

# PROBLEMS OF THE DEMOCRATIC CONSOLIDATION IN POST-COMMUNIST ROMANIA

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## Rezumat

Dacă în ceea ce privește prăbușirea comunismului și demararea tranziției către democrație în Europa Centrală și de Est, putem vorbi despre existența unui *starting point*, este mai dificil din punct de vedere metodologic și empiric să stabilim când anume începe procesul de consolidare democratică. Faptul că Revoluțiile din 1989 marchează startul procesul de tranziție democratică ne comunică prea puține date în legătură cu modul în care vor evolua tinerele democrații din spațiul est-central european spre democrațiile consolidate. Prăbușirea comunismului în Europa s-a datorat, în primul rând, consecințelor sociale și economice dezastruoase ale modului în care regimurile comuniste au guvernat și, în al doilea rând, datorită „asistenței” factorilor externi. Natura regimurilor politice înainte de prăbușirea comunismului, modul în care s-a realizat tranziția de la un sistem politic la altul, nivelul de dezvoltare socio-economică, tradițiile democratice anterioare instalării comunismului în spațiul est-central european, cultura și tradițiile populației constituie condiții esențiale pentru a dezvolta modul în care au evoluat țările postcomuniste. În această lucrare, îmi propun să analizez procesul de consolidare democratică în România, utilizând date și informații prelucrate din rapoartele *Nation in Transit* ale Freedom House, prezentate într-o manieră comparativă pentru cinci țări postcomuniste: Polonia, Cehia, Ungaria, Bulgaria și România.

**Cuvinte cheie:** democrație, consolidare democratică, proces electoral, societate civilă, independența mass-media, independența justiției, guvernare.

## Abstract

If, regarding the fall of communism and the start of transition towards democracy of the Eastern and Central European countries we can talk about a common starting point, it is more difficult both methodologically and empirically to identify the time when the process of democratic consolidation itself begins. The fact that the revolutions of 1989 mark the start of the democratic transition tells us little about how the young East-Central European democracies would evolve towards democratic consolidation. The implosion of communism in Europe was due first of all to the disastrous social and economic consequences of the way the communist regimes operated and, secondly, to the fact that these countries were “helped” by a multitude of external factors. The nature of the political regimes before the collapse of communism, the way the transition from a political system to another was made, the level of social-economic development, the democratic traditions before the installation of communism in the Eastern-Central European area, the culture and the state of

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mind of the population will all constitute essential coordinates for unraveling the way the post-communist countries have evolved. I shall analyze the process of democratic consolidation in post-communist Romania, using the data supplied by the *Nations in Transit* reports elaborated by Freedom House, presented in a comparative manner for five post-communist countries: Poland, the Czech Republic, Hungary, Bulgaria and Romania.

**Keywords:** democracy, democratic consolidation, electoral process, civil society, media independence, independence of justice, governance.

### Résumé

En ce qui concerne la chute du communisme et le début de la transition vers la démocratie dans les pays d'Europe orientale et centrale, on peut parler d'un point de départ commun, il est plus difficile du point de vue méthodologique et empirique d'identifier le moment où le processus de consolidation de la démocratie elle-même commence. Le fait que les révolutions de 1989 marquent le début de la transition démocratique nous dit peu de choses sur la façon dont les jeunes démocraties d'Europe centrale et de l'est avaient évolué vers la consolidation démocratique. L'implosion du communisme en Europe est due tout d'abord aux conséquences sociales et économiques désastreuses résultées de la façon dont les régimes communistes fonctionnaient et, d'autre part, au fait que ces pays ont été «aidés» par une multitude de facteurs externes. La nature des régimes politiques avant l'effondrement du communisme, la façon dont la transition d'un système politique à un autre a été faite, le niveau de développement socio-économique, les traditions démocratiques avant l'installation du communisme dans la région de l'Europe de l'est et centrale, la culture et l'état d'esprit de la population vont tous constituer des coordonnées essentielles pour montrer la façon dont les pays post-communistes ont évolué. Je vais analyser le processus de consolidation de la démocratie en Roumanie post-communiste, en utilisant les données fournies par les rapports de *Nations in Transit*, élaborés par *Freedom House*, présentés de manière comparative, concernant cinq pays post-communistes: la Pologne, la République Tchèque, la Hongrie, la Bulgarie et la Roumanie.

**Mots-clés:** démocratie, consolidation démocratique, processus électoral, société civile, indépendance des médias, indépendance de la justice, gouvernance.

## 1. The path from electoral democracy to consolidated democracy

Initially, the concept of "democratic consolidation" described the effort by which the new democracies were trying to protect themselves against the tendencies to return to the previous undemocratic regimes. Andreas Schedler proposes an analogy between democratic consolidation and the process of immunization of an organism. The antibodies developed in the process of democratic consolidation must act against authoritarian regression (Schedler, 2002, p. 122).

The process of democratization and democratic consolidation involves stages that differ from one historical context to another and from one country to another. These stages can be graphically represented on an axis that begins with the moment of collapse of an undemocratic regime (from authoritarianism), it continues with the stage of transition to electoral democracy ("non-liberal"), then liberal

democracy, finally leading to the stage called consolidated democracy or advanced democracy. The advanced democracy is clearly not the final stage of democratic consolidation, but it represents an empirical benchmark that corresponds to the way that the western democracies are functioning. These four categories correspond to the semantic inventory of democracy and to its subcategories developed by David Collier and Steven Levitsky. According to the two researchers, the conceptual beach of democracy extends from the definitions given to undemocratic regimes, to electoral regimes ("semi-democracies", "partial democracies"), to the definitions of minimal procedural democracies and finally it reaches the liberal democracies category.

Semi-consolidated democracies are considered transition regimes where the elections are held without the expression of civil liberties (freedom of expression and of thought, freedom of association, freedom of criticism and public protest). Minimal procedural democracies concern the political regimes that hold fair and competitive elections, ensure manifestation of civil liberties, and the government doesn't have the full capacity to govern. Liberal democracies benefit of elections, participation, civil liberties and effective power of the elected people to govern (Collier & Levitsky, 1997).

The path from the recently installed democracy to consolidated democracy requires not only a process of quantitative accumulations expressed in institutional procurements and democratic procedures, but also a process of qualitative changes regarding the values, attitudes and behaviors of all the involved actors. In order to consolidate the democratic rules and institutions, it is necessary for all the participants to the democratic game (elites, political parties, interest groups, professional associations, citizens) to "learn" to behave and act democratically. Consolidated democracy requires from the masses a participatory political culture (Almond & Verba, 1996) and from the elites a consensual approach regarding the governance issues whether they have the power or find themselves in opposition.

In terms of time, democratization is a process that takes place during two periods (two stages). As a long-term structural process of change of the entire society, democratization begins with the stage of transition from a non-democratic regime to a democratic regime and it continues with the democracy consolidation stage. In this paper, we are interested in the second phase of democratization - the actual process of democracy consolidation. At its turn, democratic consolidation requires the existence of institutional infrastructure specific to a democratic regime and also the application of the democratic cohabitation rules from all social actors. If these conditions are respected, we can say that the process of democratic consolidation begins where the democracy in its minimal or electoral version already operates.

Electoral democracy is the stage of the democratization process that implies multiparty, free elections, unabridged competition between parties for gaining political power. Even if the "double test of alternation in power" of Huntington is

confirmed, we can not talk about a consolidated democracy yet. If the governmental elites that were freely elected get to violate the constitution which they swore to comply with, they violate the rights and freedoms of individuals and minorities, undermine the legitimate functions of the legislative power and thus they fail in governing according to the rule of law and their regimes are not democratic. In electoral democracies the power abuse is possible and also frequent violations of the law for favoring various interest groups, constraints from the political power on the media and on independent organizations, distorted multiparty system or a dominant party which monopolizes political power and politicizes the state institutions. Therefore, the "electoralism error" should be avoided or, in other words, the organization of regular, free and fair elections represents a necessary, but not sufficient condition for the democracy consolidation.

After electoral democracy, the next step towards democracy consolidation is "liberal democracy" where the organization and conduct of free elections is completed with the respect for the rights and freedoms of the citizens within the operating frame of the rule of law. However, neither the stage of liberal democracy guarantees complete elimination of the antidemocratic slippages, such as populism, extremism, nationalism or any authoritarian regime version. Democracy is consolidated when the functioning of the democratic institutions is linked to learning and practicing some rules such as political trust, tolerance, willingness to reach a compromise and, more than anything, the belief in the perfectibility of democracy, as the only system of government in which the individual rights and liberties can be constantly defended and affirmed.

Referring to electoral democracy and liberal democracy, Andreas Schedler believes that they are the "empirical references" of the debate on democratic consolidation. "In addition, notes the political scientist Austrian, the electoral and liberal democracies represent normative horizons for each other. While electoral democracy appears as the proximate horizon that should be avoided by liberal democracy, liberal democracy presents itself as the proximate horizon to be reached by the electoral democracy."

H. Linz and A. Stepan consider that democratic politics should be instituted and legitimized through various appeals before the benefits of the market economy to materialize. Other authors argue in favor of the simultaneity of democratic reforms together with the economic reforms, while for others the priority is represented by the economic development as a precondition in the democratic consolidation process. In contrast to the two authors, Adam Przeworski considers that in the developing countries that have recently left totalitarianism, the economic performance of the new democratic governments is essential for the process of democratic consolidation. Democracies have significantly more chances to survive when there is real economic growth (i.e. more than 5% per year), while in the situation of high inflation (more than 30% per year), the rate of democratic consolidation reduces significantly (Przeworski, 1996). In agreement with Przeworski,

Huntington also argues that economic development can bring changes in the culture of a country, considering it an important pillar of democratic consolidation. Huntington lists several preconditions that are necessary in the democratic consolidation process: a relatively high level of economic development and the prevalence of what we call Western culture and values, which also include Western Christianity.

Although many of the systemic features of the market economy generally favors the functioning of political democracy and contribute to the development of a democratic culture, Robert Dahl believes that an advanced market economy does not always necessarily lead to the affirmation of a democratic culture and, thus, to democracy consolidation. Throughout the world, we have many examples of countries that have well developed economies, but are deficient in terms of democracy, functioning of the rule of law and also regarding the respect for the rights and freedoms of individuals. "The Asian tigers" and China represent relevant examples for the Dahl's assumption.

In order to differentiate democracies and non-democracies, Guillermo O'Donnell presents seven attributes of polyarchy, as the term is defined by Robert Dahl, to which he adds two more: 1) elected officials, 2) free and fair elections, 3) inclusive suffrage (the right of all adults to vote in free, direct and regular elections) 4) the right to run for public office, 5) freedom of speech, 6) the existence of alternative sources of information 7) associative autonomy, 8) the elected or appointed officials should not arbitrarily lose their positions before completing the mandates entrusted to them (e.g. Alberto Fujimori in Peru and Boris Yeltsin in Russia); 9) the elected or appointed authorities should not be prevented from completing their mandates by the intervention of other actors (e.g. the intervention of the army or illegitimate groups). Just as we can distinguish non-democracies and democracies, in the same way we can make the distinction between many aspects of consolidated democracies. Not all consolidated democracies have economies that are developing in the same rhythm, nor the same levels of participation of the citizens to public life or the same solid civic cultures.

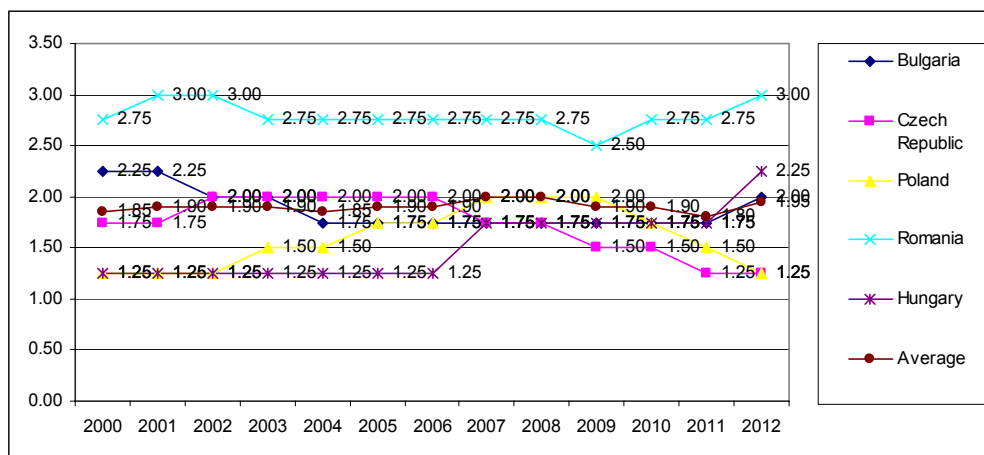
"The post-socialist trajectories" of the Central and Eastern Europe countries represented the subject of study for independent researchers, universities, international institutions, prestigious think-tanks. Among these, Freedom House, an organization working for over 70 years in assessing the level of democratization and progress in terms of democratic consolidation in all the countries throughout the world, uses seven categories of analysis: 1) the national democratic governance, 2) electoral process, 3) civil society, 3) independence of the media, 4) local democratic governance, 6) the legal frame and independence of the judiciary and 7) corruption. Each category of analysis is formed of a set of items expressed as questions.

In the following sections, we shall analyze the process of democratic consolidation in post-communist Romania, using the data supplied by the *Nations in Transit* reports elaborated by Freedom House, presented in a comparative manner for five post-communist countries: Poland, the Czech Republic, Hungary, Bulgaria and Romania. We have focused on this group of countries from the Eastern and Central Europe in order to make a comparison of how the democracy "parameters" have evolved. Poland, the Czech Republic and Hungary were part of the Visegrad Group, countries that joined the first wave of enlargement: NATO (1998) and EU (2005). Bulgaria and Romania joined in during the second wave of enlargement: NATO (2004) and EU (2007). The analyzed period is between 1999 and 2012.

## **2. The electoral process in post-communist Romania**

Freedom of expression, pluralism of opinions, the institutionalization of multi-party and free elections were the first coordinates of the structural change produced in the former communist countries. Freedom of expression was practiced long before the collapse of the communist regimes among the dissident movements that contested the legitimacy of the system. The revolutions of 1989 created the context for the unrestricted manifestation of freedom of expression and thought, which is a fundamental human right, also stipulated in communist constitutions, but denied by the system and repressed by the political police. Immediately after the end of the revolutionary tumult of 1989, in almost all former communist countries the historical parties that had been abolished in the communist dictatorship were reactivated. On their ruins, left parties emerged, parties converted to modern social-democracy and integrated into the European socialist family. The political currents that did not correspond to the reinstated historical parties, neither to the "heirs" of the deceased Communist party, have transformed into new political parties.

The first years of democratic transition can be characterized by an inflation of political parties, their number exceeding a few tens or hundreds in every post communist country. After the multiparty institutionalization, the next step was to organize free elections in order to occupy the positions of power that had been left available in the political-administrative hierarchy of the state after removing the communist elite and also the positions created through the implementation of the institutional infrastructure of democracy. The first free elections mark a first step towards electoral democracy. The first test that the new democratic authorities will have to pass is the fair and transparent organization of free, competitive and regular elections (at the established time), whose results must be accepted by all participants in the electoral game. The second fundamental test will be the rotation in power or double alternation in power, as Samuel P. Huntington called it.



**Figure no. 1. The electoral process in five post-communist countries**

(Source: author's diagram processed according to the data taken from the „Nations in Transit” 2000-2012 Reports of Freedom House: [www.freedomhouse.org](http://www.freedomhouse.org). Note: the evaluation is based on a regressive scale from 7 to 1, where 7 is the lowest level of the electoral process and 1 is the highest).

The electoral process in post-communist Romania was conducted during several successive electoral cycles: 1) the first election cycle refers to the period 1990-1996, characterized by the transition from communist totalitarianism to electoral or competitive authoritarianism; 2) the second election cycle begins with the first democratic alternation to power (in 1996) when the political system meets the requirements of the electoral or minimal democracy and continues until 2004 when Romania joins NATO and concludes the negotiation chapters with the EU; 3) the third election cycle begins in 2004 when the third democratic rotation of power takes place and it extends until 2007, when Romania joins the EU; 4) the fourth election cycle after the EU accession corresponds to the period of integration into the European structures itself. The first three election cycles are placed on an ascending trajectory of the transition process and democratic consolidation. The fourth election cycle develops a phenomenon of democratic erosion or degradation of the democracy parameters, including the electoral process. The moment that marks the democratic erosion phenomenon is the referendum proposed by the Parliament (by a vote expressed by 322 members of the Parliament) to suspend the President in office, Traian Basescu, despite the negative notice given by the Constitutional Court (May 2007). From this moment, what was expected to be a period of consolidation of liberal democracy will remain in the political history of post-communist Romania as a period of democratic regression.

After the end of the revolutionary moment in 1989, a new political configuration, called the National Salvation Front (FSN/NSF), would take over the political power after the killing of dictator Ceausescu at the end of a controversial trial. At the beginning of 1990, the NSF led by Ion Iliescu expressed the intention

to organize free elections without participating to the electoral competition as a party in its own right. But on January 3<sup>rd</sup> 1990, FSN changed its mind and declared that the political configuration would run the elections that it had organized, not as a political party but as a civic movement. In the first months of 1990 the historical parties were also reactivated (PNȚCD, PNL, PSD) and they declared their intention to take over the country, challenging the legitimacy of NSF and its leaders. During this time a lot of other political configurations appeared, that were inexperienced, without logistics or technical personnel necessary in the administration of the party activities and in the management of the election campaigns. This period of political openness culminated with the general and presidential elections in May 1990. Ion Iliescu was the candidate of FSN for the presidency and obtained an overwhelming result of 83% of the votes, and the party that supported him obtained 66.91% of the votes.

The period between the elections of May 1990 and September-October 1992 was one of the most tumultuous periods of the recent past, being convulsed by two miners: the first coming of the miners in June 1990 had the result of stopping the violent anti-communist demonstrations in the University Square and the second coming in September 1991 determined the collapse of the government led by Petre Roman, a premier who had started some bold economic reforms. After the dismissal of the reformist Prime Minister Petre Roman, the government led by Theodor Stolojan was installed, who had been minister of finance in the previous cabinet. During this period the first draft Constitution was elaborated, draft which was meant to replace the constitution in force since the communist era. The new Constitution was adopted by referendum in 1991. The local elections held in February 1992 recorded several victories of the democratic opposition in the major cities. The success achieved by the opposition in the urban area reflected its growing strength and anticipated the future political changes. Parliamentary and presidential elections were held in September 1992 and a second round of presidential elections took place in the first days of October of the same year. The electoral campaign of 1992 was not characterized by violence exercised against the historical parties, such as at the elections in the May 1990. Nevertheless, FDSN and Ion Iliescu have fully turned to profit the control over the Media, especially the radio and the public television, as well as the administrative and economic levers for providing resources for the electoral campaign. Despite the disparity of resources between the presidential party and other political parties, the Romanian political spectrum has shifted from the multiparty with a hyper-dominant party resulted from the 1990 elections to a balanced multiparty that took shape after the 1992 elections.

Although during 1992-1996 the democratization has stagnated within the official political institutions, in other sectors of the social life there have been positive changes. The Media continued to operate freely and to diversify. Also during this period many private television channels appeared, that were mainly



broadcast in the urban areas and represented a credible competitive alternative to the state television channels. The “Pro TV” phenomenon, a private TV channel set up with U.S. financial support in 1995, has significantly contributed to informing the public interested in politics and its actors. After the local elections in the spring of 1996, Romania prepared for the parliamentary and presidential elections in the fall. In terms of candidates and parties, the elections seemed to have the pattern of the 1992 elections. The top three candidates appreciated as having the chance to win the President position were the same: Ion Iliescu, Emil Constantinescu and Petre Roman. Neither the political parties nor the coalitions of parties have changed much. The Democratic Convention of Romania lost several liberal parties: Civic Alliance Party (PAC) and the Liberal Party's Young Wing of Dinu Patriciu and Horia Rusu (PL'93). The last two formed the National Liberal Alliance. Petre Roman's Democratic Party formed the Social Democratic Union with the Social Democratic Party of Romania (PDSR) led by Sergiu Cunescu.

The 1996 elections were held in the context of an important economic decline together with the accumulating popular discontent against Iliescu and the PDSR - the main ruling party. The result of the elections has shown the victory of the Democratic Convention of Romania and a comfortable positioning of the Democrat Party. In the second round of the presidential elections, Petre Roman declared his support for the candidate Emil Constantinescu, who had qualified in the second round of elections against President Ion Iliescu. Constantinescu won the presidential elections in November 1996 and formed a governmental coalition (CDR, USD, UDMR) led by Victor Ciorbea. For the first time in more than half a century, Romania experienced a peaceful and democratic alternation in power.

The accession to power of the Democratic Convention of Romania and its allies meant the definitive strategic orientation of Romania towards the Euro-Atlantic political economic and security space. The governmental policies in the period 1997-2000 will have a negative impact on the public perception, leading to a vote of sanction ("negative vote") from the population at the general elections in 2000. PNȚCD, the main ruling party, will miss the accession to the Parliament. The Democratic Party and the National Liberal Party will manage to save themselves, entering the Parliament and obtaining similar percentages (approximately 7%). PDSR will form the first mono-color government of the post-communist period, supported in the Parliament by UDMR and the representatives of other national minorities. Having a consistent and stable parliamentary support, the Government led by Adrian Nastase managed to promote a package of measures that led to the macro-economic stabilization of the country. The economic reforms continued, even if the privatizations were not always transparent, nor they gave up the policy of state subsidies given to the clientage of PDSR (renamed PSD after merging with the historical Romanian Social Democratic Party). Despite these negative aspects to which the government corruption was added - that was to become the trademark of Adrian Nastase's governance, Romania, benefiting from a favorable inter-

national context, joined NATO in 2003 and at the end of 2004 finalized the negotiation chapters with the European Commission in view of joining the EU.

At the elections of November 2004, despite the good economic performance (growth of approximately 5% in 2004, continuing the disinflation process etc.), the Government led by Adrian Năstase, Prime Minister and PSD president, was sanctioned by the population for corruption and the arrogance of its leaders. The victory in the second round of the presidential elections of Traian Basescu, general mayor of the Capital, also meant the transfer of PSD in opposition. The new president has entrusted Calin-Popescu Tariceanu, co-president of the D.A. PNL-PD Alliance, the mission to form a new cabinet. In order to have a stable parliamentary majority, the Romanian Humanist Party (renamed the Conservative Party) and the Democratic Union of Hungarians in Romania (UDMR) were invited to participate to the governance. The governmental arch was formed of a coalition which included the D.A. PNL-PD Alliance, PC and UDMR. The priority of the government led by Calin Popescu-Tariceanu, subsequently elected president of the Liberal Party, was Romania's accession to the European Union until January 1<sup>st</sup> 2007, objective that was actually reached despite all the debts of the government and the objections expressed by some European officials who supervised this process.

The local and parliamentary elections of 2008 will take place after some substantial changes to the electoral law. The first change concerns the election of the presidents of county councils through a uninominal vote in one round: the candidate who obtains the highest number of votes and therefore ranks first is the winner. The second change concerned the general elections that were held on the basis of a compensated uninominal voting system. In short, the "electoral formula" by which the members of the Parliament are elected is: the deputies and senators are elected in uninominal constituency; those who obtain 50 +1% of all votes win a parliamentary mandate; when this majority is not reached in the electoral bodies, a mechanism of proportional distribution is used at the county level (depending on the score obtained by the party of a parliamentary member) and then at the national level (based on the calculation of the electoral coefficients and the biggest rests).

The uninominal voting system with compensation ("mixed") applied at the general elections of 2008 generated the following situations that were considered "absurd" by the citizens who were not familiar with the complexity of the electoral formula: 1) the situation when a candidate who won the first place in his electoral body does not enter the parliament because there is another candidate of the same party that participated in another electoral body of the same county electoral circumscription who obtained a better result and thus he won more votes for his party, 2) the situation when a candidate who won the 2<sup>nd</sup> or the 3<sup>rd</sup> place in an electoral body enters the Parliament according to the proportional distribution in the county. This electoral system has been criticized for a long time by the internal political analysts and by observers outside the electoral process in Romania. A huge pressure was created on the public perception in order to change the system or to replace it with a two-round majority uninominal system or with a mixed

uninominal system after the German model where 50% of the deputies and senators mandates are elected uninominal and 50% proportional (on the lists). There were also some voices claiming the return to the proportional voting system, and others who proposed a proportional preferential voting (the voters have the possibility to rank the candidates proposed on a party list according to their preference).

In the period between the elections of 2008 and 2012 there were many other changes to the electoral law. First of all, it is the changing of the law regarding the election of local authorities, which means the use of the uninominal voting system with one round also for the election of the mayors. Secondly, the PDL-UDMR-UNPR governmental coalition supported in the Parliament by the minority groups voted on a law that stipulated the merging of the local elections and the general elections. The arguments brought by Prime Minister Emil Boc concerned the saving of financial resources necessary for organizing local elections separately from the parliamentary elections. After the intimation submitted by the opposition grouped in the Social Liberal Union (USL), alliance formed by PSD+PNL+PC, to the Constitutional Court, this law was declared unconstitutional. Thirdly, we have the modification of the law regarding the election of the Chamber of Deputies and the Senate and the introduction of the uninominal majority vote in a single round ("uninominal pure") also for the parliamentary elections. These changes in the electoral legislation were made despite the recommendations of the Venice Commission that considered inappropriate and undemocratic the modification of the electoral law with less than 12 months before the effective organization of the electoral process. Taking into account the political context in which the elections were conducted since 1990 until now, the frequent changes to the electoral law "during the game", the behavior of the Power versus Opposition during the elections, Romania received from 2003 until 2011 a 2.75 score for the electoral process. Of all the post-communist countries that we have studied, Romania receives the lowest "grade" at the "electoral process" chapter, excepting 2009 when there were the European Parliament elections.

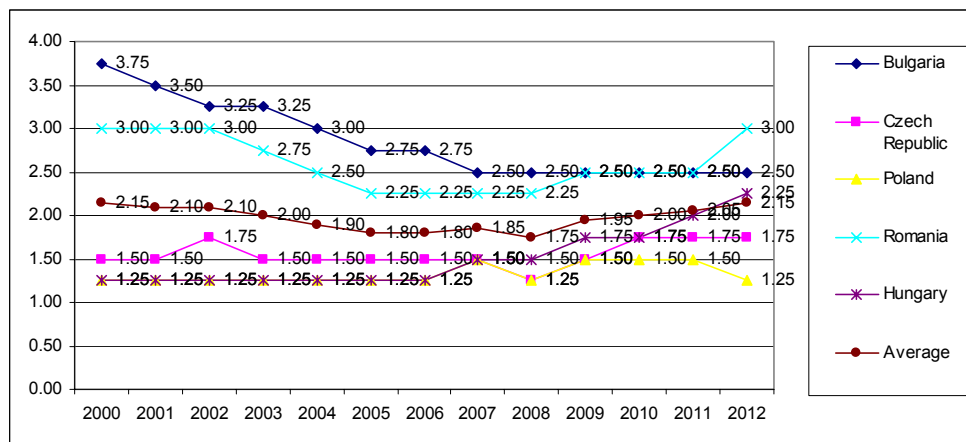
### **3. The role of civil society in consolidating democracy in Romania after the communist period**

The presence of an active civil society with various manifestations represents a democratic consolidation factor. There are various definitions of the concept of "civil society." In common language, the given meaning is often reductionist due to the fact that many people understand by civil society non-governmental organizations. London School of Economics, the Centre for Civil Society define civil society as a set of institutions, organizations and behaviors situated between the state, business and family, which include non-governmental organizations (NGOs), community-based organizations (CBOs), professional associations, political organizations, civic clubs, trade unions, charities, social and sports clubs,

cultural institutions, religious organizations, environmental movements etc. Beyond the institutional aspect, civil society consists of citizens who, associated under various forms, participate to public life, influence public policy, protect and promote the interests of the population.

Civil society acts as a regulating mechanism for democratic societies. The civil society institutions are also needed in the countries with consolidated democracies, especially in the countries that are in process of democratic consolidation. Philippe Schmitter considers that, although it contributes to the democracy consolidation, civil society is not a cause of it. The existence of some types of civil society does not necessarily lead to democracy and nor can it "unilaterally" support the democratic consolidation process. Civil society operates efficiently on the democratic process by interacting with other public institutions (Government, Parliament, political parties, interest groups), processes (political, electoral), economic mechanisms, political and parliamentary elites, etc.

Civil society reacts differently to administrative and economic policies that come against its interests: demonstrations, media campaigns, protest messages etc. Due to the fact that such actions are difficult to organize and often have only a short-term impact, it is necessary the appearance of alternative and/or complementary structures beside the state structures (non-governmental organizations, professional associations, trade unions, employers, etc.) that would monitor the activity of the state institutions and the manner of solving claims and would maintain constant pressure on the governmental elite. They should collaborate with the structures involved in the society administration, in order to find the right solutions and continuously improve the life quality.



**Figure no. 2. Index of the civil society development in five post-communist countries.** (Source: author's diagram processed according to the data taken from the „Nations in Transit” 2000-2012 Reports of Freedom House: [www.freedomhouse.org](http://www.freedomhouse.org). Note: the evaluation is based on a regressive scale from 7 to 1, where 7 is the lowest level of progress of the civil society and 1 is the highest).

Unlike Poland, Hungary and the Czech Republic, where it was possible to implement some elements of economic and political reform before the collapse of communism, in Romania of the 80s all the aspects of the social life were in a noticeable stagnation. The Romanian “National Stalinism” as it was named by Daniel Barbu, marked by Ceausescu's personality cult, had a demoralizing effect on all forms of manifestation of citizenship.

After December 1989, the affirmation of the fundamental liberties and the democratization of political life led to an explosion of forms of civic association from the citizens. Thus, various non-governmental organizations appeared, called “associations”, “foundations”, “organizations”, “leagues”, “unions”, etc. In general, the most important source of funding of the associative sector in Romania was provided by international foundations and institutions. Several prestigious international organizations such as World Vision, Holt International, Bethany Social Services Foundation, Children on the Edge, UNICEF, etc. have opened branches in Romania. These foundations have exported to Romania not only consistent funding programs which often have continued throughout the Romanian transition, but also *know-how*, specific infrastructure, consultancy and professional training programs for the Romanian specialists involved in the development of the associative sector. The foreign foundations in partnership with the indigenous organizations have developed a series of services (social, psychological, medical, educational, etc.) that, through their quality, successfully competed with many of the services offered by the public sector. In 1996 there were over 10,000 registered NGOs, but few of them would gain a national or international reputation through their activities developed for the public interest.

Under the pressure of some international financiers such as the World Bank, the European Commission of Brussels, the U.S. Agency for International Development, United Nations Organization through the Development Program of the United Nations etc., the public authorities have initiated public-private partnerships with the non-governmental organizations in order to provide quality services to beneficiaries. A series of organizations such as the Foundation for Open Society, the Institute of Public Policies, the Academic Society of Romania, Pro Democracy Association, Freedom House Romania, Transparency International Romania, the Romanian Center for European Policies, the Association for Democracy Implementation were actively and directly involved in the democratization of the Romanian political life, the transparency of governance, decentralization of public administration, monitoring of the electoral processes, fight against corruption, etc. These organizations have brought extra-quality to life in Romania, and some of them have become credible and constant partners of some governmental institutions and officials from different areas of activity.

The non-governmental organizations were also involved in reforming the Romanian legislation by making it compatible with the standards and recommendations of the European Commission and by adapting it to the concrete

realities and the requirements of the citizens. In the present, according to an emergency ordinance, Romanians have the possibility to donate 2% of their annual income tax for funding non-profit organizations. In 2005, as a result of an initiative of Prime Minister Calin Popescu-Tariceanu, The Consultative Board of the NGOs of Romania was established in order to exploit the expertise of these organizations in the process of elaborating public policies.

The Freedom House evaluators consider that the Romanian civil society suffers because of a feeling of "cynicism" from the public, also being affected by the reduced funding sources as a result of the EU accession and the economic crisis. In May 2012, the Prime Minister Victor Ponta announced that the Sectoral Operational Programme Human Resources Development (SOP HRD) would be suspended by the European Commission. After an audit held by experts from Brussels, serious disparities were found at the Management Authority responsible for the Sectoral Operational Programme Human Resources Development. This event has caused serious problems to the funding of the NGO sector and the public institutions which had started training programs in the human resources field.

#### **4. The independence of the Media and the democratization of the Romanian political life**

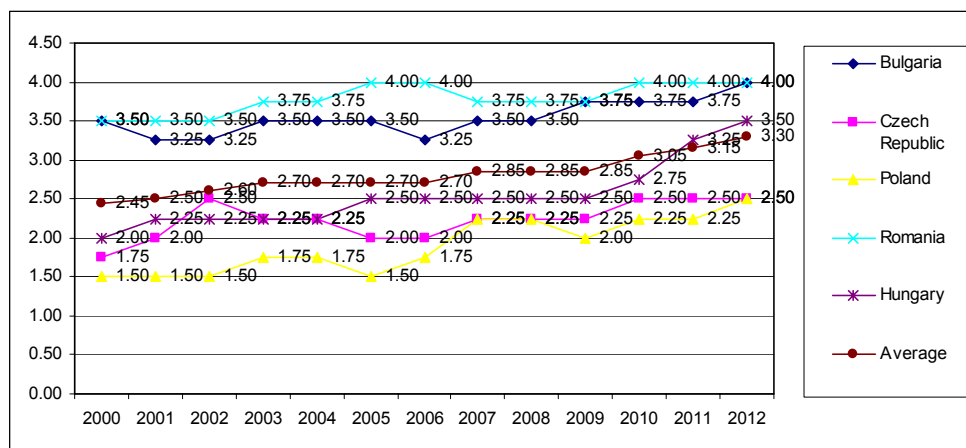
The Media represents the "transmission belt" between elites and masses, politicians and voters, between public institutions and citizens-beneficiaries, between the state, civil society and individuals. For more than a century, it is difficult to imagine any activity or any profession that does not use or does not intersect with the Media and its related fields. In consolidated democracies, the mass media represents more than just a connector between various social actors, institutions and citizens, acting as a vigilant tool for monitoring and sanctioning the political power and, in general, all democratic slippages.

The media is seen as "the watchdog of democracy". In order to fulfill its democratic mission, the media needs to operate in a legal framework that guarantees human rights and civil liberties, on a free and competitive market without state or private monopolies without any type of interference in their editorial activity, in an environment where journalists respect the laws and codes of ethics and deontology accepted by the associations to which they belong. In a democracy where the media is politically and economically controlled, the consolidation of democracy has small chances to be realized.

The experience of the last decade in Central and Eastern Europe shows that the Media was significantly useful for the expression of civil liberties, the construction of civil society, in the disclosure of the cases where the democratic norms and rules were broken, violation of law, corruption at all administrative levels of the state, and for the censorship of the authoritarian tendencies of the political actors. At the same time, the media sanctions and corrects excesses, the omissions and errors of

the governmental elites in the countries with democracy in process of consolidation, often positioning itself on the side of the opposition or the counter-elite. Freedom of thought and expression and the independence of the media are fundamental values of modern democracy. These liberties gained during the democratic transition are currently exercised in subtle forms for purposes that make vulnerable the democratic game, determining phenomena such as democratic erosion or collapse of the democratic system. The political propaganda that transgresses the law, disinformation and manipulation of public opinion by political and economic, internal or external interests, more or less visible, are part of the Media arsenal that can endanger democratic construction and freedom of a country and its citizens.

The excess of the Media freedom creates problems for democratic consolidation in post-communist countries. These problems in their turn can be exacerbated by economic difficulties such as the global economic crisis, by the inadequacy between the democratic mechanisms and the problems faced by the society, by the rise of populist leaders and social segments receptive to populist messages, by the discrediting of democracy and its actors (elite and masses) due to the fact that the political phenomenon is marked by marketing, electoral and trade tendencies. The invasion of the public space by political and electoral marketing methods, the transformation of the politics into a television show instead of offering a real agenda needed by the public, with the interest of the Media, leads to the depravation of democracy. Low political participation, electoral absenteeism, dissatisfaction with politicians, institutions and politics are "signs" of erosion of the post-communist democracies.



**Figure no. 3. Index of the Media independence in five post-communist countries**

(Source: author's diagram processed according to the data taken from the „Nations in Transit” 2000-2012 Reports of Freedom House: [www.freedomhouse.org](http://www.freedomhouse.org). Note: the evaluation is based on a regressive scale from 7 to 1, where 7 is the lowest level of Media progress and 1 is the highest).

After December 1989, along with the freedom of expression and freedom of association, the Media seemed to be among the few gains of the "genuine democracy" in Romania. After the finish of the revolutionary effervescence, the Romanian Media would bring big disappointment compared to the public expectations regarding the democratic role that the Media could have played. Taking as a reference the politics and the behavior of the Media towards it, we propose the following chronology of the evolution of the media during post-communism: 1) the period between 1989-1990 or the stage of "live broadcast revolution", 2) the period between 1991 -1993 characterized by the diversification and technologization of the media, period characterized by an explosion of *print* media, some of them having an impressive number of printed copies; 3) the period after 1993 defined by political polarization, economic consolidation, orientation towards the private sector and consumerist models that provide audience (Coman, 2003). By 2005, much of the press in Romania, but also a part of the audio-visual Media were massively "sponsored" by the state through a kind of hidden advertising provided by public companies. This practice culminated during the government of Prime Minister Adrian Nastase (2000-2004). After 2005, the funding provided by the state in various forms of advertising has considerably reduced. The global economic crisis together with the reduced funding for the public sector has forced a significant part of the media to restructure. Some major newspapers (*Ziua, Cotidianul, Gândul, Curentul* etc.) opted for online distribution. In the development of information journalism in television, the moments when Pro TV (1995) and Reality TV (2000) were launched step into light. Subsequently, the private channel Pro TV has left the editorial line that made it famous and has become a "tabloid" television, currently being the most profitable private television station in Romania. The disappointment of the public towards politics was reflected into a decreased interest in political information and the media that promoted it, and, finally, into a decreasing audience during the radio and television transmissions focused on political issues. In 2012 the print media mainly consisted of tabloids, newspapers that looked for the "sensational". Broadsheet newspapers can be considered only *România liberă, Evenimentul Zilei, Adevărul*, but they also have sections or consistent headings focused on sensational news.

In Romania, the printed press is not regulated, unlike the audio-video Media where the sovereign body is the National Audiovisual Council (CNA). The global economic crisis has deeply affected the Media in Romania, too, hundreds of journalists being fired, especially after 2008. The investigative journalism has suffered the most due to the exacerbation of the political and electoral confrontations and also because of the polarization of economic interests connected to the political elites. The "mogulization" of the Romanian Media is increasingly mentioned, meaning that the major media trusts are owned or discretely controlled by tycoons that are strongly connected to politics and its people.



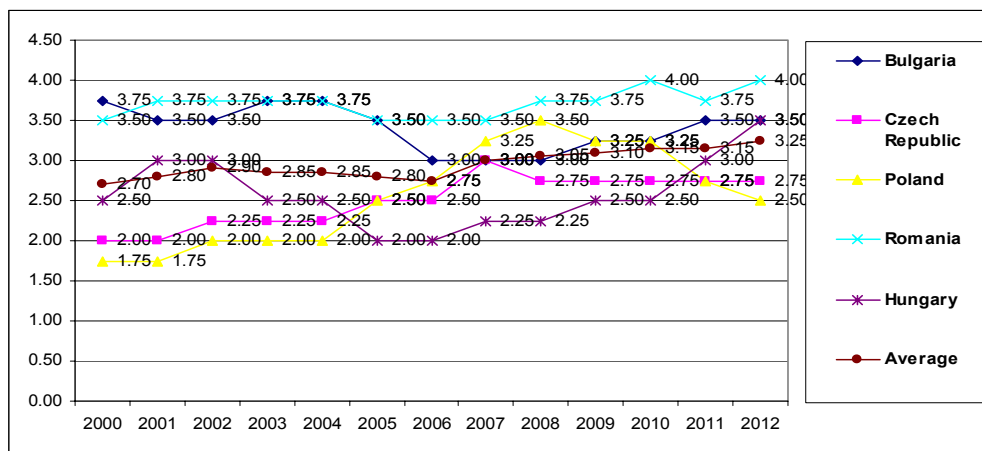
Paradoxically, after Romania's adhesion to the EU, media campaigns financially supported by politicians – owners of media trusts (e.g. Dan Voiculescu) or by business people interested in controlling political power (e.g. Sorin Ovidiu Vântu) were directed towards certain political leaders or parties represented by them, the campaigns against President Traian Basescu being particularly aggressive. In this context, at the last revision of the National Security Strategy of Romania, Traian Basescu, as president of the Supreme Defense Council of the State (CSAT), mentioned the Media among the " threats to national security" when the media campaigns are targeted against state institutions by disseminating distorted and false information about their work for the benefit of private purposes of "illegitimate" interest groups from inside or outside the country. Since 2003, Freedom House evaluation of the Media in Romania recorded a negative trend, from a score of 3.5 to 4.00 in 2011.

## 5. The evolution of democratic governance

Democratic consolidation is a process that considerably depends on how the political elites are governing. Democratic politics is the result of an interaction between various social actors (executive or legislative political elites, interest groups, associations, citizens, etc.) and institutions (Government, Parliament, justice, political parties, etc.). In a mathematical language, the democratic governance is a function that depends on two important variables: on one hand, it is the democratic or undemocratic behavior, the consensual or conflictual behavior of the political elites, and on the other hand it is the government - the institution that represents the executive power in the state and is responsible with the law enforcement.

Evaluating how "democratic" a government is, is a rather difficult task that depends primarily on the definitions of the used terms and then on the used criteria. It is important not to confuse the government as action of ruling and control of public affairs through bureaucracy with the form of government (the regime) that can be either democratic or undemocratic.

Of all the post-communist countries that joined the EU in both waves of enlargement (2005, 2009), Romania obtained the lowest scores in terms of democratic governance. While the average of the countries become EU members varies during the period 2002-2012 from a score of 2.6 to 2.75, our country is not below 3.5 points, according to Freedom House. In 1997, immediately after the democratic alternation produced at the local and parliamentary elections of 1996, Romania had a 4.24 rating. The reforms promoted by the governments led by Victor Ciorbea, Radu Vasile and Mugur Isărescu have definitely shaped the engagement towards the Euro-Atlantic integration of Romania (NATO, EU).



**Figure no. 4. The evolution of democratic governance in five post-communist countries**

(Source: author's diagram processed according to the data taken from the „Nations in Transit” 2000-2012 Reports of Freedom House: [www.freedomhouse.org](http://www.freedomhouse.org). Note: the evaluation is based on a regressive scale from 7 to 1, where 7 is the lowest level of national governance and 1 is the highest).

Despite the governmental instability that marked the 1997-2000 period, the economic reforms focused on restructuring, privatization, reduction of subsidies for the economic sectors and units that caused massive losses, the reforms regarding the restitution of the properties confiscated by the communist regime, civil rights and freedoms, etc. have been appreciated by the international evaluators as evidence of good intentions. Thus, Romania's rating has gradually improved to 3.5 in 2000.

The Adrian Nastase government managed to stabilize the macroeconomic situation of the country launching at the same time ambitious programs of social assistance for disadvantaged persons and child protection. During the governance of Adrian Nastase, Romania joined NATO (March 2004), obtained the title of "functioning market economy" and closed the chapter of negotiation for adhesion to the EU (at the end of 2004). The unwarrantable interference of the government officials on justice, the generalized corruption, the excessive politicization of central and local public administration and the control on the media represented "weaknesses" of the Nastase government. During this period, the rating of the democratic governance has been constant, that is 3.75.

During 2005-2007, the government led by Calin Popescu-Tariceanu brought a slight improvement, the government rating reaching 3.5 points. The Prime Minister has proposed a governmental program that focused on consolidating the rule of law, strengthening its functions as guarantor of legality, strengthening individual liberties, restricting the state intervention in the economy, guarantying and developing private property, ensuring the full restitution of the properties that had

been abusively confiscated during communism, eliminating the exemption from payment of debts for certain business agents, promoting measures by which the economy might become "functional and competitive" in the perspective of joining the EU.

The economic performance achieved during the first two years of this government were overshadowed by the political conflict between President Traian Basescu and Prime Minister Calin Popescu-Tariceanu, conflict generated by his refusal to resign and hold early parliamentary elections in a time when the Alliance for Truth and Justice (DA PNL-PD) enjoyed the confidence from the population, according to the sociological evaluations at the middle of 2005. During this period, the President placed himself as a fierce critic of the Government and the Prime Minister and was also a supporter of the Democratic Party, party that he had formerly led before occupying the position of president. This conflict culminated when the Democratic Party left the governing arch (April 2007) and when it placed itself in opposition to the government led by Prime Minister Tariceanu.

As a minority, the Government consisting of representatives of PNL and UDMR, which did not sum up more than 20% of the votes in the Parliament, has ensured its parliamentary support with the help of PSD, in exchange of financial allocations for the administrative-territorial units under the political control of the latter. The return over the resignation announced in the summer of 2005 and the refuse to start the procedures for organizing early elections, the rejection of the project of political fusion between PNL and PD to form a strong right-wing party and the tempestuous announcement of the withdrawal of Romanian troops from Iraq led to a decisive separation between Prime Minister Tariceanu and the President Traian Basescu.

The conflict between the two protagonists of the Romanian political stage culminated with the suspension of the president by the Parliament (322 votes pro), without a clear notice of the Constitutional Court, followed by the referendum on the president's dismissal. The results of this referendum reaffirmed the popular support for the president and he received again the constitutional powers that had been temporary taken by the President of the Senate Nicolae Vacaroiu.

The results of the parliamentary elections in November 2008 determined the installation of a cabinet led by Emil Boc, supported by a large parliamentary majority formed of PDL and PSD. The government had declared its mission to prepare Romanian economy and society for facing the effects of the global economic crisis. Although it benefited of good parliamentary support that would have provided the political support needed to promote a package of economic and financial measures for adjusting the budget deficit and other economic parameters, the government led by Emil Boc faced the moment when PSD left the governmental arch and subsequently it has collapsed after an impeachment motion. The

Prime Minister and the minority government remained in office until the presidential elections of December 2009, won by Traian Basescu by a close shave. The President has appointed Emil Boc again to form a government supported by PDL, UDMR, the group of the national minorities and a number of members of the Parliament who had migrated from PSD and PNL, which formed UNPR later. The political instability of the recent years, the vulnerability of the minority governments led by Tăriceanu (the second mandate) and Emil Boc (the first mandate), the conflicts between the political institutions and their representatives, have determined Freedom House to give the Government in 2010 a score of 4 points.

Analyzing the history of the Romanian government evaluations, it is clear that a similar score was not achieved since 1998, during Ciorbea's governance. The second government led by Emil Boc has proposed a program of tough austerity measures such as the reduction of salaries for the state employees by 25%, the reduction of pensions, the re-organization of public institutions accompanied by the firing of about 200,000 civil servants. All these macro-economic adjustment measures established with the international financial institutions - IMF, WB, EC - have generated widespread social protests from unions, professional associations (self-employed), have polarized the media and have exacerbated political fights. Although Romania's macroeconomic situation was maintained in the limits of the agreement with the international financiers, the confidence of the population in the government has decreased.

In January 2012, despite extremely low temperatures, people came out in Bucharest and in the county capital cities in order to protest against the presidency and the government. Facing a tense social situation that threatened to degenerate, the government led by Emil Boc submitted its mandate. The President nominated Mihai Razvan Ungureanu, director of the Foreign Information Service (SIE) to form a new cabinet. The latter received the vote of investiture in February 2012, but he lost the parliamentary support two months later (May 2012) as a result of an impeachment motion submitted by the opposition which also received the support of some Parliament members who had previously supported the governmental coalition.

A parliamentary majority comprising of PSD, PNL, UNPR and the parliamentary group of the minorities supported the investiture of the USL government (PSD-PNL) led by the PSD President Victor Ponta. Immediately after his installation in office, they started the negotiations with the IMF to ease the austerity measures for reducing the accumulated social tensions and for contenting the population. The task of the new government, considered by the analysts a "service" government, was to organize the local elections in May-June 2012 and the parliamentary elections in December 2012.

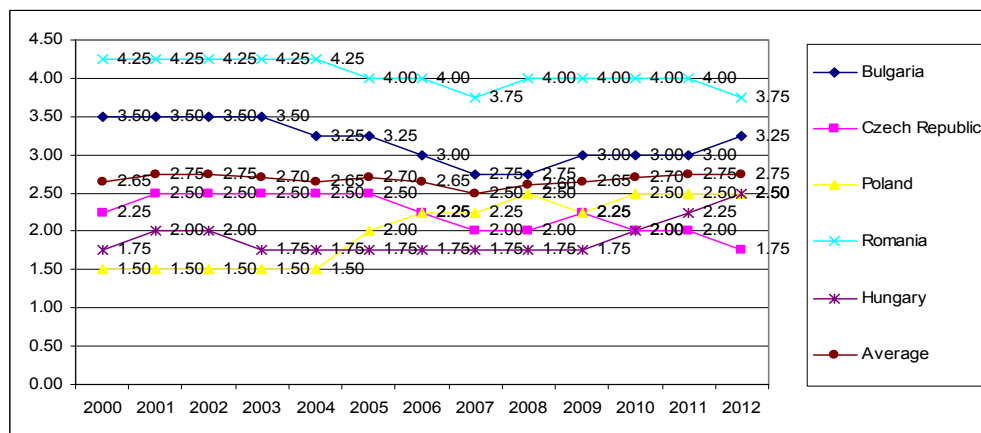
## 6. The independence of justice and the corruption issue

In every state, an important pillar of democratic consolidation is represented by the construction of the legal system, the independence of the judiciary and the effectiveness of the mechanisms of prevention and punishment of corruption. Democratic order is based on the functioning of the rule of law by which we understand a coherent set of laws and regulations articulated around the Constitution or the "fundamental law" in order to ensure individual rights and freedoms, elaborated by the legislative power (Parliament), implemented by the executive power (Government) and interpreted and sanctioned if violated by the judicial power (justice). The application of the principle of powers separation – legislative, executive and judicial – is a guarantee for the existence of the rule of law, to which a consensual behavior of the elites is added, regarding the obligation for respecting this principle, and also the public support expressed in the level of confidence in justice and in its institutions.

The construction of a state of law designed to ensure the application and promotion of the human rights and civil liberties was one of the great challenges during the transition from communism to democracy. The independence of justice and corruption issue have become indicators used by any analysts or evaluators of the democratic consolidation. A functional legal framework requires that the legal institutions and regulations be in agreement with the constitution of the country, coherent, meaning to avoid duplication, parallelism or contrariety, and efficient in relation to the specific situations in which they must be applied.

Regarding the independence of justice, the international standards require the creation of an institution that would supervise and sanction the cases when the personal independence of the judge or the judicial act as a whole are violated. For example, the Superior Council of Magistracy (CSM) is operating in Romania, an organization that was recognized as guarantor of the independence of the judiciary. The special importance of the independence of the judiciary in the rule of law requires that this body should be able to have effective means for defending the independence, impartiality or professional reputation of the magistrates. As judges or prosecutors, they must be legally protected from any interference of politics, individuals or groups interested in influencing the judicial process.

Ensuring the independence of the judiciary was one of the toughest criteria for the post-communist countries for being admitted in the European Union. Bulgaria and Romania still receive a severe monitoring of the justice and internal affairs domains, even after they became members of the EU with full rights. For this purpose, the "Cooperation and Verification Mechanism" (MCV) was established in order to supervise the Justice and Internal Affairs, and it realized regular evaluations regarding the implementation stage of the European Commission's recommendations.



**Figure no. 5. The evolution of the independence of the judiciary in five post-communist countries**

(Source: author's diagram processed according to the data taken from the „Nations in Transit” 2000-2012 Reports of Freedom House: [www.freedomhouse.org](http://www.freedomhouse.org). Note: the evaluation is based on a regressive scale from 7 to 1, where 7 is the lowest level of democratic progress and 1 is the highest).

According to all national and international assessments, justice is indeed a serious problem for Romania. The slow and sometimes inefficient and corrupt mechanism of the Romanian justice was denounced by both the citizens that looked for justice and the media, independent observers and monitoring institutions. Of all five analyzed countries, our country recorded the lowest scores on the regressive scale from 7 to 1 designed by Freedom House. During Nastase's government (2000-2004) we have been constantly evaluated with 4.24 points. No other country of those who became EU members received such a low score. During Rodica Stănoiu's ministry (2000-2003), later proven to have been informer of the former political police Security, the politicization and generalized corruption in the Romanian justice was also "discovered" by the EU.

A study on the situation of the judiciary system published in 2004 by the National Institute of Criminology and ProDemocracy organization revealed that 77% of 3.400 interviewed magistrates complained of the extremely obvious political pressure on the justice process. Furthermore, 81% of the respondents affirmed that the judiciary is not independent.

According to an evaluation of the World Bank, the judiciary was ranked on the second place after the health system in the classification of the most corrupt institutions in Romania (Gallager, p. 135). The regular reports of the European Commission elaborated during Romania's EU pre-adhesion period revealed, in addition to the politicization and corruption of justice, other issues such as the lack of administrative capacity to make progress in this area, the overcrowding of the courts with cases, the appointment of prosecutors and judges without proper qualification and transparent criteria in the selection and employment on the vacant

positions, the promotion of the "appeal for annulment". Regarding the prevention and fight against economic crimes, organized crime and corruption, there was not any trained staff for implementing an approach according to the EU standards. Romania received 3.75 points from Freedom House in 2007 (the year of accession to the EU) at the "justice" chapter, for the administrative progress.

Corruption represents the abusive use of the powers given by the occupation of an office or public function in order to satisfy personal or group interests. Any act of any person or authority with the purpose to promote a personal or group interest/profit that causes damage to the public or private interest can be described as "corrupt". The legislation punishes both the corruption acts identifiable by their tangible or material damage and also the intent of the crime. In short, we can say that we are facing corruption when a high official or a public official, regardless his position, taking advantage of his position and duties, obtains personal benefits for himself or for another person, other than those to which he is entitled by the law (salary/emoluments).

All post-communist countries are facing the issue of fighting against corruption, a phenomenon that affects all dimensions of social life, causing serious damage regarding the economic, administrative and political point of view, but also the morality. Among the countries that have recently been admitted to the European Union, Romania is considered by the Freedom House experts the most corrupt country, being closely followed by Bulgaria. Referring to this aspect, Vasile Boari, the political scientist from Cluj, speaks of "the great paradox of the fight against corruption" which is that justice – the main weapon, is perceived as being one of the most corrupt institutions of Romania.

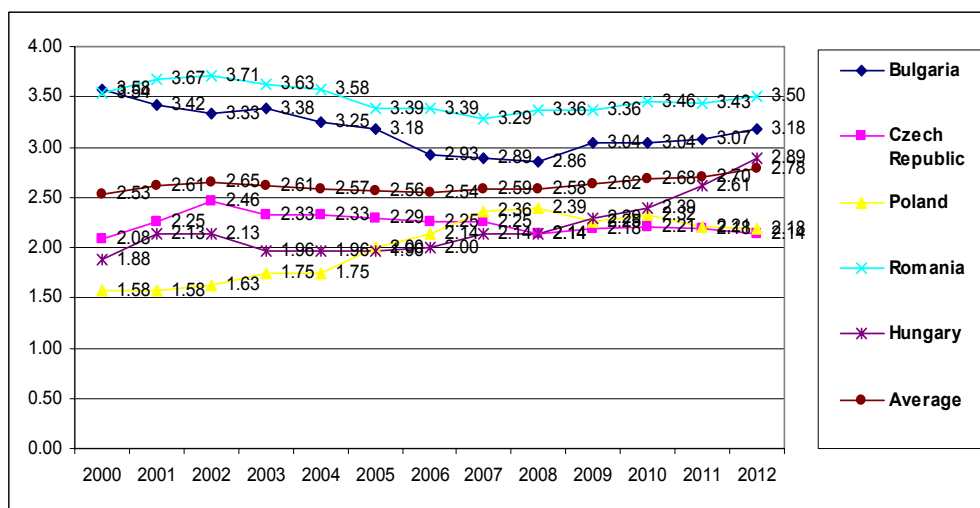
## **7. Instead of conclusions: Romania remains in process of consolidation**

Democracy consolidation is a process eminently focused on achieving political standards: free and fair elections, independent media, democratic governance (rule of law, efficiency, transparency, truth in the allocation and spending of public funds, equidistance), civil society, independent judiciary, efficient fight against corruption. For the EU member countries or for those aspiring to obtain the EU membership, these standards are known under the name of "the Copenhagen political criteria": the existence of stable institutions that would guarantee the functioning of democracy, the supremacy of the law, the respect for human rights and the protection of minorities. The Copenhagen political criteria were later developed in the *Amsterdam Treaty* which states that „the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States (article 6). Any European State which respects these principles can become a member of the Union.

On the 1<sup>st</sup> of January 2007, when Romania became a member of the EU with full rights, it met all these political criteria, several reservations being expressed by some European officials regarding the judiciary reform and the fight against corruption. The political change made in 1996 included Romania in the category of the electoral ("minimal") democracies. Starting with this moment, a democratic consolidation process begins, process that, until the EU adhesion, presented an ascending trend, of *completing democracy*.

After more than a decade of democratic development (1996-2007), the process of democratic consolidation in Romania enters a stage of "democratic erosion" starting with the first suspension of President Traian Basescu (May 2007). The conflicts between the two representatives of the executive power – the President and the Prime Minister – and governmental instability will characterize the Romanian politics after the EU accession.

The second suspension of the President (July 2012) was produced by "forcing" the institutions and mechanisms of the rule of law and was politically sanctioned by the officials of the European institutions in Brussels. The disunion of the political elites, the deep cleavage between the political forces that placed themselves as pro-president and against the president, the lack of consensus even in areas such as foreign policy, national security and defense, the dispute over the constitutional procedures have created the perception of a country on the edge of democratic breakdown.



**Figure no. 6. The evolution of the democratic consolidation in five post-communist countries**

(Source: author's diagram processed according to the data taken from the „Nations in Transit” 2000-2012 Reports of Freedom House: [www.freedomhouse.org](http://www.freedomhouse.org). Note: the evaluation is based on a regressive scale from 7 to 1, where 7 is the lowest level of democratic progress and 1 is the highest).



The conflict which characterizes not only the executive power, but the entire Romanian political system has as main cause the constitutional arrangement and the afferent legislation that regulates the relations between the three powers (executive, legislative, judicial), the relation between the fundamental institutions of the rule of law (the Presidency, Government, Parliament, Judiciary, the Constitutional Court). The second referendum organized for suspending the President Traian Basescu has unmistakably demonstrated the constitutional conflict amplified by the political elites at paroxysmal levels and also the urgent need to rearrange the constitutional relations between the state institutions, taking into account the experience gained in more than two decades of democratization, the current political realities and the requirements imposed by the Euro-Atlantic status of Romania. According to the international evaluations (Freedom House), in 2013 Romania remains a semi-consolidated democracy or located on the "long road of democratic consolidation."

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