

Background papers | Reform experience

Counter-corruption reforms in post- conflict countries:

Metrics, indicators and impact
in Rwanda, Liberia & Serbia



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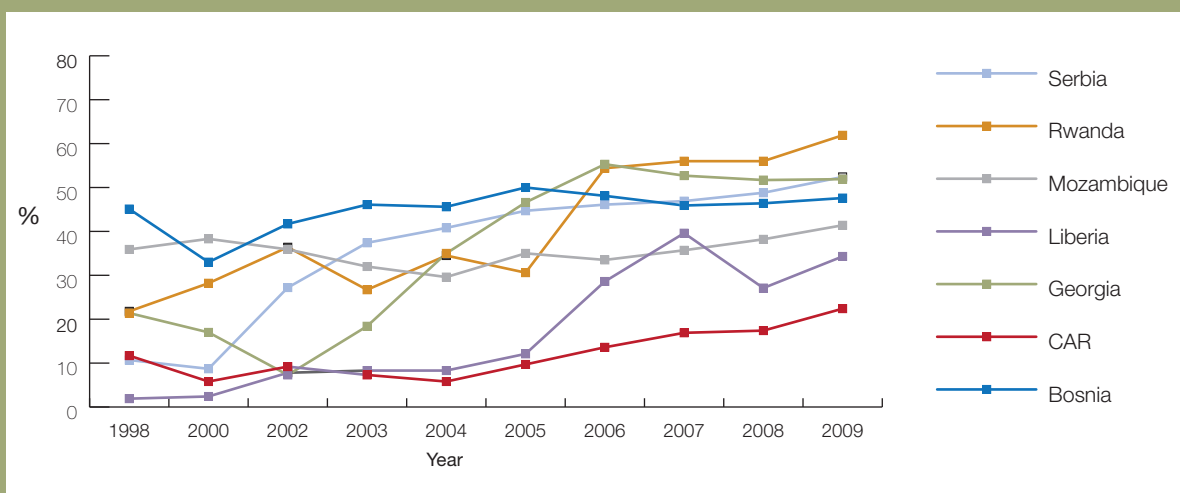
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Preface

Corruption in Defence Ministries, Security Ministries, the armed forces and the police poses a large and pernicious risk to society. Nowhere is this truer than in countries that are emerging from conflict. In conflict and post-conflict environments, defence and security corruption can easily inhibit reform and nation

While there remains a persistence of systemic corruption in all three states, the available metrics and perception indicators confirm they are moving in the right direction. Above all, the political willingness to change the *status quo* has fostered a sense that the issue can now be positively challenged.

FIGURE 1: THE WORLD BANK INSTITUTE'S 'GOOD GOVERNANCE INDICATORS' POST-CONFLICT COUNTRIES



Source data: http://info.worldbank.org/governance/wgi/sc_country.asp

building, and serve to continue the conflict through control of armed groups, funding of armed actors, and intimidation of the population. Yet progress against corruption is possible in such environments. The World Bank Institute's (WBI) 'Good Governance Indicators' show upward trends of 'control of corruption' in many such countries (figure 1).

The purpose of this paper is to document the reforms that three post-conflict countries, Rwanda, Liberia and Serbia¹, have undergone in their attempts to limit and eventually eliminate corruption from their respective societies. It also examines the extent to which the WBI metrics shown in the graph above reflects true changes in the three nations. The specific measures taken against corruption clearly reflect the particular security dynamics of each country, and also its political and social culture.

We hope that reviews such as this one will be helpful to nations and to scholars looking to better understand the dynamics of defence and security corruption, and help us all to become better at addressing and eliminating it.

Mark Pyman
Director
International Defence and Security Programme
Transparency International UK

Executive summary

This report provides a review of the available literature on the challenges faced by three post-conflict countries in their attempts to combat corruption. It concludes that a combination of thorough legislation, institution-building, training and education programs, rationalisation measures and decentralisation policies have aided countries in reducing corruption. However, the particular measures undertaken by individual governments must of course mirror the exact and unique challenges it faces. Each country must choose those mechanisms which will help it address its unique social, cultural, and institutional barriers.

The paper closely examines counter-corruption measures in each country to understand the impact that they had. It is underlined that whilst certain reforms were targeted to affect a change in culture through education and formalisation of ethics code, others such as decentralisation policies, were targeted more specifically to address corruption risk in specific institutions. The study concludes that whilst it is unlikely that any specific measure, by itself, could render the establishment entirely corruption free, a combination of mechanisms could help countries effectively reduce the risk.

The key findings of this study are:

- Corruption has much deeper roots than simply being a product of the dislocated political and social spheres resultant from upheavals during and after armed conflict.
- Many assessments appear to agree that Rwanda is making progress in bringing corruption under control. There is, however, evidence that improvement is far from uniform.
- Reports and perceptions on Liberia do reflect a measure of improvement in controlling corruption since 2005. Yet, despite reported improvements, it remains early days for combating corruption in the wake of recent conflict in Liberia.

- As with Rwanda and Liberia, the CPI and World Bank Governance Indicators suggest that Serbia is making progress in control of corruption since the year 2000. On the other hand, some reports indicate that Serbia has witnessed a dramatic decline in 'rule of law'.

The study emphasises that two key areas need to be developed by any post-conflict country in its attempt to address corruption risk:

1. A genuine willingness amongst the political elite to eradicate corruption. Whilst establishing institutions and passing legislation provides the framework for combating corruption, ultimately it is the politicians who are tasked with its implementation in letter and spirit.
2. Free speech and the ability of citizens, officials and civil society organisations to keep governments accountable with regards to anti-corruption practices are vital. Any government which is hoping to genuinely combat corruption must ensure that freedom of expression remains a cornerstone of their society.

1. Introduction

Corruption plagues many post-conflict countries. Rwanda, Liberia and Serbia are three that have endured war in the last twenty years and suffer a legacy of corruption. Various non-governmental authorities, nonetheless, recognise these states' overall progress in combating corruption. In fact, the World Bank's Governance Indicators index identifies Rwanda, Liberia and Serbia as having made the most significant country improvements for 'control of corruption' over the period 1998 to 2008.² This report has two linked investigative thrusts: to what extent are perceptions justified, and have Rwanda, Liberia and Serbia tackled corruption effectively? The first section shall explore the perceptions of corruption, and this is followed by a description of various anti-corruption mechanisms either proposed or in operation. The study closes with analyses of the realities of corruption and future prospects. In all, the latest available data suggests that Rwanda, Liberia and Serbia have, to a certain extent, brought corruption under control through recourse to preventive and punitive expedients. Nevertheless, it is important to underscore that varying levels of corruption persist in all three countries.

Corruption often has much deeper roots than the dislocated political and social spheres resultant from armed conflict. This is apparent in Rwanda, Liberia and Serbia as their histories reveal. In Rwanda, popular discontent with government corruption from the mid-1960s was a contributing factor to a military coup orchestrated by Major General Juvenal Habyarimana in 1973.³ Foreign aid in the 1980s and 1990s provided a disposable cache that, through mismanagement and bad governance, stimulated corruption within patronage networks. Habyarimana's Rwanda was far from the paragon of good governance and effective development that was the perception in the aid-disbursing West in the early 1990s.⁴ Pervasive corruption, including the tribalistic nepotism that was virtually state policy at this time, led to the breakdown of effective government and fuelled social disorder; insofar it contributed to the Rwandan

genocide in 1994.⁵ Following the mass murder and civil war, allegations of the misappropriation of funds, cronyism and corruption were leveled at the post-conflict government.⁶ In 1997, for instance, the French language newspaper *Tribun de peuple* went so far as to allege significant continuities in the mismanagement of funds.⁷ In 2000, President Pasteur Bizimungu resigned following allegations of corruption.

Bizimungu's successor, General Paul Kagame, has won back-to-back elections in 2003 and 2010, and under his direction Rwanda has taken important steps in excising systemic corruption. In particular, an anti-corruption policy is enshrined in the constitution, and state authorities declare a commitment to fighting corruption.⁸ Furthermore, Rwanda is a signatory to international conventions against corruption including the African Union Convention on Prevention and Combating Corruption (AUCPCC) and the United Nations Convention against Corruption (UNCAC).⁹ Rwanda is also involved in the African Peer Review Mechanism (APRM). Linked to the African Development Framework (New Partnership for Africa's Development—NEPAD), APRM is 'a process for assessing political, economic, and corporate governance and socioeconomic development in participating countries. The aim is to prompt states to draft a national program of action to remedy identified governance deficiencies'.¹⁰ Corruption is pertinent to a number of its stated objectives and finds expression in treatments of economic, democratic and political governance under Objectives Four, Five and Six.¹¹ Rwanda presented a country report to the forum in June 2006.¹²

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The origins of corruption in Liberia also date back to at least the mid-twentieth century.¹³ Former Presidents William Tubman (1944-1971) and William Tolbert (1971-1980) presided over patron-client networks that offered exclusive privileges and concessions to insiders. Despite unequal distribution of wealth and power, the system was largely stable and even economically successful. This is perhaps best exemplified by Liberia's remarkable ranking as the world's second fastest growing economy in the period 1950-1959.¹⁴ The country also had the first five-star hotel in Africa, built as it was upon numerous kickbacks to local officials.¹⁵ However, a military coup in 1980 brought Master Sergeant (later General) Samuel Doe to power. From 1980 to 1989, Doe personally embezzled approximately USD 300 million from Liberia.¹⁶

The country lost all political stability in this period as Doe's decentralised authority relied upon the support of powerful subordinates, each of whom possessed a patronage network and over whom the force of Doe's personality alone could not lord. The result was the ever-present likelihood of a *coup d'état*, and, following the abortive attempt of General Thomas Quiwonkpa in 1985, Charles Taylor—a former supporter of Quiwonkpa—invaded Liberia in 1989 in command of the National Patriotic Front of Liberia (NPFL). A civil war ensued, lasting from 1989 until 2003.¹⁷ Taylor gained the upper hand in the mid-1990s and was 'democratically elected' as President in 1997.¹⁸ His rule was characterised by inherent, systemic and unchecked instances of corruption that pervaded most aspects of political and social life through patron-client relationships.¹⁹

In 2003, Taylor was deposed and forced to flee into Nigerian exile in favour of the National Transitional Government of Liberia (NTGL). It soon became apparent, however, that the NTGL—comprised of representatives from the former warring factions—was incapable of ushering in the sort of change that would place Liberia on a stable political and economic footing.²⁰ Both the capacity and the will of the NTGL to counter corruption were 'questionable' according to a joint UN and World Bank report of April 2005.²¹ An initial United Nations Development Programme (UNDP) evaluation of the Liberian system in 2005 found that

'corruption is prevalent, pervasive, endemic and systemic in Liberia and manifests both as grand and petty corruption.'²² So dramatic were the abuses uncovered in the Central Bank of Liberia and other state-owned enterprises that the investigating European Commission audit committee did not release its findings immediately for fear of potential recriminations.²³

In January 2006, following nationwide elections in November 2005, the NTGL gave way to the government of President Ellen Johnson-Sirleaf. Her administration has made anti-corruption a priority and significant steps have been made since her inauguration to stabilise the administration and stimulate the economy.²⁴ Johnson-Sirleaf expounded upon the priorities of her administration in her inauguration speech, drawing explicit attention to corruption issues.²⁵ Since then, the government has joined the Extractive Industries Transparency Initiative (EITI), a voluntary organisation of countries committed to accountability and transparency in the resource extraction sector. Their membership has led to the publication of financial documents and statements by the Liberia Extractive Industries Transparency Initiative (LEITI).²⁶ The country is also a signatory of the UNCAC and the AUCPCC.²⁷

Corruption in Serbia radicalised in the 1990s following the fall of the communist regime. The Socialist Federal Republic of Yugoslavia violently disintegrated amidst the Yugoslav wars of 1991 to 1995, and the political turmoil encouraged unilateral efforts to accumulate wealth amongst the former elite. The economic situation rapidly deteriorated and near-complete legal anomy gave local powerbrokers significant freedom of manoeuvre.²⁸ Another ethnically-driven war engulfed the region in 1998-1999, when Serbia—as the Federal Republic of Yugoslavia under President Slobodan Milosevic—unsuccessfully attempted to block Kosovo's secession, not least through killing approximately 10,000 Albanian Kosovars and forcing another 800,000 to flee their homes.²⁹ Milosevic lost power following defeat in the elections of September 2000, and was subsequently indicted in The Hague for war crimes and genocide in Kosovo, Croatia and Bosnia.³⁰

The subsequent Serbian Prime Minister, Zoran Djindjic, explicitly made anti-corruption a priority of his new administration, mentioning it in his inaugural speech before the Serbian assembly in January 2001.³¹ The Djindjic administration developed a number of nascent anti-corruption initiatives before the prime minister's assassination in 2003. These efforts notwithstanding, government institutions providing for transparency, oversight and the rule of law continued to be largely under-developed after 2003.³²

Successive Serbian governments have too stated their desire to fight corruption. In 2005, Serbia-Montenegro adopted the United Nations Development Assistance Framework, thus committing to the goal of transparency in public administration.³³ Following parliamentary elections, Prime Minister Mirko Cvetkovic announced on 7 July 2008 that the fight against corruption was one of the priorities of his administration.³⁴ President Boris Tadic has also voiced support for a war on organised crime and corruption.³⁵ On the international stage, Serbia ratified the UNCAC on 20 December 2005, and has been a member of the Council of Europe's Group of States against Corruption (GRECO) since April 2003.³⁶ On 17 May 2010, the Serbian Justice Minister confirmed Serbia's accession to the Regional Anti-Corruption Initiative (RAI) when he signed a Serbian and Croatian memorandum of understanding in the fight against organised crime and corruption.³⁷

2. Corruption metrics and indicators

A number of recent studies (see Appendix 1) indicate that all three countries under investigation have made noticeable progress in countering corruption.

RWANDA

Transparency International's Corruption Perception Index (CPI) in 2010 offered a value of 4.0 to Rwanda (where 10 reflects a 'very clean' country and 0 a 'highly corrupt' one).³⁸ While the CPI does not lend itself to accurate year-on-year comparisons, largely due to methodological restraints, the index does show an improvement in perceptions from 2005 to 2009. While the index gave a score of 3.1 in 2005, this dropped to 2.5 in 2006 before steadily increasing thereafter to 2.7 in 2007, 3.0 in 2008 and 3.3 in 2009. The 2009 score ranked Rwanda 89th of 180 countries, and the 2010 score placed it 66th of 178 countries. Over the last two years, the CPI places Rwanda among the top ten performers in Sub-Saharan Africa and the 'least corrupt' country in East Africa.³⁹

Transparency International's East African Bribery Index 2010 (EABI), a joint product of national chapters in Kenya, Uganda and Tanzania, reflects that instances of bribery in Rwanda are 'negligible'.⁴⁰ From the 862 respondents, the country received a corruption prevalence percentage of 6.6 to rank the lowest in the region. 84.3 per cent of respondents perceive Rwanda to be 'slightly corrupt,' while only 12.3 per cent perceive the country as 'corrupt' or 'extremely corrupt'.⁴¹ Almost 90 per cent believed that corruption had decreased in the past year and approximately the same proportion project that corruption will decrease over the next year. Encouragingly, 97.1 per cent of the population believe that the government is committed to fighting corruption.⁴²

Other metrics, to some degree, reflect an improvement in fighting corruption in Rwanda. The

World Bank's Worldwide Governance Indicators (WGI) reveal that Rwanda has progressed significantly since 1998 and is one of the top countries for 'control of corruption' in East and Central Africa. The most recent index in 2008 gave Rwanda a 59.4 percentile score, an increase of 19.4% over the previous ten years (1998).⁴³ The Heritage Foundation's 2010 Index of Economic Freedom scored Rwanda at 30 per cent for 'Freedom from Corruption'. This represents a steady improvement year-on-year from 2007: Rwanda received 21 per cent in 2007, 25 per cent in 2008 and 28 per cent in 2009.⁴⁴

Rwanda appeared in the Global Integrity Report (GIR) for the first time in 2009, and it scored highly for 'Anti-Corruption and Rule of Law'. The overall score of 81 (out of 100) was due to scores of 100, 81, 70 and 73 for 'Anti-Corruption Legislation', 'Anti-Corruption Agency', 'Rule of Law', and 'Law Enforcement' respectively. Rwanda also scored highly for 'Oversight and Regulation': the 'National Ombudsman' and the 'Supreme Audit Institution' which yielded values of 82 and 87 respectively. 'Government Accountability', however, remains weak with a score of 56. 'Executive', 'Legislative' and 'Judicial Accountability' all score low with scores of 56, 46 and 56 respectively.⁴⁵ The 2009 and 2010 Mo Ibrahim Governance Indices also reflect recent improvements in Rwanda. In particular, the country has progressed from 46.6 per cent in 2006/7 to 57.1 per cent in the 2008/9 data sets. Rwanda scored considerably higher than the regional average according to the 2009 and 2010 indices: 51.9 and 57.1 per cent in comparison to 37.8 and 39 per cent.

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Due to the dearth of sources, however, the percentages given for the accountability of government and public officials and instances of corruption remained at the same levels throughout the 2000s (33.33 and 60 per cent respectively).⁴⁶

Rwanda is also the second most improved country in the time-span 2000-2007 (after Burundi) according to the Index of African Governance (IAG) 2009 conducted by researchers at the Kennedy School at Harvard University in collaboration with the World Peace Foundation.⁴⁷ In spite of this, in terms of 'Rule of Law, Transparency and Corruption', Rwanda received a score of 48.4 out of 100 in 2009 giving it a rank of 34 out of the 48 countries in Sub-Saharan Africa (SSA). This was its lowest rank in the five categories presented (safety and security in Rwanda, for example, yielded an overall ranking of fourth).⁴⁸ Rwanda is moreover the lowest ranked of the five countries in the East African Community (EAC) in this category.⁴⁹

In addition, the World Bank Enterprise Survey of 2006, the World Bank Ease of Doing Business report of September 2010 and the United States Department of State's 2010 Doing Business statement reflect that the country is considered better for business than many other Central and East African nations. The World Bank Enterprise Survey (from 2006 data) reveals that only 4.35 per cent of firms identify 'corruption as a major constraint to doing business' and 19.96 per cent 'expect[ed] to pay informal payment to public officials in order to get things done' (as opposed to the regional averages of 34.65 and 35.16 per cent respectively). The survey moreover shows that a relatively low 14.37 per cent of the firms surveyed identified corruption in efforts to gain a government contract (SSA average: 38.35 per cent). 67.1 per cent of firms also believed that the Rwandan court system was fair, impartial and uncorrupted in comparison to the SSA average of 43.3 per cent.⁵⁰ The United States State Department Doing Business 2010 report reaches similar conclusions to the World Bank survey. Among the reasons given for the improvement are banking reform and low levels of corruption.⁵¹ A number of United States businesses have also identified the relative lack of corruption as a key incentive to investing in Rwanda.⁵² Lastly, Rwanda has climbed a remarkable 85 places for its ease of doing

business in the International Finance Corporation's (IFC) 'Doing Business' ranking system (out of 183 economies): from 143rd in 2009 to 70th in 2010, to 58 in 2011.⁵³

However, other reports do not observe such progress. The 2009 Country Governance rating prepared by internal and external experts for the African Development Bank (AfDB) bucks the trend of improvement apparent in other reports. The AfDB gave Rwanda a rating of 3.5 (out of 6: 1 being 'highly unsatisfactory' and 6 'highly satisfactory') for Transparency, Accountability and Corruption in Public Life. This was above the African average of countries under review, although lower than the 2005 value of 4.0.⁵⁴

Summary

Many assessments seem to agree that Rwanda is making progress in bringing corruption under control. There is a perception of sustained improvement as evidenced by the CPI, the WGI and the Mo Ibrahim Governance Index. Furthermore, the Heritage Foundation's more recent Index of Economic Freedom and the IFC 'Doing Business' report reflect progress as well. The studies further demonstrate that Rwanda is generally performing better than the regional average. Such is the perception of progress that the 2009 Global Integrity Report (GIR) scored Rwanda highly for 'Anti-Corruption and Rule of Law'.

There is, however, evidence that improvement is far from uniform. For instance, the AfDB gave Rwanda a value of 3.5 in 2009 for 'Transparency, Accountability and Corruption in Public Life' in comparison to 4.0 in 2005. The Mo Ibrahim Governance Index shows some ambivalence over the long term (following data sets from 2000/1 to 2008/9: 53.5 in 2003/4; 54.2 in 2004/5; 49.0 in 2005/6; 46.6 in 2006/7; 52.5 in 2007/8; and 57.1 in 2008/9). There is also an ostensible incongruity between the 2009 IAG and the 2009 CPI. On the one hand, the CPI represents Rwanda as the least corrupt state in the EAC, while, on the other hand, the IAG ranks it last in 'Rule of law, transparency and corruption'.

The Rwandan government has disputed some of the figures presented by the IAG (amongst other authorities).⁵⁵ A conference held in Kigali on January

14 2009 engaged members of the Rwandan government and the authors of the IAG to discuss the findings and discrepancies.⁵⁶ In particular, Rwandan officials preferred the use of locally compiled data to overseas figures. The discussion centred on the category itself: 'Rule of law, transparency and corruption', versus separate 'rule of law' and 'transparency and corruption' categories. The single, monolithic category, it was argued, neglected the importance of corruption, and therefore was likely to overlook important data on corruption and anti-corruption practices. In sum, the IAG authors accepted the use of local sources in order to reflect more comprehensively, and measure more accurately, the reality on the ground. They also resolved to give corruption greater weighting and representation in light of 'the challenge that corruption poses to governance in Africa'.⁵⁷

LIBERIA

In Liberia, the CPI values also reflect a decline in corruption since the country's initial listing in 2007. Liberia was ranked 150th out of 179 countries with a score of 2.1 in 2007. The following year, it scored 2.4 to rank 138th, and in 2009 the index yielded a value of 3.1, ensuring that the country climbed to 97th place out of a total of 180 countries. In Sub-Saharan Africa (SSA), Liberia placed 13th out of 47 countries in 2009, up from 30th position in 2008. Finally, in 2010, the CPI placed Liberia 87th of 178 countries with a score of 3.3, which was good enough for 11th place in SSA (out of 47 countries).⁵⁸ While the value of using CPI scores over time may be disputed, it is apparent that perceptions of corruption in Liberia are decreasing.

This conclusion is corroborated by the World Bank's WGI, which trace Liberia's impressive progress in 'control of corruption'. In 2000, Liberia received a paltry 1.9 per cent, but by 2004 the figure lay at 11.7 per cent, and the results from 2008 offered a value of 33.3 per cent. However, it is important to note that, 33.3 per cent in 2008 reflected a decline from 44.4 per cent in 2007. This may be due to the increase in sources from 2007 to 2008 (six to 11).⁵⁹

The 2010 Heritage Index of Economic Freedom gave Liberia a value of 24 per cent in terms of 'Freedom from Corruption', up from 21 per cent in 2009.

Again, according to the assessment, corruption is nonetheless perceived as pervasive and systemic within and without government structures.⁶⁰

The enduring presence of corruption is borne out by other indicators. The 2009 Global Integrity Report (GIR) gave Liberia an overall score of 54 out of 100, which qualified it as 'very weak'. There are a number of areas of particular concern. 'Public access to Information' and 'Political Financing' are classified as 'very weak' with values of 17 and 54 respectively. 'Government Accountability, Executive, Legislative and Judicial Accountability' is rated as 'very weak', while budget processes are 'weak' with a score of 60. 'Civil Service Regulations' (26), 'Whistle-blowing Measures' (0) and 'Privatisation' (0) all register as 'very weak'. So too do aspects of 'Oversight and Regulation' including: 'National Ombudsman' (0), 'State-Owned Enterprises' (50) and 'Business Licensing and Regulation' (29). In terms of 'Anti-Corruption and Rule of Law', Liberia receives a grade of 'weak' for 'Anti-Corruption Agency' (63) and 'Rule of Law' (68), while 'Law Enforcement' is 'very weak' with 52.⁶¹ In all, the score of 54 represents an increase from the 2007 value of 50, yet a decrease from the 57 that the country received in 2006 (there was no report in 2008).⁶²

The World Bank's 2009 Enterprise Survey further reflects the pervasiveness of corruption in Liberia's business sector and almost all figures show that the country is well above the regional average. 55.22 per cent of firms 'expect[ed] to pay informal payment to public officials to get things done', compared to 35.16 per cent in other countries in the region. 51.59 per cent of Liberian firms 'expected to give gifts to secure a government contract' (RA: 38.33 per cent), while 49.63 and 54.42 per cent of firms expected 'to give gifts to get an operating licence' or 'to give gifts in meetings with tax officials' respectively (RA: 19.53, 18.32 per cent). In spite of these figures, the percentage of firms that identified corruption as a significant constraint to doing business was lower than the regional average: 31.19 per cent compared to 34.65 per cent.⁶³ This is perhaps testament to a popular mentality of acquiescence to systemic corruption in Liberia than anything else: executives treat corruption simply as part and parcel of doing business.

The United States Foreign Commercial Service's 2010 Guide to Doing Business in Liberia also paints a slightly pessimistic picture. It identifies a number of impediments to trade that likewise foster corruption, including non-tariff entry points and 'opaque' administrative procedures.⁶⁴ Liberia has nonetheless improved its trading climate according to the International Finance Corporation's (IFC) 'Doing Business' ranking. The country rests in 149th position (out of 183 economies), down from 159th in 2009 when it debuted on the list.⁶⁵ The 2009 IAG placed Liberia in 51st position (out of 53) with a percentile score of 26.9 in the 'Rule of Law, Transparency and Corruption' category. The low ranking is the result, according to the authors, of 'both the actions of governments in power, and legacies of the past'.⁶⁶ Even so, there has been progress in ratings since 2000. Liberia scored 19.3 in 2000, rising to 28.3 in 2005, before declining to 25.8 in 2006 and eventually rising once more to 26.9 in 2007.⁶⁷

These somewhat pessimistic results notwithstanding, Liberia is reportedly the most improved country in West Africa from 2005 to 2009 according to the Mo Ibrahim Index.⁶⁸ The 2010 Index, based on data from 2008/9, scored Liberia at 47.0 per cent for 'Accountability and Corruption', thus giving it position 20 out of 53 countries under review.

This score was better than the West African and continental average of 43 per cent. Under the headings of 'Accountability and Corruption' and 'Prosecution of Abuse of Office', Liberia outdid the regional averages with scores of 65.8 and 57.1 per cent respectively. Liberia also improved in several categories of the 2009 Index: 'Accountability of Public Officials' (from 0 to 33.3 per cent), 'Corruption in Government and Public Officials' (from 20 to 40 per cent), and 'Accountability, Transparency and Corruption in Rural Areas' (from 36.3 to 42.4 per cent).⁶⁹

The 2009 AfDB rating gave Liberia a score of 4.25 (out of 6) for 'Transparency, Accountability and Corruption in Public Life'. The country's 2009 score was higher than its previous rating, 1.5, which was evaluated in 2005 within the context of the Country Policy and Institutional Assessment.⁷⁰

Summary

Reports on Liberia reflect a measure of improvement in controlling corruption since 2005. The CPI, the WGI, the IAG, and the AfDB country governance rating, as well as the Mo Ibrahim Index, present a measure of Liberian progress in fighting corruption. The latter even maintained that Liberia was the most improved West African state based on data from 2005 to 2009. The Index of Economic Freedom also reflects progress over the last couple of years.

Yet, despite reported improvements, it remains early days for eradicating corruption in the wake of conflict in Liberia. A number of reports give values that dip on previous years, thus suggesting that either the sources are not entirely reliable or anti-corruption measures are not systematically and consistently applied. There was, for example, a decline from the previous year in the 2006 IAG and a decline in the WGI from 2007 to 2008. The 2009 GIR is particularly scathing across a range of categories and gives an overall score that still does not compare with the 2006 value. The business sector appears particularly susceptible to corruption. Lastly, according to the Mo Ibrahim Index and the World Bank Enterprise survey, Liberia's handling of corruption appears inconsistent insofar as it compares favourably to other West African states in some categories and unfavourably in others. Most accounts maintain that corruption remains pervasive.

SERBIA

Serbia scored 3.5 in both the 2010 and 2009 Transparency International Corruption Perception Indices. This ranked Serbia 78th of 178 countries in 2010 and 83rd of 180 countries in 2009. In 2007 and 2008, Serbia received a value of 3.4. While the CPI methodology is often not amenable to over time comparisons, there seems to have been some improvement: scores from 2003 to 2006 yield 2.3, 2.7, 2.8 and 3.0.

The World Bank's Worldwide Governance Indicators suggest a significant improvement in Serbia's 'Control of Corruption' from 2000 to 2008. In 2000, Serbia received a score of 8.7 per cent, increasing year-on-year to 42.2 per cent in 2004 and 53.1 per cent in 2008.⁷¹ The Heritage Foundation's Index of Economic

Freedom gave Serbia 34 per cent in terms of 'Freedom from Corruption' in both the 2009 and 2010 evaluations.⁷²

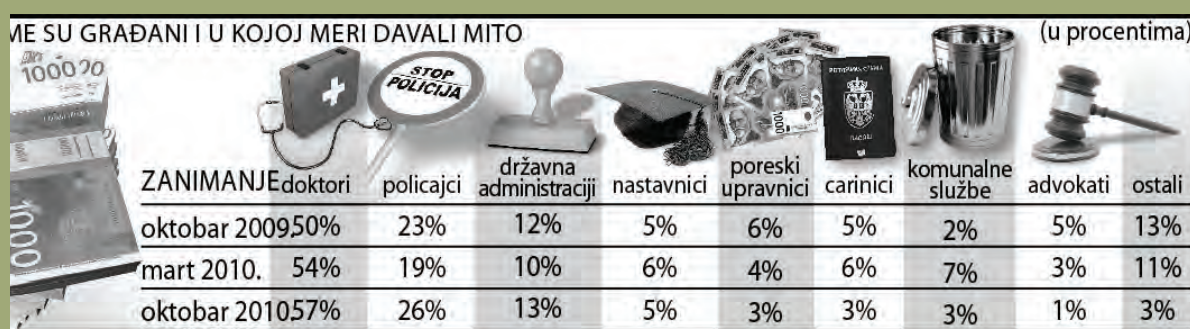
The 2009 Global Integrity Report on Serbia reports low scores on a number of indicators, namely 'Political Financing' (39), 'Government Accountability' (49) and 'Judicial Accountability' (32). There are also reportedly weak measures in place for the protection of whistle-blowers (33) and the regulation of privatisation (24). There are also inadequacies in oversight and other areas of regulation, including 'Auditing' (44). As far as anti-corruption and rule of law is concerned, whilst legislation is in place, 'Anti-Corruption Agency', 'Rule of Law' and 'Law Enforcement' offer scores of 64, 65 and 48 respectively. The overall score totalled 69 in 2009 compared to 72 in the 2008 report. 'Rule of Law' in particular fell from 85 in 2008 to 65 in 2009.⁷³

The UN also has conducted three recent corruption-benchmarking surveys in Serbia to gauge popular perceptions. Polls in October 2009, March 2010 and October 2010 reflect that corruption ranks amongst the top five problems in Serbia. Corruption was cited by 11, eight and seven per cent of respondents as the most important social, economic or political problem in Serbia during the survey period.⁷⁴ 87, 89 and 83 per cent of respondents believed that corruption is a common practice in Serbia.⁷⁵ Amongst those who have direct experience with corruption (15, 16 and 13 per cent of all respondents), 50, 54 and 57 per cent paid bribes to a doctor and 23, 19 and 26 per cent to a policeman (see Figure 2).⁷⁶

A further 38, 33 and 34 per cent had indirect experience with family and/or close friends who had paid a bribe (in any form) in the past three months. The amount of the bribe increased from 164 EUR in October 2009, to 169 EUR in March 2010, to 255 EUR in October 2010.⁷⁷ The majority of respondents also believed that municipal officials are corrupt, and that big businesses benefit from corruption. Fewer respondents (10 per cent) in October 2010, however, believed that the level of corruption had 'increased a lot' as opposed to the figures of 25 and 19 per cent in March 2010 and October 2009. In fact, 47 per cent believed that the level of corruption remained about the same (38 and 40 per cent in March 2010 and October 2009).⁷⁸

The World Bank Enterprise Survey for Serbia in 2009 reflects that corruption remains a problem in the Serbian business sector. 35.62 per cent of all firms identified 'corruption as a major constraint to doing business'. 17.98 per cent of firms also 'expect[ed] to make informal payments to public officials to get things done', while 15.93 per cent 'expect[ed] to give gifts to secure a government project'. A relatively low percentage of firms (3.62) also 'expect[ed] to give gifts in meetings with tax officials'.⁷⁹ In addition, the results of the World Economic Service's Global Competitiveness Report 2009-2010 and 2010-2011 listed corruption as the most problematic factor regarding doing business in Serbia, with 14.3 and 16.0 per cent of respondents respectively. Serbia received the same overall score (3.8 out of 7) in both reports, placing the country 96th of 139 countries surveyed in the 2010-2011 report.⁸⁰

FIGURE 2: INSTANCES OF BRIBERY SORTED BY PROFESSION (SERBIA)



Source: <http://www.blic.rs/Vesti/Drustvo/220594/Lekari-i-policajci-su-najkorumpiraniji>

In addition, according to the World Bank's 2008 Business Environment and Enterprise Performance Survey (BEEPS), presented in January 2010, corruption was the number one problem for Serbian businesses in 2008 (identified by 55 per cent of respondents), up from fourth position in 2005.⁸¹ There was, nevertheless, a marginal increase in the percentage of firms indicating that corruption was not a problem: from 27 per cent in 2005 to 31 per cent in 2008. Half as many firms in 2008 as in 2005 stated that unofficial payments were 'frequent' (16 per cent, 32 per cent). A downward trend is furthermore reflected in unofficial payments related to taxes, customs and the courts, although there was a slight increase in the percentage (1.7 per cent from 1.5 per cent) of the contract value paid to win a government contract.⁸²

Summary

As with Rwanda and Liberia, the CPI and WGI suggest that Serbia is making progress in control of corruption since 2000 and 2003 respectively. Transparency International's Global Corruption Barometer (GCB) recorded a decline in the use of bribery from 20 per cent to 16 per cent between 2006 and 2010.⁸³ This notwithstanding, a number of evaluations of Serbia's progress in countering corruption reflect a degree of stagnation over the last few years. While the CPI gives scores of 3.4, 3.4, 3.5 and 3.5 for 2007-2010, this incremental improvement in scores does not reveal much about change in the country. There is considerable margin for variation and any differences may well be attributable to methodological factors regarding the collection of information, the number of surveys and variations amongst the respondents themselves. This is especially the case as the CPI registers largely elite perceptions: those of experts, officials and business people. Serbia also only slightly improved from 2009 to 2010 according to the IFC and World Bank Doing Business report, while it retained the same value for 'Freedom from Corruption' in the 2009 and 2010 Indices of Economic Freedom.

On the other hand, according to the GIR, Serbia's percentage decline in 'Rule of Law' was dramatic, dropping 20 points from 2008 to 2009. The Nations in Transit reports prepared for Freedom House gave Serbia scores of 5.0, 5.0, 5.0, 4.75, 4.5, 4.5, 4.5

and 4.5 for the years 2003 to 2010. This decline is reportedly attributable to a number of methodological and political factors, including a lack of resources and authoritative information as well as the primacy of special interests.⁸⁴ The UN's surveys in October 2009, March 2010 and October 2010 certainly reflect ongoing pessimism about the prevalence of corruption, while the World Bank Enterprise Survey and the BEEPS survey reveal that corruption remains a significant problem in the business sector.⁸⁵

3. Counter-corruption measures and reforms

Rwanda, Liberia and Serbia have introduced various internal measures to limit the spread and occurrence of corruption. Specifically, authorities have established state institutions and passed legislation, introduced training programs and codes of conduct, and developed rationalisation and decentralisation processes. International aid has also contributed to building capacity.

LEGISLATION AND GOVERNMENT INSTITUTIONS

The Rwandan government has inaugurated a number of institutions to fight corruption.⁸⁶ Firstly, the National Tender Board (NTB) and the anti-corruption unit in the Rwanda Revenue Authority (RRA)—both created in 1997—are foremost in fostering transparency in public procurement and tendering protocols.⁸⁷ The Office of the Auditor General (OAG) was established in 1999 to analyse government adherence to fiscal protocols. Article 184 of the constitution requires a report from the OAG on the annual state budget.⁸⁸ Over the last few years, OAG has reported a number of government bodies to the National Assembly for failing to account adequately for their finances. For instance, in 2004, OAG discovered tender and procurement irregularities that amounted to an unaccounted USD 7 million amongst various government offices and projects.⁸⁹ The 2006 report, released in March 2008, reported that more than three billion francs remained missing following investigations into public procurement processes. A number of criminal investigations have resulted from these findings.⁹⁰

The Office of the Ombudsman has a mandate to address instances of corruption in public life.⁹¹ Established in 2004, it is the flag-bearer for Rwanda's anti-corruption movement and acts as a governmental watchdog in monitoring transparency and regulatory compliance.⁹² The office collaborates with the

Rwandan parliament in combating corruption and also encompasses several units dedicated to fighting local-level corruption. The most high-profile investigations resulting from its activity concern the government and judiciary. For example, the 2008 Annual Report of the Ombudsman office mentioned several dozen investigations into corruption in the judiciary. The cases were passed on to the National Public Prosecution Authority (NPPA).⁹³ Further inquiries by the Judicial Council resulted in the dismissal of several judges and court officials for corruption.⁹⁴ In October 2009, the Office of the Ombudsman received the authority to prosecute corruption cases independent of the NPPA. This marked a significant step: a member of the Rwandan Supreme Court observed in 2005 that case referrals to the courts had historically encountered certain hindrances, including considerable delays and complaints about obstruction amongst judicial officers.⁹⁵ That the Office can now present its own cases before the courts gives it greater immediacy to the process and allows it to close cases.

Rwandan, Liberian and Serbian authorities have established state institutions and passed legislation, introduced training programs and codes of conduct, and developed rationalisation and decentralisation processes. International aid has also contributed to building capacity.

Other organisations also have mandates in specialist areas. The NPPA and the Office of the Inspectorate (OI) work in conjunction to investigate allegations of police misconduct. The National Police, following OI investigations, fired 74 officers in 2009 for corruption, abuse of power or other misconduct.⁹⁶ The Rwandan National Police has also recently reported the conviction of 94 police officers by a disciplinary hearing for corruption-related offences.⁹⁷

Several further significant cases were referred throughout the year to the NPPA for criminal prosecution. 2009 also saw the police and the NPPA take the unprecedented step of using the OAG annual report to investigate state-owned enterprises. Further, the Superior Council of the Judiciary is responsible for investigating misconduct in the court system.

It is specifically tasked with examining allegations of corruption, and is an important step in the institutionalisation of anti-corruption measures in the justice sector.⁹⁸ As noted above, it collaborates with the Office of the Ombudsman in investigating instances of corruption.

Finally, in January 2009, the Rwandan government announced the formation of an anti-corruption council to coordinate policy. Corruption thus became a pan-ministerial priority. The council comprises of representatives from the Ombudsman's office, the NPPA, the National Police and several government ministries. It largely facilitates information flows between authorities. Of measures adopted throughout the initial year, the establishment of a hotline for reporting experiences of corruption has provided a much-needed whistle-blowing measure for ordinary Rwandans.⁹⁹

Liberia has pursued a rather different course. Stemming from international fears over inadequate economic governance and management, the government adopted the Governance and Economic Assistance Program (GEMAP).¹⁰⁰ GEMAP was in force from September 2005 to October 2009 as an initiative of the National Transitional Government of Liberia and its international collaborators—the United Nations, World Bank, European Commission/European Union, International Monetary Fund, Ghana, Nigeria, United States of America, Economic Community of West African States and the African Union.¹⁰¹ The GEMAP was intended to be the decisive instrument to stabilise the country through promoting accountability and responsibility, and vouchsafing transparency in procurement, revenue collection and disbursement. One specific aim was to counter corruption and end the pervasive patronage system.¹⁰² The copious anti-corruption measures introduced by GEMAP also included the establishment of specifically designed institutions such as the Anti-Corruption Commission

as part of the anti-corruption strategy finalised in December 2006.¹⁰³ The strategy was (and is) the culmination of a consultative process spanning a number of ministries, public agencies, private sector businesses and civil society organisations. In general, it aims at a 'National Integrity System' encompassing institutions in both the public and private sectors including the executive, legislature, judiciary, law enforcement, civil society, business and media.¹⁰⁴

The government eventually passed the Anti-Corruption Commission Act in August 2008 that led to the establishment of the Liberia Anti-Corruption Commission (LACC). The legislature appointed and confirmed five commissioners for the LACC in September 2008. The LACC oversees and implements anti-corruption measures, and has investigative and prosecutorial powers, including the right to have suspected persons arrested and their assets frozen or confiscated (in collaboration with the Ministry of Justice). It also has a mandate to educate the public about the detrimental effects of corruption.¹⁰⁵ Thus far the LACC has identified suspects and made recommendations for prosecution to the Justice Ministry.¹⁰⁶ It has had some success: in July 2010, according to the LACC, a 'winning' company tender to supply the Liberian National Police (LNP) with uniforms and accessories to the value of



Ellen Johnson-Sirleaf's government passed the Anti-Corruption Commission Act in August 2008 that led to the establishment of the Liberia Anti-Corruption Commission (LACC). The LACC oversees and implements anti-corruption measures, and has investigative and prosecutorial powers. Photo credit: Nelson Mandela Centre of Memory/Juda Ngwenya

USD 199,800 was found to have irregularities. The uniforms were never delivered, and amongst those recommended for prosecution were the former Inspector General of Police, the Former Deputy Commissioner for Administration in the LNP, and the proprietor of the company that had 'won' the bid. Two auditors in the Ministry of Finance were also implicated for allegedly abetting the accused by fraudulently signing misleading official records.¹⁰⁷ The GEMAP also provided for the General Auditing Commission (GAC). The GAC is an independent body designed to counter fraud and embezzlement in public financial management through regulation and control of financial systems. Statutory audits began in November 2007 and the first annual report since the foundation of GEMAP appeared in January 2008.¹⁰⁸ Early 2006 also saw the establishment of the Public Procurement and Concessions Commission (PPCC), which regulates the procurement and concessions process with reference to the Public Procurement and Concessions Act. The PPCC has carried out, through the auspices of the Contracts and Concessions Review Committee, an independent review of all contracts and concessions issued by the NTGL. There has been some result in that all former forestry concessions have been nullified and new tenders requested.¹⁰⁹ GEMAP has further reviewed some 96 contracts, cancelling several.¹¹⁰ Nevertheless, the 2008-11 Joint Assistance Strategy of the ADB/WB reports continuing irregularities in the procurement process although there have been 'considerable improvements' in general through GEMAP.¹¹¹

In Serbia, the Anti-Corruption Council (ACC) was formed in 2001. The ACC possesses an advisory role, supporting the government in anti-corruption matters.¹¹² From August 2003 to December 2005, for instance, over 1,000 public petitions reached the ACC, mostly pertaining to concerns over privatisation measures, the judiciary and unlicensed construction.¹¹³ However, since the Council enjoys an advisory role with no further reaching competencies or remits, the ACC's effectiveness has been disappointingly minimal.¹¹⁴ In December 2005, a working group consisting of people from various sectors and institutions drafted an initial National Strategy to Fight Corruption, and this was followed up with an action plan for implementing anti-corruption measures in

2007, including legislation such as the Civil Law Convention on Corruption and the Additional Protocol to the Criminal Law Convention on Corruption. The National Strategy aims, in general, at achieving three main goals: the enforcement of anti-corruption legislation, the prevention of corruption, and increasing public awareness by way of promoting popular involvement and interest in countering corruption.¹¹⁵ In October 2008, the Serbian Parliament passed further legislation, including the 'Law on the Seizure of Assets Acquired through Criminal Enterprise', and the 'Law on Legal Entities' Liability for Criminal Acts', while it further ratified a number of amendments to the 'Law on Political Parties' Sources of Funding'.¹¹⁶ More recently the Serbian Parliament adopted a new law on political party financing. This allows the public to scrutinise how each party is funded and imposes heavy penalties on those who engage in corrupt practices. Through improving transparency, the law aspires to discourage corrupt practices. The Serbian Parliament also ratified the Anti-Corruption Agency Act, which provided for the establishment of the Anti-Corruption Agency (ACA).¹¹⁷

The ACA replaced the former Committee for the Prevention of Conflict of Interest, which had reviewed 35,000 cases in five years of operation. In April 2009, parliament appointed the executive committee, and the ACA received preliminary technical and administrative assistance as well as a budgetary stake and offices. However, the ACA only started basic operations in January 2010. The Agency is an independent body with 60 members of staff and a mandate to oversee the implementation of the National Strategy. A particular focus is investigating conflicts of interest, the financial data of officials and political party finances.¹¹⁸ In compliance with Article 82 of the Act of the Anti-Corruption Agency, therefore, one of the ACA's first steps was to receive the affidavits of all public officials stating assets and revenues by 31 January. In total, 14,643 public officers filed forms with several thousand more expected as of 9 February.¹¹⁹ Eventually 16,000 of the 18,000 officials expected to submit declarations did so.¹²⁰

The information concerning approximately 700 public servants was published on the agency's website in June.

The ACA also established a deadline, April 2011, by which officials possessing more than one post must declare their preference and leave the other position. An amendment in July 2010 added a single exception amidst considerable unease: officials may keep multiple posts without the consent of the ACA if citizens directly elect them to the roles.¹²¹ However, the Constitutional Court, at the request of the ACA, has ruled that the provision allowing officials to occupy two or more posts is un-constitutional and has set an August deadline for its decision to be implemented. The ACA alleged that the amendment infringed the Republic's constitution and the UNCAC: it impinged upon the rule of law, adequate separation of powers, non-discrimination and conflict of interest.¹²²

The ACA also possesses other functions. It monitors, for instance, gifts offered to public officials; all gifts must be reported and only those worth no more than five per cent of the average net monthly wage may be retained.¹²³ The ACA is tasked, moreover, with enforcing the Law on the Financing of Political Parties of 1 October 2009. In a statement, the Agency director, Zorana Markovic, stated that political parties contesting local elections in early 2010 have begun to comply with the legislative regulations, while there had been 'significant' progress in revenue reporting and election expenditures in the latter months of 2009.¹²⁴ Competing parties received a grace period (10 days) to submit expense reports along with financial statements after the elections, which were then checked and verified by the ACA.¹²⁵ Irregularities in the election process in Odzaci Negotin led to ACA recommending prosecution in the Magistrates' Court.¹²⁶ It is indeed early days to assess the success of the ACA's activities in its first year of operation, though the Constitutional Court's ruling endowing the ACA with investigative powers to uncover and prosecute abuses certainly bodes well. In any case, the EC 2010 Progress Report noted that the ACA remains under-staffed, lacks a permanent office and remains unproven in fulfilling its mandate. In this, it relies on the cooperation of other government organs including law enforcement agencies.¹²⁷ Much will hinge upon precisely how much influence it can acquire in countering significant vested interests in the Serbian polity (see further below).

Encouragingly, there seems to have been some successes as the European Commission's 2009 progress report and the GRECO 2008 Compliance Report have both lauded Serbia's progress in promoting transparency in procurement.¹²⁸ The government passed a further legislation on public procurement in December 2008 and July 2009. These reforms established, for example, the institutional independence of the Public Procurement Office (PPO)¹²⁹ along with another procurement supervisory body, the Commission for the Protection of Rights. Despite varying levels of independence across such organisations, this is certainly a praiseworthy initiative.¹³⁰ Much work remains, however: the director of the PPO mentioned in December 2009 that approximately USD 137.9 million is unaccounted for as a result of allegedly inadequate procurement protocols.¹³¹ Of particular concern is the lack of independent supervision in public procurement, expenditure and privatisation processes.¹³²

The Law on the State Audit Institution of November 2005 provided for the establishment of the State Audit Institution (SAI). The SAI, though, was still not founded six months after legislation and, as of late 2008, only two posts had been filled.¹³³ The SAI was not fully operational until November 2009 when it published its first report, on the 2008 State Budget.¹³⁴ In this, it identified inter alia the undocumented disappearance of government funds in several ministries.¹³⁵ In any case, the SAI budget report only audited a small proportion of expenditure.¹³⁶ Adequate resourcing remains crucial for Serbia's success in future reform.¹³⁷ There is also an internal audit authority within the Ministry of Finance, though this is uncommon in most Serbian ministries.¹³⁸

As for the law enforcement sector, prosecutorial units at district and national levels have been established to monitor and prosecute instances of corruption. A deputy prosecutor acts as coordinator. The police too have specialised task forces with a mandate to investigate illegal conduct, including corruption.¹³⁹ Over three years up to 30 June 2006, 157 people were charged for a total of 207 criminal acts.¹⁴⁰ Lastly, parliament also established the Office of the Ombudsman in June 2007. The Office had received over 2,000 complaints by June 2009, mostly containing remonstrations against

public administrators and their abuses of social and economic prerogatives. Nevertheless, in the words of the 2010 BTI report, citizens may not ‘challenge normative acts of the administration before the courts’.¹⁴¹ Those occupying public office maintain, therefore, significant freedom of activity. In all, the GRECO compliance report of June 2010 observed that Serbia had implemented or satisfied 20 of 25 recommendations made on 9 October 2006. This amounts to ‘important progress’, particularly in terms of the legislation ratified to counter instances of corruption.¹⁴²

TRAINING PROGRAMS, CODES OF CONDUCT AND RATIONALISATION

Apart from the introduction and establishment of legislation and institutions, there have also been attempts to effect a change in culture through education and the formalisation of ethics codes. Extensive education and training programs in the Rwandan NTB have been conducted to encourage institutional integrity and ensure staff adherence to codes of conduct. Abuses incur punitive measures. The Bureau of Standards, the Rwanda Utilities Regulatory Agency, the Public Procurement Agency and the Privatisation Secretariat have all established clear codes of conduct and protocols.¹⁴³ The Private Sector Federation recently produced a code of business ethics.¹⁴⁴ In the Ombudsman’s Office, the UNDP has provided training to employees and helped in the development of a database to collect and record data on corruption matters. Other members of staff have received scholarships to study or grants to travel abroad.¹⁴⁵ In fact, all public sector employees, according to the 2006 African Peer Review Mechanism (APRM) report on Rwanda, have been exposed to a campaign to promote accountability as per the constitution. For instance, the constitution requires that the President of the Republic, the President of the Senate, the Speaker of the Chamber of Deputies, the President of the Supreme Court, the Prime Minister and all members of Cabinet to declare their assets to the Ombudsman upon assuming and leaving office.¹⁴⁶

The adoption and development of an ethical code in the judiciary is indicative of Rwanda’s push for integrity

in civic office. Low public confidence and significant corruption within the judicial system—implicating even judges—necessitated reforms in early to mid-2000s. The intent of the government is to discourage and punish both donors and recipients of payola.¹⁴⁷ A vetting procedure was introduced whereby all employees and court officials had to reapply for their jobs based on merit. Under the new system a judge, for instance, ought to possess the minimum qualification of a Bachelor of Laws degree, in addition to proven integrity of character – as manifested by a flawless history of past conduct.

All justices, furthermore, are required to follow a code of ethics, obliging them to ‘refrain from acts of corruption and other related offences and fight against it in an exemplary manner’.¹⁴⁸ Also pertinent to the issue of corruption is Article 18—prohibiting engagement in any other public or private service, thus obviating possible conflicts of interest and/or private business agendas that may undermine the rule of law.¹⁴⁹

Liberia has instituted a similar practice to address the issue of an ill-trained judiciary. Given that the implementation of the law is weak due to a culture of corruption and impunity, training

and information programs remain central. The Judicial Training Institute was established in June 2008, and it provides an educational program for judges and all manner of judicial officials (although financial problems have restricted operations).¹⁵⁰ In addition to this, the overall anti-corruption strategy has introduced a code of conduct and ethics for all public officials.¹⁵¹ According to one journalist, though, the code languishes before the legislature and has little hope of ratification.¹⁵²

USAID and the UNDP have also sponsored the Senior Executive Service (SES), which is tasked with the education of new cadres for the civil service. Part of this work promotes adherence to a code of conduct and teaches requisite management skills.

The adoption and development of an ethical code in the judiciary is indicative of Rwanda’s push for integrity in civic office. Liberia has instituted a similar practice to address the issue of an ill-trained judiciary.

Furthermore, the adoption of a Staff Monitoring Program (SMP) with the IMF in February 2006, and again in 2007, has reportedly had some success in abetting good governance and financial controls as well as implementing anti-corruption strategies in government agencies.¹⁵³

In Serbia, a Judicial Training Centre provides education programs for prosecutors and police officers. Many handbooks have also been distributed to law enforcement offices. The 2009 European Commission Progress Report on Serbia noted positive signs in its reception. There has reportedly been a greater commitment to fighting corruption, as evidenced by several high-profile cases and arrests (see further below).¹⁵⁴ Otherwise, financial authorities and reporting institutions, including banks and auditing companies, have undergone training programs for raising awareness, while civil servants are required to attend modules on transparency and governance.¹⁵⁵ The government also introduced a code of conduct for civil servants in March 2008, though its uptake has been less than satisfactory.¹⁵⁶ The Union of Serbia also intends to hold lectures in police departments on the harmfulness of corruption.¹⁵⁷ Since 2007, the UNDP-sponsored Global Compact initiative has also sought to raise awareness through educational events, thus promoting co-operation and stimulating capacity increases. Despite all this, the 2010 GRECO compliance report noted that more should still be done to train and educate professionals in good governance. It further requested details on existing and past training programs.¹⁵⁸

Recently, a whistle-blowing website and the Independent Police Trade Union of Serbia (NPSS) took initial steps to stop corruption in the police. The NPSS has reportedly seen some progress in the past year: results achieved in the last nine months show that criminal charges for abuse of office, falsification of official documents and negligent operation of the service are in decline. This was due to, according to the head of the Trade Union, a zero tolerance policy.

Finally, Rwanda, Liberia and Serbia have all introduced rationalisation measures that have strengthened the government against corruption. In Rwanda, the RRA has developed a computerised system to account for revenues systematically, where previously records

were haphazard and more prone to manipulation.¹⁵⁹ In Liberia, a similar process has resulted in over 7000 'ghost' employees being removed from the payroll. A number of government officials have lost their jobs as a result, and some have had to appear in court to answer on corruption charges.¹⁶⁰ The LACC has also requested the removal of 201 'ghost' soldiers. The fraud is suspected to have arisen in the Ministry of Finance.¹⁶¹ In December 2009, automation of Serbia's Judiciary Administrative Division resulted in a quicker and more efficient system aimed at reducing corruption by arbitrarily allocating case numbers and randomly assigning judges to preside over hearings.¹⁶² The Serbian Government also decreed the compulsory use of fiscal cash registers and issue of receipts for lawyers, farmers and taxi drivers from 1 March 2010. The intent is to reduce tax evasion and service two aims: to increase tax revenues in a difficult financial climate, and to fight corruption.¹⁶³

DECENTRALISATION POLICIES AND INTERNATIONAL AID

The Rwandan and Liberian administrations have increasingly come to the realisation that the concentration of power in the hands of the executives in Kigali and Monrovia has fostered governance problems and promoted corruption.¹⁶⁴ In Rwanda, an ongoing process of decentralisation has contributed to better and more transparent management of public resources. Critical to the fight against corruption is the devolution of certain powers and resources to local governments, thus creating greater accountability and enfranchising a larger number of Rwandans. Public Sector Reform and the National Decentralisation Policy were enacted together in 2000. As of 2007, the second phase of decentralisation was well underway. According to the UNDP, the purpose is to foster efficient and effective local government—staffed by professionals—that is directly responsible to the populace for delivering services and stimulating economic development.¹⁶⁵ USAID also provides funding for the decentralisation process. Amongst other aims, this support is earmarked to help foster a viable and efficient civil society. USAID's 2005 and 2006 programs sought to encourage mechanisms for countering corruption by promoting local oversight and discouraging the mismanagement of resources.

USAID seeks to develop an environment within which all funds are accounted for in a transparent manner.¹⁶⁶

The Liberian government has also stated its intention to adopt a decentralisation policy that will inter alia help counter corruption and foster collaboration with civil society organisations by way of collaborative projects.¹⁶⁷ Initial efforts in this direction have been made with the establishment of County Support Teams to aid local superintendents and County Development Funds to push through local development initiatives.¹⁶⁸ These intend to unite the authorities and the people at large through active collaboration in civil society, while further promoting accountability and transparency amongst government officers.¹⁶⁹ It ought to be kept in mind that, within the Liberian system, greater power has devolved to the legislature, which is not controlled by the executive and which possesses the power of ratification or annulment.

Finally, aid disbursed by the UNDP and USAID has been, and continues to be, critical to capacity building and accumulating the resources necessary for countering corruption. According to its Annual Report in 2008, UNDP played a 'catalytic role' and provided 'pivotal support' in helping Rwanda on the path to good governance. In fact, a Joint Governance Assessment endorsed by the Government of Rwanda laid the foundations for a more focused and coherent pursuance of adequate democratic processes. Further, a Programme for Strengthening Good Governance, supported by the UNDP and the Department for International Development (DFID), aims at 'strengthening the accountability and responsiveness of key institutions to deliver on the EDPRS [Economic Development and Poverty Reduction Strategy] priorities'. Institutions in its purview include the Parliament, the National Human Rights Commission, the Media High Council, the National Unity and Reconciliation Commission, and the Office of the Ombudsman. The UNDP has also propagated the anti-corruption message through various mediums including newsletters, conferences and competitions on good governance. It has also lent assistance in the training of police officials, teaching a module on anti-corruption strategies. Other programs under the aegis of the UNDP with some anti-corruption purview include local community

developments in collaboration with the Joint Action Forum.¹⁷⁰

The UNDP and USAID are also prominent in Liberia, not least in funding GEMAP. USAID has invested considerable sums in promoting accountability and transparency programs within the public sector.¹⁷¹ Part of the USD 148.7m pledged to Liberia for the 2010 Fiscal Year will be directed at:

...changing the culture of impunity, systematic corruption and poor governance... USAID will also intensify investments in anti-corruption reforms by promoting key anti-corruption legislation, strengthening institutions such as the anti-corruption commission, strengthening linkages between anti-corruption institutions and implementing anti-corruption measures in public institutions.¹⁷²

Regarding established initiatives, USAID drove the creation of the Electoral and Political Processes Strengthening Program (EPPSP) from November 2004, which was renewed for another two years in 2006 with the addition of a further objective to 'conduct anti-corruption research and coalition building'.¹⁷³ This was, nevertheless, discarded after a year due to its alleged potential to destabilise the government.

UNDP in Serbia established an anti-corruption task force in mid-2006 with the aim of developing a holistic institutional framework for combating corruption. The project is designed to support the Serbian government in fighting corruption and implementing the anti-corruption strategy. As noted above, UNDP, in conjunction with TNS Medium Gallup, carried out three Corruption Benchmarking Surveys to monitor perceptions and experiences of corruption through the collection of data regarding public attitudes in October 2009, March 2010 and October 2010.¹⁷⁴ Serbia has also received considerable financial support from the EU. According to the terms of an agreement reached in November 2007, Serbia would receive 1bn EUR in pre-accession funds during the period 2007 to 2011. In 2008, for example, the country received 190m EUR, which was channelled into various projects including those aimed at tackling corruption.¹⁷⁵

4. Beyond the metrics: reduced corruption?

Rwanda, Liberia and Serbia have certainly made some steps toward eradicating corruption through legislation, government institutions, training programs, rationalisation measures and decentralisation policies. Funds from international organisations have also contributed to the project. Yet, despite such mechanisms, corruption remains an intransigent issue in the three states. It endures within the central administration, the business sector and law enforcement.

RWANDA

It is difficult to get a firm grasp on the realities of corruption in Rwanda. The Graft Index of Firm Transactions (GIFT) ought to provide something resembling a balancing mechanism to perceptions of corruption. In the words of the authors, the 2007 index represents 'the proportion of instances in which firms were either expected or requested to pay a gift or informal payment over the number of total solicitations for public services, licenses or permits for that country'. Not only so, the index reflects direct individual experiences with corruption and not, for instance, hearsay or perceptions.¹⁷⁶ The measure has not, however, proved successful in evaluating Rwanda's situation. Clouding matters in the 2007 index was the very low number of transactions in general, which in turn yielded few instances of corruption. With the figure of 0.031, therefore, only eight countries appear to have had clearly lower or higher levels of corruption than Rwanda.¹⁷⁷ The EABI 2010 also throws up question marks. Respondents reported only 78 experiences of bribery from 4,350 interactions with service delivery institutions. With this limited number, the aggregate index for Rwanda could not be formulated. The low reporting of instances of corruption and bribery may reflect the lack of whistle-blowing initiatives and even bear out allegations of human right abuses in Rwanda (see further below).¹⁷⁸

After all, Rupert Simons has written that 'corruption may appear more salient in countries with free press than when public discussion of it is muzzled'.¹⁷⁹

The Rwandan authorities have even contested the results of past surveys that perhaps did not meet expectations. In 2006, the Ombudsman's office argued that the TI CPI for that year did not adequately show the Rwandan government's commitment to counter all instances of corruption.¹⁸⁰ The administration also has denied accusations levelled by past United Nations reports – particularly concerning corruption allegations against Rwandan officials during actions in the Democratic Republic of the Congo in 2003.¹⁸¹

All this notwithstanding, almost all metrics agree that corruption is declining in Rwanda. The Government too has continued to favor a self-representation characterised by a hard-line anti-corruption policy. At the beginning of Anti-Corruption Week in December 2010, the Ombudsman spoke of Rwanda's progress, and his belief that a corruption-free society is entirely possible.¹⁸²

However, corruption in government has proved particularly pertinacious. For instance, the Rwandan President, Pasteur Bizimungu, resigned in 2000 for 'personal reasons', although accusations alleged numerous corrupt practices including obstructing parliamentary probes into corruption and tax fraud.¹⁸³ In 2005 and 2006, President Kagame dismissed a number of officials for alleged misappropriation of funds, including the Minister of Agriculture and the ambassadors to France, Ethiopia, and the African Union.¹⁸⁴ Regardless, the prosecution process resulted in a consolidation of government authority and especially that of Kagame, who has seen his position strengthened further.

More recently, according to figures provided by the US State Bureau of Democracy, Human Rights and Labor, Rwandan authorities prosecuted 404 cases of corruption and embezzlement in 2009, with 169 further cases pending. The majority concerned the misuse of public funds and several senior officials were implicated. In particular, Vincent Gatwabuyege, former sitting secretary in the Ministry of Infrastructure, received three years imprisonment for embezzlement; Theoneste Mutsindashyaka, former state minister for primary and secondary education, was sentenced to a year's imprisonment for tendering irregularities; and former parliamentarian Bikoro Munyanganizi received two years imprisonment for corruption.¹⁸⁵ In another instance, the United States Securities and Exchange Commission filed charges against two former executives of the global telecommunications company, ITXC Corp, in 2007 for the misuse of funds and infractions of the American Foreign Corrupt Practices Act. Senior employees in the Rwandan state-owned telecommunications company received illegal payments from ITXC in a tendering process.¹⁸⁶ Recent accusations of corruption have also been levelled against the State Owned Enterprise (SOE) Rwanda Electricity Corp (RECO). The RECO Director has vehemently denied the allegations.¹⁸⁷ At a lower level, there are reports of continuing petty corruption in the customs clearing process, in money transfers, dispute settlements, regulatory systems, taxation, and investment performance requirements. This occurs in spite the Office of the Ombudsman persistently calling for audits at lower administrative levels.¹⁸⁸ Further, Control Risks' PRIME and Travel Security Online report, registers concern at that the infiltration of senior RPF officials into the business world has rendered it increasingly 'opaque'.¹⁸⁹

Corruption in the judiciary also remains a particular problem as question marks hang over the independence of the judicial process. Yet, it is essential that Rwandan judicial reforms be seen within the context of a long history of the centralisation of political power in the executive during both the colonial and the post-colonial eras. For example, from 1964 to 1994, the Head of State was also the President of the Superior Council of Judiciary, which appointed the President of the Supreme Court. The judiciary has been tainted with corruption and viewed

with extreme suspicion by citizens. The system required a complete overhaul, which the government began to undertake during the post-war transition period.¹⁹⁰ Writing in 2001, Peter Uvin questioned the competence of individual justices and cited a number of corruption cases caused by low emolument, which often compels the best-trained individuals to find work in the private sector where remuneration is considerably higher.¹⁹¹ The Country Review Mission (CRM) findings of 2006 noted that often low salaries in middle and lower levels of government are to blame for corruption.¹⁹² As elsewhere, the judiciary is also highly politicised and the BTI 2010 notes that it is virtually 'impossible to distinguish between legitimate and politically motivated allegations'.¹⁹³ Hitherto, the 2008 BTI observed that the judiciary was under-resourced, overworked and largely subordinate to the executive.¹⁹⁴ Perhaps the greatest concern with the judiciary is that there is no informal regulatory process managed by external, non-governmental organisations. And, while existing legal, regulatory and accounting systems are generally transparent and consistent with international norms, these are not always adequately enforced.¹⁹⁵

After all, corruption has long been a component of established societal structures. Uvin has attributed corruption, in some measure, to an inherent violence and patrimonialism in Rwandan society that privileges the elite and fosters an authoritarian state structure.¹⁹⁶ There must be, firstly, the political will to end the regenerative cycle of this system, as, despite decentralising efforts, power remains in the hands of a select few. This concentration of power allows corruption to flow down from the highest levels.¹⁹⁷ The public in general remains uninformed: access to documents is often circumscribed, the recent publication of some government reports notwithstanding. Another result of the absence of political will is that this often ensures a lack of capacity. The 2006 APRM report, for example, questioned the accuracy of the declarations of assets made by public and government officials and doubted whether the regulatory authorities possessed the resources to confirm or controvert the affidavits.¹⁹⁸ Above all, what seems absolutely necessary is political will to resource institutions to partake in the fight against corruption.¹⁹⁹

Opposition criticisms of ongoing corruption therefore continue, despite the government's assertions about the institutionalisation of its anti-corruption measures. Alleged human rights abuses in Rwanda further blur this ambiguous picture. There are few adequate accountability mechanisms in the form of strong and effective civil society organisations, NGOs and free press. The muzzling of the media inhibits free speech and precludes an important whistle-blowing mechanism. While the press has documented some instances of corruption, it is by no means allowed freedom of expression. In 2009, media reports did document a number of instances of misconduct amongst public and private officials, and there were arrests and resignations.²⁰⁰ Despite this, constraints on press freedom have probably prevented public exposés of problems and undoubtedly obfuscate transparency.²⁰¹ Recent foreign media reports subsequent to the re-election of Paul Kagame as President on 9 August 2010 have alleged irregularities not only in the process of the election, but also in the restrictions placed upon press reports. Critical voices were allegedly outlawed, individuals imprisoned and an attempt made on the life of an opponent in South Africa.²⁰² Colonel Patrick Karegeya, the former head of intelligence in Rwanda and now in exile, blames Kagame as the major destabilising factor in Rwanda and the Great Lakes region in general, an accusation directly attributable to Kagame's reported insistence on maintaining power whatever the cost to fundamental human rights.²⁰³

Allegations that the Kagame administration fosters corruption amongst the highest echelons are long-standing, and it may be that recent positive assessments reflect but one constituent part of the full picture and thus merely attest to the government's success in suppressing widespread knowledge/reporting of abuses.²⁰⁴ This has been intimated by the formerly banned *Umuwugizi*, a Kinyarwanda newspaper. The editor left Rwanda as a result of the suspicious circumstances around the murder of a journalist, Jean-Leonard Rugambage, on 24 June 2010.²⁰⁵ How the Kagame administration deals with allegations of human rights abuses while ostensibly making progress in the fight against corruption remains to be seen. A free press remains an important and indispensable tool for creating transparency and

combating corruption in a society that nonetheless has clearly improved its corruption record in some way.²⁰⁶

LIBERIA

As in Rwanda, vested interests remain entrenched in Liberian public life.²⁰⁷ The US State Department's Investment Climate Statement in 2009 warns travellers of the prospect of solicitation for bribes (known as 'my Christmas' or 'cold water').²⁰⁸ The 2010 BTI notes that despite anti-corruption efforts, progress has been limited in the face of ongoing political challenges.²⁰⁹

Partly to blame is a widespread culture of poor governance throughout the Liberian public sector.²¹⁰ In particular, there is limited authority or oversight in remote areas where officials are poorly trained, receive low salaries and operate within limited infrastructure.²¹¹ This freedom, coupled with a mentality of impunity for offenders, ensures that there is little downside to corruption.²¹² The historic foundations of this culture seem to have ensured its longevity. Despite some reported successes, USAID assessment of GEMAP in July 2008 highlights that controls have not been entirely effective in educating the Board of Directors at SOEs in the protocols of proper governance – particularly in monitoring and controlling cash flows.²¹³ Promoting the new code of ethics in a well-established workplace culture (with the entrenched mentality of employees) has proved difficult and some past employees allege, for example, continuing corruption in the National Port Authority (NPA) in Monrovia.²¹⁴ According to a survey of NPA customers conducted by USAID, respondents felt that the effect of GEMAP in increasing transparency and accountability was 'marginal, due to the prevailing monopolistic culture at the NPA, the manner in which it is staffed, and the political considerations that affect staffing'.²¹⁵

The culture is exacerbated by poor education, a lack of infrastructure, limited resources and lack of political will amongst the powerful.²¹⁶ The IMF recommends a smaller, better paid and more professional civil service to replace the current underpaid, bloated and nepotistic system.²¹⁷ As for the state of under-resourcing, the frustrating reality is that the prevailing culture amongst an ill-educated civil cadre hampers change and weakens the effectiveness of available triage resources. Insufficient finances and the 'brain

drain' of better-educated Liberians overseas further inhibit change.²¹⁸ In this, the issue of competitive salaries is an important one. With the low wages, not only do many of the *crème de la crème* of Liberia emigrate, the incentive to engage in corrupt practices remains strong amongst those who remain. Although the Johnson-Sirleaf government has increased civil service remuneration by 150 per cent since 2006 and has paid arrears from the previous administration, salaries remain relatively low and payment delays persist.²¹⁹

Corruption in the judiciary endures as well. The lack of training, negligible remuneration in comparison to that on offer in the private sector and poor infrastructure all conspire to foster corruption.²²⁰ Again, perhaps the most problematic issue is that of low salaries. Magistrates and other officials were significantly underpaid in the wake of the civil war and many seek supplementary earnings.²²¹ One observer has noted that many juries are eminently susceptible to bribery. In his opinion, adequate compensation is crucial to reducing corruption.²²² In fact, the former Information Minister has recently been acquitted of stealing USD 200,000 whilst in office, a verdict that has shocked the sitting Justice Minister and forced her publicly to voice concerns about the jury and the judicial system.²²³ According to the 2009 report of the US Bureau of Democracy, Human Rights, and Labor, judges regularly receive bribes to deliver favorable conditions or verdicts, or even to try/decline cases.²²⁴ Liberia has begun to address the problems, as we have seen, through a code of conduct and an increase in remuneration for the lowest-paid civil servants, yet appreciable success remains a long-term goal.²²⁵ Consistent justice meted out by an efficient court system remains a priority in post-conflict Liberia. In the words of the IMF 2008 Poverty Reduction report: 'The effort to defeat corruption depends on effective action through the courts, and providing more equal access to justice will contribute to eliminating the marginalisation of some groups, which helped fuel the [civil war].'²²⁶ Given the numbers of alleged offenders who slip through the gaps in the current justice system, a prominent anti-corruption campaigner in the Liberian media, Kenneth Best, has recently called for a special 'Fast Track Court' to try corruption cases.²²⁷

There is also a weak link between the Liberian judiciary and the police. Like their colleagues, the police force is poorly qualified, trained and equipped, and, partly due to allegations of corruption, suffers from a lack of public trust and confidence.²²⁸ There is an especially popular distrust of the government and its agents.²²⁹ As with other civil sectors, low salaries and untimely payments contribute to encouraging corruption in the LNP. In 2009, a number of officers were fired or suspended as a result of corruption allegations.²³⁰

Systemic problems extend to the LACC itself. It does not have sufficient finances or staff to counter corruption effectively, nor does it possess the mandate to prescribe and enforce criminal penalties for corruption offenses. As a result, no corruption investigations were completed throughout 2009.²³¹ In fact, former NTGL chairman Gyude Bryant, who stood accused of illegally spending approximately USD 1 million, and a former Taylor associate, Edwin Snowe, who was arraigned on a charge of economic sabotage and theft, were found innocent in April 2009. As of March 2010, the government has been unsuccessful in every case brought against present and former officials.²³²

Of most concern is that all such incidents of corruption, especially in central government, imply that there is an apparent lack of will within the establishment to adhere to regulations and guidelines. For example, a number of government offices do not always follow procurement guidelines, particularly concerning natural resource concessions. The journalist Kenneth Best recently gave an address at the International Anti-Corruption Day in Liberia where he stressed that, above all else, success against corruption requires political will. While Best believed that Sirleaf's actions, in some cases, merely amounted to nothing more than a 'slap on the wrist', he did not question her commitment to fighting corruption per se.

Presidential power in providing protection to allies, nonetheless, must be checked in the interests of the national integrity system. Best urged the ratification of outstanding legislation: the Code of Conduct Act, the Whistle-blower Act—which would protect citizens who report corruption from reprisal—and the Asset Declaration Act, which would make the full and public declaration of assets obligatory for office holders.²³¹

There have indeed been few responses to requests that all elected officials, including the President and cabinet ministers, declare their assets. Although Sirleaf has done so, a great number of her colleagues have not followed suit.²³⁴ One salient complication is that Sirleaf's government lacks a majority: the opposition controls the legislature, and frictions with the state executive threaten governance and the ongoing fight against corruption.²³⁵

The situation is difficult to overcome in the face of significant poverty and resource incapacities.²³⁶ Despite the efforts of the UNDP, USAID and the Liberian government, there remain capacity and resourcing deficiencies for the fight against corruption. One commentator has expressed that GEMAP was not in force long enough and required at least six years to institute real change.²³⁷ Even so, capacity building is often a function of political will: an administration committed to fighting corruption ought to resource anti-corruption mechanisms.²³⁸ So, as Best has indicated, much of the responsibility for excising corruption devolves on government and Sirleaf herself.

Yet, she is not immune to criticism; the unexplained dismissal of Sirleaf's entire cabinet (bar one) in early November 2010 raised questions about her commitment to democracy and democratic principles in general.²³⁹ As regards corruption though, Sirleaf reinstated her commitment on Anti-Corruption Day 2010: she argued that much depended on making corruption 'public enemy number one'. One proposed practical measure was to put more power in the hands of the LACC to prosecute and punish abuses.²⁴⁰

Most commentators agree much work remains to be done. Liberia is, after all, a failed state whose problems cannot be solved overnight. Whilst there is little doubt that progress in the fight against corruption has been made in recent years, an entrenched culture of partiality—especially in rural areas where the legacies of patron-client networks remain strong and a distrust of central government endures—has significantly reduced the pace of progress. All this conspires to invoke a crisis of public confidence in the powers that be.²⁴¹ In fact, post-conflict social dislocation and regime change have not mitigated overbearing state power, but rather exacerbated authoritarian tendencies in some instances. William

Reno has pointed out that the collapses in Liberia and Somalia have facilitated certain individual, unilateral actions to seize political power and recruit the legitimising support of domestic and international agencies.²⁴² In spite of this, apart from a political hard-line on corruption, Liberia needs to counter corruption through fostering the development of civil society organisations, encouraging media involvement and inculcating freedom of expression within its society.²⁴³ Civil society has been significantly weakened by the civil war, and even today much of the population is occupied with existential concerns.

There are, nevertheless, NGOs monitoring the implementation of government policy on the ground.²⁴⁴ The 2010 BTI notes that the government has accepted, albeit reluctantly, the criticisms of several civil society organisations, despite incidents of government censoring and harassment of media personnel.²⁴⁵ Regarding media, there is a general freedom of press and expression stipulated by the Freedom of Information Act, Broadcasting Regulations and the National Public Broadcasting Service Act.²⁴⁶ Recently various agencies have also introduced whistle-blowing initiatives.²⁴⁷ For instance, the Center for Transparency and Accountability in Liberia (CENTAL) established the Liberia Corruption Watch website (<http://www.cental.org>), which posts reports from a number of media outlets that contribute to the fight against corruption. Implementation however remains the challenge: education must overcome ignorance and encourage a sense of ownership and responsibility amongst the citizenry.²⁴⁸

SERBIA

The deep roots of corruption in Serbia have proved difficult to excise. The criminalisation of Serbian society in the 1990s has rendered corruption commonplace to the extent that there is often tolerance and resignation amongst the Serbian citizenry. An empirical survey conducted for the Early Warning Report of the UNDP European Movement in Serbia in October 2000 (following polls in July and September 2000), revealed 'stabilised patterns of hypothetical behavior' indicating systemic practice. 80 per cent of the 1,520 respondents said corruption was 'omnipresent or widespread', while just 5 per cent believed that there is very little corruption in Serbia.²⁴⁹ Respondents also

suggested that there was a strong correlation between politics and corruption.²⁵⁰ There was a general awareness of the prevalence of corruption but ‘not a particularly pronounced condemnation as regards its criminal nature’.²⁵¹

In terms of popular tolerance of corruption, it seems little has changed in the past ten years. The UN March 2010 survey showed that almost half of respondents believed gaining profits from activities linked with corruption was understandable—with the exception of direct monetary bribes. Interestingly, many of the respondents were unable to define corruption suggesting a real sense of confusion between legal and illegal profits.²⁵² In fact, the October 2009, March 2010 and October 2010 polls reflected that 60, 59 and 56 per cent of citizens expected a certain degree of corruption while 35, 32 and 32 per cent believed that some level of corruption is acceptable.²⁵³ There is also an alarming crisis of public confidence in those offices that ought to fight corruption. As reported in one news article, there is dramatic disconnect between the Serbian citizenry and the political elites. The result is that many persons resort to corruption to solve everyday issues. It is therefore a self-perpetuating cycle.²⁵⁴ This is borne out again by respondents to the UN polls who believe that the government and the police ought to lead the fight against corruption.²⁵⁵

Worryingly, people identify the institutions mandated to fight corruption as the most corrupt. Elites receive particular opprobrium, accused by 76, 87 and 81 per cent of respondents of a lack of interest in countering corruption.²⁵⁶ Many believe politicians have no real will to fight corruption given that many of them benefit from it (81, 87 and 84 per cent of respondents).²⁵⁷ 79, 81 and 80 per cent also believe that the judicial system is too corrupt to fight corruption, while 60 per cent believe the same about the police in the October 2010 poll (down from 71 per cent in March 2010).²⁵⁸ In all, there is pessimism about the prospects of anti-corruption legislation and the socio-economic future appears bleak for many of the Serbians polled in October 2009, March 2010 and October 2010.²⁵⁹ 65, 67 and 62 per cent believe that things in Serbia are headed in the wrong direction; whilst only 25, 19 and 22 per cent believe the country is headed in the right direction.²⁶⁰

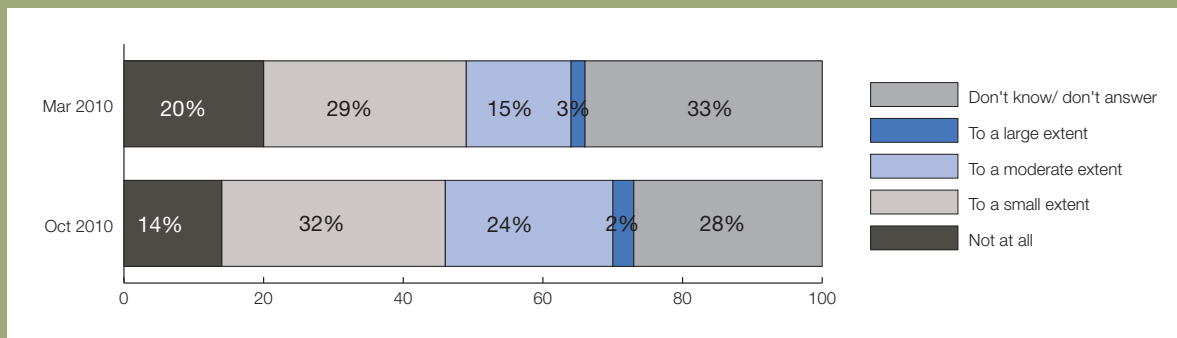
The two major issues in Serbia are, again, a lack of capacity and a lack of political will to pursue a zero-tolerance policy on corruption. The Anti-Corruption Agency embodies both of these concerns. Firstly, the long delay between the presentation of the plan and the establishment of the ACA in January 2010 meant that various articles of legislation regulating political finances and conflicts of interest remained unenforced. The significant lag between proposal and realisation lost significant time in the fight against corruption.

The provisions of the electoral act also remain insufficient in the eyes of the European Commission: adequate and diligent supervision and oversight remain largely absent.²⁶¹ The lack of enforcement has meant that practical results in combating corruption have been limited. Formerly, a great number of state officials did not submit declarations on their assets, nor did the supervisory body (in this case, the Board for the Resolution of Conflicts of Interest) possess the capacity to investigate and ascertain the validity of affidavits.²⁶² The former parliamentary commission established to investigate irregularities in campaign finances also lacked the authority, power and will to accomplish much of note.²⁶³

Moreover, the under-resourced and advisory-only nature of the Anti-Corruption Council has hampered the implementation of directives, while the government has rarely adopted its recommendations. The 2005 report, for instance, was passed over entirely and its proposals ignored.²⁶⁴ Following the results of a World Bank report that identified Serbia’s significant problems with corruption, the chairwoman of the ACC responded by pointing the finger at the indifference of the government and parliament.²⁶⁵

The government has not pursued the cases presented to it by the ACC, including those concerning housing projects, privatisations and SOE scandals.²⁶⁶ The chairwoman also noted that the investigations of one government office, the Commission for the Protection of Competition (CPC), were halted without result. In this case, the firm under investigation for a monopoly was the franchise of one of Serbia’s most wealthy oligarchs, Miroslav Miskovic. The Minister of Trade and Services retorted that no monopoly existed and the investigation was an example of the CPC’s ‘unprofessional work’.²⁶⁷

FIGURE 3: 'THE ANTI-CORRUPTION AGENCY IS AN INDEPENDENT STATE BODY WHOSE AIM AND AUTHORITY LIES IN FIGHTING CORRUPTION THROUGH DIFFERENT ACTIVITIES. IN YOUR OPINION, TO WHAT EXTENT DOES THIS BODY CONTRIBUTE TO CORRUPTION SUPPRESSION?'



Source: <http://www.undp.org.rs/index.cfm?event=public>.

There is some optimism within the ACA that the recent arrest of former Croatian Prime Minister, Ivo Sanader, on corruption charges will catalyse power-brokers in Belgrade to take action.²⁶⁸ There has even been some success in the nascent ACA insofar as resourcing is concerned. The fourteenth session of the board on 14 July 2010 decided to increase staff from the existing 60 to 95 by 2011.²⁶⁹ Given past experiences, however, it is perhaps no surprise that many respondents in the UN March and October 2010 surveys are pessimistic about the effectiveness of the ACA. It is encouraging though that the percentage of respondents who believe that the ACA does fulfill its mandate to suppress corruption, whether to 'to a small, moderate or large extent' has increased from 46 to 59 per cent.²⁷⁰

As in the ACA, capacity problems in general greatly beleaguer anti-corruption efforts in Serbia and indicate a lack of political will. Inadequate resourcing and little follow-up to proposals hamper the activities of a number of regulatory bodies, including the Committee for the Suppression of Conflicts of Interest, the Competition Protection Commission, the Public Procurement Office and the Commission for the Protection of Bidders' Rights.²⁷¹ Insufficient resourcing is a problem in the Ombudsman's Office, whose recommendations often achieve little resonance. As of October 2009, only 11 satellite offices had been established in various cities and municipalities. For example, The State Audit Institution lacks sufficient staff, and did not even possess a central office for a significant period of time.²⁷² The resultant incapacities

of internal and external audits have undermined the entire process of transparent procurement.²⁷³

The most vulnerable sectors to ongoing corruption include those concerning public procurement, privatisation and almost all other projects allocated significant budgetary resources. Corruption also remains in taxation, customs and licensing processes.²⁷⁴ In the view of head of the PPO in November 2009, over 10 per cent of the funds spent on public procurement each year vanished as a result of corruption and waste. The Customs Office reported that it recommended 10 per cent more officials for prosecution in 2009 than 2008.²⁷⁵

There have certainly been instances of arrest, prosecution and/or punishment for corruption over the years, though with varying degrees of success. The State prosecutor indicted the former defence minister (2004-2005) on 1 June 2010 for entering into a USD 45m arms deal without proper state authorisation.²⁷⁶ In March 2010, three officials were arrested for taking bribes from Kosovo Albanians in return for proof of identity documents required for issuing Serbian passports.²⁷⁷ In February 2010, the Serbian Orthodox Church removed the highest-ranking Kosovo Serb spiritual leader, Archbishop Artemije, from office on charges of embezzlement.²⁷⁸ The sale of the ailing state-owned enterprise, Belgrade Port, and its accompanying land (200 hectares) in April 2009 was accompanied by a chorus of allegations of corruption.²⁷⁹ In October 2008, the state-owned natural gas provider Srbijagas was rocked by allegations of cronyism and corruption surrounding an

USD 899.5m contract with Jugorosgas. The General Manager lost his job for signing without proper process and consent from the Srbijagas managing board.²⁸⁰

In yet another example, billionaire businessman and politician, Bogoljub Karic, is the subject of ongoing investigations for tax evasion and embezzlement in connection with his company Mobtel. Karic has been 'under investigation' from at least 2006.²⁸¹ Other inquiries into prominent public officials, including those conducted by the Board for Resolving Conflicts of Interest in 2009, have been halted with little result.²⁸² On February 10 2009, 16 officials in the Army and Ministry of Defence were arrested for corruption in an operation orchestrated by the organised-crime special prosecutor, the Ministry of Internal Affairs and the Military Security agency. Three further men were arrested on 31 March. There have also been rafts of other arrests in 2008 and 2009 including employees of the Ministry of Economy and Regional Development, businessmen, mayors and medics.²⁸³ The Public Prosecutor's Office reported that, in 2009, 58 persons were investigated for bribery and 46 indicted for 'passive' bribery offences ('request or receipt, acceptance of an offer or promise'), while 18 persons were investigated and 22 indicted for 'active' bribery offences ('promising, offering or giving').²⁸⁴ In fact, the EC 2010 progress report on Serbia lauds the cooperation between the police and the state prosecution's office in processing corruption cases.²⁸⁵ It is to be seen if this collaboration leads to actual convictions for corruption as, despite all these positive noises, the prosecution of corruption cases remains a laborious and inefficient process where only a few final convictions are handed out.²⁸⁶

As in Rwanda and Liberia, systemic corruption in the judiciary continues to plague Serbia as well. Popular trust in the rule of law remains low as a result.²⁸⁷ In the early 2000s, a number of judges passed 'undemocratic' legislation to incriminate members of the independent media.²⁸⁸ In 2005, a judge was arrested for accepting a bribe in return for intervening in an ongoing court case involving a criminal gang.²⁸⁹ General allegations of corruption, moreover, have been widespread, including 15 judges accepting bribes in 2004.²⁹⁰ Figures further show that 4,316 cases in the last five years never reached a hearing, largely as a

consequence of lethargy in initiating and concluding proceedings. For the same reason, 517 convicted felons escaped incarceration in 2007-2009 according to the 2009 GIR.²⁹¹

Despite the dictates of the constitution, the judiciary suffers from a lack of fiscal and administrative independence, and this makes it vulnerable to political influence.²⁹² Further, there is a resultant lack of judicial oversight and little diligent adherence to anti-corruption protocols and measures.²⁹³ The Judges' Association of Serbia Code of Ethics, for instance, has gained little traction. The stated professional responsibilities and proper ethical protocols for justices often lack resonance, especially given that the enforcement of standards remains effectively absent.²⁹⁴

Finally, the phenomena of dependent ministries and the attempted manipulation of the court system are encapsulated in one example reported by the 2009 GIR: The State Ombudsman forced the State Secretaries for Economy and Justice to desist from impeding commercial court proceedings and executive court decisions concerning labor relations until the economy emerges from the depression brought on by the global financial crisis.²⁹⁵ At the grassroots of law enforcement, the police force too is burdened by corruption²⁹⁶ which remains widespread, and is reflected in the volume of arraignments for various offences, mostly concerning the abuse of office and discipline.²⁹⁷ In 2009, there were a number of convictions of police officers for smuggling, giving, and receiving bribes. On 22 December 2009, for instance, the 13 police officers and six customs officers of a small organised crime cartel were arrested on charges of bribery and abuse of power.²⁹⁸

As it stands, the slow-moving anti-corruption progress represented in perception surveys and other metrics seems to represent the reality. According to the EC 2010 Progress Report, the implementation of the Action Plan for Serbia has proceeded slowly. Alarming, the investigation and prosecution of corruption cases has been hesitant at best. Convictions remain low—especially in high profile cases.²⁹⁹ From the top down, therefore, Serbia requires a change in culture.

There seems an absolute requirement to inculcate an awareness of the detrimental effects of corruption and, in so doing, develop a popular culture of intolerance to corruption.

One step toward this could be appropriate government support to independent civil society organisations.³⁰⁰ These, and the media, as the major sources of public information, must play important roles in providing accountability.³⁰¹ There have, however, been allegations of a muzzled media. The chairwoman of the Anti-Corruption Council, Verica Barac, has stated that over the last few years the Serbian press has been increasingly brought under control by the government. Investigative journalism is thus a rare phenomenon. The threat of persecution and recrimination hangs over those who speak out against bribery and corruption in the business and health sectors, for example.³⁰² After ten years, citizens still lack trust in public institutions, not least of which the police.

Further, there remains no adequate protective framework for whistle-blowers. As the GRECO compliance report of June 2010 noted, while a raft of legislation protects the rights of whistle-blowers, this is only an initial step in providing protection to those who report corruption.³⁰³ Only those who disclose unclassified information are entitled to protection.³⁰⁴ Still, according to the UN surveys of March and October 2010, the media informs the greatest number of citizens about corruption.³⁰⁵ Here there are some positive signs: the 2009 progress report on Serbia prepared by the European Commission observed progress in public access to information.³⁰⁶ Recently, also, a group of journalists have established the whistle-blowing website '(The) Whistle' (<http://www.pistaljka.rs/>), which seeks to inform the public about corruption, expose perpetrators, provide a forum for reporting instances of corruption and rally media and popular support for its anti-corruption agenda.³⁰⁷ The website is regularly updated and the webmaster is developing a parallel portal in English.

As we have seen, nevertheless, there must first be the political will to change the environment. After all, as Vladimir Goati, the head of Transparency International in Serbia, has pointed out, the longevity of corruption in Serbia is the result of little desire to pursue a hard-

line, systematic policy against corruption.³⁰⁸ The focus therefore ought to rest upon perhaps the most important prerequisite for change: political will. This means, as the EC 2010 progress report on Serbia notes, that the implementation and enforcement of existing laws is absolutely critical. The ACA must be further empowered, while increased efforts are crucial to conduct corruption cases all the way from investigations through to convictions.³⁰⁹

The ultimate goal of the Serbian polity remains membership in the European Union. One of the prerequisites for entry is greater transparency in public administration, and greater urgency in the fight against corruption. The 2009 and 2010 EC progress reports noted that whilst Serbia has made some progress, there was much to be done to combat systemic corruption. Both laud recently enacted legislation, though again, this requires practical implementation and enforcement. The 2009 report, in particular, expressed concern that there was no systematic plan for the implementation of the regulations of the international conventions that Serbia had ratified.³¹⁰

In fact, molding strong, independent and just public institutions must be a priority in the Serbian fight against corruption. It is apparent that the legislature offers little balance to the executive. While anti-corruption laws pass into force, many remain without enforcement. Certainly legislating anti-corruption measures, as the Serbian government has done, is the first step. Still it is only the first step. As it is, Serbia seems just to throw legislation at the problem, ignoring implementation and enforcement – which seem to be the real issues. A more successful record of arresting and prosecuting suspects, perhaps accompanied by harsher punitive measures, ought to curb instances of corruption. There must be a positive verdict from a simple calculus: does the Serbian government wish to accede to the European Union – at the ostensible cost of decreased personal privileges – or keep the country outside the European fold? A more transparent and power-sharing government, police and judiciary, with a strong civil society would go a significant distance to aligning members of the disaffected citizenry; this would restore trust, eliminate corruption, and recommend the country to the Union.

5. Concluding remarks

The systemic nature of corruption in both public and private sectors—within and without the state apparatus—is a primary concern in Rwanda, Liberia and Serbia. To varying degrees, sources and indices indicate all three countries are improving their control of corruption in relative terms to what the situation used to be. In Rwanda’s case, while it does better than many of its neighbours in terms of control of corruption, or is at least perceived to do better, corruption remains a significant political and economic reality within the country. Despite enduring corruption, Liberia also seems to have improved its control in recent years. Metrics, on the other hand, suggest that progress in Serbia has somewhat stagnated and stalled over the last few years.

While there are particular nuances germane to each country, all three states have adopted similar mechanisms to countering the problem, with varying degrees of success. What is certain is that Rwanda, Liberia and Serbia have proceeded against corruption with legislation, institution-building, training and education programs, rationalisation measures and decentralisation policies. It is evident, nonetheless, that all these devices have not been entirely successful in excising corruption. As a result, there remain two salient areas that need to be addressed and developed.

Perhaps foremost is the absolute necessity of a political will amongst elites to eradicate corruption. This is a particular issue as corruption often begins amongst the highest echelons of government in the three states – as it has indeed done for decades. Much hinges on the will of key actors to show zero tolerance. Establishing institutions and passing legislation only provides the framework for such a fight. Whilst it is appropriate to enact legislation and establish institutions within a framework designed to service public and private integrity, there must exist a desire to both implement the legal provisions, and resource the institutions to effectively fulfil their mandates. The real challenge is implementation,

and this requires the acquiescence and collaborative support of the Executive, the Legislature and the Judiciary. The absolute necessity of will to champion an anti-corruption agenda, which can then pervade all public and private sectors of the polity, is clearly and crucially represented by the judiciary. A thoroughgoing anti-corruption policy, agreed by the executive and legislature, must be enforced by the judiciary. Yet, this relies upon adequate resourcing and endorsement by non-partisan political actors.

Finally, there are various allegations of impeded freedom of speech in the three states.³¹¹ In terms of anti-corruption, the absence of free speech deprives the populous of a key mechanism to hold governments accountable. It moreover precludes all-important whistle-blowing on instances of corruption throughout society. Ideally, civil society organisations and the media ought to provide accountability and a counter-balance to governments with authoritarian pretensions. In sum, a tenacious political will to fight corruption without reservation, combined with free media and un-chained civil society infrastructure, would go a significant distance in improving control over corruption in Rwanda, Liberia and Serbia.



The systemic nature of corruption in both public and private sectors—within and without the state apparatus—is a primary concern in Rwanda, Liberia and Serbia. Photo credit: Flickr/Lauren Pressley

APPENDIX I: LIST OF INDICES USED

African Development Bank Country Governance Indicators (CGI)

Assesses property rights and rule based governance; quality of budgetary and financial management; efficiency of revenue mobilisation; quality of public administration and transparency; accountability and corruption in the public sector. These cores are then aggregated to produce a governance rating.

Business Environment and Enterprise Performance Survey (BEEPS)

Produced by the European Bank in partnership with the World Bank, BEEPS aims to build a panel of enterprise data that will make it possible to track changes in the business environment over time.

Corruption Perception Index (CPI)

Transparency International's CPI ranks almost 200 countries according to their perceived levels of corruption. Since it is a perception based index, its results are determined by opinion surveys and expert assessments.

East Africa Bribery Index (EABI)

This is a joint product of Transparency International chapters in Kenya, Uganda and Tanzania. The survey is conducted through random sampling and focuses on seven key bribery indicators.

Global Competitive Report (GCR)

Published by the World Economic Forum, the report assesses how productively a country uses available resources. The index also measures institutions, policies and factors that benchmark the current levels of economic prosperity.

Global Corruption Barometer (GCB)

Transparency International's survey assesses general public attitudes toward, and experience of, corruption in dozens of countries.

Global Integrity Report (GIR)

Uses highly qualified in-country researchers and journalists to provide quantitative and qualitative reporting on a country's governance and anti-corruption performance.

Index of African Governance (IAG)

Harvard University's Belfer Center studies safety and security; rule of law, transparency and corruption; participation and human rights; sustainable economic opportunity; and human development to assess the performance of governments at all levels.

Mo Ibrahim Governance Indicators (MIGI)

Uses four main indicators to measure the delivery of public goods and services to local citizens by government and non-government actors. It makes use of both quantitative and qualitative data to assess governance in Africa.

The Heritage Foundation's Index of Economic Freedom (IEF)

Measures ten components of economic freedom by assigning each a grade and using a scale of 0 to 100, where a 100 represents total freedom. The scores for the ten components are then averaged to give one overall score.

United States Department of State Doing Business Survey (DBS)

Annual report which investigates regulations that enhance business activity. It presents quantitative indicators on business regulations and the protection of property rights that can be compared across 183 countries.

World Bank Enterprise Survey (WBES)

Provides comprehensive company-level data of emerging markets and developing economies. The data is used to create indicators that benchmark the quality of business and investment climate across countries.

World Bank Worldwide Governance Indicators (WGI)

This is an aggregate indicator which combines the view of a large number of citizens, enterprises and expert survey respondents. The data sources used are derived from a variety of survey institutes, NGO's and international organisations.

Endnotes

1. These three have been chosen on the basis that they provide a range of disparate experiences which make them informative and revealing case-studies to examine. Their grouping does not suggest that they shared a similar war experiences or historical legacies. In fact this report has made abundantly clear that a country's culture and experiences are very important dynamics that need to be understood and harnessed to effectively counter corruption.
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