

## Romanian Democracy at the Crossroads

Written by Lavinia Stan and Ruxandra Canache

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LAVINIA STAN AND RUXANDRA CANACHE, FEB 9 2015

By unexpectedly winning the presidential elections of 2014 Klaus Iohannis, the ethnic German Lutheran mayor of the Transylvanian town of Sibiu, gave many Romanians renewed hopes for a more stable democracy that would recognize the positive contribution of politicians representing minority groups who have pursued successful administrative careers outside of Bucharest, the country's capital, without the backing of the corrupt power networks that seemingly tie together the Romanian political elite (Manea, 2015). The new president must meet these high hopes despite the significant institutional constraints placed on his mandate.

Romania and Bulgaria joined the European Union in 2007, three years after other post-communist countries were accepted. The delay reflected the inability of those two laggard countries to fulfill key accession criteria that would align them with other Union members from a political, economic and social viewpoint. Entry was followed by the introduction of a new mechanism for the continued monitoring of these countries' progress in adopting crucial reforms after their acceptance into the European club. While the Union officials have recognized Romania's progress in implementing the necessary reforms, reputed analysts warned that changes were skin-deep, therefore unable to align the country with other member states (Gallagher, 2009). Those predictions have been borne out by the increased polarization and fragmentation registered since Romania joined the Union. During the past seven years, Romania's democracy has proven exceedingly unstable institutionally and culturally.

President Traian Basescu and nine short-lived governments managed the country during its first seven years as a European Union member state. The Democrat Liberal Party, Basescu's ally, formed seven of these governments (2007-2012). The Social Democratic Party, successor to the Communist Party, dominated the last two cabinets (2012-2014). In addition, 35 ministers were replaced in 2007-2014 at times other than when the cabinets were formed.[1] Such high cabinet instability undermined the capacity of the state to enact the reforms called for by the Union, resulting in a chronic inability to secure European Union structural funds, collect taxes, and effectively address the country's multiple socio-economic problems. More than seven years after gaining entry, Romania remains one of the poorest and most corrupt European Union members.[2]

Part of the problem rests with its semi-presidential system, which bestows considerable legitimacy on the president and the parliamentary majority, both directly chosen by the people in elections held separately. (Presidential and parliamentary elections were last organized together in 2004. Since then, the presidential mandate has been extended to five years, whereas the legislative term remained four years.) The president and the cabinet share ill-defined responsibilities with respect to defense and foreign policy. Until 2012, President Basescu repeatedly stripped cabinets of some of their key responsibilities, and accepted only governments formed by the Democrat Liberals. His decision to announce in 2010 the introduction of austerity reforms in response to the global financial crisis might have protected the Democrat Liberal cabinet from public wrath, but also weakened the presidential office as an institution, since economic policy is not among its attributions. Basescu's insistence to include his political allies, the Democrat Liberals, in all cabinets gave that party a false sense of security and worth, and broke expectations of political representation, since the party won fewer votes than its main opponent, the Social Democrats, in 2004 and 2008.[3]

After the country joined the European Union, the usual bickering that divided the Romanian political elites escalated into bitter disputes during which different parties misused state resources to delegitimize their political rivals and increase their own public support. To counter Basescu's efforts to consolidate his power and expand presidential

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attributions, but also to curb his fight against political corruption and in favor of increased independence of the judiciary from the executive, the Social Democrats suspended the president in 2007 and 2012. Both times, the reasons for Basescu's removal held little water, and a popular referendum reinstated the president. The political elite as a whole, the Social Democrats, and Basescu shouldered the costs of this political wrangling, which further polarized and fragmented the Romanian political scene and diverted the government's attention away from its most important tasks – addressing poverty and social inequality, increasing government accountability and transparency, improving social services, and making the state apparatus more efficient in its activity and more responsive to citizens' demands.

Summer 2012 represented a particularly difficult period for Romania. In its blind quest to destroy Basescu's political career before parliamentary elections were organized later that year, the Social Democrats mounted a genuine assault on the state machinery. They changed personnel in key institutions (the Ombudsman) in view of reducing the number of Basescu supporters among bureaucrats, redesigned the work of other state agencies (such as the *State Gazette*, which decides the time when laws enter into effect by slating them for publication) to prevent retaliation from Basescu's camp, intimidated the Constitutional Court justices when required to examine the constitutionality of the suspension and of the subsequent referendum, and mobilized Social Democrat local leaders to tamper with the referendum results by encouraging anti-Basescu citizens to vote. While Basescu and his allies denounced these moves as a real putsch, they also asked his supporters to refrain from voting, so as to invalidate the referendum by lowering voter turnout below the required simple majority. As a result, Basescu returned to the presidency, in spite of the 7.4 million Romanians who endorsed his dismissal. By contrast, he was elected with the support of 5.1 and 5.2 million voters in 2004 and 2009, respectively.[4]

The reason why the Social Democrats opposed Basescu so adamantly became evident in 2012-2014, when an increasing number of politicians were investigated, convicted, and imprisoned for cronyism. The most notorious case involved Social Democrat leader Adrian Nastase, Prime Minister in 2000-2004. In 2012, Nastase became the first former head of government to serve prison time for corruption. He was not the only politician forced to take responsibility for misusing public positions for private gain. An analysis of investigations of top politicians for corruption revealed that 40 percent of the cases focused on Social Democrats and 18 percent on the Democrat Liberals (Popescu, 2014). In 2014, Basescu's brother was arrested for corruption, and Democrat Liberal and Social Democrat state dignitaries were found to have hidden in off-shore accounts bribes of millions of dollars received for allowing public education establishments to buy computers and software from private firms at vastly overblown prices (Bird, 2014). Critics of the Social Democrat government insisted that these recent revelations proved that, as president, Basescu was successful in guaranteeing the independence of the judiciary from the government, and from his own family. However, revelations also unearthed the tight links binding together politicians representing parties with vastly different ideological and policy commitments, confirming suspicions that corruption remained a cross-party gangrene.

For the anti-corruption fight to maintain momentum, President Iohannis must continue Basescu's policy of accepting nominations of untainted judges and prosecutors. The benefits of promoting anti-corruption are manifold – not only that Romania would fulfill a European Union requirement and improve government performance by reducing waste of valuable resources, but in addition the emergence of a cleaner political elite would strengthen public trust in democracy, counter voter apathy, turn citizens into a more participatory electorate, and improve the country's image abroad. However, if choosing this path President Iohannis, will likely face tremendous pressures from within his own National Liberal Party, which harbors notoriously corrupt leaders, and from the Social Democrat government, which can use its influence in parliament and cabinet to water down and even block investigations of corrupt politicians. The successful cohabitation of the Liberal president and a Social Democrat cabinet will help stabilize and consolidate Romanian democracy in the near future. For now, President Iohannis has steered clear of major controversies, made reasonable declarations, and benefited from the sympathy of the public. But the more he will try to unite the fragmented center-right forces that supported his presidential bid, the more he will distance himself from and clash with the Social Democrats.

### Notes

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[1] Data compiled from Stan and Zaharia, 2008; Stan and Zaharia, 2009; Stan and Zaharia, 2010; Stan and Zaharia, 2011; Stan and Zaharia, 2012; Stan and Zaharia, 2013; Stan and Zaharia, 2014 (forthcoming).

[2] The 2014 Human Development Index classified Romania second to last among European Union members (United Nations Development Programme, 2014). Romania was the most corrupt Union member in 2014 (Transparency International, 2014).

[3] For election results, see Stan and Zaharia, 2007; Stan and Zaharia, 2013.

[4] For election results, see Stan and Zaharia, 2007; Stan and Zaharia, 2011.

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