

**Report on
The U.S. Helsinki Commission Delegation to
Romania, Macedonia, Kosovo (Serbia) and Vienna (Austria)
April 1993**

TABLE OF CONTENTS

ROMANIA	1
Objectives	1
The Context of the Visit	1
The Delegation Visit	3
 MACEDONIA	 9
Objectives	9
The Context of the Visit	9
The Delegation Visit	11
 KOSOVO	 15
Objectives	15
The Context of the Visit	15
The Delegation Visit	17
 VIENNA	 21
Objectives	21
The Delegation Visit	21
 APPENDICES	 23
Appendix 1: Statement of Helsinki Commission Delegation to Macedonia and Kosovo, April 18, 1993	23
Appendix 2: Press Release of Senator Dennis DeConcini, April 20, 1993	27

ROMANIA
April 16-17, 1993

Objectives

The Commission delegation's visit to Romania, the first since April 1990, had two main objectives. The first was to assess, through meetings with a broad spectrum of non-governmental and official actors, Romania's current level of democratic and market reform. The second was in recognition of Romania's critical role in the effort to enforce U.N. sanctions against Serbia and Macedonia, and the broader political and strategic role of Romania in the Balkans.

The Commission delegation aimed to focus on issues that have been of concern to the U.S. Congress in anticipation of the restoration of Most Favored Nation trade status to Romania: protection of human rights; parliamentary oversight of the intelligence and security forces; and safeguards for an independent media, particularly television. To that end, the delegation met with non-governmental human rights and civic organizations, media representatives, members of the Parliamentary Committee on Defense, Public Order, and National Security, and President Ion Iliescu.

On April 17, the delegation traveled to Giurgiu, on the banks of the Danube, to take part in a ceremony commemorating the transfer of six U.S. speed boats to the Romanian and Bulgarian customs authorities in connection with sanctions enforcement efforts. The ceremony included high level Romanian officials and members of the U.S. diplomatic corps, including U.S. Ambassador John R. Davis, Director of Customs Mihai Panzariu, and Minister of Finance Florin Georgescu.

The Context of the Visit

The Commission arrived in Bucharest at a time of insecurity and crisis in the region, insecurity that was palpable in Romania as well. With the conflict in the former Yugoslavia raging unabated and Russian President Boris Yeltsin facing a serious challenge from conservative forces, Romania's sense of vulnerability was particularly acute. Indeed, in the months and weeks prior to the Commission's visit, Bucharest had undertaken a flurry of diplomatic activity, including signing bilateral agreements with Turkey and Greece, to secure its footing in the troubled neighborhood. Yet continued economic deterioration at home, with declining living standards and growing public discontent, served as a constant reminder that Romania's internal challenges were great as well.

Even so, as the first official Commission delegation to visit Romania since April 1990, the delegation was able to conduct an important assessment, and, in some cases, positive re-evaluation, of Romania's current stage of political and economic reform. The delegation was impressed by many of the changes that were visible since 1990, from the growing number of commercial enterprises in Bucharest to the energy and organization of the non-governmental human rights community to the ambitious motivation of independent media representatives to the openness with which Romanians in general spoke to the delegation of their work, opinions, and aspirations. While the delegation did not fail to raise and explore areas of continued concern, neither could it fail to notice and appreciate the positive trends underway.

Romania held free, multiparty parliamentary and presidential elections on September 27, 1992. These were the first general elections since May 1990, when President Ion Iliescu and the National Salvation Front (FSN) were swept into power. The 1992 elections resulted in a second strong victory for President Iliescu; the parliament, however, was fractured among a number of parties, including two nationalist parties and the former communist party, presaging a contentious legislative environment for the next four years.

President Iliescu's party, the Democratic National Salvation Front (FDSN -- the conservative wing of the FSN, which split in March 1992), formed a minority government led by a little-known economist, Nicolae Vacaroiu. The opposition, meanwhile, essentially refused to participate in policy-making, apparently banking on the likelihood that the economy would continue to falter and the present government would fall. With little consensus on how to govern the country, much of the public remained skeptical of any party- or individual's ability to steer Romania toward prosperity.

At the time of the Commission's visit, the sharpest issue on everyone's mind was the terrible state of the economy and the social unrest that was expected to accompany the May 1 lifting of price subsidies on basic foodstuffs and resources. Prime Minister Vacaroiu had submitted his government's four-year economic program to parliament in March 1993, and been immediately attacked by both sides of the political spectrum. While his plan, in principle, continued the free-market reforms initiated by previous governments, including lifting of price subsidies, the opposition claimed that it failed to mention specific measures and timetables for implementing the reform ideas. The conservative wing of the FDSN, meanwhile, complained that it lacked sufficient emphasis on social welfare, a key component of the FDSN's electoral platform. Vacaroiu survived an opposition-initiated no confidence vote on March 19, but it was clear that support for his program remained tenuous.

Despite a tarnished human rights record in the years immediately after the fall of Ceausescu, by the time of the Commission's visit, respect for human rights and democratic institutions had clearly improved, as demonstrated, for example, in the much-improved preparation and administration of the general elections. The strong showing of nationalist parties in these elections gave cause for concern, nonetheless, as Romania, with its large Gypsy and ethnic Hungarian minorities, is certainly not immune to extremist or xenophobic

appeals. Indeed, President Ion Iliescu's decision to visit Washington, DC, in the days after the Commission's visit for the opening of the U.S. Holocaust Memorial Museum was the subject of bitter attacks in the extremist press at the time of the Commission's arrival.

The volatile situation in Cluj, where ultra-nationalist Mayor Gheorghe Funar has deliberately circumscribed the rights of ethnic Hungarians, was perhaps the most visible example of continuing tensions between ethnic groups in Romania at the time of the Commission's visit. The Government's recent decision to appoint ethnic Hungarian prefects to Covasna and Harghita, the two majority Hungarian counties in Romania, had also provoked massive demonstrations and outrage from the ethnic Hungarian community. A positive development that coincided with the Commission's visit, however, was the establishment of an intergovernmental Consultative Council on National Minorities, to explore ways of promoting inter-ethnic cooperation.

Additional areas of Commission concern included the continued absence of an effective system of parliamentary oversight for the Romanian Intelligence Service, and the apparent lack of accessibility -- and, consequently, accountability -- of the Parliament itself.

The ongoing conflict in the former Yugoslavia had already had significant ramifications in Romania by the time of the Commission's visit. Serbia has traditionally been one of Romania's friendlier neighbors and trading partners, and Romania had variously been accused of violating the sanctions, breaking the arms embargo, and so on earlier in the crisis. Much criticism was levied in February 1993 after five barges loaded with thousands of tons of oil evaded Romanian and Bulgarian customs authorities and steamed down the Danube to Serbia. Nevertheless, most analysts agreed that Romania was enforcing the sanctions as best it could, under difficult conditions and at great cost. A U.S.-led team of international sanctions monitors arrived in Romania in late 1992 to assist in compliance.

The Delegation Visit

Following the country-team briefing covering political, economic, and social issues at the U.S. Embassy, the delegation proceeded to the U.S. Cultural Center for a roundtable meeting with representatives of human rights and civic organizations: the Romanian Helsinki Committee, Pro-Democracy Association, League for the Defense of Human Rights (LADO), and the Romanian Independent Society of Human Rights (SIRDO).

Two primary topics were covered in the course of the meeting: continued barriers to effective public participation in the policy-making process, as illustrated by the efforts the non-governmental organizations (NGOs) were making to lobby against two pieces of draft legislation that would circumscribe basic rights, and the general need for continued civic and political education in Romania, a need many of the NGOs were trying to address with programs in schools and prisons as well as by organizing town meetings between elected officials and constituents.

When asked about the obstacles NGOs encountered in their efforts to influence policy-making, many lamented the difficulties of getting draft pieces of legislation in advance. Often they became aware of pending legislation only as the debate got underway. Debates in the parliamentary commissions were closed, and access to the Parliament building was complicated in and of itself, further limiting the public's ability to offer timely recommendations or express concerns. Some felt that secret voting and the party list system by which members were elected eroded the sense of accountability that parliamentarians felt to their constituents.

The NGO representatives provided the Commission delegation with substantial written material, including information regarding the two draft laws in question. One of the bills proposed the establishment of a government body to oversee private legal organizations, such as NGOs, political parties, and unions; the government body would theoretically have the authority to monitor private groups' activity and to impose fines or restrictions if it felt such punitive action was warranted. The second bill proposed banning "armed demonstrations"; the definition of "armed," however, amounted to the presence of two persons bearing instruments that could be used as weapons. The Romanian Helsinki Committee, in particular, was conducting its own comparative legal work and analysis to demonstrate how these two bills -- which had been submitted to the parliament by the executive -- failed to protect basic rights.

From the NGO roundtable, the Commission delegation traveled to the home of U.S. Embassy Public Affairs Officer Richard Virden for a luncheon meeting with media representatives. The guests included print and electronic media journalists, both national and local, as well as members of the National Audio Visual Council. Representatives of Romanian Television were present, including the assistant director of minority language programming, as well as representatives of independent stations. The Commission delegation was able to talk with a wide variety of individuals and to gain a broad range of perspectives on the current state of the media in Romania.

Among the impressions the delegation took away was the sense that many of the obstacles currently confronted by Romanian media stem from a lack of resources. Independent broadcasters who had received licenses for local stations needed to scramble to find the transmitters and other equipment necessary to keep a show on the air. Print journalists were stung by the high cost of paper, and forced to rely on state delivery systems for distribution. Nonetheless, the delegation did not hear the kind of reports that were common in earlier years that independent or opposition newspapers were thrown off trains or left undelivered in the stations. Indeed, the delegation was impressed by the upbeat and energetic attitude of the journalists present.

Prior to the Commission's departure for Romania, numerous concerns had been raised regarding the appointment of Paul Everac, a noted nationalist, xenophobe, and anti-Semite, to head Romanian Television. In a conversation with the assistant director of minority language programming at RTV, a member of the Commission staff was told that

Everac's efforts to restrict minority language news broadcasts had failed; the order had been adopted but never enforced. Others the delegation spoke with commented critically on Everac's weekly appearance on RTV, which they seemed to feel was self-promoting and intrusive, but did not complain that he was spreading anti-Semitic or anti-Hungarian rhetoric. The mood regarding his appointment as head of RTV seemed to be one of frustrated resignation.

Following the media luncheon, the delegation departed for the Romanian parliament building for a meeting with the parliamentary Committee on Defense, Public Order, and National Security. The meeting was attended by the respective Committee heads of the Senate and the Chamber of Deputies, Radu Alexandru Timofte and Petre Roman, as well as two junior members, one from the Peasants Party and one from the Democratic National Salvation Front. Helsinki Commission Chairman DeConcini, who is also Chairman of the Senate Intelligence Committee, invited the Romanian parliamentarians to describe what kind of oversight they had over the Romanian Intelligence Service (SRI), particularly with regard to setting the budget, requesting information, and confirming the appointment of an SRI director. He stressed the critical role that parliamentary oversight can play in ensuring that intelligence and security services are performing their important job without exploiting their privileges or abusing individual rights.

The parliamentarians explained that the SRI was formed in April 1990, under a provisional government and a provisional parliament, and that the law on the SRI had been promulgated in February 1992. Up until the present, however, there had been virtually no parliamentary control of the SRI, even though according to the law, the SRI should be under much greater parliamentary authority than simply budgetary. A joint committee for parliamentary control of the SRI was envisioned but as yet unformed.

With regard to access to information, the delegation was told that during the previous parliament, SRI Director Senator Virgil Magureanu had been unable to present his report on the SRI's activity because the legislative calendar had been too tight. The Committee hoped, nonetheless, that the SRI Director's report would be a priority for the current parliamentary session.

When asked about their perspective on the necessity of an oversight framework, both Committee leaders were emphatic in their agreement that parliamentary oversight was essential and overdue. Deputy Roman mentioned continuing allegations that SRI was involved in political activity; Chairman DeConcini raised the Iran/Contra scandal as an example of similar experiences in the United States, but pointed out the critical role that Congressional Committees had played in exposing the abuses and wrongdoings. When asked when they estimated the joint committee would be established, the Committee leaders speculated spring or summer.

The Commission delegation also posed a number of general questions regarding the present possibility for oversight, the tools of the envisioned oversight committee, and the current status of the former Securitate files.

Senator Timofte began by noting that the oversight committee's main lever of control would be the SRI budget. Also, based on the many complaints his committee had received concerning the SRI, he expected that they would conduct their own investigations. The U.S. system would serve as an important model for their work. Currently, the SRI is subordinate to the executive National Council for Defense, and theoretically to parliament as well. Magureanu had provided the Committee information on two occasions last year; Timofte hoped that in the future it would be a monthly practice. Concerning the appointment of a director, the joint commission was responsible for forwarding the president's recommendation to the parliament. Timofte believed that if the joint commission gave a negative recommendation, the nominee would no longer receive consideration. Finally, on the Securitate files, Timofte asserted that the SRI had no control over them and that they were being stored by the Ministry of Defense. He did note, however, that it was his suspicion that some of them had been reviewed by the SRI.

Deputy Roman suggested that in post-revolutionary Romania, the allegiances and machinations of the former Securitate remained a heavy burden to be dealt with. It was difficult, for example, to evaluate the reports the committee received about alleged abuses of the SRI -- Was it the old Securitate, or new elements in the new structure? As a former prime minister who never had control of the SRI, Roman declared, the greatest challenge lay in appointing a new head, who would be "democratic from top to toe." Given the hierarchical structure of the SRI, strong, honest leadership would filter down. With regard to the Securitate files, Roman pointed out that while the hard files were archived with the Ministry of Defense, all the computerized information remained in the hands of SRI.

In closing, Chairman DeConcini brought up the points the human rights and civic NGOs had raised earlier in the day. He explained that complaints continued to be raised with the Helsinki Commission regarding the openness of parliamentary activity, and stressed that the Commission believed the press and public need to be able to see how their representatives vote, in committee and on the floor, as well as to have access to the testimony of debate. He expressed sympathy for security requirements, but emphasized that unless national security is truly involved, the legislative process should be open. Raising the two draft laws that the Romanian Helsinki Committee had described, Chairman DeConcini acknowledged that the Members of Parliament might or might not pass the bills, but the point was that the debate should be open. The public needs to know where its representatives stand.

Deputy Roman agreed that, without any concerted effort on the part of the government or parliament, it was absolutely true that public access to parliament was limited. He mentioned the Romanians' lack of practice and experience in public relations, and said they needed to struggle for broader public access and exchange of views and

information. With regard to the draft legislation in question, it was true that they existed as bills. In Roman's view, however, they were absolutely unacceptable, and in fact, he asserted, his committee had informed the government that it would not consider the legislation unless the Minister of Defense came before the committee to testify.

In closing, the Commission delegation expressed thanks for the Committee's time and cooperation, and offered whatever assistance might be appropriate, at whatever stage of the debate or establishment of the oversight commission would be most useful. Chairman DeConcini stressed that this was the kind of responsibility that all parliamentarians share, and urged the Romanians to work with the CSCE Parliamentary Assembly as well.

Next, the delegation traveled to Cotroceni Palace for a meeting with President Ion Iliescu. After commending President Iliescu for his decision to attend the Holocaust Museum dedication, as well as for Romania's role in the effort to enforce the United Nations sanctions against Serbia and Montenegro, Chairman DeConcini turned the discussion to some of the concerns that had been raised during the course of the delegation's previous meetings. Mentioning first the controversial draft legislation emanating from the government, and next the current lack of effective parliamentary oversight for the SRI, Chairman DeConcini noted that President Iliescu had an important strategic role to play in selecting the SRI director.

President Iliescu responded by stating that Romania was the only country in the region to abolish its security services following the events of 1989. He asserted that Romania had dismantled all the old Securitate prerogatives, and that 80 percent of the SRI staff was new. Moreover, he declared, parliamentary control had been established by law. He himself supported the establishment of an effective framework for parliamentary oversight of the SRI.

Commissioner Richardson, recognizing the important progress that had been made in building democracy in Romania, raised a number of issues of continued concern: SRI oversight; parliamentary openness; conditions in the orphanages and institutions; respect for the rights of persons belonging to minorities; and the independence of Romanian Television, in particular, the need for a respected and objective individual at its head.

President Iliescu noted that he appreciated the Commission's comments and that he was glad the delegation had visited Romania because it was difficult to get an accurate picture from abroad. He explained that most Romanians had been stung by the U.S. Congress' denial of MFN until now; they didn't understand why the United States wanted to punish the people of Romania. Chairman DeConcini remarked that in the aftermath of the December 1989 events, and particularly following the miners' rampage through Bucharest in June 1990, Washington's perception of the democratic credentials and intent of the new Romanian authorities had been thrown into doubt. He emphasized, however, that it was important to maintain a dialogue and that the Commission delegation's visit was part of that effort.

The Commission delegation also asked about the economic prognosis for the immediate future, especially with the May 1 lifting of price subsidies. President Ilescu suggested that this was in some ways the hardest year Romania had faced so far, as they attempted to liberate prices and demonopolize industry. He noted that Romania currently has some 300,000 private companies, but that most are very small. Inflation is currently a terrible burden on everyone. He also pointed out the strains that the loss of the COMECON market and the imposition of the various UN sanctions and embargoes (against Iraq, Libya, and now Serbia/Montenegro) had placed on the Romanian economy.

Finally, Commissioner Richardson asked what President Ilescu suspected would happen in the upcoming referendum in Russia, and whether or not President Boris Yeltsin would survive. President Ilescu admitted that from Romania's perspective, Yeltsin was the best Russia had to offer, but he expressed concern that Yeltsin might not navigate the delicate transition period successfully, and sympathized with Yeltsin's difficulties in satisfying a frustrated population that had expected democracy to bring prosperity in tow.

After a brief press conference, the Commission delegation attended a reception in its honor at the residence of U.S. Ambassador John R. Davis. The guests included parliamentarians, political party leaders, NGOs and journalists, and representatives of U.S. organizations currently doing human rights or civic work in Romania.

The following morning, April 17, 1993, the delegation traveled to Giurgiu, on the banks of the Danube, to participate in a ceremony commemorating the transfer of six U.S. speedboats to Romanian and Bulgarian customs authorities. Though poor weather prohibited the planned meeting with Bulgarian officials in the middle of the Danube River, the ceremony on the Romanian side was well-attended by official representatives and the press. Chairman DeConcini, U.S. Ambassador John R. Davis, Romanian Director of Customs Mihai Panzariu, and Romanian Minister of Finance Florin Georgescu made brief statements while the speedboats, operated by members of the U.S. Coast Guard, conducted exhibition exercises on the river. Chairman DeConcini stressed the importance the United States placed on the sanctions effort, and expressed his appreciation for Romania's contribution. Noting that the delegation had come to Romania to assess progress in democratization and respect for human rights, he emphasized how pleased the United States was to cooperate in a law enforcement mission with Romanian and Bulgarian authorities, and that he believed this would lead to further cooperation in other areas as well.

Following the sanctions ceremony, the delegation returned to Bucharest and boarded the aircraft for Macedonia.

MACEDONIA

April 17, 1993

Objectives

The Commission delegation travelled to Macedonia essentially to complete the itinerary of a visit to the area in November 1992, which had to be cut short because of inclement weather conditions. Indeed, the signs of the oncoming winter which the Commission saw at that time led it to raise concern over the deteriorating conditions which Macedonia and the tens of thousands of Bosnian refugees residing there faced. These conditions were a result of the collapse of the Yugoslav federation of which Macedonia was a constituent part, and the subsequent undesired -- and from the November delegation's view, undeserved -- political and economic isolation of the former Yugoslav republic internationally. The April 1993 visit afforded a useful opportunity to see firsthand the extent to which it had satisfactorily coped with these deteriorating conditions and the prospects generally for the stability and democratization of an independent Macedonia.

A second purpose for visiting Macedonia was, similar to Romania, to examine the extent to which economic sanctions imposed on Serbia and Montenegro by the United Nations were being enforced, especially since these sanctions were so far the strongest measures taken by the international community to compel those responsible for the aggression in Bosnia-Herzegovina to stop that aggression. Prior to the visit, there were reports of regular violations of the sanctions.

The Context of the Visit

The republic of Macedonia is about the size of the state of Maryland with a population of just over two million, the majority of which consider themselves ethnic Macedonians, 25-40 percent ethnic Albanians, 5 percent Turks and 2 percent Muslims, Gypsies and Serbs respectively. While Macedonians, along with the small Serb community, are primarily Eastern Orthodox Christians, most of the remaining population is of Islamic faith. The republic is located in the center of the Balkan peninsula and was the southernmost part of the former Yugoslav federation, having borders with Bulgaria, Greece, Albania, Kosovo and Serbia proper. Its capital is Skopje.

At the time of the visit, Macedonia still had, as its primary preoccupation, achieving international recognition of its own independent statehood. Following the de facto break-up of the Yugoslav federation in late 1991 and early 1992, Macedonia opted for its own independence on the basis of a popular referendum held in September 1991. The Macedonian Government applied for the recognition of the European Community (EC) member states, who were at that time still spearheading the international response to the Yugoslav crisis, that December, and was subsequently declared by the EC Arbitration

Commission to have met the necessary criteria, including those relating to human rights. Greece, an EC member, was nevertheless blocking recognition by the Community, as well as Macedonian membership in the United Nations and the Conference on Security and Cooperation in Europe (CSCE).

Greek officials objected to the former Yugoslav republic's use of the name "Macedonia," which, they alleged, implied territorial ambitions vis-a-vis Greece, and claimed that the Macedonian national identity was a communist creation. Other Greek complaints included Macedonian constitutional provisions which were interpreted to substantiate fears of territorial claims, the adoption of a flag with the sixteen-pointed star of Vergina used by Philip of Macedon (father of Alexander the Great and a central figure in Greek history), as well as "propaganda" emanating from Skopje which was supposedly reinterpreting regional history to the detriment of Macedonia's place in Greek history and heritage. Behind these complaints, of course, was the "Macedonian question" itself, the cause of considerable violence and warfare throughout the twentieth century. At issue was the actual identity of the Slavic people inhabiting historic Macedonia, and Bulgarian, Greek and Serbian claims to some or all of the territory to which this name applies.

Regardless of the contrasting historical claims, by late 1992 the refusal of virtually the entire international community of Macedonia was becoming politically destabilizing for Macedonia, encouraging nationalist elements to challenge the moderates in power and, on the opposite side of the ethno-political spectrum, separatist tendencies among the Albanian community, based largely on complaints of human rights violations and a sense of being denied equal treatment in the republic. Exacerbating this problem, and most evident to the Helsinki Commission delegation which visited Macedonia in November 1992, was the economic isolation of the republic. Already devastated by the breakup of the Yugoslav economy on which it was so dependent, Macedonia was subjected to a Greek economic blockade imposed under the guise of ensuring enforcement of the sanctions on Serbia. Meanwhile, Macedonia was having difficulty obtaining any meaningful assistance for the tens of thousands of refugees from Bosnia-Herzegovina within its borders.¹

During the winter months of 1992-93, the international community increasingly saw the need to prevent a spillover of the conflict which continued to rage in Bosnia-Herzegovina. Such a spillover could come directly from Serbia, which was believed to have at least some consideration of territorial ambitions regarding Macedonia. Indeed, there were signs that the relatively small Serb community in Macedonia was being stirred up by radical forces with roots in Serbia itself, and incidents along the Serbian/Kosovo border involving

¹ For a fuller treatment of the "Macedonian question," the Republic of Macedonia's attempts to achieve international recognition of its statehood, and the implications of continued non-recognition, see: Commission on Security and Cooperation in Europe, *Report on the U.S. Helsinki Commission Delegation to Hungary, Greece, Macedonia and Croatia (CODEL DeConcini)*, December 1992, pp. 7-17.

