

# ANALYSIS OF THE WORK OF THE SCPC IN TERMS OF CONTROL OF PROPERTY AND CONFLICT OF INTEREST IN THE FIRST HALF OF 2020

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# Impressum

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The analysis looks at the decisions that the State Commission for Prevention of Corruption (hereinafter SCPC) has made while acting on the cases that relate to the control of property and conflict of interest of public officials in the first half of 2020.

In line with the law,<sup>1</sup> every elected or appointed civil servant and any person in charge in a public enterprise or another legal entity that manages state capital, within 30 days of entering into office, is obliged to submit a statement about the property status and conflict of interest. If there is a change in the property status of persons that have state capital, they are required to submit this change to the SCPC within 30 days.<sup>2</sup> On the basis of the data it receives, the State Commission runs databases on the property status and conflict of interest, and the data from the property status statements is considered public information, with the exception of the data protected by law. The data is published and regularly updated on the State Commission's website.<sup>3</sup>

The verification procedure of the veracity of the data from the assets lists is triggered by report, by the initiative of the claimant (by an anonymous tip etc.) or on the basis of the Annual plan for monitoring the property status and conflict of interest. The assets lists and the forms for amending the property status shall be submitted in writing, and then the administrative workers employed by the SCPC shall

record the data in its electronic database and shall publish it on the SCPC website.

The procedure for establishing the credibility of the data is extensive and includes a large number of steps. The procedure begins by launching a case in response to a report or to the initiative of the entity. The SCPC asks from the persons who are the subject of the assessment to submit data for the family members that live with them in a joint household. After it receives that data, the SCPC submits a request for data on property from several institutions, including the Real Estate Cadaster Agency, the Ministry of Interior, the Central Depository for Securities, the Central Registry and the Public Revenue Office. In certain cases, the SCPC may also ask for data from banks and other financial institutions.

According to the research by Metamorphosis from April 2020,<sup>4</sup> the State Commission is facing many issues. The most serious issues, above all, include the lack of staff and the virtually impaired automatic access to the databases of the other institutions. Whenever it needs some information, the SCPC still relies on the response speed of the other institutions. In the first half of 2020, the state of emergency and the Covid-19 pandemic have exacerbated these shortcomings. The issue still persists,<sup>5</sup> and it is very likely that the SCPC will not have full interoperable connectivity even in 2021.

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<sup>1</sup> Law on Prevention of Corruption and Conflict of Interest, Official Journal, no. 12/2019, Article 82

<sup>2</sup> IBID, Article 85

<sup>3</sup> Data on the assets lists of the elected and appointed officials. Accessed at: <https://www.dksk.mk/index.php?id=35>

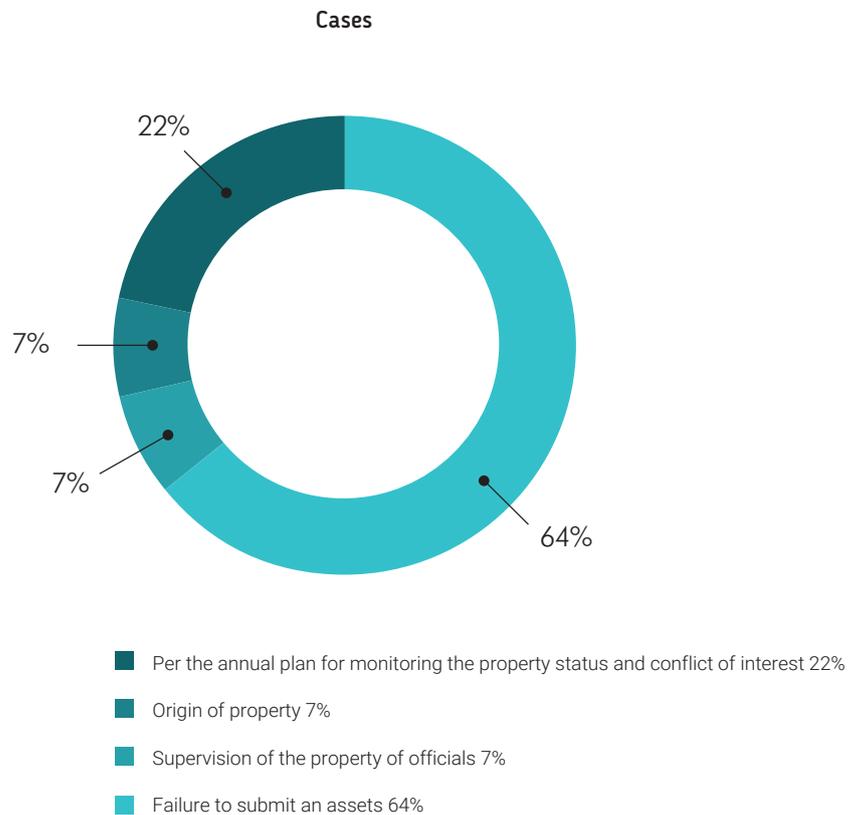
<sup>4</sup> Teofil Blazhevski and Rizaov Goran. "Reforms in the fight against corruption and organized crime: The Anti-corruption Commission - one of a handful of lights at the end of the tunnel" 2020. Available at: <https://metamorphosis.org.mk/wp-content/themes/metamorphosis/download.php?id=25618>

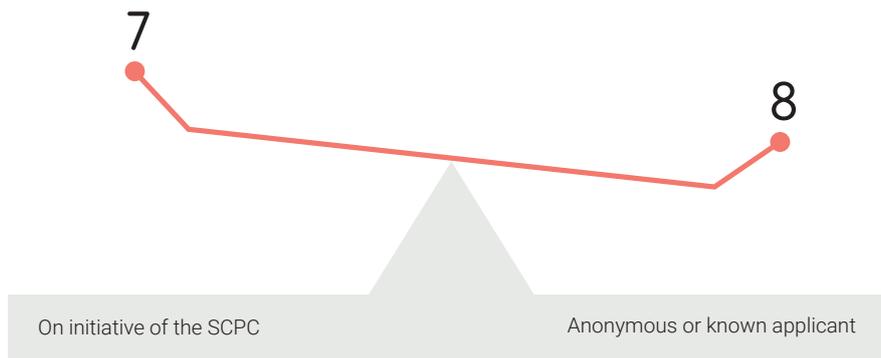
<sup>5</sup> David Ilievski "Laid-back officials, isolated anti-corruption officers" 20 <https://irl.mk/komotni-funktsioneri-izolirani-antikorupsioneri/>

## Data analysis

In the time range covered by this research (the first half of 2020, that is sessions 27 - 31), the SCPC has reviewed 15 cases of control of property and conflict of interest; seven of the cases were launched on the initiative of the SCPC, which is almost 50% of the total. Nine of the cases relate to the misdemeanor 'failure to submit an assets list' by an elected or

appointed civil servant. There is one case of supervision of the property of officials, one investigation into the origin of property and one investigation of conflict of interest, while three cases are related to the Commission's annual plan for monitoring the property status and conflict of interest.





The average case resolution time is 212 days. The SCPC pressed criminal charges in 10 out of 15 cases, or 75%, but almost all refer to 'failure to submit an assets list', apart from one which alleged conflict of interest.

At least from an administrative standpoint, this should be the easiest part of its work. Still, the SCPC takes 7 months on average to decide whether an

official has submitted an assets list for their property timely and correctly or not. However, because of the failings in the digital system for entering the assets lists and the lack of staff to do this task, the process is less efficient. Another issue is the fact that, in case of changes, the appointing institutions fail to inform the SCPC in a timely manner. This makes the supervision of whether the obligation for filling out an assets list is met more difficult.

## Conclusions and recommendations

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The control of property and conflict of interest is a crucial component in the fight against corruption and in the operation of the Commission. That is why it is of vital importance that the SCPC achieves better results in this area.

In the analysis of this SCPC report (in terms of control of property and conflict of interest), as well as in the rest of the literature, it is evident that virtually two thirds of its work in this field relates to delays in submitting the assets list. It can be seen that the SCPC takes too long to process cases related to control of property and conflict of interest. The time it takes for

the SCPC to process cases leaves a dent in its public image, and this must be rectified as soon as possible.

It is necessary to bolster the capacity of the SCPC in a time when it is unclear when the interoperability with the databases of the Central Registry, the Central Depository for Securities, the Customs, the Personal Identification Registry Administration etc. will be achieved. This means that, in the meantime, the SCPC employees, in charge of controlling and supervising the assets that were reported, will have to be proactively involved, and more staff will have to be hired.

