



Between democracy and putsch? – Censure motions in Romania (1989–2012)



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ABSTRACT

Though vilified as instances of “parliamentary putsch,” no-confidence censure motions remain significant constitutional tools through which the opposition can challenge the government in Romania, and publicly underscore its policy ineffectiveness in certain areas of activity. An overview of censure motions debated in the Romanian parliament from 1989 to 2012 reveals that center-left cabinets faced fewer challenges than their center-right counterparts, anti-communist forces were less skilled in articulating criticisms against cabinets, not all adopted motions led to cabinet removal, and motions became increasingly complex over time. Two motions adopted in 2009 and 2012, tabled by the center-left opposition against center-right cabinets, turned these parliamentary tools into powerful censure instruments.

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No aspect of Romanian politics has been vilified more than the no-confidence censure motion, after two such motions unexpectedly unseated the center-right cabinets of Emil Boc in October 2009 and Mihai Razvan Ungureanu in April 2012. After its adoption, center-right supporters criticized the 2012 motion as a document full of errors, which “only claims to analyze economic realities and indicators” but in reality reflects a “partisan and subjective perspective,” marks the “triumph of opportunism, backstabbing, and [the legislators’ penchant for] crossing the floor,” and fuels political instability (Pescaru, 2012; Badea, 2012). Leaders of the Democrat Liberal Party, which the motion allegedly forced into an opposition “purgatory,” denounced the parliamentary “rapt” and “putsch” that allowed the formation of the Social Liberal cabinet of Victor Ponta in the absence of general elections (Baconschi, 2012). The center-left opposition was faulted for grabbing power through a “legislative coup,” without winning the popular vote, by virtue of a “defect of democracy” (Vintila, 2012). Its political effects allegedly made the 2012 motion equivalent to the *mineriade*, the descent on Bucharest in the 1990s of the angry Valea Jiului miners, who terrorized students and damaged the headquarters of opposition parties in the name of protecting the ideals of the 1989 anticommunist revolution (Preda, 2012a).

While no-confidence motions took center stage in Romanian politics recently, these legislative mechanisms remain chronically understudied. There is yet no English-language analysis dedicated to Romanian non-confidence motions, only four Romanian-language articles on the subject, and very few writings on no-confidence motions in post-communist settings. The few studies on motions in established democracies published to date give us few hints as to their role during times of political transition, their legitimacy in new democracies where parliaments are seen as self-serving, the purposes for which they are introduced by opposition forces, the time when they are most likely to challenge cabinets, or the reasons why only a handful of them pass.

This article is the first to overview censure motions introduced in the Romanian parliament between December 1989, which marked the collapse of the communist regime and Romania’s transition to democracy, and November 2012, when the sixth post-communist legislature ended its term. Year 2012 was selected for this analysis because it marked the end of the

most recent full legislature for which we have complete data (parliamentary elections are to be organized again in 2016). When were motions most likely to be introduced, during the 1990s, when the country faced the hardship of a sluggish post-communist political and economic transformation, or during the 2000s, when it enjoyed relative economic prosperity? Were center-right and center-left opposition forces equally likely to introduce motions? What topics did the motions discuss and what deficiencies did they detect in cabinet activity? Why only two motions passed? This analysis answers these questions with the help of the Romanian Chamber of Deputies database and a panel of experts called to evaluate the motions in terms of their content and subject matter.

As the first English language study of Romanian censure motions, the article reports a mix of exploratory and explanatory research. After briefly explaining the constitutional provisions that allow for the introduction of no-confidence votes against the cabinet, the article overviews the literature on no-confidence motions in post-communist and democratic settings. It then overviews the motions discussed and adopted from 1989 to 2012, with special emphasis on their timing, content, and success rate, as well as the ideological position of their initiators. Attention is then given to explaining the reasons why the motions of 2009 and 2012 were the only ones to gain the approval of the Romanian parliament. The article concludes by drawing a set of lessons of general applicability that we can learn from the Romanian case.

1. The Romanian constitutional framework

The 1991 Romanian post-communist constitution was the first to introduce censure motions as tools of legislative control over the executive. Parliament may carry censure motions in the presence of the majority of its members (Article 67, *The Constitution of Romania, 2003*). There are two ways to table motions. First, parliament may withdraw confidence from the cabinet by carrying a motion by a majority vote of all legislators. The motion, initiated by at least one fourth of all deputies and senators, must be debated three days after its presentation in a joint sitting. If rejected, the legislators who signed it may not submit another one during the same three-month session (Article 113), unless the cabinet assumes responsibility for a program or a bill. In this second case, “the government shall be dismissed if a censure motion, tabled within three days of presenting the program, policy statement or bill, has been passed” (Article 114). Thus, whereas in other countries the opposition determines the time when motions are tabled, in Romania the cabinet risks launching a motion against itself when it assumes responsibility before parliament.

A successful censure motion unseats the cabinet, which must be replaced within 45 days, on account of its lack of credibility and legitimacy signaled by the motion's adoption. The minimal number of legislators needed to approve a censure motion fluctuated over time. To pass, motions needed the support of at least 243 legislators in 1992–1996 and 2000–2004, 244 in 1996–2000, and 234 in 2004–2008, when the number of legislators diminished to reflect the country's smaller population. Besides censure motions, which remove the cabinet if passed, parliament can use simple motions to express its “position on a matter of domestic or foreign policy or a matter subject of an interpellation” (Article 112). Even if approved with a vast majority of votes, simple motions are just mere recommendations and can never compel the cabinet to change its program.

In Romania motions are usually introduced against individual ministers or the sitting cabinet as a collective body. This differs from Poland, Hungary and Slovenia, where motions target the prime minister and emulate the “constructive no-confidence vote” allowed in Spain, Germany and Israel, where a motion is allowed only if parliament also elects a successor to the prime minister by a majority vote (Bayer, no date; Yamamoto, 2007). Also, in Romania it is always the opposition, never the cabinet, which introduces motions in parliament. In the United Kingdom and Canada, both the cabinet and the opposition can introduce motions. As such, the no-confidence vote used in Romania differs from the vote of confidence procedure initiated by the prime minister in Westminster parliamentary democracies.

Together with interpellations and questions, motions allow Romanian legislators to react to the policies, programs, and bills promoted by the cabinet. Among control mechanisms, motions are the most serious and visible. Whereas interpellations and questions reflect the view of individual legislators, motions require the support of significant numbers of parliamentarians to be initiated and a simple majority to pass. These stringent requirements apply to no other control mechanisms, and suggest that, by the time they are tabled, motions have the support of many legislators. They reflect negotiations between the legislators who draft them and their colleagues and sometimes even between the party that launches them and other formations in parliament. As the result of bargaining processes, motions take more time than interpellations and questions to be formulated, involving work on several drafts before legislators accept their spirit and letter. This is why their texts are longer and more carefully constructed, providing arguments for unseating the cabinet. They attract the attention of legislative caucuses and the mass-media because they are always read aloud, debated in parliament and can lead to cabinet removal in the absence of elections – one of the most serious sanctions that governments can incur. By contrast, interpellations and questions are often brief, provide few examples, indicators and statistics, are produced hastily by legislators often working in isolation from the parties and electors they represent, might be delivered in writing without ever being read aloud in the house, and therefore gain little attention inside and outside parliament. Parliament registers thousands of interpellations and questions but much fewer motions every year. However, the motions' potential to damage the cabinet and help the opposition is far outweighed by their scarcity.

Romania organized general elections in 1990, 1992, 1996, 2000, 2004, 2008. The center-left Social Democrat Party (heir to the Communist Party) appointed Prime Ministers Petre Roman (1990–1991), Teodor Stolojan (1991–1992) and Nicolae Vacaroiu (1992–1996). The center-right Democratic Convention and the center-left Democratic Party (another

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