

An Unsuccessful EU Policy for Combating Corruption in Romania

How a flawed approach failed to eradicate corruption in the country and how the EU's present strategy may not be sustainable

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Course: JSIS 301 A Europe Today

Section: D

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Due Date: Thursday, December 6, 2012



In July 1997, when the European Commission released a document summarizing their opinion on Romania's application for membership to the European Union, the Commission wrote, "[c]onsiderable efforts are still needed in the fight against corruption," (European Union). So in 2000, when accession negotiations began, the EU's conditionality program focused heavily around the issue of endemic corruption. However, upon the country's accession date in 2007, corruption was still such an issue that the EU instituted the unprecedented Mechanism for Cooperation and Verification specifically to combat corruption. Today, despite Romania's membership in the European Union, corruption remains a huge problem in the country. In this essay I will argue that the European Union's flawed anti-corruption policy and its lack of understanding of the local elite have failed to eradicate corruption in Romania.

Background: Romania's Deep-Seated Corruption Problems

Romania's corruption problem is a deep-seated one stemming from the communist era. After 1989, there was no meaningful turn over of power (Gallagher 204). Rather, "Romania is the former Warsaw Pact country that has enjoyed the greatest continuity in personnel and policy since communism was overturned [...]," ("Romania: nationalism", 185). These 'predatory elites' were opportunistic in the chaotic aftermath of the 1989 revolution, and used their insider power and their control over state resources to buy up state assets ("Romania: nationalism" 185; Gabanyi 353). Their newfound wealth allowed these 'nomenklatura capitalists' to retain power in the transition from Ceausescu-era communism to liberal democracy.

More importantly though, it allowed for the protraction of high-level corruption from Ceausescu government to parliamentary democracy.

Besides a corrupt elite, corruption in Romania at all levels is aided by an administrative structure that hinders adherence to the rule of law. A legacy of administrative centrality, variously called, "communist neo-Victorianism," "particularistic culture," or "dependency culture," allows for continued empowerment of the elite and disengagement of citizens, local authorities, and alternative interest groups (Janos 237; Pârvulescu, Demsorean, and Vetrici-Soimu 41-42; Papadimitriou and Phinnemore 628-629). As far as corruption, this means a lack of distribution of EU and domestic public funds, the disenfranchisement of extra-governmental interest and oversight groups, and a lacking culture of citizen engagement. It also has led to little regional administrative know-how, allowing the elite to hold continued sway over a system that they know how to manipulate. In turn, local civil servants will, in such an unequal and untrustworthy environment, manipulate their positions for meager private gain and are, ironically, resistant to change as it might take away the little privilege they have gained (Pârvulescu, Demsorean, and Vetrici-Soimu 43). As Geoffrey Pridham argues, this situation amounts to a lack of political capacity to conform to the EU's democratic conditionality ("The Effects of the European" 247-252).

The EU's Lack of a Decisive, Single-Minded Blueprint for Administrative Reform

A key problem within the European Union is its lack of cohesion and decisiveness, and the same can be said for its anti-corruption measures in Romania. Its lack of cohesion was apparent in its pluralistic twinning methods and the multi-layered system of EU decision-making used during the pre-accession process.

Twinning is the process by which civil servants from EU member states are sent to teach civil servants in acceding countries tools of 'effective bureaucracy' to produce administrative reform. By sending civil servants from EU member states, the EU offered Romanian civil servants diverse methods of administration rather than a clear and cohesive model for public administration (Papadimitriou and Phinnemore 636). Meanwhile, the EU's multilayered system aided corrupt Romanian officials by allowing them to exploit links with EU statesmen and bypass the European Commission (Gallagher 57).

At the same time, the European Union's lack of decisiveness has been, before and after Romania joined the EU, rampant on numerous fronts of the anti-corruption process. The incoherence of the EU system for managing funds has been exploited by the elite and trafficked for personal gain (Gallagher 221 ; "EU funds absorption in Romania"). Furthermore, the Union's evolving conditionality policy has meant a lack of a clear or specific blueprint for how to go about reform or for standards for assessment (Papadimitriou and Phinnemore 623 ; Phinnemore 305 ; Gallagher 205). Rather, anti-corruption policy has rested largely on broad values, like "transparency, accountability and professionalism," (Gallagher 14 ; "The Effects

of the European" 248). This leaves their application, to a great extent, in the hands of the Romanian government, thereby contradicting the EU's vision for a specific type of democracy (Papadimitriou and Phinnemore 623). And rather than having a clear plan from the get-go, EU's conditionality standards and policy have relaxed with time, stemming largely from individual concerns of member states. For instance, in the early phases of Romania's involvement with the EU, security concerns in the wake of the Moscow Coup and during the Kosovo War were a key factor driving Romanian accession rather than formal EU conditionality policy (Phinnemore 297, 299). And on the eve of Romanian accession in 2007, although there were clear indications that Romania had failed to fulfill the obligations of the Copenhagen Criteria, the EU did not enact its safeguard clause, which would have halted the accession process, because it would have effected European companies doing business in Romania (Phinnemore 292 ; Mungiu-Pippidi 47). The problem continues. According to Heather Grabbe, director of the Open Society Institute-Brussels, "The problem remains that the E.U. lacks an established mechanism and set of criteria on democratic standards that is transparent and applied to all member states," (Geitner).

The EU's Underestimation of the Local Elite

Not only has the EU been unable to match the single-mindedness of Romania's predatory elite, it has also profoundly underestimated the lengths to which Romania's corrupt politicians are willing to go to preserve the status quo. First, the EU's process was too superficial from the outset. As mentioned previously,

the EU lacks clear or specific anti-corruption standards, making them unbinding to corrupt officials accustomed taking advantage of loopholes. Second, they were short sighted, and so did not foresee how the revered EU convention, economic liberalism, would adapt to the corrupt Romanian environment. EU-prompted deregulation only gave Romanian predatory elite more power (Gallagher 9, 67). Finally, EU officials were naive to the Romanian elite's ability to appropriate Europeanization.

Romanian politicians exploited the EU's emphasis on values and timetables (Phinnemore 305). They adopted EU rhetoric, so that, in principle, they appeared to conform to its standards (Pridham 18 ; Pârvulescu, Demsorean, and Vetrici-Soimu 37-39). However, to Romanian politicians, "it is not democratization, but EU integration that matters most," and in practice much remained unchanged (Pârvulescu, Demsorean, and Vetrici-Soimu 45). In the words of Tom Gallagher, this amounted to "Euro-Balkanism," where negative political features like corruption and oligarchic control were actually reinforced by "the screen of a direction-less Europeanization process lacking real content," (Gallagher 11).

The EU's Top-Down Methodology: Promoting Superficial Reform?

The European Union has employed a top-down methodology for their anti-corruption and broader Europeanization project, making the impetus for the project inorganic and EU-driven. Such an approach calls into the question the depth and sustainability of anti-corruption reform.

For one, this forced and exogenous anti-corruption structure has led to a purely utilitarian relationship between the EU and Romania. As mentioned earlier,

EU officials and technocrats have been largely preoccupied with meeting the conditionality timeline on paper, while Romanian officials are driven more to satisfy so as to achieve accession rather than reform ("The Effects of the European" 238, 253 ; Pârvulescu, Demsorean, and Vetrici-Soimu 45). While the EU may seem relatively faultless in Romanian politicians' procedurally-motivated agendas, the European Commission has failed to engage with them in a more obvious way by choosing to contract with NGOs rather than Romanian political parties ("The Effects of the European" 237). Although this may promote the EU principle of pluralism, it should be asked whether such a bureaucratic approach can promote internal political reform, particularly in deep-rooted facets like corruption.

Geoffrey Pridham introduces the idea that the Romanian politicians' drive to satisfy amounts to a "dependency culture," which may clarify Romania's inability to transmit its politicians' "unqualified strategic commitment [...] to joining the EU¹," to a functioning political system ("The Effects of the European" 235, 243). If this is the case, then it casts doubt upon the utility of a vertical model for promoting the EU-ideal for government in a society with little custom, social or structural, of sovereign democratic statehood, but rather of sovereignty at a personalized level through such institutions as corruption².

Political scientist Andrew Janos even claims that the EU's democratization project amounts to a hegemonic regime, in which the EU and Romania are involved

¹ Article written prior to accession. Despite present membership, Romanian politicians are having difficulty applying their EU-centric agendas to an EU standard for political capacity.

² Based off of a quote by Andrew Janos. He claims that what the West sees as corruption, "may better be described as a subversion of impersonality in institutions and exchange by the persistent influence and recombination of personalized networks," (Janos 242).

in a clientele relationship (Janos 247). Similar to a clientele relationship then, much relies on the manipulation of expectations, more specifically, the future reward for which Romania meets the EU obligations of conditionality (Janos 238). Written in 2000, Janos hypothesized that, "a global recession might undermine both the western will to aid and the eastern ability to cope with the task of economic development," (Janos 248). This has indeed happened, and Romania to an extent faces the decision of whether or not to continue with the process of Europeanization if future reward is no longer a given. That said, the anti-corruption effort in Romania is dependent upon a fragile set of motivations, exacerbating its own tenuous momentum in Romanian society.

Therefore, it is necessary for the EU to ask themselves whether anti-corruption via conditionality³ achieves sincere and durable reform. Alina Mungiu-Pippidi concluded that, "conditionality prompts unsustainable change, a change that does not survive the lifting of sanctions," and in fact, there has been recent discussion in the European community that Romania is slowing down or even backtracking on its pre-accession progress (Mungiu-Pippidi 48). A report written by prosecutor Willem de Pauw for the European Commission claimed, "[...]in key areas such as the fight against high-level corruption, convincing results have not yet been demonstrated," while in a previous report de Pauw wrote:

[...] [I]nstead of progress in the fight against high-level corruption, Romania is regressing on all fronts...if the Romanian anti-corruption effort keeps

³ Although the conditionality process for accession is over, as mentioned earlier, Romania is still undergoing European corruption monitoring. The EU is going about this in a similar fashion to conditionality, so I regard it as a continual process.

evaporating at the present pace, in an estimated six months' time Romania will be back where it was in 2003, ("Corruption in Romania: In denial"). Additionally, the Freedom House *Nation in Transit* study lowered its rating for Romania's progress on corruption in 2003, 2005, and 2007, and has kept it the same since 2007⁴ (Stefan et al.)⁵. This is even more troubling considering that the European Union has been having difficulty holding Romania to 'the rule of law' now that it is a member state versus a candidate country (Fontenella-Khan).

Conclusions

In sum, the European Union's anti-corruption program in Romania hasn't eliminated corruption in Romania because of a lack of clear, decisive, or binding policy. Through this lack of comprehensiveness, the EU's anti-corruption model has contained serious gaps that have allowed the structural foundations of corruption in Romania to persist. However, rather than addressing those structural foundations through tighter regulation, the EU may want to ask themselves whether or not they should continue with their bureaucratic, top-down approach if they want to effect meaningful and long-lasting change.

⁴ The year of Romania's accession.

⁵ See Appendix.

Works Consulted

- "Corruption in Romania: In denial." *The Economist* 3 July 2008: n. pag. *The Economist*. Web. 4 Dec. 2012.
- "EU funds absorption in Romania: A funding obsession." *The Economist* 5 June 2012, Eastern approaches: n. pag. Web. 8 Nov. 2012.
- European Union. European Commission. *Agenda 2000 - Commission Opinion on Romania's Application for Membership to the European Union*. N.p., n.d. Web. 5 Dec. 2012.
- Fontanella-Khan, James. "Romania illustrates limits of EU power." *The Financial Times* 15 July 2012: n. pag. Web. 8 Nov. 2012.
- Gabanyi, Anneli Ute. "The New Business Elite: From Nomenklature to Oligarchy." 2004. *Romania since 1989: Politics, Economics, and Society*. Ed. Henry F. Carey. Lanham: Lexington Books, 2004. 353-72. *Scribd*. Web. 31 Nov. 2012.
- Gallagher, Tom. *Romania and the European Union*. Manchester: Manchester University Press, 2009. Print.
- - -. "Romania: nationalism defines democracy." *Transformations of Post-Communist States*. Ed. Wojciech Kosteki, Katarzyna Zukrowska, and Bogdan J. Goralczyk. New York: St. Martin's Press, Inc., 2000. 185-201. Print.
- Geitner, Paul. "Europe Rebukes Romania on Democratic Efforts." *The New York Times* 18 July 2012: n. pag. Web. 8 Nov. 2012.
- Janos, Andrew C. "From Eastern Empire to Western Europe: East Central Europe under Two International Regimes." *East European Politics and Societies* 15.2 (2001): 221-49. Print.
- Mungiu-Pippidi, Alina. "Romania: Outsmarting The EU's Smart Power." *Democracy's Plight in the European Neighbourhood: Struggling Transitions and Proliferating Dynasties*. Ed. Michael Emerson and Richard Youngs. Brussels: Centre for European Policy Studies, 2009. 41-48. *Societatea Academica Din Romania*. Web. 7 Nov. 2012.
- Pârvulescu, Sorana, Ana Demsorean, and Bogdan Vetrici-Soimu. "Evaluating EU Democratic Rule of Law Promotion, Country Report: Romania." *Center on Democracy, Development, and the Rule of Law*. University of Stanford, Sept. 2006. Web. 29 Nov. 2012.

Papadimitriou, Dimitris, and David Phinnemore. "Europeanization, Conditionality and Domestic Change: The Twinning Exercise and Administrative Reform in Romania." *Journal of Common Market Studies* 42.3 (2004): 619-39. *Business Source Complete*. Web. 8 Nov. 2012.

Phinnemore, David. "And We'd Like to Thank ... Romania's Integration into the European Union, 1989-2007." *Journal of European Integration* 32.3 (2010): 291-308. Print.

Pridham, Geoffrey. "Between Rhetoric and Action: Reflections on Romania's European Union Accession and Political Conditionality - The Views from Brussels and Bucharest." *Romanian Journal of European Affairs* 6.3 (2006): 5-24. Print.

- - -. "The Effects of the European Union's Democratic Conditionality: The Case of Romania during Accession." *Journal of Communist Studies and Transition Politics* 23.2 (2007): 233-58. Print.

Stefan, Laura, et al. "Nations in Transit: Romania." *Freedom House*. N.p., 2012. Web. 4 Dec. 2012.

Informative Works

Behr, Hartmut. "The European Union in the Legacies of Imperial Rule? EU Accession Politics Viewed from a Historical Comparative Perspective." *European Journal of International Relations* 13.2 (2007): 239-62. *SAGE Journals Online*. Web. 3 Dec. 2012.

Civil Society Development Foundation.
"Dialogue for Civil Society: Report on the state of civil society in Romania 2005." *CIVICUS World Alliance for Citizen Participation*. N.p., 2005. Web. 3 Dec. 2012.

Appendix

Nations in Transit Ratings and Averaged Scores										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral Process	2.75	2.75	2.75	2.75	2.75	2.75	2.50	2.75	2.75	3.00
Civil Society	2.75	2.50	2.25	2.25	2.25	2.25	2.50	2.50	2.50	2.50
Independent Media	3.75	3.75	4.00	4.00	3.75	3.75	3.75	4.00	4.00	4.00
Governance*	3.75	3.75	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	3.50	3.50	3.50	3.75	3.75	4.00	3.75	3.75
Local Democratic Governance	n/a	n/a	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Judicial Framework and Independence	4.25	4.25	4.00	4.00	3.75	4.00	4.00	4.00	4.00	3.75
Corruption	4.50	4.50	4.25	4.25	4.00	4.00	4.00	4.00	4.00	4.00
Democracy Score	3.63	3.58	3.39	3.39	3.29	3.36	3.36	3.46	3.43	3.43

Source: Freedom House. *Nations in Transit Ratings and Average Scores*. Web. Freedom House. N.p., 2012. Web. 4 Dec. 2012.