

EUROPOS PARLAMENTAS

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Vystymosi komitetas

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PRANEŠIMO PROJEKTAS

dėl pagalbos veiksmingumo ir korupcijos besivystančiose šalyse
(2005/2141(INI))

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EUROPOS PARLAMENTO TEISĖKŪROS REZOLIUCIJOS PROJEKTAS

dėl pagalbos veiksmingumo ir korupcijos besivystančiose šalyse (2005/2141(INI))

Europos Parlamentas,

- atsižvelgdamas į 2003 m. spalio 31 d. JT konvenciją prieš korupciją,
 - atsižvelgdamas į 1996 m. gruodžio 16 d. JT deklaraciją prieš korupciją ir kyšininkavimą tarptautiniuose komerciniuose sandoriuose,
 - atsižvelgdamas į 1997 m. lapkričio 21 d. *OECD* konvenciją dėl kovos su užsienio valstybių pareigūnų kyšininkavimu tarptautiniuose verslo sandoriuose,
 - atsižvelgdamas į 2000 m. rugsėjo 8 d. JT Tūkstantmečio deklaraciją, kuria buvo nustatyti Tūkstantmečio plėtros tikslai (TPT), išskelti kaip tarptautinės bendruomenės bendrai priimta skurdo naikinimo priemonė,
 - atsižvelgdamas į 2005 m. kovo 2 d. Paryžiaus deklaraciją dėl pagalbos veiksmingumo,
 - atsižvelgdamas į 2005 m. liepos 12 d. Ketvirtąją tūkstantmečio ekosistemos vertinimo ataskaitą „Ekosistemos ir žmonijos gerovė: verslo ir pramonės galimybės ir iššūkiai“,
 - atsižvelgdamas į Kotonu partnerystės susitarimo 8, 9 ir 97 straipsnius,
 - atsižvelgdamas į 2003 m. birželio 2 d. G8 aukščiausiojo lygio susitikimo Eviane deklaraciją dėl kovos su korupcija ir skaidrumo gerinimo,
 - atsižvelgdamas į 2005 m. kovo 11 d. Afrikos Komisijos pranešimą „Mūsų bendras interesas“,
 - atsižvelgdamas į savo 2003 m. gegužės 15 d. rezoliuciją dėl gebėjimų stiprinimo besivystančiose šalyse¹,
 - atsižvelgdamas į savo 2005 m. kovo 31 d. rezoliuciją dėl vadovavimo Europos Sąjungos vystymo politikai²,
 - atsižvelgdamas į Darbo tvarkos taisyklių 45 straipsnį,
 - atsižvelgdamas į Vystymosi komiteto (A6-0000/2005) pranešimą,
- A. kadangi korupcija, ribodama visuomeninių prekių prieinamumą ir mažindama pagrindinių paslaugų kokybę, daro neproporcingai didelę žalą neturtingiesiems,

¹ OL C 67 E, 2004 3 17, p. 206–255.

² OL C 103 E, 2004 4 29, p. 449–550.

- B. kadangi dėl korupcijos pagalba yra neveiksminga ir dėl to yra paminami ES plėtros tikslai,
- C. kadangi Pasaulio Bankas nustatė, jog visame pasaulyje kiekvienais metais daugiau nei 1 trilijonas USD yra išleidžiama kyšininkaujant, o Afrikos Sąjunga įvertino, kad korupcija kiekvienais metais kainuoja Afrikos ekonomikai daugiau nei 25 proc. Afrikos BVP,
- D. kadangi korupcijos formos yra įvairios, ir visiems „vieno mato visiems“ strategijos taikyti negalima,
- E. kadangi korupcija yra problema, veikianti ir visuomenę kaip visumą, ir atskirus jos narius, įskaitant politikus, valdžios pareigūnus, pilietinę visuomenę, žiniasklaidą, tarptautinio verslo įmones ir tarptautinius paramos teikėjus, kartu atliekančius svarbų vaidmenį kovoje su korupcija,
- F. kadangi korupcija yra grėsmė pagrindinėms žmogaus teisėms, pvz., socialinėms ir ekonominėms teisėms į sveikatą ir švietimą,
- G. kadangi korupcija yra šalutinis prasto vadovavimo rezultatas, neatsiejamai susijęs su valstybės vaidmeniu, dėl to su ja reikia kovoti naudojant strategijas, skatinančias gerą vadovavimą,
- H. kadangi esminiai principai kovoje su korupcija yra skaidrumas ir atskaitingumas,
- I. kadangi neįmanoma susidoroti su korupcija neinformuojant pilietinės visuomenės ir jai nedalyvaujant ir kadangi informacijos prieinamumas yra vienas svarbiausių dalykų šiame procese,
- J. kadangi 2003 m. JT konvencija prieš korupciją yra pirmoji tarptautinė teisinė priemonė, pripažinusi būtinybę visoms valstybėms išsipareigoti susigrąžinti turtą, ir kadangi Vengrija ir Prancūzija yra vienintelės ES valstybės narės, kurios ratifikavo šią Konvenciją,
- K. kadangi 1997 m. *OECD* konvencijos dėl kovos su užsienio valstybių pareigūnų kyšininkavimu tarptautiniuose verslo sandoriuose neratifikavo Malta, Lietuva ar Latvija ir kadangi šias valstybes nars reikia raginti kuo greičiau šią konvenciją ratifikuoti,
 1. ragina Komisiją labiau akcentuoti atskaitingumo ir skaidrumo klausimus, kadangi silpni atskaitingumo mechanizmai palengvina korupcijos vykdymą;
 2. pabrėžia, kad reikia kreipti didesnę dėmesį į pilietinės visuomenės vaidmenį puoselėjant gerą vadovavimą ir savanorišką korupcijos kontrolę;
 3. pabrėžia, kad yra būtina remti besivystančių šalių nacionalinius parlamentus, kaip biudžetines valdžios institucijas, palaikant dialogą, keičiantis informacija ir stiprinant gebėjimus;

4. pabrėžia svarbų moterų vaidmenį kovoje su korupcija ir dėl to akcentuoja, kad yra būtina daugiau ir geriau šviesti moteris ir mergaites ir skatinti moterų dalyvavimą politikoje;
5. reikalauja pripažinti kampanijos „Paskelbk, ką sumokėjai“, raginančios tarptautinio verslo įmones atskleisti informaciją apie mokesčius valdžiai, svarbą;
6. pabrėžia, kad besivystančiose šalyse būtina įsteigti pilietinės visuomenės kontrolės komitetus, taip pat kad reikalinga valdžios kontrolės ir pusiausvyros sistema; ragina Komisiją remti šį procesą skiriant 0,5 proc. biudžeto pagalbos pilietinės visuomenės kontrolės komitetams;
7. pabrėžia, kad būtina stiprinti centrinių ir vietinių institucijų gebėjimus kovoje su korupcija, ypač skiriant didesnę biudžeto pagalbą;
8. pabrėžia, kad kiekvienu atveju prieš teikiant biudžeto pagalbą būtina atskirai ir atidžiai įvertinti pasitikėjimo riziką;
9. pabrėžia, kad teikiant bet kokią biudžeto pagalbą būtina palaikyti politinį dialogą, siekiant gerinti viešą finansų valdymą (*angl. PFM*);
10. pabrėžia, kad biudžeto pagalba turi būti visuomet skiriama tam tikram sektoriui, taip mažinant korupcijos arba lėšų neteisėto valdymo rizikas;
11. reikalauja, kad ES teikiamos biudžeto pagalbos programos būtų skaidresnės, įskaitant atitinkamos informacijos apie suteiktą pagalbą paramą gaunančioje šalyje viešumą ir parlamento bei piliečių veikėjų dalyvavimą šiame procese;
12. reikalauja, kad pilietinė visuomenė ir nacionaliniai parlamentai remtų viešų išlaidų stebėjimo tyrimais (*angl. PETS*) veiksmingai prižiūrimą biudžetą;
13. mano, kad siekiant gauti kuo tikslesnius duomenis apie atitinkamos valstybės įgyvendinamą vadovavimo kokybę turi būti sukurti specialūs socialiniai rodikliai, ir reikalauja, kad pilietinės visuomenės dalyvavimas šioje srityje būtų aktyvesnis;
14. ragina vieną iš Valstybės išlaidų ir finansinės atsakomybės programos (*angl. PEFA*), kurioje nustatyti suderinti pagrindai, kaip įvertinti pasitikėjimo riziką paramą gaunančiose šalyse, vadovų ES įtraukti specialius rodiklius, pagal kuriuos būtų galima vertinti korupcijos lygį;
15. pabrėžia, kad tarptautiniai paramos teikėjai privalo tarpusavyje derinti savo veiklas biudžeto pagalbos srityje siekiant stiprinti skaidrumą ir atskaitingumą paramą gaunančiose šalyse;
16. ragina visas ES valstybes nares ratifikuoti 2003 m. JT konvenciją prieš korupciją;

17. primena, kad regioninės iniciatyvos, pvz., Afrikos lygiavertės analizės mechanizmas (*angl. APRM*), atlieka svarbų vaidmenį kovojant su korupcija ir remiant gerą vadovavimą; pabrėžia, kad Komisija ir valstybės narės privalo teikti techninę ir finansinę pagalbą šioms iniciatyvoms;
18. reikalauja ir toliau įgyvendinti „Skaidrią iniciatyvą kasybos pramonei“ (*angl. „Extractive Industries Transparency Initiative“*) ir jos laikytis siekiant užtikrinti, kad informacija apie tarptautinių verslo įmonių mokamus mokesčius besivystančių šalių valdžiai būtų atskleista;
19. ragina valstybes nares, kur yra svarbūs finansiniai centrai, imtis visų būtinų teisinių ir administracinių veiksmų ir užtikrinti, kad neteisėtai gautos lėšos būtų grąžintos į kilmės šalį; be to, pabrėžia, kad būtina stiprinti gebėjimus telkiant pajėgas užkirsti kelią turto vagystėms;
20. ragina Komisiją ir valstybes nares apsvarstyti metodiką, pagal kurią bankams būtų uždrausta skolinti dideles pinigų sumas, skirtas papirkti valdžios režimus arba atstovaujančius valdžiai asmenis;
21. paveda Pirmininkui perduoti šią rezoliuciją Tarybai ir Komisijai.

EXPLANATORY STATEMENT

Corruption is a common phenomenon that can manifest itself in various ways and in all levels of society, varying from bribing civil servants and theft of public resources to fraud and nepotism. Corruption imposes massive costs on countries, institutions and ordinary citizens. It obstructs growth and creates a serious risk of marginalization in the global economy for countries with high levels of corruption. The World Bank estimates that more than USD 1 trillion is paid in bribes every year worldwide. The African Union estimates that corruption costs African economies more than USD 148 billion a year, representing 25 % of Africa's GDP.

The effects of corruption impose a disproportionately heavy burden on the poor since they are the most vulnerable and suffer most from restricted access to public goods and lower quality basic services. As a result, corruption creates obstacles to development in third world countries. It is understood that corruption can directly and indirectly affect the achievement of the Millennium Development Goals as budget resources in key MDG sectors leak away. Moreover, aid is also less effective in corrupt countries since substantial parts of the granted funds leak away.

Since corruption hinders aid effectiveness, there is a clear interest among international donors to help curb corruption in the countries where they spend their money. The EU should make the fight against corruption a central element of its development policy, focussing on issues such as good governance, state capacity and public sector management. This must also involve good risk management on the supply side, making sure aid is not spent in a weak governance environment where funds leak due to corruption.

Meanwhile, donors should put more confidence in countries that they find low on the corruption scale, and give them time to produce results. Without a predictable flow of funds and the ability to use development assistance for recurring expenditure, such as salaries, governments will be cautious about hiring teachers or nurses and this will hamper their development.

Promotion of good governance

Corruption is a by-product of weak governance. As corruption often involves an important role for the state, it is sometimes defined as the abuse of public power for private benefit. Weak institutions and administrations with limited accountability often allow for the misuse of public goods by politicians or public officials. Research has proven that countries improving control on corruption and rule of law can expect in the long run a four-fold increase in income per capita. Therefore curbing corruption is and should remain an important goal of policies aiming for "good governance" in developing countries. The EU has identified good governance as an integral part of its long-term development strategy.

Good governance evolves around the principles of accountability and transparency.

Accountability means that there are rules, procedures and control mechanisms that make it possible to control what the government is doing with money that belongs to the people. Both state and non-state actors should be involved in this process.

Transparency is a vital component of accountability. If financial allocations are visible, it is more difficult to divert money into corrupt pockets. Access to information is crucial for the robust democratic engagement of citizens in public affairs. This is based on the basic right to receive public information and helps in building effective monitoring structures by civil society organisations.

Budget tracking

Budget transparency is one of the most critical areas where good governance can be promoted by better access to information. Citizens have the right to information about how budgets are spent. This is particularly important when it comes to large revenue items, such as the amounts received from international donors delivered as budget support.

Public and legislative scrutiny is often not very efficient because of a lack of information. It is important that the established objectives and policy priorities are reflected in annual budgets. Budget transparency is needed to check the sectors that were supposed to receive the money. In some countries only parts of the budget are public and other parts, such as military expenditure, are not public. This should never be the case: donors, national parliaments and civil society should always have sight of the full budget.

Budget tracking can and should be executed by both national parliaments and civil society. A specific tool that is often used to examine the flow of funds and materials from governments to destinations like schools and health centres are Public Expenditure Tracking Surveys (PETS). PETS can help identify potential corruption zones, monitor the fight against corruption and empower stakeholders. The EU should support the development of PETS and the training of its users.

The role of parliaments

Parliaments, in discharging the functions provided for in national constitutions, overseeing the government and representing the people, are important stakeholders in the fight against corruption. Parliaments play a significant role in advancing reforms in public finance management but low levels of training of legislators in many countries limit their ability to perform efficiently. Since national parliaments are often sidelined in good governance programmes they merit more attention from international donors.

In particular, capacity development in national parliaments should consist of:

- a) Supporting national parliaments in instituting or reinforcing mechanisms within parliament for bringing government to account;
- c) Help building up budget literacy - developing the skills to adequately assess and evaluate the budget during the budgetary cycle;
- d) Help national parliaments to create public awareness by introducing civic education in school curricula and by setting up public awareness campaigns.

There is evidence that corruption falls as the proportion of parliamentary seats held by women rises. Closing the gender gap is thus another instrument that could reduce corruption.

Countries that adopt specific measures to develop women's skills and protect their rights are better off. According to the World Bank, when women have access to resources and schooling, less corruption and faster economic growth is achieved. The EU should therefore support the involvement of more women in politics.

Civil society watchdogs

Public pressure and a general intolerance of corruption in a society are essential in the fight against corruption. Public feedback, organised through civil society, can be a powerful tool to make social services more responsive and accountable. For civil society to fulfil this role it is essential to raise public awareness, educate people and make sure that structures are in place so that these civil society watchdogs can actually do their work. Across the world there are many examples of organisations that are effectively monitoring their governments and attempting to hold them to account. The Publish What You Pay-campaign of hundreds of NGOs focuses on the disclosing of payments of multinationals to governments in the natural

resources sector. Good governance policies and especially policies aimed at reforming public finance management should support the development and strengthening of these organisations.

Budget support

There is a growing tendency for the EU to give developing countries budgetary aid - money that goes directly into the national coffers of recipient countries - instead of investing in a large number of smaller development projects. EU budget support, which grew from 14% in 2001 to around 30% in 2004, is considered a useful aid modality in a strategy focusing on improving public financial management for the whole budget.

However, budget support also involves serious risks because of its lack of transparency and the possible opening for corrupt activities. Budget support works very well when institutions are good but corruption moderates the impact of budget support on growth and poverty.

Therefore, before budget support is given, an analysis of the macro-economic and financial situation of the country is made. Improvement in the quality and effectiveness of public expenditure is one of the most important criteria for the decision to grant budget support. Budget support should only be granted to a government if it is diagnosed as improving its PFM.

Even if institutions work well, care should be taken when providing aid directly to national budgets. The Court of Auditors has recently concluded that the European Commission's current budget aid programmes do not adequately take into account the problems related to corruption.¹ Corruption should be analysed in all fiduciary risk assessments and the European Commission should maintain involvement in the implementation of budget support either through ex-ante or ex-post control and audit. In order to further reduce risks, budget support should always take the form of sector specific budget aid that earmarks money for a specific sector in which the funding should be spent.

The effectiveness of budget aid is measured by performance indicators. These indicators often focus mainly on the correct management of public funds, and do not pay enough attention to the pro-poor outcome. From a development point of view it is better to use poverty-related targets that directly measure the outcome of, for example, policies in the education and health sector forcing governments to focus on a policy outcome instead of budgetary input and output. Details on the grounds, definition, calculation method and sources of information for each indicator should systematically be included when applying these indicators.

As was discussed above, monitoring by civil society is vital in the process of budget support. These groups need to have access to the resources of information and better knowledge of macro-economic mechanisms. It is therefore necessary that a percentage of 0.5 % of the granted budget support should be reserved exclusively for civil society watchdogs.

What the international community can do

The two most important conventions on the fight against corruption are the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1999) and The UN Convention against Corruption (2003). The OECD Convention has been ratified by most EU Member States, except for Malta, Lithuania and Latvia. These Member States should be pressed to sign the convention. The UN Convention has, at the time of writing, only been ratified by Hungary and France. The Convention should

¹ Special Report No 2/2005, concerning EDF budget aid to ACP countries: the Commission's management of the public finance ref.

be ratified by all other EU Member States as soon as possible. The international community as a whole, and the EU in particular, should work towards better enforcement of these conventions.

Another important issue is transparent cooperation with other donors such as the World Bank and the IMF. An example of this is the Public Expenditure and Financial Accountability Programme (PEFA) in which the EU and the World Bank jointly chair the steering committee. This programme provides a harmonized framework for assessing fiduciary risk with a common set of indicators. The current system, however, is inadequate for measuring corruption since it does not include a direct indicator on corruption. This should be tackled in the future.

The Extractive Industries Transparency Initiative (EITI) is a multi-stakeholder agreement under which oil, gas and mining companies agree publicly to disclose all payments they make to developing country governments and governments agree to publish what they receive. The international community should give strong political and financial support to initiatives such as this to increase transparency. In addition the EU should support local measures for combating corruption, such as the African Peer Review Mechanism (APRM), which is perhaps the most innovative aspect of the NEPAD.

Stealing of assets

A significant problem affecting many developing countries is the illicit acquisition of public funds and assets by former dictators or presidents who lodge them in foreign bank accounts. Countries that have large financial centres holding such funds should take all legal and administrative action to ensure that these illicitly acquired state funds can be frozen and confiscated and that eventually the money is repatriated to the governments of the countries they were stolen from. Currently this is not done effectively, as assets often remain unfrozen until criminal investigation is in an advanced stage which gives the former dictators time to move the money away.

As judicial systems in affected countries are often unable to meet the requirements to enter a claim for recovery and repatriation of illicit funds, specific donor efforts should be targeted at developing this capacity. Furthermore it is important to focus technical assistance on the *prevention* of the stealing of assets. In most developing countries there is a lack of appropriate legislation and good financial institutions capable of identifying of illicit funds before they leave the country. EU development aid in this field should focus on this capacity, for example by providing expert advice, training courses and coaching.

A final measure that can prevent states from incurring financial problems is to impede banks and other financial centres from lending large sums of money to dictators or corrupt regimes. Many former dictators, now long gone, have left their countries indebted, creating serious obstacles for development. Criteria for lending could include the question of whether a government is democratically elected. A black-list of these regimes could be established by the international community, for instance by the Club of Paris. As soon as a country has experienced a regime change by democratic elections, or has otherwise improved its democratic governance, it can be removed from this list.