

MONITORING THE IMPLEMENTATION OF ANTI-CORRUPTION INITIATIVES

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Abstract

It is well known that in order to influence the level of corruption, some specific elements at the state level are needed, and particularly:

- A developed legal framework;
- An adequate institutional framework;
- A co-operative and pro-active civil society;
- An efficient international co-operation.

At the moment, Moldova has them all, but in some cases the quality of these elements could be better.

For sure, we need to elaborate political strategies (programs, strategies etc.) and Moldova has done much of it. Anyway, it is not sufficient because an up-to-date legal framework includes the necessity of setting up some effective mechanisms for its implementation. Additional to this I must mention that important segments are the performance indicators, the work assessment, and the monitoring of the implementation of such anti-corruption policies. Some persons involved in the anti-corruption process many times justify their inactivity by the lack in the definition of corruption, absence of a political will within the country, a non-perfect system and the low quality of governing. We can't ignore these arguments, but according to the experience we have, corruption can't be counteracted by separate methods, and all this because corruption is a multidimensional phenomenon and it must be combated by complex activities.

The basic elements of the process of combating of this phenomenon are:

- Prevention
- Combating
- Education.

These three elements can't be considered to be one more important than the other. They go in parallel.

Global and regional institutions

We divide cooperation in two parts: national and international.

In the process of implementation of the national anti-corruption strategy we came to the conclusion that the most efficient is the regional co-operation, although all of them are equally important, beginning with the national level.

A very important role in the monitoring activities comes to the international cooperation, as well as to the use of international instruments for the supervision of the anti-corruption process.

In this sense, a significant place in the monitoring of the implementation of the international juridical instruments, especially of the Civil and Criminal Law Conventions against corruption, is held by the Group of States against Corruption (GRECO).

There should also be mentioned the participation of the Republic of Moldova at the Stability Pact Anti-corruption Initiative for South Eastern Europe (SPAI).

The promoting of the efficient implementation of the UN Convention against Corruption is undertaken by the International Association of Anti-corruption Authorities, created in Oct 2006. The Center for Combating Economic Crimes and Corruption from the Republic of Moldova is a member of it.

Biography of Presenter

I represent an institution that is a national authority in the matter of combating corruption in the Republic of Moldova. Our institution, the Center for Combating Economic Crimes and Corruption (CCECC), co-operates with the majority of the European anti-corruption institutions, and recently the CCECC was invited to become a member of the International Association of Anticorruption Authorities (IAACA), created in 2006 by the United Nations.

I am the director of the General Division for Analytics, Prognosis and Prevention at the CCECC. I am also an individual member of IAACA from October 2006, from May 2004 until present, I am a Representative of the Republic of Moldova at the Stability Pact Anti-corruption Initiative (SPAI) program and participating and representing Moldova in the regional meetings (South-Eastern Europe). From 2005 I am an expert at MONEYVAL.

I have been activating at the Center for Combating Economic Crimes and Corruption for 5 years.

During 1983 - 2002, I had a progressive career in the Prosecutor's Office of the Republic of Moldova.

MONITORING THE IMPLEMENTATION OF ANTI-CORRUPTION INITIATIVES (E.G. THE REPUBLIC OF MOLDOVA) AND THE ROLE OF SUB-REGIONAL AND REGIONAL INSTITUTIONS

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Dear audience, the problem of corruption is discussed at different levels, but considering the necessity of this meeting I think that it wasn't discussed enough.

It is well known that in order to influence the level of corruption, some specific elements at the state level are needed, and particularly:

- A developed legal framework;
- An adequate institutional framework;
- A co-operative and pro-active civil society;
- An efficient international co-operation.

At the moment, Moldova has them all, but in some cases the quality of these elements could be better.

For sure, we need to elaborate political strategies (programs, strategies etc.) and Moldova has done much of it. Anyway, it is not sufficient because an up-to-date legal framework includes the necessity of setting up some effective mechanisms for its implementation. Additional to this I must mention that important segments are the performance indicators, the work assessment, and the monitoring of the implementation of such anti-corruption policies. Some persons involved in the anti-corruption process many times justify their inactivity by the lack in the definition of corruption, absence of a political will within the country, a non-perfect system and the low quality of governing. We can't ignore these arguments, but according to the experience we have, corruption can't be counteracted by separate methods, and all this because corruption is a multidimensional phenomenon and it must be combated by complex activities.

The basic elements of the process of combating of this phenomenon are:

- Prevention
- Combating
- Education.

These three elements can't be considered to be one more important than the other. They go in parallel.

The anti-corruption activity in the Republic of Moldova was very much improved by the adoption of the Law on combating corruption and protectionism. After it, the Government anti-corruption plans were adopted. But the weakest point in their implementation and promoting process was the absence of a mechanism for monitoring the implementation of these programs.

In 2004, in December there was set up and adopted the National Strategy for the prevention and combating of corruption and the action plan for its implementation, being the 2nd phase.

According to the Strategy, there was set up a Monitoring Group of the implementation of the national anti-corruption Strategy. The scheme of the monitoring process is as follows.

The institutional framework

There wasn't a specialized institution in the combating of corruption until 2002.

The Center for Combating Economic Crimes and Corruption was created in the basis of the Decision of the Government of the Republic of Moldova no.158 from the 11th of February, 2002.

The Center was formed by the fusion of: the Anticorruption Direction within the Department for Combating Organized Crime and Corruption, the Economic and Financial Police Direction within the General Police Inspectorate of the Ministry of Interior, the Financial Control and Revision Department within the Ministry of Finance and the Financial Guard within the State Principal Fiscal Inspectorate.

The concept of creation was comprised of:

- The consolidation of the specialized functional capacity;
- Assuring the economic security of the state;
- Optimization of the control bodies' system;
- Avoiding interference of attributions;

Excluding the harassment of economic agents.

The Center's main tasks:

- prevention, searching, investigation and ceasing of certain Administrative offences and Criminal financial, economic and fiscal offences;
- corruption and protectionism counteracting;
- Laundering of money obtained by unlawful means.
- Center's prerogatives are exhaustive and can be modified or completed only by the law.

The objective reality in the process of the implementation of the Strategy established the fact that there should be intensified the relationship with the associative sector (the civil society). A special role in this process is played by the Anti-Corruption Alliance founded on 10th January 2006. Afterwards the Center signed a cooperation agreement with them and there was established a common action plan.

Global and Regional institutions

We divide cooperation in two parts: national and international.

In the process of implementation of the national anti-corruption strategy we came to the conclusion that the most efficient is the regional co-operation, although all of them are equally important, beginning with the national level.

A very important role in the monitoring activities comes to the international cooperation, as well as to the use of international instruments for the supervision of the anti-corruption process.

In this sense, a significant place in the monitoring of the implementation of the international juridical instruments, especially of the Civil and Criminal Law Conventions against corruption, is held by the Group of States against Corruption (GRECO). In the last year there took place the 2nd cycle of evaluation of the Republic of Moldova regarding anti-corruption process. At the 30th Plenary Meeting of GRECO from 13th of October was approved the Evaluation Report of the Republic of Moldova. There were included 15 recommendations that will be implemented and reported until 31st May 2008.

The Republic of Moldova has ratified the Criminal and Civil Law Conventions on Corruption.

There should also be mentioned the participation of the Republic of Moldova at the Stability Pact Anti-corruption Initiative for South Eastern Europe (SPAI). Taking into account the objectives and recommendations of SPAI, the activities for the suppression of corruption at the regional level are suitable for the European integration process, being a component of it. This way, the signing at Brussels, on the 12th of May 2005 of the Declaration of the 10 Joint

Measures to combat corruption in the South Eastern Europe is an essential step in the implementation at the regional level of these activities.

The adherence to the UN Convention against Corruption, signed by the Republic of Moldova at the 27th Sep 2004 will create a favorable framework for the improvement of the national legislation and for the adjusting of it to the international standards. At the moment, the draft Law for the ratification of the UN Convention against corruption is at the Government for examination and approval. But we are very interested as well in an efficient mechanism of implementing it.

The promoting of the efficient implementation of the UN Convention against Corruption is undertaken by the International Association of Anti-corruption Authorities, created in Oct 2006. The Center for Combating Economic Crimes and Corruption from the Republic of Moldova is a member of it.

The control, prevention and combating of corruption are among the priorities of different state programs, based on international agreements. The non-conditional involvement of the government in the fight against corruption in the Republic of Moldova is reflected by the implementation of the, approved by the Decision of the Parliament no. 421-XV from the 16th of December, 2004.

A very important link within the mechanism of implementation of the National Strategy for the prevention and combating of corruption is the efficient monitoring of the accomplishment of the activities provisioned in the Action Plan and undertaken by the envisioned institutions. According to the Strategy, this function is given to and it is executed by the Monitoring Group of the implementation of the National Strategy for the prevention and combating of corruption and of the Action Plan for its implementation, set up by Decree of the President of the Republic of Moldova no. 2231-III from 17th February 2005.

There can be obtained a good progress in domain only by a constructive partnership between the central and local public authorities, civil society and private sector. A first step, in this sense, was done by inviting public institutions, NGOs and businessman associations to become members of the Monitoring Group.

At the moment, the Group consists of 24 members, out of whom 2 represent the Mayor's Association, 2 from business associations and 3 members are from the NGOs: Transparency International-Moldova, Criminologists Association of the Republic of Moldova and NGO Institute for Public Policies.

The Group is chaired by one president and 2 vice-presidents (1 vice-president represents a non-governmental organization).

The main tasks of the Group are the following:

- Monitoring the accomplishment of the Action Plan for the implementation of the National Strategy for the prevention and combating of corruption;
- Examining existent problems and generalizing proposals advanced by the institutions responsible for the implementation of the Action Plan;
- Assisting the responsible institutions at the elaboration of certain activities on the civil participation in measures for corruption prevention and counteraction, extending high experience in the respective domain, etc.

Thus, the Group's members, during monthly sessions, express their opinions regarding the measures implemented by the responsible institutions, at the same time, advancing suggestions for a most efficient activity. According to the Regulation on the Monitoring Group, its members are empowered to verify the information presented by the institutions engaged in the process of implementation of the Strategy, in the view of establishing of the causes that determined the non-qualitative accomplishment of the measures specified in the Plan, to present suggestions on the updating of the Action Plan, inclusive by setting up of normative acts with efficient anti-corruption regulations, as well as the modification of the respective legislation.

In the view of assuring the transparency of the Monitoring Group's activity, during its sessions permanently assist representatives of mass-media.

According to the National Anticorruption Strategy, the functions of the Secretariat of the Monitoring Group are undertaken by the Center for Combating Economic Crimes and Corruption that assures the daily accomplishment of the Action Plan for the implementation of the Strategy.

A precondition of the efficiency of the process of prevention and combating of corruption is the control exercised by the civil society upon the public administration that, by influencing the diminishment of this vice, assures, in the end, a better quality of governance. In this sense, one of the priority objectives is the rising of the transparency level in the public authority's activity; creation of a viable mechanism of civil participation at the decision making process of the public authorities; permanent acknowledgement of the undertaken anticorruption activities.

The year 2006 was characterized by the consolidation of the common activities of public authorities with the civil society. There was assured the participation of the civil society at the development and implementation of the state policy in the domain of prevention of corruption and education of the society in the spirit of intolerance towards the corruption phenomenon.

This fact is pointed out by the ascending efforts to combat this phenomenon, that ended in improvements at the Corruption Perception Index.

This classification, carried out annually by Transparency International, shows a progress in the domain of prevention and combating of corruption, as a result of contribution of both public sector and civil and private sector.

This way, in the year 2006, according to Transparency International, the Republic of Moldova was situated on the 81st place out of 163 countries included in the classification, the corruption perception index being 3,2. For comparison: in the year 2005, R. Moldova was on the 95th place out of 159 countries, and the index was 2,9. This fact is also due to the political will as well as the efforts of the civil society in the domain of prevention and combating of corruption in the country.

A very important role in this domain was played by the Anticorruption Alliance, created on the 10th of January 2006. The Anticorruption Alliance represents a benevolent association of non-government organizations (NGOs), having the purpose of reducing corruption by participation at the prevention activities, by undertaking campaigns of informing and of monitoring of the implementation of the state policy. At the moment, the Alliance comprises 26 non-government organizations.

In January 2006, there was signed a Cooperation Agreement between the Center for Combating Economic Crimes and Corruption (the Center) and the Alliance under the Government's patronage, that envisions the assuring of an efficient environment for cooperation of the state with the civil society.

The Center, having as well the duty of the Secretariat of the Monitoring Group, actively involves the Anticorruption Alliance in the process of anti-corruption expertise of the draft normative acts, at the organization of different meetings, seminars, and anti-corruption conferences, in the evaluation of opportunities for corruption in some public activity domains etc.

Corruption phenomenon can't be counteracted by the UN, GRECO or the Center, it is a social phenomenon that affects all the society and we must fight against it with joint measures. There should be carried out public acknowledgement campaigns on the Governments activity, promoting the rule of law.

The Republic of Moldova established good cooperation with Slovenia, Romania, Baltic States, Croatia and some countries from the former URSS.