



New Romanian government promises on widening minorities' rights

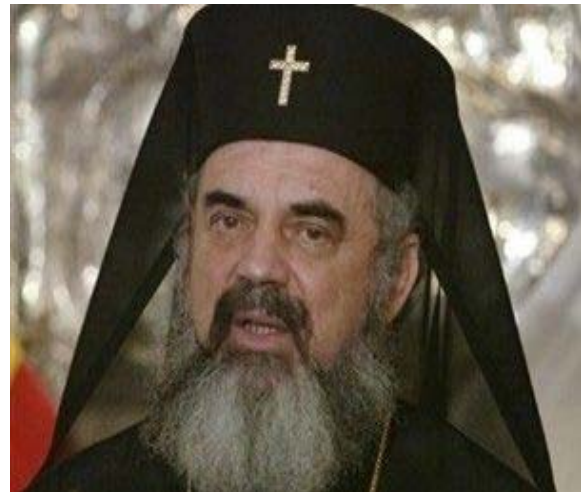
"Romania's governing program will widen national minorities' rights so that they can preserve their cultural and ethnic identity," Prime Minister Emil Boc said in early January 2010, media reported. Asked whether the governing program includes a new law regarding national minorities, Premier Boc said there is no new law, but a normative act, regarding national minorities, which takes into account the Constitution and the opinion of the Venice Commission.

The draft law, regarding the statute of national minorities, was voted down in the Senate, and has been delayed in the Chamber of Deputies for the past three years, as lawmakers kept postponing debates on it.

New Romanian government's instant ethnic and religious discrimination

On 22 December 2009, the Romanian parliament gave a vote of confidence to a new 15-member cabinet led by Premier Emil Boc, raising hopes that the paralyzing three-month political stalemate was finally over. Opposition leaders announced that the new government was given trouble-free backing, since all the political parties were interested in having a functioning government, as soon as possible. This would allow the country to restart talks with the International Monetary Fund (IMF) to unblock the next € 1.5-billion tranche of a € 20-billion aid package, badly needed by cash-strapped Romania.

Boc's government is composed of members of Democratic Liberal Party (PDL) and of the Democratic Alliance of Hungarians in Romania (DAHR), as well as, a number of independents. The DAHR nominated Hunor Kelemen for the leadership of the Ministry of Culture and Religious Affairs. Government sources revealed that Romanian Orthodox Patriarch Daniel objected to any dependence on a non-Romanian Orthodox Church Minister of any "other religion."



The Holy Synod of the Romanian Orthodox Church on 12 September 2007 elected a new patriarch – Moldovan Metropolitan and Archbishop Daniel Ciubotea. Western-educated Ciubotea is known as a "modernist" who has supported reforms and has been open toward the ecumenical movement. Ciubotea spent a long time in the West before 1989, studying theology and working in various Catholic and Protestant institutions. But it is that background that has cast a shadow on Ciubotea's reputation. Many in Romania have said he was allowed to live abroad because of his collaboration with Romania's feared secret police, the Securitate. (RFE/RL, 13 September 2007)

The will of Patriarch Daniel seems to be an "order" for Prime Minister Emil Boc. Patriarch Daniel did not want an "alien" – a non-Orthodox, ethnic Hungarian – to poke his nose into the funds received by the Romanian Orthodox Church, from the state budget. Subsequently, the Department for Religious Denominations was removed from Kelemen's direct responsibility and transferred to Premier Boc's direct responsibility. Further, the Ministry of Culture and Religious Affairs was split into two, creating a special secretariat, having the Religious Affairs component transferred to Premier Boc's direct responsibility.

In order to fully appease Patriarch Daniel, Emil Boc appointed Adrian Lemeni to head the Department for Religious Denominations. Domestically known as the Patriarch's protégé, Lemeni was obliged to resign in 2007 from the same office, after a school-book incident.

The Pro Europe League discovered that Lemeni pre-selected and mandated a school-book of Orthodox religion that contained a virulent attack against the other religious denominations in Romania.

The school-book charged non-Orthodox churches with dividing Christians (!) through proselytism, "a mean method, unacceptable from social and moral points of view."

Given such anti "religious freedom" and anti "tolerance" and the forced reorganization of the Ministry of Culture and Religious Affairs, it is clear that the Orthodox Church maintains strong control over Romania's political leadership. These actions are offensive to the non-Orthodox citizens. This "gamesmanship" of changing the national government to maintain control by the Orthodox Church hierarchy appears juvenile and preposterous to the world-at-large.

Continuing impediments of actual church property restitution

In June 2002, Romania finally adopted a law on the restitution of properties that formerly belonged to religious denominations.

Transylvanian Hungarian Churches submitted 2,140 claims for their properties, which were illegally confiscated by communist Romanian authorities, between 1945 and 1989. Regaining title and ownership for the use of these properties is a prerequisite for maintaining the community and church life of the Hungarian minority.

Twenty years after the fall of communism, the Romanian government has failed to return these properties. This constitutes a major blow to religious freedom and civil society.

A Special Committee was established to implement the Romanian church property restitution law (No. 501/2002). Of the 2,140 submitted claims, final verdicts were rendered in 867 cases. However, this is a misnomer, since only few of the "final verdicts" resulted in the transfer of property back to the Hungarian minority.

The 867 "final verdicts" were rendered in "name only" and "paper edict" that did not legally transfer title or any rights of ownership or occupancy or even physical access. In fact, the Hungarian minority was only able to repossess a handful of their former properties, from the Romanian government.

Effectively, the church property restitution law (No. 501/2002) is a total sham. In deed, it is a perfect example of the blatant breaches of the Constitution by the Romanian government. Romania's contempt for property rights violates its status as a European Union (EU) member.

Proper progress in processing property claims has been thwarted by (1) understaffing of the Special Committee administration and (2) obstruction, by local authorities, in procuring historical documentation to prove valid ownership claims, which are sought by the Hungarian minority and (3) appeals by the local authorities against unfavorable decisions of the Special Committee, which would return the properties to historic Hungarian churches and (4) improper “paper share” stock transfers that achieve ownership transfer, without proper property title conveyance, while “open restitution” judgment cases are pending.

In addition, the Special Committee has no legal authority to mandate local authority compliance. In the majority of these cases, local authorities have a vested interest in retaining their current ownership of the Hungarian minority properties.

In many cases, the property claims filed were declared “incomplete” by the Special Committee. This “legal limbo” designation is applied primarily because the original ownership documents “disappeared” or were intentionally destroyed, during the communist era.



One example of the convoluted restitution process is the Sanmartin/Váradszentmárton case, in Bihor/Bihar County, filed by the Roman Catholic Premonstrant Order (RCPO). The Special Committee deemed the RCPO claim as “incomplete” and it entered “legal limbo” in the court.

But on 17 June 2003, the state privatization agency (APAPS) sold the majority shares of the SANIFARM pharmaceutical company, the current occupant of the property (a monastery), for 34 billion ROL to a private individual. Thus, one government agency could undermine another, by exploiting a legal omission, which allows improper “paper share” stock transfers, while a property claim is being reviewed.

This violates Romanian Constitution property rights. Further, it reinforces the continuing illegal practices of the Romanian government, following its admission to the European Union (EU). Romania has not conformed or implemented the changes required, as dictated by membership status granted on 1 January 2007.

In January 2010, the Special Committee ruled that the RCPO could not regain legal ownership of its monastery of Sanmartin/Váradszentmárton. According to Abbot Anzelm, the Special Committee declared that the transfer of the property to the communists was a legal act. To justify this decision, the Special Committee based their “final verdict” on law No 260/1945.

Law No 260/1945 denies the right to property of Hungarian legal entities who lived in Northern Transylvania (during 1945). For reference, the country borders changed after 1920 (via the Treaty of Trianon, after WW I, which split up the Austro-Hungarian state), but the Premonstrant Order never left. Thus, according to international law, the RCPO received legal entity status, as a church institute, from both Hungary and Romania. Therefore, the RCPO does hold a valid legal claim to the Sanmartin/Váradszentmárton monastery.

In 1930, the Romanian Kingdom recognized this status. However, in 1937, the land registers changed the title holder from the "Premonstrant Order" to the "Romanian State." This document falsification is obvious and outrageous.

Disregarding the blatant forgery, the Special Committee claimed that the Sanmartin/Váradszentmárton monastery property was already in the possession of the Romanian State before 1937.

Further, Abbot Anzelm submitted 24 documents to the Supreme Court of Appeal, which proved that "(the) land registers were clearly antedated forgeries." To avoid any Romanian claim of "nationalization," Abbot Anzelm verified that the Romanian Army did not stop paying rent to the Premonstrant Order until 1959.

This wrinkle raises a couple of cogent questions.

First, if the monastery had been "nationalized" in 1948, why didn't the Romanian authorities know about it until 1959?

Second, why would the Romanian authorities "pay rent" on building that they supposedly already "owned"?

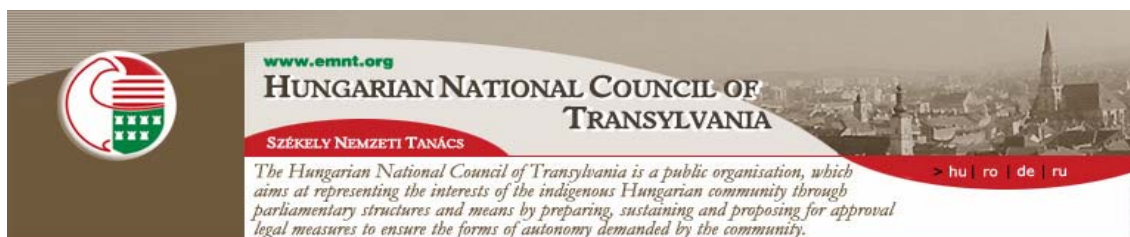
As required by law, the Special Committee verdict was sent to the Premonstrant Order on 12 January 2010 and the court. However, when the CPRO lawyer inquired about its receipt by the court, he was told that it had not arrived yet.

With a six-month limit to appeal, after which the verdict expires, it is feared that the court will allow its negligent expiration. For that reason, the CPRO lawyer forwarded a preliminary appeal to the European Court of Human Rights in Strasbourg, France.

Meanwhile, the SANIFARM pharmaceutical company has decided to sell the monastery. As a historical monument, the jurisdiction of its property status now resides with the competent ministry and the local mayor's office. Through its right of pre-emption, the mayor's office already announced their intention to buy the monastery.

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