
Press release

Transparency International Romania makes a present to the political parties for the New electoral Year

The Romanian organization affiliated to the global coalition for the fight against corruption, transmitted to the Romanian political parties, today, 21 December 2003, a questionnaire containing 10 issues.

The questions were formulated by the citizens, following a sociological research, and they provoke the political parties to renounce to the vague discourses and to propose in return concrete public policies for the fight against corruption.

The political parties have as deadline for the filling in of the questionnaire the date of 1 February 2004.

The engagements of the political parties will be presented and commented from the perspective requested by the citizens with a month before the start of the electoral campaign.

The scope is to provoke a competition of the concrete electoral promises, such as to be easy to follow in the measure in which those were applied after gaining the mandate.

The comments and the debates will be sustained with the support of the media partner: The Romanian Radio Society.

Transparency International Romania will evaluate the responses of the political parties in order to analyze in what measure they are in conformity with the priorities expressed by the citizens. Ti-Romania will issue trimester reports, which will monitor the put into practice of the electoral promises regarding the fight against corruption.

This questionnaire, together with the completion criteria and the evaluation grid, can be an instrument equally powerful in the hands of any journalist or citizen wishing to appreciate the governing performance of the parties that gained the power in 2004.

TI-Romania forwarded the questionnaire to the address of the executive directorate and of the analysis, strategy, and public policies departments from: The Social Democratic

Party (PSD), The Greater Romania Party (PRM), The Democratic Party (PD), The National Liberal Party (PNL), the Democratic Union of Hungarians in Romania (UDMR), The Romanian Humanist Party (PUR), The Union for Romania's Reconstruction (URR), The Christian-Democratic National Peasants' Party (PNTCD), and the Popular Action (AP).

This action realizes within the "Concrete measures for fighting against corruption" project, financed with USD 25.000 by the Open Society Foundation, within the "The Open Societies Campaigns" programme.

The partner organizations are: The Institute for Public Policies, The Media Monitoring Agency - Academia Catavencu, and the National Democratic Institute - USA.

IT FOLLOWS THE QUESTIONNAIRE, AS IT WAS TRANSMITTED TO THE POLITICAL PARTIES

Date: 21 December 2003

To:

[the executive directorate and the analysis, strategy, and public policies departments of the nine parties: PSD, PRM, PNL, PD, UDMR, URR, PUR, AP, PNTCD]

Transparency International Romania wishes to analyze in what measure the Romanian parties and politicians will and are capable of fighting against corruption by proposing and applying concrete measures.

The Romanian citizens consider corruption a determinant factor for the lack of national and personal progress. They have also showed, following a sociological research realized by TI-Romania, that they wish to obtain from the politicians concrete measures and not discourses void of content.

Obviously, the 2004 electoral year will be one filled with discourses. The political parties have the opportunity to fundamentally modify their discourse, and, for each problem relevant for the citizens, to make concrete proposals, easy to quantify and to measure afterwards. Both the parties and the citizens, will have the instrument for verifying if the electoral promises were fulfilled after gaining the political power.

That is why, TI-Romania requests you to complete the following questionnaire with its 10 points. The questions resulted from the abovementioned sociological research. For your orientation, in front of each question you will find mentioned some of the concrete expectations of the citizens, as they were formulated in the focus groups we have organized.

We do know that requesting you to answer to this questionnaire represents a challenge. We hope you accept it. The challenge is to offer to the citizens a "user-friendly"

instrument for measuring themselves the capacity and the political will of you party to involve in the fight against the corruption phenomen.

In Romania – a representative democracy – the citizens directly hold the power only once at every four years: when they vote. And the parties obtain votes following the competition between the electoral promises. Our hope is that in 2004 the parties will bring in the electoral competition concrete and measurable promises, at least for the relevant issues from the fight against corruption.

THE LIST OF THE TEN QUESTIONS CONSIDERED RELEVANT BY THE CITIZENS

1. How do you ensure the transparency in the contractual relations between the public and the private sectors?
2. How do you increase the efficiency of the administrative apparatus and the accessibility of the public services?
3. How do you ensure the transparency in the manner of appointing the candidates for the public high offices?
4. How do you ensure the verification of the high officials and of the public functionaries in regard to the conflict of interest?
5. How do the public functionaries motivate their decisions and how do they are accountable for them?
6. How do you identify and signalize the public institutions' competences, the procedures, and the specific decisions?
7. How do you ensure the citizen's access to the regulations from an interest field?
8. Which are the mechanisms ensuring that the control agencies do not become themselves sources of corruption (in other words, are the controllers controlled)?
9. How do you ensure the magistrates' independence in confront to the political influences?
10. How do you support the nongovernmental organizations, the mass-media, and the business sector in order to monitor the manner in which Romania fulfills its obligations assumed through the international anticorruption conventions?

GUIDE FOR FILLING THE ANSWERS

Criteria for distributing the questionnaires:

- The questionnaires are distributed to the directorate of the political parties at 21 December 2003;
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- The deadline for receiving the questionnaires completed by the political parties is 1 February 2004;
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- TI-Romania will remind the parties, in 9 January 2004, the request to answer to the questionnaire;
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- The central directing structures of the parties are requested to debate and to approve the answers to this questionnaire;
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- The answers received after the deadline will not be taken into account.

Structure of the answer:

- A. Generic justification: the parties position in regard to the fight against the corruption phenomenon (maximum 300 words);
- B. The justification of the selection the party makes: which questions are relevant for the 2004 campaign and for the governance until 2008, respectively which questions are not relevant for the parties strategy (maximum 300 words);
- C. The concrete answers and the methods of applying the measures established for each of the questions selected in the B point (maximum 1.000 words); the answers must contain:
 - a. the description of the steps to follow in applying the measure;
 - b. the term to which the respective measure will be applied;
 - c. the immediate effects, on a medium and a long term, of the chosen measure;
 - d. the necessary resources for applying the measure (financial, legislative, informational, human);
 - e. the financing sources for applying the measure.

Examples of acceptable answers:

- i. legislative measures, with the clear specification of the realization term: *„establishing some methodological norms until the end of the summer of 2006 which will contain...“*;
- ii. enumeration of the concrete and measurable effects for the citizen’s level: *„the decrease with 20% of the number of documents necessary for making a transaction...“*;
- iii. exemplification of some procedure: *„the existence on the institution’s website of all the documents making reference to...“*;
- iv. answers bringing an argument (tactical or strategically) to the reasons for which the respective measure does not represent a priority on the electoral agenda of that party;

Examples of answers that cannot be considered valid:

- v. references to the legislation in force, that do not take into account the situation in field (in example, to the question 5, an answer of the type *„the law of the public functionary exists, for our party this topic is not a priority“* will not be considered valid because the mere existence of the issue in the questionnaire is an alarm signal for this topic);
- vi. circular or non-informative answers (in example, to the question 7, an answer of the type *„increasing the mass-media accessibility to the information provided by the central administration’s departments will be carried on by increasing the transparency of each department to requests on behalf of the mass-media“*);
- vii. doctrinaire or ideological answers, references to the failures of the precedent governments, value judgments, or references to international standards, in the case in which they are not accompanied by quantifiable arguments (in example, for the question 1, an answer of the type *„selling the public goods in report to the international norms“*).

CRITERIA FOR EVALUATING THE ANSWERS

The questionnaire is not conceived for measuring the corruption degree within the party, but its capacity of formulating public policies that would produce palpable effects in preventing and fighting against corruption.

Transparency International Romania will evaluate the answers on the basis of the above GUIDE and will emit trimester reports. These reports will analyze the manner in which the party fulfills the promises formulated in the answers to the questionnaire.

The responses will be analyzed according to the following point grid:

- 0 points the absence of any answer;
- 1 point Either a circular, uninformative, or un-argued answer, either a negative answer (the party does not consider it an electoral priority) without strategic or tactical arguments;
- 2 points Either a poor informative answer (maximum one from the C.a)-e) points), either a negative response (the party does not consider it an electoral priority) with only tactical and strategic specifications;
- 3 points Either a poor informative answer (maximum two from the C.a)-e) points), insufficiently argued, either a negative response (the party does not consider it an electoral priority) but with strategic and tactical specifications;
- 4 points Informative answer (maximum three from the C.a)-e) points), with the existence of a clear measure plan on a short and medium term;
- 5 points Adequate answer (three or more from the C.a)-e) points), with the existence of a clear plan of measures on a short and medium term, with the quantification of the measure's effects as a part of an anticorruption public policy.

QUESTIONNAIRE, TI-Ro, 21.12.03 FSD/CSD

Concrete measures against corruption

1. How do you assure the transparency of the contractual relations between the public sector and the private one?C

For your information, the participants to the focus groups were interested in:

- the existence of the sale by auction files made public (especially the final contract must be public);
- a retroactive code of the privatization (privatization contracts in a database accessible by the citizen);
- the clear identity of all those authorized to make the transactions, as well as those signing the contracts;
- transparent sale, acquisition methods etc.

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- feasibility, cost-benefit analyses, contracts and pre-contracts, execution report, evaluation reports concerning privatizations, granting, public acquisitions, public-private partnerships, associations in participation, etc.

- **2. How do you increase the efficiency of the administrative apparatus and the accessibility of the public services?**
 - **maximum 20 minutes queue, for any public administration service;**
 - **the citizen's certitude that the appointments are respected;**
 - **regulation of the guardians' role in the administrative apparatus (guardians shall no longer be obstacles in front of the citizen in its way to the functionary);**
 - **the decrease with 33-50% of the number of documents necessary for any public service or interaction with the administrative apparatus;**
 - **adapting the functionaries working hours to the citizen's needs and to its working program**

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- reducing the bureaucracy, the number of justifying documents (notifications, signatures, stamps), the time spent in queue, working hours and communication manner adequate to the citizen's needs

For your information, the participants to the focus groups were interested in:

- **3. How do you ensure the transparency in the manner of appointing the candidates for the public high offices?**
- - **the existence (and the publication) of some competence and evaluation criteria for the political leaders with functions of high officials;**
 - **information of the public on the professional and political activity of the appointed person;**
 - **existence of a short-list of candidates, and for the important functions, the organization of televised debates;**
 - **in the case in which public debates are not organized, the organization of debates within the parliamentary specialized commissions and their official reports are available for the public;**
 - **possible question for the party: which is the acceptable report between the party members and non-members to be appointed in functions of high officials?**

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- criteria of competence, of selection, of evaluation, modalities of encouraging the internal competition – in the party – for occupying

such functions; modalities in which the public can request to participate to the debates organized during the selection process.

For your information, the participants to the focus groups were interested in:

- **4. How do you ensure the verification of the high officials and of the public functionaries in regard to the conflict of interest?**
 - in the case in which suspicions (press accusations) appear, to organize an ex officio investigation, whose results will be available to the public;
 - appointment conditioned by the declaration of interests;
 - existence of a code of conduct for the local elected too, concerning the issue of the conflict of interests;
 - possible question for the party: will you politically support a party colleague accused of conflict of interest?;
 - publication ex officio of the declarations of interest (for high officials, executive members, or public functionaries – respecting the EU norms, therefore including in the declaration, besides themselves, the members of their enlarged families and their closed ones);
 - a periodical control of wealth and interest (not only the declaration from the beginning and the end of the mandate)

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- definition of the conflict of interest and of the incompatibilities; modalities of publishing the declarations of interest and wealth for the relatives, friends, and business partners (periodical or permanent); modality to verify the declarations of interest and of wealth (exhaustive or through a survey), respectively of the situations of conflict of interest and/or of incompatibilities; modalities to sanction the conflict of interest; modalities of transferring the attributions of execution, administration, and control in order to avoid the conflicts of interest.

For your information, the participants to the focus groups were interested in:

- **5. How do the public functionaries motivate their decisions and how do they are accountable for them?**

For your information, the participants to the focus groups were interested in:

- existence of some quality of the services norms;
- the running of the discipline commissions within the administration structures;
- existence of a code of conduct;

- any document emitted by a public functionary will be accompanied by indications for the citizen about how to make a complaint, appeal or recourse, whom to address if he is unsatisfied by the answer;
- periodically, the institution will publish the documents of the discipline commission and the sanctioned applied to the functionaries

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- evaluation criteria for the functionaries' activity; the modalities to positively and negatively sanction, both for the motivations as for the consequences of the decisions took by the functionaries; norms of professional conduct, in relation with the public; norms of conduct for the executive, verification, and control personnel; the manner of communicating to the public the paths and the procedures of attack both of the decision as of the functionary; the manner of communicating to the public the results obtained after the internal evaluations and controls.

- **6. How do you identify and signalize the public institutions' competences, the procedures, and the specific decisions?**

- **Which would be the first three measure you will adopt for increasing the acknowledgement level of the citizens concerning the procedures and decisions of the public administration;**
- **Solution of the guardians' problem (as obstacles) and of the information and posting points (inexistent or inaccessible);**
- **The clear assignment of the responsibilities and competences in promoting and informing for the unfocused and un-centralized services, the local authorities, and the services network**

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- **modalities of eliminating the communication barriers between the citizens and the institutions represented by the functionaries; definition of the criteria on which's basis the public administration authorities identify the competences, procedures and decisions that must be promoted; identification of the criteria for obtaining successful information campaigns.**

For your information, the participants to the focus groups were interested in:

- **7. How do you ensure the citizen's access to the regulations from an interest field?**

For your information, the participants to the focus groups were interested in:

- Publication of the daily agenda of the council meetings (county, local), respectively of the government meetings and of the parliamentary commissions;
- Transparency in regard to the funds, auctions, and the contracts of the central administration;
- Elimination of the purviews impeding the free access to the information of public interest on the reason of protecting the commercial interests;
- Increasing the accessibility to the Official Monitor, its entire publication on the web

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- identification of the areas of interest for the citizen; selection criteria for the pertinent regulations for each are; manner of promoting the selection thus obtained

• **8. Which are the mechanisms ensuring that the control agencies do not become themselves sources of corruption (in other words, are the controllers controlled)?**

- **Transparency of the competence criteria and the acknowledgement of the candidates activity at the moment of its appointment in such structures;**
- **Existence of the declarations of wealth and interest, in the employment moment, and the periodical verification of their content;**
- **The acknowledgement of the mechanisms and of the responsible in selecting the persons working for PNA and ANC**

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- criteria of competence, selection, evaluation for occupying such functions; internal and external mechanisms of verification and control; modalities through which it is made public to the personnel of the anticorruption agencies the length and the amplitude of the control; modalities of bringing to the public's knowledge the results of the investigations, controls, verifications, respectively of the procedures of positive and negative sanction of the functionaries

For your information, the participants to the focus groups were interested in:

• **9. How do you ensure the magistrates' independence in confront to the political influences?**

- **Which are the differences between the prosecutor and the judge in the magistracy;**

- **Which should be the relations between the Ministry of Justice and the Public Ministry;**
- **Which are the new constitutional purviews regarding the magistrates and how do they strengthen the judges' independence**

TI-Romania recommends you not to limit your answer strictly to the issues raised by the participants to the focus groups, but enlarge its sphere referring to:

- criteria of competence, selection, and evaluation; the manner of positive and negative sanctioning, both in the motivations as in the consequences of the decisions took by the functionaries; norms of conduct for the executive, verification, and control personnel; modality of verification of the declarations of interest and of wealth (exhaustive or through a survey), respectively of the situations of conflict of interest and/or incompatibilities; modalities of sanctioning the conflicts of interest; the role of the minister of justice and of the Superior Council of Magistracy in ensuring the magistrates' independence

For your information, the participants to the focus groups were interested in:

- **10. How do you support the nongovernmental organizations, the mass-media, and the business sector in order to monitor the manner in which Romania fulfills its obligations assumed through the international anticorruption conventions?**

TI-Romania recommends you to refer to:

The ONU Convention against corruption, adopted in Merida, Mexico, at 9 December 2003;

The OECD Convention for the fight against the foreign public functionaries' bribery within the international transactions, adopted in Paris, at 17 December 1997;

The penal convention on corruption, adopted in Strasbourg, at 27 January 1999;

The civil convention on corruption, adopted in Strasbourg, at 4 November 1999;

The European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, adopted in Strasbourg, at 8 November 1990;

The European convention on mutual assistance in criminal matters, adopted in Strasbourg, at 20 April 1959, and the Additional Protocol to

**the European convention on mutual assistance in criminal matters,
adopted in Strasbourg, at 17 March 1978**

For your information, this question was not debated within the focus groups.