



STRATEGIC DOCUMENT

PREAMBLE

We, the members of the Regional Anti-corruption Initiative, building on objectives initially identified by the participants in the Sarajevo Summit February 2000 and subsequently by Senior Representatives in the Steering Group meetings:

Taking into account the Declaration on 10 joint measures to Curb Corruption in South Eastern Europe, signed on May 2005, in Brussels, by the ministers of justice;

Taking into consideration the obligations we took over by signing the Memorandum of Understanding concerning cooperation in Fighting Corruption through the South Eastern European Anti-Corruption Initiative (MoU) at the SEECP Meeting in Zagreb on April 2007;

Recall the 2002 London Declaration on fighting organized crime and corruption, the 2003 EU – Western Balkans Thessaloniki Declaration, and the 2004 SEECP Joint JHA Declaration.

By acknowledging that corruption and other fraudulent and criminal activities,

- are highly detrimental to the stability of all democratic institutions, erode the rule of law, breach fundamental rights and freedoms guaranteed by the European Convention of Human Rights and other internationally recognized standards, and undermine the trust and confidence of citizens in the fairness and impartiality of public administration;
- undermine the business climate, discourage domestic and foreign investment, constitute a waste of economic resources and hamper economic growth

and, therefore :

COMMITMENTS

We, the members of the Regional Anti-corruption Initiative:

Agree on the necessity to fight fraud and all types of corruption on all levels, including the international dimension of corruption, organized crime and money laundering.

Agree that priority measures to fight corruption include:

- *Taking effective measures on the basis of existing relevant international instruments, in particular those of the Council of Europe, the European Union, the Organization for Economic Co-operation and Development, the United Nations and the Financial Action Task Force on Money Laundering;*



- *Promoting good governance*, through legal, structural and management reforms for better transparency and accountability of public administrations, through development of institutional capacities and through establishment of high standards of public service ethics for public officials;
- *Strengthening legislation and promoting the rule of law*, by ensuring effective separation of executive, legislative and judiciary powers and the independence of investigative and judiciary bodies and by enhancing investigative capacities;
- *Promoting transparency and integrity in business operations*, through inter alia, enactment and effective enforcement of laws on accepting and soliciting bribes, ensuring open and transparent conditions for domestic and foreign investment, establishing corporate responsibility and internationally accepted accounting standards.
- *Promoting an active civil society* by empowering civil society and independent media to galvanize community action, generate political commitment, creating a pattern of honesty in business transactions and a culture of lawfulness throughout society.

Agree in particular that building private/public and government/civil society partnerships is critical to developing and sustaining reform measures and to monitor anti-corruption activities;

Are firmly resolved to ensure the reliability and integrity of the public institutions to fight against corruption with high political determination.

Are committed to work with donor community for providing technical assistance and for developing synergies in program design and implementation on the basis of long-term partnership.

Without prejudice to existing international commitments, including those deriving from EU membership status or EU accession and EU candidate status, the Governments will undertake the following steps:

Adoption and implementation of universal and other European legal instruments

- Implement the United Nations Convention against Corruption;
- Sign, ratify and implement the Council of Europe Criminal Law Convention on Corruption, the Civil Law Convention on Corruption, the Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime, and the Additional Protocol to the Criminal Law Convention on Corruption;
- Apply the Twenty Guiding Principles for the fight against corruption adopted by the Committee of Ministers of the Council of Europe and participate actively in the Council of Europe's Group of States against Corruption – GRECO;
- Implement the 40 recommendations of the Financial Action Task Force on Money Laundering (FATF) and participate actively in the Council of Europe's Select Committee for the evaluation of anti-money laundering measures (PC-R-EV);
- Take measures to apply the principles proposed in the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the recommendations of the OECD;



- Implement the Guiding Principles for Fighting Corruption and Safeguarding Integrity among Justice and Security Officials signed at the 1999 Global Forum on Fighting Corruption held in the United States of America;
- Ratify and implement the United Nations Convention on Transnational Organized Crime;
- Adopt and implement any other legal instruments, standards and best practices of the EU acquis whenever is necessary;

Implementation of multilateral/regional agreements

- Declaration on 10 Joint Measures to Curb Corruption in South Eastern Europe¹;
- Memorandum of Understanding concerning Cooperation in Fighting Corruption through the South Eastern European Anti-Corruption Initiative (MoU)².

Promotion of good governance and reliable public administrations

- Strengthen national procurement legislation and procedures so as to promote an efficient, open and transparent procurement process that is in line with European and other international standards;
- Improve effectiveness, transparency and accountability in budget preparation, execution, and control so as to conform with good international practice including standards laid down by international organizations and, if relevant, by the European community;
- Establish professional and stable public services with staff selected on merit and safeguard legality, integrity, transparency and accountability through effective legal frameworks as well as judicial review of administrative decisions in line with good international practice; and promote the implementation of recommendations on Public Service Ethics and Codes of Conduct;
- Establish efficient external Audit institutions and practices in line with good international practice and with standards developed jointly by the European Court of Auditors and EU Member States; strengthen parliamentary oversight, e.g. through Ombudsman institutions, allow investigative bodies to be backed by sufficient human and financial resources, and secure transparency in the funding of political parties and electoral campaigns.

Strengthening of legislation and promotion of the rule of law

- Ensure that corruption and money laundering are criminalized in accordance with International standards. Legislation should clearly typify and punish corrupt behavior in elected bodies, public administration, business and society at large; ensure that appropriate remedies are available for victims of corruption and that anti-corruption legislation is enforced effectively;

¹ Signed on May 12, 2005, in Brussels, by ministers of 8 member countries of SPAI.

² Signed in Zagreb on April 13, 2007 by ministers of 7 member countries of SPAI.



- Set up specialized anti-corruption units, providing them with sufficiently trained staff and legal and budgetary means to effectively investigate, prosecute and adjudicate cases of corruption. Members of these units should enjoy appropriate independence, autonomy and protection in the exercise of their functions, be free from improper influence and have effective means for gathering evidence and protecting those persons helping the authorities in combating corruption;
- Further strengthen investigative capacities of criminal justice institutions by fostering interagency co-operation and joint investigations, focusing on financial investigations, taking into account links to fraud, tax evasion and economic crime, creating the conditions for the use of special investigative methods while respecting fundamental human rights and freedoms, and by providing appropriate training and resources.

Promotion of transparency and integrity in business operations

- Take effective measures to combat active and passive bribery, including corruption of public officials, through *inter alia* enactment and effective enforcement of laws on accepting and soliciting bribes, taking into account OECD, EU and Council of Europe instruments;
- Provide for open and transparent conditions for domestic and foreign investment in line with the principles set out in the Investment Compact of the Stability Pact;
- Promote corporate responsibility and liability on the basis of international standards and principles, including *inter alia* the development and implementation of modern accounting standards, adoption of adequate internal company controls, such as codes of conduct, and the establishment of channels for communication, and protection of employees reporting on corruption.
- Encourage private/public sector partnerships to develop and sustain reform measures.

Promotion of an active civil society and raising public awareness

- Develop appropriate regional/country and local anti-corruption actions with public officials, private sector and civil society representatives to share information and experience; Conduct surveys of businesses, consumers and public opinion to provide feedback for delivery of public services and fostering competition;
- Agree to organize, in co-operation with non-governmental and media organizations and the private sector, campaigns to raise public awareness about the economic and social harms of corruption;
- Develop measures aimed at encouraging public officials, victims of corruption, business and members of the public to co-operate with the authorities in preventing corrupt practices and extortion;
- Implement education programs aimed at fostering an anti-corruption culture in society;



- Strengthen media oversight through freedom of information laws, improve ethical and professional standards of journalists and promote training in investigative journalism and provide access to public information;

IMPLEMENTATION

Concrete implementation of the above mentioned commitments will be done through the Work Plan (Annex 4) developed every two years and approved by the Steering Group.



ANNEX I

INSTITUTIONAL MECHANISM

Composition

All countries of South Eastern Europe (SEECp members) which are parties of the MoU, as well as other countries or organizations willing to join the MoU by depositing an instrument of accession, are eligible to be *Core Members* of the RAI Steering Group.

All other countries, organizations or international financial institutions which are actively and substantially engaged in support of preventing and fighting corruption in South Eastern Europe and contributing to the programmatic activities of the RAI with at least the yearly minimum amount determined in the MoU, may participate in RAI Steering Group as *Associate Members*. The Associate Members will have the same voting rights as the Core Members in relation with the RAI programmatic issues.

Other interested countries or organizations which are involved in fighting corruption in SEE but not being able to contribute financially to the RAI, or financially participate in RAI activities less than yearly minimum amount determined in the MoU, as well as those organisations that are only implementers of projects related to the RAI activities, may participate in the Steering Group as *Observers*.

Any new members shall be deemed to have accepted the Strategic documents of the Initiative.

The Steering Group is the decisional making body of the Initiative. It is composed of one Representative from the signatory countries of the Memorandum of Understanding (MoU) or acceding countries or organizations appointed by the respective National Government and having the position at least Director in the Ministry of Justice or in the institution having responsibilities for the coordination (implementation) of National Anti-corruption Strategy. Senior representatives shall be appointed on a permanent basis. However, members are entitled to designate one substitute per representative. Member countries or organizations of the Steering Group, through written notification to the Chairman, may be represented in the Steering Group meetings by organizations that manage the implementation of their funds. Any new member shall appoint its Senior Representative within in a period of two months following its notification of the membership. The member shall inform the Secretariat of the name, position and address of the designated representatives. Members shall promptly notify the Head of the Secretariat of any change in the composition of their representative.

The Steering Group has meetings at least once per year and whenever necessary. The meeting are called and chaired by Chairman. There shall be a quorum if a majority of two thirds of members are present. The activities of Steering Group are supported by Executive body of the initiative – the Secretariat.

During the period between two meetings of the Steering Group decisions may be taken via e-mail through the Secretariat, under the coordination of the Chairman. The decision making process shall respect the same rules and as an exception decisions can be taken through silent procedure of two weeks.



Powers

The Steering Group proposes, discusses, makes amendments and approves Work Plan of the initiative every two years based on proposal coming from the Regional Secretariat which is based on priorities and needs identified by the member states. The Secretariat submits every two years the draft proposal for the Work Plan to the Senior Representatives.

The Steering Group approves the election or the renewal of mandate for the Regional Anti-corruption Initiative Chairman upon proposals made by member states. It discusses, approves or amends Chairman Terms of Reference (Chairman ToR).

The Steering Group approves nominations or renewal of mandate for the Head of the Secretariat and Anti-corruption expert(s) as well as discusses, approves or amends Terms of Reference (ToR) of the Secretariat.

The Steering Group shall decide on the publicity to be given to its activities.

Observers may be admitted in the Steering Group meeting upon proposals of its Chairman, of any Senior Representative or of Head of the Secretariat.

Decisions of the Steering Group of the Regional Anti-corruption Initiative shall be taken by consensus, which is understood as absence of objection. However, in absence of consensus, decisions shall be taken by two-thirds of the votes cast. Only votes “in favor” or “against” are taken into account when counting the number of votes cast. Procedural decisions shall be taken moreover by a majority of the votes cast.

Each member of the Regional Anti-corruption Initiative has the right to one vote. However, unless otherwise decided by the Steering Group, a member who has failed to fully implement the MoU and to fulfill financial obligations deriving from its implementation every year shall no longer take part in the decision-making process.

The Steering Group approves its annual activity report, including its financial part. The Secretariat shall publish it every year, once approved by the Steering Group.

The Steering Group approves its annual budget for the upcoming fiscal year which is financed through the annual compulsory contributions of its members, additional voluntary contributions from its members as well as from other interested countries, international institutions or other donors.

Chairman

The Chairman plays a pivotal role within the Initiative’s framework by ensuring the permanent coordination of the activities undertaken by the member countries in implementing the commitments endorsed within the Regional Anti-corruption Initiative Strategic documents. In this regard he/she convenes and chairs the Steering Group meetings.

The Chairman oversees the enforcement of the decisions taken by the Steering Group of the Initiative.

The Chairman shall **represent** the Initiative and its Steering Group members in relation with all international partners and **promote** the implementation of the Initiative’s strategic objectives.



He/she will:

- **Convene** once per year (or whenever necessary) the Steering Group Meetings and **chair** them;
- **Foster** the dialogue with the donor countries and international partners within bilateral discussions and whenever necessary through the Friends of the Chair meetings;
- **Strengthen** the communication with the high level governmental officials from the member countries throughout official visits whenever necessary;
- **Chair** national and regional events related to the fight against corruption hosted by the member countries upon request;
- **Give strategic guidance** to the Regional Anti-corruption Initiative Secretariat in order to ensure the achievement of the work plan's objectives, as set and approved by the Regional Anti-corruption Initiative Steering Group;
- **Report to the RCC** within its annual meetings and whenever necessary within the **SEECF Justice and Home Affairs (JHA) Ministerial meetings**;
- **Inform** and **consult** RCC Secretary General in relation with the Anti-corruption issues concerning the region.

The Terms of Reference for the Chairman are attached (Annex 2)

Secretariat

The Secretariat is the executive body of the Regional Anti-corruption Initiative. The Secretariat serves as a concrete and visible demonstration of the Regional Anti-Corruption Initiative commitment of the regional states to the continuing, concerted and coordinated fight against corruption in South Eastern Europe.

The mission of the Secretariat is:

- to serve as the main focal point for regional anti-corruption cooperation in South Eastern Europe through the coordination, facilitation and dissemination of best practices and lessons learned as well as through the interaction and coordination among member states and between member states and other international partners;
- to act as a regional Anti-corruption Resource Center for the countries of SEE; and
- to enable a better integration and implementation of the international legal instruments concerning the prevention and fight against corruption.

The Terms of Reference for the Secretariat and its staff are attached (Annex 3)