

Fighting corruption in a state-captured society

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Policy Workshop: Strengthening Resilience to Corruption and State
Capture in Southeast Europe
14 June 2016
Brussels, Belgium

Political and institutional crisis in Macedonia

State capture is latent region wise and Macedonia become most evident example

Macedonia is facing the worst internal crisis since its independence.

Erosion of political and juridical system, state capture and declining public trust in the state institutions.

Wiretapping scandal in 2015 revealed indications for:

- Epidemic partization of public administration and interference in the judiciary
- Misuse of public resources (police, infrastructure, public servants) for electoral fraud
- Corruption of media landscape through selective governmental (state) advertising
- Takeover of public institutions for private business or criminal activity
- Forming collusive networks to limit political competition
- Misuse of auditing, investigatory, and oversight powers

Captured anticorruption gate keepers

- Corruption is widespread
- Legislative achievements are considerable but law enforcing is not in done in good faith and in spirit intended due to **lack of political will**
- **Partization - Vertical informality** (accountability to the party leadership)-**clientelism**
- **Captured gate keepers** – politicized appointment and promotion systems, hibernated activity, selective prosecutions,

Captured anticorruption gate keepers

- PUBLIC PROSECUTOR OFFICE

Reluctant to react upon indications from the wiretapping after pressure from the CSOs

- CONSTITUTIONAL COURT

Enabled pardoning for electoral fraud after charges were raised against high ranking politicians for electoral fraud.

- PARLIAMENT

In 2015 **>60% of the adopted laws in urgent procedure**

- SCPC (2015 regional black record **only 1 instigated initiative** for initiating criminal prosecution procedures) in the past 2 years almost 50% increase in staff and 48% budget increase

CSO and (vs) State

- Capacities for anti corruption
- Strong anticorruption CSO ecosystem (**CSO anticorruption coalitions**)
- **State - civil society monologue** - Closed institutions
- Developing regional cooperation

Low level of cooperation/policy making - closed institutions

Council for Cooperation between government and civil society is designed within extremely limited consultation (only 2 days for comments by CSO) and majorisation in the decision making on the side of the government

Single electronic register of legislation is not used for online consultations - CSO are mainly outside the policy making consultation process (in 2013,2014 only 2 comments by the CSO on 53 draft legislations from MI, MJ, MIS)

Free Access to Public Information remains ineffective and in practice penalties are not imposed for failure to comply

Coordinated effort of CSOs -Mostly on level of monitoring

Anti corruption platform (public statements)

Network 23 (Shadow report, Monitoring of URP)

Anti corruption platform

- In 2015 the Platform had 3 press conferences and 4 public announcements
- Participation (although limited) in preparation of the priorities of SCPC 4year state anti corruption program (2106-2019)
- Public appeal for to the responsible institutions to act upon the indications for illegal conduct, corruption and violation of human rights
- Public address to the Public prosecutor where we asked information on the stage of investigations upon the wiretapping indications.
- Public demand to the Public prosecutor (PP) after it remained irresponsive – the PP afterwards published more detailed information regarding the investigations.
- Second press conference (in cooperation with the Network 23) addressed the involved parities in the negotiation deriving from the political agreement (june/july) for greater transparency and inclusion of the civil society
- Third press conference (International day of fight against corruption) joined the global UN campaign “Brake the corruption chain”. The platform urged all stakeholders : appointed and elected officials, public servants, CSO, media, private sector, unions, SCPC etc. to proactively participate in dismantlement of corruption.

General principles of reform

- Transform political party financing from private to public;
- Demonstrate that responsibility/accountability is being reinstated;
- Ensure the quality and the integrity in the appointment and promotion processes
- Ensure that the institutions have proper human and financial recourses;

General principles of reform

- Ensure CSO involvement in public procurement monitoring and employment of the administration;
- Transform the Special Public Prosecution into a permanent body (similar to the Romanian model);
- Transform the SCPC in a way similar to the Agency for National Integrity (ANI) model in Romania (provide investigative powers that will relay cases to the Special Public Prosecution);
- Improve the whistleblowing mechanism;

EU role

- Paradigm “Stability instead of Reforms”, should be vice versa
- Vicious circle of blockage, stagnation and recession of reform-failure to meet political criteria-new arguments for blockage. Final outcome – Macedonia destabilization and disintegration
- Macedonian case show the limitation of EU transformative capacity ??? – rules on paper , rules in practice
- Open Accession negotiation - the best way to substantially transform the society and restore mechanism that dismantle and further prevent state capture is to open chapters 23 and 24.
- Special monitoring mechanisms (special EU envoy to monitor and evaluate reform process)



Thank you !