



Transparentnost Srbija
Transparency Serbia

Transparency Serbia

Overview of activities

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Activities

Transparency Serbia on December 20th presented the research on processing of disclosed suspicions of corruption. It is about the project realized with the support of Civil Rights Defenders organization. More on TS website.

Within the project framework "Support to development of the Local Anti-Corruption Plan (LAP) in Novi Pazar," we have attended to the final round table within the public debate. At the same time, we have started cooperation with five cities and municipalities on development of new or on revision on existing LAPs, i.e. on support to the monitoring body for the implementation of LAPs. During the press conference in Raska, we've presented the public invitation for civil society organizations and citizens to apply for the membership in a working group which will develop LAP.

We celebrated the International Anti-Corruption Day with the announcement which we convey in Bulletin, as well as by participation on the conference where we presented research which CESID have done for USAID. The comment on research (in Serbian) is available on TS website

Nemanja Nenadic, program director of TS, also participated on a two-day international conference organized by Anti-Corruption Agency.

On the panels, Nenadic commented presentations of experts and representatives of institutions from abroad, especially related to the work of Romanian Anti-Corruption Agency in terms of detection of conflicts of interests in public procurement procedures based on an insight into the database of the ownership in companies; by regulating the level of conflict of interest among the deputies and councilors that is relevant for abstention from participation in voting process when making regulations; by applying legal prohibitions, limitations and obligations for state authorities and public officials during the elections campaign. He also pointed out the shortcomings of laws and practices in Serbia in these fields and reminded on earlier made TS analysis related to "official campaign" and abuse of public resources, as well as on actual proposal to amend the Article 50. of the Draft of Law on prevention of corruption.



In Sabac, on December 5th, Zlata Djordjevic presented to the representatives of non-governmental organizations the results of the report on progress of Serbia in chapters 23 and 24 that were published in "Alarm" of coalition PrEUgovor.



Representatives of Belgrade Center for Security Policy and CINS, Bojan Elek and Milica Šarić also spoke about the key findings of political criteria for the negotiation process to the EU and fulfillment of criteria for Chapters 23 and 24 for the period April-September. Djordjevic pointed out that there is still stagnation with key reforms, and that it is justified by the negotiation process to EU. She also warned on a further downward institutions trend and pressure on independent control bodies, on the general trend of obstruction of political debates in the parliament, as well as on ignoring recommendations related to the improvement of the law framework for the fight against corruption.

Coalition PrEUgovor presented on December 7th in Media Center “The Institutional barometer-how the effects of reforms in chapters 23 and 24 are visible on the field”, first independent estimations of the effectiveness of institutions in implementations of policies in the field covered by chapter 23 and 24. For the needs of this research, Transparency Serbia monitored four separated activities, so they reflect various competencies of the Anti-Corruption Agency and implementation of different acts. We have also investigated: monitoring and control of financing the political subjects and election campaigns; acting on the assumptions of citizens; analysis of regulations and their corruption and anti-corruption potential and monitoring the implementation of Strategy and Action plans for the fight against corruption 2013-2018.

Zlata Djordjevic said that obligations of the Agency in terms of tasks that should have been done are not sufficiently precisely defined by the laws and that the Agency itself did not sufficiently specified their obligations. Agency do not possess enough staff to perform all tasks and therefore it should be determined by internal acts type of work, to what extent and in what time it should perform in order to use existing resources rationally.

To unsolving these issues the key influence was that, on the contrary to national and euro-integration plans acts, up to now planned changes of the Law on Anti-Corruption Agency and Law on financing of political activities are not adopted, as well as that the support of National Assembly in the form of consideration of annual report of Agency was missing, adoption of qualitative conclusions due to problem solving and improving the condition and monitoring of Government acting and other bodies on that conclusions, said Djordjevic.

On Monday 3rd and Thursday 6th of December, Nemanja Nenadic participated as an on-call expert to the meeting of working group for the purpose of drafting the new Media Strategy. Among other, on the meeting was discussed about the possibility of the introduction of public-private partnerships in the media sphere, to what Nenadic objected. The possible implementation of the legal possibility to conclude such contracts would significantly undermined the existing concept of achieving public interests in the field of public information. Law on public-private partnership recognizes several forms of PPP (institutional, contractual, concessions). Enabling the institutional public-private partnership in media sphere would represent direct violation of the concept according to which the state cannot be the founder of the media. Enabling contractual public-private partnership can directly violate the principle on which financing the program of public interests is based.



One should bear in mind possible consequences of this model regarding corruption. Namely, public-private partnerships are identified as one of the areas where possibilities for corruption are higher than in the other forms of contractual arrangements. In this type of an arrangement, private partner has a clear interest that a greater part of the cost for contract realization transfers on to the public partner, and to get benefits for itself. On the other hand, public partner has much lower possibilities to prevent the occurrence of damage for public resources when it comes to another type of contracts, where the rights and obligations of contractual partner are more precisely defined, as is the case with public procurement of specific service or by allocation of funds to finance a particular project. Among other, damage to public funds could arise by creating and presenting increased costs of business of joint venture formed with public partner in institutional partnership and by decreased presenting of income which private partner realized on the market, in order to receive reimbursement of expenses from public partner in some forms of contractual PPP.

Therefore, from the point of view of corruption, a public-private partnership is a worse solution even from the situation in which the state alone (without the participation of private partner) established enterprises engaged in media activity.

On Friday, 7th of December, representative of TS Nemanja Nenadic participated in the work of the working group meeting for open data which was held in Belgrade's "Impact Hub". The results of the projects of state authorities and non-governmental organizations in this field and plans for 2019 were presented at the event. The Transparency representative spoke about the activities that we undertook in connection with the opening and crossing the data on public procurement.

On Monday, December 10th in the event marking Human Rights Day, the NGO representatives commented the findings of research regarding narrowing the working space of non-governmental organizations in Serbia in period 2014-2018, were numerous materials Transparency Serbia organization were used, especially in terms of public debates and adoption of Law on lobbying. In his short presentation, Nemanja Nenadic pointed out the problems TS detected in this period. More detailed about this topic can be found in the chapter "Initiatives and analysis".

Zlata Djordjevic participated in the regional conference that was held on December 13th in Skopje regarding the situation in public procurement and anti-corruption mechanisms. Representatives of civil sector from Serbia, Macedonia, Montenegro, Bosnia and Herzegovina and Kosovo presented the reports on public procurement in their countries, as well as problems and forthcoming challenges related to the implementation of tender procedures. Representatives of the state authorities for public procurement spoke about anti-corruption measures in practice, while the representatives of media presented their reports with identified risks of corruptions in their investigations.

During 2018, 3.219 news or articles on activities of our organization were published, i.e. news where the views of the representatives of TS were quoted.

We are presenting a selection of texts that we published in the previous month:



Under the magnifying glass

Vesic about New Year and Budget Reserve

December 28th, 2018

Deputy Mayor of Belgrade, Goran Vesic, also this year [publicly claims](#) that "all investments we have for New Year will be more than ten times refunded" thus not providing any valid proof. Apparently, during last New Year, Belgrade has earned 28 million Euros, and now Vesic expects two million more.

Such an increase would, as he himself claims, be in line with the trend already realized increase in the number of tourists and overnights for 12 respectively 14 percent during the first nine months of this year, so it is unclear why the increasing number of tourists around New Year period would be in connection with the program and decoration paid by the City, as it is obvious that tourists more often visit Belgrade even when there is no such "stimulus".

"Numbering with numbers" continues with the statement that during last year "we" earned "almost 800 million of Euros" from tourism. As a data for the New Year, this obviously doesn't reflect the increasing income of the City of Belgrade, as it is almost equal to the whole City budget, but it is not clear to what it refers.

Namely, if the calculation includes all what tourists pay to state authorities in Belgrade, to local government, to private companies, and to individuals, it would be that each of them spends more than 300 Euros every day to reach this Vesic's calculation.



There is simple test for accuracy of the economy calculation of (deputy) Mayor: if every invested dinar in New Year's concerts, decorations, fireworks and similar is really refunded ten times more, than the choice is simple – all responsible budget incomes should be invested in these expenses, so the income from New Year's tourism would be 10 billion Euros, and not current allegedly 30 million.

During the same TV appearance, Vesic also commented funds of 185 million dinars that were agreed by the Republic from the current budget reserve to the City of Belgrade. He "pointed out that this is more than natural as the City of Belgrade makes 40 percent of the Gross Domestic Product. These funds will be spent to partially cover the expenses of the restoration of 70 facades in the center of Zemun. The Government helped us by ensuring 185 million dinars, and the other part will be ensured by the City of Belgrade, about a hundred million. Nevertheless, the City itself ensured about 80 facades.

During the last three years, we managed more than 300 facades on the territory of the City of Belgrade. Of course, the Government will help whenever it is necessary to the City and when it is about large projects”.

It is natural that Belgrade, as well as other local self-government, receives part of the funds from republic transfers.

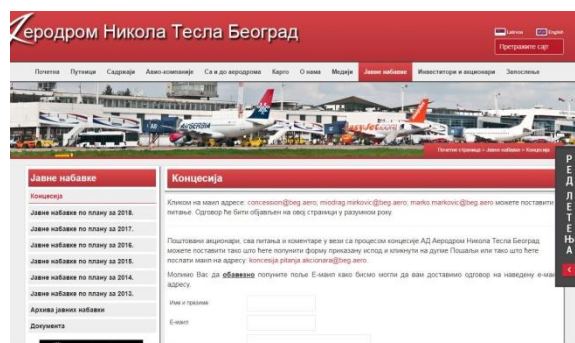
However, it is not normal that these transfers are obtained from the budget reserve. The purpose of the existence of a budget reserve is to ensure the coverage of expenses that could not have been foreseen when the budget was adopted, or to cover those expenses essential for situations where some local self-government significantly decrease incomes.

None of these reasons exist in the reconstruction of Zemun's facades. It was obviously planned earlier and this is not about repairing damage due to unforeseen events, but about the action of city beautification. It remains incomplete whether a reduced inflow into the budget of the city exists, which Goran Vesic did not want to talk about, as it would not fit into the image which city authority wants to create about them, or this legal basis for obtaining the budget funds is entirely fictional.

Concession without announced contract and study showing justification

December 24th, 2018

The news that the concessionaire paid 501 million Euros of one-time concession fee in terms of Concession contract and thus became Belgrade airport operator for 25 years, was not followed by [announcing](#) the contract where all obligations which the Republic of Serbia took in



charge can be seen, nor by announcing these parts of contract and annexes which were not marked confident.

To make absurdity even greater, the study which has to show and prove why the airport is given under concession after all hasn't been announced yet, after two-years presenting by the officials that the airport's operations and incomes are well (although it denied revenue from the company Air Serbia).

Transparency Serbia requested for the mentioned study and for the act of concession in early 2017 from the Government and Ministry of construction, traffic, and infrastructure. The procedure that takes nearly two years is an opportunity to find various excuses that this important information is not communicated to citizens where several actors are involved.

Due to this fact, not only that it is not clearly presented to the citizens why the concession was the most economical type of development of Belgrade's airport, but it cannot be certainly claimed that this analysis, whose preparation is a legal obligation, exists at all.

The government did not responded to TS request, due to the urgency was submitted, followed by the lawsuit to the Administrative Court.



The Ministry of traffic rejected the request, indicating that by the announcing of Concession act and Feasibility Study the vital interests of the Republic of Serbia can be jeopardize.

TS has filed an appeal against this decision to the Commissioner, but at the same time narrowed the scope of request, demanding from the Ministry to deliver only the parts of these documents from which it can be concluded whether the selected model of concession for Serbia is more favorable from alternative solutions (proceeding in the current way, investment of own capital or funds from the loan, selling the airport, another type of PPP).

After the Commissioner issued the decision according to which they have to submit documents, the new response arrived from the Ministry – that they do not have neither concession act nor study, but that these documents are in possession of the Government. On the new TS request to submit a document that will show how the documents were lost or relocated from the possession of the Ministry, the answer was that they have never had and have previously refused to submit them due to “a possible threat to the vital interests”.

The Administrative Court than ruling on the TS lawsuit, ordering the Government to decide by it, instead of ignoring the request. The Government has ignored this judgment, and TS also asked the court to pass an act on. At this point, the Government wakes up and issues a decision-refusing the request. TS file a new complaint to the Administrative Court in February 2018, due to the unjustified refusal of the request.

By this complaint, the court could order the Government to provide the requested documents.

However, the court in April returned the complaint and asked TS to provide evidence that the signatory of the complaint is the legal representative of the organization. TS submitted those evidences. Since then eight months have passed, the contract is signed, Vansi took over control and the Administrative Court does not answer, we have not seen the contract, as well as requested study.

One of the things that it is important to announce the contract is the possible takeover of obligations for construction the railway from the Airport to the City.

The construction of this railway was announced by the deputy of Mayor. However, the news that “construction of the railway is already negotiating with the Japan Government” is confusing. From that news, it seems that this railway will not be constructed by the concessioner due to his own interests, but the state of Serbia or the City of Belgrade.

Also, due to the circumstances that it is "negotiating" with the Government of another state on the construction of the railway, it indicates that another large infrastructure project exists that will win without competition, that could result with lower price/the most economic offer.



Fourteen years of Commissioner for information

December 22nd, 2018.

The second seven-years mandate of Rodoljub Sabic as a Commissioner for information of public importance expired on December 22nd. His election to that position on December 22nd 2004, as it turned out later, was one of the most important events for the fight against corruption in Serbia.

The Law of free access to information, adopted a month ago, created opportunities for establishing the system for government control by citizens as well as the awareness that citizens are not subject to be ruled over, but the body to which the government is accountable.

However, regardless of its quality, that law could suffer the fate of many others if the institution that will defend this newly acquired right of citizens is not established. Commissioner had no conditions to perform his function for months after the election, and obstructions continued during the subsequent years. That is why the main merit of the first Commissioner is that he did not give up and he was able to establish an institution. Similar problems occurred with the other independent state bodies, which were later established, but every following was easier.

The Law on free access to information is neither solely nor predominantly anti-corruption.

However, in Serbia, the Law has been recognized in that light. Such a development of this situation is due to several circumstances.

First is the fact that in Serbia did not exist or do not work effectively other types of control the authorities by the citizens.

Another reason is that exactly anti-corruption civil society organizations, journalists engaged in this topic, political parties that want to prove corruption of their competitions and Government Council for the fight against corruption, were among most common applicants.



Third reason is the fact that Sabic, as a Commissioner, not only consistently resolving complaints related to disclosure of documents on public finances and the use of public property for the benefit of solicitors (which has to be done by further

Commissioner who wants to apply the Law correctly), but during his numerous public appearance promoted just the public of information as an instrument for fighting corruption.



His pro-activity, i.e. attempts to resolve important problems, influenced that the right on access to information was defended against numerous attempts to indirectly limit it through the provisions of other laws, by-laws acts and grotesque interpretations. While the political powers tried to restrict the right to access information in the past 14 years by introducing exceptions "on the back door", in the current draft amendment of the Law it is openly suggested that the control of citizens excludes information on the management of several billion Eurosworth of state-owned assets.

Also, the power of the Commissioner and public stopped at the place where the implementation of the law begins to depend on political will. So for those decisions of Commissioner that are not executed in some other way, the execution should be ensured by the Government, but it was not done in any of the hundreds of cases. Where the Government does not do its jobs, there is the National Assembly according to the Constitution that may call for responsibility the Executive authorities. However, there was no will to carry out this constitutional jurisdiction.

The campaign of state officials in local elections in four municipalities

December 14th, 2018.

Four municipalities where on Sunday election will be held were during 7 weeks of election campaigns within the plan of "regular activities" of the top state officials even 20 times, which is **double more** than a number of regular and non-elections ministerial visits of these places during the **last two and half years**.

In other words, the frequency of appearance of the Government members in Lucani, Doljevac, Kladovo, and Kula was **about 37 times** higher than that was the case in the period outside the elections.

It is about well known "official's campaign" occurrence when officials abuse their function for promotional purposes by doing activities that would not be taken at all if there were no campaigns or would not be taken immediately before the elections. Transparency Serbia regularly supervises official's campaigns since the elections in 2012.

This type of abuse is typical for all levels of power and officials from all parties in Serbia. Official's campaigns gain momentum during the last four years, and the number of promotional activities significantly increased even in the period outside the election campaign.

Considering that the elections on December 16th will be held only in four municipalities, this time the activities of ministers were more visible and it was much easier to compare their interests for places where the elections are held comparing it to the previous period, but also with regards to the other places in Serbia during 45 days of the campaign.

From announcing the elections, Doljevac was visited by five ministers in four separate visits. The preschool under renovation visited Minister of Education Mladen Sarcevic and Minister without portfolio responsible for demography and population policy, Slavica Djukic Dejanovic. The motive to be here also found ministries Zorana Mihajlovic, Vanja Udovicic, and Milan Krkobabic.



During the last three years, since the beginning of 2016, ministries were in Doljevac only two times-Vanja Udovicic in July that year opened the Aqua Park, and three months earlier, but during the pre-election campaign for parliamentary elections, Minister Aleksandar Vulin visited Home for elderly people.

In Kula, during the recently completed campaign "by their own business" were the President of the Republic of Serbia, prime minister of Serbian Government and six ministers – Mladen Sarcevic, Goran Knezevic, Zorana Mihajlovic, Zlatibor Loncar, Branislav Nedimovic and Vanja Udovicic. In total, eight visits of high officials, excluding provincial prime minister. About ten days before announcing the elections in this place was also Minister for Labor Zoran Djordjevic.

Unlike Doljevac, during the previous three years, several times Kula was a destination for ministers scattered "on the field". Namely, there is a teaching center of Ministry of Interior, so the minister Nebojsa Stefanovic during 2016 and 2017 three times attended the training and exercises. Before the elections in 2016, Minister Vulin visited Center for social work also in Kula. Outside of campaign, from the beginning of 2016 up to today, just in May last year, only the Minister of Education visited the school in Sivac.

During the campaign **four ministers** stayed in Kladovo-Mladen Sarcevic, Slavica Djukic Dejanovic, Zorana Mihajlovic, and Zlatibor Loncar.

Previously in "regular visit" to this municipality, schools, companies and sports facilities, from 2016 came only Vanja Udovicic and not only in this town but also visited ten kilometers away youth-sports camp "Karatas".

Udovicic visited camp during the campaign for presidential elections, to "see the works and announce new works" and also once more in July 2017 to visit young sportsmen.

During the previous years, two times in Kladovo was also Minister of Justice Nela Kuburovic, but not in the visit to the municipality, but on the annual counseling of judges of Magistrates Court, and once, exceptionally, also minister Vulin, when he had visited military members engaged in fire-extinguishing in the neighboring.



During the previous six weeks in Lucani were Minister of Interior **Nebojsa Stefanovic** and **ministries Vanja Udovicic and Mladen Sarcevic**, and on the last day of the campaign that place was visited by Aleksandar Vucic, but not as the President of Serbia, but as the leader of SNS. However, media reported from pre-election rallies in Kotraza, Lucani, and Guca, not only as parties' activities but they reported quotes on Kosovo, which "ascribed" to the President of Serbia, not to the Leader of Progressives.

One of the topics in the pre-election speech of Aleksandar Vucic was the investments in the military factory "Milan Blagojevic", which is, with "Sabor" in Guca, the reason why even



during non-election period Lucani relatively often are on the way of the highest state officials.

Therefore, from the beginning of 2016 up to campaign for the previous local elections, there were President (he visited construction site of embankment on the river Bjelica close to Lucani), prime minister with minister Vulin (in the factory Milan Blagojevic and on the construction site of embankment) and Ivica Dacic (on the Convocation in Guca with spokesman of the Russian Ministry).

Also, during the campaign in 2016, Lucani three times hosted ministries that right then wanted to visit works, factory or to talk with municipality representatives and with businessmen.

Although ministerial visits are presented as regular activities, so in the report on one visit of Vanja Udovicic to Kula on the website of the Ministry is stated that the visit is about "continuation of a regular program of visiting educational institutions and sports facilities and sports clubs across Serbia", the analysis is showing that "regular program" includes mainly the places where elections are held.

Announcing the elections on October 29th, had found minister Udovicic in the visit to Krusevac, and since then he visited four municipalities – two times Kula, once Doljevac, where the elections are held and once Subotica.

Similar "regular activities" had the Minister of Health – on the day of announcing the elections he was in Kraljevo and in the meantime in Kula and Kladovo. He also visited one health institution in Belgrade.

Minister of Education also visited, outside of Belgrade, most schools in the municipalities where the elections are held – since October 29th he visited three schools in Belgrade and schools in Kladovo, Kula and Lucani. On the way back from Kladovo, he visited Veliko Gradiste.

Official's campaign is the type of abusing public resources that is the most common in Serbia during the pre-election period. In the importance of, official's campaign exceed greatly the question of financing election campaign, as it ensuring additional media promotion in the framework of an informative program that are not percept as propaganda at one part of citizens. Transparency Serbia suggested series of legal and other measures for resolving the issues of official's campaign, based on the international standards and on experiences of other countries. Analysis and recommendations can be [downloaded from the TS website.](#)

We also [gave a proposal](#) to add the provision of the Law on Anti-Corruption Agency (and the draft of new Law on preventing corruption that should replace it). The article 29. of the Law is currently the only one that regulates the problem of using the public function in the propose of political promotion but performs it in an incomplete way.



Initiatives and analyzes

Narrowing the space for the work of non-governmental organizations in Serbia

December 10th, 2018.

On the gathering celebrating Human Rights Day, the NGO representatives commented the findings of research on narrowing the space for the work of non-governmental organizations in Serbia in period 2014-2018, where numerous materials from the Transparency Serbia organization were used, especially related to the public debates and adopting the Law on Lobbying. In his short presentation, Nemanja Nenadic pointed out on the problems which TS faced in this period.

The first problem is decreasing the possibilities that NGO get the data that are important for their work, at all. Transparency Serbia was in many situations faced with the impossibility to get to the data based on the request for access to information of public importance, which was especially visible in connection with the contracts for the disposal of public property. Typical examples in that view is non-providing the contracts on managing of Smederevo ironworks plant, beside the obligatory decision of the Commissioner for information. Ministry of economy did not deliver the copy of this contract, even after its validity has expired, and in public were information that private partner did not fulfill his own obligations, while on the other side, the company that operated with the state of Serbia filed a claim and a lawsuit to the contractual arbitration. The second example is failure to submit the “feasibility study” on entering the concession arrangement for Belgrade’s airport. Although that request was rejected due to alleged needs to maintain absolute secrecy for the duration of the procedure for awarding concession, the documents were not delivered even after completion of the contract with selected concessioner.

Another group of problems is related to reduced possibility to influence the decisions of the authorities. Public debates are an instrument to influence the improvement of regulations in the areas that are important for the work of NGO. However, in Serbia, public debates are not organized for more important Laws, and when they are, the proposals are not considered properly. This problem is not new, but it is constant for the decades. However, the trends are worrying. While in the past there was a realistic possibility to influence the text of the regulations during their drafting, at least minimum, so Transparency noted situations where our proposals were accepted even in lesser extent (about 10% to 20%), now this is extremely rare. It is notable extreme deterioration over recent years, even in relation to initial years since the current political setup became an authority. Therefore, Transparency Serbia have had the significant possibility to influence the anti-corruption strategic acts adopted in 2013, while almost no proposal we gave was found in the draft of current Law on the prevention of corruption..

The situation is even worse regarding the initiatives that non-governmental organizations submitted outside of public debates, willing to improve practice or to influence the authorities to independently initiate changes to regulations. Consideration of these initiatives is not currently



regulated by any single legal act, regardless of their usefulness. The last chance to do something was passing of the Law on Lobbying which, however, had a narrower grip and focus on lobbying done by professional lobbyists and legal persons that have an indirect interest related to passing the regulations, but not the organizations that are advocating public interest in some area.

The third area where the problems arise is narrowing the possibilities for NGOs that follow critical work of the authorities to reach the citizens through media. This issue is especially important in a situation when the area of immediate influence to the authorities is lower. Transparency Serbia in that view was faced with obvious decreasing number of media that regularly report to the citizens the information about activities of TS. This was especially notable on the TV stations with national frequency, including RTS, as well as in daily newspapers that have benevolence relation to the authorities. More often, this phenomenon is connected with the decision of news agency TANJUG to deliver or not deliver news about some events, initiatives or press release which TS sent, and it is obvious difference in transmitting the information that could be interpreted positively or neutral for the current authorities and those contain unequivocal critical opinion on work of state bodies or the quality of the laws.

Generally, the problem of Serbia is wider than the narrowing the space for work of civil society organizations. Namely, the problem is narrowing the space for public debate on the moves of the authorities in general. In this sense, it is significantly reduced the possibility of citizens, no matter if they are organized or not, to discuss these topics with the authorities. The practice of the majority of MPs to have meaningless amendments and to incorporate discussion in order to "lose some time" prevented such discussion among members of opposition and authorities regarding amendments on texts of the proposals to laws in the National Assembly. The desire to make the decision makers irresponsible for their own actions and promoting the elections as the single criteria for the accuracy of all moves of the authorities, seriously make the debate impossible in every specific issue. In that sense the ability of NGOs that pleading for "ideal goals", achieving the public interest in certain areas, but not for the interests of a certain group of people, influence the changes. In this sense we can remember the quote of Deputy Minister of Justice Cedomir Backovic, who is responsible for the activities related to negotiations chapter 23 on the Rule of Law in the Serbian Government, that non-governmental organization are groups of "vegetarians and butchers", that they represent particular interests of certain groups, and that they are, on the other hand, representatives of the authorities and the only ones that obtained the legitimacy to represent the interests of citizens, as bearers of sovereignty.

Bearing those circumstances in mind, the growing number of so-called GONGO could be explained, formally non-governmental organizations organized by the state and they have a great support of state bodies and pro-government media for their activities. Very often the organizations with similar names and similar fields of work as the active NGOs that have a critical attitude to the authorities are being founded or promoted. The goal of these activities in one hand, is to make a confusion in the public or to show that there are different opinions in a professional and interested public, but not almost unique opposition and criticism of proposal and decisions of the authorities. It seems that in this respect is no less important that such a show is created at the representatives of international



organizations that less carefully follow happenings in Serbia and especially progress on the road to the EU. Then, in the absence of a realistic debate among the representatives and critical public representatives, creates the situation where pro-governmental organizations of civil society are polemic with the views of those who are criticizing the government.

One of the situations where this debate was not possible and was important, was the decision of the authorities on the project "Belgrade Waterfront". Political leadership of Belgrade and Serbia, with the great support of tabloids, but also serious media, as well as organizations that are generally critical to "pro-West organizations" or were formed for one-time use, reacted aggressively on each attempt to review decisions or debates on the key issues. Such a debate was, however, more than necessary, exactly on some issues that Transparency Serbia raised. The first question is whether the decision to conclude the contract without tendering for the use of state land in Belgrade's Sava amphitheater was in the best public interest and whether through tendering could gain a greater interest for Serbia and Belgrade. Another question is the need for the adoption of so-called "lex specialis" for only one private investment project and the consequences that the legal system of the state will have and the decision of another potential investor.



Press issues

International Anti-Corruption Day - a reminder of unfulfilled obligations

December 9th, 2018.

The International Anti-Corruption Day, celebrated on December 9th, is an opportunity to remember the unfulfilled plans and the lack of results in this area. Transparency - Serbia (part of Transparency International), on this occasion, indicates that the National Anti-Corruption Strategy for the period 2013-2018. and emphasizes that creation of a new one has not started yet. The vast majority of measures presented with a strong promotion five years ago have not been implemented, and those that have been formally fulfilled, have not given the expected results in general.

The state authorities of Serbia have also departed from the basic principles of the mentioned Strategy. Thus, the "rule of law" is regularly a victim of political interest, for which the most obvious example is massively unlawful acting state in public companies and inconsistent removal of illegal objects.

The proclaimed "zero tolerance of corruption" did not result in the punishment of all abuses. On the contrary, the prosecution left the public without a reasoned answer to the question why no criminal prosecution was committed, even in some cases of suspicion that were thoroughly exposed in the media (e.g. "New Year's Christmas tree", "aunt from Canada" and the like). The principle of "accountability" remains as a dead letter on paper - the National Assembly and the Government did not resolve any manager of an institution that did not fulfill its obligations under the strategic acts.

In the field of corruption prevention, inter alia, the obligation of the ministries to determine the risks of corruption in the process of drafting regulations is still not established. In addition, since February 2018, the Anti-Corruption Agency has ceased to have good practice in warning publicly about the observed shortcomings in regulations. "Transparency in the work of the authorities" is not provided when it comes to important decisions on the disposal of public assets, even after the binding decisions of the Commissioner for Information. The National Assembly, which should monitor the implementation of its conclusions regarding the reports of independent state bodies, has only just made decisions once (2014).

When it comes to controlling the financing of political parties and controlling property and income of public officials, the shift was not achieved at the normative level, while lobbying was regulated only recently but in an incomplete way. "Public participation in monitoring the spending of budget funds" was not improved, as envisaged by the 2013 Strategy. Moreover, no legal minimum was provided - that the Government submits the final account, and that the Parliament discusses it.





"Risks of corruption in the field of public-private partnerships and concessions" are not only lessened, but this type of publicly-owned disposal is often practiced through direct agreements of state authorities with private partners, without competition and transparency, with reference to inter-state cooperation agreements.

Five years ago, in the Strategy and Action Plan, not very ambitious goals were set for the success of prosecuting corruption-to increase the number of legally convicted participants in corruption by only 30%. However, the number of prisoners is not only not increased, but significantly reduced. For the offenses of taking bribes, giving bribes and trading in influence, the number of convictions in 2017 decreased more than double in relation to 2012 - from 116 to 55, while in the case of punishment of abuse of office, the reduction was somewhat lower. Not even the number of reported cases of corruption has increased, despite the fact that, in the meantime, the Law on the Protection of the Accusers has been adopted, and some of them have been granted protection against cancellation. According to the findings of the research on corruption and perception of corruption, there is no basis to conclude that fewer rejections and penalties are the result of a reduction in the overall level of corruption.

For years announced new organization of judicial authorities for the fight against corruption, the ability to engage financial forensics, legal measures to seize property, proactivity and conduct a financial investigation alongside criminal, are a chance to achieve better results in the fight against corruption. However, practice shows that legal and institutional solutions are not a "magic wand" in a situation where the examination of "politically sensitive" subjects is missing. It is not realistic to expect that prosecutors will be more ready to deal with such cases, if the share of public prosecutors in the body that decides on their choice, dismissal and promotion reduces the share of public prosecutors, as foreseen in the current proposal for amendments to the Constitution.

This year ends with the repeated announcements of the adoption of the "Law on the Proof of Property Origin". In this regard, Transparency Serbia shows that there are already regulations in Serbia that allow the control and seizure of illegal revenues, and that the basis for any discussion of the new law should be an explanation why the existing tax, criminal and anti-corruption regulations did not produce results which are expected from the new act. On the other hand, the Government has given up the introduction of the criminal offense of "Illegal Enrichment", under Article 20 of the UN Convention against Corruption, which was envisaged by the 2013 Action Plan. This norm was supposed to enable the prosecution of a public official "for a substantial increase in property which he can not reasonably explain with regard to his lawful earnings. " Such a legal solution would have been adopted, significantly facilitated the prosecution of corruption, in cases where there is a will for such a thing.

