

Code of Conduct for Local Self Governments in Serbia

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Kyiv, Ukraine, 8 December 2011



Introduction

- Serbian Code of Conduct for Local Self Governments since 2004
- Reasons for Codes of Conduct
- Political Circumstances
- Contents
- Implementation
- OSCE Activities
- Outlook



Why a Code of Conduct?

- Legal Provisions not enough? (Election laws, Anti-corruption laws,...)
- Increasing distrust in public institutions since early 90's
- Transition countries – specific image related challenges
- Cases of concrete unethic behaviour



Why a Code of Conduct II

Legal Provisions are always related to sanctions – „hard law“

Codes of Conduct have manifold aspects:

- „soft law“ – Guiding principles for elected officials (how to behave)
- one document including all relevant provisions
- public awareness of what representatives may and must not do
- displaying commitment to ethic standards – fostering trust
- opening up additional control mechanisms



The Serbian Case

- Democratic change 5 October 2000
- European integration efforts – Council of Europe membership 2003
- CoE Model Code of Conduct as basis for Serbian municipalities
- Leading role of Standing Conference of Towns and Municipalities
- 5 December 2004: Adoption of Model Code of Conduct for Serbian Local self governments
- Adopted by 149 out of 174 local self government bodies



CoC - Content

I. Object and Main Principles

- Primacy of Law and public interest
- Compliance with voters' will
- How to fulfil the mandate (objectives)
- Relations with other public officials, staff and citizens



CoC - Content II

II. Standards of performing the function

- Conflict of interests
- Election campaign
- Transparency (decision-making, interests)
- Gifts, Corruption
- Budgetary Discipline
- Relations with other employees
- Termination of mandate



CoC – Content III

III. Relations with the Public

- Transparency (esp. Media)
- Acceptance
- Dissemination of the Code to the Public
- Implementation



Implementation

- Adoption of CoC as such
- Establishment of monitoring body to increase compliance
- UK: Standards Committees
- Serbia: 31 registered monitoring boards
- Monitoring Boards:
 - assess and review complaints
 - monitor the effectiveness of the Code
 - Measures: non-public warning, publication of a case, other measures



Implementation challenges

- 1) Lack of awareness – rarely part of „swearing-in ceremonies“
- 2) Lack of monitoring boards
- 3) Malfunctioning of existing monitoring boards (only 10 really active)
- 4) Change of legal environment (Constitution and relevant laws)



OSCE Serbia Activities

- Focus on Monitoring Boards:
 - Establishment
 - Training
 - Study visit in UK
 - Creation of network of monitoring boards
- Conference on implementation of the Code (April 2011)
- Multimedia guide to CoC in municipalities



Outlook

- Bringing together various new actors in the democratic control system of Serbia (Anti corruption agency, ombudsmen, state audit, monitoring boards, etc.)
- Increasing awareness – introducing formal commitment to the CoC
- Code of conduct on national parliament level

Thank you for your attention!