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PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)

Technical Paper: Comments on selected ministries in 2010 Action Plan

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1 INTRODUCTION

This Briefing Note provides a summary of problems identified in the 2010 Anti-corruption Action Plan of the Republic of Albania, classified by the type of problem, plus a set of outline recommendations for addressing these problems. The problems identified do not constitute an exhaustive account but may be regarded as a substantial and useful sample. Moreover the Ministry of Foreign Affairs, Ministry of Defence, Ministry of Agriculture, Food and Consumer Protection, Ministry of Tourism, Culture, Youth And Sports and Ministry of Labour, Social Affairs and Equal Opportunity were not assessed yet due to time constraints. These comments are intended to serve as an input to trainings to be provided to line ministry contacts points and DIACA during June 2010. More generally, the 2010 Anti-corruption Action Plan of the Republic of Albania represents a very significant improvement on the 2009 Action Plan; the PACA Team believes that if the recommendations of this Technical Paper are implemented, in 2011 further major improvements both in Action Plan formulation and implementation can be achieved.

2 FORMAL PROBLEMS IN THE ACTION PLAN

- English translation is very poor (including titles of ministries).
- Many typographical errors: numbering missing (e.g. Ministry of Health 1.4, 3.2).
- Formatting is still not standard although more uniform than 2009.
- Repetition (e.g. Ministry of Justice 14, Ministry of Interior State Police 6-7, Ministry of Interior Internal Control Service 1).
- Abbreviations are sometimes included without explanation.

3 SUBSTANTIVE PROBLEMS IN THE ACTION PLANS

3.1 General

- Cross-cutting issues are not addressed in an integrated fashion - e.g. the Ministry of Finance and Ministry of Interior both contain separate policies on development of formula for local government funding.
- A large amount of laws and instructions are envisaged; it is not clear whether the means for implementation are planned for clearly.

- With a lot of items it is not stated clearly how they are to reduce corruption.
- Timelines are often not within the 2010 year (e.g. MPWTT 12.4).
- Action Plan items in many cases do not seem realistic (e.g. MoE 2, 8).
- Objectives are still not always logically grouped/organized (e.g. Ministry of Justice section on enforcement).

3.2 Specific

The following table shows specific problems within the Action Plan, classified according to four different types of problem. Question marks indicate where the expert was doubtful of the item concerned but not completely sure.

	Objectives not corruption-related or not primarily corruption-related	Includes policies that are already ongoing/standard	Objectives/measures vague, meaning not clear, or 'multiple'	Indicators missing, not directly related to measures, incomplete, or unusable
Ministry of Finance (Budget)	1.3 (all), 3.1	1.2,		2.1 (2 nd), 3, 4.3
Ministry of Finance (Customs)	6, 12.2?		2 (PACA not involved!), 3 (objective), 5.3, 8, 9, 10, 12.2	5.1/5.2, 8, 9.1, 9.4, 10, 11.1, 12.2
Ministry of Finance (Financial Control)			3/3.1, 5, 6 (too big), 6.4-6.5	2.1, 4, 5
Ministry of Finance (Tax)			3.3-3.4	2.3, 3.3-3.4, 4.2, 4.3
Ministry of Justice	3, 4 (?), 12		5. 6.1?, 13	
Ministry of Economy, Trade And Energy		9	1, 2, 9,10	10
Ministry of Foreign Affairs				
Ministry of Health			1 (multiple objective), 1.2, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2 (measure), 3.3	3.1.1
Ministry of Public Works, Transport And Telecommunication	3, 6,10	2.1, 5.1, 8, 9	1, 3, 5.3, 12, 12.1/12.2	2.1-2.2, 3, 5.5, 8.2, 12.1/12.2, 13.1-13.3
Ministry of Defence				

Ministry of Agriculture, Food And Consumers Protection				
Ministry of Education And Science			1, 3.1, 3.3, 6, 9	1.2, 5.1-5.2, 6, 9
Ministry of Interior (State Police – efficiency of prosecution)			4, 9	4, 7, 8, 9
Ministry of Interior (State Police – corruption prevention in police)			2, 7, 8	2, 3, 4, 6, 7, 8
Ministry of Interior (Local Govt)			2, 2.3, 3, 4	
Ministry of Interior (DOPA)				
Ministry of Interior (Inter Control Service)		3?	4.5 (delete)	1.4, 2.1, 4.2, 4.3
Ministry of Tourism, Culture, Youth And Sports				
Ministry of Environment, Forests And Waters Administration			7-8 (inspections – not tackling any underlying issue)	
Ministry of Labour, Social Affairs And Equal Opportunity				

4 SUGGESTED SOLUTIONS

In order to address/prevent the problems identified above, and in order to make the Action Plan a more realistic document, the consultant suggests the following steps be taken:

- Line ministries should be provided with a template for Action Plan formulation, including uniform numbering, in order that the Action Plan reads as a unified document.
- The Action Plans should contain only items/objectives whose primary objective is to tackle corruption or which have very high significance for tackling corruption in a particular institution. The PACA Team regards it as essential that the Action Plans are streamlined to include only measures that are of a priority nature and can realistically be implemented.
- To this end, it is also recommended that the Inter-ministerial Working Group issues guidelines on the relationship between the Cross Sector Strategy for Preventing and Combating Corruption and for Transparent Governance (Anti-corruption Strategy) and the Action Plans for its implementation, such that line ministries are encouraged to set priorities and do not feel obliged to 'cut and paste' every item of the Strategy each year.
- In addition, it is recommended to consider the formulation of a multi-year Action Plan rather than annual plans. Such a Plan - for example on a three-year basis – would allow better and more realistic planning and could be modified as necessary during the course of implementation.
- It is essential that functioning institutional procedures for reviewing draft Action Plans (as well as implementation reports) are put in place at two levels:
 - Line ministries should establish formal coordination mechanisms for anti-corruption policies, for example along the lines of working groups chaired by a deputy minister as envisaged at the 8 March 2010 Inter-ministerial Working Group meeting.
 - The Institutional Working Group should approve a formal mechanism for technical review by DIACA of draft line ministry Action Plans in order to ensure that the latter are sufficiently

specific, clear and follow the guidelines for Action Plan formulation already provided by PACA.

- In addition, line ministries should be provided with a binding table template for reporting on implementation of Action Plans.
- Line ministry contact points should be provided with additional training by the PACA project to reiterate the Action Plan guidelines already provided and to incorporate as appropriate the recommendations of the Technical Paper submitted in April by the external PACA expert.