation</u>

The criticism was levelled at the Government that there was inadequate time for preparation of the elections and therefore insufficient time for political parties to get their message across; to explain to voters about the electoral procedure (for example, no direct mailing was done to the voters' homes, explanations being limited to television programmes and newspaper articles); that the ballot papers were unfamiliar to the voters beforehand; that difficulties were caused for the political parties in gathering together resources, financial support, candidates, members, election administrators and volunteers; that not enough time was available for the government, political parties, media and organisations to mount civic education campaigns.

Lack of time also meant that errors that were noticed could not be redressed in time, for example the National Christian and Democrat Peasants' Party pointed out to us a case where one of their members was wrongly registered as an Independent for the elections - an anomaly which, given the shortage of time, could not be rectified.

## d. <u>TV time</u>

It was felt by the opposition parties that they were unfairly treated in terms of the time they were allocated on television - three minutes as against five minutes for the government party.

The Romanian Government, in reply to such criticisms, although admitting that there was no audiovisual law concerning access to television, considered that access was unimpeded; pointed out that it was free of charge and that fairness was constantly reviewed by a Committee of parliamentarians on the media.

# e. <u>Composition and Role of Electoral Committees</u>

The fact that the Democratic Convention was entitled to only one seat in the different electoral committees was contested by the individual parties making up the Convention on the grounds that they were entitled to a representative each. Only one Convention seat created, it was felt, a severe imbalance in the composition of such committees.

It was also alleged that a number of local courts had rejected mayoralty candidates on spurious grounds, a particularly controversial case being one in Tirgu Mures (Transylvania) where the candidate for mayor of the Hungarian Party, Mr Kiraly, was rejected as a candidate by the local court on what was considered by the UDMR to be unfair grounds (see later, under point 12, the Hungarian community and the elections).

Another problem was with the <u>profession</u> of the Presidents of the Electoral Committees, which the Electoral Law stipulated should be magistrates - in practice, impossible to achieve, given the limited number of magistrates in the country. The Electoral Law in such cases invested the prefect and the local mayor with the responsibility of finding alternative presidents from people of "untarnished reputation" - felt by opposition parties to leave the way open for nomination of officials favourable to the incumbent administration.

A further criticism was that the composition of the Central Electoral Committee, with seven independent magistrates, was not a sufficient guarantee of objectivity, in that all the magistrates in question were appointments from the previous regime.

## f. Students and soldiers

Criticisms were also voiced about the arrangements for student and military voting.

Students were obliged to vote at their home, not within the municipalities of their universities or colleges. This therefore involved travel to and from their homes in order to vote - difficult, despite the fact that the government paid the return rail fare, in that it coincided with a period of examinations.

Conversely, for the army and police units in barracks, voting was to take place at their barracks, a situation raising not only the spectre of undue influence on voting through surveillance by their officers, but also causing imbalance in some areas - for example one case where, out of a total population of 7,000, 5,000 were soldiers.

It was felt very strongly by opposition parties that, for students and soldiers, the provisions should be reversed, ie that students vote in their place of learning and soldiers at home. After all, students were in their place of learning for five years, whereas military conscripts were often in their barracks for short periods - nine months to a year.

# g. <u>Ballot papers and counting of votes</u>

It was considered by the opposition that the risk of fraud pertaining to the ballot papers was possible in that each polling station was given a number of bulletins corresponding to the number of persons on the electoral lists, plus a 10% margin -a possible source of fraud.

Opposition parties also feared that possibilities of fraud existed in the arrangements for the counting of votes, particularly in the regional and central electoral committees, where the counting was done by computers. In this respect, the national observer organisations, Pro Democracia and LADO had computer experts amongst their observers, intending to be present at the central counting of the votes.

Despite the fact that the local election results were to be recorded in an obligatory Report in the presence of representatives of all parties contesting the election, a fear was expressed concerning the latitude given to the President of the local Electoral Committees, in subsequently physically transporting the local results to the regional Electoral Committees.

# h. <u>Discrepancies in the Electoral Law</u>

It was felt that a certain number of discrepancies were contained in the Electoral Law, giving rise to possible misinterpretation and contestation, eg the reasons for rejection by Courts of the credentials of candidates were open to differing interpretation.

It was felt that the President of the electoral bureaux had too much power, being permitted to settle alone problems if they arose; that the Report on the elections (procès-verbal) was valid even if only the President signed it; that no copies of the procès-verbal were automatically and subsequently available to opposition parties; that the stipulation that the electoral committees be presided by magistrates - inevitably impossible - left too much power in the hands of the local mayors in filling such gaps.

# i. <u>The report of the International Republican Institute</u> (IRI)

Many of the above criticisms were referred to in a report published by the IRI in advance of the elections, arising from the presence of a team of US observers in Romania for six weeks beforehand.

This report identified, as shortcomings, the shortage of time for the preparation of the campaign; the arrangements for voting by military personnel, conscripts and students; some theoretically incompatible provisions of the Electoral Law; lack of adequate safeguards to prevent multiple voting; absence of an audiovisual law ensuring equal access to television by all political parties; absence of finance for political parties causing in itself "a substantial barrier to free and fair elections".

The report concluded with a number of recommendations addressed to the Romanian authorities for correcting such deficiencies, if possible in time before the elections.

The Romanian Government published on 30 January a report which refuted many of these points and provided a number of explanations.

Both these reports were available to members of the CLRAE delegation.

# j. <u>Subjective fears of undue influence</u>

Naturally, the most widespread fear of the opposition parties was that advantage lay, particularly in rural regions, with representatives of the National Salvation Front, particularly in that the local Front candidates and

representatives on local committees had the advantage of mobilising local structures and, particularly, were, in some areas, connected with the agricultural reform currently under way in the country.

It was felt consequently that there was a risk that questions such as the return to farmers of property and land, number of ration coupons for gas, petrol and other products, might be directly or indirectly, explicitly or implicitly, related to voting patterns.

# 6. PROGRAMME OF THE CLRAE DELEGATION

# 6.1 First round of the voting, 9 February

In addition to meetings with the leaders of the different parties and visits to the polling stations, the delegation also met:

- <u>Mr Ugliean</u>, President of the Central Electoral Committee, and his fellow officers, who explained the principles, the details, the safeguards for the elections;
- <u>Mr Radu Giorveanu</u>, Under Secretary of State of the Ministry of Justice, who spoke of the legal aspects of the preparations for the elections;
- Mr Teodor Melescanu, Secretary of State in the Ministry of Foreign Affairs, who spoke principally about the foreign relations of Romania in respect to Moldavia and Hungary; policy vis-à-vis the Hungarian minority in Romania and matters such as Romanian sovereignty and nationality; relations with the Council of Europe;
- members of different parliamentary committees in the Senate:
- <u>Mr Mois</u>, Vice-President of the Senate and head of the Romanian "special guest" delegation to the Parliamentary Assembly.

# Day of polling, 9 February

The delegation split into three groups of two, as follows:

- Bucharest; areas in and around Pitesti, Tirgoviste, Ploesti: MM Mentz and Hartley;
- Bucharest; areas in and around Sinaia and Brasov: Mr Tchernoff and Dr. Pramböck;
- Bucharest; areas in and around Oltenita, Giurglu: Mrs Storelli and Mr Chenard.

In total, the group visited over 50 polling stations, the Military Academy in Bucharest and other barracks outside the capital; the prefecture in Brasov; district offices for counting in Bucharest.

During these visits, the delegation spoke to members of the Electoral Committees, candidates for the positions of mayor and municipal councillors; other observers; army officers and a considerable number of voters.

# 6.2 <u>Second round of the elections, 23 February</u>

The delegation met representatives of all the parties and organisations met during the first round, ie the National Salvation Front, the National Liberal Party, the Hungarian Democratic Party of Romania, the National Christian and Democratic Peasants' Party, the Civic Alliance Party, Pro Democracia and LADO, the Central Electoral Committee.

The delegation for the second round considered it essential to meet, if possible, the same party leaders met on the first round to hear if fears expressed about the organisation of the elections (see above, point 5) were realised or not.

# Day of polling, 23 February

The delegation split into two groups, as follows:

- Bucharest: MM Morgan and Zahn;
- Counties of Mures and Brasov: MM Hartley and Zaragoza.

The Bucharest group visited over 25 polling stations in all the 6 electoral districts of Bucharest; some polling stations in the suburbs and participated in the counting of the votes in the district number 1.

The group in the counties of Brasov and Mures visited approximately 10 polling stations and held discussions, in Brasov, with local party leaders (Civic Alliance and UDMR); members of the Electoral Committee and prefecture and, in Tirgu Mures (see later under point 12), with the Prefect of the county; the President of the local Electoral Committee; representatives of the National Salvation Front, the Romanian National Unity Party and Mr Pokorni, the Independent candidate who resigned two days after his first round election win as Mayor of Tirgu Mures.

# 7. CONCLUSIONS OF THE GROUP

# 7.1 <u>General Conclusion</u>

After observing the two rounds of the municipal elections, the overall assessment of the CLRAE delegation was that the undoubted problems in some aspects of the elections:-eg, ambiguities in some aspects of the electoral law, giving rise to contestation and misinterpretation; deficiencies in the electoral lists; were not likely to affect the overall outcome of the elections and were due principally to inexperience and administrative difficulties and shortage of time, rather than to deliberate malpractice.

On balance, the delegation considered that the elections were open, well-organised, as fair as possible, incorporating reasonable safeguards against fraud and constituting a significant step forward in the democratic process under way in Romanian society.

Members of the CLRAE delegation applauded the high turnout at the elections (nearly 70% in the first round and 64% in the second round), welcoming the undeniable increase in the political interest, involvement and, above all, confidence of Romanian citizens in the democratic process as a means of bringing about positive changes in their country.

# 7.2 <u>Specific impressions</u>

#### a. <u>Negative</u>

The delegation shared the view of the IRI that it was unfortunate that no finance existed for the different parties to conduct their campaigns - with the result of giving an advantage to the incumbent party.

In respect of the lists, there were certainly many polling stations where no problems were reported but equally there were many where there were problems, ie absence of names on lists despite, in one case, persons being resident in the area for over four years; some people on two different lists within one electoral area; persons on the list who were known either to have moved their place of residence or were deceased.

Particular problems arose in respect of big blocks of flats - an explanation clearly being that in such blocks people tend to move rather rapidly from one to another.

The Presidents of Electoral Committees were only in rare cases magistrates as stipulated by the Electoral Law and in rural areas many were officials from the local administration.

In not all cases did the members of the local Electoral Committee wear distinctive markings. Consequently, there were some stations where there was an atmosphere of confusion with candidates, observers, unmarked electoral committee members and voters milling around.

The delegation also heard that, in Bucharest, some Presidents of Electoral Committees surprisingly withdrew on the eve of the election (17 in district 1 of the city) - an incident inevitably giving rise to speculation and surmise as to their motivation.

Arrangements for picking up the votes of people too ill to move (ambulatory ballot boxes) seemed to vary from polling station to polling station. One CLRAE delegate noted that the President of a local Electoral Committee did not automatically record the names of all voters who were reported ill.

In another polling station, CLRAE delegates noted that publicity material supporting the incumbent mayor was posted in the immediate vicinity of the polling station - an anomaly corrected by the President of the local electoral committee, once this was pointed out.

A curiosity in one polling station concerned the ballot papers which, once marked by the voter, were subsequently placed in an envelope before being placed in an urn - whilst in others this was not the case.

#### b. <u>Positive</u>

The CLRAE delegation found that many of the fears expressed by the opposition parties about the possibilities of fraud on the day were unfounded. On both the first and second rounds, the positive aspects far outweighed the negative aspects.

Their was high awareness by members of the local electoral committees of all the provisions of the Electoral Law:- eg, obligations concerning the marking and return of unused ballot papers; checking of the ballot boxes before being sealed; ensuring the stamping of identity cards once people had voted; arrangements for adding to electoral lists people who turned up but who were not on them - conditional upon production of identity cards bearing their place of residence. It was felt by CLRAE delegates that the fears expressed about multiple voting, for example in the IRI Report, were exaggerated.

In all polling stations visited, the composition of the electoral committees was fair and balanced; guidance provided by committees to voters uncertain about procedure was impartial. Although the Electoral Law did not insist upon signature of the final Report on the election by <u>all</u> members of local committees, it was nonetheless the intention of committees in all polling stations visited that this should be the case.

In the military barracks, we learned that all candidates had been permitted to present their electoral platforms beforehand; military personnel and conscripts had been encouraged to vote; an atmosphere of co-operation existed between the civilian Electoral Committee and military officers. Notwithstanding, we heard, anecdotally, that the President of the Electoral Committee in the Military Academy of Bucharest "slept" with the voting slips the night before the election.

The CLRAE delegation also noticed the considerable presence of observers from the national observer institutes LADO and Pro Democracia and of representatives of parties. Particularly in the second round, the representatives of the observer institutes expressed satisfaction with the organisation of the vote in their respective polling stations.

In general, the delegates saw no queues and all the ballot stations closed at  $9.00\ \mathrm{pm}$ .

# 8. OPINIONS OF THE PARTIES AND THE NATIONAL OBSERVER INSTITUTES ON THE FIRST ROUND

The CLRAE delegation met on 22 February leaders of the principal parties and representatives of observer associations to seek their views on the first round of the elections held on 9 February.

Their views were convergent.

Generally, all parties and observers viewed the elections positively, considering that problems, where they existed, were linked with those of organisation; that there was no significant electoral cheating; that generally the elections were better organised generally in the cities than in the countryside; that the atmosphere and running was "far better than the brutal and violent campaign of 1990 - it was almost civilized" - Mr Campianu, leader of the National Liberal Party); that if there was any malpractice, it had no real impact on the elections.

However, a number of specific criticisms and points were made:

# Television announcement of the results:

The presentation of the results of the first round was allegedly slanted. The percentage successes of the parties, at the first round, for the position of mayor, were given as though they were percentages of the <u>full</u> number of mayoralties to be filled, ie 2,951, whereas in fact the figures concerned only 1,348 - less than half.

In other words, instead of a recorded 57% success for the NSF, it was in reality only 26% of the full number of constituencies.

The fact that television did not give the total <u>number</u> of voters in mayoralties and for the municipal councils, simply the percentage and number of successes of different parties, was also criticised. The total voting figures for the first round would in fact have shown a majority for the Convention (3.5 million as against 3.2 million for the Front).

A similar partial approach concerned the announcement for the county of Timis, where information was given that the Convention had won one post of mayor and the Front one - in reality, the seat won by the Convention was the capital Timisoara, the one by the Front a much smaller community.

The Alliance also felt strongly that the Parliamentary Committee established by Parliament to oversee TV coverage was not impartial.

#### Incidental administrative problems:

An allegation was made about a discrepancy between the number of voters for district mayors in Bucharest and for the General Mayor - theoretically, the same number of voters should have been involved, but there was a difference of 31,000 votes (an anomaly subsequently refuted by the Central Electoral Committee).

One reoccurring criticism of the parties was that persons appointed at the last minute to replace some Presidents or Vice-Presidents of local electoral committees who did not turn up (particularly in Bucharest district 1) were neither conversant with the Electoral Law nor, because of lack of time, could have their political impartiality checked.

The UDMR repeated its criticism that the Electoral Law was insufficiently precise concerning reasons for rejection of candidates by local courts.

In respect of the lists, those for the second round did not include the supplementary lists made on the occasion of the first round, ie for the voters who turned up on the day.

Discrepancies with the lists were occasionally dramatic, ie in one constituency in Bucharest, where 1,600 people were registered, only 20 voters turned up.

There were some examples of the electoral publicity campaign continuing after the official closing date.

Completion of some of the reports by Presidents of local committees had been done in a variety of different ways, with some having to rewrite their report - obviously giving potential scope for juggling with the figures.

#### Finance:

All the opposition parties made the same point as they did before the first round, ie the lack of provision of electoral finance meant that they had severe logistic problems and were disadvantaged, particularly in rural areas, vis-à-vis the NSF. It was also felt by the opposition that some parties, in this sense, had an undue advantage, eg the successes of the Agrarian Democratic Party were to be explained partly by its linkage with the current Ministry of Agriculture - a source of agricultural equipment, resources, etc.

#### Publication of the results:

There was also criticism that the Central Electoral Committee did not publish the full results until two days before the second round.

# 9. OPINION AND DECISIONS OF THE CENTRAL ELECTORAL COMMITTEE FOLLOWING THE FIRST ROUND

Mr Ugliean (President) and his colleagues indicated that no significant irregularity had been reported. The Committee had been informed that some Presidents and Vice-Presidents of local electoral committees, at the last minute, could not turn up and had to be replaced; that some Reports from the polling stations were not all signed by all members of the local committees - this did not, however, invalidate the results.

Because of a number of specific situations and problems, new elections would have to be organised in a number of places, on 19 April, as follows:

a constituency in Mare Mures, where it was considered that a normal election had not taken place. The incumbent mayor, popular in the constituency, was not permitted to stand because of a penal conviction, with the result that a considerable part of the community was opposed to the elections and virtually blocked them.

An equally significant part of the community, supportive of another candidate, clearly wanted the elections to take place.

New elections would give time for candidates to prepare a new campaign in a more serene climate.

- in three small municipalities, there had been no candidates for mayor (although there had been candidates for councillors). New elections for the post of mayor would have to be held.
- in three other municipalities, the single candidate for mayor did not achieve the required 50% support.
- three villages where not all the seats on the municipal councils were filled.
- Tirgu Mures (for full details see later under point 12, "The Hungarian Community and the Elections")

This was by far the most significant case. Two days after being elected as mayor, with a majority of 52% on the first round, the successful candidate Mr Pokorny (Independent but supported by the UDMR) resigned, following complaints made by the Romanian National Unity Party (PNUR) to the local electoral committee about the validity of his list of supporters as candidate.

The Central Electoral Committee, in the circumstances (see later, point 12) had ruled that new elections were to take place, giving the possibility to all principal parties to present candidates.

# 10. PRINCIPAL PREOCCUPATIONS EXPRESSED BY LOCAL VOTERS

During their itinerary, CLRAE delegates found that the principal issues upon which Romanians expressed concern were:

agricultural questions and, particularly the return of land to the agricultural community; the cleanliness of the town; food supply; security; housing questions - the price of housing and access to them; town repair work; price control, particularly of basic goods; securing of heat, water and gas.

## 11. OBSERVERS

## a. <u>International</u>

Compared to municipal elections in other Central and Eastern European countries, the number of international observers was fewer, ie approximately 170.

The opposition parties, particularly the Liberal parties, had expressed the wish that there should be more observers; that in fact any organisation who wished to send observers would be free to do so, but the number had been restricted by the Romanian Government.

In addition to the delegation from the CLRAE, a team attended from the CSCE Office for Free Elections in Warsaw; from the International Republican Institute and the National Democratic Institute in Washington. The US observers had been present in the country for some time.

Their views on the elections coincided with those of the CLRAE delegation, ie that there were no wide-scale irregularities; that people were more confident than in earlier elections and that such irregularities that existed derived more from lack of experience in polling management than foul play by political parties.

The presence of international observers was felt by all parties to be very important. Such a presence not only provided an objective mechanism for control but also had, perhaps more significantly, a psychological effect in reassuring voters that what they were being asked to do, ie vote, was of importance.

The presence of the CLRAE delegation in Romania was well-known and highly visible. References were made to our presence on television and radio and, after both rounds, we were asked and agreed to give interviews on our impressions on radio and television.

# b. <u>National observers</u>

There were observers from a number of national institutes, the principal ones being Pro Democracia (APD), the League for the Protection of Human Rights (LADO), the Romanian Institute for Human Rights and the Romanian Association for Personal Freedom and Human Dignity.

As indicated above, we saw the leaders/principal officers of Pro Democracia and LADO before and after both rounds of the elections.

Both organisations received financial support from sources outside Romania, principally from the United States of America.

For the purposes of these elections, they had joined forces. They managed to field 7,000 observers in the polling stations and, in addition, had a number of technical experts, including computer technicians to observe the central computer counting of the votes.

They were concerned that the draft Electoral Law for the forthcoming legislative elections did not specifically make provision for the presence of national observers and they asked for our support in achieving this end. Members of the CLRAE delegation made this point in their discussions with the Central Electoral Committee and on television.

# 12. THE HUNGARIAN COMMUNITY AND THE ELECTIONS

Before the elections, a great deal of publicity and propaganda had concerned the position of the Hungarian community in Romania. In Transylvania particularly, there had been a constant clash of propaganda between the UDMR and right wing parties, principally Romania Mare and the PNUR - any action from one prompting a reaction from the others. Propaganda was occasionally fairly crude, eg the suggestion via posters that the inclusion of the UDMR in the Democratic Convention meant that it was unsafe to vote for the Convention, with the risk that it would lead the way to Hungarian domination in the country as a whole.

The CLRAE delegation felt it therefore necessary that direct contact be made, particularly with the Hungarian Democratic Party of Romania (UDMR).

The UDMR had 183 direct candidates for mayor and 326 candidates for mayor within the Democratic Convention.

In our discussions with the leaders of the Party, there were only two specific cases, <u>prior to the elections</u>, which caused real difficulties. Both of them were in Tirgu Mures:

In the first case, the local court in Tirgu Mures had rejected the candidature of <u>Mr Kiraly</u>, the first on the list of the UDMR for the post of mayor, on grounds considered by the UDMR to be unjustified and politically motivated.

The appeal made against this decision was subsequently rejected by the local court; a further appeal was rejected by the Supreme Court, which felt that it had no role to play in judging the merits of the case but only on the observance of the judicial procedure established by the Electoral Law.

- Immediately prior to the first round, the second case concerned the falsification on identity cards of addresses (76 cases) of people from villages surrounding Tirgu Mures

(including Reghin - the village of origin of persons involved in the clashes of March 1990 - with the manifest aim of voting illegally in Tirgu Mures.

Such cases were controlled by the police; a number of arrests were made and, according to the President of the local electoral committee, the problem as such did not arise on the day of elections.

Despite the above cases, there were very few problems on the day. The representatives of the UDMR felt optimistic that, if the elections went well, a better atmosphere would exist afterwards between the Romanians and the Hungarian minority; that the Hungarian minority in any case had no nationalistic ambitions vis-à-vis Romania; that its goodwill was shown by its joining in with the Democratic Convention; and that antagonisms were deliberately exaggerated by journalists and politicians as diversionary tactics from the real problems facing the country.

However, this situation has evolved somewhat, given the incidents relating to the election at the first round in Tirgu Mures of Mr Pokorny (see also point 9 above).

According to the Electoral Law, each candidate had to have at least 1% of the population as supporters for his/her candidature for the post of mayor, ie in the case of Tirgu Mures, a total of 1,314 persons.

Subsequent to his election, with 52% of the vote, it was pointed out that the lists of supporters for Mr Pokorny an independent candidate sponsored by the UDMR - showed some discrepancies. 230 names out of 1,314 were considered to be invalid, ie 66 were under 18; 120 were mentioned twice; 20 other cases did not correspond to the criteria established under the Electoral Law. Under these circumstances, on 17 February Mr Pokorny resigned.

The <u>local</u> electoral committee maintained that no new elections as such should be organised, but rather that a second round at some future date should take place, with the same lists and the same candidates, ie minus Mr Kiraly and Mr Pokorny (UDMR and UDMR-sponsored candidates). The Central Electoral Committee, on the other hand, has ruled that new elections are to take place, giving all parties a chance to present new candidates and implying a new composition of the local electoral committee.

Behind such judicial manoeuvring lies, clearly, the latent antagonism between the different ethnic communities in Tirgu Mures, already the scene of inter-ethnic clashes in 1990.

The municipal elections in the town were already clouded by the affair of Mr Kiraly (see above). This new incident has probably aggravated the tense atmosphere already characterised by accusations and counter-accusations:- alleged bribery of voters, particularly gypsies, with funds from abroad; the role of the PNUR in exposing discrepancies; a debate as to whether Mr Pokorny was manipulated and by whom; differing interpretations of the Electoral Law, etc.

In such a situation, the CLRAE delegation felt strongly that the decision taken by the Central Electoral Committee to organise new elections on 19 April was the right one. In this constituency, the outcome of the elections on 19 April should be examined with a certain amount of scrutiny.

(NB: There was no particular problem for the election to the municipal council, where of 25 seats, 14 went to the UDMR, 9 to the PNUR, 1 to the National Salvation Front and 1 to the Democratic Convention).

## 13. THE DECLARATION ON MINORITIES

It is perhaps worth recalling that the Romanian Government adopted, in November 1991, a Declaration on Minorities, in which a number of a number of principles were affirmed.

- "The Government of Romania is aware of the importance of the problems connected with national minorities, of the emotional content of the debates and the hopes the Romanian citizens of other ethnic origins have placed in the democratisation process going on in Romanian society";
- "The government is confident that the process of transition towards democracy provides conditions for a fair settlement of the problems concerning the ethnic, linguistic and religious minorities. The rights and duties of persons belonging to minorities are part and parcel of the fundamental rights, duties and freedoms of all the citizens".
- "Favouring the preservation of the ethnic, linguistic, cultural and religious identity, to be a right to be exercised while observing Romania's unity and territorial integrity in conditions of loyalty to the Romanian state".
- "The right to education in the mother tongue; to freely use the mother tongue; the freedom to profess and practise their own religious faith; the right to have their own cultural life, cultural institutions and associations; unhindered access to the country's social, political and economic life".

- "The Government shall denounce and fight national hatred, extremism, racism and anti-semitism through all legal means".
- "However, the exercise of inalienable rights for minorities shall not lead to the separation or isolation of them from the rest of the population".

# 14. SUGGESTIONS MADE FOR IMPROVEMENTS FOR THE LEGISLATIVE ELECTIONS

The Central Electoral Committee, in the light of the experience of the municipal elections, will probably be proposing a number of changes:

- the creation of a permanent board of officials or technicians to prepare, supervise and organise elections, with a permanent headquarters in Bucharest. Its job would include advice on legislation governing elections; the role of international and national observers; the printing and issuing of educational material all with the assistance of specialised and outside international organisations;
- the issuing of educational material beforehand;
- that finance be made available for political parties for future elections;
- that mechanisms be introduced to reduce the number of parties;
- that the possibility of postal voting be examined.

## 15. RESULTS OF THE MUNICIPAL ELECTIONS

The following results were communicated to the CLRAE by the Central Electoral Committee.

#### Percentage participation

- a. First round: 69%
- b. Second round: 64%

### 15.1 <u>Municipal councils</u>

Nearly all these were elected in the first round, ie 2,283 out of 2,951 constituencies and the number of mandates elected totalled 38,946 out of a total 40,178.

Distribution was as follows (first round):

#### a. National Salvation Front

40%

### b. Democratic Convention

21%

### c. Agrarian Democratic Party

11.6%

d. **Hungarian Democratic Union of Romania** (ie in municipalities where the UDMR did not take part under the coalition of the Democratic Convention)

6.7%

#### e. Independents

6.2%

# f. Romanian National Unity Party

3.9%

The other parties were under 3.5%.

#### 15.2 MAYORS

Of the 2,951 constituencies, the principal parties attained the percentages to which reference is made in the Appendix.

In terms of the principal towns within each county, the results are as follows:

#### a. **Democratic Convention**

Alba; Alba Iulia; Arad; Bacau; Brasov; Bucharest (Mayor General and Mayors of all six districts); Constanta; Deva; Ploesti; Prahova; Sibiu; Timisoara.

### b. National Salvation Front

Bihor; Botosani; Braila; Calarasi; Craiova; Drobeta Turnu Severin; Focsani; Ialmoitsa; Iasi; Giugiu; Gorj; Neamt; Oradea; Piatra; Pitesti; Rimnicu Vilcea; Slatina; Slobozia; Tirgoviste; Tirgu Jiu; Tulcea; Vasilui; Vilcea.

#### C. Ecology Movement

Bistrita; Suceava.

## d. Romanian National Unity Party

Baia Mare; Buzau; Cluj; Mara Mures; Zalau.

# e. Union of the Democratic Left (former Communist Party)

Galati

#### f. Independents

Alexandria; Buftea; Caras-Severin; Resita.

#### g. **UDMR**

Miercurea Civc; Sfintu Gheorghe.

#### CONCLUSION

Following the two rounds of the municipal elections, there is a remarkable agreement between all the parties, national and international observers and the international press that the elections were basically free and fair.

Perhaps more importantly, they demonstrated the confidence of the Romanian electorate in the democratic process. "The local election returns are encouraging to all those who are hesitant, still scared or discouraged and are a sign that elections can lead to a change in our political climate" (Mr Ion Diaconescu, Vice-President of the Christian Democratic National Peasant Party).

It is also significant that, despite the problems in Tirgu Mures, and on a smaller scale elsewhere in Transylvania, the UDMR has expressed satisfaction with the results. The elections represent "a moment when the process of pluralism and the road to a civil society takes one step ahead" (Mr Verestoy, Vice-President of the UDMR).

In terms of the results, the pattern is one that has been seen elsewhere, for example in Bulgaria, where the opposition liberal forces have taken control of most of the major cities, the smaller towns and rural areas still being largely dominated by the incumbent conservative forces.

The results doubtlessly represent a success for the Democratic Convention and might well have an impact on the National Salvation Front particularly in terms of its preparations for the forthcoming parliamentary elections.

The results will probably impel the different elements making up the Democratic Convention to stay together for the legislative elections. "The local elections were just a dress rehearsal of the unity of the opposition that should also function for the parliamentary elections" (Ana Blandiana, Chairman of the Civic Alliance movement).

The relationship between Romanians and Hungarians in Romania will doubtlessly continue to have a significant impact on Romanian political life. The preparations for and the outcome of the municipal elections in Tirgu Mures on 19 April will be viewed with considerable interest and some apprehension.

Overall, the experience, the running and the results of the municipal elections in Romania in February 1992 mark one of the most significant events in the development of democracy in Romania since the Revolution of December 1989; in many ways, it is only now, two years after the Revolution of December 1989, that the objectives of those who fought for the change are beginning to be achieved.

