



REGIONAL ANTI-CORRUPTION INITIATIVE

**GOOD ANTI-CORRUPTION PRACTICES -
CURRENT AND FUTURE CHALLENGES
IN SEE COUNTRIES**

**REGIONAL CONFERENCE
ON REGIONAL CO-OPERATION IN SEE
IN THE IMPLEMENTATION OF UNCAC**

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Anti-corruption strategies in SEE

- ◆ All SEE countries developed and ensured implementation of **anti-corruption strategies**
- ◆ **Involvement** of all **relevant** institutional **stakeholders**, civil society and international community
- ◆ Comprehensive and **holistic approach**
- ◆ Some trends to quantify, plan and cover respective AC measures by **budgetary means**
- ◆ Setting up of **monitoring instruments**
- ◆ **Links with other strategies** (judiciary, OC, administration reform etc.)
- ◆ **Methodology and experience** is used by international actors in other regions



Anti-corruption strategies in SEE (2)

- ◆ In some cases, anti-corruption measures are not updated or there is not an updated strategy
- ◆ Lack of concrete and effective measures, lack of measurable and tangible indicators
- ◆ Lack of efficient monitoring instruments
- ◆ Inter-institutional cooperation is weak
- ◆ Need to set up clear and effective priorities
- ◆ Budgetary instruments are not in place as a rule in general in order to ensure implementation
- ◆ The ambitious content of those strategies live place for scepticism and lack of involvement from several relevant stakeholders
- ◆ Reporting progress doesn't respect a clear methodology



Anti-corruption strategies in SEE (3)

- ◆ Difficulty with regard to institutional instruments (too many responsible institutions involved or just one main responsible coordination body)
- ◆ Shifting between short term or mid-term approaches
- ◆ Lack of full harmonisation between AC strategic documents and other political, strategic (sectorial, cross-sectorial), financial or operational instruments
- ◆ Insufficient level of trust from citizens (consultation, information, awareness, participation)
- ◆ Capacities, resources, support, specialisation and expertise of main involved domestic stakeholders



Integration of international AC standards

- All SEE countries have ratified relevant AC standards (excepting OECD convention on bribery)
 - Criminal Law on Corruption (CoE) and its protocol
 - Civil Law on Corruption (CoE)
 - UNCAC

- General satisfactory level of harmonization of ETS no.173 into the domestic legal framework

- Overall promising level of harmonisation of UNCAC obligations



Integration of international AC standards (2)

□ Ongoing and future proces of harmonisation:

- Additional protocol of the Criminal Law on Corruption (CoE)
- Ongoing process for criminalisation of corruption and related offences
- Civil Law on Corruption (CoE) – very few cases
- UNCAC – different obligations need to be addressed and harmonised



Specific Legislation

- ◆ Almost all SEE countries have addressed **Conflict of Interest, Declaration of Assets** and **Integrity** issues through specific legislation and regulations
- ◆ Different SEE countries have legislation on **liability of legal persons** (criminal)
- ◆ Few countries have adopted **whistle blowing legislation**, some others are under process of considering it
- ◆ A large majority of countries have in place **ethical infrastructure and rules**
- ◆ In one case, there is legislation in place on **lobbying** issues.
- ◆ Recent regulations on **asset recovery** issues (seizure and confiscation)
- ◆ **Money laundering, OC, witness protection** legislation



Specific Legislation (2)

- ◆ All SEE countries have addressed **Public Procurement**, issues through specific legislation and regulations
- ◆ Several SEE countries have improved legislation on **concessions** issues
- ◆ In some cases (Romania, Croatia, Albania), **specific legislation** exists **to support NGOs or civic initiatives with public funds** for public interest initiatives, with special focus on anti-corruption and good governance efforts



Specific Legislation (3)

- ◆ **Implementation challenges and capacities**
- ◆ A dynamic process of improving legislation – **sustainability**
- ◆ **Funding of political parties and electoral campaigns** presents further challenges to be addressed (GRECO 3rd round evaluation process (2008 - ...))
- ◆ **Sectorial reforms** (health, education, privatisation, property reform, defense etc.) need more coherent efforts
- ◆ **Frequent amendments** of legal framework in general ???
- ◆ Not yet to much attention to **corruption in the private sector**



Institutional and human capacities

- ◆ Almost all SEE countries have established, upgraded, adapted during recent years **anti-corruption structures, institutions** with specific backgrounds and statutes
 - **Preventive bodies** (co-ordination, monitoring, raising awareness)
 - **Classic** law enforcement bodies (police, prosecutor's office)
 - **Administrative** operational and inspection bodies
 - **Mixed** law enforcement bodies (regrouped in operational task forces)

- ◆ Increased level of **specialisation** and specialised skills
- ◆ Increased level of **young educated experts** in public admin.
- ◆ Qualitative trend for **more practically oriented needs** instead of theoretical knowledge



Institutional and human capacities (2)

- ◆ **Status** and **level of independence** of AC bodies
- ◆ **Sustainability** and **capacities** of anti-corruption bodies (political support, financial treatment, human resources, existence and use of databases)
- ◆ **Capacity** building processes and needs
- ◆ Inter-institution **coordination** and **co-operation**
- ◆ **Regional co-operation** instruments
- ◆ Keeping live and operational specific **networks in regional level**



CONCLUSION

Various positive experiences

Corruption still remains an important challenge

Long way to consolidate current acquis and address future challenges



Thank you for your attention!



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◦ SECRETARIAT ◦

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QUESTIONS

