

# Romania's protests: A response to a three-pronged assault on anti-corruption measures

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*Romania has witnessed large anti-government protests over a proposed amnesty for prisoners which has the potential to free several officials currently in jail for corruption. [Daniel Brett](#) lays down the background, explaining that attacks on Romania's anti-corruption efforts have been threefold, coming through the legislative process, through a domestic campaign against the anti-corruption directorate (DNA) and its chief prosecutor Laura Codruța Kövesi, and via criticism of the DNA outside of Romania.*



Protests in Romania [have seen](#) over 150,000 people take to the streets in Bucharest, alongside 300,000 in the rest of the country, building on demonstrations that began at the end of January against the government. The protests were in opposition to a proposal to grant an amnesty for prisoners, which includes some politicians jailed for corruption, as well as to decriminalise some [corruption offences](#) including where the money involved is less than 200,000 lei (£38,000). Despite the protests, the Romanian government at 10pm on 31 January agreed to pass the amnesty and then published the law at 3am.

More protests immediately followed in Bucharest. The way in which the law was proposed and passed, and the reasons why the law was passed are causing deep alarm and anger in Romania at the government, and fears about the future direction of the country. The law, which took the form of an emergency ordinance (and so did not have to go through parliament – nor can it be blocked by the President) is seen by the protesters as an attempt by the governing [Social Democratic Party](#) (PSD) to free many of its politicians and backers who are currently in jail and to remove a conviction against current PSD leader [Liviu Dragnea](#).

Meanwhile, the decriminalisation of certain acts of corruption has been viewed as an attempt to prevent future prosecutions by the country's anti-corruption directorate (DNA). In a chilling echo of the [Colectiv Fire](#) of November 2015, which killed 64 people and was in part attributed to corruption that allowed an unsafe nightclub to operate, another [fire](#) at a Bucharest nightclub in January resulted in 44 people going to hospital and brought the issue of corruption to the forefront of politics again.

The ordinances are important because of how the Romanian legal system works. Once an ordinance is published in *Monitorul Oficial*, then it is law. Even if it is repealed five minutes later, for those five minutes, anything that was done under the law is legal. So if the ordinances were to be published and in five minutes the government [amnestied Dragnea](#) and the PSD supporters in jail and then the ordinance were repealed, the amnesty would still apply because the amnesty was 'legal' when it took place.

In a state where it has taken 27 years for former PSD President [Ion Iliescu](#) to be charged with [crimes against humanity](#) for bringing the miners onto the streets to crush pro-democracy demonstrations, and where anti-corruption efforts have been constantly thwarted and undermined, this law, with its wide ranging implications, shows how shallow democracy is embedded in Romanian politics. It also demonstrates how willing actors are to manipulate the law in search of their own interests.

Controversially, Romania's President, [Klaus Iohannis](#), joined the protesters. For the PSD, this was further evidence that Iohannis is attempting a [coup d'état](#). Indeed, he has even been accused by some of setting the nightclub on fire as part of a conspiracy to remove the government. For many protesters, his appearance was unwelcome, firstly for seeming to try and take over what was a grassroots protest drawn from all sections of society, and secondly, because this seemed like a repeat of the Colectiv Protests when Iohannis went onto the streets and made promises

that did not come to fruition and in retrospect seemed to be largely an attempt to take the sting from the protests.

### The new PSD government: same old PSD?

Following the fall of the Ponta government after the Colectiv Protests, the PSD regrouped under the new leadership of Liviu Dragnea. Dragnea is a controversial politician, with a reputation for corruption and authoritarianism, and his leadership was opposed by some within the PSD including Ion Iliescu. Dragnea was able to take control of the party. Despite leaving office following Colectiv, the PSD has come back and a little over a year later, it has a [majority in the parliament](#) with its allies and with most [mayors and local councils](#) under their control.

Dragnea's leadership of the PSD has been highly-effective. Since coming to power, he has carefully recrafted the party and promoted many younger members, including the former journalist [Gabriela Firea](#) (now mayor of Bucharest) and new Prime Minister [Sorin Grindeanu](#). Given how reluctant many older politicians are to leave the stage this represents a rare opportunity. However, they are all aware that they owe their position to Dragnea and their loyalty is the price of promotion. Dragnea, like Ponta before, is seen as a *descurcäreț* (street savvy): someone who has outsmarted the system and for some this is something to be admired.

Dragnea's effective leadership has been combined with ineffective leadership from the opposition. The lack of substantive reform from the technocratic government of [Dacian Ciolos](#) alienated many people who had protested following Colectiv. Moreover, the PSD, in alliance with the Romanian Orthodox Church, were able to control the agenda surrounding the parliamentary elections.

Rather than the elections being framed around the issue of corruption and social reform as presidential elections have been, the debate was around a proposal to change the constitution to ban same sex marriage. This forced the [National Liberal Party](#) (PNL) and the newly formed [Union to Save Romania](#) (USR) to take sides on the issue, splitting their support, while the traditionally older and more socially conservative PSD voters stayed with them. Turnout was low in both the local and parliamentary elections, reflecting a wider alienation with parties, but one which the PSD was able to exploit.

The government claims that the amnesty is a response to chronic over-crowding in Romanian prisons, however, there has been much confusion over who will be amnestied, and the question is why go through the procedure of an emergency ordinance rather than via parliament unless it was to avoid scrutiny or debate? Likewise, there has been no debate or scrutiny over the changes to the penal code.

In their opening remarks to Parliament, Dragnea and his ally, [Alliance of Liberals and Democrats](#) (ALDE) leader [Călin Popescu-Tăriceanu](#), laid out their cards early on. Dragnea attacked the [constitution](#) for debarring him from the Prime Ministership, while Tăriceanu who is under investigation for corruption, [attacked the DNA](#). Thus the major policy objectives – Dragnea securing the Prime Ministership and reversing anti-corruption legislation were clear.

As well as his conviction for electoral fraud, Dragnea is also under investigation for [corruption](#). Although the case is moving slowly, a second conviction would see him sent to jail (first convictions for corruption do not result in jail sentences) almost certainly ending his hopes of being Prime Minister.



Liviu Dragnea. Credits: PSD (CC BY 2.0)

Just as the leader of the Polish Law and Justice Party (PiS) Jarosław Kaczyński believes that the new US administration will have no interest in involving itself in [Polish politics](#), it seems clear that the PSD leadership believe that the same applies to Romania. The US and EU have both been involved in protesting attempts to unpick anti-corruption legislation. With the US looking inwards, and perhaps no longer interested in anti-corruption efforts, it falls on the EU and Romanians themselves to attempt to stop any such attempts. With parliament and many institutions under the control of the PSD and its allies, street protests are one of the few methods open to the population.

### A three pronged assault on anti-corruption measures

While attention has focused on the ordinances, moves against anti-corruption have opened up in three areas: through the legislative process, through a domestic campaign against the DNA, and via criticism of the DNA outside of Romania.



Laura Kövesi, chief prosecutor of Romania's DNA.

The DNA has been subject to intense criticism in the Romanian media, led by the RTV station owned by the former PSD (now far-right [United Romania Party – PRU](#)) politician Sebastian Ghiță. The allegations have included claims that Laura Codruța Kövesi, the DNA's chief prosecutor, [plagiarised](#) her thesis, and a leak of tapes involving her deputy and Ghiță alleging they are [foreign agents](#). The aim has been to cast the DNA as corrupt and as a political tool, while arguing that the prosecutions are anti-democratic.

A second strand of this narrative seeks to minimise corruption by the PSD by claiming that all politicians are corrupt. The suggestion is that there is little real difference between any of the parties, which in part is why turnout has been so low in the local and national elections. But the DNA has also been subject to criticism in a third area: the foreign press, where the PSD and

their supporters have made effective use of the western media to either praise Dragnea or attack the DNA's actions.

These contributions cast the DNA as a 'new Securitate', arguing that it is being used as a tool by the government against democratic opposition. This perspective at best omits many important details and at worst plays fast and loose with the facts. Corruption cases in Romania take many years and the Romanian court system is notoriously slow. Furthermore, many of those under investigation have taken various steps to avoid facing court and going to jail – including [fleeing](#) the country, faking illness, apparent [suicide attempts](#), as well as more mundane [legal stalling procedures](#).

The attempt by the Romanian government to extradite Alexander Adamescu from the UK for corruption has drawn attention from the British press, including allegations that the Romanian security services attempted to kidnap his wife. While this may make for a juicy story, it does not seem very likely. Such articles certainly do not make mention of the hostility towards the DNA and anti-corruption efforts by the current government and its supporters. Furthermore, they ignore that those primarily subject to investigation by the DNA are from the governing party – likewise they omit that figures from all parties have been subject to investigation, arrest and conviction.

We have a situation where *in* Romania, the government presents the DNA and anti-corruption efforts as a key opponent, while *outside* Romania, opponents of the DNA portray it as a tool of government oppression.

But why muddy the waters? If the calculation is that the US is no longer interested in intervening in Romanian domestic politics, then the weight of resisting these 'anti-anti-corruption' efforts and democratic backsliding falls on

the EU. And by lobbying hard in the media and elsewhere against the DNA (as well as recasting Dragnea as a modern tolerant social democratic leader), the aim may be to split the major EU states and weaken any action that the EU may take against Romania should Dragnea and the PSD be successful in attacking and dismantling the DNA.

### **A power grab or something else?**

On the one hand, the events of the last couple of weeks could be seen simply as a government over-reaching. On the other hand, one could read into it a more concerted and worrying pushback against anti-corruption efforts. The approach taken seems intentionally provocative and may confirm all the worst suspicions about the PSD-ALDE alliance. Perhaps with Dragnea's court case approaching and increasing demands from within the party for favours to be repaid, there was an incentive to drive through these measures.

Having gained power, this may be the start of a wider attempt to consolidate the control the PSD now holds. The PSD is simultaneously weak and strong, it is strong in that it controls parliament and many other institutions, but it is perpetually vulnerable to anti-corruption efforts removing actors and undermining its hold on these institutions. Thus attacking anti-corruption efforts may be the only way in which their control can be maintained.

It remains to be seen what will happen with the ordinances, President Iohannis has promised a [referendum](#) on them and is looking to the constitutional court, while the People's Advocate (responsible for representing the people) is under the control of the PSD and is [resisting](#) demands to send them for scrutiny. Street protests are going to continue, however, and the government may well be banking on the protesters quickly losing interest and returning home after a few days (as happened after Colectiv) allowing normal service to be resumed.

With the State Department in a state of flux, and the EU distracted by Brexit, the US and events in Poland and Hungary, it remains to be seen how much (if any) foreign pressure will be exerted on Romania. The government has too much invested in this to back down and is potentially using it as a test of strength. For many in the government, the removal of the Ponta government after Colectiv was a sign of weakness and should not be repeated. It was seen as giving into the streets, thus the current situation could be viewed as an overt attempt to assert their authority over civil society and the population.

Even if the ordinances are rescinded, the medium term direction of Romanian politics looks set to be a battle over anti-corruption measures and how extreme the government will become in order to unpick those measures.

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*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. Featured image: the protest in Bucharest on 1 February 2017, by [Dan Mihai Balanescu](#).*

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### **About the author**

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