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BUSINESS, CORRUPTION AND CRIME IN MONTENEGRO:

The impact of bribery and
other crime on private enterprise

2013

With funding from the European Union



UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

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Acknowledgments

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The precious contribution of Giulia Mugellini for the development of survey methodology is gratefully acknowledged.

All surveys were conducted and reports prepared with the financial support of the European Union and the Governments of Germany, Norway and Sweden. Sincere thanks are expressed to Roberta Cortese (European Commission) for her continued support.

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Executive summary

This survey of private businesses in Montenegro reveals that corruption and other forms of crime are a great hindrance to private enterprise and have a negative effect on private investment. A significant percentage of businesses pay bribes to public officials repeatedly over the course of the year. Businesses in the Transportation and Storage sector are those most affected by bribery, followed by businesses in the Accommodation and Food service activities sector. The public officials with the highest risk of bribery in interactions with businesses are customs officers, land registry officers, municipal or provincial elected representatives, tax/revenues officers and inspection officials.

While indicators of corruption perceptions are undoubtedly useful for raising awareness, this survey measures the actual experience of corruption and crime through representative sample surveys of businesses in order to provide a more realistic, evidence-based assessment of corruption and crime affecting the business sector. In so doing it focuses on the extent and pattern of bribery by businesses from five different sectors (accounting for over 70.6 per cent of all businesses in Montenegro) in their frequent interactions with the public administration.

According to the survey, of all the businesses that had contact with a public official in the 12 months prior to the survey 3.2 per cent paid a bribe to a public official. The average prevalence of business bribery in Montenegro is lower than the share of ordinary Montenegrin citizens who experienced the same in UNODC's 2011 general population survey (9.7 per cent).¹

The examination of the experience of businesses that pay bribes to public officials underlines the fact that corruption plays a role in the daily business of many companies. Bribe-paying businesses pay an average of 4.6 bribes per year, or about one bribe every eleven weeks. The prevalence of bribery is substantially higher among small (10 to 49 employees) businesses than among businesses of other sizes.

¹ Data referring to bribery by individuals and households are taken from the recent UNODC study, *Corruption in Montenegro: bribery as experienced by the population* (2011).

A substantial share of all the bribes paid to public officials by businesses in Montenegro are paid in cash (35.7 per cent), followed by the provision of food and drink in exchange for an illicit “favour” by the public official (22.5 per cent) and valuables or other advantages (21.4 per cent). When bribes are paid in cash, the mean amount paid per bribe is 411 Euro, or the equivalent of 830 EUR-PPP.

As for which party actually broaches the subject of kickbacks, in 48.7 per cent of all bribery cases the payment of a bribe is offered by a representative of the business without a prior request being made, whereas in 44 per cent of cases payment is either explicitly (7.6 per cent) or implicitly (14.3 per cent) requested by the public official or are paid after a third-party request (22.1 per cent).

The most common purposes for paying bribes cited by businesses is to “speed up business-related procedures” (45.7 per cent of all bribes), “making the finalization of a procedure possible” (14.3 per cent), “reducing the cost of a procedure” (7.2 per cent) and “receiving information” (7 per cent). At the same time, around one in eight (12 per cent) bribes paid serve no specific immediate purpose for the businesses paying them, suggesting that these are “sweeteners” given to public officials to “groom” them for future interactions in the interest of the company.

As little as 3.7 per cent of bribes paid by businesses are reported to official authorities in Montenegro, mostly to the police, which suggests that businesses pay bribes to influence public officials and do not report bribery due to a feeling of complicity. This is also reflected in the main reasons cited for not reporting bribery: “it is common practice to pay or give gifts to public officials” (41.8 per cent), “the payment or gift was given as a sign of gratitude to the public servant for delivering the service requested” (19.5 per cent) and “it is pointless to report it as nobody would care” (16.6 per cent).

Bribery in the private sector not only comprises bribes paid by businesses to public officials, it also takes place between businesses themselves in order to secure business transactions. Though lower than the prevalence of bribery between the private and public sector, at 0.8 per cent the prevalence of business-to-business bribery indicates that the practice does exist in Montenegro. This type of corruption is not to be confused with normal marketing or public relations activities, in that it specifically aims, through illegal means, to breach the integrity of the bribe-taker in exchange for a bribe. None of the businesses in the survey reported such business-to-business bribery incidents to relevant authorities.

Some 2.1 per cent of business representatives decided not to make a major investment in the 12 months prior to the survey due to the fear of having to pay bribes to obtain requisite services or permits.

The consequences of other more conventional crimes on a business’s property and economic activities can also be considerable, both in terms of direct costs stemming from physical damage and indirect costs in the form of insurance premiums, security expenditure and lost investment opportunities. For instance, 5.9 per cent of businesses in Montenegro fall victim to burglary in various different guises in a year and such businesses are victimized an average of 1.8 times in that time period.

Annual prevalence rates for fraud by outsiders (4.7 per cent) and vandalism (3.8 per cent) in the private sector are also significant, as are the average number of times businesses affected fall victim to those crimes (5.9 and 2.9, respectively). Moreover, over the past 12 months some 0.8 per cent of all businesses in Montenegro fell victim to extortion, a crime that can be linked to organized criminal groups.

In marked contrast to corruption, a larger share of conventional crimes (on average, 55.1 per cent for five crime types) is reported to the police by businesses in Montenegro. While the majority of business representatives (68.6 per cent) consider that the crime risk for their company has remained stable in comparison to the previous 12 months, around one fifth (19.2 per cent) think it is on the increase and one tenth (10.4 per cent) on the decrease. The fear of crime plays a very important role in the decision-making process of business leaders when it comes to making major investments. Although there are some differences by economic sector, on average one out of twelve (8.5 per cent) entrepreneurs in Montenegro state that they did not make a major investment in the previous 12 months due to the fear of crime.

Yet while about three quarters (75.8 per cent) of businesses in Montenegro use at least one protective security system against crime, only one fifth (20.7 per cent) has any kind of insurance against the economic cost of crime. Together corruption and other forms of crime place a considerable burden on economic development in Montenegro. Putting in place more and better targeted measures for protecting businesses against crimes, as well as for preventing corruption (such as effective internal compliance measures and other policies concerning corruption) could make that burden considerably lighter.



Key Findings

- Business representatives in Montenegro rank corruption as the fifth most significant obstacle to doing business, after high taxes, complicated tax laws, limited access to financing and labor regulations.
- Around six out of ten companies had at least one direct contact with a public official or civil servant in the 12 months prior to the survey.
- The bribery prevalence rate among those businesses who had contact with public officials in that period is 3.2 per cent.
- Bribe-paying businesses paid an average of 4.6 bribes to public officials in the 12 months prior to the survey.
- There are some variations in the prevalence of bribery across business sectors in Montenegro: Transportation and Storage (6.5 per cent) and Accommodation and Food service activities (5 per cent) have higher bribery prevalence rates than Manufacturing and Construction combined (2.9 per cent) and Wholesale trade and Retail trade (2.2 per cent).
- In Montenegro, more than one third (35.7 per cent) of bribes are paid in cash. The mean amount paid per bribe is 411 Euro which corresponds to 830 EUR-PPP.
- In 44 per cent of all bribery cases, the payment of the bribe is either explicitly (7.6 per cent) or implicitly (14.3 per cent) requested by the public official or requested through a third party (22.1 per cent) on behalf of the official, while in 48.7 per cent of cases it is offered by a business representative without prior request.
- Two fifths (40.5 per cent) of all bribes paid by businesses in Montenegro are paid before the service, while over one quarter (28.6 per cent) are paid after the service is delivered.

- The main purposes of paying bribes are to speed up a procedure (45.7 per cent) and to make the finalization of a procedure possible (14.3 per cent). In addition, 12 per cent of bribes paid serve no specific immediate purpose.
- The prevalence rate of bribes paid to public officials is highest for customs officers (2.4 per cent) and land registry officers (1.9 per cent).
- As little as 3.7 per cent of bribes paid by businesses are reported to official authorities, mostly to the police. Over two fifths (41.8 per cent) of business representatives did not report bribery because they consider giving gifts to public officials is common practice. In addition, around one fifth (19.5 per cent) of respondents stated that they did not report bribery because the payment was made as a sign of gratitude to the public servant for delivering the service requested.
- The prevalence of business-to-business bribery in Montenegro amounts to 0.8 per cent. Although less than the average prevalence of bribes paid by businesses to public officials, this finding indicates that private sector bribery exists in Montenegro.
- In around a quarter (26.8 per cent) of business-to-business bribery cases a prior request by a counterpart is made either explicitly, implicitly or by a third party while in around three quarters (73.2 per cent) of cases bribes are offered without a prior request. The most important purpose of business-to-business bribery in Montenegro is to secure better prices (31.4 per cent).
- Businesses in Montenegro are affected by different forms of crime to varying degrees: the 12 month prevalence rate of business victimization is 5.9 per cent for burglary, 4.7 per cent for fraud by outsiders, 3.8 per cent for vandalism, 0.8 per cent for motor vehicle theft (MVT) and 0.6 per cent for extortion.
- The share of each type of crime reported to the police ranges from 82 per cent for burglary, 57.3 per cent for MVT, 55.9 per cent for incidents of extortion, 46.5 per cent for cases of vandalism and 10.7 per cent for fraud by outsiders cases.
- Around three quarters (75.8 per cent) of businesses in Montenegro use at least one protective security measure against crime.
- The majority of business representatives (68.6 per cent) state that they consider the crime risk for their business entity has remained stable in comparison to 12 months previously, while 19.2 per cent of respondents think it is on the increase and 10.4 per cent on the decrease.
- On average one out of twelve (8.5 per cent) entrepreneurs in Montenegro stated that they did not make a major investment in the previous 12 months due to the fear of crime.



Introduction

In different guises and to varying degrees, corruption exerts a negative influence on all societies. As shown in UNODC's 2011 report *Corruption in Montenegro: bribery as experienced by the population*,² petty corruption also remains a pervasive reality in Montenegro and has a significant impact on the interaction of private citizens with public officials in the country.

In addition to their negative impact on private households, certain types of corruption can also have grave consequences for the business sector and economic performance and can become a barrier to private and foreign investment, trade and economic development. Private companies may also be affected further by the impact of crime on their operations. This can range from extortion by organized criminal groups, to serious fraud and embezzlement of funds by managers to vandalism and assaults from criminal competitors, each of which has the potential to cause serious damage to the business environment in which companies operate and to increase the cost of doing business.

Anti-corruption infrastructure and the fight against corruption

Parallel to the progressive European integration, awareness of corruption has increased in Montenegro and successive Montenegrin governments have committed themselves to fighting corruption. Important instruments in the upgrading of the legislative framework for the fight against corruption are represented by the ratification of the Criminal Law Convention against Corruption (2002) and the Civil Law Convention against Corruption (2008). Furthermore, Montenegro's legal framework against corruption includes provisions from the Constitution, the Criminal Code (CC) and the Criminal Procedure Code (CPC). It further contains specific legislation such as: the Law on Prevention of Conflict of Interest; the Law on the Prevention of Money Laundering and the Financing of Terrorism; the Law on Liability of Legal Entities for Criminal Offences; the Law on Witness Protection; and the Law on Mutual Legal Assistance in Criminal Matters.

² UNODC, 2011.

At the same time, Montenegro has strengthened its institutional and administrative capacity for preventing, investigating and prosecuting corruption. In 2005, the Montenegrin Government approved the Strategy Against Corruption and Organized Crime and, in 2006, it established an Action Plan for this strategy. In 2007 a high level National Commission to monitor achievement of the goals defined in the Action Plan was established. Montenegro also created an Agency for Anti-corruption Initiative in 2001, which became the Directorate for Anti-Corruption Initiative (DACI) in 2004, and whose authority was significantly increased at the end of 2007. In addition, various specialized sections have been created within the criminal justice bodies and courts, including: the Section for Combating Organized Crime and Corruption within the Criminal Police Department of the Police Directorate; the Division for Suppressing Organized Crime, Corruption, Terrorism and War Crimes within the Supreme Public Prosecution Office; the specialized divisions of the High Court for organized crime, corruption, terrorism and war crimes; and the Joint Investigation Team.

In 2006, Montenegro became party to the United Nations Convention against Corruption (UNCAC). The Convention does not define corruption per se, but lists a number of different behaviours that States party to UNCAC have to criminalize or consider criminalizing (such as active and passive bribery of national public officials, active and passive bribery of foreign public officials, embezzlement, trading in influence, abuse of functions and illicit enrichment). Furthermore, the Convention explicitly requires or encourages the criminalization of corruption in the private sector (such as active and passive bribery in the private sector, embezzlement of property in the private sector and laundering the proceeds of crime), which is specifically directed at fighting corruption in the business sector.

States parties to UNCAC agreed to have a Review Mechanism to enable all parties to review their implementation of UNCAC provisions through a peer review process. One of the objectives of this mechanism is to encourage a participatory and nationally driven process towards anti-corruption reform and it is noteworthy that Montenegro was part of the second cycle of the Implementation Review Mechanism (2011-2012). In its summary report, the review team welcomed good practices geared towards increasing the effectiveness of criminalization and law enforcement in the anti-corruption field and commended Montenegro's robust framework of international cooperation. The reviewers also identified some grounds for further improvement and recommended, among other things, to explore the possibility of updating the legislation to include *express verbis* the phrase "directly or indirectly" in the relevant provisions on active and passive bribery of national public officials, in line with the UNCAC.³

The scope and methodology of this study

While perception-based indicators can be useful for raising awareness about corruption and mobilizing support for anti-corruption policies, they fail to provide specific indications on the extent of corruption and on particularly vulnerable areas. To gain a more realistic, evidence-based assessment of corruption and crime affecting the business sector it is necessary to go beyond perception-based indicators and to measure the actual experience of corruption and crime through representative sample surveys of businesses.

Over the past decade, the understanding of corruption and crime has been much improved through the results of large-scale sample surveys in different contexts around the world. UNODC has been at the forefront of promoting household corruption surveys and

³ Implementation Review Group, Executive Summaries, 15 February 2013, p. 2-12. Montenegro was part of the second cycle of the Implementation Review Mechanism (2011-2012).

victimization surveys in different contexts and has contributed to the further development and refinement of existing methodologies for measuring corruption and crime. Recent corruption surveys supervised by UNODC in countries as diverse as Iraq, Afghanistan and Nigeria, in addition to the countries/areas of the western Balkans, provide insights on the extent and nature of corrupt practices as well as a host of other issues relevant for the design of effective policies, such as the concrete modalities of bribery and the sectors, positions and administrative procedures most at risk.⁴

Following the conclusion of the household surveys on bribery and corruption in Montenegro and other western Balkan countries and the publication of the survey results in regional and national reports in 2011, UNODC was approached with a request to complement the findings from the household surveys with an assessment of corruption and crime affecting the business sector in the region and entered into consultations with national counterparts and potential donors. The resulting project proposal to conduct large-scale sample surveys of businesses focusing on corruption and crime was endorsed by the project countries and received funding from the European Union in the context of the Instrument for Pre-Accession Assistance 2011.⁵

To implement the research in Montenegro, UNODC partnered with the Statistical Office of Montenegro (MONSTAT), which has the recognized technical capacity and expertise to conduct large-scale surveys of the business sector. MONSTAT worked with UNODC and other relevant stakeholders in Montenegro, including the Chamber of Commerce of Montenegro, the Directorate for Anticorruption Initiative (DACI) and the Institute for Strategic Studies and Prognosis (ISSP) to elaborate the most relevant questionnaire, guidelines for interviewers and other survey tools. The instruments and survey methodology were reviewed, tested and refined in meetings with stakeholders, a regional technical workshop organized by UNODC in June 2012 and a small-scale pilot survey.⁶ At the regional level, a Technical Advisory Group supervised the process and provided expert inputs and advice.

The main objective of the survey was to produce evidence-based factual assessments of the patterns and nature of corruption and crime affecting the business sector, which feed into a process for strengthening integrity and transparency between public offices and the business sector, and for promoting an enabling environment for business development in Montenegro. The research focused on the extent and patterns as well as the prevailing types and modalities of corruption affecting businesses, with a particular focus on bribery.⁷

This national report complements the analysis provided in the regional report for the whole western Balkan region.⁸ The objective, both at the national and regional level, is not to rank or grade countries/areas but to provide analytical insights into a hidden phenomenon. It is hoped that the factual information contained in this report will supply the public authorities as well as the business organizations of Montenegro with a useful tool for further strengthening their anti-corruption policies and strategies.

⁴ Reports of corruption surveys undertaken by UNODC in partnership with national governments can be found at <http://www.unodc.org/unodc/en/data-and-analysis/statistics/corruption.html>.

⁵ All countries/areas of the western Balkans have adopted the Multi-beneficiary Programme 2011 under the IPA-Transition Assistance and Institution-Building Component of the European Union.

⁶ The pilot survey was conducted in July 2012 on 100 businesses in the territory of Montenegro.

⁷ Bribery is defined as (a) the promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties and (b) as the solicitation or acceptance by a public official, directly or indirectly of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

⁸ *Business, Corruption and Crime in the western Balkans: The impact of bribery and other crime on private enterprise*, UNODC (2013).



1. Prevalence of bribery

The extent and frequency of bribery

Running a business is essentially a private sector activity oriented towards clients and customers, but commercial activities are also enmeshed in a network of public services, administrative obligations and prerequisites (such as tax inspections or customs clearing) that require frequent interactions with the public administration. Some of these (such as filing tax declarations) are indirect while others take the form of direct interactions with public officials (such as health, labour or tax inspections, legal proceedings or the request of building permits). In this regard companies in Montenegro are similar to companies elsewhere: around six out of ten (61.4 per cent) businesses surveyed had at least one direct contact with a public official or civil servant in the 12 months prior to the survey, with some variation in the five business sectors surveyed. The rate of direct interaction varied from 58.6 per cent in the Wholesale trade and Retail trade sector to 66 per cent in the Transportation and Storage sector.

The overwhelming majority of interactions with public officials follow the rules and regulations applicable to the administrative procedures in question, yet in every direct interaction those rules are vulnerable to manipulation in exchange for private benefit resulting from an illicit transaction between the private sector service user and a civil servant. The receipt of money, a gift or other counter favour, in addition to (or instead of) the requisite official fee, for the personal gain of a civil servant represents an act of administrative bribery. As the data show, such episodes still play a role in the interactions of private companies with the public sector in Montenegro.

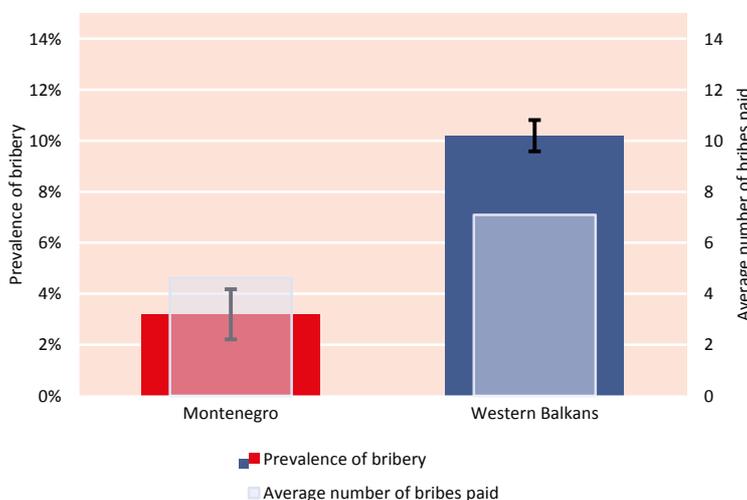
Direct interaction between a representative of a business and a public official is required for an act of bribery to take place (including through an intermediary), thus the prevalence of bribery is calculated as the number of businesses who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of businesses that had at least one contact with a public official in the same period. As such, the average prevalence of business bribery in Montenegro is 3.2 per cent, which means that around one in thirty businesses in the five economic

sectors surveyed, who had contact with a public official in the 12 months prior to the survey, paid a bribe to a public official.

But prevalence of bribery alone does not provide the complete picture of the extent and severity of bribery. Another important indicator is the frequency of bribe-paying, which in this case means the average number of times that bribe-payers actually paid bribes during the 12 months prior to the survey. In Montenegro, bribe-paying businesses paid an average of 4.6 bribes to public officials in that period.

As shown in Figure 1, both the prevalence of business bribery and the frequency of bribe-paying in Montenegro are lower than in the western Balkans region (average prevalence of 10.2 per cent and average frequency of 7.1 at the regional level).

Figure 1 Prevalence of bribery and average number of bribes paid, Montenegro and western Balkan region (2012)



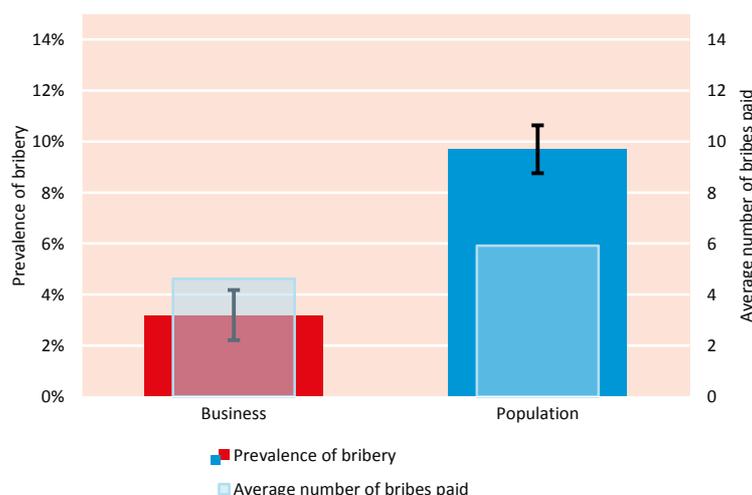
Note: Prevalence of bribery is calculated as the number of businesses who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of businesses who in the same period had at least one contact with a public official. The average number of bribes refers to average number of bribes given by all bribe-payers, i.e. those who paid at least one bribe in the 12 months prior to the survey. The bars indicate the confidence interval at 95 per cent confidence level.

While direct comparisons between businesses and private individuals can raise difficult methodological issues, especially in relation to the size of companies, a comparison of businesses and private households regarding the prevalence and frequency of bribery reveals important differences in the pattern of bribery.

Figure 2 shows the bribery prevalence and frequency rates of businesses in Montenegro together with those of private individuals from UNODC’s 2011 general population survey on corruption and bribery.⁹ While the average prevalence of bribery is substantially higher for private individuals (9.7 per cent) than for businesses (3.2 per cent), the average frequency of bribery for businesses (4.6) is somewhat closer to the frequency of bribery among private individuals (5.9). The data thus indicate that bribery is more common among private citizens (which more often pay bribes in relation to daily activities) than among businesses.

⁹ *Corruption in Montenegro: bribery as experienced by the population*, UNODC (2011).

Figure 2 Prevalence of bribery and average number of bribes paid, by businesses and by private citizens, Montenegro (2010-2012)



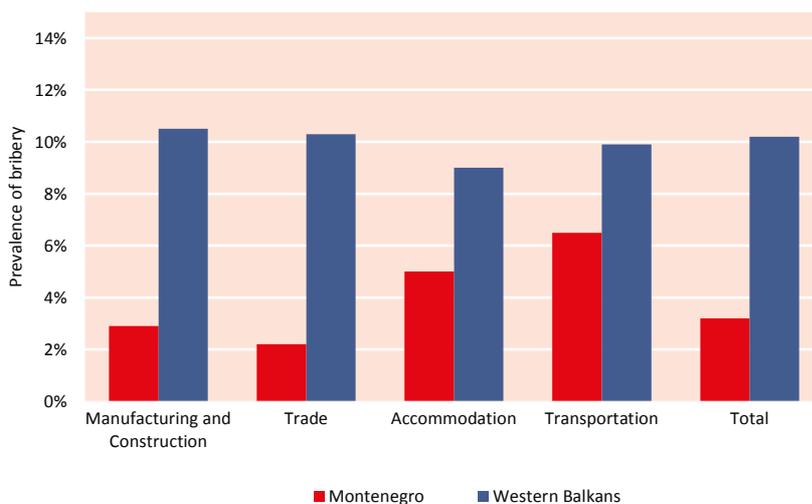
Note: Prevalence of bribery is calculated as the number of businesses/adult citizen (aged 18-64) who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of businesses/adult citizens who in the same period had at least one contact with a public official. The average number of bribes refers to average number of bribes given by all bribe-payers, i.e. those who paid at least one bribe in the 12 months prior to the survey. The bars indicate the confidence interval at 95 per cent confidence level.

Economic sectors

The prevalence of bribery shows substantial variations across business sectors in Montenegro. Among the five sectors studied Transportation and Storage has the highest bribery prevalence rate (6.5 per cent), followed by Accommodation and Food service activities (5 per cent). Manufacturing, Electricity, Gas and Water supply and Building and Construction combined (2.9 per cent) and Wholesale trade and Retail trade (2.2 per cent) have a lower bribery prevalence rate.

In comparison to the regional averages by economic sector (Figure 3), all sectors in Montenegro have lower bribery prevalence rates. Transportation and Storage (6.5 versus 9.9 per cent), Accommodation and Food service activities (5 versus 9 per cent) have substantially lower bribery prevalence rates, while Manufacturing and Construction combined (2.9 versus 10.5 per cent) and Wholesale trade and Retail trade (2.2 versus 10.3 per cent) have prevalence rates that are between one third and one fifth the regional average.

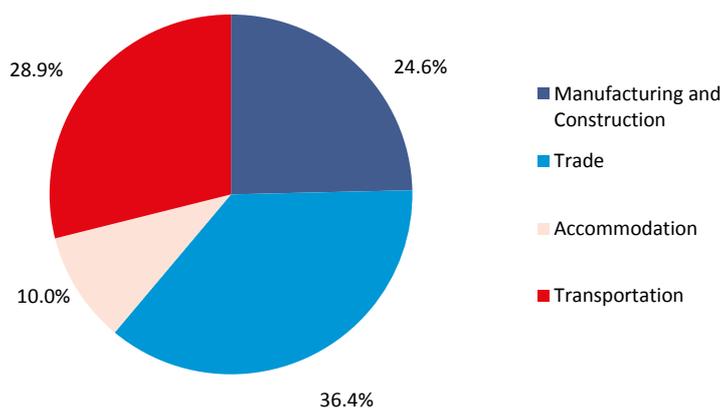
Figure 3 Prevalence of bribery, by economic sector, Montenegro and western Balkan region (2012)



Note: Prevalence of bribery is calculated as the number of businesses who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of businesses who in the same period had at least one contact with a public official.

The variation in the prevalence of bribery by economic sector has a direct influence on the calculation of the bribery prevalence rate at the national level. Figure 4 shows the underlying composition of the bribes paid in the five economic sectors in Montenegro. The Wholesale trade and Retail trade sector accounts for the largest share (36.4 per cent) of the total national prevalence rate, which is partly also due to the fact that this sector accounts for the largest share (38.8 per cent) of businesses in Montenegro.¹⁰

Figure 4 Distribution of all bribes paid, by economic sector, Montenegro (2012)

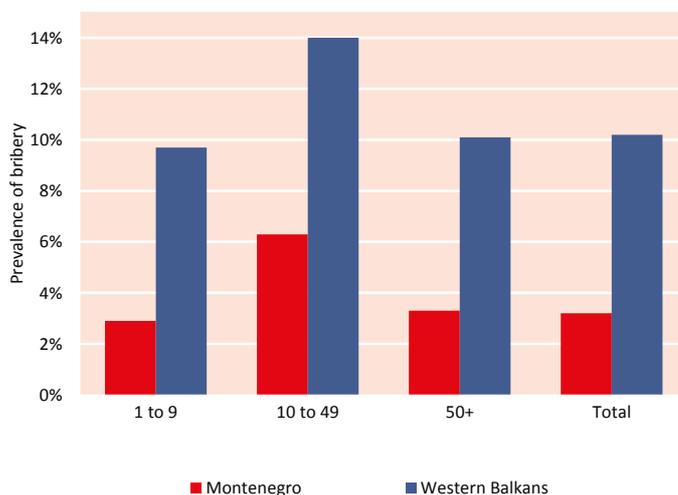


Another interesting pattern emerges when looking at bribery by business size (number of employees). The prevalence of bribery is higher for small (10 to 49 employees) businesses than for other business sizes. As shown in Figure 5, this is a pattern also found at the regional level. In Montenegro, the prevalence of bribery is also somewhat higher for medium and large (over 50 employees) than for micro businesses (up to 9 employees)

¹⁰ See Figure 37 on the structure of the economy.

businesses. One possible explanation may be that in Montenegro very small businesses simply cannot afford to pay bribes in the first place. On the other hand, medium and large businesses may have more to lose in terms of their reputation and legal sanctions if detected, and may be more reluctant to disclose their experience of bribery.

Figure 5 Prevalence of bribery, by number of employees, Montenegro and western Balkan region (2012)



Note: Prevalence of bribery is calculated as the number of businesses who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of businesses who in the same period had at least one contact with a public official.



2. Nature of bribes

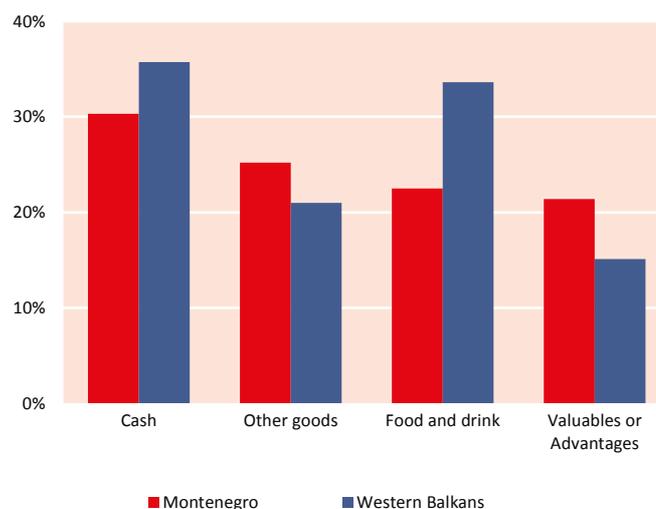
Forms of payment

“Greasing the palm” of an official with cash is a common form of bribery but businesses may also exert influence through the offer of free goods or services that they normally sell, or by negotiating a direct or indirect exchange with a counter favour.

As shown in Figure 6, of all the bribes paid to public officials by businesses in Montenegro, almost one third (30.3 per cent) are paid in cash, followed by the giving of other goods not produced by the company (25.2 per cent). The provision of food and drink in exchange for an illicit “favour” by the public official is responsible for 22.5 per cent of all bribery cases in Montenegro, and about the same share (21.4 per cent) of all bribery takes place in the form of valuables or some other illicit advantages.

In comparison to the forms of payment employed at the regional level, it is noteworthy that in Montenegro a higher percentage of bribes are given in the form of other goods not produced by the company. At the regional level, 35.7 per cent of all bribes paid to public officials by businesses are paid in cash, followed by the provision of food and drink (33.6 per cent) and in the form of other goods not produced by the company (21 per cent).

Figure 6 Percentage distribution of bribes paid by businesses to public officials, by type of payment, Montenegro (2012)



Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey. The sum is higher than 100 per cent since, in some cases, bribes are paid in more than one form (for example, money and goods).

In the case of the business sectors under study, cash payments generally appear to be the predominant form of bribery except in Accommodation and Food service activities where the giving of food and drink is more important.

Bribes paid in cash

Given that the largest share of bribes by businesses in Montenegro are paid in cash, the size of cash bribes paid by bribe-payers gives an important indication of the value of bribe payments. The mean amount paid per bribe across all economic sectors is 411 Euro at market exchange rates (EUR), a figure that amounts to 86% per cent of the average net monthly salary in Montenegro. At the same time, the median bribe paid by bribe-payers in Montenegro (200 EUR) is substantially lower than the mean, indicating the arithmetic influence of some very large bribes (Table 1).¹¹ Taking into account differences in price levels in Europe, in Montenegro the mean bribe amount in Euro corresponds to 830 EUR-PPP¹² while, at 881 EUR-PPP, the mean amount paid per bribe in the western Balkan region as a whole is somewhat higher.

¹¹ The mean bribe size is calculated as the arithmetic average of bribes paid in cash. In most distributions, the mean is influenced by a relatively small number of very high values. As an additional indicator of the distribution of bribes by size, the median bribe size can be considered. The median bribe size is exactly the middle value of all the bribes sorted by size in ascending order, which implies that about 50 per cent of all bribes are higher and 50 per cent are lower than the median value.

¹² EU-27 Euro Purchasing Power Parities (EUR-PPP) are used to make amounts surveyed in national currencies comparable on an international level.

A comparison of the mean bribe size paid by businesses (411 EUR) with the corresponding mean amount paid by private citizens (233 EUR), as found in UNODC's 2011 general population survey on administrative corruption and bribery,¹³ indicates that the average size of bribes paid by companies is almost double that of private individuals (Table 1). Given that businesses typically have a much greater financial capacity than households and often have more to gain through bribery related to their business transactions, this is not surprising.

Table 1 Average size of bribes paid in cash by businesses and by private citizens (in EUR and in EUR-PPP), as a percentage of GDP per capita and as a percentage of the average monthly net salary, Montenegro (2010-2012)

Indicators	Reference group	
	Population in Montenegro (2010)	Business in Montenegro (2012)
Mean bribe (EUR)	233	411
Median bribe (EUR)	50	200
Mean bribe (EUR-PPP)	480	830
Mean bribe as % of GDP/capita (2012)	4.2%	7.3%
Mean bribe as % of average monthly net salary (2010)	48.6%	86%

Sources for additional indicators: EUR-PPP conversion rates and GDP per capita: Eurostat; average monthly net salary: Statistical Office of Montenegro (MONSTAT).

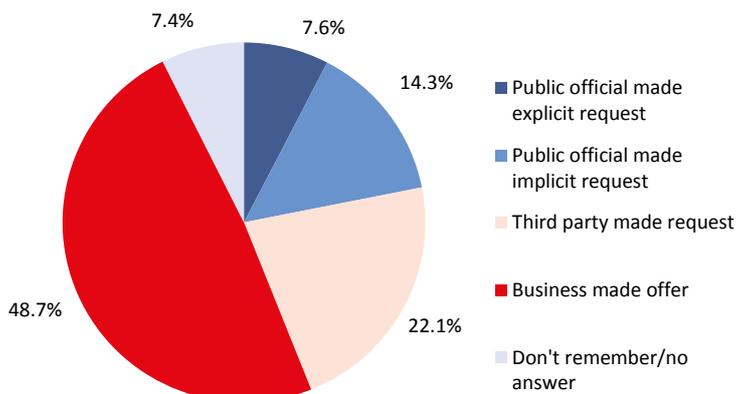
Bribe-seeking modality and timing

Data on the modality of bribery can provide an important insight into how the bribery of public officials by businesses actually works. The mechanisms of bribe-paying are often characterized by certain implicit patterns well known to both bribe-payers and bribe-takers that are based on the understanding of when a kickback may lead to an illicit advantage for both parties. This is even truer for businesses, for which speeding up administrative procedures or “cutting red tape” by circumventing laws and regulations with the help of bribery can create huge benefits. In the economic realm, where each comparative advantage can lead to greater profits and a larger market share for a business, this can result in a type of escalation in which bribes are not only expected but are actually offered “voluntarily” by businesses in order to get ahead of competitors. When bribery becomes a routine exercise for certain companies to gain privileged services or illicit benefits from public officials, payments may be both expected more often and paid more often.

When it comes to the modality of bribery in Montenegro, the data show that businesses are often pro-active in influencing public officials through bribery. In almost half (48.7 per cent) of all bribery cases, the payment of a bribe is offered by a representative of the business without a prior request being made, whereas in 44 per cent of cases payment is either explicitly (7.6 per cent) or implicitly (14.3 per cent) requested by the public official or requested through a third party (22.1 per cent) on behalf of the official (Figure 7).

¹³ *Corruption in Montenegro: bribery as experienced by the population*, UNODC (2011).

Figure 7 Percentage distribution of bribes paid by businesses, by modality of bribe requests and offers, Montenegro (2012)



Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey.

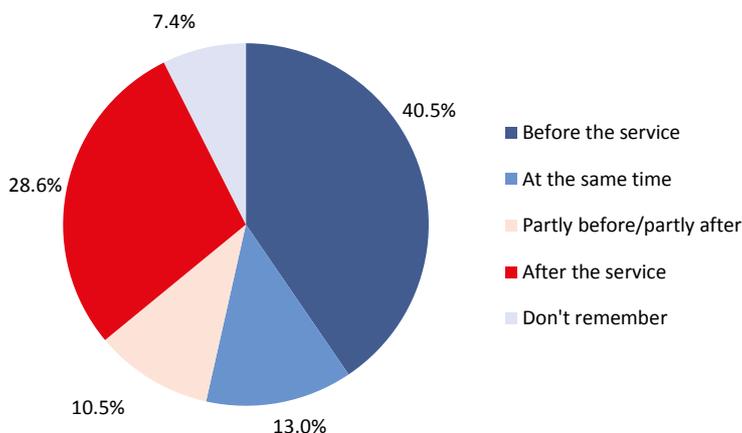
When comparing the modality of bribery by businesses to the modality of bribery by private citizens in the household survey, some similarities appear: when private citizens pay bribes to public officials, in 41 per cent of cases the citizen makes the offer, while in 13.8 per cent of cases the request is made explicitly by the official. In almost a quarter (23.2 per cent) of cases the bribe is requested implicitly from the citizen and in 12.3 per cent through a third party.

These findings have a number of policy implications. A high share of bribes requested by bribe-takers suggests that public officials are quite unafraid to request a bribe, either from businesses or households. If bribe-takers do not expect that bribery requests will be reported and do not anticipate any sanctions for extracting bribes, bribery may be met by a culture of acceptability and become endemic in certain public offices. In such cases, public officials taking bribes should be directly targeted by ending impunity through the dissemination and enforcement of strict anti-bribery rules. If bribe-payers feel coerced to pay bribes, they are also more likely to come forward and report bribery, which should be encouraged through the opening of further channels for reporting bribery cases (such as anti-corruption hotlines). Conversely, if bribe payers proactively offer bribes to public officials to influence the provision of public services in their favour, legal reforms that outlaw the “grooming” of civil servants through regular “gifts” may be called for.

In addition to identifying the initiating party in a case of bribery, it is also relevant to know about the timing of bribe payments as this can provide further insight into the motivation and purpose of bribery. Payments made in advance are often seen as a requirement for getting things done, while payments made after the public service has been delivered may be seen either as a sign of gratitude or as another form of “grooming” in which the payment serves as a “sweetener” for luring public officials into a dependent relationship, and the acceptance of a “gift” at an earlier point in time obliges the official to return the favour to the business at a later point in time.

The data show that more than a quarter (28.6 per cent) of all bribes by businesses in Montenegro are paid after the service is delivered, while two fifths (40.5 per cent) are paid before the service and around one in eight (13 per cent) at the same time. Some 10.5 per cent of bribes are paid partly before and partly after the service, while about 7.4 per cent of respondents do not remember when the bribe was paid (Figure 8).

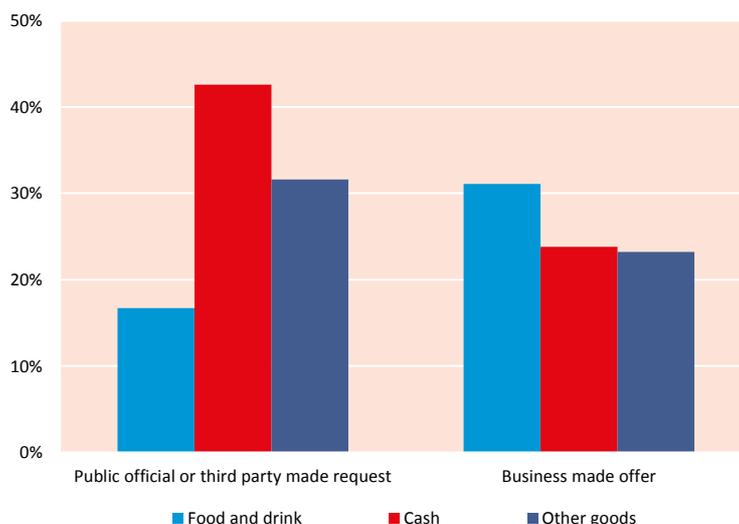
Figure 8 Percentage distribution of bribes paid by businesses, by timing of payment in relation to service delivery, Montenegro (2012)



Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey.

When the form of bribe payment is analysed in relation to the modality of bribe requests or offers, the data reveal different preferences of bribe-payers and bribe-takers. Public officials who directly or indirectly ask for bribes will often request them in the form of cash payments, while businesses that offer bribes to public officials may want to look for less costly alternatives related to their regular business activities, such as the provision of food and drink (when in the Accommodation and Food sector) or other types of goods and services (especially in Retail and Wholesale trade). The data show that in more than two fifths (42.6 per cent) of bribery cases in which a bribe is requested (either explicitly, implicitly or through a third party), the payment is made in cash, while this is the case for less than a quarter (23.8 per cent) of bribery cases in which a business offers a bribe in the first place. In almost one third (31.1 per cent) of cases when a business offers a bribe, as opposed to 16.7 per cent of the cases in which the bribe is requested, payment is in the form of food and drink (Figure 9).

Figure 9 Percentage distribution of bribes paid by businesses, by type of payment and by modality of bribe requests and offers, Montenegro (2012)



Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey.

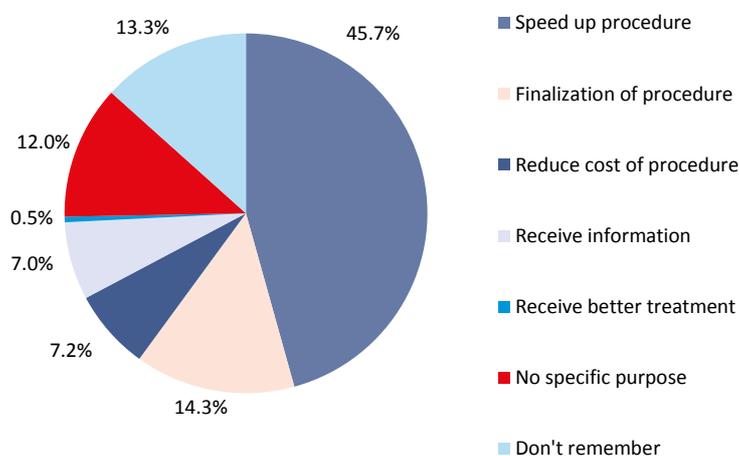
Purposes of bribes

The bribery of public officials can have a variety of purposes. Public officials may be able to extract bribes for a legitimate public service that they could otherwise deny to the client or delay for an indefinite period. On the other hand, kickbacks may also be paid on the initiative of the business with a view to influencing regulatory decisions, tax assessments, public procurement processes or the provision of public services, among other things. For each of these business-related procedures, the purpose of bribery may differ according to the nature of the process or decision that is subject to manipulation. For example, bribes may aim to change a negative decision for a building permit and thereby allow the finalization of an administrative process in the interest of the company.

In the economic world, bribes may also be important for speeding up a variety of typically time-consuming and drawn-out procedures, such as obtaining utility connections (electricity or water), customs clearance of goods, obtaining certain types of authorization for production processes or speeding up health and safety inspections at business premises by providing advance notice of upcoming inspections. While speeding up administrative procedures may not seem a bad idea overall, speeding up procedures exclusively for bribe-paying businesses by prioritizing them over honest businesses creates unfair competition, thus damaging the economy.

On the other hand, some bribes may serve a purpose whose benefit to the official who accepts the “gift” is not immediately apparent, such as when a business representative uses “gifts” as a way of “grooming” the public official for future interactions by creating a dependent relationship between that official and the bribe-payer.

Figure 10 Percentage distribution of bribes paid by businesses, by purpose of payment, Montenegro (2012)



Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey.

From the perspective of businesses in Montenegro, the most important purpose of paying bribes is to “speed up business-related procedures” (45.7 per cent) that would otherwise be delayed. Other stated purposes of bribes paid are “making the finalization of a procedure possible” (14.3 per cent), “reducing the cost of a procedure” (7.2 per cent) and “receiving information” (7 per cent). At the same time, around one out of eight (12 per cent) of bribes paid serve no specific immediate purpose for the businesses paying them, suggesting that these are “sweeteners” given to public officials to “groom” them for future interactions in the interest of the company (Figure 10).



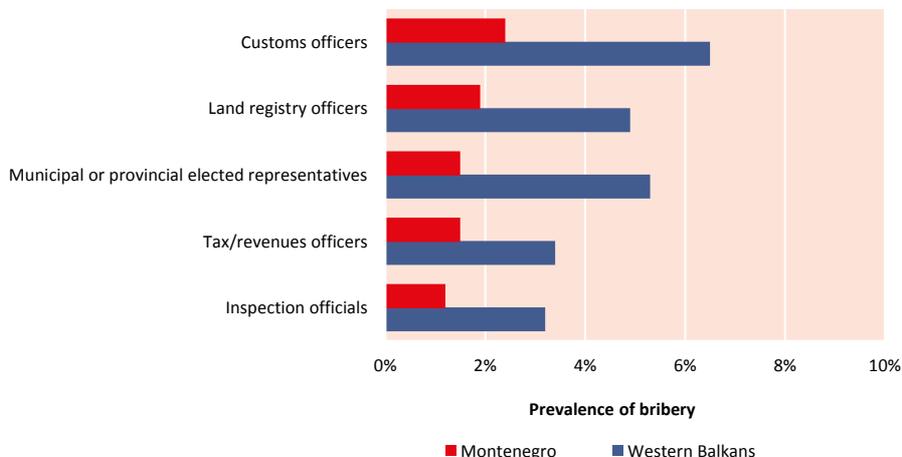
3. Public officials and bribery

Just as there are certain purposes and procedures for which businesses are more prone to making offers to public officials, certain types of public official are involved in bribery more often than others. For this reason, it is useful to analyse the probability of a particular type of official receiving a bribe when he or she is contacted, independently of the frequency of interaction. To measure this, the number of businesses who paid a bribe to a selected type of public official is compared with the number of businesses who had contacts with that type of official in the 12 months prior to the survey: in other words, the prevalence of bribery to selected public officials by businesses (Figure 11).

The prevalence rate of bribes paid to public officials by businesses in Montenegro ranges from 2.4 per cent for customs officers to 1.2 per cent for inspection officials, which means that the likelihood of customs officers receiving a bribe from businesses each time they are in direct contact with a business is twice that of inspection officials. In addition, land registry officers, municipal or provincial elected representatives and tax/revenues officers have prevalence rates between 1 and 2 per cent (Figure 11).

Prevalence rates of bribes paid to most types of public official by businesses in Montenegro are substantially below those of bribes paid to the same type of official in the western Balkan region as a whole, as for example for customs officers (2.4 versus 6.5 per cent), municipal or provincial elected representatives (1.5 versus 5.3 per cent) or tax/revenue officers (1.5 versus 3.4 per cent).

Figure 11 Prevalence of bribery to selected public officials by businesses, Montenegro and western Balkan region (2012)



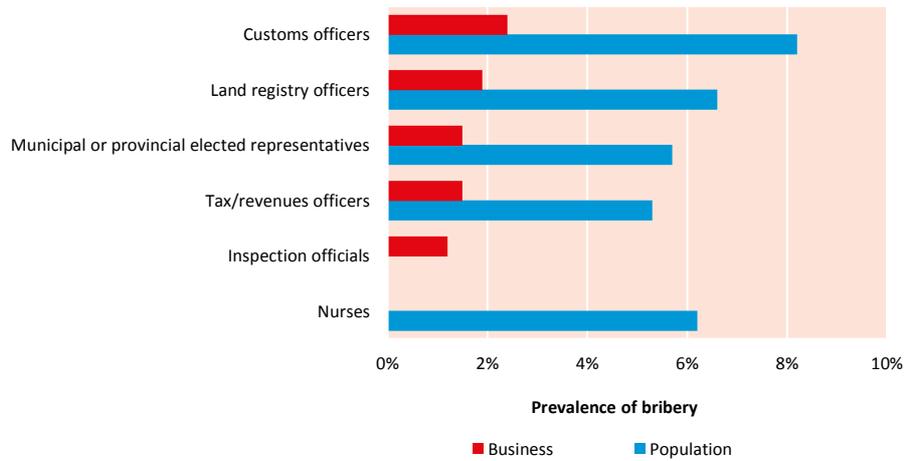
Note: Prevalence of bribery is calculated as the number of businesses who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of all businesses who in the same period had at least one contact with a public official. In this chart prevalence of bribery is computed separately for each type of public official.

It is also useful to compare the prevalence of bribery by businesses to selected public officials to the prevalence of bribery to the same type of public official by private citizens. Both private businesses and ordinary citizens are affected by bribery in their own interactions with public officials, but businesses and citizens often deal with different sectors of the administration and can thus provide complementary perspectives on the vulnerability of public officials to bribery.

These different patterns of bribery risk are shown in Figure 12, which compares the prevalence of bribery to selected types of public official who receive the bribe from businesses with the equivalent rates in UNODC’s 2011 general population survey on corruption and bribery in Montenegro.¹⁴

¹⁴ *Corruption in Montenegro: bribery as experienced by the population*, UNODC (2011).

Figure 12 Prevalence of bribery to selected types of public official who receive the bribe, by businesses and the population, Montenegro (2010-2012)



Note: Prevalence of bribery is calculated as the number of businesses/adult citizens who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of all businesses/adult citizens who in the same period had at least one contact with a public official. In this chart prevalence of bribery is computed separately for each type of public official.



4. Reporting bribery

There are a number of reasons for businesses to “blow the whistle” on bribery by reporting corrupt public officials to the police or other authorities. Businesses often feel forced to pay bribes to obtain services that should normally be provided by the state without additional costs, in a timely manner and of an acceptable quality. Bribes thus constitute an expense that cuts directly into their profits and – as businesses are confronted with routine tasks, such as paying taxes, health and safety inspections or clearing goods through customs, on a regular basis – acquiescing to a bribery demand may increase expectations of regular future payments on the part of public officials, which may become a significant cost factor over time. At the same time, the long-term market benefits that a business can glean from the payment of bribes are uncertain: the very fact that a public official regularly accepts bribes is an indication that any advantage over competitors gained through bribery will be quickly eroded if other businesses also pay bribes.

In the real world, however, such obvious incentives to report bribery to the authorities rarely translate into action. At the regional level, on average only 1.8 per cent of bribes paid by businesses in the western Balkans are reported to official authorities.¹⁵ With some 3.6 per cent of all bribes paid by businesses reported to official authorities, the situation in Montenegro is similar.¹⁶ Survey findings at the regional level indicate that most reports are made directly to the police but some are also made to other official institutions, such as prosecutor’s offices, official anti-corruption agencies or official anti-corruption hotlines. A small number of bribes paid (0.3 per cent at the regional level) are reported to other non-official institutions, such as non-governmental organizations or the media.

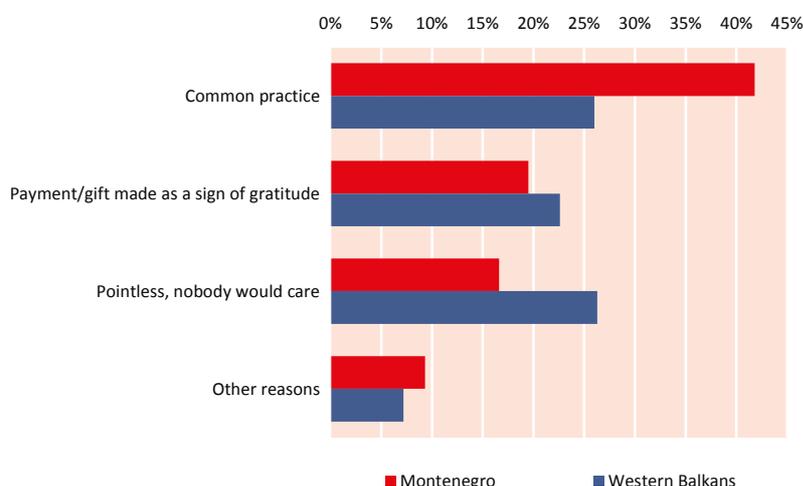
Given that only a small percentage of businesses in Montenegro turn to official authorities, like the Directorate for Anti-Corruption Initiative, in order to file a complaint about corrupt officials accepting bribes, when, in theory, businesses have good reasons for denouncing bribery, the important question becomes why businesses did not report

¹⁵ *Business, Corruption and Crime in the western Balkans: The impact of bribery and other crime on private enterprise*, UNODC (2013).

¹⁶ Due to the low number of bribes reported to national authorities in Montenegro and a corresponding high margin of sampling error, survey results on the share of bribes reported to authorities in Montenegro should be interpreted with caution.

bribery? More than in other countries in the western Balkans, the most important reason for not reporting bribery cited by responding business representatives in Montenegro is the perception that bribery is such a common practice that there is no need to report it (Figure 13). Over two fifths (41.8 per cent) of respondents gave this reason for not reporting bribery in Montenegro, compared to 26 per cent in the western Balkans on average. In addition, around one fifth (19.5 per cent) of respondents stated that they did not report bribery because the payment or gift was given as a sign of gratitude to the public servant for delivering the service requested, a share that is slightly lower than the regional average (22.6 per cent at the regional level). In addition, the share of respondents who stated that they did not turn to authorities because it would be pointless to report it as nobody would care about it (16.6 versus 26.3 per cent at the regional level) was also below the regional average. Other reasons (9.3 versus 7.2 per cent regionally) are considered less important in Montenegro.

Figure 13 Percentage distribution of bribe-paying businesses not reporting their experience to authorities/institutions, according to the most important reasons for not reporting, Montenegro and western Balkan region (2012)



Note: Data refer to bribe-payers who did not report their last bribe paid in the 12 months prior to the survey to authorities/institutions.

The findings as to why bribery is not reported to public authorities in Montenegro fit into the general patterns of timing, modalities and purposes of bribery outlined in Chapter 2. Large shares of bribes in Montenegro are paid on the initiative of businesses, are paid before the service is delivered and are paid in cash. This indicates that many businesses pay bribes to influence public officials and do not report bribery due to a feeling of complicity in bribery.

For anti-corruption policy makers, the challenge is to encourage more businesses to report bribery and thereby facilitate the fight against corruption. In fact, creating better and more secure reporting channels for denouncing acts of corruption will only result in increased reporting when there is a general feeling that bribery is not acceptable and that turning to the authorities for help is worthwhile and is followed up by appropriate action.



5. Business-to-business bribery

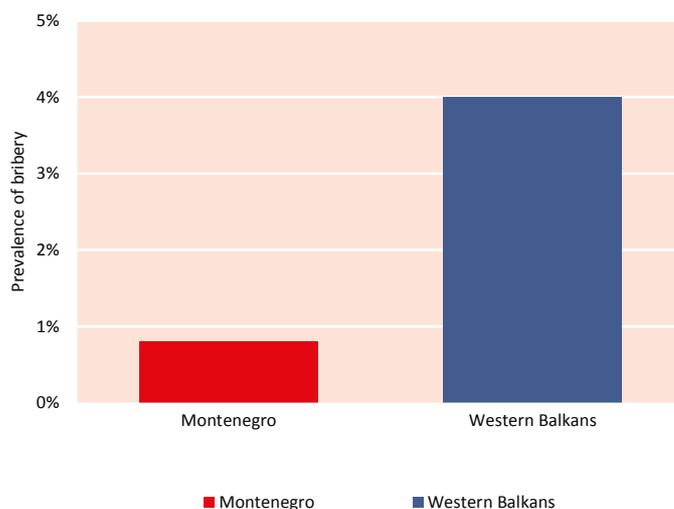
Bribery is most often associated with corrupt public officials who accept money, gifts or other illicit favours related to public service delivery, yet significant forms of bribery also take place within the private sector itself, that is to say, between representatives of private sector business entities. Such bribery in the course of economic, financial or commercial activities is defined in the United Nations Convention against Corruption (UNCAC) as the “promise, offering or giving (active bribery) as well as the solicitation or acceptance (passive bribery), directly or indirectly, of an undue advantage to/by any person who directs or works, in any capacity, for a private sector entity ... in order that he or she, in breach of his or her duties, act or refrain from acting”. The Convention requires that its signatories consider establishing such acts as criminal offences.¹⁷

Business-to-business bribery thus takes place between representatives of businesses who give a gift, counter-favour or pay extra money (excluding the normal payment) to secure a business transaction. Such illicit transactions are different from normal business transactions, for example marketing or public relations activities, in that they specifically aim, through illegal means, to breach the integrity of the bribe-taker in exchange for a bribe. This is a form of bribery that obstructs the beneficial mechanisms of the free market and is not only detrimental to businesses whose representatives accept bribes, but also to society as a whole. The prevalence of business-to-business bribery is calculated as the number of businesses who gave money, a gift or counter favour, in addition to any normal transaction fee, on at least one occasion in the 12 months prior to the survey to any person who works, in any capacity, for a private sector business entity, including through an intermediary.¹⁸ As shown in Figure 14, according to this definition the average prevalence of business-to-business bribery in Montenegro amounts to 0.8 per cent (against 4 per cent at the regional level). Although less than the average prevalence of bribes paid by businesses to public officials, this finding indicates that private sector bribery exists in Montenegro.

¹⁷ Article 21 UNCAC.

¹⁸ Since all businesses can be assumed to have regular contact with other businesses, or at least one contact with another business, either as supplier or client, in the previous 12 months, the prevalence is calculated as the share of bribe-paying businesses out of all businesses.

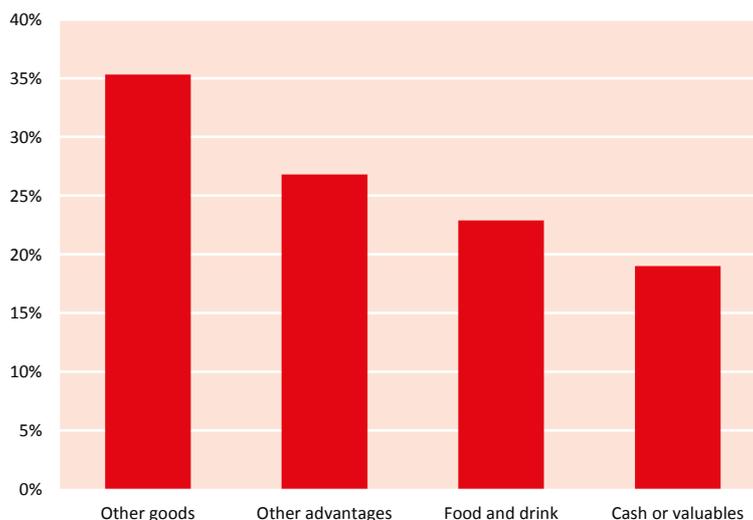
Figure 14 Prevalence of bribery among private sector business entities, Montenegro and western Balkan region (2012)



Forms of payment

As in public sector bribery, in business-to-business bribery payment can be made in a variety of forms: money, goods, food and drink, valuables or in the form of certain advantages. In the business world of Montenegro, the giving of ‘other goods’ (not produced by the company) as well as the provision of certain advantages (including the exchange for another favour and the offer of a job position) are the most important forms of bribe payment among businesses. However, the provision of food and drink and the payment of cash or valuables also play an important role when it comes to illicit dealings among business representatives (Figure 15).

Figure 15 Percentage distribution of bribes paid by businesses to private sector business entities, by type of payment, Montenegro (2012)



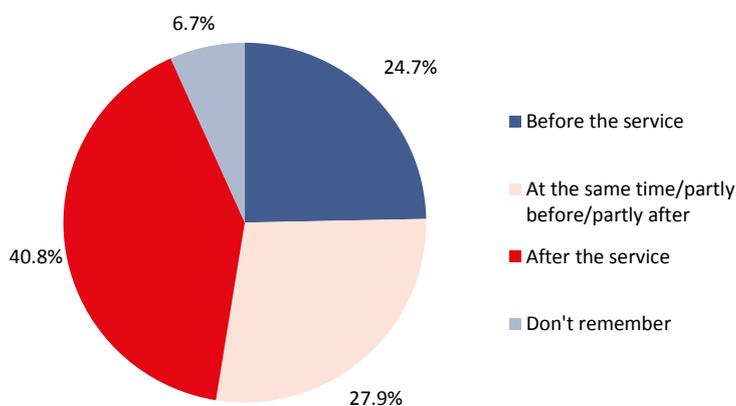
Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey. The sum is higher than 100 per cent since, in some cases, bribes are paid in more than one form (for example, money and goods).

Bribe-seeking modality and timing

According to the survey, seven out of ten (73.2 per cent) business-to-business bribes are paid without being requested by one of the business representatives involved and are offered instead by the bribe-payer in order to obtain a certain illicit advantage (for example, to facilitate or accelerate a procedure or to gain advantage over a competitor). In contrast, over one quarter (26.8 per cent) of cases involve some form of request.

It is notable that a large portion of bribes are paid after the delivery of the goods or service in question (40.8 per cent), while almost a quarter (24.7 per cent) are paid before the service. In addition, 27.9 per cent is paid either at the same time or partly before and partly after service delivery while around one in sixteen (6.7 per cent) business representatives did not remember when the bribe was delivered (Figure 16).

Figure 16 Percentage distribution of business-to-business bribes paid, by timing of payment in relation to service delivery, Montenegro (2012)

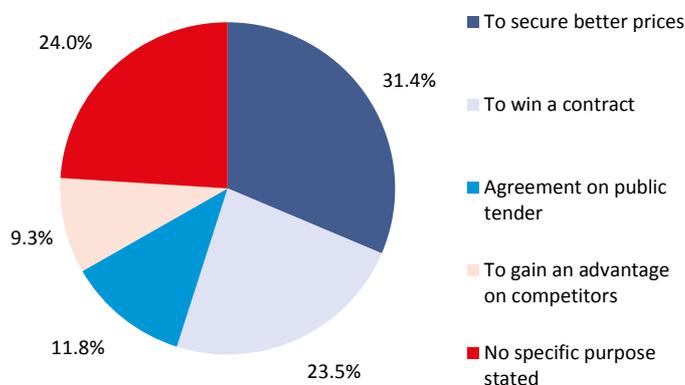


Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey.

Purposes of bribes

When bribes are paid by one business representative to another, it is normally to the detriment of the business whose representative accepts the bribe, whereas the bribe-paying business expects to benefit from the bribe. This is clearly reflected in the fact that when it comes to business-to-business bribery in Montenegro the most important purpose of bribes is to secure better prices (31.4 per cent). Almost one quarter of bribes are paid to win a contract (23.5 per cent), 11.8 per cent are paid to make an agreement on a public tender and 9.3 per cent to gain an economic advantage over competing companies. In addition, almost a quarter of all business-to-business bribes (24 per cent) are paid with no immediately obvious purpose, though it can be assumed that such payments serve to entice bribe-takers into long-term “dependency”, which makes them more amenable to the granting of favours to the bribe-paying business at some point in the future (Figure 17).

Figure 17 Percentage distribution of business-to-business bribes paid, by purpose of payment, Montenegro (2012)



Note: Data refer to the last bribe paid by each bribe-payer in the 12 months prior to the survey.

Reporting business-to-business bribery

At the regional average, a mere 0.8 per cent of all bribes paid between business representatives are reported to authorities, such as the police, anti-corruption agency or to supervisors in the affected businesses.¹⁹ Provisional results for Montenegro indicate that none of the businesses part of the survey had reported business-to-business bribery incidents. This is indicative of the fact that both parties to a business-to-business bribery episode feel equally implicated in the crime and are reluctant to come forward and “blow the whistle”.

The above conjecture is confirmed by the fact that the most important reasons given by bribe-paying businesses in Montenegro for not reporting bribery are: bribery is such a common practice that there is no need to report it (46.6 per cent) and the payment/gift is given as a sign of gratitude (19.3 per cent). Similar reasons for not reporting business-to-business bribery are cited in the western Balkan region as a whole.

¹⁹ *Business, Corruption and Crime in the western Balkans: The impact of bribery and other crime on private enterprise*, UNODC (2013).



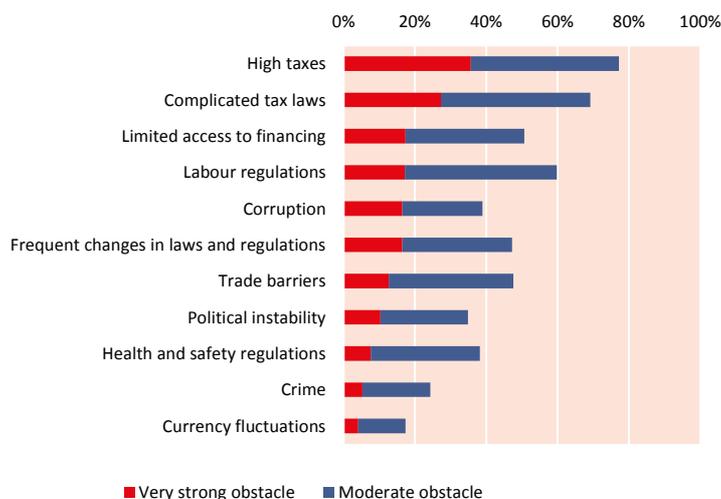
6. Perceptions and opinions about corruption

In the business world, perceptions are fundamental factors for shaping decisions, economic behaviour and outcomes. The perception of a favourable business environment, for example, creates the expectation of a positive return on an investment, making businesses more inclined to invest than when they perceive a negative business environment. Greater investment creates more demand, more jobs, higher growth and a more dynamic and prosperous economy. In economics, therefore, perceptions often translate directly into outcomes.

In order to carry out their economic activities effectively and to attain their business goals, private companies require a business environment with the right conditions to enable them to be both productive and profitable. These conditions include the rule of law to enforce contracts and provide security, the requisite regulatory environment and a functioning infrastructure, to name but a few. Conversely, the absence of these conditions, or the presence of factors detrimental to the business climate represent an obstacle to doing business and prevent the private sector from prospering and developing its full potential.

When asked whether certain issues represent an obstacle to doing business in their country, business owners and representatives in Montenegro rank corruption as the fifth most important issue after high taxes, complicated tax laws, limited access to financing and labor regulations. In fact, corruption is considered a major obstacle by one out of six (16.5 per cent) business representatives, after high taxes (35.7 per cent), complicated tax laws (27.3 per cent), limited access to financing (17.4 per cent) and labor regulations (17.2 per cent). In addition, another 22.4 per cent of respondents consider corruption a moderate obstacle to doing business (Figure 18).

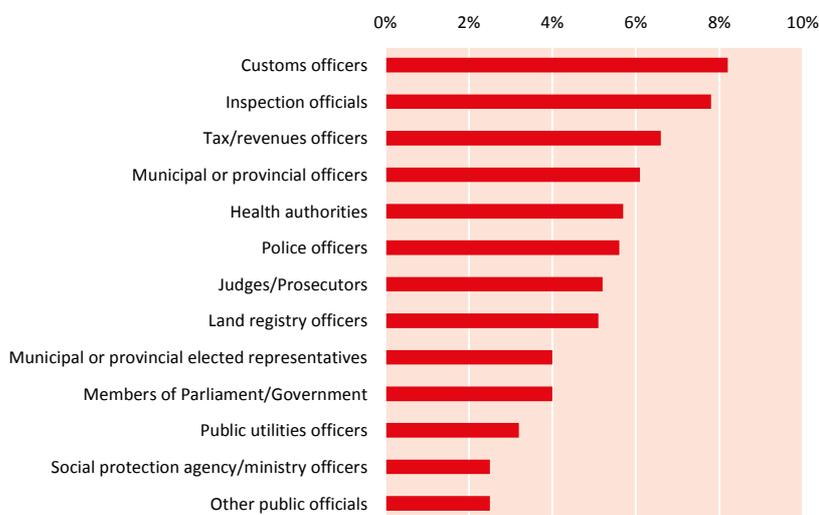
Figure 18 Percentage distribution of business representatives who consider selected issues a major or moderate obstacle to doing business, Montenegro (2012)



Perception of corruption of public officials

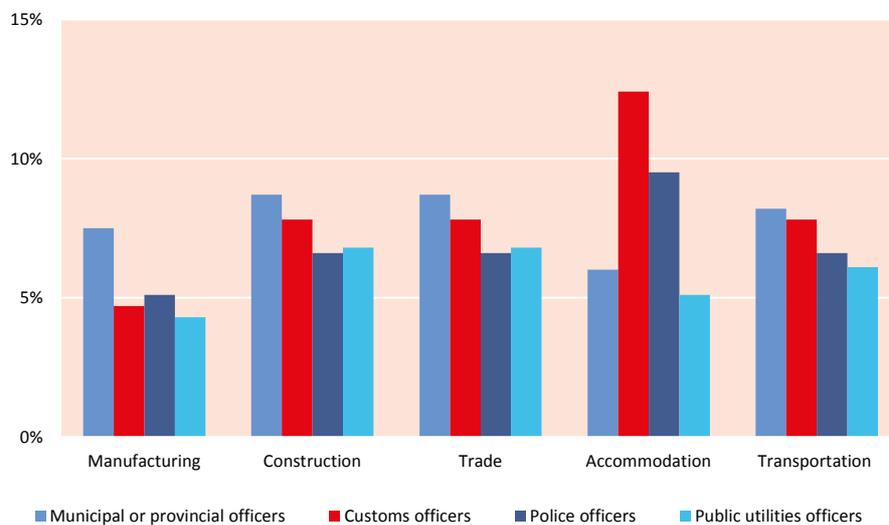
When business representatives consider corruption to be an obstacle to doing business they often have in mind particular types of public official (or specific administrative procedures) among whom corruption may be encountered more frequently than among others. These are often public officials at the local level with whom businesses are in frequent interaction or officials who are frequently mentioned in the media in connection with corruption. In Montenegro, almost one in twelve (8.2 per cent) business representatives think that the payment of bribes to customs officers occurs very or fairly frequently in companies such as their own, and almost as many think the same about inspection officials (7.8 per cent), tax/revenues officers (6.6 per cent) and municipal or provincial officers (6.1 per cent, Figure 19).

Figure 19 Percentage of business representatives who consider that the payment of bribes to selected public officials occurs very or fairly frequently in businesses like theirs, Montenegro (2012)



Such perceptions of the frequency of bribe-paying to certain types of public official need further differentiation by economic sector. Since business representatives were asked if they consider that the payment of bribes to certain officials by “businesses like theirs” occurs frequently, the comparison by type of official is most meaningful in relation to similar businesses in their own sectors. As shown in Figure 20, almost one out of eight (12.4 per cent) business representatives in Accommodation and Food service activities consider the bribery of customs officers to be very or fairly frequent, while fewer than one out of twenty (4.7 per cent) respondents in the Manufacturing, Electricity, Gas and Water supply sector think the same. Municipal or provincial officers are seen to be the most susceptible to bribery in both the Construction and Trade sectors (by 8.7 per cent of respondents in each sector) and police officers are also perceived to be strongly susceptible to bribery in the Accommodation sector (9.5 per cent).

Figure 20 Percentage of business representatives who consider that the payment of bribes to selected public officials occurs very or fairly frequently in businesses like theirs, by economic sector, Montenegro(2012)



The impact of bribery on business investment

Besides having a direct effect on the disposition of businesses to pay bribes, the perception of bribery has an indirect effect on the willingness of businesses to make major investments, which has potentially disastrous consequences for economic growth and development. In all, 2.1 per cent of businesses in Montenegro decided not to make a major investment in the 12 months prior to the survey due to the fear of having to pay bribes to obtain requisite services or permits.

Considering that only a certain portion of businesses are in a position to make major investments in the first place, the fact that corruption has such a negative impact is significant. But perhaps the most damaging aspect for economic development in the region is that the economic impact of bribery on the business climate and investment decisions is more pronounced for smaller than for larger businesses.



7. Prevalence and patterns of other forms of crime

In addition to corruption, businesses in the western Balkans, like businesses everywhere, are affected by various other forms of crime against their property or business activities. The impact of such crimes can be considerable, both in terms of direct costs and damages and of indirect costs, in the form of insurance premiums, security expenditure and lost investment opportunities. While crime is not ranked among the most important obstacles to doing business in Montenegro (Figure 18), there is still a share of businesses who consider crime to be either a major (5.3 per cent) or a moderate obstacle (19 per cent) to doing business.

Measuring the direct impact of crime is challenging for a number of reasons, irrespectively of whether the victims are individuals or businesses. Police-reported crimes are widely understood to undercount the true extent of criminal activity. Before a crime is recorded in administrative crime statistics, it must be detected, reported to the police, recognized as a criminal act and recorded as a crime in police statistics. A large number of crimes are not reported to the police and some of those reported are not recorded in police statistics. Such limitations in official crime statistics can be overcome with the help of crime victimization surveys, which provides data to assess the so-called “dark figure” of crime not reported to the police. Such data supply valuable additional insights into the nature and modalities of the criminal act as well as the characteristics of the victims – information that is not usually available from official police data.

Businesses in Montenegro are affected by different forms of crime to varying degrees depending on their size, type of economic activity, location and other factors. Among five important types of crime,²⁰ the 12-month prevalence rate of business victimization in Montenegro is highest for burglary (5.9 per cent), where around one in seventeen businesses has been victimized over the past 12 months. Moreover, many companies that experience burglary are victimized more than once – on average such businesses fall victim to burglary 1.8 times in a year. The prevalence rate for fraud by outsiders is somewhat lower (this includes fraud by customers, distributors or suppliers, but excludes fraud by employees and managers). Around 4.7 per cent of businesses annually are

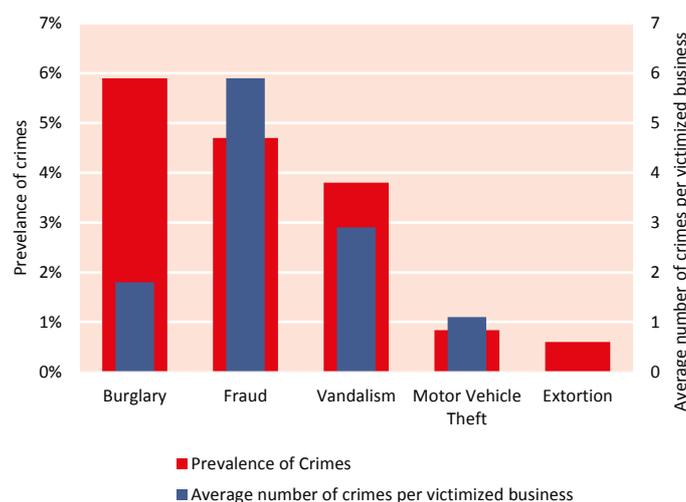
²⁰ See the Methodological Annex for detailed descriptions of these crimes.

defrauded through various means, such as by customers deceiving the company about their willingness to pay, through deception of suppliers in relation to the quality or quantity of goods or services delivered, or through computer fraud (Figure 21). Moreover, on average victimized businesses fall victim to fraud by outsiders 5.9 times a year.

In the case of acts of vandalism against businesses, where buildings, equipment or other property on business premises have been deliberately damaged by acts of force, arson, graffiti or other means, 3.8 per cent of all businesses were victimized an average of 2.9 times in the previous 12 months. The prevalence rate of motor vehicle theft (MVT) is less than 1 per cent (0.8 per cent) of all car-owning businesses, with victims suffering an average of 1.1 incidents (businesses affected may have more than one company vehicle in use at a time, including cars, vans, trucks, buses and other motor vehicles).

The data also show that 0.6 per cent of all businesses fell victim to extortion in the 12 months prior to the survey (since extortion is often an on-going activity, no average frequency is calculated).

Figure 21 Annual prevalence rates for different types of crime against businesses and average number of crimes per victimized business, Montenegro (2012)



Note: Annual prevalence rates for fraud by outsiders, burglary and vandalism are respectively calculated as the number of companies experiencing each of these crimes, as a percentage of the total number of companies; the annual prevalence rate for motor vehicle theft is calculated as the number of companies that experienced at least one theft of a car, van, truck, bus or other motor vehicle in the 12 months prior to the survey, as a percentage of companies owning a car, van, truck, bus or other motor vehicle. The average number of crimes is calculated as the average number of times businesses victimized by a crime experienced that type of crime.

While taking into account the fact that the comparability of the survey results with those in other countries may be influenced by divergences in survey procedures, such as differences in sample selection, survey mode, response rates and weighting procedures, an international comparison with survey findings in other countries will add further perspective on the results obtained. Comparability is greatest with recent survey results in the western Balkan region, where the same survey design and methodology was

employed.²¹ In addition, the results of an EU-wide pilot survey on business victimization are expected to be published in late 2013.²²

The cost of crime

The survey data indicate that the average cost of criminal damage caused by the five crime types covered is substantial in Montenegro. However, such costs are highly unevenly distributed, with a limited number of crime incidents that cause extremely costly damage and a larger number of incidents that result in below-average damage costs. This skewed distribution can be described by using two separate indicators, namely the average (mean) cost of criminal damage and the median cost of criminal damage.²³ As shown in Table 2, the mean cost of criminal damage is 4 to 7 times higher than the median cost for all crime types, except for motor vehicle theft, where the ratio between mean and median is 1.4.

Table 2 Cost of economic damage caused by the last crime incident experienced by businesses in Montenegro (in EUR and EUR-PPP), by crime type, Montenegro (2012)

Cost of criminal damage	Burglary	Vandalism	Motor Vehicle Theft	Fraud by outsiders
Mean damage (EUR)	2,477	996	2,890	10,995
Median damage (EUR)	600	200	2,000	1,497
Mean damage (EUR-PPP)	4,998	2,009	5,831	22,182

Multiple crime victimization

Understanding characteristics of businesses that experienced a certain crime type multiple times over a short period is very important for determining the concentration of crime risk for certain types of businesses or of businesses in certain locations.²⁴ To examine high risk accumulation by certain businesses it is useful to divide victimized businesses into groups by the number of times a certain crime type was experienced in the preceding 12 months. As shown in Figure 22, fraud by outsiders is a crime that tends to target the same business multiple times, with one fifth (20.3 per cent) of victimized businesses having been victimized once, 13.4 per cent twice, 17.7 per cent three times and almost half (48.6 per cent) four or more times. On the other hand, more than half (56.2 per cent) of victimized businesses experienced exactly one burglary, 28.1 per cent experienced two burglaries, 10 per cent three burglaries and 5.7 per cent four or more such incidents. A similar pattern applies to vandalism: 52.8 per cent of victimized businesses experienced one such incident, 18.4 per cent two, 14.4 per cent three and 14.4 per cent four or more such incidents.

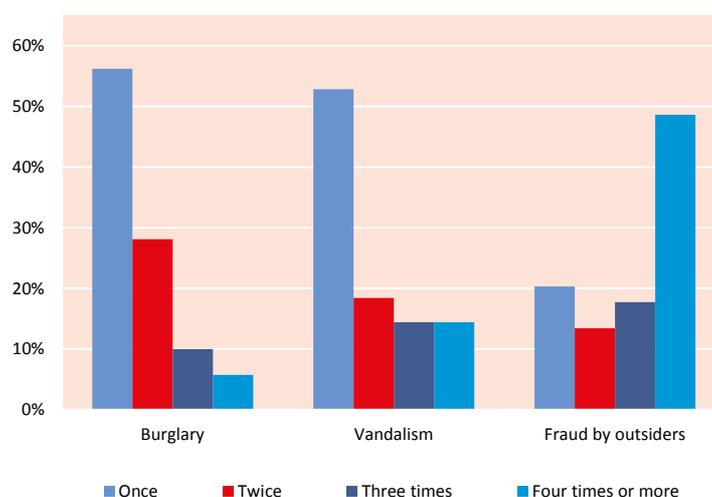
²¹ *Business, Corruption and Crime in the western Balkans: The impact of bribery and other crime on private enterprise*, UNODC (2013).

²² Gallup/Transcrime (forthcoming), EU Survey to assess the level and impact of crimes against business, Stage2: Piloting the survey module. Final Report.

²³ The median cost of criminal damage is exactly the middle value of all the damages sorted in ascending order, which implies that about 50 per cent of all the damages incurred are higher and 50 per cent are lower than the median value.

²⁴ This is sometimes also called “multi-victimization rate of crime” and denotes the percentage of victimized businesses that have experienced a certain crime type more than once over the past year out of all businesses who experienced that crime over the past year.

Figure 22 Percentage distribution of victimized businesses that experienced a certain crime type on one or several occasions in the preceding 12 months, Montenegro (2012)



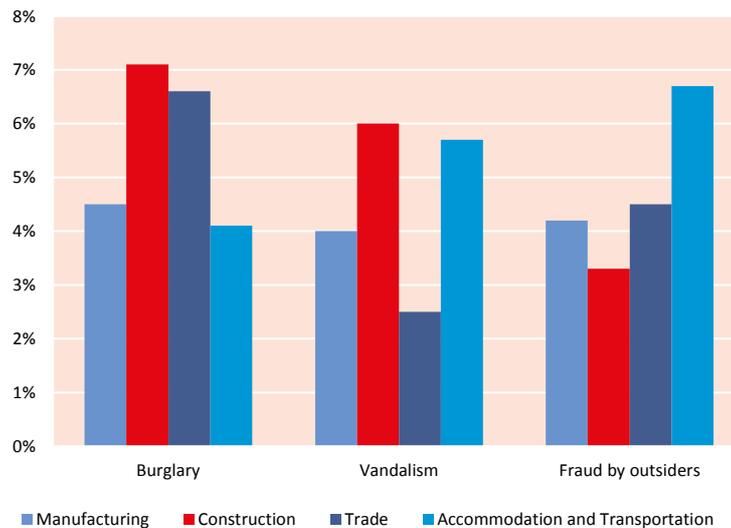
Note: The distribution by number of crimes is calculated as the percentage distribution of the number of times businesses victimized by a certain type of crime experienced this type of crime.

Victimization by economic sector

An analysis of the prevalence of business victimization in the five economic sectors covered by the survey indicates some pronounced differences between sector-specific crime victimization rates in Montenegro. As shown in Figure 23, sector-specific prevalence rates for burglary are highest in Construction (7.1 per cent) and Trade (6.6 per cent) and prevalence rates for vandalism are highest in Construction (6 per cent) and in the Accommodation and Transportation sectors combined (5.7 per cent). In contrast, businesses in Accommodation and Transportation (6.7 per cent) are victims of fraud by outsiders more often than businesses in the Trade sector (4.5 per cent), the Manufacturing (4.2 per cent) sector and the Construction (3.3 per cent) sector.²⁵

²⁵ Sector-specific data on extortion and motor vehicle theft are not available as the number of victimized businesses in the sample that experienced those crimes in each sector is too small to allow statistically significant comparisons.

Figure 23 Annual prevalence rates for burglary, vandalism and fraud by outsiders experienced by businesses, Montenegro (2012)



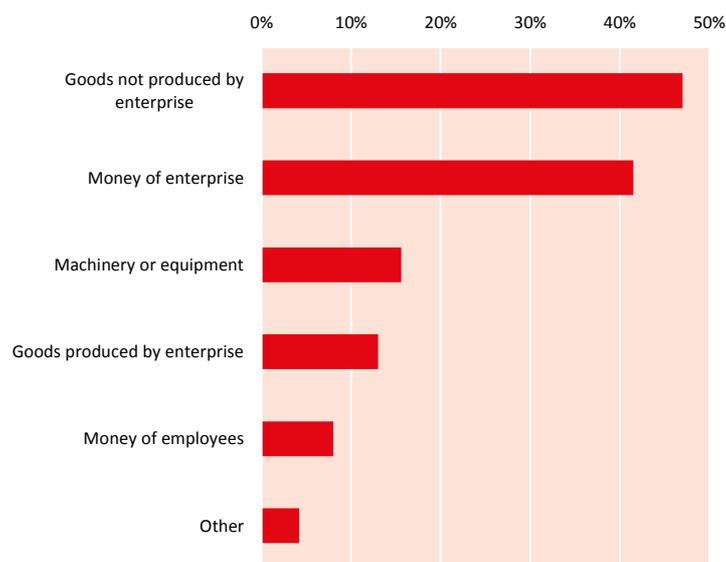
Note: Annual prevalence rates for fraud by outsiders, burglary and vandalism are respectively calculated as the number of companies experiencing each of these crimes, as a percentage of the total number of companies.

Burglary

Burglary is the act of unlawfully breaking and entering into (business) premises in order to steal something without coming into contact with anyone in those premises. As such, not all burglary attempts are successful in the sense that the perpetrators manage to steal something valuable. Out of all burglary incidents reported by Montenegrin businesses in the survey, 17 per cent can be classified as mere burglary attempts as nothing was actually stolen.

In cases when something is actually stolen from the premises of a business, there is usually a wide variety of valuables for the taking. As shown in Figure 24, in almost half (47 per cent) of the cases other goods (not produced by the company) are taken, as is money belonging to the victimized business in over two fifths (41.5 per cent) of cases. Other common items stolen are machinery or equipment (15.6 per cent), goods produced by the company (13 per cent) and money of employees (8 per cent).

Figure 24 Percentage distribution of valuables stolen from businesses in burglary cases, Montenegro (2012)



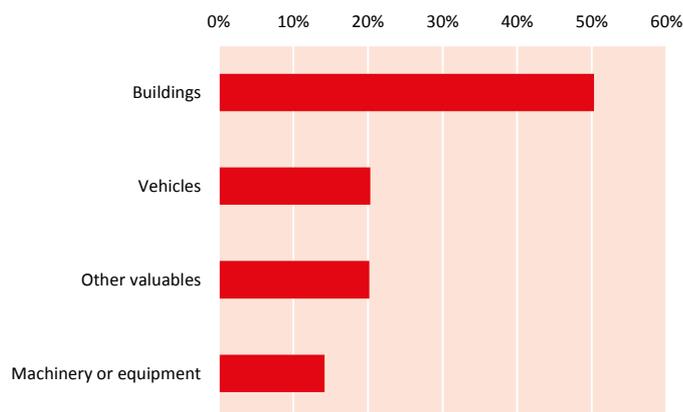
Note: Data refer to the last burglary that resulted in any type of valuables stolen in the three years prior to the survey. The sum is higher than 100 per cent since, in some cases, more than one type of valuable is stolen (for example, machinery and money).

The aim of burglary also depends on the type of business broken into and the type of machinery, equipment and other valuable items in use. For example, other goods held but not produced by the company in question are the items most commonly stolen from businesses in the Building and Construction sector (67.1 per cent) and in the Wholesale trade and Retail trade sector (56.2 per cent), whereas money belonging to the company is the type of valuable most often stolen in the Transportation and Storage sector (59.4 per cent) and in the Accommodation and Food service activities sector (44.8 per cent).

Vandalism

Acts of vandalism against businesses can be very damaging in terms of direct damage and repair costs, loss of production output as well as deterioration in the image of business premises and reduced attractiveness to clients. On average, acts of vandalism in Montenegro most often target buildings belonging to the targeted business (50.3 per cent), vehicles (20.3 per cent), other valuables belonging to the targeted business (20.2 per cent) and machinery and equipment (14.2 per cent, Figure 25).

Figure 25 Percentage distribution of valuables targeted in vandalism cases, Montenegro (2012)



Note: The sum is higher than 100 per cent since, in some cases, more than one type of valuable is vandalised (for example, buildings and vehicles).

Motor Vehicle Theft (MVT)

Theft of motor vehicles is different from the other crime types against businesses reported here in that the physical location of the offence can be either at the business premises or elsewhere. In fact, data on the location of MVT from businesses in Montenegro indicate that the majority of it takes place away from business premises, with more than four fifths (84 per cent) of MVT occurring outside business premises but within the same municipality as where those premises are located.

A certain share of stolen vehicles can later be recovered. In many cases, offenders use the stolen vehicle for a limited time only (for example, for so-called “joy-riding” or for transportation while committing another crime) and abandon the vehicle after some time at a place where it can be found and returned to the owner. According to the data, about 44.2 per cent of motor vehicles stolen from a business in Montenegro is eventually recovered after having been stolen.

Extortion

While the prevalence of extortion for businesses in Montenegro is less than 1 per cent (0.6 per cent), it is nevertheless cause for concern. Extortion is a very serious crime in which the perpetrators try to obtain money or other benefits from a company by threatening or intimidating managers or employees. In some cases, extortion is also presented as the offer of “protection” from damages to property or persons and the money paid is presented as a type of “protection money”. In some cases extortion can be linked to organized crime groups, who have the power and the means to make a credible threat towards a business with potentially dire consequences if their demands are not met.

The data indicate that extortion threats take on a variety of menacing forms. According to victimized businesses in Montenegro, over two fifths (41.9 per cent) of extortion threats spell out specific damage to the business or its property, while one fifth (20.9 per cent) involve unspecified consequences and 18.4 per cent involve specific threats such as harming clients. Other cases involve promises of protection against crime or other personal threats to harm the owner, manager, employees or their relatives.

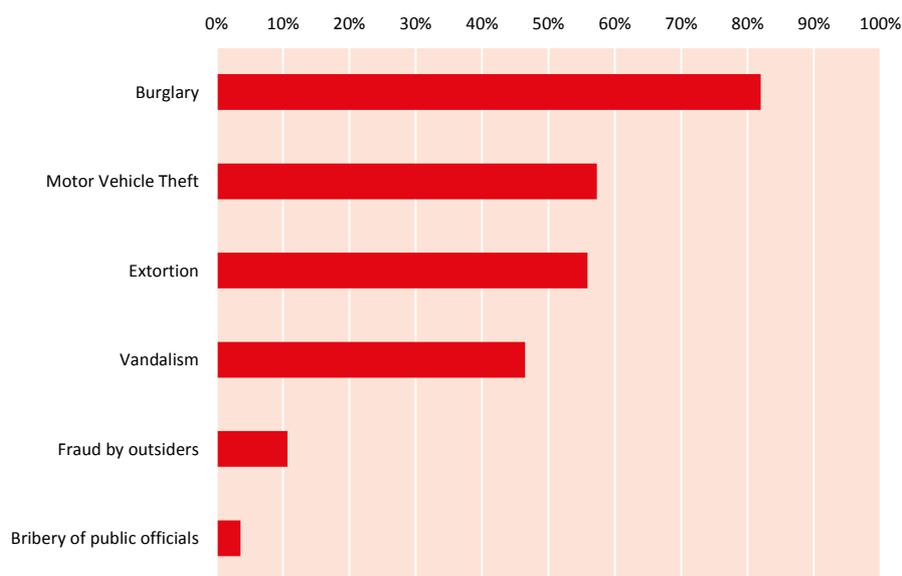
It is notable that the methods used to convey extortion threats to businesses in Montenegro are fairly conventional and seem designed to have the greatest possible impact on the person threatened. In almost two thirds of cases (62.3 per cent) one or several offenders walk into the premises of the business victimized to convey the threat, while in 13.2 per cent of cases the threat is made in a personal encounter elsewhere. In over a quarter (26.6 per cent) of cases extortion threats are simply communicated by telephone. When extortion cases, either inside or outside business premises, involve the use of a weapon, the threat is made mostly with a gun (18.4 per cent).

Reporting crime to the police

Businesses that have been victims of crime have a number of reasons to report the incident to the police and to provide detailed information to the authorities about its circumstances and the damage incurred, among them the hope of recovering stolen property and preventing similar occurrences in the future. The willingness to report crimes to the police varies with the general level of trust in the police but is also dependent on the type of crime and the expectation of what the police can and will do about the reported offence.

Further factors that have an influence on the reporting of crime are the seriousness of the crime and the amount of damage suffered, potential loss of reputation among clients and customers, and formal requirements for insurance payments. As shown in Figure 26, the share of each type of crime actually reported to the police ranges from 82 per cent for burglary and 57.3 per cent for MVT, to 55.9 per cent for incidents of extortion, 46.5 per cent for cases of vandalism and 10.7 per cent for cases of fraud by outsiders. On average, for the five crime types covered, victimized businesses in Montenegro reported over half of the crimes experienced in the three years prior to the survey (55.1 per cent). In comparison, the bribery of public officials is reported to the authorities in only 3.6 per cent of cases, as shown in chapter 4.

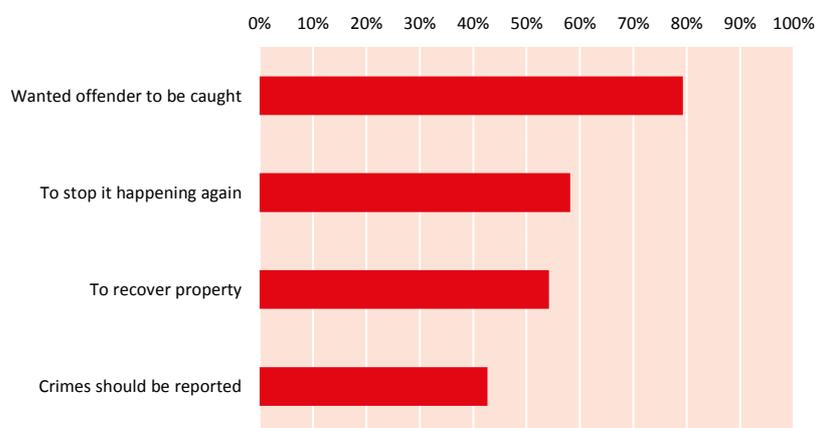
Figure 26 Police reporting rates by businesses, by type of crime, Montenegro (2012)



Note: Reporting rates for bribery refer to the last bribery experience in the 12 months prior to the survey, reported to official authorities; for other forms of crime, reporting rates refer to the last crime experienced in the past three years and reported to the police.

In many cases, the main reasons that businesses report crimes to the police are a desire for the offenders to be caught and a general belief that crimes should be reported to the police: between 68.9 per cent and 50.1 per cent of businesses that reported incidents of burglary and vandalism cited these reasons as their two main motives. Other important reasons for reporting crime are to recover property (burglary: 44.5 per cent; motor vehicle theft: 54.2 per cent) and to stop it from happening again (burglary: 45 per cent; vandalism: 51.8 per cent; motor vehicle theft: 58.2 per cent). Claiming insurance payments is not a dominant motive for reporting crime in Montenegro, not even for MVT, as shown in Figure 27, which indicates a low level of insurance cover against crime by businesses.

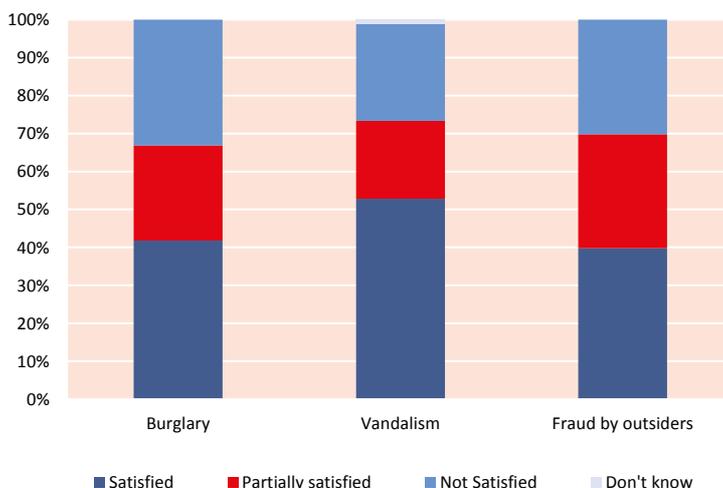
Figure 27 Reasons for reporting motor vehicle theft (MVT) from businesses to the police, Montenegro (2012)



Note: Data refer to the last case of motor vehicle theft experienced in the three years prior to the survey and reported to the police. The sum is higher than 100 per cent since, in some cases, more than one motive for reporting motor vehicle theft to the police exists (for example, to recover property and for insurance reasons).

Information relating to satisfaction with law enforcement authorities by victims of crime can be useful for improving the services and procedures of the police. In the case of businesses that fall victim to crime, around half of those that reported the incident to the police were completely or mostly satisfied with the way the police dealt with their reports. As in the case of police reporting rates, satisfaction with the police varies according to the crime type reported and is lower for fraud by outsiders (39.8 per cent were satisfied) and higher for vandalism, where 52.9 per cent of reporting businesses were satisfied (Figure 28).

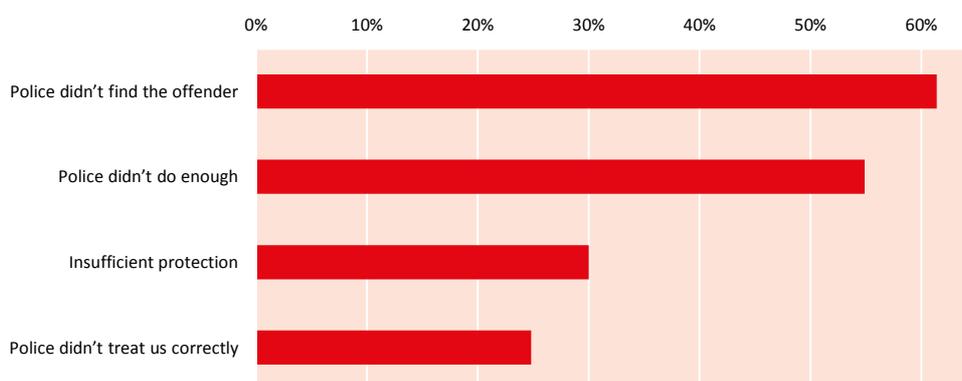
Figure 28 Satisfaction of businesses with the police, by type of crime reported to the police, Montenegro (2012)



Note: Data refer to the last crime incident experienced in the three years prior to the survey and reported to the police.

The main reasons for the dissatisfaction with the way the police react to crime reporting are often related to the difficulties of solving the crime in question and obtaining compensation for the victimized business. In the case of vandalism, for example, dissatisfied victims were not satisfied or not completely satisfied mainly due to the fact that the police did not find the offender (61.4 per cent) or the police were perceived as not doing enough (54.9 per cent). Almost a third of businesses also felt they did not receive sufficient protection from crime (30 per cent) or were not treated correctly (24.8 per cent), as shown in Figure 29.

Figure 29 Reasons for dissatisfaction of businesses that reported vandalism to the police, Montenegro (2012)

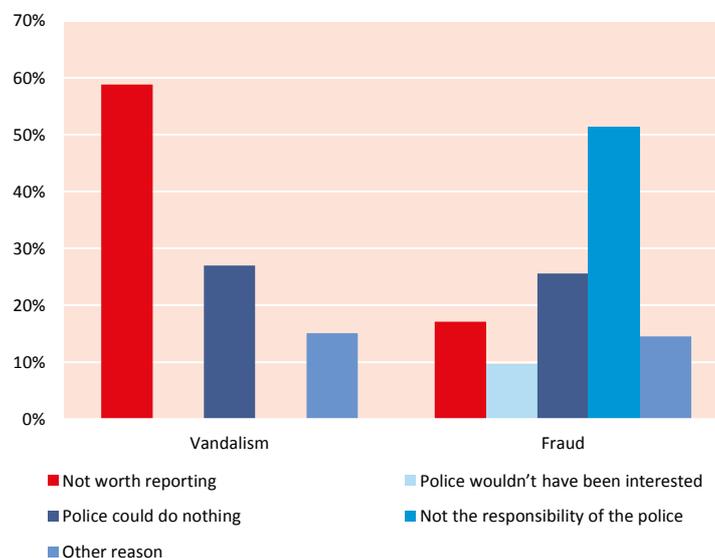


Note: Data refer to the last case of vandalism experienced in the three years prior to the survey and reported to the police. The sum is higher than 100 per cent since, in some cases, more than one reason for dissatisfaction with the police exists (for example, police did not find the offender and did not treat us correctly).

In the case of less frequently reported crimes against businesses, such as vandalism and fraud, there are a number of reasons why crime is not reported to the police. For example, in cases of vandalism more than half (58.8 per cent) of businesses considered the crime not worth reporting to the police, while that was the case in 17.1 per cent of unreported fraud incidents (Figure 30). In addition, in cases of vandalism over a quarter (27 per cent) of businesses considered the police could do nothing. In contrast, in the case of fraud by

outsiders, over half (51.4 per cent) of respondents did not report it to the police because they considered it was not the responsibility of the police.

Figure 30 Reasons for not reporting selected types of crime incidents to the police, Montenegro (2012)

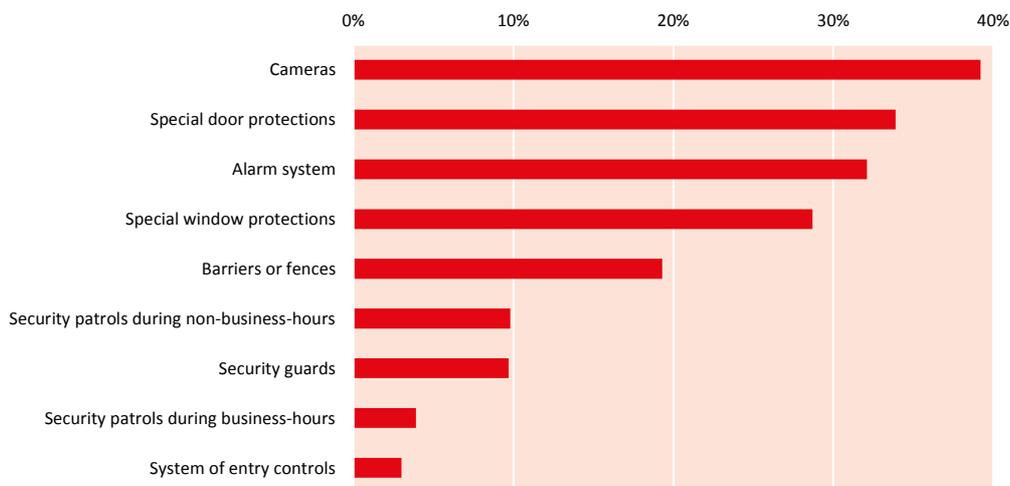


Note: Data refer to the last crime incident experienced in the three years prior to the survey that was not reported to the police. The sum is higher than 100 per cent since, in some cases, more than one reason for not reporting the incident to the police exists (for example, police could do nothing and fear of reprisals).

Crime prevention measures and costs

As the data from this survey show, businesses in Montenegro face a real risk of crime and its associated damage and costs. To protect themselves against crime, businesses often install special security systems (alarm systems, cameras) or use security guards or other measures. In total, 75.8 per cent of all businesses in Montenegro use at least one protective security measure against crime. As shown in Figure 31, the most widely used security measures are cameras (39.2 per cent), special door protections (33.9 per cent), alarm systems (32.1 per cent), special window protections (28.7 per cent) and barriers or fences (19.3 per cent). Security patrols during non business hours (9.8 per cent), security guards (9.7 per cent), security patrols during business hours (3.9 per cent) and systems of entry controls (3 per cent) are less widely used protection measures.

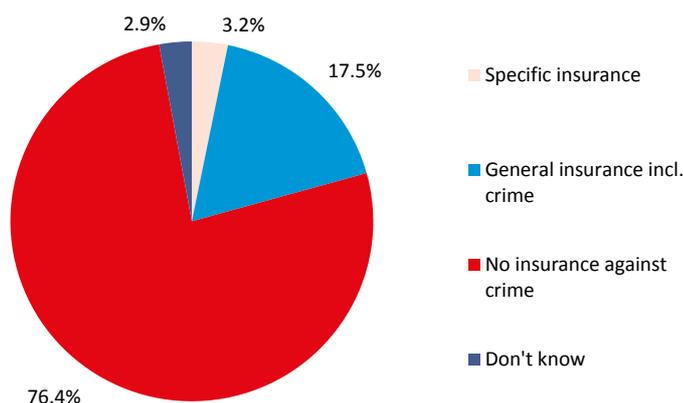
Figure 31 Percentage of businesses that use selected security measures against crime, Montenegro (2012)



Note: Data refer to all businesses in Montenegro. The sum is higher than 100 per cent since, in some cases, more than one security measure is used (for example, alarm system and camera).

Crime against businesses often causes considerable harm to businesses. To protect themselves against the financial implications, businesses can make use of insurance policies that pay compensation for damages. In Montenegro, only a minority of businesses have any kind of insurance against the consequences of crime. On average, only 3.2 per cent of all businesses have a specific type of insurance policy that specifically protects against crime events, whereas 17.5 per cent have a general insurance policy that also protects against criminal incidents and over three quarters (76.4 per cent) have no insurance against crime (Figure 32).

Figure 32 Percentage of businesses that have an insurance policy against crime, by type of insurance, Montenegro (2012)



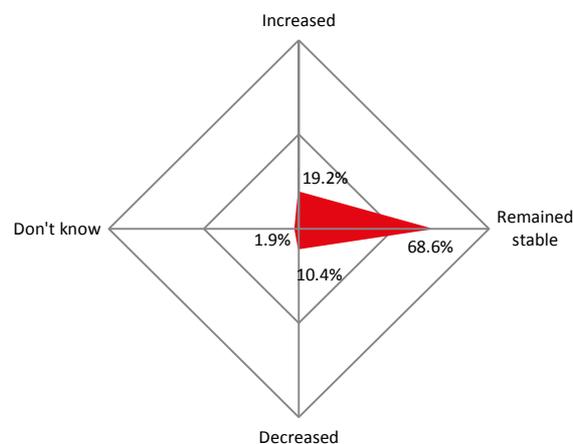
Perceptions and opinions about crime

As with perceptions about corruption, in addition to objective experience, perceptions about crime risk are influenced by a number of factors. Media reports and general feelings of insecurity and fear may contribute to an elevated perception of crime risk, as

does the physical appearance of an area. Such perceptions may also influence the extent to which crime in a certain area is perceived to be on the increase or decrease.

The majority of business representatives in the survey (68.6 per cent) stated that they considered the crime risk for their business entity to have remained stable in comparison to 12 months previously, whereas 19.2 per cent of respondents saw an increase in the crime risk and 10.4 per cent saw a decrease (1.9 per cent expressed no opinion). These perceptions of business leaders indicate a heightened sensitivity to crime (Figure 33).

Figure 33 Perceptions of whether the risk of crime for one's business entity has increased, remained stable or decreased, Montenegro (2012)



The impact of crime on business investment

Although perceptions of crime risk alone do not have a high correlation with real crime risk, as measured by the experience of crime by businesses, such perceptions do nevertheless matter for shaping opinions about the prevailing “business climate” and the assessment of business and investment opportunities. A negative perception of the general crime situation in a country may lead to diminished investment and impact economic development and growth.

The data show that fear of crime is indeed a very relevant factor in the decision of business leaders to make a major investment. While there are differences in the impact of this factor according to economic sector (Figure 34), on average, 8.5 per cent of all business leaders stated that during the previous 12 months they decided not to make a major investment due to fear of crime. This is a very significant share of all businesses, considering that only a limited number of businesses are in a position to make major investments in the first place. It should be recalled that, in addition to businesses deciding not to make an investment out of fear of crime, over 2 per cent of businesses cancelled an investment decision out of fear of corruption (chapter 6). Together fear of crime and corruption add up to a considerable hindrance to economic development in Montenegro.

Figure 34 Percentage of business representatives who decided not to make a major investment in the 12 months prior to the survey for fear of crime, by sector, Montenegro (2012)





8. Concluding remarks

While corruption may be difficult to quantify, this report shows that surveys on the direct experience of corruption can help to draw at least a partial picture as to how, why, when, where and how much corruption affects the business sector in Montenegro. From this analysis the following elements could be retained for further consideration in view of developing effective anti-corruption measures at national level:

- The survey identifies some priority business sectors, such as Transportation and Storage and Accommodation and Food service, as well as certain types of public official, including customs officers, land registry officers, municipal or provincial elected representatives, tax/revenues officers and inspection officials, on which attention should be focused in an attempt to hinder involvement in bribery.
- The prevalence rates of “white collar” crime such as bribery and fraud by outsiders are somewhat higher, yet the reporting rates of bribery and fraud are far below those of other conventional crimes. This failure to report corruption implies that there is a lack of trust in authorities and that business organizations need to be more proactive in encouraging and promoting anti-corruption measures, codes of ethics and integrity.
- The issue of business-to-business bribery highlighted in this report sheds new light on illegal “marketing” practices in the form of bribery used to gain an unfair advantage over rival businesses. Further analysis of such practices should be undertaken to help guarantee a “level playing field” in the market place and guarantee that the usually beneficial mechanisms of the free market remain untarnished by corruption. A review of the legal provisions against corruption in the Criminal Code of Montenegro should ensure that, in addition to provisions against bribery of public officials, effective legal instruments against bribery in the private sector are available.
- The fear of having to pay bribes to obtain requisite services or permits led a total of 2.1 per cent of all businesses leaders in Montenegro to not make a major investment in the 12 months prior to the survey. This shows the “ripple effect” that corruption can have, with potentially disastrous consequences for economic

growth and development, particularly when only a certain portion of businesses are in a position to make major investments in the first place. Any efforts made to stem corruption need to be widely publicized to prevent further damage to investment and economic development.

- While conventional crimes against businesses engender substantial costs for the economy, businesses in Montenegro seem to give relatively little thought to crime prevention in the shape of security measures and the mitigation of crime consequences by means of dedicated insurance policies.
- Though ostensibly small in numerical terms, the fact that 0.6 per cent of all businesses in Montenegro fall victim to extortion is still significant, not least because extortion is a crime that can be linked to organized criminal groups. This reason alone means that the relationship between extortion and business needs to be explored thoroughly.
- Awareness of corruption is high in Montenegro, one out of six business representatives consider corruption a major obstacle to doing business, yet bribery sometimes appears to be tolerated as a tool for getting things done or receiving better treatment. A further assessment of corruption awareness among business leaders could be considered and further initiatives might be developed to increase understanding about the pernicious effects of corruption on the efficient allocation of resources in a market economy.
- As the data pertaining to the perception of corruption reveal, public opinion about corruption in Montenegro shows a considerable level of concern about the issue. A window of opportunity is, therefore, open as it is likely that business organizations, as well as their constituent members, would welcome the further implementation of anti-corruption policies.

The present survey represents the first attempt to conduct a comprehensive assessment of the actual experience of business bribery in Montenegro in order to help identify effective measures to fight it. Added value can be gained if the exercise is repeated over time so as to monitor changes in the experience and impact of bribery in Montenegro.

Such a monitoring system on corruption at national level should include a variety of tools to collect evidence about its various manifestations and assist policy-making:

- Sectoral assessments of the working conditions and integrity of civil servants by sector (health sector, judiciary, police, customs, etc.) for the purpose of providing more in-depth and specific information and assist in identifying targeted policy measures. This should be prioritized in areas particularly vulnerable to bribery, as indicated in this and the UNODC 2011 general population survey;
- General assessments of the experience of bribery and other forms of corruption (both for the general population and the business sector), for the purpose of providing benchmarks and measuring progress
- A system for monitoring the state response to corruption, both repressive and preventive measures, in order to identify successful and unsuccessful practices.

A national monitoring system on corruption could be initiated and developed by the country's main anti-corruption bodies. The system should enjoy the attention and trust of the public and relevant civil society organizations. Further involvement of the national statistical office (MONSTAT), relevant ministries and experienced research centres, with the support of international and regional organizations, will enable the monitoring



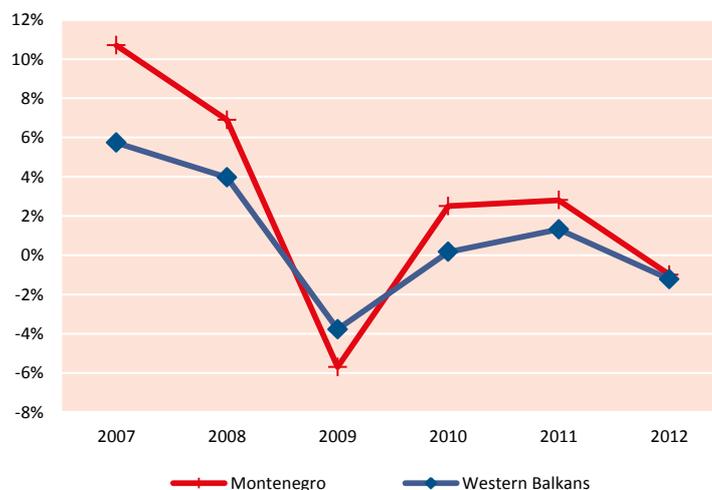
mechanism to produce high quality and relevant information for fighting corruption in a more effective manner.



Annex I: Economic context of business corruption in Montenegro

The recent economic history of Montenegro is closely tied to the progressive economic decline of the former Socialist Federal Republic of Yugoslavia (SFRY). By the time Yugoslavia broke apart in the early 1990s, the economies of the successor states slumped dramatically, there was a collapse in production and employment, widespread scarcities and hyperinflation. After 2000, Montenegro enjoyed a period of solid economic growth until the effects of the global financial and economic crisis led the country into recession in 2009. After recovering in 2010, the Montenegrin economy again contracted in 2012 due to the impact of the second wave of the on-going financial crisis on large parts of Europe. Montenegro's GDP growth trends have been very similar, although more volatile, to the (weighted) average in the western Balkans over the past five years (Figure 35).

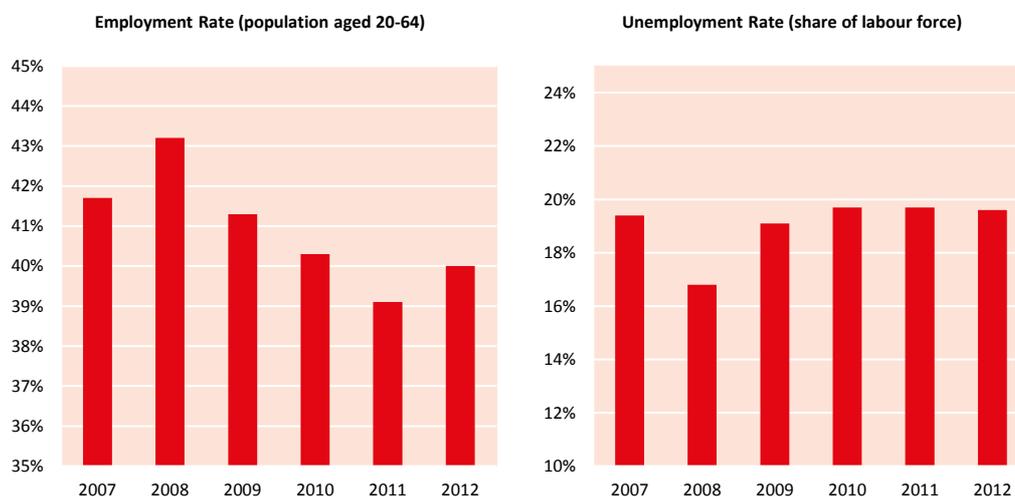
Figure 35 Percentage change in GDP, Montenegro and western Balkan region (2007-2012)



Sources: EU Progress Reports 2012; Vienna Institute for International Economic Studies (WIIW) 2013

Due to the impact of the 2008 economic crisis, the employment rate decreased around 4 percentage points between 2008 and 2011. In contrast, due to the implementation of active employment measures by the Ministry of Labour Market and Social Welfare and the Employment Agency, the unemployment rate has been fairly stable for the last four years (Figure 36).

Figure 36 Rates of employment and unemployment, Montenegro (2007-2012)



Sources: MONSTAT Labor Force Survey, EU Progress Reports 2012.

In terms of economic structure, the majority of the companies in Montenegro operate in only five sectors of the economy. Following the “Statistical classification of economic activities in the European Community” (NACE), these five sectors are defined as:

1. Manufacturing, Electricity, Gas, and Water supply²⁶
2. Building and Construction²⁷
3. Wholesale trade and Retail trade; Repair of motor vehicles and motor cycles²⁸
4. Transportation and Storage²⁹
5. Accommodation and Food service activities (hotels and restaurants)³⁰

The present survey of corruption and crime affecting businesses surveyed only businesses from these five sectors while excluding other economic activities (such as agriculture, education or health services). This choice of economic sectors also ensures broad coverage of the Montenegrin economy in terms of the value added (percentage of GDP by sector) and employment (percentage of total employees in each sector), as well as the share of businesses covered. The five sectors listed account for 70.6 per cent of all businesses in the country, 55 per cent of total employees and 44.2 per cent of the total GDP (net of taxes). The rest is distributed among all other economic activities that are typically carried out either by private businesses (such as agriculture, mining, financial activities, real estate activities, professional, scientific or technical activities) or by public institutions (public administration, defence, education, health).

²⁶ Categories, C, D, E of NACE Rev. 2.

²⁷ Category F of NACE Rev. 2.

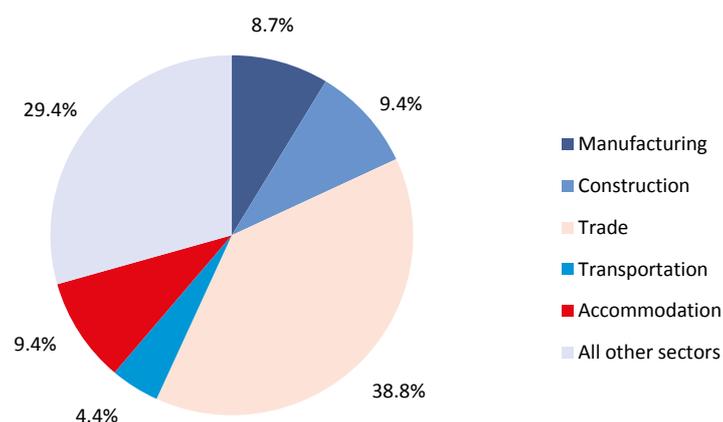
²⁸ Category G of NACE Rev. 2.

²⁹ Category H of NACE Rev. 2.

³⁰ Category I of NACE Rev. 2.

On taking a closer look at the structure of businesses in Montenegro (Figure 37), the largest share is in the Wholesale Trade and Retail Trade; Repair of Motor Vehicles and Motor Cycles sector (38.8 per cent). Smaller shares of businesses are in the Building and Construction sector (9.4 per cent), the Accommodation and Food Service activities (9.4 per cent) sector, the Manufacturing, Electricity, Gas, and Water supply sector (8.7 per cent) and the Transportation and Storage sector (4.4 per cent).

Figure 37 Relative shares of businesses in the five economic sectors represented in the survey, Montenegro (2012)



Source: Statistical Office of Montenegro (MONSTAT)

Another important structural characteristic is that most businesses in Montenegro are comparatively small in terms of the number of employees: 89.3 per cent of all registered businesses in the five sectors covered have fewer than 10 employees, 8.1 per cent have between 10 and 49 employees, 2.2 per cent of all business have between 50 and 249 employees, while only 0.4 per cent of all businesses have more than 250 employees.³¹ Despite the preponderance of very small business units, it should be noted that the relative importance of larger companies is far greater in terms of their contribution to GDP and total employment than their share in the number of businesses indicates.

³¹ Statistical Office of Montenegro (MONSTAT).



Annex II: Methodology

Data presented in this report were collected in a national survey carried out as part of the EU-funded project “Assessment of Corruption and Crime affecting the Business Sector in the Western Balkans”. The project involved seven independently administered surveys, which were conducted autonomously by national partners in accordance with jointly developed survey tools and common methodological standards.

A core questionnaire was jointly developed and, after testing in a pilot survey, was adopted by each national partner. All surveys used face-to-face interviews, either PAPI or CAPI, for data collection. Along with the questionnaire, a complete set of common tools was specifically developed for this survey, such as guidelines for interviewers, a codebook and other operational tools for the fieldwork. At all stages, strict statistical standards, including measures for protecting data confidentiality, were followed so as to ensure the highest possible quality of data.

The field work was carried out by the Statistical Office of Montenegro (MONSTAT) between 16 October 2012 and 16 December 2012. MONSTAT organized the training of interviewers and supervised the whole data collection process from first contact to data entry. The net sample size was 2,000 businesses from the five main economic sectors, which together account for 70.6 per cent of all businesses in the country. The sample was stratified by economic sector and four sizes of company (micro, small, medium and large).

The target population included active businesses of all sizes. The sample design used for this survey is a simple stratified random sample. The different strata from which the units were drawn refer to the five main economic sectors according to NACE Rev. 2 (Manufacturing, Electricity, Gas, and Water supply (sectors C, D, E); Building and Construction (sector F); Wholesale trade and Retail trade and Repair of motor vehicles and motor cycles (sector G); Accommodation and food service activities (sector I) and Transportation and storage (sector H)) and from 4 business size categories (micro (1-9 persons employed); small (10-49 persons employed); medium (50-249 persons employed) and large (more than 250 persons employed) companies).

The first rule taken into consideration for the sampling procedure was that a minimum number of 40 business entities (net) per business size and sector were to be selected for

large and medium size businesses. In those sectors, where the number of large business entities (250+ employees) is smaller than 40, all units in the frame were sampled.

In the case of business entities with multiple business local units, the interview was to be addressed to the company’s head office and all the questions in the survey referred to the entity’s activities at all its business premises. One-man businesses (including self-employed) were generally excluded from the sample except where otherwise indicated.

Regarding the questions on victimization from crime, the five crime types covered in the survey are defined in the survey questions as follows:

1. Burglary: “has anyone broken and entered into any of the premises of your business entity in order to steal something without coming into contact with anyone in the premises (owners, employees or customers)”
2. Vandalism: “has any part of any buildings belonging to your entity, or to equipment, vehicles or stock belonging to your entity at its premises, been deliberately damaged? INCLUDE, for example, damage through force, arson or graffiti. DO NOT INCLUDE any damage as a consequence of other types of crime (e.g. breaking into the premises)”;
3. Theft of vehicles: “have any motor vehicles (cars/vans/trucks/buses, or other motor vehicles) owned or leased by your entity, been stolen, when nobody was in the vehicle?”
4. Fraud by outsiders: “has any outsider, such as a customer, distributor or supplier, defrauded the business entity obtaining a financial advantage or causing a loss by implicit or explicit deception (e.g. customers deceive about their willingness to pay the agreed price; distributors and suppliers deceive about the quality or the quantity of goods /services delivered)? (INCLUDE fraud using electronic communication network or information system)”
5. Extortion: “has anyone tried to obtain money or any other benefits from the business entity by threatening and/or intimidating managers and/or employees working for your business entity, including threats to damage property or to damage/contaminate products or by offering informal “protection” against such damages?”.

A summary of the characteristics of the survey in Montenegro is provided in Table 3

Table 3 Key survey characteristics, Montenegro (2012)

Survey characteristics	
Responsible agency	Statistical Office of Montenegro (MONSTAT)
Survey period	16 October 2012 to 16 December 2012
Sample design	Stratified simple random sampling. The stratification was made according to business sector and number of employees. The sample frame was created from the Statistical Business Register. SAS macro PROC SURVEYSELECT, with SRS method in each stratum, was used for selecting the sample. Proportional allocation by size categories was used for allocating companies in the sample. The strata in the last size category (businesses with 250+ employees) were a census.
Respondent selection	The person primarily responsible for the management of the business entity.
Data collection method	PAPI – Paper and Pencil Interview.
Quality control measures	Control information at the field level, i.e. the control of the individual fields. Back checks: 1. Direct during interview = 3.8 per cent; 2. Back-check in person = 5.6 per cent; 3. Back-check by telephone = 18.3 per cent.
Net sample size	2,000
Response rate	29.2 per cent



Annex III: Main indicators

Table 4 Main indicators by sector, Montenegro and Western Balkan region (2012)

Indicator	Economic sector					
	Manu- facturing	Constru- ction	Trade	Accom- modation	Transpor- -tation	Total
Contact rate (Montenegro)	65.80%	63.30%	58.60%	62.80%	66.00%	61.40%
Contact rate (western Balkans)	67.0%	72.1%	72.6%	72.5%	76.6%	71.8%
Prevalence of bribery (Montenegro)	2.90%		2.20%	5.00%	6.50%	3.20%
Prevalence of bribery (western Balkans)	10.50%		10.30%	9.00%	9.90%	10.20%
Mean size of bribes (Montenegro, in EUR)	600		255	100		411
Mean size of bribes (Montenegro, in EUR-PPP)	1,211		515	202		830
Mean size of bribes (western Balkans in EUR-PPP)	910		1,066	105		881
Prevalence of burglary (Montenegro)	4.5%	7.1%	6.6%	5.4%	3.5%	5.9%
Prevalence of vandalism (Montenegro)	4.0%	6.0%	2.5%	1.9%	7.4%	3.8%
Prevalence of fraud (Montenegro)	4.2%	3.3%	4.5%	3.3%	8.2%	4.7%

Indicator	Economic sector					
	Manu- facturing	Constru- ction	Trade	Accom- modation	Transpor- tation	Total
Percentage of businesses that use any kind of security measures (Montenegro)	74.2%	80.5%	78.5%	77.5%	60.9%	75.8%
Percentage of businesses that have an insurance policy against crime (Montenegro)	19.8%	18.0%	22.6%	21.3%	16.1%	20.7%

Note: Prevalence of bribery is calculated as the number of businesses who gave a public official money, a gift or counter favour on at least one occasion in the 12 months prior to the survey, as a percentage of businesses who in the same period had at least one contact with a public official. The annual prevalence rates for fraud by outsiders, burglary and vandalism are respectively calculated as the number of companies experiencing each of these crimes, as a percentage of the total number of companies. EUR-PPP conversion rates from Eurostat..