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East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

No. 2081

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Zagreb VJESNIK in Serbo-Croatian 29 Oct 82 p 3

[Article by Bogoljub Lacmanovic: "Self-Management--New Topic"]

[Text] After long years of silence about self-management, Moscow has begun to speak about this topic in the past few days, placing itself at the head of the countries developing "authentic self-management."

The appearance of the political essay entitled "Socialist Democracy, Government and Self-Management," published in the last issue of KOMMUNIST, the journal of theory and politics of the CPSU Central Committee, has been an unavoidable topic of the domestic political public and foreign observers these past days in Moscow. Under the "collective authorship" of the Institute of Government and Law of the USSR Academy of Sciences, this article attracts attention for two reasons. It reveals the pragmatic pulse of Soviet party and government policy and the "viscosity" of domestic ideological fluids [original reads "shocks"].

The problem of socialist democracy, brought on both by international and domestic conditions, has been by way of becoming one of the central topics in the Soviet Union in recent months. Certainly, the fifth anniversary of the new Soviet Constitution provides an immediate context for more extensive discussion of this, since the constitution is said to open wide the door to further democratization of Soviet society and that critics of Soviet reality have neither the right nor the arguments to attack Soviet socialist democracy. To be sure, it is admitted that in the mid-1930's there were breaches of democracy and law, which was the result of "the phenomenon of the cult of the personality," but those departures from Leninist norms in party and government life, it is now asserted, have been overcome successfully by the party and the people.

More Than Others ...

Proceeding from the fact that self-management and construction of socialist self-management relations are becoming an ever spreading banner representing the aspiration of the present-day working class movement in the world, Moscow felt the need to present its views on self-management at length and with some precision. These views, there is no doubt, represent at the same time a

debate with all those (present-day) theoreticians of Marxist-Leninist thought whose ideas do not coincide with the Soviet practice of building a socialist society.

In short, the basic ideas of the "collective author" in the journal KOMMUNIST can be reduced to several positions and conclusions: the CPSU does not have a negative attitude toward the idea of self-management in the construction of a socialist society. The Soviet state, in a comparison with others, has realized the concept of self-management more than any other. Strengthening the role of the state does not contradict the development of self-management; "balance" is merely needed between the institutions of government and those of social self-management. It is an error to think that the state is the only source of bureaucracy and that self-management is the sole means of eliminating bureaucracy and technocracy. Socialist democracy cannot develop by merely doing away with the institutions of government. Self-management can develop only in the context of mature socialism. Decentralized management of the national economy is not and cannot be unlimited, since that would result in "fragmentation" and the private-group relationship. Soviet practice not only acknowledges, but even consistently develops, the principles of self-management and in doing so does not prefer them over the socialist state. Moscow sees the proof of "self-management" and of decentralization of relations in the USSR, that is, of the transformation of the governmental dictatorship of the proletariat into a state of the entire people and the rule of the people in the fact that there are in the Soviet Union 2.3 million deputies who, it is alleged, last year resolved and made decisions on more than 869,000 items of public and government business.

Several Motives

There are several motives behind Moscow's beginning to speak in the recent past about self-management as a socialist socioeconomic relation and for its even having set itself at the head of those who are "authentically" realizing the ideas of self-management in practice. The first is certainly the demand already mentioned for democratization of relations in socialism and the identification of socialism with the social relationship of self-management, which is increasingly present today in the world of working people. First and foremost, those are the aspirations and demands of the working class in Poland. The second reason is the criticism of Soviet practice coming from certain communist parties in western Europe. Various critics of real socialism assert that in Lenin's time the development of Soviet society was following the course of self-management and that after his death the idea and practice of self-management were forgotten. "The facts do not bear that out," KOMMUNIST now writes and thereby indirectly rejects the criticism of Berlinguer and the Italian CP addressed last winter to the CPSU and the USSR.

The reason for publishing Soviet views on self-management should probably be sought first of all in domestic Soviet conditions and endeavors to overcome the weaknesses of their own system, which are especially pronounced in the economy. The actual article in KOMMUNIST is certainly a part of a deliberate ideological offensive which was announced a month ago on both the domestic and international scene, and whose aim is to "prove the advantages of real socialism," that is, of the Soviet way to socialism.

In the article published in the last issue of KOMMUNIST the authors quite certainly did not "scratch below the surface" of the fundamental issues of their own socialist reality, nor was their purpose to initiate such domestic reflections. This article opened the door to polemical tones in the international working class movement, and those tones will probably be forthcoming. It is another matter whether Moscow desires that debate or the presentation of Soviet reflections on self-management at this moment was an occasion not to be "left out" concerning such an important commitment, one which is today dominant in the thinking of the working class movement in the world.

7045

CSO: 2800/41

GERMAN DEMOCRATIC REPUBLIC

ACADEMICIAN WARNS AGAINST MISINTERPRETING 'COMMUNIST EQUALITY IDEAL'

East Berlin TRIBUNE in German 24 Sep 82 p 11

[Reprint of LEIPZIGER VOLKSZEITUNG interview with Prof Dr Herbert Hoerz, program director, Central Institute for Philosophy, GDR Academy of Sciences; by Rolf Moebius: "A Talent Is Formed in Silence, A Character Is Formed in the World's Current." For related information see translations of articles from other GDR sources, published under quoted headings in the following JPRS issues of this series: "SED Sociologist Claims 'Intellectual Work' Insufficiently Rewarded," 80936, 28 May 82, No 2017, pp 12-16; "Existence of Contradictions in Socialist System Acknowledged," 80734, 5 May 82, No 2007, pp 22-24; "Philosophical Work on Contradictions in Socialism Reviewed," 81738, 10 Sep 82, No 2054, pp 31-35; "Ideological Demands on Talented Students to Be Relaxed," 81121, 24 Jun 82, No 2025, pp 49-54]

[Text] "A talent is formed in silence, a character is formed in the world's current"--this quotation, used as a heading for the interview below, is taken from Goethe's "Torquato Tasso." The latter is searching for an explanation of the "disproportion between talent and life." The well-known words are spoken by Leonore Sanvitale in Act II of the drama.

[Question] With the word talent we sometimes mean a special artistic ability, sometimes the skill of a child in tinkering. The word is also used to describe a quick mind or extensive knowledge, as well as many other things. Is it even possible to debate such a scintillating term?

[Answer] One has to. The vagueness of the term merely shows how much research still must be done in this area. The only thing that is fairly certain is that there is apparently a genetic-biotic foundation for different types of individuals, and what is made with this potential depends on social conditions, influences of the environment, group and family relationships.

And it has been shown that there is decidedly more genetic-biotic potential than is being developed socially. This is important, because it proves that it is not necessary to manipulate genes in order to get better people, but instead one has to use an entirely different approach.

[Question] What approach, please?

[Answer] If it is correct--and much speaks in favor of that--that there are such bases and that it is decided between age one, perhaps, and the first year of school what interests will be formed, what motivations there will be for doing anything, then the basic problem to be solved is: early recognition! We must learn to recognize very early preshaped bases for certain abilities and skills--that means talents.

[Question] But we cannot do this yet. That means then it is hardly worthwhile to continue discussing this topic?

[Answer] That is a little hasty. First of all, even the best early recognition would have to take into consideration that late developments and changes are possible. Secondly, it is absolutely wrong to say that we cannot do it. Just think how we select and promote our future Olympic champions, which is no doubt easier than it is with other talents. But we have also already recognized some connections in Math Olympics, in furthering artistic talents--we are far from having explained them, but we have noticed, described and used them.

There are strategies for specialists, and there are some for the early detection of genetically caused weaknesses, e.g., reading and spelling disorders, so that they can be corrected early. This is quite successful. The question facing us now is: are there no abilities and skills that lie between specialization and genetic defects?

[Question] You mean not only the unknown future geniuses can be considered talents?

[Answer] Every person has special gifts and it is our obligation to find social solutions so that we do not lose anything. I understand with the word talent not only special scientific abilities. Practical experiences of pedagogues practically provoke the question of whether there are not two basic types of personalities we must deal with in more detail: think of youths who are always having difficulties in school learning by way of the deductive reasoning, logical method which is applied there. They have no difficulties performing their duties as skilled laborers.

There are people who have two left hands and there are those with golden hands; some who learn about reality through the logical, deductive process, that means they recognize the laws, build classes of problems and accept reality as a practical example for theoretical insights, and there are those who can grasp reality only through objects (empirical-inductive), who literally go merely from observation to generalization. The former understand reality with the help of concepts, the latter by grasping with their hands. And all of them are needed.

[Question] Would the practical consequences of this not require changes in our educational system?

[Answer] Nothing rash has to be done. We must differentiate between a strategy for communism--which we must consider now, however--and that which we can do immediately according to present knowledge and economic possibilities.

Thinking about communism means remembering what Lenin said about the fulfillment of all needs in communist society, of varied needs which also depend on natural and social differences. This is especially important for the shaping and furthering of talents.

At stake now are scientific programs, and in school practice much would be gained if the evaluation of the student's personality would be focused on more closely.

Part of this is a complex overview over several specialties, and also "longitudinal sections" over at least 4 to 5 years, because there are phases of stagnation in between spurts of growth; we must not act as if there is only growth (or, with "bad" students, only setbacks). And it is good so--even a student in difficulties has to prove himself as a personality.

[Question] What does this have to do with talent?

[Answer] Talents should not only be sufficient unto themselves. By furthering all talents we want to further conditions for mass-creativity--for a new way of controlling the environment. One needs ideas for this and the ability to apply them--talent by itself is not enough. Steadfastness, perseverance, pertinacity must be taught. What good would Einstein have been to the world, had he not been able to prevail against his enemies. The loss of potential creativity, when we do not teach and learn in time how to overcome difficulties, is just as great as if we were to let talents go to waste. The ability to persevere is one of the conditions for the development of talents.

[Question] What is the final goal of furthering talents?

[Answer] Man is for us the main force of productivity and personality, which includes everything from the way he deals with his environment to his innermost feelings. And he is both in one, not one next to the other or one after the other. This is important, because in the educational system of capitalist countries there is a sharp division between career training and life. There, social training aims to teach how to exploit man, and the needs of the personality have no part in this. Other institutions --especially religious ones--attempt to see to the rest (most of the time not without self-interest).

We can overcome this separation and are in the process of doing it. But this is not possible if we only take into consideration what the individual wants, what is good for him--this would result in individualism, egotism, at any rate, nothing socialist. On the other hand, considering the functioning of man as a productive power would mean a regression into capitalist barbarism. We need a meaningful combination of personal interests and social usefulness in the education of talents.

It is also not enough to see the productive function only as a means to an end--if you slave hard enough, you create for yourself the prerequisites for a good life. Of course this also does exist, and it is more than any capitalist country can say of itself, that we work for our benefit. But this is not enough--it would mean a split between work and leisure, between productive force and personality.

[Question] And how can they be combined?

[Answer] The socialist society needs creative personalities everywhere. And the personality, in order to affirm itself as personality, needs the experience of success and social recognition.

Wanting to be useful to society is an important step in the direction of perceiving work as a need. And I would want to count social recognition, praise, social prestige among the personal benefit which one wants to get from his work. Here, too, we should change our thinking a little: the most important thing is, of course: pay according to achievement; but personal benefit is more than personal property of material and cultural goods.

All this is among the most favorable conditions for the development of gifts and talents, for a gain of personal freedom. When it is combined with creativity, then the personal achievement becomes the social prerequisite for being able to develop further as a personality.

[Question] Can furthering the gifted open a door to elitist thinking once again?

[Answer] Every polemic remains correct against opinions according to which a person, based solely on characteristics he was born with, is somehow "chosen," possibly superior or inferior because of his social background or race; and according to which the decisive significance of social conditions for the realization of genetic-biotic bases is denied. This is a reactionary ideology which must be fought as a matter of principle.

But I can also understand the word elite simply in the sense of a cadre selection, a selection of people who are especially suited for certain tasks--then this is a task which must be solved on a continuous basis. When I make someone a director, a department head, further him, praise him, distinguish him...this is correct and necessary. As soon as we would start to level existing individualities and outstanding special gifts--perhaps because of a falsely understood communist ideal of equality--we would also get only leveled performances, nowhere top performances.

And this would not have anything to do with communism. Communism means on the one hand highest achievements, on the other equal right (this we already have) and equal opportunities for everyone to develop his abilities freely (socialism has been working on this from the very beginning successfully as nowhere else). I remind you of needs. Communism is not equality in the sense of uniformity, but a society of freely associated personalities.

It is, however, wrong to think that sometimes only top scientists or top artists are meant by the term special gifts. Also an engineer, a technician building a new device, gives a top performance. We need top performances--by those especially talented for them--in administrative functions as well. The skilled laborer with his golden hands belongs to this also--they all belong to an elite in the sense of a selection of especially gifted persons whose talents must be furthered and used.

[Question] Should we then specialize more and considerably earlier?

[Answer] Beyond creating opportunities and fun--in other words in special classes or schools--at first only, where we know enough about inter-relationships and facts. It applies at present especially to talents in the fields of art, sports and mathematics. Otherwise, general education must be emphasized, that means the gaining of basic skills and basic knowledge for dealing with reality. Today, this involves knowing how to work with electricity, how a crane or a lever function, or the fundamental principles of biology.

Not until later in life can a field be decided on, and then general knowledge becomes basic knowledge in this field, because man cannot be a universal production force. In addition to that comes special knowledge, which today wears out quickly; the foundations must suffice to enable one to deal with the latest changes continuously. This type of temporal gradation is necessary.

[Question] How can both be brought under one denominator?

[Answer] In general it is true that uniformity in training and differentiation, specialization must not be thought of as alternatives. Everything that has been discussed here must be incorporated into the uniform school system, it cannot be pursued in addition to it. Special talents do not exclude a high degree of general education.

It can be said, with Einstein: we are against one-sidedly trained dogs which can only do what they have been taught. Neither a really important --that is, creative--productive force nor a personality can develop in a narrow specialty field alone. New ideas, new ways of looking at the environment are the result of having an overview, of curiosity, when one wonders about contradictions; often of analogies, when one seeks connections between areas about which one otherwise had thought of only in isolation--all this has been shown by the history of science as well as our present practice.

Narrow specialization would limit the reservoir for creative ideas and the richness of the personality.

9328

CSO: 2300/28

LAW FOR PROTECTION OF PERSONAL RIGHTS DISCUSSED

East Berlin NEUE JUSTIZ in German Vol 36 No 5, May 82 pp 224-227

['Discussion' feature article by Dr Ingo Fritsche, assistant professor, and Prof Dr Martin Posch; Department of Political Science and Jurisprudence, Friedrich Schiller University, Jena: "The Civil Law Protection of the Citizens' Personality Rights"]

[Text] An essential task for socialist law consists in fostering citizens' development of their personalities. An intensified influence upon this process requires both the continued juridical elaboration and the achievement of the varied associated forms of cooperation as well as the comprehensive legal protection of personal integrity and liberty. The directly reciprocal dependencies of both complexes of societal relationships is reflected in the constitutions of socialist countries, wherein the "personal rights and liberties" have, in increasing measure, come to be seen as independent basic legal categories and have taken on growing significance.¹

The System of Legal Claims for Respect for Personal Rights Within the Civil Law of the GDR

The constitutional guaranty of personal integrity and liberty is defined and elaborated i.a. by the standardization of civil law claims to the protection of personal rights in Articles 7 and 327 of the Civil Code. The formulation of a general claim to respect for personal rights under the principles of socialist civil law (Article 7, Civil Code) is an indication of the importance which the law ascribes to this ruling within the entire complex of civil law relationships. It becomes clear that the orientation of the Civil Code to the individual citizen as its main addressee demands respect for equality, the reciprocally operative penetration of property relationships, welfare relationships and personal relationships. For this reason a formal definition which regards personal rights basically as the "residue" of those rights which are not already governed in terms of property or contractual relationships² is not appropriate to their real status in socialist civil law. A reciprocal demarcation and division of property rights from non-property rights is, for that reason alone, inadmissible since the obligations for action to prevent injury and damage governed in Part 5 of the Civil Code apply to all the spheres indicated above. Legal claims to the protection of personal rights pursuant to Article 327 of the

Civil Code are also laid down in terms of contractual and welfare relationships. They can have application particularly in the following spheres:

--in terms of tenancy law in the event of conflicts in the communal life of the tenant community as well as in the relationship to the landlord (evidence of trespass, protection of personal communications, determination of what is personal activity meriting protection as against inadmissible encroachments);³

--within the framework of personal service for the assurance of the obligation to confidentiality of a mandatee (Article 200, Paragraphs 2 and 3, Civil Code)⁴ as well as the safeguarding of documents placed in safekeeping;⁵

--with respect to enterprises performing transport and communications services and whose responsibility is determined according to civil law (e.g., assurance of the confidentiality of mail and telephonic communications);⁶

--in the relationship of the citizen to lending institutions and savings banks (obligation to confidentiality concerning bank balances and transfer of funds, pursuant to Article 235, Paragraph 2, Civil Code);⁷

--in the sphere of the cooperative efforts of citizens in associations and in the instance of mutual assistance (protection of the privacy of civil associations, assurance of the rights of privacy in the event of dealings with or without contract, obligation to scrupulousness in the transmittal of personal documentation for use by another, pursuant to Article 280, Paragraph 1, Civil Code);

--within the framework of health care relationships respecting information given to the patient, the right of decision over surgical treatment, the freedom of movement and communication in the event of hospitalization and the obligation to medical confidentiality.⁸

This summary overview indicates the unitary character of the system of obligations to appropriate action and conscientiousness within which the obligations for respect for personal rights are inseparably integrated at various levels. In addition to this, Article 7 of the Civil Code offers a definition in terms of the entire socialist legal system which--apart from the concrete possibility of enforcing civil law claims--establishes a general binding obligation to respect personal rights.⁹

Constitutional Bases and Extent of Claims in the Event of Encroachment Upon Personal Rights (Article 327, Civil Code)

The civil law claims based upon the above mentioned constitutional norms are aimed directly at the protection of personal integrity and liberty. The concept of "personal rights" in the meaning of Articles 7, 327, Civil Code, thus contain a necessary delimitation with respect to the sometimes employed characterization of basic rights as a whole as socialist personal

rights¹⁰ and it is also not identical with the rights of political participation. The guaranty of personal integrity and liberty creates, however, the essential prerequisite for participatory action and, in addition, becomes directly effective in the process of safeguarding participatory rights. To this degree--taking into account the particularities of the evolution of the law and the protection of the various categories of basic rights¹¹--there exists a close functional connection between personal rights and the rights of participation.

With these initial points in mind, the following domains of personal rights which are relevant to civil law emerge:

1. The protection of integrity comprising in particular the protection of personal integrity (life, health, well-being)¹² of moral integrity (honor, reputation, dignity), of personal documentation and personal identity (documents, pictures, names) and of the immediate living and residential environment (personal domain);
2. The protection of the freedom of decision (freedom of conscience and belief) and the freedom of activity (freedom of physical movement, freedom of movement from place to place, freedom of opinion);
3. The protection of individual creative effort and its results (copyright, innovation and patent rights).

Functions and Conditions of Claims Pursuant to Article 327, Paragraph 1, Civil Code

The characteristic protective function of civil law responsibility is defined in terms of Article 327, Civil Code, through the deterrent effect of the normed obligations for respect of such, together with the claims upon prevention and restitution. The central claim, pursuant to Article 327, Paragraph 1, Civil Code, is directed at the elimination of the illegal condition. As distinguished from responsibility in accordance with Articles 330 ff, Civil Code, restitution ensues--determined by the particular manifestations of the consequences of the violation under consideration--not, as a rule, by means of monetary awards but instead through a (juridically enforceable) undertaking by the violator, intended to eliminate or to minimize the adverse consequences of the act in violation. The provisions indicated in the law of retraction and of public rectification can be supplemented or supplanted by further appropriate stipulations of the court (e.g., obligation to seek the injured party's pardon, imposition of an obligation to silence), if the interests of the injured party are thereby more effectively protected. All of this is supplemented by the obligation to restore damages, insofar as material damages in the meaning of Article 336, Paragraph 1, Civil Code, are indicated, including the expenditure requisite to the elimination of the illegal condition and its consequences.

According to our Civil Code, the imposition of material sanctions (monetary fines) exceeding the restoration of damages is not possible.¹³ In the event of serious violations of personal rights, however, further educational

measures, together with sanctions covered under the Penal Code, or measures imposed by the Societal Courts are possible.

As in the case of the other remedies against violations offered by the Civil Code, so too does Article 327, Civil Code,--as distinguished from the corresponding facts of the case under the Penal Code--not assume in advance an offense on the part of the violator of personal rights. This is of particular significance for the protection of personal documentation (e.g., unauthorized though not culpable possession and use of personal likenesses, documents, sound tracks, etc). Under certain circumstances, a violation of the rights of property or possession can thereby be caused. In such a case, the owner or person otherwise entitled to possession can make use of the claims under Article 33, Civil Code, together with the claims under Article 327, Civil Code. In addition, any citizen whose personal rights have been thereby violated (e.g., the sender of letters, the person depicted, et al.) can demand the elimination of the illegal condition, irrespective of the circumstances of property or possession pursuant to Article 327, Civil Code, together with Article 86 of the Copyright Law.

Claims against violations of honor and reputation assume the illegality of the offending action. In this connection, a distinction must be made between judgments and criticisms on the one hand and the assertion of fact on the other. Value judgments and criticisms represent an exercise of the right to freedom of opinion (Article 27 of the Constitution) within constitutionally admissible limits. Since the distinction between the right to freedom of opinion and its misuse must be unitary within the system of rights, the objective criterion for gross disrespect of personal dignity laid down in Article 137 of the Penal Code also applies for civil law judgment claims for restitution of damages asserted in connection with violations of personal rights (Article 327, Paragraph 1, Item 4, Civil Code) are governed by the conditions of Articles 330 ff. of the Civil Code. In contrast to protection claims, therefore, they include the possibility of relief afforded by Articles 333, 334 of the Civil Code.¹⁵ Regarded as material disadvantages in the meaning of Article 336, Paragraph 1, Civil Code, which can arise from the infringement of personal rights are: lost income, the consequences of damage to psychological or physical health as well as expenses incurred by the injured party for the alleviation or elimination of the consequences of the injury.

Extension of Protection of the Right to Privacy Under Article 327, Civil Code

The reorganization under civil law of the protection of the right to privacy necessarily raises the questions of the areas of its application. This is all the more the case since Article 327, Paragraph 1, Civil Code, contains no caustic limitation upon that protection but indicates only in an exemplary way a number of "traditional" rights of personality (honor, reputation, name, etc). The ruling is thus designed to contribute in other areas of societal relationships to the preservation of the interests of the citizen with respect to this personal integrity and freedom. The following proposals are intended to suggest such considerations in theory and practice:

1. Within the framework of protection of integrity, along with claims in the event of injury to honor, reputation and name, reference must be made to the extension of protection of personal documents and identification. This concerns, e.g., the protection of oral expression which previously had not been assured either by the Copyright Law (Articles 86-90) nor the general civil law; mention of this has already been made in the literature.¹⁶ Analogous to the protection of likenesses and recordings afforded by the Copyright Law--the storage of oral expression and its further use or publication is only admissible with permission. A claim for elimination (erasure) or surrender of the stored material can be asserted pursuant to Article 327, Paragraph 1 of the Civil Code in the event of an illegal recording. How and to what degree the party obliged to surrender such material is entitled to compensation is to be decided analogous to Article 33, Paragraph 2, Civil Code, together with Articles 356, 357 of the Civil Code. Because of the general nature of Article 327, Paragraph 1 of the Civil Code, detailed questions (e.g., exceptions to the principle of permission, length of protection) are to be decided through legal practice analogous to the conditions of Articles 86 through 90 of the Copyright Law; insofar as such actions have the force of law, they should, in our opinion, be incorporated in the Copyright Law itself.

The legal protection of personal data with respect to the status of the citizen in his relationships under civil law to partners (banks, insurance companies) is taking on increased importance. In connection with the growing use of electronic data processing equipment, several authors have correctly¹⁷ pointed out the sources of error with the storage and transmission of data. This indicates the necessity of preparing a complex means of regulating the storage and use of personal data which must also guarantee legal protection. In the meantime, efforts must be made to assure the protection of personal data within the framework of existing civil law, especially in the instance of errors on the part of data processing equipment (whether through human or technical error). Such efforts are also needed to gather experience applicable to future regulation. While for the resulting damages the application of expanded responsibility on the basis of heightened risk is indicated (Article 343 ff., Civil Code), a citizen's demand for rectification of incorrect data should be asserted as a concrete instance of his claim for its elimination pursuant to Article 327, Paragraph 1, Civil Code and, circumstances permitting, be pressed in the courts.¹⁸

The personal dwelling and living sectors of every citizen are also regarded as being under the protection of Article 327, Paragraph 1 of the Civil Code. In particular this includes the dwelling place, containers intended for the safekeeping of personal items (e.g., closets, desks) as well as the personal items themselves (articles of clothing, briefcases, trunks, etc). Protection in terms of the right to privacy also exists with respect to unauthorized intrusion into the circumstances of one's personal life such as the taping and recording of personal conversations, photographing, surveillance and the collection of personal data. Article 327, Paragraph 1, Civil Code (in some circumstances together with Paragraph 328, Civil Code) affords claims to the cessation or destruction of material gained through such unauthorized actions.

2. In the sphere of protection of activity and liberty, the significance of Article 327, Paragraph 1, Civil Code is to be seen not so much in terms of protection against acute assaults upon personal freedom since the Penal Code offers a more effective means of response. Civil law claims, on the other hand, can serve for the resolution of conflicts resulting from disregard of the rights to privacy in the forefield of the facts of the case in which penal law may apply. In the event of actions falling under penal law, a response can be made, circumstances permitting, in terms of civil law by the issuance of an interlocutory decree before the initiation of a criminal trial.

3. Personal rights problems within the framework of other legal relationships, e.g., of custodial or medical care relationships, can also be dealt with using the remedies of civil law. What is at issue here is generally the guaranty of the individual citizen's right of self-determination, such citizen being in a relationship of care or custody. Thus, for example, within the terms of the health care relationship, the standard obligations of the hospital staff to supply information and explanations to the patient, to respect his capacity for decision with respect to diagnostic and therapeutic measures, the maintenance of the physician's obligation to confidentiality and the respect of the patient's need for freedom of movement and communication form a unity with corresponding personal rights which, in the event of conflict, are to be protected by the courts. The significance of the extent, the limits and the guaranty of these rights have, in our opinion, been underestimated in the past as compared to the problems of material responsibility in the field of health care. When more recent studies of the health care relationship assess the respect for the social needs of the personality of the patient as one of the most significant conditions of a successful treatment,¹⁹ then this points explicitly to the function of the right of guaranty of personal rights within the health care relationship.

4. Article 327, Paragraph 1 of the Civil Code also includes copyright as well as other similarly protected rights of creative activity among personal rights.

Those components relevant to the rights of property are thus assigned to personal property pursuant to Article 23, Paragraph 1 of the Civil Code. The question is also raised with regard to this field, as to whether an overlapping civil law protection of creative activity has thereby been created which supplements existing regulations. This problem, in our opinion, deserves to be further elaborated in the following directions:

--the protection of scientific-technical accomplishments which are not or are not yet covered by patent or copyright (e.g., scientific partial solutions, preliminary stages of inventions, spinoffs of inventions) from illegal applications or appropriation.²⁰ Such protection can also be afforded to enterprises pursuant to Article 327, Paragraph 2, Civil Code.

--guaranty of designation by name and of moral recognition as well as protection from illegal application and appropriation in the instance of innovation proposals.

--general protection of the honor and reputation of innovators and inventors.

Article 327, Paragraph 2, Civil Code, makes it possible for corresponding application of personal rights claims to be asserted also by enterprises. With this the problem of collective rights of personality in civil law is touched on in general terms. In our opinion, the corresponding application of claims from Article 327, Paragraph 1 of the Civil Code should also be extended to organizations which are not subsumed under Article 11 of the Civil Code, in particular to non-incorporated citizen communities. This arises from the fact that the quality of a "collective personality" is not primarily a factor of its legal autonomy, but is the result of the societal community which has evolved in its cooperative effort and of its societal achievements. To this degree, associations of citizens and working collectives should be regarded as bearers of collective personality rights. Appropriate for the practical application of Article 327, Paragraph 2 are the protection of collective reputation and societal esteem; the protection of buildings, grounds, objects and documents of organizations and communities as well as protection of communication of enterprises and organizations.

6. In conclusion, mention should be made of the need for protection of personal rights after death. The Civil Code does not contain any specific rule governing this. Posthumous protection of personality is, however, a societally justified concern and thus in accord with the rules governing copyright (Articles 33, 34 of the Copyright Law). Claims pursuant to Article 327, Paragraph 1, Civil Code, can accordingly be asserted by family members and, under certain circumstances, also by other citizens and by enterprises which can prove a legitimate interest. As examples of such application might be seen especially the protection of the reputation of deceased persons, the guaranty of certain relationships of decedants to the deceased (cemetary upkeep) and the protection of personal rights which the deceased, during his lifetime, exercised with effect after his demise (e.g. prohibition of the removal of organs).²¹ Concerning the term of such protection, the rule established by Article 90, Copyright Law (10 years after death) should apply by analogy.

NOTES

1. Compare, e.g., Article 19, Paragraph 2, 20, Paragraph 1, 27, 30, 32, 35, 37, Paragraph 3, 39 of the Constitution of the GDR of 7 October 1974; Articles 39, 52, 54, 55, 56, 57 of the Constitution of the USSR of 7 October 1977; Articles 28, 30, 31, 32 of the Constitution of the CSSR of 6 July 1971.

Compare also E. Poppe, "Die politischen und persoenlichen Rechte und Freiheiten der sozialistischen Grundrechte (Political and Personal Rights and Liberties in the System of Socialist Basic Rights), STAAT UND RECHT 1979 No 9 pp 806ff.; editorial collective under the direction of E. Poppe, "Grundrechte der Buergers in der sozialistischen Gesellschaft" (Basic Rights of the Citizen Within Socialist Society) Berlin 1980, pp 154ff., as well as H. Klenner, "Menschenrechte--Klassenrechte" (Human Rights--Class Rights) NEUE JUSTIZ No 7 p 287, which stresses particularly

the unity between individual self-realization and collective personality development as the essential substance of socialist basic rights.

2. Compare "Zivilrecht der DDR, Lehrmaterial fuer das Fernstudium" (Civil Law of the GDR, Instructional Material for Correspondence Study), No 1, Berlin 1973 p 138.
 3. Compare Municipal Court of Berlin--Capital of the GDR--, Judgment of 31 July 1979--106 BZB 149/79--(NEUE JUSTIZ 1980 No 2 p 90) with commentary by G. Hejhal.
 4. With regard to the obligation to confidentiality on the part of attorneys, cf. Article 5 of the Law Governing the Bar Associations of the GDR of 17 December 1980 (GBI. I 1981 Nr 1 p 1).
 5. The obligation of persons entrusted with the safe custody of items (Article 200, Paragraph 2, Civil Code) also includes the obligation not to make personal documents available to third parties for inspection without the permission of the party entrusting such documents for safe custody.
 6. Compare Article 46 of the Law Governing the Post and Telegraph Service of 24 June 1971 (GBI. I No 3 p 49) as well as the Ordinance Governing the rights and Obligations of Members of the German Postal Service (Postal Service Ordinance) of 28 March 1973 (GBI. I No 25 p 222).
 7. Compare Article 9, Paragraph 2 of the Statue Governing Savings Banks of the GDR of 23 October 1975 (GBI. I No 43 p 703); Article 15 of the Administrative Ordinance Governing the Postal Savings Bank Service--Postal Savings Bank Ordinance--of 17 May 1968 (GBI. II No 60 p 348); Administrative Ordinance Governing the Postal Checking and Transfer Service--Postal Checking Ordinance--of May 1968 (GBI. II No 60 p 343) of the Administrative Ordinance No 2 of 17 November 1975 (GBI. I No 47 p 762). An exception is provided for if, in the event of the uncertainty of the possibility of carrying out a writ of execution, the judge can demand information concerning the accounts of the debtor from savings and credit institutions.
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8. Together with the applicable provisions of the Outline Ordinance Governing Hospitals of 14 November 1979 (GB.--Special No 1032), s.a. Article 136 of the Penal Code as well as Article 5 of the Administrative Ordinance Governing the Licensing of Physicians--Licensing Ordinance for Physicians--of 13 January 1977 (GBI. No 5 p 30).
 9. Concerning the function of the civil law protective norms within the socialist legal system, cf. M. Posch "Allgemeine zivilrechtliche Schutznormen, Verhaltenspflichten und Rechtfertigungsgruende" (General Civil Law Protective Norms, Obligations for Action and Justification Grounds) NEUE JUSTIZ 1976 No 19, pp 384 ff.
 10. For the most recent literature, cf. esp. G. Riege, "Der Buerger im sozialistischen Staat" (The Citizen in the Socialist State) Berlin 1973

pp. 52f as well as the work by an editorial collective under the direction of E. Poppe, "Grundrechte des Buergers in der sozialistischen Gesellschaft" (Basic Rights of the Citizen in Socialist Society) op. cit., pp 40ff.

11. Thus the rights of political participation are bound, as a rule, by citizenship and a stipulated age level (cf. Article 22 of the Constitution and the applicable rules concerning the right to vote as well as the legislation governing defense and obligatory military service). The legal protection of the individual, on the other hand, is not dependent upon such assumptions. Political rights may be partially or wholly subject to deprivation (Article 58, Penal Code, Article 5 of the Voting Law) while individual rights can merely be constrained for particular reasons (Article 30, Paragraph 2 of the Constitution). The specific place and function of basic rights categories permit enforceable claims only in the area of protection of personal integrity and liberty.
12. The protection of life and health as well as defensive claims are assured through the claims for restitution of damages of the general civil law responsibility in accordance with Articles 330 ff., Civil Code. Through the reference of Article 327, Paragraph 1, Item 3, Civil Code, however, there ensues an organic connection between claims for protection and material responsibility.
13. Differences are seen, e.g., in the regulations of Article 84 of the Civil Code of the Hungarian Peoples Republic of 1 March 1978 and Article 7 of the Rumanian Federated Socialist Republic of 10 June 1964. The material sanctions do not serve primarily the personal satisfaction of the injured party in the sense of satisfaction of individual emotions but are intended instead to effect a social education purpose. They are therefore employed only in the case of aggravated injuries and the fine is to be paid to the State Treasury. No comparability exists with the bourgeois concept of a "private fine" or a "monetary satisfaction."
14. The form of publicity is to be determined by the type and mode as well as the extent of the injury. For this reason the summoning to the hearing of those parties immediately involved can, under certain circumstances, be sufficient. Since the law does not regulate the way in which claims arising from Article 327, Paragraph 1, Civil Code, will be carried out, the court is to decide the appropriate form in the stipulations of its judgment.
15. The responsibility of enterprises for injuries to personal rights caused by its co-workers is determined in accordance with Article 331 of the Civil Code. While an exoneration is excluded in the instance of claims for elimination, restraint and the declaracion of an infringement of individual rights in accordance with Article 334, Civil Code, an exemption from the obligation for damages is also possible for enterprises. The condition of Article 334, Civil Code, may be at hand in cases of non-illegal infliction of injuries (e.g., technical failure of electronic data processing installations).

16. Compare W. John, "Zivilrechtliche Grundsätze des Persönlichkeitsschutzes im ZGB-Entwurf" (Civil Law Principles of Protection of Personal Rights in the Civil Code Draft) STAAT UND RECHT 1975 No 2 pp 194 ff. (200 ff.); do., "Zum rechtlichen Schutz der stimmlichen Äußerung," (Concerning the Legal Protection of Oral Expression) NEUE JUSTIZ 1975 No 4 pp 114 ff.
17. Compare W. Anders, "Neue juristische Fragestellungen durch die Anwendung und Nutzung des wissenschaftlich-technischen Fortschritts," (New Legal Questions Posed by the Application and Use of Scientific-Technical Advances) WISSENSCHAFTLICHE ZEITSCHRIFT DER KARL MARX-UNIVERSITÄT LEIPZIG 1978 No 6 pp 687 ff.; V.S. Bodandarenko, "Rechtliche Aspekte der Automatisierung der Leitung eines Zweiges," (Legal Aspects of the Automation of Branch Operations) SOWJETSKOJE GOSSUDARSTWO I PRAWA 1976 No 9 pp 11 ff.
18. A citizen's claim for correction of data has already been incorporated in the new version of Article 83, Civil Code of the Hungarian Peoples Republic.
19. Compare, e.g., the work by the editorial collective, "Der Patient im Krankenhaus--Erwartungen, Rechte und Pflichten," (The Patient in the Hospital--Expectations, Rights and Obligations) Berlin 1979.
20. This concept is the result of adjudication in patent matters which assumes that the patent protection is limited to the patent claims formulated in the application. Cf. Supreme Court judgement of 23 May 1967-2 UZP 5/66--(more recently, No 5 p 125); G. Hildebrandt, "Die Rechtsprechung des Obersten Gerichts in Patentsachen," (Jurisdiction of the Supreme Court in Patent Matters) NEUE JUSTIZ 1972 No 5 p 159; G. Becker, "Fragen des Erfinderrechtssprechung" (Questions of Jurisdiction Regarding Inventions) NEUE JUSTIZ 1979 No 1 pp 15 ff.
21. Compare the Ordinance Governing the Conduct of Organ Transplants of 4 July 1975, (GBI. No 32 p 597).

9878

CSO: 2300/944

GERMAN DEMOCRATIC REPUBLIC

WEST GERMAN LEGAL EXPERT ANALYZES NEW GDR LAW ON SOCIAL COURTS

Cologne DEUTSCHLAND ARCHIV in German Vol 15 No 6, Jun 82 (signed to press 21 May 82) pp 570-572

[Article by Dr Erika Lieser-Triebnigg, jurist; consultant, Research Office, Bundestag, Bonn: "A New Law for Social Courts." Translations of the GDR Law on Social Courts, relevant resolutions and a discussion by the GDR justice minister are published under the heading, "State Council Issues New Laws on Social Courts," in JPRS 8082, 13 May 82, No 2009 of this series, pp 8-69]

[Text] Within the framework of the wave of codification felt in the GDR since the beginning of this year, it is not only the recently promulgated law governing military service (cf. the essay by K.W. Fricke in DEUTSCHLAND ARCHIV 5/1982, p 458) which has taken on special significance for each citizen of that country, but now also the revision of the law governing social courts¹ which, on 1 January 1983, will replace the now standard version dating from 1968². The law applies to the long-existent GDR conflict commissions, now numbering some 26,000 and the 5,000 arbitration commissions. These bodies, also designated as "societal organs of the administration of justice," are recruited from citizens "who are exemplary in their work as well as in their social and personal behaviours..." Who qualifies as such is decided by the trade union congress in the case of the conflict commissions and by the party, resp. all mass organizations, for the arbitration commissions. The so designated candidates are then elected at their work places or by the local popular assemblies.

Conflict commissions exist in plants and state institutions with more than 50 workers. Arbitration commissions, on the other hand, operate in communities and production cooperatives. Both commissions continue to have the authority to make decisions for community members or workers in the same enterprise in cases of simple civil law disputes. The value in dispute formerly could not exceed 500 marks. The new law raises the limit to 1,000 marks. Minor misdemeanors or offenses against the school attendance law also fall within the jurisdiction of the commissions. Upon conclusion of a "consultation" (the counterpart to a public court hearing), a decision is handed down in the form of a reprimand, a fine or an educational measure intended to restore the damage inflicted. From next year on, there can also

be the imposition of an obligation "to serve up to 20 hours of unpaid community service work during one's leisure time."³

The conflict commissions also rule on disputes arising in the working relationship between the enterprise and its workforce. Here the conflict commissions have long played a role as a kind of preliminary hearing in cases headed for the labor courts. Some 90 percent of all disputes arising from labor relationships are dealt with by these means. In 1981 some 49,000 "consultations" took place within this sector, the great majority of them being concluded by settlement between the parties. Of the remaining cases in which an appeal was made to the district court, the panel for labor cases reversed only 2 percent of the decisions of the conflict commissions.⁴ The use of the conflict commissions in advance of court action (and not the transfer of the means of production into state ownership, or the feeling of workers that they are "co-owner" and thereby "co-determiners") is, among others, the main reason why judges in the GDR concerned with adjudication of labor disputes, have a far smaller case load than do their colleagues in the Federal Republic.

If we keep in mind the range of situations which can lead to the invocation of the commissions, it becomes apparent how broadly the individual, in his working life as well as in his private sphere, can be affected by the decisions and the influence of the "societal courts." The feeling of "being on somebody's list" may be even more discomfoting than being summoned to the hearings designated as "consultations" preceding the decision of the commissions where the testimony of colleagues from work, neighbors and friends, will be called for to resolve the dispute, all of this being accompanied by embarrassment for the individual concerned. Thus, during the infancy of the commissions, there were instances in which the defendant requested the transfer of his case to the courts because of the greater degree of anonymity offered there. In the meantime, it appears that people have made their own accommodation to the inevitability of these public "consultations."

The new law governing the societal courts, including the conflict and arbitration commissions inaugurated by the State Council⁵, hold fast to their traditional and tested goals. At first glance, the new version appears to be more exhaustive (36 paragraphs as compared to 24 in the older one). The main reason for this is that the composition and the choice of the commissions is now governed exclusively within the new law while the activity and the operations of the commissions, unlike earlier practice, continue to be reserved to the individual special ordinances.

A closer examination of the regulations shows that the most significant innovations originate in the expansion of the jurisdiction of the societal courts. Not least, because of the substantial influence they exert, they are to be employed even more than had been before for the disciplining of individual citizens, workers and their supervisors. Pursuant to Article 3, the courts' activity is aimed at "protecting the socialist state and social order as well as socialized property" though primarily toward

"strengthening the socialist consciousness of individual citizens with respect to the state and the law, of fostering their readiness voluntarily to maintain socialist law and of strengthening their intolerance of behaviours not in accord with the norms of society."

This goal is served by the "discussions"⁶ stipulated in the new law. These are the talks between the members of the commission and the appellant which precede or initiate the trial before the societal court. These "discussions" are intended to facilitate "the avoidance and elimination of legal disputes and violations." In connection with these discussions, the societal courts can issue "recommendations" to the enterprises or state institutions aimed at eliminating the causes which led up to the violation. The effectiveness of these "recommendations" which, until now, had only been issued at the conclusion of a trial, are to be assured by granting to the members of the commission a right of inspection. On the basis of the law still in force, the director of an enterprise or a state institution which has been enjoined, is obliged to make a response within 2 weeks to the proposals worked out in the "consultation." This does not necessarily mean that the suggested changes will be effected. The subsequent inspection by the members of the commission, as proposed from 1 January on, could, for one thing, serve to motivate the directors of such enterprises. For another, it would give the societal courts the opportunity to report the lack of appropriate action to the enterprise's supervisory agency and to request assistance.

The new regulations will also assure a monitoring right in regard to the educational measures imposed. Thus the commissions can demand proof of the payment of an imposed fine, which in the future can be fixed appropriate to the type of violation (for petty misdemeanors 150 marks, more serious misdemeanors 300 marks, violations 500 marks), ranging up to a maximum of 500 marks (previously 150 marks).

For the individual citizen summoned before the commission there will also be an innovation. During the hearing, he can be assisted by a representative of his trade union. It should, however, be remembered that the trade union in the GDR is subordinated to state goals so that the interests of the individual can only be represented to the degree that they do not run counter to those state goals or those of the enterprise. The new form of trade union support created in favor of the worker thus tends to be balanced out by the greater significance of the maintenance of state interests.

As a supplement to the expanded responsibilities of the societal courts, the law also regulates an improved direction of the commissions through the trade union congress, the courts and the ministry of justice. Regular certification of all members of the societal courts is called for, precedent is to be generalized for easier and more unitary application of the law. An arbitration commission advisory council is to be instituted from among the directors of the regional and state courts. They are also entrusted with the task of supervising a unitary application of the law and the certification of the members of the commissions. Also included in supervision are the state prosecutor's office, the local popular assemblies, various levels of the

trade union congress hierarchy and the committees of the National Front. If the commissions function effectively in the future, they can expect commendations from their supervisory bodies. These can take the form of letters of commendation, material or cash prizes, or the awarding of the "Badge of Honor of the Judiciary."⁸

It remains to be seen whether the innovations cited here will, in fact, result in gains for "order, discipline and security."⁹ One thing, at least, is evident: the new law affords the basis for subjecting the individual citizen as well as the members of the societal courts, to state direction and control even more than was the case in the past.

FOOTNOTES

1. Law Governing the Societal Courts of the GDR--GGG--of 25 March 1982 (GB1 I p 269).
2. of 11 June 1968 (GB1 I p 229)
3. Article 20, Item 3, GGG (new version).
4. Heusinger, NEUE JUSTIZ 4/1982 p 147.
5. Resolution of the State Council of the GDR Governing the Activity of the Conflict Commissions--KKO--of 12 March 1982 (GB1 I p 274); Resolution of the State Council of the GDR Governing the Activity of the Arbitration commissions--SchKO--of 12 March 1982 (GB1 I p 283).
6. Article 17, GGG (new version).
7. Article 21, Paragraph 1, GGG (new version).
8. Article 33, GGG (new version).
9. Heusinger, op. cit. (Note 4).

9878

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MARXISM TO PROVIDE 'RESEARCH METHOD,' NOT 'READY-MADE DOGMAS'

Leipzig LEIPZIGER VOLKSZEITUNG in German 14 Oct 82 p 6

/Theory and Practice feature article by Dr Manfred Neuhaus, Karl Marx University, Leipzig: "How Relevant Is Marx for Us Today? Why It Is Good Continuously to Seek Advice From Him--Facts and Arguments for the Party Study Year"

/Text History knows of many social events, movements, doctrines and phenomena that deserve to be ranked important or significant for the world as a whole. No doctrine has stamped the thoughts and actions of generations, indeed of mankind as a whole, so deeply and lastingly as the ideas of Karl Marx. In the coming year we will celebrate the 165th anniversary of his birth and the 100th anniversary of his death. What are the roots of this immortal vitality? What is the source of this fascination? What is the secret of this eternal youth?

On the Test Bench of Historical Practice

Is it possibly generated by a long concealment of Marx's works in well guarded archives? Surely not. True, such archives house innumerable volumes enclosing the theories of audacious social reformers who aimed to turn the old world upside down but failed on the test bench of historical practice. The secret of the youth and vitality inherent in Marx's works consists in its indissoluble links with the modern workers movement and its revolutionary and materialist dialectic that requires constant links with real life and a scientific approach to reality.

Marx is often compared with the legendary Greek hero Prometheus who instructed mankind in the arts and sciences, and who brought down fire from the heavens to protect man against hunger, cold and dark. The image of Prometheus embodied the creative genius of mankind, its tremendous urge to fight for progress, freedom and happiness. Our Prometheus from Trier replaced utopian and wishful dreams and religious fantasies by science. He did so by virtue of his two great discoveries: The materialist interpretation of history and the doctrine of added value. He demonstrated that the class conflict alone, carried on by the organized proletariat, is capable of freeing mankind from its tribulations.

Something Qualitatively New Needed to Arise

Of course this doctrine did not suddenly spring from the genius of its creator. It was generated by persistent and sacrificial scientific work to produce a total

revolution in the centuries old history of social thought. Traditional scientific approaches were quite unable to cope with the universal nature, the totally new dimensions of the problems transcending national borders and even continents, such as historical developments had piled up to confront Marx, Engels and their contemporaries. No help could be found by applying the methods of a single traditional discipline of social thought, nor by simply adding them all together. A solution beckoned only if someone succeeded creatively to transform all basic sectors of social thought and meld them with revolutionary practice. It was necessary to synthesize in a qualitatively new whole and bring into the workers movement all significant findings with regard to the life of human society and the laws of thought as well as important results of natural sciences and technology, enriched by original discoveries. Born by this means after many years of work and disputations with opponents was a doctrine that correctly reflected the objective laws of social development and that, as Lenin and the Bolsheviks were the first to prove, may be realized in practice.

The strength and vitality of Marxism is most convincingly demonstrated by the victorious October Revolution. For the first time in history a socioeconomic organization emerged in accordance with a scientific plan rather than spontaneously. That is the profound meaning of the concept formulated at the Twentieth-fifth CPSU Congress by L.I. Brezhnev who said that there is nothing more practical than a good theory. In the SED Central Committee Report to the Tenth SED Congress Erich Honecker emphasized: "The doctrine of Marx, Engels and Lenin is the only science permitting us to understand and consciously organize the past, present and future. Without it nobody has succeeded in eliminating exploitation or lay the foundations of the new social order, let alone in constructing the developed socialist society."

Gaining Insight for Today

Lenin once noted that it was not appropriate for the working class to intone philistine peons of praise when celebrating the birthday of one of its outstanding men. Instead the working class should use such occasions to gain from the past new insights for the present and illuminate future tasks. Accordingly the fourth conference decided, with a view to the 165th anniversary of the birth and the 100th anniversary of the death of Karl Marx, to "stick to the tried and tested principles of constantly consulting the classics of Marxism-Leninism, studying their doctrines and creatively applying them."

What do we mean nowadays by consulting Marx? Dissatisfied with the merely formal appreciation of important literary achievements, Lessing once complained: "Who will not praise a Klopstock? But will everybody really read his works?--No. We would prefer to be praised less and read more."

Consulting Marx means first and foremost to thoroughly study his works. It is easy for young people in our country to find their way to Marx. The schools already serve to bring about familiarity. The blue volumes are accessible to all. True, we must earn our heritage in order to possess it: As Engels pointed out shortly before his death, "Marx's entire conception of the world is not just a doctrine, it is a method. It does not provide ready-made dogmas, it indicates the starting points for continuing research and the method of such research."

Marxism's inherent dynamism, its ability to constantly advance and prosper by the generalization of new social processes and new scientific findings--these are essential features of Marx's teaching. Marx and Engels neither wished nor were able to describe all vicissitudes of the historical process. They drafted the basic scientific principles to provide a reliable orientation for the understanding of the general trend of social development and its inevitabilities. Neither Marx nor Engels, and not Lenin either, left behind a "book of recipes" for socialist and communist construction. At the fourth conference Erich Honecker baldly stated: "We are organizing the developed socialist society in the GDR in the world such as it is, not as some imagine it to be. There are not patented prescriptions for the accomplishment of the tasks to be accomplished."

Science, Not Dogma

Karl Marx and Friedrich Engels, the founders of scientific socialism, predicted all of this very clearly. For that reason the creative application of Marx's teaching has always implied the acquisition of the scientific working method of the classics, in other words dialectic materialism. For that very reason Engels called it "our best tool and sharpest weapon." Again in this meaning Lenin objected to the mistaken belief "that it is enough to spout communist slogans without making our own that sum total of knowledge that leads to communism itself." He told Ines Armand that the spirit of Marxism, its entire system required "considering every proposition a) only in terms of history, b) only in conjunction with others, c) only in connection with the concrete experiences of history." Lenin never interpreted Marxism as a pedantic doctrine involving academic examinations but as the science of the revolutionary transformation of conditions. He searched for solutions, not formulas. He taught that Marx's greatness does not consist in having a ready answer to all questions but in enabling us to answer all questions.

11698

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'GERMAN-RUSSIAN COMRADESHIP-IN-ARMS' PIONEERED BY PRUSSIAN ARISTOCRAT

East Berlin NEUES DEUTSCHLAND in German 26 Oct 82 p 4

[Article by Dr Gerd Fesser: "Progressive Reformer and Patriot—225 Years Ago Baron vom Stein Was Born." A translation of an article by the same author on a related subject is published under the heading, "Russo-Prussian Alliance of 1813 Tied to GDR-Soviet Alliance," in JPRS 80382, 23 Mar 82, No 1991 of this series, pp 4-6]

[Text] Leaving Russia, Sweden and the Ottoman Empire aside, Napoleon Bonaparte dominated the entire European continent at the end of 1808. The forward momentum of his battalions had caused the feudal nations to collapse like houses of cards. It was on 16 December 1808 that Napoleon issued a rather odd decree in Madrid in which he declared war not on a particular country but on a single individual. "The man named Stein who is trying to create unrest in Germany" was characterized in the document as an enemy of France and of the Confederation of the Rhine. His property was confiscated and all French troops and those of the Confederation were under orders to arrest him on sight. Who then was "the man named Stein?"

Free Lord of the Empire Heinrich Friedrich Karl vom und zum Stein was born on 26 October 1757 in Nassau/Lahn into an ancient family of knights of the German empire. He studied law at Goettingen University and entered the Prussian civil service in 1780 soon becoming an acknowledged authority on economic and fiscal administration. In 1804, he took over as minister for taxation, customs, commerce and industry. Following the defeat at the hands of the French in the battle of Jena and Auerstedt in 1806, the Prussian state and army leadership lapsed into cowardice and panic. While Count von der Schulenburg-Kehnert, the governor of Berlin, was letting 50,000 brand new rifles fall into the hands of the French troops occupying the city, Stein succeeded in removing the state treasury to safety. The minister then called upon King Frederick William III at last to carry out a number of long overdue reforms in this hour of need. When the king refused, Stein handed in his resignation.

Stein thereupon retired to his Nassau estate where he put to paper the "Nassau Memorandum" calling for a thoroughgoing reform of the Prussian state. Stein realized that the only way to beat Napoleon was to win the bourgeoisie and the masses over to the fight for national liberation by introducing progressive reforms.

At the express request of Napoleon, who thought Stein a supporter of his, Frederick William III was forced to name Stein chief minister on 30 September 1807 and to vest him with farreaching powers.

Stein was superbly suited to the task of throughly modernizing the state. He not only had extensive experience in administration but was also a man endowed with an enormous capacity for work, an iron will and unshakable stamina. Just 9 days after he assumed his post, the famous October edict was issued which abolished serfdom in Prussia effective 11 November 1810. There were further laws which abolished obligatory guild membership and which granted limited municipal self-administration to the bourgeoisie. Stein also energetically championed Scharnhorst's army reforms.

Stein's reform program initiated the bourgeois upheaval in Prussia and contributed to winning the masses over to the fight against foreign domination. The Prussian Junkers opposed the reforms for the most part with a lack of understanding and hatred. In August 1808, they saw to it that the French police got hold of a letter by Stein which contained information about his connections to patriotic conspirators in Hesse and Westphalia. That provided King Frederick William with the pretext he needed and on 24 November 1808 he let the troublesome reformer go. Ostracized by Napoleon, Stein was forced to make his escape to Bohemia under cover of darkness and in 1812, he moved on to Russia.

During the Patriotic War, Stein served as personal adviser to Czar Alexander. On his initiative, a Russo-German legion composed of German deserters and prisoners of war was formed which fought side-by-side with the Russian army against the aggressor Bonaparte. In that sense, Stein may be counted among the pioneers of Russo-German comradeship-in-arms. In January 1813, Stein supervised the establishment of a 20,000-man territorial militia in East Prussia and turned the province into a center of the war of liberation. During the 1813/14 war of independence, he was in charge of administration in the liberated former states of the Confederation of the Rhine and of supplying the allied armies under difficult conditions.

As soon as victory over Napoleon had been won, Stein had outlived his usefulness. The feudal reactionaries were quick to dismiss the so-called "Prussian Jacobins" whom they had seen fit to summon in 1807---but who in fact were not revolutionaries at all. Gneisenau and Clausewitz were transferred to positions without any influence; Arndt and Jahn were persecuted as "demagogues" and Stein, disgusted by the machinations of the reactionaries, withdrew from public life. He died on 29 June 1831 on his estate at Cappenberg in Westphalia.

9478

CSO: 2300/45

HUNGARY

BRIEFS

NEW CHIEF EDITOR FOR 'MAGYAR NEMZET'--Istvan Soltesz, vice chairman of the CC Information Bureau, has been relieved of his post with the bureau to become editor in chief of the PPF daily, MAGYAR NEMZET. He is taking the place of Tibor Petho who is retiring with recognition of his merits and will continue to hold his position with the PPF. [Budapest MAGYAR NEMZET in Hungarian 13 Nov 82 p 3]

CSO: 2500/45

GENERAL OLIWA DISCUSSES SIGNIFICANCE OF ARMY DAY

Warsaw RZECZPOSPOLITA in Polish 12 Oct 82 pp 1, 2

[Interview with General Wlodzimierz Oliwa, a member of the Military Council for National Salvation [WRON], commander of the Warsaw Military District, Lt., by Stanislaw Reperowicz, National Employment Agency: "A Soldier's Generosity Can Be Counted On"; date and place not given]

[Text] [Question] Comrade General, we are conversing on the eve of 12 October, or army holiday. What reflections does this date arouse in the current year?

[Answer] The present period is not predisposed to celebrating. Especially for us in uniform burdened with enormous joint responsibility for the fate of the country. Polish Army Day, despite the fact that it falls on the anniversary of the battle at Lenino was always a solemn holiday, conducive to thoughtfulness and consideration along the beaten path. This year the reflection is simply richer.

The army shares the same problems of the society of which it is a part. Soldiers and their families are tormented by similar daily difficulties which confront the whole nation. Not unfamiliar to us also are the inconveniences resulting from industry's not fulfilling agreements to supply various parts, equipment and the like. Out of necessity we are developing our own production. In many units of the Warsaw Provincial Center [OW] we organized the reclamation of batteries, the production of gaskets and other interchangeable parts. This involved the additional efforts of technological cadres. Being fully appreciative, I wish to state that among them are many magnificent people who are not only able, but also desire profoundly to work for the common good.

[Question] This activity, apart from its measurable material benefits, likewise has great educational significance because it teaches resourcefulness and management.

[Answer] Already in the initial 1970's, leadership of the Armed Forces of the Polish People's Republic began regorously to introduce into all organizational sections of the army the principles of sensible and thrifty management of financial and material resources. Intelligent management was recognized as one of the main criteria in appraising the value of a leader and his perspective for advancement.

[Question] The press, in its comments on the army on behalf of the national economy, emphasizes the enormous generosity of the soldiers in performing productive tasks, exceeding quotas and the like, which under present circumstances has special significance.

[Answer] The army continues the traditional good work of soldiers, who, after the end of the struggle for liberation, plowed and planted abandoned fields, raised factories from ruins, and the artifacts of culture as well. They placed all their strength into their work because they knew it was indispensable to the country. Since that time many changes have occurred in our country; however, soldierly sacrifice has not weakened. The sons of soldiers, who rebuilt the capital, worked on the construction of the smelting works in Katowice, the compact auto factory in Tychy, or the Central Railway Station in Warsaw in the 1970's, and still regarded their tasks with the same dignity and deep feeling that their fathers did 30 years before. And likewise today, during a period of certain frustrations, I know many 20-year-olds--soldiers in basic military service who voluntarily engage in the performance of various social tasks of benefit to the country and army.

For example, it is known that every autumn large military groups support the efforts of the State Farms [PGR] work force. Less known, however, are the numerous small groups of soldiers who during free time, on Sunday and holidays, instead of taking leave, travel to the village out of kindness to help elderly people, invalids, widows and combatants with the harvest or potato diggings. Some army units even have their own regular charges.

As district commander, I receive many letters of thanks for the soldiers' aid. Most poignant are the letters written by children, especially from the childrens' homes where they offer thanks to soldiers for repairing buildings in which they reside, for restoring playgrounds, for holiday gifts donated, and also for donations from the soldiers' meager monthly living allotment.

A beautiful page in army annals is likewise provided by its participation in coping with the elements....

[Question] These soldiers represent a portion of our young people, concerning whom various opinions are being circulated, which likewise include that they are devoid of ideals.

[Answer] I would avoid such evaluations regarding people on the threshold of life in search of their place in society. The road they will travel, to a great extent will depend on us, of the older generation, family life, school and the like. The armed forces likewise participate in the formation of the individuality of the young generation.

[Question] And hence, returning to our motto: Army--school--gentility.

[Answer] There was never a departure from it. Providing refinement is still one of the chief functions of our People's Army. In preparing citizens to defend the country, we not only teach them to operate battle equipment and function on the battlefield but we likewise develop desirable personal characteristics--sacrifice, valor, courage, comradeship, solidarity, competent

dedication in the name of such a great goal as the safety of one's country. Participating in this procedure are all higher ranks, the political machine, party organizations and elements of the student unions.

The results are visible. Please observe how many soldiers wear the "Model Soldier" badge on their uniforms or braids signifying membership in leading regiments. You can believe me--it is not easy to obtain these honors. A good deal of sweat is required in drilling, in order to fulfill a soldier's obligations for the proverbial "triple." The attainment of higher rating strully requires great effort. And yet the movement for leadership in instruction and discipline is a massive manifestation. Certainly conducive to this is an atmosphere of recognition and regard for good work in the whole army, as well as the lack of tolerance on the part of the collective soldier body for even the slightest indication of cunning or laziness in their centers.

[Question] We celebrate Army Day on the day of an important anniversary. Hence, perhaps a few words on the subject of the presence of history in the training of soldiers.

[Answer] It occupies an important place in the education of the soldier, whom we teach the progressive tradition of Polish arms during the entire thousand years of our statehood; we recall the participation of Poles in battles for the freedom of other nations; we focus on the figures of known leaders and soldiers who can serve as examples to be followed. We attach much significance to the war for the liberation of the Polish nation during the years of 1939-1945, because a knowledge of this chapter of our history, which also includes a history of the Polish army can be very helpful in comprehending subsequent historical courses of action in the entire country.

We speak of the contributions of the Polish Workers Party which developed the concept of the democratic national front in the struggle with the invader; of national and social liberation; and subsequently based this struggle on an alliance with the USSR. This was the only road leading to a rescue of the physical existence of the nation. A huge chapter of knowledge concerning most recent history, is the Polish-Soviet brotherhood in arms. Knowledge of this subject can immunize young people against the demagogic shouts of opponents to socialism, who recently urged the alleged necessity to "defalsify" the most recent history of Poland.

[Question] We have written much recently on the need for national understanding. How is this matter viewed by the army?

[Answer] All people in uniform are united by a common goal which is the security of the country, its freedom and independence. This is not only the main plane of understanding but also of army unity. The welfare of the country--here is the fundamental motivating factor deciding the attitudes of soldiers not only at training sites but also during the performance of national assignments associated with the introduction of martial law. I would like to emphasize that together with us there are to be found likewise thousands of former soldiers, combatants and reservists with whom we form a common front to properly understand the necessity to strengthen Poland;

to immunize it to all forms of attempts to weaken its defenses, especially with regard to the menacing tensions of international and American attempts to expand the arms race on a large scale.

The People's Army always acted in concert with the best-conceived national interests. "Our greatest goal and good," said the General of the Army Wojciech Jaruzelski first secretary of the Central Committee of the Polish United Workers Party [KC PZPR], president of the Council of Ministers, chairman of the Military Council for National Salvation [WRON], during this year's promotion of officers in Poznan, "is socialist Poland--strong, just, unafraid of changes consistent with the spirit of the times. The people's army is by nature an advocate of progress and promotes that which is new, better and more effective. Difficult national matters do not stop at the barrack gates. Every realistic civic thought flowing from concern about the state, about the real social good, found and will always find an ally in the armed forces." We act in accordance with this motto.

Thank you for the interview.

Interviewer: Stanislaw Reperowicz [National Employment Agency]

9951

CSO: 2600/51

FORMATION OF SEAMEN'S ATTITUDES DISCUSSED

Warsaw PRZEGLAD MORSKI in Polish No 7-8, Jul-Aug 82 pp 26-29

[Article by Lt. Commander (Dr.) Wodzimierz Korczynski: "Formation of Seamen's Attitudes"]

[Text] The essential purpose of instructional-upbringing activity conducted with ship's crews is the formation and strengthening of certain attitudes of the seamen. This is a difficult and responsible job, since both proper, desirable behavior during combat action as well as the future activity of seamen going into the reserves, depend on it.

The process of attitude formation, its course and results are to a great extent dependent on the conditions in which this formation takes place. We are speaking here especially of the relative stability of social influences. The more fixed or normalized they are, the more easily and quickly the effects of the instructional-upbringing activity become apparent. Variable and unstable conditions not only prolong this process, but also make necessary a more careful and accurate (with a lower tolerance for error) selection and application of the principles, forms and methods of action directed toward the goal.

This is precisely the kind of activity made necessary by the present socio-political situation in which the training of seamen is taking place, and various factors of which modify the behavior and form of the personality of young people.

Essence and Structure of Attitudes

Even a superficial analysis of the theory of attitudes encountered today in the sociological and psychological literature clearly reveals two basic positions.

One of them emphasizes the share of the so-called potential, internal factors, which are able to mobilize certain behavior and actions in a person. This group of theories includes: the concept of "dispositions," "readiness for action," "psychophysical mobilization" and the like. Their content, it will be remembered, consists of mechanisms capable of producing types of behavior which in actual practice must not be fully revealed because, for example, of unfavorable conditions. We can call these attitudes declarative (verbal) attitudes, which express desire rather than actual action.

According to the second concept, attitudes must always be revealed in practical action. Only then can we speak of an attitude which is "complete," "durable," etc.

Practice shows that the best solution is a linking or joint use of the basic features emphasized in these concepts to describe attitudes. We may then accept that attitudes are mechanisms which regulate human behavior, and which have a clearly defined object toward which definite reactions are exhibited. These reactions can be of a cognitive, emotional or behavioral nature (the stock of definite actions). In other words, attitudes have three basic components: a definite cognitive relation (knowledge, convictions, dispositions, opinions and the like), certain comparatively constant emotional states (which attract or draw one near to the object of the attitude, or which repel or drive one away from it), as well as certain kinds of behavior (the way in which it is manifested, forms of reaction in contact with the given attitude).

The attitude not only organizes, but also directs the behavior and actions of seamen.

Measurement and Value of an Attitude

To be able to change or form a certain attitude in a seamen, one must first of all determine the practical possibilities of this. That means measuring and determining the value of attitudes already formed, or the level (intensity) of the components of the attitude which is the object of our operations directed at influencing it.

Measuring attitudes is not a simple task, for attitudes are difficult to pin down for direct observation. What we usually determine constitutes most often the external manifestation of types of behavior which are the visible sign (indicator) of a given attitude. This indicator can be manifested verbally: expression of agreement (disagreement), acceptance (rejection), etc., toward the given object or phenomenon; it can also be non-verbal: manifestation of active signs of interest, manipulation or hostility, e.g. an attack, destruction of the object of the given attitude, and in social interactions - fairly frequent instances of "discussions" with people who accept and manifest attitudes which are alien to the attacking group or individual.

According to previously accepted determinations, attitude has a strong link with action. We can say that the stronger the attitude, the more often we observe activeness on the part of seamen toward its object. They speak of it more willingly, they want to acquire it, to participate in activity connected with it, or in the case of a negative attitude toward a given object, they avoid it.

An attitude which does not manifest itself in definite action is generally weak, unsteady and susceptible to the influence of other, stronger, more fixed attitudes. We can express the link with action as follows: attitudes always lead to certain actions, which in turn confirm the given type of attitude.

In upbringing practice we can occasionally observe the phenomenon of an inconsistency between already identified (established) attitudes and the behavior of seamen in certain situations. The causes of this phenomenon are most often:

1. The weakness (unsteadiness) of a given attitude, its incomplete formation. We are speaking, then, of a partial attitude.
2. Inaccuracy in determining the range, the degree (level) of "generality" of the attitude. For example, the attitude of a young seaman toward the duty of military service is manifested in one way, while that of a seaman who has had long service is manifested in a different way. Therefore, other indicators must be accepted for describing the attitudes mentioned above. This requires good preparation and long teaching experience.
3. The difficulty of measuring and interpreting a given attitude. There are no constant standards for attitudes, e.g., a standard of a friendly attitude, of the attitude of a model seaman, etc. It should also be remembered that even those standards which we accept in this type of situation always have a certain measurement in space and time (they can refer, for example, to a given ship, group of ships, to a given list of seamen, etc.).
4. A conflict of attitudes observed in a given seaman (in his personality). It happens that in certain situations, in concrete actions, in carrying out assignments, dominant attitudes exert the strongest influence.
5. An environmental conflict of attitudes. We sometimes observe that under the pressure of a given social environment certain attitudes are repressed. Usually we see such behavior in a so-called situation of exposure (submitting oneself to the criticism of one's peers or another social group); the behavior is then in accordance with the expectations of the group or institution (determinations, prohibitions and the like).
6. A conflict between attitudes and strong needs. For example, a very strong need of hunger can overcome an attitude of honesty, and incline one to an act inconsistent with the attitude formed: stealing, or tolerance of such behavior among members of the group who are in a situation similar to that of the evaluating seaman, and the like.

Proper evaluation of attitudes, skill in distinguishing durable attitudes from behavior of the moment is a tremendously important element of upbringing activity. Improper behavior (conduct) of the upbringing can be counterproductive. Severe punishment of, for example, sporadic, one-time manifestations of improper behavior not only does not change the manner of behavior, but also weakens the attitude which, being not fully formed, exerted little influence on behavior in the given situation. Thus, instead of changing behavior and strengthening the desired attitude, it does not change behavior and tears down that which we are trying to build up, namely the attitude which we are trying to strengthen.

Change in Attitudes

The formation of seamen's attitudes (their personality) is not an abstract, isolated process. Upbringing activity must take into account all the factors accompanying the process under discussion. Among the most important indications in this area are:

- 1) The greatest influence on the form of attitudes is exerted by the social environment (crews, military units and the like). Thus the process of formation of attitudes and their change can not be reduced to some sort of isolated actions such as an "upbringing lesson," after the end of which everyone can do what he likes. To permanently change seamen's attitudes, one must modify their environment in such a way that the given attitude can be fully developed and realized.
- 2) Analysis of the opportunities for developing attitudes must be linked with the establishment of measurement and control systems. Various cells in the functional upbringing system in the given unit (on the given ship) must take part in this activity. We are speaking here not only of direct upbringing actions for control, but also of corrective, indirect action: on groups of seamen (crews), the system and organization of ship life, military activities, etc.
- 3) Control of attitudes, and the analysis of the results of that control, must be taken together with the analysis of the transformations in social, socio-political, demographic and other conditions, not only in a given, sometimes relatively limited, social group, but also of changes on the macro scale (in society as a whole). In spite of the relative isolation of the military as an institution, external influences in various forms are reflected in the attitudes of seamen.
- 4) The most willingly applied methods for changing attitudes are direct methods. When acting directly, it must be remembered that the best results in the process of changing attitudes are yielded by influence directed at all three components: at the emotions, the cognitive stratum and the ways of reacting (modeling of experience) toward the object of the given attitude. Unilateral attempts to change attitudes do not yield the intended results, even given a desire to change them completely. They are distinguished by a certain degree of effectiveness only when weaker, threatened elements of an attitude are strengthened. Thus they can serve to consolidate already formed attitudes.
- 5) Acting on the cognitive sphere, attempts to change knowledge, the range of information, must be carried out while preserving the essentials of correct propaganda (information) action. The content of information (argumentation) is just as essential as the channel or means by which it is transmitted (reliability of the source, the form in which the content is given, etc.).
- 6) The emotional element is a very sensitive regulator of the attitude. Neglecting previous conditioning of emotions, their form, their significance in the confirmed experiences of seamen can even at the outset cancel the effectiveness of planned upbringing action and evoke a "defensive," "counter-," or similar attitude (behavior).

7) The behavioral component is confirmed and changes only through direct action. Attitudes of seamen are "realized" in practical action. Activity confirms and to a certain extent cements the two above-mentioned attitude components. However, the conditions and organizations in which these actions take place, and the course of these actions, are also important.

The observations presented above are given in a relatively condensed form. Each of them could constitute the thesis of a separate discussion. They merely indicate the basic direction of instructional-upbringing operations aimed at changing the attitudes of seamen. Use of the means presented, even in this general form, should bring results in upbringing significantly more effective than those met with fairly often and already criticized by the content of the article, which are based on costly, and sometimes dangerous, actions by "trial and error" methods.

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9970

CSO: 2600/61

DEROGATORY STORIES ABOUT ZOMO FORCES DENIED

Wroclaw GAZETA ROBOTNICZA in Polis 18 Oct 82 p 3

[Article by (rk): "What Are the Boys from ZOMO Like?"]

[Text] The "Zomowcy" [members of ZOMO (Motorized Reserve of Citizens' Militia)]. This sobriquet, and perhaps even label, has stuck to ZOMO personnel even though the unit in which they serve has currently been renamed Mobile Regiment of the Voivodship Command of the Citizens' Militia. Who are these young men from Ks. Witold Street in Wroclaw?

When they go out on duty, their thoughts are with their families. For what else than one's parents, wife, children can one think of after 185 days of quartering in barracks?

It is hardly surprising that a section of the public regards them as a coherent, well-shod nightstick-wielding phalanx, because that is usually how they look during street disturbances. And yet, the boys from ZOMO cannot be considered a faceless crowd. Although they conceal their faces behind plastic shields and face-guards, and sometimes they can hardly be seen behind teargas smoke, this does not at all mean that none of them is an individual.

They uncovered their faces during an encounter with representatives of the Wroclaw press, radio and television. They answered the questions of the journalists fluently and wittily, because nearly all of them had their intellectual level determined by school graduation certificates even before their enlistment in the militia. The conversations were attended by: Boguslaw Wieczorek, PZPR Voivodship Committee secretary; Danuta Wielebinska; and Col (Dr) Zdzislaw Biernaczyk, commander of the Voivodship Committee of the Citizens' Militia.

From the very first moments of the meeting it could be seen that the boys from ZOMO do not often have the opportunity to meet with the authorities. Thus almost from the outset they asked the representatives of the authorities numerous questions. The reader will certainly be surprised to learn that the problems and concerns of the "Zomowcy" are the same as those of the greater part of the public, which is suffering the consequences of the [economic] crisis. Unfortunately, for the time being, these problems are not soluble, even if they are the problems of militia personnel who seem to quite a few people to have considerable privileges.

One young man about 20 years old declared: "Unfortunately, we cannot buy a washing machine, because loans for such purposes are available only to "MM" [newlyweds]-- unless I marry a fellow militiaman...."

He came to the meeting with journalists wearing just-barely smooth trousers which he had himself pressed under a mattress, because pressing irons are not available in stores....

The "Zomowcy" requested that not too much should be written about their day-by-day problems and the psychological suffering of their wives, because hardly anyone would believe it.... But this journalist cannot resist trying to dispel the "legend" about the ZOMO.

Their families do not have coupons for cars and household appliances. Apartments of their own remain a dream to them, like to most other citizens. They are not provided with stores at which non-rationed food can be bought, and they have to move out from the homes they rent because their landlords do not like their presence. The wives of the "Zomowcy" bear the sobriquet of "milicjantowe" [militamen's wives].

If some reader believes what was written above, he might ask why is it then that they serve the authorities for such miserly remuneration?

It is difficult to answer this question, the more so as they were not lured by any special perks to enlist in the mobile regiment. But in order to answer it, one has to understand the young people from ZOMO. The lifestyle of a certain part of the youth which shirks hard work and keeps its hands unspotted by work does not suit them. They prefer to perform responsible tasks ambitiously, as should every young person, because only then he can demonstrate his usefulness to society. They prefer to be the descendants of the brave rather than those of rioters. And as a result they are exposed to insults and the psychological isolation of their families.

One young man said: "It happens, and I heard it myself, that mothers scare their misbehaving children with the 'Zomowcy' instead of the Wicked Witch. I would like to know whom would they turn to for help if, right afterward, their naughty darlings were to disappear....?"

Well, such is this hazardous and hard work for 12,000 [zlotys] monthly. Is it much or little? At any rate, it is not the money and not the privileges, which they do not have, that link them to ZOMO. They know that their work is not popular, but they also know that it serves to safeguard the state--that highest good of us all.

1386

CSO: 2600/63

'RFE' COMMENTS ON WRITERS UNION SCORED

Bucharest LUCEAFARUL in Romanian 16 Oct 82 p 7

[Article by Dan Zamfirescu]

[Text] For a while now the concern which Radio Free Europe has been displaying for the literary scene in Romania has provided an almost touching spectacle. A specialized team, with the Virgil Ierunca-Monica Lovinescu couple shining at the front, "participates" with greater passion than do the Dimbovita people themselves in all the council meetings of the Union, pities some, blasts others, gives ideas, rates, classifies the people according to its own criteria, is a subscriber to all the literary reviews, comments on, censors, and carefully shuns what it dislikes. At first sight one might say that it is a matter of a simple obsession of some failures, who have found a way of existence and who, losing their sense of the ridiculous and reserve (I do not believe that another woman was in Monica Lovinescu's position of glorifying Ion Caraion, after all the bedroom stories of the distinguished lady had appeared in the inimitable writing of the above-mentioned person!) continue with their fixations. Actually, their personal rabidness is ably employed for the same major goal, which is the tactic of destabilization, of creating the greatest possible confusion in our culture. Their usefulness makes them invulnerable to any blunder, to any meanness, to anything that would make anyone burn with shame. But shame and intellectual honesty are left outside the door to this radio station.

Lately RFE has been terribly sad! Scandal repercussions no longer reach its ear, it no longer perceives the voice of some rhetors of meetings, it can no longer point a finger at writers in Romania, alerted, in internecine fighting for the whims of some inveterates in such pursuits since the time of the notorious "June nights" of yore. RFE has nostalgia for the "June nights," nostalgia of proletcultism. It sees in the disappearance of these sequels of dogmatism in the life of the Writers' Union some kind of diabolic machinations without assuming for a moment that it was not difficult to foresee that a writer from an antidogmatic generation, not having time to waste on scandals, because he needs it for writing, was bound to set an "antimeetingmania" style also for the institution which he is now presiding. Scandal was eliminated from the Writers' Union, without great efforts, but with great attitude consistency. Therefore, for the Ieruncas nothing has remained but to comment on the journals (where there is a hunt for any sign that is favorable for their expectations!) and hungrily collect worthless gossips that reached the banks of the Seine through all kinds of "voluntary correspondents." But the merchandise is rather scant and that is why Mrs. Lovinescu keeps repeating beyond

saturation Some sentences on what she believes that it is our literary life. Let her keep them! If we deprive her of these too, she will be unemployed! Because a station concerned only with the harm one can cause to Romania and its people does not pay only for "theses and antitheses in Paris..."

RFE always has selected its workers according to their level of harmfulness. Hence, Jean Popper, who left in the 1950s Romania the memory of his gloomy proletcultism, settled, taking off from the GAZETA LITERARA office, directly in the anticommunist and anti-Romanian editorial office of RFE. He was a trail blazer. Here, legal status is for the first time given to the ideological marriage of proletcultism, which is anti-Lovinescian by definition, represented by Jean Popper on behalf of his colleagues who stayed in Bucharest, with the esthetic autonomism, Lovinescian by definition, represented by Eugen Lovinescu's daughter on behalf of esthetizants who stayed home. The common trait of the two marrieds was the easiness with which they left their country and the promptness with which they accepted pay from enemies of Romania. Godfathers of this monstrous combination were Noel Bernard and RFE. Facts showed us that both the radio station involved and Eugen Lovinescu's daughter are capable of any mesalliances as, moreover, turncoat Caraion wrote. The situation of a daughter that while claiming that she defends the harmed memory of her prestigious father actually collaborates with his structural opponents or praises them is pitiful. But the pursuit chosen by Eugen Lovinescu's daughter does not permit her selection: because of her role at RFE she must ally herself to anyone who insults the country, regardless of the fact that he also insulted her father. Eugen Lovinescu's daughter is compelled by her position of paid rhetor to collaborate even with her denigrators.

The point reached by RFE, in the situation of semi-unemployment, as to literary activity, is tragically demonstrated by the career of the latest recruits: Ion Caraion, who was quickly removed from the foreground, for reasons that are known, and Vasile Manuceanu.

To go from Caraion to Manuceanu means one really is in dire straits! This untalented "writer for children" who is quasi-unknown to his colleagues and general public, but who now has become a star at RFE, tortured, in Romania, the editors assigned to edit his boring books and his workmates, in the radio network, where he worked for a long time due to totally extraliterary qualities. When his "glory" days ended for him, like for many others, Vasile Manuceanu followed the path taken by his daughter, who was swifter of foot, and settled in West Germany, where it seems there no longer are so many streets paved with gold. Money troubles or some carefully accumulated hatred, in gratitude for the years when he could be what he was in Romania, or both, suddenly projected him into the posture of prosecutor of social, economic, and literary realities in this country, modulating his voice according to the baton of old-time prosecutor Emil Georgescu. He provides a distressing spectacle, whose end we foresee, because of lack of drive and complete lack of consistency of the personage.

However, recently Vasile Manuceanu changed the distressing spectacle into the most ridiculous one when announcing his bombshell broadcast entitled "Security and Romanian Writers" (or something like that) to afterwards give us the capital revelation that...Traian Iancu, the director of the Literary Fund, is neither more nor less than...a security colonel. The proof? He yells at writers, treats his subordinates roughly, persecutes the writers who are not at the "top" and favors the executives in the Writers' Union. Vasile Manuceanu -- and this fact does not surprise us, you

will see why -- does not notice any contradiction in his accusations. Should the "top people" in the hierarchy of the Writers' Union (for instance, noted members of the former council, who were very active at its meetings and therefore praised by RFE) be the favorites of the above state body? However, it is certain that the last recruit of Eugen Lovinescu's offspring is not very well informed about happenings in the last 4 years at the Writers' Union from whom he received a pension. But nothing is surprising from broadcasts where obscene publicists and involuted proletcultists are presented as great writers while the genuinely great writers from Arghezi to Ion Gheorghe are denigrated.

Such contradictory assessments can only occur in broadcasts of a radio station such as Free Europe. There is another question: what is Manuceanu actually hinting and what are his recent bosses pursuing by this furibund attack against the director of the Literary Fund.

It is not difficult to guess, especially if we recall a particular period when, under the pretext of a more fair distribution of funds, Traian Iancu was almost completely deprived of the right of signature, transferred to some committees which were so "neutral" and "collegial" that they perfectly seconded a certain literary policy and systematically poured oil on the fire in the artificially maintained conflicts within the Union. The ones that toed the line enjoyed the committee's benevolence. Anyone who gave signs of independence, as was the case of poet Nichita Stanescu, was punished by the committee by refusal and called to order. RFE seems to have nostalgia for this course and also the thought of maneuvering these funds. It is rather much. It is understandable why E. Lovinescu's daughter and her cohorts prefer to concern themselves with Traian Iancu without uttering one word about these underground maneuvers. How, otherwise, can our attention be diverted from the unusual sums collected by Ion Caraion through this committee or through the Cartea Romaneasca Publishing House?

Let us say it straightforwardly: picking on the director of the Literary Fund involves a man, undoubtedly not without flaws, but who has identified his existence with the material and professional interests of the trade. Vasile Manuceanu, unfortunately, knows it better than many among us and that is why his attack is odious, if it was not excusable because of the two hospitalizations in the mental institution (I hope that now he will not pose as a political victim!) with a diagnosis which embarrassment prevents us from making it public in the press. It is the diagnosis on whose basis he received a pension from the Writers' Union. But nothing prevents us from reminding Vasile Manuceanu that, every time, the person who did his utmost to ensure for him conditions of hospitalization and recovery and made full use of the right of granting sick allowances and later helped him to obtain pension from the Union was precisely Traian Iancu. Hence, from 1 July 1974 until June 1982 when he left this country, Vasile Manuceanu collected 171,000 lei in pension. Throughout this period on countless occasions he received loans even though he was not among those to which Traian Iancu "kowitzes." But it seems that, afar, Vasile Manuceanu only remembers Traian Iancu's verbal explosions, ignoring the deeper significance of the situation. The most difficult facet of the literary life is the one that bothers the nostalgics of the artificially maintained tensions, the proponents of the tactics of differential treatment. Were they the ones who suggested the topic to Vasile Manuceanu? Or is it his specific form of gratitude to the people who helped him? Anyway, the career started at RFE attests his pensioning certificate.

DECREE ON BORDER CROSSING CONTROL SYSTEM

Bucharest BULETINUL OFICIAL in Romanian Part I No 98 2 Nov 82 pp 1-5

[Council of State Decree regarding controlling the crossing of the Romanian state border]

[Text] The Council of State of the Socialist Republic of Romania decrees:

Chapter I

General Provisions

Article 1. - The crossing of the state border by persons, means of transportation, products and other goods is done through border crossing control points, hereafter called control points in this decree.

Article 2. - The Romanian state border crossing control points are:

a) Highways: Albita, Vaslui County; Bors, Bihor County; Calafat, Dolj County; Giurgiu, Giurgiu County; Halmeu, Satu Mare County; Jimbolia, Timis County; Naidas, Caras-Severin County; Nadlac, Arad County; Negru Voda, Constanta County; Ostrov, Constanta County; Petea, Satu Mare County; Portile de Fier; Mehedinti County; Siret, Suceava County; Stamora-Moravita, Timis County; Vama Veche, Constanta County; Varsand, Arad County;

b) Railways: Calafat, Dolj County; Carei, Satu Mare County; Cimpulung la Tisa, Maramures County; Curtici, Arad County; Episcopia Bihor; Bihor County; Falciu, Vaslui County; Galati, Galati County; Giurgiu, Giurgiu County; Halmeu, Satu Mare County; Iasi, Iasi County; Jimbolia, Timis County; Negru Voda, Constanta County; Salonta, Bihor County; Stamora-Moravita, Timis County; Valea lui Mihai, Bihor County; Valea Visului, Maramures County; Vicsani, Suceava County;

c) Ports: Braila, Braila County; Calafat, Dolj County; Cernavoda, Constanta County; Constanta, Constanta County; Corabia, Olt County; Drobeta-Turnu Severin, Mehedinti County; Galati, Galati County; Giurgiu, Giurgiu County; Moldova Veche, Caras-Severin County; Orsova, Mehedinti County; Sulina, Tulcea County; Tulcea, Tulcea County; Turnu Magurele, Teleorman County; Zimnicea, Teleorman County;

d) Airports: Arad, Arad County; Bucharest-Otopeni; Constanta-Mihai Kogalniceanu, Constanta County; Oradea, Bihor County; Timisoara, Timis County.

The crossing of the Romanian state border by travellers is permitted only at the following highway, railroad, port and airport control points: Albita, Arad, Bors, Braila, Bucharest-Otopeni, Calafat, Constanta, Constanta-Mihail Kogalniceanu, Curtici, Drobeta-Turnu Severin, Episcopia Bihor, Galati, Giurgiu, Iasi, Jimbolia, Naidas, Nadlac, Negru Voda, Oradea, Orsova, Ostrov, Petea, Portile de Fier, Salonta, Siret, Stamora-Moravita, Timisoara, Tulcea, Valea lui Mihai, Vama Veche, Varsand, Vicsani.

Article 3. - The opening of new control points or the temporary or definitive closing of existing ones is approved by Council of State decree.

Article 4. - The Ministry of Agriculture and the Food Industry, together with the Ministry of Transportation and Telecommunications, can establish for animal traffic and animal and vegetable products the crossing of the border only through certain control points of those listed in Article 2, depending upon the volume of the traffic, the epizootic and epiphytic situation and the health-veterinary and phyto-health agreements concluded with other countries.

Article 5. - In control points, there is organized and carried out the control of persons, the means of transportation, products and other goods that come into or go out of the country. The crossing of the Romanian state border is permitted only under the conditions established by legal provisions.

Activities in control points are carried out without interruptions.

Chapter II

The Organization and Operation of Control Points

Article 6. - Control points are organized by the Ministry of the Interior in cooperation with the Ministry of National Defense, the Ministry of Foreign Trade and International Economic Cooperation, the Ministry of Transportation and Telecommunications, the Ministry of Health, the Ministry of Agriculture and the Food Industry, the Ministry of Tourism, the Committee for the Problems of the People's Councils and the Department of Civil Aviation.

Article 7. - The Ministry of the Interior, the Ministry of National Defense, the Ministry of Foreign Trade and International Economic Cooperation, the Ministry of Transportation and Telecommunications, the Ministry of Health, the Ministry of Agriculture and the Food Industry, the Ministry of Tourism and the Department of Civil Aviation establish the tasks for their subordinate personnel located at the control points; they cooperate and are responsible for fulfilling their attributes, according to law, regarding the movement of travellers, products and other goods under good conditions, the respect for the border system and the provision of security for the state borders in the control points; in accordance with legal norms, they ensure the staffing of the control points with qualified personnel who understand, as much as possible, a common international language.

Article 8. - The chief of the control point is an officer of the Ministry of the Interior. This officer coordinates, controls and is responsible for all activities in the control point with regards to the proper movement of international traffic and serving travellers in accordance with legal provisions.

The chief of the control point can take appropriate legal measures on-the-scene so that control point personnel correctly carry out their service duties, informing the appropriate organs about these measures.

Article 9. - The border crossing control is carried out by teams made up of officers or sub-officers of the Ministry of the Interior and customs personnel who, normally, work together.

In port control points, the representative of the harbor master's office is part of the control team. On cargo ships, in addition to the control team the representatives of the shipping agency also have access to the ship, while those ships that carry tourists the representatives of the Ministry of Tourism have access.

In airport control points, a representative of the Romanian air transport company also is part of the control team.

The chief of the control team is an officer or a sub-officer who belongs to the Ministry of the Interior.

Article 10. - In carrying out border crossing control, the supervision of the means of transportation and the guarding of ships tied up in ports, drafted military border guards are also used from the subunits attached to the control points by the Ministry of National Defense.

Chapter III

Carrying Out the Control for Crossing the Romanian State Border

Article 11. - The control of passports and other documents for crossing the Romanian state border is done by the officers and sub-officers of the Ministry of the Interior in the control teams.

The chief of the control point organizes the activity of issuing visas and extending visas, in accordance with legal provisions.

The control of passports or other documents for crossing the border is carried out in compartments in railroad cars, at highway vehicles, at control booths in airports, at the ship's gangplank, aboard the ship or in the vicinity of the control points.

In cases where it is necessary to clarify certain situations regarding the crossing of the border, passports or other border crossing documents can be retained by the control team chief. The resolution of these cases is done with a maximum of urgency.

The chief of the control point can interrupt the travel of persons in cases where he finds that the requirements outlined by law for crossing the Romanian state border have not been met.

Article 12. - The customs control of baggage, other goods found on persons, goods and the interior and exterior of the means of transportation is carried out by the customs personnel in the control teams according to the legal regulations regarding the customs system.

Article 13. - The personal health control is carried out in accordance with legal regulations by the medical personnel named by the Ministry of Health, under the guidance and control of the Central State Health Inspectorate in the Ministry of Health.

The health-veterinary and phyto-health control are carried out by personnel named by the Ministry of Agriculture and the Food Industry in accordance with legal regulations.

Article 14. - The measures regarding the sanitary protection of the state border are applied, according to legal regulations, to all persons, means of transportation, products and other goods, regardless of their origin and destination. Persons who do not submit to these measures are prohibited from crossing the border.

In the case of diseases that require quarantine measures, in situations where they are not postponed, the Ministry of Health takes the first measures to prevent and combat the diseases and immediately notifies the Ministry of Agriculture and the Food Industry, the Ministry of Foreign Trade and International Economic Cooperation, the Ministry of Transportation and Telecommunications, the Ministry of the Interior, the Ministry of National Defense, the Ministry of Foreign Affairs and the Department of Civil Aviation.

Article 15. - The control of ships and aircraft crossing the border begins with the personal health control.

The personal health control of persons in trains and highway vehicles is done concomitantly with the control of border crossing documents and the customs control.

Article 16. - In carrying out the health-veterinary and phyto-health control, the specialists of the Ministry of Agriculture and the Food Industry can work, as the case may be, together with the control team.

Depending upon the epizootic and epiphytic situation, the Ministry of Agriculture and the Food Industry can prohibit animal traffic, as well as animal and vegetable products, from crossing the state border, notifying the interested central organs about this situation.

Article 17. - The temporary crossing of the state border of hunting weapons, target shooting weapons and munitions for them, as well as panoply weapons, belonging to natural persons is permitted under conditions established by law only if these weapons and munitions are recorded on the state border crossing documents by the organs that issued them or granted the Romanian visa or by the control point organs, as the case may be.

When the traveler does not accept recording the weapons and munitions listed in paragraph one in the border crossing documents, they are retained by the customs organs. If the traveler does not agree with the retention of the weapons and munitions, he is not permitted to cross the border.

Travellers who come to the Socialist Republic of Romania and have weapons and munitions, other than those listed in paragraph one, are required to turn over these weapons and munitions to the customs organs. These persons are permitted to cross the state border with the approval of the Directorate for Passports, Foreigners' Records and Border Crossing Control.

Those weapons and munitions that are retained are sealed in the presence of their owner, the owner is given a receipt for them and they are turned over to the organ of the Ministry of the Interior in the control point. The weapons and munitions are returned to the owner upon his departure from the country, retaining the receipt that had been issued.

Article 18. - Hunting weapons, target shooting weapons and munitions for them, as well as panoply weapons, found on travellers transiting the Socialist Republic of Romania, which are declared, are sealed upon the person's entry into the country by the customs personnel in the presence of the control team chief and the owner. When the weapons and munitions that are declared are not recorded in the Romanian state border crossing documents, the control team chief records in these documents the type, make, serial number and category of these items.

During the transit of the Socialist Republic of Romania, the traveller is prohibited from transferring these weapons and munitions or breaking the seals that were applied.

Upon leaving the country, a check is made to verify the integrity and authenticity of the seals that were applied and of the data about the weapons and munitions correspond to that recorded in the state border crossing documents. If the seals are not intact or if the data do not correspond with that recorded in the state border crossing documents or the weapons and munitions were transferred, completely or partially, to another party, the traveller is permitted to cross the border only with the approval of the Directorate for Passports, Foreigners' Records and Border Crossing Control of the Ministry of the Interior.

Persons who have weapons and munitions other than those outlined in paragraph one are not permitted to transit through the Socialist Republic of Romania. The

prohibition of transiting is also applied to those persons who do not accept the recording of these items in border crossing documents and the sealing of the weapons and munitions listed in paragraph one.

The transiting through the Socialist Republic of Romania of hunting or sport weapons and the appropriate munitions belonging to certain foreign legal entities is done with the approval of the Ministry of the Interior, upon request to the interested institutions.

Article 19. - The weapons and munitions listed in Article 17 that are not declared, as well as other weapons or munitions that are discovered during the border crossing control, are retained for confiscation and turned over with a report to the county inspectorate of the Ministry of the Interior in the area where the control point is located. The chief of the control point permits the continued travel of those persons upon which weapons or munitions were found for confiscation, with notification to the Ministry of the Interior.

Article 20. - The provisions in Articles 17, 18 and 19 are also appropriately applied in the case of gunpowder or grains or other explosive substances, as well as devices loaded with toxic or radioactive substances, found on persons who cross the Romanian state border.

Article 21. - The control of automobiles, buses, motor coaches, tractor-trailers and other means of highway transport which come into or leave the country is carried out at highway control points.

Article 22. - The border crossing control of trains is carried out in border stations or while moving between border stations and an interior station.

For the control when departing the country through the railroad control points, travellers can be given control forms which are collected at the border stations prior to the departure of the train.

Article 23. - The border crossing control of ships that enter or depart Romanian ports on foreign travels is carried out at port control points.

The border crossing control for ships that are to stop in Romanian ports located on the Danube, where control points do not operate, is carried out in the first Romanian port located upstream or downstream from this port where a control point operates.

The border crossing control of those ships under foreign flags that navigate in the maritime sector of the Danube, between the ports of Sulina and Braila, is carried out in the port of Sulina, upon entry, and in one of the ports at Braila, Galati, Tulcea or Sulina upon departure, if the ship is leaving directly on a foreign trip from these ports.

Upon the arrival of maritime ships in the ports of Tulcea, Galati or Braila, permits to disembark are issued on the basis of the crew list that has been approved upon arrival at the port of Sulina.

The border crossing control is carried out on all ships that navigate through the port of Sulina heading for the ports of Reni or Ismail. There is no control on Romanian and foreign ships that come from these ports and do not stop in a Romanian port, as well as cargo and passenger ships under the Romanian flag that travel between the ports of Constanta-Sulina-Galati and Braila upon their entry and departure through the maritime sector of the Danube River.

Ships under foreign flags that navigate on the interior Danube River are controlled, upon entry, in the first port in which they stop, and in the last port they depart when leaving.

Ships under foreign flags that transit along the interior Danube River without stopping are not subject to control, with the exception of those cases where there is a violation of the border system.

Article 24. - In cases where a ship in the port's roadstead runs aground or a fire breaks out on board the ship, rescue ships can go out into the roadstead to give assistance without going through a border crossing control. These situations are reported to the chief of the control point by the harbor master's office.

When a fire breaks out in the port that threatens the safety of ships, the ships are permitted to depart the port for the roadstead without going through a border crossing control.

Article 25. - The border crossing control of sailors is carried out by comparing the seamen's cards with the crew list that is presented by the ship's captain.

Foreign sailors can disembark on the basis of permits issued for this purpose by the chief of the control point.

The control of the ship itself and the identification of the sailors at their posts are done by the control team and a patrol made up of drafted military border guards.

In the case of Romanian cargo ships which, for justified reasons, are required to anchor in the port's roadstead, permission to disembark is given by the chief of the control point. In this case, control of the ship is carried out after it enters the port, while the control of the seamen's cards is done when they come ashore.

If there are indications that an infraction has been committed, a new control can be carried out on the persons on board the ship, as well as on the ship itself. The hierarchically superior organs will be immediately informed of the results of the control.

Article 26. - The crews on ships located in the port's roadstead that were not subjected to a border crossing control upon their arrival can be given medical assistance, with a doctor having access to the ship, upon the request of the ship's captain and with the approval of the control point chief.

On the basis of a notification to the appropriate medical organs, foreign sailors can come ashore for the purpose of being admitted to one of the hospitals in the port city with the approval of the chief of the control point and upon the request of the harbor master's office.

Article 27. - Foreign sailors on ships in one of the Romanian ports who are to travel in the interest of duty to another port or to another location in Romania in order to make contact with a diplomatic mission or a consular office of the country to which they belong, are given entry-departure visas upon request. The visa request is resolved through the shipping agency or through the navigation agency of the country to which the ship belongs or by the control point chief where such agencies do not exist. In the case of sailors travelling to other countries, a transit visa is issued.

The visas listed in paragraph one are not necessary in the case of sailors who are citizens of countries with which the Socialist Republic of Romania has concluded agreements regarding the discontinuation of the use of visas or the recognition of seamen's cards as international travel documents.

Article 28. - Foreign sailors left behind in the Socialist Republic of Romania after the departure of the ship will go to the navigation agency of their respective country to resolve their situation. If there is no navigation agency in that port, the chief of the control point can permit the sailor's departure from the country on other ships.

The transfer of sailors from the crew of a ship upon which they are listed as crewmembers to the crew of another foreign ship located in one of the Romanian ports is done by the harbor master's office or the navigation agency of the country to which the ship making the request belongs, with notification of the control point chief.

Article 29. - For passenger ships under Romanian and foreign flags, as well as passengers on cargo ships, which come into or depart the Socialist Republic of Romania, the border crossing control is carried out on the persons and the goods with which they embark or disembark.

It is permissible for foreign passengers to come ashore after obtaining a visa on the basis of the state border crossing document, with the exception of those citizens belong to countries with which the Socialist Republic of Romania has concluded agreements concerning the discontinuation of visas.

Article 30. - Access to ships for the family members of foreign sailors serving on ships located in Romanian ports or which navigate between the ports of

Constanta-Sulina and Moldova Veche can be done, after carrying out a customs control, on the basis of passports or other border crossing documents, upon the request of the ship's captain and the with notification of the control point chief. Family members are subject to a control under the same conditions as the sailors on the ship.

Article 31. - In airports, the border crossing control is done upon the arrival and departure of aircraft on international routes.

If aircraft that fly international routes land because of force majeure at airports that do not handle international traffic, the border crossing control is done by the county inspectorates of the Ministry of the Interior.

When, because of force majeure, an aircraft cannot continue its flight and the passengers in transit have no other immediate connection, they are permitted, upon request, to have access to the city until the departure of the first aircraft or to transit the Socialist Republic of Romania using other means of transportation on the basis of a tourist visa issued by the control point or, as the case may be, by the county inspectorates of the Ministry of the Interior.

Article 32. - Foreigners who enter or leave the country are given an entry-departure form to be completed with the necessary data and then presented, together with the border crossing documents, to the control organs. The forms will also be completed by those persons who are in transit or who are citizens of countries with which the Socialist Republic of Romania has concluded agreements regarding the discontinuation of visas.

Article 33. - The state border crossing control is carried out according to the rules established in Annex No 1 (the Annex was forwarded to the interested institutions).

Article 34. - The resolution of certain unusual situations regarding crossing the border is carried out according to the rules established in Annex No 2 (the Annex was forwarded to the interested institutions).

Chapter IV

Final Provisions

Article 35. - The Ministry of Transportation and Telecommunications and, as the case may be, the Department of Civil Aviation, ensure the measures necessary for carrying out the activities in the control points according to Annex No 1.

Article 36. - The buildings in which the highway control points operate and the land surrounding these buildings are in the direct administration of the Ministry of the Interior.

Article 37. - Annexes No 1 and No 2 are an integral part of this decree.

Article 38. - Council of Ministers Decision No 602/1971 regarding the Romanian state border crossing control, as modified through the decisions of the Council of Ministers No 1144/1971, No 1441/1971, No 458/1972, No 464/1972, No 1442/1972, and No 1166/1973, as well as any other contrary provisions, are abrogated.

[Signed] Nicolae Ceausescu, president of the Socialist Republic of Romania

Bucharest, 1 November 1982

No 400

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REGULATIONS ON USE OF SULINA FREE PORT

Bucharest BULETINUL OFICIAL in Romanian Part I No 98 2 Nov 82

[Council of State decree for the approval of the regulation regarding the use of the Sulina free port]

[Text] The Council of State of the Socialist Republic of Romania decrees:

Sole Article. - The Regulation regarding the use of the Sulina free port is approved.

[Signed] Nicolae Ceausescu, president of the Socialist Republic of Romania

Bucharest, 1 November 1982
No 401

Regulation Regarding the Use of the Sulina Free Port

Chapter I

General Provisions

Article 1. - The administration and management of all activities in the Sulina free port are carried out by the Sulina Free Port Administration, a specialized foreign trade enterprise headquartered in the city of Sulina, Tulcea County which operates on the basis of worker self-management and economic-financial self-administration and is a legal entity, with this enterprise being the port authority for the Sulina free port.

The Sulina free port is located at the mouth of the branch of the Danube River with the same name where it flows into the Black Sea, with the geographic coordinates of 45'10" north latitude and 29'45" east longitude.

The Sulina free port is identified by a white lighthouse located on the eastern edge of the city of Sulina, visible between 8 and 166 degrees and with a height of 21.4 meters above sea level, with a light visible to a distance of 12 nautical miles.

Article 2. - In exercising the attributes outlined by law, the Sulina Free Port Administration carries out the following activities:

- a) the handling of goods: loading, unloading and transloading;
- b) the receiving, storage and turning over of goods;
- c) special services, such as: sorting, conditioning, packaging, selling and purchasing of goods, activities involving the technical supervision of ships, repairs, financial-banking operations, producing, processing, marking, exhibiting and testing goods, outfitting operations;
- d) the domestic and international forwarding of goods;
- e) the renting and use, on the basis of contracts, of port buildings, docks and other facilities in the Sulina free port to Romanian and foreign partners for the purpose of storing goods, as well as open spaces slated for the construction of economic projects;
- f) the entry and removal of ships, with or without their own propulsion systems, into and out of the basin using tugs or motorboats; the maneuvering, tying up and untying of ships;
- g) the reception of ships in the basin for wintering over;
- h) the control of goods from a quantitative and qualitative point of view;
- i) the representation and supplying of ships;
- j) ship salvage work;
- k) other services specific to free ports and zones.

Article 3. - The use of docks, land areas, the basin, installations, warehouses and buildings in the port is accomplished through the Sulina Free Port Administration.

Article 4. - For those ships that transit the Sulina canal and that do not carry out operations in the Sulina free port, the Sulina Free Port Administration [SFPA] provides, upon request, representation and supplies for these ships.

Article 5. - In the area of the Sulina free port, as well as onboard those ships that anchor in this area, the following have access on the basis of permits issued by the SFPA:

- a) workers employed by the SFPA;
- b) personnel from other enterprises and institutes that take part in the activities that are carried out in the Sulina free port;

c) personnel who travel in the interest of their jobs into the Sulina free port on behalf of Romanian and foreign companies, enterprises and institutions. The access permits for these persons will be issued for a limited period of time and only for the required areas.

Chapter II

Access to Ships in the Basin and to the Docks in the Sulina Free Port

Article 6. - The entrance, departure and maneuvering of ships in the basin or the tying up at docks, piers, ways and natural banks in the Sulina free port for the loading and unloading of goods, anchoring or other purposes are permitted on the basis of scheduling and in the order established by the SFPA.

The scheduling of the arrival of ships is normally done in the order of their arrival and by keeping in mind the capacities affected by the movement of goods for which the ship was chartered.

Entrance priority is given to those line ships which are loading or unloading perishable goods, live animals, barges, container ships, ships carrying vehicles, petroleum tankers, passenger ships and military ships. Similarly, maritime ships are given priority over river vessels.

In exceptional cases and for special economic interests, other priorities can also be given at the request of Romanian economic enterprises.

The costs stemming from providing priority entrance into the port are paid by the unit that made the request.

Article 7. - For the purpose of bringing ships into the Sulina free port, the captain, the outfitter or the chartering agency requests the approval of the SFPA, communicating the name of the ship, its flag and the operations that are to be carried out.

Article 8. - The entrance of ships and their maneuvering within the Sulina free port, as well as the tying up at the dock according to the schedule, are ensured by the piloting service on the basis of a docking permit issued by the harbor master's office of the Sulina free port, subordinate to the Inspectorate of Civil Navigation, after obtaining the approval of the SFPA.

Ship loading and unloading operations can be started only after completion of the phyto-health and veterinary control and the border control and obtaining the operations permit.

The time of arrival is that identified and recorded by the Sulina free port harbor master.

Article 9. - In cases where the safety of the ship or the crew is in danger, the Sulina free port harbor master, together with the SFPA, will permit the provisional tying up of the ship at the docks in the Sulina free port until the danger is over, with the ship's commercial operations being handled later in the established order and the appropriate dock.

Article 10. - The entrance into the Sulina free port of those ships which, during their voyage, had a navigational accident is permitted only after the submission of an expert's document by an expert named by the Sulina free port harbor master which shows that the ship does not represent a danger and can enter and tie up in the port.

Article 11. - Those ships that are loading goods will receive an authorization to tie up at an operational dock after the arrival in port of the full amount of goods, with the exception of those goods which, by their nature, cannot be stored in warehouses or on platforms.

Article 12. - Persons aboard a ship, with the exception of the pilots, cannot disembark or make contact with other persons ashore upon the arrival of the ship in port, except after the completion of the health and border control.

Article 13. - Upon the arrival of the ship in the Sulina free port, the captain notifies that the ship is available, which attests that the ship is ready for operations.

The ship is ready for operations when it has obtained the operations permit, it has all holds appropriately prepared to receive the goods for which it was chartered, the loading equipment is in good operating condition and within the parameters outlined in the chartering contract, it has the electric lights needed for working at night, and it has the crew necessary for carrying out the ship's operations during the loading or unloading of goods, under conditions of worker safety.

Article 14. - The acceptance of notification is done by the SFPA and the loader, or recipient or their representatives after the ship ties up at the dock where the handling of the goods for which the ship was chartered will be carried out and if the conditions listed in Article 13 are met.

The acceptance of the notification is done on the basis of the certificate issued by the Good Control Office which confirms that the ship is capable of being loaded, if it has a contract with the Goods Control Office.

In the event of a refusal of notification, the ship is required to carry out the maneuvers ordered by the SFPA for the purpose of leaving the dock and waiting until the required conditions are met for the acceptance of notification, with the ship paying these costs.

Article 15. - For notifications submitted and accepted up to 1200 hours the time established for loading-unloading operations is calculated from 1400 hours

of the same day, while for those notifications submitted and accepted after 1200 hours in the official hours of the work day, the time is calculated beginning with 0800 hours of the next day. On Saturdays and the days prior to a legal holiday, the time is calculated beginning with 0800 of the next work day. The time worked on legal holidays is not taken into consideration.

Article 16. - Upon the completion of loading-unloading operations, the ship's captain, the representative of the loader or the recipient of the goods, the ship's agent and the delegate from the Goods Control Office, in cases where there is a contract with this office, will complete and sign the documents regarding the operations on the ship, after which the ship's agent will summon the control organs to complete the formalities for departure.

The control organs are required to show up onboard the ship within 1 hour of being summoned.

After carrying out the control, the ship's agent will call for a pilot to carry out the departure maneuvers, with the ship being required to immediately depart the operational dock.

Article 17. - In cases where the ship does not leave the dock, the SPPA, together with the Sulina free port harbor master's office, will take measures to move the ship from the operational dock to a non-operational dock, a double dock or into the port's roadstead. The costs incurred by this movement will be paid by the ship.

Article 18. - The damages caused by the ship's fault in the case of refusing to leave an operational dock at the end of the departure control are paid for by the ship. The amount of the damages is established by the SPPA on the basis of findings made by the Sulina free port harbor master's office and the payments are made through the ship's agent.

Article 19. - The assistance of the pilot is required for the entry and departure of ships from the Sulina free port, as well as for any other maneuver carried out by the ship in the port or anchored in the roadstead. While the pilot is onboard, the captain will continue to be responsible for the ship's maneuvers and any damages that result from the maneuvers that are executed with the ship.

The fees established according to current regulations are charged for the piloting services.

Article 20. - The SPPA can order the movement of a ship from one dock to another in those cases required by the characteristics of the chartered ship and the nature and structure of the goods being worked, keeping in mind the loading-unloading capacities of the other means of transportation.

The costs of the additional movements made by the SPPA, with or without the approval of the chartering agency, will be paid by the person in the interest of which the movements were made.

Chapter III

The Receipt and Storage of Goods

Article 21. - The receipt of goods in storage areas and in warehouses is done only if these goods meet the conditions for conservation.

The goods presented for storage in the port's warehouses and storage areas must be well-packaged. The packaging must be solid and capable of preserving the quality of the goods and preventing degradation or waste over the period of different operations.

Goods that have deteriorated or those whose packaging is defective are received for storage only if the party placing it in storage declares in writing that he accepts the consequences of not meeting the conditions for conservation.

Upon request, the SFPA will make, for a fee, repairs to defective or deteriorated packaging.

Article 22. - In cases where during unloading it is observed that the packaging of a crate is defective or it is presumed that the contents are altered or opened, the SFPA can request that the crate be weighed and that eventually a determination of the contents be made in the presence of the depositor or his representative, as well as the ship's captain. The results of the determination are presented in a report. If the depositor or his representative refuse to participate in the unpacking of the crate, the SFPA can conduct the unpacking and weighing in the presence of the representative of the Sulina free port harbor master's office. The determinations made are presented in a report.

Article 23. - Approval for the storage of goods in the Sulina free port is obtained by fulfilling the following conditions:

a) in the case of goods that arrive by vehicle, approval for their storage is given on the basis of a written request completed by the party storing the goods using a standard form made available by the SFPA. The request will be accompanied by travel documents that are returned after comparison with the specifications in the request. Confirmation of the receipt of the goods is done on a copy of the request for storage, which is returned to the party asking for storage;

b) in the case of goods that arrive via water, those interested are required to present to the SFPA, within 6 hours of the beginning of cargo handling operations, two copies of the cargo manifest. The manifest must contain the exact specifications of all the goods that are to be unloaded, indicating the type of goods, the weight of the crates and their numbers and manufacture; together with the manifest, a list of goods that are to be unloaded is presented for each hold.

In the situations listed in letters a) and b), the type and weight of the goods are established on the basis of the manifest, invoices and other documents that the parties involved are required to present to the SFPA. The SFPA can verify the weight and contents of the crates.

Similarly, the SFPA can carry out, at cost, the weighing of goods at the request of the party requesting storage or of the recipient, as well as in cases of verifying the entries in the documents that have been presented in the case of claims.

Article 24. - The storage of goods is done with adherence to the following requirements:

a) goods are stored within the limits of available space and space capable of ensuring storage under good conditions, having been placed and handled according to the technical procedures established by the SFPA in accordance with the specific nature of each storage area and the type of goods, keeping in mind the following:

- the permissible tons/square-meter loading factor of the storage area and the location of this area with regards to the dock and wharf;
- the height for stacking types of goods and for the packaging, in accordance with the norms for worker safety;
- the danger of spontaneous combustion for the goods;
- the proper airing and conservation of the goods;
- the provision of the spaces needed for tying up the ships at the docks and wharfs;
- the provision of opportunities for operational handling;

b) dangerous or harmful goods can be stored only in certain indicated places and only within the limits of possibilities. If, on the basis of an incomplete or erroneous declaration made out by the party requesting storage on the storage request or on the manifest for goods to be stored in warehouses or storage areas, they were to claim other types of goods, which later were found to be in the dangerous goods category, the SFPA has the right to request their immediate removal or to remove them at cost and at the risk of the party asking for the storage;

c) goods are stored in the storage areas on the docks and wharfs at the distances established for each particular dock.

Goods are stored on land areas, in storage areas and in warehouses for the timeframes established in the contracts that have been concluded.

Upon the expiration of the timeframes established for storing the goods or in cases where the continued storage of these goods could cause harm to other goods, as well as port facilities, the SFPA can decide which measures should be taken, informing, at the same time, the party that requested the storage.

In cases where the party requesting storage does not adhere to the measures taken by the SFPA, it is also responsible for the damages caused by them to other goods or port facilities.

Article 25. - The storage areas and land areas can be used depending upon their space and the time upon the request of domestic and foreign users on the basis of an understanding between them and the SFPA, in accordance with the current norms and charges.

The roads and open spaces within these land areas and storage areas that are retained or occupied, which are necessary both for the handling and for the movement of goods within these areas, are considered to be a part of the areas that are rented.

The charges for using the roads between two or more land areas or storage areas that have been rented by various users will be proportionally discounted to the user parties.

Article 26. - Warehouse goods will not be stored in storage areas except at the written request of the party requesting storage. In these cases, the responsibility for these goods belongs to the party making the request.

Article 27. - In cases where other operations are necessary to conserve the goods, the SFPA can transport the goods from one place to another, informing the user or the representative of the user.

The costs involved in these operations are paid for by the user of the goods or his representative.

In order to conserve the goods stored in storage areas, the SFPA can proceed with covering these goods with tarps or plastic sheets within the limits of possibilities upon the request of the party requesting storage or his representative, with the appropriate costs being paid by this party.

Article 28. - The storage, movement or removal or any type of goods in the Sulina free port is done only with the prior authorization of the SFPA. The SFPA has the right to order the movement of goods when general interests require it, giving written notice to the owner of the goods 48 hours in advance.

The SFPA does not assume any responsibilities for deteriorations to goods stored in storage areas because of bad weather, even in cases where the goods were covered with tarps or plastic sheets. The party storing the goods has the right to request, whenever he feels it necessary, the movement of goods from storage areas into warehouses.

These requests will be honored within the limits of possibilities, with the charges for the warehousing and the handling costs being levied in accordance with the current rates.

Chapter IV

The Handling of Goods

Article 29. - The goods handling operations in the Sulina free port are permitted only by the SFPA.

The foreign trade enterprises and the international shipping companies for Romanian or foreign goods which have to carry out goods loading-unloading or storage operations in the Sulina free port are required to communicate in writing the amounts and types of goods at least 10 days prior to their arrival in order to receive clearance from the SFPA.

Article 30. - The SFPA is required to carry out the loading-unloading of ships with the timeframe standards for the port that have been established for a ship or a hold.

The setting of loading-unloading norms for the Sulina free port is done on the basis of the technical possibilities of the equipment located in the port or on the basis of certain agreements concluded between the SFPA and the user of the loading-unloading services.

The timeframe for loading or unloading a ship will not include: the time required for maneuvering the ship prior to bringing it up to the dock; the maneuvering of the ship so it can be worked at other docks; the opening and closing of holds; the removal of covers; the pressurization of winches; and the time for sorting goods.

The assignment and direction of work crews are done by the SFPA, keeping in mind the volume and urgency of the operations.

Article 31. - The loading-unloading operations on maritime and riverine ships are carried out on a permanent basis, day and night.

Article 32. - Handling operations are carried out on the basis of written orders according to the standardized form made available by the SFPA. The handling order on the standardized form will be obligatorily completed with the data indicated by the printed headings.

For riverine ships, the handling order is submitted at least 12 hours prior to the time indicated in the order for the start of operations. In the case of maritime ships, the handling order will also obligatorily show the idle time outlined in the shipping contract.

The ship's cargo-plan must be communicated to the SFPA at the latest by the start of the handling operations. If changes occur in the set cargo-plan during operations, they will be immediately communicated to the port organs.

In order to carry out the diverse handling operations within the Sulina free port, the order is submitted at least 12 hours prior to the hour indicated for the start of operations.

If the handling cannot take place because of the user's fault, he will pay for the costs incurred by the use of the work crews and the equipment that were assigned, in accordance with current charges.

In cases where the partners do not provide the conditions for carrying out the requested operations and do not ask for a cancellation of the handling order, the execution of the handling operations ceases after 3 hours from the time indicated in the order. The costs incurred during this waiting period are paid for by the partners according to the current rates.

The unloading of goods from riverine and maritime ships is done in the order in which the goods are found on the ship.

The separate unloading into storage spaces (storage areas or warehouses) according to dimensions or markings is done on the basis of a written order upon the request of the user, with the payment of the legal rates.

Article 33. - After carrying out the handling orders, the user units will confirm in writing that the operations were carried out, as follows:

a) within 12 hours for weighed goods or crates having a constant and equal weight;

b) within 24 hours for unweighed goods whose weight is determined from the manifest.

In cases where these timeframes are not adhered to, the SPPA issues the payment documents from its offices.

The cleaning of ships after unloading or prior to loading is not a part of the handling operations.

Article 34. - Goods are released upon the written request if the owner or a party empowered by the owner. The request to release goods is completed on the standardized form made available by the SPPA.

The party requesting the storage of goods is required to complete the transit declaration, providing the data listed in the standardized form.

Article 35. - The release of goods that have been stored is done as follows:

a) goods that have been stored can be removed totally or partially;

b) goods stored in sacks, barrels, baskets or another types of packaging can only be released in complete units. The removal of goods is done in the order in which they were placed in parcels, without selection.

In cases where there is need for the release of parcels to be done according to their position, make and number, by means of selection, the additional handling operations will be paid for according to the current rates;

c) if the goods are not removed by the party that stored them within the timeframe for which the warehouse space was rented, the goods are considered as being continued in storage, with the charges in effect being applied;

d) if the release operation cannot be begun or is interrupted by the goods' user or his representatives, the costs incurred during the waiting period for personnel and equipment will be paid by them according to the legal rates;

e) empty crates and damaged goods, as well as other items that are not submitted as goods, will be removed by the party requesting storage within 7 days, after which he will begin to pay for their storage.

Article 36. - In cases where the partners that have submitted the handling order do not make ships available for loading-unloading or do not make the goods available within the established timeframes, the costs for the waiting period or for the interruption in the workers' work will be paid for by these partners.

Article 37. - The SFPA is responsible for the storing in good condition those goods that are placed in warehouses and storage areas, guaranteeing losses and damages that occur. Similarly, the SFPA is responsible for the weight of the goods that are stored only if weighed them upon their storage in the warehouses or storage areas. Without this weighing process, the SFPA is responsible only for the number of parcels, bales, sacks or crates.

In cases where total losses or damages are found in the goods, the amount of the damages is calculated on the basis of the prices in the invoices or the documents that accompanied the goods. In cases where partial losses or damages are found, payment is made only for the appropriate value of the losses or depreciation of the goods.

The amount of the damages will not exceed:

a) the total value of the goods, if they were lost or depreciated completely;

b) the partial value of the goods, if a portion of the goods was lost or damaged.

The user will receive those goods that suffered partial damage in the state in which they were discovered upon the finding of the damages.

In all cases, the user is required to pay the established amount of money for the services rendered, on the basis of legal rates.

Article 38. - The SFPA is not responsible for:

a) damages stemming from situations of force majeure, which also includes cases of heavy icing, high temperatures and torrential rains, for those goods stored in storage areas;

b) losses and damages to goods stemming from a lack of, an insufficient amount of or a defective status in packaging if this was mentioned by the SFPA at the time of the request for storage;

c) losses and damages stemming from hidden aspects in the goods or packaging;

d) damages suffered by those goods which, because of their nature, are subject to the dangers of loss or deterioration, especially through spontaneous combustion, breakage, rust, spillage, drying and waste:

- for dangerous substances, such as sulphuric acid, that are explosive, nitric acid and other caustic products or products susceptible to spontaneous combustion;

- for the alteration of fruits, liquids and other goods that are subject to fermentation or rapid putrefaction or that suffer from heat or cold;

- for the rusting of metallic goods;

- for the spontaneous combustion of grains, coal and other goods in this category;

e) damages stemming from the fact that the goods cannot be stored due to a lack of space in warehouses;

f) damages stemming from the fact that the packaged goods do not correspond to that recorded in documentation;

g) losses in weight due to the nature of the substances, if they do not go beyond the following limits:

- 3 percent of the total weight of the following items: minerals, fertilizers, phosphates and coal;

- 1.5 percent of the total weight for liquid and wet items, as well as the following dry items: graphite, cement, wood, fruit, tobacco, skins, wool, dry fish and matches;

- 1 percent of the weight for all other dry goods.

In cases where a number of goods are stored, the listed limits are calculated for each particular parcel if the weight was specified upon receipt in the storage request separately for each parcel.

In cases of a total loss of the goods, the coefficient used for the loss in weight because of storage is not taken into consideration for calculating the damages.

Cases for exonerating the SFPA of its responsibilities will not be taken into consideration if it is proved, according to the facts, that the losses did not stem from the causes listed in this article.

Article 39. - In the Sulina free port, demurrage calculations are made on the basis of applicable legal regulations in other Romanian ports.

Article 40. - The SFPA is responsible for the losses of and damages to goods that are handled during the handling operation, with the exception of:

- a) losses or damages that result from the lack of, an insufficiency of or defective packaging;
- b) losses or damages stemming from aspects hidden within the goods or packaging;
- c) losses or damages that occur to the goods during operations that are requested by enterprises to be carried out in unfavorable weather (rain, snow, ice and storms);
- d) losses or damages that stem from the means of transportation that do not belong to the SFPA;
- e) losses or damages to the goods that require special handling or in cases where the enterprise did not make this known and did not provide directions on how to handle the goods.

Article 41. - In cases where the SFPA finds or assumes a partial loss or damage to goods or if this is requested by the user of the goods or his representative, the SFPA, in the presence of these persons and a representative of the Sulina free port harbor master's office, completes a report in which it establishes the state and, eventually, the weight of the goods, as well as the causes, the amount of the damages and when it occurred.

If the user of the goods or his representative do not accept the facts set forth in the report, he has the right to request an expert determination of their status and weight and, through legal channels, the amount of the damages in accordance with legal provisions. After the removal of these goods from the storage area, the user can no longer make claims about the manner in which the goods were stored or the how they were handled.

Article 42. - The SFPA is responsible for keeping records on the goods that are stored, that enter and that leave the free port, and, to this end, it produces monthly reports that are made available to the users.

Article 43. - The user is responsible to the SFPA or, as the case may be, a third party, for damages caused as a result of fires, explosions and other accidents that occur in connection with these goods and because of his fault.

The SFPA is free from an responsibilities in the case of an inexact declaration made by the owner of the goods or his representative in the data with regards to the goods that are brought into or shipped from the port.

The SFPA is not responsible for damages caused by delays in releasing and receiving goods when these delays are due to force majeure or other events that are unforeseen and not accountable to the SFPA.

Chapter V

Prices and Charges

Article 44. - For all types of port services, such as handling, storing, industrial operations and other operations specific to the free zone and port area, prices will be charged as established in the agreements and contracts concluded with Romanian and foreign partners by the SFPA, in accordance with the current norms and prices.

Article 45. - The payment of charges owed by the partners for services carried out by the SFPA is made in accordance with current legal provisions.

Charges for the storage of goods are paid at the time of release of these goods when the storage timeframe is less than 1 month. Beyond this timeframe, the charges will be paid quarterly if there are no other agreements concluded with the Romanian or foreign partners.

If the price that was charged was incorrect, the additional amount will be returned while shortages are paid later.

Requests for the repayment of overpayments can be made within 6 months of the date of payment and only by the organ that made the payment or that was involved in removing the goods, or by a person empowered to do so.

The SFPA will return the rightful amounts that are found after a check of the documents that there was an overpayment.

If a check of the documents reveals a shortfall in the calculation or an incorrect charge, the differences will be paid by those who paid the charges upon the written request of the SFPA.

The timeframe in which the SFPA can request payment of the differences is 6 months from the initial date of the payment of charges.

Chapter VI

Relations With Units That Carry Out Their Activities in the Sulina Free Port Area

Article 46. - Border and customs control in the Sulina free port is carried out as follows:

- a) for ships that enter into or depart from the Sulina free port for the purpose of a customs transit of the Socialist Republic of Romania for other ports, the border crossing control and the customs control are carried out according to current regulations and in those places established with the SPPA. In addition to the control team, the SPPA representative also has access to the ship in his position as an agent of the ship;
- b) for those ships that anchor or operate solely in the Sulina free port and that do not enter the customs area of the Socialist Republic of Romania, the border control is provided by the organs of the Ministry of the Interior and through teams that also contain a representative of the SPPA and the Sulina free port harbor master's office. The place and points for carrying out this control are established by the SPPA;
- c) outside of the established perimeters, customs organs will ensure customs supervision through the use of mobile teams, with these teams being able to carry out customs controls at the exit points on the access roads in the specially managed spaces that are made available by the SPPA. The chief of the border crossing control point can order the carrying out of a control on the ship itself and the identification of the sailors at their posts, on the basis of the crew list and their seamen's cards, any time there is information regarding the entrance of an unauthorized person aboard the ship or the commission of certain infractions.

The SPPA, as an agent of the ships, will ensure the transportation of the control teams, as well as the drafted military border guards, so they can participate in the controls of the ships, in interventions and in other justified cases.

The SPPA informs the border crossing control point a minimum of 3 hours prior to carrying out a control with regards to the departure or arrival of a ship at the Sulina free port.

Access ashore or onboard the ships for all persons is permitted only after a control is carried out at the gangplank.

Article 47. - The health and veterinary control organs exercise their attributes upon the arrival and departure of ships and during their anchorage in the Sulina free port, in accordance with current regulations.

Article 48. - The Sulina free port harbor master's office, subordinate to the Inspectorate of Civil Navigation of the Ministry of Transportation and Telecommunication, ensures the supervision and control of navigation in the Sulina free port and within its territorial authority according to the legal norms.

Similarly, it pursues the manner in which the current national regulations are respected in the area of navigation, as well as the provisions of those international agreements to which the Socialist Republic of Romania is a party.

Article 49. - The Lower Danube River Administration provides, on the basis of contracts and at the request of the SFPA, the following services:

- a) the dragging of the maritime basin and the dockside berths at the operational docks to the appropriate depths along the Danube in the Sulina free port;
- b) technical assistance for provisioning or operating maritime ships in the roadstead of the Sulina free port;
- c) daily reporting to the SFPA on the status of the ships that are to cross the Sulina bar, both for their entry and their departure, as well as the depth of the bar;
- d) the necessary assistance, in the case and danger, for ships located in the Sulina free port.

Article 50. - The repair shipyard in the city of Sulina will carry out, at the request of the SFPA, works and services for a fee for those ships belonging to foreign economic companies and organizations.

Article 51. - Foreign legal entities and the representatives of foreign companies who wish to work under conditions other than those in the form of a joint company are required to obtain the approval of the SFPA and the operating authorization under the conditions of the law.

Article 52. - The employment of Romanian personnel who provide services to foreign companies in the Sulina free port, the payment of their salaries, the payment of contributions for social insurance and the amortization of fixed assets made available by the Romanian side are carried out according to current legal provisions.

Article 53. - Romanian and foreign economic companies and organizations can carry out production, commercial and financial activities in the free port area in cooperation with the specialized Romanian economic enterprises with the approval of the SFPA.

Article 54. - The achievement of certain projects in the Sulina free port area, financed by foreign companies and organizations in cooperation with Romanian economic organizations, must also be approved by the SFPA.

Article 55. - According to legal norms, commercial retail sales units, using payment for goods in freely convertible currencies, can operate in the Sulina free port.

Chapter VII

Other Regulations Regarding the Use of the Sulina Free Port

Article 56. - The SFPA approves taking samples and test items for laboratory analysis by the appropriate organs from the goods that are located in the Sulina free port.

Article 57. - The users of services are required to meet, directly or through their representatives, all the formalities required according to legal regulations in depositing, handling, releasing or removing goods in or from the Sulina free port.

Article 58. - Damages stemming from the failure to adhere to this regulation are the responsibility of the legal entities and natural persons, with the exception of cases of force majeure.

Force majeure cases are considered to be those with unforeseeable circumstances and events and those that are impossible to eliminate, such as: strong winds, strong waves, groundings, torrential rains, blizzards, ice floes, icing, dense fog, floods, rapidly falling temperatures and other similar cases that occur during the use of the port.

Article 59. - Proof of the causes of force majeure that occur during the use of the port is given in a findings report completed by the SFPA with the delegates of transport units and the users of the services, with help from the representatives of the Sulina free port harbor master's office, or by other means of proof permitted by law.

In the case of the absence of unit representatives or the refusal to participate in the findings or to sign the report, the report is completed by the SFPA, making note of this in the report.

Article 60. - At the request of the SFPA, Romanian and foreign enterprises, institutes, companies and representatives who operate in the Sulina free port area are required to communicate data and information regarding the activities that they carry out.

Chapter VIII

Responsibilities and Sanctions

Article 61. - Ships, regardless of their flag, that enter the Sulina free port are required to adhere to the regulations regarding the order and security of navigation in the port and in the roadstead as outlined by the current regulations of the Socialist Republic of Romania, as well as this regulation.

Article 62. - The enterprises, companies or other units that use the warehouse, land areas, basin and port facilities and buildings, as well as the natural persons who have access to and work in the free port area, are required to adhere to the provisions of this regulation.

Article 63. - Violations of the provisions of this regulation result in for the guilty party disciplinary, financial, material, civil or criminal sanctions, as the case may be.

Article 64. - The dumping or venting of hydrocarbons, mixtures of hydrocarbons, chemical products or radioactive products, as well as residues of these, into the waters of the maritime basin or into the Danube is prohibited and is punished according to the legal norms regarding polluting navigable national waters.

Similarly, it is forbidden to dump shipboard wastes and to deposit garbage in unauthorized spaces within the Sulina free port area, as well as to degrade buildings, storage areas, fields and green areas and the fence which surrounds and marks the Sulina free port area.

Article 65. - Smoking is prohibited in those areas for storing goods, in fuel depots, onboard ships and in areas marked by no smoking signs.

Similarly, it is forbidden to use oil stoves and lamps and portable electric stoves, as well as any other similar item, near goods storage areas.

The failure to adhere to the provisions in paragraphs 1 and 2 is punished according to legal norms.

Article 66. - The following acts are considered infractions if they were not committed under such conditions where, according to criminal law, they are considered to be more than infractions:

a) the violation of the provisions in articles 12, 16, 29 paragraph 2, article 46 letters a) and b), article 60 and article 64 paragraph 2 is punished with a fine of from 200 to 500 lei;

b) the violation of the provisions in articles 5, 6 paragraph 1 and article 8 paragraphs 1 and 2 is punished with a fine of from 500 to 1,200 lei;

c) the violation of the provisions in article 14 paragraph 3, article 17 and article 19 paragraph 1 is punished with a fine of from 5,000 to 10,000 lei.

Article 67. - The finding of a violation and the application of punishments are done through a report completed by the personnel of the SFFA who are empowered to do so.

Article 68. - An appeal can be made against the report finding a violation within 15 days from the date the report is forwarded.

The appeal, accompanied by a copy of the report finding a violation, is submitted to the SFFA.

Article 69. - Foreign citizens who do not have a residence in the Socialist Republic of Romania and who are punished according to Article 66 submit the sums owed as fines in lei stemming from the conversion of hard currency, made for this purpose at the current rates for non-commercial operations.

Article 70. - The provisions of Article 66 are combined with the provisions of Law No 32/1968 regarding the establishment and sanctioning of infractions.

Article 71. - This regulation is applied in the Sulina free port area, as it is defined by law, and is complemented by the legal provisions regarding the commercial use of maritime and riverine ports.

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ART, LITERATURE UNDER REVOLUTIONARY HUMANISM

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[Article by Dumitru Matei]

[Text] The ideals of revolutionary humanism are inseparable from the basic structural data of contemporary Romanian society. They were conceived and confirmed in the course of Romania's historical evolution in the years of socialist construction and revolution, while the contemporary world was seeking the formula for a new humanism by frequently diverging paths. In this atmosphere of feverish searching and allowing both for the demands and spirit of the time and for the humanistic traditions of the Romanian people and their culture, the RCP opted for radical reconstruction of society in order to lend it a truly humane nature and purpose.

There was a time when "socialist humanism" was merely an abstract approach and consequently limited in a narrow and dogmatic way to its planned proportions. But revolutionary humanism calls for a process of forming and transforming the individual as a freely developed personality in the very construction of the new order.

The Expanded Plenum of the RCP Central Committee in June 1982 and the Congress on Political Education and Socialist Culture that followed it characterized revolutionary humanism once more as a specific effort to build a humane society while forming a new man to carry out its ideals and introduce them in everyday behavior. Therefore it may be said that as part of the contemporary Romanian intellectuality does not mean merely a new view of the individual and his dignity but especially a new set of values through the incorporation of which the human personality finds its true fulfillment and constant intellectual enrichment.

The problems of revolutionary humanism, as they were defined in the view and conception of the party man, are indeed complex and involve many aspects from the political ones to the philosophical, axiological and cultural ones. On the cultural level this humanism is expressed both in carrying on, critically and constructively of course, the values of the past and the national and universal historical and cultural traditions and in full consideration of the present, while it figures particularly as a component of the general social activity.

Accordingly, in summing up the people's aspirations contemporary Romanian art promotes the idea of humanism while actually continuing an older tradition. In the rapidly evolving present-day Romanian culture humanism figures as a factor for continuity and cohesion in social activity. It can be quite rightly said that the whole development of the Romanian intellectuality of yesterday and today is characterized by its humanistic traditions. Note also that in their historical formation the humanistic traditions and characteristics of Romanian intellectuality were made fertile by the ideals of Romania's socialist labor movement and by the Communist Party's general policy.

Ideologically and politically conditioned today by the concept of revolutionary humanism, contemporary Romanian culture is fully committed to the intellectual construction of the fully developed socialist society. And so, as part of the general social evolution, art and literature express in their works of recognized richness and depth a humanistic impulse characterized by a militant, realistic and clear attitude that is also in keeping with the intellectual horizons of socialist humanity. When correctly interpreted and differentiated, that position is basic to contemporary art and literature's capacity to serve as a liberal approach to the treatment and comprehension of reality, as a matter of fact, since it places the creative act in a specific, tangible, vivid and significant historical context. Against that background, the diverse artistic styles and methods of construction, the flexibility of the approach to ideas and of the modes of expression, the originality of the artistic view of the world (in most cases), and the breadth of conception in prose, dramaturgy, poetry, plastic arts or music also attest contemporary Romanian art and literature's capacity for humanistic construction.

Of course those are considerations of a more general nature, but the basic humanistic criterion is to be stressed that is expressed in the harmony among the social, historical, ethical and aesthetic, with emphasis upon transformation of people's consciousness into the spirit of their natural aspiration to perfection. And this emphasis involves flexible interpretation of the relationship (in the artists' view) between freedom and creation, so that the artistic act really reflects the dialectical change whereby life shifts the directions taken by social and individual history. Contemporary Romanian art is developing in this direction an enriching the relationship between work and creation from the standpoint of moral responsibility. For example the contemporary Romanian political novel, or the novel of "political awareness" as I would call it, no longer sums up the highly complex data on that relationship in a biased and dogmatic way. Beyond the ideological guidelines, which take a didactic-rhetorical tone in some writings, it displays a more appropriate understanding and interpretation of the political and social phenomena in the not too remote historical past.

The Romanian novelists who have been treating political subjects concentrate on the processes of perception of the ideals of socialist humanism and moral responsibility. There is a clear effort to treat them not from the standpoint of abstractions and formal-dogmatic programs but in substance and in the entirety of actual social experience. It is a good sign that the fact that the individual is actually the "raw material" of morals is understood in contemporary prose. The moral element and moral responsibility no longer appear in a starry and falsely embellished firmament standing above a world filled and satisfied with itself. In a not very remote literary and artistic period that viewpoint impaired the relationship of the ethical to the aesthetic by maintaining the

illusion of a noncontradictory alternative in paradise. Note in this connection that the party documents have repeatedly stressed the idea of contradiction, but in the light of a basic aim that also applies to literature and art, namely a clear transition to reconstruction of the socialist ethos and to realistic comprehension and interpretation of its entire structure and historical evolution.

To be sure literature and art hold no power other than that of their particular genius but that power, par excellence and as part of the contemporary Romanian intellectuality, is constructive aesthetically, ideologically, politically, philosophically and morally alike, while on some levels of the cultural institutions the mere mention and indication of the system of revolutionary humanism's categories are considered educational and influential as far as art is concerned. It is not very well understood that a work of art is a value "in its existence for us," a value that does not exist to serve any immediate practical purpose, which certainly does not mean that it is "gratuitous," a "luxury," or "aimless." In other words, the artistic value does not include, for example, any political, ethical, philosophical or, in general, ideological "imperative" and we cannot expect the ideas, convictions, behavior and attitudes shaping the political, social and moral roles of the characters of a novel or play to be carried over directly and immediately to everyday life. Of course the artistic value can plead for worthy convictions and attitudes just as it discredits the worthless ones, thus influencing the conception of the world and life of a given reader, a spectator or another. That is because the contents of life, in their entire extent and diversity, are not something superimposed upon the aesthetic value. On the contrary, the extraaesthetic value context is present in the data of the artist's feelings and vision, in the act of "shaping the material," in the political, moral and philosophical consciousness of the period and consequently in that of the artist.

Sometimes misunderstanding of the action of the powers of art or the particular artistic way of inculcating the ideals of revolutionary humanism in people's minds and consciousness causes hazardous errors and underrating of the peculiar genius and powers of art. Such "detractions" are due to consideration of the real as a noncontradictory, rosy fact without dramatic perspectives. It is too easy to forget that revolutionary humanism is primarily based upon recognition of the entirety of life and the human universe as a whole. An artistic projection of the circle of problems and attitudes involved in the idea of revolutionary humanism is sometimes considered much more convincing if the critical or "rougher" aspects of reality are subordinated.

Accordingly the action of art is sometimes misinterpreted in Romanian literary and artistic ideology. It is often believed that in revolutionary-humanistic education all should be demanded of art and nothing of the public, and that too when the public has exceptional opportunities for cultivation and exercise of the arts. It is a question of the idea of accessibility, concerning which we should ask ourselves what we mean by accessibility in reference to art? If to be accessible means to be understood, what do we mean when we say art is to be understood? Everyone will say Eminescu is accessible, but it is far from certain that Eminescu is understood by everyone.

When we suggest or demand that the artist be accessible, it means we are asking him to make every effort to reach the receiver's emotions, where his work is

actually understood. Therefore to be accessible does not invariably or necessarily mean to be understood, because "Understanding of art invariably and necessarily requires artistic cultivation" and "preparation of the senses," as Calinescu said, according to the work we are contemplating. From the creator's viewpoint accessibility is the capacity to construct stimuli and communicate them to the human strata prepared to communicate through a work of art. The public needs a certain capacity acquired through artistic cultivation to know and receive the work of art. Accessibility is a category of relationship and not an intrinsic attribute of the work. Eminescu or Stendahl, for example, were not "understood" at first, nor the impressionists in fine arts, but that does not mean their works were basically inaccessible. There are many accessible works (in the sense that "we understand rationally" what is meant, especially in the language arts) that communicate nothing, just as there are readers and viewers who are not accessible to the great and true works of art but are fascinated by ridiculous, false and plentifully powdered works.

In general aesthetic experience is still a particular, qualitatively differentiated horizon of social practice, an intellectual horizon in a permanent relationship with social existence and awareness and with all forms of human action and sensibility. Literature and art are factors for stimulation and involvement of the consciousness. The system of relationships that contemporary Romanian literature and art maintain with the horizons of culture and civilization can be regarded as a system of lines of force that is adapted in a particular way to the general evolution of Romanian socialist society and reflects that evolution in specifically aesthetic ways. The act of intellectual influencing, which is a militant, humanistic-revolutionary objective in Romania, actually promotes the "ideological aspect" of art and literature, the aspect that participates from within in formation of the transmitted human meanings. Therefore the nobility of art could not be legitimized by probing the significance of man's mission and duty and of his experiences, dilemmas, aspirations and power to surpass himself if art did not fulfill its fascinating projective capacity to open up horizons, impart enthusiasm, and shape the consciousness.

The depth and complexity of the process of socialist construction of Romania and the resulting changes that have taken place on all levels of social experience and awareness have extensive and stimulating effects upon all literary and artistic output. In complete harmony with the great ideals and realities, the art of today is receiving determinations that guide it toward its natural and noble goal of shouldering its task to tap and develop the intellectual sources in the substance of which the structures of socialist humanity are formed.

In all of its manifestations the literary-artistic movement is accordingly organized around an ideal flowing from the Program for Construction of the Fully Developed Socialist Society, namely that of active intervention in social activity and in guiding the consciousness toward revolutionary humanism and reform. In the light of this high ideal, the main theme of Romanian socialist art is advancement of the people's creative energy and praise of the humane. This gives it the high social responsibility of making a particular contribution to the formation of the new man and the human model of the socialist and communist order.

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ROMANIA

REVIEW OF 'KORUNK' ARTICLE ON URBANIZATION, DEMOGRAPHY

Bucharest ERA SOCIALISTA in Romanian No 16, 20 Aug 82 pp 41-42

[Article by Buia Simion]

[Text] The Cluj-Napoca prestige journal KORUNK, founded in 1926, is distinguished by its consistent maintenance and cultivation of the highest traditions of democratic Hungarian journalism in Romania. It is an active forum of recognized scientific probity for bringing out the historical coexistence of the Hungarian nationality with the Romanian people in the millenary common fatherland of Romania.

Publishing essays, studies and articles intended to keep the readers abreast of the latest ideas and advances of scientific and literary-artistic theory and practice here and abroad, KORUNK provides specialized journalists (especially sociologists but also economists and researchers and thinkers in the most varied humanistic fields) with a broad and fertile field for original creative work and constructive discussion of current problems of national public interest. In their journalistic comments Hungarian scholars and researchers join the extensive effort throughout Romania to boldly promote the new in all activities. Istvan Semlyen's article "Questions About Romanian Cities" in No 6, 1982 of the Cluj journal is noteworthy in this connection.

The author of the article begins with a number of statistical data indicating that on the whole an in comparison with other European countries the evolution of the birth indices in Romania is favorable, since the population of Romania increased by more than 700,000 between 1977 and 1981 and now reaches 23,5 million. In the period under consideration the population of the urban centers increased particularly, from 10,239,000 to 11,150,000, but not everywhere and not equally according to the natural increase, but particularly because of the "demographic migration" and the shift of workers from agriculture to cities and from one area to another. In this period the most rapid population growth was in Brasov (48,000), in Galati, Bacau and Constanta (between 21,000 and 25,000), in Timisoara and Braila (18,00-19,000), and then in Oradea, Pitesti, Botosani and Buzau (15,000 each). Meanwhile in the big Romanian cities and in the municipalities where settlement is affect by a law requiring authorization, but not in those localities alone, the number of transients is particularly high (In

1981 the record of transients included 108,000 in Bucharest, 44,000 in Timisoara, 36,000 in Brasov, 34,500 in Iasi, 32,000 in Cluj-Napoca, etc.), in addition to tens and tens of thousands of commuters, persons who come to work daily in the heavily crowded centers.

Istvan Semlyen explains these extensive population shifts by the pronounced increase in the manpower requirement resulting from accelerated industrialization, which requirement cannot be met in all localities due to the insufficient or even decreasing natural increase in the local population, for there are discrepancies between the birth indices in various localities. Last year in Iasi for example the natural population increase was 15.5 children born per 1,000 inhabitants, while the figure was much lower in Bucharest (4.2) and in some counties (3.1 in Teleorman and 2.2 in Caras-Severin). As the author rightly notes, the relatively weakened demographic dynamism of the population in some settlements and the gradual aging of the local population and its retirement from production and active life are counteracted by the influx of young population from other areas of Romania. But this process presents problems of industrial, agricultural and cultural planning that have to be solved in close interrelation. Satisfaction of the wish expressed by "traditionalists" to take more account of the local demographic situation and to make developmental plans only in proportion to that population's capacity could retard the developmental rate in some cases or lead to neglect of the exploitation of some important natural deposits as well as other optimal economic conditions that would benefit the overall development of the national economy. Therefore the central planning organs are taking appropriate measures, ignoring narrow local interests of such settlements and establishing proportions of socioeconomic and consequently demographic development in agreement with the rates and directions of the whole nation's general development.

Raising the question whether there can be any maximum harmony between the interests of centrally planned proportions of urban growth and the interests, traditions and attitudes of the local inhabitants, the author concludes that this harmony requires the agreement and realistic concern of the elements involved. It is a long established fact that every geographic unit or network of settlements "has its culture, attitude, awareness of its particular identity, and its own system of relationships and traditions..." Istvan Semlyen writes, adding that the distinctive features of the various communities naturally include a new kind of economic, administrative, cultural and human relations formed in the decades of socialist construction. These factors partly compose and feed the "dignity of the local characteristics" and partly guarantee the possibility of reaching dialectical unity between the local values and interests and those on the state level. The author feels that the problem of agreement of the two factors is still an open one and also requires in-depth studies in sociology, ethnosociography, social psychology and economic planning. Such studies would permit adoption of the options for directions of development on the basis of profound knowledge of the reasons for the relative underdevelopment of some regions (historical-economic, political and other reasons), while allowing for the involvement of various ethnic groups and their particular local-national characteristics.

As we know this policy has always guided the RCP's efforts toward harmonious development of all regions of Romania and equitable distribution of the productive forces and industry throughout all Romanian territory. Construction of major

economic capacities in every county and especially in the underdeveloped ones provided greater population stability, since tens of thousands of new jobs are a major attraction for local inhabitants and especially for youths once tempted to leave their birthplaces in search of employment. New demographic phenomena can be expected in the coming years, once the stage of extensive industrial development is over and better use of the labor force in the big urban centers has begun. Some of the population of those centers can be directed, spontaneously or in an organized fashion, toward their native regions, which now offer them opportunities for employment. The author quotes the professor and demographer Mircea Bulgaru to this effect, who believes further industrialization of the villages will enhance the native regions' power of attraction to such an extent that we shall soon see a "reverse migration" from the cities to the villages.

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NEED FOR MULTILATERAL TRAINING OF YOUTH

Bucharest ERA SOCIALISTA in Romanian No 16, 20 Aug 82 pp 22-23

/Article by Prof Dr Docent Iosif Tripsa, state secretary in the Ministry of Education and Instruction/

/Text/ Firm application of the RCP's conception of the vital role of education in the all-around training of youth provided the Romanian schools with favorable conditions for a qualitative leap of historic significance. The great progress made consists of organic integration of education with science and production, close correlation of schools with the national socioeconomic realities, and coordination of the instructive-educational system with the real manpower requirement in all activities. Rapidly improved organization of education, modernization of its material base and content, and general improvement of schools to a point reached by few countries with generalized compulsory 10-year education are natural in this social context. The effort Romanian society is making to achieve this performance is necessary because conditions must be created to fully develop and exploit every youth's personality and because of the increasingly pronounced impact of the technical-scientific revolution upon socioeconomic development, which revolution must be promoted in all activities as a means to a new quality and greater effectiveness in all fields. It necessarily follows from this that the schools must prepare each and every youth to best perform his occupation in the future for a period of about 40 years, a period that will certainly see some radical socioeconomic and technical-scientific changes.

The extent of the basic task assigned education by the 12th RCP Congress, namely to prepare the young generation for work and life, is accordingly clear. This task can be specified for each type and level of education only through extensive studies to forecast development of the socioeconomic sectors, studies from which conclusions can be drawn about the need for occupational skills upon graduation from the various schools including the university departments. Therefore the continuing effort to improve the school programs and textbooks (an effort made by the Ministry of Education and Instruction /MEI/ for all levels and forms of education) is always based upon careful analysis of the disciplines, skills and behavior required of all graduates at the close of each scholastic cycle.

As in other educational systems existing in the world today, complete mastery by pupils of all the lessons specified in the school programs and presented in depth in textbooks assures them of the highest marks, that is recognition of a complete scholastic success. But clearly not all pupils in all grades in all schools can achieve the best scholastic results, and every grade contains a majority of good pupils who are promoted every year and a minority that are problems for the teachers as well as their families and society, problems that are more or less difficult. In Romania, where all necessary conditions have been created to include the entire young generation in compulsory 10-year education, the teachers have the heavy responsibility of providing (through properly correlated efforts of the pupils, families and other educational elements) for each and every pupil's acquisition of the minimum competence required for promotion with actual qualification in disciplines, skills and behavior.

In past years, in the absence of any scientific system for evaluating knowledge, there were a number of failures to evaluate all pupils correctly and objectively, alongside the worthy efforts of thousands of professors. Sometimes pupils were promoted only so that their teachers would not be criticized for scholastic failures or lack of perseverance and pedagogic skill. The main reason for this was actually the serious irresponsibility of some school administrators and some workers in the school inspectorates and the MEI, who took the convenient path of bureaucracy to the neglect of further improvement of the instructive-educational process. And so instead of using modern, active and participative teaching methods to catch the attention of all pupils and to encourage them to meet their scholastic obligations, some teachers gave passing marks without qualification and thus violated their basic scholastic obligations.

Improvement of Romanian education requires an end to the pursuit of inflated statistical results and objective evaluation of every pupil's level of knowledge and of the way he performs his scholastic tasks in each grade. To this end and to help all teachers the Executive Bureau of the Higher Council of Education and Instruction prepared and approved minimum compulsory standards for primary education, gymnasium education, and first year high school. Those standards form the uniform system for evaluating pupils' preparation throughout Romania.

The standards to be applied beginning with the school year 1982-1983 specify the minimum volume of knowledge, skills and behavior all pupils must show in order to be promoted at the end of the scholastic cycle. These standards are now being disseminated through the county school inspectorates to all Romanian schools. They will be brought to the knowledge of all professors, pupils and parents so that they will know from the first days of the new school year what the scholastic requirements are for promotion to the various cycles, and the scholastic tasks obligatory for promotion to each particular grade are to be set later in a breakdown.

It should be noted that the new standards are applied according to the usual oral and written examinations and require no special tests of any kind (which are prohibited by the MEI). In drafting the quarterly school report passing marks are given only to the pupils who meet all the provisions of the standards, and the closer the pupils' results come to the entirety of the provisions of the school program and the content of the textbooks the higher the marks are. What scholastic tasks specified in the obligatory standard have not been fulfilled

and how to fulfill them in the following period are explained to the failed pupil. The teachers are required to proceed in the same way in drafting the annual school report, in supplementary training of the failed pupils during summer vacation, and in the case of the make-up examinations.

As a powerful instrument for improving the instructive-educational process, the obligatory standards of minimum competence were designed in the light of the need to scrutinize the educational character of school preparation. They stress correct application of the acquired knowledge and not its most exact reproduction in the words of the professor or textbook.

In the experimental disciplines (physics, chemistry and biology) as well as the technological ones, the emphasis is on performing experiments to rediscover the laws of transformation of inorganic, organic and living matter, on mastery of the various highly advanced technologies used in the Romanian economy, on implementing the new economic-financial mechanism in the various activities learned by the pupils, on better and more complete use of raw materials and energy and reuse of recovered materials, on perfect maintenance of equipment, etc.

To enhance the professional competence of the graduates from the first and second stages of high school, it is intended to train them in trades of broad scope and to improve their ability to learn to use the new technologies. In this way the transition to a modern education is becoming increasingly evident, an education wherein the main emphasis is upon teaching pupils to apply the acquired knowledge directly and effectively and to assimilate reliable methods of continuing to learn to apply new disciplines and technologies after graduation from high school.

In close connection with the above, the problem arises of further improving the pupils' practical and productive instruction. In addition to improvement of the school programs for this important activity and the annual increase in the material base and technical inventory of the school workshops, the enterprises sponsoring high schools, under whose direct care and supervision all school workshops of the industrial high schools have been placed recently, are required to make a more consistent contribution. The measure was taken to further involve the economic enterprises in training the manpower earmarked for them and to bring the level of school production up to that of industrial production technically, organizationally and economically.

The instructing foremen and all personnel working in the school workshops will be directly responsible to the workers councils in the enterprises for their performance of their service functions and the occupational training of every graduate. In the new organizational relationship the practical training in production of pupils in the final years of a stage (10th grade for the first stage and 12th grade for the second stage) will be improved. They are to receive their practical instruction at their future work places in order to become accustomed to the equipment, raw material, production processes, and labor discipline including technological discipline.

Starting in school year 1982-1983 the professor-engineers teaching specialized disciplines in high schools, including those pertaining to the future graduates' trades, will have additional opportunities to acquire detailed knowledge of the

work places to which pupils will be assigned upon completion of their current studies, and they will be able to adapt their teaching methods and subject matter to the particular realities of those work places.

Development and improvement of evening high-school education are highly important to Romanian schools. The RCP's broadly democratic school policy is being implemented through it, providing all working youths with unrestricted access to the higher levels of education, including university education. The attendance figures for evening high-school and higher education have increased this year and major improvements have been made in the teaching methods for such forms of training.

The best professors in a school will teach the high-school classes for evening students. Most of the activities will be conducted in halls, laboratories and well-equipped workshops. The teachers are required to make more use of the direct teaching methods in class so that the pupils will leave the classes with the lessons understood and mastered. There will also be more intensive study of the basic disciplines affording intimate knowledge of the physical-chemical processes basic to the manufacturing technologies, in order to give the evening pupils an opportunity to make a greater contribution to improvement of the technologies and products.

In view of the necessity (pointed out by Nicolae Ceausescu at the Expanded Plenum of the RCP Central Committee of 1-2 June 1982 and at the Second Congress on Political Education and Socialist Culture) of more emphasis in all schools upon Romanian language and literature as well as national history, the specialized commissions of the MEI have started an in-depth analysis of the programs and textbooks, recommending measures to improve them as well as the methods of teaching those disciplines with an educational role of great patriotic significance.

Heavily emphasizing the educational potentials of all school activities, education must keep increasing its contribution to the all-around training of youth for work and life in the spirit of revolutionary socialist patriotism.

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ROMANIA

BRIEFS

SLOVENIAN REPORT ON PERSONNEL CHANGES--At the session of the Romanian parliament, former premier Manea Manescu was elected one of the three vice presidents of the Council of State, which is headed by Nicolae Ceausescu. Manescu's return to the political scene, after an absence of approximately 6 years for health reasons, was heralded by the announcement today, of his candidacy for deputy in the upcoming elections in Bucharest. Manescu replaced the former premier, Ilie Verdet, who, only a few months ago, was released from his position as vice president of the Council of State and, in the meantime, was elected secretary of the Central Committee of the Communist Party. Steliano [as published--should be Niculina] Moraru was elected vice chairman of the Grand National Assembly in place of Cecilia Stan who was released without any explanation. [Excerpts] [Ljubljana DELO in Slovenian 13 Nov 82 p 3]

CSO: 2800/53

INCIDENT OF POLICE BRUTALITY IN SERBIA DETAILED

Belgrade NEDELJNE INFORMATIVNE NOVINE in Serbo-Croatian No 1657, 3 Oct
82 pp 22-24

[Article by Aleksandar Tijanic]

[Text] Is the "clash" between two young militiamen
and two youths in Gornji Milanovac merely an isolated
incident, or something else?

Some militiamen are like electricity: if you come into contact with them,
watch out for the current! Frequently there is a spark.

That is how stories begin, such as the following that has been going
around Gornji Milanovac for 20 days. The stories are looking for possible
answers to the question as to why two young militiamen, judging from all
accounts, cruelly maltreated two 17-year-olds. If all the details of the
scenario composed by witnesses' accounts prove true, the incident demands
involvement of a psychiatrist more than an investigator!

Everything began at the obligatory evening gathering of all young residents
of the city, where in the triangle between the church, the memorial and the
hotel the institution of the "corso" functions without a flaw. On 8
September, sometime before 10 o'clock, five young friends gathered by a
bench were talking about the eternal theme of 17-year-olds, girls!
Slavomir Cirovic (17), one of them, did not like the teasing, and so
somewhat later he said to his comrades "queers!" It turned out that that
was the crucial word in the whole incident that followed. A second later
militiamen Vojislav Cirkovic (22) and Veselin Perovic(20) approached the
group and asked for identity cards. As was later explained, it happened
that someone yelled at them "Oo, queers!"

Cirkovic immediately clubbed Dejan Radisic (17), who didn't have an
identity card. When the patrol went on, he also clubbed Cirovic, who asked
where they were taking Dejan. We follow the subsequent happenings according
to the story that we heard from four people, of the total of five youths
who were present. The fifth was on a trip.

The Law and the Nightstick

The patrol took Dejan to the militia station. Along the way, at their direction, someone yelled several times the incriminating words as to whether the militiamen by some "test" had discovered a "crime." Cirkovic hit him several more times with his stick while they were on the street. He continued to beat him at the militia station, demanding that he repeat the whole story many times as to how "that word" had been heard. Dejan stubbornly insisted that that word was not intended for the militiamen, but in vain. Unnerved by this "obstinacy," Cirkovic placed his index finger on the boy's eye and said he was so mad that without remorse he could tear it out.

After he hit the boy several more times with the nightstick and his fists, the lad "began to talk," saying that his friend Cirovic was the "author of that word." Then all three got into the "Fica" (Fiat) and went after Cirovic. In the meantime, Dejan's friends had informed his parents about the incident, and they all set out after him. The parents were told at the militia station that Dejan had been brought in, but then let go. Wandering around the town, his father somewhat later, by accident, came across the "Fica" containing the militiamen and his son. But the militiamen told Dejan's father that he could go home only when they found Cirovic.

Dejan Radisic told us, "I dared not even hint to father that they had beaten me."

Now Dejan's father went to inform Cirovic, who was waiting in his apartment, that he should "surrender." However, the young militiaman Cirkovic was in form that evening. A group of lads gathered in front of the "Fica" and he asked one of them why he was smoking in front of a militiaman. The alarmed youth threw the cigarette on the street.

"What, you are throwing a cigarette on the street?", the militiaman yelled. The youth in alarm picked up the cigarette and headed toward a trash can. At that point he had earned an honest kick in the stomach, and Cirkovic pushed him onto the back seat of the Fica where Dejan was sitting. Somewhat later, informed of the pursuit, Cirovic found the patrol and "surrendered." The youth who did not know what to do with a cigarette in the presence of "the authorities," was immediately thrown out of the car. Then the Fica with the two militiamen and the two youths headed for the deserted depot for old buses. There in the semidarkness, the militiamen took off their caps and put them on top of the automobile. Cirkovic took a club and immediately began to beat Cirovic. He beat him on the back, the head, the upper arm and his extended palms. He asked him to repeat the whole story several times. Along with that he asked the youths several times if they knew what the militia was. He was not satisfied with their dry definition, learned during classes, but yelling he explained that the militia was power! It was already clear to Radisic and Cirovic that that was true!

Cirovic told us: "Beating me with the stick he pushed me against the Fica, and then beat me because I had leaned on the car. After that he told me to take off my shoes because, as he said, it seemed to him that I had flat feet. Holding the stick with both hands, he beat me on the soles several times. I only asked him not to hit my hands anymore, because my fingers were cramped and my fists swollen."

At last, "under torture," the boys admitted that the word was addressed at the militiamen. Because of that admission they received several more blows. Then Cirkovic gave his stick to the trainee Perovic (who did not yet have the right to bear arms), asking him to show what he knew. Perovic so weakly beat the boys that Cirkovic decided that "nothing would ever come of him." After everything, he ordered Dejan to slug Cirovic. The boys refused to hit each other, but after effective "convincing" they exchanged a few blows.

Finally, about 11:30 pm, the patrol took Dejan to his house, where his parents were waiting, and took Cirovic to the militia station.

Cirovic told us, "They demanded that I wash and put myself in order, but my hands were so cramped that I was unable to turn on the faucet." But Cirkovic wet a little paper and wiped his face. After they took him home, they ordered him to tell everyone in the morning that he had insulted the militiamen with his friends and therefore, they have intervened. If he did not do so, "We will beat you whenever we are in the mood," Cirkovic promised him.

The same night the parents of the two boys went to the militia asking for an explanation. There they encountered Cirkovic and several other militiamen. They were told that no one had beaten their children. When the parents protested bitterly, because it was apparent from their appearance that the children had been beaten, they were thrown out of the station "because they did not know how to talk nicely!"

The next day, the doctor wrote a certificate of bodily harm on the boys that cites swelling, hematomas, bruises on the arms and head, welts on the back 10 centimeters long and 3 centimeters wide, as well as cut and swollen lips and a hematoma on the head the size of a child's palm. Because of these injuries the boys did not go to school for 5 days.

Ten days ago Radisic and Cirovic were called by the investigator of the Secretariat of Internal Affairs to come and make a statement about this incident. He was very friendly and correct, the boys tell us, as if he wanted to show that "Cirkovic is not the militia."

"Constables" and "Gendarmes"

At school, where the two boys attend the fourth course, there is plenty of praise for both of them. Radisic was an excellent pupil, and is now doing very well, while Cirovic has always been excellent, and at the primary school he had been an honored pupil. Both are in athletics, they

have been involved in work activities twice and as early as the third course they were nominated for acceptance into the League of Communists. There have never been any complaints about them either in their families or on the street where they live. Before this incident they had no experience with the militia.

The young militiaman Cirkovic came to this station 2 years ago directly from the school for militiamen located in Sremska Kamenica. We did not find him in Milanovac, because he has been suspended, so we went to his parents' house near Kraljevo. His colleagues described him as "tall, curt, a nice looking lad." They say that from his well-to-do family, he had his own car, and as the militia station asserted, he had had no conflicts with the citizenry.

Trainee Perovic had only come from Kamenica 3 months previously. As long as he is a trainee, the head of the patrol answers for him, so that no disciplinary action is being pursued against him. Through an intermediary we arranged a conversation with him. Unexpectedly, he did not show up for the conversation, obviously not of his own volition.

In the report written immediately after the incident, Cirkovic admitted that he had used the stick because someone from the group had yelled "ooh queers" at him and Perovic. The disciplinary action has not been concluded, and the public prosecutor's office is interested in the entire episode.

The most uproar, however, was caused by this incident in the school. The comrades and friends of Radisic and Cirovic were embittered. The students assert that for 10 days the presidium of the League of Socialist Youth sought to discuss this incident with the opstina president, but that he was at some sort of meetings. Dissatisfied with the haste with which the whole thing is being resolved and the insistence that the incident be concluded "in quiet," the students sent a letter describing the incident to POLITIKA. That is how the incident became known outside of Milanovac.

Nevertheless, the militia station asserts that such incidents are rare and that relations between the young militiamen and the youth of Milanovac are very good. Every generation of young militiamen that comes from school is received better by the young, we were assured at the militia station. But some 10 young residents of the city with whom we spoke noted that the new militiamen, whom they do not know, who have just come to the town, harass and annoy them with increasing frequency.

As one told us, "If we are out on the 'corso' after 10 pm, they chase us home. If someone talks a little loudly, they ask why we are yelling around town, why we run when that is forbidden."

Neither the militia or the town had an explanation as to what drove the young militiaman Cirkovic to prove his "power." A simple explanation probably would not be right. Was he acting that evening under the influence of some notion that the militia was "untouchable?" Or perhaps he wanted the quick fame of a stern and malicious "man in blue" that he could gain by

quickly beating up several boys. Perhaps the presence of the recruit Perovic affected the "old, tempered" Cirkovic who wished to show him how an "old" militiaman controlled his parish. Or perhaps something else is involved?

In any case, however, it seems that in the last year the number of drastic incidents involving the "men in blue" has been on the rise. We might mention just several of the most typical: In Pula, a militiaman used his service pistol to kill a youth he had never seen before, and recently the trial was concluded for three militiamen in Macedonia who killed a youth for making an uproar. Then they threw his body in the Vardar river. In the brigade of the Federal Secretariat for Internal Affairs, a former militiaman killed his colleague in his sleep, while a drunken militiaman emptied two clips from an automatic rifle into the walls of a cafe. Recently a Belgrade sociologist came to our offices, asking us to publish his text of protest because he saw a painful scene: a traffic militiaman on Republic Square had slugged a 40-year-old man because he had run across the street outside of the pedestrian crossing.

What is happening with the "men in blue?" Is there some flaw in the selection process, unsuitable training, for it seems to us that it would be normal that people in such a sensitive profession would be "healthier" than the common statistical average of the population. Perhaps among them, within the service, tension grows that occasionally breaks out in such incidents. The topic is one about which silence has generally been kept until now. The difficult economic situation also hits this service most directly. In Gornji Milanovac they told us that a militiaman with 10 years service earns 11,000 dinars, while the trick chief at the militia station with 30 years toward retirement, has reached all the way to 12,500 dinars. Yet these are simply reasons, not justification, for individual incidents in a service that, according to general estimates, performs its job correctly.

Such incidents have multiple negative echo, for it is not good that blows from the "organs of power" be considered as a risk of living in an organized society. To be specific, we all know that the job of the Secretariat of Internal Affairs would be very simple and easy--if we did not have any internal affairs! Unfortunately, we do have internal affairs!

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END