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Marius I. Tătar



**IMPORTING DEMOCRACY
FROM ABROAD**

**INTERNATIONAL ASSISTANCE
FOR CIVIL SOCIETY IN ROMANIA**



Editura Universității din Oradea
2006

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ABROAD**

International Assistance for Civil Society in Romania

Marius I. Tătar

Soției mele Corina și fiului nostru Marius-Cristian

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ABSTRACT:

This study assesses the relation between foreign aid and the contribution of civil society to the consolidation of democracy in Romania. Drawing on questionnaire data as well as internal documents the study specifically looks at the impact of international assistance on the participation of advocacy groups in the governmental policymaking process. On the one hand, it is shown that international assistance enhances the capacity of NGOs to mobilize advocacy coalitions and this in turn increases the effectiveness of their participation in influencing policymaking. But on the other hand, democracy assistance programs have a rather paradoxical effect by impeding NGOs' civic engagement with their domestic constituencies. Hence, international assistance has a mixed impact on the contribution of civil society to the consolidation of democracy: it fosters advocacy groups' "link-up" to the governmental decision-makers while in the same time it hinders their "link-down" to ordinary people.

Keywords: democracy assistance, civil society, consolidation of democracy, Romania, advocacy coalitions, policymaking, free access to information

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Abbreviations:

APADOR-CH: *Association for the Defense of Human Rights in Romania – the Helsinki Committee*

APD: *Pro Democracy Association*

CJI: *Center for Independent Journalism - Romania*

CSO: *Civil Society Organization*

EU: *European Union*

FOIA: *Freedom of Information Act*

IMF: *International Monetary Fund*

IRIS-Center: *Center for Institutional Reform and the Informal Sector*

MPI: *Ministry of Public Information*

NGO: *Non-Governmental Organization*

OSCE: *Organization for Security and Cooperation in Europe*

SAR: *Romanian Academic Society*

TI-R: *Transparency International - Romania*

UN: *United Nations*

USAID: *United States Agency for International Development*

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PREFACE

Within the democratization theory, an increasingly important role has been attributed to the international factors promoting the consolidation of democracy. The topic of this book focuses on one particular arena of democracy promotion: the civil society, with special attention paid to the role of external support for the non-governmental (NGO) sector in Romania. I find this topic interesting because it emphasizes a bottom-up strategy of democracy assistance, which I consider particularly relevant for the consolidation of the new democratic regimes.

A significant part of the international support for democracy promotion in Central and Eastern European countries has been channeled to NGOs with the intention of building and strengthening civil society as a means for consolidating democracy. Subsequently, an extensive NGO sector has emerged in many of these states largely due to this influx of external funding. However, aiding democracy from abroad remains a highly controversial topic that in my view raises some puzzling questions: Has external support helped or hindered the potentially democratizing role of NGOs in these countries? To what extent can international funding stimulate civic engagement and participation in new democracies? Neither champions nor critics of democracy assistance have systematically grounded their discussion of these two questions in detailed analysis of contemporary efforts for promoting democracy.

Previous research in the field has revealed an ongoing academic debate about the role of international factors in promoting civil society and democracy. The main claim of the supporters of democracy assistance is that civil society represents both the force that can hold governments accountable and the base upon which a vibrant democratic culture can be built (Carothers and Ottaway 2000, p. 4). There follows from this assumption that promoting civil society is key to democracy building. However, some authors have emphasized, that civil society is not “an unmitigated blessing for democracy” (Schmitter 1997, pp. 247-248; Diamond 1999, pp. 250-261). Moreover, it was claimed that besides its empowering effect, international assistance could also hinder civil society’s democratizing potential by de-linking civic organizations from their domestic constituencies and making them more accountable to external donors (Henderson 2003).

This book aims to contribute to the academic debate on democratization by investigating in a balanced and critical manner both the positive and negative effects of the international assistance on the development of civil society and hence democracy in Romania. The book will make a threefold contribution to the academic literature on democratization. First, on a more general level, it links together three strands of an argument that has as yet been insufficiently connected: consolidation of democracy, civil society and democracy assistance. Re-conceptualizing civil society’s participation in policy-making and harmonizing the fragmented disciplinary and

theoretical directions will reveal the influence of international assistance on the consolidation of democracy more accurately. Second, the study contributes to the academic debate on the impact of international assistance on civil society by empirically testing the effects of foreign aid in a novel perspective focusing not only on the number and structure of NGOs, but also on how these organizations perform their ideational functions attributed to them by the democratic theory. Previous research has evaluated the impact of democracy assistance by pointing out the amount of funding and the growing number of NGOs operating in different countries. In my view, the number of NGOs only suggests the potential of civil society to contribute to the consolidation of democracy and do not reveal how and to what degree NGOs actually carry out their democratic functions. This book goes beyond this narrow approach and shows how NGOs actually function, what are the forms and the intensity of their involvement in policy-making and which are the most effective mechanisms of influencing decision-makers. Finally, the book provides a case study on the evolution of civil society and its contribution to democratization in Romania, which adds to the scarce amount of research about this country's associational life. While most of the literature on Romania's civil society focuses on the sociological, psychological and economical factors as determinants of citizens' participation and activism, this book evaluates the organizational and institutional opportunity structures which influence citizens' participation in NGOs on the one hand, and NGOs'

participation in governmental policy-making on the other hand. Consequently, the book describes the development of NGOs, their relation with international donors, and their involvement with policy-making under successive post-communist Romanian governments before focusing in detail on one specific campaign for liberalizing access to public information in Romania.

In order to assess the impact of external support on civil society building I use several methods and techniques for collecting and analyzing the relevant data. First, a comprehensive review of the academic literature on civil society and democracy promotion provides the direction of the analysis, laying the basis for a discussion of the targeted issues. Another method of enquiry was the questionnaire, which I conducted with NGO leaders who participated in the campaign for the adoption and implementation of the freedom of information act (Law 544/2001). Last but not least, I have carried out a systematic content analysis of the primary data collected in the form of internal literature (i.e. organisations' newsletters, bulletins, annual reports, journals, publications, etc.) from the civic groups analysed here in order to obtain additional background information on their organisational goals, activities and guiding philosophies.

This book is based on a research project called *“Consolidating Democracy by International Assistance for Civil Society: The Role of Advocacy Coalitions in Liberalizing Access to Public Information in Romania”* carried out between March-

May 2005 and which led to the elaboration of my MA dissertation presented in June 2005 at the Department of Political Science of the Central European University, in Budapest, Hungary. The research facilities at CEU and especially the well equipped library helped me to access the up-to-date literature on democratization, civil society and democracy assistance. I could not have got this far with this book without the support of my CEU professors, to whom I express my gratitude. My MA dissertation supervisor, Carol Harrington, encouraged me with her continuous trust in the feasibility of this project and helped me to complete the research. She guided me to fill the gaps in my argument and her suggestions during process of writing the dissertation were most beneficial. Dorothee Bohle, who acted as my dissertation's second reader and András Bozoki encouraged me to propose the topic of this research for the MA dissertation. I don't believe I could have done this book without attending the *Comparative Democratization* course of Carsten Schneider in the second semester of my studies at CEU. The course provided an introduction to the theory of democratization which inspired me and many of my colleagues to further investigate the determinants democratic consolidation in different countries.

Before taking the decision to publish this book, I have presented the results of my MA dissertation at several conferences. The positive feed-back received on these occasions helped me to gain confidence in my work. In addition, the continuous encouragements from my colleagues from the University of Oradea were decisive in publishing this book. For this, I am indebted

especially to two professors from Oradea, Lia Pop and Alexandru Ilieș. Lastly, I would like to extend my thanks to all my interviewees for taking time to complete my questionnaire.

Marius I. Tătar
Oradea, 10 Sept. 2006

INTRODUCTION

After the end of the Cold War a “remarkable consensus” has emerged rendering modern liberal democracy as the only legitimate political regime in most parts of the world. Consequently, democracy promotion surged to the top of the neo-liberal agenda and the supporters of liberal democracy began to claim that free and fair elections were the only entitled basis for governmental authority within states. This, in turn, justified the idea of external intervention in the internal affairs of sovereign countries for democracy promotion or protection reasons. Moreover, established democracies seemed increasingly to believe that their model of liberal democracy provides the institutions, rights and practices that are applicable in any part of the world (Schmitter and Brouwer, 1999).

In addition, the supporters of neo-liberal agenda saw an organic connection between what they termed market economics and development, on the one hand and political freedom and democracy, on the other hand (Carothers, 1999). Western governments and governmental agencies such as USAID, along with international organizations such as United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the International Monetary Fund (IMF) and the World Bank conceived political and economic freedom as two mutually reinforcing factors (Paris, 2003). In their view market reform policies would strengthen democratization in developing countries by increasing economic growth, raising socioeconomic levels,

empowering individuals and creating new centers of power outside governments. Democratization in turn was held to support economic development and market reforms by increasing government accountability and transparency, hindering corruption and promoting the rule of law, and fostering citizens' right and other limits on government power (Carothers, 1999). Therefore, supporters of the neo-liberal agenda argue that democracy and development reinforce each other as do democracy and peace¹. However, critics of the neo-liberal agenda saw the projects of democracy promotion and their implementers in developing countries (i.e. NGOs) as "new instruments of control" that foster weak pluralist regimes, low tariffs, liberal investment laws, and other mechanisms that would permit Western economic dominance (Carothers, 1999).

Policy makers use different methods to spur countries to democracy, but the most common tool is democracy assistance that is aid programs explicitly designed to bolster democratic institutions, processes and principles (Carothers, 1999). However the supporters of this neo-liberal agenda of democracy promotion were not only Western governments and multilateral organizations of a global and regional nature but also a vast range of private associations, foundations, and charitable

¹ For this argument, see for instance the UN Secretary-General Kofi Annan's message to the Third Ministerial Meeting of the Community of Democracies, delivered by Ernesto Zedillo, former President of Mexico and Envoy of the Secretary-General for the September 2005 Summit, in Santiago, 28 April. Available online at: <http://www.un.org/News/Press/docs/2005/sgsm9846.doc.htm>

organizations. Most of these organizations have their headquarters in established democracies but they work with (and in some cases sponsor the creation of) counterpart organizations in the recipient countries (Schmitter and Brouwer, 1999). Many of these local groups cast themselves in terms of civil society organizations.

The idea of “civil society” has achieved prominence in political discourse over the past two decades, particularly in connection with the so-called “third wave” of democratization. In the transformation processes which occurred in Central and Eastern Europe in the late 1980s and during the 1990s, supporters of democracy have seen civil society as an increasingly crucial agent for limiting authoritarian government, strengthening popular empowerment and enforcing political accountability. Subsequently, a significant part of the international assistance for democracy in Central and Eastern European countries has been channeled to the strengthening of civil society as a means for consolidating and deepening democracy. As a result, extensive networks of externally-funded non-governmental organizations (NGO) have gradually developed in this region.

However, aiding democracy from abroad remains a highly controversial topic that poses some puzzling questions: What is the impact of foreign aid on civil society? Does it foster or rather hinder the democratizing potential of civil society organizations? Previous research in this field, although scant both in its theoretical and empirical aspects, has revealed an ongoing academic

debate² about the role of international factors in promoting civil society and democracy. Critics of foreign aid to civil society argue that Western donors only fund organizations and projects that fit their goals, which frequently do not take into account the local needs and realities. From this point of view, local partners are seen as mere executing agents of the political and economic agenda of major donors. Consequently, some authors have emphasized that besides its empowering effect, international assistance could also hinder civil society's democratizing potential by de-linking civic organizations from their domestic constituencies and making them more accountable to external donors (Henderson 2003).

In addition, scholars have argued that international funding fosters professionalized elite-dominated NGOs that are somewhat removed from the more basic demands of a wide segment of society and therefore have a rather negative impact on promoting broad political participation in the democratic process. Another related point is about what Stubbs (1996, p.2) calls "the new globalised middle class" that seems to be a key product of the "aid industry" and which comprises NGO professionals who regardless of their country of origin tend to share a common global perspective. These professionalized NGOs are responsive to donors' bureaucratic needs such as producing grant proposals (usually in English), budget and accounting reports and other project related documents (Carothers and Ottaway, 2000, p.12). Therefore, the requirements imposed by foreign funding foster the emergence of elite groups with English language skills, which work in

² For a more detailed discussion on this debate see Chapter 1, Section 3.

NGOs that are not open to ordinary people or in touch with their needs.

Another related point regarding the constraints imposed by international aid refers to the donors' focus on projects that fit their priorities rather than sustaining the development of organizations. According to Petrescu (2000, p. 235), with a few exceptions, grants are usually large enough only to sustain a project, not to build up an organization so that it can stand on its own. Indeed, this constant work of NGOs on writing grant proposals might divert their attention from developing the organization and building up a constituency.

In addition, scholars argue that such elitist civil society organizations are not representative organizations so that they can only speak on behalf of the people, but not for them (Carothers and Ottaway, 2000, p.16). Moreover, some authors assert that NGOs may voice the interest of people in policy-making but they lack any form of accountability to the citizenry. Consequently, critics have raised the issue whether the attempt to influence legislation by non-representative advocacy organizations is really democratic or is simply an imitation of a questionable U.S. practice that gives special interest groups the possibility of exercising inordinate influence (Petrescu, 2000).

By contrast, the main claim of the supporters of democracy assistance is that civil society represents both a force that can hold governments accountable and the base upon which a vibrant democratic culture can be built (Carothers and Ottaway 2000, p. 4). Such arguments are based on a series of assumptions about the positive impact of external funding on the potential contribution of civil

society to democratization. According to White (1994, 379) these can be boiled down to several assertions. First, civil society serves an important advocacy role in promoting necessary state reforms to enhance the consolidation of democracy. Second, civil society organizations (CSOs) help to broaden participation by including in the political processes previously marginalized groups such as women, ethnic minorities, etc. Third, by bringing people together in cooperative ventures, CSOs teach civic values such as compromise, cooperation, and trust (White, 1994). There follows from these assumption that promoting civil society is the key to consolidating democracy.

This book brings together three strands of an argument that has as yet been insufficiently connected: the relationship between democracy assistance, civil society and consolidation of democracy. Previous literature on the role of civil society in democratization processes has focused mainly on the demise of autocratic regimes and the transition to democracy (Ekiert & Kubik, 2001). However, there is a significant lack of theoretical and empirical studies on the contribution of civil societies to the consolidation of the new democracies (Merkel, 2001 p.96). In addition, research analyzing the impact of international factors on the civil society has tended to focus more on the way in which external funding affects the structure of the NGO sector and not on how these organizations perform their ideational functions attributed to them by democratic theory.

Therefore, this research aims to bridge a gap in the existing literature by analyzing the influence of international assistance on the participation of civil

society in the policymaking processes in newly consolidating democracies. A consolidated democracy requires not only voters' participation in elections, but also necessarily implies a sustained effort of organized groups to influence government decision and increase their role in policymaking. Moreover, this study argues that citizens' participation in policy-making through civil society organizations is *sine qua non* for democratic consolidation. Therefore, I examine participation as a two step process: first citizens' participation in civil society organizations through internal democratic decision making; second civil society organizations' participation in governmental policymaking representing the interest of their constituencies. Consequently, civil society serves as a link between citizens and government, crystallizes the will of the community and advocates it on the governmental level in order to advance the common good. Having made these explanations, I will proceed by presenting the main argument of this book:

This study evaluates the relation between foreign aid and the contribution of civil society to the consolidation of democracy in Romania. More specifically, the study will analyze the impact of international assistance on the participation of advocacy groups in the governmental policymaking process. On the one hand, it will be shown that international assistance enhances the capacity of NGOs to mobilize advocacy coalitions and this in turn increases the effectiveness of their participation in influencing policymaking. But on the other hand, democracy assistance programs have a rather paradoxical effect by impeding NGOs' civic engagement with their domestic constituencies. Hence,

international assistance has a mixed impact on the contribution of civil society to the consolidation of democracy: it fosters advocacy groups' "link-up" to the governmental decision-makers while in the same time it hinders their "link-down" to ordinary people.

In order to investigate this topic, I analyze the advocacy campaign for introducing the Freedom of Information Act (FOIA) in Romania in 2001. Moreover the study will further examine the role of civil society in monitoring and participating in the implementation of this piece of legislation. I base the analysis on evidence collected through questionnaires that were distributed by e-mail to the advocacy groups which participated in the campaign for liberalizing the access to public information in Romania³. In addition, an analysis of the documents published by the involved actors has been carried out, along with a study of articles published in newspapers.

In chapter one of the book I will discuss a theoretical framework for the relationship between international assistance and the contribution of civil society to the consolidation of democracy. In addition, I will elaborate more on the concepts used to test my hypothesis. After having presented my main theoretical arguments, in chapter two I will analyze the emergence of the civil society in post-communist Romania with a particular emphasis on the development of advocacy groups and the role of international assistance in this process. Chapter three will present the Romanian institutional setup regarding policy making as well as the evolution of the civil society's participation in policy

³ For more methodological details, as well as case selection, see Chapter four, Section one, of the book.

design and implementation. In chapter four I will analyze the impact of international assistance on the main civil society actors of the advocacy coalition that initiated the campaign for the adoption of FOIA in Romania. More specifically, the discussion will concentrate on their source of funding, level of organization, connections with domestic and international actors, and type of advocacy methods. In chapter five, I will examine the strategy of advocacy NGOs and the mechanisms, which led to the adoption of FOIA. Subsequently, a discussion on the role of civil society in monitoring the implementation of this act will follow. In the conclusion I will summarize and interpret the main findings. Finally, I will draw broader conclusions from the Romania case and present constructive recommendations for enhancing the participation of citizens in decision-making.

1. CONSOLIDATION OF DEMOCRACY, CIVIL SOCIETY AND INTERNATIONAL ASSISTANCE: A THEORETICAL FRAMEWORK

Within the democratization theory, an increasingly important role has been attributed to the international factors in promoting the consolidation of democracy. The topic of this book focuses on one particular arena of democracy promotion: the civil society, with special attention paid to the role of external support for the advocacy NGO sector in the policymaking process in Romania. I find this topic interesting because it emphasizes a bottom up strategy of democracy assistance, which I consider particularly relevant for the consolidation of the new democratic regimes. In this chapter I review three interrelated sets of relevant literature. First, I will present an overview of different theoretical approaches revealed by the democratization literature. Then I will narrow down the scope of this chapter to one particular arena of democratization, namely civil society's role in consolidating democracy. Finally, I will concentrate on the academic debate regarding the impact of international assistance on the NGO sector in new democracies.

1.1 Democratization theory

Democratization processes have been frequently divided for analytical purposes into distinct phases such as liberalization, transition, and consolidation (Schneider and Schmitter, 2004). Consequently, scholars of democratization have focused on various sets of research

questions and thus have used various approaches to analyze these stages. In general, transition and consolidation of democracy are seen as two qualitatively different components of the overall process of democratization. Therefore, previous literature has emphasized an epistemological distinction between transition and consolidation theories: while the study of transition is concerned mainly with the regime change, the study of consolidation focuses on regime persistency. As Karl and Schmitter (2002, pp. 8-9) have pointed out, transitions are periods of “abnormal politics” characterized by “extraordinary uncertainty, where actions are under-determined and choices under-specified.” By contrast, consolidation represents a return to “normal” politics in which the outcomes/choices of the transition are transformed into institutions, i.e. “into relationships that are reliably known, regularly practiced and normatively accepted” by the subjects of such institutions (Schneider and Schmitter, 2004, p. 4). However, transition and consolidation do not necessarily succeed in a linear and deterministic way and therefore democratization should be conceived as an open-ended process.

In order to assess the success or failure of democratization a working definition of democracy is needed. Much of the earlier work on transitions was based on a minimalist definition such as that of Joseph Schumpeter (1976), or on the broader variant proposed by Robert Dahl (1989). However, recent research has attempted to incorporate in the definition of democracy more complex elements such as legitimacy (Linz and Stepan 1996, Diamond 1999) or societal participation

(Grugel 2002). Although these more elaborate definitions are often difficult to operationalize, they reflect the necessity to consider more than purely formal criteria, which may be adequate for the transition stage, but do not reflect the societal penetration of democratic habits and values necessary for the successful consolidation of democracy (Egbert and Stewart 2003, p.2).

The way in which one defines democracy has important implications for the meaning of democratic consolidation. In contrast with the supporters of the minimal definition of democracy, in this book I refer to the concept of democracy as a continuous process that implies not only a set of formal rules, procedures and institutions but also substantive rights. According to this “substantive” approach, “democracy [is] a process that has to be continually reproduced, a mode of regulating power relations in such a way as to maximize the opportunities for individuals to influence the conditions in which they live, to participate in and influence debates about the key decisions which affect society” (Kaldor and Vejvoda, 1997, p.67). Consequently, the consolidation of democracy as a process means more than the mere adoption of electoral procedures for changing the government peacefully. It also requires democratic institutions that enjoy popular legitimacy and create the framework which allows free political participation, accountability, and a practice of rights, tolerance and pluralism (Grugel, 2002, p.7). Therefore, my study emphasizes democratic consolidation as a process, and introduces civil society’s participation in policy-making as a *sine qua non* to increase the quality of democracies under consolidation.

However, consolidation of democracy appears to remain one of the most controversial and ambiguous concepts in comparative politics. Originally the term was used to examine the prospects of democratic survival and the avoidance of authoritarian regression. This is what Schedler calls the “negative” notion of consolidation of democracy (1998, p. 103). In contrast, some scholars have been increasingly concerned with analyzing the means to attain progress toward an improved quality democracy. This latter approach involves the “positive” task of deepening and completing democracy (Schedler, 2001, p.67). However, Schedler (1998 and 2001) argues that by a restoration of the initial “negative” notion of consolidation, concerned only with the prospects of democratic survival, scholars might achieve more conceptual clarity. I find this claim misleading since it excludes the important “positive” connotation of consolidation that refers to the advancement toward a more democratic regime. Contrary to Schedler’s argument, this research adopts a broader concept of consolidation, one that accepts the positive tasks of consolidation not only as a means for deepening and developing democracy toward higher quality standards, but also as a good strategy to move democracy away from the prospects of democratic erosion and authoritarian regression. Therefore, this book does not use a “defensive” concept of consolidation, but rather an “offensive” one, according to which consolidation represents a continuous process of deepening democracy by increasing the participatory quality of a regime.

To these conceptual arguments favoring a “positive” notion for the consolidation of democracy I

would like to add some empirical considerations. Taking into account that this research represents a case study of Romania with some references to other countries in Central and Eastern Europe, I find the positive approach of consolidation more analytically productive. This argument is based on the empirical observation that in many countries in this region (i.e. new EU members and candidate states) issues of democratic quality (positive consolidation) have tended to become more salient both in everyday politics and on researchers' agendas than issues of democratic survival (negative consolidation).

The empirical argument presented above, shows that often democratization processes should be understood in their proper historical and geographical context. In this sense, much of the democratization research accepts Samuel Huntington's thesis⁴ that democratization has historically occurred in "waves", or groups "of transitions from non-democratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period of time" (Huntington 1991, p.15). According to this theory, the third⁵ "wave" of democratization began with Portugal in 1974 and continued in Southern Europe,

⁴ However, the definition of democracy adopted in this book is broader than Huntington's (1991, 7) electoral definition according to which a political system is "democratic, to the extent that its most powerful collective decision makers were selected through fair, honest, and periodic elections in which candidates freely compete for votes."

⁵ The first and longest democratizing wave stretched from the end of the nineteenth century to the 1930s, the second began in 1945 and encompassed most of Western Europe, Japan, and parts of the developing world.

Latin America, Central and Eastern Europe and the former Soviet republics, and then spread all over the developing world.

Despite its limitations⁶, the “wave” model is useful for situating democratization in its global and regional context. There have been increasing efforts to compare developments across various waves or in different geographical regions within a given wave (Grugel 2002; Linz and Stepan 1996). Intensive examination of the developments in the third wave has resulted in the crystallization of a research agenda around the question of differing trajectories. Why, it is asked, are some states relatively successful in making the transition to an increasingly consolidated democracy, while others have achieved only an incomplete transition or even appear to be sliding back into authoritarianism (Egbert and Stewart 2003, p.3).

One important factor which has been suggested to explain differing trajectories in Central and Eastern Europe is the impact of the international environment, which is widely acknowledged to play large role in this region (Pridham 1997; Schmitter 1999; Whitehead 1999). Laurence Whitehead (1999) proposes three increasingly complex types of international influence - contagion, control and consent - while Philippe Schmitter (1999) suggests the addition of a fourth, conditionality. For instance, the literature on EU enlargement has dealt extensively with the effects of EU conditionality on developments in the applicant countries (Grabbe 1998;

⁶ For instance Grugel (2002, p.45) has criticized this model as telling little about how democracy actually comes about in national societies.

Schimmelfennig 2002), but democratization studies have been slow to incorporate the insights from EU scholars (Egbert and Stewart 2003, p.3).

Moreover, the EU enlargement literature has focused almost exclusively on the level of political elites, as it is there that conditionality has had a direct impact. As a result, the role of civil society in developing democracy has been neglected in previous empirical studies (Jahn and Stewart 2003, p.3), despite its theoretically established connection to democratization processes (Linz and Stepan 1996). However, my study aims to contribute to the democratization literature by connecting the role of civil society and international factors in promoting democracy. I believe that the civil society realm is an excellent field for the investigation of international influence on democratization, as external actors have been active throughout Central and Eastern Europe in supporting civil organizations initiatives as a means for strengthening and deepening democracy.

1.2 The role of civil society in consolidating democracy

Civil society is a term with a long history in social sciences and it has a wide range of competing and sometimes even contradictory meanings (Forbrig, 2003). It is beyond the purposes of this book to cover the whole conceptual history of this term. Therefore I will only briefly discuss a working definition that is appropriate for the goals of the research and which is also widely shared among scholars of civil society. According to Schmitter (1997, p. 240) “civil society - can be defined as a set or

system of self organized groups that: 1) are relatively independent of both public authorities and private units of production and reproduction, that is of firms and families; 2) are capable of deliberating about and taking collective actions in defense or promotion of their interests and passions; 3) do not seek to replace either state agents or private (re)producers or to accept responsibility for governing the polity as a whole; and 4) agree to act within pre-established rules of a 'civil' nature, that is conveying mutual respect." Therefore, civil society refers to actions into the public sphere and rests on four behavioral norms: dual autonomy (from both state and private spheres), collective action, non-usurpation (does not want to take state offices nor to replace private agents) and civility (based on respect for others).

Taking into account the definition presented above, civil society still could be understood as a broad concept, encompassing a wide range of organizations and associations that exist outside of the state (including political parties), the market and the family. Consequently, the understanding of civil society should be narrowed down to a notion that better serves the purposes of this research. There is a considerable debate in the field of international assistance to civil society, about whether civil society organizations focusing on economic development and social issues make as much a contribution to democracy as those that focus specifically on democracy promotion (Carothers and Ottaway, 2000).

According to some authors (see especially Putnam, 1993) all voluntary forms of associations promote participation, trust and thus empowerment, and this is the basis on which democracy can be build. I do

not reject the argument that all activities that entail citizen participation help build social capital and thus have an indirect impact on democracy. However, this book aims to assess the impact of international assistance on civil society's participation in policy-making. Therefore, following Carothers and Ottaway (2000), I find it more useful to analytically differentiate between those NGOs which donors treat as being directly engaged in democracy work and those organizations that donors consider to be contributing only indirectly to democratization. As a result, this book concentrates on NGOs that pursue policy advocacy for the production of public goods that cannot be exclusively appropriated by their members⁷.

Being aware of the ongoing academic debate and the multiplicity of meanings assigned to the term, I will refer to the concept of civil society to mean public interest advocacy organizations outside the control of the state that seek to influence it on behalf of public aims. In this sense of the term, civil society organizations are essential to the consolidation of democracy as they can serve both as advocates of the public good and watchdogs of political power. Consequently, this book asserts that the capacity of civil society organizations to press for democratic reforms and to engage with the state is perhaps key for understanding whether democratic consolidation takes place (Grugel, 2002). However, the mere existence of such

⁷ This book will not focus on trade unions, although these organizations also participate in the policy-making process. However, typically unions do not act as public interest advocacy groups, but rather interest groups, usually advocating only the interest of their members.

organizations does not necessarily reflect the strength of civil society. It merely points to its potential (Mendelson & Glenn, 2002). Therefore, I will look closely how advocacy NGOs actually function and how they influence policy-making.

Scholars of political participation in democratizing regimes have tended to focus on voting or collective action (and protest) as the only means of expressing the societal interest in the state-society connection. However, this approach neglects an increasingly important model of how societal interests are articulated communicated, and recognized in democratic regimes that is the policymaking processes. “The ability of citizens or groups to participate in, communicate ideas to, and gain influence over policymaking strengthens democracy; the inability to do so could lead to such significant destabilizing pathologies in political development as apathy, extremism, and extra-institutional means of political expression. The key to democratic development is in the quality of the state-society connection, which is generally perceived to extend beyond the act of voting” (Green, 1999, pp.2-3).

Civil society’s participation in decision-making contributes to the consolidation of democracy by increasing the accountability, responsiveness and legitimacy of the regime. Although elections are the main form of political participation, in the unsettled political environment of democratizing countries, voting might prove to be an inefficient tool of popular control over the government (O’Donnell, 1999a, pp. 30-31)⁸. In these

⁸ In addition, O’Donnell, (1999b) identifies two forms of accountability horizontal and vertical. While horizontal

contexts, effective popular control may require, besides elections, the continuous accountability of government to the citizens by the participation of civil society in the policy making process (Beetham 1994, 29). Therefore, in new democracies civil society should act as ombudsmen or auditors on behalf of the citizens. As a result, this book asserts that an active civil society essentially contributes to the accountability procedures in democratizing regimes and thus is key to democratic consolidation.

Besides increased accountability, participation of the citizenry in the democratic process through civil society can also improve the responsiveness of the government. Civil society is considered to function as a two-way channel between the citizens and the state (Carothers, 1996, p. 65). On the one hand, it serves to mobilize, articulate and represent the interest of citizens in influencing decisions at the governmental level. On the other hand, it transmits governmental decisions to the public and helps to implement them. In the policy design and/or implementation process, civil society can also provide the government with expertise and information resources otherwise unavailable. Therefore, a vigorous, pluralistic civil society strengthens a democracy by increasing the government's responsiveness to those it claims to represent. The notion of civil society participation in policy-making emphasized in this book is different from more traditional analytical categories such

accountability refers to the existence of different state institutions that oversee each other, the vertical accountability points to the citizens control over the state through elections on the one hand, and by participating in the policy-making process through civil society organizations, on the other.

as clientelism or corporatism. This paper argues that civil society contributes to the consolidation of democracy when it participates in decision making processes as an equal partner with the state, in a relationship based on mutual respect in which both the state and the civil society are strong and accept the other as a legitimate partner. Moreover, this relationship should not be based only on in-formal mechanisms⁹ but rather on institutional arrangements that create spaces for civil society to participate (i.e. consultative councils, committees that monitor governmental policies, participatory budgeting, etc.)

Last but not least, civil society's participation in policy contributes to the consolidation of democracy, as it renders the governmental decision-making process more open and legitimate. Policy deliberation through civil society organizations creates relationships and offers the possibility of dialogue between the governments and the citizenry. The more often that actors have the opportunity to develop the organizational and political capacity to advance their goals, protect their interests, and preserve their values in the democratic institutional environment, the more secure their commitment will be to that environment (Valenzuela 1992).

While citizens' participation through civil society is widely believed to have a positive contribution to

⁹ Before 2003, when a law on decisional transparency was adopted in Romania, civil society had mainly informal possibilities to participate in policy-making. These included: direct contact with elected officials, writing letters of complaint, articles in the national and local newspapers, etc. but these were rarely used because of the lack of organizational capacity and lack of tradition with participatory democracy (Barna, 1996).

democratic consolidation, the possible mechanisms of this popular participation in democratizing societies have been poorly studied due to the focus of much of the transition literature on elites. An exception is the work of Wolfgang Merkel (2001), who attempts to characterize the role of civil society according to different stages of the democratization process and concludes that in the consolidation phase the role of civil society is likely to become more problematic. From the perspective of mobilization, Merkel claims that civil society faces an enormous decline after the successful institutionalization of democracy in East-Central Europe, as the existence of the new democratic institutions channeled the involvement of citizens in political forms of participation through political parties and voting. A somewhat similar point regarding participation is made by Marc Morje Howard (2003) who argues that after the transition, a tremendous disappointment with the developments since the collapse of communism have left most post-communist citizens with a lasting aversion to public activities. According to Howard, the legacies of mandatory participation in state-controlled organizations and the development and persistence of vibrant private networks, which diverted attention from public issues, have also contributed to a low participation in civil society organizations.

Despite several exceptions, previous literature on the role of civil society in the democratization of Central and Eastern European countries was preoccupied primarily with social movements in early transition stages (Jahn and Stewart 2003, p.4). More recently, scholars of democratization focused on understanding voter apathy

and the lack of broad citizen involvement in protest actions (Ekiert and Kubik 2001). Only a small body of research on the role of NGOs in developing and/or democratizing countries has recently begun to combine democratization approaches with an emphasis on the role of international actors (Jahn and Stewart 2003, p.4). Following an initial period of euphoria, much of the literature has been pointing out difficulties faced by the NGO sector, such as its over-dependence on Western funding, distance from the broader society and concentration in major cities (Kaldor 2000; Mendelson and Glenn 2002). Few comparative studies on the role of NGOs in Central and Eastern Europe have been conducted, and those that have taken place have focused more on generating practical recommendations than on relating developments to consolidation of democracy or other realms of theory (for an exception see Mendelson and Glenn 2002).

1.3 The debate: positive vs. negative impact of international assistance for civil society

As already mentioned in the introduction of this book, democracy assistance to civil society flourished during the 1990s as an instrument of promoting what has been called the neo-liberal agenda. This new international policy agenda is based on the “consensus” that emerged at the end of the Cold War, according to which democracy is seen as the only legitimate political regime. Without aiming to reiterate the arguments presented in the introduction, this section further elaborates the ongoing debate regarding the impact of democracy assistance on

the contribution of civil society to democratic consolidation. But, before discussing the potentially positive and negative effects of foreign aid, I will briefly conceptualize democracy assistance.

Democracy assistance is a subset of activities of what has been labeled as the international context or the international dimension of democratization, that is all the external actors and factors that affect the political regime in a specific country (Schmitter and Brouwer, 1999). The tools of foreign actors aiming to promote democracy abroad range from mild moral persuasion to outright military force. In the middle of that range lie assistance programs that aim to support democratic development, including programs to reform judiciaries, draft constitutions, strengthen parliaments, fortify local government, build human rights organizations, support independent media, monitor elections, and improve civic education (Carothers, 1996).

The examples mentioned above emphasize the high diversity of democracy assistance. Consequently, assistance for democratic consolidation consists of all overt, consensual and voluntary programs and projects that are supported by private or public foreign actors and explicitly designed and implemented to contribute to the consolidation of democracy in specific recipient countries (Schmitter and Brouwer, 1999). This definition excludes a series of activities which although might influence democratic consolidation, are qualitatively different in their intention and/or origin. Among these actions excluded, Schmitter and Brouwer (1999) mention: covert secret diplomacy or secret services; indirect activities e.g. literacy campaigns, improving population's health,

generic form of propaganda or promoting economic development; activities adopted, supported and implemented exclusively by domestic actors; factors of international context “without agency” that could positively influence democratization, i.e. all forms of imitation, contagion, etc.; non-consensual activities imposed by foreign actors such as coercion (military intervention and occupation) and conditionality (sanction/rewards).

Democracy assistance includes various activities targeted at different levels: individual citizens, civil society, political society, and the state. According to Schmitter and Brouwer (1999), individual citizens are usually exposed to democracy programs aiming to provide civic education, and thus changing their values and eventually their behavior. Civil society organizations are often targeted in order to improve their capacity to influence policy-making processes and promote citizens’ participation. Political society organizations –particularly parties-aim usually at general political change. State institutions are subject to programs of reform in order to create, among other things, more accountable and transparent public authorities. Carothers (1996 and 1999) distinguishes between two different approaches of democracy assistance: the *top down* approach, targeted usually on state institutions, and the *bottom up* approach, focusing on non-state actors. International assistance for civil society is part of the second approach, and it is expected to have an increased effect on the consolidation of newly established democracies (Schmitter and Brouwer, 1999).

International assistance to civil society has

become a central and much debated focus of democracy development. Within this sector, donor strategies and emphases vary, from supporting initiatives to strengthen the advocacy roles of individual organizations, to supporting groups that promote civic education and values. For instance, USAID tends to take a more instrumentalist approach, focusing within the broader category of civil society on civic advocacy groups as a means to promote and consolidate specific democratic reforms. Other donors, such as the OECD or the EU, tend to focus on human rights organizations more generally (Sabatini, 2002, p.8).

A significant part of the international support for democracy promotion in Central and Eastern European countries has been channeled to advocacy NGOs. Subsequently, an extensive advocacy NGO sector has emerged in many of these states largely due to this influx of external funding. Aid-providers hope that such groups will increase citizens' participation in public affairs, while being themselves models of democratic methods and values (Carothers, 1999, p.211). In addition, civil society is seen as a means to "make demands on the state and hold state officials accountable" (Diamond, 1994, p.5). Advocacy groups are also supposed to provide an impetus for better government performance, pushing specific reform ideas, and supplying the government with technical advice and help on designing and implementing particular policies (Carothers, 1999, p. 211). More generally, civil society has been understood as an engine for increasing the participation of the citizens and promoting social change (Sabatini, 2002, p.8).

Another reason for aiding advocacy groups is

their potential capacity to stimulate public participation yet channel it around discrete issues, such as anticorruption or human rights, that are not necessarily linked to any one partisan ideology. Moreover, according to Carothers (1999, 212) donors seem to favor advocacy groups due to their presumed nonpartisanship, technocratic knowledge rather than propaganda, that seek dialog rather than confrontation, and are typically staffed by young, Western-oriented professionals rather than older well entrenched personnel of the political parties and unions.

For the purposes of this paper I will employ Carothers' definition of international aid for advocacy NGOs, which emphasizes two main forms of assistance (1999, p.213). The first is *technical assistance* – comprising training, advice, and information about organizational development and management, advocacy methods, fund raising, issue analysis, and media relations. The second form of support is *funding by direct grants* for projects and programs, including the provision of equipment, particularly computers, fax machines, and photocopies. Other aid methods are also pursued, consisting in training for NGO coalition building in order to tackle particular issues with a broad front. In the next chapters of the book I will elaborate more on how the skills and resources acquired by Romanian civil society organizations empowered them to become more professionalized and relatively autonomous¹⁰

¹⁰ By relatively autonomous CSO, I mean an organization that is “likely to have more space to act independently and define its own agenda”. In this sense, I agree with Diamond’s argument, that NGOs are more autonomous when their “financial dependence is

organizations. This in turn enabled them to play an increasingly important role in the policy-making processes.

However, aiding democracy from abroad remains a highly controversial topic that in my view poses some puzzling questions: Has external support helped or hindered the potentially democratizing role of the NGOs in these countries? To what extent can international funding stimulate civic engagement and participation in the new democracies? My aim is to contribute to the previous literature on democracy assistance by a systematically grounded discussion of these questions in detailed analysis of contemporary efforts for promoting democracy in Romania.

Quite apart from the specific democratic improvements that civil society can achieve, donors who seek to promote democracy, often see civil society as an end in itself (Carothers and Ottaway 2000). Generally speaking, donors (especially from the US) define civil society as: “an associational realm between state and family populated by organizations, which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interests or values” (White 1994:379).

Increasingly, however, critics are beginning to question the extent to which donor-supported organizations really fulfil their democratic functions

on foreign donors rather than their own government, especially when that international dependence is dispersed among a number of donors (public and private) from many countries. In that case, no established democracy or donor organization is in a position to dictate an agenda, and the loss of one large grant does not threaten the survival of the organization” (1999, p. 257).

(Sabatini, 2002, 8). Some authors contend that international assistance has tended to focus on elite-dominated groups with limited support in society and weak or nonexistent internal democratic mechanisms for making decisions (Carothers, 1999). Another similar criticism is that many of the CSOs that donors support in the name of democracy are themselves not internally democratic (Sabatini, 2002, p.9). Despite their stated intentions, many such groups have failed to establish participatory mechanisms for internal debate and decision-making (Edwards and Hulme 1996a).

Noting that most of the donor-supported civil society groups depend on international support, scholars such as Edwards and Hulme (1996a) have contended that the availability of foreign funding has fostered “opportunistic NGOs”. These organizations were formed with the primary function of seeking out external financial support or adjust their programs and organization to the interests of donors (Edwards and Hulme 1996a). As a result, critics have argued that organizations remained shallow, and dependent on the ideas, contacts and vision of one leader or a small number of leaders, and alternative leadership is limited. This in turn raises concerns about the capacity of the organization to exist beyond its funding leader (Sabatini, 2002, p.9).

Moreover, Edwards and Hulme (1996b) argue that there is an inherent tension between the constituency of an NGO, which they imply should be the poor and its relationship with international donors. In these cases, the conditions placed on assistance - reporting, organizational development, and the need to recruit English-speaking leaders who can seek out foreign contacts - can distract

NGOs from their original mission and their primary constituency. The risk is that groups become more accountable to international donors, what Edwards and Hulme term “upward accountability”, rather than to their base, or what they term “downward accountability” (1996b).

In addition, Henderson (2003), drawing on a study of Russian NGOs argues that among externally funded civic groups few were engaging in activities that one might associate with “civicness.” Rather than building networks and developing publics, groups consciously retained small memberships, hoarded information, and engaged in uncooperative and even competitive behavior with other civic groups. In short, NGOs pursued individual, short-term gains rather than collective, long-term development.

Moreover, Henderson argues that a fairly distinct professionalized English speaking elite had developed within NGOs that are rather detached from the broader civil society community. In addition, rather than facilitating horizontal networks among groups, the harsh competition for foreign funds strengthened the division of the civic community between the “haves” and the “have-nots” and centralized resources in the hands of the NGOs that had connections with the West. This further exacerbated already significant differences in civic development between Russia’s centers and the regions. Funding created opportunities for some while hindering others. Henderson concludes that ironically, although aid has been crucial in expanding NGOs’ capacity, it has discouraged groups from functioning as a civil society.

Other authors have pointed out that foreign aid to

civil society represents a new form of imperialism. According to these authors, NGOs have been accused by some critics of “being new instruments of control, domesticated by the neoliberal project” (Townsend, Porter, and Mawdsley, 2004). Moreover, scholars have noticed that internationally funded development NGOs are increasingly seen as executing agents of an externally imposed political and economic agenda.

The issue of nonpartisanship among externally funded advocacy NGOs is also widely discussed. Carothers (1999, pp. 221-222) argues that donors often unrealistically discourage organizations from being partisan, that is working to advance any particular political camp. He terms this nonpartisanship an illusion since similar advocacy groups in the USA are often partisan (Carothers 1999). In addition, Carothers criticizes the nonpartisanship required by donors, since many advocacy NGOs often need good connections with parties in order to promote successfully their policy proposals. However, more research is needed in order to evaluate the optimal relationship between parties and civil society during the consolidation of democracy phase. Usually scholars have tended to study political parties and civil society as two separate fields (Sabatini, 2002, p.9).

1.4 Conclusion

In this chapter I have introduced the theoretical framework that links together three interrelated research areas: consolidation of democracy, civil society and democracy assistance. I have argued that citizens’ participation in the policy-making through civil society

organizations is key to democratic consolidation as it increases the accountability, responsiveness and legitimacy of government's decisions. In this sense, international donors have supported civil society as a means to strengthen the consolidation of democracy in the context of what is called the neo-liberal international agenda. Nevertheless promoting democracy from abroad remains a controversial topic and previous literature on democracy assistance to civil society has revealed an ongoing debate on the positive versus negative effects of foreign aid.

However, the debate on international assistance to civil society usually is based on single sets of observations, and lacks a systematically grounded discussion based on solid empirical evidence. This research will contribute to this academic debate by investigating in a balanced and critical manner both the positive and negative effects of the international assistance on the development of civil society and hence democracy. To that end, the next chapters will apply the theoretical framework outlined above to the case of Romania.

2. THE EMERGENCE OF CIVIL SOCIETY IN POST-COMMUNIST ROMANIA

After having argued that civil society's participation in policy-making is key to democratic consolidation, I will go on to demonstrate that in post-communist Romania the legacies of communist past inhibited the development of civil society organizations. Under these circumstances, an important part of the new NGO sector emerged due to the support of international assistance. As will be shown, this has had important implications for the subsequent evolution of civil society in Romania and its relation with the government. The chapter begins with a presentation of the communist and post communist environment in which Romanian NGOs operate. In the second section of the chapter I go on to discuss the role of foreign donor in developing civil society in Romania.

2.1 The legacies of communism and the re-birth of civil society in post-communist Romania

Unlike other countries in Central and Eastern Europe, Romania faced the political changes of 1989 with an almost nonexistent civil society. Prior to 1990, Romania suffered for decades under one of the most repressive communist regimes, that of Nicolae Ceausescu. During this period, the communist regime has pursued social engineering policies aimed to control all organizations and civic movements. Under these conditions, the communist regime fully dominated groups and organizations to the extent that they surrendered their

identity to the state apparatus. Hence, Romanian organizations under communism were, at best, a means of mass coercion, to multiply state power or to serve as so-called “transmission belts” of state policies (Stoiciu et al, 2001).

The most notable example of state controlled organizations were the official trade unions, which amalgamated with the party to ensure a powerful control over the society and to prevent the emergence of any form of power outside the communist party. Nevertheless, because they posed no organized political or social challenge to the regime, a number of other types of organizations were allowed to exist, some of them even with international affiliation (Stoiciu et al., 2001). These were mostly benign in nature, involving simple gatherings of traditional craftsmen, philately groups, sport clubs, or associations for people with disabilities (Saulean and Epure, 1998). However, some of the most numerous associations, such as the Writers’ Union, were influential enough to negotiate privileges for their members, but their autonomy was also reduced. On the other hand, in an attempt to boost its legitimacy, the regime was continuously mobilizing ordinary citizens in mass events, under the banner of regional organizations: youth movements, craftsmen or professional association, cultural groups, etc. (Stoiciu et al, 2001). However, these organizations only enjoyed formal autonomy, even if they were not literally subordinated to the state institutions. In practice, they were subject to severe limitations on their freedom to initiate and implement projects and the ideological compliance of organization activities was strictly controlled (Saulean and Epure, 1998). Moreover,

the state's monopoly on welfare barred all formally autonomous organizations from engaging in the provision of social services, often seen as a core function of a fully developed nonprofit sector.

While the communist party used the obedient organizations to absorb the society, the opponents and dissident movements were promptly smashed by the infamous secret police, the Securitate. Therefore, most analysts agree that Romania did not have the type of organized movement of dissidence led by intellectuals with deep social roots, comparable with Solidarnosc in Poland or to Charter 77 movement in Czechoslovakia. By contrast, Romanian dissidents were either individuals with narrow agendas or mass labor movements with social agendas such as the miners' strike in Jiu Valley in 1977, which ended up with the imprisonment or the disappearance of its leaders (Stoiciu et al, 2001). The extremely violent and absolutist character of the regime also discouraged initiatives to reform and liberalization of the regime from inside.

Therefore, by and large forms of collective opposition in communist Romania were rather isolated and did not have any realistic chance of success (Saulean and Epure, 1998, p.9). This has led to a total dominance of the communist party in the public sphere accompanied by resignation among many of the potential opponents of the regime. As a result, some intellectuals thought that the role of the elites was to promote a combination of artistic freedom with apathy and indifference towards the political and social environment, a Romanian version of the *ivory tower* issue revealed by Julien Benda in the thirties (Stoiciu et al, 2001). Unlike other Central and

Eastern European communist countries, Romania had no organized opposition to the regime that could provide citizens with examples of what an active civil society could do and prepare civic activists to take over the administration of the country after the regime's fall.

Consequently, the transition to democracy has been shaped by the abruptness and violence¹¹ of regime change (Petrescu, 2000). There was no previous openness of the communist regime that would have allowed civil society to organize and form an opposition to the communist elite. Immediately after regime change¹² civil society was first represented by artists, or dissident intellectuals, well known public figures who contributed to confer legitimacy to the change of regime and who voiced the people's choice for democracy. However, these were quickly pushed aside and power was grabbed by second tier communist apparatchiks. "Only then, when protesting the 'stealing of the revolution's gains,' did Romanian civil society come to life, through its first, somewhat disorganized but vocal groups" (Petrescu, 2000, p.217). Moreover, the emergent civil society groups created after the regime change started to define themselves in opposition with the new administration and its policies. Therefore, in the immediate aftermath of 1989 in Romania, the concepts of political opposition and civil society's autonomy from the state overlapped

¹¹ More than 1300 people were killed or wounded in the street fighting during the fall of Ceausescu's regime in December 1989.

¹² The regime change in Romania started as a popular uprising and ended up as a coup, as second rank communist eventually grabbed the power and pushed aside the spontaneous leaders of the revolution, which as mentioned above were mainly popular artists or former dissident intellectuals.

considerably (Carothers, 1996, p. 66). Consequently, a rather confrontational pattern of relations between civil society and government emerged in the early 1990s, and a general reluctance of public authorities toward the newly established NGOs. This attitude combined with a poor institutional framework and a relatively low administrative capacity of NGOs led to an almost non-existent participation of civil society in governmental policy-making.

The number of civil society organizations, broadly defined, grew spectacularly in the early 1990s. Civil society groups had different natures: some of them were labor unions, others foundations, associations, movements, councils and federations. According to Stoiciu et al (2001) after the regime change the Romanian civil society started to develop a *quid pro quo* of the identity. While some groups claimed that the new regime was democratic in nature and represented the interests of all categories of citizens, others started to define civil society in opposition with the administration and its policies. Newly established organization under Law 21/1924 (which was never abolished by the communist regime and remained in place until 2000) followed the same pattern of positioning. Some of them, called by Stoiciu et al “*contextualists*”, lobbied the administration, building up organizations such as labor unions or professional organizations, which aimed to participate in the welfare policy of the state. Others, named “*progressists*” opted for creating opposition movements, civic groups and human rights organizations pleading for social change and/or a reduced role of the state, or traditional institutions, as a necessary step for progress.

Organizations belonging to this latter category were supporters of the neo-liberal agenda and believed that after the cold war the liberal Western model of economic and social organization has no longer any real competitor, and has become the ultimate referent for defining progress. As to the civil society, the supporters of this approach believe that the level of its autonomy from state institutions indicates its level of development and that diversity and pluralism are more important than maintaining traditional cultural or social ties (Stoiciu et al, 2001).

International donors targeted this latter category, and therefore this chapter focuses mainly on the evolution of the “progressist” part of civil society. Donors attempt to link the newly emergent and disparate groups was only partly successful¹³. According to Carothers (1996, p. 66) many of the new organizations “were not serious initiatives but passing enthusiasms”. Other authors emphasize that the creation of civil society through foreign assistance has been supply driven. For instance, Petrescu (2000, p.218) argues that by offering funds, donors have created demand for civil society organizations “but mainly among those who would like some grant money and made a business out of obtaining grants”. However, the profile of civil society has evolved since that period, and by the mid 1990s, Carothers (1996, p. 66) already asserted that NGOs were more serious

¹³ A success story is the formation of Pro Democracy Association, a civic education and election monitoring NGO formed in 1990 and which was one of the main actors of the FOIA coalition discussed in chapter 5.

ventures with more consequential long-term prospects than before.

However, the political conditions of the early 1990s, including extremely violent forms of control (such as the infamous incursions of miners to subdue the opposition forces in Bucharest), disregard of human rights, and disrespect for state institutions, favored antagonism between state and the so-called “progressist” organizations of civil society (Petrescu, 2000). The leaders of the communist successor party who formed the post 1989 Romanian government saw no need to develop NGOs for alternative viewpoints, civic engagement or other supposed democratic benefits. Rather, they followed the “communist credo *Who is not with us is against us* – thus all NGOs were enemies” (Petrescu, 2000, p.222). However, due to external pressures from Western governments¹⁴, which started to support the development of civil society, President Ion Iliescu refrained from restricting the NGOs. Gradually, open conflict abated and a tentative dialogue began, with prodding from Western governments and organizations (Petrescu, 2000). The victory of democratic opposition in the 1996 elections, due partly to the support from civic groups, improved the relations between government and civil society. However, as will be shown below the “partnership” did not last long and by 1997 the disappointed civil society went through

¹⁴ For instance, Petrescu (2000, pp.22-223) reports that in the early 1990s the Romanian government avidly sought a resumption of “most favored nation” (MFN) trade status with the United States, and the US administration was judging whether Romania was really democratizing. According to Petrescu, under these conditions restricting NGOs would have been fatal to Romania’s hopes for MFN.

an identity crisis which eventually contributed to its de-politicization.

After the fall of the communism, civil society in Romania went, according to Cristian Pirvulescu (2004), through three phases each corresponding more or less to an electoral cycle. The first phase from 1990 to 1992 parliamentary and presidential elections¹⁵ faced the emergence of civil society organizations, which tended to focus their criticism more on the newly elected president and political elite. The main concern of the “progressist” part of the civil society was to keep the regime open and to expand the possibility of free expression (Carothers, 1999). As a result they neglected issues such as internal management or public relations that would have helped them to consolidate their relations with each other and with the wider public.

In the second phase from 1992 to 1997, including the 1996 elections, civil society continued to focus on the political landscape the reform of which seemed to be the main emergency facing the country. After the 1992 elections the close links with the opposition parties were re-enforced. “The nomination of Emil Constantinescu, a founding member of a CSO called Civic Alliance, as a candidate of the Democrat Convention in 1992 and his election as president in 1996 seemed to indicate the success of civil society groups in influencing politics. However, in 1997 ... Romanian civil society was gripped by a serious identity crisis: were they complicit with the government or a counterpart?” (Pirvulescu, 2004, p.9).

¹⁵ Both the 1990 and 1992 elections were won by the communist successor party and the second tier ex-communist leader, Ion Iliescu.

According to Pirvulescu (2004) in the third phase, from 1997 to present, civil society has undergone a process of redefinition and professionalization. Its main task was to regain its independence from the political sector. After the 2000 elections, civil society organization's focused on fixing an unbalanced political system. Although the ruling Social Democratic Party held only a relative majority (48%) of parliamentary seats, a divided opposition, composed of the Democrat Party, the National Liberal Party and the extremist Greater Romania Party, was unable to mount a challenge. In addition, over four years, the Social Democrats managed to leverage this slim advantage into significant local control, so that in 2004, over 70% of mayors were Social Democrats compared to just 35% in 2000 (Pirvulescu, 2004, p.9).

What this brief review of civil society's evolution reveals is that NGOs focused more on holding the government accountable and prevent the abuses of a political elite not always fully committed to democratic rule. By playing this watchdog democratic function civil society organizations contributed crucially to the consolidation of democracy in Romania. However, what was lost through this focus on elites and political institutions was the importance of Romanian civil society as a social space whose viability and capacity to generate action very much depends on the way citizens see themselves in relation to public authorities (Pirvulescu, 2004). After the 2000 elections, many CSOs had the opportunity to democratize the governmental decision-making process and perform better their advocacy function, as will be shown in the chapter three of this book.

2.2 The role of external assistance in developing civil society in Romania: An overview

International assistance has come into Romania in many forms, from many sources and for many recipients. However this section deals only with the small slice of foreign aid going to programs that are carried out explicitly to develop civil society as a means to promote democracy. This section poses several difficulties, due to the high diversity of funding sources and the lack of centralized and updated information regarding aid to civil society in Romania. Therefore, this section does not attempt to present a detailed analysis of all foreign donors¹⁶ active in Romania, but rather to outline the general trends in international assistance for civil society.

In terms of funding, the foreign sources account for the biggest share of the NGOs' income (see Appendix C, List of Principal Donors in Romania). However, foreign funds are unevenly distributed across different NGO sectors; while some fields such as *advocacy sector* (human rights, environment, civic education) receive *almost 100%* of their funding from abroad, others (culture and arts) are almost completely supported by local businesses and communities (Dakova et al, 2000). Foreign support consists of funding that comes through open grants programs, but also through partnerships between foreign and Romanian organizations.

¹⁶ According to Petrescu (2000) the major donors in Romania during the 1990s were the US government acting mainly through USAID and the EU, which has sponsored PHARE. Several dozens of other US and European public and private organizations and foundations have also played an important role in supporting civil society.

The most challenging task for NGOs remains however self-sustainability. A comparison of NGOs funds in 1995 and 1998, as emphasized in Table 1, indicates a promising diversification of resources and apparently a decreased reliance on foreign funding. According to some authors, the approximate amount of funds allocated for the NGO sector in 1995 was about \$189.2 million, representing 0.06 percent of the Romanian GDP (Petrescu, 2000).

Table 1. Funding sources for Romanian NGOs

<i>Sources</i>	<i>1995 % of total</i>	<i>1998 % of total</i>
Foreign governmental, non-governmental, and private funds	56 %	36 %
Donations and contributions of the population (including membership fees)	12 %	28 %
Fees for services	11 %	12 %
Sponsorships and donations from businesses	7 %	13 %
Subsidies and fees for service provision from Governmental sector	5 %	7%
Dividends	N/A	4%
Other sources	9%	N/A

Source: Petrescu (2000, p.219)

The data presented above correlated with a steady increase in the number of NGOs during the 1990s indicates that while the foreign funding decreased, NGOs have moved toward alternative sources of funds. These are, first, individual contributions and membership fees and second,

sponsorship and donations from local businesses. Despite an increased collaboration between NGOs and government especially after the 1996 elections won by the democratic opposition, the amount of subsidies and fees for services from the government remained low. The data also shows that foreign donors though much reduced since 1995, still accounted for the largest share of NGOs revenue, due to the economic downturn of the 1990s with many companies going bankrupt and the standard of living falling (Petrescu, 2000). However, even in these harsh economic and social conditions the number of NGOs still increased mainly as a consequence of the support of international donors.

Nevertheless, more recent studies have pointed to an interesting phenomenon, which might help us to interpret the funding sources in a different light. Drawing on the findings of a comprehensive review of the active donors' community in Romania, Porumb et al (2001) conclude that in terms of registration, most donors are external or are branches and representative offices of external donors. The authors argue that, in the recent past, significant and sometimes successful attempts have been made to "localize" the operations of larger donors by increasing the number of local staff or opening new offices. Moreover, they claim that the vast majority of donors active in Romania have a local presence, ranging from full offices to a part-time consultant. Only one third of the donors are registered¹⁷ as "purely" Romanian organizations (Porumb et al, 2001).

¹⁷ Only few years ago, this number would have been much smaller, but the number of registered grant-giving entities in Romania increased with the creation of the Soros Open Network

Although from a legal and managerial point of view these organizations are now part of the local donor community, the funds that are disbursed remain almost exclusively foreign. According to Porumb et al (2001), over 90% of grant support¹⁸ for Romanian NGOs from donors who provided quantitative information for their review comes from external sources, even if it is distributed by Romanian organizations or branch/representative offices of international donors. Moreover in 2000, funding from European sources was roughly equal with that from American sources (Porumb et al, 2001).

Many researchers argue that the development of the Romanian NGO sector has been supply-driven. That is, demand for NGOs was created mainly due to the availability of foreign funds (Petrescu, 2001, Carothers, 1996). In addition, other authors claim that

and of new grant making programs with the Princess Margarita of Romania Foundation and the Environmental Partnership Foundation, most of which offer small grants.

¹⁸ The Romanian governmental funding for NGOs with the exception of the Romanian Social Development Fund (which is based on a multilateral loan agreement with World Bank) and co-funding is not included in this review. Funding for NGOs from Romanian government sources has been provided by the Ministry of Youth, Ministry of Labour and Social Protection, Department for the Protection of Minorities, Ministry of Public Information, Direction for Child Protection etc. However, governmental direct funding for NGOs remains only symbolic. For instance, in the State Budget for 2003, under the Chapter concerning funding for NGOs there were allocated only 38.242.332.000 ROL that is approximately 1.092.638 € (Draft of Strategic Plan for 2003-2007 concerning the civil society sector available at: <http://www.fdsc.ro/ro/documentmie/Documentul%20de%20programare-Phare.%20var%201.doc>).

although the language of international assistance worldwide is one of “equal partnership” the donor-recipient relation is one of dependency (Schmitter and Brouwer 1999). However, these assertions seem to be in contradiction with the findings of a survey carried out by the Romanian Civil Society Development Foundation in 2001. Despite the high degree to which non-governmental organizations depend on foreign financing resources, provided either by international organizations, governments or private foundations, respondents of the stakeholder¹⁹ survey tend to downplay the importance of donors’ agenda. Most of them claimed that donors’ policies play a less important role in determining the organizations’ activities than the internal management (Epure et al., 2001). A quarter of respondents think that their activities are not influenced at all by donors’ policies, while more than half believe that donors’ policies have little influence on their decisions. The results of the survey indicate the subjective perception of NGO leaders that internal decision, rather than external pressure is increasingly important in running the organizations (Epure et al. 2001). This could be the result of a diversification of external sources so that NGOs do not entirely depend on only one donor that can dictate its agenda.

Foreign donors have adopted a variety of assistance strategies, which have changed over time. In a review of the Romanian NGO sector in 2000, Dakova et al, present several common features of donors’

¹⁹ The findings are based on 228 questionnaires completed by civil society organizations, business, media, researchers, and public administration representatives.

strategies as identified by the respondents of a survey of NGO community. In the early years of their presence in Romania, international donors developed strategies based mainly on the domestic NGO tradition in their own countries; later they started paying more attention to local needs. Lack of strategic coordination among donors led to an inconsistent pattern of funding, which was exacerbated by intermediaries' inadequate representation of sectoral interests (Dakova et al, 2000). However, donors are organized in a Donors' Forum²⁰ while NGOs have their own National Forum. If the two entities act strategically and improve their representativeness there is potential for more effective communication and therefore for influencing future funding strategies.

²⁰ The Romanian Donors' Forum (RDF) was initiated in November 1999 when a group of foreign and indigenous donors active in Romania, came together with the understanding that they needed to improve their cooperation. The initial group of donors comprised of AIDRom (the Ecumenical Association of Churches in Romania), Carpathian Foundation, Charles Stewart Mott Foundation, Community Partnership Foundation, Open Society Foundation, Princess Margarita Foundation and USAID decided to set up a structure through which donors could share information about their own activities, take joint initiatives to solve pressing issues and communicate more effectively. The RDF was thus established as an informal network of 7 donors, later joined by the 8th, the Delegation of the European Commission in Romania, and elected a Steering Committee, mandated to guide and assist the development of the RDF, and a Secretariat, hosted by the Princess Margarita Foundation. Presently, the RDF comprises now 17 members representing bilateral, multilateral, and private grant-makers, both indigenous and foreign, as well as a public Romanian Foundation. More information about RDF is available at: <http://www.donorsforum.ro/index.php>.

According to Dakova et al (2000), in the past, international donors tended to consult with NGO leaders and influential experts in Bucharest, which in some cases led to serving a limited circle of interests. These NGO leaders often did not recognize their responsibility as “spokespersons” for the sector and expressed only personal views or self-serving interests. Although donors recognized the need to consult more broadly, they will continue to rely on intermediaries and/or other donors for information, placing great importance on the reliability and validity of their views (Dakova et al 2000). In addition, some donors tried to encourage cooperation and partnership within the NGO sector through requirements for joint applications between two or more NGOs. In general, this led to the creation of “false partnerships” to solicit funding and now donors prefer to offer support to networks and umbrella organizations which already have a vision and strategy for their activities (Dakova et al, 2000).

In some key areas, such as the advocacy sector, foreign donors developed strong NGOs that are entirely dependent on high levels of input from abroad and will continue to be so for the next years. For instance, almost all important human rights advocacy groups have received substantial international support. The support has also involved, besides direct grants, technical assistance – in particular, in-country advice and assistance by long-term advisors. “This assistance appears to have been more valued than much of the training and advice in other areas ... because it was carried out primarily by a few advisors working in-country in a sustained fashion rather than by short term

visiting experts presenting materials at occasional seminars” (Carothers, 1996, p.68).

Nevertheless, one can notice that when Ceausescu regime fell there were no NGOs in Romania (Petrescu, 2000, p. 217). Fifteen year later, the Romanian nonprofit sector included about 4,000 active NGOs out of approximately 70,000 registered associations and foundations, according to Romania’s leading civil society watchdog Centras²¹. Other sources²² put the number of active groups closer to 2,500. Moreover, the main point made by the analysts of the Romanian NGOs is that aid from abroad has been a major support in building what has become an important network of NGOs, capable of influencing state policies, monitoring and assisting the government in a wide range of issues (Petrescu, 2000, p. 232).

2.3 Conclusion

Summing up, civil society re-emerged and developed in post-communist Romania and the foreign assistance facilitated this process and helped the young

²¹ Cited in Alina Mungiu-Pippidi, *Nation in Transit 2004: Romania*, Freedom House, available at: <http://www.freedomhouse.org/research/nitransit/2004/romania2004.pdf>.

²² According to these sources, the total number of Romanian NGOs ranges between 20.000 and 30.000, with an annual growth rate of 10%. The number of active NGOs is estimated to be between 2.500 si 7000. The data presented above represents a compilation of different sources: USAID NGO Sustainability Index 2002 and 2003, and the database of the Foundation for Civil Society Foundation from 2000.

sector to gain more influence despite the legacies of the communist regime. However the development of the newly established NGO sector was mainly supply driven, that is the availability of funds fostered the demand for NGOs. Domestic initiatives for creating civil society organizations were inhibited, as there were no traditions of autonomous associational life, while the economic resources were controlled in a significant proportion by a hostile public sector. Moreover, due to specific political conditions mentioned above, the so-called “progressive” part of the civil society emerged as an opposition to the government and rapidly adopted the rhetoric and ideas inspired by the neo-liberal agenda of their donors, pushing for reforms and liberalization. As will be shown in the next chapter, these organizations have gradually developed various strategies for increasing the space of civil society’s participation in policymaking.

3. THE PARTICIPATION OF CIVIL SOCIETY IN POLICY-MAKING PROCESSES

Scholars often view political participation in democracy through the lens of economic theory, depicting voting as public “consumption” of policies produced by political elites (see Downs, 1957). According to this minimalist conception of democracy, political participation means only that people have the opportunity to refuse or accept through elections the policies designed by the leaders who are to rule them (Schumpeter 1976, Downs, 1957). However, without refuting the importance of elections in a democratic regime this study argues that electoral democracy overlooks an important part of citizens’ involvement in politics besides voting, i.e. organized groups that seek to influence the “production” of policies. Moreover this book argues that participation of civil society groups in policy-making is key to democratic consolidation, as it increases the accountability, responsiveness and legitimacy of democratic regimes. In this chapter, I analyze both the institutional framework, which regulates civil society’s participation in the decision-making in post-communist Romania, and the actual involvement of NGOs in policy. The evolution of civil society’s participation in policy-making after the collapse of the communist regime can be broadly divided into three phases: before 1996, between 1996 and 2000, and after 2000.

3.1 Confrontation and exclusion before 1996

In the immediate aftermath of the political changes of 1989, the relations between civil society and the Romanian Government were rather tense. While civil society contested the Government, dominated by second tier communists elected in 1990, the authorities saw civil society more like an enemy than a social partner. Moreover, in the early period of transition, authorities looked at externally funded NGOs with suspicion and disregarded them as illegitimate organizations (Petrescu, 2000). This initial tense relation shaped the design of the subsequent legal framework regulating public participation in policy-making.

The Romanian Constitution²³ adopted and approved by a national referendum in 1991 provided for most of the basic rights for public participation. Citizens as individuals or as a group of citizens have the right of expression, the right to information, the right of free assembly, the right of association and the right to petition. The Constitution also guarantees the right of the public to gain *access to information*²⁴ in the public interest and states that this right cannot be restricted. It also obliges public authorities to provide correct information related to public affairs, according to their competence (Art.31). The general *right of petition* is stipulated by the Constitution, but petitions can be drawn up only in the name of the applicants. In practice this means that, for example, NGOs can draw up petitions only in the name of

²³ The Constitution was revisited in 2003.

²⁴ However until 2001, Romania had no Freedom of Information Act to enforce the constitutional right to information.

their members, which limits their capacity to mobilize wide public support (1996).

In Romania, the Parliament is the single law-making entity. However, there are no imperative public participation provisions in the Statutes of the Parliamentary Chambers, or in the law-making process. The public had the right to propose amendments to the Constitution by initiative. Such motions required the *petition* of at least 500,000 citizens with the right to vote, subject to geographical distribution requirements. The right to the legislative initiative is also guaranteed; a minimum of 250,000 citizens²⁵ with the right to vote is needed to take this initiative. The petitioners must come from at least one quarter of the nation's counties, with at least 10,000 petitions from each of them. Under these circumstances, the only possibility NGOs have to make an impact on the legislative process was to draft and propose laws by public initiative (which required considerable effort), or to approach Members of Parliament (MPs) and to ask them to put their policy proposals on the Parliamentary table (Barna, 1996).

The government undertakes the vast majority of legislative drafting and policy making. Though the Constitution generally declares that social organizations should be consulted in the government's activities, during the period analyzed here (1990-1996) no other laws or rules required the government to take into account or

²⁵ The revisited Constitution (2003) provides the right to promote a legislative initiative to at least 100,000 citizens entitled to vote. The citizens who exercise their right to a legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative.

respond to public comments. Consequently, in most of the cases, the opinion of the public was not included in the legislative process (Barna, 1996). The only social partners, which had an institutional channel of collaboration with the central authorities, were trade unions and business associations. These participated along with the Government in a tripartite consultative body called the Economic and Social Council. Other social partners were not included in institutionalized consultative arrangements. Therefore, the public in general and especially the NGOs had only limited possibilities to make a direct impact on the decision-making process of parliament and at central government level.

At the local level regulations were more favorable to public participation (Barna, 1996). Law on Local Public Administration No.69/1991 included provisions allowing the mayor to submit matters to the public for consultation and approval. The city/county council meetings were open to the public, but the public had no right to comment during the meeting. The agenda of the meetings were made available to the public two or three days before the meeting and the public could comment and submit proposals, which were registered at the Secretariat (Barna, 1996).

As there was no Access to Information Law in Romania until 2001, information could be requested only upon the provision stipulated in the Constitution (article 31), which guarantees a general right to information. However, there was no efficient mechanism established to provide reports and receive information of public interest, and consequently information was available only through non-formal methods often encouraging corruption and

clientelism. It also hindered civil society's efforts to fulfill its democratic watchdog function and hold the government accountable. Moreover, information was difficult to access due to the general veil of secrecy, (which still prevails in some institutions) as well as the lack of citizens' experience in requesting information (Barna 1996).

In conclusion, during the 1990-1996 period consultations between the authorities and NGOs and public hearings have been very rare. The legacies of the past influenced this outcome, as during the communist period decision-making was the responsibility of the authorities and there were no traditions of transferring it to the public. Consequently, authorities inherited a paternalistic mentality and more often their relation with the people was based on the principle "We know better to decide what is good for the citizens". Moreover, as in the communist regime everything was centrally controlled, people were discouraged to use their own initiative, and this passive attitude concerning public affairs prevailed long after the collapse of the communist regime.

3.2 Participation and co-optation between 1996-2000

Relationships with central government improved significantly following the 1996 election of a government, which openly acknowledged the importance of civil society to its electoral success and therefore accepted an increased role for the NGOs in policymaking (Dakova, 2000). The new government established structures to enable meaningful dialogue with the sector at both

national and local levels. At national level two structures were conceived to fulfil this role. First a Civil Society Department was created at the Presidency of Romania whose mandate was to ensure information flow between the sector and government, to consult NGOs on relevant issues and to provide opportunities for the sector's voice to be heard in high-level government. Second, an NGO Liaison Office was established within the government. In addition to information exchange, its mandate was to coordinate legislative efforts with respect to NGOs and to support the network of county NGO liaison officers. Besides these two structures, there was appointed an advisory group of NGO experts to the Council of Ministers, which provided input on different NGO related matters (Dakova, 2000).

Moreover, NGO leaders and experts were appointed to the new governmental structures and in different other positions. The co-optation of civil society leaders has had a two-fold effect which illustrates the identity crisis (see the first section of chapter two) through which civil society went during this period. On the one hand it improved mutual understanding of roles, powers and limitations and created a much more open and communicative relationship between government and the sector (Dakova 2000). But on the other hand, the intimate ties with the government had their drawbacks too. According to an NGO leader quoted in Dakova (2000, p.21) "the relationship became too friendly – NGOs started to do the job of the government and criticism or campaigning became difficult". This highly personalized type of relationships between some NGOs and government has led to an uncritical attitude toward

government officials. Moreover, it favored personal ties and connections and therefore hindered the advancement of institutionalized consultative mechanisms between NGOs and the government. The consequence was that instead of promoting the institutionalization of civil society's participation in governmental policy-making, the intimate friendship and personal ties between some NGO and government leaders eventually substituted it.

On the other hand, at the local level cooperation with authorities has improved significantly but there were several factors that hinder effective partnership with NGOs too. Structures have been created to facilitate this relationship and NGO Liaison Officers were established in every county in 1996 with a remit to maintain two-way communication with the local NGOs. However, according to Dakova (2000) local officials have had a limited awareness of the role of NGOs, and have promoted relationships that were often dependent on personal connections. In general, NGOs only received support if their activities fitted within local development strategies that were rarely created in consultation with NGOs (Dakova, 2000). Moreover, local authorities had limited powers and funds due to the slow process of decentralization and this impeded the partnership with local NGOs, which at the local level were mainly oriented towards service provision.

Summing up, during the 1996-2000 period the government's attitude toward NGOs improved considerably. Several structures were created to make the voice of the NGOs heard. However, instead of further institutionalizing the participation of civil society in policy-making, the authorities have personalized it.

Consequently, except for a small number of NGOs that had good connections with the authorities, the vast majority of civil society organization still reported low access to the legislature to voice their point of view (Epure, 2001). While the majority of NGOs seemed to be rarely involved in the governmental policy formulation, they appeared to co-operate more successfully with authorities in the implementation of public policies. The poor level of institutional development, related to the low level of funding, and a certain reluctance of public authorities towards dialoguing with civil society are some of the factors, which account for this situation (Epure, 2001).

3.3 Coalition-building and institutionalization after 2000

After 2000 civil society embarked on a positive trend, which suggest the beginning of the consolidation and maturity phase. With the support of international assistance a professionalized and experienced civil society emerged, which managed to reach the critical mass that enabled it to become a more visible actor in the Romanian political landscape. Moreover, a group of advocacy NGOs, trained and supported by international actors, increasingly advanced their reform proposals by forming broader coalitions and mobilizing support from media, trade unions and business associations. Subsequently, they managed to successfully push for the creation of institutional channels and mechanisms necessary for the civil society to monitor and participate in the policy-making process. As a result, after more than a decade since the collapse of communism, Romanian civil society

has now the institutional means to participate in decision-making and to increasingly contribute to the consolidation of democracy by holding the government more accountable, responsive and nevertheless more legitimate.

Two important laws adopted in this period particularly facilitate the contribution of civil society to the consolidation of democracy. The first one is the Freedom of Information Act (FOIA, or Law 544/2001 regarding free access to information of public interest), advocated by a coalition of civil society groups and adopted in 2001. Briefly, this law creates the institutional and legal framework that enables civil society to obtain information from public institutions, which in turn, is crucial for fulfilling its democratic function of checking and limiting the power and potential abuses of the state²⁶.

Moreover the function of controlling the state power, overlaps with the civic function of institutionally reforming the state by opening up the decision-making process and enabling the public and civil society to participate. Therefore, the positive trend of civil society involvement in policy-making, inaugurated by the adoption of FOIA, continued with the establishment of a permanent “Coalition for Transparency” of NGOs that pushed successfully for the subsequent passage of transparency legislation and monitored its implementation, (Mungiu-Pippidi, 2004). Accordingly, the second important law for promoting civil society’s participation in decision-making was the so-called

²⁶ The reasons that account for the importance and necessity of FOIA in Romania are discussed in detail in Chapter five of this book.

“Sunshine Law” (Law 52/2003 regarding Transparency of Decision-making in Public Administration).

The “Coalition for Transparency” played an important role in the legislative improvements mentioned above and was set out to enhance public participation in government and advocated the introduction of the “Sunshine Law”. The law offers a comprehensive set of guidelines and regulations for public participation in policy-making and governance in Romania. The “Coalition for Transparency” provided training in how to implement the new law and also published a guide for the general public and the administration. The “sunshine law” came into effect in 2003 that opened the decision-making process in public institutions to public consultation and participation

Why are these legislative and institutional improvements important for the consolidation of democracy in Romania? To answer this question I will refer to a study²⁷ completed in October 2002 by Transparency International Romania, in partnership with IRIS Center Romania and Media Monitoring Agency "Academia Catavencu". The study was concerned with the practice of consultations between public administration and civil society, prior to transparency of decision-making being regulated. The preliminary conclusions revealed several problems concerning civil society participation in consultation processes. First, there

²⁷ The study is cited in Stefan, Laura; Ion Georgescu; Oana Zabava (2003) – “Transparency of Decision-Making in Public Administration - Citizens and Administration Guide”, Bucharest: Transparency International Romania, available at: http://www.transparency.org.ro/doc/ghid_transparenta_eng.pdf

was no coherent or consistent approach on behalf of the administration with respect to consulting and involving civil society in the decision-making process, regardless of whether the adoption of normative acts is at stake. Second, although cooperation between public institutions and non-governmental organizations represented a success in some instances, the rule was lack of transparency. Third, institutions, which preferred opacity, justified their stance through restrictive or abusive legal interpretations that reflect the secrecy culture of Romanian public administration. Fourth, non-governmental participation in decision-making processes was the result of the NGOs' initiative. Such initiatives were successful only with few public institutions, whose openness was due to certain individuals in the top management. Fifth, dialogue between authorities and civil society was accepted in principle, rather than called for in concrete decisions. Sixth, consultation techniques are at their beginning; hence, hesitation is characteristic, even if they had already been practiced. State institutions seemed more interested in such techniques as an end, rather than the means. Practical aspects that ensure their success were not taken into consideration, and contributions from the process were ignored when establishing the final version of the act.

Overall, after 2000 civil society engaged in more advocacy campaigns than before and more coalitions were formed. Advocacy topics included domestic violence, child protection, anti-corruption, environment, constitutional revisions, and political party activities (USAID 2003). These advocacy efforts, however, were not always successful. For instance, in 2001-2002 trade

unions, business organizations, and NGOs joined the Civic Initiative for the Responsibility of the Political Act (ICRAP). The coalition attempted to collect the 250,000 signatures needed to submit a new Electoral Code to Parliament. Although not successful in promoting the legislative proposal, according to USAID, the coalition succeeded in raising public awareness regarding the need for electoral and constitutional reforms (USAID, 2002). In 2003 more than 150 NGOs advocated against provisions in the draft Law on political party financing allowing political parties to receive financial support from NGOs. Unfortunately, regardless of their letters of protest to the parliament, the presidency, the media, and international donors, those provisions remained in the final version of the law (USAID 2003).

On the positive side one can notice the increasing number of Romanian think tanks which have developed considerably and play a growing role in policy design and advocacy, including fiscal and social reform, anticorruption legislation, FOIA implementation, and the policy capacity of parties (Mungiu-Pippidi, 2004). The association of Romanian think tanks with various Western agencies (the USAID and the World Bank, for example) also indicates their expanded role as domestic consultants assisting the government in the reform process (Mungiu-Pippidi, 2004). Donors and international organizations are increasingly relying on these externally funded think tanks to influence the governance of democratizing countries and pursue specific neo-liberal agenda. In other words, besides the top-down direct pressure on governing elites for certain reforms, international organizations seek to use NGOs and other civil society organizations for a

more discreet, bottom-up influence of governance in new democracies.

The evolutions presented above reflect the growing professionalization of civil society organizations. In addition, the processes of joining NATO and the EU also facilitated the role of advocacy NGO in policy-making as these processes led to an increased opportunity to lobby international organization to require certain reforms and thus to put pressure on the Romanian government. Moreover, the government began to rely more on the expertise of civil society groups, and dialogue and consultation between them increased significantly (Mungiu-Pippidi, 2004). This improved relationship has been reflected by the cooperative EU accession effort between the Ministry of European Integration and some of the country's most reputable Romanian NGOs. Despite the important achievements of a relatively small number of externally funded NGOs, higher expectations still exist in relation to the advocacy role of the broad community of civil society groups. Moreover, they should also promote new patterns of behavior, which are linked to democratic values, thus generating social change and promoting democratic consolidation.

3.4 Conclusion

Summing up, the Romanian civil society went through several phases of participation in policy-making after 1989. In the early stages of transition the newly emerged NGOs were seen with suspicion by authorities which dismissed them as illegitimate partners in policy-making.

However, gradually when democracy started to consolidate and the Romanian governments made firm commitments to Euro-Atlantic integration, externally funded NGOs became an increasingly important voice in influencing policies and pushing for a neo-liberal agenda.

Having examined the general trends of civil society involvement in policy making, in the next chapter I will move on to discuss the findings of my empirical analysis, namely the impact of international assistance on the NGOs which participated in the campaign for liberalizing access to public information in Romania.

4. THE IMPACT OF INTERNATIONAL ASSISTANCE ON THE ROMANIAN ADVOCACY NGOS: CASE STUDY

This chapter analyzes the influence of international assistance on the advocacy NGOs that participated in the coalition for the promotion of the Freedom of Information Act (FOIA). I leave aside an evaluation of their specific advocacy activities concerning FOIA (which will be discussed in detail in the next chapter) and focus on the characteristics of these organizations. More specifically, I will analyze their sources of funding, level of organization, connections with domestic and international actors, and types of activities. However, before proceeding with this analysis I will briefly discuss the sample selection and the methodological approach.

4.1 Case selection and methodology

In order to test whether international assistance promotes or rather hinders the role of civil society in consolidating democracy I conduct a case study of post-communist Romania. More specifically, I investigate the role of the Romanian advocacy NGOs in liberalizing access to public information²⁸. In the context of a potential conflict between international assistance and the fulfillment of civil society's democratic functions, the advocacy sector represents an *extreme case* due to several reasons.

²⁸ A Freedom of Information Act was passed in Romania in 2001.

First, in Romania external donors have financed this sector in an overwhelming proportion. As a result, the Romanian advocacy NGOs' might help us find most of the drawbacks or conversely most of the benefits of external assistance since advocacy groups provide typical examples of internationally supported organizations. Therefore, out of the whole range of civil society groups it is in the functioning of this sector where one might expect to find all of the "pathologies" preached by the critics of international assistance to civil society. In other words, critics of foreign aid could claim that this sector is least likely to properly fulfill its role in consolidating democracy. Alternatively, if one claims that international assistance enhances civil society's potential to promote democratic consolidation, we should expect that advocacy NGOs decisively contribute to the deepening of democracy.

A second argument that accounts for the selected case as an extreme one points to the Romanian institutional setup that, until recently, provided an extremely limited space for civil society to participate in the governmental decision making process. In such a "hostile" institutional environment, combined with a significant lack of participatory and partnership traditions both on the part of authorities and civil society, one could expect that advocacy campaigns initiated by NGOs have the least chances to succeed. Consequently, if externally supported advocacy NGOs turn out to be successful in their activities even under these harsh circumstances, this might provide strong evidence supporting the claims of the promoters of international assistance for civil society as a means to consolidate democracy.

A third argument for the case selection refers to the analysis of a particular campaign initiated by a coalition of advocacy NGOs for increasing access to public information in Romania. Freedom of information represents a sensitive issue as it has many direct political implications that penetrate to the very essence of democratic consolidation in both its representative and participatory elements. That is, free access to information deeply resonates with measures promoting human rights, meaningful political participation, accountability, transparency, and anticorruption policies all of these representing issues on which many Romanian official stakeholders have had a bad record. Therefore, under these circumstances, one might argue that promoting a Freedom of Information Act in 2001 could be considered a difficult test for the capacity of civil society to participate and influence the policy making process.

However, as mentioned above this chapter will focus only on the organizational characteristic of the NGOs involved in all stages of the FOIA campaign. Despite their different areas of work, these groups share one common feature: they are an example of foreign supported civil society organization and in many ways typify most of the NGOs in Romania that define themselves as advocacy organizations. Therefore, in this chapter I focus my analysis on areas in which most of the criticism regarding externally funded NGOs arises: level of organization, membership and leadership; dependence on foreign funding; relations with other domestic and international groups; types of activities. In order to investigate the impact of external funding on these

organizations, I e-mailed a questionnaire²⁹ in English (see Appendix A) to six organizations that formed the FOIA coalition. Four of them completed and returned the questionnaire³⁰. While the sample is admittedly small, it nevertheless provides an insight into a group of organizations that work in the area of democratization and might point out the positive as well as negative effects of foreign founding. The results from all four groups are included below. Moreover, when data was available from additional sources (such as web sites, reports, etc) regarding the other two organizations (that did not respond to the questionnaire) it was also included in the analysis. However, most of the discussion below is based on questionnaire information.

4.2 Level of organization, membership and leadership

I begin this section by presenting a brief history of the organizations and their areas of interest. Then I will move on to examine their levels of institutional development using their leadership turnover as a proxy for their level of institutionalization and their formal mechanisms regarding participation in the decision-making as a proxy for their internal level of

²⁹ I gathered questions from several sources. For instance, I wrote many questions similar to those in surveys by Henderson (2003), Epure et al (2001), and one doctoral dissertation student (Mehmet Umut Korkut, CEU, 2003)

³⁰ Three executive directors of the organizations and one program coordinator filled out the questionnaires. They have completed the questionnaire in English.

democratization. I conclude with some observations regarding their leadership and membership.

In general, critics of externally supported NGOs contend that these are “opportunistic” organizations of recent creation that switch their goals according to the available funds. Contrary to this claim, most groups discussed here have demonstrated a quite long and steady history of work in the democratization field. The average age of the organizations surveyed was above eleven years with two of them being created in the first year right after the collapse of the communist regime (1990) while the “youngest” group was created in 1999. All of them worked since their creation in fields related to democratization, such as human rights, civic education, freedom of expression, anti-corruption, etc.

In this paragraph, I will briefly present the six organizations that participated in the FOIA coalition. Although some of them are affiliated to several international organizations or NGO networks, their staff and leadership is provided by Romanian nationals and all have their headquarters in Bucharest. Pro Democracy Association (APD), founded in 1990, is an NGO aiming to promote civic education and participation, and advocates for community and socially oriented democratization. Established in 1990, APADOR-CH (Association for the Defense of Human Rights in Romania – the Helsinki Committee) is a non-governmental, non-profit organization that strives to protect human rights. The Center for Independent Journalism Romania (CJI) was created in 1994 as a project of the Independent Journalism Foundation in New York and it offers courses and training for journalists and

media organizations. However, the director and the staff are Romanian nationals. The Romanian Academic Society (SAR), founded in 1995, is a think tank, which aims to contribute to good governance by conducting research on different policy issues and doing advocacy work. The Media Monitoring Agency – Academia Catavencu created in 1994, is an NGO working in the field of media development, freedom of expression, human rights and anti-corruption. Finally, Transparency International Romania (TI-R) was created in 1999 and then it gained the status of Romanian chapter of the global coalition anti-corruption Transparency International.

In terms of organizational structure, most groups demonstrated fairly complex means of internal governance and selection of new leaders. Out of the four organizations that responded to this survey, three have the president elected by the general assembly or by the board. In only one case the president is not elected but is the founder of the organization, while the executive director is hired under contract. However this organization is not membership based. The organizations with an elected president had had at least one turnover of leadership, except one that has the same president since its founding. The average term of the presidents and the executive directors was of 3-4 year.

The participatory structures used in this study as a proxy for the level of internal democratization present us with a mixed picture. On the one hand, two groups out of four ranked the general assembly or the ordinary members as the most important actors influencing the decisions of their organizations. Among the other two groups, one has a rather pro-expert attitude regarding

internal decision-making (experts are the most influential in the organization), while the other is not a membership-based organization and ranked the director as the person with the highest influence on decisions.

In terms of membership, only one group approximates what can be called “community-based organization”, that is an organization mainly concerned to educate the citizens and work with community. This NGO is oriented toward civic education and participation and counts approximately 1200 members in 30 local branches spread throughout the country. The other groups have an average of 25 members and all of them use also volunteers although in a smaller number. In addition, all organizations have paid staff ranging from 5 to 16 full time employees. Usually, the staff is formed by experts in different fields, which are relatively well paid in comparison with the average salaries in Romania. Moreover, the groups tend to be elite based in terms of their leadership and staff. All of the leadership has a university education and most of them have also studied abroad especially in the USA and/or Western Europe. Furthermore, most of the staff has solid knowledge and expertise in the fields in which their organization works, and therefore these groups are highly professionalized ones.

In general, scholars are particularly critical to such professionalized NGOs, and claim that these groups cannot play any representational role in their societies as they lack any mechanism of accountability to the citizens. The leaders of these organizations represent what Stubbs (1996) names the “globalised new professional middle class” which claims to act in the name of civil society but,

according to Stubbs is “no guarantee of progressive social change.” However, the groups analyzed here might not necessarily exemplify this pessimistic situation mentioned in the literature. While the rather shallow membership of these organizations may cast serious doubts about their capacity to mobilize the participation of the masses, it does not mean that they are less legitimate to advocate policies for the benefit of their societies. As it will be shown in the next chapter they claim to promote the interest of the broader public in general, and the disadvantaged categories of the society in particular. While critics are skeptical about professionalized NGOs’ capacity to voice the interest of people without being accountable to them, these groups seem to believe that an enlightened minority can advocate policies based on good research and knowledge of best practices, which will benefit the society as a whole.

4.3 Sources of funding and assistance

This section examines the sources of founding and assistance, as well as the advantages and drawbacks of receiving foreign fund. The discussion below draws on the data provided by the four organizations that responded to the questionnaire. All four groups indicated that they are dependent on foreign funding for their activities, in an overwhelming proportion ranging from 95 percent to 100 percent. In only in two cases, the fees for services provided by the organization accounted for 4 percent of the organization’s income, while members’ contributions and respectively donations from Romanian companies represented 1 percent. Moreover all four groups reported

an increase in their budget in the last 3-5 years. The ability to apply for grants and to write project related evaluations and reports for donors, (usually in English) seems to be a *sine qua non* condition for the existence of these groups.

Nevertheless, the international sources of funding are various. The organizations mentioned around 5 different international sources, which provide them with funding annually. When asked which of these sources was the most important in 2004 some of them pointed to European donors others to American ones. However, only one group (TI-R) was dependent on a single donor in a significant proportion (80 percent of its 2004 total income came from only one source). For the other three, the most important donor in 2004 counted for less than 20% in two cases (APD and CJI) and between 20 and 40 percent in one case (SAR). These three latter cases might suggest a relative decisional autonomy of the organizations since there was no dominant single donor, which could dictate its own agenda.

The dependence on international funding is mainly due to the lack of domestic opportunities to receive funding for their activities. There are several constraints that impede NGOs from obtaining funding from domestic sources. First of all the economic decline of the 1990s combined with a lack of philanthropic culture in Romania determined these organizations to search for funding abroad. Moreover, in the early 1990s, the state controlled an important part of the economic resources. Since the first NGOs emerged as watchdogs of democracy aiming to control the state power, the government regarded them as enemies and therefore it

rather tried to hinder their development than to fund them. In addition, even the existent domestic private donors are more interested in funding sports or cultural activities which assures them high visibility and publicity (see Dakova, 2000) than broad public interest agendas such as human rights, civic education and the environment.

Despite their dependence on foreign sources, many of the organizations surveyed here consider external funding as an advantage. Among the advantages, some organizations mentioned that receiving foreign funding “keeps you neutral and conserves your objectivity”. Other respondents noted that international funding helps the organization to have a certain degree of autonomy from the political and business sector: “It allows avoiding money with ‘strings attached’ (mainly politically) or tainted (coming from questionable business sources)” (Avadani, 2005, questionnaire). Besides direct funding through grants, many organizations also received technical assistance in the form of organizational development and management, advocacy methods, issue analysis. Most of them reported that international assistance has increased their capacity to advocate policy proposals on different issues.

However, NGOs mentioned that international funding has also its disadvantages. Some respondents stated that foreign funds do not always match the needs of their organizations. For instance, three groups reported that there were areas in which the organization wanted to work but could not because of a lack of international funding for that field. Moreover, one NGO pointed out that international grants provide insufficient support for the most important activities of the organization. Other

organizations mentioned the lack of funding for building organizational capacity, and explained that donor focus more on the sustainability of different projects than on developing sustainable organizations. “The international programs do not cover sufficiently the administrative costs. Most donors prefer to work with ‘established organizations’, but one cannot stay ‘established’ if not enough resources are allocated for such ‘trivial’ costs as rent and utilities” (Avadani, 2005, questionnaire).

4.4 Relationships with other groups

This section discusses the relationship of the organizations with other groups and the degree of their embeddedness in the societal and political context. A controversial issue among the respondents of the questionnaire was whether international donors should support NGO coalitions or not. Two organizations actually reported that they have received international support for organizing advocacy coalitions to tackle particular issues with a broad front. On the other hand one respondent noted that this is not a realistic plan. “Coalitions are effective as long as they are spontaneous and they happen to be spontaneous if NGOs share the same interest with respect to limited number of issues. Competition among NGOs and different organizational interests impede long-term work together” (Zabava, 2005, questionnaire).

Despite these different opinions about voluntary or interest driven alliances, all organizations agreed that working together in a coalition increases their chances to successfully advocating certain issues. The respondents

mentioned several reasons for creating coalitions. First, coalitions gather several types of expertise, increasing the value of action. Second, they mobilize joint resources, contacts and levels of influence. Third, NGO leaders believe the more they are for an initiative, the more legitimate that initiative is. Fourth, coalitions provide certain issues with more visibility and a better capacity to address all the stakeholders. However one respondent also identified some problems which arise from working in coalition. “Advocacy operations are cumbersome when too many organizations are involved. Difficulties appear when donor organizations involve in coalition work, because their grantees tend to follow in order to secure their financial interests, regardless of the issue to be advocated for” (Zabava, 2005, questionnaire). Despite these different opinions, all of the organizations have a good coalition experience since they were also part of other domestic NGO alliances besides FOIA. Moreover, they also participate in transnational NGO networks dealing with issues on their area of interest.

In general, organizations declare to have good connection with other local groups and some of them seem to be somewhat well embedded in their political context. Most of the respondents openly acknowledged that some parties are more sympathetic to the position of their group than others. Moreover, two respondents mentioned that they often work to ensure the election of political leaders sympathetic to the goals of their organization. They also considered political parties as an efficient means to promote their policy proposals. By contrast, the respondents who claimed no sympathy for any party tended to believe that working with parties is

not an effective method to use in promoting the policies advocated by their organization.

Most the organizations also reported increased contacts with the media. Usually they claim to benefit from good visibility on the media, especially at the national level. Since only one of them has local branches it seems that local media less discusses their activities. Most of the groups also reported increased contacts with the national government and local administration.

4.5 Advocacy methods and style

This section examines the advocacy methods and style of the NGOs, which participated in the FOIA coalition. The organizations discussed here engage in various activities to promote their goals. Sometimes the methods employed by one group overlap with those used by another, however in many cases they seem to be complementary. As it will be shown in the next chapter, the variety of methods and styles as well as the ways in which they complement each other gave strength to the FOIA coalition.

The organizational structure of the groups seems to be connected with the type and style of their preferred advocacy activities. For instance, the organization that is more community based and has around 1200 members, is more ready to pressure the decision-makers “from below”, by mobilizing public opinion and disseminating information through the media. Moreover, this organization reported that it contacts more often the members of the parliament and the leaders of the parties than the civil servants or administrative agencies. The

respondent from this organization pointed out that mobilizing public support for an issue is a good strategy for influencing decision-makers that directly depend on the vote of the citizens³¹.

Other organizations are more pro-expert based and therefore they argue that expertise on specific issues based on good research and knowledge of best practices is the most important to influence official decision-makers. Their approach is different from the one discussed above. These groups tend to contact more often the professionalized personnel of ministries and administrative agencies, which are more responsive to rather technical arguments than to direct pressures from public opinion. Therefore, these groups often publish research papers, policy analysis and recommendations, and reports based on monitoring the implementation of certain public policies. Moreover, some of them claim that personal links between people working in ministries and members of the organization are also very important.

Most of the groups mentioned that being part of a transnational network of organizations concerned about specific issues is influential. Being part of a transnational network is usually combined with a strategy based on good connections and lobby to international organizations to put pressure “from above” on domestic decision-makers (i.e. governmental elites). Some respondents

³¹ Despite this optimistic view, the respondent from this organization mentioned that the FOIA campaign managed to mobilize only moderate support from the public opinion. However, the other organizations mentioned even less support, most of them indicating weak or very weak support. One of the groups even reported no support at all from public opinion for the FOIA coalition.

mentioned that such pressures “from above” are particularly efficient when the NGOs’ policy proposals coincide with the reform requirements for joining international organizations such as NATO or UE.

In contrast to the activities mentioned above, the organizations also pointed out several methods that are not part of their advocacy “repertoire”. For instance, most of the respondents emphasized that their organizations never engage in organizing demonstrations, protest strikes, or other direct actions. Only one organization that is more community based reported that it very rarely uses such methods to influence policy-making. Legal recourse to the courts or judicial bodies is also rather rarely used by the organization surveyed here. However, among the FOIA coalition members there is one exception in this regard, a human rights group that although did not respond to the questionnaire, is quite famous in Romania for suing the government both in national and international courts for infringing the basic rights and liberties of the citizens.

4.6 Conclusion

Summing up, all the participant organizations in the FOIA coalition collect an overwhelming proportion of their income from external sources. In addition, they are not mass based but rather elite organizations and most of their leaders and staff are highly educated professionals. While this does not necessarily render them illegitimate, it seems that these organizations are not the engines of mass-mobilization. However, mass based political participation is considerably more difficult to mobilize

around highly technical issues (such as human rights regulations, free access to public information, budget transparency, etc.) when benefits are not immediate but rather diffuse. In these cases, it is more probable that the pursuit of broad public goods would be the enterprise of highly professionalized civil society organizations, and more often with the support of external sources.

Without claiming to represent the interest of one particular group or constituency, the groups analyzed here focus their activities on issues that benefit a broad cross-section of the Romanian society. As it will be emphasized in the next chapter, these organizations are capable to work in a coalition, pool their resources and expertise together and advance policy proposals that address general issues of the Romanian society. The campaign for promoting free access to information in an underlying rights-based struggle that illustrates their potential.

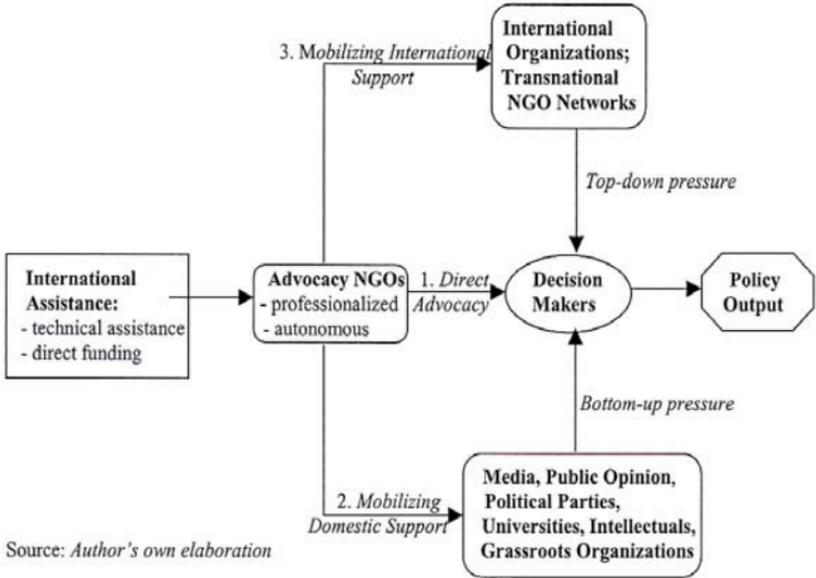
5. LIBERALIZING THE ACCESS TO PUBLIC INFORMATION IN ROMANIA: THE ROLE OF ADVOCACY COALITION

Having presented the impact of international assistance on the advocacy NGOs, I will turn now to discuss their role in liberalizing the access to public information in Romania. This chapter begins with a short conceptualization of advocacy coalitions and the mechanisms and strategies used by NGOs to influence policy outputs. Then I will move on to examine the arguments provided by the supporters of free access to information as a means to consolidate democracy in Romania. The following section points out the role of advocacy coalition in designing and adopting the Freedom of Information Act in Romania in 2001. Subsequently, I will analyze the participation of civil society in the implementation of this piece of legislation.

Advocacy coalitions are defined as typical short-term arrangements, which tend to be loosely structured and are motivated by concrete sets of objectives. Coalitions sometimes lack a formal or overt leadership, though individuals or main organizations may coordinate these types of alliances. Advocacy coalitions increase the likelihood of successful participation in the policy, as by joining forces, groups generate a critical mass and improve their chances of being noticed by governing elites. Alliances can facilitate this process in at least three ways: creating a more efficient division of labor, bolstering their collective demands with greater numbers, and pooling resources. Their combined assets frequently include expertise, credibility, political and media contacts, international ties, administrative capacity, information,

ideas, and prior experience (Risley, 2004, pp. 9-10).

Fig. 1 An NGO centered advocacy coalition framework for influencing policy outputs



In the model presented above, advocacy coalitions include not only domestic actors but also international ones. Three types of mechanisms for creating advocacy coalitions and mobilizing support for a certain policy are emphasized here. First, advocacy groups maintain a face-to-face contact with executive branch officials, legislators, and other decision-makers, depending on where the policy is being created or its fate decided. Some types of resources NGOs have worked better in some institutions than in others. For instance solid technical analyses are more likely to influence administrative agencies or the courts than legislatures (Sabatier, 1999, p.143). In these cases NGOs' capacity to directly persuade administrative and governmental officials is enhanced by their technical

and financial assistance provided by international donors. Professional advocacy groups are able to propose alternative policies based on good research, knowledge of best practice, and in addition they are usually trained in advocacy methods and ways of promoting their policy goals.

Conversely, mobilizing support from the media and public opinion may be more influential with the legislative committees, and parliaments in general, than with an administrative agency (Sabatier, 1999, p.143). Although technical knowledge is also useful, the focus should be here on the second mechanism by which other influential domestic actors such as political parties, media, public opinion, intellectuals, etc. are mobilized.

The third mechanism places the advocacy activities in their international context. Here it is argued that externally funded NGOs are more likely to develop links to International Organizations and participate in transnational NGO networks. By mobilizing relevant international actors, advocacy NGOs can put significant pressures on their government to introduce policies that are relatively unpopular among decision-makers. This mechanism is particularly relevant in countries that aspire to become members of international organizations such as the EU and NATO through the mechanism of conditionality that is compliance with certain conditions in order to obtain full membership.

5.1 Why is free access to information important for democratic consolidation?

Access to information may be defined as the ability of citizens to obtain information in the possession

of institutions, which are financed by public funds. Some states provide for access in their constitutions and laws; many do not. The basis for this type of legislation is every person's right to solicit and receive information from all branches and levels of government. In a democratic regime information related to governmental actions and outputs should be public by definition and it encompasses not only laws or governmental acts, but also data on existing and proposed policies, public facilities, and public spending. In general scholars of democratization believe that access can render the processes of government more open and make those in power more accountable to their people (Diamond, 1999). However, access to information is not merely an abstract subject of academic debate. Lack of information hampers the least better off persons (the poor and the least educated members of a society) which cannot obtain the documents and information, which would enable them to claim their rights.

Romanian activists and scholars who favor the legislation on free access to information advance further arguments about its importance.³² Their reasoning refers to the very essence of democracy in both its representative and participatory varieties. To begin with, access to information increases the capacity of civil society to monitor and control government actions. Moreover,

³² This discussion draws on questionnaire data and various documents that argue in favor of the FOIA legislation. For instance see: Transparency International Romania (2001); Mungiu-Pippidi (2002); Fartusnic & Iordache, (2001); Stefan, Laura; Ion Georgescu & Oana Zabava (2003); Vrabie, Codru, Zabava Oana (2002), Stan, Valerian; Toba, Monica & Popa, Raluca Maria (2004); etc.

citizens need information in order to participate meaningfully in open debates with public authorities on the issues that affect their interests. Therefore, access to information reduces the imbalance of power between the government and those governed, fostering a more “partnership” type of relation. In addition, citizens need information in order to select their representatives and monitor public servants to which they delegate power. Last but not least, access to information is essential to hold the government accountable as access to information induces some inhibitors in the bureaucratic behavior, discouraging to some degree the inefficiency, abuses and corruption of the public institutions.

Accountability and responsiveness are issues that resonate broadly with Romanians. In surveys conducted during the 1990s, respondents consistently ranked corruption among the most worrisome problems plaguing their society. For instance, 86% of the respondents of a 2001 survey cited by Romanian Academic Society³³ (SAR), say that all or almost all public servants are corrupt. Moreover, 87% believe that the Members of Parliament do not work for the public interest and 51 percent thought that there is a conflict between citizens and the political class. In addition, 60 percent of the respondents reported that were mistreated by public servants and 67% recognized that they offered bribe in order to obtain their legal rights.

In the last 15 years, the politicians and the political institutions such as the parliament and political

³³ Romanian Academic society is a Romanian think tank founded in 1995. The study mentioned here is available in Romanian at: http://www.sar.org.ro/files_h/docs/advocacy_foia/3_prezentare.ppt

parties continued to rank very low in terms of Romanians' trust³⁴. In response to these negative trends, supporters of the freedom of information law have presented the reform as an opportunity for politicians to slow the dramatic descent in the polls³⁵. Moreover, proponents of the reform argued that free access to information is a prerequisite of effective citizens' participation in the democratic processes and the law will foster the capacity of individuals to make informed judgements about community matters.

Romania had no regulation on free access to information until 2001, in spite of the fact that the right to information was already codified in the 1991 Constitution. The Romanian Constitution of 1991 provides in Article 31 that "any person's right of access to information of public interest cannot be obstructed . . . The public authorities, according to their responsibilities, are obliged to ensure the correct information of citizens, with respect to public affairs and issues concerning personal interests." In addition, the Constitution provides for the principle of priority of international human rights regulation to which Romania is part. For instance article 19 of the *Declaration of Human Rights* adopted by the United Nations contains a formulation of the right to information as a twinning right to the freedom of

³⁴ The most trusted institutions in Romania are the church (on average around 90%), the army (around 80%) and the media (between 60%-70%). NGOs also score low in terms of populations' trust (only around 30% of the Romanians trust them).

³⁵ See for instance Fartusnic & Iordache, (2001, p.15), who argue in a working paper (comparing the FOIAs in different European countries) that Romanian politicians might gain substantial political capital from the passage of the FOIA.

expression. Romania is also part of the *European Convention on Human Rights* and as a member of the European Council is compelled to respect the adopted documents of this organization including those on the freedom of information and expression. However, before 2001, the access to information usually depended on the discretion of public authorities, which often rejected information requests.

Despite all these international and constitutional commitments to openness made by the Romanian governments, most of the public officials have had a bad record concerning free access to information. During the 1990s the rule was rather to hide information from the public than to make it available. In the immediate aftermath of the collapse of communist regime in 1989, the first requests for access to information aimed to understand the totalitarian past and therefore mainly targeted the files of Ceausescu's secret police, the infamous Securitate. However, faced with such requests from civil society organizations and the political opposition, the Romanian parliament dominated by communist successor parties, "rushed in 1991, before even the adoption of a new Constitution ... to pass not a FOIA, but a National Security bill sealing the archives of Ceausescu's secret service for 50 years" (Mungiu-Pippidi, 2002, p.1).

After the adoption of the new Constitution in 1991 this tendency of keeping secrecy rather than fulfilling the constitutional right of free access to information continued. Moreover in 1993, four senators of the majority coalition proposed a draft on classified information. In its annual report of 1993, the Romanian

chapter of the International Helsinki Federation for Human Rights (known in Romania as the Association for the Defense of Human Rights - the Helsinki Committee, or APADOR-CH) characterized this draft as “the most serious legislative threat posed to human rights and fundamental freedoms after the downfall of the communist regime, expressing an intent to reinstate the police state, where any individual or activity have to be controlled” (Romanian Helsinki Committee, 1993). Mungiu-Pippidi (2002) reports that, the draft was lingering in the Parliament until 1999 when both Chambers approved it but in different versions. However, due to strong criticism from the media, authorities informally agreed to bury the draft in that stage until a FOIA will be passed.

5.2 Phase one: designing and adopting the Freedom of Information Act

In 2000, a liberal MP, Senator Eugen Vasiliu, initiated and promoted a draft law on access to information of public interest. However, according to Mungiu-Pippidi (2002) the draft was unpopular and criticized by the media as it contained a section on regulations against misinformation and libel through the media. Subsequently, Vasiliu improved the draft with the help of international expertise gathered by the Center for Independent Journalism (Bucharest), but he was still missing allies for his project. After the November 2000 elections, another liberal MP, Deputy Mona Musca, assumed the Vasiliu draft law.

On the other hand, when the Social Democratic

Party returned to power after the 2000 election, a final form of the previously “buried” bill on classified information was sent to the President for promulgation, covering both free and classified aspects of information access. Many members of civil society met this draft with consternation (World Bank, 2003). The definition of classified information was still left largely to the government’s discretion, and citizens were to be held responsible for guarding the secrets under serious penalty even if they came across such information by the most accidental means. This lack of clarity concerning the definition of classified information and rights and responsibilities regarding it was troubling both for internal and external critics. The internal context in which the debate between the supporters of the classified information bill and those of the free access to information draft took place in the early 2001 is suggestively described by a report of Transparency International Romania (2001, p. 3):

“[After] a decade of legislative processes and public policies hostile to institutional transparency, the issue of access to information of public interest became gradually an important key word in the discourse of human rights organizations. While the topic gained its legitimization as a favorite of the civic activism, the idea of access to information of public interest made its way with more difficulty in the political and administrative discourse. It was perceived by most of the public officials, regardless of political affiliations, as a pressure tool in the hands of the media and civil society, when not considered a direct threat to state institutions.”

The liberalization of access to information cannot be properly understood without references to Romania's objectives of Euro-Atlantic integration³⁶. NATO made demands on Romania to adopt clear regulations regarding access to information (together with the exception regarding military classified information) and transparency of the decision-making process. On the other hand, the EU's demands were even more complex than NATO's, and the process of negotiating accession chapters led Romania towards adopting similar mechanisms with other member states, within a very short time span.

Therefore, both the supporters of the free access to information draft and those of classified information draft justified their bills as required by Romania's joining NATO and the EU. While the government claimed that the law on classified information is a requirement for Romania's joining NATO, the opponents argued that the North-Atlantic Organization was concerned only with military information and not with the governmental secrets. On the other hand, supporters of FOIA pointed to the EU's regular reports on Romania, which critically mentioned the absence of a freedom of information act as a means for improving the accountability of government and fight against corruption³⁷.

³⁶ Romania joined NATO in 2002. In April 2005 Romania signed the Treaty of Accession with the EU, and is scheduled to join the Union in 2007.

³⁷ See for instance Commission of the European Communities, (2001): *Regular report on Romania's progress towards accession-2001*, p.22, available at:

Moreover, local and international critics expressed concern that the legislation proposed by the government focused on *restrictions* of access to classified information, when the thrust should be *freedom* of access to information. Civil society groups, the media and some political parties strongly opposed the classified information bill. The international and national context was such that the Romanian government could ill afford a scandal. According to Mungiu-Pippidi (2002, p. 2) the decisive event for countering the Government's initiative on classified information was "a ruling of the Constitutional Court, which on procedural rather than substantive grounds declared the bill 'unconstitutional' and won more time for the nascent coalition opposing it. After this event, the President and the Prime Minister changed strategy overnight, dissociated themselves moderately from the initiators of the draft and agreed it should be put on hold until a FOIA was passed to create a general regulatory framework of access to information".

Hence, the social-democrat government aimed to counter the liberals' advantage of having a draft on free access of information and the Ministry of Public Information (MPI) produced and advanced surprisingly fast its own draft "in no way worse than the Liberals' one"³⁸. On the other hand, the liberals refused to give up their advantage of having already a draft in the process and announced that they will block the governments draft and advance their own. Civil society organizations

http://www.infoeuropa.ro/ieweb/imgupload/2001_Regular_Report.pdf

³⁸ Evaluation made by Mungiu-Pippidi (2002, p.2). For a comparative analysis of the two drafts and other European regulations on FOIA, see also Fartusnic & Iordache, (2001).

thought it was the right moment to step in the process and mediate between the two parts and, at the same time substantially improve the FOIA drafts. In this sense, the Romanian Academic Society (SAR) produced and disseminated a working paper reviewing both the liberals' project and the government's one and published the Slovak law as a model worth following. According to Mungiu-Pippidi (2002, p.8) this working paper was conceived as an advocacy instrument as well as an awareness raising tool.

Subsequently, the Romanian Academic Society (SAR) provided a neutral ground for the supporters of the two drafts to meet, discuss their views and agree upon principles and phrasing. "The meeting started at about lunch time on Friday, March 23 and by the end of normal office hours a civil society coalition was forged behind a new version of the FOIA, both the liberals and the government were won for the new version and they had in the same time agreed among themselves a procedure to bridge the conflict" (Mungiu-Pippidi, 2002, p.2). The new version agreed at SAR's headquarters included many points from the liberal draft, the government's draft and also incorporated many articles put forward by the civil society organizations which attended the meeting.

Amendments proposed by civil society and the media associations to the draft included for instance the provision of administrative responsibility, namely the right of persons to appeal at a superior instance in the same agency if the entitled information was not provided according to the law. Civil society organizations considered this provision important, as most of the citizens do not have the means and time to sue the respective agency in the court. Moreover, the new draft

provided that every institution should create a specialized office and appoint a person dealing with information requests and the publishing of ex officio information (Mungiu-Pippidi, 2002, p.8). In addition the League of Romanian Journalists backed by the Center for Independent Journalism, requested that the information for journalists should be disclosed immediately or in maximum 24 hours. The Romanian Helsinki Committee (APADOR-CH) was concerned mainly to reduce the number of exceptions from FOIA and secure the status of framework law for the regulation in order to annihilate the possible negative effects of the future law on classified information. Other Romanian NGOs involved included the Media Monitoring Agency and Transparency International Romania. International partners of these NGOs, such as the UK based organization Article 19, were also active in providing legal counsel to their Romanian partners on the FOIA drafts. The politicians who participated at the SAR meeting were the liberal MP, Mona Musca, member of the media committee of the Chamber of Deputies together with Eugen Vasiliu, author of the liberal draft, and the MIP Secretary of State, Dan Jurcan, author of the government's draft (Mungiu-Pippidi, 2002, p. 9).

At the end of the meeting civil society organizations signed a statement by which they agreed to form a coalition to promote the adoption and implementation of the FOIA. According to Mungiu-Pippidi (2002, pp. 9-10) the statement contained also an actual threat "that the civil society would not rest but create a stir in the domestic and foreign media, as well as at the level of international instances if the law did not turn out in the form agreed. It showed the decision of

civil society to act as a block and addressed directly the main concern of the government party in that moment, the international public opinion. And so it worked.” Other participants to the FOIA coalition also acknowledged the importance of international pressure as a tool for advancing their policy proposals. Referring to EU conditionality, Avadani³⁹ (2003) claims that “EU ‘*acquis communautaire*’ works as a marvel when it comes to promote advanced standards in legislation”. Although there are no specific FOIA conditions for joining the EU, the European Commission constantly criticized Romania in its country reports for the lack of such legislation⁴⁰. Another civil society organization leader considered that “NGOs can take advantage of external pressure to promote change” (Zabava, 2005, questionnaire).

After the meeting at SAR, the media commission of the Chamber of Deputies synthesized the liberal and the government’s proposals into only one draft based on the agreements mentioned above. NGO representatives attended again the meetings in the Parliament and pushed for "maximal openness" principle and contributed even to the wording for the law (Avadani, 2003, p.2). According to one NGO leader:

“Participating in the work of the commissions allowed us to send the message directly, without

³⁹ Ioana Avadani is director of the Center for Independent Journalism, an organization which is part of the FOIA coalition.

⁴⁰ See for instance Commission of the European Communities, (2001): *Regular report on Romania’s progress towards accession-2001*, p.22, available at: http://www.infoeuropa.ro/ieweb/imgupload/2001_Regular_Report.pdf

possible misinterpretations and with the possibility to use our ‘public speaking skills’ to persuade the members. It also created a ‘subjective majority’, which influenced the vote in the commissions. Our physical presence in the meetings ‘forced’ the policy-makers to save face and prevented them to vote against something they claimed they respected” (Avadani, 2005, questionnaire).

By the summer 2001, both chambers of the Parliament passed the FOIA and by the end of the year the law was successfully enacted. In July, the Romanian Academic Society sent a wake-up call email message to a dozen development donor groups, stating in effect that the FOIA bill was by then in a fairly advanced stage and any input from these organizations would have to be delivered in a timely fashion to be effective (World Bank, 2000). The message energized USAID Romania’s Democracy and Governance group to become involved by lending the services of its contractor, the IRIS Center. Although the IRIS project in Romania focused largely on business environment issues, IRIS had broader regional experience with the freedom of information act implementation that recommended them for assistance to the FOIA coalition in Romania. Regional experience of FOIA best practices was also important for designing the law⁴¹. For instance according to Mungiu-Pippidi (2002, p.10) at the meeting at SAR, at some point an article from the Slovak FOIA was translated from English into Romanian and included directly into the civil society’s recommendations list.

⁴¹ Bulgaria has passed a FOIA in 1999, and Slovakia in 2000.

The alliance forged after the meeting at SAR was a coalesced informal coalition. The core contributors were NGOs dedicated to transparency, citizen participation, political reform, human rights, and journalists associations, which pooled together their diverse expertise and various contacts, both in the country and abroad. According to Ioana Avadani, leader of the Center for Independent Journalism Romania who participated in the FOIA coalition:

“The key word in this structure was ‘informal’: the participant NGOs joined one or another of the activities according to their own agenda and availability, there was no "leadership" or subordination. But the informal character of the coalition was, at the same time, the strength and the soft belly of the coalition.

The strength - because it allowed for flexibility, for fluent, direct and timely communication (sometimes at night, on personal phones) and for speedy reaction, avoiding all kinds of meetings, formal consultations or vote procedures. Each of the members took the lead when their field of expertise was more relevant and there were not cases of disputes over ‘who's the boss’.

The weakness - because the coalition had no distinct individuality or ‘brand’ and sometimes the public perception failed to recognize the group of NGOs as a single entity” (Avadani, 2003, p. 2).

The strategies used by the members of the coalition were manifold. They met directly the lawmakers in the parliament and the governmental officials who drafted the law. They also organized conferences and seminars, exchanged research and technical information and used the media to raise awareness among governmental and

civil society actors, as well as the broader public. At one time or another during the campaign, different groups took lead depending on their area of expertise.

The contacts with individual officials, MPs or government officials, were important for advancing the policy proposals. One leader of a participant NGO argues that the success of the advocacy process was mainly facilitated by the degree to which some lawmakers and public servants were sympathetic or interested in the passage of FOIA: “individuals' commitment mattered; the most active officials were those who assessed FOIA as important for their own political or administrative career” (Zabava, 2005, questionnaire). The personal experience and training of the officials was also important. According to a World Bank report (2003, p. 93) in order to help the Romanian government gain a clearer sense of how FOIA is implemented in the U.S., “two study tours to the U.S. were organized for MPI officials with support from the U.S. Embassy and the International Republican Institute”. Mungiu-Pippidi (2002, p. 14, note no. 9) also remarks that the expert within the Ministry of Public Information (MPI) who drafted the government’s project “had been shipped to the U.S. by USAID just weeks before”. Therefore, some NGO leaders saw the adoption of the FOIA as a result of the efforts of an “enlightened” elite, which shares a westernized cultural model of freedom distinct from the broad society. The description made by one of the leaders, which participated in the FOIA coalition, is illustrative in this sense:

What makes the still unfinished story of FOIA a breakthrough is a mix of various elements. First we have a small group of Western-educated intellectuals,

mostly with an American background or belonging to American-sponsored Romanian NGOs able to work together and put forward a project drawing on a cultural model of freedom shared by this group, but on behalf of the society as a whole. In so doing they also act to mobilize other actors as well, under the banner of self-interest this time, actors enjoying considerable influence, such as political parties or journalists' associations. They are then able to take advantage of circumstances by acting promptly on the basis of good research, knowledge of best practices, good leadership and mutual trust relations. Similar actors can reproduce every one and each of those in any other similar society. (Mungiu-Pippidi, 2002, p.14)

Even if the passing of the law went smoothly, the process posed some problems. Although Romanians rank corruption as one of the most worrisome problems plaguing their society, many of them seemed to be unaware that free access to information could be used as a tool for countering it. Accordingly, most of the respondents to my questionnaire mentioned that the FOIA coalition secured only a very weak support from public opinion. For instance, one NGO leader asserts that “there was **no social expectation** [bold in original] for such a law and, as a result, no pressure from the society. In a way, we were in the avant-garde, ‘forcing’ the law onto the Romanian society” (Avadani, 2003, p. 3). This does not mean that the law is useless. By contrast it indicates a gap between citizens’ perception of problems (such as corruption and lack of governmental accountability) and the possible solutions for them. It is not surprising that citizens who lived for almost half a century in a

totalitarian regime promoting a culture of secrecy do not know how access to information can be helpful for them. Even after the collapse of communism they are still habituated to solve problems in the old fashion (i.e. patronage, clientelism, bribe, etc.). The adoption of the law is a step forward to remedy this situation. However the success of the FOIA in producing the intended effects, depends on the level of citizens information about their rights and the modalities to turn to a good account these rights. In this sense, the role of the civil society and the media to educate and provide citizens with the necessary information is of crucial importance.

In general, all participant civil society organizations expressed their satisfaction with their involvement in the policy-making of FOIA. They considered that the adoption of FOIA sets out a good precedent for the civil society's involvement in policy-making. For instance one NGO leader noted that:

“The drafting, refining and passing of the Romanian FOIA was an excellent exercise of cooperation between government, political parties and civil society. It was for the first time when a group of NGOs was involved in the law making process, from the very beginning. Their role was crucial and their impact is acknowledged by all the key players. The NGOs provided advice to the authors of the draft, provided international critique to the various versions of the text and created a certain degree of media awareness regarding the problems of freedom of information” (Avadani, 2003, p.2).

On its turn, the Government presented the

adoption of FOIA in October 2001 as “major shift from opacity to transparency in the activity of public authorities, and from non-involvement to direct participation of citizens” in decision making (Romanian Government, 2005). Beside this symbolic significance attached to the FOIA, the law⁴² actually contains provisions that create the mechanisms for empowering citizens in their relation with the government. To begin with, the law allows for all persons to have access to information of public interest - meaning information in the possession, regarding or generated by public institutions (entities using public money and being active on Romanian soil). Exceptions from the free access are listed⁴³. The law states the obligations of the public authorities and institutions concerning the release - ex officio or by request - of the information, as well as the procedures and the deadlines for releasing the information. The public authorities and institutions are required to create special departments for public information.

A special chapter is dedicated to the media and journalists’ access to information. The authorities and the public institutions are required to create specialized structures for their relations with the media. The media outlets are subject to positive discrimination, as the deadline for the release of information to them is 24 hours, compared to 10 days for ordinary requests. Those who

⁴² The law is available online in Romanian on the web site of the Romanian Parliament: http://www.cdep.ro/pls/legis/legis_pck.ftp_act_text?id=30060

⁴³ Law no 182/2002 concerning classified information mentions some of the documents that are excepted from free access to public information.

consider that their rights to freely access the information have been breached - either by denial of the information or by failure of meeting the deadlines - can appeal the decision, first by administrative way (to the superior of the employee who has denied the information), then to the court. The court can rule in favor of the disclosure of the information and can also sentence the public institution to moral or patrimonial damages.

5.3 Phase two: implementing the Law on free access to public information

After lobbying for the adoption of the FOIA, the advocacy coalition moved on to monitor the implementation of the law. During the talks on implementation, new NGOs have stepped into the process but they agreed that opinions on implementation should not be sent individually to the government but discussed and put forward strongly by the coalition (Mungiu-Pippidi, 2002, p.10). The members of the coalition continued to work with the Ministry of Public Information (MPI) on the implementation norms of the FOIA⁴⁴. “Based on the good exercise we had with the law itself, we persuaded MPI to continue consultation during the drafting and the adoption of the [implementation] norms” (Avadani, 2003, pp.3-4).

Mungiu-Pippidi (2002), president of SAR, proposed a strategy for the implementation of FOIA as a two-stage process: first empowering the government, and second empowering the community in the

⁴⁴ The norms of implementation have been published in the official Gazette of Romania, Part I, no. 167 of March 8, 2002.

accountability process. According to this strategy the first need that arises from FOIA is to build the capacity of the newly created PR offices. It was for the first time when the law stipulated the creation of such offices, and due to lack of experience and skills it was improbable that the staff of public institutions could effectively fulfil their duties⁴⁵. After building the capacity of institutions, the strategy suggests to bring in the consumer that is empowering the community (citizens and NGOs). However, keeping the institutions accountable may require the reading of somewhat technical information such as the spending report and the budgets. Therefore, Mungiu-Pippidi argues that, until the citizens acquire the necessary skills and habituation, a competent and independent intermediate agent is needed to act on behalf of the public. The solution proposed by Mungiu-Pippidi is to empower the local NGOs or other community organizations to act as auditor or Ombudsmen of the citizens. In the first years after the passage of the law, these organizations should check reports and help individuals to fill complaints.

Consequently the FOIA coalition further participated not only by monitoring public institutions but also by actively supporting the implementation. The members of the coalition prepared projects funded mainly by foreign donors and aimed at training public information officers, journalists, lawyers, and magistrates regarding the implementation of FOIA. In addition, members of the coalition carried out training

⁴⁵ Moreover, According to Mungiu-Pippidi wages in the public sector were about the national average, that is approximately 100 USD per month, and therefore persons with PR skills preferred to work in the media or in the PR offices of private businesses.

session, seminars, research, conferences and projects aimed to improve the implementation of FOIA⁴⁶. These were carried out sometimes in partnership with the government. For instance, Pro Democracy Association (APD) carried out a project aimed to empower civil society to facilitate the interaction between citizens and public institutions under FOIA. The project's initiators also planned to promote public awareness, collect and disseminate public information, provide assistance and training to public institutions. For achieving these goals, APD created a network of FOIA Resource Centers involving its local branches to effectively interact with public agencies, under the provisions of the FOIA. The project was implemented in partnership with the Ministry of Public Information, and the United Nations Development Program funded it. Moreover, APD also organized a series of training sessions for the persons working in the newly created FOIA Resource Centers.

⁴⁶ Without the claim of exhaustively presenting all the activities carried out by the coalition members I will just provide some examples. SAR realized and published a guide of FOIA best practices financially supported by USAID. Transparency International Romania published a guide for citizens regarding FOIA financed by USAID and America's Development Foundation. Moreover, Transparency International Romania has realized a project "The People's Advocate and the European Ombudsman—guarantors of transparency in Romania and the European Union". The European Union through the PHARE Program funded this project. The Romanian chapter of the Helsinki Committee (APADOR-CH) together with the Center for Independent Journalism and the international organization Article 19 organized an International conference on FOIA issues. Most of these organizations also organized training sessions for public servants, journalists, and civil society organizations.

Most of the members of the FOIA coalition monitored and published reports on the implementation of the law. The Institute for Public Policies realized, with the financial support of the Canadian Embassy in Bucharest, one of the most recent studies concerning FOIA⁴⁷. The research points out the stage of the implementation of FOIA, at the local level, three years after the law has been enacted. The study reports that, on the part of citizens there is only a gradual increase in the number of information requests based on the FOIA, which suggests that citizens' interest and participation is still under the expectations of the supporters of the law. Three years after the law has been passed only small part of the population seems to have learned about the law. On the part of the public institutions, most local government institutions (around 75%) have established the department responsible for the implementation of the FOIA. However there are still problems which impede the efficient implementation of the law due to the lack of skilled personnel and proper material endowments of public administration. Compared with previous NGO reports on the FOIA (from 2002, 2003), which were even more pessimistic, this latter study points to a slight improvement in the implementation of the law. This might suggest that it takes time for both the institutions and citizens to adapt and make proper use of the tools provided by the law.

⁴⁷ The study was published in September 2004. For details see Stan et al (2004).

5.4 Conclusion

The activity of the FOIA coalition suggests an increased participation of externally funded NGOs in policy-making. This case supports the argument (mentioned in chapter three) that once the authorities become more committed to Euro-Atlantic integration, the voice of professionalized NGOs starts to count more. According to an NGO leader “after 10 years of trial and error, yet benefiting from the constant and coherent assistance of external donors, the Romanian civil society managed to reach the ‘critical mass’ necessary for getting involved into the governmental process from a constructive perspective, now offering also solutions and not only scattered criticism.⁴⁸” As pointed out by one of the participants, the adoption of the FOIA was advocated by a small group of western educated NGO professionals. But on the other hand, the broader public was not involved in the story of FOIA. Even after the act has been adopted, citizens remained somehow ignorant on how to make use of their rights provided by the law.

Nevertheless, the advocacy NGOs managed to successfully “link-up” to the decision-makers and promote the law. Moreover, the FOIA coalition advanced its goals by skillfully using both the internal pressures of media, on the one hand and the external pressure of the EU and NATO integration’s exigencies, on the other. The coalition’s experience exemplifies several of the benefits of forming alliances proposed at the outset of this chapter.

⁴⁸ See Popa, Marian V., president of Transparency International Romania, Foreword in Vrabie, Codru; Zabava Oana (2002, p. 5)

Making similar demands separately from one another seemed like a recipe for political marginalization. Instead, the strategy of joining forces created a critical mass and a common voice used to sway the authorities. The NGOs coordinated their activities, enjoyed a good division of labor based on their respective specialties (such as legal, political, administrative and journalistic experience), and pooled resources (including access to international organizations and transnational NGOs, domestic politicians and the media).

CONCLUSION

This book analyzed the impact of international assistance on the participation of civil society in policy-making processes. I have argued that citizens' participation in decision-making through civil society organizations is key to democratic consolidation as it increases the accountability, responsiveness and legitimacy of democratic regimes. Moreover it has been shown that international assistance has a mixed effect on the contribution of civil society to the consolidation of democracy in Romania. On the one hand, foreign aid enhances the capacity of civil society to mobilize advocacy coalitions and this in turn increases their chances to successfully influence policies. But on the other hand, democracy assistance fosters professionalized elite dominated groups that are detached from their domestic constituencies. In other words, the book demonstrated that foreign assistance fosters NGOs' "link up" to the policymakers while in the same time hinders their "link down" to the citizens and the community. This has been tested by conducting an empirical analysis based on questionnaire data regarding the organizations that advocated for the liberalization of access to information in Romania.

As emphasized by the analysis conducted in chapter five of the book, the campaign for promoting free access to information in an underlying rights-based struggle that illustrates the potential of advocacy NGOs to influence policy outputs. All the participant organizations in the FOIA coalition collect an overwhelmingly

proportion of their income from external sources. Related to this dependence on foreign grants, critics of democracy assistance have pointed out that hash competition for funds impedes any form of cooperation between NGOs. In contrast to this claim, the groups analyzed here proved to be capable to work in a coalition, pool their expertise together and advance policy proposals that address general issues of the Romanian society. They managed to coordinate their advocacy activities skillfully, enjoyed a good division of labor based on their respective specialties (such as legal, political, administrative and journalistic experience), and pooled resources (including access to international organizations, transnational NGO networks, domestic politicians and the media).

However, drawing on the analysis of Romanian policymaking process presented in chapter three, I argue that the impact of international assistance on civil society's involvement in policy-making depends on the level of a country's integration into the international community. Therefore, in the early stages of transition, when Romania was rather isolated and had weak ties with consolidated democracies and their norms and practices, the outcomes of democracy assistance were rather shallow. The communist successor authorities marginalized the newly emerged NGOs and dismissed them as illegitimate partners in policy-making. However, gradually when democracy started to consolidate and the Romanian governments made firm commitments to Euro-Atlantic integration (i.e. NATO and UE), externally funded NGOs became an increasingly important voice in influencing policies and pushing for a neo-liberal agenda. These findings seem to confirm Carothers' (1996, p.127)

analogy according to which democracy assistance appears to “work best as an additional fuel in the tank of an already moving car; it cannot very easily fill an empty tank or serve as a replacement motor for a stalled vehicle.” In other words the positive influence of democracy assistance on civil society’s participation in policy-making increases when there is an initial impetus for openness and reform on the part of authorities. Despite these uneven effects, the contribution of international assistance to the emergence and development of civil society in Romanian cannot be disregarded. As pointed out in chapter two, a significant part of the funding for the NGO sector comes from foreign sources.

Nevertheless, international funding has fostered a certain type of civil society, which is typified in many aspects by the cases discussed in this book. The groups analyzed here are not mass based but rather elite organizations and this challenges donors’ assumption that such groups can increase citizens’ participation in public affairs. While their elite character does not necessarily render them illegitimate, it questions the capacity of these organizations to act as engines of mass-mobilization. As pointed out in chapter four of the book, most of them have shallow membership while their leaders and staff are highly educated professionals. In addition, their leadership nicely illustrates what Stubbs (1996) called “the new global professionalized middle class” who has few ties to the grassroots and is a creation of the “growth industry of democracy promotion and protection”. Many of the staff and leaders of these groups adapt to the norms and values of their donors and share the global perspective. That is, most of them assume a westernized cultural model, and

have experience studying or working abroad, good connections with foreign donors and international organizations and English language skills.

The ability to apply for grants and to write project related evaluations and reports for donors, (usually in English) seems to be a *sine qua non* condition for the existence of these groups. Consequently, the NGOs discussed here are less open to ordinary people. Moreover, some of them reported that most of the foreign grants cover only project-related costs and do not provide resources for organizational building or for day to day running costs. As a result, these NGOs have to constantly work on writing project proposals in order to secure their existence, and this in turn might divert their energy from activities such as building up a constituency and increasing membership. Therefore, they often seem to be more beholden to international donors than to the larger public whose interest they claim to represent.

The issue of representation is important as it points to the legitimacy of these groups to act as link between the people and the government and influence policy-making on behalf of the citizens. Critics of democracy assistance to civil society are dismissive of any representative role for the professionalized advocacy NGOs. Moreover, scholars often see these groups as executing agents of the neo-liberal agenda of their donors, thus having practically no autonomy. In spite of the truth in some of the criticism mentioned above, the groups that formed the FOIA coalition do not necessarily illustrate this pessimistic point of view mentioned in the literature. Although their existence almost exclusively depends on international funding, for most of them the sources of

funding are dispersed among a number of donors (public and private) from several countries. In this case, no established democracy or donor organization is in a position to dictate an agenda, and the loss of one large grant does not necessarily threaten the survival of the organization. This in turn might render them with a certain degree of autonomy.

Without claiming to represent the interest of one particular domestic group or constituency, the groups analyzed here focus their activities on issues that benefit a broad cross-section of the Romanian society. Eventually, liberalizing access to public information represents an underlying right-based struggle. Freedom of information is a foundational element of participatory democracy as well as an instrument for citizens to meet basic needs. It is also a tool to fight against the high level of corruption and low level of accountability, which are issues that broadly resonate among Romanians. Therefore, professionalized civil society groups such as those analyzed in this book, may not be the driving force that mobilize people into mass participation, but still they can play a valuable role for the citizens by advocating policies that will benefit the society as a whole.

Nevertheless, the campaign for liberalizing access to information in Romania also suggest, that these groups are better prepared to do what donor trained and funded them to do, namely advocacy targeting decision-making, rather than to educate the community and especially the less educated among its members. The Freedom of Information Act in Romania has been initiated and promoted by a small group of elite dominated NGOs, enlightened politicians, and government officials, which

shared a common cultural model of freedom based on their westernized experience and background. This group then used external pressure and mobilized other internal actors to determine the more reluctant decision-makers to adopt the law. However, what has been missing from the story of liberalizing access to information outlined above is the support from the presumptive beneficiaries of the law, namely ordinary people. All the respondents to my questionnaire acknowledged that public opinion and citizens provided very weak support for the FOIA campaign. In addition, four years after liberalizing access to information the broader public seems to remain somehow ignorant about how to make use of the rights provided by the law.

On a more general level, the case study conducted in this book also points to a distressful conclusion regarding the international neo-liberal agenda in general and democracy assistance in particular. It reveals that aiding democracy abroad carries with it the risk to promote an elitist type of democracy. That is, the neo-liberal model of democratic institutions and policies are transferred and implemented in recipient countries with the contribution of a small set of local elites with few incentives to develop ties to the grassroots and stimulate citizens' involvement. Consequently, the larger society remains somewhat alienated from the new institutions and participation in policy-making processes. Again, the result might be the promotion of a shallow type of democracy based on purely formal criteria, which does not reflect the societal penetration of democratic habits and values necessary for the successful consolidation of democracy.

However, the findings of this research do not

suggest that foreign funds should be cut and democracy assistance should be stopped because they somehow hinder NGOs' "link down" to their community. I argued that consolidation of democracy is a continuous process, which not only implies voters' participation in elections but also necessarily requires maximizing citizens' opportunities to influence the conditions in which they live. From this perspective, the study suggests that in order to effectively promote democratic consolidation international donors would need to create the incentives for civil society groups to work more with the citizens, to educate and empower them to make informed political choices and meaningfully participate in the governance of their community.

This book has made a threefold contribution to the academic literature on democratization. First, on a more general level, it has linked together three strands of an argument that has as yet been insufficiently connected: consolidation of democracy, civil society and democracy assistance. Second, it has contributed to the academic debate on the impact of international assistance on civil society by empirically testing the effects of foreign aid in a novel perspective focusing not only on the structure of NGOs, but also on how these organizations perform their ideational functions attributed to them by democratic theory. Finally, the book provided a case study on the evolution of civil society and its contribution to democratization in Romania, which adds to the scarce amount of research about this country's associational life.

Future research could expand the scope of this study in several directions. First in order to understand better the impact of international assistance on the

contribution of civil society to democratic consolidation future research could compare civil society organisations that have received foreign assistance with those that were relying on domestic funding alone. Second, further research could be based on the comparative analysis of more countries in order to reveal the influences of the international support for the NGO sectors in different contexts. Conversely, it might differentiate between different donors' strategies and compare their effectiveness in the same context. Besides these possible directions on analysis, in general, more research is needed to explain the influence of international factors on the citizens-government nexus and particularly on citizens' participation in policy-making in new democracies. I believe that this area of inquiry is crucial for our understanding of democratic consolidation.

APPENDIX A – THE QUESTIONNAIRE

This questionnaire is very easy to fill out. Please read the questions that follow below. If given the option of a list of various answers, choose the answer that best represents your view. Otherwise, please write the answer immediately after the question. Use as much space as you need for answering the questions. If you do not want to answer a particular question, you may simply move to the next one. You may also provide additional information that is not covered by the questions at the end of this questionnaire. Individual answers to the questionnaire are completely confidential.

1. What is the official name of your organization?
2. Please write the month and year when your group was founded?
- 3.a. Is your organization part of a *national* coalition, alliance, “umbrella organization”, forum or federation? (If yes, please specify)
- 3.b. Is your organization part of an *international* coalition, alliance, “umbrella organization”, forum or federation? (If yes, please specify)

The following section of the questionnaire asks questions about the membership and leadership of your organization.

4. About how many members do you have in your organization?

5. What was your membership five years ago (if applicable)?
 - a. Larger than current size
 - b. Approximately the same as today
 - c. Smaller than current size
6. How many volunteers does your organization have?
7. Does your organization have any paid staff?
 - a. If yes, how many are full time employees?
 - b. If yes, how many are part-time paid employees?
8. Can you please rank the following 7 items from 1 to 7 on the basis of their effect on decisions of your organization? [N.B. *1. Stands for the most important*, and *7. Stands for the least important*, Please indicate if one of the following items is *not applicable* to your organization.]
 - a. Conference/General meeting of members or delegates
 - b. The “Umbrella Group”
 - c. The executive committee of your organization
 - d. President/director of the organization
 - e. Local branches
 - f. The experts of your organization
 - g. Ordinary members
9. Is the president/[director] of your organization elected? If yes, how?
10. How many presidents/[directors] have led your organization since its founding?
11. How long has the current president/[director] served in his or her position?
12. Have you or one of your organization’s leaders worked or studied abroad? (If yes please specify when and

where)

The following section of this questionnaire asks about the activities of your group.

13. Given your goals, please indicate how often your organization engages in the following activities. [Indicate frequency: 1. *very often*; 2. *often*; 3. *somewhat often*; 4. *somewhat rarely*; 5. *rarely*; 6. *very rarely*, 7. *the organization does not engage in such activity*.]

- a. Participation in the work of government or parliament commissions and advisory committees
- b. Contact with civil servants or ministers
- c. Contacts with members of parliament
- d. Contacts with leaders of political parties
- e. Efforts to mobilize public opinion through disseminating information
- f. Organizing demonstrations, protests, strikes, or other direct actions
- g. Legal recourse to the courts or judicial bodies
- h. Contacts with people in the media
- i. Contacts with other voluntary organizations
- j. Organizing conferences and workshops for specialists in your field
- k. Organizing conferences and workshops for interested citizens or other non-specialists in your field
- l. Publishing newsletters, magazines, journals, monographs, or books
- m. Working for passage and implementation of needed legislation at local, regional and national level

- n. Working to ensure the election of political leaders sympathetic to the goals of your organization
 - o. Conducting or organizing research on the problems of your field
 - p. Fund-raising
 - q. Applying for grants
 - r. Making efforts through mailings, personal contacts or other means to increase the membership of your organization
 - s. Writing evaluations and reports for donors
 - t. Building the identity of your members
 - u. Other (please specify)
14. How satisfied are you with the current government's attitude towards civil society groups' participation in policy making in Romania?
- 1. Very satisfied 2. Satisfied
 - 3. Somewhat satisfied 4. Somewhat unsatisfied
 - 5. Unsatisfied 6. Very unsatisfied
15. In the past five years, how has the participation of civil society in policy making changed?
- [Indicate dynamic: 1. *Increased* 2. *Stayed the same*, 3. *Decreased* 4. *Not sure*]
16. How important are the following 10 factors for your organization to influence official decision-makers about policy issues. [Please rank them in the order of their importance from 1 to 10: N.B. 1 means *the most important* and 10 means *the least important*]
- a. Personal links between people working in ministries and your organization
 - b. Being part of an advocacy coalition and tackling particular issues with a broad front
 - c. The existence of institutionalized channels for the participation of civil society organizations in

- policy-making
- d. Good connections and lobby to international organizations to put pressure on national decision-makers
 - e. Financial resources
 - f. Mobilizing support from the media and public opinion
 - g. Expertise on specific issues based on good research and knowledge of best practices
 - h. Being part of a transnational network of organizations concerned about specific issues
 - i. Good contacts with the leaders of political parties
 - j. Number of members of an organization
- 16.1 Please state if there are any other important factors than these and include them in your ranking.

The following questions ask about your communication with other groups

17. Do you work in coalition with other groups to promote particular policy proposals?
If yes, why?
18. In your opinion how effective is working with the existing political parties as a method for your group to use in promoting the policies your organization advocates?
- a. Very effective
 - b. Somewhat effective
 - c. Not very effective
 - d. Hardly at all effective
19. Usually how sympathetic are the following parties to the position of your group? [Please evaluate them: 1. Very sympathetic 2. Sympathetic 3. Somewhat sympathetic 4. Somewhat unsympathetic, 5. Unsympathetic 6. Very unsympathetic]

- a. PNL
- b. PD
- c. PRM
- d. PSD
- e. PUR
- f. UDMR
- g. Other (please specify)

20. In the past five years, how have contacts between your group and the following organizations changed? [Indicate dynamic: 1. increased, 2. stayed the same, 3. decreased, 4. not sure.]

- a. Local newspapers
- b. Local radio stations
- c. Local TV stations
- d. National newspapers
- e. National radio stations
- f. National TV stations
- g. Local administration
- h. National government
- i. Political parties
- j. Other CSOs
- k. International organizations
- l. Transnational NGO networks
- m. Other (Please specify)

The following section asks questions about one particular case of civil society's involvement in policy making: the passage and implementation of Law no. 544/2001 regarding the free access to information of public interest in Romania [from now on will be referred as Freedom of Information Act, or briefly FOIA].

21 If your organization has participated in the coalition for Freedom of Information Act in Romania, please specify in which stage(s) of the policy process was your organization involved: designing the draft, adoption of the law, implementation of the law?

22. What was the role of your organization in the coalition during this/these stage(s)?

23. In general, how satisfied were you with the working of this coalition?

- a. Very satisfied
- c. Somewhat unsatisfied

- b. Satisfied
- d. Unsatisfied
- c. Somewhat satisfied
- e. Very unsatisfied

24. To what extent has the FOIA coalition mobilized support for your policy proposals from the following groups [Please evaluate: 1. *Very strong support*, 2. *Strong support*, 3. *Moderate support*, 4. *Weak support*, 5. *Very weak support* 6. *No support at all*]:

- a. Media
- g. International organizations
- b. Public Opinion
- h. Transnational NGO networks
- c. Universities
- i. Government officials
- d. Intellectuals
- j. Members of Parliament
- e. Grassroots organizations
- k. Others (Please specify)
- f. Political Parties

25. How effective were the following factors to influence the decision-makers and promote your own policy proposals regarding FOIA?

[Please evaluate them: 1. *Very effective*; 2. *Effective*; 3. *Somewhat effective*; 4. *Somewhat ineffective*; 5. *Ineffective*; 6. *Very ineffective*; 7. *Not applicable*.]

- a. Participation in the work of government commissions and parliamentary committees
- b. Contact with civil servants, ministers, and members of parliament
- c. Contacts with leaders of political parties

- d. Legal recourse to the courts or judicial bodies
- e. Contacts with people in the media
- f. Contacts with other voluntary organizations
- g. Personal links between people working in ministries and your organization
- h. Being part of an advocacy coalition and tackling particular issues with a broad front
- i. Lobby to international organizations to put pressure on national decision-makers
- j. Expertise on FOIA issues based on good research and knowledge of best practices
- k. Being part of a transnational network of organizations concerned about FOIA issues
- l. Other (please specify and rate)

25.1 Please specify which three factors were *the most effective* and why.

25.2 In your opinion, why were decision-makers more influenced by these three factors than by others?

26. Has your organization or any of your coalition's partners received any form of international support or financial and technical assistance aimed to help you in preparing and advocating your policy proposals for the design, adoption or implementation of the FOIA? [If yes, please specify.]

In order to accomplish their goals many organizations receive financial grants or other forms of assistance. The following questions ask about your organization's sources of income and support.

27. In general, how has the budget of your organization changed over the past 3-5 years (if applicable)?

- a. Increased b. Decreased c. Remained the same.
28. Please write approximately what percent of your organization's income comes from the following sources:
- a) Members contribution
 - b) Romanian government and/or local public authorities
 - c) International sources (including both private and public organizations, for example foreign governments and agencies, international foundations and NGOs, foreign businesses, etc.)
 - d) Donations from Romanian private companies
 - e) Fees for services provided by your organization
 - f) Other sources (Please specify)

29. If you have received foreign grants and subsidies, on average, how many different international sources provide your organization with funding annually?

29.1. Which of these international-funding sources was the most important and approximately what percent of your organization's total income came from this source in 2004?

Most important international source of funding:

-
- a. Less than 20 percent
 - b. 20 – 40
 - c. 40 – 60
 - d. 60 – 80
 - e. More than 80 percent.

30. If you have received international assistance, how has this changed your organization's capacity to advocate your policy proposals on different issues? [Please choose the answer that best represents your view]

- a. Significantly increased
- b. Increased
- c. Somewhat increased

- d. No change
- e. Somewhat decreased
- f. Decreased
- g. Significantly decreased

31. If you have received foreign grants and subsidies, please specify how often these grants have funded the following activities. [*Indicate frequency: 1. very often; 2. often;*

3. somewhat often; 4. somewhat rarely; 5. rarely; 6. very rarely; 7. never.]

- a. Funding for travel abroad for conferences, training, workshops
- b. Funding for organizing domestic conferences, training, workshops
- c. Funding for salaries
- d. Funding for your organization's newsletter
- e. Funding research necessary for different policy recommendations
- f. Funding for the advocacy of different ideas, projects and policies
- g. Funding for the monitoring of the implementation of different policies
- h. Funding for office equipment such as computers, fax machines, and photocopiers.
- i. Funding for books, literature
- j. Other activities (please specify)

32. Given your organization's goal, which three activities funded from international sources are the most important for your group? (Please explain why)

33. Has your organization received international technical assistance in the form of training, advice, and information about:

- a. organizational development and management
- b. advocacy methods
- c. fund raising
- d. issue analysis
- e. media relations
- f. other (please specify)

34. Given the socioeconomic and political context in Romania, what are the main advantages of receiving international support for pursuing your organizational goal?

35. Do you recall any situation when the reliance on international funding represented a weakness in pursuing the goals of you organization? (If yes please specify)

36. Was there any area in which your organization wanted to work but could not because of a lack of international funding? (If yes, please specify)

37. Have you received any international support for organizing advocacy coalition to tackle particular issues with a broad front? (If yes, please specify)

38. Please write your name. _____

39. For how long have you been working in this organization? _____

40. What is your position with this organization?

Date of completion: _____

If there is something that is not covered in this questionnaire that you would like to add, explain, or discuss, please write below.

Thank you very much for filling out the questionnaire.
Please return it by e-mail as soon as possible.

APPENDIX B - LIST OF INTERVIEWEES

Ioana Avadani – *Center for Independent Journalism*,
Executive-Director, (May 23, 2005)

Emanuel Rauta – *Romanian Academic Society*,
Publishing Manager/ Public Policy Analyst,
(May 20, 2005)

Adrian Sorescu – *Pro Democracy Association*,
Executive-Director, (May 23, 2005)

Oana Zabava – *Transparency International – Romania*,
Executive-Director, (May 18, 2005)

APPENDIX C - LIST OF DONOR ORGANIZATIONS IN ROMANIA

Note: The list below is based on a review of the donor community in 2000 (see Porumb et. al 2000). It contains only the organization interviewed for that study, and therefore it might not be an exhaustive list of all donors active in Romania. However, it could be useful to provide an informative picture about the donor community in Romania.

1. Allavida (formerly known as Charity Know How)
2. America's Development Foundation
3. Carpathian Foundation
4. Center for Legal Resources
5. Charles Stewart Mott Foundation
6. Civil Society Development Foundation
7. Community Mediation and Security Center
8. Concept Foundation
9. Co-operating Netherlands Foundations for Central and Eastern Europe
10. Department for International Development (DFID)
11. Ecumenical Association of Churches in Romania – AIDRom
12. Embassy of Austria
13. Embassy of Canada
14. Embassy of Swiss
15. Embassy of the Kingdom of the Netherlands
16. Ethnocultural Diversity Resource Center
17. European Commission
18. European Cultural Foundation

19. Eurotin
20. German Marshall Fund of the United States
21. King Baudouin Foundation
22. Open Society Foundation
23. Princess Margarita Foundation
24. Regional Environmental Center
25. Resource Center for Roma Communities
26. Romanian Environmental Partnership Foundation
27. Romanian Social Development Fund
28. United Nations Children's Fund (UNICEF)
29. United States Agency for International Development (USAID)
30. World Bank
31. World Learning Inc.
32. World Vision

BIBLIOGRAPHY

- Avadani, Ioana, (2003), “Freedom of information in Romania: the role of NGOs”, presented at the conference: *The Rising Tide: FOIA in SEE*, Zagreb, 20-22 March 2003 available at:
http://www.justiceinitiative.org/activities/foifoe/foi/foi_adopti on/avadani.doc
- Avadani, Ioana, (2004), e-mailed questionnaire, date of completion: 23 May 2005.
- Barna, Bartholomew, (1996), “Romania - The Legal Framework for Public Participation and Existing Legal Practices at the Start of 1995”, available online:
http://www.southeasteurope.org/documents/Romania_.html
- Beetham, David (1994), *Defining and Measuring Democracy*, London, Thousand Oaks, New Delhi: Sage Publications Modern Politics Series Vol. 36.
- Carothers, Thomas (1996), *Assessing Democracy Assistance: The case of Romania*, Washington, DC: Carnegie Endowment for International Peace.
- Carothers, Thomas (1999), *Aiding Democracy Abroad: The Learning Curve*, Washington, DC: Carnegie Endowment for International Peace.
- Carothers, Thomas; Marina Ottaway (eds.) (2000), *Funding Virtue: Civil Society Aid and Democracy Promotion*, Washington, D.C.: Carnegie Endowment for International Peace.

Cohen, Jean L. and Andrew Arato (1992), *Civil Society and Political Theory*, Cambridge, Mass.: MIT Press.

Commission of the European Communities, (2001), *Regular report on Romania's progress towards accession-2001*, p.22, available at:
http://www.infoeuropa.ro/iweb/imgupload/2001_Regular_Report.pdf

Dahl, Robert (1989), *Democracy and its Critics*, London: Yale University Press.

Diamond, Larry (1999), *Developing Democracy toward Consolidation*, Baltimore and London: The John Hopkins University Press.

Diamond, Larry (1994), "Rethinking civil society: toward democratic consolidation", *Journal of Democracy*, 5(3):4-17.

Dakova, Vera et al, (2000), *Review of the Romanian NGO Sector: Strengthening Donor Strategies*, Charity Know How.

Downs, Anthony (1957), *An Economic Theory of Democracy*, New York: Harper.

Edwards, Michael (2004), *Civil Society*, Malden, MA: Polity Press.

Edwards, Michael and David Hulme (1996a) "Too close for comfort? The impact of official aid on non-governmental organizations", *World Development*

24(6):961–973.

Edwards, Michael and David Hulme (1996b) *Beyond the Magic Bullet: NGO Performance and Accountability in the Post-Cold War World*, Westford, CT: Kumarian Press.

Egbert, Jahn and Susan Stewart (2003), “International Support for Democratization Processes in Central and Eastern Europe: The NGO Sector”, project proposal available online: http://www.mzes.uni-mannheim.de/res_prog_02/exten_04_05.pdf

Ekiert, Grzegorz and Jan Kubik (2001), *Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland, 1989-1993*. Ann Arbor: University of Michigan Press.

Epure, Carmen, Oana Tiganescu and Ancuta Vamesu, (2001) “Romanian Civil Society: An Agenda for Progress”, CIVICUS Index on Civil Society Occasional Papers, vol.1, issue 9

Fartusnic, Ciprian & Iordache, Romanita Elena (2001), “On A Free Market of Information in Romania - Comments and Proposals Around The Liberal Draft For A Free Access To Information Act”, Bucharest, Romanian Academic Society, Working Paper, no 20, available in Romanian at: http://www.sar.org.ro/files_h/docs/advocacy_foia/9_wp20.pdf

Forbrig, Joerg, (2003), “The Nexus between Civil Society and Democracy: Suggesting a Critical Approach”, available online: <http://www.kakanien.ac.at/beitr/theorie/JForbrig1.pdf>.

- Grabbe, Heather and Kirsty Hughes (1998), *Enlarging the EU Eastwards*. London: Pinter.
- Green, Andrew (1999), "A Cross-Regional Analysis of Civil Society and Democratic Development", University of Southern California, Center for International Studies.
- Grugel, Jean (2002), *Democratization: A Critical Introduction*. Houndmills: Palgrave.
- Henderson, Sarah L. (2003), *Building Democracy in Contemporary Russia: Western Support for Grassroots Organizations*, Ithaca, N.Y.: Cornell University Press.
- Howard, Marc Morje, (2003), *The Weakness of Civil Society in Post-Communist Europe*, Cambridge University Press.
- Huntington, Samuel P. (1991): *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- Kaldor, Mary. (2000), "Eastern Enlargement and Democracy", in: Catherine Hoskyns and Michael Newman (eds.), *Democratizing the European Union: Issues for the Twenty-First Century*. Manchester/New York: Manchester University Press, , 139-155.
- Kaldor, Mary and I. Vejvoda (1997) "Democratization in Central and East European Countries", *International Affairs*, 73/1.
- Karl, Terry Lynn and Schmitter, Philippe C. (2002): "Concepts, Assumptions & Hypotheses about Democratization: Reflections on 'Stretching' from South to East", prepared

for the workshop on *Regime Transitions: Transitions from Communist Rule in comparative Perspective*, Stanford University, November 15-16

Linz, Juan and Alfred Stepan. (1996) *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore/London: Johns Hopkins University Press.

Lipset, Seymour Martin (1969), „Some Social Requisites of Democracy: Economic Development and Political Legitimacy” In Charles F. Cnudde & Deane E. Neubauer (eds.): *Empirical Democratic Theory*. Chicago: Markham, 151-92.

Mendelson, Sarah E. and John K. Glenn (eds.) (2002): *The Power and Limits of NGOs*. New York: Columbia University Press.

Merkel, Wolfgang, (2001): “Civil Society and Democratic Consolidation in East- Central Europe” in Geoffrey Pridham and Attila Agh (editors), *Prospects for democratic consolidation in East-central Europe*, Manchester and New York: Manchester University Press

Mungiu-Pippidi, Alina, (2004): *Nation in Transit 2004: Romania*, Freedom House, available at:
<http://www.freedomhouse.org/research/nitransit/2004/romania2004.pdf>

Mungiu-Pippidi, Alina (2002): “Coalition for transparency. The passage of the Freedom of Information Act in Romania”, Working paper, Bucharest, Romanian Academic Society (SAR) available at:
http://www.sar.org.ro/files_h/docs/advocacy_foia/7_case_study.pdf

- O'Donnell, Guillermo; Philippe C. Schmitter; and Laurence Whitehead (eds.) (1986): *Transitions from authoritarian rule: comparative perspectives*, Baltimore: Johns Hopkins University Press.
- O'Donnell, Guillermo (1999a), “Horizontal Accountability in New Democracies” in Schedler, Andreas; Diamond, Larry and Plattner, Mark (1999), *The Self-Restraining State: Power and Accountability in New Democracies*, Boulder, London: Lynne Rienner Publishers.
- O'Donnell, Guillermo (1999b), “A Response to My Commentators”, in Schedler, Andreas; Diamond, Larry and Plattner, Mark (1999), *The Self-Restraining State: Power and Accountability in New Democracies*, Boulder, London: Lynne Rienner Publishers.
- Paris, Roland. 2003: “Peacekeeping and the Constraints of Global Culture”, *European Journal of International Relations* 9 (3). 441-473
- Petrescu, Dan (2000): “Civil Society in Romania: from Donor Supply to Citizen Demand” in Carothers, Thomas; Marina Ottaway (eds.): *Funding Virtue: Civil Society Aid and democracy promotion*, Washington, D.C.: Carnegie Endowment for International Peace
- Pirvulescu, Cristian (2004): “Romanian Civil Society – Identity Crisis”, *Elections today*, vol. 12, no.2, p.9
- Popa, Marian V., (2002): Foreword, in Vrabie, Codru; Zabava Oana (2002) “The Role of the People's Advocate in Protecting Free Access to Information of Public Interest”, Bucharest, Transparency International Romania, available at:

http://www.transparency.org.ro/doc/avp_eng.pdf

Porumb, Alina, et al, (2001): Review of Donor Support for the NGO Sector in Romania, Romanian Donors' Forum.

Putnam, Robert D. (1993): *Making democracy work: civic traditions in modern Italy*, Princeton, N.J.: Princeton University Press

Przeworski, Adam, (1995): *Sustainable Democracy*. Cambridge: Cambridge University Press.

Romanian Parliament, *Law no 544/2001 regarding free access to information of public interest*, available online in Romanian on the web site of the Romanian Parliament:
http://www.cdep.ro/pls/legis/legis_pck.htm_act_text?id=30060

Romanian Government, Agency for Governmental Strategies (2005): *Evaluation Report*, available in Romanian at:
http://www.publicinfo.ro/documente/rapoarte/sinteza_2005.pdf

Romanian Helsinki Committee, (1993): *Annual Report-1993*, available online at:
<http://www.apador.org/ranuale.htm>

Risley, Amy (2004): "Citizen Participation in Policy-Making: Comparative Perspective on Civil Society Networks and Coalitions". Prepared for delivery at the 2004 Annual Meeting of the APSA, September 2-5, 2004

Rauta, Emanuel, (2005), e-mailed questionnaire, date of completion: 20 May 2005

- Sabatier, Paul A., (1999): *Theories of the Policy Process*, Boulder: Westview Press.
- Sabatini, Christopher A., (2002): "Whom do international donors support in the name of civil society", *Development in Practice*, volume 12, number 1, February 2002
- Saulean, Daniel and Carmen Epure (1998): "Defining the Nonprofit Sector: Romania." *Working Papers of the Johns Hopkins Comparative Nonprofit Sector Project*, no. 32 edited by Lester M. Salamon and Helmut K. Anheier. Baltimore: The Johns Hopkins Institute for Policy Studies.
- Schedler, Andreas (1998): "What is democratic consolidation?" *Journal of Democracy*, vol. 9, issue 2, pp. 91-107
- Schedler, Andreas, (2001): "Measuring democratic consolidation", *Studies in Comparative International Development*, vol. 36, issue 1, pp. 66-92
- Schimmelfennig, Frank, (2002); "Introduction: The Impact of International Organizations on the Central and Eastern European States—Conceptual and Theoretical Issues", in Ronald H. Linden (ed.), *Norms and Nannies: The Impact of International Organizations on the Central and East European States*. Lanham: Rowman & Littlefield, 2002, 1-29.
- Schmitter, Philippe C. (1997) "Civil Society East and West", in Diamond Larry et. al. (eds.), *Consolidating the third wave democracies: themes and perspectives*, Baltimore, Md.: Johns Hopkins University Press

- Schmitter, Philippe. (1999) "The Influence of the International Context upon the Choices and Policies in Neo-Democracies", in: Laurence Whitehead (ed.), *The International Dimension of Democratization*. Oxford: Oxford University Press, 26-54.
- Schmitter, Philippe and Imco Brouwer (1999) "Conceptualizing, Researching and Evaluating Democracy Promotion and Protection", Working Paper SPS no. 99/9, European University Institute
- Schneider, Carsten Q/Schmitter, Philippe C. (2004): "Liberalization, Transition and Consolidation. Measuring the Components of Democratization", *Democratization*, vol.11, issue 5, pp. 59-90
- Schumpeter, Joseph. (1976): *Capitalism, Socialism and Democracy*. London: George Allen & Unwin.
- Sorescu, Adrian, (2005), e-mailed questionnaire, date of completion: 23 May 2005
- Stan, Valerian; Toba, Monica & Popa, Raluca Maria (2004), "Transparent and participatory governance", Bucharest, Institute for Public Policies.
- Stefan, Laura; Ion Georgescu & Oana Zabava (2003) – "Transparency of Decision-Making in Public Administration - Citizens and Administration Guide", Bucharest: Transparency International Romania, available at: http://www.transparency.org.ro/doc/ghid_transparenta_eng.pdf
- Stoiciu, Andrei, et al, (2001) "Making civil society work – Romania", IDEE report on civil society, available online

at: <http://www.idee.ro/public%20affairs/civilsoc/civilsoc.htm>

Stubbs, Paul (1996): “Humanitarian Organizations and the Myth of Civil Society”, *ArkZin*, no. 55, January 1996, available online at:

<http://www.globalpolicy.org/ngos/role/globdem/credib/2000/1121.htm>

Townsend, Janet G.; Porter, Gina; and Mawdsley, Emma (2004): “Creating Spaces of Resistance: Development NGOs and their Clients in Ghana, India and Mexico” Malden MA: Blackwell Publishing

Transparency International Romania (2001) *Access to information of public interest in Romania*, available online at:

http://www.transparency.org.ro/doc/accesinfo_eng.pdf

Valenzuela, Samuel J. (1992), “Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions”, in Mainwaring, Scott; O’Donnell, Guillermo and Valenzuela, J. Samuel (eds.), *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*, Notre Dame, Indiana: University of Notre Dame Press.

Van Rooy, Alison (ed.) (1999) *Civil Society and the Aid Industry*, London: Earthscan.

Vrabie, Codru, Zabava Oana (2002) “The Role of the People’s Advocate in Protecting Free Access to Information of Public Interest”, Bucharest, Transparency International Romania, available at:

http://www.transparency.org.ro/doc/avp_eng.pdf

White, Gordon (1994) ‘Civil society, democratization and development: clearing the analytical ground’, *Democratization* 1(3):375–390.

Whitehead, Laurence (ed.). (1999): *The International Dimension of Democratization: Europe and the Americas*. Oxford: Oxford University Press.

World Bank, (2003) “Implementation of Comprehensive Development Framework Principles in a Transition Economy - A Case Study of Romanian Experience”, available at:

[http://lnweb18.worldbank.org/oed/oeddoelib.nsf/DocUNIDViewForJavaSearch/8F6FCDCC8A78333B85256E4C0077C021/\\$file/CDF_Romania_WP.pdf](http://lnweb18.worldbank.org/oed/oeddoelib.nsf/DocUNIDViewForJavaSearch/8F6FCDCC8A78333B85256E4C0077C021/$file/CDF_Romania_WP.pdf)

Zabava, Oana, (2005), e-mailed questionnaire, date of completion: 18 May 2005

List of web sites consulted:

1. Association for the Defense of Human Rights in Romania – the Helsinki Committee:
<http://www.apador.org/>
2. Pro Democracy Association: <http://www.apd.ro/>
3. Center for Independent Journalism Romania:
<http://www.cji.ro/>
4. European Union: <http://europa.eu.int/>
5. International Monetary Fund: <http://www.imf.org/>
6. Organization for Security and Cooperation in Europe:
<http://www.osce.org/>
7. Romanian Academic Society: <http://www.sar.org.ro/>
8. Transparency International Romania:
<http://www.transparency.org.ro/text.php>
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<http://www.usaid.gov/>

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Carol Harrington, Central European University

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