

REPORT
NDI Pre-Election Mission to Romania
September 3-7, 1992

From September 3 to 7, the National Democratic Institute for International Affairs (NDI) brought an international delegation to Romania to gather information and assess the political climate and administrative preparations for the September 27 national elections. The delegation met with governmental and administrative officials, political party leaders, and nongovernmental organizations in Bucharest, as well as the capitals of five judets (districts): Brasov, Covasna, Buzau, Galati, and Iasi.

NDI has worked to support the development of democratic electoral processes in Romania over the past two and a half years. NDI has cosponsored large-scale observation missions for the May 20, 1990 national elections and the February 9, 1992 local elections, as well as several smaller assessment missions prior to both elections. The present delegation included Richard Hartley of the Council of Europe, Vinca Showalter of the Conference and Security and Cooperation in Europe (Helsinki Commission), and Karen Clark of NDI, and was accompanied by three members of the NDI staff, two of whom reside in Bucharest. Mr. Hartley participated in the delegation in his capacity as an observer to the Romanian local elections, rather than as an official representative of his organization.

The following synopsis of the delegation's findings and recommendations is offered with the recognition that the electoral process must be assessed from a comprehensive perspective. We emphasize that a final judgment cannot be reached until the elections are complete. However, the delegation feels it appropriate to recognize potential problems and areas of progress that have been witnessed to date, particularly in light of the Institute's observations of the February 1992 and May 1990 elections.

The NDI delegation is encouraged by the increased confidence with which citizens of Romania are participating in the election process. We are favorably impressed with the overall level of preparedness of many aspects of the elections.

The conduct of the rest of the campaign and the elections themselves, however, warrant continued scrutiny. Based on the delegation's observation and its experience in previous elections in Romania, NDI offers the following comments and recommendations.

1. Campaign

The delegation observed continued progress toward the more tolerant and open political climate that emerged prior to the February elections. All the major political parties and formations expressed confidence that the campaign provided adequate opportunity to convey their programs and candidates to the electorate. Moreover, unlike in previous elections, the delegation heard no major complaints that campaign resources were monopolized or dominated by any particular political party or group.

Media Access

Party leaders and candidates voiced general satisfaction with the process and amount of time allocated on the electronic media. Several parties complained that the first stage of allocation of broadcast time was unfair, because it was based on parliamentary party representation. However, the second phase of time allocation, based on the capacity of parties to nominate candidates throughout the country, seems an adequate remedy to the basis of this complaint. Additional complaints were raised about the short notice given of allocation decisions, but this was not characterized as a major problem. The parties reported that the complaints that they lodged were satisfactorily addressed by the parliamentary media commission and the Audio-Visual Council. The delegation recommends continued monitoring of the allocation of media time. With respect to print media, the parties stated that access was available and distribution of party-affiliated newspapers were, relative to previous campaigns, unhindered.

News Coverage

Parties of most political persuasions raised concerns of bias in television news reporting during the campaign period. Unlike the case of the previous elections in Romania, it is now more difficult to judge whether the bias goes beyond that normally attributed to incumbency. The delegation encourages the political parties, the Audio-Visual Council, and nongovernmental organizations to remain vigilant in their efforts to discourage even the appearance of bias.

Exercise of Political and Civil Rights

The delegation received no reports of violence or intimidation against candidates or campaign workers. This is indicative of the trend of improvements witnessed since May 1990. Nevertheless, the delegation is acutely aware that suspicion and fears of harassment persist in post-Ceausescu Romania. The fears expressed to the delegation were more those of the insidious effects of manipulation and rumor that were attributed to "extremists" and a variety of the competing parties. The delegation encourages pursuit of remedies through the legal system in cases of libel and slander, as well as

utilizing the procedural mechanisms for addressing election-relation grievances.

Moreover, the delegation recommends that the leaders and standard-bearers of all parties pledge their commitment to an open and tolerant campaign and condemn exploitative and divisive statements and actions by party candidates and workers. In an effort to reduce unnecessary tensions during the campaign, such pledges should be particularly encouraged as soon as possible in forums that feature the simultaneous participation of as many national party leaders as is feasible.

Campaign Financing

There is still no provision for public financing of the campaign. While many parties were dissatisfied over the absence of public financing, no one complained that this unfairly skewed the campaign. It was difficult to determine whether all parties had disclosed their sources of funding, as required by the election law. Parties were unclear about what body should receive such information or what means are available to verify it.

As there is little time remaining during this election and the introduction of a government authority to clarify the practice of disclosure would likely be construed as harassment, the delegation recommends that those provisions be strengthened after the elections.

2. Election Preparations and Procedures

Recognizing that the role of unelected local officials has been a subject of concern in previous elections, the delegation commends the efforts of the government to ensure that its local representatives, the prefects, and their offices will exercise their functions in a strictly impartial manner. Election officials at all levels seemed familiar with the electoral timetable issued by the government and intent on adhering to the deadlines established in the election law. The delegation also received assurances from national and local election officials that the process of transporting election materials and ballots to and from the polling sites would be open to observation by party representatives and accredited observers. We hope that these expectations have been conveyed to the appropriate officials in Romania.

Nevertheless, the continued absence of instructive guidelines and training requirements for election officials to ensure uniform interpretation of the law is a source of some concern. At a minimum, the absence of standard procedures will result in unnecessarily burdensome and time-consuming inconsistencies. More importantly, clear guidance as to the administrative requirements

will enhance confidence among election officials who must work long hours.

Voter Lists

The deficiencies in the voter lists that were noted in February have apparently not been corrected in all cases, despite instructions given to prefects and mayors. The current election law does not specifically state that the voters' lists are to be publicly posted, as they were prior to the February elections. The delegation encourages the Central Election Bureau to inform the local authorities that public posting of the lists at both the mayors' offices and the polling sites would be desirable, and also encourages broad-based efforts to encourage citizens to be active in verifying the lists.

Voting Arrangements: Some Concerns

The delegation commends the efforts to maximize enfranchisement through the provision of special lists for citizens voting outside their constituencies. This provision, however, opens the possibility of multiple voting.

The election law specifies that identification cards and substitute identification certificates are acceptable forms of voter identification. Because the certificates appear to be easily reproduced, the delegation encourages particular attention to the extensive presentation of replacement identification certificates on election day, as one indication of possible systematic fraud.

In response to the concern about multiple voting, the delegation notes that some constituency election bureaus were not informed of the recent decision to limit the availability of polling stations for voters who are traveling on election day. Instead of establishing polling sections at transport centers throughout the country, the constituency bureaus and the electorate should be informed that traveling citizens can only vote at one travel point: the Bucharest North train station.

In addition, procedures regulating the allocation and collection of ballots to and from polling stations outside the country (i.e., in Romanian embassies or on ships flying the Romanian flag) should be the same as those required for polling stations within Romania. Publicizing the anticipated number of eligible voters at these sites and the number of votes cast would address this concern.

Composition of Electoral Commissions

The major parties and coalitions stated that they had representation on the constituency electoral bureaus. One party -- the Democratic Union of Hungarians in Romania (UDMR) -- initially

had several nominees for constituency bureau representatives rejected. The reason given by the chairs of the constituency commissions in these areas was that the UDMR was a member of the multiparty Democratic Convention of Romania, which already had representation on the bureau. The UDMR, however, was permitted representation after the national Bureau certified that despite the UDMR alliance with the Convention, the party is running separate lists throughout the country.

Political party representatives and election officials expressed concern that the 24-hour deadline for notifying the polling station election bureau chairperson of the designated party representatives was quite short. Nevertheless, most of these parties indicated that they were prepared to have representatives present at the polling stations and anticipated that their nominations could proceed in the lottery within the allotted period of time.

Challenges Regarding Candidacies and Violations of the Electoral Law

The delegation acknowledges the introduction of appellate procedures, albeit limited, for challenges and complaints of conduct regarding the campaign. Concern was expressed over provisions that final decisions would not be publicly communicated. Upon investigating the nature of complaints that have been received and resolved, however, the delegation received assurances that judicial authorities would convene hearings for substantive cases. We hope that these assurances have also been conveyed to people in Romania. Moreover, most parties indicated satisfactory resolution of complaints that they had filed regarding violations of the election law (i.e., illegal posting of party materials). With one exception (the challenges to President Iliescu's candidacy for the Senate), no parties claimed that their candidates had been unfairly challenged in an attempt to discourage their participation in the elections.

3. Voter Education

A major concern that was raised with the delegation by the political parties was the prospect of increased absenteeism on election day. We commend the efforts of nongovernmental organizations and the political parties to encourage informed participation in the electoral process and recommend that the government broaden its own voter-education initiatives. Measures such as encouraging verification of voter lists and polling-site locations, proper voting procedures, and broadly disseminating information about the candidates and the parties should be undertaken by all actors in the electoral process. This is particularly the case for rural areas, where we have observed in previous elections an extensive need for voter assistance.

4. Domestic Observers

The delegation also wishes to underscore the important role that national observers have and can play in enhancing public confidence in the electoral process. The delegation hopes that the assurances conveyed by the Prime Minister and the Central Election Bureau regarding the participation of national observers in the election process represent the government's position on this issue, rather than the commentary on the election law that was published by the Official Monitor last month. We strongly urge that the government's desire to accommodate maximum participation of national observers be communicated to election officials throughout the country.

In conclusion, NDI has sought to recognize the positive developments witnessed in the course of our observations of the Romanian election process over the past two and a half years. We have also sought to draw attention to potential problem areas in an effort to maximize the commitment to free and fair elections so frequently expressed during our visit.

Moreover, we hope that final judgments on the Romanian election process -- by both Romanian and international representatives -- will be made in accordance with internationally accepted standards upon the completion of the process. NDI reiterates its own commitment to provide continuing assistance and support the electoral process over the coming weeks and expresses the profound hope that these elections will reflect the will and aspirations of the people of Romania.