



# The Implications of Administrative Decentralisation on the Development of Non-Territorial Autonomy Practices: The Case of Romania

*Valentina Cornea, Mirela Paula Costache,  
and Andreea Elena Matic*

## 1 INTRODUCTION

Understanding institutional implications is one of the most difficult issues in both political science and sociology. The difficulty relates to the fact that institutions that operate well under certain social and economic conditions may be disastrous under others. With regard to ethnic harmony, it has been shown that some types of institutions may be more favourable than others. Heterogeneous populations seem to be more sensitive to rhetoric about decentralisation (Szabo, 2017, p. 127). It has been argued that ethnic fragmentation is less disruptive in democracies (Collier, 2000; Collier et al., 2001). Decentralised institutions offer ethnic and regional minorities a higher stake in the political system and encourage their representatives to pursue their objectives

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V. Cornea (✉)

Department of Administrative Sciences and Regional Studies, ‘Dunărea de Jos’  
University of Galați, Galați, Romania  
e-mail: [valentina.cornea@ugal.ro](mailto:valentina.cornea@ugal.ro)

M. P. Costache

Faculty of Law and Administrative Sciences, Department of Legal Studies, ‘Dunărea  
de Jos’ University of Galați, Galați, Romania  
e-mail: [mirela.costache@ugal.ro](mailto:mirela.costache@ugal.ro)

A. E. Matic

Faculty of Law and Administrative Sciences, ‘Dunărea de Jos’ University of Galați,  
Galați, Romania  
e-mail: [emirica@ugal.ro](mailto:emirica@ugal.ro)

within that system (Lublin, 2012). The idea is that in this type of political system, minorities feel represented and less marginalised than in dictatorships (Alesina & La Ferrara, 2005). At the same time, decentralisation is a complex and controversial process. Unintentional effects can occur, such as the neglect of national interests, excessive political interference in processes that should be impartial and an unjustified increase in the influence of local elites over resources. Programmes and services can be ‘captured’ by the local economic and political elites, who can divert them towards their own interests (Cornea, 2017, p. 251). The existence of a legal framework is insufficient without the necessary institutions to go with it. In short, as Osipov notes, certain ideas can be firmly enshrined in law but their instrumental value may still be doubtful if implementation is insufficient and inconsistent (Osipov, 2012, p. 437; Smith, 2013). Thus, in a world where more and more societies are becoming multicultural, institutional support for differences and taking on the task of guaranteeing cultural survival becomes a real challenge. The range of political–administrative instruments designed to support minorities is extremely broad: it includes federal solutions for the delegation of state powers, the functional transfer of these powers through decentralisation, guarantees offered through the institution of cultural autonomy, and rights and compensatory policies for specific groups in the form of ‘instruments of inclusion that take into account cultural differences’ (Habermas, 1998, pp. 145–146).

This study examines non-territorial autonomy (NTA) as an administrative instrument or practical category (Osipov, 2018) from the point of view of administrative decentralisation. The aim is to shed light on how a decentralised administrative system creates the premises and a favourable context for cultural survival in a multiethnic context. The analysis is contextual and limited to the case of Romania. Romania is a unitary state, where the minority population accounts for about 11% of the total 20.1 million inhabitants (according to the 2011 census, <http://www.ins.ro/>). The most significant minorities in Romania are Hungarians, at 1.23 million (about 58.9% of total minorities), followed by Roma people, at 0.62 million (29.8% of minorities), Ukrainians (50,900 inhabitants or 2.44% of minorities), Germans (36,000 or 1.73%), Turks (27,700; 1.33%) and Russian Lipovans (23,490; 1.13%). Other groups—Tartars, Serbs, Slovaks, Bulgarians, Croats, Greeks, Jews, Italians, Poles, Czechs and other minorities—each make up less than 1% of the minority population (with 20,000 inhabitants or less). Our starting premise is that Romania’s decentralisation model allows the development of practices associated with NTA. We support this argument by highlighting the main characteristics of the institution of decentralisation and analysing the legal and practical aspects of the ethnic dimension of decentralisation.

## 2 THE MAIN CHARACTERISTICS OF THE INSTITUTION OF DECENTRALISATION

Decentralisation is a method of internal organisation of the nation-state. It is defined by the relations established between the central government and regional and local institutions (Savy et al., 2016). In general terms, it represents the transfer of power prerogatives from a higher level to a lower level in a political-administrative and territorial hierarchy. There is even a theorem of decentralisation which holds that if the area of consumption of a public good extends to several local communities and its cost of production is the same at both central and local level, it will always be easier for that good to be produced in optimal quantities, in the Paretian sense, at the local level than at the central level (Oates, 1999). The logic of decentralisation lies in the territorialisation of public policies (Cornea, 2017, p. 200). In this respect, decentralisation is not based solely on the concept of transfer of power prerogatives, but rather on increasing the functions, competencies and resources of a lower level of administration. An example would be the development by the lower level of administration of its own tax base or its assumption of new functions, without requiring transfers from the central government (Cornea, 2017, p. 203). The essential feature of decentralisation is that a variety of social players are involved in the implementation of the act of governance, regardless of which sector they belong to: government, the private sector or civil society. This feature is captured in a broad definition provided by Cheema and Rondinelli: decentralisation represents the transfer of responsibility or planning, management, attraction and allocation of resources from the central government and its agencies to: (a) units in the territory of government ministries or agencies; (b) subordinate units or levels of government; (c) semi-autonomous public authorities or corporations; (d) regional or functional extended authorities; or (e) private non-governmental or voluntary organisations (Cheema & Rondinelli, 2007). Decentralisation may also boost equity and accountability; for example, it may be a vehicle for institutions that empower marginalised or disadvantaged ethnic groups at the local level (Dunning, 2019, p. 248).

## 3 DECENTRALISATION IN ROMANIA

In the early 1990s, most central and eastern European countries began extensive administrative reforms, one of the major principles being decentralisation. Under international pressure rather than under the influence of national beliefs and interests, for Romania 1991 represented the beginning of administrative system reforms. A difficult and time-consuming process, decentralisation is much easier to plan than to put into practice (Pollitt & Bouckaert, 2011), and Romania is no exception (Profiroiu et al., 2016, pp. 382–384). From the introduction of this concept in the 1991 Constitution to the present

day, the benefits of decentralisation have been considered extremely unsatisfactory. The transfer of competencies from the central to the local level (the essence of decentralisation) was limited and was mainly achieved by adopting laws which were summarised in the descriptive content of the competencies of local authorities. A gradual and extremely cautious approach to the implementation of decentralisation was favoured. But despite the failures recorded in the decades after the start of reforms in Romania (Carp & Sienerth, 2014, pp. 1227–1228), the following positive aspects can be noted:

- The concepts of decentralisation and local autonomy are mentioned in the Constitution;
- The public authorities at the local and intermediate levels of administration are elected directly by the citizens;
- Many services at the central level have been deconcentrated and decentralised at the level of the two levels of administration;
- The parliament has adopted a framework law on decentralisation, methodological rules for the implementation of this law and a law on local public finances describing the principles and sources of public funding;
- The general approach of recent governments is towards decentralisation rather than centralisation (Profiroiu et al., 2016, pp. 382–384).

The need to systematise legal rules led to the adoption of an Administrative Code. When this came into force (in July 2019), the law on decentralisation was repealed, the principles and institutional framework of decentralisation now being found in Title II of the Administrative Code.

Both the Administrative Code and other laws contain a number of provisions on minorities. Studies show that the decentralisation process has given local levels of administration competencies covering about 34 areas. The protection of minorities is not an explicitly worded competency, but rather results from other competencies—especially those in the fields of culture and education. They concern issues relating to the use of the language of national minorities in their relations with public administration authorities; the right to set up political parties or organisations for citizens belonging to national minorities and to participate in election processes; and the establishment of public institutions of local interest according to the specifics and needs of cultural affirmation, in compliance with the legal provisions and within the limits of existing financial means. At a purely declarative level, the competencies and powers of local public authorities resulting from the hierarchical and functional distribution of powers from central to local government (Carp & Sienerth, 2014, pp. 1227–1228) create the legal basis for them to take action to respect the rights recognised for national minorities: (a) the right to non-discrimination in the exercise of a legitimate right; (b) the right to use the mother tongue, including the right to use the mother tongue when dealing

with the administration; the right to study the mother tongue; and the right to use the mother tongue in court and in public and private relations; (c) the right to identity; (d) the right to representation in the legislative bodies.

#### 4 DECENTRALISATION AND THE PRACTICES THAT CAN BE LABELLED AS NTA

Before discussing the implications of decentralisation for NTA practices, we will offer some clarifications regarding NTA. Originating in late-nineteenth-century and early-twentieth-century Austro-Marxist ideas, NTA is a tool for managing ethnic and religious diversity in situations where the minority communities are not in a compact space. In the twentieth century, the idea evolved and acquired new interpretations, but was based on the decoupling of ethnicities from the territorial organisation of government. In this sense, it is worth remembering the double interpretation of the concept of NTA. First, it can be interpreted as a model that offers the de-territorialisation of minorities' self-determination claims. In this interpretation, elections and minority representation in decision-making processes offer an opportunity for minority groups to be represented at various governance levels, through so-called minority councils (Andeva, 2020, p. 125). Secondly, it can be seen as 'new public management' in the ethno-cultural sphere—a combination of self-government and appropriate allocation of public resources (Coakley, 1994, p. 298). This approach is based on the interpretation of 'autonomy' as a special type of ethnicity-based organisation that combines self-administration with the management of certain public resources and competencies.

In the introduction to this study, it was mentioned that social players' involvement in the implementation of the act of governance, regardless of which sector they belong to—government, the private sector or civil society—is the essential feature of decentralisation. This characteristic derives from the most often invoked way of exercising NTA, namely the creation of officially governed entities that perform official public functions and are established on ethnic or similar grounds (in terms of justification, positions, participants, beneficiaries and others) and are different from the territorial subdivisions of public administration (Osipov, 2020).

The entities concerned must be legal persons registered under public (or, where appropriate, private) law, must have a sufficiently large number of registered members, or at least representatives, relative to the total number of members of that minority, and must designate those bodies which, subject to respect for internal democracy, will make it possible to exercise special powers (Salat, 2006, pp. 42–45). These entities are a way of organising an ethnic group with the aim of guaranteeing and protecting its interests. Such organisations can create conditions for the realisation and protection of cultural as well as political rights.

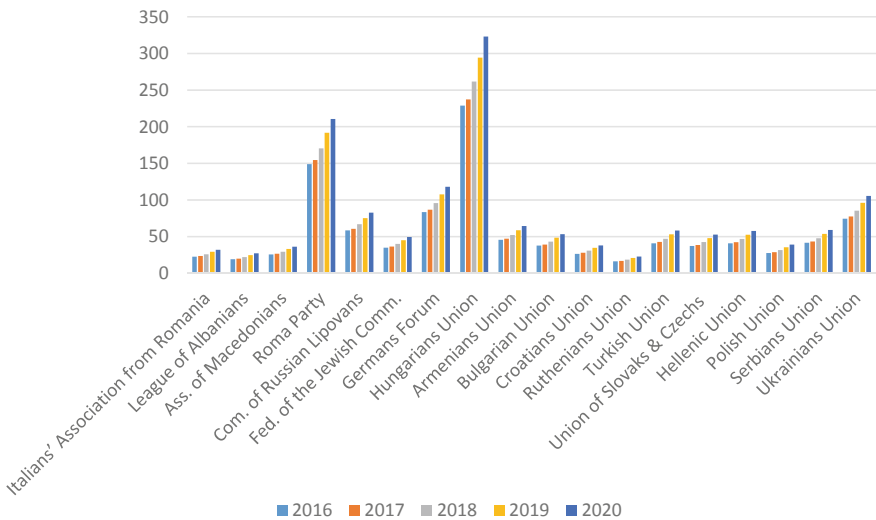
In Romania there are numerous associations and organisations representing each active national minority in the main areas of social and economic life, all

of which are eligible to receive funds from the state budget in accordance with the law. By dint of their statutory role under national law, they enjoy the right to carry out activities that contribute to the advertising and observance of human rights, in particular those relating to national minorities.

The budget for the activities carried out by a national minority organisation is made up of various financial resources. The analysis of the statutes of the 19 citizens’ organisations belonging to national minorities (ONM), where organisations must list their financial resources and how they are set up, reveals some similarities: most organisations have budgets consisting of (a) contributions from the members enrolled in the database; (b) donations or sponsorship; (c) for-profit activities; (d) allocations from state or local budgets; and (e) international funding in accordance with Romanian law.

The allocation of resources from the state budget is carried out through the Department for Interethnic Relations, an institution subordinated to the government. The department organises an annual call for projects for grants to be allocated to intra-ethnic projects or projects aimed at promoting cultural, linguistic and religious identity and the rights of citizens belonging to national minorities, as well as projects dedicated to promoting tolerance and non-discrimination. According to public data (<http://www.dri.gov.ro/>), in 2016–2020, national minority organisations in Romania benefited from the state budget to the tune of no less than €100 million (see Fig. 1).

When applying for these grants, organisations must take into consideration that these allocations may only cover:



**Fig. 1** Government funds for ONM (y axis represents the sum in Romanian currency, Thousands) (Source <http://www.dri.gov.ro/>)

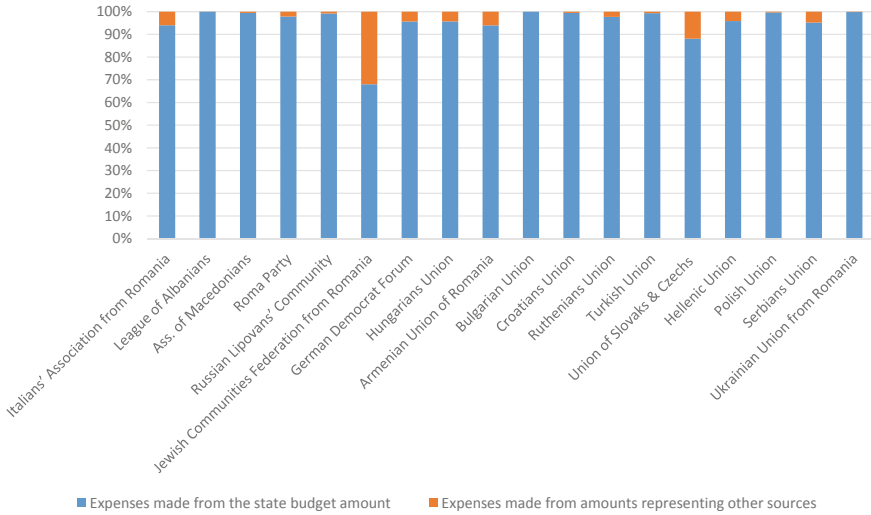
- a. expenses necessary for the operation of organisations, headquarters and their branches or subsidiaries, cultural and community centres, news-rooms and publishing houses;
- b. staff expenses and intellectual property rights;
- c. expenses for press, book, school textbooks, publications, information and advertising materials, multimedia materials and radio or TV broadcasts.
- d. expenses for organising and participating in cultural, scientific and educational activities, sports, camps, seminars, symposia organised at home and abroad;
- e. expenses for investment in movable and immovable property necessary for activities;
- f. expenses relating to the co-financing of and participation in programmes and projects supported by national, European and international funds.

Organisations are required to observe the principles of scarcity, efficiency and effectiveness in using the amounts allocated from the state budget. The Department for Interethnic Relations monitors observance of the rules on how funds from the state budget can be used by referring to reports drawn up by the organisations.

The legislation allows associations, foundations and federations to carry out direct economic activities if they are ancillary in nature and closely related to the main purpose of the legal person (Article 48). Each year, the organisations are obliged to declare the amount spent the year before. In this declaration, they have to indicate the amount spent from the state budget and from other sources. These 'other resources' do not have to be broken down, only the total amount representing other sources is mentioned. These sums may consist of membership fees, sponsorship, etc. In conclusion, the minority organisations do not have the legal obligation to publicly detail the amounts received from other sources. So, it could be very hard to establish the amounts of money received from member contributions or—where relevant—from an external kin-state (e.g., Hungary in the case of the Union of Hungarians).

The lack of public reports on the organisations' official websites makes it impossible to assess the type of activities through which the organisations increase their incomes. The size of the membership fees is unknown, and some organisations do not even charge them. The organisations' own sources of income and sources other than the state budget represent a limited share of their budgets. We can therefore observe that, with the exception of the Federation of Jewish Societies, amounts coming from own or other sources represent less than 10% (Fig. 2).

The allocation of funds from the state budget produces significant discrepancies in the principle of fairness. Calculated per capita, the amounts received by the large national minority organisations are much smaller than those allocated to small organisations. Between 1994 and 2008, on average, an ethnic Hungarian received RON 3 per year, an ethnic Roma RON 6 and a German



**Fig. 2** Proportion of government resources and other resources in the organizations' total income (*Source* Data collected from the annual monitoring sheets in the period 2016–2020, available on <https://dri.gov.ro/w/monitorizare/> and government decisions regarding financial support provided by the state under the funding mechanism, published in the *Romanian Official Gazette*)

RON 31. At the other end of the scale there are the small minority organisations. Thus, a Ruthenian was allocated RON 1,794, a Slavic Macedonian RON 947 and an Albanian RON 906 (Mohácssek, 2008, p. 151) (Table 1). Since 2016, the amounts allocated have increased every year (See Table 2).

Analysis of the work of national minority organisations also points to other issues. Minority associations report their expenditure to the Department of Interethnic Relations, but this institution has no control department. Because the money received from the state has increased, some associations have been taken over by interest groups and almost definitely lost their original purpose: to represent the interests of a minority. Data on the services provided (e.g., organising courses for studying the mother tongue) are scarce. There are also associations whose activities do not have a significant impact on the

**Table 1** The average amount allocated to a person represented by the organisation for the period 1994–2008 (RON)

	1994–2008
The Hungarian Democratic Union of Romania	3
The ‘Pro-Europe’ Roma Party Association	6
The Democratic Forum of Germans in Romania	31
The Cultural Union of Ruthenians in Romania	1,794
The Association of the League of Albanians in Romania	906



**Table 2** The amount allocated to a person represented by the organisation each year for the period 2016–2020 (RON)

	2016	2017	2018	2019	2020
The Hungarian Democratic Union of Romania	19	20	21	23	26
The ‘Pro-Europe’ Roma Party Association	24	24	27	30	34
The Democratic Forum of Germans in Romania	232	240	265	300	328
The Cultural Union of Ruthenians in Romania	3248	3387	3734	4202	4613
The Association of the League of Albanians in Romania	4698	4890	5392	6134	6660

*Note* Values for the years 2016–2020 are calculated by the authors based on official data—2011 census and from government decisions regarding financial support provided by the state under the funding mechanism, as published in the *Romanian Official Gazette*

ethnic group despite receiving extensive financial support. Often, financial resources are used for political mobilisation rather than for identity affirmation. The Macedonian minority, for example, consisted of 1,264 people in the last census, but the Macedonian Association still received 5,500 votes in the last parliamentary elections, occupying a seat in parliament. Albanians do not exceed several hundred, but their organisation won more than 4,000 votes (<http://www.dri.gov.ro>). The headquarters of national minority organisations are situated in localities with small ethnic groups or even without an ethnic community, such as the Romanian Albanian League, headquartered in Craiova. There is no evidence that the ‘public goods’ produced by the national minority organisations would be more effective from a ‘cost–benefit’ perspective.

## 5 DISCUSSION AND CONCLUSIONS

Administrative decentralisation, one of the forms of decentralisation of power, favours ethnic minorities where they are territorially concentrated but also when they are territorially dispersed. This is because decentralisation offers equal opportunities for large segments of the population to participate directly in governing through both elected and unelected positions, such as through local elections or by closely monitoring the work of administrative structures. In a strictly normative sense, decentralisation provides a favourable framework for the functional approach of NTA in at least two ways: (a) because ethnic groups, even when geographically dispersed, can pursue their interests without substantial interference from the national state, benefiting from financial support; and (b) because the higher level of participation on the part of ethnic minorities, and their voice in the public sphere, are seen as a stabilising force in the process of governing in pluralistic societies.

Romania’s decentralisation model allows the development of practices associated with NTA by delegating public roles and competencies to non-governmental agents. The national minority organisations are the best-defined element in this respect.

The allocation of funds to national minority associations based on grant applications may be associated with NTA agreements. The presentation of ‘mirror’ aspects related to the practical implementation of decentralisation and NTA confirms this thesis:

<i>Decentralisation</i>	<i>NTA arrangements</i>
<p>Transfer of responsibility for planning, management, attraction and allocation of resources from the central government and its agencies to:</p> <ul style="list-style-type: none"> <li>• Regional or functional extended authorities</li> <li>• Private non-governmental or voluntary organisations (Cheema &amp; Rondinelli, 2007)</li> <li>• Marginalised or disadvantaged ethnic groups at the local level (Dunning, 2019, p. 248)</li> </ul>	<p>Non-territorial autonomy can be achieved by:</p> <ul style="list-style-type: none"> <li>• Public–private partnerships</li> <li>• Setting up NGOs that are regularly subsidised using public budgets</li> <li>• The provision of power or regulatory functions to non-governmental organisations in areas such as the provision of educational services, the development of educational and training standards, etc. (Coakley, 1994; Osipov, 2020)</li> </ul>

This study also shows that the functional transfer of competencies through decentralisation, as well as compensatory policies as instruments of inclusion that take into account cultural differences, does not in any way exclude representatives of ethnic minorities from actions in the interests of minorities and participation in public life. The problem lies in the paradox of decentralisation. Broadly speaking, the Romanian paradox of decentralisation resides in the fact that a legal framework that acknowledges the powers of local authorities exists but many decisions regarding expenses are taken at a central level. This paradox also affects ethnic issues. The organisations of national minorities have acknowledged their status as being of public utility, but the autonomous subsystems of decision-making and the provision of services that cover the problems of minorities, especially in education and culture, are poorly funded. The organisations’ current financing and practices bring them closer to the status and activity of government agencies than to what a non-governmental structure should entail. The capacity of these structures to fulfil their fundamental mission through ‘new management mechanisms’ is reduced.

Just as local democracy is the motive for the existence of local autonomy, so too could the social and civic activism of the minorities legitimise NTA. Even if it is not a ‘magic bullet’ (Coakley, 2016, p. 166), the capacity of this institutional arrangement to reduce ethnic tensions might be attractive for decision-makers.

It is important to note that tensions between the majority and minorities are not primarily cultural but rather related to the division of government power and to the boundaries of the political community.

Future research should focus more on the self-organising processes of ethnic groups and how their organisations can be transformed into autonomous decision-making subsystems and the provision of services in education and culture complementary to those provided by public administration. Research, including of an experimental nature, on the conditioning of social assistance would be welcome in this regard.

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