

Romania should have had early elections in 2005, but they would have solved only one of the three governance priorities, argues **Alina Mungiu Pippidi**

TRANSFORMATION RELOADED?

Early elections could help with the unfinished agenda of the Revolution, but not with Europeanization or policy reform, where Romanian parties and cabinets should improve their capacity to design and pursue clear strategies

It has been a hot and confusing summer in Romanian and Bulgarian politics. The two countries seem to have reached the end of their luck after the April 25 triumphal signing of their accession treaties to the European Union. In both cases, a divided public with the rural poor as the largest constituency have produced in the last year Parliaments without clear majorities, endangering their unfinished revolutions and the reforms needed to join the European Union.

The European Commission views the political unsettlement that has followed with some degree of concern, as the enlargement process risks being stalled by setbacks on the European Constitution. Bulgarians have trouble in forming a government coalition and early elections were invoked; the Romanian President Traian Băsescu has continuously struggled to provoke early elections in order to get a clear majority for the governing Truth and Justice Alliance, but failed due to a change of heart of his Prime Minister. These movements do not so much reflect the hectic activity of underdeveloped political societies, as much as express the serious strains that Europeanization is putting on these societies and governments.

While many of the background problems are common to the two countries, this paper looks only at the Romanian case as an illustration for the broader discussion of the effect of these strains on government's activity. Beyond daily management – crises included (in Romania it was a bad year, with an Iraq hostage crisis and catastrophic floods) – three distinct processes inform government activity in these accession countries, and their separation is needed in order to understand what works and what does not in the policy process.

The first is the replacement of Communist time political and bureaucratic elites, a process called

"Revolution" in this brief. The second is the process of Europeanization per se, in other words the harmonization of the domestic legislation with that of the European Union. The third is the reform of the current institutions according to the ideology of the winning political party, a deeper and broader process than in Western Europe, since postcommunist societies are still a work in progress on many counts.

1. The state of the Revolution

This first process is highly controversial. The governing Truth and Justice Alliance¹ see it as merely depoliticization: the cleansing of the political clientele of SDP, blamed for being corrupt rather than Communist. Their constituency and President Băsescu see this process more broadly as a fight against status groups which have formed networks of privilege and corruption, so essentially as an anticorruption endeavor. Radical anticommunists from the civil society prefer a total cleansing, a *lustratia* on the Czech and East German models, based on the presumption that former Communist elites are the main obstacle to progress if they can attain key positions in society (in Romania, they do indeed occupy many such positions, as SDP governed for eleven of the fifteen years of transition). Finally, SDP in its turn sees this as a politically motivated replacement of the professionals they left in place with the clients of the Alliance.

The truth lies somewhere in the middle. Of all the former Warsaw pact members who applied for EU admission, Romania only has arrived so far with former communists still in control of key areas of the society; even in Bulgaria, the situation is more balanced between incumbent elites and emerging elites. Romania has therefore a revolutionary agenda still unfinished when compared with the Central European countries. Alexis de Tocqueville wrote down somberly in his 1848 notes that the Revolution unfolding before his eyes was not a new one, but just the final stage of that started in 1789, which had continued incessantly through generations and would not stop until one elite would gain a decisive advantage over the other. What the French were unable to accomplish in seventy years the Romanians clearly have not succeeded in just fifteen.

Three factors limit this elite replacement process: (i) the fact that Romanians had the most cunning successor Communists seen in Central Europe (who else managed to kill the Communist party to reinvent it as a mass organization under a different name?); (ii) the fact that fifteen years after 1989 the emerging elite is still thin due to the disincentives created by party politics and the brain drain; and finally (iii) the gradual fuzziness of

¹ A center-right coalition of liberals (LP) and pragmatists (DP), traditionally opposed to the former Communists regrouped under a Social Democratic banner (SDP), which they defeated in the November 2004 elections.

borders between postcommunists and anticommunists, as economic interests and corruption increasingly cut across party lines. So far, the current government dominated by the Liberals looked more concerned to promote personal clients than follow any clear program to replace old Communist cadres with pro-European ones. The absence of such a program has hindered this process more than the absence of a clear majority in Parliament. The President, on the other hand, is also not in favor of a radical *lustratia*. Such a project would be electoral suicide for any politician in a country where a majority still agrees in polls that Communism was a good idea badly put into practice.

However, the president has a clear stand against corrupt influential networks, which would have effects similar to lustration if put into practice. But can it be put into practice? Denied early elections to craft a larger majority sharing this objective, and with the Liberals as main government party (they have always failed to purge such networks from their ranks), the presidential agenda looks hopelessly isolated. The only minister promoting it is Monica Macovei, the non-partisan Minister of Justice, but her efforts have just been curtailed by the conservative Constitutional Court. Although no clear links can be established to the Constitution, the Court rushed to stop retirement at a fixed age for magistrates and direct election of Court Heads by all magistrates, precisely the reform tools with a chance in replacing the Communist judicial elites.

The Constitutional Court, populated mostly by former SDP dignitaries, has only put an official stamp on the transition philosophy embraced by the postcommunist SDP: Romania can succeed in its transformation without replacing its elite like in Central Europe, with former Communists in charge of everything. As anticommunists have never succeeded a clear electoral victory in Romania on the model of the early nineties' victories of Central European challenger parties, an early election in the fall of 2005 might have re-launched the process. The polls showed about 50% popular support for the Alliance by end July, but floods, a reluctant Prime Minister and a string of communication blunders he made seem to have buried this option so far².

2. The state of Europeanization

Public perception in candidate countries tends to see Europeanization as the final stage of the anticommunist revolution, in any event as a powerful modernizing process. In fact, little of this has revolutionary potential – for instance, the regulation of state aid – the rest being simply harmonization, a process which is technical in essence and often superficial in practice. The methodology of

² Prime Minister Călin Popescu-Tăriceanu, the president of the Liberal Party, announced after the Constitutional Court decision to cut the wings of his judicial reform that he would step down. In less than a week he managed to revert this statement for no less than three times, finally giving up on early elections.

enlargement currently applied in Romania and Bulgaria originates in previous enlargement waves and is grounded in the assumption that revolutions should be largely finished by the time a country receives the invitation to join the EU. This is simply not the case in Romania. As a result, sometimes Europeanization interferes with the revolution, and the other way around. Both in Romania and Bulgaria, for instance, independent Judicial Councils designed at the wish of the EU in order to take the control of judiciary from the executive have hindered reform, as they predictably emerged with conservative majorities. Civil service legislation passed too early in the process has frozen an administration that was poor on performance and high on corruption, preventing the further renewal of administrative elites. Some of the anticorruption discourse related to accession does indeed create opportunities for change; however, by and large the process is anything but revolutionary.

In Romania, the Tăriceanu and Năstase cabinets (current and previous, respectively) advanced steadily, albeit painfully towards Europeanization, a process completely driven top down and from Brussels. The former SDP minister of EU integration declined the offer to carry on; otherwise he would have become, together with the chief negotiator and the head of mission in Brussels, part of a permanent SDP team under the new liberal government. This team, under Prime Minister Năstase, managed before the EU integration as a sort of five years plan, with minimal change to the country, instead of using the opportunity of Europeanization to promote real change, either revolution of reform. Unfortunately, the Alliance did not have an alternative ready in this area, and except a couple of Liberals in charge of European funds and their control they went on with SDP engines for lack of qualified staff. A change in approach is unlikely unless some credible and authoritative agents of Europeanization, on the model of minister Macovei, are imported from outside the Alliance. Early elections would not solve this fundamental problem that the current government has inherited from the previous one.

3. The state of reform

The third process which informs governance is reform. On this dimension, unlike in the first two cases, the current government went further and deeper. Important sectoral reforms were initiated in fields such as fiscal policy, judiciary, health and education. All lacked sufficient preparation and ran into opposition early, but steps taken were correct and bold. Nevertheless, the main reform, that of the central administration, is still lagging behind, and this hinders progress on sectoral ones. Prime minister Tăriceanu, like Năstase before him, still does not have a center for policy formulation which would imprint on policies some coherence, as well as the tools to measure policy implementation and impact. The latter are crucial in a country where legislation is overhauled by Europeanization on fast

forward. Judging progress remains therefore a highly subjective matter, and government performance is identified with visibility on TV. No instrument was devised to assess the effectiveness of each minister, now that the cabinet is likely to be reshuffled, and therefore totally diverging evaluations exist for example on Mona Muscă, the Culture Minister who has just resigned, prolonging the recent crisis.

It should not be so: techniques to assess public management do exist; moreover, a set of new strategies on the judiciary, plus a Freedom House audit on the anticorruption strategy, have proposed for the first time a set of measurable performance targets. In vital areas, such as social policies, such indicators are however missing and ministers are held accountable more on their attempts than on results. Again, Europeanization without clear domestic performance indicators risks having no impact at all. The Education ministry, for instance, boasts on the speedy adoption of the Bologna criteria, when what we really need is a process to monitor the impact of the Bologna reforms on the declining quality of higher education in Romania. Reforms are important not in themselves, but for their results, but Romanian governments seem at times to believe that Europeanization is reform enough, leading to the puzzling situation of a country which finished the EU acquis adoption with minimal changes in the way it operates.

Beyond the absence of an instrument for fine-tuning public policies, reform is hindered by the lack of social dialogue. It is traditionally more difficult for center-right governments to deal with unions, and vested interests opposing reforms are not unique to Romania. However, the Tăriceanu government was quite bad at selling these reforms to the main stakeholders. The thin majority they had in the Parliament was less of an obstacle than their repeated mistake of announcing changes in policy (for instance, in fiscality) prior to discussing them with those affected, for instance the business associations. Very early on former allies from the civil society asked for the resignation of the Health Minister, although his reforms were not bad, simply because the lack of communication created important implementation problems.

Romania also has a "sunshine legislation" according to which the government is supposed to consult on policy and legislation prior to making a decision, but this often remains on paper as tenths of bills required by the process of Europeanization are rushed through Parliament. Policy capacity remains extremely low, sectoral strategies being driven as a rule by EU requirements and funding. Policy analysts in Bucharest agree that Romania might not have a regional development strategy at all would it not be for forthcoming structural funds, and the development of policy capacity has been disappointingly slow in recent years. Early elections might have brought about a larger majority, but no substantial changes would have been expected in policy capacity or in the low attention this problem gets from the government.

Conclusion

The image of a government is given by its actions and its ability to communicate, and is intermediated by the media. The Tăriceanu government had against it from the onset the media controlled by SDP or by corrupt networks of privilege. Prime minister's failure to go for early elections turned against him also the media supporting President Băsescu. Today blame is laid on spokespeople, when the whole strategy should be blamed. Tăriceanu has had only one strategy so far, which was to focus on image rather than policy, and, ironically, it was here where he failed. The best spokesperson in the world could not have conveyed an image of strategic coherence where no such thing existed.

Early elections could have helped the first process (revolution), but the Liberals, unlike Băsescu, have never been very keen on this one. On the other hand, elections would not have brought great progress on the second (Europeanization) and third (policy reform) dimensions, where problems are located within the ruling parties and should be not blamed on the opposition. A Prime Minister willing to address these problems has considerable room for improving his government by restructuring / reshuffling the cabinet. However, the political environment has turned against him in the recent weeks, and with a hostile media, a disappointed president and a fragile coalition this task becomes more difficult than ever. Călin Popescu Tăriceanu or his successor must regain momentum by forging the Alliance into a deeper coalition, possibly as a step towards the full merger, and must reinvent the government on a more strategically oriented, policy-informed basis. Two equally daunting tasks.

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