

**DANGERS OF CORRUPTION IN THE NATIONAL DEFENCE STRATEGY – WHY  
A MORE EFFICIENT APPROACH IS NEEDED?**

<b>Abstract:</b>	<i>Corruption has existed since ancient times, the proof being the term's Latin origins (corruptio-onis). It was assimilated in Romanian through French, basically expressing inappropriate, immoral behaviour of public servants. Throughout centuries, an unstable geographic and historical environment, as well as violent and inefficient political systems generated acts and deeds of corruption that lead to initiatives, concerns and prevention actions and countermeasures, including means of legal regulations. Periods of crisis have especially experienced a weaker state authority, a degraded standard of living, altering of moral judgement, lack of efficient control leverages, lesser confidence in social institutions and values, a lack of cohesion between the law and the economic and social realities. Acts of corruption, that have been a part of public servants' activity, result from violating human rights, freedom of speech and action, depending on social need.</i>
<b>Keywords:</b>	<b>Corruption; Phenomenon; Concepts; Fraud; Illegal act</b>
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Corruption was generally assessed as an ideology or supporting act, which lead to different perceptions from the public opinion. In certain historical periods, the giving and receiving of goods by public servants was deemed as natural, a professional courtesy. In Romania, for example, during the Fanariot era, backshees were not illegal, just morally frowned upon.

The issue of corruption resurfaced with the transition to democracy and the rule of law, and Romania's adhering to the EU.

The phenomenon of corruption is still a widespread problem, affecting several aspects of society, like health, education, public acquisitions, assigning infrastructure contracts and the citizen's relationship with local authorities.

Romania's experience in the last decade, as well as other Central and Eastern European countries', proves that most anti-corruption actions mainly materialized as punitive measures, the effect being far from the one expected.

Corruption is a threat to democracy, the rule of law, social equality and justice, eroding the basics of an efficient administration, undermining market economy and endangering the stability of state bodies. This is why the fight against this phenomenon must be carried out by competent legal authorities, with the support of civic society, without hindrance, so that nobody may be perceived as being above the law. In this context, preventing acts of corruption, by monitoring conflicts of interest and incompatibilities, as well as controlling

illegally made fortunes, must become the pillars of any such strategy. Adopting the correct measures in preventing “corruption” requires knowing its actual spread, complexity, triggering mechanisms and resulting consequences.

The complexity and ever changing shape this phenomenon takes, together with globalization tendencies, make it necessary to create and elaborate appropriate strategies, tackling, in a scientific and systematic manner, facts generating criminal acts and the effects of criminality and offer efficient instruments for social prevention and control.

### **Various types and forms of corruption**

Corruption can come in various forms and types - material or symbolic<sup>1</sup>, depending on the nature of the affected social areas, the degree of manifestation, the frequency/scope, the perception on how serious the acts and deeds generating them are, as well as the forms of organization of individuals or groups committing such acts or deeds. These are highlighted by a series of identifiers like: spread, social reaction, active subjects, time, space, scope.

A look on some of the forms of corruption<sup>2</sup>:

1. In terms of the nature of social areas affected:

Political corruption – represents the moral degradation of violent and inefficient political elites and it refers to:

- buying a place on voting lists;
- accepting bribes, selling of information, stealing public goods, enabling financial speculation for their own interest;
- advancement within a party on criteria other than competency;
- using public or administrative positions for illegal or immoral purposes.

The Parliament (parliamentary immunity and its effects, lobbying, group

or client interests influencing legislative initiatives) and political parties (inappropriate financing of their activity and the election campaigns, as well as an inefficient control on sources of financing and spending of resources) are particularly vulnerable to this form of corruption.

Administrative corruption (some analysts call it “agency corruption”) – represents the moral degradation of public servants and it refers to:

- offering and taking bribes, influence peddling, fraud, granting authorizations for private entrepreneurs, assigning lands for constructions, buildings and spaces for private companies, sending manpower abroad etc;
- unilateral abuses of government officials;
- embezzlement;
- nepotism or abuse connecting a person from public service to one in a private service;
- partnerships between members of intelligence or military structures and members of organized crime, illegal trafficking of classified information, attending auctions, taking bribes.

Vulnerable entities to corruption: local public administration (a result of some illegal actions on issuing authorizations and certificates, signing of lease, association and rent contracts, public acquisitions contracts for works, goods and services, transferring assets between public authorities, capitalization of public authorities’ excess assets, offering help in case of disasters, granting facilities in various fields, car registrations, issuing driving licenses, selecting/promoting personnel etc); central public administration officials (a result of illegal activities concerning privatizations, public acquisitions, granting licenses, quota systems, authorizations, tax exemptions and instalment plans on taxes, capitalizing controls, customs control etc); structures working in national security (a result of illegal actions concerning

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<sup>1</sup> Cătălin Zamfir, Lazăr Vlăsceanu, *Dictionary of sociology, coordinators*, Babel Publishing House, București, 1993, p.142

<sup>2</sup> Idem

commissioning, criminal investigation of acts prejudicing national security etc).

Economic corruption – represents violation of market economy rules by state and private operators<sup>1</sup>, and it refers to:

- granting or facilitating preferential access to credits by various bank clerks;
- granting credits with rebated interest based on false documents;
- issuing payment documents by credit authorities with no warranties, or coverage for carrying out certain operations;
- illegal assessment and selling of state-owned company assets;
- involvement of state officials in private-like actions;
- illegal transfers of capital and assets.

Vulnerable entities to corruption: manufacturing divisions (a result of illegal actions concerning the artificial rise in prices of devices and important stock materials, a drop in exported goods' prices, unduly close outs, auctions for selling, acquisition and leasing investment works, privatisations, connecting third parties and phantom companies, directing economic contracts from well known companies towards private companies, selling products to economic agents without cashing-in their respective value, changing the destination of state awarded funds for import, not monitoring the precise and timely execution of economic contracts, farm outs, sells, associations, the allowance system, importing of tax exempted products etc) and the financial and banking sector (a result of illegal actions concerning granting or facilitating granting of illegal credits, instalments for credit reimbursement, issuing payment documents with no warranties or real coverage, granting credits with reduced interest, foreclosures).

2. In terms of occurrence, corruption acts classify as follows:

High corruption – associated with both high officials and major decision makers and serious fraud, embezzlements, even organized crime; it is a problem even for overdeveloped states.

Western analysts call this type of corruption “white collar” crimes<sup>2</sup> (individuals in public high places, who use this status for their own benefit, by violating morals, laws and all sense of normality). American sociologists define “white collar crimes” as any “illegal act, punishable by law, committed while holding a lawful profession or the carrying out actions for the purpose of reaching established goals, by any corporation or individual with a high social status, deemed as respectable”. “White collar crimes” have the following characteristics:

- are usually masked by a legal professional activity;
- almost impossible to establish victims, as there isn't a group of people who could be defined as such;
- most of the time, such crimes are uncovered by official investigations, being claimed by specific individuals, or carried out “in the open”.
- Main types of “white collar crimes”:
- business crimes: false advertising, bribing officials;
- crimes carried out by employees against large corporations: theft, fraud;
- state authorities' crime: police bribing, abuse of office;

There is a clear distinction between high corruption and fraud. High corruption involves a direct intervention of some government members or other officials for their own or others' benefit, a crime investigated by the DNA (National Anti Corruption Division). Frauds infer violation of laws, especially by businessmen, causing the state to lose significant amounts of money. Such cases

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<sup>1</sup> Virgil Ardelean, *Corruption potential risk factor for national security*, in “Journal of the Foundation of the National Defense College”, Year VI/2000, p. 22

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<sup>2</sup>Sahr J. Kpundeh, *Political Will in Fighting Corruption*, in “Corruption and Integrity Improvement Initiatives in Developing Countries”, UN Development Program, New York, 1998, pp. 96-97

fall under the jurisdiction of the High Court<sup>1</sup>.

Frauds and high corruption are strongly linked: it is virtually impossible for great frauds not to be rely on official and politic support.

- "small corruption" – carried out by poorly paid public servants; present for both office servants as well as less serious types of corruption; it refers to the offering and receiving of small amounts of money; it involves members of the lower levels of a service/organizations).

3. In terms of frequency and range, corruption can be: incidental, systematic or systemic.

- incidental corruption (sporadic, occasional) distinguishes cases within a limited area, with little dispersion, which may comprise more complex elements of what is known as "corrupt exchange", and sometimes, even the origins of a network. This:

- refers to giving and receiving of small amounts of money as bribe;

- entails individuals or groups speculating favorable opportunities, usually by means of financial power in order to gain influence ;

- is rather the exception, than the rule.

- systematic corruption appears when the phenomenon is fully manifested, striking official levels, right up to the political chain. There are no isolated cases, as they are connected, a genuine network, penetrating many sectors and places of social activity.

Systematic corruption:

- is organized;

- is not necessarily generalized or official;

- is recursive, especially because of a basic weakness in the office/organization or a corrupt internal environment;

- is highly profitable, usually engaging the offering of large sums of money;

- cases often become a matter of public scandal;

- a typical case is smuggling.

The origins of systematic corruption lie with the initiatives of decisions makers, who are best at recognizing and exploiting opportunities - arising in the activity of the departments and divisions they manage- for their own benefit. The high status of these members explains why systematic corruption grows especially by attracting new players. This type of corruption represents a direct and often overt violation of the law, but, unlike the next one - systemic corruption, if the corrupted individuals are replaced, corruption disappears.

- is generalized, official;

- is especially characteristic for economy and politics;

- it is part of the office/organization's activity, to the point it identifies itself with it, completely side-tracking the initial goals or objectives in favour of certain interests, usually belonging to minority groups;

- involves members from all levels of hierarchy in an office/organization.

4. In terms of perceived severity of corruption acts:

- black corruption – the unlawful act is condemned by public opinion and social elites, who want it punished;

- grey corruption – when members of a society and especially the elite want to punish the unlawful act;

- white corruption – when public opinion and the elite do not endorse the attempt to punish a certain type of corruption which they find tolerable (for example for the education and health systems).

### **Defining corruption in the 2015-2019 National Defence Strategy**

Ensuring national security is currently based on the National Defence Strategy. This is the working instrument that manages risks, threats and weak points, having as starting points the need to defend the country's defence, interests, values and national security objectives.

National security aims at ensuring a state of normal democracy desired by the society - citizens, communities and the

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<sup>1</sup>Ibidem, pp.118-119

state- based on efforts that target establishing legality, building economic well-being, social equilibrium and political stability. National security is accomplished within democratic order by exercising citizenship rights and liberties; voluntary undertaking of responsibilities; perfecting state's capacity of decision and action; making Romania a noticeable active member of the international community. National security is ensured by means of inherent efforts and cooperation with allies and partners, according to national programs, EU security strategy and the strategic concepts of the Alliance. It targets harmonizing national efforts with international commitments and identifying working styles able to prevent and set off threats.

National security is achieved through appropriate political, economic, diplomatic, social, judicial, educational, official and military measures, through intelligence, counter-intelligence and security, as well as through efficient crisis management, according to the European and Euro-Atlantic regulations and international law.

It is our opinion that the danger that corruption poses in the National Defence Strategy, where it is presented as a mere vulnerability or risk, is seriously mitigated.

It is worth observing that the 2015-2019 National Defence Strategy barely addresses the dangers posed by corruption. There are clear references, but the subject is not discussed further. For example, it is deemed that "defending and consolidating constitutional democracy and the rule of law" represent "National security interests"<sup>1</sup>, but there is no mention of corruption as a major threat to state security. There are but two references to corruption. One of the points in chapter "Risks to national security" mentions: "Failure to achieve Romania's development objectives may be generated

by the persistence of economic difficulties, the proliferation of underground economy and corruption, tax evasion, precarious infrastructure, but also by external factors such as the perpetuation of progress gaps in the European Union and a low resistance to foreign markets major changes, especially in the financial banking area<sup>2</sup>.

And the second reference, in the chapter regarding the vulnerabilities, there is a mention on corruption, at the end of a list: "corruption weakens the state, leads to economic losses and impacts the country's potential progress, good governance, deciding for the benefit of citizens and communities, as well trust in justice and state's authorities. Externally, the fact that corruption still exists has a negative impact on our country's credibility and image"<sup>3</sup>.

Despite being said that it is rather a matter of (public) perception, the effects of corruption are real, measurable and for all areas of social life, from politics to business, even reaching personal and family life. Furthermore, on a global scale, people see corruption ("high political corruption" as well as "small administrative corruption") as one of the biggest issues their countries are facing.

To summarize, corruption affect democracy and the rule of law<sup>4</sup>, as:

- it brings a high level of risk, generating multiple weaknesses for the state;
- it allows networks of organized crime, terrorist groups and other threatening vectors to attack and block the strengthening of individual security;

Conclusively, the new 2020-2024 security strategy must tackle the fight against corruption and make it a priority. To this end, given Romania's EU

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<sup>2</sup> National Defense Strategy for The Period 2015 - 2019 - A strong Romania in Europe and in the world, Bucharest, 2015

[https://www.presidency.ro/files/userfiles/National\\_Defense\\_Strategy\\_2015\\_-\\_2019.pdf](https://www.presidency.ro/files/userfiles/National_Defense_Strategy_2015_-_2019.pdf), (20.05.2020).

<sup>3</sup> Ibidem, p. 225

<sup>4</sup> World Bank, *Corruption and its fight. Towards a model for building our integrity*, Irecson Institute, Bucharest, 2003, p.14

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<sup>1</sup> Idem

membership, knowing all problems that impact good governance is paramount, amongst them being the corruption of the public sector authorities (correlated with budgetary transparency), the correlation between corruption and crime, corruption and the business environment etc.

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