

PILLARS OF INTEGRITY IN THE ROMANIAN POLITICAL - ECONOMIC CONJUNCTURE

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Abstract: *In a general approach, we can define as the pillars of integrity the four elements that can function in a circuit and sense that help to increase the integrity, respectively: accountability, transparency, legality and politics, the pillars that ensure the national security of a state. The article analyses all these four elements according to the theory in the field and practical aspects which were met in the world during the last decades. The interdependency between political determinants and economical effects is obvious. This is the reason why we want to analyse the complex connections with integrity, also governance and appeal the different studies done by the international institutions in the world to demonstrate it.*

Keywords: integrity, responsibility, transparency, law.

INTRODUCTION

Analyzing the political and economic conjuncture in our country, we can emphasize that the pillars of integrity as strategic elements in the development of society are: "elected legislative, honest and powerful executive, an independent and responsible judiciary system, an independent general auditor (subordinate to Parliament) of the people, a specialized and independent anti-corruption agency, an honest and unpolished stable (bureaucracy) service, an honest and efficient local government, independent and unrestrained media, a civil society capable of promoting public integrity, responsible and honest corporations, and a framework international for integrity".³

Pillars of integrity can be defined by actions that require a maximum of responsibility, by ensuring transparency in all measures and policies that affect state citizens through a constructive policy and by improving and simplifying the legislative system.

Thus, to ensure national security, we must increase the integrity of citizens and build a system that ensures integrity and diminishes corruption.

„Where it hits the law, we must judge things according to the needs of reason and equity.”

^{1***}, 2013, *Consolidarea integrității și reducerea corupției în forțele armate-Culegere de practice exemplare*, Centrul de la Geneva pentru Controlul Democratic asupra Forțelor Armate (DCAF), Editura Arc, Chișinău, Moldova

1. RESPONSIBILITY

Responsibility is one of the pillars of governance, an important part of integrity, defined as "the obligation to do something, to answer, to account for something, to accept and bear the consequences; responsibility, function, responsibility".⁴

Responsibility is associated at all levels with the notion of accountability, being a lever of control, both at the macroeconomic level and in the structures below the central level. Through the actions taken, each citizen has to focus his attention on the responsible and efficient completion of all these actions.

Responsibility has several forms, namely: social responsibility, educational responsibility, democratic accountability ("democracy is not a gift, it is a responsibility"⁵), financial responsibility.

Responsibility can be seen in two ways, the responsibility of others towards us and our responsibility towards other people.

The simplest form of responsibility derives from the care of others towards us by the custom made, manifested by the care of the parents, the poets, the superiors, the governors. Larger form occurs when responsibility has to be maintained in the opposite direction.

Another concept is that of social responsibility, known since the beginning of the 19th century, which marks the emergence of the first corporations, and their owners participated in the construction of dwellings, schools, libraries, assuming responsibility within the community.

Archie Carroll and Ann Bucholtz said that "economic, legal, ethical, and philanthropic responsibilities make Corporate Social Responsibility (CSR)"⁶, aspect also found in practice. Thus, any corporation must, in order to achieve its objectives, comply with corporate social responsibility and always act in accordance with legal provisions, provide security to all investors and shareholders, conduct ethical conduct towards all parties involved, a positive impact on the community.

Another definition describes social responsibility as "engaging business environments that contribute to sustainable economic development in collaboration with employees, the social community and society as a whole to improve the quality of life and find opportunities for growth and society development".⁷

The European Union defines social responsibility as a concept through which a company voluntarily integrates all initiatives and concerns about social and environmental issues into business operations and interaction with stakeholders.

An element of responsibility can be associated with the notion of good governance.

According to the definition in the explanatory dictionary of the Romanian language, the notion of good governance is "Action to govern; management of a state or administrative unit. Popular advices are the most democratic form of government in our people's history".⁸

In "Making sense of governance: the need for involving local stakeholders", Goran Hyden, Julius Court and Kenneth Mease are surprised by the essence and the issue of good governance. They express their concerns about good governance in Making sense of governance: "Why, why and how can governance make a difference in the way a country develops?".⁹

⁴*Dictionarul explicativ al limbii romane - editia 2016, Univers Enciclopedic, Academia Romana*

⁵*Dalton Trumbo, 2007, Johnny Got His Gun Hardcover, Citadel – Kensington, ASIN: B00HTJRIFK*

⁶*Archie B. Carroll and Ann B. Buchholtz, 2001, Business and Society: Ethics and Stakeholder Management, fourth edition Teaching Business Ethics, USA*

⁷***, *Consiliul Mondial de Afaceri pentru Dezvoltare Durabilă (WBCSD)*

⁸<https://dexonline.net/definitie-guvernare>

⁹*Goran Hyden, Julius Court, Kenneth Mease, 2003, Making sense of governance: The need for involving local stakeholders, Working and discussion papers, USA*

Governance has appeared since ancient times, being analyzed by Aristotle in his work entitled "The Athenian State." Aristotle studied the old constitutions that existed in the ancient times, where lawmaking was made through the *smotheti*, they kept the text of the law and made it available to judges. This study shows us a way of sharing divided between nobles belonging to the aristocracy, state functions were handled by lottery and time-limited mandates, based on degrees.

Aristotle clearly conveys the idea that for the good governance an important role has the people, but equally important is the effect of the law. The essence of the term of good governance is given by the common good of citizens, and Aristotle has a certain preference to govern to the middle class of society.

In the 1980s in the World Bank's writings, Good Governance appeared for the first time, having been exposed in the debates of developing countries uncovered from the socialist system after the communist era was considered a precondition for the allocation of international financial aid.

In 1989 the World Bank in the preface of the study "Sub-Saharan Africa - From Crisis to Sustainable Growth", the notion of "good governance" is published through a conceptual archeology outline. In 1991, the World Bank supported the first conference on the theme of "the economy of development".

In 1992, the notion of good governance outlines a form expressed in the Governance and Development report: "a decisive factor in creating and strengthening an environment that fosters solid and equitable development, which is also an essential complement to robust economic policies." The information contained in this report refers to public sector reform and political accountability. The criticism of this report led to the emergence of the notion of "governance crisis".

The governance crisis, also called poor governance, includes:

- the failure of public and private delimitation, which led to the diversion of public funds to private gain;
- the lack of predictable governance and a legal framework;
- excessive attitude to the need for regulation;
- outstanding priorities for resource allocation;
- decisions in a resting context without ensuring transparency.

The World Bank considered that the stagnation of the development of developing countries in Africa is due to the lack of qualified staff, corruption and history, the mentality and legacy of the colonial past.

In the content of the Development in Practice Governance report, the World Bank issued in 1994 the principles of good governance:

- "predictive, open, informed decision-making process (a transparent process);
- a bureaucracy with professional ethical standards;
- an executive responsible for its actions; and a robust civil society involved in public affairs;
- the most important being the rule of law".

Analyzing the phenomenon of responsibility with reference to the idea of good governance, we can conclude that we must always have a predictable action plan that respects the lawfulness of all the actions undertaken.

"The world will not end because of those who do evil, but because of those who look at them and do nothing" Albert Einstein

2. TRANSPARENCY

In order to gain confidence and to make the integrity process more efficient, the second pillar comes in place, namely transparency.

Transparency is "clarity, intelligibility, clearness".¹⁰

Transparency must be ensured:

- in the act and program of government;
- in all social measures and policies;
- in the financial and fiscal sphere.

Analyzing the institutional structure of the rule-of-law bodies, we can note that the citizens of this state are increasingly expecting and calls for transparency at all levels through all means of communication.

An extremely important aspect derives from the desire for social rights outlined through educational aspects that create knowledge, respect and trust. By ensuring a satisfactory level of transparency, with respect for public integrity, citizens of the rule of law need knowledge, respect and trust.

The assurance of transparency was also achieved through the objectives and outcomes of the Anti-Corruption National Strategy 2012-2015.

Several general objects and specific objectives have been defined in the structure of the National Strategy.

One of the overall objectives of the strategy was to prevent corruption in public institutions, resulting in more specific objectives and implementing measures.

One of the specific objectives was "Remedying the vulnerabilities specific to public institutions by systematically implementing preventive measures". This Objective had specific measures as the material substance, namely the most important introduction of a unitary corruption risk assessment methodology at the level of the public institutions as a prerequisite for the development of internal integrity plans. The evaluation report identified several implementation structures that did not have unitary coordination, and the number of employees counseled by the Ethics / Integrity Councilor in the ministries indicates that at least in quantitative terms in different ministries (including the subordinate agencies) and in most independent institutions, the self-reported counseling activity was zero or no information was provided and the ethics counselors' missions are in principle formal and many representatives of local governments do not even know that this counselor exists in institutions.

Another specific objective addressing the phenomenon of transparency is "increasing institutional transparency by increasing the availability of open public data made available by public authorities" has involved measures both in ensuring compliance with the provisions on access to public information and information on transparency of the decision-making process and the development of e-government solutions, e-administration and e-justice as platforms for accessing public services by citizens.

Another element needed to increase integrity and integration into the pillar, called transparency, can be harnessed by employee knowledge of the ethical rules governing the exercise of public office or dignity, service duties, internal rules of various public institutions, working procedures and applicable sanctions are essential prerequisites for institutional integrity.

In other words, the promotion of integrity and ethics in public life cannot be achieved without the contribution and active role of citizens as beneficiaries of public services. Rejecting corruption by citizens, reporting irregularities or abuses are manifestations of civic spirit and respect for the rule of

¹⁰*Dicționarul explicativ al limbii române - editia 2016, Univers Enciclopedic, Academia Romana*

law. These values, however, need to be promoted and explained thoroughly, starting from early educational years and doubled by easy access to public information.

The implementation of the law on access to public information (adopted in 2001) has benefited from a rather favorable assessment at the start of the National Anticorruption Strategy.

It has been found that almost half of the monitored public institutions have failed to publish their activity reports for the year 2014. A number of tools have also been developed to provide access to information, such as the public hospital budget monitoring tool, payment systems and tracking of documents, publication by the High Court of Cassation and Justice of anonymous integral texts of all decisions made by this court, opinions of the National Immigration Agency regarding the interpretation of some legislative provisions, the broadcasting of the sittings local councils through local television, and the publication of open-data information from the institution's own initiative.

An important role in ensuring transparency and integrity is largely based on the implementation of the distinct integrity strategy in the judiciary, namely: "Strengthening the integrity and transparency of the judiciary by promoting anti-corruption measures and professional ethics standards."

Analyzing the specific objective "Strengthening Integrity, Efficiency and Transparency in Local Government" resulted in measures to simplify the administrative procedures for issuance of certificates and authorizations, the establishment of cost standards and the adequacy of organizational structures by reference to cost standards and population served.

3. POLITICS

The political element has a maximum weight at this stage, developing both positive elements and negative elements in the process of integrity, so politics is a basic pillar of integrity.

Politics is "the science and art of governing a state; form of organization and leadership of human communities, which maintains the internal order and guarantees the external security of the respective communities".¹¹

Analyzing the general and specific objectives contained in the national anticorruption strategy, we can mention as a specific objective "Increasing Transparency in the Financing of Political Parties and Electoral Campaigns", mainly based on the implementation of the recommendations made during the third GRECO evaluation round, adopted in the year 2010. The evaluation report found that the recommendations outlined in the Action Plan of the National Anti-Corruption Strategy were implemented satisfactorily, as follows:

- the introduction of the legal requirement that the annual political parties' statements to be submitted to the Permanent Electoral Authority (hereafter, AEP) should be independently audited prior to their submission;
- the AEP receives all responsibility for monitoring the compliance of the financing of the activity of political parties and electoral campaigns with Law no. 334/2006 on financing the activity of political parties and electoral campaigns
- extension of the limitation period applicable to violations of Law no. 334/2006 on financing the activity of political parties and electoral campaigns. Romania has only partly implemented the following recommendations:
 - introducing the obligation for political parties to transmit centralized financial statements to EPAs and to make publicly available appropriate summaries;
 - establishing the legal obligation that all donations be recorded and included in the accounting documents of political parties and electoral campaign participants;

¹¹*Dicționarul explicativ al limbii române - editia 2016, Univers Enciclopedic, Academia Romana*

- Introducing the legal obligation that all donations exceeding a certain ceiling be made through the banking system (the current threshold is 10 minimum gross wages, ie more than 23,000 UER, which is quite a lot);
- sanctioning all violations of the Law no. 334/2006 on Financing the Activity of Political Parties and Electoral Campaigns with Effective, Proportional and Dissuasive Punishments.

From a political point of view it was considered as a specific objective "Strengthening Integrity among Members of Parliament", this objective has, according to the Evaluation Report, limited progress.

When analyzing this pillar we will also explain the elements that arise from the financing of political activities, namely the funding of political parties and electoral campaigns.

Under Law no. 334/2006 on the financing of the activity of political parties and electoral campaigns, republished, as subsequently amended and supplemented (hereinafter referred to as Law No. 334/2006), of the Methodological Norms for the application of Law no. 334/2006 on financing the activity of political parties and electoral campaigns, approved by the Government Decision no. 10/2016 and the Regulation on the Organization and Functioning of the Permanent Electoral Authority, the report on the activity carried out by the Department for Controlling the Financing of Political Parties and Electoral Campaigns in 2017.

Contravention sanctions were found in order to be sanctioned by Law no. 334/2006, which addressed non-compliance issues:

- the legal provisions regarding the organization of the parties' accounting, according to the accounting provisions in force;
- the obligation to make the requested documents available to the control teams;
- the legal provisions regarding the obligation for the political parties to publish in the Official Gazette of Romania, Part I, the mandatory data regarding the sources of financing obtained in the fiscal year 2015 or 2016;
- the legal provisions on obtaining income from other sources;
- legal provisions regarding loan financing;
- non-observance of the legal provisions regarding donations and discounts that exceed 20% of the value of the goods or services offered;
- the obligation to carry out election expenses only through bank accounts opened for this purpose;
- legal provisions whereby contributions to election campaigns are considered donations;
- parties' obligations to report quarterly debts recorded in electoral campaigns;
- the political party's obligation to return to the election candidates the amounts reimbursed by the Permanent Electoral Authority and unspent amounts;
- the obligation of the political parties to submit the data for drawing up or updating the fiscal register of the political parties.

Non-contraventional deviations were related to accounting errors, the failure to draw up income tax forms (contributions, donations), the transmission of inaccurate situations regarding the sources and amounts of income obtained by political parties to the Permanent Electoral Authority.

In order to repair the identified deficiencies, besides the sanctions applied, a series of general or specific recommendations were formulated which consisted of:

- the permanent observance of the provisions of Law no. 334/2006 and the Methodological Norms for the application of Law no. 334/2006 on financing the activity of political parties and electoral campaigns;

- organizing and managing the accounting according to the provisions of the Accounting Law no. 82/1991, republished, as subsequently amended and supplemented;
- Compliance with the Accounting Regulations for legal entities without patrimonial purpose, approved by the Order of the Minister of Economy and Finance no. 1969/2007, as amended and supplemented;
- the observance of the Norms regarding the organization and performance of the inventory of the assets, debts and capital items approved by the Order of the Minister of Public Finance no. 2634/2015 on financial accounting documents.

4. LEGALITY

A fourth pillar of integrity is that of legality.

Legality is "strict adherence to laws, a legal order that ensures the life and activity of a society, a state".¹²

Applying legislation, principles and good practices as well as focusing on improving legally binding measures, prevention tools and anti-corruption mechanisms lead us into national security and defense.

The national security of a state is closely related to formal justice, "impartial and consistent administration of institutions regardless of the substantive / fundamental / essential principles."¹³

Failure to comply with the law raises the responsibility of those involved, so citizens of a state must show rational behavior that leads them to the most eloquent positive outcomes in relation to social justice.

"An interesting example is found in Ostrom, 2007 (p.81): access rights to common land were granted only to a household unit, and not to individuals as such. As a result, families with many members were at a disadvantage in accessing common goods. Population growth was very slow.

Perhaps, on the contrary, the rules of an institution are built in such a way as to be in disagreement with the interests of rational actors and other fundamental institutions. Thus, actors choose to avoid the costs associated with the rule by corrupting the formal administration of the rule.¹⁴

In 1999, in the book "A Theory of Justice" John Rawls expresses the idea of justice in the structure of social legality and makes a difference between the rules, institutions and citizens that make up the social structure. He believes justice can be assumed by rational, free and equal individuals.

Thus, legality is contradictory to corruption and is associated with integrity.

Loss by citizens and public institutions of interest in the need to comply with the law leads to the loss of legitimacy. Thus, corruption gains ground against the security of national security.

CONCLUSIONS

The four pillars of integrity must be focused on improving legally binding measures, prevention tools and preventive mechanisms in the sphere of national security and defense.

Thus, good anticipation, understanding, and development of an integrated, balanced, fair response capacity leads to the mitigation of the risks and threats of the rule of law.

¹²Dicționarul explicativ al limbii române - editia 2016, Univers Enciclopedic, Academia Română

¹³Radu Nicolae, 2010, *Corupția și politicile anticorupție*, Polirom

¹⁴Idem

The pillars of integrity in the current political-economic conjuncture in Romania are based on knowledge and education and, last but not least, on legislation. The purpose of building a system of integrity is to develop adequate systems of timely discovery of dangers, risks and threats, with a view to preventing their production by combining both military and civilian instruments, is imperative.

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