

Romanian Academic Society Policy Warning Report no. 19

Alina Mungiu-Pippidi argues that external factors more than internal ones are responsible for the possible delay of a certain date for Romania's accession to the EU. In the same time she says that by irresponsibly invoking different scenarios of political destabilization and of slowing the fight against corruption following the report in May, the Romanian political class itself offered an excuse for a postponement to the opponents of Romania and Bulgaria's accession. To counter such a scenario Alina Mungiu-Pippidi proposes six tangible measures so that Romania could obtain a favorable date at the European Council in June 2006.

If the accession date will be recommended only in autumn, it is possible that Romania will not join the EU on January 1st 2007, due to technical reasons.

EUROPE PUSHES ROMANIA INTO THE UNCERTAINTY. WHAT CAN WE DO?

The Issue

There is a risk that the spring report of European Commission, which should have been only a simple recommendation accompanied by a motivation note (as it happened to the countries which signed the treaty in the first wave), to miss the primary target, that is formulating a clear and unequivocal proposal that Romania should become a member of EU on January 1st, 2007. Earlier pressure from the states that would like to slow the enlargement process, manifested both in the member countries and in the European Parliament, is meant to discourage the European Commission from its initial intention to put forward the accession date before the European Council in June. The autumn report mentioned now, which should not have existed, appears also as a mean to assure the European skeptics that the two countries are strictly monitored, but its rise to the level of a final diagnosis report is not favorable to Romania at all. The country does not need a definitive decision only in November, because some states like Germany announced that they will ratify the treaty only after the final report. Therefore we risk lobbying throughout Germany on Christmas and thus to miss the January 1st target because of pure technical reasons.

Romania needs to be taken into account for 2007 as in the next few weeks the European budget is drafted, otherwise it will be too late to have these talks in December. The postponement of Bulgaria is also not justifiable, as Bulgaria is paying the price for being overvalued by the Verheugen commission. It would be ideal for both countries to receive now an explicit date for their accession, proposal that should be put forward at the June summit. If not, Romania must insist that at least its accession date should be recommended

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now and not later. Unfortunately, the recent months were almost wasted instead of being used for an intense lobby, especially at the level of the skeptical states, professionally done through credibility transfer and broadly targeted involving companies that invest in Romania, the businesspeople, civil society and political opposition. The activity was concentrated on Brussels with a minimal impact on the initial stands of those targeted by the lobby.

The incertitude will last until the very last moment. Unnamed sources within the Commission launched on May 8th, the idea that Romania and Bulgaria will need to wait until autumn for the confirmation of the accession date. According to the May 9th edition of the Financial Times, the President of the European Commission, Jose Manuel Barroso, would have decided to postpone the decision by almost five months, in order to assess if the two states are serious regarding the fulfillment of their obligations. However Mr. Barroso has practically denied this information while answering to a European deputy, asserting that the report will offer a date. A spokesman suggested a conciliation of the two variants, in which to the accession date would be added the well-known amendments and conditions (they will access at that date only if...). Briefly, the tendency to postpone Romania and Bulgaria, or at least keeping them breath-taken until the very last moment, became powerful during the last two weeks and there are chances to live with this uncertainty until the end of the year.

This swing shows that efforts are being made by the Commission to find the best way to calm down the suspicions of the skeptical member states by drastically monitoring Romania and Bulgaria. Despite the favorable recommendations made by the EU Commissioners Olli Rehn and Franco Frattini, despite the favorable reports made by the experts of the European Commission this spring, out of which even the public prosecutors from DICOT, not to speak about Daniel Morar or Monica Macovei, were considered heroes, despite our humble attitude regarding the post-accession monitoring clauses (to which the more dignified and bad tempered Bulgarians protested by saying that the countries from the first wave did not have such clauses), there is still the risk that the report will be rather weak in recommendations towards the Council, allowing the member countries to take a more arbitrary stance in June.

The question now is how much of this political disengagement is owed to external factors (Germany and other member states' suspicions, plus the problems encountered by Bulgaria) and how much, on the other hand, to Romania's internal failures. Can we make this difference? Two weeks ago the external conjuncture was still the same and yet the decision was to recommend the accession date only to Romania and not to Bulgaria. What happened since then?

The Pretext

The change is related to scenarios that flooded Bucharest these days. Although insufficiently documented, they reached the Commission and provoked doubts about Romania's future behavior after the May 16th report. These rumors will not be quoted by any of the officials as they are not yet a matter. According to the Romanian Academic Society, these rumors should not have been considered an issue in such an important decision. However this does not mean that those scenarios were completely baseless.



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Let's summarize these scenarios that circulated in the last few weeks through the diplomatic environment in Bucharest:

1. Following the monitoring report, Tăriceanu government will be ousted by a parliamentary no-confidence vote and a new majority will support Teodor Stolojan as prime-minister. As a result we should have fresh nominations and political maneuvers which in the eyes of the European officials mean wasted time and energy.
2. Following the monitoring report, a UDMR sponsored law in the Parliament will change the procedure of nominating the general prosecutor of National Anticorruption Department (NAD), although the Commissioner Frattini is against this idea and the European Commission will correctly perceive this as a sign of slowing the activity of the NAD. UDMR's argues that the nomination should be made by Supreme Magistrature Council. (SMC). The rationale behind this proposal almost does not matter, given the fact that this is not a theoretical issue but a very practical one, as EU wishes an efficient and impartial DNA saying that the present one is in line with the exigencies. SMC, which already has among its attributions the prevention of corruption in the judiciary, has solved only a few cases last year and therefore does not represent the best choice in the fight against corruption. In addition, adopting this law would mean reelecting the NAD general prosecutor, and the chances of a reelection of Daniel Morar, who has impartially investigated members from all political parties, are feeble. It means also that a general prosecutor very appreciated in Brussels would have to go less than a year after he was nominated. Thus the signal to the rest of the prosecutors would be also clear and they would have to postpone some cases or give favorable verdicts in others.
3. Following the monitoring report, Monica Macovei, who has only the support of the Democratic Party, will leave the Ministry of Justice. This would have already been decided at the governmental level, under the excuse that she has already finished her mission for judiciary reform so her mandate could also end, or under the alternative excuse that because of her political inability none of her projects were accepted by the Parliament. The fact that the people and Brussels appreciate her does not matter anymore, what matters is that we need a minister capable of selling the European integration to her own MP's.
4. Following the monitoring report, there will be no vote regarding the Wealth control Agency, blocked since last summer. Until we pass the law and it starts to operate, it will already be 1st of January. We know that the Slovenes closed their own Agency subsequent to integration, when nobody could push them to do anything. So, why creating it, anyway?
5. Following the monitoring process, Romania Mare Party will become an accepted political actor and it will be treated as such in order to build new majorities. PSD has already made its first step in that direction, followed by a step back after the revolt of the reformist wing of the party, but even so the equilibrium of power is uncertain.

In the eventuality that the May 16th report would have designated the January 1st, 2007 as the accession date, these scenarios were likely to become reality and this gave the impression that after May 17th Romania could jeopardize its integration process. The solution proposed in Brussels by a part of the Commission, not without any basis, was to eliminate the certainty which would have allowed the accomplishment of these scenarios and to make sure that Romania will be forced to act as planned and not otherwise.

Short and middle term solutions

What can we do? The worst scenario for Romania is the one which sets the announcement of the accession for the autumn, because it causes budgetary and political difficulties. It is urgent for us to try the following:

1. Strong guarantees for political stability from the main political actors. They have to make a plight to cooperate inside the Coalition in exchange for an accession timetable and for Romania's presence in the EU budget. Any alternatives to the Tariceanu government should be put on hold. European integration remains our main priority for 2007, even if one rates the local political context unsatisfactory. In the sensitive domains highlighted by the EU, the Government should engage into negotiations with the opponents in order to prevent the government's ousting. Those who generate tensions inside the Coalition should be tempered by their parties because they generated the present situation.
2. Continuation of the anticorruption projects assumed by the Government, so that these can be implemented before the June European Council and especially the creation of the National Integrity Agency.
3. National Anticorruption Department and the general prosecutor should be protected by any attempts to change them or their competencies.
4. The party leaders involved in any European or International Party or Movement should avoid alliances with extremist leaders or parties because they need full support from their European counterparts.
5. Sustained lobby in the sensitive skeptical states, targeting less the officials and more the business environment, civil society, political opposition, at least now in the last minute, by our passive Ministry of Foreign Affairs whose general contribution was by now bellow the expectations. This lobbying strategy has to focus on some clear directions: the argument that Romania has the absorption capacity needed for the EU money, the fact the Romania managed to create an internal anticorruption dynamic which will continue even after the EU accession when the Brussels will end the monitorization process. Briefly, we need an intelligent and thematic advocacy campaign instead of official visits based on requests and promises.
6. Catching up with the delays in agriculture and VAT collection systems, because any delay from now on will be used as an excuse by those who want to postpone Romania's accession. Immediate removal from office of those responsible with any delay in the EU accession process, whoever they are.

This list is far from being exhaustive. Point 1 is crucial in the following days, the rest should be accomplished until June 1st in order to re-enter the normal path for the 1st of January 2007 accession. Saved by the European Commission from domestic opponents, Tariceanu should made the first step of reconciliation with the political actors involved in the accession process and also by promoting sustainable reforms. If we continue to praise our ministers and criticize the others, if we continue to design small party projects limited to our own group, then we will continue to give the negative signals which affected our favorable situation for which both this Government as well as others worked hard.