



# Is preventie van corruptie in de Westelijke Balkan mogelijk?

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- 1. Kader van de EU-steun
- 2. EU en preventie van corruptie
- 3. Anti-Corruptie Strategie en Actieplan
- 4. Anti-corruptie coördinatie
- 5. Vooruitgang of niet?
- 6. Conclusies





# Westelijke Balkan

## 1. Kader EU-steun preventie van corruptie

### IPA: Instrument for **P**re-**A**ccession

- Albanië
- Bosnië & Herzegovina
- Kosovo
- Montenegro
- Noord-Macedonië
- Servië



# IPA Budget

- IPA1, 2007-2013: €11.5 miljard
- IPA2, 2014-2020: €12,8 miljard
- IPA3, 2021-2027: €14,62 miljard

(exclusief steun van lidstaten, andere internationale organisaties)

**Doel:** to support the beneficiaries in adopting and implementing the political, institutional, legal administrative, social and economic reforms, required by those beneficiaries to comply with EU values and and to progressively **align to Unions rules, standards, policies and practices, with a view to EU membership**, thereby contributing to their stability, security and prosperity.



# Voorbeeld Albania

- IPA 2014-2020: **€639,5 million**
  - **Democratie & Bestuur**
    - Reorganisatie overheid/personeelsbeleid, dienstverlening burger
  - **Rechtstaat**
    - Rechterlijke macht, **anti-corruptie**, mensenrechten
  - **Milieu**
    - Afvalverwerking, waterkwaliteit
  - **Vervoer**
    - Infrastructuur
  - **Verbetering ondernemingsklimaat**
    - Verbetering toerisme, MKB
  - **Onderwijs**
    - Verbetering arbeidsmarkt
  - **Landbouw**
    - Voedselveiligheid
  - **Regionale samenwerking**
- Maximum EU bijdrage uitvoering Actieplan voor **2022: €82.600 miljoen.**



## 2. De EU en preventie van corruptie

- **Definitie** corruptie is **verbreed**: niet alleen omkoping  
*“Abuse of public office for private gain”*
- Meer aandacht voor integriteit en **preventie**:

Standaard aandachtspunten:

- Efficiënte, transparante, onpartijdige, op verdienste gebaseerde overheidsorganisatie, goed opgeleid personeel;
- Gedragscodes, monitoring integriteitsschendingen
- Transparante politieke partijfinanciering en verkiezingen
- Transparante openbare aanbestedingen, financieel beheer
- Informatievoorziening overheid
- Onafhankelijke rechterlijke macht en OM
- Samenwerking met (semi)private sector



# Preventie

Standaard aandachtspunten:

- Belangenverstrengeling/ draaideurconstructies
- Betrokkenheid burger bij besluitvorming
- Witwassen
- Corruptie risicoanalyses bij de overheid
- Klokkenluiders wetgeving
- Training (integriteit, beleid, basics anti-corruptie)
- Voorlichting aan de bevolking (campagnes)





### *3. Belang van een Anti-Corruptie Strategie en Actieplan*

- Er moet een institutie zijn verantwoordelijk voor de opstelling en uitvoering van de strategie, c.q. actieplan
  - Doelstellingen en indicatoren (progress & qualitative)
- Er moeten voldoende instituties zijn verantwoordelijk voor de overname van het anti-corruptie beleid
- Alleen coordinatie niet voldoende, monitoring follow-up noodzakelijk
- Regelmatige assessments (nationaal en internationaal/EU, RvE)
- Prioritaire sectoren aanwijzen
- Mate van betrokkenheid samenleving bij de voorbereiding en uitvoering van het anti-corruptiebeleid.
- **Een balans zien te vinden tussen preventie en repressie**



# Hoe vertaalt dit zich in een ondersteuningsproject?

## Een voorbeeld

- **Support to the MoJ/National Anti-Corruption Coordinator**
  - Coordination anti-corruption institutions
  - Organisational development MoJ/AC Directorate
  - Implementation to the AC Strategy
  - Case management & statistics on corruption
- **Policy planning, development & coordination**
  - Monitoring Action Plan, indicators
  - Training
  - Risk assessment
- **Strengthen cooperation & coordination with stakeholders**
  - Stakeholders Engagement Plan
  - Donor support and coordination (avoid duplications or complementary)
  - Enhance visibility, communication and awareness (C&V Strategy, campaigns)

## Wie houdt het overzicht?



## 4. Anti-corruptie coördinatie

- The United Nations Convention against Corruption requires the existence of **two types of anti-corruption institutions**:
- a body or bodies that **prevent** corruption;
- a body, bodies or persons specialised in **combating** corruption through law enforcement.



# Kwaliteitseisen

- *Essential mandatory international requirements for the bodies for the effective fight against corruption:*
- Necessary independence and autonomy,
- Absence of undue pressure or influence,
- Appropriate training of the staff
- Enough resources,
- Specialisation.

## Human Resources of Western Balkans' anti-corruption agencies (2018), based on annual reports and website-info, source: South – East Leadership for Development and Integrity.

| Item                      | B.&H.  | N. Mac.   | Serbia   | Mont.   | Albania  | Kosovo   |
|---------------------------|--|---|--|---|--|--|
| Nr. Employees             | 33   | 22  | 81   | 63  | 70   | 40   |
| Key anti-corruption units | <ul style="list-style-type: none"> <li>-Conflict of Interest</li> <li>-Prevention of Corruption</li> <li>-Coordination fight against corruption</li> </ul> | <ul style="list-style-type: none"> <li>-Prevention of corruption</li> <li>-Recording and monitoring of assets</li> <li>-Prevention of conflict of interest</li> <li>-AC assessment of legislation</li> <li>-National and international programmes and analysis</li> </ul> | <ul style="list-style-type: none"> <li>-Oversight of Officials' assets and incomes</li> <li>- Oversight of Financing Political Activities</li> <li>- Resolving conflicts of interest</li> <li>-Department for Prevention</li> <li>- International cooperation</li> </ul> | <ul style="list-style-type: none"> <li>-Prevention of conflict of interest of public officials</li> <li>-Verification info statements of income of public officials and state employees</li> <li>-Prevention of corruption, whistleblower reports, integrity, lobbying</li> <li>-Education, research, campaigns, analytics</li> </ul> | <ul style="list-style-type: none"> <li>Several institutions:</li> <li>-General Inspector</li> <li>-High Inspectors</li> <li>-Accepting, Scanning, registering data of the Declaration Form</li> <li>-Control prevention of conflict of interest in the exercise of Public Functions,</li> <li>-Full audit</li> <li>-now: NCAC: strategy + action plan</li> </ul> | <ul style="list-style-type: none"> <li>-Fighting corruption</li> <li>-Corruption prevention</li> </ul> |



Langzamerhand ontstaan de overzichten die de EU, de Europese Commissie en andere belanghebbenden willen hebben



## *Ethics/integrity management in the public administration: the state of affairs*

|   | Ministry A | Ministry B, C,D, etc. | Province A | Province B,C,D, etc. | City A | City B,C,D, etc | %  |
|---|------------|-----------------------|------------|----------------------|--------|-----------------|----|
| Integrity policy                            | ✓          |                       | ✓          | ✓                    |        |                 | 15 |
| Outside work reported                       | ✓          | ✓                     |            | ✓                    |        | ✓               | 54 |
| Guidelines on gifts                         |            | ✓                     |            | ✓                    | ✓      | ✓               | 46 |
| Guidelines on dealing with fraud/corruption | ✓          |                       | ✓          |                      | ✓      | ✓               | 46 |
| Integrity advisor, Complaints bureau        |            |                       | ✓          | ✓                    |        |                 | 23 |
| Presumptions of unethical conduct recorded  |            | ✓                     |            | ✓                    | ✓      |                 | 31 |
| Disciplinary sanctions recorded             | ✓          | ✓                     |            | ✓                    | ✓      | ✓               | 85 |

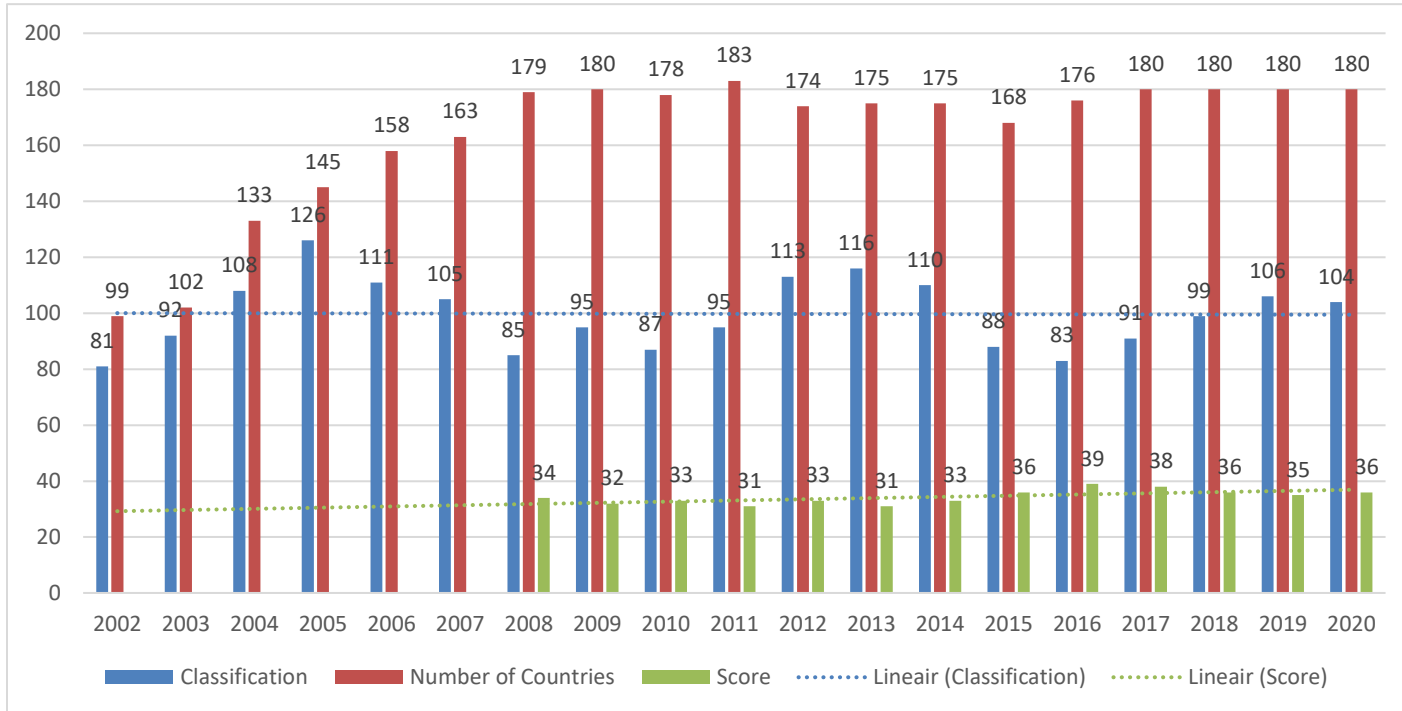


5. Vooruitgang na zoveel jaar  
internationale (financiële)  
ondersteuning?





# Significante verbetering?





# Transparency International

## Perceived level of public sector corruption

### 180 countries in 2022 (2021)

#### **Ranking 10 least corruptive**

Denmark,  
Finland,  
New Zealand,  
Norway  
Singapore  
Sweden,  
Switzerland  
The Netherlands  
Germany  
Ireland

#### **Ranking Western Balkans**

Croatia, 57 (63)  
Montenegro, 65 (64)  
Romania, 63 (66)  
Bulgaria, 72 (78)  
Serbia, 94 (96)  
Kosovo, 84 (87)  
Albania, 101, (110)  
Bosnia & Herzegovina, 110 (110)  
North Macedonia, 85 (87)



## 6. Conclusies

- 1. Er is meer aandacht voor preventie van corruptie
- 2. Te grote (partij)politieke invloed op het anti-corruptiebeleid verhindert substantiële vooruitgang
- 3. Donoren zouden meer hun tanden moeten laten zien
- 4. Geopolitiek en toetredingscriteria: een wankel evenwicht



EU Membership.

You are making  
progress, step by step.

and the EU Member  
States?

# Einde





## Preconditions for an effective Preventive and Integrity Policy

- **Integrity policy (legally) obliged** in the public sector; Dutch Civil Service Act (2006) regulates:
  - Integrity part of HRM policy;
  - Code of Conduct
  - Annual reporting
  - Taking the oath or declaration
  - Reporting second jobs
  - Internal procedure suspicious cases



# Integrity policy and plan not the same

- Integrity **policy** (planning cycle, frequent review), comprises:
- Integrity **plan**/Risk assessments (vulnerabilities, positions *and* processes)
- Code of Conduct/Code of Ethics:
  - detailed rules on transparency and accountability,
  - conflicts of interest,
  - use of public property,
  - acceptance of gifts and
  - other favours, post-employment restrictions, lobbying
- Registration integrity breaches\* (**Electronic Case Management System and Denunciation of Corruption records**), Statistics
- Procedures internal verification/investigation: **Regulation AC Network Coordinators**
- External reporting to Police, Prosecutor
- Registration (disciplinary) sanctions\*
- External and internal communication on investigation corruption cases
- Privacy law, Data protection, Whistle-blowers protection



# Administrative organisation

- Job description(s) documented?
- Has the Administrative Organisation been described and regularly updated?
- Is in the AO special attention paid to vulnerable actions, positions?
- Is there any policy developed on how to deal with classified information?
- Is there a description about what kind of information is supposed to be classified?





# Human Resource Management

- Are there positions which could be classified as positions dealing with confidential information?
- Any additional measures taken for these positions? E.g. screening.
- Does new staff follow an introductory programme?
- Is integrity part of this programme?
- Has every staff member a job description?
- Do they provide for a complete overview on activities to be performed?
- Is staff in the possession of the job description?
- Do performance assessments with staff take place?
- If yes, is integrity/corruption one of the issues to be discussed? What kind of issues?



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