

**Is there a Need for Better Security Measures in Institutions of Higher Learning- Experiences
from the University of Tuzla**

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Introduction

Corruption as defined by Transparency International considers the “misuse of public duty for the achievement of personal gain”, the United Nations considers corruption (definition from the UN IX Congress in Cairo in 1995) as

...any offer, promise or giving of any advantage to another person as undue consideration for performing or refraining from the performance of that person’s duty, or the soliciting or accepting of any advantage as undue consideration for performing or refraining from the performance of one’s duty.¹

It is either bribery or any other act related to persons entrusted with responsibilities, aiming to influence their performance in their official duties and obtaining any improper advantage for themselves or others. This occurrence, however, in Bosnia and Herzegovina in its post-war period is ever-present in most aspects of public life ranging from high political institutions to the lowest level of institutions. One very pertinent example would be corruption in institutions of higher learning. This paper will look at some of the cases of corruption and discrimination at the University of Tuzla, followed by an analysis of the University's statute, in order to gain insight on how this issue is being regulated, and to see whether there are any mechanisms to prevent corruption, as well as to ensure the security of staff and students.

¹ United Nations IX Congress, 1995, Cairo.

The Cases

As mentioned before this paper will illustrate two separate cases which are symptomatic for the phenomenon of corruption. The first case we will be looking at regards the discrimination of students on grounds of ethnicity². The second case deals with the attack on a lecturer during office hours, who refused to accept a bribe in order to let a student pass the class.

Firstly however, we will analyze if there are anti-corruption and anti-discrimination mechanisms are in place regarding the statute of the University of Tuzla, as well as the definition of corruption provided by the Council of Europe. The Civil Law Convention on Corruption defines corruption as:

*... requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.*³

Article 8 of the Convention states that each party adhering to the convention needs to provide internal laws for any contract providing for corruption to be void. It further states that “Each Party shall provide in its internal law for the possibility for all parties to a contract whose consent has been undermined by an act of corruption to be able to apply to the court for the contract to be declared void, notwithstanding their right to claim for damages”⁴.

As Bosnia and Herzegovina has ratified this convention in 2002, one could assume that the country placed these mechanisms in regarding certain institutions. If we take a look at the Statute of the University of Tuzla we can observe that there is no mention of corruption in it, however there is a vague mention of non-discrimination regarding access to education⁵, however if there is no mechanisms in place to protect students from discriminative practices, then an opportunity for the

2 The following interview transcripts are taken from the research the author was conducting for his M.A. Thesis in 2011, for reasons of fear of repercussions, the interviewed students asked to remain anonymous. For the complete interview see: <http://goya.ceu.hu/search~S0?/aEmin%20Eminagic/aemin+eminagic/-3%2C0%2C0%2CB/frameset&FF=aeminagic+emin&1%2C1%2C/indexsort=->

3 See: <http://conventions.coe.int/Treaty/en/Treaties/Html/174.htm> (last accessed: May 29, 2013)

4 Ibid.

5 See Article 7: Paragraph 2 of the Statute of the University of Tuzla: http://gradina.untz.ba/akti/STATUT_oktobar2009.pdf (last accessed: May 29, 2013)

eliciting of corruption practices might arise as we shall see from the following two cases. The following are excerpts from interviews the author conducted as part of his M.A. Research. The first interview was conducted with a student of Serbian ethnicity, when asked if they faced discrimination on an ethnic basis:

...yes, I have been excluded from an exam because of my name. It was a philosophy exam some five years back, I passed the written part, but did not have enough points to get a grade, so I had to take the oral part as well. There I was waiting for my turn, and after two hours, I am invited into the classroom, I sit down in front of the professor and give him my grade booklet, he opens the first page and sees that I am not a Muslim, a Bosniak, however you want to call it, then he looks at me, closes the booklet and says better luck next time, and throws it through the door.⁶

The second interview is quite similar:

It was the first class of the semester, we were going through the classroom introducing ourselves, I was the third person to stand up and say my name, and by coincidence the only one who was not a Bosniak in the group, after this had passed, to professor stood up from his chair, and approached me, he started to talk about the Srebrenica genocide, and then he gave an explanation in which he said, something like girl you failed this class. So one of my classmates gets up and asks, why I failed the class, given that it is the very beginning of the semester and that I just said my name. The professor looks at him and tells him to mind his own business if he wanted to pass, but my classmate keeps insisting, so the professor makes him leave the classroom, and I being really shocked also leave. A day after I found out that this classmate had left the university due to his revolt against that professor, and I really did fail the exam on two terms, until I decided to ask for an exam commission in which I passed, the sad thing however, that professor still works at Tuzla university.⁷

The obvious question now is why mention occurrences like these are relevant in fighting corruption at institutions of higher learning? A popular post-war logic in Bosnia and Herzegovina, dictates that in order to achieve something one needs to engage in bribe-giving. Cases like this can serve to proliferate corruption practices, even though if the people offering the bribes are being coerced by their socio-economic status, as they are indebted to pay for studies and consider finishing university a good opportunity to receive secure employment. So in this regard it is important to note that anti-

6 See: Eminagić, E. *Overcoming Ethnicity – Student Protests, Nationalism and New Solidarities*. CEU Collage, M.A. Thesis, 2011. <http://goya.ceu.hu/search~S0?/aEmin%20Eminagic/aemin+eminagic/-3%2C0%2C0%2CB/frameset&FF=aeminagic+emin&1%2C1%2C/indexsort=-> (last accessed: May 29, 2013)

7 Ibid.

discrimination practices and mechanisms are important tools in the fight against corruption which is pertinent in the case of Bosnia and Herzegovina, as it endangers the stabilization process and automatically undermines the democratic process, as there is a diminishing of accountability of elected or appointed officials due to bribe-giving/accepting.

In the second case we will see why anti-corruption mechanisms and an effective security policy in institutions of higher learning.

On October 1, 2010, Zijad Suljkanović⁸ tried to bribe to professor Damir Arsenijević at the University of Tuzla, in order to persuade the professor to let his daughter Nejra Suljkanović pass her final class. When Prof. Arsenijević refused to accept the bribe Mr. Suljkanović drew a gun and started to threaten the professor, after realizing that the professor would not yield to threats he left the faculty building. After criminal charges against Mr. Suljkanović was filed, through his position as a municipal councilman and with a help from a friend from the Ministry of Interior of Tuzla Canton turned the criminal charges were turned into misdemeanour charges. Mr. Suljkanović ended up paying a fee of 50 KM. Such behavior is just a symptomatic of the current situation regarding corruption in Bosnia and Herzegovina, and leaves open two important questions. Firstly, would such an incident been possible if the University of Tuzla had effective anti-corruption policies, as well as more strict controls of persons entering and exiting the faculty building? Secondly, drawing back to a previous point was this an isolated incident with Mr. Suljkanović, or was this a failed attempt in a series of successful ones?

⁸ Mr. Suljkanović is a member of the municipal council of Kalesija Municipality from 2008 he still serves in this position. For more information on the case see: <http://studentskiplenum.blogger.ba/> (last accessed: May 29, 2013)

Conclusions

We have seen how corruption practices can occur in institutions of higher learning, and how they are manifested, either through coercion into giving bribes or direct offerings and threats. Where institutions such as universities instead of being places which discourage and fiercely disapprove such practices, are breeding grounds for the same practices which operate on grounds of fear, coercion and hinder the further development of the country. The task to combat corruption is a strenuous one, and entails several issues, especially in universities and places of learning, where an increased security apparatus may threaten the autonomy and liberty of thought of the institution, however as the previous cases have shown there actually is a need for increased security measures. However these should only serve as temporary measures in order to place real legislative mechanisms in power which would start with the rooting out of corruption from every institution, however this does not only apply to corruption but also to all sorts of discriminative practices which coerce individuals into engaging in corruptive practices. The rooting out of corruption in public institutions has the perfect starting point in universities and generally in institutions of learning. One way to approach this issue would be in creating a tradition which will discourage such practices by appointing a third-party legal remedy to students and staff who have been the victims of corruption. This party would not be appointed by the university but by a governing institution. Additionally to this, on a more personal note, universities, student organizations and associations, need to develop strategies which would actually encourage students and staff to report such cases. As this is a widespread phenomenon in post-war Bosnia and Herzegovina, there still is a lot to be done, a good opportunity to start combating corruption can actually arise in institutions of higher learning.

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