

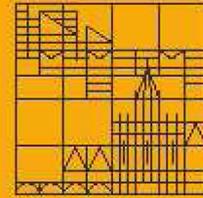


Crime

Discussion Paper Series No 21 | 2008

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UNIVERSITY OF KONSTANZ  
Research Group Sociology of Knowledge

# Crime

# & Culture

**Crime as a Cultural Problem**

**The Relevance of Perceptions of Corruption to Crime Prevention. A Comparative Cultural Study in the EU-Accession States Bulgaria and Romania, the EU-Candidate States Turkey and Croatia and the EU-States Germany, Greece and United Kingdom**

**Iuliana Precupetu, Ana Maria Preoteasa**  
**Patterns of Perceptions Towards the**  
**Anticorruption Fight in Romania**



Sixth Framework Programme of the European Commission  
Specific Targeted Research Project



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**SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION**



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**Iuliana Precupetu  
Ana Maria Preoteasa**

**Patterns of Perceptions Towards the Anticorruption  
Fight in Romania**

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In the last years, in Romania it was developed a complex strategy in order to fight against corruption. The country embarked in a broad process of curbing corruption with legislative and institutional components as a result of a growing awareness of the level of corruption and in relation to the process of integration in European Union. This paper aims at describing general patterns of perceptions towards anticorruption fight in Romania.

The evaluations presented here were made by six target groups engaged in targeting corruption: economy, politics, civil society, media, police and judiciary. The paper will not discuss in detail anticorruption measures but point out to broad assessments of efforts undertaken against corruption in Romania.

## 1. Theoretical and methodological framework

The Grounded Theory approach in this paper aims at discovering in an open way the patterns of perception towards corruption in the attempt to reveal Romanian lines of reasoning. Essentially, the analysis of perception models sheds light on circumstances of Romanian society as well as its particular social and cultural framework. Consequently, reveals the common sense theories of corruption in Romania. This bottom-up perspective on the nature of corruption as well as on the policies put into place in order to fight the phenomenon can be “fruitful for the generation of additional expertise and for the preparation of prevention policies” (Taenzler, Maras, Giannakopoulos, 2007).

In our case, the analysis aimed to contribute to the generation of a substantive level theory of corruption. Such a theory essentially entailed several steps<sup>1</sup>: highlighting the content (definitions, characteristics) of the core category of the study (corruption), exploring the causal conditions that influence the phenomenon, identifying the actions or interactions that result from the central phenomenon (anticorruption efforts) and delineating the consequences of the phenomenon.

The research results presented here have been obtained during the first two phases of the research project *Crime as a cultural problem*<sup>2</sup>. In the first part of the project, a content analysis was performed by using documents from the target groups’ field of activity (legal requirements, statements of intention, agreements, programmes, administrative directives, procedural guidelines, standardised procedures, technical guidelines,

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<sup>1</sup> Adapted from Strauss and Corbin (1990)

<sup>2</sup> As this report relies heavily of the other two resulted from the first stages of the project it will not quote but follow them closely in the argumentation of various aspects of anticorruption fight.



protocols, reports, legal verdicts, newspaper articles, etc.). In the second stage of the project, interviews have been conducted with experts from the same groups.

The period covered by analysis is 2001-2007. The documents have been elaborated between 2001 and 2006 while interviews have been carried out during January-September 2007. Some positions expressed in these documents and some problems pointed out have been overcome by the rapid transformation of the legislative and institutional framework in regard to corruption especially during the past three years. Consequently, patterns of perceptions described in our reports create an image of the mode in which corruption was regarded during a period of extensive change.

The strategy of analysis used in our approach was based on analytic interpretation (Denzin, 1989) which essentially entails the use of an abstract scheme derived from research. It assumes a variable language making use of the concepts resulted from open coding. The strength of this approach resides in its capacity of easily highlighting a rather comprehensive and clear outlook of corruption, even though the 'story' of corruption tends to become rather fragmented by the consecutive description of variables. The interpretation is multi-voiced in the way that it uses the viewpoints expressed in the documents and interviews in order to build an account of corruption.

The researcher takes a 'back seat' in this approach. The 'voice' of researcher is to be heard in two instances. The first one is the mode of conceptualisation of perceptions, of using abstract notions that can make up models. The second situation in which the researcher has had a 'voice' was that of 'interpretation': the perceptions that constituted the primary data have been 'interpreted' only to the extent that they have been placed into a larger context and sometimes explained in relation to the specific Romanian reality. The researcher's 'input' has been, in this way, limited and the main lead belonged to the various stances expressed in documents and interviews.

The method used was qualitative content analysis. A complex system of categories resulted from open coding of material.

The patterns of perceptions toward the nature of corruption have been presented in two other discussion papers<sup>3</sup> and the causal model resulted from analysis is presented in

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<sup>3</sup> Iuliana Precupetu, *Corruption in Romania-First Steps Towards a Grounded Theory of Corruption*. Discussion Paper Series no 4, University of Konstanz, 2007 and Iuliana Precupetu, *On the nature and causes of corruption in Romania. Evidence from a Grounded Theory approach*, Discussion Paper Series no 13, University of Konstanz, 2008.



Annex 1. The present paper concentrates mainly on perceptions of fight against corruption, trying to employ a comparison between the themes of discourses present in the two sets of different data (documents and interviews). The results presented here are neither “representative” nor “exhaustive”. The scheme of categories resulted from research is presented in Annex 2, the emphasis being on perception towards the assessments of fight, the barriers identified in the anticorruption efforts, the general orientation and directions of fight against the phenomenon. The scheme comprises an inventory of categories which, without being exclusive, allow for a straightforward understanding of the concepts used in the various discourses on corruption.

The substantial level theory with its conditional matrix we built reveals major characteristics of corruption but remains an explorative attempt which is put together as an interpretation made from given perspectives researched during the research project. Its nature allows for endless elaboration and partial negation. The theory is limited in time and change at any level of the conditional matrix will affect the validity of explanation and its relation to contemporary reality (Strauss/Corbin 1998).

## 2. Patterns of perceptions towards the fight against corruption in Romania

During the reference analysed period (2001-2007), the discourse on corruption modified gradually, following the stages in the awareness of the phenomenon, in the measures undertaken against it and in the actions performed by international organisations. It is rather difficult to identify heavy trends in the development of discourses on corruption as past years witnessed important and abrupt changes in all the fields mentioned above. Also, opinions described here are not coherent and consistent along target groups and cannot be generalised. The analysis goes across the groups and their perceptions and concentrates on the topics identified.

However, it is possible to ascertain patterns of perceptions on corruption which provide us with a picture of themes that constituted the core of various discourses of the six target groups. Following we will gradually describe the perceptions in regard to anticorruption fight in Romania by pursuing six main directions: *assessments of the fight against corruption, barriers and difficulties in the fight against corruption, actors to whom are assigned important roles in fighting the phenomenon, values promoted by the fight, general orientation of the efforts targeting corruption and future directions of the fight*<sup>4</sup>.

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<sup>4</sup> The quotes in the paper refer to either documents and are identified by the number of paragraph in Atlas-ti or to interviews and are pinpointed by the number that have been assigned to the participants in our research, in order to respect confidentiality.



## I. Assessments of current fight against corruption

### A highly needed fight against corruption

A recurrent theme of discourses on corruption of all target groups is that of the ‘*supreme necessity*’ of the fight against corruption. There is a wide agreement on this aspect among all researched groups. This can be explained as the analysed discourses developed in the most ‘critical’ period of anticorruption struggle in Romania.

During the first years of transition, in a time of abrupt economic and social deterioration, corruption remained largely unacknowledged at social level. The late 90’s brought the problem of corruption on public agenda mainly due two major factors. On the one hand, media began to reveal some cases of grand corruption and discuss extensively the topic. On the other hand, the process of integration of the country in the European Union played a major role in bringing forward the theme of corruption. Starting with 2000, a strong discourse about corruption emerged and pushed into shadow the more ‘classical’ and visible social problems of transition like poverty, unemployment, or issues related to the consolidation of democracy. After January 2007, the moment of integration into EU, concern for corruption as the most crucial social problem continued to remain on public agenda, although the pace of exposing corruption seemed to have slowed down to a certain extent.

The documents and interviews included in our analysis have been released during the time of maximum preoccupation for the problem as such and for the policies against corruption. The ample consensus found in the analysed materials on the centrality of corruption problem includes several ideas. First, anticorruption efforts have been seen as a national priority serving the national interest. This type of discourse is particularly compelling among some political actors. Secondly, most of the analysed groups acknowledged the fight against corruption as a condition for the European integration of Romania. Addressing corruption in relation to the larger endeavours involved by the integration was one major theme of the discourses on corruption. Both analysed documents and interviews acknowledged the role of European Union as a major driver of anticorruption fight in Romania. Most of the experts considered that EU acted as the sole fundamental actor to thrust efforts for tackling corruption, the anticorruption strategies and measures being the result of a catalysed effort around EU integration of Romania. Some interviewees also took into consideration the role of internal actors, either institutional or individual leaders in fighting corruption.

*There are no internal efforts. We answered the recommendations of EC, you know EC recommends, they know what is going on. (Participant no 7)*



## What kind of fight against corruption? Assessments of current efforts against corruption

The assessments of fight against corruption vary from very sceptical positions pointing to a *façade fight* to more positive perceptions underlining the progress made in tackling corruption. Perceptions revealed by the analysis of documents tend to concentrate more on the negative side while among expert interviews opinions point out to a larger extent to some improvement registered in anticorruption fight.

A first line of thinking displays the picture of concealment in regard to anticorruption. This was expressed mainly within the groups of politicians, media and to a certain extent civil society. When evaluating the efforts undertaken against corruption, some of the target groups categorised them as a *façade fight*. In this line of argumentation, it is assessed that the fight against corruption is not real, but only a spurious one. Some parts of political spectrum considered that fighting corruption is merely an image campaign and just a superficial response to EU monitoring. By expressing doubts about success of the anticorruption campaign and about the real commitment of political power to fight corruption, some politicians stated their fears that corruption will continue to flourish in Romania.

The politicisation of anticorruption fight was also a theme of discourse among politicians, media and civil society. Politicians pointed out to the risk of turning efforts tackling corruption into a political instrument designed to harm political opponents characterised by situations of ‘witch-hunt’. Moreover, Romania has been defined by some politicians as a “corrupt country without corrupt people” as a result of the small number of convicted cases and high number of suspended sentences especially in high level corruption cases.

Similar arguments have been conveyed by the media and civil society.

Lacking the strong political will needed for a genuine fight, the Romanian efforts against corruption are seen as a “transition tennis” in which the ball is being played between various institutions without touching the ground and getting to the roots of corruption (P14: 11). Also, the opinions in the media converge towards to the idea that the anticorruption fight lacks the genuine will for doing justice while no good faith can be identified in this respect:

*The parties don't want anticorruption, the public clerks don't want it either. Not to mention the businessmen who curry favour with politicians to get advantages.* (P16: 5).



The politicisation of fight can have, according to opinions expressed from civil society group, negative effects on the very essence of the campaign against the phenomenon.

*This anticorruption campaign oriented against others rather than ours affects people's credibility and makes people give in; it does not encourage ethical behaviours and mechanisms that can be used by people in order to make complaints. (Participant no 11)*

More recent assessments included in evaluation reports, also underline this problem as still being actual and having serious consequences. Transparency Romania evaluates the corruption discourse and its political facets: *Anticorruption themes were excessively used as political weapon by political forces, which led to their tempering in the public eye. The real danger lies in the lessening of the public awareness towards such an important subject in the development of the Romanian society, a trend which may continue as the theme is monopolized or used for political interest; and this can be easily observed if taking into account the fact that politicians undergoing investigation were elected or re-elected.* (Transparency 2008b p.13)

This assessment is in line with opinions underlining the 'snow ball effect' of emphasising wide spread corruption that resulted from our study. A paradox of dealing with corruption is that treating and fighting corruption in a noisy manner might create a disproportionate image towards it. This image is also the result of high stress on corruption in the media. Consequently, the perception towards corruption contribute to retaining the phenomenon and fortify it as people begin to conceive it as a necessary condition for getting by or they are reinforced in their beliefs.

Cases of corruption that were finalised by guilty verdicts were seen in the media, at the time more like 'sacrificed pawns' and situations of 'political lawsuits' than real circumstances revealing a correct and well-intended fight with corruption. *...they incriminate a hen, but the net, with incredible tentacles, survives* (P16: 7; P2: 2).

Consequently, the set of measures implemented against corruption is considered in this line of argumentation as devised with the purpose of leaving the impression of serious intentions.

*There is a double guilt, of politicians and mass media to use the subject with political and spectacle connotation. Politicians who talked for years about corruption did not believe it for a second, the journalists did not believe it either. It was a kind of assumed hypocrisy which was accepted by everybody. (Participant no 14)*

Some evaluations of the current anticorruption campaign also point out that the efforts targeted at corruption are too noisy while lacking in substance.



*I believe there are people who make a good living from exaggerating the phenomenon of corruption. A lot of words in this field and any other field will block any kind of practical accomplishment. The more people we see fighting corruption the more sure we can be that nothing will be done. (Participant no 14)*

The more positive assessments of the fight against corruption still depict a picture of an ‘institutional zigzag’. While on the one hand perceptions draw attention towards a rather slow building of institutions with responsibilities in fighting corruption and delays in such efforts, on the other hand they also assess a certain progress that was made in this field during the past years.

Generally, the anticorruption efforts are seen as slowly building especially in regard to institutions (as is the case of National Agency for Integrity which passed in the Parliament with difficulty and is not yet functional) even though verbally everyone agrees that anticorruption is a priority. However, some institutions, like National Anticorruption Directorate began to produce some results (P8: 19-20; 64).

In the same time, the low capacity of the judiciary is translated into “insignificant results of penal investigation” and, finally “no punishment for corruption” (P19: 2; P14: 11).

Some positive results have been acknowledged by expert from Police, media, NGOs and judiciary as a certain consolidation of anticorruption efforts is noticeable according them. It is also conceded that visible results of struggle against corruption are difficult to see in the short time that it passed since institutions have been put into place. Also, a certain degree of formalism that accompanied anticorruption strategies and measures before 2004 is perceived as being overcome by the newer measures that have been designed. Moreover, according to one representative of NGOs, the preoccupation for consultation with civil society and for evaluation of measures also increased.

*Laws for combating corruption have been improved. We also have institutions, we cannot complain, there is DNA, DGA, in the army they have such a structure. Within the ministries there are also such structures that function or not. (Participant no 7)*

Generally, most experts appreciated that great efforts have been undertaken in order to fight corruption and legislative and institutional frameworks have been put into place so as to make possible improvement in the area. The mechanisms against corruption are seen by most of the interviewees as democratic; the institutions are considered as put into place and including the means for ensuring transparency and accountability.

*We have the anticorruption legislation; we have here laws about the transparency in public acquisitions, conflicts of interest, declarations of wealth, incompatibilities.*



*Everything that refers to legislation and institutions has been created in this sense, some of them functioning with more or less success, as DNA (National Anticorruption Directorate). (Participant no 1)*

Positively assessed measures by NGO representatives are especially those that increased the transparency of Prosecutors offices and the measures stipulating the random assigning of files by judges.

Also, more recent assessments (Transparency 2008 b, p.13) indicate that the year 2007 and the beginning of 2008 showed both negative and positive trends for the strengthening of the National Integrity System in Romania. Progress is noticeable, particularly in the prevention area and with regard to the public information campaigns and legislative measures.

## **II. Barriers to an efficient fight against corruption**

### ***Legislative and institutional framework***

A series of *difficulties and barriers* regarding the implementation of anticorruption measures as well as nuances regarding the effective functioning of legislative and institutional framework have been revealed by the interviewed experts.

In the opinion expressed from the target group Police, the anticorruption strategies and measures have been generally well designed 'on paper' but the implementation is many times confronted with problems. While evaluation of strategies for example, is clearly mentioned in principle, it is not actually carried out according to plan.

*From what I saw in my experience, evaluation is only a result of an order from above. Even though it is specified in the strategy that we have to carry out evaluation we do not do it. (Participant no 4)*

Sometimes, formal legislation is pointed out as representing a problem for current efforts undertaken against corruption. This is the case, for example, with the Law no.188/2007, regarding the privatization contracts disclosure. Transparency consider it as formal as conditions that lead to corruption in the privatisation area are not present anymore in society: *currently the privatisation process is nearly completed, and the large-scale contracts have already been distributed. Furthermore, there are currently no legal provisions which can be exercised in time, in order to challenge the majority of the contracts that are already signed.* (Transparency 2008 b, p.3)



Sometimes strategies only take into consideration short time spans and do not underline the long time planning, other times the support of partners involved is not sufficiently secured from the start.

*There were information campaigns but, in my opinion, such campaigns were made 'hasty' style, did not have a real support from the partners involved, various institutions, and it is not enough to post attributions because one might not know how to read or is blind. It should not be for the sake of doing a campaign or spending public money. Campaigns involve planning, staff, targets, strategy and we have to think on 15-20 years time horizon. (Participant no 4)*

While the formal mechanisms needed in order to prevent and fight corruption are perceived as being into place, in the opinion of one expert from Police, they seem to interfere in some areas with institutional arrangements and/or with people's sets of mind. In the former case, it is the specific work organisation of a state institution. In the latter situation, it is either about lack of adequate information or not enough responsibility on the part of people and 'human factor' is to be blamed.

*Sometimes you have the instruments. But people are not interested, they avoid it. I come back to culture. (Participant no 4)*

Some opinions assessed the current legislation in regard to anticorruption as too complicated, not easy to grasp, sometimes formal and subsequently inefficient. Being driven most of the times by external motivations, legislation lacks pragmatism and departs from the particular social conditions.

*We are the country with the toughest legislation (in regard to economic and political positions), as you know the political position is incompatible with most economic positions of administration. But this is also hypocrisy. We pretended to adopt some laws and we know this from law school and from practicing, when you adopt a law that is very tough you are absolutely convinced from the beginning that it will not be put into practice. (Participant no 14)*

Looking at the assessments of specific strategies and measures designed in order to fight corruption, particular problems are revealed by the perceptions of the interviewed experts.

The National Anticorruption Strategy is considered by representatives of NGOs as not efficient as it did not produce the expected coherent results. The strategy was designed with input from civil society by the Ministry of Justice, taken up by the government, and should be implemented in various areas of public administration. However, the problems



pointed out relate to the weak coordination between institutions in implementing the strategy, the weak political will and power that is used in order to put it into practice. *Currently, the top positions are not involved in this (implementing the strategy), rather people on second and third level on hierarchical ladder. The ministries should have involved more directly into this. (Participant no 1)*

The National Integrity Agency is not considered as the most appropriate model given the conditions of Romania in the opinion of one representative of NGOs. *(...) we explained which is the institutional structure that best fits the Romanian organisational culture, and which are the efficiency mechanisms that can lead to results: a combination between the South Korean model which looked a lot like the Court of Accounts in Romania (...) with the integrated data base that they have in Canada. ...This way we can check the relationship between politics and business. But this was not what was required, it was rather sought a thing that can sanction political people...(Participant no 11)*

The anticorruption legislation is viewed as too tough and also oriented to a great extent towards punitive actions while leaving the prevention and combating components underdeveloped. Prevention is seen as the engine that in the long term can reduce corruption through a slow process of transition to a better state in the field. In this line, criminalising conflict of interest is seen as an extreme and inappropriate solution. *We are the only country in Europe that criminalised the conflict on interests. In an isolated way, conflicts of interest are penalised in Switzerland but that is all.... It was a mistake to emphasise sanctions instead of prevention and combating, sanction only comes when there is a grave phenomenon, and this should be the exception. We have to prevent the causes. (Participant no 11)*

Another problem underlined is regarding the implementation of legislation. Although a certain law might be well designed, the ways of putting it into practice are not always clearly specified. This is the case, in the opinion of one expert from Police, with Law no 521/2004 on integrity watchers which aims at signalling corruption within various institutions. It seems, according to the opinion expressed, that it leaves the one who signals corrupt behaviours with no possibility to protect himself.

The same piece of legislation although considered opportune was assessed as not yet completely efficient by a representative of civil society. The reason is placed in the delayed operation of regulation of discipline mechanisms that can act after reprimanding various cases in order to penalise corruption with administrative means within the various institutions.



The lack of political determination (especially at the top of state institutions) appears to be the main difficulty in fighting corruption. This weak commitment of those in power is proven by the fact that authorities fail to react to large scale corruption. Therefore, to become successful in the campaign against corruption, state institutions designated for this purpose need to act independently. De-politicisation of state institutions is a necessity also because often takes place a bargain between members of both actual and former political power to cover up corruption cases. If independence of judiciary is assured, then politicians would become unable to “put a political stop” to the process of fighting corruption. In this way, the peril of a politicised anticorruption campaign, directed against political adversaries, could also be avoided.

Although the independence of judiciary was addressed by a series of measures in Romania, there are still opinions pointing out that political involvement in judiciary is still a reality.

A specific obstacle often encountered in fighting corruption is made of dysfunctional collaboration between police, prosecutors’ offices and judiciary. Police conveys discontent with the slow work process of prosecutors and judges. On the other side, judiciary is blaming policemen and prosecutors for unprofessional running of corruption cases.

Another difficulty resides in the existence of numerous cases of corrupt policemen and even of some magistrates. One challenge to the work of magistrates consists in resisting press campaigns orchestrated by influent people involved in corruption cases. Although there are delays in fulfilling European Commission’s requirements and in adopting European legislation that deals with corruption, it is stated that major weakness resides not in adopting anticorruption laws, but in enforcing them.

Points of view expressed from judiciary group mentioned that dysfunctions of judiciary make the fight against phenomenon difficult (members of Supreme council of Magistrates have also executive positions in courts, conflicts of interests, etc). Also, overlapping of responsibilities of various institutions dealing with corruption impedes on the efficiency of fight against corruption (P1: 106).

In spite of achieving independence of judiciary, there are problems in interpreting the laws. Judges and prosecutors might invoke their independence in order to justify different verdicts. „*Unified practice and independence should go together*”, otherwise citizens lose their trust in the legal system which is not predictable: „*If you go (to the court) like playing to the lottery, and everyone interprets the laws as seen fit, the trust is lost*” (P7: 54).



Fight<sup>5</sup> against corruption is characterised in the view of judiciary by difficulties as they admit ‘high level corruption cases were not so far finalised’ and that ‘it might take years to solve’ due to their complexity (P2: 2). Still, in the same opinions, recent years witnessed an increase in finalizing investigated cases and turning them to courts. This is seen as “*a consequence of prosecutors’ independence and a normal activity of judiciary*”<sup>6</sup> (P5: 4, 71).

### ***The ‘guilty’ sentence***

One of the most disputed ideas in the opinions expressed by experts is the one regarding the ‘guilty verdicts’. Following a rather extensive period of powerful discourses on corruption, of design and implementation of a broad legislative and institutional framework, the public expectations raised in the direction of ‘visible’ results from courts of justice in the form of guilty sentences. There are opinions coming from NGOs, economy and media experts indicating that, at this point of fight against corruption, guilty sentences from courts of justice would have the power to institute a social model of justice.

*We should make the transition from setting up the legislative framework to actual guilty verdicts and serious lawsuits in this area. We should see for example 20 cases of grand corruption convicted, not necessarily the former prime minister but still...Only then people would think twice before engaging in corruption. (Participant no 1)*

*You have to show that breaking the law will bring you consequences, will affect you. This means powerful and apolitical institutions to punish corruption. We have to see in an increasingly number of cases and at higher levels if possible that you can go to jail for corruption. (Participant no 2)*

Other opinions expressed from judiciary realms and media experts employ a different perspective. The view stated from judiciary experts maintains curbing corruption is a long term goal as the entire judicial process, including investigating and hearing corruption cases, might need a long period of time in order to be carried out in a fair manner. Moreover, curbing corruption entails also prevention and combating apart from sanctioning. The pressure exerted by the media by its exclusive emphasis on getting the guilty verdict for corrupt people impedes on this process and creates an erroneous image about the actual results of judiciary investigations.

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<sup>5</sup> The particular document quoted here was elaborated in 2004 and also released and reinforced in 2005.

<sup>6</sup> This declaration by the minister of justice was issued in February 2006.



*Strategy has to take into consideration a long term reform. (...) the Romanian mentality is very bad. They want to see a corrupt person in front of them on TV, (they want us) to take one from the street. The system does not work in this way. The image about strategy and reform was deliberately sidetracked by the media, press saying what they want. (Participant no 6)*

A series of barriers have been identified by representatives of justice for an adequate judiciary process of treating corruption. While acknowledging that only a few guilty verdicts have been registered in corruption cases, prosecutors interviewed placed the main problem at the level of courts<sup>7</sup>. Along these lines, it is obvious a certain rupture in the justice chain, between prosecution and court.

The major predicament, according to prosecutors is that there is no unity of judiciary practice. This is a multifaceted problem that concerns the whole process of judiciary procedure, including the final output of the judiciary effort, the verdict.

One aspect concerns the interpretation of laws which is different from judge to judge, court to court and also from prosecution to judge. Being quite a new, not well established domain of judiciary practice, there is a wide variety of manners of treating corruption cases with very small convergence of ideas and/or common practice. Different judges can rule differently even though the set of circumstances can be very similar and some precedent was also instituted. The reasons that can account for this situation according to prosecutors interviewed is

*...lack of courage on the part of judges. They are also afraid that the superior courts will rule in the opposite sense to their verdicts. There is no unitary vision in regard to corruption cases. (Participant no 6)*

Also, judges can find dissimilar reasons for convictions than the ones prosecutors found. These elements make prosecutors feel they are on very shaky grounds in their work and shed some more light about the divergent views towards the same cases.

*If we look at the cases that got the guilty verdict, we are amazed to see that judges motivated their decision based on very different reasons than the ones we had in our investigation reports. There is a huge difference in interpretation. (Participant no 6)*

Another aspect concerns the time that corruption cases spend in courts, sometimes up to 2-3 years, until the sentence is passed. In certain situations, the conduct that judges approach especially when dealing with high level cases is not to judge but to 'wait to lift

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<sup>7</sup> The position of judges is not presented here as no judges have been interviewed. The opinions expressed here by prosecutors largely correspond with perceptions of media and other actors within judiciary system as described in the previous research report.



*an exception (...). They invoke the exceptions from Constitution, the file goes to the Constitutional court which accepts the file and they say 'the law they were working with when they built this file was not constitutional. We are sorry, the procedure is shady'. This is a system. (Participant no 7).*

At local level, things can become even more difficult as a model is to be observed: when important local people are involved in corruption cases, it is highly likely that they will be treated in courts in a lightly way, as proven by some risk analyses that prosecutors have undertaken.

*Big corruption files are killed by the courts. From boats to PVC windows ... The judges give them back, they do not judge them. Why? This is because they are afraid. (Participant no 7)*

A different position on the 'guilty verdict' is employed by one expert from the political realm. It argues that the slim record of guilty verdicts might be due to low competence and professional abilities on the part of prosecution offices.

*These are easy files professionally, if you have the needed evidence not even one single judge in the world can reject the evidence. If you don't have the evidence, then you don't send it to court. The fact that they send the files to courts without evidence or if there are many things that can be interpreted it is the fault of the ones who prepare the file. (Participant no 14)*

### **III. Values promoted by the fight against corruption**

Most of discourses on anticorruption fight brought up the issue of values which are or should be encouraged through all the measures designed at targeting corruption. The problem of values either accompanies the evaluation of existing measures or is associated with the promotion of new principles for future policies. In both cases, it indicates a persistent preoccupation of target groups for the need of insuring a proper and 'clean' background for the anticorruption policies. Sometimes is the result of comparison with the current state of things when values are perceived as not guiding in the right direction the fight against corruption.

These values are invoked in relation to individuals, organisations, as well as society as a whole.

In case of target group Police, the values promoted in the fight against corruption are ethics, integrity, and responsibility. General values like dignity, honesty, trust are also



encouraged. Especially for the personnel of Ministry of Interior, Police implicitly, integrity and honour are considered as very important qualities to be achieved. Premises like good faith, benefit of the doubt, searching for truth, objectivity orient their strategies against corruption.

Transparency is also largely promoted as a main principle and value of efforts against corruption. Other values mentioned which form the basis of policies against corruption are human rights, law supremacy, equality in front of law, responsibility, cooperation and coherence, efficiency, integrity and fairness.

New regulations encourage equal opportunities in political competition and transparency in funding while eliminate the “disguised donations” that were used in political world up to 2006 (P1: 3; P3: 5). Transparency relates to funding received, sources of funding and control (P6: 6; P11: 6-8).

In the views expressed by the economic group, the fight against corruption should promote moral values like honesty, integrity, responsibility, trust. The ground for a fair society is placed in correctness that needs to be fostered both “vertically and horizontally” (P2: 21). A general environment characterised by order is also important as many times society in general and the business world specifically are perceived as rather chaotic, individuals and companies having difficulties in grasping the meaning of things and develop meaningful strategies (P2: 76).

Another value that should be encouraged is that of “profit from work” as opposed to that obtained from speculative transactions as it was the case many times during transition in Romania. Equal treatment and opportunities in the business world should also be fostered in order to create that fair environment in which people and companies can thrive. The main principle orienting business activity is ethics (P12: 2; P2: 106).

For the various spheres like political and administrative, it is important to advance transparency, responsibility and efficiency. Competence and professional conducts also represent an important base of fight against corruption (P11: 2; P2: 75; P3: 327-328).

Honesty is promoted as a major value in the fight of civil society against corruption. This value results from making a differentiation between decent and corrupt, as the boundaries between the two seem to be blurred in Romanian society. Integrity, responsibility, accountability and cleanliness are also mentioned as important features to be achieved in regard to political class (P1: 21-22).



#### **IV. Actors in the fight against corruption. Who bears the responsibility for targeting corruption?**

The responsibility for fighting corruption is assigned by the various target groups to multiple instances.

A first important role is attributed to *individuals* who, in the view of political and civil society groups, can influence to a great extent the development of corruption. A citizen who is active and proves civic competence can insure the background for 'clean' relationships with institutions, while in the same time can act against the existing problems. Individuals can involve in the fight against corruption as "*each person can be a fighter against corruption (...) the antibodies of corruption are the people*" (P2: 29).

However, currently, citizens are perceived in the views coming from civil society as being at the whim of political elites in a country where "*it is rather difficult to find a significant number of individuals to agree to common norms*" (P6: 11-13).

Another major responsibility is placed at the level of *civil society* which during the past year became an important social actor in the field of anticorruption policy. In the opinions coming expressed within the economy group, civil society has multiple faceted role: in contributing to legislation, in the public debate on corruption, in social dialogue, in exerting pressure towards politicians for greater responsibility from their part, etc. As some opinions point out that current efforts at national level "*simulate interest in high level corruption*", the alternative is to more involve the civil society (P11: 2).

Perceptions expressed from Police group maintain that the efforts against corruption should be based on a common endeavour involving civil society, foreign partners and state institutions with responsibilities in this field. The support from civil society and the relation based on partnership is highly emphasised especially in regard to prevention component, endeavours of organisation to affect the larger society with its anticorruption efforts and feed-back on own strategies. It is rather a new approach of this kind of organisation which opens up to external environment, this being the first circumstance when such collaboration develops. (P2: 82, 455, 462).

Most of target groups tend to point to the fact that political sphere in general have an important role in fighting corruption first, through "political will" which makes the background for such efforts and second through institutions in order to pass the laws containing anticorruption measures: politicians should vote for the necessary laws as „*there is a public interest and national interest*"(P8: 174).



*Everything is up to the political realm (...) If we are to improve, we need to have a real support from the political class. (Participant no 7)*

Politicians acknowledge this role themselves while in the same time accusations of political opponents of lacking political will for fighting corruption characterise their discourse.

The state institutions with responsibilities in this field (Ministry of Interior, Police, judiciary, etc) are mentioned as the primary bodies that can effectively and directly deal with the phenomenon.

Also, target group economy point out that business organisations also have an important role to play both at society and organisational levels: in fostering implementation of economic laws, in promoting codes of ethics, corporate governance, etc (P3: 337-338).

An important role in the fight against corruption is placed at the level of international organisations. First, their role is acknowledged in regard to the current preoccupation in society for corruption and anticorruption efforts: *“if we didn’t receive warning from international organisations like the ones from USA and European Union we would have not asked ourselves so strongly about corruption”*. Second, there is a great hope for *“international technical assistance”* in further dealing with corruption. ((P2: 32; P5: 32)

The most prominent actor in fighting corruption is considered by most groups the European Union which is considered the key factor in promoting the efforts against corruption, having a crucial role in monitoring and evaluating these efforts.

## **V. The general orientation of the fight against corruption**

There is a broad consensus among all groups on the fact that social efforts should be catalysed around the purpose of tackling corruption.

The principles that should orient the fight against corruption constituted a main theme of analysed discourses, both documents and experts interviews. Most of the opinions tend to accentuate a rather integrated approach that should be employed in tackling corruption while less positions expressed concentrated on *“fighting corruption by fighting corruption”* (Kaufmann, 2005).

The integrated approach includes several dimensions. First, it is emphasised the necessity of addressing background factors of corruption that have a major contribution to maintaining the phenomenon. This type of systemic endeavour is thought to best address corruption while also securing a clean background environment for the future. In this



view, multiple elements like economy, governance and social should constitute targets in the efforts designed in order to tackle corruption.

Second, it is necessary to follow three directions in the same time: preventing, sanctioning and combating corruption.

Most of the experts agreed that anticorruption efforts should more accentuate the preventive approach rather than punitive. A general orientation of the anticorruption fight towards prevention rather than penalising is considered as a general principle that should be followed in the future. In this line of reasoning, sanctions should emphasise mainly administrative corrections with the purpose of discouraging involvement in corruption acts.

Experts underlined that the heavy emphasis on punitive actions as was lately the case in Romania might not be the best tactic for curbing corruption. As long as causes are not addressed properly, corruption will continue to thrive and balance never be achieved in this area.

*We cannot solve this only by punitive factors even though the punitive component is very important in this area of corruption. (Participant no 14)*

Third, it is also important to employ a collaborative institutional action that comprises partnerships between governmental authorities, civil society and international organisations while also securing citizens' support for the actions taken against corruption.

This multidimensional integrated fight against corruption is perceived as the most appropriate in the opinions coming from all the groups. Within target group Law, it is emphasised, along with the integrated method also a narrower approach. In this later case, the stress is according to expectations, given the specificity of this group, on sanctioning corruption.

One important way of combating high level corruption would be, in the perception of judiciary targeting the corrupt persons in state institutions having responsibilities in the fight against corruption. (P2: 1). In the same time, targeting grand corruption is considered in this line of thinking as a major line to be followed "*Corruption at the top, correct investigations, without political interference, without other interests*" (P3: 56).

## **VI. Directions of the fight against corruption**

Opinions on future directions of fight against corruption are strongly correlated with the views on the factors that trigger corruption. The various policy approaches stem from



specific perceptions on nature of corruption with its causes and consequences<sup>8</sup>. Individual-level considerations such as the will for money or power will put forward a certain set of policies that will try to address the phenomenon by concentrating on a rather small level. On the other hand, characteristics of social systems like bureaucratic constraints, not enough consolidation of democracy, inadequate regulations and legislation or deficient market will conduct to a different approach of dealing with corruption. A more systemic method, concentrating on reforming social structures, will rather be adopted in this case, in the attempt of targeting corruption. Previous reports extensively described the factors that are believed to influence and maintain corruption. Here we concentrate only on the choices of directions of targeting corruption that were specifically mentioned in the analysed material. A comprehensive picture can be obtained by looking at both aspects: drivers of corruption and policy choices.

#### *Addressing the background drivers of corruption*

The analyses carried out in the previous stages of the project revealed a multitude of factors that are thought to determine and maintain corruption in Romania. Systemic causes in areas like economy, governance, judiciary, culture or social as well as individual factors relating to human nature have been mentioned in the analysed documents and interviews. Discourses revolving around such major drivers of corruption also concentrate on addressing those respective factors in order to fight corruption. It is believed that the seeds of corruption lie in a certain characteristics of the social and economic set up that needs to be cleansed in order for corruption to lessen. In this view, addressing those drivers of corruption will narrow down the opportunities for the phenomenon to thrive while ensuring a broad ground of integrity.

**Economy** is a key area considered still in need of reform. In spite of the many years of transformation in this area<sup>9</sup>, specific measures are still required to be put in place in order to create a coherent, stable, healthy and transparent business environment. Discourses mainly within the economy group, police and politics concentrated on detailed measures that could contribute to a fair business environment. Addressing the high underground economy is considered an important mechanism in the direction of a more adequate business set up. Moreover, there is a great need for creating mechanisms that would ensure a fair world of economy and that would motivate people in the right direction and reward them according to their work (P2: 25-61; P3: 329-333; P5:3). Currently, it is

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<sup>8</sup> This relationship was very evident when discourses were analysed as a unit of analysis (Precupetu, 2007).

<sup>9</sup> For example, for year 2004 the report “Doing Business 2006” (The International Bank for Reconstruction and Development/The World Bank 2006) mentions Romania as among the top 12 reformers.



believed that there is no strong relationship between qualification/education and work and consequently reward on the labour market.

Also mentioned within the economy group are the instruments like codes of ethics and corporate government that should also contribute to the general background for a healthy economy. Detailed measures guided by a good communication within society for their implementation in the form of plans of action are to be put into place. Continuous monitoring of implementation can insure a good strategy that is permanently improved and adjusted (P5: 7).

Advocacy represents a major direction followed by the economic group in their specific conduct and fight against corruption while creating “transparency centres” is a particular method they use.

Following best practices in business around the world would be another way of connecting the economic realm of Romania to international sphere and would create local conditions for further development (P5: 7-8). As a particular measure, institutionalising the “intermediate zone” of business would contribute to an open and transparent trade and avoid previous problems that occurred in the process of privatisation (P2: 68).

Specific measures have been suggested by trade unions in order to fight corruption. Understanding the social effects that corruption has in the field of oil gas, electricity, the unions suggest setting up a parliamentary commission to investigate this particular market, the business in this area and license awarding.

Measures for combating speculative trading and unfair competition in case of suppliers of utilities, supporting industrial sectors facing unfair competition (textile, furniture etc) and changing the legislative and institutional framework for work inspections with the purpose of combating not formalised work are considered as general background measures that would encourage a fair environment. Also, trade unions advocate in favour of eliminating privileges of pensioners from the first pillar of pensions, transfer of special funds to the public fund of pensions, and introducing a universal system of counting of public pension for all citizens.

**Consolidating democracy further and generally good governance** represent another major line of action that can contribute to diminishing corruption in perceptions present in both documents and interviews analysed. This idea is particularly stressed in the discourses of politicians, civil society, judiciary and economy groups.

Further consolidating democracy in Romania by turning it into a substantive democracy, following European model would ensure the background conditions for a society free of



corruption. A democracy of high quality can be achieved with grassroots mobilisation and genuine interest in politics from the part of citizens. Within the political system both human resources and accountability mechanisms should be addressed. The concern is for good politicians, carefully selected and accountable to people who elected them. The fight against corruption is oriented by the idea that *“human action, not laws and repression are the best means against political corruption”* (P2: 139-143; P3: 57-63; P6: 4). Other means are constituted by cleansing political environment of corrupt politicians: *“the interest of democracy should be placed higher than personal or party obligations”*.

Up to 2007 a great emphasis was put on insuring transparency in party financing from the part of civil society and a part of political spectrum also. Since a new law on the issue was passed in 2007, the problem was less salient in discourses on corruption.

Particular measures should also address the way media is functioning in Romania as, according to many of the views expressed, currently the media is not completely independent.

Another major direction of the fight against corruption that is addressed in the analysed documents as well as interviews is concentrating on the **rule of law**. Elements like insuring judiciary independence and increasing its capacity, enforcement of the law, eliminating influence of groups of interests, de-politicisation of state institutions and increasing capacity of police are all mentioned in the discourses of target groups.

A judiciary system that provides equal chances for all, with no one being above the law is considered as a major pillar of integrity. In the discourses of political group it is emphasised the need for state institutions, acting upon Constitution and law, to become able to defend public interest and to serve the citizen. In regard of ways of approaching the fight, it is pointed out the need for cleansing: the government, state institutions, and judiciary. Eliminating conflicts of interests and contributing to the parties according to the law would be measures that can affect both political and economic realms of life.

Currently, it is considered that corruption is triggered by the overlapping economic and political positions, which transcend formal organisations and are organised around private interest. Besides the link between economic and political statuses, there is also another sort of relationship, that between economy, politics and judiciary which is revealed as highly detrimental to an independent justice and a correct fighting with corruption.

*For the doubtful quality of judiciary can account the pressure or the system inherited and cultivated by the top business people, including here people from former “securitate” who became business people. They have the interest to maintain control over the judiciary. (Participant no1)*



Although some opinions point out to a lessening lately of these sorts of overlapping interests and positions, it is still considered important to address this problem.

Legislation and generally juridical means are seen as one major realm of anticorruption efforts. General measures like good enforcement of law and particularly implementing the *acquis communautaire* are considered basic instruments that can address corruption.

The correct enforcement of legislation should constitute the key priority as this is perceived by representatives of NGOs and politics as a major fault of the current state of affairs in this field.

*(We need) simpler procedures, clearer sanctions, better put into practice. We increased penalties for corruption even though we do not have guilty verdicts. This is about the fact that for the past 17 years, anticorruption fight has been a big lie consciously assumed by those who talked about it. (Participant no 14)*

Looking at specific domains that need to be addressed, in the opinions expressed by the NGO representatives, the National Agency for Integrity is seen as a priority to the extent that it needs to function in an independent way. It would help in more clearing the process of wealth accumulation and in re-assessing correctness especially in the political environment. The National Integrity Agency should be working properly „*not for political scandal or propaganda*” (Participant no 11).

To the rupture identified by the judiciary between the prosecution offices and courts of justice, one expert mentioned that a possible solution could be found. An instruction judge delegated for penal matters who could work with prosecutors is mentioned as a key to bridge the prosecutors and courts. However, there is no agreement on this solution as other views expressed by representatives of judiciary and NGOs indicated that is possible that the expected connection not to be realised in this way.

Rather, a better functioning of the courts is highly needed, with judges reaching the stage of passing the verdict in a shorter time span.

*They (judges) have to give a solution in a file. (...) Files which are not that difficult spend in court 2-3 years. I want the judge to pass the verdict in a case in a reasonable term. The person who is a facing a suit and knows he is guilty has no interest in the case being judged quickly. The judges tergiversate; they fall in the game of lawyers especially at local level where they know each other, the judges and lawyers. (Participant no 7)*

A priority policy would be one to stipulate the annulment of contracts done in situations of incompatibility of conflict of interests. In the short term, although it is anticipated to contribute at the instability of administrative decisions, in the long term it might



contribute to a stronger commitment to legality. Public procurement is another area that still needs reform in the view of one NGO representative in the section regarding budgeting. Multi-annual planned budgets with very clear rules and mechanisms should constitute one direction for this reform.

In the same time, there is a need for simplifying procedures of licensing, authorisation and certification along with unification of standards for eligibility in public procurement. This would contribute to the creation of a fair background for competition and an adequate relation between private and public sectors.

Independence of judiciary, although extensively debated and addressed in the past years, it is still regarded a major theme of discourses on anticorruption fight.

*All measures taken in order to insure the independence of justice act, judge, prosecutor and policeman are beneficial. This is the only way to fight for real corruption. All other stories with parallel laws and institutions are worthless. (Participant no 14)*

From the perspective of economy group, a specialised court dealing with business issues would be a way of overcoming the current problems of law suits which are too long and delay the development opportunities. It would also be an instrument of fostering trust in justice. Stronger checking of business transactions are also mentioned as measures that can stop corruption from spreading (P2: 54, 74, 108; P6: 64). Better coordination among institutions having responsibilities in the anticorruption fight is also needed.

Within the major line of fighting corruption by implementing the rule of law, *increasing capacity of police* is especially emphasised from within this respective group and politicians. Capacity building has positive consequences on the internal environment of the institution, contributing to preventing and combating corruption within while also influences its ability to act against corruption in Romanian society.

A “hard” component needs to be addressed in terms of resources and “decent level of salaries” for personnel implicitly: *Our structure should have more resources and more logistics in the field. You cannot fight corruption with a pen and a camera when criminals have very sophisticated means. (Participant no 4)*

Generally, building institutional capacity and consolidating it by standardising procedures and instruments were the main coordinates of fight against corruption within the institution (P2: 41-42, 58). A coherent and integrated human resources strategy, coupled with mechanisms for insuring ethical conducts, concrete responsibility and professional standards are the main coordinates for capacity building within police forces.



## Education and social values

Very important for the outlook of corruption are considered to be background factors of development like education, values which are regarded to grow in the positive sense either by the very logic of societal change or by slightly affecting them through policy.

As a major field of public sector, education system is singled out as a key part of the set of factors backing up corruption.

The **education system** is considered as rather outdated in both its methods and content of learning according to opinions expressed in the analysed interviews. The Romanian education system is traditionally preponderantly theoretic and emphasising encyclopaedic orientation. This is perceived as unpractical and having deep resonance in educating human resources for the fields of major importance to anticorruption like judiciary. This has even more importance especially in the knowledge society. Corruption became a global phenomenon, increasingly complex due to the new technologies. It needs well educated people and appropriate methods to deal with it. As a consequence of the education system described above, the quality of human resources in judiciary realm is rather low. To this, it adds the unequal relationship which exists between prosecutors and lawyers. While the lawyers have the opportunity of continuous learning by working on few cases, prosecutors have high workloads and little time to dedicate themselves to the intricate cases.

*The law school which is extremely important is still training people like in Ceausescu's times, meaning you learn a little bit of everything and you know nothing. (...) Today economic criminality involves a lot of legislation and even experience in international transactions. Corruption is globalised today and, besides the very act of corruption which might take place in Romania, the money will tour 7000 towns. (Participant no 9)*

For the sort of corruption affecting public systems like education and health, organisational restructuring is conceived as a solution to the current situation by representatives of judiciary, economy and media.

*The solution is to have a public system very well designed without doctors and nurses who are greedy and low paid. There is another problem, the recruiting system, the promotion system. (Participant no 7)*

**Education at individual level** is also pointed as a critical factor that influences corruption by other interviewees, as well. Individuals are not properly trained to the extent that they become very good professionals and this can influence the way they understand to carry out their jobs. In this view, a low work ethic and lack of responsibility go together with low level of education of people. Eventually, there is a



mix of factors that is not conducive to development either organizational or societal. To this view adhere also experts from media, politics and economy groups.

*It is definitely lack of education: since early ages we have to tell a child that giving ciubuc, persches, spaga or any other way you might call it is a negative thing. (Participant no 14)*

Another driver of corruption is considered to be the citizen's lack of education in juridical and institutional matters which might be a consequence of the setup of the communist society. The current framework of Romanian society is much more complicated and complex in comparison to the make-up of the former system. As a result of this aspect, people engage in corrupt behaviours without essentially comprehending all facets of their actions and the nature of the crime.

Consequently, it is especially important to address education system with the purpose of changing its content, methods and ultimately address social values. A basic framework for the struggle against corruption is made up from education, training, responsibility, professional conduct, intellectual curiosity. They are all placed at people level and follow 'the cultural' oriented explanation of corruption. All these qualities are the context for the honest work and for the successful anticorruption efforts. Looking up at the model posed by western countries would also be a major direction for those addressing corruption.

An important component of the education system reform should aim at the creation of leadership. This idea is supported from groups like economy, police, and civil society. Educating leaders would constitute a factor which in the long run would help in the general societal development.

Measures targeted rather at individual level include information campaigns as one line of argumentation maintains that people need to be educated in order to understand what is going on and what they are allowed to do. Only then we should apply clear rules for combating corruption.

*We should inform people in regard to their rights at national level. All institutions should be united in order to inform people before accusing them that they defraud European funds, for example. State institutions should gather their efforts and money in order to exactly promote and explain European legislation and then to expect for results. We do not have a guide of European legislation, for example. (Participant no 3)*

Also, initiatives targeted at local level in order to increase awareness of phenomenon and combating corruption have been already undertaken by NGOs and are considered a practical way of dealing with the phenomenon.



*We are currently trying to work bottom up not only the other way around by legislative framework. The NGO's are doing a lot of things in this area. (Participant no 1)*

Also, within police forces, several paths are followed in this direction: making the personnel aware of corruption effects, dissemination of preventive behaviour, “as mentioned in documents of similar EU organisations”. Among the educational efforts it is important to change individual attitudes towards corruption while generally “forming an attitude in compliance with the status of European public servant in Romanian administration” (P2: 75-100, 454).

A major line of reform of Romanian society is that of social values. Society is perceived as deeply unjust by many of the interviewed experts with the important values being affected by the transition period. There is obvious a perception of a state without normal social standards in society where people feel disoriented and having a sense of powerlessness. Most of all, the relationship between work and reward is impaired and as a result, an entire re-assessing of social values is needed in the opinion of experts from media and economy groups.

*You see people with doctoral degrees by the hundreds; sometimes diplomas are being bought and for me are worthless. ... We need to put down roots for a new value ladder in society, to understand what is important: re-asses education and family. Otherwise, things will not change. (Participant no 3)*

**Human resources and organisational culture** constitute other major areas that should be targeted in order to curb corruption. The quality of human resources in politics, judiciary, and police is of special relevance to corruption. All these spheres are seen as in need of higher quality of their human resources. Better selecting and recruiting of personnel for the institutions having roles in combating corruption would constitute an important mechanism in targeting the phenomenon under scrutiny here. Integrated approaches of human resources are regarded as appropriate especially for police forces as discourses from within group acknowledge.

**Endorsing anticorruption measures** through means like research and grassroots mobilisation represent a last dimension resulting from analysis of both documents and interviews.

The perception within the economic group is that anticorruption fight should be based on a professional analysis of the causes that determine corruption in Romania. There is the need for an institution that can provide reliable information on the phenomenon, while the current measurements based on perceptions are not considered the best way of



approaching corruption. They only measure results as they are filtered by people and influenced by the media whereas the very grounds of corruption remain very little known: *“Sociology only analyses the effects in the form of perceptions, not the causes. Between cause and effect there are means and I would say to identify causes and means through which corruption is taking place so that we can intervene on means and causes”*. (P 2: 25-32, P15: 18)

The need for a research component and risk analyses was also mentioned in case of police forces which are developed with the purpose of increasing capacity of acting against and investigating corruption within organisation. Understanding vulnerability and risks would create the general background for the efficient approach to corruption while protecting the whistle blowers (P2: 138).

Research is also needed in regard to legislation. According to opinions expressed from civil society group, a prior analysis of vulnerabilities that a specific piece of legislation can produce through implementation, in addition to the impact analysis of public policy, should be carried out, for the purpose of avoiding monopoly situations, discretionary exertion of power or lack of transparency.

A certain pressure exerted bottom-up, from the citizens, is needed in order to curb corruption especially in public administration. By using the mechanism of complaints against various unjust happenings, people can also contribute to reform in the view of civil society. Generally, more involvement and participation from the part of citizens are needed as such means can put forth pressure on public officials and influence their conducts in the positive sense.

### **Conclusion: searching for and researching the ‘reality’ of corruption through the analysis of documents and interviews**

The analysis of perceptions towards corruption revealed common sense theories on the phenomenon in Romania, highlighting the main lines of reasoning. In reading the data we should be aware that the materials analysed are themselves interpretations of corruption and fight against it and they were subject to further interpretation by the researcher. Consequently, we should keep in mind that the data in this report define an inter-subjective reality of fight against corruption. The results obtained constitute a tool for a deeper understanding of the ‘reality’ of fight against corruption as seen by the various groups.



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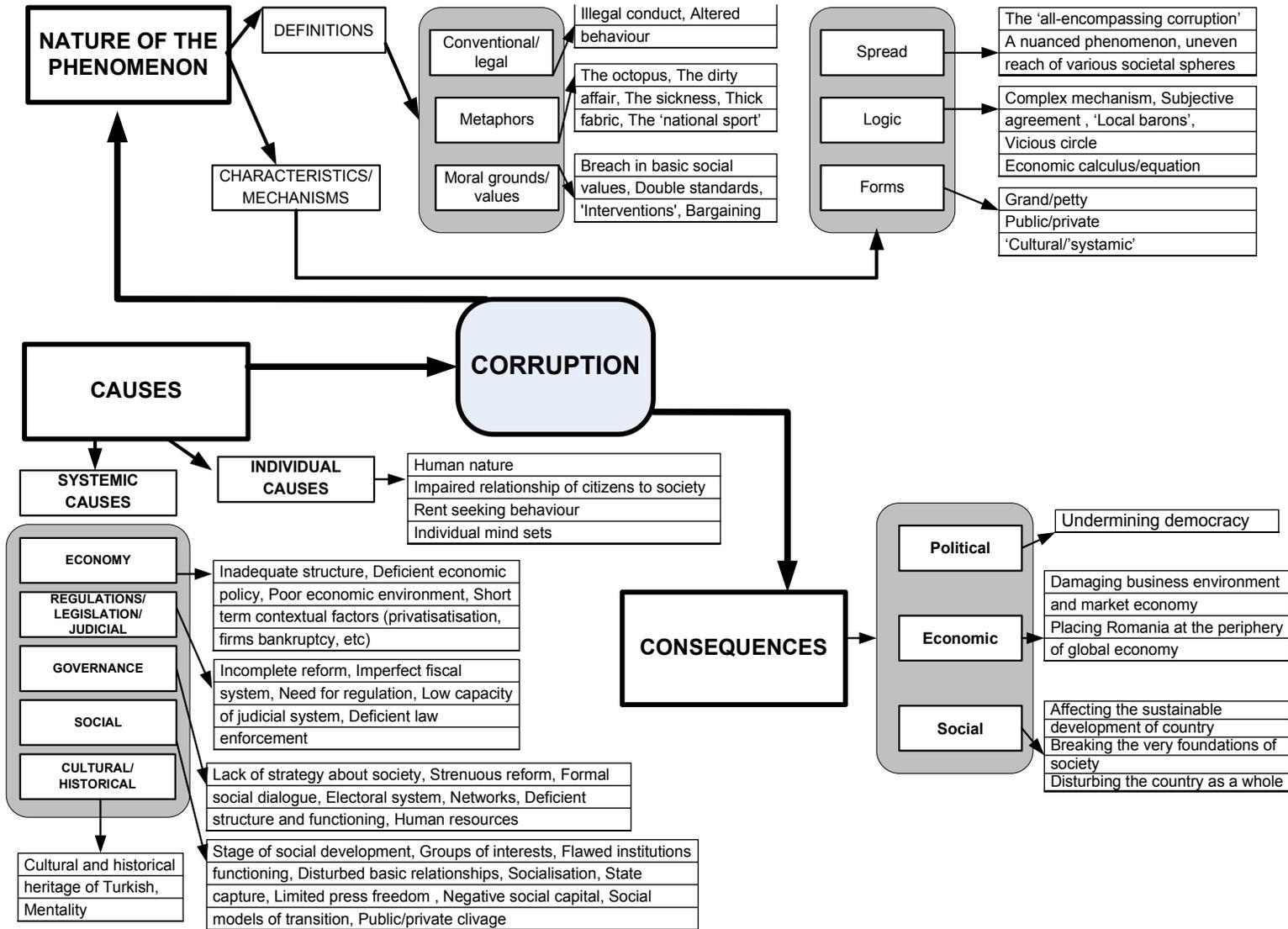
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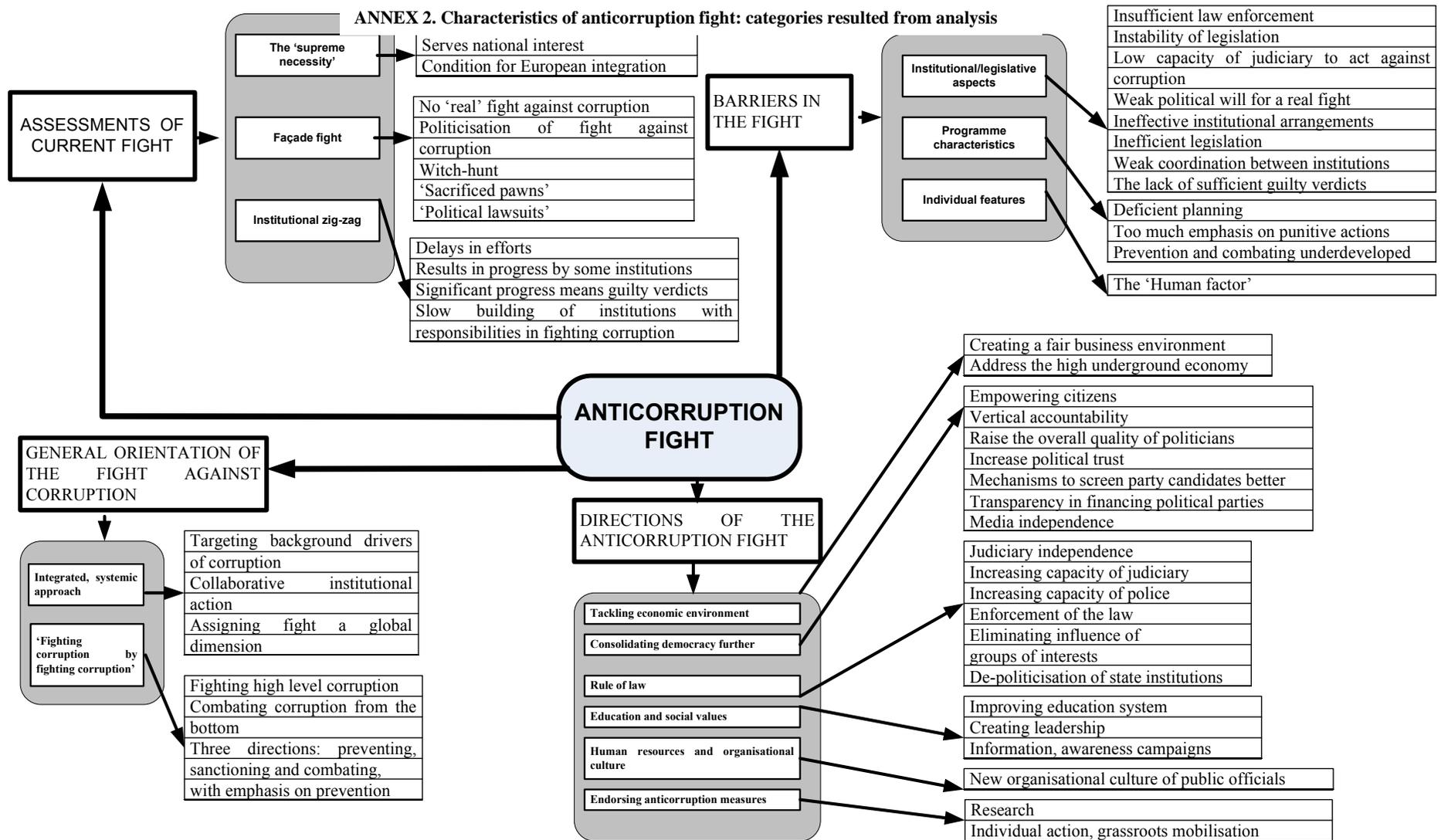


ANNEX 1. Causal model of corruption based on categories resulted from analysis





**ANNEX 2. Characteristics of anticorruption fight: categories resulted from analysis**





### Annex 3. List of documents quoted in the paper

#### *Media*

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P3: Bani albi pentru zilele negre din campanie... Finanțarea partidelor, sub lupa Autorității Electorale Permanente, Andreea NICOLAE, România Liberă, 23.06.2006

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P16: What does Amarie want? Cornel NISTORESCU, Evenimentul zilei, 23.04.2003

<http://www.evz.ro/article.php?artid=118412>

P14: Ole, ola, lupta, lupta, PNA!, Huidu & Gainusa, Evenimentul zilei, 27.10.2002

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P19: Foarte departe de o lupta reala anticorupție, Ioana MOROVAN, Mădălina DIACONU, Capital, 11.05.2005

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P2: Meet Your Candidates' program. A proposal on behalf of the Romanian Coalition for a Clean Parliament. Project description

P3: Press release of Coalition for a Clean Parliament, 12.08.2004

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P3: Transcript press conference of Minister of Justice 04.01.2005

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P7: Transcripts of interview of the Minister of Justice, Objective Europe, Antenna 3, 14 May 2006

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P2: Press release by National Anticorruption Directorate no.497/6 October 2004

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P5: Transcript of declarations of the Minister of Justice in press conference on the topic of rejecting the Emergency Ordinance on National Anti-corruption Directorate by the Senate, 9 February 2006

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P2: Transcript of meeting of secretariat of ADER, 24 January 2003

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P5: Code of ethics in business

P12: Press release by National Union of Romanian Association of Employers (UNPR), 2006-01-05, <http://www.unpr.ro/romanian/detailed.php?do=521>

P3: Coordination of regional efforts towards increasing transparency and promoting a favorable business environment A-914 / 18 July 2003, Chamber of Commerce and Industries

P11: Press release by National Union of Romanian Association of Employers (UNPR), 2006-01-09, <http://www.unpr.ro/romanian/detailed.php?do=522>

P15: On the Reunion of ADER, Romanian Association of Employers (PR) 27 October 2004 <http://www.patronatulroman.ro/documente/SECRETARIAT%20ADER.doc>

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P2: Transcript interview of the Minister of Administration and Interior, on high level corruption cases

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**SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION  
PRIORITY 7, FP6-2004-CITIZENS-5**



**SPECIFIC TARGETED RESEARCH PROJECT: CRIME AND CULTURE**

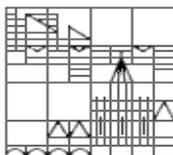
**Crime as a Cultural Problem. The Relevance of Perceptions of Corruption to Crime Prevention. A Comparative Cultural Study in the EU-Accession States Bulgaria and Romania, the EU-Candidate States Turkey and Croatia and the EU-States Germany, Greece and United Kingdom**

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