

# Netzwerk Ost-West

Berlin - Yerevan 2014



# **Netzwerk Ost-West**

Juristische Fakultät der Humboldt Universität

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## Dear Reader,

the Network East-West is a well established exchange programme by the Faculty of Law of Humboldt University. For 18 years students have been given the opportunity to participate in international seminars with partner universities in eastern Europe. In 2014 it was the first time though for a group from Humboldt to travel to Armenia's Russian-Slavonic University in Yerevan. It was also the first time for one of the seminars to be held in English, dealing with the topic of „Combating Corruption in Armenian and German Criminal Law“.

During the two weeks we spent together with the Armenian participants in Yerevan and Berlin we heard ten different presentations, each one focussing on a certain aspect of the topic and each one given by one Armenian and one German student, who talked about the situation in their country. We had many long and fruitful discussions and learned a lot about the problems of fighting corruption and how the two different criminal codes deal with it. It was a great chance to look at law in a different, more intensive and creative way than we do in our regular studies.

But there is more to the Network East-West than the academics: We all got to know a new country, its people and culture, by spending time with our exchange partners, talking, laughing and going out with them. We learned a lot about Armenian history by the varied programme provided to us in Yerevan, and also about our very own politics and judicial system by our visits to ministries and legal institutions in Berlin.

For all of us participating in the Network East-West has been an unforgettable experience. We want to express our gratitude to the DAAD for its generous sponsorship - thank you for enabling us to make this experience on an academic and personal level!

This journal puts together a diary of the two weeks in Yerevan and Berlin (p. 6-24) and the abstracts of our papers and presentations (p. 26-36). We hope that it will be an insightful documentation of the seminar for everyone interested in learning more about it and a memory for everyone who participated in it.

Have fun reading!

*Selena Nastvogel & Veronika Widmann*

# Participants

## Berlin

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Till Sudkamp  
Jonathan Thüringer  
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## Tutors

## Organisers

## Yerevan

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Aram Vardevanyan

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# Arrival in Armenia



**T**he seminar started on the third of August. We met at the main station at noon to get from Berlin to Prague by train. After the arrival in Prague we had some free time at the airport. In general we spend the first day on the journey to Yerevan.

We finally arrived in Yerevan very early in the morning and were picked up by an Armenian organiser who brought us to the hostel.

Most of us went directly to bed in order to get some sleep before the first day in Yerevan. After some hours of sleep we walked into the city and found a nice café at the Opera square for breakfast. We had some chance to get a first impression of Yerevan and not only saw the Opera but also a very old church and an impressive new one which is being built right next to it. In the afternoon we were welcomed at the university and the program for the following week was presented by one Armenian seminar tutor, John Hayrapetyan, and the Head of Department

of International Cooperation at Russian-Armenian (Slavonic) University, Suzanna Shamakhyan. After the nice welcome we got to know our partners and had a short tour across the university.

In evening we had a tour through the city and got the chance to see Yerevan by night. This walking tour provided us a very beautiful side of Yerevan by night. We passed e.g. the opera house and the Cascade, which is an impressive staircase and boulevard with works of art all over the different terraces.

To sum it up we got during our first day in Yerevan after a full day of journey a great possibility to see some popular and also magnificent spots of the city. Moreover we were very friendly welcomed so that the first day in Yerevan has built the ideal basis for the two-week seminar between the Russian-Armenian (Slavonic) University in Yerevan and the Humboldt-University in Berlin.

*Kristina Schimpf*

▲ **Sightseeing in Yerevan: The opera house on the left, a newly constructed church in the middle. And on we go to the university...**



◀ **...where we are welcomed by Suzanna Shamakhyan, John Hayrapetyan and our Armenian partners**

# Tuesday, August 5th

After another short night's sleep and meager breakfast at the hostel we were picked up by Samson, our neuköllnishly dressed and abundantly patient guide from the Slavonic University's international office. His mere presence was enough to enduringly cheer up a group of heavy eyed Germans which is probably why he, by tacit agreement, was designated our journey's 'mascot'.

Having arrived with mostly empty stomachs at the university the four hours until lunch first seemed like eternity, but from the moment we started preparing the presentations our appetite was superseded as we were getting into the state of flow. For most of us, the hours of preparation were driven by lively conversations about the topics each of us prepared over the past weeks and months. Bit by bit, the presentations took shape. This first phase of comparative work left us with the feeling of already having learned a great deal about the challenges imposed to and decisions made by Armenian and German criminal law in the particular field of corruption as well as the prospect of a rewarding seminar week.

Lunch, finally! It is almost a truism that travels to faraway countries not only broadens the cultural, but also the culinary horizons. It proved to be particularly true for the combination of pizza and ketchup which henceforth became inseparable for some and remained a mystery for others.

Our cultural afternoon program led us to the Mesrop Mashtots Institute of Ancient Manuscripts, named after the inventor of the Armenian alphabet (362-440 AD). It is also referred to as Matenadaran which roughly means library. Besides preserving, restoring and reproducing manuscripts in Armenian and other languages including Hebrew, Greek and Latin the Matenadaran also serves as a museum. We were taken on a furious chase through the history of Armenian manuscripts, the art of book illumination and some of the most precious exhibits. One of them is a 14th century example of the Datastanagirk code of law. Interestingly this early piece of writing, as the Armenian students

told us, contains a short treatise on the distinction between the internal and the external aspect of sovereignty.

We enjoyed the end of the day over a exquisite meal in the vaulted cellars of the Caucasus Tavern together with the Armenian students before we went back to the hostel to catch some sleep.

*Stefan Klauser*



► Hard work in the morning, a visit to the Mesrop Mashtots Institute of Ancient Manuscripts



# Wednesday, August 6th



◀ View of Yerevan from the historical Erebuni fortress

The first destination of the third day was the historical Erebuni Fortress, the geographical and etymological cradle of today's Yerevan. Founded in 782 BC by the kings of Urartu as a military stronghold it was later turned into their residence. The ancient city was not discovered until 1947. During the excavations, enormous ceramic jars and numerous cuneiform inscriptions were found that are now displayed in the Erebuni museum which was opened in 1962 to commemorate Erebuni's 2750th birthday.

Due to the romantic charm of the ruins and their location high on a hill with a great view over the city, it was not easy to get us off again. Especially the mural paintings and the giant ants that were crawling around attracted a lot of attention. The walls of the fortress even caused a sudden urge to climb, jump and fly some of us just could not resist to follow.

We took cabs to the university. It was a long drive which allowed us to see a big part of the city. It also made us aware of the

subtle distinctions between German and Armenian traffic habits: where Germans tend to use the indicator or the brake, the Armenians prefer the horn. Having arrived at the university, those who were to present their topic the following day gave their presentations the final polish. Others tried to decipher the Cyrillic inscriptions on the coffee dispenser (with varying success and to the amusement of the three 'gatekeepers').

As it was Grigor's birthday that day, we could not go out for dinner without singing the German birthday song to him and surprising him with an improvised birthday cake. He was touched. After the musical performance we went on to another excellent restaurant serving Armenian cuisine. For all of us and for the vegetarians in particular who meanwhile made up almost half the group, the food was so overwhelmingly good that we decided to come back one of the following nights.

*Stefan Klausner*





▲ A walk through the ruins of Erebuni fortress, enjoying the view of the city.

► Dinner at a traditional Armenian restaurant - no one had to go home hungry.



# Thursday, August 7th



On our fourth day in Armenia, things finally got serious. In the past few days, we had gotten to know our partners and prepared our presentations, settled in to our hostel and explored the city of Yerevan. Now it was time for the presentations and discussions to begin.

The first presentation of the week – ‘Corruption in Public Administration’ – was given by Jo and Tatevik who set the bar high for the rest of us. In the course of only thirty minutes, they introduced the German and Armenian criminal systems and explained the basic structure of the corruption offences. This served as an important basis for the discussions throughout the rest of our seminars. The group then attempted to come up with a suitable definition of corruption, but soon had to realize that this was almost impossible.

Different understandings of the nature of corruption were also visible during the second presentation of the day. Kristina and Anush talked about ‘Corruption in Domestic Business Transactions’. This led to a very lively discussion about the differences between Armenian and German law on corruption in the commercial sphere and posed quite a challenge to the moderators keeping track of the speaker’s list and the time limits. The question arose whether the owner and only employee of a beer-brewing company – appropriately named Friedrich

Schweinsteiger – would be criminally liable for accepting benefits under German law. (We learnt that he would not. The principal of a business enjoys impunity for passive bribery.)

After a quick lunch break at our favorite Italian restaurant, we headed back to Slavonic University for the third presentation of the day. It was given by Hayk and Stefan and centered on the term ‘benefit’, a decisive element to all anti-corruption laws. Stefan gave us an overview on German case law on this complicated issue, while Hayk offered the group an in-depth explanation of how corruption is perceived in Armenian society. The discussion focused on how to qualify a gift as a criminally relevant benefit, a problem recently illustrated by the corruption trial of former German president Christian Wulff. We realized that different cultures will have different solutions for this issue; this would turn out to be a major theme of our seminar.

A long but very interesting day of presentations and discussions was topped off by a visit to a rooftop bar at Yerevan’s Republican Square where we had already witnessed an impressive fountain show earlier in the week. This time, we were not only treated to a selection of Armenian (and sometimes Georgian) desserts, but also enjoyed a wonderful view over the city lit up by fireworks.

▲ A day full of presentations and interesting discussions on the topic of corruption

*Tanja Altunjan*



# Friday, August 8th

**O**ur fifth day in Yerevan started with a nice wake-up call from Fine. As usual, no one of us wanted to get up.

Finally everyone was ready to go and 'our' Armenians came to pick us up.

Having arrived at university we started with the presentation from Agneta and Sona. Their topic was 'Collusion, Conspiracy and Illicit Agreement – The Core of Anti-Corruption Laws'. The discussion afterwards was mostly dominated by trying to get the distinction from collusion, conspiracy and illicit agreement because they all mean different things in the German language, which got some of us students confused. Both, Sona and Agneta, tried their best to answer our questions and clarify the terms. In the end our dear tutors admitted that they might have initiated the confusion because of their choice of terms.

After a short break this discussion was followed by the presentation by Veronika and Nina on the topic of 'Corrupt Politics – Buying and Selling Votes'. When they finished their nice presentation there was lots of interest in their topic, too and a vivid discussion developed.

Around 1 pm we were done with the 'academic part' of our day. Our group

now split up, some wanted to go and visit the Ararat Brandy Factory in Yerevan, while the others went to have some relaxed lunch and just enjoy their time off a little bit. Later on we all met at the History Museum of Armenia. Our brandy tasters with lots of brandy in their bags and maybe slightly tipsy.

For once we had a nice guide, an older lady that led us through the museum and told us interesting facts. One thing we learned is that the Armenian symbol, the pomegranate, stands for the earth. It has a hard shell but on the inside it carries the seeds of life.

Afterwards there were two options again; one could either go shopping to the mall with some of the Armenian girls or play soccer against some Armenian boys. Only a few went on the shopping trip, some went to see the blue mosque and most of our students went to play soccer (or cheer for the players). Since Germany won the world cup this year it is not surprising how the game ended: 7 goals for our German Students and 2 goals for our Armenian team. Our day ended with 'help yourself dinner' and some card games.

*Jo Siebel*

▼ Discussions in the morning, football and a visit to the Ararat Brandy Factory in the afternoon



# Saturday, August 9th



Finally, after long days of preparation and presentation, we had our first day off. There is probably no better destination than Lake Sevan that we chose to be our refuge in another hot and sunny day. Located roughly 70 km away from Yerevan, it lies like an oasis between the barren hills that are so typical for the Armenian landscape.

We started our trip in a small bus, still big enough for (almost) everyone to fit in and very much like our hostel room creating a class trip atmosphere. The trip itself took us about one hour in which for the first time we were able to see how Armenia looks outside of Yerevan. We were not disappointed: the lake is located approximately 900m higher than the capital and the way to it gave us the opportunity to look down flat sloping hillsides or see the wide town of Yerevan from a far distance.

Having arrived, there were only few things left to do: after putting on sunscreen we looked for a place as close as possible to the lake and jumped in! Or at least some of us did. Afterwards everybody enjoyed the five or six hours we spent at the lake individually: some of us by bathing in the sun, others by reading, swimming, walking around the lake, playing card games with our Armenian fellows or enjoying the waterslides in the open-air bath nearby.

The torrid sun clearly left its traces on the participants: exhausted many of us fell asleep on our way back to the hostel. There, organizers and participants arranged a modest dinner mostly consisting of juicy fruits and Armenian bread we could get in a little shop nearby.

In the evening some of the Armenian participants came back to fetch us at our hostel. We went to a traditional Armenian bar where we spent some couple of hours together talking. The German students who left a bit earlier from the bar spent the rest of the evening playing board games at the hostel, where shortly after everybody of us exhaustedly fell asleep.

*Jonathan Thüringer*

◀ A relaxing day in the Armenian countryside on beautiful Lake Sevan



# Sunday, August 10th



▲ At the Garni Temple we enjoyed the historic site and the nature around it

This day began with another excursion, this time of cultural background. Our first destination was the Pagan Temple of Garni, located roughly 32 km southeast from Yerevan. The temple is part of a complex that used to be a summer residence for the Armenian royal family back in the third century BC. It is the only pagan temple in Armenia that survived the Christianization of the country that took place in the beginnings of the fourth century. It had collapsed

during a huge earthquake in 1679 and was rebuilt between 1969 and 1974. The Armenian students who were familiar with the history of the temple gave us a little guided tour and showed us parts of the complex such as the ancient bathrooms.

Our next stop was the Geghard Monastery which is listed as UNESCO World Heritage Site for its walls carved partly out of the mountain. At its entrance waited a unique opportunity to get a wish of your choice granted: you merely had to throw a rock into a little hole about





two metres above our heads. As we tried we had to realize it was not as easy as it looked, but still two of us managed to throw in a rock after a few tries.

The monastery itself was crowded with tourists attempting to take a good picture in one of the light beams that found their way into the dark halls that were only illuminated by dim candlelight. The noisy crowd left little of what was supposed to be a place of silence and devotion. A baptism that took place in the main chamber was the only reminder that the monastery is still inhabited by monks.

For our way back to the hostel we provided ourselves with different kinds of dried fruits and other products made thereof, as well as loafs of bread that turned out to taste similar to German Streuselkuchen and were so huge they actually still fed us in the train we later took from Czech Republic back to Berlin.

In the evening we enjoyed our last Armenian dinner and chose a traditional restaurant we had eaten at a couple of days ago - once again everything tasted delicious.

*Jonthan Thüringer*

▼ **Geghard Monastery:** impressive from the outside as well as from within





# Monday, August 11th



► After a long trip we arrived in Berlin and were welcomed by professor Heinrich

At about midnight we found our way back from the restaurant to our hostel. There we packed our bags and, after that, sat at the hostel yard for one last time and enjoyed the atmosphere of Yerevan at night. After we said goodbye to an Iranian couple we made friends with at the hostel, we were taken to Zvartnots International Airport with cabs shortly after 2 am.

Samson accompanied us to the airport. At the airport, we checked in and passed the necessary security checks. Our flight was delayed slightly, but at 5:10 am, the aeroplane finally took off.

The German group arrived in Prague at 7 am. Because of the delay, we hurried to Prague central station and, fortunately, caught the train to Berlin which departed

at 8:35 am. About five hours later, we arrived in Berlin. Freshly showered, but still tired, the Armenian and the German group met in a Seminar room at Humboldt-University around 4 pm. Professor Bernd Heinrich held a speech, in which he gave an overview of German anti-corruption laws. Subsequently, a discussion between Professor Heinrich and the participants developed. After that, Hendrik, one of the German tutors guided a tour through Humboldt-University. To end the day, all participants then went to the restaurant Villa Rixdorf in Neukölln. There, with pooled forces, we ate two of the famous giant pizzas. Finally, at 9 pm, everybody went home and we could finally get some sleep.

*Till Sudkamp*

# Tuesday, August 12th

At 8:30 am, all participants met in front of the Federal Foreign Office. After we passed the security check, we proceeded to a seminar room in which we met Florian Pötter, who gave a presentation on the bilateral relations between Armenia and Germany. The three main topics of the presentation were the Armenian genocide, the relationship between Azerbaijan and Armenia and the Armenian process of rapprochement to the European Union. In the following discussion, the Armenian participants were especially questioning why Germany officially does not recognize the Armenian genocide. Another topic of high interest was the Nagorno-Karabakh conflict between Armenia and Azerbaijan. After this fruitful discussion, we met

Joseph-Albert Weiß, Commissioner for Corruption Prevention and Head of Internal Auditing at the Federal Foreign Office. Mr. Weiß gave a presentation about the in-house corruption prevention at the Federal Foreign Office. He explained some principles used to prevent corruption like the principle of rotation and the many eyes principle. After that, he handed out some sheets with guidelines on handling gifts, which are regularly given to employees of the Federal Foreign Office.

We left the Foreign Office around 11 am and went to the cafeteria of Humboldt-University to have lunch. After that we all took a tour through the exhibition ‘Topographie des Terrors’, where we were informed about the machinations of the secret state police and Schutzstaffel in the National Socialist Period.

At 3 pm we held our seminar at Humboldt-University, where Selena and Narek gave their presentation on the topic ‘Cultures of Corruption – Disadvantages and Advantages of Criminalizing Benefits, Favours and Gifts’.

After the presentation we went to a shopping mall where we had dinner. Everyone picked what he/she wanted. Especially our Armenian friends liked to get food from McDonalds as there is no McDonalds in Armenia. After the dinner some still went shopping and others just went home to catch some sleep.

*Till Sudkamp*



◀ On our first day in Berlin we visited the Federal Foreign Office and the Museum „Topography of Terror“



# Wednesday, August 13th



▲ A group picture on top of the German parliament in the historic Reichstag building

On Wednesday we went to the Federal Ministry of Justice and Consumer Protection. There we met Markus Busch who is responsible for the Compartment for Fighting Crimes related to the Economy, Computers, Environment and Corruption. Their main responsibility at the Ministry of Justice is to prepare legislation. Mr. Busch told about their different offices in the Ministry of Justice and Consumer Protection but as well about the other Ministries. He gave us an handout which showed all of the ministeries and their duties. He also passed around the Complicane Report on Armenia which was quite interesting especially for our Armenian friends.

After these introductions Mr. Busch talked about the offences concerning bribery of public officials (sec. 331-338 CC). He pointed out the public official advantages in the German legislation. Then he talked about the taking and giving of bribes in commerical practice (sec. 299-302 CC). As there is a draft bill by the Federal Ministry of Justice and

Consumer Protecting concerning the prevention of corruption. In September 2014 there is going to be a change in German legislation concernering the fight against corruption. A woman showed us around through the Minstery where one of the highlights was that we went into the office of Heiko Maas, who is the German Minister of Justice. At his office we were allowed to take pictures which was fun.

After lunch in the cantine of the ministry we had some free time. Some of us went shopping, others when to the Berlin Cathedral and to a German chocolate shop .

At 2. 40 pm we wanted to meet at the Brandenburg Gate (Brandenburger Tor) where we originally wanted to give our Armenian friends some information about this important place. However, none of them showed up due to problems of arriving. That's why we met directly at the Bundestag where we had an appointment. Our guide first explained the history of the building. Amongst other things he talked about the fact that in 1991 the German Bundestag decided that the seat

of Parliament and Government would be moved to Berlin. Quite interesting were the graffiti which were left by Soviet troops. Our Armenian friends found some Armenian sayings as well.

Our guide showed us the eagle which hangs in the heart of the Bundestag. She told us that the eagle has two sides. On the front side one sees the eagle as the German landmark however on the other side one sees the interpretation of Norman Foster. He is an English architect



who renovated the Bundestag and he said, that the German eagle is not able to fly. Therefore he designed another eagle which is able to.

We also saw the chapel where everybody who works in the Bundestag has the option to pray or to spend some time in it. The chapel has a lot of art work by Guenter Uecker, who is known as the 'Nail Artist'. The chapel is open for every religion not only for Christians. When we were at the top of the building we had the option of taking audio guides. The view from this point is brilliant. One has a perfect overview about the city.

Then we went back to the university where we had our seminar. This time Sargis and Till had their presentation about the topic: Corruption and Corporate Criminal Liability. Exceptional was that Sargis hold his part of the presentation in German.

Afterwards we went to the SpätzleExpress in Kreuzberg where we had a traditional southern German dinner together. The food was good and the conversations very nice.

▲ In the Federal Ministry of Justice and Consumer Protection we heard a very interesting presentation on corruption

*Selena Nastvogel*



# Thursday, August 14th

**T**hursday was the most interesting day in our week in Germany. The day started with the walkthrough of a prison, went on with a visit of one of the biggest chanceries in Germany and ended with a guided tour through the German Chancellery.

The prison which we visited, the 'Justizvollzugsanstalt Moabit', is considered to be one of the toughest in Berlin. The prison population can reach about 1100 inmates. A number that generally is exhausted. However, the most interesting information about the prison, of course, are not those one can look up in the internet but those Mr. Wenk told us when giving us a tour through the different parts of the prison. Just to name the most unexpected facts:

Starting with the negative ones we were surprised that only two visitation hours per month are allowed. Moreover there is absolutely no possibility to have an internet connection. Studying at a distance university is only possible by being transferred to another prison. Nevertheless, many of us were astonished that the daily life in prison

does not seem to be too uncomfortable. This impression was mainly created by the relaxed manner between the guards and the prisoners. The guards are not armed, they only carry a whistle, keys and a walkie-talkie. Dangerous inmates are held under control by letting two guards accompany them. The atmosphere seems even more relaxed as the prisoners are allowed to walk around wearing private clothes, play videogames and watch cable TV from their home country. Furthermore the food served to the cells can be ordered as vegetarian, halal or even vegan. The cells are considered as homes. Hence smoking is not prohibited.

Nevertheless, not everything is fine and the JVA still is a prison. Drugs are constantly found and violence among inmates is not rare. Crystal meth, though, has not been found yet although the first addicts have already been taken into the prison. Obviously a prison, although looking like a place for vacation compared to other countries, is not a place someone would like to stay. Hence sometimes inmates try to escape. Mr. Wenk told us that several questions

▼ Thursday was so busy that there was hardly any time to take pictures - only some of the visit to the Chancellery





cannot be answered at the moment concerning the successful escape of two prisoners in May 2014. When Mr. Wenk explained how they could flee showing the exact places it was somehow hard not to admire the prisoners. Since it was so interesting we stayed in the prison for four hours instead of two and a half shifting the seminar to the next day.

After having lunch at an Italian restaurant, we went to the law firm Hengeler Mueller (HM) at Französische Straße. HM being one of the top German law firms welcomed all of us, the Armenian and the German students in their impressive office with drinks and snacks. John Flüh and Anja Mahnke took so much time for us that we could even ask personal questions in the end before taking a look at the private library of the law firm. Once again our expectations were exceeded: We learnt a lot about how a big law firm like Hengeler Mueller works from both an experienced partner and a young trainee. Flüh told us about one of Hengeler's most important cases and how he was

involved. Mahnke on the other hand could offer her first-hand experience on Hengeler's trainee programme which might once become interesting for some of us. We were surprised to hear that the salary at HM only depends on the time someone has been working there and not on the deals he or she landed. We were also told that for being successful at HM it is important to work as a team rather than competitively. Our visit to the law firm ended with a tour through its library from where the backyard of the Humboldt University can be seen.

The German Chancellery was rated as a beautiful building by most of us, the portrait of Gerhard Schroeder by some of us. In the end we were glad to have some time in its garden to think about this eventful day.

*Timur Ina*

▲ Yet another group picture. Nice view you got, Mrs. Merkel!



# Friday, August 15th

The fifth day in Germany began with the presentation early in the morning. It was the turn of Timur and his partner Grigor and the turn of Jonathan.

We started with the presentation of Timur and Grigor, which was about 'Preventing and Battling Corruption through Administrative and Civil Law, Extralegal Sanctions and Compliance Mechanisms'. Afterwards Jonathan talked about 'The Applicability of National Anti-Corruption Laws in Transnational Cases and Settings'.

Both presentation were very interesting. In the discussion it was interesting that we talked about the case of the Australian right wing extremist Fredrick Toben who got punished because he denied the holocaust. We looked at the situation in Armenia and Germany and how such a case would be handled in each country.

After the presentations and a coffee to go we visited the court of appeal which is located in Berlin Tiergarten. Inside the building we met the press speaker Dr. Tobias Kaehn who gave us a lot of information about the court.

First of all we learned a lot about the impressive interior design of the building and afterwards we went to a courtroom where we got some important facts about trials taking place in the court of appeal.

After finishing our tour through the court we went to a charming Italian restaurant where we had our lunch and could resume all the information that we had gained from the court. Afterwards we had some free time at our hands. Some of us did a sight-seeing tour with their partners, others had a shopping tour.

The best part of the day was the get-together in the evening. We had a party with all participants of the NOW programme at the University. After a short speech of Professor Heinrich the party started. We met some nice students from Ukraine, Georgia and Latvia, tried 'Riga Black Balsam', a traditional Latvian herbal liqueur and had a great time.

► Everyone was quite impressed by the court building with its elaborate stair-cases and high ceilings.

*Agneta Melikyan*



# Saturday, August 16th



Something very unusual happened this morning: We got to sleep in! So when we met up at the university around noon we were ready to listen to the very last presentation of our seminar. It was Tanja's and Aram's turn to explain to all of us how international and transnational organizations fight or try to fight corruption. While Aram focused on the United Nations and their convention against corruption, Tanja gave an excellent overview on how the European Union tackles the issue.

Afterwards there was a lively discussion about the significance and effectiveness of international treaties and conventions and about the European prosecutor which some of the EU-countries want to establish soon. It perfectly topped off two weeks of very interesting presentations and discussions: From the national level on the German and the Armenian side we had come to an international level and it once again became clear how difficult it is to fight the "victimless" crime of corruption.

After lunch at a (surprise!) Italian restaurant the group split up to enjoy their free afternoon in the city. Some of us followed Jonathan's lead to a world of delicious chocolate. Others went to the Berlin Dome and climbed all the way to the top where they had a spectacular view of the city. Some even had enough energy left to go on a bus tour and visit Charlottenburg Castle.

When we met up again in the evening, everybody had gotten ready for a night out around Kottbusser Tor in Kreuzberg. Some of us started it off with delicious Falafel and Döner. Then we all went to a bar to have some beer – what else would you drink in Germany? There was some surprise on the Armenian side though when it came to glass-sizes: 'This is small?' After a couple of small glasses we had to end the night Berlin-style of course – and go dancing till our feet hurt.

◀ Some went to see the Berlin Dome, others preferred the Berlin Bear made from chocolate.



*Veronika Widmann*



# Sunday, August 17th



**T**hey might still have hurt a little when we met up again in the morning to take a train to Potsdam. Everyone was on time though and we could take off to the capital of Brandenburg, which was a new experience for all Armenians and at least one of the Germans.

Matthias had prepared a tour and lead us through the beautiful old town of Potsdam. We started off at the Parliament of the state of Brandenburg, which had been refurbished recently with the help of donors. After visiting two different churches and strolling through the Dutch Quarter and the main street we were ready to have lunch. None of us was up for more pizza so we decided to go to a Burger restaurant and did not regret the decision.

The most beautiful part was still to come: The castle and park of Sanssouci, which was once the summer residence of King Friedrich II. Sanssouci means ‘without worries’ and without worries we wandered through the park, enjoyed the fountains and flowers and the relaxing atmosphere. Many pictures were taken and even the sun decided to show up every now and then. Finally our tour to Potsdam ended at - yet another - Brandenburg Gate, from where we took the tram back to the train station. Only a couple of hours later we met again to have a farewell party, thanks to Tanja who offered to invite everyone to her place. We had a great last evening and - as John put it - ‘we hope that our German-Armenian friendship will continue’.

*Veronika Widmann*

► In Potsdam we enjoyed the gardens with their beautiful castles.



# Monday, August 18th

We couldn't believe how fast two weeks had passed when we actually had to say our Goodbyes to our Armenian and also to our German friends after breakfast. Our gratitude goes to everyone who was involved in planning and organizing this seminar: To Fine, Julia and Matthias who did an amazing job putting together an interesting and varied program and somehow got us all to Armenia and back safe and sound. To Anna, Cialla and Samson who took care of us in Yerevan and made sure we didn't get lost. To Hendrik and Michael who were the most wonderful tutors, always helpful and always up for any kind of fun. To John

and Aram who were so very curious about German law and enriched our discussions. To Mr. Heger and Mr. Heinrich, who put so much time into promoting and improving the Network East-West. To the Russian-Armenian Slavonic University, especially to Suzanna Shamakhyan, who did a great job expanding the program into Armenia. And last but not least to the DAAD who made it possible for all of us to spend these two weeks together, experience a new culture and a new culture of law and simply to *learn* so much in such a short period of time. Thank you!

*Veronika Widmann on behalf of all participants*







► Some last Impressions from Armenia and Germany



NOW 2014

# **Combating Corruption in Armenian and German Criminal Law**

- Abstracts -



# Abstracts

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# 1 Corruption in Public Administration

**T**here is no single corruption definition. It is also not mentioned in the German Criminal Code.

The basis offenses are § 331 StGB and § 333 StGB. The §§ 331-334 StGB have a mirror-like classification. The qualification of § 331 is § 332, and the qualification to § 333 StGB is § 334 StGB.

In §§ 331, 332 StGB the public official is taking bribes. This is called passive bribery. In §§ 333, 334 StGB someone is giving bribes to a public official, which is called active bribery.

In opposite to §§ 333, 334 StGB, which are general offenses that can be committed by anyone, §§ 331, 332 StGB are so called special offenses. These special offenses can only be committed by public officials.

General and special offenses, they can only be committed by public officials.

There are different opinions on the protected legal interest. From the jurisdiction's point of view the trust of the public in the integrity and incorruptibility of bearer of state offices, is the legal

interest protected by the anti corruption laws. Another opinion states that the protected legal interest is the objectivity of government actions. The preferable prevailing opinion thinks of the protected legal interest as a cumulative interest. It combines both opinions into one.

The bribery act can be compared to a contract. There is a synallagmatic connection between the benefit and the official duty in form of an injustice agreement. The three stages of the contract-like act are the negotiation part, the agreement part and the obligation part. The injustice increases with each stage.

The competent public authority can authorize benefits. There are four different kinds of permissions: the previous authorization, the acceptance with reservations, the alleged reservation and the subsequent authorization. Their difference lies in their time of approval. The trust of the general public decreases with each authorization whose time of approval is less recent.

The definitions of public official etc. are legally defined in § 11 of the German Criminal Code.

## The bribery act can be compared to a contract

*Jo Siebel*

## 2 Corruption in Domestic Business Transactions

Thinking about corruption in business transactions often leads oneself to famous cases like the Siemens or MAN case that got enormous publicity. Sec. 299 GCC can be seen as the starting point for possible criminal liability of corruptive business actions not only in a national but also in an international frame.

The determination of the legally protected rights is already very controversially discussed. A consensus, however, exists concerning the mainly protection of a fair and free competition in a market economy. This fact can be seen by taking into account the historical development of the offence and the required objective elements.

The mirror-like structure of the offence requires on the one hand an employee or agent of a business who demands, allows himself to be promised or accepts a bribe as consideration for an unfair preference to another in the competitive purchase of goods or commercial services. On the other hand someone is criminally liable who offers, promises or grants an employee or agent of a business a benefit for himself or for a third person in a business transaction for competitive purposes as consideration for an unfair preference in the purchase of goods or commercial services.

Dissociation problems exist most of all to other offences like embezzlement (sec. 266 GCC) and fraud (sec. 263 GCC).

This problem is enlarged by current legislative work. The planned implementation of the principal-agent model beside the existing competition model of sec. 299 GCC entails enormous following problems.

The employee's and agent's criminal liability for a breach of duties against the principal is not only problematic because of a possible unconstitutionality regarding to the principle of legal certainty but also because of the systematic, teleological and historical preconditions of the existing form of sec. 299 GCC. Another controversial point is that the impunity of the principal is not going to be changed but the circle of an employee's or agent's criminal liability is enormously enlarged. International legal pressure is preferred to these negative consequences cause by the amendment.

Another current legislative project is the planned passage of a bill that implements criminal liability for a corruptive action in the healthcare sector (sec. 299a GCC).

All in all it can be seen that corruption in business transactions, laid down in sec. 299 GCC, is a very controversial offence but has a high theoretical and practical relevance in the system of economic criminal law.

### The right protected by § 299 is controversial

*Kristina Schimpf*



# 3 „Benefit“ as the Central Term in Anti-Corruption Law

**A**ny application of sec. 331 et. seqq., Criminal Code, faces the question of what qualifies a benefit as a benefit. The most commonly applied definition still requires interpretation as shows the case law. The paper's scope is thus to elaborate the major dogmatic problems concerning this crucial term of anticorruption law.

It concludes that 'benefit' has an ample scope which was enlarged considerably due to the

revision of the anticorruption provisions that went into force in 2000.

The term does not only cover pecuniary but also so called immaterial benefits. Jurisdiction on the latter kind has changed over the years from a broad interpretation to a more restrictive one covering only benefits that can be measured objectively. Several groups of cases are dealt with more in depth: benefits that are available

anyway, benefits resulting from a valid contract, benefits that maintain the status quo, benefits resulting from the fulfilment of the official's duty, mere prospects of benefits and benefits for the general public. Generally, all benefits for third parties are covered by the new version of sec. 331 et. seqq. In the cases of the recipient being an entity of public law, the public official can absolve himself/herself by strictly observing the respective directives and standards that regulate the acceptance of, for instance, donations and external funding. Finally, the paper examines the solutions proposed to limit the range of the corruption offences by limiting the term 'benefit'. A reliable distinction between punishable bribery and tolerable actions is not provided by the letter of the law nor established by the jurisprudence of the BGH. So far made attempts by the way of obiter dictum give rise to constitutional concerns and are hardly eligible for generalisation.

*Stefan Klauser*

**The term does not only cover pecuniary benefits**

# 4 Collusion, Conspiracy and Illicit Agreement

**C**orruption is everywhere and always present. It can be either in the administrations of large companies or in sports. Therefore our criminal code has some provisions, which punish the ones, who are giving or taking bribes.

The provisions against corruption in the criminal code are divided in state office corruption, captured in §§ 331-335 and corruption in business transaction to be found at §§ 299-300.

Besides granting a benefit there is one other seminal element in all German anti-corruption laws: The element of collusion which we call 'Unrechtsvereinbarung'.

The benefit is only being granted *in order to* make the official decision in a particular way. In other words there has to be a connection between benefit and the official's decision/act - collusion.

For the legal practice this means that it is not evidence enough to show two isolated benefits, this would not be sufficient. It must be proven, that there had been a silent agreement between both parties.

This means that if it is not proven that someone is doing it just to be polite or his behavior is based on the common usage

or other reasons you cannot punish him for being corrupt.

In §§ 331, 333 of the German criminal code it is sufficient that the benefit is granted in order to the discharge of an official duty. There does not have to be a discharge of a specific official duty. The concept of an 'official duty' is interpreted broadly. It includes any activity that belongs to the task

of a public official. Till 1997 it was regulated differently: according

to the law, the bribe had to be given for a special official act, so cases like sweetening someone were not ascertained.

Meanwhile in §§ 332, 335 the bribe has to be in return for the fact that the public official either performed or will in the future perform an official act and thereby violated or will violate his official duties.

To sum it up one can say that without illicit agreement the offence of corruption would not be fulfilled.

## **Collusion is an essential element of corruption**

*Agneta Melikyan*



# 5 Corrupt Politics - Buying and Selling Votes

It is a rare occasion when representatives of all political factions, non-governmental organizations, jurisdiction and jurisprudence agree on an issue of legal policy almost unanimously. This is the case though when it comes to criminal prosecution of political bribery in Germany: In 1999 and 2003 Germany signed two international treaties concerning the fight against corruption. Both remain unratified up to this day due to one section in the German Criminal Code: § 108e 'Bribing Delegates', which does not comply with

## Two international treaties remain unratified so far

international standards. This paper examines the criticism it faces and – most importantly – the reform it was recently subjected to. In the beginning it is discussed, why political corruption is criminalized and whether this is compatible with the free mandate of delegates. A historical overview outlines the development of the norm before its insufficiencies are discussed in detail. The main point of critique is its very restricted coverage and applicability: The old version of §108e sanctions only the explicit buying and selling of a specific vote. It leaves unsanctioned all other parts of a delegate's work and immaterial benefits. It is the main reason why Germany to this date was not able to ratify important international treaties.

The last part of the paper is dedicated to the new version of § 108e, which was adopted in February 2014 and will become effective on 1 September of the same year, evaluating the changes that have been made and their consequences. It comes to the conclusion that the new version of § 108e StGB is far from perfect: The phrasing 'by order or instruction' is not a fortunate one, as it does not describe the phenomenon of corruption very well. It is also not evident why subsequently granted benefits should not be punished as bribery. Nevertheless, the new version of § 108e is an enormous improvement compared to its predecessor: It covers immaterial benefits and more than just the buying and selling of a specific vote. As all commentators agree, it enables Germany to finally ratify both the Criminal Law Convention on Corruption of the Council of Europe and the UN-Convention on Corruption. Of course one might argue that this again is a purely symbolic step since an act of legislation says nothing about the level of corruption found within a state. Still, in a world that is becoming increasingly aware of the harms of corruption it must be in the interest of a democratic state under the rule of law to fight bribery as best as possible, to comply with international standards and to communicate its will to do so domestically and towards other countries. The reform of § 108e was therefore an important step in the right direction.

*Veronika Widmann*

# 6 Cultures of Corruption - Advantages and Disadvantages of Criminalizing Corruption

**N**arek and I talked about the role of culture in corruption. While the other presentations looked at corruption from the legally point, we looked at culture. Therefore we wanted to give first a definition of corruption and of culture. As the other presentations showed there is no agreed definition of corruption due to the fact that is a phenomena which has a lot of different ramifications. It is not right to understand corruption as a 'game of one actor' rather one has to see it as an active interaction between two or even three parties. This is why corruption includes a supply side and a demand side, meaning someone who accepts the bribe and someone who asked for it.

The relationship between culture and corruption is controversial seen. Some argue that corruption is equal to culture, whereas others see corruption as a dysfunction of culture and yet others see corruption is reproduced by culture tradition. To investigate the relationship between culture and corruption we talked about the study by Bontis and Seleim. They investigated how factors in a political system might be correlated with corruption. The cultural dimensions of values as the following ones: uncertainty avoidance, power distance, individual collectivism, performance orientation, future orientation, human orientation, institutional collectivism, assertiveness and gender egalitarianism. During our discussion we talked about the effect of gender egalitarianism. Among other things we discussed the question: Why countries with high level of gender egalitarianism tend to have more women in higher positions. That means that those countries are more open to the role of women in society in terms of job positions

or their whole role not only as a mother and housewife. We noted that the level of corruption will not change the position of the women in anyway. It is rather a problem in the first case that countries that suppress women tend to be more corrupt. However the problem of corruption will not change when they promote women to work in higher positions. This was a really interesting point whereas the study by Seleim and Bonits could not find a strong connection between those dimensions, level of corruption and level of gender egalitarianism, other studies showed some connections. As mentioned above, a strong connection between those two will never be found because this is not the origin problem. As well we talked about protection of the whistle blower and the importance of it. Persons who are whistle blowers have an insight knowledge and understanding of their company. If those people are protected they will be more willing to tell about the wrongdoing in their company. It is essential to use an ombudsmen, a objective person from outside, so the whistle blower does not have to be afraid to tell him or her the wrongdoing. Nowadays whistleblowers tend to rather say nothing because telling the trust often means from them to face the consequences such as dismissal or bullying. There is a need of those ombudsman in order to prevent corruption in companies and there are already some known companies that have ombudsmen and it is proofed that corruption in those companies is less likely.

## **Whistleblowers need an ombudsman they can trust**

*Selena Nastvogel*



# 7 Beyond Criminal Law - Preventing and Battling Corruption through other measures

This paper deals with two special aspects: Firstly it is not about criminal law and secondly measures of *preventing* corruption are introduced. It is divided into two parts: legal methods and extra-legal methods. Starting with administrative law it goes on with civil law and ends with compliance as an extra-legal way to combat corruption.

In order to have a standardised legal system civil law must not accept corruption. The emphasis is put on the nullity of contracts. Of course, contracts concluded under corrupt circumstances somehow should be nil and void. This can be reached by using article 134 and article 138 of German Civil Code. Art. 134 says that contracts infringing a law are void. The infringed law can

be the German Criminal Code including the articles concerning taking and giving bribes. Art. 138 says that contracts being unconscionable are void. Neither the term 'unconscionable' nor its definition is clear enough. After that a contract is unconscionable if it contradicts common decency. Thus the jurisprudence has developed two groups of cases to precise this vague definition. They assume unconscionability in cases of 'rejected commercialisation' and 'injury of the principal'. Hence the private autonomy can be restricted while the legal protection is denied.

Compliance is a preventive measure to fight corruption. It can be described as a system to ensure that everybody working for an enterprise behaves legitimately. To achieve this purpose companies mostly adopt codes of conduct which determine the expected behavior. The idea behind compliance is on the one

hand to manipulate the employees in a positive way by reminding them to follow the regulations. On the other hand responsibility can be pushed away to the compliance officer if something goes wrong.

So corruption can be prevented, but also detected and responded to by a working compliance-system. For preventing corruption some general measures are accepted. One is the four-eyes principle meaning that important decisions in corruption-prone areas have to be made by at least two persons. The rotation principle, the need-to-know principle and separation of functions are nearly self-explaining. The ombudsman system is used to detect corruption. Here a whistleblower is given the opportunity to report corrupt behavior or the suspicion of it anonymously. To ensure this the position of an ombudsman should be taken by a lawyer since lawyers can awake lawyer's duty of secrecy. The whistleblower's feeling of trust concerning the protection of his identity is very important.

Administrative law has several possibilities to combat corruption one of which is codifying preventive measures that are voluntarily used in enterprises. Another one is the creation of a corruption register. The first register for placing of orders and award of contracts in Germany has been codified in North Rhine-Westphalia in 2005, listing natural and legal persons that have acted corruptly it has both a repressive and a preventive effect. Nevertheless an immediate striking off is intended if the reliability is re-established.

As a result it can be said that establishing preventive measures either voluntarily or due to laws helps combatting corruption. Non-criminal preventive and sanction measures are a necessary but not a sufficient condition for the fight against corruption.

## Corrupt contracts are nil and void under civil law

## 8 Corruption and Corporate Criminal Liability

**S**argis Terzikyan and me presented on the topic ‘Corruption and Corporate Criminal Liability’. In both countries, Armenia and Germany, there is a similar situation regarding corporate criminal liability: De lege lata, corporations cannot be criminally liable, because it is said that corporations, as any other legal entities, cannot act and cannot be culpable. Since guilt and culpability are prerequisites for punishment, corporations are consequently not criminally liable. There is, however, an ongoing discussion about the implementation of corporate criminal liability.

Many contributions of scholars have shown, that the absence of corporate criminal liability has certain disadvantages for combating corruption. For example, corruption offences sometimes remain unpunished, as modern complex corporate structures can hinder the identification of individual offenders inside a corporation. Another problem is the corporate criminal attitude, which can develop through small contributions of a multitude of employees, make itself independent and then negatively influence the behaviour of all employees of a corporation. In such cases, the real cause of and problem behind individual offences seems to be the corporate criminal attitude, a phenomenon that is independent of individual employees and can only be linked to the corporation itself. As a result of these and other arguments, in both countries draft laws for the implementation exist. The prospects of success of this draft laws, though, is still uncertain.

The major difference between the situation in Armenia and Germany is, that in Germany corporations can be sanctioned directly for acts of corruption with administrative fines. While administrative offences enable the sanction of corporations, they bring about new problems. For instance,

administrative fines are publicly associated with bagatelles like parking violations. Therefore, the sanction of corruption offences with administrative fines may have a negative effect on the public perception of corruption. Other problems are that administrative offences are sanctioned by the prosecution authorities themselves without being discussed in front of a court, and that the prosecution of administrative offences, pursuant to section 47 of the act on regulatory offences, follows the principle of discretionary prosecution.

Because German and Armenian criminal law is deficient for combating corporate corruption, many theories exist to overcome the obstacles of the lacking ability to act and culpability of corporations. Many of these theories are feasible ways to overcome the problems with criminal law theory. In my opinion, after considering other ways of control to honor the principle of criminal law as ultima ratio, corporate criminal liability can and should be implemented to combat corporate corruption more efficiently.

In the subsequent discussion, the participants asked how exactly corporations could be punished. Besides monetary penalties, other penalties like the exclusion from public contracts or, in the worst case, the liquidation of the corporation, have been suggested by scholars.

Another question hinted at the reasons for punishment, which, in case of corporate criminal liability, are deterrence and marking the behaviour as condemnable.

Throughout the discussion we also talked a lot about the and the prospects of success of the draft law and its current stage in the legislative process.

### **Corporations cannot be criminally liable**

*Till Sudkamp*

# 9 The Applicability of National Anti-Corruption Laws on Transnational Cases and Settings

**N**ot only is corruption an international phenomenon, it is an ancient one as well. In fact so ancient even Moses approached upon the subject by saying ‘And thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous’ (Exodus 23:8).

Despite its long existence, the subject matter is as current as always. Lately there has been an international approach on fighting corruption beyond the national borders of a country. States like Germany have been enabled through various treaties to apply their own legislation on cases with a transnational setting, that is to say cases that involve not only national, but also international citizens. The questions to be answered are: How is this possible?

## Various parties can prosecute a criminal act

Why can a state apply its own legislation on foreigners that may have nothing to do with this legislation?

In regard to German criminal law the answer can partly be found in the sections 3-7, 9 of the German Criminal Code (GCC). These sections contain different principles that authorize the state to intervene in transnational cases. The most essential principles concerning the abovementioned topic are the territoriality principle as well as the personality principle. The territoriality principle extends the penal power of the state on all crimes that have been committed on its national territory regardless of who committed the crime and against whom it was directed. The personality principle on the other hand originates from the special connection between a state and its citizens. Both principles are very similarly realized in the s. 14, 15 of the Armenian Criminal Code.

Germany is unlike Armenia member of the OECD and ratified its Convention

Against Corruption. Important objects of investigation regarding this topic are the Articles 4 and 5 of the convention. Article 4 contains a jurisdictional clause obligating the member states to penalize transnational bribery. The subsequent Article 5 is a necessary measure to forestall an unequal realization of the treaty. The OECD Convention was also predecessor and catalyst for the EU-Anti-Corruption Act (EUBestG) and the Act Against International Corruption (IntBestG).

Before they came into effect in 1998, the anti-corruption s. 332, 334 GCC could solely be applied on national public officials. This was owed to the fact that a “public official” is defined as someone who after German law is authorized to perform a public duty (s. 11 ss. 1 no. 2 GCC), thereby not including public officials of other countries. What both treaties did was extending the “public official” terminus on a European as well as an international level, in order that national legislation could hence be applied on foreign officials as well.

Of course the presented treaties bring along advantages as well as disadvantages. The proceeding globalisation of penal legislation makes the prosecution of a criminal act through various parties possible and can be an effective measure to combat corruption. Even if a state is not able or does not want to prosecute a corruption crime, another state may still attend to the prosecution of the crime. On the other hand, legislation also reflects the values of a society. This has to be taken into consideration especially for criminal law, since acts condemned by criminal law describe behaviours that after the consent of the legal community portray injustice. An interference in this order of values through another state implies the superiority or at least correctness of the own regulations. No state can determine globally what is and what is not injustice.

*Jonathan Thüringer*



# 10 Battling Corruption through International Law and Organizations

**C**orruption is not only a national phenomenon. It crosses state borders and poses a problem for the international community. It harms the economy and threatens international relations, the rule of law and democratic systems. The fight against international corruption can only be carried out effectively on an international level. In the past twenty years, several international organizations have developed anti-corruption policies and legal instruments.

The international fight against corruption was sparked by the United States who had adopted a strict law prohibiting bribery of foreign public officials in 1977. This was not recognized as a criminal offence in any other state at the time. After twenty years of continued US lobbying the OECD adopted a Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The scope of this convention remained rather limited. Still, it was a significant step forward and gave an impetus to other international organizations. Only a few years later, the Council of Europe adopted the Criminal and Civil Law Conventions on Corruption which has a broader scope and aims to promote democracy and the rule of law. This was followed by the 2003 United Nations Convention against Corruption, the broadest instrument thus far. The convention attempts to implement minimum anti-corruption standards across the globe.

The European Union tackled corruption with a different objective. In the late 1990s, it adopted two conventions dealing with corruption. Both of these instruments originated from the need to protect the EU's own financial interests and the integrity of its administrative, legislative and judicial bodies. Since the Lisbon treaty entered into force in 2009, the EU has even more possibilities to effectively fight corruption. It can pass anti-corruption directives under article 83

TFEU and regulations under article 325 TFEU. These supranational mechanisms are not available to any other international organizations and qualify the EU as the prime international forum to battle corruption. Notably, the European Commission adopted an Anti-Corruption Package in 2011 which included a new monitoring procedure, the EU Anti-Corruption Report. This was published for the first time in February 2014 and aims to promote high anti-corruption standards across the EU. The report compiles data and information from several different sources and identifies common problems as well as positive developments.

The EU has also built up an institutional basis to fight corruption. The Anti-Fraud Office (OLAF) has the mandate to investigate corruption affecting the EU's financial interests within and outside of EU institutions. Eurojust and Eurojust coordinate and give assistance to national anti-corruption investigations and prosecutions. An important step towards a more cohesive anti-corruption policy is the establishment of a European Public Prosecutor's Office which is currently being proposed by the European Commission.

All actions taken by international organizations cannot replace the individual states' commitment. The task of changing national laws according to international requirements and prosecuting cross-border corruption rests with them. International organizations can only support this by promoting common standards and putting political pressure on the states to improve their efforts. The EU, however, has more effective ways to combat corruption and is currently developing a broader and more centralized anti-corruption policy.

**The fight against corruption was sparked by the US**

*Tanja Altunjan*



