



Brochure for Integrity Training



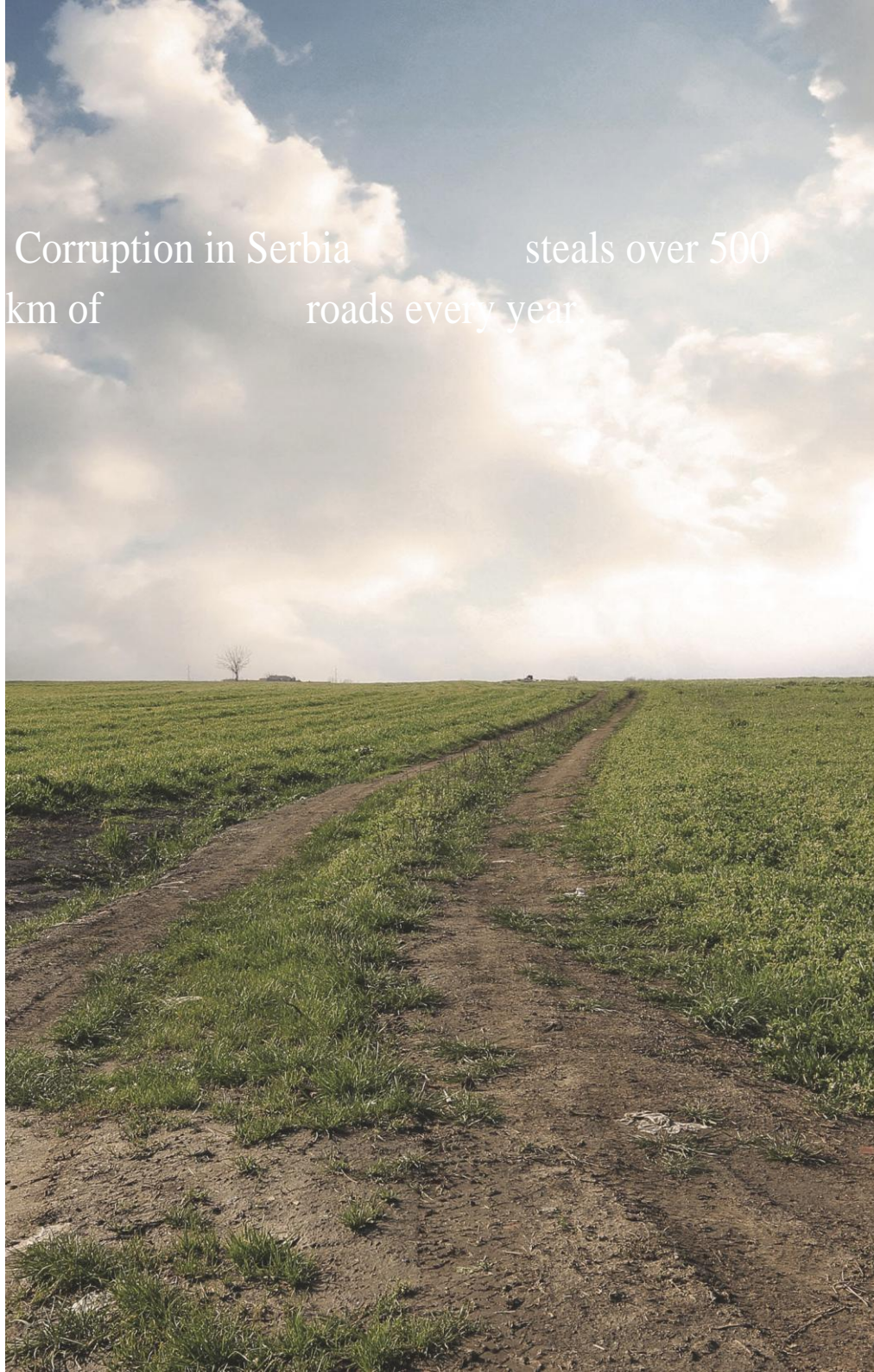
Пројекат финансира
Европска унија



РЕПУБЛИКА СРБ
АГЕНЦИЈА ЗА БО
ПРОТИВ КОРУПЦ



Corruption in Serbia steals over 500
km of roads every year



Corruption in Serbia steals 7500
medical devices every
year.



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Short about the Project

This Brochure is a part of the Project “Support to the Development of the Anti-Corruption Agency” financed by the EU pre-accession funds. The main goal of the Project is contribution towards reduction of the levels of corruption in Serbia. The primary purpose of the Project is improvement of the ACA capacities for further implementation and development of anti-corruption legislation. The Project has been implemented in three components dealing with strengthening of the internal capacities of the Agency, improvement of the anti-corruption institutional and legislative framework, as well as raising public awareness.

The Delegation of the European Commission to the Republic of Serbia is financing the Project. The implementer is: Hulla and Co Human Dynamics KG Consortium. Creative design: Drafftcb+Afirma.

Corruption likes to hear excuses

INTRODUCTION

This publication is intended for all, including those that were involved in its development. Its content has been developed through gathering the parts from different sources. It represents the material for most of trainings which the ACA through the Department for Education, Campaign and Cooperation with Civil Society Organizations realizes with different target groups. In the course of these trainings, taking into account the contents presented herein, we will all together learn through a dialogue and provide mutual support.

Our society is to the great extent affected by corruption. It is an initial state to us as a society, when we talk about fight against corruption. Its consequences are fatal, and the human strength to change the state will modify everything. However, changes are not possible without engagement and energy for their implementation which are to be found through empowerment, informing, learning, changing, and risk-taking. State institutions and companies therefore exist. Together with the citizens, in a coordinated and long-lasting action, the results can be attained.

The Anti-Corruption Agency is the partner to everyone who needs support to fight against corruption. The ACA employees are not “morale salt” of the society, but are held personally and professionally accountable for public task they have undertaken. However, the Agency, as an institution, has been founded to be a place where all social efforts to strengthen the integrity of the society are gathered. Nevertheless, the fight against corruption cannot be bureaucratized. Accountability for crucial change in behavior and giving a personal example must start form “the top downwards”. But we should not lose our time, and the changes should start from “the bottom upwards.”

This brochure represents one step towards the establishment of the partnership between the Agency and the Serbian citizens, regardless of their age or the role they have in the society! We are held accountable for the things that are happening to us

and it is necessary to jointly start resolving social problems that one cannot solve on his own.

NOTION OF CORRUPTION

The corruption is present everywhere where there are people. By the pass of the time, people have always been creating but also destroying what they had created. People formed communities, societies and those societies started to differentiate in the level of efforts they make to regulate them – in the ideal case – to be societies where the equal rules would be applicable to everyone. That is a constant challenge for man.

When people started to think and write about corruption, it was precisely when those governing started to languish before a huge challenge. Therefore, the traditional perceptions of corruption include Plato's, Aristotle's, Polybius' and Montesquieu's explanation of corruption as deterioration of power, behavior not in the public interest, i.e., interest of political community - state.

However, the other approach within the traditional understanding of corruption, developed by Machiavelli and Rousseau, speaks about corruption as a moral corruption of people, i.e., annulment of social values and virtues of citizens.

The word – corruption originates from the Latin word *corruption, onis* which means depravation, bribability, venality, and – when used as an adjective – it literally means: completely destroyed, depraved...

How old is corruption?

In the '90s of the last century, archeologists discovered 150 plates in cuneiform script in the territory of the present-day Syria. The site where they were excavated was the administrative center of the Assyrian Civilization. The plates found were located in a special archive, which represents contemporary ministry of the interior. It was determined by decoding that they contained data how the employees were bribed, including names of high officials, among which was a princess, too.

But the corruption was not invented by ancient Assyrians. It has been present ever since human beings exist. It concerns the human nature and the way we regulate our relations in the society, i.e., whether there is someone

dealing with people and rules. Corruption, as such, is impossible to be eradicated, but it is possible to prevent and oversee it.

Irrelevant of the fact whether it concerns “depravation” of government or citizens, one should take into account whether it concerns human inclination towards misuse, despite norms, rules, agreement – for their personal gain at the expense of others. It is not possible to legally define and sanction all these forms of behavior. Corruption is therefore, being a criminal offense, first of all linked to positions with public accountability and it must be clearly defined by the law.

1. Myths about corruption

Corruption is not such an important problem for development of a country.

The connection between corruption and development, or, stagnation of one society was determined long time ago. On one hand, systemic corruption directly impacts on functioning of an entire society and creates so called dysfunctional states. Corruption directly impacts on the destabilization of governments, harms trade and investments, damages the environment, stimulates misuse of human rights. Corrupt activities redirect the funds from public sources or money gained through assistance into “private pockets”, which directly affects the quality of social services, in particular, it adversely affects poor and vulnerable groups in a society, additionally increasing poverty.

On the other hand, there are forms of relations which are by their basic nature corrupt, and may favorably impact economic development of a country. The point is to define and limit certain forms and ways of business operations by rules and laws, so that in this way they cannot make huge damage to a society, and support a country’s development. Lobbying is a typical example. Lobbying is intention of interests groups to impact the decision-makers. It means that lobbying implies personal connections and influences.

Milan Vujaklija in its *Lexicon of Foreign Words and Expressions* explains the word (Eng. - *Lobby*) as a man who knows everyone, in particular those who mean something in business and political life, without whom, as the go-between, nothing of higher importance could be finished . This definition can fully suit our accustomed cognition of influence, where the very fact that you know certain decision-makers is deemed as you can finish all the things. The notion originated in the States where

lobbying evolved as a practice, and is shaped nowadays and has gained its legal form, thus previous definition is considered "old-fashioned way of lobbying".

This means that nowadays there is a calling of a *lobbyist* by which mechanisms to do the job in a technical and professional way, strictly taking into account ethical and moral principles, are being introduced. Using transparent and precise lobbying tools, the lobbyist can in a very elegant and acceptable way prove all advantages and standpoints of his/her client, without any corrupt method used.

The only present problem is low salaries: increase the salaries and there will be no corruption.

Thorough view of specific data related to a certain country does not underpin the standpoint that a simple increase of salaries to existing staff of the institutions would contribute towards reduction of corruption. The fact is that also those who are involved in huge corruption have more than they and their families would ever need, but still are involved in misuse.

Increase of salaries is a mechanism, but it has to be followed by other mechanisms which imply strengthening of personal competencies, professionalism and integrity, but also mechanisms for strengthening of institutions where people work.

2. Defining Corruption

The corruption has therefore, when it got its legal formulation, started to refer to those situations in which people discharge some (public) office, or are at such position held accountable for some (public) job:

- misuse of public resources for personal gain (World Bank);
- is a relation based on abuse of office or social status and influence, in the public or private sector, with the aim of acquiring personal benefits for oneself or another (Anti-Corruption Agency Act).

There are a lot of definitions of corruption in the world, but, shortly, the corruption means:

- misuse of delegated authority, regardless it happens based on somebody's or your own stimulation;

- acquisition or tendency towards personal benefit for oneself (or benefit for third party);
- phenomenon that indirectly or directly harms public welfare;
- secrecy of machinations or concealment of machinations.

3. Manifestation of Corruption

The most often manifestations of corruption can be recognized in the following situations:

- subversion; illegal international transactions, smuggling;
- kleptocracy; privatization of public funds; robbery and theft;
- misuse of funds; forges and embezzlements; inflation of accounts; appropriation of profit; misuse of resources;
- misuse of authority; frightening; torture; receiving undeserved forgiveness or benefits;
- deception and fraud; false identification; manipulation and cheating;
- blackmailing;
- evasion of justice; criminal behavior; presenting of false evidence; illegal detention;
- imputation of guilt;
- failing to discharge office; leaving duty; parasitism;
- bribery; extortion; collection of illegal fees; reciprocal benefits;
- election rigging; arranging voting; tailoring constituencies according to own needs;
- misuse of internal and confidential information; forging of documentation;
- unauthorized sale of state offices; state assets and rights;
- manipulation during adoption of legislation, public procurement procedures, conclusion of agreements and loans;
- tax evasion; obtaining excessive profit;
- trading in influence; mediation while acquiring benefits; conflict of interests;
- accepting improper gifts; fees, offers for fast earning and free entertainment;
- connection with organized crime; operations of the black market; cronyism; conspiracies;

- illegal supervision; misuse of telecommunications and letters;
- misuse of official stamp, equipment, flats and privileges.

4. Types of Corruption

1. High/political corruption includes:

- high level officials;
- huge financial amounts;
- huge economic influence.

Consequence: imprisoned state (term by the World Bank), situation in which systemic corruption is so developed that it disables any development.

Forms: abuse of power and political processes, rules, illegal finance.

Function: acquisition of power and causing damage to opponents.

Prevention: transparency, accountability and penalties.

2. Administrative corruption includes:

- state officials, usually lower-ranking officials;
- lower financial amounts, usually often exchanged;
- serious social impact, especially on the poor.

Consequence: lack of public trust into the institutions.

Forms: bribe and gifts; trading in influence.

Function: accelerating procedures or evasion of penalties.

Prevention: education and introduction of procedures (disciplinary sanctions).

5. Factors Favoring Manifestation of Corruption

Corruption appears where there are: a) possibilities and b) interest. Both are equally created by people and institutions. To be able to confront corruption at the practical level, it is necessary to investigate its causes at institutional and personal levels.

When it comes to institutions, corruption is a symptom of an illness that institutions, not successful as they could be, suffer from. It is a widely accepted opinion that if an institution is unpredictable and instable, and with no clear rules and procedures, code of ethics and other mechanisms, and its

employees are not sure for their future and if they try to buy that predictability and safety –the risk of paying and taking bribe is significantly higher.

On the other hand, citizens lose trust in such institutions and look for some other ways to exercise their rights. Corruption at personal level occurs when a person in a certain situation violates the rules due to some form of external or internal pressure – and justifies that in a way.

Justification is often accompanied by the following statements:

- "The system made me to do that";
- "If I don't do that, somebody else will";
- "This is nothing, when you look at the politicians who steal millions"...

It is crucial to understand that there is always a choice for us – for our responsibility whether we will and what choice we will make. Even though corruption is a matter of possibility and interest, it is also a matter of our choice!

There are attempts to explain such a complex phenomenon like corruption using formulas containing key term for its understanding, for instance:

$$\text{Corruption} \leq O - PE / PI$$

Corruption tends to result (\leq) where there is opportunity (without control or risk), and in the absence of personal standards of ethics / Professional integrity'

I 'Integrity' is thus the opposite of Corruption -

$$\text{Integrity} = PE/PI - O$$

Corruption can be best understood as an ethical, moral problem that is confronted to the integrity value. There is no corruption where integrity exists. Corruption exists in different forms where integrity is put in danger.

6. Cases of Corruption

There are different causes of corruption. Corruption may be caused by the lack of legislation. Corruption is often a consequence of a bad piece of legislation which permits corrupt behavior. Even the abundance in legislations may force a man to, due to the need to do something as soon as possible and with less complication, recourse to corrupt behavior. Within the epicenter of all these examples is - man, i.e., the society composed of individuals.

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In the mentioned examples that speak of corruption causes - the causes may be eliminated. In case some sector of operations is not covered by legislation – it is up to the society to agree upon the rule and develop a piece of legislation. If legislation is bad, which will be proven in practice, there are stipulated ways to amend a piece of legislation, as well as procedures to initiate the amendments. Problem related to the abundance in legislations is resolved by their rationalization. Behind all these actions is - man, i.e., the society.

If such solutions are not applied in one society, then finding the cause of corruption must have a thorough approach. It concerns culturological reasons, and often even the difference which, due to culturological reasons, arises between the formal and informal rules within one society. These formal rules imply legislation (laws), and the informal imply common behavior, in a large number of similar cases, which is accepted by most of the people within one society. In these circumstances, irrelevant of how good the law or some rule is, people (even the government) will often ignore it, because they will consider it repressive and directed against the interest of an individual or some group. In such societies, public welfare is put in

danger, and the overall environment – social, cultural, political – represent the corrupt system.

A representative of a government violates a law and explains that “the law is bad”, because it puts some public welfare in danger. He publically states that he will violate the law and by doing so he will do something positive for the public welfare. What conclusion out of this can be drawn? A representative of a government collects positive points for himself, or his party, by showing how he cares about the public welfare. At the same time, that representative of the government does not show any responsibility he has as an official when it comes to the quality of a law (which must not put a public welfare in danger) – because neither he nor his party initiates any procedure to amend it. At the same time, he threatens the rule of law, because he shows that it is possible to violate the law, which consequently affirms anarchy.

The domination of “custom law” in a society permanently prevents the rule of law, because it concerns unwritten rules that everyone may interpret in his own way. At the same time, this permanently affirms irresponsible behavior and leads to personal interpretation of every written rule and personal reasons not to abide by them. That is again an open road to shape certain unethical behaviors “as norms” and make them socially acceptable.

Keeping “unwritten”, custom laws dominant is a consequence of lack of accountability primarily of the social and political elite. If a reform has been proclaimed in a society that implies a clearly stated goal of the change and if a political leadership is sincere in its intentions, then it is necessary that responsible people initiate changes and new rules, showing at the same time the awareness that the change at personal level is needed as well. Lack of this awareness most often represents the cause of failure of reforms. One institution or one man cannot reform a society, nor can they resolve any social problem.

The difference between informal and formal norms within one society, which indicate that a change in way of thinking is needed so as to comply with the law, and assuming responsibility by the political elite, may be seen in an example where an official instructs his employee not to steal, because it is excessive, but allows “minimal cheating”, because no one would then say anything, as if that right is presumed.

Corruption as a matter of culture in some countries?

Corruption is found everywhere where there is a possibility and interest for it, or where someone who has power and influence may use someone else or his position for his personal benefit. There are societies where developed forms of gift giving and hospitality exist, but these customs are accompanied by strict rules and are based on the reciprocity principle. According to the African understanding of respect and hospitality, gift giving is the most common way to show one's appreciation. It is not required. Value is most often of spiritual nature, and not in tangible value. Gift giving is public, and not secret, and when excessive it causes discomfort and is returned.

Anthropologist Marcel Moss has concluded on the basis of ethnographic sources that people subjectively believe in the power of received things, by which they tend either to be returned to their first owner or provide adequate values that will replace them. So, if one does not reciprocate with a gift to a received gift, something bad will happen to the gift recipient. A gift is by its nature ambivalent. It establishes human solidarity, but also predominance of the gift giver over its recipient.

In our society, gift giving is also part of the tradition. Customs represent common rules which evolved during a certain period of time and have their service function (to master nature or the social processes). Customary practice is maintained by generations, and by time it begins to be characterized by lack of awareness of its purpose and reasons it exists for. The custom becomes habit, and is deprived of the need for its rational contemplation.

In some cases, corruption may be a reflection of a practice introduced in a culture by a foreign power. Indonesia is imbued with great corruption. However, some authors believe that this phenomenon does not originate from the Indonesians themselves, but from the Dutch East India Company. Employees of the Company "were poorly paid and exposed to different challenges that incurred from the combination of weak domestic organization, huge trading possibilities and almost complete absence of any kind of control from the homeland or in the very Java... Officials got rich even by pilfering the company itself".

According to a large number of authors, the leaving Ottoman Empire left the practice that not a single job with them, being the representatives of the power, could be done if they did not receive a present, or gift .

Some of the customs of giving, and thereby expectations, had their clear function – to get the job done. Likewise, we see in Serbia nowadays different examples of a number of practices which are in today's light viewed as corrupt, but nevertheless justified by custom (it is a custom, it is part of the people's culture), even though they lost their primary function a long time ago. What's left is only the practice, which essentially has no sense, or what's more, causes damages to the society. These models have been kept through generations and are becoming norms and supported by the following sayings:

- "Avail oneself of the opportunity",
- "Money talks",
- "One doesn't turn against his own".

7. Measuring corruption

If we want to analyze a phenomenon, even corruption, understand its genesis, conditions, mechanisms of functioning and consequences it causes, it is necessary to systematically research it. Researches on corruption are very difficult to be realized, because no one that is connected with corrupt activities wants to talk about them. There are two groups of research on corruption that differ methodologically between themselves as they have different target groups. The first group is based on research on corruption perception, and the other on research on experience in corrupt activities of the examinees.

The most common instrument used to measure corruption perception in a society is the Corruption Perception Index (CPI, Transparency International). Perception is measured by this instrument, and not the fact (number of criminal convictions for corruption offence, for instance). The Corruption Perception Index is the so called composite index, that is, it represents the analysis of data of several researches. Local experts, international experts, businessmen, investors are all examined in a larger part of various studies on the basis of which one CPI is obtained. All countries are scored on the scale ranging from 1 (high CPI) to 10 (low CPI). The score based on the researches is more important for conclusion drawing than one's rank on the scoring list. Research on corruption perception enables us to see how analysts, investors, and even citizens perceive corruption; it enables to follow the status of this phenomenon in one society over the time and significantly encourages discussions about this damaging phenomenon. i.e., indirectly makes an impact on awareness raising.

Researches done in 2011 showed that Serbia has the CPI of 3.3 and indicates mild decrease of the score with regards to the previous researches, which testifies about certain stagnation in the anti-corruption area. The fact that only when the CPI is higher than 5 we can talk about the absence of a systemic corruption, indicates that our society has to confront with serious problems within this area if it wants to be functional and democratic. Despite certain defects attributed to the CPI, out of which the most important one is that it relies only on perceptions – impressions, and not on the facts; we can indirectly draw from it an important piece of information: the existence of lack of trust towards institutions which are part of a social system, because they are inefficient, non-functional and do not operate in line with the common and public interests.

Research on Experience of Examinees in Corrupt Actions

Another type of research besides the research on perception deals with attitudes towards corruption and experience the citizens have in that regards. In the course of 2012, the fifth round of this kind of research was conducted in our country (Medium Gallup - UNDP, June 2012) and it showed that the citizens viewed corruption as one of the most important problems of the country, coming right after the unemployment and poverty-related problems (it is interesting to research the inter-correlation among these three types of problems). One third of the examinees (sample of 1014 examinees) confirmed knowing a person who had given a bribe in the past three months for a certain favor, and 14% of the examinees that they themselves gave a bribe, mostly once, but some of them even several times. The research shows that the bribes are most often given to doctors, police officers and administrative workers, and the average amount is EUR 103. This amount is lower with regards to the previous researches and can indicate how the financial power of the citizens dropped and that they are even poorer than before. Yet, even though poor, most of those who gave a bribe, offered it on their own in order to finish some job faster or avoid any problem with the government.

These data, no matter how shocking they may be, indicate some of the important difficulties in the anti-corruption process. The first of them is that we are faced with systemic corruption which does not tend to fall. Secondly,, the citizens do not have trust in institutions which are part of the system, and do not serve to the public welfare. Thirdly, the citizens themselves are not aware of the damaging effects of corruption (two thirds of those who gave a bribe initiated the corrupt action by themselves), and of the fact that it represents a criminal offense, and that they, through their irresponsible behavior, are involved in destruction of the society.

MECHANISMS FOR CORRUPTION PREVENTION

1. International Legal Framework

In the mid-90's of the 20th Century, the problem of corruption became the subject-matter of the international concern and started drawing the attention of a large number of global and regional international organizations and experts. Numerous conventions, agreements, resolutions, recommendations and declarations were drawn by the United Nations, Council of Europe, Organization for Economic Cooperation and Development, European Union, Organization of American States African Union. What's common to all these legal mechanisms is the goal to establish common standards for resolving corruption at the national level through criminalization, implementation of anti-corruption laws and precautionary measures. Besides, these international legal mechanisms also aim to identify and promote application of good practices and ease cooperation among member states.

The Republic of Serbia has up to now ratified the following international anti-corruption conventions: UN Convention Against Corruption (UNCAC, 2003), Criminal Law Convention on Corruption, Civil Law Convention on Corruption, as well as protocols accompanying the Criminal Law and Civil Law Convention on Corruption of the Council of Europe. The signatory states to these conventions have bound themselves to cooperate in every anti-corruption aspect, including prevention, investigation, as well as prosecution of criminal offenses. The signatory states have bound themselves to provide concrete forms of international legal assistance in terms of gathering and presenting of evidence to be used before courts, to deport offenders, as well as to undertake measures to foster finding, freezing, seizure and confiscation of any property acquired through corruption.

The UN Convention against Corruption (2003) placed the prevention as crucial: this is the first international document in the anti-corruption area requesting from the member states not only to provide better implementation of the law, but also establishment of anti-corruption bodies to deal with corruption prevention. The Anti-Corruption Agency of the Republic of Serbia was therefore within this context founded (2010).

2. Solving of Social Problems – Plan

Alike in every job, if you want a success, you need to determine a strategic direction of actions for shorter periods of time. Strategies imply determination of goals wished to be attained, and then, with the analysis of obstacles and ways to overcome them, the measures and recommendations which have to be fulfilled so as to attain those goals, are determined. Similarly, when institutions are poorly functioning within a society and there is huge dissatisfaction of the citizens, it is necessary that the social elite, and in particular the political one, acknowledges the existence of the problem. When there is a problem within a society, besides the analysis of its causes and consequences, it is necessary to develop a plan for its resolution. It is necessary to include all those actors in the society of whom the resolution of the problem depends, or from whom the problem originates. This process is called strategic planning.

Strategic planning implies acknowledgment of all the actors within one society of whom the solution of problem depends on, that the problem exists. The problem is described and then the goal, which implies a situation in which the described problem no longer exists, is determined. Finally, the recommendations and measures to change the situation are stated.

An action plan is developed on the basis of the recommendations. Every recommendation is followed by one or more activities the realization of which leads towards fulfillment of the recommendation. A responsible actor within the society is assigned to every activity and is in charge of implementation and/or coordination of the activities, timeframe to realize activity, description of goal that has to be attained through that activity, how the fulfillment will be measured, and so forth.

Every actor within a society, on whom the solution of the problem from the Action Plan depends “draws out” competences from his/her institution and composes the corresponding sectorial action plan. Every informed citizen gets acquainted with the state strategies and accompanying action plans and gives his/her contribution towards the attainment of the goal – solution of a social problem. If the actors are not informed, interested, acquainted with the plans at the state level, or if an institution to take care about the

implementation of the Action Plan is not designated, and the media do not provide any support, and the government believes that the adoption of the Strategy and accompanying Action Plan is sufficient – the strategy and action plan will remain “death letter”. Hence, adoption of these documents, as well as legal solutions, is not sufficient to change the state of affairs unless implemented.

The State of Serbia and its society are in the process of the so called transition which, inter alia, has political and economic aspects. Many states of the former socialist system entered into this process at the beginning of the 90's of the 20th Century and passed through many of its stages and their experience could, through a comparative analysis, be used to learn a lot from. Serbia has entered into this process which implies transition from an old into a new, desired status, considerably late. Actually the issue of willing to make transition into a new status is the crucial. An aggravating circumstance exists if there is no consensus on the direction in which the society should move, and if there is no clearly stated plan about various conceptions and an explanation what each of the conceptions imply for the citizens.

The same happens with the fight against corruption: it is not a seasonal job of any political option. It is fight which requires continuous efforts to create a a society of responsible citizens, accountable government and accountable public institutions. A society which has and complies with clearly formulated rules, a society with a system where the public good is above personal interest.

“Transition is a long-lasting process that requires elimination, replacement or cancelation of traditional ideas, values, conventions and behavior norms. In the transition period, in the course of transformation of a state and its society, observed from an individual point of view, it is necessary to authentically transform a vassal into a citizen. A citizen is, unlike a vassal, capable of behaving in an authentic, critical, participatory and responsible way. In that regards, the term “citizen” does not only mean the legal status within a political system, but also competencies, skills ad capabilities.”¹

In Serbia, as the society in transition, with support of the European institutions and other international organizations, a structured activity in terms of implementation of anti-corruption measures has been initiated through adoption of the National Anti-Corruption Strategy, and accompanying Action Plan for the Implementation of the National Anti-Corruption Strategy in 2005, i.e., 2006. The Strategy and the Action Plan contain measures and recommendations, or activities to be undertaken and realized by different actors in the society, thus practically determining that all segments of the society have their obligations in the fight

against corruption. These actors are divided into 7 systems: political system; judicial system and police; system of public administration, territorial autonomies, local self-government units and public services; public finance system; economy system; media and participation of the citizens and civil society.

¹ Janos Kis, "Preface", Contemporary Political Philosophy, Sremski Karlovci 1998, pp. 40 in regards to: Dobrivoje Radovanović and Aleksandar Bulatović, "Transition in Serbia within the Context of Corruption Suppression", Corruption, Center for Management and Institute for Criminal and Social Research, Belgrade, 2005, pp. VII.

3. Repressive Anti-Corruption Measures

Repressive anti-corruption measures aim at securing an effective application of the anti-corruption legislation through all stages of criminal proceedings, including identification, investigation, prosecution and rendering of judgment for a committed offence. These measures encompass laws, rules and mechanisms for efficient discovery of corruption, proceedings before the court and punishment of perpetrators for committed offences, as well as other means for prevention of officials, public official, but also the employees in the private and civil sector.

Repression implies that criminal offenders are adequately punished. A penalty is directed towards an individual that will suffer consequences for a committed offence. A penalty only refers to a past action, or offence already committed. Institutions within a society in charge of enforcing the mentioned repressive measures are: the police, the public prosecutor's office and the courts.

4. Preventive Anti-Corruption Measures

Preventive anti-corruption measures are directed towards the promotion of ethics and integrity within the institutions of the public, private and civil sector, and include the introduction and implementation of special measures related to rules, procedures and limitations within the service, as well as administration of disciplinary procedures for noncompliance with the rules and procedures. Preventive measures serve for responsible exercise of delegated authorities, for which both managers and employees are responsible. An employee must be subjected to the code of conduct, which, on the other hand, has to prescribe adequate disciplinary measures. High standards of behavior and performance of tasks by employees foster the institutions to perform delegated tasks in an accountable way. These measures introduce oversight and supervision; reduce discretionary powers and authority, which ultimately aim at fostering the transparency and accountability of both public institutions and the society.

Educational, anti-corruption measures may be observed as a sub-group of preventive measures which include development and implementation of anti-corruption educational programs for different target groups, such as: officials, civil

servants, and journalists, representatives of the CSOs, representatives of the private sector, citizens, and youth. Education is even presumed as the “third pillar” in the fight against corruption, besides repressive and preventive measures.

Education in anti-corruption behavior is focused on development of accountability, promotion of ethical contemplation, moral values, standpoints and expectations that prevent corruption, as well as acquiring of skills and application of mechanisms that confront it. Anti-corruption education develops with the representatives of the public sector and citizens understanding of their rights and obligations for preserving the public good, clarifies the damage caused by even minor corrupt actions which are at first glance insignificant, which, however, at the end of the day put the fundamental human rights and freedoms in danger, such as: right to life, right to work, right to health, right to equality, and so forth.

The institutions of the society competent to implement the preventive measures are independent state authorities, that is, in the case of the Republic of Serbia: the Anti-Corruption Agency, State Audit Institution, and Commissioner for Information of Public Importance and the Ombudsman of the Republic of Serbia.

In practice and science, there are different approaches to the fight against corruption. On one hand, there are advocates of exclusive application of repression as the only efficient way to solve the anti-corruption issues within a society. On the other hand, there are those who believe that this is not sufficient to permanently resolve the corruption problem, since corruption may be prosecuted only when it happened, thus it concerns only individual cases. The issue that arises is whether the envisaged penalty is sufficient to prevent an offender from future violations, as well as whether its punishment will frighten and prevent the others from committing the same offences. Offenders, especially when it concerns high corruption, are aware that they are committing a criminal offence punishable by severe penalty, but will anyhow commit such an offence, because the benefit of the committed offence is much higher than the penalty. Therefore, the corruption requires, primarily, prevention that is focused on deterrence of future corrupt actions by all

social actors. Preventions should affect fundamental increase of sincerity, efficiency and fairness of government, but also of the public which changes its behavior and expectations, thus understanding the rights to life in a society wherein corruption and unethical behavior do not have any value.

Likewise, if a corrupt action occurs, if it is proven and the offender punished, it is necessary to react by also analyzing the system that enabled such a phenomenon. It implies an analysis and assessment of risks from corruption within the system of rules acted upon, application of some mechanisms that will in the future prevent those phenomena.

In the society affected by systemic corruption, the only right approach is the one implying simultaneous application of repressive and preventive measures, elimination of causes and spreading of corruption, as well as other consequences. Punishment of those who committed corruptive acts, irrelevant of their position and function in the society is indispensable for strengthening of responsibility and discipline among public officials and citizens, but on the other hand, it is necessary to create conditions for a life within a society where individual, institutional and social integrity are dominant values, and where citizens have trust in the institutions of the system.

5. Institutional Anti-Corruption Framework

5.1 Independent State Authorities

This type of institutions is typical for the Anglo-Saxon countries (common law), the establishment, involvement into work of which in the past decades have been welcomed by the civil-law European countries. In these countries the legal status of independent authorities is strictly and precisely regulated by legislation (by laws and by-laws), and their existence and operations have been established as necessity of a modern way to perform public authorities.

In the countries undergoing transition or have just underwent it, the existence and functioning of those authorities is established and developed, even though their existence in these countries has only ten-year history. Serbia started establishing these institutions later, and their legal status has not yet been specified and consistently regulated. At any rate, there do exist described and published researches on experience of other numerous countries when it comes to

functioning of these institutions, i.e., numerous examples of good and bad practice that may always be used and taken into account.

There are independent state authorities of regulatory and overseeing types. Independent state authorities belong to the so called non-state entities like a fourth branch of the power. Their role is diverse.

Independent regulation, or, management of areas of public importance – without any influence of political pretensions on the strategic directions of the development of state is provided to the regulatory bodies.

It means that the issue of the public good is going beyond the domain of everyday politics, political changes and ideologies and that there are issues for which one institution is competent rather than a political group or individuals.

Independent state authorities with their oversight function are conducting external oversight of the executive power and through their existence the principle of separation of power is being strengthened. Their idea is to strengthen the rule of law that restricts the state and implies a set of rules of certain standards, justice and righteousness, but also freedom and responsibility of an active citizen.

The Anti-Corruption Agency, State Audit Institution, RS Ombudsman, Commissioner for Protection of Information of Public Importance and the Commissioner for Protection of Equality are independent and autonomous authorities which competences might be presumed as care about social integrity. For the first time, these institutions are “elevating” prevention and care about integrity to a state level, so far only being competent for implementing repression. Had they not existed there would not be prevention, except at the level of efforts made by CSOs.

5.1.1 Anti-Corruption Agency

The Action Plan to implement the National Anti-Corruption Strategy envisaged establishment of an authority competent to monitor further implementation of the Action Plan, which would assume certain competences within the anti-corruption activities of the society. So in 2008, the Anti-Corruption Agency Act was adopted, on the basis of which the Agency was founded and started operating in accordance with the mentioned Law on January 1, 2010.

The model the legislator set for the Agency, being an independent and autonomous authority established by the National Assembly of the Republic of Serbia and which is for its work responsible to the National Assembly, has first of

all preventive character with some oversight competences and competence to initiate procedures and impose measures due to violation of the ACA Act. Likewise, the Agency launches the initiatives to amend and adopt legislation within the anti-corruption area.

The Agency, inter alia, has the following competencies: to keep registers of officials, their assets and gifts, to verify the given data, to oversee political finance, to resolve conflict of interests, to provide protection to whistleblowers, to monitor the implementation of the Strategy and its Action Plan, to monitor over the elaboration and implementation of the integrity plans of the public authorities, to make researches, to perform anti-corruption trainings.

5.1.2 Other Independent State Authorities

The Commissioner for Information of Public Importance and Personal Data Protection is an independent state authority, autonomous in discharging its authority, which protects the exercise of rights to free access to information of public importance. Through the competences of this authority, the transparency principle of public institution work towards their users, i.e., citizens is being fostered.

The State Audit Institution is the highest public revenues audit institution in the Republic of Serbia and is an independent and autonomous state authority, which is established in accordance with the SAI Law (2005). The principle of oversight over the spending of public funds is being strengthened by the competencies of this authority.

The Ombudsman of the Republic of Serbia is a stand-alone state authority, who protects and improves the exercise of rights of citizens overseeing whether authorities and organizations discharging public authorities perform their work lawfully applying the Law on Ombudsman (2005). Besides this, with special attention, the ethicality, diligence, impartiality, professionalism, compliance, effectiveness, respect of dignity of a party and other characteristics to be attributed to administration and which the citizens expect from those they pay as taxpayers, are examined.

The Commissioner for Protection of Equality is an independent, autonomous and specialized state authority established in accordance with the Law on the Prohibition of Discrimination (2009). Tasks of this authority are to prevent all types, forms and cases of discrimination, protection of equality of natural persons and legal entities in all spheres of social life, supervision over the implementation of legislation on the

prohibition of discrimination, as well as improvement of fulfillment and protection of equality.

5.2 Police, Prosecutor's Office and Judiciary

Within the legal and institutional anti-corruption framework in Serbia, police, prosecutor's office and court implement repressive anti-corruption measures with the aim of providing effective application of the anti-corruption legislation through all criminal proceedings phases, including identification, investigation, prosecution and rendering of judgments for committed offenses.

Police is responsible for prevention, disclosure and investigation of all criminal and minor offenses. It is likewise responsible for investigation and apprehension of perpetrators.

Besides the police, the Public Prosecutor's Office is a very important institution. Public Prosecutor's Office undertakes all measures to discover, find and gather all necessary evidence for prosecution of perpetrators of minor and criminal corruption offences necessary for successful conduct of misdemeanor of criminal proceedings before the court or competent administrative authority.

6. Responsibility of Citizens

The corruption problem is a phenomenon present worldwide. There is not a single country that is corruption free; the only difference is in the level of its presence and attitude of the government and citizens towards that phenomenon. Resolving the corruption problem, i.e., reducing the corruption to the minimum level is a precondition for solving all the other problems. The priority of anti-corruption actions must be equally directed towards the political elite, in terms of responsible discharge of entrusted tasks, towards the establishment and development of other institutions of the society, as well as in the direction of mobilizing the public for fostering the sense of responsibility for the public good. The existence of a collective feeling of responsibility for the public good prevents from participating in corruption and improves common readiness of all actors to comply with the rules and norms.

Modern democratic society presumes existence of socially-engaged individuals who respect and develop the value system of the society, have critical reflection of

social phenomena and problems, and have raised awareness of understanding, tolerance, morality and honesty. Development of a culture against corruption is a long-lasting process, but the only right way is to create an environment wherein people have knowledge, skills and social power to oppose corruption.

The democratic political order necessarily presupposes the existence of individuals and different social associations emerging from the sphere of civil society and their active participation in the social and political processes. To be able to successfully fight corruption, it is necessary not to have political will but a responsible political elite and consensus among citizens. Proclaiming of zero tolerance towards corruption by holders of political power is not enough; all political actors, the media, the civil sector and the citizens have to take active participation in all anti-corruption reforms.

Corruption prevention requires efforts by all members of the society as a whole. Therefore, the UN Convention against Corruption invites all the states to actively promote participation of CSOs and other elements of civil society in the anti-corruption fight, as well as to raise public awareness about the damaging factor of corruption and ways to prevent it. Article 5 of the Convention obliges every signatory state to establish and improve practice for corruption prevention.

INTEGRITY

Personal, institutional, and social

The notion opposed to corruption is – integrity. The notion of integrity may be explained more thoroughly by notions such as: conformity, uniformity, honesty. Integrity represents our relations towards values: do we behave in compliance with them and are we consistent in using our (personal and professional) values. Each person expresses his/her values through three components:

- opinion,
- speech, and
- behavior .

The problem with integrity occurs when we do and/or speak about something which is not in compliance with what we believe in. We consider that we have values, but we do not act and/or do not speak in

compliance with them. If a person thinks in compliance with his/her values, speaks as he/she thinks, and behaves as he/she thinks and speaks – then for that person we can say that he/she is a person of integrity. Personal integrity is not something with which we are born. It is being practiced through ethical contemplation and decision-making. Values, moral and ethics shall be discussed further on.

Institutional integrity represents resistance of an organization to corruption. On one side, it represents individual integrity, competencies and professionalism, and on the other side institutional wholeness and compliance. This means acting in institutions in compliance with the values, in the purpose of diminishing the risk to perform public authorizations contrary to the purpose for which they have been established.

Corruption at the level of institution occurs according to the following principle:

Corruption = Monopoly + right to make decisions (Discretion) -
accountability

(Klitgaard, *Political corruption*)

In institutions in which the system of decision making implies involvement of a larger number of persons in the process of making the decisions, in which there is a transparency of work system, in which there is control and supervision on decision-making in which discrete authorizations are significantly narrowed, and rendition of accounts and personal accountability of each individual are clearly defined, whereas each individual bears the consequences in case of violating or non-abiding by, or not complying with the rules prescribed – have a larger integrity in comparison with those in which monopoly, arbitrariness and

discretion in decision-making rule, with absence of institutional, and also personal accountability.

Trust of the citizens in the institutions is also strengthened by strengthening the integrity of an institution. The social integrity system is a system of laws, regulations and institutions which prevent the appearing of corruption. Through a developed and stable integrity system the citizens gain: rule of law, good quality of life (high standard), and sustainable development. In order for the state to achieve this, there must be horizontal accountability of all social factors, or that each of the society pillars may control the other pillars. The pillars are as follows:

1. Executive branch – which controls conflicts of interest which indicate to the existence of “political will”;
2. Legislative branch – formed after fair and free elections;
3. Public institutions – which are professional and accountable;
4. Independent state bodies exist;
5. Parliament – which is effective;
6. Civil society – which is informed and capable;
7. Judiciary – which is strong and independent;
8. Media – which are free;
9. Private sector – which is accountable.

It doesn't heart to emphasize that the institutions and the society, which represent the system of rules – are composed of individuals, citizens. An individual shows his/her integrity by responsible participation in strengthening and maintenance of integrity of the institutions and the society and is aware of the fact that the interest of the institution and the society is above the individual interest, if he/she would make damage to the public welfare, due to the fact that both the institution and the society should last longer than one human life.

Conflict of interests is a situation which implies that a person in the position of responsibility for some public welfare (official) has a private interest which affects, may affect or looks like affecting the acting of an official in discharging his/her public office in the manner which threatens public interest. Hence, the integrity of both the institutions and the society is violated, and the public welfare is abused, which causes adverse consequences. Poor management of conflict of interests or persistent denial to get out of a situation of established conflict of interests, decreases the

Citizens' trust into the institutions and an official potentially shows that he/she does not have developed awareness about public welfare for which the office exists.

Ethics

"I have never been stung by consciousness of ethical nature. I have dealt with corruption, I have lived among the bribed. One day, when I have to explain to my son why his father went to jail that's exactly what I'll tell him, and I'll also explain that 90 percent of the people he will find in front of him during any negotiation can be bribed. I will also tell him that if he does not want to take part in deeds of such a kind, he must close himself in an abbey or take drugs."

*Adriano Zampini, A Short History of Corruption
(Carlo Alberto Brioschi, Belgrade, Mate 2007)*

From this short speech of a man who was charged with corruption in Italy at the end of the 1980's, we can notice several important notions for the topic we are elaborating in this brochure.

First of them is the ethics. In order to understand what ethics is in the right way, we shall start from its semantic definition, or explanation of the root of the word itself. The word ethics derives from ancient Greek and has several meanings. In ancient Greek the word *ethos* means habitation, character, custom, and the adjective deriving from this word *ethike* means conduct. Therefrom we may already forebode that in the past, in ancient Greece, ethics examined various forms of conduct and customs. When the contemplators of ancient Rome tried to translate the word *ethike* into Latin they connected the meaning with the customs (*mos, oris* - customs), and hence the origin of the word moral we also use today.

Is there a difference between ethics and moral?

For certain authors who deal with issues of moral and ethics there is no difference between these two notions which is comprehensible if

we take into consideration the described origin of the terms. However, the opinion that there is a difference between these two notions prevails at present. This difference between moral and ethics is observed in two ways.

One way of perceiving the notions

Moral consists of values, convictions, attitudes, norms, customs, and unwritten rules defining what is good and correct in a community or society. Moral is not inalterable, as it alters from society to society, or community, as well as over time. The need to regulate behavior originates from the primordial communities. The regulation of behavior between members of the community contributed to preservation of those communities. Customs of one community, or common behaviors used in certain situations as the first forms of regulation affected significantly forming of the moral. Some of the customs have lost their fundamental purpose today, but are still part of the moral. Also, moral is very important for introduction and development of laws. The relationship between the moral and the law is complex. Some form of conduct may be accepted but still be morally wrong, and also something may be part of legal norms and be morally problematic. The morality of a society is connected to its customs, habits which a society or group accepts as correct or incorrect, and also to the legal norms which additionally bring legal prohibitions and punishments. Nevertheless, if something is an accepted form of conduct or normed form of conduct by law it does not mean that it is therefore morally correct.

The moral experience consists of three components: moral beliefs, moral courts, and moral feelings. The moral belief consist of values, attitudes and convictions of what is correct, and what is incorrect; the moral courts represent the value assessment of acts or people as good or bad, correct or incorrect, honest or dishonest, and feelings consist of positive or negative emotions towards actions. Basic values which the moral examines are: good, correct, fair.

Ethics is the branch of philosophy that deals with examining the moral. Observed in such a way, ethics is a scientific discipline. As every other scientific discipline ethics also deals with describing and studying

moral of people, comparison of different systems, argumentation of moral principles and values and logics of moral conclusion.

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Second way of perceiving the notions

Moral is, as we have already mentioned, a set of unwritten rules and customs which one society adopted and used to assess what is correct, and what's not.. Within this viewpoint, moral is considered as a wider notion compared to ethics, and ethics represents the applied theory of moral. Moral consists of general principles, and ethics as a narrower notion represents implementation of moral rules and values which an individual has accepted and applies in everyday life.

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Up to now we have mentioned the term *value* for several times, which plays an important role when talking about moral and ethics. Value is, as are the previous two notions, an abstract category taken from philosophy. Value(s) signifies that which is considered justly, valuable, desirable, and useful. Value has an expressed subjective character, as it depends on who is speaking about them, or on the subject of contemplation. Freedom or peace may be considered as value for one person, but for the other there is nothing valuable in those notions. Values are found in the very source of moral, as values are also expressed by moral norms. Several linked values compose the system of values. Apart from being subjective, values may alter with the passage of time hence, something that was important for us when we were young, such as

love, cedes place to some new value, such as health. Values are also hierarchically arranged, which means that not all values are equally important to us. This fact becomes important in situations when two values are confronted which shall be explained in ethical dilemmas.

Ethical dilemmas

“To be or not to be, that is the question”

Situations in which two or several values we possess are confronted, and the resolving of the situation requires the selection of only one – is called ethical dilemma. The ethical choices imply the conflict of interests. In everyday life, as well as in business environment, we encounter with different dilemmas of ethical nature, as for instance whether to tell your colleague that he/she is going to be fired, but not run afoul of the boss, or whether to copy from someone when having a test because the friend from whom you are going to copy may also be punished.

Heinz' s dilemma

A woman was near death from a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost him to produce. He paid \$200 for the radium and charged \$2,000 for a small dose of the drug. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about \$1,000 which is half of what it cost. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said: “No, I discovered the drug and I'm going to make money from.” So Heinz got desperate

and broke into the man's store to steal the drug for his wife. Should Heinz have broken into the laboratory to steal the drug for his wife? Why or why not?

May an individual be empowered by knowledge and skills for resolving ethical dilemmas?

A perfect recipe for resolving ethical dilemmas does not exist as there are no true and false answers, but there are some steps in the problem situation analysis, or ethical dilemmas to which attention should be paid. In continuation, we are presenting what Ralph Potter describes as phases in resolving problems, or ethical dilemmas.

First let's start from the available facts. It is important to gather all available facts which shall help us in making the decision, then identify the values and principles that are present and in the end formulate the problem. This phase is called – defining of problems.

The second phase is focused on analyzing the situation and it demands the most intellectual strain. During the analysis the confronted values and principles should be measured. The previously mentioned hierarchy of principles and values of the individual are important here. The material welfare shall be more important for someone in decision making, for instance, than the principle of professionalism or vice versa, or friendship than loyalty to the company. When analyzing the situation, the individual should also pay attention to all the “pros” and “cons” arguments, or should try and see the consequences of both the choices. We are not always in the situation to predict precisely what the consequences of each choice are, but we may imagine, predict, or use the technique of governed phantasy, as the children in the game “what would be if it were”. In analyzing the problem we also must not lose sight of how our decision will affect other people, or we have to imagine what kind of consequences it will have on the lives of others. Empathy and the possibility of putting oneself into somebody else's shoes is an important part of decision-making. Paying attention to all the external factors, being those which existed prior to the occurrence of the problem situation, as well as to all prescribed norms (laws, rulebooks, and codes of ethics) helps an individual in perceiving the problem. Knowledge of certain theories of moral and looking at the ethical dilemma from an aspect of various theories of moral is precious. Two

groups of theories are most often used: deontological and teleological. The deontological ones (ancient Greek: deon – duty) consider that duty is the most important category and examine the motives of those who act. Duties or obligations are what should govern human behavior if we want to see it as good. “Act only according to that maxim whereby you can, at the same time, will that it should become a universal law”², is the famous quotation of Immanuel

²I. Kant, *Critique of Practical Reason*, BIGZ, Belgrade 1979, p. 53.

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Kant by which he expressed his categorical imperative. The categorical imperative tells us: you shall not lie, you shall not steal, you shall not kill, you shall not deal falsely regardless of the consequences. Differing from this standpoint the teleological theories (ancient Greek: tele – goal) perceive the morality of an act with regards to the consequences it leads to. Instead of putting the accent on the motives and duties the teleological theories deal with the outcomes, or usefulness of certain choices. The most renowned representatives of this thought, John Stewart Mill and Jeremy Bentham, talk about the greatest happiness for the largest number of people, or the principle of the least damage in decision-making.

Robin Hood: thief or hero?

We all know the story about Robin Hood. Taken from the standpoint of the deontological theories, Robin Hood makes a mistake – because he steals! If we look at the same story from another standpoint, the teleological one, Robin Hood makes a good deed, or brings happiness to a large number of people. In this simple example we can best see how a same situation looked at from angles of different theories of moral gains a completely different meaning.

No matter how much time you have available for making the decision, and sometimes we do not have a lot of time available, we must make the decision. And not only do we have to make it, but we should be able to explain it to ourselves and the people we are fond of. How would my friends and my parents react if they found out I have done this? Such and similar questions have a task to help us in making the final decision. Good contemplation and argumentation facilitates later taking of responsibility.

POTTER'S MODEL OF MORAL JUDGMENT³

DEFINING THE SITUATION

- Description of facts
- Identification of principles and values
- Setting forth the moral problem

ANALYSIS

- Measuring of opposed principles and values
- Discussion on applicable theories of moral

DECISION

- Making the decision
- Defending the decision

Responsibility

“No snowflake in an avalanche ever feels responsible”

“Responsibility cannot be delegated”

H. Truman

The notion of responsibility is encountered for the first time in law and is explained as legal and moral mental competence. Today, the notion of responsibility is first of all an ethical notion. Responsibility implies that an individual is responsible for what he/she has done, that he/she is ready to bear the consequences for what has done, to remedy or compensate the potential damage which incurred by action or non-action. Responsibility is primarily the readiness to contemplate on own actions and deeds and their consequences. An individual who is responsible is also ready to abjure from a deed of which the bad consequences can be anticipated or are already present. Without responsibility every action is dangerous. As free and sensible beings we are responsible for our choices and actions including the ones of moral nature. Individuals, who want to

be respected, esteemed as personalities and professionals should assume responsibility for their actions and think about the choices and consequences of their choices. By renouncing responsibility, people lose the freedom of decision making and become as snowflakes in an avalanche.

³ Ralph B. Potter, "The Logic of Moral Argument" ed. Paul Deats, *Toward a Discipline of Social Ethics*, Boston University Press, 1972, pp. 93-114.

But it should not be forgotten that non action, no matter how passive it may look, actually leads to consequences and represents choice. Responsibility, although it may sometimes be a hard burden, gives meaning to everything we do in life. The cognition of responsibility in our society is undeveloped.

Individuals who discharge managerial offices and especially those holding public offices should be also aware of the responsibility they have because the decision they make may affect the lives of a larger number of citizens. Authority, power and influence imply the fact that these categories are inseparable from responsibility. Discharging public office without the awareness of responsibility, or even consciously irresponsibly, has losing of confidence into the holders of public offices and institutions as a consequence. The damage that may appear with irresponsible conduct of the holder of the public office is inestimable for a society. The author, who seriously dealt with the phenomenon of corruption, whose formula of the corruption origin we have already seen, also included in it the notion of responsibility. Let us recall that corruption, according to Klitgaard, may occur when there is monopoly, discrete authorizations and there is no public accountability: $C=M+D-PA$

It is noted that there are two equally problematic models of functioning in our business operations. One is exaggerated flexibility, and the other bureaucratic rigidity. The first model implies a very casual relation towards work and responsibilities where by “all are responsible for everything”, and in practice this usually means that no one is responsible for anything or much time is needed to be spent for establishing responsibility. The second model relies on a stricter hierarchical delegation of responsibility, which if not accompanied by developed consciousness and conscientiousness about the choices and consequences, may be extremely unproductive and inefficient. Both models have something in common: in situations of crisis or when a mistake has been made the game “let’s find the culprit” starts to be played, whether that be an individual, a group, or a sector. For this reason it is very important that each employee precisely knows what his work tasks

are, that they be clearly delegated to him and that the organization has clearly prescribed norms of expected conduct that may be formulated in the form of a rulebook or codes of ethics. No one can say that he/she is performing his role as an employee professionally if he/she behaves irresponsibly, thus we may conclude that responsibility is an integral part of professionalism.

EMPLOYEE'S IDEAL

COMPETENCIES

- Capability
- Knowledge
- Skills
- Motivation

PROFESSIONALISM

- Impartiality
- Clear standards of work
- Dedication to improvement

PROFESSIONALISM

- Ethics
- Transparency
- Responsibility

Code of Ethics

The code of conduct is a set of rules describing the responsibilities or appropriate actions of an individual, a group, or an organization. The essence of the code of conduct is as follows: governing, directing and standardizing the conduct of the staff at work.

What functions does the code of ethics have?

The code of conduct has several functions. The most important is for sure that it creates awareness about the common values and principles. Many codes of conduct of the most successful and most profitable companies in the introductory part contain proclaimed values which govern their business operations. The values and principles are of exceptional importance because they represent the moral basis of the company, they make a fundament which gives the road sign for all the other provisions of

the Code. Also, the Code provides standardized understanding of what is expected ethical conduct in an institution. Without a uniform understanding of what is expected from us, room is left for single interpretations of situations which may lead to misunderstanding. When we are familiar with what kind of conduct from us as the staff is expected, it is easier to behave in such a way. This function is especially precious in stress situations and in situations when we do not have a lot of time available to decide what we are to do.

It is then enough to recall what the code of conduct recommends. And in the end, the code of conduct gives to all of us the guidelines which lead to expected conduct.

How to write the Code of Ethics?

The first step in writing the Code of Ethics should be establishing the problems that have occurred up to now in the functioning of our organization. The problems are precious as a source of information, because they indicate precisely the weak points of the organization, the insufficiently clear and precise procedures, bad organization and similar. The second step in the elaboration of the Code of Ethics should be establishing the source of information. It is most important that the staff themselves have the possibility to express (by anonymous questionnaires, pools, or answering to the simple question "What would you improve in the business operations of our organization?") everything they consider would provide a more successful and better functioning of the organization. It would also be desirable to question the service users, clients, and examine the codices of other authorities and organizations, and other relevant documents.

And in the end, while you are writing the code of ethics do have in mind that it will apply to all the staff, from the lowest position in the hierarchical scale to the ones at the top, and hence use the language and style that are comprehensive to all. The code of ethics should not contain copied provisions of legal acts and bylaws and that is why the language should not only be comprehensive to all it relates to, but it is also very important that it is positively oriented. Forget the expressions: it is forbidden, it shall be strictly punished, and you must not! Instead of that write: we support (all conducts which reflect loyalty towards...), we consider exceptionally adequate...the staff is expected to... Of course, certain conducts should be sanctioned, but this does not mean that each paragraph of the Code should cherish a negative tone.

Which conducts should be included in the code of ethics?

The code of ethics should provide more practical guidelines for all situations in which the staff may find themselves during work. For this reason it would be desirable to encompass several levels of ethics:

- Level of an individual (relationship towards work, relation towards the colleagues, dress code and looks, receiving and giving gifts);
- Level of an organization (inter-sectorial relationship, relation towards the trade union, the Board of Directors, the Supervisory board, the shareholders);

- Level of external actors (relationship towards the clients, the competent ministry, the government, the media);
- Social level (relationship towards ethical issues at the level of the community, for instance support to human and minority rights, environmental health, socially responsible conduct).

The following list may serve as a reminder for what can be included in the Code of Ethics:

1. Mutual relations:

- communication,
- respect of personality and varieties,
- education, training and promotion,
- performance evaluation,
- prohibition of mobbing,
- respect of privacy and information on the personality of the employee,
- working environment (abuse of substances).

2. Relationship towards the institution:

- conflict of interests (family, other job, personal relations),
- business information (information technologies),
- attitude towards property,
- attitude towards work,
- records and reports.

3. Attitude towards the clients/service users:

- respect of personality and varieties (prohibition of discrimination),
- communication (telephone, electronic mail, written communication,
- gifts,
- relationship towards information (discretion, business secret, privacy).

4. Attitude towards the society:

- cooperation with other institutions (governmental and non-governmental institutions, local self-administration, social protection institutions, etc.),
- environmental protection,
- press releases.

5. Responsibility for abiding by the Code of Ethics:

- doubts and dilemmas (from whom to ask for advice, guidelines),
- responsibility for supervising the compliance with the code of ethics,

- supplementing of the code of ethics,
- disciplinary responsibility.

If order for the code of ethics 'to enliven', or to begin to be implemented, it is not sufficient only for it to be written. It is of essential importance that all the staff be acquainted with the code of ethics, and this again means all, without exceptions, from the managers to the executives. The promotion of the code may be done by publishing it on the information board, and by sending an electronic mail or bulletin to all the staff, by organizing a meeting for the staff, and the similar. The managers in this situation have a special responsibility because they are figures of authority the staff follows, and they also bear the responsibility for overseeing the code implementation by the staff. The managers should be leaders of the code of ethics promotion. The managers only with their example may affect other staff to accept and abide by the provisions of the code. Some researches ("It's lovely at the top – Hierarchical levels, identities, and perceptions of organizational ethics" Trevino, Weaver, Brown, 2007) show that the staff considers the codes of ethics serve only to the managers so they can protect themselves in situations when problems arise. In order to avoid such an attitude of the staff it is absolutely necessary that the managers be promoters of the code of ethics and to accept and respect it unconditionally, or to certify by their conduct the abiding by the code provisions. Any other conduct of the managers would soon lead to waiver from the code of ethics and return of the staff to conduct without rule. In an ideal situation the staff not only should be included in writing of the code and familiar with its enactment, but should certify (by signing, for instance) that they shall abide by it. A written copy of the code may be serviced to the employee immediately upon commencement of employment. Training on the importance of the code of ethics may be introduced as an accustomed part of professional socialization of all the staff, and especially the newly employed. Informing the clients and the business cooperators with the Code will contribute to the building of the organization's image, and will also provide clearly defined business relations between the actors.

Supervised implementation or self-regulation?

And at the end the question arises: who should supervise the implementation of the code of ethics? Each authority/organization should have a person or body in charge for supervising the implementation of the provisions of the code, whether it is the organization's manager, the clerk in charge for human resources or the

clerk in charge of ethical issues (in case there is one). Apart from this, whenever we are in a dilemma what to do we may ask ourselves several questions which may help us in deciding:

- Is it all right to undertake this activity?
- Is this activity legal and in compliance with the code of ethics?
- Would I be proud to inform about this activity someone I respect?
- Does this activity contribute to the reputation of my institution as the institution of integrity?

THE SYSTEM MADE ME

Although at the beginning of this publication, as its' motto it has been mentioned that corruption likes to hear excuses, the title of this last chapter is the most often explanation for corrupt, unethical conduct.

If we are pressed to something, this means that we have exhausted all the other possibilities. If we have tried the possibilities, this means that we have contemplated our actions and taken into consideration the consequences. Similarly, this means that we have accessed the decision we have made responsibly, or that we are assuming the responsibility for the consequence. Then the sentence "the system made me" – is an explanation.

If we use the sentence "the system made me" in situations in which we know how something is most often done, regardless of the fact that it is not in compliance with the rules and represents unethical conduct, and we access to such conduct without contemplation and responsibility for the consequence, then this sentence is – an excuse, just like it has been mentioned at the beginning: "Corruption likes to hear excuses".

The system about which we talk and which we often "call on", is like a live organism – a society as it is: all of us individually, our institutions, written laws and rules, unwritten rules, our conduct, culture, politics, interpersonal relations, our attitude towards rules and institutions, values, what we think, speak and work, attitude of all of us, and first of all of the social elite towards the responsibility for the state of affairs in the society. If the system presses us to corruption, then, in some way, we are doing it to ourselves. Are we strong enough to get out from the vicious circle and withstand to that in which we participate ourselves? Have we made enough efforts to do it in another way? Shall we start from ourselves?

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