Strength in numbers: the coalition potential of presidents in semi-presidential republics. Insights from Romania*


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Abstract:
Recent studies have brought more attention to the trend of presidentialization of politics (Webb and Poguntke 2005, Samuels and Shugart 2010 etc.) This paper aims to add new data to the comparative effort and in contention of this evaluation by putting forward the case of Romania. I argue that structural presidentialization is subject to the potential of the president to coalesce parties into forming legislative majorities in his support, just as much as the prime minister needs the same support to remain in government. The cases analysed prove that the parliament remains the most important and influential institution as the final choice on whether to support the prime minister or the president in an open conflict rests with the parliamentary parties. Romania’s inclusion into the larger debate is relevant, as it is the only remaining semi-presidential republic in post-communist Central and Eastern Europe and a most-likely case to have entered a presidentialization trend. Although the president continues to be perceived as the highest figure of formal and informal authority, in practice, his powers are institutionally limited. Equally, although we can record peaks of presidential authority, no important change could take place without a consensually united parliament.

26 years into its democratic life (1990 -2016), Romania has had four presidents, 12 prime ministers and 26 cabinets (counted according to the maximalist approach - Muller and Strom 2000). Although the four presidents have made ample use of their informal authority over their party of origin and used their exclusive prerogatives to empower these parties and thus themselves, this strategy did not have an effect of ‘over-presidentialization’ of the regime. The research identifies categories of situation when the president was a ‘partner’ of the prime – minister and his cabinet and when the president was ‘adverse’. I then employ the method of process tracing to observe the mechanisms that turn the president into an influencer of the political life or restrict his or her powers. The results differentiate between the ‘constructive’ powers of the president and the ‘(not so) destructive’ powers.

The study shows that institutional structural change in a multi-party semi-presidential regime type can only take place with a larger consensus of political elites, irrespective of the will of the president and weakens the hypothesis that this system holds the seeds for ‘over-presidentialization’. Although non-institutional factors such as the president’s strong will and personality and the maintenance of his or her link to the party of origin can lead to political crisis and temporary institutional dead-lock, it can do little else. The presidential prerogatives are a weaker bargaining chip than his or her coalition potential through a loyal party.

*Accepted for delivery at the European Consortium for Political Research General Conference 2016 (Prague) in the section ‘Presidential Politics. Powers and Constraints in Comparative Perspective’, in the panel ‘The Role of Presidents in Leading ‘Their Own’ Political Party’
1. Introduction

The classification of governing regimes according to the means of power distribution has rightfully received much attention in scholarly literature for over half a century. It is useful to know which state goes into which box for presidential, semi-presidential or parliamentary regimes just as much as knowing what part of a huge library to access to get a book on history, philosophy or political science on the same topic. The endeavour is to find the right filter for one’s deeper enquiries on democratic performance and in the case of power dynamics, the first filter to apply is the institutional background.

As political parties and political elites do not exist in a vacuum, institutional rules shape to a great extent their underlying attitudes. Since Duverger’s introduction of the ‘semi-presidential’ category in the wider scientific debate, this model in particular has made the object of academics’ efforts in search of a nuanced, yet encompassing definition. This has been a challenging task, as the ‘semi-presidential’ model has been contested to cover a too varied set of existing institutional frameworks and scholars went so far as to dispute even the usefulness of this categorisation (Eaton, 2000; Tsebelis, 2002).

This study employs the definition of the semi-presidential regime-type as it was built on Duverger’s identification of its attributes: having a popularly elected president with ‘considerable’ constitutional authority and a prime minister and a cabinet who need to receive the confidence of the majority of parliamentarians (1980) or as other scholars rephrase it, who are collectively responsible to the legislature (Elgie 1999, 2011; Elgie and Moelstrup 2007, 2008). For more accuracy, Shugart and Carey (1992) split this major category into two subtypes: premier-presidential, in which the prime minister and his cabinet are not accountable to the president but only to the parliament, and president-parliamentary, in which the prime minister and the cabinet are accountable to both the president and the parliament. This classification is not above suspicion, yet the creation of sub-groups permits a more in-depth understanding of the architecture of power sharing.

Placing states in the right box is the first step towards a further observation of their travel from one group into another. From this follows the assessment on whether there is a tendency towards an over-presidentialization in semi-presidential countries. The potential for the president to develop an extreme personalization of the political process remains one of the major critiques of the semi-presidential regime-type as a positive framework for democracy building (Linz, 1994; Lijphart, 2004).

The possibility for improvement of such classifications rests with the country experts who can provide qualitative data input. This study in particular tests the hypothesis that there is a “presidentialization” of politics (Webb and Poguntke 2005, Samuels
and Shugart 2010 etc.) in general and decreases its strength by putting forward a
most-likely case for “presidentialization” in a semi-presidential republic that does
not confirm the claim.

To contribute to the ongoing debate on the ‘contingent’ and “structural”
presidentialization (Webb and Poguntke 2005), I employ this framework in the
Romanian case and uncover the mechanisms employed by the president in the
context of cohabitation when the real tensions built within this regime-type surfaced
and peaks of presidential authority were noticed. I conclude that without a
successful strategy to enhance the coalition potential of the presidential party, both
contingent and structural presidentialization fails. This provides reason to further
claim that even in post-communist states, despite the confusing onset, the semi-
presidential regime – type dissuaded power accumulation through the inherent
structural incentives for coalition building.

2. Romania – a most likely case for presidentialization

Among Central and Eastern European countries, Romania is the most likely case to
have undergone a presidentialization of the political life. In this section, I will
continue by familiarizing the reader with the nuances of the only premier-president
semi-presidential regime-type left among the post-communist Central and Eastern
Europe states. The arguments in support of a most-likely case study scenario will
follow. Finally, empirical evidence is then provided by tracing the process through
which the president could influence political outcomes. Zooming into the causation
between presidential power and governance uncovers two categories of
observations: 1) the constructive powers of the president vs. 2) the (not so) destructive
powers of the president. All in all, evidence shows that irrespective of his or her
informal authority, the president was constrained by the mechanisms of a multi-
party semi-presidential regime to over-presidentialize the system.

2.1 The Institutional Set-Up

Government formation and life in Romania is subject to formal rules. According to
the provision of the 1991 Constitution to which minimal changes were made in 2003,
Romania is a semi-presidential parliamentary republic in which the executive power
is shared between a popularly elected president and the government.

As regulated by this fundamental law, the formation of the government involves
both parliament and president (Art. 103). The practical interpretation of the
provisions of the Constitution is more important to understanding the game of
coalition formation than any of its formal readings.

The most important presidential prerogative in this process is nominating the prime
министр. This gives the president serious bargaining leverage and the potential to
influence coalition composition. Although legally considered to shed political parti
**pris** once in office, the president’s bias towards his party of origin is expected. This influences cabinet formation and usually provides the presidential party the informal role of the driving force behind coalition formation and increases its appeal towards the undecided smaller parties who can swing their support either way.

Formally, the making of a cabinet starts with the President’s consultations with the party that has obtained absolute majority or, in the likely absence of such an electoral outcome, with all parliamentary parties. In practice, the party with the greatest number of seats in the Parliament has the priority in having its nomination for prime minister picked up by the president and becomes the *formateur*. It has usually been the case that this was also the presidential party. In the situation when a legislative majority had been formed leaving the presidential party outside, the president took upon himself (Romania has only had male presidents) the role of *informateur* proving the potential of the presidential institution to shape cabinet composition.

Following these consultations, the president nominates a prime minister. During consultations, a party or a combination of parties willing to coalesce advances proposals. Informal inter-party negotiations for legislative majority may or may not have taken place prior to this moment. However, the existence of pre-electoral agreements to form a coalition limit the possibility for surprise outcomes. After the president decides on a nomination, which is usually a plausible prime minister proposal with a high potential to secure needed legislative support, the Constitution provides the designate prime minister with a period of ten days to present a list of the cabinet members and the governing program to the parliament and receive the vote of confidence. The inter-party negotiations that precede and follow the prime minister nomination are focused predominantly on office distribution and secondarily on matters of policy. The weakness of policy platform allows attention to mostly shift towards the matter of ‘who gets what’ also in securing the support of the smaller parties.

The two chambers of the parliament (Chamber of Deputies and Senate) convene in a joint session for the investiture vote. The vote of the majority of the deputies and senators is required. If the vote is positive, the government is sworn before the president of the Republic. If the proposed cabinet does not receive the vote of the majority, the formation procedure starts all over again. After 60 days following a first unmaterialized PM nomination and only after at least two such unsuccessful attempts at receiving the parliament’s vote of confidence, the president can dissolve parliament and call for early elections after consulting the speakers of the two chambers and the leaders of the parliamentary groups. (Art. 89) This outcome was inhibited not only by the systemic difficulties to enact it but also by the high coalition potential of parties – or ‘promiscuity of parties in coalition formation’ (Mair, 1997) - that led to the securing of a legislative majority even as tensions were running high. The practical interpretation of the Constitution is most important and
can lead to rival explanation in the cases when the presidential agenda clashes with that of a majority in Parliament.

Webb and Poguntke conclude from their study of old democratic states (including the US and Israel) that ‘none of the country experts doubts that the leaders of (potentially) governing parties have enjoyed a growth in intra-party power and/or autonomy, or these were comparatively high at the start of the period analysed and have remained so, in each and every case.’ (Webb, Poguntke, 2005, p.343) They discuss not only the growth in influence of the president, but also of the prime minister. Romania, although it presents some of the attributes linked by the authors to ‘structural presidentialization’ – i.e. a growing state, the Europenization of politics and the development of mass media, declining voter loyalty - the tradition of minority and multiparty government, the fragmentation of the party system and above all a tradition of fluid coalition politics impeded an erosion of party strength in favour of a leader.

The change of the Constitution in 2003 brought with an important effect over the relation between president and cabinet formation. As the president was given a five year mandate, starting with 2008, the legislative and presidential elections no longer overlapped. As such, the traditional joint win for a president and his support party was institutionally impeded. In order to counteract the effect of this institutional change, a growing assertiveness of the presidential figure in the political life was required. Coupled with the secondary factor of the incidence in office of a forceful president (2008 – 2014), this was perceived at the time as setting the course of a tilt in the balance of power towards presidentialization through constitutional interpretation. At a closer look, the system did not allow for this to happen.

Informally, government formation is a very important moment for the president if he is interested in having a central say in the subsequent phases of the cabinet’s life. Having a friendly prime minister and a cabinet dominated by his party of origin increases the strength of the president and vice-versa. Being aware of the power of the president during cabinet formation, smaller parties are drawn to coalesce around the presidential party. Formally, the president no longer has an institutional effect on the governance and termination phases in the life of a cabinet as its maintenance becomes dominated by the existence of a supportive parliamentary majority alone.

2.2 The Dangers for over-presidentialization

Scholarship generally supports the claim that post-communist states amass attributes that make their inclusion into structural categories developed for older democracies faulty and provide the incentives for the personalisation of power.

Firstly, consolidation of institutionalization of the political life is found wanting. The problems mostly pointed out include the lack of mass partisanship (Colton, 2000); substantial electoral volatility (Tavits, 2005); weak party institutionalization and
their dependence on a leader or on a group of a small few with contested standardised internal organisation (Katz, 1996; Kopecky, 1995; Lewis, 1996; Mair, 1997; Mair and van Biezen, 2001; Padgett, 1996; van Biezen, 2003, 2005) and internal fragmentation (Moser, 1999) and/or lacking ideological programs (Kitschelt, Mansfeldova, Markowski, and Toka, 1999) etc.

Another trait of post-communist states that usually undergoes scrutiny is the setup of clientelistic networks that overlap business interests with politics (Stefan, 2004; Smilov and Toplak, 2007; Roper and Ikstens, 2008). To quote the findings of one recent study on Romania, ‘unlike parties in consolidated Western European democracies, the Romanian parties rely heavily in their candidate selection practices on very small and highly elitist groups of business managers’ (Protsyk and Lupsa Matichescu, 2011, p.220). On the one hand, this is associated with personalized patterns of recruitment that do not permit a standardization of hierarchical relationships and contribute to the increase of a leader’s authority with whom powerful businessmen are most likely to deal with directly. At the same time, it is a strategy that can lead to an increase of competitiveness once business managers thus receive support to also muster political capital.

Thirdly, the starting point of Romanian democracy has led some authors to consider it was an ‘unfinished revolution’ (Roper, 2000) that shaped the “political space” (Cotta in Pridham and Lewis, 2002, p.69). As Pridham and Lewis noted: ‘New elites have often, by no means always to the satisfaction of the post-communist public, looked surprisingly like the ‘old’ elites. Most obviously, the new post-communist leaders generally have easily identifiable origins in the institutions of the former communist system. This is clearly the case in Romania, but it is also relevant to other countries in Eastern Europe’ (Pridham and Lewis, 2002, p.17). Tilly also argued that ‘(...) however grudgingly, oligarchs and authoritarians adapt with impressive rapidity to democratic arrangements when those arrangements begin to look durable and inevitable’ (Tilly, 2004, p.240). The option for a semi-presidential regime type was made by these transitory elites that were in fact second-file members of the Communist Party. Frison – Roche, in his comparative study of the countries who opted for a semi-presidential model, argues that ‘l’emprunt d’une technologie institutionnelle, le “modèle semi-présidentiel”, a été préféré au modèle parlementaire classique pour satisfaire l’intérêt politique des principaux acteurs de la transition. L’intérêt était, en effet, de “neutraliser” les différents pouvoirs pour qu’aucune domination majeure ne puisse être exercée par un camp (Frison – Roche, 2005, p.5)

This perspective focuses on the conscious decision made by the agents of change at the time of the transition to build a system that accommodates both their interests to use the institutional framework to maintain the leverages of power - for which a total switch to a parliamentary system would have been too much to cope with, as well as that of the frail opposition and the population who had to see a break with a form of the system reminiscent of the one dependent on a single ruler.
Fourthly, the democratic evolution of post-communist states took place in a general trend of increased personalization of power and decreased party alignment in which the voters are to a great extent influenced by a party leader when casting their ballot. According to a study by Hayes and McAllister, ‘election outcomes are now, more than at any time in the past, determined by voters’ assessment of party leaders.’ (1997, p.3) This is a plausible and much supported thesis especially by researchers interested in the advancements of political communication who notice a move towards ‘media – centred democracies’ (Swanson and Mancini, 1996; Schmitt-Beck and Farrell, 2002). Although the focus of such studies is mostly on the United States and on Western Europe, similar effects can be witnessed throughout younger democracies, including Romania. Parties can even employ foreign consultants during campaigns that use similar techniques as in the Western world. At the same time, the influence of media channels and more often than not, their partisan politics, have increased considerably, proportional with the concern for the public image of the leader, who is even more open to scrutiny. This can have a destabilizing effect on the whole balance of powers between parties and at the time of negotiations, as the centres of power can be independent of party.

To sum up, the transition to a new constitutional order has been the terrain for struggles among sharers of influence for more executive authority. After the drafting of the new democratic Constitution in 1990, experts were even unsure of where to classify Romania among the different variants of parliamentary systems adopted by the other post-communist countries. ¹ A hegemon party that dominated the government for the first seven years of its democratic life and the same president with a strong connection to his own party were also the crafters of the new Constitutional order that left room for ambiguity into the division of power between president and prime minister. As more attention was given to the topic of semi-presidentialism and the initial confusion wore off, Romania came to be included in this more nuanced box (Fish, 1999; Roeder, 1999).

However, once the discussion advanced, so did the need for more accuracy. For example, in their popular classification of 2010, Samuels and Shugart include Romania and France in the same category of premier-president democracies (2010, pp.32-33). However, between the two countries, there is at least one clear difference. Romania falls into the premier-presidential subtype, as the president does not have constitutional authority to dismiss the cabinet, but the French President can and so might cross into the presidential regime box. Indeed, the Romanian president can influence the parliament to do so through the leverages of power he might hold on the parties in parliament, but this is largely an informal possibility for the president.

¹ Baylis (1996) cites the Woodrow Wilson Center East European Studies Meeting Report, (September-October 1993, p. 3) one expert on Romania, Vladimir Tismaneanu, who pronounced himself simply unable to determine whether the country has presidential or parliamentary rule. Baylis also quotes Tismaneanu to believe at that time that Romania has shifted decisively toward presidential dominance.
and even more so, largely against the provisions by the constitution that he must act as a mediator between all the institutions in the state and between the state and the society (Article 80) and cannot engage in partisan politics (Article 84).

Nevertheless, coalition politics has proven to be a more resilient regulator of political life than strong presidents. In order to have any influence on the goings of the political life, the president has to become a player in coalition building strategies as the Constitution leaves enough space for manoeuvre to provide the incentives to craft a parliamentary majority that is loyal to him or her. When it was not the case that the president had a supportive legislative, he was forced to aid in forging coalitions himself. Apart from being constrained by the framework of a multi-party parliamentary system, the president is also dependent on the relationship with his own party. Identifying patterns albeit a persistent tradition of informality comes in support of more recent studies that attest that ‘transitions in vastly different circumstances still created institutions that constrain or encourage government behaviour in predictable and consistent manners.’ (Zeynep Somer-Topcu and Laron K. Williams, 2008, p. 326).


3. Tracing the Romanian experience

26 years into its democratic life (1990 -2016), Romania has had four presidents, 12 prime ministers and 26 cabinets. Table 1 is a summary of this political landscape. Coalition cabinets (20 out of 26 – in Bold) are counted according to the ‘maximalist approach’ by Müller and Strøm (2000). A change is noted if there is a modification in party composition or of the prime minister or for every instance of cabinet termination due to elections. Duration is measured from the date the cabinet was sworn in until the incidence of a terminal event (i.e. resignation of prime minister, exit of one party, successful motion against a cabinet etc). Annex 1 ranks cabinets according to their duration. Interim periods of a cabinet are not included.

The first observation to be made is that governance exhibits considerable instability, scoring a high number of counted cabinets, 26 cabinets in 26 years and following seven elections. The duration of coalition cabinets varies extensively and ranges from 903 days (Năstase I) to 6 days (Ponta III) with a median of 361 days. The 20 coalition cabinets have been led by nine different prime ministers. Of these prime ministers, only three inherited the cabinet composition (Vasile, Isarescu, Ungureanu). This means that most changes of cabinets have come as a result of an
internal political reshuffle (17/20). The most stable cabinets with the longest duration are unsurprisingly found overall in the category ‘partner – president’ and more precisely in the cases of union between president and prime minister. Năstase I, Boc III and Văcăroiu II top the list on duration among coalition cabinets. The union between president and prime minister is unsurprisingly a variable that works in favour of coalition duration. Nevertheless, the following two cabinets, which exhibit comparative lengths in office, Popescu – Tăriceanu III and Ponta II, are the governments most scared by conflict between president and prime – minister. Vasile II, the sixth ranking cabinet and the one with whom a category of cabinets with a life longer than a year is also marked by continuous skirmishes with the president and terminates on very conflictual terms with a forced resignation. This observation is more surprising and defeats initial expectations regarding the potential influence in cabinet termination of even a forceful president.

Table 1. Conflict tracing in a premier-president semi-presidential regime-type

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<th>Presidents</th>
<th>Partner President</th>
<th>Adverse President</th>
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<td>Roman; Văcăroiu I; Văcăroiu II; Văcăroiu III; Năstase I; Năstase II; Boc I; Boc II; Boc III; Stolojan; Iasaescu; Ciorbea I; Ciorbea II; Ciorbea III; Vasile; Vasile II; Popescu - Tariceanu I; Popescu - Tariceanu II; Popescu - Tariceanu III; Popescu - Tariceanu IV; Popescu - Tariceanu V; Ungureanu; Cioloş; Ponta I; Ponta II; Ponta III; Ponta IV; Ponta V</td>
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The two most intense confrontations between the prime minister and the president which have been fought on the Constitutional (structural) level as well as on a more personalized (contingent) level have been between president Băsescu and prime minister Popescu – Tăriceanu (during Popescu – Tăriceanu II and III) and again between president Băsescu and prime minister Ponta (Ponta I, II, III, IV). Interestingly enough, even so, Popescu – Tăriceanu finished a four year mandate without early elections and Ponta stayed in office for three years and 165 days, outliving with almost a year president Băsescu into the term of the following president, Iohannis. President Băsescu, together with his party (the Democrat/(renamed Liberal Democrat Party) could not find enough leverages for control to topple prime ministers through the Constitution or muster more coalition potential in Parliament than his adverse prime ministers and their respective parties.

As the influence of the president is thus linked to having a cooperative government, his or her ace in the hole is the possibility to nominate a prime minister. During government formation, this enhances the coalition potential of the president in the
direct competition with a potentially inimical prime minister. This was the case in the formation of Popescu - Tăriceanu I and Boc III. In the following paragraphs, I will briefly trace these cases and bring evidence for the existing constructive powers of the president and the not so destructive powers of the president. All in all, through process tracing of the mechanisms through which the president can influence the political landscape, the findings show that the last word in the constitutional order of a premier – president semi-presidential regime rests with the parliament.

3.1 The ‘Beat them to the Punch Approach’ or the constructive powers of the president

3.1.1 Case study 1: the Formation of the Popescu - Tăriceanu I Cabinet

Romania experienced a full-blown situation of how the powers of the president can reshape even the most obvious of electoral results. The 2004 presidential elections results and the formation of the 2004 government made it into specialized literature as an example of the impact and the precedence of the institutional framework on party strategy. Samuels and Shugart summarize the Romanian episode: ‘The results of the direct presidential election thus not only took government formation out of the hands of the largest parliamentary party and the largest parliamentary coalition, but also but also served to break a pre-election agreement, altering the partisan balance of forces that parliamentary coalitions and parliamentary elections had established.’ (2010, p.2)

The legislative elections of November 28th 2004 were won by the electoral alliance named the National Union of the Romanian Social Democrat Party and the Romanian Humanist Party (Uniunea Națională PSD- PUR) with 37.16% of votes in the Senate and 36, 64% of votes in the Chamber of Deputies. The runner up was the Truth and Justice Alliance between the National Liberal Party and the Democrat Party (Alianța Dreptate și Adevăr PNL – PD) winning 31,71% of the votes for the Senate and 31,26% of the votes for the Chamber of Deputies. The Greater Romania Party (PRM) came in third with 13,63% and 12.93% respectively. The Democrat Union of Hungarians in Romania (UDMR) won 6,26% of votes for the Senate and 6,20% in the Chamber of Deputies.

Up to the moment of the 2004 elections, the winner - or collective winner in the case of alliances - of the popular vote had also been the formateur party or alliance of the subsequent government. The parties with the high coalition potential that changed this pattern were PUR and UDMR. Outside government support was provided by the newly elected president, the PNL – PD supported Traian Băsescu.

The Popescu – Tăriceanu I Cabinet lasted for 705 days. It was sworn in on December 29th 2004 and it was composed by PNL, PD, UDMR and PUR. The core of the cabinet was made up of the PNL – PD Alliance. The candidate of the alliance won the winner of the presidential race and used his presidential prerogative to name a
prime minister from his partner party, the PNL, and deliver a PNL-PD led government.

For this to take place, there were two rounds of negotiation for formation of the cabinet. The first failed round lasted for 12 days from December 6th 2004 to December 17th 2004. The negotiations were carried by the victorious alliance PSD-PUR with the UDMR. The win of the PSD – PUR Alliance in the parliamentary elections was coupled with a first round of presidential elections that gave their candidate, Adrian Năstase a 7% lead on Traian Băsescu. This put the PSD – PUR in the pole position to start bargaining and form the government. The media reported on very advanced negotiations. In the first PSD, PUR, UDMR meeting, the parties negotiated on both office distribution and policy. The experience of a previous legislative collaboration in this formula between 2000 to 2004 added value to this prospective partnership. The UDMR negotiated for cabinet positions, including a vice-prime minister office and for matters on their particular agenda which interested the Hungarian community – i.e. the legalization of double-citizenship and some counties’ territorial autonomy.

The leadership of the two parties even announced the clear intention to sign a coalition agreement. The agreement was set to be signed on December 12th by the PSD, PUR, UDMR and the minorities’ caucus in the parliament. It was the narrow win of the presidential race of the PNL-PD candidate, Traian Băsescu, that changed this initial plan and determined the second round of negotiations for the formation of the government. The UDMR proved its high coalition potential by suspending the signing of the agreement with PSD - PUR and decided to parallel negotiate with the PNL-PD Alliance. Privileged witnesses recall that it was president elect Traian Băsescu who discussed personally with the UDMR President Marko Bella and notable leaders of the party to consider changing sides. The constitutional power of the president to name the prime minister was paramount in the negotiation process for the formation of the Popescu – Tăriceanu I Cabinet. The UDMR proved to be a pragmatic political force. Its regional profile and that of its electors demand the ability to be flexible.

The successful second round of negotiations began on December 15th 2004. As the UDMR gave the signal of the shifting tide, PUR chairman Voiculescu also felt the pressure to break from his alliance with PSD. Statements coming from PUR on December 19th mentioned that the ‘moral’ decision was to remain on the side of PSD, but that president Voiculescu was offered a free mandate to negotiate the formation of a legislative majority. Different sources in PUR, UDMR and PNL testify that Băsescu discussed personally with Voiculescu to support the PNL-PD ran cabinet. The final decision taken by PUR to form a majority in Parliament with different partners than the ones they ran with became known as the ‘immoral solution’.
Interviewed witnesses from PNL and PD testified to a real surprise that after Băsescu won the presidential race they were called in at the party headquarters to prepare a formula for the government. While the arrangement with the UDMR may have seemed more natural, the element of surprise came from the news that was spreading in the parties that PUR switched sides. President Băsescu had arranged the political setting and the parties, PNL and PD, only had to decide on the names for the portfolios they received.

The victory in government formation of president Băsescu was an assertive start to conflict ridden two mandate tenure.

3.1.2 Case study 2: The Formation of Boc III

Prime minister Boc (PD) had been the presidential choice to head the government following the 2008 parliamentary elections. For the first time, these were not held at the same time with the presidential elections following a 2003 amendment to the Constitution that lengthened the mandate of the president by one year starting 2004. The timeframe between these two elections was froth with conflict as the composition of Boc I beforehand had seen traditional adversaries PSD and PD together in government with almost the same number of seats in the Parliament. This ‘grand coalition’ ended with a withdrawal of PSD followed by a successful motion of no confidence against the single party minority cabinet, Boc II. Boc II only resisted for 12 days. However, with the support of the president, Boc remained in office as interim prime minister for an additional 71 days until the results of the presidential elections came through. This long interim period in government with a very hostile majority in Parliament against the PDL was due to the use of an assertive president of his constitutional prerogatives to delay the change of PM. Băsescu refused the prime minister proposal of the legislative majority and made his own nominations, stretching the constitutionally allowed timeframes for as long as possible.

By a slight margin, the presidential elections of December 6th 2009 reconfirmed Traian Băsescu in office. It was already a clear fact for all parties that president Băsescu would continue to be the king coordinator of the political game and PDL the formateur party. The PDL leaders announced their intention to form a cabinet which excluded any alliance with the PSD. The potential partners for the PDL were the PNL and the UDMR.

Boc III was supported by PDL, UDMR and the group of unaffiliated parliamentarians that would later become a parliamentary party in itself, the National Union for the Progress of Romania (UNPR). The president and the PDL worked towards a minimum winning coalition that would exclude all political enemies such as the PNL and the PSD. I count two bargaining rounds for the formation of Boc III, both starting with December 9th.
The PDL president Emil Boc sent a letter to the PNL president Crin Antonescu inviting him to negotiate the formation of a center-right cabinet. On the same day, the PNL dismissed publicly this possibility and continued to claim a fraud of the presidential elections. It was a failed bargaining round of whose outcome, a PNL - PDL - UDMR cabinet, was unappealing for either negotiator from the beginning.

While continuing to maintain communication with the UDMR, the PDL sought the group of ‘unaffiliated parliamentarians’ for needed support of the cabinet. The leader of this group, Gabriel Oprea, met with PDL president Emil Boc on December 12th. The formality of this meeting was needed, but the good cooperation between this group and the PDL was secured by the president’s direct contact and coordination with Gabriel Oprea. This partnership had its roots during the Boc I cabinet and was reconfirmed by the positive vote of this group for the president’s nomination for prime minister during Boc II. The group continued to expand even in this period, showing that behind closed doors, negotiations were carried with individuals. As an example, on December 15th two more PSD senators and one PNL senator left their respective parties and joined the group of the ‘unaffiliated’. Having the authoritative figure of the president behind them, the PDL could carry this sort of one on one negotiation to lure individual MPs. The reasons behind such moves rested on matters of personal gain.

According to the statements made by a PDL witness to the formation negotiations, ‘the UDMR did not suffice to have a majority in parliament. We needed the independents who had to create their own party, the UNPR. This was an ad-hoc solution. There was never any ideology or higher vision in all of these political calculations.’

On December 17th 2009, the president nominated once more his loyal partner, Emil Boc, as prime minister. The group of the ‘unaffiliated’ did not constitute themselves into a party until later but their informal leader and top negotiator, Oprea was included in the cabinet as Minister of National Defense.

3.2 The (not so) destructive powers of the president

3.2.1 Case study 3: Popescu - Tăriceanu II and Popescu - Tăriceanu III

As several witnesses to the unravelling of this premier - president conflict testified, without the direct clash that emerged between former allies Popescu – Tăriceanu and Băsescu, there were no reasons for a fall-out between PNL and PD. The alliance continued to meet regularly and a merger between the two parties was the initial set goal. The coalition had written functioning mechanisms in place and the cabinet performed well. Romania was going through a period of economic boom and the mood was positive following EU accession. The fight against corruption continued to reign high on the public agenda.

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2 Interview carried with longstanding advisor to PDL chairmen, July 10th, 2013
As the president continued to strengthen his favourable connection to his own party, the PD, and with the prime minister becoming more and more assertive in navigating his own party’s future in government, the relationship between the two worsened. A splinter of Băsescu supporters in the PNL even formed a separate party – The Liberal Democrat Party (PLD).

The president, who was riding high on a wave of popularity following his election, wanted Popescu – Tăriceanu to quit and force early election on the grounds that the PNL – PD Alliance could have a larger share of the seats in Parliament. Popescu - Tăriceanu was not convinced that he would ever be nominated again. The public presidential attacks on the prime minister continued through proxies in 2007. In such a context of heavy retaliation back and forth between the two, the PD and PNL decided to run on separate lists for the European elections. The PNL publicly condemned the PD of terminating the DA Alliance with such a decision, while PD accused the PNL prime minister of secret negotiations with the PSD for support.

Interviewed members of the cabinet and high ranking PD officials testify to President Băsescu’s determination to force a break of the coalition, against the desires and the interest to govern of his own party. Negotiations were carried along the lines of mutual threats. According to privileged witnesses, Popescu - Tăriceanu was indeed engaged in negotiations for parliamentary support of PSD for a minority cabinet. On April 1st 2007, the prime minister announced that he would ask the vote of the parliament for a new government from which the PD ministers would no longer be a part.

For the formation and life of the Popescu - Tăriceanu III Cabinet, we can rely mostly on the information gathered from interviews and cross checked between members of different parties involved in the negotiations. To save appearances, secrecy was important. For the final decision, the PSD and PNL met in secret. Witnesses to that meeting testify that sharing a common enemy, president Băsescu, made up for a greater bond than a written deal or ideological concerns. The PNL – PSD alliance was only a legislative coalition which also successfully impeached president Băsescu in 2007. The outcome of the referendum to impeach president Băsescu gave him additional authority. He won with a landslide majority of 74,48%. Nevertheless, there were no leverages of power for the president to overthrow the minority government before the soon to follow natural government termination due to elections.

3.2.2. Case study 4: Ponta I, II, III, IV, V ...

President Băsescu’s stronghold over party life through the use of his institutional powers and the consolidation of the PDL as the presidential party led to the creation of a pole of power confirmed and matched by the strength of the enemy it created, the Social – Liberal Union between the PNL and the PSD (USL). The history of collaboration between the PSD and the PNL dates back to the early 1990s, but found
fertile ground to flourish once a common enemy was identified with the fallout between PNL and PD during the Popescu - Tăriceanu II and III cabinets.

Ponta I was formed after a successful vote of no confidence (April 27th, 2012) led by the USL against the Băsescu and PDL supported Ungureanu cabinet and close to eight months before scheduled parliamentary elections. The same day that the government fell, president Băsescu called all parliamentary parties for consultations. Later that evening, he nominated the USL proposal, Victor Ponta, as prime minister. It was the beginning of a conflict ridden two years that saw another impeachment of the president, a Constitutional Court acting as the referee, and a fall-out between Băsescu and his longstanding loyal party, the PDL.

Acquiring executive power and benefiting from high approval ratings among the population gave USL the motivation to plan a second impeachment of president Băsescu. A series of government emergency ordinances and laws were passed that appeared to be a part of a well devised USL legislative puzzle to ensure the removal of the cumbersome president. Changing legislation and what some evaluated as a tampering with the powers of the Constitutional Court for such a precise purpose brought heavy criticism from EU institutions and other EU member states. It also created a wave of protest in Romania with parts of the civil society accusing the USL of acting against the rule of law.

The impeachment was successful, but not the entire USL conceived plan. The outcome was settled by the vote in the referendum of July 29th 2012. PDL and president Băsescu had at this point such low approval ratings that they soon realized that the only winning strategy was to call for a boycott of the referendum. Only by not achieving the 50% presence quorum could the referendum not be validated. The PDL/Băsescu strategy was a success as the required number of present voters was not met. As all pieces of the USL puzzle did not fall into place, Traian Băsescu was back in office on August 28th.

The legislative elections of December 9th 2012 proved the might of the USL who won 66, 26% of the seats in the Chamber of Deputies and 69, 32% of the seats in the Senate. It was a landslide victory, as runner up, PDL led Justice Romania Alliance (Alianta Romania Dreapta - ARD) won 13, 59% of the seats in the Chamber of Deputies and 13,64% of the seats in the Senate. The elections outcome reconfirmed the composition of the first Ponta cabinet: PSD, PNL, PC. Support party UNPR’s leader Gabriel Oprea was included in the cabinet as Deputy Prime minister in charge of national security (without portfolio) and also became interim Interior Minister starting January 23rd 2014.

After consultations with all parties, on December 17th, the president nominates once more Ponta for PM. Later on, the President made public a cohabitation accord signed between himself and the prime minister on December 11th. Perceived by the PNL as
a rapprochement between Ponta and Băsescu, the cohabitation pact is associated with the escalation of tension within the USL and thus the governing coalition.

The two chairmen of the USL, Ponta (PSD) and Antonescu (PNL) had built their winning strategy on having a common enemy in Băsescu and the PDL. Băsescu was engaged in a parallel tussle with his own party, as the PDL was also struggling to resuscitate itself after a considerable loss of social capital and poor results in the parliamentary elections. The party defied Băsescu’s directives regarding the choice of a new leader and the two entities parted ways starting the beginning of 2013. As he was approaching the end of his term, Băsescu had lost its coalition building appeal and the PDL seemed to understand that in order to survive, it had to boost his own coalition potential by severing the umbilical cord it shared with the now unpopular president. This decision is proof that the relationship between a president and his party of origin can go both ways.

We can easily observe that in the alliance building calculations, the parties and the president were players. However, as he understood from decades of experience, the president has an influence over political strategies as long as he has a party to work through. Losing the PDL as a whole from his grip, he supported the creation of a new party of loyal defectors – The Popular Movement Party (PMP). The next stakes in political life were the 2014 presidential elections.

As the conflict between PNL and PSD grew worse, the PNL left the government. Ponta III had a duration of six days and coincided with the bargaining for the inclusion of UDMR in the cabinet. As soon as the PNL ministers resigned, no negotiations followed between the members of the 2012 powerful USL. The alliance was terminated and although PSD initiated a campaign to capitalize on its earlier success, accusing exclusively the PNL for the failure of the USL, neither PSD nor PNL was interested in continuing this collaboration.

Try as he might to stay involved in the political game, the president no longer enjoyed any leverages of power. He was a symbol against whom the PSD would continue to build electoral strategies on. PDL, on the other hand, grew closer to the PNL until the two parties, during Ponta IV, decided to support a single presidential candidate, Klaus Iohannis.

The coalition behind Ponta IV (and later Ponta V) was built step by step on the successful model of coalitions made up of one dominant party and several support parties. It had a duration of 287 days and was comprised of PSD, PC, UNPR and UDMR. The PSD, PC and UNPR had already formed the USD electoral alliance. The document was signed February 10th 2014. The frail legislative majority of the USD called for additional support of the Ponta cabinet.

The life of the Ponta IV cabinet coincided with the final months of president Băsescu’s mandate and the preparations for a high stakes presidential race. The
efforts of the governing coalition went into securing as much social capital as possible for the prime minister’s presidential candidature. Against the backdrop of a fragmented opposition, their major opponent continued to be president Băsescu. He maintained an active presence in the media, adding to the myth of the strengths of the president. In fact, this assertive posturing was enhanced by the lack of any other strong remaining messengers of his directives.

The presidential elections of November 16th 2014 were won by the candidate of the Christian Liberal Alliance (ACL) eventually formed on July 26th 2014 between PDL and PNL. The surprising victory of Klaus Iohannis brought turmoil in the loosing camp. The first side effect of Prime Minister Ponta’s loss was the exit of UDMR from the cabinet and thus, the termination of the Ponta IV Cabinet and the beginning of Ponta V.

Once more, we notice that the outcome of a presidential election is perceived as being a game changer for party strategy. As early as November 27th 2014, UDMR president Kelemen Hunor announced that the Permanent Council of the UDMR recommended the exit of the party from the Ponta IV cabinet. The recommendation was made considering the over 80% share of the vote of the Hungarian minority in favour of Klaus Iohannis.

Though Ponta’s bid for the presidency failed, the alliance between PSD, UNPR, PC and a newly formed splinter of the PNL, the Reformer Liberal Party (PLR) continued. With UDMR out, PLR was a needed support party.

The one dominant party – smaller support parties model of coalition provided prime minister Ponta with the necessary stability to govern without any loud conflicts. Although it had succeeded to give the president, the opposition continued to be weakened by internal fragmentation and did not manage to gather the votes for a successful motion of no-confidence. The PDL and PNL had decided to merge on July 26th 2014 under the name PNL. Striving to unite party structures which had opposed each other since 2007 consumed most of the energies of the leadership of the new PNL. As such, the Ponta cabinet enjoyed the context of a soft political opposition.

An outsider to mainstream politics, Iohannis deployed a different strategy to that of the former assertive and politically experienced president. Since his election, the system enjoys less presidential posturing and less executive and legislative conflict. Although Iohannis did not look to cause tensions with the cabinet, he seized opportunities provided by societal or institutional requirements to put pressure on prime minister Ponta and particularly on his closely knit union with UNPR president Gabriel Oprea. A series of random events\(^3\) unrelated to party strategies

\[^3\] The overly present deputy prime minister Oprea was the first to undergo the public’s fury as controversy sparked over the accidental death of a police officer who had been a part of his official escort. Using such an escort at all times was publicly considered an abuse of power. Shortly after, a tragedy which caused the death of over 60 young adults in a Bucharest club that was given license to operate although it did not comply to fire-
sparked unprecedented protests in Romania in November 2015 and raised havoc against the establishment. The pressure from the streets, coupled with internal pressure within the PSD that the prime minister experienced following his failed bid for presidency, caused Ponta to resign on November 4th 2015 together with his entire cabinet.

As the nomination for a prime minister was his prerogative, all eyes were on Klaus Iohannis and his political strategy to appease the public sentiment. Although the PNL had had a (mostly quiet) shadow cabinet up its sleeve, the PNL leadership, in collaboration with president Iohannis decided not to work towards mustering the legislative support for a political nomination and opted for a technocrat cabinet (Ciolos), for the remaining year until the parliamentary elections.

3.3 A two way street: the relation between the president and his own party

At a glance, we could say that in the case of adversity between the parliamentary coalition and the president - exemplified here by the evolution of party politics throughout the mandates of president Băsescu (2004-2014), might seem to justify the theoretical claim made by Samuel and Shugart that ‘to the extent that the constitutional structure separates executive and legislative origin and/or survival, parties will tend to be presidentialized.’ (p.37) This is based on the observation that the informal authority of the president over his original party is both empowering for him as well as having a presidentializing effect. Although they identify the differences in degrees of partisanship of the cabinet in parliamentary vs. presidential regime types, a deeper investigation of the fact that most of the governments in parliamentary systems are coalition governments and the parties represented in the cabinet (including the presidential ones) could also make their own survival calculations, independent of the forceful leader. This is a two way street. As long as the influence of the president is beneficial, his original party is more likely to follow in his coattail. More rational calculations, even in the case of strong party – president connections will be overcome, if a party wants to survive longer than the public appeal or authority of one president. Once the strong leader leaves the party and assumes a public office, such as the presidency, s/he must compensate for the lack of presence within the party with a loyal follower should s/he desire to influence matters of state governance.

To this extent, successful party strategists are sensitive to the preferences of the electorate. Studies also argue that voters still have the collective worth of the party in mind when casting their ballot: ‘leader evaluations clearly have far less influence on the way people vote in parliamentary elections than they do in presidential contests. (...) the institutional form of parliamentary elections severely inhibits the degree to which voters are

safety regulation made millions of Romanians throughout the country unleash bottled frustrations with the general the high level of corruption in Romania on the establishment.
likely to use leader evaluations as a basis for deciding how to vote.’ (Curtice and Hunjan in Kees, Aarts, Andre Blais and Hermann Schmitt, 2013, p. 104)

In brief, in semi-presidential republics, coalition politics and the informal effect of the president forcibly happen at the same time and could be in tension in the same institutional framework and with the institutional framework. Institutional rules, including the separation of powers according to the Constitution, have a patterned effect on the formation, maintenance and termination of coalitions. The informal effect that comes with the personality of the president should be considered as separate attribute that could contribute positively or negatively to the stability of a government, but does not overpower it.4

4. Conclusions

The major constraint for over-presidentialization built within the premier-president semi-presidential regime type is the competition the president has to enter in amassing coalition potential for his own party. S/he has the option to be an influencer if s/he uses constructively the constitutional prerogatives to form a loyal government. S/he has no real destructive powers in the absence of a loyal party or when the said party has a weak coalition potential itself.

Even if the elites who shaped the institutional architecture of the post-communist state opted for a more centralized type of rule, the tension between parliament and president in the long run did not shift more power towards the president but maintained the tension between state institutions (almost up to a situation of deadlock until following elections.) The president is only as strong as s/he is successful at beating the opposition to the punch in having a loyal prime minister to work with. In all matters, both constructive and destructive, the final say in the premier – president shoot out remains with the parliament.

While Romania would have been a most – likely case for presidentialization, the study brings evidence that weakens the hypothesis that semi-presidential regimes are more presidential than ‘semi-‘ or that the ‘presidential party’ benefits to a great extent from the powers of the president.

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4 Although not discussed in this paper for not falling in the category of adversarial president – prime minister relationship, the mandate of president Constantinescu (1996 – 2000), who acted as a mediator for cabinets made up of five or six parties, raised the first questions on the constitutional power ranking structure. Informal authority was the only bargaining chips the president had at hand to contribute to the persuasion of PM Ciorbea and PM Vasile to tend in their resignation amidst internal conflict in the fragmented coalition. This period confirmed the strong position of the prime minister in the constitutional architecture of the Romanian state.
References


Annex 1: Romanian Cabinets sorted according to duration

<table>
<thead>
<tr>
<th>Cabinet no.</th>
<th>Cabinet</th>
<th>Duration, in days</th>
<th>Cabinet composition</th>
<th>Coalition cabinet</th>
<th>Adverse president</th>
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