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**PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)**

**TECHNICAL PAPER**

**THE 2010 ANTI-CORRUPTION ACTION PLAN, RECOMMENDATIONS FOR  
NEXT STEPS AND FURTHER ASSISTANCE**

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## **1 INTRODUCTION**

This Technical Paper summarizes briefly the improvements in the 2010 Action Plan compared to the 2009 Action Plan, including brief notes for individual ministries. It also identifies problems remaining, building on the findings of the June PACA Technical Paper, and provides recommendations for further development of the Action Plan.

## **2 THE 2010 ACTION PLAN COMPARED TO 2009**

### **2.1 Improvements**

- Uniform table structure is largely employed: number of item, objective, measures etc
- Objectives no longer constitute pasted items from ACS but are developed from it (or independently of it in certain cases)

### **2.2 Problems remaining**

- No sections for key agencies – HIDAA, Public Procurement Agency
- Cross-cutting issues not covered together, e.g.:
  - o licensing (Ministry of Economy, Ministry of Public Works, Ministry of Environment)
  - o immovable property (Ministry of Justice, Ministry of Economy)
  - o development of formula for local government funding (Ministry of Finance, Ministry of Interior)
  - o transparency in the development of legal acts (currently only under Ministry of Environment)
- Repetition (e.g. Ministry of Justice 14, Ministry of Interior State Police 6-7, Ministry of Interior Internal Control Service 1).
- Many objectives/measures remain either:
  - o Not clearly related to corruption (see examples in June PACA Technical Paper)
  - o Too vague (e.g. 'improvement in..')
  - o Legalistic/formal (there are huge quantities of laws and instructions with much less on ensuring implementation)
  - o Routine (e.g. inspections/controls, implementation of conflict of interest legislation, recruitment procedures etc)

## **3 NOTES ON INDIVIDUAL LINE MINISTRIES**

### **3.1 Ministry of Finance**

- Much clearer objectives and measures, although still some more clarity could be achieved, and some items perhaps do not need to be in ACAP
- Customs: integration of PAMECA anti-corruption components
- Public International Financial Control: clear set of objectives and measures (incorporating feedback from Brussels)
- Tax – 6 objectives broken down into sets of measures (originally 50 objectives planned); including analysis of legal framework to identify provisions encouraging tax fraud

### **3.2 Ministry of Justice**

- Much clearer objectives than 2009 and no pasting from ACS.
- e.g. 2009 ‘Clear definition of powers among the control inspectorates for judiciary’, ‘Professionalism of judges and prosecutors’.
- 2010 – ‘Clarification of powers between two inspectorates controlling the judiciary, that of Ministry of Justice and High Council of Justice to the effect of boosting the effectively of the control of judiciary performance, and preventing and combating corruptive phenomena in this system’, divided into clear measures
- Still some items that are not clearly anti-corruption related (e.g. private bailiffs, extra-judicial settlement, reducing overpopulation of prisons)
- Some still not entirely clear e.g. ‘Enhancing the investigatory capacities at the police and prosecution offices, as well as cooperation among the law enforcement agencies, judiciary and prosecution office’, measures on immovable property register, etc
- Some involve actions that should be routine, e.g. conducting controls/inspections in courts and prosecution offices

### **3.3 Ministry of Economy, Trade and Energy**

- Less obvious improvement – objectives and measures remain somewhat vague or routine

### **3.4 Ministry of Health**

- Now divided into clearer areas: Drugs, Procurement, Doctor-Patient Relations, Human Resources.
- Much clearer objectives than 2009, though sometimes more than one objective together
- Measures are reasonably clear and benchmarked with indicators
- Incorporation of explicit mention of informal payments and objective of tackling them, with some clearly desirable measures, e.g. – although still considerable room for improvement (some measures are themselves objectives that need elaborating into measures)

### **3.5 Ministry of Public Works, Transport and Telecommunications**

- Structure of AP OK and big improvement on 2009
- Content: mixed verdict though substantially better than 2009. Different parts of ministry different quality of contribution. E.g. construction permits reform concrete, Housing not bad, Internal Audit Directorate vaguer.

### **3.6 Ministry of Defence**

- Structure very much improved
- Content remains poor and vague with certain exceptions e.g. completion of real estate registration

### **3.7 Ministry of Education and Science**

- Formatting/numbering of items remains chaotic
- Much of AP is same as 2009, raising questions about fulfilment
- Some important additions/improvements, e.g. firther reform of State Matura exam

### **3.8 Ministry of Interior**

#### **• State Police**

- Major improvement on 2009
- Incorporation of Division of AP into clear sections (increase in investigative capacity, tackling corruption within police)
- Content still requires attention – some measures are too vague, routine or not clear still e.g. ‘Increase in the level of fight against corruption’

#### **• Decentralisation/Local Government**

- Major improvement on 2009 – objectives, measures and indicators much more comprehensible
- Highly important objective of assisting local government to draft anti-corruption action plans – but question of how to implement exactly
- Some other objectives/measures rather vague, e.g. capacity building in local government, increased efficiency in distribution of public services,

#### **• Department of Public Administration**

- Largely clear, similar to 2009

#### **• Internal Control Service**

- Useful incorporation of PAMECA input

- Some measures of questionable relevance, e.g. on inspections following death of police officer
- A number of measures are too vague or unclear to be understood easily, e.g. under objective of consolidating investigation of corruption, or 'enforcement of interior capacities of Internal Control'

### **3.9 Ministry of Tourism, Culture, Youth and Sports**

- Action Plan is considerably clearer than in 2009, in terms of objectives and measures
- Some items are still of questionable relevance, routine (Ongoing inspection...') or too vague (e.g. 'Monitoring the ruling on transparent procedures', 'Identification of infringements of copyright law..' etc. A key area that needs improvement is ensuring that the areas tackled (for example copyright) are formulated in such a way that the intended impact on corruption is clear – for example by focusing on the functioning of bodies responsible for detecting copyright infringements/piracy.

### **3.10 Ministry of Environment, Forestry and Water Administration**

- The AP appears to be better organised in terms of formatting etc, but content remains problematic.
- Some measures remain too vague/unclear (for example those under the item on increasing transparency in budget planning and management, or 'shating functions of management and control to avoid conflict of interest') or routine (e.g. ongoing control on environmental activities).

### **3.11 Ministry of Labour, Social Affairs and Equal Opportunities (note: the name of this Ministry is incorrectly translated in the English AP version)**

- Structure greatly improved (objective-measures-responsible institutions-etc)
- Major improvement in content over 2009, with objectives and measures more clearly worded, e.g. reforming work permits system, reforming State Labour Inspectorate.
- Still substantial room for improvement in content to make more clear, and possibly delete measures whose primary significance is not corruption-related (e.g. reform of teaching system..)

## **4 ISSUES AND RECOMMENDATIONS FOR FUTURE AP DEVELOPMENT AND PACA ASSISTANCE**

In the next phase of assistance to development of the Action Plan – and possibly Anti-corruption Strategy depending on whether there is a decision at the government level to revisit the Strategy, the following issues and recommendations constitute the position of the PACA Team.

- It would be of great value to systematically engage the input of other Technical Assistance projects in the process of drafting/finalising action plans – for example PAMECA for the State Police, Technical Assistance to the Ministry of Public Works, Transportation and Telecommunications for transportation policy and road construction/maintenance, the EU CARDS-financed ‘Fighting Corruption in Forestry...’ project for Ministry of Environment, GTZ for Department of Public Administration, and also projects falling under other donors, such as Millennium Challenge for tax reform. The same may be recommended regarding NGOs active in the field of anti-corruption issues. Engaging the latter would also contribute to increasing the visibility of anti-corruption policy.
- The absence of institutions with a key anti-corruption role (see Section 2.2) is a clear gap in the Action Plan, and the next Action Plan should include them unless they are conducting no reforms with anti-corruption relevance.
- The June 2010 PACA Technical Paper recommended the formulation of a multi-year Action Plan instead of one-year plans. Given the current discussion over the possibility of revisiting the Anti-corruption Strategy itself, the position of PACA is that an efficient solution would be to draft a three-year Action Plan which would cover the rest of the period (2011-2013) of the Anti-corruption Strategy anyway.
- PACA has already developed templates for the formulation of line ministry Action Plans (in January 2010) and for reporting by line ministries on implementation of Action Plan measures (in January and June 2010). The latter of these has been adopted as binding for future line ministry reporting, beginning with six-month reports for 2010. PACA has also reiterates its proposal that a precise binding template for individual line ministry action plans be issued in order to rule out any continuing discrepancies in the approaches of different line ministries.
- Particular attention needs to be paid in further assistance to streamlining Action Plans so that they observe the following rules. PACA is prepared to go through the existing Workplan in advance to identify possibly redundant measures:
  - include only measures whose primary objective is to tackle/prevent corruption, or which are of very high significance for tackling corruption;
  - do not contain measures that constitute the normal fulfilment of duties/tasks (e.g. implementation of recruitment procedures that are already required), unless there are special reasons for including such measures (for example a need to radically improve implementation of a particular task/duty);
- A recommendation of fundamental importance here – and one that has not been developed so far in PACA assistance – is the need to cover cross-cutting issues (such as those mentioned in Section 2.2) in an integrated fashion – in other words in the form of an Action Plan section on each issue that integrates actions to be

taken across all relevant ministries or institutions. This implies the need for the Action Plan to be modified further, and perhaps divided into two parts:

- a section on cross-cutting issues
- a section on other items that fall under individual ministries

## 5 POLICY COORDINATION

In order for a high-quality and genuinely cross-cutting Action Plan to be formulated, real policy coordination within and across ministries is required from the bodies responsible for coordinating anti-corruption policy. In practice, this means in formal terms the Inter-ministerial Working Group (IWG), but in practical terms it seems to mean a combination of the following three entities:

- Ministerial Working Groups chaired by a deputy-minister in each case – as agreed at the IWG Meeting held in March 2010. The function of these groups should be to clarify and maximise the quality of the policy materials prepared internally by each ministry.
- The Technical Working Group of ministry contact points. The function of the TWG should be to coordinate policies that cut across more than one ministry, through working meetings scheduled during the process of Action Plan formulation. If the Action Plan is developed in line with what the PACA Team suggests in Section 4, the main output from the TWG would be integrated policies on cross-cutting issues.
- DIACA, as the Secretariat of the IWG. If the quality of the Action Plan is to be ensured, DIACA needs to play an active role in coordinating the Action Plan drafting process both in organisational and substantial terms. This includes in particular:
  - o Flagging issues that are cross-cutting and ensuring that they are being discussed by and with the TWG
  - o Reviewing draft action plans from ministries and the TWG (for cross cutting issues) and actively editing and commenting in order to ensure that the Action Plans follow the guidelines and recommendations so far forwarded by PACA – in other words that the format is consistent, that only relevant items are included, that items are clear and clearly benchmarked with indicators, and so on.

The PACA Team wishes to reiterate again that, while this is not explicitly the subject of any Workplan activity, special attention needs to be devoted by the authorities to the capacity of DIACA. Currently only one person is practically involved in policy coordination on a day-to-day basis, which the PACA Team regards as unambiguously insufficient to coordinate policy in a meaningful way. In order that DIACA can play the role outlined above, it is therefore recommended that an



assessment of needed capacity is made and that human resources are made available in some way (for example by expanding DIACA's staff, or using ministry contact points or personnel of other relevant Council of Ministers departments) such that they are equal to the task at hand, and commensurate with the priority given to human resources coordinating other key policy areas (for example human trafficking).