



REGIONAL ANTI-CORRUPTION INITIATIVE
◦ SECRETARIAT ◦

15th RAI STEERING GROUP MEETING

Summary, Conclusions and Decisions

Tirana, Albania
November 14 – 15, 2011



REGIONAL ANTI-CORRUPTION INITIATIVE ◦ SECRETARIAT ◦

15th Regional Anticorruption Initiative (RAI) Steering Group (SG) Meeting took place in Tirana, Albania, on November 14 – 15, 2011. It was hosted by the Albanian Ministry of Justice and Department of Internal Administrative Control and Anticorruption at Council of Ministers.

Participants

15th RAI Steering Group Meeting was attended by 7 member states. The countries were represented by:

- *Albania* – Mr. Ivi Kaso, Director, Department of Internal Administrative Control and Anticorruption, Council of Ministers;
Ms. Helena Papa – Coordinator/Inspector, Department of Internal Administrative Control and Anticorruption, Council of Ministers;
- *Bosnia and Herzegovina* – Mr. Tomislav Curic – Expert Adviser, Department for Combating Organized Crime and Corruption, Ministry of Security;
- *Bulgaria* – Mr. Rosen Kukushev – Expert in EU and International Cooperation Directorate, Ministry of Interior;
- *Croatia* – Mr. Davor Dubravica – Head of Anticorruption Sector, Department for Strategic Development, Ministry of Justice;
- *Moldova* – Mr. Radu Cotici – Head of Division for Legislature and Anti-corruption Expertise, Center for Combating Economic Crimes and Corruption;
- *Montenegro* – Ms. Vesna Ratkovic PhD – Director of Directorate for Anti-corruption Initiative (DACI) and RAI Chairperson;
- *Romania* – Mr. Sorin Tanase – Legal Adviser, Unit for Crime Prevention and Cooperation with EU Asset Recovery Offices, Ministry of Justice.

RAI Secretariat was represented by:

- Mr. Edmond Dunga – Head of Office;
- Mr. Stanislav Aleksandrov – Anticorruption Expert.

Summary of Discussion Part

15th RAI SG Meeting was opened by Mr. Ermal Dobi – Deputy Minister of Justice of Republic of Albania. Mr. Dobi stated that the fight against corruption was

among the priorities of the Albanian Government and made a brief overview of the country's achievements on the anticorruption field. He added that it was an honor for Ministry of Justice to host 15th RAI SG Meeting.

Ms. Vesna Ratkovic and Mr. Edmond Dunga welcomed the participants on behalf of RAI and its Secretariat. Ms. Ratkovic underlined the importance of the Initiative for the regional cooperation in the fight against corruption and invited the member states to take full advantage of its capacities. Mr. Dunga expressed his gratitude to Ministry of Justice and Department of Internal Administrative Control and Anticorruption in Council of Ministers of Albania for their support and facilitation for the organization of SG Meeting. Afterwards, he briefly summarized the main areas of intervention during the last year, pointing out conflict of interest and declaration of assets as priority focus area developed under Integrity Experts Network (IEN).

After the adoption of the agenda of the SG Meeting, the floor was given to the Senior Representatives to present the *annual progress reports* concerning recent developments on the anticorruption field in RAI member states.

Ms. Helena Papa focused on the adoption of new Action Plan (AP) for 2011-2013 in the implementation of the existing Anticorruption Strategy (2008 – 2013). She underlined the fact that it was not any more drafted according to institutional basis, but according to the needed reforms. Ms. Papa presented the new measures in the Anticorruption Plan regarding Prosecution Office and Public Procurement regime. She underlined the creation of an *ad hoc* Secretariat for monitoring the implementation of AP, which was one of the recommendations made by EC in the last progress report for Albania, stating that the existing department in Ministry of Justice was not enough. In regard to public awareness the efforts had been focused on issuing 3 different leaflets under IPA 2008 Project against Corruption in Albania (PACA). Finally, Ms. Helena Papa spoke about the amendments in Law on Political Parties (incl. financing of parties) and in Criminal Code, regarding some new offences recommended by GRECO.

Mr. Tomislav Curic stated that in regard to introduction of visa liberalization regime a lot of anticorruption measures had been made in Bosnia and Herzegovina. He focused on status of newly established Anticorruption Agency, which had its director and deputies already appointed, several people from the staff employed, as well as premises ensured. Mr. Curic explained that Ministry of Security had signed MoU with Transparency International, as part of its efforts to strengthen cooperation with NGOs. Also, he spoke about some changes concerning the legislative framework such as draft Law on Witness Protection and amendments to Criminal Procedure Code regarding use of special investigative means that had been prepared by Council of Ministers of Bosnia and Herzegovina, while a recently formed working group in National Assembly was working upon draft amendments of the Election Code, the Law on Financing of Political Parties and the Law on Conflict of Interest in Governmental Institutions. At the end Mr. Curic underlined the increased number of criminal investigations on corruption.

Mr. Rosen Kukushev presented the Bulgarian efforts on the anticorruption field. He stressed on the amendments to the Conflict of Interest Prevention and Detection Act aiming at strengthening the prevention in the fight against fraud and corruption cases. In addition a new Commission for Prevention and Ascertainment of Conflict of Interest had been established. The Commission was functioning since the summer of 2011. Also, Mr. Kukushev spoke about the activities tailored towards capacity building of MoI officers regarding investigation of corruption. The focus was on persons involved in pre-trial proceedings, as a total of 103 senior staff employees within the Ministry of Interior had participated in specialized training on "Leadership and Anticorruption." The training had been conducted by Pointman Leadership Institute - USA and was funded by the America for Bulgaria Foundation. Another point was the interagency training program for judges, prosecutors, investigators and police investigators, which would include 4 national and 10 regional trainings focused on the investigation of complex economic and financial crimes, as money laundering, crimes against the tax, financial and insurance systems, financial and accounting expertise in the investigation of economic crimes, etc. Finally, Mr. Kukushev mentioned that the recruitment and selection process in regard to BORCOR (preventive body attached to Council of Ministers) staff was ongoing.

Mr. Davor Dubravica stated that Croatia would join the EU on July 1, 2013, which had been the major driving force for the reforms in the state. He pointed out the developments of the legislative framework with the adoption of new Law on Financing of Political Parties, amendments to Access to Information Act, while new Public Procurement Act would come into force in 2012. Mr. Dubravica spoke about the several corruption trials on former Prime Minister, as well as other similar investigations against other public officials.

On behalf of Moldova, Mr. Radu Cotici presented the new National Anticorruption Strategy for 2011 – 2015 with its four priority components: the research component, the legislative component, the institutional component and the educational and public communication component. He pointed out that according to the Strategy the main reform would be in the justice sector. Mr. Cotici added that the Center for Combating Economic Crimes and Corruption would focus only on prevention and fighting corruption in the future, leaving the economic crimes to the other competent Moldavian authorities. Finally, he spoke about the Law on establishment of National Integrity Commission adopted by Parliament, which was not entered into force yet, and the new National Integrity Commission expected to be established according to the provisions of that Law. The aforementioned law has amended as well the existing laws on conflict of interest and declaration and control of assets.

At the beginning of her presentation, Ms. Vesna Ratkovic stated that due to the progress made Montenegro achieved candidate status in regard to EU, but with the

obligation to meet 7 conditions, one of them concerning fight against corruption. Ms. Ratkovic focused on the developments in the legal system like the amendments in the Criminal Code adopted following GRECO recommendations. She added that new Criminal Procedure Code had entered into force in September 2011 and expressed her opinion that those changes would increase the effectiveness in the fight against organized crime and corruption. In addition, Ms. Ratkovic spoke about the adoption of new Public Procurement Law and Law on Financing of Political Parties, as well as the amendments in the Law on Conflict of Interest and Labour Law regarding whistleblowers protection in private business sector. At the end, Ms. Vesna Ratkovic mentioned the draft Law on NGOs and Law on Money Laundering, which were under parliamentary procedure.

Mr. Sorin Tanase spoke about the Romanian progress on the anticorruption field. He mentioned the four new codes that were adopted, the only one which entered into force being Civil Code at 1st of October 2011. All this substantial reform is expected to speed up judicial procedures and to make them more efficient. Concrete results of law enforcement agencies were presented. Mr. Tanase focused on the drafting of new Anticorruption Strategy, which would incorporate all recommendations made by European Commission. The Strategy proposes the following general objectives: prevention of corruption in public sector, increase of education on anticorruption and increase of involvement of law enforcement agencies. Also new Assets Recovery Office (ARO) set up within MoJ was presented.

The panel was closed by Ms. Vesna Ratkovic, who summarized that a lot of efforts had been made by RAI member states. She identified as main areas of development the legislation, which was under constant improvement, and the establishment of new anticorruption bodies – general ones (Bosnia and Herzegovina) and specialized in the area of Conflict of Interest (Bulgaria and Croatia). ***Finally, it was agreed that all Senior Representatives will send the national reports in electronic form for publication on RAI Resource Center.***

The afternoon session was focused on discussions regarding the elaboration of new RAI Work Plan for 2012 – 2013. Mr. Edmond Dunga stated that the Work Plan was important in two dimensions: for internal use and to orient third parties. Ms. Helena Papa stressed on the fact that it would be very important for attraction of donors' support. Ms. Vesna Ratkovic expressed her opinion that it should be based on the Brussels Declaration on 10 Joint Measures to Curb Corruption in South-Eastern Europe. In the course of the discussions it was commented that the Work Plan should incorporate some common priority areas for more persistent intervention, such as asset recovery proposed by Mr. Tanase. It was underlined that Senior Representatives' commitment was most needed in filling the part concerning countries' priorities and focus areas for trainings and conferences. At the end ***the Senior Representatives agreed to send their written comments and suggestions in regard to structure and content of RAI Work***

Plan for 2012 – 2013 till 15th of December 2011, based on which RAI Secretariat would elaborate the document and submit it to member states for final approval.

The second day of the 15th RAI SG Meeting started with a session dedicated to ***the implementation of RAI Work Plan for 2010 – 2011***. Mr. Stanislav Aleksandrov made a detailed presentation of the main national and regional events supported or organized by RAI Secretariat. He focused on the several activities organized in the framework of Integrity Experts Network – two workshops in Tirana co-organized with High Inspectorate of Declaration and Audit of Assets and two workshops in Macedonia (Ohrid and Skopje) organized with the support of Macedonian State Commission for Prevention of Corruption (SCPC). Mr. Aleksandrov underlined the fact that initially the establishment and functioning of IEN had been financially supported by RAI, afterwards the Network had been funded by US State Department’s grant dedicated to the project “Strengthening the Integrity System in South-Eastern Europe”, while the last workshop had been supported by Norwegian Embassy in Skopje – a donor secured by SCPC, thus showing the way for such undertakings to develop and ensure sustainability. Mr. Aleksandrov added that in the framework of the up-mentioned project RAI Secretariat had elaborated an integrity manual. It consisted of about 80 pages and had the format of comparative study of rules, experiences and good practices on integrity issues. The study focused on four main areas: legal framework; declarations of assets/private interests system; conflict of interest prevention regime; and Institutional capacities.

Furthermore, Mr. Stanislav Aleksandrov presented the success of the 6th edition of the Summer School for Junior Magistrates from South-Eastern Europe that had taken place in June 2011, in Sunny Beach, Bulgaria, co-organized with the Bulgarian National Institute of Justice. Also, he spoke about the Meeting of the SEECP Directors of National Institutions and Agencies for Combating Corruption and Organized Crime, which had been organized in partnership with Montenegrin Directorate for Anticorruption Initiative and Regional Cooperation Council, in Becici, Montenegro. Finally, Mr. Aleksandrov briefly presented RAI Secretariat’s involvement in several other events: “Counter Corruption Best Practices – Increased Effectiveness through Interagency and Multi-Sectoral Approaches” organized by Marshall Center in Zagreb, Croatia; Regional Coordination Meeting “Western Balkans and Europe 2020 – Towards Convergence and Growth”, organized by RCC in Brussels; the Common Meeting of the Steering Group on Regional Strategy and IPA Multi-Beneficiary Strategy Working Group on Justice and Home Affairs organized by RCC in Sarajevo, Second Regional Workshop on the Strengthening of JHA Statistics in the Western Balkans organized by UNODC in Budva, Montenegro, Regional Workshop on Addressing corruption risks in grant management, organized by EEA and Norway Grants in Prague etc.

In addition, Mr. Edmond Dunga mentioned two CARDS projects – “Assessment of corruption and crime in the Western Balkans” and “Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans”,

regarding which RAI Secretariat was an associate partner to UNODC, who was implementing them.

Afterwards Mr. Dunga presented the *Financial Report* on used countries' and donors' funds for the period November 2010 – September 2011. The main focus of the financial report was on implementation of the Memorandum of Understanding (MoU) signed by the member states in order to ensure financial sustainability of RAI Secretariat. Ms. Dunga underlined the fact that all RAI member states had already paid their annual financial contribution for 2011 apart from Macedonia, which had not contributed in RAI budget for two years - 2010 and 2011. Also, Mr. Dunga commented the saved funds and the additional incomes of RAI Secretariat, in particular the grant received from US State Department through the RCC for implementation of the project "Strengthening the integrity system in South- Eastern Europe". At the end he pointed out the fact that the only programmatic event organized by RAI Secretariat and funded by Secretariat's budget was the Summer School for Junior Magistrates.

The morning session continued with discussions regarding the renewal of MoU concerning Cooperation in Fighting Corruption through the South-Eastern European Anticorruption Initiative, which would expire in 2012. The issue was identified as one of major importance for the functioning of RAI and the Sarajevo based Secretariat of the Initiative. The Senior Representatives stated that anticorruption was still of highest priority on national level and should be tackled on regional level as well through the means provided by RAI. They shared the opinion that the easiest way to prolong the validity of the MoU would be by signing of an amendment, which would concern mainly article 4 of the document "Duration, termination and deposit of the Memorandum", paragraph 4, instead of preparing a brand-new MoU. The Senior Representatives agreed to take immediate actions within competent institutions in RAI member states in order to secure the renewal of the MoU in the first half of 2012, thus to have it included in the respective national budgetary planning for 2013. In that regard, *it was decided that RAI Secretariat would prepare the draft amendment of the MoU, as well as a short overview of RAI activities and achievements, which would be submitted to Senior Representatives for starting internal consultations on the renewal of the MoU.*

The next issue discussed was the election of new RAI Chairperson, following the opened selection procedure for that position. Ms. Vesna Ratkovic stated that the tough agenda in Montenegro in meeting the requirements for EU accession didn't allow her to continue to act as RAI Chairperson. She added that she would continue to be Montenegrin Senior Representative and would do her best to promote the Initiative at any possible occasion. After the participants to the SG Meeting expressed their gratitude to what Ms. Ratkovic had done in favor of RAI being its Chairperson for four years, the floor was taken by Mr. Dunga. He said a few words about the importance and influence that RAI Chairperson had and presented the candidature of Mr. Davor Dubravica for the position, focusing on his judicial background, current experience and deep involvement

in RAI activities as Croatian Senior Representative since 2008. *Mr. Dubravica was approved with consensus as new RAI Chairperson.*

The Senior Representatives agreed *to prolong the mandate of RAI Secretariat staff with maximum one year in order to ensure the coordination process in regard to the renewal of MoU that would ensure the financial sustainability of the Secretariat. It was stated that when the renewal of MoU would be secured a procedure for selection of new RAI Secretariat staff would be opened.*

The 15th RAI Steering Group Meeting was closed with discussions on future activities, in which the Secretariat would participate. Firstly, Mr. Stanislav Aleksandrov made a brief overview of the project "Establishment of Framework for Integrated Anti-corruption Legal Education in South-Eastern Europe" that was expected to be financed by US State Department through RCC. He explained that primary beneficiaries to the project would be the Judicial Training Institutions in SEE and the members of South-East European Law Schools Network (SEELS), while secondary would be the national anticorruption and other public administration bodies in SEE. Mr. Aleksandrov described the two phases of the project – the launch of SEE Judicial Training Network (SEEJTN) and the establishment of common forum for cooperation between SEEJTN and SEELS, and explained that three activities were envisaged for 2012 in the framework of the project.

Finally, RAI Senior Representatives discussed the draft Monitoring & Evaluation Mechanism elaborated by RCC to monitor regional cooperation in JHA area. They underlined the fact that RAI was a tool for cooperation and sharing best practices on anticorruption field and that its Secretariat didn't have operational functions. The mandate of RAI Secretariat excluded collection of operational data. In that regard they stated that RAI couldn't be involved as source of information to the M&EM concerning indicators related to number of information exchanges between anticorruption bodies, number of joint activities (investigations and prosecutions) on anticorruption cases and number of investigations/prosecutions/extraditions/convictions on anticorruption cases. RAI Senior Representatives concluded that similar information should be submitted directly by the prosecutors or representatives of respective ministries, who were part of national delegations in the Steering Group on Regional Strategy.

Conclusions and Decisions

RAI Senior Representatives agreed:

1. To submit to RAI Secretariat the detailed annual progress reports, regarding the achievements of RAI member states on the anticorruption field during the last year in electronic form in order to be published on RAI web site;

2. To send their written comments, proposals and suggestions in regard to structure and content of RAI Work Plan for 2012 – 2013 till 15th of December 2011, based on which RAI Secretariat would elaborate the document and submit it to member states for final approval;

3. That RAI Secretariat would prepare the draft amendment of the MoU, as well as a short overview of RAI activities and achievements, which would be submitted to Senior Representatives for starting internal consultations on the renewal of the MoU;

4. To approve with consensus Mr. Davor Dubravica as new Chairperson of RAI;

5. To prolong the mandate of RAI Secretariat staff with maximum one year in order to ensure the coordination process in regard to the renewal of MoU. When the renewal of MoU would be secured a procedure for selection of new RAI Secretariat staff would be opened;

6. That RAI couldn't be involved as source of information to the M&EM concerning indicators related to number of information exchanges between anticorruption bodies, number of joint activities (investigations and prosecutions) on anticorruption cases and number of investigations/prosecutions/extraditions/convictions on anticorruption cases. Similar information may be submitted directly by the prosecutors or representatives of respective ministries, who were part of national delegations in the Steering Group on Regional Strategy.

Tirana, November 15, 2011