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PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)

TECHNICAL PAPER

**REPORTING ON IMPLEMENTATION OF THE
2009 ANTI-CORRUPTION ACTION PLAN**

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1 INTRODUCTION/EXECUTIVE SUMMARY

This Technical Paper provides brief comments on the report on 'Achievements in the Fight Against Corruption 2009' approved by the Inter-ministerial Working Group (IWG) for Implementation the Anti-corruption Strategy on 8 June 2010. Previous PACA technical papers submitted in January provided a review of line ministry draft reports on implementation of anti-corruption measures in 2009 and proposed clearer ministry measures for 2010. The paper clearly underlined the fact that defects in the 2009 Action Plan (AP) itself made proper reporting difficult and often impossible due to the absence of sufficiently clear objectives, measures and/or indicators of fulfilment. On this basis, PACA also formulated a set of recommendations for line ministries for formulating action plans and reporting on their implementation.

The implementation report approved in 2009 does not yet follow PACA recommendations in the sense that it is a text narrative of achievements rather than a table-format objective account of implementation of Action Plan measures formulated in direct reference to the 2009 Action Plan including information on measures not fulfilled or partially fulfilled. This could be regarded as the consequence of the 2009 Plan having certain deficiencies, but does underline the need to reiterate and observe clear and consistent rules for reporting on implementation in the future. However, PACA understands that line ministries have now been issued with binding instructions on how to report, beginning with reporting on the first six months of 2010.

2 PACA RECOMMENDATIONS ON REPORTING

In January PACA recommended reports by line ministries on implementation of anti-corruption action plans should do the following:

- Follow the format and order of the Action Plan itself:
 - i) Table format is essential, e.g. the Ministry for Public Works, Transportation and Telecommunications (MPWTT) format for implementation report is good.
 - ii) Where space demands, separate narrative reports or attachments for individual measures should be included, stating clearly to which measure they apply as proof of implementation of these measures.
- State clearly whether each measure is:
 - i) Fulfilled
 - ii) Partially fulfilled
 - iii) Not commenced

- Support the statement on fulfilment by clearly and analytically stating information according to the indicator/s defined in the Action Plan

The recommendation to use table format for reporting does not necessarily apply to the integrated report approved by the IWG. It is vital that line ministries report in table format. The final report may include a narrative section summarising implementation, but should also include tables for those interested in the details.

3 THE IMPLEMENTATION REPORT FOR 2009: GENERAL COMMENTS

The implementation report approved on 8 June 2010 contains the following sections:

- ‘Reports by International Organizations’;
- ‘Instruments in the Fight Against Corruption’;
- ‘Measures of a Preventative Nature’ covering justice sector, education and science sectors, health sector, public procurement, building permits, licenses, concessions, territorial planning, reforms in property rights, public financing and financial administration, tax administration, customs administration, control and investigation (State Police, Joint Investigative Units, Ministry of Interior Internal Control Service), Ministry of Defence/Armed Forces, Ministry of Foreign Affairs, Environment, Labour/Social Affairs/Equal Opportunities, Tourism/Culture/Sports, Financial Administration and expenditure;; and
- Cooperation of the public and civil society in the fight against corruption.

3.1 Structure and breakdown

The expert has the following comments on the structure and breakdown of the report

- The report does not include a clear heading stating who formulated or approved it, or what status it has as an official document.
- The report has no introduction or summary outlining the main findings.
- The title does not state whether it is a report on implementation of the 2009 Action Plan (2009 AP). The title rather implies that it is a presentation of measures that were implemented, not an objective account of which measures were implemented and which were not. There is no inventory within the report of objectives/measures fulfilled, not fulfilled and partially fulfilled. Neither is there clear information on whether the measures that are mentioned were implemented within given deadlines or not, or even whether they measures were part of the 2009 AP.
- It is not clear from the content whether the report is linked directly to the 2009 Action Plan at all: the subsections in the section on “Measures of a Preventative Nature” follow ministries in a different order than they are presented in the Action Plan. This is not necessarily a problem in itself, as certain cross-cutting

issues may not fit best under a particular ministry. However, the measures of certain ministries which had sections in the 2009 Action Plan (in particular the Ministry of Environment or Agriculture) do not appear to be covered at all. Likewise, the report does not present a table presentation of implementation of Action Plan measures, whether by individual ministries or on an integrated basis.

The expert believes that these problems to a certain extent reflect specific circumstances – in particular, the fact that the 2009 Action Plan itself was insufficiently clear in many places (as commented upon in the January 2010 PACA Technical Paper). However, it is also strongly recommended that future reports pursue a methodology that reports objectively on implementation of measures as listed in the Action Plan. The 2010 Action Plan to a greater extent than previously provides a framework in which such reporting becomes possible. PACA has been informed by DIACA that line ministries have been issued binding templates for reporting on implementation for the first six months of 2010, according to the table format templates recommended by PACA in June 2010.

3.2 Policy measures versus impact

The report does not separate sufficiently clearly the issues of implementation of measures in the 2009 Action Plan on the one hand, and the impact of measures on the other. It is strongly recommended to separate these two issues. It is also expected that this will become easier as PACA provides further assistance on introducing indicators for the assessment of the impact of anti-corruption policy.

The report begins by citing findings/reports by international organisations (Section I) and summarising the main policy instruments for fighting corruption (Section II), and interprets these findings in a positive light.

The expert has the following specific concerns regarding these sections:

- Section I cites survey evidence running up to 2009. Whatever the results of surveys in that year, it is difficult for obvious reasons to attribute them to policies implemented during 2009. It would make sense to cite more recent evidence where this was available: for example the IDRA survey for 2009 that is cited had already presented (less positive) results for 2010 some time before the implementation report was approved.
- The interpretation of the survey results does not give the impression of being objective. For example, the report attributes the very small improvement in the Transparency International in 2009 to the ‘electoral situation in the country’, without considering other possible reasons.
- Reference to reports by the Group of States Against Corruption also give the impression of being interpreted entirely in a positive light. In particular, it is stated that GRECO evaluated Albania on Financing of Political Parties ‘really

positively', when the report in fact identified major areas of the subject area that are unregulated.

- Section II (Instruments in the Fight Against Corruption) reiterates the approval and 'implementation' of the National Anti-corruption Strategy and of the 2009 Action Plan. Such information would more usefully be provided in an introduction that summarizes the background to the implementation report. This information is not however evidence that any policy measures planned for 2009 have been implemented.

3.3 Other issues

The expert has the following additional comments on the report.

- The information provided on implementation is in a number of places too general or incomplete. For example, under the Ministry of Defence and Armed Forces, 'continuous checks... to prevent the appointment of staff that have a conflict of interest' are cited as an implementation measure, with no further information (for example on what kind of checks were conducted, how many appointments were prevented as a result, etc). Most of the measures listed for the Ministry of Defence may be seen in a similar light.
- In other places, specific information is provided but with no context that would allow the reader to interpret it. For example, the section on the Ministry of Environment provides figures on inspections and sanctions imposed, but it is impossible to tell whether this constitutes implementation of an Action Plan objective, whether it is an improvement on previous years, and so on. Likewise, a 12% increase in environmental permits is cited, but the significance of this figure (including whether it is a positive or negative development) is impossible to discern from the report.
- The report contains information on measures that are of debatable relevance to preventing/fighting corruption – for example the Council of Ministers and Ministry of Justice decrees, instructions and orders listed in the first part of Section III, Ministry of Labour completion of a sub-legal framework to implement gender equality legislation, etc. Again, it is hoped that the anti-corruption relevance of implementation reports will increase as the annual Action Plan becomes more tightly focused on measures that are directly and primarily related to tackling corruption.
- Likewise, the report contains information on activities carried out that, while related to corruption, are not evidence of any policy implementation. Particular examples are the list of seminars and conferences listed under the paragraph on cooperation of the Internal Control Service with counterpart agencies in South-eastern Europe and other anti-corruption related events, or the involvement of interest groups in discussions on legal acts falling under the Ministry of

Environment. The relevance of such events (including the citing of the Internal Control Service as a beneficiary of the PACA Project) can only be interpreted if they yield concrete outputs/impacts.

- On the other hand, the report is remarkably thin in certain areas. For example, under 'Financial Administration and Expenditure', a new regulation on the regulation of transport services for senior officials is the only measure cited, whereas the 2009 Action Plan contained a number of other commitments (albeit rather vague) on budget reform and audit.

4 CONCLUSION

The expert believes that the problems identified in this Technical Paper reflect to a large extent problems that were inherent in the 2009 Action Plan itself. To this extent, PACA assistance to improve the format and content of the action plans for 2010 and 2011 has provided and should continue to provide a framework in which better reporting can be conducted. In addition, it is recommended that formal templates and guidelines both for individual line ministry reporting on Action Plan implementation, and for the final Action Plan implementation report, are agreed and made effective following further PACA assistance actions to be provided in the autumn/winter of 2010.