

## Final conference – Kosovo – February 27, 2019

It's my pleasure and honour to be here today with you to celebrate the closure of this Kosovar-Dutch bilateral project.

A special welcome to the:

- Honourable Chief Prosecutor (Aleksander Lumezi)
- Honourable Chair of the Kosovo Prosecutorial Council (Bahri Hyseni),
- Honourable Ambassador of the Netherlands (Gerrie Willems)
- Honourable prosecutors and other guests

My name is Willem van Nieuwkerk and I am the director of CILC, the Center for International Legal Cooperation. The implementing partner from the Netherlands. My colleague Eva Erren who has managed this project with the Kosovar colleagues asked me to say a few words at this closing event. For those who don't know us, CILC was established in 1985. We are an international projects organization specialized in supporting justice reform and the rule of law. We are the mandated body of the Netherlands Ministry of Justice and Security. We facilitate peer-to-peer exchange between Dutch professionals and their colleagues in EU partner countries. CILC is since 2003 active in the Western Balkan region. We are since 2011 implementing a regional IPA project related to the fight against organized crime in which we facilitate a regional network of prosecutors. In Kosovo, we concluded last year an EU twinning project on legal education reform with the Kosovar Judicial Academy and we have just started together with our partners from Northern Ireland and Croatia the EU funded police reform project in which we focus on the relations with the prosecution.

For more than two years, we had the pleasure to work closely together with the KPC and several prosecutors on the topic of integrity. In times that the rule of law is at stake in the young democracies of new EU member states such as Poland, Hungary and Romania, it has become even more important that the Netherlands teams up with the countries from the Western Balkan in building a rule of law and help prevent them from backsliding. The kind of nation building that you are undergoing is for various reasons complex and it demands much from society and from the justice sector actors. Kosovo can't do this alone. I am glad that The Netherlands recognises this, and it explores ways to support and promote an open dialogue among professionals.

In the Netherlands, integrity has been all over the newspapers last week. This is because the Group of States against Corruption (GRECO) published a report about our country. As most of you know, GRECO monitors the compliance of its 49 member states with the Council of Europe's anti-corruption instruments. The goal of this report was to evaluate the effectiveness of the measures adopted by the authorities of the Netherlands to prevent corruption and promote integrity in central government and law enforcement agencies. The report concluded that public perception of corruption in our country has been consistently low over the years. In 2018 the Netherlands ranked again eighth on the list of the least corrupt countries in the world according to the corruption perception index published by Transparency International (the NGO of our partner is the Kosovar representative of TI here in Kosovo). Still, the GRECO report contained 16 recommendations for the Netherlands to implement. One of the recommendations is enhancing the existing codes of conduct of both law enforcement services and their training systems. This again confirms that soft laws are important, and that integrity requires constant attention from all of us, the Netherlands included. Many constitutions provide only partial guidance when it comes to the implementation of the judicial system. The Dutch and Kosovar constitutions are no exemptions. An example is that the Dutch constitution only regulates the independent legal position of judges (such as appointment and dismissal), but that not much else is included. Because of this, soft laws in the Netherlands offer an important additional source for

safeguarding the independence, impartiality and integrity of the judicial sector: various codes of conduct provide individual judges and prosecutors with behavioural standards; and these standards are important when it comes to integrity.

In my role as director of CILC I also must think about integrity. About my own integrity and the integrity of our organisation. Am I doing it right towards my staff, are we doing it right towards our partners, our donors and project beneficiaries. Are our experts doing it right towards their counterparts and participants? Integrity is obviously not only about taking bribes. It's about preventing all forms of favouring. It's about our behaviour and how we can establish a safe and just framework for all exposed.

Personally, I like to help people. I guess it's in my nature and I believe in the idea of a friend of a friend is a friend. In my work I now and then am confronted with dilemmas in which I must question myself whether it's moral to do something or not. The CILC code of conduct and ethical code give me exactly that framework and when they feel the need my colleagues will remind me of these codes. Within this project, we have drawn from the experience of the Netherlands Prosecution Service to work together with the KPC to draft a new code of ethics and corresponding commentary with concrete examples.

I realise that in your case society and the various sub-systems and sub-levels it is built of are more vulnerable towards pressures of corruption. This demands more individual responsibility from the justice actors and therefore the drafting of these two documents is just another step in a complex process. An important step though. We hope that staff of the KPC will effectively use the code of ethics and value it as a safe haven. A code to rely on.

Integrity deserves constant attention. In our daily work, we often deal with moral dilemmas, but we don't always talk about it, we rather not share our personal struggles with colleagues. The working environment is perhaps not safe enough or we feel ashamed. In the Netherlands we had a few years ago a series on TV where a few judges and prosecutors were shown in their most vulnerable form. The interviewees revealed their personal professional dilemmas in a most honest and direct manner. It gave such a powerful insight, so much more useful than reading textbooks and looking at PowerPoints. That is an important reason why the capacity building element in our project was based on a series of trainings in which participants discussed dilemma's prosecutors are faced with, both in Kosovo and the Netherlands. The trainers designed their workshops around short videos showing ethical dilemmas. The videos led to unusual and open discussions. Participants also enjoyed the opportunity to stand in front of a camera and simulate a press conference.

Also on behalf of my colleague Eva Erren, I would like to thank the partners with whom we had the pleasure and privilege to collaborate in this project:

- The Dutch Embassy for giving us the opportunity to implement this project and their support during the implementation;
- The KPC for their support during all the activities, especially Lavdim Krasniqi, the director of the Secretariat of the KPC;
- The Dutch Prosecution Service for their willingness and keen interest to share their experiences with regard their Code of Ethics and on examples of ethical dilemmas;
- The experts, a special thanks to Ms. Morina for her work on the Commentary, and all the participants involved in the trainings and workshops;
- Our partners FOL Movement and the Kosovo Democratic Institute for the fruitful cooperation since December 2016. It was great to work with you on this!

I won't claim today that our Kosovar-Dutch project has helped Kosovo to overcome all the challenges of a young democracy whilst building a rule of law. Certainly not. However, in all its modesty I believe that although Kosovo dropped some places on the corruption perception index (85 to 93) this project has made a

small meaningful contribution by raising awareness among prosecutors about integrity and to allow them to reflect on dilemmas around the topic and the role they can play in the media. Prosecutors need to be able to tell society what their contribution to ensuring the rule of law is. I hope our project has been an inspiration for the Kosovar colleagues to carry on their important work. For the involved Dutch experts, it has shown how colleagues in a country with much less resources are dealing with similar dilemmas. We hope that we will be given the opportunity to continue sharing the Dutch experience in the justice sector in the future as well.

I wish the Kosovar partners strength and courage for continuing their important work.  
Thank you!