

Romanian politics in 2012 has been marked by a rocky cohabitation between Victor Ponta's government and President Traian Basescu.

by Blog Admin

*In Romania, this year has seen the resignation of one government, a vote of no-confidence in another, an attempt to change the electoral system and efforts by the government to impeach the sitting President. **Cristina Bucur** looks over political developments in Romania during 2012, finding that they have been characterised by constitutional infighting and an often difficult political cohabitation between the recently re-elected government and the President.*



It has been a busy year for Romanian politicians in 2012. The coalition government between the Democrat Liberal Party (PDL) and the Hungarian minority party (UDMR) that had been in power since December 2008 resigned in early February, following several weeks of street protests that had been triggered by but were not exclusively directed against austerity cuts. Emil Boc, the PDL leader, was succeeded as prime minister by Mihai Razvan Ungureanu, the Director of the Foreign Intelligence Service since 2007 and a former minister of foreign affairs. Despite the prime minister's independent status, the Ungureanu government was in fact a continuation of the PDL-UDMR coalition and enjoyed President Traian Basescu's support. Two months later though, the government lost a vote of no-confidence and was replaced by a coalition made up of the Social-Democrat Party (PSD) and the Liberal Party (PNL). As the PDL was not invited to join the new coalition government, the Ungureanu government's defeat also brought about the onset of a period of cohabitation between President Basescu and the PSD-PNL government.

The new government led by Victor Ponta, the PSD leader, took office just one month before the local elections in June and six months ahead of general elections. The first major event of the cohabitation between President Basescu and the PSD-PNL government was their attempt to rewrite the electoral law so that the mixed-member electoral system would be replaced by a first-past-the-post-system. The PDL and the UDMR opposed this change. While both parties were in favour of an electoral system that was based on single-member constituencies, their eroding popularity was likely to affect significantly the number a seats they would win under a majority system.

The local elections confirmed their concerns: while the PDL and the UDMR won little more than 15 per cent and 5 per cent respectively, the PSD-PNL coalition topped the polls with almost 50 per cent of the vote. However, in June the Constitutional Court declared the revision of the electoral law to be unconstitutional. Therefore, December's legislative elections were contested under the mixed-member electoral system. In the end, the PSD-PNL coalition which contested the general election this month as the Social-Liberal Union (USL), still obtained a **huge majority** with 59 per cent of the votes cast and 67 per cent



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of the parliamentary seats. The PDL, which ran in the election as part of the Right Romanian Alliance (ARD), obtained just under 17 per cent of the votes and 14 per cent of the parliamentary seats, while the UDMR won 5 per cent of the vote and slightly less than 5 per cent of the seats.

The scale of the USL's victory and the extent of the ARD's defeat are revealed by the extent to which each party benefitted from the mechanics of the electoral rules. The Romanian electoral system combines a single round of voting in single-member constituencies with a two-round system of seat allocation for parties that surpass an electoral threshold of 5 per cent. Only those candidates who win over 50 per cent of the votes in single-member constituencies are automatically elected. The remaining seats are distributed among the political parties first at the county level (using the [Hare quota](#)) and then at the national level (according to the d'Hondt method), provided they pass the 5 per cent threshold. The result is that the number of parliamentary seats is flexible. The number of deputies will increase if a party is able to elect its candidates systematically with 50% of the vote in the single-member constituencies. For example, imagine the situation where ten seats were up for election and where, proportionally, seven were won by the USL, two by the ARD, and one by the PP-DD. However, now imagine that USL candidates were elected in all ten single-member constituencies. In that case, three additional seats would have to be added to the total number of parliamentary seats in order to satisfy the overall proportionality of the vote.

At the 2012 election, there were 452 single-member constituencies, 315 for the election of deputies and 137 for the election of senators. In 2008, the redistribution of mandates increased the number of seats by only 1. The 2008-2012 legislature was thus made up of 471 MPs. By contrast, in 2012 the USL's success in the single-member constituencies generated 118 overhang seats, bringing the total number of MPs to 588. However, while only one of the 395 seats won by the USL was gained by supplementation, 55 of the 80 seats allocated to the ARD coalition were obtained in this way. For the PP-DD, 61 out of 68 seats were allocated through supplementation, whereas for the UDMR only one of its 27 seats was artificially created. Overall, these results confirmed the calculations made by all political parties in the political debate that surrounded the PSD-PNL's attempt to change the electoral law in May 2012 in order to introduce a first-past-the-post system at the national level. While the main government parties did not benefit at all from the redistribution mechanism entailed by the current mixed system, almost 70 per cent of the ARD parliamentarians would not have been elected in the new legislature had the FPTP electoral bill not been turned down by the Constitutional Court in June 2012.

By and large, the composition of the new government reflects the proportion of seats won by the four members of the USL coalition, the PSD, the PNL, the PC and the UNPR. For the first time since 1996, the UDMR has not been invited to join the government. The cabinet includes three vice prime ministers and 24 ministers and delegated ministers. The PSD, the PNL and the UNPR have one vice-PM each. The PC was compensated with two ministers for the lack of a vice-PM. The remaining portfolios have been divided between the PSD and the PNL, which have twelve and nine ministries respectively.

The cohabitation between President Basescu and the PSD-PNL government was also marked by the USL's attempt to impeach the president. Between 3 and 5 July, the PSD-PNL parliamentary majority removed from office the Advocate of the People and dismissed the Presidents of the two Houses of Parliament, who were both PDL members. Simultaneously, the government adopted an emergency ordinance that suspended the Constitutional Court's power to rule on decisions made by the parliament. Finally, on July 6, the USL majority voted to suspend the president from office and a referendum was organised three weeks later in order to decide whether or not he should be removed from office. While over 87 per cent voted in favour of President Basescu's removal, the referendum was not validated because fewer than 50 per cent of registered voters turned out at the polls.

The relationship between the president and the prime minister remained tense after Traian Basescu resumed office in late August. The government had been heavily criticised by high-level EU officials for infringing the independence of several institutions in its attempt to remove the president from office. The [opinion](#) adopted by the Council of Europe's Venice Commission in mid-December stated that the series of measures adopted by the Romanian Government and Parliament, which led to the suspension of the president and the organisation of the ensuing referendum, were problematic from the viewpoint of

constitutionality and the rule of law. In this context, President Basescu repeatedly declared that despite the foreseeable victory of the USL coalition in the general elections, he did not intend to re-appoint Victor Ponta as prime minister. In the end, though, the huge majority with which the USL coalition won the election left the president with no other choice but to nominate the Social-Democrat leader as PM.

However, a final act that redefines the politics of cohabitation in Romania preceded the official designation of the head of government. During the European Council summit held in Brussels on 13-14 December, President Basescu could be seen handing out a document to several European leaders, including François Hollande, Manuel Barroso and Martin Schulz. The document is an “agreement of inter-institutional collaboration” signed by President Basescu and Prime Minister Ponta. Apart from dividing the spheres of decision-making between the president and the prime minister, the agreement also outlines a protocol to be followed in case of conflicts between the presidency and the government. This is the first time the division of power between the president and the prime minister has been formally spelled out during a period of cohabitation. Additionally, this episode indicates the extent to which the European Union continues to monitor the political conduct of its newer member states. Traian Basescu’s second presidential term expires in late 2014 and the next general elections are scheduled for 2016.

This article contains material from a previous blog at the [Semi-Presidential One](#).

Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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