

Political and legal perspective of anticorruption measures in Kosovo

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Content

- Anticorruption policies;
- Political will;
- Institutional mechanisms
- Problems causing corruption;
- Fields of corruption practices;
- Problems of fighting corruption;

Anticorruption Policies

- In the last five years, the anticorruption policy and legislative framework in Kosovo has been subject to repeated changes, often as a consequence of institutional competition as much as of increased institutional capacity.
- Currently, Kosovo institutions undertake little corruption research apart from what external organizations sponsor, and engage in no significant analyses of corruption risks inherent in their work.
- The situation is improving, however, till now statistics on the number and type of corruption cases investigated, prosecuted and judged were not kept, apart from few exceptions.
- More emphasis on collecting and analysing such data would allow more effective policies and interventions. For example, targeting conflict of interest prevention on the officials that are most exposed to them, fine-tuning the severity of disciplinary or penal sanctions, or directing investigations where corruption is the most acute.

Political will to fight corruption

- ***The perception among the citizens of Kosovo is that there is no political will to fight corruption:***
 - Furthermore, many citizens have the perception that many of Kosovo politicians are corrupted;
- However, since 2010, the government and the Prime minister has been engaged in some initiatives which have been supportive to institutions that are fighting corruption,
 - There was an impact of international pressure;
 - On January elections 2011, even though the same party won the elections, some of previous ministers did not joined the new government; (some criminal investigations are ongoing).

Institutional mechanisms

- Public Prosecutors office,
- Anti-Corruption Agency,
- Anti Corruption Unit of Police,
- Investigation Units within specialized state institutions, (tax administration, customs, public companies... etc),
- Financial Intelligence Center,
- Support of EULEX judges, Prosecutors, Police,

Problems causing corruption

- Low economic development;
- Moral-social problems in a transitional post socialist society;
- No consolidated civil society;
- Weak private participation in national economy - a high % of national economy is based in public expenditure;
- Weak public institutions;
- Low criminal sanctions;
- Low practice of punishments for corruption cases by courts;

Using bribery as example, the table shows how sanctions are markedly milder than in comparable EU members.

Offence punishable with imprisonment		Slovenia	Estonia	Kosovo
Active bribery	For unlawful official acts / omissions	1 to 5 years	1 to 10 years	3 months to 3 years
	For lawful official acts / omissions	6 months - 3 years	1 to 5 years	Up to 1 year
Passive bribery	For unlawful official acts / omissions	1 to 8 years	1 to 10 years	6 months to 5 years
	For lawful official acts / omissions	1 to 5 years	1 to 5 years	3 months to 3 years

Corruption fields

- In many different services offered on local level:
- Mostly on licensing for different economic activities;
- Public procurement procedures in local and central level;
- Public enterprises/companies,
- Judiciary – (it is improving),
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The main problems on fighting corruption

- Weak institutions;
- Mixture of competences between national institutions;
- Mixture of competences between national and international agencies;
- Different national legislation in power and no capacity of some institutions to implement it;
- No enough political support/will to fight corruption;



Thank you for your attention!