



ROMANIA'S EXPERIENCE IN DEVELOPMENT, IMPLEMENTATION AND EVALUATION OF THEIR NATIONAL ANTI-CORRUPTION STRATEGY

1. Challenges and risks faced in initiating and developing the anti-corruption strategy

The latest Romanian National Anticorruption Strategy (NAS 2012-2015) was adopted by the Government in March 2012. In June 2012, the Parliament adopted a Declaration, stating its support to the principles and objectives of the National Anticorruption Strategy and assuming the task of carrying out the measures specific to its exclusive competence.

The new Strategy is developed based on the conclusions and recommendations of an independent assessment¹ of the previous 2 anticorruption strategies and following very extensive public debates and consultations (over twenty meetings organised in 2011, attended by over 500 persons, representing over 90 public and private entities).

These preparatory meetings have been organised as cooperation platforms: independent authorities and anticorruption institutions platform; central public administration platform; local public administration platform; business environment platform; civil society platform. The consultation process lasted over a year and bringing together all the interlocutors was challenging. Another challenging part of the drafting exercise was to harmonise so many opinions and points of view received during the public debates so that it will result in a workable document.

The major challenge was to ensure that the new document builds on previous experiences in implementing national strategies but also draws a line on setting clear benchmarks for measuring impact. In addition, the new document was expected to ensure a standard reaction from all public institutions, in line with best available European and international standards.

The new strategic document is built on the assumption of a well developed legislative and institutional framework. The accent is therefore placed on the implementation and the stability of the legislative and anticorruption institutional framework. The NAS 2012 – 2015 has a holistic and multidisciplinary character and is addressed to all public institutions representing the executive, legislative and judiciary powers, local government, business environment and civil society.

The document incorporates areas identified as priorities at EU level by the EC Anticorruption Communication, such as recovery of proceeds of crime, whistleblower protection, public procurement, preventing and combating political corruption, protection of EU financial interests.

In addition, this strategic document aims at implementing GRECO's third evaluation round recommendations, as well as at preparing GRECO's fourth evaluation round, on "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors. The strategy also promotes the best anticorruption practices, such as

¹ The text of the audit can be consulted here <http://www.just.ro/MeniuStanga/AntiCorruptionSystem/AuditindependentSNA20052010/tabid/2103/Default.aspx>. The text of the strategy can be consulted here http://www.just.ro/MeniuStanga/AntiCorruptionSystem/SNA_05042012/tabid/2102/Default.aspx.



the risk assessment methodology, successfully implemented within Ministry of Administration and Interior under previous Strategy

NAS 2012-2015 is a document of a medium-term strategic vision which provides the major coordinates of action in the support of promoting the integrity and the good governance at all the public institutions level. The document represents the starting point in the development and adoption/adaptation by the institutions and the public authorities of their own sectorial plans.

The periodical assessment reports on the efficacy of the anticorruption steps taken by Romania indicate the fact that the moment of adopting new anticorruption laws has been surpassed a long time ago. It is the moment that each public institution, as well as the private ones, focuses on the efficient implementation of internal and international anticorruption standards.

Also, a change of approach is required on promoting the institutional integrity. In fact, any new case put together by the anticorruption institutions constitutes a failure of the institutions' management to prevent incidents of integrity in the broadest sense of the word. The solution can only be the assuming by the leaders of public institutions of integrity issue within the organization. This attitude needs to go beyond the level of assuming only publicly the "zero tolerance" principle, it needs to show concrete measures to discourage corruption acts.

In sustaining a changed approach of management on corruption, NAS highlights the measures for promoting institutional integrity, having among others as main benchmarks the following: the implementation of ethical standards, efficacy of administrative mechanisms of control and enforcement, the protection of the integrity counsellor and the risks management specific to each institution.

The NAS implementation is coordinated by the Minister of Justice, which periodically reports to the Government. Every six months the Government also reports to Parliament on status of implementation.

For this purpose, the Minister of Justice organizes coordination reunions at least every six months. A coordination reunion shall be organized in December, on the occasion of the global anticorruption day. The coordination reunions will be attended by the representativeness of the three powers – the legislative, judiciary and executive power, as well as of the public local administration, business environment and civil society.

For supporting the monitoring process, at the Ministry of Justice (MoJ) level an inter-institutional technical secretariat, with permanent activity, was set up. For supporting the monitoring process, the cooperation platforms created during the consultations for the elaboration of the strategy shall be maintained and developed: the platform of independent authorities and anticorruption institutions; the platform of central public administration; the platform of the local public administration; the platform of the business environment; the platform of the civil society. The platforms shall be convoked once at two months at least. At their reunions specialists and representatives of the civil society shall be invited.

2. National and international actors involved in the development of the strategy

The strategy is also based on the recommendations and conclusions of an independent audit.

The assessment of the previous 2 anticorruption strategies and corresponding action plans was carried out in 2011, by two independent international experts, under a project implemented by the Ministry of Justice in



cooperation with the United Nations Development Program (UNDP), *“Support to the Ministry of Justice to implement the recommendations of the European Commission under the Co-operation and Verification Mechanism”*.

Moreover, in the process of drafting the anticorruption strategy, the Ministry of Justice, the institution coordinating the drafting procedures, benefitted again from the expertise of UNDP and an international consultant.

At national level, over twenty meetings were organised in 2011, attended by over 500 persons, representing over 90 public and private entities.

3. Lessons learnt

The experience of the laborious consultation process showed us that it is important to bring together as many specialists as possible. This has to be an inclusive process and the debates should include representatives of all public institutions and authorities, local public administration, the judiciary, the Parliament, civil society and business environment.

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This lesson learnt is reflected by the existing monitoring mechanism established under the new strategy. The mechanism includes, self assessments, questionnaire based reviews, feedback mechanisms related to integrity incidents, on site visits done by external expert teams, increased transparency – including open data approach. This represents an internalisation of available international monitoring best practices (GRECO, OECD – Working Group on Bribery, UNCAC – review mechanism).