

TRANSPARENCY, A KEY FOR A DEMOCRATIC STATE

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Abstract: *The transparency of public institutions is necessary for democracy to exist. Decision transparency comes from the political area and is completed by administrative transparency, creating the framework for an active participation of public opinion and mass-media. Thus, communication goes both ways, from the Government area and from the administrative area towards public opinion and the other way around, through a responsible involvement of civil society through publications, questions, information requests, meetings, protests, all influencing decisions taken in the political process.*

In the material we will prepare, our aim is to analyze the degree of decision transparency in Romania and the consequences of the lack of transparency by observing the on-line response to a national security issue, the Rosia Montana. Project. Results obtained will be analyzed in order to draw pertinent conclusions regarding the current situation and the path to be followed.

Keywords: *transparency; public communication; public institutions; decision transparency; national security*

1. INTRODUCTION

The international background in which there was instated a need to legislate and the unchallenged importance of the decision-making transparency as a concept was around the middle of the XIX century, after the 2nd World War and after the atrocities of the Holocaust, when millions of lives were taken. Under the described circumstances, the idea of security is also overlapping the warrant of civil, political, economic and social rights of the citizens.

On December 16, 1948, upon the General Assembly of the United Nations Organization, the Universal Declaration of Human Rights was enacted, which stipulates under article 19 that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.". The mentioned article upholds the idea that transparency is a condition for democracy, granting citizens the right to seek, receive and solicit information, to actively participate in community life and influence the decisions of the legislature and the executive.

In this article, we aim to analyze points of view expressed in on-line debate forums, in relation to real situations and having an impact on the

Romanian security environment, in order to see what is the discontent in relation to decision-making transparency in Romania and to what extent there may be a possibility and a need for a different approach in the future.

2. DISTINCTION BETWEEN POLITICAL TRANSPARENCY AND ADMINISTRATIVE TRANSPARENCY

In the first stage, we aim to make a distinction between political transparency and administrative transparency, which differentiation will allow us to color the big picture of the concept of transparency. Most certainly, the two areas in which transparency plays an important role are intertwined, complementary and mutually potentiating.

Growing aware of the importance held by transparency in politics, a need to fight corruption and conflicts of interest, in Romania there has been developed a coherent legal framework, which is based on art. 31 in the Constitution, supplemented by laws such as Law no. 52/2003 on decision-making transparency in public administration and Law no. 544/2001 on the free access to information of public interest. The political environment with which it is incumbent the difficult mission to take decisions having an impact on the population has a duty to observe "the

mechanism of consultancy ... from the very start when law initiatives are drafted down to final voting” (Popa, 2012, 92). Political leaders should remain permanently connected to those who elected them and whom they represent and to take their opinion into consideration, since only under such circumstances they will be able to set themselves up as authentic representatives of the masses. Most certainly, in public administration also, transparency plays a major role, having in view that

transparency of public authorities is a dynamic process. The more the law is enforced, the more public authorities will be transparent, because they will have the exercise of law enforcement (Alistar, 2005).

Consultancy must offer organizations of the civil society, the citizens and other stakeholders a possibility to bring changes, to get involved in the development of their community (Popa, 2012:92),

to be responsible and involved in community life.

3. NEED FOR TRANSPARENCY

Having in view the aforementioned statements, in relation to transparency in politics and transparency in administration, a legitimate question emerges: Why the need for transparency? It is not a rhetorical question, it is a question we will try to answer as fully as possible, also bringing into focus arguments brought by varied authors because, taking into consideration this analysis as well, at the end of the article, we will be able to draw conclusions using the answer to this question as well.

Decision-making transparency is seen in the literature (Naurin, 2007:4) as a means "to civilize elite behavior" and, at the same time, as a promoter of "high quality decision-making in line with the public interest", all this having a role to determine the progress of countries and societies as a whole. The development of societies is generated by a reduction or even an elimination of drifts in the state bureaucratic system. In the view of Daniel Naurin, who dealt with an analysis of transparency and lobby in the European Union, there is a need for decision-making flexibility and adaptability to circumstances following the process of public debate which takes place inside institutions.

Seen from the perspective of results, decision-making transparency gives birth to performance among players on the public scene, both political and administrative, because the purpose is

to maximize the efficiency and efficacy of those services, the level of the citizens' satisfaction represents a good performance indicator (Balan, *et al.*, 2010)

In the same context, the awareness that you are permanently assessed, subjected to public appraisal, creates an additional responsibility for a decision-maker, which thus has a dimension of responsibility in relation to decisions made. Governmental responsibility takes on multiple forms and it is subjected to changes and evolution, a fact highlighted by Richard Mulgan in his studies (Mulgan, 2014). He considers that reference to accountability and transparency must be made as to obligations and duties, even if they can sometimes interfere with personal self-interest or professional convenience. Starting from the hypothesis that "There is no democracy without communication", Dominique Wolton appreciates that the means to use communication as a tool "represent, at the same time, means to reduce the gap between those in power and those who are led". By communication, citizens understand and have a dimension about social, cultural, economic and political reality (Wolton, 2012, 172). As a conclusion drawn from the perspective expressed by Dominique Wolton, decision-making transparency uses the citizen, gives potency to actions of decision-makers with elements resulted from communication, public debate, bringing new ideas that are conforming to the perception of the masses. From the analysis made up to this stage in the article, the benefits of transparency cannot be challenged and their list is not exhaustive, as decision-making transparency is needed and useful by and for any state that wants a solid democracy, with a stable security environment, which fact is also pinpointed by the ample and complex regulation of transparency.

Therefore, decision-making transparency is a continuous process which gives birth to progress, competition and performance, governmental responsibility, and leads to regional development, giving potency to actions of decision-makers with elements resulted from public debate, promoting decision-making flexibility and the adaptation of political players and of those in the administrative environment to real circumstances and, last but not least, granting credibility and support among and from the population to decisions made.

The American professor Walter Russell Mead is of the opinion that "lack of transparency slows down Romania's economic and social development” (Business24, 2013), and Florin Marius Popa in the study entitled "Public integrity and corruption, Theoretical and empiric approaches" appreciates that "lack of decision-making transparency ... leads to a low trust of the society in the force and the importance of normative acts", to "a pronounced legal instability and not offering the required safety" (Popa, 2012:91-92).

4. ANALYSIS OF THE FORUM CONTENT

This paper aims, in the following, to investigate and identify discussions taking place in on-line forums in order to see what is the Romanian citizens' perspective on decision-making transparency, in the context of a sensitive subject having an impact on national security, the Rosia Montana exploitation project. We stopped at the on-line media analysis because it has become a means of communication which is used frequently, it is fast and accessible to younger generations, for in this media one can easily preserve his/her anonymity, which allows opinions to be expressed openly and honestly. The Rosia Montana project has entered the public's attention after a Romanian-Canadian company procured a concession license to exploit gold and silver deposits in the Rosia Montana perimeter. The commencement of exploitation in this locality would have brought major changes in the exploited perimeter, such as the migration of a part of the population, an irreversible pollution of the environment by using sodium cyanide for exploitation and the risk of an ecological accident through water pollution (Statement of the Romanian Academy, 2004). The public reaction consisted in a strong opposition against the project, as there have been many individual and collective protests, which led to the suspension of this exploitation. At present, there are several law suits opened by the Canadian company who would have collected the material benefits of such an exploitation, in which law suits the Romanian state is a party.

We aim to investigate a part of the posts that exist on the *forum.softpedia.com* website in relation to the topic "Rosia Montana – pros and cons" (Shiva, 2005), which entered public debate on this forum on Jan 09, 2005, at 20:46 and which was last updated on Jan 06, 2017, at 13:18.

The input data from which we start the analysis we are about to perform refer to a form and content analysis of the posts, in relation to certain calendar dates that are representative for the chosen subject. The forum has registered a total number of 3,575 posts and an approximate number of 500 individuals participating in the discussion.

There is a need to state the applied research method has certain limits stemming from the large number of posts, which makes the analysis a relative one and, because there is a lack of information on the age, gender, education, country and/or locality of origin of the subjects.

4.1 Processing information – data analysis and explaining the researched processes and phenomena. We have extracted, in the first stage, a

number of 7 posts, a number which is enough to reflect the critical spirit of the subjects. These posts were made upon opening the debate on the forum, that is in **January 2005**. The date is also relevant from the historical perspective of events, since, at that time, also under the pressure of public opinion, drilling in the Rosia Montana region had been suspended.

S1: Do you care for Rosia Montana? Do you want to stop the cyanide-based exploitation which is planned to be performed there?

Take a stand!!! Show that you care !!!

Visit the RosiaMontana link and if you want to stand against it, send your complaint Complaint against the Rosia Montana exploitation

S2: FYI: The project was initiated during the CDR government and while Tariceanu was the Ministry of Industries. Each took his/her share.

S3: The Rosia Montana mining project is far from being cleared out. There are opinions for and against it, each with its apparently solid enough arguments. Indeed, the Romanian state can no longer get directly involved in such an exploitation, that's for private companies. But let's not forget that the great Gold corp. company is a company who seems to have its headquarters in a mail box in some tax haven - there have been several articles in the National Journal talking about a supposed involvement of Tender in that consortium. Then, the EU opposes such a project because such an exploitation is based on using cyanides - which are very detrimental for the environment - and the EU recommends identifying another means to extract gold. The area indeed has an important cultural and historical charge, which cannot be neglected. The Romanian Academy opposes this project. On the other hand, the area is very poor and a large scale investment would raise the living standards of inhabitants, but we also must have in view what Siva said - that after 15 years of exploitation there will remain only dirt heaps and not an area favorable for rural tourism.

There is also the opinion of some inhabitants in the area to be taken into consideration, who have grown tired with waiting for social protection from the Romanian state, who have grown tired with people like me who sit very comfortably in other areas and are now agitating for the protection of that area.

It would be ideal to eventually reach a solution meant to satisfy all - that might mean a renegotiation of the contract with Gold corp.

S4: I am totally against this project.

I believe the possibility of starting the project should not even be contemplated.

If the architectural, archaeological and natural heritage is destroyed, it cannot be replaced.

The historical little town Rosia Montana is a jewelry of the gold industry from previous centuries. It is a unique ensemble of rural and urban architecture located in the mountains area...

S5: Why take a stand against something that is normal, the exploitation of resources using ecological technology, and which, moreover, will create income sources for inhabitants and for the Romanian state?

Don't you think this is rather a nasty propaganda; no matter what happens, we are environmentally friendly...When will there be a stand against factories polluting their neighbors?

S6: Besides the environmental groups and some nostalgia-driven old men no one complains in these parts (I am in AB, close to Rosia Montana). They all collected billions of lei for some houses made from clay and manure (just like they do them in the countryside) and they bought/built luxury houses in Campeni and bought cool cars which they use to parade up and down in Alba; housing prices went up in this area because of them, so they were not at all cheap to sell and each got their share.

My sister's ex-boyfriend is a geologist and he is working for them and showed me part of their plans for reclamation (+3D layouts) AND what the same company did in other countries which had the same projects, trust me, I was really impressed, if they do all that in Rosia, it will look much better in the following years, it can also become a tourist attraction and not a God forsaken place as it has been until now.

What I am worried about is the price for which Nastase sold us, how much was it? 450 million dollars? screw me, but it's an insignificant amount, what lies underneath there is worth billions of dollars. 🤔

@shiva - would you have wanted the Romanians to exploit it efficiently? believe me, they would not have been capable and, above that, there would have been an environmental disaster. (see how other exploitations in the country look like)

S7: I'm so sick of these people saying that the grapes are sour 😊 What do they care? 🤩👍
Get a job man !

Let the world evolve, so that the Romanians there could get decent salaries and live happily and enter the EU if possible 😊 Pride does not put meal on the table.

We can see that subjects express contradictory opinions; there are points of view that support the exploitation project (3 opinions) and others against it (4 opinions), bringing into discussion the advantages and disadvantages of a mining operation. One of the respondents appeals to involvement, asking those participating in the public debate not to stand on the side, but to adhere to a form of challenging the project. There is also a point of view coming from a local, and which is valuable from this perspective, who presents the situation of people living in that area, who have benefited from large amounts of money

and who denigrate the Romanians' capacity for a safe operation. From the perspective of decision-making transparency, which is the research scope of this study, we can notice that there are opinions according to which the political class is the one guilty for involvement in the Rosia Montana project, with all the disadvantages it poses for the population, as resulted from this fact.

The second stage of the analysis on forum posts is aimed to be conducted over the period of **September 2013**, which bears an interest seeing that the Romanian government approved a new bill at the end of August 2013 and forwarded it to the Parliament for voting in the month of September, the same year, which bill stipulated to continue the exploitation (BBC NEWS, Europe, 2013).

The population's reaction at that time was extremely powerful, the press of the time (Romocea, 2013) appreciating the campaign "Save Roșia Montană" as the largest civic movement in Romania since the Romanian Revolution of 1989. There have been street manifestations occurring in 50 cities in Romania and in the Diaspora (The Guardian, 2013) and the duration of protests was long, from 01.09.2013 until 11.02.2014. Analyzing the forum which is the object of our observation, we find that most posts are from the same period, that is more than 60% of the total number of posts.

S1: Incredible. To ignore all these thousands of people protesting in the street. Our TV stations have grievously dirtied their hands. Starting with TVR.

S2: all possible nonsense is making breaking news on TV stations and they broadcast no images from the protests! 😞

The Romanian press is full of lies!

S3: As far as I know: the exploratory project (drilling is VERY expensive), property redemption + building the Alba-Iulia neighborhood and renovating some properties in Rosia Montana. Moreover, they also paid for the geo-archaeological project. I'm not sure if it goes up to 2 billion, but a lot of money was invested there.

S4: But they are getting away too easy like this. Life in prison for damages brought to Romania - that's what I wish for them.

S5: The gold in RM must be dug out, but it should stay in our possession, otherwise just leave it there. And then the whole frenzy of prices going up followed, after the 2008 crisis.

But in the long run, the price for gold will be on a downward trend. It seems that the gold bubble is breaking.

I, for one, think it's aberrant for platinum (far more useful and rarer) to cost less than gold.

I really hate this metal (gold). There have been wars with millions of casualties for a metal which almost lacks an industrial value.

S6: I haven't really followed these protests, but this morning I really heard what some of these "protesters" had to say...

One of them was from Bucharest, a youngster, probably a University student, and he gave the following phrase as an argument for the protests: "*We all know that Romania is the green corner of*

Europe and we want to keep it that way" 🙄.

Another one, a four eyes from New York, was perorating very affectedly on the importance of environmental protection. Probably, from the height of a salary of 3-4 thousand dollars/month he wanted to decide the faith of the poor living in the RM area who have nothing to put on their plates.

S7: I believe the protesters, from those in the know, who are well aware of things, down to those who go out to protest for image-sake, are in the wrong by the fact that they do not come with a *concrete* proposal instead of mining.

Including the remake of the area, revamping tourism, involvement to take out Rosia from the status of mono-economic area or how they call it etc.

As in the first analyzed period, we have brought to attention a number of 7 posts, to preserve the coherence of our analysis, which posts prove, this time, to be mainly against the idea of exploitation in the Rosia Montana area. We find that opinions expressed on the forum are in agreement with the population's stand which manifested opposition against opening the largest over ground gold mine in Europe, as proposed for Roșia Montană by the company Roșia Montană Gold Corporation.

Part of the messages posted on the forum accuse mass communication means of misinforming the population. One can note that messages are passionate as compared to those posted in the first analyzed period. Moreover, they take on nationalist and environmental-friendly highlights, and the language is trivial here and there.

Going on with our analysis on the forum subjected to review, we find that during January 2014 – January 2017 approximately 5% of the total sent messages were posted. Virtually, after the events that took place in 2013-2014, the interest for the subject under debate went on a down slope, a fact proven by the low number of posts. The period 2013-2014 generated numerous appearances in the public space of players in the political and administrative environment, the pressure exerted by the population generated explanations and clarifications, decision-making transparency went up and the population got involved and informed. The decrease of posts after 2014 is also due to the fact that decisions taken after social movements were in agreement with public opinion. The third and the last period we propose to

bring into attention is 2016-2017, a period marked by the proposal that Rosia Montana should be included in the UNESCO heritage. There were only 14 posts in this time interval, of which we present 7 posts here below, so as to create a relevant image for our study.

S1: Roșia Montană is proposed for the UNESCO World Heritage List: <http://www.rosiamont...mondial-unesco> Roșia Montană, February 5, 2016 - The Roșia Montană heritage will enjoy, as of today, the official recognition from the Romanian state for its exceptional value. The locality was entered on the Indicative list of Romania for the UNESCO World Heritage. The announcement published on the web page of the Ministry of Culture comes after 6 years after the appeal made by the civil society: "The Ministry of Culture and The Ministry for the Environment, Waters and Forests have conveyed to the World Heritage Center in Paris the enlisting of the Rosia Montana mining cultural landscape on the indicative list of Romania for World Heritage."

S2: That was the idea! Not to conduct exploitations where you have archaeological traces. Ever! Maybe, in an era when one could send some small robots to pick up each and every gold particle by infiltrating the dike. Ah, that some driven into battle or at least in the street were animated by communist dreams, where the State would give them jobs and re-enter the business market ... Bad luck! No land for physical labor! Maybe in Africa.

S3: Then it means we, as a country, are doing pretty awesome, since we can afford to keep tens of billions of \$ forever buried in the ground. But no worries, because in 1432 -years' time plus 6 months tourism will generate an equal amount of money.

S4: All nice and pretty, but the area is extremely polluted - the name, Rosia Montana, comes from the Rosia Valley, which is ... red because of the acid mining waters that run into it. I hope there are funds granted by UNESCO for water treatment programs.

S5: <http://www.gandul.in...ionala-14961434>

On December 30, 2015, we signed the Minister's order to publish the new 2015 List of Historical Monuments, which is to be published in the Official Journal, with which the entire Rosia Montana locality, on a 2 kilometer radius is classified as an A-class site", wrote Minister Vlad Alexandrescu on Facebook.

The normative act virtually establishes the protection regime implemented upon the enactment of Law no. 422/2001, which was later on modified. Consequently, there is a reversal to ensuring the protection for a site of national importance which has instigated, in the recent period, ardent debates on mining activities in the area.

S6: I've heard these phantasms before. Furniture, farms, agrotourism, we don't even need mining & shit, the society has evolved, we will develop ourselves through tourism, forest berries gathering, visiting the momarlans' houses ... I've heard the same

story in the Jiu Valley. When the first hundred tourists come to visit and see the super-vestiges of the UNESCO super-heritage in Rosia Montana ... please let me know.

S7:(last post on the forum) Meanwhile the thousands of young people in the Aries Valley are walking their cows and are eagerly waiting to reopen the mines ... Or their already pensioned parents are eager to return on the stint? Or, maybe once the labor of "keyboard knights" is automatized, the young people who left the Land of the Moți will suddenly rediscover their love for mining and they'll come back to their parents' houses, the wet dream of pensioners who voted for ensuring mining jobs for their wanderer kids?

Despite the small number of posts in the last two years, one can note that messages take on an informative nature, most of them lacking a personal note, as they are taken over from news in the press or official announcements. The issue of pollution continues to be of interest for the subjects, having in view that reddish acid deposits run into the water, hence the name of Rosia Montana.

4. CONCLUSIONS

Starting from the observation of the on-line media, more exactly, one of the largest forums in Romania, and having the aim to investigate the level of decision-making transparency conducted by authorities in relation to a media-debated topic, the Rosia Montana project, we have analyzed the posts of a sample composed of 7 subjects, in relation to historical moments of occurred events.

The Rosia Montana project is considered a national security topic, having in view the risk of affecting national interests, state resources and national heritage, a fact also confirmed by the Head of the Romanian Intelligence Service at the time, George Maior. On the investigated topic, from the perspective of messages posted on the forum, we can notice the debate conducted in the public domain emerged 5 years after having procured the exploitation license, which proves a complete lack of transparency when the decision was made to get involved in the project, as debates emerged when seeing the effects. Therefore, there is a need for an accountability of the political class in relation to actions and decisions it makes, increasing the level of decision-making transparency, without which a democratic state cannot exist and state security and the security of its citizens are deeply impacted. As a general conclusion, lack of decision-making transparency leads to a low level of trust in the political class among the population, to social movements which attempt to reinstate the affected

democratic balance, generating protests and discontent among the people.

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