

CG/BUR (11) 25

Report on the Observation of Local and Regional Elections in Romania

President of the Delegation : Günther Krug (Germany, R, SOC)

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Introduction

A delegation from the Congress observed the local and regional elections in Romania on the 6 June 2004.

These were direct elections for the post of mayor in all municipalities, including the capital city of Bucharest and its 6 sectors; other major cities; and list elections for members of local and regional (Judet) councils.

On the 20 June, a second round was held, for the election of mayors not having achieved an absolute majority in the first round.

This report contains full details of the mission which looked both at the electoral campaign and the day of polling, 6 June. It is preceded by the overall analysis of the delegation, issued as a press release on the day after polling.

1. View of the Delegation

The conclusions of the delegation, as contained in the Press Release of 7 June, were as follows:-

"Well-organised, transparent and respecting the standards of a democratic society" was the verdict of Günther Krug (Germany), Vice-President and Head of the Congress delegation, present in Romania to observe elections for the posts of mayors, municipal and regional councillors on 6 June.

The Congress delegation met leaders of the principal parties, candidates, central and local election committees, representatives of national ministries, minority groups and representatives of civic society, in order to assess the electoral campaign and, on the day of polling, visited voting stations in Bucharest, Cluj, Brasov, Ploiesti, Braila, Buzau and their surrounding regions.

"Clearly, there is room for improvement: clarification of parts of the electoral law which gave rise to divergent interpretation: reconsideration of the conditions for representation of minority groups, outside the Romanian Parliament: more balance in the publicity campaigns and finance of candidates" Mr Krug continued "but the election was characterised by dialogue, informed debate, considerable media attention: gave satisfactory guarantees for the free and secret exercise of voting rights; was conducted in a peaceable manner and remained within the limits of legitimate electoral practice. It represented a positive further step in the development of a mature and stable democracy in Romania".

2. Background

After the fall of the Ceausescu regime, the first local and regional elections in Romania were held in 1992. These were observed by the Congress (see report CPL/P 2649 of 25 March 1992).

Further elections were held in 1996 and 2000. No Congress delegation was present.

The current 2004 elections were therefore the second observation mission of the Congress in Romania.

3. Invitation

In a letter dated 6 April 2004, addressed to DDr van Staa, the President of the Congress, the Minister of Foreign Affairs of Romania, Mircea Geoana, invited the Congress to observe the elections, "in the spirit of total transparency of the democratic process in Romania".

DDr van Staa, in his reply of 14 April accepted this invitation, confident that such an observation "will confirm the gradual progress made by Romania towards genuine local democracy".

Accordingly, the Bureau of the Congress appointed a delegation at its meeting on the 23 May 2004.

4. Delegation

Members of the delegation, in alphabetic order, were:

- Mr Carlo Andreotti, Italy
- Mr Joseph Borg, Malta
- Mrs Ayse Bahar Cebi, Turkey
- Mr Tomas Jirsa, Czech Republic
- Mr Gunther Krug, Germany (Head of Delegation)
- Mr Pascal Mangin, France

The accompanying Secretariat were Richard Hartley, Secretary of the Chamber of Local Authorities and Christine Belenesi, Finance Officer.

5. Background Information for the Delegation

Before departure, members of the delegation were brought up-to-date about recent involvement of the Congress in Romania, as follows:-

a. A Report on Local Democracy in Romania

This was prepared in 1995 with accompanying Recommendation 12, with proposals about new legislation. It contained observations on excessive control by central Government over local authorities, including the dismissal of Mayors.

The report on Romania was, in fact, the first national monitoring report undertaken by the Congress.

To note that Romania ratified the European Charter of Local Self-Government in 1997.

b. An Information Report on Local and Regional Democracy in Romania in 2002 (Rapporteurs: Mr Frécon and Mr Van Nistelrooij).

This report, based on two visits in October 2001 and February 2002, looked particularly at the application of a new law on local public administration and noted some improvements, a better institutional dialogue between central and local authorities; more training programmes for local public services.

However, the report criticised the situation regarding the financial resources of local authorities (the transfer of responsibilities to local authorities without adequate finance); political migration by Mayors from the opposition parties to the ruling Social Democrat Party; the difficult situation in Bucharest with the General Mayor, belonging to the opposition, being in direct conflict with the Municipal Council, with a Social Democrat majority; and the need for acceleration of regional democracy.

c. A Follow-up to the Information Report in 2003 (Rapporteur Mr Frécon)

This noted the same problems of political migration of Mayors, the continuing difficulties in Bucharest with the suspension of the Municipal Council and the subjective and unequal control of local authority funding by the regional Judets.

d. Seminar in Sinaia on Regionalisation, December 2003 and meeting of a Task Force on Regionalisation, Sinaia, January 2004

These two events, attended by representatives of the Congress (the President and Mr Andreotti in December 2003 and Mr di Stasi and Mr Cuatrecasas in January 2004) reviewed the current situation and proposals for reform of regionalisation in Romania e.g. the reduction of the number of counties (Judets) and the status and possible democratic transformation of the 8 economic development regions.

e. Visit of the President of the Congress to Romania, December 2003

The President of the Congress, Dr van Staa, accompanied by Mr Andreotti and the Secretariat, visited Romania on 3-5 December 2003, at the invitation of the Prime Minister,.

The visit included participation in the seminar on decentralisation in Romania, held in Sinaia (see above item d.) and discussions with government, Judet and local authorities about local finance; the political migration of Mayors; the situation in Bucharest and other major towns; and administrative reform.

f. Presence of Secretary of State, Mr Profiroiu at the Spring Session of the Congress, March 2004

Mr Profiroiu confirmed his conviction that "democracy and stability depends, to a great extent, on local democracy", and referred to some recent positive achievements:-

Accelerated reform of public administration; the international Conference in Sinaia, in December 2003 on decentralisation and regionalisation; an outline law on decentralisation, currently under discussion.

This law would include regulations about the Prefect system; local authority responsibilities; the capital city; major urban areas; inter-communal cooperation.

It would also reinforce the role of the Mayor vis-à-vis the Judet Councils; and provide that the transfer of responsibilities to local authorities will be accompanied by equivalent finance.

6. The Election Campaign in 2004 – Some Prior Issues

Some matters had been brought to the attention of the Congress Secretariat during the campaign and prior to the departure of the delegation.

a. The Situation in Bucharest

The election for the General Mayor was highly visible. The current Mayor Mr. Basescu, also President of the Democratic Party, was standing. Also candidates were Mr Geoana, Minister of Foreign Affairs in the Social Democrat Party; and Mr Ciorbea, former Prime Minister and President of the EPP/CD Party.

The Romania Mare and the Humanist Party were also fielding candidates.

The Congress had repeatedly received correspondence from the Democratic Party, protesting against alleged attempts by the Government, to destabilise, through the General Council of Bucharest, the position and authority of the General Mayor.

Also critical was the relationship between the General Mayor and Mayors of the 6 main sectors of Bucharest.

The Congress had proposed, on several occasions, the adoption of a new law on the Statute on the capital city, which would define more clearly respective roles. This has been promised, but had still not been enacted.

b. Political Migration of Mayors

Since the previous local elections in 2000, a substantial number of Mayors of the opposition parties, particularly in rural areas, had changed their political allegiance to the Social Democrat Party, i.e. the ruling Government party. Estimates were an increase from 27% in 2000 to nearly 80% of mayors in 2004 who became members of the PSD party.

An example brought to the attention of the Congress comes from Mr Funar, Mayor of Cluj and leader of the "Greater Romania" Party. He had sent to the Congress information concerning the alleged pressure by the President of Vrancea County on a prominent local Mayor to become a member of the Social Democrat Party.

Whilst it was not for the Congress to investigate this particular incident, it was symptomatic of the allegations about pressures on Mayors to change loyalties.

Several reasons had been put forward; reduction of a clash between the Mayor, of one party and the Municipal Council of another; the facilitation of funding from Government sources; making it easier to get things done; and deliberate attempts to recruit to the Government party.

Political migration had happened before the elections in 2000. It would remain a problem, as long as there was lack of legislation and lack of clarity in the distribution of funds to local authorities.

c. Association of Mayors of Major Cities (Bucharest, Timisoara, Brasov, Giurgui, Deva, Cluj-Napoca).

This group of opposition Mayors had stated to the Congress that local self-government "is threatened by the excessive role of the Prefects", which can suspend decisions of local authorities. They complained of political motivation in the distribution of state funds by the Judets, of which 34 of the 41 were controlled by the governing party; and the influence of the Government on some Municipal Councils to upset the work of their Mayors of a different political allegiance.

The Mayor of Brasov, Mr Ghise, had presented the Congress with a report on this question.

d. The Politics of the Hungarian minority

Until recently, the Hungarian minority had been represented solely by the UDMR, a partner of the PSD in the Romanian parliament.

A "breakaway" group had been formed in the last few months, the Hungarian Civic Alliance, which contested the supremacy of the UDMR and had wished to put up candidates for the local and regional elections on 6 June.

However, the electoral law, adopted by the Parliament of Romania in March 2004, stipulated a number of conditions for representation of minority groups, other than those already represented in the Parliament of Romania.

The main condition was that signatures should be collected from at least 15% of the total minority population, or 25,000 persons, whichever was the lower figure. Furthermore, a minimum of 300 signatures had to be collected in at least 15 different counties.

This stipulation had been the subject of a motion presented to the Parliamentary Assembly of the Council of Europe and referred by its Bureau to the Venice Commission for an opinion.

In the meantime, the Hungarian Civic Alliance would not be putting up candidates. Although it had collected the desired number of signatures, the Central Electoral Commission had not validated its application, on the grounds of alleged irregularities in the verification of signatures.

The Congress would be meeting representatives of both the UDMR and the Civic Alliance.

7. The Role of the Observer delegation

The Congress delegation was advised that it should be looking closely at features of the electoral campaign, particularly matters such as fair and equal access to media and finance. The matters referred to above, under Chapter 6, would certainly come to light, but they would only be relevant insofar as they affected the campaign.

Meetings had been arranged with the leaders of the principal parties and some main candidates, in the places to be visited. Some of these meetings would therefore take place on Sunday, 6 June, the same day as polling.

Such meetings were just as important as the visits to polling stations. They would give a picture of the problems encountered during the campaign.

Concerning the visits to the polling station, it was important that delegates speak to the domestic observers present in the polling stations, for their opinions, as well as to members of the polling station commissions.

8. The Main Political Parties Contesting the Elections

Of the 45 parties, alliances and ethnic organisations contesting the election, the main ones were:-

a. The Social Democrat Party (PSD), the current government majority party. The PSD was fielding two political "heavyweights":- in Bucharest, for the post of General Mayor, Mircea Geona, the current Minister for Foreign Affairs; and, in Cluj, Ioan Rus, Minister for Administration.

The PSD had made a particular point of presenting women and young candidates (respectively 25% and 22% of total candidate numbers).

b. The National Liberal Party (PNL) and the Democrat Party (PD), in a formal alliance 'Justice and Truth', in Bucharest and Cluj, where their main candidates were Traian Basescu, a candidate to his own succession as General Mayor of Bucharest; and Emil Boc for Mayor in Cluj

Elsewhere, the two parties were running separate candidates but would be supporting each other, wherever possible, in the second round.

c. The Romania Mare party (PRM), a right wing party with prominent candidates in Bucharest (Dumitru Dragomir) and Cluj (Georges Funar, the incumbent mayor).

d. The National Peasant Christian Democratic Party (NPCDP), with a former Prime Minister Victor Ciorbea, as candidate for the General Mayor of Bucharest; and a strong candidate in Timisoara for the post of mayor.

e. The Hungarian Democratic Union of Romania, UDMR, the principal representative body of the Hungarian minority, which had concluded a formal agreement of support in the Romanian parliament with the ruling PSD. For example, the UDMR was supporting the PSD candidate in Cluj, a town with 35% of Hungarians.

f. The Romanian Humanist Party, fielding many women candidates, including one for the post of General Mayor of Bucharest, Monica Tatoi.

9. Programme of the Delegation

In Bucharest on 4 and 5 June, the delegation met the Central Election Commission, leaders of political parties and groups, candidates, senior officials in ministries, representatives of Parliament, the Senate and representatives of civic society.

A meeting and lunch was held on 5 June near Ploesti with the members of the Romanian Delegation to the Congress, after which the delegation was divided as follows:

- a. Cluj** – Mr Borg and Mrs Cebi
- b. Brasov and Ploesti** – MM Mangin and Jirsa
- c. Buzau and Braila** – Mr Andreotti and Mrs Belenesi
- d. Bucharest** – Mr Krug and Mr Hartley

The places were selected because of their political significance.

On the day of polling on the 6 June, the members of the delegation teams had further meetings with local election commissions, local representatives of political parties and candidates; and visited in total over 60 polling stations.

Full details of the whole programme appear in the appendix.

10. The Election Campaign

a. Organisation

The elections were run according to a new law no 67/2004, published in the Official Gazette of 29 March. The new law, made necessary because of amendments to the Romanian Constitution in 2003, was the result of extensive all-party discussions in Parliament. Although parts of it were open to different interpretations, and was the subject of controversy, the law nonetheless contained comprehensive and detailed provisions for all aspects of the electoral process.

The elections were well organised by the Ministry of the Interior, through National and County Technical Committees, responsible for the practical, logistical, security and training aspects.

A Central Election Bureau was responsible, together with County and constituency Electoral Commissions, for the organisation of voting.

The members of the Central Election Bureau were made up of 7 judges, drawn by lot, from the High Court of Cassation and Justice, with 11 representatives of political parties and alliances, both from inside and outside Parliament. These were joined by two members of the Permanent Election Authority. Parallel bodies, such as the Audio-Visual Council and a "transparency" Committee, with, for the latter, a membership which included representation of parliament and the media, existed in order to ensure equity.

The County and Constituency Election Commissions also included representatives of the principal parties and alliances. Whilst their Presidents were not always 'jurists', as required by the law, they were selected from professional, union and academic categories.

b. Features of the Campaign: Some Allegations and Criticisms

Although the 30-day long campaign passed off without major incident, the delegation was aware of a number of criticisms.

The Central Election Bureau was faced with requests of interpretation of the law and complaints from parties concerning matters such as appointments of Presidents and vice Presidents of Electoral Boards and/or Polling Stations; the involvement of Prefects in the campaign; order of printing of parties on ballot papers. Their responses were not always considered rapid or fair. It was thought inappropriate by opposition parties that two of the three members of the Permanent Election Authority, present on the Central Bureau, were PSD members.

Although there was clear legislation on the limits to campaign finance, it did not always seem to be strictly applied. Organisations such as Pro Democracia produced figures allegedly to show excessive financing by the governing party, particularly in Bucharest and Cluj where the delegation could witness itself the saturation of the cities by campaign posters for the PSD candidates, probably in the end counter-productive.

Allegations were made of the use of public funds by incumbent Mayors and councillors for electoral purposes; the involvement of Prefects in the campaign; and the delegation heard stories, uncorroborated, of gifts and handouts of money and goods, particularly in rural areas. On more than one occasion, the delegation heard of 'special discounts' which were available, as an answer to accusations of excessive spending.

Access to media was regulated, to avoid discrimination. Time on TV was carefully controlled, even with monitors on the screen. However, parties outside parliament were limited in access and although TV time was free, there were 'production' costs which had to be met. There were complaints about political bias of TV anchormen, both on National and on Private TV companies. Inevitably, members of the government had TV coverage as part of their official public responsibilities, the line between such legitimate coverage and campaign coverage being difficult to draw.

Political debate in the campaign was also conducted at the level of persons, rather than platforms or programmes. This personalisation of politics occasionally reached risible proportions, with the same posters depicting, as in Cluj, one candidate as a serious and productive person, the other as a bibulous and unsuccessful one.

There was also controversy over article 7 of the Electoral Law which discriminated between parties, groups and ethnic minorities represented in parliament and those outside, both in terms of fielding candidates and access to media. Much of this controversy concerned the representation of the Hungarian minority, to which a particular reference is made below, under chapter 11, of this report.

11. The Hungarian Minority

In August 2003, the Hungarian Civic Alliance was established, contesting the supremacy of and wishing to establish itself as an alternative to the UDMR in representing the Hungarian minority in Romania.

Article 7 of the Electoral Law stipulated a certain number of conditions for parties and groups outside the Romanian Parliament (the case for the Civic Alliance but not the UDMR), which wished to put up candidates for the elections on 6 June.

In order to qualify, the membership of a party had to amount to at least 15% of the whole minority population, according to the last census. In the case of the Hungarian minority, it meant at least 25,000 persons. This had to be proved by lists, containing full name, date of birth, address, registration number of the identity document and signature of each of the 25,000 persons. In addition, not less than 300 signatures had to be collected in at least 15 different counties of Romania and in the municipality of Bucharest. None of these conditions were applicable to parties already represented in the Parliament.

In accordance with the law, the Hungarian Civic Alliance proceeded to collect signatures (over 54,000), and did so despite new legislative conditions added just before the deadline. Nonetheless, the Electoral Board rejected the application of the Civic Alliance, on the grounds of discrepancies in the signatures, with the result that no candidates of this group were able to stand for election.

A Motion was tabled in the Parliamentary Assembly of the Council of Europe, on 27 April, protesting against this situation and asking the Assembly to prepare a report. The Bureau of the Assembly postponed a decision on the follow up to the Resolution, pending an opinion by the Venice Commission.

Echoes of the controversy continued to the eve of the election. The Congress delegation received appeals and documentation relating to alleged intimidation of supporters of the Civic Alliance and, two days before the election, the Central Electoral Commission was faced with a request from the vice-President of the European People's Party and President of the FIDESZ party, Mr. Viktor Orbán, former Prime Minister of Hungary, to accredit 11 observers to voting stations in Odorhei Secuiesc. This request was accepted by the Central Election Bureau but also resulted in a request made by the UDMR to the Congress delegation to visit the area in question, in a sense to observe the observers. The Congress was unable to accede to this, because of its earlier arrangements.

Pending the outcome of the examination by the Venice Commission, the Congress delegation does not wish to pronounce on Article 7 of the Electoral Law, nor would make any judgement about the movements within the Hungarian minority; but it does raise the question as to the appropriateness of applying national parliamentary criteria to representation in local elections. What may be valid for a national election may not be the case for a local election.

12. Polling Day - 6 June

Congress delegates, in the towns and localities where they were present, visited polling stations, as from their opening at 0700 until their closing at 21.00. In all, approximately 50 polling stations were visited, chosen at random. The Congress observers had the opportunity to speak to the Presidents and members of the local electoral commission, domestic observers, candidates and representatives of parties and domestic observers organised by Pro Democracia, LAD and other civic society groups.

Interspersed during the day were meetings with candidates, particularly outside Bucharest in places where the Congress teams did not arrive until Saturday evening.

Delegates were satisfied with the procedures for voting, understood both by the polling station commissions and the public. TV had given a great deal of guidance in the electoral period to the public, about the mechanism of voting. Cancelled sample ballot papers were shown outside, as guidance. Electoral lists had been published and displayed in advance. Supplementary lists were available for voters who were not on the lists but could prove identity and residence.

Ballot boxes had been properly sealed. The use of mobile ballot boxes, for voters prevented from personal attendance through illness or handicap, was accompanied by necessary guarantees against fraud. Presidents of polling stations knew precisely the procedures for stamping and returning unused ballot papers. Military conscripts had been given leave and train fare costs to vote in their constituencies. Prisoners entitled to vote could so upon prior request. The electoral law provided for assistance for voters unable to read or write, obviously with a degree of risk but outweighed by the benefits.

Police and security staff were visible outside polling stations but not inside, in accordance with the law. Campaign material of candidates was occasionally visible within the prescribed 500 metres of polling stations but this was without major significance, in the view of the delegation. The incidence of family voting was less than on previous occasions.

The Congress delegation noted some improvements which could be made. Ballot papers, according to the electoral law, had to be folded, with the official stamp outside, before being placed in the ballot box. This was sometimes done, sometimes not.. There was doubt in the minds of some Presidents of polling stations as to whether unfolded ballots were valid. There needs to be more clarity about this.

In all polling stations, there were elections for three positions (Mayor, Municipal Council or Regional Council): in the case of Bucharest, for four (General Mayor, General Council, Sector Mayor, Sector Council). However, there was only one ballot box, occasionally two, which made counting unnecessarily laborious. The counting also took a great deal of time. In some cases the results were not available until a week afterwards; the longer counting takes, the more opportunity there is for fraud. Counting time could also have been reduced by having more polling stations, particularly in the more heavily populated urban areas.

In Bucharest, members of polling stations commissions could not vote for their local councils or their local Mayors, if they were in polling stations outside the districts of their residence. In some cases, Presidents of polling station permitted periods of absence to enable members of teams to vote, in others not so.

13. Press Conference and Visibility of the Congress Delegation

The media was fully aware that the Congress delegation was present in Romania and a number of interviews were given at periodic stages during its stay, by individual members of the team and the Secretariat.

Members of the delegation returned to Bucharest early on Monday morning 7 June, for a debriefing and adoption of a Communiqué. A Press Conference was subsequently held at the Diplomatic Club, in the presence of TV cameras and approximately twenty journalists. The Head of the delegation, Günther Krug, made an initial statement, supplemented by additional remarks from members of the delegation.

The coverage in the media was considerable. The Information Office of the Council of Europe in Bucharest is putting together a press review.

14. Results

Turnout in the first round on 6 June was 54.23% of the electorate.

Following the first round, a second round took place in 1843 municipalities where there was no absolute majority for the post of Mayor; and in five of the six sectors of Bucharest.

On the 27 June, a third round was held in four municipalities, because of identical number of votes for candidates during the second round.

The official results, from both rounds, as published by the Central Electoral Bureau are:

1. Party percentages

Regional Council Elections (6 and 20 June 2004)

Total electoral list. 18.278.990
Total number of voters 9.911.813
Participation. 54,23%
Total votes: 9.043.072 (91,24%)
Spoilt ballot papers 856.864 (8,64%)
Total number of elected positions 1.436

	Number of votes	% of total votes
PSD	2.957.617	32,71
PNL	1.445.674	15,99
PD	1.156.867	12,79
PRM	732.935	8,10
PUR	543.860	6,01
UDMR	513.165	5,67
„DA”Alliance	459.466	5,08

Briefing of the Report on Local Council Elections 6 June 2004

Total electoral list: 18.278.990
Total number of voters: 9.911.813
Participation: 54, 23 %
Total votes: 9.258.091 (93,40 %)

Spoilt ballot papers 641.334 (6,47 %)
Total number of elected positions: 40.031

	Number of votes	% of total votes
PSD	2.951.226	31,88
PNL	1.423.479	15,38
PD	1.187.378	12,83
PRM	725.638	7,84
PUR	586.673	6,34
UDMR	455.625	4,92
"DA" Alliance	404.557	4,37

Briefing of the Report on General Mayor of Bucharest Municipality Elections 6 June 2004

Total electoral list: 1.770.220
Total number of voters: 778.285
Participation: 43, 97 %
Total votes: 759.153 (97,54 %)
Spoilt ballot papers: 17.600 (2.26 %)

	Political Party	Number of votes	% of total votes
BASESCU Traian	"DA" Alliance	417.153	54,95
GEOANA Dan Mircea	PSD	225.774	29,74
DRAGOMIR Dumitru	PRM	56.776	7,48
TATOIU Monica-Silvia	PUR	17.384	2,29
CIORBEA Victor	PNTCD	9.819	1,29

Briefing of the Report on Mayors Elections 6 June +20 June + 27 June 2004

Total electoral list: 18.264.324
Total number of voters: 9.580.867
Participation: 52,46 %
Total votes: 9.344.327 (97,53 %)
Spoilt ballot papers: 224.952 (2.35 %)
Total number of elected positions: 3.137

	Number of votes	% of total votes
PSD	3.908.895	41,83
PNL	1.607.571	17,20
PD	1.401.471	15,00
PUR	457.271	4,89
"DA" Alliance	443.128	4,74
UDMR	377.073	4,04
PRM	316.671	3,39
	Number of mandates	% of total mandates
PSD	1702	54,26
PNL	443	14,12
PD	380	12,11
UDMR	186	5,93
PUR	124	3,95
PRM	82	2,61

PSD= Social-Democrat Party, DA Alliance= Liberal National Party and Democrat Party Alliance, PRM=Romania Mare Party,
PUR=Romanian Humanist Party, UDMR=Democrat Union of Magyars in Romania, PNTCD= National Democrat Christian Peasant
Party; FDGR= German Democratic Forum in Romania

2. Some individual results

(Awaiting results from CEB)

15. Conclusion

Inevitably, accusations of fraud were made by one party against another. Criticism was levelled at the Central Election Bureau in being too slow, not firm enough and less than transparent in answering complaints; there were undoubted imbalances in publicity and advertising;.

There certainly needs to be more control and transparency on campaign spending. Adequate legislation exists but it should be applied more rigorously. Like Caesar's wife, parties and particularly government parties should be above suspicion in this respect. The use of public office and public funds for partisan electoral purpose is an abuse of positions of authority; betrays public trust and, in an informed electorate is often counter-productive. Prefects should also take care to remain objective in the electoral campaign and process.

Political debate should be more constructed around programmes, not persons. The proliferation of parties, without distinct programmes, does not serve the electoral process and creates public cynicism.

Improvements and clarification should be made to the electoral law. Some have been mentioned in this report. There should not be new, last minute regulations changing the rules and procedures, as was the case in relation to representation of non-parliamentary parties and groups. There should be more women candidates.

Above all, the case for discriminating in local and regional electoral rights between parliamentary and non parliamentary parties and groups requires further consideration.

Transparent, limpid and responsible elections require transparent and limpid administrative legislation and practice. That is why it is important to reduce political migration, by legislation and by having clarity and impartiality in the distribution of state funds. In Bucharest, the relative responsibilities and finances of the General Mayor and the General Council; the Sector Mayors and the Sector Councils need to be clarified, as no doubt will be done in the promised new law on the capital city. The position of the state apparatus and particularly the institution of the Prefect vis-à-vis elected regional and local bodies, needs to be impartial and consistent. These are reforms which have been promised, over the next two years. The Congress rapporteurs on local and regional democracy in Romania will certainly wish to monitor such progress.

Notwithstanding the above comments, the Congress delegation was satisfied that the election campaign and the day of polling had been well organised and had been conducted within accepted standards of democratic electoral practice.

16. Acknowledgements

The delegation of the Congress and the Secretariat would like to put on record the considerable assistance of the Romanian authorities in the preparation and conduct of the visit.

In particular the delegation would like to thank senior officials of the Ministry of Administration and Interior Elena Ciocan and Carmen Stefan and Gheorghe Magheru and Anton Pacuretu, respectively Permanent Representative and Deputy-Permanent Representative of Romania to the Council of Europe.

The delegation would also like to thank Mrs Miriana Nitelea, Director of the Information office of the Council of Europe in Bucharest for help given to the Congress delegation and its Secretariat.

Appendix

A) PROGRAMME TEAM 1

The Delegation of the Congress of Local and Regional Authorities

- June 3-8, 2004 -

Bucharest

Componence:

- 1. Günther KRUG** – Head of Mission, Germany, The Chamber of Regions
- 2. Richard HARTLEY** – Secretariat, the Congress of the Local and Regional Authorities
- 3. Amalia Cristina DOBRESCU** – translator

B) SCHEDULE – SECOND TEAM OF THE CONGRESS DELEGATION

- June 3-8, 2004 -

Braşov şi Prahova Counties

Members of the Second Team:

- 1. Tomas JIRSA** – The Czech Republic, Chamber of Local Authorities
- 2. Pascal MANGIN** - France, Local Chamber of Local Authorities
- 3. Olivia HORVATH** - interpreter

C) PROGRAMME TEAM 3

The Delegation of the Congress of Local and Regional Authorities

- 3-8 iunie 2004 -

Brăila and Buzău Counties

1. **Carlo ANDREOTTI** – Italy, The Chamber of Regions,
2. **Christine BELENESI** – Secretariat of the Congress of the Local and Regional Authorities
3. **Aurelia Marinela ILIE** - translator

D) SCHEDULE OF THE FOURTH TEAM OF THE CONGRESS DELEGATION

- June 3-8, 2004 -

Cluj County

Members of the Fourth team:

1. **Joseph BORG** – Malta, Chamber of Regions, European Popular Party Group
Christian-Democrat
2. **Aysa Bahar CEBI** – Turkey, The Chamber of Local Authorities, European Popular Party Group
Christian-Democrat
3. **Decebal UNGUREANU** – interpreter