

## **CORRUPTION-A CONTINUOUS THREAT TO DEMOCRACY IN WESTERN BALKANS EU CANDIDATES**

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### **Abstract**

This article presents an overview of the progress in implementing anti-corruption framework in four candidate countries in Western Balkan: Albania, Macedonia, Montenegro and Serbia. The objectives of this paper are to determine what are the main obstacles in implementing these reforms.

Despite having made positive steps towards EU accession, these four candidate countries are still plagued by pervasive corruption and captured political systems.

As the future of the EU becomes increasingly uncertain, Balkan leaders are more inclined than ever to push the limits of their authority while still vying for EU acceptance. If the downward trajectory of the past six years continues, this generation of Western Balkans rulers could potentially reverse the region's democratic progress. As Western Balkan leaders take advantage of EU instability to increase their authority, they will continue to weaken democracy while continuing to seek EU membership.

As a result, the region holds a very poor track record for prosecuting corruption, especially among high-level public officials. Even when such cases are investigated, they generally suffer long delays and often end in acquittals or result in light and inconsistent sentences.

**Key words:** corruption, democracy, Western Balkans EU candidates, whistleblowing.

## 1. Introduction

At the 2003 Thessaloniki summit, the European Council declared that the future of the Balkans is within the European Union. However, apart from Croatia that entered the EU in 2013, thirteen years after the Thessaloniki summit, Albania, Macedonia, Montenegro, and Serbia remain excluded with no foreseeable accession date in sight. The political messages coming from Brussels, which have largely been influenced by the perceived enlargement fatigue from inside the Union itself and the growing impact of Member States on the accession process, point to the conclusion that European integration of the Western Balkans is being slowed down rather than accelerated.

In the latest edition of the *Nations in Transit* report presents a record of backsliding and stagnation in all key governance indicators across all the countries of the region (Nations in transit, 2015). While liberal democratic Western Balkan governments seem to identify with the EU, they often remain overshadowed by the high number of domestic formal and informal 'gate keeper' elites that continue to control the state in an effort to preserve their private economic interests and their grip on political power (Kmezic, 2014).

In the Western Balkans the responsibility for investigating and prosecuting corruption is spread out among numerous judicial, law enforcement and anti-corruption bodies. The fragmentation of punitive functions across institutions is not problematic per se, as long as these institutions can operate free from undue political interference and are able to cooperate and coordinate activities effectively. Unfortunately, experience in the region demonstrates that this is not the case, making these bodies more susceptible to manipulation and less able to perform their functions. Key problems include institutional overlap in fighting and preventing corruption (Kosovo, Serbia, Turkey), limited cooperation between the prosecution and police (Kosovo, Macedonia, Montenegro, Serbia) and regular infighting between key judicial and law enforcement actors (Albania, BiH). The region also suffers from widespread political interference in appointments, transfers and removals of judges, prosecutors and police, as well as unwarranted interference in the day to-day operation and decision-making processes of anti-corruption and judicial bodies.

As a result, the region holds a very poor track record for prosecuting corruption, especially among high-level public officials. Even when such cases are

investigated, they generally suffer long delays and often end in acquittals or result in light and inconsistent sentences (Albania, BiH, Montenegro, Serbia). Indictments are often poorly written and inadequately investigated, while complex corruption cases are poorly understood by prosecutors and judges (Albania, Kosovo) (McDevitt, 2016).

## 2. DEFINITION OF CORRUPTION

The origin of 'corruption' comes from the Latin terms *corruptus*, or *corrumpere* which mean spoiled or break into pieces, accordingly. Corruption occurs at all levels of society and at all forms – public, private, locally, nationally and internationally. In an age of globalisation, transactions often transcend national boundaries, which increase the opportunities for corruption. Nonetheless, an international definition of 'corruption' does not exist, as this would raise legal and political complications. Consequently, different interpretations of 'corruption' are given by multiple jurisdictions according to their own cultural conceptions.

OECD explains corruption as "the abuse of a public or private office for personal gain. The active or passive misuse of the powers of Public officials (appointed or elected) for private financial or other benefits" (OECD Glossaries, 2008).

The World Bank defines corruption as "the abuse of public office for private gain" (Bhargava, 2006).

Transparency International (TI) defines it as the "misuse of entrusted power for private gain. It hurts everyone who depends on the integrity of people in a position of authority" (Transparency International).

The genealogy of the definition of corruption in the European Union, as Patricia Szarek Mason demonstrated in her book is more complicated (Szarek-Mason, 2010). In 1995, the European Parliament defined corruption as "the behaviour of persons with public or private responsibilities who fail to fulfil their duties because a financial or other advantage has been granted or directly or indirectly offered to them in return for actions or omissions in the course of their duties" (European Parliament, 1995). After, in 1997, the definition was changed to "Any abuse of power or impropriety in the decision making process brought about by some undue inducement or benefit" (Commission of the European Communities, 1997). In 2003, the European Union returned to the most

simple definition: 'abuse of power for private gain' and including thereby both the entire public and private sector" (Commission of the European Communities, 2003).

*Definition in Criminal Law*

The OECD, the Council of Europe and the UN Conventions do not define "corruption". Instead they establish the offences for a range of corrupt behaviour. Hence, the OECD Convention establishes the offence of bribery of foreign public officials, (OECD, 2007) while the Council of Europe Convention establishes offences such as trading in influence, and bribing domestic and foreign public officials. In addition to these types of conduct, the mandatory provisions of the UN Convention also include embezzlement, misappropriation or other diversion of property by a public official and obstruction of justice. The conventions therefore define international standards on the criminalisation of corruption by prescribing specific offences, rather than through a generic definition or offence of corruption.

*Definition for Policy Purposes*

On the other hand, international definitions of corruption for policy purposes are much more common. One frequently-used definition that covers a broad range of corrupt activities is the "abuse of public or private office for personal gain". This definition can be a useful reference for policy development and awareness-raising, as well as for elaborating anti-corruption strategies, action plans and corruption prevention measures. Apart from this general definition, there are as many different definitions of corruption as there are manifestations of the problem itself. These definitions vary according to cultural, legal or other factors. Even within these definitions, there is no consensus about what specific acts should be included or excluded.

For the further specification and definition of the term corruption is the paper are presented three behavior-focused definitions developed by Heidenheimer (2009) and that are standard in the current corruption and political science literature: market-centered, public-interestcentered and public-office-centered definitions. Although, they are not completely clear-cut, they are intended to provide orientation in the field of corruption and allow researchers to identify its patterns from a comparative point of view (e.g. Johnston, 2001).

*Market-Centered Definitions*

From an economic perspective, market-centered definitions (or functionalistic definitions) focus on markets and view corruption as a non-legal instrument used by individuals or collective actors to influence politics and administration. Following a rational-choice logic, corruptive civil servants understand their positions to obtain maximum profits (Klitgaard, 1988).

*Public-Interested-Centered Definitions*

In contrast to market-centered definitions, public-interest-centered definitions address both the nature of corruption and its consequences and allow, thus, for broader interpretations (Johnston, 2001). They emphasize the moral aspect of corruption and take into account the harm done to the public by corruption. As a result, corruption is seen as an erosion of public interest.

*Public-Office-Centered Definitions*

Public-office-centered definitions are based on the bureaucratic ideal types of modern administration of and implies to its concept of public office. They describe corruption in terms of deviations from the norms to which professional office holders are usually bound. Here the standards defining abuse are the law or regulations that have the force of law. Proponents of these definitions suggest that laws in most countries are more precise and stable than public opinion or conceptions of public interest (Johnston, 2005).

### **3. EU anti-corruption framework**

For a long time the European Union did not effectively combat corruption, as there was no legal ground and no rules to enforce. This changed with the launch of the set of anti-corruption criteria, entitled 'The ten principles for improving the fight against corruption in acceding, candidate and other third countries' which the Commission presented to the candidate countries in 2003. Moreover the European Commission developed a so-called anticorruption package, which came into place in July 2006 and which consists of: (European Commission, 2011):

- A Communication on fighting corruption in the EU, which presents the objectives of the EU Anti-Corruption Report and the practical aspects of its functioning. The Communication also explains how the EU should place greater emphasis on corruption in all relevant internal and external policies;

- A Commission Decision establishing this EU anti-corruption reporting mechanism;

- A Report on the implementation of Council Framework Decision 2003/568/JHA on combating corruption in the private sector;

- A Report on the modalities of EU participation in the Council of Europe Group of States against Corruption (GRECO).

The last point of the anti-corruption package is an important one: "Report on the modalities of EU participation in the Council of Europe Group of States against Corruption (GRECO)". The Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States' compliance with the organization's anti-corruption standards. Currently GRECO comprises 49 member states (48 European states and the US). "GRECO's objective is to improve the capacity of its members to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a dynamic process of mutual evaluation and peer pressure. It helps to identify deficiencies in national anti-corruption policies prompting the necessary legislative institutional and practical reforms" (Council of Europe). Besides the fact that the candidate countries have to comply with all documents in the anticorruption package, each candidate country has its own specially formalized requirements which it has to comply with. These requirements differ per country, because already existing legislation in place may differ from country to country. These requirements are stated and analyzed in the respective Progress Reports of every country. This is how the current EU framework for fighting corruption looks like.

Table 1: Summary of the Participation of Istanbul Action Plan Countries in Anti-corruption Conventions (as of February 2007) /Other Members of the Anti-Corruption Network

	OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions	Council of Europe Criminal Law Convention on Corruption	United Nations Convention Against Corruption	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime	United Nations Convention on Transnational Organized Crime
Albania		Ratified 19 Jul. 2001. Entered into force 1 July 2002	Signed 18 Dec. 2003. Ratified 25 May 2006	Ratified 31 Oct. 2001. Entered into force 1 Feb. 2002.	Signed 12 Dec. 2000. Ratified 21 Aug. 2002.
Macedonia		Ratified 28 Jul. 1999. Entered into force 1 Jul. 2002	Signed 18 Aug. 2005	Ratified 19 May 2000. Entered into force 1 Sep. 2000	Signed 12 Dec. 2000. Ratified 12 Jan. 2005
Montenegro* As Serbia and Montenegro		Ratified 18 Dec. 2002*. Entered into force 6 Jun. 2006.	Signed 11 Dec. 2003. Ratified 20 Dec. 2005*	Ratified 9 Oct. 2003*. Entered into force 6 Jun. 2006.	Signed 12 Dec. 2000. Ratified 6 Sep. 2001*.
Serbia		Ratified 18 Dec. 2002*. Entered into force 1 Apr. 2003.	Signed 11 Dec. 2003. Ratified 20 Dec. 2005*.	Ratified 9 Oct. 2003*. Entered into force 1 Feb. 2004.	Signed 12 Dec. 2000. Ratified 6 Sep. 2001*.

### 3.1. Whistleblowing as effective way to curb corruption

Albania, Macedonia, Montenegro, and Serbia have all made superficial efforts to fight corruption and decrease authoritarianism. In reality, these facades merely improve their leaders' international reputations without helping the lives of everyday citizens. Under present circumstances, these countries must explore alternative ways to meet EU accession criteria. One of the most effective ways to curb corruption and weaken authoritarian regimes is by encouraging whistleblowing. In situations where bribery and corruption are prevalent in private and public sectors, individuals must feel safe to report offenses they may witness.

Successful whistleblowing often requires two main conditions:

1. effective safeguarding legislation and
2. widespread public education (Transparency International).

As Agnes Batory explains, "whistleblower protection can also be considered as a way of influencing the cost-benefit calculus of individuals (whether public officials or ordinary citizens), to report corruption-related crimes[...] Rather than imposing a duty to report and punishing offenders, it tries to remove, or at least ameliorate, the negative consequences that would otherwise likely follow the decision to speak out" (Batory, 2012). For many potential whistleblowers, the choice to report corruption is not just one of morals or conviction. Whistleblowers often risk their careers, reputations, and even lives in order to expose wrongdoings, and it is up to legislators to make sure these individuals are protected.

For EU candidate countries, enacting whistleblower protection laws is a tangible step towards decreasing corruption, thus helping those countries meet EU accession criteria. Chapter 23 of the EU Acquis states, "Member States must fight corruption effectively, as it represents a threat to the stability of democratic institutions and the rule of law. A solid legal framework and reliable institutions are required to underpin a coherent policy of prevention and deterrence of corruption" (European Union Conditions for Membership). The EU recognizes whistleblower protection as a key element of this deterrence. In their yearly assessments of candidate countries, EU officials take note of whether or not the country has passed whistleblower protection laws. Because of this, all four Western Balkan candidates have attempted to improve their whistleblower protection legislation, but these laws alone have yet to



create any meaningful culture change. In situations where whistleblower legislation has been passed, but not enforced, corruption can easily go unchecked.

Table 2: Functions of the primary anti-corruption bodies in the Western Balkans

Function	Policy Coordination	Prevention	Education	Political Finance Oversight	Investigation	Prosecution
Albania: High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI)	No	Yes	Partially	No	No	No
Macedonia: State Commission for the Prevention of Corruption (SCPC)	Yes	Yes	Yes	No	Partially	No
Montenegro: Agency for Prevention of Corruption	Yes	Yes	Yes	Yes	No	No
Serbia: Anti-Corruption Agency	Yes	Yes	Yes	Yes	Partially	No

In the European Commission's 2016 reports on all four Western Balkan candidate countries, they acknowledge progress in the realm of whistleblower

protection. Albania, Macedonia, Montenegro, and Serbia have all passed rudimentary whistleblower protection laws in the last two years. Serbia adopted a Whistleblower Protection Act in November 2014, Macedonia in November 2015, Montenegro in December 2015, and Albania in June 2016. Despite these advancements, the EU is still not happy with the region's progress in decreasing corruption. In Albania, it was noted that "corruption remains prevalent in many areas and continues to be a serious problem" (European Commission, 2016). The Commission is not yet satisfied with Macedonia's legislation, concluding that "substantial legal, institutional, and practical preparations are still needed for effective implementation of the law" (European Commission, Macedonia Report, 2016). In Serbia, they saw "limited results from the implementation of adopted legislation", (European Commission, Serbia Report, 2016) and in Montenegro, not only did the Commission report evidence of corruption, but they uncovered one case in which the Anti-Corruption Agency was criticized publicly for their reactive and contentious interpretation of the law (European Commission, 2016). As these reports illustrate, merely passing whistleblower protection laws is not sufficient. Although the EU reports did not explain whether this shortcoming is specifically the result of a law enforcement failure or lack of public education, it is presumably a combination of the two. Some individuals may argue that laws like this simply need time to create change, but positive change is unlikely to happen on its own considering the political situation in the Western Balkans. Just like the leaders of these countries, the current whistleblower laws may appease EU stakeholders, but they are not doing enough to benefit the lives of citizens domestically.

Given these four countries' current regimes, it is unlikely that their governments will do much to ensure that whistleblower protection laws are effectively enforced. If the EU wants to prioritize candidate countries' progress, then the European Commission should ensure that whistleblowers in the Balkans are adequately protected. Unfortunately, this may be a difficult feat, seeing as whistleblower protection is rarely enforced even within EU member states. There are no consistent whistleblower protection laws across member states, and many countries regulate whistleblowing simply through labor, commercial, or criminal law (Eisanen, Kaisa, 2016). This strategy may make sense for individual countries, but it creates confusion when examined holistically. Additionally, EU institutions themselves lack necessary whistleblowing regulations. The European Parliament adopted their first internal whistleblower protection rules in January 2016, but these laws fail to protect MEP assistants-

individuals who would be best positioned to expose wrongdoings within the European Parliament (Hanot and Associates, 2016). If EU institutions expect candidate countries to protect whistleblowers, they should hold their members to the same standards.

As Western Balkan leaders take advantage of EU instability to increase their authority, they will continue to weaken democracy while continuing to seek EU membership. Whistleblower protection laws are a key way to expose corruption in these regimes, but only if they are actually enforced. In order to ensure optimum EU expansion, EU authorities must hold member states and candidates alike to the highest standards of whistleblower protection.

Albania, Macedonia, Montenegro, and Serbia are facing critical junctures in their political development. These four Western Balkan nations, all current EU candidates, have made efforts to adopt whistleblower protection laws, an important step towards curbing corruption in the region. However, these regulations are rarely enforced and have had little impact. If the EU is committed to keeping Balkan authoritarianism in check, it must ensure that candidate countries adequately implement these laws and make efforts to encourage whistleblowing.

Table 3: Anti-Corruption Institutional Framework

	Corruption Perception Index by <u>Transparency International</u> :	Government Effectiveness (from -2,5 to +2,5), <u>World Governance Indicators by World Bank</u> :	Control of Corruption (from -2,5 to +2,5), <u>World Governance Indicators by World Bank</u> :	Index of Economic Freedom by <u>Heritage Foundation</u> :	Corruption (1=best, 7=worst), <u>Nations in Transit by Freedom House</u> :	Democracy Score (1=best, 7=worst), <u>Nations in Transit by Freedom House</u> :
Albania	36/100 (2015)	0,03 (2015)	-0,44 (2015)	65.9/100 (2016)	5.25 (2016)	4.14 (2016)
Macedonia	42/100 (2015)	+0,13 (2015)	-0,13 (2015)	67.5/100 (2016)	4.50 (2016)	4.29 (2016)
Montenegro	44/100 (2015)	+0,16 (2015)	-0,09 (2015)	64.9/100 (2016)	5.00 (2016)	3.93 (2016)
Serbia	40/100 (2015)	+0,11 (2015)	-0,24 (2015)	62,1/100(2016)	4.25(2016)	3.75 (2016)

#### 4. Albania

In Albania, no type of corruption risk assessment is provided as mandatory or recommended by law, but a risk assessment methodology to be used by institutions was prepared under the PACA project funded by the European Union and implemented by the Council of Europe (Council of Europe, 2010). It includes the risk assessment overview and draft examples of documents, with the emphasis on several sectors with a high risk of corruption.

Recommendations from these assessments have been reviewed by the competent Albanian institutions and are now part of the measures in the Action Plan against Corruption. There is no systematic and nation-wide CRA (Corruption risk assessment) approach in Albania yet, but the efforts can be seen also in this area. International organisations and external experts are of great help to Albania as regards the corruption risk assessment. As a result of their activity, a tailored CRA methodology was developed for Albania and some concrete corruption risk assessments were conducted in different fields or sectors. Therefore, Albania has rather good possibilities for integration of a nation-wide CRA model in the near future and it is encouraged to upgrade existent knowledge and experience.

In Albania, the most important human rights problems were related to corruption in all branches of government, particularly in the judicial and health-care systems, but also in the field of media freedoms.

Widespread corruption, many forms of pressure and intimidation, combined with limited resources sometimes prevented the judiciary from functioning independently and efficiently. Moreover, persons holding high-ranking positions such as politicians, judges, and those with powerful business interests often were able to avoid prosecution (European Western Balkans, State Department, 2017).

According to recent assessments, some of the greatest challenges compromising the country's integrity are the implementation gaps in its anti-corruption legal framework, the lack of judicial impartiality and low professionalism of its law enforcement.

## 5. Montenegro

In Montenegro, integrity plans have been introduced as the main corruption risk assessment tool (Directorate for Anti-Corruption Initiative of Montenegro). As regards the legal basis for the introduction of the integrity plans, Article 68 of the amended Law on Civil Servants and State Employees from July 2011 provides for the obligation of the Montenegrin public administration to adopt an integrity plan, the obligation of the administration authority in charge of the anti-corruption activities to prepare guidelines and the obligation of the entities to determine a civil servant responsible for preparing and implementing the integrity plan.

The Directorate for the Anti-Corruption Initiative (DACI) is a supervisory body for development, adoption and implementation of integrity plans. Its role is consultative and educational as it provides:

- guidance regarding adoption of guidelines for developing integrity plans;
- consulting and assistance in preparation of integrity plans; and
- training and teaching the responsible persons on the creation and implementation of integrity plans.

Integrity plan is seen as an internal and anti-corruption preventive measure as well as an institution's internal anti-corruption document which contains a set of measures of legal and practical nature. It is aimed at preventing and eliminating the possibility of occurrence and development of different forms of corrupt behaviour within the authority as a whole, certain departments and individual positions. It comes as a result of selfassessment of the exposure of an authority to the risks of occurrence and development of corruption, illegal lobbying, conflict of interest and ethically and professionally unacceptable behaviour.

Purpose of the integrity plan is raising awareness of the institution itself on:

- weaknesses of the organization's work processes;
- the necessity to eliminate them;
- means for their elimination.

Furthermore, capacity of the organisation is improved to protect itself from possible impact of corruption on the performance of its primary and secondary activities (Selinšek, 2015).

Montenegro is in the phase of implementation of the system of integrity plans into the practice of Montenegrin public sector institutions. Integrity plans are well developed in theory (and very transparent); however, Montenegro is advised to monitor closely the practical implementation of this CRA model and to make further improvements based on the identified issues.

The main issue considering the state of human rights in the Western Balkans has also prevailed in Montenegro. Corruption was among the country's most significant human rights problems. It was present in health care, education, and other branches of government, including law enforcement agencies and the courts. The process of appointing judges and prosecutors remained somewhat politicised (European Western Balkans, State Department, 2017).

## 6. Serbia

Serbia adopted the integrity plan as a major corruption risk assessment tool (Agency for Fight against Corruption of the Republic of Serbia). It is understood as a preventive anti-corruption measure. It is a document created as the result of a self-appraisal of the risks the institution may be exposed to in relation to the incidence and development of corruption and the risks of unethical and professionally unacceptable behaviour. It constitutes a group of legal and practical measures planned and undertaken in order to eliminate corruption and to prevent opportunities for it within an organization (work or activity) as a whole, individual organizational units/parts and work places.

Serbia has already managed to identify some important obstacles and the issues in the integrity plans implementation. The Serbian system of integrity plans is well outlined; however, Serbia is encouraged to properly address the identified issues (including the sanctions for noncompliance with the obligation to implement the quality integrity plan) and to strengthen the capacity of its Anti-Corruption Agency given that it is the crucial institution for the success of the selected corruption risk assessment approach.

An inefficient judicial system that caused lengthy and delayed trials as well as long periods of pretrial detention adversely affected citizens' access to justice. The report adds that the courts remained susceptible to corruption and political influence.

Despite the government saying that it is fighting the corruption, it still provides a lack of transparency (European Western Balkans, State Department, 2017).

## **7. Macedonia**

The Republic of Macedonia' became the 38th member state of the Council of Europe on 9 November 1995. The Stabilisation and Association Agreement (SAA) with the EU is signed on 9 April 2001 and entered into force on 1 April 2004. Macedonia become a member of the United Nations on 8 April 1993, member of the OSCE on 12 October 1995, and has gained a status of EU candidate member state in 2005.

During this period, successive governments have committed themselves to fighting corruption and organized crime and as result the country has signed and ratified most of the relevant international and European conventions against organized crime and corruption.

The country is member of the Group of States against Corruption (GRECO) since 2000. Key important instruments in the upgrading of the legislative framework for the fight against corruption are represented by the ratification of two Council of Europe conventions – the Criminal Law Convention against Corruption (1999), the Civil Law Convention against Corruption (2002) and the Additional Protocol of Criminal Law Convention on Corruption (2005) (Nuredionska and Associates, 2014). In 2007 Republic of Macedonia has ratified the UN Convention Against Corruption (UNCAC).

In Republic of Macedonia, State Programme for Prevention and Repression of Corruption and State Programme for Prevention and Reduction of Conflict of Interests with Action Plans for the period 2011 – 2015 recognized the necessity of more efficient and systematized measures for prevention of corruption on the level of public administration institutions. As a response, the proposed draft amendments and addenda to the Law on Prevention of Corruption contain provisions organized in a new chapter – Integrity System, where the integrity system is defined as a sum of all policies, standards and procedures that are established in the institutions which also include corruption risk assessment and strategy for risk elimination.

However, corruption risk assessment is not a stranger to the system of Macedonia given that it is a part of the risk assessment that is carried out in accordance with the Law on Public Internal Financial Control whereby the entities of

central and local governments are obliged to adopt the strategies for risk determination.

Republic of Macedonia has recognized the corruption risk assessment as one of the instruments that is expected to improve corruption prevention in the public sector institutions. It also plans to introduce the concept of the integrity system through the amendments to the Law on Prevention of Corruption. Republic of Macedonia is encouraged to adopt the adequate legal basis for a nation-wide concept of integrity with the corruption risk assessment, taking into account the existing legal and institutional framework already in place (particularly the Law on Public Internal Financial Control). Within its practical implementation, good practices in (corruption) risk assessment already developed in certain public sector institutions should be also considered (Selinšek, 2015).

The corruption is a spread phenomenon in the Republic of Macedonia. Even 77% of the people expect that in their interaction with the public institutions they will face corruption. More than one fourth of the people were asked for some form of bribery and one in five people paid bribery or gave some gift or counter-service.

The citizens of Macedonia show high level of tolerance towards the corruption – 45% of them tolerate this practice in some form. Furthermore, only 27% are not susceptible to corruption if they are in position to take advantage of such situation.

Although these are very general observations we can still come up with recommendations relevant for the stakeholders in the fight against corruption.

## **8. Recommendations as conclusion**

Considering how spread is this phenomenon, it is necessary to continuously monitor and measure the situation in order to assess whether the corruption is raising or declining. This goes for all corruption indices, especially those showing the involvement, pressure and identification of the corruption.

The practical implementation of the existing legal framework is also a challenge. Moreover, all countries from the region, including Macedonia are lacking comprehensive national strategies with little, if any, national specifics in order to reflect national circumstances in the generation and manifestation of corruption.



Extensive corruption and the government's failure to respect completely the rule of law further deteriorated the state of democracy. The judiciary failed to demonstrate independence and impartiality. The outcomes of many judicial actions appeared predetermined, particularly in cases where the defendants held views or took actions in opposition to the government. With judges subject to political influence and corruption, political interference, inefficiency, favouritism toward well-placed persons, corruption in judiciary seems pervasive (Southeast Europe Leadership for Development and Integrity (SELDI), 2014).

Despite having made positive steps towards EU accession, these four candidate countries are still plagued by pervasive corruption and captured political systems. Last year, Freedom House reported that democracy in the Balkans has declined for six years in a row, in contrast to the region's steady increase in democracy scores from 2004 to 2010. The Balkan sub-region's average democracy score is now the exact same as it was in 2004. More specifically, analysts have criticized the leaders of Serbia, Macedonia, and Montenegro for exploiting the EU's volatility, "trusting that its longing for stability will outweigh clear evidence of individual politicians and parties capturing the state to promote their own interests". (Schenkkan, Nate, 2016). If the downward trajectory of the past six years continues, this generation of Western Balkans rulers could potentially reverse the region's democratic progress.

These are tasks not only for the NGO sector which independently monitors the progress in the fight against corruption, but also for the public institutions which should implement these types of surveys and research in order to identify the areas in which they are successful and the areas in which they need to invest resources for improvement. It is therefore necessary to continuously survey the clients of the public institutions in order to monitor the eventual increase of the pressure and the presence/inclusion of the corruption when interacting with the institution. Dealing with high-level corruption cases will initiate reduction of the lower-level corruption and will in the same time demonstrate that the corruptive behavior does not pay off on longer term. It is one of the several ways on how to change the enrooted beliefs of the people which, in fact, determine the high level of tolerance and susceptibility towards corruption. Having this in mind the public institutions in charge of corruption control will have to "identify" their independence and initiate the investigation of highest-level corruption cases. (Slagjan Penev, 2015).

The difficulties to identify corruption are clear signal towards the public institutions for developing information context on the various corruption forms that will be easily accessible (physically or online) in the space where there is interaction between the servants/ officers and the clients.

This should not be understood only as time-bound campaign but as a long-term education of the servants/ officers and the clients.

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