

# TRANSPARENCY

## WITHOUT BOUNDARIES

news letter

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**Y**ou can read the first edition of the newsletter entitled **Transparency Without Boundaries**, published in the frameworks of the project **Culture of Law Against Corruption**. We set out the project in 2007, when most of the activities were focused on the rule of law and the so-called culture of lawfulness. The basic elements comprising the project, which resumes this year under support of the Embassy of the Kingdom of Norway in Macedonia, cover the areas spanning development of the culture of law set against the corruption - as a widely accepted behaviour; monitoring the implementation of the anti-corruption legislation; establishment and activation of the NGO coalition for fight against corruption; as well as publishing of this newsletter as a way of conveying the message to a broader public speaking Macedonian, Albanian and English languages.

What is a culture of lawfulness? The culture of lawfulness represents a culture confronting the culture of lawlessness. As in Sicily, where **cultura della legalità** declared war to **cultura della mafiosità**. Basically, it advocates violence-, humiliation-, crime- and corruption-free life, as well as release from the material and psychological pressures resulting from lawlessness. **Promoting the culture of individual** - the ordinary man/woman, the average citizen - lies in the essence of the culture of lawfulness. In the culture of lawfulness, he/she is not the one who bows his head down, embracing bad and good indiscriminately. The culture of lawfulness is set against the syndrome of **why-not-society** in which nobody

### introduction



Assist. Professor  
Slagjana Taseva Ph.D  
President of TZC

## cultura della legalità

neither stands against the ongoing changes - regardless of their nature - believing they would happen anyway, nor raises his voice when the changes are missing, believing that it is out of his hands. The culture of lawfulness is aimed at overcoming hesitation, skepticism, indifference, resignation and apathy, immanent to the mindset of the ordinary man as well as at encouraging an attitude of having faith in the power of the ordinary man to play an active role in the organization of his own life and his surrounding - an attitude of having faith in the future.

There cannot be rule of law without the culture of lawfulness. Because the culture of lawfulness implicates something that complements, i.e. substantiates the rule of law. The opinion on whether a culture of lawfulness exists in a country depends on the degree of its presence. One cannot speak about a culture of lawfulness if it exists in a single city or a single class of citizens. A society or community with culture of lawfulness is the one in which the ordinary citizen believes that the legal acts are fundamental element of the justice, and means for achieving justice - a system in which the average citizen is confident that the quality of living of the individuals and the society as a whole is constantly improving. The faith in law and justice comes from understanding the meaning and the essence of the law. It is exactly where the longevity of the culture of lawfulness project and its implementation through a comprehensive civil education, evolves from. After all, the young people are the chief bearers of the culture of lawfulness. 



Transparency without Boundaries is a newsletter published by Macedonian-based NGO Transparency-Zero Corruption (TZC), national contact of the NGO Transparency International. The newsletter is issued quarterly in electronic format in three languages - Macedonian, Albanian and English. The publication was launched with an aim to inform about TZC's activities and keep record on the most outstanding anti-corruption events in Macedonia taking place in the period between two issues.

Supported by the Embassy of the Kingdom of Norway in Macedonia.



Project



## TZC PROVIDES LEGAL ASSISTANCE TO 100 CITIZENS IN THREE MONTHS

*The most frequent cases the citizens are presenting to the Center are referring to corruption, problems in the judicial practice - particularly unreasonable duration of trials or ignoring the facts in the proceedings - but there are also some elementary matters, like violation of the legal right of free access to public information, which prevents the client to exercise other rights guaranteed under law*

One of the project that Transparency-Zero Corruption (TZC) takes most pride in is the ALAC (Advocacy and Legal Advices Centre) project, whose practical implementation is immediately and clearly visible.

The aim of the project, which is implemented across South East European region, is to provide legal advices to the citizens through the Center for Legal Advices. The number of people that came in the Center seeking for legal assistance serves as the best proof for its purposefulness.

Namely, the Center provided or is still providing services to as many as 94 citizens from mid January 2008 until end of March. Those clients have been faced with various forms of violation of civil rights on the part of the system's institutions or their employers. Majority of cases involve implicit or direct corruption. The citizens make appointments in TZC by telephone or upon written request and work with volunteers - senior members of the organization, who are very well trained and experienced in application of the laws.

The staff of the Center is working in the citizens' interest with utmost responsibility and thoroughness, offering them the best legal advices in the country, in line with the juristic practice. Records are kept for each case, and when indications for severe power abuse by individuals emerge, the Center embarks upon close cooperation with the State Anti-Corruption Commission, Public Prosecution Office and Police.

The most common cases the citizens are presenting to the Center are referring to corruption, problems in the

judicial practice - particularly unreasonable duration of trials or ignoring the facts in the proceedings - but there are also some elementary matters, like violation of the legal right of free access to public information, which prevents the client to exercise other rights guaranteed under law.

The Project is carried out under coordination of the Berlin-based HQ of Transparency International (TI) and financial support of the funds allocated by the Stability Pact with assistance of the German foreign ministry. NGOs from seven countries linked with TI-Berlin are taking part in the project's activities.

Except for providing direct legal assistance to citizens individually, the Center use the clustering method to identify common problems and consequently draft proposals for alterations to the existing national legislations, or put forward bylaws to supplement the existing anti-corruption provisions. The final goal of the project is to "improve the quality of democratic governance by enabling the citizens to take part in the fight against corruption, to push the authorities for answers, and to play an active role in overall system improvement," says the rationale of the Project that goes on in 2008. 

Project | „Light-Bleak“



## FOUR YEARS OF “SHEDDING LIGHT” ON “BLEAK” CORRUPTION-RELATED EVENTS

*The fourth anniversary of one of the most remarkable TZC’s and Makfax projects -- the opinion poll ‘Corruption Barometer’ -- reaffirms its purpose now and in the future*

Some hundred corruption affairs or government’s activities aimed at curbing down corruption were publicly exposed and picked as “bleak” or “light-some” events in one of the most remarkable Transparency-Zero Corruption’s projects - ‘Corruption Barometer’, or widely known as ‘Light-Bleak’ opinion poll.

Transparency-Zero Corruption (TZC) has been conducting this monthly project in cooperation with the independent news agency Makfax on a basis of partnership and shared responsibilities. The agency proposes the “bleak” events that took place in the passing month, while TZC’s task is to come up with the “lightsome” ones, before the final version of the list is put together. Thereafter, the proposals (usually three events of the two categories apiece) are presented to the chief editors of the Macedonian national media, who are entitled to pick one event from the “bleak” and “lightsome” short-lists each. The results of the vote count determine which event is considered by the relevant public opinion as the “bleakest”, and which deserves commendations in terms of fight against corruption.

At the turn of each year, all monthly “winners” in both categories are placed on a single list, and by using the identical voting model, the “bleakest”, i.e. the “lightest” corruption-related event in Macedonia for the respective year is picked.

The sale of the Okta refinery, brought into spotlight after the Paris Arbitration Court’s ruling, was picked as the bleakest event in 2007 in the latest annual poll. This

event garnered 10 votes of the chief editors who took part in the opinion poll. On the other hand, the extradition of the controversial businessman **Metodi Smilenski** by the Serb authorities was singled out as the lightest event last year.

The importance of this project for TZC lies in its credibility, resulting from the reputation of the respondents. By their participation and their votes, the chief editors of the Macedonian national media are adding to the relevance of the “verdict”, and by publishing of the poll’s results, we make a joint contribution to raising the public awareness on the battle against corruption.

There is a strong public response on the survey, in which about twenty chief editors are taking part. It has been cited as an example and often triggered re-opening of an investigation on corruption-related cases. The representatives of the international community in Macedonia show great interest for the poll, moreover it is published in Transparency International’s ‘Transparency Watch’. Over the past four years of its existence, this project has been conducted largely on a voluntary basis. For a while, when financial support for the project was provided, the results of the opinion poll were published on a monthly basis in the two largest circulation newspapers in Macedonian and Albanian languages.

TZC is looking forward to continuation of this project. 🇹🇷

Year	Bleak corruption events	Lightsome
2007	OKTA and Paris Court’s ruling	Extradition of M. Smilenski
2006	‘Bacilo’ case	Uncovering of affair of weapons transportation
2005	Actions of the Public Prosecutor of RM A. Prcevski	Activities of the Ombudsman. I. Memeti
2004	‘Smilenski-Trpeski’ case, or the so-called “bank guarantees”	Setting up of anti-corruption hotline 197 by the Customs Administration

Debates



## QUEST FOR TRANSPARENCY IN ENERGY SECTOR

*Macedonia needs better draft-law on energy - this is probably the most accurate summation of the public debate set up by Transparency-Zero Corruption in Skopje in early 2008*

The well-attended public debate was staged ahead of the departure of the government's representatives for Brussels, to meet with the European Commission's energy officials and make final evaluation of the degree of harmonization of the planned alterations to the existing national law with the legislation and practice of the EU member-countries.

Although no government's representatives were showed up at the debate, the impression of the TZC's management is that the stances voiced at the event contributed to softening of the previously adamant stands of the government concerning some arguable issues. This was mainly due to the solid coverage by the media that carried extensive reports. The highlights of the debate included the future role of ELEM (a national company engaged in electric power production) on the Macedonian energy market, i.e. whether the proposed legal alterations pave way to company's monopoly position. The topics of discussion also included following of the international legislation and opening of the Macedonian energy market in the context of the regional and European obligations (Athens Energy Community Treaty and EC Protocols); the impact of the market liberalization on the electricity price, and other relevant issues.

In her introductory address, TZC's President, Assist. Professor Dr. Slagjana Taseva Ph.D, criticized the ambiguity of the government's draft-project, underlying the importance of making clear to the citizens how would the new law reflect on the future price of electricity.

The Deputy Chairman of the Austrian EVN-ESM, **Mr Karl Heinz Grassmann**, also pointed out at the lack of distinction of the stake-holders' responsibilities in the

proposed legal alterations. According to him, the division of responsibilities in the electric power production remains unclear, because the position of ELEM, as the chief electricity producer in the country, is not clearly defined. Mr Grassmann raised concerns that the premature opening of the market could trigger increase of the electricity price at the expense of the citizens. **Jani Makraduli** of the opposition SDSM, who was the only lawmaker who attended the debate, also commented the proposed alterations. "The government remains persistent in its stubborn policy, in spite of the domestic public opinion and the EC recommendations," Makraduli said. Academician **Tome Bosevski** sided with the government, arguing that the new draft-law represents a bid to put order in the chaos that plunges the country's energy sector into crisis.

According to Professor Dr. Bosevski, the proposed alterations offer no possibility for monopoly position of ELEM. "...Any company that has technical capacity to import electricity will be enabled to do so. It is a democratic change, because in essence, every major player on the market will be able to import electric power." The Academician added that these changes should have been introduced as early as ten years ago.

The one-day debate, which ran through two (morning and afternoon) sessions in the Skopje's hotel Stone Bridge, brought together a number of experts, representatives of energy companies and public figures. The public was very well informed about the stances put forward at the debate evoking strong response. 🗣️



## 'NEED OF MONITORING COURT CASES INVOLVING CORRUPTION'

*Out of a total of 24 corruption-related crimes envisaged in the Criminal Code, as little as 11 crimes have been subject of proceedings in the Macedonian courts, resulting in bland or minimum sentences in 70 percent of the cases*

**T**he title of the information Need of Monitoring Court Cases Involving Corruption is actually the title of the booklet prepared by the participants of the project managed by the 'Coalition All for Just Trials' and Transparency-Zero Corruption.

The booklet contains cumulative information and conclusions resulting from examination of record-keeping files of 26 Criminal Courts from all over Macedonia. The records of as many as 220 corruption-related cases pursued in 14 Courts were scrutinized. The research project covered a 2,5-year interval (from mid 2005 through end 2007), and does not include the cases handled by the Skopje District Court I, (now renamed to Skopje Criminal Court) as the competent officials of this Court declined cooperation.

The analysis showed that the pronounced sentences are way too soft, ranging from less than one-year imprisonment and suspended sentences, to small pecuniary fines up to 70,000 denars. Due to the frequent obstructions of the proceedings by the defendants or their lawyers, the trials are usually dragged out.

Out of a total of 24 corruption-related crimes envisaged in the Criminal Code, as little as eleven have been subject of proceedings in the Macedonian courts, including fraud, false bankruptcy, inflicting damage or providing privileged position to creditors, power abuse, embezzle-

ment in fulfilling working duties, fraud in fulfilling working duties, misappropriation of entrusted property of funds, receiving or giving bribery, misuse of state, official or military classified information and falsifying of official ID.

The most common cases in the Macedonian Courts are related to the crimes of power abuse and fraud. In the frameworks of the project and for the needs of the same, the main carriers of the activities elaborated a definition encompassing the 24 corruption-related crimes included in the Criminal Code, which represents another contribution to the theoretical treatment of the corruption.

Prof. **Ljupco Arnaudov** Ph.D, Assist. Professor **Slagjana Taseva** Ph.D, M.A. **Suzana Saliu** and the project coordinator M.A. **Slavica Dimitrievska** took part in elaboration of the booklet and implementation of the project that was carried out under financial assistance of OSCE Mission in Macedonia. 🇲🇰

Round Table



## EXTREMELY HIGH CORRUPTION IN EDUCATION

*The corruption in secondary education is extremely high - is the stand of high-school students that took part at the round table staged by TZC, attended also by representatives of the central authorities and high-school principals*

The President of Transparency-Zero Corruption (TZC), Assist. Professor **Slagjana Taseva** Ph.D, gave an introductory address and took the role of moderator at the round table that focused on the modalities of stamping out the corruption in the secondary education.

The students attending the round table confirmed the widespread presence of corruption for themselves. Reasserting the stand of Taseva, who cited the results of the Transparency International's annual study on corruption in Macedonia, the students said that the corruption has reached such a scale that it begins at the very start, when the future students are asked for money or various types of services to be enrolled.

They also pointed out that the corruption is more prevalent in the high-schools where the entry quota is much lower than the students' interest for enrolment.

One of the high-school headmasters pointed out at introduction of a mandatory graduation exam as a tool for curbing down corruption, given that this negative phenomenon gains momentum in the final year, in the peak of the students' struggle for higher grades ensuring better starting position for university entry exams.

Representatives of the central power on their part, briefed about government's plans for introduction of new secondary education concepts, following examples of the Swiss or Japanese systems.

After wrapping up the round table, the organizers came forward with conclusions that highlighted the complexity and seriousness of the problem. The bottom line of the summation is that the corruption could not be viewed as pertaining to the student-professor relation, or even the high-schools only, but as an occurrence resulting from the overall negative trends in the society. The activities are due to continue by formation of a Steering Board that will be tasked to hammer out a strategy on the fight against corruption in the secondary education. 🇲🇵

Lecture at SEE



## "CULTURE OF LAW AGAINST CORRUPTION"

*Not everything depends on the ruling power and there is no "magic wand" to solve the problems. Fostering and articulation of a strong civic consciousness are also necessary, it was said in the course of the lecture on the corruption in education delivered at the "Stuhl's University"*

The problem of corruption in Macedonia, particularly in the education sector, the ways of tackling this challenge and the ongoing initiatives in this sense, were the main themes of the lecture Mrs. **Slagjana Taseva** delivered to the students of the Business and Administration Department of the Tetovo's University of South East Europe.

The lecture dubbed as 'The culture of law against corruption' was held in the frameworks of the eponymous ongoing project aimed at battling corruption in education, which Transparency-Zero Corruption (TZC) launched in 2007.

The interactive nature of the lecture session delivered by TZC's President, Slagjana Taseva, enabled articulation of a shared conclusion that there cannot be fight against corruption without consistent application of the laws. She pointed out that even the most solid European legislation can hardly help in solving of the problem without implementation of laws and other regulations. As regards the corruption in the education system, Taseva emphasized that "it doesn't necessary imply (corruption) in a material form, but it can also take shape of making a promise or offering a service and receive in return a student's booklet, a grade, etc." Furthermore, it was concluded that not everything depends on the ruling power, that there is no "magic wand" to solve the problems, but that fostering and articulation of a strong civic consciousness are also necessary.

The attending students on their part pointed out at the good practice of University of SEE, when it comes to curbing down the corruption in high education. 🇲🇵

TZC -Donor conference



## FOREIGN DONORS SATISFIED WITH 2008-2010 TZC PROGRAM

*Representatives of the foreign Embassies appraised highly the triennial plan of activities, while the officials of the Embassies of The Netherlands and Norway pledged to provide financial assistance at the very presentation*

In early January, Transparency-Zero Corruption (TZC) staged a presentation of its 2008-2010 Activities Program to the potential donors. The decision to seek for overall support for a triennial plan of activities represents a novelty in TZC's functioning, which was prompted by the need to secure the continuous implementation of specific projects, i.e. making sure that the final goals are achieved.

Almost all relevant representatives of the international donor community in Macedonia attended the meeting set up in the TZC's premises to be thoroughly familiarized with the long list of activities projected for the next three years.

President Assist. Professor **Slagjana Taseva** Ph.D, set forth the TZC's Program, putting an emphasis on the projects that TZC Board singled out and Parliament approved on the basis of the results achieved so far, as the most deserving to go on. The projects that are yet to be launched were also presented. Naturally, the main focus was put at the expected benefits of the projects.

Representatives of the foreign Embassies appraised highly the triennial plan of activities, while the officials of the Embassies of The Netherlands and Norway

pledged to provide financial assistance on the spot. The participants of the Annual Assembly expressed sincere gratitude to the Kingdom of Norway, as one of the most generous supporters of TZC's activities. 🇳🇴

