

Transparency in Public Administration, Crisis Communication and Disinformation

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Page | 48

MOTTO:

“If something can go wrong, the administration will do it three times”

(Edward A. Murphy)

ABSTRACT:

Transparency in public administration has overcome a long time ago the stage of principles, being materialized into a complex legislation. Nevertheless, the legal provisions in this field are not always followed and a situation of pandemic crisis may create, as it has already been proven, the pretext and the appropriate framework for ignoring or avoiding the regulations in this field. As long as transparency is affected, the official public communication also has to suffer, and an inadequate public communication, incorrect or unilateral, in a period of severe sanitary, economic, social crisis, generates mistrust, which may lead to panic and may ensure premises favourable to stimulating manipulation and disinformation. We are dealing with a phenomenon more and more dangerous, on the background of the development of technology and means of communications, and disinformation acts aggressively and may have consequences similar to a lethal (corona)virus.

KEYWORDS: *public administration, transparency, crisis communication, disinformation, manipulation.*



1. Introduction

A legal framework adequate to transparency in public administration

Starting from the year 2001, for two decades until now, in Romania various regulations, legal acts were consistently adopted that promote ensuring transparency in public administration. In this respect, the Constitution of Romania states, in art. 31, the “Right to information”: “(1) A person's right of access to any information of public interest shall not be restricted”. and “(2) The public authorities, according to their competence, shall be bound to provide correct information to the citizens in public affairs and matters of personal interest”¹. By further regulations, it was issued successively: the access to information, public procurement, asset declarations, the regime of incompatibilities and conflicts of interests, the civil servants` statute and code of ethics, rules for public procurement and electronic auctions, the promoting of decisional transparency in public administration was permanently observed and supported all these leading to the configuration and passing of the Administrative Code². All together, these acts represent, in fact, fundamental rules materializing principles that compose the legal space of institutional reform in Romania, following the legal model that was imposed through resolutions and directives of the European Union.

After all, the institutional tone was started, twenty years ago, right with the Regulation (EC) no. 1049/2001 of the European Parliament and of the Council of 30 May 2001, which, given the Treaty establishing the European Community, states as follows: (2) Openness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system. Openness contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in Article 6 of the EU Treaty and in the Charter of Fundamental Rights of the European Union”³. The mentioned Charter also states, in art. 42, the right of access to documents, as follows: “Any citizen of the Union, and any natural or legal person residing or having

¹The Constitution of Romania, republished in the Official Gazette of Romania no. 767 of 31 October 2003.

²The Administrative Code was adopted by Government Emergency Ordinance no. 57/2019, published in the Official Gazette of Romania no. 555 of 05 July 2019, with the subsequent alterations and completions.

³<https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32001R1049&qid=1597046485321&from=RO>



its registered office in a Member State, has the right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium”⁴.

But these legal acts were preceded by provisions regarding openness of decisions by the Treaty of Maastricht, from 1992, and the principle of openness was explicitly, but also debatably, stated in art. 1 of the Treaty regarding the European Union, which stipulates that the decisions of the European Union must be adopted as openly as possible. Subsequently, in the Treaty of Amsterdam, in 1997, the right of access to documents of the European Parliament, of the Council and of the Commission was included, as well as for the benefit of all natural and legal persons residing or having their registered office in one of the member states.

In Romania, legislation on public transparency imposes openness and promoting activities in central and local public administration to the citizens, by attracting the participation of the public in the process of rulemaking and, also, by involving the participation of the citizens in the process of the decision-making. In this context, they all work on the making of the specific regulations regarding the life of the community, as partners, representatives of the local public administration, institutions and public services, together with the beneficiaries of their services, as simple citizens, non-governmental organizations, associative structures and, generally speaking, the civil society.

In fact, transparency does not remain unilaterally at the disposal of the authorities of the central or local public administration or of any other public institutions using public financial resources, but represents a legal obligation, implicitly regarding letting the public know the draft regulations, right before they are adopted. In this way, the framework is created for recipients of the regulations, natural or legal persons, to have the opportunity to make suggestions and recommendations for the drafts in project. Therefore, interventions made in the rulemaking will be analysed by the initiating institutions which, later on, will decide upon the possibility of including the registered suggestions in the final version of the legal acts. Just as important is the participating of the public in the process of the decision making, the present legislation offering to the interested ones the opportunity to take part and to express their points of view in the meetings of the public institutions.

⁴<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:ro:PDF>



This list includes the most important legal acts that should ensure a full transparency in public institutions, in the local and central public administration in our country: Law no. 544/2001 on free access to public information; Methodological Norms for the enforcement of the Law no. 544/2001 on free access to public information; Law no. 161/2003 on certain measures to ensure transparency in the exercise of public dignity, public functions and in the business environment, preventing and sanctioning corruption; Law no. 52/2003 on decisional transparency in public administration; Government Decision no. 195/2010 on the approval of national strategy “e-Romania”.

There are also other regulations adjacent to the listed legal acts, that materialize the transparency principle, all culminating in the Administrative Code which, in art. 8, states as follows: “The principle of transparency - (1) In the process of law-making, public authorities and institutions have the obligation to inform and submit to consultation and public debate the legislative drafts and to allow the access of the citizens in the process of administrative decision-taking, as well as to the public data and information, within the law. (2) The beneficiaries of the activities of the public administration have the right to obtain information from the authorities and institutions of the public administration, and they have the correlative obligation to make available to the beneficiaries’ information, ex-officio or upon request, within the law”.

In addition to this, in August 2020, a Draft of a Decision to approve the Methodology on decisional transparency in public administration⁵ was submitted for public debate on the “E-Consultare.gov.ro” platform, unfortunately unsuccessfully, since it has not been adopted until now. In the information note of this project, its authors themselves, respectively the representatives of the government, admit that “there have been identified two big categories of malfunctions in implementing the decisional transparency by the public authorities and institutions:

1. the uneven enforcement or interpretation (flaws in working practices, lack of concrete procedures, lack of allocation of human resources in this field);
2. lack of prioritizing transparency in the agenda of the management of the public authorities and institutions”.

⁵<http://e-consultare.gov.ro/w/proiect-de-hotarare-pentru-aprobarea-metodologiei-privind-transparenta-decizionala-in-administratia-publica-docx/>



2. Solutions to eliminate malfunctions

In this respect, starting with the suggestions of the ones directly involved, and here we talk about public authorities and civil society, the draft identifies and promotes a series of solutions to eliminate the malfunctions identified by the specialists and to stimulate transparency in public administration, by imposing a uniform working methodology. It is intended to create a personnel structure adequate to ensure transparency at the level of all public entities. Also, the clear delimitation of the attributions and competences of the officials appointed to ensure decisional transparency in public administration and to increase the degree of training, professionalization of those concerned. A standardization of the content and structure of the sites of the public authorities and institutions is correlatively necessary. At the same time, it is required to create unitary documents and uniform format models, easily accessible, for all procedures of public consultation, and these should be used accordingly by all central and local public authorities and institutions. Regarding the mechanisms of institutional communication, an extension of the information channels is necessary to allow procedures of public consultation by integrating a central platform to which the institutions of the public administration should be connected.

But, as long as there are no concrete steps taken to materialize these goals, by adopting the implementing rules, transparency remains a general principle, transposed and materialized subjectively at the level of the public administrations and institutions. A real change and cleaning in this respect also implies hiring efficient information campaigns, following the model of the ones that took place a few years ago, together with adopting the laws on the access to information and on the decisional transparency in public administration. It is only like this, by a consistent communication, by campaigns, debate and explanation in the public space that the citizens as well as the civil servants will know better what their rights and obligations are, they will know exactly what they have to do. Also, it can be proved on the basis of the functioning itself and of the experience in this field, that any law must be enforced pragmatically and well transposed into institutional practices so that it may allow concretely the relation, without gaps and errors, between the citizen and the public institutions. For a right legislative enforcement, the training session of the civil servants is obviously necessary



in order to know and operate with the new regulations. And, not least, the institutional success consists of the control and evaluation of the enforcement of the law. By studies, analyses and periodical specialty reports, the public administration and the legislators must have a clear image of the real changes, the adequate functioning, the achieved performances and the efficiency generated by the new legal framework. Page | 53

I have highlighted the legal framework based on which the transparency is theoretically ensured in administration and public institutions, the access to public information, the communication with the public, the relations with the mass media or by platforms of electronic communication. But there are currently big differences from one public institution to another as far as respecting the legal framework in this field is concerned, including the ensuring of resources, of the necessary organizational structures as well as of specialists that are familiar with public communication and the related legislation. The differences are major, if we refer to the public institutions from the urban areas compared to the ones from the rural areas. The lack of a unitary regulated methodology framework on ensuring, led to different institutional answers and solutions. This situation was obvious with all its deficiencies, especially in the situation of sanitary and economic crisis generated by the coronavirus pandemic Covid-19.

3.The end of transparency and the crisis communication

Of course, the pandemic crisis can be assimilated to an extreme situation, of force majeure, but it is exactly in such circumstances and by such trials on the edge that the power can check itself, its institutional strength, the organizational ability, the ability to efficiently react and answer to such challenges. In such a situation, when rights and freedoms are restricted, when the direct physical contact between the authorities, representatives of the administration, of the public institutions and the citizens is reduced to its minimum, the institutional ability to ensure transparency, an alternative efficient communication, by electronic means, by media and social media, by its own sites is even more obvious. But it was proved in this situation of pandemic crisis that it was just the opposite, that it is adopting hasty regulations, without any public debate, avoiding the procedures of public



procurement by direct entrustments and investments, political clientelism, non-transparent, without any public communication, the centralizing of public information and the discretionary management of these by a strategic communication group at the national level.

The public procurements during the state of emergency were verified, in 2020, by the Romanian Court of Auditors, which found that, at a central and local level, between March 16 and May 31, 2020, during the coronavirus pandemic, the financial-accounting deviations amount to 659 million lei. At the same time, the damage resulting from the public procurements performed in the state of emergency amount to 38.3 million lei.

The Romanian Parliament decided, in November 2021, to establish of a special Parliamentary Commission of Inquiry of the Chamber of Deputies regarding public procurement of consumables in the health sector, protective materials, masks and medical equipment, all carried out as a matter of urgency. The respective acquisitions, during the states of emergency and alert, were made by the Ministry of Health, the public health directorates and other institutions subordinated to the relevant ministry, according to the parliamentary notification, by circumventing the legal procedures provided for this purpose.

It remains to be seen whether the parliamentary-level investigation into public procurement during the Covid-19 pandemic will clarify compliance with the legal and ethical principles underlying these procedures: legality, transparency, competitiveness, and equal treatment⁶.

As public institutions became more and more opaque on the pretext of the need of unitary and strategic communication, to avoid spreading unverified information and inducing panic, an increasing audience was gained, by the use of social media, by conspirational speculations, disinformation, intoxication with fake message, of propagandistic nature, and manipulations that negatively inflated the public space and confused, even induced panic to the citizens.

Specialists claim that “during a crisis, the «hungry» press takes and spreads all types of information, so that organizations can no longer control the messages that reach the media. If messages leave incomplete or carrying contradictions right from the heart of the organization itself, the result is a sum of contradictory information (coming from official and/or unofficial sources,

⁶<https://www.bursa.ro/comisie-de-ancheta-pentru-achizitiile-medicale-din-pandemie-89737444>



frequently mixed with rumours) that lead to the situation in which every journalist and even every community member builds his own version about that crisis”⁷.

Probably starting from such a premise and trying to avoid an unapproved opinion, dissonant, on several voices, the government decided to create a Strategic Communication Group, the only one authorized to officially communicate publicly information on the coronavirus pandemic, its evolution and the measures that were taken by the authorities in this respect. This group was appointed by the Decision no. 2 of 24 February 2020, of the National Committee for Special Emergency Situations (CNSSU).

The constitution of this strategic communication group was constantly criticized by mass media, it was labelled as “mysterious and ghostly” and its components were not known. And then, the press took a stand showing that “...Romanians keep their eyes on the government statements on the evolution of the coronavirus pandemic. They are all signed by the «Strategic Communication Group», a group consisting of specialists without name and surname. We have asked the government and the minister of the Internal Affairs to tell us the components of this group, who is part of it and on what grounds it was created. We have not found any published act by which these “groups” came into being, who decided that they should be founded and their components”⁸.

Later on, over more than a year after this Strategic Communication Group was appointed, the press wrote: “The government has systematically refused for more than a year, in spite of the numerous requests of the press, NGO-s and of three parliamentary interpellations, to let the public know who the members of this Group are, which is the only authority that decides what we need to know - or not know - about the COVID-19 situation in the country. Data show that the information we receive is outside any control of medical and public health authorities and that all the decisions are taken by people dealing with communication from eight militarized structures of the state, most of them from the Ministry of Internal Affairs. In fact, 12 of the 19 members of the group have military ranks”⁹.

⁷Coman, C., 2009, *Comunicarea de criză. Tehnici și strategii*, Bucharest, Romania: Polirom Publishing House, p. 92.

⁸<https://romania.europalibera.org/a/grupurile-fantom%C4%83-de-criz%C4%83-exper%C8%9Bii-%C8%9Binu%C8%9Bi-la-secret-de-guvern/30508290.html>

⁹<https://pressone.ro/secretistan-ii-cine-sunt-membrii-misteriosului-grup-de-comunicare-strategica>



In this context, on 21 March 2020, the prefects were forbidden to communicate any information on the crisis generated by the pandemic and the specific situation in each of the city counties. Through a note signed by the secretary of state in the Ministry of Internal Affairs, Gheorghe Sorescu¹⁰, the Institutions of the Prefect were informed that any communication on issues concerning the pandemic and the crisis is carried out strictly from the central level, by the Strategic Communication Group. In the above-mentioned document, the prefects were explicitly forced not to communicate any information at all about: “the number of COVID-19 tests done; the number of persons that were identified as positive as a result of these tests; the health condition of the patients identified as positive with COVID-19”. This was a first error and a dangerous precedent in ensuring transparency at the level of the responsible public institutions.

“What the Communication group did last week - stated Mircea Toma, president of Active Watch association - restricting access to information by forbidding the prefectures to share data or when they passed from two information's a day to only one, it is not at all ok. Put something else in its place. If you restrict speech, you make an invitation to disinformation, you will get information from anywhere else. Transparency is the basic communication alphabet in situations of crisis. Somebody there dictates exactly the contrary: the press is the enemy, we are hiding. And this costs. Lack of transparency in such moments is part of the crisis, takes part in the crisis. If you communicate quickly and transparently, you reduce part of the crisis”¹¹.

In emergency situations, in crisis situations, operative communication is necessary and essential to public interest. The Administrative Code stipulates the attributions of the prefects, among others, such as, according to art. 253: d) “they act to maintain the climate of social peace and of a continuous communication at all institutional and social levels, paying constant attention to preventing social tensions”. And in the field of the emergency situations, according to art. 257: a) “takes, as president of the County committee for emergency situations, all the necessary measures to prevent and manage them”.

¹⁰<https://www.hotnews.ro/stiri-coronavirus-23741035-coronavirus-prefectii-interzis-comunice-informatii-covid-19.htm>

¹¹<https://romania.europalibera.org/a/grupurile-fantom%C4%83-de-criz%C4%83-exper%C8%9Bii-%C8%9Binu%C8%9Bi-la-secret-de-guvern/30508290.html>



On the other hand, the Government Emergency Ordinance no. 21/2004 on the National System of the Emergency Situations Management¹² defines “emergency situations” as being “exceptional events, of a non-military nature, that threaten the life or health of a person, of the environment, material or cultural values, and in order to restore the normality it is necessary to take urgent measures and acts, to allocate specialized resources and unitary management of the forces and means involved”. The legal act also states that „the management of the emergency situation represents the entire actions carried out and the procedures used by the decisional factors, public institutions and services entitled to identify and monitor the sources of risk, to evaluate the information and analyse the situation, to draw up prognoses, to establish versions of action and to implement them for the purpose of restoring the normality”. According to art. 3 of the previously mentioned ordinance, the principles of the emergency situations management aim at: f) transparency of the activities carried out in order to manage the emergency situations, so that they do not lead to the worsening of the resulted effects; g) continuity and graduality of the activities of managing the emergency situations, from the level of the local public administration authorities to the level of the central public administration authorities, according to their extent and intensity”.

At the same time, the National committee for emergency situations also has among its major attributions “coordinating information of the public opinion about the emergency situations management”. Which means, it has the obligation to ensure communication and not to coordinate its obstruction or censorship.

Therefore, if the prefects run the county committees for the emergency situations and manage their activity, especially if, at the level of the institutions that they represent, there are spokesmen or specialists in public relations, it is the less justified the interdiction to communicate official information, of the highest public interest. The premise of ensuring a unitary communication at the national level, the filtering and censorship of the public information strictly to a central level, in a so-called “strategic” approach, univocal, turned out to be counterproductive, stimulating in fact disinformation in the public space by the circulation of the information on alternative, unofficial,

¹²Government Emergency Ordinance no. 21/2004 on the National System of Emergency Situations Management, published in the Official Gazette of Romania no. 361 of 26 April 2004, with the subsequent alterations and completions.

speculative channels. In fact, the strict official information, spread out centralized, generally valid, cannot take the place of specificities and atypical situations, from case to case, referring to local particularities, which can vary from one region to another, and from one place and community to another.

In this respect, in emergency and crisis situations, the prefect must remain, according to the present legislation, the officially authorized voice to communicate responsibly and operatively, institutionally efficient, messages that serve the public interest, according to the specific situation in each Romanian county. The situation in which the representative of the government in the county is denied this attribute can speculatively lead to biased interpretations, in the sense that either the central authorities are hiding the truth and promoting censorship, or that they do not trust their own representative, or that these are incompetent and unable to communicate in an authorized way in crisis situations.

Specialists in communications claim that “in crisis situations, the best attitude is transparency: this means a complete openness to the information needs of the public and to those who contribute to its information - journalists. Openness to the press and civil society cannot be associated with the lie, with the half-spoken truths, the attempts to mislead journalists. In crisis situations, honesty is essential, and the organization must speak from the point of view of the public interest, not in its own interest”¹³.

Therefore, even if in a pandemic crisis of this extent it aims at a unitary communication, by a unique centre, called Vstrategic, communication can be wisely and transparently materialized through a good organization and coordination, by establishing adequate communicators in every county, at least, by their operative training and ensuring some operative messages, on the basis of priority scores that are to be operatively released. It is advisable that those who send messages enjoy the credibility, the reputation and the authority, so that the community know them and grant them trust. By their position as officials, prefects meet all these conditions at the level of the country counties.

¹³Coman, C., 2009, *Comunicarea ...*, op. cit., p. 112.

It is incomprehensible, under such circumstances, despite the criticism that the government received from the mass media, about the mysterious group of strategic communication, why it has not been revised and gone back to its attributions, activity and organization, obviously unsatisfactory to the press and the public. This error was maintained and information about the management of the sanitary crisis, instead of being released to the level of the Romanian counties, by the legally appointed and credible ones, has continued to be transmitted only from an inconsistent central level, without campaigns with the force of multiplying and retransmitting, therefore inefficient. The institutions of the prefect and those from the local public administration, that were entitled to be directly involved, considered themselves relieved, having no obligation to communicate related to the coronavirus pandemic, so that they have not become, as they should have, either the interface, or the platform of officially authorized communication. The situation has not changed until now, it can be easily checked by accessing the official sites of the prefectures, county councils, local councils or mayor's offices across the country, although these institutions are closest and permanently respond to the immediate interests of the citizens and of the communities.

So, besides the sanitary crisis, caused by the coronavirus pandemic Covid-19, that also brought along with it a powerful economic crisis, we can also speak about a public communication crisis, because of the mysterious actions and functioning, lacking transparency, of the Strategic Communication Group. In fact, this situation has been described by the specialists as follows: “The communication crisis represents an interruption or a change of the informational flows inside the organization, or/and between the organization and the extra-organizational environment, that makes impossible a dialogue and negotiation and has as a result a confrontation in the communicational space up to the point of losing organizational and communicational identity”¹⁴. We'd say, also of credibility... Therefore, communication takes place forcedly, in an authoritarian manner, and in the field of communication and relations with the relevant external publics and the press, there comes to an increase in discontent, consistent reactions and defensive justifications from communicators, lack of trust and communicational malfunctions.

¹⁴Chiciudean, I., Țoneș, V, 2010, *Gestionarea crizelor de imagine*, Bucharest, Romania: comunicare.ro Publishing House, p. 103.



We cannot, of course, pretend that only through communication a crisis can be alleviated or solved, especially when it has such a global pandemic magnitude and an expanse on a long period. But, with a good communication one can efficiently tackle crisis. “Communication is not a miraculous solution – states Rosemarie Haineș -, it cannot act upon the causes of the crisis, it cannot solve the crisis, but it may become a mechanism of defence. In order to be efficient, the communication strategy must be accompanied by the human action and by a product strategy”¹⁵. Therefore, “The crisis management is successful if it adopts an integrated model of public relations in two directions, symmetrically (representatives of the organization and its publics are in a continuous dialogue) and is used together with the problems management, strategic planning and, especially, anticipation. There is no miraculous receipt, generally true, each crisis being a particular case, generating a unique and complex situation”¹⁶.

In addition to this, if an efficient management of communication is not achieved with and by the mass media, through the official channels, things can easily get out of control, as a result of electronic communication. “Internet allows the increase of the media reputation of the crisis. It can turn a simple incident into a major crisis”¹⁷, as Thierry Libaert noticed. “Crisis can be amplified by electronic messages and on chat forums, but also because of the contestation sites”. But the same specialist concludes that “if it can create or amplify a crisis, internet can as well prevent or reduce it”¹⁸.

No crisis situation is identical to another, they may have common elements, but they are different by their specifics, the size of the organizations, the amplitude, the way it started and took place, consequences, effects and so on. Despite the possible measures of counteracting, anticipation and precautions, their management can anytime get out of control. But, organizing a good communication during the crisis, this may soften the effects of the crisis and even stop certain negative reactions from the public. Although, as Cristina Coman observed, “The almost continuous

¹⁵Haineș, R., 2008, *Tipuri și tehnici de comunicare în organizații*, Bucharest, Romania: University Publishing House, p. 36.

¹⁶*Ibidem*, p. 146.

¹⁷Libaert, Th., 2008, *Comunicarea de criză*, Bucharest, Romania: C.H. Beck Publishing House, Translated by Georgiana Medrea Vătăjelu, p. 89.

¹⁸*Ibidem*, p. 90.



presence of crisis, placed at the most various levels, determined more and more political leaders, firm managers, management specialists and public relations practitioners to talk about the «crisis administration», about the «crisis management», about the «crisis communication» and so on; nevertheless, daily experience shows that there are actually less possessing the competences, the experience and the logistic necessary to efficiently prevent and control a crisis”¹⁹. Page | 61

When communication by official channels is not well organized, it will be surpassed by the unofficial information, unauthorized, by alternative channels, it will be compromised by rumours, disinformation, information manipulation, its distortion and misrepresentation in various purposes and for speculative beneficiaries. As Thierry Libaert describes it, “the rumour is a current suggestion, reliable, that does not necessarily imply that the sender is convinced by the truth of the message. It is spread by oral messages or the Internet, in the absence of the elements to prove its reliability. It is characterized by ignoring the original source (“I heard that”, “it seems that”). The more it circulates, the more its content is distorted”²⁰.

4.Proliferation of manipulations, the success of disinformation

Regarding the coronavirus pandemic, in Romania the authorized voice of the authorities, of the epidemiologic specialists and doctors, was covered by that of the conspiracists, of the pandemic deniers and of the anti-vaccine protesters. Seduced by manipulation and disinformation, spread by mass media as well as by social media, by the opinions of those persons always present in television studios, ready to express their thoughts about just anything, by viral messages on social media from all kinds of witches, politicians and even famous artists, with popular appeal, dissatisfied by the restrictions imposed upon public events and who have thus reached financial problems²¹, most of the Romanians have come to bewilderingly believe that the anti-Covid 19 vaccines are more likely to kill than covid itself. Those concerned have come to consider unreal and manipulative the images with the infected ones and the overcrowded Anesthesia and Intensive Care Units, left with no more

¹⁹Coman, C., 2004, *Relațiile publice și mass-media*, Bucharest, Romania: Polirom Publishing House, p. 231.

²⁰Libaert, Th., 2008, *Comunicarea ...*, op. cit., pp. 93-94.

²¹<https://www.libertatea.ro/opinii/cine-construiete-mesajele-care-au-ingenunchiat-romania-3788223>



empty beds, with exhausted health care workers, reaching the limit of their powers... They have considered that these images are counterfeit and represent fake news, just like the ambulances waiting in a queue in front of the hospitals, because they have no more places to let the dying patients.

Instead, these victims of manipulation and disinformation have come to believe that secret old-time home remedies or ghostly pills illegally trafficked from outside Romania or bought at the street corner, will ensure the necessary immunity to save them from Covid-19. All the same, there were also spread advice or “miraculous” cures to protect against coronavirus, by using some minerals, garlic, lemon, quicksilver and so on, that have gathered millions of views on social media, advice and comments²². Then, when, following such cures and prescriptions, some got sick with the dangerous coronavirus and could no longer breathe, they would beg, with a dying breath, the health care workers to vaccinate them, but, unfortunately, for most of them the wake-up turned out to be much too late.

Under such circumstances, without understanding what is going on, without having ever before been confronted with a similar situation, the World Health Organization sent in our country a delegation, to understand and study “The pandemic phenomenon Romania”, interpreted in this context as an obscure and incomprehensible space of the planet. Thus, Romanians turned out to be unique, proving that most of them react empirically, according to their competences, no matter what were the opinions, advice or guidance of the experts, specialists in health or epidemiology, independent of the authority’s public communication, which is unfortunately undermined. From this perspective, the situation of the vaccination in Romania is relevant, that, at the time of elaborating the present study, officially indicated the following reality regarding the vaccinated persons: „Rural - 16.31%, Urban – 31.20%, Municipalities – 33.03%”²³.

It is not just our country that is a victim of a disinformation campaign, in a complicated period of sanitary, economic, and social crisis, extrapolated to an international level. At the level of the European Union a special report was recently drawn up, no. 9/2021, called “Disinformation affecting

²²<https://www.digi24.ro/stiri/actualitate/sanatate/6-sfaturi-pe-care-sa-le-ignori-daca-vrei-sa-te-protejezi-de-coronavirus-iti-pot-face-mai-mult-rau-decat-bine-1272274>

²³<https://vaccinare-covid.gov.ro/situatia-vaccinarii-in-romania/>



the EU: tackled but not tamed”²⁴. In this report, it is shown that, although disinformation is manifesting in human communication even from the beginnings of the civilization, it has become disturbing because of the extent of this phenomenon and of the speed with which false or misleading information are being multiplied and spread, generating the possibility to reach different audiences, whether intended or unintended, by social communication platforms and new technologies. Under these circumstances, it becomes a permanent cause for a public prejudice.

Concrete steps in tackling disinformation were taken at the level of the European Union back in 5 December 2018, when an “Action Plan of Eu against Disinformation” was adopted, a plan which establishes 10 specific actions concerning 4 priority fields or “pillars”, according to the table below. At the same time, for the actions meant to institutionally tackle disinformation 50 million euro were allocated between 2015 and 2020.

In the mentioned special report, it is shown that tactics, actors and technology concerning disinformation constantly evolve, that a reaction is necessary to match and extensive mechanisms have to be configured to ensure a coordinated answer of the EU on tackling disinformation, well-coordinated, efficient and proportional to the type and extent of the threat. Such mechanisms, despite the allocation of resources, have not existed until now and there has been no framework for monitoring, evaluating, and reporting to accompany the Action plan of the EU, which undermines, claim the rapporteurs, the ensuring of the responsibility.

The European Court of Auditors also claims the absence of an educational strategy on mass media, to comprise tackling disinformation, observing the fragmentation of politics and actions meant to improve the ability to access, and also to understand mass media and the means of communication, as well as to interact with these.

It is important that it has, however, come to a definition in legal terms of disinformation, and the European Commission defines “disinformation” as “a series of information whose false or misleading nature can be checked, that are created, submitted and spread to obtain an economic gain or to deliberately mislead the public and that can provoke a public prejudice”²⁵. Such a public

²⁴<https://op.europa.eu/ro/publication-detail/-/publication/e166653a-c72a-11eb-a925-01aa75ed71a1>

²⁵Communication on tackling online disinformation, COM(2018) 236 final, of 26 April 2018.



prejudice, according to the definition, includes threats to the democratic political processes and to the elaborating of politics processes, as well as to protect the health of the EU citizens, the environment, and security.

Table - Pillars and actions of the Action plan of the European Union against disinformation²⁶ Page | 64

| Pillar | Actions |
|--|--|
| I. Improving the capabilities of Union institutions to detect, analyze and expose disinformation | (1) Strengthening the Strategic Communication Task Forces and Union Delegations through additional resources (staff and financial) to detect, analyze and expose disinformation activities (2) The review of the mandates of the Strategic Communications Task Forces for „Western Balkans” and „South” |
| II. Strengthening coordinated and joint responses to disinformation | (3) By March 2019, the establishing of a Rapid Alert System between the Member states and the EU institutions to work closely with existing networks (such as NATO and G7). (4) Strengthening communication before the European elections in 2019 (5) Strengthening strategic communications in the Union’s neighborhood |
| III. Mobilizing private sector to tackle disinformation | (6) Close and continuous monitoring of the implementation of the Code of Practice to tackle disinformation , also pushing for rapid and effective compliance, with a comprehensive assessment after 12 months |
| IV. Raising awareness and improving societal resilience | (7) Organizing, together with Member states, targeted campaigns to raise awareness of the negative effects of disinformation and to support the work of independent media and quality journalism (8) Member States should support the creation of teams of multi-disciplinary independent fact-checkers and researchers to detect and expose disinformation campaigns (9) Promoting media literacy , including by the Media Literacy Week in March 2019, and the rapid implementation of the relevant provisions of the Audio-visual Media Services Directive (10) The effective follow-up of the Elections Package , notably the Recommendation, including the monitoring by the Commission of its implementation |

²⁶Source: European Court of Auditors, based on the EU Action Plan, available on: <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A52018JC0036>

It was also, in March 2021, that a study was debated in the European Parliament called “Disinformation and propaganda: impact on the functioning of the rule of law and democratic processes in the EU and its Member States”²⁷. In this, the specialists show that, in the analysed period, that is January 2019 and January 2021, the impact of the actions of disinformation and the answers to them were significantly different from the ones in the previous years. The researches that were carried out indicate that, lately, the disinformation actions are more and more misleading, since they speculate and are configured exactly on the purpose of misleading, on the basis of an authentic content, of real information and grains of truth, and their sources have become harder and harder to identify. It was also observed that disinformation and manipulative propaganda have an extremely strong impact, when they are used by persons with high levels of political authority and fame, who enjoy the trust and attention of the citizens.

In response, certain legislative and political measures were adopted by different EU member states and third states, and the synchronizing and solidarity from the civil society can increase resistance to disinformation. Research is in progress, concerning the psychological mechanisms of manipulation and resistance to disinformation, recommendations regarding legislative and political measures meant to protect democracy, the rule of law and the fundamental human rights, aiming at creating an informational ecosystem, efficiently conceived and structured, that promotes and protect this human values.

5. Conclusions

There is in our country a legal framework adequate to ensure transparency in administration and public institutions, concerning free access to public information, consulting the citizens in the decision-making process of adopting regulations and legal acts. There is also room for improvement, concrete deficiencies were observed and highlighted so that it is necessary to adopt methodology, uniform implementing rules on decisional transparency in public administration. It is necessary to have structures of specialized personnel to ensure transparency at the level of all

²⁷https://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU%282021%29653633



public entities. A clear delimitation of the attributions and abilities of the officials appointed is required in order to ensure decisional transparency in public administration, as well as increasing the level of their education, training and professionalization, a functional standardization at a national level, a standardization of some documents for public debate, uniform procedures and so on. Page | 66

It has unfortunately been proved that, in the pandemic and sanitary crisis, transparency and public consultation of the citizens in the decisional process were no longer priorities for the public authorities, going back to the background. Restrictive measures, related to fundamental constitutional rights and freedoms, that were taken in the state of emergency and in the state of alert, were unilateral, authoritarian, without public consultation, and the use of the public money often followed confidentiality or clientelism, avoiding and escaping public interest. Moreover, the appropriate transparent communication concerning the pandemic evolution, casework, effects and specific measures, was unilaterally filtered by a “Strategic Communication Group”, a mysterious one, that attracted many critics and complaints from the press.

In the context of inadequate official communication in the situation of generalized crisis, the local public administration being avoided, and as a result of the lack of credibility and trust in the government’s communicators, disinformation and manipulation proliferated. Instead, rumours enjoyed highest rates of audience, rumours B that were spread especially by social media. It was proved that citizens, most of them disinformed and manipulated, would rather trust empiric cures and old-time home remedies instead of science and vaccine against the Sars-CoV-2 virus.

Disinformation represents a more and more complex problem that affects, implicitly institutionally, the entire world. At the level of the European Union there regulations were adopted to stop this dangerous phenomenon. It takes sustained efforts and solidarity to protect democracy, the rule of law and the fundamental human rights. It all depends on each of us...



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