

# ESTABLISHMENT OF A POLITICAL PARTY

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## **Abstract**

*Legislation setting up a political party has evolved in the post-communist period, from a set of minimum provisions regarding registration of parties to a number of restrictive rules meant to reduce the number of competing political actors. The number of members required for the establishment of a party rose from 251 in 1989 to 10,000 in 1996 and 25,000 in 2003, and the last legislative change in 2015 fell to three.*

**Keywords:** *political party, members, legislative change, democracy*

**JEL Classification:** K10, K39

## **1. Preamble**

This paper is a study of changes in political activity Romanian Revolution of 1989 to the present study that does not in itself novelties that have not been discussed in the doctrines specialist, but the last change in the law of political parties against everything that was 1989 to 2015 aroused my interest. Research to identify and develop all abnormalities was based primarily publications in the Official Gazette, the Constitution, blogs, daily newspapers, dictionaries and encyclopedias.

## **2. A new beginning**

On 22 December 1989 constitutes the new power structure in the state, the National Salvation Front ('FSN) ", radio and television transmitting a communication to the country where it is shown that the purpose of NSF is „establishment of democracy, freedom and Romanian people's dignity". On 31 December 1989, the National Salvation Front Council Legislative Decree no. 8 published in the Official Gazette no. 9 / 31.12.1989, by establishing<sup>2</sup>:

*„ To achieve a truly democratic society in Romania, securing and safeguarding fundamental rights of citizens and to do political pluralism under art. 2 letter a) of the Decree on the establishment, organization and functioning of the National Salvation Front and territorial councils of the National Salvation Front, the National Salvation Front Council decrees:*

*Art. 1*

*In Romania is free formation of political parties, with the exception of fascist parties or spread ideas contrary to public order and law in Romania.*

*No other objection on the grounds of race, nationality, religion, level of culture, sex or political beliefs may hinder the formation and operation of political parties.*

*Registration and operation of political parties shall be made in accordance with this decree-law.*

*Art. 2*

*The organization and functioning of political parties are under their statutes, only territorial basis.*

*One can not simultaneously be part of two or more political parties.*

*The goals of political parties and public organizations must be based on respect for sovereignty, independence and national integrity, democracy, ensuring rights and freedoms of citizens and assert the dignity of the Romanian nation.*

*The means of achieving the goals of political parties and public organizations must be in accordance with the constitutional and legal order of Romania.*

*Art. 3*

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<sup>2</sup> Official Gazette no. 9 of 31 December 1989.

*To register, each party and social organization must submit the statutes of the organization and functioning political program, to declare their headquarters and financial means at their disposal to prove that it has at least 251 members.*

*ART. 4*

*Registration of political parties is at the Bucharest City Court, within 5 days rule on the legality of their creation.*

*Against Bucharest Court decision can appeal to the Supreme Court within three days after the decision.*

*The Supreme Court shall be issued within 5 days from the date of registration of the appeal.*

*From the date of the final admission decision the registration of political parties acquire legal personality.*

*Art. 5*

*Military staff and civilian Ministry of Defense and Ministry of Interior, judges, prosecutors and diplomats, as well as operations staff of the Romanian Radio and Free, are not members of political parties.*

*COUNCIL PRESIDENT Ion Iliescu National Salvation Front ”*

The Bucharest Court authorizes operation of the first post-revolutionary party, the Christian Democratic National Peasant Party (PNT-CD) led provisional Coposu, on 8 January 1990. Subsequently, arises Romanian Social Democratic Party and on 23 January 1990 NSF decides converting NSF political party and participate in elections. Other major parties established under the decree in the early '90's were: Ecological Movement of Romania, Romanian Ecologist Party, the Democratic Agrarian Party of Romania, Romanian National Unity Party. Also, formations were created to defend the interests of national minorities, of which the most well noted Democratic Union of Hungarians in Romania.

On May 20, 1990 held the first parliamentary and presidential elections after the fall of communism, whose results attest the undoubted success of NSF. However, at this time, inflation was felt when the political parties have applied to the BEC electoral lists no fewer than 73 matches<sup>3</sup>.

### **3. Significant changes of Decree-Law no. 8/1989**

Decree-Law no. 8/12.31.1989 was repealed by Law no. 27/1996 which have brought a number of changes, among which the most important are<sup>4</sup>:

- Besides statute, each political party must have its own political program;
- The articles must contain the list of supporting signatures of at least 10,000 founding members residing in at least 15 of the counties, but not less than 300 in each county, with a statement authenticated executive body of the party on the authenticity of signatures;
- Political parties may associate with each other, based on association protocol, constituting a political alliance;
- Termination of political parties;
- Financing of political parties, namely the donations received by a political party can not exceed 0.005% from the state budget revenues that year, and political parties can not carry on the business of companies.

The presidential and parliamentary elections on 07 November 1996 of the 43 registered political parties in the electoral race, managed to enter the parliament only 11.

Political Parties Law no. 27/1996 amended by Law no. 14/2003, it being repealed except cap.VI \*) - Financing of political parties. Law no. 14/2003 was initiated in February 2002 by eight senators and deputies of the National Liberal Party and adopted by Parliament in December of the same year and published in the Official Gazette in January 2003<sup>5</sup>.

The legislative proposal stipulated the need for a number of 30,000 signatures in support of a

<sup>3</sup> Stoica, Stan, *Dictionarul partidelor politice din România(1989-2003)*, third edition, Meronia, Bucharest, 2003.

<sup>4</sup> Official Gazette no. 87 of 29 April 1996.

<sup>5</sup> Official Gazette no. 25 of 17 January 2003.

political party „residing in at least 21 counties and in Bucharest, but no more than 900 people for each of these counties and Bucharest” (art. 21 par. 3). In contrast, as adopted by Parliament reduces the required number of signatures and facilitate the process of establishing a political party is just asking „25.000 founding members, residing at 18 of counties and Bucharest, but not less than 700 persons for each of those counties and Bucharest” (art. 19 par. 3).

Another amendment brought by Law no. 14/2003 is the conditions of dissolution of a political party. If the legislative proposal shall provide for the dissolution of a political party intervenes in conditions not organize a congress for 5 years and to designate candidates in at least 21 constituencies (art. 36), as adopted, the conditions of dissolution are mild, reducing the number of constituencies to 18 (art. 47 paragraph 1, letter b).

In conclusion, Law no. 14/2003 ruled territorial representation, thereby achieving a homogeneous community of citizens, without differences of desires, needs or interests, thereby discouraging the establishment of regional and county political parties<sup>6</sup>.

In an open letter addressed to His Excellency Mr. Ion Iliescu, President of Romania at the time, calling for the return of Law political parties to reopen discussion of Parliament, arguing that the Political Parties Act, as the project does not contribute to strengthening democracy within the party and also does not solve legal disputes between members and the party leadership. Moreover, in a democracy there must be places of confrontation between different political options<sup>7</sup>.

Constitution in Article 40 guarantees every citizen the right to Romanian association, ie the right of each of us has to freely associate, is fundamentally guaranteed. The combination may be one or more people in different structures, including the political. From the law of political parties no. 14/2003, freedom of association is restricted by the requirement to collect 25,000 signatures from 18 counties to become a political entity that is a party.

Romania's Constitutional Court declared unconstitutional but art. 19 para. (3) of the Political Parties Law no. 14/2003. In an interview with Agerpres, Calin Popescu Tariceanu said „I can not comment on the court decision, but can make a political assessment based on the experience we have gained since 1990, when Romania was set up huge Many political parties, immediately after the fall of communism. One thing, if you like, in a good way because it was the expression of freedom that Romanians wanted. (...) But a highly fragmented political life lead to major complications to ensure some consistency in the policy decision and had at one time to introduce some selection criteria for both the functioning of political parties and representation their Parliament. (...) These criteria work in other countries, not to restrict democratic rights, but to little progress and give the legislature the ability to become more efficient”<sup>8</sup>.

However, there were initiators who campaigned to change the law of parties who have proposed that by arguments to persuade as many citizens that the old law, this structure has passed and that the time be changed with a another European, nine, allowing anyone wants to create a party because the electorate is one that can determine whether a party platform and deserves to be voted. The target of a new law on the establishment and functioning of a party is a better representation of the interests of every citizen in the management structures of the state and it's really free in their political choices.<sup>9</sup>

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<sup>6</sup> Website Chamber of Deputies [www.cdep.ro/proiecte/2002/000/50/4/p1054.pdf](http://www.cdep.ro/proiecte/2002/000/50/4/p1054.pdf), consulted on 11/10/2015

<sup>7</sup> Website [Lacoltulstrazii.ro-Scisoare](http://Lacoltulstrazii.ro-Scisoare) deschisă, consulted on 04.11.2015

<sup>8</sup> Website Agerpres, consulted on 04.11.2015

<sup>9</sup> Website Amper [www.amper.org.ro/proiecte/modificarea-legii-partidelor](http://www.amper.org.ro/proiecte/modificarea-legii-partidelor), consulted on 09.11.2015

<sup>10</sup> Website Amper [www.amper.org.ro/proiecte/modificarea-legii-partidelor](http://www.amper.org.ro/proiecte/modificarea-legii-partidelor), consulted on 09.11.2015

One of the initiators of the campaign started „Politics without barriers”, which aims to provide support for a legislative change in order democratization of political life, both nationally and locally, thus following two major objectives: removing administrative barriers to register a party and ensure greater equality of opportunity between the big parties, small, start-ups and independent candidates.

The first goal involves modifying the law of political parties, the law on financing political parties and electoral laws in order to reduce the minimum number of members founders of a political party, eliminating administrative criteria territorial and repeal provisions that political parties receive seats from public authorities.

The second goal involves ensuring greater equality between the big parties, small start-ups and independent candidates by reducing the number of signatures required for inclusion in the elections, amendments will enable citizens to support several candidates, in order to strengthen political life elimination of financial guarantees in the registration for elections, balancing the state budget financing and redefine the threshold for independent elections with proportional distribution of seats.

The Electoral Code Commission reviewed legislative initiatives involving the modification of the law of political parties in various stages of debate in parliamentary procedure, and comments and amendments submitted by MPs and NGOs.

This was aimed at improving the quality of electoral competition and establishing a fair representation of citizen interests as by removing administrative barriers to registering a party. Thus, the legislative proposal aimed to reduce the number of founding members from 25,000 to at least 3, removing also the provisions concerning the link between internal organization of political parties and administrative-territorial division of the country.

But is inserted in an annex to the model law to supporting signatures of founding members who, under the sanction provided by art. 326, din Criminal Code, attesting the authenticity of the signatures.

Also, change one of the criteria for finding the inactivity of a political party in that nomination of candidates by a political party, no longer relate to two parliamentary election success but the two electoral campaigns successive except the presidential requirements It is different depending on the nature of the elections.

All these legislative amendments seeking refreshment Romanian political class, just under a fair electoral competition, financing and facilitating the transparency of political party registration.<sup>11</sup>

Law no. 14/2003, promulgated by Decree no. No 472/2015 becomes law. 114/2015.

Amending the Law no. 14/2003 on political parties has brought with it a number of other legislative changes or amendment of Law no. 334/2006 on the financing of political parties and electoral campaigns, Law no. 67/2004 for the election of local authorities, Law no. 35/2008 for the Chamber of Deputies and the Senate, the legislative change was intended to democratize political life, both nationally and locally.

The Law no. 334/2006 on the financing of political parties and electoral campaigns amended by Law no. 113/2015. In accordance with Art. 63 para. (1) of Law no. 334/2006 on the financing of political parties and election campaigns, republished, Permanent Electoral Authority (AEP) has drafted the Government decision approving the Methodological Norms for the application of Law no. 334/2006 on the financing of political parties and election campaigns. On 21 May 2015, the Law no. 113/2015 amending and supplementing Law no. 334/2006 on the financing of political parties and election campaigns.

AEP's document was posted on July 9, 2015 AEP website, the section „Electoral legislation - public debate” and could be found by visiting <http://www.roaep.ro/legislație/în-dezbatere-publică> and aimed mainly the following:

- The definition of terms used in the law,
- The main rules regulating the funding of political parties and election campaigns;
- The establishment of measures to increase transparency of revenue and expenditure for the

<sup>11</sup> Website Drept online [www.dreptonline.ro/legislație/legea\\_partidelor\\_politice](http://www.dreptonline.ro/legislație/legea_partidelor_politice), consulted on 10.11.2015.

activity of political parties and election campaigns;

- Regulation of private sources of funding of political parties, namely: contributions, donations, loans, own income and other sources of income provided by law:
- The establishment of grants from the state budget, and their use:
- Identifying the sources of which may be financed election campaigns:
- Regulating election expenses<sup>12</sup>.

On 24 July 2015 the Law no. 208/2015 on amending the Law no. 67/2004 on the election of local public administration authorities and Law. 35/2008 for the Chamber of Deputies and the Senate.

Under that law, the next election we will vote on lists, and a smaller number of MPs, whereas the rules of representation are a member of every 73,000 inhabitants and one senator for each 168,000 inhabitants. This rule represents a total of 466 elected, close to the total in 2008, compared to 588 as they are currently much higher but 300 was voted as the referendum in 2009.

This will have 308 deputies, 134 senators, 18 MPs and six MPs diaspora minorities. A total of 466 parliamentarians 4 fewer than in 2008 and 122 less than at present, a number that has emerged from the uninominal vote<sup>13</sup>.

#### 4. Final conclusions

In conclusion: the regulations it contained, the Political Parties Law, the forms prior to the adoption of Law no. 114/2015, limit the exercise of a right to cancel essential in any democratic society, guaranteed by the Constitution and international law on human rights ratified by Romania and the Universal Declaration of Human Rights (Article 20 and 21), Pact international Covenant on Civil and Political Rights (art. 22 par. 2 and art. 25 par. 2) and the European Convention on Human Rights (Art. 11) consisting of the right to free association in political parties and freedom of choice.

As a consequence of liberalization of setting up a political party only by presenting the 3 founding members to date are recorded on November 4th matches Bucharest Tribunal, with the PDL and PRM founding veterans.

From August 5 this year, the National Party of Motherland (PNPP) appear with headquarters in str. Mulberry, Dumitrana No.40 village (Ilfov). We are so in front of a prize: a basic party headquarters in a village. The new regulations of the law on political parties, even the staircase any party may make. But PNPP is a group founded by military reservists. Viorel Gligor party chairman is the former head of PDL Constanta pensioners who claims the seat as a point of receiving mail and that 2016 will be on the electoral roll citizens who were not only political in the past 25 years.

Ciontu Corneliu Mircea Ifrim, former members of the PRM (1996-2004), along with another veteran of politics, Dan Ilie Morega (former PSD, PNL last), have established a new party: Front Dignity and National Identity, they have recruited many ex-members PRM.

Claudiu Tanasescu Dan (former mayor in Mogosoaia, former MP between 2004-2008) founded the National Unity Bloc Party (BUN). It is headquartered in Bucharest in a building where he lives Vulpoiu Gabriel Alexander, former member of the National Alliance of Farmers in 2014, currently in the lead GOOD. It should be noted that Claudiu Tanasescu is the son of Dan PSD MEP.

Also in the month of August this year the party was founded and M10, having her as president Macovei and Adrian Papahagi Dacian Tolea was ideologue PDL). This is a party „reservists” come within the scope of PDL.

Currently, the Bucharest Tribunal registered 43 parties<sup>14</sup>.

The implications of the study, and Monica Macovei as claimed in an interview with a national newspaper, is „power must be brought back to people, and people need to tell politicians what to do”.

<sup>12</sup> Website Ziu de Constanta [www.ziuconstantina.ro/informatii/autoritatea-electoral-permanenta](http://www.ziuconstantina.ro/informatii/autoritatea-electoral-permanenta), consulted on 10.11.2015

<sup>13</sup> Website Hot News [www.hotnews.ro](http://www.hotnews.ro), consulted on 10.11.2015

<sup>14</sup> Website Cotidianul [www.cotidianul.ro](http://www.cotidianul.ro), consulted on 04.11.2015

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