



# **Anti-Corruption Agencies in the Western Balkan Countries:**

## **Delivering on the Promise**

Policy Brief No. 8, May 2019





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## KEY POINTS:

- There has been gradual progress towards the institutional strengthening of anti-corruption bodies in the region but it remains weak and haphazard. None of the agencies/commissions in the Western Balkans meets the international state of the art for success in anti-corruption.
- Although there are differences in their authorities and capacity levels, all anti-corruption bodies in the region besides Montenegrin Agency for Prevention of Corruption, remain severely under-resourced.
- Anti-corruption agencies across the region need support and close cooperation with other institutions in the anti-corruption chain, in particular with the police and prosecution. The legislative framework regulating the work of the anti-corruption agencies across the region is established, but the high-level corruption cases remain on the margins of these agencies' work. In Serbia and Montenegro, there are serious concerns about strong political meddling in the appointment of the agencies' directors.
- Although anti-corruption agencies across the region are empowered with jurisdictions to control a very wide range of public officials' conflicts of interest, high-level officials still remain largely off the radar.

Corruption remains one of the major common challenges<sup>1</sup> for the Western Balkan countries<sup>2</sup>. SELDI's *Corruption Monitoring System* has shown that despite considerable progress since its first report in 2001, at 26% in 2016 corruption pressure in the region remained many times higher than in the EU<sup>3</sup>. Progress seems to have stalled or has been mixed at best more recently

as Western Balkans leaders have relapsed in higher geopolitical debates. The EU itself has been distracted by internal crises, which despite the efforts of the Bulgarian presidency and the Berlin process, seem to have pushed the enlargement agenda outside of the top priorities of the Union<sup>4</sup>. In such environment the success of the recently established Western Balkans spe-

1 CSD (2018). Making Democracy Deliver for the Western Balkans: Anticorruption and Good Governance, Policy Brief No. 77, Center for the Study of Democracy, Sofia, 2018.

2 Albania, Bosnia and Herzegovina, Republic of North Macedonia, Kosovo, Montenegro and Serbia.

3 SELDI (2016). Shadow Power: Assessing Corruption and Hidden Economy in Southeast Europe, Southeast European Leadership for Development and Integrity, Sofia, 2016.

4 Judy Dempsey, Europe Puts the Western Balkans on Hold, Carnegie Europe, 2 May 2019, available online at: <https://carnegieeurope.eu/strategieurope/79043>

cialised national anticorruption institutions would be paramount in moving the reform process further.

The national anticorruption institutions in the Western Balkans have been designed to combine preventative and repressive functions, the latter being a far lesser subject of their work<sup>5</sup>. The establishment and functioning of such institutions have been plagued by a number of difficulties:

- High as corruption might have been on the governments' agendas, it was not feasible to create institutions with extraordinary powers that would somehow affect the established balance of powers.
- The typical compromise is for these agencies to be attached to the executive branch and given supervisory powers, usually in relation to the national anticorruption strategies.
- Most were provided with limited institutional capacity, such as budget and personnel, despite declared intentions to the opposite.

As a result the EU's progress reports have typically noted the agencies' limited contribution towards the overall anticorruption efforts outside the domains of training and methodological guidance. The reports have also been trying to gradually nudge the Western Balkans' countries towards increasing the agencies' capacity, monitoring precision, and enforcement capabilities. Thus, in spite of the ongoing reforms in the fight against corruption in all the WB countries, the effects of those reforms are yet to be seen. The efforts to improve the anti-corruption system in these countries remains at the level of minor legislative

improvements and institutional development, while the results are still missing. The highest-level officials mostly remain off the radar of the anti-corruption agencies/institutions in the region. The cases of conflict of interest of the public officials, even when duly established by agencies, end up with issuing soft measures, procedural safeguards for privileged officials or with no proper epilogue by the other competent law enforcement institutions (prosecution, courts etc.)

Despite the growing pressure from the EU for results in the fight against corruption in the region, and the sustained declarations in support of good governance from the political elites, there is still a lack of results. This has slowed and weakened the processes of integration and has further encouraged popular protests against the governments in Serbia, Montenegro, and Albania. The lack of results in the fight against corruption, especially in the abolition of high officials who abuse their power and increase the influence of local oligarchs in political decision-making of the continues, dampens further citizens' hopes for change. Consequently, countries from the region remain among the ones with the highest number of applications for asylum in the European Union and with the fastest shrinking populations.

## THE STATE OF THE ART

Anticorruption has become a mainstream policy tool, with ever-growing knowledge and empirical pool. Creating specialised anticorruption commissions or agencies has become one of the practical approaches, which has been continuously monitored and evaluated in the anti-corruption liter-

<sup>5</sup> SELDI (2014). *Anticorruption Reloaded: Assessment of Southeast Europe*, Southeast European Leadership for Development and Integrity, Sofia, 2014.

**Table 1.: Excerpts from the 2018 and 2019 European Commission reports**

Country	Key finding
<b>North Macedonia</b>	2018: The State Commission for Prevention of Corruption (SCPC) lacks significant powers, resources and autonomy which prevents its capacity in becoming the leading body in fighting corruption in the country.
	2019: The new legal framework for preventing corruption has improved and the appointment of the new members of the State Commission for Prevention of Corruption has been far more transparent than in previous years. The Commission has taken important steps to proactively fight against corruption, involving high level officials across the political spectrum.
<b>Albania</b>	2018: The role of HIDAACI in detecting conflicts of interest and checking asset declarations was strengthened with the adoption of the Law on whistle-blowing and whistle-blower protection and with the implementation of the Law on the transitional re-evaluation process. The latter provides for judges, prosecutors and legal advisers to undergo vetting. The number of inspectors at HIDAACI was increased from 20 to 28. Its administrative, technical and financial capacity needs to be further strengthened to cope with asset declaration checks. An online asset declaration system has yet to be established.
	2019: The role of HIDAACI in detecting conflicts of interest and checking asset declarations was strengthened by the adoption of the Law on whistle-blowing and whistle-blower protection and the implementation of the vetting process. An online asset declaration system is being installed and tested and will be used fully as of January 2020.
<b>Kosovo</b>	2018: Since the establishment of the Anti-Corruption Agency there have been more than 700 cases sent to the prosecution. The EC report notes that the agency should improve the quality of these cases. The agency also lacks the tools and resources to verify asset declarations.
	2019: Overall, corruption is widespread and remains an issue of concern. There is a need for strong political will to effectively address corruption issues, as well as a robust criminal justice response to high-level corruption.
<b>Montenegro</b>	2018: By achieving greater institutional independence, the Anti-Corruption Agency will have greater capacity to conduct successful administrative investigations and achieve higher rate of convictions in cooperation with competent prosecutor's office. The EC report suggest that in the incoming year Montenegro increases the operational capacity of the Anti-Corruption Agency and promote the cooperation between institutions.
	2019: Challenges related to the autonomy, credibility and priority-setting of the ACA are yet to be tended to. Due to personal ties between its management and the political elite, allegations of it being instrumentalised for political purposes persist. To strengthen public confidence, the Agency and its staff must ensure maximum transparency, integrity, impartiality, independence, an unselective approach, and uniform and full application of relevant laws.

<b>Serbia</b>	<b>2018:</b> The 2018 European Commission report concludes that Serbia has progress in number of key anti-corruption laws, but there is the serious delay in the adoption of the new law on the Anti-Corruption Agency.
	<b>2019:</b> The revised Law on the prevention of corruption needs to comply with the acquis, international agreements, and GRECO recommendations. There is a need for strong political will to effectively address corruption issues, as well as a robust criminal justice response to high-level corruption.
<b>Bosnia and Herzegovina</b>	<b>2018:</b> The Anti-Corruption Agency in Bosnia and Herzegovina faces significant challenges with available resources.
	<b>2019:</b> The fight against corruption and organized crime is hampered by a lack of harmonization of legislation across the country, and by weak institutional cooperation and coordination. Corruption is widespread, and all levels of government show signs of political capture directly affecting the daily life of citizens, notably in health, education, employment and public procurement matters. The policy, institutional, and legal framework to prevent corruption is fragmented and has significant gaps. Law-enforcement agencies are fragmented and vulnerable to undue political interference.
<i>Source: SELDI based on the Progress Reports of the European Commission.</i>	

ature<sup>6</sup>. Empirical evidence<sup>7</sup> and research<sup>8</sup> seems to suggest that anti-corruption commissions or agencies, an institutional invention of the 1950s and 1970s prove effective in only special cases. The two most successful examples, the anticorruption commissions of Singapore and Hong-Kong share some important traits, which provide insights into the ingredients of their success: (i) very prominent executives at the helm; (ii) sufficient funding and manpower to make them powerful; and (iii) independence and protection from political and criminal pushback. In a nutshell these success factors indicate enormous political will to deal away with corruption in the two small city-states. Of the more than 50 anti-corruption commissions established in Asia

and Africa, very few have been successful and only in some period of their existence<sup>9</sup>. In most of the unsuccessful cases one of the primary reasons for failure was the opposition or even negation coming from prosecutors general or the heads of government.

Even a brief review of the 2018 findings of the European Commission on anticorruption institutions in the region allows to discern that no Western Balkan country's agency or commission comes close to the state of the art of successful examples (Table 1). Yet, with the presence of a strong and motivated external actor, such as the European Commission and an internal ally in the face of active civil society organisations, the hope is that in due course the

6 Rotberg, R. (2018). Accomplishing Anticorruption: Propositions and Methods, in *Anticorruption: How to Beat Back Political and Corporate Graft*, Daedalus Summer 2018, Vol. 147, No. 3, pp. 5–18.

7 Mungiu-Pippidi, A. (2018). Seven Steps to Control of Corruption, in *Anticorruption: How to Beat Back Political and Corporate Graft*, Daedalus Summer 2018, Vol. 147, No. 3, pp. 20–34.

8 Rothstein, B. (2018). Fighting Systemic Corruption: The Indirect Strategy, in *Anticorruption: How to Beat Back Political and Corporate Graft*, Daedalus Summer 2018, Vol. 147, No. 3, pp. 35–49.

9 Quah, J. (2018) Combating Corruption in Asian Countries: Learning from Success & Failure, in *Anticorruption: How to Beat Back Political and Corporate Graft*, Daedalus Summer 2018, Vol. 147, No. 3, pp. 202–215.

necessary political will shall emerge. This however, generally implies the continued reform of the agencies from data gathering and coordination bodies towards enforcement capabilities. Also, much more should be done towards guaranteeing their independence and resource availability.

## 1. INSTITUTIONAL CAPACITY

When it comes to institutional setup, the anti-corruption agencies in the region have a lot of similarities, except for Albania (Table 2). The latter has still not established a centralised anticorruption body but relies

**Table 2.: Financial and human resources of Western Balkans' anti-corruption agencies (2018)**

Item	Bosnia and Herzegovina	Republic of North Macedonia <sup>9</sup>	Serbia	Montenegro	Albania	Kosovo
Public budget (EUR)	698 000	509 925	3 073 975	1 792 804	1 084 430 <sup>1</sup>	522 667
Number of employees	33 <sup>2</sup>	22 <sup>3</sup>	81	63 <sup>4</sup>	70 <sup>5</sup>	40
Key anti-corruption units	Conflict of Interest Prevention of Corruption Coordination of the Fight against Corruption	Prevention of corruption, Recording and monitoring of assets Prevention of conflict of interest Anti-corruption assessment of the legislation National and international programmes and analyses	Oversight of Officials' Assets and Incomes Oversight of Financing Political Activities Resolving Conflicts of Interest Department for Prevention International Cooperation	Prevention of conflict of interest of public officials Verification of information from the statements of income and assets of public officials and state employees Control of political parties and electoral campaigns Prevention of corruption, whistleblower' reports and protection of whistleblowers, integrity, lobbying and implementation of international standards Education, research, campaign and analytics	General Inspector High Inspectors Accepting, Scanning and Registering the Data of the Declaration Form Preliminary Control, Arithmetic and Logic Control in the Prevention of Conflict of Interest in the Exercise of Public Functions Full Audit	Fighting Corruption Corruption Prevention

Source: SELDI based on the annual reports and web-sites of the agencies.

1 Annual Performance report of the High Inspectorate for Declaration and Control of Assets and Conflicts of Interest (HIDAACI) for 2018, available online at: <https://www.parlament.al/Files/Kerkese/20190508141558raporti%20vjeter%20ILDKPKI%202018.pdf>

2 Organizational Structure of Bosnia and Hercegovina's Anti- corruption Agency. Available online at: <http://apik.ba/o-nama/default.aspx?id=695&langTag=bs-BA>

3 MCIC request for access to information of public interest to SCPC.

4 Annual Performance report of the Agency for Prevention of Corruption for 2018, available online at: <https://bit.ly/2VeCDnL>

5 Annual Performance report of the High Inspectorate for Declaration and Control of Assets and Conflicts of Interest (HIDAACI) for 2018, pp 23, available online at: <https://www.parlament.al/Files/Kerkese/20190508141558raporti%20vjeter%20ILDKPKI%202018.pdf>

on a national anti-corruption coordinator at ministerial level. Typically, the agencies do not have or have only limited enforcement powers, their performances within the institutional scheme of the countries. Their roles are to a high extent dependent on the performance of other institutions<sup>10</sup>. The agencies are most dependent on the parliaments which elect the directors, commissioners, and/or board members and amend the relevant anticorruption laws. Though directors/commissioners typically have longer 5-year terms than parliaments, provisions for re-calling them or preventing re-election (e.g. in the case of the Republic of North Macedonia) provide for undesirable political influence. The relevant line ministries which provide the agencies' budgets and approve employment positions and numbers, can put additional pressure on their work. Finally, the work of the agencies and their ultimate impact depends on the efficiency of the Public Prosecution and the courts. This multi-layer responsibilities distribution allows the watering down of impact and for blame-shifting in the many cases of no results.

In the region, there is a lack of sufficient political will to ensure the environment for efficient work of the anti-corruption agencies. Undue political influence and limited human and financial capacities hamper the work of these anti-corruption bodies. Their track record needs to be improved across the region. In this respect, there have been serious issues in the two candidate coun-

tries (Serbia and Montenegro) and the front-runners for starting negotiations (North Macedonia and Albania).

In **Albania**, unlike in the rest of the region, there is no centralised anticorruption agency, but several institutions charged with different anticorruption responsibilities. The key among them is the High Inspectorate for Declaration and Control of Assets and Conflicts of Interest (HIDAACI). It has jurisdiction over some of the matters other agencies in region have but its mandate does not include anticorruption strategy development, nor aspects of party financing, etc. Recent changes of the law stipulate that the General Inspector (GI) of HIDAACI is elected by 3/5 majority of the parliament's members for a 7-year mandate.<sup>11</sup> However, if the first voting round fails to elect the GI, the second round elects the GI with a simple majority, thus weakening the institution's independence from political meddling. The current General Inspector took office in 2014 and his mandate, due to expire in 2021, will cover at least two election cycles. This provides enough time for an assessment of its functioning, once also the rest of Albania's anticorruption institutions are in place. Even though the HIDAACI is considered an independent institution, its functioning can also be affected by the National Coordinator against Corruption (NCAC) under the Ministry of Justice, which is in charge of the cross-sectoral strategies and action plans. The current vetting<sup>12</sup> of the judicial system

10 SELDI (2014). *Anticorruption Reloaded: Assessment of Southeast Europe*, Southeast European Leadership for Development and Integrity, Sofia, 2014.

11 Article 6. Law no. 105 / 2018. Amendments and additions in the Law no. 9049, dated 10.4.2003, "On the declaration and audit of assets, financial obligations of elected persons and certain public officials".

12 The re-evaluation of judges and prosecutors in Albania, known as vetting, is one of the two key pillars of the constitutional amendments to the judicial reform, including the implementation of the Vetting Law. It introduced investigation and evaluation of skills, competencies, personality, assets and other aspects of a members of the judiciary. Personnel which has been implicated in activities that cast doubts on their integrity and professionalism, incur into sanctions, which include removal from office, prevention from taking similar work positions, pressure to voluntarily resign from the position and/or face the public disclosure of their past. Moreover, the introduction of vetting includes the establishment of screening practices that will operate as a preventive mechanism for future recruitment of people involved in the above-mentioned violations. An Analysis of the Vetting Process in Albania, Bardha Maxuni, Group for Legal and Political Studies (GLPS), Policy analysis No. 01/2017, available online at: [split.to/xztjaho](http://split.to/xztjaho)

is expected to complete the anticorruption institutional set-up through the establishment of the Special Prosecution Office against Corruption and Organised Crime, National Investigation Bureau and Court against Corruption and Organised Crime.

In **Montenegro**, the current front-runner for membership, there have been serious doubts of potential conflicts of interest and nepotism in the leadership of the Anti-corruption agency. The Director of the Montenegrin Agency has close family ties with the Prime Minister and the Vice President of the Democratic Party of Socialists, which raises serious concerns about the agency's impartiality<sup>13</sup>.

The **Serbian** Anti-Corruption Agency (ACA) is, by design, among the stronger on enforcement agencies in the region. Similar to the Montenegrin Agency it can request all necessary information from public officials and other related parties regarding conflicts of interest or any other violations of the on Law on the Anti-Corruption Agency. Additionally, it can publicly announce a warning on conflict of interest or even a recommendation for dismissal. However, its (in)efficiency is a direct consequence of the political support (or meddling) of the National Assembly. It is the Assembly that can ensure the independence of ACA through the timely review of the Agency's reports and the election of its Board members, which have the jurisdiction to then elect its Director.<sup>14</sup> The election of the current leadership of ACA in January 2018 has been seen by many in the civil society as an example of the negative political influence in the work of the agency, due to the doubts that he is close to the ruling Ser-

bian Progressive Party<sup>15</sup>. In this relation, a lot of qualified personnel has since left the agency, reducing further its capacity to act.

## 2. JURISDICTION, LEGISLATION AND ACTIVITIES

Typically, the agencies in the region oversee anticorruption in general and supervise activities derived by specific laws in **the following main areas**:

- Anti-corruption strategy development and implementation.
- Corruption prevention and awareness-raising.
- Fighting corruption.
- Oversight of income and asset declarations: the principal goal of income and asset disclosure systems is to combat corruption.
- Prevention of conflicts of interest:
  - Provide a clear and realistic description of what circumstances and relationships can lead to a conflict-of-interest situation;
  - Ensure that the conflict-of-interest policy is supported by organisational strategies and practices to help identify concrete conflict-of-interest situations at the workplace.
- Oversight of gifts and catalogue form: the control of gifts for public officials, as well as creating a catalogue form with all of the institutions in order to prevent corruption.
- Cooperation with other institutions, international organisations and civil society organisations.

<sup>13</sup> The daughter of the Agency's Director Sreten Radonjić is married to the son of the Prime Minister and the Deputy President of DPS Duško Marković: <https://bit.ly/2JZhwos> (accessed 2.3.2019.)

<sup>14</sup> House of Cards: Independence and integrity of the Anti-corruption Agency is a precondition for preventing electoral frauds and public resources misuses in the electoral process, CRTA - Centre for Research, Transparency and Accountability, Belgrade, January 2018, available online at: [split.to/7xvVKnW](http://split.to/7xvVKnW)

<sup>15</sup> Suspicious connection of the new Agency's Director and Serbian Progressive Party, Krik - Crime and Corruption Reporting Network, January 2018, available online at: <http://split.to/ZmQpMpo> (accessed 2.3.2019.)

However, there are certain **differences** in some countries when it comes to the jurisdiction of the agencies.

## WHISTLEBLOWER PROTECTION

In **Albania**, according to the Law on protection of whistle-blowers<sup>16</sup>, HIDAACI can investigate the signalling of corrupt actions or practices in the public and private sector through the establishment of the responsible units for this purpose<sup>17</sup>. In the process of administrative signalling, HIDAACI follows the general principles and procedures of the administrative investigation. The alerts are provided with protection from retaliation by the organization involved and the HIDAACI.

In **Bosnia and Herzegovina** the agency does not control asset declarations. It is other institutions have this measure incorporated into their legislation. Bosnia and Herzegovina also does not have fully implemented legislation on whistleblowers. The Republika Srpska entity has its own legislation in the area but results have been slim and unclear.

In **Kosovo** according to the Law on Protection of Whistleblowers adopted in December 2018, the Anti-Corruption Agency has the duty to act upon receiving information from external whistleblowers. If the agency does not have the capacity to act then it should forward the information to the relevant authority. In cases where the external whistleblower refuses to reveal their iden-

tity, and the Anti-Corruption Agency has no authority to handle the information, it has to request approval from the whistleblower, before forwarding the information to other responsible authorities. The law stipulates that the ACA or any other relevant authority is the responsible authority for whistleblowers to address their information. The law does not clearly stipulate who the other responsible authorities are.

The SCPC in **North Macedonia** has competences related to whistleblowers protection. In 2017 SCPC received semi-annual reports from only 50 public institutions, i.e. 3.87% of the 1 291 institutions active in the public sector, which had the obligation to report. At the same time, the obligation for submission of information for nominating a person authorized to receive reports from whistleblowers, so far, has been fulfilled by only 81 institutions from the public sector. There are fines foreseen for the institutions and responsible persons in the institutions in case they do not fulfil the obligation for submission of semi-annual reports. But SCPC so far has not undertaken such measures, or other measures to influence the institutions to fulfil their obligations.

The Agency for Prevention of Corruption of **Montenegro** is also in charge of whistleblower protection. However, its results in this area remain limited. The agency failed to resolve the most famous and obvious whistle-blower case so far in Montenegro. In 2016, a former employee of hotel Ramada, Patricija Pobrić, reported to one

16 No. 60/2016

17 Pursuant to the law, HIDAACI, besides functioning as an external mechanism, is empowered: to monitor and issue guidelines for the internal and external mechanisms of whistleblowing; to control the proper functioning of the internal mechanism of whistleblowing and the respective responsible units in the organizations; to determine the administrative offenses under this law and impose fines, in accordance with Article 23 of this Law; to obtain and investigate the request for protection against retaliation measures imposed to whistle blowers and to guarantee the protection of whistle blowers against retaliation measures according to this law; based on the annual report of the responsible units to draft assessment and to provide recommendations regarding the implementation of this law; to provide assistance and support regarding the implementation of the law on whistleblowers protection; to raise the public awareness for the whistleblowing and protection of whistle blowers, as well as to increase the culture of acceptance of whistleblowing. HIDAACI's contribution to the paper within the reviewing process.

Member of the Parliament (MP) that the meetings of the Social-democrats (SD) political party, held in the hotel, were paid from the budget of the Railway Directorate, which director was from the party. Following the public disclosure of this case, the hotel management decided not to renew Ms Pobrić's contract when it expired. The Agency decided not to grant her a whistle-blower status and appropriate protection, due to the fact that she did not reported it directly to the Agency, but to the MP. Yet the law stipulates the possibility for the whistle-blower to report corruption to other personalities, institutions or organisations and still receive the same level of protection<sup>18</sup>. The agency declared Ms Pobrić a "person connected to a whistleblower", for which the law does not prescribe any protection. Thus, the agency discouraged future whistle-blowers to report corruption and risk remaining unprotected from losing their job or suffering other consequences<sup>19</sup>. Although the number of whistleblower' reports is increasing<sup>20</sup>, the number of requests for whistle-blower protection submitted to the Agency remains low and is decreasing – from 9 in 2016, 2 in 2017 and only 1 in 2018<sup>21</sup>.

## INTEGRITY PLANS

In **BiH**, the anti-corruption agency prepares guidelines how integrity plans should be implemented. There is a sectoral approach to integrity plans, however it is mostly based on self-assessment. It is the Judicial Council that supervises the integrity plans.

According to the **Montenegrin** Law on Prevention of Corruption, public authorities

were obliged to adopt integrity plan by 31 March 2016 and submit them to the anti-corruption agency not later than 15 days from their adoption. Originally adopted integrity plans may later be amended as per the needs, development and interests of each public authority, and every other year, public authorities must assess the effectiveness and efficiency of their integrity plans, in accordance with the Rules for Development and Implementation of Integrity Plans. Public authorities are required to submit reports on the implementation of their respective integrity plans to the agency by 15 April each year for the previous year. Based on the integrity plans and implementation reports, the agency prepares the report on adoption and implementation of integrity plans in public authorities, which becomes an integral part of the agency's annual activity report.

## LOBBYING

The **Macedonian** Law on Lobbying<sup>22</sup>, although in existence since 2008, is not implemented in practice. SCPC has no registered lobbyists in the public lobbyist registry. Hence, lobbying either in the country is carried out illegally or there is no lobbying at all. In addition, the SCPC does not have recourse to any repressive measures to force lobbyists to fulfil their obligations under the law. The SCPC can only issue warnings and initiate removal of lobbyists from the register. And there are very few provisions dealing with officials and civil servants whom lobbyists approach and target.

18 Article 45 of the Law on Prevention of Corruption (Official Gazette of Montenegro, No. 53/14)

19 Monitoring and Evaluation of the Rule of Law in Montenegro, Institute Alternative, January 2017, available online at: <https://bit.ly/2FJy6mP>

20 2016: 56; 2017: 69; 2018: 110 and 2019 (until 1th June): 54).Data provided by the Agency for prevention of corruption when reviewing the Draft policy brief.

21 Annual Performance Reports of the Agency for Prevention of Corruption for 2016, 2017 and 2018, available online at: <http://split.to/z2BbKIN>

22 Official Gazette, number 106/08 and 135/11.

### Box 1: Tackling or not the powerful of the day: the Montenegrin “Envelope affair”

The ongoing “Envelope affair” in Montenegro<sup>1</sup> pointed out to loopholes in the work of the Agency for Prevention of Corruption in terms of political parties and electoral campaigns control. The Agency’s director Sreten Radonjić has repeatedly claimed that the ruling Democratic Party of Socialists (DPS) is the best in following and respecting the regulation on political parties and campaigns financing, which the agency is authorised to control. However, the case of the so-called “Envelope affair” seems to show otherwise. On February 11, 2019, in what looked like white-washing, the agency issued a press release stating that DPS has violated the Law on Political Parties and Electoral Campaign Financing and that it has to return 47 500 euro to the state budget. However, according to the press release, the Agency had only determined what had been already publicly admitted by the party’s president Milo Đukanović and what could be seen in the video published by the businessman Duško Knežević – that the party’s official and former mayor of the capital city Podgorica, Slavoljub Stijepović, took money from Duško Knežević. The [Agency’s press release](#) stated that the money had not been reported or spent via the party’s official bank account registered for the campaign. However, the Agency’s actual Decision against DPS has since not been made publicly available, nor has it been possible to obtain it via FOI request. In its 2019 Report on Montenegro, European Commission stressed that “the Agency’s handling of the “envelope” affair and its refusal to make public the decision against the ruling party (...), has given rise to allegations of the ACA’s selective application of the relevant legal provisions, which is a **cause for concern**”.<sup>2</sup> As a result, SELDI member Institute Alternative has issued a lawsuit against the agency at the country’s Administrative Court<sup>3</sup>.

<sup>1</sup> Businessman Duško Knežević published a video of himself giving the former Mayor of the capital city Podgorica an envelope with 97 500 euro, allegedly for financing DPS in the pre-election campaign for Parliamentary elections in 2016. This “donation” has never been reported to the Agency for Prevention of Corruption. The case was later named the “Envelope Affair” which is currently being prosecuted by the State Special Prosecutor’s Office.

<sup>2</sup> European Commission, Enlargement Package 2019, Report on Montenegro, page no. 21, available at: [split.to/dP-KQQCO](https://split.to/dP-KQQCO)

<sup>3</sup> Administrative Court to review Agency’s Decision to hide evidence against DPS, Institute Alternative, March 2019, available online at: <https://bit.ly/2VcP4k2>

The **Serbian** Anti-Corruption Agency will oversee the Register of Lobbyists, and the Code for Lobbyists in line with the Law on Lobbying the country adopted in December 2018, in force from August 2019. This practice will be linked also to the new anti-corruption law, which the country has been developing in 2019.

Lobbying in **Montenegro** is regulated by the Law on Lobbying. The law stipulates that the anticorruption agency maintains the register of lobbyists, keeps records of any changes related to the status of lobby-

ists and legal entities conducting lobbying, issues authorisations for conducting lobbying, issues decisions on registration of a legal entity in the register of lobbyists, and decisions on removal from the register, etc. Since 2016, when the agency started operating, it has issued 21 public calls for lobbyists’ exam, and organised 7. Only 14 persons passed the exam so far, while 6 persons and one legal entity were registered in the register so far. All of them submitted lobbying report to the Agency. However, low number of registered lobbyists might be an indicator

that lobbying in Montenegro is being conducted outside the legal and institutional framework<sup>23</sup>.

The **agencies in the region can gain a lot from sharing experience** and trying to align their respective authorities and practices. All of the agencies are ill equipped financially and in terms of human resources to implement even their anti-corruption data gathering or coordination functions, let alone enforcement. The best endowed agencies in the region, in Serbia and in Montenegro, who also have somewhat more empowering laws, have apparently been carefully politically controlled by the respective parliamentary majorities. The agencies in Bosnia and Herzegovina, Kosovo and North Macedonia remain **severely under-resources** to carry out their many coordination and data-gathering functions. In Albania, the anti-corruption institution building process is still not completed, and opportunities remain for better aligning the existing multiple anticorruption bodies. The different level of development and authority provide very good basis for comparison and for mutual learning between the different agencies in the Western Balkans and with their peers in the neighbouring EU member states.

### 3. EFFICIENCY AND RESULTS WITH A FOCUS ON CONFLICT OF INTEREST

The most powerful anti-corruption function of the anti-corruption agencies/institutions across the region is their authority

to control a wide range of public officials' conflict of interest both reactively, upon request, or based on their own information from other cases, media etc. In practice though, **there have not been strong examples of impact** in this domain, with high level officials mostly remaining outside of the reach of the agencies.

Most of the public officials for which conflict of interest was established and their resignations/dismissal issued were local or low-level officials, working in the education system, health system, municipalities, local public enterprises etc. Instead of being their core responsibility, determining conflicts of interest for the highest level official remains on the margins of these institutions' work, or off the map completely. There were only few cases in the region when the anti-corruption agencies targeted high level officials.

In the period 2013-2018 the **Serbian** ACA had several more notable cases. It did not give consent to a member of the Council of the Governor of the National Bank of Serbia to perform this function, because he was already Deputy Director of the Statistical Office of Republic of Serbia.<sup>24</sup> In another case ACA recommended the dismissal of the Secretary General of the National Assembly of the Republic of Serbia<sup>25</sup> and she was relieved of duty on 9 March 2018.<sup>26</sup> The ACA has issued a public recommendation for dismissal of 11 municipal presidents<sup>27</sup>. Out of these 11 cases, in only one, the municipal president resigned explicitly stating

23 Annual Performance report of the Agency for Prevention of Corruption for 2018, available online at: <https://bit.ly/2S811Th>

24 Kovačević resigned from the National bank of Serbia's Council: Politika Online, April 2013, available online at: [split.to/5FNBzMN](http://split.to/5FNBzMN)

25 Decision on violation of the Law on the Anti-corruption Agency, October 2017, available online at: <http://split.to/vXXrcJy>

26 Decision on dismissal of Secretary General of the National Assembly of Republic of Serbia, available online at: <http://split.to/c8m9mDy>

27 List of ACA's public recommendation for dismissal from public service, available online at: <http://split.to/2tiaMuf>

**Table 3.: Conflict of interest in numbers across the region**

Year	Status	Albania <sup>1</sup>	BiH	Kosovo	Republic of North Macedonia	Montenegro	Serbia
2016	Initiated cases	386		210	117	N/A	N/A
	Determined conflict of interest	314 administrative measures (fines); 72 referrals of criminal cases	132	1 referral for investigation; 1 initiative for dismissal	44 cases where conflict of interest is identified; 20 public warnings issued; 13 initiatives for dismissal.	185 obligatory opinions 224 decisions and conclusions; 75 resignations	N/A
2017	Initiated cases	328		166	162	N/A	465
	Determined conflict of interest	296 administrative measures (fines); 32 referrals of criminal cases	125	79 cases no conflict was established; 21 cases identified without a conflict of interest. 31 cases still in procedure (as of 2018); 1 Initiative for dismissal; 34 opinions	78 cases where conflict of interest is identified; 7 public warnings issued; 5 initiatives for dismissal.	127 obligatory opinions; 64 decisions, out of which 53 with determined incompatibility of functions and 11 on conflict of interest; 37 resignations	99 warning; 40 dismissals; 14 public decisions on violation of the law
2018	Initiated cases				81 <sup>2</sup>	N/A	
	Determined conflict of interest	112 administrative measures (fines); 53 criminal referrals were forwarded to the prosecution office, General Directorate on Prevention of Money Laundering, to the tax investigation structure and State Police <sup>3</sup>			no cases where conflict of interest is identified; 1 public warning issued; 1 initiative for dismissal. <sup>4</sup>	185 obligatory opinions 71 decisions, out of which 11 on determining conflict of interest and 30 with determined incompatibility of functions 77 resignations (based on both the decisions and opinions)	77 opinions on conflict of interest 31 request for misdemeanour proceedings 151 procedure initiated on grounds related to accumulation of functions without prior approval of the Agency 166 procedures for other situations related to conflict of interest or nepotism <sup>5</sup>

Source: SELDI based on annual reports and the web-sites of the WB anticorruption agencies.

1 HIDAACI annual report 2017 and 2016. Available online at: <https://bit.ly/2D0hJSv>

2 MCIC request for access to public information to SCPC.

3 Based on the annual report 2018, these numbers include the total cases of refusal to declare, as well as non-disclosure of assets and / or conflict of interest issues. Thus, it's not referred only to conflict of interest cases. Reference: HIDAACI Annual report 2018, pp 14, available online at: [split.to/6NiS7pz](http://split.to/6NiS7pz)

4 The Anti-Corruption Agency in North Macedonia (SCPC) was operational until March 2018. At the beginning of 2018 the media published a recent revision report carried out by the State Revenue Office, which noted several cases of dubious spending at SCPC. The report alleged that some members of the body of seven members who were elected in April 2015 had been reporting unrealistically high travel costs. It also noted that during travels abroad they have also been registered as regularly attending their offices. Another part of the report stated that commission members were reimbursed for renting temporary lodging, which was three times more expensive than the prevailing market prices. The Prosecution Office said it has already initiated a case to investigate these and other suspicious expenditures.

5 European Commission's 2019 Report for Serbia, available at: <http://split.to/uLgZSCf>

as the reason, the agency's recommendation.<sup>28</sup> Six municipal presidents have left their positions for reasons not explicitly connected to the recommendation of the ACA. And in 4 cases the presidents of the municipalities are still holding the same public function, regardless of the agency's recommendation.

In **Montenegro**, one minister resigned due to a decision on conflict of interest issued by the Agency for Prevention of Corruption<sup>29</sup>. At the same time, for many public officials from the ruling coalition, the agency issued decisions stating that they are not in conflict of interest, thus allowing them to keep

their public function. For example, in April 2018, upon request of NGO Institute Alternative, the agency ruled that the member of the Senate of the State Audit Institution (SAI), was not in conflict of interest for his engagement as a member of the Audit Board of Prva banka Crne Gore for more than nine months during which he earned nearly 6.000 euros<sup>30</sup>. The Agency stated that "pursuant to Article 9 of the Law on Prevention of Corruption, Zoran Jelić may be engaged in scientific, educational, cultural, artistic and sports activities". However, the membership in the Audit Board of Prva banka Crne Gore cannot be considered

### Box 2: Procedural loopholes for the privileged in Montenegro

The Montenegrin Law on Prevention of Corruption prescribes a four-year ban from public office for public officials who are dismissed due to the determined violation of the law, including conflict of interest<sup>1</sup>. However, the law provides for a convenient loophole, which allows the officials to avoid the ban if they resign, before being removed from office.

Three public officials from the ranks of the civil society<sup>2</sup> for which the Agency determined conflict of interest<sup>3</sup> were promptly dismissed in 2017 and 2018 and the ban went into effect for them. They were all permanently dismissed, although later the Administrative Court annulled the agency's decisions for two of them. On the other hand, the Minister of European integration from the ruling party who was also found in the conflict of interest promptly resigned, and was allowed to avoid the ban from public office<sup>4</sup>. Procedural safeguards for individuals affected by ACA's decisions have been stressed by the European Commission in its 2019 Report on Montenegro, as well as in the non-paper for Chapters 23 and 24 issued in November 2018.

1 Article 42, Paragraph 4 of the Law on Prevention of Corruption.

2 Two members of the Council of the Public Broadcaster Radio Television of Montenegro (one movie director and one NGO activist) and one member of the Council of the Agency for Prevention of Corruption (director of an NGO).

3 There were public allegations that the Agency was wrong to determine conflict of interest and the Agency's decisions in all three cases are being challenged before the Administrative Court. However, regardless of the Court's decisions, they are already removed from public office and cannot return.

4 See: Instead of Reforms, Status Quo: Control of Assets Declarations and Conflict of Interest in Montenegro, Institute Alternative, available online at: <https://bit.ly/2QmoSnR>

28 Branimir Kuzmanović resigned: Portal N1, available online at: <http://split.to/Qb0aOW3>

29 This was done upon the request of an NGO. For more information see: Instead of Reforms, Status Quo: Control of Assets Declarations and Conflict of Interest in Montenegro, Institute Alternative, available online at: <https://bit.ly/2QmoSnR>

30 The Agency for the Prevention of Corruption Works for DPS Again, Institute Alternative, April 2018, available online at: <https://bit.ly/2VflhqU>

as falling under any of the activities cited in the Agency's Decision. On the contrary, membership in the Audit Board is indisputably professional activity, which is prohibited by Article 35 of the Law on the State Auditing Institution. This is supported also by Article 39 of the Law on Banks stipulating a wide range of competencies and obligations of a member of the Audit Board, and by the fact that Mr. Jelić received a monthly compensation in the amount of 650 euros on the basis of performing the job. Consequently, Institute Alternative filed a lawsuit to the Administrative Court for annulment of the agency's decision, but the Court failed to act upon the lawsuit more than a year after it had been issued<sup>31</sup>.

In **Republic of North Macedonia**, there were several cases of conflict of interest involving higher-level officials (member of parliament, ministries, state secretaries, local government officials etc.), where soft or no measures were applied by SCPC<sup>32</sup>. In 2018<sup>33</sup>, SCPC initiated the dismissal of one official due to violation of the provisions of the Law on Prevention of Conflict of Interest and the Law on Prevention of Corruption. Namely a director of a public health institution acted beyond its competences, putting his personal interest above the public interest, by signing a Decision for appointing his/hers close relative on certain working position in the institution managed by this director.

### Box 3: Conflict of interest in the award of grants for innovations in North Macedonia – bypassing SCPC

In July 2018, the Macedonian media reported about potential conflicts of interest in the awarding of grants from the Macedonian Fund for Innovation and Technology Development. Among the grantees, under the scheme worth 10.5 million euro, there were companies which owners or co-owners were appointed or elected officials or their relatives. Among the implicated were a deputy prime minister, a member of parliament, an advisor in the cabinet of the prime minister, ministers, the owner of a newspaper known for its support for the ruling party, members of the ruling party, etc. **Although SCPC was not fully functional at that time, since it did not have appointed members, its secretariat was in place, and the persons that applied for the grants could have asked for an opinion if conflict of interest existed in their case.** Moreover, the procedures of the fund require that during the administrative check of the application, the evaluation and selection committee, also verifies the ownership structure of applying companies. This implies that the committee members were acquainted with the fact of who the owners of the companies that applied for the call were. From the persons implicated in the media reports, only the company that was linked to the Deputy Prime Minister for Economic Affairs has refused to accept the grant. Following the media announcements, the Public Prosecution Office opened a case, which is still ongoing.

31 Press Release: Administrative Court to Urgently Review the Decision of the Agency for Prevention of Corruption that Jelić is not in Conflict of Interest, Institute Alternative, May 2018, available online at: <https://bit.ly/2COLwxc>

32 The Macedonian SCPC conducts investigations for determining conflict of interest by collecting data, information and documents from other entities. When SCPC determines conflict of interest, the official affected by the SCPC's decision has 15 days to remedy the situation. Otherwise, the Agency issues a public warning. Additionally, SCPC can initiate dismissal, assignment, removal or undertake measures for liability.

33 MCIC Request for access of information to SCPC.

In 2017<sup>34</sup>, SCPC initiated four dismissals of public officials: a director of an elementary school, a director of a kindergarten, a director of a public utility company, and a member of a board of directors of a public utility company. The 2018 EC report notes that an important step has been made in the operationalisation of the electronic register of elected and appointed officials. This central register is used for the submission of statements of conflict of interest or declaration of assets, but the EC report points out that the system is still fragmented and inefficient.

In **Albania**, in 2017 HIDAACI issued 296 fines for public officials for non-declaration of private interests and or/conflict of interest of public officials, including MPs, mayors, etc. In most cases, the referrals to the prosecution have resulted in the closure of the cases without further action. Additionally, HIDAACI plays an important role in providing relevant information on the declaration of assets and conflict of interest in the current vetting process of judges and prosecutors in Albania.<sup>35</sup> The re-evaluation process within the vetting of judges and prosecutors is being carried out in three main components: assets, background and proficiency assessment. In this regard, as part of the vetting process, there have been many cases of dismissal from the justice system mainly due to inconsistency in the declaration of assets of judges and prosecutors. For the period January - December 2018, the Independent Qualification Commission has issued 50 decisions of dismissal

of judges, prosecutors, legal advisor and assistants.<sup>36</sup> But the vetting process is a slow paced and its impact including on anti-corruption is yet to be seen. The general public still sees the last replacement of the HIDAACI Chief Inspector as a political imposition of the majority in power. The general public still has little or no information on HIDAACI<sup>37</sup> and citizens who are aware of it do not perceive it as very helpful in the fight against corruption.

In **Bosnia and Herzegovina**, in 2017 the Agency for prevention of corruption issued a total of 1 530 investigations which resulted in only 8 sanctions for conflict of interest. Furthermore, most of these investigations resulted in not determining conflict of interest. In order to improve enforcement, it is necessary to amend the Law on Conflict of Interest in Public Institutions in Bosnia and Herzegovina. However, the Parliament of Bosnia and Herzegovina never adopted such changes. Thus conflict of interest remains one of the biggest problems in Bosnia and Herzegovina.<sup>38</sup>

The Anti-Corruption Agency of **Kosovo** has often been criticized in the media for lack of action and in some cases misinterpretation of the new Law on Prevention of Conflict of Interest in Discharge of Public Functions.<sup>39</sup> However, due to its limited legal competencies most of its work is restricted to preliminary investigation of cases of conflict of interest or potential cases that it later forwards to the prosecution for further investigation. Very often these cases

34 MCIC Request for access of information to SCPC.

35 HIDAACI annual report 2017. Available online at: <https://bit.ly/2D0hJSv>

36 Monitoring Report January – December 2018, Cross-Sector Justice Strategy, Action Plan 2017 – 2020. Ministry of Justice. Available online at: <http://split.to/HGOpdaC>

37 Corruption in Albania. Survey in 2016. IDRA.

38 Agency for prevention of corruption in Bosnia and Herzegovina, Annual performance report for 2017, available online at: <http://split.to/OsGdrNQ>.

39 Kallxo.com (2018). Sejdiu: agjencia kunder korrupsionit si tigri pa dhembe dhe kthetra. [Online]. Available at: <https://bit.ly/2Ug5LyN>

are then stuck in bureaucratic procedures for years in the courts and rarely receive swift justice. The Agency investigated 166 cases of conflict of interest in 2017. Only one case, in which the agency affirmed the existence of conflict of interest ended with request for misdemeanour/discharge<sup>40</sup>. Kosovo's Anti-Corruption Agency, ruled

tion need to improve its capacities and willingness to pursue these cases.<sup>43</sup>

#### 4. BEFORE CONCLUSIONS: WINGS OF HOPE IN NORTH MACEDONIA?

On 17 January 2019 the Parliament of the Republic of North Macedonia adopted the

#### Box 4: Conflict of interest stuck in bureaucratic court procedures in Kosovo

On 11 August 2017, the Anti-Corruption Agency of Kosovo received a report from BIRN and Internews that the former mayor of the Municipality of Istog, has been in a conflict of interest during his tenure<sup>1</sup>. The mayor was suspected that on August 1, 2014, in his official capacity, he intentionally participated personally in the signing of the contract for the 'Construction of the sewage system in the village Cerrcë-Lubozhdë - First Stage'. The report claimed that the contract was awarded to individuals close to the mayor and as such he has benefited personally. According to the journalist who followed this case, since April 2018 when the indictment has been filed by the Basic Prosecution Court of Gjakova, the Court has failed to hold a hearing even though the Criminal Procedure Code foresees that the initial hearing should be held within 30 days from the filing. In the meantime, the defence attorneys have found ways to delay the courts' sessions with various procedural tricks.<sup>2</sup> As of December 2018 the case was still open.

1 Istog is a town and municipality located in the Peć District of eastern Kosovo.

2 Emisioni 'Drejtësia në Kosovë' (2017). Hulumtim: Komuna e Familjes Rugova. Kallxo.com.

that the decision for salary increase of the Prime Minister Ramush Haradinaj constituted a conflict of interest, because the Prime Minister and other ministers were increasing their own salaries<sup>41</sup>. Since its establishment the Anti-Corruption Agency has sent more than 700 cases to the prosecution, while the prosecution has filed indictments in less than 30 cases<sup>42</sup>. Yet, in its 2018 Progress Report the EC notes that the Agency should improve the quality of these cases, while the prosecu-

new Law on Prevention of Corruption and Conflict of Interest. The new law foresees establishing new professional anti-corruption commission, with strengthened competencies and effective mechanisms for fighting corruption. The new law regulates both the areas of corruption and conflict of interests, and increased the Commission's competences in the control of the financing of the political parties.

40 There is no publicly available data regarding dismissals for conflict of interest, opening of legal proceeding or any other detailed data/statistics.

41 Koha Ditore (2018). Kunder Korrupsioni shpall të jashtëligjshëm vendimin e Haradinaj. Available online at: <https://bit.ly/2UzCMBC>

42 COM (2018). COMMISSION STAFF WORKING DOCUMENT Kosovo 2018 Report. Brussels. p.18. Available online at: <https://bit.ly/2lhNbzf>

43 Ibid.

Following the adoption of the law, the Assembly of the Republic of North Macedonia started the procedure for the election of a president and members of the State Commission for Prevention of Corruption. A total of 57 candidates applied to be part of the anti-corruption commission on the open call published by the Parliament, which ran from 22 until 27 January. The candidates were interviewed by a nominated Selection Committee, comprising of two representatives from the civil society, four representatives from the political parties and one representative from the Ombudsman office. The Committee drafted a ranked list of candidates and proposed the top seven to the Parliamentary Committee on Elections and Appointment Issues' endorsement. The list of seven candidates was approved by the Parliament's Committee, and later on by the Parliament itself. Once interviews with all candidates were completed, recording of the whole procedure was broadcasted on the Parliament's channel of the national television.

The new Commission, whose members were appointed in February 2019, and started working on 13 February 2019 opened investigations over allegations of nepotism in the public administration in 65 cases. The Commission determined that out of the 36 cases examined so far, there were 21 cases of possible nepotism and wrongdoings during the recruitment process. Consequently, in at least four cases, family relatives already resigned, and two misdemeanor procedures are ongoing against one Minister and against the President of the Council of Public Prosecutors. The Commission also opened in May additional cases involving current and former high state officials. The State Commission for Prevention of Corruption also calls for reviewing several laws for preventing use of discretionary powers in the recruitment process.

## 5. CONCLUSIONS AND POLICY RECOMMENDATIONS

Anti-corruption agencies across the region need support and close cooperation with other institutions in the anti-corruption chain – particularly police and prosecution. The legislative framework regulating the work of the anti-corruption agencies across the region is solid, with minor exceptions. However, the national parliaments and governments across the region appointing the agencies' management clearly lack the political will to appoint such management which would ensure independency and efficacy of these agencies, without any political interference and able to effectively tackle high-level corruption. In Serbia and Montenegro, the front-runners for EU accession, the anti-corruption agencies are comparatively better endowed than in the other countries of the region. But there are serious concerns about political influence from the ruling parties over their management, which harms their impartiality. Thus, there is a need for further strengthen the limitations and conditions for appointing the agencies' management. Although anti-corruption agencies across the region are empowered with jurisdictions to control very wide range of public officials' conflict of interest, in practice, high-level officials mostly remain out of the reach of these institutions.

With the exception of Albania, where the anti-corruption institutional set-up is not fully consolidated, all the countries in the region have established centralised anti-corruption agencies. This allows for gradual further progress towards strengthening anticorruption enforcement. In this respect, there are many opportunities for cross-regional learning as well as for implementing best-practices honed elsewhere in Europe and the world. The Regional Co-

operation Council, the Regional Anticorruption Initiative and regional civil society anti-corruption initiatives such as SELDI, could provide important knowledge sharing platforms. Active cooperation with the civil society to help ensure wider public support and to provide additional capacity is critical for the work of the anticorruption agencies. In conclusion, the anti-corruption agencies in the region would benefit if they implement the following recommendations:

- ✓ WB Countries should continue with the implementation of the recommendations from the European Commission, GRECO, and other international bodies in the field of anti-corruption;
- ✓ The resources of the anti-corruption agencies/institutions in the region should be substantially improved, requiring several fold increases in their budgets and further strengthening of the capacity of their human resources;
- ✓ Cooperation of the agencies/institutions with the law enforcement bodies, the prosecution and courts should be further streamlined by introducing joint trainings, cooperation memoranda and procedures;

- ✓ Better regional cooperation between anti-corruption agencies must be established in order to track cases of corruption beyond the countries' borders;
- ✓ The institutional framework of the anti-corruption agencies/institutions in the region be further strengthened towards ensuring greater independence and freedom of action;
- ✓ Prevention, control and processing of conflict of interest cases of high-level officials should become number one priority of the anti-corruption agencies/institutions;
- ✓ Conflict of interest legislation should be systematically updated to remove any identified procedural loopholes, which enable officials to avoid penalties;
- ✓ The track record of the anti-corruption agencies/institutions in the region must be further improved. In particular countries in the region should establish common key performance indicators and ensure their data underpinning. This could be introduced step-wise, starting with conflicts of interest statistics.



The project is implemented by: **Macedonian Center for International Cooperation (MCIC)**, North Macedonia

in cooperation with:

**Center for the Study of Democracy (CSD)**, Bulgaria,  
**Albanian Center for Economic Research (ACER)**, Albania,  
**Institute for Democracy and Mediation (IDM)**, Albania,  
**Centers for Civic Initiatives (CCI)**, Bosnia and Herzegovina,  
**ZastoNE**, Bosnia and Herzegovina,

**Partnership for Social Development (PSD)**, Croatia,  
**Riinvest Institute**, Kosovo,

**Institute for Democracy "Societas Civilis"- Skopje (IDSCS)**, North Macedonia,  
**The Center for Democratic Transition (CDT)**, Montenegro,

**Institute Alternative (IA)**, Montenegro,

**Centre for Contemporary Politics (CCP)**, Serbia,

**Turkish Economic and Social Studies Foundation (TESEV)**, Turkey



This policy brief was produced with the financial support of the European Union (EU) and Central European Initiative (CEI). Its contents are the sole responsibility of SELDI.NET and do not necessarily reflect the views of the EU and the CEI.



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