

**Self-Evaluation and Peer Review of Implementation of the
SPAI *Seven Immediate Actions***

MOLDOVA

Final Report



INTRODUCTION

The Republic of Moldova became a full member of the Stability Pact Anti-Corruption Initiative (SPAI) in June 2001.

When joining the SPAI, countries of the region commit themselves to immediately undertake a number of actions listed in the Compact and Action Plan, usually presented as *the Seven Immediate Actions*:

1. Designation of a Contact Point
2. Public dissemination of the Anti-Corruption Initiative
3. Transparency in Government Procurement
4. Initial steps against corruption in Development Assistance
5. Public participation in the Anti-Corruption Initiative
6. Access to Government information
7. Provision of baseline data

Progress achieved by each country under the *Seven Immediate Actions* is reviewed by the Steering Group before a closer monitoring under each of the five pillars of the Initiative is carried out by SPAI lead agencies.

The present report reviews the implementation of the *Seven Immediate Actions* in the Republic of Moldova. It was adopted at the Washington Steering Group meeting on 30 April 2002.

ACTION 1: DESIGNATION OF A CONTACT POINT

1. Under the *First Immediate Action* of the Compact and Action Plan, governments of the region are required to designate a Senior Representative, who will oversee the fulfilment of the Anti-Corruption Initiative.

Anti-Corruption Team

2. Following the decision of the Government of Moldova to join the Initiative, Mr. Vasile Draganel, Minister of Internal Affairs, was appointed SPAI Senior Representative. However, Mr. Draganel resigned in late February 2002. The nomination of a new Senior Representative is expected soon.

3. The Senior Representative is assisted in his work by the National Anti-Corruption Working Group, composed of representatives of the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Justice, General Prosecutor's Office, Ministry of Finance, Customs Department, Service of Information and Security and of a representative of civil society, the Executive Director of the NGO "Transparency International – Moldova".

4. Mr. Ghenadie Astrahan, secretary of the SPAI Working Group, directly assists the Senior Representative in the daily management of the Initiative:

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Financial matters

5. The office of the Senior Representative does not have a separate budget for its functioning. The expenses for organising and holding meetings of the Working Group are supported by the budget of the Ministry of Interior.

6. The amount of money dedicated to SPAI activities could not be estimated for expenses are supported by the various governmental institutions involved in the implementation of the Initiative.

Co-operation with governmental offices and other organisations

7. In his work, the Senior Representative co-operates with the following governmental offices: Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Justice, General Prosecutor's Office, Ministry of Finance, Customs Department, Service of Information and Security.
8. The office of the Senior Representative and the SPAI Working Group also co-operate with several non-governmental organisations, in particular the Viitorul Foundation and the Institute of Public Policies.

ACTION 2: PUBLIC DISSEMINATION OF THE ANTI-CORRUPTION INITIATIVE

9. Under Action 2 of the Compact and Action Plan, governments of the region are required to publish and disseminate widely through all appropriate media the text of the Anti-Corruption Initiative and a statement of the government's commitment to comply with its provisions. The announcements shall emphasize the government's recognition that civil society's participation is crucial for long-term accountability and transparency in the region.

Dissemination of the text of the SPAI

10. The text of the Initiative has been published in several periodicals, along with a commitment declaration of the Government to implement the Initiative, and was posted on the website of the Ministry of Internal Affairs (www.mai.md).
11. A campaign to inform the public about the Initiative was launched in July 2001 with the aim to raise public awareness about the harm of corruption. Data on corruption has been disseminated, Transparency International-Moldova launched the first video-spot illustrating the threat of corruption and analyses highlighting the different aspects of corruption have been published.
12. A conference on the implementation of the Stability Pact Anti-Corruption Initiative (SPAI) and Stability Pact Initiative Against Organised Crime (SPOC) was organised that same month. The conference brought together national and international experts, who discussed issues such as legislative reforms, implementation mechanisms of the SPAI and improvement of the fight against corruption in Moldova.
13. TV and radio-programs on fighting corruption have been organised by the Mass-Media Service of the Ministry of Interior. In all his statements, the Ministry of Internal Affairs, who is responsible for the implementation of the SPAI, mentioned Moldova's new membership in the Initiative and presented the main provisions of the SPAI.
14. The Government office responsible for dissemination of information about SPAI is the Directorate of Press and Public Relations of the Ministry of Interior.

Civil society's participation

15. All statements made by government officials about the SPAI — including the declaration of the President of the Republic — include a recognition of the role of the civil society and an invitation to civil society organizations to participate in the fight against corruption.

16. Other initiatives undertaken to encourage civil society's participation in the fight against corruption include the visit of the Senior Representative to Transparency International, the establishment of special phone lines for citizens faced with corruption and regular invitations to civil society representatives to conferences and workshops organised by the Government.

ACTION 3: TRANSPARENCY IN GOVERNMENT PROCUREMENT

17. Action 3 of the Compact and Action Plan invites countries of the region to announce a schedule for review of legislation related to transparency in government procurement, including establishing a national panel of experts to work with members of the Managing Group in order to review existing legislation for its conformity with relevant European and other international standards.

Schedule of work

18. At the initiative of the National Agency for Public Procurement, the examination of the draft Law on Public Procurement was included in the schedule of work of the Government. This draft Law provides for a new mechanism for the implementation of public procurement procedures. In addition, a set of new Regulations is under preparation, which will ensure a greater transparency in the process of organisation and implementation of procurement procedures.

19. Transparency of procurement contracts is guaranteed by articles 5, 14, 18, 19 of the the Law on Procurement of Goods and Services for the State's Needs, of April 30, 1997.

Establishment of a panel of experts

20. No panel of experts to work with procurement experts of the Stability Pact Anti-Corruption Initiative Managing Committee has been established, but the establishment of such a panel is under consideration. It should become operational by April 2002.

21. In the Republic of Moldova, governmental regulation and co-ordination of activities regarding public procurement issues are carried out by the National Agency for Public Procurement. The NAPP is a legal entity, constituted within the Ministry of Economy, and composed of 10 persons. It is funded by the state budget.

ACTION 4: INITIAL STEPS AGAINST CORRUPTION IN DEVELOPMENT ASSISTANCE

22. Under Action 4 of the Compact and Action Plan, governments of SPAI countries are invited to provide to the Stability Pact Special Co-ordinator, the names of experts that will review the effectiveness of measures against corruption in government institutions implementing foreign development assistance or co-operation activities.

23. No pool of experts to review the effectiveness of anti-corruption measures for public administration implementing foreign development assistance or co-operation activities has been established.

24. No schedule of work for reviewing the effectiveness of anti-corruption measures has been established yet.

ACTION 5: PUBLIC PARTICIPATION IN THE SPAI

25. Action 5 of the Compact and Action Plan requires governments of the region to publish an invitation to the general public and to organizations in the business and non-profit communities, such as professional associations, trade unions and academic institutions, to participate in activities under the Anti-Corruption Initiative.

Invitation to the public

26. In order to involve the general public and civil society organisations in the SPAI, Transparency International Moldova organized, in co-operation with the Ministry of Economy and the USAID project BIZPRO-Moldova, a roundtable "Initiation of a dialog between Business Associations and Government Institutions", during which a presentation about "Corruption as Impediment to the Development of Small and Medium size Enterprises" was made. At this event, as well as at other conferences, press-conferences and briefings, civil society was invited to participate in the country's anti-corruption effort and in the implementation of the Initiative.

Development of a network of civil society and business organisations

27. The Government has not developed a network of civil society and business organisations, but it actively co-operates with different representatives of the civil society. The most active NGO is "Transparency International - Moldova":

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Concrete examples of public participation in the SPAI

28. Several initiatives have been undertaken by local NGOs to raise public awareness and assist the Government in its anti-corruption efforts, in particular with regard to dissemination of information, the definition of a national anti-corruption program and the drafting of legislation:

- A website, to serve as a platform for dissemination of information on corruption issues, was launched by Transparency International-Moldova on 18 January 2002;
- Proposals for the National Program to Fight Corruption have been prepared by Transparency International-Moldova and transmitted to the Ministry of Internal Affairs, and three workshops on "strengthening local governance" are under preparation;
- TI-Moldova also provided expertise on the draft Law on combating corruption and on the draft Law on the declaration of the assets of public employees prepared by the Ministry of Justice;
- The Viitorul Foundation drafted the Law on Corruption, which is now under discussion at the Juridical Committee of the Moldavian Parliament. As part of its awareness activities, the Foundation also organised a conference on anti-corruption issues on 5 December 2001.

- The Institute of Public Policies participated in the organisation of the conference on the SPAI that took place in July 2001.

29. In addition, hotlines for business associations and businessmen faced with corruption have been opened, as part of the USAID BIZPRO project, which aims at promoting the development of small and medium sized enterprises in the Republic of Moldova

ACTION 6: ACCESS TO GOVERNMENT INFORMATION

30. Under Action 6 of the Compact and Action Plan, governments of SEE countries are required to announce plans to implement measures to provide meaningful public access to government information, to the media, in order to expose effectively corrupt activity.

31. In Moldova, government information is disseminated by the Government's spokesman, the Mass-Media Service of the Ministry of Interior, through press conferences and briefings given by Government's officials, and via the ministries' websites and the publication of annual statistical reports. With regard to the fight against corruption, television and radio-programs on Government's anti-corruption activities have been organised by the Mass-Media Service of the Ministry of Interior.

32. The Working Group is planning further measures to enhance public access to government information, among which are the creation of an Anti-Corruption Internet Bureau, the launching of a website on anti-corruption issues, and the publication of a magazine which will present the country's anti-corruption efforts and review the implementation of SPAI at the national level.

ACTION 7: PROVISION OF BASELINE DATA

33. Action 7 of the Compact and Action Plan invites governments of the region to provide a standard set of budget and other institutional data to the Anti-Corruption Steering Group as a baseline against which subsequent changes will be measured.

Budget and staffing information on anti-corruption offices

34. Apart from the Working Group, there are no other institutions dealing exclusively with anti-corruption issues.

Standards of Conduct guidelines

35. No standards of conduct guidelines for employees have been adopted yet, however such a measure is planned to be undertaken in the very near future.

36. A draft Law on the declaration of the assets of public employees has been prepared by the Ministry of Justice.

ASSESSMENT AND RECOMMENDATIONS FOR FOLLOW-UP ACTIONS

MOLDOVA

The Moldavian authorities have made noteworthy efforts since the Republic's full membership in the Initiative to implement the *Seven Immediate Actions* of the SPAI Compact and Action Plan.

A National Anti-Corruption Working Group has been established to assist the Senior Representative in his work. The Working Group actively co-operates with a number of governmental and non-governmental organizations and important efforts have been made to involve civil society in the Initiative. In this regard, a number of initiatives have been undertaken by local NGOs to raise public awareness and assist the Government in its anti-corruption efforts. The text of the SPAI has been widely disseminated through periodicals and the official website of the Government and significant efforts have been made to inform citizens about the Initiative through conferences, television and radio programs and the launching of an awareness campaign. A new Law on Public Procurement has been drafted, and the establishment of a panel of experts to work on public procurement issues is under consideration. Several initiatives have also been undertaken to inform citizens about Government activities, and further measures are planned to enhance access to Government information.

Overall, the measures taken by the Moldavian authorities to implement the Seven Immediate Actions generally comply with the requirements of the SPAI Compact and Action Plan. A few issues might however need further consideration. In particular, a new Senior Representative should be nominated as soon as possible. Furthermore, the absence of a separate budget for the office of the Senior Representative might impede the Government's efforts to effectively implement the Initiative (Action 1). The establishment of a panel of expert to work on procurement issues should be made effective as early as possible and a schedule of work developed (Action 4). Finally, it is recommended that Standards of Conduct Guidelines for employees be adopted (Action 7).