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Role of the Assembly in the European integration: anti-corruption

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In early February 2020, the European Commission presented a new negotiating methodology. The key novelty is the grouping of chapters that the previous candidate countries negotiated, in the so-called "Clusters". The reason for this is the connection between the chapters and the need to define reforms across multiple sectors. The most challenging cluster is, of course, the first one, entitled "Fundamentals", which includes, among other things, the rule of law and the fight against corruption.

In North Macedonia, when we talk about these two topics, we are talking about an insurmountable problem. How to achieve success in the fight against corruption, when we have problems with the rule of law? How to condemn the corrupt if we do not have an independent judiciary? How can we expect justice to come to the corrupt ones if they can buy their freedom, or worse, know the right people?

The problems with these two areas highlight the importance of the Assembly.

In the process of approaching the EU, it stands against the two authorities with executive powers - the government with its ministries and agencies, and the judiciary. Besides, specialized institutions that it has established are accountable to the Assembly, such as the commissions for prevention of corruption, and protection of competition, and several other regulatory bodies.

Hence, the Assembly can play a crucial role in producing solutions visible to citizens. And exactly visible results for the citizens are explicitly mentioned as a condition for approaching the EU. This comes as a need to avoid a recurrence of mistrust of the integration process that has emerged in some Eastern European countries, where joining the EU has not brought benefit in the daily lives of many citizens.

For solutions to be visible, reforms need to have a clear development goal. The purpose of the reforms cannot be the reforms themselves, but they should

provide conditions for the institutions to deliver quality services to the citizens. Firstly, it should help the rule of law, and be an active forum for strong political will from the government and the opposition for sustainable reforms. The Assembly is the critical place for organizing a dialogue between the government, the opposition, and civil society on the far-reaching goals of the reforms that will be done in the accession process. The focus on tangible results is explicitly mentioned in the new methodology. And the European Commission further stressed that it sees the national parliaments of the Western Balkans as a link between the citizens and Brussels.

How many strategies are needed to change a light bulb and light up the corrupt judges and public prosecutors?

If we see our European integration as a marathon, the whistle that starts the race should mean that we have an acceptable level of the rule of law. No reform makes sense if corrupt actors know that even if caught will be able to influence and avoid justice. On the contrary, they will allow time to pass in adopting the best laws and strategies that will not be enforced. Even if implemented, the most important thing - a verdict - is something that corrupt actors will have under control.

Therefore, the rule of law cannot come from strategy, but organized pressure. The primary role here is played by the media and civil society, which should accurately identify corrupt actors in the judiciary, by name and surname. In this way, corruption acquires a face and deed, i.e. corrupt judges

and prosecutors are identified, and when the acts are revealed, we are no longer talking only about general impressions.

At that moment, a space for self-regulation pressure is open, where the Assembly can play a crucial role. Both the Judicial and Public Prosecution Council have so far had a comfortable position to experience oversight by journalists and the non-governmental sector “at home” - at their press conferences, or debate shows. The Assembly has failed to impose increased pressure on these councils, which will continuously have to explain to parliamentary questions how they deal with controversial cases, the poor quality of judgments and allowing key cases to pass the statute of limitation.

Hence, it is crucial that the next composition of the Assembly intensively participate in the collective pressure on the judiciary. The Assembly certainly has a mandate to demonstrate political dissatisfaction with the judiciary and to insist on professionalism and self-regulation. In this way, the Assembly can fundamentally contribute to providing the basis for far-reaching reforms - the rule of law.

Political will as a collective process

Of course, it is naive to expect that all 120 lawmakers will be determined to fight corruption in favour of the rule of law. One of the most significant pillars of a successful fight against corruption is the so-called “existence of political will”. Almost all analyzes on the subject, including the author’s, inevitably mention it. However, often that political will remains unexplained.

We often imagine political will through the prism of historical lessons for countries that have set an example of being uncorrupted. These lessons often contain an absolute enlightened monarch, who has decided that the right path is good governance. Being in a position of (almost) absolute power, opponents of good governance could not be a significant or long-term obstacle to such processes.

Commentators often expect today’s reformist leaders to play the same role.

However, in 2020, even in dysfunctional democracies, we are talking at least about the formal division of power. Such a division does not allow for direct intervention by reformist politicians as the absolute monarchs have done in the past.

On the other hand, this suits corrupt structures in any of the branches of government to prevent interference from reformists by accusing them of violating their powers. Allowing precedents for mixing one authority with another is always a double-edged sword. If used to eradicate a corrupt structure, then it will enable, like a boomerang, a corrupt structure to eliminate progress in the same way.

Therefore, political will cannot be conducted by charismatic leaders because, even if it is sincere, it is not sustainable. Such a political will is the only capacity for change, and if the leaders disappear from the scene,

the foundations for the anti-corruption struggle will disappear. Political will must be defined collectively, as a consensus within a group of political actors, and then a consensus of several groups of political actors who have some decisive power.

If a government or a coalition has not built a consensus on fighting corruption, then we cannot talk about the existence of a political will, because the individual initiatives of reformist politicians are vulnerable outside the sectors they manage. The same can be said for the Assembly, where consensus means an agreement between influential MPs, whether in the majority or the opposition. Otherwise, the decision-making process is a victim of corruption itself.

The Assembly is a forum where various political groups can demonstrate their commitment to the rule of law and the fight against corruption. This commitment can only mean supporting the independence of institutions that fight corruption and ensure the rule of law.

Providing institutional rather than individual integrity

Hence, on the path to European integration, the role of the Assembly is to be sceptical of successes in institutions based on individuals. Such achievements are temporal, and often neglect the need for investment in the capacity of institutions based on established rules to prevent abuse.

The goal is, at the end of the process, for key institutions to resist the regression of the rule of law, regardless of the political climate and will, but also the attempts for internal infiltration of corrupt structures.

The role of the Assembly is important here. Such internal reforms require investment, and lawmakers bear the budget. Building institutional integrity

first requires diagnostics to identify weaknesses. It then needs investment in human capital, and for many sectors will require capacity building, the scarcity of which is now a source of corruption (for example, hospital beds in healthcare).

Strategic unification of reforms in the development goal

So far, this should be the basis for a strategic link between individual institutional reforms and intersectoral improvements. The principle of grouping negotiation chapters undoubtedly imposes a broader perspective than successes in particular sectors.

The reason for this is that the changes for the citizens are visible at that level. For them, it is visible when the processes

will bring results such as better health care. And for better health care, it is necessary to reduce corruption in several sectors. First of all, improving higher education that will profile staff according to knowledge and not nepotism or party merits. Then the health institutions should employ based on competencies, and during the public procurements to eradicate the illegal influence of the pharmaceutical industry. At the same time, in creating health policies, to remove the interest of private hospitals, and to invest money in human capital from the money saved from reduced corruption.

It is the need to provide the “big picture” that offers the opportunity for reform to attach to development goals, not reform itself. The fight against corruption and the rule of law should be a means to

improve education and health, reduce pollution, and improve the economy and employment.

However, we need a social dialogue on this, because such changes exceed the four-year political cycles. For the development dimension of the reforms, a consensus is needed between the political parties, but also other stakeholders amongst civil and business sector.

The Assembly as the house of representatives is the ideal forum for such a dialogue. In addition to its role as a policy-maker, with this process the Assembly will create an inclusive negotiation process. In this way, the sustainability of reforms is ensured in the event of a potential change of government.

Summary

The main contribution of the Assembly in the process of European integration is to ensure the sustainability of reforms. On the one hand, lawmakers need to ensure dialogue between the government, the opposition and other stakeholders on the strategic directions and development that reforms should provide for citizens. On the other hand, sustainability is also ensured by achieving success in reforms, which should be subject to constant parliamentary oversight.

Project information

Anti-corruption talks in the Parliament is a project aimed at strengthening the oversight role of lawmakers in the fight against corruption. The project is funded by the US National Endowment for Democracy.

Information about IDSCS

IDSCS is a think-tank organisation researching the development of good governance, rule of law and North Macedonia's European integration. IDSCS has the mission to support citizens' involvement in the decision-making process and strengthen the participatory political culture. By strengthening liberal values, IDSCS contributes towards coexistence of diversities.

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