THE INFLUENCE OF SOME ROMANIAN INTEREST GROUPS UPON THE ACTIVITY OF GOVERNMENT AND PARLIAMENT

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The paper focuses on two specific interest groups, NGOs and trade unions, and on their influence upon the government and parliament. Our paper is based on an analyze of the activity of several interest groups during the period 2002-2004 and on the results of several researches and reports published on the last years. The analyze identifies petitioning for rule making, public meetings and debates, monitoring the activity of the public institutions and participating in advisory or regulatory committees as being the most common used mechanisms to influence the government and the parliament in Romania. Also, the analyze shows that administrative procedures affect the degree of bureaucratic autonomy. Overall, the results of this brief research show some pluralist forms of the interaction between the interest groups and the public institutions.

The purpose of this paper is to analyze the mechanisms used by some interests groups[1] in order to influence the executive and legislative branches in Romania. We focused our attention only on the activity of some interests groups, meaning NGOs and trade unions. We analyzed only the mechanisms most used by these interests groups in order to influence the decisions of the above mentioned public institutions. The paper has more a descriptive character, but in the final part we will analyze this aspect from the perspective of different models and theories of interest groups presented in the first part. On our opinion, this paper represents only an outline of future research that should be conducted in this field of activity.

The first part presents an overview of the literature regarding the interaction between the interests groups and the public institutions. The second part presents briefly the methodology that we used in order to analyze the mechanisms used by some of the Romanian interest groups to influence the decisions of the government and the parliament. On the third part we made a brief

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[1] On this paper, when we are referring to the activity of the interest groups analyzed we are referring only at the NGOs and trade unions. In order to have a complete view over the mechanisms that the Romanian interest groups use to influence the government and the parliament, we should include other categories of interest groups, like business organizations. Also, for better results, a larger number of organizations should be included in the analysis.

presentation the interest groups in Romanian, referring to their number, fields of activity, the citizens' involvement in the their activities. Then, the forth and the fifth parts provide more information about the context of the development of the type of interest groups we refer to and of the legal framework that bounds their activity. On the sixth part we presente the results of our analyze, meaning the nine mechanisms that the interest groups we analyzed use most in their activities to influence the government and parliament. The final section provides a summary and draws preliminary conclusions.

Literature overview

The literature discusses about the interest groups in the context of defining the relationship of bureaucracy with other institutions within the society. The enhancement of the interest group influence was facilitated by the recognition of the government as being one significant actor among the others and of the importance of other actors in the policy making process (Hill, 1991). The main models that were drafted regarding the interest group influence rang from agency capture model to corporatism, interest-group liberalism, subsystem, iron triangles, issue networks to advocacy coalitions. On our opinion is important to shortly present these theories because we will refer to them in order to analyze the relation between the NGOs and trade unions, on one side, and government and parliament, on the other side, in Romania.

Agency capture model (Berstein 1955) argues that the agencies are captive to the clientele they serve. Some theorists posit that the government appoints people who are in favor of the interests of those who are being regulated. Other theorists explain the bureaucracy capture theory by referring to the life cycle of agencies, which may need expertise to sustain their reforms and they hire employees from industry being regulated, so the regulators and the regulatees have the same vision upon solving different problems. In the end, the groups they supposed to regulate capture the regulators.

A large part of the interest group literature regards the distinction between the interest group corporatism and pluralism. According to this distinction the countries were classified according to the level of interest group pluralism or corporatism in the relation with the government (Lijphart 1999, Siaroff 1998). In the corporatism model (Williamson 1989), policy is made through negotiation among the most powerful legitimate and organized forces within the society. Groups are organized into national, specialized, hierarchical peak organizations representing major forces as unions and businesses, employers, which are incorporated in the process of policy formulation. Instead, the pluralism theory (Lowi, 1979) refers to competition between the interest groups and the government. The interest groups have a high degree of power over a policy area, and the competition defines the relation with the governmental agencies.

The iron triangles and issue network models refer to the relations between the bureaucracy, legislatures and the interest groups. The iron triangles theory argues that the triangles between the above mentioned institutions are characterized by consensus, a limited number of partners and policy expansion. In addition to the iron-triangles members, other actors as social science researchers, journalists, specialists, and congressional staffers may also be members, forming in this respect issue networks based on expertise. The mark of issue networks is conflict and competition among the large number of participants. Thus, issue networks are "shared knowledge group that tie together large number of participants with common technical expertise" (Heclo, 1978).

The subsystem theory (Griffith 1939, Cater 1964, Freeman 1955) argues that the policy process comprises a series of centers of activity focusing on particular problems. The leaders of various groups of public and private institutions and other activists within a policy sector communicate with each other, bargain and reach decisions with some degree of independence from the officials and other actors. Proponents of this theory argue that these outsider subsystems have great difficulty in penetrating the government and having an important effect on outcomes.

The advocacy coalition theory (Sabatier 1988) emphasizes the ideological base within the coalition over time and introduced imagine of advocacy coalitions for various policy areas. Both the coalition

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and the network theories assume that individuals who work in bureaucracies are prominent members of the network or coalition.

Beside these models of interaction between the interest groups and bureaucracy, further theories where developed. The administrative procedures theory (Potoski and Woods, 2001) describes how the administrative procedures influence agency autonomy and the political influence of various governmental (governors and legislators) and nongovernmental (interest group) actors. This theory concluded that the administrative procedures make agencies more accountable to democratically elected officials in the executive and legislative braches. Further more, interest group participation can enhance democratic responsiveness by empowering those who have an interest in policy decision and by improving the politicians' capacity to control agencies' decisions. The fire alarm theory (McCubbins and Schwartz, 1984) refers to establishment of rules, procedures and informal practices that allow interest groups to monitor administrative decisions. Fire alarm oversight provides targeted interest groups with greater influence over agency policy choices while it reduces agency autonomy. Another theory related to the administrative procedures theory is the hardwiring theory, which suggest that administrative procedures reduce agency autonomy while they enhance the policy influence of the coalition enacting the procedure.

Methodology

The main question of this paper regards the mechanism used by the interest groups in order to influence the government and the parliament in Romania. In this respect, we will try to answer to the following questions. Which is the influence of the historical context in the development of interest groups in Romania? What type of relation is between the government and the interest groups, corporatism or pluralist? Do rules and procedures enhance the level of influence the interest groups have over the agency policy choices? Do the procedures reduce the autonomy of the bureaucracy/ legislatures?

There are few researches regarding the relation between the interest groups and the state in Romania (Trif 2004, Saulean and Epure 1998, Epure, Tiganescu and Vamesu 2001). These researches analyze the dimension of the non-profit sector in Romania: the number of active NGOs, their geographical distribution, the main areas of activity and the factors that influenced their development. Also the researches refer to the characteristics of the people that are activating in nonprofit organizations and to their will to participate in these types of activities (Epure, Tiganescu and Vamesu 2001). The information about the type of the relation between the NGOs and the state are limited to people's expectations about the role that state should assume in relation with NGOs (Saulean and Epure 1998).

Our research is based on an analysis of the activity of 7 nonprofit organizations and of 2 trade unions[2] in the period 2002-2004. The nonprofit organizations that we analyze are activating in social services, health, human rights, citizens' participation, and environment[3]. We chose well-known organizations that are running their activities for more than 5 years in Romania. We considered that would be relevant for the topic of the paper to analyze the activity of these organizations in 2002, 2003 and 2004 because in these years Romanian government adopted important laws, which influenced

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[2]   The trade unions analyzed are National Trade Union Confederation Cartel Alfa (represents 16,4% of all trade union members) and National Trade Union Block (20,6%).

[3]   The nonprofit organizations that were analyzed are: Pro Democracy Association (citizens' participation), APADOR-CH (human rights), Media Monitoring Agency Monitoring (human rights – freedom of expression), Open Society Foundation (minorities' rights), Association "Alburnus Maior" (environment), Save Children-Romania (child protection), CONSENS (the federation of the nonprofit organizations active on the social service area).

their activities. But some researches from the previous period also will be used in order to compare with what happened before 2000 (Saulean and Epure 1998, Epure, Ţiganescu and Vameşu 2001).

Also, we analyzed the activities that these interest groups undertook in the relation with the government and parliament by analyzing the reports and the press releases from this period that they published. For example, we counted how many times these organizations sent petitions, or held public meetings or debates. Also, we counted how many times they participated in advisory or regulatory committees or sent recommendations to project proposals or started a legal action against a public institution. Also, we wanted to find out if the organizations have a person responsible for public relation. Furthermore, we completed this information with others reports that were published by European Commission (from the period 2000 to 2004), USAID (1998 to 2003) and John Hopkins Foundation, Maryland University.

In order to have a more comprehensive image about relation between the interest groups and the government and parliament, further research should be accomplished. The information that we gathered through analyzing the activities of the above-mentioned interest groups is helpful to describe the most common mechanisms that we used by interest groups. As we mentioned in the introduction part of the paper, when we refer to interest groups analyzed in this paper, we include in this category only the non-profit organizations and the trade unions. In this respect, further researches on this topic should enlarge the number and types of interest groups analyzed in order to give a more rigorous and scientific character to the research. This represents the weak point of the analysis that we conducted. Also, it takes a large base of analysis and more rigorous research methods.

For the purpose of this paper, it was important also to find the impact of the activities of these organizations. But little information was available on this aspect. Most of the information we found in the annual reports or in the press releases of these organizations, but we can subject the impartiality of these information. We other information in the reports published by the EU and USAID. In order to have a better estimation of their impact, further questionnaires should be addressed to the representatives of the interest groups and of the government and parliament.

Furthermore, the influence of other factors upon the activity of the interest groups should be analyzed. We refer to the influence of the political color of the government in the relation with the interest groups. Is a liberal government more open to collaboration and the social-democrat government more conservative and limited in the collaboration? We are also concerned about the influence of the international donors upon this relation, because some donors conditioned receiving of a grant to working in collaboration with public institutions or other interest groups. Due to the lack of available information, we could not control the influence of these factors upon the relation we are analyzing.

Taking into consideration all the aspects presented above, the paper has more a descriptive character and is limited in its findings.

Brief description of the interest groups in Romania

When we are talking about the interest groups in Romania, we are referring to nonprofit organizations, employers' confederations or associations and trade unions. In order to better understand the way the interest groups influence the policymaking process, we consider that a brief presentation of the three types of the interest groups that we will refer in this paper is necessary.

According to data provided by the Ministry of Public Finance, 17,373 nonprofit organizations submitted an annual balance sheet for 2002, although approximately 10,000 of these are inactive. These numbers does not include trade unions and employers' confederations. Also, the chambers of commerce and private universities are registered as nonprofit organizations. Less than 1% of Romanian employees work in the nonprofit sector. Only 7% of Romanians are members of a nonprofit

organization, compared to 41% who belong to condominium associations or 36% to labor unions. Most of the active organizations are located in Transylvania (Northwest) (47.7%), followed by Southern Romania (29.9%) and Moldova (16.7%). 5.3% are based in Bucharest and its surroundings. In 2001[4], 86% were located in urban areas (out of which 52% were in the county capital). The approximately 7,000 active organizations offer a wide array of services in the following areas: 20% social services, 25% culture and sports, 15% education, 8% health, 8% human rights, 6% development, 5% business, 5% environment, with the rest active in philanthropy, international cooperation and religion.

Beside the nonprofit organizations, there were twelve representative employers' associations in 2003. They are very fragmented because confederations compete for members, as they have members in similar sectors. Only eight of them are members in the Economic Social Council (which is the dialogue committee between the government, trade unions and employer's confederations) and only seven participated in the negotiation of the collective agreement in 2003. The number of representative employers' confederations increased from five in 2001 to twelve in 2003. Despite formal recognition, there are still people that are contesting the representativeness of certain employers' associations. In March 2004, eight of the twelve nationally representative employers organizations merged into two new organizations The two mergers indicate that employers have started to gather their forces in order to be able to provide an articulated view to government and trade unions.

The third category of interest groups that we are analyzing in this paper is represented by the trade unions. At the top level, there are more than twenty national confederations, but only five of them met the representativeness criteria in 2003. Trade union membership counted for around 90% of the total industrial labor force in 1991 to 77% in 1995 and to 58% in 2000 (Centrul de resurse pentru sindicate, 2000). Another source indicates that trade union density in 2002 was 40-46% of the labor force (Clarke et al., 2003). The reasons for the decline is the emergence of private small and medium-sized enterprises with virtually no trade union representation, the restructuring of all sectors that had over-employment and the shutting down of many large enterprises. Additionally, there has been an expansion of employment in services and sectors where unions are not well represented. Despite the decline in trade union membership during the 1990s, Romanian unions still have higher membership than in many other Central and East European countries.

Even tough the legal provisions state that unions should not be involved in politics the confederations have political affiliations. Two of them support the Social Democrat Party while the third one supports the Christian-Democrats. Initially, one of them had a liberal ideology promoting 'shock-therapy' but it has supported the left-wing party since 2000. As a result of this political affiliation, its representatives gained two seats in Parliament, beside the three members of Parliament coming from another trade union. The leader of National Democratic Trade Union Confederation of Romania was appointed Prime Minister between 1996-1998, when a coalition including the Christian-Democrats was in power. Also, in 2004, it was a debate whether or not the trade unions' leaders should candidate for a public position. Beside the negative public opinion, several members of trade unions candidated for local and county council and for parliament, on the lists proposed by different parties. Furthermore, before elections, trade unions' leaders encouraged their members to vote with a certain party. Also, in 2004 general elections, the political wing of National Trade Union Block entered the parliament on the lists proposed by Great Romania Party. After the elections, the former members of this trade union supported Tariceanu cabinet. These developments indicate that trade unions are strongly involved in politics[5]. Trade unions are not subordinated to the political parties but there is still no clear boundary between the trade union movement and the political parties.

[4]   Epure, Carmen, Ţiganescu, Oana, Vameşu, Ancuţa, 2001. *Romanian Civil Society: An agenda for progress*, Civil Society Development Foundation,

[5]   Trif, Aurora, 2004. *Overview of industrial relations in Romania*, South-East Europe Review 2: 43-64

The context of the interest groups development

We can talk about truly active interest groups in Romania only after the collapse of the communist regime. In order to understand the emergence and the development of the interest groups in Romania we consider that a brief analyze of the factors that influenced them would be helpful. In this respect, we analyze the influence of the communist regime on the activity of interest groups and socio-cultural norms that it developed.

Historical context. Civil society in Romania had made substantial progresses by the end of the 19th century, and the interwar period of the 20th century witnessed a further blossoming of a large variety of nonprofit organizations. At the end of the 19th century and the beginning of the 20th century, citizens' right to organize in trade unions and co-operatives was recognized, and as a consequence, the number of these organizations increased rapidly. However, these promising developments stopped after the imposition of Soviet-style communism on Eastern Europe after the Second World War. In Romania, the communist state annihilated all possible competitors to its power, ranging from households to businesses and trade unions, churches, newspapers, and voluntary associations.

Although the state aimed for the total destruction of civil society, some moderate forms of a civil society remained alive, particularly in the decaying stages of the authoritarian and ideological state and certain organizations were tolerated by the communist authorities, especially during the "liberal" period of the regime, which began in August 1968 with Romania's opposition to the military intervention in Czechoslovakia and lasted until the mid-1970s[6].

For the most part, these organizations provided an opening to associate around certain special interests (such as philately or numismatics) or interests related to traditional crafts (such as bee keeping or animal breeding). Some of these organizations have a long history and others had an international affiliation. Other organizations had as target-groups people with disabilities (such as the deaf-mute associations or the association of the blind). Also aid houses and tenants mutual associations were tolerated. However, these organizations did not constitute a truly independent nonprofit sector in Romania. Many of them 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.

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. Beyond this, cases of individual dissidence or the initiation of minor dissident movements (such as the attempt to set up a free trade union in 1977) were perceived as attempts to undermine the system and provoked immediate repressive responses. By large, forms of collective opposition were rather isolated and did not have any chance of success. Even if the right to strike was formalized until the 1990s, there were few strikes during the communist regime. Those, which did occur, were vigorously suppressed and led to more severe control by the security forces at the enterprise level.

Even if the state officially recognized employees' right to join trade unions, the role of the trade unions was strongly influenced by the ideological belief that there were no divergent interests between the state, leadership and employees. The trade unions were part of the political apparatus in Romania. They could only deal with complaints and other individual issues arising in the work place, but they did not negotiate collective agreements and they had no right to strike.

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[6] The database of the Centre for the Development of Non-governmental Organizations at Civil Society Development Foundation contains information on 30 non-governmental organizations that functioned during the Communist period in Romania.

The communist regime developed a high degree of dependence of the citizens upon the state. Also, the communist regime destroyed the citizens' trust in any hierarchical form of organization. Moreover, these institutions fear the danger of losing power by organizing them in umbrella organizations in order to promote common interests. In this respect, short-term partnerships within projects are alternative solutions to the establishment of institutionalized long-term umbrella organizations.

Civil society played an important role in the democratization process in Romania. At the beginning of the 1991, non-profit organizations played different roles from monitoring the elections to social services and civic education. Although, the non-profit organizations are steel financial supported by the international donors, their role and presence is growing.

Socio-cultural norms regarding the associative life were affected by the communist regime. A research made in 1998 among the members of the nonprofit organizations showed the perception that the government does not encourage the activities of civil society organizations. This expectation was perceived as an orientation of the citizens towards a paternalist state, which is to promote a supportive public policy towards nonprofit organizations. Also, the same research showed that the Romanian nonprofit organizations are expected to be primary service providers, filling the gaps left by the government. Also, the communist regime destroyed the concept of voluntarism, which led to low involvement of the citizens in the community life through voluntary activities.

The legal framework

On our opinion, an overview of the legal framework that regulates the activity of the interest groups would be helpful in order to understand the way these organizations are acting.

Cooperatives and trade unions are regulated through a separate law and the Romanian legislation created a common framework for associations, foundations and federations. Ordinance 26/2000 regarding associations and foundations, with small changes, embraced the text proposed by the non-governmental sector. Until 2000, all the nonprofit organizations were created under the provisions of the law 21/1924, which was the oldest law that regulated the activity of the associations. According to the ordinance, the nonprofit organizations may establish commercial companies and the profit obtained from these activities will be reinvested for achieving the purposes of the associations. The same ordinance grants the status of "public utility", especially for the nonprofit organizations that perform activities in the social service area. The government can contract out to these organizations public services without commercial character and these organizations can receive funds from central and local government in order to perform the contracted services.

The Law of Free Information Act has a special importance for the interest groups because it regards the relation between the nonprofit organizations and the government. It enhances the power of the interest groups upon the public institutions. It was drafted by a coalition of nonprofit organizations that worked closely with the legislatures and it was adopted in 2001. These organizations used the law to enhance the transparency of the public institutions by monitoring its implementation. Furthermore, the nonprofit organizations sued some public institutions, which did not respect the law, and they won the cases. In this way, the public institutions were forced to carefully implement the law and to be more open and transparent in the relation with the citizens. Also, in 2003, the Parliament adopted the law regarding the transparency of the policymaking process (sunshine law), which strengthens the role of the citizens through the consultation and public hearing process.

But, the nonprofit organizations are still controlled in a certain degree by the government through regulations that burden their activities[7]. An ordinance from 2003 actually took the nonprofit organization

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[7]   USAID, *Report on the nonprofit sector in Romania. 2003*

movement a step back-wards. The ordinance includes provisions such as one requiring the ministry responsible for overseeing activities related to the proposed mission of an nonprofit organization to authorize the nonprofit organization's registration, which is considered a restriction of rights guaranteed under the Romanian constitution. new ordinance also makes more difficult to obtain "public utility" status and restricts nonprofit organizations' access to budgetary resources from local and central government funds for activities that are recognized as being in the "public interest." On 2004, the Parliament voted this ordinance, and through this procedures it became law. The other laws and ordinances adopted in 2003 also negatively affect the operational environment for nonprofit organizations. The new Labor Code increases the bureaucratic burden related to labor contracts. The Law on political party financing allows political parties to receive financial support from nonprofit organizations. This provision creates an incentive for the establishment of sham nonprofit organizations whose sole purpose is to absorb funds for political activities.

The trade unions activities is regulated by the Law on trade unions (law no. 54/1991), which says that the trade unions are aimed to defend and promote the professional, social and economic interests of their members. Also, the Law on collective labor agreements (law no. 54/1991) gives representative trade unions the right to negotiate collective agreements at the national, branch and company level. The law on employers associations (law no. 356/2001) guarantee the right of the employees to get organize in associations, and these associations should defend the interests of their members in the relation with the state and trade unions.

Mechanism used by the interest groups to influence the activity of government and the Parliament[8]

The findings of the research revealed that the most common mechanisms used by the interest groups to influence the policy making process are: petitioning for a rule making, public meetings and debates, monitoring the activity of public institutions, participating in advisory or regulatory committees, sending recommendations to project proposals, legal action against the public institutions, public relation campaign, demonstrations and strikes, direct collaboration with the government.

1. Petitioning for rule making

The most used mechanism of influencing the policy making process is petitioning for rule making. All the nonprofit organizations and trade unions analyzed sent petitions to the rule-makers. They sent petitions to different institutions in order to protest against a proposal, a decision or a declaration. For example, petitioning is the most common mechanism used by the Pro Democracy Association and usually other interests groups signed the petitions that it sent. Not all the times the proposals were taken into consideration, but sometimes they had effect. For example, the president decided not to promulgate the law regarding the organizations of the political parties until the law was changed according to some of the interest groups' proposals. Also, the president did not want to promulgate the law that stipulated jail punishment for reporters, until this provision was excluded from the law. Also, the trade unions sent petitions to the members of the parliament, to the prime minister and to the president in order to present their position.

2. Public meetings and debates

Five out seven nonprofit organizations that were investigated organized public meetings or participated to such meetings organized by other organizations. So, another very common mechanisms used to influence the government or the Parliament is organizing public debates and meetings in order to raise the awareness of the decision-making actors. For example, in 2003 and 2004 Pro Democracy

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[8]   We mention again that we refer to the activity of the NGOs and trade unions.

Association organized at the national level 40 public meeting where members of the parliament and of the Government were invited to participate. The number would be much greater if we take into consideration the public meetings that were organized at the local level[9]. Also, the nonprofit organizations activating on the social service and environmental areas organized public debates in order to draft proposals and send them to the decision-making actors. This mechanism is used not only to raise the awareness regarding a public problem and to bring it into institutional agenda, but also to involve a much larger number of interest groups in drafting a proposal.

3. Monitoring the activity of the public institutions

Five out of seven organizations were involved in monitoring the public institutions activity and writing reports about how the public institutions are respecting laws. Usually, coalitions of nonprofit organizations and employers' confederations are involved in such activities. During the period that we are referring to, the greater efforts were toward monitoring the implementation of the law regarding the free access to public information. The importance of this law for the interest groups explained these efforts[10]. The law represents one of the most powerful instruments that can be used against the discretionary power of the public institutions. Also, a coalition of three nonprofit organizations was involved in monitoring the law regarding corruption, human and minorities' rights. Other organizations were involved in monitoring the activity of the Justice Courts and prisons, or analyzing new regulations in order to evaluate if they are respecting human rights provisions.

Monitoring the elections is another very powerful mechanism through which the nonprofit organizations monitor if the public institutions respect the citizens' rights. The organizations are not involved just in monitoring the activities that are taking place in the election day, but also, monitoring all the preparation activities and how political parties respect the law regarding the financing electoral campaigns[11].

4. Participating in advisory or regulatory committees

Five out of seven nonprofit organizations and both trade unions participated in advisory and committees during the period 2002-2004. If we take into consideration the involvement of the interest groups in the advisory and regulatory committees, we can conclude that the government was more open to cooperate with the representatives of the interest group. A person responsible for the cooperation with the nonprofit sector was named within each public institution. Furthermore, at the government level and at the level of each ministry an office for the relation with nonprofit organizations was created in order to facilitate the communication between the government representatives and those of the nonprofit organizations. Also, with funds from the European Union, a number of Citizens Advice Bureaus have been established as partnerships between local authorities and nonprofit organizations, providing legal advices to citizens on various issues.

The nonprofit organizations that are implementing activities related to the human rights field are members in several advisory committees or were invited to present their recommendations in front of regulatory commissions. Three of them are members in the Central Group for Analyzing and Coordinating the Prevention of Corruption Activities, which is formed by experts from institutions

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[9] Pro Democracy Association has 29 local branches al around the country. Many of these branches implement projects aimed to enhance the citizens' participation in the policy-making process and, in this respect, further local public meetings are organized.

[10] Starting with 2002, one year after the law was adopted, Pro Democracy Association, Romanian Academic Society, Institute for Public Policies and Transparency International - Romania monitored the activity of public institutions that were responsible for the implementation of this law and identified several problems.

[11] In 2004, Pro Democracy Association published 4 reports about how political parties spent money during the political campaign, for local and national elections.

that have attributions in combating corruption and representatives of the nonprofit organizations. The role of this organization is to participate in drafting and monitoring the anti-corruption program. Many representatives of the member organizations have contested the efficiency of the group because the government did not take into consideration their proposals to the anti-corruption law[12].

Another consultative mechanism established by the Parliament was Constitutional Forum. In 2002, one year before the Romanian Constitution was revised, the Deputy Chamber of the Parliament together with Pro Democracy Association created a consultative forum, named Constitutional Forum, and the representatives of the interest groups were invited to make recommendations regarding the constitution. Some of the recommendations were included in the Constitutional proposal.

Even if the number of consultations with the representatives of the nonprofit organizations increased, these consultations were inconsistent. The European Commission Country Report.2004 recognizes that "consultation procedures were launched with civil society on a number of legislative initiatives (e.g. judicial reform), although participants' consultation remained procedural and not substantial".

Regarding the participation of the trade unions and employers' confederation in advisory and consultative committees, this process started earlier. Between the 1996 and 2000, the centre-right government, which was in power, promoted tripartite dialogue between the trade unions, employers' confederations and government. In this period a number of tripartite institutions were formally established, such as the Economic and Social Council (ESC), the Tripartite Commission of Social Dialogue, the National Agency for Employment and Vocational Training and the Employment Tribunal. The new tripartite institutions gave legal rights to trade unions and employers associations to be consulted on economic, social and labor policies (e.g. via ESC) and also with regard to the implementation of legislation (e.g. the Employment Tribunal).

Also, even though the government established the Economic and Social Council[13] as a dialogue committee the Government and Parliament did not take its recommendations into consideration. In 2004, the Parliament approved only 25% of proposals made by the ESC and the Government 45%. Even though the role of ESC is to draft comments and recommendations, in 2004 31,4% of its recommendations were adopted in the way proposed by the ESC. In this respect, the members of ESC are extremely dissatisfied because of low attention that the Government and the Parliament pay to its work.

Also, starting from 2001, the government negotiates each year with the representatives of trade unions and employees' confederations the Social Stability Pact. This pact refers to the wage policies, employment policies and social assistance policies, which the government is going to implement in the following year. Also, the trade unions are involved in a number of joint committees with the government and with the representatives from employers' confederations. This tripartite co-operation mainly focuses on labor conditions and on the improvement of the business environment. At the level of bipartite co-operation, trade unions and employers organizations participate in the Social Dialogue Commission, which was responsible for the collective labor agreement for 2004-2005. At the same time, the effectiveness of the bipartite co-operation is severely limited by the fragmentation of the trade unions (5) and the employers' confederations (12)[14].

According to the European Commission country report from 2004, the bipartite and tripartite consultative bodies are, in general, if operational, far from efficient. Concerns of the EU regard the

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[12] Finally, the member organizations protested against the inefficiency of this group by refusing to participate at its meetings.
[13] www.ces.ro
[14] European Commission, *2004 Regular Report on Romania's progress towards accession*

method of consulting the social partners at tripartite level and regarding the very low number of bipartite collective agreements.

5. Sending recommendations to project proposals

Sending recommendations to the Parliament and the government is one of the most used mechanisms to influence the policy-making process. Four out of seven organizations sent proposals. The nonprofit organizations use different ways to send proposals. Before the adoption of the law regarding the transparency in the public administration, there was no legal requirements for public institutions to consult the interest groups during the policy making process and no period to give interested organizations time to make recommendations. The nonprofit organizations sent their proposals during the entire process, in general after they found out about a new proposal. There are also some organizations that tried to promote project proposals into the Parliament by raising required number of signatures[15]. Their effort was not successful. Another organization aimed at protecting the human rights (APADOR-CH) sends recommendations on law proposals regarding human rights. Unfortunately, a evaluation of the result of its activity can not be made, but, fore example, in 2003, when the Criminal Code was revised 4 out 18 recommendations were adopted in the form that they were proposed.

In order to enhance the chances that a recommendation will be taken into consideration, coalitions of nonprofit organizations and employers' confederation were created. In this respect, such coalitions were created in order to protest against the law regarding political parties and the law regarding the activity of the associations and foundations. In the first case, the proposals of the nonprofit organizations were taken into consideration, but in the second case, the law passed and their recommendations were not included in the final text.

In other cases, the government invites the interest groups to send recommendations to a proposal. In this case, for example, the interest groups were asked to send proposals to the anti-corruption law. Also, on the social service area the nonprofit organizations were invited to contribute to the elaboration of the national strategy for preventing drug consumption and governmental strategy for youth over 18 that cannot live in public assistance institutions.

6. Legal action against the public institutions

Three out of seven nonprofit organizations sued the agencies that did not respect the laws. After the adoption of the law regarding the free access to public information, the number of cases against the public institutions that did not respect the law increased. For example, in 2003 Institute for Public Policies won 4 cases against public institutions that refused to give it public information according to the law. Other organizations went to the court for legal redress when other means of influence fail. Such an option is available to the Romanian interest groups through the administrative courts. APADOR-CH sued the government because did not respect the previous laws when it adopted a decision. It is not a very common used mechanism, because the legal process is too slow and too expensive, but as I said before after the law regarding the free access to information was adopted, the number of cases against the public institutions that do not respect the law increased, especially due to the action of the nonprofit organizations.

7. Public relation campaign

The public relation campaign is getting more important in the last years, while the projects of nonprofit organizations are getting more visible. All the organizations analyzed have a person

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[15] The Constitution states that 250.000 signatures are required in order to promote a citizens' proposal into the parliament in order to be discussed by the members of Parliament. A coalition of nonprofit organizations tried 3 times to promote a citizens' proposal in order to change the electoral system in Romania and to reduce the number of members of parliament.

responsible with public relations. It is important for these organizations to establish good relations with public institutions, international donors, other nonprofit organizations and mass media. Being known by many people and having a good reputation represent strength in their relation with public institution.

The interest groups seek to mobilize public support through propaganda or public relations drives to win support. They attempt to persuade elected officials by trying to impress them with their electoral strength. In this respect, public campaigns of raising signatures for citizens' legislative initiative became more used in order to demonstrate the public support. Furthermore, the coalitions of nonprofit organizations supporting a common issue captured the media attention and made more easily others to hear their voice. Also, well-known international organizations were included in these coalitions. For example, Association "Alburnus Maior" gained the support of Greenpeace and European Council; also, the Romanian Academy supported their protest against the exploitation of a gold mine using cyanide. In this context, the association succeeded to stop the exploitation.

8. Demonstrations, strikes and noncompliance

Four out of seven organizations that were analyzed used demonstration as an influence technique. For example, a coalition of nonprofit organizations and trade unions created a human chain around the Parliament building, successfully protesting government's attempts to block public access to the files kept by the former secret police. Another form of protest used by the nonprofit organizations is the march. The environmental organization that we analyzed marched for 4 days from in order to attract the attention of the public opinion toward a public issue that they fight against[16].

The strike is a mechanism used by the trade unions in order to protest against the government's decisions and to strengthen their demands. The number of strikes was high especially during the privatization period, when many state owned companies were restructured, sold to private enterprises or closed and a great number of employees became unemployed workers. But, according to the European Commission report, the number of strike decreased significantly during 2004. Since 2001 government has signed the Social Stability Pact with the representatives of the trade unions and employers' confederations in order all to agree the most debating issues regarding the employment's problems. Even though the tripartite social dialogue was negotiated, several strikes were organized in 2004.

The policy sabotage or noncompliance is rarely and resumed for extreme cases, when important law provision are not respected. Nonprofit organizations members of the Central Group for Analyzing and Coordinating the Prevention of Corruption Activities refused to participate at the meetings of the commission because their proposals were not taken into consideration. Also, in November 2004, a nonprofit organization refused to monitor the elections if important measures were not taken in order to prevent future abuses of the political parties.

9. Direct collaboration with the government

The nonprofit organizations cooperate with the government on delivering services, like education, social and health services, and even economic development, culture and recreation and housing. In this respect, a nonprofit organization can operate as an organization of "public utility" and can receive money from the central and local government in order to perform its activities. For example, Foundation "Save Children" Romania collaborates with the Ministry of Education in delivering educational courses for children and training teachers in order to teach courses on children rights.

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[16]   The members of the Association "Alburnus Maior" and members of other organizations (Romanian Institute for Peace, Greenpeace CEE and Mindbomb) marched for four days 137 km from Cluj-Napoca to Roşia Montana in order to protest.

Also, in collaboration with the Ministry of Interior and Ministry of Justice, the foundation wrote a handbook about child protection against domestic abuse.

Even if this is not a direct form of influencing the government during the policy making process, it can action indirectly, by gradually raising the government awareness regarding public issues. Working directly with the government, can help to develop tight relations based on trust and competence and, in the future, these relations can transform in consultation and partnership relations.

Conclusions

Corporatism or pluralism of interest groups?

We argue that the interest groups analyzed tend to act more accordingly to the pluralist theories of interest groups. But, the interest groups are still weak and their independence from the political parties and government influence is still fragile and it is weakened by the legacies of the communist regime that discouraged for fifty years any form of organization of protest against the policy decisions. Moreover, the organizations that activated during the communist regime were subordinated to interest of the political parties and they were considered another means of achieving the communist goals.

There are statutory institutions to accommodate direct contacts between government officials and representatives of the authorized interest groups. These institutions assure the obligatory involvement of the interest groups in the decision-making process. But their influence is limited and consultation process is just a formal one, because most of the recommendations are not taken into consideration. So, even most of the consultative committees are corporatist in form, they are inefficient.

The collaboration process between the government, parliament and interest groups is rather on project-based collaboration, especially in the education, social services, health and housing areas. The organizations activating on these area are more often consulted in order to establish common projects. In the last years, the government started to consult more often interest groups, but the collaboration is not very closed and constant.

Even if the number of strikes and demonstrations decreased significantly during the last years, interest groups leaders appeal to the public at the large to mobilize the public opinion or elected forces. They consider that having a large support for their initiative will strengthen their proposals and will force the policy decision makers to take their proposals into consideration through political pressure.

The involvement of the interest groups in the administrative or implementing stages of policy-making is limited. Usually, the nonprofit organizations activating in the education, social services, health, culture, recreation, economic development and housing cooperate more closely with the public institutions in order to implement common projects or to fill the gaps left by the government. Instead, the interest groups aimed at protecting the human rights are more involved in monitoring if the public institutions respect the laws. The number of legal actions that these groups took after 2001 (when the low regarding the free access to public information was adopted) increased. Also, the involvement of citizens in the regulatory activities increased after the adoption of the "sunshine law" (the law regarding the decisional transparency in the public institutions.

How the administrative procedures influenced the autonomy of the public institutions?

The fire alarm procedures that were adopted through the law regarding the free access to public information and the law regarding the decisional transparency in public institutions decreased the autonomy of the public institutions and increased the influence of the interest groups upon them. After the adoption of these laws, the interest groups closely monitored public institutions in implementing of the laws. Their efforts were concentrating towards evaluating if the public institutions named a person to be responsible with the implementation of these laws, if the citizens have access to all

information that are considered to be public under the law, if all the information according to the law are publicly, if the citizens and interest groups can make recommendations for policy proposals.

The nonprofit organizations wrote reports about the findings of their research and made public the information that they obtained. Also, many interest groups took advantage of the provisions of these laws in order to obtain information that they needed or to use these information to evaluate other activities of the public institutions[17]. In this way, the public institutions became more aware about the burdens that the law imposed on their activity. As we mentioned before in this paper, several organizations took legal action against those public institutions that did not respect the laws.

Issue networks or iron triangles?

On our opinion, we can identify an evolution of the issue networks in the activity of the interest groups, especially during the last years. The consultation between the government, legislatures and interest groups are based more on issues. Groups that tie together people with common technical expertise are formed. Moreover, international and well-known nonprofit organizations and trade unions brought their expertise in drafting proposals. But we should not super estimate the strength of these issue networks. These tripartite relations are still weak. The coalitions of interest groups were created and they operated only on a project base. Small efforts are directed toward creating umbrella organizations, especially because the interest groups are afraid of loosing power. This is a legacy of the communist regime, which destroyed the trust in any hierarchical form of organization.

Analyzing the activity of the interest groups shows clearly the progresses that were made after the fall of the communist regime. Even though the social norms that ground the activity of the interest groups are influenced by the legacies of the communist ideology, the Romanian civil society is stronger and more dedicated to fight for the citizens' rights. Although the interest groups became more active and more involved in influencing the government and the parliament in the policy-making process, their power is still limited by the willingness of the decision makers to take into consideration their proposals. But, in the last years the autonomy of the public institutions decreased due to the adoption of sunshine laws that increased the influence of the interest groups. In this respect, the interest group participation will enhance the democratic responsiveness of the public institutions by empowering those who have an interest in policy decision.

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