



## REINFORCING THE INSTITUTIONAL CAPACITY TO MONITOR AND COORDINATE THE ANTICORRUPTION EFFORTS IN THE REPUBLIC OF MOLDOVA

### **A. Background**

While the National Anticorruption Monitoring Group improved its working methods by conducting thematic on site controls inside the public institutions, the procedure of conducting such controls has more an ad hoc nature without ensuring proper follow up and transparency of the process.

The transparency is also undermined by the fact that only 3 out of 24 members of the monitoring group are representatives of the civil society and that there is no clear relation between the monitoring group and the Coordinative Council established under the President of the Republic.

Furthermore, the efficiency of the monitoring process may be seriously affected by the creation of similar parallel structures designed to monitor progress achieved under the action plans implemented by other donors. In particular, the Threshold Country Plan (TCP) approved by Gov. Decision N32/2007 established a monitoring group to assess the implementation of the TCP. For the moment, there are no communication and coordination mechanisms in place to ensure that the two monitoring processes do not overlap and duplicate.

At the end of the 3<sup>rd</sup> National Anticorruption Conference (6-7 December 2007) a group of NGOs and representatives of mass media addressed a petition to the President of the country, President of the Parliament, Prime Minister, Chairman of the Monitoring Group, Special Representative of the Secretary General of the Council of Europe and to the USAID Program Coordinator from Millennium Challenge Account. The petition requests that the "process of separate updating and adoption of the two action plans is stopped and a unique implementation and monitoring mechanism is established, ensuring the interconnection of all anticorruption components and designation of a single responsible and consolidated structure for monitoring and reporting".

### **B. Recommendations for the Decision of the Parliament to update the National Anticorruption Strategy (to be adopted in mid December 2007)**

- Point 3.4 of the National Strategy for prevention and combat of corruption is amended adding the obligation of all institutions with responsibilities in implementing the National Action Plan to submit periodic reports to the Center for Combating Economic Crimes and Corruption – as Secretariat of the MG.

**Proposal:** the reports to be submitted once every two months. A template report should be elaborated by the MG Secretariat and submitted for approval to the Monitoring Group.

- The appendix of the Strategy is modified by addition of new actions to the National Action Plan is to be adopted by the Parliament;
- The Country Threshold Plan is also attached as appendix to the National Strategy for National Strategy for prevention and combat of corruption.

**Proposal for additional task:**

- Within 3 months time, the National Anticorruption Monitoring Group and the Government of the Republic of Moldova, shall elaborate and submit for the approval to the Parliament a proposal for updating **Chapter 3 of the National Anticorruption Strategy – Strategy Implementation Mechanism**. This proposal shall provide the establishment of a unitary and coherent mechanism for ensuring the overall coordination and monitoring of the National Anticorruption Strategy and sectoral plans.
- The process of elaborating the proposal shall be carried out in close cooperation with the civil society and available international assistance.

**C. Council of Europe assistance for reinforcing the institutional capacity to monitor and coordinate the anticorruption efforts in the Republic of Moldova**

Council of Europe support is available for identifying the most efficient modalities for addressing the issues raised below. High level expert guidance and support from Council of Europe will be provided within next 3 months (January – March 2008).

This shall include:

- assessment visit and expert guidance in the process of drafting all relevant documents that will support the consolidation of the National Anticorruption Monitoring mechanism ( **January – February 2008**);
- formulation of clear recommendations for measures to improve the performance capacity of the National Anticorruption Monitoring Group by adoption of transparent working methodologies; establishing clear reporting channels and procedures valid for all anticorruption activities carried out at national level, enforcement of clear procedures for conducting evaluation of the way the National Action Plan is implemented and identification of performance indicators. (**February 2008**);
- Organization of a wide public consultation with all relevant stakeholders from public institutions, civil society and international community. (**February – March 2008**).

**D. Concrete measures for consolidating the institutional capacity to monitor, coordinate and manage the national anti-corruption strategy and annual action plans.**

The performance and capacity of the National Anticorruption Monitoring Group will be improved and its efficiency ensured by the adoption of following measures:

**1. Clarifications of the relation between the Coordination Council and National Anticorruption Monitoring Group.**

- Expression of clear political commitment to monitor the implementation of the anticorruption action plans in the framework of the national monitoring group;
- Strict delimitation of competences between the Coordination Council and National Anticorruption Monitoring Group;
- Establishing the legal power of the decisions adopted by the Coordination Council and Monitoring Group;
- Full transparency of the relations and exchange of information between the Coordination Council and the Monitoring Group.

**2. Clarification of the relation between the National Anticorruption Monitoring Group and other steering groups that are ensuring the coordination and implementation of sectoral action plans.**

Sustainable solutions should be found to address the current overlapping and duplication of monitoring activities conducted under the National Anticorruption Strategy, and other sectoral action plans with anticorruption components (Threshold Country Plan, EU – Moldova Action Plan, Action Plan under the Strategy for strengthening the judiciary, Action Plan under the National Development Plan);

- National Anticorruption Monitoring Group shall be the only group tasked to ensure the overall monitoring and coordination of the anticorruption initiatives in the Republic of Moldova;
- All subsequent monitoring work groups (or Steering groups) shall submit periodically (but at least once at every 2 months) standard progress reports of progress reached under sectoral action plans. Clear regulations should be adopted and template reports drafted in order to ensure the coherence of the reporting mechanism;
- The chairman (or a representative) of subsequent monitoring work groups (or Steering groups) shall attend all meetings of the National Anticorruption Monitoring Group.

**3. Adoption of efficient working procedures for the National Anticorruption Monitoring Group.** Adoption of MG regulation addressing mainly:

- Procedure for selecting the Chairman and establishment of her/his clear mission and mandate;
- Procedure for selecting the members of the monitoring group and establishment of their clear mission and mandate;
- Well balanced representation of civil society and mass media organisations inside the Monitoring Group;
- Enforcement of clear procedures and working methodologies for conducting evaluation of the way the National Action Plan is implemented: monthly meetings, reports, public hearings, on site controls, public surveys;
- Identification of performance indicators;
- Implementation of National Risk Assessment Methodology is ensured within all public institutions vulnerable to corruption.

**4. Full transparency of the National Anticorruption Monitoring Group activities should be ensured:**

- The meetings, public hearings, reports and results of the Monitoring Group controls should be public;
- Access should be provided to the mass media to all Monitoring Group activities;
- Minutes of the meetings, reports and additional relevant information should be posted on the Monitoring Group web site;
- After each meeting of the monitoring group, press conferences should be organised;
- Relevant publications of the Monitoring Group should be widely disseminated.

**5. National Anticorruption Monitoring Group shall play a pivotal role in the overall coordination of the anticorruption activities.** In this regard the National Anticorruption Monitoring Group should:

- Promote the adoption of concrete measures to address the findings of the public perception surveys, especially those related to the fight against high level corruption;
- Promote transparency in the activity of all public institutions;
- as well as by providing direct access of the public and mass media to the information regarding the fight against corruption.