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ACKNOWLEDGMENTS

This is the report of the 60-member international delegation that observed the May 20, 1990 Romanian national elections. It is based on information gathered by the sponsoring organizations prior to the elections and by the delegation teams that visited 11 regions of the country during the elections. The report presents a national perspective on the electoral process, including the campaign, voting procedures and the tabulation of the results.

The report was prepared under the auspices of the delegation's sponsoring organizations, the National Democratic Institute for International Affairs (NDI) and the National Republican Institute for International Affairs (NRIIA), after consultations with members of the delegation. While these consultations indicate a consensus for the conclusions reached herein, NDI and NRIIA assume full responsibility for the accuracy of the report.

The report was drafted by NDI advisor Thomas Carothers and NDI Deputy Program Director Karen Clark. The team reports were prepared by delegation members and Institute staff. For NDI, the report was edited by Executive Vice President Kenneth Wollack, Senior Consultant Larry Garber, and Public Information Director Sue Grabowski. For NRIIA, the report was edited by Consultant Peter Schramm, Program Director Margaret Thompson, and Program Officer Edward Stewart. NDI Program Secretary Jacqueline Dorsey assisted in the report's production.

NDI and NRIIA extend their thanks to the leadership and members of this observer delegation and others who have visited Romania on behalf of the Institutes to assist in promoting democratic

development in the country. We wish to acknowledge the NDI and NRIIA staff, and in particular, Deborah Hauger, for their work in arranging the delegation's activities in Romania. The Institutes also express appreciation to the many Romanians who took time from their busy schedules before and after the elections to share their perspectives on the election and to facilitate the delegation's work.

The delegation's mission was made possible with funds provided by the U.S. Congress as part of a special program to assist the emerging democracies in Central and Eastern Europe. The Agency for International Development (AID) administered the Congressional funds, which were provided to NDI and NRIIA through the National Endowment for Democracy.

FOREWORD

We were honored to participate as co-leaders of the international observer delegation for the May 20 elections in Romania sponsored by the National Democratic Institute for International Affairs and the National Republican Institute for International Affairs. The opportunity to bear witness, along with our distinguished colleagues from 20 nations, to this historic occasion was both memorable and rewarding. We would like to thank the members of the delegation and the Institutes for this opportunity.

For those of us who had this privilege, the events of the last several months have been sobering. Unfortunately, reservations expressed by international observers regarding a democratic transition in Romania are as relevant today as they were then. As one surveys the progress of democratization in Central and Eastern Europe, it is difficult not to lament the lack of progress, and at times, the regression evident in Romania today.

To be sure, the challenges of establishing democratic institutions and processes in Romania would loom large for any government, regardless of its intentions. Romania is a country where the most exhaustive attempts at analysis often only result in the conclusion that much "remains unclear." This is a peculiar legacy of the previous regime, under which people's capacity to gather and communicate information was severely restricted.

The complete absence of civic and political space during the past five decades created an environment in which the preeminence of speculation, paranoia and rumor will be difficult to overcome. Internal repression, control and manipulation fragmented the

population, creating profound misunderstandings along regional, ethnic, and educational lines. The sudden opening of December 1989 provided some room to create institutions to mediate these differences; however, it will take time for Romanians to develop the institutions and to learn how to use them effectively.

This report contends that the May 20 elections were but a first step in Romania's political development. In May, our delegation expressed hope that the newly-elected government would pursue concrete measures toward establishing "a genuinely pluralistic environment." The events of June 13-15 in Bucharest, during which police forces and, subsequently, miners forcibly attempted to "restore order," were roundly criticized by the international community as reminiscent of totalitarian rule. The government's role in these violent attacks against peaceful demonstrators again raised concerns about the democratic credentials of the National Salvation Front. Moreover, the recurrence of violent confrontations in August suggests that the underlying causes for instability in Romania remain unaddressed.

Nevertheless, there are hopeful signs that democratic activists in Romania are working to promote reconciliation and progress. Independent and opposition newspapers seek to establish their own production and distribution capacities. Opposition political parties are reorganizing themselves and exploring the prospects for increased cooperation. Nonpartisan groups — trade unions, student organizations, and other independent associations — are institutionalizing themselves and conducting programs to develop civic awareness and participation.

These efforts deserve continuing support, material as well as moral, from the international community. They also require tolerance, at a minimum, and encouragement from a government that cannot unilaterally impose change from above.

Romania's deprivation during the last 45 years has been economic, political, and social. Despite a long period of isolation and control, the events of December 1989 released great expectations within the population, and these hopes will continue to grow. The

people's desire to realize their human potential should not be held hostage to the fears of change.

Rather, the path to stability will be smoother if all segments of the society recognize their stake in a democratic Romania and work together to achieve consensus, reconciliation and progress. The actors in this effort are and will be Romanians – it is Romanians who have already begun the process of changing their lives. However, the components of a democratic Romania will be universal – a free and independent press, viable democratic political parties, free and fair elections, and above all, a concerned citizenry ready to assume the rights and responsibilities of freedom.

We believe that the international community is ready to assist Romania's democrats along this difficult path – many countries have successfully confronted the challenges posed by inertia and fear and are willing to share these experiences. Such exchanges are not only in Romania's interest, but in our own. As we learn more about the struggles of others to participate in the decisions that govern their lives, we become more responsive to the needs and aspirations of our own people.

Many of the delegates in Romania during the elections were impressed by the extent to which young people who had never known anything but totalitarianism could identify so strongly with ideals often taken for granted in democratic societies. Their commitment and desire to build a new Romania remains an inspiration and will, we hope, be heard and utilized by a government that professed the same goal in May.

Joseph I. Lieberman
United States

Roy Hattersley
United Kingdom

Harrison Schmitt
United States

August 1990

TEAM DEPLOYMENTS



EXECUTIVE SUMMARY

A 60-member international delegation, organized by the National Democratic Institute for International Affairs and the National Republican Institute for International Affairs, observed the May 20, 1990 presidential and parliamentary elections. The elections were held less than six months after Romania's long-reigning dictator, Nicolae Ceausescu, was ousted in a bloody revolution. Moreover, the elections occurred in a country bereft of democratic traditions and deeply scarred by the repression of the past half century. Ion Iliescu, the candidate of the ruling National Salvation Front (the "Front"), was elected president, and the Front garnered 66 percent and 67 percent of the seats in the Assembly of Deputies and Senate, respectively.

The following are the delegation's summary conclusions concerning aspects of the electoral process:

1. Given Romania's long experience of brutal communist dictatorship, the May elections represent an historic opening and a necessary first step toward the achievement of a democratic political system. Nonetheless, there were very significant flaws that affected the overall fairness of the electoral process and that underscore the need for major structural reforms in the Romanian political environment.

2. The Front had considerable advantages during the electoral campaign, including control of and access to television, radio, newspapers, campaign funds, printing facilities, vehicles, telephone lines, and other supplies and resources basic to a political campaign. Moreover, the Front used its position as the dominant party in the interim government to exploit these advantages rather than to level

the playing field of the campaign, and its general attitude was not conducive to the promotion of a free and open campaign. Consequently, despite its large margin of victory, the democratic credentials of the Front have not been established with these elections.

3. The human rights environment of the campaign was poor. Opposition candidates' and parties' exercise of their basic rights of expression and assembly was frequently met with intimidation and harassment, including serious beatings and physical destruction, often instigated by Front supporters. The Front-dominated government failed to condemn and discourage acts of violence.

4. The opposition was weak and fragmented not only because of the intimidation and harassment, but because of the inherent difficulties in simultaneously reconstituting parties from nothing and conducting a national campaign in the space of five months.

5. The balloting process was not marked by systematic fraud, although there were many procedural problems in the administration of the election, and a number of the irregularities benefitted the Front. Given the large margin of victory, it appears that irregularities did not affect the outcome of the elections. Nonetheless, to avoid the recurrence of such irregularities in future elections, the delegation recommends the adoption of several administrative reforms to promote greater confidence in the process. (See Chapter 6.)

6. Finally, the Romanian electorate, particularly in rural areas, faced the election uninformed and without a real understanding of choice and the concept of a multi-party, secret ballot. There is an urgent need to undertake education programs designed to ensure that voters in future elections are better informed about the process and the choices they may exercise.

With the completion of the May 20 elections, Romania is embarking upon a new phase in its transition from totalitarian rule to democratic government. The real test of the democratic nature and intentions of the Front will come as it leads the new government in adopting a new constitution, transforming the economy, and establishing a framework for the political and civil society in Romania.

INTRODUCTION

On December 22, 1989, Nicolae Ceausescu, absolute ruler of Romania for more than 20 years, was ousted as a result of a popular revolt. With the fall of Ceausescu, Romania joined the tide of political change sweeping through Central and Eastern Europe. The Romanian revolution differed, however, from the democratic openings in the rest of the region in several significant respects.

Romania was the last of the Iron Curtain countries to overthrow totalitarian rule. Processes of political change began years ago in the rest of the region, and even decades ago in Poland, Hungary and Czechoslovakia. In Romania, by contrast, not even a partial opening occurred before the events of December 1989. While other Central and Eastern European countries supported long-standing anti-communist groups (i.e., Solidarity in Poland, Charter 77 in Czechoslovakia), Romania's revolution was triggered by a random chain of events with no consolidated, democratic opposition capable of gaining power. The revolution was also distinctive in its violence. Hundreds of Romanians were killed, and pitched battles ensued between the army and Ceausescu loyalists in the secret police in Bucharest and several other cities.

The Romanian revolution was not only the most violent, but also the least certain of the Eastern European democratic openings. The Romanian people deposed Ceausescu. Whether they succeeded in establishing democratic government was unclear in the wake of the December revolution and remains obscure even today.

After a brief and turbulent electoral campaign, national elections were held in Romania on May 20, 1990 to elect a president, a Senate

and an Assembly of Deputies. Ion Iliescu, the candidate of the National Salvation Front, the group that took power after the fall of Ceausescu, garnered 86 percent of the presidential vote. The Front also dominated the Senate and the Assembly races, winning 67 percent and 66 percent respectively of the seats in the two chambers. The only opposition party that made a notable showing was the Hungarian Democratic Union of Romania (UDMR), which received seven percent of the vote in the Senate and Assembly races.

The National Republican Institute for International Affairs (NRIIA) and the National Democratic Institute for International Affairs (NDI) have closely followed and sought to support the democratization process in Romania. During the electoral campaign, NRIIA provided technical advice to newly formed political parties on party organization and management, message development, grassroots membership recruitment and elections monitoring. NRIIA also organized seminars and consultative meetings with leadership and activists of the National Peasant Party, the National Liberal Party and the Democratic Center Bloc (a coalition of 10 small parties). The National Peasant and Liberal Parties received a modest amount of material aid in the form of office equipment.

NDI's program in Romania focused on assistance to nonpartisan student associations, intellectual groups and trade unions for election monitoring and voter education programs. An NDI-sponsored seminar in Bucharest last April for members of these groups focused on programs of nonpartisan political action and featured political experts and leaders of successful civic organizations from the Philippines, Chile, Paraguay and Nicaragua. Following the seminar, several participants announced the formation of the National Center for Free Elections (CENAL).¹ In cooperation with Northeastern University of Boston, Massachusetts, NDI also provided infrastructure

¹ Due to a dearth of knowledge about democratic polities and the short time frame leading up to the elections, CENAL was unable to develop a national presence. However, the effort was organized successfully at local levels, particularly in Brasov.

support to student and intellectual groups for voter education and election monitoring programs.

NDI and NRIIA jointly sponsored an international observer mission for the May elections. The delegation comprised 60 members from 20 countries and was led by U.S. Senator Joseph Lieberman, Britain's Deputy Labour Party Leader Roy Hattersley and former U.S. Senator and Apollo astronaut Harrison Schmitt. On May 18, the entire delegation met with presidential candidates, political party leaders, journalists, government and election officials, and representatives of student, intellectual and trade union groups. The observer group then separated into teams, and travelled to different regions of the country where they met with local election officials and party representatives prior to the election, and watched the voting and counting process. (See Appendix I.)

Some teams returned to Bucharest early Monday morning. Based on consultations with members of these teams and the telephone reports of those remaining outside Bucharest, the delegation issued a statement on Monday, May 21. (See Appendix II.) The delegation's statement received wide coverage in the international media and more limited coverage in the domestic press. Some delegates and staff remained in Bucharest until May 28 to gather additional information on the counting process and announcement of the results.

Chapter 1

*HISTORICAL BACKGROUND*²

A. Pre-Communist Romania

Modern Romania occupies roughly the territory of ancient Dacia, a distant province of the Roman empire in the second and third centuries. After the Romans abandoned Dacia in 270, the area was overrun for 900 years by a succession of invaders, including the Goths, Slavs, Avars, Bulgars and Magyars. Between the 13th and 19th centuries, present-day Romania was divided into three regions – Transylvania, Walachia and Moldavia. Transylvania was subject to Hungarian rule for much of the period; Walachia and Moldavia were under Ottoman rule. In the 19th century, with Russia and later Austria challenging Turkish control, a Romanian national movement gained strength. At the 1878 Congress of Berlin, Walachia and Moldavia became an independent kingdom of Romania. Transylvania remained a dependency of the Austro-Hungarian empire.

After an initial position of neutrality, Romania entered World War I on the Allied side in 1916. It was overrun by Austrian and German forces and was forced to accept an unfavorable peace settlement in February 1918. Just before the defeat of Germany in November 1918, however, Romania again declared war on Germany.

² One source of information for this chapter is the pre-election *Report on the May 20, 1990 Elections*, by the International Human Rights Law Group. The mission upon which the report is based was partially funded by the National Democratic Institute.

In the post-war peace settlements, Romania received major territorial gains, including Transylvania from Hungary, Bessarabia from the Soviet Union, and Dobruja from Bulgaria.

During the next two decades the Romanian government, by form a constitutional monarchy, attempted to unify this greater Romania while fending off attempts by Hungary, the Soviet Union and Bulgaria to regain their lost territories. Political life in the inter-war period was turbulent. King Ferdinand, who had assumed the throne in 1914, died in 1927, provoking a succession crisis. His son, Crown Prince Carol, had been forced to leave Romania in the midst of a personal scandal in 1925. Carol's infant son Michael became king under a regency in 1927, but Carol returned in 1930 and assumed the throne as Carol II. Periodic elections were held throughout these years and control of the government passed among the Liberal Party, the Peasant Party and the People's Party, all of which were conservative parties representing different sectors of the economic elite.

Both fascist and communist parties formed in the 1920s. The Fascist Legion of the Archangel Michael emerged in the 1930s, along with its military wing, the Iron Guard, a virulently anti-Semitic group that employed terror tactics to promote its reactionary political program. King Carol faced competing pressures, on one hand from the Iron Guard and on the other hand from the Soviet Union concerning Bessarabia. He consolidated his power in dictatorial fashion in 1938, attempted to suppress the Iron Guard, and befriended Hitler on the common ground of anti-Soviet interests.

Unbeknownst to Carol, however, Hitler had made an agreement with Stalin to allow the Soviet Union to retake Bessarabia; in 1940, Romania was forced to cede Bessarabia and northern Bukovina to the Soviet Union, Transylvania to Hungary and southern Dobruja to Bulgaria. Carol abdicated in humiliation; his son Michael, then 19 years old, became king. Subsequently, General Ion Antonescu, appealing to Romanian nationalism, assumed control as a military dictator; the Iron Guard reconsolidated its power, and in June 1941, Romania joined the German invasion of the Soviet Union.

Soviet forces entered Romania in 1944. Forces loyal to King Michael overthrew Antonescu's fascist government, and the king surrendered to the Soviet Union and ordered Romania to fight on the side of the Allies. In the post-war settlement, Romania received Transylvania back from Hungary. Bessarabia and northern Bukovina, however, remained under Soviet control.

Under the Soviet-American-British agreements of 1944 and 1945 on the status of occupied Europe, Romania was to be governed by a popular front made up of all major democratic groups in the country. However, the Romanian Communist Party, reorganized and controlled by the Soviet Union, subverted this process.

National elections were held in November 1946. By most accounts, the Peasant Party won a majority of votes. The communists declared victory, however, and took control of the government by force. King Michael abdicated in 1947, the Peasant Party was outlawed and the Communist Party consolidated absolute political control.

B. Communist Romania

Communist rule in Romania was marked by two periods: the first from the end of World War II to the mid-1960s; and the second from the mid-1960s to 1989. During the first period Gheorghe Gheorghiu-Dej headed the Communist Party, which prior to the 1960s was formally titled the "Romanian Workers' Party." In those years, Romania joined COMECON and the Warsaw Pact; the army was reconfigured by Soviet advisers into an instrument for internal social and political control; and a pervasive secret police force, the Securitate, was developed. All independent social institutions were destroyed or co-opted by the government as the Communist Party subsumed the state. Harsh political repression was combined with a Stalinist economic program aimed at the collectivization of agriculture and the development of heavy industry.

In 1965, Nicolae Ceausescu, an early member of the Romanian communist movement, succeeded Gheorghiu-Dej as head of the Communist Party. Despite the withdrawal of Soviet troops in 1958, Romania had been chafing for some time under the Soviet Union's

strong influence. Ceausescu quickly staked out an independent foreign policy line: Romania established relations with West Germany in 1967 (the first Warsaw Pact country to do so); maintained diplomatic relations with Israel after the 1967 Six Day War; criticized the Warsaw Pact invasion of Czechoslovakia in 1968; and teamed with Yugoslavian President Josip Tito in asserting an independent communist path. Ceausescu's divergence from Moscow assured him a favorable image in the West. He visited the White House four times between 1968 and 1979, was knighted by the British government, and received for Romania various Western economic concessions not accorded other East European countries.

Although he pursued a flexible foreign policy line, Ceausescu maintained a policy of harsh political repression at home. Ceausescu oversaw the expansion of the Securitate into a gigantic network of police and informers that exercised a degree of social control without parallel behind the Iron Curtain. No dissent was tolerated, and domestic surveillance reached Orwellian proportions. In the latter years of Ceausescu's rule, for example, Romanians were required to report to police the content of all conversations with foreigners. Very few Romanians were permitted to visit the West, and even travel to other "socialist" countries was difficult.

Ceausescu relentlessly pursued an economic development program based upon the expansion of heavy industry, particularly petrochemicals, even as the pitfalls of such an approach were becoming obvious in the rest of Eastern Europe. Romania borrowed heavily from the West in the 1970s to finance this industrial program, and on paper, the Romanian economy grew at impressive rates. In real terms, however, the living standards of Romanians sank to below pre-war levels; except for Albania, Romanians came to suffer the lowest standard of living in Europe. In the 1980s, Ceausescu imposed a punishing austerity program to force rapid repayment of the foreign debt. Basic elements of everyday life such as home heating, electricity, and hot water were tightly rationed, and essential foodstuffs became scarce commodities.

In the later years of his regime, Ceausescu – together with his wife Elena and youngest son, Nicu – consolidated power into a family

dictatorship unique in Eastern Europe. Ceausescu fostered a personality cult and launched massive projects whose only rationale was to serve his increasing megalomania. The most visible sign of this obsessive self-absorption was the House of the Republic, a gargantuan palace built on the ruins of a historic Bucharest neighborhood. He also initiated a plan to raze more than half of the country's villages and move villagers to "agro-industrial" centers. This program was obliterating the vestiges of traditional Romanian society that had survived decades of Ceausescu's capricious and destructive rule.

C. The December Revolution

As the democratic tide swept most of Central and Eastern Europe in 1988 and 1989, questions were raised both within and outside of Romania regarding how long Ceausescu could maintain his totalitarian grip on the country. Ceausescu responded by denouncing the democratic trends in the region as a betrayal of socialism and as a plot fabricated jointly by the United States and the Soviet Union. At the 14th Communist Party Congress held in November 1989, many Romanians anticipated or hoped that Ceausescu would launch a new liberalization policy. However, Ceausescu only reaffirmed his uncompromising views, producing widespread tension and anger among the population.

In December, with little warning and remarkable rapidity, the revolution occurred. The revolution began in Timisoara, a Transylvanian city with a significant population of ethnic Hungarians. A crowd gathered spontaneously on December 15 to protect a prominent minister, Laszlo Tokes, who had been harassed by the police and was threatened with eviction from his church. The crowd swelled on December 16 and was transformed into a massive demonstration with clear anti-government overtones.

On December 17, Ceausescu, enraged that the demonstration had not been crushed, ordered the army to suppress it with force. Later that day, army and Securitate personnel opened fire on the demonstrators, killing and wounding many in what became known as "the Timisoara massacre." The exact casualty figures are unclear; the

common belief in Romania is that between 300 and 400 persons were killed. Despite the violence, the demonstrations resumed in Timisoara; word of the December 17 massacre and the continued protests quickly spread throughout the country.

On December 20, Ceausescu addressed the nation on television. He denounced the Timisoara demonstrators as "a few groups of hooligan elements ... organized and unleashed in close connection with reactionary, imperialist, irredentist, chauvinist circles and foreign espionage services" and demanded a rally the next day. Party workers dutifully assembled a crowd of thousands in front of the Communist Party Central Committee headquarters in Bucharest. As Ceausescu spoke, however, shouts of "Timisoara! Timisoara!" emerged from the crowd. Ceausescu was so surprised and distracted that the broadcast of the rally was suspended for several minutes.

Ceausescu managed to complete his speech, but the spell of absolute rule had been broken. The rally was transformed into an anti-Ceausescu demonstration, and shortly thereafter shots were fired into the crowd. By most accounts, the gunfire came from the rifles of the elite and well-trained Securitate officers. Having heard reports of a rift between at least some segments of the army and the Securitate, the demonstrators appealed for support from the armed forces, which soon began to battle the Securitate.

The demonstrations spread to other parts of the city and continued into the next day, December 22. Attempting to address the crowd outside the Central Committee headquarters, Ceausescu and his wife were greeted with a hail of potatoes and stones. They retreated into the building; the crowd surged after them. Shortly thereafter, the Ceausescus fled from the roof in a helicopter.

In the hours following Ceausescu's departure, a small group of people assembled at the Central Committee building and declared themselves in charge. This group was led by Ion Iliescu, a career Party official who had fallen out of Ceausescu's favor in 1971, and Silviu Brucan, a high-level Party official who had expressed public opposition to Ceausescu in early 1989. They declared the formation of the Council for National Salvation and, within a few days, consolidated friendly relations with the army. The Council soon was

enlarged to 36 members and became the transitional government as well as the leadership of what was known as the National Salvation Front.

Battles continued in Bucharest and some other cities for several days, with most of the fighting occurring between army personnel and Securitate members loyal to Ceausescu. The Ceausescus were apprehended by the army outside of Bucharest shortly after they fled. On Christmas day, Nicolae and Elena Ceausescu were quickly tried by a military tribunal and executed. With Ceausescu's death, armed resistance by Securitate members dwindled, and by the end of December the National Salvation Front Council effectively controlled the country.

D. Emergence of the Provisional Council for National Unity

In the weeks immediately following Ceausescu's downfall, the National Salvation Front enjoyed widespread popularity and legitimacy in Romania. On December 28, the Front announced an eight-point program to protect basic rights and develop a democratic system in Romania. Front spokespersons emphasized that their goal was to lead Romania into the community of modern democratic nations and stated that the Front was merely an interim steward that would step down following democratic elections. Political parties formed rapidly, including traditional parties that had existed before 1946 – most notably the National Liberal Party, the National Peasant Party and the Social Democratic Party – and new parties, ecological and ethnic minority groups.

On January 23, 1990, the Front reversed course and announced that it would field candidates and compete for power in the elections then scheduled for April 1990. This announcement provoked large, angry demonstrations by other political parties, student groups and intellectuals, who openly questioned the Front's democratic credentials and speculated that the Front intended to replace the Ceausescu regime with a new form of one-party rule. Several former dissidents also resigned from the Front. The three traditional parties demanded that the Front resign from government and that a new

government be formed in which non-Front parties and other groups would be represented.

After very large, tense demonstrations and counter-demonstrations³ in late January and early February, the Front dissolved the National Salvation Front Council and announced the creation of a multiparty "Provisional Council of National Unity" (CPUN). The CPUN was to have consisted of 180 members, half from the Front and half from non-Front groups. It eventually became a somewhat larger body that was dominated by the Front, although it included representatives from the opposition parties and other independent groups. The CPUN acted, in effect, as a "mini-parliament" through which measures proposed by the new government were debated and amended before implementation. Its 21-member Executive Bureau included Ion Iliescu as CPUN President, Prime Minister Petre Roman, Republican Party leader Ion Minzatu, prominent actor Ion Caramitrou, and Liberal Party President Radu Campeanu.

As doubts emerged about the political intentions of the Front, questions also were raised about its origins. Some Romanians claimed that the Front formed before Ceausescu's fall, perhaps early in 1989. In this account, Iliescu and other alienated Party members joined disaffected army officers and began plotting against Ceausescu. When the violence erupted in Timisoara, they capitalized on the situation to oust the dictator. This view of the revolution gained much currency among Romania's students and intellectuals. The Front was seen not as a spontaneous product of the revolution, but as a premeditated, manipulative group that had executed a putsch to depose Ceausescu and substitute new personalities with the same absolute power. The

³ The National Salvation Front twice called upon local factory workers and miners from the Jiu Valley to "restore order" in Bucharest and to demonstrate support for the transitional government. Held on January 28 and February 18, these counter-demonstrations resulted in numerous injuries of peaceful demonstrators and innocent bystanders and were frequently cited by the opposition as an example of the Front's willingness to encourage undemocratic practices.

Front's leadership vehemently denied these charges, maintaining that its organization was the spontaneous result of a popular revolt.⁴

⁴ In an August 1990 interview in the pro-government newspaper *Adevarul*, Silviu Brucan and General Nicolae Militaru, former senior officials of the Front, asserted that a plot to overthrow Ceausescu had begun in the 1970s and that by 1989, the plotters had secured the support of most of the army and the Securitate. They said that the December revolution's violence against demonstrators was carried out by special units of the Securitate still loyal to Ceausescu and by Palestinian terrorists trained by Securitate officers. See Appendix III for the *The Washington Post* account of the article.

Chapter 2

THE ELECTORAL FRAMEWORK

The development of the Romanian electoral law assumed particular significance in the wake of the Front's decision to participate in national elections. This reversal of the Front's initial promise to act only as a provisional caretaker government combined with several other factors to produce doubts about the legitimacy of the Front's exercise of even transitional power. There was growing discontent over the prominent role of former high-level Communist Party officials within the Front, which contributed to an increasing sense of mystery surrounding the Front's origins and organization. And perhaps most important, the Front appeared resistant, or reluctant, to confront and bring to justice the most odious elements of the *nomenklatura*⁵ and the Securitate. Lukewarm support from the international community⁶ created an additional pressure on the Front to hold elections that would settle the question of legitimacy as quickly as possible.

Several opposition leaders argued that because of Romania's long isolation and complete absence of democratic practices, elections

⁵ The *nomenklatura* refers to the vast network of Communist Party activists that existed in all communist-bloc countries and dominated all economic, social and political institutions.

⁶ Despite numerous appeals by the new Romanian government, most Western governments were reluctant to commit major amounts of foreign assistance until "free and fair elections" were held.

would be meaningless without the passage of a substantial period of time to encourage a process of political maturation within the citizenry. The new and historical parties faced considerable obstacles in organizing after more than 40 years of one-party domination. Moreover, while the new climate was certainly more conducive to free expression, five months was insufficient to permit informed political decisions.

At the same time, the Front's capacity to maintain order for very long without a popular mandate argued in favor of early elections. The circumstances of the revolution had created a genuine tension between the immediate need to establish legitimacy and the desire to establish gradually a meaningful foundation for the development of democratic traditions. The development of the new electoral law thus reflected these strains.

An electoral law began to be discussed in late January and was ultimately adopted on March 14. After considerable debate and modification, the law functioned as both a mini-constitution that set out the form of government for post-revolutionary Romania and a detailed set of electoral procedures for electing the president and a bicameral parliament.

A. The Electoral Law

1. *Offices to be elected*

The electoral law established that "the basis of Romania's government is a pluralist democracy" and that power would be separated into legislative, executive and judicial branches. Unlike its formerly communist neighbors, Romania included direct presidential elections as part of its first post-communist electoral exercise.⁷

⁷ In Hungary, a roundtable agreement to hold direct presidential elections was rejected in a referendum; President Arpad Goencz was elected by the National Assembly. In Poland, General Wojciech Jaruzelski retained the presidency through the transition process. In Czechoslovakia, the new President, Vaclav Havel, was chosen by the National Assembly. In Bulgaria, Petar Mladenov was designated by the

According to the law, the president would be elected by popular vote and would exercise certain specified powers through the drafting and ratification of a new constitution.⁸ The law also called for the newly-elected president to resign from membership in any political party after the election.⁹ The presidency was contested by three candidates: Radu Campeanu of the National Liberal Party; Ion Iliescu of the National Salvation Front, and Ion Ratiu of the National Peasants' Party Christian and Democratic.

The law stipulated procedures to elect a 387-member Assembly of Deputies and a 119-member Senate.¹⁰ Constituency lines were drawn on the basis of existing administrative units which included 40 *judets* or districts, plus the municipality of Bucharest. The initial draft of the election law also specified procedures for the election of local officials; the idea of electing local officials was later rejected in the CPUN.

The new parliament functions as a Constituent Assembly that will write and adopt the constitution. It has up to 18 months to complete this task; the law does not specify the method of adoption to be used. Once the new constitution has been approved, "the parliament shall decide on new elections, within one year." These new elections are presumably both for the presidency and the

roundtable participants to serve as president during an 18-month transition period; he was later forced to resign and his successor, Zhelyu Zhelev — the leader of the opposition coalition — was elected by the Grand National Assembly.

⁸ Electoral Decree, Art. 82.

⁹ *Id.*, Art. 81.

¹⁰ The law also provided that additional deputies' seats be appointed after the election to ensure representation of ethnic minorities. This process increased the total number of seats in the Assembly of Deputies to 396.

parliament. Meanwhile, until the constitution takes effect, the parliament also functions as a law-making body.¹¹

The law established a complex system of proportional representation designed to ensure small parties' representation in the Assembly of Deputies almost exactly in proportion to the percentage of votes they obtained. This represented a significant change from the initial draft law, which proposed the election of parliamentary representatives from single-member districts on the basis of a simple plurality. The Liberal Party was credited with encouraging this change to ensure greater participation by minority parties in the constitution-drafting process.¹²

2. Campaign period and qualifications for candidacy

The electoral law provided for multiparty participation in the electoral campaign and called for a free and secret vote.¹³ It stipulated a 60-day campaign period to begin on the day when the election date was publicly announced (March 19) and to end two days before election day, which was separately proclaimed as May 20.

Under the law, 100,001 signatures were required for presidential candidates to qualify for the campaign, whereas only 251 signatures were necessary for political parties and independent candidates to compete in the parliamentary elections.¹⁴ The decision to set a high

¹¹ Electoral Law, Art. 80.

¹² Unlike other electoral laws in Central and Eastern Europe, there was no requirement that a party receive a minimum national threshold percentage to obtain parliamentary seats. This allowed for the allocation of seats to parties that received less than 1 percent of the vote. Romania's presidential contest was the only office for which the candidate was required to draw a minimum threshold of 50 percent of the votes from all *eligible* voters. If a candidate did not obtain this threshold, a run-off election would have been necessary to elect the new president.

¹³ Electoral Law, Art. 3.

¹⁴ *Id.*, Art. 11.

threshold for presidential candidates reflected a desire to avoid a highly fragmented presidential campaign. All candidates and parties were required to submit petitions for candidacy by April 20.¹⁵

There were relatively few restrictions on qualification for candidacy. However, Article 10 of the electoral law proscribed from standing as candidates "those persons who have committed abuses in political, judicial and administrative functions, who have infringed upon fundamental human rights, as well as those persons who have organized or who have been instruments of repression in the service of the security forces, the former police and militia forces." The wording of this provision was adopted as a compromise to an alternative provision that would have barred former Communist Party officials (and some members of the National Salvation Front) from contesting the elections. In fact, Article 10 proved largely ineffective in limiting candidate participation in the elections.¹⁶ However, the provision was not completely ignored, and its application in at least one case was pernicious. (See Chapter 3.)

3. *Election Administration*

The electoral law provided for the creation of a Central Electoral Bureau (BEC) and provincial electoral bureaus in each *judet* and the Bucharest municipality.¹⁷ The Central Electoral Bureau was to be composed of: a) seven justices of the Supreme Court of Justice chosen by lot from the 38 members of the Court and b) one representative from each of the 10 political parties that presented the largest overall number of candidate lists. The BEC was partially constituted with the Supreme Court justices immediately following the

¹⁵ *Id.*, Art. 39.

¹⁶ Surprisingly, little debate centered on the implications of excluding *any* party (or former Party member) from participating in an open, democratic election. Nevertheless, restrictions on electoral participation raise questions about the desirability (and democratic nature) of such provisions.

¹⁷ Electoral Law, Arts. 29-37.

adoption the electoral law. The political party representatives were not added to the BEC, however, until May 2, primarily because review of the parties' candidates lists took longer than anticipated. The political independence of the Supreme Court justices would, on the surface, seem doubtful, given the judiciary's subservience to the Communist Party during Ceausescu regime. However, the participation of the justices in the national BEC was not a significant issue in the debate over the electoral law and was not raised by opposition parties as a point of contention prior to the election.

The BEC was charged with preparing election day instructions for local election officials, proclaiming results conveyed from local electoral bureaus, and resolving registered complaints concerning the conduct of the campaign, election-day activities, and the counting process. It was also designated as the primary government liaison for foreign election observers. In practice, many of the regulations stipulating the implementation of election day procedures were developed quite late in the campaign because party representatives were chosen only three weeks before the election.

The *judet*-level electoral bureaus (also known as BECs) consisted of three district judges (drawn by lot from the pool of judges in the *judet*) and one representative from each of the six parties presenting the largest number of candidate lists in the *judet*. As with the Central Bureau, the party representatives joined the *judet* bureaus only toward the end of the campaign. The *judet* bureaus were responsible for posting and verifying voter lists, reviewing petitions submitted by parties and candidates to run in the elections, preparing and delivering ballots and other voting paraphernalia for the all of the voting sections in the *judet*, selecting and training officials to administer the election-day procedures, conducting *judet*-level vote tabulations and conveying the results to Bucharest. The decentralized nature of administrative preparations for the elections and the delay in producing regulations at the national level contributed to some of the inconsistencies and confusion observed on May 20.

4. Voter registration

All Romanians 18 years or older during 1990 were eligible to vote, except for "those persons who are mentally ill and retarded and are placed under interdiction, as well as persons deprived of their voting rights during a period established by a judicial decision of conviction."¹⁸ There was no voter registration process *per se*. Instead, electoral lists were drawn up by the mayors' offices in every town, village, municipality and city based on population registries. In order to have a national identification card, which was also necessary to vote, every citizen had to be registered with the local authorities.

According to the electoral law, the lists were to be posted at least 30 days before the election. Once the lists were posted, a voter was responsible for verifying that his/her name appeared on the list in his/her area of residence. If a name did not appear, a voter could appeal and have his/her name added. Some opposition parties alleged that lists were not always displayed in accordance with the law.

During the campaign, the opposition parties raised questions about the accuracy of the electoral lists. They alleged, for example, that some names appeared more than once on the same list, that the names of deceased persons and minors were on the lists, and that in general the lists were based on an outdated census that contained incorrect information. Some opposition party members contended that the inaccuracies in the voting lists would lead to electoral abuses by the Front.¹⁹ The delegation generally found on election day, however, that the lists appeared reasonably accurate and were not being used as part of any systematic fraudulent voting.

¹⁸ *Id.*, Art. 10.

¹⁹ This charge was repeated after the announcement of the election results. (See Chapter 6.)