CORRUPTION IN SOUTH EASTERN EUROPE
Teaching Anti-Corruption in the Region

Ambassador Dr Ugljesa Zvekic
Academic Council of United Nations System
Senior Advisor, Global Initiative against Transnational Organized Crime
Adjunct Professor, University of Belgrade; University Roma Tre; LUISS, Rome
Geopolitics of Transnational Criminal Flows and Markets

- Suppliers of criminal flows: *not anymore mostly* from developing world and countries in transition
- Receivers: *not only* North America and West/Central Europe; Asia
- Increased corruption and organized crime in *transit route regions*

  **but**

- Geopolitical equilibration of suppliers, receivers and transit of illicit capital flows, money laundering, corruption, organized crime
Corruption flows: gains from corruption trafficked from developing world and countries in transition to investment companies and banks in the developed world

But

Companies from developed world corrupting partners and public administration in the developing world and countries in transition
Legalization & Legitimization

* Legitimization of the illicit activities, status and profits as the strategy of the OC/TOC
* Increased organized corruption both as a mean and an end in itself
* Increased presence of OC in the management and political authority structures to influence and control the process of legalization and legitimization of illicit flows and gains
* Corruption as a mean for legalization of illicit flows
DEVELOPMENTAL USES OF ORGANIZED CRIME AND CORRUPTION

NOT ONLY BY TERRITORIAL AND COMMODITY CONTROL

BUT

“TRADING IN INFLUENCE” with PUBLIC ADMINISTRATION and PRIVATE SECTOR
Organized crime /Corruption and Developmental Platform

- Organized crime/Corruption have broader implications than traditional security and justice framework
- Organized crime and Corruption are now recognized as a cross-cutting threats to sustainable development
- **Sustainable Development Goals (Goal 16)**
Corruption in the World

CORRUPTION PERCEPTIONS INDEX 2014

The perceived levels of public sector corruption in 175 countries/territories around the world.
World Ranking by TI 2014

Top
* Denmark, New Zealand, Finland, Sweden, Norway

Bottom
* Somalia, North Korea, Sudan, Afghanistan, South Sudan
SELECTED COUNTRIES RANK

- ALBANIA 110/175
- BOSNIA & HERZEGOVINA 80/175
- BULGARIA 69/175
- CROATIA 61/175
- GRECE 68/175
- KOSOVO* 110/175
- MACEDONIA (FYR) 64/175
- MONTENEGRO 76/175
- SERBIA 78/175
- SLOVENIA 39/175

* UNSCR 1244
Figure 7: Perceptions of the extent of corruption in different institutions
Average score from the 107 countries surveyed

On a scale of 1 to 5, where 1 means ‘not at all corrupt’ and 5 means ‘extremely corrupt’,
to what extent do you see the following categories in this country to be affected by corruption?

- Political parties: 3.8
- Police: 3.7
- Public officials/Civil servants: 3.6
- Parliament/Legislature: 3.6
- Judiciary: 3.6
- Business/Private sector: 3.3
- Medical and health services: 3.3
- Education system: 3.2
- Media: 3.1
- Military: 2.9
- NGOs: 2.7
- Religious bodies: 2.6
Which sectors are most at risk?

Two-thirds of the foreign bribery cases occurred in four sectors:

- Extractive
- Construction
- Transportation and storage
- Information and communication
EU Business Survey 2013

- From 99% in Greece to 19% in Denmark
- In EU 4 out of 10 companies consider corruption a problem
- 50% experienced corruption in the construction industry and 33% in telecommunications
- Small companies are more exposed to and more affected by corruption
Corruption Vulnerable Sectors in EUROPE

Urban Development
Construction Industry
Healthcare
Tax Administration
Financial Sector
Public Agency (state owned)
Population Surveys
Business Surveys

- Albania
- Bosnia and Herzegovina
- Croatia
- Kosovo*
  - UNSC Resolution 1244
- Montenegro
- Macedonia (FYR)
- Serbia
Figure 39: Annual prevalence rates for different types of crime, western Balkan region (2010)
Figure 33: Percentage distribution of adult population considering selected issues as the most important in their country, western Balkan region (2010)

- Unemployment
- Poverty/Low standard of living
- Corruption
- Performance of Government
- Crime and security
- Building a functioning public administration
- Conditions of infrastructure
- Poor performance of education
- Relation between ethnic groups
- Environmental degradation

0% 5% 10% 15% 20% 25% 30% 35%
Figure 2: Prevalence of bribery and average number of bribes paid, by country/area (2010)
Businesses

Figure 1: Prevalence of bribery and average number of bribes paid, by country/area (2012)
Figure 2: Prevalence of bribery and average number of bribes paid in the western Balkan region, by economic sector (2012)
Figure 38: Percentage distribution of business representatives who consider selected issues a major or moderate obstacle to doing business in their country, western Balkan region (2012)
Figure 7: Percentage distribution of bribes paid by modality of bribe request/offer, western Balkan region (2010)
Figure 13: Percentage distribution of bribes paid by businesses, by modality of bribe requests and offers, western Balkan region (2012)

- Public official made explicit request: 42.8%
- Public official made implicit request: 23.8%
- Third party made request: 15.3%
- Business made offer: 13.8%
- Don't remember/no answer: 4.4%
Figure 11: Percentage distribution of bribes paid by purpose of payment, western Balkan region (2010)
Figure 16: Percentage distribution of bribes paid, by purpose of payment, western Balkan region (2012)

- Speed up procedure
- No specific purpose stated
- Receive better treatment
- Finalization of procedure
- Reduce cost of procedure
- Receive information
- Don't remember

Percentage distribution ranges from 0% to 45%.
Figure 15: Prevalence of bribery by public officials receiving the bribe, western Balkan region (2010)

- Police officers: 10%
- Doctors: 8%
- Customs officers: 6%
- Nurses: 6%
- Land registry officers: 6%
- Judges/Prosecutors: 4%
- Municipal officers: 3%
- Tax officers: 3%
- Car registration officers: 2%
- Public utilities officers: 2%
- Teachers/Lecturers: 2%
- Social protection officers: 2%
- Municipal elected representatives: 2%

Bars indicate the percentage of officials who received bribes.
Figure 20: Percentage distribution of bribe-paying businesses that pay bribes to selected types of public official, western Balkan region (2012)

- Municipal or provincial officers
- Tax/revenues officers
- Customs officers
- Public utilities officers
- Police officers
- Inspection officials
- Land registry officers
- Health authorities
- Municipal or provincial elected representatives
- Other public official
- Social protection agency/ministry officers
- Judges/Prosecutors
- Members of Parliament/Government

Percentage distribution from 0% to 30%
United Nations Convention against Corruption (Medina Convention)

- Adopted by the GA Resolution 58/4 of 31 October 2003
- Entered into force: 14 December 2005
- Parties: 176
UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

- In force 2003
- Almost universal ratification: 185 countries
- 3 Protocols
  - Human Trafficking (166)
  - Smuggling of Migrants (141)
  - Firearms (109)

EU anti-corruption "acquis":

1. (1) protection of EU financial interests
2. (2) addressing corruption involving officials of the EU or officials of Member States – public sector
3. (3) corruption in the private sector
4. (4) other related instruments (public procurement, money-laundering, freezing and confiscation)

Policy tools/instruments

1. (5) anti-corruption network (EACN)
2. (6) EU anti-corruption package and EU Anti-Corruption Report
Accession negotiations

(2) Tools to promote effective implementation - Accession negotiation methodology

* Accession to EU through phased process with actual negotiations at the end
* Negotiations in 35 thematic chapters, incl:
  * Chapter 24 – Justice, freedom and security
  * Chapter 23 – Judiciary and is dealing with Justice, fight against corruption and fundamental rights
1. MAIN NOVELTIES:

(1) The rule of law chapters are **opened first** and **closed last**.

(2) There is a **reinforced negotiating scheme** with opening, interim and closing benchmarks that will have to be met before moving on to the next stage.

(3) In case of problems in the course of the negotiations, the Commission will propose to the Council **corrective measures. Desequilibrium clause**.

(4) Enhanced monitoring through the use of peer-review missions, **case-based approach/track record tables**.
All SEE accession countries have new anti-corruption legislation
All SEE EU countries have anti-corruption legislation
ALL SEE countries have ratified UNCAC/UNTOC and COE Conventions
BUT
CORRUPTION is a THREAT for all SEE countries
Teaching anti-corruption in the SEE region is sporadic rather than systematic.

In few countries (e.g. Serbia, Slovenia, Greece) there are certain efforts to establish a systematic teaching of anti-corruption at the University level.

Regional SEE ACAD expert workshop jointly organized by UNODC and ROLAC of utmost importance (Doha, 27 -28 May 2015)
RECOMMENDATIONS OF SEE ACAD
Expert Workshop
(Doha, 27 – 28 May 2015)

1. Organize “teach the teachers” workshops at regional level
2. Research and courses/legal clinics offered in academic institutions
3. Partnership between academic institution and relevant stakeholders
4. Regional Network of anti-corruption academic experts and regional summer school
5. Further upgrading of UNCAC Model Course
An Example
ANTI-CORRUPTION LEGAL CLINIC

The Law School
University of Belgrade
Serbia
Following first UNCAC course (May 2014) and August 2014 ACAD Workshop, the Legal Clinic was founded. **Special form of education for seniors and graduate students** (23 students)

- teachers, judges and staff from the Anti-Corruption Agency
- UNODC – Law School Certificate
- FORMAT
- Theoretical Part: Presentations and Discussions
- Practical Part: Internship and work with clients
1. INTRODUCTION (scope, objectives, methodology)
2. INTERNATIONAL APPROACHES AND INSTRUMENTS
3. SERBIAN LEGISLATION AND PRACTICE
Introduction

Geopolitics of global corruption trends and responses

Organized Crime and Corruption

Corruption Prevention

Corruption Criminalization

International Asset Recovery

International Cooperation

Challenges of International Approaches
Economy and Corruption
Culture and Corruption
Politics and Corruption
Compatibility of Serbian Anti-Corruption Regulations with UNCAC
Assessment of UNCAC segment
European Union anti-corruption convention, instruments, standards and procedures
Council of Europe anti-corruption conventions, instruments and procedures
European Human Rights Court and Corruption
Students’ Presentation and Discussion on:
  * Major anti-corruption challenges in Serbia as per European standards
  * European Union anti-corruption requirements
SERBIAN LEGISLATION AND PRACTICE

- Criminal Law Mechanisms against Corruption
- Aspects of Political Corruption
- Whistle-blower Legislation
- Anti-Corruption Agency Legislation and Functions
- Assessment of Corruption Risks of Internal State and Public Institutions Regulation
- Legal Protection based on Anti-Corruption Legislation
SERBIAN LEGISLATION and PRACTICE (2)

* The Practice of Adjudicating Corruption Cases
* Anti-Corruption Agency’s Issues
  - conflict of interest
  - citizens’ complaints
  - protection of whistle-blowers
  - public officials’ asset declaration
  - Integrity plans and programmes in public and state institution
Internship at:  
Anti-Corruption Agency  
Court  
Public Prosecution Office  

Work with clients at the Legal Clinic:  
provision of legal information  
provision of para-legal advise  
facilitating contacts with the Agency, Police and internal mechanisms  
awareness rising in public and private sectors  

PRACTICAL PART
Concluding Observations

- SEE Region most suitable for regional cooperation in teaching anti-corruption
- EU members (Greece; Slovenia; Bulgaria; Romania and Croatia) and accession/candidate countries (Monte Negro; Macedonia; Serbia; Albania; Bosnia and Herzegovina)
- Great potential for exchange of experience and practice
- Great interest for the establishment of the Regional Network and the Regional Academic Anti-Corruption Summer School (project proposal under submission)
THANK YOU
Faleminderit
Благодаря
ευχαριστώ
Hvala
Хвала