



OFFICE OF THE HEAD OF MISSION

Press and Public Information Unit

Vreme, 14 February 2008

Interview with Ambassador Hans Ola Urstad, Head of the OSCE Mission to Serbia (translation)

MALADMINISTRATION IS A FERTILE SOIL FOR CORRUPTION

“I wouldn’t accuse the state for everything. Money is needed everywhere, and money is present in limited amounts. How much the state will allocate to the social sector, or hospitals, or some other sectors – this is always a political dilemma. It is not the unwillingness of the state to support the work of anti-corruption institutions, some Ministries are very committed to working with these institutions.”

A Norwegian Hans Ola Urstad has been in Serbia for many years now, first as a Norwegian Ambassador in Belgrade since 2001, and for the last two years as the Head of the OSCE Mission to Serbia and Montenegro first, and then Serbia. As the Head of Mission, his job is to help in the building of independent and efficient democratic institutions, in particular in the fields of rule of law, human rights, media, police, economy and environment.

The subject of the interview with the Ambassador was corruption. When he was asked to comment on the situation in the most of anti-corruption institutions which are facing huge problems, i.e. lack of elementary premises for their work. Hans Ola Urstad explained that the key point is the political will to have strong and independent institutions for fight against corruption. “Most of the institutions in the region have more or less the same problems, not adequate status, not enough funds, they are understaffed or their existence depends on political decisions. Some of them have been recently established, some changed the status and became the part of ministries, in some countries the role of the Commission is stronger then the role of the Public Procurement Office, etc. But most of the bodies, despite difficulties they encounter, continue to work hard and make efforts to establish and implement anti-corruption mechanisms”.

VREME: In some of the anti-corruption institutions which have this problem with insufficient number of staff they say that those who are qualified will not work for such small salaries, as there is a lot of pressure at these positions.

You are right, but this is not the only field in which we have problems with salaries, especially in the public sector. Also, this problem is not present only in Serbia, it exists in

my country as well. There are no unemployed there, and everybody is looking for qualified workforce. For this reason, private companies always pay more than the state. People come to these institutions and after a year or two they leave, as they can sometimes earn double at other positions.

VREME: And working in these institutions is difficult.

Yes, because you are constantly exposed to criticism and political pressure.

VREME: How would you assess the relationship of Serbian authorities towards anti-corruption institutions, particularly the Public Procurement Office, Commission for Protection of Rights, the Republic Commissioner for the Information of Public Importance and the Ombudsperson.

In Serbia, there are about 12.000 purchasing entities, so the sufficient number of staff of the Office and the Commission and adequate premises are of crucial importance for their work. These are necessary prerequisites to have independent and strong institutions. The Mission has supported the Office and the Commission since their establishment by e.g. advising and assisting in drafting legislation, supporting capacity building activities, organising regional gathering of the public procurement bodies, etc.

The appointment of an Ombudsperson last year offered Serbia an additional opportunity to fight corruption effectively. Though the Protector of Citizens does not have a specific mandate on this issue, his work against maladministration can be instrumental in reducing the cracks in the system that allowed corruption to spread so much. Maladministration is a fertile soil for corruption. If we want to transform this opportunity into concrete results, we need to give the Ombudsperson the resources to produce them, starting from human resources. Let me highlight in this regards that the deadline for the appointment of the Deputy Ombudspersons has expired on 20 December 2007 and the Parliament has not yet appointed them. Our Mission is currently the main partner of the Protector of Citizens in building the capacity of his office.

The relationship between the Serbian authorities and the Commissioner for Information of Public Importance can be viewed from two angles. The Serbian Parliament sent a clear signal of good will when it set out the necessary preconditions for the founding of this important institution by adopting the Law on Free Access to information of Public Importance. On the other hand, considerable research, including by the OSCE Mission, on the issue of free access to information has revealed a series of problems in implementation of this law, especially of the Commissioner's decisions. Another problem the Commissioner is facing is the lack of capacity for more efficient work and further development of this institution. Primarily, there is an issue of too small office space, which should be solved urgently. This hampers employment of new people in the institution and improvement of its operation. The Commissioner is a good example of the Serbian authorities' approach to the so-called "fourth branch of power", but institutions

such as the Ombudsperson, the Anti-Corruption Council and other anti-corruption bodies are facing similar problems.

VREME: So, what could we single out as the biggest problem: is it the lack of will on the part of the state to support the work of these institutions, or is it that the regulations are not good...

I wouldn't accuse the state for everything. Money is needed everywhere, and money is present in limited quantities. How much the state will allocate to the social sector, or hospitals, or some other sectors – this is always a political dilemma. It is not the unwillingness of the state to support the work of anti-corruption institutions, some Ministries are very committed to working with these institutions.

VREME: Is the OSCE facing problems with state institutions?

We have very good cooperation with almost everybody. We can meet the Ministers whenever there is a need for this, it is often once in a week, or once in two weeks. These are, for example, Minister of Justice, Minister of Interior and others.

VREME: Your assessment of the implementation of public procurement in Serbia.

Since its establishment in 2002, the public procurement system is in constant process of improving. The Government recently adopted the new Public Procurement Draft Law to be presented to Parliament. This draft introduces enhanced accountability and transparency of the system by means of a more effective protection of rights. The Commission for Protection of Rights has been elevated to the status of independent and accountable body. The members of the Commission are appointed directly by the Assembly and its decisions can now be appealed with the administrative court procedure. In the 2002 Law the Commission is part of the Public Procurement Office, appointed by the Government and its decisions cannot be appealed. The position of the Commission envisaged in the Draft Law is in line with EU Directives on public procurement.

The Role of the Public Procurement Office is also improved. The new law introduces the institute of Public Procurement Officer tasked with performing the public procurement activities within purchasing entities. This is in line with the recommendation stated in the GRECO (Group of States against Corruption) 2006 Evaluation Report on the Republic of Serbia that highlighted the importance of appropriate training for civil servants involved in procurement process and will put a ground for an increase of professionalism and a reduction of irregularities. At the same time, the risk of corruption would be lowered significantly by making public procurement staff more competent and independent. Furthermore, the new training system harmonized with EU standards would serve as a base for establishing a system of the public procurement staff career development scheme based on merits.

VREME: In which field are the problems particularly strong, where is the corruption most prevalent?

Regardless of the field where the corruption problems are particularly strong, Serbia has to have independent institutions which will fight against corruption at all levels. All three branches of power: legislative, executive and judicial should contribute to the fight against corruption. Serbia adopted the National Strategy for Combating Corruption in December 2005, the Serbian Government adopted the Action Plan for the implementation of Strategy in December 2006 and these documents provide a solid and sustainable legal framework to combat corruption.

VREME: In which way is the OSCE Mission to Serbia assisting in the fight against corruption?

The main area is legislative activity, meaning providing assistance and expertise to Serbian authorities in legislation drafting, supporting the efforts of domestic authorities to improve the efficiency, quality, and fairness of Serbia's laws and regulations, capacity building of the institutions set to fight corruption (Public Procurement Office, Commission for Protection of Rights, Republic Board for Resolving Conflict of Interest, etc.), organising training seminars at the local level, enhancing regional co-operation and exchange of experience of the anti-corruption bodies, supporting awareness-raising campaigns with NGO sector, translating and publishing books targeting corrupting, etc.

VREME: What are the most important goals in the upcoming period in Serbia that need to be accomplished in the fight against corruption?

First of all, the necessary framework for the existing institutions fighting corruption needs to be completed, and means provided so that they could truly implement their role and mandate. This means enough funds, adequate premises and qualified staff.

Also, the adoption of the law on establishing the anti-corruption body, an obligation stemming from the National Strategy for Combating Corruption, needs to materialise. As said above, adequate support and sufficient means should be provided to implement the obligations under the law.

The Mission is ready to continue to support Serbia and its institutions to reach these goals and implement their responsible mandates.

VREME: What are the biggest OSCE Mission successes in 2007?

In order to contribute to better implementation of the public procurement system in Serbia, the Mission jointly organised with the Public Procurement Office a pilot project "Raising Professionalism in Public Procurement in Serbia: Introduction of Certification System in Public Procurement Procedures". The project was based on the European standards and practice. Presently in Serbia there is no regular system of training in the

public procurement area. That opens a door for irregular implementation of the Public Procurement Law and increases dependency of the public procurement staff on politics.

The public procurement staff did not have proper training and certificates that would qualify them to the positions within public procurement units and the result was frequent replacement of the staff. At the same time, the risk of corruption is lowered significantly by making public procurement staff more competent and independent. Furthermore, the aim of the new training system harmonized with EU standards was to serve as a model envisaged in the new Public Procurement Law and a base for establishing a system of the staff career development scheme based on merits instead of loyalty to the superiors.

The Public Procurement Office initiated a process of establishing a standardized, internationally harmonized programme of training of public procurement officials in Serbia, as a first step toward introducing professionalism in this area. The seminar had three levels (modules): M1 (basic), M2 (intermediate) and M3 (advanced). About 60 officers from the purchasing entities attended the seminar.

We believe that the success of the pilot project contributed towards the introduction of professional requirements for procurement officials as envisaged in the new Draft Public Procurement Law described above.

VREME: You were speaking about the successes. What are the problems you are facing in your work here?

It's difficult to point out things we have not done. We have limited resources and 175 employees. There are sectors where we could have had more success, such as media sector. They are perhaps still not where they should be. We criticised many of the media for publishing some really grotesque pictures which exceed the line of decency. Whether our efforts in this area had any effect – this can be discussed.

In the sector of the rule of law, we have a stable progress owing to the good cooperation we have with the Ministry of Justice. Also, we have a very close cooperation with the police almost on a daily basis, in the first place in the field of education.

VREME: This must be a difficult job in Serbia, taking into consideration its past.

It is, but we are very satisfied with the reaction to the education they get. Now we have three new forensic laboratories - in Nis, Novi Sad and Belgrade, which are equipped with the most advanced devices that help them get more reliable evidence. The police is very willing to cooperate. During the Milosevic's rule, will for education and cooperation was missing.

VREME: How would you assess regulations, i.e. legislation in Serbia at this moment -- are they good?

This is still a transition country and there is a lot to be changed and done in many sectors, but it is certainly on the road to establish practices that we would like to see here. We have a lot more to do, but we are working together with the Government, we are doing what we can to the extent possible, as we are present in Serbia for a limited period of time. When this time expires, we will leave.