

EVALUATION REPORT

THEMATIC EVALUATION ON THE ANTICORRUPTION AND INTEGRITY ASSISTANCE PROVIDED WITHIN THE ROMANIAN ODA PROGRAMME

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EXECUTIVE SUMMARY

Romania is a relatively small donor in the development assistance world, particularly in the area of anticorruption that has become more recently a key area of focus for large donors. As such it has to reflect carefully about the best ways to generate impact with the available resources. Romania has a very important competitive advantage in the anticorruption context, as it is the Eastern European country that has made tremendous progress in the last decade in this field. Another key advantage Romania has is that historically it shares a similar past with the countries that are likely to be beneficiaries of assistance programs and has undergone a complicated transformation process itself while transitioning from dictatorship to democracy. Both these elements are guarantees of first-hand experience in anticorruption and societal transition and are powerful credentials for the potential beneficiary countries. Indeed, people tend to rely more on advice received from a peer perceived to have gone through similar struggles. Empathy and in-depth understanding of particularities of beneficiary countries play an important and often underestimated role in international assistance programs. Romania has both these advantages and should better exploit this excellent starting point.

Romania should see its development assistance programs as a part of the larger public diplomacy agenda. There needs to be a strong correlation between the geo-political interests Romania has and assistance investments. Traditionally most of the assistance funding went to projects in Moldova and a little amount to Ukraine and Georgia. This is a smart policy decision and Romania should resist the temptation of investing a bit in many places. The key to a good development assistance strategy is to invest where you can make a difference especially given the crowded international development assistance arena in the field of anticorruption.

Romania has a very robust anticorruption institutional and legal framework. In the past ten years, strong institutions have emerged and are producing results, legislation has been significantly improved, strategies and action plans are drafted in a collaborative manner and periodically verified in terms of implementation. The National Anticorruption Directorate, the National Integrity Agency, the Assets Recovery Office, the Ministry of Justice, the National Institute of Magistrates and the Romanian NGOs could all be sources of inspiration for similar actors in the region and partners in development assistance programs. Numerous study visits were organized for professionals in the region to the Romanian anticorruption institutions and this is a very non-expensive method to position the country as an expertise provider in the region. So far the NGOs have been more active in developing projects on anticorruption but all of them were done in a very inclusive manner, capitalizing on the expertise of Romanian anticorruption institutions. Some of these projects were funded by Romanian development assistance funds, others by larger donors active in this field. Unfortunately, at present anticorruption institutions do not have the capacity of implementing ODA projects and programmes, but can provide resource persons for technical assistance missions or experts in NGOs led programs.



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The impact of anticorruption and integrity projects that involved NGOs and representatives of public entities relevant to this field is very visible in the region – Romania is seen as a champion of anticorruption initiatives. Legislation and institutional framework applied in Romania is seen as a model in the Republic of Moldova, Ukraine and Georgia and has been considered by the governments and the legislatures of these countries a source of inspiration in designing their own integrity systems. Expert trainings are also bringing specialists from these countries closer together around the integrity and anticorruption agenda. Peer learning is very effective, especially because judges, prosecutors, police officers and integrity specialists see Romanian counterparts as more relevant to their national context because Romania shares to a certain extent the challenges of a post-communist recent past.

ROMANIA'S PRE-ACCESSION AND POST-ACCESSION PATH TO JUSTICE REFORM AND ANTICORRUPTION – COMPETITIVE ADVANTAGES EMERGING FROM THIS EXPERIENCE

After the fall of communism Romania entered a period of rough transition to democracy and market economy. Profound changes were happening in the society – particularly in terms of transfer of public property into private hands. With weak law enforcement and judicial institutions unfit to police and sanction abuse, corrupt practices flourished and a handful of people got hold of the most valuable public assets. Cynicism in the society increased with the grand majority of people living in poverty and losing the predictability of employment. Police officers, prosecutors and judges were underpaid and many good people decided to leave the public sector in search of a better life.

The first moves to increase payment for judges and prosecutors were done in 1996. Since then their legal statute was constantly improved with the current legislation being adopted in 2004 and refined in the following years. Romania's European ambitions played a crucial role in the area of justice reform and anticorruption. The country entered technical negotiations with the European Commission and was asked to produce concrete evidence that it was able to address its main weakness – high-level corruption.

Fight against high-level corruption is the supreme test for judicial independence. Most functional judiciaries can handle investigations and trials involving ordinary citizens. However, high-level corruption investigations have at the centre some of the most important people in a country – politicians, business people, media moguls. It is here where we see the limits of judicial independence, it is with these files that the checks and balances in legislation are stretched to the maximum. Romania had to reform its justice system at the same moment when results in the fight against high-level corruption were expected from the justice system. These were two seemingly divergent processes as a system that is on-going reform will not be able to employ its full potential to perform such a sensitive task. In times of reform people fear for their job stability and tend to keep a low profile in an attempt to limit their risks. This is a context feature that exists in the countries eligible for



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development assistance and having gone through this process, having direct experience in this field gives Romania a competitive advantage that Western Europe countries do not have. This paper will not analyse in-depth the intricate issues linked to Justice reform. Indeed, that is a subject that would deserve a separate analysis. Justice reform issues will only be touched upon when relevant to the main topic of this report that is anticorruption.

Romania could not afford the luxury of time – the European negotiations rollercoaster put pressure on governments to deliver under very tight deadlines. Delivery of results in anticorruption has certain peculiarities as in fact government has little saying in what the anticorruption agencies and the judiciary decide to do in each particular case. The ultimate decision in corruption investigations belongs to judges and in a rule of law state the government should not influence or be seen to influence such decisions. This brings into question the issue of independence and credibility of the Judiciary – which in the '90's and the early 2000's was ranking low in public perception. Politicians were perceived to control appointments in key positions and hold a strong grip over what was happening in the serious cases. Prosecutors and police were hesitant to investigate important people and any disobedience of prosecutors and judges was severely sanctioned. Building a Judiciary free from political command was central to the European negotiations. New laws providing for a stronger professional status of judges and prosecutors and for more safeguards for their independence were adopted in 2004 and refined during the following years. The government and the parliament were asked to create the circumstances for the Judiciary to perform independently and for anticorruption bodies to conduct efficiently unbiased investigations.

In 2002 a specialized prosecution unit to combat corruption was set-up in view of increasing performance in the fight against high-level corruption. The National Prosecution for Anticorruption (DNA) was designed upon the Spanish model with the help of a series of twining programs financed by the European Union. Apart from prosecutors the structure included police officers and specialists in an attempt to provide all the needed human resources within the same institution under one line of command. During the first years the unit had modest results concentrating its work on minor cases of petty corruption. In 2005 the management of the unit changed, the material competence was restrained to eliminate petty corruption and important cases started to be investigated. These gave a new impetus for the work of the DNA and for the first time in the history of the country important people started to be held accountable for corruption. The investigations were laborious and the Judiciary was for the first time faced with hearing accusations against high profile individuals. The trials took a long time as the procedural provisions were stretched to their limits. This has prompted policy makers to the need to adopt new Criminal Code and Criminal Procedure Codes to meet the needs of the judiciary in its attempt to cope with new forms of criminality. Extensive training was done for judges, prosecutors and law enforcement officers either through the National Institute of Magistrates or through training programs facilitated by Expert Forum and Freedom House and funded by international donors. These training events allowed for in-depth discussions among practitioners – Romanian and foreign – about the most effective investigative techniques, about new forms of crime, about financial flows tracing and assets recovery. These



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have played an important role in the transformation of the criminal justice system. Now, after 10 years, the National Anticorruption Directorate is seen as one of the most competitive anticorruption structures in the European Union. Having gone through such a spectacular transformation process of its main anticorruption agency gives Romania another competitive advantage in delivering development assistance in the region.

The transformation process did not happen over-night. It took years of hard work to investigate high-level corruption cases and to overcome procedural hurdles and attempts to dismantle the legal framework of the DNA. Parliament acted often to protect its members either by refusing to lift immunity and allow for criminal investigations or by trying to amend legislation to make investigations difficult or impossible. In such instances the role of outside pressure from Romania's international partners and of inside independent voices of anticorruption activists was immense. Keeping reforms done prior to accession in place post-accession has been one of the key objectives for supporters of the anticorruption fight. The Cooperation and Verification Mechanism (CVM) imposed upon Romania and Bulgaria post-accession provided the vehicle to convey sharp messages from Brussels. The countries eligible for development assistance are not in a similar position with Romania in terms of negotiations with the European Union. In some, the role of main international partner is played by the US, others are little impacted by external inputs. This leaves internal reformist forces alone in their attempt to promote rule of law, judicial reform and anticorruption. In this respect it is even more important for the internal voices to organize well and verbalise their demands – again here Romania has a competitive advantage in the region.

After the first high-level corruption cases were sent to courts the judicial battle between the accusation and defence started in front of the judges. It was then when Romania has seen that over-specialization of investigators and prosecutors was not matched by that of judges. Years of investment in increasing the capacity of anticorruption bodies were at risk because a similar process had not been taking place in relation to judges who were the last to say if a case was convincing or not. NGOs (Expert Forum, Freedom House) stepped in organizing trainings for the judges and prosecutors on investigative techniques and particularities of corruption crimes. The World Bank provided assistance in developing training curricula for assets recovery. The effect was multiplied by the National Institute for Magistracy which integrated the training materials in its continuous training curricula. Most of this material is relevant for the countries eligible for assistance – particularly the Republic of Moldova and Ukraine – as they will face similar challenges. Having gone through this process gives Romania another competitive advantage.

When Romania joined the European Union in 2007 the record of anticorruption institution consisted in an important number of indictments but very few final decisions in courts. Now the track record of DNA is solid and constantly improving with more than 1500 persons convicted between 2005 and 2012, 1051 in 2013 and 1138 in 2014. This data shows that it took years for the cases to be finalized by judges. Indeed, it was for the first time in Romanian judicial history when such complex cases were reaching courts. The complexity of criminal conduct was impressive; the defendants were high-profile people in the Romanian society – it was a



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true test to see if the pre-accession reforms show the expected results in practice. Management of expectations done by representatives of DNA and by anticorruption activists was important as people expected fast-track trials. It was key to explain that fight against high-level corruption must be done in full respect of the existing legislation and with due regard to the rights of those under investigation. Justice must treat everybody equally and due process is essential to ensure fairness.

Last, but not least, it was important to explain that not all cases will or should result in convictions. Indeed, it is essential for a true judicial oversight to have independent judges that are not always ruling in favour of the accusation - only in totalitarian regimes the conviction rate is 100%. In rule of law countries doubt plays in favour of the defendant and sometimes prosecution runs short of gathering all the needed evidence. This is something that should also be done in other countries, particularly those that are now setting-up anticorruption agencies, such as Ukraine. People expect fast results and unless this expectation is put in perspective of what is a fair judicial process and how long it takes, not meeting this expectation could generate social unrest (Euro-Maidan had large scale corruption at the centre of protests). In Moldova this social unrest is already present with people protesting in the streets against the lack of action on behalf of state bodies to prevent large-scale theft from the country's banking sector. Romania has a competitive advantage in this field because it has faced similar challenges but dealt with them early on.

Apart from the specialized anticorruption prosecution, Romania felt the need to set-up an administrative anticorruption body – the National Agency for Integrity (ANI). ANI deals with control of unjustified wealth, of conflict of interests and incompatibilities. ANI serves both functions – prevention through the online publication of declarations of assets and interests and combat through the controls it performs. The main reason to establish such a body was that not all misconducts could be proven in courts beyond the standard required for a criminal conviction. In many instances the priority is to take away the assets that public officials cannot account for, to end a situation of incompatibility or a conflict of interests rather than putting people in jail. As this is an administrative process the standard of proof is also lower than in criminal cases. The law was drafted in the pre-accession period and approved by the Parliament in 2007. ANI became operational in 2008 and since then it has built a serious track record of controls with more than 3 million euros taken back to the state budget. As in the case of DNA, it took time for cases to reach the end of judicial proceedings and various hurdles appeared along the way. This being a new field of expertise, judges needed intensive training – the Dutch assistance funds financed a program implemented by the Romanian Academic Society in partnership with ANI. The program trained about 300 judges and representatives of public institutions in charge with handling wealth and interests statements.

ANI is a purely administrative institution where inspectors have independence of the management in conducting verifications. All verifications are reviewed by courts and judges take the final decisions. The management of ANI may not intervene in concrete cases nor does it take decisions in respect of such cases after the verifications are finalized by inspectors. This is a model different from the one used in Slovenia or



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Lithuania where the control mechanism relies on a decision taken by vote by a politically appointed commission.

Apart from the verification work, ANI ensures that all declarations of wealth and interests are published on the website of the agency. At present more than 5 million statements are published which is a huge contribution to transparency of public life in Romania. ANI has complex data management systems that are often explored in discussions with international visitors. Publication of these statements allows for civil oversight done either by NGOs or journalists. In turn this gives support to ANI to perform its tasks as people see with their own eyes what public officials admit to own – many times in opposition to their standard of living. In all these aspects Romania has a sound experience to share within the framework of development assistance and a clear competitive advantage.

More and more countries in the region are interested in setting-up such structures – Moldova, Ukraine and Georgia have sent representatives to several study visits in Romania and in-depth discussions on organizational details were held with representatives from ANI. Armenia and Egypt also organized study visits, while Libya and Azerbaijan organized conferences to which representatives of ANI were invited.

The Ministry of Justice also has tasks in the area of preventing corruption. It is the coordinator of the national anticorruption strategy, it drafts legislation applicable to this field and it hosts the Assets Recovery Office. All these three tasks are relevant for development assistance and experts from the Ministry of Justice are constantly meeting international visitors participating in study tours and are requested to provide expertise to other jurisdictions.

The model used by Romania in developing and implementing the anticorruption strategy is open and inclusive, allowing for diverse voices to be heard and contribute to designing the process. NGOs are invited to brainstorm and comment of the draft programmatic documents – the national strategy and the accompanying action-plan. In the implementation stage NGOs are invited to be part of evaluation teams that visit key public institutions to assess their progress in implementing the commitments undertaken in accordance with the programmatic documents. The evaluation visits result in an evaluation report that is published online and complements the self-evaluation procedure envisaged by the strategy. This model builds trust between NGOs and public institutions and opens dialogue channels that are otherwise neglected or undermined by reciprocal distrust. Particularly in countries confronted with civic protests and low trust rates in public institutions such an inclusive process could help rebuild the social texture and foster dialogue. Though Romania did not face social unrest in recent years, the model implemented by the Ministry of Justice in designing strategic documents could be easily transposed in the region and could contribute to building ownership of the people over the anticorruption agenda.



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The Ministry of Justice is also the main drafter and provider of legal expertise in the area of anticorruption. Here too, most drafting processes are transparent with consultations with interested stakeholders taking place after a first draft is produced. Given the similarity between post-communist legal systems, representatives of the Ministry of Justice are often asked to review or contribute to legal drafting processes in Moldova and Ukraine. It is in this region that Romanian experience could be best used because the legal challenges encountered are common. Given the language advantage, Moldova is the most promising recipient of assistance in this field, with Ukraine following at some distance. Less useful is this experience in countries with a completely different legal system – such as the Arab countries.

Assets recovery is more and more becoming central to efficient fight against corruption and graft. Traditionally prosecutors and judges would concentrate on the criminal sanction part of the cases, on the correct individualisation of the penalties. However, at international level the emphasis shifts towards recovery of undue benefits and diverse tools are being developed to allow law enforcement and the judiciary to get hold of these assets. In the European Union, as well as in other jurisdictions, Assets Recovery Offices are being set-up to serve as support units for prosecution and police. The tasks of these offices range from mere international cooperation in sharing intelligence with other jurisdictions in view of identifying assets of suspects to assets management functions when the unit administer seized and confiscated goods – alone or in partnership with the fiscal authorities. Romania is relatively new in this field but it is precisely the challenges faced by a country that starts to develop such systems that is attracting interest from visitors coming from the region. Only this year a large delegation of Moldovans, Ukrainians and Georgians followed by another one composed by Ukrainians solely visited the Assets Recovery Office within a program organized by Expert Forum and financed by the Black Sea Trust. The Ukrainian legislation in the field that is being developed today had taken many of the features of the Romanian legislation and Romanians are invited to review it and provide comments. It is an area where Romania has a competitive advantage.

In the area of legal training, the National Institute of Magistrates could help disseminate training curricula and materials relevant to anticorruption. Given the language advantage, Moldova could be the primary recipient of this type of assistance. Trainers of the Institute could also be part of training programs in other countries and past experience has shown that contributions from Romanian trainers have been highly appreciated.

The Superior Council of Magistrates has gone through successive reforms with regard to judicial discipline. Dealing with integrity issues within the Judiciary was at first a task to be avoided. During the years, demand for action taken by the Council against judges and prosecutors with integrity problems increased. Indeed, as a preventive measure, the Council should deal early on with misconducts so that they do not result in more serious breaches bringing into questions criminal liability for corruption. Now the track record of the Council in this area has improved, but the transition has not been an easy process. In the region the tendency of self-governing bodies in the Judiciary to protect their constituencies are obvious. However, in recent years the role of the Superior Council of Magistrates in sanctioning misconducts in the Judiciary has increased and this is



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key to building trust in the anticorruption efforts. While in the recipient countries prosecutors are not magistrates like in Romania, the country's experience in dealing with integrity issues of judges is very relevant.

Then story of Romania shows that anticorruption drive has to develop on several fronts at the same time. The growth of a vibrant civil society capable of holding the government accountable is paramount therefore potential assistance to NGO empowering and partnership building between Romanian NGOs and those from the region are critical. Care should be devoted to designing financing programs that are appropriate for the capacities of the beneficiaries – and here Romania could learn from the experience of other donors that handle bilateral funding. Another key area for assistance could be built around the model and practice of Romania's anticorruption institutions – the National Anticorruption Directorate, the National Integrity Agency and the Assets Recovery Office. The importance of the socialization effect – the interaction between peers coming from different countries – should not be underestimated. Professionals that work in this field are often sceptical as to potential reforms in their countries, but they are more likely to listen and be inspired by their peers – this effect was visible in Romania and is still an important factor in the training programs organized for anticorruption professionals. The story Romania has to share is more powerful for the countries that share a similar historic background. Romania has also a long lasting experience in designing and implementing anticorruption strategies and policies.



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ROMANIA AND THE REGION – A CAPACITY AND NEEDS ASSESSMENT

This section of the report will consider the partner-countries of the Romanian ODA: Black Sea Extended Region: Moldova, Ukraine, Belarus, Georgia, Armenia and Azerbaijan and MENA Region: Egypt, Tunisia, Libya, Iraq, Palestine and Afghanistan and will attempt to identify a strategic geographical niche where Romania could focus its development assistance efforts in the field of anticorruption for increased effectiveness and efficiency.

Countries in these regions are diverse and at various stages of democratic development. They are coming from different backgrounds and are choosing very different futures. For a small donor like Romania it is impossible and unwise to invest equally in all of them. Romania should seek to identify those that are following a similar path of transformation from authoritarian regime to democracy. In many countries people demand anticorruption and rule of law in the streets by organizing protests against governments perceived as corrupt. Ukraine and Moldova are recent examples of social unrest, while some of the other countries have undergone massive protests in the context of the Arab Spring movements. Some of the countries that are eligible for development support are facing armed conflicts and a surge of refugees. These elements are shifting the list of priorities from in-depth reforms to pacification and crisis management processes. Anticorruption is a third generation type of reform which follows pacification and establishment of a reasonably democratic stable system. In this case, order is of the essence – it is dangerous to built strong anticorruption institutions in dictatorial regimes as these will be used to gather an even stronger grip over political opponents. While combating corruption is important, even more important is to ensure that political pluralism and the protection of human rights are in place before starting the anticorruption reforms.

Healthy corruption combating programs develop hand in hand with rule of law, protection of rights of defendants, limitation of powers and judicial control over law enforcement and intelligence, independent judiciary and a civil society capable to hold the government accountable. It is also true that one never enjoys a perfect political and social context – if all these requirements would be in place that respective country would have probably already dealt with its corruption issues. So here too there should be a sequence of intervention in terms of development assistance – first come programs that empower civil society (or in fact make it grow), then transparency in governmental processes should be promoted and later judicial reform programs should be implemented. This was also the path Romania has followed, with the '90's witnessing the development of a vibrant civil society, the early 2000's when the freedom of information act and the sunshine law (transparency of the decisional process) were approved and later with the creation of anticorruption bodies and the steps taken towards freeing the Judiciary from political control. It is important that, unlike Romania, these countries can develop without the time pressure. On the other hand, this is also a disadvantage because without outside pressure local reformists will not receive the support they need to push for reforms.

The Romanian experience in preventing and fighting corruption is a significant competitive advantage from a donor's perspective. Not only did the country with significant corruption problems managed to tackle them in



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an effective manner, but also the recent communist and post-communist past is very relevant to many countries that are potential beneficiaries of assistance. The transition from communism to democracy is something most of the countries in the region can relate to. Romania had to fight to battles in parallel – one against corruption, one to reform its Judiciary. These are not easy tasks and countries like Moldova, Ukraine and Georgia are struggling with the same priority setting issues at present. Given the strengths and resources that Romania can offer in the field of integrity and anticorruption and given the needs of potential partner countries it would be most effective if Romania would focus its assistance efforts in the immediate geographical proximity – the Republic of Moldova, Ukraine and Georgia. Romanian expertise can be provided upon request to other countries as well, including those from the MENA region, but a strategic focusing of the Romanian development assistance efforts in this field needs to take into consideration the particularities of each country's development stage, in order to decide if a solid support in the field is opportune. In the specific case of the MENA region, the internal political complexities of these countries require the prioritisation of different processes, required to form a solid foundation for a successful judicial and anticorruption reform.

ROMANIA'S REGIONAL DONOR PROFILE – A CAPACITY ASSESSMENT

Such large-scale reforms that should come before anticorruption programs are outside the range of what Romania as a donor could cover. There are large support and assistance programs funded, among others, by the European Union, the United States of America through USAID, UNDP and Black Sea Trust for Regional Development which play the central role in promoting grand reforms in many of these countries. OECD through the Istanbul Action Plan¹ and the Council of Europe through GRECO² are providing regular evaluation reports with regard to Moldova, Ukraine, Belarus, Georgia, Armenia and Azerbaijan. The European Commission³ is also preparing and publishing regular reports with regard to developments in countries with which negotiation procedures are on-going. These reports help inform potential donors with regard to the precise needs various countries have in the area of prevention and fight against corruption and help shape the concrete support. Projects range from technical assistance to public institutions and NGOs to institutions-to-institution type of projects.

Romania is a small donor compared to other organizations that are active in this region. As such, it needs to target its resources towards countries and issues where they are likely to generate significant impact. Good lessons could be learnt from the experience of other rather small donors like the Dutch government. One of them is that instead of investing only in institutional capacity building programs it is wiser to also allocate a portion of the money for grassroots democratization programs implemented by local NGOs alone or in partnership with the ones on the ground. Indeed, reforms in the area of rule of law and anticorruption are

¹ <http://www.oecd.org/corruption/acn/istanbulactionplan/>

² http://www.coe.int/t/dghl/monitoring/greco/default_en.asp

³ http://eeas.europa.eu/enp/documents/progress-reports/index_en.htm



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volatile and easily reversible. In order to consolidate their sustainability one needs to encourage the growth of demand for democracy and rule of law from the local constituency.

Small projects implemented by NGOs could produce long-term results by helping people understand that it is in their hands to hold their government accountable both at national and at local level. Fiscal literacy is one of the key competences that should be promoted together with tools and mechanisms to extract information from public institutions. Projects need to be size-wise manageable by NGOs in countries in transition. Building large-budget projects would exclude some of the most active and resourceful players from the application process. Often NGOs in these countries have difficulties handling big budgets from an administrative perspective. Payments should be made in instalments upon successful completion of successive project phases. This will help mitigate the risk of low performance as well as other risks associated with the implementation of projects in transition societies.

Romania's capacity for development assistance ranges way beyond its funding capability. In recent years, Romanian institutions have disseminated good practices using funding from other donors. DNA, ANI, CSM, INM and the Ministry of Justice have provided expertise in many programs funded by other donors. The same is true for Romanian NGOs which are often more pro-active to seek funding than public institutions. Anticorruption has become a Romanian product, a true label for the country. This approach should continue because it brings international recognition with relatively small investment. Study visits to Romanian anticorruption and judicial institutions, regional conferences, seminars and trainings are flexible instruments widely used to disseminate good practices.

There is still little capacity in Romanian institutions to draft funding applications and to manage large development programs. One reason could be the fact that with due cause the management of these institutions sees such programs as secondary to their primary task which is to fight and prevent corruption at home. As corruption is still a serious problem internally, this primary task tends to take all the time available for people working on anticorruption leaving little space for development work. NGOs have stepped in to cover this loophole by applying for projects in partnership – formal or informal – with public institutions and taking over all the administrative burden. Anticorruption institutions serve exclusively as expertise providers, a task that is closer to their primary mandate than the cumbersome bureaucratic project management tasks. Building capacity in the anticorruption institutions to also handle projects themselves would be desirable, but the likelihood of this happening in the near future is rather modest. In this context an option would be to set-up a centralized development assistance providing entity to deal with the administration of projects and mobilise experts from particular institutions. One excellent tool to facilitate these exchanges is the Mobility Fund for Governmental Experts which allows for transfer of expertise and for short term assistance missions. The awareness regarding this instrument should be raised both within Romania and with the potential partner countries. Events such as conferences and training seminars could provide the forum for sharing information about this tool. If made aware about this instrument, NGO representatives could also inform their counterparts



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working in public institutions in partner countries about its existence. Another option that could simultaneously be used is to continue to encourage projects done in partnership by NGOs and public institutions which have the distinct advantage of providing different perspectives to the beneficiaries. Also this approach does not involve costs – as opposed to the other options presented.

Romania is seen as a successful example in the region, a proof that reform is possible even in countries in which corruption is deeply rooted. Romania is perceived to be more similar to the countries in the region than Central or Western European countries and as such reforms that have been implemented here are more likely to be transposed in other regional contexts.

A REGIONAL NEEDS ASSESSMENT

The Republic of Moldova has been for years a priority country for Romania's development assistance. Most of the financial resources are channelled towards helping the reforms in Moldova – as shown in Annex 1. This is a good decision that helps build a reputation of seriousness and commitment for Romania in the neighbouring country. Opinion leaders and the media outline constantly the financial support received by Moldova from Romania and the recent loan given to help the country out of financial turmoil and freezing of other financing sources goes in the same direction. This two-folds approach – money to help the country go through the financial crisis together with money for development projects on anticorruption is very appropriate, especially because the Moldovan financial crisis is generated, at least partially, by the low performance of controlling and anticorruption institutions in tackling large scale theft. Romania should continue to consolidate this reputation both by investing national development money in funding profound reforms in Moldova and by using money from other donors notably the European Union and the United States of America to set-up knowledge sharing programs between public institutions involved in anticorruption and NGOs active in this field.

At present Moldova is facing a profound political crisis and the Speaker of the Parliament has convened a group to re-design the anticorruption agenda of the country. Again the roles of the anticorruption institutions are discussed and re-assessed. The Chief Prosecutor of the National Directorate of Anticorruption from Romania was invited as an expert within a EU peer-review mission to assess the roles and performance of the prosecution service and other law enforcement entities with competences in the fight against corruption. Another ex-prosecutor of the Romania National Directorate for Anticorruption serves as a medium term expert with the Moldovan National Centre for Anticorruption – a police unit competent to investigate corruption related offences. As Moldova is redesigning the law on prosecution it would be a perfect moment to point out again the advantages of having prosecutors with magistrate status as a safeguard against political interventions. Romania can serve as a source for inspiration in this field and during the bilateral exchanges Romanian specialists point often to this particularity of the Romanian judicial system when asked to describe the ingredients to a successful anticorruption campaign.



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Numerous exchange programs were organized between Romanian and Moldovan specialists. In the process of redesigning the institutional framework on anticorruption in Moldova, Romania could serve as a successful example of institutional arrangements:

- with the Romanian National Anticorruption Directorate comprising the tasks of the current Moldovan National Centre for Anticorruption and the Anticorruption Prosecution Office
- and the Romanian National Integrity Agency covering the tasks of the Moldovan National Integrity Commission

The Romanian example could inspire the Moldovan decision makers to build systems that can operate independently, without complicated schemes of competence sharing among institutions which lead always to delays and lack of efficiency.

In addition to Moldova, an increasing demand for assistance comes from Ukraine. The country is struggling to define itself in relation to Russia and to build its statehood at the same time with restoring trust in public institutions. In the streets people are demanding anticorruption and civil society is fully engaged in drafting legislation and in selecting staff of the newly set-up anticorruption institutions. Ukraine is asking for help in drafting its legislation and in developing by-laws to be used by various institutions. Romanian models are used when designing anticorruption institutions and supporting legislation in the area of assets recovery. It is likely that once these institutions become operational more emphasis will be put on experience sharing programs among practitioners. NGOs are cooperating in the implementation of regional programs. Assistance needs are identified by NGOs that are later mobilizing funding to address those needs. Often Romania is targeted by these knowledge-sharing programs which means that without using its own financial resources it can disseminate its experience regarding its reform path.

Georgia is also a country that has recently started to be interested in Romania's example on anticorruption. Rather than having projects focused solely on Georgia, representatives of Georgian public and non-governmental sectors were exposed to Romania's experience in more diverse groups that include Moldovans and Ukrainians. The socializing effect is contributing to experience sharing especially since Georgia is also a provider of expertise on anticorruption in the region. Having more diverse groups allows for in-depth discussions among the participants and for faster and more reliable comparisons between various solutions found in Romania and Georgia for corruption-related problems.

For the rest of the Romanian ODA partner countries, the Romanian authorities and NGOs serve as inspiration for future endeavours. Representatives of these countries are travelling to Romania on various study visits to learn about the Romanian experience and analyse to what extent this can be transposed into their legal and institutional contexts. International conferences and seminars are also a good mechanism to share best practise and offer advice on how to build strong anticorruption tools. Last, but not least, various other donors – such as the European Commission through TAIEX – are facilitating exchanges of expertise by bringing



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European experts, Romanian included, to seminars in these countries to explain various models to prevent and fight corruption.

BRIEF OVERVIEW OF ANTICORRUPTION PROJECTS SHARING ROMANIA'S EXPERIENCE

During the last years, several Romanian NGOs have implemented projects focused on the developing partner countries in the region, particularly in the field of anticorruption and integrity. Expert Forum, Freedom House Romania, the Romanian Centre for European Policies, the Partners for Local Development Foundation have been active in designing and implementing projects mainly focused on The Republic of Moldova, Georgia and Ukraine. Experience sharing programs for judges and prosecutors, direct assistance to anticorruption institutions, transparency and integrity in the public administrations, summer schools on active citizenship and rule of law were among the key-areas of these programs. Romanian anticorruption institutions have contributed their time and expertise to these events and enriched the discussions with practical examples and case studies. Funding for these programs came from the US Embassy in Chisinau, from the Embassy of Finland in Bucharest, from the MATRA Program in Moldova, from UNDP and the Black Sea Trust for Regional Development – German Marshall Fund.

The Romanian Centre for European Policies in partnership with Expert Forum has implemented between October 2013 and August 2014 the project - Building public support for anti-corruption efforts of the National Integrity Commission. The objectives of the project were:

Objective 1. Analysis of the relationship between anti-corruption institutions, mass-media, civil society and officials from Moldova, as well as assessing how these institutions are perceived by civil society organizations, mass media institutions and officials.

Objective 2. Facilitating an exchange of experience and transfer of know-how from Romanian journalists dealing with anti-corruption institutions to Moldovan journalists;

Objective 3. Providing expertise to National Integrity Commission, so that it will be able to have an enhanced communication and coordination with all institutions concerned, including civil society organizations and mass-media that may have a role in implementing certain anti-corruption policy measures and in monitoring the anti-corruption efforts of National Integrity Commission.

Objective 4. Empowering civil society, mass-media institutions and officials and monitor the anti-corruption efforts if the Commission.

Objective 5 Creating a framework for a coherent discussion and debate which will focus the attention of NGOs, media, stakeholders and decision makers on the activities of the National Integrity Commission.

The project contributed indeed to building bridges between the Moldovan anti-corruption institution and the civil society there and it trained the social activists to better understand concepts used in this field. The trainings organized within this project allowed for substantive discussions on the methods to address integrity



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issues such as unjustified wealth, conflict of interests and incompatibilities. The participants became familiar with the Romanian integrity model and explored the potential benefits and pitfalls of transposing it in Moldova.

As a follow-up CRPE in partnership with UNDP Moldova have also implemented a project funded by the Romanian Ministry of Foreign Affairs focusing on creating the enabling legal environment for the National Integrity Commission in Moldova, on providing it with the needed information management systems, on supporting transparency of assets disclosure forms, on designing a training strategy for the staff of the Commission and on fostering the partnerships between the Commission and other institutions with which it needs to cooperate.

Freedom House Romania brought judges and prosecutors from Moldova to take part in in-depth training events in Romania with funding from the MATRA program administered by the Dutch Embassy in Bucharest. The participants were integrated in larger groups of Romanian judges and prosecutors discussing public procurement related criminality and recovery of benefits of crime, including through extended confiscation.

Expert Forum has implemented a series of projects with a regional scope. The US Embassy in Chisinau and the Embassy of Canada in Bucharest have funded the active citizenship summer school of 2014 organized in Romania for Moldovan and Romanian participants. During one week young people from the two countries were exposed to innovative tools to teach and promote active citizenship and anticorruption. They were empowered to design their own transparency programs and implement them upon return to their communities. Expert Forum has also implemented two projects funded by the Black Sea Trust for Regional Development focused on Moldova, Ukraine and Georgia. Within these projects Expert Forum and its regional partners – the Centre for Legal Resources in Moldova, ANTAC in Ukraine and Transparency International in Georgia – have mapped the priorities for reform in the anticorruption area through field visits and discussions with the representatives of the public and NGO sector. The report will be released in late 2015. A large-scale conference followed by a study visits to Romanian institutions was organized in Bucharest for Moldovan, Ukrainian and Georgian participants. The event was a success and the Fair Justice USAID Ukraine program has decided to fund extra participants from Ukraine to come to this regional conference. Within the realm of the second project a detailed experience sharing program was organized for Ukrainian representatives that are either heading the newly created anticorruption institution (NABU) or are contributing to the legislation on the soon to be created preventive agency. The participants were presented with the practice of the most important Romanian anticorruption bodies and discussed with journalists and NGOs about means to promote the anticorruption agenda.

The Partners for Local Development Foundation together with UNDP will implement a project in Moldova, Ukraine and Armenia focused on building islands of transparency and integrity in six local municipalities in each country. Using a methodology developed and tested previously the project will be developed along the following lines: “(a) talking openly about corruption and its dangerous effects (b) identifying and treating with



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priority the most dangerous forms of corruption (c) changing public policies and organizational systems that breed corruption (d) involving in the process mayors, managers/staff and outside stakeholders”.

The projects implemented by NGOs together with the openness of the Romanian anticorruption institutions to receive guests from the region and openly discuss the difficulties and the means to overcome them in the anticorruption fight have contributed to creating a country brand. Without the substantial results of Romanian anticorruption institutions this would have been impossible since a country is not seen as a reliable exporter of expertise unless it shows that this expertise works in practice. Romania is now in a very good position as regional leader on prevention and fight against corruption and this should be taken advantage of. As explained above, Romania is not a big donor, and as such should concentrate its funding to very few countries (the close neighbourhood) – possible one: Moldova – where such contributions not only make a difference, but are also seen to be making a difference. In the rest of the countries Romania could act as experience sharing source and could use funding provided by other donors to promote the experience of its own anticorruption institutions.

These programs are following the pattern of the Romanian transformation process in the anticorruption field. They nurture assertive civil society groups, they equip them with the needed tools to hold the government accountable, and they help law enforcement, prosecutors and judges to improve their capacity to tackle corruption. New legislation and investigative tools used in Romania are presented to professionals coming from beneficiary countries and this empowers them to demand reforms upon the return to their countries. The impact of the programs is visible in Moldova and Ukraine where already incipient anticorruption institutions are built taking into account the Romanian experience. However, the success of anticorruption wide-reaching reforms is not dependent only on the technical capacity, but very often it is profoundly conditioned by the overall geo-political choices countries make. One should not forget that the essence of the Romanian experience is that it is a combination of factors that is needed for a successful anticorruption campaign: external incentives for reforms, a window of opportunity for action, internal political will, and the right people to implement daring reforms.

CONCLUSIONS

In recent years Romania emerged as a provider of know-how in the area of anticorruption and integrity. This trend followed profound internal reforms which allowed national key players such as the National Anticorruption Directorate and the National Integrity Agency to become flagship institutions with impressive track-record. The reports prepared by the European Commission under the Cooperation and Verification Mechanism as well as the first Anticorruption Report on EU member states praise the performance of the two Romanian institutions and list them as models of legal and institutional arrangements.



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So far the capacity of Romanian anticorruption institutions in designing and implementing assistance projects has been limited. While being very responsive to demands of experience sharing coming from other countries, Romanian institutions perceive their role in international assistance as marginal and reactive rather than proactive. Indeed, the anticorruption and integrity momentum in Romania demands almost all resources to be assigned to their primary task focused on preventing and combating corruption in Romania.

More often representatives of public institutions participated as experts in larger assistance projects implemented by civil society organizations. Also, Romanian experts – from the public or private sectors – took part in experience sharing events organized by international donors such as the European Union, the World Bank, the Black Sea Trust or UNDP. Romanian experts are also used in peer-review processes by the European Commission.

A strategic vision towards international assistance seems to be missing in Romania. However, given the internationally recognised performances of anticorruption institutions the profile of the country raised constantly during the past years and demands from other jurisdictions to learn more about the Romanian model constantly increased. In terms of allocation of funds, the interventions made so far were directed mostly towards the Republic of Moldova. This allowed Romania to position itself as a trustworthy and reliable partner in development assistance in Moldova, especially in difficult times of political turmoil when other donors became more sceptical in providing funding. It is important for those that design the assistance development strategy to understand not only what Romania has to offer in terms of expertise, but also the democratic and political context in the potential recipient countries. In order to achieve the highest impact Romania should focus on countries in the immediate vicinity with which it shares not only the geo-political context, but also the challenges of transition from communism to democracy.

Until now Romanian has invested its resources in helping anticorruption and integrity institutions in the beneficiary countries to develop both in terms of legislative processes and capacity building elements. The Romanian laws and regulations relevant to this field were translated in English and are constantly used as a point of reference when legislation is being drafted in countries such as Moldova or Ukraine. Experts from anticorruption institutions and NGOs have often acted as resources in experience-sharing programs helping other actors in this region grow. Some programs were developed in partnership between Romanian NGOs and NGOs from the beneficiary countries. Apart and beyond the mere implementation of the respective programs bridges were built between experts – they often act as resource persons to each other at present. Romanian assistance has so far contributed significantly to designing new pieces of legislation and to raising awareness both in the civil society and in the bureaucracy about the need of profound reforms and real anticorruption efforts. However, it is worth pointing out that a real impact of the reforms that were supported by Romanian experts and long lasting sustainability of results are inextricably linked to the will and internal political environment of the beneficiary country.



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Romania has both the advantage and the disadvantage of being a small donor. Being a small donor offers more flexibility and room for innovation in terms of assistance programs. Romania should continue to invest in countries where this type of investment can make a difference and should use other donor resources for larger scale projects where Romanian entities – public or NGOs – may apply.

RECOMMENDATIONS

1. Design a strategic vision for Romania's development assistance in the area of anticorruption and integrity

Romania should develop a multi-year program describing the overall goals of development assistance it provides to beneficiary countries. While programing is essential for a clear vision in this field, the coordinator must be aware and use adaptive management to ensure potential changes in the beneficiary countries are swiftly reflected in the program. In the first phase it should identify best practices that could be shared with other jurisdictions such as:

- Design and evaluations of strategies and action-plans – Ministry of Justice
- Incriminations – Ministry of Justice
- Assets recovery and international cooperation in this field – Ministry of Justice
- Institutional design of a prosecution office specialized in combating high level corruption – National Anticorruption Directorate
- Investigation of high-level corruption – political corruption, procurement fraud, judicial corruption special investigation techniques - National Anticorruption Directorate
- International cooperation in corruption investigations - National Anticorruption Directorate
- Institutional design of an administrative agency competent to verify the wealth of public officials, conflict of interests and incompatibilities – National Integrity Agency
- Transparency tools for assets and interests disclosure forms – National Integrity Agency
- Adjudicating unjustified wealth, conflict of interests and incompatibility cases – judges sitting in the administrative panels through the National Institute for Magistrates
- Independence and accountability in the judiciary – Superior Council of Magistrates
- Adjudicating high-level corruption cases – judges sitting in penal panels through the National Institute for Magistrates.

The second stage would be to decide what are the countries from the beneficiary list which should receive Romanian assistance. The country's development assistance should be seen as part of a broader public diplomacy effort. Though all potential beneficiary countries would probably benefit from being exposed to the Romanian model the scarcity of resources makes policy choices inevitable. Ideally Romania should operate with two concepts: the pro-active strategy and the reactive strategy. The pro-active strategy should be closely linked with the priorities of the national public diplomacy and should reflect the initiatives that Romania plans



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to support in the recipient countries. By nature, this pro-active side of assistance would have to be limited both in scope and in terms of the number of countries covered, preferably those in the vicinity of Romania. Apart from this pro-active strategy, Romania should always be reactive to demands coming from other third countries. As the profile of the anticorruption campaign in Romania rises constantly at international level, demands will increase in terms of experience sharing programs. This type of assistance not only helps the recipient countries, but also contributes significantly to consolidating the reputation of Romania on the international arena.

By looking at the assistance provided so far it seems that Romania has chosen to prioritise Moldova as most of the resources go there. This is a smart choice since the country is struggling to overcome major crisis, the transfer of knowledge is eased by the use of a common language and Romania is seen by Moldovans as an important partner – reliable in hard times. Also, Moldova does not have the overcrowded assistance landscape similar to other countries therefore contributions from smaller donors are very visible. The constant support to projects in Moldova builds the reputation of Romania there. In the future years Romania should seek to revisit the prioritization process and if resources for development assistance increase, it should consider the possibility of promoting other countries on the top positions.

Last but not least a mechanism to activate assistance resources and a focal point to channel requests in this field should be established. On the governmental side the Ministry of Foreign Affairs through the ODA Department could act as the focal point, while the other agencies with competences on anticorruption and integrity should designate a contact person to facilitate the response to assistance demands – preferably from the international relations departments.

The international assistance strategy should clearly spell-out the needs in terms of human resources for each institution that takes part in this effort and the risks of not being able to respond to partners' needs and losing potential projects if such allocations are not made. The strategy should also outline the potential benefits of international assistance for Romania's international profile.

2. Donor coordination

On the international arena of development assistance, big donors interact with smaller bilateral ones, the key to efficiency being the complementarity of efforts. Romania should make better use of its embassies abroad to be more connected to the assistance world in order to understand and anticipate the needs for assistance that match its niches of competence. While overlapping is not desirable, in the area of anticorruption and integrity the variation of models is significant among countries. This being the specificity of this assistance field, it is often relevant to offer an in-depth perspective on the Romanian model even if the recipient country has been exposed to models from other donor countries. Also, in the anticorruption world the fluctuation of personnel in public position is significant, therefore it sometimes is desirable to periodically familiarise the newly appointed



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persons with the Romanian niches of competence. This is a very sensitive exercise which needs constant fine-tuning and the involvement of Romania's embassies abroad is essential as they are the closest to the political and institutional realities of the beneficiary countries as well as to the donor community active in any given country. The coordination of these efforts should be done by the Ministry of Foreign Affairs through the ODA Department.

Romania should continue to be present and active on the anticorruption international arena in conferences, seminars and media interviews. This presence constitutes a constant reminder of the country's track-record in anticorruption and integrity and a promotion tool towards potential beneficiary countries. The participation of Romanian specialists from the public sector or from the NGO community to events organized by other donor organization should be encouraged.

3. Adapt assistance to the needs of the beneficiary

Romania should avoid the trap of one-size-fits-all type of assistance. Before embarking on an assistance project Romanian experts need to grasp a good understanding of the specificities and challenges of the beneficiary country not only in the area of anticorruption and integrity but also in neighbouring subject areas such as judiciary. This preparation phase allows for designing assistance programs that go beyond the bare description of the Romanian legislative and institutional models, but help the beneficiaries to design their particular models taking into account the experience of Romania. This approach builds professional reputation for the Romania abroad and positions it as a reliable development partner, sensitive to the particularities of the beneficiary country. Also, this approach ensures a more sound expectations' management regarding the potential results of anticorruption assistance efforts.

Romania should also be aware of the different stages of development a potential beneficiary country moves through. Development assistance in times of crisis and conflict is by nature profoundly different from that provided in post-crisis situations or in stable contexts.

4. Focus on the Romanian niches of competence

Romania should give preference to its proficiency niche rather than become an assistance provider that can approach any topic with the same ease. Focusing on the areas where Romania has a competitive advantage towards other donors ensures the quality of the assistance provided and consolidates the seriousness of the country on the international arena. Anticorruption and integrity Romanian institution should start developing clusters of personnel that could be used in these experience-sharing programs. Due care should be given to planning these programs well in advance so that predictability is ensured given the fact that many of the experts are also charged with their primary corruption prevention or combating tasks. This approach allows the management of the anticorruption and integrity institution to have a better view on the use of human



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resources and more openness to international assistance projects, as they will not be seen as consumers of resources, but as important tools to consolidate the international reputation of these bodies.

In order to spread information about the niches of competence of Romania in the areas of integrity and anticorruption, dedicated communication materials presenting Romania's expertise and experience in granting assistance should be elaborated. Such materials could then be used as a basis for ensuring a consistent flow of information throughout the assistance chain, including the Romanian embassies abroad. Diplomats should be made aware of the competitive advantage Romania has in this field of development assistance through dedicated informational materials and discussions held in the capital, potentially during the annual diplomats' meetings.

5. Use also other available resources

Apart from using its own resources – by nature limited - to share its good practices, Romania's anticorruption and integrity institutions should increase its capacity to implement large-scale projects funded by other donors, such as the European Union. Such projects could be developed in partnership by Romanian NGOs and Romanian anticorruption and integrity institutions and implemented in the beneficiary countries.

6. Encourage partnerships

The experience gathered until now in developing projects that bring together public institutions and NGOs active in the field of anticorruption and integrity should be capitalised upon. The advantage of having projects developed in partnership is that the beneficiaries receive several views on the same topic and are able to build a more comprehensive understanding of the strengths and challenges of the Romanian best practices.

Partnerships between Romanian NGOs and local NGOs should also be encouraged in the projects funded by the Romanian development assistance funds. These projects will allow inter-countries connections to grow at natural speed and through the socialization effect would shape the activism agenda in all countries involved in this projects. The long-term effects of projects in the beneficiary countries will contribute to the sustainability of reforms in the anticorruption area. Indeed, one lesson learnt in the Romanian context is that public support for the anticorruption efforts is essential.

7. Build competence on technicalities

Technical projects that increase the capacity of law enforcement and the Judiciary to tackle corruption are also to be encouraged. On medium term having professionals that are well equipped at technical level to investigate and adjudicate corruption cases may make the difference between a successful and an unsuccessful anticorruption campaign. Due consideration should be given to the inherent significant



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fluctuation of personnel in anticorruption and integrity agencies. This is a challenge particularly in terms of ensuring a constant level of professional knowledge within these institutions. Sometimes, given this fluctuation, repetition is not a problem, especially if the trainer is capable to adapt the training to various levels of expertise. For a better use of existing expertise, Romanian experts – from public institutions or from NGOs – should be encouraged to include their curriculum vitae in the “Expertise Locator” instrument developed by the UNDP Istanbul Regional Centre and the Romanian Ministry of External Affairs. Specialised courses on public speaking and presentations skills could subsequently be offered to the potential experts, thus increasing the efficiency of international assistance.

When providing technical training it is recommendable that the trainers understand the level of knowledge of the participants and receive prior information on the training events previously attended. It is also important that the trainers learn about the legal framework of the beneficiary so that the training is tailored to the legal specificities in the given country. This increases the likelihood of the usage in practice of the concepts and tools presented in the training events.

8. Encourage monitoring and advocacy projects

Building public support for the anticorruption and integrity agenda is essential for their success in the beneficiary countries. Rather than isolating the anticorruption and integrity institutions from the rest of the society, synergies should be built between them and groups of active and concerned citizens that take upon themselves to monitor the performance of the state at national or sub-national level. Funding small projects of local NGOs focused on such issues contributes to raising awareness among citizens about the consequences of corrupt behaviour, as well as reinforces trust in the capacity of ordinary people to hold accountable their government. These are the people that would be likely to later support openly the activity of anticorruption and integrity institutions in the beneficiary countries.

Increase ownership through civil society projects, not only through public org.

9. Improve effectiveness of ODA

It is important to always correlate delivery of assistance with the national context of the recipient country – in countries where reforms are dragging behind for years now it would be a good idea to direct aid towards civil society thus increasing their capacity to demand change. Direct budgetary aid though at times crucial for the survival of the governmental apparatus has the disadvantage of opacity and has not proved to be a good incentive for reforms. A possible improvement to such aid schemes would be the introduction of conditionalities and benchmarks on the fulfilment of which disbursement of successive tranches of funds could be linked. The monitoring and evaluation of the fulfilment of the conditionalities should remain in the hands of the donor and input from both the governmental and non-governmental sectors should be used in assessing compliance.

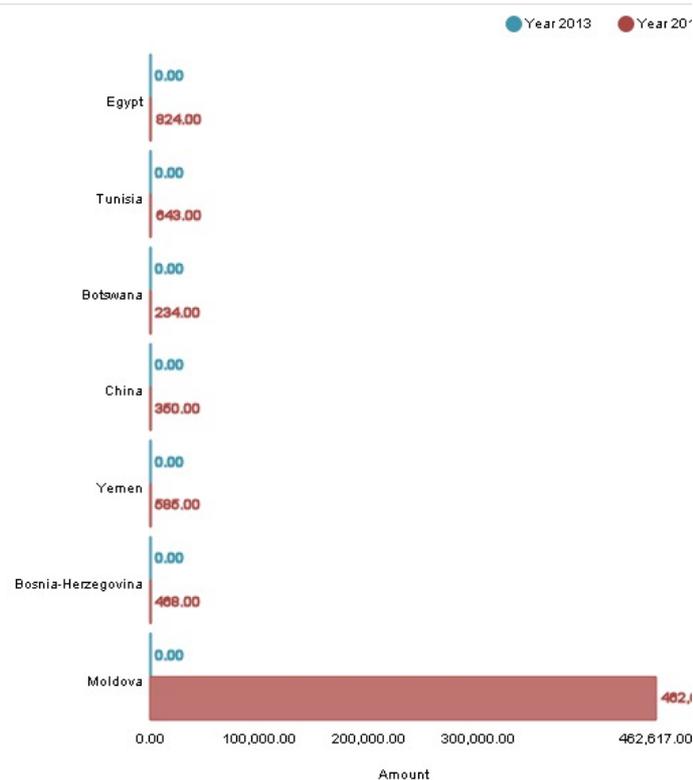
ANNEX 1 – DISBURSEMENT OF ROMANIAN ODA 2013-2014

Country & Sector

Net Disbursement by country - 2013-2014 - RON - full amount

Geographical area	Country	2013		2014	
		RON	%	RON	%
Africa (North of Sahara)				1,467	0.31%
	Egypt			824	0.18%
	Tunisia			643	0.14%
Africa (South of Sahara)				234	0.05%
	Botswana			234	0.05%
Asia (Far East Asia)				350	0.08%
	China			350	0.08%
Asia (Middle East Asia)				585	0.13%
	Yemen			585	0.13%
Europe				463,085	99.43%
	Bosnia-Herzegovina			468	0.1%
	Moldova			462,617	99.33%
	TOTAL			465,721	100%

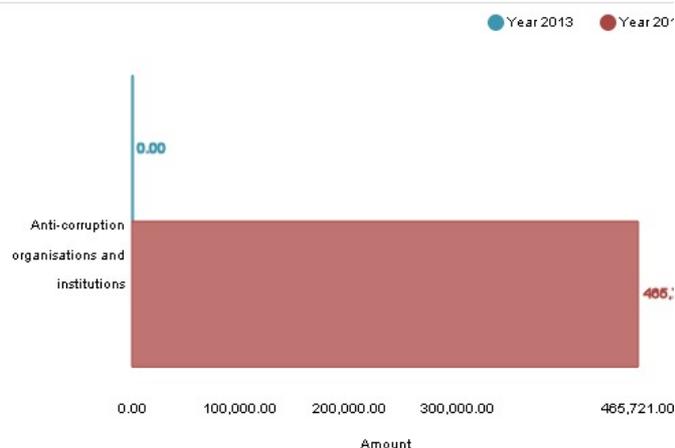
Net Disbursement by country - 2013-2014 - RON - full amount



Net Disbursement by sector - 2013-2014 - RON - full amount

Main Sector	Sector	2013		2014	
		RON	%	RON	%
	Anti-corruption organisations and institutions			465,721	100%
	TOTAL			465,721	100%

Net Disbursement by sector - 2013-2014 - RON - full amount



Source: The Ministry of Foreign Affairs of Romania

ANNEX 2 – LIST OF ODA PROJECTS IMPLEMENTED IN THE FIELD OF ANTICORRUPTION AND INTEGRITY

No	COUNTRY	IMPLEMETATI ON PERIOD	TYPE OF EVENT	TOPIC	PARTICIPANTS	DESCRIPTION	CONTACT PERSON
1.	UKRAINE	24 May 2012, Bucharest	Conference	„ROMANIA – UKRAINE” Civic Forum	-	Organized by the Romanian Center for European Policies and the Institute of World Policy in Kiev, with financing from the Romanian Ministry of Foreign Affairs	Bianca Toma: bianca.toma@crpe.ro; Dragos Dinu: dragos.dinu@crpe.ro;
2.	REPUBLIC OF MOLDOVA	17 – 19 March 2013 - Chisinau, Republic of Moldova	Conference	“Mainstreaming Civil Society’s Efforts to Diminish Corruption in Developing Societies”.		Following the invitation launched by Transparency International - Moldova, the National Integrity Agency participated in the event “Mainstreaming Civil Society’s Efforts to Diminish Corruption in Developing Societies”. The event brought together anticorruption experts representing various countries in order to present best practices such as the usage of wealth declaration verification mechanisms, solving conflicts of interest, the participation of civil society in the development of a transparent governance system.	Transparency International-Moldova
3.	REPUBLIC OF MOLDOVA	21-22 January 2013	Study Visit – ANI headquarters, organized in partnership with the Romanian Center for European Policies (CRPE) and the Foreign Policy Association (Chisinau),	“Contributions to the Romania- Republic of Moldova Development Partnership”	Representatives of the National Integrity Commission of the Republic of Moldova	During the study visit, the representatives of the National Integrity Commission of the Republic of Moldova had meetings with the leadership of the Romanian National Integrity Agency, where the legislative framework (mandate, inter-institutional cooperation modalities, case studies) of the Agency was presented. The visit was organized within the project “Contributions to the Romania- Republic of Moldova Development Partnership”, co-financed by USAID and the Romanian Ministry of Foreign Affairs.	Romanian Center for European Policies (CRPE)

4.	ARMENIA	11-14 February 2013	Study Visit – ANI headquarters, upon the recommendation of the OECD	The legislative framework of the National Integrity Agency	Representatives of the Ethics Commission of the high public servants in Armenia	Upon the recommendation of the OECD, representatives of the Ethics Commission of the high public servants in Armenia conducted a study visit in order to become familiarized with the legislative framework of the Romanian National Integrity Agency. The visit was part of a TAIEX mission. The Armenian delegation also had study visits at the National Anticorruption Directorate, the National Office for the Prevention and Combatting of Money Laundering and the General Anticorruption Directorate where specific case studies have been presented.	
5.	REPUBLIC OF MOLDOVA	20 – 23 April 2013,	Study visit – ANI headquarters, organized by the National Anticorruption Directorate (NAD)		Representatives of the General Prosecutor's Office and the National Anti-Corruption Center in the Republic of Moldova	Upon the invitation of NAD, a delegation composed of experts from the General Prosecutor's Office and the National Anti-Corruption Center from the Republic of Moldova underwent a study visit in Bucharest with the purpose of becoming familiarized with the institutions and specialized mechanism used in the combat against corruption in Romania. The Moldovan specialists had meetings with representatives of the NAD, and the National Office for the Prevention and Combatting of Money Laundering. Within this visit, the representatives of the Romanian National Integrity Agency presented the administrative procedures used by the agency, including the mechanisms for the verification of wealth, of incompatibilities and conflicts of interest.	Stefania Claudia Andrei Counselor for European Affairs National Anticorruption Directorate Tel: 021 315 86 30 Mob: 0731 04 20 20 Fax: 021 315 86 31
6.	REPUBLIC OF MOLDOVA	05 June 2013,	Study visit – ANI headquarters, organized with		Representatives of the Anti-Corruption Alliance, the	Following the initiative of the Civil Society Development Foundation, members of the Anticorruption Alliance had a study visit at the	

			the cooperation of the Civil Society Development Foundation		Republic of Moldova	headquarters of the National Anticorruption Agency, in order to study the legislative and institutional framework of the Agency. The interest of the beneficiary was focused on understanding the role, structure and institutional priorities of the Agency.	
7.	EGYPT	06 December 2013	Study visit – ANI headquarters, organized by the National Anticorruption Directorate (NAD)	Best practices exchange on anti - corruption legal and institutional frameworks	Representatives of the Ministry of Justice, the Control Authority and the Authority for Combating Money Laundering in Egypt	Following the initiative of the National Anticorruption Agency, a delegation of representatives of the Ministry of Justice, the Authority for Combating Money Laundering and the Authority for Administrative Control of Egypt had a work visit in Bucharest in order to study the legislative and institutional framework of Romania. During the visit at the National Integrity Agency (ANI) headquarters, the Egyptian delegation had meetings with ANI representatives and were presented study cases from ANI's activity.	<p>Claudia OLARU Anti-corruption Project Coordinator United Nations Office on Drugs and Crime (UNODC) Regional Office for the Middle East & North Africa, 7 Golf Street, Postal no. 11431, Maadi, Cairo, Egypt Tel: (202) 2359-1645, (202) 23591521 Ext: 406 Mobile: (20) 010-2004-6278 Fax: (202) 2359-1656 Email: claudia.olaru@unodc.org</p> <p>Anca Jurma Chief Prosecutor, The Service for International Cooperation, Information and Public Relations National Anticorruption Directorate The Public's Prosecutor's Office attached to the High Court of Cassation and Justice</p>

							tel : 021.312.51.04 fax : 021.315.86.31 e-mail: ajurma@pna.ro
8.	REPUBLIC OF MOLDOVA	08 April 2014, Chisinau, Republic of Moldova	Study visit – ANI headquarters	The Role of the Agency in monitoring/evaluation of assets and interests as well as the applied procedures in verifying declarations of assets	Representatives of the National Integrity Commission, the Ministry of Justice, the National Anti-Corruption Center and the Parliament of the Republic of Moldova	Following the initiative of the Romanian Center for European Policies in collaboration with the Center for Analyzing and Preventing Corruption in the Republic of Moldova, a delegation of representatives of the anti-corruption institutions in the Republic of Moldova had a study visit at the headquarters of the National Integrity Agency in monitoring/evaluating wealth and interests as well as applied procedures for verifying declarations of assets.	CRPE
9.	REPUBLIC OF MOLDOVA	09 May 2014	Study visit – ANI headquarters	Exchange of good practices regarding the legal and institutional anti-corruption framework	Delegation of magistrates from Tunisia	Following the invitation of the National Anticorruption Directorate, a delegation of Tunisian magistrates had a study visit at the National Integrity Agency headquarters for exchanging good practices regarding the institutional and legal framework in fighting corruption.	Ștefania Claudia Andrei Counselor for European Affairs Service for international cooperation, information and public relations National Anticorruption Directorate Tel: 021 315 86 30 Mob: 0731 04 20 20 Fax: 021 315 86 31
10	REPUBLIC OF MOLDOVA	12 - 13 May 2014, Chisinau, Republic of Moldova	Round table	CNI's communication with mass-media and the civil society. How do we communicate conflicts of interests and declarations of assets to the public?	CNI representatives, Republic of Moldova	Following the invitation of the Romanian Center (CRPE) and the Romanian Center for Preventing Corruption in the Republic of Moldova, an expert from the National Integrity Agency (ANI) participated in	CRPE

						May 2014 at the roundtable on “Strengthening Public Support for the anti-corruption efforts of National Integrity Commission” in Chişinău, financed by the Finnish Embassy in Bucharest. The ANI representatives provided the expertise of the Agency regarding policies and practices for fighting corruption.	
11	REPUBLIC OF MOLDOVA	06 June 2014, Chisinau, Republic of Moldova	Seminar	How do we communicate conflicts of interests and declarations of assets to the public? CNI’s communication with mass-media and the civil society.	CNI representatives, Republic of Moldova	<p>Following the initiative of the Romanian Center for European Policies (CRPE) and the Center for Analyzing and Preventing Corruption in the Republic of Moldova, an expert of the National Integrity Agency (ANI) participated to the event “How do we communicate conflicts of interests and declarations of assets to the public? Communication of CNI with the mass media and the civil society” in Chişinău.</p> <p>The ANI representative presented success cases from ANI’s activity to journalists and civil society representatives in order to facilitate a better understanding on conflicts of interests, incompatibilities and unjustified assets. The Event was organized within the project “Strengthening Public Support for the Anticorruption Efforts of the National Integrity Agency”, financed by the Finnish Embassy in Bucharest.</p>	Inga Savin <inga@savin.md>
12	REPUBLIC OF MOLDOVA	19 - 20 June 2014, Balti - Republic of Moldova	Conference	3rd EU-Republic of Moldova Forum		<p>A representative of the National Integrity Agency participated to the 3rd EU-Republic of Moldova Forum organized in June by the Romanian Center for European Polices, the Foreign Policy Association and the Eastern Studies Institute in Warsaw.</p> <p>The event brought together experts</p>	Inga Savin <inga@savin.md>

						from Romania, Germany, Poland and other EU member states and aimed at consolidating the Republic of Moldova's European pursuit in the context of the signing of the Association Agreement with the EU.	
13	EGYPT	22 - 25 June 2014, Cairo - Egypt	Seminar – U.N.O.D.C.	1. „Towards effective Institutional and legal Framework for fighting corruption” 2. "Asset Declarations For Public Officials - Challenges And Lessons Learnt"	-Romanian and Egyptian anti-corruption experts -experts on anti-corruption as well as civil society representatives of eight states in the MENA region	<p>Following the initiative of the National Anticorruption Directorate and the United Nations Office on Drugs and Crime (UNODC) Cairo, an inspector on integrity from the Directorate participated to two workshops in Cairo.</p> <p>Romanian and Egyptian experts on anti-corruption participated to the first workshop themed "Towards Effective Institutional and Legal Framework for Fighting Corruption", organized within the project "Measures for Combating Corruption and Money Laundering and Improving Assets Recovery in Egypt" The workshop debated the Romanian and Egyptian legal and institutional framework for combating corruption as well as the mechanisms and instruments used in conflicts of interests, incompatibilities and unjustified assets cases.</p> <p>The second event, themed "Asset Declarations for Public Officials – Challenges and Lessons Learnt" was organized by UNODC Cairo and brought together experts on anti-corruption issues as well as civil society representatives from eight states in the MENA region.</p> <p>During the two workshops, the expert from the Agency had a presentation on the Agency's</p>	Mona SALEM <Mona.SALEM@unodc.org>

						experience and activity in investigating and preventing unjustified assets, conflicts of interests and incompatibilities.	
14	REPUBLIC OF MOLDOVA	22 - 23 July 2014, Chisinau, Republic of Moldova	Training course, organised by the Representation of American Bar Association & The Initiative for the Supremacy of the Law, The Republic of Moldova	“Conflicts of Interests Typology. The Analysis on Incomes and Properties Declarations”	CNI’s members and staff, Republic of Moldova	Following the invitation of Republic of Moldova Office of the American Bar Association (ABA ROLI), an expert of the National Integrity Agency has participated as a lecturer to the Training Course for Members and Personnel of the National Integrity Commission in the Republic of Moldova themed “Conflicts of Interests Typology. The Analysis on incomes and properties declarations”, organized in Chişinău in July 2014. This initiative is part of the anti-corruption project of the American Bar Association, The Rule of Law Initiative, which aims at supporting the authorities in the Republic of Moldova in fighting corruption.	Alina Secieru, legal consultant, ABA ROLI (alina.secieru@abaroli.md, +373 22 238934, +373 69402975).
15	AZERBAIDJAN	24 - 25 September 2014, Baku – Azerbaijan	International Conference	“Public service delivery in the context of good governance and human rights”		An expert of the National Integrity Agency participated to the International Conference “Public service delivery in the context of good governance and human rights” organized between September 24-25 in Baku. The event took place under the auspices of the Presidency of the Committee of Ministers of the Council of Europe in collaboration with State Agency for Public Services and Social Innovation in Azerbaijan and discussed themes such as working models on providing public services in the member states of the Council of Europe as well as core principles for their functioning.	Mr. Azad Jafarli, Director of International Relations Department (tel.: (+99412) 444 74 10 (bureau); (+99450) 210 63 78 (cellular); e-mail: a.cafarli@asan.gov.az)
16	GEORGIA	15 - 17 December 2014,	Seminar O.S.C.E.) in	Regional seminar on the prevention of corruption	Representatives from Eastern	Following the invitation of the Organization for Security and Co-	Mr. Roel Janssens, Economic Adviser

		Batumi – Georgia	cooperation with U.N.O.D.C., O.E.C.D.) and the Anticorruption Network for Europe and Central Asia		Europe and South Caucasus countries	operation in Europe (OSCE) in cooperation with the United Nations Office on Drugs and Crime (UNODC), The Organization for Economic Co-operation and Development (OECD) and the Anti-Corruption Network in Eastern Europe and Central Asia (CAN), an inspector on integrity participated to the Regional Seminar on Preventing Corruption in Batumi, Georgia. The Seminar brought together high-level anti-corruption officials and experts from Eastern Europe and South Caucasus, responsible with the development and revision of the mechanisms regarding declarations of assets, conflicts of interest and public servants' incompatibilities as well as regulating codes of conduct and the ethics of public servants.	Tel: +43 1 514 36 6221, email:Roel.Janssens@osce.org, Ms. Petronela Durekova, Project Assistant Tel: +43 1 514 36 6259, Fax: +43 1 514 36 96, e-mail: petronela.durekova@osce.org,
17	REPUBLIC OF MOLDOVA	02 - 03 February 2015, Chisinau, Republic of Moldova	Training course	Training of trainers for the National Integrity Commission		Following the initiative of the Romanian Center for European Policies (CRPE) in partnership with the United Nations Development Programme – Moldova, an expert of the National Integrity Agency participated at the Training for Trainers for the National Integrity Commission organized within the project “Strengthening CNI’s capacity by transferring expertise and good practices” in Chişinău. The training was addressed to the personnel of the National Integrity Commission in the Republic of Moldova and aimed at increasing their capacity by exchanging experience and good practices. In this regard, the expert from the Agency had a presentation on ANI’s	Inga Savin <inga@savin.md> Ludmila Gamurari <ludmila.gamurari@crpe.ro>

						experience in collecting declarations of assets and interests. The project is supported by the Ministry of Foreign Affairs of Romania as part of its Official Development Assistance (ODA) Policy and aims at developing the institutional capacity of the National Integrity Commission.	
18	LIBYA	15 - 17 April 2015, Istanbul – Turkey	Seminar	"Building a strong, effective state, with accountability to citizens and business, and the rule of law"	Representatives of Libyan public authorities	<p>Following the invitation of the World Bank, an expert of the National Integrity Agency (ANI) participated to the seminar themed "Building a strong, effective state, with accountability to citizens and business, and the rule of law" in Istanbul.</p> <p>During the event which aimed at offering the participants an image of the way governments are functioning in liberal democracies, the ANI expert had a presentation themed The role of information and communication within the government for policy design and monitoring.</p>	<p>Francesca Recanatini Senior Economist The World Bank 701 18th St. NW Washington, D.C. 20433 Phone: (202) 473-1557 www.worldbank.org/anticorruption www.agidata.org www.acauthorities.org</p>
19	REPUBLIC OF MOLDOVA	28 - 30 April 2015, Chisinau, Republic of Moldova	Seminar - OSCE	Regional Seminar on Fostering Co-operation in Corruption Prevention Between Government and Private Sector	50 high-level representatives and experts on anti-corruption from Eastern Europe and South Caucasus as well as experts from international organizations in Europe and the United States	<p>Over 50 high-level representatives and anti-corruption experts from Eastern Europe and South Caucasus as well as experts from International Organizations in Europe and the United States participated at the seminar organized by OSCE at the end of April in Chişinău on Fostering Co-operation in Corruption Prevention Between Government and Private Sector.</p> <p>An ANI delegation participated to the event and an expert from the Agency had a presentation of the project for</p>	<p>Mr. Roel Janssens, Economic Adviser Tel: +43 1 514 36 6221, email:Roel.Janssens@osce.org,</p> <p>Ms. Petronela Durekova, Project Assistant Tel: +43 1 514 36 6259, Fax: +43 1 514 36 96, e-mail: petronela.durekova@osce.org,</p>

						preventing conflicts of interests in public acquisitions.	
20	UKRAINE, REPUBLIC OF MOLDOVA, GEORGIA	15 May 2015, Bucharest	Study visit – ANI headquarters organized by EXPERT FORUM	Good practices in the prevention and fight against corruption	Experts from Ukraine, Rep. Moldova and Georgia	A delegation of approximately 50 experts from Ukraine, the Republic of Moldova and Georgia participating at the International Conference “Good Practices in Preventing and Combating Corruption” organized by Expert Forum within the project “Stronger Judiciary in Eastern Europe” has a study visit at the Agency’s headquarters. On this occasion, experts from the National Integrity Agency (ANI) had presentations on the Agency’s role and achieved results in evaluating assets, incompatibilities and conflicts of interests.	EXPERT FORUM
21	REPUBLIC OF MOLDOVA	04 June 2015, Bucharest	Study visit – ANI headquarters organized by the Public Policy Institute	Young Political Leader School ”	Students from the Republic of Moldova	A delegation of students from the Republic of Moldova had a study visit organized by the Institute for Public Policies in Bucharest within the project “The School for the Young Political Leader”, aiming at consolidating democracy in the Republic of Moldova by promoting democratic values based on a multiparty system promoting European values. An expert of the National Integrity Agency had a presentation on the Agency’s role and importance in the institutional framework of the central administration.	IPP
22	REPUBLIC OF MOLDOVA	22 – 23 June, Bucharest	Study visit – ANI headquarters organized in		Experts representing the National Integrity Council	In collaboration with the United Nations Development Programme – Moldova and the Romanian Center for European Policies (CRPE) –	Cristina Dumbravan Superior consultant of the Public Relations and Information

			Partnership with UNDP – Moldova CRPE – Rep. Moldova		from the Republic of Moldova	Moldova a delegation of journalists and representatives from the National Integrity Commission of the Republic of Moldova had a study visit at the headquarters of the National Integrity Agency (ANI). Experts from ANI and CRPE – Romania representatives explained the importance of active communication of an integrity institution by using new communication tools (social media, graphics, official communication).	Service Phone: +373 22 820 615 Mobile phone: +373068101037
23	UKRAINE, REPUBLIC OF MOLDOVA, GEORGIA	May 2015	Anticorruption conference and study visit		Judges, prosecutors, members of ministries of justice, NGOs	Expert Forum organized this event within a programme financed by the Black Sea Trust. Over 60 participants from the region came to Bucharest to discuss combating and preventing corruption as well as institutional models in this field with their Romanian partners. Study visits were organized at all anti-corruption institutions in Romania.	
24	UKRAINE	September 2015	Study Visit		Prosecutors, members of the Ministry of Justice and of NABU	Experts from Ukraine participated to a study visit in Bucharest at all the anti-corruption institutions. The delegation included the NABU leadership – the main anti-corruption structure in Ukraine and the work group tasked with creating the preventive framework – similar to the competence area of the National Integrity Agency.	

ANNEX 3 – METHODOLOGY

This study was prepared in response to the Terms of reference published by UNDP for the thematic evaluation on anticorruption and integrity assistance provided within the Romanian ODA programme. The author was asked to answer a set of questions listed below:

- What are the results of the development assistance activities, projects, and programmes financed by the Romanian government in the field of anticorruption and integrity?
- What are the types of interventions that were / could be best suited for sharing Romania's transition experience in the field of anticorruption and integrity? The evaluation report will provide strategic recommendations on specific intervention modalities (for example project based approach, technical assistance, direct financial support, etc) that could be most effective in providing development assistance in the field of anticorruption and integrity. What are/could be Romania's competitive advantages in these fields, as compared with other donors? What is the thematic and geographic niche that Romania should develop in this field?
- What are the capacities (institutional, technical, etc) that Romania has developed in the field of anticorruption and integrity? Which are the most active stakeholders in this field and which are the best practices that can be shared with partner countries?
- Do stakeholders have the necessary capacities to develop and implement assistance projects and programmes in partner countries?
- How has Romania positioned itself as a provider of assistance in the field of anticorruption and integrity in the international development arena? What is the level of visibility and awareness of Romania's efforts in this field and what is its potential?

The Terms of Reference also required the author to cover the following issue while analysing the assistance granted by Romania to its partner countries between 2007 and 2014 in the field of anticorruption and integrity:

- A portfolio analysis (mapping the projects implemented by national state institutions and civil society (NGOs, media, etc), as part of the Romanian development assistance, and contributions to multilateral efforts)
- Evaluation of the thematic niche areas in the field of anticorruption and integrity, including an identification of Romanian best practices and expertise and its comparative advantage, comparing with other donors;
- Evaluation of the relevant national stakeholders' capacities to implement development assistance projects and programmes in the field of anticorruption and integrity;
- Evaluation of Romania's profile as a donor of development assistance in the field of anticorruption and integrity (level of visibility and awareness at the international level);

In preparation of this evaluation the author has performed desk research analysing reports on beneficiary countries issued by international organizations – GRECO, the European Commission, UNDP. Apart from desk research, the author, while travelling in other professional capacities to Moldova, Ukraine and Georgia, organized discussions either face-to-face or via Skype stakeholders active in the field of integrity and anticorruption about the prospects of Romania’s development assistance to the region:

- The Centre for Legal Resources Moldova
- Transparency International Georgia
- Anticorruption Action Centre Ukraine
- ABA-ROLLI Moldova
- Centre for Independent Journalism Moldova
- UNDP Moldova

In addition to international stakeholders, Romanian key potential assistance providers were interviewed:

- The National Anticorruption Directorate
- The National Integrity Agency
- The Ministry of Justice
- The Superior Council of Magistrates
- The Romanian Centre for European Policy
- Partners Foundation for Local Development
- Expert Forum
- Freedom House Romania

The author also has in-depth discussions with the Ministry of Foreign Affairs about the strategic approach to development assistance in Romania. Guidance and feedback was generously provided by the Romanian ODA team within the UNDP Regional Office for Europe and the CIS.