

# Turning the Tide. Romania's Anticorruption Efforts

A view from CIVIL SOCIETY

Based on  
ROMANIAN ACADEMIC SOCIETY

[www.sar.org.ro](http://www.sar.org.ro)

FREEDOM HOUSE

[www.freedomhouse.org](http://www.freedomhouse.org)



# Making sense of corruption in postcommunist Romania

- Why was Romania more corrupted than other accession countries and still has the worst TI score despite improvement over years?



- **Particularism** - a mentality prevailing in collectivistic societies in which the standards for the way a person should be treated depend of the group to which the person belongs to
- **Universalism** - the practice of individualistic societies, in which persons are treated equally regardless the group they belong to



# The crucial distinction

- **Systemic corruption/ corruption as norm**  
(Distribution of public goods does not follow patterns of fairness and universalism)

**PARTICULARISM**

- **Occasional corruption/ as exception**  
(When the norm is universalism and integrity, but occasional infringement is possible)

**CORRUPTION**



# Diagnosis of particularism

**The state is the main resource=state capture**

**So parties compete to get a share of it**

**=state politicization**

**Public sphere squeezed by parties =**

**Partitocrazia**

**Media capture=media captured by status  
groups**



# Indirect indicators of particularism

- Persistence of perceptions of corruption despite changes in government
- Real influence held by same individuals/groups regardless the outcome of elections
- High political migration
- Widespread perception that some people are above the law
- No convictions ever of people from status groups

# Survey evidence from the Balkans

**Some people are above the law in this country**

<b>Country</b>	<b>Agree</b>	<b>Of which... Politicians</b>	<b>Criminals</b>	<b>The rich</b>	<b>Policemen</b>	<b>People with the Right connections</b>
<b>Romania</b>	<b>76</b>	<b>88</b>	<b>53</b>	<b>87</b>	<b>76</b>	<b>91</b>
<b>Bulgaria</b>	<b>81</b>	<b>93</b>	<b>83</b>	<b>96</b>	<b>74</b>	<b>94</b>
<b>Serbia</b>	<b>78</b>	<b>90</b>	<b>89</b>	<b>87</b>	<b>75</b>	<b>92</b>
Montenegro	<b>82</b>	<b>78</b>	<b>89</b>	<b>82</b>	<b>44</b>	<b>90</b>
Macedonia	<b>91</b>	<b>92</b>	<b>75</b>	<b>90</b>	<b>56</b>	<b>91</b>

# Fresh evidence from Romania

- Turning point : 2004 elections
- WB/EBRD survey reports a cleaner business environment in 2005 compared to 2003
- SAR reports a more transparent administration in 2005 compared to 2003
- Freedom House upgrades Romania in 2006 at judiciary reform, anticorruption
- Slow improvement reflected in the business survey of TI as well



# Institutional weapons that work

- Freedom of Information Acts permanently monitored
- Transparent and compulsory statements of assets and wealth
- Transparent contracts for public works
- Public exposure of corruption cases



# What worked?

- **Administrative transparency**

the case of Ministry of Transportation

- **Exposure campaigns**

Coalition for a Clean Parliament / 98 MPs eliminated on grounds of lack of integrity

- **Media, civil society watchdogs**

Resignation of the cabinet chief of President after media allegations

- **Independent prosecution**

Notorious cases charged after the reshuffling of National Anticorruption Agency

# Implementing transparency policies

Indicators	2003 %	2006 %
% FOIA implementation positions filled within administration	75	97
Use by citizens of FOIA % of administrative units	22	82
% existence of ex officio available information lists	16	73



# Prosecuting Anticorruption

- **1809 defendants indicted 2003-2005**
- January 1st- December 31st 2005:
  - ✓ **744 defendants charged**, ( 1 former MP, 4 magistrates, 38 employees in law enforcement agencies, 8 public executives, 17 officials and high level employees in the county and local administration)
  - ✓ **325 defendants convicted**
  - ✓ (1 magistrate, 3 lawyers, 34 employees in law enforcement agencies, 16 custom employees)
  - ✓ **Presently NAD investigates members of Parliament, ministers, magistrates, police officials, customs officials, mayors, the President of the Chamber of Deputies.**

# Success story/ Romanian Coalition for a Clean Parliament

1. Building the civic competent coalition on behalf of the 'losers'
2. Defining political integrity and agreeing with political parties
3. Monitoring political integrity
4. Putting pressure on parties to drop black listed candidates
5. Taking it to the media and the voters



# CPC CRITERIA FOR MAYORS/MPs

- Profit from conflict on interest; contracts of his business or family with city hall
- Tax arrears to state budget of his business
- Prior investigations for corruption and mismanagement
- Repeated transfer from one party to another to gain or keep office and other advantages



# Steps for an effective anticorruption strategy

- Set the norms of integrity/ formally and informally
- Organize the losers into an 'army'
- Identify effective institutional weapons
- Create incentives to go clean
- Prevent on a large scale, prosecute strategically



# What to do next

- Strong external pressure for more accountability and transparency should be maintained by the international community.
- The dependency of citizens to the state should be addressed and gradually solved (fewer employees on the public payroll, fewer resources controlled by the state directly).
- Free and fair competition mechanisms should be built in each and every sector.
- Support state-civil society designs

