

RECOMMENDATION ON CAPACITY BUILDING OF THE PUBLIC COUNCIL AT THE ANTI-CORRUPTION AGENCY

This recommendation is issued from the side of civil society in order to shape the Public Council (PC) that represents the civil society in operation of the Anti-Corruption Agency (ACA), and makes positive effects to the activity of ACA.

One. Concerning legal environment improvement:

- Mongolia's Anti-Corruption Law stipulates that a Public Council shall run under the supervision of the Anti-Corruption Agency in order to ensure active public involvement in combating corruption, to voice its opinion, to advise on the condition and implementation of the anti-corruption law. A working rule of the Public Council at the ACA was approved at the decree of President of Mongolia. In the working rule, Public Council's objective was changed as PC is a body to support the ACA. In complying with the Law, it is appropriate to make a legal environment of the PC as it is a body to advise the ACA.
- The rule defined that the Public Council, formed of representation of civil society, is an organ to support activity of the ACA. It needs to change this situation with designing a scope of control and competency in the rule. It is required to change as the PC is an organ that independently monitors the operation of ACA, and represents the interests of civil society.
- A procedure to nominate and appoint members of PC is not open and transparency and people are impossible to nominate their representatives. It is appropriate to change the condition that a member is nominated by ACA and is appointed by President of Mongolia. It should make that a member is nominated and elected from civil society organizations.
- Financing of operation of PC is not definite, and there is no regulation of organization and management. In connection with this situation, coordination must be introduced in a way of how to organize a meeting of PC, how to finance expenditures required for other measures and which department or division is responsible for the organization of operation of PC.
- It is coordinated that a main form of the PC's operation is a "Meeting", and a treating form to the ACA is "Advising". It is not definite that what legal outcome will appear in response to the "Advising", and legal guarantee of implementation of "Advising". It is appropriate to fix a regulation on acknowledgement of receipt of recommendation and advising issued by PC.
- PC must work to represent civil society to ensure openness, transparency and justice of ACA. PC is an organ of responsibility and control. It is not determined to assess how PC is worked in openness, transparency and responsible. Therefore it

should create a regulation on to whom and what time PC will address to report its activity.

Two. Concerning activating operation and strengthening organization and management

- Operation of PC has not become regular and it conducted its activity without planning. Further, it is appropriate to make a operation plan by quarterly and yearly with issuing related budget estimation in advance.
- PC is itself civil society organization, however PC have failed to advertise its objective, mission and operation to the public, and provide them with information. PC is needed to organize a work to announce and advertise its planned measures to the public.
- Civil society circle does not understand PC's goal and operation. There is no co-operation between them. It is correct to change this circumstance by determining channels to communicate with the public and seeking a way of partnering constantly with civil society.
- However, legal environment of PC is not ideal, PC did not use its concrete possibilities to put control to the operation of ACA and make an influence from the third party. It needs to change this condition immediately, and plan and implement works to advise on activity of ACA and influence them.