

THE ROLE OF ROMANIAN NGOs IN DEMOCRATIZATION PROCESS OF THE SOCIETY AFTER 1990

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This paper strives to critically discuss the role that NGOs¹ played in the democratization process of the Romanian society after the changes from 1990. In the transition process from a dictatorial system to a democratic one, NGOs functioning is absolutely necessary. There is a variety of ways in which the civil society can contribute to the democratization of a country. To some, the very proliferation of civil society organizations - no matter what their type, agenda, or influence are - builds the infrastructure of democracy, because according to the supporters of this view an active associational life is a precursor of democracy. The right to free elections, the freedoms of speech, and citizen's participation to governance (including free access to public interest information) are only few aspects whose evolution is worth studying in this paper.

Also, the existence of a strong NGO sector provides a great opportunity in a society, mainly because its involvement in community development is thought to build skills and foster democratic values and attitudes in individuals that will eventually spread to the broader society. They also enhance the prospects for democratization because they foster associational life, empower individuals, and provide them with the skills and attitudes that are useful for democratization.

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¹ Non-governmental organizations

Conceptual background

This section is meant to critically assess the role played by the Romanian NGOs towards the democratization of the society after the collapse of the communist regime in 1989. In this paper the concept of “non-profit sector” is used in a manner that is consistent with the definition provided by Salamon and Anheier² (1992, 1996b) who consider that there are five features that describe a non-profit organization:

1. Organized, i.e., institutionalized to some extent. What is important is that the organizations have some institutional reality to it. In some countries, a legal charter of incorporation provides this meaning, but institutional reality can also be demonstrated in other ways where legal incorporation is neither common nor readily available. These include some degree of internal organizational structure; relative persistence of goals, structure and activities; and meaningful organizational boundaries, i.e., some recognized difference between members and nonmembers. What are excluded are purely ad hoc and temporary gatherings of people with no real structure or organizational identity. Otherwise the concept of the nonprofit sector becomes far too amorphous and ephemeral to grasp and examine.

2. Private, i.e., institutionally separate from government. Non-profit organizations are not part of the apparatus of government. They are “non-governmental” in the sense of being structurally separate from the instrumentalities of government. This does not mean that they may not receive significant government support or even that government officials cannot sit on their boards. What is important from the point of view of this criterion is that the organization has an institutional identity separate from that of the state, that it is not an instrumentality of any unit of government whether national or local, and that it therefore does not exercise governmental authority.

3. Self-governing, i.e., equipped to control their own activities. Some organizations that are private and nongovernmental may nevertheless be so tightly controlled either by governmental agencies or private businesses that they essentially function as parts of these other institutions even though they are structurally separate. To eliminate such situations, we add the further criterion that nonprofit organizations must be self-governing. To meet this criterion, organizations must be in a position to control their own activities to a significant extent. This implies that they must have their own internal governance procedures and enjoy a meaningful degree of autonomy.

4. Non-profit-distributing, i.e., not returning profits generated to their owners or directors. Nonprofit organizations may accumulate profits in a given year, but the profits must be plowed back into the basic mission of the agency, not distributed to the organizations’ owners, members, founders or governing board. The fundamental question is: how does the organization handle profits? If they are reinvested or otherwise applied to the stated purpose of the organization, the organization would qualify as a nonprofit institution. In this sense, nonprofit organizations are private organizations that do not exist primarily to generate profits, either directly or indirectly, and that are not primarily guided by commercial goals and considerations. This differentiates nonprofit organizations from the other component of the private sector- private businesses.

5. Voluntary, i.e., involving some meaningful degree of voluntary participation. To be included in the nonprofit sector, organizations must embody the concept of voluntarism to a meaningful extent. This involves two different, but related, considerations: First, the organization must engage volunteers in its operations and management, either on its board or through the use of volunteer staff and voluntary contributions. Second, “voluntary” also carries the meaning of “non-compulsory.” Organizations in which membership is required or otherwise stipulated by law would be excluded from the nonprofit sector. Similarly, “voluntary” implies that contributions of time (volunteering)

² The author employs in this paper the following concepts interchangeably: non-profit or non-governmental organizations

and money (donations) as well as contributions in kind may not be required or enforced by law, or otherwise be openly coerced.

The other major theoretical concept employed in the analysis within this paper is democracy. Defining democracy is a very difficult task since the term that we currently use in a variety of contexts has a very long theoretical history and its meaning is still evolving. **Democracy** (literally "rule by the people", from the Greek *demos*, "people," and *kratos*, "rule") is a form of government for a nation state, or for an organization in which all the citizens have an equal vote or voice in shaping policy or electing government officials (from Wikipedia, the free encyclopedia). The author does not agree with definitions that define democracy only in terms of free, open and rightfully held elections. (Huntington, 1991) This approach portrays free, open and rightfully held elections as the core values of a democracy. The reason why the author does not support this view is because the governments that emerge of such elections can be inefficient, corrupt, and governed by individual interests and without a strategic view with regard to the public good. Such features can determine some governments/regimes to be undesirable but not undemocratic. Democracy should be considered a public virtue among others and the relationship between democracy and other ills or virtues can be understood only if democracy is clearly separated from other characteristics of the political systems.

The concept of democracy is defined in this paper based on the "strong democracy" literature (Barber, 1984), which assumes that: the democracy depends, for its existence, on actively involved members who have a commitment to individual freedom and to the rights and responsibilities of participating in a democracy. Democracy gives to ordinary citizens the greatest opportunity of influencing public decisions.

Problem identification

Democratic society presumes the existence of active and responsible citizens, a multiparty political system, a competitive economic market and a strong non-profit sector.

The third sector is proved to be the most efficient in the enhancement of moral codes and individual conduct responsibilities. Nongovernmental organizations are characterized by a large mobility considering the manner and the course of their actions. This mobility represents a prerequisite for survival since their functioning depends on the proper identification of communities' needs and the attraction of the necessary resources to meet these needs.

In a democratic society, the generic function of nongovernmental organizations is to meet those needs of the community that cannot be completely covered by other types of institutions (belonging to the public sector or the business environment). This view has its roots in the economic theories that explain the development of the third sector. A different set of theories – the political theories - considers that NGOs emerged in order to offer the possibility of a wide participation of citizens in the public life (Walter W. Powell, ed.). In this sense nongovernmental organizations may undertake different functions. Bădilă and others (2002) argue that NGOs assume the following functions:

- Mediating the relationship between citizens and authorities;
- Facilitating the social and political integration of citizens (organizations represent a framework for civil participation);
- Delivering goods and services to the community;
- Representing the interest of different groups from within the society

Main hypothesis

One should note that at the functional level NGOs have very important roles in taking over responsibilities directed towards the development of democracy in a country. The ways in which relationships between citizens and authorities are mediated, in which citizen's participation and representation are facilitated influence to a significant extent the democratic character of a country.

The main hypothesis of the paper is that the role of the NGOs in Romanian democratization process is connected to the development of a partnership between NGOs and governance, and the development of governance capacity as a necessity for a modern governing system.

Based on the study of the evolution of the associative sector, the right to free elections, the freedom of speech, citizens' participation to governance, and transparency of the governmental activity the authors strives to explore in the remaining sections of the paper this relationship. As documentary groundwork the analysis discussing the evolution of nongovernmental sector in Romania from 1990 to 2005 is used. This analysis is based on documents published by different NGO leaders from Romania as well as the evaluations elaborated by different international organizations: European Commission, World Bank or other private entities like Freedom House (Nations in Transition).

This analysis can prove to be relevant mainly because there are scholars and political analysts who currently examine the Romanian context as a possible source of solutions for other emerging democracies: for example Paul Wolfowitz argued that in Iraq the establishment of a Romanian type of a democratic system should be considered (The New Yorker, 1st November 2004). Wolfowitz's view is however not singular in the American media and literature. Fareed Zakaria (1997) argued that the Romanian democracy could be described as non-liberal among other democracies from Belarus or Bangladesh. The non-liberal feature had been present in Romania according to Zakaria during the first two terms of the Iliescu regime. However, the consequences of this so-called non-liberal democracy were not as severe as in the case of Belarus or Russia or in other countries from the ex-soviet space. As opposed to these countries the non-liberal democratic system in Romania does not seem to progress toward an autocratic government, rather it can be described as a non-liberal system that allows for changes in the political leadership.

The analysis of the sector between 1990 – 2005

If one examines the socialist period in the East European states through the lens of a historian it seems to be a voluntarily enforced, unfortunate deviation from the natural course of evolution.

This is the reason why after the collapse of the socialist system this part of the world faces the necessity of thoughtful economic and social reconstruction in order to reenter the natural track of development.

Practically, the comeback to normality of the states affected by the socialism presumes a wide economic, institutional, legal, cultural, and human etc. construction work, all in all the remodeling of the structural components of the society that had been altered in their façade and function during the socialist age.

The implication of the communist regime for the evolution of the associative sector after the post-Decembrist period can be explained through several factors. First of all the communist regime in Romania was the most refractory with regard to the altering of the totalitarian project in comparison to the corresponding regimes from the states that were members in the communist block – mainly Hungary and Poland. The Romanian Communist Party suppressed any internal change that might have given birth to an organized dissidence. The Security – Political Police- (*Securitatea* in Romanian) was the main instrument of control imposed by terror and mass disinformation. Security left a bitter memory regarding the faith in the governing machine and state institutions. Politically or economically influential personalities were looked at with skepticism and considered to have connections with the Security. This heritage stands at the origins of the mistrust most people have in NGOs after 1989. Nongovernmental organizations were suspected to promote unstated political interests.

Another characteristic of the Romanian communist regime after 1965 that influenced the associative sector is connected to the personality cult. In the period between 1965 – 1989, Nicolae Ceaușescu initiated and controlled the construction of a complicated network of institution, public policies

and symbols that served to the enforcement of this state leader's the power and authority. As a consequence, many people identify civic participation with this kind of false participation, lacking any kind of personal implication. Shortly after 1989 many people began to associate freedom and democracy with the right to not participate in the public sphere.

The third characteristic that derives from the communist period, and considered to have an influence upon the evolution of the associative sector and the role it has in society, is connected to the partnership between NGOs and public administration that is meant to provide some services mostly in the social department.

Ironically, although a sentiment of rejection and mistrust still exists towards the public sphere, in the same time there is a general perception that the state should undertake the obligation to provide a large part of the social services. Most people despite their feelings toward the government saw the state as a primary provider of social services.

In Romania, following the collapse of the communist regime in 1989, mistrust towards the political and public life have started to emerge. Volunteering was already compromised by the restriction policies of the Ceaușescu regime so the majority of the public came to identify the "liberalization" with the withdrawing from the activities with public character.

We can analyze the evolution of the role that nongovernmental organizations had in the democratization of the Romanian society dividing the period between 1990 – 2004 in three different periods: 1990 – 1996, 1997- 2000, and 2001- 2004. This division in historical periods is made after the election cycles and changes in political leadership.

The period 1990-1996

After 1989 in Romania as well as in the rest of the Central and Easter European countries the number of registered NGO's increased. This can be interpreted as an expression of the newly gained freedom of association, as well as a result of the available foreign funds for the non-profit sector. In this period, Law No. 21/1924 represented the principal legal framework, which was incapable to assure the satisfaction of the concrete needs of organizations regarding fundraising and registration. In the year of 1990 the number of registered non-governmental organizations per month reached 400 (Vameșu and Constantinescu, 1996). At the end of the first period (1996) it is estimated that 12,000 NGOs were officially registered (Șăulean and Epure, 1998).

While the nonprofit sector and associative behavior have developed relatively rapidly, a number of problems and obstacles still remain. Among these we mention the outdated legal framework, weak development of relations between government and nongovernmental sectors; however probably one of the most important problems is caused by the limited access to financial resources and the weak economic capacity of NGOs. Financial dependence on foreign financers and their strategies can be considered as an important characteristic of the associative sector of this period.

The relationship between the government and the NGOs in this period cannot be characterized as a prolific one. In this period people previously belonging to the communist party/regime stood at the administration of the country, having different ideological convictions than the ones promoted by the nongovernmental sector. Often during the first 6 years of democracy we can encounter nongovernmental organizations working side by side with "historical parties" (by this it is meant the National Liberal Party and the National Peasant Party that continued the traditions of their ancestors from the interwar period) fighting against the authoritarian practices existent at the level of governance in that period. This is why we can find in Romania at the beginning of the '90s the concept of "anti-governmental" instead of "non-governmental organization" (Bădilă and others, 2002). Many charismatic NGOs leaders from that period were active members or supporters of the political opposition and some even took part in the elections held in 1996 (for example the Civic Alliance

– conceived as an associative structure although it is participating in the elections in 1996 besides the coalition of the forces in opposition).

It is the immediate period after the 1989 revolution when different important objectives are accomplished regarding the democratic development. In this period the first democratic – after the collapse of the communist regime - Romanian constitution is adopted; in it the freedom of association, and freedom of speech are regulated. Also the first democratic elections are organized in this period. This new fundamental Law –The Constitution- was an issue that presumed that basic elements of democratic development should be understood and internalized and not only regulated at formal level as had been the case before.

Regarding the partnerships between the NGOs and the government during 1990 – 1996 there is a limited number of examples mainly because a lack of rules governing this field.

The 1996-2000 period

During this stage a number of 27.000 NGOs were created (Dakova, V. coordinator, 2000). However their increasing number and rapid evolution is not necessarily the best indicator with regard to the role played by NGOs in the development of the civil society. Studies conducted during this stage prove that from the 27.000 registered NGOs merely 1500 –2000 organizations were active, by this meaning they had a place/location from where activities were run and hired personnel³.

According to the statistical data compiled in the Catalogue of Associations and Foundations in 1999 the main fields of activity for NGOs were:

Fig. 1. Source Associations and Foundations Catalogue, 1999

	Field	Percent (%)
1	Culture	26
2	Social services	18
3	Education, research	16
4	Health	8
5	Human rights	7
6	Environmental protection	5
7	Social and economic development	5
8	Professional associations/unions	4
9	International cooperation	3
10	Philanthropy and voluntaries	3
11	Religion	3
12	Others	2

The author argues that it is relevant to closer scrutinize the field of activities for NGOs as this endeavor clearly shows that one of the most significant problems NGOs are confronted with has to do with a lack of clarity and specification with regard to how the mission and their goals are defined and also with a weak visibility of the activities undertaken by them.

With regard to the evolution of the non-profit sector legislation during this stage there are several aspects that are worth mentioning. First the election of a new government in determined a change in the official attitude towards NGOs as compared with the attitude of the former governments. The Parliament debates more than once different drafts of the NGO framework law and as a result in May

³ Civil Society Development Foundation – Associations and Foundations Catalogue from Romania România, 1999.

2000 the government decides to adopt via a Governmental Ordinance (no.26/2000) the new law of the NGOs. The new law brought several changes that were considered to foster the development of the third sector. The main changes include:

- It establishes an easier registration procedure;
- It allows associations and foundations to undertake economic activities;
- It forces local authorities to collaborate with NGOs – they have to provide NGOs with public interest information, a location from where NGOs can run their activities, the consultation of NGOs with regard to issues that are of interest to the community;
- It grants the status of public utility to NGOs that work towards the achieving of the public interest/good.

This stage is also characterized by an enhancing of the relationships between the government and the NGOs. There are different reasons for this change (Dakova, V. – coordinator, 2000). The main reason is related to the change in political leadership that took place at the end of 1996. The new government established mechanisms and structures that would allow for a real dialogue with the associative sector at both the central and local level. At the central level two such organizational structures were created – one in close connection with the President (The Bureau for Civil Society) and the other one functioning in connection with the Government (The Bureau for the Relationship with NGOs). The Bureau for Civil Society had among other task the obligation to maintain the flow of information and the dialog between the non-profit sector and the government, to consult with the NGOs with regard to relevant problems, and provide the NGOs with the opportunity to voice their opinions to the government. The Bureau for the Relationship with NGOs was meant to coordinate the legislative efforts in the field of NGOs and to support the national network comprised of those responsible for the relationship with the NGOs. During this stage the framework law that regulates the organization and the functioning of the non-profit sector was adopted. This law made compulsory the existence of an organizational structure that would facilitate cooperation. This law will however produce visible effects only starting with 2001.

With regard to the financing of the non-profit sector the dependence of NGOs on external donors is still a main feature of this stage (Dakova, V. – coordinator, 2000). Dakova argues that at the end of this stage the external funds accounted for 55% of the financial resources employed by the non-profit sector in Romania. With regard to how NGOs are financed during this stage two important aspects have to be mentioned: first, the financial crisis from 1996 to 1998 generated by the exit from Romania of several big donors determined numerous NGOs to cut down on the number of projects implemented; second, it is for the first time when the central public administration – the Ministry of Sports, The Ministry of Labor, the Department for Interethnic Relations - is allocating money for the financing of various projects undertaken by NGOs.

The 2001-2004 period

During this stage the strengthening of the ONG sector is taking place – the number of organizations is gradually increasing, the sources of financing are diversifying, the implication and the impact of the third sector's activities on the community is growing. The number of NGOs in this stage increased until it reached 40.000. The big number of inactive organizations continues however to represent a big problem the non-profit sector is confronted with (Donors Forum).

From the political standpoint this stage can be characterized as stable. The Social Democratic Party used to run the country during this period. This party was also the leading party during the 1990-1996 stage (The Social Democratic Party was also known during the previous years as the Social National Movement, and the Romanian Democratic and Social Party). With regard to the relationship between the government and the NGOs there is an important change in attitude, mainly

the domineering tendency on the behalf of the government that occurs at this point. For example, the organizational structures in charge with the management of the Government-NGOs relationships continue to exist, however, there are several attempts made towards limiting the independence of the third sector. A relevant example stems from the adoption of a new Governmental Ordinance - (37/2003) - that was amending the framework law of NGOs. A provision that was interpreted as a restriction with regard to the independence of NGOs refers to the obligation of NGOs that are in the process of incorporation to ask for the approval of the central government structure under which jurisdiction its activity takes place (ministries in different fields of activities). Also numerous debates were generated by the drafting and adoption of the Strategy for the development of the civil society. Numerous NGOs' representatives considered that several of its provisions were meant to limit the autonomy of the non-profit sector vis-à-vis the government.

Two important legislative endeavors are worth mentioning during this stage:

- The modification of the 1991 Constitution in 2003, and
- The issuing of the Governmental Ordinance no. 37/2003 that modifies the Governmental Ordinance no. 26/2000 that used to regulate the functioning of NGOs.

In 2003 was also adopted an important law for the functioning of the third sector – Law no. 52/2003 regulating the transparency in the decision-making in public administration. The law was mainly a result of the pressures exercised by international organizations (European Union) as well as by NGOs. The necessity of adopting such a law steams from the following reasons (Ștefan, Laura, Georgescu, Ion, 2003):

- There was no coherence or consistency with regard to the government's obligation of involving the civil society in the decision-making process, including the process of drafting and adopting new legislative acts;
- Even though there were situations when the cooperation between the governmental organizations and NGOs represented a success, the rule was a lack of transparency;
- Governmental institutions who were not open to dialogue with the civil society were able to take advantage of a limited legal framework that did not make transparency a compulsory obligation;
- The participation of NGOs to the decision-making process mainly took place as a result of their own initiatives. The success of such endeavors was further enhanced by the openness of certain public institutions mainly due to open-minded people in leadership positions;
- The necessity of a dialog between public institutions - NGOs tends to be agreed upon by the governmental structures involved mostly at the level of principle rather than in practice when decisions need to be made;
- The techniques used to consult with the civil society are still in their infancy and there are merely tentatively used by government despite the existence of a very broad array of such techniques. The use of such techniques by the public institutions seems to be a purpose in itself and not a means. The practical aspects that would further their efficiency are not taken into consideration. Also the input gathered during consultation is rarely used towards the drafting of the final decision/document;

All these legislative efforts have has an important role in the evolution of the non-profit sector as well as in the democratization process of the Romanian society.

This stage is characterized by an increased diversity in the types of financial resources available to NGOs; other resources became available besides the "traditional ones", namely external donations, both public and private and domestic governmental funds. The first locally financed programs for NGOs occur during this stage. The local public authorities that were financing such programs include the city halls in Cluj-Napoca, Oradea, etc.

With regard to enhancing the public visibility of NGOs there are several initiatives undertaken during this period all of them related to the development/enhancement of democratic practices. An important effort in this sense is represented by the NGOs' involvement in the adoption of the Transparency Law (see the paragraphs above). Also the Coalition for a Corruption Free Parliament is created now (a coalition among several NGOs whose main task was to monitor the correctness of the election process). Within this context it is important to highlight the occurrence of several policy nuclei/centers whose main focus is on the studying of public policy issues and on the initiation of several debates on issues of public interest.

Based on all these evolutions one can argue that the Romanian NGO sector remained diverse and influential during this period, leaving its imprint on various laws and policies.

Conclusions

The democratization wave in Europe has started in 1974 in Portugal. At that point in time there were only 40 democratic countries. However the number of democratic regimes today is above 120. A clear definition of democracy is needed not in order to count how many democratic countries exist today worldwide, rather because it may prove a useful instrument that could guide us through the complicated web of political and geo-strategic processes that are taking place right now and through the globalization process. The peak of the democratization process started in 1974 was represented without any doubt by the collapse of communism. Its demise represents in a way a success of democracy mainly because communism seemed to be so entrenched in these countries. Thus, within this new century, the democratization effort is not just a political but also military endeavor. The war in Iraq has to be understood in the context of a military effort that is necessary in order to further the democratization process. This dichotomy war – democracy is not necessarily unrelated to the issue of establishing democratic regimes.

The support of the Romanian NGOs for the development of the democratic regime was often inconsistent. Democratic changes were implemented generally due to external pressures from international organizations and/or international donors. NGOs were frequently acting as intermediaries for their interests.

Specific elements that influence the development of democracy can be noted in the relationship between NGOs and public authorities for each of the analyzed sub-periods in the interval of 1990-2005. First sub-period 1990-1996 is characterized by a conflict approach. The legislation was then passed that guaranteed the necessary rights for the democratic evolution, such as the right to associate, to freedom of expression, to elect and to be elected, free election, etc. Therefore one can say that then were settled the fundamentals of a democratic evolution of the society.

The second sub-period is characterized by partnership – solutions for current issues were searched based upon the openness from the government. There were attempts to build solutions using the basic elements already laid out during the previous interval. Entities/institutions that would implement these basic elements were established.

The third step consisted in fact of the transition to elements that are more specific to democratic development such as transparency, involvement in decision-making. Democratic development was meant both in terms of governmental activity and political activity and agenda.

NGOs had an important role in the democratic evolution of Romania in each of the three sub-periods of the studied interval. However, additional issues to be investigated are a) who establishes the goals and objectives, and b) the extent of their impact in the development of the society after these goals and objectives were internalized by the NGOs. For the Romanian situation, goal setting depended to a large extent to donor agenda and to a lesser extent to the wishes/needs of beneficiaries and the impact of these activities was influenced not only by the power of the NGOs but also by the governmental openness.

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