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PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)

**BACKGROUND AND GUIDELINES FOR DRAFTING THE ACTION
PLAN FOR 2011-2013**

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1 INTRODUCTION/BACKGROUND

This Paper provides background information and guidelines for line ministries prior to the set of technical meetings planned under the PACA project to take place on 13-14 December 2010 in order to discuss and assist with drafting of an Anti-corruption Action Plan for 2011-2013. The paper also provides specific guidelines on the format and content of Action Plans, based on assistance already provided in January-February 2010.

Prior to the December meetings, these guidelines are to be distributed to the technical staff of line ministries and other institutions and persons participating, together with the following documents:

- The Anti-corruption Strategy summarised in clear bullet points with columns for line ministries/institutions to fill in i) information on implementation to date and ii) possible indicators of the impact of policies implemented.
- The same version of the Anti-corruption Strategy with highlighting of measures that PACA considers might be deleted.
- The 2010 Action Plan with PACA highlighting and comments, as a background to drafting AP for 2011-2013. The highlighting identifies objectives, measures or other content of the Action Plan that is problematic for various possible reasons, and especially identifies content that is insufficiently clear or should be considered for deletion.

2 GENERAL GUIDELINES

PACA believes that the key objective of this stage of assistance is to enable/assist line ministries and institutions to formulate a new Action Plan that is focused, highly specific in terms of objectives (specific aims), measures (actions to be taken), and indicators (both of the implementation of these measures and of the impact of those measures).

2.1 Streamlining the new Action Plan

In addition, PACA believes that the current Action Plan should be shortened considerably – and even radically – to limit it to items that remain of clear relevance. In order for this to be achieved, PACA recommends that technical staff from line ministries/institutions do the following in advance of the December meetings:

- Identify items in the Anti-corruption Strategy that are already fulfilled, items that already fall under other official strategies under implementation, or are not primarily of anti-corruption relevance. The second (highlighted) version of the

Anti-corruption Strategy provided by PACA may assist in this. The items identified may then be proposed by the Inter-ministerial Working Group for deletion.

- Identify items in the 2010 Action Plan that may be deleted for similar reasons, or for other reasons as previously identified by PACA – for example that they are routine, insufficiently clear, etc. Again, the highlighted Action Plan provided by PACA should be used to assist in this exercise.
- Identify at least the objectives, and if possible some of the measures proposed for 2011-2013 for their ministry/institution.

In proposing the cutting down of the Strategy and in cutting the Action Plan, PACA recommends in particular that any items already elaborated in a different strategy document are not repeated in full in the ACS/AP; it is sufficient to simply refer to that strategy, while elaborating only key items of relevance for fighting/preventing corruption and increasing the transparency of governance. The auditing and control section of MF is a likely example of policies that should be elaborated in more detail elsewhere.

In the case of three ministries - Defence, Culture, Youth and Sport and Foreign Affairs - PACA strongly recommends that the Action Plan is redrafted completely, based on a new analysis of what specific corruption problems or corruption risks these ministries face.

2.2 Non-ministry and cross-cutting issues

PACA recommends, following its earlier technical opinions, that separate sections in the Action Plan are created for the following issues or at least some of them: licensing, inspections (in light of the current preparation of major reforms in this area), conflict of interest regulation/prevention, public procurement, immovable property reform, local government issues, and transparency in the development of policies/legal acts/regulations. This should also imply the presence at the December meetings of representatives of institutions that are currently not included in the Action Plan, notably the Public Procurement Agency/Public Procurement Commission and the High Inspectorate for the Declaration and Audit of Assets. The meetings in December can be structured in December to include separate meetings on the issues identified if this is deemed appropriate.

3 SPECIFIC TEMPLATE GUIDELINES FOR ACTION PLAN FORMULATION

3.1 Action Plan structure and appearance

The Action Plan table is structured as follows.

No.	Objective	Measure	Responsible and Cooperating Institutions	Implementation period	Implementation resources	Monitoring Indicators
1	X [describe]	1.1				
		1.2				
		1.3				
		1.4				
		etc				

The Table structure should be used for line ministry Action Plans and the final integrated Action Plan. This means that the table size (including fit to window), formatting, fonts and numbering system for each ministry must be **identical**.

3.2 Action Plan columns

The role of each of the components of the Action Plan may be summarised as follows.

- An **objective** is a specific desired outcome defined in the Action Plan. **Objectives must be sufficiently clear** – e.g. not ‘reduce corruption in...’ but e.g. ‘introduce conflict of interest regulations/increase sanctions for corrupt behaviour in order to deter/discourage corrupt behaviour, adopt a code of ethics’.
- To achieve an objective, **measures** (specific policies/policy actions) are defined. **Measures must be specific** – this means that it is easy to deduce from them specific actions to be taken by specific individuals – e.g. ‘complete first draft of conflict of interest regulations’, ‘adopt final draft’, ‘pass law’, ‘establish responsible official/s for provision of guidance on and oversight of ethics issues within ministry’, etc. Whenever the drafting of a new law is counted as an anti-corruption measure and the anti corruption relevance is not self-evident (e.g. new provisions on the Criminal Code to punish corruption), it is necessary to mention specifically the relevant proposed provisions of the law or regulation.

- The **specific unit/s of a line ministry responsible** for a particular action should be stated next to measures.
- Measures are implemented within a defined **implementation period** by specified **responsible institutions** and their units using clearly defined **implementation resources**. The **implementation period** should be defined as 'from X to Y' or 'every X months', rather than just stating the year or a deadline. Implementation periods should not be stated as 'First Quarter' or 'Second Third' of the year in question.
- **Implementation resources** should be estimated and clearly stated in terms of the type of resources involved (personnel, office space, technical equipment etc) and the financial impact. If an Action Plan measure implies no net (extra) cost to a line ministry then this component should be left blank.
- **Indicators** defines what evidence is to be assessed in order to judge whether an Action Plan measure has been fulfilled. Reporting on Action Plan fulfillment should be done against the indicators defined. Ideally, **indicators** should be of two main aspects:
 - i) Policy implementation (e.g. passage of law, approval of regulations, establishment of structure, etc)

AND

- ii) Policy impact – for example reduction in time taken to receive service X, increase in number of investigations, increase in percentage cases leading to conviction, increased public satisfaction with service quality, etc. Where possible, an attempt should be made to find measurable indicators.
- **Indicators** can be either neutral (e.g. number of cases/convictions), target-based (e.g. 80% reduction in the number of business activities subject which require a license) or trend-based (simply a reduction in the number of business activities requiring a license). Target-based indicators are ideal, although neutral indicators may be more appropriate if the significance of the indicator can be ambiguous.
 - **Reporting** on implementation provides a clear assessment of the achievement of objectives by assessing the implementation of measures – and therefore achievement of objectives - against specific **indicators**.

3.3 Avoid formalism

PACA has noted that the 2010 Action Plan contains a huge number of laws and other orders/instructions as measures or indicators. While the importance of the legal framework is clear, the passage of a law or instruction may **not** be regarded as the completion of an anti-corruption policy. In this regard PACA recommends the following:

- For the new Action Plan, it is vitally important that the Plan contains specific measures to ensure the actual implementation of laws/orders/instructions that are either planned as part of the Action Plan or were contained in the previous Action Plan.
- When drafting the Action Plan, where possible ministries/institutions should consider how to pursue policy objectives without requiring new laws or instructions.

3.4 Be realistic

PACA also wishes to reiterate – and especially prior to formulation of the new Action Plan – that ministries/institutions should above all strive to formulate Action Plans that are not only relevant – that is, composed of objectives and measures that will contribute to reducing corruption, but are also realistic both in terms of their content and timelines.