

# The corruption charges levelled at Victor Ponta have triggered a major political crisis in Romania

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*Romanian Prime Minister Victor Ponta has been charged with corruption, following a long-running investigation. [Daniel Brett](#) writes on the likely consequences of the charges, with Ponta resigning from the leadership of his governing Social Democratic Party (PSD), but refusing to vacate the office of Prime Minister. He argues that the early signs are the PSD intend to use the scandal to attempt to undermine wider anti-corruption efforts.*



The [announcement](#) of corruption charges against Romanian Prime Minister Victor Ponta of the [Social Democratic Party](#) (PSD) by the country's anti-corruption agency, DNA, has triggered a major political crisis. In light of the accusations, President Klaus Iohannis of the rival [National Liberal Party](#) (PNL) has asked Ponta to resign as Prime Minister. Although Ponta has [resigned](#) as President of the PSD he has refused to quit as Prime Minister, claiming innocence and that his resignation would trigger a crisis. The situation was made more complex by the fact that in order for Ponta to be fully investigated, he will need to have his parliamentary immunity lifted, which the parliament has thus far [refused](#) to do.

As a result, a dispute has emerged that threatens to plunge Romania into another sustained political crisis and polarise it further some six months after the [presidential election](#). An impasse has emerged as Ponta refuses to resign, parliament refuses to lift his immunity, and the president, despite his wishes, has no power to sack Ponta or to force parliament into removing his immunity.

## What is the scandal about?

Ponta stands accused of tax evasion and using forged invoices to buy cars and property. His immunity means that he can only be investigated for crimes that occurred before he took office. The accusations date to before he became Prime Minister, when he was working as a lawyer. However, the investigations are only likely to increase and to delve more deeply into Ponta's financial dealings. As discussed [previously](#), since the election, the number of corruption cases being launched and successfully prosecuted has increased, reaching the top levels of the PSD, with Ponta and key allies having investigations launched into their activities and some being convicted.

Under Laura Kövesi, prosecutions and convictions have accelerated since 2013, with over 1,000 prosecutions being brought in 2014 and twenty-four mayors, five parliamentarians, two ex-ministers, seven judges, thirteen prosecutors and former Prime Minister Adrian Năstase convicted. The cases serve to further undermine the Romanian elite, as more details, as well as cash and paintings, emerge. Bribery accusations often take a bizarre and comical turn here; one former judge was probed for smuggling goats to Russia, a minister was convicted for taking sausages (and \$17,000) as bribes, a third was investigated for accepting bags of cash in a cemetery, and Năstase took bribes in the form of double glazed windows.

The accusations and convictions have not been limited to financial crimes; last month former Interior Minister and PSD baron Liviu Dragnea was [convicted](#) and given a suspended sentence for electoral fraud relating to the 2012 attempted impeachment of then President Băsescu. Although he resigned as regional development minister after his conviction, Dragnea remains a vice president of the PSD and a prominent MP.

## Mission impossible? Why Ponta cannot be removed

Despite calls from Iohannis for Ponta to resign, along with [public pressure](#) for him to go, Ponta has thus far [refused](#)

to consider resigning. It may strike some readers as odd that a Prime Minister accused of criminal activity cannot be forced out of office. While there are a number of mechanisms that allow for the removal of the President, fewer exist for removing the Prime Minister. Constitutionally, the President does not have the power to dismiss the Prime Minister. While the constitutional court can advise on attempts to remove the President and arbitrate in disputes between the President and Prime Minister, it cannot remove the Prime Minister. A Prime Minister can be removed if they are disqualified from holding office, such as if they are convicted, but until that time the only way in which they can be removed is through the loss of parliamentary support.

This situation exists in part because confrontational cohabitation between the President and Prime Minister was never envisaged when the constitution was drawn up. At that time, presidential and parliamentary elections were simultaneous, so the party or alliance of the President would also be the largest group in parliament. The President, although constitutionally lacking in power, became during the 1990s the de facto dominant political actor with the Prime Minister as his subordinate .

Thus a President with parliamentary support could bring about the dismissal of the Prime Minister. However, since 2004, the elections for parliament and President have taken place separately, and since 2012, this has resulted in cohabitation, with President and parliament coming from parties that oppose one another. With cohabitation, conflict has emerged between the two offices, including the attempted impeachment of Băsescu in the summer of 2012.



Victor Ponta, Credit: Partidul Social Democrat (CC-BY-SA-3.0)

Parliamentary elections are not scheduled until 2016. Romania is also unusual in that since 1989 all parliaments have served out their full terms. With a healthy parliamentary majority it is unlikely that the government will collapse, nor are they likely to call early elections. Thus the only way in which Ponta can be forced out of office is via parliament losing confidence in him and voting his government down. The million-dollar question is whether the PSD will choose to remove Ponta, or whether they will brazen it out.

### **Ponta's background**

To the outsider, as well as to many Romanians, Romanian politics can seem illogical. For example, it seems likely that the PSD will continue to support Ponta. This may seem odd; after all, he lost the presidential election by a considerable margin, he's been dogged by accusations of plagiarism that would have brought him down in many other [countries](#), some of his [closest ministers colleagues and patrons](#) have been arrested or accused of corruption, and now he and his [family](#) have been accused of corruption. But Ponta, like much of the PSD, has shown remarkable resistance and a steadfast refusal to leave office despite scandal after scandal since becoming Prime Minister.

Ponta's public image is that of a child wearing Mickey Mouse ears, being manipulated from behind the scenes by the evil former President and prominent PSD member Ion Iliescu, or as Pinocchio (an allusion to his frequent lies), or as someone who will never miss an opportunity to jump on a bandwagon or to say anything to gain or maintain power, no matter how ridiculous.

At the same time, there are concerns that he *is* in fact a sinister politician who desires to gain and hold onto power. His willingness to exploit nationalism and religion during the election campaign, to attempt to remove President

Basescu, and to ignore or rewrite the constitution to suit his aims, along with his attempt to suppress the vote of the diaspora, shows a politician prepared to push the limits. But the inability to decide if he is a Romanian Viktor Orban or Mickey Mouse works to Ponta's advantage, as he is taken less seriously than he might be.

Ponta's personality frequently comes to the fore in [press conferences](#): he is often defensive and prickly with journalists, attacking them for asking him questions and calling into doubt their credentials. Ponta's evasiveness cultivates a persona of a *șmecher* or *descurcăreț* – a street wise guy who will sort things out by virtue of his wits, outsmarting the gendarme. His attitude is that he is smarter than you and that you will never catch him because of this. It is hard to work out if this is his real character or a play to the cameras in the belief that the Romanian public respect and admire these characteristics.

During the [presidential election campaign](#) in November last year, Ponta was willing to say or do anything to get elected. In perhaps one last throw of the dice, he is attempting to shore up support by launching a series of tax cuts against the advice of the [IMF and the European Commission](#). The reason why he is able to do this is because anti-corruption efforts appear to have led to a reduction in tax avoidance, meaning that there is more money flowing in.

One of the more effective PSD arguments in the election campaign was to portray themselves as the party that increased pensions and wages, while Iohannis and the PNL were the party who voted to cut them. This move seems to be designed to repeat this, even though the EU and IMF are warning that the country cannot afford these cuts. This again highlights Ponta as a short-term politician who will play fast and loose with the economy in order to gain support to save his own skin with little regard to the long-term.

## **Ponta and the PSD**

We might assume that a politician who can still command the support of the party even after the accusations levelled against him – not to mention his previous failures – must have a strong power base in the party. However, the reality is perhaps the reverse. One of the reasons why Ponta is not taken seriously is because he is seen as the puppet rather than the puppet master within the PSD. Ponta's weakness and the hold that the so called 'barons' have over him are precisely why they keep him in place. Secondly, the emergence of an alternative who is neither tainted by corruption nor seen as belonging to a particular faction is unlikely.

Although the PSD is often spoken of as a ['centre-left'](#) party, this overstates the interest that the PSD has in social justice. Put simply, for the PSD, social justice equates to increasing pensions for the elderly and wages for state employees as a form of electoral bribery. The PSD is a party which electorally draws upon the support of transition 'losers': those on the economic, social and physical margins, but whose party elite is almost entirely drawn from the newly rich, the well-connected and those already embedded in power networks, some since before 1989.

The [accusations](#) against Liviu Dragnea, a newly wealthy businessman and politician, provide a useful snapshot of why the barons are so vulnerable to prosecution, why they stand to lose so much if jailed, and why they are therefore so keen to see anti-corruption efforts stopped. Dragnea is not an isolated case, and it illustrates how various individuals rose to the position of baron.

After his election as a local councillor in Teleorman (one of the poorer regions of Romania), in 2000 Dragnea privatised the state owned construction company. The auction for the company was won by Dragnea's driver. The council, headed by Dragnea, then gave building contracts to the company at inflated prices. The relationship continued, and Dragnea now stands accused of buying a hotel cheaply and selling it for a profit to his driver, who then returned the property to Dragnea. Dragnea was not a rich man before beginning in politics; he now owns numerous properties and land across Romania with no clear source of income. He built a political and financial power base locally, which developed through patronage supporter networks, and then moved upwards into national politics, where he gained prominence behind the scenes in the PSD before taking on a more public profile.

An example of how the networks function, and how politicians can reward followers and thank patrons, is through

giving jobs to members of the family. One notable case is that of the son of convicted former Prime Minister [Adrian Năstase](#). Mihnea Năstase, despite minimal qualifications, was deemed suitable to work as a personal assistant to a PSD MEP in Brussels, earning a salary of 1,500 euros per month, almost four times the median monthly salary in Romania. The Năstase case emphasises the two-tier nature of Romanian society and how only those with connections can secure access to a fast-tracked career in politics or within public institutions.

Many barons were not wealthy men and women who entered politics on the back of their wealth; rather, they have become wealthy *through* their involvement in politics. Their power and wealth is predicated on their ability to reward their patronage networks. Anti-corruption thus challenges the foundations of the patronage system upon which the PSD depends.

Shortly before the elections, a [report](#) emerged of Ponta being berated by a group of barons for failing to keep them out of jail. One cannot imagine a situation where the barons would shout at Iliescu or Năstase. Ponta plays a useful role for the PSD barons. His relatively weak position in the party and his dependence upon them for support means that the barons call the shots. With so many of them under investigation themselves, Ponta's case distracts attention from them. The prosecution also opens up opportunities for the PSD and their allies who want to see an end to anti-corruption efforts.

### **Likely consequences**

There are two potential scenarios. The first is that Ponta and the PSD succumb to the pressure and Ponta resigns, and then the PSD finds a replacement who can both hold the party together and lead it into the 2016 elections. The second scenario is that the PSD tries to hold onto power and uses the attempt to impeach Ponta as a tool with which to attack the DNA, Iohannis and anti-corruption efforts. Based on events since the news broke, it is clear that the PSD is adopting the latter strategy.

The PSD line of attack is to argue that the DNA is over-reaching, and that democracy is under threat from its work. They claim that it is engaged in a power grab and is using corruption charges to suppress opposition to it. To this end, Ponta and his supporters have invoked the way in which the legal system was politicised under communism and used by the Communists to jail their opponents. Ponta's ally, former Liberal Prime Minister and now PSD ally chairman of the Senate Călin Popescu-Tăriceanu, has attacked the DNA and called for the [dismissal of Kövesi and Livia Stanciu](#), the head of the High Court.

At the same time, parliament is attempting to pass amendments to the penal code to make it virtually impossible to prosecute politicians. It is likely that if these changes are passed by parliament, they will be vetoed by Iohannis and will eventually find their way to the constitutional court. All the while, these debates and rows will serve to distract from Ponta's own case and those of other members of the PSD.

The second line of attack is to continue the attempt to further polarise Romanian society. This is an extension of the discourse the PSD deployed during the presidential election, when they sought to disenfranchise the diaspora by preventing them from voting. Former Interior Minister Ioan Rus attacked the [diaspora](#), saying that while men left for 1,500 euros, their wives were forced into prostitution at home while they were [away](#).

Much of the key commercial media in Romania is owned by barons who support the PSD, particularly the Antena channels. These drive home the PSD's narrative of two Romanias: those who are left dictating affairs at home, and those who are abroad, out of touch and not true Romanians. Such an argument appeals to the PSD's core electorate. The PSD is also counting on the fact that while Romanians were willing to come onto the streets in 2011 in opposition to austerity and in support of Raed Arafat, they are less willing to come onto the street in support of Kovasi, Stanciu and the DNA.

If the PSD is playing a long game, they are hoping that the longer it drags out, the more disillusioned Iohannis's supporters will become, and the more likely they will be to stay at home in the parliamentary elections. A low turnout

favours the PSD, who have a core (but diminishing) electorate.

Iohannis is often criticised for not being assertive. His critics in the press and elsewhere lament that he is not an 'interventionist President' and that he ought to do more. It is something of a paradox: the very things that the media and intellectuals criticised Băsescu for doing, they criticise Iohannis for not doing. A case in point is the criticism of Iohannis for allowing Ponta to control [foreign policy](#), as the constitution does not give the President control over this sphere. In fact, the President has very few powers over policy or politics.

Thus we have a President who is criticised for following the constitution rather than the behavioural patterns of previous Presidents. For many Romanian politicians, their adherence to the constitution and democracy (much like their adherence to religion, nationalism and social justice) is rhetorical and selective. When it suits their short-term needs, they invoke the constitution as a sacrosanct document; when the constitution is not in their favour, they ignore it. Thus in 2012, during the conflict with Băsescu, Ponta and his allies talked of rewriting the constitution or ignoring the constitutional court. Now, under increasing pressure from Iohannis to resign, Ponta invokes the constitution as his justification for staying on. Similarly, they invoke democracy when it suits them.

The Romanian opposition parties have been ineffective thus far in mobilising the population or offering up any kind of strategy for removing Ponta beyond symbolic votes of confidence. In part this reflects a lack of leadership among the centre-right, which is dominated by politicians with large egos and limited electoral appeal. Furthermore, the [PNL](#), [PD-L](#) and [UDMR](#) have as much of a corruption problem as the PSD, so while they might crave the fall of Ponta, privately they are equally happy to see anti-corruption efforts stalled or rolled back.

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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.*

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