

ANALYSIS OF THE ANTICORRUPTION MEASURES REFLECTED ON THE OFFICIAL WEBSITES OF THE CENTRAL PUBLIC ADMINISTRATION INSTITUTIONS

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ABSTRACT

This paper tries to analyse the way that the implementation of the National Anti-corruption Strategy 2016-2020 (N.A.S.) was reflected on the websites of the Romania's central public administration.

The present paper aims to assess achieved N.A.S objectives at this level, efficiency and effectiveness of implementation measures, identification of good practices or vulnerabilities encountered since its adoption and the perspectives for evolution in the current social and political context.

Research methodology consists in analysing public documents posted on public institutions website, reports, studies, strategies and other existing data, as well as designing an evaluation grid for the implementation measures of N.A.S. 2016-2020, adopted at the level of 23 ministries, which pursued the degree of transparency and public acceptance of the implementation measures of N.A.S. 2016-2020 through the official websites.

Also, a comparative analysis of websites' transparency between the Ministry of Regional Development and Public Administration and the Ministry of Health was done in the end of this paper

KEYWORDS: *strategy, anti-corruption, central public administration, institutional transparency measures, evaluation standards, evaluation grid.*

1. INTRODUCTION

After the failure of communist regime, numerous studies indicated that the Central and European Countries registred a high and medium level of corruption (Grodland, 2005, Neamțu & Dragoș, 2014). Various factors such as political and juridical factors, historical factors, social and cultural factors, legal and economic factors were identified in literature as contributing to occurrence of this phenomenon (Leite & Weidman, 1999, La Porta et al. 1999, Treisman, 2000, Alesina et al. 2003, Andrei et al. 2010)

High levels of corruption affect allocation of resources, investment and economic growth (Mauro, 1995, World Bank, 1997) and lead to an poor effective activity of the government. Even if phenomenon of corruption is a world widely spread, the most affected are the developing and transition countries. Corruption produces inequities and inefficiencies; however, reforms are needed in order to reduce informal payments. (Rose-Ackerman, 1999)

In the sector of public procurement, construction, maintenance services and waste management, the "iron triangle" between organized criminal groups, businesses men and politicians remain a real concern for some Member State, mainly at regional and local levels (European Commission, 2014).

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If a large part of resources is allocated at the national level, it could occur the tendency for “fusion” between criminal and political actors (Della Porta & Vannucci, 2012)

The Integrated Report on Organised Crime and Political Corruption in Europe focused on the infiltration of organised crime in three sectors largely affected by corruption: public procurement, management of EU Funds and privatization of public services/ utilities (Sberna & Vannucci, 2016)

The phenomenon of corruption and the way in which the Romanian state, through its top-level representatives, in charge to respond institutionally is one of the most important issues and one of the fundamental criteria assumed by Romania after joining the European Union. One of the European Union's anti-corruption monitoring mechanisms is the Control and Verification Mechanism (MCV). Mungiu-Pippidi (2007) considered that corruption in Romania is mainly explained by economic underdevelopment, but also by communist and cultural legacy .

Romania has made remarkable progress on fighting against corruption at the time of its accession to the EU, which is also reflected in the annual reports and statistical data at European level. There have always been mentioned positive achievements: the activity of the National Anti-corruption Directorate and the National Integrity Agency. The international evaluations, formulated by GRECO and the OECD, have consistently stressed the importance of a strategic document bringing together all political efforts to combat the phenomenon of corruption and to either assumed at a political level in the representative institutions of the state: the Parliament and the Government of Romania.

The reports of the European Union's Cooperation and Verification Mechanism highlighted the importance of the National Anti-Corruption Strategy (N.A.S) as a key element in supporting efforts to implement preventive measures by the Romanian public administration. Some of the corruption prevention projects have been funded by European funds and non-governmental organizations with the same interest in anti-corruption. But unfortunately, as Dimulescu et al. revealed (2013) corruption and mismanagement were the main causes of the financial corrections, which reduced with 22% the amount of assimilated European Funds.

On the other hand, the N.A.S Impact Assessment 2012-2015, conducted by external experts in collaboration with representatives of the Ministry of Justice and the Secretariat of the OECD Anti-Corruption Network for Eastern Europe and Central Asia (RAC), highlighted the key vulnerabilities of public administration in regarding the phenomenon of corruption and the limits of the political assumption of this fight.

Thus, the N.A.S 2012-2015 Assessment argued that "the anti-corruption fight has not yet been fully internalized in Romania, but more so by external pressure," including through the EU's Control and Verification Mechanism. This important internal analysis document identified two major causes that prevented the implementation of N.A.S from 2012-2015 in Romania: lack of national financial and human resources needed to implement N.A.S and the indifference of many public institutions in taking preventive measures to reduce the number of facts of corruption.

In the same assessment, the anticorruption experts responding to the applied opinion poll on the level of achievement of N.A.S. targets noted that the fight against corruption through administrative and criminal law had the most positive effect on the level of corruption(50%), while the prevention of corruption within public institutions did not have the expected effect, with only 9% of the positive effect on the level of corruption. The same experts identified the key vulnerabilities in the implementation of N.A.S. 2012-2015 that can be grouped into a few categories: lack of financial resources, poor managerial involvement in the implementation of structural plans, formalism, lack of anti-corruption training and lack of political will to implement it.

2. OBJECTIVES AND METHODOLOGY

Starting from these evaluation and reporting data gathered and managed by the institutions responsible in this case the Ministry of Justice and politically assumed by the adoption of N.A.S 2016-2020 by the technocratic Government through Government decision number 583/2016, we intended to evaluate the degree of implementation of N.A.S especially at the level of the central public administration and the way that these changes are reflected on their official websites. We chose this area of interest - the central public administration - because the previous evaluation of the N.A.S 2012-2015 mentioned it as one of the vulnerabilities of implementing the previous strategy and secondly, because it represents the most important administrative component in the implementation of governmental public policies.

The National Anti-Corruption Strategy 2016-2020 has 6 general objectives, 19 specific objectives, 140 main actions. The stated goal of this strategy is to promote integrity, by rigorously applying the normative and institutional framework to prevent corruption in Romania. This fundamental desideration emphasizes the importance of shifting from the field of legislative harmonization and establishment of specialized institutions, the general framework for implementation and functioning, to the effective implementation and involvement of all the political and institutional actors.

This explains the more applicative character of this strategy compared to previous ones and the setting of precise indicators and deadlines for the implementation of the proposed objectives. The National Anti-Corruption Strategy 2016-2020 aims at a three-tier approach to its anticorruption intervention: prevention, education, combat and there are identified general and specific objectives for each field. Another important difference from the previous strategies is the component of promoting greater transparency of decision-making and open government, by implementing accessible tools for the stakeholders.

The applicative nature of these measures makes it easier but also more meaningful to collect information from the official website of these central public institutions for the evaluation of the implementation of N.A.S. 2016-2020.

We have developed a grid in order to assess the transparency measures that should have been implemented through N.A.S. 2016-2020, following 10 key indicators of the implementation of this strategy at the level of the respective public administration such as :1. Statement of Accession to N.A.S 2016-2020 and Integrity Plan ; 2. Code of ethics / deontology; 3.Declaration of wealth; 4.Declaring gifts; 5. Conflicts of interest ; 6. Ethics/integrity consultant; 7.Incompatibilities; 8.Transparency of the decision-making process; Access to information of public interest; 10. Protect the integrity alert.

For each indicator, we identified 5 subcategories of actions that would detail the achievement of that indicator (as we could see in the Appendix 1), with a symbolic value of 1 point to differentiate between them. Thus, the complete achievement of an indicator means the accumulation of 5 points, and the total maximum possible achievement of the goal of the official site transparency at the institution is 50 points.

In order to have a better explanation of scores registered by each analysed institution, we have compared the scores obtained by the ministry with the highest and lowest position.

3. FINDINGS AND DISCUSSIONS

From the analysis of the official websites of the 23 ministries subordinated to the Romanian Government, the following data resulted:

- The highest score was achieved by the Ministry of Regional Development and Public Administration - 20 points (40%) and the lowest score by the Ministry of Health - 7 points (14%) of 50 total points;
- The overall average for meeting the transparency criterion on the 23 sites is 13.17 points, which represents 26.34% of the achievement of this objective;

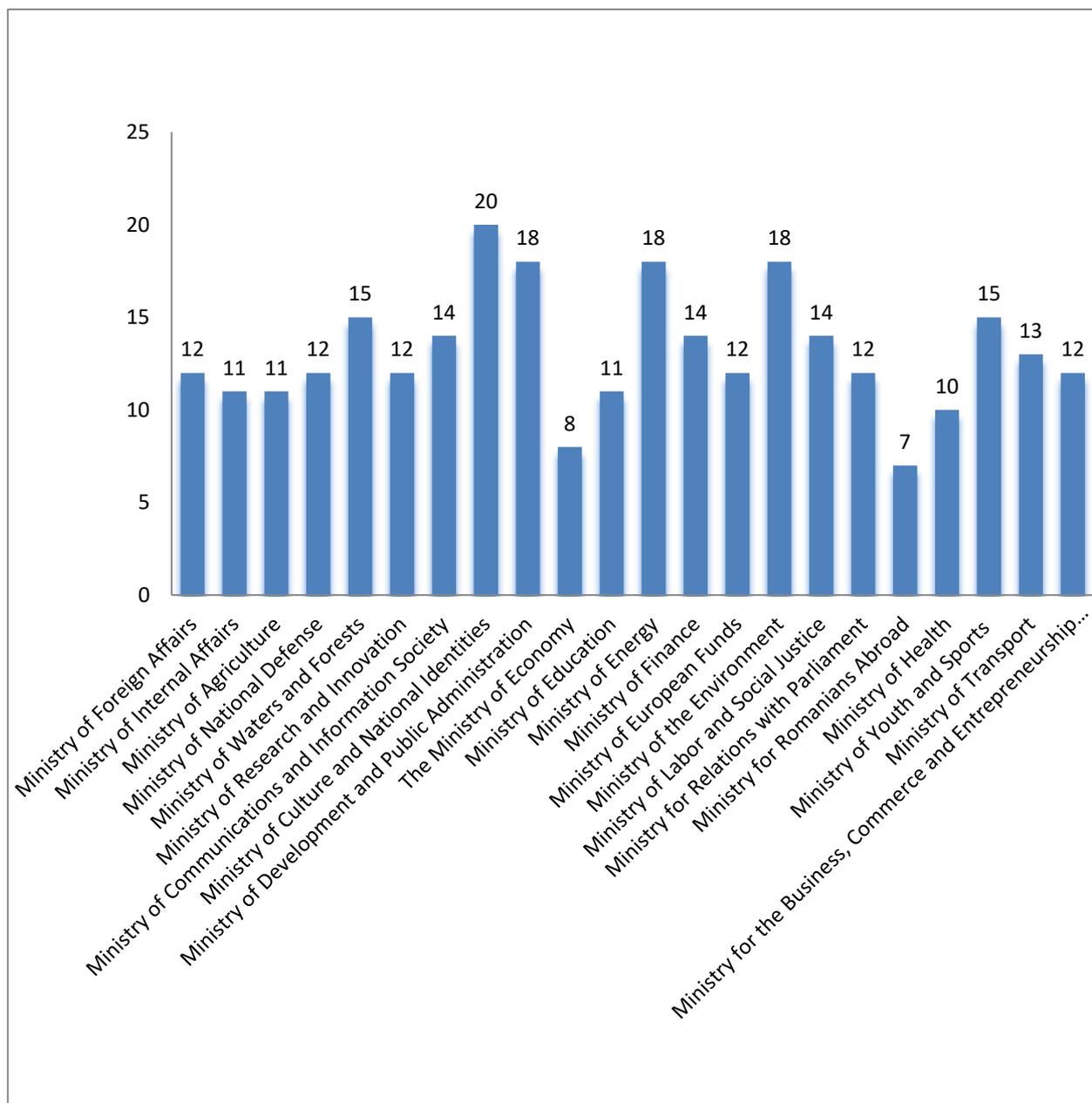


Figure 1. The transparency score for the websites of the ministries subordinated to the Romanian Government, according to the evaluation scale of the 10 indicators for the implementation of N.A.S 2016-2020.

Source: Authors

From the analysis of the information available on the ministries' websites and contributing to the achievement of the first objective of the N.A.S. 2016-2020: increasing transparency at central and local level, assessed through the above grid.

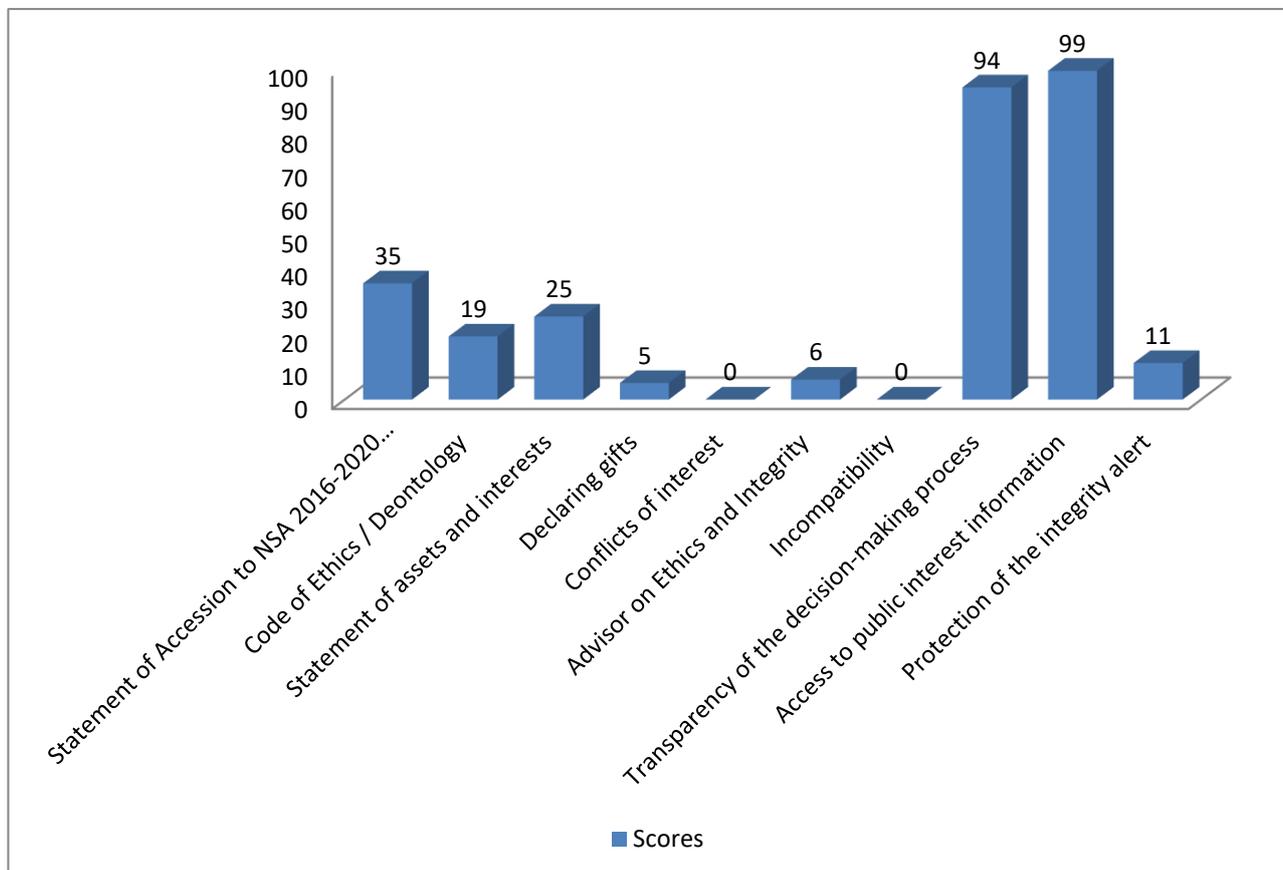


Figure 2. The scores obtained by the 23 ministries analyzed

Source : Authors

Analyzing this data, we could make the following observations:

- The highest scores in the analysis set were recorded in two categories: transparency in decision-making - 94 points (94%) and access to public interest information under Law 544/2001 (99%). These spectacular results are due to an effort of public transparency of the Ministry of Public Consultation and Social Dialogue that managed to pass by the Government of Romania through Memorandum on Free Access to Public Information and Decision-Making Transparency, applicable to tall the institutions of central and local administration during the Violeta Alexandru ministerial public companies in Romania and commercial companies with state capital; The Memorandum was followed by a guide to the implementation of Law 544/2001 and the Law of Decisional Transparency, and the results can be seen today in our analyses of N.A.S 2016-2020 implementation in central public administration.
- The most visible and best-performing political measure on the implementation of N.A.S 2016-2020, namely the publication of the Declaration of Accession and the Integrity Plan on the website, achieved a modest score of only 35 points (35%). The monitoring report on the implementation of the National Anticorruption Strategy 2016-2020 by the Ministry of Justice speaks for an impressive number of adhesions and implementation plans:

Table 1. Official data about Statement of Accession and Integrity Plan assumed by the public administration institutions

https://sna.just.ro/ Platform	Statement of Accession to N.A.S. 2016-2020	Integrity Plan
Central public administration	181	67
Local public administration	1.375	610
Independent authorities	13	9
Public enterprises	98	71

Source : (Authors)

- However, our analysis showed that the two important acts were adopted and assumed in most cases after the legal deadlines mentioned in H.G. 583/2016, namely 3 months for assuming the Declaration of Accession to S.N.A. 2016-2020 and 6 months for the elaboration and adopting the Integrity Plan. Most ministries have done so at the end of 2017 or even in 2018, which makes us wonder about their support for the preventive measures of S.N.A. 2016-2020, in the period preceding of there assumption.
- Two categories of the analyzed ones had the score 0, namely the transparency of the situations of conflicts of interest and declared / undeclared / sanctioned incompatibilities, although this information is public both in the annual reports of the ethics adviser to the National Civil Servants Agency and on the National Agency for Integrity. All ministries surveyed preferred to not make this information transparent for reasons of communication and image policy that must always be positive. The design of an ideal image is not, however, veritable for citizens and for those who are working in these institutions and who are confronted daily with the effects of corruption in public administration. We believe that this generalized tendency of authorities to "hide the acts of corruption under appearance" does not contribute to their positive image, but rather creates a break between the presented ideal and reality and increases the distrust of citizens in the correctness of the public institutions.

In order to better understand how we quantified the achievement of the criteria for meeting the N.A.S. 2016-2020 transparency objective, we have made a comparison between the two institutions with extreme scores. We were interested in the nuance of some important aspects of public acceptance of the measures taken by the institution that has accumulated the highest score and how it mobilized in shaping its model image for local administrative units, which they should coordinate.

Table 2. Comparison of sub-categories of website transparency between the Ministry of Regional Development and Public Administration and the Ministry of Health

MINISTRY OF REGIONAL DEVELOPMENT AND PUBLIC ADMINISTRATION		MINISTRY OF HEALTH	
Statement of Accession to N.A.S 2016-2020	1	Statement of Accession to N.A.S 2016-2020	1
Integrity Plan	1	Integrity Plan	1
Organization chart changes/appointment of the integrity counselor on the institution's website * Integrity, Good	1	-	

Governance, Public Policy Directorate, Anticorruption Service			
Code of ethics on the website	1	-	
Highlighting Good Practice Models * Interactive Good Practice Map	1	-	
Gift Rating Commission	1	-	
Accession to Unique Transparency Register of Interests - U.T.R.I	1	Accession to Unique Transparency Register of Interests - U.T.R.I	1
Number of Accounts Open - 9 Accounts	1	Number of Accounts Open - 3	1
Number of data published on data.gov.ro - 211 sets of data	1	-	
Reports on legal acts in public debate and how to deal with them	1	Reports on legal acts in public debate and how to deal with them	1
Public procurement (2014-2017)	1	-	
Form for requesting information on Law 544/2001	1	-	
Annual reports on access to information of public interest * (2010-2016) without 2017	1	Annual reports on access to information of public interest * (2010-2016)	1
Cases settled within the legal and unresolved term	1	-	
Statement of reasons for rejection / non-settlement of claims on Law 544/2001	1		
Annual budgets, Executive summary, Annual reports (2005-2016) * Missing 2017	1	Annual budgets, Executive summary, Annual reports (2005-2017)	1
Warning Form for Corruption Practices	1	-	
Presentation of legislation on the protection of the whistle-blower	1		
Appointment of Responsible Person / Analysis Committee	1	-	
TOTAL	20		7

Source: Authors

From the above figure, we could also notice other observations:

1. The Ministry of Regional Development and Public Administration has explicitly published on its website: the corruption warning form, the express appointment of a committee responsible for the analysis of these complaints and a responsible person - measures taken only of three ministries until that date;

2. Another important aspect is the publication by the Ministry of Regional Development and Public Administration of 211 datasets on the data.gov.ro website related to the work of the ministry, while the Ministry of Health did not check any data set;
3. The implementation of the Unique Transparency Register of Interests - U.T.R.I (www.ruti.gov.ro) was made in 2017, like as an extremely important measure to increase institutional transparency and decision-making processes. U.T.R.I is an online platform where there is a series of information about specialized groups that want to promote a public policy proposal and who officially meet with decision-makers. The transparency of these meetings is the responsibility of the public authority that has to create accounts for public officials holding the ministry or secretary of state. The register establishes a general framework for dialogue and collaboration between stakeholders. The Ministry of Regional Development and Public Administration has 9 accounts of officials open on U.T.R.I, compared to only 3 accounts of the Ministry of Health.
4. We can highlight a good practice model regarding the achievement of the institutional transparency objective realized by the Ministry of Regional Development and Public Administration, namely the Interactive Map of the best practices identified in the field of corruption prevention in the period 2013 - 2015. The map was carried out on based on the final reports on the implementation of N.A.S 2012-2015 submitted by local government authorities.

4. CONCLUSION AND LIMITS OF RESEARCH

Our findings demonstrates that the results of NAS implementation are poor and the little progresses are due mainly to the conjuncture rather than to the real policy of transparency of anticorruption measures promoted by this strategy.

This analysis followed only the interface of public institutions, which may not accurately reflect the reality within those institutions, but because transparency is an essential objective of N.A.S 2016-2020, we consider our approach to be justified because it gives us a nuanced picture of the state of implementation of these strategies in the central public administration institutions.

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Appendix 1. Evaluation grid for anti-corruption measures

INDICATORS	TRANSPARENCY SUBCATEGORIES	SCORE
1. Statement of Accession to N.A.S 2016-2020 and Integrity Plan	Publication of the Accession Statement of N.A.S 2016-2020 on their website	
	Observance of the 3-month term after the adoption of H.G 583 /2016	
	Publish of the Integrity Plan on website	
	Observance of the 6-month period since the adoption of HG 583/2016	
	Publication of changes to the organization chart/appointment of the integrity adviser on the institution's website	
2. Code of ethics / deontology	Publish code of ethics on site	
	Publish the number of cases of violation of the code of ethics	
	Publication of sanctions/measures taken in case of violation of the ethics code	
	Publication of training/training sessions supported by the Ethics / Integrated Advisor (number of sessions, theme, number of trained employees)	
	Highlighting good practice models	
3.Declaration of wealth	Timely publication of wealth statements on the website	
	Publish the number of cases of delays / non-declarations of wealth	
	Publication of the notification number to the National Integrity Agency regarding the cases of absence of Declaration of Wealth	
	Publication of sanctions/measures taken for those who do not declare their wealth at the beginning and end of the public mandate	
	Timely publication of wealth statements on the website	
4.Declaring gifts	List of gifts received in employees' protocol activities	
	Constitution commissions for the evaluation of these gifts	
	Declaring the value of these gifts	
	How to use these gifts	
	Sacrifices/measures taken in case of non-declaration of gifts	

5.Conflicts of interest/	Number of conflicts of interest declared and positively resolved	
	Number of conflicts of interest unreported	
	Number of the National Integrity Agency notifications of cases of conflicts of interest	
	Penalties/measures taken for those who do not declare their conflict of interest and do not act to get out of this situation	
	Name and position of ethics/integrity adviser	
6. Ethics/integrity consultant	Internal counselling activities	
	Collaborations with other institutions on ethics and integrity issues	
	Models of good practice	
	Training courses for the Ethics Adviser	
7.Incompatibilities	Number of cases of incompatibilities	
	Nr. inconsistencies declared and positively settled	
	Nr. undeclared incompatibilities	
	Nr. to notify the National Integrity Agency of cases of incompatibility	
	Penalties/measures taken in case of those who do not declare their incompatibilities and do not act to get out of this situation	
8.Transparency of the decision-making process	Accession to Unique Transparency Register of Interests - U.T.R.I	
	Number of accounts open - 6 accounts	
	Number of data published on data.gov.ro / 18 sets of data	
	Reports on legal acts in public debate and how to deal with them	
	Public procurement contracts	
9. Access to information of public interest	Form for requesting information on Law 544/2001	
	Annual reports on access to information of public interest	
	Cases settled within the legal and unresolved term	
	Statement of reasons for rejection / non-settlement of claims on Law 544/2001	
	Annual budgets, Executive summary, Annual reports	
10. Protect the integrity alert	Warning Form for corruption acts	
	Presentation of legislation on the protection of the whistle-blower	
	Appointment of a responsible person/Analysis committee	
	Solution / Measures taken	
	Good practice models	