



Kruessmann Thomas,
Prof. Dr. Dr. h.c. LL.M. (King's College London),
University of Graz (Austria),
University of Tartu (Estonia)
e-mail: kruessmann.thomas@gmail.com

doi: 10.21564/2414–990x.138.105282
UDC 341.841

TEACHING ANTI–CORRUPTION IN THE CAUCASUS AND BLACK SEA REGION(S)

There is hardly a topic in the current transformations that is as central as corruption. Anti-corruption efforts go back to the nineties when globalisation turned the world into a corporate playing field. Since then, a wealth of tools and instruments has been invented, and any student of anti-corruption can be certain to find abundant materials. From a teacher's perspective, turning these materials into a coherent academic subject is the first challenge.

But anti-corruption is not a subject like any other. If taught properly, it should challenge every student's moral compass and become a catalyst for the development of professional ethics. Anybody who has ever been forced to pay bribes in a university setting will remember «turning red with shame».¹ Bribing your teacher, as compared to a traffic police or customs officer, seems like the ultimate betrayal of the notion of the intellectual community between scholar/teacher and student, and it throws into doubt the entire system of values and goals that higher education stands for. In its effect, it is as pernicious as doping in sports. And when the shame is overcome, the result will be a graduate who is «street-wise», who is ready to play the game and expect nothing less from his or her colleagues.²

Against this background, the purpose of this paper is twofold. It serves as a reflection on the state of anti-corruption efforts in the Black Sea and Caucasus region(s)³ and suggests a model how electronic resources could become a catalyst in bringing blended learning/teaching on anti-corruption to the region(s). At the same time, it develops the scholarly argument that the «toolkit box approach» favoured by the United Nations Office on Drugs and Crime (UNODC) is not sufficient to address the root causes of corruption in the region(s). As an alternative and to the extent that it concerns the

¹ Iuliia Mendel, In Ukraine's Universities, Trading Bribes for Diplomas, available at <<http://www.politico.eu/article/trading-bribes-for-diplomas-in-ukraines-universities-taxes-transparency-education-corruption/>>.

² See Elena Denisova-Schmidt, Martin Huber and Elvira Leontyeva, On the Development of Students' Attitudes towards Corruption and Cheating in Russian Universities, Université de Fribourg Working Paper Series Nr. 467 (II.2016).

³ The reason of speaking not of one region is that there is neither a clear Black Sea regional identity nor a distinct Caucasus regional identity. It is probably pointless to argue about specific affiliations of individual countries, as the problems are largely overlapping.

Black Sea and Caucasus region(s), it is suggested to place anti-corruption more firmly into the context of Europeanisation as part of the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP), in particular. As such, it should be integrally linked to the support of civil society, independent media, independence and integrity of the judiciary, and open government.

Keywords: teaching anti-corruption; civil society; professional ethic; European Neighbourhood Policy; Eastern Partnership.

Крюссманн Томас, доктор юридических наук (Dr. Jur., Университет Гамбурга, Германия), доктор хабилитат с восточно-европейского права (Университет Пассау, Германия), LL.M с коммерческого и корпоративного права (Кингс-Колледж, Лондон), Великобритания, Лондон.
e-mail: kruessmann.thomas@gmail.com

Вопросы антикоррупционного обучения в Кавказском и Черноморском регионах

Рассмотрены вопросы организации антикоррупционного обучения в государствах Черноморского и Кавказского регионов. Аргументировано, что использование в этих целях электронных ресурсов, в частности метода «универсальной инструментальной системы», одобренного Офисом ООН по борьбе с наркотиками и преступностью, недостаточно для искоренения причин коррупции в этих регионах. В качестве альтернативы предложено интенсифицировать антикоррупционное образование в контексте Европейской политики добрососедства и, в частности, Восточного партнерства. Это предполагает обязательную поддержку со стороны гражданского общества, независимых средств массовой информации, а также независимости и взаимодействия судебных и правительственных органов.

Ключевые слова: антикоррупционное обучение; гражданское общество; профессиональная этика; открытое правительство; Европейская политика добрососедства.

Taking stock of anti-corruption efforts in the Wider Europe. Comparing the Black Sea and Caucasus region(s) to the Western Balkans¹ as the other pre-eminent theatre of Europeanisation, there is a marked difference in the level achieved and, in particular, in the prevalence of regional anti-corruption initiatives. In the Black Sea and Caucasus region(s) there is no network of law schools and law faculties committed to fighting corruption.² Likewise, there is no regional anti-corruption initiative similar to the Regional Anti-corruption Initiative (RAI) created in 2007 as a follow up to the Stability Pact Anti-corruption Initiative.³ The latter, among other things, set out to establish a Framework for Integrated Anti-Corruption Legal Education in the region.⁴

When it comes to inter-regional associations, the record is likewise mixed. The European Partners against Corruption (EPAC) and the European Contact-

¹ Inter-regional comparisons in Europeanisation studies are still rare. See e.g. Thomas Kruessmann (ed.), *Moving beyond the 'Kosovo Precedence'*. EU Integration for Moldova and the South Caucasus, LIT Verlag: Zurich 2015.

² Compare, for instance, the well-developed South East European Law School Network (SEELS) at <<http://www.seelawschool.org>>.

³ As for the Black Sea region, Bulgaria, Moldova and Romania are members of RAI.

⁴ To achieve this goal, in 2012 a South East European Judicial Training Network (SEEJTN) was established. Compared to this phase # 1, a phase # 2 was envisioned to create a common platform between SEELS and SEEJTN as a way to developing learning information tools. See <http://rai-see.org/wp-content/uploads/2015/07/Establishment_of_Framework_for_IntegratedAC_Legal_Education_in_SEE-Project_Overview.pdf>. It is unclear, however, at which stage of realisation this project is.

Point Network against Corruption (EACN)¹ are solidly represented in the Western Balkans. Their presence in the Black Sea region is much less pronounced,² and in the Caucasus only Azerbaijan is a member. By comparison, the International Association of Anti-Corruption Authorities (IAACA) has a more balanced geographical reach and includes also the Black Sea and Caucasus region(s).³

Looking at individual countries in the Black Sea and Caucasus region(s), individual law curriculums typically do not provide for teaching the subject of anti-corruption. The criminalisation of bribery is usually covered in advanced criminal law classes, while administrative and civil sanctions are usually not covered at all. Issues of enforcement partly fall into criminal procedure classes. Alternative models, esp. the creation of anti-corruption agencies, may be treated in administrative law. Compliance issues and the rights and obligations of employees of corporations do fall at best into labour law classes, but there is no coherent treatment of anti-corruption compliance in the private sector. Other disciplines like Global Studies offer a comparative perspective on approaches adopted in a large number of countries. Economics may present and challenge some of the behavioural underpinnings of corrupt behaviour, and Business Studies may reflect on suitable corporate structures to avoid managerial liability.

All in all, in the Black Sea and Caucasus region(s) by the year 2017 we (still) do not see a coherent treatment of anti-corruption as an academic discipline. And the incentives to do so may not be overwhelmingly strong, either. Indeed, as long as university rectorates need to rely on a few faculties, esp. law faculties, as «cash cows» for their budgets, there can be no sizable fail rates in the large group of students known as *kontraktniki*, i.e. those who pay for their education themselves. So there is often a tacit acknowledgement that integrity standards need to remain «flexible» in order to accommodate the special wishes and needs of those who are paying large tuition fees. This, of course, does not preclude the introduction of anti-corruption as a discipline, but it makes it harder to justify the real-life concessions which seem unavoidable.

In this situation, can extra-curricular activities like massive open online courses (MOOCs), seasonal schools or *ad hoc* planned seminars by outside lecturers make a difference? Similar to the task of squaring the circle, there are a number of barriers to overcome.

- The lecturer of the class should not be part of the traditional faculty. He or she should be outside of the networks of favours, career expectations and dependencies. Still, inviting «fly-in» faculty to teach the subject of anti-corruption is costly.
- In order to obtain sizable (ETCS) credits, there should be a normal workload for every student. Still, students are overtasked with their regular classes and will have no motivation to spend even more time for a class that is not strictly required to achieve their diploma.

¹ See <www.epac-eacn.org>.

² Members are Bulgaria, Romania and Ukraine.

³ See <www.iaaca.org>.

- Students from countries with a high level of corruption and years of anti-corruption propaganda will not expect that a new class will be any different than the window-dressing they have seen.

Breaking through these multiple barriers is surely not an easy task. It will probably take committed teachers to stand up against the multitude of difficulties and present anti-corruption as an involving subject. Beyond the subjective factor, the EU itself should present grounds for a dedicated approach in anti-corruption. While the EU had for a decade or so practiced a double-standard in preaching anti-corruption abroad while leaving its Member States a free hand outside the realm of the protection of the Community's financial interests, in 2015 and 2016 the dynamics seem to have come around full circle to formulating a unitary value-based message. Not only were the Association Agreements concluded with Moldova, Ukraine and Georgia consistent in their anti-corruption message. The EU Commission in its ENP Review also emphasised stabilisation and economic growth along with public administration reform as key goals¹ – and all included, of course, vigorous anti-corruption measures. Corruption is among the «EU crimes» for which the Lisbon Treaty gave the EU a legislative competence to determine minimum requirements,² and it is intimately linked to the realisation of the fundamental freedoms for which ancillary criminal competences are now provided.³ The same position is reflected in the European Agenda on Security.⁴ While wide-spread anti-corruption demonstrations and civil society activity in Romania underscored this new anti-corruption drive, the EU Commission in early February 2017 surprisingly took a step back when it announced that the Second EU Anti-Corruption Report which was scheduled for 2016 and which had become overdue by then, would be scrapped.⁵

Looking at all these developments it is clear that promoting an agenda of anti-corruption teaching in the Black Sea and Caucasus region(s) is a call of the time. Still, the ubiquity of anti-corruption rhetorics makes it difficult to break through the «glass walls» of student expectations. Designing a class format that will address these concerns is a difficult task.

¹ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions „Review of the European Neighbourhood Policy“ of 18 November 2015, JOIN(2015) 50 final.

² Art 83 (1) TFEU.

³ Art 83 (2) TFEU.

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions „The European Agenda on Security“ of 28 April 2015, COM(2015) 185 final.

⁵ See <<https://euobserver.com/institutional/136775>> and <<https://transparency.eu/ac-report-shelved/>>.

Is corruption different in the Caucasus and the Black Sea region(s)?

«Fighting corruption is like fishing on Discovery Channel: catch, show and release.»¹

This joke which recently circulated on Facebook captures some of the specifics of (anti-) corruption in the Russian-speaking world (including the Caucasus) that would not normally come to the mind of a Western expert. It points to the idea that the way corruption is defined and understood is a function of the need to show some result of fighting it. «Catching», «showing» and «releasing» have all their own logic and rationale. Therefore, the construction of corruption and the appearance of fighting it go hand in hand.

In terms of academic approaches, the aforementioned pun is reflected in a school of analysis that looks to the social construction of corruption with its roots in socialist traditions, post-socialist transitions and the formation of social capital.² From this perspective, every country is unique and deserves to be treated on its own. In other words, what is «fish», what is «catch» and why a certain catch gets to be «shown» and then «released» is basically open to definition. I will come back to this approach in the latter part of this chapter.

By comparison, there is an approach that starts from a unitary definition of corruption³ and traces its perception over time.⁴ Looking at Transparency International's (TI's) latest Corruption Perceptions Index (CPI) for the year 2016, we find Georgia as the frontrunner among the countries of the Caucasus region with the lowest perception of corruption in the public sphere, now ranking at # 44. Turkey is at # 75, Armenia at # 113, Moldova and Azerbaijan at # 123 and the Russian Federation and Ukraine at # 131. While not disputing the accuracy of these observations, it is now widely agreed that a perceptions-based ranking alone is inherently problematic.

Since the early days of the Rose Revolution, Georgia has made waves by rigorously suppressing petty corruption in the public sphere and being the first country to systematically use new technologies like e-government to minimise the scope of situations in which citizens might be asked to pay for the «facilitation» of services. In fact, the World Bank has had a large stake in the reforms and used its positive outcome to propagate the approaches it had supported. Thus, Georgia became the poster boy of a successful anti-corruption policy, and the more self-congratulating

¹ „Борьба с коррупцией – это как рыбалка на канале Discovery: поймали, показали, отпустили.“ (author unknown).

² See, for instance, Dirk Tänzler / Konstadinos Maras / Angelos Giannakopoulos, *The Social Construction of Corruption in Europe*, Ashgate 2012; Diana Schmidt-Pfister / Holger Moroff (eds.), *Fighting Corruption in Eastern Europe. A Multi-level Perspective*, Routledge: 2013. See also the final report of the FP 6 „Crime and Culture“ project led by the University of Konstanz, available at <http://cordis.europa.eu/docs/publications/1224/122489391-6_en.pdf>.

³ By all means, the definition most commonly used today is the one that became popular through Transparency International (TI): „Corruption is the abuse of entrusted power for private gain“.

⁴ Most prominent in this respect is, of course, the annual TI Corruption Perceptions Index (CPI), available at <<http://www.transparency.org/research/cpi/overview>>.

publications appeared¹ the firmer the perception took root that indeed the struggle against corruption in Georgia has been led vigorously and successfully. The problem with focusing on petty corruption in the public sphere is that grand corruption in politics, primarily in the form of nepotism and trading in influence, become widely disregarded. This is true especially for the controversial role of Bidzina Ivanishvili as the puppet master of the Georgian Dream coalition and his Kartu Foundation as a reservoir of «Georgian Dream» cadres that takes up positions in the entire country. Another area that is systematically neglected is corruption in the private sector which is dominated by closely-knit male networks.

Turkey's record in anti-corruption will surely need to be re-written, as President Erdogan's counter-putsch systematically attacks independent media known for their coverage of corruption issues, including investigations against the sons of President Erdogan in the 2013 «gas for gold» scandal. The judiciary which has never been fiercely independent in the first place is now suspected of being undermined by Gülen forces, and it remains to be seen how effectively civil society will be able to work in the future.

In terms of perception, Armenia, Azerbaijan and the Russian Federation are more or less in one group of countries. But the differences are stark. In Russia, if it wasn't for Alexey Navalny's Anti-Corruption Foundation,² there is hardly an interest in disclosing corruption. Instead, there is an entrenched expectation of holders of office enriching themselves that not even the most notorious cases raise an eyebrow anymore. Since civil society has been stifled by the NGO «foreign agent» reforms of 2012 and media have been brought under more or less complete state control, there is hardly an independent channel left to survey United Russia's pervasive influence over the country. As in the Soviet Union, anti-corruption is used as a tool for preparing reshuffles of those in power. Armenia, by contrast, is run by a small clique of people with little popular legitimacy and, having sold out Armenia to the Eurasian Economic Union, with an increasing motivation to engage in rent-seeking while still in power. Azerbaijan, by contrast, is much less «in the pocket» of the Russian Federation, but pursuing its own authoritarian brand of politics with a rigorous suppression of civil society. Ukraine is perhaps the most problematic case. While the Euromaidan's «Revolution of dignity» symbolised the desire to break free from post-Soviet traditions, the reality of engrained corruption, a catastrophic state of the economy and pervasive oligarchs controlling business is difficult to overcome. EU support policies focus on the issue of corruption, but it sometimes seems that the perception of a high level of corruption is self-serving, as the EU and its Member States are looking for reasons to shy away from the colossal task of restructuring the country.

¹ See World Bank, Fighting Corruption in Public Services, Chronicling Georgia's Reforms, The World Bank 2012. Also available at <<http://documents.worldbank.org/curated/en/518301468256183463/pdf/664490PUB0EPI0065774B09780821394755.pdf>>. Similar Christofer Berglund / Johan Engvall, How Georgia Stamped Out Corruption on Campus, Foreign Policy of 3 September 2015, available at <<http://foreignpolicy.com/2015/09/03/how-georgia-stamped-out-corruption-on-campus/>>.

² See <<https://fbk.info/english/about/>>.

Thus, boiling down the corruption situation in each country to one marker of perception is rather misleading. Perception is also not good at distinguishing between petty and grand corruption. When the fight against petty corruption in Georgia dominated the headlines, a lot of people were positively impressed. But they remained unaware of grand corruption which mostly took the form of nepotism and trading in influence. In other countries, there were similar success stories in fighting petty corruption, but the perception remained fixed on grand corruption. For example, Belarus which ranks at # 79 in the CPI for 2016 is, by all impressions, corruption-free when it comes to the everyday experience of its citizens. This freedom from petty corruption is, of course, due to the threat of rigorous repression. Hence, the overall repressive nature of the Belarusian regime is much more strongly reflected in the perception-based ranking of the country. Similarly, Azerbaijan has employed technological advances like e-governance in a push to increase transparency and public accountability. And again, the semblance of a vigorous fight against corruption impacted much less on the perception of corruption than the overall neo-patrimonial approach of President Aliyev's regime.

Indeed, in a situation where most if not all countries of the Black Sea and Caucasus region(s) have ratified the major international anti-corruption conventions and submitted to monitoring and peer evaluation mechanisms like GRECO and others, there is a need to «show» progress, at least in areas which do not hurt the interests of those in power. Students of anti-corruption must be aware of the most important frameworks in international law and the state of the respective monitoring exercises. But looking at problems and gaps only from the perspective of a lack of implementation creates the wrong picture.¹

Coming back to the idea of «fishing on Discovery Channel», if the analysis of corruption is to deliver a methodological basis for designing a regional anti-corruption initiative, it is necessary to look at the social construction of corruption and to understand why it is so engrained in the countries of the Black Sea and Caucasus region(s). This perspective is, of course, also not without problems. There is now a rich international debate on anti-corruption advances around the world,² and *prima facie* there is not any reason to claim that corruption in the Black Sea and Caucasus regions(s) is just «so much more» engrained compared to Latin America, South East Asia, Southern Africa or the Arab world. Still, across all regional perspectives, there is a unifying consensus that anti-corruption is not about «rooting out an evil»,³ but about changing cultures.

¹ An example of such a wrong perspective is Vahan Asatryan / Arpine Karapetyan / Arzu Abdullayeva / Tamar Patarai: State of the Fight Against Corruption in the South Caucasus, CASCADE European Policy Brief, August 2015, available at <http://www.cascade-caucasus.eu/en_GB/759>.

² See for instance the very interesting overview of the Wilson Center, available at <http://pages.wilsoncenter.org/index.php/email/emailWebview?mkt_tok=eyJpIjoiTURBek9HUTBZekJtWldWYyIsInQiOiJZnmM5WFVGMjJKQW5kOFNMaXZDY0t6RndEdUF1OFpIY2ZjNmRjUDFpMW80R3dYaWpMSU5CT1FEQW1RUXM3ODN6ZW02MytRVG8zRVdSd1RjSGFLakt2RytDMmFDWjdsTG9IWDg3ZW5hdD44b20ifQ%3D%3D> and the Global Anti-Corruption Blog, available at <<https://globalanticorruptionblog.com>>.

³ See, for example, the speech of Hillary Clinton on International Anti-Corruption Day 2009: <https://www.youtube.com/watch?v=nT4OKJ_4Wh0>.

Very often, the root causes of corruption and the reasons for sluggish enforcement, implementation problems and ominous gaps in legislation are the same. What is necessary therefore is to place corruption as well as the anti-corruption effort into the wider context of open government, a self-driven anti-corruption effort, public scrutiny through independent media and an active civil society, and finally an independent judiciary. Changing a culture of corruption is possible! Adapting the legal framework and introducing best practices is needed, but instead of the now dominant «toolkit box approach» by which individual features prescribed by international law and supported by donors get introduced, implemented and evaluated, the anti-corruption effort needs to be built on incentives and the idea of «checks and balances». It is only when self-interest is harnessed that the incentives can be brought to bear for a real anti-corruption effort.

In the public sphere, this idea is expressed by the requirement of an independent anti-corruption body¹ that within government is exclusively tasked with bringing the anti-corruption agenda to the line ministries. There is a host of problems in achieving this goal and a large amount of literature now revolving around the question how such bodies, commonly called ACAs (anti-corruption agencies) can be made effective and prevented from capture by vested interests. Studying ACAs in comparative perspective is therefore an important approach in designing an anti-corruption curriculum.

Self-interest can also be used in the private sector. In what originally is a U.S.-approach, the interest of a disgruntled bidder in a public auction or tender who believes to have been treated unfairly is a powerful tool to bring action, primarily through the courts. Art 1 of the Civil Law Convention against Corruption which has been widely ratified throughout the Black Sea and Caucasus region(s),² expresses this idea more broadly.³ The effectiveness of this mechanism, however, critically hinges on two factors: openness of government and independence and integrity of courts.

Accessibility of information, accountability and transparency are key to preventing corruption in the public sphere. Many governments are purposefully hiding taxpayers' money in off-budget funds, public tenders get manipulated for private gain, and a host of administrative resources is brought to bear for the sake of private gain. When looking at the Black Sea and South Caucasus region(s), we see that currently levels of openness of government are quite varied. According to the World Justice Project's Open Government Index 2015,⁴ out of 102 countries Georgia is ranked at # 29, Ukraine at # 43, Moldova at # 46, the Russian Federation at # 67 and Turkey

¹ Art 6 UNCAC. See additionally the Jakarta Statement on Principles for Anti-Corruption Agencies, available at <https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf>.

² The only country of the region which did not ratify the Convention is the Russian Federation.

³ Art. 1 „Each Party shall provide in its internal law for effective remedies for persons who have suffered damage as a result of acts of corruption, to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage.“

⁴ Available at <<http://worldjusticeproject.org/open-government-index/open-government-around-world>>.

at # 82. There is no information available on Armenia and Azerbaijan. While these data need to be subject, of course, to rigorous examination, the question arises why *prima facie* Ukraine receives relatively good marks for openness of government while in the CPI it is described as one of the most corrupt countries in the region.

A truly independent judiciary which is neither open to government interventions, «telephone justice» nor to bribery by the parties is still an elusive goal in most, if not all countries of the region. Integrity is a central value.¹ When the courts are seen to be enforcing the law fairly, this creates a powerful incentive for individual parties to bring their complaints and drag into the open corruptive practices. A general impression of the current state of the independence of the judiciary in the Black Sea and Caucasus region(s) is offered by the World Justice Project's Rule of Law Index 2016.² In a complex ranking that is based on 8 factors³ Georgia ranks # 34, Moldova # 77, Ukraine #78, Russia # 92 and Turkey # 99 out of 113 countries. Again, there is no information on Armenia and Azerbaijan, again the ranking of Ukraine seems rather benevolent.

Finally, self-interest can find its expression in the professional mission of investigative journalism and a critical civil society. Contrary to older international law conventions on anti-corruption, UNCAC in Art 13 explicitly recognises the «active participation of individuals and groups outside the public sector such as civil society, non-governmental organisations and community-based organisations.» Again, there is a host of literature on media's and civil society's⁴ role in anti-corruption. But when looking at the region(s) itself, it becomes clear that Western textbook approaches most often fail to recognise the complexities of the situation. The picture varies from repression of traditional NGOs to strong informal activities, especially driven by particular causes of popular discontent, to an overabundance of NGOs and a high donor-drivenness of civil society. Respected independent media with professional investigative journalism are rare if not absent, and most often it is committed individuals who use social media to bring public misconduct into the open. In general, independent media are not seen as the fourth estate as which they are commonly described in the West. Instead, the dominant perception is that of a «fifth column»,

¹ The Bangalore Principles of Judicial Conduct (2012) explicitly state: „3.2. The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.“ Available at <https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf>.

² Available at <<https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2016>>.

³ (1) Constraints on Government Powers, (2) Absence of Corruption, (3) Open Government, (4) Fundamental Rights, (5) Order and Security, (6) Regulatory Enforcement, (7) Civil Justice and (8) Criminal Justice.

⁴ For further references, see in particular Indira Carr and Opi Outhwaite, The Role of Non-Governmental Organizations (NGOs) in Combating Corruption: Theory and Practice, Suffolk University Law Review XLIV: 3 (2011) 615-664, available at <https://www.academia.edu/1213559/The_role_of_non-governmental_organisations_NGOs_in_combating_corruption_theory_and_practice and <http://www.againstcorruption.eu/wp-content/uploads/2012/09/WP-15-The-Experience-of-CS-as-an-AC-actor-new.pdf>>.

of muckrakers and troublemakers financed by foreign governments to undermine the state.

To summarize, in addressing the root causes of corruption in the region it is not sufficient to follow the UNODC's «tool box approach» and introduce and implement singular features. The fight against corruption can only become sustainable when an incentive structure is put in place that allows individuals to pull corruption into the open. Ultimately, the fight against corruption cannot be waged in an isolated fashion, but it is part and parcel of what the EU's external action today stands for: openness of government, support to civil society and independent media, independence of the judiciary. From this point of view, it is correct to see anti-corruption as part of the EU's Europeanisation agenda. But it would be wrong to believe that this task can be discharged by simply referring to the relevant instruments of the Council of Europe, the OECD and, most importantly, UNCAC. Instead, the EU should focus its attention on the root causes of corruption and integrate the drive for anti-corruption into the general instruments of the ENP and EaP in the region(s). Unlike gender-mainstreaming which is an accepted EU policy approach, there is so far no anti-corruption mainstreaming in EU external action.¹

Designing a curriculum for anti-corruption. The aforementioned Art 13 in para (1) lit c) UNCAC obliges State Parties to undertake «public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula; (...)». So, for the first time governments across the world have entered into an obligation to introduce anti-corruption topics into university curricula. To achieve this goal, UNODC created a mechanism to bridge the gap between international organisations, governments and academia. The Anti-Corruption Academic Initiative (ACAD) was launched in Boston in May 2011 and is led by an expert group comprising a wide range of academics, governmental experts and officials from international organisations. Northeastern University along with the OECD and the International Bar Association (IBA) are supporting this project.

Its most recent event was a symposium held on 30 and 31 October 2015 in co-operation with the Moscow State Institute of International Relations (MGIMO) and Rule of Law and Anti-Corruption Centre (ROLACC), Doha / Qatar. Participants adopted a resolution which included, among others, the following recommendations:²

«The participants of the Symposium of the ACAD initiative:

Highlighting the importance of anti-corruption ethics and integrity training for all students, public officials and professionals, as recognized in article 13 of the UN Convention against Corruption;

¹ By comparison, UNDP committed itself to mainstreaming anti-corruption in development work back in 2008. See the Anti-Corruption Practice Note of December 2008 «Mainstreaming Anti-Corruption in Development», available at <<http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/mainstreaming-anti-corruption-in-development.html>>.

² Available at <<http://www.track.unodc.org/Education/Pages/ACAD.aspx>>.

Convinced of the important role of academia and education as an effective way to build integrity and to prevent and combat corruption using multidisciplinary and action learning approaches;

(...)

2. *Recommend* that academic institutions develop and teach anti-corruption courses and programmes for a wide range of disciplines and students and to integrate anti-corruption elements into other academic courses;

3. *Encourage* competent educational authorities to facilitate accreditation of anti-corruption courses;

4. *Recommend* that relevant national, regional, international and civil society organizations work with academia to support the teaching of anti-corruption and the dissemination and promotion of academic materials to the fullest extent possible.

(...)»

As part of its efforts to promote awareness of the principles of UNCAC, UNODC developed a full Academic Course on the Convention,¹ looking at the issue of corruption from a local, national and global perspective. This Course has been delivered in a variety of universities across the world, and there has also been a pilot to deliver it via video-conference involving Washington & Lee University in the U.S. and the University of Liberia, with a Vienna-based UNODC official giving outlines to the respective UNCAC chapters.

Obviously, this UNODC Academic Course is perfectly fit to be delivered by universities in the Black Sea and Caucasus region(s), drawing on ACAD members as partners. But without under-estimating the usefulness of an UNCAC-centred course, the question remains whether this kind of approach would do justice to the specificities of the region(s). There are basically two concerns which come to mind:

While UNCAC prescriptions are legally binding in the countries concerned, there is the danger of «not seeing the forest for the trees». UNCAC codifies an anti-corruption tool kit that is based on the experience of various regional fora, and of course, it is valuable for every student to know about these instruments. But taken together with the widely overlapping monitoring exercises which focus on the implementation of one or the other feature, there is the danger that students do not get to the root causes why implementation in the region(s) is often tantamount to window-dressing for the international community.

ACAD members represent a great variety of world-leading universities.² Some of them like MGIMO are culturally close to the region(s), but delivery through an external partner from outside the region(s) will unavoidably result in a lack of contextualisation and the missed chance to create regional ownership in the teaching. Bringing a European-based anti-corruption curriculum based on European values can arguably done more profitably within the framework of the ENP and EaP, utilizing the EU's presence in the region(s) on the ground.

¹ See <<http://www.track.unodc.org/Education/Pages/AcademicCourse.aspx>>.

² See the list of members at <<http://www.track.unodc.org/Academia/Pages/Members.aspx>>.

Apart from these concerns, the UNCAC course's mode of delivery does not incorporate new tools for e-learning and virtual classroom experiences that have come into existence during recent years and which, if suitably integrated, are capable of enhancing the learning experience of students. Indeed, if only to summarize the latest developments in anti-corruption e-learning tools, there is now a large variety of e-learning tools available free of charge. There are different techniques of delivery while substance ranges from a beginner's level to advanced issues.

The E-Learning Platform for Neighbourhood¹ is the youngest member of the «family», commissioned by the EU and implemented by the College of Europe. It came into existence only in March 2016. While covering basics on anti-corruption and thus being suitable for beginners, the style of delivery is rather disappointing. For the anti-corruption class there is a split-screen with an actor / talking head left and a powerpoint presentation right. Interactive elements are limited to multiple choice testing at mid-level and at the end.

UNODC offers its e-learning platform goLearn² on a large variety of topics including anti-corruption to officials from member states, international organisations, and other UN agencies and UNODC partners. However, it is possible to obtain from UNODC an individual student access for learning purposes. Content-wise, the material on anti-corruption is structured into one presentation for beginners and one for advanced listeners. The mode of delivery is unfortunately very close to a presentation, with interspersed videos and multiple choice testing.

The most exciting and well-done e-learning platform on anti-corruption is undoubtedly the one developed by UNODC with the UN Global Compact.³ It is called «The Fight against Corruption» and focuses on the private sector and compliance developments as they are enshrined in Principle 10 of the UN Global Compact.⁴ The mode of delivery is actor-based and interactive. Through a series of scenes involving corrupt behaviour in business the student is asked to get involved in the actor's situation and advise him or her on doing the right thing. In addition, there is a host who neatly captures the main learning outcomes and puts them into context.

Also extremely well-done is an online training course hosted on Anti-Corruption Authorities,⁵ a platform created by the World Bank in collaboration with UNODC, the US State Department and the European Commission. Contrary to all the aforementioned tools, this training course is tailored to anti-corruption and governance practitioners.⁶ It invites the user to take part in the secondment of a member of the fictitious Exlandia Donor Consultation Group to the capital of Exlandia. The Prime Minister of Exlandia has requested the advice of the Donor Consultation Group on the feasibility of establishing an anti-corruption authority, and this fact-finding

¹ See <<http://www.euforneighbourhood.eu/>>.

² See <<https://golearn.unodc.org>>.

³ See <<http://thefightagainstcorruption.org/certificate/login/index.php>>.

⁴ „Businesses should work against corruption in all its forms, including extortion and bribery.“

⁵ See <www.acauthorities.org>.

⁶ See <<https://www.acauthorities.org/content/anti-corruption-authorities-online-training-course>>.

mission into the situation in Exlandia becomes some kind of stress test for the entire Donor Consultation Group.

Didactically speaking, the problem with all these e-learning tools is that they present a stand-alone teaching that offers at best a certificate to the successful participant. Including them into a face-to-face classroom situation is the solution which should create a win-win situation both for students and for universities who want to offer anti-corruption classes without assuming the cost of fly-in faculty. If, on the other hand, we accept that even a blended learning-experience is impossible to organise due to financial constraints, there are still the MOOCs that were mentioned previously. How do they differ from the e-learning tools outlined above?

A MOOC is practically an advanced version of a standard e-learning platform. The major difference is the element of time and organisation. While self-paced MOOCs are similar to classical e-learning platforms in that they offer the participant the chance to learn whenever and wherever, the more ambitious category of moderated MOOCs is one that is offered only for a specific time period. For this given time (usually several weeks) a cohort of participants is formed that goes through the various modules together and engages in online discussions with each other and the MOOC moderator. Some MOOCs can have thousands of participants at the same time so that the discussions can become truly «massive». MOOCs are usually free of charge, however for exams and the final certificate a fee may be charged. Although MOOCs are developed by individual scholars on behalf of their universities, they enter the market place usually on the platform of one or the other private company. Most well-known are the U.S.-based Coursera¹ and Canvas² platforms, but there are also the originally Turkish Udemy,³ the German Iversity⁴ as well as many others with a variety of different business models (e.g. edX,⁵ Futurelearn,⁶ Lynda,⁷ Saylor⁸ and Udacity⁹). Each platform has its own quality requirements and the developers of a MOOC usually have to apply to the platform in order to obtain admission.

To get an overview of the MOOCs currently offered, it is advisable to consult the course catalogues of the respective platforms or to use specialised search engines such as <www.mooc-list.com> and <www.edukatico.org>. At the time of writing (June 2017), MOOCs offered in the field of «corruption» were still quite scarce. Only Coursera had two relevant suggestions: one course offered by the University of Pennsylvania was a moderated MOOC on the topic of «Corruption», addressing basically bachelor students. A second, also moderated, MOOC was offered by the University of Lausanne on the topic «Unethical Decision-making in Organizations».

¹ See <www.coursera.org>.

² See <<https://canvas.instructure.com>>.

³ See <www.udemy.com>.

⁴ See <<https://iversity.org>>.

⁵ See <www.edx.org>.

⁶ See <www.futurelearn.com>.

⁷ See <www.lynda.com>.

⁸ See <www.saylor.org>.

⁹ See <www.udacity.com>.

The way forward. It is difficult to suggest a «one size fits all» model on how to bring anti-corruption education to the Black Sea and Caucasus region(s). Most universities are still very slow to develop attractive new curricula. While the idea of a Master in Anti-Corruption Studies, as is currently offered by the International Anti-Corruption Academy in Laxenburg (Austria),¹ is elusive for most if not all, some interim solutions using online tools are quite feasible. As a rule, students are eager to learn about corruption and integrity issues, but only very few have the stamina to go through online training opportunities by themselves. Therefore, any way of integrating this dynamic field of online resources in anti-corruption studies into university teaching is welcome.

Крюссманн Томас, доктор юридичних наук (Dr. Iur., Університет Гамбурга, Німеччина), доктор абілігат із східно-європейського права (Університет Пассау, Німеччина), LL.M з комерційного та корпоративного права (Кінгс-Коледж, Лондон), Велика Британія, Лондон.
e-mail: kruessmann.thomas@gmail.com

Питання антикорупційної освіти в Кавказькому та Чорноморському регіонах

Розглянуто питання організації антикорупційної освіти в державах Чорноморського і Кавказького регіонів. Аргументовано, що використання електронних ресурсів, зокрема методу «універсальної інструментальної системи», схваленого Офісом ООН із боротьби з наркотиками і злочинністю, недостатньо для викорінення причин корупції в цих регіонах. Як альтернативу, запропоновано інтенсифікувати антикорупційну освіту в контексті європейської політики добросусідства і зокрема Східного партнерства. Це передбачає обов'язкову підтримку з боку громадянського суспільства, незалежних засобів масової інформації, а також незалежність і взаємодію судових та урядових органів.

Ключові слова: антикорупційна освіта; громадянське суспільство; професійна етика; відкритий уряд; європейська політика добросусідства.

Надійшла до редколегії 20.06.2017 р.

¹ See <www.iaca.int>.