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Corruption Fights in Romania

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Remember the two states from Eastern Europe that joined the EU in 2007 not fully prepared? Romania and Bulgaria – they were struggling to overcome a culture of corruption, graft, nepotism, oligarchy, and a corrupt judiciary left over by the former communist regime.

In Romania’s case, the fight for transparency, democracy, accountability, the rule of law, human rights, and against corruption has resulted in an all-out war between political factions and branches of government, that is, between a directly elected center-right President and a left-dominated Parliament.

President Traian Basescu won his first term in office in 2004 on an anti-corruption, pro-EU ticket, and he has been a strong supporter of an independent judiciary. However, the Parliament has been dominated by the former communists, reorganized as PSD (Partidul Social Democrat). Together with the Russian style oligarchy supported by them, the former communists see themselves as victims of the president’s anti-corruption campaign.

President Basescu appointed Monica Macovei as Justice Minister in 2005. She implemented the justice reforms required to join the EU, such as legislation to eliminate immunity of former government officials, criminalize tax evasion, and establish a National Integrity Agency (ANI) that would verify the source of wealth of MPs and other government officials.

In February 2007, the Senate passed a no confidence motion against Macovei. It was the first time the country’s Parliament passed a motion against a cabinet member. EU Commission Vice-President Franco Frattini issued a statement of support for Macovei and her efforts to fight high-level corruption. By April that year, the Parliament suspended the president, but popular vote re-confirmed him. ANI was finally established in May 2007.

In April 2010, the Parliament voted to limit ANI’s powers; it removed the agency’s right to seize illegally acquired assets from politicians. The Constitutional Court did not find the Parliament’s decision unconstitutional. The Constitutional Court has been an independent referee, challenging several bills adopted by the Parliament. However, at the time, ANI was investigating seven out of the Court’s nine judges. Romanian media described the ruling as “a small coup d’Etat,” while president Basescu said “ANI has been in practice annihilated by the Constitutional Court.” European Commission President Barroso was worried about the weakening of ANI: “We consider this as a problem for the guarantees which were given to the European Union.”

2012 Soap Opera

In June 2012, anti-corruption prosecutors arrested the highest official to date – former PSD Prime Minister Adrian Nastase. A few days later, the PSD led Parliament voted to suspend Basescu. The Parliament also suspended the Constitutional Court’s power to rule on Parliament’s decisions.

The European Commission acted swiftly. Barroso handed the government a list of eleven immediate demands saying that “challenging judicial decisions, undermining the constitutional court, overturning established procedures and removing key checks and balances have called into question the government’s commitment to respect the rule of law.” The Commission threatened to use the “nuclear option” and suspend Romania’s voting rights and access to EU funds. German Chancellor Angela Merkel criticized the emergency decree as a “threat to the principle of separation of powers.” The impeachment referendum failed to gather enough votes, and Basescu was reinstated president.
The latest attempt by the Parliament to circumvent corruption laws dates from December 2013. At that time, MPs voted for a bill that would no longer consider MPs, lawyers, the country’s president, and cabinet members “public officials,” thus exempting them from corruption charges. The law would violate international agreements signed in 2002 and 2004, such as the Council of Europe’s “Criminal Law Convention on Corruption” and the United Nations’ “Convention on Corruption.” EU officials voiced their concern again, and the Constitutional Court invalidated the bill.

In the latest CVM report (thirteenth, January 2014), the European Commission notes the progress on judicial reforms and shifts the focus to the implementation of reforms. Romania’s Anti-Corruption Agency (Directia Nationala Anticoruptie, DNA) is considered one of the top five EU agencies in the fight against corruption. The agency and the High Court “have maintained significant track records in difficult circumstances. Both in terms of indictments and convictions, the application of the justice system to powerful political figures has been an important demonstration of the reach of Romanian justice.”

There are 28 MPs under investigation or convicted of corruption. Since May 2013, DNA sent to trial 1073 persons including six ministers, five presidents of local councils, 34 mayors, 22 directors of public institutions, 10 CEOs, and 25 judges. Out of these, 1051 were found guilty as charged. Still, 75% of the convicted received suspended sentences. “The high percentage of suspended sentences seems to illustrate a reluctance by judges to carry through the consequences of a guilty verdict – in contradiction of the sentencing guidelines of the High Court itself,” notes the CVM report.

**Latest Scandal**

In June 2014, anti-corruption prosecutors detained the brother of president Basescu for bribery. Mircea Basescu allegedly received €250,000 for influence peddling (reportedly to reduce the jail term for organized crime boss Sandu Anghel).

Prime Minister Victor Ponta (PSD) called immediately for the President’s resignation and the parliament adopted a “guilt by association” declaration asking the president to step down. “We know this declaration is a political action without judicial implications, we know he will not tend his resignation” said the bill’s sponsor, Calin Popescu Tariceanu.

President Basescu said that he will not step down: “Between the natural impulse to help my brother and the need to consolidate the judiciary, I choose consolidating the judiciary.”

*EuroPoint: The fight to tackle corruption in a former communist state is difficult. The EU Commission is aiding national actors through CVM reports and statements of support, i.e. with “carrot and stick” rewards and threats.*