

Instruments of preventing corruption within the Ministry of Internal Affairs

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a. Introduction

Corruption represents a pregnantly manifesting phenomenon in the current society, one which not only caught the attention of all participants in the social department- police, justice, administration, but is also of interest for the public opinion. Both the institutional and individual stability and security are noticeably threatened, and the consequences of corruption could be devastating in an out-of-control situation.

In this context, but also in that of Romania being a country pertaining to the security space provided by NATO and the EU, one of its national interests is, without a doubt, the efficient fight against corruption and crime, keeping our country's status as a stabile zone and a security generating factor. Therefore, we must all have an active role in promoting certain anti-corruption policies in order sustain our national security.

b. Actual facts about corruption in Romania

The problem with Romania's real and total integration in the EU depends on the way Romanian justice proves its independence, impartiality, professionalism and its capacity to action as a righteous constitutional state. Up until now, the efforts of the active participants in the fight against corruption focused on its substantial minimization and control, on creating and adapting mechanisms and efficient instruments, changing the citizen mentality and public opinion's perception.

Nowadays, it is imperative for the national institutions to work together with the civil society and the citizens in an integrated system characterized by a flux and afflux of information and legality, in which each responsibility is clearly defined and kept with maximum efficiency.

At the same time, the European Commission has taken an interest in preventing and fighting corruption and has focused on taking additional measures and strict monitoring, this necessity of intensifying the fight against this phenomenon being closely tied with the national report course within the Mechanism for Cooperation and Verification. In this context, the Anti-corruption General Directorate became “the structure of the Ministry of Internal Affairs, with legal entity, specialized in preventing and fighting corruption¹”. AGD’s competence might represent a first step towards spreading the acquired expertise in preventing corruption amongst all public entities, followed afterwards by its reinforcement through exact protocols.

c.M.I.A. role in fighting corruption

Within the M.I.A, sticking to certain basic principles is essential for preventing corruption. Consequently, according to the principle of anti-corruption activities as prerogative, anticipated identifying and removing corruption as fast as possible take priority; according to the principle of efficiency, prevention relies on continuous evaluation of anti-corruption activities, not judging only by specific results, but also by institutional management.

Also, the principle of cooperation and coherence specifies the fact that cooperation between institutions for reassuring coherent conceptions on set objectives and following measures taken in order to prevent corruption; the principle of partnership emphasizes the importance of involving the civil society in various activities of corruption prevention.

MIA’s general goals regarding anti-corruption revolve around gaining the trust of citizens in the Ministry’s structures and personnel, but also around stimulating a civic sense of aversion towards corruption and promoting integrity, legality and professionalism within the staff in order to develop a proper organizational culture.

Among the specific goals, we can enumerate: efficient monitoring of the risk factors which generate or favor corruption within the Ministry, improving the quality of training programs in the field of anti-corruption and disciplinary management designed for the MIA staff, accountability of the MIA structure managers regarding countering measures and protecting the resident personnel signaling activities of corruption within MIA.

Within the Ministry of Internal Affairs, the means used for preventing corruption are the results of certain analyses, quantitative and qualitative studies, as well as accounts of international norms in the field.

The main instrument for preventing corruption on a national level is the National Anti-corruption Strategy of 2012-2015, which is also the most important normative act focusing on the phenomenon. The multidisciplinary document focuses on “reducing and preventing the phenomenon of anti-corruption through a rigorous implementation of the normative and institutional rules in order to maximize the impact of the anti-corruption measures”² and was applied on the Plan of action for implementing the National Anti-corruption Strategy. The Strategy has set as general goals the prevention of corruption through administrative and criminal actions, aims that are in perfect correlation with the European Union’s priorities regarding corruption: the retrieval of any goods obtained through crime, the protection of integrity advisors, the prevention and fight against politic corruption and protection of the financial interests of the EU.

An instrument specific to the Ministry of Internal Affairs is represented by the integrity advisor existing in a structure. This is “the assigned person by the structures within the central apparatus of MAI, the institutions and structures existent under or coordinated by MAI and their respective substructures, the leaders of which are 3rd degree money coordinator in supporting the corruption prevention activities developed by the AGD”³, who is also the contact person for the employees, structure administration and the AGD.

In this aspect, the integrity advisor assures the counseling of the personnel of MAI structures regarding the prevention of anti-corruption, and also the constant information of personnel about case

studies, social studies, analyses and opinion surveys carried outside of and within the Ministry, in close collaboration with the specialized members of the AGD.

One of the most important responsibilities of the integrity advisor is identifying areas in which the personnel still needs instructions in the fight against corruption in addition to proposing activities regarding the necessity and convenience of organizing and carrying them out by the specialized personnel of the AGD.

Another specific instrument, developed for performing anti-corruption activities, is the work group who also acts as a catalyst for the management of corruption risks. It focuses on elaborating prevention plans, evaluating and analyzing the displayed measures, the ways of implementing them, as well as identifying the risks, threats and vulnerabilities to corruption on a structure level.

The most important activities focus on the risk analysis of corruption in MIA, but also on information regarding precise risks of corruption in the activity fields of organizations and on prevention measure proposals.

The leading staff within MIA is held responsible for the prevention of corruption, which represents the third anti-corruption instrument. The responsibility and mobilization of the personnel pertaining to the field of corruption prevention has risk analysis as a starting point in addition to setting a controlled system for limiting the opportunities for corruption in the structures. At the same time, the personnel are bound to monitor professional activities of the subordinates so as to catch any sign of corruption. Also, the intensification of control activities of vulnerable corruption spots and the specialized check-ups carried out in the competent structures have to be among the personnel's responsibilities

Understanding of both national and international legislations regarding corruption prevention is another attribute of the leading staff, along with describing the relevant aspects to their subordinates. Also, including program or prevention strategies or norms of conduct in partial or annual evaluation tests, exams or contests for a position within MAI or in continual professional preparation plans, be it individual or in a group, is another responsibility of the aforementioned personnel.

Two other anti-corruption instruments are represented by the activities of information and instruction for preventing corruption on a level with MIA. These too are carried out by specialized personnel of the AGD in order to develop the residing personnel's capacities of utilizing and combining theory elements with practical ones, using attitudes and abilities specific to the field of corruption prevention and targeting mainly "newly appointed personnel in MIA, who works the most fields exposed to corruption risks, as well as leading personnel."⁴

The integrity test represents a way of testing the professional integrity of the MIA personnel through simulating practical situations in order to observe the subject's reactions and behavior in a programmed activity. The test takes place by "respecting the fundamental human rights and liberties, of human and professional dignity of the tested subjects."⁵ After the test, if acts of a criminal or disciplinary nature are detected, the AGD personnel will act accordingly by taking action either by filing a report according to the Criminal Procedure Code or by informing and urging a competent structure to take action by rule of the law.

As for the general instruments of preventing corruption, we state that there have been legal frames created by using ways of countering it on a national level. One of these is Law 571/2004 regarding personnel protection within Authorities and public institutions which signalizes breakings of the law, through which another instrument necessary to fulfilling the goals set in the field of corruption prevention was created. This way, noticing any breaking of the active normative acts represents a duty and proves a clean civic and moral sense in addition to wanting to get actively involved in respecting professional ethics and deontology. For this purpose, the leading staff is not allowed to apply disciplinary measures of any kind against the advisors who, in good faith, help by

reporting any felony or threat against professional deontology of the efficiency, transparency or well administration principles.

Lastly, Law 52/2003 regarding decisional transparency in public administration represents another instrument contributing to the maximization of the wanted effects in the fight against corruption. The normative act offers a legal frame which assures decisional transparency not only within central and local public authorities, but also in also public institutions using financial resources from public funds.

Concurrently, the aforementioned normative act targets the stimulation for active citizen involvement in the decisional process, as well as the developing of the normative act itself. The importance of getting the civil society involved in such activities is obvious and their participation also subsists because there is a need of improving the services offered by public institutions and mutual responsibility.

Furthermore, Law 176/2010 regarding integrity in exercising positions and public dignities, Law 144/2007 regarding the founding, organization and function of The National Integrity Agency, and well as Law 251/2004 regarding gratuitously goods received because of a position or following certain actions of protocol are three other instruments used in countering the phenomenon of corruption in public national institutions.

d. Conclusion

In conclusion, it's imperative to highlight the importance of how preventing activities must be permanently adapted to new social necessities and prioritized depending on the vectors detected in scientific research, sociologic studies and case analyses carried out rigorously with time steadiness. The dynamics of crimes attributed to corruption implies a careful look over activities of prevention and engaging all necessary resources in due time, be it human, informational, financial or technical.

e. References

¹ According to the Decree of Emergency no. 59/2013 regarding the appointment of measures for efficiently prevent and fight corruption.

² Adopted by the Romanian Government through Decision no. 215 of March 20th 2012 and published in Monitorul Oficial, Part I, no. 202 of March 27th 2012.

³ Decree 86/12.06.2013 regarding the organization and development of anti-corruption activities within MIA.

⁴ Decree 86/12.06.2013 regarding the organization and development of anti-corruption activities within MIA.

⁵ Decree MAI 256/2011 regarding the professional integrity testing procedure of the MIA personnel.