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**NEWS BY
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CORRUPTION AND STATE CAPTURE MONITORING, ADVOCACY AND IMPACT IN A WORLD OF HYBRID THREATS

The 3-day training, organised by the SELDI anti-corruption initiative on 12-14 June 2019 in Sarajevo, had as key objectives to inspire CSOs and grassroots organisations to engage in anti-corruption initiatives, instruct them how to apply corruption and state capture monitoring methodologies, and encourage them to collaborate among themselves and with the public institutions in order to achieve positive impact over the national and regional policies.

During the opening, Dr. Janina Berg, Policy Officer at the Center for Thematic Expertise – Rule of Law (Anti-Corruption desk) of DG NEAR, European Commission underlined the importance of CSOs bringing out the voices of the public and holding the institutions accountable. She noted the challenges that countries from the Western Balkans face in the area of the rule of law, and the observed links between organised crime and corruption. In that regard she recommended that countries utilise the principle “fundamentals first” and tackle the issues with greatest negative impact through systematic investigations. Vladimir Pandurevic, Programme Manager for Civil Society/EIDHR/Culture/Youth at the Delegation of the European Union to BiH recommended a stronger cooperation between the public institutions in Bosnia and Herzegovina, necessary in order to tackle state capture.



Day 1 of the training was dedicated to sharing SELDI's experience and research methods in delivering anti-corruption solutions, advocacy and policy enhancement. SELDI's experts demonstrated to the CSOs and the grassroots the main SELDI corruption monitoring and anti-corruption assessment instruments, with a specific focus on state capture and corruption risk assessment at institutional level (Monitoring Anticorruption Policy Implementation (MACPI) State Capture, MACPI Micro, Corruption Monitoring System, Hidden Economy Index). The afternoon session was reserved for training the grantees on the specifics of project implementation and reporting based on the EU Rules and Standards. The grantees shared their project ideas, thus finding supporters and collaborators among the audience.

Day 2 of the training focused on two key topics. The first one was the establishment of civil society-media relations and the benefits to CSOs of working with investigative journalists. Day 2 was also dedicated to the final objective of any anti-corruption effort: improving the current policies, strategies and laws through efficient public-private partnerships. All participating anti-corruption agencies from the SEE region and other public organisations tasked with countering corruption confirmed their willingness to work with the civil society.

They noted the benefits presented by the human potential of CSOs and grassroots in terms of receiving advice or technical support regarding legislative changes, evaluation of the efficiency of the current policies and strategies and the formulation of new ones. The CSOs and grassroots also gained better understanding on their potential role as partners to the public institutions, and the existing opportunities for policy participation. In addition, all countries highlighted the unsatisfactory rate of reached convictions, despite the numerous instances of corruption uncovered. The anti-corruption agencies explained that their authorities constitute mainly preliminary investigations of corruption cases, education and prevention. Thus, they advocated for stronger commitment by the prosecutors' offices and courts in the region, which are in charge of the effective processing of the corruption signals. During the discussion, representatives of the private sector and the civil society suggested that the countries from the region explore the possibility for increased use of disciplinary actions, such as fines and dismissals of public servants. On the one hand, these can prevent a corruption action before it happens, and on the other hand, the procedures are faster than in criminal prosecution.



Day 3 of the training was dedicated to the role of the civil society as drivers of the EU transformation processes, and the importance of CSO networking. The CSOs and grassroots were able to hear best practices from practitioners, experienced in building CSO anticorruption coalitions and achieving policy impact. SELDI members and other partner CSO organisations also shared their methodologies and good practices, with a focus on the monitoring of public spending and public administration reforms, further inspiring CSOs and grassroots to engage in these areas. A specific focus was placed on the process of CSOs developing analytical content. The participants agreed that CSOs need to always be innovative and improve their methods of effectively communicating advocacy messages, including through infographics and videos, published on YouTube, Instagram, Facebook and other social media. **(SELDI, 12-14.06.2019).**



POLICY FORUM FOR DISCUSSING THE MACEDONIAN ANTI-CORRUPTION REFORMS

The Policy Forum for discussing the anti-corruption reforms in North Macedonia was held on June 18th in hotel Arka. The forum opened a discussion on the implementation of anti-corruption measures arising from international documents. Mr. Oliver Ristovski, Deputy Minister of Justice, Mr. Vladimir Georgiev, member of the State Commission for Prevention of Corruption, and Mr. Freek Janmaat, Head of Sector from the EU Delegation in Skopje, have addressed in the introductory session. Snezana Kamilovska Trpovska from MCIC, German Filkov from the Center for Civil Communications and prof. Boban Misoski from the Faculty of Law "Iustinianus Primus" from Skopje in the first session have presented the findings from the Mirror Report for the revision of the second cycle of the UN Convention against Corruption (UNCAC) and the implementation of Chapter 2 and Chapter 5.

In the second session, Mathias Hutter of UNCAC Coalition presented the measures that are available and used by civil society organizations to implement effective measures to prevent and repress corruption. Also, Pedja Djurashevich from Transparency International BiH shared the regional experience of UNCAC's implementation and the revision process.

On this event we had invited representatives from state authorities, CSO's, chamber of commerce representatives and media. The expected target of 50 participants was achieved and on this event we had 58 participants. **Source: MCIC, 18 June 2019**

CONFERENCE ON THE EU ACCESSION OF THE WESTERN BALKANS HELD IN PODGORICA

CDT in cooperation with the Parliament of Montenegro and with the support of the Balkan Trust for Democracy and the Royal Norwegian Embassy organized a regional conference on on topic „EU Accession of the Western Balkans: Application of political criteria“. The conference was held on Thursday, 30 May, 2019 in Parliament of Montenegro. The event gathered representatives of the parliaments, executive power, media and civil society from region. The conference has served as a forum for talk about advancement of Western Balkans in the process of accession to the European Union, with a special focus on application of EU political criteria – creating stable institutions that guarantee democracy, the rule of law and human rights respect.

Source: CDT, 30 May 2019



THE EU SHOULD REACT TO THE CAPTURE OF SECURITY SERVICES IN THE WESTERN BALKANS

An event was organized by the Belgrade Centre for Security Policy (BCSP) on 4 June 2019 in Belgrade. The European Commission has recognised the countries of the Western Balkans increasingly face state capture, in which security-intelligence services play a significant role. Due to participation in this negative process, the work of the security-intelligence services should not be a taboo topic for public discussion. As the conclusion of the event, the EU should react to the capture of security services in the Western Balkans.

Source: Institute Alternative, 10 June 2019

ROUNDTABLE EVENT “CORRUPTION FROM THE SUPPLY SIDE”

In the roundtable event “Corruption from the supply side”, organized by Riinvest Institute, were presented and discussed findings that came out from a survey with 500 businesses from all over Kosovo. On the opening remarks, Alban Hashani, executive director of Riinvest Institute, explained that Riinvest Institute is implementing the project titled “Business Anti-Corruption Code and Coalition” which is part of the “Civil society programme for Albania and Kosovo” financed by the Norwegian Ministry of Foreign Affairs and managed by the Kosovar Civil Society Foundation (KCSF) in partnership with Parterns Albania for Change and Development (PA); with the aim of increasing the awareness of key stakeholders in business community in Kosovo, in the importance of developing ethic principles to reduce corruption, and bribe-giving by businesses (from the supply side of corruption).

Source: **INSTITUTI RIINVEST, 23 May 2019**

RESULTS OF SIXTH CYCLE OF BUDGET TRANSPARENCY RESEARCH IN CROATIA

The Institute of Public Finance (IPF) presented the results of the sixth cycle of budget transparency research in Croatian local government units (counties, cities and municipalities). The average budget transparency of all 576 local units - expressed in the number of budget documents published on their official website - is 3.9 out of 5. Every year, more and more budget documents are published, so this year's average for counties is 4.9, for cities 4.3, and for the municipality 3.8. However, despite very good averages and encouraging trends, all counties are still not fully complying with the law. There are some cities and even more municipalities that do not publish the mandatory documents, and even more cities and municipalities (even three counties), which do not follow the recommendations of the Ministry of Finance. Although publication of budget documents itself does not mean absolute transparency, it is a valuable initiative towards higher levels of transparency, which are indispensable for citizen participation. As long as budgetary transparency is not adequately regulated by law and the relevant ministries are not adequately controlled, citizens will depend on the good will of local authorities, which, as seen from the achievements made so far, has indeed many local units. The recognition of the Institute for the published five requested budget documents this year was obtained by 17 counties, 65 cities and 187 municipalities.

Source: **IPF, 3 July 2019**

14TH RAI SUMMER SCHOOL FOR JUNIOR ANTI-CORRUPTION PRACTITIONERS FROM SEE

Regional Anti-corruption Initiative proudly announces 14th Annual Summer School for Junior Anti-corruption Practitioners from South East Europe. The school will take place in Sarajevo, Bosnia and Herzegovina from 30 June to 04 July. The topic of the 2019 Summer School edition is “Investigation of corruption cases- Innovative mechanisms and tools”. The Summer School will gather young professionals with up to five years of experience in anti-corruption. They will pass one week of intensive study, obtaining theoretical knowledge and practical skills from honorable experts on contemporary and innovative investigation mechanism and tools and on recovering proceeds of crime. They will also have to learn from each other on regional practices. Upon an evaluation test, successful participants will obtain RAI Summer School Certificates.

Source: **Regional Anticorruption Initiative, 30 June 2019**

REGIONAL MUTUAL LEGAL ASSISTANCE AND ASSET RECOVERY TRAINING

The overarching objective of the training was to enhance the abilities of the participants to provide and request successful international cooperation in transnational crime cases, in particular relating to asset tracing, freezing and confiscation. The design of the training was based on interactive methods and interventions. It included provision of tools & templates and the consolidating of the learning through an engaging interactive and immersive exercise using unique specialist software (View360 Global™) that has already been successfully used in nine other jurisdictions worldwide. The training is developed for prosecutors, judges and experts from the International Cooperation Departments at the Ministries of Justice who have experience and work on asset recovery cases. Therefore, the nominated participants were able to take active part in the exercises of the workshop.

Source: **Regional Anticorruption Initiative, 11 June 2019**

RESEARCH FINDINGS AT THE ROUND TABLE “STATE CAPTURE ASSESSMENT DIAGNOSTICS: FROM CONCEPT TO POLICY INSTRUMENT”

RAS researcher, Valentina Dimulescu, delivered a presentation during the round table “State Capture Assessment Diagnostics: From Concept to Policy Instrument” which took place on June 27th 2019 in Brussels. She discussed the latest findings regarding the state capture phenomenon in Romania and focused on the situation in the construction and the railway sectors. The event was organized by the Center for the Study of Democracy and centred on the release of its latest report State Capture Assessment Diagnostics (SCAD). SCAD is a comprehensive open model allowing the study, measurement and monitoring of state capture risks at national and sectoral level. SCAD combines hard and survey data with contextual analysis, such as media monitoring. It diagnoses country and sectoral risks along three main dimensions: business capture, institutional enablers and environmental enablers.

Source: **Romanian Academic Society, 27 June 2019**

PANEL DISCUSSION: HOW TO RESTORE CONFIDENCE IN THE ELECTIONS AND THE POLITICAL SYSTEM IN BOSNIA AND HERZEGOVINA?

An open forum “How to restore confidence in elections and the political system in BiH?” was held on May 29th. It is noticeable that the citizens of Bosnia and Herzegovina are losing or have already lost their confidence in the elections as a mechanism for changing the political picture, and therefore the entire image of our society. Democracy barely survives in any form in this region. This question is a matter of our common future, and each of us must decide how much s/he is ready to contribute in the struggle for a better future for us and our children. Panelists concluded that all the problems within BiH could not be solved by the elections. That’s why open forums of this type are extremely important, so that citizens are encouraged to publicly talk about their problems and irregularities they have noticed. Panelists pointed out that the position of citizens who fall under the category of “others” is extremely difficult, since they do not have the opportunity to participate in the elections, or to be elected, which leads to the conclusion that the Constitutional and legislative changes can improve their position. It was concluded that democracy must be valid for all.

Source: **Zasto Ne, BiH, 13 June 2019**

ANTI-CORRUPTION NEWS FROM THE SEE REGION

The current section of the Newsletter presents a summary of the latest anti-corruption news from the SEE region, based on consolidated information from multiple sources, such as media outlets and narratives received by the SELDI project partners.

974 HIGHER OFFICIALS WILL BE SUBJECT OF THE COMPLETE CONTROL OF PROPERTY

The Anti-Corruption Agency, in the presence of the media and civil society, has withdrawn the lottery for senior public officials who will be subject to full property control. According to the lottery, out of 4862 declarers, the 974 official forms will be subject to full control of assets by the Agency.

Source: Kosovo, 11 June 2019



JUDICIAL COUNCIL AND PROSECUTORIAL COUNCIL CHALLENGED BY INEFFICIENCY, LACK OF ACCOUNTABILITY AND CONTESTED INTEGRITY

The Kosovo Justice Institute (IKD), with the support of the US State Department - the International Narcotics and Law Enforcement Bureau (INL) and NED, held a press conference, in which has published the report "Independence, Efficiency, Accountability and Integrity of the Councils: Systematic Monitoring Report of the Judicial Council and Prosecutorial Council - (January-March 2019)".

During the first quarter of 2019, in over 30% of requests for access to public documents, Kosovo Justice Institute (IKD) did not receive a response from the judicial system. Regarding the prosecutorial system, Kosovo Justice Institute (IKD) has not received a response to nearly 20% of claims. There are also a number of requests for access to public documents, in which both systems have refused to answer. IDK has found that the Councils continue with the same approach to decision making as well as the adoption of secondary legislation, by continuing violating the law. These actions of the Councils seriously affect the legitimacy and legitimacy of the justice system in Kosovo..

Source: Kosovo, 6 June 2019



FOL REQUESTS FROM THE MINISTRY OF FINANCE THE PUBLICATION OF THE VALUE OF PARCELS EXPROPRIATED ON THE HIGHWAY PRISTINA-GJILAN

Movement FOL has monitored the process of evaluation and expropriation of real property, i.e. parcels in which the highway Pristina-Gjilan-Dheu i Bardhë passes.

FOL from last year through requests for Access to Public Documents has requested from the Ministry of Finance, namely the Real Estate Appraisal Office to disclose the amount estimated for expropriation of private parcels where this highway passes. But the ministry has refused their access.

FOL considers that the reasoning of the Ministry of Finance for refusing to publish this data is invoked in Article 12, Exceptions to the Right of Access to Documents 1.2. public safety, 1.6. privacy and other legitimate private interests of the Law on Access to Public Documents does not stand.

Source: Kosovo, 6 June 2019

KOSNETT: MUNICIPALITY OF VUSHTRRIA, AN EXAMPLE OF THE FIGHT AGAINST CORRUPTION

The Mayor of Vushtrria, Xhafer Tahiri, and the US Ambassador to Kosovo, Philip Kosnett, made the inauguration of the renovated procurement office in this municipality.

Renovation of this office has been done by USAID together with the Municipality of Vushtrria. On this occasion, Ambassador Kosnett emphasized that the Municipality of Vushtrria should serve as a model for other municipalities in terms of transparency and fight against corruption.

(Kosovo, 7 June 2019)



SERBIAN DEPUTY WITH OVER 76 THOUSAND EUROS IN ACCOUNTS

The declaration of assets in the Anti-Corruption Agency was also made by Serb deputies. Their wealth does not seem to be even small. Serbian List of Deputies, Jelena Bontic, is one of the richest deputies. In two separate bank accounts she counts not less than 76.676 euros. In addition, Bontic also owns an apartment of about 40 square meters worth 20 thousand euros.

While declaring that there are loans about 10 thousand euros, 5 thousand of which says it is a loan taken by her husband.

(Serbia, 9 June 2019)



O'CONNELL: IF YOU HAVE EVIDENCE OF OFFICIALS CORRUPTION, REPORT IMMEDIATELY

British Ambassador to Kosovo, Ruairi O'Connell, says that the voters are the ones who can bring someone to power but also take them away. He encourages all the citizens to alert or report officials for who they have evidences that they are corrupted or may misuse their duty. (Kosovo, 1 June 2019)

MINISTER LEKAJ UNDER PRELIMINARY INVESTIGATIONS FOR CORRUPTION

Doubts for tender misuse in the Ministry of Infrastructure have sent the investigation to the head of this department, Pal Lekaj. The Basic Prosecution in Pristina, a few months ago, according to newspaper sources, has opened an “PPN” case (PPN case is when there is still no decision to initiate investigations) where the Minister of Infrastructure is involved.

(Kosovo, 13 June 2019)

NETHERLANDS CLARIFIES “NO” VOTE FOR ALBANIA: WE WANT RESULTS IN THE FIGHT AGAINST CRIME AND CORRUPTION

The Dutch Parliament signs the proposal to the country's government to vote against Albania. The main cause for refusal is the failure to achieve results in the fight against organized crime and corruption. The decision proposed on 11 June 2019, after listening to the discussion, noting that, Albania is not achieving tangible results in the fight against corruption and organized crime; notes that based on this progress report it can be verified that Albania does not meet the established conditions; and calls the Dutch government to disagree with the Commission's proposal to start accession negotiations with the EU. The decision was signed by Anne Mulder Drost, Dutch Parliament Member and part of the People's Liberty and Democracy Party.

“We encourage the government of Albania to continue on the road that has started. We are clear how difficult the accession process is, and we will continue to support Albania in its reforms, as far as we can, especially in the area of rule of law,” said the Embassy's announcement.

(Albania, 12 June 2019)

THE CROATIAN OPPOSITION CALLED FOR THE DISMISSAL OF PUBLIC ADMINISTRATION MINISTER

Some of the opposition parties in the Croatian parliament called for the dismissal of Public Administration Minister Lovro Kušćević over his failure to declare his property holdings. Opposition Social Democratic Party deems (SDP) that this was not just about two properties, which the minister failed to register, but that Kušćević was a government official who had created a system marred by nepotism and corruption. SDP states that this is a politician who extracted real estate from companies that later ended up in bankruptcy, while he made millions out of them, or as much money as they owed before going bankrupt. This is a politician who changed urban development plans so that his family and friends could rake in a lot of money. Prime Minister Andrej Plenković said that all allegations in the media against his ministers refer to the time before they became members of his government. As for Kušćević and his failure to enter his property in the land register, Plenković said this is certainly not so huge error that could jeopardise his human and political integrity as a minister. He also stressed that he would not accept any forms of pressure and blackmailing, even from his coalition partners.

(Croatia, 1 July 2019)

JOURNALISTS FROM THE WESTERN BALKANS SAY THEY HAVE REMAINED ALONE IN PROSECUTING CORRUPTION, AS THE CHAIN OF JUSTICE IS CAUGHT BY POLITICS

At the first regional investigative journalism conference “Follow Money to Find Crime”, KTV journalist Ardiana Thaçi-Mehmeti has talked about the difficulties and the publication of a series of stories about nepotism in Telekom and other state institutions.

She stated that despite Kosovo having good laws that would enable journalistic work, they are failing to apply because institutional managers are those who have become obstructive in their work.

Meanwhile, in Montenegro, journalists say that power is also changing laws to make it harder for their work. One of them is the one for the signalers, where this country forces journalists to discover them in court. Journalist Jovo Martinovic says the government took a case by putting him in jail to stop publishing a scandal he was investigating.

Journalists from Serbia, Montenegro, North Macedonia, Albania and Kosovo participated in the first regional journalism research conference.



NEW PUBLIC CALL FOR MEMBERS OF THE COUNCIL OF AGENCY FOR THE PREVENTION OF CORRUPTION

The Anti-Corruption Committee of the Parliament of Montenegro has announced a new public call for the selection of five members of the Council of the Agency for Prevention of Corruption. Twelve candidates applied on the first call, but only one candidate filled all the requirements. Condition according the Law on Civil Servants and State Employees that candidates must have passed a state examination was controversial, on which the Commission for the election of Council members insisted, and which was not requested during the election of the previous composition.

(Center for Democratic Transition, June, 2019)

CARRIERS MAY PRESENT/ALERT CORRUPTION AT BORDER POINTS VIA MOBILE APP

The Government, the competent institutions and the Makam-Trans Transport Association today signed a Memorandum of Cooperation for the fight against Corruption at Entry and Exit Border Points, as well as border crossings abroad, reports Portalb.mk.

The National Coordinator for Border Management, Vladimir Pivovarov, emphasized that the most important tool against corruption is the information that unlawfully committed acts reach the competent institutions. "Co-operation with" Makam-Trans "provides that transporters who will be required to bribe at the border crossing points by customs officers, police or food and veterinary inspectors should submit the same information to the coordinating center for border management. The center is obliged to immediately divide the information with the competent institution for further action," said Pivovarov. Minister for Interior Affairs, Oliver Spasovski said the Memorandum provides practical and concrete exchange of information that carriers will have the opportunity through IT technology to alert. The application, which will be free of charge, it will be on the Makam-Trans association website and will also be accessible to mobile phone users. "The application can be used by any carrier, it does not necessarily have to be a member of the Association," said General Secretary of Makam-Trans, Biljana Muratovska, adding that the appearance of illegal actions will be anonymous.



NORTH MACEDONIA: REGIONAL MUTUAL LEGAL ASSISTANCE AND ASSET RECOVERY TRAINING

Prosecutors, judges and experts from the International Cooperation Departments at the Ministries of Justice from Albania, Bosna and Herzegovina, Croatia, Kosovo*, Moldova, Montenegro, North Macedonia, Romania and Serbia participated in a three-day Regional Mutual Legal Assistance and Asset Recovery Training which took place in Skopje, North Macedonia from 11th to 13th June 2019.

The training aims to improve the international cooperation in combating organized crime and corruption in the region by strengthening the capacity of the institutions to effectively cooperate in asset recovery cases. (11-13 June 2019 Skopje)

ANTI-CORRUPTION WITH THE VIEW THAT ZAEV CANNOT BE A FINANCE MINISTER

Macedonian SCPC, reacted regarding the Proposal for election of members of the Government of the Republic of Northern Macedonia with no. 08-2072 with which, the President of the Government of the Republic of North Macedonia has been proposed as Minister who will manage the Ministry of Finance, considers it necessary to point out the following: According to Article 72 paragraph 1 of the Law on Prevention of Corruption and Conflict of Interest: "The official in his/her work is obliged to keep an eye on potential conflicts of interest and to take measures to escape from detention." And According to Article 44 paragraph 1 and 2 of the Law on Prevention of Corruption and Conflict of Interest: "The elected or appointed person during the term of his mandate shall be obligated to respect the rules of incompatibility of a function performed by other functions or activities determined by the Constitution and the laws" and "The function President of the Republic, President of the Government of the Republic of Macedonia, Minister, Member of Parliament, Member of the Council, Mayor, Judge, Public Prosecutor, Public Attorney, Ombudsman and other functions elected or appointed by the Assembly of the Republic of Macedonia, the Government of the Republic of Macedonia or the organs of the self-government is incompatible with one another. "

Namely, in cases when the President of the Government of the Republic of Northern Macedonia would be elected for Minister of Finance, there will be a violation of the above-mentioned provisions, and the State Commission will be forced to take concrete measures in accordance with its competencies determined in the Law on Prevention of Corruption and conflict of interest, was said in the statement of the State Commission for the Prevention of Corruption.

(North Macedonia, 26 June 2019)





UPCOMING EVENTS



TRANSPARENCY INTERNATIONAL SCHOOL 2019

Transparency International welcomes individuals from public, private, non-governmental and academic sectors, from all academic backgrounds. Transparency School does not discriminate its applicants on the grounds of race, color, national origin, disability, sex, gender identity, religion, political beliefs, marital, familial or parental status, sexual orientation or any other basis. We are delighted to announce that applications to the Transparency School 2019 are now open. Transparency School is the leading summer course on anti-corruption in the world. Since 2010, it has already welcomed more than 1000 future leaders from around 120 countries worldwide. We would like to kindly ask you to disseminate this information to your colleagues and those potentially interested in attending the event on 8-14 July 2019.

Source: Regional Anticorruption Initiative, 2019





**REPORTS
AND
ANALYSIS**



REPORT ON COMPLIANCE OF THE MACEDONIAN LEGISLATION WITH THE INTERNATIONAL RECOMMENDATIONS FOR EFFICIENT FIGHT AGAINST CORRUPTION



The Report on Compliance of the Macedonian legislation with the recommendations of the European Commission and the GRECO reports unites into a single document all findings, conclusions and recommendations that were derived from the monitoring of the anticorruption reforms that were implemented in the country in the period 2013 – 2018. This analysis will show how much has the country actually progressed or regressed in issues related to fight against corruption, and what are the expectations of the EU for North Macedonia as a candidate country

for the EU. The analysis will show the compliance of the domestic regulations not only with the EU recommendations but also with the GRECO recommendations as international body with main objective to identify how many countries are working towards prevention of corruption. **(MCIC, June 2019)**

SHADOW REPORT ON THE SECOND CYCLE REVIEW PROCESS AND IMPLEMENTATION OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) IN THE REPUBLIC OF NORTH MACEDONIA



In order to determine to what extent the country has implemented the Convention, this Shadow Report is prepared for the second cycle review process of the implementation of the United Nations Convention against Corruption (UNCAC) in the Republic of North Macedonia. Namely, the scope of this report pertains to the second cycle of the review of the Convention, covering chapters 2 and 5, for which an official report by the United Nations Office on Drugs and Crime (UNODC) should also be prepared.

The Shadow Report for the second cycle review process of the implementation of the United Nations Convention against Corruption enables identification of the degree of implementation and the review process of the Convention. It is assessing the implementation of the Convention at the country level and represents the documentation and assessment of legislation and other measures taken by the states, in accordance with the standards set by the Convention. **(MCIC, June 2019)**

COMPARATIVE REVIEW STUDY ON THE CIVIL SOCIETY INVOLVEMENT IN THE PROCESS OF REVISION OF THE UNCAC



The purpose of the comparative review study of the role and involvement of the civil society organizations (CSOs) in the UNCAC review process from the countries in the region (Albania, Bosnia and Herzegovina, Montenegro and Croatia) is to bring insight in the best practices and lessons learned. The study provides overview of the process of involvement of the civil society in the first and second UNCAC review cycle, from the first stage of CSO involvement in the preparation of the self-assessment checklist to the publication of the full country review report,

especially the lessons learnt from the first cycle and the steps taken (if any) during the second review cycle **(MCIC, June 2019)**

THE UNCERTAINTY OF EU ENLARGEMENT



The European Commission has made the progress of enlargement more measurable for the countries of the western Balkans through an improved assessment methodology in place since 2015. But has that made the process more predictable? The paper analyses the pace of accession and EU's transformative power through the data of Commission's reports.

The author argues that western Balkan political elites not only choose which areas to progress, but also decide how fast, if at all, to perform. Particularly the frontrunners are "resisting progress" in "Fundamentals" while Albania and North Macedonia seem more eager to catch up. The paper concludes that enlargement players must address the slow pace of accession and its impaired transformative power. Reinforcing political determination and interest by the EU in this context is essential to prevent political elites in the region to pick and choose areas of progress.

Source: Institute for Democracy and Media-tion, June 2019

TRADE SECRETS OVER PUBLIC INTEREST



Amendments to the Law on Free Access to Information prescribe that access to data may be restricted in order to protect trade secrets. However, the concept of trade secret is not prescribed by law at all, which is not in accordance with international standards and leaves room for numerous abuses.

Practice shows that many institutions and state companies severely abuse the new legal provision in order to hide data of public interest, which considerably prevents the media and NGO sector from controlling the work of state authorities, revealing corruption and violations of the law. Two years after the amendments to the Law, case law relating to the application of the new provision is still limited, due to very long deadlines in which the Agency and the Administrative Court act. The practice so far is not favourable, since the courts consider that institutions do not have to carry out a harm test when declaring information trade secret under a special law. This means that the issue of the right to access information is regulated by other laws that, according to the courts, have a greater legal force than the Law on Free Access to Information.

MANS, June 2019

THE SENIOR CIVIL SERVICE SYSTEM IN SERBIA: 12 YEARS OF SIMULATED DEPOLITICISATION

The country has wrestled with this issue since the early days of its democratic transition, which started in 2000. This effort is one of the key preconditions of Serbia's admission to the European Union (EU). Also, the depoliticisation of the public administration is important for citizens, as the public interest is best served by professional, politically independent, and competent civil servants.

Following the adoption of amendments to the Civil Service Law (CSL) in December 2018, the Serbian Government has put the goal of depoliticisation on its 2019 agenda of priorities. On 1 July 2019, the deadline for the implementation of the recently introduced CSL amendments related to the appointment of senior civil servants will expire. Open, transparent and fair recruitment procedures are among the most important tools for the depoliticisation and professionalisation of the public administration. Thus, if the government ensures full implementation of those legal provisions, 1 July 2019 will be considered as a milestone for the depoliticisation of the Serbian public administration, especially in terms of its senior civil service. It remains to be seen what will happen on 1 July – will it mark the end of the politicisation of Serbia's public administration or not?

Source: European Policy Centre, 25 June 2019



EU REPORTS FOR THE WB COUNTRIES AND TURKEY

Montenegro, Serbia, North Macedonia, Albania and Kosovo have made modest progress in the fight against corruption. Still, these countries are better than Turkey and Bosna and Herzegovina. For example, in Bosna and Herzegovina, the fight against corruption is quite weak at the moment because of the lack of cooperation and coordination at the institutional level. Another major flaw is that corruption has spread onto all levels, and the institutional and legal framework is too fragmented and weak to prevent this phenomenon. The situation in Turkey is similar. For instance, the legal framework and the institutional setup continues to allow undue executive influence in the investigation and prosecution of high-profile corruption cases and need to be improved in line with international standards. Furthermore, the recommendations from GRECO have not yet been implemented. Finally, the absence of a robust anti-corruption strategy and action plan is clearly a sign of lack of political will. On the other side is North Macedonia where a good process in the fight against corruption has been made, thanks to good cooperation among investigators and prosecutors, as well as the undertaken legislative reforms. The new legal framework for preventing corruption has been improved, and the election of State Commission for Prevention of Corruption has been more transparent than ever before. Still, North Macedonia needs to prove that corruption is a national priority and that it will be tackled at all levels. The situation in Albania is similar to North Macedonia; however, a number of steps still need to be taken. Good progress has been achieved with the adoption of the new Action Plan for the implementation of the Inter-sectoral Strategy against Corruption and the creation of an Anti-corruption Task Force, which has already produced its first results. And last but not least important, a consolidation of efforts to fight corruption has started. However, corruption is common in a lot of areas and remains a problem. In Montenegro, a number of positive steps have been made (such as the augmentation of the Special Police Unit); however, Montenegro still needs a strong political will and a justice system response to high level corruption. The situation in Kosovo and Serbia has a lot of similarities with Montenegro. For example, some progress has been made with the acceptance of new laws but it is too early to see their effectiveness and in both countries corruption stays as an substantial problem in various areas.

European Commission 2019 Report on Montenegro

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>

European Commission 2019 Report on Serbia

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>

European Commission 2019 Report on North Macedonia

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>

European Commission 2019 Report on Albania

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

European Commission 2019 Report on Kosovo

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

European Commission 2019 Opinion on Bosna and Herzegovina

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-opinion.pdf>

European Commission 2019 Report on Turkey

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf>



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