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Қорыта келе, ақпараттық технологияның қарыштаған заманында ғаламтордың мүмкіндіктерін өз мүддемізге қарай қолдана білгеніміз дұрыс. Бұл үшін тек үлкен еңбек пен ізденіс қажет. Осы ретте, саясаттанушы Жарқын Түсіпбекұлы «Саяси ахуалды зерттеуге құлықты болса, әлеуметтік желіге келсін» деген сөзімен келіспеске болмас. Себебі, әлеуметтік желі халықтың «температурасын» нық көрсете алады.

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DEVELOPMENT OF ROMANIAN PARLIAMENTARISM IN THE PRE-ACCESSION PERIOD AND AFTER THE ACCESSION TO THE EU (2004-2012)

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By the time of parliamentary and presidential elections in 2004 Romanian political landscape had substantially changed and these elections had to be held under the modified constitution and amended electoral and party laws. First of all, it was last year when the elections of the president and the legislature coincided, due to the change of the president's term. Most importantly, these elections came at an important juncture for Romania's future development, because earlier in 2004 the country had joined the North Atlantic Treaty Organization (NATO) and considerably had advanced in negotiations for joining the EU, specially, after the constitutional amendments in 2003 [1, p. 4]. The forth parliament in 2003 not only amended the constitution, but also managed to enact a new law on political parties. This law had changed some conditions of the registration and functioning of political parties in Romania, which consequently affected the number of parties. The most important changes aimed the possibility to register the political parties, imposing a minimum level of founder members. Most precisely, now a party in order to be registered must have the personal data and signatures of at least 25,000 founding members, with no less than 700 in each of at least 18 of the counties and Bucharest Municipality [1, p. 4], whereas the 1989 law stipulated only 3 founder members and according to the 1996 law 10,000 founder members were required. Moreover, now parties must also receive at least 50,000 votes in two consecutive elections, either local or parliamentary, to remain registered.

In addition, the forth parliament amended and re-enacted the law on election for the Chamber of Deputies and the Senate in September 2004. However, this law did not substantially change the electoral system and the principles of election. The number of parliamentary mandates still was not fixed but determined through the election law with the representation rate: in the lower chamber, one deputy is elected per 70,000 inhabitants, while one senator represents 160,000 inhabitants [2]. The proportional representation system for the parliamentary elections remained unchanged. There were 42 multi-member constituencies in accordance with the total number of Counties and Bucharest Municipality in Romania. What was new in this law is that now the number of deputies

elected from national minorities shall not exceed 18 seats in the lower chamber [2]. Also, the electoral threshold (5% for the single party and 8-10% for electoral alliances), which was increased in 2000 by the governmental ordinance, was simply incorporated into this 2004 election law [3, p. 97]. One provision contained in the new law deserves special mention. The provision in Art.5 (7), enables an incumbent president to run for parliament as an independent candidate on a party list if his or her term is in its final three months [1, p. 5]. It is clear that this provision was adjusted for Iliescu and only for these elections, as long as according to constitution Iliescu was not allowed to seek another term as President. Thus, instead he decided to run for a seat in the Senate under the banner of the ruling PSD (renamed from PDSR), and surely he did [4]. It was clear indicator of a great concentration of resources in the hands of successor Communist parties and also the power to adjust legislation for their sole benefit.

By the forthcoming elections the composition of political parties was somehow changed and the party system itself underwent a certain amount of consolidation [1, p. 4]. Most notable change was the formation of the Alliance for Truth and Justice (DA Alliance) by the PNL (formerly in the CDR coalition) and the PD (formerly in the USD coalition) in September 2003. According to Alina Mungiu-Pippidi the formation of this alliance between the two main democratic opposition parties can be seen as a step towards balancing the political system [5]. Without the DA Alliance, there was a risk that the populist nationalist PRM would maintain its current status as the second largest party in the 2004 elections [5]. As a response to the DA the PSD again coalesced with the PUR and called itself as the National Union PSD+PUR. Despite of the new party law and high electoral threshold, during the 2004 elections Romanians had a genuine and wide choice in terms of the number of candidates and parties. For the Chamber of Deputies, voters could choose between 21 political parties, 3 political or electoral alliances, 28 organizations representing national minorities, and 10 independent candidates. For the Senate, they could choose among 21 parties, 3 alliances, one national-minority organization, and 2 independent candidates [1, p 17].

Under these circumstances, the national elections to the Chamber of Deputies and the Senate were held on 28 November 2004, the fifth such elections since the fall of the Communist regime in 1989 [1, p 3]. As it was already mentioned for these parliamentary elections once again were employed the same voting system, where Deputies and Senators are elected for 4 years in constituencies on the basis of a list system and independent candidatures. However, according to Article 37 (2) of revisited Constitution the age limit for the candidates for the Senate diminished from 35 years of age to 33, while for the candidates for the Chamber of Deputies the age requirements remained unchanged, at least 23 years of age [6]. The number of mandates in the House of Deputies and the Senate were identified by the parliamentary election law based on the representation rate of population, 314 deputies and 137 senators respectively. Therefore, approximately 21 parties and 13,678 candidates contested for the 451 parliamentary seats, whereas in the previous elections approximately 20,000 candidates and some 80 parties participated in the race. The overall number of seats in the Parliament decreased from 467 in 2000 to 451, apart from the seats allocated for national minorities.

As a result of elections to the House of Deputies only four parties and coalitions were able to overcome 5% threshold, including the National Union PSD+PUR (36.80%, 132 seats, PSD: 113, PUR: 19), the DA Alliance (31.49%, 112 seats, PD: 48, PNL: 64), the nationalist PRM (12.99%, 48 seats), and the UDMR (6.20%, 22 seats) [4]. In addition, in these elections the total number of seats awarded to national minorities was once again 18 seats, just like in 2000. The composition of the Senate was almost identical to the lower house and seats were allocated as following: the National Union PSD+PUR (37.17%, 57 seats, PSD: 46, PUR: 11), the DA Alliance (31.81%, 49 seats, PD: 28, PNL: 21), the nationalist PRM (13.65%, 21 seats), and the UDMR (6.23%, 10 seats) [1].

In these elections again no party won an absolute majority. Nevertheless, the PSD and the PUR won the largest number of seats, but was not able to form a coalition government. 'Somewhat unexpectedly the former Bucharest mayor, Traian Băsescu, representing the center right Justice and Truth alliance, won the second round of the presidential election and appointed the PNL leader, Călin Popescu-Tăriceanu, as prime minister' [7, p. 129]. Just as in the 2000 elections the UDMR

managed to enter in a governing coalition with the former opposition DA Alliance, even received a number of ministries in turn. Taken together, the new government comprising the PNL, the PD, the PUR, and the UDMR was approved by the Parliament in late December [8]. The change of power was smooth and once again confirmed Romania's overall commitment to democracy, just as it happened in 1996 with the victory of Constantinescu in the presidential election. The President Băsescu was fervently in favor of Romania joining the EU in 2007, and of maintaining close ties with the United States [4]. In Cornelia Ilie's words "at long last, the 2004 parliamentary and presidential elections saw the defeat of the former Communists who ruled Romania for most of the period since the fall of Ceausescu's regime" [9, p. 197].

The fifth post-communist parliament of Romania had played a crucial role in the process of accession to the EU. After the elections this parliament had debated and adopted an impressive number of laws and regulations, aimed at reforming all society on democratic bases, including the observance of fundamental human rights, the promotion of socio-economic reforms, the consolidation of the market economy and of new institutional legislation, which are the prerequisites for Romania's integration into the European institutions [9, p. 197]. It was this fifth parliament under which Romania became full member of the European Union on January 1, 2007.

In a matter of few years after the elections a clear conflict occurred between the Parliament and the President Băsescu. The problem was that the competences of chambers were vague and not clear, although this particular issue was subject of constitutional amendments in 2003. According to this revision the constitution "has maintained the electoral system conferring an equal legitimacy on the two Chambers, but has provided for differentiated legislative powers between the Chamber of Deputies and the Senate depending on the content of the relevant bill" [10, p. 32]. However, the amendments regarding the delineation of Chambers' competencies did not work very well and solved the problem only halfway. It was exacerbated by the slow passage of laws in bicameral legislature. This particular problem of the Romanian Parliament was addressed from 2005 by President Băsescu who declared that the bicameral legislative has only led to inefficiency and an overall "system deadlock" [11, p. 31]. Therefore, he underlined that the best solution would be a unicameral parliament that would lead to the reformation of the Romanian political class and that he would push for a referendum on this issue [11, p. 31]. It was one of the causes that in 2007 the Parliament voted in favour of Băsescu's impeachment with a large majority voting for, namely 322 out of 451 MPs [11, p. 47]. In fact, he was accused of abusing power and violating the Constitution. Therefore, he was suspended for 30 days until the organization for a national referendum on his dismissal. The referendum failed to have enough votes in favour of his dismissal and Romanians rejected the impeachment proposal by over 74 per cent of the vote [8], thus he was reinstated as president. This failed vote of no confidence to the president says that the fifth parliament was mature enough to stand against the president and the executive. It was a clear sign of institutionalized parliamentarism in Romania, with its own ambitions and own interests as an independent political institution.

The fifth post-communist parliament of Romania which functioned between 2004 and 2008 had witnessed uneasy relationships between the President and the prime minister on the one hand, and between the President and the Parliament itself on the other hand. Moreover, this power struggle between main public authorities and uneasy President-Government-Parliament relationship steadily worsened and continued until the 2008 elections. In 2007 the fifth parliament even managed to vote for the suspension of the President, although it was not justified in the referendum, thus Traian Băsescu was reinstated as president by voters. Notwithstanding all these tensions between the power branches, Romania had achieved its main goal in this period, and became full member of the EU in 2007.

Next important thing which was achieved by the fifth parliament was an adoption of a new electoral law in March 2008. Before the adoption of this law several alternative variants of electoral system were debated by the Parliament and parties for many months. Eventually, the Parliament adopted the new electoral law on 4 March 2008, which replaced the proportional representation on party lists system by a mixed single member majority system. It was paradoxical change since the

proportional representation system was used in all elections after the collapse of communism in 1989. It was also unique change, due to the fact that “it is very rare for a consolidated democracy to make a shift from a party list formula to a majoritarian or mixed” [12, p. 4]. Besides, it was the only post-communist country in the region that made such kind of change in the electoral system. In the new mixed electoral system the mandates are attributed in three stages: first stage according to the majoritarian system and remaining stages according to the proportional system. The new electoral system and distribution of seats were very well depicted by Mihail Chiru in three stages as following:

1) ‘The candidates with a share of votes of at least 5%+1 win directly a seat in the new legislative. The parties that did not manage to surpass the national threshold (5%) can enter via the alternative threshold (6 districts won in the Chamber of Deputies + 3 in the Senate). Independent candidates can make it into Parliament only in this stage – they are excluded from redistributions.’

2) ‘All the votes won by the candidates of a party in a constituency are added and the number is divided by the electoral coefficient (ratio between the total votes cast in that constituency and the number of seats allocated for that constituency). In this way is computed the number of seats that each party (above the national threshold) is entitled to receive. After subtracting the number of seats won directly by the candidates of that party, the remaining mandates are given to those candidates of the party that received the largest share of votes. If a party wins more mandates than it is proportionally entitled to, the seats are kept and the size of the Parliament increases.’

3) ‘If there are still mandates to be allocated, they are redistributed according to the national coefficients of parties to the best situated candidates of those parties, in the same constituency’ [12, p. 15].

Under these circumstances, the parliamentary elections were held on 30 November 2008, with the new electoral system, where citizens now voted for individual candidates in single member constituencies instead of for political party lists. It was the first elections held after the Romania’s accession to the EU in 2007. In these elections 2,965 candidates contested for the parliamentary seats [13, p. 179]. As a result of constitutional amendments in 2003, these parliamentary elections for the first time in the post-communist history of Romania were not held simultaneously with the presidential election. According to the new election law enacted in 2008 there were 43 constituencies, which consisted of 41 Counties, Bucharest Municipality and 1 constituency for the Romanians abroad. According to the same law there were identified 315 single-member constituencies (1 deputy for every 70,000 inhabitant) for the Chamber of Deputies and 137 single-member constituencies (1 senator for every 160,000 inhabitants) in the Senate. Apart from this, as it was already mentioned, if parties win more electorate seats than their share of seats determined by the party vote then they can keep the extra seats, called “overhang seats” [13, p. 175].

The result of elections to the Chamber of Deputies was as follows: the PD-L (32.36%, 115 seats), the PSD-PC alliance (33.10%, 114 seats), the PNL (18.57%, 65 seats), and the UDMR (6.17%, 22 seats) [13, p. 180]. As we can see only 4 parties and coalitions managed to surpass the electoral threshold of 5% for one party and 8-10% for coalitions. Besides, 18 seats were distributed to the members representing ethnic minorities. As usually, the composition of the Senate was almost identical to the lower house and seats were allocated as following: the PD-L (33.57%, 51 seats), the PSD-PC alliance (34.16%, 49 seats), the PNL (18.74%, 28 seats), and the UDMR (6.39%, 9 seats) [13, p. 188].

In these elections, the PD-L won one overhang seat and taken together the sixth parliament comprised 453 seats (334 deputies, 137 senators, and 1 overhang seat). The PD-L won a plurality of seats in both chambers. However, it could not form a government alone and right after elections negotiations over the formation of a coalition government began. On 22 December 2008, the Parliament endorsed Mr. Boc’s coalition government comprising the PD-L and the PSD. It was first time when adversary and most powerful parties formed the coalition. However, in a matter of one year the ‘grand coalition’ was fragmented and became again major oppositional parties. On 13 October 2009, the government of Prime Minister Emil Boc collapsed after a vote of no confidence. It was first successful motion of no confidence passed by the Parliament in Romania’s post-

transition history. Due to the uneasy President-Government-Parliament relationship the nomination of a new prime minister was failed and this political deadlock continued until the presidential election in 2009. Paradoxically enough, with the reelection of Băsescu as president in 2009, Emil Boc returned as prime minister [14].

Meanwhile, the relationship between the President and the Parliament has worsened, which was steady process since the first election of Băsescu as president in 2004. First indicator of this contradiction was in 2005, when the President highlighted the needlessness of bicameral legislature and proposed its replacement with more efficient unicameral Parliament. Then, these relations exacerbated by the successful motion of no confidence to the prime minister and further rejection of a new prime minister proposed by the President. Finally, these contradictions between the president and the parliament induced the former to issue a decree calling referendum about changing two-chamber parliament into a single-chamber legislature and the reduction of the number of members of Parliament (MPs) to 300, at the same day as the first round of presidential election [14]. The presidential election and referendum were held on 22 November 2009 [15, p. 28]. As a result, Băsescu was reelected in the second round with 50.34% of votes and the referendum ended up with an absolute support of his initiative by the population (74% of votes for a unicameral legislature, and 82% of votes in favor of reducing the total number of Romanian MPs) [16]. However, this referendum serves only consultative purpose, as the Parliament decides on all changes to the constitution [14]. Now it is matter of power relationship between the President and the Parliament, namely, to pass this kind of constitutional amendment the president has to gain the support of the most parliamentarians in the legislature.

All in all, today the Romanian parliamentarism are established and highly institutionalized, although it is still substantially influenced by the President. Due to the nature of post-communist transition functions of post-communist parliaments have been limited to the law-making processes and the formation of government. Until the 2004, with the exception of 1996-2000 years, the parliament was under the control of former communist ruling party and its leader Iliescu. However, after the 2004 elections and joining EU in 2007, the Parliament of Romania was no more subservient institution to the president, but was highly organized and differentiated body.

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УДК 328

ROMANIAN PARLIAMENTARY DEVELOPMENT UNDER THE POWER CHANGE (1996-2000)

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By the end of term of the second post-communist parliament the political situation in Romania had altered substantially. The coalition formed by the Iliescu's Party of Social Democracy of Romania (PDSR) had been fragmented and slowly started to fall apart. By October 1995, the Greater Romania Party (PRM) had been removed from the government, later, in March 1996, the PDSR ended its coalition with the Socialist Labor Party (PSM), and by September the Romanian National Unity Party (PUNR) also quitted the coalition [1, p. 170]. By the time of elections to the Parliament in 1996 Iliescu and the PDSR was less popular in comparison to the 1992 elections. The opposition represented by the Democratic Convention of Romania (CDR) was more consistent and stronger, although it was also fragmented and between 1992 and 1996 some former associates left the coalition. Roman's renamed party now called the Democratic Party (PD, former PD FSN) formed a coalition with other social democratic parties called the Social Democratic Union (USD) [2, p. 139]. The forthcoming parliamentary and presidential elections had to meet furious competition between the crippled and weak ruling party, fragmented but more mature opposition represented by the CDR, and the Roman's PD with powerful allies represented by the USD.

Another thing to change was the actual number of political parties and movements. One of the main features of Romanian political life has been the high number of political parties. After the 1989 revolution in political landscape of Romania political parties and movements had mushroomed. In 1992 the figure was over 250 and this development was helped by the low legal requirement of a minimum party membership of only 251 [3, p. 5]. However, following the new law on political parties enacted in March 1996, political parties must now have a membership of 10,000 members domiciled in at least 15 counties but not less than 300 in each county, and must be registered with the Tribunal of the Municipality of Bucharest. Accordingly, the number of parties/alliances registering their electoral signs by the deadline of September was reduced to 57 [3, p. 6].

The elections to the House of Deputies and the Senate were held on 3 November 1996 [4]. For the parliamentary elections once again was employed the proportional representation system. Namely, Deputies and Senators are elected for 4 years in constituencies on the basis of a list system and independent candidatures, according to the principles of proportional representation based on multi-member constituencies formed by the 42 Counties (Judets) including Bucharest and Ilfov Agricultural Sector [3, p. 3]. Candidates can be put forward by parties or coalitions or they can stand as independents. Independents need an endorsement of at least 0.5% of the eligible votes in the constituencies they hope to represent [3, p. 3]. Candidates for the Chamber of Deputies must be