



ABOUT THE NIS ASSESSMENT

A series of high profile corruption cases in the private and public sectors has highlighted the urgent need to confront corruption in Europe. Corruption undermines good governance, the rule of law and fundamental human rights. It cheats citizens, harms the private sector and distorts financial markets. Seventy eight per cent of Europeans surveyed for the EU Commission’s 2009 Eurobarometer believed that corruption was a major problem for their country. This report is part of a pan-European anti-corruption initiative, supported by the DG Home Affairs of the European Commission. The initiative looks to assess systematically the National Integrity Systems (NIS) of 25 European States, and to advocate for sustainable and effective reform, as appropriate, in different countries.

The National Integrity System assessment approach used in this report provides a framework to analyse the effectiveness of a country’s institutions in preventing and fighting corruption. A well-functioning NIS safeguards against corruption and contributes to the larger struggle against abuse of power, malfeasance and misappropriation in all its forms. When the NIS institutions are characterised by appropriate regulations and accountable behaviour, corruption is less likely to thrive, with positive knock-on effects for the goals of good governance, the rule of law and protection of fundamental human rights. Strengthening the NIS promotes better governance across all aspects of society and, ultimately, contributes to a more just society overall.

The Belgian NIS country report addresses 13 “pillars” or institutions believed to make up the integrity system of the country.

| Government | Public sector | Non-governmental |
|--|--|---|
| 1. Legislature 2. Executive 3. Judiciary | 4. Public Administration 5. Law Enforcement Agencies 6. Electoral Management Body 7. Ombudsman 8. Supreme Audit Institution 9. Anti-corruption Agencies | 10. Media 11. Civil Society 12. Political Parties 13. Business |

Each of these 13 institutions is assessed along three dimensions that are essential to its ability to prevent corruption: First, its overall **capacity** in terms of resources and legal status, which underlies any effective institutional performance. Second, its internal **governance** regulations and practices, focusing on whether the institution is transparent, accountable and acts with integrity, all crucial elements to preventing the institution from engaging in corruption. Thirdly, the extent to which the institution fulfils its assigned **role** in the anti-corruption system, such as providing effective oversight of the government (for the legislature) or prosecuting corruption cases (for the law enforcement agencies). Together, these three dimensions cover the institution’s ability to act (capacity), its internal performance (governance) and its external performance (role) with regard to the task of fighting corruption.

Each dimension is measured by a common set of indicators. The assessment examines both the legal framework of each pillar as well as the actual institutional practice, thereby highlighting discrepancies between the formal provisions and reality on the ground.

| Dimension | Indicators (<i>law, practice</i>) |
|-------------------------------|---|
| Capacity | Resources Independence |
| Governance | Transparency Accountability Integrity |
| Role within governance system | Between 1 and 3 indicators, specific to each pillar |

The assessment does not seek to offer an in-depth evaluation of each pillar. Rather, it seeks breadth, covering all relevant pillars across a wide number of indicators in order to gain a view of the overall system. The assessment also looks at the interactions between institutions to understand why some are more robust than others and how they influence each other. The NIS presupposes that weaknesses in a single institution could lead to serious flaws in the entire system. Understanding the interactions between pillars also helps to prioritize areas for reform. In order to take account of important contextual factors, the evaluation of the governance institutions is embedded in a concise analysis of the overall political, social, economic and cultural conditions, the *foundations*, on which these pillars are based.

Methodology

The NIS assessment is a qualitative research tool based on a combination of desk research, in-depth interviews. A final process of external validation and engagement with key stakeholders ensures that the findings are as relevant and accurate as possible before the assessment is published.

The assessment is guided by a set of “indicator score sheets” developed by the TI Secretariat. The sheets consist of a “scoring question” for each indicator, supported by further guiding questions and scoring guidelines for the minimum, mid-point and maximum scores. For example:

| Sample indicator score sheet: Legislature <i>Capacity – Independence (law)</i> | |
|---|--|
| Scoring question | To what extent is the legislature independent and free from subordination to external actors by law? |
| Guiding questions | Can the legislature be dismissed? If yes, under which circumstances? Can the legislature recall itself outside normal session if circumstances so require? Does the legislature control its own agenda? Does it control the appointment/election of the Speaker and the appointments to committees? Can the legislature determine its own timetable? Can the legislature appoint its own technical staff? Do the police require special permission to enter the legislature? |
| Scoring guidelines | |
| Minimum score (0) | There are no laws which seek to ensure the independence of the legislature. |
| 25 | |
| Mid-point score (50) | While a number of laws/provisions exist, they do not cover all aspects of legislative independence and/or some provisions contain loopholes. |
| 75 | |
| Maximum score (100) | There are comprehensive laws seeking to ensure the independence of the legislature. |

In total the assessment includes over 150 indicators, approximately 12 indicators per pillar. The guiding questions for each indicator were developed by examining international best practices, existing assessment tools for the respective pillar as well as using TI’s own experience, and by seeking input from international experts on the respective institution. The indicator score sheets provide guidance to the researcher, but when appropriate TI-B has provided additional information or left some questions unanswered, as not all guidance is relevant to the Belgian context. Due to the broad scope of the NIS assessment, the analysis of each pillar is necessarily brief (approximately 12 pages) and in some cases the research reveals a need for further in-depth research on specific issues which are beyond the scope of the NIS assessment. The full toolkit and score sheets are available on TI-B’s website, at www.transparencybelgium.be

To answer the guiding questions, the lead researcher relied on three main sources of information: national legislation, secondary reports and research, and interviews with key experts. Secondary sources included trusted reports by national civil society organizations, international organizations, governmental bodies, think tanks and academia.

A minimum of two key informants were interviewed for each pillar – at least one representing the institution under assessment and one expert external to it. Full citations are included in footnotes rather than endnotes, to be as transparent as possible regarding the sources of information used to justify the conclusions and scores.

The scoring system

While the NIS is a qualitative assessment, numerical scores are assigned in order to summarise the information and help to highlight key weaknesses and strengths of the integrity system. The sheer length of the report can obscure a holistic perspective. Thus the scores are a way to see all 13 institutions, each assessed according to 12 or more indicators, as if from an aerial viewpoint. They prevent the reader from getting lost in the details and promote reflection on the system as a whole, rather than focusing only on its individual parts.

The scores are assigned by an in-country researcher on a 5-point scale in 25-point increments (0, 25, 50, 75, 100), validated by an in-country multi-stakeholder advisory group and finally vetted by TI-Belgium. An aggregate score for each dimension is calculated (simple average of its constituent indicator scores) and the three dimension scores are then averaged to arrive at the overall score for each pillar. The difference in practice versus law can also be calculated at both dimension level and for an institution as a whole.

While the scoring methodology uses best practice standards in terms of expert selection, comparative anchors, transparency and validity checks, it gives the country teams the ultimate say about the scores. This fits also with the overall purpose of the assessment, to build momentum for anti-corruption policy change in the individual country. Since there is no international board which reviews and calibrates all scores to ensure that the same information, methodology, and judgment process have been used across countries, we do not produce any country rankings and do not recommend using the raw scores for cross-country comparisons.

Consultative approach and validation of findings

The NIS assessment process in Belgium has a strong consultative component, seeking to involve the key anti-corruption actors in government, civil society and other relevant sectors. This approach had two aims: to generate valid evidence and to engage a wide range of stakeholders with a view to building momentum, political will and civic demand for reform initiatives. The consultative approach has two main parts: a high-level Advisory Group and a National Stakeholder Workshop.

| NIS Advisory Group | |
|------------------------|---|
| Name | Affiliation |
| Delepière Jean-Claude | Président de la Cellule des Traitement des Informations Financières (CETIF) |
| Denolf Johan | Directeur van de Directie van de bestrijding van de economische en financiële criminaliteit (DJF) van de Federale gerechtelijke politie |
| De Roeck Peter | Adviseur-generaal integriteitbeleid FOD Budget & Beheerscontrole |
| De Wolf Patrick | Avocat général près la cour d'appel de Bruxelles ; Coordinateur principal des ECOFINFISC et corruption du Collège des Procureurs généraux; Magistrat de liaison de la cellule stratégique du Secrétaire d'Etat à la Coordination de la lutte contre la fraude |
| Guillams Eddy | Administrateur-generaal Interne Audit van de Vlaamse Administratie (IAVA) |
| Linard André | Secrétaire général – Association pour l'autorégulation de la déontologie journalistique/Conseil de déontologie |
| Reynders Pierre | Korpschef van het Interfederaal Korps van de Inspecteur van Financiën |
| Thys-Clément Françoise | Recteur Honoraire de l'Université libre de Bruxelles, Présidente de la Fondation Bernheim |
| Vandeputte Tony | Secrétaire Général de la chambre de commerce internationale – section belge |
| Van Cutsem Michael | Membre du conseil d'administration de la Société Wallonne de l'Evaluation et de la Prospective (SWEP), Directeur de l'Institut Destrée |
| Voets Filip | Secretaris-generaal en ombudsman van de Raad voor de Journalistiek |
| Wascotte Franz | Conseiller à la Cour des comptes |
| External Reviewer | |
| Vincent de Coorebyter, | Director General of CRISP (Centre de recherche et d'information socio-politiques) |

The members of the advisory group met once on the 8th March 2011 and have gathered a second time on the 18th October 2011. The second meeting has been entirely dedicated to the discussion of the key findings of the draft report and indicator scores. The meeting resulted in a number of further adjustments to scores and evidence. Final discretion over scores remained with TI-Belgium.

On the 1st December 2011, TI-B will present the methodology and emerging findings of the assessment at a National Stakeholder Workshop. The draft report will be available in advance to participants. The workshop intends to help to further refine the report, particularly by adding and prioritising recommendations.

Finally, the full report will be reviewed by the TI Secretariat, and an external reviewer, Vincent de Coorebyter, will provide comments and feedback. Following its publication in early 2012, the findings of the NIS report will be discussed at seminars and a roundtable event with different target groups.