

Spain

2015 Country Summary

Recommendations

Spain's GI ranking in Band C places it in the moderate category for corruption in the defence and security sector. Spain scored higher for Financial risk, which scores in Band B (low risk of corruption). The highest risk area is Operations, which fell in Band E (very high risk of corruption).

Legislative Oversight

The Spanish Constitution formally provides for legislative oversight of defence policy. Parliament debates the general provisions of defence policy and authorizes international military treaties as well as the deployment of international missions. Its Defence Committee meets regularly, debates a wide-range of issues and publishes its minutes online. Nonetheless, Parliament has no role in the elaboration or implementation of the country's "Directive on National Defence." It is presented by government at the beginning of each term and Parliament can formally debate it. However, it has no role in its elaboration, approval, or ratification. Similarly, with regards to defence and military planning, Parliament has little to no influence on shaping the Directive of Military Planning and the Concept on Military Strategy--neither of which is available to the public.

We recommend that the Defence Committee be allowed greater participation in the elaboration of the Directive on National Defence. While Directive of Military Planning and the Concept on Military Strategy have yet to be updated since 2009, we recommend that Parliament be able to readily debate and, potentially change, the contents of those documents.

Budget Planning and Transparency

The Ministry of Defence publishes a defence budget on its website annually. Though its breakdown appears to be relatively detailed, the budget systematically excludes significant items of military expenditure, as important extra-budgetary items are often financed through other ministries including the Ministry of Industry, Education, Economy, and Foreign Affairs. In addition, the projections between planned and executed budget diverge significantly, averaging around 14% each year (in some years, it's reached 30%). Reliance on extraordinary loans to fund Special Armament Programmes and the frequent use of "Contingency Funds" to finance international missions contribute to this disparity. While the Court of Audits is in charge of external auditing, it has yet to deliver a specific report on the defence budget that accounts for the different between projected and executed budgets. Taken together, these disparities inhibit the Defence Committee's ability to scrutiny the defence budget.

We recommend that the defence budget be published in a more comprehensive way so to reflect financing through other lines in the state budget. Furthermore, we recommend that the government rely less on contingency funds – except in cases of unpredictable emergency. Financing for international missions should be calculated further in advance so as to minimize disparities between planned and real spending.

Assessing Corruption Risks and Training

The arrest of Lieutenant Luis Gonazalez Segura in 2014 for his denunciation of the Spanish military has galvanized public concern and awareness about the potential for corruption in the armed forces. Nonetheless, Spain has yet to conduct (at least publicly) a thorough assessment of corruption risk in the military nor does it provide any anti-corruption training to commanders.

We recommend that Spain adopt an operational doctrine which specifically recognises corruption risks as a strategic operational issue through a review of best practice approaches by other countries; 2) provide consistent and systematic training and guidance for commanders and personnel on corruption risks faced in operations (including in contracting); and 3) ensure independent personnel trained to monitor corruption risks are deployed regularly on missions. Spain could provide comprehensive guidelines and staff training on addressing corruption risks for all military and civilian personnel on an annual basis, particularly for those in sensitive positions, for deployment on operations or peacekeeping missions, and personnel responsible for contracting on mission.

Scorecard

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|-----------------------------------|---------------------------|--|---|
| Political | Defence & Security Policy | Legislative Scrutiny | 2 |
| | | Defence Committee | 2 |
| | | Defence Policy Debated | 2 |
| | | CSO Engagement | 1 |
| | | International AC Instruments | 3 |
| | | Public Debate | 2 |
| | | AC Policy | 2 |
| | | AC Institutions | 2 |
| | | Public Trust | 2 |
| | | Risk Assessments | 1 |
| | Defence budgets | Acquisition Planning | 3 |
| | | Budget Transparency & Detail | 2 |
| | | Budget Scrutiny | 2 |
| | | Budget Publicly Available | 2 |
| | | Defence Income | 4 |
| | | Internal Audit | 2 |
| | | External Audit | 2 |
| | Other Political Areas | Natural Resources | 4 |
| | | Organised Crime Links | 4 |
| | | Organised Crime Policing | 3 |
| | | Intelligence Services Oversight | 3 |
| Intelligence Services Recruitment | | 2 | |
| Export Controls | | 2 | |
| Finance | Asset Disposals | Asset Disposal Controls | 3 |
| | | Asset Disposal Scrutiny | 3 |
| | Secret Budgets | Percentage Secret Spending | 3 |
| | | Legislative Access to Information | 3 |
| | | Secret Program Auditing | 3 |
| | | Off-budget Spending in Law | 2 |
| | | Off-budget Spending in Practice | 2 |
| | | Information Classification | 2 |
| | Links to Business | Mil. Owned Businesses Exist | 4 |
| | | Mil. Owned Business Scrutiny | |
| Unauthorised Private Enterprise | | 3 | |
| Personnel | Leadership | Public Commitment | 1 |
| | | Measures for Corrupt Personnel | 2 |
| | | Whistleblowing | 1 |
| | | Special Attention to Sensitive Personnel | 2 |
| | Payroll and Recruitment | Numbers of Personnel Known | 4 |
| | | Pay Rates Openly Published | 3 |
| | | Well-established Payment System | 4 |
| | | Objective Appointments | 3 |
| | | Objective Promotions | 2 |
| | Conscription | Bribery to Avoid Compulsory Conscription | |
| | | Bribery for Preferred Postings | |
| Salary Chain | Ghost Soldiers | 4 | |

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| | | Chains of Command and Payment | 4 |
| | Values, Standards, Other | Code of Conduct Coverage | 2 |
| | | Code of Conduct Breaches Addressed | 3 |
| | | AC Training | 0 |
| | | Prosecution Outcomes Transparent | 2 |
| | | Facilitation Payments | 3 |
| Operations | Controls in the Field | Military Doctrine | 1 |
| | | Operational Training | 2 |
| | | AC Monitoring | 1 |
| | | Controls on Contracting | 0 |
| | | Private Military Contractors | 2 |
| Procurement | Government Policy | Legislation | 3 |
| | | Transparent Procurement Cycle | 3 |
| | | Oversight Mechanisms | 3 |
| | | Purchases Disclosed | 2 |
| | | Standards Expected of Companies | 1 |
| | Capability Gap | Strategy Drives Requirements | 1 |
| | | Requirements Quantified | 2 |
| | Tendering | Open Competition v. Single-Sourcing | 2 |
| | | Tender Board Controls | 3 |
| | | Anti-Collusion Controls | 2 |
| | Contract Delivery / Support | Procurement Staff Training | 2 |
| | | Complaint Mechanisms for Firms | 3 |
| | | Sanctions for Corruption | 2 |
| | Offsets | Due Diligence | 0 |
| | | Transparency | 2 |
| | | Competition Regulation | 0 |
| | Other | Controls of Agents | 0 |
| | | Transparency of Financing Packages | 2 |
| | | Subsidiaries / Sub-Contractors | 0 |
| | | Political Influence | 3 |