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Implementation of National Anti-corruption Plans in South-eastern Europe (PACO IMPACT)

Strengthening anti-corruption services in south-eastern Europe

- Current status and needs for reform -

Results of a regional meeting held in Skopje (31 March – 1 April 2005)



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Table of Contents

1. INTRODUCTION.....	3
2. OBJECTIVE OF THE MEETING	4
3. ISSUES OF CONCERN	5
4. ALBANIA	6
5. BOSNIA AND HERZEGOVINA	12
6. CROATIA.....	15
7. KOSOVO (SERBIA AND MONTENEGRO).....	19
8. MONTENEGRO (SERBIA AND MONTENEGRO)	23
9. SERBIA (SERBIA AND MONTENEGRO).....	27
10. "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	30
11. CONCLUSIONS	34
12. ANNEX I: SAMPLE OF CHECKLIST QUESTIONS.....	35
13. ANNEX II: JOINT DECLARATION	36
14. ANNEX III: LIST OF PARTICIPANTS.....	38

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The views expressed in this technical report are solely those of the experts and of the participants that attended this activity and do not necessarily reflect the official position of the Council of Europe.

This report has been compiled and prepared with inputs from experts from the project areas participating in the PACO Impact project, in collaboration with the PACO Impact consultant Ms. Vera Devine, Belgium

1. INTRODUCTION

The PACO Impact project, launched in March 2004, is a regional project aimed at the implementation of national anti-corruption plans in south-eastern Europe. This project provides technical assistance directly to seven project areas in south-eastern Europe - Albania, Bosnia and Herzegovina, Croatia, "the Former Yugoslav Republic of Macedonia", Kosovo (S&M), Montenegro (S&M), Serbia (S&M). It follows up on assessments carried out under the Stability Pact Anti-corruption Initiative (SPAI) as well as on recommendations resulting from GRECO evaluations. It furthermore builds on the commitments made by these countries at the London Ministerial Conference on Organised Crime (November 2002), and takes into account the anti-corruption measures identified within the Stabilisation and Association process and other agreements with the European Union.

Among the main challenges with regard to anti-corruption measures in south-eastern Europe is the establishment, the strengthening and the proper functioning of independent anti-corruption services. Strong political commitment, along with training of staff and the provision of equipment and other resources, is essential to the success of such services. PACO Impact, therefore, pays particular attention to these institutions, and a number of activities have been and will be carried out accordingly in the framework of the project, including regional thematic seminars.

Two specific issues - a review of the current role of anti-corruption services on the one hand; and the need to review and improve these structures and the status of these services on the other hand - have been identified as very important and were dealt with in the framework of the first regional activity under PACO Impact, the "Regional thematic seminar & high level meeting on anti-corruption services in south-eastern Europe", which was held from 31 March to 1 April 2005 in Skopje in "the Former Yugoslav Republic of Macedonia".

The seminar brought together representatives from anti-corruption services/commissions, high-level officials from each administration of the PACO Impact project areas, as well as Council of Europe experts and Secretariat members.

Participants had prepared "Profiles on the existing Anti-corruption Services" for each of their respective areas, which were presented and discussed during the technical-level meetings, and for which recommendations for improvements and reforms were agreed upon.

The implementation of anti-corruption strategies and the functioning of effective anti-corruption services require strong political commitment and support. With regard to the regional seminar, it was therefore proposed to complement working sessions of anti-corruption bodies with a high-level segment, which would allow senior representatives to take stock of achievements, of reforms underway and of their compliance with European and other international anti-corruption standards; it also aimed to provide high-level participants with an opportunity for reconfirmation of a high-level political commitment by the governments of the region.

As a result of this, a Joint Declaration of Support (see Annex) was endorsed by high-level representatives from each project area participating in the PACO Impact project. The Joint Declaration was adopted by the following officials representing their governments/administrations: Albania-Deputy Minister of Justice; Bosnia and Herzegovina-Head of the PRSP Monitoring Unit at the Council of Ministers; Croatia-State Secretary of the Ministry of Justice; Kosovo-Director of the Department of Justice/UNMIK; Montenegro-Deputy Minister of the Interior; and Serbia-Assistant Minister of Justice.

2. OBJECTIVE OF THE MEETING

The thematic seminar aimed at providing an overview over, and discussions and analysis of two issues:

- The role of anti-corruption services in anti-corruption plans of countries of south-eastern Europe: In recent years, most countries of south-eastern Europe have established anti-corruption services. Thus, the seminar analysed the role and impact of these services in the elaboration, implementation and monitoring of anti-corruption plans/strategies. Council of Europe experts also provided guidance on how to improve such services and on how to enhance their role and to lead to further reforms and improvements of anti-corruption strategies.
- Review of structures and status of anti-corruption services in south-eastern Europe: Different countries and areas have adopted different types of anti-corruption services. The seminar provided an opportunity to exchange experience and lessons learned among different countries; it encouraged reforms to make existing services more effective, and provided guidance for the creation of new anti-corruption bodies where they have not been established yet. It furthermore facilitated networking and improved cooperation between services of different countries and project areas.

Specifically, the seminar aimed at:

- 1) Providing – through discussions with stakeholders - recommendations for a further strengthening of the role and effectiveness of anti-corruption services in south-eastern Europe;
- 2) Encouraging and enhancing cooperation between anti-corruption services of south-eastern Europe and other countries;
- 3) Facilitating the documentation and dissemination of best practice and lessons learned regarding anti-corruption services in south-eastern Europe;
- 4) Encouraging and supporting the political commitment expressed by high-level officials to strengthen anti-corruption services and to implement anti-corruption plans in south-eastern Europe.

The present report comprises a compendium of anti-corruption services in south-eastern Europe. It highlights issues of concern and areas where reforms still need to be undertaken with regard to anti-corruption services in the seven project areas.

It is hoped that the report will be a useful reference tool for stakeholders, and that it will provide the basis for follow-up analyses of progress made – a second regional thematic seminar of this kind will take place in Belgrade/Serbia in September 2005 – and for the identification of needs for further assistance in this field.

3. ISSUES OF CONCERN

During the discussions, there was a general consensus among participants about the following issues of concern regarding the existing anti-corruption services and anti-corruption plans in the south-eastern European region:

- There is no blueprint for anti-corruption services. Therefore, determining a) an appropriate model and b) appropriate features are crucial to the success of such services – both depend on the political will of the respective governments.
- There is a growing number of arguments in favour of allocating a set percentage of state budget funds to the work of anti-corruption services/bodies. The funding allocated should be determined through a careful costing exercise.
- The need for specialised staff, including the secondment of designated personnel from prosecutorial services and law enforcement agencies has become a growing concern that needs to be seriously addressed in order to strengthen the work of anti-corruption agencies.
- More efforts should be geared towards making anti-corruption policies, institutional working methods, as well as reforms part of a sustainable institutional memory.
- The drawbacks of an unclear definition of the role of anti-corruption services - be they policy advice or law enforcement bodies-, are increasingly evident. They include difficulties in intra-governmental coordination and cooperation, and low acceptance of and support to these services by line ministries and other relevant institutions, which is reflected, for example, in the submission of mechanic reports by these stakeholders. As a result, monitoring of the implementation of anti-corruption measures becomes less effective.
- Public education and awareness campaigns often appear to lack a clear link with the relevant government actions and new policies that are launched in the fight against corruption.
- The existing anti-corruption services/commissions have to initiate, facilitate and be more pro-active towards new work methodologies, including surveys which could measure the impact of their work and give credibility to the governments' reforms *vis-à-vis* the public.

4. ALBANIA

1. Anti-corruption policy		Endorsing institutions
Status of anti-corruption strategy	The Anti-corruption Strategy is represented through an “Action Plan for the Prevention and the Fight Against Corruption”, which is updated on an annual basis. The Action Plan focuses on three main elements: law enforcement; prevention; and public awareness and education.	<ul style="list-style-type: none"> ▪ Council of Ministers ▪ Governmental Commission of the Fight against Corruption (GCFAC), headed by the Prime Minister
Next steps	Extension of the Anti-corruption Strategy to the local and regional levels. Expansion of the scope of the Strategy to the medium and long-term.	Institutions of the local and regional level; Ministry of Local Government and Decentralization; State representatives (Prefects); monitoring structures
Status of anti-corruption action plan	The “Action Plan for the Prevention and the Fight against Corruption 2005” has recently been finalised and adopted by Decision no. 137 of 18/03/2005 of the Council of Ministers.	Council of Ministers
Next steps	Introduction of the use of data and methodologies from review, analysis, and surveys as tools for medium and long-term measurement of success.	Anti-corruption Monitoring Group (ACMG) All relevant institutions
Plans for revision	The Strategy and Action Plan are being monitored through an “Inventory of Achievements”, updated every 6 months, while the annual ‘National Conference on Anti-corruption’ reviews and assesses the entire Strategy and Anti-corruption Plan. It proposes the endorsement of future Strategies and Anti-corruption Plans in a consultation process involving a wide range of stakeholders.	<ul style="list-style-type: none"> ▪ Inventory of Achievements: Anti-corruption Unit (ACU) ▪ Strategy and Plan Assessment: ‘National Conference on Anti-corruption’; the conference’s report [the ‘Matrix’] is endorsed by the Council of Ministers.
2. Anti-corruption service/body		Institutions which Anti-corruption service/body is/should be accountable to
Mandate (legal basis)	Decision no. 470 of 06/10/1999 of the Council of Ministers On the Establishment and Functioning of the Governmental Commission on the Fight against Corruption amended by Decision no. 513 of 14/11/1999 of the Council of Ministers; Order of the Prime Minister no. 252 of 23/09/2002 On the Reorganization and Functioning of the Anti-corruption Monitoring Group (ACMG).	

	The ACMG is composed of an Anti-corruption Monitoring Board (<i>ad hoc</i> body) and an Anti- corruption Unit (ACU, permanent structure).	
Next steps	Review of the legal framework of the ACMG/ACU in order to strengthen its mandate and to increase its independence.	
Tasks and authority	<p>The following tasks are carried out by the ACMG Board members:</p> <ul style="list-style-type: none"> ▪ Monitoring, coordinating and advising ministries and central institutions on the implementation of the Action Plan[s] on prevention and fight against corruption; ▪ Discussing, analysing and approving reports on the implementation of the Action Plan[s]; ▪ Recommending, to the Inter-Ministerial Anti-corruption Commission (GCFAC) or to the Council of Ministers, through the Minister of State at the Office of the Prime Minister strategic changes in preventive measures and initiatives. <p>In addition to the responsibilities falling under its authority, the ACMG Board participates as co-organiser of and is represented in local, regional or international forums.</p> <p>The ACMG does not have investigative power; it only monitors the institutional fight against corruption.</p> <p>The Anti-corruption Unit (ACU) is the executive structure of the ACMG Board, including for all Board meetings. Therefore it:</p> <ul style="list-style-type: none"> ▪ Collects, through Task Charts, and processes data from the relevant institutions on progress achieved in the implementation of the Anti-corruption Plan[s] by classifying the results and their impact; ▪ Analyses data, and defines the possibilities of corruption cases in the state administration and prepares and presents specific reports or studies; ▪ Proposes strategic, technical and operational amendments to the Anti-corruption Plan[s] as well as changes in the anti-corruption systems and mechanisms in the different structures of the public administration; ▪ Coordinates the process of implementation, reporting, and monitoring of the Anti-corruption Plan[s] among all institutions of the central administration, independent agencies as well as civil society, business community and media; ▪ Organises, initiates, and coordinates preventive, educational and public awareness activities in support of the fight against corruption as well as promotes the increase of transparency of the public administration; ▪ Collects relevant information and cooperates on specific activities with all institutional Contact Points; ▪ Provides technical expertise and opinions with respect to relevant legislative reforms in the fight against 	

	<p>corruption;</p> <ul style="list-style-type: none"> ▪ Represents the ACMG or the Government, at technical level as the specialised anti-corruption institution in all international, incl. European and regional anti-corruption mechanisms and instruments. 	
Next steps	Preliminary study required in order to identify best practices and to subsequently determine the nature of services the ACMG/ACU should provide; clarification of the role of the policy advisory body vs. a body with investigative powers.	
Composition and human resources	<p>The ACMG has 17 board members, representing the following institutions: Ministry of Justice, Ministry of Finance, Ministry of Public Order, Ministry of Economy, Ministry of Health, Ministry of Local Government and Decentralization, Ministry of Territory Regulation and Tourism, Anti-corruption Unit, Department of Public Administration, Public Procurement Agency, General Prosecutor's Office, Ombudsman, Supreme State Audit, Inspectorate of the High Council of Justice, Albanian Coalition against Corruption, and Association of Businessmen of Albania. The ACMG's work is supported by the ACU with a staff of 6 persons (<i>see below</i>).</p>	
Internal organization	The ACU has 6 civil servants - 1 Director and 5 Inspectors, covering: economics and finance, legal and judicial issues, public administration issues, public order issues and relations with the media, civil society and public information.	
Annual budget or other financial resources	There is no separate budget for the ACU; budgetary allocations are made through appropriations from the annual budget of the Council of Ministers.	
Next steps	Start advocating and lobbying for the allocation of additional resources.	

3. Relation to other relevant institutions

Direct Participation in and Coordinating Institutions for the Anti-corruption Monitoring Group and its Anti-corruption Unit

- Office of the Prime Minister
- Governmental Commission for the Fight Against Corruption
- Office of the Minister of State for Coordination
- 25 Institutional Contact Points (appointed officers at technical level responsible for reporting and exchange of information concerning the Anti-corruption Strategy monitoring process)/Ministries
- Albanian Coalition Against Corruption
- Business Community
- Other Independent Institutions (State Supreme Audit, Inspectorate of High Council of Justice, General Prosecutors Office, Ombudsman)

Indirect Participation in and Coordinating Institutions for the Anti-corruption Monitoring Group and its Anti-corruption Unit

<ul style="list-style-type: none"> ▪ Public ▪ Media ▪ International Organisations and Partners 	
4. Achievements so far in anti-corruption policy and services provided	
Prevention	<ul style="list-style-type: none"> ▪ Extension of the scope of the Law on Civil Servants to include the Public Procurement Agency, General Directorate of Archives, General Directorate of Taxation, General Directorate of Customs, Accreditation Directorate, Regional Directorate and Offices of Education, INSTAT etc.; ▪ Adoption and implementation of start-up phases of the Prime Minister's Order On the Simplification of the Procedures and Criteria for the Public Services Offered by Central Administration Institutions, establishment of a Working Group, and conduction of sectorial analyses; ▪ Effective implementation of the Law no. 9049, dated 10/04/2003 On Declaration and Control of Assets, Financial Obligations of Elected Persons and some Public Officials, through the establishment in 2003, of the High Inspectorate for the Declaration and Control of the Assets as well as the Lower Inspectorates; ▪ Cooperation with the State Information Service on the collection and processing of information about corruption cases aiming at the initiating of criminal proceedings; ▪ Improvement of information for technical specifications and implementation of the standard public procurement modules by all procurement entities; ▪ Established a Task Force for the investigation of criminal offences related to organised crime in the independent and central government institutions; ▪ Establishment of the National Committee of Coordination for the Fight Against Money Laundering and drafting of the Inter-institutional Action Plan for the Fight against the Illegal Currency Market; ▪ During 2004, courts and prosecution offices of the Serious Crime Courts have been established and put into function for the implementation of the Law on the Organisation and Functioning of the Serious Crimes Courts; ▪ Creation in 2004 of the Directorate of Fight Against Organised Crime and Protection of Witnesses in the General Directorate of State Policy; ▪ One full-time staff member established in the sector of Fight against Economic Crime in the Office of the Prosecutor of the Tirana Court District; ▪ Organization of continuous training for judges, prosecutors, judicial police officers and the police in investigating and judging corruption-related criminal offences (in particular training on typologies and the international dimension); ▪ Training of civil servants of different levels of the public administration on ethics and anti-corruption in order to enhance their awareness of these issues; ▪ Strengthened internal (ACU and ACMG Board) capacities, through various trainings provided by the Public Administration Training Institute and international organizations; ▪ Established and used special hotlines for the public to report corruption cases.
Next steps	<p>Undertake two micro-systems studies to:</p> <ul style="list-style-type: none"> ▪ Analyse issues of concern with respect to the implementation of the Law on the Right to Information, including a review of the current status of its implementation; ▪ Improve the organizational structures in place against corruption in the health sector.
Suppression/ Law enforcement	<ul style="list-style-type: none"> ▪ Adoption of the Law on the Internal Audit in the Public Sector; ▪ Amendments in the Law on Public Procurement; ▪ Amendments to the Law on the Prevention of Money Laundering; ▪ Adoption of the Law on the Declaration and Control of Assets, Financial Duties of Elected and Some Public Officials; ▪ Adoption of the Law on Rules of Ethics in the Public Administration, and

	<p>implementation of its procedures pertaining to external activities of civil servants and gifts (administration, procedures, etc.);</p> <ul style="list-style-type: none"> ▪ Amendments in the Criminal Procedure Code with respect to the types, definitions and procedures on the use of special investigative techniques in the detection and investigation of corruption as well as other criminal offences; ▪ Establishment of a legal framework and respective structures in relation to witness protection, collaborators of justice and victims of crime; ▪ Adoption of the legal framework and establishment of the necessary infrastructure, and successful launch of the Serious Crimes Courts in cooperation with the respective prosecution offices, operating on the basis of a new Law on the Organization and Functioning of Serious Crimes Courts; ▪ Ratification of the Additional Protocol of the European Criminal Convention on Corruption; ▪ Adoption of the Law on the Measures against Financing of Terrorism; ▪ Amendments in the Criminal Code relating to corruption issues, according to which new offences and sanctions on corruption were added; criminal offences are strengthened by imprisonment as well as the imposing of fines; ▪ Adoption of the Anti-Mafia Law on Preventing and Targeting Organised Crime, accompanied with the necessary amendments in the Criminal Code according to the standards on different types and forms of criminal organizations, including the seizure and confiscation of the proceeds of organised crime; ▪ Drafting and adoption by the Government and Parliament of the draft Law on the Prevention of Conflict of Interests in the Exercise of Public Functions. ▪ Adoption recently by the Council of Ministers of the draft Law on the Criminal Liability of Legal Persons; of the draft Law on the Amendments of the Law ratifying the European Criminal Convention against Corruption, lifting some unnecessary reserves; ▪ Harmonization of the legal framework for the privatization of strategic sectors with the legislation regulating markets and sectorial policies; ▪ Preparation of a legal package in the field of privatisation; ▪ Currently underway are other legislative measures such as ratification of the United Nations Convention Against Corruption signed by Albania on 18/12/2003; approximation of the Albanian legal framework with the European Civil Convention against Corruption, etc.
<p>Next steps</p>	<ul style="list-style-type: none"> ▪ Legislative harmonization of the Law on the Prevention of Conflict of Interests in the Exercise of Public Functions and the law On Declaration and Control of Assets; ▪ Ensuring implementation of international instruments (Civil Law Convention on Corruption; Additional Protocol to the Criminal Law Convention on Corruption and the UN Convention against Corruption); ▪ Introduction of a sustainable system of disciplinary measures in cases of complaints against police officers.
<p>Public awareness</p>	<ul style="list-style-type: none"> ▪ Establishment of a Triangle Commission in charge of implementing the Memorandum of Understanding between the Prosecutor General's Office, Anti-corruption Unit, and the Albanian Coalition Against Corruption, and public information through joint press statements of the Commission; ▪ Preparation of a coherent program for information of the public about ongoing anti-corruption measures through the media and wide distribution of the Action Plan 2003-2004; ▪ Publication of the ACMG reports, leaflets presenting the results achieved in the implementation of the Action Plan, and information on structure and the organigram of the ACMG have been distributed; ▪ Organization of roundtable meetings and regional activities aiming to present strategies and practices at the regional level for the prevention and the fight against corruption; ▪ Public hearings with representatives of the business community, civil society, and trade unions during ACMG Board meetings;

	<ul style="list-style-type: none"> ▪ Organization of informative and educational activities about the fight against corruption in schools and the wider civil society; ▪ Greater transparency in relations with the taxpayers and the public through producing a CD compilation on taxation legislation; a TV program was broadcasted on the same issue; ▪ Implementation of information and education program for the business community, and promotion of the involvement of the business community in all regulatory and legal changes affecting their interests; ▪ Opening of complaint offices in hospitals and other health care institutions, through opening special telephone lines and post boxes; follow-up of complaints by staff; ▪ Initiate the dissemination of posters and lists of approved prices for services in hospitals etc., to introduce and extend existing initiatives for the promotion of transparency: opening of information points related to the payments and reimbursement of services and medicines.
Next steps	<ul style="list-style-type: none"> ▪ Approaching civil society groups for partnership and cooperation in public education campaigns; ▪ Focusing public campaigns and local surveys not only on corruption perception, but also on attitudes towards corrupt practices (subject to availability of funds).
5. Difficulties encountered	
<ul style="list-style-type: none"> ▪ Lack of exchange of updated information in due time between all relevant actors involved in the drafting and implementation of the Action Plan[s]; ▪ Inter-institutional coordination and cooperation needs further improvement; ▪ Lack of representation and/or fulfilment of tasks assigned to the ACMG Board members and Contact Points; ▪ Meeting respective deadlines in relation to relevant measures in the Action Plan. 	
6. Recommendations for further improvement	
<ul style="list-style-type: none"> ▪ Possible review and change of structure, authority and nomination procedures of the ACMG Board; ▪ Possible review of status, structure, responsibility and accountability of the Anti-corruption Unit; ▪ Better institutional coordination and cooperation with central government and independent institutions as well as international organizations; ▪ Strengthening of the role and capacities of the Contact Points; and ▪ Improving drafting, monitoring, and reporting skills and implementation of the Action Plan[s]. 	
7. Risk factors	
<ul style="list-style-type: none"> ▪ Overloading Anti-corruption Unit with other SAP and partnership agreement responsibilities and several other tasks; ▪ Lack of political will or delays to support the review of the legal status of the Anti-corruption Unit with the aim of making it more effective or an independent institution accountable to the Parliament (as opposed to currently one Ministry, only); ▪ Lack of genuine partnership with civil society, caused by a lack of structure within Albanian Coalition against Corruption itself, and by the impression of competition between the government's and non-governmental efforts especially related to legislative advocacy processes and reforms. 	

5. BOSNIA AND HERZEGOVINA

1. Anti-corruption policy		Endorsing institutions
Status of anti-corruption strategy	The BiH Anti-corruption Strategy, adopted in 03/2004, is part of the country's Medium-Term Development Strategy (or Poverty Reduction Strategy Paper), which was developed in a multi-stakeholder consultation process.	<ul style="list-style-type: none"> ▪ Council of Ministers ▪ Government of the Federation of BiH and RS Government ▪ Final endorsement by the Parliamentary Assembly of BiH (as an official document, obliging the institutions to implement its measures and activities)
Status of anti-corruption action plan	A multi-annual (2004 – 2007) Action Plan forms an integral part of the Strategy. The Action Plan is reviewed every year and up-dated with an Action Plan of Priority Measures.	Same as above.
Plans for revision	A review of the Strategy and Action Plan by stakeholders is underway; the Economic Policy and Planning Unit (EPPU) is in charge of soliciting and consolidating comments and suggestions. The process is expected to be finished by 05/2005.	Same as above.
2. Anti-corruption service/Body		Institutions which Anti-corruption service/body is/should be accountable to
Mandate (legal basis)	The establishment of an Anti-corruption Agency/Body is currently being discussed. The preparatory process is led by the State-level Ministry for Security, under which the Agency/Body would eventually operate.	Under discussion.
Tasks and authority	Under discussion. <i>(It is expected to be an independent body with an advisory role)</i>	Under discussion.
Composition and human resources	Under discussion.	Under discussion.
Internal organization	Under discussion.	Under discussion.
Annual budget or other financial resources	Under discussion.	Under discussion.
3. Relation to other relevant institutions		
At the moment, BiH has no specialised anti-corruption service. The Monitoring and Implementation Office of the Economic Policy Planning Unit (EPPU) is in charge of monitoring and evaluating the		

<p>Anti-corruption Strategy and its Action Plan. Currently, this Office operates under the auspices of the Council of Ministers.</p> <p>The following institutions in BiH are, among other, dealing with the fight against corruption, including with activities on up-dating the Strategy:</p> <ul style="list-style-type: none"> ▪ <u>Ministry of Security of BiH</u>, in particular the Ministry's Department for Organised Crime and Corruption and its Inspectorate in charge of internal control; ▪ <u>State Investigation and Protection Agency (SIPA)</u>, in particular its Financial Intelligence department; ▪ <u>Entity Ministries of Interior</u>, in particular the Ministries' Departments for Organised Crime and Corruption; ▪ Prosecutors' Offices at all levels (State, Entity, Brčko District, Cantonal and Municipal levels). Special Department for Organised Crime and Corruption of the Prosecutor's Office of BiH, established by Decision of the High Representative of the International Community. 	
4. Achievements so far in anti-corruption policy and services provided	
Prevention	Adoption of a number of laws at all levels, in accordance with the Strategy, such as: Law on Public Procurement, Law on Conflict of Interests, Civil Service Law, Law on Police Officials, Law on the High Judicial and Prosecutorial Council, Law on Financing of Political Parties, etc.
Suppression/ Law enforcement	Establishment of adequate and specialised mechanisms/structures in response to the implementation and enforcement of the preventive legislation.
Public awareness	The Strategy for the Fight against Corruption is part of the Medium-Term Development Strategy, a document which is developed in a transparent, multi-stakeholder consultation process.
5. Difficulties encountered	
<ul style="list-style-type: none"> ▪ Complex organisational structure of the State with a multilayered government and different strong regional interests has contributed to the fact that measures envisaged in the Strategy have not been fully implemented, or their implementation has been delayed; ▪ Insufficient financial support for the implementation of measures of the Strategy; ▪ Other ongoing reforms in various segments of the public administration and lack of their coordination with measures related to fighting corruption. 	
6. Recommendations for further improvement	
<ul style="list-style-type: none"> ▪ Accelerate and coordinate reform process with respect to anti-corruption measures, especially with respect to monitoring; ▪ Improve intra-governmental coordination of the implementation of the anti-corruption strategy; ▪ Harmonize the relevant legislation at different levels of government; ▪ Harmonize domestic legislation with international legal instruments; ▪ Establish an independent anti-corruption body at State level; ▪ Strengthen SIPA by increasing funds allocated to it corresponding to its tasks, and appropriate human resources; ▪ Improve and strengthen regional cooperation. 	
7. Risk factors	
<ul style="list-style-type: none"> ▪ Overwhelming focus on repressive measures, insufficient attention to preventive and educational measures; 	

- Strong attention to the immediate needs of adoption of new legislative framework, to the detriment of development of mechanisms and capacity to implement and enforce the new legislation;
- Insufficient capacity to collect corruption-relevant data inside the administration and lack of capacity to establish benchmarks and success indicators to monitor and steer the implementation of the Strategy and Action Plans;
- Proliferation of structures with overlapping competencies and insufficient coordination among them.

6. CROATIA

1. Anti-corruption policy		Endorsing institutions
Status of anti-corruption strategy	2002 National Anti-corruption Strategy	<ul style="list-style-type: none"> ▪ Parliament ▪ Government ▪ Line Ministries ▪ USKOK ▪ The State Attorney's Office ▪ Other relevant state administrative bodies
Next steps	A new, comprehensive National Anti-corruption Strategy is currently being drafted by a Technical Working Group, established for this purpose in 12/2004.	<ul style="list-style-type: none"> ▪ Ministry of Justice ▪ Government ▪ Parliament
Status of anti-corruption action plan	The first part of the existing national strategy is likely to be partially used in the revised version; the second part (dealing with the adoption of relevant laws) will be up-dated.	<ul style="list-style-type: none"> ▪ Ministry of Justice ▪ Government ▪ Parliament
Next steps	A new Action Plan to be drafted as integral part of the new National Anti-Corruption Strategy.	<ul style="list-style-type: none"> ▪ Ministry of Justice ▪ Government ▪ Parliament
Plans for revision	N/A	N/A
2. Anti-corruption service/Body		Institutions which Anti-corruption service/body is/should be accountable to
Mandate (legal basis)	An Anti-corruption Body/mechanism aimed at monitoring the implementation of the Anti-corruption Strategy and in charge of public education and prevention of corruption is sought to be established in the course of 2005. Until then, USKOK – a body established in accordance with the 2002 Anti-corruption Strategy and the Law on USKOK is in charge of fighting corruption. USKOK – The Office for the Suppression of Organised Crime and Corruption, and specifically its Department for Suppression of Corruption and Public Affairs– is according to the Law on USKOK responsible for the coordination and implementation of the existing national Anti-corruption Strategy. However, USKOK's mandate has been modified in 2005, resulting in greater authority and a formalized relationship with the police, and in a stronger role during the early stages of investigation procedures.	It is foreseen that the Anti-corruption Body would be accountable to the Parliament, while the initiative of establishing the Body is currently led and coordinated by the Ministry of Justice. The Government and the Parliament are responsible for USKOK.
Tasks and authority	For the new Anti-corruption Body, tasks and authority are currently being determined (Policy Paper needs to be finalised). USKOK is in charge of investigation and prosecution of crimes related to corruption, as well as of prevention and education	To be determined.

	on corruption issues.	
Composition and human resources	To be decided for the new Anti-corruption Body. USKOK's staff are prosecutors working in the Prosecutors Department. Problems occur due to the lack of professional staff in other departments, the lack of Special Investigative Means (SIMs) and the lack of sufficient finances to support USKOK's work.	Under discussion.
Internal organization	Internal organization of the new Anti-corruption Body is still under discussion. While USKOK has several departments, the two main of which are the Prosecutors Department, responsible for the investigation and prosecution of corruption-related criminal offences, and the Department for Research and Documentation, providing logistical support.	
Annual budget or other financial resources	The budget for the new Anti-corruption Body is under discussion.	Government
3. Relation to other relevant institutions		
<ul style="list-style-type: none"> ▪ <u>USKOK</u>, the Office for the Suppression of Organised Crime and Corruption – established in December 2001 as a specialised Public Prosecutor's Office - is responsible for the prevention, prosecution and suppression of criminal offences related to corruption and organised crime. Among other, this Office has two relevant departments – the Prosecutor's Department, responsible for the investigation and prosecution of corruption-related criminal offences; and the Department for Research and Documentation, providing logistical support. A third department – the Department for International Cooperation and Joint Investigations – is currently in the process of being established. Recent amendments and changes to the Criminal Code (in particular those that had become necessary because of Croatia's adherence to international legal instruments) widened the scope of criminal cases USKOK can deal with. The latest amendments to the Law on USKOK facilitate better cooperation and coordination between USKOK, the courts and the police; they also strengthen the authority of USKOK during the initial investigation procedures. ▪ <u>Ministry of Finance</u>: The Office for the Prevention of Money Laundering– a specialised financial intelligence agency - collects data on suspicious transactions considered to contain indications of money laundering; the Financial Police, the Customs Administration, the State Inspectorate, and the Tax Administration investigate and report corruption-related criminal offences to USKOK. ▪ <u>Ministry of Interior</u>: The Ministry's Department of Economic Crime and Corruption is primarily focusing on organised crime; it is, however, envisaged to also conduct investigations on corruption-related offences in close co-operation with USKOK. The Ministry's Counter Intelligence Agency conducts security checks important for the prevention of corruption. 		
4. Achievements so far in anti-corruption policy and services provided		
Prevention	<ul style="list-style-type: none"> ▪ Adoption of relevant national legislation such as the Law on Public Procurement (although there is a need for changes as the current legislation contains loopholes); ▪ Monitoring ("inspection"), investigation and prosecution of corruption-related criminal offences by USKOK; ▪ Following the launch of an up-dated and improved national Anti-corruption Strategy and the establishment of a specialised Anti-corruption Body, the 	

	capacities for prevention and prosecution will increase.
Next steps	Increased prevention is necessary in specific sectors/areas, especially: public procurement, local administration, judiciary, education, health (acknowledging this, the Ministry of Health has recently conducted a research into corruption in the health sector).
Suppression/ Law enforcement	<ul style="list-style-type: none"> ▪ The Criminal Code (entered into force in 10/2004) and the Criminal Procedure Law were amended with relevant articles describing and punishing acts of corruption following the adoption of the UN Convention on Trans-national Organised Crime, the Cyber Crime Convention of the Council of Europe, and the Criminal Law Convention of the Council of Europe; ▪ The Law on USKOK and the amendments adopted in 02/2005 aim at strengthening the authority of the Office of USKOK by introducing additional responsibility (jurisdiction) for the prosecution of criminal offences that were enforced under the recent amendment to the Criminal Code; ▪ The Law on Criminal Responsibility of Legal Persons - adopted in 09/2003 and in force since 03/2004 - stipulates the criminal responsibility of any physical person conducting business of a legal person with the aim to gain illegal profit; ▪ Law on Freedom of Access to Information (however, some provisions necessitate changes and amendments, such as currently too long deadlines of the administrative body to respond to requests and the proportionality and public interest tests); ▪ Law on Prevention of Conflict of Interest in the Public Service (adopted in 09/2003), established a system for monitoring of the financial status of elected and appointed public officials; enforcement of the law remains, however, critical; ▪ Law on Prevention of Money Laundering - prescribes measures and actions in the financial sector (banks) in order to reveal and suppress money laundering; ▪ Labour Law - Article 108 contains a whistle-blower protection clause; ▪ Ratification of the UN Convention against Corruption in April 2005 by the Parliament.
Next steps	Anti-corruption issues need to be embedded in a broader judicial reform process.
Public awareness	<ul style="list-style-type: none"> ▪ The Ministry of the Interior operates a phone line for citizens to report acts of corruption; the number is published on the Ministry's official website; ▪ The newly adopted amendments to the Law on USKOK provide for the creation of a Department for the Suppression of Corruption and Public Relations, this Department's task is to increase awareness and to provide training to officials working in public or state institutions on how to detect and report corruption; the Department will also educate and introduce citizens to relevant measures pertaining to corruption; ▪ Office of the Ombudsman: Although seminars and public awareness campaigns have been organised in the past, citizens are still insufficiently aware that they can report corruption issues to the Office, which will then be followed up with the relevant institutions; ▪ In a number of cases, the media uncovered, investigated and reported about the involvement of senior officials in corruption; this has resulted in the resignation and dismissals of some prominent Government officials (most recently the Minister of Foreign Affairs).
Next steps	Although there is a generally high level of public awareness in Croatia, there is a need for continued education campaigns not only through relevant curricula in education institutions, but also inside state bodies, among senior politicians, government officials and officials at regional and local levels.
5. Difficulties encountered	
<ul style="list-style-type: none"> ▪ To date, a disproportional responsibility for corruption-related issues was with USKOK's Prosecutor's Department, this responsibility was not matched by adequate numbers of 	

<p>sufficiently skilled and trained staff (skill gaps particularly concern investigative techniques and prosecution skills);</p> <ul style="list-style-type: none"> ▪ Although changes in the legal framework have been introduced, there is a need for amendments and changes in a number of laws; enforcement of new legislation remains a critical issue; ▪ Lack of SIMs equipment has prevented better intra-governmental cooperation and investigation; ▪ The persisting low public awareness on existing channels to report on cases of corruption and on the division of responsibilities for corruption-related issues (in particular between MoI and USKOK) remains problematic.
<p>6. Recommendations for further improvement</p>
<ul style="list-style-type: none"> ▪ Finalization of new anti-corruption strategy, action plan; ▪ Establishment of the anti-corruption service/ body; ▪ Assistance to law enforcement agencies in strengthening their capacities to investigate and repress corruption; ▪ Improve public awareness and education efforts between the government and NGOs, which in turn could further educate citizens; ▪ Continue efforts to raise awareness among state and government officials; ▪ Introduce more statistical measurements and surveys to be carried out, commissioned or facilitated by the relevant institutions in charge of anti-corruption (although 46 external surveys/research studies into corruption have been carried out by Gallup, USKOK was unable to conduct similar activities, due to shortage of staff and financial means).
<p>7. Risk factors</p>
<ul style="list-style-type: none"> ▪ Existing political situation, and a general lack of higher political responsibility and ethics in the public administration hamper the success of ongoing efforts; ▪ The deficient existing legal and institutional framework continues to provide opportunities for corruption (in particular in the privatization process of strategic state-owned enterprises and public services; and in public procurement); ▪ Existing loopholes in the legal framework regulating the financing of political parties represent an ongoing risk for abuse and possible corruption.

7. KOSOVO (SERBIA AND MONTENEGRO)

1. Anti-corruption policy		Endorsing institutions
Status of anti-corruption strategy	In 05/2004, the first Anti - corruption Strategy for Kosovo was launched and enforced by PISG institutions.	<ul style="list-style-type: none"> ▪ The Office of the Prime Minister of PISG ▪ Kosovo Government Institutions ▪ Line ministries/Departments ▪ Civil society
Next steps	Approval of the Strategy by the Assembly of Kosovo and its implementation.	The Office of the Prime Minister of PISG Kosovo Government Institutions (Ministries) Civil society
Status of anti-corruption action plan	The Office of Good Governance, Human Rights, Gender, and Equal Opportunities of the Kosovo Government is in charge of coordinating the process of finalising an Anti-corruption Action Plan in accordance with the Anti-corruption Strategy.	Kosovo Government Institutions (Ministries); Civil Society; National Agencies; International Agencies in Kosovo; Assembly of Kosovo approval in 09/2004. The official promulgation of the Anti-corruption Action Plan (and Strategy) by UNMIK and the PISG is expected during 04 – 05/2005.
Next steps	Completion of the Action Plan for the implementation of the Strategy.	Kosovo Government Institutions (line ministries); civil society
Plans for revision	Not yet determined.	Not yet determined.
2. Anti-corruption service/Body		Institutions which Anti-corruption service/body is/should be accountable to
Mandate (legal basis)	Chapter 2 (Kosovo Anti-corruption Agency) of the Draft Act on Suppression of Corruption provides the legal basis for the establishment of the Kosovo Anti-corruption Agency (Body) for the Suppression of Corruption.	<p>According to the Draft Act, the Kosovo Anti-corruption Agency will be accountable to the Kosovo PISG and the Kosovo Assembly.</p> <p>It should be noted that the Draft Act on Suppression of Corruption has been approved by the PISG government, but is pending</p>

		for promulgation by UNMIK SRSG and OLA office.
Next steps	<p>Harmonization of the Draft Law on Anti-corruption based on the recommendations provided by the Office of the Special Representative of the Secretary General (SRSG)/UNMIK</p> <p><i>Note: A provisional Draft Law on Anti-corruption is under review by the UNMIK Legal Office, which may contain provisions for the legal basis/mandate for the establishment of the Anti-corruption Agency.</i></p>	
Tasks and authority	<p>In accordance with Article 24 of the Draft Act on Suppression of Corruption, the tasks and authorities of the Kosovo Anti-corruption Agency are expected to be as follows:</p> <ul style="list-style-type: none"> ▪ Investigation and prosecution of serious corruption offences; ▪ Ensuring legal and institutional cooperation with other relevant domestic and international law enforcement agencies; ▪ Supervision and analysis of statistics in connection with the state of corruption in Kosovo; ▪ Provision of legal advocacy inputs for relevant pieces of legislation; ▪ Being in charge of prevention, education and public participation activities ; and ▪ Submission and publication of annual reports on corruption and analysis of the status of implementation of anti-corruption measures by all stakeholders. 	
Next steps	<p>Establishment of the Anti-corruption Agency and creation of its personnel structure (staff), in accordance with the Anti-corruption Law.</p> <p><i>Note: A provisional Draft Law on Anti-corruption is under review by the UNMIK Legal Office, which may contain provisions for the tasks and authority of the Anti-corruption Agency.</i></p>	
Composition and human resources	<p>So far, the Draft Act does not make any provisions on the number of staff members or other human resources that would be at the disposal of the agency.</p>	
Next steps	<p>See above ('Tasks and authority').</p>	
Internal organization	<p>The Draft Act refers only to 2 Co-Directors of the Agency and an Agency Council.</p>	
Next steps	<p>See above ('Tasks and authority').</p>	
Annual budget or other financial resources	<p>Upon promulgation of the Act of Suppression of Corruption, the budget of the Kosovo Anti-corruption Agency will be covered by the Consolidated Budget of Kosovo.</p> <p>Additionally, the CoE PACO Impact Project is</p>	

	expected to provide €45,000 of technical assistance to the Agency immediately after its establishment (foreseen for 2005).	
Next steps	A budgetary allocation has to be made for the operation of the Anti-corruption Agency.	
3. Relation to other relevant institutions		
<p>As there is no anti-corruption service/body in place, yet, the Office of Good Governance, Human Rights and Equal Opportunities within the Office of the Prime Minister is in charge of formulating anti-corruption policies and providing advice to the PISG and UNMIK institutions. The mandate of the Office of Good Governance is based on UNMIK Regulation 2001/19.</p> <p>The Office of Good Governance/Office of the Prime Minister, in close co-operation with international organizations and donors such as the CoE and GTZ, have provided substantial material and technical assistance to the drafting process of the Anti-corruption Strategy (endorsed in May 2004) and the Anti-corruption Policy Paper to the Government of Kosovo (endorsed in early 2003). The Office of Good Governance/Office of the Prime Minister co-operate closely with the following institutions in the fight against corruption:</p> <ul style="list-style-type: none"> ▪ UNMIK Pillar 1 (Justice and Police); ▪ Department of Justice; ▪ Financial Investigation Unit (Guardia Di Finanzia); and ▪ All Ministries of the Kosovo Government. 		
4. Achievements so far in anti-corruption policy and services provided		
Prevention	<p>Prevention focuses on a) introduction of an appropriate legislative framework, and b) public awareness.</p> <ul style="list-style-type: none"> ▪ Preparation of the Anti-corruption Strategy; Draft Suppression of Corruption Act, adopted by the Assembly (09/2004) and pending official promulgation by the SRSG; preparation of an Action Plan for the implementation of the Anti corruption Strategy; and ▪ Organisation of prevention and public awareness oriented campaigns and activities on the fight against corruption. 	
Suppression/ Law enforcement	<ul style="list-style-type: none"> ▪ Penal Code of Kosovo; ▪ Penal Procedural Code; ▪ Regulation against Money-laundering; ▪ Public Procurement Law. 	
Public awareness	<p>In 2003 and 2004, the Office of Good Governance/Office of the Prime Minister was engaged in public awareness campaigns on anti-corruption policy through public debates, booklets, media appearances and the organisation of workshops and seminars with public officials, civil society and media representatives.</p> <p>In 08/2004, the Office of Good Governance/Office of the Prime Minister and UNDP launched an anti-corruption awareness campaign, which is still ongoing.</p>	
Next steps	Continue public campaign to increase awareness of the population on the fight against and prevention of corruption.	
5. Difficulties encountered		
<ul style="list-style-type: none"> ▪ Lack of executive powers, i.e. executive powers for many areas are with UNMIK (such as for justice, police, etc.); ▪ Lack of legislative framework such as an Anti-corruption Law, providing the legal framework 		

of an anti-corruption agency.
6. Recommendations for further improvement
<ul style="list-style-type: none">▪ Establishment of the Anti-corruption Agency and proper coordination mechanisms with other relevant services, such as the economic crimes services within the Police, Prosecution and Judiciary;▪ Increase efforts to raise awareness of officials and citizens on corruption problems;▪ Allocation of specific funds for anti-corruption activities/services;▪ Better coordination among institutions vested with “reserved powers” and those with “transferred powers” when dealing with legislation and law enforcement issues in the field of corruption-related offences.
7. Risk factors
<ul style="list-style-type: none">▪ Insufficient human and material resources to implement Strategy and Action Plan; insufficient resources for an effective functioning of the Agency;▪ Problems arising from the need for coordination between the different institutions.

8. MONTENEGRO (SERBIA AND MONTENEGRO)

1. Anti-corruption policy		Endorsing institutions
Status of anti-corruption strategy	A draft Anti-corruption Strategy has been finalised by a Working Group established for this purpose by the Ministry of the Interior (MoI). The Commission for Internal Policy and Political System should review the draft and submit recommendations to the Government before its approval.	Government of the Republic of Montenegro
Next steps	Adoption of the Anti-corruption Strategy as soon as possible.	
Status of anti-corruption action plan	An Anti-corruption Action Plan is expected to be drafted after the adoption of the Anti-corruption Strategy. The MoI proposed to the Government the establishment of a new Working Group tasked with elaborating the Action Plan.	Government of the Republic of Montenegro
Next steps	Upon adoption of the Anti-corruption Strategy, immediate establishment of a Multidisciplinary Working Group that would be in charge of drafting the Action Plan. The Working Group would be lead by the Office for Anti-corruption Initiative (OACI).	
Plans for revision	Not yet determined.	
Other Steps	Active participation of OACI representatives in the review of the corruption-related elements of the Poverty Reduction Strategy Paper (PRSP).	Ministry of Labour and Social Care
2. Anti-corruption service/Body		Institutions which Anti-corruption service/body is/should be accountable to
Mandate (legal basis)	The Office for Anti-corruption Initiative (OACI) derives its mandate from the Government's Decree on Organisation and Functioning of the Public Administration, adopted in 07/2004 (published in the Law Gazette of the Rep. of Montenegro, no. 54/04).	Currently, the Ministry of Finance is supervising the legality and efficiency of the Office.
Next steps	Consider measures to improve the independence of the OACI, by the inclusion of an accountability clause to institutions other than the Government	Consider shifting accountability to the Parliament.
Tasks and authority	OACI is in charge of: <ul style="list-style-type: none"> ▪ Undertaking promotional and preventive activities aimed at effectively combating corruption; ▪ Working closely with the Government towards adoption and implementation of European and international standards and instruments relevant to anti-corruption; ▪ Enhancing transparency in business and financial operations; ▪ Performing other activities that arise from Montenegro's membership in the Stability Pact 	Currently, the Ministry of Finance is supervising the legality and efficiency of the Office.

	<p>for South-Eastern Europe and other international organisations and institutions; and</p> <ul style="list-style-type: none"> Any other activities delegated to the OACI by the relevant authorities. 			
Next steps	<p>Undertake steps to:</p> <ul style="list-style-type: none"> Provide citizens with direct access to OACI officials – incl. giving citizens the possibility to lodge complaints, to ask for instructions, to receive information related to corruption etc.; Conduct public opinion surveys on a regular basis (annually). 	<p>Consider accountability to institutions other than the government, for example the Parliament.</p>		
Composition and human resources	<p>The Statute on Internal Organization of the OACI foresees a structure of seven staff:</p> <ul style="list-style-type: none"> Director of the Office; Senior Advisor for International Cooperation; Two Advisors for International Cooperation; Senior Officer for Financial and Legal Affairs; Two Officers for Financial and Legal Affairs. <p>Currently, the OACI operates with limited resources and capacities (only 4 staff members).</p>			
Next Steps	<p>Establishment of a Department for Public Relations: this would require an adequate increase in human resources and budget.</p>	<p>Government of the Republic of Montenegro, following a proposal from the Ministry of Finance</p>		
Internal organization	<p style="text-align: center;">DIRECTOR OF THE OACI</p> <p style="text-align: center;">↓ ↓</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"> Depart. for Internat. Cooperation Senior advisor Senior officer </td> <td style="width: 50%; text-align: center;"> Depart. for Financial and Legal affairs two advisors two officers </td> </tr> </table>	Depart. for Internat. Cooperation Senior advisor Senior officer	Depart. for Financial and Legal affairs two advisors two officers	
Depart. for Internat. Cooperation Senior advisor Senior officer	Depart. for Financial and Legal affairs two advisors two officers			
Next Steps	<p>See previous column. The PR Department would also report to the Director of the OACI.</p>	<p>Government of the Republic of Montenegro, following a proposal from the Ministry of Finance</p>		
Annual budget or other financial resources	<p>Annual budget in 2005: €62 006.36 Annual budget in 2004: €69 515</p> <p>No additional financial resources</p>	<p>Government of the Republic of Montenegro</p>		
Next steps	<p>Increase budgetary allocations to the OACI.</p>	<p>Government of the Republic of Montenegro</p>		
3. Relation to other relevant institutions				
<p>The Office for Anti-corruption Initiative works in close cooperation with the Ministry of Interior, Ministry of Justice, the Supreme Public Prosecutor, the Committee for Conflict of Interests, the Committee for Public Procurement, the Office for the Prevention of Money Laundering, as well as with international organizations and structures (SPAI, CoE, OSCE, EAR, etc.) and different relevant NGOs.</p>				

4. Achievements so far in anti-corruption policy and services provided	
Prevention	<p>The OACI actively participated in drafting of several laws and sub-legal acts which are crucial for the fight against corruption, such as:</p> <ul style="list-style-type: none"> ▪ Law on Conflict of Interests; ▪ Law on Prevention of Money Laundering; ▪ Law on Financing of Political Parties; and ▪ Law on the State Audit Institution.
Next steps	<ul style="list-style-type: none"> ▪ Drafting and adoption of Codes of Conduct for different branches of power; ▪ Public surveys, sector research and analysis; ▪ Evaluation of the implementation of anti-corruption reforms.
Suppression/ Law enforcement	The OACI itself has no executive/law enforcement powers.
Next steps	<ul style="list-style-type: none"> ▪ Consider the use of SIMs for the investigation of corruption-related offences; ▪ Completion of the police reform: adoption of a set of laws regarding the police, including the establishment of a Crime Intelligence Unit running an operational data base; ▪ Strengthen the role of the Supreme State Prosecutor through; <i>inter alia</i>, increasing the institution's human resources and financial support.
Public awareness	Until now, the Office has not developed any specific public awareness activities. However, the draft Program Against Corruption and Organised Crime foresees that OACI will play a major role in anti-corruption public awareness measures.
Next steps	<ul style="list-style-type: none"> ▪ Conduction of public awareness campaigns, public discussions, including public debates in local communities; ▪ Printing brochures on corruption (annual reports, legal and institutional reviews on combating corruption, sector analysis, basic anti-corruption manuals, etc.).
Other steps	<ul style="list-style-type: none"> ▪ Drafting and adoption of the Law on Criminal Liability of Legal Entities; ▪ Review of the Law on Public Procurement; ▪ Review of the Law on Conflict of Interest; ▪ Adoption of the Law on Free Access to Information; ▪ Drafting of the Law on Organised Crime; ▪ Further training for public officers and law enforcement bodies.
5. Difficulties encountered	
<ul style="list-style-type: none"> ▪ Insufficient budget; ▪ Lack of human resources; ▪ Lack of training for the OACI's employees; and ▪ Delays in having a Final OC/AC Program in place and endorsed by the government. 	
6. Recommendations for further improvement	
<ul style="list-style-type: none"> ▪ Enhance the capacities of the OACI by enhancing its prerogatives and competencies; ▪ Strengthen the role and capacities of the OACI in monitoring the implementation of the Program against Corruption and Organised Crime; ▪ Better coordinate and cooperate with international actors; and ▪ Further improve cooperation with relevant public institutions and NGOs. 	
7. Risk factors	
<ul style="list-style-type: none"> ▪ Growing dependency on financial donations for every reform that needs to be undertaken; ▪ Lack of political will; ▪ Lack of allocation of more power and resources to the OACI; 	

- Premature and speedy legislative procedures, which negatively impact the subsequent enforcement of corruption-related laws;
- Lack of public awareness.

9. SERBIA (SERBIA AND MONTENEGRO)

1. Anti-corruption policy		Endorsing institutions
Status of anti-corruption strategy	<ul style="list-style-type: none"> ▪ Draft Strategy finalised ▪ Public debate held on 31/01/2005 	<ul style="list-style-type: none"> ▪ All ministries have provided input (comments/ suggestions) to the Strategy; ▪ Strategy will be sent to the Government after the consent of which it will be forwarded to the Parliament for endorsement.
Next steps	To be endorsed as soon as possible.	Government, Parliament
Status of anti-corruption action plan	An Action Plan will be drafted after the Strategy's endorsement by the Parliament.	The Government will have to endorse the Action Plan, since its implementation will require measures/activities from various relevant ministries as well as allocation of additional budgetary resources.
Next steps	Start drafting of a sector-specific Action Plan.	All relevant institutions
Plans for revision	Not yet specified.	
2. Anti-corruption service/Body		Institutions which Anti-corruption service/body is/should be accountable to
Mandate (legal basis)	An anti-corruption body/mechanism aimed at monitoring the implementation of the Anti-corruption Strategy and in charge of public education and prevention of corruption is sought to be established during 2005 by a new law.	Ministry of Justice
Next steps	Establishment of an expert Working Group in order to initiate the drafting of a new law introducing the establishment of anti-corruption services (or body)	
Tasks and authority	To be determined by the assigned Working Group.	
Next steps	To be determined by the assigned Working Group.	
Composition and human resources	To be determined by the assigned Working Group.	
Internal organization	To be determined by the assigned Working Group.	
Annual budget or other financial resources	The preparation of a financial assessment on the financial implications will need to be initiated soon in order to assess the budgetary allocations that would also be incorporated into the new law.	<ul style="list-style-type: none"> ▪ Ministry of Finance ▪ Ministry of Justice ▪ Working Group
Next steps	Prepare financial assessment.	Ministry of Finance

The draft National Strategy foresees the establishment of an autonomous, independent Anti-corruption Service/Body, whose composition, mandate and relation with other institutions/bodies/services will be specified in detail in a separate Anti-corruption Law, which will be drafted by the Ministry of Justice and the Anti-Corruption Council, in cooperation with the Council of Europe. This Law will serve as the legal basis for the establishment of such a body.

The National Strategy envisages that this Anti-corruption Service/Body would have the following competencies and tasks :

- Implementation of the Anti-corruption Strategy and Action Plan;
- Enforcement of regulations related to conflict of interest for all officials;
- Control of the implementation of regulations governing the financing of political parties and election campaigns;
- Monitoring the work of other bodies engaged in the fight against corruption;
- Developing integrity measures for the public sector.

The relationship with other institutions remains to be determined by the new Law.

3. Relation to other relevant institutions

- The existing Anti-corruption Council – established in 10/2001 - is an Advisory body of the Government. Its task is to propose preventive and repressive measures and to follow-up their implementation. The Council has been very active in commenting on relevant draft legislation and has issued reports dealing with various subjects (sugar affair, privatization abuses etc.). The Council operates with an annual budget allocated to it by the Government (although the nominal budgets were in 2003 - Dinar 30 Million; in 2004 – Dinar 19.5 Million; in 2005 – Dinar 15 Million, the funds available eventually for disbursement were considerably lower, i.e. in the range of Dinar 10 Million in each budgetary year);
- The recently established Republican Board for the Implementation of the Law on Prevention of Conflict of Interest is an advisory and controlling body; although the Law has been passed in 04/2004, the Board started functioning only in 01/2005, but is still lacking adequate resources for its work;
- The Public Procurement Office is in charge of overseeing the implementation of the Law on Public Procurement. A Commission for the protection of bidders' rights has been established by the same Law. It issues final decisions about the regularity of the public procurement procedure;
- The Specialised Prosecutor's Office deals with corruption cases only when they contain organised crime aspects. This is a serious shortcoming, which also requires re-thinking and a review of the existing practice in the regular prosecutor's service, i.e. there is a need to address the issue of specialization of prosecutors, as well as judges and police officers;
- Police (specialised police officers/ economic crime units): the old (i.e. 1991) Law on Police is still unchanged; there is a lack of adequate human resources and specialised skills of police officers to deal specifically with corruption cases.

4. Achievements so far in anti-corruption policy and services provided

Prevention	There are still no mechanisms in place to properly address prevention. However, the Republican Board for the Implementation of the Law on Prevention of Conflict of Interest will, <i>inter alia</i> , play a preventive role.
Next steps	<ul style="list-style-type: none"> ▪ Ensure full operation of existing anti-corruption mechanisms, namely the Anti-corruption Council and Republican Conflict of Interest Board; ▪ Conduct public surveys under the guidance and auspices of independent institutions/organizations.
Suppression/ Law enforcement	A Commission for the Fight against Organised Crime and Corruption has only recently been established by Governmental decision.

Next steps	<ul style="list-style-type: none"> ▪ Extend the mandate of the specialised police and prosecution forces to cover serious corruption and corruption-related offences; ▪ Provide necessary resources; ▪ Empower them to coordinate and monitor other police and prosecutorial services dealing with corruption cases.
Public awareness	The ACC runs its own website, containing currently 16 reports. The media has followed-up cases that had been brought forward by the ACC. However, there has not been any comprehensive public awareness campaign by the ACC.
Next steps	Launch of a comprehensive public awareness campaign
Other steps	Continue supporting the inter-departmental cooperation established under the PACO Impact Project.
5. Difficulties encountered	
<ul style="list-style-type: none"> ▪ Until recently, Serbia did not have a draft National Anti-corruption Strategy that could have been said to be solid and comprehensive. With this in mind, the main goal of the PACO Impact project in Serbia since its launching has been assisting the <u>drafting</u> of such a National Strategy, which would enjoy broad public support and consensus as a pre-requisite to be fully implemented and to have a real impact in the society as a whole; ▪ In 09/2004, a Working Group composed of representatives of the relevant institutions was established and tasked with the <u>elaboration</u> of a draft National Anti-corruption Strategy; this task was completed in 12/2004. As implementation of the Strategy has to be preceded by its endorsement by the Government and Parliament, the slow pace of this procedure poses a serious problem; ▪ It is important to keep the momentum in order to achieve the goal for 2005, i.e. the <u>adoption</u> of the Strategy in Parliament, and the preparation and implementation of the Action Plan. The complex political situation and a general lack of co-ordination and cooperation at the inter-ministerial level may additionally hamper this process. 	
6. Recommendations for further improvement	
<ul style="list-style-type: none"> ▪ Endorse the National Anti-corruption Strategy; ▪ Finalise the Action Plan that backs up the National Strategy, thereby foreseeing not only specific measures, but also their budgetary requirements, which would need to be endorsed by the Government; ▪ Draft a policy paper on the type and nature of the Anti-corruption Body; ▪ Draft and enact an Anti-corruption Law that will establish the legal framework for the functioning of the Anti-Corruption Body, in particular its status/role, authority, budget, and relation with other relevant anti-corruption institutions. 	
7. Risk factors	
<ul style="list-style-type: none"> ▪ Political situation; ▪ Complexity of the coordination procedures with other governmental institutions; ▪ Budgetary constraints. 	

10. "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"

1. Anti-corruption policy		Endorsing institutions
Status of anti-corruption strategy	In 2003, a multi-disciplinary "State Program for the Prevention and Repression of Corruption" containing recommendations for measures and activities to establish an efficient system for prevention and repression of corruption, was elaborated through broad stakeholder consultation (i.e. Government, line ministries and institutions, State Prosecution and Public Attorney, civil society and international experts). This Program has a long-term perspective with no clear deadline for renewal/update.	<ul style="list-style-type: none"> ▪ Parliament ▪ Government ▪ Ministry of the Interior ▪ Ministry of Justice ▪ Ministry of Finance ▪ Ministry of Economy ▪ Public Prosecutor's Office ▪ Public Attorney ▪ State Audit Office ▪ Agency for Civil Servants ▪ Directorate for the Prevention of Money Laundering ▪ Customs Administration, etc.
Status of anti-corruption action plan	The State Program itself contains an Action Plan, which provides for specific measures through Annual Programs.	Same as above.
Plans for revision	Multi-stakeholder annual conference assessing progress in the implementation of the State Program, while each responsible institution provides reports on progress made initially to the State Commission for Prevention of Corruption.	<ul style="list-style-type: none"> ▪ An initial assessment report is endorsed by the State Commission for Prevention of Corruption (SCPC); ▪ Following SCPC submission, the Progress Report Assessment is submitted to the Government for approval/endorsement; and ▪ The final Progress Report Assessment is presented, discussed and then approved by Parliament, and is made public.
2. Anti-corruption service/Body		Institutions which Anti-corruption service/body is/should be accountable to
Mandate (legal basis)	<p>The State Commission for Prevention of Corruption is an autonomous and independent legal entity.</p> <p>The Commission was established by the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia" No. 28 of 26/04/2002 and "Official Gazette of the Republic of Macedonia" No. 46 of 12/07/2004), Article 50 – 54)</p>	<ul style="list-style-type: none"> ▪ The Parliament ▪ In addition, the Commission submits Annual Reports on its other activities, but also on an ad hoc basis to the President and the Government. Open public reports and other actions are reported also to the media and civil society forums.
Tasks and authority	<ul style="list-style-type: none"> ▪ Adopts the "State Programme for the Prevention and Repression of Corruption", and annual programmes and work plans for 	

	<p>the implementation of the State Programme;</p> <ul style="list-style-type: none"> ▪ Commissions opinions on relevant draft laws; ▪ Initiates actions/reporting as required by the law to competent bodies on issues related to auditing and controlling financial operations of political parties, trade unions, citizens' associations and foundations; ▪ Initiates actions/reports related to initial procedures related to criminal allegations on corruption or other measures of accountability of elected or appointed functionaries and officials; ▪ Identifies conflict of interest cases as determined by law; ▪ Provides for control and verification of asset declarations of elected or appointed functionaries, officials and relevant persons in public enterprises and other publicly funded legal entities; ▪ Assures inter-governmental and international cooperation in the fight against corruption; ▪ Provides training and other public education elements to the relevant bodies in charge of law enforcement and criminal proceedings against corruption and economic crime. 	
Composition and human resources	<ul style="list-style-type: none"> ▪ 7 Senior legal and economic experts, appointed by the Parliament for a 5 year term (non-renewable); ▪ 5 full time staff members who serve as the Commission's secretariat. 	
Internal organization	<ul style="list-style-type: none"> ▪ The State Commission is supported by a Secretariat; ▪ The Senior Experts (members) of the State Commission exercise their function in parallel with their other public duties; ▪ The Secretariat members are currently employed as civil servants. 	
Annual budget or other financial resources	<ul style="list-style-type: none"> ▪ The State Commission receives an annual allocation from the State Budget; which for 2005 was MKD15.000.000,00 (€240.000); ▪ Additionally, the State Commission receives ad hoc technical assistance from international donors. 	
3. Relation to other relevant institutions		
<p>In accordance with the law, the State Commission reports to and addresses parliament twice per year on issues related to the evaluation of the implementation of the State Program for the Prevention and Repression of Corruption. Prior to its submission, these reports have to be endorsed by the government. In view of this, as well as other actions/tasks, the Commission maintains a close relationship (as stipulated by the law) with the following institutions:</p> <ul style="list-style-type: none"> ▪ Ministry of Justice ▪ State General Audit 		

<ul style="list-style-type: none"> ▪ Transparency International ▪ Office of the Prosecutor General 	
4. Achievements so far in anti-corruption policy and services provided	
Prevention	<ul style="list-style-type: none"> ▪ Publication and public awareness campaigns through media articles on alleged abuse of public office; ▪ Prevention of corruption is achieved through the submission of initiatives to other relevant institutions and bodies for already determined abuses, and through public dissemination of those initiatives through the media in order to act in prevention towards other bearers of public competencies. The same refers to cases of conflict of interest - state bodies or institutions approach the Commission so that it would assess whether there is a conflict of interest in specific cases; ▪ In accordance with the Law, the State Commission also provides opinions on draft laws of importance for the prevention of corruption.
Suppression/Law enforcement	<p>As a result of the State Commission's work, the following legislative changes have been made:</p> <ul style="list-style-type: none"> ▪ Amendments to the Constitution enabling the use of Special Investigative Means (adopted); ▪ Amendments to the Constitution enabling the independence of the election of judges and prosecutors (in procedure); ▪ Criminal Code (adopted); ▪ Code of Criminal Procedure (adopted); ▪ Law on Access to Information (in procedure); ▪ Law on the Prevention of Conflict of Interests (in procedure); ▪ Law on Civil Servants (adopted amendments); ▪ Law on the Prevention of Corruption (adopted amendments); ▪ Law on the Salaries of Public Administration; ▪ Law on Independent Court Budget (adopted); ▪ Law on Courts; ▪ Law on Political Parties (adopted); ▪ Law on Financing of Political Parties (adopted); ▪ Law on the Salaries of Judges and Public Prosecutors; ▪ Law on the Public Prosecutors' Office (adopted); ▪ Law on the Public Attorney's Office; ▪ Law on Witness Protection; ▪ Law on Banks; ▪ Law on Financial Institutions; ▪ Law on Misdemeanours; ▪ Law on the Prevention of Money-Laundering (adopted); ▪ Law on Commercial Companies (adopted); ▪ Law on Public Procurement (adopted); ▪ Law on State Audit (adopted amendments); ▪ Law on the Financial Police (adopted); ▪ Law on Citizens' Associations and Foundations (NGOs).
Public awareness	<p>The State Commission tries to lead by example through full transparency of its own work, believing that this is a contribution to the strengthening of public awareness. There are now open lines provided by the Customs Administration, Public Revenue Office and the Ministry of the Interior to which corruption related offences can be reported.</p> <p>A PR campaign is planned for 2005 (funded through the PACO Impact project), focusing on prevention of corruption and international standards through printed materials and online promotion.</p>
5. Difficulties encountered	

<ul style="list-style-type: none"> ▪ Insufficient staffing of the Commission’s Secretariat; ▪ Non-adequate working conditions (i.e. lack of office space and inappropriateness of IT structure); ▪ Lack of technical means and resources to efficiently conduct procedures related to asset declarations; ▪ Insufficient networking with the Public Revenue Office; ▪ Lack of Special legislation regulating the control of conflicts of interest; ▪ Self - and local government levels are not sufficiently included in anti corruption measures; ▪ Violation of the Code of Ethics by high-level officials; ▪ Insufficient public awareness campaigns especially within schools and other parts of the education system.
<p>6. Recommendations for further improvement</p>
<ul style="list-style-type: none"> ▪ Improve the efficiency and effectiveness of the Commissions’ operations; ▪ Ensure a better understanding of the state of play and mechanisms of corruption through carrying out of surveys; ▪ Establish a structured interaction with other relevant national institutions and sharing and application of international best practices and lessons learned; ▪ Introduce a system of benchmarks and success indicators and equally, assist the other relevant bodies to design a system of benchmarks for the measurement of success of the implementation of the new legal frameworks.
<p>7. Risk factors</p>
<ul style="list-style-type: none"> ▪ Lack of financial resources and equipment (including software); ▪ Limited human resources necessary for the efficient implementation of the regulations of the Laws concerning the field of combating corruption.

11. CONCLUSIONS

Over the past years, all project areas have taken substantial measures in the fight against corruption. Corruption - and the need to combat it - has been firmly put on the political agenda of the countries of the region. All project areas have established, or are on the way to establish, specialised anti-corruption bodies/services, although different project areas have adopted different models of such agencies. Substantial legislative reform to address corruption has been initiated in accordance with international standards and in response to countries' aspirations to European Union membership. The anti-corruption services/bodies are tasked with monitoring the implementation of these reforms. The need to communicate reforms to the public in order to achieve popular support and credibility have been understood and addressed, as has the role of civil society involvement and inclusive stakeholder approaches.

Taking stock of progress made presents also an opportunity to reflect on the challenges ahead, and in the course of the seminar, participants have identified some of the substantial problems in the work of their agencies and their countries' frameworks for fighting corruption. Arguably the greatest challenge is posed by a danger of political will to support the work of the agencies once they have been established ebbing away. Agencies appear to be overloaded with expectations and tasks, while vague definitions of mandates and powers - often resulting in strained intra-governmental relations - and the human and financial resources allocated to the agencies put strong limits on achieving these expectations. Other challenges are the slow implementation and enforcement of the legal reforms undertaken, the general lack of means of measuring impact of such reforms, and the need for shifting the focus of reforms from repressive actions towards prevention and education.

Governments are beginning to realize that these challenges need to be addressed in order to sustain public and international credibility and support. They have reconfirmed their commitment in the Joint Declaration; progress made in accordance with the recommendations made in the course of this first regional seminar will be followed-up during a second activity foreseen to take place at the end of September 2005 in Belgrade/Serbia.

12. ANNEX I: SAMPLE OF CHECKLIST QUESTIONS

Assembling Anti-corruption Strategies and their Means of Implementation

Participants discussed their respective anti-corruption services' features and roles, and the need of drafting and implementing coherent anti-corruption strategies. Mr. Bertrand de Speville (United Kingdom), a Council of Europe expert, provided the following checklist that participants found helpful to use as questions prior of addressing these issues with regard to designing anti-corruption strategies and their means of implementation.

- **Features of a national anti-corruption strategy should include the following elements:**
 - Presentation of community values
 - Identification of a strategy objective
 - Elements of strategy
 - The modus of its application
 - The implementation mechanism
 - The modus of progress measurement

- **Features of an anti-corruption body should be:**
 - Referrals to the establishment/existing body
 - The mandate of the body
 - The list of powers
 - The structure
 - The organisational position
 - The existing or needed financial resources
 - The operational policies
 - The independence
 - The accountability of the body
 - The nature and the number of the personnel
 - The provision of security measures
 - The relations with the other bodies and institutions

- **The process of endorsing a national anti-corruption strategy and establishing the implementation mechanism should foresee:**
 - Statement of community values in law
 - Cabinet policy guidance
 - Community leadership support
 - Detailed Cabinet implementation approval
 - Cabinet approval of draft implementation law
 - Budget allocation
 - Selection and appointment of implementation personnel
 - Induction of senior personnel
 - Operational policy decisions
 - Operating systems
 - Manuals of operation
 - Training of personnel
 - Logistics
 - Security
 - Operational tools to be used for implementing and monitoring strategies

13. ANNEX II: JOINT DECLARATION



Joint Declaration (Skopje, 1 April 2005)

We, the representatives of the governments and administrations from the South-eastern European region:

Participating in this High-Level Meeting on Anti-corruption Services in South-eastern Europe held in Skopje (1 April 2005);

In cooperation with the Council of Europe and other European and international organisations;

In our official capacity;

Recognising the importance of Council of Europe resolution (97) 24 on “The twenty Guiding Principles for the fight against corruption”;

Building on the previous commitments and efforts and the lessons learned and experiences derived from them;

Taking into account the proposals for the improvement of anti-corruption strategies and for the strengthening of anti-corruption services elaborated at the PACO Impact Seminar in Skopje on 1 April;

Taking into account recommendations from GRECO evaluations;

Considering the requirements of European and other international instruments, in particular the Criminal Law Convention on Corruption of the Council of Europe, as well as the United Nations Convention on Corruption;

Acknowledging the good practice shared at the Octopus Interface conference on specialised anti-corruption services (Strasbourg, November 2003);

Being aware of the critical role of independent anti-corruption services in the planning, coordination, monitoring and implementation of comprehensive anti-corruption strategies;

Recognising the pressing need to further enhance our capacities in the fight against corruption and therefore to invest adequate national resources in that effort;

Acknowledging the commonalities and the regional character of the challenges we face, but also considering that the particularities of our problems require specific solutions;

Acknowledging that in all our efforts and policies we have to strive towards accountability, transparency and the participation of the public.

WE

Commit ourselves to:

Continue our efforts to support initiatives aimed at establishing and strengthening anti-corruption bodies as specialised independent services;

Strengthen the role of anti-corruption services to contribute to the effective and efficient implementation and monitoring of compliance with relevant legislation against corruption;

Strengthen the institutional capacities of anti-corruption services to ensure coordination at all levels, including regional and international, with a view to minimising the duplication of efforts and maximising the use of existing resources to meet the challenges ahead;

Support further networking and experience exchange among anti-corruption services;

Strengthen the institutional capacities of anti-corruption services to enable them to monitor and evaluate the results of existing anti-corruption strategies, to implement appropriate follow-up, and to communicate results to the public;

Ensure that anti-corruption services carry out regular and credible public consultations;

Continue and strengthen corruption prevention efforts in parallel with public education and participation;

Strengthen the capacities of the anti-corruption services to deal with preventive aspects of the fight against corruption;

Explore the possibility of seconding specialised law enforcement officers to anti-corruption services;

Advocate that adequate resources are allocated to assure the continuation and effective implementation of such reforms.

* * *

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