

Promoting inclusive parliaments:
The representation of minorities and
indigenous peoples in parliament

CASE STUDY / PARLIAMENT / ROMANIA

Representation of minorities in the Romanian parliament

Dr. Oleh Protsyk



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Executive summary

Minorities have been generally well represented in the Romanian parliament. Both components of the electoral system used in the Romanian case – proportional representation (PR) and reserved seats (RS) – proved to be important in allowing minorities to secure their representation in the parliament. A demographically large minority group – the Hungarians – has been consistently successful in gaining representation through the PR channel. Smaller minority groups benefited from the reserved seat provisions. The reserved seat provisions for minorities, which are the most extensive in Europe, allowed a large number of minority groups to send representatives to parliament. The design of electoral institutions, however, has not so far helped the country's most disadvantaged minority community, the Roma, to achieve representation that would be approximately proportional to the group's demographic weight. The Roma remain considerably underrepresented.

Parliamentary rules and regulations provide minority representatives with an opportunity to create minority parliamentary groups and to participate in the allocation of parliamentary leadership positions. There are no formal or informal rules that limit minority parliamentarians' rights due to the mode of their election to the parliament. Minority groups operate both in the lower and upper chambers of the Romanian parliament. As collective actors these groups have often served as members of a governing coalition. Participating in the government had the effect of strengthening their ability to secure legislative majority support for minority-related legislation. Such legislation has to be extensively dealt with in both chambers of the parliament, given that both chambers have constitutional competencies over minority-related issues.

Participation in the work of a wide range of parliamentary committees has been instrumental to minority groups' effectiveness in promoting a minority-related agenda. Minority groups are usually successful in securing seats on all committees that are of interest to them. They have also benefited from the existence of an informal norm that grants the chairmanship of the Committee for Human Rights, Religious Matters and Minorities to a minority member. Such a committee exists both

in the lower and the upper chambers. Minority deputies¹ have traditionally served as chairs of both committees, regardless of whether the minority groups they represent were a member of the governing coalition or not. In a comparative perspective, Romanian parliamentary committees are rather strong institutions and minority deputies' control of committee leadership has strengthened minorities' impact on the work of the parliament.

Romania's successes in constructing an elaborate system of minority protection are, to a large extent, a consequence of active minority participation in the legislative process.

Romania's successes in constructing an elaborate system of minority protection are, to a large extent, a consequence of active minority participation in the legislative process. At the same time, minority deputies' activity in the parliament is not limited to dealing with a narrowly defined area of culture and group identity preservation. Minority deputies engage in finding legislative solutions for a wide variety of social and economic problems which their communities face. Communities' ability to monitor the legislative work of their deputies is enhanced by the existence of a detailed record of the legislative activity of individual deputies. These records, which are constructed and continuously updated by parliamentary information services, have dramatically increased the transparency of the work of the Romanian parliament in comparison to many other post-communist parliaments. The records are an important source of information for the media and general public. They help to address informational asymmetries between minority constituencies and their representatives and generally improve minorities' ability to hold their representatives accountable.

Introduction

The goal of this case study was to examine the levels and effectiveness of minority inclusion in the work of the Romanian parliament. Romania has developed one of the most elaborate minority protection regimes in Europe. Parliament has been at the center of this process. Learning from the parliament's successes and failures provides great potential for improving our general understanding of how minority interests can be accommodated by a democratic state.

In preparing this study a number of research strategies were employed. Detailed data on minority representatives in the parliament was assembled using parliamentary records, electoral commission reports, media and academic sources. Electoral laws and parliamentary rules of procedure were scrutinized and studied. Responses to the Inter-Parliamentary Union (IPU) administered survey of parliamentary members and staff were examined. Finally, a number of face-to-face interviews with the members of both chambers of the Romanian parlia-

ment and parliamentary staff were conducted. The list of people interviewed is provided in the appendix to this report.

The report starts with discussing the levels of minority presence in the parliament and examining how proportional this presence is to the minorities' population size. Gender composition of minority representation is also briefly addressed. The next section of the report focuses on electoral rules and mechanisms enabling the access of minority representatives to the parliament. The final section focuses on the legislative organization of the Romanian parliament. It examines rules and procedures that affect minority self-organization in the parliament, regulate minority parliamentarians' access to legislative committees and the plenary floor, and shape the individual legislative behavior of these parliamentarians. The report's conclusion summarizes the main findings of this study.



Minority inclusion levels

Ethnic minorities have enjoyed a considerable degree of representation in the post-communist Romanian parliament. A significant number of minority deputies can be found both in the lower and upper chamber of the Romanian parliament. Minority presence has been especially prominent in the lower chamber, the Chamber of Deputies. This section first describes the situation in the lower chamber. It then turns to discussing minority presence in the upper chamber, the Senate.

A recently published study provides detailed statistics about the level of minority presence in the Chamber of Deputies. Protsyk and Matichescu (2010) relied on expert estimates to calculate the parliamentary shares of each ethnic minority group. Expert estimates were used because no data on ethnic self-identification of individual deputies is collected by the Romanian parliament. The experts were Romanian specialists on minority politics. They were provided with parliamentary roster lists and were asked to indicate which parliamentarians were publicly known to belong to ethnic minorities. There was little disagreement between the experts and the data generated using this method could be considered as providing a conservative estimate of the parliamentary presence of minorities.²

Relying on expert estimates in evaluating the level of minority inclusion is far from being methodologically unproblematic. Yet it provides a useful proxy in cases where a researcher wants to work with individual level data rather than to use such conventional aggregate measures of minority representation as the share of seats controlled by minority parties. A similar procedure for generating expert estimates was recently used for the analysis of minority parliamentary representation in Bulgaria and Moldova (Protsyk & Sachariw, 2010; Protsyk & Osoianu, 2010).

Chamber of Deputies

Table 1 below provides details on the ethnic composition of the Romanian Chamber of Deputies

for the 1990-2007 period. For the purposes of summarizing data, it pools observations across five parliamentary terms (the Chamber has consisted of 332 seats during the last several terms; the count presented in the table includes all deputies who served in the Chamber either for an entire four-year term or for a part of it). Since the minority shares remained relatively stable across individual parliamentary terms – which is largely due to the stability of the electoral system – using this summary is justified. The table indicates parliamentary shares of all ethnic groups represented in the parliament and provides frequency information on a number of deputies of each ethnic background. It also lists the population shares of each group. The last column gives scores for a proportionality of representation index, which is calculated by dividing an ethnic group's proportion in the parliament by its proportion in the population. This proportionality index is usually referred to as the A-ratio (Taagepera & Laakso, 1980). The index provides a single summary figure, where 1.0 symbolizes “perfect” proportional representation, more than 1.0 designates a degree of “over-representation” and less than 1.0 indicates “under-representation”.

Special reserved seat provisions explain the success of demographically smaller minority groups in securing legislative representation.

The aggregate results presented in the table indicate that all minority groups listed in the table, with the exception of the Roma, were over-represented. Special reserved seat provisions, which will be discussed in the next section of this report, explain the success of demographically smaller minority groups in securing legislative representation. The degree of over-representation reported in the table



Minority inclusion levels

TABLE 1
Ethnic background of Romanian legislators, 1990-2007

Ethnicity	Population Share (%)	Legislative Share (%)	Legislative Frequency Count (N)	Proportionality of Representation Index
Romanian	89.47	87.79	1,712	0.98
Hungarian	6.6	7.23	141	1.1
Roma	2.46	0.36	7(5)	0.15
Ukrainian	0.28	0.36	7(6*)	1.29
German	0.27	0.72	14(6*)	2.67
Lipovan Russian	0.16	0.26	5(5)	1.63
Turk	0.14	0.36	7(5)	2.57
Tatar	0.11	0.26	5(5)	2.36
Serb	0.1	0.26	5(5)	2.6
Czech and Slovak	0.09	0.26	5(5)	2.89
Bulgarian	0.03	0.31	6(6*)	10.33
Croat	0.03	0.1	2(2)	3.33
Greek	0.02	0.26	5(5)	13
Jewish	0.02	0.36	7(3)	18
Italian	0.01	0.21	4(4)	21
Polish	0.01	0.31	6(6*)	31
Armenian	0.008	0.26	5(5)	32.5
Macedonian	0.003	0.1	2(2)	33.33
Albanian	0.002	0.15	3(3)	75
Ruthenian	0.001	0.1	2(2)	100
Total	99.81	100	1,950	

Notes

() - numbers in parentheses indicate how many deputies of a given ethnic background were elected through the reserved seat provisions; Czech and Slovak communities initially shared a single reserved seat, which is the reason why the data for these two groups is combined.

* - indicates that two deputies served consecutively in the same reserved seat during a single parliamentary term: 1996-00 – Bulgarian and German minority reserved seats; 2000-04 – Polish; 2004-08 – Ukrainian.

Sources: Population data from the 2002 national census; Legislative data is based on authors' calculations.

Minority inclusion levels

→ is inversely related to the demographic size of the group: the smaller the population share of the group, the more overrepresented the group was in parliament. The extreme values of the proportionality index are a function of the size of the legislature. Since one seat corresponds to a legislative share of 1/332 (.30%), an ethnic minority with a population share less than .30% immediately becomes overrepresented when a minority member occupies a seat.

The success in securing legislative representation by the majority of smaller ethnic groups listed in Table 1 is due exclusively to the reserved seat provisions. Parenthesis numbers in the frequency column of the table indicate how many deputies in each of the smaller ethnic groups entered the parliament through the reserved seat mechanism. Thus, for example, five out of seven Roma deputies and five out of five Serb deputies that served in the national parliament throughout the post-communist period were elected through the reserved seat procedures.

The information provided in the parliamentary shares and frequency columns of the table somewhat inflates the legislative share of some ethnic groups because it includes in the count both those deputies that entered the parliament at the beginning of the term and those who came later in the term as substitutes for deputies who had resigned or died. These overestimations – indicated in the case of reserved seats deputies with an asterisk sign (*) – have only a minor effect on the overall picture of ethnic distribution in parliament as presented in Table 1.

The second row in Table 1 provides information on ethnic Hungarians, which is the largest minority group in the country. The absence of parenthesis next to the number of ethnic Hungarians in the frequency count column indicates that reserved seat provisions were not applied to this group. Political mobilization of ethnic Hungarians at the start of the post-communist transition resulted in the establishment of a minority organization –

In terms of gender parity, the Romanian Chamber of Deputies is firmly positioned on the lower end of the distribution of European parliaments.

the Democratic Union of Hungarians in Romania (UDMR). The UDMR proved to be successful in gaining representation through the regular rules of PR competition in every round of electoral completion after the fall of communism.

In terms of gender parity, the Romanian Chamber of Deputies is firmly positioned on the lower end of the distribution of European parliaments. The percentage of women in the chamber is generally very low. This is despite the presence of some institutional and structural factors consistently associated with higher levels of female representation, such as a PR electoral system (with a medium district magnitude), welfare state socialism, leftist parties in parliament. Yet these underlying factors have not been translated in the Romanian case into gender-related affirmative action policies that are often the most immediate cause of high female representation in parliament. Romania's electoral laws do not have any gender related provisions and political parties have not committed themselves through internal regulations to the use of gender quotas in their parliamentary lists.

Only 7.9% out of 1,950 deputies mentioned in Table 1 are women. The UDMR's group in the Chamber tends to be even less inclusive than the rest of the parliamentary groups. The share of women in the UDMR's group is 2.16%. This is compared to the 10% share of women in the group of reserved seat deputies.

10%

[The] share of women in the group of reserved seat deputies.

Minority inclusion levels



→ Senate

Minority presence in the upper chamber of the Romanian parliament, the Senate, is primarily a product of the UDMR's electoral success. There were between 9-12 ethnic Hungarians in the Senate throughout the post-communist period. They were all elected on UDMR's ticket. Members of smaller minority groups have largely been absent from the Senate. While expert estimates of the ethnic composition of the Senate are not available yet, our interviews indicate that, for example, during the 2004-08 Senate term there was only one senator with an ethnic minority background other than Hungarian.

This senator is Varujan Vosgianian of ethnic Armenian descent. He was elected in the Senate on the ticket of the National Liberal Party (NLP), which is a mainstream political party with a long record of presence in the Romanian parliament. Prior to

entering the Senate for the first time in 1996, Vosgianian served as a minority reserved seat deputy in the lower chamber of parliament. Vosgianian was elected twice to the lower chamber in the 1990 and 1992 parliamentary elections as a candidate of the Armenian minority organization. The availability of reserved seat provisions thus was an important factor in Vosgianian's ascendancy to national level politics.

Overall minority presence in the Senate has been lower than in the Chamber of Deputies. For the 2004-2008 Senate term, for example, 10 seats controlled by ethnic Hungarians plus one seat occupied by Vosgianian translates into an 8% minority share of Senate seats (the Senate had 137 seats during the 2004-2008 term). As can be deduced from Table 1, the average share of minority-controlled seats in the Chamber of Deputies was 12.2%. In terms of gender inclusion, the Senate in general and UDMR's Senate group in particular, have a record which is even worse than the Chamber's record.

Electoral mechanisms favoring minority representation

From the beginning of the 1990s until the 2008 electoral reform, Romania's electoral system combined closed-list proportional representation with generous provisions for minority reserved seats. Closed-list proportional representation rules were designed in a way that permitted the existence and continuing electoral success in PR competition of the party of the largest ethnic minority, Hungarians. The reserved seat provisions, intended to benefit minorities numerically smaller than the Hungarians, were first introduced for the 1990 parliamentary elections and since then the number of reserved seats has been extended to cover all smaller minorities on the "one ethnic group-one reserved seat" basis.

The regular PR procedure was based on closed-list proportional representation in forty two constituencies, with an electoral threshold that was raised from zero for the founding 1990 elections, to 3 % for the 1992 and 1996 elections, and to 5 % for parties and 8+ % for electoral coalitions in the subsequent elections. Seats were allocated proportionately within each of 42 "constituencies" (41 counties plus the City of Bucharest), based on the formula: one seat per 70,000 inhabitants for the Chamber of Deputies; one seat per every 160,000 inhabitants for the Senate. The Democratic Union of Hungarians in Romania (UDMR) has been consistently successful in crossing this electoral threshold. The party's vote share varied between 7.2% and 6.2% throughout this period. The overwhelming majority of deputies listed in Table 1 as having ethnic Hungarian background entered the parliament through the lists of the UDMR. Only two out of 141 ethnic Hungarian deputies reported in Table 1 were elected on the list of mainstream political parties.

The Romanian electoral legislation has also contained very liberal provisions for minority groups to gain representation in the lower chamber of parliament. Already the 1990 law on the organization of elections allowed non-governmental organizations of ethnic minorities to participate in elections. It also granted one seat in the lower chamber of parliament for each minority group that failed to obtain representation through the regular electoral procedure. Minorities could send their representa-

tive to parliament provided they receive at least 5% of the average number of votes needed for the election of one deputy. This provision translated into a requirement to receive, for example, only 1,336 votes in the 1992 elections or 1,273 votes in the 2000 elections. Since 2004 the percentage has been raised to 10% of the average number of votes needed for the election of one deputy. The limit of one seat per minority group imposed by electoral regulations means that in cases where several organizations from the same ethnic group compete, only the one with the largest number of votes gets a seat in parliament. These rules could be conceptualized as single-member plurality elections in a nation-wide constituency.

The Democratic Union of Hungarians in Romania (UDMR) has been consistently successful in crossing the electoral threshold.

The reserved seat provisions encouraged minority electoral mobilization. There were 11 ethnic groups that gained reserved seat representation in the 1990 elections.³ In the following rounds of elections the number of minority groups represented in parliament increased first to 13 after the 1992 elections, then to 15 after the 1996 elections, and later stabilized at 18 after the 2000 elections.⁴ Some of the increase was due to splits inside the groups that in earlier rounds of elections acted as unitary groups: Turks/Tatars, Ukrainians/Ruthenians. Other groups were constructed anew. Groups like Croats, Slav Macedonians, Hutsuls, and Secuis were not even present in the long list of minority groups published after the 1992 Romanian census. By the second half of the 1990s the minority organizations claiming to represent the first two groups were strong enough to win a reserved seat.



18

The number of minority groups represented in parliament after the 2000 elections through reserved seat provisions.

Electoral mechanisms favoring minority representation

- The 2008 electoral reform substituted a closed-list PR system for a more complex electoral system that approximates open-list proportional representation. This change did not have a major effect on the level of UDMR's representation. The overall partisan outcomes have not changed either. One authoritative study of the 2008 parliamentary results, which were generated according to a new electoral formula, claims that that the number of legislative seats per political party in the Chamber of Deputies and in the Senate would have been exactly the same had the 2004 law been retained (Marian & King 2010).

The reserved seat component of the electoral system has not been altered in the course of the 2008 electoral reform. The key provisions remain the same: the Chamber of Deputies, which was elected in 2008, has 18 reserved seat deputies representing 19 minority communities (Czech and Slovak communities continue to run a joint minority organization). There have been, however, a

number of regulatory modifications affecting reserved seat elections. Stricter electoral registration rules passed prior to the 2004 parliamentary elections are the most significant of such modifications. The new registration rules privilege minority organizations represented by sitting deputies. The rules made it much more difficult for non-incumbent minority organizations to contest seats. Such organizations have to submit to the central electoral commission a list of members comprising at least 15% of the total number of citizens who, during the last census, declared themselves members of the respective minority community. The organizations that are represented in the parliament do not have to comply with these requirements. As a result of these modifications, there has been an overall decline in the number of minority organizations participating in the elections. Minority communities' ability to choose among alternative candidates has been significantly undermined by the new electoral registration rules (Caluser and Protsyk, 2010).



Legislative organization

This section examines the rules and procedures affecting the organization of minority interests in parliament. It also discusses minority ability to influence the parliamentary process and legislative outcomes. The section starts by examining the procedures for minority group organization and activity. Committee organization and committee effectiveness in minority related issues is addressed next. The section concludes with some observations on the legislative behavior of individual minority deputies.

Parliamentary groups of ethnic minorities

The Romanian parliament has ethnic minority groups both in the Chamber of Deputies and the Senate. In the Chamber there have traditionally been two such groups: the group of reserved seat deputies and the group of deputies elected on the ticket of the Democratic Union of Hungarians in Romania (UDMR). Throughout the post-communist period the UDMR has also had a parliamentary group in the Senate.

The Chamber rules do not discriminate in any way against the minority deputies elected through the reserved seat provisions. Although they are elected by a much smaller number of votes, the reserved seat deputies have the same rights as deputies elected through the regular electoral procedure. The reserved seat deputies have traditionally formed a parliamentary group of minority deputies elected through the reserved seat provisions. The group is represented in the ruling bodies of the Chamber – the Standing Bureau and the Parliamentary Group Leaders Committee – and is entitled to a proportional share of leadership positions in the Chamber’s permanent committees.

The group exhibits a high degree of internal discipline. The current leader of the group, who has been re-elected into the Chamber since 1996, claimed in our interview that there have been only a handful of cases when the group members were not able to vote unanimously on the floor of the Chamber. The group position is determined by a majority vote

in the group meetings. After a decision is made, individual group members comply with the group position even if they disagreed with it during the group meeting. Given that the group leadership has few means of enforcing compliance which would be comparable to means available for the leaders of parliamentary groups of political parties, a high level of group discipline most likely reflects a strong belief in the value of group solidarity.

Tangible benefits of such solidarity are especially high when the government depends on the reserved seat deputies’ vote in order to pass their legislative initiatives. Given the polarized nature of the Romanian party system, the group of reserved seat deputies has occupied a pivotal position in a considerable number of legislative votes. At the time of our interviews in June 2010, for example, the governing coalition had minority status and relied on the group of reserved seat deputies in order to secure a legislative majority for some of its key legislative initiatives.

Given the polarized nature of the Romanian party system, the group of reserved seat deputies has occupied a pivotal position in a considerable number of legislative votes.

The UDMR’s group in the Chamber operates under conditions similar to those of the group of reserved seat deputies. Its legislative impact is even more considerable given the group’s larger share of legislative seats and its frequent status as an official coalition partner in governing coalitions. The UDMR repeatedly joined the government in the 1990s and 2000s. UDMR’s record of being in government in the 1990s is summarized, for example, by Robotin and Salate (2003). Participation in the government proved to be highly effective in terms of improving



Legislative organization

- the party's ability to secure government support for resolving many issues related to the situation of the ethnic Hungarian community in Romania. The party has also been active in promoting some of the issues on the broader agenda of Romania's ethnic minorities.

Senate rules of procedure are similar to those of the Chamber in terms of asserting the centrality of parliamentary groups in the law making process. The UDMR's group in the Senate enjoys the benefits of representation in the Senate's governing bodies and committee leadership positions. The group's presence in the Senate is highly important in terms of minority-related issues due to the fact that the constitutional distribution of powers designates the Senate as the first chamber for considering draft laws regulating the status of national minorities. The group is thus in the position to have a say in shaping minority-related legislative initiatives. Our interviews with the UDMR's senators indicate a high level of satisfaction with the Senate's legislative output in terms of minority protection.

Committee structure

Neither the Chamber of Deputies nor the Senate has committees dealing exclusively with minority issues. Both chambers, however, have an identically named Committee for Human Rights, Religious Matters and Minorities. These committees have competency over minority-related issues. The parallel structure of these committees reflect the general design of the Romanian parliament. Prior to the 2003 constitutional reform the competencies of the two chambers were not differentiated: a bill could be submitted to either chamber depending on the bill initiator's preferences. Since 2003, draft laws regulating the status of national minorities are considered first by the Senate. The Chamber of Deputies has also retained some competencies on minority-related issues: it is the first chamber to deal with minority language provisions on the levels of local public administration and decentral-

ized public services. Each bill, after it clears the first chamber, has to go to the second one where it is again considered by the relevant committee before going to the floor. A number of minority deputies interviewed in the course of this study voiced support for the existing system, arguing that double scrutiny improves the quality of bills. Parliamentary procedures introduce institutional safeguards against the slowing down effects of double scrutiny – each chamber has to decide on the bill within 45 days and in case of codes or complex laws, 60 days.

The committees are relatively strong in a comparative perspective (Mattson & Strom, 2004). These are permanent specialized bodies that consider bills before the plenary stage and provide recommendations on bill adoption. They can also propose amendments, redraft or initiate bills. A committee to which a bill is referred by the Standing Bureau issues a report, and other committees can be assigned to provide opinions on the bill. Committees have considerable floor-related procedural powers – any amendment proposed on the floor has to go back to the committee responsible for the bill before it is put to the final vote on the floor.

Both the Senate and Chamber's human rights committees have traditionally been chaired by members from ethnic minority groups, as discussed previously. This has been the case regardless of whether these groups were a part of the governing coalition or not. Committee composition in the Romanian case does not necessarily follow partisan lines: the majority of seats in the Senate's Committee for Human Rights, Religious Matters and Minorities at the time of our June 2010 interviews, for example, were controlled by the opposition. The committee members, however, report a good deal of cross-party cooperation on minority issues, which, in the Senators' estimates, occupy around 20-30% of the committee time. They also report a high workload due to staff limitations. The committee has only four employees: a lawyer, human rights expert, secretary, and driver. Individual senators have personal staff only in their constituencies.

Legislative organization

Control of the committee chairmanship has been an important asset in terms of minority ability to affect the legislative process. One example of how this asset is used comes from the legislative activism of the Senate's Committee for Human Rights, Religious Matters and Minorities. Committee's current chairman, Frunda Gyorgy (UDMR). Gyorgy used his participation in the Senate's Standing Bureau meetings to request that bills that do not directly fall under the committee's jurisdiction but are broadly relevant to the committee's work are sent to the Human Rights Committee for an opinion. On many occasions the Standing Bureau agreed with his requests, enabling the Human Rights Committee to take a part in the pre-plenary consideration of various bills. For example, as an official Senate bulletin indicates, during the September-December 2009 session the committee had more bills to provide an opinion on than any other Senate committee.

Many issues important for minority communities do not reside in the Human Rights Committees. The members of minority parliamentary groups are thus interested in serving on a broad range of committees. Having a parliamentary group generally allows minority deputies to secure assignments to their preferred committees. After a decision about how committee seats are allocated among parliamentary groups is approved by a plenary, parliamentary groups decide about filling these positions. In the group of reserved seat deputies, which is not formed on the basis of a common party affiliation and does not have party-based hierarchies, the procedure for committee seat assignment includes a secret vote by the group.

The Romanian Senate's procedures accommodate the interests of smaller parliamentary groups such as the UDMR's group. While the Chamber's procedures allow a deputy to be a member only on one core committee, the Senate rules permit multiple membership. The UDMR's group takes advantage of this procedure to have its members in all committees deemed to be relevant for the group. This

Both the Senate and Chamber's human rights committees have traditionally been chaired by members from ethnic minority groups.

means that some minority Senators serve on two committees, which increases their workload considerably. The problem with minority representation in all relevant committees of the Chamber of Deputies does not arise, given the fact that both the group of reserved seat deputies and the UDMR's group in the lower chamber have enough members to cover all committees.

Legislative output

The existence of a wide diversity of legislative issues that minority parliamentarians consider relevant to their mandate of representing the interests of ethnic minority communities is one important lesson from our interviews. This range of issues is not limited to the questions of maintaining cultural distinctiveness and preserving group identity. In fact, considerable progress in addressing minority cultural concerns was noted by a number of our respondents. They attribute this progress to a number of legislative provisions advocated by minority deputies and enacted by the Romanian parliament throughout the 1990s-2000s.

There is a degree of general agreement about such progress, despite the fact that a comprehensive law on national minorities has been under consideration in parliament for a number of years, without being adopted. The law is envisioned as a wide-ranging document that will provide coherence and unity to various minority protection measures. →

Legislative organization



- The difficulties with passing this document can not be attributed primarily to the failures of minority deputies to convince the majority of the importance of the document. There exist significant disagreements between the reserved seat group and the UDMR's group about some of the bill's key provisions and, as was described by one of our respondents, the majority defers to the minority groups to resolve their disagreements.

In terms of overall legislative output, progress in resolving social and economic issues rather than addressing specific cultural needs has become, in the view of our respondents, a more important criterion by which constituencies judge the effectiveness of their representatives. In the view of some UDMR representatives, global economic crises have raised the salience of employment and social security issues for the ethnic Hungarian community. The UDMR's past successes in securing legislative protection of minority cultural needs do not absolve the party from community criticism for the failure of the governing coalition, of which UDMR is a member, to improve the general state of the national economy.

The social and economic problems of smaller minority communities require their representatives – the reserved seat deputies – to focus on these

general types of issues as well. Problems that these minority communities face are often group-specific. In some cases – when minority communities are rural and territorially concentrated – infrastructure projects such as roads and agro industrial facilities might become important. In other cases – when groups are urban and non-concentrated – other priorities might dominate the agenda of a deputy elected on a ticket of a specific minority group. For example, social security and retirement issues became an important topic for a reserved seat deputy representing the Jewish community, which has a large proportion of ageing members.

Overall, this means that it is difficult to design simple indicators of legislative activism and effectiveness of minority parliamentarians. Some of their legislative activity related to interacting with the executive at the stage of preparation of government-drafted bills or exercising oversight over government agencies might not be easily captured and quantified. Yet having some formal measures of legislative behavior is important for judging the deputies' responsiveness to the needs of their communities. Information technology advances rapidly increase the amount of information on legislative activity available for experts, scholars, non-governmental organizations, and the interested public.

In the case of the Romanian parliament, there is a well-developed website that contains a wide range of information on individual deputies. The available information includes roll-call data; transcripts of parliamentary debates and hearings; committee decisions and resolutions on individual bills; documentation on committee membership, parliamentary group affiliation, and parliamentary group change by individual deputies; records of individual legislators speeches, bill sponsorship, and interpolations/requests to the executive agencies. Our interviews reveal that the media and general public pay a considerable amount of attention to this data, which allows effective monitoring of the work of the Romanian parliament.

Conclusion

Romania has achieved considerable successes in terms of minority inclusion in parliament. Most of its minority groups have been either overrepresented or proportionally represented in the parliament. The electoral system - a combination of proportional representation and reserved seat provisions - has been instrumental in securing high levels of minority representation. The country's largest minority group - the Hungarians - has consistently gained representation through the PR channel of the electoral system. Smaller minority groups benefited from the reserved seat provisions. Both types of electoral provisions used in Romania are among those that the literature recommends for ethnically diverse societies.

The Romanian design of electoral institutions is, however, not entirely unproblematic. A key element in most variations of PR systems - electoral threshold - had two distinct types of adverse effects on political participation of the country's large minority groups: Hungarians and Roma. While the use of PR provisions ensured a proportionality of representation of the ethnic Hungarians, this has been achieved at the expense of intra-group political openness. A high electoral threshold has had the effect of institutionalizing a one-party monopoly on group representation in the case of the Hungarian community. This monopoly could be one of the causes of the party's lack of social inclusiveness, which is reflected in the very limited presence of women in the Hungarian parliamentary group.

The same threshold has deprived a second group, Roma, of chances to secure a PR-based presence in the national parliament. Such a presence would be more adequate than the reserved seat representation granted to Roma under the existing electoral rules. Under the current electoral system, Roma remain significantly underrepresented. Given the multiple problems and challenges that the community faces, securing a greater presence of Roma deputies in the parliament would considerably enhance parliament's ability to address Roma issues. Lowering the electoral threshold for ethnic minority parties might be an option worth considering by Romanian decision makers. Such an option has, for

example, been implemented with respect to the German-speaking minority in Italy and the Danish minority in the German state of Schleswig-Holstein.

Rules and procedures employed by the Romanian parliament for organizing its internal work have generally been conducive to minority representatives. A key benefit highlighted in this report is an opportunity to create minority parliamentary groups and to participate in the allocation of parliamentary leadership positions. Minority groups have repeatedly been included in Romania's governing coalitions. Participating in the government has had the effect of strengthening their ability to secure legislative majority support for minority-related legislation. Membership in a wide range of parliamentary committees has also been instrumental for minority groups' effectiveness in promoting a minority-related agenda. The existence of an informal norm that grants the chairmanship in the Committee for Human Rights, Religious Matters and Minorities to a minority member in both chambers of parliament allowed minorities to exert a high degree of influence over matters that directly affect them.

Securing a greater presence of Roma deputies in the parliament would considerably enhance parliament's ability to address Roma issues.

Minority successes in parliamentary self-organization and group work have some problematic side effects. One of them is the lack of mainstream parties' engagement with minority issues. As the responses of mainstream party representatives to the IPU survey reveal, mainstream parties see minority issues as entirely owned by parliamentary minority groups. The mainstream parties neither



Conclusion

- seek to recruit minority members in their ranks nor try to develop coherent policies on minority issues.

Finally, it has to be noted that the Romanian parliament does a good job in providing their minority citizens with the means of monitoring the work of their representatives. Detailed records of legislative activity of individual deputies

are constructed and continuously updated by parliamentary information services. The records are an important source of information for the media and general public. They help to address informational asymmetries between minority constituencies and their representatives and generally improve minorities' ability to hold their representatives accountable.



Annex 1:

List of interviews, Romanian Parliament, June 28-29, 2010

Senate Committee for Human Rights, Religious Matters and Minorities

- Frunda Gyorgy (UDMR), Committee President
- Emilian Francu (PNL), Committee Vice President
- Mihai Nita (PD-L), Member

Senate Committee for Legal Affairs, Discipline and Immunities

- Adrian Țuțuianu (PSD), Member
- Gyerko Laszlo (UDMR), Member
- Gunthner Tiberiu (UDMR), Member

General Secretariat of Senate

- Elena Diaconu, Staff Member

Chamber of Deputies: National Minorities Group

- Varujan Pambuccian (Armenian Minority), Group President
- Grosaru Mircea (Italian Minority), Group Secretary
- Oana Manolescu (Albanian Minority), Member

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- 1 The terms 'parliamentarians', 'representatives', 'members', 'deputies' are used to refer to members of both the Chamber of Deputies and the Senate, except where a single chamber is specified in the text.
- 2 The proposed method might underestimate the number of minorities in the parliament as some deputies might choose to abstain from acknowledging their ethnic minority roots and from advertising their minority community membership. This is especially an issue in the case of stigmatized and marginalized minority groups.
- 3 These minority groups were: Germans, Roma, Russians-Lipovans, Armenians, Bulgarians, Czech/Slovaks, Serbs, Greeks, Poles, Ukrainian, Turks.
- 4 Minorities that gained reserved seat representation in the subsequent rounds of elections were: Italians, Turks, Albanians, Jews, Croats, Ruthenians, and Slav Macedonians.

Image references

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About the project

Promoting inclusive parliaments: The representation of minorities and indigenous peoples in parliament

Many situations around the world demonstrate that an adequate representation of minorities and indigenous peoples in policy- and decision-making by society is instrumental in breaking the cycle of discrimination and exclusion suffered by members of these groups, and their ensuing disproportionate levels of poverty.

Yet minorities and indigenous peoples often remain excluded from effective participation in decision-making, including at the level of the national parliament. One of the criteria for a democratic parliament is that it should reflect the social diversity of the population. A parliament which is unrepresentative in this sense will leave some social groups and communities feeling disadvantaged in the political process or even excluded altogether, with consequences for the quality of public life or the stability of the political system and society in general.

The Inter-Parliamentary Union (IPU) and the United Nations Development Programme (UNDP) are undertaking a project which aims to understand and promote the effective representation of minorities and indigenous peoples in parliament. The objectives of the project are to:

- Increase knowledge of the representation of minorities and indigenous peoples in parliament
- Provide tools for parliaments and other stakeholders to promote inclusive parliaments
- Build capacity to advocate for more inclusive parliaments

The project is funded by the Canadian International Development Agency (CIDA) for the period 2008-2010. More information is available at www.ipu.org/minorities-e and <http://www.agora-parl.org/node/1061>.

Case studies

Case studies are being carried out in selected parliaments in every geographic region. Case studies aim to gather first hand experiences from parliaments on working methods, procedures, challenges and opportunities for working towards more inclusive parliaments. Interviews with leading actors inside and outside parliament inform the preparation of each case study.

The case studies seek to:

- Describe the current level and historical trends of representation of minorities and indigenous people in parliament, including from a gender and social perspective.
- Investigate the main challenges that minority or indigenous representatives face as members of parliament.
- Identify how parliament as an institution seeks to include minorities and indigenous peoples in its work.
- Identify examples of good practice, and highlight particular challenges to be addressed.



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