

Transparency International EU

The global coalition against corruption

The Western Balkans: Captured states or a community of law?

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Yesterday, the European Commission published a [new strategy](#) that set out its vision for how the EU will engage with the Western Balkans region in the near-term. This strategy provides a path for the six Western Balkan states to become part of the EU after years of languishing on the side-lines. It lists six initiatives to support transformation in the region with an ambitious timetable of potential membership of 2025 for the frontrunners Montenegro and Serbia.

The EU has cooled on enlargement in recent years which has left the region vulnerable to internal strife and external meddling. An [attempted coup](#) in Montenegro in 2016, which saw allegedly pro-Russian groups try to assassinate the former Prime Minister, was foiled at the last minute. Last year in [Macedonia](#) 200 nationalists stormed the Parliament over the installation of an ethnic Albanian as speaker of the house, leaving many lawmakers literally bloodied, which followed on from a [country-wide corruption crisis](#). Bosnia and Herzegovina continues to languish in a political quagmire through its fragile federation, while the status of Kosovo remains contentious, as does Macedonia's official name.

This strategy makes clear what will have to happen if these countries are to have any chance of becoming EU members by 2025 and the message could not have been more explicit: as long as these countries continue to show signs that the machinery of the state has been captured by private interests, membership is off the table.

Establishing and upholding the rule of law is front and centre [in this strategy](#). This is not new of course, discussions on the rule of law have always been at the heart of EU accession negotiations, but the language was more stark than usual. In part, this reflects the Commission's bitter experience with countries such as Poland and [Hungary](#) who, after promising beginnings, are now backsliding into authoritarianism and illiberalism.

Once a Member State goes down this path, the options are limited. The Commission can strip these countries of their voting rights, or, as [we have suggested](#), can suspend EU funds when threats emerge. Both options are fraught with political and administrative pitfalls. Much better to root out corruption and state capture before countries join the club.

EU sets out its strategy for [#WesternBalkans](#) to join the EU. If we are to see new members by 2025 then fighting [#corruption](#) & strengthening the rule of law must take precedence: <https://t.co/GuzVXb5Gpu> <https://t.co/qwyfWj3Whk>

At Transparency International we carried out an in-depth analysis of the structures of state and their capacity to tackle corruption in the Western Balkans. We found that across the six countries there are weak justice systems and law enforcement; elements of state capture; and the media and civil society are under serious threat.

That's why from our perspective the Commission's strategy has some important and positive steps which may help the region tackle corruption and fight state capture and the EU should be commended for placing such a strong emphasis on the rule of law.

The strategy states: "Strengthening the rule of law is not only an institutional issue. It requires societal transformation," which is something we have been arguing for over the past years. Reforms on paper need to translate into real action and enforcement and that requires change from different elements of society. The strategy also has a strong focus on the judiciary which we very much welcome, given the importance of an independent judiciary to fighting corruption.

There are still some elements missing from the strategy: on the political system and in particular party financing, the Commission's language remains vague, and space for the media and civil society gets a mention but compared the importance of these issue we would have liked to see more specific and concrete proposals.

However, as far Commission strategy documents go, this one provides some strong signs that the EU is willing to take some of the steps needed to help tackle corruption in the countries which will become members of the European club, in the now, not so distant future.

Here is a selection of recommendations from our report compared with the new Commission strategy:

Recommendations from regional NIS report (2016)

EC Enlargement Strategy (2018)

Judiciary

Reduce executive influence over the judiciary and prosecution by ensuring transparent and more objective systems for the appointment, transferral and dismissal of judges and prosecutors.

The independence, quality and efficiency of the judicial system must be ensured. The independence of the judiciary and of individual judges is essential to ensure fairness and to hold the executive and legislative branches of government to account.

Reduce the politicisation and strengthen the professionalisation of the police by applying strict sanctions on members of the police force who engage in political activity in the course of their duties and by ensuring merit-based appointment of police personnel.

Strengthen cooperation between bodies responsible for investigating and prosecuting corruption and improve the quality and sharing of information regarding the prosecution of corruption offences.

Specialised prosecutorial structures to fight corruption and organised crime and judicial bodies should be significantly strengthened. This should include the allocation of special police units to prosecution offices. Measures should be pursued and enforced such as the stripping of illegally acquired assets, the loss of the right to hold public office, stricter compliance rules for public officials and accessible information and complaints mechanisms for citizens

Minimise delays in processing corruption cases and provide transparent justifications for decisions not to prosecute.

Strong and independent institutions are crucial to prevent and tackle corruption and conduct more effective investigations and prosecutions, leading to final court rulings that are enforced, and include dissuasive sanctions.

A concrete and sustained track record in tackling corruption, money laundering and organised crime should be established as a matter of urgency.

Political System

Improve the transparency of political party finances, including full publication of parties' incomes and expenditures.

Develop stronger and more coordinated oversight of political party and campaign finances and activities and ensure that violations of electoral and campaign regulations are consistently punished.

The rules for the public and private financing of political parties also require substantive reform.

Apply strict penalties for the abuse of public resources for election campaigns.

Ensure the integrity of those running for political office, for example by establishing checks on candidate backgrounds and excluding those faced with criminal charges.

Media and Civil Society

Investigate all allegations of threats and violence against media and civil society representatives without delay and apply strict sentences when these are proved to be well founded.

Particular focus is needed to safeguard the freedom of expression and independence of media as a pillar of democracy

Ensure full transparency in terms of media ownership and civil society organisation funding.

Governments should ensure stakeholders can actively participate in the reform and policy making process, for example by establishing inclusive structured dialogues on reform priorities with the involvement of an empowered civil society. An enabling environment for civil society organisations is therefore crucial.

Ensure fair and transparent procedures for the allocation of state subsidies and tax exemptions for civil society and media organisations and establish clear rules for state-sponsored advertising in the media.

Ensure effective and apolitical regulation of media and civil society organisations.

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