

VII. CIVIL SOCIETY AND THE MEDIA

7.1. Non-governmental organizations (NGOs)

The involvement of NGOs from SEE countries in anti-corruption activities is conditional to three mutually related processes: 1. Developments within the third sector in each country; 2. The availability of foreign funds, and 3. The prevailing attitudes of national authorities vis-a-vis anti-corruption efforts by civil society.

7.1.1. Involvement of NGOs in anti-corruption activities

Throughout the region the NGOs are still in a process of defining their fields of interest and social role against a wide range of transition priorities and problems. Anti-corruption, as a relatively novel priority in public's democracy and civil rights agenda, is one of the topics, which involve a growing number of NGOs. This involvement is facilitated by the fact that anti-corruption projects increasingly attract the attention of potential Western donor organizations (both international bodies and national agencies).

In **Albania** it is believed that there are currently between 400 and 800 NGOs, approximately 200 of which are active. The strongest NGOs are those engaged in advocacy, youth issues, civic education as well as women's organizations. It is worth noting that even the stronger NGOs remain donor driven and dependent. The sector is very weak, particularly when one compares its resources to those of the state and of the informal economy. This dependence is related to the constricted Albanian economy, as well as a to the lack of continued technical assistance in organizational development. A few months ago the Parliament passed a new NGO law, which is considered as a very positive step forward. Another positive step forward is the increasing involvement of NGOs in service providing. This is very important taking into consideration the fact that the government is unable to provide a sufficient level of basic services to its citizens. This recent involvement of NGOs has somewhat enhanced the public image of the sector. At the same time, it has exposed local NGOs to more public scrutiny than they have experienced before, which could increase NGO accountability in the future.

Thus, leaders of civil society organizations look toward foreigners rather than fellow, perhaps suspicious, Albanians for support. Some successful multi-institutional investments by USAID have

shown that long-term sector-strategic commitments can develop effective partnerships across domestic political and economic barriers. Examples include USAID projects in rural agricultural development and the agribusiness sector, where coalitions have succeeded in legislative reform and public education activities. Hence, the Albanian stage was set for a coalition to fight corruption to enter.

The anti-corruption activities in Albania developed as a *top-down* initiative, as it is the government which initiated them.

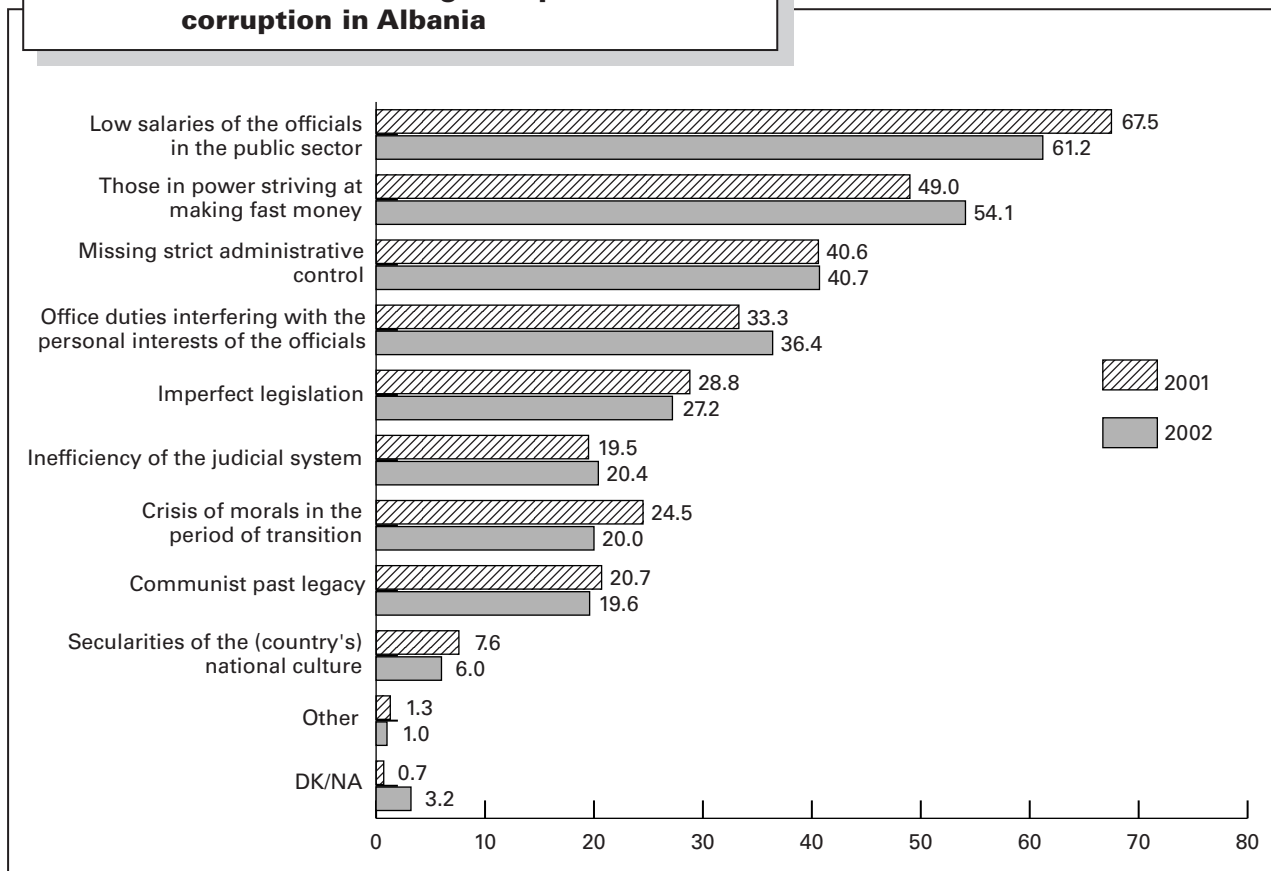
Gradually, with the assistance of the USAID, other foreign organizations and the Institute for Contemporary Studies (ICS) over 100 Albanian NGOs were able to join the Albanian Coalition Against Corruption (ACAC www.acac.info). The members have worked together to develop a strategic framework and to create an action plan in order to "reduce corruption throughout Albania in a non-confrontational manner by strengthening the role of civil society and working in coordination with governmental authorities where appropriate." (USAID Strategic Framework)

In addition to monitoring the Government's implementation of its revised anti-corruption matrix, ACAC members have crafted an Action Plan to address their priorities in the following areas, which also serve as the working group identities:

- Public Procurement, Privatization, and Property
- Freedom of Information
- Budget and Legislative Processes
- Public Service Delivery
- Judicial Reform
- Taxation and Customs

ACAC will increase the awareness of Albanian society regarding the causes and costs of corruption and to transform that awareness into advocacy for reforms to reduce and combat corruption. It will promote as integrity, transparency, accountability, and the rule of law in government and society and monitor the progress of the

Chart 19: Factors influencing the spread of corruption in Albania



Source: SELDI Corruption Monitoring System.

reform process, focusing on the adoption and implementation of transparent and clear rules of law and the participation of citizens in governmental decision making.

Monthly Forums, hosted alternately by IDRA and ICS, stimulate public debate on current corruption issues and related events. These widely publicized events involve high-level public officials.

In the wake of Summer 2001 elections in Albania, ACAC members participated in an USAID anti-corruption project, which included organizing a number of televised debates by youth, roundtables on campaign finance ethics, distributing flyers and brochures about anti-corruption topics.

A member of ACAC drafted a plan to supplement its legal aid clinic with a Citizen's Anti-Corruption Advocacy Office in Tirana. The office has already opened and is available to anyone seeking help.

Despite the fact, that there are no **BiH** NGOs with an anti-corruption background, the OSCE-sponsored NGO anti-corruption meeting that took place in December 2000 signaled the readiness of the third sector to become involved in both monitoring and awareness activities. The BiH Chapter

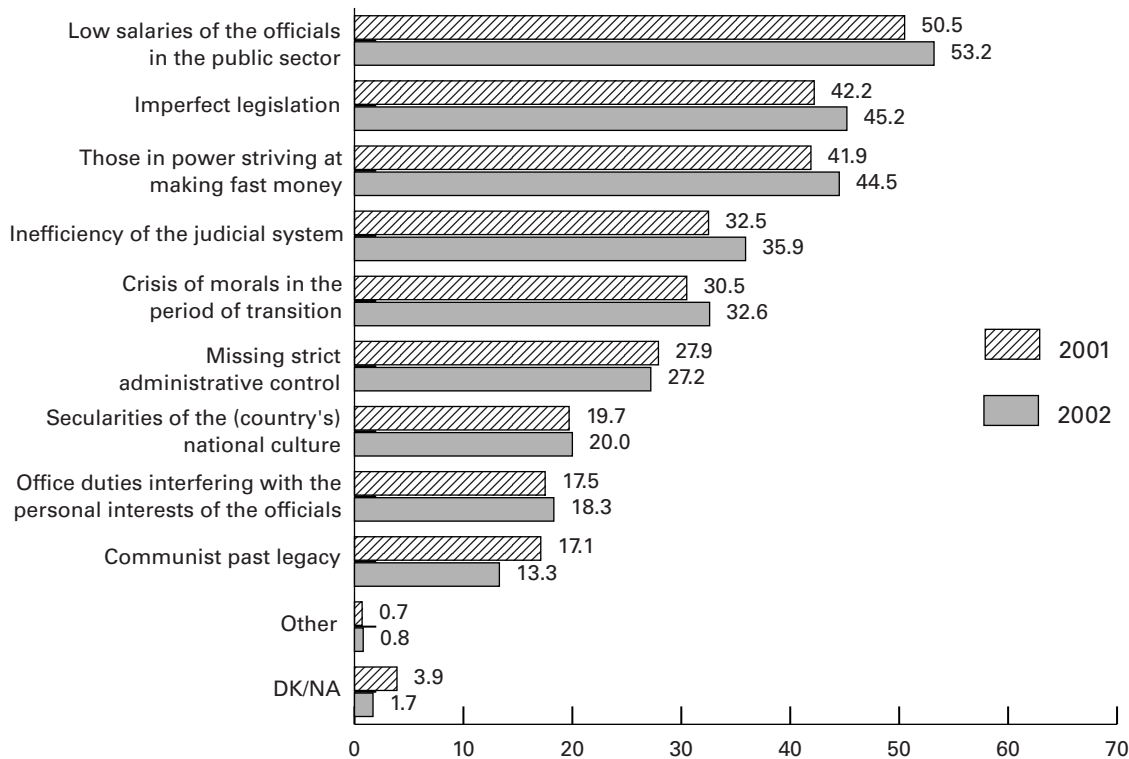
of Transparency International was launched in March 2001 and has been operating since countrywide. It is also a rare instance that a domestic NGO operates across the inter-Entity boundary line with a single central office and it includes individuals from throughout BiH, of all nationalities.

Work undertaken thus far mostly focused on awareness raising, either through reports produced, or a vivid media campaign on a broad range of issues as well as seminars, workshops and lectures given to students, general public or parliamentarians.

Through the TI network a number of model laws was acquired that were passed on to the authorities for consideration. Some of these are being built in the draft legislation, such as the prevention of conflict of interest, public procurement etc.

More recently, as a continuation of the awareness-raising campaign, TI BiH has undertaken a large study of perception of corruption and its results are currently being processed which will mark another major pre-election attempt to place corruption high on the political agenda and influ-

Chart 20: Factors influencing the spread of corruption in BiH



Source: SELDI Corruption Monitoring System.

ence the future executive and legislative power to combat this major social problem.

As a part of the internationally-led effort, involving primarily World Bank, but also EU and others to a lesser extent, a dialogue was launched between the public and the private sector to analyze various administrative barriers business faces when operating in BiH. The initial efforts were undertaken at the local level, but now the Entities in particular and the State to a limited extent are joining, according to the scope of responsibility within their mandate. This effort is at an initial stage. The stimulus for the process is the financial support of the WB, which conditioned some of its business infrastructure programs by a progress in this area.

Where such dialogue was undertaken at the municipal level, certain advances were noted, such as a quicker and less complex access to land, clearer and more transparent and less bureaucratic procedures to register sole

proprietorships in the municipality as well as information on other type of business registration available on the spot (sometimes organized as one-stop-shops) and a less demanding compliance mechanisms management-wise.

The relative success of these initiatives at the local level have now prompted the higher levels of authorities to launch the same initiatives, but this time focusing on more substantial issues, such as taxation, business registration process, customs reform etc.

Once the bulk of humanitarian activities were over, in the immediate war aftermath, certain irregularities were noted in the work of the inter-

national and national NGOs dealing with the refugee crises. Waste disposal was often organized in the form of medical supplies etc. being the most obvious illegal practices in BiH. The accounting standards and the accountability of such NGO was disputable and it may never be known what

Independence of NGOs

A TI BiH public survey showed that only 11.1 percent of respondents think that corruption is widespread in NGO's sector. In answering the question "Who should combat corruption" respondents pointed in the direction of State agencies, the IC as well as the non-political NGO sector, which displays little confidence in the official authorities and a growing one for the non-profit sector.

extent of money laundering etc. was present in BiH during and after the war.

Lately, equipment and books of four NGOs financed from the High Saudi Committee for Refugees were seized in a FBiH police-led operation with a strong presence of International Police Task Force – IPTF and SFOR, following US intelligence reports of money laundering and illegal terrorism-linked activities.⁵⁵ This is more a result of the momentum reached for the global anti-terrorist campaign, than a continuous BiH and international efforts to combat corruption in the country.

Anti-corruption initiatives launched by **Bulgarian NGOs** generally face an essentially ambivalent attitude on the part of the state to the problem of corruption and to anti-corruption efforts. Both government and the National Movement Simeon II parliamentary majority are split between their eagerness to present themselves as the champions of anti-corruption and their understandable uneasiness about “intrusive” civic efforts to assess the seriousness of their own efforts and the effectiveness of transparency programs.

When compared to the previous parliament, however, both the Simeon Saxe Coburg-Gotha government and the 39th National Assembly appear more open to public-private partnership in countering corruption. In this context, a number of areas in the ongoing public-private partnership were intensified and have produced specific outcomes:

- First steps were made towards **successful anti-corruption cooperation between the executive and non-governmental organizations**. Experts from *Coalition 2000* took part in drafting the National Anti-Corruption Strategy. It contains a section devoted to anti-corruption cooperation among state institutions, non-governmental organizations, and the mass media. The document stresses the importance of “building up mechanisms and sound practices of partnership among state institutions, non-governmental organizations, and the private media in spheres such as public control over the activity of the administration; civil rights safeguards; self-regulation through the practical implementation of effective codes of conduct; initiating independent monitoring, and launching anti-corruption public awareness campaigns”. The importance of the activity of anti-corruption initiatives such as *Coalition 2000* and Transparency with-

out Borders is also noted. The improved communication between non-governmental organizations in the sphere of counteracting corruption and key representatives of the executive favors the creation of a sustainable mechanism for consultation and cooperation on a number of governance-related issues of public concern. However, at the present stage **public-private partnership in this area still tends to be of a sporadic nature** and largely depends on the good will of the respective ministers and their teams.

- The principle of **public-private partnership in reforming the Judiciary** is assuming increasing importance. This has reinforced the efforts of the Judiciary to intercept and sanction corrupt practices. One illustration of the possibilities in this respect is the Judiciary Reform Initiative, which joins the efforts of eight non-governmental organizations /see www.csd.bg/jri/.
- Within the frames of the third sector itself there emerged an even more pronounced **emphasis on the preventive function of civil society in addition to the awareness-raising component**, which was the initial focus of anti-corruption efforts. Thus a number of projects of non-governmental organizations are establishing specific mechanisms of private-public partnership aimed at curbing corrupt practices in various sectors of social life.

At a municipal level negotiating public-private partnership mechanisms has produced mixed results. Indeed, there was an even clearer differentiation of the attitudes of the local government representatives who had initially expressed readiness to participate in the *Coalition 2000* Local Government Transparency Program. The pre-election commitments made in this respect proved politically motivated and failed to bring about the creation of permanent mechanisms of public-private partnership or tangible anti-corruption measures within the frames of local government.

The shape and nature of civic participation in counteracting corruption continued to be largely determined by the activities of *Coalition 2000* and its founder NGOs together with representatives of state institutions and independent experts.

The **chief areas of activity** in this respect can be summed up as follows:

⁵⁵ Media articles in February-April 2002: *Dnevni Avaz*, *Glas Srpski* and *Oslobodjenje*, Sarajevo, 2002

- The **civic monitoring of corruption** continued, most notably through the regular publication of the *Coalition 2000* Corruption Indexes. Notwithstanding the absence of dramatic fluctuations in public attitudes and perceptions, the Corruption Indexes are increasingly perceived as important and are a commonly consulted source of information about the spread of corruption.
- Within the frames of the **anti-corruption public awareness campaign** non-governmental organizations and their experts continued to take an active part in fostering the proper public attitudes to help prevent corruption and reinforce the new values of transparency and accountability.
- The **consulting and expertise-sharing activity** of *Coalition 2000* on anti-corruption issues in cooperation with various state and private institutions and companies assumed growing importance. Representatives of foreign state and non-governmental organizations increasingly consult with *Coalition 2000* experts. Regional anti-corruption projects drawing on the experience gained in Bulgaria are also under way. An example is the South-East Europe Legal Development Initiative, which draws on the experience of *Coalition 2000* in corruption monitoring and assessment and enlists non-governmental organizations from a number of states in the region. In other words, ***Coalition 2000* is increasingly perceived as a model of successful mobilization of the efforts of the public and private sectors in the fight against corruption.**
- There was continued cooperation between non-governmental and business organizations in the process of working out joint mechanisms for assessment of the shadow economy and of trafficking, which are damaging both to society as a whole and to legitimate business.
- Efforts were sustained to build up a **consultative mechanism for the assessment and measurement of the gray sector generated by illegal trafficking practices and the related corruption of public officials** by initiative of *Coalition 2000*. These involved *Coalition 2000* experts, experts from private companies with a vested interest in curbing the shadow economy and more specifically, competition through illegal import of goods, and representatives of state institutions (customs, Ministry of Internal Affairs, Ministry of Finances, and others). With the help of comparative studies and a specially developed methodology, various data compilations are being compared, thus measuring the dynamics of the illegally imported goods and the approximate value of the corruption deals taking place during these operations.
- The **anti-corruption education courses**, introduced as experimental lecture series within the curriculum of Sofia University and New Bulgarian University, are gaining a permanent place in the curriculum. A number of other educational establishments have shown interest in this initiative.
- A number of **anti-corruption initiatives on a municipal level**, under the common motto Local Government Transparency, continued to develop by way of trial and error. The introduction of the local ombudsman institution and the alternative position of civic observer in a number of municipalities had mixed results, largely depending on the attitudes of the local government representatives and the local institutions of central power. The following conclusions can be drawn from these efforts:
 - The most ambitious attempt was the joint initiative of the Sofia Municipality and the independent Center for Social Practices, which participates in the activities of *Coalition 2000*, to introduce the **local ombudsman** institution. The actual commencements of its activity, however, was delayed by a complaint filed in court. This came as further evidence of the vulnerability of such initiatives, which are unprotected by proper legal regulations.
 - Definite progress was made in the implementation of other local anti-corruption projects (for instance in **Shumen** and **Varna**), despite the initial doubts, the activity of the **civic observers** in identifying the zones of non-transparency within the municipal administration assumed a more regular character and yielded identifiable results. Attention was drawn to the bureaucratic barriers impeding citizens from monitoring the course of their complaints and reports, as well as the lack of proper coordination between the various branches of local government. These problems lead to unregulated relations between citizens and officials and to increased corruption risk. Specific recommendations aimed at enhancing the accountability of municipal administrations were made.

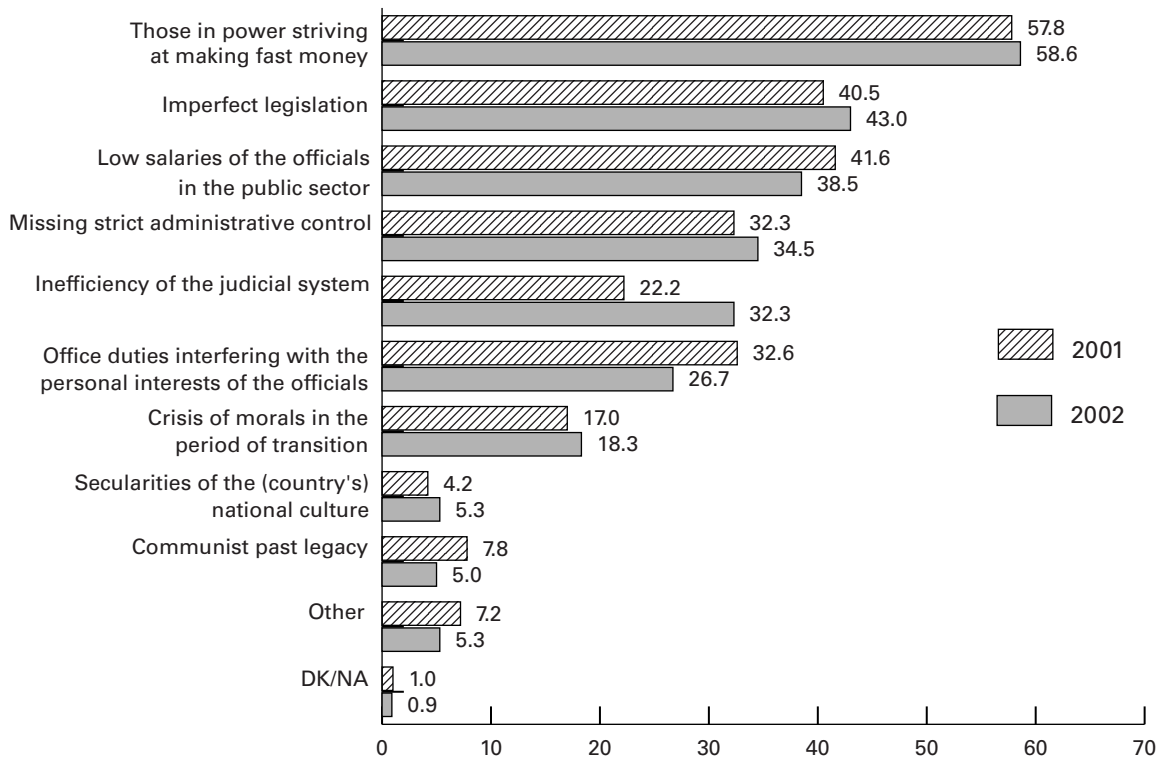
- The attempt to introduce local mediators in **Pleven** proved unsuccessful. The newly elected mayor appeared committed to the goals of the anti-corruption campaign and Pleven was declared a corruption-free city, with the municipal administration allegedly supporting the introduction of the local ombudsman. Subsequently, however, the proper mechanism for interaction between the municipality and the local civil society structures was not established.

The civic observer institution is novel to the Bulgarian practice. Its activity and functions consist of the exercise of civic control and in providing independent expert assistance for the further development of local government reform and for guaranteeing the transparency and accountability of local government institutions. Its advantage is derived from the fact that it does not require additional regulation through legal or other instruments and can make the most of current laws on local self-government and the practices of openness and accountability of the various forums of local government that are already in place.

Coalition 2000 has highlighted the following priorities within the local anti-corruption initiatives:

- Providing assistance to intensify the work of the municipal councils and to make use of the existing legal framework to limit the possibilities for corruption pressure in the municipalities.
- Focusing efforts to institute real control over municipal council decisions on the part of permanent and ad hoc municipal committees.
- Exercising civic control over the activity of municipal council members, including through the extension of regulations allowing for their removal from office in the case of abuse of power.
- Improving the ability of the municipal PR and information services to work effectively.
- Drafting proposals to eliminate ineffective mechanisms in the municipal administration, as well as the duplication of functions, and the blurring of the responsibilities of central, district, and local authorities.
- Supporting the adoption of legislative measures providing clear-cut legal and financial guarantees that ensure equal standing and

Chart 21: Factors influencing the spread of corruption in Bulgaria



Source: SELDI Corruption Monitoring System.

independence of local government in line with the principles of the European Charter on Local Self-Government.

It must also be noted that **non-governmental organizations themselves continue to be liable to corrupt practices.** Little progress has been made in introducing codes of ethics in the third sector, which sustains public criticism of the activity of certain non-governmental organizations that enjoy forms of political protection and privileges.

The most important NGO-led anti-corruption activities in **Croatia** are related to awareness-raising NGOs like TI-Croatia and are active in informing the public about corruption threats, publishing and distributing leaflets, brochures, appearances of the members in the media.

The Croatian Government Office for Cooperation with Non-Governmental Organizations was established in October 1, 1998, with the goal of establishing confidence and promoting cooperation between the Government of the Republic of Croatia and non-governmental organizations operating in the country as two essential prerequisites for modernization and the development of civil society in Croatia. In order to democratize the relations and make its work transparent, the

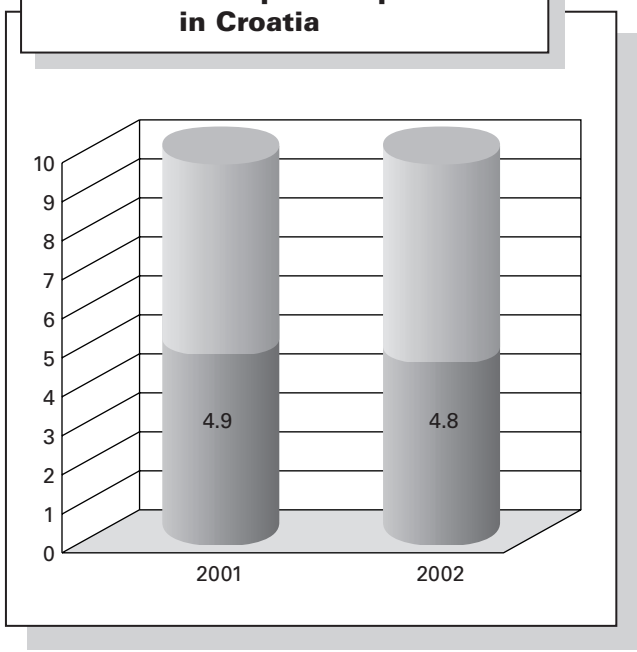
Office has: introduced a model of solicitation for tenders to provide financial support for NGO programs, published the results of the tender and organizes other important activities. One of the goals of the Office is to help any NGO that will deal with the fight against corruption.

In year 2000, Transparency International Office Croatia was founded and one could be proud of the development it has made over this period. TI Croatia is preparing promotional leaflets and materials to explain briefly the notion of corruption, the mission of TI and suggest how every individual can help in its activities. Office experts have drafted law proposals (for example, Conflict of Interest Law), they have established contacts with governing and public bodies, with the international community as well as cooperating with similar NGOs (Association for Democratic Development - news on the road project and a TV show on national television). This all was and still is very important for this organization and for the Republic of Croatia. The continuous positive movement of Croatia on the Corruption Perception Index illustrates this rather well.

There is an NGO Association for the Protection of Victims of Corruption and Loan Sharking (Udruga za zastitu zrtava korupcije i lihvarjenja).

A Regional Conference on Civil Society was organized by SPAI on 17-19 September, 2001 in Cavtat, Croatia. It brought together representatives of local civil society organizations, including media, businesses and trade unions, senior officials of participating countries, donor countries, as well as most of the major international NGOs and bilateral agencies having technical assistance programs related to anti-corruption issues and civil society. The main objective of the conference was to involve local civil society organizations, international NGOs and donors in a constructive dialogue and co-operation and to fully engage them in SPAI activities. The objectives of the conference were: 1) to discuss the involvement of civil society in the fight against corruption in countries; to this end, the US Government is currently holding consultations with local civil society experts in order to prepare an assessment report to be examined at the conference; 2) to address good practices in terms of patterns of interaction between the government and civil society organizations, including trade unions, business associations and media, and to share experience and ideas on formulating anti-corruption measures applicable to SEE countries; 3) to discuss the funding of specific projects for strengthening the involvement of civil society in the fight against corruption.

Chart 22: Corruption expectations in Croatia



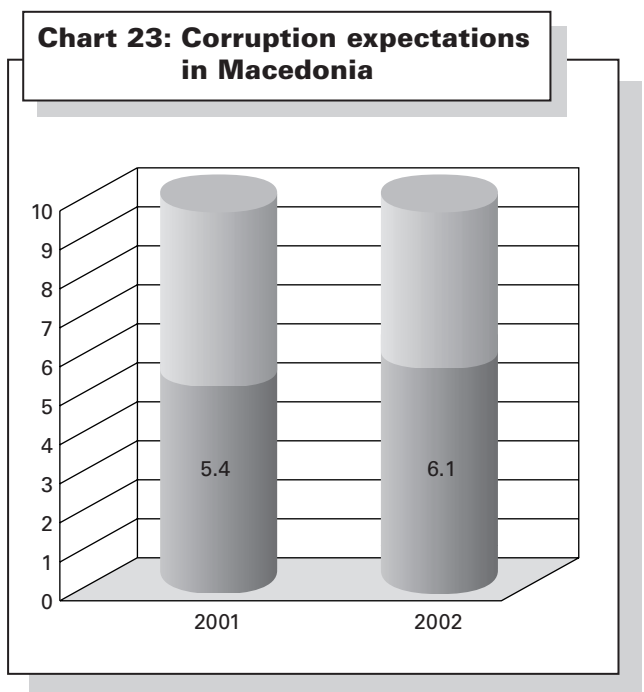
Source: SELDI Corruption Monitoring System. This index registers citizens' assessments of the capacity (potential) of their societies to cope with the problem of corruption. Scores close to 1 correspond to optimism, those close to 10 to highest degree of pessimism and doubts about the potential of the society.

Very important (indirect) impact in fight against corruption was made by NGO GLAS '99 (Vote '99). GLAS '99 was formed when four major NGO coalitions, representing women, youth, ethnic minorities, and the environment, agreed to develop the campaign using democratic processes. Beginning in September 1999, the GLAS coalition coordinated a sophisticated and comprehensive campaign urging Croatians to vote (which would increase voter turnout) and creating the conditions for free and fair parliamentary elections in Croatia.

Anticorruption is one of the issues that the **Macedonian NGO** sector has worked the least on in the last ten years since the independence. The think-tank organizations that work on the reforms of the social and economic system and the achievement of standards of the European Union, from time to time tackle the issue of corruption, but do not treat the corruption phenomenon.

The reasons for the insufficient dealing with the corruption in the Republic of Macedonia by the NGOs (or at least not at the level it deserves) are numerous:

- until recently Macedonia lacked broader and sufficiently mature society consciousness for the need to curb the corruption;
- a small number of developed and profiled NGOs capable of taking on a treatment of as complex phenomenon as the corruption;



Source: SELDI Corruption Monitoring System

- insufficient number of highly professional personnel engaged in the work of the NGOs who could contribute in dealing with the corruption;
- avoiding the corruption issue which should be treated in the projects because of the "distinctiveness" of the topic and the possible reactions by the authorities;
- insufficient co-ordination and co-operation between the NGOs in the country;
- the donors' interest in financing projects is more oriented towards the interethnic relation, the human rights and the democratisation, and during and after the crisis towards projects related to displaced persons, reconstruction and confidence building.
- public opinion was mainly preoccupied with the international and interethnic relations, the economic transformation, the crisis in the region and in the country;
- the big absorption of personnel which could work in the third sector from the side of the foreign organizations.

An exception to the general rule is Forum - Centre for Strategic Research and Documentation within which framework also functions Transparency International - Macedonia. Until now these two NGOs have been the only ones in the Republic of Macedonia, which work on projects, which specific topic of interest is corruption as well the measures for its prevention.

In the last two years they have carried out or are still working on the following projects in the area of corruption:

- 2001 and 2002 public opinion polls within the framework of the Regional Corruption Monitoring System in cooperation with the Center for Study of Democracy from Sofia, Bulgaria;
- The need for the Drafting of the National Anticorruption Strategy in the Republic of Macedonia in cooperation with the OSCE Secretariat - the Office of the Coordinator for Economic Activities and Environment;
- The triangle cooperation among the Government, the international community and the NGOs on enhancing the anti-corruption activities in the Republic of Macedonia in cooperation with the Council of Europe;

One of the fundamental premises for a successful confrontation of corruption is the intensive and open public-private cooperation that in Macedonia is on a lower level than required. The reasons for that basically come down to the attitude of all the governments towards the NGOs that varies between ignoring up to insufficient readiness for cooperation as well as insufficient capacity of the civil sector, which need to impose itself as a partner to the Government.

However, there are grounds for optimism, because in the last few months part of the establishment shows signs of readiness for cooperation with the NGO sector, even on sensitive issues, such as corruption. Hence, the Ministry of Finance of the Republic of Macedonia on its own initiative asked Transparency International - Macedonia to monitor the examination of the authorized public accountants - audits. In doing that the Ministry provided the representatives of Transparency International - Macedonia with open access to monitor the process in each of the phases and with no limitations.

Apart from that there is a possibility Transparency International - Macedonia to monitor the privatization of the biggest public company in the Republic of Macedonia - the Electric Power Company of Macedonia. The Government shows certain readiness for this to happen. Having in mind the assessed value of this company - about 2 billion Euros, the experience from the privatization process in the country as well as the great political investment in the time of the elections, one could expect that the monitoring will be the key exam for the maturity of the civil sector in that kind of cooperation with the establishment.

Even greater reason for optimism is the fact that one may really expect that corruption and its prevention will soon become one of the leading topics of the public debates in Macedonia. The reasons are the lower threshold of tolerance of the citizens towards the illegal activities and the more clearly expressed pressure by the international community in regard to corruption prevention. Hence one could expect greater readiness of the establishment for corruption prevention and greater cooperation with the NGO sector, the media and the scientific circles.

Since only the Government and the Parliament have direct authority in fighting corruption, the NGOs will have to impose themselves as partners and monitors of this process. In order to be able to do that, the NGO sector will need the support from the donors' community. Its support of the projects in the area of anticorruption, especially

of those that would be focused on the preparation of the anti-corruption strategy of the country and the plan for its implementation should be greater and more courageous that it is now.

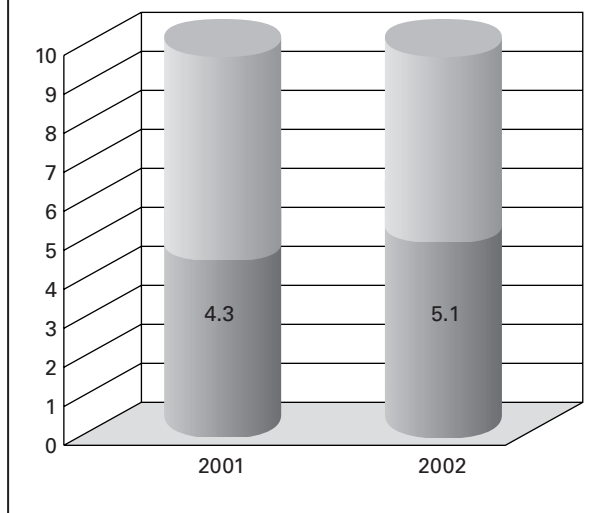
There are more than 2,000 non-governmental organizations in **Serbia**. At the end of the Milosevic regime, there was a real boost of establishing new NGO's. It was a form of gathering most of the anti-Milosevic oriented citizens, which played the major role in overthrowing the regime. Since democratic government came to power cooperation with the NGO sector has been considerably improved, which was not unexpected given that there was substantial cooperation among them while they were in opposition.

Anti-corruption office to the Ministry of Finance and Economy cooperates with the NGOs that are in one way or another, involved in fight against corruption. Their aim is to achieve higher cooperation of anti-corruption activities. There is approximately more than twenty NGOs that visited meetings organized by this department.

Most relevant NGOs that deal with the anti-corruption topics are "OTPOR" movement, Center for Liberal and Democratic Studies, Center for Management, Transparency International, European Movement and Center for Policy Studies, which have, so far, organized tangible anti-corruption activities.

OTPOR organized large anti-corruption campaign last year to increase the awareness on corruption issues. Campaign was followed by various activities on more than eighty locations throughout Serbia. Center for Liberal and Democratic Studies, has published the most complete analysis of corruption in Serbia, and presented both quantitative and qualitative results. (Corruption in Serbia, CLDS, 2001). Center for Management has focused on education and training activities as well as publishing and round table discussions on corruption. Center for Policy Studies is devoted to research and analysis of corruption problems. European Movement published various studies on corruption in specific institutions such as customs, police, health protection system etc. It has been active since 1992. There is no need for special presentation of the Transparency International since it has been a part of almost every anti-corruption activity in Serbia. It operates within the European Movement. TI has published National Integrity System study, which gives a different approach to analyzing corruption since it compared the opinions of independent experts and Government, and faced them on a round table discussion in addition. TI is especially

Chart 24: Corruption expectations in Serbia



Source: SELDI Corruption Monitoring System

interested in development of the public procurement system, and it significantly participated in the improvement of the Public Procurement Law.

7.2. Media

As a general rule, the freedom of information and the freedom of expression are safeguarded under the post-communist constitutional and legal arrangements in the SEE countries. The new media in the Balkan region are more or less independent from the state, but dependent financially on their owners and sponsors. Political pressures on journalists, and more specifically on the media editorial staff still persist. Nevertheless, throughout the past few years private media and above all independent newspapers in a number of Balkan countries have developed a keen interest in exposing corruption scandals, often involving political figures.

Article 22 of the **Albanian** Constitution sanctions the freedom of speech, of the press, of the radio and television, and since 1999, Albania has also modern legislation concerning the freedom of information. In June 1999, the parliament adopted Law No. 8503, "On the Freedom of Information on Official Documents". Article 23 of the Constitution of 1998 has established the citizen's right to freedom of information. That Article provides the following:

- The right to information is guaranteed;

- Every citizen has the right, under the law, to receive information about the activity of state organizations and persons who exercise state functions;
- Every citizen can follow the meetings of collectively elected bodies

The basic principle of the law is that if a public official declines to provide a citizen with the requested information, such official should issue a statement explaining the legal basis for such decision. The law also envisages specific time-frames for refusal of a request for information, the satisfaction of the request, and procedures for the reinstatement of deadlines to be respected.

However, poor implementation has been a problem for the Freedom of Information Act. Several scholars argue that this is because no government agency has been vested with the specific and exclusive task of overseeing the implementation of the law. We believe that Ombudsman can do a lot in terms of raising public awareness as to the existence of the law and enable the people to avail themselves of the guarantees provided therein.

The Albanian press and media in general have made considerable progress during the transition years. Many newspapers, radio broadcasting and TV stations have been established. Although the number of the media entities has increased dramatically, their quality has not. It is important to mention that what is hurting media with respect to denouncing corruption is auto-censorship. Journalists are afraid to make public embarrassing documents because they are afraid that that might displease their publishers (who do not want to have trouble with politicians) who might fire them. The media in Albania are totally dependent upon financing, i.e. upon their owners. What is lacking in the sector is an investigative journalist capacity.

The current state of the media can be described as follows:

- Most of the actors are technically underdeveloped (in reference to the professionalism of journalists and the technology they use);
- The media remains financially dependent upon certain business lobbies;

- Media is a subject of political instrumentalization (which rises the issue of credibility of media)

The following steps are needed to create stronger, more credible and professional media in Albania:

- Establish and enforce a Professional Code of Ethics for Journalists. The ethics of the journalists is lacking, and corrupted people exploit them by encouraging distrust in media. One day, "facts" are fabricated for sensational sales, and the next day, the "facts" are denied in a small corner of the newspaper. For this reason, associations of journalists and their trade unions must collaborate to establish professional ethical rules in their activity.
- Train journalists in investigative journalism, especially on a **regional basis**. In this manner, the investigative journalists can create regional strata that strengthen their own channels of information and cooperation.
- Train journalists with basic economic concepts. Evidence in journals proves the need for journalists who cover the economy in media to learn fundamentals in macro and microeconomics.
- Conduct joint public-private training modules on the Freedom of Information Law. The advantages of training both sectors together cannot be overestimated. The Government Offices of Public Information continue to demonstrate their lack of awareness of the law. Strategically training them alongside the journalists who have tried to exercise the law may bridge some misunderstandings.
- Monitor the media for cases of corruption presented in them. Other members of civil society should work in a partnership fashion to ensure accuracy and to respond accordingly.

The International Community has been very instrumental in the reform of **Bosnia and Herzegovina's** broadcast media structure and regulation. The Office of the High Representative has considerable powers in relation to formulation of legislation, as well as overturning laws. The Independent Media Commission (IMC) was created in June 1998 by the then-High Representative Carlos Westendorp to introduce international standards into a post-conflict environment comprised of a deeply divided society where the broadcast media was traditionally

dominated by the state and its associated factions. At the beginning of March 2001, the IMC was superseded by the Communications Regulatory Authority, which combines the competencies of the IMC and the Telecommunications Regulatory Agency (TRA).

Intimidation and harassment of journalists continue largely unabated in BiH. So too have attacks against them and their premises. Structural shortcomings also contribute to thwart vigorous journalism and the audiovisual sector is by no means exempt from such problems. Broadcasting outlets, for instance, suffer from endemic institutional susceptibility to political interference and various financial pressures. Politicians frequently use their clout to try to interfere with personnel decisions and other related matters, with varying degrees of success. A harsh economic environment has broadcasters struggling for survival.

Financial problems arising from the vagaries of a transitional economy are exacerbated by high levels of taxation and poor job security for those employed in the media sector. As in most former Communist countries, a major concern is the prevalence of self-censorship by journalists and the need to raise professional standards in general. Furthermore, some commentators have advocated judicial reform in order to depoliticize the courts in BiH and to make the judiciary more favorably disposed to freedom of expression issues.

BiH ratified the International Covenant on Civil and Political Rights (ICCPR) in 1993 (by succession). It is about to become a full member of the Council of Europe in May 2002, but it has enjoyed the status of Special Guest to the Parliamentary Assembly of the Council since 1994. It ratified the Framework Convention for the Protection of National Minorities in February 2000 and this Convention entered into force in June 2000.

Paragraph 3(h) of the Constitution of BiH (1995) explicitly mentions freedom of expression as one of the human rights and fundamental freedoms enjoyed by all persons within the territory of BiH. This right is underpinned by a number of other constitutional provisions. Paragraph 7, for instance, states that BiH shall remain or become a party to the international agreements listed in Annex 1 to the Constitution. These Conventions include several with provisions on freedom of expression, such as the ICCPR, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities.

Access to public information – legal provisions and current practices

Freedom of Information Act was adopted by the State and the Entity parliaments in 2001. It allows for a public access to a wide range of information and the journalists have since been receiving training, both in legal terms (as provided by ABA-CEELI) and in practical, investigative research (supported by the BBC School of journalism, USAID's IREX and Open Society Fund).

Nevertheless, much work remains to be done particularly in training the journalists, since there is a clearly visible lack of professionalism and understanding of the media processes. Most journalists had no prior training and are only just starting in this field. This is why the reports often lack in-depth analyses, coverage beyond the official statements and press conferences and other ready-served materials.

Provisions for disclosure of financial standing of officials is also a subject of the election legislation, which was described earlier in the text.

Libel laws and other sanctions used to restrict the independence of journalists

In addition to the lack of professionalism, various other restraints are present in the work of journalists. It has little legal foundation, except for the ownership of the state media, particularly TV and radio, where their influence is still exercised. In case of all other media, they are mostly restricted either by the owners, or financiers or often combined. As journalists themselves often claim, the foreign donor that funds a magazine, does not like seeing any damaging reports on the government of its origin. More often even, they pay for articles, i.e. advertisements for certain parties that are considered to their liking. This is mostly not on a article-by-article basis, but by permanently funding certain publications, periodicals with a particular political current.⁵⁶ There are articles that will never see the light of the press, which are being dismissed much before their publishing.

Trends in corruption coverage in the media; exposure of grand corruption in the media

Rather vague and often counterproductive, due to the lack of clear evidence and in-depth examination. It is not uncommon that the media from another regional neighbor and primarily Croatia and Serbia write about cross-border affairs that

are grand in scale and as a rule involve the BiH politicians. Then certain superficial follow-ups are being composed by the local press.

It is rather unfortunate that media as a useful anti-corruption tool is rather impotent and not adequately staffed, trained and paid and it is from this perspective one should observe lack of decent grand corruption coverage in a country where it clearly exists.

Reprisals against journalists and editors caused by corruption exposure and publications.

Monitoring has proven that old habits die hard. One of the innovations of the work of the OSCE Department of Media Affairs in BiH has been the establishment of a help-line for journalists to report threats against them or threats to media freedoms. The OSCE Free Media Help Line was launched in November 1999 and in the first year of its operation, it registered a total of 138 cases. Forty of these cases were from RS and 98 from the FBiH. The category of people from which most of these threats or perceived threats originated was government/public officials (35.5 per cent). Anonymous threats constituted 20.3 per cent of the reported cases.⁵⁷

Measures to curb corruption in the Media/Codes of conduct for journalists

Codes of conduct for journalists have not yet been introduced and at present there are no efforts to provide for these in practice.

With the political changes resulting from June 2001 parliamentary elections, the **Bulgarian media** face a new situation:

- There has been a **rise in public and political interest in the exposure of political corruption among the representatives of the former government of the country**. In this new context the media have largely concentrated their efforts on carrying out into public information.
- The media are making a major contribution in **interpreting the specific disclosures incriminating high-ranking government officials**. In this respect the leading journalists are giving credibility to deep-seated public concerns and moods by publicly showcasing issues of corruption, and therefore allowing

⁵⁶ Interviews of TI BiH with BiH journalists conducted in July-August 2001

⁵⁷ Web site: (<http://www.seenapb.org/legislation/default.htm>)

knowledge of past abuse to rise to the level of mass consciousness.

- At the same time, **investigative reporting still confronts serious financial, political, and legal obstacles in the pursuit of its mission.** Reason for hope is found in the efforts of the 39th National Assembly to adopt a new Law on the Access to Public Information, which is to allow greater transparency of state institutions and to therefore facilitate the work of reporters.

The considerable rise in media interest in corruption-related issues had the following characteristics:

- The subject of **“political corruption” was at the center of public interest.** What is more, the publications dealing with this phenomenon revealed specific situations and referred to familiar public figures. Dozens of publications in the national press referred to the initiated investigations, initiated against former ministers and MPs under charges of various forms of abuse of office and discretionary power. Interest in corruption-related issues is sustained by the new government’s resolve to shed full light on the acts of the former ruling majority, including through the publication of a White Book on instances of abuse in the respective state agencies and institutions.
- Recent developments following from media disclosures have occurred over the past few years concerning corrupt government officials. Preliminary court proceedings were initiated following several journalistic investigations, cases which have **boosted public appreciation of the journalistic contribution to the efforts to counteract corruption.** The first half of 2002 was marked by an increasing number of **publications/broadcasts focusing public criticism on the “soft” forms of corruption: trade in influence, conflict of interests, and other forms of abuse of public office.** Clientelism has become a key term, especially in the period since June-July 2001. The frequency of its recurrence is about four times higher compared to the same period of the previous year. Kinship terms (“cousins”) are also highly recurrent in the press publications with reference to the same phenomenon.

Specific schemes of legal, but unethical, privileging of those in power have been exposed:

- The system of selling state-owned apartments to high-ranking government officials at prices far lower than current market ones, which has been inherited from the communist past.
- The practice of including high-ranking government officials in numerous boards of enterprises in which the state has a stake.
- Improper lavishness and excessive official expense accounts of public officials.

A new “balance of power” between the government and the media has appeared, which has the following dimensions:

- The media did not abide by the rule demanding three-months of tolerance and started criticizing certain pro-corruption actions of representatives of the new ruling majority from the very first days of its formation. Thus there was not any initial tabooing of critical publications and programs, as had been the practice upon each previous power shift during Bulgaria’s transition.
- The **public debate, which took place in, and through, the independent media, was ideologically unencumbered and largely perceived as an expression of civic rather than political, interest.**
- The anti-corruption subject is increasingly considered in the context of the debate on the **need for a new political and governmental culture and further administrative reform** aimed at overcoming the etatist model.
- This context favored **a more active role of the civic organizations specializing in the safeguard of the freedom of journalism** and they declared their resolve not to allow the reemergence of clientelism in government/media relations. Once more the emphasis fell on the prevention of political abuse rather than free speech and the public interest.
- The above considerations, however, do not rule out the risk of renewed restriction of the access to public information coupled with censoring in the public electronic media, as the

new government consolidates its position in power and takes over the levers of information control. The reticence and/or inability of certain representatives of the new majority to communicate with the media demonstrated so far sustains **concerns about a possible establishment of a new status quo in government/mass media relations which may not be conducive to transparency and accountability.**

It can be noted in conclusion that the tendency towards intensifying anti-corruption pressure by the media over the public sphere for greater transparency and integrity will in all likelihood remain as a permanent characteristic of journalistic behavior in the coming months and years. This trend is positive because it will lead to greater accountability for those in power.

Among many other existent weak points in **Croatia** is the lack of a Freedom Of Information Act, which urgently needs passing. The drafting of a law on Freedom of Information, foreseen in the Transparency Croatia action plan, has been completed and a series of seminars are being organized by TI-Croatia on corruption and the role of the media to raise public awareness and strengthen media involvement in the fight against corruption.

The multiparty system, democracy and the fall of former socialist political regimes have brought a kind of liberalization for most print and electronic media. On the one hand, numerous lively, independent, private print media started to increase circulations, capturing the market; at the same time, the highly influential electronic media are still in the hands of the ruling parties or coalitions in almost all transition countries, and the term "public radio and TV stations" is used instead of the term "state run radio and TV". In their competition for readers, strengthened by the survival instinct, the editors of weeklies and/or some dailies have resorted to certain always-timely journalistic practices in presenting reality. Such practices are far from the professional standards of decent journalism and ethical norms and codes, careless of the protection of human dignity, far from facts – and, finally, close to untruth. The use of long headlines (for example, even more than 29 words), "fast investigative journalism" with numerous unchecked facts, stories that have nothing in common with the headlines, all these are a product of new democracy that followed the fall of communism. The media scene split into two parts: one part in which most media

were completely under government control and thus supportive of the ruling party, and the second part that featured a few media in opposition to the HDZ (in power in the previous Government). The first group of media comprised almost all the national dailies, Croatian Radio and Television and some weeklies; the other group of independent media were represented by the weekly *Feral Tribune*, the monthly *Arkzin* and the daily *Novi list*. In between these two main groups were the strong independent weeklies *Globus* and *Nacional*. The owners and editors of these weeklies started a new trend in Croatian journalism – sensationalism, exclusive news, and the so-called "fast investigative journalism". *Globus* and *Nacional* both became very popular because they both published sensational news from political life and uncovered numerous cases of corruption. These two privately owned magazines have been publishing stories based mostly on "sources close to government" or "sources that wanted to stay anonymous" or gossip. Their circulations are still pretty high, somewhere between 70,000 and 90,000 copies each. Under present conditions – the battle for circulation, an unshaped public opinion, and the lack of a civil society – it is impossible to expect real investigations. It is better, then, to use the terms *fast investigative journalism* and sensationalism.

Readers mostly believe the mass media and the many articles about corruption, but the effects of these investigations have been almost negligible. Nothing serious in Croatia ever happened after any sensational story on corruption in the former Croatian government, none of the highly positioned politicians has been under any real pressure of public reaction, after the published story, to leave his or her post or well paid state job. Very often anonymity of sources and some evidently unchecked facts ruined the entire effect. In short, there has been a shortage of quality journalism. But, it is also true that numerous facts have been publicly revealed to the people about the dirty jobs and corruption in the Croatian state during the Tadjman period. At the elections on 3 January 2000, the former party lost its political power. The media surely helped in this historical change. Probably due to the rigid Tadjman political system in the last ten years, the journalists of the independent newspapers practiced a journalism similar to that of their colleagues in the controlled press. These authors believe that the Croatian journalists who worked for independent weeklies offered one-sided stories and looked for a chance to attack the ruling party by investigating their misdeals, scandals and failed decisions. Linger-

ing state pressure even on the privately owned media is still a serious problem. Journalists who criticized the regime of former President Tudjman found themselves faced with surprise tax inspections, shut out of the national distribution monopoly, or cut off from the national airwaves (World Bank, 2000). The media situation in Croatia has changed a little after the change of government after the election of 3 January 2000. Still, Croatia is faced with similar approach to fast investigative journalism, but instead of the numerous state media from the Tudjman era, now there is only the most powerful state medium - Croatian Television. At the moment, Croatian Television is passing through the painful and slow process of transformation into a genuinely public television. Croatian Television has a monopoly among the electronic media: there is no single other strong television able to compete with it. Most of journals and public televisions have accepted the ethical norms in written form.

The media in **Macedonia** is characterized by a significant legal freedom in its operating, relatively big number of media in regard to the size of the population, small and linguistically divided market. As a result most of them are faced with problems in the area of profitable operating and some of them hardly manage to survive. Some of them depend on additional financing by the political parties and the business community.

The right to freedom of speech and expression are guaranteed in Article 16 of the Constitution of the Republic of Macedonia, which among others in the area of information unambiguously guarantees freedom of speech, public address, public informing and free establishment of institutions for public informing. Having in mind that there is no law on media or any other law that could be limited to that right, the media in the Republic of Macedonia enjoy relatively great degree of freedom of speech and expression. In 2001 the government drafted a law on media that was assessed as restrictive and as a result incited harsh reactions among the media and the intellectual circles after which it was withdrawn and until today there has not been another attempt for legal regulation of this area.

The freedom of information is significantly limited with the lack of access to information that creates conditions for non-transparent operating of the state and public services. Regardless of the constitutional guarantees for free access to information and the freedom to receive and pass information, this right cannot be easily achieved

since it is not regulated by law. The openness of the state institutions often depends on the will of the leading persons of the state institutions, their personal qualities and democratic orientation. Generally viewed the institutions in the Republic of Macedonia are not open enough for cooperation with the media. There are always favored media and the selection depends on the closeness to the ruling parties.

The Constitution forbids censorship, but this does not prevent the attempts to influence the media that are not inclined towards the authorities. In the ten years of independence there were cases of financial control in the media or pressures on their owners by creating problems for their other businesses. A special kind of gaining inclination by the media is the allocation of financial means to assist the independence of the printed media, which is carried out by a commission appointed by the Government of the Republic of Macedonia. The funds are allocated once a year with no strict criteria and it regularly incites disapproval among the media, which did not get any or enough financial assistance. Some of the unsatisfied media consider this allocation of funds as kind of reward for the media close to the authorities or "soft" pressure.

Corruption, especially the so-called "grand corruption" occupies significant space in the media, especially related to the corruption affairs that involve the higher circles of the establishment. Because of the race for a greater auditorium, in greater number of media the sensational articles dominate, which lack analytical approach, supported by facts and documents. That trend is due to the insufficient access to information, based on indirect sources of information, as well as on lack of experience and tradition in research journalism. The reason for that is the editing policy of some of the media, which because of the dependency on a direct or indirect (through ads) support are influenced by political and business circles.

That orientation means insufficient principality in the treatment of the corruption activity - some media keep quiet about the activities of the political option to which they are close or they harshly criticize similar activities when the other political party was in power. Of special concern are the "ordered" articles - writing about corruption topics for the needs of the political and the business circles that makes space for the development of one of the most negative things in the media - "racket journalism". There are media that base their editing policy on the "market logic" - com-

promising articles on those persons and companies that are ready to pay and vice versa.

One of the tickling topics in the journalists' circles is the influence on the journalists and the media. The low salaries of most of the journalists, the uncertain future of some of the media on one hand and the power and the finances of the politics and business on the other create an opportunity for corruption in the media circles. Until now apart from the unconfirmed speculations of small number of media, there are no specific information or affairs on corruption of the editors or journalists.

What could improve the situation in the media regarding all these - a well organized professional association, that would process and take care of the compliance with the journalists' codex, is not on the required level. The journalists' community lacks unity and consensus on many important issues and in such a situation the corruption in the media is not on the highest level of priorities of the journalists associations.

The main shortcoming in the treatment of corruption conduct of the media is the one-sided treatment of this phenomenon - they report only about corruption and not the anticorruption, i.e. the ways it could be prevented. In reality the media lack journalists that are able to write about corruption. Neither the Government, nor the civil sector has organized until now education of the journalists for better coverage of corruption that would help go beyond the current superficial treatment by the media.

Such coverage of corruption - without sufficient facts and expert knowledge - does not create a feeling of familiarity of the establishment for de-conspiracy of the corruption activities. The public debate still does not have the crucial influence on starting political or criminal responsibility. These are the main reasons because of which there has been no registered cases of undertaking measures against the journalists or the editors because of their coverage of corruption.

The media together with the NGOs will play a key role in preventing corruption in the Republic of Macedonia. Hence the media will have to redirect their editing policy more towards the essential analytical and expert treatment of corruption, by offering specific solutions on its prevention and pressuring their implementation.

The Constitution of **Serbia** guarantees the freedom of speech and press (Art. 46). However, before October 2000 a severe Government

oppression of media was obvious. There is no official data about media in Serbia. Only valid source of information is the Guide through the Yugoslavian Media, which has been done by the Public Agency for Media Research and PR. According to them, Yugoslavia has 1,371 media, but unofficially Serbia has 1,200 electronic media.

One of the pre-election promises was: guaranteed media independence, and development of new legal frame for media operations. This includes development of Public information and Broadcasting Law. Drafting of new Public information Act and Broadcasting Law was transferred to the non-government sector.

Broadcasting Act is in the final phase of preparation. Discussions about this law are finalized and it is expected that it will be discussed in the Parliament. Law draft supposes the establishment of the Serbian Broadcasting Council (SBC), which will monitor the freedom of the media. "In legal terms, the SBC shall be a separate entity, functionally independent from any state body whatsoever, as well as of any organization or person involved with production and broadcasting of radio and television programs and/or related activities". General competences of the SBC described in Art. 7. are:

- Observe that the provisions of this Act are respected;
- Plan a strategy for broadcasting enhancement in the Republic of Serbia;
- Grant broadcasting concessions;
- Pass by-laws and other general rules binding on the broadcasters, and aimed at defining and implementing the broadcasting policy in the Republic of Serbia;
- Monitor operations by broadcasters in the Republic of Serbia;
- Appoint members of managing boards of the public broadcasting service institutions in the Republic of Serbia and its autonomous provinces;
- Decide on complaints submitted by common and legal persons, and broadcasters' objections related to broadcasting operations;
- Provide its opinions to competent state bodies concerning the FRY's joining international broadcasting conventions;

- Pronounce sanctions on broadcasters pursuant to this Act;
- Carry out other duties it has been assigned under this Act;

As far as Public Information Act is concerned, the draft is ready. Public discussion about this draft is ongoing. Independent union of journalists participates in the development of this Act. It is expected that this Act will be adopted in a period of two months. This Act regulates rights of citizens to public information as a part of the freedom of expressing opinions, as well as rights and obligations of journalists.

Serbian Government through its project "Open Government" posts all documents on its web site www.srbija.sr.gov.yu (except for secret ones), in attempt to increase the transparency of its work.

There is almost no investigative journalism present in Serbia. Most of corruption articles that are published are connected to the activities of the previous regime. The reasons are insufficient funds and deficiency in training. Alongside with the Serbian Government and Secretariat for Information, an SOS line has been created for journalists receiving threats.