



ReSPA

Regional School
of Public Administration

Third meeting of Ethics and Integrity Network

28 February – 1 March 2013

Vienna, Austria

Discussion paper and provisional programme



Background

Two networking events on Ethics and Integrity already took place on 22/23 March 2012 and on 10/11 December 2012 for the senior management of the Anti-Corruption Agencies from the ReSPA Member States and Kosovo*. 14 representatives from all ReSPA Member States actively participated in both events and presented the anti-corruption structures of their countries.

Objective

The objective of the study visit is to complement the past exchange of good practices and challenges, by getting practical insights to integrity work in anti-corruption institution in a different political and economic framework. Whereas previous exchanges focused mostly on the ReSPA region, comparison with another integrity system, preferably in an EU Member State with a long-standing tradition of rule of law emerged as a need.

The study visit will combine presentations by practitioners of integrity institutions in the host country with discussions, and will thus allow for a comparison and transfer of good practices. In addition, participants will deepen and review the insights gained in workshop sessions towards the end of the study visit.

Selection of Austria

Austria was chosen as a destination for the following reasons: A series of recent high-profile corruption scandals has challenged the existing integrity structures and entailed organizational, legislative and institutional reforms. The Federal Bureau of Anti-Corruption under the Ministry of Interior („Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung – BAK“), was established in 2010, the Public Prosecutor’s Office for White-Collar Crime and Corruption („Wirtschafts-Staatsanwaltschaft – WKStA“) started investigating several high-profile cases, and Parliament passed new legislation (on the criminal code and on lobbying) and installed a temporary inquiry committee looking into the corruption scandals. On an international level, Austria is hosting the International Anti-Corruption Academy (IACA) which positions itself as a centre of excellence in training and development in public management ethics. All mentioned recent dynamics in anti-corruption efforts make Austria an interesting example for West Balkan anti-corruption institutions, which are themselves in the middle of reform processes.

* This designation is without prejudice to positions on status, and it is in line with UNSCR and the ICJ Opinion on the Kosovo Declaration on Independence.

Selected Austrian anti-corruption institutions

For the study visit, three institutions have been chosen: the Federal Bureau of Anti-Corruption “BAK”, the (former) Inquiry Committee of the Parliament, and the International Anti-Corruption Academy (IACA). The BAK with its broad preventive and repressive mandate covers the overall integrity framework of Austria. The visit to the Parliament will give a somewhat new angle to the participants on how the legislative can contribute to controlling corruption. The IACA is currently emerging as probably the leading training institute in the field of anti-corruption. The presence of the participants in Vienna should therefore be used to get further acquainted with the capacity building potential of this institution (to which all ReSPA Member States are also members).

Federal Bureau of Anti-Corruption (BAK)

As of 1 January 2010, the Federal Bureau for Internal Affairs (BIA) was transformed into the Federal Bureau of Anti-Corruption („Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung – BAK”). The BAK is an institution of the Austrian Federal Ministry of the Interior. Organizationally speaking, it is, de jure, established outside the Directorate-General for Public Security and has nationwide jurisdiction. According to its legal mandate, the BAK follows a 4-pillar approach¹:

- **Prevention** – includes, inter alia, the analysis of corruption phenomena and the development of adequate preventive measures.
- **Law enforcement** – i.e. security police and criminal police investigations concerning corruption offences including bribery, trading in influence, abuse of power, agreements restricting competition in procurement procedures, laundering corruption proceeds, and other offences (there is no English translation of the Austrian Criminal Code, but major corruption offences are translated in the respective GRECO-Report²).
- **Cooperation** – with national and international institutions working on preventing and combating corruption, as well as exchange of best practices. The BAK has jurisdiction over investigations of international police cooperation and administrative assistance as well as for cooperation with the corresponding institutions of the EU and the investigating authorities of the EU Member States. It acts as a point of contact for OLAF, Interpol, Europol and other comparable international institutions.

¹ See English version of the website: http://www.bak.gv.at/cms/bak_en/news/.

² [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2011\)3_Austria_One_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2011)3_Austria_One_EN.pdf).

- **Education** – through information transfer as well as educational and awareness rising campaigns.

Among other, the following **questions** arise regarding the BAK, corruption in Austria, and the overall system to fight it:

BAK

- *What led to the foundation of the BAK? What has been achieved so far?*
- *What structure facilitates its work? Is there any need for reform?*
- *How is it independent from political influence? How independent is its financing?*

Prevention

- *What are the most prominent forms of corruption in Austria?*
- *What factors are facilitating corruption in Austria?*
- *From 2011 to 2012, Austria has “plunged” from place 16 to place 25 in the worldwide perception-ranking by Transparency International. This is despite many reforms. How can this “plunge” be explained?*
- *Where are still “holes” in the Austrian prevention system?*
- *To what extent do public officials have to declare their finances (income and assets)?*
- *What anti-corruption tools did Austria adapt from other countries?*
- *What were the reasons, and the pros and cons for the new Law on Lobbying?*
- *To what extent is there still a lack of transparency on political financing?*
- *To what extent does Austria approach its fight strategically (anti-corruption strategy, integrity plan etc.)*

Enforcement Measures

- *How does law enforcement deal with politically sensitive cases and possible political counter-pressure (prosecution of former ministers etc.)?*
- *What structure and expertise facilitates prosecuting corruption?*
- *How are anonymous reports dealt with?*
- *To what extent is whistleblower protection available?*
- *Are legal persons (made) liable for corruption?*
- *Is targeted and/or random integrity testing used (realistic scenarios such as the offering of cash by an undercover officer to a public official)?*
- *How could enforcement be further enhanced (future legislative or organisational reforms)? What reforms have taken place recently?*
- *Are officers trained regularly and in what subjects?*

Institutional Cooperation

- *What are past and current challenges in mutual legal assistance?*
- *To what extent does the BAK cooperate with the FIU (suspicious financial transactions etc.) and other institutions in Austria?*
- *What is the perspective on the recent inquiry commission on corruption?*
- *Does BAK cooperate with certain countries on substance issues?*

Education & Public Awareness

- *What are the major education efforts of BAK?*
- *Is corruption integrated into the curricula of schools?*
- *How does BAK cooperate with civil society and NGOs?*

Parliament

From October 2011 until October 2012, an inquiry committee looked into several corruption scandals surrounding former Ministers, lobbyists and corporations.³ Some of the scandals were reported by the international press.⁴ The inquiry committee was dissolved without final report in October 2012. However, inquiry committees can be a powerful tool for preventing and investigating corruption, if the legal framework and political culture support it. The following points are of interest, among other:

- *What has been the subject of the inquiry committee on corruption?*
- *How was it established and how did it roll out?*
- *What is the legal framework (role and rights of the majority and the opposition; evidence; final report, etc.)*
- *What are the weak points of an inquiry procedure?*
- *What is the role of the Parliament's administration?*
- *What is the added value of an inquiry vis-à-vis a criminal investigation? How are both procedures coordinated?*

International Anti-Corruption Academy (IACA)

IACA was founded as an international organization in March 2011. A joint initiative by the United Nations Office on Drugs and Crime (UNODC), the Republic of Austria, the European Anti-Fraud Office (OLAF) and other stakeholders, IACA is a pioneering institution that aims to

³ http://www.parlament.gv.at/PAKT/VHG/XXIV/A-USA/A-USA_00003_00314/index.shtml (in German).

⁴ Der Spiegel, 13 October 2011, Corruption Scandals in Austria, A Web of Sleaze in Elegant Vienna, <http://www.spiegel.de/international/europe/corruption-scandals-in-austria-a-web-of-sleaze-in-elegant-vienna-a-791113.html>.

overcome current shortcomings in knowledge and practice in the field of anti-corruption. In pursuing this aim, the Academy functions as an independent centre of excellence in the field of anti-corruption education, training, networking and cooperation, as well as academic research. IACA is not a law enforcement agency and is financed by voluntary contributions of its Members (61 states worldwide), tuition fees, and other contributions.

The approach of IACA to implement its mission embodies the following principles:

- International – observing regional diversity, servicing all corners of the globe, and foreseeing the broadest possible outreach
- Inter-disciplinary – providing know-how and expertise from various academic and non-academic fields
- Inter-sectoral – catering to all sectors of society
- Integrative – bridging the gap between theory and practice by offering theoretical and practical knowledge and tools
- Sustainable – striving towards long-term and long-lasting solutions and services.

Following guiding questions may be addressed during the site visit of the international academy:

- *What led to the foundation of IACA? What has been achieved so far?*
- *Which governance structure is used to facilitate the internal work and external relations of the academy?*
- *Which training and development formats are used to educate civil servants? Have any best practices emerged yet?*
- *Besides trainings and seminars which other services are provided by the agency?*
- *Which thematic development trends have been observed during the last two years?*
- *Are there any activities with a particular focus on the (West) Balkans?*

Short Resumes of the Experts

Stefan Friedrichs is managing director of Public One Governance Consulting, a public sector consultancy based in Berlin, Germany. Since fifteen years he is managing public administration reform projects and change processes in Central and Eastern Europe with a special focus on governance, leadership and organizational development in public administrations. (Stefan.friedrichs@publicone.com)

Dr. Tilman Hoppe has worked as a judge, as an executive in the financial sector, and as a legal expert for the German Parliament. For several years he has advised the Council of Europe and other international organizations on governance reforms, and is currently implementing an anti-corruption project in Eastern Europe. (info@tilman-hoppe.de)

Draft Provisional Agenda

Wednesday, 27 February 2013

Arrival of participants

Thursday, 28 February 2013

09:30 – 12:30 Visit to **BAK – Federal Bureau of Anti-Corruption**: Presentation and discussion of the anti-corruption work in Austria

12:30 – 13:30 Lunch break

13:30 – 15:00 Visit to **BAK** (continued)

15:00 – 15:30 Transfer

15:30 – 17:30 Visit to the **International Anti-Corruption Academy (IACA)**: Presentation of training facilities and discussion of current development trends

19:00 ***Social event and Joint dinner***

Friday, 1 March 2013

09:00 – 11:00 Visit to the Austrian **Parliament** (“Nationalrat”): Presentation and discussion of the recent Inquiry Committee on Corruption (tbc)

11:00 – 11.15 Transfer from the Parliament to the hotel

11:15 – 12:15 **Review of study visit and conclusions** (*facilitated by experts Mr. Stefan Friedrichs and Dr. Tilman Hoppe*)

12:15 – 13:00 Presentations by Experts

The role of parliaments in fighting corruption (*expert Dr. Tilman Hoppe*)

Models of Change in Anti-Corruption Work (*expert Stefan Friedrichs*)

13:00 – 14:00 Next steps for the **comparative study** on integrity in ReSPA-Member States; next network meetings (*Mr. Aqim Emurli, Training manager; experts Mr. Stefan Friedrichs and Dr. Tilman Hoppe*)

14:00 – 15:00 Lunch

(All above events, dates and times are still subject to final confirmation)