

Romanian state policy regarding minorities and civil liberties after 1990. Security aspects

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Abstract. With its post-1989 policy on national minorities, Romania is considered by Western capitals a successful model. For more than 30 years, Romania has constantly harmonised its policies regarding the national minorities with the historical factor on the one hand, and with the provisions of the international organisations to which it has become a part on the other, cultivating historical and ethnic values within a well-defined framework, not only from a historical and cultural point of view, but also from a legal perspective. Currently, 20 national minorities are officially recognised in Romania, represented in parliament by 19 organisations. This article aims to highlight the generous legislation regarding national minorities in Romania and to launch a new approach, namely the security approach. The theoretical framework proposed for this article consists of two fundamental theories designed to support the placement of the field of national minorities in Romania within a security framework: the five dimensions of security theory, as presented in the seminal works of the Copenhagen school of thought, in particular in Barry Buzan's *Peoples, states and fear* (1991) and in *Security. A new framework for analysis* by Barry Buzan, Ole Waever and Jaap de Wilde (1998) and the theory of the triadic national *minority-host state-motherland* relationship by professor Rogers Brubaker (1996).

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1. Security - Conceptual framework

Approached sequentially or as a whole, in academic or political circles, by researchers or policymakers, security is still subject to numerous definitions and interpretations, all of which, however, start from a common denominator: security is one of mankind's primary problems. Commonly associated with military and political factors during the Cold War, security has subsequently been approached in new ways. The pragmatism of the studies and the many definitions that scholars have tried over the years has been strongly challenged by the empirical context that has forced the emergence and acceptance of new perspectives on the dimensions of security. The military and political dimensions have thus been complemented by the economic, environmental and societal dimensions, the new scientific approach to security being brought by the work of renowned international relations professor Barry Buzan.

Like the notion of security, the reference element is also carefully and intensely debated. "Whose security?", asks Buzan in his work "Peoples, States and Fear". Relating to a reference element can be made taking into account different variables. We are talking about both individual and national security, but without omitting a unanimously accepted reality: the interconnection of the two. As, regardless of the debates that any empirical or theoretical approach to security generates, the basic assumption from which they start is that security refers to "the absence of threat" (Arnold Wolfers, apud Buzan, p. 54), to "the absence of armed attack and coercion, the absence of internal subversion, and the absence of erosion of political, economic and social values that are essential to the quality of life" (National Defence College,

apud Buzan, p. 54). The point of reference can therefore be the man as an individual or the state, but each can, at some point, pose a threat to the security of the other. The state guarantees individuals "lives, liberties and properties", but as it gains power it can itself become a threat to the individual, as Buzan notes. However, research shows that regardless of the power acquired by the state seen as a source of threat, individuals perceive any threat from the state as considerably smaller than threats arising in the absence of the state.

The individual remains, however, the core around which the concept of security is built, a concept that is extrapolated to the national and international level also because of its relation to the needs of individuals. And the need for security felt by the individual can be, as Buzan reminds us by invoking dictionary definitions of security, protection from danger, the feeling of security, the absence of any doubt (Buzan, 2017, p. 73). It is no less true, however, that the individual, in itself, can pose a threat to national security. We are talking about the formation of groups of individuals whose beliefs (political, cultural, religious, identity) exceed social norms, and end up endangering other individuals and implicitly the state. At international level, they become vulnerable and, depending on the state's (in)ability to manage them, may arouse the interest of other (state or non-state) organisations outside their borders, which share their beliefs and whose influence is this time on a much wider scale. The slippages of such individuals can thus be exploited, encouraged and exploited to the detriment of the national security of the state from which the individual originates.

2. Societal-identity and Brubaker's triadic relationship

Societal security or identity security, which also involves debates about ethnic communities, is defined by international relations professor Ole Wæver as follows: "societal security is about collectivities and their identity" (Wæver, 1998:120), while Keith Krause defines identity security as "the ability of a society to maintain its essential character in a context marked by uncertainty and real or possible threats" (Krause, 1997:213). The Copenhagen School identifies two main threats to societal security, namely horizontal competition and vertical competition, both of which, however, have at their centre the threat to the fundamental identity values of a minority in the nation-state, other than the majority. If in the case of horizontal competition the identity values of a minority are threatened by cultural influences of surrounding groups, a process associated with assimilation, in the case of vertical competition we are talking about the threat to the identity of a minority as a result of the development of identity policies exclusively related to the identity landmarks of the majority population (Dungaciu, 2017: 353).

„Central and Eastern Europe is an area that is defined, among other things, by the strong presence of national minorities in the structures of the states in the region”. Rogers Brubaker describes this situation as „the product of two important moments in the 19th century that led to a political reconfiguration of the area: the fall of the Ottoman, Habsburg and Tsarist (Romanov) empires and the disintegration of the USSR” (Brubaker, 1996:67). The massive nationalisation of the political space in the region thus led to the emergence of new states, on whose territories tens of millions of people suddenly became national minorities, remaining outside their own national territory. In "Nationalism reframed. Nationhood and the national question in the New Europe", Rogers Brubaker approaches the issue of national minorities in Central and Eastern Europe from the perspective of the „triadic relationship between national minority - host state - mother country, a relationship which in some cases can be conflictual”.

The Romanian state stands out for its unified approach to the issue of national minorities and through the permanent legal framework adapted to international requirements it builds a safe environment in terms of identity security.

Through the policy adopted after 1989 in this field, Romania is considered by Western capitals as a successful model (according to statements by senior officials such as Dean Thompson, Sulhi Turan or Füsün Aramaz, see Asan and Ibrahim, 2016; Baciu, 2019; Hagi, 2019). "The State recognizes and guarantees the right of persons belonging to national minorities to preservation, development and expression of their ethnic, cultural, linguistic and religious identity", article 6 of the Romanian Constitution states. The Romanian Constitution also stipulates „the right of persons belonging to national minorities to learn their mother tongue, the right of organisations of citizens belonging to national minorities to one seat in Parliament, the right to use their mother tongue in dealings with local public administration authorities, decentralised public services and before the courts, under the conditions laid down by the organic law”.

Romania is a country where national minorities are involved in the social, cultural, political and economic life of the country, are fully integrated, which gives them an image that exceeds the established patterns in surrounding countries and allows community members to assess themselves in appreciative terms. Currently, 20 national minorities are officially recognised and represented by their organisations in Parliament, representing, according to the 2021 census, 1,767,447 people of ethnicity other than Romanian, out of a total of 19,053,815 citizens of Romania.

Table no.1. National minorities living in Romania

Year	Total population of Romania	Romanians	National minorities
1930	14.280.729	11.118.170 77,85%	3.162.559 22,15%
1956	17.489.450	14.996.114 85,75%	2.493.336 14,25%
1966	19.103.163	16.746.510 87,66%	2.356.653 12,34%
1977	21.559.910	18.999.565 88,12%	2.560.345 11,88%
1992	22.810.035	20.408.542 89,48%	2.401.493 10,52%
2002	21.680.974	19.399.597 89,48%	2.281.377 10,52%
2011	20.121.641	16.792.868 83,46%	3.328.773 16,54%
2021* ¹	19.053.815	14.801.442 77,68%	1.767.447 9,27%

3. 1989 – THE REVIVAL OF RIGHTS FOR NATIONAL MINORITIES IN ROMANIA

The concern for the rights of national minorities and, implicitly, for their protection reappeared immediately after December 1989, a first step in this direction being the establishment of national minority organisations, seen as a long-term guarantee for the survival of the communities they represent. Over the last 30 years, however, Romania has built a legal

¹ At the time of writing, only partial results from the 2021 Population and Housing Census were available. According to these data, out of the total population census, for 2.484.926 Romanian citizens no information on ethnicity was available.

framework favourable to the preservation and promotion of the identity values of national minorities, attempting to combine political solidarity around national cultural landmarks with Buzan's "weak or strong states policy" defined by the degree of socio-political cohesion (Buzan, 2017:138). The creation of the first national minority organisations during the 1989 Revolution was a first sign of reconfiguration of the status of these communities at the institutional level and of encouragement for them to redefine their identity. Ever since the 1990 elections, the national minority organisations established at that time have had a representative in the Romanian Parliament. Subsequently, state institutions with competences in the field of national minorities were set up (the Department for Inter-ethnic Relations, an institution subordinate to the Prime Minister and under the coordination of the Minister Delegate for the Coordination of the General Secretariat of the Government) and considerable funds were allocated to ensure the activity of the organisations representing them in Parliament. According to H.G. No 406/2021, the Romanian State has allocated for the current year to the 19 organisations representing the 20 national minorities in Parliament the sum of 163.856.000 lei (approximately 33.400.000 euro). Of the 19 entities representing national minorities in the Romanian Parliament, 18 are non-profit organisations, most of which have public utility status and one representative in the Chamber of Deputies, and the Democratic Union of Hungarians in Romania has political party status and has representatives in both the Senate and the Chamber of Deputies.

Representatives of national minorities in the Romanian Parliament are senators (where appropriate,) and full deputies. They participate in the legislative process, having the possibility to initiate both legislative acts that include provisions relating to the communities they represent, as well as acts of general interest. They are also important levers in relations with the kin states and are usually members of friendship groups in Parliament. The triadic relationship of national minority - nationalising state - mother country, theorised by Brubaker, extends down to the community level, with the collaboration between ethnic Romanians and their kin-states counterparts, particularly in the fields of education and culture, being eloquent in this respect. Diplomatic representations play an important role in establishing and maintaining these links, with foreign officials accredited to Romania frequently attending the activities of national minority organisations.

The involvement of national minorities in the political life of Romania has shown from the beginning an openness to exploit the cultural, but also geostrategic and geopolitical potential of the ethnic groups in our country. Following the 1990 elections, eight national minority organisations were represented in the Romanian Parliament at that time, and others were subsequently formed.

Currently, national minorities in Romania are officially represented as follows: Union of Armenians of Romania (1990), Union of Croats of Romania (2000), Association of Macedonians of Romania (2000), Union of Serbs of Romania (1992), Bulgarian Union of Banat - Romania (1992), Democratic Union of the Turkish – Muslim Tatars in Romania (1990), Community of Lipovan Russians in Romania (1992), Cultural Union of Ruthenians of Romania (2000), Democratic Forum of Germans in Romania (1990), Association of Italians of Romania RO.AS.IT. (2004), Democratic Turkish Union of Romania (1990), Union of Poles of Romania (1990), Association of Roma Party "Pro-Romania" (2008), Democratic Union of Slovaks and Czechs of Romania (1990), Union of the Ukrainians of Romania (1990), League of Albanian of Romania Association (2000), Federation of the Jewish Communities in Romania (1996), Hellenic Union of Romania (1990). To all these is added the Democratic Union of Hungarians in Romania (1989).

The active and direct involvement of national minorities in the political life of Romania after 1989 reinforces the principle of building inter-ethnic cooperation based on a close relationship between politics and ethnicity. Although they operate on the basis of Ordinance No 26/2000 regarding associations and foundations, the national minority organisations in Romania which represent the ethnic minorities in Parliament are genuine self-defined political actors in ethnic terms, and their role in the legislative process is relevant, even very important.

Romanian legislation after 1989 in the field of national minorities protection is correlated with the international one to a very large extent. With 20 national minorities officially recognised by the state, with a common history that is often the basis for relations with the mother states and always seen as levers in strengthening international relations, the Romanian state has built a priority area around these communities, integrating them in all forms into social, political, economic and cultural life.

Since 1991, Romania has signed a series of bilateral treaties with the Republic of Albania (1994), the Republic of Armenia (1995), the Republic of Bulgaria (1992), the Czech Republic (1994), the Republic of Croatia (1994), the Hellenic Republic (1994), the Italian Republic (1992), the Republic of Macedonia (2001), the Republic of Poland (1993), the Federal Republic of Germany (1992), Serbia (Federal Republic of Yugoslavia - 1996), the Slovak Republic (1993), the Republic of Hungary (1996), Ukraine (1997) (Department for Interethnic Relations, 2021). There are "treaties of friendship, cooperation and good-neighbourliness" still in force today which, by their very name, aim to enhance already established relations and build a new Europe around the theory of peaceful resolution of any conflicts. Most of them are based on the precepts of the Charter of the United Nations and regulate relations between states in various forms: social, economic, political, military and cultural.

Studies carried out in the field of national minorities usually involve two trajectories: a cultural one of ethnic origin and a religious one, these being the identity benchmarks to which the members of the community relate and according to which they are viewed and interpreted by the other citizens with whom they come into contact. The first trajectory also includes the mother tongue, a fundamental element in defining ethnicity, the only one, moreover, that justifies to a very large extent a citizen's assumption of belonging to a particular ethnic group. The mother tongue, however, serves the communicative act of assuming and addressing a specific target group that shares the same values. As a rule, in ethnic communities, thanks to - or sometimes because of the very high proportion of mother tongues used in the public sphere, the sender and the receiver are necessarily members of the same community, so that decoding the message does not pose any problems.

Mother tongue is one of the defining identity components when talking about national minorities, and policies that support and encourage the preservation of identity values pay particular attention to the language component. The use of the mother tongue in the family environment is not the same as guaranteeing that the danger of loss or assimilation of the mother tongue will be removed, and it is therefore the task of the state to provide the legal framework to encourage communities to do so. Throughout history, national minorities in Romania have benefited more or less (depending on the political context) from education, literature and publications in their mother tongue. Also, an important lever for preserving the mother tongue has always been religion, so the two identity values have been complementary in the process of identity preservation.

Romania's post-1989 policy towards national minorities treated mother tongue issues as a priority. In 2007, Romania ratified the European Charter for Regional or Minority Languages, adopted in 1992, through Law 282. According to this law, „20 minority languages are officially

recognised in Romania: Albanian, Armenian, Bulgarian, Czech, Croatian, German, Greek, Italian, Yiddish, Macedonian, Hungarian, Polish, Romani, Russian, Ruthenian, Serbian, Slovak, Tatar, Turkish and Ukrainian". The act defines minority or regional languages as "languages of national minorities". According to the European Charter for Regional or Minority Languages, regional or minority languages are those languages that are

"traditionally used in a particular area of a state by citizens of that state who constitute a numerically smaller group than the rest of the state's population and are different from the official language(s) of that state."

Before exploring the application of the principles of the Charter in Romania, the following aspect should be noted: the European treaty adopted in 1992 under the auspices of the Council of Europe builds a new approach to the linguistic component, that of "regional or minority languages" to the detriment of the "mother tongue" which is not included in the European document. We will be able to see further that Romania has taken on board the principles of the Charter, designed to encourage the use and preservation of each individual's own language, but has promoted the concept of "mother tongue" in its documents, thus maintaining a closer link with the communities and at the same time more clearly defining the target groups of its approaches.

One of the basic principles of the Charter, which is also transposed into Romanian law, concerns the use of languages outside the private sphere, in public life. Taking this principle into account, the state and public authorities in Romania encourage the use of mother tongues, in addition to education and the media, in areas such as justice, administration and economic life. According to Romania's Administrative Code, in localities where a national minority exceeds 20% of the population, members of that ethnic community have the right to use their mother tongue in dealings with local public authorities and decentralised public services (Administrative Code: 2019). As far as justice is concerned, the use of the mother tongue before the courts is regulated by the Romanian Constitution itself. In Article 18, paragraph 2, it states that "Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts, under the conditions of the organic law".

In this respect, the Code of Criminal Procedure and the Code of Civil Procedure refer to the right of citizens belonging to national minorities to use their mother tongue before criminal and civil courts.

However, the most active areas for promoting mother tongue remain education and the media. Since 1989, organisations representing national minorities have been campaigning hard for the reintroduction of mother-tongue education into the state education system. At the same time, some organisations also set up their own community schools, where mother tongue is studied.

There are a number of provisions on mother tongue education in national legislation. We can mention „the National Education Law No 1 of 2011”, „the Order of the Ministry of Education and Scientific Research No 6.134/2016 on the prohibition of school segregation in pre-university education establishments” and „the Order of the Ministry of Education, Research, Youth and Sport No 5.671/2012 for the approval of the Methodology regarding the study in the mother tongue and of mother tongue Language and literature, of Romanian language and literature, the study of History and traditions of national minorities and of Music Education in mother tongue”, all aimed to create a favourable framework for the development of communities from a linguistic point of view and to guarantee their future existence.

For the first time in 2010, the Romanian Parliament also adopted a law establishing a mother tongue day: 5 May - Tatar Language Day. This was followed by other laws establishing Czech (2014), Slovak (2014), Hungarian (2015), Bulgarian (2015), Turkish (2016), Serbian (2016), Yiddish (2017), Greek (2018), Macedonian (2018), Romani (2019), Armenian (2019) language days. The initiators of the laws were the deputies of the respective national minority organisations, and the laws themselves were more about validating a reality and giving it a more official character.

All the laws regulate the organisation of cultural events dedicated to mother tongue celebrations and refer to the involvement of central and local authorities in the organisation of the events by contributing "with logistical and/or financial support". Another important aspect mentioned in some of the laws mentioned is the involvement of the Romanian Television and Radio Broadcasting Company in the promotion of activities dedicated to mother tongue days, thus ensuring an increased and especially official visibility, at national level, of the events and implicitly of the communities.

In parallel with the celebrations dedicated specifically to the languages of national minorities in Romania, the 21st of February is also celebrated annually as „the International Mother Language Day”, proclaimed at the UNESCO General Conference in 1999.

According to „the The fifth National Report submitted by Romania pursuant to Article 25, paragraph 2f the Framework Convention for the Protection of National Minorities”, „the promotion of the mother tongue through the media is the exclusive prerogative of national minority organisations”, which, according to the statutes on which their organisation and functioning are based, are responsible for allocating part of the funds from the state budget to the promotion of literature in the mother tongue on the one hand, and to the producing of publications designed to meet the information needs of members of the communities on the other. In addition to their information role, they are also intended to familiarise community members with the literary mother tongue. Although most of the publications are also in Romanian (bilingual format), they do not fulfil their purpose of being a vector for relations with other ethnic communities and the majority population. Their distribution area is limited to the community that publishes them, which leads to a linguistic enclave, ignoring the multicultural factor. Local and national media thus remain the basic means of disseminating information outside communities.

4. National Minorities in Romania in the National Defence Strategy

Referring also to the National Defence Strategies corresponding to the periods 2015 - 2019 and 2020 - 2024, we note that among the national security interests is "guaranteeing the right to preserve, develop and express the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities within the framework of the rule of law and constitutional democracy" (National Defense Strategy, 2020), and one of the directions of action of the societal dimension of citizen security in the NDS 2020 - 2024 aims to preserve the identity values of the Romanian people and national minorities.

In the 2015 National Defence Strategy Guide, the ethnic component is closely linked to the newly introduced concept of "extended national security" which represented an extension of the reference area to new types of threats (hybrid, asymmetric) or to other dimensions of the new security agenda among which "influences of political, societal, cultural, ethnic, religious and environmental factors" were mentioned. In the same document, we then find references to the ethnic component, both in the group "threats, risks, vulnerabilities" and in the action lines of several national security objectives. "Interethnic tensions and regional imbalances in

neighbouring states that may lead to the outbreak of regional conflicts" were mentioned in the guide as a possible threat to national security objectives built around Romania's status as a NATO and EU member state and its geostrategic position on the Black Sea, while one of the risks identified to the same objectives was "the radicalisation of extremist entities present on the territory of Romania against the background of the rise of extremist currents of ethnic, religious or other origin". On the same note the ethnic component is referred to in the heading "Preventing radical or extremist reactions and tendencies, respecting pluralism in society and cultivating tolerance in civil society", another national security objective. Built on the principle of an integrative and balanced approach, not limited to the defence dimension, the 2015-2020 document builds the framework for security analysis in the field of national minorities and creates the opportunity to approach the multi-ethnic space from a perspective other than strictly cultural. The definition, where appropriate, of certain aspects of this area, such as threats or risks to national security objectives, demonstrates the interest of decision-makers in the early identification of possible slippages and the levers to manage them. It is also important to note that the approach is both ethnic and religious.

The national security interest as defined in the National Defence Strategy for 2020 - 2024 aims, among other things, to guarantee the rights of national minorities to preserve, develop and express their ethnic, religious and cultural-linguistic identity. In the same strategy, one of the fundamental values in the definition of national security interests and objectives is expressed by "civic cohesion and inter-ethnic climate based on good coexistence and support by all of the common values and interests of the state".

The National Defence Strategy is the document that guarantees the authorities' care for their own people, but at the same time it is also the official framework for defining and addressing the problems of state security in international relations.

As we will show below, Romania has harmonised its policies in the field of national minorities with the historical factor on the one hand, and with the provisions of the international organisations to which it has become a party on the other, cultivating its historical and ethnic values within a well-defined framework, not only from a historical and cultural point of view, but also from a legal point of view, and at the same time giving it new valences.

Comments and conclusions

Seen exclusively from the perspective of their cultural component, after 1990 national minorities in Romania are, however, subject to comprehensive legislation designed to protect them and to provide them with the appropriate official and legal framework to promote their own identity values and to ensure that they are passed on to future generations. As we have shown, the Romanian authorities have placed the main emphasis on protecting the fundamental elements of identity: mother tongue and religion. At the same time, however, the two national defence strategies (2015 - 2019 and 2020 - 2024) indicate a predictable policy of the Romanian state by referring to the ethnic component and national minorities, in the context of the illegal annexation of Crimea in 2014 and later the invasion of Ukraine by the Russian Federation. Anticipating Russia's policy of aggression in Crimea under the umbrella of identity and then the ethnic component which can be found in the war in Ukraine, the Romanian state has strengthened its public policies regarding the national minorities in order to prevent as much as possible the transformation of communities into levers for promoting soft-power policies of foreign (non)state entities. Also in this rhetoric of protecting national minorities, but of facilitating links with mother states or kin states as well, the Romanian authorities focus on building an official framework of cooperation through numerous partnerships with many such countries. It is well known that, since 1990, national minorities have been seen as important

levers for linking and strengthening bilateral relations with their countries of origin. Brubaker's triadic relationship, applied to national minorities in Romania, as well as the construction of a framework that analyses these communities by placing them in the patterns of the societal dimension of security, according to the Copenhagen School, generates a new approach to this field - a security perspective.

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