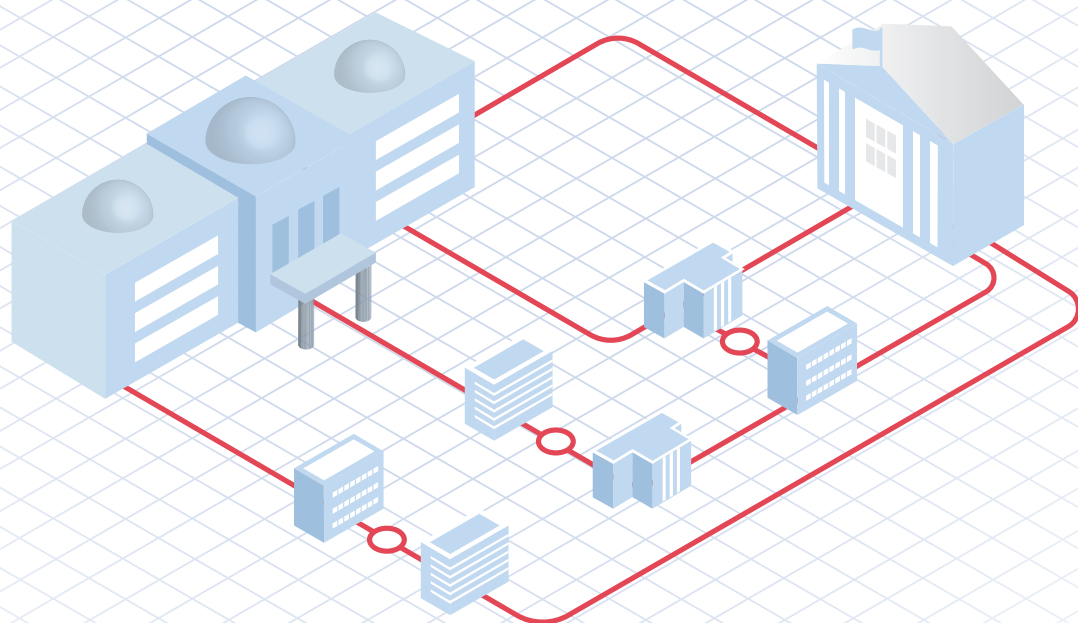


Policy brief No. 15/2021

Centralized efforts, fragmented responsibilities: Governmental anti-corruption plans and the role of Parliament

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April 2021



Impressum

Title: Centralized efforts, fragmented responsibilities: Government anti-corruption plans and the role of the Parliament

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Publisher: Institute for Democracy "Societas Civilis" - Skopje

Translation: Gordan Tanaskov

Design: Matea Londza Shumkovska

The publication can be downloaded for free at:

<https://idses.org.mk/>

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Introduction

Anti-corruption policies and narratives are gaining ground in the government agendas in the Western Balkans region. Corruption is one of the main concerns of citizens that affect their quality of life. North Macedonia is one of the countries facing serious challenges in the fight against corruption. The government, regardless of the outcome, has made substantial efforts to address this phenomenon. This policy brief aims to examine the mechanisms through which the fight against corruption, which initially started as fragmented, is now becoming a policy with centralized elements, coordinated by the Prime Minister and his deputies, and how this affects the oversight mechanisms of Parliament.

The fight against corruption is becoming a key priority in the democratization of the Balkans. Citizens in the region have reduced acceptance of corruption and lack of trust in the success of the anti-corruption policies¹. This trend makes corruption a key indicator on which the citizens build their trust in the institutions and express their opinions during elections. For example, corruption was one of the main topics in the parliamentary elections in Montenegro that led to the fall of the long rule of Milo Djukanovic. Issues related to high corruption in the country shaped a new narrative that created a somewhat unfavorable environment for the previous government and enabled the fragmented opposition to achieve a historic change of government. In Kosovo, the anti-corruption narratives have proven more potent than the post-war discourse and ousted the post-war elites, creating a new hope that good governance issues will be high on the agenda and contribute to a better life for the citizens. In all other Western Balkan countries, frequent corruption scandals have increasingly emerged as a priority topic, showing

that citizens are fed up with the problems they face. Citizens are becoming more aware of the widespread effects of corruption in the region and how it directly affects their lives. For example, the worrying environmental situation in the Western Balkans is increasingly linked to corruption. These social shifts inevitably contributed to an environment in which the authorities had to show that they had at least a declarative commitment and an idea of how they would react in the new circumstances.

North Macedonia was no exception to this trend of increased public interest for an effective fight against corruption. A few years ago, in North Macedonia, the corruption scandals that the public witnessed through the wiretapped conversations triggered a shift in the power relations and contributed to the change of government in 2017. Many citizens, civil society organizations, and international observers expected the new government to create a Rule of Law environment that will resolve major corruption scandals and reduce corruption. One of the critical tools for the realization of that process was the implementation of reforms in the critical institutions of the executive power and enabling conditions for smooth operation of the judiciary. Slowly but steadily, a basis was built for the narrative that, although the reforms are crucial for the European integration process of the country, at the end of the day, they are first and of utmost importance for the quality of life of the Macedonian citizens. The obstacles for North Macedonia on its' path towards the EU and the new accession methodology have prioritized reforms and actual performance in the rule of law. The new methodology further shifted the focus towards the importance of the internal reforms directly related to the fight against corruption.

¹ Western Balkans 2020: State-Capture Risks and Policy Reforms. SELDI, April 2021. Available at: https://seldi.net/wp-content/uploads/2021/04/SELDI_Regional_Anti-corruption_Report_2020.pdf

From fragmented competences to central focus

The coordination of the central institutions in North Macedonia has always been a challenge. Prioritization is one of the main reasons for a particular topic being considered at the central level. In its annual progress reports, the European Commission detects challenges in coordinating government policies, overlapping competencies, and the need for enhanced central coordination and quality control by the General Secretariat.

Shortly after establishing the Government in August 2020, the government began the process of transforming the pre-election commitments into Government priorities and upgraded institutional arrangements. In the following strategic priority framework: "Rule of law, independence of the judiciary, consistent and non-selective fight against crime and corruption with broad and binding transparency," the government undertakes activities to show that it is essentially interested in improving the situation in these areas. One of the major steps in this direction was establishing the new position of Deputy Prime Minister in charge of the fight against corruption and crime, sustainable development, and human resources (CVPM). This new function was introduced for horizontal coordination of anti-corruption policies in the country, such as the amendments to the Criminal Code, the preparation of the system for verification of the origin of money, electronic

monitoring of cases arising from corruption complaints, and cooperation and monitoring of the work of the critical anti-corruption institutions.

The government soon followed up the strategic and institutional commitment to fight corruption and adopted "Action 21" - Anti-Corruption Plan² from December 2020. The plan envisages 18 points of intervention in various anti-corruption areas. Some of the measures also envisage legal changes, such as harmonizing legislation in digitalization as an anti-corruption mechanism, legislation on management and supervisory boards, and changes in the law for the prevention of corruption and conflict of interest.

In addition to the anti-corruption plan, in March 2021, the Deputy Prime Minister in charge of European Affairs presented "Agenda: Europe at Home"³ as a framework of priorities focused on the Fundamentals cluster envisaged under the new negotiating methodology of the European Union. This plan is presented as a complementary framework to the existing strategic documents and action plans, and one of the priorities is the fight against corruption. This area envisages several activities and steps along with deadlines, including the involvement of several institutions from the executive and the judiciary power, including the CVPM.

² „Action 21 – Plan for Fight Against Corruption”, Government of the Republic of North Macedonia, March 2021.

Available at: <https://vlada.mk/sites/default/files/img/plan_za_borba_so_korupcija_-_akcija_21.pdf>

³ „Agenda: Europe at Home”, Continuation of Reforms and Europeization of North Macedonia. Secretariat for European Affairs, March 2021. Available at: <<https://www.sep.gov.mk/data/file/Dokumenti/Brosura-Agenda-Evropa-doma.pdf>>

Coordination – an opportunity and a challenge

The central plans are significantly contributing to coordinated actions by the institutions. These plans contribute to a new narrative by which the institutions and the public expectations are evaluated through the lens of the fight against corruption. This narrative adjustment increases the stake and responsibility beyond the frontline anti-corruption institutions such as the State Commission for Prevention of Corruption, the State Audit Office, the Inspection Council, and the Commission for Protection of Competition. It adds a new set of institutions that are now supposed to contribute to combating this phenomenon. At the same time, there is also a parallel centralization taking place because these central plans are directly related to the success or failure in the fight against corruption.

Successful coordination between the institutions will be critical to the successful implementation of these plans. One of the points in the CVPM Anti-corruption plan is the strengthening of inter-

institutional coordination and cooperation by creating contact points in seven anti-corruption institutions. This segment of the plan is a sound basis for better coordination. Still, it lacks several institutions such as the State Audit Office, the Commission for Protection of Competition, and no coordinating role with the activities of the legislature is foreseen.

Atypical feature of this centralization is that it creates a new layer for monitoring and implementation at the central level, which builds upon monitoring the work and success of the individual institutions. In a situation where the narrative of the fight against corruption is centralized at a high governmental level, the question that inevitably arises is where to place the responsibility or merit in implementing the plans. Will it be the Prime Minister, the Deputy Prime Ministers, or the heads of the individual institutions on which the implementation of the plans depends. The answer to this question will determine the added value of these plans.

An additional task for the Parliament?

Full implementation of both plans is related to legal changes and support from members of Parliament (MPs). That is why it is essential to establish continuous cooperation between MPs and the Government to involve the MPs in the early stage of designing the envisaged legal solutions. Such a process would increase the legitimacy of the changes, which would achieve more sustainable results. Although these are plans implemented by the government, given the critical role of Parliament in implementing specific parts of the plan, it is essential to provide coordination mechanisms between government officials, stakeholders, and Parliamentary committees. This cooperation can vary from less ambitious regular communication and grow into structural consultation and joint identification of the measures, especially those that provide for legal changes.

Centralized coordination in anti-corruption alters the approach of the Parliament of the Republic of North Macedonia in terms of progress monitoring of the fight against corruption. From a simultaneous focus on several institutions, the monitoring is now

gaining a central dimension, as direct monitoring of the performance of the President and Deputy Prime Ministers in the Government. Now the Parliament has an opportunity to monitor the success in the fight against corruption at a new level. So far, this process has been dispersed through monitoring the individual performance of several anti-corruption institutions. The MPs have the opportunity to use the systematization of activities included in the plans as a framework for monitoring and evaluation.

The Parliament should actively and periodically evaluate the implementation of the various activities of the plan. The central position of the anti-corruption efforts reinforces the dual reporting role of the anti-corruption institutions as some anti-corruption institutions are accountable to the Prime Minister within the foreseen plans and envisaged activities and deadlines, but they also report to the Parliament. The coordination between the central government and MPs is crucial to establish the level of fulfillment of the benchmarks provided in the plans that will be considered a success.

Summary

The increased pressure for tangible results in the fight against corruption has created new regional dynamics and changed the priorities of governments in the Western Balkans region. Faced with citizens' expectations and the increased focus on the rule of law in the negotiation process with the European Union, the Government of the Republic of North Macedonia has upgraded the institutional framework to better coordinate the policies. The introduction of a special portfolio of the Deputy Prime Minister in charge of the fight against corruption and the announcement of two action plans for the fight against corruption contributed to centralization and raising of the anti-corruption narrative and performance in the hands of the Prime Minister. This process has created a

new framework, different from the fragmented landscape of institutions and activities in which the fight against corruption has been carried out so far. This process partly shifts the responsibility for success in the fight against corruption onto the Prime Minister and his deputies. Although the plans are a government activity, Parliament is still a key segment in their implementation and requires closer communication and earlier involvement of MPs in designing policies that depend on legal changes. In terms of Parliamentary oversight, the Parliament needs to find a way to adapt the monitoring of anti-corruption institutions, conditions of centrally coordinated activities, and where it will locate the responsibility for implementation.

About the project

Anti-Corruption Talks in Parliament is a project aimed at strengthening the oversight role of the MPs in the fight against corruption. The project is funded by the National Endowment for Democracy from the United States.

IDSCS is a think tank organization that researches the development of good governance, the rule of law, and European integration of North Macedonia. The mission of IDSCS is to assist the civic involvement in the decision-making and strengthen the participatory political culture. By strengthening the liberal values, IDSCS contributes to the coexistence of diversities.

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