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## Regions as political litmus

### Abstract

*In this article I analyse the proposal initiated by Romanian president Traian Basescu concerning the reconfiguration of the Romanian administrative divisions. The problem belongs to the general topic of regionalism in Romania, which in the last 20 years appeared on the political agenda in different contexts. In this case the problem of reconfiguration is a political one, with tensions between different parties and institutions. Our analysis shows that different political actors use the topic of administrative reconfiguration in order to achieve political benefits. Moreover, the president's proposal is not based on professional studies, and a real process of reconfiguration must be connected with debates on the constitutional revision, which is not possible in the present political context.*

### 1. Region and the image of the future

For the Romanian political elite the most important and controversial question in 2011 was the reorganization the country's administration and that of the regions. It was not justified socially as the citizens had to bear the brunt of the difficult economic situation, with the health system lacking sources, the new Labour Code raising social tensions—just to mention the most important public questions. These all are most urging matters but do not lend themselves to public debates that would allow any of the political participants involved to achieve success. Moreover, 2012 is a year of elections in Romania an important matter for every participant of the political life and especially for the governing Democratic Liberal Party that has been searching for a 'positive' issue since there have been several politically-professionally debatable decisions in their crisis-management, not to mention

those that had been inevitably botched<sup>1</sup> resulting in their popularity reaching an unprecedented low.

The preliminaries of the issue go back to the controversy between the president of Romania and the Romanian parliament:<sup>2</sup> in 2007 the parliament relieved the president off his duties and the then very popular Bănescu won the following referendum with flying colours and regained his office. Later the president created committee of experts to prepare a report on the situation of the Romanian political and constitutional system.<sup>3</sup> The committee presented its report in January 2009.<sup>4</sup> At the presentation, in the presence of the important political institutions, the head of the state said that the administrative system created forty years earlier had to be given up. The system consisting of 41 counties and Bucharest as a municipium is cumbersome and in addition there were fictitious development regions aligned to it. He was of the opinion that the actual administrative division of the country was not suitable as it was not created for a free country but for a one that wanted its citizens to be controlled and kept under surveillance; Romania is no longer a police state and does not need so many administrative units and the bureaucracy attached to it. A slimmer administrative system is needed with 9-12 counties in

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<sup>1</sup> In May 2009 the Boc-government introduced a compulsory flat rate tax, i.e. the entrepreneurs had to pay a set sum of tax irrespective of their turnover. In consequence about half million small enterprises were closed down and thus instead of gain for the budget the number of unemployed increased.

<sup>2</sup> The charges against the president were that he abused his power, disregards the regulations of the constitution, transgresses his role of mediator between political institutions by grossly interfering with the activity of constitutional institutions. The major party of the opposition was the Social Democratic Party (PSD) initiated the voting (322 yes, 108 nay, 10 abstain) that suspended Traian Bănescu from his office. As the result of the referendum on the 19th of May 2007 with 75% support the head of the state was restored to his . Cf. Andrei Stan: Conflictul dintre președinte și premier (2004-2008) a *Sfera Politicii*, 2009/September, No.139.

<sup>3</sup> The president signed the decision about the so-called Stanomir-committee on the 14th of May 2008. The honorary chairmen were prof. Aurelian Crăiuțu (University of Princeton) and prof. Mattei Dogan (Centre Nationale de la Recherche Scientifique, Paris), chairman Ioan Stanomir (professor of law, University of Bucharest), secretary Radu Carp (docent of political science, University of Bucharest). The Hungarian member of the committee was Emőd Veress (senior lecturer Sapien-tia-EMTE).

<sup>4</sup> *Magyar Kisebbség* 2010/1-2. published the text of the report with the analysis of Attila Varga (*Egy elfelejtett és félretett Jelentés.*)[A forgotten and ignored report].

the terminology of the actual constitution or regions according to the requirements of a future constitution. The reason is that the regions need a balanced sustainable development. It becomes possible if real local autonomy will be the result of the reorganization.<sup>5</sup> President Emil Boc was talking about the reform of the state, referred to the European Union and the expectations of the citizens – without definite recommendations.

Attila Varga called the Santomir-report ‘forgotten’ in his analysis he published in *Magyar Kisebbség*. Perhaps he would refer to it differently now because the focal topic of the political debates of 2011 was the administrative reorganization described in the report. It is not the first time the question is on the agenda and not the last time either because it can be taken for granted that the present political constellation would not allow the governing Democrat Liberal Party and the head of the state to carry out the realization of the reorganization, that is treated as a political task of greatest importance, in a short time. The problem is whether the regions and the questions of the reorganization represent the real future forming elements and indicate real political intentions or are these merely elements of a political game based on political context? It should also be clarified how the reorganization of administration is connected to the modification of the constitution, as revealed by the recommendations; thirdly, in connection to the reorganization the political participants’ attitude towards the language use of the minorities as a means to preserve their identity is a decisive element for the Hungarian minority.

## **2. Suggestions to the administrative reorganization in Romania**

The reorganization of the Romanian administration is a recurring dilemma in the past two decades whether it is necessary at all and when it is how it should be carried out and along what principles. During the preparation of the 1991 constitution the question was already raised but – according to some opinions – the influential elite

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<sup>5</sup> <http://www.juridice.ro/38439/raportul-comisiei-prezidentiale-de-analiza-a-regi-mului-politic-si-constitutional-din-romania-update-reactii.html>,

of the near past and Romanian Communists derailed the process, that could be true – but considering the number and type of the questions raised during the preparation of the constitution it seems obvious why the question of the reorganization of the administration was pushed into the background.

It was in the second half of the 1990s that the question of the administrative system and its reorganization appeared in connection with regionalisation the first time.<sup>6</sup> In 1998 the Romanian government commissioned a team of experts from the ministries with the participation of foreign experts<sup>7</sup> to prepare a study on the development of a regional policy for Romania's integration into the EU. The major problems the so-called Green Charter discussed were the disparities and differences in development among the various regions and these became the focus of interest and the ways how the administration should be working was left out of consideration. The survey became the basis of the Romanian policy of regional development, the solutions suggested in it provided the background for the later decisions and laws. There were commentaries published in connection to the introduction of developmental regions<sup>8</sup> but there has been no wide ranging social debate. There were suggestions that included the reform of administration as well but it was the topic of a parallel agenda and the two were not connected albeit the Polish example could have been followed.<sup>9</sup>

*The 2001 Memorandum of the Provincia Group*<sup>10</sup> is noteworthy with the recommendations by members of the Romanian and

<sup>6</sup> D. Sandu: <http://sites.google.com/site/dumitrusandu/regionalizare>

<sup>7</sup> the members are not known the contemporary press talked about Danish experts

<sup>8</sup> Cf. the special issue of *Magyar Kisebbség*: Réka Horváth and Emőd Veres: Regionális politika és területfejlesztés Romániában [Regional policy and area development]; Barna Bodó: Régió és politika [Region and politics] in: *Magyar Kisebbség*; Emőd Veres: A regionális fejlesztés szabályozását meghatározó tényezők Romániában, [The decisive features in the regulation of regional development in Romania] In *Kisebbségkutatás* 2006/1

<sup>9</sup> <http://cursdeguvernare.ro/regionalizarearea-romaniei-modelele-europene-de-regionalizare-cum-s-a-reorganizat-polonia.html>,

<sup>10</sup> The group was founded in 1999 as a joint platform of Romanian and Hungarian intelligentsia, its organ *Provincia* was published in Romanian and Hungarian parallel. Cf. Gusztáv Molnár: *Az erdélyi kérdés* [The question of Transylvania] 1977 both in Hungarian and Romanian; A. Mungiu-Pippidi: *Transilvania subiectivă*, Humanitas, 1999.started the debate.

Hungarian intelligentsia on the reform of the Romanian administration. For them the basic element is the regional model, governing at the middle level and with the historical, economic, and social-cultural identity of the country's provinces as decisive features.<sup>11</sup> The document was offered for public debate and presented to the Romanian Parliament that did not reflect on it and there was no sign that it had been considered at all.

*The primary goal of the 2003 amendment of the constitution was the joining to the EU but several of the parties had suggested discussing the constitutional reform of the state too.*<sup>12</sup>

In its spirit the proposal signed by the Pro Europa League is not far from the initiatives of the Provincia Group. The collective led by Smaranda Enache organized several meetings on the administrative reform of the country with the participation of university professors and civil social leaders and prepared a proposal as a result. They considered necessary to create administrative regions that are based on the historical ones. The objective was set to decrease the differences between the regions and suggested to start the reorganization in 200. The proposal was published in the organ of the League (Buletin Informativ PEL 2005/11-12. November) also sent to the parliament and also left unanswered.

The 2006 proposal of Valeriu Stoica is worth mentioning, too.<sup>13</sup> The most notable momentum of the study offered for public debate written by the former minister of justice is that he defined twelve steps the reorganization should take, i.e. the problem cannot be solved under or because of political pressure. In his analysis Stoica pointed out that the central power had continuously broken local autonomy. He was of the opinion that real regional autonomy could only be developed if the regions in question are of sufficient size and strong enough economically and financially. There are several questions following these remarks: e.g. what does it mean 'large enough'

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<sup>11</sup> The *Memorandum* was signed by 13 public persons on the 8th of December 2001 and presented to the Romanian Parliament. The signatures later were increased to 100.

<sup>12</sup> Cf. the debate in *Magyar Kisebbség* 2002/3: Varga Attila: A román Alkotmány módosításának időszerűsége. [The timeliness of the amendment of the Romanian constitution]

<sup>13</sup> [http://www.cadi.ro/docs/valeriu\\_stoica\\_reevaluarea\\_constitutiei.pdf](http://www.cadi.ro/docs/valeriu_stoica_reevaluarea_constitutiei.pdf),

and economically ‘strong enough’? But the author created further problems with his remark that in Romania’s case either counties or regions/provinces are necessary, the parallel creation of the two are not justified by the size (big? small?) of the country. He suggested ten regions with Bucharest and its area as one of the regions, but no further details were given.

These are the preliminaries of the present initiative. There is a law concerning the reorganization of public institutions and offices,<sup>14</sup> it does not directly deal with the question of reorganization though it is connected to it. In the explanation of the bill there is reference made to the crisis, inflation, decrease of the economic production, deficit of the budget and as a remedy for all the problems the reorganization of the administrative institution has been offered, as a means to lessen budget expenses, to more effectively support the business sphere.

In September 2011 the situation hardly differs from the one at the beginning of the year when the head of state had formulated his proposal as a categorical expectation; there has been no concrete step forward, no proposition worked out along the proposal. Since no detailed program has been published most probably there is none.<sup>15</sup> On the other hand the press is full of various ideas and maps. Probably it was in June when reorganization was most frequently talked about, that was when the head of the state invited the members of parliament of the parties to meet and almost every political participant felt the need to air his opinion.

A completed detailed plan should not be expected of the head of the state because that is not his task; and it is also questionable for the president to aggressively keep the problem of reorganization on the agenda.

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<sup>14</sup> accepted by the Parliament 2009.329. Published in the official gazette No. 2009/761.

<sup>15</sup> Andrea Paul-Vass, state councillor of Emil Boc head of state made the statement that the government were working on both the amendment of the constitution and the reorganization of the administration... The reorganization should happen before 012. The only aim is to get access to the total sum of the EU money between 2014 and 2020. [http://www.e-politic.ro/Palatul-Victoria/Andreea-Paul-Vass-propunerea-de-reorganizare-administrativ-teritoriala-apartine-si-Guvernului\\_118485\\_6.html](http://www.e-politic.ro/Palatul-Victoria/Andreea-Paul-Vass-propunerea-de-reorganizare-administrativ-teritoriala-apartine-si-Guvernului_118485_6.html),

As a prime minister Emil Boc's acts are controversial in connection to the question. He has stated that the reflections coming from the European Union are positive and the reorganization is necessary without fail if Romania wants to get all the financial sources available from the Union. However, the press has cited the standpoint of the EU Commission's Directorate General for Regional Policy that the sums available had been measured according to the local reality. Moreover, the reorganization would be harmful because the 2007-2013 support program was based on the present situation and every change on the way would prove troublesome.<sup>16</sup> In answer to the specific proposal the head of the government has again made confusing statements because he referred to the earlier proposal of the opposition party (PSD) the members of which declined the meeting with the head of the state in June. The 2003 memorandum of the Social Democrats contains elements that are acceptable for the PDL too, but again nothing more is known.<sup>17</sup>

The Social – Liberal Union published a document in June containing a not too detailed concept of the administrative system and regional development.<sup>18</sup> There is an enumeration of general points of views as the aim of the reform (working local authorities, local development, the growth of the capacity of local administrations to obtain sources) and it is not clear either whether the regions to be created would be side-by-side or above or instead of the counties. In this case the restructuring is planned as a long process till 2016.

The present answer of the Democratic Alliance of Hungarians in Romania (DAHR) is negative to the restructuring. Its reason is that the reorganization suggested by the majority parties would negatively change the language use and cultural conditions for the Hungarian communities – thus different solutions are necessary. DAHR, too, has prepared a map for the reorganisation to show an acceptable concept where northern Transylvania is one region starting from Szeklerland through the counties of Bihar and Szatmár. This map – justifiably –

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<sup>16</sup> <http://stiri.acasa.ro/social-125/comisia-europeana-fondurile-ue-nu-au-legatura-cu-impartirea-administrativa-154325.html>,

<sup>17</sup> <http://www.n24plus.ro/stiri-social-politic/reorganizarea-administrativ-teritoriala-a-romaniei-pune-pe-jar-scena-politica.html>

<sup>18</sup> <http://www.cipriandobre.ro/download/Viziunea%20USL%20privind%20administratia%20publica%20si%20dezvoltarea%20regionala.pdf>,

reminds the Romanian politicians to the second Vienna decision and they regard it as a returning of history, therefore strictly refuse the idea. Apparently they are not ready to see the point of the proposal: it is not the past DAHR and the Hungarians want to return to but are attached to the political conditions assuring the preservation of their identity. President Bănescu has offered a proposal with compromise for the DAHR they should accept the proposition of the governing party about the delineation of regions that does not consider ethnic boundaries, and in 'exchange' the two independent Szekler counties, Hargita and Kovászna, could stay as before without any attempt at their unification, standing under direct supervision of the government.<sup>19</sup> He does not believe in the existence of Szeklerland and has called it a lie. The decision making organization of DAHR has declined every notions other than their own proposal about 16 regions of development and suggested the reorganisation of the administration to be postponed. They argued that the question of the developmental regions and the general administrative reform have to be divided and especially the latter needs postponement. That caused a standstill in the governing coalition because without the DAHR there is no required majority for the government to operate.<sup>20</sup>

In the meantime new groups announced their disagreement with the reorganization; there were counties, e.g. Co. Bihar where the county council held out the prospect of a referendum if the government intended to act without first consulting the population.<sup>21</sup>

### 3. Arguments and points of view

The first question concerning the reorganization is whether there is any real political intention to realize it. The answer could be looked for in the considerations and arguments raised in justification for the administrative reconstruction.

Since the reconstruction was put to the agenda through the study prepared on the bequest of the head of the state, the Santomir

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<sup>19</sup> Cf. his statement in B1 Television on the 23th of June 2011.

<sup>20</sup> <http://www.e-nepujsag.ro/op/article/megalakult-az-%C3%BAj-szkt>,

<sup>21</sup> [http://www.ziare.com/oradea/stiri-actualitate/bihoreanii-vor-fi-chemati-la-referendum-pentru-a-si-apara-judetul-2277524](http://www.ziare.com/oradea/stiri-actualitate/bihoreonii-vor-fi-chemati-la-referendum-pentru-a-si-apara-judetul-2277524),

report should be re-considered. In spite of the fact that the analysis contained several valid arguments for the necessity of the reorganization of the Romanian (constitutional) system the kind of arguments and the logic of the analysis closely reflected the events of the time it was composed (the president's suspension) i.e. the style of the Report is adapted to the person who had commissioned it.

The theme of the administrative reorganization characteristically follows the political style of Traian Băsescu aiming at surprising the political opponent. It was so successful that the debate stuck in the rut of political slogans, the dialogue run out before it could begin effectively. The analysts<sup>22</sup> blamed the head of the state that his questions were faulty at several levels: it was impossible to keep the problem of the constitutional reform on neutral ground, and that it was treated as a campaign matter;<sup>23</sup> that it considered 10 out of the 23 chapters of the Report i.e. not the entire report, only portions of it were highlighted. There were questionable arguments and remarks in the president's speech introducing the Report. He stated that the actual administrative division of the country was no more tenable because it was not created for a free country but for the citizens to be controlled and kept under surveillance.<sup>24</sup> It means that he did not (wanted to) understand the essence of the question: the division of the administration serving the purposes of dictatorship happens if the attachments and expectations of the local communities are not accepted and no institutions are created to express them. In the administrative system of Romania the county-borders were the only elements unchanged, the institutional system dated from after 1989 as the law was made in 1991. The actual situation was more like the enforcement of central plans since the local communities had not been involved in the social debate over the regional reorganization, it is the suggested reorganization that shows forcible elements. The other questionable remark of the president was on the relationship between democracy and bureaucracy when he stated that Romania was no longer a police state and did not need so many administrative

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<sup>22</sup> Andreea Pora: Controversele revizuirii Constituției, In *Revista* 22, 2009. January 16.

<sup>23</sup> The presidential elections were held after the publication of the Report in 2009.

<sup>24</sup> The statement was not correct even in the 1968 context because the Szekler counties were created in answer to local protests.

units and the bureaucracy attached to it. A scientific axiom had been disregarded namely that democracy is more costly than dictatorship, the institutional framework of democracy is much wider than that of dictatorial systems. The verdict was that the head of state had no valid arguments.

The government had no idea, nor communicational strategy about the reorganization, moreover the head of the state is the president of PDL at the same time.

The major governing party, PDL promoted the reorganization, but for what purpose? There had been no instance in the history of the party when it would have different opinion from that of the head of the state. The arguments – to get the EU money, decrease the budget expenses – are secondary and (sometimes their veracity too) questionable.

The president covertly treated the problem as a campaign issue and probably there existed a scenario within the party how through the change of the political elite accompanying the restructuring the local political conditions could be plied to collect more votes for the governing party that would conveniently exceed its genuine support during the elections.

The opposition did not need any arguments to turn down the administrative reorganization, and stated only as much as to show that they had formed their opinion but did not find the problem important enough.

In another proposition (Stoica) the size of the country was pointed out as a decisive feature in the reorganization. In itself it is not an argument, only if there are clearly formed plans about the relationship between the central and local administrations after an analysis of the operation and performance of the local administrations.<sup>25</sup> The analysis of the Pro Democratia Association in Bucharest edited by Árpád Tódor declared that the formation of regions has sense if they are accompanied by the increase of the competence of local powers, if regional parliaments are created. In other words reorganization is not a question of areal redistribution but that of the tasks distrib-

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<sup>25</sup> Cf. the publications of the Pro Democratia Association: *Reforma constituțională în România – aspecte teoretice și istorice*, 2008; and *Reforma constituțională în România - Teme, dezbateri și propuneri*, 2008.

uted among the various administrative levels. If there is a clear idea about that, the institutions can be planned and the relationship between them established. The 'drawing of maps' is the last step.

When planning the administrative system the ideological frame could also prove to be decisive. In one of his essays Emőd Veress (Veress 2006) cited Emil Cernea, the Romanian professor of legal history who declared about the former Hungarian Autonomous Province (HAP) that the formation of regions justified the fear of the consecutive Romanian governments from employing the idea of excessive administrative decentralisation. Indeed the creation of HAP generated enmity among the Hungarian minority toward the striving for unity of Romania by refusing its authority, by openly expressing the loyalty toward Hungary, by rejecting the use of the Romanian language as the state language. That is why it was terminated. The Hungarian analyst has an entire different opinion. First of all talking about the fear of decentralisation on the part of the Romanian government at the threshold of Romania's joining the EU means the misunderstanding of the historical developments. It is important to view the political context of the creation of HAP from the point of view of the minorities. The primary analysis started out from the possibilities available during the era and the aims of the political participants, and the essay of Stefano Bottoni explains what was the meaning of 'autonomy' from the Hungarian and the Romanian point of view in 1952 (Bottoni 2003). According to Bottoni the 1950 Romania's administrative division was entirely modelled on Soviet examples i.e. it was not the 1952 re-division was the adoption of the Soviet model though at the time Moscow sent concrete 'recommendations' concerning the new constitution and the minority regions.

The question of primary importance for Bottoni was what justified the creation of the province the nationality problem had officially been solved for four years. Since there could have been no question about autonomy it offers the classic example for symbolic politics. Why needed the Romanian central leaders HAP as a political tool? Bottoni should have elaborated on the problem of the 'enclave'. In the discourses about autonomy there are several motives that indicate the administrative split of the Hungarian minority community in two: those left outside of HAP could retain their Hungarian identity with greater difficulty. Bottoni's very detailed research could not

discover any such documents that would indicate that the leaders of the Communist party had been aware of the fact that by the creation of HAP the manoeuvring room had been increased for the majority. It is known that the creation of HAP meant the 'solution of the nationality problem at a higher level' directly upon Soviet influence and order. In consequence the Hungarians living outside of the area of HAP could be treated differently. E.g. in the 1950s bi-lingual inscriptions was general – that could be discontinued without Moscow or anybody else saying a word about. Bottini remarked that the development of industry in the 1950s and the migration accompanying it had changed the ethnic image of the towns of Transylvania and the gradual closing of the educational and higher educational institutions with Hungarian as their teaching language outside HAP had already started at the end of the 1950s. The more-or-less covert motivation for the creation of HAP and its being tolerated for a short time became acceptable for the Romanian leaders in a wider context. HAP thus was a political tool that brought surplus in language use and culture for one third of the Hungarians but the majority of them it was a loss.

This is a question that keeps unavoidably returning in connection of every administrative reorganisation.

#### 4. Conclusion

In my analysis I have not touched on the processes of administrative reorganisation discussed in the literature<sup>26</sup> since it was not its theoretical frame that was important for me but the aspects of the emergence of the proposition in the political context and the consequences for minority policy.

The answer to the first question is: the preparation of the reorganisation of the regional administration is not ready, there have been no necessary studies made, there is no accurate scenario, the proposi-

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<sup>26</sup> Several foreign and Hungarian authors can be cited, importantly there are scholarly studies by Romanian authors too: Mircea Preda: *Actuala organizare administrativ-teritorială a României este perimată?*; or the analysis of the Bucharest Institute of Public Policy: A. Ghinea-A. Moraru: *Considerente privind procesul de descentralizare în România, reforma administrativ-teritorială.*

tion is not based on valid concepts of the future that would indicate political intentions, thus it is a political game built upon political context. The question of the reorganisation of the administration has been separated from the question of the amendment of the constitution because there is not enough time to carry it out before the next elections, there is no constitutional way for it. The ideas of the government are not about regions but about mega-counties thus the name used in the constitution has remained and the realization does not depend on the emendation of the constitution.

The third question was about the guarantee of the minority rights that is most important question for the minorities. In spite of the fact that the Stanomir-report treats the issues concerning the rights of minorities correctly as it warns to observe the ethnic borders and historical traditions; Romania, too, has ratified<sup>27</sup> the documents of the international regulations on minority protection which (concerning the reorganisation of the administration the question of the protection of minorities must be considered), however, during the public debates there was no reference to them on the part of the majority and also there is talk about political segregation because of the HADR-proposition.

The political debate of 2011 was kept in such a frame that was inevitably harmful for the minorities.

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<sup>27</sup> There is reference to the European Charter of Regional or Minority Languages and the Framework Convention for the Protection of National Minorities.

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# **History of Minorities**

