
A Contemporary Concept of Management of an Anti-Corruption Authority

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Abstract

During the last decade good governance became a paradigm, allowing the values and standards of democracy, human rights and the rule of law to be applied in practice. It is included as an European citizens right in the current Treaty on the Functioning of the European Union and in the Charter of Fundamental Rights of the European Union, and it contains, in a direct or a synthesis form, most of the other rights. As a guiding principle in the administrative practice of EU, good governance obliges institutions in the Union to respect certain principles and rules of conduct in their relations with the public. Based on a review of the concept of good governance at European and national level, the authors present an innovative model of good governance and its practical involvement in the governance of the Internal Security Directorate of the Ministry of the Interior. This model includes: basic principles, a development cycle and good governance of the Directorate. They were developed taking into account the very specific jurisdiction, functions and responsibilities of the Directorate as an anti-corruption body of the Mol of Bulgaria.

The made analysis shows that good governance is applicable in the strictly regulated internal security administration and its implementation contributes to increasing the efficiency of the work of the ISD-Mol as an anti-corruption authority. The inclusion of good governance is a response of the ISD-Mol of its present and future requirements as an anti-corruption body, respecting the principles, legality, values and norms of the society.

Keywords:

governance of an anti-corruption authority, good governance – principles, cycle, functions.

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INTRODUCTION

A highly appropriate model is the key to good results in each area, and especially when the objective is to overcome one of the ulcers of our society – corruption. The European Commission admits that the solution to some problems related to corruption lies solely within the competence of the Member States (European Commission, 2014). Ensuring the management of the police structures to meet the guidelines of the contemporary development of our country as a full-fledged member of the European Union and NATO, as well as to respond to the new challenges to ensure security and fights against crime, requires applying and adapting modern tools, which ensure *good governance* and as a consequence achieving a good quality.

Good governance became a paradigm during the last decade, allowing the values and standards of democracy, human rights and the rule of law to be applied in practice (European Council, 1991 ⁽²⁾). However, it does not depend on centrally imposed decisions but on creating and adapting of working models in the administrative units, which regulate each other and thus provide the preconditions for a sustainable development of the country.

EUROPEAN DIMENSION OF GOOD GOVERNANCE

First definitions of *good governance* are found in the European Council Resolution from 28 December 1991 of Human Rights, Democracy and Development. There are recorded the basic principles that characterize it: serious economic and social policies, democratic decision-making, adequate government transparency and financial accountability, creating an environment conducive to market development, taking measures to combat corruption, and respect for the rule of law, human rights and freedom of the press and expression.

Good governance is announced and in UN official documents:

- Code of Conduct for Law Enforcement Officials ⁽³⁾;
- The Role of Good Governance in the Promotion and Protection of Human Rights ⁽⁴⁾;
- UN Convention Against Transnational Organized Crime ⁽⁵⁾;
- UN Convention Against Corruption ⁽⁶⁾,

Developing the concept of good governance the European ministers of the member states of the Council of Europe declared in 2005 that "effective democracy and *good governance*

⁽²⁾ Resolution of Council and Member States, meeting within the European Council at 28.11.1991

⁽³⁾ Resolution 34/169 of 17 December 1979 of UN

⁽⁴⁾ Resolution 2005/68 of Human Rights Council of UN

⁽⁵⁾ Adopted by the UN General Assembly: 15 November 2000, Resolution 55/25

⁽⁶⁾ Adopted by the UN General Assembly: 31 October 2003. Resolution 58/4

at all levels are essential for preventing conflicts, promoting stability, facilitating economic and social progress, and hence for creating sustainable communities where people want to live and work, now and in the future" (Council of Europe, 2005). They agree on 12 principles of *good governance* (Committee of the Ministers of Council of Europe 2008), which are included in the European Strategy for Innovation and Good Governance at Local Level (Council of Europe, 2007).

Within the framework of the governance process, the European Commission puts a particular emphasis on the concept of *good governance* (Commission of the European Communities, 2001) and includes five European principles in its basis: openness, responsibility, accountability, efficiency & effectiveness, consistency & coherence. They support democracy and the rule of law in the EU Member States and should be applied at all levels of governance.

The *good governance* concept was announced as a key in the administrative practice of the European Union and requires Union institutions to follow certain rules of conduct in their interaction with the public. Article 15 of the current Treaty on the Functioning of the European Union promotes *good governance* in the work of the Union's institutions, bodies, offices and agencies, while ensuring the principle of openness and the participation and inclusion of civil society (European Commission, 2012). Article 41 of the Charter of Fundamental Rights of the European Union lays down the right of every person to have his or her affairs handled impartially, fairly and within a reasonable time by the administration (EU, 2010). The inclusion of *good governance* in this fundamental document in the form of a human right is unprecedented in the history of Europe.

Good governance is laid down as a necessary requirement for all levels of public administration in European Union. Its principles are established as a mandatory condition for the development of administrative units in the Member States.

GOOD GOVERNANCE AND THE MINISTRY OF INTERIOR OF REPUBLIC OF BULGARIA

On the basis of the recommendations made by the European Commission through the main instruments and mechanisms at the disposal of the EU to prevent and combat corruption, and also by relying on the European experience, the Ministry of Interior /Mol/ of Republic of Bulgaria developed and adopted a National Strategy for Preventing and Countering Corruption in the Republic of Bulgaria, 2015–2020, an Integrated Strategy to Prevent and Counter Corruption and Organised Crime and a Concept to Prevent and Counter Corruption within the Mol, 2016–2020. These establish the principles of *good governance* as one of the key priorities in order to achieve genuine and lasting results in preventing and countering corruption within the structures of the Mol of Bulgaria.

THE MODEL OF GOOD GOVERNANCE OF THE INTERNAL SECURITY DIRECTORATE OF THE MINISTRY OF INTERIOR

Since 2007 the Internal Security Directorate /ISD/ of the Ministry of Interior is a main structure of the Ministry and a police authority, responsible for prevention, counteraction, detection and investigation corrupt practices and crimes carried out by or with involving Mol officials. In order to modernise its governance and to respond to its new needs, requirements and policies, a model of *good governance* was developed and implemented in the period 2015-2016. It consists of the following items: main principles, development cycle and functions.

- The main principles of the *good governance* of the Internal Security Directorate of the Ministry of Interior

Taking into account the specific requirements as the Mol police authority to fight corruption and the expectations of society, as well as the specific features of *good governance*, the following were established as the leading principles in the governance of the ISD-Mol:

1. *Rule of law and human rights* – The Internal Security Directorate functions in compliance with the Ministry of Interior Act, the Ministry of Interior Rules of Procedure, existing legislative acts and strategic documents of the Mol on law enforcement and the protection of classified information and personal data, existing legislative acts and strategic documents of the European Union concerning internal security, fight of the EU against corruption, as well as those concerning the protection of human rights and the rights of EU citizens.
2. *Subordination, coordination and coherence* – A structure of hierarchical sequence of subordination, coordination and coherence has been established in ISD-Mol. It consists of sectors, departments, leadership. Figure 1 represents it. The Director of the Directorate is directly subordinate to the Minister of the Interior.

Figure 1 — The pyramid of subordination, coordination and coherence in the ISD-Mol



3. *Effectiveness and efficiency* – The set up structure and the introduced governance organization in ISD-Mol allow for a decision-making process to ensure that appropriate actions are carried out to efficiently and efficiently use the available human and material resources in order to create impact.
4. *Competence and responsibility* – The implemented ISD-Mol policy ensures the selection of adequate employees with the necessary competences, permanent training and participation in seminars and conferences aim at enhancing and updating their professional knowledge and skills, as well as creating a sense of responsibility and integrity.
5. *Sustainability and long-term orientation* – The ISD-Mol relies to achieve long-lasting results through the implementation of preventive measures /audio and video surveillance, integrity testing/ and systematic analysis and evaluation.
6. *Publicity and transparency of governance* – The ISD-Mol prepares and submits regular public reports under its authority.
7. *Control and accountability* – The established ISD-Mol governance organisation promotes not only registering occurrences, but also adequate and precise response. The implemented controls consist of internal control within the institution, internal control within the departments and sectors and external control.

- *Good governance* cycle for the development of the Internal Security Directorate of the Ministry of Interior

Consistent processes with specific objectives and results laid down determine the *good governance* cycle for the development of the Internal Security Directorate-Mol. It is presented at Figure 2 and, for a clear primary main goal, it includes the interdependence of the set specific objectives, the decisions taken with a view to reaching these objectives, the action taken in order to implement the decisions, reporting on what has been achieved, analysis of the results, the summary and the proposal for upgrading the objectives with enhanced elements.

Figure 2 — *Good governance* cycle for the development of the ISD-Mol



- *Good governance* functions of the Internal Security Directorate of the Ministry of Interior
They consist of:

- *Forecasting* – A system has been implemented in ISD-Mol for the genuine assessment of the state of affairs – strengths, weaknesses and resource capability /weekly, monthly, annually/. Possible risks caused by the criminal environment, changing criminal activities, the legislation, citizens, society, social and cultural changes are assessed.

- *Planning* – A process has been established for the analysis and justification of actions aimed at reaching the specific objectives, taking into account the impact of external and internal factors.
- *Decision taking* – A strict organisation has been established in order to find optimal solutions while maintaining the necessary coordination and coherence, ensuring the practical realization of the Directorate's work is effective and sustainable.
- *Organisation* – This includes the organisational structure of the Directorate with its hierarchically structured sectors and departments, as a sustainable and optimally working mechanism.
- *Managing the development of human resources* – ISD-Mol implements continuing training and improvement policy, targeted at the officials and allowing the successful to be even more successful (7).
- *Control* – A monitoring and assessment system has been implemented, which also allows taking adequate and timely corrective action in case of difficulties in achieving the specific and long-term objectives set.
- *Accountability and transparency* – A system has been implemented for daily and regular horizontal and vertical accountability and transparency within the jurisdiction of the decisions taken.

As a whole the *good governance* of the Internal Security Directorate-Mol is a response to the present and future requirements for an anti-corruption authority, responsible to develop an adequate policy of decision-taking by including and taking into account the interests of all stakeholders, while respecting the principles, laws, societal values and rules.

(7) At the National Annual Competition of the Bulgarian Government for a Learning Administration for 2017, ISD-Mol is nominated at the third place from all of the country - <http://www.ipa.government.bg/en/node/798>

ANALYSIS

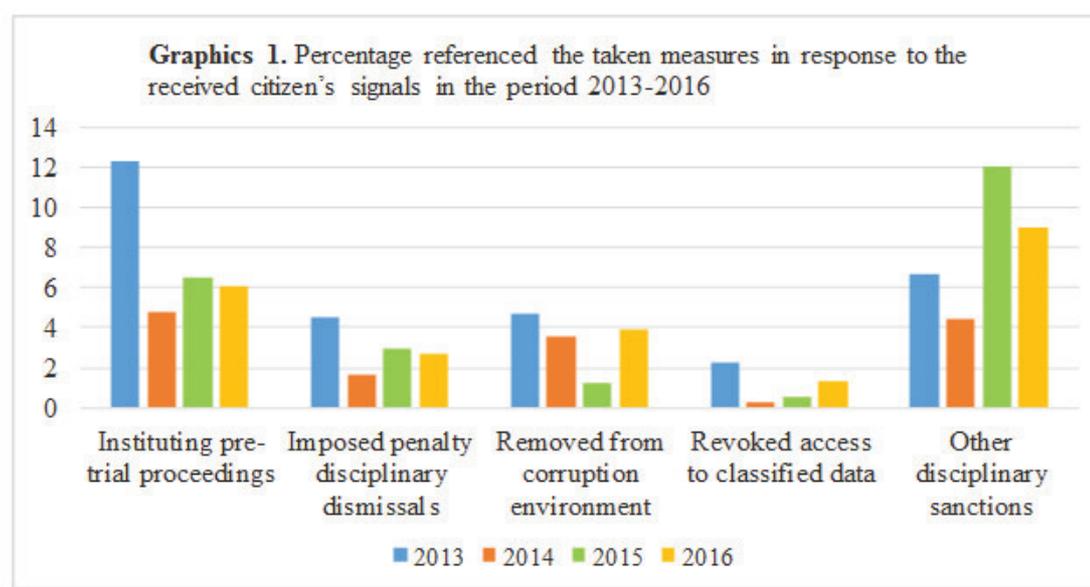
The Internal Security Directorate-Mol is the interface between the citizens, society and the Ministry of Interior, maintaining a *24-hour Open line*. Table 1 presents statistics of received and processed citizen signals concerning infringements by Mol officials.

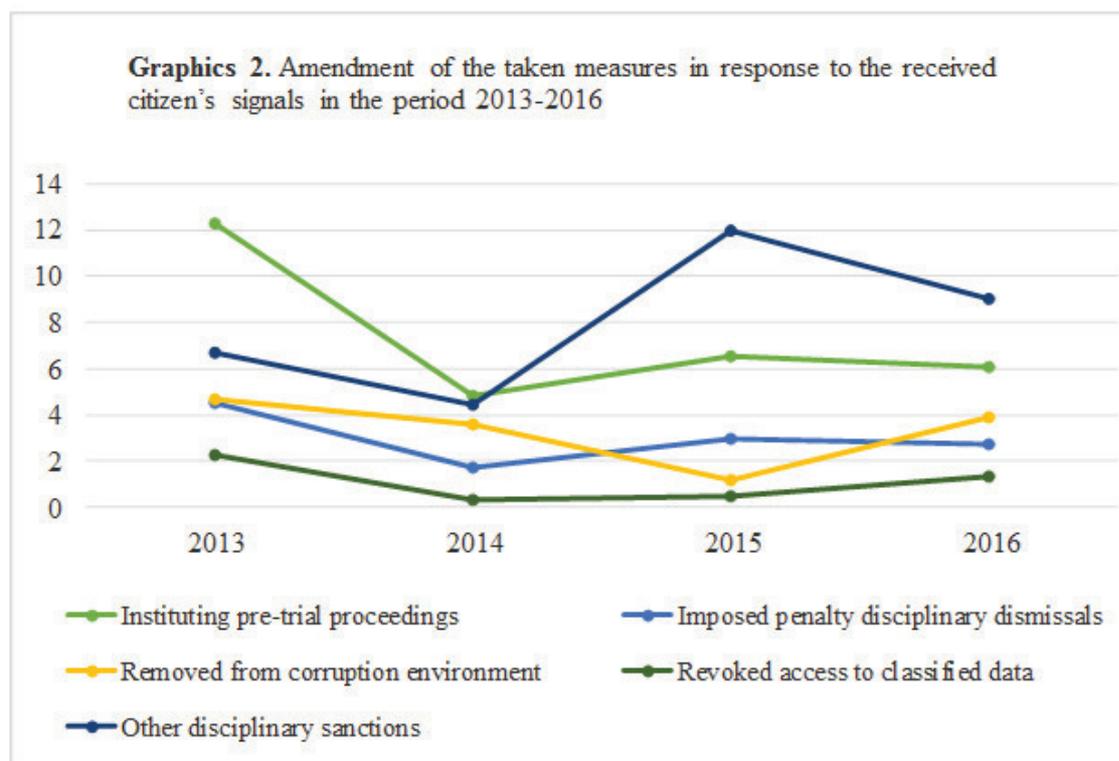
Table 1.

Number of cases of taken measures in response to the received citizen's signals in the period 2013-2016

Measure	2013	2014	2015	2016
Received signals	578	859	897	1094
Instituting pre-trial proceedings	71	41	58	67
Imposed penalty disciplinary dismissals	26	14	27	30
Remove from corruption environment	27	31	11	43
Revoked access to classified data	13	3	4	14
Other disciplinary sanctions	39	38	108	98

Graphics 1 and 2 show the results of processed signals and the relevant imposed sanction: instituting pre-trial proceedings, disciplinary dismissals, remove from corruption environment, revoked access to classified data /Law for the Protection of the Classified Information/ and other disciplinary sanctions.





Data show:

- Increase in the number of received signals during the analysed period.
- Low performance of the ISD-Mol in 2014.
- Actions taken by the ISD-Mol in 2015-2016 to introduce the organization and the principles of *good governance* contribute to greater effectiveness and better performance in detecting crimes by Mol officials, and the received signals and processed led to imposing the relevant sanctions.
- 2016 is the year with the greatest number of received signals by telephone and e-mail, and an overall decrease in the number of persons held liable and sanctioned, which shows that the preventive measures taken by the ISD-Mol are effective.
- No complaints have been submitted by citizens, who submitted a signal via the Open line, regarding the services provided by the ISD-Mol, which means that the principles of *good governance* have led to a positive result.

CONCLUSION

For the Internal Security Directorate of the Mol, *good governance* concerns taking and applying decisions and it is not just about reaching the right decisions, but doing so through the best possible process. It is about taking optimal decisions about the effective and efficient management of public resources concerning activities that ensure security and the human rights, prevent abuse and corruption by Mol officials, while adhering strictly to the rule of law and the democratic principles. The citizen-oriented work of the ISD-Mol and its governance, oriented towards innovation and improvement have earned the public trust.

The conclusion can be drawn:

- The *good governance* is the appropriate contemporary concept of management of an anti-corruption authority.
- The introduction of *good governance* in the Internal Security Directorate of the Ministry of Interior contributes to improving the effectiveness of the work done by its capacity of an anti-corruption authority.

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