

Romania: back to hostile cohabitation

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On 21 August, the Romanian Constitutional Court ruled that the referendum held in July to dismiss President Traian Basescu was invalid. In the referendum, the vast majority of voters supported the president's removal (87.5%), but the turnout (46.2%) did not reach the required threshold of 50%. As a result, President Basescu, who was suspended from the performance of his duties on 6 July, should resume his office in early September (the judgement must first be submitted to parliament and published in the official legal gazette). The judgement was delayed for two weeks due to a lack of clarity on the number of eligible voters. The centre-left government of Victor Ponta, which has been at loggerheads with the president, questioned both the validity of the electoral rolls and the method of calculating the turnout. Both Prime Minister Ponta and the acting head of state Crin Antonescu have now declared they will respect the court's judgement. They emphasise, however, that Basescu's return to office is unfair and undemocratic, and have announced that they will continue their fight against the president. PM Ponta has also announced a thorough revision of the Constitution, which would limit the powers of the president.

Commentary

- The failed impeachment is a defeat for PM Victor Ponta's centre-left Social-Liberal Union (USL), which has been ruling the country since May. The dismissal of the president was the USL's chief political goal, as it would have enabled the coalition to consolidate power, and facilitated the formation of a government after the parliamentary elections in autumn. None of these objectives has been achieved. The office of the president – who has constitutional prerogatives in shaping foreign policy and security, the exclusive right to name the Prime Minister after the elections, and influence over appointments to the judiciary – is still in the hands of a strong opponent of the USL, the centre-rightist President Basescu.
- The manner in which the impeachment was carried out, and the controversy after the referendum, have seriously undermined the reputation of the USL's politicians abroad. During the political crisis, the European Commission, some EU states and the US expressed concern about respect for the rule of law and the separation of powers. Controversy was aroused by the limitation of the Constitutional Court's powers and the scandals connected with doubts over the result. The USL's popularity has also been

affected; support for Prime Minister Ponta over the month fell by 8 percentage points (to 38%), and that for President Basescu has increased by 10 percentage points (up to 15%). Despite this, support for the USL continues to hover around 60%, and this group is the favourite to win the elections scheduled for later this year.

- The failure to impeach the president means a return to a hostile 'cohabitation' between the president and the government. Paralysis of decision-making in foreign policy, and the escalation of disputes over appointments to key positions in the prosecution and anti-corruption agencies, can be expected at least until the parliamentary elections. Basescu will defend his influence over these appointments. President will also wait for a more favourable basis for a coalition after the elections; he hopes to widen the splits within the USL (the bloc's liberals and conservatives are radically opposed to the president, while Prime Minister Ponta's Social Democratic Party is more moderate). However, conflict with Basescu lies in the USL's interest, as the fight against an unpopular president is a convenient tool for consolidating the electorate, and also draws attention away from the country's socio-economic problems. Therefore, another attempt to impeach the president cannot be excluded.